



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-02-22

NOTICE OF THE 24TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2019-02-27 AT 10:00

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

COUNCILLORS

F Adams	MC Johnson
FJ Badenhorst	DD Joubert
GN Bakubaku-Vos (Ms)	N Mananga-Gugushe (Ms)
FT Bangani-Menziwa (Ms)	C Manuel
Ald PW Biscombe	NE Mcombring (Ms)
G Cele (Ms)	XL Mdemka (Ms)
PR Crawley (Ms)	RS Nalumango (Ms)
A Crombie (Ms)	N Olayi
JN De Villiers	MD Oliphant
R Du Toit (Ms)	SA Peters
A Florence	MM Pietersen
AR Frazenburg	WF Pietersen
E Fredericks (Ms)	SR Schäfer
T Gosa	Ald JP Serdyn (Ms)
E Groenewald (Ms)	N Sinkinya (Ms)
JG Hamilton	P Sitshoti (Ms)
AJ Hanekom	Q Smit
DA Hendrickse	LL Stander
JK Hendriks	E Vermeulen (Ms)
LK Horsband (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 **24TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2019-02-27** at **10:00** to consider the items on the Agenda.

SPEAKER
WC PETERSEN (MS)

VOL. 2

8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
----	--

8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
-----	--

NONE

8.2	OFFICE OF THE MUNICIPAL MANAGER
-----	--

8.2.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2019
-------	---

Collaborator No:
BUDGET KPA Ref No:
Meeting Date:

8/1
Good Governance and Compliance
27 February 2019

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2019

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2018/2019 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2018/2019) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during January 2019.

5. RECOMMENDATION

that Council notes the deviations as listed for the month of January 2019.

6. DISCUSSION / CONTENTS

6.1 Background/Legislative Framework

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.

6.2 Discussion

Reporting the deviations as approved by the Accounting Officer for January 2019:

The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 35/19	25/01/2018	Farm Guard Security	Rendering of security services	<ul style="list-style-type: none"> - Emergency - Goods or services are procured or available from a single provider - Exceptional case and it is impractical to follow the official procurement process 	The current service provider, indicated it can no longer provide the service. This necessitated a deviation for continuous service delivery. The new tender is subject to an appeal that is currently underway.	Estimated amount of ± R185 000 per month.(Incl. VAT)

6.3 Financial Implications

As per the table above

6.4 Legal Implications

The regulation applicable is:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations: Deviations from and ratification of minor breaches of, procurement processes.

6.5 Staff Implications

No staff implications

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

That the market may not be tested.

The measures in place to deal with deviations mitigate the risk to an acceptable level.
The Auditor-General also audit the deviations during the yearly audit.

6.8 Comments from Senior Management

The item was not circulated for comment except to the Municipal Manager.

6.8.1 Municipal Manager

Supports the recommendations.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	ACTING CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	07 FEBRUARY 2019

8.2.2	EXTENSION OF TERM OF OFFICE FOR STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (MPT) MEMBERS APPOINTED IN TERMS OF SECTION 37 THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) (ACT NO. 16 OF 2013) (HEREIN REFERRED TO AS THE “ACT”)
--------------	---

Collaborator No: 631102
File nr: (1/1/1/40)
IDP KPA Ref No: D535
Meeting Date: 27 February 2019

1. SUBJECT: EXTENSION OF TERM OF OFFICE FOR STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (MPT) MEMBERS APPOINTED IN TERMS OF SECTION 37 THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) (ACT NO. 16 OF 2013) (HEREIN REFERRED TO AS THE “ACT”)

2. PURPOSE

To obtain Council's approval to extend the period for the members to serve on the MPT for another four months to 1 July 2019.

3. DELEGATED AUTHORITY

COUNCIL

In terms of the Stellenbosch Municipality Land Use Planning By-law 2015; the Spatial Planning Land Use Management Act No 16 of 2013 [SPLUMA] and the Western Cape Land Use Planning Act No 3 of 2014 [LUPA] as well as regulations governing these pieces of legislation (SPLUMA/LUPA).

4. EXECUTIVE SUMMARY

In terms of Section 35 of SPLUMA (2013) all municipalities are required to establish a Municipal Planning Tribunal to consider and decide on land use applications made in terms of the Stellenbosch Municipality Land Use Planning By-law (2015).

In terms of Section 37(1) of the Act, the term of office for members of a Municipal Planning Tribunal (MPT) is five years or such shorter period as the Municipal Council may determine. Council resolved, per item 8.6 on 27 June 2015, that the term of office for the current Stellenbosch MPT shall be a period of three years which period comes to an end on 1 March 2019. See minutes attached as **ANNEXURE A**.

Seeing that the MPT's term will be expiring on the 1st of March 2019, permission is sought to extend the period to 30 June 2019. This will assist in the effective functioning of the existing MPT up to the end of the existing financial year. It will give the administration enough time to undertake the process to establish a new MPT for Stellenbosch Municipality with effect from 1 July 2019, for the new financial year 2019/20.

5. RECOMMENDATION

that Council extends the Term of Office of the current Municipal Planning Tribunal for a further period of four months commencing on the 1st of March 2019. Accordingly, the term of office for the following MPT members expires on 1 July 2019:

External members:

1. Adv M Mdludlu -Chairperson
2. Ms C Smart – Deputy Chairperson
3. Mr JP de Wet- External member
4. Dr R Pool-Stanvliet - External member
5. Mr C Rabie – External member

Internal members:

1. Mr B de la Bat - Manager: Spatial Planning, Heritage and Environment
2. Mr M Williams - Senior Legal Advisor
3. Mr S van der Merwe – Environmental Planner
4. Mr D Louw – Director: Infrastructure Services

Technical Advisor:

1. Mr K Munro – Department of Environmental Affairs and Development Facilitation

6. DISCUSSION/CONTENTS**6.1 Background**

In terms of Section 35 of SPLUMA (2013) all municipalities are required to establish a Municipal Planning Tribunal to consider and decide on land use applications made in terms of the Stellenbosch Municipality Land Use Planning By-law (2015). In some instances Council may adopt categories of applications and appoint an official in the municipality to consider and decide on certain land use applications in line with categories approved by Council.

In terms of Section 37(1) of the Act, the term of office for members of a Municipal Planning Tribunal (MPT) is five years or such shorter period as the Municipal Council may determine. Council resolved, per item 8.6 on 27 June 2015, that the term of office for the current Stellenbosch MPT shall be a period of three years which period comes to an end on 1 March 2019. See minutes attached as **ANNEXURE A**.

6.2 Discussion

After Council approved the establishment of a MPT, the administration went through an extensive process in terms of SPLUMA and the Stellenbosch Municipality Land Use Planning By-Law to implement the decision. This process entailed inter alia the assessment of the type of tribunal to be established, a secretariat for the MPT, consideration of the terms of reference to evaluate the members, the call for nomination of members of the Tribunal, the consideration of remuneration of members, the functioning of the MPT (notice & comment procedures and hearings), and guidance on delegations.

Mayco decided on the terms of reference. Thereafter the list of nominations and applications, copies of CV's, action minutes of the Nominations Panel, recommendations and votes, designation of a chairperson and deputy chair were considered by Council per Item 7.4 on 25 of November 2015. See **ANNEXURE B**.

On 19 February 2016, notice was given in terms of section 72(11)(c) of the Stellenbosch Land Use Planning By-law (2015) of the appointment of members of the MPT for a 3 year term from 1 March 2016. See Provincial Gazette, dated 19 February 2016 attached as **ANNEXURE C**. Per Item 7.3.5 on 26 July 2017, the internal members were expanded to an additional three. See **ANNEXURE D**.

Seeing that the MPT's term will be expiring on the 1st of March 2019, permission is sought to extend the period to 30 June 2019. This will assist in the effective functioning of the existing MPT up to the end of the existing financial year. It will give the administration enough time to undertake the process to establish a new MPT for Stellenbosch Municipality with effect from 1 July 2019, for the new financial year 2019/20.

Therefore, Council's approval is needed to confirm the extension period of the existing MPT members for the next four months.

6.3 Financial Implications

There are no financial implications should the recommendations as set out above be accepted. The MPT's operations are budgeted for.

6.4 Legal Implications

The recommendations as set out above are in terms of the Stellenbosch Land Use Planning By-Law, October 2015 read with SPLUMA, LUPA and subsequent previous Council resolutions.

6.5 Staff Implications

There are no staff implications should the recommendations as set out above be accepted.

6.6 Previous / Relevant Council Resolutions

The following previous Council approvals are applicable:

1. Item 8.6 of Council meeting 27 May 2015
2. Item 7.4 of Council meeting 25 of November 2015
3. Items 7.3.3 and 7.3.5 of Council meeting 26 July 2017
4. Item by Executive Mayor dated 19 December 2017

6.7 Risk Implications

The recommendation will reduce the risk implications with regards to the consistency of Land Use Development decisions for the Municipality.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Agree with the recommendations

6.8.2 **Director: Community and Protection Services**

Agree with the recommendations

6.8.3 **Director: Corporate Services**

Agree with the recommendations

6.8.4 **Chief Financial Officer**

Agree with the recommendations

6.8.5 **Municipal Manager**

Agree with the recommendations

ANNEXURES

Annexure A: Item 8.6 of Council meeting 27 May 2015

Annexure B: Item 7.4 of Council meeting 25 November 2015

Annexure C: Western Cape Provincial Gazette notice dated 19 February 2016

Annexure D: Item 7.3.5 of Council meeting 26 July 2017

FOR FURTHER DETAILS CONTACT:

NAME	Hedre Dednam
POSITION	Land Use Manager
DIRECTORATE	Planning and Economic Developemnt
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	hedre.dednam@stellnbosch.gov.za
REPORT DATE	14 January 2019

DIRECTOR: PLANNING AND ECONOMIC DEVELOPEMNT SERVICES

The content of this report has been discussed with the Portfolio Committee Chairperson and the Councillor agrees that she has read the recommendations.

Annexure A

Item 8.6 of Council meeting 27 May 2015

30TH COUNCIL MEETING: 2015-05-27: ITEM 8.6

RESOLVED (majority vote with 10 abstentions)

- (a) that the draft Council approve the establishment of a WC024 Municipal Planning Tribunal in terms of Section 35 of the Spatial Planning and Land Use Management Act, 16 of 2013;
- (b) that the term of office for the Municipal Planning Tribunal (MPT) be three years;
- (c) that the Municipal Manager be authorised to proceed with the processes in accordance with Section 36(1) of the SPLUMA to comply with the institutional requirements for the establishment of a WC024 Municipal Planning Tribunal (MPT);
- (d) that the MPT consists of a panel of 10 people available to sit on the MPT, seven of which are members of the public and three officials:
 - (i) that four members of the public sit at every meeting; and
 - (ii) three additional members be appointed to stand in for unavailable tribunal members.
- (e) that the MPT public members be remunerated at the following rates:
 - (i) that the four members of the public that sit at every meeting be remunerated at R300,00 per hour, with no more than 10 hours being set aside per meeting and that the rate be reconsidered annually in the budget; and
 - (ii) that the sitting members be reimbursed for travelling expenses, inclusive of travel from and back home to the sittings, at the rates approved from time to time for Councillors in the Mayoral Committee, in keeping with the relevant policy of the Municipality.
- (f) that Council approve of the municipal employees for the Tribunal, namely:
 - (i) Manager: Development Services;
 - (ii) Manager: Spatial Planning, Heritage and Environment, Directorate: Planning and Economic Development; and
 - (iii) Senior Legal Advisor
- (g) that the following categories of applications be approved:

Category 1 Applications (complex) are:

- (i) the establishment of an integrated (mixed use) township or the extension of the boundaries of a township (urban edge);
- (ii) the amendment of an existing scheme or land use scheme by the rezoning of land to which substantive objections were submitted;
- (iii) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land to which substantive objections were submitted;

- (iv) the subdivision of any land outside the urban edge for purposes other than the provision of any service;
- (v) permanent closure of any public place;
- (vi) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme to which substantive objections were submitted;
- (vii) any departure or use not provided for in the relevant zoning scheme;
- (viii) any application on municipal or other public land where the Municipality is the applicant; and
- (ix) Amendment of a condition of approval where the decision was taken by the Tribunal or the appeal authority.

Category 2 applications are:

- (i) the subdivision of any land inside the urban edge to which substantive objections were not submitted; *m By-law, section 15.*
 - (ii) the consolidation of any land; *(e)*
 - (iii) the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application; *(d)*
 - (iv) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation; *(f)*
 - (v) the amendment of an existing scheme or land use scheme by the rezoning of land to which substantive objections were not submitted; *(a)*
 - (vi) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land to which substantive objections were not submitted; (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme to which substantive objections were not submitted; *(f)*
 - (vii) extension of the validity period of an approval; *(i)*
 - (viii) phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (ix) permission required in terms of a condition of approval; and
 - (x) special consent for the temporary use (maximum 21 days) of land not provided for in the zoning scheme.
- (h) that the following definition be used for "substantive objection":
Substantive objections are defined by one or more of the following:
- (i) likelihood of direct loss of property, land use rights or significant property value of the objector(s) directly affected by the application in question;
 - (ii) evidence that the proposed land development activity is in conflict with all or most of the guidelines, principles, prerequisites, and standards contained in the IDP, applicable SDF, relevant by-laws and related approved policies;
 - (iii) evidence is presented which demonstrates that the proposed land development activity or alteration has a potential for

significant adverse impacts on one or more of the following descriptors of the environment:

- ecological functioning;
- permanent nuisance and/or disturbance with effects on health and well-being of surrounding residents, occupants or property owners;
- post construction traffic patterns;
- areas of historic and/or archaeological significance;
- scenic and/or recreation values; (6) post construction infrastructure services provision.

- (i) that the Director: Planning and Economic Development be the delegated official for decision-making in Category 2 cases until the amended System of Delegations has been approved by Council;
- (j) **that an elected Appeal Committee consisting of Councillors of the WC024 be designated as the Appeal Authority;**
- (k) ✓ that the evaluation panel to evaluate the nominations for MPT members received by the Municipality be the Planning and Economic Development Portfolio Committee; and
- (l) ✓ that the terms of reference for the evaluation panel be determined by the Executive Mayor in consultation with the Mayoral Committee members.

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

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

*. mm must publish a notice in the
Proo Geyelle of the council members.

Section 37 (4) Act.

Annexure B

Item 7.4 of Council meeting 25 November 2015

7.4 RECOMMENDATIONS AND FINDING REGARDING THE APPOINTMENT OF EXTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBERS AS DETERMINED BY THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) AND ITS REGULATIONS

File number : 1/1/1/40

Compiled by : SPLUMA Compliance Officer

Report by : Director: Planning and Economic Development

Delegated Authority : Council

Strategic intent of item

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input checked="" type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain approval from Council by accepting the appointment of external Municipal Planning Tribunal members for a maximum period of three years.

2. BACKGROUND

On the 1st of July 2015 the President enacted the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA).

On a Provincial level the Western Cape Government adopted the Land Use Planning Act, 3 of 2014 (LUPA) which will replace the Land Use Planning Ordinance No 15 of 1985 (LUPO).

Both SPLUMA and LUPA came about after recent court judgements indicated that old order legislation (LUPO etc.) was not in line with the Constitution and that National and Provincial Spheres of Government had only limited powers and functions which they could not impose on Municipalities.

In line with the new planning legislation Stellenbosch Municipality need to establish a Municipal Planning Tribunal; appoint an authorised official; adopt a municipal planning bylaw and have tariffs in place to accept and process land use applications.

As per Section 36 in SPLUMA each municipality need to appoint a Municipal Planning Tribunal consisting out of internal and external members.

In line with the above requirement, adverts were placed in various local and regional newspapers during July 2015 calling on nominations to serve on the Municipal Planning Tribunal. These adverts were placed in the following newspapers:

- Riviernuus
- Umlambo News
- Eikestad Nuus
- Paarl Post
- Cape Times
- Die Burger

In total 18 nominations were received which are attached as **APPENDIX 1**. The purpose of this report is to make recommendations to the Portfolio Planning and Economic Development Committee.

3. DISCUSSION

As seen in **APPENDIX 2** Council resolved on the 30th Council Meeting dated 27 May 2015 (Item 8.6) amongst others that:

- (a) *the draft Council approve the establishment of a WC024 Municipal Planning Tribunal in terms of Section 35 of the Spatial Planning and Land Use Management Act, 16 of 2013;*
- (b) *that the evaluation panel to evaluate the nominations for Municipal Planning Tribunal members received by the Municipality be Planning and Economic Development Portfolio Committee; and*
- (c) *that the terms of reference for the evaluation panel be determined by the Executive mayor in consultation with the Mayoral committee members.*

Both SPLUMA and LUPA are being implemented on a staggered approach once municipalities have met the minimum criteria. LUPO will be repealed at the municipality once these minimum requirements are met:

- An approved and gazetted Municipal Planning Bylaw - (adopted in August 2015) and in process of Gazetting
- Advanced in the establishment of a Municipal Planning Tribunal - (Call for nominations was advertised and nomination were received, and recommendations has taken place);
- Advanced in the establishment of delegations which includes the categorisation of applications and the appointment of an authorised official (was achieved through Council Resolution 27 May 2015);
- Have tariffs in place to receive land use applications (was completed in the approved 2015/2016 Municipal budget).

3.1 Terms of Reference for the Municipal Planning Tribunal

The Municipal Planning Tribunal will consist out of ten (10) members of which seven (7) will sit at every Municipal Planning Tribunal meeting.

The Municipal Planning Tribunal must have at least three internal official municipal members and four (4) external Municipal Planning Tribunal members with an extra three (3) members to stand in for an unavailable member.

SPLUMA Section 36(1)(b) stipulates that the external seven (7) Municipal Planning Tribunal members must have *"knowledge and experience of spatial planning, land use management and land development or law related thereto"*.

The following criteria was presented to the informal MAYCO which formed part of the Terms of Reference for the external Municipal Planning Tribunal members:

- People with knowledge of planning and related law;
- Can be a resident outside of WC024;
- Should represent the different broader geographic areas (Klapmuts/Franchhoek, Raitby/Stellenbosch Urban Areas and the agricultural areas);
- Should represent the demographic composition of residents of WC024.

3.2 Applications received

In total eighteen (18) applications were received as seen in Table 1 below (CV's of each candidate herewith attached as **APPENDIX 3**). The applicants submitted their applications in line with SPLUMA and its regulations which included the following minimum criteria:

- Application form;
- Written motivation;
- Indicate any Conflict of interest;
- Declaration;
- Comprehensive CV and
- Certified copies of qualifications and registration bodies

Table 1: Applications received to serve as External Municipal Planning Tribunal members

No	Name(s) and Surname	Highest Qualifications	Field of Expertise	Age	Gender	Race	Years of Experience
1	Michael Fraser	National Technical Certificate	Civil/Construction Engineering Drawings	60	M	C	35
2	Thumakole Gosa	MPhil: Development Planning	Development Planner	45	M	B	5
3	Adv Mandla Mdludlu	LLB	Housing & Law	61	M	B	38

4	Basil Davidson	Masters: Town & Regional Planning	Town Planner	66	M	W	30
5	Comelia Hendrika Smart	Masters: LLM (Law)	Heritage and Law	47	F	W	20
6	Jeffrey Phil de Wet	BSc: Engineering	Civil Engineering	63	M	C	37
7	Simon Nicks	Masters: Town & Regional Planning	Town Planner Environmental Urban Design Architecture	56	M	W	30
8	Pierre Arnoldus Jurgens Smit	Masters: Town & Regional Planning	Town Planner	58	M	W	30
9	Christiaan Klopper Rabie	Masters: Town & Regional Planning	Town Planner Environmental SPLUMA / LUPA ROR & 24 G	64	M	W	38
10	Willem Morkel de Kock	Masters: Town & Regional Planning	Town Planner Professional Property Valuation	68	M	W	40
11	Dr Pieter Eduard Claasen	Doctorate, Masters TRP and Engineering	Town Planner Engineer Heritage ROR	78	M	W	40
12	Christophe Seroot	Matric	Building Inspector	45	M	C	20
13	Owen Pieters	B.Hons: Spatial Planning B-Tech Town Planning	Town Planner	36	M	C	15
14	Johannes Diederik van der Merwe	LLM and LLB	Administrative Law; land Reform; and Environmental Law	55	M	W	30
15	John Frederick David Muller	Masters: Engineering (Transport)	Engineering (Transport and Civil) Tribunal Experience	49	M	C	21
16	Dr Ruida Pool-Starvliet	Ph.D & Masters MSc	Environment (Cape Nature / Land Use & Spatial Planning)	56	F	W	30
17	Eric Peter McDonald	BSc: Electric Engineering	Engineering (Electrical) and Project Management	61	M	W	40
18	Adv Alan David Maher	Masters:LLB	Property Law; servitudes; municipal valuations; LUMS	50	M	W	22

3.3 Recommendations of the Nominations Panel for members of the public to serve as External Members on the Municipal Planning Tribunal

The evaluation panel had its evaluation meeting on 17 September 2015 (Minutes of meeting attached as APPENDIX 4).

The evaluation committee consisted out of the following municipal representatives:

- Dupré Lombaard - Director Planning and Economic Development
- Willem Pretorius - Acting Director Engineering
- Robert Fooy - Acting Manager Land Use Management

- Mervin Williams - Senior Legal Advisor
- Bernabe De La Bat - Manager Spatial Planning, Heritage and Environment
- Jacques Jansen van Rensburg – SPLUMA Compliance Officer

3.3.1 Out of the above assessment the following External Municipal Planning Tribunal members are recommended by the panel linked to skill and years' experience as seen in table 2 below.

Table 2: Recommended External Municipal Planning Tribunal Members

Member Number	Name and Surname	Field Expertise	RACE & GENDER	YEARS EXPERIENCE
1.	Adv. Mandla Mdludu (Chair)	Advocate: Housing & Law	B / M	38
2.	Cornelia Smart (Deputy Chair)	Heritage and Law	W / F	20
3.	Thumakele Gosa	Development Planner	B / M	5
4.	JFD Muller	Engineering: Transport and Civil	C / M	21
5.	Dr Ruida Pool-Starvliet	Environment (Cape Nature / Land Use & Spatial Planning)	W / F	30
6.	Jeffrey Phil de Wet	Civil Engineering	C / M	37
7.	Christiaan Rabie	Town Planner Environmental SPLUMA / LUPA / ROR	W / M	38

3.3.2 The following internal members on the Municipal Planning Tribunal were approved at the Council Meeting dated 27 May 2015 Item 8.6):

- Manager: Development Services, Directorate Engineering Services
- Manager: Spatial Planning, Heritage and Environment, Directorate Planning and economic development
- Senior Legal Advisor: Directorate: Strategic and Corporate Services

3.3.3 Chair and deputy Chair of the Municipal Planning Tribunal

SPLUMA Section 36 (4 a & b) reads that the Municipal Council must designate a chair and deputy chair for the Municipal Planning Tribunal.

The evaluation panel recommended that the following members be appointed as the chair and deputy chair:

- Adv. Mandla Mdludu as the Chair and
- Cornelia Smart as the Deputy Chair

The above chair and deputy chair will also need to be approved in terms of Section 36 (4a & b) of SPLUMA.

4. DETERMINATION OF THE APPEALS AUTHORITY IN TERMS OF SECTION 51 OF SPLUMA

Council must make a decision on the type of the Appeal Authority, which can be the Executive Committee or Executive Mayor of the municipality. If the municipality does not have an Executive Committee or Executive Mayor, this function may be delegated to an official or an outside body or institution authorized by Council to assume the functions of an Appeal Authority.

The 30th Council Meeting dated 27 May 2015 (Item 8.6) resolved:

(j) that an elected Appeal Committee consisting of Councillors of the WC024 be designated as the Appeal Authority.

After seeking consultation from the Western Cape Government Department of Environmental Affairs and Development Planning (DEADP) it was advised to amend resolution j from item 8.6 as it is not aligned with SPLUMA Section 52(2) (see **APPENDIX 5**).

Section 51(2) of SPLUMA reads: "*The municipal manager must within a prescribed period submit the appeal to the executive authority of the municipality as the appeal authority which makes the "executive authority" of the municipality the appeal authority.*"

Internal Legal Advice obtained herewith attached as **APPENDIX 6** it is recommended that, the Executive Mayor is authorised as Appeal Authority ex lege/in terms of legislation and not in terms of a delegation. (The Executive Mayor will have the right to take expert technical or legal advice when necessary). The appeal will be on procedural matters only and not on merit.

5. LEGAL IMPLICATIONS

The Legal Department supports the Item and recommendations.

6. FINANCIAL IMPLICATIONS

The Chief Financial Officer is in support of this item.

RECOMMENDED

- (a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted as:
- Adv. Mandla Mdiudu
 - Ms Cornelia Smart
 - Mr Thumakele Gosa
 - Mr JFD Muller
 - Dr Ruida Pool-Stanvliet
 - Mr Jeffrey Phil de Wet
 - Mr Christiaan Rabie
- (b) that Council take cognisance that the following Internal Municipal Planning Tribunal Members will be appointed as per Council resolution (Item 8.6), dated 2015-05-27:
- Manager: Development Services, Directorate Engineering Services
 - Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development
 - Senior Legal Advisor, Directorate: Strategic and Corporate Services
- (c) that Item 8.6 (j) be replaced with the Appeal Authority be the Executive Mayor. The Executive Mayor is authorised as appeal authority ex lege/in terms of legislation and not in terms of a delegation; and

- (d) that in terms of SPLUMA Section 36(4a & b), Council support and approve the recommendation for the appointment of the Chairperson, (Advocate Mandla Mdlulu) and Deputy Chairperson, (Ms Cornelia Smart).

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

APPENDICES DISTRIBUTED UNDER SEPARATE COVER

- Appendix 1 - List of Nominations and Applications Received
 Appendix 2 - Copy of Item 8.6 (30th Council Meeting dated 27 May 2015)
 Appendix 3 - Copies of CV's of applications received to serve as External Municipal Planning Tribunal Members
 Appendix 4 - Action Minutes of Nominations Panel recommendations and vote
 Appendix 5 - Western Cape Government (DEADP) comment on the amendment of Item 8.6 (j) regarding the embellishment of the Appeal Authority.
 Appendix 6 - Comments received from Senior Legal Advisor

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2015-11-03:
ITEM 5.1.1**

During deliberations on the matter, the ANC requested a caucus, which the Chairperson allowed.

After the meeting resumed, it was

RESOLVED (nem con)

that this matter be deferred to a Reconvened Planning and Economic Development Committee meeting to be held on Friday, 2015-11-06 at 09:00.

Note! See page 82 of the minutes of this Committee for detail of the reconvened meeting.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

**RECONVENED MEETING OF THE PLANNING AND ECONOMIC
DEVELOPMENT COMMITTEE: 2015-11-05: ITEM 5.1.1**

During deliberations on this matter, the Committee noted the input by the Administration that the purpose of this report be changed as indicated below.

During further debate the DA Councillors requested a caucus which was allowed.

After the meeting resumed, it was

RESOLVED (nem con)

that the purpose of the report be changed to read as follows:

1. PURPOSE OF REPORT

To obtain approval from Council by accepting the appointment of external Municipal Planning Tribunal members for a maximum period of three years.

RECOMMENDED

(a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted by Council as:

- Adv. Mandla Mdludu
- Ms Cornelia Smart
- Mr Thumakele Gosa
- Mr JFD Muller
- Dr Ruida Pool-Stanvliet
- Mr Jeffrey Phil de Wet
- Mr Christiaan Rabie

(b) that Council take cognisance that the following Internal Municipal Planning Tribunal Members will be appointed as per Council resolution (Item 8.6), dated 2015-05-27:

- Manager: Development Services, Directorate Engineering Services
- Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development
- Senior Legal Advisor, Directorate: Strategic and Corporate Services

(c) that Item 8.6 (j) be replaced with the Appeal Authority be the Executive Mayor. The Executive Mayor is authorised as appeal authority ex lege/in terms of legislation and not in terms of a delegation; and

(d) that in terms of SPLUMA Section 36(4a & b), Council support and approve the recommendation for the appointment of the Chairperson, (Advocate Mandla Mdlulu) and Deputy Chairperson, (Ms Cornelia Smart).

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

MAYORAL COMMITTEE MEETING: 2015-11-18: ITEM 5.1.5**RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted by Council as:
- Adv. Mandla Mdludu
 - Ms Cornelia Smart
 - Mr Thumakele Gosa
 - Mr JFD Muller
 - Dr Ruida Pool-Stanvliet
 - Mr Jeffrey Phil de Wet
 - Mr Christiaan Rabie
- (b) that Council take cognisance that the following Internal Municipal Planning Tribunal Members will be appointed as per Council resolution (Item 8.6), dated 2015-05-27:
- Manager: Development Services, Directorate Engineering Services
 - Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development
 - Senior Legal Advisor, Directorate: Strategic and Corporate Services
- (c) that Item 8.6 (j) be replaced with the Appeal Authority be the Executive Mayor. The Executive Mayor is authorised as appeal authority ex lege/in terms of legislation and not in terms of a delegation; and
- (d) that in terms of SPLUMA Section 36(4a & b), Council support and approve the recommendation for the appointment of the Chairperson, (Advocate Mandla Mdlulu) and Deputy Chairperson, (Ms Cornelia Smart).

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

36TH COUNCIL MEETING: 2015-11-25: ITEM 7.4**RESOLVED (nem con)**

- (a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted by Council as:
- Adv. Mandla Mdludu

-
- Ms Cornelia Smart
 - Mr Thumakele Gosa
 - Mr JFD Muller
 - Dr Ruida Pool-Starvliet
 - Mr Jeffrey Phil de Wet
 - Mr Christiaan Rabie
- (b) that Council take cognisance that the following Internal Municipal Planning Tribunal Members will be appointed as per Council resolution (Item 8.6), dated 2015-05-27:
- Manager: Development Services, Directorate Engineering Services
 - Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development
 - Senior Legal Advisor, Directorate: Strategic and Corporate Services
- (c) that Item 8.6 (j) be replaced with the Appeal Authority be the Executive Mayor. The Executive Mayor is authorised as appeal authority ex lege/in terms of legislation and not in terms of a delegation; and
- (d) that in terms of SPLUMA Section 36(4a & b), Council support and approve the recommendation for the appointment of the Chairperson, (Advocate Mandla Mdlulu) and Deputy Chairperson, (Ms Cornelia Smart).

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

Annexure C

Western Cape Provincial Gazette notices dated 19
February 2016

**STELLENBOSCH MUNICIPALITY:
NOTICE IN TERMS OF STELLENBOSCH
MUNICIPALITY LAND USE
PLANNING BY-LAW**

Notice is hereby given in terms of Section 72(1)(c) of the Stellenbosch Municipality Land Use Planning Bylaw, read together with Section 35(1) of the Spatial Planning and Land Use Management Act 2013 (Act No. 16 of 2013), that the following individuals have been appointed for a 3 year term as members of the Stellenbosch Municipal Planning Tribunal:

Municipal officials designated in terms of Section 71(1)(a) of the Stellenbosch Municipality Land Use Planning By-law:

- Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development, Mr. Bernabé De La Bat
- Manager: Development Services, Directorate Engineering Services, Mr. Willem Pretorius
- Senior Legal Advisor: Directorate: Strategic and Corporate Services, Mr. Mervin Williams

Individuals appointed as external members, who are not officials, in terms of Section 71(1)(b) of the Stellenbosch Municipality Land Use Planning By-law:

- Adv. Mandla Mdludu (Chairperson)
- Ms. Cornelia Smart (Deputy Chairperson)
- Mr. Thumakele Gosa
- Mr. JFD Muller
- Dr. Ruida Pool-Stanvliet
- Mr. Jeffrey Phil de Wet
- Mr. Christiaan Rabie

The date on which the appointment of members takes effect as well as the date that the Stellenbosch Municipal Planning Tribunal will commence its operations, will be 1 March 2016.

Notice No. PW16

ACTING MUNICIPAL MANAGER, Municipal Offices, Plein Street, Stellenbosch, 7600

19 February 2016

47986

**STELLENBOSCH MUNISIPALITEIT:
KENNISGEWING INGEVOLGE DIE STELLENBOSCH
MUNISIPALITEIT VERORDENING OP
GRONDGEBRUIKBEPLANNING**

Kennis geskied hiermee ingevolge Artikel 72(1)(c) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, saam gelees met Artikel 35(1) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet Nr 16 van 2013), dat die volgende amptenare vir 'n ampstermyn van 3 jaar as lede van Stellenbosch Munisipale Beplanningstribunaal aangestel is:

Munisipale amptenare benoem ingevolge Artikel 71(1)(a) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning:

- Bestuurder: Ruimtelike Beplanning, Erfenis en Omgewing, Direktooraat Beplanning en Ekonomiese Ontwikkeling, Mnr. Bernabé De La Bat
- Bestuurder: Ontwikkelingsdienste, Direktooraat Ingenieursdienste, Mnr. Willem Pretorius
- Senior Regsadviseur: Direktooraat Strategiese en Korporatiewe Dienste, Mnr. Mervin Williams

Individue aangestel as eksterne lede ingevolge Artikel 71(1)(b) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning:

- Adv. Mandla Mdludu (Voorsitter)
- Me. Cornelia Smart (Ondervoorsitter)
- Mnr. Thumakele Gosa
- Mnr. JFD Muller
- Dr. Ruida Pool-Stanvliet
- Mnr. Jeffrey Phil de Wet
- Mnr. Christiaan Rabie

Die aanvangsdatum van die werksaamhede van die Stellenbosch Munisipale Beplanningstribunaal, sowel as die inwerkingstredingsdatum van die aanstelling van sy lede sal wees 1 Maart 2016.

Kennisgewing Nr P08/16

WAARNEMENDE MUNISIPALE BESTURDER, Munisipale kantore, Pleinstraat, Stellenbosch, 7600

19 Februarie 2016

47986

**CITY OF CAPE TOWN (SOUTHERN DISTRICT)
REZONING**

- Erf 8848 Constantia, Pagasvlei Road

Notice is hereby given in terms Section 17 of the Land Use Planning Ordinance No 15 of 1985 that the undermentioned application has been received and is open to inspection at the office of the District manager at Department: Planning & Building Development Management, City of Cape Town, Ground Floor, 3 Victoria Road, Plumstead, 7800. Enquiries may be directed to Kevin McGilton on 021 444 9537 week days during 08:00-14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District manager or by using the following email comments_objections_southern@capetown.gov.za on or before the closing date, quoting the above relevant legislation, the Case ID and the objector's erf and phone numbers and address. Any objections received after the closing date may be considered invalid. The closing date for objections and comments is **Tuesday 22 March 2016**.

Applicant: Tim Spencer Town Planning CC

Owner: Amsternberg House (Proprietary) Limited

Location address: Pagasvlei Road, Constantia

Case ID: 70249894

Nature of application: Rezoning: In terms of Section 16 of the Land Use Planning Ordinance No 15 of 1985, to permit the rezoning of a portion (9034m²) of Erf 8848 from Single Residential Zone SR1 to General Residential subzone GR1 for Group Housing. The proposal is to erect 6 additional units on the rezoned portion of the subject property.

ACHMAT EBRAHIM, CITY MANAGER

19 February 2016

47995

**STAD KAAPSTAD (SUIDELIKE DISTRIK)
HERSONERING**

- Erf 8848 Constantia, Pagasvleiweg

Kennisgewing geskied hiermee ingevolge artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 15 van 1985, dat ondergenoemde aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder by die departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, grondverdieping, Victoriaweg 3, Plumstead 7800. Navrae kan gerig word aan Kevin McGilton by 021 444 9537 op wekedae tussen 08:00 en 14:30. Enige besware, met volledige redes daarvoor, kan voor of op die sluitingsdatum skriftelik by die kantoor van bogenoemde distriksbestuur ingedien word of per e-posadres gestuur word na comments_objections_southern@capetown.gov.za, met vermelding van bogenoemde toepaslike wetgewing, die saaknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na die sluitingsdatum ontvang word, kan ongeldig geag word. Die sluitingsdatum vir besware en kommentaar is **Dinsdag 22 Maart 2016**.

Aansoeker: Tim Spencer Town Planning BK

Eienaar: Amsternberg House (Eiendoms) Beperk

Liggingsadres: Pagasvleiweg, Constantia

Saaknommer: 70249894

Aard van aansoek: Hersonering: Ingevolge artikel 16 van die Ordonnansie op Grondgebruikbeplanning, 15 of 1985, om die hersonering van 'n gedeelte (9034m²) van erf 8848 van enkelresidensieelzone SR1 na algemene-residensieel-subzone GR1 vir groepbebuising toe te laat. Die voorstel is om 6 bykomende eenhede op die hersoneerde gedeelte van die betrokke eiendom op te rig.

ACHMAT EBRAHIM, STADSBESTURDER

19 Februarie 2016

47995

Annexure D

Item 7.3.5 of Council meeting 26 July 2017

7.3.3	AMENDMENT OF THE EXISTING CATEGORISATION OF APPLICATIONS, AMOUNTS PAYABLE TO THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL AND APPOINTMENT OF AN ADDITIONAL INTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBER IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO 16 OF 2013 (SPLUMA)
-------	---

1. PURPOSE OF REPORT

To motivate and seek approval from Council to amend the existing decisions (approved in Item 8.6 dated 27 May 2015). Further to propose to Council to appoint an additional Internal Municipal Tribunal Members, to amend the existing categorisation of applications and adjust the remuneration of external Municipal Tribunal member's fees in line with market value.

2. BACKGROUND

During 2015 Council authorised the establishment of a Municipal Planning Tribunal (MPT) for Stellenbosch Municipality (WC024) in line with new planning legislation which include the Spatial Planning and Land Use Management Act No 16 of 2013 (SPLUMA), the Western Cape Land Use Planning Act No 3 of 2014 (LUPA) as well as the Stellenbosch Municipal Land Use Planning By-law (2015).

Council took a series of decisions during 2015 [*Resolution 8.6 dated 27 May 2015 as APPENDIX 1*] and [*item 7.4 (36th Council Meeting dated 25 of November 2015 as APPENDIX 2*)] in line with the above mentioned land use planning legislation. Amongst others Council approved the appointment of external public Municipal Planning Tribunal Members, the remuneration for external MPT members, the categorisation of applications, and the appointment of an authorised employee (the Director for Planning and Economic Development) to consider and determine certain applications in line with Council's approved categorisation.

During 2016 not one Municipal Planning Tribunal meeting was conducted, amongst others as a result of the existing categorisation of applications approved by Council.

The purpose of this item is to amend the existing categorisation of applications in terms of SPLUMA, LUPA and the Land Use Planning By-law to amend the remuneration of External Municipal Planning Tribunal Members in line with the SACPLAN professional fees and appoint additional secondi Internal Municipal Planning Tribunal members.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.3

RESOLVED (nem con)

- (a) that Council rescind the approved categorisation of applications as per resolutions (g) and (h) of Council Item 8.6 dated 27 May 2015 and replace it with the table below in line with Section 35 of SPLUMA:

NO	APPLICATION TYPE	COUNCIL	Category 1 Municipal Planning Tribunal	Category 2 (AO/AE)
Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013				
1.	Approval / amendment of Spatial Development Framework	X		
2.	Approval / amendment of Zoning Scheme	X		
3.	Approval / amendment of an Overlay Zone for the zoning scheme 15(2)(j) of the Land Use By-law read with section 12 & 13 of MSA	X		
4.	Title Deed Relaxations to enable minor departure applications SPLUMA 47(2)			X
5.	Categorisation of applications	X		
Application types as per section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015)				
6.	15(2)(a) Rezoning of Land		X OBJECTIONS	X NO OBJECTIONS
7.	15(2)(b) a permanent departure from the development parameters of the zoning scheme		X OBJECTIONS	X NO OBJECTIONS
8.	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;		X OBJECTIONS	X NO OBJECTIONS
9.	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;		X OBJECTIONS	X NO OBJECTIONS
10.	15(2)(e) a consolidation of land that is not exempted in terms of section 24;			X
11.	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;		X OBJECTIONS	X NO OBJECTIONS
12.	15(2) (g) a permission required in terms of the zoning scheme ;			X
13.	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval ;			X
14.	15(2) (i) an extension of the validity period of an approval			X
15.	15(2) (j) an approval of an overlay zone as contemplated in the zoning scheme ;	X		
16.	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;			X
17.	15(2)(l) a permission required in terms of a condition of approval ;			X
18.	15(2)(m) a determination of a zoning ;			X
19.	15(2)(n) a closure of a public place or part thereof;		X OBJECTIONS	X NO OBJECTIONS
20.	15(2)(o) a consent use contemplated in the zoning scheme;		X OBJECTIONS	X NO OBJECTIONS
21.	15(2)(p) an occasional use of land ;			X
22.	15(2)(q) to disestablish a home owner's association			X
23.	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;			X
24.	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building .			X

25.	15(2)(6) 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.		X	
26.	15(2)(i) Amendment of Site Development Plan			X
27.	15(2)(i) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines			X

Note: "OBJECTIONS" above refer only to submissions indicating objection to the proposed development / activity and not comment submitted with proposed conditions and mitigation measures.

- (b) that Council amend resolution e (ii) of Council Item 8.6 dated 27 May 2015 in line with SACPLAN professional fees (Category B) from R300. 00 per hour to R 1 000, 00 per hour to a maximum remuneration equal to five hours per meeting. The appointed External Municipal Planning Tribunal Members meets the criteria of SACPLAN Categories B as their expertise are of private consulting firm in practice standard whom have adequate expertise and relevant experience to perform the work of a planning nature and whom can carry the direct technical responsibility for one or more specific activities;
- (c) that Council amend resolution f of Council Item 8.6 dated 27 May 2015 to expand the internal members from 3 internal MPT members to 6 by appointing additional 3 secondi members whom include:
1. The Environmental Planner
 2. Head of Transport
 3. Manager: Integrated Development Planning; and
- (d) that Council authorise and delegate the Municipal Manager to appoint Internal Municipal Planning Tribunal Members fulfilling the designations in accordance with the requirements set in the Land Use Planning By-law (2015), the Land Use Planning Act (2014), and the Spatial Planning and Land Use Planning Act (2013).

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Planning & Economic Development
Ref no:	1/1/1/40	Author:	SPLUMA Compliance Officer
Collab:		Referred from:	Mayco: 2017-07-19

8.2.3	CONFIRMATION OF APPOINTED AUTHORISED EMPLOYEE IN TERMS OF THE STELLENBOSCH LAND USE PLANNING BY-LAW, OCTOBER 2015
-------	--

Collaborator No: 631092
File nr: (1/1/1/40)
IDP KPA Ref No: D535
Meeting Date: 27 February 2019

1. SUBJECT: CONFIRMATION OF APPOINTED AUTHORISED EMPLOYEE IN TERMS OF THE STELLENBOSCH LAND USE PLANNING BY-LAW, OCTOBER 2015

2. PURPOSE

To obtain Council's approval to confirm that the Authorised Employee in terms of Section 68(a) of the Land Use Planning By-law (2015) will now be filled by the position of the Director: Planning and Economic Development.

3. DELEGATED AUTHORITY

COUNCIL

In terms of the Stellenbosch Municipality Land Use Planning By-law 2015; the Spatial Planning Land Use Management Act No 16 of 2013 [SPLUMA] and the Western Cape Land Use Planning Act No 3 of 2014 [LUPA] as well as regulations governing these pieces of legislation (SPLUMA/LUPA).

4. EXECUTIVE SUMMARY

In terms of Section 35 of SPLUMA (2013) all municipalities are required to establish a Municipal Planning Tribunal to consider and decide on land use applications made in terms of the Land Use Planning By-law (2015). In some instances Council may adopt categories of applications and appoint an official in the municipality to consider and decide certain land use applications in line with categories approved by Council.

The Director Human Settlements was appointed as the Authorised Employee in terms of Section 68(a) of the Land Use Planning By-law (2015) in order to consider and decide on Land Use applications made in terms of the By-law (2015) read with Council's approved categorisation of applications. See Resolution in terms of Item by the Executive Mayor dated 19 December 2017, attached as **ANNEXURE D**.

Council approved a new organisational structure where the Directorate Human Settlements merge with the Directorate Planning and Economic Development. See Resolution 7.2.3, dated 25 October 2017 attached as **ANNEXURE E**. In the meantime the Director Planning and Economic Development resigned and the Director Human Settlements acted in the position. See the Resolution in terms of Item by the Executive Mayor, dated 19 December 2017, attached as **ANNEXURE D**.

However, the approved organisational structure was to be implemented on the 1st of July 2018 which by implication means that the functions of Authorised Employee now vests with the Director: Planning and Economic Development.

See Letter from the Municipal Manager, dated 16 July 2018, attached as **ANNEXURE F**.

Therefore, Council's approval is needed to confirm that the Authorised Employee in terms of Section 68(a) of the Land Use Planning By-law (2015) will now be filled by the position of the Director Planning and Economic Development.

5. RECOMMENDATIONS

- (a) that Council takes cognisance of the Resolution in terms of Item by the Executive Mayor, dated 19 December 2017, attached as **ANNEXURE D**; and
- (b) that Council revokes the Resolution of Item by the Executive Mayor, dated 19 December 2017 and replace the Authorised Employee from the Director: Informal Settlements, Housing and Property Management to the Director: Planning and Economic Development to consider and decide on land use applications made in terms of Section 15 of the Land Use Planning By-law (2015) as per approved Categorisation of applications as per Item 7.3.3 of Council Meeting dated 26 July 2017.

6. DISCUSSION / CONTENTS**6.1 Background**

During 2015, Council authorised the establishment of a Municipal Planning Tribunal (MPT) for Stellenbosch Municipality (WC024) in line with the new planning legislation which include the Spatial Planning and Land Use Management Act No 16 of 2013 (SPLUMA), the Western Cape Land Use Planning Act No 3 of 2014 (LUPA) as well as the Stellenbosch Municipal Land Use Planning By-law (2015).

Council took a series of decisions to establish a Municipal Planning Tribunal which includes Item 8.6 dated 27 May 2015 (**ANNEXURE A**), Item 7.4 dated 25 of November 2015 (**ANNEXURE B**), Item 7.3.3 dated 26 July 2017 as well as Item 7.3.5 dated 26 July 2017 (**ANNEXURE C**) and Item by the Executive Mayor dated 19 December 2017 in line with the above mentioned planning legislation.

6.2 Discussion

As the new organisational structure came into place, the existing delegations of the Director: Human Settlements will not be applicable anymore, therefore it is required to replace the Item by the Executive Mayor, dated 19 December 2017 with the appointment of the Director: Planning and Economic Development as Authorised Employee.

By appointing the Director: Planning and Economic Development as Authorised Employee, it will have a minimal impact on the existing establishment and implementation of the relevant planning legislation applicable in WC024.

6.3 Financial Implication

There are no financial implications should the recommendations as set out above be accepted.

6.4 Legal Implications

The recommendations as set out above are in terms of the Stellenbosch Land Use Planning By-Law, October 2015 and subsequent previous Council resolutions.

6.5 Staff Implications

There are no staff implications should the recommendations as set out above be accepted.

6.6 Previous / Relevant Council Resolutions

The following previous Council approvals are applicable:

Item 8.6 of Council meeting 27 May 2015
 Item 7.4 of Council meeting 25 of November 2015
 Items 7.3.3 and 7.3.5 of Council meeting 26 July 2017
 Item by Executive Mayor dated 19 December 2017
 Item 7.2.3. New Organisational Structure, dated 25 October 2017

6.7 **Risk Implications**

The recommendation will reduce the risk implications with regards to Land use development decisions for the Municipality.

6.8 **Comments from Senior Management**

6.8.1 **Director: Infrastructure Services**

Agree with the recommendations

6.8.2 **Director: Planning and Economic Development**

Agree with the recommendations

6.8.3 **Director: Community and Protection Services**

Agree with the recommendations

6.8.4 **Director: Corporate Services**

Agree with the recommendations

6.8.5 **Chief Financial Officer**

Agree with the recommendations

6.8.6 **Municipal Manager**

Agree with the recommendations

ANNEXURES

Annexure A: Item 8.6 of Council meeting 27 May 2015
Annexure B: Item 7.4 of Council meeting 25 November 2015
Annexure C: Item 7.3.3 of Council meeting 26 July 2017 as well as Item 7.3.5 dated 26 July 2017
Annexure D: Item by Executive Mayor dated 19 December 2017
Annexure E: New Organisational Structure dated 25 October 2017
Annexure F: Letter from the Municipal Manager, dated 16 July 2018

FOR FURTHER DETAILS CONTACT:

NAME	Hedre Dednam
POSITION	Land Use Manager
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	hedre.dednam@stellenbosch.gov.za
REPORT DATE	26 September 2018

DIRECTOR: PLANNING AND ECONOMIC DEVELOPEMENT SERVICES

The content of this report has been discussed with the Portfolio Committee Chairperson and the Councillor agrees that she read the recommendations.

Annexure A

Item 8.6 of Council meeting 27 May 2015

30TH COUNCIL MEETING: 2015-05-27: ITEM 8.6**RESOLVED** (majority vote with 10 abstentions)

- (a) that the draft Council approve the establishment of a WC024 Municipal Planning Tribunal in terms of Section 35 of the Spatial Planning and Land Use Management Act, 16 of 2013;
- (b) that the term of office for the Municipal Planning Tribunal (MPT) be three years;
- (c) that the Municipal Manager be authorised to proceed with the processes in accordance with Section 36(1) of the SPLUMA to comply with the institutional requirements for the establishment of a WC024 Municipal Planning Tribunal (MPT);
- (d) that the MPT consists of a panel of 10 people available to sit on the MPT, seven of which are members of the public and three officials:
 - (i) that four members of the public sit at every meeting; and
 - (ii) three additional members be appointed to stand in for unavailable tribunal members.
- (e) that the MPT public members be remunerated at the following rates:
 - (i) that the four members of the public that sit at every meeting be remunerated at R300,00 per hour, with no more than 10 hours being set aside per meeting and that the rate be reconsidered annually in the budget; and
 - (ii) that the sitting members be reimbursed for travelling expenses, inclusive of travel from and back home to the sittings, at the rates approved from time to time for Councillors in the Mayoral Committee, in keeping with the relevant policy of the Municipality.
- (f) that Council approve of the municipal employees for the Tribunal, namely:
 - (i) Manager: Development Services;
 - (ii) Manager: Spatial Planning, Heritage and Environment, Directorate: Planning and Economic Development; and
 - (iii) Senior Legal Advisor
- (g) that the following categories of applications be approved:

Category 1 Applications (complex) are:

 - (i) the establishment of an integrated (mixed use) township or the extension of the boundaries of a township (urban edge);
 - (ii) the amendment of an existing scheme or land use scheme by the rezoning of land to which substantive objections were submitted;
 - (iii) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land to which substantive objections were submitted;

- (iv) the subdivision of any land outside the urban edge for purposes other than the provision of any service;
- (v) permanent closure of any public place;
- (vi) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme to which substantive objections were submitted;
- (vii) any departure or use not provided for in the relevant zoning scheme;
- (viii) any application on municipal or other public land where the Municipality is the applicant; and
- (ix) Amendment of a condition of approval where the decision was taken by the Tribunal or the appeal authority.

Category 2 applications are:

- (i) the subdivision of any land inside the urban edge to which substantive objections were not submitted; *in By-law section 15.*
 - (ii) the consolidation of any land; *(e)*
 - (iii) the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application; *(a)*
 - (iv) the removal, *(f)* amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation;
 - (v) the amendment of an existing scheme or land use scheme by the rezoning of land to which substantive objections were not submitted; *(a)*
 - (vi) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land to which substantive objections were not submitted; *(f)*
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme to which substantive objections were not submitted;
 - (vii) extension of the validity period of an approval; *(i)*
 - (viii) phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (ix) permission required in terms of a condition of approval; and
 - (x) special consent for the temporary use (maximum 21 days) of land not provided for in the zoning scheme.
- (h) that the following definition be used for "substantive objection":
Substantive objections are defined by one or more of the following:
- (i) likelihood of direct loss of property, land use rights or significant property value of the objector(s) directly affected by the application in question;
 - (ii) evidence that the proposed land development activity is in conflict with all or most of the guidelines, principles, prerequisites, and standards contained in the IDP, applicable SDF, relevant by-laws and related approved policies;
 - (iii) evidence is presented which demonstrates that the proposed land development activity or alteration has a potential for

significant adverse impacts on one or more of the following descriptors of the environment:

- ecological functioning;
- permanent nuisance and/or disturbance with effects on health and well-being of surrounding residents, occupants or property owners;
- post construction traffic patterns;
- areas of historic and/or archaeological significance;
- scenic and/or recreation values; (6) post construction infrastructure services provision.

- (i) that the Director: Planning and Economic Development be the delegated official for decision-making in Category 2 cases until the amended System of Delegations has been approved by Council;
- (j) ~~that an elected Appeal Committee consisting of Councillors of the WC024 be designated as the Appeal Authority;~~
- (k) ✓ that the evaluation panel to evaluate the nominations for MPT members received by the Municipality be the Planning and Economic Development Portfolio Committee; and
- (l) ✓ that the terms of reference for the evaluation panel be determined by the Executive Mayor in consultation with the Mayoral Committee members.

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

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

*. MM must publish a notice in the
Provincial Gazette of the nominated members.

Section 37 (4) Act.

Annexure B

Item 7.4 of Council meeting 25 November 2015

7.4 RECOMMENDATIONS AND FINDING REGARDING THE APPOINTMENT OF EXTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBERS AS DETERMINED BY THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) AND ITS REGULATIONS

File number : 1/1/1/40
Compiled by : SPLUMA Compliance Officer
Report by : Director: Planning and Economic Development
Delegated Authority : Council

Strategic intent of item

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input checked="" type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain approval from Council by accepting the appointment of external Municipal Planning Tribunal members for a maximum period of three years.

2. BACKGROUND

On the 1st of July 2015 the President enacted the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA).

On a Provincial level the Western Cape Government adopted the Land Use Planning Act, 3 of 2014 (LUPA) which will replace the Land Use Planning Ordinance No 15 of 1985 (LUPO).

Both SPLUMA and LUPA came about after recent court judgements indicated that old order legislation (LUPO etc.) was not in line with the Constitution and that National and Provincial Spheres of Government had only limited powers and functions which they could not impose on Municipalities.

In line with the new planning legislation Stellenbosch Municipality need to establish a Municipal Planning Tribunal; appoint an authorised official; adopt a municipal planning bylaw and have tariffs in place to accept and process land use applications.

As per Section 36 in SPLUMA each municipality need to appoint a Municipal Planning Tribunal consisting out of internal and external members.

In line with the above requirement, adverts were placed in various local and regional newspapers during July 2015 calling on nominations to serve on the Municipal Planning Tribunal. These adverts were placed in the following newspapers:

- Riviernuus
- Umlambo News
- Eikestad Nuus
- Paarl Post
- Cape Times
- Die Burger

In total 18 nominations were received which are attached as **APPENDIX 1**. The purpose of this report is to make recommendations to the Portfolio Planning and Economic Development Committee.

3. DISCUSSION

As seen in **APPENDIX 2** Council resolved on the 30th Council Meeting dated 27 May 2015 (Item 8.6) amongst others that:

- (a) *the draft Council approve the establishment of a WC024 Municipal Planning Tribunal in terms of Section 35 of the Spatial Planning and Land Use Management Act, 16 of 2013;*
- (b) *that the evaluation panel to evaluate the nominations for Municipal Planning Tribunal members received by the Municipality be Planning and Economic Development Portfolio Committee; and*
- (c) *that the terms of reference for the evaluation panel be determined by the Executive mayor in consultation with the Mayoral committee members.*

Both SPLUMA and LUPA are being implemented on a staggered approach once municipalities have met the minimum criteria. LUPO will be repealed at the municipality once these minimum requirements are met:

- An approved and gazetted Municipal Planning Bylaw - (adopted in August 2015) and in process of Gazetting
- Advanced in the establishment of a Municipal Planning Tribunal - (Call for nominations was advertised and nomination were received, and recommendations has taken place);
- Advanced in the establishment of delegations which includes the categorisation of applications and the appointment of an authorised official (was achieved through Council Resolution 27 May 2015);
- Have tariffs in place to receive land use applications (was completed in the approved 2015/2016 Municipal budget).

3.1 Terms of Reference for the Municipal Planning Tribunal

The Municipal Planning Tribunal will consist out of ten (10) members of which seven (7) will sit at every Municipal Planning Tribunal meeting.

The Municipal Planning Tribunal must have at least three internal official municipal members and four (4) external Municipal Planning Tribunal members with an extra three (3) members to stand in for an unavailable member.

SPLUMA Section 36(1)(b) stipulates that the external seven (7) Municipal Planning Tribunal members must have *"knowledge and experience of spatial planning, land use management and land development or law related thereto"*.

The following criteria was presented to the informal MAYCO which formed part of the Terms of Reference for the external Municipal Planning Tribunal members:

- People with knowledge of planning and related law;
- Can be a resident outside of WC024;
- Should represent the different broader geographic areas (Klapmuts/Franchhoek, Raitby/Stellenbosch Urban Areas and the agricultural areas);
- Should represent the demographic composition of residents of WC024.

3.2 Applications received

In total eighteen (18) applications were received as seen in Table 1 below (CV's of each candidate herewith attached as **APPENDIX 3**). The applicants submitted their applications in line with SPLUMA and its regulations which included the following minimum criteria:

- Application form;
- Written motivation;
- Indicate any Conflict of interest;
- Declaration;
- Comprehensive CV and
- Certified copies of qualifications and registration bodies

Table 1: Applications received to serve as External Municipal Planning Tribunal members

No	Name(s) and Surname	Highest Qualifications	Field of Expertise	Age	Gender	Race	Years of Experience
1	Michael Fraser	National Technical Certificate	Civil/Construction Engineering Drawings	60	M	C	35
2	Thumakele Gosa	MPhil: Development Planning	Development Planner	45	M	B	5
3	Adv Mandla Mdludlu	LLB	Housing & Law	61	M	B	38

4	Basil Davidson	Masters: Town & Regional Planning	Town Planner	66	M	W	30
5	Comelia Hendrika Smart	Masters: LLM (Law)	Heritage and Law	47	F	W	20
6	Jeffrey Phil de Wet	BSc: Engineering	Civil Engineering	63	M	C	37
7	Simon Nicks	Masters: Town & Regional Planning	Town Planner Environmental Urban Design Architecture	56	M	W	30
8	Pierre Arnoldus Jurgens Smit	Masters: Town & Regional Planning	Town Planner	58	M	W	30
9	Christiaan Kopper Rabie	Masters: Town & Regional Planning	Town Planner Environmental SPLUMA / LUPA ROR & 24 G	64	M	W	38
10	Willem Morkel de Kock	Masters: Town & Regional Planning	Town Planner Professional Property Valuation	68	M	W	40
11	Dr Pieter Eduard Claasen	Doctorate, Masters TRP and Engineering	Town Planner Engineer Heritage ROR	78	M	W	40
12	Christophe Seroot	Matric	Building Inspector	45	M	C	20
13	Owen Pieters	B.Hons: Spatial Planning B-Tech Town Planning	Town Planner	36	M	C	15
14	Johannes Diederik van der Merwe	LLM and LLB	Administrative Law, land Reform, and Environmental Law	55	M	W	30
15	John Frederick David Muller	Masters: Engineering (Transport)	Engineering (Transport and Civil) Tribunal Experience	49	M	C	21
16	Dr Ruida Pool-Stamvliet	Ph.D & Masters MSc	Environment (Cape Nature / Land Use & Spatial Planning)	56	F	W	30
17	Eric Peter McDonald	BSc: Electric Engineering	Engineering (Electrical) and Project Management	61	M	W	40
18	Adv Alan David Maher	Masters.LLB	Property Law; servitudes; municipal valuations; LUMS	50	M	W	22

3.3 Recommendations of the Nominations Panel for members of the public to serve as External Members on the Municipal Planning Tribunal

The evaluation panel had its evaluation meeting on 17 September 2015 (Minutes of meeting attached as APPENDIX 4).

The evaluation committee consisted out of the following municipal representatives:

- Dupré Lombaard - Director Planning and Economic Development
- Willem Pretorius - Acting Director Engineering
- Robert Fooy - Acting Manager Land Use Management

- Mervin Williams - Senior Legal Advisor
- Bernabe De La Bat - Manager Spatial Planning, Heritage and Environment
- Jacques Jansen van Rensburg – SPLUMA Compliance Officer

3.3.1 Out of the above assessment the following External Municipal Planning Tribunal members are recommended by the panel linked to skill and years' experience as seen in table 2 below.

Table 2: Recommended External Municipal Planning Tribunal Members

Member Number	Name and Surname	Field Expertise	RACE & GENDER	YEARS EXPERIENCE
1.	Adv. Mandla Mdludu (Chair)	Advocate: Housing & Law	B / M	38
2.	Cornelia Smart (Deputy Chair)	Heritage and Law	W / F	20
3.	Thumakele Gosa	Development Planner	B / M	5
4.	JFD Mulier	Engineering: Transport and Civil	C / M	21
5.	Dr Ruida Pool-Stanvliet	Environment (Cape Nature / Land Use & Spatial Planning)	W / F	30
6.	Jeffrey Phil de Wet	Civil Engineering	C / M	37
7.	Christiaan Rabie	Town Planner Environmental SPLUMA / LUPA / ROR	W / M	38

3.3.2 The following internal members on the Municipal Planning Tribunal were approved at the Council Meeting dated 27 May 2015 (Item 8.6):

- Manager: Development Services, Directorate Engineering Services
- Manager: Spatial Planning, Heritage and Environment, Directorate Planning and economic development
- Senior Legal Advisor: Directorate: Strategic and Corporate Services

3.3.3 Chair and deputy Chair of the Municipal Planning Tribunal

SPLUMA Section 36 (4 a & b) reads that the Municipal Council must designate a chair and deputy chair for the Municipal Planning Tribunal.

The evaluation panel recommended that the following members be appointed as the chair and deputy chair:

- Adv. Mandla Mdludu as the Chair and
- Cornelia Smart as the Deputy Chair

The above chair and deputy chair will also need to be approved in terms of Section 36 (4a & b) of SPLUMA.

4. DETERMINATION OF THE APPEALS AUTHORITY IN TERMS OF SECTION 51 OF SPLUMA

Council must make a decision on the type of the Appeal Authority, which can be the Executive Committee or Executive Mayor of the municipality. If the municipality does not have an Executive Committee or Executive Mayor, this function may be delegated to an official or an outside body or institution authorized by Council to assume the functions of an Appeal Authority.

The 30th Council Meeting dated 27 May 2015 (Item 8.6) resolved:

(j) that an elected Appeal Committee consisting of Councillors of the WC024 be designated as the Appeal Authority.

After seeking consultation from the Western Cape Government Department of Environmental Affairs and Development Planning (DEADP) it was advised to amend resolution j from item 8.6 as it is not aligned with SPLUMA Section 52(2) (see **APPENDIX 5**).

Section 51(2) of SPLUMA reads: *"The municipal manager must within a prescribed period submit the appeal to the executive authority of the municipality as the appeal authority which makes the "executive authority" of the municipality the appeal authority.*

Internal Legal Advice obtained herewith attached as **APPENDIX 6** it is recommended that, the Executive Mayor is authorised as Appeal Authority ex lege/in terms of legislation and not in terms of a delegation. (The Executive Mayor will have the right to take expert technical or legal advice when necessary). The appeal will be on procedural matters only and not on merit.

5. LEGAL IMPLICATIONS

The Legal Department supports the Item and recommendations.

6. FINANCIAL IMPLICATIONS

The Chief Financial Officer is in support of this item.

RECOMMENDED

- (a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted as:
- Adv. Mandla Mdludu
 - Ms Cornelia Smart
 - Mr Thumakele Gosa
 - Mr JFD Muller
 - Dr Ruida Pool-Stanvliet
 - Mr Jeffrey Phil de Wet
 - Mr Christiaan Rabie
- (b) that Council take cognisance that the following Internal Municipal Planning Tribunal Members will be appointed as per Council resolution (Item 8.6), dated 2015-05-27:
- Manager: Development Services, Directorate Engineering Services
 - Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development
 - Senior Legal Advisor, Directorate: Strategic and Corporate Services
- (c) that Item 8.6 (j) be replaced with the Appeal Authority be the Executive Mayor. The Executive Mayor is authorised as appeal authority ex lege/in terms of legislation and not in terms of a delegation; and

- (d) that in terms of SPLUMA Section 36(4a & b), Council support and approve the recommendation for the appointment of the Chairperson, (Advocate Mandla Mdlulu) and Deputy Chairperson, (Ms Cornelia Smart).

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

APPENDICES DISTRIBUTED UNDER SEPARATE COVER

- Appendix 1 - List of Nominations and Applications Received
- Appendix 2 - Copy of Item 8.6 (30th Council Meeting dated 27 May 2015)
- Appendix 3 - Copies of CV's of applications received to serve as External Municipal Planning Tribunal Members
- Appendix 4 - Action Minutes of Nominations Panel recommendations and vote
- Appendix 5 - Western Cape Government (DEADP) comment on the amendment of Item 8.6 (j) regarding the embellishment of the Appeal Authority.
- Appendix 6 - Comments received from Senior Legal Advisor

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2015-11-03:
ITEM 5.1.1**

During deliberations on the matter, the ANC requested a caucus, which the Chairperson allowed.

After the meeting resumed, it was

RESOLVED (nem con)

that this matter be deferred to a Reconvened Planning and Economic Development Committee meeting to be held on Friday, 2015-11-06 at 09:00.

Note! See page 82 of the minutes of this Committee for detail of the reconvened meeting.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

**RECONVENED MEETING OF THE PLANNING AND ECONOMIC
DEVELOPMENT COMMITTEE: 2015-11-05: ITEM 5.1.1**

During deliberations on this matter, the Committee noted the input by the Administration that the purpose of this report be changed as indicated below.

During further debate the DA Councillors requested a caucus which was allowed.

After the meeting resumed, it was

RESOLVED (nem con)

that the purpose of the report be changed to read as follows:

1. PURPOSE OF REPORT

To obtain approval from Council by accepting the appointment of external Municipal Planning Tribunal members for a maximum period of three years.

RECOMMENDED

- (a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted by Council as:
- Adv. Mandla Mdludu
 - Ms Cornelia Smart
 - Mr Thumakele Gosa
 - Mr JFD Muller
 - Dr Ruida Pool-Starvliet
 - Mr Jeffrey Phil de Wet
 - Mr Christiaan Rabie
- (b) that Council take cognisance that the following Internal Municipal Planning Tribunal Members will be appointed as per Council resolution (Item 8.6), dated 2015-05-27:
- Manager: Development Services, Directorate Engineering Services
 - Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development
 - Senior Legal Advisor, Directorate: Strategic and Corporate Services
- (c) that Item 8.6 (j) be replaced with the Appeal Authority be the Executive Mayor. The Executive Mayor is authorised as appeal authority ex lege/in terms of legislation and not in terms of a delegation; and
- (d) that in terms of SPLUMA Section 36(4a & b), Council support and approve the recommendation for the appointment of the Chairperson, (Advocate Mandla Mdlulu) and Deputy Chairperson, (Ms Cornelia Smart).

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

MAYORAL COMMITTEE MEETING: 2015-11-18: ITEM 5.1.5**RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted by Council as:
- Adv. Mandla Mdludu
 - Ms Cornelia Smart
 - Mr Thumakele Gosa
 - Mr JFD Muller
 - Dr Ruida Pool-Starvliet
 - Mr Jeffrey Phil de Wet
 - Mr Christiaan Rabie
- (b) that Council take cognisance that the following Internal Municipal Planning Tribunal Members will be appointed as per Council resolution (Item 8.6), dated 2015-05-27:
- Manager: Development Services, Directorate Engineering Services
 - Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development
 - Senior Legal Advisor, Directorate: Strategic and Corporate Services
- (c) that Item 8.6 (j) be replaced with the Appeal Authority be the Executive Mayor. The Executive Mayor is authorised as appeal authority ex lege/in terms of legislation and not in terms of a delegation; and
- (d) that in terms of SPLUMA Section 36(4a & b), Council support and approve the recommendation for the appointment of the Chairperson, (Advocate Mandla Mdlulu) and Deputy Chairperson, (Ms Cornelia Smart).

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

36TH COUNCIL MEETING: 2015-11-25: ITEM 7.4**RESOLVED (nem con)**

- (a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted by Council as:
- Adv. Mandla Mdludu

- Ms Cornelia Smart
- Mr Thumakele Gosa
- Mr JFD Muller
- Dr Ruida Pool-Stanvliet
- Mr Jeffrey Phil de Wet
- Mr Christiaan Rabie

- (b) that Council take cognisance that the following Internal Municipal Planning Tribunal Members will be appointed as per Council resolution (Item 8.6), dated 2015-05-27:
- Manager: Development Services, Directorate Engineering Services
 - Manager: Spatial Planning, Heritage and Environment, Directorate Planning and Economic Development
 - Senior Legal Advisor, Directorate: Strategic and Corporate Services
- (c) that Item 8.6 (j) be replaced with the Appeal Authority be the Executive Mayor. The Executive Mayor is authorised as appeal authority ex lege/in terms of legislation and not in terms of a delegation; and
- (d) that in terms of SPLUMA Section 36(4a & b), Council support and approve the recommendation for the appointment of the Chairperson, (Advocate Mandla Mdlulu) and Deputy Chairperson, (Ms Cornelia Smart).

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

Annexure C

Item 7.3.3 of Council meeting 26 July 2017

as well as

Item 7.3.5 of Council meeting dated 26 July 2017

7.3.3	AMENDMENT OF THE EXISTING CATEGORISATION OF APPLICATIONS, AMOUNTS PAYABLE TO THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL AND APPOINTMENT OF AN ADDITIONAL INTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBER IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO 16 OF 2013 (SPLUMA)
-------	---

1. PURPOSE OF REPORT

To motivate and seek approval from Council to amend the existing decisions (approved in Item 8.6 dated 27 May 2015). Further to propose to Council to appoint an additional Internal Municipal Tribunal Members, to amend the existing categorisation of applications and adjust the remuneration of external Municipal Tribunal member's fees in line with market value.

2. BACKGROUND

During 2015 Council authorised the establishment of a Municipal Planning Tribunal (MPT) for Stellenbosch Municipality (WC024) in line with new planning legislation which include the Spatial Planning and Land Use Management Act No 16 of 2013 (SPLUMA), the Western Cape Land Use Planning Act No 3 of 2014 (LUPA) as well as the Stellenbosch Municipal Land Use Planning By-law (2015).

Council took a series of decisions during 2015 [*Resolution 8.6 dated 27 May 2015 as APPENDIX 1*] and [*item 7.4 (36th Council Meeting dated 25 of November 2015 as APPENDIX 2*)] in line with the above mentioned land use planning legislation. Amongst others Council approved the appointment of external public Municipal Planning Tribunal Members, the remuneration for external MPT members, the categorisation of applications, and the appointment of an authorised employee (the Director for Planning and Economic Development) to consider and determine certain applications in line with Council's approved categorisation.

During 2016 not one Municipal Planning Tribunal meeting was conducted, amongst others as a result of the existing categorisation of applications approved by Council.

The purpose of this item is to amend the existing categorisation of applications in terms of SPLUMA, LUPA and the Land Use Planning By-law to amend the remuneration of External Municipal Planning Tribunal Members in line with the SACPLAN professional fees and appoint additional secondi Internal Municipal Planning Tribunal members.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.3

RESOLVED (nem con)

- (a) that Council rescind the approved categorisation of applications as per resolutions (g) and (h) of Council Item 8.6 dated 27 May 2015 and replace it with the table below in line with Section 35 of SPLUMA:

NO	APPLICATION TYPE	COUNCIL	Category 1 Municipal Planning Tribunal	Category 2 (AO/AE)
Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013				
1.	Approval / amendment of Spatial Development Framework	X		
2.	Approval / amendment of Zoning Scheme	X		
3.	Approval / amendment of an Overlay Zone for the zoning scheme 15(2)(j) of the Land Use By-law read with section 12 & 13 of MSA	X		
4.	Title Deed Relaxations to enable minor departure applications SPLUMA 47(2)			X
5.	Categorisation of applications	X		
Application types as per section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015)				
6.	15(2)(a) Rezoning of Land		X OBJECTIONS	X NO OBJECTIONS
7.	15(2)(b) a permanent departure from the development parameters of the zoning scheme		X OBJECTIONS	X NO OBJECTIONS
8.	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;		X OBJECTIONS	X NO OBJECTIONS
9.	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;		X OBJECTIONS	X NO OBJECTIONS
10.	15(2)(e) a consolidation of land that is not exempted in terms of section 24;			X
11.	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;		X OBJECTIONS	X NO OBJECTIONS
12.	15(2) (g) a permission required in terms of the zoning scheme ;			X
13.	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval ;			X
14.	15(2) (i) an extension of the validity period of an approval			X
15.	15(2) (j) an approval of an overlay zone as contemplated in the zoning scheme ;	X		
16.	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;			X
17.	15(2)(l) a permission required in terms of a condition of approval ;			X
18.	15(2)(m) a determination of a zoning ;			X
19.	15(2)(n) a closure of a public place or part thereof ;		X OBJECTIONS	X NO OBJECTIONS
20.	15(2)(o) a consent use contemplated in the zoning scheme;		X OBJECTIONS	X NO OBJECTIONS
21.	15(2)(p) an occasional use of land ;			X
22.	15(2)(q) to disestablish a home owner's association			X
23.	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;			X
24.	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.			X

25.	15(2)(6) 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.		X	
26.	15(2)(l) Amendment of Site Development Plan			X
27.	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines			X

Note: "OBJECTIONS" above refer only to submissions indicating objection to the proposed development / activity and not comment submitted with proposed conditions and mitigation measures.

- (b) that Council amend resolution e (ii) of Council Item 8.6 dated 27 May 2015 in line with SACPLAN professional fees (Category B) from R300, 00 per hour to R 1 000, 00 per hour to a maximum remuneration equal to five hours per meeting. The appointed External Municipal Planning Tribunal Members meets the criteria of SACPLAN Categories B as their expertise are of private consulting firm in practice standard whom have adequate expertise and relevant experience to perform the work of a planning nature and whom can carry the direct technical responsibility for one or more specific activities;
- (c) that Council amend resolution f of Council Item 8.6 dated 27 May 2015 to expand the internal members from 3 internal MPT members to 6 by appointing additional 3 secondi members whom include:
1. The Environmental Planner
 2. Head of Transport
 3. Manager: Integrated Development Planning; and
- (d) that Council authorise and delegate the Municipal Manager to appoint Internal Municipal Planning Tribunal Members fulfilling the designations in accordance with the requirements set in the Land Use Planning By-law (2015), the Land Use Planning Act (2014), and the Spatial Planning and Land Use Planning Act (2013).

Meeting: Ref no: Collab:	10 th Council: 2017-07-26 1/1/1/40	Submitted by Directorate: Author Referred from:	Planning & Economic Development SPLUMA Compliance Officer Mayco: 2017-07-19
--------------------------------	--	---	---

7.3.5	APPLICATION FOR ADMISSION OF GUILT FINES IN TERMS OF THE CRIMINAL PROCEDURE ACT NO 51 OF 1997 IN RESPECT OF CONTRAVENTIONS IN TERMS OF THE LAND USE PLANNING BY-LAW (2015) AND NON-COMPLIANCE WITH THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARD ACT 103 OF 1977
-------	---

1. PURPOSE OF REPORT

To seek in-principle approval from Council to give legal effect to the Land Use Planning By-law (2015) and National Building Regulations and Building Standards Act 103 of 1977 to apply at the Magistrate Courts (Stellenbosch and Paarl) to impose admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997.

2. BACKGROUND

Both the Land Use Planning By-law (2015) and the National Building Regulations and Building Standards Act 103 of 1977 grant local municipalities the authority to manage and regulate land use and building work to meet a minimum set of criteria as set in the aforementioned legislation. In order to promote a safe and harmonious built environment enforcement plays a key role in the regulation of unauthorised land use or building work.

2.1 Illegal Land Use in terms of Section 87 of the Land Use Planning By-law (2015)

Section 85 stipulates the process and procedures for Enforcement which obligates the municipality to comply and enforce:

- the provisions of the Land Use Planning By-law (2015);
- the provisions of a zoning scheme (s);
- conditions imposed in terms of Land Use Planning By-law (2015) or previous planning legislation (Land Use Planning Ordinance of 1985); and
- title deed conditions.

Moreover, in section 86(4) the by-law states that the Municipality **must** adopt fines to be imposed in the enforcement of this By-law.

At this point in time, Stellenbosch Municipality is not in the position to legally impose fines for illegal land use to ensure good governance and to promote a safe harmonious built environment. The Proposed schedule of admission of guilt fines for illegal land uses in terms of the applicable zoning schemes etc. is included in the memorandum as **APPENDIX 1**.

2.2 Admission of Guilt Fines in terms of the National Building Regulations and Building Standards Act 103 of 1977:

As per attached **APPENDIX 2** the Magistrate Court of Paarl approved a schedule of fines in Column 2 on 11 November 2008. As per motivation mentioned in section 2 above, the same offence are proposed as contained in **APPENDIX 3**.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.5**RESOLVED** (nem con)

that Council authorise the Director: Planning and Economic Development to:

- (i) Approach the Magistrate Courts of Stellenbosch and Paarl to apply for admission of Guilt Fines in terms of the Criminal Procedure Act No 51 of 1997 for illegal land use in contravention with the Land Use Planning By-Law (2015) with proposed fines as set out below:

Section Contravened	Description of Offence	First Time Offender admission of guilt penalty	Second Time offender	Non Compliance after two attempts Imprisonment not exceeding 5 years or / and Referral to the High Court
S15(1)	Commencing, continuing, or causing the commencement or continuation of land development, other than the subdivision or consolidation of land referred to in section 24, without the approval of the Municipality in terms of Subsection (2)	R 5000.00	Appearance in Court	✓
S15(5)	Not complying with the conditions of approval and applicable provisions of a zoning scheme while exercising a use right granted in terms of an approval.	R 5000.00	Appearance in Court	✓
S20(1)	Subdividing land without the approval of the Municipality in terms of section 15(2) on land which the subdivision is not exempted in terms of section 24.	R 5000.00	Appearance in Court	✓
S21(4)	Constructing a building or structure on a land unit forming part of a subdivision which is not confirmed as contemplated in subsection (1) or which construction was not approved by the Municipality before the confirmation of the subdivision.	R 5000.00	Appearance in Court	✓
S31(1)	Consolidating land without the approval of the Municipality in terms of section 15(2) which consolidation is not exempted in terms of section 24.	R 5000.00	Appearance in Court	✓
S59(3)	Interfering with a person referred to in subsection (1) who is conducting an inspection in terms of subsection (1).	R 5000.00	Appearance in Court	✓
S62(2)	Providing information or making a false statement by an agent in support of an application while knowing or believing the information or statement to be misleading, false or inaccurate.	R 10 000.00	Appearance in Court	✓
S86(1)(b)	Utilizing land in a manner other than prescribed by a zoning scheme without the approval of the Municipality.	R 5000.00	Appearance in Court	✓
S86(1)(c)	Failing to transfer all common property arising from a subdivision to the owner's association upon the registration of the first land unit arising from a subdivision.	R 5000.00	Appearance in Court	✓
S86(1)(d)	Supplies particulars, information or answers in an application, or in an appeal against a decision on an application, or in any documentation or representation related to an application or an appeal.	R 5000.00	Appearance in Court	✓

	knowing it to be false, incorrect or misleading or not believing them to be correct.			
S86 (e)	Falsely professing to be an authorised employee or interpreter or assistant of an authorised employee.	R 5000.00	Appearance in Court	✓
S86(f)	Hindering or interfering with an authorised employee in the exercise of any power or performance of any duty of that employee.	R 5000.00	Appearance in Court	✓
S86(2)	An owner who permits his or her land to be used in a manner set out in subsection (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to contravene the zoning scheme.	R 5000.00	Appearance in Court	✓
S86(1)(b)	Utilizing land in a manner other than prescribed by a zoning scheme without the approval of the Municipality.	R 5000.00	Appearance in Court	✓
S88(2)	Failing to comply with a compliance notice within the period stated in the notice.	R 10 000.00	Appearance in Court	✓

- (ii) Approach the Magistrate Courts of Stellenbosch and Paarl to apply for admission of Guilt Fines in terms of the Criminal Procedure Act No 51 of 1997 for contraventions against the National Building Regulations and Building Standards Act 103 of 1977 by replacing the previous approval dated 18/11/2008 (Appendix 2) with the schedule set out below:

National Building Regulations and Building Standards Act 103 of 1977				
Section	Description of Offence	First Time Offence admission of guilt Penalty	Second Time offender	Non Compliance after two attempts imprisonment not exceeding 5 years or / and Referral to the High Court
4(4)	Building without approved building plan.	R 1 700.00	Appearance in Court	✓
10(2)	Building in contravention of a notice prohibiting any building work.	R 10 000.00	Appearance in Court	✓
12(6)	Failure to demolish, alter or safeguard.	R 900.00	Appearance in Court	✓
14(3)	Submit false certificate or issuing thereof.	No Admission of guilt	No Admission of guilt	✓
14(4)(a)	Occupy or use of building without occupation certificate.	R 1 700.00	Appearance in Court	✓
15(2)	Preventing a building control officer in the execution of his/her duties.	R 2 600.00	Appearance in Court	✓
19(2)	Prohibition on the use of certain building methods and materials.	R 1 700.00	Appearance in Court	✓
A2(5)(f)	Submit false or misleading information.	No Admission of guilt	No Admission of guilt	✓
A15(5)	Failure to maintain, safeguard or service installation.	R 1 700.00	Appearance in Court	✓
A17(4)	Illegal or withdrawn certificate of identity	No Admission of guilt	No Admission of guilt	✓
A10(5)	Failure to Supervise and/or control plumbing work.	R 900.00	Appearance in Court	✓
A22(4)	Failure to give notice of intention to commence erection or demolition of a building.	R 1 700.00	Appearance in Court	✓
A25(2)	Use of a building for a purpose other than the purpose shown on approved plans.	R 3000.00	Appearance in Court	✓

A25(5)	Deviation from approved building plan.	R 1 700.00	Appearance in Court	✓
A25(11)	Failure to comply with any provision of or any notice issued in terms of Regulation A25 General Enforcement.	R 10 000.00	Appearance in Court	✓
D4(2)	Failure to safeguard a swimming pool.	R 1 700.00	Appearance in Court	✓
E1(1)	Failure to apply for written permission for demolition.	R 1 700.00	Appearance in Court	✓
E1(3)	Failure to safeguard demolition work.	R 2 600.00	Appearance in Court	✓
F1(6)	Failure to comply with any provisions of or any notice issued in terms of Regulation F1 Protection of the public.	No Admission of guilt	No Admission of guilt	✓
F6(3)	Failure to control dust and noise.	R 1 700.00	Appearance in Court	✓
F7(5)	Failure to comply with any provision of or any notice issued in terms of Regulation F6 regarding the Cutting into laying open and demolishing certain work.	R 2 600.00	Appearance in Court	✓
F8(2)	Failure to comply with a notice to remove waste material on site.	R 900.00	Appearance in Court	✓
F9(2)	Failure to comply with any provision of or any notice issued in terms of Regulation F9 Cleaning of site.	R 900.00	Appearance in Court	✓
F10(7)	Failure to comply with any provision of or any notice issued in terms of Regulation F10 Builder's sheds.	R 1700.00	Appearance in Court	✓
G1(3)	Failure to obtain the local authority's written authority to excavate where the safety and stability of any property is likely to be impaired by such excavation or where the excavation is likely to be more than 3m or where having obtained the local authority's written authority failure to comply with the conditions of the written authority.	R 10 000.00	Appearance in Court	✓
G1(4)	Failure to give the local authority 7 days' notice of any excavation that may impair the safety or stability of any property or service.	R 1700.00	Appearance in Court	✓
F11(2)	Failure to comply with any provision of or any notice issued terms of Regulation F11 Sanitary facilities.	R 900.00	Appearance in Court	✓
P1(5)	Failure to comply with any provision of or any notice issued in terms of Regulation P1 Compulsory drainage of building.	R 900.00	Appearance in Court	✓
P3(4)	Prohibition on discharge from swimming pools, fountains or reservoirs.	R 900.00	Appearance in Court	✓
P3(5)	Failure to comply with any provision of or any notice issued in terms of Regulation P3 Control of objectionable discharge.	R 3000.00	Appearance in Court	✓
P4(2)	Failure to comply with any provision of or any notice in terms of Regulation P4 Industrial effluent.	R 3000.00	Appearance in Court	✓
P5(4)	Failure to comply with any provision of or any notice in terms of Regulation P5 Disconnections.	R 900.00	Appearance in Court	✓
P6(2)	Failure to comply with any provision of or any notice issued in terms of Regulation P6 Unauthorized any drainage work.	R 1700.00	Appearance in Court	✓
P7(4)	Failure to comply with any provision of or any notice issued in terms of Regulations P7 Inspection and testing of drainage installations.	R 1700.00	Appearance in Court	✓

T2(2)	Obstructing or causing to be obstructed of an escape route.	R 1700.00	Appearance in Court	✓
T2(1)	Failure to make and maintain adequate provision in terms of the requirements of Regulation T1(1)(e) or failure to comply with relevant SANS 10105 specifications.	R 1700.00	Appearance in Court	✓

- (iii) To authorise the Director: Planning and Economic Development to pursue a special vote number from the Department: Finance where the fines can be paid, and;
- (iv) Authorise the Law Enforcement Officers to serve compliance notices on behalf of the Stellenbosch Municipality as identified and levied by the Manager: Land Use and Manager: Building Development reporting to the Director: Planning and Economic Development.

Meeting: Ref no: Collab:	10 th Council: 2017-07-26 12/8	Submitted by Directorate: Author Referred from:	Planning & Economic Development Manager: Land Use Mayco: 2017-07-19
--------------------------------	--	---	---

Annexure D

Item by Executive Mayor dated 19 December 2017



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMABIPALA • MUNICIPALITY

MEMORANDUM

TO : Executive Mayor

FROM : Municipal Manager

DATE : 19 December 2017

SUBJECT : Appointment of new Authorised Employee and new member of the Municipal Planning Tribunal in terms of the Stellenbosch Land Use Planning By-law, October 2015.

FILE REF : (1/1/1/40)

1. SUBJECT:

Appointment of new Authorised Employee and new member of the Municipal Planning Tribunal in terms of the Stellenbosch Land Use Planning By-law, October 2015.

2. PURPOSE

- a) To obtain Executive Mayor's approval to replace the Director Planning and Economic Development whom serve as the Authorised Employee in terms of Section 68(a) of the Land Use Planning By-law (2015) with the Director: Informal Settlements, Housing and Property Management in order to consider and decide on Land Use applications made in terms of the By-law (2015) read with Council's approved categorisation of applications.
- b) To obtain Executive Mayor's approval to expand the existing Municipal Planning Tribunal by requesting the appointment of an external Municipal Planning Tribunal member in terms of Section 71(3(a)(i) of the Land Use Planning By-law 2015 to invite an official/employee from the Western Cape



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Department of Environmental Affairs and Development Planning (DEA&DP)
 to serve on the existing established Stellenbosch Municipality Municipal
 Planning Tribunal.

3. DELEGATED AUTHORITY

For decision by Executive Mayor in consultation with the Municipal Manager. In terms of the delegation 34 of the Executive Mayor exercises her recess powers in terms of Council System of Delegation.

4. EXECUTIVE SUMMARY

In terms of Section 35 of SPLUMA (2013) all municipalities are required to establish a Municipal Planning Tribunal to consider and decide on land use applications made in terms of the Land Use Planning By-law (2015). In some instances Council may adopt categories of applications and appoint an official in the municipality to consider and decide certain land use applications in line with categories approved by Council.

In terms of Council Resolution 14.4 of 29 November 2017 which Council meeting continued on 8 December 2017, all delegations of the Director: Planning and Economic Development have been withdrawn. See **Annexure A**.

Due to the above, Council is required to appoint an official to give effect to the Land Use Planning By-law (2015), as the authorised Employee. This person must have knowledge and experience of land use and spatial planning matters in order to consider and decide on Land Use applications as per Council categorisation.

Therefore it is recommended that the Director: Informal Settlements, Housing and Property Management be authorised in terms of the Land Use Planning By-law (2015) to consider and decide on applications made in terms of the Section 15 of the By-law, read with Council's approved categorisation of applications. See **Annexure D**.

Council also approved, during November 2015 (Item 7.4) the appointment of public members to serve as External Municipal Planning Tribunal members. See **Annexures B and C**. Due to the fact that some members have resigned and to expand the skills of the Municipal Planning Tribunal, it is recommended to include an external state department official to serve as an external Municipal Planning Tribunal member.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

It is further proposed to extent such an invitation to the Head of Department (HOD) of the Western Cape Department of Development Planning to call on an official/employee with vast knowledge and experience in Land Use and Spatial Planning to serve as an external member to the established Municipal Planning Tribunal subject to terms and conditions of the Land Use Planning By-law (2015).

5. RECOMMENDATIONS

1. That Executive Mayor in terms of recess powers take cognisance of the Resolution in terms of Item 14.4 dated 29 November 2017,
2. That Executive Mayor in terms of recess powers revoke the Resolution (i) of Item 8.6 dated 27 May 2015 and replace the Authorised Employee from the Director: Economic Development and Planning to the Director: Informal Settlements, Housing and Property Management to consider and decide on land use applications made in terms of Section 15 of the Land Use Planning By-law (2015) as per approved Categorisation of applications as per Item 7.3.3 of Council Meeting dated 26 July 2017.
3. That Executive Mayor add, together with the Resolution (d) of Item 8.6 dated 27 May 2015, the inclusion of an external Municipal Planning Tribunal member from a relevant state department and that Council authorise the Municipal Manager to invite an official/employee from the Western Cape Department of Environmental Affairs and Development Planning to be appointed as an external member of the existing Stellenbosch Municipal Planning Tribunal in terms of Section 71 (1) (b) and Section 71(3)(a).

6. DISCUSSION / CONTENTS

6.1. Background

During 2015, Council authorised the establishment of a Municipal Planning Tribunal (MPT) for Stellenbosch Municipality (WC024) in line with the new planning legislation which include the Spatial Planning and Land Use Management Act No 16 of 2013 (SPLUMA), the Western Cape Land Use



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Planning Act No 3 of 2014 (LUPA) as well as the Stellenbosch Municipal Land Use Planning By-law (2015).

Council took a series of decisions to establish a Municipal Planning Tribunal which includes Item 8.6 dated 27 May 2015, Item 7.4 dated 25 of November 2015 and Item 7.3.3 dated 26 July 2017, in line with the above mentioned planning legislation. See **Annexures B, C and D**.

This enabled Stellenbosch Municipality to repeal older order planning legislation on the 1st of December 2015 which included amongst others, the Land Use Planning Ordinance Nr 15 of 1985, the Removal of Restricts Act No 84 of 1967 and the Black Communities Development Development Act Nr 4 of 1984 etc.

6.2 Discussion

As the existing delegations of the Director: Planning and Economic Development have been withdrawn by Council, there it is required to replace Council's existing approval of 2015, with specific reference to the Authorised Employee to give effect to Section 68(a) of the Land Use Planning By-law read together with the approved categorisation of applications to appoint a competent official within the existing staff compliment of the municipality to fulfil the obligations of the By-law.

By replacing the appointment of the Director: Planning and Economic Development as Authorised Employee with the Director: Informal Settlements, Housing and Property Management, it will have a minimal impact on the existing establishment and implementation of the relevant planning legislation applicable in WC024.

Council's previous approval to only include public members to the Municipal Planning Tribunal is required by SPLUMA in terms of section 36. This pool of external members can however be expanded with financial implication to Council as competent Town and Regional Planners are employed at Provincial Government whom can be deployed to local municipalities by request.

As a few resignations of the existing appointed external members have occurred it is recommended to seek Council's approval to approach the Western Cape Department of Environmental Affairs and Development Planning to deploy an experienced official to serve on the existing Tribunal appointed by Council subject to conditions.



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

6.3. Financial Implications

There is no financial implications should the recommendations as set out above be accepted.

6.4. Legal Implications

The recommendations as set out above are in terms of the Stellenbosch Land Use Planning By-Law, October 2015 and subsequent previous Council resolutions.

6.5. Staff Implications

The recommendations above affect staff from the Directorate Informal Settlements, Housing and Property Management.

6.6. Previous / Relevant Council Resolutions:

The following previous Council approvals are applicable:

- Item 14.4 of Council meeting 29 November 2017 and which Council meeting continued on 8 December 2017
- Item 8.6 of Council meeting 27 May 2015
- Item 7.4 of Council meeting 25 of November 2015
- Item 7.3.3 of Council meeting 26 July 2017

6.7. Risk Implications

These recommendations will reduce the risk implications for the Municipality.

6.8. Comments from Senior Management:

None requested



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

7. ANNEXURES

Annexure A: Item 14.4 of Council meeting 29 November 2017 which Council meeting continued on 8 December 2017

Annexure B: Item 8.6 of Council meeting 27 May 2015

Annexure C: Item 7.4 of Council meeting 25 November 2015

Annexure D: Item 7.3.3 of Council meeting 26 July 2017

The content of this report has not been discussed with the Portfolio Committee Chairperson. .

(1) Recommended:

**MUNICIPAL MANAGER
GERALDINE METTLER**

Date 19 December 2017

(2) Approved/ ~~Not Approved~~: (In consultation with the Municipal Manager)

**EXECUTIVE MAYOR
GESIE VAN DEVENTER**

Date 19 Desember 2017

Annexure E

New Organisational Structure dated 25 October 2017

7.2.3	APPROVAL OF NEW ORGANISATIONAL STRUCTURE AND PLACEMENT AGREEMENT
-------	---

Collaborator No:

IDP SFA Ref No: 5 – Good Governance and Compliance

Meeting Date: 11 October 2017

1. SUBJECT: APPROVAL OF NEW ORGANISATIONAL STRUCTURE AND PLACEMENT AGREEMENT

2. PURPOSE

To obtain Council's approval for the new organisational structure and the Placement Policy.

3. DELEGATED AUTHORITY

For decision by municipal council

4. EXECUTIVE SUMMARY

Section 66 of the Local Government Systems Act, 32 of 2000 as amended, requires the Municipal Manager to develop a staff establishment and submit it for Council approval. The Local Government Regulations on the Appointment and Conditions of Service of Senior Managers, GN 21 published on 17 January 2014) requires a Municipal Manager to within 12 months after the election of a new Council review the staff structure. Council resolved on 26 April 2017 to, in principle, approve a proposed Macro and Micro structure to commence with a consultation process.

A consultation process with SAMWU and IMATU took place within the Local Labour forum over the past months where the proposed structure was discussed in detail. Meetings with MATUSA were also called and the structure was published to all employees to provide input and comments on the structure. The comments have been considered and the Municipal Manager is herewith submitting a final proposal to Mayco and Council for recommendation to Council.

During the consultation process a Placement Policy has also been consulted and agreed with the Trade Unions. The Placement Policy is attached for approval.

5. RECOMMENDATIONS

That it be recommended to Council

- 5.1 that the proposed macro and micro structures (as depicted in **ANNEXURES A**) be adopted for implementation.
- 5.2 that the Placement Policy (attached as **ANNEXURE B**), be approved.
- 5.3 that the existing organizational structure of the Municipality be regarded as a holding structure and be abolished after the placement processes has been concluded in terms of Council's Placement Policy.
- 5.4 that the filling of the new and vacant positions on the proposed organisational structure be phased in over three (3) financial years. For this purpose, top management will identify critical posts for immediate filling whilst other vacancies will be budgeted for over the three year period.

13TH COUNCIL MEETING: 2017-10-25: ITEM 7.2.3

A document containing new information was circulated (see APPENDIX D). The DA requested a caucus which the Speaker allowed (at 10:45).

When the meeting resumed, the Speaker afforded the consultant from AGITO MINDS (PTY) LTD, Mr W Rabbets, an opportunity to do a presentation to Council on the Proposed Organisational Structure. Mr Rabbets also answered questions posed on the organisational structure.

After the presentation, the ANC requested a caucus which the Speaker allowed (at 12:05).

When the meeting resumed, it was

RESOLVED (majority vote with abstentions)

- (a) that the proposed macro and micro structures (as depicted in Annexure A) be adopted for implementation;
- (b) that the existing organizational structure of the Municipality be regarded as a holding structure and be abolished after the placement processes have been concluded in terms of Council's Placement Policy;
- (c) that the filling of the new and vacant positions on the proposed organisational structure be phased in over three (3) financial years, where, for this purpose, top management will identify critical posts for immediate filling whilst other vacancies will be budgeted for over the three year period;
- (d) that the fundamental principle of organisational development and transformation be considered and applied in coherency to the re-structuring activity as described in this report;
- (e) that the post names be used as temporary names until the evaluation process determines final post designations; and
- (f) that the Placement Policy attached as **ANNEXURE B**, be formally adopted by Council.

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

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate and Strategic Services
DIRECTORATE	Corporate and Strategic Services
CONTACT NUMBERS	021 – 808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.org.za
REPORT DATE	9 October 2017

Annexure F

Letter from the Muncipal Manager, dated 16 July 2018

Hedre Dednam

From: Contact Stellenbosch
Sent: 16 July 2018 10:07 AM
To: Everyone STBMUN
Subject: MEMO: Implementation of the approved staff structure



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MEMO: Implementation of the approved staff structure
TO: All employees
FROM: Municipal Manager
DATE: 16.07.2018

Dear Colleagues

As you are all aware, Council approved a new staff structure in October 2017. The process of populating the staff structure was then undertaken in terms of the Placement Policy and in consultation with SAMWU and IMATU. This process has been finalised with the exception of a few posts that will be discussed in this week as well as alternative offers to employees in the pool.

Management decided to officially implement the staff structure on an operational level from 1 July 2018 with the start of the new financial year. Some departments have functioned since March 2018 in terms of the new structure on line management level and all new permanent appointments since October 2017 have been made in terms of the new structure.

If your post has been identified as minor or no change you would have received a placement letter already or will receive it during July. For the employees who are in the pool, the process of identifying alternative offers is on-going and you will receive communication in this regard towards the end of July. You are all requested to continue with your work as you have whilst waiting for a letter to indicate your functions in the new structure to ensure that the operations continue seamlessly.

Departments who have moved to other directorates now report to those new directorates. This will mainly affect the managers reporting to Directors. The rest of the staff will report to the same managers they have reported to before, until such time that you receive a placement letter indicating a change. Directors are in constant communication with one another to ensure that

the transition is as seamless as possible and that where necessary there is dual responsibility on the short term where departments have moved to other directorates.

Your patience and co-operation through the uncertainties that a restructuring process brings, in the interest of our community, is appreciated and shows the values of *Batho Pele*.

Kind regards,

Geraldine Mettler
Municipal Manager

8.2.4	DISCOUNTING OF RENOVATIONS AND REPAIRS COSTS OF THE ECONOMIC DEVELOPMENT HUBS AGAINST THE RENTAL INCOME
--------------	--

Collaborator No:

File nr: 7/4/2/2/1 x 7/4/2/2/1

IDP KPA Ref No:

Meeting Date: 27 February 2019

1. SUBJECT: DISCOUNTING OF RENOVATIONS AND REPAIRS COSTS OF THE ECONOMIC DEVELOPMENT HUBS AGAINST THE RENTAL INCOME

2. PURPOSE

To request for approval to discount the value of renovations and repairs of the newly awarded economic development hubs against the rental income of the successful applicants.

3. DELEGATED AUTHORITY

COUNCIL.

In terms of Section 14 of the Municipal Financial Management Act(MFMA) , Regulation 34(1) of the Asset Transfer Regulation and the System of Delegations adopted by Council on 2015-06-01 the Executive Mayor has the powers to grant rights to use, control or manage a fixed capital asset up to an annual contract value not exceeding R 5 000 000.00.

4. EXECUTIVE SUMMARY

The item seeks to request approval to discount renovations against rental income of the newly awarded Local Economic Development Hubs in order to expedite the occupancy of these buildings. The buildings are currently vacant and in a dilapidated condition due to constant vandalism.

5. RECOMMENDATION

that Council approves the rental discounts for renovations and repairs to municipal properties as follows:

Erf	Organisation	Total Discount
6487 & 6488	Ranyaka Transformation	R1 818 156.00
228	Hugenote Fine Chocolates	R1 303 115.00

6. DISCUSSION / CONTENTS

6.1 Background

Council at its 7th Council Meeting on 29 March 2017, approved the establishment of Local Economic Development Hubs on Erven 6487 (Old Clinic Building) and Erf 228, Franschoek (One of the triangle Buildings) with numerous other properties.

The aforementioned two properties were advertised with two other properties to solicit proposals for the establishment of Local Economic Development Hubs.

On 25 July 2018 Council awarded the right to establish Local Economic Development Hubs as follows:

Property	Applicant
The Old Clinic Building (Erven 6487 & 6488)	Ranyaka Transformation
Triangle Building (Erf 228)	Hugenote Fine Chocolates

6.2 Discussion

Erven 6487 & 6488, Stellenbosch and Erf 228, Franschoek have been regularly vandalised and are in a dilapidated state. There exists an urgency to get these buildings fixed and functional. To fix the buildings to a state where it is functional will take approximately 18 months given the fact that such renovations first have to be factored into the next year's municipal budget and then a time-consuming municipal procurement process needs to be followed.

To expedite the occupancy of the aforementioned buildings, it is proposed that the successful applicants renovate the buildings themselves and that such renovations be off-set against the rentals up to a maximum value equal to the period of their leases. Any renovation costs in excess of the rental amount over the total lease period are to be borne by the new occupants.

Erven 6487 & 64880, Stellenbosch (293 m²)

Hugenote Fine Chocolates is a 100% black owned business that operates in a niche artisan chocolate and confectionary market. The above premises will be utilised to accommodate their existing operations, as well as accommodating new product lines and training and skills development facilities for the local community.

The above- mentioned property was awarded to Ranyaka Transformation a NPO that does economic and social upliftment in the different communities around Stellenbosch. The property will be specifically utilised to provide much needed shared business space and support services for emerging and small businesses.

It is estimated that it will cost approximately R4 102 000 (**APPENDIX 1**) to renovate the Old Clinic building (Erven 6487 & 64880) to a state that it would be functional.

The total income that the municipality will collect for Erven 6487 & 6488 (293 square meters (**APPENDIX 2**) at the Council approved rate of R45 per square meter over the total rental period of 9 years 11 months at an annual increase of 6%, amounts to R1 818 156.

Erf 288. Franschoek (210 m²)

It is estimated that it will cost approximately R2 541, 186, 71 (**APPENDIX 2**) to renovate the Triangle Building (Erf 288) to a state that it would be functional.

The total income that the municipality will collect for Erven 228 (210 square meters) at the Council approved rate of R45 per square meters over the total rental period of 9 years 11 months at an annual increase of 6%, amounts to R1 303 115.

In summary it means that if Council approves the discounts as alluded to above, it will be a cost saving in terms of fixing the buildings and at the same time have a productive building which will be a benefit to the local communities.

6.3 Financial Implications

A cost saving to Council on fixing two dilapidated buildings:

Erven 6487 & 6488: R4 102 000 - R1 818 156 = R2 383 844

Erf 228: R2 541,186,71 - R1 303 115 = R1 238 071.71

6.4 Legal Implications

The recommendation in this report complies with Council's policies and applicable legislation.

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions

The awarding of rights to the Local Economic Development Hubs (18TH Council Meeting, 2018-07-25: Item 7.3.1)

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:**6.8.1 Director: Planning and Economic Development**

Agrees with the recommendations

6.8.2 Municipal Manager

Agrees with the recommendations

ANNEXURES

Appendix 1: Cost Analysis - 7 Victoria Street, Stellenbosch

Appendix 2 Cost Analysis – Triangle Building , Franschoek

FOR FURTHER DETAILS CONTACT:

NAME	WIDMARK MOSES
POSITION	MANAGER: LED & TOURISM
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021 808 8974 / 082 879 8490
E-MAIL ADDRESS	Widmark.Moses@stellenbosch.gov.za
REPORT DATE	8 February 2019

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

The contents of this report have been discussed with the Portfolio Committee Chairperson and the Councillor agrees with the recommendations.

ANNEXURE 1

**TENDER ESTIMATE
FOR CO-CREATE AT
7 VICTORIA STREET,
STELLENBOSCH**



81 Andries Pretorius Street
Somerset West
7130
021-852 7158
www.prhomes.co.za

25/10/2018

**TENDER ESTIMATE FOR CO-CREATE HUB AT 7
VICTORIA STREET, STELLENBOSCH**

Thank you for your interest in inviting PR Homes to prepare a tender estimate for the renovations and alterations at 7 Victoria Street, Stellenbosch.

Total building area : 293m²

Scope of works (Demolition):

- 1) Demolition of roof covering, roof structure and ceilings
- 2) Removing old existing plaster from walls
- 3) Removing certain internal walls
- 4) Removing all floors
- 5) Removing all sundry items, doors, windows etc.

Scope of work (New work):

- 1) New floors to entire building – timber or new surface beds with alternative finish
- 2) New roof structure, roof covering and ceilings
- 3) Re-plaster entire building with lime plaster and mesh reinforcement
- 4) New plumbing and electrical
- 5) New doors and windows where applicable
- 6) New security system
- 7) Painting of all existing and new work
- 8) Various external works

The assumption is made that all existing walls and foundations are structurally sound and can be retained as far as possible.

Taking the above mentioned scope of works into consideration, it is evident that only the external structure of the existing building will mostly remain in place. Along with the demolition and external works cost, the price of the renovations would fall within the price of building a new house on a vacant piece of land.

We estimate the total estimated project costs (Excluding engineering and architect fees) to be between the following price brackets:

$$293\text{m}^2 \times \text{R}14\,000.00/\text{m}^2 = \text{R}4\,102\,000.00$$

$$293\text{m}^2 \times \text{R}18\,000.00/\text{m}^2 = \text{R}5\,274\,000.00$$

Various design and practical elements can be adjusted to make the project fall within budget when more detailed information is available at a later stage.

PR Homes has been in the construction industry for almost 20 years where we have completed various upmarket residential homes as well restored many old and dilapidated buildings to their former beauty

Below please find some before and after photos of recently completed projects with similar scope of works to the work required at Co-Create Hub.

1) Project in Somerset West – Renovated Manor House

Before



After



2) Project in Somerset West – Renovated Barn

Before



After



3) Project in Somerset West – Renovated Manor House

Before



After



We hope to have the opportunity to discuss this project with you in more detail once all the details have been finalized and also hope that the document provides sufficient information on the pricing of the proposed alterations.

Please do not hesitate to contact us should you require any additional information about our work, our company or the pricing of the project.

Please also feel free to visit our Website and Facebook page:

www.prhomes.co.za

<https://www.facebook.com/PR-Homes-1761639100731037/?ref=bookmarks>

Kind Regards
Eon Goosen
PR Homes

ANNEXURE 2

COST ANALYSIS

REDEVELOPMENT OF ERF 230
RESERVOIR STREET
FRANSCHHOEK

EXISTING
BUILDING

COST
REPORTS

SUMMARY OF TRADES REPORT

Project : ERF 270 RENOVATION OF MAIN BUILDING

HUGUENOT CHOCOLATES

Client : Unknown

Report generated @ 10:37 AM on 18/10/2018

Trade	Material	Labour	Fees	S + F	Plant	PC Amount	Total	%
PRELIMINARY and GENERAL COSTS	R 0,00	R 0,00	R 322,802.55	R 0,00	R 0,00	R 0,00	R 322,802.55	14.49
DEMOLITIONS and PREPARATORY WORK	R 0,00	R 18,152.13	R 0,00	R 0,00	R 0,00	R 0,00	R 18,152.13	0.81
MASONRY AND CLADDING	R 18,538.81	R 9,125.83	R 0,00	R 0,00	R 0,00	R 0,00	R 27,664.64	1.24
DOORFRAMES, FRENCH, SLIDING AND GARAGE DOORS	R 1,685.82	R 1,142.68	R 0,00	R 0,00	R 0,00	R 0,00	R 2,828.50	0.08
WINDOW FRAMES	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00	R 49,000.00	49,000.00	2.20
ROOFING	R 35,950.00	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00	R 35,950.00	1.61
CARPENTRY, JOINERY and IRONSMONGERY	R 426,300.00	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00	R 426,300.00	19.14
METALWORKER, GATES and WROUGHT IRON	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00	R 146,350.00	146,350.00	6.57
PLASTER and SCREED	R 6,320.26	R 10,981.73	R 0,00	R 0,00	R 0,00	R 0,00	R 17,301.98	0.78
TILING AND FLOOR COVERINGS	R 65,516.17	R 48,971.67	R 0,00	R 0,00	R 0,00	R 21,285.97	R 135,772.31	6.10
PLUMBING and SANITARY FITTINGS	R 18,000.00	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00	R 18,000.00	0.81
ELECTRICAL WORKS	R 78,000.00	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00	R 78,000.00	3.50
PAINTWORKS	R 69,491.63	R 69,851.58	R 0,00	R 0,00	R 0,00	R 0,00	R 139,343.21	6.26
PAVING, FENCING and LANDSCAPING	R 3,181.11	R 10,057.50	R 0,00	R 0,00	R 0,00	R 0,00	R 13,238.61	0.59
PROVISIONAL SUM and PRIME COST ALLOWANCES	R 760,000.00	R 0,00	R 0,00	R 0,00	R 0,00	R 37,850.00	R 797,850.00	35.82
Totals	R 1,483,973.80	R 167,282.11	R 322,802.55	R 0,00	R 0,00	R 254,485.07	R 2,227,543.53	

Total unrounded value of this project R 2,227,543.53

Rounding difference R 1,567.63

Total value of this project R 2,229,111.16

Total VAT R 312,075.55

Project Total R 2,541,186.71

8.2.5	ADVERTISING OF DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) FOR WC024
-------	--

Collaborator No: 631131
File No: 9/1/2/4/2017-2018 – 2021-2022
IDP KPA Ref No: Valley of Possibility
Meeting Date: 2019-02-27

1. SUBJECT: ADVERTISING THE DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK FOR PUBLIC COMMENT AND INPUT

2. PURPOSE

To request consent from Council to commence with consultation on the Draft Municipal Spatial Development Framework for a period of 60 days.

3. DELEGATED AUTHORITY

COUNCIL.

In terms of section 6(4) of the Stellenbosch Municipal Land Use Planning By-law, 2015 read together with Section 20(3) of the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) Council must give permission for the draft Municipal Spatial Development Framework to be advertised for public input.

Council has the delegation (LUP 5) “to consider and adopt reports on and all drafts of the municipal spatial development frameworks, and to approve publication thereof for public comment.”

4. EXECUTIVE SUMMARY

The purpose of the item is to request permission from Council to advertise the draft Municipal Spatial Development Framework (MSDF) in terms of the Stellenbosch Municipal Land Use Planning By-law, 2015 and Section 20(3) of the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) in order to proceed with public participation. The final MSDF must serve before Council on 30 May 2019 for approval and inclusion in the 2019/20 Integrated Development Plan (IDP).

5. RECOMMENDATIONS

- (a) that Council notes the Draft Municipal Spatial Development Framework attached as **ANNEXURE 1**;
- (b) that Council gives consent that the public participation process as prescribed by the Spatial Planning and Land Use Management Act, Act 16 of 2013 and the Stellenbosch Municipality Land Use Planning By-Law, 2015 proceed without delay; and
- (c) that the final draft Municipal Spatial Development Framework be submitted for consideration with the Integrated Development Plan no later than the Council meeting in May 2019.

6. DISCUSSION / CONTENTS

6.1 BACKGROUND

With the enactment of the new planning dispensation in 2015 which included the Municipal Land Use Planning By-Law, 2015, the Western Cape Land Use Planning Act, No 3 of 2014 (LUPA) and the Spatial Planning and Land Use Planning Act, No 16 of 2013 Council must adopt a Municipal Spatial Development Framework within five years of implementation.

Section 12(1) of SPLUMA sets out the general provision that is applicable to the preparation of the MSDF including (amongst other considerations):

- Contribute to a coherent, planned approach to spatial development in the national, provincial and municipal spheres.
- Provide clear and accessible information to the public and private sector and provide direction for investment purposes.
- Include previously disadvantaged areas, areas under traditional leadership, rural areas, informal settlements, slums and land holdings of state-owned enterprises and government agencies and address their inclusion and integration into the spatial, economic, social and environmental objectives of the relevant sphere.
- Address historical spatial imbalances in development.
- Identify the long-term risks of spatial patterns of growth and development and the policies and strategies necessary to mitigate those risks.
- Provide direction for strategic developments, infrastructure investment, promote efficient, sustainable and planned investments by all sectors and indicate priority areas for investment in land development.
- Promote a rational and predictable land development environment to create trust and stimulate investment.
- Take cognizance of any environmental management instrument adopted by the relevant environmental management authority.

Chapter 2 of SPLUMA further sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land, to which municipality are also required to adhere. These principles include **Spatial Justice, Spatial Sustainability, Spatial Efficiency, Spatial Resilience and Good Administration.**

Section 20(2) of SPLUMA and Section 26 of the Municipal Systems Act require that the MSDF must be prepared as part of the IDP.

6.2. PREPARING THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The process in preparing the MSDF was undertaken in two phases.

Phase One consisted of an interim revision of the existing MSDF.

Phase Two consisted of revising the MSDF in its totality.

For this project GAPP Architects and Planners together with Build Environment Planners were appointed to assist with both phases.

Phase One (Interim MSDF) concluded on 28 May 2018 (Item3) when Council resolved:

- (a) that the interim, minor amendments to the urban edges be approved;
- (b) that a portion of the Farm Braemar, Farm 742/2 and Farm 748/2 be included into the urban edge of Klapmuts due to the dire need for additional space for the development of schools; and
- (c) that all other proposed amendments to the MSDF that have been received be considered in the MSDF process culminating in the Final Draft MSDF to be submitted in the first quarter of 2019.

Phase Two is now in its final stages. A prerequisite of the procedure prescribed by SPLUMA and The Stellenbosch Municipality Land Use Planning By-Law is to submit a *status quo* report for adoption by Council before continuing with the preparation of the draft MSDF.

This phase concluded on 2107-11-29 (item 7.3.5) when Council resolved:

- (a) that Council adopts the status quo reports; and
- (b) that the reports were subjected to 4 public open days in November 2017 as reflected in the process plan approved by Council (30 August 2017) as part of the IDP process; and
- (c) that it be noted that the public participation will take place during March 2018 on 19, 20 March and 27, 28 March 2018 after completion of the draft MSDF strategies report. The draft MSDF will also be advertised for public comment for a period of 60 days.

The report currently serving before Council is the draft MSDF that must be made available for public consultation before being submitted to Council for final approval. Once public consultation is completed, the final MSDF will serve before Council on 30 May 2019 for approval and inclusion in the 2019/2020 IDP.

6.3 **PROCESS TO FOLLOW IN ORDER TO FINALISE THE DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK**

Following the above resolutions by Council the Directorate with the assistance of the consultants prepared a draft concept MSDF report. The Draft MSDF report is attached as **ANNEXURE 1** to the agenda. Although not required by the Stellenbosch Municipality Land use Planning By-law or SPLUMA, the concept underpinning the MSDF was presented to the public by way of 6 public meetings held during November 2018 and it was also made available on the Municipal website and in all the libraries. Included in the public participation process, presentation was also made to the Department of Environmental Affairs and Development Planning to ensure alignment with higher order plans and policies.

In parallel the public was invited to register as Interested and Affected parties and to make written representation into the process of compiling the draft MSDF.

Following the process of consultation with the public on the concept for the revised MSDF, the consultants proceeded to prepare the draft MSDF for consultation with a view to submitting the report to the Intergovernmental Steering Committee, the Project Committee and ultimately Council.

The legal procedure to compile or amend a municipal spatial development framework is contained in Chapter II of the Stellenbosch Municipality Land Use Planning By-Law, Section 6.

This process has been followed diligently up to this point. The next steps to be taken are prescribed in Section 6(4) to 6(6) namely:

After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment in accordance with the process adopted in terms of sections 28 and 29 of the Municipal Systems Act.

- (a) After consideration of the comments and representations received by virtue of the publication contemplated in subsection (4), the project committee must compile a final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment;
- (b) After consideration of the comments of the intergovernmental steering committee contemplated in subsection (5), the project committee must finalise the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework and submit it to the Council for adoption.
- (c) Concurrently, Section 20(3) of SPLUMA prescribes the process to be followed before adopting the MSDF which include the following prerequisites:
 - i) Give notice of the proposed municipal spatial development framework in the *Gazette* and the media;
 - ii) Invite the public to submit written representations in respect of the proposed municipal spatial development framework to the Municipal Council within 60 days after the publication of the notices; and
 - iii) Consider all representations received in respect of the proposed municipal spatial development framework.

Therefore permission is now required from Council to advertised the draft MSDF and to proceed with public participation which includes obtaining the input and comments of the Intergovernmental steering Committee.

6.4 FINANCIAL IMPLICATIONS

The report has no direct financial implications.

6.5 LEGAL IMPLICATIONS

The process and procedures for preparing a MSDF is prescribed by legislation.

6.6 STAFF IMPLICATIONS

The report has no staff implications

6.7 PREVIOUS RELEVANT COUNCIL RESOLUTIONS

Council resolved on 28 May 2018 (Item3):

- (a) that the interim, minor amendments to the urban edges be approved;
- (b) that a portion of the Farm Braemar, Farm 742/2 and Farm 748/2 be included into the urban edge of Klapmuts due to the dire need for additional space for the development of schools; and
- (c) that all other proposed amendments to the MSDF that have been received be considered in the MSDF process culminating in the Final Draft MSDF to be submitted in the first quarter of 2019

This report is submitted in terms of resolution (c)

6.8 RISK IMPLICATIONS

The MSDF must be approved as part of the IDP on 30 May 2019. A period of 60 of public participation is a legal prerequisite. There is a real risk of Council not being able to consider and/or approved the MSDF by the end of May 2019 should permission not be given to commence with public participation as required by legislation. This will impact negatively on the approval of the IDP.

6.9 COMMENTS FROM SENIOR MANAGEMENT

The planning process was undertaken with the knowledge and some participation of senior management. The draft concept underpinning the MSDF was presented to management and received their full support.

The MSDF will be made available to all directorates during the 60 day period for public participation and all input and comments will be considered and addressed to their satisfaction.

ANNEXURES

Annexure 1: Draft proposed MSDF report

ANNEXURE 1



Stellenbosch Municipality

Spatial Development Framework

Draft for Consultation

February 2019



Contact

Spatial Planning, Heritage and Environment
Stellenbosch Municipality
Bernabé de la Bat

email:

Bernabe.DeLaBat@stellenbosch.gov.za

call:

+27 21 808 8652

visit:

Plein Street
Stellenbosch

Professional Team

Built Environment Partnership

robink@bepsa.co.za / stephenb@
bepsa.co.za / chadg@bepsa.
co.za / jeremy@infinityenv.co.za

GAPP Architects and Urban Designers

barbara@ctn.gapp.net / bobby@
ctn.gapp.net / janine@ctn.gapp.
net / lize@lizemalan.co.za

Transport Futures

richard@transportfutures.co.za



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMABIPALA • MUNICIPALITY



architects/urban designers



Glossary of Abbreviations

ATC -	Adam Tas Corridor	LHOA -	Lynedoch Home Owners' Association	SMME(s) -	Small and Medium Enterprise (Enterprises)
BNG -	Breaking New Ground (national subsidised housing strategy)	LSDF (s) -	Local Spatial Development Framework (Frameworks)	SOE(s) -	State Owned Enterprise (Enterprises)
BTT -	Boschendal Treasury Trust	LSU -	Large Stock Unit	SPCs -	Spatial Planning Categories
CBA -	Critical Biodiversity Area	LUMS -	Land Use Management System	SPLUMA -	Spatial Planning and Land Use Management Act
CBD -	Central Business District	LUPA -	(Western Cape) Land Use Planning Act	SSU -	Small Stock Unit
CCT -	City of Cape Town	Mayco -	Mayoral Committee	TB -	Tuberculosis
CEF -	Capital Expenditure Framework	MIG -	Municipal Infrastructure Grant (national grant funds for infrastructure)	UDS -	Urban Development Strategy
CPI -	Consumer Price Index	MSA -	Municipal Systems Act, 32 of 2000	US -	University of Stellenbosch
CWDM -	Cape Winelands District Municipality	MSDF -	Municipal Spatial Development Framework	UNESCO -	United Nations Educational, Scientific and Cultural Organisation
DEADP -	Department of Environmental Affairs and Development Planning	MTREF -	Medium Term Revenue and Expenditure Framework	WCG -	Western Cape Government
DM -	Drakenstein Municipality	NEMA -	National Environmental Management Act	V & AW -	Victoria and Alfred Waterfront
DOCG -	Department of Cooperative Governance	NGP -	New Growth Path	Wesgro -	Western Cape Tourism, Trade and Investment Promotion Agency
DTPW -	Department of Transport and Public Works	NDP -	National Development Plan		
FLISP -	Finance Linked Individual Subsidy Programme (a national government housing programme)	NMT -	Non-motorized transport		
GAP -	Government assisted housing in the affordability "gap" for home owners earning between R3 501 and R18 000 per month	PSTD -	Provincial Spatial Development Framework		
GCM -	Greater Cape Metro	PSTP -	Provincial Sustainable Transport Program		
GDP -	Gross Domestic Produce	RSIF -	Regional Spatial Implementation Framework		
HA -	Hectare	RAP -	Rural Area Plan		
HIV -	Human Immunodeficiency Virus	SANBI -	South African National Biodiversity Institute		
ICM -	Intermediate City Municipality	SEMF -	Strategic Environment Management Framework		
IDP -	Integrated Development Plan	SDF(s) -	Spatial Development Framework (Frameworks)		
ISC -	Integrated Steering Committee	SM -	Stellenbosch Municipality		
IZS -	Integrated Zoning Scheme				
IUDG -	Integrated Urban Development Grant				
LDC -	Lynedoch Development Company				

Content

1. Introduction	13				
1.1. Subject Matter and Role of the SDF	14				
1.2. Users of the SDF	14				
1.3. Background to the 2019 MSDF	14				
1.4. Process in Preparing the MSDF	16				
1.5. Structure of the MSDF	17				
2. Legislative and Policy Context	19				
2.1. Legislative Requirements for MSDFs	19				
2.1.1. Municipal Systems Act	19				
2.1.2. Spatial Planning and Land Use Management Act	19				
2.1.3. National Environmental Management Act	21				
2.1.4. The Western Cape Government Land Use Planning Act	21				
2.2. Policy Context for SDFs	21				
2.2.1. The National Development Plan 2030	21				
2.2.2. Integrated Urban Development Framework	22				
2.2.3. The WCG Provincial Spatial Development Framework	23				
2.2.4. The Greater Cape Metro Regional Spatial Implementation Framework	25				
2.2.5. SM Integrated Development Plan	26				
2.3. Policy implications	27				
3. Status Quo, Issues, Challenges and Opportunities	29				
3.1. Biophysical Environment	29				
3.1.1. Attributes	29				
3.2. Socio-Economic Context	32				
3.2.1. Attributes	32				
3.3. Built Environment Context	36				
3.3.1. Attributes	36				
3.4. Institutional Context	40				
3.5. Synthesis of Status Quo	42				
3.6. Land Budget Considerations	45				
3.6.1. Projected housing and land demand	45				
3.6.2. Allocation of demand across the municipal area	46				
4. Vision and Concept	49				
4.1. Introduction	49				
4.1.1. Vision	49				
4.1.2. Key Considerations	49				
4.2. Concept	50				
5. Plans and Settlement Proposals	59				
5.1. Introduction	59				
5.2. The Stellenbosch Municipal Area as a Whole	60				
5.3. Stellenbosch Town	65				
5.4. Klapmuts	69				
5.5. Franschhoek	73				
5.6. Small Settlements in the Franschhoek Valley	76				
5.6.1. La Motte	76				
5.6.2. Wemmershoek	77				
5.7. Small Settlements in the Dwars River Valley	80				
5.7.1. Groot Drakenstein	80				
5.7.2. Pniel, Lanquedoc, Johannesdal, and Kylemore	81				
5.8. Jonkershoek	84				
5.9. Small Settlements along the R30485					
5.9.1. Muldersvlei Crossroads	85				
5.9.2. Koelenhof	85				
5.10. Small Settlements along Baden Powell Drive	89				
5.10.1. Vlottenburg	89				
5.10.2. Spier	90				

5.10.3. Lynedoch	90	6.7. Land Use Management Guidelines and Regulations	113	7. Capital Expenditure Framework	131
5.11. Raithby	93	6.8. Implications for Inter-Municipal Planning	113	7.1. Introduction	131
6. Implementation Framework	97	6.8.1. General inter-municipal planning issues	113	8. Monitoring and Review	133
6.1. Introduction	97	6.8.2. Place-specific inter-municipal planning issues	114	8.1. Monitoring	133
6.2. Proposed Settlement Hierarchy	97	6.9. Catalytic Initiatives	117	8.2. Review of the MSDF	133
6.3. Priority Development Areas and Trends	97	6.9.1. Adam Tas Corridor	117	List of Documents Reviewed	134
6.4. Policy Framework	99	6.9.2. Development of Klapmuts	120	Appendices	136
6.5. Guidelines, Studies and Information Supporting the Policies	104	6.9.3. Alternative rail stock along the Baden Powell Drive-Adam Tas-R304 corridor	121	A. Policy Framework	137
6.6. Implications for Sector Planning and Specific Development Themes	105	6.10. Further Planning Work	121	B. Public Input on MSDF Concept Received During Area-Based Public Participation Sessions	142
6.6.1. Environmental and rural area management	105	6.10.1. Future settlement along the Baden Powell Drive-Adam Tas-R304 corridor	121	C. Spatial Planning Categories, Associated SEMF Policy and WCG Guidelines	143
6.6.2. Movement	107	6.10.2. Other local planning initiatives	121	D. Thematic Guidelines Drawn From "Western Cape Land Use Planning: Rural Guidelines" which may be applicable to different SPCs	149
6.6.2.1 <i>The relationship between spatial and transport planning</i>	107	6.11. Institutional Arrangements	122	E. Norms / Guidelines for the Size of Agricultural Holdings	155
6.6.2.2 <i>Traditional practice</i>	107	6.11.1. Inter-municipal planning	122		
6.6.2.3 <i>Required shifts</i>	107	6.11.2. Private sector joint planning	122		
6.6.2.4 <i>A conceptual public transport network supporting the MSDF</i>	108	6.12. Checklists in Support of Decision-Making	123		
6.6.2.5 <i>The design of routes</i>	109	6.13. A Municipal Leadership and Advocacy Agenda related to Spatial Development	128		
6.6.2.6 <i>Transport within settlements</i>	109				
6.6.3. Housing	112				
6.6.4. Local economic development	112				

List of Tables, Diagrams and Figures

Table 1. SPLUMA Principles	20	Table 21. Plan Elements and Proposals for Klapmuts	71	Table 44. A municipal leadership and advocacy agenda from the perspective of spatial planning and land use management	129
Table 2. The PSDF Spatial Agenda	23	Table 22. Plan Elements and Proposals for Franschhoek	74	Table 45. Conventions, Resolutions or Declarations	137
Table 3. The key PSDF Transitions	24	Table 23. Plan Elements and Proposals for La Motte - Wemmershoek	78	Table 46. Conventions, Resolutions or Declarations (cont.)	138
Table 4. IDP Strategic Focus Areas and the MSDF	26	Table 24. Plan Elements and Proposals for Dwars River Valley Settlements	82	Table 47. Policies	139
Table 5. Policy Implications	27	Table 25. Plan Elements and Proposals for Koelenhof - Muldersvlei	87	Table 48. Policies (cont.)	140
Table 6. Stellenbosch's Biophysical context - key attributes summarised	30	Table 26. Plan Elements and Proposals for Vlottenburg - Spier - Lynedoch	91	Table 49. Policies (cont.)	141
Table 7. Stellenbosch's Biophysical context - issues and implications	31	Table 27. Plan Elements and Proposals for Raithby	94	Table 50. SPCs for Stellenbosch Municipality and associated land use policy and guidelines	143
Table 8. Stellenbosch's Socio-Economic context - key attributes summarised	32	Table 28. Proposed Settlement Hierarchy	98	Table 51. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)	144
Table 9. Stellenbosch's Socio-Economic context - key attributes summarised (cont.)	33	Table 29. Proposed MSDF Policies	100	Table 52. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)	145
Table 10. Stellenbosch's Socio-Economic context - issues and implications	35	Table 30. Proposed MSDF Policies (cont.)	101	Table 53. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)	146
Table 11. Stellenbosch's Built Environment context - key attributes summarised	36	Table 31. Proposed MSDF Policies (cont.)	102	Table 54. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)	147
Table 12. Stellenbosch's Built Environment context - key attributes summarised (cont.)	37	Table 32. Proposed MSDF Policies (cont.)	103	Table 55. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)	148
Table 12. Stellenbosch's Built Environment context - issues and implications	39	Table 33. Supportive Guidelines	104	Table 56. Thematic land use guidelines for rural areas	149
Table 13. Stellenbosch's Institutional context - key attributes summarised	40	Table 34. Desired public transport routes	108	Table 57. Thematic land use guidelines for rural areas (cont.)	150
Table 14. Stellenbosch's Institutional context - issues and implications	41	Table 35. Potential public transport nodes	110	Table 58. Thematic land use guidelines for rural areas (cont.)	151
Table 15. The historic land take-up in nodes	46	Table 36. Possible park and ride locations	110	Table 59. Thematic land use guidelines for rural areas (cont.)	152
Table 16. Land demand for housing per node	47	Table 37. Place-specific inter-municipal planning issues	114	Table 60. Thematic land use guidelines for rural areas (cont.)	153
Table 17. Land availability	47	Table 38. Place-specific inter-municipal planning issues (cont.)	115	Table 61. Thematic land use guidelines for rural areas (cont.)	154
Table 18. Plan Elements and Proposals for the SM as a whole	62	Table 39. Place-specific inter-municipal planning issues (cont.)	116	Table 62. Norms/ guidelines for the size of agricultural holdings	155
Table 19. Plan Elements and Proposals for the SM as a whole (cont.)	63	Table 40. Checklists	124		
Table 20. Plan Elements and Proposals for Stellenbosch Town	67	Table 41. Checklists (cont.)	125		
		Table 42. Checklists (cont.)	126		
		Table 43. Checklists (cont.)	127		

Figure 1. The location of SM within the Western Cape and Cape Winelands District	13	Figure 19. Concept 2 - Respect and grow our cultural heritage	52	Figure 39. Land use precincts and the spatial concept for the mixed use precinct (Jonkershoek SDF approved by Council in 2015)	84
Figure 2. The 2013 Approved Stellenbosch SDF diagram illustrating hierarchy of settlement, linkages and investment priorities	15	Figure 20. Concept 3 - Direct growth to areas of lesser natural and cultural significance as well as movement opportunity	53	Figure 40. Koelenhof Spatial Development Framework Revision and Urban Edge Determination - Final Draft 2007	85
Figure 3. The SDF Process (from DRDLR's PLUMA Guidelines, 2014)	16	Figure 21. Concept 4 - Clarify and respect the different roles and functions of settlements	54	Figure 41. Koelenhof - Muldersvlei Concept	86
Figure 4. The National Development Plan Vision for 2030	22	Figure 22. Concept 5 - Clarify and respect the roles and functions of different elements of movement structure	55	Figure 42. Koelenhof Muldersvlei Plan	88
Figure 5. Consolidated PSDF Framework 2014	24	Figure 23. Concept 6 - Ensure balanced, sustainable communities	56	Figure 43. Alternative 1 and 2 from Vredenheim Engineering Services Report (Aurecon, 8 June 2017)	89
Figure 6. Composite GCM RSIF 2017 (DEA&DP 2017)	25	Figure 24. Consolidated Concept	57	Figure 44. Vlottenburg - Spier - Lynedoch Concept	90
Figure 8. Land capability (Cape Farm Mapper)	29	Figure 25. Consolidated Concept for the SM area	61	Figure 45. Spier - Vlottenburg - Lynedoch Plan	92
Figure 7. Scenic landscape elements and conserved landscaped/biophysical areas	29	Figure 26. Municipal Spatial Framework for the SM area	64	Figure 46. Raithby Concept	93
Figure 9. Rural landscape activities	29	Figure 27. Stellenbosch Town Concept	66	Figure 47. Raithby Plan	95
Figure 10. The impact of the recent severe drought conditions in the Western Cape on grape yields is high, with poor yield years coinciding with moderate or severe drought periods for the wine industry.	31	Figure 28. Stellenbosch Town Plan	68	Figure 48. A conceptual approach to align transport planning with the MSDF	107
Figure 11. Water quality and habitat diversity in the Plankenbrug River have been reduced by stormwater and wastewater discharges from Kayamandi and Stellenbosch. This river has been identified as a high risk area for human health by the 2005 State of the Rivers Report	31	Figure 29. Klapmuts Concept	70	Figure 49. A conceptual public transport network for SM	109
Figure 12. Racial distribution in Stellenbosch (dotmap.adrianfrith.com)	34	Figure 30. Klapmuts Plan	72	Figure 50. Future Development of Arterial Road Transport Corridors in and around Stellenbosch (Transport Futures, 2018)	111
Figure 13. Percentage of workforce employed	34	Figure 31. Franschhoek Concept	73	Figure 51. Future recommended road designs - cross sections for public transport and NMT (Transport Futures, 2018)	111
Figure 14. Access to Health Facilities	34	Figure 32. Franschhoek Plan	75	Figure 52. Adam Tas Corridor Concept	119
Figure 15. Access to Schools	34	Figure 33. Extract from a planning motivation report for the "Proposed Integrated Residential Development Proposals; Portions of Farms 1158/1, 1653 And 1139 La Motte, Franschoek" (CK Rumboll & Partners)	76		
Figure 16. Housing and development trends, by passes and gated communities	38	Figure 34. Wemmershoek - La Motte Concept	77		
Figure 17. Current development pressures on the periphery of settlements in the SM	43	Figure 35. La Motte - Wemmershoek Plan	79		
Figure 18. Concept 1 - maintain and grow our natural assets	51	Figure 36. Boschendal Site Development Plan by Philip Briel Architects, From Boschendal Village: Planning Report for NEMA Basic Assessment Report Version 1.9 - June 2017	80		
		Figure 37. Dwars River Valley Concept	81		
		Figure 38. Dwars River Valley Plan	83	Diagram 1. Investment focus of the public and private sectors	44

Preamble

Stellenbosch and an appropriate approach to spatial development and management

Spatial development frameworks are mostly technical documents. In terms of the legislation and procedures governing their preparation, they have to address a host of matters, all of which are not of equal importance to all stakeholders. The framework may not resolve all the issues discussed to the same extent; some matters need time to be investigated further, while others are reasonably firm. In its elaboration to meet requirements, spatial frameworks can become dull, hiding the core message.

We present the critical underlying narrative here and argue that adhering to it, through numerous individual actions and decisions – across sectors of society – is at the core of managing development and land use in Stellenbosch better, at the heart of a better future for all.

The narrative ...

“Stellenbosch is a special place; all of it ... its various settlements, its nature areas, farms, education institutions, its innovative corporations, small businesses, its places to visit, its places to live, its festivals, its history ... its people.

In terms of its space – activities in space, landscapes, urban places, streets, and buildings – Stellenbosch continue to impress and bring opportunity, joy, and contentment; in different ways, to visitors and residents alike. Many would love to live here, work here, or visit more often.

Stellenbosch has been judged as a place of high opportunity. Numerous factors combine to a recognition that this place can contribute more to growing societal needs, in its region, and our country. If one lives here, the chances are that you can make a good livelihood. Stellenbosch is truly a rich place.

Stellenbosch is harsh on some. Many who live here do not have adequate shelter, or the opportunity to work. Others feel that the time has come to depart from farms, to give up farming. Many study here, but cannot enjoy university life to the full because there is limited residential opportunity for students. Then again, many struggle in traffic every day, on congested roads, wasting time and money for fuel, even if privileged enough to own a private vehicle. Stellenbosch is not that easy on people anymore. Its challenges increasingly impact on all, albeit in different ways.

Citizens respond to challenges differently. Many owners of agricultural land have indicated a desire to develop their land for other, predominantly urban activities. These thoughts already involve a large land area, comparable to the size of Stellenbosch town. Others, tired of waiting for a housing opportunity here or elsewhere – and government support – invade land, staking a claim, the right to a place to live, on virgin land, even if the land is not deemed desirable for development because of its agricultural or environmental value, is prone to risk, or allocated to someone else. Some, with the necessary material means, elect to close themselves off, to obtain a place to live in gated communities, secure from perceived or real threat to body and property.

Stellenbosch grows, both naturally, and because more people are attracted here. Those drawn include the poor, better off, and large corporations. Stellenbosch has a special quality of accommodating hope, good opportunities, and a better life; the perception is that your needs can be met faster, your children can get access to a school promptly, or, your journey to work will be less cumbersome.

However, Stellenbosch grows on top of unfinished business. It grows on top of ways of a past that had not been fixed, the separation of people, the focus on some as opposed to all; needs not met, exclusion. It also grows on top of limited public resources. While the municipality and other spheres of government collect and allocate funds for service delivery, it is not enough to address backlogs, fix the mistakes of the past, prepare for unexpected crisis (for example, in the form of fires), or meet anticipated future needs.

As Stellenbosch grows, things get worse. In terms of how we manage development and space, we know what direction to take. We know that we should adopt a precautionary approach to nature and agricultural land, we know that we should contain and compact settlements, we know that we should provide more choice in shelter and housing opportunity, and that we should focus on public and non-motorised transport. This knowledge is also embedded in policy, from global conventions to national, provincial and local frameworks, including the Stellenbosch Municipal Integrated Development Plan, the legal plan which directs the municipal budget and resource allocation.

The issue is that we have not implemented what we believe the appropriate policy direction is well. We should ask why. We can answer that achieving in terms of new policy is not easy. It requires new ways of living and doing. Higher densities, leaving the car, more interaction between groups of society sharing public space, more partnership in unlocking development opportunity, and so on.

Even if difficult, it is a matter of now or never. We cannot behave and live like before. We cannot afford to lose more nature and agricultural land, develop at low densities, and prioritise building roads for private cars more than public transport. If we do that, the system will fail. Material wealth will not assist.

Despite difficulties, it appears as if our approach is shifting. Land previously occupied by manufacturing enterprises in critical locations in Stellenbosch have slowly become available for re-use. The potential of Klapmuts to accommodate enterprises requiring large landholdings and dependent on good intra- and inter-regional logistic networks is acknowledged. Landowners realise that overcoming the resource constraints, infrastructure constraints, and the cross-subsidisation required for more inclusive development – the extent of energy needed – necessitates joint work, joint planning, and implementation of a scale and nature not yet experienced in Stellenbosch. Corporations realise that they have broader responsibility – not only in contributing to good causes concerning nature, education, or the arts, but in actively constructing better living environments. We realise that we have to enact partnerships to make our towns better.

We also have the benefit of history. In times past, we have, as Stellenbosch, changed our destiny, did things for the better. Starting with an individual idea, a thought, often through an individual, great things were done. With such ideas and actions the town established a university, saved historic buildings and places, launched cultural celebrations with broad reach, safeguarded unique nature areas, provided families with homes, begun corporations with global reach. When a fire destroyed homes, they were rebuilt promptly with collective energy and purpose. When children needed schooling, and government could not provide, some established schools.

Often, these initiatives started outside of government, albeit assisted by the government. They were started by those who thought beyond current challenges, without necessarily being able to project outcomes over time in full. They just understood that one step might lead to another. Not all the technical detail was resolved, not everything understood in its entirety. They merely acted in terms of core principles. As matters unfolded and new challenges emerged, the principles guided them.

The new Municipal Spatial Development Framework recognises that the spatial decisions and actions of many make what settlements are. It asks us to understand that plans cannot do everything, predict everything. It asks all to consider action with a few core beliefs, principles, or concepts, geared towards the common good. Specifically, it asks us to consider seven principles:

1. First, maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas. Humanity depends on nature for physical and spiritual sustenance, livelihoods, and survival. Ecosystems provide numerous benefits or ecosystem services that underpin economic development and support human well-being. They include provisioning services such as food, freshwater, and fuel as well as an array of regulating services such as water purification, pollination, and climate regulation. Healthy ecosystems are a prerequisite to sustaining economic development and mitigating and adapting to climate change. The plan provides for activities enabling access to nature and for diversifying farm income in a manner which does not detract from the functionality and integrity of nature and farming areas and landscapes.

2. Second, respect and grow our cultural heritage, the legacy of physical artefacts and intangible attributes of society inherited from past generations maintained in the present and preserved for the benefit of future generations. Cultural heritage underpins aspects of the economy and differentiates places. Culture is a dynamic construct; forever emerging in response to new challenges, new interactions and opportunity, and new interpretations. Spatially, we must organise Stellenbosch in a manner which also sets the stage for new expressions of culture.

3. Third, within developable areas – areas not set aside for limited development owing to its natural or cultural significance – allow future opportunity to build on existing infrastructure investment, on the opportunity inherent in these systems when reconfigured, augmented or expanded. Infrastructure represents significant public investment over generations, not readily replicated over the short term. It represents substantial assets for enabling individual and communal development opportunity of different kinds. From a spatial perspective, movement systems are particularly significant. Elements of the movement system, and how they interconnect, have a fundamental impact on accessibility, and therefore economic and social opportunity. Specifically important is places of intersection between movement systems – places which focus human energy, where movement flows merge – and where people on foot can readily engage with public transport.

4. Fourth, clarify and respect the different roles and potentials of existing settlements. All settlements are not the same. Some are large, supported by significant economic and social infrastructure, offer a range of opportunity, and can accommodate growth and change. Others are small and the chance to provide for growth or change is minimal. Generally, the potential of settlements to help change and growth relates directly to their relationship with natural assets, cultural assets, and infrastructure. We must accommodate change and growth where existing assets will be impacted on the least or lend itself to generating new opportunity.

5. Fifth, address human needs – for housing, infrastructure, and facilities – clearly in terms of the constraints and opportunity related to natural assets, cultural assets, infrastructure, and the role of settlements. We must meet human need in areas where the assets of nature are not degraded, where cultural assets can be best respected and expanded, and where current infrastructure and settlement agglomeration offers the greatest opportunity. Generally, we can help human need in two ways. The first is through infill and redevelopment of existing settled areas. The second is through new green-field development. We need to focus on both while restricting the spatial footprint of settlements outside existing urban areas as far as possible.

6. Sixth, pursue balanced communities. All settlements should be balanced. That means they should provide for all groups, and dependent on size, a range of services and opportunities for residents. It also says they should provide for walking and cycling, not only cars.

7. Finally, focus energy on a few catalytic areas that offer extensive opportunity and address present risk. Planning cannot attempt to treat all areas equally. Some areas offer more opportunity for more people than others. We need to focus on the areas and actions where a significant number of people will benefit, where we will meet their needs. There is also a need to focus on areas of ‘deep’ need, notwithstanding location, where limited opportunity poses a risk to livelihoods. Some informal settlements and poorer areas may not be located to offer the best chance for inhabitants, yet services need to be provided and maintained here. However, significant new development should not occur in these places, exacerbating undesirable impacts or further limiting the opportunity for people to pursue sustainable livelihoods.

Spatial plans are ‘partial’ frameworks for action. They deal with space. Command of space is not enough to develop or manage a settlement in the interest of all. Each spatial principle, each concept, requires parallel actions in other sectors, including how we form institutions for execution, how we transport people, how we fund things, where we focus resources, and so on.

The spatial principles must help us to think through these implications, action by action, decision by decision.”



Part 1.

Introduction

1. Introduction

Stellenbosch Municipality (SM) is located in the heart of the Cape Winelands, a highly valued cultural landscape with globally important natural habitats. The municipality is bounded to the east and south by the Drakenstein, Wemmershoek and Limietberg mountain ranges. The Hottentots Holland range (i.e. Stellenbosch, Jonkershoek and Simonsberg Mountains) and the Bottelary Hills form the backdrop to the town of Stellenbosch itself. These mountains, and the fertile agricultural valleys which they shelter, are key elements contributing to the sense of place of the municipal area. Significant portions of the municipality fall within globally recognised biosphere areas with large tracts of land designated as public and private conservation areas.

The greater part of the municipal area comprises fertile soils, constituting some of the country's highest yielding agricultural land (in terms of income and employment generation). The region's extensive agricultural areas, particularly those under vineyards and orchards, also attribute scenic value and character to the region, valued by both local inhabitants and visitors. Nature, scenic value, and agriculture add significantly to the value of the area as one of South Africa's premier tourist destinations.

The municipality is home to some 174 000 people. A significant proportion of the municipal population is poor, and reliant on the informal sector for livelihoods. Yet, SM is also home to some of the country's strongest corporations with global footprints, most esteemed education institutions, cultural facilities, and places of historic value.

Politically, SM forms part of the Cape Winelands District Municipality (CWDM) of the Western Cape Province of South Africa. The municipality adjoins the City of Cape Town (CCT) to the west and south and the Breede Valley, Drakenstein and Theewaterskloof Municipalities to the east and north. Functionally, SM forms part of the Greater

Cape Town metropolitan area. SM covers a geographical area of approximately 830km².

The main settlements in SM are the historic towns of Stellenbosch and Franschhoek, and Klapmuts. There are also a number of smaller villages, including Jamestown (contiguous with Stellenbosch town), Pniel, Johannesdal, Lanquedoc, Lynedoch, and Raithby. New nodes are emerging around agricultural service centres, for example, Koelenhof and Vlottenburg.

As SM is sought after for the opportunity and quality of living it offers, much of the municipal area is constantly under pressure for development; in the form of various types of residential development, and commercial development ranging from shopping malls, to tourist and visitors facilities in the rural areas surrounding towns. Building on the existing highly-valued institutions, the education sector is also seeking further development opportunity. The SM Municipal Spatial Development Framework will play a key role in managing these pressures.



Figure 1. The location of SM within the Western Cape and Cape Winelands District

1.1. Subject Matter and Role of the SDF

Spatial Development Frameworks (SDFs) are public policy statements that seek to influence the overall spatial distribution of current and future land use within a municipality or other described region to give effect to the vision, goals and objectives of the municipal Integrated Development Plan (IDP) or related business plans of government. The (MSDF) covers the jurisdictional area of the municipality.

In the case of SM, the MSDF must answer the following questions: “How is Stellenbosch going to develop over the next ten to thirty years? What kind of development will take place, where will it take place, and who will be responsible for what aspect of the development?”

This focus is important. Future growth, expansion and innovation cannot be allowed to unfold in haphazard ways as this is likely to result in expensive outward low density sprawl of housing and commercial areas and the related destruction of valuable ecosystem and agricultural resources. This kind of development is also likely to exacerbate spatial divisions and exclude citizens with lesser materials resources from opportunity to live in proximity to work, commercial opportunity, and social facilities.

Ad hoc development removes the certainty that everyone needs to make long-term investment decisions, including municipal leadership – planning for associated infrastructure – and key players like the property developers, financial investors, development planners, municipal officials dealing with associated approval processes, and ordinary households.

In more detail, the MSDF aims to:

- Enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives.
- Translate this vision into a set of policies, priorities, programmes, and land allocations

together with the public sector resources to deliver them.

- Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being.
- Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

1.2. Users of the SDF

The MSDF for SM targets two broad user categories. The first is the government sector, across spheres from national to local government, including State Owned Enterprises (SOEs). While the MSDF is informed by the spatial direction stated in national, provincial, and district level policy, it also sets out the municipality’s spatial agenda for government departments across spheres of government to consider and follow. Most importantly, the MSDF outlines the municipality’s spatial agenda to its own service departments, ensuring that their sector plans, programmes, and projects are grounded in a sound and common spatial logic.

The second user category is the private and community sector, comprising business enterprises, non-government organisations, institutions, and private citizens. While the private sector operates with relative freedom spatially – making spatial decisions within the framework of land ownership, zoning, and associated regulations and processes – the MSDF gives an indication of where and how the municipality intends to channel public investment, influence, and other resources at its disposal. This includes where infrastructure and public facility investment will be prioritised, where private sector partnerships will be sought in development, and how the municipality will view applications for land use change.

1.3. Background to the 2019 MSDF

Over the last decade, the SM has completed a considerable volume of studies, policy documents, and plans, specifically related to spatial planning, as well as studies, policy documents, and plans that should inform or be informed by the MSDF (for example comprehensive plans like the IDP covering all the activities of the municipality, or sector specific work related to economic development, transport, the environment, housing, and so on). Some of these studies, policy documents, and plans cover the whole municipal area, while others focus on specific parts of the area.

Starting in 2008, and culminating in an approved MSDF and the “Shaping Stellenbosch” initiative, broad consensus has been achieved on the desired future direction and form of development. Some of the country’s most accomplished professionals were involved in this work, considerable time and money was spent, and citizens bought in. In 2013, SM approved a MSDF and settlement hierarchy for the whole Stellenbosch municipal area. An updated version of this document was approved on 31 May 2017.

Since approval of the MSDF in 2013 and 2017, MSDF related work has focused on:

- The development of scenarios of land demand to inform the development of a preferred 20-year growth strategy, development path, and nodal development concepts for SM. This work culminated in status quo and draft Urban Development Strategy (UDS) documents during 2017.
- An analysis and synthesis of the rural areas of Stellenbosch Municipality with a view to prepare a Rural Area Plan (RAP).
- Draft heritage surveys and inventories of large-scale landscape areas in the rural domain of the municipality informing proposed heritage areas (complementing previous inventory work completed for urban areas).

- Area-based planning investigations for parts of the municipality, notably Stellenbosch town, Klapmuts, the area north of Kayamandi, and Paradyskloof.

In parallel to MSDF work, considerable progress has been made, in collaboration with the Western Cape Government through application of the Provincial Sustainable Transport Programme (PSTP), with developing a strategy for sustainable transport planning, infrastructure provision, and management in Stellenbosch.

In preparing the current MSDF, previous studies, policy documents, and plans have been considered.

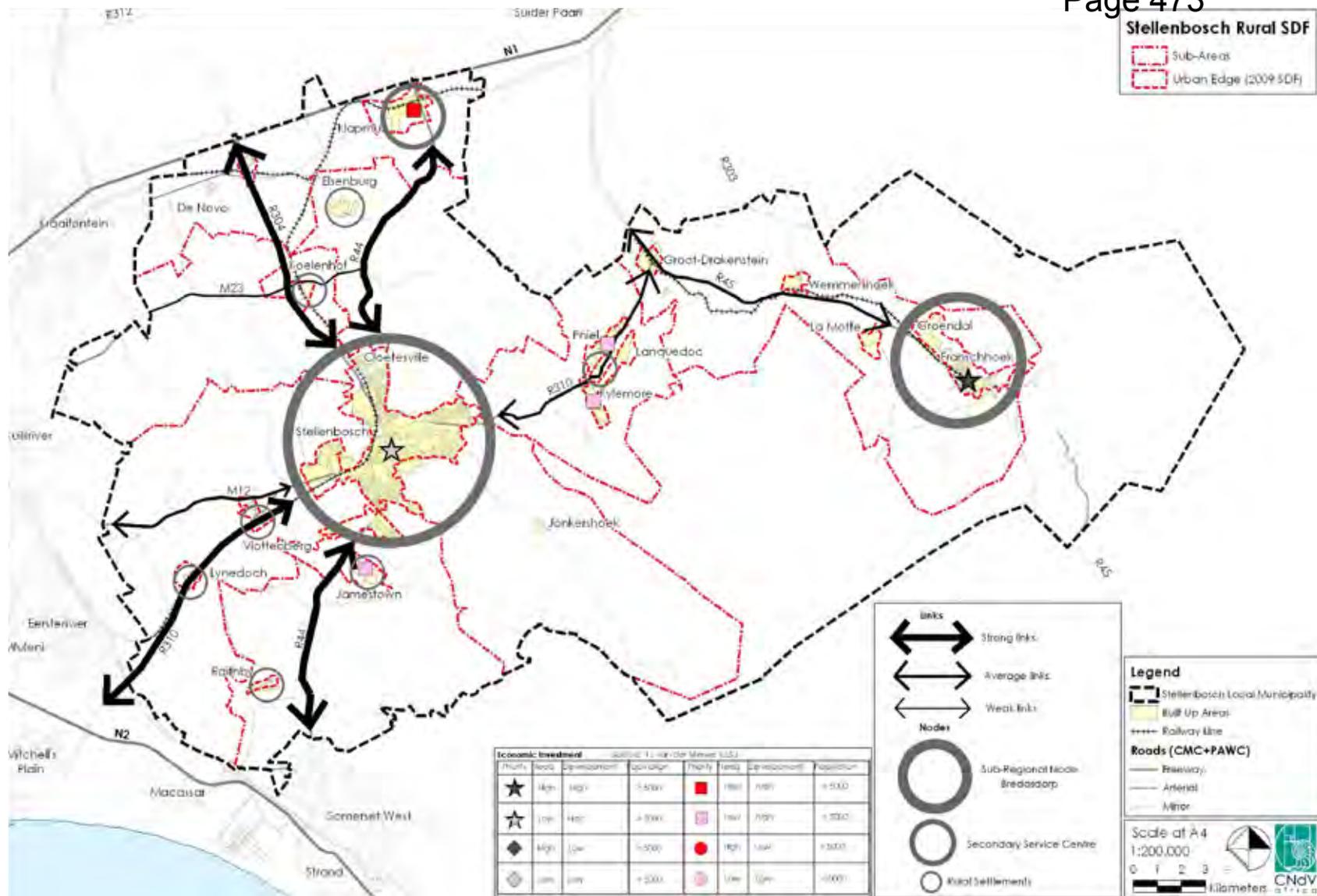


Figure 2. The 2013 Approved Stellenbosch SDF diagram illustrating hierarchy of settlement, linkages and investment priorities

1.4. Process in Preparing the MSDF

Figure 3 illustrates the process for preparing an MSDF in general terms. Broadly, it involves three phases. While the first phase is predominantly analytical, setting out the “status quo” in relation to spatial matters concerning the study area, the second and third phases are more creative, encompassing the preparation of the definitive guidelines reflecting policy choices.

The first phase includes a review of higher level plans and policy across spheres of government and sectors, an analysis of the challenges and opportunities in terms of four themes (bio-physical, socio-economic, built environment, and institutional), and the perspectives of citizens and interest groups on issues facing their communities and the municipality as a whole. This phase culminates in a synthesis of key challenges, opportunities, and spatial implications to be addressed in the MSDF.

The analysis phase is followed by preparing a spatial concept for the future spatial development and management of the MSDF area (based on a vision related to the synthesis of key challenges and key opportunities). The concept is then elaborated into a fully-fledged MSDF plan or plans indicating where various activities should occur in space and in what form. The third broad phase comprises preparation of an implementation framework, including detailed plans, programmes, guidelines, projects and actions, across services and sectors of society. The implementation framework also aligns government capital investment and budgeting processes moving forward from a spatial perspective.

The SM’s current work on the MSDF – and the specific investigations in support of the SDF listed in section ... and undertaken since approval of the 2013 and 2017 MSDFs – have taken place with the inputs and oversight of an Integrated Steering Committee (ISC), as prescribed in the Land Use Planning Act (LUPA), and comprising

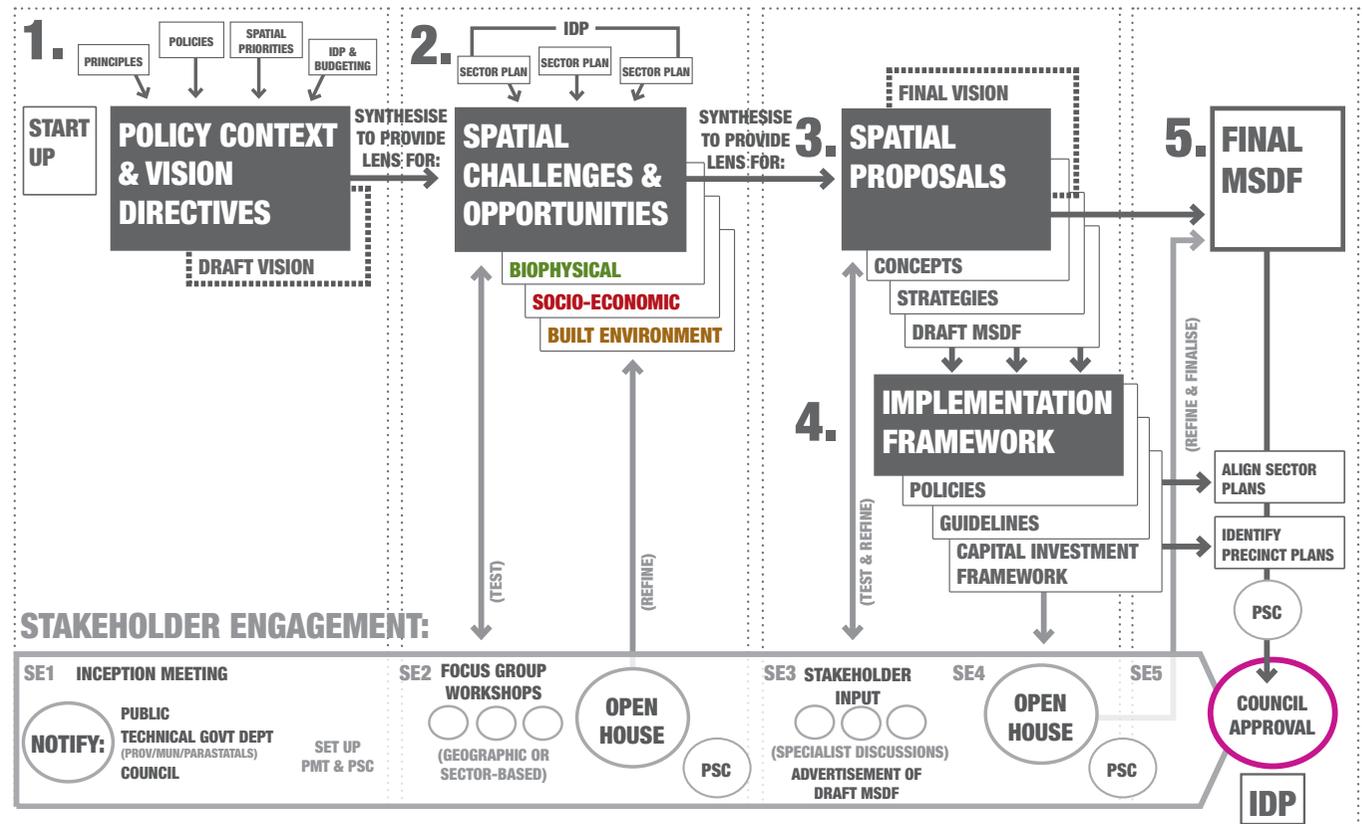


Figure 3. The SDF Process (from DRDLR’s PLUMA Guidelines, 2014)

representatives across spheres of government and sectors.

During November of 2018 a series area based public meetings were held throughout the municipal area, where the background and spatial concept for the SDF was presented. Inputs received during these meetings are included as Appendix 1. Further, it should be noted that the approved MSDF, as well as specific sector

documents and area studies listed in before and used as inputs to the current MSDF, sought inputs from various organisations and individuals as part of public participation processes undertaken during various stages of preparing these studies.¹

¹ For example, the “Shaping Stellenbosch” initiative involved a facilitated process of engagement between directors of key municipal departments and members of the Mayoral Committee (MAYCO), consultations with all ward councillors, meetings with ward committees and 72 formal engagements with various groups, and four major workshops that were attended by a wide cross-section of organisations. By August 2014, a total of over 200 ideas were submitted from around 108 stakeholders to a dedicated web-site.

1.5. Structure of the MSDF

The 2019 SM MSDF is set out in the following parts:

Part 1: Introduction.

Part 2: Legislative and Policy Context

Part 3: Status Quo, Challenges and Opportunities.

Part 4: Vision and Concept.

Part 5: Plans and Settlement Proposals.

Part 6: Implementation Framework.

Part 7: Capital Expenditure Framework.

Part 8: Monitoring and Review .

Appendices of status quo and guideline related information.



Part 2.

Legislative and Policy Context

2. Legislative and Policy Context

The sections below outline key legislative and policy informants of the MSDF.

2.1. Legislative Requirements for MSDFs

2.1.1. Municipal Systems Act

The Municipal Systems Act, 32 of 2000 (MSA) first introduced the concept of a MSDF as a component of the mandatory IDP that every municipality must adopt to govern its allocation of resources. Chapter 5 of the Act deals with integrated development planning and provides the legislative framework for the compilation and adoption of IDPs by municipalities. Within the chapter, section 26(e) specifically requires an SDF as a mandatory component of the municipal IDP. In 2001 the Minister for Provincial and Local Government issued the Local Government: Municipal Planning and Performance Management Regulations. Within these regulations, Regulation 2(4) prescribes the minimum requirements for a MSDF.

2.1.2. Spatial Planning and Land Use Management Act

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

In broad terms, SPLUMA differentiates between two components of the planning system:

- SDFs
- The Land Use Management System (LUMS)

As indicated above, SDFs are guiding and informing documents that indicate the desired spatial form of an area and define strategies and policies to achieve this. They inform and guide the LUMS, which includes town planning or zoning schemes, allocating development rights, and the procedures and processes for maintaining the maintenance of or changes in development rights.

SDFs can be prepared for different spatial domains, for example, the country, a province or region, municipal area (MSDF), or part of a municipal area. Plans for parts of a municipal area are referred to as Local Spatial Development Framework (LSDFs) or Precinct Plans. In terms of SPLUMA, a MSDF covers a longer time horizon (i.e. five years or longer) than spatial plans, and sets out strategies for achieving specific objectives over the medium to longer term. SDFs are not rigid or prescriptive plans that predetermine or try to deal with all eventualities, or sets out complete land use and development parameters for every land portion or cadastral entity. They should, however, contain sufficient clarity and direction to provide guidance to land use management decisions while still allowing some flexibility and discretion. MSDFs need to distinguish between critical non-negotiables and fixes, and what can be left to more detailed studies. They should be based on normative principles including performance principles that form the basis of monitoring and evaluation of impacts.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles, outlined in more detail in Table 1, include the redress of spatial injustices and the integration of socio-economic and environmental considerations

in land use management to balance current development needs with those of the future generations in a transformative manner. SPLUMA reinforces and unifies the National Development Plan (NDP) in respect of using spatial planning mechanisms to eliminate poverty and inequality while creating conditions for inclusive growth by seeking to foster a high-employment economy that delivers on social and spatial cohesion.

Chapter 4 of SPLUMA provides requirements for the preparation of SDFs, which includes stipulations regarding the process of preparing a SDF and the contents of an SDF. All spheres of government must prepare SDFs that establish a clear vision for spatial development, based on a thorough inventory and analysis and underpinned by national spatial planning principles and local long-term development goals and plans. Sub-section 12(2) of SPLUMA requires that all three spheres must participate in each other's processes of spatial planning and land use management and each sphere must be guided by its own SDF when taking decisions relating to land use and development.

Section 12 (1) of sets out general provisions which are applicable to the preparation of all scales of SDFs. These provisions require that all SDFs must:

- Interpret and represent the spatial development vision of the responsible sphere of government and competent authority.
- Be informed by a long-term spatial development vision.
- Represent the integration and trade-off of all relevant sector policies and plans.
- Guide planning and development decisions across all sectors of government.
- Guide a provincial department or municipality in taking any decision or exercising any discretion in terms of the Act or any other

law relating to spatial planning and land use management systems.

- Contribute to a coherent, planned approach to spatial development in the national, provincial and municipal spheres.
- Provide clear and accessible information to the public and private sector and provide direction for investment purposes.
- Include previously disadvantaged areas, areas under traditional leadership, rural areas, informal settlements, slums and land holdings of state-owned enterprises and government agencies and address their inclusion and integration into the spatial, economic, social and environmental objectives of the relevant sphere.
- Address historical spatial imbalances in development.
- Identify the long-term risks of particular spatial patterns of growth and development and the policies and strategies necessary to mitigate those risks.
- Provide direction for strategic developments, infrastructure investment, promote efficient, sustainable and planned investments by all sectors.

SDFs should include:

- A report on and an analysis of existing land use patterns.
- A framework for desired land use patterns.

Existing and future land use plans, programmes and projects relative to key sectors of the economy.

Mechanisms for identifying strategically located vacant or under-utilised land and for providing access to and the use of such land.

The time frames for the preparation of a MSDP overlaps with that of the municipal IDP. At the municipal level, IDPs, which include budget projections, financial and sector plans, are set

Table 1. SPLUMA Principles

Principle	Meaning
SPATIAL JUSTICE:	<ul style="list-style-type: none"> • Past spatial and other development imbalances must be redressed through improved access to and use of land. • SDFs (and associated policies) must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, and areas characterised by widespread poverty and deprivation. • Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons. • Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements. • Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas. • In considering an application, a Municipal Planning Tribunal may not be impeded or restricted in the exercise of its discretion solely because the value of land or property is affected by the outcome of the application.
SPATIAL EFFICIENCY:	<ul style="list-style-type: none"> • Land development must optimise the use of existing resources and infrastructure. • Decision-making procedures must be designed to minimise negative financial, social, economic or environmental impacts. • Development application procedures must be efficient, streamlined, and timeframes adhered to by all parties.
SPATIAL SUSTAINABILITY:	<ul style="list-style-type: none"> • Only land development that is within the fiscal, institutional and administrative means of government may be promoted. • Special consideration must be given to the protection of prime and unique agricultural land. • Land use issues must be dealt consistently in accordance with environmental management instruments. • Land use management and planning must promote and stimulate the effective and equitable functioning of land markets. • Current and future costs to all parties must be considered when providing infrastructure and social services for land developments. • Land development should only be promoted in locations that are sustainable, limit urban sprawl, and result in communities that are viable.
SPATIAL RESILIENCE:	<ul style="list-style-type: none"> • Spatial plans, policies and land use management systems must be flexible to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.
GOOD ADMINISTRATION:	<ul style="list-style-type: none"> • All spheres of government must ensure an integrated approach to land use and land development. • All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of SDFs. • The requirements of any law relating to land development and land use must be met timeously. • The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, must include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them. • Policies, legislation and procedures must be clearly set out in a manner which informs and empowers the public.

every five years correlating with political terms of office in local government. MSDFs should be subject to a major review every five years, with less comprehensive reviews annually.²

In support of SPLUMA, the Department of Rural Development and Land Reform prepared detailed process and content “Guidelines for the Development of Provincial, Regional and Municipal Spatial Development Frameworks and Precinct Plans”. The SM follows these guidelines in its work on the MSDF.

2.1.3. National Environmental Management Act

Similar to SPLUMA, the National Environmental Management Act, Act 107 of 1998 (NEMA), is identified as “framework legislation”, intended to define overarching and generally applicable principles to guide related legislation as well as all activities integral to environmental management. Its broad purpose is to provide for co-operative environmental governance by establishing principles for decision-making on matters effecting the environment, institutions that will promote co-operative governance and procedures for coordinating environmental functions exercised by organs of the state, provide for certain aspects of the administration and enforcement of other environmental management laws, and related matters.

NEMA is critical in so far as the issues of environmental sustainability, resilience to climate change, and wise use of the natural resource base, are key to the current and future socio-economic wellbeing of residents in the municipal area. This is especially so because of the fact

that sectors such as agriculture and tourism, which all rely to a great extent on the natural assets of the area, remain of great importance to the local economy and are likely to do so in future. In this regard, the National Environmental Management Principles are important and are to be applied in

² This does prevent the SDF from preparing a longer term spatial development vision, projecting ten to twenty years into the future.

tandem with the development principles set out in SPLUMA. It is also notable that both SPLUMA and NEMA provide for an integrated and coordinated approach towards managing land use and land development processes. This approach is based on co-operative governance and envisages the utilization of spatial planning and environmental management “instruments” such as SDFs and environmental management frameworks to align the imperatives of enabling development whilst ensuring that biodiversity and other critical elements of the natural environment are adequately protected to ensure sustainability.

2.1.4. The Western Cape Government Land Use Planning Act

The Western Cape Government (WCG), through the Land Use Planning Act 3 of 2014 (LUPA), has adopted its own legislation to consolidate the legal requirements that relates to spatial planning and public investment in the Western Cape. There is some overlap between SPLUMA and LUPA with regard to aspects such as the content and process of preparing and adopting a MSDF. In terms of LUPA, a MSDF must:

- Comply with other applicable legislation.
- Promote predictability in the utilisation of land.
- Address development priorities.
- Where relevant, provide for specific spatial focus areas, including towns, other nodes, sensitive areas, or areas experiencing specific development pressure.
- Consist of a report and maps covering the whole municipal area, reflecting municipal planning and the following structuring elements:
 - Transportation routes.
 - Open space systems and ecological corridors.
 - Proposed major projects of organs of state with substantial spatial implications.

- Outer limits to lateral expansion.
- Densification of urban areas.

LUPA also sets out the minimum institutional arrangements for preparing SDFs, enabling participation across spheres of government and sectors.

2.2. Policy Context for SDFs

Numerous policy frameworks focus the work of government holistically, the spatial arrangement of activities or specific sectors. These are explored fully in the SM IDP. In the sections below, only key spatial policy informants are summarised, namely the National Development Plan (NDP), the national Integrated Urban Development Framework (IUDF), the WCG’s Provincial Spatial Development Framework (PSDF), the Greater Cape Metro (GCM) Regional Spatial Implementation Framework (RSIF), and the SM IDP. A fuller set of applicable policy is attached in table form as Appendix A.

2.2.1. The National Development Plan 2030

The National Development Plan 2030 (NDP), developed by the National Planning Commission and adopted in 2012, serves as the strategic framework guiding and structuring the country’s development imperatives and is supported by the New Growth Path (NGP) and other national strategies. In principle, the NDP is underpinned by, and seeks to advance, a paradigm of development that sees the role of government as enabling by creating the conditions, opportunities and capabilities conducive to sustainable and inclusive economic growth. The NDP sets out the pillars through which to cultivate and expand a robust, entrepreneurial and innovative economy that will address South Africa’s primary challenge of significantly rolling back poverty and inequality by 2030.

The legacy of apartheid spatial settlement patterns that hinder inclusivity and access to economic opportunities, as well as the poor location and

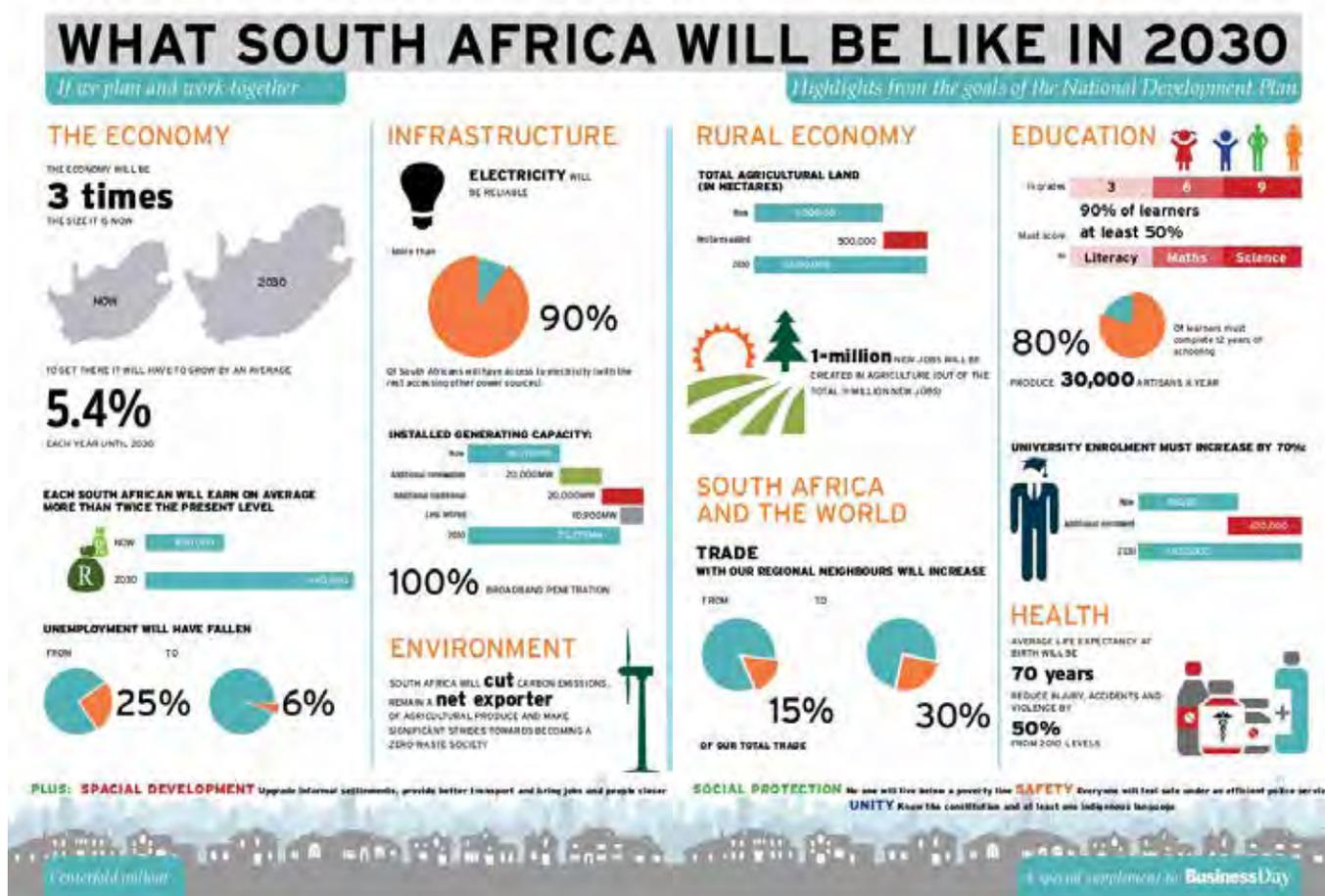


Figure 4. The National Development Plan Vision for 2030

under-maintenance of major infrastructure, are two of the nine identified core challenges facing the country's development. Aimed at facilitating a virtuous cycle of expanding opportunity for all, the NDP proposes a program of action that includes the spatial transformation of South Africa's towns, cities and rural settlements given the "enormous social, environmental and financial costs imposed by spatial divides".

Of particular relevance for the SM MSDF are the recommendations set out in Chapter 8: Transforming Human Settlements and the National

Space Economy, including the upgrading of all informal settlements on suitable, well-located land; increasing urban densities to support public transport and reduce sprawl; promoting mixed housing strategies and compact urban development in close proximity to services and livelihood opportunities; and investing in public transport infrastructure and systems (with a special focus on commuter rail) to ensure more affordable, safe, reliable and coordinated public transport.

The Integrated Urban Development Framework (IUDF), approved by National Cabinet in 2016, aims to steer urban growth nationally towards a sustainable model of compact, connected and coordinated towns and cities. The IUDF provides a roadmap to implement the NDP's vision for spatial transformation, creating liveable, inclusive and resilient towns and cities while reversing apartheid spatial legacy. To achieve this transformative vision, four overall strategic goals are introduced:

- Spatial integration; to forge new spatial forms in settlement, transport, social and economic areas.
- Inclusion and access; to ensure people have access to social and economic services, opportunities and choices.
- Growth; to harness urban dynamism for inclusive, sustainable economic growth and development.
- Governance; to enhance the capacity of the state and its citizens to work together to achieve spatial and social integration.

These strategic goals inform the priority objectives of nine policy levers, premised on the understanding that integrated urban planning forms the basis for achieving integrated urban development, which follows a special sequence of urban policy actions. Integrated transport needs to inform targeted investments into integrated human settlements, underpinned by integrated infrastructure network systems and efficient land governance. The IUDF states that, taken all together, these levers can trigger economic diversification, inclusion and empowered communities, if supported by effective governance and financial reform.

2.2.3. The WCG Provincial Spatial Development Framework

The WCG's Provincial Spatial Development Framework (PSDF) sets out to:

- Address the lingering spatial inequalities that persist because of apartheid's legacy – inequalities that contribute both to current challenges (lack of jobs and skills, education and poverty, and unsustainable settlement patterns and resource use) and to future challenges (climate change, municipal fiscal stress, food insecurity, and water deficits).
- Provide a shared spatial development vision for both the public and private sectors and to guide to all sectoral considerations about space and place.
- Direct the location and form of public investment and to influence other investment decisions by establishing a coherent and logical spatial investment framework.

The spatial agenda advocated by the PSDF is summarised in Table 2.

The PSDF sets out the key strategic spatial transitions required to achieve a more sustainable use of provincial assets, the opening-up of opportunities in the space-economy and the development of integrated and sustainable settlements. These are summarised in Table 3.

The PSDF includes a composite map which graphically portrays the Western Cape's spatial agenda. In line with the Provincial spatial policies, the map shows what land use activities are suitable in different landscapes and highlights where efforts should be focused to grow the Provincial economy. For the agglomeration of urban activity, the Cape Metro functional region, which includes the SM, as well as the emerging regional centres of the Greater Saldanha functional region and the George/ Mossel Bay functional region, is prioritised.

Table 2. The PSDF Spatial Agenda

Focus	What it Involves
<p>GROWING THE WESTERN CAPE ECONOMY IN PARTNERSHIP WITH THE PRIVATE SECTOR, NON-GOVERNMENTAL AND COMMUNITY BASED ORGANISATIONS</p>	<ul style="list-style-type: none"> • Targeting public investment into the main driver of the Provincial economy (i.e. the Cape Metro functional region, the emerging Saldanha Bay/ Vredenburg and George/ Mossel Bay regional industrial centres, and the Overstrand and Southern Cape leisure and tourism regions). • Managing urban growth pressures to ensure more efficient, equitable and sustainable spatial performance. • Aligning, and coordinating public investments and leveraging private sector and community investment to restructure dysfunctional human settlements. • Supporting municipalities in managing urban informality, making urban land markets work for the poor, broadening access to accommodation options, and improving living conditions. • Promoting an urban rather than suburban approach to settlement development (i.e. diversification, integration and intensification of land uses). • Boosting land reform and rural development, securing the agricultural economy and the vulnerability of farm workers, and diversifying rural livelihood and income earning opportunities.
<p>USING INFRASTRUCTURE INVESTMENT AS PRIMARY LEVER TO BRING ABOUT THE REQUIRED URBAN AND RURAL SPATIAL TRANSITIONS</p>	<ul style="list-style-type: none"> • Aligning infrastructure, transport and spatial planning, the prioritisation of investment and on the ground delivery. • Using public transport and ICT networks to connect markets and communities. • Transitioning to sustainable technologies, as set out in the WCIF. • Maintaining existing infrastructure.
<p>IMPROVING OVERSIGHT OF THE SUSTAINABLE USE OF THE WESTERN CAPE'S SPATIAL ASSETS</p>	<ul style="list-style-type: none"> • Safeguarding the biodiversity network and functionality of ecosystem services, a prerequisite for a sustainable future. • Prudent use of the Western Cape's precious land, water and agricultural resources, all of which underpin the regional economy. • Safeguarding and celebrating the Western Cape's unique cultural, scenic and coastal resources, on which the tourism economy depends. • Understanding the spatial implications of known risks (e.g. climate change and its economic impact, sea level rise associated with extreme climatic events) and introducing risk mitigation and/or adaptation measures.

Table 3. The key PSDF Transitions

PSDF THEME	FROM	TO
Resources and Assets (Bio-Physical Environment)	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
Opportunities in the Space Economy (Socio-Economic Environment)	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
Integrated and Sustainable Settlements (Built Environment)	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service	

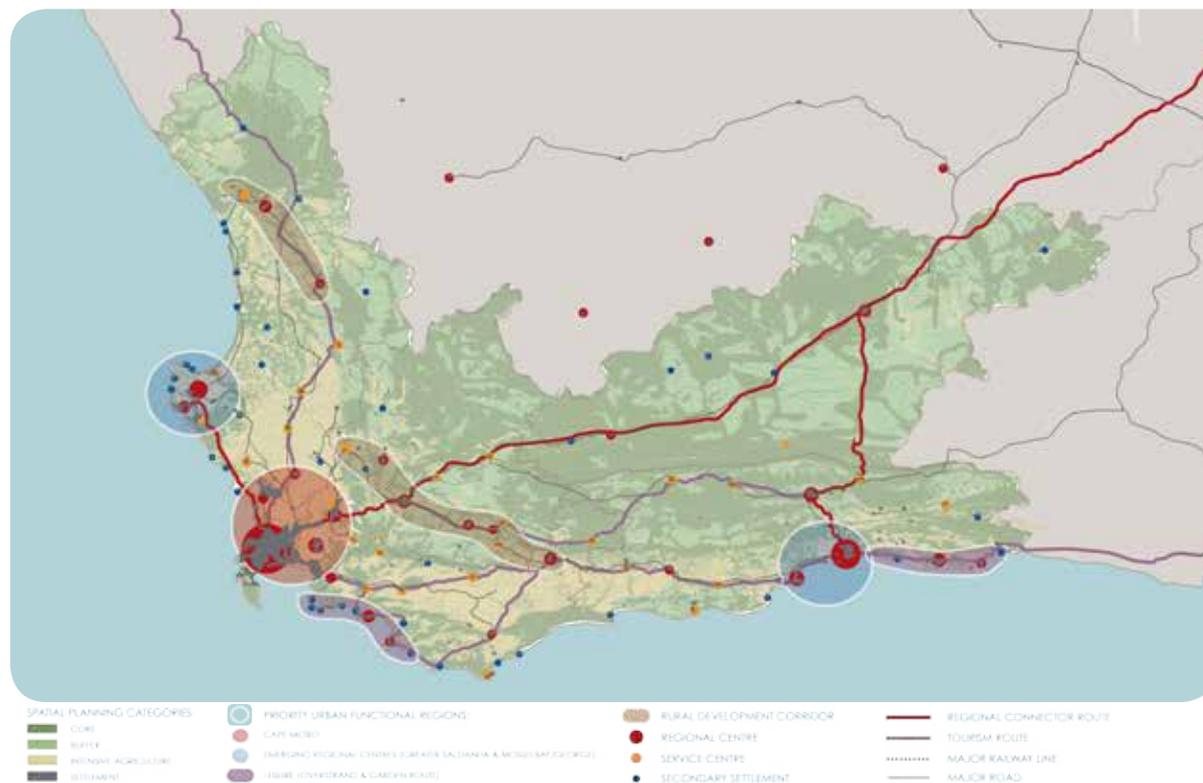


Figure 5. Consolidated PSDF Framework 2014

2.2.4. The Greater Cape Metro Regional Spatial Implementation Framework

The Greater Cape Metro (GCM) Regional Spatial Implementation Framework (RSIF), completed under the guidance of the WCG in 2017, aims to build consensus between the spheres of government and state-owned companies on what spatial outcomes the GCM should strive for, where in space these should take place, and how they should be configured. The GCM covers the municipal jurisdictions of Cape Town, Saldanha Bay, Swartland, Drakenstein, Stellenbosch, Breede Valley, Theewaterskloof, and Overstrand.

The regional settlement concept proposed by the GCM RSIF is built on the following key tenets:

- Containing settlement footprints by curtailing the further development of peripheral dormitory housing projects.
- Targeting built environment investments within regional centres, specifically in nodes of high accessibility and economic opportunity.
- Targeting these locations for public and private residential investment, especially rental housing, to allow for maximum mobility between centres within the affordable housing sector.
- Using infrastructure assets (specifically key movement routes) as “drivers” of economic development and job creation.
- Promoting regeneration and urban upgrading within strategic economic centres as well as high-population townships across the functional region.
- Shifting to more urban forms of development within town centres including higher densities and urban format social facilities.
- Connecting these nodes within an efficient and flexible regional public transport and freight network.
- Maintaining valuable agricultural and nature assets.

In terms of role and function, Paarl and Wellington is designated as the Northern Winelands service, administrative, tertiary education, agri-processing and distribution, and tourist centre, with very high or high growth potential. Stellenbosch is designated as the Southern Winelands service, administrative, tertiary education and research, and agri-processing centre, as well as home to multi-national enterprise headquarters, a key tourism destination, and focus for technology industry, with very high growth potential.

In relation to Klapmuts, the RSIF recognises that:

- Existing infrastructure in the area (i.e. the N1, R101, R44 and the Paarl-Bellville railway line and station), which dictate the location of certain transport, modal change or break-of-bulk land uses.
- Klapmuts is a significant new regional economic node within metropolitan area and spatial target for developing a “consolidated platform for export of processed agri-food products (e.g. inland packaging and “containerisation port”) and “an inter-municipal growth management priority”.

Figure 6 illustrates the GCM RSIF in plan form.

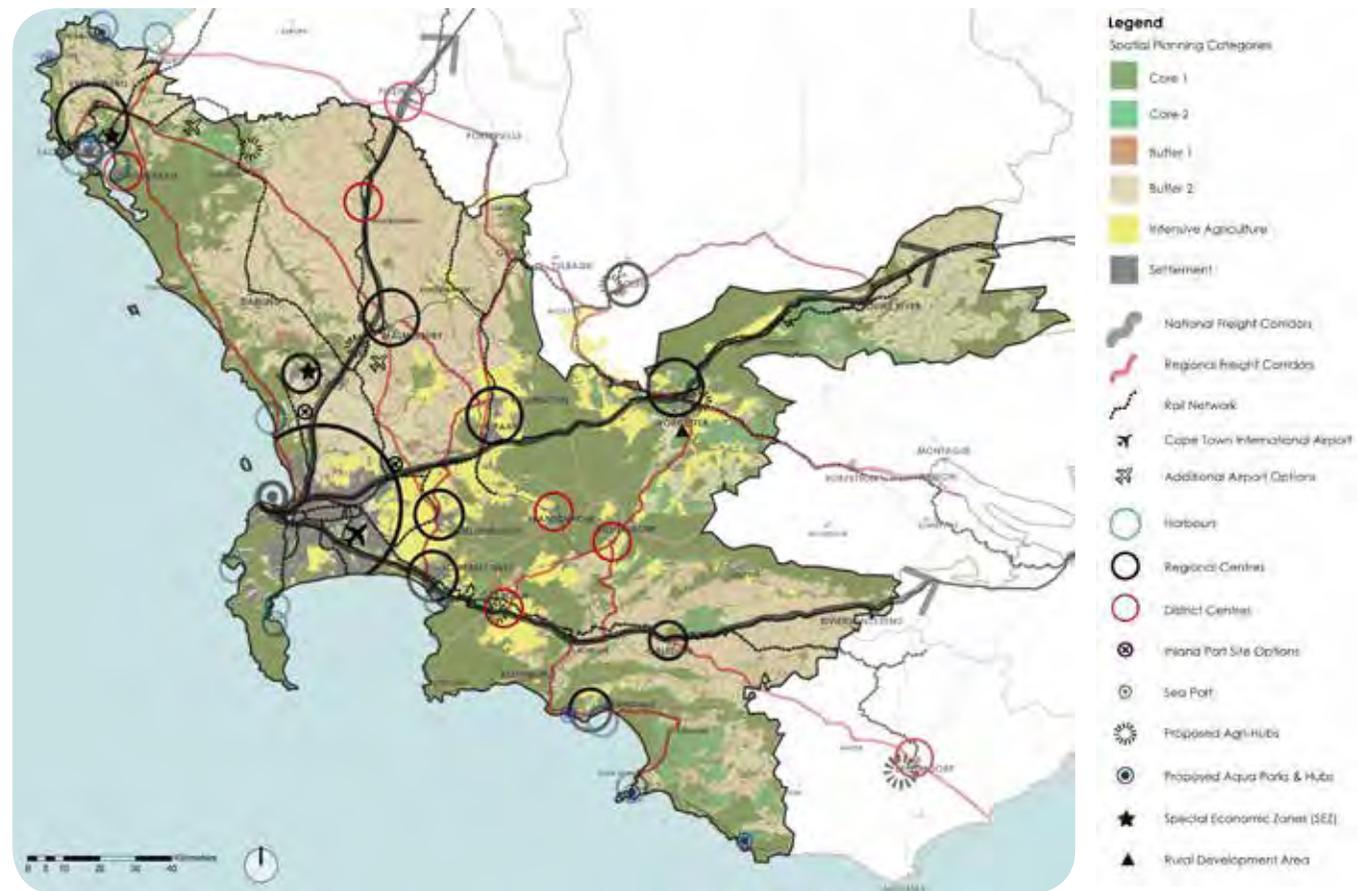


Figure 6. Composite GCM RSIF 2017 (DEA&DP 2017)

2.2.5. SM Integrated Development Plan

The SM Integrated Development Plan 2017-2022 (IDP) is aimed at coordinating the efforts of various municipal departments in achieving the vision for the municipality as a “valley of opportunity and innovation”. Efforts to achieve this vision are channeled into five specific focus areas:

- Valley of possibility – aimed at attracting investment, growing the economy and employment.
- Green and sustainable valley – aimed at ensuring that the asset base of the municipality is protected and enhanced.
- Safe Valley – aimed at ensuring that its residents are and feel safe.
- Dignified living – aimed at improving conditions for residents through access to education and economic opportunities.
- Good governance – aimed at ensuring that municipality is managed efficiently and effectively to the benefit of all stakeholders .

Budget expenditure is closely linked to these focus areas and achieving these outcomes. Table 4 illustrates how the MSDF will contribute, in terms of its focus and contribution, to achieving the aims articulated for each strategic focus area.

Table 4. IDP Strategic Focus Areas and the MSDF

IDP STRATEGIC FOCUS AREA	RELATED CONCERNS OF THE SDF	SDF STRATEGIC DIRECTION
Valley of possibility	The way settlements, nature and agricultural areas are spatially developed and managed to enhance individual and collective livelihood opportunities and enterprise development, and overcome inequity and exclusion.	<ul style="list-style-type: none"> • Containment of settlements to protect nature/ agricultural areas and enable public and non-motorized transport and movement. • A focus on public and non-motorized transport and movement.
Green and sustainable valley	The way settlements, nature and agricultural areas are spatially developed and managed to maintain and enhance natural resources and ensure future balance between human settlement and its use of natural resources and opportunity.	<ul style="list-style-type: none"> • Protection of nature areas, agricultural areas, and river corridors.
Safe valley	The way settlements, nature and agricultural areas are spatially developed and managed to ensure individual and collective safety in living, in movement, at work, institutions, and play.	<ul style="list-style-type: none"> • Denser settlements with diverse activity to ensure surveillance.
Dignified living	The way settlements, nature and agricultural areas are spatially developed and managed to ensure equal access to shelter, facilities and services, notwithstanding material wealth, age, gender, or physical ability.	<ul style="list-style-type: none"> • A specific focus on the needs of “ordinary” citizens, experiencing limited access to opportunity because of restricted available material resources.
Good governance and compliance	The way settlements, nature and agricultural areas are spatially developed and managed to ensure individual and collective participation – based on accessible information and open processes – in matters related to spatial planning and land use management.	<ul style="list-style-type: none"> • Presenting information, including opportunities and choices in a manner that assists its internalization by all.

2.3. Policy implications

The table below sets out key policy imperatives for the MSDF in summary form, drawn from higher level policy directives and organised in relation to broad themes of enquiry identified in the SPLUMA guidelines.

Table 5. Policy Implications

THEME	SUB-THEME	IMPLICATIONS FOR THE SM SDF	
Biophysical Environment	Biodiversity and ecosystem services	<ul style="list-style-type: none"> Protection and extension of Critical Biodiversity Areas, protected, and vulnerable areas. Precautionary approach to climate change and sea level rise. Responsible water use. Protection of water resources. Protection of valuable soils for agriculture. 	<ul style="list-style-type: none"> Protection of mineral resources for possible extraction. Energy efficiency and change to alternative fuels. Waste minimization and recycling. Retaining the essential character and intactness of wilderness areas.
	Water		
	Soils and mineral resources		
	Resource consumption and disposal		
	Landscape and scenic assets		
Socio-Economic Environment	Regional and municipal economic infrastructure	<ul style="list-style-type: none"> Developing and maintaining infrastructure as a basis for economic development and growth The protection of agricultural land, enablement of its use and expansion of agricultural output. Focus on undeveloped and underdeveloped land in proximity to existing concentrations of activity and people and as far as possible within the existing footprint of settlements. The protection and expansion of tourism assets. The expansion of entrepreneurial opportunity (also for emergent entrepreneurs). 	<ul style="list-style-type: none"> Focus resources in those areas that have both high or very high growth potential, as well as high to very high social need. Better linkages between informal settlements/ poorer areas and centres of commercial/ public activity. A richer mix of activities in or proximate to informal settlements (including employment opportunity). The protection and expansion of tourism assets. The expansion of entrepreneurial opportunity (also for emergent entrepreneurs).
	Rural space-economy		
	Settlement space-economy		
Built Environment	Sense of place and settlement patterns	<ul style="list-style-type: none"> The protection of places and buildings of heritage/ cultural value (while ensuring reasonable public access, also as a means of economic development). A focus on public transport to ensure user convenience and less dependence on private vehicles (there is a recognition that many citizens will never afford a private vehicle and that the use of private vehicles has significant societal costs). Compact, denser development. Pedestrian friendly development. 	<ul style="list-style-type: none"> A focus on improving and expanding existing facilities (schools, libraries, and so on) to be more accessible and offer improved services. The significance of well-located and managed public facilities as a platform for growth, youth development, increased wellness, safety, and overcoming social ills. The clustering of public facilities to enable user convenience and efficient management. The upgrading of informal settlements. Housing typologies which meet the different needs of households and income groups.
	Accessibility		
	Land use and density		
	Facilities and social services		
	Informality, housing delivery, inclusion and urban land markets		
Governance	Way of work	<ul style="list-style-type: none"> A more coordinated and integrated approach in government planning, budgeting and delivery. Partnering with civil society and the private sector to achieve agreed outcomes (as reflected in the IDP and associated frameworks/ plans). 	<ul style="list-style-type: none"> Active engagement with communities in the planning, resourcing, prioritization, and execution of programmes and projects.



Part 3.

Status Quo, Issues, Challenges and Opportunities

3. Status Quo, Issues, Challenges and Opportunities

The sections below outline the status quo in SM in relation to the themes identified in the SPLUMA guidelines, and identifies specific challenges and opportunities informing the MSDF.

3.1. Biophysical Environment

3.1.1. Attributes

The attributes of the biophysical environment listed below have been summarised from the draft Stellenbosch Environmental Management Framework 2018 (SEMF) as well as the draft SM Rural Area Plan (RAP) dated June 2018. These reports can be referenced for further detailed information.

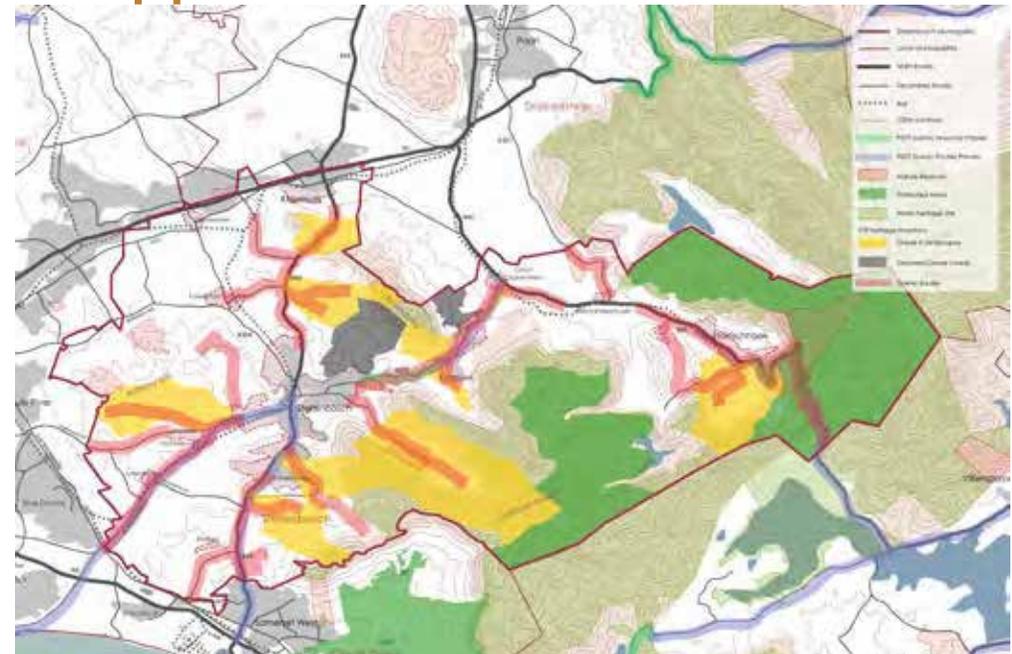


Figure 7. Scenic landscape elements and conserved landscaped/biophysical areas

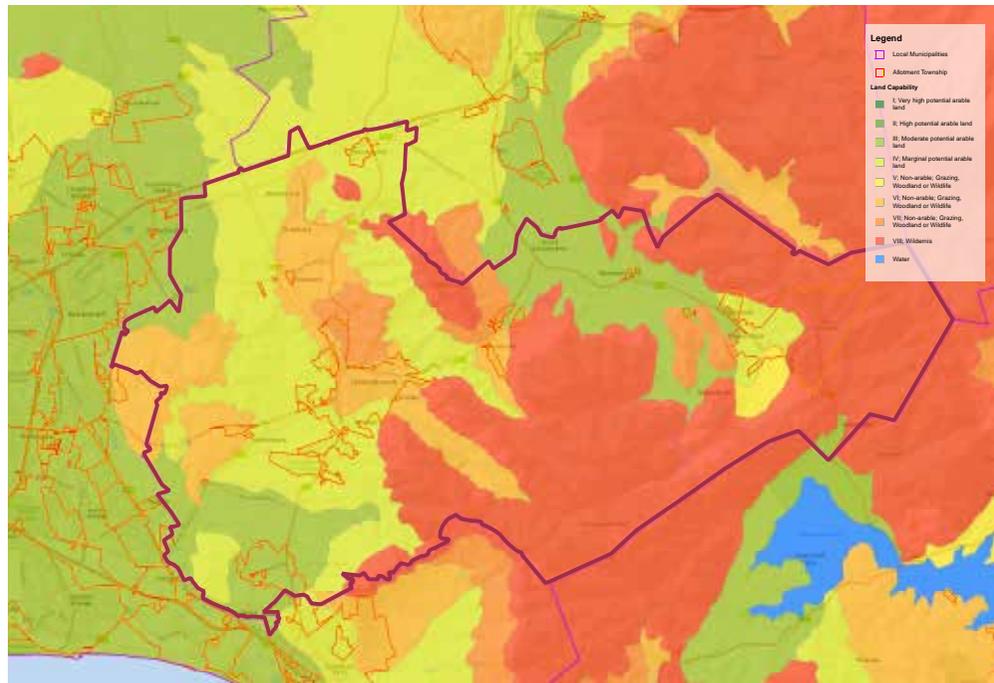


Figure 8. Land capability (Cape Farm Mapper)

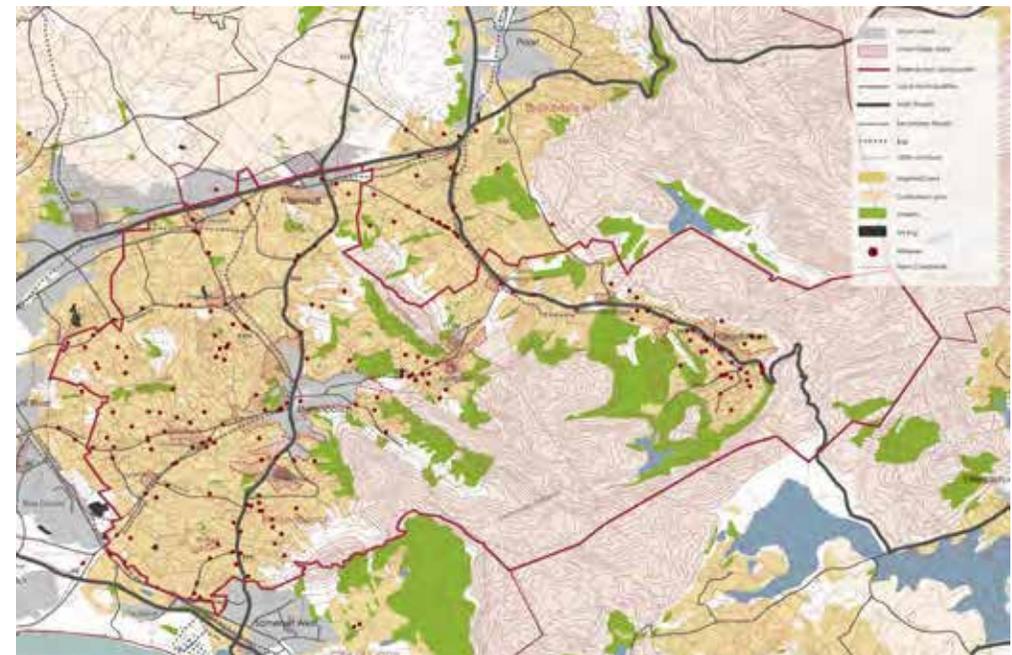


Figure 9. Rural landscape activities

Table 6. Stellenbosch's Biophysical context - key attributes summarised

THEME	ATTRIBUTES	
Nature and Scenic Areas	<ul style="list-style-type: none"> Significant portions of SM fall within globally recognized biosphere areas and designated public and private conservation areas. Eleven public conservation areas cover some 28 741ha or 34,6% of the municipal area, with a further 3 000ha managed as private conservation areas. 	<ul style="list-style-type: none"> The SM's landscape consisting of a series of valleys on a base of rolling hills to the west culminating in steep and dramatic mountain backdrops to the east and south-east, highly valued for its scenic beauty and sense of place. This landscape, which comprises the natural and human-made, has been assessed and graded in terms of its heritage significance and some of the landscape units identified, e.g. the Idas Valley has been classified as a Grade I area, i.e. of national importance (Stellenbosch Heritage Inventory, 2018).
Water Resources	<ul style="list-style-type: none"> A large portion of the mountainous south east of the SM is defined as a Strategic Water Source Area (SWSA). (SWSAs supply a disproportionate amount of mean annual runoff to a geographical region of interest. They form the ecological infrastructure on which most of built infrastructure for water services depends. Investing in SWSAs is also an important mechanism for long-term adaptation to the effects on climate change on water provision growth and development.) The Eerste River and Franschhoek River are the two important river systems in the municipal area, providing a source of water, recreation, contributing to the sense of place and assisting with storm water drainage. The Franschhoek River flows into the Upper Berg River system. 	<ul style="list-style-type: none"> The upper sections of the Eerste and the Berg Rivers are relatively pristine while most of the rivers located in the intensively cultivated and built-up areas of Stellenbosch, Franschhoek, Pniel and Klipmuts are largely modified and degraded. As an example, the Plankenbrug River is highly polluted owing to uncontrolled discharge of pollutants from settlements and agriculture along its course.
Flora	<ul style="list-style-type: none"> SM falls within the Cape Floral Kingdom, internationally recognised as one of the six floral kingdoms of the world (occupying 0,06% of the earth's surface). The Cape Floral Kingdom is the only floral kingdom contained within a single country and characterised by its exceptional richness in plant species and its endemism. Critical and vulnerable habitats are mostly found in the mountainous south-eastern parts of the municipality, where large tracts of land are already formally protected. However, within the municipal area nearly all the remaining vegetation is Critically Endangered or Vulnerable. 	<ul style="list-style-type: none"> This area is the habitat of Mountain Fynbos, considered less threatened. This area is also included in the Cape Floral Region Protected Areas World Heritage Site (part of the World Heritage List of UNESCO and the Cape Winelands Biosphere Reserve). The Simonsberg and parts of the Bottelary hills have also been identified as CBAs, with the latter containing the last remnants of Sand Plain and Renosterveld Fynbos, which naturally occur to the west of the municipal area, but have been virtually obliterated by agriculture.
Fauna	<ul style="list-style-type: none"> Most of the wildlife of the SM is confined to the mountainous nature area to the south-east, with the fauna consisting of endemic invertebrates, fish, amphibians and reptiles, birds, and mammals. 	<ul style="list-style-type: none"> Certain indigenous fish species (including the Witvis and Berg River Redfin), which occur in this system, are critically endangered.
Agriculture	<ul style="list-style-type: none"> The greater part of the municipality comprises high to medium potential soils, capable of efficient agricultural production, and constitutes some of the country's highest yielding agricultural land (in terms of income and employment generation). The deeper soils, located around Stellenbosch town, Franschhoek and along major routes, are potentially the best soils for arable agriculture. These are also the areas likely to face the most pressure for urban development. There are approximately 23 000ha of land under cultivation comprising approximately 3 000ha of dryland crops, (mainly vineyards and orchards) and approximately 19 000ha of land under irrigation. Approximately 16 000ha are under vineyards, with approximately 4700ha of land used for grazing (mainly cattle and horses). The irrigated vineyards and orchard blocks mostly found in the western parts of the municipality and in the Dwars River and Franschhoek valleys, represent a significant investment in agricultural infrastructure and productivity. 	<ul style="list-style-type: none"> The total extent of land under cultivation varies marginally over time depending on market, climatic, and business cycle conditions. In recent years there appears to have been a slight reduction in land under vineyards in favour of grazing. Between 2000 and 2015 approximately 214ha of agricultural land was lost to development and, in addition, approximately 60ha of agricultural land inside the urban edge was left uncultivated by 2015. The region's extensive agricultural areas, particularly those under vineyards and orchards, also attribute scenic value and character to the region, which is valued by both the local inhabitants and visitors. This is a significant contributor to the value of the area as one of South Africa's premier tourist destinations and there is a strong interdependence between tourism and the wine industry in Stellenbosch.
Municipally Owned Agricultural Land	<ul style="list-style-type: none"> The SM currently owns ±86 agricultural units comprised 1 680ha in total, of which 76 are encumbered by long term lease agreements. Of these land units, 432ha have water rights. Of the 76 land parcels currently under lease agreements, six individuals are currently leasing four or more units, totaling 500ha, whilst a further eight individuals are leasing more than one unit, totaling 234ha. 	<ul style="list-style-type: none"> 99% of the rented farm land owned by the SM is located to the south-west of Stellenbosch in the Spier corridor. 60% of this land is rented by two large role-players. Most of the contracts came to an end in 2007 (when it was decided to categorise the farms into lease categories for short-term, medium, and long-term, depending on when the Municipality anticipate that they will need the land). The existing income from land rental is small compared to the total municipal budget (only about R2m per annum) or other income sources.

Table 7. Stellenbosch's Biophysical context - issues and implications

KEY ISSUES	SDF IMPLICATIONS
<ul style="list-style-type: none"> Biodiversity and related ecological services essential to human existence are threatened by the fragmentation of eco-systems, transformation and degradation of land. The most highly modified and polluted sections of rivers in the municipal area are those that run through agricultural and urban areas, where natural buffer areas have been eroded and rivers are impacted by agricultural run-off, over-extraction, storm water and waste water discharge, and the reduced flow resulting from climate change. High potential agricultural land is lost to other land uses, including urban development. The impact of climate change on the natural resource base and agriculture is still unclear, but it is likely to impact on the quality of life and economic base of the municipal area. 	<ul style="list-style-type: none"> <i>The outward growth of settlements should be restricted to prevent the consumption of valuable agricultural and natural environments and associated economic benefits.</i> <i>The efficient use of centrally located land within existing urban areas is critical to prevent the erosion of agricultural and natural assets.</i> <i>The upgrading of existing poorer settlements is essential to prevent the degradation of natural assets.</i> <i>New building and settlement expansion should be limited to already disturbed areas of lowest environmental and agricultural value.</i> <i>New development should consider the impacts of climate change, for example through ensuring sufficient and appropriate landscaping that assists in lowering temperatures. In addition, the creation of attractive urban public spaces and places, where extreme heat is mitigated, will be important for both local residents and the tourism industry.</i>



Figure 10. The impact of the recent severe drought conditions in the Western Cape on grape yields is high, with poor yield years coinciding with moderate or severe drought periods for the wine industry.



Figure 11. Water quality and habitat diversity in the Plankenbrug River have been reduced by stormwater and wastewater discharges from Kayamandi and Stellenbosch. This river has been identified as a high risk area for human health by the 2005 State of the Rivers Report

3.2. Socio-Economic Context

The information presented below is a summary of the status quo investigations prepared as part of the Stellenbosch Urban Development Strategy (UDS) in 2017, the 2017-2022 IDP for Stellenbosch (dated May 2018), the Socio-economic Profile for the Stellenbosch Municipality, published by the WCG in 2017, and the Municipal Economic Review and Outlook published by the WCG Provincial Treasury during 2018.

3.2.1. Attributes

Table 8. Stellenbosch's Socio-Economic context - key attributes summarised

THEME	ATTRIBUTES	
Population	<ul style="list-style-type: none"> SM, despite its relatively smaller land area, has the second largest population in the CWDM, estimated at 176 523 in 2018. The population is expected to reach 190 680 by 2023 (a 8% growth rate off the 2018 base estimate). The municipality's population gender breakdown is relatively evenly split between male and female. SM's population is strongly concentrated within the 20-24 and 25-29 age categories. 	<ul style="list-style-type: none"> In 2011, there were 43 420 households within the municipality. This increased to 52 374 in 2016. The Black African grouping constituted 20,4% of the total population in 2001, 28% in 2011, and considering the projected population, could contribute about 34,1% to the total population in 2021 and 38,3% in 2031. The Coloured grouping contributed 57,5% to the total population in 2001 which decreases, if measured for the same three intervals above, to 52,2%, 48,4% and 45,7% respectively.
Urbanisation	<ul style="list-style-type: none"> In 2001, 67,5% of the total population in the municipal area lived within the urban areas. This percentage increased to 72,1% in 2011 and an estimated 74,2% in 2016. The percentage share of the total population living in urban areas could increase further to 76% by 2021 and to 79% by 2031. In 2021 and 2031, the Black African and Coloured groupings will together comprise more than 80% of the total population, as well as the population residing in urban areas. 	<ul style="list-style-type: none"> It is estimated that 91% of the people living in the urban areas of the municipality in 2031 will reside in Stellenbosch town, Klapmuts or Franschhoek. Almost 59% of the labour force residing in the municipal area lives in Stellenbosch town and Franschhoek.
Integration and Inequality	<ul style="list-style-type: none"> The degree of racial segregation in SM is very high (just below that of Overstrand Municipality, which has the highest value of all local municipalities in South Africa). 	<ul style="list-style-type: none"> The SM had a GINI coefficient of 6,2 in 2016, which is higher than that of the Cape Winelands District and the Western Cape Province as a whole.
Education	<ul style="list-style-type: none"> The literacy rate in SM was recorded at 84,9% in 2011 which was higher than the average literacy rates of the CWDM (81,7%) and the rest of South Africa (80,9%). However, it was lower than that of the Western Cape Province (87,2%). The learner-teacher ratio within SM remained below 30 learners per teacher between 2012 and 2014 but deteriorated to 33 learners per teacher in 2015. Factors influencing the learner teacher ratio include the ability of schools to employ more educators when needed and the ability to collect fees. The drop-out rate for learners within SM that enrolled from Grade 10 in 2014 to Grade 12 in 2016 was 23%. These high levels of high school drop-outs are influenced by a wide array of 	<ul style="list-style-type: none"> socio-economic factors including teenage pregnancies, availability of no-fee schools, indigent households and unemployment. SM had 39 schools in 2016, accommodating 26 085 learners at the start of 2016. The total number of learners appears to have stabilised since 2014. Given a challenging economic context, schools have been reporting an increase in parents being unable to pay their school fees. The proportion of no-fee schools have dropped somewhat between 2015 and 2016, to 64,1%.
Poverty	<ul style="list-style-type: none"> Approximately 53,1% of households in SM fall within the low income bracket, of which 20,4% have no income. Less than 50% of households fall within the middle to higher income categories, split between 35,6% in middle income group and 11,5% in the higher income group. 	<ul style="list-style-type: none"> The number of indigent citizens in SM increased between 2014 and 2015. The intensity of poverty, i.e. the proportion of poor people that are below the poverty line within the municipal area, decreased from 42,1% in 2011 to 39,8% in 2016.

Table 9. Stellenbosch's Socio-Economic context - key attributes summarised (cont.)

THEME	ATTRIBUTES	
Health	<ul style="list-style-type: none"> SM has a mother-to-child HIV transmission rate of 2,6%, higher than the 1,7% District and the 1,4% Provincial rate. The TB patient load had a slight decrease in 2015/ 16. The number of malnourished children under five years in the CWDM in 2015 was 1,4 per 100 000 children. SM's rate currently at 0,4. The District's neonatal mortality rate of 6,5 is higher than the Province's 2019 target of 6,0 per 1000 live births. Stellenbosch's rate at 2,2 is lower than the District rate and the Provincial target and has improved from the 2014 rate of 4,0. In the CWDM, 15,0% of babies born were underweight. At 9,0%, Stellenbosch's rate is lower than that of the District and the Province (14,5%). 	<ul style="list-style-type: none"> SM has a zero maternal mortality ratio. In comparison, the District recorded 46,5 per 100 000 live births. The Province has a maternal mortality ratio target of 65 by 2019. In 2015, the delivery rate to women under 18 years in the District was 6,1%. At 4,3%, Stellenbosch's rate is lower than that of the District. SM's termination of pregnancy rate of 0,4 per 1 000 live births is lower than the District's rate. Overall almost all of the indicators for child and maternal health have improved in the last year which indicates that Stellenbosch is making progress towards reaching its health targets.
Water	<ul style="list-style-type: none"> With the average annual household growth rate exceeding the municipality's ability to provide piped water to households, the proportion of households with access to water declined from 99,1% in 2011 to 98,5% in 2016. 	<ul style="list-style-type: none"> Approximately 39% of water supply infrastructure is in poor condition with backlogs in maintenance requiring R325m to address. SM allocated R203m to the capital budget to address the backlog and provide for future development.
Electricity	<ul style="list-style-type: none"> 2,8% of households make use of sources of energy other than electricity. Access to electricity for lighting purposes improved by 17,9% from 40 352 households in 2011 to 47 594 households in 2016. 	<ul style="list-style-type: none"> The proportion of households with access to electricity services decreased from 92,9% in 2011 to 90,9% in 2016.
Sanitation	<ul style="list-style-type: none"> A total of 988 households (1,9% of total households) within SM still make use of sanitation services other than flushed and chemical toilets (i.e. pit latrines, ecological toilets, bucket toilets, or none). About 43,4% of the sanitation infrastructure is in a poor or very poor condition, with an estimated R283,4m required to maintain sewer reticulation assets. 	<ul style="list-style-type: none"> Despite the maintenance backlog, SM made significant progress in improving access to sanitation, increasing the proportion of households with access to sanitation from 91,7% in 2011 to 98,1% in 2016.
Refuse	<ul style="list-style-type: none"> The majority of household in SM has their refuse removed by local authorities at least weekly (71,0%). 	<ul style="list-style-type: none"> However, this service provision dropped from 87% in 2011.
Housing	<ul style="list-style-type: none"> The majority of households in SM currently reside in formal dwellings (65,1%) whilst 34,9% of the households resided either in informal (17 829), traditional (366), and "other" (107) dwellings in 2016. The annual average household growth rate between 2011 and 2016 was 0,9% or 1 791 households per annum. 	<ul style="list-style-type: none"> With only an additional 1 447 formal dwellings recorded over this period, the number of households informally housed has increased faster than the provision of formal dwellings. The proportion of formal households declined from 75,1% to 65,1% over this period. SM is unable to cope with rate of household growth, with the percentage of formal households declining from 75,1% to 65,1% from 2011 to 2016.
Crime	<ul style="list-style-type: none"> The murder rate within SM remained unchanged at 45 reported cases per 100 000 people between 2015 and 2016. Drug-related crimes within SM increased sharply by 20,9% from 1 195 reported cases per 100 000 people in 2015 to 1 444 cases in 2016. 	<ul style="list-style-type: none"> The number of residential burglaries cases within SM increased by 6,9% from 1 037 in 2015 to 1 108 in 2016.
Economy	<ul style="list-style-type: none"> It is understood that Stellenbosch is the secondary municipality or "town" with the most JSE listed corporations in South Africa and the highest concentration of "dollar millionaires". SM's economy grew at an annual average rate of 1,7% between 2013 and 2017. Employment growth remains fairly moderate, averaging 2,2% per annum since 2005. The majority (30,7% or 23 064 workers) of the employed workforce SM operate within the informal sector, which has grown by 9,0% per annum on average since 2005. The semi-skilled sector (which employs 23 392 workers or 24% of the municipality's workforce) experienced marginal growth of 1,3% per annum over the past decade. The skilled sector employs some 13 030 workers, and grew at a rate of 1,2% annum since 2005. Overall, SM's unemployment rate increased to approximately 11% in 2017. Commercial services (encompass the wholesale and retail trade, catering and accommodation, transport, storage and communication and finance, insurance, real estate and business services industries) comprised 52,3% of the municipality's GDP in 2016. This sector employed 45,2% of the municipality's workforce. Agriculture, forestry and fishing sector will see retraction due to the severe impact of water restrictions. The decline in output from agriculture will influence the manufacturing sector, which will also contract until the impact of the water restrictions is overcome. 	<ul style="list-style-type: none"> The tertiary sector is likely to see faster growth, but the government sector is not expected to show growth. The general government and community, social and personal services sector comprised 17,4% of the municipality's overall GDP in 2016. This sector employs 24,3% of the municipality's workforce and its employment growth over the period 2005-2015 averaged 3,0% per annum. Wholesale and retail, catering, and accommodation comprised of 20% of SM's overall GDP, and employed 24,4% (largest contributor) of the workforce in 2016. Economic decline in this sector will have an impact on its contribution to the employment. The manufacturing sector comprised 17,1% of the municipality's GDP in 2016. The sector has experienced contraction of 0,2% per annum on average over the period 2005-2015. The largest sub-sector contributor being that of food, beverages and tobacco (40%), petroleum products (13,3%) and wood, paper, publishing and printing (12,8%). This sector accommodated 10,3% of the workforce. The agricultural sector comprised 6% of SM's GDP in 2015. The sector grew by 1,4% for the period 2005-2015. Employment picked up significantly after the recession and grew at a rate of 3,1% per annum on average since 2010. On net employment, 2 976 jobs have been lost since 2005 and not all of the jobs lost prior to and during the recession have been recovered. Despite contributing only 6% to GDP, the agriculture sector contributes 14,7% (3rd largest) to the municipality's employment, with its contribution to work generation outweighing its comparative economic contribution. Economic decline in this sector will therefore have a significant impact on the overall contribution to employment. The construction sector comprised 5,5% of the SM's GDP in 2016. The sector grew by 2,5% over the period 2010-2015 and employed 5,1% of the workforce.

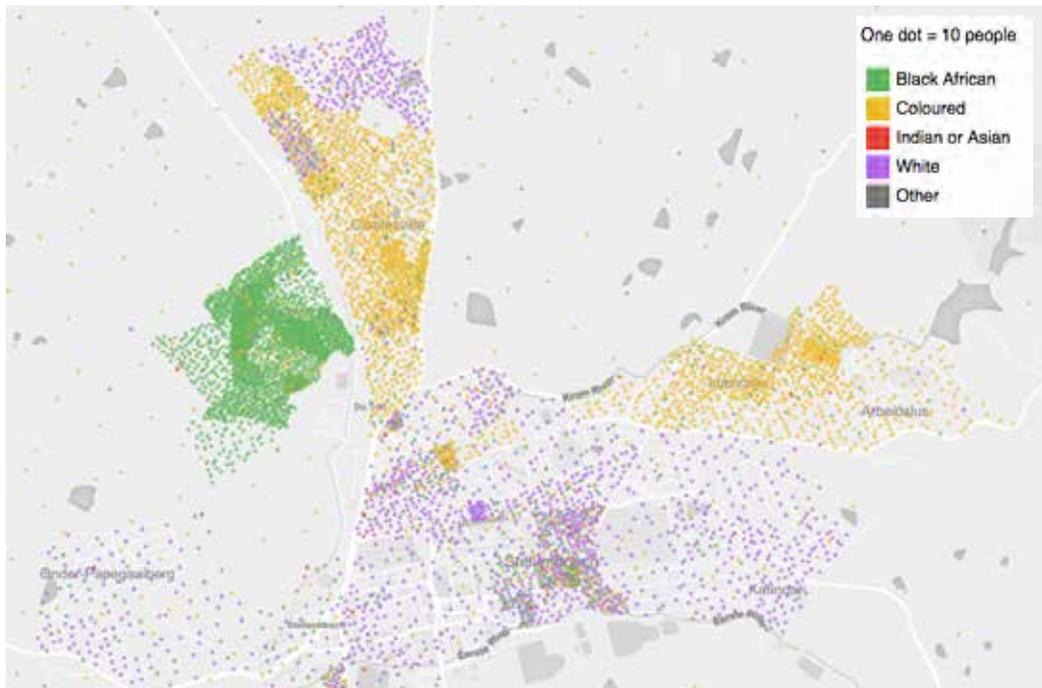


Figure 12. Racial distribution in Stellenbosch (dotmap.adrianfrith.com)

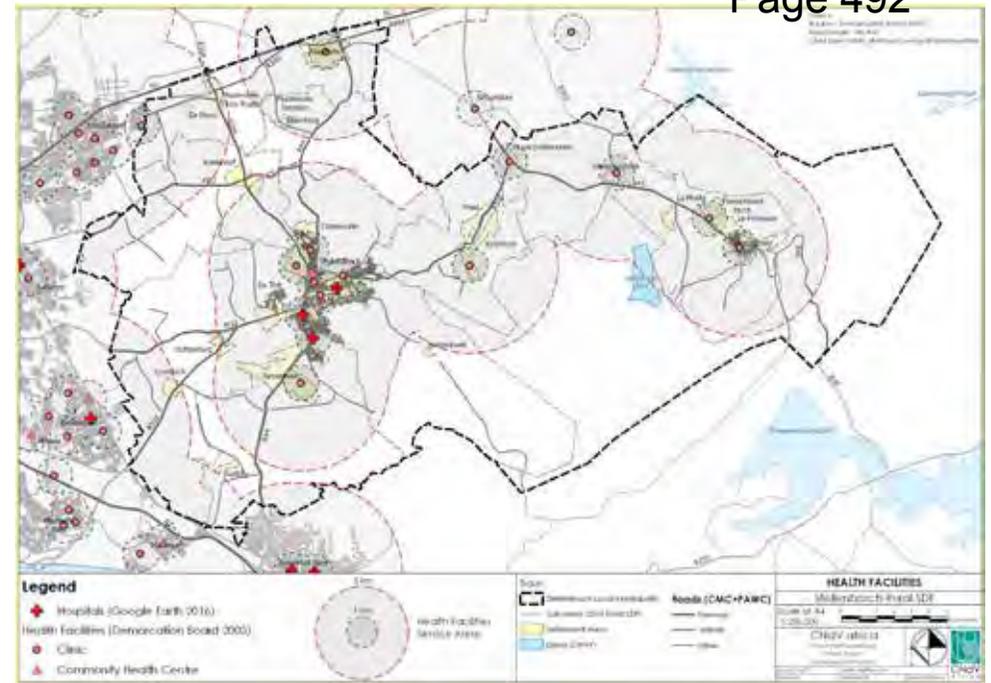


Figure 14. Access to Health Facilities

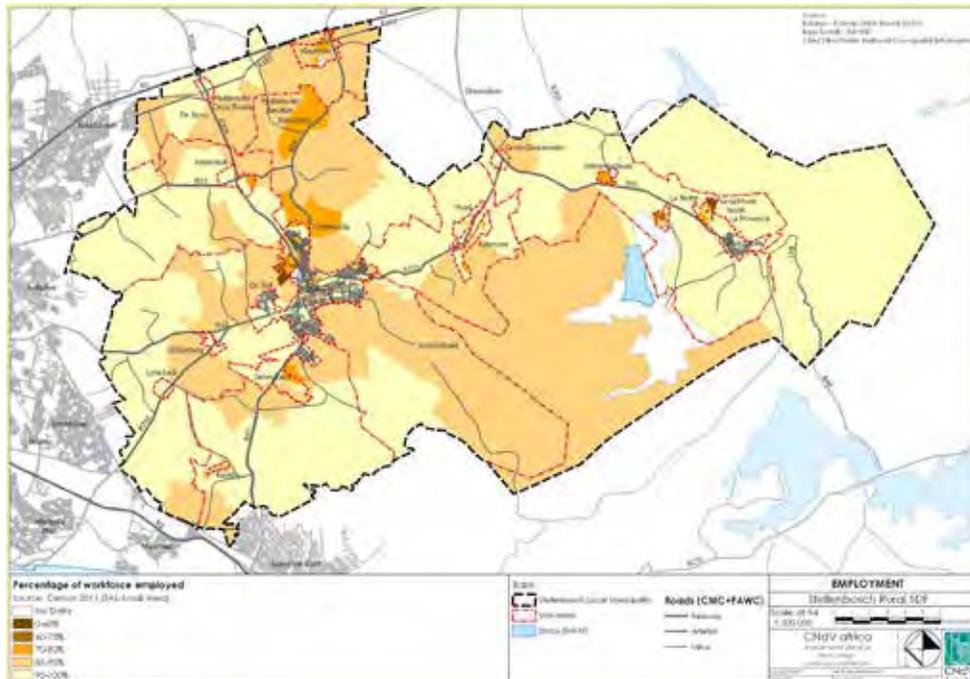


Figure 13. Percentage of workforce employed

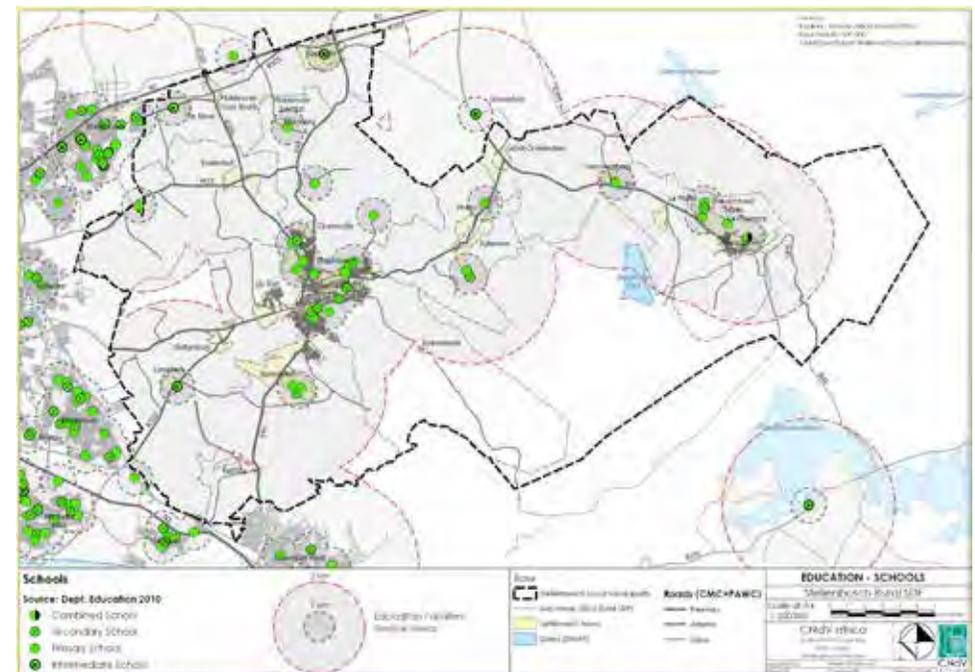


Figure 15. Access to Schools

Table 10. Stellenbosch's Socio-Economic context - issues and implications

KEY ISSUE	SDF IMPLICATIONS
<ul style="list-style-type: none"> • SM will continue to grow, without the economy necessarily being fully geared to provide work opportunities or generate funds to provide needed services. • A growing youthful population, large student population, and seasonal influx of labour could potentially increase the municipality's dependency ratio and a smaller base from which local authorities can collect revenue for basic services. • Continued inequality is likely to lead to incidents of social unrest and instability. • Increased assistance to public facilities will be required – especially schools – given limited household means. • Crime rates remain high. • Significant upgrading and extension of basic services to poorer citizens will remain a priority. • The growth in the informal sector as the only means to ensure livelihoods to poorer citizens is expected to continue. • Economic sectors accommodating unskilled workers (especially manufacturing and agriculture) show slow growth. • SM's inability to provide essential services (e.g. refuse removal) lead to dumping, environmental degradation and/ or the health-related problems. 	<ul style="list-style-type: none"> • <i>High levels of poverty and indigence imply an increased burden on municipal financial resources to provide in community needs.</i> • <i>An urban structure and form which minimises household costs (e.g. for travel), and maximises entrepreneurial opportunity and thresholds supportive of small businesses is critical.</i> • <i>Given the backlog in the maintenance of infrastructure and servicing existing residents, SM is challenged in meeting the current demand for services. With the infrastructure budget declining in future periods, an urban structure and form which minimises municipal servicing and maintenance cost is critical.</i> • <i>Albeit the contribution of agriculture to GDP is relatively low, it is very significant in relation to supporting tourism and employment.</i>

3.3. Built Environment Context

The challenges faces the built environment of the SM have been documented in a variety of sector plans prepared by the municipality, including a Water Master Plan (2011) and (2017), a Stormwater Masterplan (2013), a Sewer Master Plan (2017), a Comprehensive Integrated Transport Plan 2016-2020

(2016), an Electrical Infrastructure Master Plan (2015) as well as area-specific plans such as the Klappmuts Special Area Development Plan (2017); and the draft UDS (dated 2017), and draft Stellenbosch Municipality Rural Area Plan (2017), the RAP and previous MSDFs. The table below provides a summary of the issues and challenges of relevance to the MSDF.

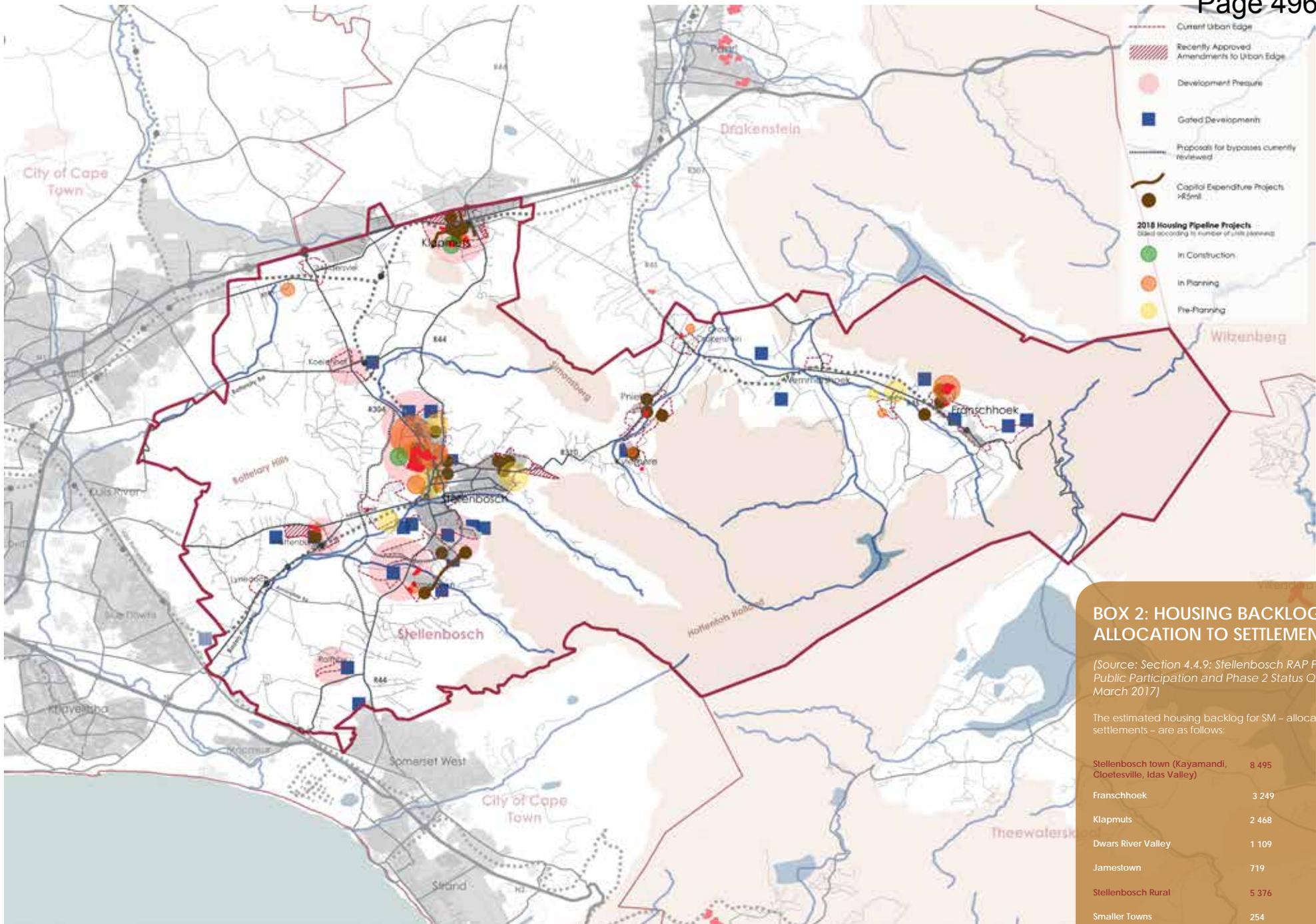
3.3.1. Attributes

Table 11. Stellenbosch's Built Environment context - key attributes summarised

THEME	ATTRIBUTES	
Settlement Pattern and Role	<ul style="list-style-type: none"> Stellenbosch town remains the most significant settlement within SM, followed by Klappmuts, Franschhoek, and a number of smaller dispersed settlements. 	
Rural Settlement	<ul style="list-style-type: none"> There is a backlog of over 3 000 housing opportunities in rural areas. 	
Historic Built Assets	<ul style="list-style-type: none"> SM has a rich asset of historic places and buildings, in large part saved through the intervention of Historiese Huisse in the past. 	<ul style="list-style-type: none"> There appears significant disused historical industrial buildings which in time could be repurposed for alternative uses while recognising industrial and labour history.
Land Use and Density	<ul style="list-style-type: none"> Dwelling densities have increased in Stellenbosch town, Klappmuts and Franschhoek but are still significantly lower than the targeted density set in planning policy and studies of 25 du/ha. In 2015 the average density in Stellenbosch was 8,17 dwelling units per hectare, with Franschhoek only slightly higher at 10,22 units and Klappmuts falling between these two at 9,94 (densities vary significantly between neighbourhoods within settlements). In the municipal area, the split in housing typology between 1996 and 2015 is: dwelling houses (74%), flats (17%), other residential buildings (6%), and townhouses (3%). 	<ul style="list-style-type: none"> The office development market in the municipal area has been relatively flat over recent years compared to the highs of 2005-2010. The retail property development market in the municipal area is highly sporadic in nature with several spikes in building activity interspersed with short- to medium-term troughs. Trends in the industrial property development market in the municipal area are hard to discern, with some years showing a substantial spike in building activity compared to previous years and other years showing very little (or no) building activity.
Facilities and Social Services	<ul style="list-style-type: none"> There appears to be an adequate number of facilities within reach of the majority of households to meet the educational and health care needs of SM, but challenges relate to operational and household affordability as well as the capacity of these facilities (e.g. overcrowded schools in poorer neighbourhoods) 	
Regional Infrastructure	<ul style="list-style-type: none"> Plans to upgrade various regional mobility routes (R44, R310 and R304) are likely to improve regional mobility. However, the impact of these at a local level are likely to be minimal without targeted interventions to resolve local congestion. 	<ul style="list-style-type: none"> Regional water supply remains constrained; however, recent rains and major augmentation schemes being implemented by national and provincial departments are likely to improve the security of supply over the medium term.
Municipal Infrastructure	<ul style="list-style-type: none"> According to the Water Services Development Plan (2011), much of the key water supply infrastructure in SM is in disrepair. About 38.6% of the water supply infrastructure is in a poor or very poor condition. The bulk of the backlog is made up of the water reticulation pipeline assets. SM is highly dependent on the CCT for water security, with most of the towns making up SM having a supplementary supply from the City. In the light of the projected growth of Stellenbosch, this is not viewed as a sustainable situation. About 43,4% of the sanitation infrastructure is in a poor or very poor condition. The bulk of the backlog consists of the sewer reticulation assets and the Stellenbosch waste-water treatment works. The Devon Valley landfill site has a remaining life of less than two years. 	<ul style="list-style-type: none"> Besides having insufficient capacity to supply the future growth needs for Stellenbosch, Franschhoek, Dwarsriver, Klappmuts and Raithby, SM's significant challenges are the augmentation of existing water sources, the replacement and upgrading of old infrastructure, the provision of sustainable basic services to informal settlements and to ensure the provision of basic services to rural communities located on farms. According to the Electrical Infrastructure Master Plan (2015), the overall condition of the existing infrastructure is good given the age of the equipment. On the whole the electrical network is fairly robust, and should support future developments, provided timeous upgrades are implemented as outlined in the Master Plan. Stormwater infrastructure is generally insufficient. Incremental upgrades should be implemented; however, a detailed review of the Stormwater Master Plan is required, as the current plans are inadequate in terms of providing clear direction as to the interventions required or further investigations to be undertaken.
Service Related Protests	<ul style="list-style-type: none"> Service related protests and land invasions occur intermittently. 	
Municipal Land Ownership	<ul style="list-style-type: none"> A total of 40.4% or 33 544ha of the land in SM is owned by either government or Municipality. The rest of the land, approximately 50 316ha, is privately owned. 	<ul style="list-style-type: none"> The SM owns 4 219.4ha of urban and rural land spread out in fragments across the entire municipal area. The tradability of this land, is by choice, low as the Municipality prefers long-term lease agreements as contractual arrangements with third parties rather than selling outright. Arguably, this is one of the reasons why house prices are so high in Stellenbosch town. The supply side is artificially constrained.

Table 12. Stellenbosch's Built Environment context - key attributes summarised (cont.)

THEME	ATTRIBUTES	
<p>Housing and Shelter</p>	<ul style="list-style-type: none"> The percentage of households in formal housing has decreased from 75,1% in 2011 to 65,1%, illustrating the difficulty keeping pace with housing demand of the growing number of lower income households. The current housing demand waiting list comprise some 15 780 applicants (Western Cape Housing Demand Database extract for Stellenbosch, May 2018). The middle to high income housing demand was projected to be 1 850 units in 2016 (Urban Econ's Stellenbosch Market Assessment, 2016). The student accommodation demand was recorded as 4 200 beds in 2016 (Urban Econ's Stellenbosch Market Assessment, 2016). Cloeteville, Idas Valley, Kayamandi, and Jamestown; all within a 5km of radius of Central Stellenbosch make up 45% (7 035) of the SM's total BNG housing need. Neither Idas Valley, Cloeteville, nor Kayamandi, have extensive land options to accommodate the current demand. 	<ul style="list-style-type: none"> 74% (11 615) of the applicants has been on the waiting list for longer than 10 years, 24% (3 818) of which are currently on the waiting list for more than 20 years. Cloeteville (84%), and Idas Valley (88%) have the highest proportion of applicants on the waiting list for 10 years or more. Given the current profile of those on the waiting list for less than 10 years, it is evident that housing demand will be driven by applicants from Klappmuts and Kayamandi. Those older than 40 years and on the waiting list for more than 10 years make up 8 390 (53%) of all applicants. More than 50% of Kylemore/ Pniel, Jamestown, Idas Valley and Franschhoek's housing demand have applicants that are older than 40 years and have been on the waiting list for more than 10 years. The rate of housing delivery during the current MTREF period (466 units) and post the current MTREF period (8166) is not meeting demand. The housing backlog will thus increase, as well as the number of informally housed households.
<p>LUM Trends</p>	<ul style="list-style-type: none"> Almost 70% of all recently submitted strategic land-development applications had a peripheral location (i.e. contributing to urban sprawl with associated costs), and even more (89%) of these applications were greenfields developments. 	<ul style="list-style-type: none"> A very high number (55%) of all land-development applications submitted to SM between 2007 and 2015, were for (or included) a permanent departure. This is evidence of a changing pattern in the use of land that is not yet accommodated in zoning schemes. Only about 25% of all land-development applications submitted to SM pertains to rural land.
<p>Large Land User Trends</p>	<ul style="list-style-type: none"> Distell – owner and user of the Adam Tas and Bergkelder land holdings – intends to relocate its operations to a centralized facility in Klappmuts (north of the N1). 	
<p>Property Market</p>	<ul style="list-style-type: none"> Considering all house-price bands in the urban areas, the mean and median values increased significantly in almost all areas between 2012 and 2016. The value increase of full-title and sectional-title properties combined in the urban areas was 47%, which equals an annual compound growth of 10%. Between 2008 and 2017, nominal full-title property rentals in Stellenbosch town showed growth of roughly 8,1% per annum while sectional-title property rentals grew by about 10,5% per annum. 	<ul style="list-style-type: none"> Over the same period, building costs (as measured by the CPI) showed growth of roughly 6% p.a. This implies that over the past eight years residential rentals in Stellenbosch were able to grow in real terms.
<p>Movement and Access</p>	<ul style="list-style-type: none"> The current modal split in SM is as follows: light vehicles: 87%; minibus taxis: 7,5%; bus: 4,5%; heavy vehicles: 1,5% (rail information is not available in the RMP). Approximately 12% of all traffic within the SM are buses and mini-bus taxis (low compared to CCT with approximately 36% public transport usage). The RMP found that the present road network – particularly provincial roads – fails to cope with the longer-term growth needs of the Stellenbosch area and some roads, particularly in the historic town area, may in future operate at capacity during peak periods (unless modal shift changes). The RMP found that the following road sections function beyond capacity: <ul style="list-style-type: none"> - The R304 before its intersection with the R44. - The R44 (south) between Paradyskloof and the Van Reede intersection. - Bird Street between the R44 and Du Toit Street. - Merriman and Cluver Streets between Bird Street and Helshoogte Road. - Dorp Street between the R44 and Piet Retief Street. - Adam Tas Road between its junction with the R44 and Merriman Street.Piet Retief Street. - Van Reede and Vrede Streets between the R44 and Piet Retief Street. Access roads found to be under severe pressure are: <ul style="list-style-type: none"> - The Welgevonden access road. - Lang Street into Cloeteville. - Rustenburg Road into Idas Valley. - The Techno Park access road. 60% of SM's households do not have access to a car, and are dependent on unsupported informal public transport or travel on foot. 	<ul style="list-style-type: none"> Only 1 200 persons were recorded entering Stellenbosch between 07:15hrs and 08:15hrs. This is the equivalent to just 20 buses each carrying 60 passengers. 70% of all trips entering Stellenbosch town are by private car. There is worsening peak period congestion, with average traffic speeds pushed down to 13km/h (below cycling speed) and a throughput per lane of only 600 persons per hour due to the very low vehicle occupancies. Local (<5km) peak period person trips within the town of Stellenbosch total twice the number of longer distance (>5km) passenger commute trips. Approximately 80% of the workforce employed in the municipal area live in the town of Stellenbosch and make trips of less than 5km in distance. 95% of all NMT trips within the Stellenbosch town are made by low income residents. Over 80% of all local trips by choice-user are made by car. A bypass tying in with the R44 in the vicinity of the Annandale Road in the south and with the R304 in the vicinity of the Welgevonden Road intersection in the north is under investigation. The route is envisaged as a dual carriageway, over a distance of ±14 km, with no direct property access and grade separated intersections (interchanges). However, this proposal appears to have no official status. Scheduled passenger trains in the Stellenbosch area run over a total rail line distance of 18 km, and trains stop at seven stations in the municipal area (Lynedoch, Spier, Vlotenburg, Stellenbosch town, Koelenhof, Muldersvlei and Klappmuts). Franschhoek, La Motte and Wemmershoek are alongside the Franschhoek line which is no longer in operation). Public bus services are limited. There are 28 scholar bus contracts within the Municipality, transporting up to 4 263 scholars. According to the Transport Register there are 43 routes operated by mini-bus taxis. Currently, 114 mini-bus taxis have been surveyed and 157 operating licences have been issued. The majority of routes are operating at above 75% service capacity.



BOX 2: HOUSING BACKLOG ALLOCATION TO SETTLEMENTS

(Source: Section 4.4.9: Stellenbosch RAP Phase 1 Public Participation and Phase 2 Status Quo Report, March 2017)

The estimated housing backlog for SM – allocated to settlements – are as follows:

Stellenbosch town (Kayamandi, Cloetesville, Idas Valley)	8 495
Franschhoek	3 249
Klapmuts	2 468
Dwars River Valley	1 109
Jamestown	719
Stellenbosch Rural	5 376
Smaller Towns	254
TOTAL:	22 671

Figure 16. Housing and development trends, by passes and gated communities

Table 12. Stellenbosch's Built Environment context - issues and implications

KEY ISSUES	SDF IMPLICATIONS
<ul style="list-style-type: none"> • Many households do not have access to water within their dwellings. • Much of the key water supply infrastructure in the SM area is in disrepair. • Much of the sanitation infrastructure in the SM area is in a poor or very poor condition. • Relatively low density development predominates in the area. • Most new development reinforces a pattern of low overall densities and seek peripheral locations. • Existing industrial/ manufacturing operations and land holding in the centre of Stellenbosch town impede large scale restructuring of the settlement. • There is a significant backlog in housing for the poor. • There appears to be significant demand for student housing and affordable housing for employed, lower and middle income groups. • The rate of current housing delivery for the poor and lower income groups is significantly lower than that required to address backlogs and demand meaningfully. • It is expected that a significant proportion of housing backlogs for farm workers – and future need for farm worker housing – will have to be met in urban areas. • Property prices and rentals in SM have shown significant growth (of a higher percentage than the increase in cost of building). • Many poor areas appear to have a high incidence of overcrowding. • Many movement trip needs in SM remain unsatisfied or are undertaken with great hardship. For these captive populations, access to ever more dispersed activity is increasingly difficult. • Virtually all available funding is allocated to providing general road infrastructure rather than the development of transport systems and approaches that serve the most effective and sustainable movement of people and goods. 	<ul style="list-style-type: none"> • <i>Available municipal capital funding is required for backlogs and maintenance, i.e. there are virtually no funds to investment in support of new development and improvements to address existing problems with infrastructure (e.g. limited provision for NMT).</i> • <i>The current service and housing delivery model is ineffective in addressing the municipality's housing demand and growth. Housing demand and the associated land demand for the currently delivery model shows that the municipality does not have access to adequate land to serve the current and projected housing demand.</i> • <i>Given the limited income of a large proportion of the population, a settlement structure and form prioritizing walking and public and NMT, should be pursued.</i> • <i>Given low levels of road space utilization in terms of vehicle occupancy, there appears no basis for capacity increases to infrastructure accommodating general traffic.</i> • <i>The proposed bypass is likely to stimulate further settlement sprawl and "lock-out" projects aimed at restructuring Stellenbosch town.</i> • <i>Stellenbosch town has high potential volume of NMT users should the environment be more encouraging of NMT modes, particularly cycling.</i> • <i>The relocation of large industrial land users from Stellenbosch town (to Klapmuts) presents significant opportunity to restructure Stellenbosch town.</i>

3.4. Institutional Context

Information regarding the institutional issues that have a bearing on spatial planning and development has been extracted from the IDP and the 2018 Medium Term Revenue and Expenditure Framework (MTREF) of the municipality.

Table 13. Stellenbosch's Institutional context - key attributes summarised

THEME	ATTRIBUTES	
Staff Resources	<ul style="list-style-type: none"> Few municipal staff resources are available for dedicated future planning (across sectors) or driving larger, transformative, and catalytic programmes and projects. There appears to be limited capacity for planning and managing public and NMT programmes and projects. 	<ul style="list-style-type: none"> Inter-municipal and municipal-provincial institutional arrangements for addressing joint planning challenges appears weak and intermittent.
Sector Integration	<ul style="list-style-type: none"> There appears to be poor integration between spatial and transport planning. 	<ul style="list-style-type: none"> Transport planning focus and expenditure remain focused on roads and accommodating private vehicular transport.
Partnerships	<ul style="list-style-type: none"> Albeit many partnerships between communities and organisations (including the municipality) exists to assist community based initiatives, address specific community needs, and environmental issues, there appears no high-level public-private partnership that will fundamentally "shape" major challenges facing the municipality (including infrastructure, transport demand management, and housing). 	
Operating and Capital Budget	<ul style="list-style-type: none"> The operating income (including grants and subsidies) of the SM increased by 12,38% from 2012/ 13 to 2014/ 15 or 6,01% on average per annum over the period. Operating expenditure increased by 17,43% over the period or 8,36% per annum. Grants and subsidies received do not exceed the operating income generated by SM from its own activities, and the reliance on grants and subsidies will probably decrease further should the emerging trend continue. Rates income per capita increased from R1 213,15 in 2012/ 13 to R1 408,79 in 2014/ 15 (16,13% over the period). Over the period, the rates income increased from R203,7m to R249,7m or by 22,49%, while the population increased by 5,48%. The increase in the population figures and the increase in the rates income per capita may suggest that a larger number of the population is contributing to an increasing rates base, but also reflects on the above average increase in property values in the large parts of the municipal area. The municipality spent 90% of its capital expenditure budget in the 2014/ 15 financial year, while capital spending in 2013/ 14 was 92% of the budget. Most of the capital budget was spent on infrastructure and housing. 	<ul style="list-style-type: none"> MIG expenditure increased from 2012/ 13 to 2013/ 14 at a faster rate than operating income and operating expenditure. From 2012/ 13 to 2013/ 14, operating expenditure grew at 17,43% while MIG expenditure increased by 60,98%, with operating income that increased at 12,38%. From 2013/ 14 to 2014/ 15, MIG expenditure increased at a higher rate (28,78%) than operating expenditure (9,8%). Operating income decreased by 2,07%. SM experienced a general increase in outstanding consumer debt between 2012/ 13 and 2014/ 15 across all sectors, with the largest increase that accrued to rates. SM's MTREF capital budget increased by approximately 13% to R2 244 370 898 for 2018/ 19. Of this, R1 716 330 147 (76%) is allocated to the operating budget and R528 040 751 (24%) to capital investment. Allocations from National government for the 2017-2021 MTREF will total R160m, of which the bulk is MIG funding, with R70m from the PGWC, mostly allocated towards housing development. Infrastructure expenditure over the MTREF 2018-2021 period totals R1,1bn, and makes up 82% of the total capital expenditure allocation of R1,35bn. SM has borrowed R340m (25% of the total infrastructure budget) to fund their priority infrastructure needs. For the capital budget over the MTREF period 2018-2021, borrowings total 30% (R160m) in 2018/ 19, 21% (R100m) in 2019/ 20 and 23% (R80m) in 2020/ 21.
Asset Management	<ul style="list-style-type: none"> The SM appears to have no processes or procedures for proactively using municipal land assets as a resource to address identified developmental needs. 	
Planned Government Spending	<ul style="list-style-type: none"> Given the worsening fiscal outlook, National and Provincial Government grant allocations towards the capital expenditure reduces over the MTREF period, from the peak of R91m in 2018/ 19 to R58m and R68m in the following years. 	<ul style="list-style-type: none"> Provincial government funding allocated to SM in the 2017/ 18 financial year was largely focused on road infrastructure maintenance and upgrades (R90m) with lesser amounts spent on the upgrade of the Stellenbosch Hospital (R14m) and the PC Petersen Primary School (R15m).

Table 14. Stellenbosch's Institutional context - issues and implications

KEY ISSUES	SDF IMPLICATIONS
<ul style="list-style-type: none"> • SM has a severe lack of institutional capacity and virtually no funding for the management of transport issues. As a result, sustainable transport approaches have been extensively overlooked. • Integration between transport and spatial planning has never been achieved in Stellenbosch. • Given the extent and development potential inherent in the very large municipal land resource, current management arrangements for this resource appears inadequate. • With government's contribution towards capital expenditure declining and with SM needing to borrow 25% of their capital expenditure spend over the MTREF 2018-2021, SM is under increasing pressure to fund capital expenditure from their own reserves. • SM cannot maintain the current rate of infrastructure spend post MTREF period. The decreasing loan contribution amount and SM's replacements reserves towards 2021 leads to a significant decrease in the total capital budget and investment in infrastructure 2021. • SM's ability to fund to fund infrastructure from their own reserves primarily relies on the ability in achieving 96% collection rates for services. Mounting consumer pressures in paying the increasing costs of service makes the likelihood of achieving the projected collection rates questionable, thus putting SM in a financially vulnerable position to fund capital expenditure projects. 	<ul style="list-style-type: none"> • <i>Given budget constraints and existing maintenance backlog, SM's future capital budget should prioritise critical infrastructure projects and addressing backlog within the current urban footprint in lieu of future growth prospects.</i> • <i>Development and densification efforts will need to be focused on where the capital and operational expenditure is concentrated.</i> • <i>Further expansion of SM's current built footprint will dissipate the SM's ability to maximise the use and productivity of existing infrastructure and further extend the SM's future liability in needing to attend to the building and maintenance of new infrastructure.</i> • <i>SM should seek to maximise their return on infrastructure assets by increasing the number of people serviced by existing infrastructure assets and by decreasing the number of indigent households that need to be served by newly constructed infrastructure (as they are unable to achieve a return on the assets while it increases their future maintenance burden).</i>

3.5. Synthesis of Status Quo

There are a number of concerns and observations related to Stellenbosch's existing mode of settlement development and management. These are summarized below under the themes used for analysing the status quo.

Bio-physical

- The degradation of key ecological assets and loss of productive agricultural land has not been arrested. For example, there is no indication that the condition of the river systems in the municipal area has improved significantly since problems first manifested. In addition, significant amounts of agricultural land have been lost to development over the past decade.
- Climate change is likely to have a significant impact on the natural resource base of the municipal area, which will include a reduction in water, increased temperatures, increased fire risks, and increased incidences of extreme weather events. This, in turn, will impact on agricultural production, scenic landscapes, the livability of urban areas and the ability to provide basic services such as water and sewerage treatment.
- Considerable progress has been made at provincial and local levels to prepare guidelines enabling ancillary activities in nature and agriculture areas, providing increased access to nature and diversified farm income.

Socio-economic

- The population of the SM is likely to continue to grow above the average provincial rate, and urbanisation is likely to increase, with the main settlements having to absorb the bulk of this growth.

- The ability of the economy to absorb growth, particularly with regard to job creation, is a concern. Indications are that the growth in indigent households, who traditionally are employed in unskilled and semi-skilled jobs, is disproportionate to employment growth, which has been slow in these categories (e.g. agriculture).
- The informal sector will continue to provide livelihoods to a significant proportion of residents, but the prevailing settlement structure and form does not recognize the needs of marginal entrepreneurs.
- A growing youthful population, large student population, and seasonal influx of labour is likely to increase the municipality's dependency ratio, in addition to a smaller base from which the municipality can collect revenue to provide services and opportunities that will improve the lives of the especially the poor.
- Inequality in the municipal area, and particularly the historic towns such as Stellenbosch and Franschhoek, remains significant. Although inequality is generally accepted to be unsustainable and is likely to lead to social unrest and instability, current development patterns are simply not addressing this issue.
- Crime rates remain high. The market response – focused on providing security for those who can afford it (e.g. through gated development) – is likely to exacerbate inequality and segregation.
- The upgrading and provision of basic services and housing will remain the focus of the SM and other government agencies for the foreseeable future, thus foregoing investment in other areas that would likely have more socio-economic spin-offs and result in improved place-making.
- The SM's inability to provide essential services (e.g. refuse removal) leads to dumping,

environmental degradation and resulting health-related problems.

Built environment

- Infrastructure backlogs – specifically in poor areas – and essential municipal infrastructure requires significant investment and maintenance. This applies to all basic services (electricity, water supply, wastewater management and solid waste disposal).
- The need for housing and shelter – both for the lower income groups and those with employment – has not been adequately met. The existing “housing pipeline” will not meet the need for those requiring state assistance, and little is built which is affordable to ordinary workers. A pattern of intermittent land invasions and associated “responsive” basic infrastructure provision, as well as daily inward commuting of ordinary workers and students, is likely to continue.
- Property and land is inordinately expensive in SM (particularly in Stellenbosch town and Franschhoek), locking out both the poor and lower/ middle income workers from the property market. Without significant intervention in the property market, this situation is likely to worsen.
- Inequality in SM is particularly evident in the structure of settlements, with low density development accommodating the wealthy, while the poor is accommodated in high density, poor quality peripheral areas. Significant numbers of people live in informal shelters. Many new developments reinforce a pattern of low overall densities and are located in peripheral areas, entrenching dependency on private transport, amongst other inefficiencies.
- New high density development mostly focus on the student market, and target groups using private vehicles.



Figure 17. Current development pressures on the periphery of settlements in the SM

Institutional

- The numerous heritage resources located within the settlements of SM are assets of immense value. Many of these (e.g. parts of the Rhenish complex in Stellenbosch), are underutilized, and have the potential to become vehicles for innovative development that can contribute to creating a more inclusive economy.
- The existing industrial/ manufacturing operations and land holdings in the centre of Stellenbosch town impede large scale restructuring of the settlement.
- The planned move of Distell – occupying large tracts of strategic land in Stellenbosch town – to Klapmuts presents very significant opportunities for the future development of Stellenbosch, Klapmuts, and the broader regional space economy. If not rigorously managed as a shared initiative between the public and private sectors, the opportunity may be lost. SM should focus maximum effort on utilizing the opportunity presented to address the needs of the town.
- Transport planning practice within Provincial government has maintained a “regional mobility lens” with the bulk of planning effort and funding allocated to road infrastructure rehabilitation and expansions that provide for and respond to demand side growth, largely attributed to unconstrained low occupancy private vehicles at the cost of local mobility. Too little focus is placed on progressively improving the efficiency of use of existing road space through shifting modes and altering travel patterns.
- This regional mobility approach and “roads for growth” focus has very high financial, economic, social and environmental costs, is unsustainable and is exclusionary to most the population, i.e. those who do not have access to private transport. Furthermore, a regional “lens” which attempts to accommodate private vehicles growth has adverse

consequences for managing transport at the finer, localised level where trips concentrate.

- Currently the provision of public transport, non-motorised modes and travel demand management programmes are generally considered as local municipal functions, and not a core responsibility or competency of the Province. The municipality has a severe lack of institutional capacity and virtually no funding for the management of transport issues. As a result, sustainable transport approaches have been extensively overlooked in favour of traditional engineering solutions.

- The municipal budget is relatively small considering the depth, range, and variability of citizen needs, specifically in relation to the needs of poorer citizens.
- While current funds are allocated to addressing critical issues – specifically related to infrastructure augmentation and maintenance – it appears that the municipality does not have the resources to fundamentally reverse backlogs or negative trends in shelter or infrastructure needs.
- The diagram below illustrates the focus of public and private sector investment in the SM. The municipality largely focuses on meeting

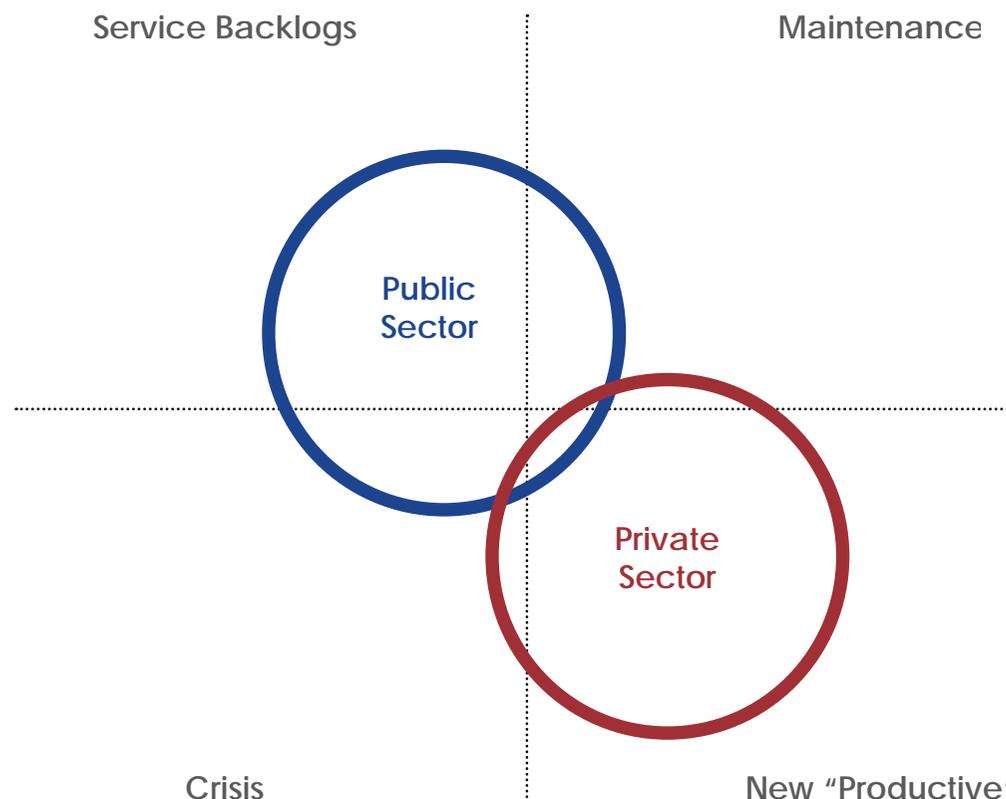


Diagram 1. Investment focus of the public and private sectors

service backlogs, its ability to respond to crisis, and asset maintenance. There is little scope in the budget for new “productive” investment that will result in significant economic growth to benefit the whole community. By contrast, the private sector largely funds new assets for a select group. Private sector investment is not structured to contribute to the long term maintenance of common assets or addressing the developmental needs of the municipal area.

- Although rates income is expected to grow, this additional income will be largely required to maintain the existing infrastructure and services.
- The municipality has significant land assets, and although some programs have been put in place to support small farmers, the bulk of its land holdings has not been meaningfully employed as a resource to address citizen needs.
- Significant partnering between the municipality and the corporate sector (which has considerable material and human resources) in relation to addressing needs – and restructuring the settlement – has not occurred.
- The municipality has undertaken an inordinate amount of planning studies, both overarching in nature and sector specific. Collectively, these comprise a huge volume of analysis and guidelines for future management, difficult to comprehend and “make sense of”. It appears that there is significant disjuncture between the extent of policy and process guidelines available and what could be logically managed by the municipality in day-to-day decision-making. Considerable duplication appears between plans – each “discovering” the municipality anew – as opposed to focusing on a particular functional area or focus in a manner which supports others.
- Despite the principles and proposals put forward by these plans to address the skewed

pattern of development in most of the settlements in the SM, particularly Stellenbosch, there has been hardly any change in the structure of these settlements since the transition to democracy. Most developments follow a “business-as-usual” pattern.

- Sector planning remains fragmented, especially in relation to spatial and transport planning, where the drive to augment and extend road space appear in contradiction to the public and NMT focus required by spatial planning for the municipality.
- Current planning initiatives have not addressed the economic generative opportunity associated with Klapmuts, its relationship with settlement opportunity for people close to work, and the associated opportunity to restructure Stellenbosch town as manufacturing concerns leave town in search of locations which better meet current business strategy and plans.

3.6. Land Budget Considerations

Determining the future demand for housing, other forms of development and the associated infrastructure requirements form part of the requirements for the preparation of an MSDF as set out in SPLUMA. An understanding of the housing need in particular has to be translated into land requirements with a view to understanding the land need and distribution thereof across the municipal area.

Determining the demand for housing and services is based on the current demand (i.e. backlog) and the demand that will be generated through growth. Land requirements are then informed by a realistic projection of the density of development required to accommodate the demand. An understanding of the land requirements is also informed by the type of housing demand. In this regard it is traditional to distinguish between the demand for affordable housing (indigent) and housing taken up by the open market (non-indigent) as the form of housing provision for these

markets may vary. The land demand as calculated is then measured against available land. In the current policy context, available land includes all land that is potentially developable within urban areas and within the urban edges determined by previous spatial planning exercises, for the various settlements earmarked to accommodate growth. In the SM context it is argued that affordable housing, for which there is a considerable land demand, will be accommodated in the main urban centres of Stellenbosch, Franschhoek and Klapmuts where housing beneficiaries will have access to socio-economic opportunities. The findings presented in this section are largely based on the work done for the 2018 SM UDS.

3.6.1. Projected housing and land demand

Housing for indigent

- Estimated need for houses, municipality-wide, in the “give-away” bracket in 2016: **11 618**³
- Estimated unfulfilled need of houses by 2036, assuming that no houses for the indigent will be built between 2016 and 2036: **17 847**
- However, if the current rate of delivery persists only **7 805** units would have been added by 2036, thus still resulting in a significant backlog.

Housing for the non-indigent <80 m²

- Estimated need, municipality-wide in 2016: **15 042** (this includes a variety of unit types aimed at various markets, such as GAP housing, flats and townhouses, and stand-alone units)
- If no supply is added by 2036: **23 106**

These unit numbers have been translated into land demand, based on various scenarios set on in the UDS, ranging from a projection of the current pattern of fairly low density development, to higher densities based on certain economic forecasts.

³ The most recent figures contained in the Western Cape Department of Human Settlements Demand Database, May 2018, shows a housing demand of 15 780 units in this bracket.

According to these figures, the 5 year forecast for land demand for housing in the middle of the road scenario (or “consensus scenario”) is projected at 228ha by 2021. By 2036 the land demand for housing would range from 1 339ha, based on current patterns, to 741ha in a low growth scenario. The total gross land demand, also making provision for other land uses that will result from growth such as commercial, industrial and infrastructure, is estimated to be 270ha by 2021 and 996ha by 2036 in the middle of road/ consensus development scenario.

3.6.2. Allocation of demand across the municipal area

The UDS allocates land demand to nodes based on historic land take up and an “adjusted nodal location”. The historic land take-up in nodes is given in Table 15.

The UDS adjusted nodal allocation (away from historic trends) is based on:

- Market preference for a certain land-use in a specific location (based on market trends).
- The positioning strategies and a “normalized” situation with respect to infrastructure and the stock of developable land (it ignores backlogs and surpluses in infrastructure provision and availability of developable stock).

Based on this work, which includes a nuanced understanding of the role of the various settlements in the SM and their respective projected growth rates, the overall demand for land for indigent housing within a five and ten year forecast period has been projected as indicated in Table 16.

The table indicates that the largest demand for housing is, as to be expected, in the town of Stellenbosch, which already accommodates 70% of the urban population of the SM. Franschhoek and Klapmuts together only accommodate 20% of the SM urban population, with the remainder spread throughout the smaller villages and hamlets. The ratio for the proposed allocation of indigent housing

Table 15. The historic land take-up in nodes

HISTORIC GROSS LAND TAKE-UP BY NODE 2000 - 2015 (ALL LAND USES)		
Town / Settlement	Land Take-Up (ha)	Percentage Share (rounded to 10)
Stellenbosch (Town)	271	60%
Franschhoek	82	20%
Klapmuts	56	10%
Other	72	10%
TOTAL	481	100%

is thus a 7:2:1 spread between Stellenbosch, Franschhoek and Klapmuts.

Table 17 indicates land currently available within the urban edge as indicated in the UDS strategy. This includes strategic landholdings such as the Distell land along the Adam Tas corridor will possibly become available for development in future.

It is evident that there is more than enough land to accommodate the indigent housing need. Although it is obvious that the market demand for development (for housing, commercial and industrial demand) also requires consideration in the MSDF, it is argued that providing housing opportunities (in whichever form) for the indigent is critical, whereas the municipality can exercise its discretion when considering market driven applications and thus have more control over the supply-side. In any case, it is evident that there is also sufficient opportunity for market driven development, if considered that the current ratio of built-up versus vacant land in the towns of Stellenbosch, Klapmuts and Franschhoek is 5.4:3.5 (built-up/ vacant) within the urban edge.

In addition, current densities remain below 10 du/ha for these settlements, and although they have been increasing somewhat in recent years, densities are still significantly lower than the targeted density of 25 du/ha set in higher level planning policies and studies. Thus, provision should also be made for redevelopment and densification as a means to accommodate market demand.

In conclusion, it is clear that the future development demand could be met in an effective and inclusive manner within the current urban edge of these three towns.

Table 16. Land demand for housing per node

Settlement	% of municipal/ urban population	Indigent housing need (2021)	Land need in ha (number of units x 120m ² erven)	Indigent housing need (2026)	Land need in ha (number of units x 120m ² erven)
Stellenbosch (Town)	51/ 70	8 357 (based on 2,6% annual growth)	100	9 363 (based on a 2,3% annual growth)	112
Klapmuts	5/ 7	1 208 (based on 3,6% annual growth)	14	1 420 (based on 3,3% annual growth)	17
Franschhoek	9,5/ 13	4 370 (based on 4,6% annual growth)	52	5 394 (based on 4,3% annual growth)	65
Dwarsrivier (Pniël, Johannesdal)	5,9/ 8,2				
Dwarsrivier (Kylemore, Lanquedoc)					
La Motte	1/ 1,4				
Groot Drakenstein	0,8/ 1				
Wemmershoek	0,5/ 0,7				
Koelenhof	0,2/ 0,26				
Muldersvlei	0,04/ 0,06				
Vlottenburg	0,08/ 1				
Raithby	0,5/ 0,8				
Lynedoch	0,1/ 0,14				

Table 17. Land availability

LAND	STELLENBOSCH	FRANSCHHOEK	KLAPMUTS
Currently available (UDS 2018)	633ha	131ha	146ha
2021 requirement for indigent housing	100	52	14
2026 requirement – cumulative for indigent housing	112	65	17



Part 4.

Vision and Concept

4. Vision and Concept

4.1. Introduction

This section outlines a vision, key considerations, and spatial concept for the spatial planning and land use management of SM.

4.1.1. Vision

In line with the SM's vision as the "Valley of Opportunity and Innovation" (as contained in the IDP), the vision for spatial development and management is described as follows:

"We envisage a municipal area even more special than it is today; a place of natural beauty, rich in the way it preserves and exposes elements of history and culture, its produce from the land, the quality of its institutions, and the mindfulness and innovations of its people.

It is a future Stellenbosch municipal area that remains familiar; it has retained what differentiates the municipality from other places, its landscapes, historic buildings and settlement patterns, and the specialness of its institutions. It is resilient; it has adapted to the needs of today without losing what is special from the past. It is inclusive; it has accommodated the needs of citizens from all walks of life without fear. It is diverse and therefore productive. In adapting to new needs, and accommodating new people, it has become the stage for new expressions of culture, new businesses, and new ways of doing.

In form, it comprises a set of compact settlements, large and small, surrounded by natural and productive landscapes, and linked by means of public transport. Internally, settlements are relatively dense, cyclable and

walkable. Each portrays a unique character, closely linked to its surrounding landscape, the reach and extent of its public institutions, and the capacity and opportunity of its infrastructure. Each provides for a range of citizens from all walks of life, with significant choice in place of residence."

4.1.2. Key Considerations

Working towards this vision, a number of considerations are key:

First, maintain and grow the assets of the Stellenbosch Municipality's natural environment and farming areas. Humanity depends on nature for physical and spiritual sustenance, livelihoods, and survival. Ecosystems provide numerous benefits or ecosystem services that underpin economic development and support human well-being. They include provisioning services such as food, freshwater, and fuel as well as an array of regulating services such as water purification, pollination, and climate regulation. Healthy ecosystems are a prerequisite to sustaining economic development and mitigating and adapting to climate change. The plan provides for activities enabling access to nature and for diversifying farm income in a manner which does not detract from the functionality and integrity of nature and farming areas and landscapes.

Second, respect and grow our cultural heritage, the legacy of physical artefacts and intangible attributes of society inherited from past generations maintained in the present and preserved for the benefit of future generations. Cultural heritage underpins aspects of the economy and differentiates places. Culture is a dynamic construct; forever emerging in response to new challenges, new interactions and opportunity, and new interpretations. Spatially, we must organise

Stellenbosch in a manner which also sets the stage for new expressions of culture.

Third, within developable areas – areas not set aside for limited development owing to its natural or cultural significance – allow future opportunity to build on existing infrastructure investment, on the opportunity inherent in these systems when reconfigured, augmented or expanded.

Infrastructure represents significant public investment over generations, not readily replicated over the short term. It represents substantial assets for enabling individual and communal development opportunity of different kinds. From a spatial perspective, movement systems are particularly significant. Elements of the movement system, and how they interconnect, have a fundamental impact on accessibility, and therefore economic and social opportunity. Specifically important is places of intersection between movement systems – places which focus human energy, where movement flows merge – and where people on foot can readily engage with public transport.

Fourth, clarify and respect the different roles and potentials of existing settlements. All settlements are not the same. Some are large, supported by significant economic and social infrastructure, offer a range of opportunity, and can accommodate growth and change. Others are small and the chance to provide for growth or change is minimal. Generally, the potential of settlements to help change and growth relates directly to their relationship with natural assets, cultural assets, and infrastructure. We must accommodate change and growth where existing assets will be impacted on the least or lend itself to generating new opportunity.

Fifth, address human needs – for housing, infrastructure, and facilities – clearly in terms of the constraints and opportunity related to

natural assets, cultural assets, infrastructure, and the role of settlements. We must meet human need in areas where the assets of nature are not degraded, where cultural assets can be best respected and expanded, and where current infrastructure and settlement agglomeration offers the greatest opportunity. Generally, we can help human need in two ways. The first is through infill and redevelopment of existing settled areas. The second is through new green-field development. We need to focus on both while restricting the spatial footprint of settlements outside existing urban areas as far as possible.

Sixth, pursue balanced communities. All settlements should be balanced. That means they should provide for all groups, and dependent on size, a range of services and opportunities for residents. It also says they should provide for walking and cycling, not only cars.

Finally, focus energy on a few catalytic areas that offer extensive opportunity and address present risk. Planning cannot attempt to treat all areas equally. Some areas offer more opportunity for more people than others. We need to focus on the areas and actions where a significant number of people will benefit, where we will meet their needs. There is also a need to focus on areas of 'deep' need, notwithstanding location, where limited opportunity poses a risk to livelihoods. Some informal settlements and poorer areas may not be located to offer the best chance for inhabitants, yet services need to be provided and maintained here. However, significant new development should not occur in these places, exacerbating undesirable impacts or further limiting the opportunity for people to pursue sustainable livelihoods.

4.2. Concept

The concept for spatial development and management of SM comprises seven key tenets:

1: Maintain and grow our natural assets

Critical biodiversity areas, valuable land areas (including agricultural land), land affecting the maintenance of water resources, and so on, cannot be built upon extensively, it cannot be the focus for significantly accommodating existing or future settlement need spatially.

2: Respect and grow our cultural heritage

The areas and spaces – built and unbuilt – that embody the cultural heritage and opportunity of SM needs to be preserved and exposed further. Some areas and spaces need to be maintained intact, others provide the opportunity for new activity, in turn exposing and enabling new expressions of culture.

3: Direct growth to areas of lesser natural and cultural significance as well as movement opportunity

Within areas of lesser natural and cultural significance, the focus should be on areas where different modes of transport intersect, specifically places where people on foot – or using non-motorised transport – can readily engage with public transport.

4: Clarify and respect the different roles and functions of settlements

The role and potentials of different settlements in Stellenbosch require clarification. In broad terms, the role of a settlement is determined by its relationship to natural and cultural assets and the capacity of existing infrastructure to accommodate change and growth.

5: Clarify and respect the roles and functions of different elements of movement structure

Ensure a balanced approach to transport in SM, appropriately serving regional mobility needs and local level accessibility improvements, aligned with the spatial concept.

6: Ensure balanced, sustainable communities

Ensure that all settlements are balanced and sustainable, providing for different groups, maintaining minimal development footprints, walkability, and so on.

7: Focus collective energy on critical lead projects

Harness available energy and resources to focus on a few catalytic areas that offer extensive opportunity fastest and address present risk.

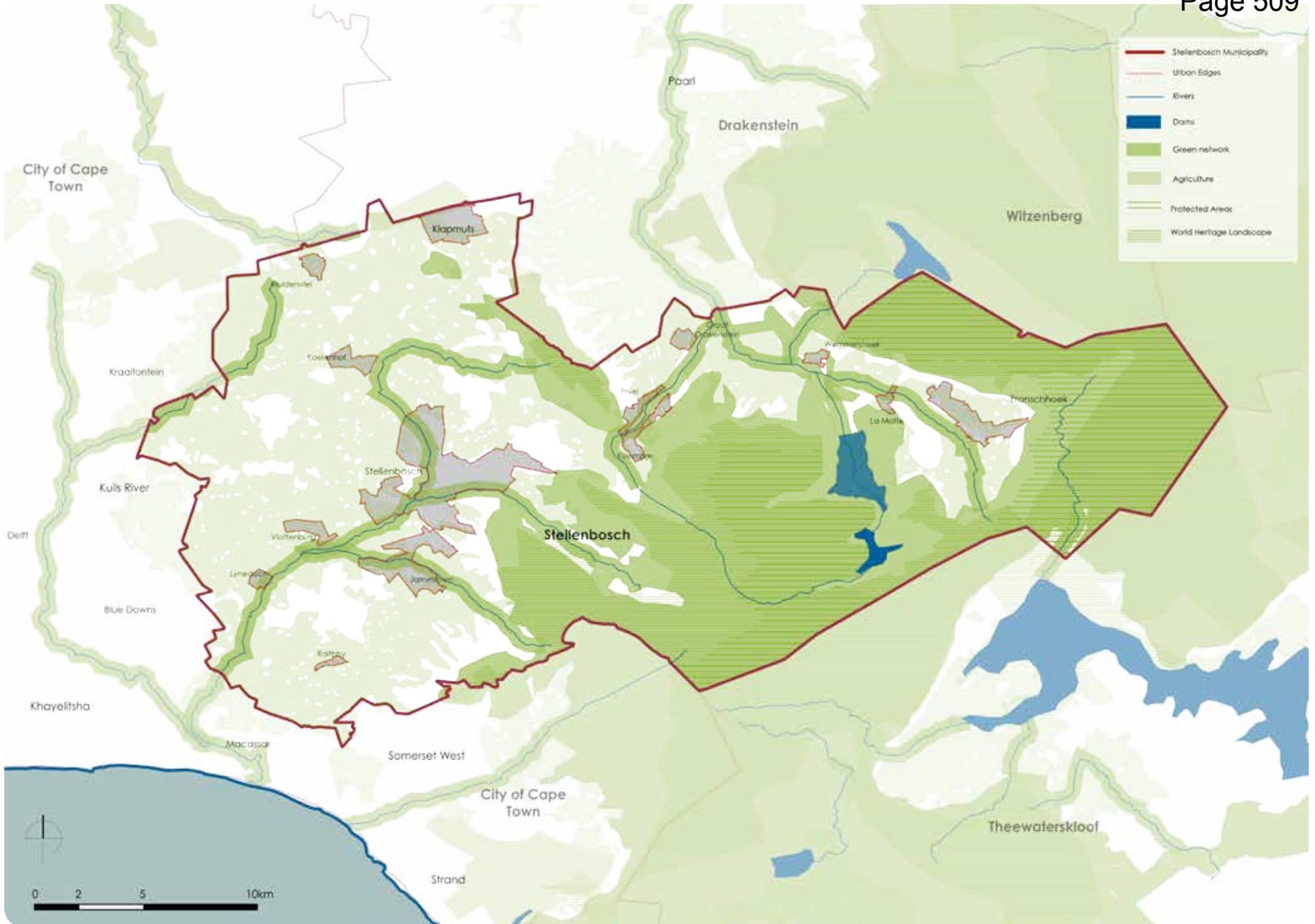


Figure 18. Concept 1 - maintain and grow our natural assets



Figure 19. Concept 2 - Respect and grow our cultural heritage

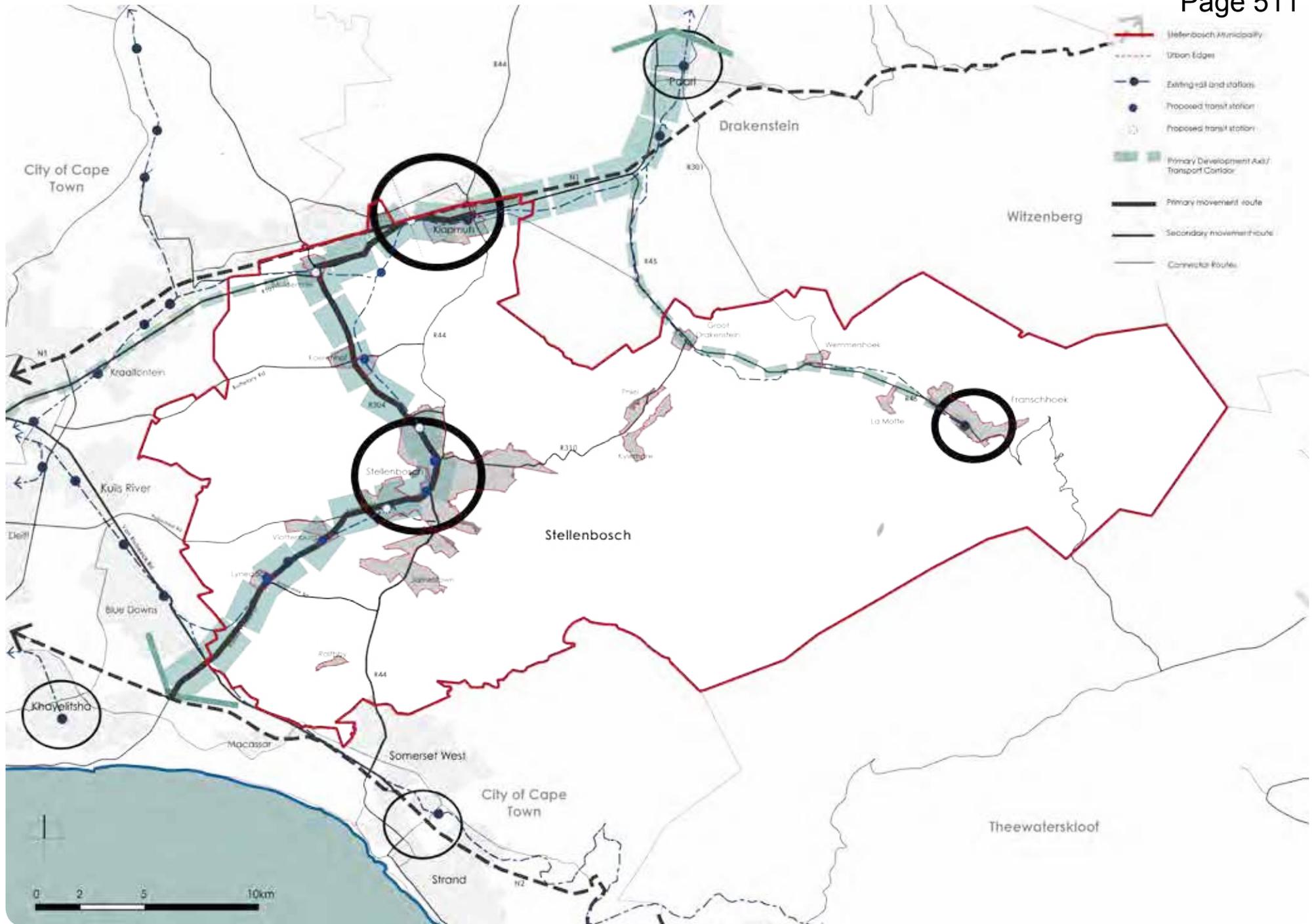


Figure 20. Concept 3 - Direct growth to areas of lesser natural and cultural significance as well as movement opportunity

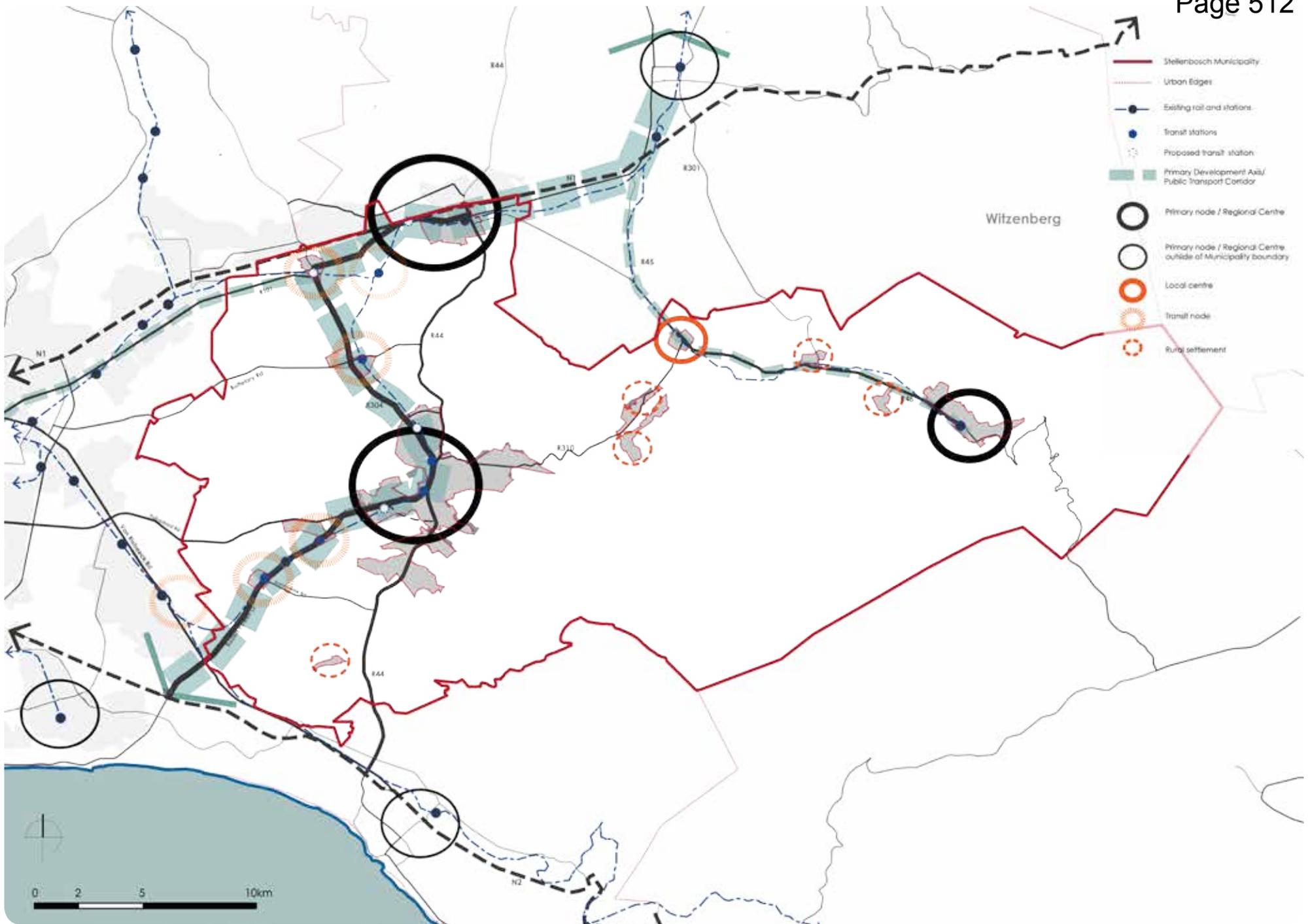


Figure 21. Concept 4 - Clarify and respect the different roles and functions of settlements

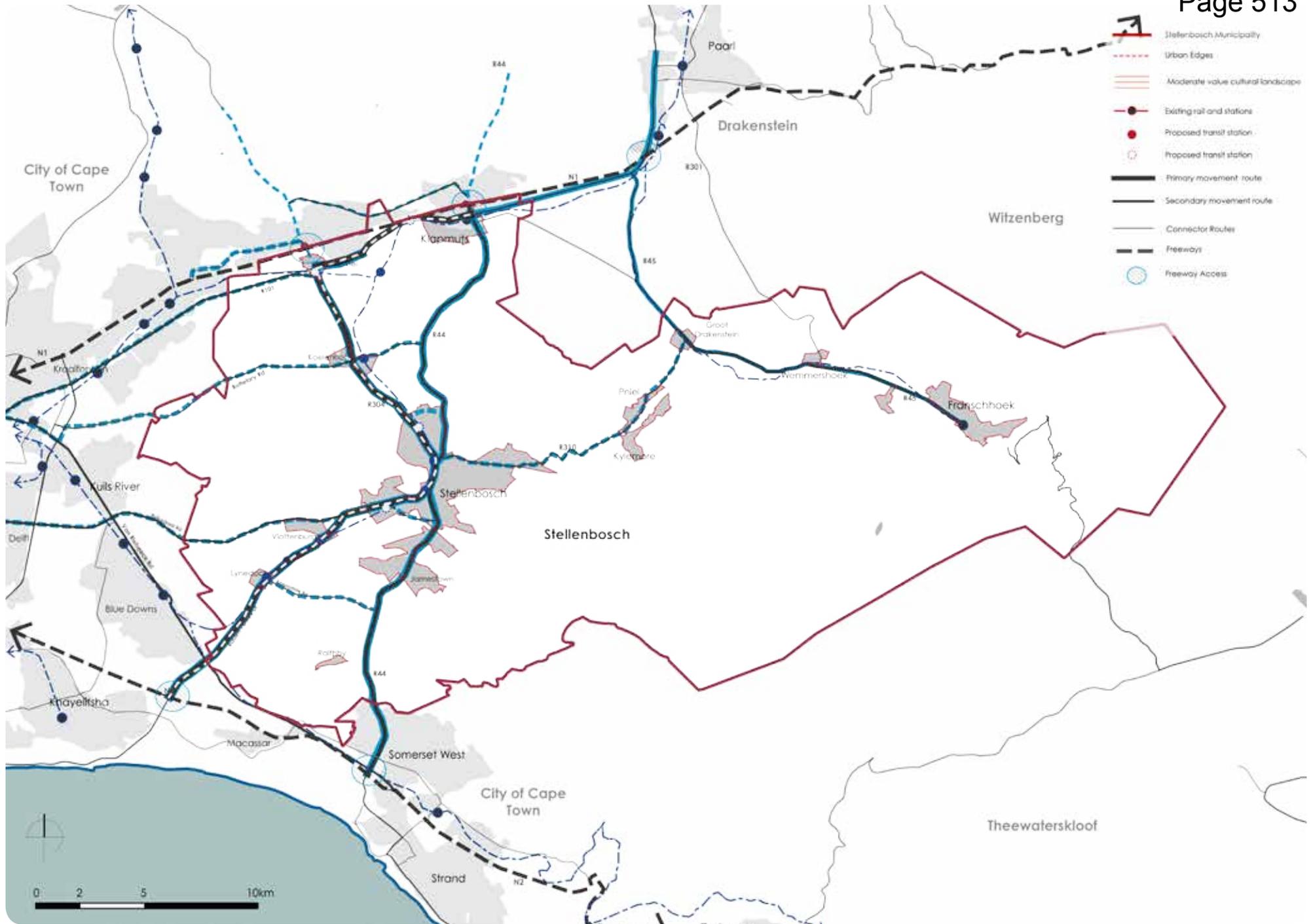


Figure 22. Concept 5 - Clarify and respect the roles and functions of different elements of movement structure

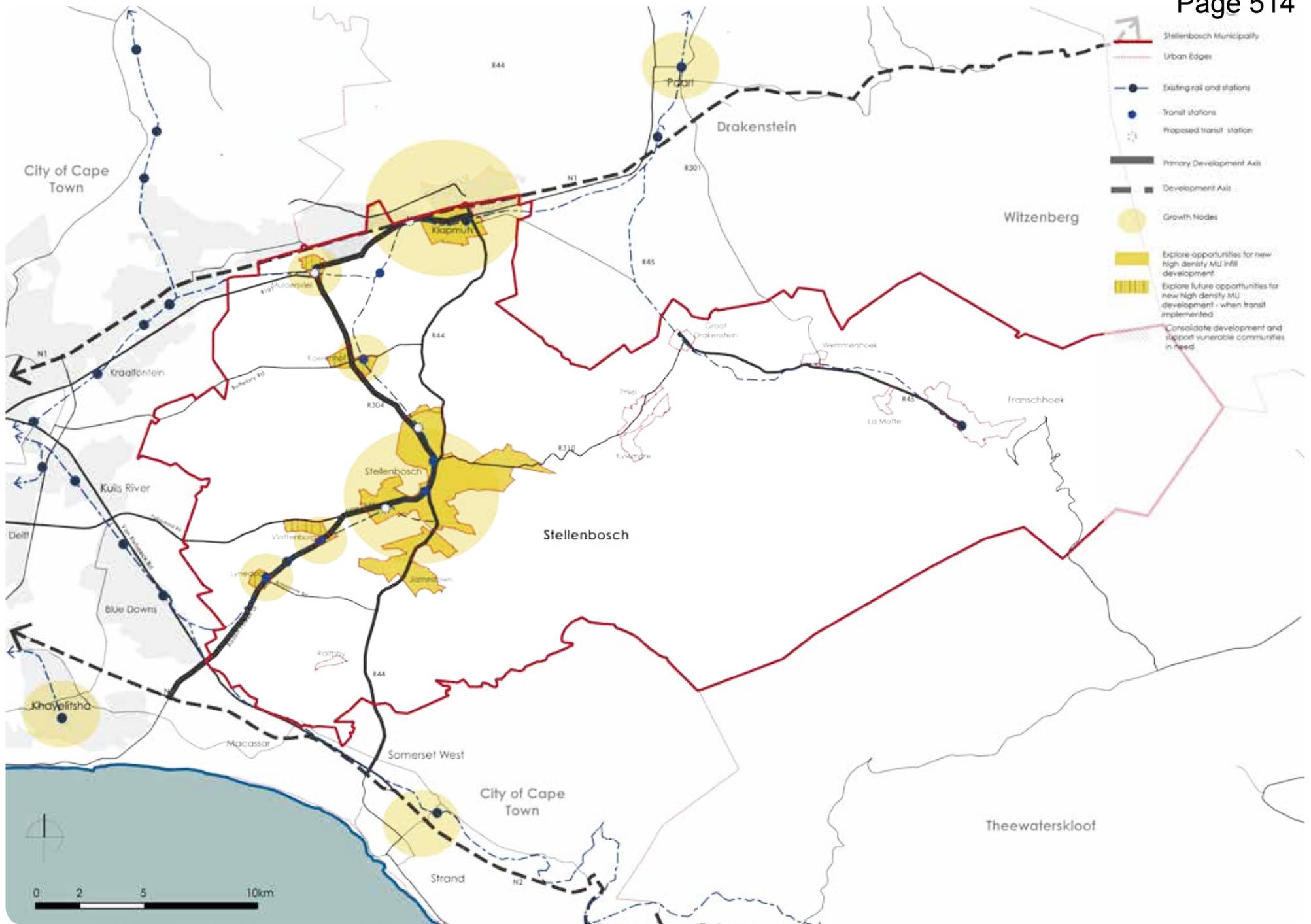


Figure 23. Concept 6 - Ensure balanced, sustainable communities

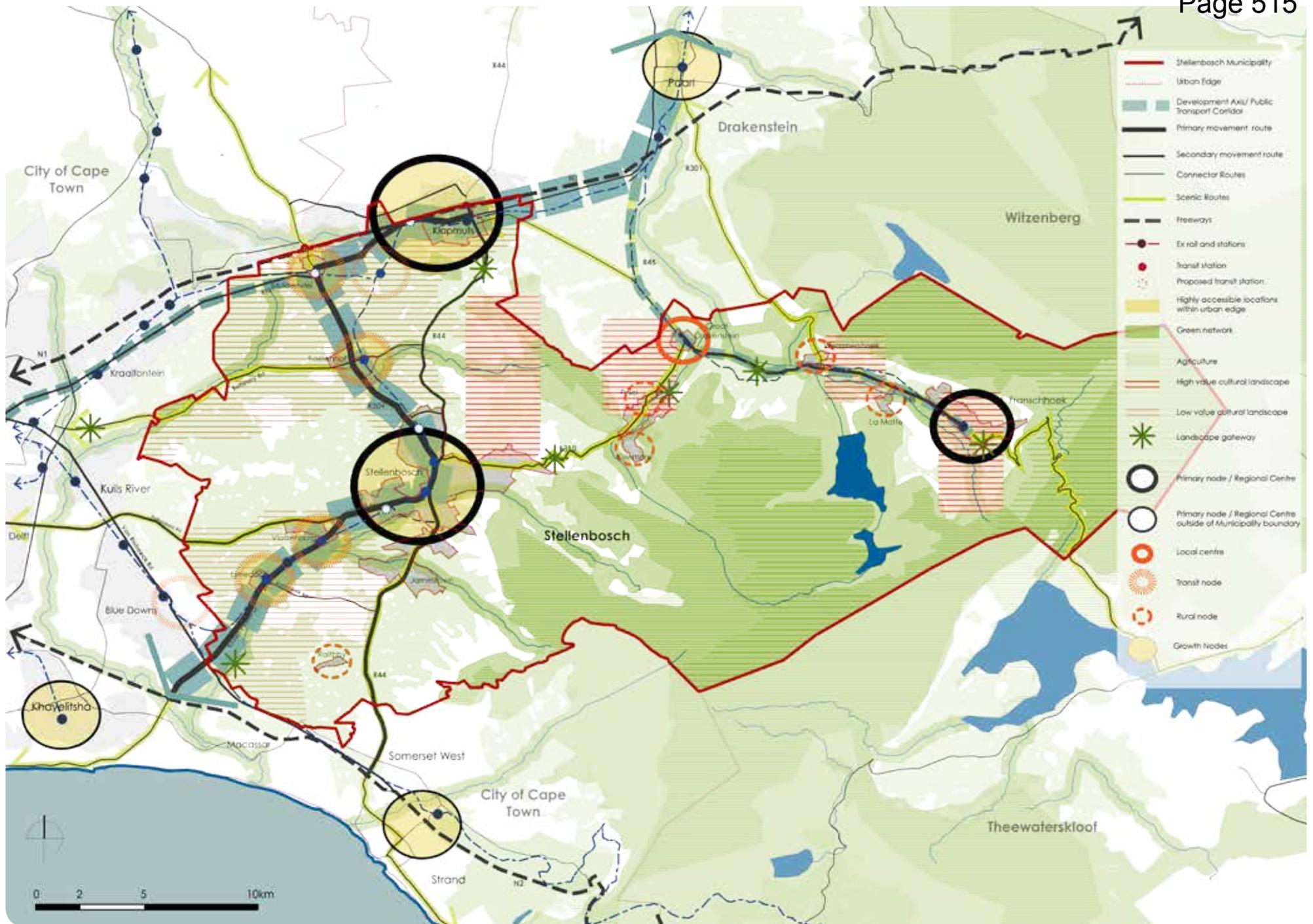


Figure 24. Consolidated Concept



Part 5.

Plans and Settlement Proposals

5. Plans and Settlement Proposals

5.1. Introduction

The sections below outline plans and written proposals for:

1. The SM area as a whole.
2. Major towns (including Stellenbosch, Klapmuts, and Franschhoek).
3. Small settlements in the Franschhoek Valley (including La Motte and Wemmershoek).
4. Small settlements in the Dwars River Valley (including Groot Drakenstein, Pniel, Lanquedoc, Johannesdal, and Kylemore).
5. Small settlements along the R304 (including Muldersvlei and Koelenhof).
6. Small settlements along Baden Powell Drive (including Vlottenburg, Lynedoch, and Spier).
7. Raithby.

It is important to remember that the plans constitute one type of planning instrument. Not all of the MSDF objectives or intent can be readily illustrated two-dimensionally on a plan. Therefore, the plans are accompanied by a table describing plan elements and associated proposals. The plans should be read with the written information contained in the tables accompanying the plans as well as the policies and guidelines contained in the MSDF.

Each settlement plan is introduced by a concept plan, an illustration of the core ideas related to spatial management and development of the settlement.

As indicated elsewhere in this document, spatial plans and proposals can seldomly be fully implemented without supportive actions in other functional areas or sectors. For example, and specifically in Stellenbosch town, it is doubtful whether the desired form of compact, diverse, inclusive, and walkable settlements will be achieved without parallel supportive initiatives to manage the unimpeded use of private vehicles. For this reason, the plan tables also include – where important – related non-spatial proposals.

Broadly – and aligned to the SPLUMA MSDF guidelines – the settlement plans entails three types of actions or initiatives:

- Protective actions – things to be protected and maintained to achieve the vision and spatial concept.
- Change actions – things that need to be changed, transformed, or enhanced to achieve the vision and spatial concept.
- New development actions – new development or initiatives to be undertaken to achieve the vision and spatial concept.

Under these broad types of actions, strategic focus areas and settlement elements are dealt with; for example, protective actions will broadly relate to protecting elements of nature, agriculture, scenic landscapes, historically and culturally significant precincts and places, and so on.

All of the settlements in SM are not the same. For example, they differ in population, range of activities, the extent to which they contribute to livelihood potential in the area as a whole, and the nature and extent of resources required to unlock potential. For this reason, not all plans and settlement proposals are developed to the same level of detail. The emphasis is on the larger ones, those who contribute – today and potentially in future – to the lives of the majority of people.

With the above in mind, the plans for the smaller settlements are grouped, especially where they are located in proximity to each other.

It is also the SM's intent to develop more detailed LSDFs or Precinct Plans for each of the settlements following adoption of the MSDF.

5.2. The Stellenbosch Municipal Area as a Whole

The overall plan indicates a municipal area largely set aside as protected and managed areas of nature and high value agricultural land. These areas of nature and agriculture are critical in delivering various ecological and economic services and opportunity. Significant change in use and land development is not envisaged in the nature and agricultural areas. Only non-consumptive activities are permitted (for example, passive outdoor recreation and tourism, traditional ceremonies, research and environmental education) in core nature areas. In agricultural areas, associated building structures are permitted, as well as dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income. However, these should not undermine the sustainability of agricultural production, and adhere to the guidelines contained in the SEMF and “Western Cape Land Use Planning: Rural Guidelines”.

A hierarchy of settlements, large and small – each with distinctive characteristics and potentials – and linked through a system of routes, is set in this landscape. Both open areas of nature and agriculture and parts of settlements and the routes that connect them, carry strong historic and cultural values, and contribute significantly to the tourism economy.

While all settlements continually undergo change and require change to improve livelihood opportunity and convenience for existing residents, not all are envisaged to accommodate significant growth. Those envisaged to accommodate both larger scale change and significant growth are situated on the Baden Powell Drive-Adam Tas-R304 corridor. Further, given the railway running on this corridor, the opportunity for settlement closely related to public transport exists here. The corridor is not proposed as a continuous development strip. Rather it is to comprise contained, walkable settlements surrounded by nature and agriculture,

linked via different transport modes, with the rail line as backbone.

The largest of these settlements, where significant development over the short to medium term is foreseen, are the towns of Stellenbosch and Klapmuts. The potential of Klapmuts for economic development and associated housing is particularly significant, located as it is on the metropolitan area’s major freight route. Over the longer term, the Muldersvlei/ Koelenhof and Vlottenburg/ Lynedoch areas can potentially develop into significant settlements. Although considerably smaller than Stellenbosch and Klapmuts, these expanded settlements are nevertheless envisaged as balanced, inclusive communities. Over the longer term, these expanded settlements are foreseen to fulfill a role in containing the sprawl of Stellenbosch town, threatening valuable nature and agricultural areas. Importantly, they should not grow significantly unless parallel public transport arrangements can be provided.

The remainder of settlements are not proposed for major growth, primarily because they are not associated with movement routes and other opportunity than can support substantial livelihood opportunity for all community groups. The focus in these settlements should be on on-going improvements to livelihood opportunity for residents, and the management of services and places. The largest of these settlements is Franschhoek, a significant tourism destination.

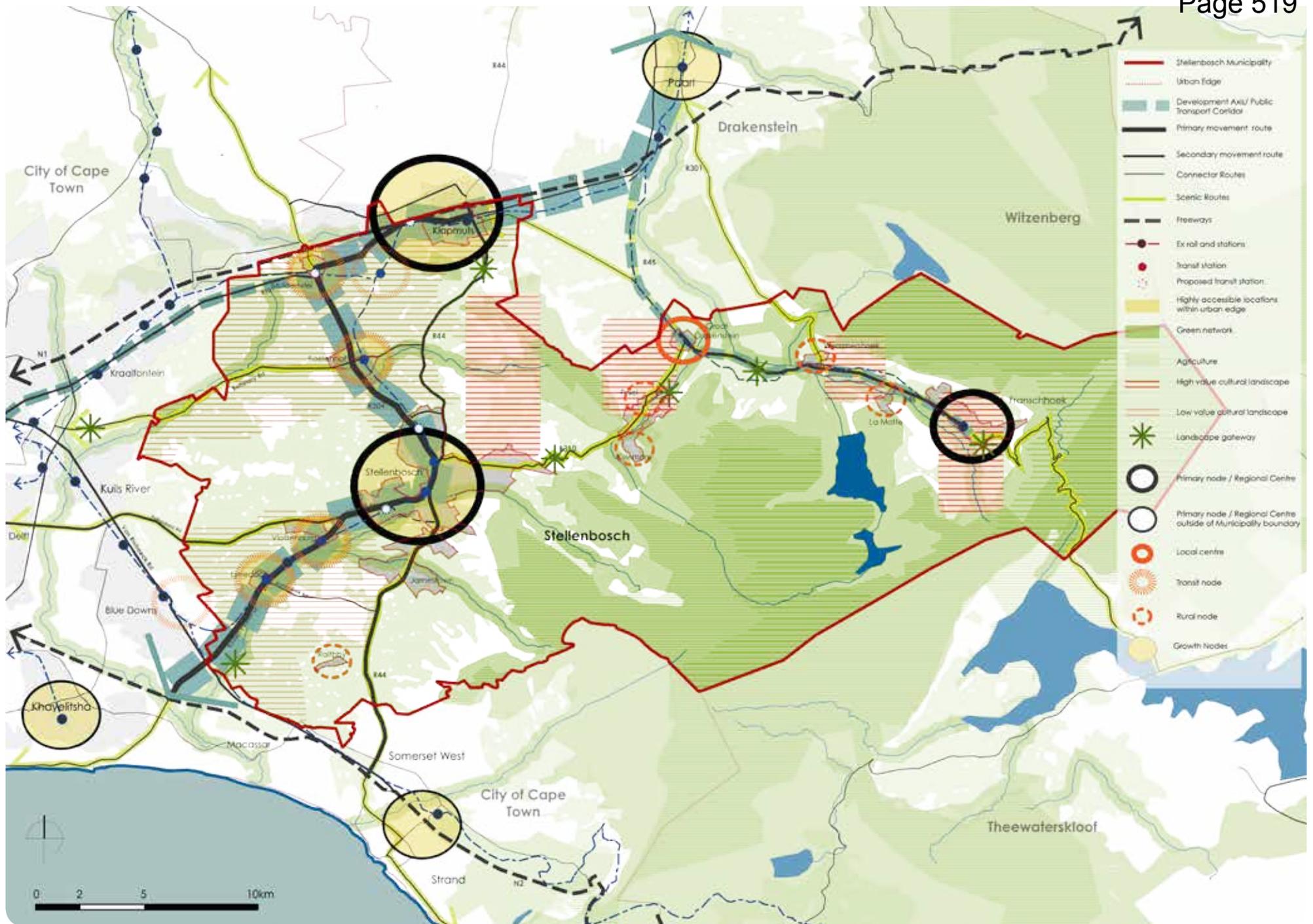


Figure 25. Consolidated Concept for the SM area

Table 18. Plan Elements and Proposals for the SM as a whole

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	Critical biodiversity and nature areas.	<ul style="list-style-type: none"> • Work to extend, integrate, restore, and protect a system of protected areas that transect the municipality and includes low-to-high elevation, terrestrial, freshwater, wetlands, rivers, and other ecosystem types, as well as the full range of climate, soil, and geological conditions. • Maintain Core (and to an extent Buffer) areas largely as “no-go” areas from a development perspective, only permitting non-consumptive activities (for example, passive outdoor recreation and tourism, traditional ceremonies, research and environmental education). • Where value-adding development is required (for example for temporary accommodation), preference should be given to currently disturbed areas as development footprints. 	<ul style="list-style-type: none"> • Provide active support for Stewardship Programmes, Land-care Programmes, and the establishment of Conservancies and Special Management which protects and expands biodiversity and nature areas. • Implement institutional/ management actions contained in the SEMF.
	Water courses	<ul style="list-style-type: none"> • Improve public continuity, access, and space along all river corridors (including the Kromrivier, Plankenbrug, Eerste River, and Blaauklippen River). • No development should be permitted on river banks below the 1:100 flood-lines. 	<ul style="list-style-type: none"> • Work to clean polluted rivers (particularly the Plankenbrug).
	Agricultural land	<ul style="list-style-type: none"> • High potential agricultural land must be excluded from non-agricultural development. • Subdivision of agricultural land or changes in land-use must not lead to the creation of uneconomical or sub-economical agricultural units. • Building structures associated with agriculture, dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income, are permitted and should adhere to the guidelines contained in the SEMF and “Western Cape Land Use Planning: Rural Guidelines”. • Actively engage the CCT and DM related to land use applications which threaten agricultural land located on the border with these municipalities. 	<ul style="list-style-type: none"> • Support the expansion and diversification of sustainable agriculture production and food security.
	Urban edge	<ul style="list-style-type: none"> • Prohibit the ad-hoc further outward expansion of urban settlements through maintaining relatively tight urban edges. 	
	Scenic landscapes, scenic routes, and special places of arrival	<ul style="list-style-type: none"> • Protect critical scenic routes and landscapes (as identified in surveys). • Maintain a clear distinction between urban development and nature/ agricultural areas at the entrances to settlements. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> • Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). • Work to grow the extent of historically and culturally significant precincts and places in daily use and accessible to the public (through appropriate re-design and use of disused places). 	<ul style="list-style-type: none"> • Consider the transfer of government owned historically and culturally significant precincts and places to entities geared to manage them sustainably. • Actively support community involvement in cultural and tourism activities celebrating history and culture.
	Settlement hierarchy	<ul style="list-style-type: none"> • Maintain the existing hierarchy of larger urban towns and small rural settlements (with Stellenbosch and Klipmuts prioritised for further development over the short to medium term). 	

Table 19. Plan Elements and Proposals for the SM as a whole (cont.)

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Progressively upgrade existing informal settlements, focusing on basic services and community facilities. Actively support development in areas between informal settlements and established areas. 	<ul style="list-style-type: none"> Utilise government land assets to enable integration between informal settlements and established areas.
	Areas for residential densification and infill	<ul style="list-style-type: none"> Actively support residential densification and infill development within urban areas (with due consideration to the valued qualities of specific areas). 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Actively support the regional locational advantages of Klapmuts to support economic development, job creation, and associated housing. Actively support mixed land use in settlement centres. Ensure adequate provision for small and emerging entrepreneurs at good locations in all settlements. Actively improve public space in town centres (specifically Stellenbosch and Franschhoek). 	<ul style="list-style-type: none"> Support private sector led institutional arrangements assist with urban management in town centres.
	Improved access and mobility	<ul style="list-style-type: none"> Distinguish between the roles fulfilled by different routes and ensure that design changes and management measures applicable to routes support these roles. Promote public and NMT (e.g. through densification, the re-design of existing routes, and development of new routes). 	<ul style="list-style-type: none"> Ensure that the design of all roads provide for appropriate NMT movement. Pro-actively, and in partnership with key corporations/institutions, introduce transport demand management measures favouring public transport and NMT.
	Community/ Institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. Institutional buildings (accommodating community activities, educational and health services, and entrepreneurial development and skills training) should be located at points of highest access in urban settlements. 	
	Improved landscaping and public amenity	<ul style="list-style-type: none"> Retain and expand University of Stellenbosch functions and other large education institutions within Stellenbosch town as far as possible (unless there are place-specific reasons for favoring an alternative location). 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development	<ul style="list-style-type: none"> Actively support the Adam Tas Corridor within Stellenbosch town for new mixed use development. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and redevelopment. Support redevelopment by making available government land assets.
	Significant new industrial development	<ul style="list-style-type: none"> Actively support the development of Klapmuts North for industries and employment generating enterprises related to manufacturing, logistics, and warehousing. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and development.
	Significant new residential development	<ul style="list-style-type: none"> Explore the feasibility and pre-conditions of Muldersvlei/ Koelenhof and Vlottenburg/ Lynedoch to be developed as more significant, inclusive settlements over the longer term (subject to the availability of public transport). 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and development.
	Significant change to access and mobility provision	<ul style="list-style-type: none"> Explore the feasibility of changing/ complementing the rail vehicle type currently using the railway along the Baden Powell Drive-Adam Tas-R304 corridor to a lighter railcar/ tram type system, providing a more frequent, flexible service better integrated into the urban realm. Alternatively, a regular bus service should be explored serving the same route. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and unlocking of the opportunity.

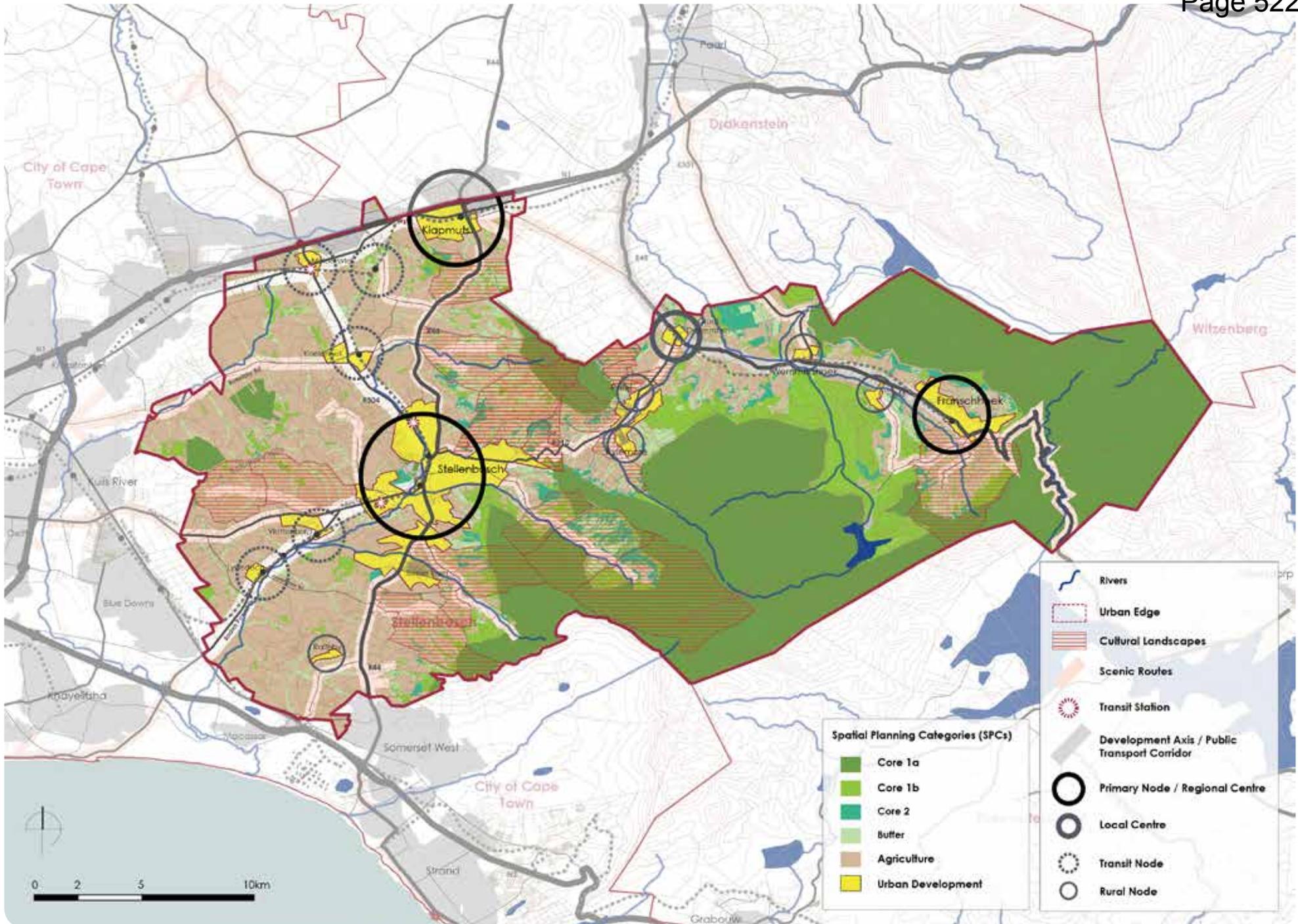


Figure 26. Municipal Spatial Framework for the SM area

5.3. Stellenbosch Town

Stellenbosch town will remain the major settlement within the municipality; a significant centre comprising extensive education, commercial and government services with a reach both locally and beyond the borders of the municipality, tourism attractions, places of residence, and associated community facilities.

Retaining what is special in Stellenbosch town requires change. The town has grown significantly as a place of study, work, and tourism, while perhaps inadequately providing residential opportunity for all groups, and certainly lacking adequate provision of public transport and NMT options. Managing residential growth of the town, through providing more inclusive housing at higher densities than the norm, is vital. This can and must bring significant reductions in commuting by private vehicles to and within Stellenbosch town, and provide the preconditions for sustainable public transport and NMT to and within the town.

The most significant redevelopment opportunity within Stellenbosch town is the Adam Tas Corridor, stretching from the Droë Dyke and the Old Sawmill sites in the west along Adam Tas Road and the railway line, to Kayamandi, the R304, and Cloetesville in the north. Large industrial spaces – currently disused or to be vacated over time – exist here. Redevelopment offers the opportunity to accommodate many more residents within Stellenbosch town, without a negative impact on agricultural land, nature areas, historically significant precincts, or “choice” lower density residential areas. In many ways, the Adam Tas Corridor represents the key to protect and enhance what is special within Stellenbosch town, as well as the relationship between the town and surrounding nature and agricultural areas.

Conceptually, the Adam Tas Corridor is the focus of new town building, west of the old Stellenbosch town and central business district (CBD). The “seam” between the new and old districts comprises Die Braak and Rhenish complex, which can form the

public heart of Stellenbosch town. The CBD or town centre in itself can be improved, focused on public space and increased pedestrianism. A recent focus on the installation of public art could be used as catalyst for further public space improvements.

Other infill opportunities also exist in Stellenbosch town, specifically in Cloetesville, Idas Valley, Stellenbosch Central, along the edges of Paradyskloof, and Jamestown. There are also opportunities to change the nature of existing places to become more “balanced” as local districts. The Techno Park, for example, can benefit from housing development for people who work there.

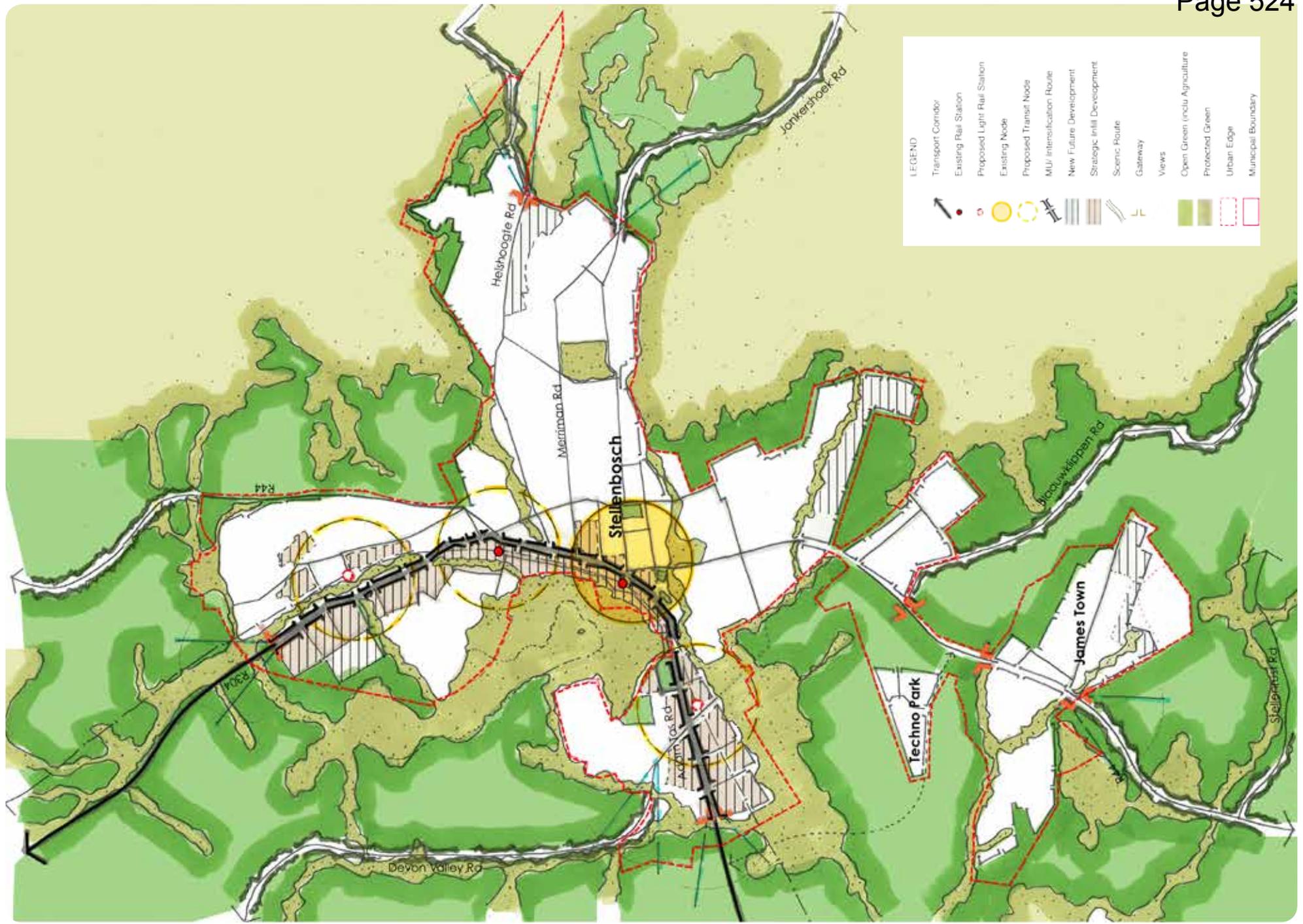
Kayamandi has been under new pressure for outward expansion, specifically from new residents moving to Stellenbosch from elsewhere (within and outside the metropolitan region). This pressure, arguably, hinders efforts to upgrade and transform area. New residents, through land invasion, increase pressure on municipal and other resources which could be utilized for upgrading. Ideally, Kayamandi should not be extended beyond the northern reach of Cloetesville (with Welgevonden Boulevard as the northern edge) and its reach to the east should be minimized (in other words, a band of development along the R304 should be promoted).

The inclusivity of infill housing opportunity – referring to the extent to which the housing provides for different income and demographic groups – whether as part of the Adam Tas Corridor or elsewhere within Stellenbosch town – is critical. Unless more opportunity is provided for both ordinary people working in Stellenbosch, and students, it will be difficult to impact on the number of people commuting to and from Stellenbosch town in private vehicles on a daily basis.

Further development of Stellenbosch town as a balanced, inclusive settlement, with sustainable public and NMT options available, will require significant partnership between major institutions across sectors. For example, most of the Adam Tas Corridor is in private ownership, and a purely

commercial approach to redevelopment of the land may not be in the best interest of the town. Further, it would appear that much of the traffic congestion in Stellenbosch town relate to the university, whether it is students commuting from other areas in the metropolitan areas, or students living within the town using cars for short trips. A key prerequisite for implementation of the spatial proposals for Stellenbosch town is therefore establishing the institutional arrangements for joint planning and implementation towards common objectives, beyond those of individual institutional or corporate interests.

Also significant for the balanced development of Stellenbosch town, and retaining a compact town surrounded by nature and agriculture, is the development of the Baden Powell Drive-Adam Tas Road-R304 transit and development corridor, enabling public transport to and from Stellenbosch town, and alternative settlement opportunity, proximate to, but outside of Stellenbosch town. Critical will be the feasibility of changing the rail vehicle type currently using the railway along the Baden Powell Drive-Adam Tas-R304 corridor to a lighter railcar/ tram type system, providing a more frequent, flexible service better integrated into the urban realm. Alternatively, a regular bus service should be explored serving the same route.

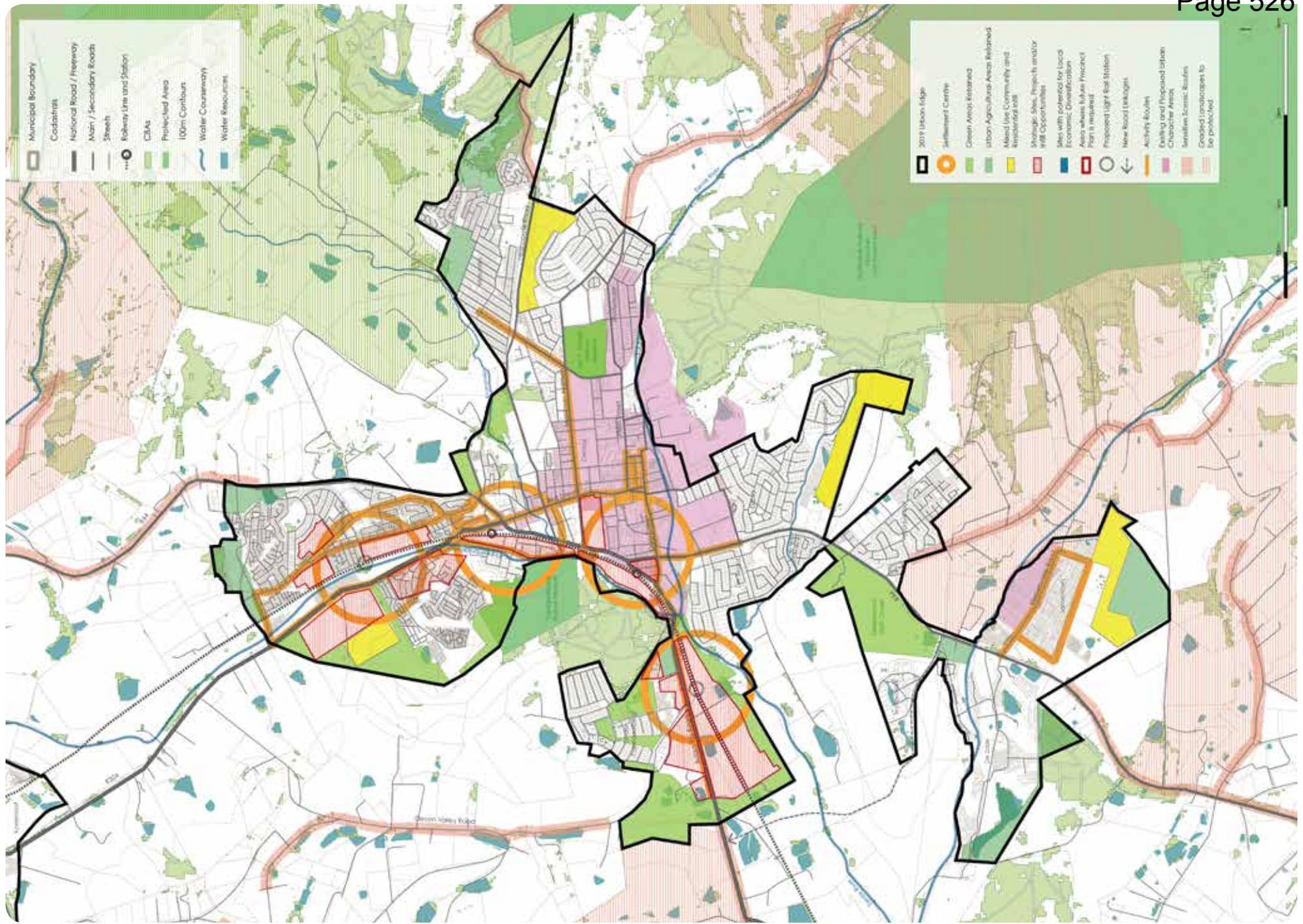


STELLENBOSCH CONCEPT

Figure 27. Stellenbosch Town Concept

Table 20. Plan Elements and Proposals for Stellenbosch Town

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding Stellenbosch town. Work to increasingly connect and integrate nature areas, also with the urban green areas, to form an integrated green web or framework across the town and its hinterland area. 	<ul style="list-style-type: none"> Implement management actions contained in the SEMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the Kromrivier, Plankenbrug, Eerste River, and Blaauklippen River corridors. 	<ul style="list-style-type: none"> Improve water quality in the Plankenbrug River (through infrastructure improvements in Kayamandi).
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between Stellenbosch town and surrounding agricultural land. 	
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of Stellenbosch town as far as possible within the existing urban edge (while enabling logical, small extensions). 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the town. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). Improve public space and movement routes within historically and culturally significant precincts, with a focus on pedestrianism. Work to grow the extent of historically and culturally significant precincts and places in daily use and accessible to the public (through appropriate re-design and use of specifically disused industrial buildings along the Adam Tas Corridor). Define and hold the northern and eastern edges of Kayamandi. Support land use change along George Blake Road to enable the integration of Kayamandi with the Adam Tas Corridor and Stellenbosch central area. 	<ul style="list-style-type: none"> Utilise government land assets to enable integration between informal settlements and established areas.
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Pro-actively support higher density infill residential opportunity in the town centre, areas immediately surrounding it, and along major routes (with consideration of historic areas and structures). 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for residential densification and infill	<ul style="list-style-type: none"> Retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts. Actively support pedestrianism and improved public space within the old town centre 	<ul style="list-style-type: none"> Support private sector led institutional arrangements assist with urban management in the town centre.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within Stellenbosch town. Improve access to the Techo Park, specifically from the north-west. 	<ul style="list-style-type: none"> Pro-actively, and in partnership with key corporations/institutions, introduce transport mode demand measurements favouring public and NMT. Ensure that the design of all roads within and surrounding the town provides for appropriate NMT movement.
	Improved access and mobility	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. Retain, as far as is possible, University and other educational uses within Stellenbosch town. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Community/ Institutional use	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> Develop the Adam Tas Corridor as a mixed-use, high density urban district, with strong internal and external public and NMT connections. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and redevelopment. Support redevelopment by making available government land assets.
New Development Actions	Significant new mixed use development	<ul style="list-style-type: none"> Support inclusive infill development on vacant public land within Cloeteville, Idas Valley, Central Stellenbosch, and Jamestown. Support infill development on private land within Stellenbosch town in a manner which serves to compact the town, expand residential opportunity, and rationalize the edges between built and unbuilt areas. Support the further development of Techo Park as a balanced community, emphasizing residential opportunity. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and unlocking of the opportunity.
	Significant new residential development	<ul style="list-style-type: none"> Explore the feasibility of changing/ complementing the rail vehicle type currently using the railway along the Baden Powell Drive-Adam Tas-R304 corridor to a lighter railcar/ tram type system, providing a more frequent, flexible service better integrated into the urban realm. Alternatively, a regular bus service should be explored serving the same route. Alternatively, a regular bus service should be explored serving the same route. 	
	Significant change to access and mobility provision		



STELLENBOSCH FRAMEWORK

Figure 28. Stellenbosch Town Plan

5.4. Klapmuts

Located as it is on the N1 transport corridor – which carries 93% of metropolitan bound freight traffic – Klapmuts is a potentially significant centre for economic activity and residence within the metropolitan region and SM (as identified in the GCM RSIF). To date, the settlement is characterized by residential use and limited commercial and work-related activity. Public sector resource constraints have prevented the infrastructure investment required to enable and unlock the full potential of the area for private sector economic development as envisaged in the GCM RSIF.

The decision by Distell to relocate to and consolidate many of its operations in Klapmuts is critical to commence more balanced development of the settlement. Distell proposes to develop a beverage production, bottling, warehousing and distribution facility on Paarl Farm 736/RE, located north of the N1, consolidating certain existing cellars, processing plants, and distribution centres in the Greater Cape Town area. The farm measures some 200 ha in extent. The beverage production, bottling, warehousing and distribution facility will take up approximately 53 ha.

The project proposal includes commercial and mixed-use development on the remainder of the site which is not environmentally sensitive to provide opportunities both for Distell's suppliers to co-locate, and for other business development in the Klapmuts North area. The site does not have municipal services, and the proposed development will therefore require the installation of bulk service infrastructure, including water, wastewater treatment, stormwater, electricity, and internal roads.

A number of issues require specific care in managing the development of Klapmuts over the short to medium term. The first is speculative applications for land use change on the back of the proposed Distell development. Already, a draft local plan prepared by DM has indicated very extensive development east of Farm 736/RE. Distell

will not fund the extensive infrastructure required to unlock development here, and arguably, land use change to the east of Farm 736/RE could detract from the opportunity inherent in Farm 736/RE. The second is the linkages between Klapmuts north and south, specifically along Groenfontein Road and a possible NMT crossing over the N1 linking residential areas south of the N1 directly with Farm 736/RE. Without these linkages, residents to the south of the N1 will not be able to benefit from the opportunity enabled north of the N1. The third is speculative higher income residential development in the Klapmuts area, based on the area's regional vehicular accessibility. Higher income development is not a problem in and of itself, but ideally it should not be in the form of low density gated communities.

Most importantly, the N1 corridor – including adjacent land also serviced by the old Main Road and railway – stretching from the CCT through Klapmuts towards Paarl, requires urgent joint planning. Much potential to generate economic opportunity exists here, but careful planning and decisions are required in relation to where to start, what areas to prioritise for development, and what to protect as nature and agriculture.

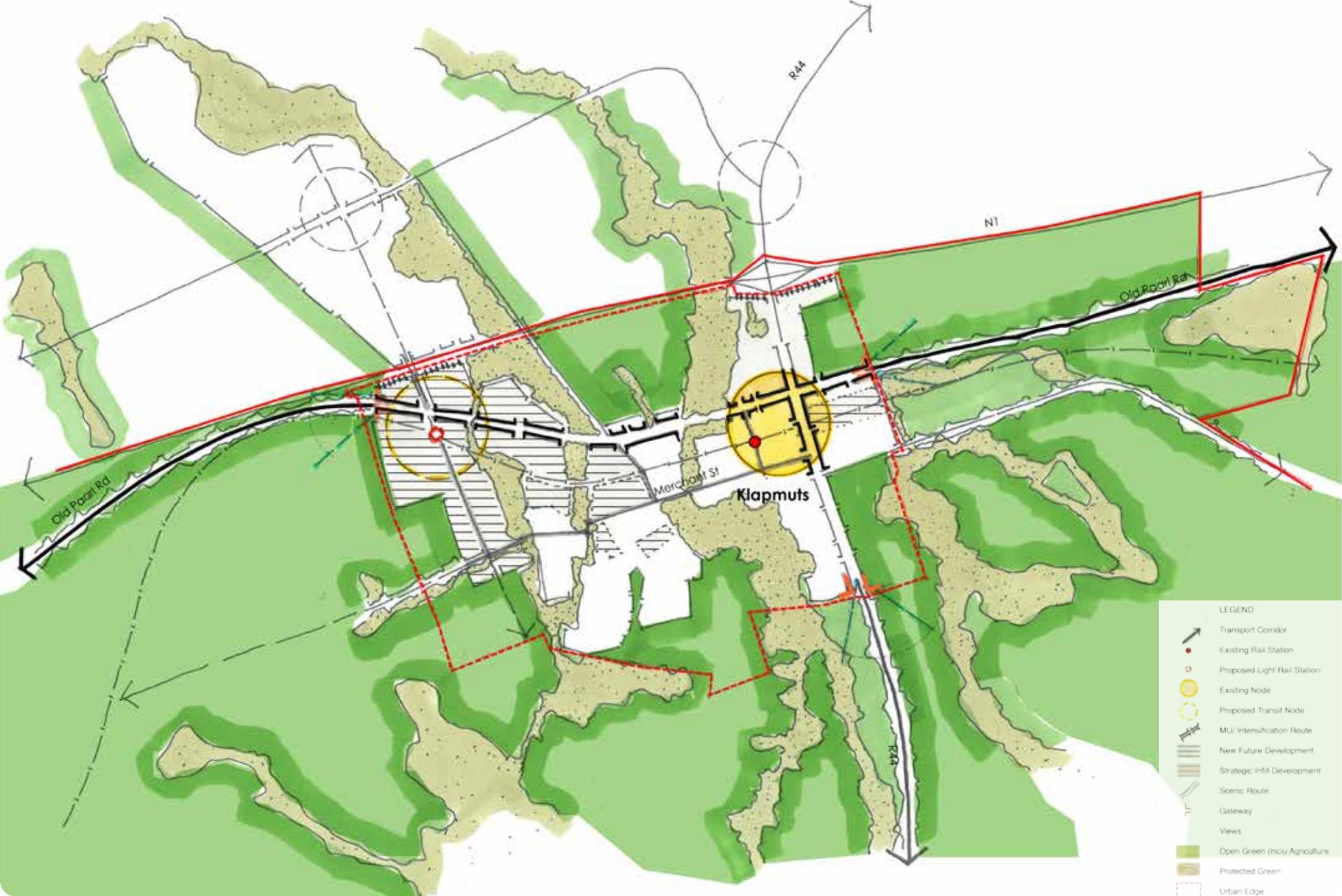


Figure 29. Klapmuts Concept

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding Klapmuts. Work to increasingly connect and integrate nature areas, also with the urban green areas, to form an integrated green web or framework across the municipal area. 	<ul style="list-style-type: none"> Implement management actions contained in the EMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the stream corridors. 	
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between Klapmuts and surrounding agricultural land. 	
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of Klapmuts as far as possible within the existing urban edge. 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the town. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). 	
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Prioritise informal settlements for upgrading and service provision. 	<ul style="list-style-type: none"> Utilise government land assets to enable integration between informal settlements and established areas.
	Areas for residential densification and infill	<ul style="list-style-type: none"> Pro-actively support higher density infill residential opportunity in Klapmuts South. 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts. 	<ul style="list-style-type: none"> Assist development opportunity for small/ emerging entrepreneurs.
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within Klapmuts. Prioritise NMT connections between Klapmuts North and South (in parallel with the development of Farm 736/RE). 	<ul style="list-style-type: none"> Pro-actively, and in partnership with key corporations/ institutions, introduce transport mode demand measurements favouring public and NMT. Ensure that the design of all roads within and surrounding the town provides for appropriate NMT movement.
	Community/ Institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development	<ul style="list-style-type: none"> Support the development of Farm 736/RE in Klapmuts North to unlock the development potential of Klapmuts (with an emphasis on job creation). 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and development.
	Significant new residential development	<ul style="list-style-type: none"> Ensure that housing in Klapmuts South provides for a range of income groups. 	
	Significant change to access and mobility provision	<ul style="list-style-type: none"> Improve linkages between Klapmuts North and South, specifically along Groenfonten Road and a possible NMT crossing over the N1. Explore the feasibility of changing/ complementing the rail vehicle type currently using the railway along the Baden Powell Drive-Adam Tas-R304 corridor to a lighter railcar/ tram type system, providing a more frequent, flexible service better integrated into the urban realm. Alternatively, a regular bus service should be explored serving the same route. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and unlocking of the opportunity.

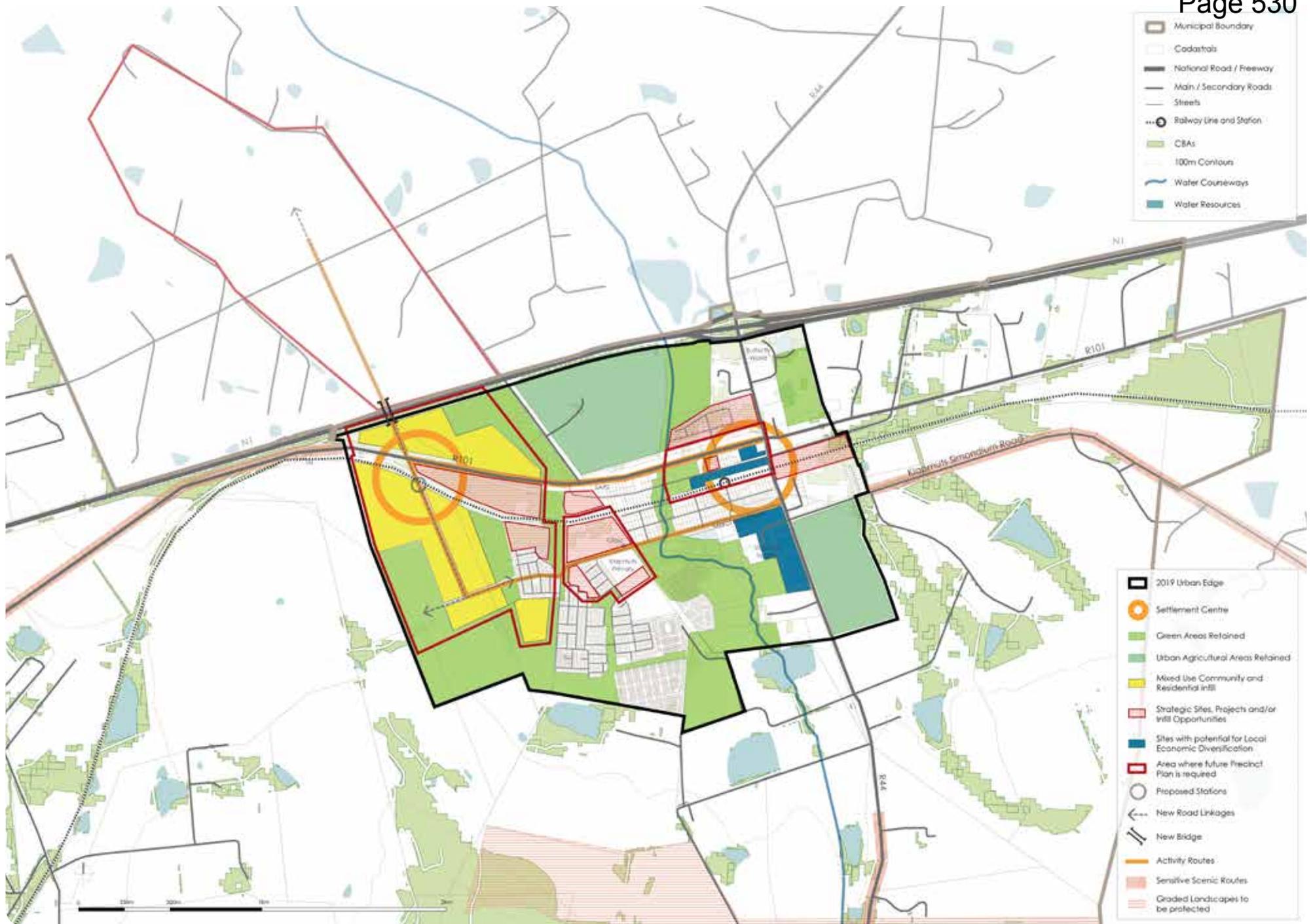


Figure 30. Klapmuts Plan

5.5. Franschhoek

Traditionally, in spatial planning for SM, Franschhoek is regarded as the second most significant settlement in the municipality, after Stellenbosch town. In terms of the current work, and as motivated elsewhere in this report, the municipal settlement hierarchy requires revisiting in terms of the proposed concept for spatial planning and management of the area. In terms of the concept, the focus for major development is on areas least sensitive in terms of nature and cultural assets, and where available infrastructure, and specifically movement networks, can support growth. In focus, this means Stellenbosch town and Klapmuts.

Franschhoek is viewed as having less livelihood potential (as confirmed by the WCG's Growth Potential of Towns study). This does not imply that no growth should be entertained. There is opportunity, but the focus should be on improving living conditions for existing residents as opposed to significant new growth.

The historic development of the settlement has resulted in the partitioning of urban space in Franschhoek. In broad terms, people live in two separate geographic entities, namely Groendal/Langrug and Franschhoek "town". In terms of socio-economic, demographic and built-environment conditions, there are vast differences between the two areas. The area between the north-west and south-west is not fully developed but within the urban edge. Potential for infill development exists here. There is also opportunity to reinforce mixed use development further along Main Road to the north-west, enabling convenience and entrepreneurship opportunity for residents living in this part of the settlement. Significant opportunity exists for improved NMT linkages between the north-west and south-west along Main Road.

FRANSCHHOEK CONCEPT

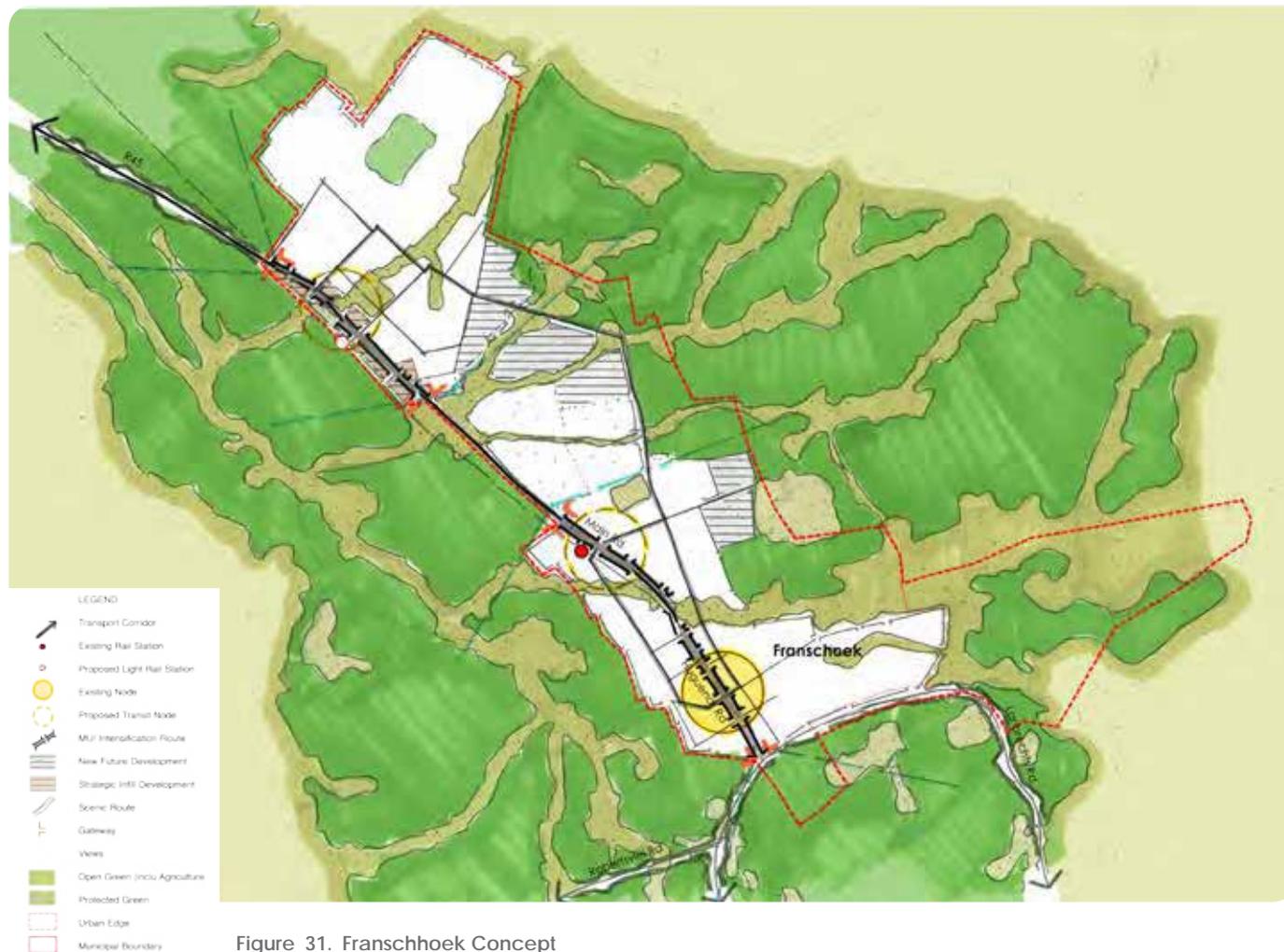
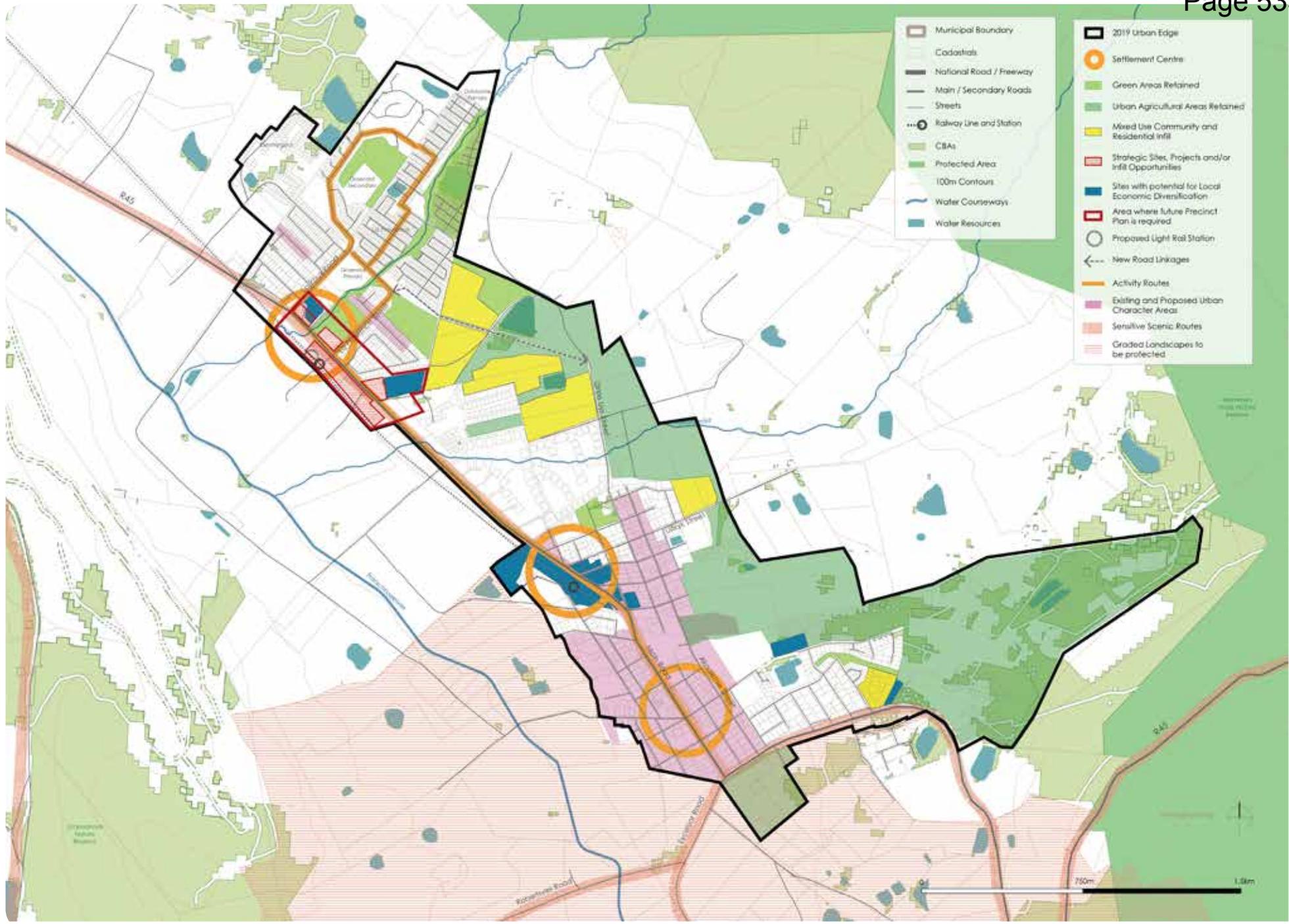


Figure 31. Franschhoek Concept

Table 22. Plan Elements and Proposals for Franschhoek

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding Franschhoek. Work to increasingly connect and integrate nature areas, also with the urban green areas, to form an integrated green web or framework across the municipal area. 	<ul style="list-style-type: none"> Implement management actions contained in the EMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the stream corridors. 	
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between Franschhoek and surrounding agricultural land. 	
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of Franschhoek as far as possible within the existing urban edge. 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the town. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). 	
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Prioritise informal settlements for upgrading and service provision. 	<ul style="list-style-type: none"> Utilise government land assets to enable integration between informal settlements and established areas.
	Areas for residential densification and infill	<ul style="list-style-type: none"> Focus infill development on the largely undeveloped part within the urban edge (between the north-western and south-eastern parts of the settlement). Ensure that residential development provides for a range of housing types and income groups. Ensure that future development is woven into the urban fabric of the existing town. 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Focus new mixed use development as far as possible along Main Road. Actively support pedestrianism and improved public space within the old town centre. 	<ul style="list-style-type: none"> Assist development opportunity for small/ emerging entrepreneurs. Support private sector led institutional arrangements assist with urban management in the town centre.
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within Franschhoek. Explore improved movement linkages between the north-western and south-eastern parts of the settlement. 	<ul style="list-style-type: none"> Ensure that the design of all roads within and surrounding the town provides for appropriate NMT movement.
	Community/ Institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development		
	Significant new residential development		
	Significant change to access and mobility provision		



FRANSCHHOEK FRAMEWORK

Figure 32. Franschoek Plan

5.6. Small Settlements in the Franschhoek Valley

5.6.1. La Motte

La Motte is a former forestry village situated on the Roberstville Road, some 5km west of Franschhoek. It serves as a place of living for workers mostly engaged in agricultural work on surrounding farms. Situated in a valley 1km off the R45, it does not have a significant commercial component supported by passing trade.

Originally built to house forestry workers, the village is made up of the initial forestry worker dwellings and a range of community facilities. During the construction phase of the Berg River Water Scheme, some 80 new houses were built adjacent to the existing settlement to temporarily house construction workers (these houses are progressively transferred to identified beneficiaries on the municipal housing list).

Given the need for affordable housing in the Franschhoek valley, and following recommendations of the previous MSDF, studies were completed in 2017 to support the development of affordable housing on three portions of state-owned land adjacent and proximate to the village, namely Farms 1653 ($\pm 5,09$ ha); 1339 ($\pm 11,42$ ha); and 1158/1 ($\pm 5,23$ ha). Provision was made for 16 residential units and three business units on Farm 1653, 329 residential units on Farm 1339, and 106 residential units on Farm 1158. Rezoning from agricultural use to subdivisional area was to follow the initial studies.

Given its location off the R45, La Motte is arguably not ideally located for significant growth (and certainly not for growth beyond the investigations currently in hand).



Figure 33. Extract from a planning motivation report for the "Proposed Integrated Residential Development Proposals; Portions of Farms 1158/1, 1653 And 1139 La Motte, Franschhoek" (CK Rumboll & Partners)

5.6.2. Wemmershoek

Wemmershoek is a former forestry village situated at the intersection of the R45 and R303, the rail line, and the confluence of the Berg and Franschoek Rivers, some 6km west of Franschoek. It serves as a place of living for workers mostly engaged in agricultural work on surrounding farms. It does not have a significant commercial component supported by passing trade.

Given its location, Wemmershoek offers real potential as a contained place of living and work. Much of this, however, relates to possible future maximisation and re-use of the sawmill site. In the absence of sustainable local work opportunities, it will remain a place of residence for people commuting elsewhere for work.

As indicated in the previous MSDP, there is an opportunity to extend the village east of the R301. Ideally, this opportunity should not be explored unless in parallel with significant local employment generating land uses.

WEMMERSHOEK - LA MOTTE CONCEPT



Figure 34. Wemmershoek - La Motte Concept

Table 23. Plan Elements and Proposals for La Motte - Wemmershoek

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding La Motte and Wemmershoek. Work to increasingly connect and integrate nature areas, also with urban green areas, to form an integrated green web or framework across the municipal area. 	<ul style="list-style-type: none"> Implement management actions contained in the EMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the stream corridors. 	
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between La Motte, Wemmershoek, and surrounding agricultural land. 	
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of La Motte and Wemmershoek as far as possible within the existing urban edges. 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the settlements. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). 	
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Accommodate inhabitants of informal structures in planning for the settlements. 	
	Areas for residential densification and infill	<ul style="list-style-type: none"> Consider underutilised open space within the settlements for infill development. 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Focus new mixed use development on in La Motte on Farm 1653. Focus new mixed use development in Wemmershoek on the sawmill site. 	<ul style="list-style-type: none"> Assist development opportunity for small/ emerging entrepreneurs.
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT between La Motte, Wemmershoek, the R45, and Franschoek. 	<ul style="list-style-type: none"> Ensure that the design of all roads within and surrounding the settlements provides for appropriate NMT movement.
	Community/ Institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development		
	Significant new residential development		
	Significant change to access and mobility provision		

IN PROCESS

Figure 35. La Motte - Wemmershoek Plan

5.7. Small Settlements in the Dwars River Valley

The Dwars River Valley comprises the small towns of Groot Drakenstein, Pniel, Lanquedoc, Johannesdal, and Kylemore, situated west and east of the R310 Helshoogte Road which links Stellenbosch town with the R45 at Groot Drakenstein. The area is a wine and culinary destination, with an array of experiences and attractions, and has become an important part of the Stellenbosch Wine Route.

5.7.1. Groot Drakenstein

Groot Drakenstein is located at the intersection of the R310 to Stellenbosch and the R45 between Franschoek and the N2. The area comprise industrial land uses (a pallet factory, canning factory, and food preparation factory), vacant industrial land, office use, community facilities (police station and clinic), agriculture, dwelling houses, rail station and sheds, and vacant and uncultivated land.

The previous MSDF identified the area as a location for development of a structured village node. Since then, significant planning work has been undertaken to determine how best to develop the village, considering its historic, socio-economic, environmental, and servicing context.

In relation to land south of the R45, several development proposals have been generated over the last 15 years for the Boschendal landholding, through various planning processes. This comprised extensive development proposals which saw significant portions of the farm being proposed for various extensive residential developments, a retirement village, equestrian estate and other residential estate "villages". In 2012 new shareholders invested in the farm and reviewed this previous development approach. The proposals which were at that stage being advertised for comment were then withdrawn from the statutory processes.

Current planning provides for a rural "Cape Village" with distinct and authentic rural settlement qualities of some 25ha, including 475 dwelling units, 100 guest units, 5 500m² retail space, 9 000m² general commercial use, a new clinic, and an early childhood development and aftercare centre with a capacity for 120 children .

Residential development will comprise a mix of housing types ranging from freestanding dwelling houses on single erven (at nett densities of $\pm 4-11$ du/ha) to more compact row houses (± 25 du/ha) to apartments (± 86 du/ha). The overall gross density for residential development is 17, 85 dwelling units/ha and the development will comprise a maximum of 475 dwelling units.

The mixed-use business area of the village is centred on a "high street" where the public can access it any time of the day. An important feature at the heart of this high street is the farmer's market which will provide small entrepreneurs, surrounding farmers, home crafters, artists and small local businesses the opportunity to access a regular, local market. It is intended for the buildings in this precinct to be mixed-use in nature, with retail and business at ground floor levels and residential apartments or general business use at upper levels. It is the intention to ensure a mixed offering of commercial, shopping, restaurants and convenience goods which will serve the residents, visitors and surrounding communities. It is important to note that it is not the intention of this



Figure 36. Boschendal Site Development Plan by Philip Briel Architects, From Boschendal Village: Planning Report for NEMA Basic Assessment Report Version 1.9 - June 2017

development to contain a shopping centre. The GLA proposed is sufficiently limited and designed on a publicly accessible high street concept, to ensure it takes the form of a local business node.

It proposed to relocate the existing clinic in the area to a more centrally located position in the new village. The early childhood development and aftercare centre will serve both the residents of the village surrounding villages.

Environmental authorisation for the proposed development was granted in March 2018.

Meerlust, a small community north of the R45, is a previous forestry worker community. In 2017, SM affirmed a commitment to take over the management of Meerlust until such time as the property (Portion 1 of the Farm Meerlust No 1006) is transferred to the Municipality. It was also agreed that the Council take over the Groot Drakenstein / Meerlust Rural Housing Project from Cape Winelands District Municipality, seek a Power of Attorney from the National Department of Public Works in order to proceed with the planning and implementation of the Groot Drakenstein / Meerlust Rural Housing Project, initiate a call for development proposals from prospective developers, and conclude an agreement with the successful bidder for the planning and implementation of the project.

5.7.2. Pniel, Lanquedoc, Johannesdal, and Kylemore

Pniel, Lanquedoc, Johannesdal, and Kylemore remain relatively distinct, with small scale farms within the urban edge of each. Agricultural trade and labor continue to feature strongly in these settlements, both in land use, and the well-being of people. Settlements contain numerous places of historic significance and the density of development is relatively low. Undeveloped land within the urban edge occur south of Pniel and in a corridor between Lanquedoc and Kylemore (these areas were defined as future development areas in the previous MSDP).

To ensure that the Boschendal Village development benefits residents in the Dwars Rivier Valley, an agreement was confirmed that 5% value of the initial sale of properties and 0.5% of all subsequent sales will be transferred to the Boschendal Treasury Trust (BTT) to ensure that development needs of Dwars Rivier are met through this opportunity.

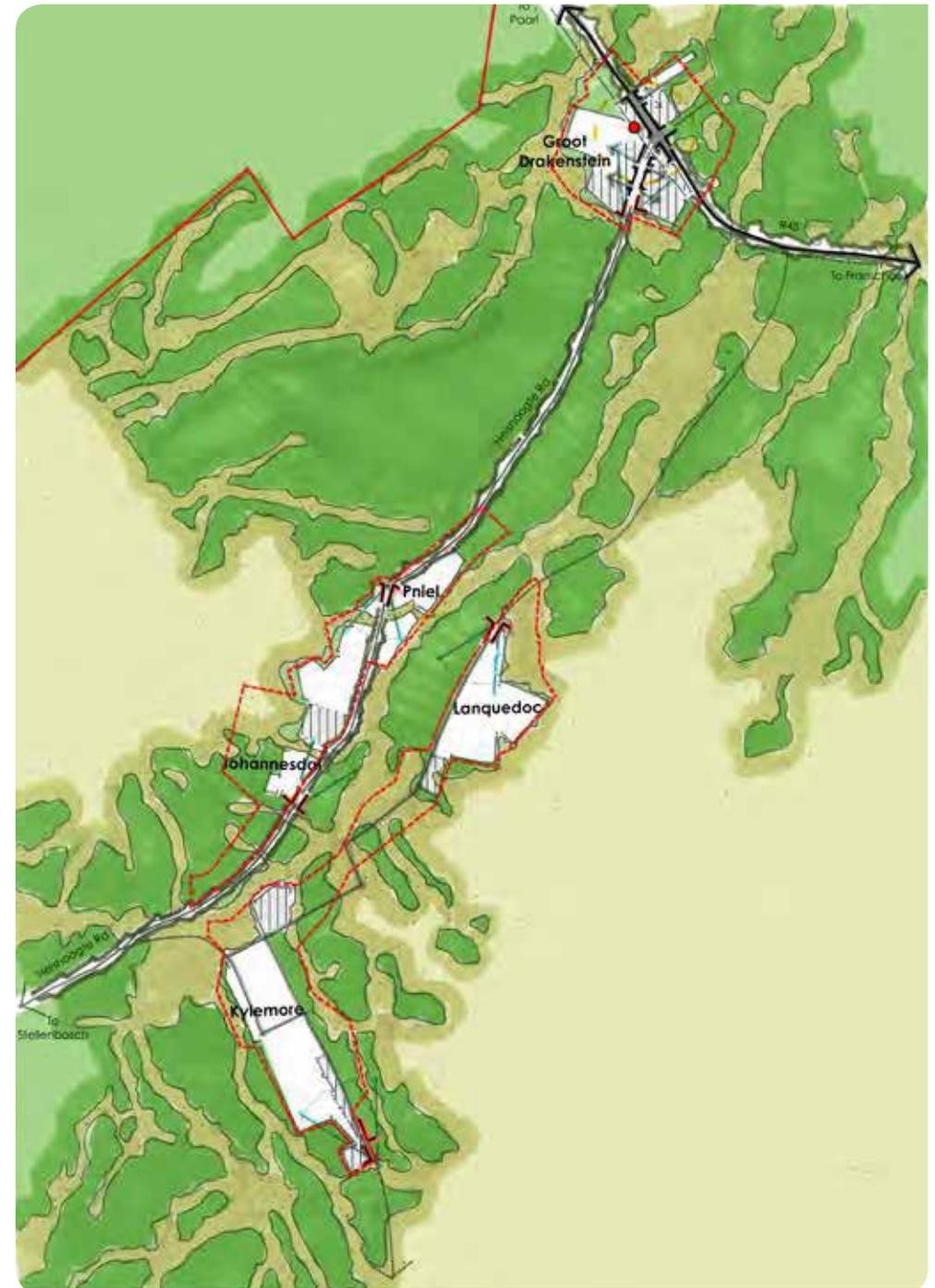


Figure 37. Dwars River Valley Concept

Table 24. Plan Elements and Proposals for Dwars River Valley Settlements

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding settlements of the Dwars River Valley. Work to increasingly connect and integrate nature areas, also with urban green areas, to form an integrated green web or framework across the municipal area. 	<ul style="list-style-type: none"> Implement management actions contained in the EMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the stream corridors. 	<ul style="list-style-type: none"> Ensure that river rehabilitation activities takes place.
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between settlements of the Dwars River Valley and surrounding agricultural land. 	<ul style="list-style-type: none"> Protect small scale agricultural opportunity and initiatives to transfer associated skills to the youth.
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of settlements of the Dwars River Valley within existing urban edges. 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the settlements. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). 	
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Accommodate inhabitants of informal structures in planning for the settlements. 	
	Areas for residential densification and infill	<ul style="list-style-type: none"> Ensure that residential development provides for a range of housing types and income groups. Ensure that future development is woven into the urban fabric of existing settlements. Consider underutilised open space within the settlements for infill development that will enhance socio-economic potential of those who currently reside in these towns. 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Focus addressing service needs in cluster developments, in this way improving mixed use and enhancing economic opportunities. Focus key protects on current mixed-use developments, while ensure future pockets of growth are integrated into the current and new developments. 	<ul style="list-style-type: none"> Assist development opportunity for small/ emerging entrepreneurs.
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within and between settlements of the Dwars River Valley. 	<ul style="list-style-type: none"> Ensure that the design of all roads within and surrounding settlements provides for appropriate NMT movement.
	Community/ Institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development		
	Significant new residential development		
	Significant change to access and mobility provision		

IN PROCESS

Figure 38. Dwars River Valley Plan

5.8. Jonkershoek

The Jonkershoek Valley is a unique area characterized by intensive agriculture and natural beauty, currently experiencing a broad range of development pressures. In 2015, a LSDF was approved by Council for a 61.8km² part of the valley bounded by the residential areas of Rozendal and Karindal, a line joining the peaks of Stellenboschberg to the south-west, the peaks of Jonkershoekberg to the north-east, and the cadastral boundary of the Farm Jonkershoek 385 to the southeast.

The LSDF divides the Jonkershoek Valley into four distinctive parts:

1. An agricultural precinct comprising farms and smallholdings in the lower valley.
2. A mixed use precinct of state/ parastatal facilities and housing in the central valley.

3. A forestry precinct comprising the upper valley catchment and forestry area.
4. A conservation and natural vegetation precinct comprising the Jonkershoek Nature Reserve in the upper valley.

While the LSDF contains proposals for all four areas, the focus is on the mixed use precinct. The intent here is to formalize development in two nodes, preventing the loss of green space between or outside the nodes. A non-urbanised appearance of the nodes is promoted, with the settlement not replicating urban functions normally located in Stellenbosch town.

The mixed used precinct is separated into:

- A southern sub-precinct accommodating uses related to research and innovation, forestry, conservation management and eco-, recreation and educational tourism.

Accommodation for eco-tourist purposes is restricted to temporary stay.

- A northern-sub precinct accommodating two nodes as “settlements” or “hamlets” comprising of existing residential buildings and infrastructure, together with limited residential infill (some 50 units), providing accommodation to any person who may have a right to settle in the Jonkershoek Valley as well as persons renting residual existing housing stock. The total estimated population who qualify to reside in the mixed use precinct is estimated at ±445 (123 households).

It was proposed to establish a trust to secure and manage the rights of those currently residing in the Jonkershoek Valley. This requires the integration and co-ordination of planning and development initiatives of Stellenbosch Municipality, Cape Pine (Pty) Ltd, CapeNature, and various provincial and state departments.

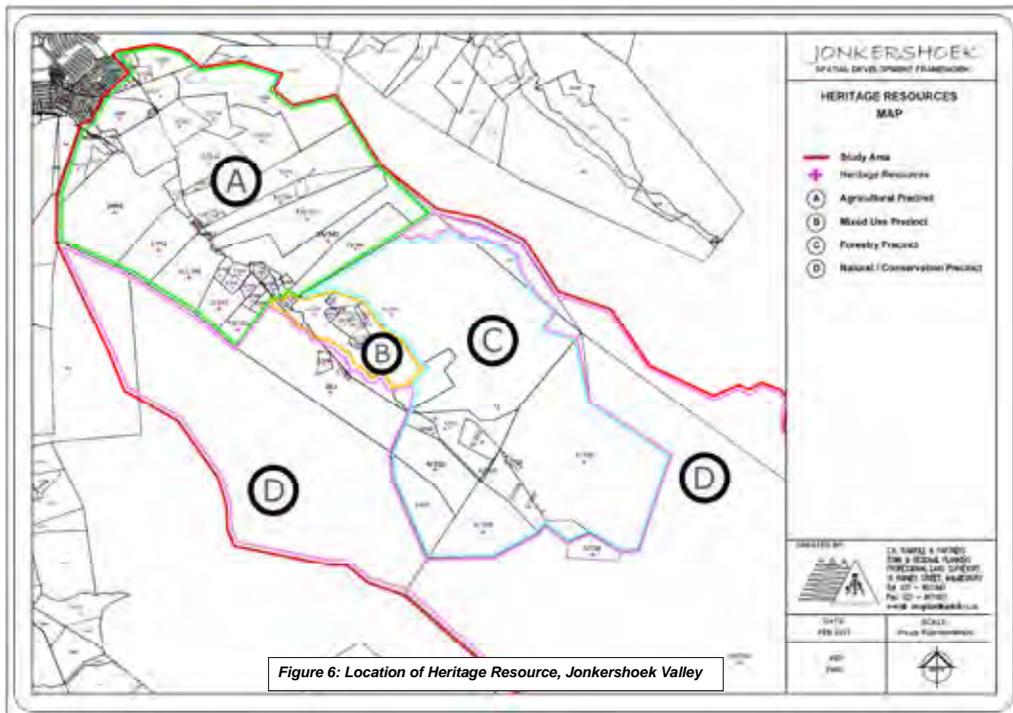


Figure 6: Location of Heritage Resource, Jonkershoek Valley

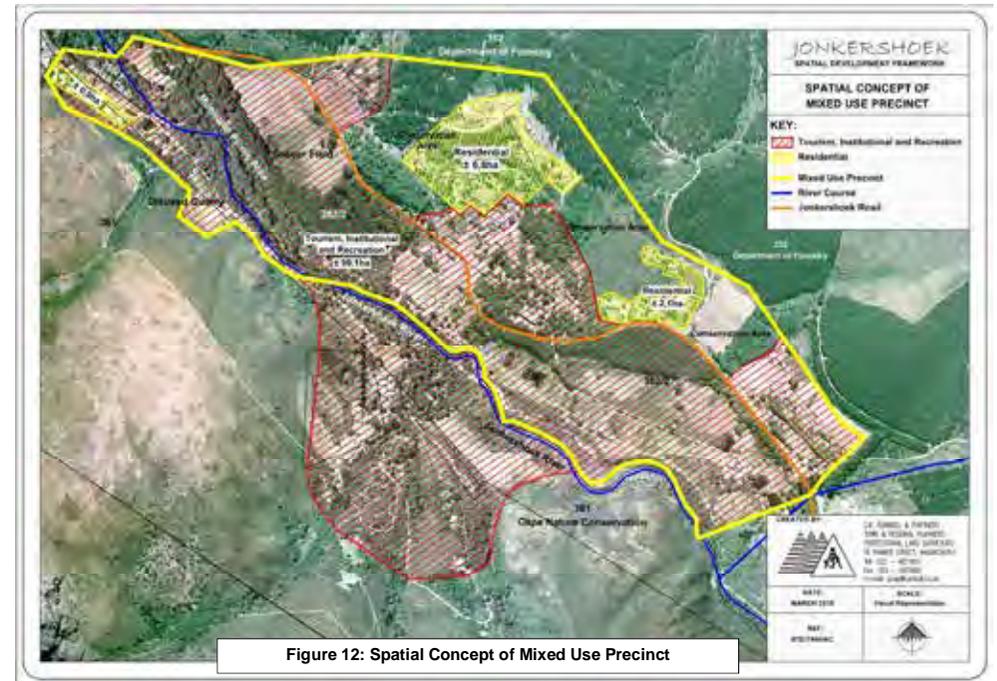


Figure 12: Spatial Concept of Mixed Use Precinct

Figure 39. Land use precincts and the spatial concept for the mixed use precinct (Jonkershoek SDF approved by Council in 2015)

As Jonkershoek is not defined as a “complete” settlement, no detailed plan description deemed necessary. The proposals contained in the 2015 document, aimed at preserving what is special in the valley and providing accommodation to any person who may have a right to settle in the Jonkershoek Valley as well as persons renting residual existing housing stock, remain valid.

5.9. Small Settlements along the R304

5.9.1. Muldersvlei Crossroads

Given its location in relation to regional routes, Muldersvlei Crossroads appears to have the potential for further formal settlement development. Ideally, it should be planned as part of a broader initiative related to the N1 corridor stretching from CCT to DM, including Klapmuts.

To be completed

5.9.2. Koelenhof

Koelenhof is located at the intersection of the R304 and M23, some 4km north of Stellenbosch town. The R304 provides access to the N1, and the M23 to Cape Town/ Kraaifontein in the west and the R44 (which leads to Klapmuts) in the east. The railway line (parallel to the R304) runs through the area.

A LSDF was prepared for Koelenhof in 2007. The LSDF proposed that the role of Koelenhof be that of a mainly agricultural hamlet with limited residential and industrial uses (to help its residents and some

from Stellenbosch). The area within the urban edge of Koelenhof comprises some 196ha.

Land identified for housing includes 22,4ha of subsidy housing (approximately 560 units), 32,2ha for GAP housing (approximately 800 units), and 30,5ha for market related housing (approximately 765 units). An area of 22,6ha is provided for industrial development, 29,6ha for mixed use development, and 13,1ha for institutional uses. Relatively little of this development allocation has been taken up.

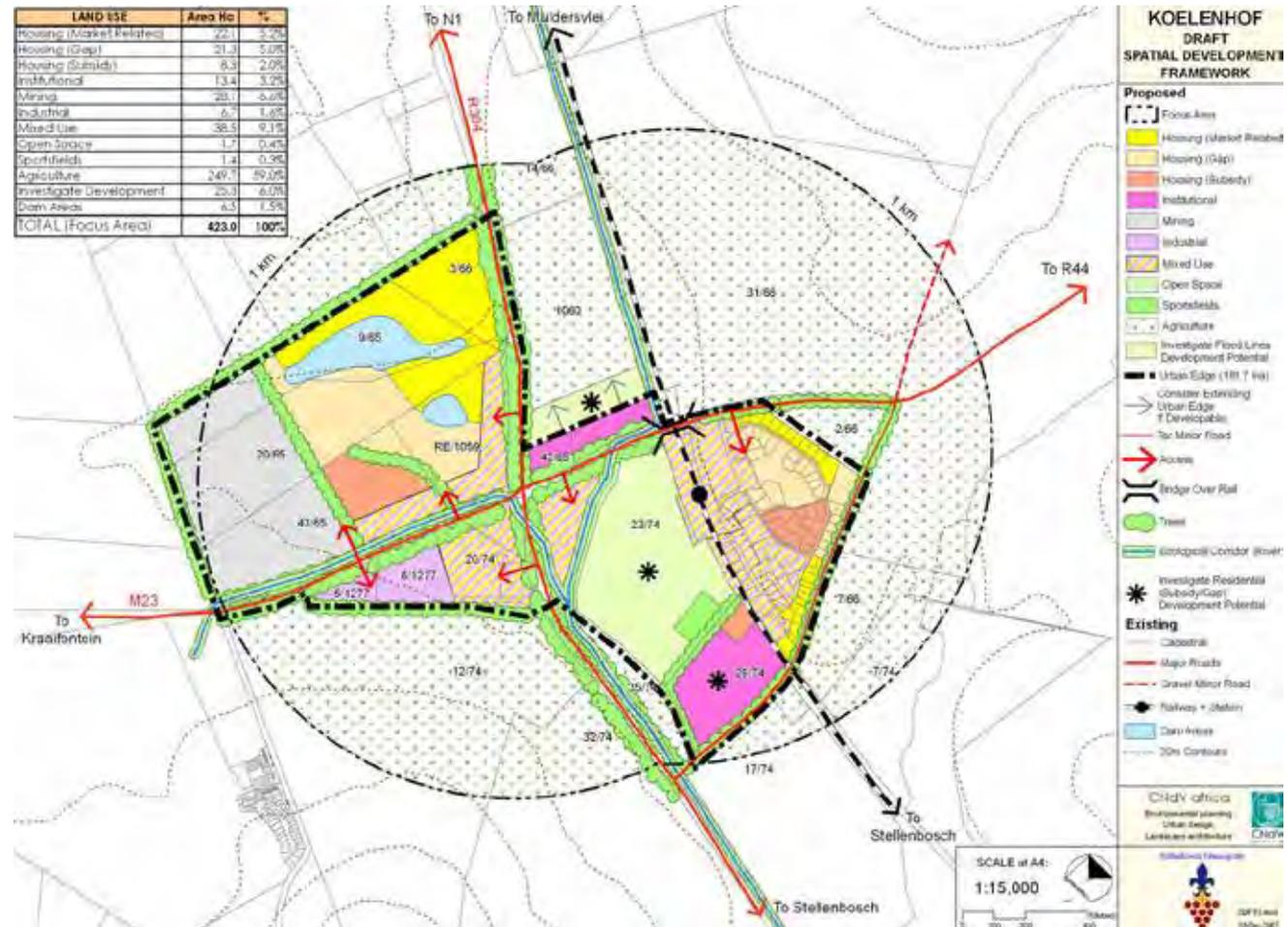


Figure 40. Koelenhof Spatial Development Framework Revision and Urban Edge Determination - Final Draft 2007



Figure 41. Koelenhof - Muldersvlei Concept

Table 25. Plan Elements and Proposals for Koelenhof - Muldersvlei

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding small settlements along the R304. Work to increasingly connect and integrate nature areas, also with the urban green areas, to form an integrated green web or framework across the municipal area. 	<ul style="list-style-type: none"> Implement management actions contained in the EMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along stream corridors. 	
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between small settlements along the R304 and surrounding agricultural land. 	
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprints of small settlements along the R304 as far as possible within the existing urban edge. 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to small settlements along the R304. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). 	
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Accommodate inhabitants of informal structures in planning for the settlements. 	
	Areas for residential densification and infill	<ul style="list-style-type: none"> Ensure that residential development provides for a range of housing types and income groups. Ensure that future development is woven into the urban fabric of existing settlements. Consider underutilised open space within the settlements for infill development that will enhance socio-economic potential of those who currently reside in these towns. 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Focus addressing service needs in cluster developments, in this way improving mixed use and enhancing economic opportunities. 	
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within and between small settlements along the R304. 	<ul style="list-style-type: none"> Ensure that the design of all roads within and surrounding settlements provides for appropriate NMT movement.
	Community/ Institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development	<ul style="list-style-type: none"> Over the longer term, Muldersvlei and Koelenhof along the R304 corridor could possibly accommodate more growth, and be established as inclusive settlements offering a range of opportunities. However, these settlements are not prioritized for development at this stage. Explore the feasibility of changing/ complementing the rail vehicle type currently using the railway along the Baden Powell Drive-Adam Tas-R304 corridor to a lighter railcar/ tram type system, providing a more frequent, flexible service better integrated into the urban realm. Alternatively, a regular bus service should be explored serving the same route. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and development.
	Significant new residential development		
	Significant change to access and mobility provision		

IN PROCESS

Figure 42. Koelenhof Muldersvlei Plan

5.10. Small Settlements along Baden Powell Drive

5.10.1. Vlottenburg

Vlottenburg is located approximately five km west of Stellenbosch town. Starting off as a processing node with Van Ryn Brandy Cellar and the Vlottenburg Winery, it steadily grew as a small residential node for a variety of income groups.

The previous MSDF identified the area as a location for development of a structured village node. The development consortium's preferred village layout of some 77ha includes 375 single residential units,

90 townhouses, 343 walkup apartments, 97 mixed use flats/ apartments a retail centre of 5 000m², hotel school, medical centre, mixed use buildings, hotel and conference facility, education facilities (including a private school), sports fields and private open space. A revised layout was prepared (and incorporated in the final EIA report) in response to comments received on the draft EIA report regarding the scale of the proposed development, and a proposal to amend the urban edge of Vlottenburg.

The revised layout comprises a smaller overall development footprint (52ha), includes most of the

preferred layout, but with fewer single residential units, more mixed use flats/ apartments, and excludes the 5 000m² shops/ business premise, private school and the community sports field and clubhouse.

In principle, it is believed that a structured village could be supported at Vlottenburg. It should, however, be inclusive in the opportunity provided, including a full range of housing types and local services. Critically, it should not proceed unless a more frequent, flexible public transport service can be provided along the Baden Powell-Adam Tas corridor.



Figure 43. Alternative 1 and 2 from Vredenheim Engineering Services Report (Aurecon, 8 June 2017)

5.10.2. Spier

The village at Spier, abutting the R310, is part of the 620ha historic Spier Farm. Housing a 150-room hotel, conference centre, restaurants, and winery, the village component has become a centre for the arts, recreation, and tourist destination. Sustainability is of key importance to the entire farm operation, and active programs are in place to maintain the environment and associated communities.

5.10.3. Lynedoch

Lynedoch is a unique settlement – named Lynedoch Eco Village – situated halfway between Khayalitsha and Stellenbosch on the R310 and at the intersection of the R310 and Annandale Road. The village is home to the Sustainability Institute, which offers a number of degree and other education and training programmes in partnership with the University of Stellenbosch and other organisations, a number of schools, guest facility, and residences.

Development commenced almost 20 years ago, managed by a non-profit company called the Lynedoch Development Company (LDC). International and local development aid funders and local banks assisted to fund the development. Technical and institutional arrangements and procedures for the development of the village were structured to meet ecological, social and economic sustainability. The Lynedoch Home Owners Association (LHOA) was established to take primary responsibility for service delivery.

Achieving social inclusivity remains a key aim. The Constitution of the LHOA imposes on all home owners severe restrictions on resale by making it compulsory that any seller of any property must first offer the property to the LHOA and only then offer it to a third party at a price that is not lower than the price proposed to the LHOA.

Further growth of the Sustainability Institute and its partners' education focus and offer, through expanded and new programmes, and further accommodation for students and staff within a compact, pedestrian oriented, child friendly community, appears appropriate.

VLOTTENBURG - SPIER - LYNEDOCH CONCEPT



Figure 44. Vloppenburg - Spier - Lynedoch Concept

Table 26. Plan Elements and Proposals for Vlottenburg - Spier - Lynedoch

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding small settlements along Baden Powell Drive. Work to increasingly connect and integrate nature areas, also with the urban green areas, to form an integrated green web or framework across the municipal area. 	<ul style="list-style-type: none"> Implement management actions contained in the EMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the stream corridors. 	
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between small settlements along Baden Powell Drive and surrounding agricultural land. 	
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of small settlements along Baden Powell Drive as far as possible within the existing urban edge. 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the small settlements along Baden Powell Drive. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). 	
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Prioritise informal settlements for upgrading and service provision. 	
	Areas for residential densification and infill	<ul style="list-style-type: none"> Focus infill development on undeveloped land within the urban edge. 	
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Maintain the scale of mixed used and economic opportunity areas to reflect the current role of settlements. 	
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within and between small settlements along Baden Powell Drive. 	<ul style="list-style-type: none"> Ensure that the design of all roads within and surrounding the settlements provides for appropriate NMT movement.
	Community/ Institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. Maintain Lynedoch as a focus for education and training (with various focus areas and "levels" of education). 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development	<ul style="list-style-type: none"> Over the longer term, Vlottenburg, Spier, and Lynedoch along the Baden Powell-Adam Tas-R304 corridor could possibly accommodate more growth, and be established as inclusive settlements offering a range of opportunities. However, these settlements are not prioritized for development at this stage. Explore the feasibility of changing/ complementing the rail vehicle type currently using the railway along the Baden Powell Drive-Adam Tas-R304 corridor to a lighter railcar/ tram type system, providing a more frequent, flexible service better integrated into the urban realm. Alternatively, a regular bus service should be explored serving the same route. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and development.
	Significant new residential development		
	Significant change to access and mobility provision		

IN PROCESS

Figure 45. Spier - Vlottenburg - Lynedoch Plan

5.11. Raithby

Raithby is a small rural settlement, situated in the heart of the agricultural area roughly defined by the R310, R44, Old Main Road to the west, Main Road through Firgrove, and Helderberg Village to the south. Access to the village is via Raithby Road, which intersects with Winery Road, in turn providing access to Old Main Road and the R44 (some 1,25km from the village).

Raithby is regarded as the settlement within the Municipality that most strongly retains its characteristic 19th century Mission Town structure and pattern. Raithby Road runs parallel to the river course, with long, narrow “water erf” plots still occupying the space between them. Houses are set hard up against Raithby Road (and Hendricks Street, which encircles the commonage) and their back gardens are open, cultivated areas leading down to the stream. A steep rise beyond the stream course creates a green, cultivated and agricultural backdrop against which the garden allotments are viewed. The two key institutional buildings are located above Raithby Road: the Methodist Church and the school. These are set against the gentle rise of the hill beyond. Between these buildings and the houses is the commonage, which is an open area where the community can literally, and spatially, “come together”.

The Municipal Zoning Scheme contains an overlay zoned, framed to protect the historical significance of the remaining water erven and environs.

Since 2009, a single development entity has assembled some 650ha of farm land to the east and south of Raithby (up to the CCT waterworks facility and Helderberg Village) with a stated view to strengthen agriculture, the tourism and hospitality industry, and engineering services, and enable mixed use development. Clearly, there is intent to undertake significant development into the future.

However, there appears no justification for significant change to current municipal spatial planning in response to the land acquisition initiative. The focus of the MSDF is to retain the unique characteristics of the settlement.

RAITHBY CONCEPT

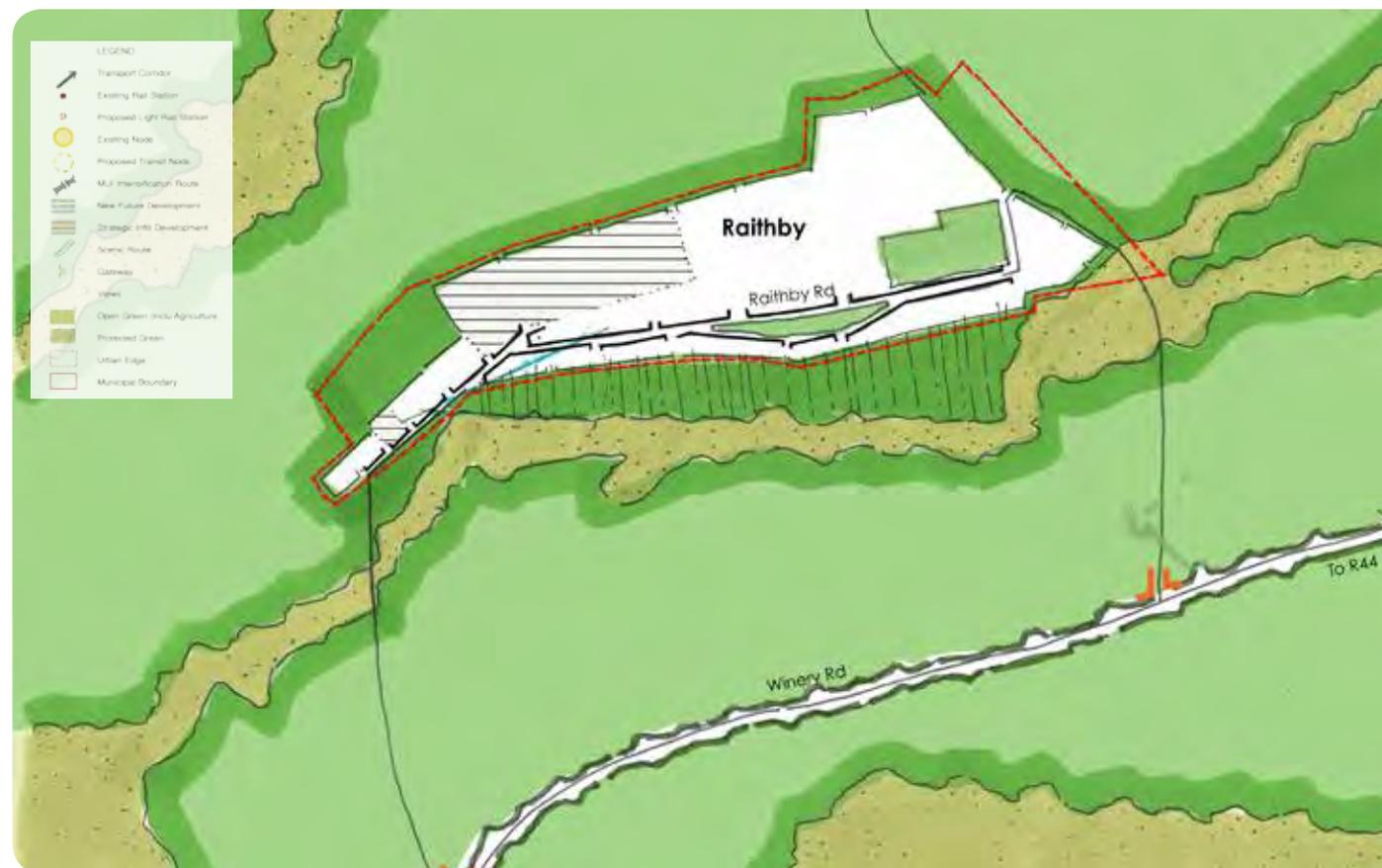


Figure 46. Raithby Concept

Table 27. Plan Elements and Proposals for Raithby

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBAs, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding Raithby. Work to increasingly connect and integrate nature areas, also with settlement green areas, to form an integrated green web or framework across the area. 	<ul style="list-style-type: none"> Implement management actions contained in the EMF.
	Water courses	<ul style="list-style-type: none"> Retain and improve the relationship between Raithby and surrounding agricultural land. 	
	Agricultural land	<ul style="list-style-type: none"> As a general principle, contain the footprint of Raithby as far as possible within the existing urban edge. 	
	Urban edge	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the Raithby. 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the Cape Mission Village structure, form, and character of Raithby. 	<ul style="list-style-type: none"> Actively support local community initiatives to celebrate/ expose locally significant historically and culturally significant precincts and places.
Change Actions	Informal settlements to be upgraded		
	Areas for residential densification and infill	<ul style="list-style-type: none"> Focus infill development on undeveloped land within the urban edge of Raithby. 	
	Areas for mixed land use and improved economic opportunity		
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within Raithby. 	<ul style="list-style-type: none"> Ensure that the design of all roads within and surrounding the settlement provides for appropriate NMT movement.
	Community/ Institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development	<ul style="list-style-type: none"> No significant new development is envisaged in Raithby village. 	
	Significant new residential development		
	Significant change to access and mobility provision		

IN PROCESS

Figure 47. Raithby Plan



Part 6.

Implementation Framework

6. Implementation Framework

6.1. Introduction

The SPLUMA guidelines require, as part of the MSDF, a high-level Implementation Framework setting out the required measures that will support adoption of the SDF proposals while aligning the capital investment and budgeting process moving forward. The MSDF Implementation Framework comprises the following sections:

- A proposed settlement hierarchy.
- Priority development areas and themes.
- A policy framework (linked to strategies).
- Guidelines, studies, and information supporting the policies.
- Implications for sector planning and specific development themes, including:
 - Movement.
 - Housing.
 - Local economic development.
- Implications for inter-municipal planning
- Land use management and regulations.
- Catalytic initiatives.
- Further planning work.
- Institutional arrangements.
- Checklists in support of decision-making.
- A municipal leadership and advocacy agenda related to spatial development and management.

6.2. Proposed Settlement Hierarchy

The proposed settlement hierarchy for SM, supporting the spatial plan and proposals for the settlement as a whole, is outlined in Table 28.

6.3. Priority Development Areas and Trends

In terms of the MSDF concept, prioritisation of development – at a broad level – are of two types. The first is spatial and targeted at significant future growth in specific places. The second is sectoral or thematic, focused on the kind of development to be prioritised.

Spatial areas for priority development over the MSDF planning period are:

- Stellenbosch town.
- Klapmuts.

As argued elsewhere in this document, it is here, by virtue of settlement location in relation to broader regional networks and existing opportunity within settlements, that the needs of most people can be met, in a compact settlement form while protecting the municipality's nature and agricultural assets.

Over the longer term, Muldersvlei/ Koelenhof and Vlottenburg/ Lynedoch along the Baden Powell-Adam Tas-R304 could possibly accommodate more growth, and be established as inclusive settlements offering a range of opportunities. However, much work needs to be done to ensure the appropriate make-up of these settlements (including each providing opportunity for a range of income groups) and integration with the corridor in terms of public transport. They are therefore not prioritised for significant development over the MSDF period. Should significant development be enabled in these areas now, it is likely to be focused on private vehicular use and higher income groups (in gated developments), and will in all probability reduce the potential of initiatives to transform Stellenbosch town and Klapmuts.

The focus on Stellenbosch town and Klapmuts does not exclude all development focus in Franschhoek and the smaller settlements. Rather, it is argued that these settlements should not accommodate significant growth as the pre-conditions for accommodating such growth does not exist to the same extent as in Stellenbosch town and Klapmuts. What should be emphasized in Franschhoek and smaller settlements is improving conditions for existing residents and natural growth within a context of retaining what is uniquely special in each (from the perspective of history, settlement structure and form, relationship with nature and agriculture, and so on).

In terms of sectoral or thematic focus, the spatial development priority in all settlements should be to:

- Upgrade the servicing and transformation of informal settlements.
- Provide housing for lower income groups in accessible locations (specifically through infill of vacant and underutilised land or redevelopment of existing building footprints).
- Expand and improve public and NMT routes.
- Improve public and community facilities and places (e.g. through clustering, framing them with infill development to improve edges and surveillance, prioritisation for landscaping, and so on).
- Expand the recognition, restoration, and exposure of historically and culturally significant precincts and places (both in the form and use of precincts and places).

Table 28. Proposed Settlement Hierarchy

SETTLEMENT	ROLE	DEVELOPMENT AND LAND USE MANAGEMENT FOCUS
PRIMARY SETTLEMENTS		
Stellenbosch Town	<ul style="list-style-type: none"> A significant centre comprising extensive education, commercial and government services with a reach both locally and beyond the borders of the municipality, tourism attractions, places of residence, and associated community facilities. 	<ul style="list-style-type: none"> Broadening of residential opportunity for lower income groups, students, and the lower to middle housing market segments. Upgrade of informal settlements. Retention of University functions in town. Enablement of the Adam Tas Corridor. Sensitive residential infill and compaction. Drive to established "balanced" precincts (e.g. Techno Park). Public transport development, travel demand management, parking controls, and NMT improvements.
Klapmuts	<ul style="list-style-type: none"> Focus for economic development (utilizing a favorable location for manufacturing, logistics, and warehousing enterprises) and associated residential opportunity. 	<ul style="list-style-type: none"> Support for development of RE/Farm 736 as a lever to economic development utilising a favorable location for manufacturing, logistics, and warehousing enterprises. Balanced housing provision in Klapmuts South, focused on those who can benefit from employment provision through unlocking Klapmuts North. Establishing the Klapmuts town centre. NMT improvements.
Franschhoek	<ul style="list-style-type: none"> Secondary service centre, significant tourist destination, and place of residence. 	<ul style="list-style-type: none"> Upgrade of informal settlements NMT improvements. Sensitive infill within urban edge providing inclusive housing and extended commercial opportunity (also for small and emerging entrepreneurs). Retention of historic character.
SECONDARY SETTLEMENTS		
La Motte	<ul style="list-style-type: none"> Contained rural settlement. 	<ul style="list-style-type: none"> Diversification of existing activities to curtail the need for movement. Sensitive location of diversified uses closer to the R45. Limited further housing development.
Wemmershoek	<ul style="list-style-type: none"> Contained rural settlement. 	<ul style="list-style-type: none"> Possible extension of residential opportunity linked to re-use of saw-mill site and local employment opportunity.
Groot Drakenstein	<ul style="list-style-type: none"> Contained historic rural settlements. 	<ul style="list-style-type: none"> Accommodation of sensitive private and public sector initiatives offering expanded livelihood (including tourism) and residential opportunity.
Dwars River Valley	<ul style="list-style-type: none"> Contained historic rural settlements. 	<ul style="list-style-type: none"> Accommodation of sensitive private and public sector initiatives offering expanded livelihood (including tourism) and residential opportunity.
Jonkershoek	<ul style="list-style-type: none"> Contained, but dispersed collection of institutional, recreational and residential uses. 	<ul style="list-style-type: none"> Rationalisation and containment of existing occupation rights.
Muldersvlei	<ul style="list-style-type: none"> Contained rural settlement. 	<ul style="list-style-type: none"> Potential future consolidated, inclusive settlement linked to rail/ bus.
Koelenhof	<ul style="list-style-type: none"> Contained rural settlement. 	<ul style="list-style-type: none"> Potential future consolidated, inclusive settlement linked to rail/ bus.
Vlottenburg	<ul style="list-style-type: none"> Contained rural settlement. 	<ul style="list-style-type: none"> Potential future consolidated, inclusive settlement linked to rail/ bus.
Lynedoch	<ul style="list-style-type: none"> Contained village and institutional cluster. 	<ul style="list-style-type: none"> Gradual expansion of unique development model based focused on sustainable living and education.
Spier	<ul style="list-style-type: none"> Contained tourism and cultural centre. 	<ul style="list-style-type: none"> Containment and limited expansion of existing offering.
Raithby	<ul style="list-style-type: none"> Contained historic rural settlement. 	<ul style="list-style-type: none"> Protection of unique historic settlement structure and form.

6.4. Policy Framework

Table 29 below sets out specific spatial policies to support the MSDF concept and settlement plans. In using the policy framework, it is important to note that one specific policy or guideline should not be highlighted or used exclusively to support a specific initiative. Rather, each policy supports the other; each “frames” the other. Thus, initiatives or proposals should be evaluated in terms of the policy framework as a whole.

Further, the successful implementation of spatial policy and guidelines is often dependent on related, supportive, non-spatial policy. This implies policy alignment across municipal functional areas and services.

The table also includes specific work guidelines which begins to frame work to be undertaken – or continued – in support of proposed policies.

Table 29. Proposed MSDF Policies

	STRATEGY	SPATIAL POLICY	NON-SPATIAL, SUPPORTIVE POLICY	WORK GUIDELINES
1	Maintain and grow the assets of SM's natural environment.	<ul style="list-style-type: none"> As far as is possible, protect and expand priority conservation areas, establish ecological linkages, and preserve high-potential agricultural land within the municipality. Resist the subdivision of viable agricultural land unless it forms part of a new balanced, integrated, and inclusive settlement supportive of the MSDF objectives, an agri-village in line with provincial policy for the settlement of farm workers, or the formalisation of the "urban" component of existing forestry settlements (for example Jonkershoek and La Motte). Support compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate. 	<ul style="list-style-type: none"> Proactively maintain and upgrade municipal infrastructure services to limit/ mitigate risk to ecological services. Support initiatives to protect water resources, rehabilitate degraded aquatic systems, retrofit or implement water demand management systems, and mainstream water conservation. Support energy diversification and energy efficiency initiatives to enable a transition to a low carbon, sustainable energy future. Support initiatives to extend public access to nature assets without compromising the integrity of nature areas or ecological services. Support initiatives by the private sector to extend environmental stewardship. Assist in initiatives to diversify, strengthen, and open up new opportunities and jobs in the rural economy, including the identification of strategically located land for land reform purposes. Support initiatives to utilise municipally-owned agricultural land for small scale agriculture, forge partnerships with non-governmental or public benefit organisations to assume management responsibilities for commonages, and provide basic agricultural services to commonages. 	<ul style="list-style-type: none"> Prepare and implement management plans for municipal nature reserves and other ecological assets. Prepare and implement invasive species control plans for municipal properties. Prepare and implement initiatives for the rehabilitation of rivers and wetlands in urban areas. Develop resource efficient strategies for all municipal services and land and building development (e.g. compulsory green energy installations in building development, grey water circulation, sustainable urban drainage, etc.). Utilise and contribute to municipal and provincial mapping and planning initiatives that inform land use decision-making supportive of ecological integrity, securing natural resources, and protecting agricultural land of high value. Delineate and manage urban edges and watercourse setbacks in a manner which diverts urban growth pressures away from important natural and agricultural assets. Apply biodiversity offsets in cases where development in areas of endangered and irreplaceable biodiversity cannot be avoided. Actively engage with adjoining municipalities and provincial government to ensure that the integrity of SM's natural environment is maintained (specifically in relation to land use management in adjoining municipal areas).
2	Respect, preserve and grow the cultural heritage of SM.	<ul style="list-style-type: none"> Preserve significant cultural and historic assets within the municipality and grow the opportunity for new or emerging forms of cultural expression through expanding the use of existing cultural assets or supporting new uses for areas or structures of historic value. As far as is possible, protect cultural landscape assets – including undeveloped ridge lines, view corridors, scenic routes, and vistas – from development. Support alternative uses for historic structures and places which will enable its preservation (subject to adherence to general MSDF strategy and policies). 	<ul style="list-style-type: none"> Support the transfer of municipal assets of cultural and historic value to organisations geared to manage these assets sustainably in the interest of the broader community. Manage heritage places and structures in terms of the recommendations of municipal heritage studies. 	<ul style="list-style-type: none"> Maintain and utilise municipal and inter-governmental evaluation and mapping initiatives to inform land use decision-making supportive of cultural integrity, and securing historic places and structures. Actively engage – on a continuous basis – with adjoining municipalities and provincial government to ensure that the integrity of SM's heritage is maintained (specifically in relation to land use management in adjoining municipal areas).
3	<p>Direct significant growth or new development in SM to areas:</p> <ul style="list-style-type: none"> Not identified as of the most critical natural or cultural significance. Where the most opportunity exist in existing infrastructure investment, whether reconfigured, augmented, or expanded. 	<ul style="list-style-type: none"> Prioritise the targeted settlements on the Baden Powell-Adam Tas-R304 corridor for growth/ new development. Over the MSDF period, focus on Stellenbosch town and Klapmuts to accommodate significant new growth. 	<ul style="list-style-type: none"> Align the policy and planning of all municipal services to support accommodating significant growth and new development as proposed in specific areas. Progressively utilise the municipality's significant asset of land as a resource to direct major growth or new development to areas not identified as of the most critical natural or cultural significance. Allocate municipal funds for land acquisition in areas identified as most suitable for growth or new development (specifically for development as lower income housing). 	<ul style="list-style-type: none"> Together with the WCG, undertake inter-service investigations to determine the exact location, size, nature, and form of new settlement areas to accommodate new growth. Develop specific framework planning, land use management, infrastructure, financial, and urban design provisions and directives to ensure the optimal development of identified settlement areas to accommodate new growth.

Table 30. Proposed MSDF Policies (cont.)

	STRATEGY	SPATIAL POLICY	NON-SPATIAL, SUPPORTIVE POLICY	WORK GUIDELINES
4	Clarify and respect the different roles and potentials of settlements in SM and maintain the identity of each.	<ul style="list-style-type: none"> • Ensure that each settlement – large and small – remains a distinct entity, surrounded by natural open space and agricultural land. • Maintain a clear hierarchy of settlements which (in general terms) focus new growth and development in larger settlements to: • Minimise associated impacts on the environment, agricultural land, and natural resources. • Maximise livelihood opportunity through building on the availability of existing public facilities, and commercial opportunity. • Maximise the sustainability of new facilities and commercial opportunity. • Enable the provision of infrastructure in the most efficient and cost effective way. • Minimise the need for inter-settlement movement. • Maximise opportunity for and use of non-motorised and public transport. • Minimise growth in smaller settlements where opportunity is limited while improving access to local services and facilities (required daily). • Maintain and enhance the unique historic, cultural, and settlement characteristics of different settlements. 	<ul style="list-style-type: none"> • Align the policy and planning of all municipal services to support the proposed settlement hierarchy and development/ management approach. • Reinforce the role of Stellenbosch town as a regional service and tourism centre focused on higher order educational, health, government, and commercial uses, as well as unique historic assets. • Reinforce the role of Klapmuts as a potential regional logistics/ warehousing/ manufacturing hub – with associated residential opportunity – based on its location at the intersection of the N1 and regional north/ south movement routes. • Maintain Franschhoek as a centre for tourism and culture with limited growth potential. 	<ul style="list-style-type: none"> • Support the re-location of land extensive manufacturing, logistics, and warehousing enterprises from Stellenbosch town to Klapmuts. • Maintain the nature and form of small rural settlements while enabling small changes towards improving livelihood opportunity.
5	Ensure a balance approach to transport in SM, that appropriately serves regional mobility needs and local level accessibility improvements.	<ul style="list-style-type: none"> • Actively promote compact, dense, mixed use development which reduces car dependence and enables and promotes use of public and NMT. 	<ul style="list-style-type: none"> • Shift municipal resources to include a greater focus on non-motorised, shared vehicle travel, and public transport solutions. • Establish measures to ensure that there is inter-service agreement on the settlement hierarchy, settlement roles, and associated function, modes of transport to be carried, and development/ management approach to be followed in relation to different sections of the municipal movement network. • Work with provincial and national government to affirm the proposed categorisation of movement forms, and associated infrastructure and management needs in Stellenbosch. • Proactively seek management of travel demand among key stakeholders in SM, in a manner that significantly higher passenger volumes is gradually achieved from existing transport infrastructure. • Proactively allocate resources to improve NMT in the municipal area. • Strengthen the role played by rail based public transport, including advocating for a new, lighter, frequent rail service on the Eerste River/ Klapmuts rail line as backbone of transport movement along the Baden Powell-Adam Tas-R304 corridor. 	<ul style="list-style-type: none"> • Assess future transport development/ improvements in relation to impact on the complete settlement system. • Guard against needed/ required vehicular routes of necessity resulting in development of undeveloped land traversed by the route.

Table 31. Proposed MSDF Policies (cont.)

	STRATEGY	SPATIAL POLICY	NON-SPATIAL, SUPPORTIVE POLICY	WORK GUIDELINES
6	Develop all settlements as balanced, inclusive, appropriately serviced, communities, negotiable through NMT and exhibiting a positive relationship with surrounding nature and agricultural land.	<ul style="list-style-type: none"> Work towards and maintain – for each settlement in the municipality – a compact form and structure to achieve better efficiency in service delivery and resource use, the viability of public and NMT, and facilitate inclusion, integration, and entrepreneurship development. Adopt a conservative view towards the extension of existing urban edges over the MSDF period. Actively support infill development and the adaptive re-use of existing structures. Support increased densities in new, infill, and redevelopment projects. Rationalise space standards – especially of social facilities – and release surplus land for other uses, specifically housing. 	<ul style="list-style-type: none"> Proactively drive transport demand management programmes (specifically in and around Stellenbosch town) to curtail private vehicle use. Shift more transport resources to the development and operation of effective public transport services and comprehensive provision of NMT. 	<ul style="list-style-type: none"> Review the delineation of restructuring zones to support the MSDF objectives Support development which emphasizes public transport/ NMT as opposed to private vehicular use. Integrate spatial planning, transport planning (emphasising public and NMT), and social facilities planning. Move away from self-reinforcing conditions for development in terms of car parking minimum standards, and ensure the active participation and collaboration between land owner, developer, and municipality towards the provision of alternatives to car use. Actively engage – on a continuous basis – with adjoining municipalities and provincial government to ensure that the integrity of SM's settlements as contained, balanced communities is maintained (specifically in relation to land use management in adjoining municipal areas).
		<ul style="list-style-type: none"> Support the general upgrading and transformation of existing informal settlements. 	<ul style="list-style-type: none"> Prioritise basic residential services for poor households, specifically in informal settlements, backyard dwellings, and a minimum level of basic services to marginalized rural settlements. Resist existing informal settlements being the only viable settlement option for poor households by supporting the identification and servicing of alternative areas for settlement. Ensure that asset management best practice is followed to maintain existing infrastructure investment and prevent greater replacement cost in future. Reinforce basic service delivery with good quality urban management to support household and economic asset development. 	<ul style="list-style-type: none"> Put in place an inter-governmental portfolio of land (existing and earmarked for purchase), an agreed land preparation programme, and a release strategy, for publicly assisted, lower income housing (including the BNG, FLISP, social/ rental, and GAP markets). Identify alternative settlement locations for poor households, over and above existing informal settlements. To assist the municipality in housing provision, support initiatives to house farm workers on farms (in a manner which secures tenure).
		<ul style="list-style-type: none"> Expand housing opportunity for a broader range of groups – including lower income groups and students – particularly in settlements forming part of the Baden Powell-Adam Tas-R304 corridor. 	<ul style="list-style-type: none"> The planning of infrastructure and social facilities should accommodate the likelihood of back-yarding and its contribution to livelihood strategies. 	<ul style="list-style-type: none"> Develop an inclusionary housing policy and guidelines. Prioritise infill housing opportunity on public land for the BNG, FLISP, social/ rental, and GAP markets. Where possible, proactively plan for back-yarding opportunity in lower income housing projects. Actively support the development of student housing in Stellenbosch town.
		<ul style="list-style-type: none"> Provide and maintain a system of accessible social facilities, integrated with public space and public and NMT routes. 	<ul style="list-style-type: none"> Reinforce social facilities with good quality urban management to ensure service excellence and sustainability. Focus on fewer but better social facilities. 	<ul style="list-style-type: none"> Cluster social facilities. Locate facilities in association with public space and public and NMT routes.
		<ul style="list-style-type: none"> Provide and maintain an urban open space/ public space system integrated with public transport/ NMT, social facilities, and linked to natural assets (e.g. river corridors). 	<ul style="list-style-type: none"> Prioritise open/ public space development in poor and denser neighbourhoods of the municipality. Reinforce open/ public space with good quality urban management to ensure use and safety. 	<ul style="list-style-type: none"> Ensure that the edges between building development and open spaces promote activity and passive surveillance.
		<ul style="list-style-type: none"> Ensure work and commercial opportunity accessible through public and NMT to all communities and providing opportunities for emerging and small entrepreneurs. 		<ul style="list-style-type: none"> Avoid large retail malls and office parks in peripheral locations reliant on private vehicular access and which detract from the viability of established commercial and work areas, and lock out small entrepreneurs.

Table 32. Proposed MSDF Policies (cont.)

	STRATEGY	SPATIAL POLICY	NON-SPATIAL, SUPPORTIVE POLICY	WORK GUIDELINES
7	Actively seek conditions to enable the private and community sectors to align their resources and initiatives with the MSDF principles and proposals.	<ul style="list-style-type: none"> Conscious of public resource constraints, actively seek and support private and community sector partnership to expand livelihood opportunities, settlement opportunity for ordinary citizens, and the national imperative to expand participation in the economy. 	<ul style="list-style-type: none"> Develop an incentives package to support private and community sector partnerships in achieving the MSDF principles and proposals. 	<ul style="list-style-type: none"> Enable private and community sector participation by making known the Municipality's spatial principles and intent in user friendly communiques and guidelines. Require private land owners in key areas to plan and coordinate development collectively (beyond individual property boundaries and interests) in order to ensure appropriate infrastructure arrangements, the provision of inclusionary housing, public facilities, and so on.
8	Focus major development energy in SM on a few catalytic development areas that offer extensive, inclusive opportunity.	<ul style="list-style-type: none"> Focus major development effort in SM on: Unlocking development in Klappmuts North. The Adam Tas Corridor (in Stellenbosch town). 	<ul style="list-style-type: none"> Clearly communicate municipal objectives and principles – across functional areas and services – for development and urban management in catalytic areas. Seek land owner, provincial government, and national government support to develop catalytic areas in the best public interest. Support the establishment of institutional arrangements solely dedicated to enable development of catalytic areas and proceed with work to detail the broader plan and activity programme. Align municipal infrastructure and social services planning to support development in catalytic areas. Use municipal and government owned land assets to support development in catalytic areas. 	<ul style="list-style-type: none"> Ensure that catalytic areas be developed as inclusive, appropriately serviced communities, negotiable through NMT and exhibiting a positive relationship with surrounding nature and agricultural land. Prepare land use management measures to enable development in catalytic areas. Define catalytic areas as "restructuring" or other special-measure areas to enable benefit from national and provincial support and incentives.

Table 33. Supportive Guidelines

	STRATEGY	SPECIFIC PUBLISHED GUIDELINES AND DIRECTIVES
1	Maintain and grow the assets of Stellenbosch Municipality's natural environment.	<ul style="list-style-type: none"> Formally protected areas, critical biodiversity areas and ecological support areas are detailed in the Western Cape Biodiversity Spatial Plan (2017) and associated handbook. Guidelines for the assessment of land use proposals that affect natural areas are contained in Guidelines for Environmental Assessment in the Western Cape. Guidelines for applying biodiversity offsets are contained in the Western Cape Guideline on Biodiversity Offsets (2015) and National Wetland Offset Guidelines. Formal protection mechanisms that can be used for areas of endangered and irreplaceable biodiversity, include: <ul style="list-style-type: none"> Private land: Stewardship Contract Nature Reserves, Biodiversity Agreements, and/ or Protected Environments. Municipal Land: Nature Reserve and/ or municipal Biodiversity Agreement. Guidelines for managing nature, rural and agricultural areas are contained in the Western Cape Land Use Planning: Rural Guidelines (2018). Norms and guidelines for farm size is contained in the Western Cape Land Use Planning: Rural Guidelines (2018).
2	Respect, preserve and grow the cultural heritage of Stellenbosch Municipality.	<ul style="list-style-type: none"> Heritage resources in Stellenbosch Municipality are outlined in a series of reports under the title Draft Revised Heritage Inventory of the Tangible Heritage Resources In the Stellenbosch Municipality (2018).
3	<p>Direct significant growth or new development in SM to areas:</p> <ul style="list-style-type: none"> Not identified as of the most critical natural or cultural significance. Where the most opportunity exist in existing infrastructure investment, whether reconfigured, augmented, or expanded. 	<ul style="list-style-type: none"> Heritage resources studies identified above.
4	Clarify and respect the different roles and potentials of settlements in SM and maintain the identity of each.	<ul style="list-style-type: none"> A study determined the growth potential and socio-economic needs of settlements in the Western Cape outside of the Cape Town metropolitan area using quantitative data is described in Western Cape Government: Growth Potential Study (2014).
5	Ensure a balance approach to transport in SM, that appropriately serves regional mobility needs and local level accessibility improvements.	<ul style="list-style-type: none"> An approach and work programme is contained in Towards A Sustainable Transport Strategy for Stellenbosch Municipality: Reflections on the Current Situation, a Vision for the Future and a Way Forward for Alignment and Adoption (Summary Report December 2017).
6	Develop all settlements as balanced, inclusive, appropriately serviced, communities, negotiable through NMT and exhibiting a positive relationship with surrounding nature and agricultural land.	<ul style="list-style-type: none"> Guidelines for the upgrading of informal settlements are contained in Towards Incremental Informal Settlement Upgrading: Supporting municipalities in identifying contextually appropriate options (https://www.westerncape.gov.za/assets/departments/human-settlements/docs/issp/western-cape_issp_design_and_tenure_options_2016.pdf) Guidelines for the development of human settlements are contained in Guidelines for Human Settlement Planning and Design Volume 1, prepared by the CSIR (https://www.csir.co.za/sites/default/files/Documents/Red_bookvol1.pdf) Guidelines and standards for social facilities are contained in Development Parameters: A Quick Reference for the Provision of Facilities within Settlements of the Western Cape (https://www.westerncape.gov.za/eacdp/files/atoms/files/Development%20Parameters%20Booklet%20-%2010%20feb%202014.pdf.)
7	Actively seek conditions to enable the private and community sectors to align their resources and initiatives with the MSDF principles and proposals.	<ul style="list-style-type: none"> The existing proposal for defining Restructuring zones in Stellenbosch town is motivated and illustrated in Stellenbosch: Defining Restructuring Zone for Social Housing (2016).
8	Focus major development energy in SM on a few catalytic development areas that offer extensive, inclusive opportunity.	

6.5. Guidelines, Studies and Information Supporting the Policies

SM, in partnership with other organisations, has completed a number of investigations and surveys to gather information in support of decision-making. For example, extensive work has been done to gather, categorise, and understand information related to historically and culturally significant precincts and places, scenic landscapes and routes, areas of environmental significance, and special places of arrival.

This work is available to assist in decision-making, whether by the municipality, the private sector (in framing development proposals), or members of the public (in responding to development proposals). It represents detail findings of a level not portrayed in the MSDF. In this way, the work forms part of the MSDF implementation framework, and should be actively employed in decision-making. An on-going task for the municipality and its partners is to extend, refine, and integrate the different information resources on an on-going basis.

Similarly, the provincial and national government spheres have completed guidelines and studies which could be used to support the strategies and policies contained in the MSDF. Key guideline documents, studies, and information is listed in Table 33.

6.6. Implications for Sector Planning and Specific Development Themes

6.6.1. Environmental and rural area management

Large parts of SM comprise unique and critical biodiversity and agricultural areas which provide life-supporting ecosystem services. These areas also have qualities and are used for activities critical to sustaining key economic sectors including food and wine production and tourism. The imperatives of resource conservation, biodiversity, and heritage protection may conflict spatially with the need to develop and sustain economic activity and poverty alleviation.

Environmental management frameworks are one tool intended to guide land use decision-making. An environmental management framework is an analysis of biophysical and socioeconomic attributes of an area, and an identification of where specific land uses should be practiced based on those attributes.

In recognition of the intrinsic value of its nature and land assets, SM has developed broad Spatial Planning Categories (SPCs) – outlined in the draft Strategic Environment Management Framework (SEMF) – as a broad guide to land use planning and management in the municipal area. These categories, and associated guidelines, are aligned to international, national and provincial development objectives.

The SEMF (and its SPCs) does not create – or remove – land use rights. Rather, the SEMF is a key decision support tool for any organ of state making decisions that affect the use of land and other resources. It provides the decision-maker with information on the environmental assets and resources likely to be affected by a given land use and sets out associated principles and guidelines. It functions at both the level of policy (what should occur) and as best-available-information (what

is). The relevant organs of state – including the SM as well as provincial and national environmental authorities – must take account of and apply relevant provisions of the SEMF, when making spatial planning and land use decisions. This requirement is given legal emphasis in both SPLUMA (section 7(b)(3)) and the National Environmental Management Act (section 24O (1)(b)(v)).

The SPCs are spatially illustrated in Diagram ... What they comprise as outlined in the SEMF are outlined in the table attached as Appendix 3. The table also contains key policies associated with each category as contained in the SEMF and guidelines contained in the “Western Cape Land Use Planning: Rural Guidelines”.

The table attached as Appendix 4 contains thematic guidelines drawn from “Western Cape Land Use Planning: Rural Guidelines” which may be applicable to different SPCs. Appendix 5 contains norms and guidelines for the size of agricultural holdings as contained in the “Western Cape Land Use Planning: Rural Guidelines”.

As is often the case with work undertaken between different spheres of government – and at different times – the SEMF categories and those contained in the WCG guidelines do not align seamlessly. The table nevertheless attempts to achieve alignment in applicable guidelines. Further, as the SEMF contains many guidelines addressing non-spatial aspects of urban and environmental management – and the current emphasis is the MSDF – the table extracts those guidelines with a specific spatial emphasis.

The categories indicated in bold red are indicated on the SEMF composite SPC map (Diagram ...).

Insert Map: SEMF SPCs map

6.6.2. Movement

6.6.2.1 The relationship between spatial and transport planning

While spatial planning is concerned with the efficient organisation of land use and activities in space the challenge for transport planning is to provide the effective connections between land-uses in order that activities can be reached, and needs fulfilled. Transport planning and spatial development planning therefore are mutually dependent and must be fully interwoven within strategy in order to effect integrated and progressive development outcomes. SM's MSDF and transport plans must not be regarded as separate, independent undertakings but rather be detailed through coordination and advance through implementation in parallel.

Achieving the range of objectives set out in the MSDF is dependent upon comprehensive adjustments to current transport and mobility patterns. Likewise for the shifts in transport and accessibility to come about relies upon close adherence to spatial development principles.

In this section, the conceptual basis and the framework for the essential mobility and transport shifts that will facilitate spatial development outcomes are presented.

6.6.2.2 Traditional practice

Arguably, traditional spatial and transport planning follows a cycle of continuous outward development, serviced primarily through private vehicular mobility. This leads to a vicious cycle of loss of nature and agricultural land, inability to make public transport work, loss of opportunity for those who cannot afford vehicles, congestion on roads, provision of further road capacity, and further sprawl. Progressive cities pursue higher densities, a mix of uses, and public and NMT transport; a virtuous cycle focused on inclusive and sustainable urban settlement and transport management emphasising the importance of

people and place over motor vehicle led planning and development.

6.6.2.3 Required shifts

Transport in SM (comprising both passenger and freight trips) is on a path of continued increase for the foreseeable future. To align with both broader transport policy objectives this growth must be rigorously managed such that resulting transport patterns do not undermine broader spatial and development goals. At this stage, unconstrained movement by private vehicle has now resulted in road corridors operating beyond capacity during peak periods as well as through the day and so roads are unable to fulfil their intended function as effective movement spines, and prevent the effective serving of the adjacent land uses. The spatial development response, if the system doesn't change, is a continuing pattern of new development shifting outwards to and beyond the urban edge, resulting in ever lower density and loss

of green and agricultural assets, responses which are the exact opposite of the desired spatial policy.

Figure 48 illustrates a conceptual approach to align transport planning with the MSDF. The graph shows passenger trips steadily increasing into the future. With no intervention on current trends this implies that total vehicle trips will increase at a slightly higher rate due to steadily increasing levels of car ownership and no improvement to public transport or other transport alternatives. The green line indicates the intervention scenario with total vehicle trips, showing a levelling off, a maximum point, followed by a steady decline. This represents the target, to be achieved through both managing the supply of transport and the demand for trip-making, such that total vehicle trips undertaken reduce levels back to current levels and continue to decline into the future. The interventions required to achieve this central objective are outlined in the following sections.

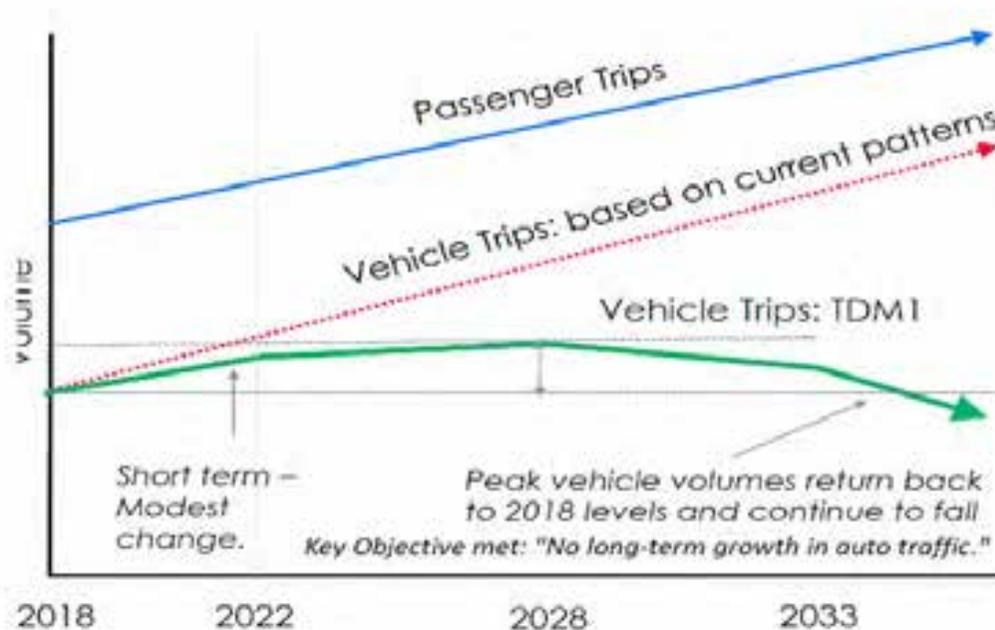


Figure 48. A conceptual approach to align transport planning with the MSDF

6.6.2.4 A conceptual public transport network supporting the MSDP

Figure 49 illustrates a concept of a future public transport network for SM, including:

- An intensified passenger service on the rail corridor.
- Formal scheduled bus routes and indicative main stops.
- Park and ride routes with indicative main transfer park and ride stations.

Ultimately the required transport outcomes include running scheduled formal public transport services along all main arterials routes between main commuting origins and destinations as illustrated in Table 34 below.

support spatial development requirements of Stellenbosch improved quality of public transport and an expanded network of services are vital. This migration to formal public transport and a full network will require a combination of:

- Corporate/ business park services.
- University contracted services.
- The emergence of shuttle and scheduled public transport routes as new services partially achieved through the progressive upgrading of MTB routes and operations.
- Park-and-ride operations.
- New services plus progressive upgrading of MTB routes and operations.
- Improved commuter rail.
- Local light rail service option.

Achieving change in transport patterns requires a combination of interventions including:

- e. Changes in mode of travel (of a given trip) includes moving:
 - From low occupancy motor vehicles to shared, higher occupancy vehicles and onto public transport.
 - From motor vehicle to non-motorised (cycling and walking) transport.
- f. Changes in transport demand in terms of the trip itself:
 - Undertake the trip at a different time, (e.g. move outside of peak travel).
 - Reduce the trip frequency.
 - Change trip origin or destination (implies land use change).

For the transport specific strategies to manage travel demands we concentrate on (A), providing a choice of alternative modes of travel to enable shifts to occur. We need to work to a situation where future growth is enabled by the introduction of shared transport options, formal public transport and for the shorter journeys provision for safe cycling and walking.

Improved and expanded public transport is essential for the future development of Stellenbosch. Current road based public transport offered by the minibus taxi industry provides an informal, unscheduled service used by lower income households who have no access to a car. Necessary improvements include:

- Minimum service levels and increased service availability through the day
- Improved reliability, safety and passenger comfort
- Financial support offering a level of fare relief.

To reverse the trend of ongoing growth in commuters by private transport, and to accommodate further commuting growth and

Table 34. Desired public transport routes

SECTOR	ROUTE	CONNECTING SETTLEMENTS	MODE
R310 / Adam Tas / R304 Development Corridor	R310	Eerste River, Lyndoch, Vlottenburg to Stellenbosch	Road and rail
	R304	Koelenhof to Stellenbosch	Road and rail
	R304	Durbanville and Brackenfell to Stellenbosch	Road and rail
North	R44	Paarl and Klapmuts to Stellenbosch	Road and rail
West	M11/ Adam Tas	Bellville and Kuils River to Stellenbosch	Road and rail
South	R44	Strand and Somerset West to Stellenbosch	Road
East	R310	Franschhoek and Pniel to Stellenbosch	Road

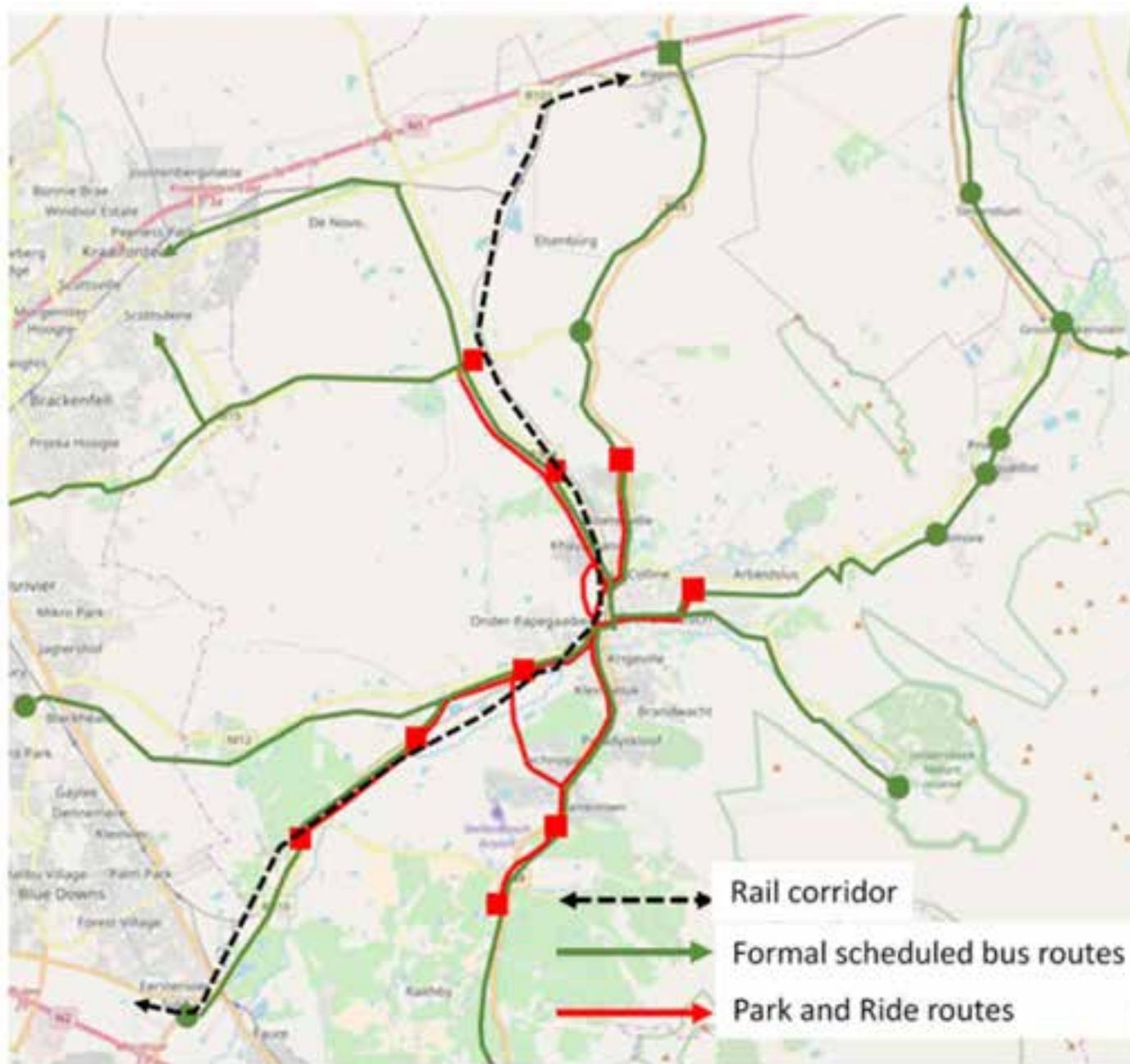


Figure 49. A conceptual public transport network for SM

Potential public transport nodes along main arterial routes into Stellenbosch are shown in Table 35 and potential park and ride locations in Table 36 (targeted settlement nodes are highlighted, and nodes on the rail corridor are shaded).

The future public transport network will develop steadily over time and can only advance successfully through a well-structured and integrated process involving many role players. Park and ride sites along arterial routes are a top priority for development, allowing current private car commuters the option of driving to these nodes from where demand thresholds will enable a combination of public shuttle services and corporate chartered services to operate between central Stellenbosch and other main employment nodes. Park and ride sites along the Adam Tas Corridor will generate activity and so provide the base thresholds for some retail, commerce and other service developments which in turn support planned settlement growth at the nodes. Other park and rides will be sited along routes where development along the corridor must be prevented. Here, careful placement and land-use control must be heeded such that mobility benefits are achieved without compromising the spatial development plans.

6.6.2.5 The design of routes

Given the dependence of citizens on NMT, and the need to shift more people to public and NMT, it is critical that the design of roads – whether new connections or improvements and enhancements to existing routes, consider NMT needs. Arguably, if included in the design of projects upfront, the provision of NMT facilities will not add significantly to project cost. Similarly, road design should provide for future regular public transport services (as opposed to private vehicular use only).

6.6.2.6 Transport within settlements

Within all settlements transport for NMT should be expanded, recognizing the reality that the majority of citizens do not have access to provide vehicles.

Table 35. Potential public transport nodes

R310 / ADAM TAS	R44 SOUTH	R310 to R45	R44	R304
Eerste River	Somerset West	Franschhoek	Klapmuts	Joostenberg
Lyndoch	Winery Road	Pniel	Elsenberg	Koelenhof
Vlottenburg	Annandale Road	Kylemore	Kromme Rhee	Nuutgevonden
Droë Dyke/ Oude Libertas	Jamestown	Idas Valley	Welgevonden	Kayamandi Bridge
Central Station	Techno Park		Cloetesville	
Plankenbrug	Mediclinic			

Table 36. Possible park and ride locations

R310 / ADAM TAS	R44 SOUTH	R310 to R45	R44	R304
Lyndoch	Annandale Road	Kylemore	Welgevonden	Koelenhof
Vlottenburg	Jamestown	Idas Valley		Nuutgevonden
Droë Dyke/ Oude Libertas	Techno Park			

No.	Road	Road Name	Current Provision			Extend Provision for..				Future Corridor Development		
			Car	Van	Train	Walking	Bike	Light Rail	Bus	Tram	Transport	Land Use Activity
1-2	R44	Strand Road	Car	Van		Walking	Bike	Light Rail	Bus		Transport	Land Use Activity
3-7	R310	Baden Powell	Car	Van	Train	Walking	Bike	Light Rail	Bus	Tram	Road based formalised public transport priority route.	Limit / prevent new development. Scenic Route
8-10	M12	Polkadraai Rd	Car	Van		Walking	Bike	Light Rail	Bus		Rail and road high capacity primary public transport priority route	Encourage compact, mixed use, redevelopment and contained growth at the specific nodes
11	M23	Bottelary Rd	Car	Van		Walking	Bike		Bus		Road based formalised public transport and P&R priority route.	Mobility Route. Limit / prevent new development.
12-14	R304	Malmesbury Rd	Car	Van		Walking	Bike	Light Rail	Bus	Tram	Road based formalised public transport and P&R priority route.	Compact, mixed use, redevelopment and contained growth at Koelenhof & Devenvale.
15-17	R44	Klapmuts Rd	Car	Van		Walking	Bike	Light Rail	Bus		Road based formalised public transport and P&R priority route.	Encourage compact, mixed use, redevelopment and contained growth at Koelenhof node & R304-R101 node (Sandringham & Joosetenburg)
18-20	R310	Banhoek Rd	Car	Van		Walking	Bike		Bus		Road based formalised public transport route.	Limit / prevent new development. Scenic route. Focus compact, mixed use development at Klapmuts
21		Kromme Rhee Rd	Car	Van	Train	Walking	Bike	Light Rail		Tram	Road based formalised public transport route.	Scenic Route. Consolidate development at specific nodes
22		Annandale Rd	Car	Van		Walking	Bike				Rail and road public transport & P&R linking route	Encourage compact, mixed use, redevelopment and contained growth at Koelenhof only.
23-24	R45	Paarl-Franschoek	Car	Van		Walking	Bike				Road based linking route	Mobility route. Limit / prevent new development. Scenic Route
25-27	R301	Wemmeshoek Rd	Car	Van		Walking	Bike				Road based public transport priority route.	Mobility route. Limit / prevent new development. Scenic Route
			Car	Van		Walking	Bike				Road based public transport priority route.	Mobility route. Limit / prevent new development

Figure 50. Future Development of Arterial Road Transport Corridors in and around Stellenbosch (Transport Futures, 2018)

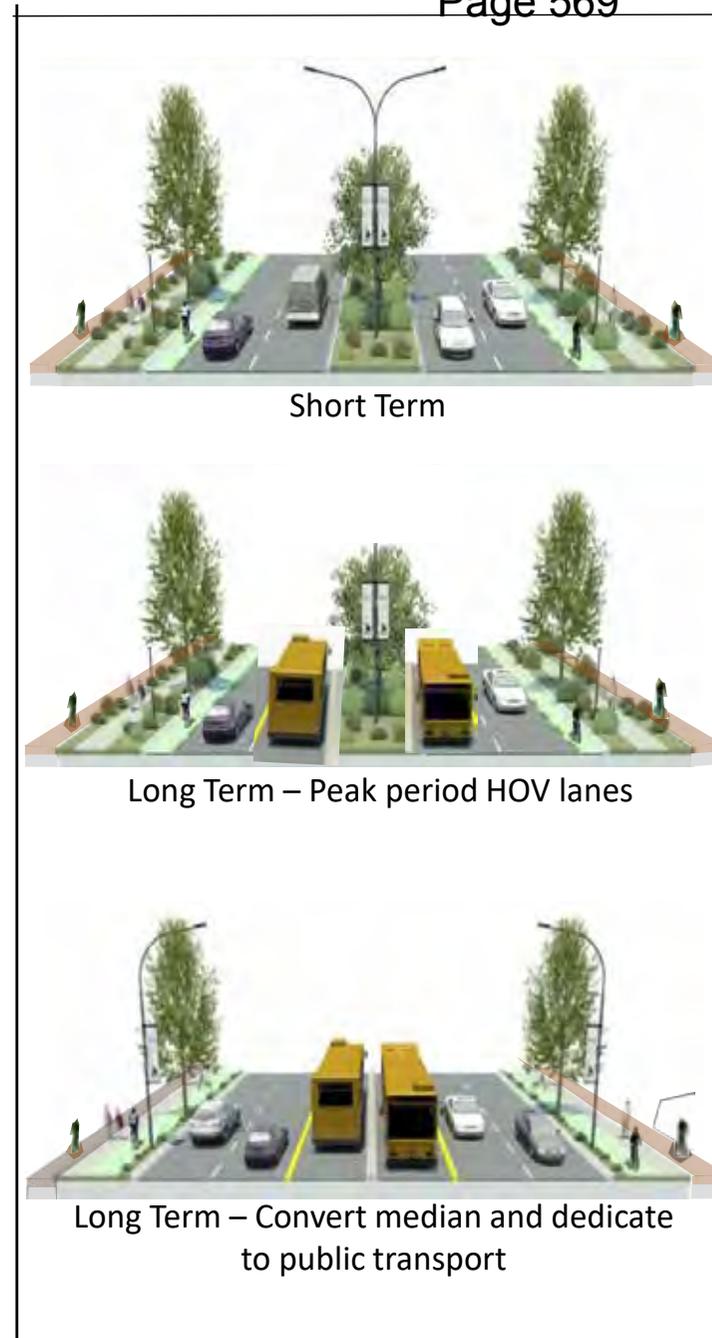


Figure 51. Future recommended road designs - cross sections for public transport and NMT (Transport Futures, 2018)

6.6.3. Housing

In broad terms, the MSDF has the following implications for housing planning and delivery:

- Stellenbosch town and Klapmuts should be the focus for accommodating significant new growth over the short to medium term. It is in these towns where livelihood opportunities can be best assured and where people can best be accommodated without resulting in significant movement of residents in search of work and other opportunities.
- The housing focus in other settlements should primarily be to improve conditions for existing citizens, specifically those in informal settlements, backyard structures, and those lacking security of tenure.
- Over the longer term, it is believed that some settlements along the Baden-Powell-Adam Tas-R304 corridor can support larger populations, particularly the broader Muldersvlei/ Koelenhof and Vlotenburg/ Spier/ Lynedoch areas. A critical pre-condition for larger inclusive settlements in these areas is the establishment of a quality, frequent public transport service (in time possibly rail-based) serving the corridor and all settlements along it.
- A critical pre-condition for larger inclusive settlements in these areas is the establishment of a quality, frequent public transport service (in time possibly rail-based) serving the corridor and all settlements along it.
- In all settlements housing development should focus – while considering the unique character and nature of existing areas – on densification, infill opportunity (also rationalizing and improving edge conditions to roads, open spaces, and community facilities), and the re-use of disused precincts, in this way maximizing the use of available land resources, minimizing pressure for the lateral expansion of settlements, enabling efficient service provision, and the

viability of undertaking trips by local public transport, cycling and walking.

- All housing projects should – as far as possible – focus on a range of typologies, enabling access for a range of income groups.
- All housing projects should consider the availability of social facilities and the daily retail needs (e.g. for purchasing food stuffs) of residents, enabling less dependence on the need to move other than by walking and cycling to satisfy everyday needs.
- As far as possible, sufficient accommodation should be provided associated with education institutions in Stellenbosch town to enable all those who wish to reside in proximity to their institutions, at a reasonable cost, the opportunity to do so.
- Farmers should be actively supported to provide agri-worker housing (following the guidelines contained in “Western Cape Land Use Planning: Rural Guidelines”).
- Gated residential development is not favored. Public components of development should remain public, enabling integration of neighbourhoods and through movement. Security to private components of developments could be provided through other means than the fencing and access control of large development blocks or areas neighbourhoods.

6.6.4. Local economic development

In broad terms, the MSDF has the following implications for local economic development:

- A precautionary approach to the municipality's assets of nature, agricultural land, scenic landscapes and routes, and historically and culturally significant precincts and places, which underlies critical livelihood processes, including a strong tourism economy.

- Stellenbosch town and Klapmuts should be the focus for significant commercial and industrial use, with gradual relocation of larger industrial enterprises to Klapmuts (benefitting from its regional freight and logistics locational advantages).
- Franschhoek maintaining a focus on commercial uses serving local residents and the tourism economy.
- Small rural settlements should contain commercial activities meeting the daily needs of residents and work spaces enabling livelihood opportunity.
- The location, planning, and design of commercial and office developments to compliment and assist in improving the economic performance, usability, attractiveness and experiential quality of existing town centres. “In centre” and “edge of centre” developments are the recommended location for new large scale commercial/ retail developments, having the least negative and most positive impacts to the town centre and town as a whole (as indicated in evidence gathered in support of developing the PSDF).
- Active support for non-residential development integrating fragmented parts of settlements and specifically integrating and offering access and opportunity to poorer settlements.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape (following the guidelines contained in “Western Cape Land Use Planning: Rural Guidelines”).
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural

sustainability, and the scenic, heritage and cultural landscape (following the guidelines contained in “Western Cape Land Use Planning: Rural Guidelines”).

- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape (following the guidelines contained in “Western Cape Land Use Planning: Rural Guidelines”).

6.7. Land Use Management Guidelines and Regulations

SM has prepared a draft Integrated Zoning Scheme (IZS) to standardize, review and address the main shortcomings of the current zoning schemes of earlier administrations. These older schemes are the Stellenbosch, Franschhoek, Kayamandi, and Rural Area zoning schemes. Each regulated land in different ways.

The draft IZS was approved by Council during October 2017 to enable a second round of public participation. Additional comments and inputs received from interested and affected parties will be reviewed and the edited IZS will be submitted to Council for adoption during 2019.

The MSDF and IZS are aligned in that both planning instruments pursue the same objectives. For example, the IZS provides for:

- A Natural Environment Zone, aimed at protecting assets of nature while conditionally providing for other associated uses, including access routes, sports activities, and tourist facilities and accommodation, which ensures enjoyment of these areas for leisure and recreation.
- An Agricultural and Rural Zone, aimed at protecting productive agricultural land while also enabling the diversification of farm income and provision of services to agri-workers.

- Overlay zones recognizing the unique characteristics of the Stellenbosch, Franschhoek, Jonkershoek Valley, Dwars River Valley, and Ida’s Valley historical areas, scenic routes across the Municipal area, and specific local economic areas.
- The densification of traditional residential areas through second dwellings, guest establishments and provisions for home-based work.

Some of the major interventions proposed in the MSDF may require additions to the IZS. For example, development of the Adam Tas Corridor may be assisted through an overlay zone, outlining land use parameters and processes specific to the development area. This, however, will be clarified as the project specifications are finalised (anticipated during the 2019/ 20 business year).

6.8. Implications for Inter-Municipal Planning

The sections below summarises general and place-specific issues related to spatial planning and land use management impacting on SM within the context of neighbouring municipalities.

6.8.1. General inter-municipal planning issues

It would appear that municipalities adjoining the CCT are experiencing (as a result of a combination of factors related to land availability and price, traffic congestion, and lifestyle demand), increased demand for:

- The location of corporate headquarters and centralised, large, space extensive warehousing/ logistic complexes proximate to major inter regional routes.
- Lifestyle residential “estates”, proximate to nature.
- Low income settlement opportunity in less “competitive” locations with easier access to social facilities, work, and lower travel cost.

These demands manifest in increased stress on the adjoining municipalities’ ability to curtail the sprawl of settlements and protect agricultural land, and to meet “own” demands for lower income settlement opportunity and associated social facilities. Importantly also, it requires an inter-municipal view of the role of the N1 corridor in the metropolitan space-economy.

The issue of low income settlement opportunity is particularly significant. As indicated in the CCT MSDF, the City has to deliver some 35 000 housing opportunities each year – over 20 years – to meet the current backlog. Actual delivery is far lower, and, as a result, the MSDF notes a transition from formal, market-led housing supply, to informal solutions. There is no doubt that the demand for housing of residents and workers in the CCT’s, is beginning to “spill-over” to adjoining settlements and municipalities, where land invasions are occurring for the first time.

In some ways it would appear that municipalities adjoining the CCT are now confronted with significant challenges not experienced before, and directly related to the CCT. Arguably, municipalities adjoining the CCT are not resourced to manage these pressures on their own.

The existing institutional response to these challenges – contained in municipal policy documents – is primarily that it is a spatial issue, to be addressed by collaborative planning forums between municipalities.

As indicated in the CCT MSDF, “Cape Town functions within a regional spatial structure, where the settlements, transport network, agricultural resources and natural systems all interact in a system supporting the economy, services and food security.” The same applies to adjoining municipalities. It is doubtful whether spatial planning, or collaborative forums comprising planners from the relevant municipalities, will succeed in managing the pressures associated with the current settlement “system”. Increasingly, the argument could be made for a metropolitan-

wide planning authority dealing with inter-municipal planning issues, and the associated resourcing required.

6.8.2. Place-specific inter-municipal planning issues

The table below summarises key place-specific inter-municipal planning issues. As a basis, the issues and comments as contained in the Cape Town MSDF are listed, expanded upon with comments from the perspective of the Stellenbosch MSDF.

Table 37. Place-specific inter-municipal planning issues

URBAN GROWTH ISSUE	MANAGEMENT REQUIREMENT (AS STATED IN THE CAPE TOWN SDF)	STELLENBOSCH MSDF VIEW
DE NOVO		
<p>Uncertainty regarding the future function and development of provincial land located off Old Paarl Road (R101) in the SM area, directly abutting the CCT-SM boundary east of Bloekombos. Historically the land was farmed but it is subject to escalating urban development pressures.</p>	<ul style="list-style-type: none"> There is increasing urban growth pressure in the north-eastern metro-corridor. As the Du Novo land is in close proximity to the Paarl-Cape Town commuter railway line, the R101 and N1, it is subject to escalating development pressure. In making a decision on its future, consideration needs to be given to its past use for intensive agriculture, especially as favourable soil types and access to the Stellenbosch (Theewaterskloof) Irrigation Scheme underscore its agricultural significance. Its location abutting the CCT-SM boundary, and in close proximity to the Bloekombos settlement, necessitates that the two municipalities collaborate in assessing the optimum and sustainable use of the De Novo land. 	<ul style="list-style-type: none"> From the perspective of the Stellenbosch MSDF, there is no doubt that there will be increasing pressure for development along the whole of the N1 corridor, including the old Main Road, from the CCT boundary through to DM (including Ben Bernard). Ideally, this corridor requires a inter-municipal planning intervention, together with the WCG. The initiative should identify areas to be prioritized for development, areas to be left for agriculture and the continuity of natural systems, phasing, and so on. SM is of the view that, over the short to medium term, Klappmuts should be prioritized.
KLAPMUTS		
<p>Both Stellenbosch and Drakenstein municipalities have identified Klappmuts as a prospective sub-regional urban node along the N1. Residential and industrial development opportunities have been identified north and south of the N1, and the area has also been identified as having potential to serve as a regional freight logistics hub.</p>	<p>To take develop proposals forward the following needs to be considered:</p> <ul style="list-style-type: none"> Existing infrastructure (i.e. N1, R101, R44 and the Paarl-Bellville railway line and station) which dictate the location of certain transport, modal change or break-of-bulk land uses. The existing development footprint of Klappmuts as well as potential development land parcels including land north of the N1 and the N1-R101- railway line corridor east of Klappmuts, the latter extending up to Paarl South Industria and including a proposed green logistics hub. Potential for an inland port and agri-processing, packaging and dispatch platform. Avoiding daily movement across the N1 between place of work and residence or social facilities. Achieving an appropriate metro gateway. A collaborative sub-regional growth management spatial framework between the Stellenbosch and Drakenstein municipalities in order to avoid unsustainable “twin developments”. 	<p>The SM MSDF supports development of Klappmuts (north and south) as a significant area of economic opportunity – located on the metropolitan area’s major freight route – and place of settlement proximate to work opportunity. The Distell led development of Farm 736/RE is supported, unlocking work opportunity for a significant community in an area of lesser agricultural opportunity and nature/cultural value. Key considerations into the future include:</p> <ul style="list-style-type: none"> Realistic assumptions about the extent of future land use categories and take-up rates. Careful consideration of land use change east of Farm 736/RE. NMT integration of the north and south across the N1. Careful consideration of high-end, gated residential development capitalising on the private vehicular accessibility of Klappmuts. <p>The area stretching from Klappmuts to Paarl, situated between the N1 and Old Paarl Road – including Ben Bernard – appears to have significant metropolitan-wide potential for enterprises depending on good freight access. Its future should also be the subject of inter-municipal planning.</p>

Table 38. Place-specific inter-municipal planning issues (cont.)

URBAN GROWTH ISSUE	MANAGEMENT REQUIREMENT (AS STATED IN THE CAPE TOWN SDF)	STELLENBOSCH MSDF VIEW
SIMONDIUM / GROOT DRAKENSTEIN		
<p>The threat of ribbon-development along the DR45 between Simondium and Groot Drakenstein impacts on both the scenic tourism route and significant heritage and agricultural working landscapes.</p>	<p>The close proximity of Simondium and Groot Drakenstein either side of the Drakenstein and Stellenbosch municipal boundary requires co-ordination of their respective municipal urban development programmes in order to ensure:</p> <ul style="list-style-type: none"> • Limiting ribbon development along the R45 and a restricting settlement footprint along such route. • Containing growth of the settlements through infill, densification and strict management urban edges. • Appropriate development abutting the R45. • Appropriate usage of underdeveloped tracts of land between the two settlements (e.g. the Bien Donne provincial land) in order to retain/ reinforce the natural, heritage and agricultural working landscapes. 	<ul style="list-style-type: none"> • From the perspective of the Stellenbosch MSDF, the areas towards Franschhoek – and including smaller settlements – offer less livelihood opportunity than the Baden Powell-Adam Tas-R304 corridor and contain high value nature, culture and agricultural assets. It is not the appropriate focus for accommodating significant new growth. The Paarl/ Franschhoek corridor is progressively occupied by those who can – for now – bridge space in private vehicles, in the process displacing agricultural land. Further mono-functional, gated residential development in the area should be resisted, and livelihood and settlement conditions in existing settlements be improved without enabling significant new growth. • A specific concern to SM is that the extent and nature of development in the southern parts of DM will increase pressure for state assisted housing in and around Franschhoek as little affordable housing is provided as part of the new developments along the R45.
ZEVENWACHT / BOTTELARY HILLS		
<p>There is a threat to the visual amenity of the Bottelary Hills within the eastern visual envelope of the metro area.</p>	<ul style="list-style-type: none"> • Increased demand for residential development extending northwards from Polkadraai Road (M12) to Bottelary Road (M23) including Zevendal, Zevenwacht, Klein Zevenwacht and Haasendal, given the following: <ul style="list-style-type: none"> - Metropolitan access via the Stellenbosch Arterial/ Polkadraai Road (M12), as well as east-west linkages (e.g. Saxdowns Road). - Up-slope localities (e.g. Langverwacht Road) enjoying panoramic views of the Peninsula. - Close proximity to world-renowned vineyards and wineries (Zevenwacht, Hazendal). • Such urban growth is eroding the visual amenity of the Bottelary Hills, impacting on the agricultural working landscape and prompting demand for developments within adjacent areas in the Stellenbosch municipal area enjoying similar locational advantages. • Accordingly, cross-boundary urban growth management collaboration is required between the CCT and Stellenbosch Municipality to ensure that the visual, natural and agricultural integrity of the Bottelary Hills is maintained. 	<p>Given the location of the area, and access, pressure for development is expected. The CCT should hold its urban edge, while there appears to be significant infill (lower income) housing opportunity east of Van Riebeeck Road between Polkadraai Road and Baden Powell Road.</p>

Table 39. Place-specific inter-municipal planning issues (cont.)

URBAN GROWTH ISSUE	MANAGEMENT REQUIREMENT (AS STATED IN THE CAPE TOWN SDF)	STELLENBOSCH MSDF VIEW
FAURE		
<p>There is a development threat to “winelands” in the Faure Hills.</p>	<ul style="list-style-type: none"> • Residential development within the CCT municipal boundary between Faure and Firgrove including Croydon Vineyard Estate, Croydon Olive Estate, Kelderhof Country Estate, and Sitari Fields, is prompting demand for similar residential developments to the north of the CCT municipal boundary and urban edge within the Faure Hills. The location of such demand within the Stellenbosch municipal area is motivated by developers given the following: <ul style="list-style-type: none"> - Convenient linkages to bulk services within the downslope CCT developments. - Access to potable water given the nearby Faure water-works and reservoir. - Being highly accessible given the proximity of the N2 and R102. - Panoramic views of False Bay and the Peninsula. - Being within a viticulture area with access to renowned wineries (e.g. Vergenoegd) and within close proximity to Dreamworld. • Such development outside the CCT urban edge will impact directly on the “winelands” within the SM area. Accordingly, a collaborative urban edge/ municipal boundary assessment undertaken by CCT and SM is required to soften the CCT urban edge, especially where such edge coincides with the municipal boundary and directly abuts vineyards. This would serve to lessen the threat to the adjacent viticulture areas and address the misperception of developers regarding extending the urban edge within the Faure Hills to benefit from its locational advantages. 	<ul style="list-style-type: none"> • Further encroachment of agricultural land should be resisted. Arguably, however, it is development supported by the CCT that has led to significant pressure on agriculture and nature areas within SM.
HELDERBERG HILLS		
<p>Settlement model roll-out threatens to agricultural working and heritage landscapes between Stellenbosch and Helderberg.</p>	<ul style="list-style-type: none"> • Settlement types, their roll-out and management within the Stellenbosch-Helderberg rural interface area demonstrates the following settlement policy disparities: <ul style="list-style-type: none"> - A CCT settlement policy underpinned by strict settlement growth management (i.e. containment) and limited non-agricultural and new settlement development in its rural area. - A SM settlement policy focussing on “inter-connected nodes” with existing rural and urban settlement transformation through densification and extension. • The roll-out of the “inter-connected node” settlement model within the Stellenbosch-Helderberg interface rural area raises concern in the following respects: <ul style="list-style-type: none"> - Various urban settlement forms, architectural styles and land use components not compatible with the existing heritage and agricultural working landscape (e.g. James Town/ De Zalze node). - Promotion of ribbon development along the R44 (e.g. James Town/ De Zalze node). - Development or extension of inter-connected nodes in close proximity to the CCT urban edge (e.g. Raithby, De Wynlanden Estate) with such developments prompting similar development demand outside the CCT urban edge. • Ensuring the integrity of heritage and agricultural working landscapes that comprise the Stellenbosch-Helderberg rural interface requires a CCT-SM collaborative planning forum to achieve synergy between the disparate settlement policies. 	<p>The concept of “inter-connected” nodes contained in the previous Stellenbosch MSDF is mis-represented by the CCT. The concept acknowledges the existence of existing settlements – including Raithby – but does not necessarily imply its further development. This notion is re-affirmed in the new MSDF. In many ways, the CCT, through allowing land use change, created extreme pressure on agricultural land within the jurisdiction of SM.</p>

6.9. Catalytic Initiatives

6.9.1. Adam Tas Corridor

The most strategically located land in Stellenbosch town comprises large industrial spaces, including land previously occupied by Cape Sawmills and Distell facilities. A significant proportion of these have been vacated or will be vacated in the foreseeable future in response to changes in the operating context of manufacturing enterprises. Thoughtful redevelopment of these spaces – at scale – can contribute meaningfully to meeting existing challenges and MSDF objectives.

In simple terms, the concept is to launch the restructuring of Stellenbosch town through redevelopment of the Adam Tas Corridor, the area stretching along the R310 and R44 along the foot of Papegaaiberg from the disused Cape Sawmills site in the west to Kayamandi and Cloeteville in the north.

It forms the western edge to the town but is not well integrated with the rest of Stellenbosch, largely because of the barrier/ severance effect of the R44 and the railway line. Much of the area has a manufacturing use history. It includes the disused sawmill site, the government owned Droë Dyke area, Distell's Adam Tas facility, Oude Libertas, various Remgro property assets, Bosman's Crossing, the rail station, Bergkelder complex, Van der Stel sports complex, the George Blake Road area, and parts of Kayamandi and Cloeteville. Underutilised and disused land in the area measures more than 150ha.

Conceptually, a linear new district within Stellenbosch is envisaged adjacent to and straddling (in places) Adam Tas Road, the R44, and railway line. Overall, development should be mixed, high density and favour access by pedestrians and cyclists.

A central movement system (with an emphasis on public transport and NMT) forms the spine of the area, and is linked to adjacent districts south

and west of the corridor. The corridor retains west-east and north-south vehicular movement (both destined for Stellenbosch town and through movement) as well as the rail line. Remote parking facilities will form part of the corridor concept, with passengers transferring via public transport, cycling and walking to reach destinations within the town of Stellenbosch. The R44 and rail line specifically could be bridged in parts to enable integration across the corridor to access adjacent areas.

The corridor is not envisaged as homogenous along its length, with uses and built form responding to existing conditions and its relationship with surrounding areas. Conceptually, three areas could be defined, each linked through a sub-district.

- The southern district comprises the disused sawmill site, Droë Dyke, and the Adam Tas complex. It can accommodate a mix of high density residential and commercial uses, as well as public facilities (including sports fields).
- The central district is the largest, including Bosman's Crossing, the Bergkelder, and the Van der Stel Sports complex. Here, development should be the most intense, comprising a mix of commercial, institutional, and high density residential use. The "seam" between this district and west Stellenbosch is Die Braak and Rhenish complex. The southern and central districts are linked through Oude Libertas. Oude Libertas remains a public place, although some infill development (comprising additional public/ educational facilities) is possible.
- The northern district focuses on the southern parts of Kayamandi. The central and northern districts are linked through George Blake Road. This area effectively becomes the "main street" of Kayamandi, a focus for commercial, institutional, and high density residential use integrated with the rest of the corridor and western Stellenbosch town.

Along the corridor as a whole – depending on local conditions – significant re-use of existing

buildings is envisaged. This is seen as a fundamental prerequisite for diversity, in built character and activity (as reuse offers the opportunity for great variety of spaces). Aspects of the industrial use history of the area should remain visible. A range of housing types, in the form of apartments should be provided, accommodating different income groups and family types.

Redevelopment in terms of the concept offers the opportunity to:

- Grow Stellenbosch town – and accommodate existing demand – in a manner which prevents sprawl, and create conditions for efficient, creative living and working.
- Stimulate and act as a catalyst for the development of improved public transport and NMT
- Rethink and reconstruct infrastructure, and particularly the movement system, including the possible partial grade separation of east-west and north-south movement systems, in turn, integrating the east and west of town and releasing land for development.
- Integrate Kayamandi and Stellenbosch town seamlessly.
- Shift new development focus to the west of town, with Die Braak and Rhenish complex forming the center and seam between the new west and east of Stellenbosch town.
- Accommodate the parking of vehicles on the edge of town whilst the corridor provides for and promotes a greater focus on pedestrianism and cycling into the core town.
- Accommodate uses which meet urgent needs, specifically higher density housing and university expansion, also assisting in establishing a compact, less sprawling town, public transport, and pedestrianism.
- Increases land value east of the R44 and in the area between Kayamandi and the Bergkelder complex.

Existing manufacturing enterprises can gradually relocate to the north, closer to the N1 logistics corridor (as planned by Distell for their operations).

A spatial plan for the corridor is needed. This plan should spell out – in broad terms – what activities should ideally happen where (and in what form), where to start, and what infrastructure is anticipated by when. However, a spatial plan is not enough. The preparation of the plan has to be situated within a broader surround of development and transport objectives, institutional arrangements and agreements, and parallel professional work streams.

Institutional arrangements are critical. It would include broad agreement between land owners and the municipality to pursue the corridor development, the objectives to be sought, how to resource the work, and associated processes. It would appear that the private sector is best situated to lead the initiative. Land owners – unlike the municipality – have the resources to undertake planning.

Parallel work streams should explore:

- Economic modelling of development options.
- Corridor access and mobility planning and scenario modelling.
- How ordinary citizens with limited material wealth can benefit from the development.
- The nature of efficient, “smart” infrastructure to support living, services, and business.

Critically, development of the corridor needs to be supported by broader strategies impacting on Stellenbosch town as a whole. These include:

- Focusing University functions on the town (as opposed to decentralisation).
- Private vehicle demand management (specifically to curtail the use of private vehicles for short trips within the town).

Critical also, both for the Adam Tas Corridor and the broader Baden Powell-Adam Tas-R304

development corridor is to explore the feasibility of introducing alternative rail stock along the Eerste River-Stellenbosch-Muldersvlei-Klapmuts rail line. The aim should be to have a more frequent passenger service along the corridor, and connected larger and smaller settlements. Lighter rail stock – possibly in the form of a “tram” system also offers the advantage of safe at grade crossing of the rail line and other modes of transport, in turn, enabling “lighter” infrastructure support for settlement development and concomitant cost savings.

At the time of submission of the MSDF, considerable progress has been made by and owners, the municipality, WCG, and the University, to prepare for joint planning of the Adam Tas Corridor.

The Adam Tas Corridor is a significant opportunity, similar in potential scope and impact over generations to the establishment of the university, the Rupert-initiated drive to save and sustain historic precincts and places, and the declaration of core nature areas for preservation. It is a very large project, some five times the extent of the successful Victoria & Alfred Waterfront (V & AW) in Cape Town. It involves more stakeholders and land owners than the V & AW did, and similarly challenging obstacles. It will require sustained, committed work over a prolonged period of time, trade-offs, and a departure of current norms.

Given the scope and complexity of the project, the immediate focus is to understand what it will take to achieve mindful redevelopment of the corridor. Its feasibility, dependencies, and risks need to be fully understood with a view to making recommendations to land owners and other parties involved as to how to proceed in the most responsible way.



Figure 52. Adam Tas Corridor Concept

6.9.2. Development of Klapmuts

The Greater Cape Metro Regional Spatial Implementation Framework (RSIF) contains very specific policy directives related to Klapmuts, aimed at addressing pressing sub-regional and local space economy issues. Key policy objectives include:

- Using infrastructure assets (e.g. key movement routes) as “drivers” of economic development and job creation.
- Recognition that existing infrastructure in the area (i.e. N1, R101, R44 and the Paarl-Bellville railway line and station) dictate the location of certain transport, modal change or break-of-bulk land uses.
- Recognition of the Klapmuts area as a significant new regional economic node within metropolitan area and spatial target for developing a “consolidated platform for export of processed agri-food products (e.g. inland packaging and containerisation port)” and “an inter-municipal growth management priority”.
- The consolidation of and support for existing and emerging regional economic nodes as they offer the best prospects to generate jobs and stimulate innovation.
- The clustering of economic infrastructure and facilities along public transport routes.
- Maintaining valuable agricultural and nature assets.
- Providing work opportunity in proximity to living areas.

There is no doubt that Klapmuts is a potentially significant centre for economic activity and residence within the metropolitan region and SM, located as it is on the N1 transport corridor which carries 93% of metropolitan freight traffic. To date, the settlement is characterized by residential use and limited commercial and work-related activity. Public sector resource constraints have prevented the infrastructure investment required to enable

and unlock the full potential of the area for private sector economic development as envisaged in the GCM RSIF.

The decision by Distell Limited to relocate to and consolidate its operations in Klapmuts is critical to commence more balanced development of the settlement. Distell Limited proposes to develop a beverage production, bottling, warehousing and distribution facility on Paarl Farm 736/RE, located north of the N1, consolidating certain existing cellars, processing plants, and distribution centres in the Greater Cape Town area. The farm measures some 200 ha in extent. The beverage production, bottling, warehousing and distribution facility will take up approximately 53 ha.

The project proposal includes commercial and mixed-use development on the remainder of the site which is not environmentally sensitive to provide opportunities both for Distell’s suppliers to co-locate, and for other business development in the Klapmuts North area. The site does not have municipal services, and the proposed development will therefore require the installation of bulk service infrastructure, including water, wastewater treatment, stormwater, electricity, and internal roads.

A number of issues require specific care in managing the development of Klapmuts over the short to medium term.

- The first is speculative applications for land use change on the back of the proposed Distell development. Already, a draft local plan prepared by DM has indicated very extensive development east of Farm 736/RE. Distell will not fund the extensive infrastructure required to unlock development here, and arguably, land use change to the east of Farm 736/RE could detract from the opportunity inherent in Farm 736/RE.
- The second is the linkages between Klapmuts north and south, specifically along Groenfontein Road and a possible NMT crossing

over the N1 linking residential areas south of the N1 directly with Farm 736/RE. Without these linkages, residents to the south of the N1 will not be able to benefit from the opportunity enabled north of the N1.

- The third is speculative higher income residential development in the Klapmuts area, based on the area’s regional vehicular accessibility. Higher income development is not a problem in and of itself, but ideally it should not be in the form of low density gated communities.

Given that management of Klapmuts is split between DM and SM (respectively responsible for the area north and south of the N1), special arrangements will be required to ensure that the settlement as a whole develops responsibly, in a manner which ensures thoughtful prioritization, infrastructure investment, and opportunity for a range of income groups.

Arguably, recent LSDF planning work commissioned by DM for the area east of Farm 736/RE begins to illustrate the problem of insufficient coordinated planning. The LSDF envisages a very significant extent of development for Klapmuts North. Specifically, in terms of a 20-year growth trajectory, Commercial Office development of 912 354m² is envisaged, Commercial Retail development of 187 839m², and General Light Industrial Development of 370 120m². A number of issues emerge:

Firstly, the realism of these land use projections within the context of the regional economy is questioned. To illustrate:

- Considering the envisaged Commercial Office allocation, it is noted that Cape Town CBD currently has some 940 000m² of office space, Sandton in Gauteng is larger at over 1,2m m² of Commercial Office space, Midrand at some 640 000m², and Century City (some 20 years in the making) at some 340 000m².
- In relation to Commercial Retail space, it is noted that more of this use is envisaged for

Klapmuts North than Century City's current 140 000m².

- While 370 120m² is provided for General Light Industrial Development, the proposed Distell distribution centre alone will comprise 125 000m², and many new logistic centres recently completed in the Kraaifontein/ Brackenfell area range in size between 45 000m² and 120 000m². The master plan prepared as part of the acquisition process of Farm 736/RE foresee significantly more light industrial floor area than the 370 120m² indicated in the LSDF.

Secondly, these land use allocations need to be viewed against the policy context, which sees Klapmuts as a regional freight/ logistics hub – with a focus on job creation – and establishing a balanced community. It would appear that the LSDF over-emphasises commercial office and retail development, “exploiting” the areas’ access to regional vehicular routes, and private vehicular access, at the expense of job creation at scale – and establishing a regional light industrial hub – serving an existing poorer community in proximity to a freight movement corridor.

Thirdly, it is maintained that the infrastructure service requirements – and affordability – of the projected land use allocations are understated. For example, it is known that any development north of the N1 over and above the proposed Distell distribution centre of 125 000m² will involve very costly reconfiguration and augmentation of intersections with the N1. It would be irresponsible to create expectations around land use without these associated requirements being resolved to a fair degree of detail.

Finally, Farm 736/RE is remarkably unique; comprising some of the least valuable agricultural land within the Paarl/ Stellenbosch area. It would appear that the LSDF, given the development process for Farm 736/RE, assumes that adjacent land to the east, of higher agricultural value, should also be developed.

6.9.3. Alternative rail stock along the Baden Powell Drive-Adam Tas-R304 corridor

As indicated above, it is critical, both for the Adam Tas Corridor and the broader Baden Powell-Adam Tas-R304 development corridor to explore the feasibility of introducing alternative rail stock along the Eerste River-Stellenbosch-Muldersvlei-Klapmuts rail line. The aim should be to have a more frequent passenger service along the corridor, connecting larger and smaller settlements. Lighter rail stock – possibly in the form of a “tram” system offers the advantage of safe at grade crossing of the rail line and other modes of transport, in turn, enabling “lighter” infrastructure support for settlement development and concomitant cost savings. Alternatively, the viability of a regular bus service along this route should be explored.

As argued elsewhere in this document, Stellenbosch town and Klapmuts should be the focus for significant settlement growth. It is here, by virtue of settlement location in relation to broader regional networks and existing opportunity within settlements, that the needs of most people can be met, in a compact settlement form while protecting the Municipality's nature and agricultural assets.

Over the longer term, Muldersvlei/ Koelenhof and Vlottenburg along the Baden Powell-Adam Tas-R304 corridor could possibly accommodate more growth, and be established as inclusive settlements offering a range of opportunities. However, much work needs to be done to ensure the appropriate make-up of these settlements (including each providing opportunity for a range of income groups) and integration with the corridor in terms of public transport. Critical is investigating the feasibility of alternative rail stock along the Baden Powell-Adam Tas-R304 corridor.

The smaller settlements are therefore not prioritised for significant development over the MSDF period. Should significant development be enabled in these areas now, it is likely to be focused on private

vehicular use and higher income groups, and will in all probability reduce the potential of initiatives to transform Stellenbosch town and Klapmuts.

6.10. Further Planning Work

6.10.1. Future settlement along the Baden Powell Drive-Adam Tas-R304 corridor

As indicated above, over the longer term, Muldersvlei/ Koelenhof and Vlottenburg along the Baden Powell-Adam Tas-R304 corridor could possibly accommodate more growth, and be established as inclusive settlements offering a range of opportunities. However, these settlements are not prioritised for development at this stage. Critical pre-conditions for significant development include:

- The measures required to ensure that settlements provide for a range of housing types and income groups (in a balanced manner).
- Establishing regular public transport services between settlements, including services between the expanded smaller settlements and Stellenbosch town.
- Understanding to what extent settlements can provide local employment, in this way minimizing the need for transport to other settlements.

6.10.2. Other local planning initiatives

Ideally, each of the settlements in SM should have a LSDF, applying the principles of the MSDF in more detail. The priority for LSDFs should be determined by the position and role of settlements in the SM settlement hierarchy.

6.11. Institutional Arrangements

The SM has dedicated staff resources for spatial planning, land use management, and environmental management organized as the Planning and Economic Development Directorate). Work occurs within the framework set by annually approved Service Delivery and Budget Implementation Plans (aligned with the IDP), decision-making processes and procedures set by Council, and a suite of legislation and regulations guiding spatial planning, land use management, and environmental management (including SPLUMA, LUPA, and the National Environmental Management Act).

The Planning and Economic Development Directorate will facilitate implementation of the MSDF in terms of institutional alignment, including:

- The extent to which the main argument and strategies of the MSDF are incorporated into Annual Reports, annual IDP Reviews, future municipal IDPs, and so on.
- The annual review of the MSDF as part of the IDP review process.
- The extent to which the main argument and strategies of the MSDF inform sector planning and resource allocation.
- The extent to which the main argument and strategies of the MSDF inform land use management decision-making.
- Alignment with and progress in implementing the municipality's Human Settlement Plan and Comprehensive Integrated Transport Plan.
- The mutual responsiveness of the MSDF and national, provincial and regional plans, programmes and actions (including the extent to which MSDF implementation can benefit from national and provincial programmes and funding).

Over and above institutional arrangements in place, it appears that two aspects require specific focus in support of the MSDF.

6.11.1. Inter-municipal planning

The first relates to inter-municipal planning. As indicated elsewhere in the MSDF, SM (and other adjoining municipalities) appears to experience increasing challenges related to development pressure in Cape Town. This pressure is of different kinds. The first is pressure on the agricultural edges of Stellenbosch through residential expansion within Cape Town. The second is migration to SM (whether in the form of corporate decentralization, or both higher and lower income home seekers), leading to pressure on available resources, service capacity, and land within and around the settlements of SM. While municipal planners do liaise on matters of common concern, there appears to be a need for greater high-level agreement on spatial planning for "both sides" of municipal boundaries. The spatial implications of pressure related to migration to SM could be managed locally, should there be agreement to redevelop existing settlement footprints rather than enabling further green-fields development (as a general rule). However, the municipality's increased resource needs to accommodate new growth – a non-spatial issue – should be acknowledged and addressed.

6.11.2. Private sector joint planning

The second relates to joint planning and action resourced by the private sector, increasingly needed for a number of reasons:

- The municipal human and financial resource base is simply too small to achieve the vision of the MSDF or implement associated strategies and plans.
- Many matters critical to implementing the MSDF fall outside the direct control or core business of the municipality. For example, the Municipality does not necessarily own the land associated with projects critical to achieve MSDF objectives.

- It is increasingly evident that individual land owners are finding it difficult to develop – to make the most of what they have – individually. Specifically, the transport and movement implications of individual proposals require strong and dedicated integration.
- Individual land owners do not necessarily control the extent of land required to undertake inclusive development, focusing on opportunity for a range of income groups. Inclusive development often requires cross-subsidisation, in turn, enabled by larger land parcels and development yields.
- The municipality's focus is often – and understandably so – on the "immediate", or shorter-term challenges. Much what is needed to implement the MSDF or catalytic projects requires a longer-term view, a committed focus on one challenge, and cushioning from the daily and considerable demands of municipal management.

Partnerships are needed, with different agencies and individuals working in concert with the municipality to implement agreed objectives. Further, partnerships are required between individual corporations and owners of land. The Adam Tas corridor is a prime example: making the most of the disused sawmill site, Bergkelder complex, Van der Stel complex, Die Braak and Rhenish complex – in a manner which contributes to agreed objectives for developing Stellenbosch town – is only possible if various land owners, the municipality, University, and investors work together, including undertaking joint planning, the "pooling" of land resources, sharing of professional costs, infrastructure investment, and so on. The municipality simply do not have the resources – and is overburdened with varied demands in different locations – to lead the work and investment involved.

6.12. Checklists in Support of Decision-Making

To further assist in aligning day-to-day land use and building development management decision-making and detailed planning – public and private – with the MSDF, it is proposed that a “checklist” of questions be employed.

If the initiators of development proposals, applicants, officials, and decision-makers all, in general terms, address the same questions in the conceptualisation, assessment, and decision-making related to proposals, a common, shared “culture” could be established where key tenets of the SDF is considered and followed on a continuous basis.

Although focused on the location, nature, and form of activities in space, the checklist incorporates questions addressing issues beyond space, including matters of resource management, finance, institutional sustainability, and so on.

It is not envisaged that the checklist be followed slavishly in considering every development proposal. Yet, its use is important in ensuring that relevant issues be addressed and discussed to enable decision-making in line with the MSDF and broader provincial and national planning policy. If, in assessing a proposal or project, posing a question results in a negative answer, the proposal probably requires very careful consideration, further work, or change.

The checklist should not be viewed as static. Rather, it should be reviewed periodically and in parallel with the MSDF review – perhaps under the leadership of the Municipal Planning Tribunal and with input from all stakeholders – to reflect the municipal spatial planning agenda and challenges.

It is proposed that the questions – together with the SPLUMA principles, and the key SDF strategies and policies – are packaged in an easy-to-use and accessible form to facilitate wide usage.

CHECKLIST QUESTION OR ISSUE	YES	NO
BIOPHYSICAL RESOURCES		
Is the proposal located in or does it impact on a formally protected area, Critical Biodiversity Area, or Ecological Support Area?		
Can associated impacts be managed without diminishing the integrity of the formally protected area, Critical Biodiversity Area, or Ecological Support Area?		
Does the proposal protect, maintain, or enhance the sustainability of existing ecological systems and services?		
Will the proposal result in a loss of agricultural land or impede the viable use of agricultural land?		
Does the proposal assist to diversify agriculture, enable broader access to agricultural opportunity, and increase food security?		
Is the proposal located within, on, or outside the proposed urban edge?		
If on the edge of a settlement or green space, does the proposal assist in defining and protecting that edge better and more appropriately than at present?		
Is the proposal situated within a river or wetland setback, or a flood line?		
Does the project enable enhanced and appropriate public access to natural resources, amenity, and recreational opportunity?		
Has the project considered recycling, rainwater collection, and alternative energy generation?		
SCENIC LANDSCAPES, SCENIC ROUTES AND SPECIAL PLACE OF ARRIVAL		
Does the proposal impact on a scenic landscape, scenic routes, or special place of arrival?		
Can associated impacts be managed and minimised without diminishing the integrity of the scenic landscape, scenic routes, or special place of arrival?		
HISTORICALLY OR CULTURALLY SIGNIFICANT PRECINCTS OR PLACES		
Does the proposal impact on a historic or culturally significant precinct, place, or structure?		
Has the proposal considered the re-use of an existing precinct, place, or structure to ensure preserving or exposing its historical or cultural significance?		
Does the proposal enable the inclusive expression and celebration of culture, old and new?		
SETTLEMENT ROLE AND HIERARCHY		
Does the proposal fit the proposed role of the settlement outlined in the MSDP, its position in the settlement hierarchy, and associated development/ management approach?		
MOVEMENT INFRASTRUCTURE		
Does the nature and alignment of the route accord with the provisions of the MSDP?		
Is the proposed new route structurally significant in that it improves connectivity between different areas?		
Does the route fill an important gap in the movement network?		
Does the route promote public and NMT transport?		
Has the costs and benefits of the route been fully assessed?		
Has the design of the route or road infrastructure considered other associated benefits, including the development of small market spaces and infrastructure for emerging entrepreneurs?		

CHECKLIST QUESTION OR ISSUE	YES	NO
NATURE AND FORM OF DEVELOPMENT		
Does the proposal promote compact, dense, mixed use development which makes the best use of land, reduces car dependence, and enables public and NMT?		
Has the proposal considered how it responds to and is integrated with public transport/ NMT and social facilities planning?		
Is the proposal enterprising and transformative in that it is likely to stimulate desirable change within its broader precinct and context?		
Does the proposal expand housing opportunity for a broader range of groups, including lower income groups and students?		
Will the proposal "lock-out" desirable development and opportunity elsewhere by virtue of its location and scale (and through that attracting development energy in a direction not supported by the MSDF)?		
Does the project support inclusion, including providing a range of housing types and/ or opportunity for small/ emerging entrepreneurs.		
Has the proposal made the best use of existing structures on its site?		
UPGRADING AND INTEGRATION OF SETTLEMENTS		
Does the project contribute to the upgrading of an informal settlement or affordable housing area?		
Does the project assist to integrate informal settlements and affordable housing areas with existing centres of commercial activity and employment?		
Does the project significantly increase the size of an existing informal settlement area?		
GOVERNMENT / PUBLICLY ASSISTED HOUSING		
Does the proposal enable residential infill, densification, and a compact settlement structure?		
Is the project located in an area where the value of assets is likely to increase (in that way assisting to curtail the proportion of indigent citizens)?		
Is the scale of the project appropriate in terms of not creating clusters of poverty?		
Are there adequate social and economic opportunities associated with the project?		
Is the project closely integrated with surrounding areas?		
Is the ratio between net and gross densities appropriate?		
Does the project promote appropriate choice in terms of unit, type, size, progressive completion, price, and tenure?		
Does the proposed erf sizes, units, and type enable changes to the unit which respond to new household needs?		
Is the housing provided used creatively to define public space?		
SOCIAL FACILITIES		
Is the proposed location appropriate for the order or scale of social facility proposed?		
Has the proposal considered the upgrading or enhancement of existing social facilities as opposed to building a new one?		
Does the project promote the clustering of social facilities in a manner which enhances user convenience, sharing, and efficient, cost effective facility management?		
Has the proposal considered the possibility of high-density housing as an integral part of the project?		
Does the facility help to define public space and is the frontage onto the street active?		
Has recycling, rainwater collection, and solar energy mechanisms been considered to minimise the long term operational costs of the facility?		

CHECKLIST QUESTION OR ISSUE	YES	NO
PUBLIC SPACE		
Is the space associated with high pedestrian flows?		
Do surrounding activities enhance the use of the space (at all hours)?		
Are the edges of the space well defined?		
Is the scale of the space adequate for its potential functions?		
Is the space comfortable in terms of a human scale?		
Are the materials to be used robust enough to accommodate heavy public use?		
COMMERCIAL DEVELOPMENT		
Is the project located in a recognised business centre or in a manner which would serve to integrate an informal settlement or affordable housing area with existing centres of activity?		
Is the project easily accessible by public/ NMT?		
Does the project significantly enhance convenience and non-motorised access in hitherto unserved areas?		
Does the project place unreasonable strain on existing parking and movement routes?		
Does the project promote balance in land use in local areas?		
Does the project promote open and fair market competition and provide opportunity for smaller enterprises?		
Does the project contribute to the public spatial environment and promote a pleasant and safe pedestrian environment (for example, no dead frontages)?		
INFRASTRUCTURE SERVICES		
Does the infrastructure project or investment contribute to secure Stellenbosch Municipality's regional and local space economy?		
Is the proposed infrastructure project encouraging human settlement in the desired direction?		
Does the project or investment improve or extend an existing service rather than being a stand-alone initiative?		
Is the capacity of the service appropriate in terms of future activities and potential activities as outlined in the MSDF?		
Are the potential barrier effects and negative impacts on surrounding uses of the service/ infrastructure minimised?		
Was the use of alternative technologies considered?		
Is creative use made of waste and by products?		

CHECKLIST QUESTION OR ISSUE	YES	NO
CATALYTIC PROJECTS		
Is the project part of a larger catalytic project identified in the MSDF?		
Does the project support the aims, objectives, and development programme of the catalytic project?		
Does the project carry the full support of the institution responsible for managing the catalytic project?		
INSTITUTIONAL ARRANGEMENTS		
Has the project considered partnerships – between different land owners, or land owners and a community or the public sector – to maximise its broader benefits, whether in the livelihood opportunity it offers, making the best use of resources of land, or shared infrastructure provision?		
Has the municipality discussed possible partnerships aimed at maximising the benefits of the project with the project initiator?		
Does the project justify specific institutional arrangements to ensure its implementation and sustainability?		
Has the required institutional arrangements been agreed to and formalised?		
Will the project result in institutional and/ or funding pressure on the municipality?		
Can the municipality accommodate the institutional and/ or funding pressure associated with the project, now and into the future?		

6.13. A Municipal Leadership and Advocacy Agenda related to Spatial Development

In terms of the Constitution and associated legislation, local government in South Africa has far-reaching obligations and responsibilities. Key is to direct – within the context of national and provincial policy – the provision of services, promotion of a safe and healthy environment, and promotion social and economic development, in a manner which is sustainable. Determining and managing the direction, nature, and form of spatial development within the municipality, is a key function.

Elected representatives carry significant authority in relation to decision-making. Their task is a difficult one. While acting upon the technical work and inputs of officials, elected representatives are often required to deal with and mediate between different needs and requests on a daily basis, whether emanating from a specific sector (e.g. one functional area struggling from a lack of resources to fulfill its services), a community, individual citizen, or the corporate sector.

Arguably, they are also not expected – or have the time – to fully comprehend the technical detail embodied in the work of officials. They should, however, lead at the level of principle, and direct, inspire, and monitor accordingly.

What can a municipal leadership and advocacy agenda look like? What should be foremost on the mind of leadership? What should they be particularly vigilant about, advocate for, and monitor in every initiative? Table 44 below begins to outline such an agenda from the perspective of spatial planning and land use management.

Table 44. A municipal leadership and advocacy agenda from the perspective of spatial planning and land use management

	ISSUE	SPECIFIC CONCERNS RELATED TO THE ISSUE
1	The critical role of the environment in providing ecological services, key to the economy and sustainability of life in general.	<ul style="list-style-type: none"> Activities, development, or ways of providing services which detract from the functioning of the natural environment or places.
2	The critical role of agricultural land – whatever its current use – in providing food security.	<ul style="list-style-type: none"> Activities, development, or ways of providing services which detracts from the current or future use of land for food production or related use.
3	The critical role of historic and cultural assets in the municipal economy.	<ul style="list-style-type: none"> The loss of built or unbuilt cultural places and activities. Inadequate exposure of neglected cultural practices. Inadequate places and opportunity for practicing new forms of cultural expression.
4	The critical need to enable the gradual upgrading of informal settlements.	<ul style="list-style-type: none"> Inadequate forward planning for settlement and the resultant on-going accommodation of new residents in areas already limited in resources and opportunity.
5	The relationship between settlement form (e.g. its density, mix of uses, and extent to which it provides opportunity for different groups) and common-day challenges such as the prospect of all to find sustainable, dignified, livelihoods, traffic congestion, safety, and so on.	<ul style="list-style-type: none"> The relationship between development density and municipal servicing costs. The relationship between development density and the viability of public/ NMT. The relationship between a focus on higher income, “exclusive” development and the need for people to travel from afar to work/ study in Stellenbosch town. The relationship between development density, inclusive and mixed activity, and entrepreneurship opportunity, mutual learning, and innovation. The relationship between 24/ 7 activity and safety.
6	The critical role of social facilities and public space in the lives of ordinary citizens.	<ul style="list-style-type: none"> The developmental role of social facilities and public space. The relationship between the clustering, exposure, and sharing of social facilities (and associated public space), and the quality and sustainability of social service delivery.
7	The critical role of NMT modes to access opportunity, specifically for ordinary citizens.	<ul style="list-style-type: none"> The very high costs of transport infrastructure as compared to other forms of municipal infrastructure services. The relatively small proportion of the population serviced by private vehicles and concomitant cost on the environment.
8	The long-terms resource impacts of spatial decisions today on the sustainability of government, communities and enterprises.	<ul style="list-style-type: none"> The long-term costs of urban sprawl and the outward growth of settlements in relation to environmental sustainability, agricultural potential, and the municipal infrastructure maintenance budget.
9	The limitations of municipal resources, and therefore the need to work with the private and community sectors to meet collective objectives.	<ul style="list-style-type: none"> The extent of private and community sector development energy available, and its possible contribution to address challenges if closer aligned to the municipal development agenda.
10	The interrelationship between settlements, and need to work with adjoining municipalities and overarching government structures.	<ul style="list-style-type: none"> The resource constraints of Stellenbosch Municipality, and its preparedness to accommodate impacts related to development pressure in adjoining municipalities.



Part 7.

Capital Expenditure Framework

7. Capital Expenditure Framework

7.1. Introduction

SPLUMA requires that MSDFs “determine a capital expenditure framework for the municipality’s development programmes, depicted spatially”. SPLUMA does not provide further detail on what this Capital Expenditure Framework (CEF) should include and there is currently no specification for a SPLUMA-compliant CEF. The intention appears to more effectively link the Municipality’s spatial development strategies to one of the primary means with which to implement these strategies, namely the Municipality’s budget and the budgets of other government stakeholders. By providing more specific guidance on what investments should be made where, in what order of priority, alignment between the Municipality’s strategies, plans and policies and development on the ground is better maintained and the risk that budget allocations undermine or contradict the MSDF are mitigated.

The Capital Expenditure Framework (CEF) has become a key tool supporting government’s initiatives to achieve national settlement development and management objectives. The Integrated Urban Development Framework (IUDF), approved by Cabinet in 2016, sets out the national policy framework for transforming and restructuring South Africa’s urban spaces, guided by the vision of creating “livable, safe, resource efficient cities and towns that are socially integrated, economically inclusive and globally competitive”. In addition the IUDF proposes an urban growth model premised on compact and connected cities and towns. With the acceptance of the IUDF as policy, the emphasis has now shifted to implementation.

The IUDF is coordinated by the Department of Cooperative Governance (DOCG), which has set up the institutional arrangements for the coordination of activities across government departments and agencies, under the overall management of an IUDF Working Group on which

partner organizations such as National Treasury, organized local government and the World Bank are represented. Within the IUDF, the Intermediate City Municipality Programme (ICM), which includes 39 municipalities, is intended to provide support for the cities in the middle size and density range of the continuum. Stellenbosch Municipality is part of the ICM.

The purpose of the ICMs support strategy is to help translate IUDF policy into practical programmes of action in the ICMs. In so doing the initiative aims to give impetus to achieve the main IUDF goals, which are forging new integrated forms of spatial development; ensuring that people have access to social economic services, opportunities and choices; harnessing urban dynamism to achieve inclusive and sustainable growth; and enhancing the governance capacity of the state and citizens in ICMs.

One element of the implementation of the IUDF is the introduction of a consolidated infrastructure grant and all 39 ICMs are all eligible for the Integrated Urban Development Grant (IUDG) from 2019/ 20. The business plan for the IUDG is a three-year capital programme that is aligned with a long-term CEF. There are a number of key intentions in introducing the CEF as the basis for monitoring the IUDG:

- To ensure that priorities identified in the spatial development framework are translated into capital programmes.
- To promote long-term infrastructure planning.
- To promote infrastructure planning that is better integrated across sectors and spheres and within space.
- To promote a more integrated approach to planning within municipalities that brings together technical, financial and planning expertise.

The DCOG recently prepared a “Guide to preparing a Capital Expenditure Framework (Draft Document)” to provide ICMs with guidance with regard to what a CEF is, what it should include for the purposes of the IUDG, and how to go about a CEF. The Guide defines a CEF as “a consolidated, high-level view of infrastructure investment needs in a municipality over the long term (10 years) that considers not only infrastructure needs but also how these needs can be financed and what impact the required investment in infrastructure will have on the financial viability of the municipality going forward.”

Stellenbosch Municipality started preparing its first CEF late in 2018, in parallel with the MSDF review.

To be completed (awaiting documentation from SM)



Part 8.

Monitoring and Review

8. Monitoring and Review

8.1. Monitoring

Towards the introduction of a planning performance, monitoring and evaluation system for the MSDF, a set of SMART (Specific, Measurable, Achievable, Relevant, Timebound) performance indicators need to be developed and applied.

These should measure progress on delivering on the Municipal spatial agenda, including its substantive, spatial objectives⁴. In this regard, the Municipal Performance Management System (linked to the IDP) is important. It is proposed that the Planning and Economic Development Directorate develop MSDF specific monitoring indicators during the 2019/ 20 business year for inclusion in the Municipal Performance Management System at the beginning of the 2020/ 21 business year.

Ideally, initial performance indicators should be limited to what is manageable by the administration while meaningfully tracking the achievement of stated spatial development objectives. Such criteria could include:

- The overall share of new development applications in the settlements identified for growth as compared to smaller settlements.
- Tracking the number of applications providing for increased density in settlements.
- Tracking the number of applications which entails "inclusive" development, specifically providing a range of housing types accommodating different income groups.
- The extent of agricultural land lost through redevelopment for alternative uses.
- The number of joint planning proposals initiated by landowners (with a view to integrate service improvements and agreed settlement benefits, specifically inclusive development).

⁴ Current planning related monitoring and performance indicators contained in the corporate SDBIP are limited to the timeous review of the MSDF in line with the IDP and the percentage of land-use applications submitted to the Municipal Planning Tribunal within the prescribed legislated period and within a maximum of 120 days.

8.2. Review of the MSDF

Processes, including public participation processes, associated with the review of an MSDF are prescribed by SPLUMA, the MSA (and associated regulations), LUPA, the Municipal Planning By-law and associated policies or regulations.

The purpose of the MSDF is to provide a medium to long term vision and associated strategies, policies, guidelines, implementation measures, and associated instruments to attain this vision progressively over time. As development – whether it be headed by the public sector or the private sector – takes multiple years to be achieved, it is not appropriate that the MSDF is substantially reviewed annually. A major review of the MSDF should therefore occur every five years. Improvements, amendments, and refinements to the MSDF can occur annually.

Five-year and annual reviews are to be aligned with the IDP and budget planning and approval process.

List of Documents Reviewed

Baumann, Nicolas, Winter, Sarah, Dewar, David and Louw, Piet (2014). Boschendal Heritage Impact Scoping Report: An In-Principle Review of the Case and the Identification of Composite Heritage Indicators

DAFF, 2014: Agricultural Policy Action Plan, Department of Agriculture, Forestry and Fisheries, 2014

Department of Cooperative Government and Traditional Affairs, 2016, Integrated Urban Development Framework: A New Deal for South African Cities and Towns

DEA&DP, 2016: Feasibility Study for Alternative and Sustainable Infrastructure for Settlements: Phase 4: Concept, Integration and Optimisation Report

DRDLR, 2015: AGRI-PARK, Your agri-park; Your future, 2015

Green Cape. 2014. Water as a Constraint on Economic Development. 2014-2015 Research Project Progress Report. March 2015.

Kururi-Sebina G, 2016, South Africa's cities must include everyone, Op-Ed article in 8 July 2016 Daily Maverick

PWC, 2014, Western Cape Population Projections: 2011 – 2040

South African Cities Network, 2016, State of South African Cities Report: 2016, SACN, Johannesburg

Stellenbosch LM. 2016. 2016/17 Integrated Development Plan, Revision 4. Presented at the 41st Council Meeting, 25 May 2016

Transport for Cape Town (TCT), 2015, Draft Freight Management Strategy

WCG: DoA, 2016: Western Cape Climate Change Response Framework and Implementation Plan for the Agricultural Sector (SmartAgri Plan), 2016

WCG, 2015: Project Khulisa. Western Cape Government: Economic Cluster, 2015

WCG, 2010: Western Cape Sustainable Water Management Plan, 2010

WCG, 2015, Provincial Strategic Plan: 2014 -2019

WCG: Provincial Treasury, 2015, Provincial Economic Review and Outlook: 2015

WCG Provincial Treasury, 2015, Municipal Economic Review and Outlook: 2015

WCG Department of Transport and Public Works, 2016, Draft Provincial Land Transport Framework

WCG Department of Human Settlements, 2016, Western Cape Human Settlements Framework: Discussion Document, March 2016

WCG Department of Environmental Affairs and Development Planning, 2016, Feasibility Study For Alternative And Sustainable Infrastructure For Settlements

Winter, Sarah and Oberholzer, Bernard (2013). Heritage and Scenic Heritage Study (2013). Prepared as input into the Provincial Spatial Development Framework

TO BE COMPLETED

Appendices

A. Policy Framework

This section provides an overview of international conventions and national and provincial policies that inform the formulation of the Stellenbosch MSDF and was reviewed in its preparation process.

A review of high level, international “conventions”, resolutions, or declarations – statements of intent or commitment often agreed to at international level with a view to inclusion in national policy frameworks and inform member country “behavior” – related to the management and preservation of heritage resources, an important theme in developing a MSDF for SM, is included.

Table 45. Conventions, Resolutions or Declarations

CONVENTIONS, RESOLUTIONS, OR DECLARATIONS	FOCUS	IMPLICATIONS
Johannesburg World Summit on Sustainable Development (2002). ¹	<p>The Summit recognised cultural diversity as the fourth pillar of sustainable development, alongside the economic, social and environment pillars.</p> <p>Peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all.</p>	<p>The celebration of cultural diversity will require the creation of variety of development opportunities with in the Municipal area and particularly its settlements. Such opportunities should include provision for different forms of cultural expression.</p>
Québec Declaration on the preservation of the Spirit of Place (adopted by the ICOMOS General Assembly, October 2008). ²	<p>The declaration recognizing that the spirit of place is made up of tangible (sites, buildings, landscapes, routes, objects) as well as intangible elements (memories, narratives, written documents, festivals, commemorations, rituals, traditional knowledge, values, textures, colors, odors, etc.), which all significantly contribute to making place and to giving it spirit.</p> <p>It is argued that spirit of place is a continuously reconstructed process, which responds to the needs for change and continuity of communities, and can vary in time and from one culture to another according to their practices of memory, and that a place can have several spirits and be shared by different groups.</p>	<p>Heritage resource management has in the past focused on the legacy of the colonial history, but the creation of truly integrated and equitable communities in the Municipality will require a broader view of heritage resources, which should include the recognition of intangible resources and cultural diversity.</p>
United Nations General Assembly Resolution 65/166 on Culture and Development (adopted in 2011).	<p>The resolution recognised that culture – of which heritage forms a part – is an essential component of human development, providing for economic growth and ownership of development processes.</p>	<p>Ensure that the management of heritage resource also optimizes its contribution to economic growth.</p>

1. <http://www.un-documents.net/aconf199-20.pdf>

2. https://www.icomos.org/images/DOCUMENTS/Charters/GA16_Quebec_Declaration_Final_EN.pdf

Table 46. Conventions, Resolutions or Declarations (cont.)

CONVENTIONS, RESOLUTIONS, OR DECLARATIONS	FOCUS	IMPLICATIONS
The Paris Declaration on heritage as a driver of development (adopted in Paris, UNESCO headquarters, December 2011). ³	The Declaration committed to integrate heritage in the context of sustainable development and to demonstrate that it plays a part in social cohesion, well-being, creativity and economic appeal, and is a factor in promoting understanding between communities.	The management and use of heritage resources in the municipal area should be aimed at creating opportunities for social interaction, rather than a just a narrow focus on preservation.
The “Valletta Principles” towards the Safeguarding and Management of Historic Cities, Towns and Urban Areas (adopted by the ICOMOS General Assembly, April 2010). ⁴	<p>Towns and urban areas are currently called to undertake the role of organizer for the economy and to evolve into centers of economic activity, innovation and culture. Connecting protection to economic and social development, within the context of sustainability, and adaptation of historical towns and urban areas to modern life is a key task. The challenge is to increase competitiveness without detracting from main qualities, including identity, integrity, and authenticity, which are the basic elements for their being designated cultural heritage and strict prerequisites for their preservation.</p> <p>Key principles are:</p> <ul style="list-style-type: none"> • All interventions in historic towns and urban areas must respect and refer to their tangible and intangible cultural values. • Every intervention in historic towns and urban areas must aim to improve the quality of life of the residents and the quality of the environment. • The safeguarding of historic towns must include, as a mandatory condition, the preservation of fundamental spatial, environmental, social, cultural and economic balances. This requires actions that allow the urban structure to retain the original residents and to welcome new arrivals (either as residents or as users of the historic town), as well as to aid development, without causing congestion. • Within the context of urban conservation planning, the cultural diversity of the different communities that have inhabited historic towns over the course of time must be respected and valued. • When it is necessary to construct new buildings or to adapt existing ones, contemporary architecture must be coherent with the existing spatial layout in historic towns as in the rest of the urban environment. • A historic town should encourage the creation of transport with a light footprint. 	Appropriate development in the municipal settlements, which respects historic development patterns and cultural diversity, should inter alia ensure that further congestion is avoided, and create opportunities for socio-economic diversity.
Delhi Declaration on Heritage and Democracy Adopted by the ICOMOS General Assembly, December 2017). ⁵	<p>The concept of heritage has widened considerably from monuments, groups of buildings and sites to include larger and more complex areas, landscapes, settings, and their intangible dimensions, reflecting a more diverse approach. Heritage belongs to all people; men, women, and children; indigenous peoples; ethnic groups; people of different belief systems; and minority groups. It is evident in places ancient to modern; rural and urban; the small, every-day and utilitarian; as well as the monumental and elite. It includes value systems, beliefs, traditions and lifestyles, together with uses, customs, practices and traditional knowledge. There are associations and meanings; records, related places and objects. This is a more people-centred approach.</p> <p>Key principles are:</p> <ul style="list-style-type: none"> • Conserving significance, integrity and authenticity must be fully considered in the management of heritage resources. • Mutual understanding and tolerance of diverse cultural expressions add to quality of life and social cohesion. Heritage resources provide an opportunity for learning, impartial interaction and active engagement, and have the potential to reinforce diverse community bonds and reduce conflicts. • The culture and dynamics of heritage and heritage places are primary resources for attracting creative industries, businesses, inhabitants and visitors, and foster economic growth and prosperity. 	The large variety of heritage resources of the SM, ranging from individual buildings to landscapes, should be used to attract economic growth and spreading prosperity to its inhabitants.

3. https://www.icomos.org/images/DOCUMENTS/Charters/GA2011_Declaration_de_Paris_EN_20120109.pdf

4. <http://civvih.icomos.org/sites/default/files/Valletta%20Principles%20Book%20in%205%20languages.pdf>

5. https://www.icomos.org/images/DOCUMENTS/Charters/GA2017_Delhi-Declaration_20180117_EN.pdf

POLICY	FOCUS	IMPLICATIONS
National		
<p>National Development Plan 2030 ⁶</p>	<p>The National Development Plan 2030 (NDP) sets out an integrated strategy for accelerating growth, eliminating poverty and reducing inequality by 2030.</p> <p>The following aspects of the NDP fall within the competencies of local government:</p> <ul style="list-style-type: none"> • The transformation of human settlements and the national space economy with targets that include more people living closer to their places of work; better quality public transport; and more jobs in proximity to townships. Actions to be taken include desisting from further housing development in marginal places, increasing urban densities and improving the location of housing, improving public transport, incentivising economic opportunities in highly populated townships and engaging the private sector in the gap housing market. • Building an inclusive rural economy by inter alia improving infrastructure and service delivery, and investing in social services and tourism. • Investment in economic infrastructure including the roll out of fibre- optic networks in municipalities. • Improving education and training, through inter alia a focus on expanding early childhood development (ECD) and further education and training (FET) facilities. • Building of safer communities and although not explicitly noted in the NDP, actions should include improving safety through sound urban design and investment in the public realm. • Building environmental sustainability and resilience with a strong focus on protecting the natural environment and enhancing resilience of people and the environment to climate change. Actions include an equitable transition to a low- carbon economy (which would inter alia imply making settlements more efficient) and regulating land use to ensure conservation and restoration of protected areas. (National Planning Commission, 2012). 	<p>The strong focus on action in the NDP is an indication that planning at the local government level should go beyond the preparation of a spatial plan, but actively pursue investment in strategic services and locations to grow the local economy and address inequality.</p>
<p>National Infrastructure Plan (2012)</p>	<ul style="list-style-type: none"> • The NIP intends to transform South Africa's economic landscape while simultaneously creating significant numbers of new jobs, and to strengthen the delivery of basic services. The Cabinet-established Presidential Infrastructure Coordinating Committee (PICC) identified 18 strategic integrated projects (SIPS) to give effect to the plan. • SIP 7 of the NIP entails the "Integrated urban space and public transport programme". The intent with SIP 7 is to coordinate the planning and implementation of public transport, human settlement, economic and social infrastructure and location decisions into sustainable urban settlements connected by densified transport corridors. A key concern related to integrating urban space is the upgrading and formalisation of existing informal settlements. 	<p>The Stellenbosch SDF is the ideal vehicle to coordinate the planning and implementation of investment that realize the vision of integrated settlements structured around densified transport corridors.</p>
<p>Urban Network Strategy (2013)</p>	<ul style="list-style-type: none"> • The Urban Network Strategy (UNS) is the spatial approach adopted by the National Treasury to maximise the impact of public investment – through coordinated public intervention in defined spatial locations – on the spatial structure and form of cities. • The Urban Network is based on the recognition that urban areas are structured by a primary network and secondary networks. At the primary network level (or city scale), the strategy proposes the identification of a limited number of significant urban nodes that include both traditional centres of economic activity (such as the existing CBD) and new "urban hubs" located within each township or cluster of townships. It also emphasizes the importance of connectivity between nodes, through the provision of rapid and cost effective public transport on the primary network and the delineation of activity corridors for future densification and infill development adjacent to the public transport routes. At the secondary network level, the strategy proposes strengthening connectivity between smaller township centres and identified urban hubs. 	<p>The systems thinking that underpins the strategy should inform the SDF at the level of the municipal are, i.e. considering the role of settlements, as well as the level of the individual settlements, so as to improve access to economic opportunities and support economic growth through clustering and densification.</p>

6. <https://www.google.com/search?client=safari&rls=en&q=national+development+plan+chapter+8&ie=UTF-8&oe=UTF-8>

Table 48. Policies (cont.)

POLICY	FOCUS	IMPLICATIONS
National		
National Public Transport Strategy (NPTS), 2007	<ul style="list-style-type: none"> The NPTS provides guidance to all three spheres of government on dealing with the public transport challenges in an integrated, aligned, coordinated manner. The NPTS has two key thrusts: accelerated modal upgrading, which seeks to provide for new, more efficient, universally accessible, and safe public transport vehicles and skilled operators; and integrated rapid public transport networks (IRPTN), which seeks to develop and optimise integrated public transport solutions. 	The SDF will have to include the identification and implementation of public transport networks and systems as a critical component of sustainable and integrated settlement development.
Regional		
The Western Cape Government's strategic and policy framework 2014-2019	<ul style="list-style-type: none"> The framework identifies five strategic goals: create opportunities for growth and jobs, improve education outcomes and opportunities for youth development, increase wellness, safety and tackle social ills, enable a resilient, sustainable, quality and inclusive environment living environment, and embed good governance and integrated service delivery through partnerships and spatial alignment. Key focus areas include providing more reliable and affordable public transport with better coordination across municipalities and between different modes of transport, increasing investment in public transport and resolving existing public transport policy issues includes attracting private sector investment, extending bus services, refurbishing commuter trains, and well-located land release. 	In addition to the directives for spatial planning set out in this policy, the focus on partnerships and the role of government in realizing sustainable development (e.g. release of well-located public land) should inform the implementation plan for the SDF.
Project Khulisa	<ul style="list-style-type: none"> Project Khulisa is the economic strategy of the Western Cape Government. The strategy focuses on productive and enabling sectors that contribute to the region's competitive advantage and/or having the potential to be catalytic in growing the economy. The three priority sectors identified are: agri-processing, tourism, and oil and gas services. 	The agri-processing and tourism sectors are important sectors in the local economy and the SDF should include strategies to promote these sectors to grow and to be mutually supportive.
Western Cape Infrastructure Framework (WCIF), 2013	<ul style="list-style-type: none"> The WCIF aims to align the planning, delivery and management of infrastructure provided by all stakeholders (national, provincial and local governments, parastatals and the private sector) for the period to 2040. The WCIF prioritises "infrastructure-led growth" as a driver of growth and employment in the region. A major concern is the financial gap for municipal providers of infrastructure: municipalities have a central role to play in providing socially important services and creating a platform for economic development, but their limited access to capital is a major constraint. The WCIF emphasizes that public and social services facility allocations must be aligned with infrastructure investment plans, growth areas and future development projects, and not planned in isolation. 	The focus on infrastructure investment of the WCIF is another pointer to the importance of an implementation driven SDF to achieve spatial transformation.
Western Cape Green Economy Strategic Framework ("Green is Smart"), 2013	<ul style="list-style-type: none"> The "Green is Smart" Strategic Framework positions the Western Cape as the leading green economic hub in Africa. The framework outlines the risks to the Province posed by climate change, as well as the economic opportunity presented by a paradigm shift in infrastructure provision. The framework focuses on six strategic objectives: become the lowest carbon Province, increase usage of low-carbon mobility, a diversified, climate-resilient agricultural sector and expanded value chain, a market leader in resilient, livable and smart built environment, high growth of green industries and services, and secure ecosystem infrastructure. 	This framework points to the importance of understanding the impacts of climate change on physical development and the local economy and also of ensuring the SDF is action-orientated, i.e. results in the implementation of strategies that will build resilience and facilitate economic growth in the face of environmental and resource challenges.
OneCape 2040	<ul style="list-style-type: none"> OneCape 2040 aims to direct a transition to a more inclusive society, through economic and social development, resulting in a more resilient economy. OneCape2040 seeks transition in several key areas to realise the vision of the Western Cape becoming a highly skilled, innovation-driven, resource-efficient, connected, high-opportunity and collaborative society. Key transitions focus on "cultural", where communities should be socially inclusive; and "settlement" where neighbourhoods and towns should be quality environments, highly accessible in terms of public services and opportunities. The spatial focus is "connection" and "concentration". 	This strategy provides some content to the Stellenbosch Municipality's goal to attract and foster innovation as a driver of economic growth, through its focus on creating conducive environments.

Table 49. Policies (cont.)

POLICY	FOCUS	IMPLICATIONS
Regional		
Provincial Spatial Development Framework, Public Draft for comment, October 2013 ⁷	<ul style="list-style-type: none"> The PSDF sets out to put in place a coherent framework for the province's urban and rural areas that gives spatial expression to the national (i.e. NDP) and provincial development agendas and communicates government's spatial development intentions to the private sector and civil society. The PSDF is driven by three major themes, namely growing the economy, using infrastructure investment to effect change, and ensuring the sustainable use of the provincial resource base. The policies and strategies that flow from these themes focus on strategic investment in the space economy, settlement restructuring and the protecting the natural and cultural resource base. 	Alignment of the Stellenbosch SDF with this plan is not only a legal requirement but a strategic imperative to ensure that the Municipality optimises provincial support for its development agenda. The key focus areas are all of particular relevance to the Stellenbosch Municipality and its network of settlements.
Growth Potential of Towns Study (GPS), 2013.	<ul style="list-style-type: none"> The primary objective of the GPS was to determine the growth potential of settlements outside the City of Cape Town in terms of potential future economic, population and physical growth. The analysis of growth potential is based on two fundamental and related concepts: inherent preconditions for growth and innovation potential. Five thematic indexes formed the basis for modelling the growth preconditions and innovation potential within each settlement and municipality. 	This study should underpin the identification of a clear settlement network, where the roles and resultant development imperatives for each settlement is clearly articulated as an important structuring element of the MSDF.

7. https://www.westerncape.gov.za/eadp/sites/default/files/western-cape-provincial-spatial-developmemnt-framework-drafft-for-comment_4.pdf

B. Public Input on MSDF Concept Received During Area-Based Public Participation Sessions

IN PROCESS

C. Spatial Planning Categories, Associated SEMF Policy and WCG Guidelines

Table 50. SPCs for Stellenbosch Municipality and associated land use policy and guidelines

SPC	SUB-CATEGORY	CATEGORY DESCRIPTION IN SEMF	KEY GUIDELINES FOR SPCs: Western Cape Land Use Planning: Rural Guidelines	KEY POLICY FOR SPCs : SEMF
CORE ⁸	A.a. Statutory Protected Areas	<p>Areas designated in terms of legislation for biodiversity conservation purposes and defined categories of outdoor recreation and non-consumptive resource use. Conservation purposes are purposes normally or reasonably associated with the use of land for the protection of the natural and/ or built environment, including the protection of the physical, ecological, cultural and historical characteristics of land against undesirable change.</p> <p>In terms of the SEMF A.a areas include Wilderness Areas, Special Nature Reserves, National Parks, Nature Reserves, Protected Environments (all declared in terms of NEMPA 57 of 2003), Forest Wilderness Areas / Forest Nature Reserves (in terms of Section 8[1] of National Forests Act 84 of 1998), World Heritage Sites (declared in terms of the World Heritage Convention Act 49 of 1999), and Mountain Catchment Areas (declared in terms of the Mountain Catchment Areas Act 63 of 1970).</p>	<ul style="list-style-type: none"> Essentially Core areas are “no-go” areas from a development perspective, and should, as far as possible, remain undisturbed by human impact. Subject to stringent controls, biodiversity compatible land uses that could be accommodated include non-consumptive low impact eco-tourism activities and harvesting of natural resources (e.g. wild flowers for medicinal, culinary or commercial use), subject to a EMP demonstrating the sustainability of harvesting. No large-scale eco-tourism developments should be permitted. Land consolidation should be encouraged and subdivision prohibited. Wherever possible, structures associated with activities in Core areas should preferably be located in neighbouring Buffer areas. Structures in Core areas should be placed through fine-scale environmental sensitivity mapping, preferably be located on currently disturbed footprints, be temporary in nature, and adhere to environmentally sensitive and sustainable construction principles. Any form of mining or prospecting, extensive or intensive grazing that results in species diversity loss, the conversion of natural habitat for intensive agriculture or plantation forestry, expansion of existing settlements or residential, commercial or industrial infrastructure, and linear infrastructure of any kind that will cause significant loss of habitat and/ or disruption to the connectivity of ecological corridors, should not be permitted. 	<ul style="list-style-type: none"> SPC A.a areas are irreplaceable and should be protected from change/ restored to their former level of ecological functioning. Only non-consumptive activities are permitted (for example, passive outdoor recreation and tourism, traditional ceremonies, research and environmental education). Land use and activities which interferes with the natural conditions in mountain catchment areas should be resisted. Municipal management should focus on the extension, integration and protection of a system of protected areas that transect the Municipality and includes low-to-high elevation, terrestrial, freshwater, wetlands, rivers, and other ecosystem types, as well as the full range of climate, soil, and geological conditions.

8. While the SEMF only identifies Core areas, the “Western Cape Land Use Planning: Rural Guidelines” distinguishes between Core 1 and Core 2 SPCs. Essentially, Core 2 areas are in a degraded condition and should be rehabilitated. Acceptable land uses in Core 2 areas are those that are least harmful to biodiversity and include compatible and low impact conservation land uses as per Core 1 areas, whilst allowing for a limited increase in scale of development in less sensitive areas (provided ecological processes are not disrupted), to be informed by environmental sensitivity mapping, transformation thresholds and an assessment of cumulative impacts.

Table 51. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)

SPC	SUB-CATEGORY		CATEGORY DESCRIPTION IN SEMF	KEY GUIDELINES FOR SPCs: Western Cape Land Use Planning: Rural Guidelines	KEY POLICY FOR SPCs : SEMF
BUFFER	B.a.	Non-statutory conservation areas	SPC B comprises conservation-worthy habitats or habitat units which should, ideally, be rehabilitated to improve its quality. Land is predominantly privately owned and managed for conservation purposes in terms of the legislation applicable to the current zoning of such land and not in terms of dedicated conservation legislation. of the natural landscape and/or to promote biodiversity conservation. It includes Contractual Conservation Areas and Private Conservation Areas.	<ul style="list-style-type: none"> Compatible uses include conservation activities as per Core 1 and 2 areas including sustainable consumptive or non-consumptive uses, forestry and timber plantations, extensive agriculture comprising game and livestock farming (subject to lower impact and precautionary practices), and limited/ small scale "value-adding" through intensified tourism (e.g. resort or recreational facilities) or consumptive uses (e.g. hunting).⁹ Development should target existing farm precincts and disturbed areas, with the employment of existing structures and footprints to accommodate development. Extensive developments (e.g. caravan and camping sites) should be restricted to sites of limited visual exposure and sites not prominent in the landscape. Development should reinforce farm precincts and reflect similar vernacular in terms of scale, form and design. In the absence of existing farmsteads, development should reflect compact and unobtrusive nodes, conforming to local vernacular in terms of scale, form and design. Development should maintain the dominance of the natural and agricultural landscapes and features, maintain and enhance natural continuities of green spaces, riverine corridors and movement, avoiding fragmentation, and protect conservation-worthy places and heritage areas. 	<ul style="list-style-type: none"> Only activities that have an acceptable ecological footprint are permitted in SPC B. Where applications are made for development in SPC B, the onus is on the applicant to prove the desirability and sustainability of the proposed development and to suggest an appropriate quid pro quo. A quid pro quo could be in the form of setting aside and rezoning an appropriate portion of conservation-worthy land for permanent conservation purposes (such portion could be considered for re-designation to SPC A). Tourism-related development outside the urban edge must be nodal, and restricted to less sensitive areas. No development is permitted on river banks that are susceptible to flooding and below the 1:100 year flood-line. Active municipal support for Stewardship Programmes, Land-care Programmes, and the establishment of Conservancies and Special Management Areas.
	B.b.	Ecological corridors	Linkages between natural habitats or ecosystems that contribute to the connectivity of the latter and the maintenance of associated natural processes. It includes Freshwater Ecosystem Priority Areas (FEPA) designated in terms of National Freshwater Ecosystem Priority Areas Project, rivers or riverbeds (in terms of NEMA), Critical Biodiversity Areas and High Biodiversity Areas, and Other Natural Areas (including Ecological Support Areas).		
	B.c.	Urban Green Areas	Municipal open spaces that form in integral part of the urban structure. It includes Public Parks and Landscaped Areas.		

9. While the SEMF only identifies Buffer areas, the "Western Cape Land Use Planning: Rural Guidelines" distinguishes between Buffer 1 and Buffer 2 SPCs. Buffer 2 areas refers to other natural areas, located in a context where extensive and/ or intensive agriculture is the dominant land use. Activities and uses directly relating to the primary agricultural enterprise are permitted, including farm buildings and activities associated with the primary agricultural activity, including a homestead, agricultural buildings, and agri-worker housing. One additional non-alienable dwelling unit per 10 ha to a maximum of 5 per agricultural unit is permitted, and "value adding" uses, including a restaurant and venue facility, farmstall and farm store, home occupation, local product processing (e.g. cheese-making), and tourist and recreational facilities (e.g. hiking trail, 4x4 routes). No fragmentation of farm cadastral units is permitted, with spot zoning and consent uses employed to accommodate non-agricultural uses. Buffer 2 areas within the "fringe" of settlements can accommodate uses not suitable within the urban edge, including those with space extensive requirements (e.g. regional sports and recreation facilities, tourist facilities) and nuisance and buffer requirements (e.g. waste water treatment plants, cemeteries, solid waste disposal sites, airports, feedlots, quarries and mines, truck stops) while taking into consideration environmental sensitivities. As with Buffer 1 areas, development should, as far as possible, be located within or peripheral to the farmstead precinct, not result in excessive expansion and encroachment of building development and land use into the farm area, respect landscape features, existing access arrangements, and not be located in visually exposed areas.

Table 52. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)

SPC	SUB-CATEGORY	CATEGORY DESCRIPTION IN SEMF	KEY GUIDELINES FOR SPCs: Western Cape Land Use Planning: Rural Guidelines	KEY POLICY FOR SPCs : SEMF
AGRICULTURAL	C.a. Extensive Agricultural Areas	Agricultural areas covered with natural vegetation, used for extensive agricultural enterprises (e.g. indigenous plant harvesting, extensive stock farming, game-farming, eco-tourism). It includes bona-fide game farms and extensive stock farms.	<ul style="list-style-type: none"> Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm. Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities. Large scale resorts, and tourist and recreation facilities, should not be accommodated within Agriculture SPCs as they detract from the functionality and integrity of productive landscapes. The location of agricultural activities will be dictated by local on-farm agro-climatic conditions (e.g. soils, slope, etc.), but wetlands, floodplains and important vegetation remnants should be kept in a natural state. Ancillary activities should be located within or peripheral to the farmstead precinct (preferably in re-used or replaced farm buildings and disturbed areas), not on good or moderate soils, and linked to existing farm road access and the services network. Facilities for ancillary on-farm activities should be in scale with and reinforce the farmstead precinct, enhance the historic built fabric and respect conservation-worthy places. Fragmentation of farm cadastral unit should be prevented, and consent uses and spot zoning employed for managing ancillary on-farm activities. 	<ul style="list-style-type: none"> High potential agricultural land must be excluded from non-agricultural development and must be appropriately used in accordance with sustainable agriculture principles. Subdivision of agricultural land or changes in land-use must not lead to the creation of uneconomical or sub-economical agricultural units. Support the expansion and diversification of sustainable agriculture production and food security. Any non-agricultural development on a SPC C area is subject to an appropriate environmental off-set or quid pro quo. Such off-set could be in the form of designated SPC B land being formally designated as SPC A. The rezoning of low-potential agricultural land as a mechanism to promote sustainable economic development could be considered. The aim is to unlock the latent capital vested in non-agricultural uses. The outcomes of such development could include providing landowners with opportunities to establish on farm tourism-related facilities and amenities and other enterprises supportive of IDP objectives, cross-subsidising lower-income housing and amenities in SPC D.d and D.f areas, and facilitating the establishment and management of SPC A and B areas (i.e. core conservation areas, buffer areas, ecological corridors and rehabilitation areas). Expand and optimise the use of commonages. Support opportunities for urban agriculture (in an around towns/ settlements).
	C.b. Intensive Agricultural Areas	Agricultural areas used for intensive agricultural practices (e.g. crop cultivation, vineyards, intensive stock farming on pastures). It includes cultivated areas and plantations and woodlots.		

Table 53. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)

SPC	SUB-CATEGORY	CATEGORY DESCRIPTION IN SEMF	KEY GUIDELINES FOR SPCs: Western Cape Land Use Planning: Rural Guidelines	KEY POLICY FOR SPCs : SEMF
URBAN RELATED	D.a. Main towns	Towns accommodating Category A Municipalities (i.e. metropolitan areas) and the seat (capital town) of Category C Municipalities (District Municipalities).	<ul style="list-style-type: none"> Wherever possible existing settlements should be used to accommodate non-agricultural activities and facilities. The edges to settlements should be defined in a manner that allows for suitable for the expansion of existing settlements. Visual impact considerations should be taken into account, especially within settlement gateways. Settlement encroachment into agricultural areas, scenic landscapes and biodiversity priority areas (especially between settlements, and along coastal edges and river corridors), should be prevented. Where new settlements need to be established, consideration needs to be given to environmental impact (e.g. waste management), agricultural impact, visual impact (especially on the rural landscape, historical settlement patterns and form, and natural landscape and topographical form. New buildings and structures should conform to the massing, form, height and material use in existing settlements. When accommodating development in existing settlements the following principles should be followed: <ul style="list-style-type: none"> Retain the compact form of smaller settlements. Maintain and enhance public spaces. Reinforce the close relationship of settlements to the regional route structure. Integrate new development into the settlement structure. Respect socio-historical and cultural places. Respond to and enhance an economically, socially and spatially meaningful settlement hierarchy that takes into account the role, character and location of settlements in relation to one another while preserving the structural hierarchy of towns, villages, hamlets and farmsteads in relation to historical settlement patterns. 	<ul style="list-style-type: none"> As a general rule, non-agricultural development may not be permitted outside the urban edge except for bona-fide holiday/tourism accommodation, bona fide agri-industry development, agri-settlements, and social facilities and infrastructure necessary for rural development (this guideline is subject to the principle that each proposed land development area should be judged on its own merits and no particular use of land, such as residential, commercial, conservational, industrial, community facility, mining, agricultural or public use, should in advance or in general be regarded as being less important or desirable than any other land-use). Prohibit further outward expansion of urban settlements that results in urban sprawl. Use publicly-owned land and premises to spatially integrate urban areas and to give access for second economy operators into first economy spaces. Use walking distance as the primary measure of accessibility. Promote sustainable urban activities and public and NMT. Densify urban settlements, especially along main transport routes, and nodal interchanges. Restructure road networks to promote economic activity in appropriate locations. Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise their convenience, safety and social economic potential. Institutional buildings that (accommodating community activities, educational and health services, and entrepreneurial development and skills training) should be located at points of highest access in urban settlements. Development within natural areas must blend in or harmonise with the biophysical characteristics of the environment. Buildings for tourism-related developments should be in harmony with the surrounding landscape and local vernacular. Landscaping must be undertaken simultaneously with construction.
	D.b. Local towns	Towns accommodating the seat (capital town) of Category B Municipalities (Local Municipalities).		
	D.c. Rural settlements	Smaller towns and rural settlements that fall under the jurisdiction of Category B Municipalities (i.e. towns and rural settlements forming part of a Local Municipality).		
	D.e. Tribal authority settlements	Formal and informal residential areas under the ownership of tribal authorities.		
	D.f. Communal settlements	Settlements that have been planned, classified and subdivided in terms of the former Rural Areas Act 9 of 1987 and which, in terms of the Transformation of Certain Rural Areas Act 94 of 1998, can be transferred to a legal entity of the community's choice.		
	D.g. Institutional areas	Areas designated for schools, colleges, churches and mosques and other institutional purposes.		
	D.h. Authority areas	Areas designated for governmental purposes and other official uses (e.g. municipal offices, offices of parastatals).		
	D.i. Residential areas	Areas designated for residential purposes (e.g. single title erven, group housing, estates, GAP housing, and residential smallholdings).		
	D.j. Business areas	Areas designated for activities associated with retail and service industries (e.g. shops, restaurants, professional offices).		
	D.k. Service related business	Areas designated for other business activities associated with service trade industries (e.g. laundrettes and light manufacturing industries; and industries associated with motor vehicle sales and repairs).		

Table 54. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)

SPC	SUB-CATEGORY	CATEGORY DESCRIPTION IN SEMF	KEY GUIDELINES FOR SPCs: Western Cape Land Use Planning: Rural Guidelines	KEY POLICY FOR SPCs : SEMF
URBAN RELATED	D.k. Special business	Areas designated for special business activities associated with casinos and gambling houses and areas identified for adult entertainment.	<ul style="list-style-type: none"> Wherever possible existing settlements should be used to accommodate non-agricultural activities and facilities. The edges to settlements should be defined in a manner that allows for suitable for the expansion of existing settlements. Visual impact considerations should be taken into account, especially within settlement gateways. Settlement encroachment into agricultural areas, scenic landscapes and biodiversity priority areas (especially between settlements, and along coastal edges and river corridors), should be prevented. Where new settlements need to be established, consideration needs to be given to environmental impact (e.g. waste management), agricultural impact, visual impact (especially on the rural landscape, historical settlement patterns and form, and natural landscape and topographical form. New buildings and structures should conform to the massing, form, height and material use in existing settlements. When accommodating development in existing settlements the following principles should be followed: <ul style="list-style-type: none"> Retain the compact form of smaller settlements. Maintain and enhance public spaces. Reinforce the close relationship of settlements to the regional route structure. Integrate new development into the settlement structure. Respect socio-historical and cultural places. Respond to and enhance an economically, socially and spatially meaningful settlement hierarchy that takes into account the role, character and location of settlements in relation to one another while preserving the structural hierarchy of towns, villages, hamlets and farmsteads in relation to historical settlement patterns. 	<ul style="list-style-type: none"> As a general rule, non-agricultural development may not be permitted outside the urban edge except for bona-fide holiday/tourism accommodation, bona fide agri-industry development, agri-settlements, and social facilities and infrastructure necessary for rural development (this guideline is subject to the principle that each proposed land development area should be judged on its own merits and no particular use of land, such as residential, commercial, conservational, industrial, community facility, mining, agricultural or public use, should in advance or in general be regarded as being less important or desirable than any other land-use). Prohibit further outward expansion of urban settlements that results in urban sprawl. Use publicly-owned land and premises to spatially integrate urban areas and to give access for second economy operators into first economy spaces. Use walking distance as the primary measure of accessibility. Promote sustainable urban activities and public and NMT. Densify urban settlements, especially along main transport routes, and nodal interchanges. Restructure road networks to promote economic activity in appropriate locations. Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise their convenience, safety and social economic potential. Institutional buildings that (accommodating community activities, educational and health services, and entrepreneurial development and skills training) should be located at points of highest access in urban settlements. Development within natural areas must blend in or harmonise with the biophysical characteristics of the environment. Buildings for tourism-related developments should be in harmony with the surrounding landscape and local vernacular. Landscaping must be undertaken simultaneously with construction.
	D.l. SMME incubators	Areas designated for SMMEs and associated infrastructure and services focused on community-based service trade and retail.		
	D.m. Mixed use development areas	Areas designated for innovative combinations of land-use (e.g. residential/ light business; light industry/ light business).		
	D.n. Cemeteries	Cemeteries and formal burial parks, excluding crematoriums.		
	D.o. Sports fields and infrastructure	Dedicated sports fields together with the associated infrastructure, parking areas, and services.		
	D.p. Airport and infrastructure	Area designated as airport together with the infrastructure and services associated with the airport and its activities.		
	D.q. Resorts and tourism related areas	Tourism-related nodes and amenities that form part of a designated hospitality corridor.		
	D.r. Farmsteads and outbuildings	Main farmsteads, including on-farm infrastructure required for farm logistics (e.g. houses, sheds, packing facilities).		

Table 55. SPCs for Stellenbosch Municipality and associated land use policy and guidelines (cont.)

SPC	SUB-CATEGORY	CATEGORY DESCRIPTION IN SEMF	KEY GUIDELINES FOR SPCs: Western Cape Land Use Planning: Rural Guidelines	KEY POLICY FOR SPCs : SEMF
INDUSTRIAL AREAS	E.a.	Agricultural industry	Agriculture-related industrial development (e.g. silos, wine cellars, packing facilities, excluding abattoirs).	<ul style="list-style-type: none"> Industrial development must be clustered in close proximity to the product source, in close proximity to major transport linkages and bulk infrastructure. Actively promote the clustering of industrial activity.
	E.b.	Industrial development zone	Dedicated industrial estate ideally linked to an international, or national, port that leverages fixed direct investments in value-added and export-orientated manufacturing industries.	
	E.c.	Light industry	Areas designated for light industrial activities associated with the service industry (e.g. repair of motor vehicles) including warehouses and service stations.	
	E.e.	Heavy industry	Areas designated for robust industrial activities (e.g. chemical works, brewery, processing of hides, abattoirs, stone crushing, crematoriums).	
	E.f.	Extractive industry	Settlements and infrastructure associated with multiple consumptive resource extraction (e.g. mining).	
	F.a.	National roads	National roads proclaimed in terms of the National Roads Act 7 of 1998.	
F.b.	Main roads	Provincial and regional roads proclaimed in terms of the Roads Ordinance 19 of 1976.		
F.c.	Minor roads	Regional and local roads proclaimed in terms of the Roads Ordinance 19 of 1976.		
F.e.	Public streets	Public streets and parking areas within main town and rural settlements.		
F.f.	Heavy vehicle overnight facilities	Areas designated for heavy vehicle parking and overnight facilities.		
F.g.	Railway lines	Railway lines and associated infrastructure.		
F.h.	Power lines	Power lines and associated sub-stations and infrastructure.		
F.i.	Renewable energy structures	Any part of the infrastructure of a telecommunication network for radio/ wireless communication including, voice, data and video telecommunications.		
F.j.	Dams and reservoirs	Major dams and reservoirs.		
F.k.	Canals	Constructed permanent waterways (e.g. irrigation canals, stormwater trenches).		
F.l.	Sewerage plants and refuse areas	Areas designated as municipal and private sewerage treatment plants and refuse areas.		
F.m.	Science and technology structures	Any areas associated with the science and technology sector, with specific reference to the SKA and the designated astronomy reserve.		

D. Thematic Guidelines Drawn From “Western Cape Land Use Planning: Rural Guidelines” which may be applicable to different SPCs

Table 56. Thematic land use guidelines for rural areas

THEME	APPLICABLE SPCs	GUIDELINES
Rural land use change		<ul style="list-style-type: none"> • Decisions on rural development applications should be based on the PSDF principles of spatial justice, sustainability and resilience, spatial efficiency, accessibility, and quality and livability. • Good quality and carefully sited development should be encouraged in existing settlements. • Accessibility should be a key consideration in all development decisions. • New building development should be strictly controlled regarding scale and dimension, height, colour, roof profile, etc. • No development should be permitted below the 1:100 flood line. • Priority should be given to the re-use of previously developed sites in preference to greenfield sites. • All development in rural areas should be in keeping and in scale with its location, and be sensitive to the character of the rural landscape and local distinctiveness. • Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate is supported. • The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities. • Development in the rural area should not: <ul style="list-style-type: none"> - Have a significant negative impact on biodiversity. - Lead to the loss or alienation of agricultural land or has a cumulative impact there upon. - Compromise existing or potential farming activities. - Compromise the current and future possible use of mineral resources. - Be inconsistent with the cultural and scenic landscape within which it is situated. - Involve extensions to the municipality’s reticulation networks. - Impose real costs or risks to the municipality delivering on their mandate. - Infringe on the authenticity of the rural landscape.
Conservation		<ul style="list-style-type: none"> • The key principle is to formally protect priority conservation areas, establish ecological linkages across the rural landscape, and mainstream a conservation ethic into all rural activities (through established mechanisms applicable to public and private land). • Buildings and infrastructure associated with conservation should be limited to structures such as environmental or tourist facilities, tourist accommodation, utility services and in the case of privately owned conservation areas one homestead. • Not more than one homestead should be permitted irrespective whether the conservation area is owned by entities of multiple ownership. • Avoid establishing facilities with a large workers’ residential component in conservation areas. • Accommodation on proclaimed nature reserves should be limited to tourist accommodation providing opportunities for tourists and visitors to experience the Western Cape’s unique biodiversity.

Table 57. Thematic land use guidelines for rural areas (cont.)

THEME	APPLICABLE SPCs	GUIDELINES
Agriculture	Agriculture, Buffer 1, and Buffer 2 SPCs	<ul style="list-style-type: none"> • The key principle is to promote consolidation of farming landscapes and prevent their fragmentation; provide for land and agrarian reform; improve the viability of farming by facilitating diversification of the farm economy; promote enterprise opportunities within the food system and promote sustainable farming practises. • Within the Agriculture SPC areas could be reserved for small-scale farming and emerging farmer establishment that are in close proximity to towns and villages, and along rural movement routes. • A minimum agricultural holding size of 8000m² is recommended for small-scale agricultural properties and such properties should include an independent water source and be linked to a land reform project. • Farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.) should be clustered within the farmstead precinct. • Buildings accommodating ancillary on-farm activities (e.g. guest house) should be located within the farmstead precinct, preferably using existing structures. Where new buildings are erected these should be on previously disturbed footprints within or adjacent to the farm werf and not on cultivated land. • Ancillary on-farm activities should not detract from the functionality and integrity of farming practices and landscapes and be of an appropriate scale and form. • Camp sites of multiple free standing or linked structures of a temporary nature may include caravans and tents, but excludes mobile homes (plettenberg homes or ship containers) and are conventionally seen as being part of resort developments, but can also be permitted on agricultural land, dependant on scale. • Camping establishments should be restricted to a low impact scale and intensity in keeping with the context of the area and its surrounding character. • Additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6.5m). Additional dwelling units should be non-alienable, whether individual erf, sectional title, share block or other. • Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long term impact on the municipality (resources and financial), agricultural activities, production and sustainability, risk and finances, and the scenic, heritage and cultural landscape should be considered when decisions are taken. • Large scale resorts and tourist and recreation facilities that detract from the functionality and integrity of productive farming landscapes should not be allowed.

Table 58. Thematic land use guidelines for rural areas (cont.)

THEME	APPLICABLE SPCs	GUIDELINES
Rural Accommodation		<p>Tourist accommodation:</p> <ul style="list-style-type: none"> • Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short term tourism accommodation across the rural landscape that is in keeping with the local character is supported. • Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC. • Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors. • Whilst it is preferable that they be located within the farmstead, dispersed rental units should be on existing farm roads, in visually unobtrusive locations, and be self-sufficient in terms of servicing. • Additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6,5m). • Additional dwelling units should be non-alienable, whether individual erf, sectional title, share block or other. • Camp sites of multiple free standing or linked structures of a temporary nature may include caravans and tents, but excludes mobile homes (plettenberg homes or ship containers) and are conventionally seen as being part of resort developments, but can also be permitted on agricultural land, dependent on scale. • Camping establishments should be restricted to a low impact scale and intensity in keeping with the context of the area and its surrounding character. • A resort development should be closely associated with a resource which clearly advantaged and distinguished the site, in terms of its amenity value, from surrounding properties. • Resorts may not be located within productive agricultural landscapes, but must be situated adjacent to a rural feature or resource (e.g. dam, river) that offers a variety of leisure and recreation opportunities (e.g. hiking, mountain biking, water based activities), and is well connected to regional routes. • Rezoning to resort zone should not be entertained for properties of which the size is less than 50 ha. Only in exceptional circumstances should more than 50 units be allowed. • Subdividing and alienating individual units in rural resort developments is not be allowed. The resort development itself may not be subdivided and alienated from the original farm (whether individual erf, sectional title, share block or other). • Rural resorts should be compact and clustered in nodes and a range of accommodation types is encouraged. • The building height of any new resort unit should be restricted to that of a single storey (6,5m). • The maximum floor area of a resort unit should be limited to 120m², including garaging. <p>Smallholdings:</p> <ul style="list-style-type: none"> • New smallholding developments should not be permitted in the rural landscape. New smallholdings can be established on suitable land inside the urban edge. <p>Agri-worker housing:</p> <ul style="list-style-type: none"> • Agri-worker dwellings are regarded as part of the normal farm operations based on the extent of the bona fide agricultural activities on the land unit and applicable in all rural SPCs. • Units should be non-alienable, whether individual erf, sectional title, share block or other. • The building height of agri-worker dwelling units should be restricted to that of a single storey (6,5m) with a maximum floor area of 175 m². • The placement of the dwelling units should not undermine the sustainable utilisation of agricultural resources. • Where possible agri-workers' dwelling units should be clustered and located in close proximity to rural movement routes, existing services and housing stock where-ever possible. • The number of units must reasonably be connected to the bona-fide primary farming and agricultural activities on the land unit. • Ideally accommodation should be provided on the land unit where production is taking place with the most units on the larger property if more than one property is involved. • Where the employer farms on more than one cadastral unit, consideration should be given to the location of the facilities in relation to the main farmstead.

Table 59. Thematic land use guidelines for rural areas (cont.)

THEME	APPLICABLE SPCs	GUIDELINES
Tourist and Recreational Facilities	All SPCs	<ul style="list-style-type: none"> • Whilst tourist and recreation facilities should be accommodated across the rural landscape, the nature and scale of the facility provided needs to be closely aligned with the environmental characteristics of the local context. • The development should have no adverse effects on society, natural systems and agricultural resources. • Rural tourism and recreation facilities and activities should not compromise farm production, and be placed to reinforce the farmstead precinct. • Existing structures or disturbed footprints should preferably be used, and adequate provision made for access and parking. • A large-scale recreational facility which includes a residential component (e.g. golf courses, polo fields, horse racing) should be located on the urban edge, with such residential component located inside the edge.
Rural Business	All SPCs	<ul style="list-style-type: none"> • Appropriate rural businesses could be accommodated in all SPCs (e.g. curio-shop appropriate in a National Park) but with restrictions and subject to site attributes. • Place-bound businesses (appropriate land uses ancillary to agriculture) include farm stalls and farm shops, restaurants and venue facilities (e.g. conferences and weddings) businesses should preferably be located on the farm to consolidate the farmstead precinct, and complement the farm's operations. • Restaurants and venue facilities should be located within the farmstead precinct and be of appropriate scale and vernacular design, generate positive socio-economic returns and do not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape. • A farm shop should be limited to selling of daily requisites to agri-workers and employees of the farm and farm stalls to selling products produced and processed on the farm to tourists and travellers. Each should be limited to a maximum floor space of 100m² including storage facilities. • Restaurant and venue facilities to be limited to a maximum floor space of 500m² and to be of a scale compatible with the farmstead precinct and/or surrounding rural context.
Industry in Rural Areas	Buffer 2, Agriculture and Settlement SPCs.	<ul style="list-style-type: none"> • All non-place-bound industry (land uses not ancillary to agriculture e.g. transport contractors, dairy depots, fabricating pallets, bottling and canning plants, abattoirs and builder's yards) should be located within urban areas. • Extractive industry (i.e. quarrying and mining) and secondary beneficiation (e.g. cement block production, concrete batch plants, pre-mix asphalt plants) have to take place at the mineral or material source. If the mine will result in an impact on biodiversity a biodiversity offset must be implemented. • All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area. • Industry in rural areas should not adversely affect the agricultural potential of the property. • Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms. • All industries should exclude any permanent on-site accommodation for workers or labourers. • The subdivision of agricultural land to accommodate industrial activities should be discouraged and only used as a last resort so as not to fragment the agricultural landscape.

THEME	APPLICABLE SPCs	GUIDELINES
Community facilities and institutions	Buffer 2, Agriculture and Settlement SPCs.	<ul style="list-style-type: none"> Community facilities and institutions should preferably be located in the Settlement, Buffer 2, and Agriculture SPCs. Where-ever practical, community facilities should be located in settlements. Location within the rural landscape may be required in exceptional circumstances when travel distances are too far or rural population concentrations justifies the location of community facilities in rural areas. In extensive agricultural areas, it is preferable to locate rural community facilities and institutions in Buffer 2 SPCs, and along regional accessible roads. In instances where community facilities are justified "on-farm", existing farm structures or existing footprints should be utilised, with local vernacular informing the scale, form and use of materials. Facilities to be located on disturbed areas and areas of low agricultural potential. The nodal clustering of community facilities in service points should be promoted, with these points accommodating both mobile services and fixed community facilities (e.g. health, pension payments). The subdivision of agricultural land to accommodate community facilities or institutions should be discouraged and lease agreements are preferred. Wherever possible new community facilities should be located in settlements and not in isolated locations. Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long term impact on the municipality (resources and financial), agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken. Any new buildings in the rural area to be informed by local vernacular regarding scale, form and building materials and should include appropriate buffers, and landscaping and screening to reduce their visual impact on the rural landscape.
Infrastructure Installations	Buffer 2, Settlement	<ul style="list-style-type: none"> Infrastructure installations and facilities should preferably be located in the Settlement and Buffer 2 SPCs. Where locations inside urban areas are impractical, then extensive agricultural areas peripheral to settlements are preferable. Where possible installations should be located on previously disturbed terrain, or land of low biodiversity or agricultural value. Within the Agricultural SPC only essential installations should be accommodated. No bulk infrastructure installation or facility, its foot print, service area, supporting infrastructure or access routes in any form or for any purpose will be allowed on high potential or unique agricultural lands, will be allowed on areas currently being cultivated or areas that have been cultivated in the last ten years, should intervene with or impact negatively on exiting or planned production areas as well as agricultural infrastructure, should result in the degradation of the natural resource base of the rural areas, be located within a CBA or ESA. Installations, facilities or supporting infrastructure should, where possible, not be established on slopes of more than 12%. No subdivision of agricultural land will be allowed to accommodate the establishment of any installation, facility or supporting infrastructure or access routes in any form or for any purpose unless the application adheres to the norms and standards for approval of the sub-division of agricultural land. Any installation, facilities and associated infrastructure, including buildings, power lines, cables and roads which has reached the end of its productive life or has been abandoned, must be removed. Avoid establishing installations with a large workers' residential component in remote rural locations. Installations should include appropriate buffers, and landscaping and screening to reduce their visual impact on the rural landscape. Construction access, setbacks, height, lighting, signage, and advertising associated with the installation should be as prescribed in the Western Cape Land Use Planning: Rural Guidelines.

Table 61. Thematic land use guidelines for rural areas (cont.)

THEME	APPLICABLE SPCs	GUIDELINES
Urban Development		<ul style="list-style-type: none"> • Low density sprawl into the rural landscape should be limited to the minimum. • Smart growth principles such as integration and urban restructuring should be promoted. • Layout options of new settlements should be clustered in layout. • In all cases the provision of housing and associated services to rural communities should preferably take place in existing settlements, thereby improving their sustainability. • No new settlement should be permitted in the rural landscape except agri-villages as defined in the Province of the Western Cape: Policy for the Settlement of Farm Workers, September 2000 (PN414/2000, No. 5572), or the formalisation of the “urban” component of existing missionary, forestry and conservation settlements. • The establishment of new agri-village settlements can only be justified in exceptional circumstances (i.e. when there are compelling reasons not to use existing towns, villages, and hamlets). • The option of “off-the-farm” settlement of agri-workers in agri-villages should only be considered when this is the preferred option of target beneficiaries, and existing settlements are too far away to commute to.
Sustainable Agriculture		<ul style="list-style-type: none"> • Land with potential must be conserved for agriculture and the practice thereof.¹⁰ • Norms/ guidelines for the size of agricultural holdings will be as determined through a consultative process with organised agriculture, the various trade organisations and the Department of Agriculture Western Cape (reflected in Box ...).

10. Criteria for high potential agricultural land are described in Report Number GW/A/2002/21 for the National Department of Agriculture by the ARC-Institute for Soil, Climate and Water, dated June 2004.

E. Norms / Guidelines for the Size of Agricultural Holdings

Table 62. Norms/ guidelines for the size of agricultural holdings

	FARMING ENTERPRISE	SIZE/ QUANTITY	IRRIGATION WATER	COMMENT
1	Grain (rotational practices are not included in the calculation and should therefore be taken into consideration).	<ul style="list-style-type: none"> 1 200 tonnes 		<ul style="list-style-type: none"> Based on long-term yield e.g. 1 200 units divided by 3 tonnes/ha = 400ha
2	Livestock: extensive beef cattle, milk (grazing)	<ul style="list-style-type: none"> 1 200 Small Stock Units (SSU) 200 Large Stock Units (LSU) 60 cows (lactating) 		<ul style="list-style-type: none"> Based on carrying capacity e.g. 1 200 SSU x 10ha = 12 000ha
3	Deciduous fruits	<ul style="list-style-type: none"> 40ha 	<ul style="list-style-type: none"> 40ha @ 7 500m³/ha 	<ul style="list-style-type: none"> Arable land
4	Citrus	<ul style="list-style-type: none"> 40ha 	<ul style="list-style-type: none"> 40ha @ 7 500m³/ha 	<ul style="list-style-type: none"> Arable land
5	Vineyards	<ul style="list-style-type: none"> 40ha 	<ul style="list-style-type: none"> 40ha @ 7 500m³/ha 	<ul style="list-style-type: none"> Arable land
6	Dryland vineyards	<ul style="list-style-type: none"> 80ha 		<ul style="list-style-type: none"> Suitable climate and soil potential
7	Export table grapes	<ul style="list-style-type: none"> 30ha 	<ul style="list-style-type: none"> 30ha @ 7 500m³/ha 	<ul style="list-style-type: none"> Arable land
8	Combination of the above	<ul style="list-style-type: none"> On merit, comparable to the above sizes 		

8.2.6	APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance

27 February 2019

1. SUBJECT: APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK

2. PURPOSE

To consider the offer received from ENS Africa Attorneys, on behalf of Elsabe Daneel Properties (Pty) Ltd, in relation to erf 9194, Techopark, following Council's decision not to approve the request for the relaxation of the anti-speculation clause, i.e. to enforce the buy-back clause.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Following Council's decision to enforce the buy-back clause in relation to erf 9194, due to non-performance by the owner (duty to develop within a prescribed period), a written offer has been received from the owner indicating that they are willing to sell the property to Stellenbosch Municipality for R19M. Our own valuator has valued the property at R15M (Excluding of VAT).

Further correspondence has now been received regarding the writing back of the amount levied for punitive rates, as well as a request to reconsider the relaxation of the deed of sale condition.

5. RECOMMENDATIONS

- (a) that Council considers the offer received from Elsabe Daneel Properties (Pty) Ltd, the owner of erf 9194, taking into account the valuation received from Cassie Gerber Property Valuers CC, valuing the property at R15M (Exclusive of VAT);
- (b) that, should Council indeed decide to proceed with the transaction, provision be made on 2019/20 Budget; and
- (c) that the Municipal Manager be authorised to sign all documents necessary to effect transfer of the property;
- (d) **Alternatively**, that Council reconsider its previous decision and allow for the relaxation of the anti-speculation clause;
- (e) **Alternatively**, that Council resolve to enforce the buy-back clause as indicated in the contract.

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Council Resolution

The property was bought from the municipality in February 2008 for a price of R8 436 000.00 (inclusive of VAT) with a buy-back clause.

On 2017-04-19, having considered a request to relax the anti-speculation clause contained in the Sales Agreement (obligation to develop within a specific period), Council resolved as follows:

“**RESOLVED** (majority vote with abstentions)

- (a) that the request for the relaxation of the anti-speculation clause not be approved;
- (b) that clause 11 of the Sales Agreement be enforced, i.e. that the property be repurchased;
- (c) that an independent valuer be appointed to determine a fair escalation on the purchase price; and
- (d) that the necessary budgetary provisions be made on the 2017/18 budget’.

A copy of the previous agenda item setting out the background, is attached as **APPENDIX 1**.

6.1.2 Letter informing applicant of outcome

On 2017-05-16 Mr Daneel was informed of the outcome of the Council’s meeting. A copy of the letter is attached as **APPENDIX 2**.

6.1.3 Valuation

Following the above Council resolution an independent valuer has been appointed to determine a fair escalation, as provided for in clause 12 of the Sales Agreement, and as per the Council resolution.

Hereto attached as **APPENDIX 3**, is a valuation report compiled by Cassie Gerber Valuers, valuing the property at R15M (Exclusive of VAT).

6.1.4 Written offer received from owner

Before the valuation could be made available to the owner of Erf 9194, a letter was received from ENS Africa Attorneys, on behalf of Elsabe Daneel Properties (Pty) Ltd, informing the municipality that, although they do not agree with Council’s opinion that they are entitled to exercise its right to repurchase, they are indeed willing to accept the Municipality’s offer to repurchase the property.

As to ensure that the Municipality indeed has the capacity and is authorised and empowered to conclude a purchase agreement with the owner of Erf 9194, they requested that Stellenbosch Municipality provide a legal opinion from an external and independent, reputable law firm, which confirms that, having regard to all applicable legislation, the Municipality indeed have the capacity and is authorised to conclude a Purchase Agreement at the asking price.

Regarding the purchase price, they indicated that they would not accept less than R19M. A copy of their letter and Sales Agreement is attached as **APPENDIX 4**.

6.1.5 Further correspondence from ENS Africa

On 24 April 2018 further correspondence was received from ENS Africa, acting on behalf of Elsabe Daneel Properties Proprietary Limited, *inter alia* requesting feedback from the Council meeting of March 2018, a copy of which is attached as **APPENDIX 5**.

A letter was sent to them, informing them that the matter has not yet been considered by Council, a copy of which is attached as **APPENDIX 6**.

On 25 January 2019 further correspondence was received from them, *inter alia*:

- (a) **informing** us that their client (Elsabe Daneel Properties Pty Ltd) received a tax invoice from Stellenbosch Municipality in an amount of R145 008.00, dated 15 November 2018, purportedly for rates as liquidated damages levied in respect of Erf 9194;
- (b) **indicating** that their client is not liable for the punitive rates, and demanding that the invoice be reversed/or a credit note be issued in respect thereof, as they are of the view that the delay in this matter is caused by Stellenbosch Municipality in not dealing with the matter.

Under the circumstances they demand the following:

- (a) that the invoice in respect of the Punitive Rates be reversed and/or a credit note be issued in respect thereof immediately, and that they be provided with confirmation that this has been done by no later than 15 February 2019;
- (b) that the Stellenbosch Municipal Council be called upon to adopt a resolution, by no later than 31 March 2019, in terms of which:
 - i) the repurchase by the Stellenbosch Municipality of the Property at a purchase price determined in accordance with the Sales Agreement, which is in region of R15 million to R20 million excluding VAT is approved;
 - ii) its previous decision, to refuse issuing EDP with confirmation that it can sell the Property, is rescinded and set aside and replaced with a resolution confirming EDP's right to sell the Property to a third party purchaser;
 - iii) if the resolution adopted by the Stellenbosch Municipal Council in terms of (ii) above is for the Stellenbosch Municipality to rescind its previous decision, that appropriate amendments to the Sales Agreement be approved; and
 - iv) that if the resolution adopted by the Stellenbosch Municipal Council in terms of paragraph (i) above is for the Stellenbosch Municipality to repurchase the Property, EDP be provided with a formal, written opinion from the Stellenbosch Municipality's legal department confirming that the Stellenbosch Municipality has the power, capacity and authority to repurchase the Property for the relevant purchase price and on the terms and conditions detailed in the relevant sale and land agreement (having regard, *inter alia*, to the budget which has been approved for the repurchase), which opinion is to be provided to ENSAfrica within 2 weeks of the Stellenbosch Municipal Council adopting the resolution; and
 - v) that if the resolution adopted by the Stellenbosch Municipal Council in terms of paragraph (ii) above is for the Stellenbosch Municipality to rescind its previous decision, then an appropriate addendum to the Sale Agreement

be signed by the Municipal Manager on behalf of the Stellenbosch Municipality no later than 31 May 2019.

They further informed us that if the Stellenbosch Municipality does not adhere to the demands as set out above within the relevant timeframes set out above, EDP's right to approach the court for relief, and seek an appropriate punitive costs award, remains reserved.

A copy of the letter is attached as **APPENDIX 7**.

6.2 Discussion

Council should consider whether they would accept the written offer or whether they would like to reconsider their position, now that the market value has been determined.

6.3 Financial Implications

Should Council indeed proceed with the repurchase of the property, at the fair market value of R15M, then provision will have to be made in the 2019/20 financial year. The full financial implications (should the owner accept Council's financial offer) will then be R15M (Exclusive of VAT).

Alternatively, Council could reconsider its position on the anti-speculation clause, in terms whereof the new owner would immediately be responsible to pay rates as liquidated damages as per clause 10 of the Sales Agreement, estimated at R469 248 per annum (based on a deemed development value of R22 200 000.00 plus the value of the land).

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions

This matter was considered on 2017-04-19, where Council decided not to approve the application to relax the anti-speculation clause.

6.7 Risk Implications

This report has no risk implications for the Municipality, except maybe for some legal risk, should the parties be unable to reach consensus on a way forward.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Agree with the recommendations.

6.8.2 Director: Planning and Economic Development

This directorate supports the recommendation to buy back the property at fair market value in terms of the relevant clause and for consideration of the property as a municipal asset and resource to satisfy various needs in Technopark.

6.8.3 Chief Financial Officer

No comments received.

6.8.4 Legal Services

Recommendations 5(a), 5(b) and 5(c) are supported.

ANNEXURES

- Annexure 1:** Agenda item
Annexure 2: Letter of outcome
Annexure 3: Valuation Report
Annexure 4: Purchase letter and Sales Agreement
Annexure 5: Council report from March 2018
Annexure 6: Letter sent to Daneel Properties
Annexure 7: Copy of letter from Daneel Properties

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088750
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-02-20

DIRECTOR: CORPORATE SERVICES

The contents of this report have been not been discussed with the Portfolio Committee Chairperson due to time constraints

ANNEXURE 1

ENGINEERING & HUMAN SETTLEMENT COMMITTEE MEETING

**APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION
CLAUSE: ERF 9194, TECHOPARK**

File number :
Report by : *Director: HS and Property Management*
Compiled by : *Manager: Property Management*

Delegated Authority : *Mayco*

Strategic intent of item

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

The purpose of this report is to obtain the necessary authorisation to relax one of the conditions of sale (anti-speculation clause), allowing the owner to sell his property in the open market.

2. BACKGROUND

2.1 Sales Agreement

On 4 February 2008, following a public tender process, a Sales Agreement in relation to erf 9194, Technopark, was concluded with Elsabe Daneel Properties (Pty) Ltd, a copy of which is attached as **APPENDIX 1**.

2.2 Application to relax anti-speculation clause

On 25 April 2016 a letter was received from Mr J Daneel, indicating that, due to personal circumstances, he be allowed to sell erf 9194, a copy of which is attached as **APPENDIX 2**.

3. DISCUSSION

3.1 Anti-speculation clause

In terms of clause 12 of the Sales Agreement it was agreed that *"the PURCHASER will not be allowed to sell off to a business-unrelated third party, its entire interest in the PROPERTY in an act of property speculation, without having added value to it, i.e having developed it in terms of the proposal set-out in the PURCHASER'S tender"*.

The purpose of this anti-speculation clause was to ensure that the successful tenderer indeed develop the property as per his tender proposal (diamond cutting factory), thereby adding value to the property.

3.2 Legal position

It is important to note that the provision of clause 12 (anti-speculation clause) of the Sales Agreement was not a Tender Condition, it was an administrative condition which was negotiated/imposed by the Property Management Department, and (by implication) approved by the Municipal Manager, when he signed the Sales Agreement on behalf of the Municipality.

In terms of clause 15 of the Sales Agreement, no alteration, cancellation, variation of/or addition to the Agreement shall be of any force and/or effect, unless reduced to writing and signed by both parties or their duly authorised representatives.

Please note that clause 12 of the Sales Agreement is silent on what should happen if the **purchaser** wants to sell the undeveloped property to a business related 3rd party. The only clause that might be of assistance is clause 11 (reversionary clause) which indicates that *"if building operations in respect of the development of the Property have not commenced within 3 (three) years after date of transfer.....then the SELLER shall have the right/option to repurchase the property at the same price that the PURCHASER has bought it from the SELLER, plus a fair escalation thereon.....to be determined by an independent property valuer"*.

This means that we would indeed be in a position to buy back the property at R8 436 000 (inclusive of VAT), plus a reasonable escalation, for the period of 9 years since date of transfer, to be determined by an independent property valuer.

In terms of the current Valuation Role, however, the municipal valuation of the property is only R3.8M (Exclusive of VAT).

3.3 Application to Municipal Manager

Seeing that the anti-speculation clause was not a Tender Condition but merely an administrative condition imposed by the Municipal Manager and seeing that there is no need to buy-back property in Techopark (as we still own various undeveloped erven), the Municipal Manager was requested to approve the relaxation of the anti-speculation clause and/or reversionary clause, thereby allowing Elsabe Daneel Properties (Pty) Ltd to dispose of erf 9194, on condition that the Rates and Liquidated Damages clause (see clause 10 of Sales Agreement) be made applicable on the new purchaser, i.e. that the new purchaser be liable to pay rates and taxes as per clause 10 of the Sales Agreement, **as from date of transfer of the property into his/her name.**

Before the Municipal Manager could make a decision, the matter was referred to Mr Mervin Williams, Snr Legal Advisor. Mr Williams was of the view that the Municipal Manager **cannot** consider the matter, but that **Council** should consider the matter. A copy of the report as well as the legal inputs, is attached as **APPENDIX 3.**

4. INPUTS BY OTHER DEPARTMENTS

4.1 CFO

Not supported

4.2 Legal

See report attached as **APPENDIX 3.**

4.3 Planning Department

This directorate has reviewed its previous comment, which is reflected hereafter in brackets for record purposes:(The Directorate cannot support the item for the relaxation of the anti-speculation clause to permit disposal of the land by the current owner, due to a lack of information on the steps taken to recover rates and liquidated damages in terms of clause 10 of the sales agreement and likewise on the steps taken to apply clause 11 (reversal of the original sale).

Moreover, the Municipality is in dire need of land in Technopark to address specific needs, e.g. parking and economic development opportunities.

The Directorate would support recovery of the property through implementation and if need be enforcement of clauses 10 and 11 of the sales agreement and then disposal and use to resolve the needs in the area.)

After consultation with the proposed developers of the property, an alternative development proposal was submitted to the directorate for discussion on 28 February 2017. The development proposal is for an integrated development on the subject property as well as the abutting vacant properties. Aboveground it is proposed to develop three storey office blocks and basement parking over two storeys containing around 800 parking bays at a ratio of 6,5 parking bays per 100 square metres of gross floor area for the offices. This is more than 50% above the prescribed parking ratio and effectively creates a parking garage with offices above.

Given the severe shortage in parking in Technopark, the proposed development offers a solution, rather than a problem, hence the amended comment in support of the proposed disposal through the relaxation of the anti-speculation clause to allow for the purchaser of the property to develop according to the proposal attached hereto as an Annexure.

The removal of the anti-speculation clause must be subject to an amendment of recommendation "b)" below, by making it a condition of the amended contract that the relaxation applies only for purposes of the development of the site jointly with the abutting vacant properties to create a large underground parking area and a development in general providing parking at a ratio of 6,5 parking bays per 100 square metres gross floor area for any buildings erected on the property.

4.4 Engineering Services

The development of this specific stand in Technopark will not have any detrimental effect on the provision of engineering infrastructure services. Provision has been made for the anticipated use through our master planning.

5. CONCLUSION

From a property management perspective there is no need to enforce the reversionary clause, nor the anti-speculation clause, as there are more dire needs for land acquisition(s) elsewhere. The Planning & Economic Development Department, however, is of the view that the anti-speculation clause should be enforce, as the Municipality is in dire need need of land in Techopark.

In light of the above, Council could consider one of the following options:

Option 1:

- a) that approval be granted for the relaxation of the anti-speculation clause, i.e. that Elsabe Daneel Properties (Pty) Ltd be allowed to dispose of erf 9194 to a business-unrelated 3rd party, on condition that the new purchaser be responsible to pay rates as liquidated damages as per clause 10 of the Sales Agreement as from date of transfer of the property into his/her name or as from 31 October 2018, whichever comes first; and
- b) that the Municipal Manager be authorised to amend the Sales Agreement accordingly.

Option 2:

- a) that the request for the relaxation of the anti-speculation clause not be approved, and;
- b) that clause 11 of the Sales Agreement be enforced, i.e. that the property be repurchased; and
- c) that should the owner of Erf 9194 agree to sell the property back to the municipality, that an independent valuer be appointed to determine a fair escalation on the purchase price.
- d) that the necessary budgetary provisions be made on the 2017/18 budget.

For CONSIDERATION by Council

8TH COUNCIL MEETING: 2017-04-19: ITEM 5.5.5

RESOLVED (majority vote with abstentions)

- (a) that the request for the relaxation of the anti-speculation clause not be approved;
- (b) that clause 11 of the Sales Agreement be enforced, i.e. that the property be repurchased;
- (c) that an independent valuer be appointed to determine a fair escalation on the purchase price; and
- (d) that the necessary budgetary provisions be made on the 2017/18 budget.

<i>Meeting: Ref no:</i>	<i>8th COUNCIL: 2017-04-26 Unfiled</i>	<i>Submitted by Directorate: Author Referred from:</i>	<i>Human Settlements Manager: Property Management Mayco: 2017-04-19</i>
-----------------------------	---	--	---

ANNEXURE 2



2017-05-17

Mnr J Daneel
 Dorpstraat 174
 Stellenbosch
 7600

Vir aandag: Mnr Daneel

AANSOEK OM VERSLAPPING VAN ANTI-SPEKULASIE KLOUSULE

U aansoek van 25 April 2016 verwys.

Die Raad het uiteindelik op 2017-04-19 u aansoek oorweeg. Na inagneming van al die relevante inligting tot hul beskikking het die Raad besluit:-

- a) om u aansoek om verslapping van die anti-spekulاسie klousule nie goed te keur nie;
- b) om klousule 11 van die Verkoopsooreenkoms af te dwing, d.i dat die eiendom terug gekoop word; en
- c) dat 'n onafhanklike waardeerder* aangestel word om die billike eskalاسie op die koopsom te bepaal, soos omskryf in klousule 11.1 van die Verkoopsooreenkoms.

*Ons is in die proses om 'n onafhanklike waardeerder aan te stel om die billike eskalاسie te bepaal, waarna ons weer met u in verbinding sal tree.

Die uwe

.....
PIET SMIT
BESTUURDER: EIENDOMSBESTUUR

ANNEXURE 3

**CASSIE GERBER
PROPERTY VALUERS CC**

CK 98/22188/23

**C.L. Gerber, Registered Professional Valuer in Terms of Section 19 of Act 47 of 2000,
Registration No: 1717/4**

P.O. Box 2217
DURBANVILLE
7551

Telephone: (021) 9757240
Fax: 086 558 6933
E-mail-caslg@mweb.co.za
Cell phone- 082 416 2987

VALUATION REPORT

**ESCALATED MARKET VALUE OF ERF 9194, TECHNO PARK,
STELLENBOSCH**

OWNER: ELSABE DANEEL PROPERTIES PTY LTD



Market value: As per report
Date: 25 May 2017

=====

VALUATION REPORT**ESCALATED MARKET VALUE OF ERF 9194, TECHNO PARK,
STELLENBOSCH****OWNER: ELSABE DANEEL PROPERTIES PTY LTD****1. Instructions**

- 1.1 The Head of the Department of property Management, Stellenbosch, instructed me to value the above-mentioned property.
- 1.2 The market value as well as the escalate growth rate of the above-mentioned property, from the date of purchased until October 2018, when the reversionary clause expires, is required.
- 1.3 Market value is defined in this report as a price, which the property might reasonably be expected to sell for, in a transaction between a willing, able and informed seller and a willing, able and informed buyer.

2. Date of valuation

25 May 2017

3. Description of property

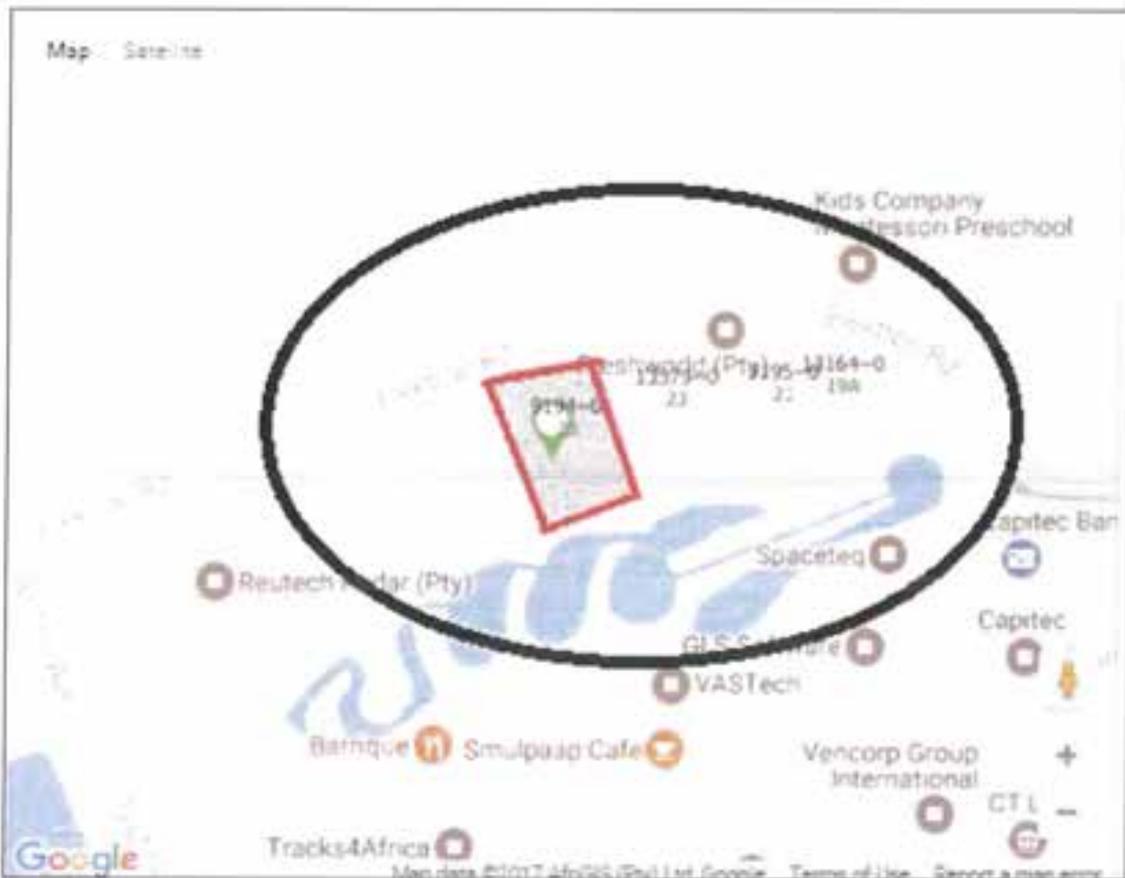
The property is known as a portion of Erf 9194, Stellenbosch at Techno Park.

4. Title Deed

T19339/2008

5. Extent of property3 800m²**6. Situation and physical aspects**

- 6.1 The property is situated in Elektron Road, Techno Park in Stellenbosch.
Map page 3 below refers.
- 6.2 The property consists of vacant land, which is suitable for building purposes.



Location map



Aerial photo of the property

7. Town Planning

Techno Park has its own zoning regulations. The zoning makes provision for the following:

- Bulk: 85% of the extent of the property;
- Coverage: 40%
- Height: 11.25m, 4 stories, but should not exceed the height.

8. Highest and best use

The highest and best use of the property is for offices use.

9. Improvements

The site consists of vacant land.

10. History of the property

- 10.1 The property was sold by the Stellenbosch Municipality on 4 February 2008 to Elsabe Daneel Properties Pty Ltd.
- 10.2 The purchase price of the property was R7 400 000.00, excluding VAT.
- 10.3 The price amounted to ±R1 947.00/m², which was market related compared to Erf 9196, Techno Park, sold in the same year for R1 961.00/m².
- 10.4 The Deed of Sale made provision for a reversionary clause, with the following conditions: "If building operations in respect of the development of the property have not commenced within 3 years after transfer, or if building operations have not commenced but thereafter have ceased for a period of 12 months due to a wilful act or a wilful omission on the part of the purchaser then the seller shall have the right/option to repurchased the property at the same price that the purchaser has bought it from seller plus a fair escalation thereon, plus the cost of the development by the purchaser up to that point, to be determine by an independent valuator.
- 10.5 My information is that the reversionary clause has been extended, as a result of various reasons, until October 2018.
- 10.6 During inspection it was established that no development on the site has taken place and the market value of the vacant land of the property, is required.

11. Method of valuation

- 11.1 It would be appropriate to compare the subject property with similar properties and thus arrive at a market value on the basis of comparison.
- 11.2 Techno Park cannot be compared with other areas in Stellenbosch or in the Cape Peninsula. It is zoned Special Zone 1, Technology or Science Park in terms of the Zoning Scheme Regulations, Stellenbosch.
- 11.3 For valuation purposes only comparable transactions in Techno Park are, therefore, relevant.
- 11.4 A market research in the area was carried out and the following are the only vacant land transactions that took place since 2007:

12. Transactions

No.	Property/ Techno Park	Extent	Date	Purchase Price/Price/m ²
1	Erf 13168, Stellenbosch	3 000m ²	17.09.07	R3 375 000.00/R1 125.00
2	Erven 9206 & 9207, Stellenbosch	3 395m ²	21.12.07	R6 000 000.00/R1 767.00
3	Erf 13164, Stellenbosch	1 000m ²	01.12.07	R1 800 000.00/R1 800.00
4	Erf 9196, Stellenbosch	3442m ²	25.11.08	R6 750 000.00/R1 961.00
5	Erf 9194, Stellenbosch	3 800m ²	04.02.08	R7 400 000.00/R1 947.00
6	Erf 13572, Stellenbosch	1664m ²	27.10.14	R4 200 000.00/R2 524.00
7	Erf 9211, Stellenbosch	10 000m ²	21.12.15	R45 000 000.00/R4 500.00

13. Conclusions

- 13.1 Techno Park is practically fully developed and very few vacant land sales took place over the past 10 years. The demand for the last few vacant sites caused a great increase in the market value; transaction 7 refers.
- 13.2 Transaction 1 took place when property prices were in the upswing, which started in 2006 and peaked during the end of 2008.
- 13.3 Transactions 2, 3, 4 and 5 took place during 2008 when property prices reach their peak and before the prices started to level off for about 2 years, where after it started to escalate at a normal rate.

- 13.4 Transaction 7 was purchased by Capitec Bank, which is one of the fastest growing banks in the country. Their head offices are based at Techno Park, Stellenbosch. They purchased Erf 9211, Techno Park and paid R4 500.00 per m², which seems to be a premium price, but not unrealistically high.
- 13.5 During market research it was established that property prices in general have escalated between 7 % and 8% over the past 10 to 15 years.
- 13.6 The subject property was purchased for R1 947.00/m² during February 2008. The time from the date of purchase to October 2018 when the reversionary clause lapses is 10 years and 8 months. R1947.00 escalated for 10.66 years @ 7% = R4 006.00 per m².
- 13.7 Based on the above-mentioned comparable sales with the necessary adjustments for location, size, and the scarcity of land in Techno Park, a price of R4 000.00 per m², in respect of the subject property, is market related.

14. Valuation calculations

Market value: 3 800m² @ R4 000.00/m² = R15 200 000.00

Market value rounded: R15 000 000.00

15. Market value

R15 000 000.00 (Fifteen million rand) Excluding VAT

16. Certificate

I inspected the subject property described herein. I have no present or prospective interest in the property.

The valuation is independent and impartial and complies with all the ethical standards of the South African Institute of Valuers of which I am a member.

All suppositions and data in this report are to the best of my knowledge, true and correct and I have not attempted to conceal any information.

The valuation has been made to the best of my skill and ability.

I, Casper Louis Gerber, consider rate of R4 000.00/m² to be fair and market related.



C.L. GERBER

Signed at Durbanville on 25 May 2017

QUALIFICATION TO VALUE

I, Casper Louis Gerber, certify with this my qualifications and experience as follows:

- Professional Valuer registered with the South African Council of Valuers in terms of Act 47 of 2000.
- Member of the South African Institute of Valuers since 1974.
- Served as a member on various valuation boards.
- I have been involved in valuing fixed properties since 1965. At present, I am making an average of 15 valuations per month spread over the whole spectrum of the property market.

ANNEXURE 4



ENSafrica

La Gratitude 97 Dorp Street Stellenbosch 7800
 P O Box 940 Stellenbosch South Africa 7599
 doxex 43 Stellenbosch
 tel +2721 808 8820
 info@ENSafrica.com ENSafrica.com

Stellenbosch Municipality
 Plein Street
 Stellenbosch

L Elferink/0339911 our ref
 P Smit: Manager - Property your ref
 8 June 2017 date

Copy by email to: Piet.Smit@stellenbosch.gov.za

WITHOUT PREJUDICE

For attention: The Manager (Property)

Dear Mr Smit

RE: ERF 9194 TECHNOPARK STELLENBOSCH (THE "PROPERTY")

We address this letter to you at the instance of Elsabe Daneel Properties Proprietary Limited ("our Client").

We have been provided with a copy of the Deed of Sale concluded between the Stellenbosch Municipality (the "Municipality") and our Client on 4 February 2008, and the addendum thereto concluded on 1 November 2013, in terms of which the Municipality sold the Property to our Client (together, the "Sale Agreement"). We have also been provided with a copy of a letter dated 17 May 2017 from the Municipality to our Client, in terms of which the Municipality purports *inter alia* to exercise its alleged right to repurchase the Property in terms of clause 11 of the Sale Agreement.

Our Client denies that the Municipality is entitled to exercise its alleged right to repurchase the Property in terms of clause 11 of the Sale Agreement. To the contrary, our Client has the right to develop the Property and cannot be precluded, by the Municipality's actions in purporting to repurchase the Property, from exercising this right. Our Client does not intend to litigate by way of correspondence and therefore does not, in this letter, enumerate the various reasons for its aforesaid denial and assertion, but reserves its rights to do so at the appropriate time and in the appropriate forum, should this become necessary.

Notwithstanding that our Client has the right to develop the Property, our Client is willing to accept the Municipality's offer to repurchase the Property in terms of clause 11 of the Sale Agreement on the basis set out in this letter. However, our Client does not wish to find itself in a repeating cycle with the Municipality regarding the Property and, in this regard, refers specifically to the history and circumstances surrounding the sale by the Municipality of the Property to our client in the first instance (which commenced in 2007 and

required Legal Opinion (for which an approximate purchase price for the Property will be required), our Client has calculated that, on a conservative basis and including development costs incurred in relation to the Property, the purchase price for the Property as determined in accordance with clause 11 of the Sale Agreement will be no less than R19 million.

Please ensure that (i) the Legal Opinion and (ii) the List of Proposed Valuers is provided to our Client by no later than **23 June 2017**, failing which our Client will accept that the Municipality does not wish to proceed with the repurchase of the Property in terms of clause 11 of the Sale Agreement, alternatively that the Municipality has no power, capacity and/or authority to repurchase the Property in terms of clause 11 of the Sale Agreement.

In the interim, our Client's rights remain reserved.

Yours sincerely

ENSAfrica

Per:

P.P. 
LORICA ELFERINK

ENSafrica

La Gratitude 97 Dorp Street Stellenbosch 7500
P.O. Box 940 Stellenbosch South Africa 7599
dncez 43 Stellenbosch
tel +2721 808 6620
info@ENSafrica.com ENSafrica.com

SALE OF PROPERTY AGREEMENT

entered into between

ELSABE DANEEL PROPERTIES PROPRIETARY LIMITED

(registration number: 2007/024963/07)

("Seller")

and

STELLENBOSCH MUNICIPALITY

("Purchaser")

TABLE OF CONTENTS

Clause number and description	Page
1. INTERPRETATION AND PRELIMINARY.....	3
2. THE SALE.....	6
3. PURCHASE PRICE.....	6
4. PAYMENT OF THE PURCHASE PRICE AND PENALTY INTEREST.....	8
5. PAYMENT OF TRANSFER COSTS AND RATES AND TAXES.....	8
6. TRANSFER OF THE PROPERTY.....	7
7. TRANSFER, POSSESSION AND OCCUPATION.....	7
8. VOETSTOOTS.....	7
9. WARRANTIES.....	8
10. AGENT'S COMMISSION.....	8
11. BREACH.....	9
12. DOMICILIUM CITANDI ET EXECUTANDI.....	9
13. WHOLE AGREEMENT, NO AMENDMENT.....	10
14. APPLICABLE LAW AND COURT.....	11
15. COSTS.....	11
16. STIPULATIO ALTERI.....	11
17. COUNTERPARTS.....	11

WHEREBY IT IS AGREED AS FOLLOWS:

1. INTERPRETATION AND PRELIMINARY

The headings of the clauses in this Agreement are for the purpose of convenience and reference only and shall not be used in the interpretation of nor modify nor amplify the terms of this Agreement nor any clause hereof. Unless a contrary intention clearly appears:

- 1.1. the following terms shall have the meanings assigned to them hereunder and cognate expressions shall have a corresponding meaning, namely:
 - 1.1.1. **"Agreement"** means the agreement set out in this document and includes all schedules and annexures hereto;
 - 1.1.2. **"Attorneys"** means Edward Nathan Sonnenbergs Inc., Stellenbosch, who conducts business as a firm of attorneys at 2nd floor, La Gratitude, 97 Dorp Street Stellenbosch, 7600;
 - 1.1.3. **"Binding Clauses"** means this clause 1 and clauses 11 to 17 (inclusive);
 - 1.1.4. **"Business Day"** means any day other than a Saturday, Sunday or public holiday in South Africa and **"Business Days"** has a corresponding meaning;
 - 1.1.5. **"Deeds Office"** means the office of the Registrar of Deeds at Cape Town;
 - 1.1.6. **"Parties"** means the Seller and the Purchaser and **"Party"** means either of them, as the context may indicate;
 - 1.1.7. **"Property"** means Erf 9194, Technopark, Stellenbosch, Stellenbosch Municipality, Province of the Western Cape, measuring 3800 (three thousand eight hundred) square meters together with all buildings, erections and fixed improvements thereon, held by deed of transfer number [•];
 - 1.1.8. **"Prime Rate"** means the publicly quoted minimum lending rate of interest, calculated on a net annual compounded basis, charged by Nedbank Limited on unsecured overdrawn current accounts of its most favoured corporate clients in the private sector from time to time (and in the case of a dispute as to the rate so payable, the rate shall be certified by any manager of any branch of the said bank, who's authority or appointment need not be proved and whose decision shall be prima facie proof of the said rate);
 - 1.1.9. **"Purchase Price"** has the meaning given in clause 3;
 - 1.1.10. **"Purchaser"** means the Stellenbosch Municipality;

- 1.1.11. "Rates" means all municipal assessment rates and taxes, levies, sewerage charges, electricity and water charges, licences, municipal service fees and charges including surcharge on fees, interest, insurance premiums and like items, together with VAT on same, payable in respect of the Property by the Seller or any owner of the Property to the local authority or to any other competent authority entitled to levy and claim payment of any such charges and expenses;
 - 1.1.12. "Seller" means Elsabe Daneel Properties Proprietary Limited (registration number 2007/024963/07), a company duly incorporated in accordance with the company laws of South Africa, and/or any of its nominees;
 - 1.1.13. "Signature Date" means the date of signature of this Agreement by the Party signing last in time;
 - 1.1.14. "Transfer" means the registration in the Deeds Office of the transfer of the Property into the name of the Purchaser;
 - 1.1.15. "Transfer Date" means the date on which Transfer occurs;
 - 1.1.16. "VAT" means value-added tax levied in terms of the VAT Act; and
 - 1.1.17. "VAT Act" means the Value-Added Tax Act, No. 89 of 1991
- 1.2. words importing
- 1.2.1. any one gender include the other of masculine, feminine and neuter;
 - 1.2.2. the singular include the plural and vice versa; and
 - 1.2.3. natural persons include created entities (corporate or unincorporate) and the state and vice versa;
- 1.3. any reference to an enactment is to that enactment as at the Signature Date and as amended or re-enacted from time to time and includes any subordinate legislation made from time to time under such enactment. Any reference to a particular section in an enactment is to that section as at the Signature Date, and as amended or re-enacted from time to time and/or an equivalent measure in an enactment, provided that if as a result of such amendment or re-enactment, the specific requirements of a section referred to in this Agreement are changed, the relevant provision of this Agreement shall be read also as if it had been amended as necessary, without the necessity for an actual amendment;
- 1.4. if any provision in a definition is a substantive provision conferring rights or imposing obligations on any Party, notwithstanding that it is only in the definition clause, effect shall be given to it as if it were a substantive provision in the body of the Agreement;

- 1.5. when any number of days is prescribed in this Agreement, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday in South Africa, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday in South Africa;
- 1.6. if figures are referred to in numerals and in words and if there is any conflict between the two, the words shall prevail;
- 1.7. expressions defined in this Agreement shall bear the same meanings in schedules or annexures to this Agreement which do not themselves contain their own conflicting definitions;
- 1.8. the use of any expression in this Agreement covering a process available under South African law such as a winding-up (without limitation *eiusdem generis*) shall, if any of the Parties to this Agreement is subject to the law of any other jurisdiction, be construed as including any equivalent or analogous proceedings under the law of such defined jurisdiction;
- 1.9. if any term is defined within the context of any particular clause in this Agreement, the term so defined, unless it is clear from the clause in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this Agreement, notwithstanding that that term has not been defined in this interpretation clause;
- 1.10. the expiration or termination of this Agreement shall not affect such of the provisions of this Agreement as expressly provide that they will operate after any such expiration or termination or which of necessity must continue to have effect after such expiration or termination, notwithstanding that the clauses themselves do not expressly provide for this;
- 1.11. the rule of construction that a contract shall be interpreted against the party responsible for the drafting or preparation of the contract, shall not apply;
- 1.12. any reference in this Agreement to a party shall include a reference to that party's assigns expressly permitted under this Agreement and, if such party is liquidated or sequestrated, be applicable also to and binding upon that party's liquidator or trustee, as the case may be;
- 1.13. the words "include", "including" and "in particular" shall be construed as being by way of example or emphasis only and shall not be construed as, nor shall they take effect as, limiting the generality of any preceding word/s;
- 1.14. any reference in this Agreement to any other Agreement or document shall be construed as a reference to such other Agreement or document as same may have been, or may from time to time be, amended, varied, novated or supplemented; and

- 1.15. the words "other" and "otherwise" shall not be construed *eiusdem generis* with any preceding words if a wider construction is possible.

2. THE SALE

The Seller hereby sells to the Purchaser, who hereby purchases, the Property subject to the terms of this Agreement.

3. PURCHASE PRICE

The purchase price payable by the Purchaser to the Seller in consideration for the Property is an amount of R19 000 000 (nineteen million rand) ("**Purchase Price**"), payable in accordance with the provisions of clause 4.

4. PAYMENT OF THE PURCHASE PRICE

- 4.1. The Purchase Price shall be paid by the Purchaser to the Seller in full on the Transfer Date against Transfer of the Property to the Purchaser.

- 4.2. The Purchase Price shall be secured by a bank guarantee ("**Bank Guarantee**") issued by a financial institution acceptable to the Seller. The Bank Guarantee shall:

4.2.1. provide that payment in terms thereof shall be made:

4.2.1.1. to the Attorneys (for credit of the Seller); and

4.2.1.2. against receipt by the said financial institution of the original Bank Guarantee and written confirmation from the Attorneys of the Transfer;

4.2.2. be delivered by the Purchaser to the Attorneys at their business address referred to in clause 1.1.2 above marked for the attention of Lorica Efferink, within 10 (ten) Business Days after the Signature Date.

- 4.3. All payments to be effected by the Purchaser to the Seller in terms of this Agreement shall be made in cash, by electronic funds transfer, free of any deductions, set-off, or charges of any kind into the Attorneys' bank account, which account details shall be provided to the Purchaser by the Seller in writing on or before the Transfer Date.

5. PAYMENT OF TRANSFER COSTS AND RATES AND TAXES

- 5.1. Notwithstanding the date of payment of the Purchase Price in terms of clause 4, the Purchaser shall nonetheless and within 5 (five) Business Days of receipt of demand from the Attorneys, pay all the costs of and incidental to the Transfer plus VAT, if any, including the conveyancing fees and transfer duty or VAT, if any, in respect of the Property to the Attorneys.

- 5.2. From the Transfer Date the Purchaser will be liable for all Rates in relation to the Property. If the Seller pays for any Rates in respect of the Property for any period after the Transfer Date, the Purchaser shall, within 5 (five) Business Days of receipt of written demand, refund to the Seller the amount of any Rates so paid by the Seller in respect of the Property for any period after the Transfer Date.

6. TRANSFER OF THE PROPERTY

Transfer of the Property shall be effected by the Attorneys as soon as reasonably possible after the Signature Date.

7. TRANSFER, POSSESSION AND OCCUPATION

- 7.1. Transfer shall be given by the Seller, and taken by the Purchaser, with effect from the Transfer Date, from which date:

7.1.1. ownership; and

7.1.2. the sole risk in and to the Property,

shall pass to the Purchaser.

- 7.2. The Seller shall give and the Purchaser shall take vacant occupation of the Property on the Transfer Date.

8. VOETSTOOTS

- 8.1. The Property is sold as described in the existing title deed thereof, and is subject to all conditions and servitudes (if any) attaching thereto or mentioned or referred to in the title deed.
- 8.2. The Property is sold "voetstoots" and as it stands and the Seller gives no warranties in respect of the Property.
- 8.3. The Seller shall not be liable for any defects in the Property, either latent or patent.
- 8.4. The Seller shall not be required to indicate to the Purchaser the position of the beacons or pegs upon the Property and/or boundaries thereof, nor shall the Seller be liable for the costs of locating same.
- 8.5. The Seller shall not be liable for any deficiency in extent which may be revealed on any re-survey of the Property, nor shall the Seller benefit by any possible surplus.
- 8.6. In the event of the Property having been erroneously described herein, such error shall not be binding on the Parties but the correct description of the Property shall apply, and in such

instance the Seller shall be entitled to rectify such error by written notice given to the Purchaser advising him of such error and the required rectification.

9. WARRANTIES

9.1. Each of the Parties warrant to each other, to the extent applicable, as at the Signature Date:

9.1.1. it is duly incorporated and validly existing under the laws of South Africa;

9.1.2. it has the power and authority to sign this Agreement and all the necessary corporate, shareholder and other action will have been taken and not revoked to authorise such signature and the performance of its obligations under this Agreement;

9.1.3. this Agreement will create valid, legally binding obligations for the Parties (subject to applicable bankruptcy, insolvency, reorganisation, business rescue, moratorium, prescription or other laws affecting the enforcement of creditors' and shareholders' rights generally); and

9.1.4. the signature and terms of this Agreement do not and shall not:

9.1.4.1. contravene any law, regulation, directive, judgement or audit to which it is subject; or

9.1.4.2. result in any actual or potential breach or default under any obligation, agreement, instruction, or consent to which it is a party or by which it is bound or which is required for its business; or

9.1.4.3. contravene any provisions of its constitutional documents.

9.2. The Purchaser warrants to the Seller, as at the Signature Date:

9.2.1. Geraldine Mettler, in her capacity as municipal manager, is duly authorised to enter into this Agreement; and

9.2.2. all authorisations required to authorise the signature and performance of its obligations under this Agreement have been obtained or effected and are in full force and effect.

10. AGENT'S COMMISSION

It is recorded that this sale was not effected through the instrumentality of any agent.

11. BREACH

Should either Party (the "Defaulting Party") commit a breach of this Agreement and/or fail to comply with any of the provisions hereof, then the other Party (the "Aggrieved Party") shall be obliged to give the Defaulting Party 7 (seven) Business Days written notice to remedy such breach and/or failure. If the Defaulting Party should fail to comply with such notice, the Aggrieved Party shall forthwith be entitled, but not obliged, without prejudice to any other rights or remedies which the Aggrieved Party may have in law (including the right to claim damages), to claim immediate performance and/or payment of all the Defaulting Party's obligations in terms hereof, provided that no Party shall be entitled to cancel this Agreement after it has been implemented.

12. DOMICILIUM CITANDI ET EXECUTANDI

12.1. For the purposes of the giving of notices and the serving of legal process in terms of this Agreement, each of the Parties chooses the address set out below:

12.1.1. Seller:

Address: 174 Dorp Street
Stellenbosch
7600
E-mail: pieter@daneeldiamonds.co.za
Attention: Pieter Daneel

12.1.2. Purchaser:

Address: The Town Hall Complex
Plein Street
Stellenbosch
Email: [•]
Attention: [•]

12.2. Any Party may at any time, by notice in writing to the other Parties, change its chosen address to any other address which is not a post office box.

12.3. Any notice given in connection with this Agreement shall, save where a particular form of notice is stipulated, be:

12.3.1. delivered by hand; or

12.3.2. sent by courier; or

12.3.3. sent by post; or

12.3.4. sent by email,

to the address chosen by the Party concerned.

- 12.4. A notice given as set out above shall be deemed to have been duly given (unless a disputing Party proves the contrary):
- 12.4.1. if delivered by hand, on the date of delivery; or
 - 12.4.2. if sent by courier, on the date of delivery by the courier service concerned; or
 - 12.4.3. if sent by post, on the 5th (fifth) Business Day after the date of posting; or
 - 12.4.4. if sent by email, on the 1st (first) Business Day after the date of transmission.
- 12.5. Any written notice (including any electronic mail) actually received by a Party shall be valid, notwithstanding that it may not have been given in accordance with the preceding provisions of this clause 12.

13. WHOLE AGREEMENT, NO AMENDMENT

- 13.1. This Agreement constitutes the whole agreement between the Parties relating to the subject matter hereof and supersedes any other discussions, agreements and/or understandings regarding the subject matter hereof.
- 13.2. No amendment or consensual cancellation of this Agreement or any provision or term hereof or of any agreement, bill of exchange or other document issued or executed pursuant to or in terms of this Agreement and no settlement of any disputes arising under this Agreement and no extension of time, waiver or relaxation or suspension of or agreement not to enforce or to suspend or postpone the enforcement of any of the provisions or terms of this Agreement or of any agreement, bill of exchange or other document issued pursuant to or in terms of this Agreement shall be binding unless recorded in a written document signed by the Parties (or in the case of an extension of time, waiver or relaxation or suspension, signed by the Party granting such extension, waiver or relaxation). Any such extension, waiver or relaxation or suspension which is so given or made shall be strictly construed as relating strictly to the matter in respect whereof it was made or given.
- 13.3. No oral *pactum de non petendo* shall be of any force or effect.
- 13.4. No extension of time or waiver or relaxation of any of the provisions or terms of this Agreement or any agreement, bill of exchange or other document issued or executed pursuant to or in terms of this Agreement, shall operate as an estoppel against any Party in respect of his/its rights under this Agreement, nor shall it operate so as to preclude such Party (save as to any extension, waiver or relaxation actually given) thereafter from exercising its rights strictly in accordance with this Agreement.

- 13.5. To the extent permissible by law no Party shall be bound by any express or implied or tacit term, representation, warranty, promise or the like not recorded herein, whether it induced the contract and/or whether it was negligent or not.

14. APPLICABLE LAW AND COURT

- 14.1. This Agreement shall in all respects be governed by South African law.
- 14.2. Either Party shall be entitled to institute all or any proceedings against the other in connection with this Agreement in the Magistrates' Court having territorial jurisdiction, notwithstanding that such proceedings are otherwise beyond its jurisdiction and each Party hereby consents and submits to the non-exclusive jurisdiction of that court and agrees that any costs awarded against a Party be awarded or paid in accordance with clause 15.2. This clause 14 shall be deemed to constitute the required written consent conferring jurisdiction upon the said Court pursuant to section 45 of the Magistrates' Court Act of 1944 or any amendment thereof.

15. COSTS

- 15.1. Each Party shall be responsible for its own costs in relation to the drafting and finalisation of this Agreement and attendances incidental thereto.
- 15.2. All legal costs, including costs as between attorney and own client, charges and disbursements incurred by the one Party in successfully enforcing any of the provisions of this Agreement and in collecting and endeavouring to collect all or any amounts payable by the one Party, hereunder or otherwise, and all collection commission, and all other fees and charges of a like nature, shall be for the account of the Party against whom the agreement was successfully enforced and be payable on demand.

16. STIPULATIO ALTERI

No part of this Agreement shall constitute a *stipulatio alteri* in favour of any person who is not a Party to the Agreement unless the provision in question expressly provides that it does constitute a *stipulatio alteri*.

17. COUNTERPARTS

This Agreement may be executed in counterparts and by each Party in a separate counterpart, each of which so executed shall be an original, but all of which shall together constitute one and the same instrument.

Seller: ELSABE DANEEL PROPERTIES PROPRIETARY LIMITED

Signature: _____
who warrants that he / she is duly authorised thereto

Name: _____

Date: _____

Place: _____

Witness: _____

Witness: _____

Purchaser: STELLENBOSCH MUNICIPALITY

Signature: _____
who warrants that he / she is duly authorised thereto

Name: _____

Date: _____

Place: _____

Witness: _____

Witness: _____

ANNEXURE 5

Lorelle Adams

From: Piet Smit
Sent: 31 May 2018 03:29 PM
To: 'Lorica Elferink'
Cc: Tabiso Mfeya
Subject: RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd
Attachments: Erf 9194.docx; Appendix 1.pdf; Appendix 2.pdf; Appendix 3.pdf; Appendix 4.pdf

Lorica

Hereto attached a self-explanatory letter and appendices.



Kind regards,

Piet Smit

Manager: Property Management
 Human Settlement & Property
 Management

T: +27 21 808 8750 | 084 5065065
 3rd Floor, Oude Bloemhof building,
 Corner of Plein Street and Rhyneveld
 Street, Stellenbosch, 7600
www.stellenbosch.gov.za

From: Lorica Elferink [mailto:lelferink@ensafrica.com]
Sent: 24 April 2018 11:07 AM
To: Piet Smit
Cc: Mervin Williams
Subject: [EX] RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

Dear Mr Smit and Mr Williams

We refer to the chain of emails below and attached.

By way of summary:

- 1) Elsabe Daneel Properties Proprietary Limited ("our client") purchased Erf 9194 Technopark, Stellenbosch ("the property"), from the Stellenbosch Municipality in terms of a sale agreement concluded on or about 4 February 2008, as amended by an addendum thereto dated 1 November 2013 ("the sale agreement");
- 2) In May 2017 the Stellenbosch Municipality purported to exercise its alleged right to repurchase the property, the existence of which right and purported exercise thereof by the Stellenbosch Municipality our client denied;
- 3) In the interests of resolving the matter amicably and expeditiously, in our letter to the Stellenbosch Municipality of 8 June 2017 we indicated that our client would, without prejudice to its rights, be willing to sell the property to the Stellenbosch Municipality at a purchase price determined in accordance with the sale agreement (which our client calculated at no less than R19 million), but requested that:
 - a. a legal opinion from an external legal advisor be provided, confirming the power, capacity and authority of the Stellenbosch Municipality to purchase the property from our client; and
 - b. our client be provided with a list of independent valuers to choose from, for purposes of conducting a valuation of the property as required in terms of the sale agreement;

- 4) Our client also, in our letter dated 11 October 2017, requested that it be provided with copies of the minutes of all council meetings during which the sale agreement and disposal of the property was discussed;
- 5) In the Stellenbosch Municipality's response of 17 October 2017, the Municipality:
 - a. denied that it was obliged to provide a legal opinion, averring that it had the necessary power, capacity and authority to purchase the property (although not at a purchase price of R19 million);
 - b. indicated that the valuation of the property which the Stellenbosch Municipality had received placed a value of R15 million on the property (and provided a copy of the valuation report);
 - c. indicated that the Stellenbosch Municipality had a budget of only R4 million to purchase the property;
 - d. requested clarity on which council minutes were requested; and
 - e. indicated that *"an agenda item had now been prepared and (would) be submitted to Council during November 2017"*;
- 6) On 24 October 2017, we responded in a letter indicating that:
 - a. our client would, without prejudice to its rights, be willing to accept a legal opinion from the Stellenbosch Municipality's internal legal department (rather than external legal advisor);
 - b. the council minutes which were sought were those in terms of which:
 - i. the decision was taken by the Stellenbosch Municipality not to relax or abandon the reversionary clause in the sale agreement; and
 - ii. the decision was taken by the Stellenbosch Municipality to repurchase the property from our client;
- 7) On 24 October 2017, the Stellenbosch Municipality responded to our above letter by email, indicating that it would revert as soon as possible;
- 8) On 19 January 2018, we followed up on this matter, requesting:
 - a. copies of the requested council minutes; and
 - b. feedback from the council meeting of November 2017;
- 9) On 25 January 2018 we again followed up and requested a response to our previous correspondence;
- 10) On 26 January 2018 the Stellenbosch Municipality responded, indicating that the relevant agenda item had been circulated for input and that the approval of the Municipal Manager was awaited, before the item could be placed on the agenda for the next council meeting (which we note is contrary to the advice received, on 17 October 2017, that the item was to have served before the November 2017 council meeting);
- 11) On 2 February 2018 we queried why the item had not been on the agenda for the November 2017 council meeting, and again requested copies of the relevant council minutes; and
- 12) On 5 February 2018 the Stellenbosch Municipality responded, indicating that the matter was not on the agenda for the November 2017 council meeting but would be tabled before the March 2018 council meeting, and requesting clarification as to what documentation / minutes were requested.

As is evident from the above summary, our client has been more than patient in attempting to resolve this matter. Our client cannot, however, be expected to be patient indefinitely. In the circumstances, we are instructed to once again request:

- a. Copies of the council minutes in terms of which:
 - i. the decision was taken by the Stellenbosch Municipality not to relax or abandon the reversionary clause in the sale agreement; and
 - ii. the decision was taken by the Stellenbosch Municipality to repurchase the property from our client;
- and
- b. Feedback from the council meeting of March 2018 (without conceding that this matter should not have been addressed during the council meeting of November 2017).

Kindly provide the above by no later than **Friday, 4 May 2018**, failing which our client's right to take such further action as it deems appropriate remain reserved.

Please note that above summary of events has been provided merely as a high-level overview of the matter and applicable timelines, but should not be interpreted or deemed to be a comprehensive or complete recordal of all relevant facts. All our client's rights in this regard remain reserved.

Kind regards
Lorica



Lorica Elferink
director
corporate commercial
tel: +27 21 808 6620
mobile: +27 82 708 0402
email: lelferink@ENSafrica.com
offices: [ENSafrica locations](#)

From: Piet Smit [<mailto:Piet.Smit@stellenbosch.gov.za>]
Sent: 05 February 2018 11:05 AM
To: Lorica Elferink <lelferink@ensafrica.com>
Cc: Mervin Williams <Mervin.Williams@stellenbosch.gov.za>
Subject: RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

Lorica,

As was indicated to you in my previous e-mail, the matter was NOT on the agenda of the November 2017 meeting, due to the fact that all the Department's inputs were not received in time. The matter will now only be tabled during March 2018 (next council meeting).

I am not sure what copies/documentation you are referring to. Please be more specific.

Kind regards

Piet

From: Lorica Elferink [<mailto:lelferink@ensafrica.com>]
Sent: 02 February 2018 04:41 PM
To: Piet Smit
Subject: [EX] RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

Dear Mr Smit

Thank you for your email.

However, we understood that this matter was on the agenda and was going to serve before the council at its meeting in November 2017. Please can you advise what the cause of the delay is – why was it not on the agenda for the council meeting of November 2017?

Also, please advise when we can anticipate receiving copies of the requested documents.

Kind regards
Lorica



Lorica Elferink
director
corporate commercial
tel: +27 21 808 6620
mobile: +27 82 708 0402
email: lelferink@ENSafrica.com
offices: [ENSafrica locations](#)
[ENSafrica email disclaimer](#)

From: Piet Smit [<mailto:Piet.Smit@stellenbosch.gov.za>]
Sent: 26 January 2018 08:03 AM
To: Lorica Elferink <lelferink@ensafrica.com>
Subject: RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

Hi Lorica,

The agenda item has been compiled and was circulated for inputs. We await the OK from the Municipal Manager's office to place it on the agenda.

I will follow up

Piet

From: Lorica Elferink [<mailto:lelferink@ensafrica.com>]
Sent: 25 January 2018 04:21 PM
To: Piet Smit; Lorelle Adams; mm
Cc: Mervin Williams
Subject: [EX] RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

Dear Mr Smit, Mr Williams and colleagues

Please can I have a response to my email below.

Thank you and kind regards
Lorica

From: Lorica Elferink
Sent: 19 January 2018 08:37 AM
To: 'Piet Smit' <Piet.Smit@stellenbosch.gov.za>; Lorelle Adams <Lorelle.Adams@stellenbosch.gov.za>; mm <Municipal.Manager@stellenbosch.gov.za>
Cc: Mervin Williams <Mervin.Williams@stellenbosch.gov.za>
Subject: RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

Dear Mr Smit and colleagues

We refer to the above matter and look forward to receiving:

- copies of the documentation requested in our letter of 24 October 2017; and
- feedback as to the outcome of the Municipal council meeting held in November 2017.

Kind regards
Lorica

From: Piet Smit [<mailto:Piet.Smit@stellenbosch.gov.za>]
Sent: 24 October 2017 04:50 PM
To: Lorica Elferink <lelferink@ensafrica.com>; Lorelle Adams <Lorelle.Adams@stellenbosch.gov.za>; mm <Municipal.Manager@stellenbosch.gov.za>
Cc: Mervin Williams <Mervin.Williams@stellenbosch.gov.za>
Subject: RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

I will revert back to you as soon as possible. Just for the record, when the Valuer was briefed, he was in fact requested to advise on a reasonable escalation, as per the Sales Agreement.

Regarding the development cost, I am not aware of any costs incurred by your client; for this reason no amount was added to the fair escalation.

Kind regards

Piet

From: Lorica Elferink [<mailto:lelferink@ensafrica.com>]
Sent: 24 October 2017 04:43 PM

To: Lorelle Adams; Piet Smit; mm
Subject: [EX] RE: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

Dear all

Please find attached a letter for your attention.

Kind regards
Lorica



Lorica Elferink
director
corporate commercial
tel: +27 21 808 8620
mobile: +27 82 708 0402
email: lelferink@ensafrica.com
offices: [ENSAfrica locations](#)

From: Lorelle Adams [<mailto:Lorelle.Adams@stellenbosch.gov.za>]
Sent: 17 October 2017 10:12 AM
To: Lorica Elferink <lelferink@ensafrica.com>
Subject: Erf 9194, Techopark, Elsabe Daneel Properties (Pty) Ltd

Hereto attached a self-explanatory letter and the valuation report.



Kind regards,
Lorelle Adams
Property Management
Human Settlements & Property
Management

T: +27 21 808 8189 | Plein Street,
Stellenbosch, 7600
www.stellenbosch.gov.za

Africa's largest law firm

law | tax | forensics | IP

info@ENSAfrica.com
ENSAfrica.com



Level 2 22522 rathlg

Edwards & Kelcey (South Africa) Incorporated Oreg. Statutes Number 2004 (C) 18202/211

This email contains confidential information. It may also be legally privileged. Interception of this email is prohibited. The information contained in this email is only for the use of the intended recipient. If you are not the intended recipient, any disclosure, copying and/or distribution of the content of this email, or the taking of any action in reliance thereon, or pursuant thereto, is strictly prohibited. Should you have received this email in error, please notify us immediately by return email. ENSAfrica (ENS and its affiliates) shall not be liable if any variation is effected to any document or correspondence emailed unless that variation has been approved in writing by the attorney dealing with the matter.

ANNEXURE 6



2018-05-31

ENS Africa
 PO Box 940
 Stellenbosch
 7599

Attention: Lorica Elferink

Dear Ms Elferink

APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK

Your e-mail dated 24 April 2018 refers.

My apologies for not responding to your correspondence at an earlier stage, but I was waiting for confirmation of the Mayoral Committee's decision of March 2018. I have now received the minutes of the said meeting.

As per your e-mail request, please find hereto attached copies of the following:

1. Decision by the **Acting Municipal Manager** on 2016-10-30 **not to approve the recommendation of the Manager: Property Management**, i.e. not to enforce the anti-speculation clause and/or reversory clause and to allow Elsabe Daneel Properties (Pty) Ltd to dispose of erf 9194, but to refer the matter to Council for a decision (based on advise received from the internal Legal Advisor);
2. Decision by the **Municipal Council** on 2017-04-19 **not to approve the request for the relaxation of the anti-speculation clause**, but to enforce clause 11 of the Sales Agreement, i. e that the property be repurchased;
3. Decision by the **Mayoral Committee** on 2018-02-14 **not to consider the offer** received from Elsabe Daneel Properties (Pty) Ltd, but to let the item stand over till the next Mayoral Committee in March.
4. Decision by the Mayoral Committee to **refer the matter back for refinement**.

I am unable to speculate what the intention of the Mayoral Committee was in referring the matter back "*for refinement*". In this regard I would advise that you take the matter up with the Municipal Manager.

Again my apologies for only responding to your e-mail at such a late stage.

Yours faithfully

PIET SMIT
MANAGER: PROPERTY MANAGEMENT

ANNEXURE 7

Lorelle Adams

From: Piet Smit
Sent: 28 January 2019 08:36 AM
To: Annalene De Beer
Cc: mm; Geraldine Mettler; Lorelle Adams
Subject: FW: Erf 9194 Technopark
Attachments: 190125 Let to Municipality.pdf

Annalene,

Soos jy sal opmerk uit aangehegte korrespondensie, het hierdie saak n lang geskiedenis, maar is daar tot op hede geen finale besluit geneem nie, d.i. of ons die eiendom gaan terug koop of nie .

Sal jy asb die saak dringend met MM/en of BM bespreek, sodat ons weer n verslag kan voorberei.

Ek vra intussen vir Lorelle om die vorige agemda items vir jou te laat kry (Sy is nie vandag in nie, so dit sal eers more wees)

Ek ontvang graag jou verdere instruksies in die verband.

Piet

From: Lorica Elferink [mailto:lelferink@ensafrica.com]
Sent: 25 January 2019 02:26 PM
To: Shaakir Fredericks; Piet Smit; mm
Cc: Jan Viviers
Subject: [EX] Erf 9194 Technopark

Dear Sirs and Madam

Please find attached a letter for your immediate attention.

We await your response.

Yours sincerely
 Lorica Elferink



Lorica Elferink
 director
 corporate commercial
 tel: +27 21 808 8620
 mobile: +27 82 708 0402
 email: lelferink@ensafrica.com
 offices: [ENSAfrica locations](#)

Africa's largest law firm

law | tax | forensics | IP

info@ensafrica.com
ensafrica.com

Level 2, 808EJ, Varsity
 Ediwal Street, Sandton, Johannesburg (regulation number: 2006/01800/21)

This email contains confidential information. It may also be legally privileged. Interception of this email is prohibited. The information contained in this email is only for the use of the intended recipient. If you are not the intended recipient, any disclosure, copying and/or distribution of the content of this email, or the taking of any action in reliance thereon, or pursuant thereto, is strictly prohibited. Should you have received this email in error, please notify us immediately by return email. ENSafrica (ENS and its affiliates) shall not be liable if any variation is effected to any document or correspondence emailed unless that variation has been approved in writing by the attorney dealing with the matter.

ENSAfrica

La Gratitude 97 Dorp Street Stellenbosch 7600
 P O Box 940 Stellenbosch South Africa 7599
 docec 43 Stellenbosch
 tel +2721 808 6620
 info@ENSAfrica.com ENSAfrica.com

Stellenbosch Municipality

L ELferink / 0339911 our ref

Municipal Manager - Geraldine Mettler
Municipal Manager@stellenbosch.gov.za

Rates & Services - S Fredericks
Shaakir.Fredericks@stellenbosch.gov.za

Municipal Manager / your ref
 S Fredericks / P Smit

Property Management - P Smit
Piet.Smit@stellenbosch.gov.za

25 January 2019 date

Dear Sirs

RE: ERF 9194 TECHNOPARK

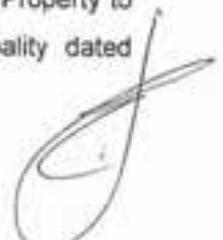
1. We act for Elsabe Daneel Properties Proprietary Limited ("EDP").
2. We have copied the Municipal Manager and Mr Piet Smit on this correspondence due to the history of this matter, as detailed below.
3. EDP received a tax invoice from the Stellenbosch Municipality, in an amount of R145 008.00 and dated 15 November 2018, purportedly for rates and liquidated damages levied in respect of Erf 9194 Technopark (the "**Property**"), under account number 10409369 ("**Punitive Rates**").
4. The Punitive Rates appear to have been levied on the basis of the written sale agreement concluded between the Stellenbosch Municipality and EDP on 4 February 2008 (the "**Sale Agreement**"), as amended *inter alia* by a memorandum of agreement concluded between the Stellenbosch Municipality, EDP and AMC Daneel Diamond Ventures Proprietary Limited ("**AMC**") on 1 November 2013 (the "**MoA**").
5. In terms of the Sale Agreement, the Stellenbosch Municipality sold the Property to EDP. Clause 10.1 of the Sale Agreement, as amended by the MoA, provides as follows:



"If the development of the PROPERTY do (sic) not commence and are (sic) not duly proceeded with on 31 October 2018, then, for purposes of rates the PROPERTY shall be deemed to be improved by the value of three (3) times the municipal valuation of Erf 9194, Technopark, as at that time".

6. EDP denies that it is liable for the Punitive Rates and has instructed us to demand of the Stellenbosch Municipality, as we hereby do, that the aforesaid invoice immediately be reversed and/or a credit note issued in respect thereof.
7. EDP is not liable for the Punitive Rates because it is solely due to the inordinate delays occasioned by the Stellenbosch Municipality in dealing with this matter, that EDP is still the owner of the Property or, alternatively, has not caused the Property to be developed. Had the Municipality proceeded in addressing the matters detailed below in a rational and responsible manner and within a reasonable timeframe, the Property would by now have been:
 - 7.1. sold to a third party, who would likely have developed it; or
 - 7.2. sold back to the Municipality,

in either of which events EDP would no longer be the registered owner of the Property; or
 - 7.3. developed by EDP, in which event the provisions of clause 10.1 of the Sale Agreement would not be relevant.
8. By way of background:
 - 8.1. In August 2015 Mr John Daneel, the sole director of EDP, suffered a stroke. As a result of the stroke, Mr Daneel was, and remains, partially paralysed, which meant that EDP decided that it would not be possible to develop the Property by 31 October 2018, as required in terms of the Sale Agreement;
 - 8.2. In April 2016 EDP received a cash offer from Steinhoff Properties Proprietary Limited ("SP") to purchase the Property for R13 million, which offer EDP was willing to accept. However, as the Sale Agreement prohibits the on-sale of the Property by EDP in an act of speculation if value has not been added to it and in an abundance of caution (but without conceding that the proposed sale was an act of speculation or that no value had been added to the Property by EDP), EDP approached the Stellenbosch Municipality, including (but not limited to) Mr Piet Smit and Mr Martin Smuts, advising of the unfortunate turn of events and requesting the Stellenbosch Municipality's confirmation that EDP could sell the Property to an appropriate third party who could then develop the Property. The various Municipal officials who EDP and SP engaged with in this regard were favourably disposed to proposed sale to SP. The request by EDP for confirmation from the Stellenbosch Municipality that it could sell the Property to SP was confirmed in a formal letter by EDP to the Stellenbosch Municipality dated **25 April 2016**;



- 8.3. Mr Daneel followed up the aforesaid letter in an email to Mr Smuts on 16 May 2016, indicating that urgent action on the matter was required in order to avoid building rates and liquidated damages (being the above Punitive Rates) being levied in respect of the Property. Mr Smuts advised that the matter had been referred to Municipal Manager for a decision and that EDP should await the outcome of that decision;
- 8.4. Extraordinarily, it took more than a year, after EDP's request for confirmation that it could sell the property to SP had been submitted to the Stellenbosch Municipality, for the Stellenbosch Municipality to provide EDP with written notification that EDP's "application for the relaxation of the anti-speculation clause" had been refused. This was conveyed to EDP in a letter dated **17 May 2017**;
- 8.5. In the same letter, of 17 May 2017, the Stellenbosch Municipality offered to repurchase the Property from EDP in accordance with clause 11.1 of the Sale Agreement and advised that it had appointed an independent valuator to determine the fair escalation of the purchase price (as is required in terms of clause 11.1 of the Sale Agreement);
- 8.6. On **8 June 2017** ENSafrica addressed a letter to the Municipality on behalf of EDP, recording that although it was denied that the Stellenbosch Municipality had the right to repurchase the Property, in the interests of resolving the matter quickly EDP accepted the offer and agreed to sell the Property to the Stellenbosch Municipality. However, bearing in mind the lengthy history (since 2008) of the interactions by the Stellenbosch Municipality with EDP and AMC (including an addendum to the Sale Agreement signed by the Municipal Manager on behalf of the Stellenbosch Municipality on 12 March 2013, which a subsequent Municipal Manager found to be invalid), ENSafrica on behalf of EDP:
- 8.6.1. called for an external legal opinion confirming the Stellenbosch Municipality's capacity and authority to repurchase the Property; and
- 8.6.2. requested that EDP be provided with the names of 4 alternative proposed independent valuers to choose from, for purposes of that valuator being appointed to determine the fair escalation of the purchase price as required in terms of clause 11.1 of the Sale Agreement. ENSafrica recorded that EDP's estimation of the purchase price, calculated in accordance with clause 11.1 of the Sale Agreement, was no less than R19 million.

In order to expedite the process, a draft sale of land agreement in respect of the sale of the Property by EDP to the Stellenbosch Municipality was annexed to the letter.



- 8.7. In various subsequent emails and telephone conversations between ENSafrica (Lorica Elferink) and the Stellenbosch Municipality (P Smit) in the period 8 June 2017 to 17 October 2017, ENSafrica on behalf of EDP was advised *inter alia* that:
- 8.7.1. no external legal opinion is required as the Stellenbosch Municipality is of the view that it has the necessary capacity and authority to repurchase the Property from EDP;
 - 8.7.2. a valuation report in respect of the Property, issued by Cassie Gerber Property Valuers CC and dated 25 May 2017 (the "**CG Valuation Report**"), had been received which indicated that the market value of the Property (as at May 2017) was R15 million excluding VAT;
 - 8.7.3. however, the amount allocated for the repurchase by the Municipality of the Property in the Municipal budget was only +- R.3.8 million. This appears to contradict the statement in paragraph 8.7.1 as the Municipality could not have capacity and authority to purchase the property for at least R15 million (excluding VAT) if an amount of only R3.8 million was allowed in the budget; and
 - 8.7.4. the Municipal Manager intended to refer the matter to the Stellenbosch Municipal Council for a decision, with the aim of having the matter on the agenda for the November 2017 Council meeting;
- 8.8. On **24 October 2017** ENSafrica addressed a letter to the Stellenbosch Municipality, in which it:
- 8.8.1. indicated that EDP would be willing to accept a written opinion from the Stellenbosch Municipality's internal legal department, confirming the Stellenbosch Municipality's capacity and authority to conclude a sale agreement in respect of its repurchase of the Property; and
 - 8.8.2. alerted the Municipality to the fact that:
 - 8.8.2.1. the Sale Agreement provided for the development costs incurred by EDP in relation to the Property to be included in the purchase price at which the Property which was to be repurchased by the Stellenbosch Municipality, which had not been addressed in the CG Valuation Report; and
 - 8.8.2.2. the Sale Agreement also provided for the purchase price to be calculated as the fair escalation of the original purchase price (of R7.4 million) and not the market value of the Property (which was the basis of the valuation contained in the CG Valuation Report);

- 8.9. On **19 January 2018** ENSafrica chased up the outcome of the decision of the Stellenbosch Municipal Council at its November 2017 meeting in relation to the Property by email and were advised, on 26 January 2018, that the matter had not served before the Stellenbosch Municipal Council in November 2018 (apparently because not all inputs in relation to the relevant agenda item had been received in time) and that the matter would, therefore, serve before the Stellenbosch Municipal Council at its next meeting (in March 2018);
- 8.10. On **24 April 2018** ENSafrica chased up the outcome of the March 2018 Stellenbosch Municipal Council meeting in relation to the Property, only to be advised in an email received on **31 May 2018** (more than a year after the Stellenbosch Municipality offered to repurchase the Property and 8 days less than a year after the draft sale agreement was submitted to the Stellenbosch Municipality) that:
- 8.10.1. on 14 February 2018 the Stellenbosch Municipality Mayoral Committee had resolved to let the matter stand over to the March 2018 Mayoral Committee meeting; and
- 8.10.2. on 14 March 2018 the Stellenbosch Municipality Mayoral Committee meeting had resolved *"that this item be referred back for refinement"*.
- 8.11. EDP has not been advised what the aforesaid *"refinement"* entails, nor who / which committee or body the item has been referred to for such refinement, and has heard absolutely nothing further from the Stellenbosch Municipality since being notified that the matter had been *"referred back for refinement"*.
9. From the foregoing, it is abundantly clear that since April 2016 (i.e. for almost three years) EDP has been attempting to address the question of the Property with the Stellenbosch Municipality, first proposing a sale of the Property to a third party (which, until May 2017, found favour with the Municipal officials) and then entertaining the offer by the Stellenbosch Municipality (made in June 2017) for the Municipality itself to repurchase the Property in accordance with clause 11.1 of the Sale Agreement. It is solely due to delays caused by the Stellenbosch Municipality that this matter has not yet been resolved and that EDP is still the owner of the Property without any developmental plans having been pursued. Had the Stellenbosch Municipality simply confirmed that EDP could sell the Property to a third party, the Property would have been sold and likely developed by now, with attendant income generated for the benefit of the Stellenbosch Municipality, or had the Stellenbosch Municipality agreed to a purchase price for its repurchase of the Property which was calculated in accordance with the provisions of the Sale Agreement, the Stellenbosch Municipality would now be the registered owner of the Property. In either event, EDP would not be the owner of the Property and the question of whether or not clause 10.1 of the Sale Agreement, as amended by the MoU, was applicable in respect of EDP would not have arisen.



10. In the circumstances we have been instructed to demand, as we hereby do, the following:
- 10.1. that the invoice in respect of the Punitive Rates be reversed and/or a credit note issued in respect thereof immediately, and that we be provided with confirmation that this has been done by no later than 15 February 2019;
- 10.2. that the Stellenbosch Municipal Council be called upon to adopt a resolution, by no later than 31 March 2019, in terms of which:
- 10.2.1. the repurchase by the Stellenbosch Municipality of the Property at a purchase price determined in accordance with the Sale Agreement, which is in the region of R15 million to R20 million excluding VAT (and not the R3.8 million currently budgeted for in the Municipal budget), is approved. In this regard, please note that:
- 10.2.1.1. EDP does not concede that the CG Valuation Report (which is now outdated) is correct or has been prepared in accordance with the Sale Agreement and requires that an independent valuator, agreed to by both the Stellenbosch Municipality and EDP, be appointed by the Municipality, at the Municipality's cost but briefed by the Municipality and EDP jointly, to determine the fair escalation of the original purchase price of the Property; and
- 10.2.1.2. EDP will require that the development costs which it has incurred in relation to the Property be included in the purchase price, as provided for in clause 11.1 of the Sale Agreement;
- or
- 10.2.2. its previous decision, to refuse issuing EDP with confirmation that it can sell the Property, is rescinded and set aside and replaced with a resolution confirming EDP's right to sell the Property to a third party purchaser. In this regard, SP is no longer interesting in purchasing the Property and EDP will require time, at least until 31 October 2021, to find a suitable purchaser;
- and
- 10.2.3. if the resolution adopted by the Stellenbosch Municipal Council in terms of paragraph 10.2 above is for the Stellenbosch Municipality to rescind its previous decision, that appropriate amendments to the Sale Agreement are approved; and
- 10.3. that if the resolution adopted by the Stellenbosch Municipal Council in terms of paragraph 10.2 above is for the Stellenbosch Municipality to repurchase the Property, EDP be provided with



a formal, written opinion from the Stellenbosch Municipality's legal department confirming that the Stellenbosch Municipality has the power, capacity and authority to repurchase the Property for the relevant purchase price and on the terms and conditions detailed in the relevant sale of land agreement (having regard, *inter alia*, to the budget which has been approved for the repurchase), which opinion is to be provided to ENSafrica within 2 weeks of the Stellenbosch Municipal Council adopting the resolution referred to in 10.2.1; and

- 10.4. that if the resolution adopted by the Stellenbosch Municipal Council in terms of paragraph 10.2 above is for the Stellenbosch Municipality to rescind its previous decision, then an appropriate addendum to the Sale Agreement be signed by the Municipal Manager on behalf of the Stellenbosch Municipality no later than 31 May 2019. EDP undertakes to render its full cooperation to the Stellenbosch Municipality to ensure that this timeline can be achieved.
11. We are instructed further to advise that if the Stellenbosch Municipality does not adhere to the demands detailed in paragraph 10 within the relevant timeframes detailed above, EDPs right to approach the court for relief, and to seek an appropriate punitive costs award, remains reserved. We trust, however, that this will not be necessary and that the Stellenbosch Municipality will lend its cooperation in bringing this long outstanding matter to finality.

Yours faithfully

ENSAfrica

Per:



Lorica Eiferink

9.	MATTERS FOR NOTIFICATION
-----------	---------------------------------

9.1	REPORT BY THE EXECUTIVE MAYOR
------------	--------------------------------------

NONE

9.2	REPORT BY THE SPEAKER
------------	------------------------------

NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
------------	--

NONE

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
-----	--

10.1	MOTION BY CLLR F ADAMS: VOTE OF NO CONFIDENCE AGAINST THE EXECUTIVE MAYOR, ALD G VAN DEVENTER (MS)
------	--

A Notice of a Motion, dated 2019-01-08, was received from Cllr F Adams regarding a Vote of No Confidence against the Executive Mayor, Ald G Van Deventer (Ms).

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

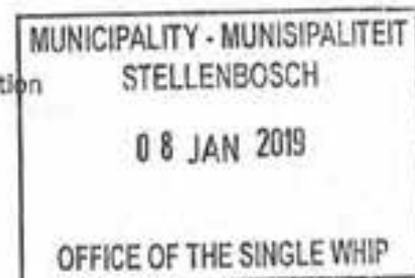
NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	27 February 2019

APPENDIX 1



CONTACT: packcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

Democratic New Civic Association



"Without Prejudice"

08 January 2019

For attention : The Speaker

Stellenbosch Municipality

Re: Motion- Vote of no confidence against the Executive Mayor, Gesie van Devender.

I hereby submit the following Motion in terms of the Rules of order Bylaw to be served at the January 2019 Council meeting.

Motivation/background

1. I hereby submit my motion in terms of the Rules of Order By-Law and motivate as follow:
 - a. **The alledged unlawful and irregular conduct with the appointment and issuing of the 10 year contract to the Director Corporate Services, Anneline De Beer.**
 - i) It is obvious that the Mayor was instrumental with the recruitment of the Director of Corporate Services.
 - ii) Although it is common knowledge that there is a close relationship between the Mayor and De Beer she still served on the Selection Panel and that constitute a conflict of interest.



CONTACT: gaackcity2010@yahoo.com
 P.O BOX 12445
 DIE BOORD
 7613

- iii) The deliberate failure by the Mayor to inform and or report to Council the request by MS AMC De Beer to Council, dated 2 November 2016. I refer to the waiver for more money and a ten year term contract.
- iv) It is on record that the Mayor only submits the request the waiver for more money to both MEC Bredell and Minister Des van Rooyen.
- v) I refer to the Council meeting, dated 12 December 2016 and the Motion brought by the Mayor, dated 16 February 2017 and seconded by Clr. Biscombe.
- vi) I also refer to the letter, dated 03 November 2016 address to MEC Bredell by the Mayor requesting to waive the upper limits, while Council only consider the request on 12 December 2016. This is a clear undermining of the role and function of Council.
- vii) I also refer to the letter, dated 12 January by the Mayor to Min. Des van Rooyen. " I trust that this information suffice to favourably consider the application for the approval of the remuneration package. "" . This proof that the Mayor was all along fully aware of the ten years as part of the package without any Council approval.
- viii) There is enough evidence to prove that the Mayor was cahoots with the MM, Geraldine Mettler to approve a ten year contract to MS AMC De Beer without Council approval.
- ix) The fact that the MM and or both (Mayor) mislead the Council twice by blaming the acting MM for the alleged unlawful 10 year contract. This is a lie, because there is no difference between the one who approved and signed the 10 year contract.



CONTACT: oaackcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

b. Interference in the administration:

1. The regulation is clear that it's a violation for any Councillor to interfere in the administration.
2. I refer to the alleged unlawful conduct by the Mayor to try to influence the cancelation of an official formal Quotation for driver's license.
3. It is alleged that the Mayor abusing her power on 16 October 2018 by trying to influence some staff members to cancel the FQ and this also results that it had to be put on hold.
4. This is also a direct interference in the supply chain management processes.

c. Abuse of power :

1. It is common knowledge that the Mayor acts like a dictator and or autocrat and have no respect for due processes.
2. I refer to her undermining of the Planning Tribunal by visiting the office of MEC Grant knowingly it still had to serve at the Tribunal to .
3. This is about the upgrade of the road leading to Techno- Park.
4. This action was highly irregular by the Mayor, because as the appealing authority she did not only compromising the Tribunal, but also undermined its function.
5. I also refer to her previous undermining and disrespect of the ex-Speaker, Clr. Joubert and his role and functions.
6. This was proven than she tried to reduce his power and responsibilities through the System of Delegations.



CONTACT: oackcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

7. Here I show to Council the disciplinary matter of Clr. Sitshotsi where it's on record that the previous Speaker, Clr. Joubert never received a formal complaint.
8. The Mayor was hell bent to proceed and to undermine the Speakers office by illegally appointing a staff member to do an investigation.

This is just a few reasons and motivation for my Motion and I like to recommend as follow:

Recommendation:

1. I hereby request that Council support my Motion in removing Ald. Van Devender as the Executive Mayor of Stellenbosch with immediate effect.
2. I also request that a secret ballot be conducted in the spirit of fairness and the protection against victimization of any Councillors.


Clr. Franklin Adams

Proposed : 

Seconded : 
Clr. D. A. Handlase

10.2	MOTION BY CLLR F ADAMS: VOTE OF NO CONFIDENCE AGAINST THE SPEAKER, CLLR WC PETERSEN (MS)
------	---

A Notice of a Motion, dated 2019-01-08, was received from Cllr F Adams regarding a Vote of No Confidence against the Speaker, Cllr WC Petersen (Ms).

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	27 February 2019

APPENDIX 1



CONTACT: packcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

Democratic New Civic Association



"Without Prejudice"

08 January 2019

For attention : The Mayor : Clr. G. Van Devender

Stellenbosch Municipality

Re: Motion – Vote of no confidence against the Speaker, Clr. W. Petersen.

I hereby submit the following Motion in terms of the Rules of order to serve at the January 2019 Council meeting.

Background/ Motivation:

1. I refer to the unethical conduct and or behavior of Clr. Wihelmina Petersen.
2. It is public knowledge that she as a married women are in an unfortunate and alleged sexual relationship with Clr. Salie Peters that are in my view adultery.
3. I am know that you as a Mayor, as well as the MM are well aware of her conduct and prefer to cover up and or ignore it.
4. I feel as a Senior Councillor and as Speaker her unethical conduct must be condoned and that she is bringing the Municipality and Council in disrepute.
5. There is no way, that anybody with such morally corrupt character can hold such important position and this is a direct violation of the Code of Conduct for Councillors, article 2 (a) and (b)



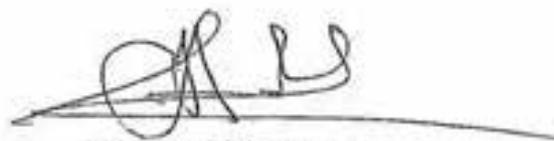
CONTACT: oaackcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

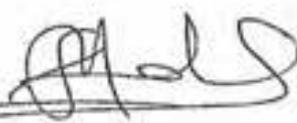
6. The fact that there was also an affidavit to prove her morally corrupt and unethical conducts but with no action says much about the DA and their morals.

7. There is no way that anybody with such conduct can lead by any example and notwithstanding the chairperson of this Council.

I hereby recommend as follow:

1. That the Council after considering these facts removes the Speaker with immediate effect.
2. That all the DA Councillors knowing and failed on the affidavit, be recuse from the Council meeting, because they are compromised and possible conflict of interest.


Clr. Franklin Adams

Proposed: 

Seconded: 
Clr. D. A. Hardjose

10.3	MOTION BY ALDERMAN PW BISCOMBE: APPOINTMENT OF INDEPENDENT INVESTIGATOR
------	--

A Notice of a Motion, dated 2019-02-12, was received from Alderman PW Biscombe regarding the appointment of an independent investigator.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	27 February 2019

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Municipality • Munisipaliteit
STELLENBOSCH

15 FEB 2019

Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder

12 February 2019

The Office of the Speaker
Stellenbosch Municipality
Stellenbosch



MOTION TO COUNCIL.

INVESTIGATION IN TERMS OF SCHEDULE 1 SECTION 14 OF THE MUNICIPAL SYSTEMS ACT NO 325 OF 2000 AND SCHEDULE 2 - SECTION 6. (Pages 154. 160)

Date : 12 February 2019

Compiled by : Chief Whip

Delegated Authority : Council

1. **PURPOSE OF MOTION**

To request Council to authorize the Municipal Manager to appoint an independent investigator in accordance with the supply chain management processes and Council policies to investigate in terms of Schedule 1, Section 10, of the Code Of Conduct for Councillors, Municipal Systems Act 32 of 2000 and Schedule 2, Section 6, Unauthorised disclosure of information of the Municipal Systems Act 32 of 2000.

MOTIVATION

Section 10 of Schedule 1 of the Municipal Systems Act 32 of 2000 states "a councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorized person"

Schedule 2 Section 6 states "a staff member of a municipality may not without permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorised person"

With reference to Item 14.7.1 dated 2019-01-30 as an In - Committee item that served before Council i.e. Northern Extension and reference to Article in "Eikestadnuus" dated 7 February 2019 "R45 Miljoen vir grond"

Confidential information is being leaked on social media and to other media resources which is in direct contravention of Schedule 1 Section 10 and Schedule 2 Section 6 of the Municipal Systems Act 32 of 2000.

RECOMMENDED

- (a) that Council authorizes the Municipal Manager to appoint an independent investigator in terms of the supply chain management processes and Council policies.
- (b) that the Municipal Manager mandate the independent investigator to investigate in terms of Schedule 1, Section 10 and Schedule 2, Section 6 of the Municipal Systems Act 32 of 2000.
- (c) that Council consider the findings in accordance with Schedule 1 Section 14, and Schedule 2 Section 14A of the Municipal Systems Act 32 of 2000. (pages 154 – 162)


P.W. B. Scombé

Cllr
Chief Whip



Cllr
Second

10.4	MOTION BY ALDERMAN PW BISCOMBE: DISCIPLINARY COMMITTEE TO INVESTIGATE ALLEGATIONS AGAINST CLLR F ADAMS
------	---

A Notice of a Motion, dated 2019-02-12, was received from Alderman PW Biscombe regarding the Disciplinary Committee to investigate allegations against Cllr F Adams.

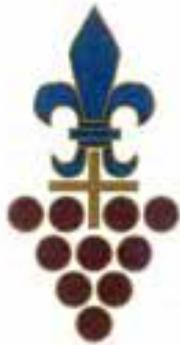
The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	27 February 2019

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Municipality - Munisipaliteit
Stellenbosch

Page 687

15 FEB 2019

Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder

12 February 2019

The Office of the Speaker
Stellenbosch Municipality
Stellenbosch

MUNICIPALITY • MUNISIPALITEIT
STELLENBOSCH

12 FEB 2019

OFFICE OF THE SPEAKER

MOTION TO COUNCIL.

INVESTIGATION IN TERMS OF SECTION 2 (a). (b) OF THE MUNICIPAL SYSTEMS ACT NO 325 OF 2000. CODE OF CONDUCT FOR COUNCILLORS AGAINST CLLR FRANKLIN ADAMS.

Date : 12 February 2019

Compiled by : Chief Whip

Delegated Authority : Council

1. **PURPOSE OF MOTION**

To request Council to authorize the Disciplinary Committee to investigate and present findings to Council in terms of Section 2 of the Code Of Conduct for Councillors, Municipal Systems Act 32 of 2000.

MOTIVATION

Section 2 of the Municipal Systems Act 32 of 2000 states "a councillor must – perform the functions of office in good faith , honestly and a transparent manner and

at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised"

Councillor Franklin Adams have posted various and numerous allegations and derogatory statements on social media and are therefore in contravention of Section 2 (a) (b) Code of Conduct for Councillors. Municipal Systems Act 32 of 2000.

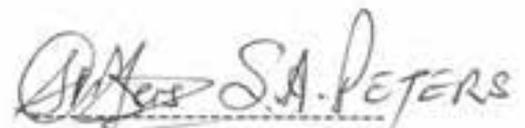
The disciplinary committee will have to consider all social media posts to determine whether Councillor Franklin Adams acted in good faith, honestly and a transparent manner.

As both the Speaker and Mayor is implicated in these posts it would be prudent for Council to refer this matter to the disciplinary committee as a matter of urgency.

RECOMMENDED

- (a) that Council authorizes the disciplinary committee to investigate allegations against Cllr Franklin Adams and present findings to Council with reference to Section 2 (a) – (b) of the Municipal Systems Act 32 of 2000
- (b) That Council adheres to Section 14 of the Municipal Structures Act 32 of 2000 and consider the findings.


P.W. BISCOOMBE
Cllr
Chief Whip


S.A. PETERS
Cllr
Second

11.	CONSIDERATION OF URGENT MOTIONS
-----	---------------------------------

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
-----	---

13.	CONSIDERATION OF REPORTS
-----	--------------------------

13.1	REPORTS SUBMITTED BY THE SPEAKER
------	----------------------------------

NONE

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
------	--

13.2.1	RECONSTITUTION OF SECTION 80 COMMITTEES
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

27 February 2019

1. SUBJECT: RECONSTITUTION OF SECTION 80 COMMITTEES

2. PURPOSE OF REPORT

To rescind the Council decision of 31 October 2018 in order to reconstitute the Section 80 Portfolio Committees.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The Municipal Structures Act provides for committees to assist the executive committee or Executive Mayor. At its meeting of 16 February 2017, and subsequently on 31 October 2018, Council approved the establishment of the portfolio committees as envisaged in Section 80 of the Municipal Structures Act.

The Executive Mayor has, in terms of Section 60 of the Municipal Structures Act 117 of 1998, reshuffled her Mayoral Committee members, effective from 1 November 2018. This led to a change in the Councillors that served as Chairpersons of the Section 80 Committees as well as the portfolios which they represent, and the introduction of two new S80 Committees.

The recent resignation of Cllr M de Wet, [APPENDIX A] as well as consideration given toward a more effective functioning of the S80 Committee system, necessitate the reconstitution of the Sec 80 Committees.

5. RECOMMENDATIONS

- (a) that Council rescinds the resolution of 31 October 2018, except in so far as the Terms of Reference for the various S80 Committees which remain **[APPENDIX B]**; and
- (b) that Council approves the establishment of the following Section 80 Committees and its composition, with the names of Councillors as follows:

COMMUNITY AND PROTECTION SERVICES

- | | |
|--------------------------------------|--------|
| 1. Cllr JN de Villiers (Chairperson) | [DA] |
| 2. Cllr C Manuel | [DA] |
| 3. Cllr JK Hendriks | [DA] |
| 4. Cllr N Olayi | [DA] |
| 5. Cllr N Sinkinya (Ms) | [ANC] |
| 6. Cllr G Cele (Ms) | [ACDP] |

CORPORATE SERVICES

- | | |
|-------------------------------------|-------|
| 1. Cllr AR Frazenburg (Chairperson) | [DA] |
| 2. Cllr R du Toit (Ms) | [DA] |
| 3. Cllr R Badenhorst | [DA] |
| 4. Cllr FT Bangani-Menziwa (Ms) | [ANC] |

PLANNING AND ECONOMIC DEVELOPMENT

- | | |
|---|-------|
| 1. Cllr E Groenewald (Ms) (Chairperson) | [DA] |
| 2. Cllr T Gosa | [DA] |
| 3. Cllr A Hanekom | [DA] |
| 4. Cllr R Badenhorst | [DA] |
| 5. Cllr LL Stander | [ANC] |

FINANCIAL SERVICES

- | | |
|--------------------------------------|-------|
| 1. Cllr P Crawley (Ms) (Chairperson) | [DA] |
| 2. Cllr J Hamilton | [DA] |
| 3. Cllr A Florence | [DA] |
| 4. Cllr R Nalumango (Ms) | [ANC] |
| 5. Cllr M Oliphant | [ANC] |

HUMAN SETTLEMENTS

- | | |
|---------------------------------|-------|
| 1. Cllr N Jindela (Chairperson) | [DA] |
| 2. Cllr A Crombie (Ms) | [DA] |
| 3. Cllr DD Joubert | [DA] |
| 4. Cllr P Sitshoti (Ms) | [ANC] |

INFRASTRUCTURE

- | | |
|------------------------------|-------|
| 1. Cllr Q Smit (Chairperson) | [DA] |
| 2. Ald J Serdyn (Ms) | [DA] |
| 3. Cllr NE Mcombring (Ms) | [DA] |
| 4. Cllr A Hanekom | [DA] |
| 5. Cllr G Bakubaku-Vos | [ANC] |

PARKS, OPEN SPACES AND ENVIRONMENT

- | | |
|-------------------------------------|--------|
| 1. Cllr X Mdemka (Ms) (Chairperson) | [DA] |
| 2. Ald J Serdyn (Ms) | [DA] |
| 3. Cllr E Vermeulen (Ms) | [DA] |
| 4. Cllr F Adams | [DNCA] |

RURAL MANAGEMENT AND TOURISM

- | | |
|--------------------------------|-------|
| 1. Cllr S Peters (Chairperson) | [DA] |
| 2. Cllr A Crombie (Ms) | [DA] |
| 3. Cllr JK Hendriks | [DA] |
| 4. Cllr L Horsband (Ms) | [EFF] |

YOUTH, SPORT AND CULTURE

- | | |
|-----------------------------------|-------|
| 1. Cllr M Pietersen (Chairperson) | [DA] |
| 2. Cllr R du Toit (Ms) | [DA] |
| 3. Cllr E Vermeulen (Ms) | [DA] |
| 4. Cllr N Sinkinya (Ms) | [ANC] |
| 5. Cllr DA Hendrickse | [EFF] |

6. DISCUSSION / CONTENT**6.1 Background**

Council, at an Urgent meeting held on 16 February 2017, appointed the Section 80 Committees in line with legislation. The Executive Mayor appointed her Mayoral Committee and Council noted the chairpersons of the respective committees in line with Section 80 of the Municipal Structures Act.

During October 2018, the Executive Mayor has, in terms of Section 60 of the Municipal Structures Act 117 of 1998, reshuffled her Mayoral Committee members, effective from 1 November 2018. This led to a change in the Councillors that served as Chairpersons of the Section 80 Committees as well as the portfolios which they represent, and the introduction of two new S80 Committees.

The resignation of Cllr M de Wet from the Stellenbosch Council and as a Ward Councillor, effective 15 February 2019 [**APPENDIX A**], coupled with the consideration toward a more effective functioning of the portfolio committees, necessitates the reconstitution of the S80 Committees.

6.2 Discussion

Section 80 of the Municipal Systems Act provides for:

“Committees to assist executive committee or executive mayor

- (1) *If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.*
- (2) *Such committees may not in number exceed the number of members of the executive committee or mayoral committee.*
- (3) *The executive committee or executive mayor -*
 - (a) *appoints a chairperson for each committee from the executive committee or mayoral committee;*
 - (b) *may delegate any powers and duties of the executive committee or executive mayor to the committee;*
 - (c) *is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and*
 - (d) *may vary or revoke any decision taken by a committee, subject to any vested rights.*
- (4) *Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor.”*

It has become evident that the size of some S80 committees makes it difficult to continuously have a quorum, and thus leading to difficulty in meeting on all proposed dates. Also, Cllr M de Wet resigned from this Council and as Ward Councillor on 15 February 2019.

These factors compel the Executive Mayor to reconsider the S80 committees.

The new proposed committees will reflect the new Mayco composition, the composition of Council and the proportional representation of the political parties in Council.

The Terms of Reference, as approved on 31 October 2018, (**APPENDIX B**) remains in place.

The Executive Mayor hereby recommends to Council the S80 committees as set out above.

6.3 **Financial Implications**

None

6.4 **Legal Implications**

The item is legally compliant (S60 and S80 of the Municipal Structures Act).

6.5 **Staff Implications**

None

6.6 **Previous / Relevant Council Resolutions**

Council meetings: 16 February 2017; 31 October 2018

6.7 **Risk Implications**

None

6.8 **Comments from Senior Management**

None required

APPENDIX

Appendix A: Resignation letter – Cllr de Wet

Appendix B: Section 80 Terms of Reference

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	Office Manager
DIRECTORATE	Council
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	2019-02-14

APPENDIX A

Cllr. MB de Wet

The Speaker
Per: Cllr W Petersen
The Speakers' Office
Town House Complex
Plein Street
STELLENBOSCH
7600

11 February 2019

LETTER OF RESIGNATION: CLLR MB DE WET

Dear Speaker,

The local government elections of 3 August 2016, and my election as Ward Councillor for Ward 9 of the Stellenbosch Municipality, refers.

It is with great sadness that I herewith resign as Councillor of the Stellenbosch Municipality, with effect on Friday, 15 February 2019.

Due to personal and work circumstances it is no longer possible for me to perform my duties as a Councillor.

It has been a privilege to serve the residents of Stellenbosch Municipality, and especially the residents of Ward 9. It has further been a great privilege and experience to have been part of the Stellenbosch Municipality Council.

It has also been a privilege and invaluable experience to have been a part of the Stellenbosch DA Caucus, and to be part of a team that serves the people of Stellenbosch so diligently.



My time as a DA Councillor has been memorable, and although this chapter has come to end, I hope that in the future I will have another opportunity to serve the people of South Africa in a free, fair, diverse and open society for all, under the DA banner.

I wish you, the DA caucus and the Council all the best for the remainder of the term.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Marnes de Wet', written in a cursive style.

Marnes de Wet
marnesdewet@gmail.com
082 309 8330

APPENDIX B

Annexure A

TERMS OF REFERENCE**SECTION 80 COMMITTEES****1. COMMUNITY AND PROTECTION SERVICES**

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

- Library and Information Services
- Municipal health services limited to monitoring of services rendered by the district municipality
- Facilities for the accommodation, care and burial of animals
- Pounds
- Emergency Services Function which includes -
 - Disaster management
 - Fire fighting services
 - Veld fires
- Land Invasions
- Law Enforcement which includes –
 - The policing of municipal by-laws and regulations
 - Security Services
- Traffic and Parking which include –
 - traffic management
 - traffic policing
 - traffic licensing
 - testing of vehicles
 - road traffic signalization and management
- Facilitation of neighbourhood watches
- Community police forums
- Regulation of gatherings
- Control of undertakings that sell liquor to the public
- Control of Nuisances

Customer Relationship Management

2. CORPORATE SERVICES

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

Human Resources, which include -

Personnel Services which include -

- Employee Wellness
- Education, Training and Development
- Payroll and Personnel Administration
- Operational Support
- Occupational Health and Safety

Collective Bargaining

HR Strategy programmes

Quality Management

Communication and Change Management

Labour Relations

Recruitment and selection

Employment Equity which includes -

- Affirmative Action & Disability;
- Gender and Diversity Initiatives

Legal Services, which include -

- Litigation
- Statutory Compliance
- Legislation and Legal Research
- Municipal Courts
- Planning and Property Services
- Contract management
- Supply Chain Support
- Admin Support

Support services which include -

- Secretariat Services;
- Records Management and Registry Services
- Document management
- Printing and Advertising
- Councilor support
- Ward committees
- General support services

Information Systems and Technology.

Customer Relationship Management

- ICT Infrastructure
- ICT Systems
- Telephony

- ICT Security
- ICT Strategy

Immovable Property Asset Management which includes –

- Property Administration
- Property Development
- Facilities Management
- Acquisitions
- Disposals

3. PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

The Planning function which includes –

Municipal wide planning and urban design
 Town Planning
 Land use management
 Building development management
 Development projects
 Land information
 Planning legislation and enforcement

The Strategic Development & GIS function which includes -

- Spatial data management (including cadastral data)
- GIS and strategy coordination
- Strategic development information and knowledge management
- Geometrics (maintenance of town survey marks, global positioning surveys, photogrammetry)

Fencing and Fences

Customer Relationship Management

4. FINANCE COMMITTEE

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

Budgets which includes:

- Operating and Capital Budget
- Budgetary control and accounting

Revenue which includes:

- Debt Management

Treasury and Accounting which includes:

- Insurance

Valuations which includes:

- General and Interim Valuations

Supply Chain Management which includes:

- Procurement and Stock Management
- Stock Levels
- Expenditure

Customer Relationship Management

5. HUMAN SETTLEMENTS COMMITTEE

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

- Housing which includes -
 - the provision of new housing opportunities to address the housing backlog
 - project co-ordination
 - informal settlement upgrades
 - emergency housing programmes
 - other provincial and national housing programmes
 - housing planning function which is the project planning and programming
 - land invasion
 - informal settlements management
 - Housing Administration
 - Management of rental stock
 - Housing consumer education
 - Housing subsidy administration

Customer Relationship Management

6. INFRASTRUCTURE COMMITTEE

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

The Electricity and Energy function which includes –

- Gas reticulation
- Electrification and Electricity distribution services
- Public and street lighting
- Renewable energy/green electricity
- Electronic and radio function

The Water and Sanitation function which includes –

- Bulk water
- Wastewater treatment
- Water and wastewater reticulation
- Water and sanitation technical services

The Solid Waste Management function which includes –

- Refuse removal and disposal
- Illegal dumping

The Roads and Stormwater function which include–

- Systems monitoring and information management
- Demand and access management
- Infrastructure budgeting
- Infrastructure construction including project and asset management
- Road traffic infrastructure management
- Regulatory and direction signage
- Catchment, stormwater and river management
- Public transport service design
- Street sweeping

Fleet and Mechanical Function

Customer Relationship Management

7. YOUTH SPORT AND CULTURAL COMMITTEE

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

- Sports venues
- Sports fields
- Stadiums
- Swimming pools
- Community centres
- Sports Councils
- Contracts with sports councils
- Youth development programmes - sport
- Youth skills training / transfer through sport
- Cultural events and activities
- Heritage and events

Customer Relationship Management

8. PARKS, OPEN SPACES AND ENVIRONMENT

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

- Parks and Recreation which includes –
 - Zoned public open spaces
 - Community parks
 - Cemeteries, funeral parlours and crematoria
 - Soft/Green landscape areas on roads
 - Street trees
 - Landscaped areas adjacent to rivers and inland water bodies
 - Swimming pools
 - Public toilets
 - Community centres
 - Open Spaces
 - Halls
 - Resorts
 - Recreation on water bodies
 - Pontoons, ferries, jetties and piers
 - Skills training / transfer

The Environment Planning function which includes -

- Environmental resource management and planning
- Environmental planning policy
- Environmental and heritage impact assessment
- Outdoor advertising and signage (environmental control)
- Heritage resource management and urban conservation
- Environmental monitoring
- Environmental Heritage and Outdoor Advertising Projects

9. RURAL MANAGEMENT AND TOURISM

The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation monitoring of policies when requested to by the Executive Mayor, in the following functional areas:

Economic Development which include –

- Trade and investment promotion
- Small business support
- Economic information and research

Local Tourism which include –

- Tourism Development
- Destination Marketing
- Visitor Services & Information
- Informal traders markets
- Street trading

13.2.2	RE-ESTABLISHMENT OF A DISCIPLINARY COMMITTEE
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

27 February 2019

1. SUBJECT: RE-ESTABLISHMENT OF A DISCIPLINARY COMMITTEE

2. PURPOSE OF REPORT

To consider the re-establishment of committees to assist the municipal council and Executive Mayor in the effective and efficient performance and exercise of their respective functions and powers and matters pertaining thereto.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

The resignation of Councillor de Wet, (**ANNEXURE 1**) has led to a vacancy as Chairperson of the Disciplinary Committee, and therefore necessitates the consideration for the re-establishment of a Disciplinary Committee.

5. RECOMMENDATION

- (a) that Council approves the re-establishment of a Disciplinary Committee in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (b) that the composition of the Disciplinary Committee be a total of 5 members of which the DA has 3 members and the Opposition has 2 members;
- (c) that Council appoints the following councillors to serve on the Disciplinary Committee
 - DA (3): Cllr Q Smit
Cllr E Groenewald
Cllr A Frazenburg
 - Opposition (2): Cllr L Stander (ANC)
Cllr N Sinkinya (ANC)
- (d) that Council appoints Councillor Quintin Smit as Chairperson for the Disciplinary Committee; and
- (e) that it be noted that the delegation of power to the respective Section 79 committee will be included in the System of Delegations.

6. DISCUSSION / CONTENT

6.1 Background

Council, at its Urgent Council meeting: 2017-02-16 resolved on the establishment of a Disciplinary Committee in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

The resignation of Councillor de Wet, (**ANNEXURE A**) has led to a vacancy as Chairperson of the Disciplinary Committee, and therefore necessitates the consideration for the re-establishment of a Disciplinary Committee.

6.2 Discussion

The establishment of committees is a function of the Municipal Council. The Executive Mayor, in whom the executive leadership of the municipality is vested, advises council on the establishment of committees.

Section 79 and 80 of the Structures Act, sections 62 and item 14 of Schedule 32 of the Systems Act and section 129 of the MFMA, refers.

Section 79 of The Structures Act requires the council, when establishing committees, to also determine their functions, composition, election of members and chairpersons.

Section 80 of the Municipal Structures Act directs that,

“(1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor”.

Section 79 and 80 committees are established by Council and their composition must therefore allow that parties and interests reflected within the Council are fairly represented, as envisaged in section 160 of the Constitution.

The Structures Act requires the Municipal Council to appoint the members of committees from amongst its members. There is no prescribed process or procedure for the election of members and Council must therefore consider these matters by means of the ordinary motion process.

The Structures Act requires the Municipal Council to appoint the Chairpersons of the section 79 committees.

6.3 Financial Implications

None

6.4 Legal Implications

The item is legally compliant (S79 and S80 of the Municipal Structures Act)

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

Urgent Council Meeting: 2017-02-16: Item 5.2.2

6.7 Risk Implications

None

6.8 Comments from Senior Management

None required

APPENDIX

Appendix A: Resignation letter – Cllr de Wet

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	Office Manager
DIRECTORATE	Executive Mayor
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	donovan.muller@stellenbosch.gov.za
REPORT DATE	27 February 2019

APPENDIX A

Cllr. MB de Wet

The Speaker
Per: Cllr W Petersen
The Speakers' Office
Town House Complex
Plein Street
STELLENBOSCH
7600

11 February 2019

LETTER OF RESIGNATION: CLLR MB DE WET

Dear Speaker,

The local government elections of 3 August 2016, and my election as Ward Councillor for Ward 9 of the Stellenbosch Municipality, refers.

It is with great sadness that I herewith resign as Councillor of the Stellenbosch Municipality, with effect on Friday, 15 February 2019.

Due to personal and work circumstances it is no longer possible for me to perform my duties as a Councillor.

It has been a privilege to serve the residents of Stellenbosch Municipality, and especially the residents of Ward 9. It has further been a great privilege and experience to have been part of the Stellenbosch Municipality Council.

It has also been a privilege and invaluable experience to have been a part of the Stellenbosch DA Caucus, and to be part of a team that serves the people of Stellenbosch so diligently.



My time as a DA Councillor has been memorable, and although this chapter has come to end, I hope that in the future I will have another opportunity to serve the people of South Africa in a free, fair, diverse and open society for all, under the DA banner.

I wish you, the DA caucus and the Council all the best for the remainder of the term.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Marnes de Wet', written in a cursive style.

Marnes de Wet
marnesdewet@gmail.com
082 309 8330

13.2.3	RE-ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)
---------------	---

Collaborator No:**IDP KPA Ref No:**

Good governance and Compliance

Meeting Date:

27 February 2019

1. SUBJECT: RE-ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

2. PURPOSE OF REPORT

To consider the re-establishment of committees to assist the municipal council in the effective and efficient performance and exercise of their respective functions and powers and matters pertaining thereto.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

With the resignation of Councillor Stefan Louw and subsequently the resignation of Councillor Marnes de Wet, it is necessary to reconstitute the Municipal Public Accounts Committee (MPAC).

Council is obliged to reconsider the appointment of committees provided for in legislation applicable to local government; the term of reference of each committee; the composition of such committees and the election of members of such committees and matters in connection therewith.

Council, at its Urgent Council meeting: 2017-02-16 resolved on the establishment of a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

5. RECOMMENDATIONS

- (a) that Council approves the re-establishment of a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (b) that the composition of the Municipal Public Accounts Committee (MPAC) be a total of 5 members of which the DA has 3 members and the Opposition has 2 members;
- (c) that Council appoints the following councillors to serve on the Municipal Public Accounts Committee (MPAC):

DA (3): Cllr MC Johnson
 Cllr SR Schäfer
 Cllr E Fredericks

Opposition (2): Cllr N Mananga -Gugushe (ANC)
 Cllr WF Pietersen (PMD) (Chairperson)

- (d) that it be noted that the delegation of power to the respective Section 79 committee will be included in the System of Delegations.

6. DISCUSSION / CONTENT**6.1 Background**

Council, at its Urgent Council meeting: 2017-02-16 resolved on the establishment of a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

With the resignation of Councillor Stefan Louw, and subsequently to the resignation of Councillor Marnes de Wet, it is necessary to reconstitute the Municipal Public Accounts Committee (MPAC).

6.2 Discussion

The establishment of committees is a function of the Municipal Council. The Executive Mayor, in whom the executive leadership of the municipality is vested, advises council on the establishment of committees.

Section 79 and 80 of the Structures Act, sections 62 and item 14 of Schedule 32 of the Systems Act and section 129 of the MFMA, refers.

Section 79 of The Structures Act requires the council, when establishing committees, to also determine their functions, composition, election of members and chairpersons.

Section 80 of the Municipal Structures Act directs that,

“(1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor”.

Section 79 and 80 committees are established by Council and their composition must therefore allow that parties and interests reflected within the Council are fairly represented, as envisaged in section 160 of the Constitution.

The Structures Act requires the Municipal Council to appoint the members of committees from amongst its members. There is no prescribed process or procedure for the election of members and Council must therefore consider these matters by means of the ordinary motion process.

The Structures Act requires the Municipal Council to appoint the Chairpersons of the section 79 committees.

6.3 Financial Implications

None

6.4 Legal Implications

The item is legally compliant (S79 and S80 of the Municipal Structures Act)

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

Urgent Council Meeting: 2017-02-16: Item 5.2.5

6.7 Risk Implications

None

6.8 Comments from Senior Management

None required

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	Office Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	donovan.muller@stellenbosch.gov.za
REPORT DATE	27 February 2019

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
-----	---------------------------------------

NONE

***THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER,
CLLR WC PETERSEN (MS), AND SHE AGREES WITH THE CONTENT.***
