
9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

FOR INFORMATION

APPENDIX 1

Council Meeting		Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
394114	INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE	<p>7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE</p> <p>35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council rescind its resolution taken at the meeting dated, 2014-01-16, with regard to Item 7.2;</p> <p>(b) that the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 unsold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>	2015-10-28	SCHALKVDM	95.00	An item, on the proposed way forward, has been prepared for internal circulation after which it will serve before Council.
478901	THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY	<p>7.6.4 THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.4</p> <p>RESOLVED (nem con)</p> <p>(a) that the attached Draft 3rd Generation IWMP be supported by Council for approval in principle; and</p> <p>(b) that the proposed Draft 3rd Generation IWMP be duly advertised for public comment until the end of February 2017, and be re-submitted together with any</p>	2016-11-23	CLYTONH	95.00	<p>The content of the IWMP has been finalised and the annual review thereof has been completed.</p> <p>Green Cape has withdrawn its offer to do this free of charge and we had to appoint a Consultant to finalise.</p> <p>The following plan of action is now envisaged: 1. Consultant Appointed 26 June 2020 2.Receive final document and report 30 August 2020</p>

		comments / objections by D:EA&DP and the public, for final approval and adoption by Council.				3.Submit Draft to MAYCO 16 September 2020 (or closest alternate date if MACO does not meet) 4.Submit Draft to Council on 30 September 2020. 5.Send for Public Participation in October 2020. 6.Take to MAYCO and Council in November 2020
478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC	7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT 4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2 RESOLVED (majority vote) (a) that Council approves the proposal that an assessment of the municipality's capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision; and (b) that, should the above assessment recommend the use of an external mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an external mechanism. The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).	2016-11-23	ROSCOE B	70.00	Due to the COVID-19 Lockdown, no Portfolio Committee could be held. This will serve on the next session, virtual or otherwise, of the Portfolio Committee.
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS 8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1 RESOLVED (majority vote with abstentions) (a) that Council supports the establishment of a "heritage portfolio" that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the heritage portfolio; (b) that the Rhenish complex including Voorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets; (c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;	2017-04-26	PIETS	30.00	Information Statement was compiled and submitted to DCS for approval, where after it must be advertised. Council must then consider inputs/objections received as a consequence of the notice (if any) before making a decision on the future use of the properties.

		<p>(d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the ATR, with the view of awarding long term rights in relation to the Category A properties;</p> <p>(e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B;</p> <p>(f) that, following the public participation process, a report be tabled before Council to consider in principle, the awarding of long term rights in the relevant properties, whereafter a public competitive disposal process be followed; and</p> <p>(g) that, with regard to the properties listed as Category B and C, the Municipal Manager be mandated to investigate the best way of disposing of or managing these assets, including feasibility studies on the possible disposal/awarding of long term rights and/or outsourcing of the maintenance function and that a progress report be tabled before Council within 6 months from the date of approval of the recommendation.</p> <p>Councillor F Adams requested that his vote of dissent be minuted.</p> <p>(DIRECTOR: PLANNING AND ECON DEV TO ACTION)</p>				
514994	STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE	<p>7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;</p> <p>(b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of 'Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;</p> <p>(c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and</p> <p>(d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.</p>	2017-04-26	SCHALKVDM	75.00	Environmental Impact Assessment proceeded on 2 sites, Louw's Bos and Culcatta Bos. Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998 [NEMA]) for the Culcatta Bos site was issued on 20 September 2019 and Louw's Bos 22 January 2020. An appeal on the EA issued for Louw's Bos has been received and is currently dealt with by the appointed Environmental Assessment Practitioner. Expecting a decision on Water Use Licensing by DWS (both of which have been confirmed to be General Authorizations) on both by July 2020. Both site's Land Use Applications has been advertised.

		(DIRECTOR: PLANNING & ECON DEV TO ACTION)				
543953	SOLID WASTE UPGRADE REPORT	<p>7.6.2 SOLID WASTE UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and</p> <p>(b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-09-27	CLAYTONH	90.00	<p>The Department is still reviewing the document and do have some issues to clarify with the service provider based on recommendations made which are not in line with the current functioning of these components. This will affect staff structure as well amendments to be incorporated in the report. Due to the COVID-19 Lockdown, this will now be submitted to Council by June 2020.</p> <p>Following program:</p> <ol style="list-style-type: none"> 1. Submit Section 78(3) report for a Section 78(4) decision to MAYCO on 12 August 2020 or closest alternate date if MACO does not meet) Submit Draft to 2. Submit Section 78(3) report for a Section 78(4) decision to Council on 26 August 2020 or closest alternate date if MACO does not meet)
559586	DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI	<p>7.5.2 DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the block approach/method be implemented in Zone O (upper part next to Thubelisha) to effectively address the provision of new housing opportunities i.e. servicing of sites and construction of high density residential units;</p> <p>(b) that beneficiaries that were not allocated houses on the bottom part (access road) be allocated a site or Temporary Relocation Area units once (a) has been achieved and if there is any space available;</p> <p>(c) that, within the block approach non-qualifiers that earn R3 501 to R7 000 per month be allocated serviced sites in accordance with the Finance Linked Individual Subsidy Programme (FLISP);</p> <p>(d) that, within the block approach non-qualifiers (as prescribed by housing policy guidelines) that earn between R7 001 to R15 000 per month be allocated a serviced site at a cost equal to the amount as approved by Provincial Department of Human Settlement (PDoHS) for a serviced site in the project (Watergang Phase 2, Kayamandi);</p>	2017-11-29	LESTERVS	96.00	<p>The service provider has prepared all engineering designs for phase 1 and is in the process to finalise it with Engineering Services. All the necessary funding applications for PDoHS has been submitted and await approval.</p> <p>It should be noted that this project will be dealt with in phases, the COVID 19 pandemic has substantially affected the timeframes.</p>

		<p>(e) that ±40 beneficiaries from Enkanini that are on the road reserve be allocated temporary housing units to enable the Municipality to implement the erf 2175 pilot project (i.e. electrification, sanitation, water);</p> <p>(f) that Temporary Relocation Area 1 residents who were not allocated units in 2005, that does not qualify for a housing subsidy also be allocated sites (±20 beneficiaries);</p> <p>(g) that the 10m road reserve be waived and the 8m road reserve be approved in order to create more housing opportunities;</p> <p>(h) that 10% of the Temporary Relocation Areas be reserved for emergency cases in accordance with Council's Emergency Housing Assistance Policy (EHAP);</p> <p>(i) that once the above process has been completed and should plots still be available in the Temporary Relocation Areas (TRA), beneficiaries are identified from Zone N that can be allocated sites in the TRA (only from the group that was placed there by the Municipality); and</p> <p>(j) that the parking requirements be amended from one (1) parking per housing unit to 0,6 average per housing unit.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>				
559971	<p>PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED INCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO</p>	<p>PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the land parcels listed in paragraph 1.(i) and indicated in Figure 12 be identified as land not needed by Stellenbosch Municipality to provide the minimum level of services; and</p> <p>(b) that the Municipal Manager be authorized to initiate a Call for Proposals process with minimum requirements as determined through preliminary investigations to be completed by the administration.</p> <p>Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>	2017-11-29	LESTERVS	95.00	<p>Bulk sewer upgrading is ongoing.</p> <p>The service provider that was appointed to prepare the Bill of Quantities completed their scope of work by end of July 2020. This will enable the tenderers to complete Stage 2 of the Call for Proposals.</p>
582874	<p>FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE:</p>	<p>8.4.2 FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE: CONSIDERATION OF INPUTS RECEIVED</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 8.4.2</p>	2018-03-28	PIETS	50.00	<p>The specifications for the new building is being prepared and is targeted for finalisation and BSC in November 2020.</p>

	CONSIDERATION OF INPUTS RECEIVED	RESOLVED (nem con) a) that Council takes note of the large number of inputs/comment received; and b) that a multi-purpose building be planned and after erection of building council call for proposals from the Stellenbosch Community for its utilization in line with our strategic objectives.				
616959	MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM	7.5.5 MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM 21ST COUNCIL MEETING: 2018-10-31: ITEM 7.5.5 RESOLVED (nem con) (a) that Council approves that the administration embarks on a process of updating data on the old Housing Waiting List; (b) that all updated information be imported into the Municipal Housing Demand Database; and (c) that, when the above process has been concluded, the Municipal Housing Demand Database becomes the only reference point and source of information in determining the municipality's housing backlog and the profile of applicants.	2018-10-31	ROTANDAS	95.00	The capturing of all data collected during the completed Demand Data programme on both the Western Cape and Vois Systems is still in process. The Vois System now generates weekly reports on all updated applicants in the WC024, and shortly will generate monthly reports on capturing done.
616964	POSTER BY-LAW	7.6.2 POSTER BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE 21ST COUNCIL MEETING: 2018-10-31: ITEM 7.6.2 RESOLVED (nem con) (a) that the report be accepted; (b) that the Draft By-Law Relating to Outdoor Advertising and Signage, attached as ANNEXURE 1, be accepted as the copy of the By-Law to be used in a Public Participation process; (c) that the Draft By-Law relating to Outdoor Advertising and Signage be duly advertised for the purpose of a public participation process until the end of January 2019; and (d) that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption.	2018-10-31	DEONL	80.00	Meeting held with Heritage committee; Meeting with Stellenbosch Interest Group was held on 03 February 2020. Due to the COVID-19 Lockdown, no further sessions could be held with the public to finalise this document. Once the Lockdown Alert Levels allow, or communication equipment allow, then this process will be finalised. Final Historical Committee Meeting to be held with Historical Committee. Need do this on MS Teams due to high comorbidity situation with participants. Envisaged program: 1. Historical Meeting within August 2. Item to joint S80 Committee in September 2020 3. Item Mayco in September 2020 4. Final Draft to Council in September 2020 5. Fresh Public participation in October 2020 6. Items to S80 committee November 2020 7. Final item to Mayco November 2020

						8. Final Item to Council November 2020 9. Promulgate in December 2020.
616954	CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI	7.2.3 CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI 21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.3 RESOLVED (majority vote with abstentions) (a) that Council resolves not to condone the criteria set out in the tender documentation published on 12 November 2016; and (b) that Council resolves that the following criteria be used in the new tender process, i.e. i) Beneficiary must be a resident of Kayamandi for a minimum period of ten (10) years; ii) If younger than 40 years (at date of closing tender), then the beneficiary must be married or have a legal dependent staying with him/her; ii) May not have received any form of financial assistance/subsidy from the State in obtaining a house/serviced site previously; iii) May not currently own any other fixed asset; iv) Must be a South African citizen; v) Must be a first time home owner; and vi) that a pre-emptive clause be inserted in the title deed of the property that the property be developed within 2 years and not be sold within 5 years of registration.	2018-10-31	PIETS	40.00	The specifications have been submitted to the DCS. Once approved by the DCS it will be submitted to the BSC, where after the tender will be advertised
621772	PROPOSED SERVICE DELIVERY IN JONKERSHOEK	7.2.4 PROPOSED SERVICE DELIVERY IN JONKERSHOEK 22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4 RESOLVED (majority vote with abstentions) (a) that the Power of Attorney from the National Department of Public Works, authorising Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted; (b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy; (c) that the Administration be authorised to provide/upgrade Access to Basic Services (Communal services) in informal areas, free of charge; (d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for	2018-11-28	ALL DIRECTORS	30.00	The National Department of Public Works requested the use of the office space. A meeting in this regard was scheduled for 29 January 2020. Water Services is already available, a sanitation service is now provided as well as a waste service. Electricity is provided by Eskom.

		<p>possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s);</p> <p>(e) that the National Department of Public Works be requested to transfer the land to Stellenbosch Municipality;</p> <p>(f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality;</p> <p>(g) that, the Director: Infrastructure Services be requested to compile a status quo report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure;</p> <p>(h) that the Director: Planning & Economic Development be requested to finalise the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013;</p> <p>(i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorised structures being constructed/erected;</p> <p>(j) that a progress report be tabled to Council within 6 months, including an environmental impact report and indicating progress that has been made regarding the provision of services; and</p> <p>(k) that, in the mean-time, all expenditure be incurred within the existing, approved budget.</p> <p>The following Councillors requested that it be minuted that they abstained from voting on the matter:</p> <p>Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p>				
639570	TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF THE FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS	<p>7.7.2 TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)</p> <p>25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.2</p> <p>RESOLVED (majority vote)</p> <p>a) that Council authorises the Municipal Manager to start the Public Participation Process (60 days) as per Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing and management</p>	2019-03-27	WIDMARKM	85.00	<p>Further inputs were solicited from the Kayamandi councillors. Part of the engagement was to visit similar facilities in Phillippi and Khayelitsha.</p> <p>The final report will serve in Council in August.</p>

	FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)	<p>of the Kayamandi Economic and Tourism Corridor;</p> <p>(b) that Council gives reasonable consideration to all regulations and processes required by the Municipal Policy on the Management of Immovable Property, the Asset Transfer Regulations and prescriptions of the MFMA, and then to follow the process that best ensures the correct operational outcome for the Kayamandi Economic and Tourism Corridor;</p> <p>(c) that the local community be invited to submit representations; and</p> <p>(d) that the Municipal Manager be authorized to conclude the contract or agreement after (c) above is finalized in terms of the applicable Act/Regulation.</p> <p>The following Councillors requested that their votes of dissent be minuted: Cllrs RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</p>				
	PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS	<p>7.2.2 PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS</p> <p>26TH COUNCIL MEETING: 2019-04-24: ITEM 7.2.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that it be noted that no comment/inputs were received from the residents of wards 1 and 2 in regard to the future use of the properties;</p> <p>(b) that erven 3192, 3019 and 3111 be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be, in principle, disposed of;</p> <p>(c) that Council resolves that the properties be put out on a Call for Proposals for multi-purpose institutional use to the benefit of the community. Proposals will be evaluated based on the type of institutional uses, how it will benefit the greater community, and how many institutions will be accommodated through the proposals;</p> <p>(d) that the matter be reported back to Mayco and Council after implementation of resolution (c) above; and</p> <p>(e) that the conditional awarding of the tenders by the Bid Adjudication Committee, should in principle disposal be approved, be submitted to Council to make a final determination on the disposal of the properties.</p> <p><i>Councillor DA Hendrickse requested that his vote of dissent be minuted, on the grounds that, in his view, the item is not legally compliant.</i></p>	2019-04-24	ANNALENEDB	40.00	The specifications have been submitted to the DCS. Once approved by the DCS it will be submitted to the BSC, where after the tender will be advertised

PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)	<p>7.2.2 PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL) 27TH COUNCIL MEETING: 2019-05-29: ITEM 7.2.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Erf 347, Le Roux (Groendal) be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of in principle;</p> <p>(b) that Council resolves to dispose of the property by going out on a Call for Proposal, soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies;</p> <p>(c) that the market value of the property be determined by two independent valuers and be taken into consideration in the SCM determination and reported to Council when the item is tabled for final consideration as indicated in (d) below; and</p> <p>(d) that, following the supply chain process, the matter be brought back to Council for a final decision on whether to dispose of the property under the conditions set in the supply chain process.</p> <p><i>Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted</i></p>	2019-05-29	PIETS	30.00	Compilation of tender document in progress.
DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019	<p>7.7.1_DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019 27TH COUNCIL MEETING: 2019-05-29: ITEM 7.7.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved in principle; and</p> <p>(b) that the Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be advertised for public comment for a period of 60 days, where after same be submitted to Council for final consideration and subsequent adoption in terms of the Local Government Municipal Systems Act No. 32 of 2000.</p>	2019-05-29	STIAANC	75.00	Item to Council in preparation and will be finalised and submitted for consideration during August 2020.
PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (EISENBURG) FROM PROVINCIAL	<p>7.10.2_PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (EISENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY</p> <p>27TH COUNCIL MEETING: 2019-05-29: ITEM 7.10.2</p>	2019-05-29	PIETS/LESTERVS	60.00	The service provider concluded the feasibility study and submitted it to the user department as per their timeframe. An item was prepared and submitted in April 2020.

	GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY	<p>RESOLVED (nem con)</p> <p>(a) that Council, in principle, agrees to take over the Management of the Vaaldraai Settlement, as an interim arrangement;</p> <p>(b) that Council, in principle, agrees to attend to the township establishment of Vaaldraai, subject thereto that additional land be made available, the detail to be agreed upon;</p> <p>(c) that before any final decision in this regard is made (i.e. (a) and (b) above) the Department: Planning and Economic Development be requested to conduct a feasibility study, which study must also attend to the availability (or not) of bulk infrastructure as well as the identification of additional land to be transferred, taking into account the number of residents/backyard dwellers already on the property; and</p> <p>(d) that, following the feasibility study, a progress report be submitted to Council with the view of making a final determination on the matter.</p>				In accordance with the Council decision, a funding application is being compiled to be submitted to PDoHS at the end of July 2020.
	TABLING OF REPORT SEEKING AUTHORISATION FOR THE MUNICIPAL MANAGER TO ENTER INTO MULTI-STAKEHOLDER ENGAGEMENT TO EXPLORE POTENTIAL TO UNLOCK THE RE-GENERATION AND TRANSFORMATION POTENTIAL OF THE ADAM TAS CORRIDOR	<p>8.2.4 TABLING OF REPORT SEEKING AUTHORISATION FOR THE MUNICIPAL MANAGER TO ENTER INTO MULTI-STAKEHOLDER ENGAGEMENT TO EXPLORE POTENTIAL TO UNLOCK THE RE-GENERATION AND TRANSFORMATION POTENTIAL OF THE ADAM TAS CORRIDOR 27TH COUNCIL MEETING: 2019-05-29: ITEM 8.2.4</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council authorizes the Municipal Manager to enter into a multi-stakeholder engagement involving the key national departments, relevant local government institutions, the university, private stakeholders, and various landowners;</p> <p>(b) that Council authorizes the Municipal Manager to explore a public private partnership for the Adam Tas Re-generation Initiative;</p> <p>(c) that Council authorizes the Municipal Manager to undertake further work to explore the feasibility, dependencies, and associated risks, etc. in determining the appropriate path for unlocking the Adam Tas Corridor; and</p> <p>(d) that the Municipal Manager provides feedback to Council.</p> <p><i>Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>	2019-05-29	SHIREENDV/CRAIGA	70.00	<p>The item was tabled, and the recommendations were adopted by Council.</p> <p>Continuous interactions are taking place between the municipality and the province to ensure a coordinated approach by the 2 spheres of government. A draft summary of the ATC has been incorporated into the mSDF.</p> <p>The Senior Manager Development Planning advertised in June 2020 to appoint a service provider to develop a concept plan for the Adam Tas Corridor.</p> <p>Progress report on the compilation of draft Adam Tas Corridor Local Spatial Development Framework submitted to MayCo/Council in July 2020.</p>

	<p>VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL</p>	<p>12.2 VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL</p> <p>29TH COUNCIL MEETING: 2019-07-24: ITEM 12.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that the draft MOU between the Stellenbosch Municipality and the SSRA be approved for a six-month period;</p> <p>(b) that, upon the dissolution of the lease agreement between the SSRA and Van Der Stel Sports Council, the Director: Community & Protection Services be mandated to conclude a lease agreement, in line with a rental amount in line with relevant tariffs for rental of municipal property, as amended, from time to time;</p> <p>(c) that Council agrees that the Community Services Department review the Sport Policy and Facilities Management Model (Plan) of the Stellenbosch Municipality, in consultation with the SSRA;</p> <p>(d) that Council notes that the Municipality will appoint a service provider to conduct a forensic audit of the financial (accounts), operational systems and processes in operation at the Van Der Stel Sport Club; and that the Senior Manager Community Services report back to Council on the forensic investigation's outcome;</p> <p>(e) that Council notes that the Community Services Department will commence with the process to develop an alternative management model for the Van Der Stel Sport facility, in consultation with the SSRA;</p> <p>(f) that a separate report on the outstanding debt of Area Sport Councils be submitted to the next Council Meeting; and</p> <p>(g) that the period of the aforementioned lease agreement period not exceed six (6) months and that the draft Lease Agreement be updated to reflect same.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango (Ms); N Mananga-Gugushe (Ms); MD Oliphant and N Sinkinya (Ms);</i></p>	2019-07-24	ALBERTVDM	80.00	<p>The reviewed of the Sports Facility Management Plan will be in line with the decision taken on the way forward regarding the management of Van der Stel Sports Facilities.</p> <p>The first workshop was held between the SSRA, their affiliates and Stellenbosch municipality to discuss a new management model for all the sports codes/facilities. The resolution at the workshop was to determine a working group to discuss and make recommendations regarding a possible new sports model. The working group did gather on Thursday 13 February 2020.</p> <p>Point (a), (b) and (c) has been address.</p> <p>The department is in the process of appointing a Service Provider to do a forensic audit and to develop an alternative management model.</p> <p>Report has been finalize, making recommendations to Council for a new Sports management Model.</p>
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		<i>Cllr J Hamilton requested that his vote of support be minuted.</i>				
	PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION	11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION 30 TH COUNCIL MEETING: 2019-08-28: ITEM 11.2.1 RESOLVED (nem con) (a) that the portion of erf 62, used as a police station, be identified as land not needed for municipal purposes during the proposed lease period; (b) that approval be granted for the renewal of the Lease Agreement for a period of 9 years and 11 months; (c) that it be noted that leasing property to another sphere of government/organ of state is exempted from following a public participation process; (d) that Council considers the request of the department to rent the property at an amount of R 6121.99 per month, escalating at 6% per annum, and (e) that the Municipal Manager be authorised to draft and sign an appropriate new lease agreement.	2019-08-28	PIETS	90.00	Lease agreement submitted to DPW for signature. No response yet – to be followed up with Department.
	ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION	11.7.1 ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION 30 TH COUNCIL MEETING: 2019-08-28: ITEM 11.7.1 RESOLVED (nem con) that the draft Economic Development Strategy be approved and published for further inputs from the public for a period of 30 days.	2019-08-28	WIDMARKM	70.00	Strategy to be revisited to make provision for the impact of COVID-19 on the economy and possible strategies and measures to mitigate the negative impact
	APPROVAL OF LEASE AGREEMENT FOR OFFICE SPACE: EIKESTAD MALL	13.3 APPROVAL OF LEASE AGREEMENT FOR OFFICE SPACE: EIKESTAD MALL 30 TH COUNCIL MEETING: 2019-08-28: ITEM 13.3 RESOLVED (majority vote) (a) that Council approves the conclusion of a 2-year Lease Agreement with an option of a further renewal with Eikestad Mall Joint Venture, based on a tariff of R210/m ² , for 961.01m ² , escalating at 8% per annum for the current and additional office space available;	2019-08-28	PIETS	100.00	Lease agreement concluded.

		<p>(b) that the Municipal Manager be authorised to conclude the lease agreement with Eikestad Mall Joint Venture; and</p> <p>(c) that it be noted that the Municipal Manager will allocate the office space in view of the needs identified.</p> <p><i>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>																																													
	<p>THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS</p>	<p>13.1 THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS</p> <p>30TH COUNCIL MEETING: 2019-08-28: ITEM 13.1</p> <p>RESOLVED (nem con)</p> <p>(a) that Council notes the process undertaken and the final recommended outcomes as listed below.</p> <table border="1" data-bbox="434 673 1211 1348"> <thead> <tr> <th>No</th> <th>Portion</th> <th>Size (ha)</th> <th>Water (ha)</th> <th>Highest scorer</th> <th>Recommended</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>502 V</td> <td>21.6</td> <td>8</td> <td>Hylton P Arendse</td> <td>That Hylton P. Arendse be the preferred applicant for 502 V.</td> </tr> <tr> <td>13</td> <td>502 AP</td> <td>7</td> <td>2</td> <td>Chris Jacobs</td> <td rowspan="2">That Chris Jacobs be the preferred applicant for 502 AP and AM. The two pieces of land lay adjacent to each other and will make economic sense to farm as one unit</td> </tr> <tr> <td>12</td> <td>502 AM</td> <td>8.56</td> <td>3</td> <td>Chris Jacobs</td> </tr> <tr> <td>4</td> <td>502 AW</td> <td>6</td> <td>0</td> <td>Bradley Cortereal</td> <td>That Bradley Cortereal be the preferred applicant for 502 AW.</td> </tr> <tr> <td></td> <td>502 AU</td> <td>8.9</td> <td></td> <td>Re advertise for beekeeping</td> <td>Portion 502AU is regarded as a nature conservation area by Cape Nature, the only farming purpose this land could be utilized for is beekeeping as the property is overgrown by fynbos.</td> </tr> <tr> <td></td> <td>502 M</td> <td>5.1</td> <td>3</td> <td></td> <td></td> </tr> </tbody> </table>	No	Portion	Size (ha)	Water (ha)	Highest scorer	Recommended	5	502 V	21.6	8	Hylton P Arendse	That Hylton P. Arendse be the preferred applicant for 502 V.	13	502 AP	7	2	Chris Jacobs	That Chris Jacobs be the preferred applicant for 502 AP and AM. The two pieces of land lay adjacent to each other and will make economic sense to farm as one unit	12	502 AM	8.56	3	Chris Jacobs	4	502 AW	6	0	Bradley Cortereal	That Bradley Cortereal be the preferred applicant for 502 AW.		502 AU	8.9		Re advertise for beekeeping	Portion 502AU is regarded as a nature conservation area by Cape Nature, the only farming purpose this land could be utilized for is beekeeping as the property is overgrown by fynbos.		502 M	5.1	3			<p>2019-08-28</p>	<p>WIDMARKM</p>	<p>70.00</p>	<p>The department is still in the process of identifying more vacant land to make available to emerging farmers but at the same reviewing the policy as requested by Council.</p> <p>Currently the department is in the process to appoint a service provider to prepare a business plan with concept designs for the Farmers Production Support Unit.</p>
No	Portion	Size (ha)	Water (ha)	Highest scorer	Recommended																																										
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			502 W	9	3	Re advertise 502 M & 502 Was one unit	The portion is located next to 502W, and should be utilised as a water resource for 502M as it is a wetland area, which will not be suitable for farming on its own.					
		5	502 BFN	15.5	6	Eisenburg Khoisan Farmers	That Eisenburg Khoisan Farmers be the preferred applicant for 502BFN. More than 10ha of land have been already allocated to both Hilton Arendse and Chris Jacobs.					
		18	619/1	26	0	Jeremy van Niekerk	That Jeremy van Niekerk be the preferred applicant for 619/1. More than 10ha of land have been already allocated to both Chris Jacobs and Eisenburg Khoisan Farmers.					
		27	279 BN	25.3	0	Re-advertised	Recommended to be re-advertised.					
			165/1	10.5	0	Re-advertised	No responsive application was received for this portion of land. The land in its current state should be utilised for grazing purposes Recommended to be re-advertised					
		(b)	that the Policy be reviewed to address the unintended consequences; and									
		(c)	that the Administration continue with the implementation of the Policy in regard to vacant land.									
	DRAFT PROBLEM PROPERTY BY- LAW FOR STELLENBOSCH MUNICIPALITY ON, 17 MAY 2019	11.7.1 DRAFT PROBLEM PROPERTY BY- LAW FOR STELLENBOSCH MUNICIPALITY ON, 17 MAY 2019					2019-09-25	STIAANC	75.00	Item to Council was prepared and finalised and submitted to Council for consideration in July 2020.		
	DRAFT PROBLEM PROPERTY BY- LAW FOR STELLENBOSCH MUNICIPALITY ON, 17 MAY 2019	31 ST COUNCIL MEETING: 2019-09-25: ITEM 11.7.1 RESOLVED (nem con)										

		<p>(a) that the revised Draft By-law on Problem Properties for Stellenbosch Municipality, 17 May 2019, be advertised for public participation for 30 days; and</p> <p>(b) that after the comments have been reviewed, the edited By-Law be resubmitted to the Mayoral Committee and Council for final consideration and subsequent approval.</p>				
DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019	<p>11.7.2 DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019</p> <p>31ST COUNCIL MEETING: 2019-09-25: ITEM 11.7.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the revised Policy on Place Naming and Street Naming, Renaming and Numbering for Stellenbosch Municipality be advertised for public comment for 60 days;</p> <p>(b) that after public participation has been received, the Draft Policy will be brought back to Council for final consideration; and</p> <p>(c) that the final approved Policy be translated into all 3 official languages.</p>	2019-09-25	STIAANC	65.00	Public participation concluded and an Item to Council is in preparation and will be finalised and submitted for consideration during August 2020. .	
TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE	<p>11.2.1 TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 11.2.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that transfer to the 10 households that are paid up be effected as a matter of urgency;</p> <p>(b) that a monthly progress report from the transferring attorney on the status quo and progress of the transfer be provided to the Municipality;</p> <p>(c) that letters be given as a matter of urgency to the 9 beneficiaries who allowed illegal occupants to occupy the houses to provide reasons why the houses should not be transferred to other beneficiaries;</p> <p>(d) that letters be given as a matter of urgency to all illegal occupying households to provide reasons why they should not be evicted from the houses they are occupying illegally as they were not recognised as the beneficiaries for the houses they occupy;</p>	2019-10-23	PIETS	80.00	A public meeting was held with all residents, where council resolution, and the impact thereof has been explained to residents. Notices were subsequently served on all the residents, as per the Council resolution. Await input from residents, where after a progress report will be tabled at Council. Department task to get the report from the attorneys.	

		<p>(e) that an investigation as a matter of urgency be lodged as to how the 10 illegal occupants of unallocated houses were allowed to occupy the houses; and</p> <p>(f) that letters be given as a matter of urgency to all beneficiaries who are in arrears on the outstanding rental amounts to inform them that council intend to assist them, should they qualify for financial assistance from financial institutions or government subsidies to buy the houses. They will however still be liable for outstanding amounts on services.</p>				
ACQUISITION OF ERF 1852	<p>11.2.2 ACQUISITION OF ERF 1852</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 11.2.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the Municipal Manager be authorised to enter into a tender process for the acquisition of Erf 1852, Stellenbosch; and</p> <p>(b) that should the Municipality be the successful tenderer it be subject to Council's approval.</p> <p><i>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>	2019-10-23	ANNALENEDB/KEVINC	100.00	Finalised. Building transferred.	
DRAFT HOUSING ALLOCATION POLICY	<p>11.4.1 DRAFT HOUSING ALLOCATION POLICY</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 11.4.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council adopts the Housing Allocation Policy as a draft, in principle, and</p> <p>(b) that the Draft Housing Allocation Policy for Stellenbosch Municipality be advertised for public comments, whereafter it be resubmitted to Council for final consideration and subsequent adoption.</p>	2019-10-23	ROTANDAS	90.00	The policy was submitted to the Top management for input and was referred back for revision to insert clauses dealing with cases of anti-social behaviour.	
IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA	<p>11.4.2 IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 11.4.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that the Directorate: Planning and Economic Development be requested to conduct feasibility studies on all the erven that were identified in the</p>	2019-10-23	LESTERVS	40.00	A technical proposal was advertised on 13 March 2020 to request a service provider to undertake a feasibility study of these various sites within the Cloetesville. The closing date of tender was 25 March 2020. Due to the National State of Disaster (Covid 19), the closing date had to be extended to 25 May 2020. An evaluation report served before BEC on 24 June 2020 and the BAC	

		<p>Aurecon report, as well as the sites identified by the representatives of the Backyarders Committee except those mentioned in paragraph (c) below;</p> <p>(b) that these studies include the feasibility for housing, including emergency housing, different housing typologies that address the challenges the communities are facing in the Cloetesville area; or whether it will be better suited for other community needs;</p> <p>(c) that the Municipal Manager be mandated to start an investigation into non-municipal land including properties owned by the national or provincial government that may be acquired by Council for housing purposes; and</p> <p>(d) that a feasibility study report be submitted as soon as possible but not later than the end of the current financial year.</p>				award the tender on 26 June 2020. The successful service provider has accepted the appointment and work will commence, soonest.
	INTEGRATED HUMAN SETTLEMENTS PLAN: STELLENBOSCH MUNICIPALITY	<p>13.2 INTEGRATED HUMAN SETTLEMENTS PLAN: STELLENBOSCH MUNICIPALITY</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 13.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council note the responses received from the public participation process with respect to the Integrated Human Settlement Plan (IHSP);</p> <p>(b) that Council takes note of the request for an additional information session with especially with the residents of Onder-Papegaaiberg and other stakeholders;</p> <p>(c) that a public meeting is scheduled on 29 October 2019 to address the concerns raised in the comments received from the public; and</p> <p>(d) that the departments Roads, Transport, Stormwater and Traffic Engineer, Spatial Planning and Housing Development make presentations as suggested in the correspondence of Stellenbosch Interest Group.</p> <p>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p>	2019-10-23	LESTERVS	97.00	A service provider was appointed to align the approved MSDF and the IHSP. The alignment proposals and inputs from internal departments had to be delayed given the challenges experienced during the National lockdown. The item whereby the alignment has been formalised will be submitted to Council during August 2020.
	ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY	<p>13.3 ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 13.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that, after considering the comments made by the public, Council adopts the Stellenbosch Informal Trading Policy; and</p>	2019-10-23	WIDMARKM	60.00	The department is still in the process to align the current informal trading bylaw to bring it in line with the newly adopted Informal Trading Policy.

		(b) that the Stellenbosch Informal Trading By-Law be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.				
APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY	11.5.1 APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY 33 RD COUNCIL MEETING: 2019-11-27: ITEM 11.5.1 RESOLVED (majority vote) (a) that the content of this report be noted; (b) that the Draft Traffic Calming Policy, attached as ANNEXURE A, be accepted as the copy to be used in a Public Participation process; (c) that the Draft Traffic Calming Policy be duly advertised for the purpose of a public participation process; and (d) that upon the completion of the public participation process, the Draft Traffic Calming Policy together with any comments/objections be resubmitted to Council for final approval and adoption.	2019-11-27	DEONL/JOHANF	40.00	Report to be submitted for final approval to Council in June 2020. Program 1. Results of Public Participation to S80 in August 2. Item to MAYCO August 2020 3. Item to Council August 2020	
PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYER STREET	11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYER STREET 33 RD COUNCIL MEETING: 2019-11-27: ITEM 11.2.1 RESOLVED (majority vote) (a) that Council considers the application; (b) that should the renewal of the lease agreement be approved in principle, the in-principle decision be advertised for public comment/input/counter proposals and the lessee be allowed to continue with the current lease until a final decision can be made; (c) that, following the public participation process, the item be submitted to Council to make a final determination in this regard. (d) that a new market related lease amount be determined, based on an independent valuation being obtained. <i>The following Councillors requested that their votes of dissent be minuted:</i>	2019-11-27	PIETS	95.00	Return item compiled after the public participation process. To be considered by Council in July 2020	

		<i>Cllr F Adams; FT Bangani-Menziwa (Ms) (Ms); Cllr DA Hendrickse; RS Nalumango (Ms); MD Oliphant; C Moses (Ms) and LL Stander.</i>				
	PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH	<p>11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.1</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council takes note of the fact that no written submissions were received;</p> <p>(b) that council notes the amount of the fair market value and the implications the 50% rate has for the applicants;</p> <p>(c) that Council approves the renewal of the Lease Agreement with Historiese Huise van Suid Afrika Beperk in regard to erven 3389 and 607, for a period of 9 years and 11 months, subject to a 3 months' early termination;</p> <p>(d) that, given the fair market value amount and amounts spent on maintenance by the applicants, the rate be reduced to 25% of the fair market value; and</p> <p>(e) that given the reduction in rate, the intention to enter into an agreement at the reduced rate be advertised again for any objections. Should no objections be received the Municipal Manager be mandated to continue with the finalisation of the lease agreement.</p>	2020-01-29	PIETS	100	Second public participation process completed. No input from public. Agreement for renewal of lease to be signed by Municipal Manager.
	ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722	<p>11.2.3 ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land, as indicated on Fig 3,4 and 5 respectively, be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;</p>	2020-01-29	PIETS	90.00	Return item will serve at the July meeting

		<p>(b) that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request subject to advertising the intent to enter into the agreement for public comment/inputs/objections; and</p> <p>(c) that the rental be determined as per the tariff rate.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms);</i> <i>N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</i></p>				
TO ENTER INTO A LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHI'S) AND/OR OTHER DEVELOPMENT AGENCIES (ODA) FOR THE DEVELOPMENT AND MANAGEMENT OF AFFORDABLE RENTAL ACCOMMODATION IN THE APPROVED RESTRUCTURING ZONES	<p>11.4.2 TO ENTER INTO A LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHI'S) AND/OR OTHER DEVELOPMENT AGENCIES (ODA) FOR THE DEVELOPMENT AND MANAGEMENT OF AFFORDABLE RENTAL ACCOMMODATION IN THE APPROVED RESTRUCTURING ZONES</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.4.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council approves in principle the development proposal of the 3 precincts namely Lap Land, La Colline, Teen-die-Bult as set out in the draft feasibility studies;</p> <p>(b) that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHI's) or Other Development Agencies (ODA's);</p> <p>(c) that a Smart Partnership and a Land Availability Agreement be entered to with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and</p> <p>(d) that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.</p> <p><i>Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.</i></p>	2020-01-29	LESTERVS	10.00	The user department has prepared an advertisement for public comment with regards to long term lease of Municipal land for Social Housing Institutions (SHI's) and/or other Development Agencies (ODA's). The advertisement will be published in the newspaper by the end of May 2020.	
FEEDBACK ON THE PUBLIC PARTICPATION PROCESS ON THE FUTURE USE/UPGRADE OF THE BRAAK	<p>11.7.1 FEEDBACK ON THE PUBLIC PARTICPATION PROCESS ON THE FUTURE USE/UPGRADE OF THE BRAAK</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.7.1</p> <p>RESOLVED (majority vote)</p>	2020-01-29	WIMARKM	60.00	Advertising of submissions were delay due to the lockdown. Advertising will take place in the next two weeks.	

		<p>(a) that Council notes the submissions received in response to the notice published to call for public input into the proposed future use / upgrade of the Braak as discussed in 6.1 and attached as (APPENDIX A); and</p> <p>(b) that the submitted proposals be advertised for a period of 60 days after which it be resubmitted to Council for final consideration.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs F Adams; DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</i></p>			
SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING	<p>13.3 SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING</p> <p>35TH COUNCIL MEETING: 2020-02-26: ITEM 13.3</p> <p>RESOLVED</p> <p>a) that this report be noted;</p> <p>b) that Council accepts that all the requirements of Section 78(3) (Annexure A) in terms of investigating the feasibility of the provision of sufficient parking, has been complied with;</p> <p>c) that Council accepts that parking forms an integral part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT);</p> <p>d) that Council notes that in order to alleviate the parking process as a whole, matters such as PT, NMT, TOD must also be addressed in synchronisation, as this will directly affect the quantity and positioning of parking;</p> <p>e) that Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:</p> <p style="padding-left: 40px;">(i) Provision of open one level parking space needs, be performed on an internal mechanism;</p> <p style="padding-left: 40px;">(ii) Provision of multi storied parking space needs, be performed on an external mechanism.</p> <p>f) that Council approves the provision of parking as a first phase as mentioned hereunder, which must be in line with future mobility developments, as the final mobility status can by nature not be resolved at this time;</p>	2020-02-26	DEONL	<p>Municipal Systems Act. Section 80 and 81 – Providing a service through a Service Delivery Agreement. Any service provision of this nature was prohibited during the Alert Level 5 Lockdown period.</p> <p>The provision of single level public parking is being debated and will be addressed once the final 2020/21 budget has been approved. The latter is drastically affected by the COVID-19 Lockdown. A progress report will be submitted to Council early in the 2020/21 Financial year.</p> <p>Program:</p> <ol style="list-style-type: none"> 1. Planning to construct additional single level parking August 2020 2. Get planning approved and commence with construction approval. 3. Already following Section 80 Process to determine Service Delivery Agreement for a possible external Service Delivery for multiple level parking (September 2020). 4. Decide on vehicle of external service delivery (September 2020). 5. Develop SDA by November 2020. 6. Report to Council on Draft SDA as well as program for 	

		<p>g) that Council proceed with the initial provision and upgrade of parking spaces as follows:</p> <ul style="list-style-type: none"> (i) that the legislative process be commenced with to provide multiple level parking, and management thereof, utilising an External Mechanism of parking in the following areas: <ul style="list-style-type: none"> (1) Eikestad Mall Parking area bounded by Andringa -, Victoria, and Ryneveld Streets. Portion of erf 1692, erven, 1969, 1972, 1973, 1974, 1975, 1976, 6402 and 6636; and (2) Techno Park area, considering the area bounded by Tegno Road, Termo Avenue and Proton Road. Portion of erf 13171 (ii) that the following areas, as a first phase, be upgraded and/or developed as a single layer open space parking area, utilising an internal service delivery mechanism: <ul style="list-style-type: none"> (1) Dennesig Existing Parking Area, entrance in Hoffman Road, Part of Erf 235; (2) Municipal Court Existing Parking Area, entrance from Papegaai Road, Erf 528; (3) Aandklas Existing Parking Area, entrance from Du Toit Road Part of Erf 235; (4) New Parking Area Bounded by Borcherd Road and Andringa Street to be considered as an extension of the public parking on erf 2529; (5) New Parking Area Bounded by Jan Cilliers Road, Ds Botha Road and Muller Road to be considered as new parking area. Part of Erf 175/0; and (6) Parking area to be upgraded at the old tennis courts, Franschoek, Erf 1538. <p>(h) that Council proceeds with the setting up of a Service Delivery Agreements for the provision of Bulk Parking, as required by Section 80(1) & (2), of the</p>				<p>community participation January 2020.</p> <p>7. Community Participation to end March 2021.</p>
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		<p>MSA and in particular section 80(1)(b) (which prescribes an SDA with a Private Company) for the areas mentioned under 4.7.1;</p> <p>(i) that the Service Delivery Agreement be approved by Council as a draft SDA prior to Community Participation takes place; and</p> <p>(j) that the matter of providing a synchronised total mobility network be urgently pursued with all the role-players participating in the mobility arena which includes Public Transport, Non-Motorised Transport, Transit Oriented Development, Parking and Universal Access.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</i></p>				
	POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL BY WAY OF A CALL FOR PROPOSAL(S)	<p>5.4.1 POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL BY WAY OF A CALL FOR PROPOSAL(S)</p> <p>COUNCIL ITEM 5.4.1, 2020-03-31:</p> <p>After careful scrutiny of item 5.4.1: POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, BY WAY OF A CALL FOR PROPOSAL(S), and as per the delegation approved by Council on 25 March 2020 (item 9.1) to confer Council powers and functions upon the Executive Mayor, as such I HEREBY APPROVE THE SAID ITEM AS FOLLOWS:</p> <p>(a) that erven 412 and 284, Le Roux, be identified as land not needed to provide the minimum level of basic municipal services;</p> <p>(b) that the Administration is authorised to follow a public Call-for-Proposal, based on the points system as set out in paragraph 6.2.9;</p> <p>(c) that approval is granted for the discounted sales prices as set out in paragraph 6.2.6 subject to the sales restrictions set out in paragraph 6.2.7;</p> <p>(d) that approval is granted for the qualifying criteria set out in paragraph 6.2.8;</p> <p>(e) that the discounted bulk infrastructure contribution as set out in paragraph 6.2.10, is approved; and</p>	2020-03-31	LESTERVS	55.00	The user department (Property Management) together with Department: Housing Development is currently in process to formulating a Call for Proposal in line with the approved agenda item, to serve before the BSC. Currently, the user department is in the process of appointing a property-valuers to determine the market value which will form part of the Call for Proposal.

		(f) that, following the conditional awarding of the bid to the bidder(s) scoring the highest points, an item be submitted to Council to make a final decision on the disposal of the land.				
682329	ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES	<p>5.4.2.1 ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES</p> <p>COUNCIL ITEM 5.4.2, 2020-03-31:</p> <p>After careful scrutiny of item 5.4.2: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES, and as per the delegation approved by Council on 25 March 2020 (item 9.1) to confer Council powers and functions upon the Executive Mayor, as such I HEREBY APPROVE THE SAID ITEM AS FOLLOWS:</p> <p>(a) that the land in question, remainder of Erf 2149, Stellenbosch (Lapland flats), Remainder of Farm 180 (open spaces near Teen-die-Bult flats) and Erf 81/2 and Erf 81/9 Stellenbosch, be identified as land parcels not needed for the municipality's own use during the period for which the right is to be granted;</p> <p>(b) that Council, in principle, approves the Municipality's entering into Land Availability Agreements with SHIs and ODAs successful in the Public Competitive Process (with SHIs and ODAs successful in the Public Competitive Process in terms of Regulation 34(1) (b) of the Asset Transfer Regulation (ATR), read with paragraph 9.2.2.1 (l) of the Policy on the Management of Council owned property, subject to the following conditions:</p> <p>(i) that Council's intention so to act, i.e. the awarding of rights on a private treaty agreement basis, be advertised for public comments;</p> <p>(ii) that, simultaneously, the public participation process envisaged in Regulation 35 of the ATR be followed;</p> <p>(iii) that Lease Agreement be concluded, based on a 40-year term based on applicable tariffs;</p> <p>(iv) that the Lease Agreement provide for review/revision, should the need arise for further development/redevelopment of the area; and</p>	2020-03-31	LESTERVS	30.00	On 28 May 2020, an advertisement was placed in various newspapers to solicit public comments with regards to long term lease agreements with SHIs and/or ODAs on specific sites. The closing date for comments was on 29 June 2020 and an agenda item will serve before Council during July 2020, in this regard.

		(c) that, following the public participation process referred to above, a report be submitted to Council in order for Council to give a mandate to the Administration to proceed with the Public Competitive Process that will result in the awarding of the long-term use rights.				
	APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH	<p>5.2.1 APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH</p> <p>COUNCIL: ITEM 5.2.1: 2020-04-24</p> <p>After careful scrutiny of the item: Application for a long-term lease agreement between Stellenbosch Municipality and the Stellenbosch Flying Club: Portion L of farm 502, Stellenbosch and as per the delegation approved by Council on 25 March 2020 (item 9.1) to confer Council powers and functions upon the Executive Mayor, as such I HEREBY APPROVE THE SAID ITEM AS FOLLOWS:</p> <p>(a) that the Council resolution dated 30 April 2015 be rescinded;</p> <p>(b) that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;</p> <p>(c) that Council only considers the approval of a long-term lease after a public participation process;</p> <p>(d) that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;</p> <p>(e) that Council approves the amended draft Information Statement (ANNEXURE C) for public participation, which include inter alia, the proposed inclusion of an aeronautical school by Provincial Department and Working on Fire programmes presently working from the property; and</p> <p>(f) that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.</p>	2020-04-24	PIETS	90.00	Return item submitted to DCS. Item will serve at August Council meeting

	APPROVAL OF STELLENBOSCH ROADS MASTER PLAN	<p>APPROVAL OF STELLENBOSCH ROADS MASTER PLAN</p> <p>COUNCIL ITEM 7.7: 2020-04-30</p> <p>After careful scrutiny of the item: APPROVAL OF STELLENBOSCH ROADS MASTER PLAN, and as the delegation approved by Council on 25 March 2020 to confer Council power and functions upon the Executive Mayor, as such I HEREBY:</p> <p>On 2020-04-30 Mr Louw addressed the Mayor on the implications of the proposed plan. Item is referred back for refinement and further inputs and communication with Provincial Departments.</p>	2020-04-30	JOHANF	60.00	Had discussion with Provincial Government. Additional requirements raised from Province that they would like to see within the Master Plan. Input from Province, Mayor, Councillors and Officials are being taken up within the document. Document to be submitted to MAYCO in September 2020.
	ADOPTION OF THE REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW	<p>ADOPTION OF THE REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW</p> <p>SPECIAL COUNCIL: 2020-05-27: ITEM 8.2</p> <p>THE SPEAKER RULED</p> <p>that this matter be withdrawn in order for Administration to refine the By-law by factoring in the possible impact of the COVID-19 pandemic.</p>	2020-05-27	WIDMARKM	90.00	The Reviewed Stellenbosch Liquor Trading Hours Bylaw will serve at Council in July 2020 for final adoption.
	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY INTERWASTE (PTY) LTD	<p>12.1.6 CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY INTERWASTE (PTY) LTD</p> <p>SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council takes note of the circumstances as provided in the report;</p> <p>(b) that investigation be done with regard to transgression of policies for disciplinary purposes and that the associated disciplinary steps be taken;</p> <p>(c) that Council certifies the expenditure of R 4 111 001.60 (VAT inclusive) to Interwaste (Pty) Ltd as irrecoverable and that this amount be written off; and</p> <p>(d) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2).</p> <p><i>Cllr DA Hendrickse requested that his vote of dissent be minuted.</i></p>	2020-06-12	DEONL	70.00	<p>Plan of action:</p> <ol style="list-style-type: none"> 1. Report to Mayco August 2020 2. Report to Council August 2020

NB: RESPONSES OBTAINED FROM RELEVANT DEPARTMENTS

10.	ITEMS FOR NOTING
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10.1	REPORT/S BY THE EXECUTIVE MAYOR
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NONE

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
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11.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR FJ BADENHORST)
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NONE

11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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11.2.1	RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL

2. PURPOSE

The purpose of this report is to obtain the necessary approval from Council to register a servitude over erf 328 in favour of erf 320, Pniel, to enable the owner of erf 320 to gain access to his property.

3. DELEGATED AUTHORITY

At the time when the Agreement was compiled and agreed upon, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million.

This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. For this reason, Council must now consider the matter.

4. EXECUTIVE SUMMARY

During 2002 Stellenbosch Municipality approved building plans for a single residential unit on erf 320, Pniel. At the time the access to the property was off Main Road.

During 2009/10 the Provincial Department of Transport and Public Works undertook certain construction/upgrade work to the Main Road. During this period the access to erf 320 was closed, due to safety reasons (lack of sight lines). Following the unilateral action by the Provincial Department of Transport and Public Works, the owner tried all efforts to get this resolved, but without any success as the municipality was of the opinion that the Provincial Department of Transport and public roads, who closed the access should be responsible for providing another access or bear the costs for the servitude as the access is across the land of another private individual.

He approached the Public Protector for assistance. During 2017 representatives of Stellenbosch Municipality (including the Municipal Manager) and the Provincial Department of Transport and Public Works were summoned to the Public Protector's office, where it was agreed, *inter alia*, that Stellenbosch Municipality would take responsibility to register a servitude over erf 328 (neighbouring private property) in favour of erf 320, on condition that an agreement be reached at a later stage regarding the cost.

At the time when the Agreement was compiled and agreed upon, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million.

This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. It is not practical to bring every request for a servitude to council and it is proposed that council give the delegation as contained in **ANNEXURE 6**.

All the legal processes (servitude diagram, valuation of servitude, etc.) were followed and are now ready for implementation.

Council must now consider the matter.

5. RECOMMENDATIONS

- (a) that Council approves the registration of a servitude over erf 328, Pniel, in favour of erf 320, at a cost of R67 684.00 (exclusive of VAT);
- (b) that the Municipal Manager be authorised to sign all documents necessary to effect the registration of the servitude, including the signature of the Agreement of grant of right of way, hereto attached as **APPENDIX 5**;
- (c) that the Municipal Manager be authorised to negotiate a financial contribution from the Provincial Department of Transport and Public Works towards the cost of registration of the servitude and/or construction of a servitude access; and
- (d) that the right to acquire immovable property or rights in immovable property by way of lease or registration of a servitude be delegated as per the provisions contained in appendix 6 and that the delegations be amended accordingly.

6. DISCUSSION / CONTENTS

6.1 Background

On 1994-02-18 a General Plan was approved and registered with the Surveyor General, in terms whereof, *inter alia*, erf 320 was created. From the approved General Plan it is clear that erf 320, Pniel is fronting the Main road, i.e. gaining excess from the Main Road (Helshoogte Road).

On 1995-08-12 the property was transferred to Mr and Mrs WP Williams. During a search of the Title Deed and the erf file no restrictive condition regarding an alternative access could be found.

On 2002-10-16 Stellenbosch Municipality, being the legal successor of the Pniel Transitional Council, approved building plans for a single residential property on erf 320, Pniel. At the time, the approval was not subject to any alternative access. By implication the access from the Main Road, was approved. Following the approval of the building plan Mr Williams proceeded with the construction of the residential unit (ground floor, including garage).

6.2 DISCUSSION

6.2.1 General discussion

During the period 2009/2010 the Provincial Department of Transport and Public Works, as the responsible Roads Authority, undertook certain construction/upgrading work to Main Road. On 2010-01-10 Mr Williams addressed a complaint/enquiry to the Manager: Property Management, complaining about the fact that the Provincial Government has effectively closed his access from Main Road, although his building plans was approved by the Municipality. Attached to his letter was a copy of an e-mail from Mr Chris Keyser (Stellenbosch Department of Engineering Services), addressed to the Manager: Building Control, informing him that, following the upgrading of the Main road, the access to erf 320 was closed and that the municipality should reconsider (sic) the building plan, and should rather consider a servitude access from Arcade street, over erf 328 (private property).

During 2010 Mr Malan van Niekerk from the Cape Winelands District Municipality enquire about use rights pertaining erf 320. In the email of 2010/12/08 Mr Van Niekerk, made mention about a possible problem regarding direct access from Main Road (MR172), and suggested that Stellenbosch Municipality should investigate possible alternative access over neighbouring private land. Following this enquiry, it was proposed that the provincial department who closed the access takes responsibility for the costs of an alternative access as the closure was due to their actions.

On 26 January 2016 a complaint was lodged with the Municipality on behalf of Mr Williams. In terms hereof it is alleged, inter alia that the Municipality have "rejected to create an entry way to his house. On 2016-05-05 a letter was addressed to the Public Protector, indicating that they should, in fact, address the enquiry to the Provincial Department of Transport and Public Works.

On 2017-07-13 representatives of Stellenbosch Municipality (including the Municipal Manager) and the Provincial Department of Transport and Public Works met with the Public Protector (representative), where the Municipal Manager indicated that, in an effort to make progress, that Stellenbosch Municipality would take the responsibility to register a servitude over erf 328 (private property) in favour of erf 320 (i.e. alternative access). There was further agreement that the parties, i.e. the Provincial Department of Transport and Public Works and the Municipality would, at a later stage, agree on who would be responsible for what cost.

On 2017-08-25 a letter was addressed to Mr M.R Nober the owner of erf 328, offering an amount of R54 375.00 (exclusive of VAT) for registering a servitude over erf 328, a copy of which is attached as **APPENDIX 2**. On 28 August Mr Abraham Augulhus (Executor of the Nober estate at the time) informed us that they accept the offer, a copy of which is attached as **APPENDIX 3**. The Executor of the estate was later replaced by Mr P Nober.

Following the above a Land Surveyor (David Hellig) was appointed on 2017-07-18 to attend to the drafting of a servitude diagram, which diagram was eventually approved on 2019-04-02, a copy of which is attached as **APPENDIX 4**.

6.2.2 Location and context

Erven 320 and 328 is situated off Main Road and Arcade Street, respectively, as indicated on Fig 1 and 2 below.



Fig 1: Location and context



Fig 2: Erven 320 and 328

The position of the proposed servitude is indicated on Fig 3 below.



Fig 3: Position of servitude access

6.3 Financial Implications

Cassie Gerber Property Valuers was appointed to value the proposed servitude over erf 328. Hereto attached as **APPENDIX 1** a copy of the said report, valuing the servitude at R725.00/m².

At the time of valuation, the size of the servitude was estimated at 75m². Following the approval of the servitude diagram, however, it became evident that the actual size is 93.36m (23.34m x 4m), resulting in a value of R67 684.00 (exclusive of VAT).

The financial implications to Council would be R102 879.10 (Inclusive of VAT).

Some of the costs might be recovered from the Provincial Department of Transport and Public Works.

6.4 Legal Implications

On November 2014 a legal opinion, compiled by Adv. Maxwell Solomon from the Provincial Directorate: Legal Advising Services, was forwarded to our Engineering Department. In terms of this legal opinion, the Department of Transport and Public Works may contribute to the cost of an alternative access but limited to the extent that the driveway to erf 320 is reconstructed.

By implication, Stellenbosch Municipality would therefore have to shoulder the bulk of the costs in respect of the entire process. The Engineering Department indicated in an internal e-mail that they do not agree with this legal opinion.

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

At the time when the Agreement in was compiled and agreed upon, in 2017, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million. This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. It is not practical to bring every request for a servitude to council and it is proposed that council give the delegation as contained in **ANNEXURE 1**.

An attorney was appointed to conclude an Agreement (right of way) and to attend to the registration of such right at the Deeds Office (**APPENDIX 5**).

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

The risks are addressed in the item

6.8 Comments from Senior Management

6.8.1 Comments from Director Corporate Services

Supports the recommendations

6.8.2 Comments from the Municipal Manager

Supports the recommendations.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.1

- (a) that Council approves the registration of a servitude over erf 328, Pniel, in favour of erf 320, at a cost of R67 684.00 (exclusive of VAT);
- (b) that the Municipal Manager be authorised to sign all documents necessary to effect the registration of the servitude, including the signature of the Agreement of grant of right of way, hereto attached as **APPENDIX 5**;
- (c) that the Municipal Manager be authorised to negotiate a financial contribution from the Provincial Department of Transport and Public Works towards the cost of registration of the servitude and/or construction of a servitude access; and
- (d) that the right to acquire immovable property or rights in immovable property by way of lease or registration of a servitude be delegated as per the provisions contained in appendix 6 and that the delegations be amended accordingly.

ANNEXURES:

- Appendix 1 -- Valuation report
- Appendix 2 -- Offer to owner of erf 328
- Appendix 3 -- Acceptance of offer
- Appendix 4 -- Land Surveyor servitude diagram
- Appendix 5 -- Agreement of grant of right of way servitude
- Appendix 6 -- Delegation

APPENDIX 1

**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**

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VALUATION REPORT

**PNIEL: RIGHT OF WAY/ACCESS SERVITUDE OVER ERF 328 IN
FAVOUR OF ERF 320, PNIEL**

OWNER: WILLIAM EDWARD AND MARIA REGINA NOBER



Market value: R725.00/m²
Date: 28 July 2017

VALUATION REPORT

**PNIEL: RIGHT OF WAY/ACCESS SERVITUDE OVER ERF 328 IN
FAVOUR OF ERF 320, PNIEL**

OWNER: WILLIAM EDWARD AND MARIARE GINA NOBER

1. Instructions

- 1.1 The Director of Housing of the Municipality of Stellenbosch instructed me to value the above-mentioned property.
- 1.2 The present market value of the above-mentioned servitude 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 buyer and a willing, able and informed seller.

2. Date of valuation

28 July 2017

3. Description of properties

Erf 328, Pniel

4. Owner

- William Edward Nober
- Maria Regina Nober

5. Extent

966m²

6. Title deed

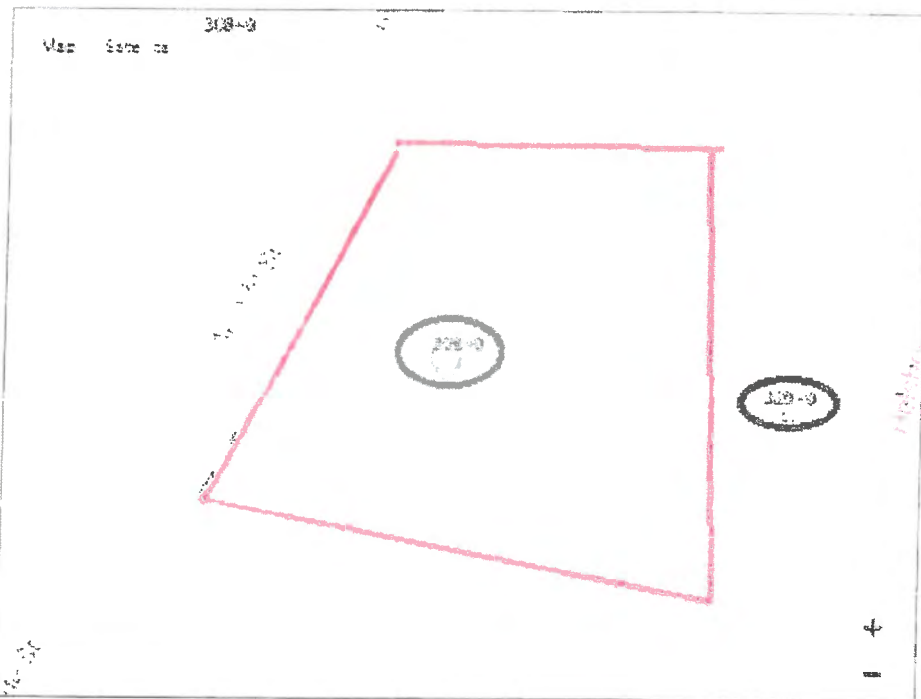
The property is held under title deed T101823/1996

7. Municipal value (2015)

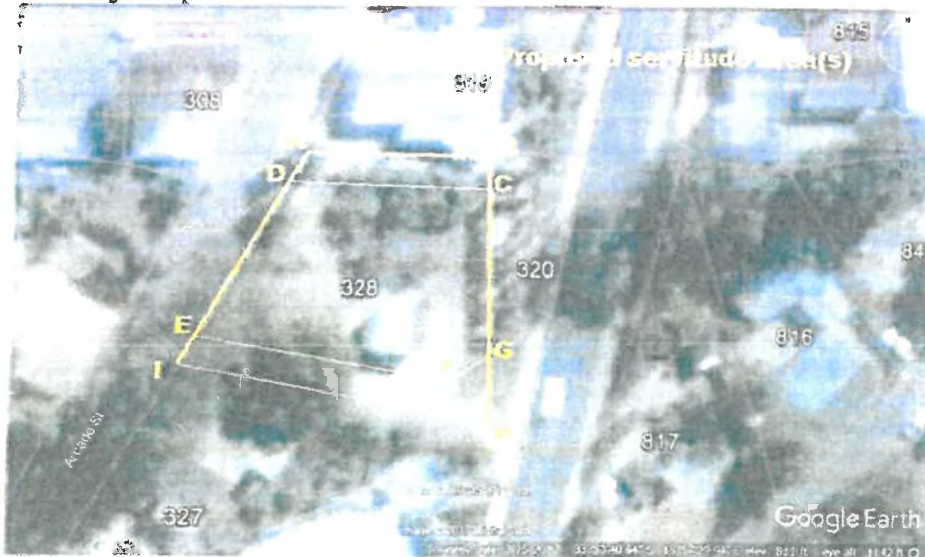
R966.00

8. Situation and physical aspects

- 8.1 The property is located in Arcade Street, Pniel
- 8.2 The land is suitable for building purposes.
- 8.3 Map below refers:



Locality map



Aerial photo

9. Extent of the right of way

The size of the property (Option 1 A-B-C-D on aerial photo page 3) above is $\pm 75\text{m}^2$ in extent (A land surveyor will have to be appointed to survey the servitude)

10. Zoning

The property is zoned for single residential purposes.

11. The highest and best use of the property

The highest and best use of the land is for residential purposes.

12. Options for access servitude

Option 1, A-B-C-D is the most appropriate option, because it is smaller in size and will have less effect on the remaining extent of Erf 328. There are also very large trees on the northern boundary of the subject property, which will have to be removed.

13. Improvements

The property consists of vacant land.



House on Erf 320



Servitude option 1

14. Services

All the necessary municipal services are available.

15. Method of valuation

It would be appropriate to compare the subject property with similar properties and thus arrive at a market value on the basis of comparison.

16. Transactions

A market research was carried out and the following comparable transaction were found and analyzed:

No.	Property	Extent	Date	Purchase price/Price per m ²
1	Erf 655, Pniel	375m ²	27.04.2016	R280 000.00/±R746.00/m ²
2	Erf 442, Pniel	734m ²	29.12.2014	R300 000.00/±R408.00/m ² Adjusted: ±R506.00/m ²
3	Erf 894, Pniel	1054m ²	26.11.2015	R300 000.00/±R285.00/m ² Adjusted: ±R335.00/m ²
4	Erf 746, Pniel	646m ²	24.08.2016	R350 000.00/±R541.00/m ²
5	Erf 635, Pniel	375	20.11.2014	R350 000.00/±R933.00/m ²

17. Conclusions

- 17.1 All the above-mentioned comparable transactions are situated in Pniel close to the subject property.
- 17.2 Transaction 1 is situated higher up against the mountain towards the new extension of Pniel. The site is much smaller than the subject property and the purchase rate per m² will, therefore, be much higher than the bigger sites.
- 17.3 Transaction 2 is situated about 200 meters from the subject property in Acade Street. It is a panhandle type of site, which is about 200m² smaller in extent than the subject property. The sale took place during December 2014 and an adjustment in the price is necessary for time.
- 17.4 The site of transaction 3 is a very awkwardly narrow shape panhandle site. The site is situated off Silwermyrn Street towards the new extension of Pniel.
- 17.5 The site of transaction 4 is a very awkwardly narrow shape panhandle site. The site is situated off Hill Street about 250 meters from the subject property.

17.6 The site of transaction 5 is much smaller in size than the subject property.

17.7 For valuation purposes the servitude is part of a whole, measuring 966m² in tota. The subject property can be subdivided into two separate sites. Based on the above-mentioned comparable transactions and taking the good location of the subject property into consideration, each subdivided site is worth R375 000.00 or R750 000.00 in total, less R50 000.00 for surveying and subdivision cost. $R700\ 000.00 \div 966m^2 = R724.63/m^2$.

17.8 A market value of R725.00 per m² for the servitude is market related. The total market value can only be determined once the surveyor has completed the surveying of the servitude site.

18. Encumbrance value

The encumbrance value of the right-of-way servitude is 100%.

19. Market value calculations

R725.00 per m² (Excluding VAT)

20. Valuation 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 a price of R725.00/m² for the servitude area to be a fair and market value.



C.L. GERBER

Signed at Durbanville on 28 July 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.

APPENDIX 2



STELLENBOSCH

2017-08-25

Mr MR Nober
P/A P Nober
Rue Ursula 21
Glenhaven
Bellville
7530

Dear Sir/Madam

POSSIBLE RIGHT OF WAY/ACCESS SERVITUDE OVER ERF 328 IN FAVOUR OF ERF 320, PNIEL

My letter dated 2017-06-08 as well as our meeting on 2017-07-13 refers.

Subsequent to our meeting I have appointed a valuer to determine a fair market value of the proposed servitude. Please find hereto attached a copy of the valuation Report, valuing the servitude at R725.00/m².

The extent of the servitude area is approximately 75m² (to be finally determined by surveyor). Based on this estimated size, the market value of the servitude payable to you would amount to R54 375.00 (Excluding VAT).

Would you please indicate whether you would accept our offer of R54 375.00 (Excluding VAT). Should you indicate in the positive, I will appoint a land surveyor and attorney to attend to the compilation of a diagram and registration thereof in favour of erf 320, Pniel.

I urgently awaits your feedback in this regard.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

cc: Municipal Manager
Deon Louw
Public Protector

APPENDIX 3

Postbus 1795

Bellville. 7530

28 Augustus 2017

The Manager
Property Management
Stellenbosch Municipality.

Dear Mr.Smit,

Re: Servitude over Erf 328 in favour of Erf 320, Pnie!

I hereby acknowledge receipt of your letter dated 25/08/2017 for which my thanks.

After a discussion with Mr.P.Nober and his siblings i.c.w. the above matter, I hereby, as the Executor of the Estate of late Mrs Maria Regina Nober, do accept the offer R54 375.00 .

I would however request that this amount be deposited directly into the late Mrs. Nober's estate account. I will let you have the Estate Banking details at the time when the amount is due to be paid out.

Attached please find a copy of my letter of Authority issued by the Master of the Supreme Court.

Kind regards,



Abraham Agulhas
(Executor)

Pat Nober
08 3 9521 026

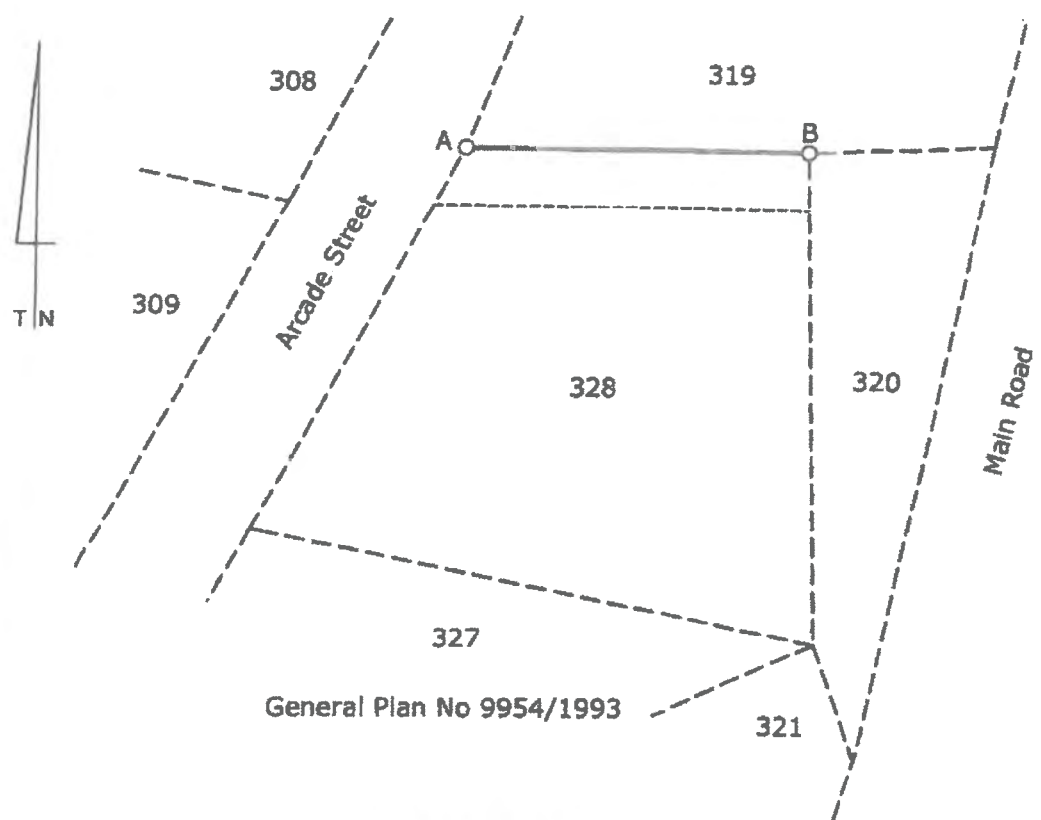
APPENDIX 4

DAVID HELIG & ABRAHAMSE, LAND SURVEYORS **SERVITUDE DGM.**

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			
			Y	X	
AB	23,34	Constant	± 0,00	+3 700 000,00	
		270 27 30	A	+3 877,15	+ 51 963,34
			B	+3 853,81	+ 51 963,53
		491 Buller	Δ	+1 906,92	+ 56 680,54
		504 Hutch X	Δ	+ 510,20	+ 54 141,00

S.G. No.
521/2019
Approved
[Signature]
for Surveyor-General
02. 04. 2019

Beacon Description:
A B 12 mm iron peg



Scale 1: 500

The line **AB** represents **the Northern Boundary of a Servitude Road 4m wide, as shown over Erf 328 Pniel** Situate in **the Stellenbosch Municipality** Administrative District of **Paarl** Province of the Western Cape

Surveyed in **November 2018** by me

[Signature]
S G DREYER
Professional Land Surveyor
(PLS1028)

This diagram is annexed to No. dated i.f.o.	The original diagram is No. 520/2019 annexed to Transfer No. 1996. .101823	File No. Parl. 1198 V.4 S.R. No. 327/2019 Comp. BHSU-4472 (M4442) General Plan No 9954/1993 LPI C0550011
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Registrar of Deeds

Servitude Diagram 521/2019

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL
[Signature]
DATE: **03-04-2019**

EXEMPT FROM PROVISIONS OF ACT 70 OF 1970
SECTION **1(e)**

Exempt i.t.o Section **24**
Of Municipal Bylaw of Act 3/2014
Ref: **Erf 328, Pniel**
Date: **01 March 2019**

APPENDIX 5



AGREEMENT OF GRANT OF RIGHT OF WAY SERVITUDE

MADE AND ENTERED INTO BY AND BETWEEN

STELLENBOSCH MUNICIPALITY

herein duly represented by Garaldine Lezette Mettler in her capacity as Municipal Manager, being duly authorised

(hereinafter referred to as "the Municipality")

and

THE ESTATE OF THE LATE MARIA REGINA NOBER

Duly represented by Patrick Nober in his capacity as Executor in the Estate duly authorized thereto by Letters of Authority Number 15663/2011 granted to him by the Master of the Western Cape High Court (Western Cape Division) at Cape Town on 13 July 2018.

(hereinafter referred to as "Nober")

WHEREAS Nober is the registered owner of the following property

Erf 328 Pniel
Situat in the Municipality and Division of Stellenbosch
Western Cape Province

In extent: 966 (Nine Hundred and Sixty Six) Square Metres

Held under Deed of Transfer No T101823/1996

(hereinafter referred to as "the Servient Tenement")

AND WHEREAS the Servient Tenement is situate adjacent to the following property

Erf 320 Pniel
Situat in the Municipality and Division of Stellenbosch
Western Cape Province

In extent: 312 (Three Hundred and Twelve) Square Metres

Held under Deed of Transfer No T91219/1995

(hereinafter referred to as "the Dominant Tenement")

and which is owned by

WILLIAM PETER WILLIAMS

Identity number: 500330 5079 013

And

MARIA JACOBA WILLIAMS

Identity number: 551130 0047 082

Married in community of property to each other

(hereinafter referred to as "Williams")

AND WHEREAS Williams can no longer access their property from the Main Road (MR172) after the Provincial Department of Transport and Public Works upgraded said road and now requires access from Arcade Street over the Servient Tenement to enable them to gain access to their property;

AND WHEREAS the Municipality has approached Nober, as owner of the Servient Tenement, to grant the Municipality a right of way in favour of the Dominant Tenement on the terms and conditions hereinafter set out;

NOW THEREFORE the parties agree as follows

1. Nober hereby gives and grants to the Municipality a praedial servitude of right of way over the Servient Tenement, in favour of the Dominant Tenement, for a road approximately 4 (Four) metres wide represented by the line AB on the Diagram annexed hereto (hereinafter referred to as the "Servitude Area").

SIGNED at on this the day of

AS WITNESSES:

1.....

THE ESTATE OF THE LATE MARIA REGINA NOBER
Duly represented by Patrick Nober, duly authorised

2.....

APPENDIX 6



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
MUNICIPAL ASSET TRANSFER REGULATIONS - MUNICIPAL MANAGER						
MM165	Regulation 34(1)(b) of MATR	Granting or right to use, control or manage municipal capital assets, subject to the considerations outlined in regulation 36 of MATR.	Council			
MM166	Regulation 35 (1) of MATR	The accounting officer must conduct a public participation process in connection with any proposed granting of a long-term right to use, control or manage a capital asset with a value in excess of 10 million	Council	Municipal Manager		
MM 166A		Acquisition of immovable property rights by way of a lease agreement or registration of a servitude	Council	Municipal Manager (in consultation with the Executive Mayor) Executive Mayor (in consultation with the Executive Mayoral Committee)		To the contract value of R5 Million To the contract value of between R5 million and below R10 million
ADMINISTRATIVE MATTERS						
MM167	CR 20/11/2002	To decide on the closing of offices on Easter Weekend, 24 and 31 December annually	Council	Accounting Officer (Municipal Manager)		

11.2.2	PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG

2. PURPOSE

To make a final determination on the renewal of the Lease Agreement with Eikestad Mall (Pty) Ltd in relation to Beyersteeg, Stellenbosch.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and IPG concluded a Lease Agreement on 10 February 2000 for the use of a portion of Beyersteeg. The agreement was for a period of 10 years, with an option to renew it for a further period of 10 years.

During 2008 IPG elected to exercise their right of renewal and in 2008 this Lease Agreement was ceded and assigned to Eikestad Mall (Pty) Ltd.

They have requested a renewal for a further period of 10 years. Council considered the application on 2019-11-27 and approved it in principle a renewal of 9 years and 11 months, subject to a public input/comment/objection process. As per the council resolution on 27 November 2019 the lease agreement continued a month to month basis until a final resolution can be made on payment of the previously determined rent.

A public notice was advertised on 6 February 2020 as no public notices of the nature is dealt with from middle December to middle January. At the closing date no comment/inputs/objections were received. The matter was intended to serve in the April round of meetings, but due to the Covid could not serve before Council. Council must now make a final determination on the renewal as well as on the monthly rental payable.

5. RECOMMENDATIONS

- (a) that Council takes note of the fact that no inputs/objections were received, following the public notice period;
- (b) that Council approves the renewal of the Lease Agreement for a period of 9 years and 11 months at a new, market-related rental of R6050.00 per month, with an annual escalation of 8% over the lease period; and
- (c) that the Municipal Manager be authorised to conclude the Lease Agreement on behalf of Stellenbosch Municipality.

6. DISCUSSION / CONTENT**6.1 Background**

On 2019-11-27 Council considered an application for the renewal of the Lease Agreement for a further period of 10 years. Having considered the application, Council resolved as follows:

- a) *that Council considered the application;*
- b) *the renewal of the lease agreement be approved in principle, the in-principle decision be advertised for public comment/input/counter proposals and the lessee be allowed to continue with the current lease until a final decision can be made;*
- c) *that, following the public participation process, the item be submitted to Council to make a final determination in this regard.*
- d) *that a new market related lease amount be determined, based on an independent valuation being obtained”.*

A copy of the agenda item that served before Council is attached as **APPENDIX 1**.

6.2 Discussion

Following the above resolution, a public notice was published in the Eikestad News on 06 February 2020. The closing date for comment/inputs/objections was 27 February 2020. At the closing date no comments/input/objections were received. A copy of the notice is attached as **APPENDIX 2**. Pendo Property Valuers was appointed to advise on a new market related rental and annual escalation.

6.3 Financial Implications

Hereto attached as **APPENDIX 3** a valuation report compiled by Pendo Property Valuers indicating a monthly market related rental of R6050.00 (inclusive of VAT) and a recommended escalation of 8% per annum.

6.4 Legal Implications

The recommendations contained in this report comply with Council's policies and all applicable legislation. For more detail, see par. 6.2.2 of agenda item that served before Council on 2019-11-27.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

27 November 2019 as indicated above.

6.7 Risk Implications

The risk implications is addressed in the item.

6.8 Comments from Senior Management

None requested as this is a return item.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.2

- (a) that Council takes note of the fact that no inputs/objections were received, following the public notice period;
- (b) that Council approves the renewal of the Lease Agreement for a period of 9 years and 11 months at a new, market-related rental of R6050.00 per month, with an annual escalation of 8% over the lease period; and
- (c) that the Municipal Manager be authorised to conclude the Lease Agreement on behalf of Stellenbosch Municipality.

ANNEXURES

- Appendix 1: Agenda item that served before Council
- Appendix 2: Notice
- Appendix 3: Valuation report

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2020-07-13

APPENDIX 1



Collaborator No: *(To be filled in by administration)*
IDP KPA Ref No: *Good Governance*
Meeting Date: *(The date of the specific meeting must be filled in here)*

1. SUBJECT

**PROPOSED RENEWAL OF LEASE AGREEMENT: EIKESTAD MALL (PTY) LTD:
BEYER STREET**

2. PURPOSE

To consider an application from Eikestad Mall (Pty) Ltd for the renewal of the Lease Agreement in relation of a portion of Beyerstreet, Stellenbosch.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and IPG concluded a Lease Agreement on 10 February 2000 for the use of a portion of Beyer street. The agreement was for a period of 10 years, with an option to renew it for a further period of 10 years.

During 2008 IPG elected to exercise their right of renewal and in 2008 this Lease Agreement was ceded and assigned to Eikestad Mall (Pty) Ltd.

This agreement will lapse on 31 December 2019, and they have now request a renewal for a further period of 10 years.

Council must now consider the requested.

5. RECOMMENDATIONS

- a) that Council, in principle, approve the renewal of the Lease Agreement for a further period of 10 years as provided for in Regulation 34 (1) (b) of the Asset Transfer Regulations, subject thereto that a new market related lease amount be determined, based on an independent valuation being obtained;
- b) that Council dispense with the prescribed competitive process, taking into account the specific circumstances, subject thereto that Council's intention so to act be advertised for

public inputs/comments, as provided for in paragraph 9.2.2 of the Property Management Policy.

- c) that, following the public participation process, the item be submitted to Council to make a final determination in this regard.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Lease Agreement

On 2000.02.10 Stellenbosch Municipality and IPG (Pty) Ltd concluded a Lease Agreement in terms whereof a portion of 1425m² of Beyerstreet was leased on an encroachment basis. A copy of the Lease Agreement is attached as **APPENDIX 1**. The Lease commenced on 1 January 2000 for a period of 10 (ten) years, i.e until 31 December 2009.

6.1.2 Option period

The Lease Agreement also provided for a further option (renewal) period of another 10 years. On 13 May 2008 the Lessee informed the Municipality they would like to exercise their right of renewal. This was approved, subject to the following.

- Rental : R271.16/m for first year;
- Escalation : 10%p/a

See copy of letter attached as **APPENDIX 2**.

6.1.3 Session and Assignment of Lease Agreement

During 2007 the Eikestad Mall as was sold to a new developer, Eikestad Mall (Pty) Ltd. During 2018 IPG informed the Municipality that they have reached agreement with Eikestad Mall (Pty) Ltd on the ceding of the Lease Agreement to them. They subsequently requested that the Lease Agreement be ceded to Eikestad Mall (Pty) Ltd, as provided for in clause 18.1 of the Lease Agreement.

Mayco considered the matter on 2009-05-04. Having considered the application, Mayco resolved as follows:

(a) that, as a first step, the proposed ceding/assigning of the Lease Agreement between Stellenbosch Municipality and IPG (now trading as Growthpoint), to Eikestad Mall (Pty) Ltd be approved,

(i) a new, market related lease amount be determined, based on an independent valuation, taking into account any capital investments as part of the redevelopment of the property;

(ii) any redevelopment will only be approved on the basis that Stellenbosch Municipality is not worse off than currently, insofar as it relates to the ownership of the kiosks;

- (iii) *access to erf 4430 from Andringa Street, over Beyers Street, be insured, and such access is linked to specific times and/or actions.*
- (b) *that, should Council approve of the proposed ceding as per recommendation (a), it be subject thereto that Council's intention so to act first be advertised in terms of Section 124 of the Municipal Ordinance, 20/1974;*
- (c) *that, should objections be received as a consequence of the advertisement contemplated in (b)(supra), same first be considered by Council;*
- (d) *that, should no objections be received, the Director: Corporate Services be authorized to attend to the legal steps necessary to effect the proposed ceding;*
- (e) *that, following the successful ceding of the lease agreement to Eikestad Mall, the Director: Corporate Services be mandated to negotiate the possible alienation of the property to Eikestad Mall (Pty) Ltd, taking into account access to Erf 4430;*
- (f) *that, a progress report on the possible alienation of the property be tabled within 3 months.*

A copy of the agenda item that served before Council is attached as **APPENDIX 3**.

Following the above resolution an Agreement of cession and assignment was concluded between the parties on 2010-04-19, a copy of which is attached as **APPENDIX 4**.

In terms hereof a new, market related rental was agreed upon, being R2925.00/month, escalation at 8% per annum.

6.1.4 Application to renew agreement

On 2019-05-07 an application was received from On Trend Consulting, on behalf of Eikestad Mall (Pty) Ltd, requesting that the Lease Agreement be renewed for a further period of 10 years. A copy of the application is attached as **APPENDIX 5**.

6.2. DISCUSSION

6.2.1 Locations and context

Beyerstreet is situated between Birdstreet and Andringa Street, as indicated on Fig 1 and 2 respectively.

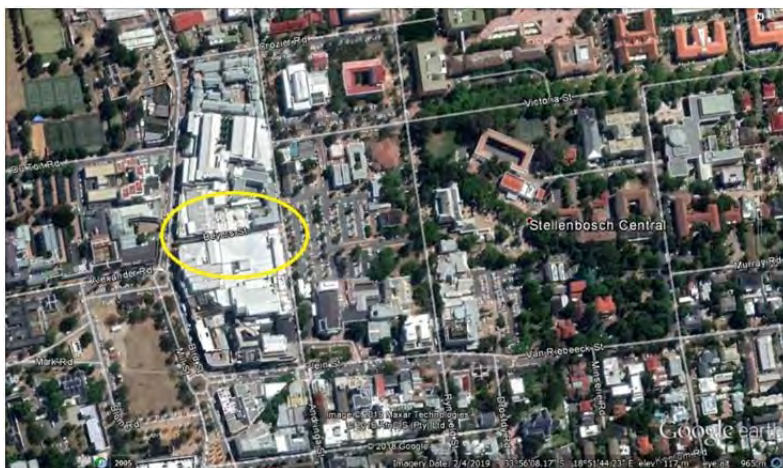


Fig 1: Location and context



Fig 2: Extent of encroachment

6.2.2 Legal requirements

6.2.2.1 Asset Transfer Regulation

In terms of Section 34 (1) of the ATR a Municipality may grant a right to use, control or manage a capital asset only after-

- a) The Accounting officer has concluded a public participation process*;
- and
- b) The municipal council has approved in principle that the right may be granted.

*Sub regulation (1) (a) (public participation process), however, must be complied with only if-

- a) The capital asset in respect of which the right is to be granted has a value in **excess of R10M***; and
- b) A **long-term right** is proposed to be granted (i.e. longer than 10 years).

In terms of Regulation 36, the municipal council must, when considering such approval, take into account:

- a) whether such asset may be required for the municipality's **own use** during the period for which such right is to be granted;
- b) the extent to which any compensation to be received will result in a significant economic or **financial benefit** to the municipality;
- c) the **risks and rewards** associated with such right to use; and
- d) the **interest of the local community**

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality may grant the right only in accordance with the **disposal management system*** of the municipality, irrespective of:-

- a) the value of the asset; or
- b) the period for which the right is granted

*The policy on the Management of Council owned property is deemed to be Stellenbosch Municipality's disposal management System.

6.2.2.2 Policy on the Management of Council owned property

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct **negotiations**, but only in **specific circumstances**, and only after having **advertised** Council's intention so to act.

One of the circumstances listed in (l) is **lease contracts with existing tenants** of immovable properties, not exceeding ten (10) years. **Such agreements may be renegotiated where Council is of the opinion that public competition would not serve a useful purpose, subject to such renewal being advertised, calling for public comments.**

Further, in terms of paragraph 9.2.2.2, the reasons for any such deviation from the competitive process must be recorded.

In terms of paragraph 22.1.4 the fair market rentals will be determined by the average of the valuations sourced from service providers, unless determined otherwise by the Municipal Manager taking into account the estimated rental(s) *vis-à-vis* the cost of obtaining such valuations.

6.3 Financial Implications

There are not financial implications should the recommendations as set out in the report be accepted, except the income that will derive from the rentals.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

See par. 6.1.3 above.

6.7 Risk Implications

This report has no risk implications for the municipality.

6.8 Comments from Senior Management**6.8.2 Director: Infrastructure Services**

No comments received.

6.8.3 Director: Planning and Economic Development

No comments received.

6.8.4 Chief Financial Officer

No comments received.

- ANNEXURES:**
- Appendix 1: Lease Agreement**
 - Appendix 2: Letter for renewal**
 - Appendix 3: Item that served before Council**
 - Appendix 4: Cession and Assignment agreement**
 - Appendix 5: Application for renewal**

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Piet Smit
<i>POSITION</i>	<i>Manager: Property Management</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT</i>	<i>021-8088189</i>

NUMBERS	Page 349
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-07-02

APPENDIX 2

Publikasie	Publikasie Datum	Aansig	Bladsy
BMSTBEN (EikestadNuus)	06/02/2020	MAIN (Main)	-



STELLENBOSCH
 STELLENBOSCH • FRIEL • FRANSCHHOEK
 MUNICIPALITEIT • UMKAPALA • MUNICIPALITY

OFFICIAL NOTICE

PROPOSED LEASE AGREEMENT: EIKESTAD MALL (PTY) LTD: BEYERSTREET

Notice is hereby given in terms of par. 9.2.2 of the Property Management Policy of Council's intention to renew the existing lease agreement with Eikestad Mall (Pty) Ltd in relation to Beyerstreet, for a further period of 9 years and 11 months, subject to a new, market related rental be determined.

Further Particulars:

Further particulars, including the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours.

Inputs/Comments:

Inputs/comments may be submitted in hard copies or by e-mail to: Any interested and affected party who wishes to submit comment/inputs, may do so in writing within 21 days of this notice to the Manager: Property Management during working hours.

Any such inputs/comments/objections can be submitted by hand, posted or by e-mail to:

Physical Address: 3rd Floor
 Absa (Oude Bloemhof) Building, Corner of
 Plain and Ryneveld Street
 Stellenbosch
 7600

Postal address: PO Box 17
 Stellenbosch
 7509

e-mail: piet.smit@stellenbosch.gov.za

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management for assistance.

G METTLER
 MUNICIPAL MANAGER

DATE

07/02/2020

APPENDIX 3



VALUATION REPORT

MARKET RENTAL VALUATION OF:

THE BEYERS STREET ALLEY,

ERF 2022 STELLENBOSCH,

WESTERN CAPE

Client:

STELLENBOSCH MUNICIPALITY

26 May 2020

Compiled by:

Johan Klopper

Professional Valuer

Member of the SA Institute of Valuers

BCom Law (University of Stellenbosch), NDip: Property Valuation (UNISA)

VALUATION REPORT

1. GENERAL INFORMATION

1.1 Instructions

Instructions were received from the Stellenbosch Municipality to determine the fair market rental of the Beyers Street alley, located on Erf 2022 Stellenbosch. The Stellenbosch Municipality is in the process of negotiations to determine a market related rental for purposes of renewal of an existing lease agreement with Eikestad Mall (Pty) Ltd.

Definition of market rental: *“The estimated amount for which the property should be leased on the date of valuation between a willing lessor and a willing lessee in an arm’s length transaction after property marketing, wherein the parties acted knowledgeably, prudently and without compulsion.”*

1.2 Inspection date

21 May 2020

1.3 Effective date of valuation

21 May 2020

1.4 Limiting conditions

Information was received from third parties regarding the comparable properties. No warranty as to the accuracy of this information can be made.

We have not carried out a structural survey, nor have we tested the service installations, woodwork or other parts of the structure which are covered, unexposed or inaccessible and are therefore unable to report that such parts of the property are free of rot, beetle or other defects. This valuation is therefore based on the assumption that the building is in a reasonable state of repair, unless expressly stated otherwise in this report.

Any possible contamination of the subject property as a result of an environmental incident has also not been taken into account, nor have we examined the cost of any remedial measures involved.

“The Coronavirus (COVID-19) has been declared a pandemic with a state of national disaster in place. Substantial turmoil has occurred in local and international financial markets and due to the developing situation; it is not possible at this time to quantify its long-term or short-term effects on real estate markets or on the subject property. The value opinion contained in this valuation is based on findings of an analysis of market data available to the valuer at the time of the assignment. The impact of the lockdown has not yet reflected in the data. Consequently, less certainty and a higher degree of caution should be attached to this value opinion, and this should not be seen as a reliable forecast into an uncertain future. It is advised that this report be reviewed in shorter intervals than that which has been the norm”

In this report all values referred to exclude VAT, unless expressly stated otherwise.

Maps and sketches that form part of this report are included for illustration purposes only and are not necessarily to scale.

This valuation is for the purpose as stated in this report and should not be used for any other purpose. Neither all nor any part of this report shall be conveyed to the public or anybody other than the addressee or their principles through advertising, public relations, news sales or any other media without the written consent of the author.

2. OWNERSHIP INFORMATION

Description	Erf 2022 Stellenbosch, Western Cape
Title Deed Number	T4049/1912 (Refer to Annexure A)
Registered owner	Anna Catharina Beyers. Ownership vests in the Stellenbosch Municipality.
Size	1291 m ²
S.G. No.	113/1817 (Refer to Annexure B)
LPI No.	C06700220000202200000

3. MUNICIPAL INFORMATION

Local Authority	Stellenbosch Municipality
Zoning	Local Authority (Public Road)
Usage	Pedestrianised public walkway
Municipal Valuation	R 387 000 (GV2017)

4. PHYSICAL FEATURES

4.1 Situation / Locality

The Beyers Street alley represents a pedestrian walkway along the Eikestad Mall, between Bird Street and Andringa Street in the Stellenbosch CBD. Beyers Street serves as a link between the two sections of the Eikestad Mall located on either side of Beyers Street. Some of the shops in the Eikestad Mall are accessed directly from Beyers Street. See location map below:



4.2 Description of the site and improvements

The subject property represents a public road that is utilised as a pedestrian walkway. The area is paved, with several concomitant improvements, including bollards, street lamps, bicycle racks and benches. A covered walkway has also been constructed along a portion of the southern boundary of the subject property.

The major improvement is however an aerial walkway over Beyers Street. The walkway was constructed on the first and second floors and connects the two sections of the Eikestad Mall located either side of Beyers Street. Each level is approximately 11 metres wide and 11 metres long (242 m² in total), and incorporates additional retail space of approximately 55 m² on each floor, i.e. 110m² in total. The remaining 132 m² represents public walkways.

See aerial photograph below:



Refer to **Annexure C** for photographs of the subject property.

5. VALUATION METHOD

The direct comparison approach is usually the most suitable valuation method in determining market rentals. This approach is based on the principle of comparability and substitution. The assumption is that if similar assets in a similar market place are leased at a particular value, then the comparable asset will be leased at a similar price. Specific note was taken of the site specific characteristics, location and market conditions when determining the market rental of the subject property.

It was noted that the ground level of Beyers Street serves as a public pedestrian walkway, while vehicular access to 'land-locked' property owners and businesses along Beyers Street is required for deliveries and maintenance work to their buildings.

The only area of economic benefit to the lessee is the retail space incorporated in the aerial walkways. These walkways were however constructed by the current lessee, which suggests that the rental amount should be based on an appropriate yield on the value of the relevant aerial

rights. The utilisation of the aerial rights over Beyers Street is however limited to the currently constructed bridge as the other properties in Beyers Street are owned by third parties and can therefore not be put to beneficial use by the lessee

The rental value of Beyers Street should therefore be limited to the residual value of the constructed retail space in the aerial walkways (110 m²), discounted by an appropriate capitalisation rate (yield).

6. VALUE DETERMINATION

6.1 Market research

The valuer investigated the local property market and also consulted market publications to obtain benchmarked rates where necessary. The following data was obtained and applied as input drivers in the calculations:

- Calculations are limited to the lettable retail area, i.e. 110m², because all remaining areas represent public walkways and areas that cannot be put to beneficial commercial use.
- Analysis of market sales of retail sites in the Stellenbosch CBD pointed to a current average rate of R 22 500 / m², after adjustments for the time value of money.
- Based on data obtained from the latest Aecom Construction Handbook, the valuer determined a current construction rate of the aerial bridge and retail area of R 11 500 / m².
- Provision was made for developer's profit at 25%.
- A retail market yield (capitalisation rate) of 8% was deemed appropriate and utilised in the calculations.

6.2 Determination of value

The monthly market rental can therefore be calculated as follows:

Description	Size (m ²)	Rate	Capitalisation rate	Value / Amount
Value of improvements (retail area)	110	R 22 500 / m ²	n/a	R 2 475 000
Construction cost	110	R 11 500 / m ²	n/a	R 1 265 000
Less: Developers' profit			25,00%	R 302 500
Residual value of aerial rights				R 907 500
Annual rental based on market yield			8,00%	R 72 600
Monthly rental				R 6 050

The above rental relates to a rate of R 55 / m², which is considered in keeping with the market, bearing in mind that the improvements were constructed by the lessee.

7. DECLARATION

I, Johan Klopper a registered Professional Valuer, declare that I have inspected the above property and that I have conducted this valuation assignment to the best of my knowledge and skills. I have no present or contemplated interest in this property, and accordingly certify that this valuation was undertaken on a completely independent basis.

Based on our research and experience, we are of the opinion that the **MONTHLY MARKET RENTAL** of Beyers Street located on Erf 2022 Stellenbosch, as at 26 May 2020, amounts to:

Amount	In words
R 6 050	Six Thousand and Fifty Rand (Excluding VAT)

Signed at STELLENBOSCH on this the 26th day of May 2020.



J. Klopper

Professional Valuer (Reg. No. 6372/0)
Member of the SA Institute of Valuers
BCom (Law); NDip (Property Valuation)

ANNEXURE A: TITLE DEED INFORMATION

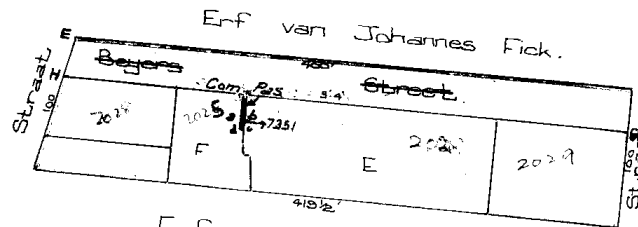
WinDeed Database Deeds Office Property		Printed: 2020/05/26 14:43 windeed A LexisNexis® Product
STELLENBOSCH, 2022, 0 (REMAINING EXTENT) (CAPE TOWN)		
GENERAL INFORMATION		
Date Requested	2020/05/26 14:42	
Deeds Office	CAPE TOWN	
Information Source	WINDEED DATABASE	
Reference	-	
PROPERTY INFORMATION		
Property Type	ERF	
Erf Number	2022	
Portion Number	0 (REMAINING EXTENT)	
Township	STELLENBOSCH	
Local Authority	STELLENBOSCH MUN	
Registration Division	STELLENBOSCH RD	
Province	WESTERN CAPE	
Diagram Deed	T115/4/818	
Extent	1291.0000SQM	
Previous Description	-	
LPI Code	C06700220000202200000	
OWNER INFORMATION		
Owner 1 of 1		
Type	ESTATE	
Name	BEYERS ANNA CATHARINA B-E	
ID / Reg. Number	-	
Title Deed	T4049/1912	
Registration Date	1912/05/30	
Purchase Price (R)	-	
Purchase Date	-	
Share	0.00	
Microfilm	0000000000	
Multiple Properties	NO	
Multiple Owners	NO	
ENDORSEMENTS		
No documents to display		
HISTORIC DOCUMENTS		
No documents to display		
DISCLAIMER		
This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the WinDeed End User License Agreement (EULA) .		

ANNEXURE B: S.G. DIAGRAM

NO. 113/1817.



gedateerde... abcd
 16... 4... 1981
 2641/46... 122
 Wm. Brown Rowan
 Gezw. Landmeter
 Datum... 27. 4. 81.



A Schaal van 400 Rhineland Voeten.

*NOW ERF NO.2022 STELLENBOSCH.

Bovenstaande Figuur is groote in zynen grond 286 Quadd. Roeden en 22 dito Voeten,*uitmakende een gedeelte van het gedeelde Erf van C. Briers, gelegen in het Dorp Stellenbosch.

Streckende Z. Westwards aan het Erf van de Wedowe Rousseauw. Noord Oostwards aan het Erf van Johannes Fick. Oostwards en Westwards aan de Nieuwe Straten.

Gemeeten en verdeelde door my, (Get.) Wm. Brown Rowan. Gezw. Landmeter.

Openbare Plak
 Red gemerkte grense... E. G. H.
 gesluit Kennisgeving d.d. 1981-05-09
 Liber S/ 2164/11
 Wm. Brown Rowan
 Gezw. Landmeter
 Datum 9. 05. 20

Afskryf van kaart waaraan navolys word
 in... T/A... 115
 gedateer... 23.4.1818... (Vol. 3)
 Wm. Brown Rowan
 21.7.1959

Sheet 3
 BH-8 DA/Z.53 (1482)

C.A./P.S.
 Nagesien deur.....

VAN GEDOSSEMENTE
 SIEN KEERSY VAN KAAFT

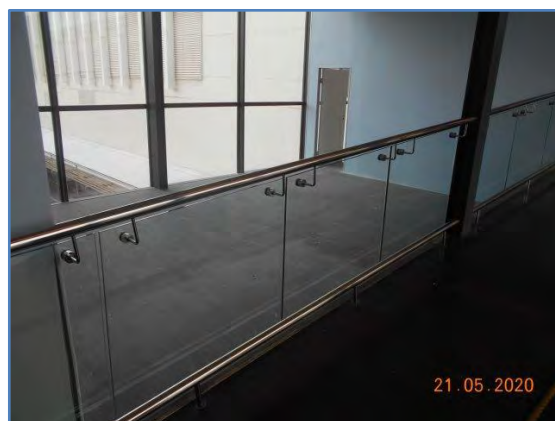
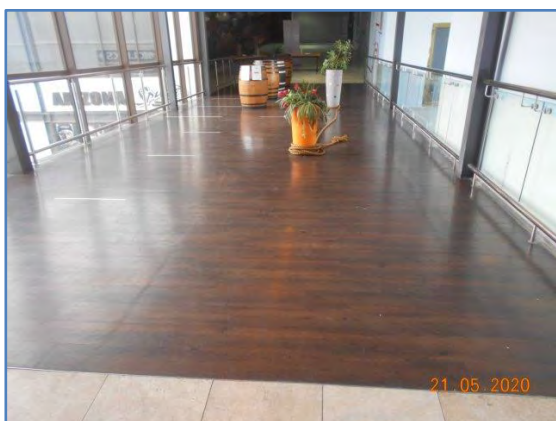
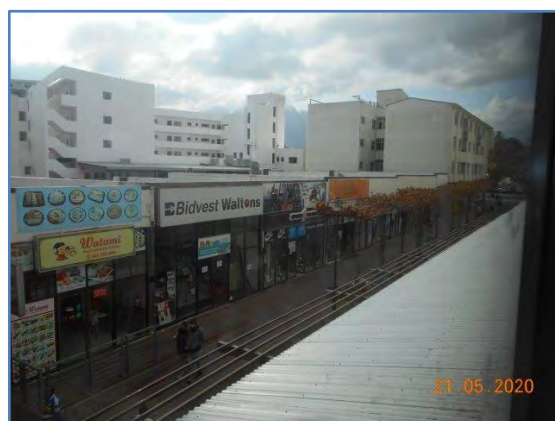
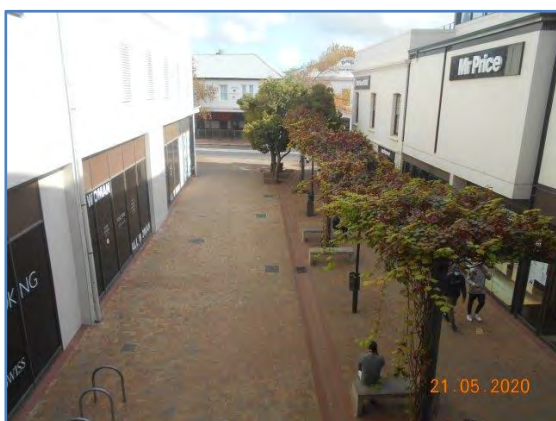
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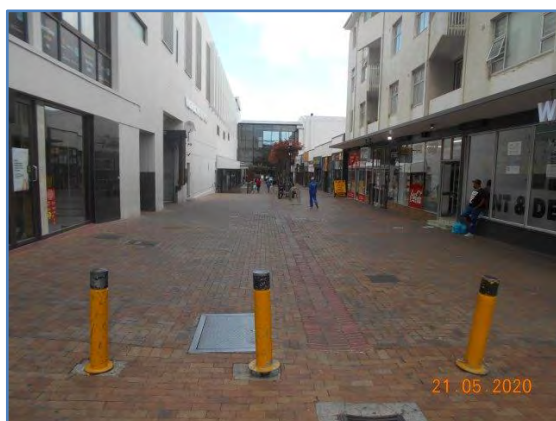
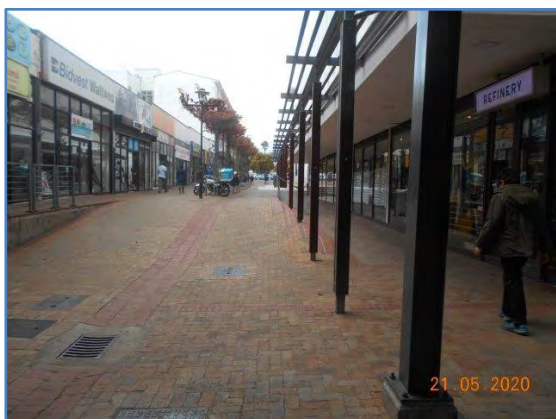
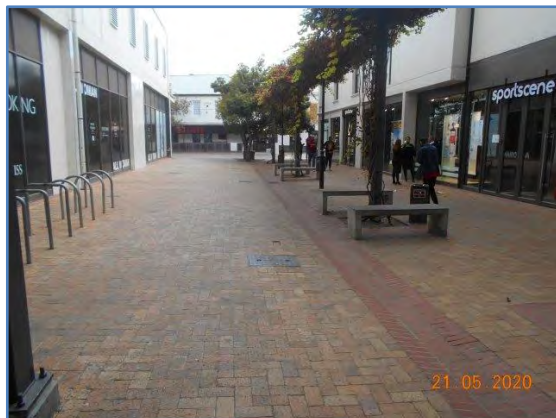
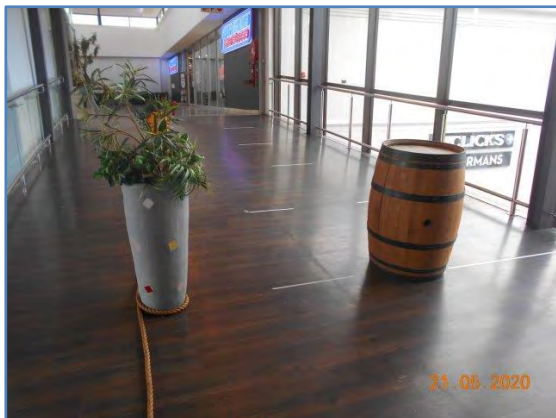
2022

113/1817

		S.R.	
	NOW ERF NO. 2029 Part in green	45	61 1881-20-680
	NOW ERF NO. 2024	14	101 1881-20-679
	Part in red	28	1891-8-558
	NOW ERF NO. 2023	81	115 10.7.1912 5469
	Part in mauve	25	110 10.7.1912 5465
	NOW ERF NO. 2028		35m 35320/83 5465
	Lot E		
	NOW ERF NO. 2025		
	Lot F		
E 2212/81.	6403/81.		FR 7351.

ANNEXURE C: PHOTOGRAPHS OF SUBJECT PROPERTY





End of report

11.2.3	ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM

2. PURPOSE

To consider the encroachment application of Horizon House for taking the objection received into consideration and make a final determination. To further consider delegations to deal with encroachments.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis.

Council considered the matter on 2020-01-29 and approved it in principle, subject to advertising its intention so to enter into an encroachment agreement.

Following the public notice period, one (1) objection was received from the Working Centre for Adult persons with disabilities, also operating from the Horison House property. Council must consider this objection before making a final determination.

There are various types of encroachments that for which tariffs are provided in the tariff book every year a copy of which was attached to the item that served in January before Council. A copy of the extract of the new tariffs is attached as **APPENDIX 4**.

The current delegations do not make provision for the delegation of these type of applications and it is not practical to bring all these applications to council. It is therefore recommended that council approve a delegation to the Municipal Manager to deal with encroachment applications.

5. RECOMMENDATIONS

- (a) that Council considers the objection before making a final determination;
- (b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and
- (c) that consideration be given to the proposed delegation to the Municipal Manager in **APPENDIX 5**.

6. DISCUSSION / CONTENT

6.1 Background

An application was received from Horizon House, Stellenbosch, to use a portion of Erf 3722 for recreational purposes and to extent their fencing onto a portion of the street reserve (Patrys road).

Having considered the matter on 2020-01-22. Having considered the matter Council resolved as follows:

- a) *that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land, as indicated on Fig 3,4 and 5, respectively be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;*
- b) *that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request subject to advertising the intent to enter into the agreement for public comment/inputs/objections.*
- c) *That the rental be determined as per the tariff rate".*

A copy of the agenda item that served before Council is attached as **APPENDIX 1**.

6.2 Discussion

Following the above Council resolution, a Public Notice was published in the Eikestad News of 13 February, soliciting comments/inputs/objections on or before 5 March 2020. A copy of the notice is attached as **APPENDIX 2**.

One (1) objection was received, i.e. from Work Centre for Adult persons with disability, operating from the Horizon House premises. A copy of the objection is attached as **APPENDIX 3**. Council must consider the objection.

6.3 Financial Implications

Council approves tariffs for encroachments on a yearly basis. The new tariffs is attached as **APPENDIX 4**. All the cost for improvements/maintenance will be for the account of Horizon House.

6.4 Legal requirements

The legal requirements were discussed in the item that served before Council in January and is attached as appendix 1. For detail, see par. 6.4 of that agenda item.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

22 January 2020.

6.7 Risk Implications

The risk implications are addressed in the item.

6.8 Comments from Senior Management

None requested as this is a return item.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.3

- (a) that Council considers the objection before making a final determination;
- (b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and
- (c) that consideration be given to the proposed delegation to the Municipal Manager in **APPENDIX 5**.

ANNEXURES

- Annexure 1: Agenda item that served before
- Annexure 2: Notice that was advertised
- Appendix 3: Copy of objections
- Appendix 4: Tariffs for encroachments 2020/21
- Appendix 5: Proposed delegations

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088750
E-MAIL ADDRESS	<u>Piet.smit@stellenbosch.gov.za</u>
REPORT DATE	2020-07- 15

APPENDIX 1

11.2.3	ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 January 2020

1. SUBJECT: ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722

2. PURPOSE

To obtain Council's approval to conclude an Encroachment Agreement with Horizon House to enable them to utilise/manage a portion of erf 3722, Onder Papegaaiberg, Stellenbosch on an encroachment basis and to put up a fence encroaching onto the Patrys Road street reserve and adjacent Lease Farm 183 D.

3. DELEGATED AUTHORITY

The current delegations does not make provision for the approval of encroachment agreements and as this is seen as long term use of Council property in the absence of a delegations must be dealt with by Council.

4. EXECUTIVE SUMMARY

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis. The current tariff used for determining the rental is attached as **APPENDIX 5**.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.3

RESOLVED (majority vote)

- (a) that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land, as indicated on Fig 3,4 and 5, respectively be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;
- (b) that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request subject to advertising the intent to enter into the agreement for public comment/inputs/objections; and
- (c) that the rental be determined as per the tariff rate.

The following Councillors requested that their votes of dissent be minuted:

Cllrs DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Collaborator No:
IDP KPA Ref No:
Meeting Date:

(To be filled in by administration)

GOOD GOVERNANCE

(The date of the specific meeting must be filled in here)

1. SUBJECT

ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722

2. PURPOSE

To obtain Council's approval to conclude an Encroachment Agreement with Horison House to enable them to utilise/manage a portion of erf 3722, Onder Papegaaiberg, Stellenbosch on an encroachment basis and to put up a fence encroaching onto the Patrys Road street reserve and adjacent Lease Farm 183 D.

3. DELEGATED AUTHORITY

Although the Manager: Property Management has the delegated authority to consider these kind of applications (See delegation 531), following discussions with the Director: Corporate Services, it was decided to refer the matter to Council for a decision.

4. EXECUTIVE SUMMARY

Horison House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, but also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property, on an encroachment basis.

5. RECOMMENDATIONS

- 5.1 that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land, as indicated on Fig 3,4 and 5, respectively be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;

- 5.2 that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request at a monthly fee of R60.00;
- 5.3 that Council's intention to conclude such an encroachment agreement be advertise for public input/comments/objections;
- 5.4 that, following the public notice period, the matter be finally considered by Council.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Application for encroachment permit

An application was received from Horison House, Stellenbosch, a copy of which is attached as **APPENDIX 1**. A further application was received for the erection of a fence, encroaching onto the street reserve (Patrys Road), a copy of which is attached as **APPENDIX 2**.

6.2 DISCUSSION

6.2.1 Property description

Horison House is situated on erf 6291 (see Fig 1, below), whilst the land that they are applying for is situated to the South of erf 6291, as indicated on Fig 2 and 3 respectively.



Fig 1: Location and context: Horison House

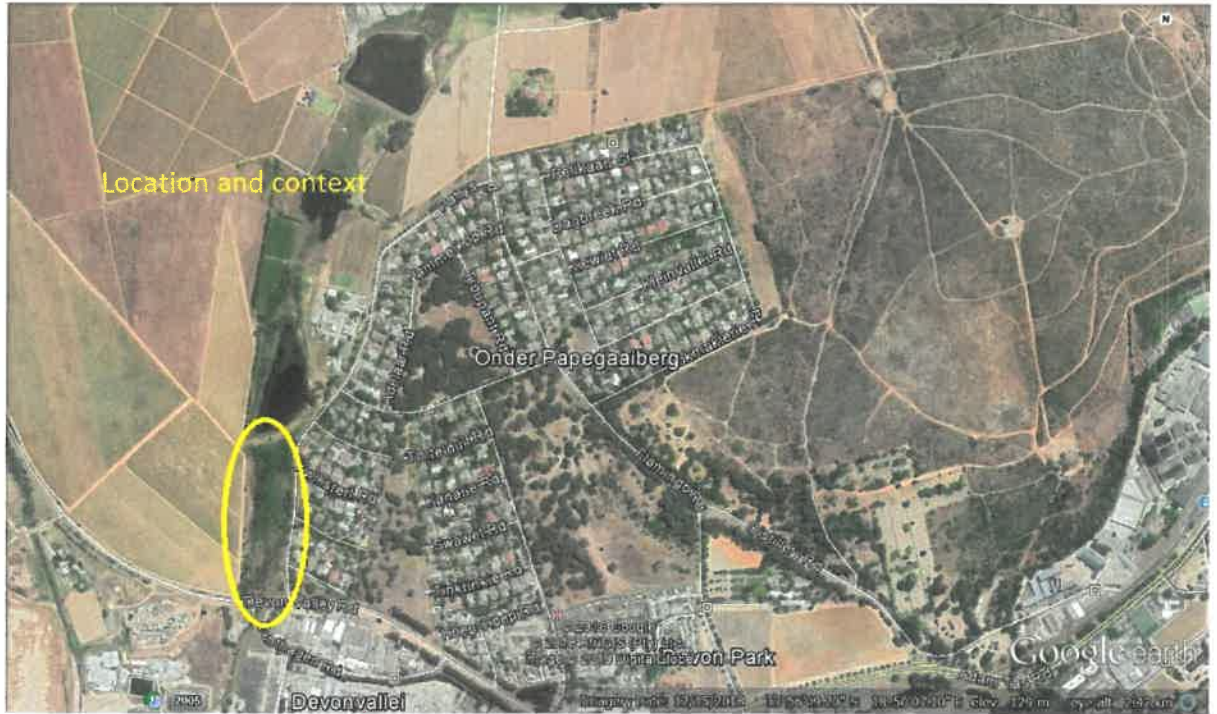


Fig 2: Location and context: Erf 3722



Fig 3: Extent of proposed encroachment

The area where they want to put up the boundary fence in the street reserve is indicated on fig 4 and 5 below.



Fig 4: Location and context: Road reserve



Fig 5: Location and context: Lease Farm 183D

6.2.2 Ownership: Erf 3722

Erf 3722 is registered in the name of Stellenbosch Municipality by virtue of Title Deed T24127/1976. See attached as **APPENDIX 3** Windeed record.

6.2.3 The Proposal

The proposal Horison House was established in 1974. It caters for approximately 100 full time residents with various disabilities as well as 39 day-visitors.

They have received funding to put up new fencing around their property and to develop walkways for their residents, as well as the broader public, but in a secured environment. They want to extend this onto the municipal land, which is currently overgrown with alien scrubs/trees. They also undertake to rehabilitate the entire area, including the removal of alien species. There will be a controlled access to the area, for security reasons.

6.3 Financial Implications

There are no financial implications should the recommendation as set out in the report be accepted. There will, however, be a financial saving, in the sense that they would take care of the alien vegetation.

6.4 Legal requirements

6.4.1 Municipal Ordinance, No 20/1974

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take steps to regularize* such encroachment.

*The issue of a permit in terms of Section 126 (1) will be deemed to be a regularization of the encroachment referred to in such a permit.

6.4.2 Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal property, the following needs to be taken into account, *inter alia*:-

- a) whether the capital asset may **be required for the municipality's own use** during the period for which the right is to be granted;
- b) the extend to which any compensation to be received for the right, together with the estimated value of improvements or enhancements to the asset, will result in a significant financial benefit to the municipality;

- c) the (possible) risks and rewards associated with the use in relation to the municipality's interests;
- d) Any comments received from the local community, and
- e) Compliance with the legislative regime applicable to the proposed granting of the right.

6.4.3 Property Management Policy

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act. One of the circumstances listed in (h) is where encroachment applications are received from adjoining owners, subject to approved tariff structure*.

Further, in terms of paragraph 9.2.2.2, the reasons for any such deviation from the competitive process must be recorded.

6.4.4 *Approved tariff structure

In terms of the current, approved tariff structure a fee of R60-00 p/m is payable.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

None

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Herewith comment for proposed encroachment permit application Horizon House Erf 3722:

1. This Directorate has no objection to the above application.
2. If any portion of land must be subdivided and/or rezoned then a formal rezoning application must be submitted for approval, which will be for the applicants account.

3. Building plans for the proposed fence must be submitted on which further municipal conditions may be applicable, the proposed fence/ or any other facility must be constructed a minimum of 5 meters from the face of the road kerb.
4. There is a municipal services including stormwater pipe line running along Patrys Road and Tarentaal Roads, these services must at all times be accessible by the Municipality for maintenance purposes.
5. Encroachment into the road reserve will cease or be amended when the municipality requires the area for municipal purposes such as road widening, sidewalk construction or widening public transport facilities such as bus/ taxi embayments.
6. Encroachment into the road reserve will cease or be amended when the municipality requires the area for municipal or public services such as sewer pipes, electricity cabling and telecommunication cables etc.
7. Encroachment into Stormwater Retention Facility, (Erf3722) must at all times be accessible by the Municipality for maintenance purposes.
8. Fencing around the Stormwater Retention Facility must be constructed on the cadastral boundary of the retention facility.
9. Stormwater facility on Erf 3722 must, at all times be accessible by die Municipality to carry out maintenance or construction works.
10. No permanent fixtures or infrastructure can be installed within the encroached area.
11. Any damages caused to municipal services / infrastructure within the proposed encroached must be repaired by the applicant.
12. The municipality cannot be held liable for damages to any facility, vegetation / landscaping etc. in the course of the municipality carrying out maintenance or construction works.

6.8.2 Director: Planning and Economic Development

To follow.

6.8.3 Chief Financial Officer

To follow.

6.8.4 Director: Community and Protection Services

This department is in support of the application. See attached as **APPENDIX 4**.

ANNEXURES:

Annexure 1: Application Huis Horison

Annexure 2: Second application

Appendix 3: Windeed search

Appendix 4: Comments from Directorate: Community Services**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	2019-10-28

DIRECTOR: CORPORATE SERVICES

APPENDIX 2

Publikasie	Publikasie Datum	Afdeling	Bladsy
BMSTBEN (EikestadNuus)	13/02/2020	MAIN (Main)	-



STELLENBOSCH
 STELLENBOSCH • FRANS • FRANSCHOSSE
 MUNISIPALITEIT • UMABIPALA • MUNICIPALITY

OFFICIAL NOTICE

PROPOSED ENCROACHMENT AGREEMENT: HORISON HOUSE: ERF 3722

Notice is hereby given in terms of par. 9.2.2 of Stellenbosch Municipality's Policy of Council's intention to conclude an encroachment Agreement with Horison House, in terms whereof they would be allowed to use a portion of Council's owned land (portion of erf 3722 as well as some street reserve) for recreational purposes and to fence it in as part of their property.

Further Particulars

Further particulars, including the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours.

Invitation to submit written inputs

Any interested and effected party who wishes to submit comment/inputs, may do so in writing within 21 days of this notice the Manager: Property Management during working hours.

Inputs/Objections/alternatives can be submitted by hand, posted or send by e-mail to:

Physical Address: 3rd Floor
 Absa (Oude Bloemhof) Building, Corner of Plain and
 Rhynevald Street
 Stellenbosch
 7600

Postal address: PO Box 17
 Stellenbosch
 7599

e-mail: piet.smit@stellenbosch.gov.za

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management for assistance.

G METTLER
MUNICIPAL MANAGER

DATE: 2020-02-13

PT0010-041/0200

APPENDIX 3

WERKSENTRUM

**Vir Volwasse Persone
met
GESTREMDHEID**

Adres: Patryslaan 1,
Stellenbosch, 7600
Pos adres: Posbus 3359,
Matieland, 7602
Tel: 021 887 8688
Faks: 021- 887 8504
Sell: 074 759 9302
Epos: jjia@sun.ac.za

**WORK CENTRE**

**For Adult Persons
with
DISABILITY**

Address: 1 Patrys Avenue,
Stellenbosch, 7600
Postal address: P.O.Box 3359,
Matieland, 7602
Tel: 021 887 8688
Fax: 021 887 8504
Cell: 074 759 9302
Email: jjia@sun.ac.za

**"WORKING TOWARDS HEALTH AND INDEPENDENCE"
Registered Non-profit Organisation NPO-011-786**

For Attention: Mr Piet Smit

The Manager: Property Management
STELLENBOSCH MUNICIPALITY
Stellenbosch
7600

04 March 2020

Sir / Madam

OBJECTION TO PROPOSED ENCROACHMENT AGREEMENT

As an interested and affected party, The Stellenbosch Work Centre for Adult Persons with Disability (hereafter refer to as the "**Work Centre**"), strongly objects to any approval to conclude an Encroachment Agreement between Stellenbosch Municipality and Huis Horison, as minuted on page 23 of the proceedings of the 34TH Meeting of the Council of Stellenbosch Municipality, 2020-01-29.

From par. 3. DELEGATED AUTHORITY, it is clear that any such agreement is intended to be a long term one regarding the use of municipal property, ostensibly for the primary benefit of "persons with disability", and secondarily for the benefit of the public at large.

Council has, however, failed to apply its mind to the reality of the situation.

Firstly, on the same premises as Huis Horison, but fenced in on a narrow and inadequate piece of the property at the south-western end, the Work Centre (par.1) is located. The building was erected by Huis Horison on the agreed terms that the Work Centre would repay the "loan" at the then current rate of interest, which amounted, in the end to more than R520 000.

The irony of the situation is that the building can be reflected on the balance sheet of Huis Horison and utilised as collateral, while the Work Centre merely occupies the assigned space in the classical status of a *bywoner* – having no rights, no security of tenure and no space or rights to expand its activities to ensure the economic survival and future expansion of the entity.

The Work Centre serves exactly the same purpose as Huis Horison but, owing to Apartheid legislation and racial discrimination over many decades, it has been seriously disadvantaged and constrained, unable to fully execute its mandate.

In 2010 the Work Centre entered into discussions with Huis Horison around integration of the two centers, in terms of a directive by the National Department of Social Development, but also on the basis of the moral principle that discriminatory racial division was unacceptable under the Constitution of the Republic of South Africa, 1996.



Those talks were unilaterally suspended by Huis Horison before any concluding agreement could be reached. Such talks, however, continued sporadically and informally until the Work Centre formally reopened talks specifically around operational integration and security of tenure in 2018. To date, again, no formal agreement has been signed regarding, particularly, the core issues as stated in the previous paragraph. The Work Centre feels that the application for encroachment is an act of bad faith by Huis Horison, as we were neither consulted nor informed of the intention to apply.

The Board of Members of the Work Centre is aware that the land currently owned by Huis Horison was acquired through a land grant by Stellenbosch Municipality, for the establishment of a haven for persons with disability, but also that the beneficiaries of such a grant would be restricted to whites only.

In other words, Stellenbosch Municipality gifted a portion of a national asset, land, free of charge, to the exclusion of others with the same need but in much worse economic and social circumstances. Apartheid has recently been denounced as a crime against humanity, but the devastating effects of such criminal acts are allowed to continue poisoning the lives of vulnerable people in our community.

We wish to point out that no such gesture of profound goodwill as benefitted Huis Horison has ever been made to the Work Centre by Stellenbosch Municipality. Currently serving Councilors such as Councilor Serdyn and officials such as Ms. Michelle Aalbers are fully aware of the discrepancy in the treatment of Huis Horison as opposed to that of the Work Centre. Secondly, we wish to point out that the presumed benefit of access to a walking trail by the Stellenbosch public at large, is a smoke-screen.

The reality is that the main, if not the only, beneficiaries of such a facility will be the residents of Onder-Papegaaiberg, given logistical constraints on more distant communities. The question, therefore, is whether Stellenbosch Municipality, in principle, supports the maintenance and extension of Apartheid privilege to residents of Stellenbosch who already constitute an advantaged minority.

Thirdly, we submit that Act No. 16 of 2013, the Spatial Development and Land Use Management Act (SPLUMA), specifically speaks to the need to "...address past spatial and regulatory imbalances." (*Preamble*), and that the Act applies to any and all planning, projects, agreements and regulatory measures pertaining to land use and management in South Africa. It is our view that, given the current situation of the unequal treatment received by a large majority of persons with disability within the Stellenbosch municipal boundaries, Stellenbosch Municipal Council's proposed resolution to support the Encroachment Application would be in violation of the SPLUMA.

Lastly, we wish to express to our serious concern about the manner in which municipal councilors, particularly from wards suffering under serious disadvantage, such as Kayamandi, Cloeteville, Klapmuts, Kylemore and Idas Valley continue to disregard the plight of the poor and most vulnerable by failing to stand up for the rights of those who continue to be marginalized.

On Page 1025 of the Agenda of the Council Meeting held on 2020-01-29 Figure 1 shows not only the location of Huis Horison on Erf 6291, but also the magnitude of the Apartheid crime that was committed by a previous municipality against people who were voiceless at the time. There are vast pieces of under-utilized land within the boundaries of the property owned by Huis Horison.

While the Board of Members of the Work Centre acknowledges the goodwill shown by Huis Horison towards us, it must be understood that we have an obligation to those under our care equal to that of Huis Horison, but because of the statutory discrimination that we were exposed to, our need for land and for security of tenure is far greater, while their need for extensive landholding was met by an act of injustice and discrimination by a previous municipality.

Stellenbosch Municipality has an opportunity to address this imbalance in spatial planning and land allocation.

We sense that our engagement with Huis Horison is reaching / has reached a cul-de-sac. Therefore, we request that Stellenbosch Municipality becomes a negotiating and facilitating partner in the ongoing conversation between ourselves and Huis Horison, so that spatial planning justice can be seen to be done.

We shall inform Huis Horison of our objection and also of our request for the inclusion of Stellenbosch Municipality in future conversations so that both parties can assist the municipality to provide Dignified Living to a section of our community that needs it most.



Our proposal is that the Encroachment Application be put on hold so that the more urgent issue of remedial spatial justice action can be executed.

We look forward to a meeting in the immediate future at which a road map of possible ways forward can be agreed upon. Please find included a photo copy of a portion of the Council item and the diagram referred to.

Should you require any further information or clarification, please contact **Jolinda Jacobs** on **021-887 8688**.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Wilfred Daniels', written over a horizontal line.

Wilfred Daniels
Chairperson
Stellenbosch Work Centre for Adult Persons with Disability

A handwritten signature in black ink, appearing to read 'Leslie Olivier', written over a horizontal line.

Leslie Olivier
Secretary
Stellenbosch Work Centre for Adult Persons with Disability

083 475 6658



Fig 5: Location and context: Lease Farm 183D

6.2.2 Ownership: Erf 3722

Erf 3722 is registered in the name of Stellenbosch Municipality by virtue of Title Deed T24127/1976. See attached as APPENDIX 3 Witdeed record.

6.2.3 The Proposal

The proposal Horizon House was established in 1974. It caters for approximately 100 full time residents with various disabilities as well as 39 day-visitors.

They have received funding to put up new fencing around their property and to develop walkways for their residents, as well as the broader public, but in a secured environment. They want to extend this onto the municipal land, which is currently overgrown with alien scrubs/trees. They also undertake to rehabilitate the entire area, including the removal of alien species. There will be a controlled access to the area, for security reasons.

6.3 Financial Implications

The rental to be determined.

6.4 Legal requirements

6.4.1 Municipal Ordinance, No 20/1974

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take steps to regularize such encroachment.

*The issue of a permit in terms of Section 126 (1) will be deemed to be a regularization of the encroachment referred to in such a permit.

6.4.2 Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal property, the following needs to be taken into account, inter alia:

6.2 DISCUSSION

6.2.1 Property description

Horizon House is situated on erf 6291 (see Fig 1, below) whilst the land that they are applying for is situated to the South of erf 6291, as indicated on Fig 2 and 3 respectively.



Fig 1: Location and context: Horizon House





Fig 3: Extent of proposed encroachment

The area where they want to put up the boundary fence in the street reserve is indicated on fig 4 and 5 below.



Fig 4: Location and context: Road reserve

APPENDIX 4

Piet Smit

From: Albert van der Merwe
Sent: 20 February 2019 09:52 AM
To: Piet Smit
Cc: Leon Lourens; Schalk Van der Merwe
Subject: FW: Encroachment Permit Application Form

More Piet

Ek ondersteun Leon se onderstaande kommentaar.

Please copy me into your reply / Kopieer myself asseblief in u terugvoer!

Winners of the Arbor City Awards 2014 & 2017 Local Municipality Category



Kind regards,

Albert Van Der Merwe

Waarnemende Direkteur:
Gemeenskap- en Veiligheidsdienste
Acting Director: Community and
Protection Services

**Community and Protection
Services**



T: +27 21 808 8165 | F: +27 21 887
7446
123 Merriman Avenue, Stellenbosch,
7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Leon Lourens
Sent: Wednesday, 20 February 2019 09:23
To: Albert van der Merwe
Subject: RE: Encroachment Permit Application Form

Ek support die aansoek.

Ek en Schalk het reeds hieroor met huis Horison gepraat.

Ek ondersteun die aansoek en sal dit aanbeveel.

Hulle sal die druk van ons afhaal om the gedeelte te bestuur, natuurlik met ons help.

Die vleiland is belangrik vir beide van ons. Die inwoners sal baie baat by die geddlte van die park. Ons sal steeds help met die verwydering van uitheemse plante.

Dankie

Leon

From: Albert van der Merwe
Sent: 19 February 2019 03:35 PM
To: Leon Lourens
Subject: FW: Encroachment Permit Application Form

Leon

Kan jy weer jou kommentaar stuur asb. baie dankie

From: Piet Smit
Sent: Monday, 11 February 2019 08:16
To: Albert van der Merwe; Leon Lourens; Deon Louw; Bernabe De La Bat
Cc: Annelene Rooifontein
Subject: FW: Encroachment Permit Application Form

Kolegas,

Sien aangehegte aansoek van Huis Horison .Ek ontvang graag jul kommentaar/insette in die verband.

Piet

From: Crystal Pillay / Administratiewe Beampte [mailto:admin@huishorison.org.za]
Sent: 08 February 2019 03:57 PM
To: Piet Smit
Cc: Elza Bresler / Uitvoerende Direkteur; Francois Burrows / Tegniesedienste
Subject: [EX] Encroachment Permit Application Form

Beste Mnr Smit

Ontvang hiermee ons inligting en aansoek van Huis Horison vir die gebruik / huur van die aangrensende munisipale grond.

Ons sou graag 'n afspraak met u reël om dit te bespreek en indien daar enige navrae of onduidelikhede is, dit uit te klaar.

Ons hoop ons aansoek sal gunstig oorweeg word, ons glo dit sal 'n positiewe bydrae lewer.

Vriendelike groete

EC Bresler
Uitvoerende Direkteur

Vriendelike groete / Kind regards

Crystal Pillay

Uitvoerende Sekretaresse / Executive Secretary

Huis Horison / Horizon House

Sentrum vir die versorging van mense met 'n intellektuele gestremdheid/Centre for the care of people with a primary intellectual disability

NPO : 003-306 ▪ VAT Reg : 4590 129 161

Tel: 021 887 5080 ▪ Faks: 021 887 5337

Patrysstraat 1 / 1 Patrys Street, Onder-Papegaaiberg, Stellenbosch, 7600

Posbus / PO Box 102, Stellenbosch, 7599

Volg ons op / Follow us on [Facebook](#)

www.huishorison.org.za

APPENDIX 5



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTIONS TO ASSIST
		is concerned				
LEG 12	General	To authorise forensic investigations in relation to any alleged fraud, corruption or criminal activity, maladministration and or negligence on the part of any employee, Councillor, agent, contractor, supplier or service provider	Council	Executive Mayor in so far as it relates to Councillors Municipal Manager as far as it relates to all other		Chief Audit Executive to assist
LEG 13	General	To pursue, facilitate and/or represent the Municipality in respect of any appropriate, criminal, civil and/or related proceedings	Council	Executive Mayor as far as it relates to Councillors Municipal Manager as far as it relates to all other		May be delegated to any Director where relevant
LEG 14	General	To appear before a notary to execute any document or appoint any other person to appear before the notary on behalf of the municipality, including the power to sign any documents relating thereto	Council	Accounting Officer		May be delegated
LEG 15	Section 126 and 127 of Municipal Ordinance 20/1974	Approval of an encroachment onto municipal owned land or public spaces	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services In terms of Council Policy/Framework.

11.2.4	ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BAYS ON ERF 235, STELLENBOSCH
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BAYS ON ERF 235, STELLENBOSCH

2. PURPOSE

To consider the application of Lar-Shei Investments (Pty) Ltd to enter into an encroachment agreement to enable them to utilise/manage 18 parking bays for exclusive use by their tenants.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Lar-Shei Investments (Pty) Ltd, the owners of the Lar-Shei Building, housing 18 flats and 8 commercial properties, applied for 18 parking bays on the parking area on erf 235 (public parking area) to be used exclusively by their tenants/owners.

A similar arrangement was approved for the Body Corporate of erf 7551, when it was developed during 2017. Lar-Shei and the Akkerhof Body Corporate, situated next to the Lar-Shei Building concluded an Agreement, whereby Akkerhof would give their consent Lar-Shei's application, on condition that they (Akkerhof) would be allowed to use 9 of the 18 parking bays for their tenants, should the application be approved by Council. The encroachment agreement would normally be for an unlimited period and contain a 3 months' notice period. The application will be advertised for public comment should Council in principle approve the application.

The item served before Mayco in November and was referred to address two matters:

1. Amount of parking spaces available at the parking area
2. To determine if this should be seen as inside or outside the CBD.

During an inspection by Infrastructure it was reported that there is around 130 parking bays available if the parking bays allocated to the Body Corporate of erf 7551 is deducted from the parking bays available. The application process for municipal employees indicates that we will need around 60 parking bays to accommodate the overflow from Bloemhof. There are therefore 18 bays available should Council want to approve the application of Lar Shei.

The feedback from the Planning Department is that there is no hard line drawn to indicate the CBD or not. Given all the businesses around it is recommended that Council resolve that the area is for purposes of rates for parking encroachments regarded as falling within the CBD.

The application again served before Mayco on 12 February 2020 and the resolution was that this item be referred back to Administration for further refinement, where after same is to serve again at the Mayoral Committee meeting of March 2020. The item did not serve in the May round of meetings as we were awaiting input from the Director Infrastructure services given the investigation they did on parking. Director Louw has responded to the property section as follows and has also commented on the item before that as indicated below in 6.8.1:

“My parkering item was die Seksie 78(4) besluit. Dit het basies aanbeveel dat alle meervloerige parkering uitgegee sal word op kontrak en alle enkelvlak parkering deur die munisipaliteit self gedoen sal word. Ons is dus tans besig om Artikels 80 & 81 se proses te volg, dws die opstel van ‘n SDA (Service Delivery Agreement). Die raadsbesluit het aangedui dat daar gekyk moet word na skepping van ‘n parkeergarage by Technopark en Eikestadmall. Verder moet daar na verskeie parkeerareas binne loopafstand van die Universiteit en Stellenbosch CBD gekyk word.

As bogenoemde aansoek dus binne die besigheidsafstand van Technopark of Eikestadmall gaan wees dan mag dit die lewensvatbaarheid van die garages raak. Nou dat lockdown gelig is kan ons ‘n vergadering reël om die punt te bespreek en as die gevoel is dat ons dit kan toelaat dan kan ons die groenlig gee. Let daarop dat parkering ‘n munisipale funksie is ten opsigte van die Grondwet. As ‘n persoon vir sy eie besigheid parkering wil verskaf dan is dit goed, maar as hy parkering vir die breë publiek wil verskaf dan is dit nie goed nie.”

Council must now consider this application.

5. RECOMMENDATION

For consideration

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Application for encroachment permit

An application was received from Lar-Shei Investments (Pty) Ltd, to lease 18 parking bays on erf 235 for exclusive use by their tenants. A copy of the application is attached as **APPENDIX1**.

6.2 DISCUSSION

6.2.1 Property description

Lar-Shei and Akkerhof is situated on erven 213 and 7646 respectively, whilst the parking bays are situated on a portion of Remainder erf 235, as shown on fig 1 and 2, below.

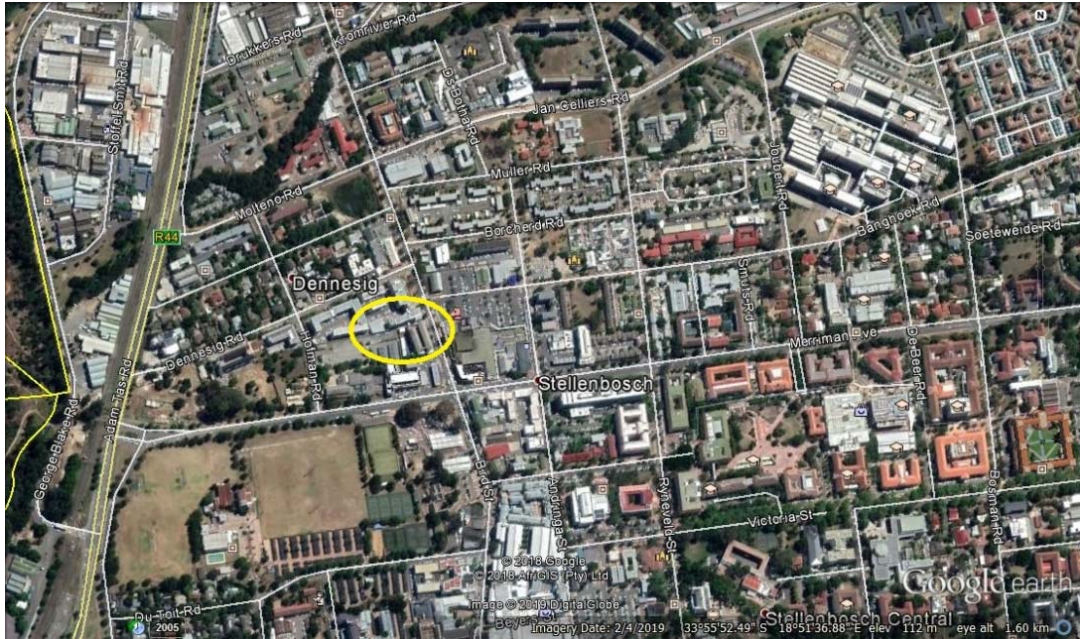


Fig 1: Location and context



Fig 2: Location of various sites in relation to erf 235

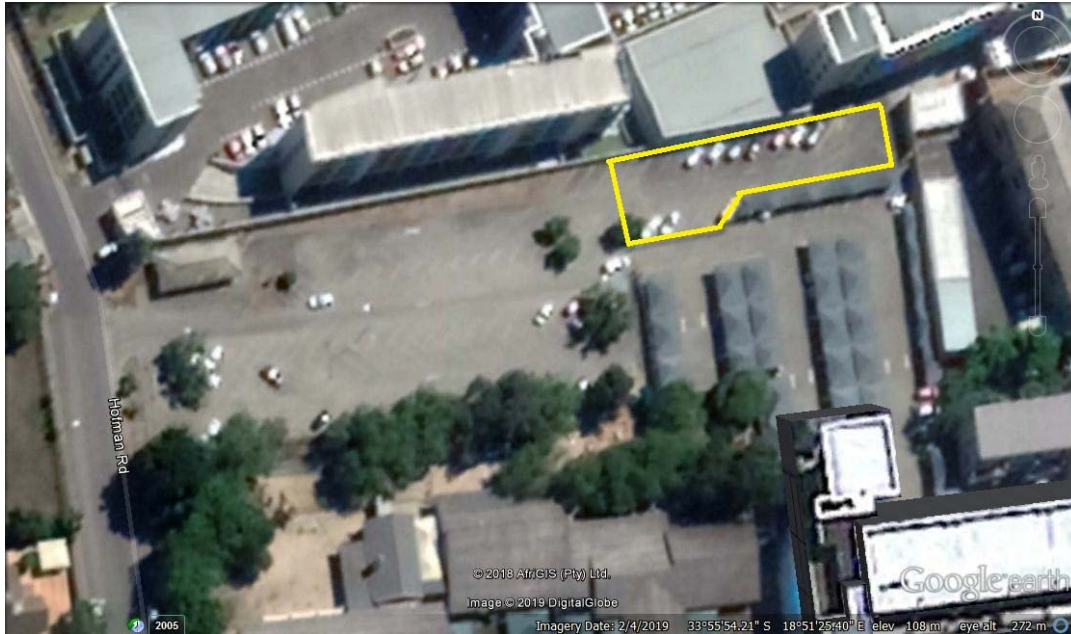


Fig 3: Extent of proposed encroachment

6.2.2 Ownership: Erf 3722

Remainder portion 235 is registered in the name of Stellenbosch Municipality by virtue of Title Deed T13664/1947. See attached as **APPENDIX 2** Windeed record.

6.2.3 The Proposal

Lar-Shei and Akkerhof is situated in Bird Street, but is also bordering the public parking area situated on Remainder portion 235. They concluded an Agreement in August 2018 in terms whereof:

- a) Both parties would apply to use parking bays situated on erf 235 on an encroachment basis;
- b) Both parties would use 9 dedicated parking bays;
- c) A service access would still be in place over the parking area for Akkerhof residents;
- d) They would put up palisade fencing and install an electronic access system, at their cost.

6.3 Financial Implications

In terms of the current approved tariff structure a monthly rental of R275.00 (in the CBD and Techno park)) and R130.00 (outside the CBD) per parking bay will be payable. There is no clear indication of where the CBD ends at this stage. Should it be approved it will lead to an annual income of R R59 400 or R28 080.00 (pending on the tariff). Residents are currently using the parking area for free as the current service provider is not managing the area and there is no dedicated parking. If the application is approved a dedicated amount of bays will be allocated to them. The new tariffs are attached as **APPENDIX 3**.

6.4 Legal requirements**6.4.1 Municipal Ordinance, No 20/1974**

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take steps to regularize* such encroachment.

*The issue of a permit in terms of Section 126 (1) will be deemed to be a regularization of the encroachment referred to in such a permit.

6.4.2 Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal property, the following needs to be taken into account, *inter alia*:-

- a) whether the capital asset may **be required for the municipality's own use** during the period for which the right is to be granted;
- b) the extent to which any compensation to be received for the right, together with the estimated value of improvements or enhancements to the asset, will result in a significant financial benefit to the municipality;
- c) the (possible) risks and rewards associated with the use in relation to the municipality's interests;
- d) Any comments received from the local community, and
- e) Compliance with the legislative regime applicable to the proposed granting of the right.

6.4.3 Property Management Policy

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act. One of the circumstances listed in (h) is where encroachment applications are received from adjoining owners, subject to approved tariff structure.

Further, in terms of paragraph 9.2.2.2, the reasons for any such deviation from the competitive process must be recorded.

6.5 Staff Implications

Staff parking is currently under discussion and this area might be a solution to the limited parking in the CBD for staff and other residents. There are enough parking spaces available to accommodate the requests that will overflow from Bloemhof.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

The risks are addressed in the item.

6.8 Comments from Senior Management

6.8.2 Director: Infrastructure Services

Encroachment / lease agreement strictly on temporary basis, with no vested rights incurred to the applicant. It must be taken into account that the municipality is in process of reviewing and assess parking requirements in the Stellenbosch CBD, and may in the near future- utilize more extensively, upgrade or develop the Latsky Street parking area for municipal purposes.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.4

that the Municipality retains this portion of land for the purposes of additional parking as per Municipal parking programmes due to the lack of parking within the Stellenbosch CBD and surrounding.

ANNEXURES

Annexure 1: Application Lar-Shei Investments (Pty) Ltd

Annexure 2: Windeed search

Appendix 3: Encroachment tariffs 2020/21

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088750
E-MAIL ADDRESS	<u>Piet.smit@stellenbosch.gov.za</u>
REPORT DATE	2020- 07-13

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ENCROACHMENT PERMIT APPLICATION FORM

A: APPLICANT'S DETAILS

Name : LAR-SHEI INVESTMENTS (PTY) LTD.

Physical address: 63 BIRD STREET
STELLENBOSCH

Postal code: 7600

Mailing address: P O BOX 1550
STELLENBOSCH

Postal code: 7599

E-mail address: andrea@pfstrust.co.za

Telephone: (021) 889 5601

Cell phone: (082) 807 6555

B: PROPERTY DETAILS OF APPLICANT

Erf/farm number : 213

Suburb:

Town: STELLENBOSCH

C: PROPERTY DETAILS OF ENCROACHMENT AREA

Erf/farm number : ERF 235
 Suburb:
 Town: STELLENBOSCH
 Area of encroachment: ±250 m²

* To be supplemented with a sketch-plan with dimension in m²

D: TYPE OF APPLICATION:

Please mark the appropriate block

- For commercial purposes, other than for parking
- For commercial parking purposes,
- For residential parking purposes
- For non-commercial purposes (such as garden purposes, gates, ect)
- For projecting structures onto street reserves
- For projecting structures onto other council-owned land
- Other: please provide description:

Brief description of application: Lav Shei Building consists of 18 x 2 bedroom flats + 8 business premises (±1226m²) with only 12 Lock-up garages and 11 parking bays

Motivation: Sufficient parking was available on the vacant municipal area from Latsky street. The development on Erf 7551 closed off Latsky Street and reserved parking rights by means of a lease agreement with the Municipality. This caused that the previously available parking was unavailable

E: LIST OF ATTACHEMENTS AND SUPPORTING DOCUMENTS

Please mark the appropriate box

- Special Power of Attorney, where Applicant is not the owner
- Diagram of proposed area of encroachment
- Letters of consent (affected neighbours)
- Application fee (R600-00, non-refundable)

I hereby certify that the information supplied in this application form is correct and that I am property authorized to make this application.

Applicant's signature: *P. A. Emedocles*

Date: 7/10/2016

Full name: P. A. Emedocles



LAR-SHEI BELEGGINGS (PTY) LTD

Reg no: 1968/000753/07

14A Stone Square
Stellenbosch, 7600

Tel: (021) 889 5601
Fax: (086) 244 6364

Posbus/P O Box 1550
Stellenbosch, 7599

7 October 2016

APPLICATION FOR ENCROACHMENT – ERF 213 onto ERF 235

Lar Shei Building was erected on Erf 213 (± 1968).

The building consists of:

- 18 x two bedroom flats (approximately 18 x 78m²)
- 8 x commercial premises (± 1224 m²)
- 12 x lock-up garages
- 10 x parking bays

Next to the premises, municipal ground (Erf 235 from Latsky Street), supplied sufficient parking for Lar Shei and surrounding buildings over the years.

The development of erf 7551 during 2007, resulted in the closure of Latsky Street and the permanent closure of the parking facilities to Lar Shei. We have expressed our concern dated 15 March 2006 but did not object to the closure of Latsky Street and the exclusive letting of the property to the body corporate of erf 7551 as we were informed that we as Lar Shei, could apply for similar parking facilities. Even when the parking areas were erected, a conduit pipe was laid to enable enclosed parking for Lar Shei in the future.

In August 2008 we applied for the first time for additional parking facilities. We now wish to finalize this agreement.

We wish to enclose the parking area (14 parking bays) as per attached layout with a remote operated gate. As Akkerhof Body Corporate currently receives delivery via their rear entrance, we will supply a remote to the body corporate to enable them access.

As the original design of Lar Shei Building did not allow for sufficient parking, we have bought the property with the parking limitations. We wish to seek for a solution and resolve this problem at our own cost.

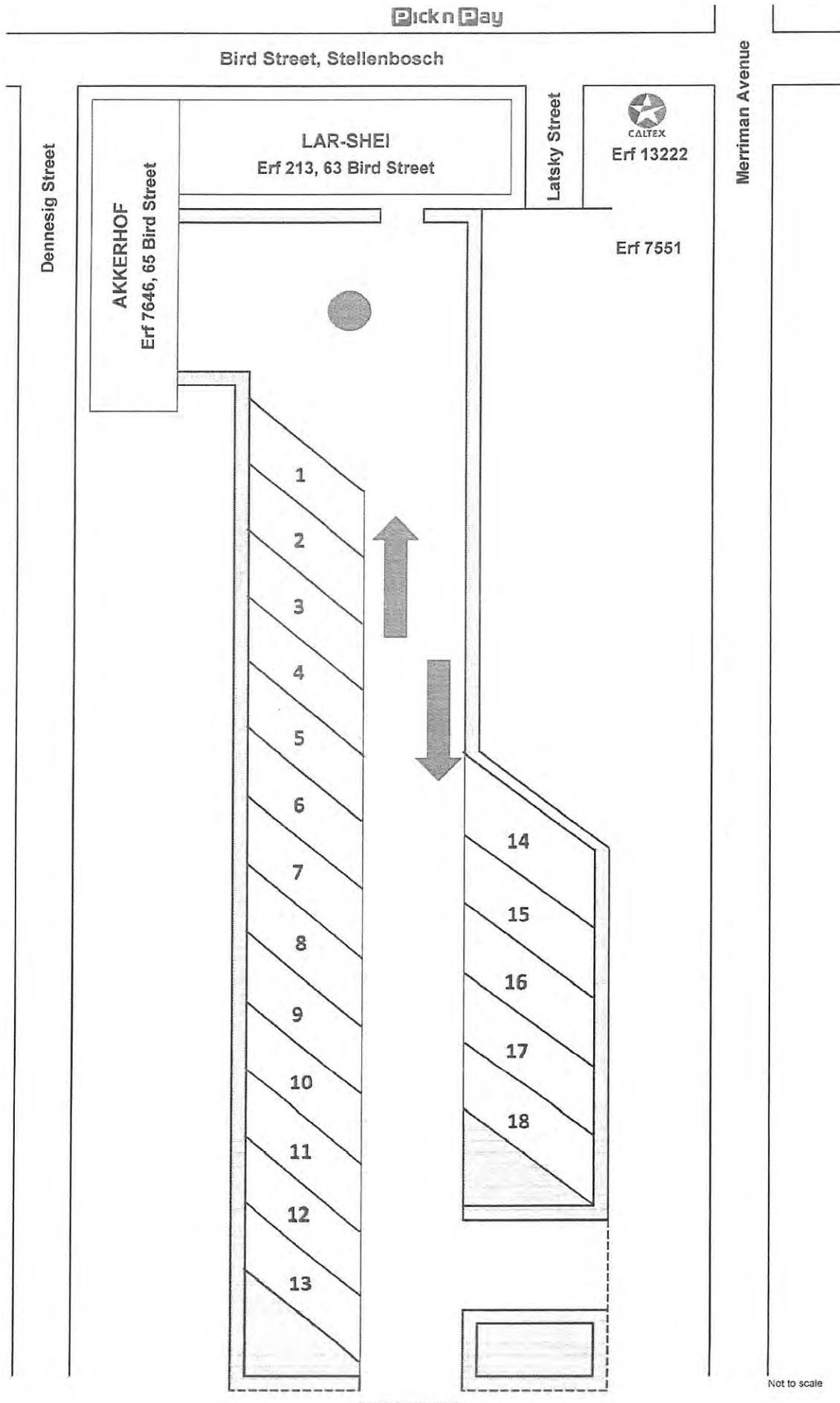
We trust that our application will be considered favorably.

Yours Truly

Andrea Empedocles

Director: Lar Shei Investments (Pty) Ltd

Direkteur: A P Empedocles P A Empedocles



LAR SHEI BELEGGINGS (Edms) Bpk

Reg no: 1968/00753/07

Dorpstraat 107 Dorp Street
Stellenbosch, 7600

Tel: 021-887 1373
Fax: 021-883 9634

Posbus/P O Box 1550
Stellenbosch, 7599

21 Augustus 2008

Stellenbosch Munisipaliteit
Pleinstraat
STELLENBOSCH
7600

Aandag: Mnr P Smit

Geagte heer

AANSOEK OM PARKEERPLEKKE TE ERF 235, STELLENBOSCH

Ons skrywe gedateer 10 Oktober 2007 (afskrif aangeheg), het betrekking.

Lar Shei Beleggings (Edms) Bpk is die eienaar van erwe 213 en 220, aanliggend tot Erf 235.

Hiermee doen ons aansoek vir die huur van 18 parkeerplekke op Erf 235, aanliggend tot ons perseel asook aanliggend tot die uitbreiding aan erf 7551.

Ons doen aansoek om addisionele parkeerruimte aangesien die huidige fasiliteite onvoldoende is en die oop ruimte wat tans gebruik word as parkering, ontwikkel word waardeur dit ontoeganklik sal wees vir die inwoners/huurders van Erf 213/220 (sien skrywe aangeheg).

Ons is in gesprekvoering met die ontwikkelaar van Erf 7551 om die ontwikkeling van die 18 parkeerplekke in samewerking met die parkeerplekke van Erf 7551 te doen om onder andere eenvormigheid te bewerkstellig.

Aangeheg 'n voorgestelde uitleg van die parkering waarvoor Erf 7551 aansoek gedoen het asook die voorgestelde addisionele 18 parkeerplekke vir erf 213/220 waarvoor aansoek gedoen word.

Ons verneem graag so spoedig moontlik van u

Die uwe



P A Empedocles
Direkteur
Sel: (082) 807 6555

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UITTREKSEL VAN DIREKSIEVERGADERING

GEHOU OP 18 SEPTEMBER 2016

Daar is besluit dat:

1. Lar-Shei Beleggings aansoek doen by Stellenbosch Munisipaliteit vir die huur en gebruik van aanliggende parkering op erf 235, Stellenbosch
2. Peter Andrea Empedocles, Id no 611202 5050 08 6 gemagtig word om die nodige dokumentasie te onderteken ter uitvoering van hierdie besluit.

Geteken te Stellenbosch op 16 September 2016



Andrea Empedocles

Direkteure: A P Empedocles P A Empedocles

BERGZICHT BODY CORPORATE

The Municipal Manager
Stellenbosch Manager
P.O. Box 17
Stellenbosch
7600


For Attention: Mr. P. Smit

Dear Sir,

CONSENT FOR ENCROACHMENT: ERF 235.....

As owner(s) of erf 7551 I/we hereby give consent that the above-mentioned open erf may be made available to the owner of erf 213..... for purposes of parking.....

Signed at Stellenbosch on this 16th day of Sep 2016.


.....
Owner/Representative



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ENCROACHMENT PERMIT APPLICATION FORM

A: APPLICANT'S DETAILS

Name : André Buys (Chairperson Akkerhof Body Corporate)

Physical address: 65 Bird Street
Stellenbosch
Postal code: 7600

Mailing address: Merriman Place, 2nd Floor, Office 2
Merriman Avenue
Stellenbosch
Postal code: 7600

E-mail address: roean@marite.co.za

Telephone: (021) 882 9061

Cell phone: N/A

B: PROPERTY DETAILS OF APPLICANT

Erf/farm number : 7646

Suburb: Stellenbosch Central

Town: Stellenbosch

C: PROPERTY DETAILS OF ENCROACHMENT AREA

Erf/farm number : 7551.....
Suburb: Stellenbosch Central.....
Town: Stellenbosch.....
Area of encroachment:m²

* To be supplemented with a sketch-plan with dimension in m²

D: TYPE OF APPLICATION:

Please mark the appropriate block

- For commercial purposes, other than for parking
- For commercial parking purposes,
- For residential parking purposes
- For non-commercial purposes (such as garden purposes, gates,ect)
- For projecting structures onto street reserves
- For projecting structures onto other council-owned land
- Other: please provide description:

Brief description of application: Akkerhof and Lar Shei have signed an agreement ..
to share the parking spaces and to enclose the area for use as a parking area for our ..
tenants and owners.

Motivation: Both complexes do not have enough parking spaces and would like to make ..
the additional parking spaces available to tenants and owners ..
.....
.....
.....

E: LIST OF ATTACHEMENTS AND SUPPORTING DOCUMENTS

Please mark the appropriate box

- | | |
|---|-------------------------------------|
| Special Power of Attorney, where Applicant is not the owner | <input checked="" type="checkbox"/> |
| Diagram of proposed area of encroachment | <input checked="" type="checkbox"/> |
| Letters of consent (affected neighbours) | <input checked="" type="checkbox"/> |
| Application fee - non-refundable | <input checked="" type="checkbox"/> |

I hereby certify that the information supplied in this application form is correct and that I am properly authorized to make this application.

Applicant's signature: *AB* Date: 3 August 2018

Full name: André Buys (Chairperson Akkerhof Body Corporate)

FOR OFFICIAL USE

- The application was considered onby.....
- The application was

APPROVED

NOT APPROVED

Conditions (if any):
.....
.....

Applicant was informed of outcome on

.....
SIGNATURE OF RESPONSIBLE OFFICIAL

.....
DATE

Name:.....

***If approved**

- Encroachment fee paid
- Encroachment Agreement signed
- Agreement/Permit processed on Contract Management System

.....
SIGNATURE OF RESPONSIBLE OFFICIAL

.....
DATE

Name:.....

AKKERHOF REGSPERSOON / BODY CORPORATE

Merriman Place, Merriman Avenue
Stellenbosch
7600

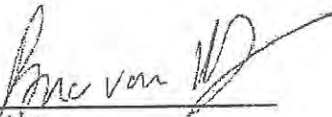
Tel: (021) 882-9061

PO Box 856
Stellenbosch
7599

Letter of Consent

Herewith the Akkerhof Body Corporate would like to give consent to the affected neighbors, Lar Shei, to rent half of the parking bays on the municipal ground at the back of the Akkerhof and Lar Shei buildings, as stipulated in the cooperation agreement between the two parties.

The body corporate Akkerhof also gives consent for the enclosing of the parking space, as stipulated in the cooperation agreement between Akkerhof and Lar Shei.



Trustée



André Buys

Trustee

Date: 15 August 2018

AKKERHOF REGSPERSOON / BODY CORPORATE

Merriman Place, Merriman Avenue
Stellenbosch
7600

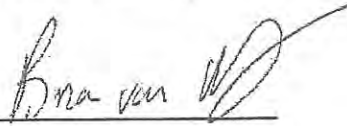
Tel: (021) 882-9061

PO Box 856
Stellenbosch
7599

Special Power of Attorney

At a meeting of the trustees of Akkerhof Body Corporate held at Stellenbosch on 24th day July 2018, it was resolved that Akkerhof Body Corporate give signatories to André Buys (id number 6407015013080), in his capacity as trustee (chairperson), be authorised and empowered, as he is hereby empowered, to sign and execute on behalf of Akkerhof Body Corporate, the applicable application forms, agreement and authorisation of user and all other relevant documentation required by the municipality.

Certified a true copy



Trustee



André Buys

Trustee

Date: 15 August 2018

SAMEWERKINGSOORENKOMS

tussen

Lar-Shei Beleggings (Edms) Bpk

Reg no: 1968/000753/07

(hierna **Lar-Shei** genoem)

Met Adres: Bo Langstraat 15

Paarl 7646

Epos: andrea@pfstrust.co.za

Kontaknommer: (082) 807 6555

en

Regspersoon van Akkerhof-deeltitelskema

Reg no: SS215/86

(hierna **Akkerhof** genoem)

Met adres: Birdstraat 65

Stellenbosch 7600

Epos: roean@marite.co.za

Kontaknommer: (021) 882 9061

1. DOEL VAN SAMEWERKINGSOOREENKOMS

Aangesien beide Lar-Shei en Akkerhof 'n behoefte aan bykomende parkering het, is hulle voornemens om elkeen 'n afsonderlike huurooreenkoms met die Stellenbosch-munisipaliteit (hierna **die Munisipaliteit** genoem) vir 'n gedeelte van die hierin vermelde perseel te sluit ten einde die perseel op die hierin vermelde voorwaardes tot hul voordeel as parkeerterrein vir die Lar-Shei- en Akkerhof-gebouekompleks te ontwikkel en te bestuur.

2. PERSEEL

Die perseel (hierna **die parkeerterrein** genoem) wat die Partye beoog om te huur, is geleë op Erf 235, Stellenbosch, is in die naam van die Munisipaliteit geregistreer, en bied tans parkeerplek vir **18 (agtien)** voertuie.

3. GETAL PARKEERPLEKKE PER PARTY

3.1 Die Partye beoog om ingevolge afsonderlike huurooreenkomste met die Munisipaliteit elkeen **9 (nege)** parkeerplekke te huur: Met dien verstande dat die getal parkeerplekke op die parkeerterrein finaal bepaal sal kan word slegs nadat die veiligheidsheining bedoel in Klousule 6 opgerig is.

3.2 Die finale uitleg van die parkeerplekke sal aangetoon word in 'n uitlegplan wat as **Bylae A** hierby aangeheg moet word.

4. GEBRUIK VAN PARKEERPLEKKE

4.1 Elke Party onderneem om sy gehuurde getal parkeerplekke slegs vir die doeleindes van eienaars en huurders van eenhede in sy gebouekompleks aan te wend.

4.2 Indien 'n Party nie al die parkeerplekke wat hy huur, kan of wil benut nie, moet hy sodanige parkeerplek(ke) te huur aan die ander Party aanbied teen dieselfde prys as waarteen hy dit van die Munisipaliteit huur (reg van eerste weiering).

4.3 Indien 'n Party 'n aanbod in Klousule 4.2 bedoel in die geheel of gedeeltelik van die hand wys, kan die Party wat die parkeerplekke te huur aanbied, ondanks Klousule 4.1, behoudens die voorwaardes van sy huurooreenkoms met die Munisipaliteit, daardie parkeerplek(ke) wat die ander Party nie wil huur nie, op 'n maand tot maand kennisgewing van opsegging aan 'n persoon (wat nie 'n eenaar of huurder van 'n eenheid in die Lar-Shei- of Akkerhof-gebouekompleks hoef te wees nie) verhuur teen die tarief wat hy goeddink.

5. DIENSINGANG VIR DOELEINDES VAN AKKERHOF

5.1 Die Partye boekstaaf hiermee dat munisipale en ander dienstevoertuie tans oor die parkeerterrein toegang tot die diensingang van Akkerhof het, en Lar-Shei onderneem

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om sodanige toegang op generlei wyse te beperk of te belemmer nie.

- 5.2 Akkerhof moet behoorlike beheer oor die betrokke dienstevoertuie uitoefen en sal vir hierdie doel 'n afstandbeheerkontrolle aan die Munisipaliteit uitreik.

6. KAPITAALBESTEDING

- 6.1 Ten einde geslote afstandbeheerde toegang tot die parkeerterrein te bewerkstellig, beoog die Partye om sekere kapitaalbesteding aan te gaan, wat onder meer besteding aan die volgende items insluit:

- 6.1.1 oprig van 'n staalpalisadeveiligheidsheining (min of meer in ooreenstemming met dié op die aanliggende parkeerterrein);
- 6.1.2 installing van 'n elektronies beheerde rolhek, alternatiewelik elektronies beheerde swaaihekke indien die uitleg van die parkeerterrein nie 'n rolhek kan akkommodeer nie;
- 6.1.3 elektriese installasie om die hekke te bedien;
- 6.1.4 heruitmerk en nommering van parkeerplekke.

- 6.2 Lar-Shei en Akkerhof onderneem om een kwotasie elk van diensverskaffers met 'n bewese rekord, tesame met 'n implementeringsplan, wat aan die Munisipaliteit se vereistes voldoen, vir gesamentlike goedkeuring deur die Partye voor te lê teen nie later nie as 30 dae nadat beide ooreenkomste met die Munisipaliteit onderteken is.

- 6.3 Die gepaardgaande kapitaalbesteding sal 50:50 deur die twee Partye gedra word.

7. SEKURITEIT EN TOEGANGSBEHEER

- 7.1 Alhoewel sekuriteit nie gewaarborg kan word nie, onderneem die Partye om toe te sien dat behoorlike sorg aan die dag gelê word met die gebruik van die parkeerterrein ten einde 'n redelike mate van sekuriteit te verkry.

- 7.2 Gesamentlik beheermaatreëls vir die gebruik van die parkeerterrein word as **Bylae B** hierby aangeheg.

8. BESTUUR VAN PARKEERTERREIN

- 8.1 Die administrasie, beheer en normale instandhouding van die parkeerterrein sal deur Akkerhof hanteer word.

- 8.2 Enige wesentlike koste wat 'n Party in verband met sodanige administrasie, beheer en instandhouding wil aangaan, moet deur beide Partye goedgekeur word alvorens dit aangegaan kan word, en sal verdeel word in die verhouding van die getal parkeerplekke wat elke Party huur*: Met dien verstande dat —

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MB

V

- 8.2.1 Akkerhof vir sy rekening elektrisiteit vir die bedryf van die beheerde toegangsbeheertelsel sal verskaf; en
- 8.2.2 elke Party self die koste van die aankoop en instandhouding van afstandbeheerkontroles vir sy gebruik sal dra.
- 8.3 Indien 'n persoon wat die parkeerterrein vir die doeleindes van 'n bepaalde Party binnekom skade aanrig aan enige van die items wat op die parkeerterrein opgerig of geïnstalleer is, is daardie Party vir die herstelkoste van sodanige skade aanspreeklik: Met dien verstande dat indien daar skade aangerig word in omstandighede waar toerekenbaarheid nie redelikerwys bepaal kan word nie, sal die Partye gesamentlik vir die herstelkoste van die skade aanspreeklik wees in die verhouding van die getal parkeerplekke wat elke Party huur*.

* *Byvoorbeeld: Indien 'n Party 80% van die parkeerplekke huur, sal hy 80% van die koste dra.*

9. BEËINDIGING VAN HUUROOREENKOMS

- 9.1 Indien 'n Party sy huurooreenkoms met die Munisipaliteit wil beëindig, moet hy die ander Party twee (2) kalendermaande kennis van sy voorneme gee, en beëindig hy daarmee ook outomaties hierdie Samewerkingsooreenkoms behoudens die bepalinge van Klousule 10.2.
- 9.2 Indien die Partye wedersyds ooreenkom om hul onderskeie huurooreenkomste met die Munisipaliteit te beëindig, beëindig hulle daarmee ook outomaties hierdie Samewerkingsooreenkoms behoudens die bepalinge van Klousule 10.3.
- 9.3 Indien die Munisipaliteit die huurooreenkoms van 'n bepaalde Party beëindig, word hierdie Samewerkingsooreenkoms daarmee ook behoudens die bepalinge van Klousule 10.2 outomaties beëindig.
- 9.4 Indien die Munisipaliteit die huurooreenkoms van beide Partye beëindig, word hierdie Samewerkingsooreenkoms daarmee ook behoudens die bepalinge van Klousule 10.3 outomaties beëindig.

10. BEËINDIGING VAN SAMEWERKINGSOOREENKOMS

- 10.1 'n Party kan die Samewerkingsooreenkoms met twee (2) kalendermaande skriftelike kennisgewing aan die ander Party beëindig, behoudens enige kontraktuele verpligtinge in terme van sy huurooreenkoms met die Munisipaliteit.
- 10.2 By beëindiging van die Samewerkingsooreenkoms soos in Klousule 9.1, Klousule 9.3 en hierdie Klousule 10.1 bedoel —
- 10.2.1 gaan eiendomsreg van al die items en toerusting wat vir die doeleindes hiervan op die parkeerterrein opgerig of geïnstalleer is oor op die ander Party;

Paraaf:  

- 10.2.2 het die betrokke Party nie 'n eis vir die verhaling van enige uitgawes hoegenaamd wat hy vir die doeleindes hiervan aangegaan het teen die ander Party nie;
- 10.2.3 is die betrokke Party verantwoordelik vir die koste van enige herstelwerk wat die Munisipaliteit vereis aan daardie deel van die parkeerterrein wat hy gehuur het.
- 10.3 By beëindiging van die Samewerkingsooreenkoms soos in Klousule 9.2 en Klousule 9.4 bedoel, is die Partye 50:50 verantwoordelik vir die koste van enige herstelwerk aan die parkeerterrein wat die Munisipaliteit vereis.
- 10.4 Indien 'n Party nie binne 'n redelike tyd na die datum van die laaste handtekening op hierdie Samewerkingsooreenkoms 'n huurooreenkoms soos hierin bedoel met die Munisipaliteit sluit nie, sal hierdie Samewerkingsooreenkoms nietig wees.

11. HANTERING VAN DISPUUT

- 11.1 Indien daar 'n dispuut, onenigheid of eis tussen die Partye (hierna **die dispuut** genoem) voortspruitend uit, of hoegenaamd in verband met, hierdie Samewerkingsooreenkoms ontstaan, moet die Partye probeer om daardie dispuut by wyse van onderhandeling op te los, wat behels dat die een Party die ander Party skriftelik uitnooi na 'n vergadering waar hulle moet probeer om die dispuut binne sewe (7) dae na die datum van die uitnodiging te besleg.
- 11.2 Indien die dispuut nie by gemelde vergadering besleg word nie, moet die Partye gesamentlik by die *Arbitration Foundation of Southern Africa* — Reg No 1996 / 007496 / 08 (hierna **AFSA** genoem) aansoek doen om die dispuut op 'n dringende grondslag deur bemiddeling, en volgens die voorskrifte, van die AFSA-sekretariaat op te los.
- 11.3 Ondanks die bepalinge van Klousule 11.1 en Klousule 11.2 kan die Partye te eniger tyd skriftelik ooreenkoms om die dispuut te verwys na 'n skeidsregter wat deur AFSA aangewys word.
- 11.4 Die Partye verbind hulle onherroepelik daartoe dat die uitslag van enige dispuutbeslegtingsprosedure in hierdie Klousule 11 bedoel —
- 11.4.1 finaal en bindend vir die Partye sal wees;
- 11.4.2 in werking gestel moet word; en
- 11.4.3 'n bevel van 'n bevoegde hof gemaak kan word.
- 11.5 'n Party mag nie ophou om al sy verpligtinge ingevolge hierdie Samewerkingsooreenkoms na te kom terwyl enige dispuutbeslegtingsprosedure bedoel in hierdie Klousule 11 aan die gang is nie.
- 11.6 Hierdie Klousule 11 bly bindend vir die Partye na die beëindiging van hierdie Samewerkingsooreenkoms vir welke rede ook al.

12. VOLLE OOREENKOMS

Hierdie Samewerkingsooreenkoms bevat die volle ooreenkoms tussen die Partye en geen uitdruklike of stilswyende waarborg of voorstelling, en geen byvoeging tot, of wysiging of skraping van, 'n bepaling of voorwaarde hiervan, is geldig tensy dit op skrif gestel en deur beide Partye onderteken is nie.

13. DOMICILIUM

Die Partye kies as hul onderskeie *domicilium citandi et executandi* die adresse soos uiteengesit op bladsy 1 van hierdie Samewerkingsooreenkoms.

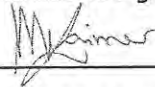
14. JURISDIKSIE

Die Partye stem toe tot die jurisdiksie van die Landdroshof vir die beslegting van enige optrede of geding wat ingevolge hiervan ingestel mag word, soos bedoel in artikel 45 van die *Wet op Landdroshowe*, No 32 van 1944 (soos gewysig).

Geteken namens Akkerhof te Stellenbosch op 3 Augustus 2018.



Trustee: A Buys
(Behoorlik daartoe gemagtig)



Trustee: D Lorimer
(Behoorlik daartoe gemagtig)

As getuie:

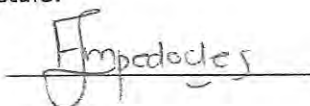


Geteken namens Lar-Shei te PAARL op 23 Augustus 2018.



Direkteur: Peter Andrea Empedocles
(Behoorlik daartoe gemagtig)

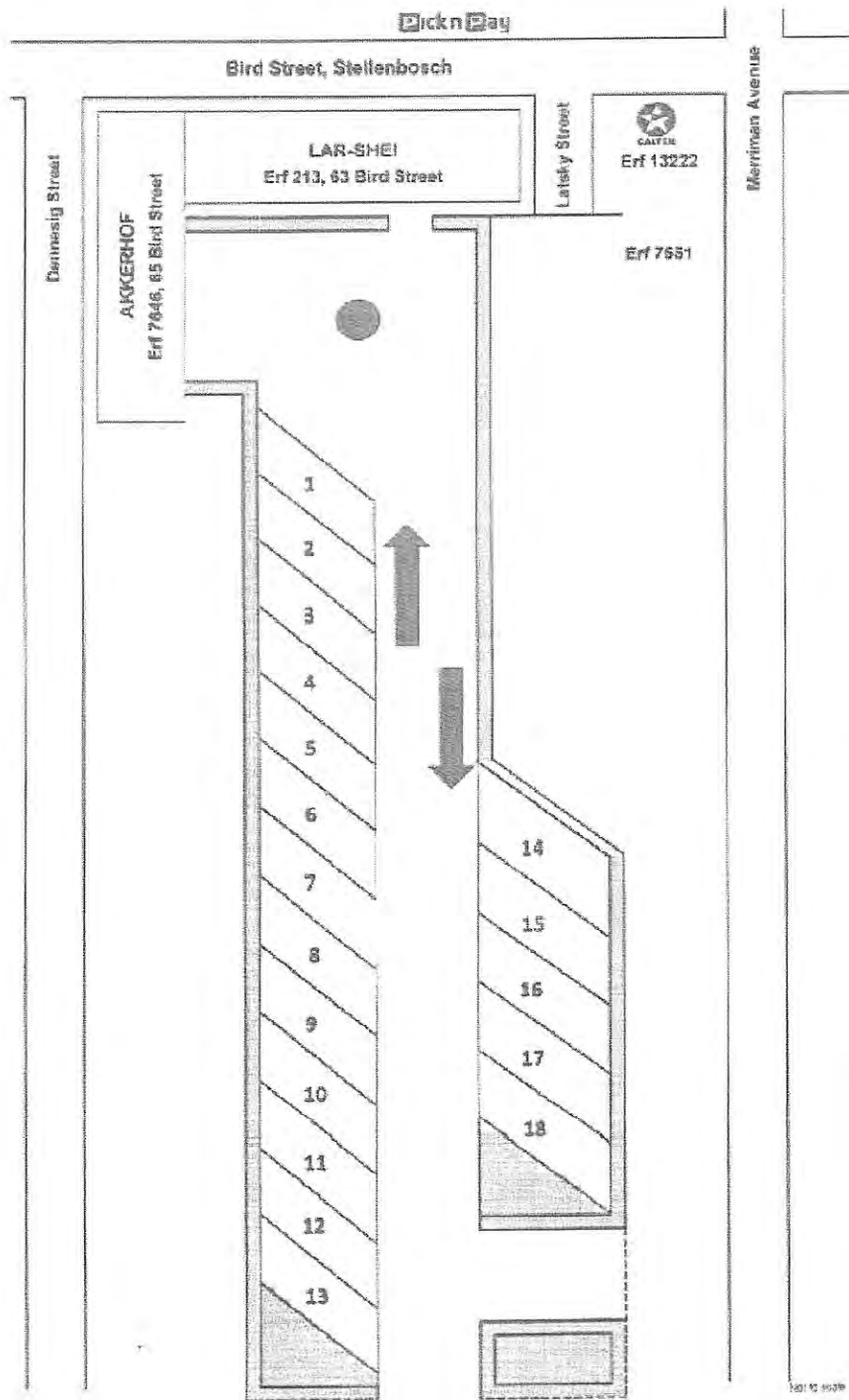
As getuie:



Paraaf:  

Bylae A

Uitleg van Parkeerterrein




Paraaf: *MB* *[Signature]*

Bylae B

BEHEERMAATREËLS**vir die gebruik van die Parkeerterrein**

Akkerhof en Lar-Shei kom gesamentlik ooreen dat:

1. Behoorlike rekord gehou sal word van persone en instansies aan wie toegangsbeheerkontroles uitgereik is;
2. die kontroles van persone en instansies wat nie meer op toegang tot die parkeerterrein geregtig is nie, terug geneem moet word;
3. die parkeerder nie sy kontrole aan 'n "vreemdeling" mag gee / leen nie;
4. gebruikers van die parkeerterrein moet wag totdat die hek behoorlik toe is voordat die terrein verlaat word;
5. voertuie nie parkeer mag word op sodanige wyse wat die vryvloei van verkeer belemmer nie;
6. voertuie nie sodanig parkeer mag word dat dit meer as een parkeerplek in beslag neem nie;
7. voertuie nie olie of ander smeermiddels mag mors op die parkeerterrein nie;
8. voertuie wat uitermatige rook of geraas maak, mag nie op die parkeerterrein gebring word nie;
9. geen herstelwerk of diens van voertuie op die parkeerterrein word toegelaat nie; en
10. gewone gedragsreëls van Lar-Shei / Akkerhof (na gelang van die geval) van toepassing is.

Paraaf: 

APPENDIX 2

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

STELLENBOSCH, 235, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/05/27 13:24
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 235
Portion Number 0 (REMAINING EXTENT)
Township STELLENBOSCH
Local Authority STELLENBOSCH MUN
Registration Division STELLENBOSCH RD
Province WESTERN CAPE
Diagram Deed T13664/947
Extent 22.2888H
Previous Description -
LPI Code C0670022000002350000

OWNER INFORMATION**Owner 1 of 1**

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T13664/1947
Registration Date 1947/07/21
Purchase Price (R) UNKNOWN
Purchase Date -
Share 0.00
Microfilm 2000 0113 5157
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (4)

#	Document	Institution	Amount (R)	Microfilm
1	COMP-7-ERVEN	-	UNKNOWN	-
2	VIDE ERF 5356=66SQM	-	UNKNOWN	-
3	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 9543 ,PRTN 0	UNKNOWN	-
4	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 9544 ,PRTN 0	UNKNOWN	-

HISTORIC DOCUMENTS

No documents to display

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2005

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Imagery Date: 2/4/2019

33°55'52.45" S

18°51'28.54" E

2508

110 m eye alt

Google

APPENDIX 3

WERKSENTRUM

**Vir Volwasse Persone
met
GESTREMDHEID**

Adres: Patryslaan 1,
Stellenbosch, 7600
Pos adres: Posbus 3359,
Matieland, 7602
Tel: 021 887 8688
Faks: 021- 887 8504
Sell: 074 759 9302
Epos: jjia@sun.ac.za

**WORK CENTRE**

**For Adult Persons
with
DISABILITY**

Address: 1 Patrys Avenue,
Stellenbosch, 7600
Postal address: P.O.Box 3359,
Matieland, 7602
Tel: 021 887 8688
Fax: 021 887 8504
Cell: 074 759 9302
Email: jjia@sun.ac.za

**"WORKING TOWARDS HEALTH AND INDEPENDENCE"
Registered Non-profit Organisation NPO-011-786**

For Attention: Mr Piet Smit

The Manager: Property Management
STELLENBOSCH MUNICIPALITY
Stellenbosch
7600

04 March 2020

Sir / Madam

OBJECTION TO PROPOSED ENCROACHMENT AGREEMENT

As an interested and affected party, The Stellenbosch Work Centre for Adult Persons with Disability (hereafter refer to as the "**Work Centre**"), strongly objects to any approval to conclude an Encroachment Agreement between Stellenbosch Municipality and Huis Horison, as minuted on page 23 of the proceedings of the 34TH Meeting of the Council of Stellenbosch Municipality, 2020-01-29.

From par. 3. DELEGATED AUTHORITY, it is clear that any such agreement is intended to be a long term one regarding the use of municipal property, ostensibly for the primary benefit of "persons with disability", and secondarily for the benefit of the public at large.

Council has, however, failed to apply its mind to the reality of the situation.

Firstly, on the same premises as Huis Horison, but fenced in on a narrow and inadequate piece of the property at the south-western end, the Work Centre (par.1) is located. The building was erected by Huis Horison on the agreed terms that the Work Centre would repay the "loan" at the then current rate of interest, which amounted, in the end to more than R520 000.

The irony of the situation is that the building can be reflected on the balance sheet of Huis Horison and utilised as collateral, while the Work Centre merely occupies the assigned space in the classical status of a *bywoner* – having no rights, no security of tenure and no space or rights to expand its activities to ensure the economic survival and future expansion of the entity.

The Work Centre serves exactly the same purpose as Huis Horison but, owing to Apartheid legislation and racial discrimination over many decades, it has been seriously disadvantaged and constrained, unable to fully execute its mandate.

In 2010 the Work Centre entered into discussions with Huis Horison around integration of the two centers, in terms of a directive by the National Department of Social Development, but also on the basis of the moral principle that discriminatory racial division was unacceptable under the Constitution of the Republic of South Africa, 1996.



Those talks were unilaterally suspended by Huis Horison before any concluding agreement could be reached. Such talks, however, continued sporadically and informally until the Work Centre formally reopened talks specifically around operational integration and security of tenure in 2018. To date, again, no formal agreement has been signed regarding, particularly, the core issues as stated in the previous paragraph. The Work Centre feels that the application for encroachment is an act of bad faith by Huis Horison, as we were neither consulted nor informed of the intention to apply.

The Board of Members of the Work Centre is aware that the land currently owned by Huis Horison was acquired through a land grant by Stellenbosch Municipality, for the establishment of a haven for persons with disability, but also that the beneficiaries of such a grant would be restricted to whites only.

In other words, Stellenbosch Municipality gifted a portion of a national asset, land, free of charge, to the exclusion of others with the same need but in much worse economic and social circumstances. Apartheid has recently been denounced as a crime against humanity, but the devastating effects of such criminal acts are allowed to continue poisoning the lives of vulnerable people in our community.

We wish to point out that no such gesture of profound goodwill as benefitted Huis Horison has ever been made to the Work Centre by Stellenbosch Municipality. Currently serving Councilors such as Councilor Serdyn and officials such as Ms. Michelle Aalbers are fully aware of the discrepancy in the treatment of Huis Horison as opposed to that of the Work Centre. Secondly, we wish to point out that the presumed benefit of access to a walking trail by the Stellenbosch public at large, is a smoke-screen.

The reality is that the main, if not the only, beneficiaries of such a facility will be the residents of Onder-Papegaaiberg, given logistical constraints on more distant communities. The question, therefore, is whether Stellenbosch Municipality, in principle, supports the maintenance and extension of Apartheid privilege to residents of Stellenbosch who already constitute an advantaged minority.

Thirdly, we submit that Act No. 16 of 2013, the Spatial Development and Land Use Management Act (SPLUMA), specifically speaks to the need to "...address past spatial and regulatory imbalances." (*Preamble*), and that the Act applies to any and all planning, projects, agreements and regulatory measures pertaining to land use and management in South Africa. It is our view that, given the current situation of the unequal treatment received by a large majority of persons with disability within the Stellenbosch municipal boundaries, Stellenbosch Municipal Council's proposed resolution to support the Encroachment Application would be in violation of the SPLUMA.

Lastly, we wish to express to our serious concern about the manner in which municipal councilors, particularly from wards suffering under serious disadvantage, such as Kayamandi, Cloeteville, Klapmuts, Kylemore and Idas Valley continue to disregard the plight of the poor and most vulnerable by failing to stand up for the rights of those who continue to be marginalized.

On Page 1025 of the Agenda of the Council Meeting held on 2020-01-29 Figure 1 shows not only the location of Huis Horison on Erf 6291, but also the magnitude of the Apartheid crime that was committed by a previous municipality against people who were voiceless at the time. There are vast pieces of under-utilized land within the boundaries of the property owned by Huis Horison.

While the Board of Members of the Work Centre acknowledges the goodwill shown by Huis Horison towards us, it must be understood that we have an obligation to those under our care equal to that of Huis Horison, but because of the statutory discrimination that we were exposed to, our need for land and for security of tenure is far greater, while their need for extensive landholding was met by an act of injustice and discrimination by a previous municipality.

Stellenbosch Municipality has an opportunity to address this imbalance in spatial planning and land allocation.

We sense that our engagement with Huis Horison is reaching / has reached a cul-de-sac. Therefore, we request that Stellenbosch Municipality becomes a negotiating and facilitating partner in the ongoing conversation between ourselves and Huis Horison, so that spatial planning justice can be seen to be done.

We shall inform Huis Horison of our objection and also of our request for the inclusion of Stellenbosch Municipality in future conversations so that both parties can assist the municipality to provide Dignified Living to a section of our community that needs it most.



Our proposal is that the Encroachment Application be put on hold so that the more urgent issue of remedial spatial justice action can be executed.

We look forward to a meeting in the immediate future at which a road map of possible ways forward can be agreed upon. Please find included a photo copy of a portion of the Council item and the diagram referred to.

Should you require any further information or clarification, please contact **Jolinda Jacobs** on **021-887 8688**.

Yours Faithfully

A handwritten signature in black ink, appearing to read "Wilfred Daniels", written over a horizontal line.

Wilfred Daniels
Chairperson
Stellenbosch Work Centre for Adult Persons with Disability

A handwritten signature in black ink, appearing to read "Leslie Olivier", written over a horizontal line.

Leslie Olivier
Secretary
Stellenbosch Work Centre for Adult Persons with Disability

083 475 6658



Fig 5: Location and context: Lease Farm 183D

6.2.2 Ownership: Erf 3722

Erf 3722 is registered in the name of Stellenbosch Municipality by virtue of Title Deed T24127/1976. See attached as APPENDIX 3 Witdeed record.

6.2.3 The Proposal

The proposal Horizon House was established in 1974. It caters for approximately 100 full time residents with various disabilities as well as 39 day-visitors.

They have received funding to put up new fencing around their property and to develop walkways for their residents, as well as the broader public, but in a secured environment. They want to extend this onto the municipal land, which is currently overgrown with alien scrubs/trees. They also undertake to rehabilitate the entire area, including the removal of alien species. There will be a controlled access to the area, for security reasons.

6.3 Financial Implications

The rental to be determined.

6.4 Legal requirements

6.4.1 Municipal Ordinance, No 20/1974

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take steps to regularize such encroachment.

*The issue of a permit in terms of Section 126 (1) will be deemed to be a regularization of the encroachment referred to in such a permit.

6.4.2 Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal property, the following needs to be taken into account, inter alia:

6.2 DISCUSSION

6.2.1 Property description

Horizon House is situated on erf 6291 (see Fig 1, below) whilst the land that they are applying for is situated to the South of erf 6291, as indicated on Fig 2 and 3 respectively.



Fig 1: Location and context: Horizon House





Fig 3: Extent of proposed encroachment

The area where they want to put up the boundary fence in the street reserve is indicated on fig 4 and 5 below.



Fig 4: Location and context: Road reserve

11.2.5	APPLICATION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND: STELLENBOSCH BRIDGE DEVELOPMENT KLAPMUTS
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: APPLICATION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND: STELLENBOSCH BRIDGE DEVELOPMENT KLAPMUTS

2. PURPOSE

To request the permission/consent from Council to allow Stellenbosch Bridge Development (Pty) Ltd to construct public roads over municipal land.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Anton Lotz Town and Regional Planners, on behalf of Stellenbosch Bridge Development (Pty), applied for permission to construct two (2) public roads on municipal land. As these are public roads it will be to the benefit of the Municipality, should the roads be constructed by the Developer, at their cost and it will remain the property of the Municipality. The Developer will also be required to undertake a proper subdivision and registration of the public road reserves.

They have also submitted a Land-Use application for the development of Portion 5 of Farm 742 and Portion 2 of Farm 744, Paarl (Klapmuts). Both Remainder Farm 739 and erf 342 rest with Stellenbosch Municipality by virtue of Title Deeds T5392/2009 and T42229/2000 respectively. See Windeed records attached as **APPENDIXES 3 and 4**.

The Planning Department has indicated that they cannot consider the Land-Use application until such time as the necessary consent/approval for the construction of the roads over municipal property has been dealt with. The request for consent to build the roads are therefore submitted for consideration. Whether the cost of the construction of the roads can be assigned to Development Contributions (DC) still need to be determined in terms of the DC Policy and further discussions with our Development Services Section.

5. RECOMMENDATIONS

- (a) that Council consents to the request by Stellenbosch Bridge (Pty) Ltd to construct public roads over Portions of Council-owned land as set out in Fig 4 and 5, at the cost of the Developer; and
- (b) that Stellenbosch Bridge (Pty) Ltd also attends to the subdivision of the respective properties to allow for the road diagrams at their cost.

6. DISCUSSION/CONTENTS

6.1 Background

6.1.1 Approval of Klapmuts Hills development

During 2011 the Municipality granted approval for the Klapmuts Hills development to permit urban development on the site within an approved basket of rights.

6.1.2 Initial discussion regarding access

During 2019 a meeting took place between representatives of the Stellenbosch Bridge Properties (Pty) Ltd and representatives of the Infrastructure Services (Roads and Stormwater) and Property Management regarding the proposed construction of public roads over municipal properties.

During the meeting it was agreed that they would request permission to construct the roads over municipal property, seeing that it is public roads and are therefore also to the benefit of the Municipality, should the roads be constructed by the Developer, at their cost.

6.2 Discussion

Attached hereto as **APPENDIX 1**, a copy of the self-explanatory request.

6.2.1 Location and context

The proposed Stellenbosch Bridge development consist of a number of properties, i.e. Portion 5 of Farm 742; Remainder Farm 742; Farm 1515; Portions 2 of Farm 744 as well as Remainder portion 2 of Farm 744, Paarl (Klapmuts) as indicated on **APPENDIX 2** and Fig 1 and 2 below.



Fig 1: Location and context

6.2.3 Ownership

Both Remainder Farm 739 and erf 342 rest with Stellenbosch Municipality by virtue of Title Deeds T5392/2009 and T42229/2000 respectively. See Windeed records attached as **APPENDIXES 3 and 4**.

6.3 Financial Implications

Although there will be no financial implications for the Municipality it will be to the benefit of the Municipality, should the Developer be allowed to construct the road at their cost.

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 additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

The risks are addressed in the item.

6.8 Comments from Senior Management**6.8.1 Director Infrastructure Services**

The portions of road (both roads as outlined in red in the attachment) are portions of public roads on Municipal Property. The remaining portions of these roads are on private property, note that the portions of these roads, that fall on private property will also become public municipal roads. Also note that the roads indicated in the extract of the RMP shows all public municipal road requirements whether these fall on public property or private property.

The Klapmuts roads Master Plan well as the Stellenbosch Roads Master Plan was used by the Developer as the basis for the roads layout of the Development.

During this time during several technical meetings were held between the Developers Consultant and the Roads and Transport Division to ensure that the Municipality's Roads and Transport needs, requirements and standards are complied with.

The road layout proposed by the Developer is therefore in line with Roads and Transport Master Planning, as well as the Roads and Transport needs, requirements and standards.

The Transport Division supports the proposal and considers it a benefit for the Municipality, as it allows for Municipal assets (roadways) to be constructed by the Developer, in line with Municipal standards etc., alleviating the need for the Municipality to allocate resources towards its construction.

The Developer will also be required to undertake a proper subdivision and registration of the public road reserves.

Lastly, whether the cost of the construction of the roads can be assigned to Development Contributions (DC) still need to be determined in terms of the DC Policy and further discussions with our Development Services Section.

6.8.2 Director Planning and Economic Development

The Land Use Department received a Land Use Application to develop Farm 742 Ptn 5 and Farm 744 Ptn 2 Klapmuts for a mixed-use development. To obtain access to the two portion or development the applicant is proposing to develop access roads over two portions of Council owned land. The access roads proposed are over Erf 342, Klapmuts and Re Farm 739, Klapmuts.

The applicant has been informed that prior the consideration of the land use application they need to obtained approval from the owner of the land over which the roads is to be constructed as it is not their property. Council owns the portions of land over which the proposed access will have to be developed.

Please note that the Land-Use Department is not in a position to determine if the proposed access roads form part of the Roads Master Plan for Klapmuts as compiled by the Directorate: Infrastructure or that the access roads proposed are desirable. The approval of these access roads over Council land should also not be seen to indicate that the proposed application / development that is to be submitted is supported in its current form by the Land-Use Department.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.5

- (a) that Council consents to the request by Stellenbosch Bridge (Pty) Ltd to construct public roads over Portions of Council-owned land as set out in Fig 4 and 5, at the cost of the Developer; and
- (b) that Stellenbosch Bridge (Pty) Ltd also attends to the subdivision of the respective properties to allow for the road diagrams at their cost.

ANNEXURES:

Appendix 1: Application to construct public roads on municipal property

Appendix 2: Site plan

Appendix 3: Windeed record: T53952/2009

Appendix 4: Windeed record: T31590/1972

FOR FURTHER DETAILS, CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2020-07-17

APPENDIX 1



P O Box 51799 Waterfront 8002
Cellphone + 27 (0)83 487 7869
Email: alotz@iafrica.com

30 March 2020

Our Ref: 2015 908

The Manager: Property Management
Corporate Services
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599

Attention: Piet Smit

Dear Piet

STELLENBOSCH BRIDGE, KLAPMUTS – PERMISSION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND

Our meeting on 27 November 2019 has reference.

We hereby request permission from Stellenbosch Municipality as the landowner of Farm 739/RE, Paarl RD and Erf 342, Klapmuts for the construction of public roads on municipal land.

We are currently starting with the implementation of the Stellenbosch Bridge Innovation Precinct development on Farms 744/2, 742 RE, 742/5 and 1515 to the west of Klapmuts. The development area has been included in the Stellenbosch MSDF urban edge for Klapmuts and we are following various application processes to implement the development rights already granted and apply for additional rights on the areas that have been newly incorporated into the Klapmuts Urban Edge.

The Stellenbosch Bridge project has been acknowledged in the Stellenbosch MSDF as a significant mixed-use private sector-driven development that will unlock the development potential of Klapmuts (with an emphasis on job creation) which will have far-reaching social and economic benefit to Klapmuts, Stellenbosch and the wider region.

The principle of the road linkages from the Stellenbosch Bridge project northwards to the Old Paarl Road (R101) and eastwards to the existing Klapmuts road network has been established with the approval of the MSDF, 2019 (Refer to Figure 1). The position and design of the Class 3 road via Farm 739/RE (Refer to ICE Diagram attached) and the Class 4 road via Erf 342 (Refer to WEC Diagram) have now been fixed and will shortly be implemented following approval from the relevant engineering departments.

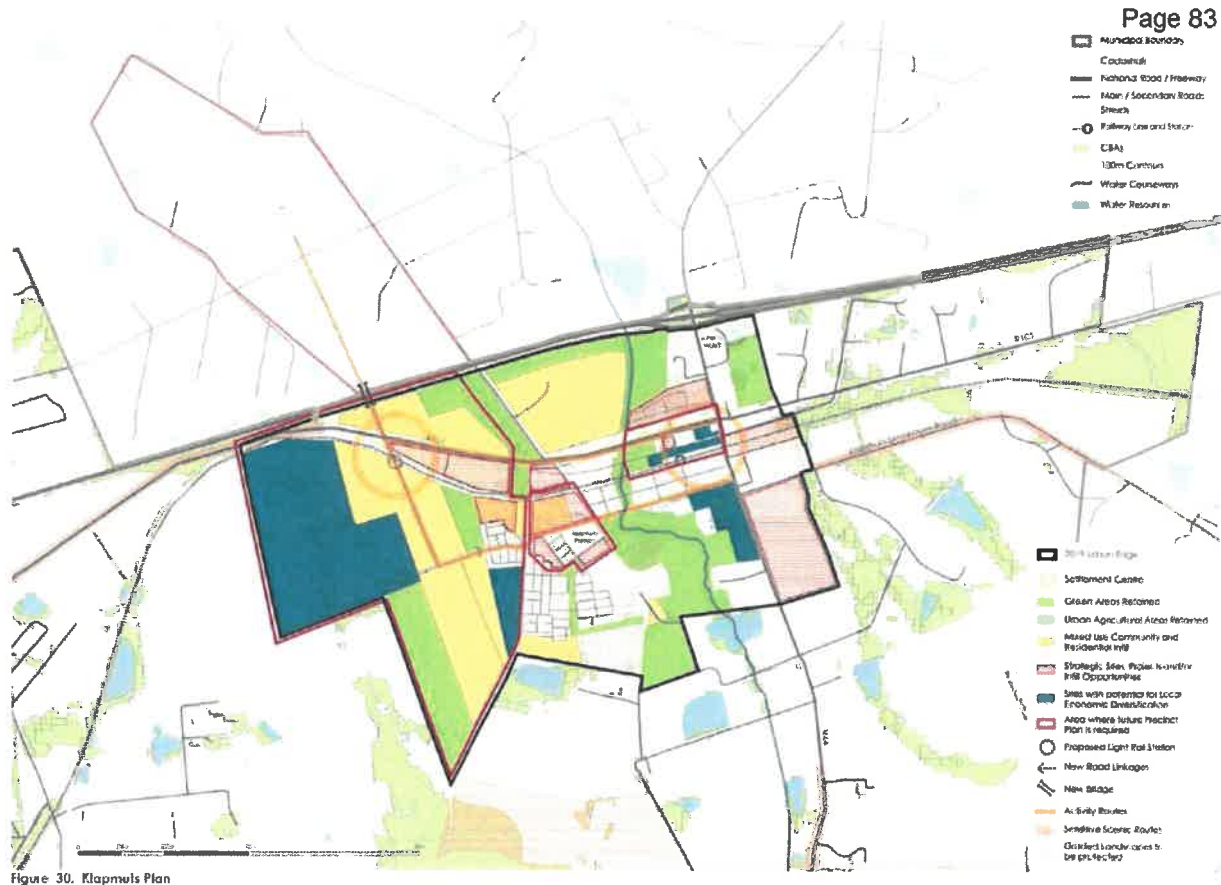


Figure 30. Klipmuis Plan

Stellenbosch Municipality / Spatial Development Framework Final Draft for Council Submission July 2019
Figure 1: Approved MSDF 2019

Please contact me should you have any further queries.

Yours sincerely

Anton Lotz

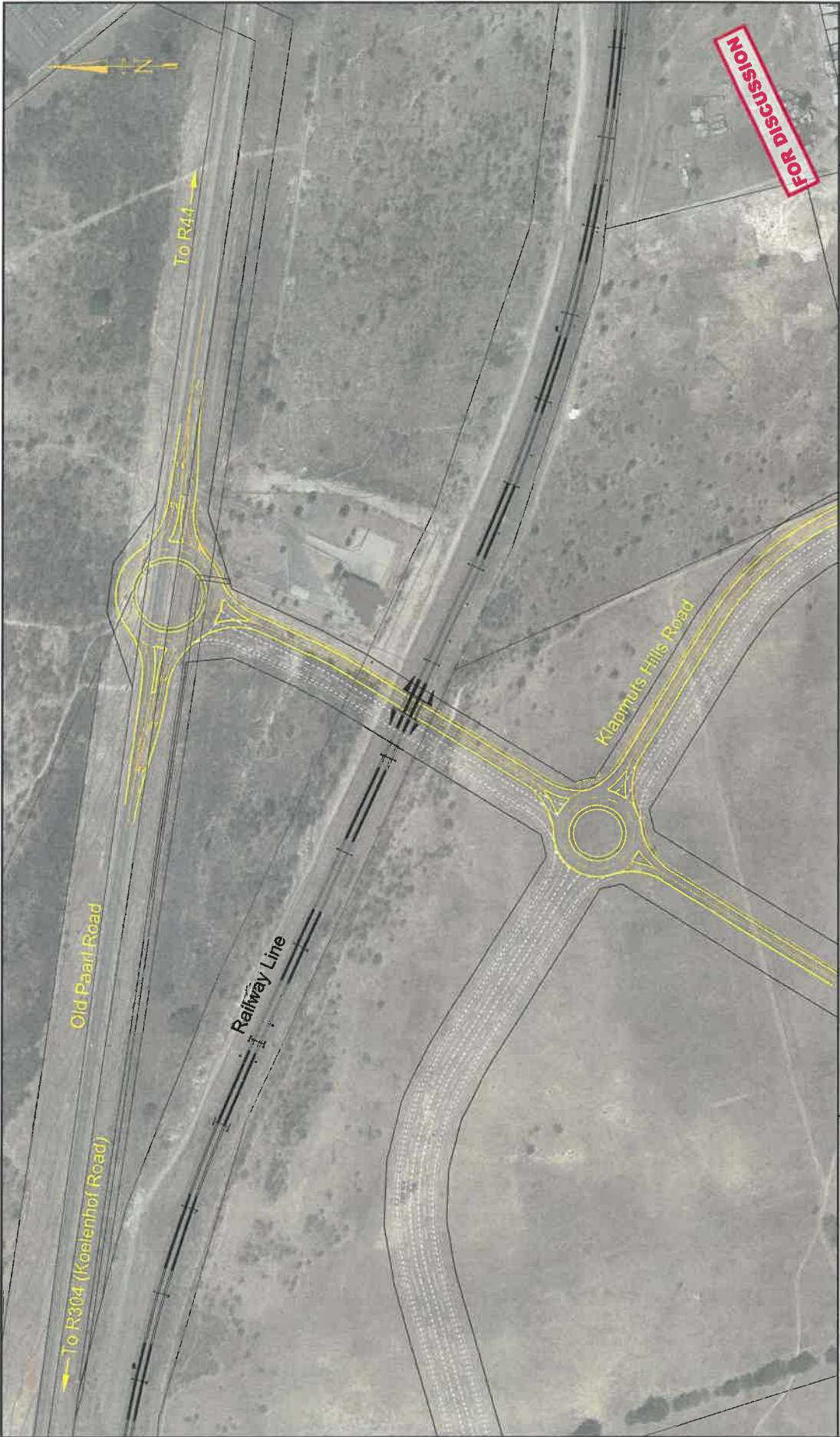
Attached:

Proposed Access Road Between Stellenbosch and Old Paarl Road; **ICE Group**, Nov 2019
 Proposed Access Road Between Stellenbosch Bridge and Merchant Street; **WEC Consult**, Nov 2019

Request supported by the Senior Manager, Roads, Transport & Stormwater; Infrastructure Services; Stellenbosch Municipality

 Johan Fullard

 Date



ICE/S/493A
Nov 2019

Proposed Access Road Between Klappmuts Hills Road and Old Paarl Road
(railway line crossing by way of road-under-rail bridge)

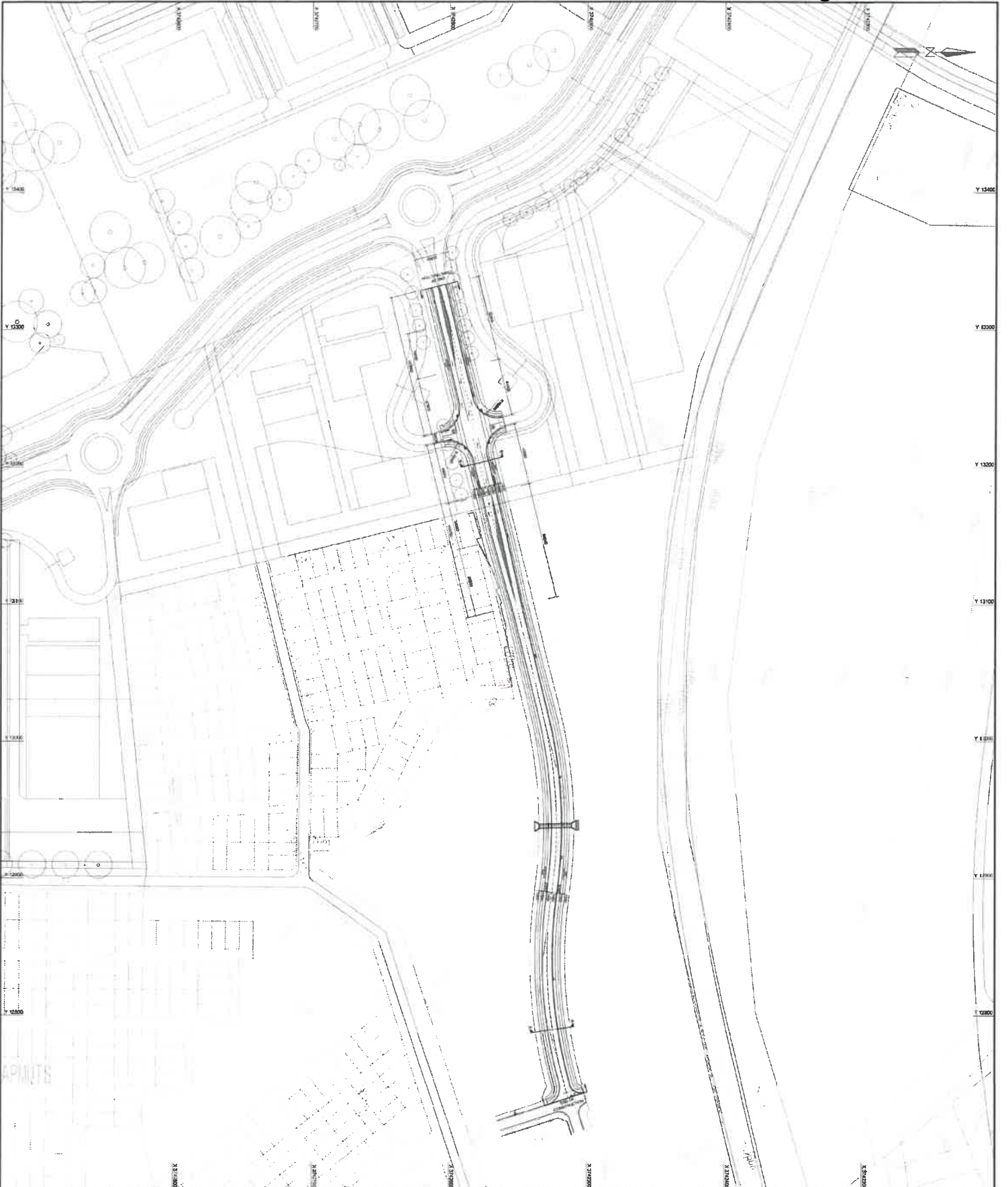
(not to scale)



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9 Electron Street
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Stellenbosch

Tel. : 021 - 880 0443
Faks / Fax : 021 - 880 0390
e-pos / e-mail : pl@icgroup.co.za



NOTES

LEGEND



Proposed Box Columns

DRAWING APPROVAL

AMENDMENTS

NO.	DATE	INITIALS	DESCRIPTION
01	2019/10/19	AS	Issued for public review of final
02	2019/10/19	AS	Issued for public review of final
03	2019/10/19	AS	Issued for public review of final
04	2019/10/19	AS	Issued for public review of final
05	2019/10/19	AS	Issued for public review of final
06	2019/10/19	AS	Issued for public review of final
07	2019/10/19	AS	Issued for public review of final
08	2019/10/19	AS	Issued for public review of final

REVISION	PHASE	TENDER	CLIENT
08	06		

Stellenbosch Bridge

PROJECT

Stellenbosch Bridge

DRAWING TITLE

Proposed Road Layout



CONSULTING ENGINEERS & PROJECT MANAGERS

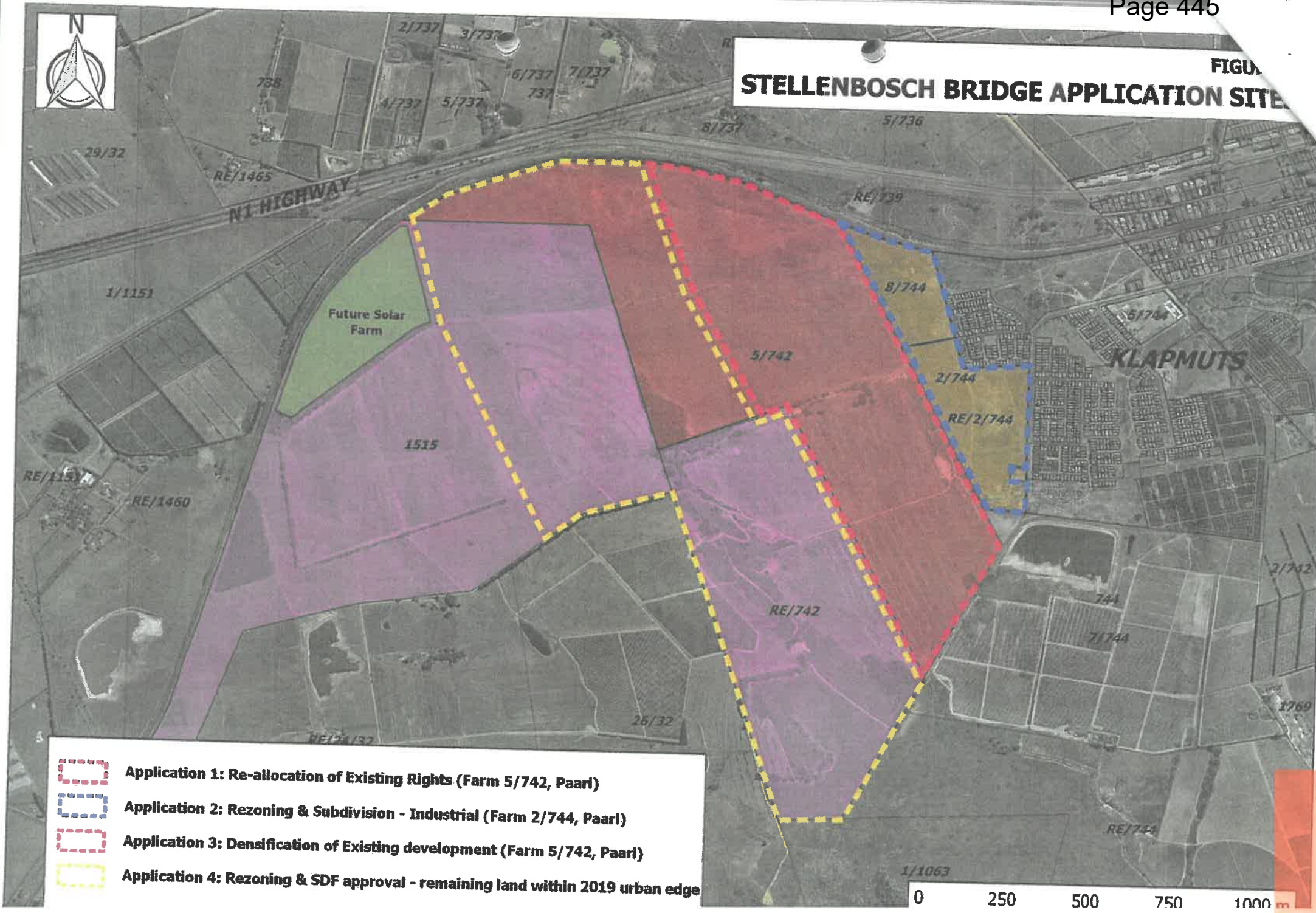
REGISTERED PROFESSIONAL ENGINEER	REGISTERED PROFESSIONAL ARCHITECT
NAME: [Name]	NAME: [Name]
NO. [No.]	NO. [No.]
ISSUED: [Date]	ISSUED: [Date]
EXPIRES: [Date]	EXPIRES: [Date]
APPROVED BY: [Name]	APPROVED BY: [Name]





DATE OF DRAWING: 2019/10/19	DATE OF ISSUE: 2019/10/19
CONTRACT NO. ICE/S/493A	FILE NO. P1055/DRW/TENDER
SCALE 1:1250 (A1)	DATE NOVEMBER 2019
DRAWING NO. P1055/R200006	

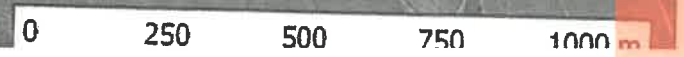
APPENDIX 2

FIGURE

STELLENBOSCH BRIDGE APPLICATION SITE



-  **Application 1: Re-allocation of Existing Rights (Farm 5/742, Paarl)**
-  **Application 2: Rezoning & Subdivision - Industrial (Farm 2/744, Paarl)**
-  **Application 3: Densification of Existing development (Farm 5/742, Paarl)**
-  **Application 4: Rezoning & SDF approval - remaining land within 2019 urban edge**



APPENDIX 3

Deeds Office Property

FARM 739, 739, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Deeds Office CAPE TOWN
 Date Requested 2020/07/16 12:13
 Information Source DEEDS OFFICE
 Reference -



PROPERTY INFORMATION

Property Type FARM
 Farm Name FARM 739
 Farm Number 739
 Portion Number 0 (REMAINING EXTENT)
 Local Authority WINELANDS DC
 Registration Division PAARL RD
 Province WESTERN CAPE
 Diagram Deed G89/1941
 Extent 22.1039H
 Previous Description -
 LPI Code C05500000000073900000

OWNER INFORMATION

Owner 1 of 1

Company Type LOCAL AUTHORITY
 Name MUN STELLENBOSCH
 Registration Number
 Title Deed T53952/2009
 Registration Date 2009/10/30
 Purchase Price (R) RECTIFICATION
 Purchase Date -
 Share
 Microfilm Reference
 Multiple Properties NO
 Multiple Owners NO

ENDORSEMENTS (4)

#	Document	Institution	Amount (R)	Microfilm
1	K311/2012S	-	UNKNOWN	
2	K642/2010S	-	UNKNOWN	
3	FARM PL 739	-	UNKNOWN	1985 0056 2207
4	PTNS PL RD 739/1-3	-	UNKNOWN	

HISTORIC DOCUMENTS (3)

#	Document	Owner	Amount (R)	Microfilm
1	I-268/1951AT-89/941G	-	UNKNOWN	
2	G89/1941	REGIONAL SERVICES COUNCIL-CAPE METROPOLE	UNKNOWN	1991 0409 0774
3	G89/1941	MUN DRAKENSTEIN	SECT 16	1991 0409 0774

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APPENDIX 4

WinDeed Database Deeds Office Property

KLAPMUTS, 342, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2020/07/16 12:17
 Deeds Office CAPE TOWN
 Information Source WINDEED DATABASE
 Reference -



PROPERTY INFORMATION

Property Type ERF
 Erf Number 342
 Portion Number 0 (REMAINING EXTENT)
 Township KLAPMUTS
 Local Authority STELLENBOSCH MUN
 Registration Division PAARL RD
 Province WESTERN CAPE
 Diagram Deed T31590/1972
 Extent 12.9658H
 Previous Description -
 LPI Code C05500040000034200000

OWNER INFORMATION

Owner 1 of 1

Type LOCAL AUTHORITY
 Name MUN STELLENBOSCH
 ID / Reg. Number -
 Title Deed T42229/2000
 Registration Date 2000/05/31
 Purchase Price (R) 10
 Purchase Date 1997/01/27
 Share 0.00
 Microfilm 2003 0842 2927
 Multiple Properties NO
 Multiple Owners NO

ENDORSEMENTS (16)

#	Document	Institution	Amount (R)	Microfilm
1	I-17899/1998LG	-	UNKNOWN	0000000*
2	FARM PL 744/3	-	UNKNOWN	1985 0056 2228
3	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 340 ,PRTN 0	UNKNOWN	-
4	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 341 ,PRTN 0	UNKNOWN	-
5	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 812 ,PRTN 0	UNKNOWN	-
6	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 1171 ,PRTN 0	UNKNOWN	-
7	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 2179 ,PRTN 0	UNKNOWN	-
8	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 2180 ,PRTN 0	UNKNOWN	-
9	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 2181 ,PRTN 0	UNKNOWN	-
10	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 2182 ,PRTN 0	UNKNOWN	-
11	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 2183 ,PRTN 0	UNKNOWN	-
12	NOW SUBDIVISION	TOWN KLAPMUTS ,ERF 1331 ,PRTN 0	UNKNOWN	-
13	RELAYOUT FROM	REG DIV PAARL RD ,NAME WELTEVREDEN ,NO 744 ,PRTN	UNKNOWN	0000000*
14	VA7231/2011	MUN STELLENBOSCH	UNKNOWN	-
15	I-107/2017C	-	UNKNOWN	-
16	VA9546/2016	MUN STELLENBOSCH	UNKNOWN	-

11.2.6	ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS
--------	--

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

22 July 2020

1. SUBJECT: ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS

2. PURPOSE

To submit proposed delegations which will be included in the approved System of Delegations in regard to property matters not covered in the current approved System of Delegations.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and
- (c) withdraw any delegation or instruction.

The current system of delegations was approved on 25 September 2019 and did not contain delegations around council rights on properties. These does not form part of the delegations mentioned in section 160(2) of the Constitution that may not be delegated. It is impractical to bring all these decisions to Council and especially as we enter a new era of fewer council meetings, as indicated by the Speaker, and meetings taking place in the virtual space. It is proposed that council consider delegation of the powers as indicated in **APPENDIX 1**. When approved the delegations will be included in the System of Delegations approved in 2019.

5. RECOMMENDATION

that Council considers the attached delegations (**APPENDIX 1**) for inclusion in the System of Delegations.

6 DISCUSSION / CONTENTS**6.1 Background**

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system.

6.2 Discussion

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and
- (c) withdraw any delegation or instruction.

To comply with the legal directive of maximizing administrative and operational efficiency, delegations to the Executive Mayor in consultation with the Mayoral Committee, Municipal Manager and Directors are provided for and proposed.

6.3 Financial Implications

As per the approved budget.

6.4 Legal Implications

Compliance with Section 59(1) of the Systems Act and various other legislative measures as listed in the definitions and interpretations contained in part 1 of the System of Delegations. A delegated authority may at any stage decide not to act in terms of the delegation and refer a matter to the Authority who provided the delegation. The delegation must also be acted on in terms of Council approved policy and any provisions as approved. Decisions taken under delegated authority are reported on a quarterly basis and is subject to section 62 of the Systems Act regarding appeals where rights are infringed.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

Council resolution dated 25 September 2019.

6.7 Risk Implications

Delegations must maximize administrative and operational efficiency and provide for adequate checks and balances.

6.8 Comments from Senior Management**6.8.1 Municipal Manager**

Agree with the recommendations

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.6

that Council considers the attached delegations (**APPENDIX 1**) for inclusion in the System of Delegations.

ANNEXURES:

Appendix 1 – Proposed delegations

FOR FURTHER DETAILS CONTACT:

NAME	A M C de Beer
POSITION	<i>Director: Corporate and Strategic Services</i>
DIRECTORATE	<i>Corporate and Strategic Services</i>
CONTACT NUMBERS	<i>021 807 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@stellenbosch.org.za</i>
REPORT DATE	<i>17 July 2020</i>

APPENDIX 1



POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTIONS/ INSTRUCTION TO ASSIST
		recovery plan				
EM83	Section 139(2), MFMA	Receiving a request made by the provincial executive to the Municipal Financial Recovery Service to determine the reasons for the crisis in the municipality's financial affairs, to assess the municipality's financial state and to prepare an appropriate recovery plan for the municipality	Executive Mayor			
EM84	Section 166(2), MFMA	Receiving reports of the audit committee	Executive Mayor			
MUNICIPAL ASSET TRANSFER REGULATIONS (GNR 878 in GG 31346 dates 22 August 2008) – EXECUTIVE MAYOR						
EM 85	Chapter 2 and chapter 4	Approval of lease agreements of Council properties for a period shorter than 10 years and a contract value of less than R5 million. Includes session of such agreements to other parties within the original contract period.	Council	Executive Mayor		In consultation with the Executive Mayoral Committee
MUNICIPAL STRUCTURES ACT (117 of 1998) – SPEAKER						
S1	Section 37(a), Structures Act	Presides at meetings of the Council	Speaker	N/A		(When the speaker is absent, the Accounting Officer (Municipal Manager) must preside for



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
REGULATIONS ON COST CONTAINMENT – MUNICIPAL MANAGER						
MM164	Regulations on cost containment	To authorise the usage of official vehicles by councillors and officials	Accounting Officer (Municipal Manager)			
MUNICIPAL ASSET TRANSFER REGULATIONS - MUNICIPAL MANAGER						
MM165	Regulation 34(1)(b) of MATR	Granting or right to use, control or manage municipal capital assets, subject to the considerations outlined in regulation 36 of MATR.	Council			
MM166	Regulation 35 (1) of MATR	The accounting officer must conduct a public participation process in connection with any proposed granting of a long-term right to use, control or manage a capital asset with a value in excess of 10 million	Council	Municipal Manager		
MM 166A		Acquisition of immovable property rights by way of a lease agreement or registration of a servitude	Council	Municipal Manager (in consultation with the Executive Mayor) Executive Mayor (in consultation with the Executive Mayoral Committee)		To the contract value of R5 Million To the contract value of between R5 million and below R10 million
MM 166B	Section 33	Approval of applications for temporary use of Council Property for Film Shoots; Sport gatherings; Religious gatherings; Circus; concerts; Festivals and other similar events for a period not exceeding 1 month.	Council	Municipal Manager	Relevant Director	In consultation with the Municipal Manager



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM 166C	Section 33	Issuing of special power of attorney to 3 rd parties to obtain permission on Council owned properties for example to apply for a building plan when erecting a cellphone tower or erecting a fence on council land.	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services and in terms of Council Policy/Bylaw/legislation
MM 166D	Section 33	To approve wayleaves (cables; pipes; electronic communication network over council properties (under streets, road reserves, public open spaces)	Council	Accounting Officer (Municipal Manager)	May be delegated to relevant Director.	On recommendation from relevant Director and in terms of Council Policy/Bylaw/legislation.
ADMINISTRATIVE MATTERS						
MM167	CR 20/11/2002	To decide on the closing of offices on Easter Weekend, 24 and 31 December annually	Council	Accounting Officer (Municipal Manager)		
ADVERTISING, PUBLICITY AND MEDIA LIAISON						
AD1	General	Development and implementation of criteria for placement of advertisements and general notices in the media	Accounting Officer (Municipal Manager)	Senior Manager: Governance	Manager: Communication	After consultation with Accounting Officer (Municipal manager)
AD2	Communication Policy	To make media statements on all administrative matters on behalf of the municipality	Accounting Officer (Municipal Manager) in so far as it entails administrative matters Executive Mayor in so far as it entails political matters			Manager Communication in conjunction with relevant heads of departments Sub delegations in terms of Communications Policy



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
LEG 15	Section 126 and 127 of Municipal Ordinance 20/1974	Approval of an encroachment onto municipal owned land or public spaces	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services In terms of Council Policy/Framework.
LEG 16		To exercise the rights and obligations of the Municipality as Lessor or lessee in respect of agreements of lease, servitudes and other legal instruments.	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services and in terms of Council Policy/Bylaw/legislation
LEG 17		To approve applications for the placement of posters and banners on municipal properties	Council	Accounting officer (Municipal Manager)		On recommendation from the relevant Director and in terms of Council Policy/Bylaw/legislation
LEG 18		To approve applications for fund raising – street and house collections	Council	Accounting officer (Municipal Manager)	May be sub delegated to relevant Director	On recommendation from the relevant Director and in terms of Council Policy/Bylaw/legislation
LEG 19		To enter into agreements where approvals were granted to acquire rights from or to 3 rd parties	Council	Accounting officer (Municipal Manager)	May be sub delegated to Director Corporate Services	
LIBRARIES						
LIB1		To consider and approve applications for library membership i.t.o. council resolution and to recover, where necessary, the applicable subscription fees	Council	Director: Community and Protection Services	Senior Manager: Community Services	Manager" Library Services
LIB2		To issue demand letters i.to. outstanding library material i.t.o. council resolution and to ensure	Council	Director: Community and Protection	Senior Manager: Community Services	Manager" Library Services

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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NONE

11.4	HUMAN SETTLEMENTS: (PC: CLLR WC PETERSEN (MS))
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11.4.1	FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES
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Collaborator No: 687976
IDP KPA Ref No: *Good Governance and Compliance*
Meeting Date: 22 July 2020 (Mayco)

1. SUBJECT: FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES

2. PURPOSE

To obtain Council's final approval to commence with a Public Competitive Process to give effect to the granting long-term use rights to SHIs and/or ODAs on Council-owned land in order to realise the implementation of the Social Housing Programme.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was identified by the Western Cape Provincial Administration as one of "Leader Towns" in the Province that have the requisite constituents to partake in the Social Housing Programme. Consequent to this, the municipality adopted an Affordable Rental Housing Strategy and Plan in 2016. The municipality also underwent a rigorous process of identifying and approving Restructuring Zones for the development of Social Housing. Stellenbosch Restructuring Zone areas were subsequently endorsed by the National Housing Ministry and have been published as such in the Government Gazette dated 27 April 2017 (No. 40815).

Stellenbosch Municipality's Human Settlements Division needs to commence with a process of granting long-term use rights to qualifying accredited entities (SHIs and/or ODAs) on land identified and approved by the Municipality for the purpose of developing Social Housing estates.

Council approved, in principle, that Land Availability Agreements (long-term use rights) be entered into with Social Housing Institutions (SHIs) and/or Other Development Agencies (ODAs), subject to certain conditions, and subject thereto that Council's intention so to act be advertised for public inputs/objections.

A notice to this effect was published. A considerable amount of input/comments have been received from the public and have been attached herewith as (**ANNEXURE A**).

Council must now make a final determination in this regard.

5. RECOMMENDATIONS

- (a) that Council takes note of inputs/comments that were received, following the public notice advertised;
- (b) that a phased approach be adopted to implement social housing in Stellenbosch;
- (c) that the property situated to the north of the town opposite Kayamandi, erven 81/2 and 81/9, Stellenbosch, commences with the procurement process to appoint a suitable SHIs and/or ODAs;
- (d) that phase 2 commences after the successful completion of the development as mentioned in (c) above on Remainder of erf 2149 better known as Lapland;
- (e) that phase 3 commences after the successful completion of the development as mentioned in (d) above on Remainder of Farm 180 better known as Teen-die-Bult; and
- (f) that Council makes a final determination for the administration to commence with a process toward entering into **Land Availability Agreements** with SHIs and/or ODAs successful in a Public Competitive Process.

6. DISCUSSION / CONTENT

6.3 Background

6.1.1 In-principle decision

On 2020-03-31, the Executive Mayor under delegated authority considered recommendations of the Human Settlements Division to undertake a Public Competitive Process to give effect to the granting long-term use rights to SHIs or ODAs on Council-owned land in order to realise the implementation of the Social Housing Programme in Stellenbosch. Having considered the report, the Executive Mayor under delegated authority decided as follows:

*“(a) that the land in question, remainder of Erf 2149, Stellenbosch (Lapland flats), Remainder of Farm 180 (open spaces near Teen-die-Bult flats) and Erf 81/2 and Erf 81/9 Stellenbosch, be identified as land parcels **not needed for the municipality’s own use** during the period for which the right is to be granted.*

*(a) that Council, **in principle**, approve the Municipality’s entering into **Land Availability Agreements** with SHIs and ODAs successful in the Public Competitive Process (with SHIs and ODAs successful in the Public Competitive Process in terms of Regulation 34(1) (b) of the Asset Transfer Regulation (ATR), read with paragraph 9.2.2.1 (l) of the Policy on the Management of Council owned property, subject to the following conditions:*

- (i) that **Council’s intention** so to act, i.e. the awarding of rights on a private treaty agreement basis, **be advertised** for public comments;*
- (ii) that, simultaneously, the **public participation** process envisaged in Regulation 35 of the ATR **be followed**;*

- (iii) *that Lease Agreement be concluded, based on a **40-year term** based on applicable tariffs;*
- (iv) *that the Lease Agreement provide for **review/revision**, should the need arise for further development/redevelopment of the area; and*
- (b) *that, following the public participation process referred to above, a report be submitted to Council in order for Council to give a mandate to the Administration to proceed with the Public Competitive Process that will result in the awarding of the long-term use rights."*

A copy of the agenda item that served before the Executive Mayor under delegated authority is attached as **ANNEXURE B**.

6.1.2 Public Participation Process

Following the above resolution, an official notice was published in the newspapers (Eikestadnuus, Paarl Post and Cape Argus) on 28 May 2020 and on the municipal website on 28 May 2020, soliciting public inputs/objections. A copy of which is attached as **ANNEXURE C**.

6.2 Discussion

6.2.1 Comments/input closing date

The closing date for submission of inputs/objections was 29 June 2020, which was subsequently extended to 03 July 2020, for those individuals that requested extension.

The Public Participation Process received a considerable amount of input/comments. These can be categorised into:-

Misinterpretation of Social Housing

Social Housing is generally misconstrued as BNG/ RDP Housing. It is important to make the distinction the Social Housing Programme and many other housing subsidy intervention programmes that government employs in addressing the housing challenge.

To provide a bit of context, the term "Social Housing" is in this instance being used as per the definition provided in the Social Housing Act 16 of 2008: "*a rental of co-operative housing option for low to medium income households at a level of scale and built form which requires institutionalised management and which is provided by Social Housing Institutions and/or Other Delivery Agents in approved projects in designated restructuring zones with the benefit of public funding as contemplated in the act*". It must be appreciated that the Social Housing Programme is one of numerous housing intervention programmes subsidised (full or partially) by government and targets specific beneficiary profile (i.e. households earning between R1 500 and R15 000).

As aforementioned social housing developments/estates can only be located in designated Restructuring Zone areas defined as: "*a geographic area which has been:*

- (a) *Identified by the municipality, with the concurrence of the provincial government, for purposes of social housing; and*
- (b) *Designated by the minister in the Gazette for approved projects".*

Stellenbosch Municipality has since 28 April 2017 had designated Restructuring Zones (Government Gazette No. 40815). The three sites that have been identified for this phase of the Stellenbosch programme are situated in the approved Restructuring Zone areas.

Concerns about crime, safety, security and anti-social behaviour

The development of social housing estates has been associated with increased crime levels in the areas earmarked.

It is important to note that any development in any area of Stellenbosch invariably increases the population of such an area and there is always a potential for the escalation of social ills. It is the responsibility of municipal administrations and Developers to apply Crime Prevention Through Environmental Design (CPTED) principles in the planning and design of the social housing estates. This is a framework for design that sets out tools to create safe, secure and defensive environments from both a physical and psychological perspective.

Good urban management will also be critical to ensure that neighbourhoods that house Social Housing developments maintain a positive image. The SHIs and/or ODAs management and some of their residents can form part of the establishment or existing area-based operational and management teams that coordinate the management of the public realm within dedicated areas. The area-based management of crime and safety is already embedded in current policy and practice through Community Police Forums (CPFs), which consist of representatives from local communities.

The SHIs and/or ODAs have extreme strict anti-social behaviour clauses in their lease agreements between the particular SHI and/or ODA and the lessee/s. The anti-social behaviour clauses coincides with the overall management of tenants to create a safe and secure environment.

Concerns about impact on property values

Concerns about the Social Housing estates having a negative impact on property values have featured prominently on the input received.

These concerns are understandable as it is natural for anyone to want to protect their investment in their homes. On the other hand those who desire to reside in Social Housing estates also want to live in affordable homes with access to jobs, schools, and other amenities for themselves and their children.

The following are some of the ways that the feared decline can be avoided or minimised:

1. Design of Social Housing Estates — Affordable housing that is attractively designed and blends with the surrounding neighbourhood. Attractive designs may also be helpful in allaying community concerns about the aesthetics of a proposed development.
2. Management — Poorly maintained housing (whether privately owned or subsidized) has been shown to depress nearby property values. Affordable housing that is well-managed and well-maintained is more likely to have a neutral or even positive effect on surrounding properties. One of the Social Housing Programme's strong point is the regulation of the Social Housing sector and rigidly managed compliance by SHIs and NGO. The management of Social Housing Estates has largely been exemplary in South Africa in terms of good management and maintenance of the built environment.

3. Strong Neighbourhoods — As long as it is not overly concentrated, locating affordable housing developments in strong neighbourhoods with high home values and low poverty rates is unlikely to have adverse effects on nearby property values. This supports the notion of the emerging trend toward mixed-income housing and communities.

Concerns about densification/ congestion

Concerns have been made in many of the submissions made about the negative impact of densification on the existing services infrastructure and the pressure the Social Housing development would exert on public and recreational facilities in the areas targeted.

There is a trade-off between fulfilling the housing needs of lower to middle income people sustainably by providing more affordable housing in desired locations and creating greater social integration not only among different races but between different societal classes. Densification should create innovative, unique and diverse development that creates a sense of place, is both functional and aesthetically pleasing and will create a dynamic urban area both private and public. There is a further need to accommodate the local culture, upholding standards and principles that meet fundamental universal standards and principles such as basic human rights.

Development should be balanced where social housing residential accommodation and increased density is met with equal capacity of social and environmental amenities, services and facilities and accessible opportunities. The development of Social Housing in Stellenbosch should be anchored around greater public participation in planning, design, implementation and management of the earmarked projects. Focused, intentional interaction will give the affected communities more say in local plans and a sense of control showing that their rights as residents, property owners and citizens are being considered

Concerns about noise pollution

Concerns have been raised with regard to the increased noise levels that will result from accommodating more families in the planned developments.

This also is a valid concern that can be related to any new development in anyone particular area. With Stellenbosch being a student town concern is not unique to Social Housing and the existing measures used to quell noise when it occurs would be equally applicable in the Social Housing estates. Furthermore, one of the biggest responsibilities of a management agent (SHIs and/or ODAs) is to enforce rules that contribute to the surrounding areas continued enjoyment of quality of life.

Concerns about engineering infrastructure capacity

The negative effect of Social Housing on the existing, roads, water, sanitation etc. has been raised in most of the comments/ input received.

It must be taken into cognisance that the process is only at public participation on the issuing of long-term use rights at this point. When the projects commence and Land Use Applications are submitted due consideration will be paid to the capacity of services infrastructure to service more families and it will be on the basis of requirements in this regard being met that the developments would be given a go-ahead.

Concerns about pressure on public amenities

The addition of more families into the various areas earmarked and the resultant pressure on public amenities and recreational areas has been raised.

The notion of integrated and infill development is intended to afford more families the enjoyment of quality of life, including access to facilities they wouldn't ordinarily have in their current settings. The drive by the municipality will be also to have the SHIs and/or

ODAs to develop estates that have their own facilities to reduce pressure on the surroundings. Over and above this the Land Use Application process will test this concern and Social Housing estates, determine its validity and measures that will be taken to circumvent it if it is real.

Outright Objection

Some input expressed objections to the intended development with no reasons having been put forward.

Support for the Initiative

There has been support for the Social Housing initiative in some of the input/comments received. In many instances suggestions have been made on how the process should unfold and on the character of the developments/estates that will result from this process.

Misinterpretation of the public participation process / objection due to perceived lack of transparency / information

Input/comments have decried the lack of sufficient information in this Public Participation Process.

It was evident in a lot of comments received that the notice for input on the intention of the municipality was misinterpreted as solicitation of input by interested and affected parties in a Land Use Application. In many instances the assumption was that the municipality has already approved the actual development to go ahead. It is important that to give the indication that the Stellenbosch community will be given an opportunity to express its input/comments when the actual designs for the Social Housing Estates have been submitted to the Land Use Department as prescribed by law.

The following is a list of inputs / comments received and its categorisation:

	PERSON / ENTITY	NATURE OF INPUT / COMMENT
1.	Home Owners and Residents of Mount Simon	<ul style="list-style-type: none"> Concerns about impact on property values. Concerns about access road to the new development on portion adjacent to Mount Simon.
2.	E. Schoeman – Homeowner in La Colline	<ul style="list-style-type: none"> The initiative is not supported. Misinterpretation of the Public Participation Process. Lack of transparency/information.
3.	J. du Toit – Erf 8379	<ul style="list-style-type: none"> The initiative is not supported. Concerns about densification/infill.
4.	L. Schoeman – Homeowner in La Colline	<ul style="list-style-type: none"> Misinterpretation of the Public Participation Process. A hold on the development due to lack of transparency/information.
5.	Tomás Azevedo & Charl H. Duminy - Erf 10829	<ul style="list-style-type: none"> Concerns about impact on property values. Concerns about engineering infrastructure capacity and pressure on public amenities. Misinterpretation of the Public Participation Process. Concerns about densification/infill.
6.	JB & JL van Wyk - 21 Condestraat	<ul style="list-style-type: none"> Concerns about densification/congestion.
7.	NJ Geldenhuys on behalf of Nicol Geldenhuys and Herman de Koker – 35 and 37 Conde Street	<ul style="list-style-type: none"> Outright Objection – no reasons provided.
8.	Dirk Schreuder - Erf 2657	<ul style="list-style-type: none"> Concerns about impact on property values. Concerns about engineering infrastructure capacity and pressure on public amenities. Misinterpretation of the Public Participation Process. Concerns about densification/congestion.
9.	Stiaan Smit – “Stakeholder”	<ul style="list-style-type: none"> Objection due to perceived lack of transparency/information.

	PERSON / ENTITY	NATURE OF INPUT / COMMENT
10.	Marelize Smith - co owner of erven 2715 and 2716	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity and pressure on public amenities. Concerns about densification/congestion.
11.	Beatrix Schreuders -	<ul style="list-style-type: none"> Outright Objection – no reasons provided.
12.	Pieter von Wielligh	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity and pressure on public and recreational amenities. Concerns about densification/congestion.
13.	Clive Norman	<ul style="list-style-type: none"> The initiative is supported.
14.	Ronald Van der Linde - Owner unit 65, Die Rand, Stellenbosch	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity and pressure on public and recreational amenities. Concerns about densification/congestion.
15.	Tamsin Hall - Owner of Die Rand Estate	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity and pressure on public and recreational amenities. <p>Concerns about impact on property values.</p>
16.	Jan Dreyer - Number 28 Die Rand	<ul style="list-style-type: none"> Concerns about noise pollution. Concerns about safety and security. Concerns about engineering infrastructure capacity and pressure on public and recreational amenities.
17.	Trustees of JJ Nel Trust - 35 Conde Street	<ul style="list-style-type: none"> Concerns about maintaining tranquillity in the area. Concerns about impact on property values.
18.	Tobia Swanepoel - Conde Street	<ul style="list-style-type: none"> Outright objection – no reasons provided.
19.	Rudolf Coetzee – No.73 Die Rand	<ul style="list-style-type: none"> Concerns about safety and security. Concerns about engineering infrastructure capacity.
20.	Anneke Fourie - 19 Dr Malan Street, La Colline	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity and pressure on public and recreational amenities. Concerns about impact on property values.
21.	Edwin Grace - erf 2708 and Prinspark 101, La Colline	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity and pressure on public and recreational amenities. Concerns about impact on property values.
22.	Caron Grace - erf 2708 and Prinspark 101, La Colline	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity and pressure on public and recreational amenities. Concerns about impact on property values.
23.	Grant Cox – Property Owner in the Neighbourhood	<ul style="list-style-type: none"> Outright Objection – no reasons provided.
24.	Derick Thiar – 4 Irene Park La Colline	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity.
25.	Hannelie de Beer - Property Owner in the Neighbourhood	<ul style="list-style-type: none"> Concerns about impact on property values.
26.	Tamsin Hall – Property Owner at Die Rand	<ul style="list-style-type: none"> Concerns about impact on investment in the areas. Concerns about the image of the area. Concerns about engineering infrastructure capacity and pressure on public amenities.
27.	Bertus Swanepoel –	<p>The initiative is fully supported.</p> <ul style="list-style-type: none"> Creation of vibrant integrated communities. Investment of profits made in this venture back into enhancing Social Housing. Catalyst for a new model of providing housing given the fast depleting government resources. Encourages "secure by design" principles to minimise future management and security issues.
28.	Marina Knox – Property Owner in Die Rand	<ul style="list-style-type: none"> Concerns about impact on property values. Concerns about engineering infrastructure capacity.
29.	De Wet Wessel – 3 Irene Park, La Colline	<p>The initiative is supported.</p> <ul style="list-style-type: none"> Exclusive targeting of a Social Housing development not optimal or sustainable. Advocates making portions of targeted land to private developers.
30.	Robin Meeske – 95 Die Rand	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about environmental sensitivity of area. Concerns about densification/infill. Concerns about safety and security. Concerns about engineering infrastructure capacity. Concerns about impact on property values.
31.	Stacey Borland – 15 Die Rand	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about impact on property values.

	PERSON / ENTITY	NATURE OF INPUT / COMMENT
32.	Stefanie Dippenaar – 6, 13, 18 & 23 Irene Park, and 18 Dr Malan Road La Colline	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity. Concerns about impact on property values.
33.	Craig Meyer - Property owner in Die Rand	<ul style="list-style-type: none"> Concerns about impact on investment in the area. Concerns about densification/congestion.
34.	GA Musila – Property Owner in La Colline	<p>The initiative is supported, but elsewhere.</p> <ul style="list-style-type: none"> Concerns about densification/congestion. Concerns about engineering infrastructure capacity.
35.	Wilhelm Esterhuizen, John Havemann and Marike Bolz – Acting for Arch Town Planners (Pty) Ltd on behalf of some land owners in the La Colline Neighbourhood	<p>The initiative is supported.</p> <ul style="list-style-type: none"> Concerns about non-adherence with Legislation on Publication of Public Participation notices. Concerns about the entity appointed by SHRA to conduct Feasibility on the RZ. Encourages utilisation of local skills, training and capacitation. Suggestions have been made on density and development parameters and the vetting of tenants.
36.	Amelia Jovanovic – Property Owner in La Colline	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about densification/congestion. Concerns about crime. Concerns about noise pollution. Concerns about safety and security. Concerns about engineering infrastructure capacity and pressure on public amenities.
37.	Jacobus Jonker – Erf 2675 & 2707	<ul style="list-style-type: none"> Concerns about engineering infrastructure. Concerns about impact on property values. Concerns on the number of storeys/floors.
38.	J Do Amaral – 3 La Colline Street	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about engineering infrastructure. Concerns about safety and security. Concerns about municipal services. Concerns about impact on property values. Concerns about crime.
39.	Tony Edwards – Resident of Die Rand	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about densification/congestion. Concerns about crime. Concerns about engineering infrastructure and pressure on public amenities. Concerns about impact on property values.
40.	LJ Voster	The initiative is not supported, no reasons provided.
41.	William Stafford – 22 Tobruck Park Road, La Colline	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about engineering infrastructure and pressure on public amenities and natural environment.
42.	SE van Wyk – Erf Lacol 2651 0001	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about engineering infrastructure and pressure on public amenities and natural environment. Concerns about lack of detail on the notice published.
43.	Ezabie van Wyk - 2 Dan Pienaar Street	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Misinterpretation of Public Participation Process. Concerns about engineering infrastructure. Concerns about noise pollution. Concerns about buildings height. Concerns about natural species and environment. Concerns about impact on property values.
44.	Celia Thiar – 4 Irene Park	<ul style="list-style-type: none"> Concerns about engineering infrastructure and public amenities. Concerns about densification/congestion.
45.	P. du Preez	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concern about lack of information provided.
46.	Janet Baxter – Erf 2714, La Colline	<p>The initiative is supported.</p> <ul style="list-style-type: none"> Misinterpretation of Public Participation Process. Concerns about buildings height. Concerns about engineering infrastructure and public amenities. Concerns about impact on property values.

	PERSON / ENTITY	NATURE OF INPUT / COMMENT
47.	Emma de Villiers – Property Owner at Mount Simon	<ul style="list-style-type: none"> Concerns about impact on property values.
48.	Kurt Malgas – Co-owner of Erf 2662	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Misinterpretation of Public Participation Process. Concerns about engineering infrastructure capacity. Concerns about natural environment. Concerns about impact on property values.
49.	Willem Prinsloo	<p>The initiative is supported.</p> <ul style="list-style-type: none"> Concerns about location of the proposed initiative. Concerns about length of time provided for public input.
50.	Die Trippel B Familie Trust – 2 Oliehout Street	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about crime. Concerns about impact on property values.
51.	Helena B Brand – Erf 8361, Stellenbosch	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about crime. <p>Concerns about impact on property values.</p>
52.	Carmen Petersen – 135 Die Rand	<ul style="list-style-type: none"> Concerns about capacity of public amenities (schools and recreational facilities). Concerns about buildings height. Concerns about engineering infrastructure capacity. Concerns about building maintenance in Social Housing estates. Concerns about densification/congestion. Concerns about impact on property values.
53.	E A & K Stadler - Erf Lacol 8377 00001,	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about engineering infrastructure capacity. Concerns about impact on property values.
54.	Geoff Smith – Erf 2715 & 2716 La Colline	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about engineering infrastructure capacity. <p>Concerns about capacity of public amenities (schools).</p>
55.	Elize Mostert - erf 2654, Stellenbosch	<ul style="list-style-type: none"> Concerns about engineering infrastructure capacity. Concerns about impact on property values. Concerns about the height of buildings.
56.	Kim and Pieter Avenant – Erf 2669, Stellenbosch	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about engineering infrastructure capacity. Concerns about safety. Concerns about impact on property values. Concerns about the height of buildings.
57.	Stellenbosch Backyard Dwellers Forum (SBYDF)	<ul style="list-style-type: none"> Misinterpretation of Social Housing. Concerns about the value SHIs and/or ODAs will have on the initiative. Concerns about the budget allocated for the initiative. Concerns about the number of backyarders households that will benefit from the scheme. Concerns about the scheme turning out to be for student accommodation.
58.	Jannes Strydom - 17 Irene Park, La Colline	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about engineering infrastructure capacity. Concerns about capacity of public amenities. Misinterpretation of Public Participation Process.
59.	Stellenbosch Interest Group	<p>The initiative is supported.</p> <ul style="list-style-type: none"> Encourages an integrated scheme (small businesses, crèches, leisure facilities etc.). Encourages limited densification. Concerns about height of buildings. Concerns about engineering infrastructure capacity. Concerns about capacity of public amenities. Encourages a variety of housing types. Encourages the creation of attractive neighborhoods.
60.	Cavan Smith – Resident in La Colline	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about densification/congestion. Concerns about engineering infrastructure capacity. Concerns about crime. Concerns about impact on property values.
61.	Robyn Locke	<p>The initiative is not supported.</p> <ul style="list-style-type: none"> Concerns about crime.

	PERSON / ENTITY	NATURE OF INPUT / COMMENT
62.	Sinja Wessel – 2 Paul Roos Street, La Colline	The initiative is supported. <ul style="list-style-type: none"> Concerns about the development turning into a slum. Encourages infill development. Encourages integration with market driven development. Misinterpretation of Public Participation Process.
63.	Izette Mostert – Bergendal Complex, La Colline	The initiative is not supported. <ul style="list-style-type: none"> Concerns about capacity of public amenities. Concerns about engineering infrastructure capacity.
64.	CAW Schumann – 27 Conde Street	The initiative is not supported. <ul style="list-style-type: none"> Municipality must find an alternative location.
65.	Laerskool A.F. Louw Governing Body	<ul style="list-style-type: none"> Concerns about capacity of public amenities (schools). Concerns about engineering infrastructure capacity. Concerns about safety and security.
66.	Resident at Irene Park, La Colline	<ul style="list-style-type: none"> Misinterpretation of Public Participation Process. Concerns about engineering infrastructure capacity. Concerns about noise pollution. Concerns about impact on property values.
67.	Cllr DA Hendrickse	<ul style="list-style-type: none"> Concerns about non-adherence with legislation on publication of public participation notices.
68.	Dr Marieanna C Le Roux	<ul style="list-style-type: none"> Concerns about the already high density in the area Request all professional studies untaken thus far.

SWOT analysis of the different development proposals

After carefully considering the various constraints and opportunities that each of these sites comprise of, with regards to development options/opportunities, infrastructure capacity, accessibility, location and integration of neighbourhoods, a SWOT analysis was done in table below:

SWOT ANALYSIS	SITES		
	Lapland (Remainder of Erf 2149)	Teen-die-bult (Farm 180)	Erven 81/2 and 81/9, Stellenbosch
STRENGTHS	<ul style="list-style-type: none"> Ideal location 	<ul style="list-style-type: none"> Proposed design mitigates cost of earthworks 	<ul style="list-style-type: none"> Site has direct access from the R304
	<ul style="list-style-type: none"> Responsive demand 	<ul style="list-style-type: none"> Proposed design capitalises on surrounding cityscape 	<ul style="list-style-type: none"> Site is centrally located between the Kayamandi and Cloetesville communities and within walking distance to Stellenbosch CBD
	<ul style="list-style-type: none"> Densification of existing Lap Land flats 	<ul style="list-style-type: none"> Ideal location 	<ul style="list-style-type: none"> Walking distance to Du Toit Railway station
	<ul style="list-style-type: none"> Optimal land use 	<ul style="list-style-type: none"> Optimal land use 	<ul style="list-style-type: none"> Integration of neighbourhoods
	<ul style="list-style-type: none"> Lowest development cost 	<ul style="list-style-type: none"> Responsive demand 	<ul style="list-style-type: none"> Greenfield project
	<ul style="list-style-type: none"> Highest yield 	<ul style="list-style-type: none"> Development poses minimal disturbance to surrounding area 	
	<ul style="list-style-type: none"> Availability of bulk services (due to existing Lap land flats) 		
WEAKNESS	<ul style="list-style-type: none"> Rental collection from existing residents 	<ul style="list-style-type: none"> Bulk services availability 	<ul style="list-style-type: none"> type of erf shape reduces the developable area significantly
	<ul style="list-style-type: none"> Required tenant rightsizing 	<ul style="list-style-type: none"> More earthworks required than other sites 	<ul style="list-style-type: none"> a significant portion of the property is situated south of the bridge over the railway line and this area is not suitable for development
	<ul style="list-style-type: none"> Disturbance to existing residents 	<ul style="list-style-type: none"> Rezoning and site title survey required 	
		<ul style="list-style-type: none"> Rental 	
OPPORTUNITIES	<ul style="list-style-type: none"> Alleviate housing backlog 	<ul style="list-style-type: none"> Alleviate housing backlog 	<ul style="list-style-type: none"> adequate access to economic opportunities
	<ul style="list-style-type: none"> Social restructuring 	<ul style="list-style-type: none"> Relocate marginalised communities closer to town center 	<ul style="list-style-type: none"> efficient public transport access
	<ul style="list-style-type: none"> 96 bachelor units 128 1 bedroom units 480 2 bedroom units (186du/ha) 	<ul style="list-style-type: none"> 350 1 bedroom units and 280 2 bedroom units (180du/ha) 	<ul style="list-style-type: none"> maximum possibilities for pedestrian movement
THREATS	<ul style="list-style-type: none"> Community resistance to proposal 	<ul style="list-style-type: none"> Community resistance to proposal 	<ul style="list-style-type: none"> Size and shape of the property could restrict the amount of opportunities The location of the existing stormwater pipeline could have negative effect on the propose concept layout. Noise from vehicles from the main road Visual impact at entrance of the town Limited resistance proposal/s

6.3 Financial implications

There are no financial implications for the municipality.

6.4 Legal Implications

The recommendations contained in this report comply with Council's policies and relevant legislation.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-03-20: ITEM 7.4.2**

- (a) *that the land in question, remainder of Erf 2149, Stellenbosch (Lapland flats), Remainder of Farm 180 (open spaces near Teen-die-Bult flats) and Erf 81/2 and Erf 81/9 Stellenbosch, be identified as land parcels **not needed for the municipality's own use** during the period for which the right is to be granted;*
- (b) *that Council, **in principle**, approve the Municipality's entering into **Land Availability Agreements** with SHIs and ODAs successful in the Public Competitive Process (with SHIs and ODAs successful in the Public Competitive Process in terms of Regulation 34(1) (b) of the Asset Transfer Regulation (ATR), read with paragraph 9.2.2.1 (I) of the Policy on the Management of Council owned property, subject to the following conditions:*
 - (i) *that **Council's intention** so to act, i.e. the awarding of rights on a private treaty agreement basis, **be advertised** for public comments;*
 - (ii) *that, simultaneously, the **public participation** process envisaged in Regulation 35 of the ATR **be followed**;*
 - (iii) *that Lease Agreement be concluded, based on a **40-year term** based on applicable tariffs;*
 - (iv) *that the Lease Agreement provide for **review/revision**, should the need arise for further development/redevelopment of the area; and*
- (c) *that, following the public participation process referred to above, a report be submitted to Council in order for Council to give a mandate to the Administration to proceed with the Public Competitive Process that will result in the awarding of the long-term use rights.*

35TH COUNCIL MEETING: 2020-02-26: ITEM 11.4.1**RESOLVED** (majority vote)

- (a) *that the progress report be noted;*
- (b) *that Council approves in principle the development proposal as set out in the draft feasibility study;*
- (c) *that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHIs) or Other Development Agencies (ODAs);*
- (d) *that a Smart Partnership and a Land Availability Agreement be entered into with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and*
- (e) *that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.*

The following Councillors requested that their votes of dissent be minuted:

FT Bangani-Menziwa (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.4.2**RESOLVED** (majority vote with abstentions)

- (a) that Council approves in principle the development proposal of the 3 precincts namely Lap Land, La Colline, Teen-die-Bult as set out in the draft feasibility studies;
- (b) that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHIs) or Other Development Agencies (ODAs);
- (c) that a Smart Partnership and a Land Availability Agreement be entered into with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and
- (d) that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.

Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.

6.7 Risk Implications

None

6.8 Comments from Senior Management

No comments were requested.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 11.4.1

- (a) that Council takes note of inputs/comments that were received, following the public notice advertised;
- (b) that a phased approach be adopted to implement social housing in Stellenbosch;
- (c) that the property situated to the north of the town opposite Kayamandi, erven 81/2 and 81/9, Stellenbosch, commences with the procurement process to appoint a suitable SHIs and/or ODAs;
- (d) that phase 2 commences after the successful completion of the development as mentioned in (c) above on Remainder of erf 2149 better known as Lapland;
- (e) that phase 3 commences after the successful completion of the development as mentioned in (d) above on Remainder of Farm 180 better known as Teen-die-Bult; and
- (f) that Council makes a final determination for the administration to commence with a process toward entering into **Land Availability Agreements** with SHIs and/or ODAs successful in a Public Competitive Process.

ANNEXURES:

Annexure A: Comments/inputs from the public

Annexure B: Agenda item that served before the Executive Mayor under delegated authority

Annexure C: Public notices

ANNEXURE A

Michelle Moses

From: Emma Brown <Emma.Brown@westerncape.gov.za>
Sent: Saturday, June 20, 2020 10:20 AM
To: Ihs Admin
Subject: [EX] Development of Social Housing Estates

Mr Mfeya/ Mr Van Stavel

In response to the notice according to Section 21(A) indicating the plans to develop Erf 81/9 and Erf 81/2.

I have read the statement as published by Stellenbosch Municipality (not dated) and would like to formally comment on this document. However, although details are provided with regards to the development plans for the other two sites that are being planned in Stellenbosch as to what exactly the land would be used for, I do not seem to find any specifications for erf 81/2 and Erf 81/9. It is therefore unreasonable to expect public comments.

As home owners and residents of Mt Simon Estate, this will very clearly have a huge impact on us. We would need to understand the impact that these developments might have on our property value (resell or rental), especially seeing that it will directly border to our own home and also impact the entrance of our Estate (having to drive through the new development).

I am not sure when this was published (A friend sent this to me), but there is not much time to provide commenting and with this limited information, this makes it even more difficult.

I would appreciate your feedback and any information that would be relevant to this project.

Kind Regards

Emma de Villiers

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Michelle Moses

From: Tabiso Mfeya
Sent: Monday, June 22, 2020 12:03 PM
To: 'Emma Brown'
Cc: Ihs Admin; Lester Vanstavel
Subject: RE: Development of Social Housing Estates

Good day Madam

The area Erf 81/2 and Erf 81/9 reside in forms part of the Stellenbosch Municipality Restructuring Zones for Social Housing. The development intended by the Municipality on the property is a Social Housing development along the same principles as shown in the Presentation compiled for the other sites. I just want to add that what is depicted in the Presentation are Development Concepts that generally are implemented in Social Housing Developments and not the actual plans for the three areas targeted.

Detailed Site Developments proposed and actual designs for all the different sites will be submitted to the Municipality by Companies who are successful in the Competitive Bid Process. The Land Use Management Department will still provide the Stellenbosch Public with an opportunity to submit comments on the actual planned developments.

If more clarity is required, you may provide me with your telephone/ cell no. I will gladly give you a call.



Regards,

Tabiso Mfeya

C: +27 60 986 2044

Email:

Tabiso.Mfeya@stellenbosch.gov.za



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From: Ihs Admin
Sent: Monday, 22 June 2020 08:43
To: Tabiso Mfeya; Lester Vanstavel
Cc: 'Emma Brown'
Subject: RE: Development of Social Housing Estates

Good day,

See below e-mail received from Ms Brown for your attention.



Kind regards,

On behalf of

Lester van Stavel

Manager: Housing Development

Department: Integrated Human

Settlements

Directorate: Planning & Economic

Development

T: +27 21 808 8462 | F: +27 21 887 6167

Oude Bloemhof Building, 3rd Floor,

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Emma Brown [<mailto:Emma.Brown@westerncape.gov.za>]

Sent: Saturday, June 20, 2020 10:20 AM

To: Ihs Admin

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Michelle Moses

From: Emma Brown <Emma.Brown@westerncape.gov.za>
Sent: Monday, June 22, 2020 12:35 PM
To: Tabiso Mfeya
Cc: Ihs Admin; Lester Vanstavel
Subject: [EX] RE: Development of Social Housing Estates

Good day Mr Mfeya

I greatly appreciate your quick response. I would prefer that all communication is in writing as I would need to share feedback with other parties.

I will however come back to you for more information where required.

Kind Regards

Emma de Villiers

From: Tabiso Mfeya [mailto:Tabiso.Mfeya@ Stellenbosch.gov.za]
Sent: Monday, June 22, 2020 12:03 PM
To: Emma Brown
Cc: Ihs Admin; Lester Vanstavel
Subject: RE: Development of Social Housing Estates

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Regards,

Tabiso Mfeya

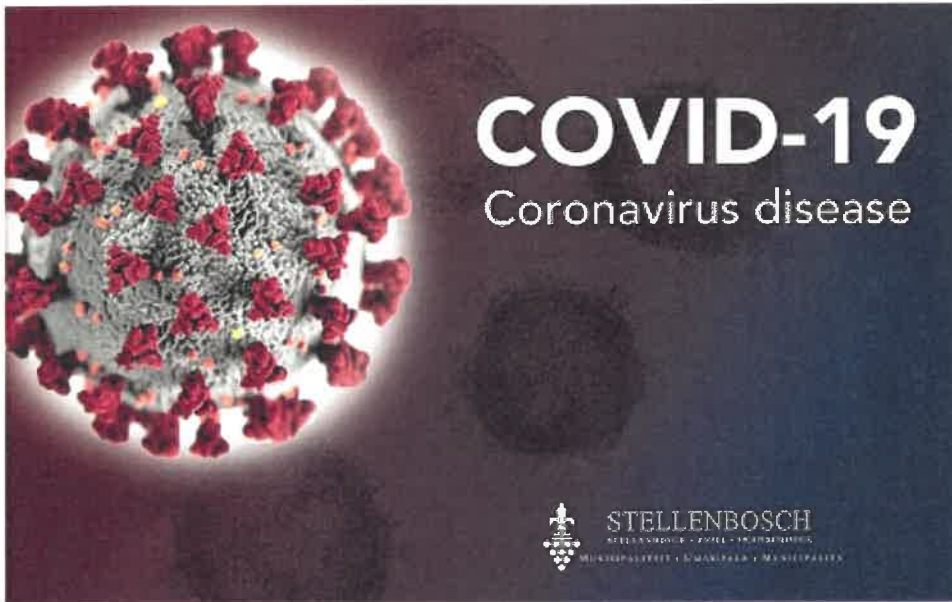
C: +27 60 986 2044

Email:

Tabiso.Mfeya@Stellenbosch.gov.za



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Visit the dedicated COVID-19 page on our municipal website for information on this disease: <https://www.stellenbosch.gov.za/documents/general>

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from tabiso.mfeya@stellenbosch.gov.za sent at 2020-06-22 12:03:19 is confidential and may be legally privileged. It is intended solely for use by emma.brown@westerncape.gov.za and others authorized to receive it. If you are not emma.brown@westerncape.gov.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

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To: Tabiso Mfeya; Lester Vanstavel

Cc: 'Emma Brown'

Subject: RE: Development of Social Housing Estates

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Kind regards,

On behalf of

Lester van Stavel

Manager: Housing Development

Department: Integrated Human
Settlements

**Directorate: Planning & Economic
Development**

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Oude Bloemhof Building, 3rd Floor,
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Sent: Saturday, June 20, 2020 10:20 AM

To: Ihs Admin

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Michelle Moses

From: Emil Schoeman <emilschoeman77@gmail.com>
Sent: Wednesday, June 24, 2020 9:49 AM
To: Ihs Admin
Cc: Schoeman, Leana
Subject: [EX] Proposed lowcost housing in La-Colline

Attention: Mr. Lester van Stavel

Good day.

I am a home owner in La Colline, Stellenbosch. It was with dismay that we heard of the proposed building of low cost housing, in our open spaces. We strongly object to these building plans due to the lack of transparency and information.

We ask that you personally invite all Home-owners and tenants to an in depth meeting before any further planning are entered into.

Regards

E.Schoeman
0829540809

PS. Please acknowledge receipt of this email.



Virus-free. www.avast.com

Michelle Moses

From: Joana du Toit <joana.dutoit@gmail.com>
Sent: Wednesday, June 24, 2020 4:31 PM
To: Ihs Admin
Subject: [EX] La Colline

Beste meneer Van Stavel

Vandeesweek het ek per toeval gehoor van enorme ontwikkelings wat in La Colline (Wyk 10) beplan word. Ek verstaan die oogmerk is om behuising vir 'n paar duisend mense te verskaf.

Dat so-iets in die reeds beknopte omgewing van La Colline beplan word, gaan my verstand te bowe. Ek maak dus ten sterkste beswaar daarteen. Ek maak ook beswaar teen die ondeursigtige hantering van die aangeleentheid gedurende grendeltyd. Ek as huiseienaar het volledige inligting nodig via verslae van verskeie professionele studies om 'n ingeligte besluit te kan neem.

Hiermee dus my voorlopige absolute teenkanting.

Die uwe

Joana du Toit
Erf: 8379
Condéstraat 11

Michelle Moses

From: Schoeman, Leana <LSchoeman@distell.co.za>
Sent: Wednesday, June 24, 2020 10:12 AM
To: Ihs Admin
Subject: [EX] Proposed low-cost housing - La-Colline

ATT : MR LESTER VAN STAVEL

Good day sir

As a home owner in La Colline, I would request a hold on the proposed low-cost housing development until suitable information is communicated.

Please arrange an info session with all relevant parties involved.

Looking forward to your reply / comments.

Thank you, regards



LEANA SCHOEMAN | LEGAL ASSISTANT

 lschoeman@distell.co.za  www.distell.co.za
 Distell Ltd, Aan-de-Wagen Road, Stellenbosch, South Africa
 +27 (0)21 809 8121

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Michelle Moses

From: Tomás Azevedo <tomas.de.azevedo@gmail.com>
Sent: Tuesday, June 23, 2020 6:48 PM
To: Ihs Admin
Cc: Charl Duminy
Subject: [EX] Public Participation Process: Social Housing Estates (Stellenbosch Municipality)
Attachments: AzevedoDuminy_PublicParticipationProcess.pdf

Good day,

Please find attached a submission in terms of the ongoing public participation process regarding the Social Housing Estates in Stellenbosch Municipality.

Best regards,

Tomás Azevedo & Charl H. Duminy

TOMÁS AZEVEDO & CHARL H. DUMINY

Stellenbosch, June 23, 2020

Sent via email

Stellenbosch Municipality
Social Housing: Project Manager
Mr Tabiso Mfeya / Lester van Stavel
ih.admin@stellenbosch.gov.za

PUBLIC PARTICIPATION PROCESS IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY

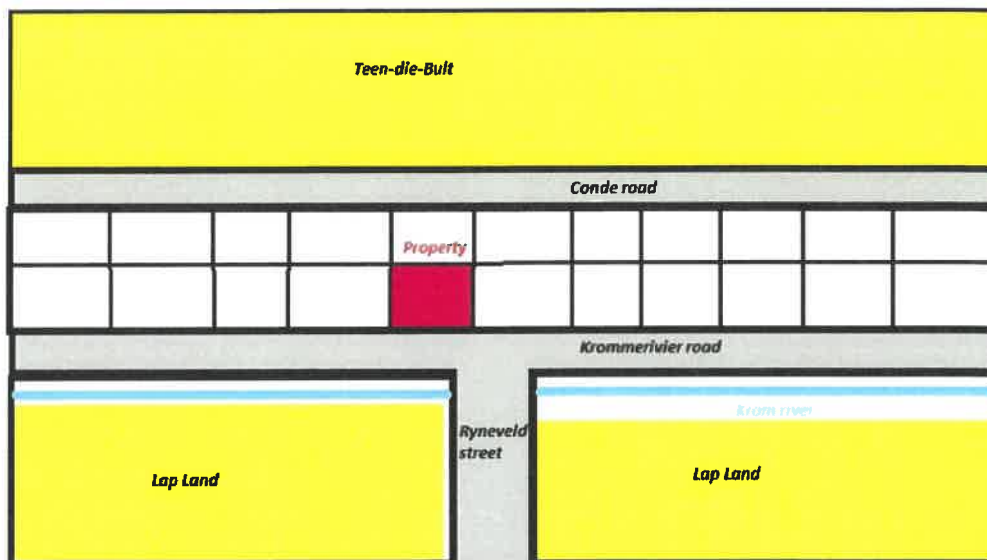
TOMÁS VAN ASCH DE AZEVEDO and CHARL HENRI DUMINY, the owners of a residential property located on Krommerivier road, number 30A, Stellenbosch, Erf 10829 (henceforth "Property"),

Having taken notice of the aforementioned ongoing public participation process in relation to the development of a Social Housing Programme in the city of Stellenbosch, as described in the Information Statement released by the Municipality (henceforth "Programme"),

Hereby submit their comment, in the form prescribed in number 3.4 of the Information Statement, in the following terms:

1. It is noted that two main proposed development areas are the existing buildings and surrounding land at "Lap Land" and the slope/inclined land at "Teen-die-Bult";
2. These two proposed development areas are separated from each other by the small river Krom and its banks, by Krommerivier road, by two rows of a number of mostly single-family homes, including the Property, and by Conde road, as shown in the diagram below (not to scale):

TOMÁS AZEVEDO & CHARL H. DUMINY



3. A first obvious conclusion can be drawn from the representation of this diagram: the proposed redevelopment of "Lap Land" and "Teen-die-Bult" into high-density concepts of up to 8 stories high, will leave the many properties between Conde and Krommerivier as an "island" of single-family houses surrounded by high-rise blocks;
4. In fact, the density of "Lap Land", currently comprised of three high-rise buildings, but surrounded by enough land to accommodate parking and outside areas, including playgrounds, is expected to double, at the expense of such parking and outside areas;
5. This, in itself, might be problematic, as parking and traffic in the neighbourhood is already very intense, given that these streets are used by hundreds of people, daily, as a bypass to Bird street. A doubling of the residents of Lap Land will certainly increase the traffic and parking pressure on these streets;
6. And the steep reduction in the playground is not adequately remedied by the alternative playgrounds (two of which are impractical to reach by foot, because of the very steep incline), considering the increase in the number of children in the area post-development;
7. And it might cause the children of "Lap Land", deprived of their playgrounds, to find alternative play areas on the streets, thereby further increasing the risk of road accidents and being victims of crime;

TOMÁS AZEVEDO & CHARL H. DUMINY

8. Adding to the already high traffic pressure on Krommerivier and Ryneveld, an increase in the population density of “Teen-die-Bult” will also, necessarily, result in an increased pressure on these streets, since Ryneveld will inevitably be the primary path to the downtown;
9. The added volume of traffic on an already overloaded Krommerivier and Ryneveld, risk replicating the congestion at Jan Celliers and even Bird street, including the hazardous entering and exiting of driveways (already a problem);
10. Regardless of whether a “foot path” linking “Teen-die-Bult” with Ryneveld street is planned (more on that later), it seems inevitable that Ryneveld street will become even further congested;
11. Given the type of buildings proposed – three additional 8-story buildings at “Lap Land” and a sizeable, also 8-story building at “Teen-die-Bult” – it also raises the issue of whether the volume and dimensions are according to the zoning requirements of those areas, which cannot be brushed aside even if the promoter is the Municipality, in pursuit of a general concept of public interest;
12. Adapting or changing those zoning requirements is an entirely different process which cannot be ignored; the issue of whether or not the Social Housing Estate Programme is exempt from these rules is a matter for grave concern;
13. It would appear contradictory to impose on private citizens zoning requirements which the Municipality does not itself abide by in its projects, therefore yielding the anomaly of having single-family homes surrounded or “sandwiched in” by very large apartment buildings on both sides;
14. If the zoning of both “Lap Land” and “Teen-die-Bult” allows for the development of high-rise blocks, so must the “sandwiched” area in-between, in order to provide for a logical and cohesive urban development zone, and in order to give current private owners the clarity they need regarding the future of those homes;
15. **The Programme causes, therefore, a general concern over zoning requirements, traffic, congestion, parking and playgrounds in the affected areas;**
16. Furthermore, as it will make all the properties between Krommerivier and Conde essentially an “island” of market-priced properties in a “sea” of Social Housing Estates, the Programme will most certainly affect the values of those properties;

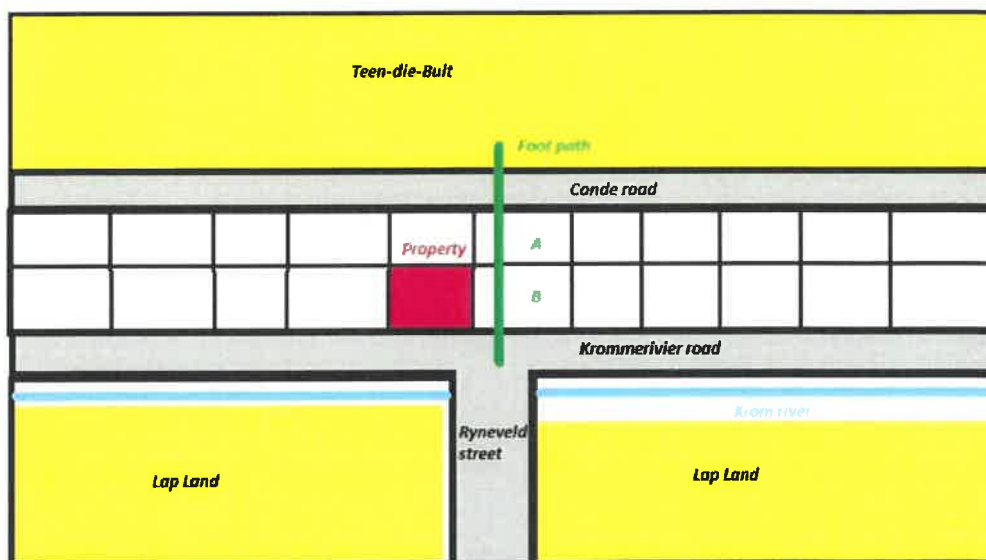
TOMÁS AZEVEDO & CHARL H. DUMINY

17. Without challenging the need for social housing in Stellenbosch, it seems odd that a few families which have invested their savings and, in many cases, are paying off mortgages (as is the case of the Owners), should have their investments affected by the Municipality where they chose to live and/or invest in;
18. The Owners strongly reject the notion that their investments can become “collateral damage” by the consequences that the Programme might have on the values of the few remaining privately-held Erfs “sandwiched in” between the two proposed intervention zones;
19. **In so far as the legitimate interests of these directly affected owners are ignored, it causes a specific and serious concern over the impact on those directly affected;**
20. It should also be mentioned that, a steep decline in the value of those properties, such as the one this Programme is susceptible to create, might cause some of those mortgages to be worth more than the value of the collateral: meaning that the Municipality might, of its own initiative and decision, cause economic and financial hardship, including the loss of a family home, to some of its residents;
21. Should the Municipality’s Programme cause some families to default on their mortgages (because of a loss of tenant or lowering of the rental yield as a result of becoming an “island” in the middle of Social Housing Estates), this action might cause significant financial hardship and even foreclosure;
22. That sort of negative, but very real, potential consequences, are alarming residents of Krommerivier and Conde and, should the Programme have received more widespread publicity, this issue would have certainly been raised by many other interested parties;
23. Whereas the Programme briefly explains its financial implications on the Municipality (numbers 3.2.2 to 3.2.4 of the Information Statement) it ignores the financial implications to other relevant stakeholders, such as neighbours and other owners in the proposed interventions areas;
24. Therefore, whilst the financial results of the Programme seem to be overwhelmingly positive, that is because they totally ignore the costs and losses that other people will incur: for the Municipality, it might seem like an entirely

TOMÁS AZEVEDO & CHARL H. DUMINY

virtuous project with “no losers”, but the reality – as is often the case – is more complicated;

25. The costs and losses incurred by owners in the vicinity of the Programme, namely in the “island” created between Krommerivier and Conde, should be accounted for in the overall evaluation of its feasibility;
26. Therefore, the Owners submit that an independent economic impact assessment study be made, which should serve as a basis for compensation for losses incurred, including in terms of property values and rental incomes;
27. Furthermore, there is the issue of the “non-motorized traffic route”, or Foot path, that is proposed to connect “Teen-die-Bult” to the intersection of Krommerivier and Ryneveld streets, as shown in the diagram below:



28. The creation of this Foot path will necessarily require the expropriation of owners, presumably those marked “A” and “B” on the diagram, in order to align the path with Ryneveld street, but perhaps others, maybe even including the Property, since it is in close proximity to the opposite corner of Krommerivier and Ryneveld;
29. However, the costs of such expropriations do not seem to be provided for in the Programme, which rests on the incorrect assumption that all the land required for its implementation is already in the public domain (whether owned by the Municipality itself or the National Department of Public Works);

TOMÁS AZEVEDO & CHARL H. DUMINY

30. Seeing as it will be impossible to build the proposed Foot path without expropriation on Krommerivier and Conde, the Owners are concerned that it is currently unclear what the overall dimensions of this necessary expropriation might be, meaning, *who exactly will be affected by the need for expropriation*;
31. And, of course, the issue of the costs of the expropriation does not seem to be included in the financial analysis presented as an appendix to the Information Statement, rendering it incomplete in an essential aspect;
32. **The Programme causes a specific concern regarding the expropriation of privately-owned land for the creation of the foot path which requires rapid clarification.**

Based on the aforementioned aspects, the Owners make the following statements, submissions and conclusions:

- A. The Programme causes a general concern over zoning, traffic, congestion, parking and playgrounds in the intervened areas;**
- B. The Programme causes causes a specific and serious concern over the impact on those directly affected, particularly the “sandwiched in” owners which would result in an undesirable urban anomaly;**
- C. The Owners submit that an independent economic impact assessment study be made, to serve as a basis for compensation for losses incurred, including in terms of property values and rental incomes;**
- D. The Programme causes a specific concern regarding the expropriation of privately-owned land for the creation of the foot path, which requires rapid clarification as to who exactly will be affected by the need for expropriation.**

The Owners,

Tomás Azevedo & Charl H. Duminy



Michelle Moses

From: Johene Van Wyk <johene.loleta@gmail.com>
Sent: Wednesday, June 24, 2020 5:19 PM
To: Ihs Admin
Subject: [EX] Behuising in La Colline area

Hi hiermee wil ek JB EN JL van Wyk woonagtig in Condestraat 21 net meer inligting wil he rakende die behuising wat hier opgerig wil word. Ons as inwoners het dit sopas gehoor en die tyd is veels te min om wyse besluite te neem. Die area is klaar so bevolk en ons as belasting betalers het alreeds oneindige probleme.

Dringende aandag sal eers moet gegee word voor sulke besluite geneem kan word.

Dankie byvoorbaart.

JB&JL van Wyk

Michelle Moses

From: Nicol Geldenhuys <nicolgel@adept.co.za>
Sent: Thursday, June 25, 2020 3:24 AM
To: Ihs Admin
Subject: [EX] RE: Beswaar teen ontwikkeling

Importance: High

Wie dit mag aangaan

Hiermee maak ons die volgende inwoners van Condestraat teen sterkste beswaar teen die beoogde ontwikkeling van "Teen die Bult" en Lapland Flats".

Nicol Geldenhuys – Condestraat 35
Herman de Koker – Condestraat 37 (geen epos fasiliteit)

Die uwe

Geteken NJ Geldenhuys
Geteken TH de Koker

Michelle Moses

From: Dirk Schreuder <schreuder.dirk@gmail.com>
Sent: Thursday, June 25, 2020 9:19 AM
To: Ihs Admin
Subject: [EX] Fwd: Objection to Social Housing Program proposed Development - Teen-die-Bult flats (Farm 180& Erf 2728)

For Attention – Mr Tabiso Mfeya and Mr Lester van Stavel

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

I am the owner of **ERF 2657 (nr 2 Dan Pienaar Street)** which will be directly adjacent to the proposed 8 story flat. I have some concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline.

- **Insufficient Information** contained in the information pack - such that it leaves many questions on the details of the proposed development. Specifically upgrades to roads, sewage, water supply etc to accommodate this massive impact on La Colline, which is already stretched beyond capacity at times. Also no information on timelines for this process, when public participation will be formalised etc
- **Traffic** in the area, especially on La Colline road, is already a problem and adding an entire block of flats will make it much worse. Those living in La Colline, Die Rand and Irene Park have to use the La Colline road to reach their property, there is no alternative. Therefore, everyone living on La Colline Street, Dr Malan Street, Dan Pienaar and Paul Roos Street will be affected by the extra number of drivers that will need to use the road to get to the new block of flats. The units you are planning to erect have a total of 630 bedrooms (of which 280 are 2 bedroom units), which will result in the addition of at least 300 cars. This will place unbearable pressure on traffic in the area which is already severely congested
- **The effect such development will have on my property value.** La Colline falls into the medium income groups. Over the years we, the collective of owners, have made an effort to update and beautify our homes and thus the value of their property and make it safe for the children in the area. However, if our area becomes known as an area with low cost housing for families this would no doubt impact negatively on our property.

In conclusion, the development of social housing on Farm 180 & Erf 2728 is affecting me and my property negatively. I will request hereby ask that you reconsider the entire project, most notably to reduce the number of people to be introduced into the area as I cannot see any way by which this could be sustainable and tenable for those living in the area.

Sincerely

Dirk Schreuder

25/06/2020

**Michelle Moses**

From: Dirk Schreuder <schreuder.dirk@gmail.com>
Sent: Thursday, June 25, 2020 9:39 AM
To: Ihs Admin
Subject: [EX] Objection to Social Housing Program proposed Development - Teen-die-Bult flats (Farm 180& Erf 2728)

Please ignore of the below has been sent already

For Attention – Mr Tabiso Mfeya and Mr Lester van Stavel

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

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In conclusion, the development of social housing on Farm 180 & Erf 2728 is affecting me and my property negatively. I will request hereby ask that you reconsider the entire project, most notably to reduce the number of people to be introduced into the area as I cannot see any way by which this could be sustainable and tenable for those living in the area.

Sincerely

Dirk Schreuder

25/06/2020

Michelle Moses

From: Stiaan Smit <stiaansmit@gmail.com>
Sent: Thursday, June 25, 2020 12:24 PM
To: Ihs Admin
Subject: [EX] Objection to Notice

Date: 25 June 2020.

Good day

In response to the notice:

"Entering into land availability agreements with social housing institutions (SHIs) and/or other development agencies (ODAs) for the development and management of social housing estates: Stellenbosch Municipality"

My response:

- Important information is not present in this document, which makes commenting and participation impossible
- The short notice is not sufficient for stakeholders to comment or participate in a constructive manner.
- The timing during this Covid-19 pandemic and the national lockdown restrains commenting, participation and professional consultation by and with stakeholders

I therefore object to the aforementioned notice.

As a stakeholder, there will be commenting and participation from my side down the line, however, as pointed out above, the date of 29 June is not realistic and the information provided is not sufficient for commenting or participation by stakeholders.

I further request that the municipality make an effort to consult with stakeholders and improve the way in which they collaborate and communicate matters like these.

Please feel free to contact me if there are any ambiguities in my objection as laid out above.

Regards
Stiaan

Michelle Moses

From: marelize@wynlandproperties.co.za
Sent: Thursday, June 25, 2020 12:32 PM
To: Ihs Admin
Cc: lacollineneighbourhood@gmsil.com
Subject: [EX] Objection proposed development "Teen die Bult" remainder of farm 180, erf 81/2 and erf 81/9

Apologies my original email did not include my name and contact detail

sent from my phone

Marelize Smith

0826833228

Wynland Properties

----- Forwarded message -----

From: marelize <marelize@wynlandproperties.co.za>

Date: 25 Jun 2020 12:26

Subject: Objection proposed development "Teen die Bult" remainder of farm 180, erf 81/2 and erf 81/9

To:

ihs.admin@stellenbosch.gov.za,lacollineneighbourhood@gmail.com,marelize@wynlandproperties.co.za

Cc:

To whom it may concern

As co owner of erf 2715 and 2716 Stellenbosch I am objecting in the strongest possible terms to the proposed development in our area. La Colline is a unique neighbourhood and possibly the only true integrated (racially and economically) neighbourhood in Stellenbosch.

We luckily came across this proposed development on the municipal website even though we were promised to be kept in the loop officially during a neighbourhood committee meeting with the municipality in 2017. We would certainly like communications regarding this in future.

Traffic - La Colline road is already glogged up during extended peak hours. We are locked in and access to the main arterials Helshoogte Road, Bird Street and the R 44 is blocked during these hours.

Many Welgevonden residents also use La Colline road due to the existing traffic issues on the R 44 and Bird Street.

The road is narrow an inspection will show that the painted cycling path take up car space .One or the other can use it. It is a very steep hill and elderly or unwell residents will struggle to walk up it.

The assumption has to be that a percentage of the new blocks of flats occupants will own cars, and/or will need taxis to get to and from work.

There is one small primary school here and even if enlarged won't be able to accept many more pupils.

We have already given the town Die Rand, Prinspark, Berg en Dal and Quiver Tree density developments, to name a few in the area. There are many more.

My suggestion would be to focus your attention on the Adam Tas corridor (as suggested during a town hall meeting) , the site where the prison is currently, or Simonsberg Road where the Voortrekker Saal as well as existing municipal houses are situated.

10

Tobruk Park should be renovated and converted in line with the current amount of units there, and in line with the type and purpose of housing currently in the area.

I would appreciate acknowledgement of this email.

Kind regards





Michelle Moses

From: Beatrix Schreuders <beatrixschreuders@gmail.com>
Sent: Thursday, June 25, 2020 12:58 PM
To: Ihs Admin
Subject: [EX] Proposed development .

I, Beatrix Schreuders, Id 4402060050089, opposed to the proposed , new developed, close to La Colline in Stellenbosch .

Sent from my iPhone

Michelle Moses

From: Von Wielligh, SPJ, Prof [pvw@sun.ac.za] <PVW@sun.ac.za>
Sent: Thursday, June 25, 2020 1:02 PM
To: Ihs Admin
Subject: [EX] Objection to "Teen die Bult" development in La Colline

To whom it may concern

I would like to formally object to the proposed "Teen die Bult" development in La Colline.

The bases for the objection are as follows:

1. That La Colline is already a high-density residential area. In such areas, the availability of large recreational spaces is important for residents' wellbeing. The proposed development takes away one important such space. The recreational spaces that will be in place should the development go ahead are insufficient and not large enough.
2. Water pipes in La Colline already break frequently with the current population, leaving residents without water for hours. Adding an additional high-density residential development will put further pressure on the water supply system, which will exacerbate the existing problem.

Sincerely.

Pieter von Wielligh



The integrity and confidentiality of this email are governed by these terms. [Disclaimer](#)
Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalings bereël. [Vrywaringsklousule](#)

Michelle Moses

From: Clive Norman <clivef.norman@gmail.com>
Sent: Thursday, June 25, 2020 1:09 PM
To: Ihs Admin
Subject: [EX] proposed development at the Bult, La Colline

Hi Thabiso and Lester,
I am happy with the development as long as you have done your homework.
Rather exciting.
Good luck
Lekker Bly
Clive Norman,

Michelle Moses

From: Ronald van der Linde <rvdlinde@elstorm.co.za>
Sent: Thursday, June 25, 2020 1:33 PM
To: Ihs Admin
Cc: Nina Hanekom | MPA Cape Winelands
Subject: [EX] Proposed development Teen die Bult La Colline

Afternoon,

We are advised that a proposed development at the Bult, La Colline is to be tabled for approval, in light of the proposed development we object to this proposed development as it will severely impact the traffic in our area, in an over populated suburb with high density the traffic at current levels is already above any sensible norm.

Regards
Ronald Van der Linde
Owner unit 65, Die Rand, Stellenbosch

Michelle Moses

From: Tamsin Hall <tamsin@thefirststep.co.za>
Sent: Thursday, June 25, 2020 2:19 PM
To: Nina Hanekom | MPA Cape Winelands; Ihs Admin
Subject: [EX] Re: FW: URGENT - Proposed development Teen die Bult La Colline

Please note I am an owner at Die Rand estate and would like my objection to development at the Bult, La Colline. I am not in favor of this construction going ahead as it will impact our property values, traffic and more.

Please advise if my objection has been submitted in the correct manner and to the correct department.

Tamsin Hall
148 Die Rand
La Colline
Stellenbosch

On Thu, Jun 25, 2020 at 11:40 AM Nina Hanekom | MPA Cape Winelands <nina@marite.co.za> wrote:

VERY URGENT NOTICE!

All Owners – Please take urgent note.

Please see attached documentation for your urgent attention.

It is regarding a proposed development at the Bult, La Colline and would have a significant impact on the area and traffic in the area. **Last date for comments is 29 June 2020**, that is tomorrow, please send your urgent comments / objection by tomorrow to ihs.admin@stellenbosch.gov.za as per underneath email.

It is impacting your home or investment in Die Rand, please react with your comments asap.

Vriendelike groete/ Kind Regards,

Nina Hanekom - Cape Winelands
Portefeulje Bestuurder / Portfolio Manager



Tel.: +27 (0)21 882 9061

Fax: +27 (0)21 882 9062

Email: nina@marite.co.za

Web: www.marite.co.za

1. **Plumber - Plumb Certain**
2. **Gates and fencing - Infinity**
3. **Electricity – Neusch**

Stefan 071 677 1951
Jeremy 078 949 3568
Nic 084 952 0630

From: marelize <marelize@wynlandproperties.co.za>

Sent: 25 June 2020 11:26 AM

To: Nina Hanekom | MPA Cape Winelands <nina@marite.co.za>; marelize@wynlandproperties.co.za; beatrice@jpstrust.co.za; mildred@jpstrust.co.za

Subject: URGENT - Proposed development Teen die Bult La Colline

Hallo julle soos bespreek lig asseblief Die Rand,Prinspark en Berg en Dal se eienaars dringend in.

Closing date for comments is 29 Junie en meer inligting beskikbaar by www.stellenbosch.gov.za

'n Groot faktor in my mening is die verkeer - ons is reeds teen spitsuur ingehok hierbo.

Epos adres vir objeksie ihs.admin@stellenbosch.gov.za

Kind regards

Marelize Smith

Estate Agent

Tel: 021 883 8192 / 082 683 3228

Email: marelize@wynlandproperties.co.za

75 Dorp Street, Stellenbosch

www.wynlandproperties.co.za



021 883 8192

info@wynlandproperties.co.za

75 Dorp Street, Stellenbosch

www.wynlandproperties.co.za

--

Regards

Tamsin Hall



Tamsin Hall ~ Cell: +27 (0)724126080 ~ find us @ thefirststep.co.za ~ Cape Town ~ South Africa

Skype:sixstream [FaceBook Page](#)

Michelle Moses

From: Jan Dreyer <janadriaandreyer@gmail.com>
Sent: Thursday, June 25, 2020 3:37 PM
To: Ihs Admin
Subject: [EX] Objection: Lapland and Teen die Bult

Dear Stellenbosch Municipality,

As owner of Number 28 Die Rand, I strongly object against your proposed development on the following basis:

- a) Noise pollution - Die Rand prides itself in its quietness, and the building and eventual occupation of this development will severely disrupt the quietness of the complex.
- b) Safety and security - the proposed walking path would be adjacent to Die Rand and would therefore pose a serious threat to the safety of the Die Rand inhabitants.
- c) Traffic - the roads in La Colline do not have the capacity to handle more pedestrians or cars on the road, and will lead to serious accidents.

Should you have further questions, you are welcome to contact me on 073 221 2469.

Many thanks,

Jan Dreyer



Michelle Moses

From: Koos Nel <koosjnel@gmail.com>
Sent: Thursday, June 25, 2020 3:56 PM
To: Ihs Admin
Subject: [EX] Condestraat 35 JJ Nel
Attachments: Condestraat 35
Nel.pdf

JJ



Aan

JJ Nel

Munisipaliteit
Stellenbosch

Grandiceps straat 8
Paradyskloof

i/s Teen die bult ontwikkeling en ander areas.

Stellenbosch

Geagte mnr van Stavel,

Die trustees van die JJ Nel Trust [IT2113/2009] maak ten sterkste beswaar teen die munisipaliteit se voorneme om plaas 180 te ontwikkel vir lae koste behuising. Die JJ Nel Trust is die eienaar van Condestraat 35 [Erf4407]. Die ontwikkeling gaan beslis die huise in Condestraat se waarde verminder en ook die rustige omgewing versteur. Min detail of inligting oor die ontwikkeling is aan ons bekend daarom sal ons as die JJ Nel Trust verder beswaar aan teken na die Munisipaliteit meer inligting en detail bekend maak. Kan u asb ontvangs van hierdie e-pos erken aan my.

By voorbaat dankie

Met agting

Die uwe

JJ Nel Sel 0631133561

Michelle Moses

From: Tobia Swanepoel <tobia2610@gmail.com>
Sent: Thursday, June 25, 2020 4:53 PM
To: Ihs Admin
Subject: [EX] re Your Information Statement: Proposed entering into land availability agreements with Social Housing Institutions and/or Development Agencies

ATTENTION: Lester van Stavel

I, Tobia Swanepoel, owner of the property at 19 Conde Street Stellenbosch, Erf LACOL 8383 00001, hereby **OBJECT** to the proposal of the Municipality of Stellenbosch to enter into land availability agreements (Long-Term leases) with SH's/ODA's for the development and management of affordable rental accomodation at the following sites:

- i) Lapland Flats, RE/2149
- II) Teen-die Bult (open space)

Kind regards
Tobia Swanepoel
Cell: 0732128906
email: tobia2610@gmail.com

Michelle Moses

From: Rudi Coetzee <rcoetzee.cape@gmail.com>
Sent: Thursday, June 25, 2020 6:00 PM
To: Ihs Admin
Subject: [EX] ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES: STELLENBOSCH MUNICIPALITY

OBJECTION TO THE ABOVE PROPOSED DEVELOPMENTS AND PROPOSED SITES.

Good Day

As a property owner in the area, 73 Die Rand, I strongly object to any further development in the areas as indicated on your proposed sites for the following;

- traffic congestion near the Stellenbosch University. The road traffic is already in a terrible state for 8 to 9 months of the year.
- Safety: We travel to the Engineering Faculty, sometimes late at night and I believe that especially the proposed Lapland site will influence security, which is already a problem, in the area of the Kromriver.

I suggest that you rather look at expanding the Cloetesville area.

Thank you
Rudolf Coetzee
No. 73 Die Rand

--

Cell: +27(0)836433991
Email: rcoetzee.cape@gmail.com

Michelle Moses

From: anneke fourie <annekefourie4@gmail.com>
Sent: Thursday, June 25, 2020 6:11 PM
To: Ihs Admin; lacollineneighbourhood@gmail.com
Subject: [EX] Fwd: Stellenbosch Social Housing concern
Attachments: Stellenbosch Social Housing (1).docx

Good Evening,

Please find attached my email.

Kind regards
Anneke Fourie
19 Dr Malan street, La colline

To whom it may concern

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

I, Anneke Fourie the owner of 19 Dr Malan street, La Colline have some concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline.

My first concern is that we are locked in already up on the hill traffic wise. Access to the main roads (Helshoogte , R44 and Bird street) are already blocked certain times of the day .The traffic in the area, especially on La Colline road, is already a problem and adding an entire block of flats will make it much worse. Those living in La Colline, Die Rand and Irene Park have to use the La Colline road to reach their property, there is no alternative. Therefore, everyone living on La Colline Street, Dr Malan Street, Dan Pienaar and Paul Roos Street will be affected by the extra number of drivers that will need to use the road to get to the new block of flats. Currently there are about 8 houses with a maximum of 2 cars (assuming each house had two cars per house). The units you are planning to erect has a total of 630 bedrooms (of which 280 are 2 bedroom units), assuming only half of these units have their own vehicles it still amounts to 315 cars, which is 283 more cars that will need to use the La Colline road.



Another concern that I have is the effect such a unit will have on my property value. La Colline falls into the medium income groups already. Over the years the residence have made effort to update their homes and thus the value of their property and make it safe for the children in the area. Many of us are also in need of the rent money from rented out backyard flats or rooms in our houses. However, if our area becomes known as an area with low cost housing for families what would that mean for our property? This may make some people reluctant to rent my property and when I do find renters, I would not be able to ask the same amount of rent that I currently do.

In conclusion, the building of social housing unit on Farm 180 & Erf 2728 is affecting me and my property negatively. I ask that you would reconsider the number of stories or number of housing units the flats will have.

Kind regards,

Anneke Fourie

Michelle Moses

From: Edwin Grace <edwingrace1@yahoo.com>
Sent: Thursday, June 25, 2020 9:13 PM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] Objection!!!

To whom it may concern

As co owner of erf 2708 and Prinspark 101 Stellenbosch (La Colline) I am objecting in the **strongest possible terms** to the proposed development in our area.

We were promised in 2017 on a neighbourhood committee meeting that they will inform us and keep us up to date, but no one did inform us in anyway, and by luck we saw the proposed development on the website. How will they communicate with us in the future?

One of the main concerns is the traffic. All the roads into La Colline is already clogged up with cars. We only have 2 access roads and there is already multiple developments in our neighbourhood like Prinspark, Berg en Dal, Quiver Tree, Vergenoegdt Die Rand. People of Cloeteville and Welgevonden also use these roads as alternatives when the traffic is at peak time, to try and avoid the traffic in town, making it impossible for us to get into the main roads. There is also a school, AF Louw, which also contribute to the traffic.

The road is narrow an inspection will show that the painted cycling path take up car space .One or the other can use it. It is a very steep hill and elderly or unwell residents will struggle to walk up it.

The assumption has to be that a percentage of the new blocks of flats occupants will own cars, and/or will need taxis to get to and from work.

We have already given the town Die Rand, Prinspark, Berg en Dal and Quiver Tree density developments, to name a few in the area. There are many more.

My suggestion would be to focus your attention on the Adam Tas corridor (as suggested during a town hall meeting) , the site where the prison is currently, or Simonsberg Road where the Voortrekker Saal as well as existing municipal houses are situated.

Tobruk Park should be renovated and converted in line with the current amount of units there, and in line with the type and purpose of housing currently in the area.

The value of my property will go down, as nobody will want to invest in an overcrowded area. We have worked hard to buy our properties and it will be like directly taking money from me. Stellenbosch is a very big town, and surely there is space in Mostertsdrift, Dalsig and Simonswyk, just to name a few, which doesn't have close to the density or integration that we have in La Colline. That was also said on the meeting, that it will be spread over Stellenbosch, now everything is just in our area. What changed in the meanwhile, or don't they want to touch the glamorous part of Stellenbosch? That is truly a sign of victimising on us!!

I would appreciate acknowledgement of this email.

Kind regards

Edwin Garce

Michelle Moses

From: caron grace <carongrace1@gmail.com>
Sent: Thursday, June 25, 2020 9:18 PM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] Objection!!!

To whom it may concern

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I would appreciate acknowledgement of this email.

Kind regards

Caron Grace

Michelle Moses

From: Grant Cox <coxgrant20@gmail.com>
Sent: Thursday, June 25, 2020 9:18 PM
To: Ihs Admin
Subject: [EX] Objection

Good evening

I as property owner in the neighborhood would like to inform you that I would like to express my objection to the re-zoning of land "Lapland flats and teen die bult" In Stellenbosch for the social housing plan.

Please take my objection into consideration.

Best regards
G Cox

Sent from my iPhone

Michelle Moses

From: Derick <derick.thiart@gmail.com>
Sent: Thursday, June 25, 2020 11:00 PM
To: Ihs Admin
Subject: [EX] Social housing in La Colline

Hi there , I am Derick Thiart and I live in 4 Irene park La Colline , I saw the add for socail housing in La Colline and it seems very vague and not properly explained , can you please give us more time to discuss how where and when this is going to happen and how the infrastructure is going to hold up all these houses in such small space .

24

Michelle Moses

From: Michelle Moses
Sent: Monday, June 29, 2020 3:18 PM
To: Ihs Admin; 'Derick'
Cc: Tabiso Mfeya
Subject: RE: [EX] Social housing in La Colline

Good day Mr Thiart,

With reference to your e-mail dated 25 June 2020 with regards to above-mentioned subject.

The request for further extension is hereby granted until 3 July 2020.

Kind regards,
On behalf of
Lester van Stavel
Manager: Housing Development
Department: Integrated Human Settlements
Directorate: Planning & Economic Development

T: +27 21 808 8462 | F: +27 21 887 6167
Oude Bloemhof Building, 3rd Floor,
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

-----Original Message-----

From: Ihs Admin
Sent: Monday, June 29, 2020 10:19 AM
To: 'Derick'
Cc: Tabiso Mfeya; Ihs Admin
Subject: RE: [EX] Social housing in La Colline

Good day,

Sorry for delay in response.

Kindly note that your e-mail is noted and forwarded to the Social Housing: Project Manager, Mr Tabiso Mfeya.

Kind regards,

On behalf of Tabiso Mfeya
Social Housing: Project Manager
C: +27 60 986 2044
Oude Bloemhof Building, Plein Street,
3rd Floor, Stellenbosch, 7600
www.stellenbosch.gov.za

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

-----Original Message-----

From: Derick [mailto:derick.thiart@gmail.com]
Sent: Thursday, June 25, 2020 11:00 PM
To: Ihs Admin
Subject: [EX] Social housing in La Colline

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Michelle Moses

From: hannelie <hannelieaus@gmail.com>
Sent: Friday, June 26, 2020 5:39 AM
To: Ihs Admin
Subject: [EX] PROPOSED DEVELOPMENT TEEN DIE BULT LA COLLINE

To whom it may concern

It wouldn't be a good idea for this development to go [ahead](#). It will decrease the value of the property in La Colline. I own a flat in the area and it will decrease the value of my flat even more in the struggling economy.

I am oppose to this development.

Hannelie de Beer

Sent from my iPhone

Michelle Moses

From: Tamsin Hall <tamsin@thefirststep.co.za>
Sent: Friday, June 26, 2020 7:00 AM
To: Ihs Admin; Nina Hanekom | MPA Cape Winelands
Subject: [EX] Objection to the development of Lapland flats and Teen-die built

Dear Tabiso Mfeya

Please note an additional reason to my original objection would be in the interests of preserving the beautiful greenbelt and trees, this area allows for children to come and play out doors, it means the suburban area is not so congested as well as the impact this has on an otherwise improving property area where people are willing to invest more into Stellenbosch. Please consider also that Stellenbosch is a university focussed town and this low cost housing will lower the overall image of this area which has many students renting and owning property.

We are property owners at Die Rand

thanks

Tamsin Hall

--

Regards

Tamsin Hall



Tamsin Hall ~ Cell: +27 (0)724126080 ~ find us @ [thefirststep.co.za](https://www.thefirststep.co.za) ~ Cape Town ~ South Africa
Skype:sixstream [FaceBook Page](#)

Michelle Moses

From: Bertus Swanepoel <thebertus@gmail.com>
Sent: Friday, June 26, 2020 8:37 AM
To: Ihs Admin
Subject: [EX] ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIS) OR OTHER DEVELOPMENT AGENCIES (ODA's)

Dear Lester and Thabiso,

Well done on getting this process underway! This is an ideal opportunity for Stellenbosch to be an exemplar of a Social Housing model that works. I therefore fully support the initiative, but on condition that the parameters approved for the transfer enables this to be a successful model.

It is important in a social, financial, but more importantly from a housing management perspective that "Ghettos" aren't created by trying to maximise the number of Social Housing units on these land parcels.

These areas should create vibrant communities where private ownership is encouraged, pepper potted between social housing in a manner that is tenure blind. This is the most important part of upliftment, to provide role models, influence and enhanced networks within their immediate communities. This should be done on condition that profits made should be recycled back into social housing and as such should be on condition of a viability assessment that either shows the scheme to be viable or enables an increase in the number of Social housing units. "Profit" should not be a swear word, but actively encourage and ring fenced, to further the provision of housing.

In the South African context, with rapidly deteriorated public finances and unemployment the current model of Social Housing is broken and will not be sustainable. It is important that if this land is made available it should be the catalyst for a new model that works and is scalable to provide more and more housing independently.

Furthermore, design principles such as "secure by design" should be imposed to minimise future management and security issues.

Kind Regards

Bertus Swanepoel



Michelle Moses

From: Marina Knox <MarinaK@Citadel.co.za>
Sent: Friday, June 26, 2020 8:44 AM
To: Ihs Admin
Subject: [EX] objection development: Teen die Bult, la Colline

Good day

As a home owner in Die Rand, this development is concerning for the following reasons:

- Negative impact on value of my property
- Negative impact on the already conjected road infrastructure
- Perceived potential impact on aspects such as basic infrastructure – electricity and water supply given the nature of the development

Please do take home owners in existing infrastructure into account and the negative impact this development will have on us in an already struggling and starined economic times.

Thanking you in advance
Marina Knox
7001270006084
© 082 3729085

Michelle Moses

From: De Wetg Wessel <dwessel8@gmail.com>
Sent: Friday, June 26, 2020 9:13 AM
To: Ihs Admin
Cc: sinjawessel@gmail.com; Kobus Blomerus
Subject: [EX] Comments and concerns regarding "Information Statement on Social Housing Institution and Other Development Agencies"

Attention: Mr Lester van Stavel

Comments and concerns regarding "*Information Statement on Social Housing Institution and Other Development Agencies*"

Mr Stravel, please note and record my interest in the proposed land allocation agreements relating to social housing in Stellenbosch. I own, with Kobus Blomerus, the property situated at 3 Irene Park, La Colline, therefore the proposed development will have a direct impact on our property.

I am excited about the prospect of infill development and cognisant of the housing shortage in Stellenbosch, but am very concerned about creating a potential slum if social housing is not integrated with market driven development. For this reason I am concerned that the exclusive offer to Social Housing Organisation might be problematic and a less than optimal and sustainable option.

Alternative approach recommended

The size and location of these properties lends itself to have the ability to have an integrated approach where half could be open to any developer and half specifically earmarked for Social Housing. This will have the benefit that the municipality will get immediate financial benefit via land sales which could be applied to create long-term and sustainable public transport and security for the area and ensure that the contemplated developments achieve the requirements of the approved development framework set by Government.

Time Limitation of this comment

I only received the notice via Kobus Blomerus on the 25th of June and due to work pressure I am unable to provide a detailed analysis or recommendation

My background and experience

For the past 8 years I have been working for Old Mutual Alternative investments managing the assets of the Housing Impact Fund of South Africa, a fund owning residential greenfield developments and rental stock with a mandate to develop housing opportunities which are affordable to the market just above the government supported individuals. The funds' investment are significant and leading the market in terms of investment and impact.

I am busy with my Masters degree in development finance and my dissertation focuses on the impact of Public Private Partnerships to create sustainable economic growth.

Request

Please see this as a request for further detail and if the 29th of June is the last date for public participation an objection. If such objection needs to be submitted in a specific format, please provide such.

Basis of the objection

- The proposal does not address the risk of large un-integrated social housing areas to become slums
- No proof is given that such exclusive social housing developments in South Africa are sustainable in achieving the set goals

Your feedback on the matter would be appreciated

Kind regards

Michelle Moses

From: Meeske, Robin <RobinM@elsenburg.com>
Sent: Friday, June 26, 2020 10:02 AM
To: Ihs Admin
Subject: [EX] Objection Teen die Bult development
Attachments: RMeeskeObjectionTeendieBultdevelopment26July2020.docx

Dear sir/madam

I object to the development plans for Teen die Bult.

Please find my letter attached.

Regards

Robin Meeske
Cell +27 82 9084110
E-mail: robinm@elsenburg.com

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise. If you are not the intended recipient you may not copy or deliver this message to anyone."

R. Meeske

Owner: die Rand no 95

Robinm@elsenburg.com

Cell no: 0829084110

26 June 2020

Stellenbosch Municipality

Objection to high density housing development at Teen die Bult

Dear Sir/Madam

I have the following concerns regarding the planned Social housing Project planned for "Teen die Bult":

1. The area is environmentally sensitive as it is close to a river and has a steep gradient. It may therefore not be suitable to build high-rise buildings. An environmental impact study needs to be done to address this.
2. High density housing will create major challenges with traffic flow, a detailed traffic flow plan needs to be in place.
3. A drastic increase in population density will result in higher risk of crime and will negatively affect the safety of students living at Die Rand and Prinspark.
4. High density housing will have a negative impact on the value of surrounding properties.

Due to the above, I object to the development planned for Teen die Bult as presented by the Stellenbosch Municipality.

Best regards

Robin Meeske

Michelle Moses

From: Borland, Stacey <Stacey.Borland@hants.gov.uk>
Sent: Friday, June 26, 2020 10:19 AM
To: Ihs Admin
Subject: [EX] Proposed development Teen die Bult La Colline

To whom it may concern:

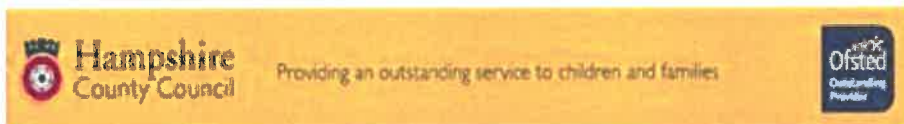
I have a property number 15 Die Rand and I would like to object to the above development. I feel that this would severely depreciate the value of my property.

Kind regards

Stacey Borland
Contact Supervisor
South West Contact Team
Hampshire House
84-98 Southampton Rd
Eastleigh
SO50 5PA

Stacey.Borland@hants.gov.uk

☎: 01962 891 611 (Duty)
☎: 01256 382433 (Direct)
☎: Mobile (07895 332 743)



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Michelle Moses

From: Stefanie Dippenaar <stefanie.dippenaar@gmail.com>
Sent: Friday, June 26, 2020 10:56 AM
To: Ihs Admin; lacollineneighbourhood@gmail.com
Subject: [EX] Stellenbosch Social Housing objection: Contract: SHRA/RFP/SDT/201920
Attachments: Stellenbosch Social Housing 6 Irene Park docx.docx

Good day

Please find attached my objection and concern for the social housing project.

Please acknowledge receipt of this email

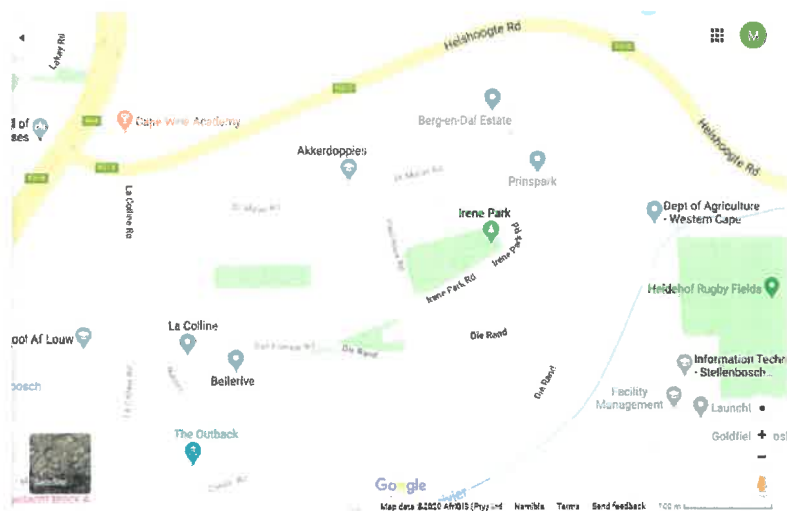
Kind regards

To whom it may concern

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

I, the owner of ERF2706 (6 Irene Park, Colline) have some concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline. Our community was not informed about this. No notice was received. As a result, limited time was given to obtain legal advice or to study this proposal in detail. This information statement was noticed by someone by chance looking for something else and due to Covid 19 we were not able to get professional advice on how to proceed.

My first concern is that the traffic in the area, especially on La Colline road, is already a problem and adding an entire block of flats will make it much worse. Those living in La Colline, Die Rand and Irene Park have to use the La Colline road to reach their property, there is no alternative. Therefore, everyone living on La Colline Street, Dr Malan Street, Dan Pienaar and Paul Roos Street will be affected by the extra number of drivers that will need to use the road to get to the new block of flats. Currently there are about 8 houses with a maximum of 32 cars (assuming each house had two cars per house).



The below statement is not true as there have been numerous disruptions in water supply in the last year. I see this has misleading. Can you please provide us with the statistics of water disruptions and the cause for the last year?

INFRASTRUCTURE SERVICES

As seen from the diagrams the sites are well catered for in terms of bulk services.

Discussions with some residents of the precincts revealed that the services appear to adequately cater for their infrastructure needs with no flooding, power outages or water and sewerage problems reported.

Another concern that I have is the effect such a unit will have on my property value. La Colline falls into the medium income groups. The need for social housing and affordable housing in Stellenbosch is understandable but La Colline is already a lower income and/or lower rental area. Over the years the residence has made effort to update their homes and thus the value of their property and make it safe for the children in the area. Many of us are also in need of the rent money from rented out backyard flats or rooms in our houses. This may make some people reluctant to rent my property. You will reduce the number of affordable rental stock currently available in Stellenbosch.

In conclusion, the building of social housing unit on Farm 180 & Erf 2728 is affecting me and my property negatively. This building will also have a negative visual effect on the area. Single or double story units with 2/3 bedrooms and its own garden space could surely better benefit a family, rather than the 8 story flats with long hallways, currently proposed. It is currently not clear if any regulations will be in place to enforce the number of occupants per unit. How will you accommodate a family of 5 or more in a 2-bedroom apartment? I ask that you reconsider the number of stories or number of housing units the flats will have and consider other areas like die Voortrekker Saal, vacant land in Banhoek and other open spaces in Die Boord to be used for the project as well. This will demonstrate true integration into the Stellenbosch community.

Can you please provide clarity on the above-mentioned issues and a meeting between the community and councillor to ask questions?

Hope you hear back from you soon.

Sincerely

Michael Dippenaar

Michelle Moses

From: Stefanie Dippenaar <stefanie.dippenaar@gmail.com>
Sent: Friday, June 26, 2020 10:58 AM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] Stellenbosch Social Housing objection: Contract: SHRA/RFP/SDT/201920
Attachments: Stellenbosch Social Housing 13 Irene Park docx.docx

Good day

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Please acknowledge receipt of this email

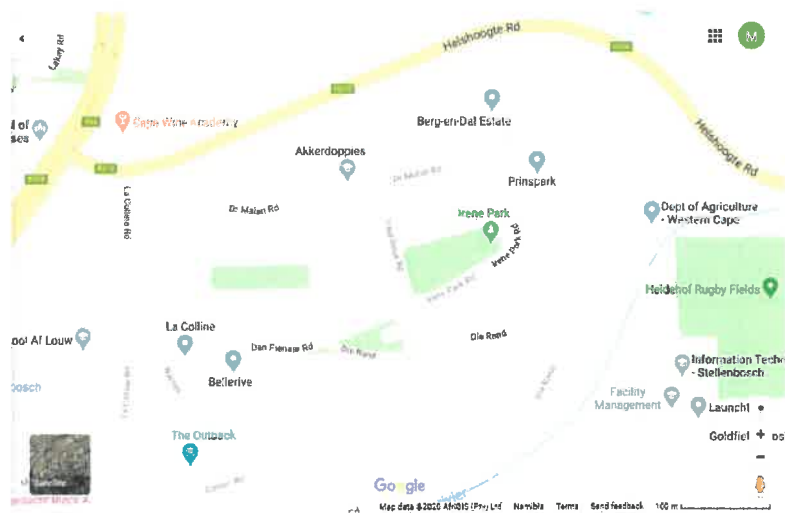
Kind regards

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I, the owner of ERF2713 (13 Irene Park, Colline) have some concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline. Our community was not informed about this. No notice was received. As a result, limited time was given to obtain legal advice or to study this proposal in detail. This information statement was noticed by someone by chance looking for something else and due to Covid 19 we were not able to get professional advice on how to proceed.

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Another concern that I have is the effect such a unit will have on my property value. La Colline falls into the medium income groups. The need for social housing and affordable housing in Stellenbosch is understandable but La Colline is already a lower income and/or lower rental area. Over the years the residence has made effort to update their homes and thus the value of their property and make it safe for the children in the area. Many of us are also in need of the rent money from rented out backyard flats or rooms in our houses. This may make some people reluctant to rent my property. You will reduce the number of affordable rental stock currently available in Stellenbosch.

In conclusion, the building of social housing unit on Farm 180 & Erf 2728 is affecting me and my property negatively. This building will also have a negative visual effect on the area. Single or double story units with 2/3 bedrooms and its own garden space could surely better benefit a family, rather than the 8 story flats with long hallways, currently proposed. It is currently not clear if any regulations will be in place to enforce the number of occupants per unit. How will you accommodate a family of 5 or more in a 2-bedroom apartment? I ask that you reconsider the number of stories or number of housing units the flats will have and consider other areas like die Voortrekker Saal, vacant land in Banhoek and other open spaces in Die Boord to be used for the project as well. This will demonstrate true integration into the Stellenbosch community.

Can you please provide clarity on the above-mentioned issues and a meeting between the community and councillor to ask questions?

Hope you hear back from you soon.

Sincerely

Michael Dippenaar

Michelle Moses

From: Stefanie Dippenaar <stefanie.dippenaar@gmail.com>
Sent: Friday, June 26, 2020 11:01 AM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] Stellenbosch Social Housing objection: Contract: SHRA/RFP/SDT/201920
Attachments: Stellenbosch Social Housing 18 Irene Park docx.docx

Good day

Please find attached my objection and concern for the social housing project.

Please acknowledge receipt of this email

Kind regards

Stefanie Dippenaar

To whom it may concern

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

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Hope you hear back from you soon.

Sincerely

Michael Dippenaar

Michelle Moses

From: Stefanie Dippenaar <stefanie.dippenaar@gmail.com>
Sent: Friday, June 26, 2020 11:04 AM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] Stellenbosch Social Housing objection: Contract: SHRA/RFP/SDT/201920
Attachments: Stellenbosch Social Housing 23 Irene Park docx.docx

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Kind regards

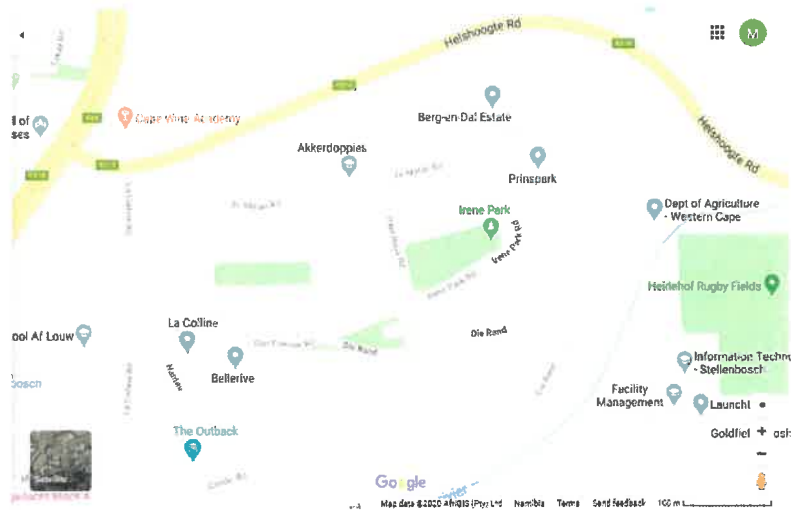
Stefanie Dippenaar

To whom it may concern

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I, the owner of ERF2723 (23 Irene Park, Colline) have some concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline. Our community was not informed about this. No notice was received. As a result, limited time was given to obtain legal advice or to study this proposal in detail. This information statement was noticed by someone by chance looking for something else and due to Covid 19 we were not able to get professional advice on how to proceed.

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Mc and Stefanie Dippenaar

Michelle Moses

From: Stefanie Dippenaar <stefanie.dippenaar@gmail.com>
Sent: Friday, June 26, 2020 11:05 AM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] Stellenbosch Social Housing objection: Contract: SHRA/RFP/SDT/201920
Attachments: Stellenbosch Social Housing 18 Dr Malan docx.docx

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Please acknowledge receipt of this email

Kind regards

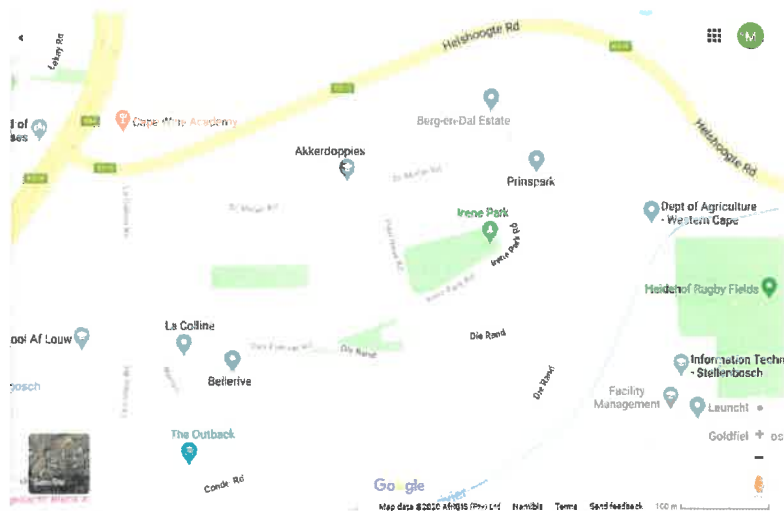
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I, the owner of ERF2689 (18 Dr Malan Road, Colline) have some concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline. Our community was not informed about this. No notice was received. As a result, limited time was given to obtain legal advice or to study this proposal in detail. This information statement was noticed by someone by chance looking for something else and due to Covid 19 we were not able to get professional advice on how to proceed.

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Can you please provide clarity on the above-mentioned issues and a meeting between the community and councillor to ask questions?

Hope you hear back from you soon.

Sincerely

Michael Dippenaar

Michelle Moses

From: Craig Omni <craig@omniclean.co.za>
Sent: Friday, June 26, 2020 10:53 AM
To: Ihs Admin
Subject: [EX] Re: Objection to Proposed development at the Bult, La Colline

Dear Tabiso Mfeya

Please note my objection to the proposed development, it would be in the interests of preserving the beautiful greenbelt and trees, this area allows for children to come and play outdoors, it means the suburban area is not so congested as well as the impact this has on an otherwise improving property area where people are willing to invest more in Stellenbosch. Please consider also that Stellenbosch is a university focussed town with many students renting and owning property.

I am a property owner at Die Rand

Regards
Craig Meyer

Michelle Moses

From: Grace A <gahingula@gmail.com>
Sent: Friday, June 26, 2020 11:44 AM
To: Ihs Admin
Subject: [EX] Comment on Proposed Development - Teen-die Bult, La Colline, Stellenbosch

Greetings

I would like to submit my comments on the proposed development on Teen-die Bult, La Colline, Stellenbosch, as a home-owner and member of the La Colline community. The La Colline area is already densely populated and the little park between La Colline and Dan Pienaar Rds, is the only nearby public recreational space for children and families living in the surrounding complexes and flats. It would be an unfortunate loss, if the municipality further densified the area with the proposed developments.

Additionally, the traffic situation on La Colline Road leading on to Bird Street is a major challenge already, again, owing to the high density complexes around the area; in addition to traffic from further afield funneled through the area. While the need for social housing is urgent, and the Municipality's efforts in this regard commendable, this proposed location on Teen-die Bult will result in a deterioration of the quality of life for owners and tenants alike, in the La Colline area; and effectively work against Stellenbosch Municipality's vision by addressing one challenge and creating a new set of challenges in the process, that will undermine the Municipality's efforts, long term.

The Municipality should reconsider the proposed location; and consider locations that would not worsen already existing challenges.

Kind regards,
GA Musila,
Homeowner and community member,
La Colline, Stellenbosch.

Michelle Moses

From: John Havemann - BMH Law <john.havemann@bmhlaw.co.za>
Sent: Monday, June 29, 2020 10:04 AM
To: Ihs Admin
Subject: [EX] Proposed Social Housing Development.

Dear Sirs

For Attention: Mr Mfeya and Mr Van Stavel

In Re: Proposed entering into Land availability agreements with SHI's or ODA's for the development and management of Social Housing within Stellenbosch Municipality

The abovementioned matter has reference.

We act on behalf of various stakeholders of the areas and surrounds which form part of the aforementioned proposal.

Our instructions are as follows:

1. Our clients intend to conduct a detailed due diligence investigation in respect of the intended Social Housing Endeavour.
2. Our clients have not had ample time to comply with the deadline for response, being 29 June 2020 and hereby request an extension as it seems to be common cause amongst all stake holders that proper notice have not been received.
3. Should you not be amendable to accommodate our clients, we reserve our objection for the record and further expressly reserve the right to formally object to all following process.
4. We further request that any further developments, proposals or general communications be sent to writer hereof.

Kindly acknowledge receipt of this transmission.

Regards

Request extension

John Havemann
Director



Bellingan Muller Hanekom Inc.
Attorneys • Conveyancers • Notaries • Appraisers

Unit 5 & 9, Cascade Terraces
Carl Cronje Drive
Tyger Waterfront, Bellville
Tel: 021 919 7599 / 021 914 0981
Fax: 021 919 7629

Docex 13 Bellville
Deeds Office Box 273
PO Box 1820 Bellville 7535
info@bmhlaw.co.za
www.bellinganmullerhanekom.co.za

Let asseblief daarop dat ons kantoor nooit ons trust bankrekeningbesonderhede per e-pos of enige ander elektroniese medium sal verander of aanpas nie.

Kontak asseblief ons kantoor vir formele bevestiging sou u enige korrespondensie van so 'n aard ontvang.

Please note that our office will never change or adapt our trust banking details via email or other electronic forum. Please contact our office for formal verification should you receive any correspondence of such nature.

Disclaimer:

The information contained in this communication is confidential and may be legally privileged. It is private and intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful.

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Michelle Moses

From: Ihs Admin
Sent: Monday, June 29, 2020 3:18 PM
To: 'Wilhelm Esterhuizen'
Cc: marike@archtownplanners.co.za; lizanne.fourie@pamgolding.co.za; Tabiso Mfeya; Ihs Admin
Subject: RE: [EX] COMMENT ON INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH

Good day,

With reference to your e-mail dated 26 June 2020 with regards to above-mentioned subject.

The request for further extension is hereby granted until 3 July 2020.



Kind regards,

On behalf of

Lester van Stavel

Manager: Housing Development

Department: Integrated Human Settlements

Directorate: Planning & Economic Development

T: +27 21 808 8462 | F: +27 21 887 6167

Oude Bloemhof Building, 3rd Floor,

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Ihs Admin

Sent: Monday, June 29, 2020 10:37 AM

To: 'Wilhelm Esterhuizen'

Cc: marike@archtownplanners.co.za; lizanne.fourie@pamgolding.co.za; Tabiso Mfeya; Ihs Admin

Subject: RE: [EX] COMMENT ON INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH

Good day,

Sorry for delay in response.

Kindly note that your e-mail is noted and forwarded to the Social Housing: Project Manager, Mr Tabiso Mfeya.



Kind regards,

On behalf of Tabiso Mfeya
Social Housing: Project Manager

C: +27 60 986 2044

Oude Bloemhof Building, Plein Street,
3rd Floor, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Wilhelm Esterhuizen [<mailto:wilhelm@archtownplanners.co.za>]

Sent: Friday, June 26, 2020 12:02 PM

To: Ihs Admin

Cc: marike@archtownplanners.co.za; lizanne.fourie@pamgolding.co.za

Subject: [EX] COMMENT ON INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUN

Importance: High

Dear Lester

The titled action has reference.

Interested and/or effected parties have approached us to review and comment on this advertised proposal. We believe it is a very important matter and agree that there is a need for developments as such. We, however, would enjoy an opportunity to provide informed comments to the Municipality regarding this proposal.

We therefore respectively request an extension on the closing date for comments from 29 June 2020 to **06 July 2020**.

Please acknowledge receipt and thank you for your consideration.

Kind Regards / Vriendelike Groete

Wilhelm Esterhuizen

B. Artium et. Scientiae (Urban and Regional Planning)



Address I: 2nd Floor, Bakkershuis
152 Dorp Street, Stellenbosch, 7600
M I: +27 (0) 83 262 4843
F I: +086 216 9073
E I: wilhelm@archtownplanners.co.za
W I: www.archtownplanners.co.za



Virus-free. www.avast.com

Michelle Moses

From: Wilhelm Esterhuizen <wilhelm@archtownplanners.co.za>
Sent: Friday, June 26, 2020 12:02 PM
To: Ihs Admin
Cc: marike@archtownplanners.co.za; lizanne.fourie@pamgolding.co.za
Subject: [EX] COMMENT ON INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUN

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Virus-free. www.avast.com



Postal address: Postnet Suite #027
Private Bag X5071
Stellenbosch, 7600

Mobile: +27 (0)83 262 4843
Fax: +27 (0)86 216 9073
Email: wilhelm@archtownplanners.co.za

3 July 2020

Per email: tabiso.mfeya@ Stellenbosch.gov.za
ih.s.admin@ Stellenbosch.gov.za

Attention: Mr. Tabiso Mfeya

Dear Tabiso

COMMENT ON INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY

Your undated notice, inviting the public to comment on the proposed *entering into land availability agreements with social housing institutions (SHI's) and/or other development agencies (ODA's) for the development and management of social housing estates: Stellenbosch Municipality (hereafter referred to as "the Proposal")*, has reference.

Arch Town Planners (Pty) Ltd have been appointed by some of the land owners in the La Colline Neighbourhood.

We want to initiate this letter by commending the efforts of the Stellenbosch Municipality on proposing the development of social housing within the Stellenbosch Urban Edge. We strongly support the argument for social housing and we support the initiative to develop municipal property with social housing developments. However, we still believe that this should be done in a responsible manner to ensure true integration and reduce the presence of NIMBYism ("Not in my backyard").

Set out below, please find our formal comment on the proposal.

1. Clarification Required

Before we start with our comments and recommendations on the proposal, we request clarity regarding the following:

1.1 Public Participation Process

With reference to the undated *Notice: Social Housing Estates*, published on 17 June 2020 (indicating a closing date for comment on 29 June 2020), we are of the opinion that a sufficient time period was not granted to the public to provide comment / objection on the proposal. Although we are now aware that this was advertised in the Eikestad Nuus newspaper on 28 May 2020, it is unclear as to why this notice was only published on the website on 17 June 2020. This constitutes to a period, based on the assumption that this document was made available on 17 June 2020, of only 12 days (29 June 2020) and extended period of 16 days (3 July 2020). Kindly provide us with confirmation of compliance with the relevant legislation regarding public notification and proof of public notification should therefore be supplied to this office for our record.

We strongly argue that not enough time was allowed for public comment, especially with respect to such a sensitive issue and kindly request an extension of 60 days to comment on the proposal.

1.2 Confirmation of Restructuring Zone Areas

The Restructuring Zone Areas for the Stellenbosch Municipal Area, as published in the Government Gazette dated 27 April 2017 (No. 40815), refers to the "Greater Stellenbosch Area". Kindly provide us with the maps that identifies the demarcated restructuring zones. Also, kindly confirm that all the sites (Mount Simon, Lapland and Teen-die-Bult) have been formally declared as restructuring zones through the correct legal procedures.

1.3 Involvement of Deep Black (Pty) Ltd

As confirmed by the Stellenbosch Municipality, Deep Black (Pty) Ltd, was appointed through a joint venture between the Stellenbosch Municipality and the Social Housing Regulatory Authority to compile the feasibility report.

From our research it is noted that Deep Black has a company status of "*Annual Return Deregistration Process*" with a last payment for annual return stipulated as 2015/9. We find it deeply disturbing that limited information about the track record and expertise of this company is available. Their non-compliance status is also alarming. We find it questionable that Deep Black has been appointed to undertake such a sensitive project within Stellenbosch, especially as it is very clear from their proposal that they lack any knowledge about land use planning in Stellenbosch town.

We are of the opinion that the the proposal is out of context and excessive. We strongly believe that it is aggressive to propose eight-storey buildings within a Municipal Area where land use is governed by a zoning scheme that restricts height to a maximum of six-storeys across all zones.

Kindly provide us with the merits on which Deep Black's appointment was based on.

2. Comment on Proposal

In consideration of the proposal received, our comments are based on the following three aspects: The tendering process, the land use management and development process and the vetting of residents.

2.1 The Tendering Process

The following opinion is supported by numerous sources and case studies with which we strongly agree: The success of a social housing development is directly linked to the partnership between the SHI/ODA and the Municipality as well as the proven track record of the SHI/ODA. It is therefore of utmost importance that the tendering process should ensure that the best candidate is appointed to develop and manage the proposed social housing developments.

To ensure that a social housing development of a high standard is developed, we request that the following be included as part of the tendering document:

- Sustainability initiatives (Green roofs, greywater systems, solar panels etc.).
- Range of unit typologies (Studio, one-bedroom, two-bedroom and three-bedroom apartments and the sizes of these units and how many people will be accommodated).
- Recreational facilities (Outside exercise areas, sporting facilities, skate parks etc.).
- Community development facilities and programs (Skills training, early childhood development etc.).
- Disability access.
- Safety and security (especially the necessary measures to reduce crime along Ryneveld Street, between Jan Cilliers Street and Krommerivier Street, and along Krommerivier Street). Each tenderer should provide clear indications on how they will address and ensure an increase in safety.
- Percentage breakdown of units to be targeted at different income groups.

Notwithstanding the above, we expect that the online housing demand database be shared with potential SHI's/ODA's for them to address the qualifying criteria based on the existing statistics of the Stellenbosch Municipality.

2.2 Land Use Management and Development Process

2.2.1 Resident skills development programs

The development of the proposed social housing will create an unprecedented opportunity for the Stellenbosch Municipality to create sustainable skills development for residents of the Municipal Area. To elaborate, we propose that the SHI's/ODA's, awarded with the tender, must identify possible qualifying individuals/families (based on the online housing database) to be enrolled in programs relating to the construction process. These programs may constitute in work skills training for these qualifying residents as part of the construction process.

Skills development in building maintenance (plumbing, electrician etc.) should also be offered to the qualifying individual/families. This will result in the maintenance of the buildings being done by residents of the buildings, contracted by the SHI/ODA.

2.2.2 Development Phasing

Farm 81/2 and 81/9 Stellenbosch (Mount Simon)

It is uncertain why the presentation from Deep Black did not include any specific information regarding the development of Farm 81/2 and 81/9 Stellenbosch for social housing, even though the sites are included in the information statement. It is our opinion that this site is considered as the best site to initiate social housing development in Stellenbosch, based on the following:

- The site is located closest to the properties where the majority of backyard dwellers are situated.
- The site is situated ideal in relation to existing public transport hubs, such as taxi ranks and main transport routes.
- The site will enable SHI's or ODA's to develop from the ground up.
- The location of the site lends itself to complete a "housing ladder" for the area since the site is surrounded by informal, BNG, affordable and market related housing options. The only housing option currently not available in the area is social housing.
- The development of this "greenfield" site will unlock the opportunity to provide alternative housing for the current Lapland residents who have defaulted on their payment terms.

2.2.3 Density

Based on the Draft Stellenbosch Municipality Housing Allocation Policy, rental units are proposed to be allocated based on the following sizes of the families:

- One-bedroom unit: A household with 2-4 members
- Two-bedroom unit: A household with 5-6 members
- Three-bedroom: A household with 6-8 members

In our opinion, density confirmations and speculations should not be based on the number of units, but rather based on the number of residents within a development on a site. This will ensure a realistic and transparent representation of the scale of such developments. We therefore request that the tenderers clearly indicate the maximum number of residents to be housed in each development.

2.2.4 Development Parameters

We strongly disagree with the parameters proposed by Deep Black in their feasibility presentation and believe that the following parameters for the Teen-die-Bult and Lapland sites, within the surrounding context, will be more achievable and desirable:

Teen-die-Bult: Remainder Farm 180 (Approximately 4.2Ha)

Development Parameters:	Deep Black Proposal:	Revised Proposal:
Zoning:	Res IV	Multi-Unit Res
Height:	8 Storeys	4 Storeys
Coverage:		50%
Floor Area		75%
Private Open Space:		15%
Parking Ratio:	0.25 bays/unit	0.25 bays/unit

We believe that Lapland should have a higher density than Teen-die-Bult as it is more centrally located and already established as a high-density social housing development.

Lapland: Remainder Erf 2149 (Approximately 3.6Ha)

Development Parameters:	Deep Black:	Revised Proposal:
Zoning:	Group Housing	Multi-Unit Res
Height:	8 Storeys	6 Storeys
Coverage:	80%	50%
Floor Area		N/A
Private Open Space:		25%
Parking Ratio:	0.25 bays/unit	0.25 bays/unit

2.2.5 Response to NIMBYism

Numerous case studies and academic research have indicated that the development of social housing creates concern among property owners of that neighbourhood. Lapland is a very clear example of why surrounding properties would be expected to be negative towards suggestions of increasing social housing in the area. The "not-in-my-back-yard" concerns relate (but are not limited to) the decrease of property values and an increase in crime. As one can detect, this denotes the opposed view of integration.

We strongly believe that integration is extremely important and should be done in a responsible manner to ensure its success. We therefore recommend the demarcation of the areas immediately surrounding the proposed Social Housing Areas (such as La Coline and Kromrivierweg) as a Densification Overlay Zone. The Municipality should allow for densification and provide incentives, such as a reduction in development contributions and tax incentives to motivate and allow for private developers to provide affordable housing in these overlay zones. This will help to create a much-needed housing ladder by filling the gap between social housing and market related developments.

2.3 Vetting of Residents

We strongly believe that the Municipality should ensure that their definition of social housing is not only tied to income and rent payable, but should also take into account the ability to live in the development (maintenance, transport and services).

Furthermore, and in line with most researched SHI's/ODA's and the Stellenbosch Municipality Draft Housing Allocation Policy, we recommend the following considerations relating to qualifying individuals/families:

- Must be a South African Citizen **and registered on the Stellenbosch Municipality Housing Demand Database**
- Must be employed
- Clean credit record
- Must provide proof of income
- Must have the capacity to contract
- Must not previously have benefitted from a housing subsidy

3 Conclusion

In conclusion, we want to reiterate our support for the provision of much needed social housing in Stellenbosch. We hope to be part of this process and plead that this be done in a considerate, transparent and responsible manner to ensure true integration to the benefit of Stellenbosch and its residents.

Compiled by:

Wilhelm Esterhuizen



Marike Bolz

Director

For Arch Town Planners (Pty) Ltd

Michelle Moses

From: ame jovanovic <ame.jovanovic@gmail.com>
Sent: Sunday, June 28, 2020 11:55 AM
To: Ihs Admin
Cc: Naa Jovanovic
Subject: [EX] Proposed Social Housing development in La Colline - Teen-die-Bult

Dear Mr Tabiso Mfeya and Mr Lester van Stavel,

As a property owner and resident in La Colline, as well as a member of the Stellenbosch Ratepayers Association and a Trustee of an HOA, I am completely opposed to the proposed Social Housing development and strongly object to it.

1. The architecture, layout and density of the proposed Social Housing development is inappropriate. There is absolutely NO need to convert an area (Teen-die-Bult) with the minimal amount of structures and inhabitants currently and turn it into a non sustainable hideous mega city of 630 units, cramming as many possible residents into a small space. The proposed Social Housing development for Teen-die-Bult will just turn into the current shocking state of the so called Lap Land area (Aurora, Lavanda & Phyllana) (also referred to as Tik Towers by locals due to the high crime rate and drug infestation associated with these types of developments).
2. The proposed development is not in keeping with the stylistic/aesthetic/visual context or scale of the local area or other bordering residential properties in the area.
3. The proposal is an inappropriate development within a green space.
4. The proposed development will have a negative impact on the amenity of another property, through noise, overlooking, overshadowing, loss of privacy or late night activities. Safety and security is a huge concern when incorporating low income groups to a well established residential area. Since January 2020 there has been an abnormal spate of criminal incidents in the La Colline area which was brought to the attention of the local ward councillor Rozette du Toit. An owner of several properties in this area has privately erected state of the art surveillance cameras due to the high crime rate.
5. Local infrastructure is not adequate to service the proposed Social Housing development. In May 2020 La Colline suffered no less than 6 main burst water pipes incidents (which is a regular occurrence) causing a major inconvenience to residents as well as irreparable damage to main water inlet valves of homes due to water pressure adjustments when water is reconnected. Roads and side-walks in this area also need to be dug up continuously due to these burst pipes.
6. The development may cause more traffic congestion than already experienced during peak hours, as well as safe access to and from privately owned residences in the immediate area. Commuters trying to avoid Bird street peak traffic convert via Faure, Binneplein and La Colline streets in order to link up to the R44 or Helshoogte Road which causes a tremendous traffic jam entering and exiting the La Colline area.
7. The proposed development will also cause strain to the available education system as there is only one primary school within the immediate area.

I understand that there is a need for Social Housing developments but forcing such a development in a well

Michelle Moses

From: Amelia <jovanovicnaa@telkomsa.net>
Sent: Friday, June 26, 2020 12:56 PM
To: Ihs Admin
Subject: [EX] Proposed Social Housing development in La Colline - Teen-die-Bult

Importance: High

Dear Mr Tabiso Mfeya and Mr Lester van Stavel,

As a property owner and resident in La Colline, as well as a member of the Stellenbosch Ratepayers Association and a Trustee of an HOA, I am completely opposed to the proposed Social Housing development and strongly object to it.

1. The architecture, layout and density of the proposed Social Housing development is inappropriate. There is absolutely NO need to convert an area (Teen-die-Bult) with the minimal amount of structures and inhabitants currently and turn it into a non sustainable hideous mega city of 630 units, cramming as many possible residents into a small space. The proposed Social Housing development for Teen-die-Bult will just turn into the current shocking state of the so called Lap Land area (Aurora, Lavanda & Phyllana) (also referred to as Tik Towers by locals due to the high crime rate and drug infestation associated with these type of developments).
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4. The proposed development will have a negative impact on the amenity of another property, through noise, overlooking, overshadowing, loss of privacy or late night activities. Safety and security is a huge concern when incorporating low income groups to a well established residential area. Since January 2020 there has been an abnormal spate of criminal incidents in the La Colline area which was brought to the attention of the local ward councillor Rozette du Toit. An owner of several properties in this area has privately erected state of the art surveillance cameras due to the high crime rate.
5. Local infrastructure is not adequate to service the proposed Social Housing development. In May 2020 La Colline has suffered no less than 6 main burst water pipes incidents (which is a regular occurrence) causing a major inconvenience to residents as well as irreparable damage to main water inlet valves of homes due to water pressure adjustments when water is reconnected. Roads and side-walks in this area also needs to be dug up continuously due to these burst pipes.
6. The development may cause more traffic congestion than already experienced during peak hours, as well as safe access to and from privately owned residences in the immediate area. Commuters trying to avoid Bird street peak traffic convert via Faure, Binneplein and La Colline streets in order to link up to the R44 or Hellshoogte Road which causes a tremendous traffic jam entering and exiting the La Colline area.
7. The proposed development will also cause strain to the available education system as there is only one primary school within the immediate area.

I understand that there is a need for Social Housing developments but forcing such a development in a well established residential area is completely selfish and ludicrous and will impact surrounding property values negatively.

Stellenbosch does not have a shortage of available land. Therefore it would only be appropriate to source other available land in an appropriate area, in order to erect this mega Social Housing development.

I trust my objection to the proposed Social Housing development will be taken into serious consideration.

Kind regards,
Amelia Jovanovic

Michelle Moses

From: Proclean Panelbeaters <procleanpanelbeaters@gmail.com>
Sent: Friday, June 26, 2020 1:51 PM
To: Ihs Admin
Subject: [EX]
Attachments: SCAN_20200626_134545889.pdf

Mr Tabiso Mfeya


Please find attached objections to development on Erf 180, 81/2, 81/9 and 2149


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Jacobus Jonker
0845602070

Stellenbosch

 *Tel: 021 886 5560*

 *Fax: 086 553 2350*

 *E-mail: procleanpanelbeaters@gmail.com*

 Virus-free. www.avast.com

To whom it may concern

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

I, the owner of ERF 2675 have some concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline.

My first concern is that the traffic in the area, especially on La Colline road, is already a problem and adding an entire block of flats will make it much worse. Those living in La Colline, Die Rand and Irene Park have to use the La Colline road to reach their property, there is no alternative. Therefore, everyone living on La Colline Street, Dr Malan Street, Dan Pienaar and Paul Roos Street will be affected by the extra number of drivers that will need to use the road to get to the new block of flats. Currently there are about 8 houses with a maximum of 32 cars (assuming each house had two cars per house). The units you are planning to erect has a total of 630 bedrooms (of which 280 are 2 bedroom units), assuming only half of these units have their own vehicles it still amounts to 315 cars, which is 283 more cars that will need to use the La Colline road.



Another concern that I have is the effect such a unit will have on my property value. La Colline falls into the medium income groups. Over the years the residence have made effort to update their homes and thus the value of their property and make it safe for the children in the area. Many of us are also in need of the rent money from rented out backyard flats or rooms in our houses. However, if our area becomes known as an area with low cost housing for families what would that mean for our property? This may make some people reluctant to rent my property and when I do find renters, I would not be able to ask the same amount of rent that I currently do.

In conclusion, the building of social housing unit on Farm 180 & Erf 2728 is affecting me and my property negatively. I ask that you would reconsider the number of stories or number of housing units the flats will have.

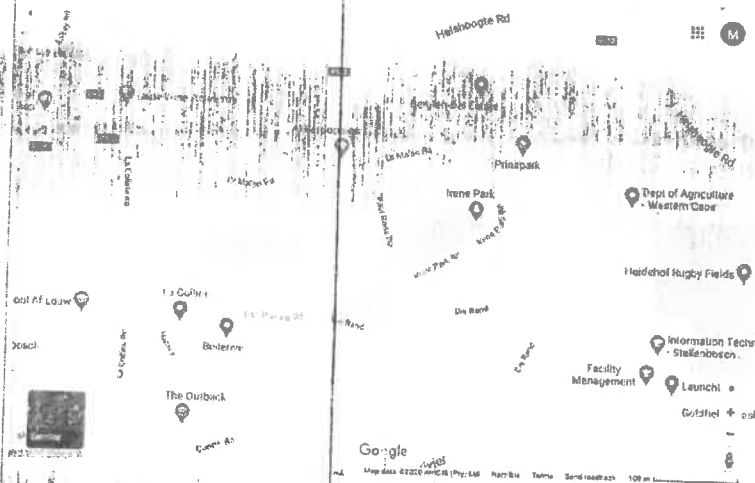
Sincerely

To whom it may concern

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

I, the owner of ERF 2707 have some concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline.

My first concern is that the traffic in the area, especially on La Colline road, is already a problem and adding an entire block of flats will make it much worse. Those living in La Colline, Die Rand and Irene Park have to use the La Colline road to reach their property, there is no alternative. Therefore, everyone living on La Colline Street, Dr Malan Street, Dan Pienaar and Paul Roos Street will be affected by the extra number of drivers that will need to use the road to get to the new block of flats. Currently there are about 8 houses with a maximum of 32 cars (assuming each house had two cars per house). The units you are planning to erect has a total of 630 bedrooms (of which 280 are 2 bedroom units), assuming only half of these units have their own vehicles it still amounts to 315 cars, which is 283 more cars that will need to use the La Colline road.



Another concern that I have is the effect such a unit will have on my property value. La Colline falls into the medium income groups. Over the years the residence have made effort to update their homes and thus the value of their property and make it safe for the children in the area. Many of us are also in need of the rent money from rented out backyard flats or rooms in our houses. However, if our area becomes known as an area with low cost housing for families what would that mean for our property? This may make some people reluctant to rent my property and when I do find renters, I would not be able to ask the same amount of rent that I currently do.

In conclusion, the building of social housing unit on Farm 180 & Erf 2728 is affecting me and my property negatively. I ask that you would reconsider the number of stories or number of housing units the flats will have

Sincerely

Michelle Moses

From: AM VAN ZYL <amvanzyl@isales.co.za>
Sent: Thursday, June 25, 2020 12:06 PM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com; Jo
Subject: [EX] PROPOSED SOCIAL HOUSING ESTATES

Importance: High

Joseline do Amaral
La Colline 3
STELLENBOSCH
7600
0825566687



Michelle Moses

From: Lester Vanstavel
Sent: Friday, June 26, 2020 2:53 PM
To: Ihs Admin; Michelle Moses
Subject: Document from Lester
Attachments: LACOLLINE3.pdf

LACOLLINE3.pdf

I have received this on whatsapps on 25 June 2020

Regards
Lester
Sent from my Huawei phone

La Colline street 3 / Erf 2653

STELLENBOSCH

7600

25 June 2020

STELLENBOSCH MUNICIPALITY

RESIDENTIAL DEVELOPEMENTAL DIVISION

To whom it may concern

PLANNED DEVELOPMENT OF HIGH DENSITY LOW COST HOUSING IN LA COLLINE AND SURROUNDS, STELLENBOSCH

Please allow me to raise my concerns as a resident of La Colline, and clearly state that I am AGAINST any planned development.

1. TRAFFIC FLOW

For the last couple of years, a visible increase in traffic flow occurred in the area. I would like to know which impact studies have been done on traffic monitoring, as well as what efforts and plans are in place as to ease the more than doubling amount of vehicles in the area. Stellenbosch was not built for massive amounts of housing and has NO safe reliable public transport. How does the municipality foresee this traffic flow problem and how do they plan to rectify and address it before building commences.

Please bear in mind that construction vehicles will be using the routes as well, and causing extreme damage to the current road surfaces – what would be the arrangement with the Municipality be to keep the roads maintained and safe for taxpaying residents?

What would be the impact on the operating school in our area? How safe would the children be, being it waiting at school for lifts, or walking the streets to their homes – would construction vehicles be monitored and allowed free flow and endanger children's lives?

2. WATER

We have just survived a terrible drought in the Western Cape, but no additional water has been stored or any new dams built to provide us with this much needed commodity. How does the Municipality plan to provide these hordes of new homes with water and what do they plan to do if another drought strikes?

3. ELECTRICITY

The National Electricity Provider, ESKOM, started warning of some more power cuts and load shedding – is Stellenbosch Municipality generating own energy now to supply the influx of people into our town?



4. SEWARAGE

What would the impact be on the just completed upgrade of the sewerage system in Devonvalley side of town. Can the raise in waste be handled, or is it just another stink site waiting to happen once again to the residents on that side, if the processing of human waste does not happen effectively.

5. REFUSE REMOVAL

Stellenbosch Refuse site on the Devonvalley Road has reached full capacity. By building more dwellings and accommodating more people, more refuse needs to be removed at a higher cost, impacting the whole of Stellenbosch, with extreme rates and taxes. Was this of any concern when the Municipality did the impact studies?

6. DOWNGADING OF LIVING AREA

It seems to be the trend to downgrade our area from middle income to low income without caring about taxpaying landowners. Many of us are without any work, and renting out a room or flat on our property, the only income we have. Since Municipality decided to put up LOW COST HOUSING in the area, our property values will surely decrease, and our occupation percentage of available spaces to rent, will follow the downward spiral.

Looking at Municipal living spaces in our area, it is of utmost concern that the Municipality are not able to do proper maintenance of said spaces. How on earth do they plan do do proper maintenance and proper monitoring of said low cost housing spaces. Was this ever discussed and plans made?

7. WORK FOR NEW RESIDENTS

We are in the middle of a worldwide crisis. How does Stellenbosch Municipality plan to make Stellenbosch business friendly and attract more development on that side? As it is, lots of people spend their days on our pavements in and around La Colline, looking for work. Will we now be decorated with 4000 plus extra people on the streets during the day looking for work?



8 POLICING

It is a known fact that the police relies on security companies to do their work for them. Since our area is doubling in resident amounts, will we have our own police station erected to give the taxpayers the protection as stated in our Constitution? Did the Municipality address this before agreeing?

Once again I am NOT in support of planned developments and condemn any plans that was not properly researched.

Yours sincerely



J DO AMARAL

Michelle Moses

From: Tony Edwards <tony@iamwell.co.za>
Sent: Friday, June 26, 2020 4:07 PM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] Objection of development on "Teen-die-Bult"

Dear Mr Tabisa Mfeya,

I am writing in this email in objection to the planned multi story block of flats in the open space of "Teen-die-Bult" (Farm 180 & Erf 2728).

This development is not a good social/economic decision for the following reasons:

1. The cramming of thousands of people into such a small area in the middle of a well-established residential area will have severe negative consequences for the existing community and for the new residents that will be relocated into this new high-rise apartment structure. It is well know fact that multi-level apartment buildings have high density populations which causes negative/poor living conditions resulting in depression, substance abuse, domestic violence and unwanted pregnancies. This will also have a negative spin-off effect into the already peaceful existing community.
2. The high increase in population into such a small area, will heavy affect the flow of traffic in the area causing heavy congestion. AF Lous Primary School is just up the road and this will effect the safety of the learners.
3. The neighbouring school, AF Louw will be impacted by the very likely gang activity which often forms in high density populations in high-rise apartment blocks. There are hundreds of school children that may come into contact with this element as time goes by.
4. The planned development will negatively effect the value of the existing neighbourhood properties financially and aesthetically.
5. The loss of the green space as a result pf the high-rise apartment building means the loss of the recreational space for children who already make use of the are to play freely in which will have a negative effect on their growth and development.
6. This development will negatively effect the immediate area but also the surrounding areas in light of the above points.

Kind regards,

Tony Edwards

Stellenbosch resident of Die Rand.

Michelle Moses

From: Alicia [Vorster & Vennote] <alicia@vorsterlaw.co.za>
Sent: Friday, June 26, 2020 3:47 PM
To: Ihs Admin
Cc: lacolinneneighbourhood@gmail.com
Subject: [EX] Stellenbosch Social Housing Programme - Objection
Attachments: _STELLENBOSCH DEVELOPMENT.pdf

Importance: High

26 June 2020

The attached notification refers.

We object to the proposed development.

L J VORSTER
8 Condé Street
Stellenbosch

T: 066 173 4063 / 021 987 2990 | F: 021 987 2993 | E: alicia@vorsterlaw.co.za



Michelle Moses

From: Sandberg Fynbos Reserve <proteapermaculture@gmail.com>
Sent: Saturday, June 27, 2020 9:18 PM
To: Ihs Admin; LaColline Neighbourhood Forum
Subject: [EX] Objection to SHRA/RFP/SDT/201920

Re: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

I, William Stafford am the resident and owner of #22 Tobruk Park Rd., La Colline and have objections and concerns over the proposed development of "Teen-die Bult (open space)" [Farm 180 & Erf 2728] Tobruk park and Irene Park in La Colline. While I appreciate the need for development, especially densification and Social Housing in Stellenbosch, I object to the currently tabled development due to the loss of public open space, traffic congestion from the proposed construction of huge flats 6 stories high. In particular, my two objections are:

1. The proposed development would result in the loss of Conde park from the proposed Teen-die Bult development as well as others that are earmarked for development (Irene and Tobruk park). The land-use change is unacceptable as this will result in the permanent loss of public recreation and valuable and scarce green space in this area which will be densified! In addition, this notice cannot serve as a notice for proposed land-use change and the Municipality will need to go through an appropriate due process if it wishes to propose a change in land use from open-space that is valued by the community for recreation and open space (Conde Park, La Colline Park and Irene Park).
2. The road infrastructure (parking and roads per se) cannot accommodate more traffic. La Collien road is already congested as its an entry to town from the North (R44), a link to Bird Street and town-center and also busy with the AF Louw school nearby as well as is light industry nearby (du Toit).

I do hope that my objections have your due consideration

Thanks and kind Regards

William Stafford

--
Ever wonder about biodiversity?...
Come and wander in the natural beauty of fynbos.



Sender notified by
[Mailtrack](#)



Michelle Moses

From: Ilse van Wyk <ilse.vanwyk7@gmail.com>
Sent: Sunday, June 28, 2020 10:09 PM
To: Ihs Admin; lacollineneighbourhood@gmail.com
Subject: [EX] Objection to Notice on Land Availability Agreements

Dear Tabiso Mfenya, Lester van Stavel and to whom it may concern

This letter is in response to the project: Information Statement in relation to entering into land availability agreements with Social Housing Institutions (SHIs) or other Development Agencies (ODA's) for the Development and Management of Social Housing Estates within Stellenbosch Municipality. Contract: SHRA/RFP/SDT/201920.

I, the tenant of Erf LACOL 2651 0001 have a lot of concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die-Bult (open space) Farm 180& Erf 2728 in La Colline.

My first concern is that I need to read on the Municipality's website that the place which I have called home for over 3 decades will be demolished (Four city blocks of 2 erven each, clustered around Tobruk Park). What are your plans with the current tenants? There has been no discussion with these individuals on their future. We are very concerned, especially in these circumstances with national lockdown being on Level 3 and we cannot even reach out to our neighbours. There are people living here with no internet access. We received no letters in our mailboxes and we feel it is the municipality's responsibility to reach out to those directly affected by these plans.

Secondly, a lot of tenants and house owners in the area are pensioners, low income households and some have lost their jobs due to Covid. These plans have a further emotional effect on us. We feel that this process should be postponed to at least level 1 lockdown regulations where the neighbourhood can be informed properly about the proposals and what implications it will have. We cannot even visit our neighbours to offer support in these uncertain times.

I would also like to add that the content of the document is vague and one-sided. There has been no discussions with the community who will have to face the consequences of this development. I understand the concept of social housing but not at the expense of someone else.

We are an established neighborhood and I feel that the current tenant and home-owner's situation need to be taken into consideration. We would therefore like to ask the municipality to take into consideration that we cannot afford any other form of housing. Should the council not protect us?

Further, as people who have lived in the area for a long time, we have an intimate understanding of how the sun moves, how the land can handle large storms, water and drain issues, vegetation, safety and traffic. We can help make a more informed assessment of the area.

I want to highlight the Constitution of the Republic of South Africa and remind you of the Bill of Rights where it is stated that we have the right to Equality and Human dignity. Secondly, Section 25 & 26 refers to the Right to Property and Housing which is also recognised by the African Commission on Human and People's rights. We are human beings, just like you. Please look at things from our perspective as well.

I am asking once again, we need clear indications as to how this application and plans will impact us.

Thus, I would like to object to these plans based on reasons given above.

Kindly confirm that you have received and read this communication.

Kind regards
SE van Wyk



Virus-free. www.avg.com

Michelle Moses

From: Elzabi van Wyk <elzabivw@gmail.com>
Sent: Monday, June 29, 2020 8:14 AM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] Objection to development of Social Housing Estates - La Colline

Dear Mr van Stavel and Mr Mfeya

We were quite shocked to hear of a proposed development in our area, of which a member in our area happened to come across. No notice relating this was received by the property owners via any form of communication such as a letter (as would be expected!).

I am referring to the document : INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

Residing at ERF 2657 in Dan Pienaar Road, we will be directly and negatively affected by this development, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline.

If social housing of this nature would be erected across the road, not only will the traffic be negatively affected, but the noise levels of the people and their cars (which we often are affected by already!) will become unbearable. Some "Op die built" residents already have a disregard for their neighbours and have no issues with loud music and revving cars late at night.

The notion of an 8-storey building will mean destroying the bit of view that we enjoy of the town, and the bird life - especially hawks and owls - that we often observe in the trees across the road. Instead we will be faced with a hideous, noisy building.

Most worrisome is that the property that we have spent YEARS on improving and neatening - with hard-earned money, while keeping the character of the place, will lose its value completely. Many home owners in the area have been upgrading the properties over time and it is a diverse, and also a neat and orderly neighborhood.

Lastly - the artist's impression of the buildings in the proposal, is an architectural disaster, and totally out of character with the neighboring buildings, and not inkeeping with retaining the character of this town.

These are only a few of the concerns at the moment...I can think of many more, not only for myself but for all the residents of this area.

We are vehemently opposed to a development of this nature, and trust that the municipality will use their good sense not to proceed with this, as it will destroy our neighbourhood.

Kind Regards,

Elzabi van Wyk
2 Dan Pienaar Street

Michelle Moses

From: Celia Thiart <thiartcelia@gmail.com>
Sent: Monday, June 29, 2020 8:55 AM
To: Ihs Admin
Subject: [EX] Social hosing

Wie dit mag aangaan

Die nuwe Social Housing projek is nie mooi deurdink nie. Die infrasturktuur is nie reg vir al die ekstra wonings nie

Elke week bars daar water pype. Die water pype is vrot, Almal sal moet vervang word.

Die paaie kan ook nie die verkeer hanteer nie - Dis n nagmerrie om soggens en saans in en uit La Colline te kom. Daar is nie eers genoeg parkeer plek voor die huise nie

Gaan die elektrisiteit toevoer na die huise genoeg wees. Dit gaan ook n probleem wees.

La Colline is n ou gedeelte van Stellenbosch. Toe die huise gebou is het hulle voorsiening gemaak vir daardie tyd se behoeftes. Dit is glad nie geskik vir al die nuwe verwikkeling nie..

Daar gaan nie speel plek en ontspannings plek wees vir die kinders en senoir burgers nie.

Ons het daardie jare die huis gekop om dit n rustige buurt was, maar nou wil julle dit oorvol en beknop maak.

Inwoner van Irene Park 4
Stellenbosch

Celia Thiart



Virus-free. www.avast.com

Michelle Moses

From: Du Preez, P, Prof [cntr@sun.ac.za] <CNTR@sun.ac.za>
Sent: Wednesday, June 24, 2020 3:54 PM
To: Ihs Admin
Subject: [EX] Development of Teen-die-bult Erf numbers 3481, 3482, 3483, 3485, 3486, 2728 and farm 180

Dear Stellenbosch Municipality *per address* Mr Tabiso Mfeya and Lester van Stavel (Social housing: Project manager)

Re: Development of Teen-die-bult Erf numbers 3481, 3482, 3483, 3485, 3486, 2728 and farm 180

I have taken note of the proposed development of the abovementioned sites. I hereby submit my official objection to this development, as per notification of the Municipal Manager. Further details regarding this development is required regarding the effects and possible impacts of this development on current residents of the neighbourhood.

Kind regards,

Professor Petrus du Preez

La Colline resident

Prof P. du Preez

Drama Departement | Drama Department

cntr@sun.ac.za | t: +27 21 808 3208 | Drama Building,

Andringa Street



The integrity and confidentiality of this email are governed by these terms. [Disclaimer](#)

Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalings bereël. [Vrywaringsklousule](#)

Michelle Moses

From: Janet Baxter <janetbaxter1@gmail.com>
Sent: Monday, June 29, 2020 10:54 AM
To: Ihs Admin; lacollineneighbourhood@gmail.com
Subject: [EX] Fwd: Concern regarding Social Housing Estates: Lapland, Teen-die-Bult and Erfs 81/2 and 81/9

Dear Mr van Stavel

Thank you for the Information Statement regarding SHI's in Lapland, Teen-die-Bult, and Erfs 81/2 and 81/9. I would have preferred to have received the information directly from the Municipality via **registered post**, instead of having stumbled across it through a concerned resident in La Colline.

I am all for Social Housing - but I am concerned that "Notice is hereby given, in terms of Section 21(A) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that Stellenbosch Municipality **intends to commence** with the process of granting long-term use rights to SHIs and/or ODAs on Council-owned land in order to realize the implementation of the Social Housing Programme" and "Stellenbosch Municipality **will** enter into a Smart Partnership and Land Availability Agreements with successful accredited SHIs and/or ODAs, through a Public Competitive Process in terms of Regulation 34(1) (b) of the Asset Transfer Regulation (ATR).

This seems to me like a done deal - and if the Municipality is so determined to do so...why was I not notified via **registered post**?

The target area is the backyard dwellers of Ida's Valley, Cloetevilles, Kayamandi, and Jamestown. The Municipality had the perfect opportunity to cater to the needs of the backyard dwellers and those falling within the R1 500 - R15 000 band by offering homes in the recent Ida's Valley extensions - which were then sold to private homeowners at an increased price. Why did that happen?

Furthermore - for years I objected to the **development of La Roche** - which would have once again been perfect to create an ideal location for homes in a beautiful setting - but the municipality rather went ahead to create another gated village for the highest income group. I am aware it was not Municipality land - but I was amused how quickly rezoning occurred for the development.

The proposed flats will be above the 6 levels that are for Stellenbosch - and this will change the unique style of Stellenbosch. I disapprove of this.

The **density** of the mixed-use flats is proposed at **85% coverage** of the land - that is not ideal for the residents or for the environment. The proposed set designs of placing recreational space on the roof is great as an idea but not feasible. Have you done an assessment on the number of children who would potentially be housed with their families? An 8 story flat has been proven time and time again to not be an ideal **option for children**. Where will the creche move to that you are planning to demolish? You do realize that that is one of the most amazing pre-schools in Stellenbosch? And if you intend to build a new creche in the building - have you discussed this with the Department of Social Development? Don't let it be a token gesture. That little pre-school is already at capacity.

Vehicular access to me is a great concern - and parking ratio at 0.25% (Lapland and Teen-die Bult). I would also demand a traffic impact assessment - not just "**may be required**". If the proposal is 630 units at Teen-die-Bult, then the extra traffic will be a concern. Where will the overflow of cars be parked? Don't assume families won't have access to vehicles, especially when they become more financially stable.

A few residents were questioned regarding **water, sewage etc** - I think you need to question everyone about their concerns. I saw you will be looking at borehole water - and if the droughts come back? where will you get the water - The Ida's Valley Dam which serves the town is already at its limit in the past.

I am very curious - with whom does the resident sign the **rental agreement**? And what are the conditions of the agreement - I hope they will still be protected under the law. And how does one determine the rent?

Backyard dwellers are under extreme pressure. The owners of the properties who rent out to backyard dwellers - will the structures be demolished once the move happens? Don't forget - the rent also helps to keep the formal dwellers' heads above water in times of need.

It was mentioned that these areas are ideal at the moment. What happened to the proposed **corridor between Khayamandi and Distel? In many places that is unoccupied land.**

Finally - has anyone done a real market value assessment of the homes that are privately owned that are going to be adjacent to the development is La Colline? Will my home in Irene Park drop in value - and if that is the case - what are my rights?

Please keep me informed of upcoming meetings, and please acknowledge the receipt of this letter.

**Thank you,
Kind regards
Janet Baxter
0785474076
Erf: LA Colline 2714**

Chantal Moses

From: Tabiso Mfeya
Sent: Wednesday, 08 July 2020 13:04
To: Chantal Moses
Subject: FW: Development of Social Housing Estates
Attachments: RE: [EX] Land Availability Agreements with SHI's and/or ODA's; RE: Public Participation for Social Housing Development; RE: [EX] FW: Brief van Objeksie - Mev.HB Brand Voorplein 10 Stellenbosch

Hi Chantal. Please find email and attached emails for 4 of 5.



Regards,

Tabiso Mfeya

C: +27 60 986 2044

Email:

Tabiso.Mfeya@stellenbosch.gov.za



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From: Emma Brown [mailto:Emma.Brown@westerncape.gov.za]
Sent: Monday, 22 June 2020 12:35
To: Tabiso Mfeya
Cc: Ihs Admin; Lester Vanstavel
Subject: [EX] RE: Development of Social Housing Estates

Good day Mr Mfeya

I greatly appreciate your quick response. I would prefer that all communication is in writing as I would need to share feedback with other parties.

I will however come back to you for more information where required.

Kind Regards

Emma de Villiers

From: Tabiso Mfeya [<mailto:Tabiso.Mfeya@stellenbosch.gov.za>]
Sent: Monday, June 22, 2020 12:03 PM
To: Emma Brown
Cc: Ihs Admin; Lester Vanstavel
Subject: RE: Development of Social Housing Estates

Good day Madam

The area Erf 81/2 and Erf 81/9 reside in forms part of the Stellenbosch Municipality Restructuring Zones for Social Housing. The development intended by the Municipality on the property is a Social Housing development along the same principles as shown in the Presentation compiled for the other sites. I just want to add that what is depicted in the Presentation are Development Concepts that generally are implemented in Social Housing Developments and not the actual plans for the three areas targeted.

Detailed Site Developments proposed and actual designs for all the different sites will be submitted to the Municipality by Companies who are successful in the Competitive Bid Process. The Land Use Management Department will still provide the Stellenbosch Public with an opportunity to submit comments on the actual planned developments.

If more clarity is required, you may provide me with your telephone/ cell no. I will gladly give you a call.



Regards,

Tabiso Mfeya

C: +27 60 986 2044

Email:

Tabiso.Mfeya@stellenbosch.gov.za



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Kind regards,

On behalf of

Lester van Stavel

Manager: Housing Development

Department: Integrated Human

Settlements

Directorate: Planning & Economic

Development

T: +27 21 808 8462 | F: +27 21 887 6167

Oude Bloemhof Building, 3rd Floor,

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Emma Brown [<mailto:Emma.Brown@westerncape.gov.za>]

Sent: Saturday, June 20, 2020 10:20 AM

To: Ihs Admin

Subject: [EX] Development of Social Housing Estates

Mr Mfeya/ Mr Van Stavel

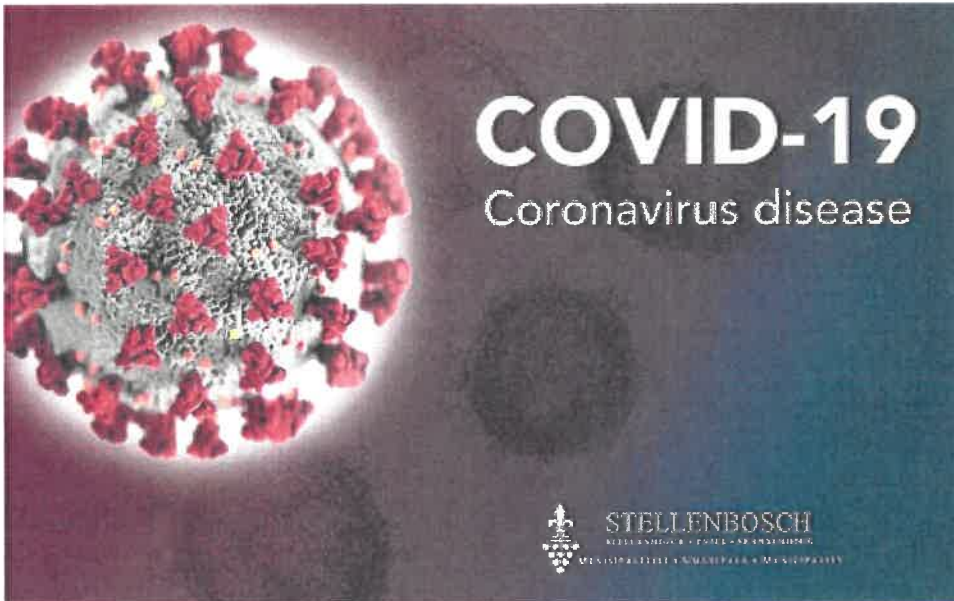
In response to the notice according to Section 21(A) indicating the plans to develop Erf 81/9 and Erf 81/2.

I have read the statement as published by Stellenbosch Municipality (not dated) and would like to formally comment on this document. However, although details are provided with regards to the development plans for the other two sites that are being planned in Stellenbosch as to what exactly the land would be used for, I do not seem to find any specifications for erf 81/2 and Efr 81/9. It is therefore unreasonable to expect public comments.

As home owners and residents of Mt Simon Estate, this will very clearly have a huge impact on us. We would need to understand the impact that these developments might have on our property value (resell or rental), especially seeing that it will directly border to our own home and also impact the entrance of our Estate (having to drive through the new development).

I am not sure when this was published (A friend sent this to me), but there is not much time to provide commenting and with this limited information, this makes it even more difficult.

I would appreciate your feedback and any information that would be relevant to this project.



Visit the dedicated COVID-19 page on our municipal website for information on this disease:
<https://www.stellenbosch.gov.za/documents/general>

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



STELLENBOSCH
 STELLENBOSCH • STIELLENBOSCH
 MUNICIPALITEIT • MUNİCİPALİTÄT • MUNICIPALITY



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa.

For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from tabiso.mfeya@stellenbosch.gov.za sent at 2020-06-22 12:03:19 is confidential and may be legally privileged. It is intended solely for use by emma.brown@westerncape.gov.za and others authorized to receive it. If you are not emma.brown@westerncape.gov.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

From: lhs Admin

Sent: Monday, 22 June 2020 08:43

To: Tabiso Mfeya; Lester Vanstavel

Cc: 'Emma Brown'

Subject: RE: Development of Social Housing Estates

Good day,

See below e-mail received from Ms Brown for your attention.

Kind Regards

Emma de Villiers

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise. If you are not the intended recipient you may not copy or deliver this message to anyone."

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Michelle Moses

From: Kurt Malgas <kurt.malgas@gmail.com>
Sent: Monday, June 29, 2020 1:15 PM
To: Ihs Admin
Cc: LaColline Neighbourhood Forum
Subject: [EX] Objection - proposed development "Teen die Bult" remainder of farm 180, erf 81/2 and erf 81/9
Attachments: Objection to Stellenbosch Social Housing 21 Tobruk Park docx.docx

Good day

Please find attached my vehement objection and concern for the social housing project.

Kindly acknowledge receipt of this email

Regards

Kurt Malgas
+27829907688

To whom it may concern

This letter is in response to the project: **INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920**

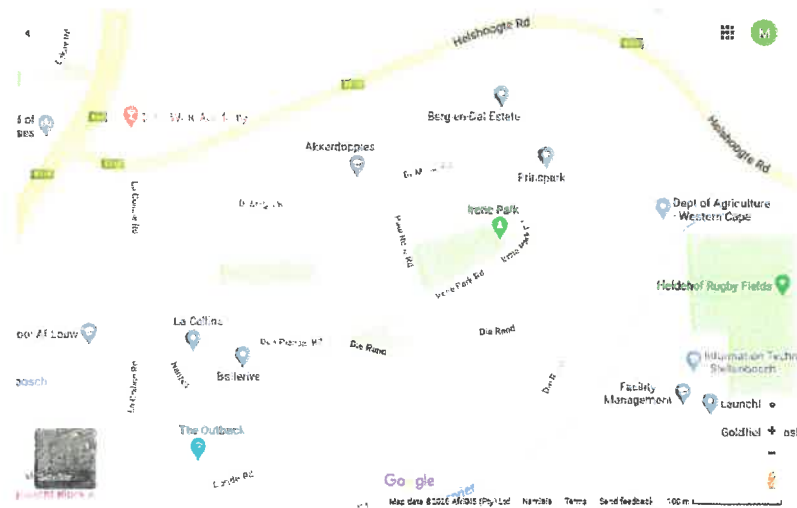
I, **Kurt Mark Malgas**, co-owner of **ERF2662 (21 Tobruk Parl, La Colline, Stellenbosch)** object (and in the strongest possible sense) to the proposed development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline.

I am in favour of social housing integration but the manner in which this is done is not acceptable

My complete objection to this proposed development centers around

1. **Timeous notification** and the manner in which it was communicated –

Was it not for the vigilance of one of our community members, who spotted this on the municipal website, we would never have been informed about this. No official notice was received, and as a result, limited time was given thoroughly study this proposal, and to get legal advice w.r.t. how to proceed. This does not bode well for future communication



2. The impending **traffic congestion** is another major concern, considering that the road leading up to the school is already grid-locked, and this even on a good day. The new proposed flats will make proceedings even worse. These roads were poorly designed to start, offering existing residents only one way into and out of the area. The addition of the proposed apartments would make it virtually impossible to commute. The area is becoming unsafe, and so walking is by no means a safe option anymore.
3. The **removal of the greenspace** is an absolute no-no, with a better, long term sustainable plan for the space a more constructive option i.e. Community Veggie garden
4. **Infrastructural incapacity.** Currently this aspect is nothing short of poor, with burst storm-water pipes a weekly occurrence and a recent meeting held in 2019 with Mr Jan Louw and his colleagues the engineering department have done little to convince the residents that things will transition to a better state. The proposed development will place an added burden on the already under performing system, with imminent failure the only plausible outcome. This is in

stark contrast to your statement within the document where it is cited that the infrastructural services are adequate – this I am afraid is furthest from the truth, and blatant lie.

5. As a private **home owner** who has had to spend quite a substantial amount to not just purchase in the area - based on the premise that it is (or was) a quiet residential area, in close proximity to schools, university and places of work, and ideal for young professional family, but also to maintain it. The development will no doubt **de-value** not just this property but totally obliterate the property market in the area, putting paid to our long term investment in the area.

In conclusion, the building of social housing unit on Farm 180 & Erf 2728 will have a multifaceted, negative affect on not just my property and but others in the area.

Alternative solutions do exist in the form of the

- Voortrekker Saal in Simonswyk, from what I can see has not even been considered.
- The masses of open spaces in Onder Papagaaienberg is another alternative
- Are similar project aimed at the more affluent Mostertdrift, Dalsig & Die Boord – I think not, yet you're wanting to cram even more folks into an already cosmopolitan knit community

I would personally like to request a better structured, and/or facilitated session with the respective community leader and your department to get clarity on this situation.

I await your prompt response

Sincerely

Kurt Mark Malgas

Michelle Moses

From: Willem Prinsloo <17willem@gmail.com>
Sent: Monday, June 29, 2020 1:27 PM
To: Ihs Admin
Subject: [EX] Social Housing Development Stellenbosch.

To whom it may concern.

I fully agree support and understand the need for social housing and the development thereof in Stellenbosch.

However I do feel that the time period given to us as homeowners in La Collien is very short to give our input and comments.

Furthermore why must all the development happen in the La Collien area and not spread over the municipal area of Stellenbosch, like Simonsrus area around the Voortrekker area it is close to taxi rank.

I request that there will be more time for public input into this matter as we as property owners are concerned about our property values and think more thought should be put into this development.

--

Kind Regards,

Willem Prinsloo
Cell: 082 940 2367

Michelle Moses

From: Wilbert Basson <multibon@adept.co.za>
Sent: Monday, June 29, 2020 1:59 PM
To: Ihs Admin
Subject: [EX] FW: Olienhoutstraat 2 Stellenbosch Mnr. RWA (Wilbert) Basson Die Trippel B Familie Trust - Brief
Attachments: Olienhout2SBoschOjeksieBriefDieTripBFamTr.pdf

From: Wilbert Basson <multibon@adept.co.za>
Sent: Monday, 29 June 2020 13:17
To: 'Ihs.admin@stellenbosch.gov.za' <Ihs.admin@stellenbosch.gov.za>
Subject: Olienhoutstraat 2 Stellenbosch Mnr. RWA (Wilbert) Basson Die Trippel B Familie Trust - Brief

Vir Aandag : Mnr. Van Stavel

Vind asseblief brief aangeheg vir u aandag, na aanleiding van ons telefoongesprek vroeër vandag.

Die uwe

Mnr. RWA (Wilbert) Basson

Mnr. RWA Basson
Die Trippel B Familie Trust
Olienhoutstraat 2
Stellenbosch
7600
29/ 06/2020

Die Munisipaliteit Stellenbosch

Aandag: Mnr. Van Stavel

Geagte Meneer,

I/S: TEEN DIE BULT ONTWIKKELING EN ANDER AREAS

Die Trustees van Die Trippel B Familie Trust maak ten sterkste beswaar teen die Munisipaliteit se voorneme om plaas 180 te ontwikkel vir lae koste behuising, met spesifieke verwysing na " Lapland, erwe 2149, 2609, 6590 en 6659."

Die Trippel B Familie Trust besit die eiendom te Olienhoutstraat 2 Stellenbosch erf MIDN 8678 00001. Die eiendom is vir belegging doeleindes bekom en moes al die inwoners en eienaars, ook van Olienhoutstraat 5, en eienaars van motors, reeds hul hande diep in hulle sakke steek om ons eie 24 uur sekuriteit te kon bekom sowat 5 jaar gelede, met die hoof rede dat die misdaad in die area die hoogte in geskiet het.

Die voorstel van die Munisipaliteit is dus definitief nie tot voordeel in die bekamping van misdaad nie, en sal hierdie voorgestelde ontwikkeling tot hoër misdaad ly, en sal dit ook die pryse van huise in die omgewing afwaarts laat tuimel.

Min inligting of detail oor die ontwikkeling is aan ons bekend, en daarom sal ons as die Trippel B Familie Trust verder beswaar aanteken, nadat die Munisipaliteit meer inligting en detail bekend maak.

Geliewe asseblief ontvangs van hierdie e-pos aan my te erken, deur u e-pos aan multibon@adept.co.za.

Die uwe



Mnr. RWA Basson

Trustee Die Trippel B Familie Trust

Mev. E Basson

Trustee Die Trippel B Familie Trust

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Michelle Moses

From: Ihs Admin
Sent: Monday, June 29, 2020 3:27 PM
To: 'Willem Prinsloo'
Cc: Tabiso Mfeya; Ihs Admin
Subject: RE: [EX] Social Housing Development Stellenbosch.

Good day,

With reference to your e-mail dated 29 June 2020 with regards to above-mentioned subject.

The request for further extension is hereby granted until 3 July 2020.



Kind regards,

On behalf of

Lester van Stavel

Manager: Housing Development

Department: Integrated Human
Settlements

**Directorate: Planning & Economic
Development**

T: +27 21 808 8462 | F: +27 21 887 6167

Oude Bloemhof Building, 3rd Floor,
Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Ihs Admin
Sent: Monday, June 29, 2020 1:36 PM
To: 'Willem Prinsloo'
Cc: Tabiso Mfeya; Ihs Admin
Subject: RE: [EX] Social Housing Development Stellenbosch.

Good day,

Your e-mail has been noted and forwarded to the Social Housing: Project Manager, Mr Tabiso Mfeya.

49



Kind regards,

On behalf of Tabiso Mfeya
Social Housing: Project Manager

C: +27 60 986 2044
Oude Bloemhof Building, Plein Street,
3rd Floor, Stellenbosch, 7600
www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Willem Prinsloo [<mailto:17willem@gmail.com>]
Sent: Monday, June 29, 2020 1:27 PM
To: Ihs Admin
Subject: [EX] Social Housing Development Stellenbosch.

To whom it may concern.

I fully agree support and understand the need for social housing and the development thereof in Stellenbosch.

However I do feel that the time period given to us as homeowners in La Collien is very short to give our input and comments.

Furthermore why must all the development happen in the La Collien area and not spread over the municipal area of Stellenbosch, like Simonsrus area around the Voortrekker area it is close to taxi rank.

I request that there will be more time for public input into this matter as we as property owners are concerned about our property values and think more thought should be put into this development.

--

Kind Regards,

Willem Prinsloo
Cell: 082 940 2367

Mev. HB Brand

Voorplein 10

Stellenbosch

7600

29/06/2020

Die Munisipaliteit Stellenbosch

Aandag: Mnr. Van Stavel

Geagte Meneer,

I/S: TEEN DIE BULT ONTWIKKELING EN ANDER AREAS

Ek, Helena Barnardina Brand IDNr. 290602 0009 086, verklaar dat ek 'n 91 jarige weduwee is wat te Voorplein 10, erf 8361 Stellenbosch, bykans my hele lewe woonagtig is en dat ek die eienaar van die eiendom is.

Die voorgestelde ontwikkeling t.o.v lae koste behuising sal 'n toeloop van misdaad in die area, wat alreeds geteiken word, tot gevolg hê. My lewe sal, soos ek voel, omrede ek bejaard is, ernstig bedreig word, en dit sal ook my enigste vaste bate se waarde laat daal, wat vir my onaanvaarbaar is.

Om hierdie rede teken ek ten sterkste beswaar teen die voorgestelde ontwikkeling aan, met spesifieke verwysing na "Teen die Bult" erwe 3481-3486 en erf 2728. Indien meer detail en inligting deur die Munisipaliteit bekend gemaak word oor die tipe wooneenhede wat beoog word om gebou te word, sal ek dan ook verder beswaar aanteken.

Geliewe asseblief ontvangs van hierdie e-pos aan my seun ,Mnr. RWA Basson op e-pos multibon@adept.co.za te erken, aangesien ek nie oor 'n e-pos adres beskik nie.

Die uwe



Mev. HB Brand

NMS

Michelle Moses

From: Wilbert Basson <multibon@adept.co.za>
Sent: Monday, June 29, 2020 1:59 PM
To: Ihs Admin
Subject: [EX] FW: Brief van Objeksie - Mev.HB Brand Voorplein 10 Stellenbosch
Attachments: MevHBBrandVoorplein10SBoschBrief.pdf

From: Wilbert Basson <multibon@adept.co.za>
Sent: Monday, 29 June 2020 13:25
To: 'Ihs.admin@stellenbosch.gov.za' <Ihs.admin@stellenbosch.gov.za>
Subject: Brief van Objeksie - Mev.HB Brand Voorplein 10 Stellenbosch

Vir Aandag: Mnr. Van Stavel

Vind asseblief aangehegte brief vir u verdere aandag.

Die Uwe

Mnr RWA (Wilbert) Basson
Nms Mev HB Brand (Moeder)

Mev. HB Brand
Voorplein 10
Stellenbosch
7600
29/06/2020

Die Munisipaliteit Stellenbosch

Aandag: Mnr. Van Stavel

Geagte Meneer,

I/S: TEEN DIE BULT ONTWIKKELING EN ANDER AREAS

Ek, Helena Barnardina Brand IDNr. 290602 0009 086, verklaar dat ek 'n 91 jarige weduwee is wat te Voorplein 10, erf 8361 Stellenbosch, bykans my hele lewe woonagtig is en dat ek die eienaar van die eiendom is.

Die voorgestelde ontwikkeling t.o.v lae koste behuising sal 'n toeloop van misdaad in die area, wat alreeds geteiken word, tot gevolg hê. My lewe sal, soos ek voel, omrede ek bejaard is, ernstig bedreig word, en dit sal ook my enigste vaste bate se waarde laat daal, wat vir my onaanvaarbaar is.

Om hierdie rede teken ek ten sterkste beswaar teen die voorgestelde ontwikkeling aan, met spesifieke verwysing na "Teen die Bult" erwe 3481-3486 en erf 2728. Indien meer detail en inligting deur die Munisipaliteit bekend gemaak word oor die tipe wooneenhede wat beoog word om gebou te word, sal ek dan ook verder beswaar aanteken.

Geliewe asseblief ontvangs van hierdie e-pos aan my seun, Mnr. RWA Basson op e-pos multibon@adept.co.za te erken, aangesien ek nie oor 'n e-pos adres beskik nie.

Die uwe



Mev. HB Brand

NMS

Michelle Moses

From: Carmen Petersen <karmenpetersen1@gmail.com>
Sent: Monday, June 29, 2020 3:42 PM
To: Ihs Admin
Subject: [EX]

To whom it may concern

Regarding SHI's in Lapland, Teen-die-Bult, and Erfs 81/2 and 81/9

Backyard dwellers are located in Ida's Valley, Cloetesvilles, Kayamandi, and Jamestown and kids are at school in these areas. The nearest school will be A F Louw and the Cloetesville schools. More kids will be walking to Idas Valley and Cloetesville as it will be the closest "non white" type schools available and where these kids are at this stage.

- Will AF Louw and the closest other schools be able to absorb these kids?
- Has someone checked what the impact on the schools will be where these kids will be relocated from e.g. Ida's Valley primary and Bruckner Primary?
- Was an impact study done for the traffic on the roads surrounding the area?
- Will there be buses available for the transport of kids to and from schools outside the immediate area?
- Does the town not have a restriction on the number of storeys per building?
- At the moment the current Municipal flats don't always have working lifts which means that people need to walk up stairs with groceries
- How will these flats be maintained if the current ones' lifts are not working properly?

The whole area is already so people dense with all the flats adjacent to the school. It does not feel like a well thought out plan keeping in mind that there are so many privately owned single family type dwellings in the immediate vicinity.

I have a property in Die Rand and am very concerned about the dropping of property value especially if the new flats are not managed properly. People seem to live in these flats for a lifetime and "ownership" thereof is being passed to the next generation without proper management of who lives in the physical flats.

In Die Rand we had issues with sewerage because of Prinspark flowing into the same main connection which the Municipality did not want to take responsibility for and left it to the body corporates to sort out financially. There were also problems with sewerage in the Soetewiede area when loads of flats were erected in a short time where the system was designed for single family housing.

Open play areas for kids are not planned for as again, the idea will be for families to move into these flats. There is only one pre-school nearby which would not be able to handle an influx of lots of little ones.

- Was there an investigation done into creches and pre-schools availability?
- Where will the parks and open green areas be for the area?

Backyard dwellers in essence are low cost living and having loads of flats will move some of them with the means to relocate but it opens up the space for the next person to put up a shack. There is no control over the shacks being erected now, you will have no control over it being erected later.

- Have a survey been done with the backyard dwellers to establish how many will be able to afford this housing ?

- If they can't afford it, doesn't it only open up the space for more people from outside of Stellenbosch to locate here and poor Stellenbosch families staying exactly where they are now?

Kind regards,
Carmen Petersen
Owner of Die Rand 135

Michelle Moses

From: Elmo Karin Stadler <laguskar@gmail.com>
Sent: Monday, June 29, 2020 3:55 PM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com
Subject: [EX] RE: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES: STELLENBOSCH MUNICIPALITY

Aan Wie Dit Mag Aangaan

ERKEN ASSEBLIEF ONTVANGS VAN HIERDIE EPOS

Rakende Bogenoemde net die volgende

Ek, die eienaar van Erf LACOL 8377 00001, het besware /bekommernisse oor die voorgenome beoogde behuising soos aangedui as "Teen-die Bult (oop Area)" {Farm 180 & Erf 2728} in La Colline

Die volgende strate loop reeds erg deur onder geweldige druk verkeer gedurende spitstye:

- La Collineweg
- Faurestraat
- Kromrivierweg

Deur die oprigting van hierdie ontwikkeling sal die verkeer verder onder druk geplaas word aangesien hierdie 3 strate ALLE toegang tot huidige inwoners van Die Onderste Rand, Condestraat, Dan Pienaar, Die Boonste Rand, Irene Park, Tobruk Park, Prinspark en Berg en Dal se eiendomme verleen. Die verkeer is geweldig onder druk gedurende spitstyd aangesien dit ook deur motorfietsryers, fietsryers, skaatsplankryers gebruik word, asook motoriste wat van of na die R44 of Helshoogte weg van of na die middedorp beweeg.

Verder is ek ook besorgd oor die effek wat die oprigting van so 'n skema op die waarde van my eiendom het. Ons het hierdie eiendom in 1992 gekoop teen 'n redelike markverwante prys en verbeteringe aangebring. Die inwoners van die buurt het oor die afgelope 28+ jaar meestal probeer om verbeteringe aan te bring wat weer die markwaarde van almal van ons se eiendomme verhoog het. Die skema sal 'n negatiewe uitwerking op huidige eienaars se eiendomme meebring.

Die Uwe
E A & K STADLER

Michelle Moses

From: Smith, Geoff <Geoffrey.Smith@wsp.com>
Sent: Monday, June 29, 2020 5:06 PM
To: Ihs Admin
Cc: marelize@wynlandproperties.co.za; lacollineneighbourhood@gmail.com
Subject: [EX] Objection proposed development "Teen die Bult" remainder of farm 180, erf 81/2 and erf 81/9

To whom it may concern

As co- owner of erf 2715 and 2716 Stellenbosch I am objecting to the proposed development in our area. La Colline is a unique neighbourhood and possibly the only true integrated (in both a racial and economical sense) neighbourhood in Stellenbosch.

I was fortunate to come across this proposed development on the municipal website even though we were promised to be kept in the loop officially during a neighbourhood committee meeting with the municipality in 2017. I would certainly like communications regarding this in future.

Traffic - La Colline road (and also Faure St.) is already clogged up during extended peak hours. We are "locked in" and access to the main arterials Helshoogte Road, Bird Street and the R 44 is blocked during these hours.

Many Welgevonden residents also use La Colline road due to the existing traffic issues on the R 44 and Bird Street.

The road is narrow an inspection will show that the painted cycling path take up car space .One or the other can use it. It is a very steep hill and elderly or unwell residents will struggle to walk up it.

The assumption has to be that a percentage of the new blocks of flats occupants will own cars, and/or will need taxis to get to and from work.

There is one small primary school here and even if enlarged won't be able to accept many more pupils.

We have already given the town Die Rand, Prinspark, Berg en Dal and Quiver Tree density developments, to name a few in the area. There are many more.

A suggestion would be to focus attention on the Adam Tas corridor (as suggested during a town hall meeting) , the site where the prison is currently, or Simonsberg Road where the Voortrekker Saal as well as existing municipal houses are situated.

Tobruk Park should be renovated and converted in line with the current amount of units there, and in line with the type and purpose of housing currently in the area.

I would appreciate acknowledgement of this email.

Kind regards

Geoff Smith Pr Eng
Technical Director: Coastal
WSP, Transport and Infrastructure, Africa



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Michelle Moses

From: Elize Mostert <elize.gugat@gmail.com>
Sent: Monday, June 29, 2020 6:36 PM
To: Ihs Admin
Subject: [EX] I am sharing 'Stellenbosch Social Housing' with you
Attachments: Stellenbosch Social Housing.docx

To whom it may concern

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

I, the owner of ERF ___ erf 2654

___ have some concerns of the Social Housing in the area marked as the space)" [Farm 180 & Erf

[Grab your reader's attention with a great quote from the document or use this space to emphasize a key point. To place this text box anywhere on the page, just drag it.]

regarding the development Stellenbosch, specifically "Teen-die Bult (open 2728] in La Colline.

My first concern is that the on La Colline road, is already entire block of flats will

traffic in the area, especially a problem and adding an make it much worse. Those

living in La Colline, Die Rand and Irene Park have to use the La Colline road to reach their property, there is no alternative. Therefore, everyone living on La Colline Street, Dr Malan Street, Dan Pienaar and Paul Roos Street will be affected by the extra number of drivers that will need to use the road to get to the new block of flats. Currently there are about 8 houses with a maximum of 32 cars (assuming each house had two cars per house). The units you are planning to erect has a total of 630 bedrooms (of which 280 are 2 bedroom units), assuming only half of these units have their own vehicles it still



amounts to 315 cars, which is 283 more cars that will need to use the La Colline road.

Another concern that I have is the effect such a unit will have on my property value. La Colline falls into the medium income groups. Over the years the residence have made effort to update their homes and thus the value of their property and make it safe for the children in the area. Many of us are also in need of the rent money from rented out backyard flats or rooms in our houses. However, if our area becomes known as an area with low cost housing for families what would that mean for our property? This may make some people reluctant to rent my property and when I do find renters, I would not be able to ask the same amount of rent that I currently do.

54

In conclusion, the building of social housing unit on Farm 180 & Erf 2728 is affecting me and my property negatively. I ask that you would reconsider the number of stories or number of housing units the flats will have.

Sincerely

Michelle Moses

From: Pieter Avenant <avenant.pieter@gmail.com>
Sent: Monday, June 29, 2020 7:14 PM
To: Ihs Admin
Cc: lacollineneighbourhood@gmail.com; Kim McGregor
Subject: [EX] Avenant Erf2669_Complaint against Social Housing near La Colline (SHRA/RFP/SDT/201920)

Dear Lester and Tabiso,

This letter is in response to the project: INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

Kim and myself (Pieter), the owners of ERF 2669 have serious concerns regarding the development of the Social Housing in Stellenbosch, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline.

Our first concern is that the traffic in the area, especially on La Colline road, is already a problem and adding an entire block of flats will make it much worse. Those living in La Colline, Die Rand and Irene Park have to use the La Colline road to reach their property, there is no alternative. Therefore, everyone living on La Colline Street, Dr Malan Street, Dan Pienaar and Paul Roos Street will be affected by the extra number of drivers that will need to use the road to get to the new block of flats. Currently there are about 8 houses with a maximum of 32 cars (assuming each house had two cars per house). The units you are planning to erect has a total of 630 bedrooms (of which 280 are 2 bedroom units), assuming only half of these units have their own vehicles it still amounts to 315 cars, which is 283 more cars that will need to use the La Colline road.

Furthermore, this adds major risk for our children in the area with the already busy streets! This is not acceptable.

Another concern that we have is the effect such a unit will have on my property value. La Colline falls into the medium income groups. Over the years we, the residents have made an effort to update our homes and thus the value of our property and make it safe for the children in the area. Many of us are also in need of the rent money from rented out backyard flats or rooms in our houses. However, if our area becomes known as an area with low cost housing for families what would that mean for our property? This may make some people reluctant to rent our property and when we do find renters, we would not be able to ask the same amount of rent that we currently do.

In conclusion, the building of social housing unit on Farm 180 & Erf 2728 is affecting me and my property negatively and therefore I am not in favour of this since there are monetary losses linked to this which Stellenbosch Municipality will be accountable for. We ask that you reconsider the number of stories or number of housing units the flats will have, or best of all not develop social housing here.

Sincerely,
Pieter and Kim Avenant
Erf 2669 - Dr Malan Street 15

Pieter Avenant

Mobile: +27 82 450 3421

Mail: avenant.pieter@gmail.com

Skype: pieter.s.j.avenant



Est-ce nécessaire d'imprimer ce message? / Please consider the environment before printing this e-mail

We as the SBYDF, specifically Cloetesville, have numerous occasions and engagements written to the SM to address the issue of land availability for the low income residents and the backyard dwellers. We went so far as to protest to the Municipal Offices to express our displeasure of how we are overlooked when it comes to our housing needs.

On 11 July 2019, Mr Nyaniso Jindela, ex-Deputy Mayor (ex-DM) of the SM and Municipal Officials had a public meeting with [us.In](#) that public meeting, the backyard dwellers community express their land and housing needs. A date was set for a walk-about with the ex-DM, Municipal Officials such as Mr Lester van Stavel, Mr Johru Robyn, ward 16 councillor Ms Elsabe Vermeulen and her ward committee members and the PR councillor, Mr Jeremy Fasser.

On the Draft dated 9 Jan 2019 titled:

← **Emergency Housing for Cloetesville: Underutilised Land**, eight (8) pieces of Land (Site selection 2019-14(2).docx.) were identified namely :

(a) Site 1 - Erf 7001

(b) Site 4 - Erf 7181 & 6668

(c) Site 5 - Erf 7271

(d) Site 6 - Erf 6886, 6300 & 6847

(e) Site 8 - Erf 6886, 6300 & 6847

The Draft mentioned Site 1 clearly, Site 2 & 3 (non mentioned) and sites 6 & 8 are duplicates (same sites).

After the walk-about, the ex-DM invited us as the Forum to meet at the Municipal Offices to discuss the solution to our housing needs of the backyarders specifically, which raised the question again:

*** Can you please clarify about the eight (8) pockets of land that were identified as above mentioned and why are there no building plans for these sites?

In August 2019, we as the SBYDF, send an email to the Mayor, Adv Gesie van Deventer, to refer to the two (2) documents, **Spatial Development Framework (SDF)** of February 2019 as well as the **Legislative and Policy Context** (Final Draft dated June 2019) which she failed to reply.

← At most of the IDP meetings, the housing needs were always number 1 (first priority) in all 22 Wards across [Stellenbosch.In](#) some ward IDP meetings, the Adam Tas Corridor (ATC), were never mentioned or discussed. We as the SBYDF, did a site visit at the ATC sites. We found the construction are in progress which raised the question:

*** Are we as the backyard dwellers community included to be beneficiaries in the Housing Plans of the ATC build referring to the Document titled as : **Fourth Generation Integrated Development (Prescribed by Section 34 of Local Government: Municipal System Act 32 of 2000).**

On page 110 heading: Human Settlements and Backyard dwellers

The SM admits that housing backlog remains a challenge, therefore we ask the following question;

← *** Why is it of all the housing schemes, including newly build student accommodation, our needs were not considered?

*** How many of the planned units are set aside/fixed for backyard dwellers.

← This project is takes place next to the Engineering building of the University of Stellenbosch and makes one wonder if this is not a student complex and that the backyard dwellers are only used as a shine so that the project can be approved by the public.

What guarantee do we have as a Forum because as above mentioned and that we have many times engagements with the SM and where this project were never mentioned or discuss in IDP meetings.

We as the SBYDF , request that that the **Public Participation Process (PPP)** should be paused until all the terms & conditions should be properly discuss with all stakeholders of Stellenbosch.

We truly believe that this is a sign of poor governance of the SM.

Kind regards

Lawrence Seals : Chairperson

Cherilyn Barnes : Secretary

Niklaas Willemsse : Treasury

Stellenbosch Backyard Dwellers Forum (SBYDF)

Michelle Moses

From: niklaas willemse <nwillemse01@gmail.com>
Sent: Monday, June 29, 2020 7:47 PM
To: Ihs Admin
Subject: [EX] Fwd: Entering into Land availability agreements

----- Forwarded message -----

From: niklaas willemse <nwillemse01@gmail.com>
Date: Mon, Jun 29, 2020 at 3:35 PM
Subject: Entering into Land availability agreements
To: <ihs.admin@stellenbosch.gov.za>
Cc: Gesie Van Deventer <mayor@stellenbosch.gov.za>, <deputy.pa@stellenbosch.gov.za>, franklin adams <oakcity2010@yahoo.com>, <tcarter@sahrc.org.za>, <cnissen@sahrc.org.za>, <Piet.Smit@stellenbosch.gov.za>, Piet September <pseptlaw@gmail.com>, Derrick Hendrickse <derrickpal@telkomsa.net>, Paul Roviss Khambule <paulroviss@gmail.com>, Lamees De Klerk <lameesdeklerk12@gmail.com>, <gaynore.cele@gmail.com>, <wilfred.pietersen@stellenbosch.gov.za>, <cvrh@netactive.co.za>, <alan.winde@westerncape.gov.za>, Dr. Jerome Slamet <jaslamat@sun.ac.za>, Otto Van Noie <ovannoie@gmail.com>, B. Cederstroom <nebceder@gmail.com>, <spies.c@gmail.com>, Josef Adams <adams@isipani.co.za>, <danie.keet@gmail.com>, <gerado@oakleafshuttles.co.za>, <dcarlo@telkomsa.net>, Wynand Coetzer <wynand@coetzers.com>, Tansay SA Exporters (Tania Williams) <tansaysa@gmail.com>, Lesten B. Olivier <leston23@yahoo.com>, Paul Rhode <paulmrhode@gmail.com>, Desmond Robyn <desmondrobyn6@gmail.com>, <maarmannoelton@gmail.com>, Leslie Van Rooi <lavr@sun.ac.za>, <mam@westerncape.gov.za>, <patrick@parring.co.za>, Nico Koopman <nkoopman@sun.ac.za>, <dominic.adriaanse@inl.co.za>, <joangroen@gmail.com>, Sbiproperties <sbiproperties@mweb.co.za>, <julius.sello@gmail.com>, Elsabe Vermeulen <elsabe.vermeulen@stellenbosch.gov.za>, <elsabefarao@gmail.com>, <lhorsband@gmail.com>, <julian.jansen@rapport.co.za>, Juven Nigel Rittels <jnrittels@gmail.com>, <joosteharold@gmail.com>, <PresidentRSA@presidency.gov.za>, <ronalda.nalumango@stellenbosch.gov.za>, <kevinthyssen577@gmail.com>, Paul Hendler - Stellenbosch Transparency <paul.hendler@stellenboschtransparency.co.za>, <henryarendse47@gmail.com>, <cherylinb81@gmail.com>, <christine.moses@stellenbosch.gov.za>, <njansen.stb@gmail.com>, <johru.robyn@stellenbosch.gov.za>, <lester.vanstavel@stellenbosch.gov.za>, <geraldine.mettler@stellenbosch.gov.za>, <mfma@treasury.gov.za>, Martin Hoybye <martin.hoybye@gmail.com>, Mwangi Githahu <mwangi.githahu@inl.co.za>

Good day all

- ← We as the **Stellenbosch Backyard Dwellers Forum (SBYDF)**, hereby referring to the article of the " Eikestadnuus of 28 May 2020 " in regards to the intension to commence with the process of long term use rights to the **Social Housing Institutions (SHI's)** and/or **Other Development Agencies (ODA's)** on council owned land in order to realize the implementation of the Social Housing Programme. The Information statement document, regarding the Development and Management of Social Housing Estates within the **Stellenbosch Municipality (SM)**. Our questions as the Forum are as follows:
- *** Who are the Social Housing Institutions (SHI's) ?
 - *** Who are the Other Development Agencies (ODA's) and how will the ODA's benefit from this project and how much will Agencies contribute towards the project ?
 - *** What amount of funds/money will be allocated from Western Cape Government towards the project ?

Michelle Moses

From: Lester Vanstavel
Sent: Monday, June 29, 2020 3:48 PM
To: Geraldine Mettler
Cc: Michelle Moses
Subject: RE: [EX] Entering into Land availability agreements

Dear MM,

Your email is noted. We will acknowledge receipt of the email.

Regards
Lester

From: Geraldine Mettler [mailto:Geraldine.Mettler@stellenbosch.gov.za]
Sent: Monday, 29 June 2020 15:43
To: Lester Vanstavel
Cc: Michelle Moses
Subject: FW: [EX] Entering into Land availability agreements

Dear Lester

Please see below for your attention.



Kind regards,
Nomie Tshefu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: niklaas willemse <nwillemse01@gmail.com>
Sent: Monday, 29 June 2020 15:36
To: ihs.admin@stellenbosch.gov.za
Cc: Mayor (Gesie Van Deventer) <Mayor@stellenbosch.gov.za>; Deputy Pa (Farida Le Roux) <Deputy.Pa@stellenbosch.gov.za>; oakcity2010 <oakcity2010@yahoo.com>; tcarter@sahrc.org.za; cnissen@sahrc.org.za; Piet Smit <Piet.Smit@stellenbosch.gov.za>; Piet September <pseptlaw@gmail.com>; derrickpal <derrickpal@telkomsa.net>; Paul Roviss Khambule <paulroviss@gmail.com>; Lamees De Klerk <lameesdeklerk12@gmail.com>; gaynore.cele <gaynore.cele@gmail.com>; Wilfred Pietersen <Wilfred.Pietersen@stellenbosch.gov.za>; cvrh@netactive.co.za; alan.winde@westerncape.gov.za; Dr. Jerome Slammat <jaslamat@sun.ac.za>; Otto Van Noie <ovannoie@gmail.com>; B. Cederstroom <nebceder@gmail.com>; spies.c@gmail.com; Josef Adams <adams@isipani.co.za>; danie.keet@gmail.com; gerado@oakleafshuttles.co.za; dcarlo@telkomsa.net; Wynand Coetzer <wynand@coetzers.com>; Tansay SA Exporters (Tania Williams)

<tansaysa@gmail.com>; Lesten B. Olivier <lestens23@yahoo.com>; Paul Rhode <paulmrhode@gmail.com>; Desmond Robyn <desmondrobyn6@gmail.com>; maarmanjoelton@gmail.com; lbvr <lbvr@sun.ac.za>; mam@westerncape.gov.za; patrick@parring.co.za; Nico Koopman <nkoopman@sun.ac.za>; dominic.adriaanse@inl.co.za; joangroen@gmail.com; Sbiproperties <sbiproperties@mweb.co.za>; julius.sello@gmail.com; Elsabe Vermeulen <Elsabe.Vermeulen@stellenbosch.gov.za>; elsabefarao@gmail.com; lhorsband <lhorsband@gmail.com>; julian.jansen@rapport.co.za; Juven Nigel Rittels <jnrittels@gmail.com>; joosteharold@gmail.com; PresidentRSA@presidency.gov.za; Ronald Nalumango <Ronald.Nalumango@stellenbosch.gov.za>; kevinhyssen577@gmail.com; Paul Hendler - Stellenbosch Transparency <paul.hendler@stellenboschtransparency.co.za>; henryarendse47@gmail.com; cherylinb81@gmail.com; Christine Moses <Christine.Moses@stellenbosch.gov.za>; njansen.stb@gmail.com; Johru Robyn <Johru.Robyn@stellenbosch.gov.za>; Lester Vanstavel <Lester.Vanstavel@stellenbosch.gov.za>; Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>; mfma@treasury.gov.za; Martin Hoybye <martin.hoybye@gmail.com>; Mwangi Githahu <mwangi.githahu@inl.co.za>

Subject: [EX] Entering into Land availability agreements

Good day all

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(d) Site 6 - Erf 6886,6300 & 6847

(e) Site 8 - Erf 6886,6300 & 6847

The Draft mentioned Site 1 clearly, Site 2 & 3 (non mentioned) and sites 6 & 8 are duplicates (same sites).

After the walk-about, the ex-DM invited us as the Forum to meet at the Municipal Offices to discuss the solution to our housing needs of the backyarders specifically, which raised the question again:

*** Can you please clarify about the eight (8) pockets of land that were identified as above mentioned and why are there no building plans for these sites?

In August 2019, we as the SBYDF, send an email to the Mayor, Adv Gesie van Deventer, to refer to the two (2) documents, **Spatial Development Framework (SDF)** of February 2019 as well as the **Legislative and Policy Context** (Final Draft dated June 2019) which she failed to reply.

At most of the IDP meetings, the housing needs were always number 1 (first priority) in all 22 Wards across [Stellenbosch.in](#) some ward IDP meetings, the Adam Tas Corridor (ATC), were never mentioned or discussed.

We as the SBYDF, did a site visit at the ATC sites. We found the construction are in progress which raised the question:

*** Are we as the backyard dwellers community included to be beneficiaries in the Housing Plans of the ATC build referring to the Document titled as : **Fourth Generation Integrated Development (Prescribed by Section 34 of Local Government: Municipal System Act 32 of 2000)**.

On page 110 heading: Human Settlements and Backyard dwellers

The SM admits that housing backlog remains a challenge,therefor we ask the following question;

*** Why is it of all the housing schemes,including newly build student accommodation,our needs were not considered?

*** How many of the planned units are set aside/fixed for backyard dwellers.

This project is takes place next to the Engineering building of the University of Stellenbosch and makes one wonder if this is not a student complex and that the backyard dwellers are only used as a shine so that the project can be approved by the public.

What guarantee do we have as a Forum because as above mentioned and that we have many times engagements with the SM and where this project were never mentioned or discuss in IDP meetings.

We as the SBYDF , request that that the **Public Participation Process (PPP)** should be paused untill all the terms & conditions should be properly discuss with all stakeholders of Stellenbosch.

We truly believe that this is a sign of poor governance of the SM.

Kind regards

Lawrence Seals : Chairperson

Cherilyn Barnes : Secretary

Niklaas Willemse : Treasury

Stellenbosch Backyard Dwellers Forum (SBYDF)

Michelle Moses

From: Stellenbosse Belastingbetalers Vereniging <info@stellenboschratedpayers.org>
Sent: Monday, June 29, 2020 8:10 PM
To: mm
Cc: Esther Groenewald; Ihs Admin; 'SBV BK'
Subject: [EX] PROPOSED SOCIAL HOUSING ON (1) RE OF ERF 2419 (LAPLAND FLATS); (2) REM OF FARM 180 (LA COLLINE PARK) AND (3) PORTION 2 OF FARM 81 (KAYAMINDI -CLOETESVILLE CORRIDOR)
Attachments: RE OF FARM 180, SOCIAL HOUSNG PROPOSAL.JPG; RE OF ERF 2149, SOCIAL HOUSING PROPOSAL (LAPLAND FLATS).JPG; PORTION 2 OF FARM 81 (15.74 HA) SOCIAL HOUSING.JPG; BRIEF AAN MM - 29 JUNIE 2020 (SOCIAL HOUSING).pdf

Dear Ms Mettler,

Please find attached hereto the comments of the SRA regarding the above matter.

Would you kindly acknowledge receipt of this communication.

Vriendelike groete / Kind regards

(Mnr/Mr) Rehanne Lambrechts

Sekretaris / Secretary

Tesourier / Treasurer

Stellenbosch Belastingbetalersvereniging

Stellenbosch Ratepayers Association



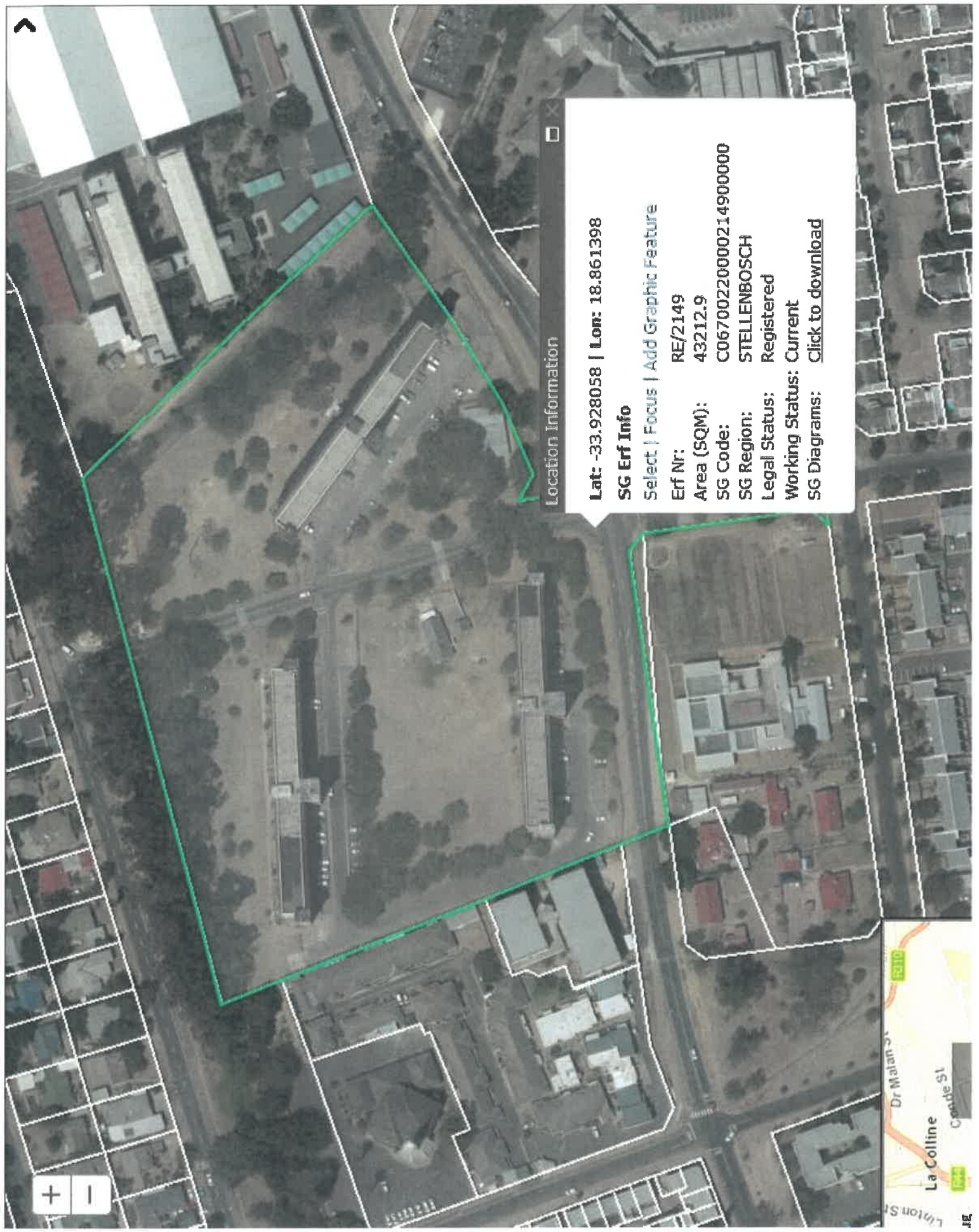
Location Information

Lat: -33.925659 | Lon: 18.859870

SG Farm Portion Info

Select | Focus | Add Graphic Feature

Name:	HAMMANS HAND
Farm Nr:	RE/180
Area (Ha):	4.12
SG Code:	C0670000000018000000
SG Region:	STELLENBOSCH
Legal Status:	Registered
Working Status:	Historical
SG Diagrams:	Click to download



Location Information

Lat: -33.928058 | Lon: 18.861398

SG Erf Info

Select | Focus | Add Graphic Feature

Erf Nr: RE/2149

Area (SQM): 43212.9

SG Code: C067002200002149000000

SG Region: STELLENBOSCH

Legal Status: Registered

Working Status: Current

SG Diagrams: [Click to download](#)





Location Information

Lat: -33.917990 | Lon: 18.852638

SG Farm Portion Info

Select | Focus | Add Graphic Feature

Name: CLOETESDAL
Farm Nr: 2/81
Area (Ha): 15.74
SG Code: C06700000000008100002
SG Region: STELLENBOSCH
Legal Status: Registered
Working Status: Current
SG Diagrams: [Click to download](#)

Stellenbosse Belastingbetalersvereniging *Stellenbosch Ratepayers' Association*

✉ 399 Stellenbosch 7599 • info@stellenboschratedpayers.org

29 June 2020

Dear Ms Mettler

PROPOSED SOCIAL HOUSING ON (1) RE OF ERF 2419 (LAPLAND FLATS), (2) REM OF FARM 180 (LA COLLINE PARK) AND (3) PORTION 2 OF FARM 81 (KAYAMANDI – CLOETESVILLE CORRIDOR)

The Stellenbosch Ratepayers Association (SRA) only partially supports an investigation into proposed additional social housing on what is left of the regional open space on RE of Farm 180 (La Colline). The bulk of the existing open space on this property is necessary to meet the recreational needs of the surrounding community where a high level of densification has taken place during the past decade. Careful urban design will accordingly be necessary to ensure that sufficient useable open space is retained to meet the needs of the community in the neighbourhood.

The open space on the Remaining Extent of Erf 2149 (The Lapland Blocks of Flats) should also not be sacrificed unduly as it serves an already high-density development. On this site, careful urban design will also be required to ensure that the recreation needs of the residents are adequately met. Issues such as defensible open space will also have to be considered in possibly adding a limited number of dwelling units to this residential complex.

Portion 2 of Farm 81, some 15 ha in extent, situated between Kayamandi and Cloetesville, being a greenfield site is, however, possibly less problematic. Careful consideration will nevertheless need to be given to urban design issues, including mixed-use development to ensure that the needs of the broader community are met in a sustainable manner.

Taking the above-mentioned comments into account, the SRA would welcome a discussion with the recently appointed senior officials of the Directorate of Planning and the responsible Mayco Councillor to discuss future sustainable development in Stellenbosch and its surrounding environment.

It is trusted that you will give serious consideration to the points of view outlined above.

Yours sincerely

Mr AP Pelser

Chairman: Stellenbosch Ratepayers Association

Sent electronically, not signed. A signed hard copy is available at the SRA secretary's office or submitted on request. Secretary E-mail: info@stellenboschratedpayers.org

Copies circulated for attention to:

Project Manager, Social Housing: ihs.admin@stellenbosch.gov.za

Councillor E Groenewald: Esther.Groenewald@stellenbosch.gov.za

Michelle Moses

From: Jannes Strydom <janniebun@gmail.com>
Sent: Monday, June 29, 2020 8:58 PM
To: Ihs Admin; Tabiso Mfeya
Subject: [EX] Objection to Social Housing Development in and around La Colline

To whom it may concern:

In response to the following:

INFORMATION STATEMENT IN RELATION TO ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODA's) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES WITHIN STELLENBOSCH MUNICIPALITY. Contract: SHRA/RFP/SDT/201920

I am a property owner and resident of La Colline (erf 2717 / Irenepark 17) and I have concerns, specifically the area marked as the "Teen-die Bult (open space)" [Farm 180 & Erf 2728] in La Colline.

We bought a property in the neighbourhood 5 years ago to raise our family in what we felt was a unique neighbourhood in Stellenbosch due to its diversity in terms of people who live there and it's down to earth feel.

The above proposal makes myself and a large number of La Colline residents very concerned and I strongly object to this going ahead.

There are several reasons including:

1. Increase in traffic
2. over utilisation and changing of available spaces eg. public parks
3. existing infrastructure issues which will be exacerbated by overloading

We only became aware of this matter when someone in our neighbourhood found it on the municipal website last week. There was no registered post to inform us of this and I feel that we were given very little time to react with what I feel is too little information

Like I said, I am part of a very concerned group of citizens who will take whatever action we can to stop this from continuing and destroying our neighbourhood.

Please confirm that you have received my letter and concerns raised.

Regards,

Jannes Strydom

Phone: 072 360 3030

Address: 17 Irenepark Road, La Colline, Stellenbosch 7600

Michelle Moses

From: SIG Info <info@stellenboschinterestgroup.org>
Sent: Monday, June 29, 2020 10:26 PM
To: Ihs Admin
Cc: bothapatria
Subject: [EX] Social Housing Estates - Comment
Attachments: Housing Project - SIG Comment 29 June 2020.pdf

Dear Mr. Mfeya

Please find attached Stellenbosch interest Group comment on the municipality's intention to commence with the process of providing social housing estates.

Please be so kind to confirm receipt of the attached letter.

Kind regards

Berta Hayes

(Secretary, Stellenbosch interest Group)



Virus-free. www.avq.com



Belangegroep Stellenbosch Interest Group

29-06-2020

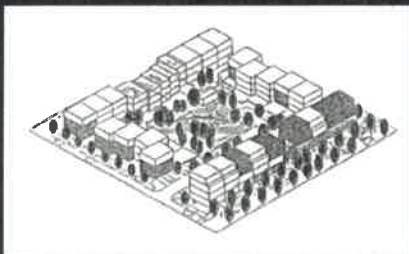
Mr Tabiso Mfeya
Social Housing Project Manager
Stellenbosch
ihs.admin@stellenbosch.gov.za

ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES: STELLENBOSCH MUNICIPALITY

The Stellenbosch Interest Group (SIG) wishes to comment as follows on the Municipality's intention to commence with the process of developing social housing estates.

1. The property referred to as Erven 81/2 and 81/0 may more correctly be referred to as Farm 81/2. In any event, this property is ideally located for the provision of high-density infill development. The proposal to use this property for social housing is supported provided that a range of community needs such as small businesses, creches and leisure facilities are catered for. It is of vital importance that the development becomes a sought after neighbourhood
2. In the case of Lapland, moderate development in the form of limited densification is supported, however not in the form of additional five or six storey apartment blocks such as those that already exist. Varying heights not exceeding four storeys could be considered. Possibly a perimeter block design could be considered, partially enclosing an attractive and meaningful open space as depicted below.

Perimeter block



Michelle Moses

From: Cavan Smith <cavan0504@gmail.com>
Sent: Tuesday, June 30, 2020 2:39 AM
To: Ihs Admin
Subject: [EX] Objection against development in La Coline

To whom it may concern,

I would like to object against the potential development of social housing in La Colline in Stellenbosch. Putting such a densely populated area under more pressure with a new development is an extremely bad idea considering the social distancing regulations that we are all trying to follow. By putting a new development here. It will prove to only increase the number of congested people in the area, not to mention the effect it will have on the traffic in the area (which is already horrific), the safety of the surrounding houses and complexes and the property value in the area. I highly recommend that this proposed project be rejected.

Regards
Cavan Smith
Resident in La Colline area.

Michelle Moses

From: Robyn Locke <robynlocke123@gmail.com>
Sent: Tuesday, June 30, 2020 8:16 AM
To: Ihs Admin
Subject: [EX] OBJECTION to: Social housing in Stellenbosch

To whom it may concern,

I highly object to the social housing that Stellenbosch wants to create. This will most certainly increase crime in the area. How about rather tearing down the shacks in Kayamandi and creating these houses there.

Thank you
Robyn Locke

Michelle Moses

From: Sinja Wessel <sinjawessel@gmail.com>
Sent: Tuesday, June 30, 2020 8:22 AM
To: Ihs Admin
Subject: [EX] Comments and CONCERNS regarding "Information Statement on Social Housing Institution"

Attention MR LESTER van STAVEL

Mr Travel, please note and record my interest in the proposed land allocation agreements relating to social housing in Stellenbosch.

I own , with Janeen van der Merwe, the property at 2 PAUL ROOS STREET, LA COLLINE, therefore the proposed development will have a direct impact on our property.

I am excited about the prospect of infill development and cognisant of the housing shortage in Stellenbosch, BUT VERY CONCERNED about aboutCREATING a potential SLUM if social housing is not integrated with market driven development.

We are CONCERNED that the exclusive offer to Social Housing Organisation might be PROBLEMATIC and a LESS than Optimal and Sustainable option.

ALTERNATIVE APPROACH RECOMMENDED

The size and location of these properties lends itself to have the ability to have an integrated approach where half could be open to ANY Developer and HALF SPESFICALLY Earmarked for Social Housing.....

TIME LIMITATION OF THIS COMMENT

I only received the Notice via DE WET WESSEL [Owner of 3 Irene Park, La Colline] on 29 June . We Received NO NOTIFICATION from The Municipalityof Stellenbosch [which concern us]

REQUEST

Please see this as a REQUEST for further DETAIL, and if the 29th of JUNE is the Last DATE for Public Participation, an OBJECTION.

If such OBJECTION needs to be submitted in a Specific Format, Please PROVIDE such.

BASIS OF THE OBJECTION

- The proposal does NOT address the Risk of large non-integrated social housing areas to Become SLUMS
- NO PROOF is given that Such Exclusive social housing developments in South Africa are SUSTAINABLE in achieving the set goals.

FEEDBACK on THIS MATTER would be APPRECIATED

Kind regards
SINJA WESSEL

C. 27 [0] 828217773
E. sinjawessel@gmail.com

Michelle Moses

From: Izette Mostert <izette@purplepear.tv>
Sent: Tuesday, June 30, 2020 3:19 PM
To: Ihs Admin; Tabiso Mfeya
Subject: [EX] Objection to over development of La Colline; "Teen Die Bult" area

Importance: High

To whom it may concern

I would like to formally object to the proposed "Teen die Bult" development in La Colline:

1. The La Colline area is already a high-density residential area. **The availability of large recreational spaces is vitally important for residents' wellbeing.** And under current Covid regulations and in particular should a pandemic like this occur in the future, it is essential to have sufficient open space and green areas available for residents. This proposed development will have a negative impact on the greenbelt and will not allow sufficient recreational space.
2. The La Colline area already suffers from **burst water pipes on a regular basis**, not only leaving residents without water for hours but also increasing wastage of scarce resources. Should the development go ahead it will put more pressure on the water supply system, which will exacerbate the current problem.

Kind regards
 Izette Mostert
 Bergendal Complex
 La Colline

Izette Mostert | +27 82 820 0351

www.purplepear.tv | info@purplepear.tv

PO Box 3116 | MATIELAND | 7602



Chantal Moses

From: Ihs Admin
Sent: Friday, 03 July 2020 12:32
To: 'caws@adept.co.za'
Cc: 'Emil Schoeman'; Tabiso Mfeya; Ihs Admin
Subject: RE: [EX] Land Availability Agreements with SHI's and/or ODA's

Good day,

Your e-mail has been noted and forwarded to the Mr Tabiso Mfeya, Social Housing: Project Manager.

Kindly note that the closing date for comments was 29 June 2020.



Kind regards,

On behalf of Tabiso Mfeya

Social Housing: Project Manager

C: +27 60 986 2044

Oude Bloemhof Building, Plein Street,

3rd Floor, Stellenbosch, 7600

www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

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From: Christian Schumann [mailto:caws@adept.co.za]
Sent: Thursday, July 02, 2020 2:45 PM
To: Ihs Admin
Cc: 'Emil Schoeman'
Subject: [EX] Land Availability Agreements with SHI's and/or ODA's

Dear Mr Van Stavel

As the owner of Erf No 4403 (27 Conde Street) I do not support an investigation into proposed additional social housing:

- on what is left of the regional open space on RE of Farm 180 (La Colline) and
- on the open space on the Remaining Extent of Erf 2149 (the Lapland blocks of flats)

I do support the reasoning and initiatives proposed by the Stellenbosch Heritage Foundation to find alternative , more suitable location(s) for additional social housing.

With kind regards

CAW Schumann PrEng



Laerskool A. F. Louw Primary
Stellenbosch

P.O. Box 2113
Dennesig
7601

Tel. 021 - 886 4791
Fax. 021 - 887 1901

E-mail: afloww.prim@wcgschools.gov.za

EMIS nr. 0109309200

For Attention:

Mr T Mfeya

Mr L van Stavel

ihs.admin@stellenbosch.gov.za

2 July 2020

Public Participation Process

Social Housing Programme Stellenbosch

The request for public participation and comment on the proposed Social Housing Programme for Stellenbosch refers. I write on behalf of the School Governing Body of Laerskool A.F.Louw Primary School.

The above matter was brought to my attention this week and after communicating with the Governing Body of the school, we felt it necessary to make input.

All of the proposed housing developments fall within Ward 10, the ward in which the school is positioned. We wish to raise four issues in regards to the proposed developments.

1. The introduction of Annexure 1 states, "The precincts are ideally situated close to commerce areas, **educational facilities**, social facilities." There is ONE primary school under the control of the Western Cape Education Department in Ward 10, Laerskool A.F.Louw Primary School, a number of ECD centres managed by the Department of Social Development and NO high schools in Ward 10. Schooling in the greater Stellenbosch area is already a matter of grave concern as there are insufficient classrooms to accommodate the current demand for schooling and the proposed housing development will exacerbate an already critical problem. To the best of my knowledge, the Western Cape Education Department has severe budget constraints and is unable to assist in the form of additional schools or classrooms. Many learners who currently reside in the greater Stellenbosch area are already travelling to areas outside of Stellenbosch for schooling, and this is especially the case for high school education. Any housing development project that is aimed at

families, needs to take this into consideration. It cannot be advertised through educational facilities and then when the development is completed, parents discover that this is not the case.

2. The infrastructure in Ward 10 is already ageing and we encounter regular water disruptions due to old water pipes breaking. The water pressure in the school buildings is already compromised and additional housing units will add pressure to the current infrastructure.
3. Increased traffic will also impact negatively on the school and surrounding areas. I note that the proposal is for a 'non-motorised transport' development. However, this is not always possible as work places are not always within close proximity or easy accessible. Traffic along La Colline Road during peak traffic hours is already heavily congested as many people use it as a 'short-cut' to avoid the R44/Bird Street intersection. What should be a one lane road, at peak traffic hours, becomes at least a three-lane road near the intersection with Helshoogte Road. The three-way intersection with La Colline Road and Dan Pienaar Street is already ignored as an intersection. The added traffic congestion will aggravate the safety of the learners coming to and from school.
4. Security along La Colline Road and Krommerivier Street is also a matter of grave concern. Parents are concerned about the safety of the children who walk to school from the flats along Ryneveld Street. Street lighting is poor and there are overgrown bushes and trees that add to the concerns.

As a Governing Body we understand the need for additional housing in Stellenbosch but we are also cognisant of the greater picture which needs to include discussions with the Department of Education. Housing cannot be developed without considering the wider family.

We trust that our concerns will be taken into consideration.

Yours sincerely,

Mrs S.A.Tarr

Principal

(On behalf of the Laerskool A.F.Louw Governing Body)


(65)

Chantal Moses

From: CHANTAL MOSES <chantzmoses@gmail.com>
Sent: Wednesday, 08 July 2020 15:31
To: Chantal Moses
Subject: [EX]

[7/8, 13:05] Tabiso: Jy kan dalk net sê jy het te hore gekom van die ontwikkeling. Eerstens, as 'n inwoner en huiseienaar van LA colline is jy geskok, want dit is nie gekommunikeer of ons het niks in die posbus eers daaroor gekry nie. tweedens, die verkeer en geraas gaan ondraaglik wees, die karakter van die buurt gaan geskend word, en laastens gaan die huis, wat jy jou lewe en spaargeld gebruik het om op te bou, se waarde gaan nou tot niet wees. Daarom staan jy hierdie ontwikkeling ten sterkste teë.

[7/8, 13:05] Tabiso: Hi sorry ek bly al 51 jaar op la colleen irene park

[7/8, 13:07] Tabiso: "Resident at Irene Park, La Colline" 

Michelle Moses

From: Ihs Admin
Sent: Monday, July 06, 2020 11:16 AM
To: 'Derrick Hendrickse'
Cc: Tabiso Mfeya; Lester Vanstavel; Ihs Admin
Subject: RE: [EX] Inputs on Notice 9508 Social Housing management

Good day,

Your e-mail has been noted and forwarded to the Mr Tabiso Mfeya, Social Housing: Project Manager.



Kind regards,

On behalf of Tabiso Mfeya
Social Housing: Project Manager

C: +27 60 986 2044
Oude Bloemhof Building, Plein Street,
3rd Floor, Stellenbosch, 7600
www.stellenbosch.gov.za



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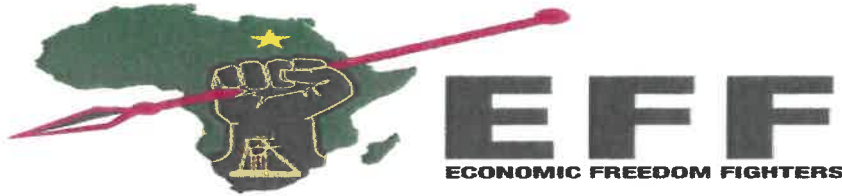
From: Derrick Hendrickse [mailto:derrickpal@telkomsa.net]
Sent: Sunday, July 05, 2020 1:15 PM
To: Ihs Admin
Subject: [EX] Inputs on Notice 9508 Social Housing management

Dear Mr Lester Van Stavel

Attched please find my inputs.

Regards

Derrick Hendrickse



3 July 2020

Stellenbosch Municipality

Municipal Offices

Plein Street

Stellenbosch

7600

Attention MR L van Stavel

RE: INPUTS ON NOTICE 9508 DEVELOPEMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES:

With reference to the above notice that appeared in the Eikestad newspaper dated 28 May 2020 and the extension granted o me for submitting inputs please note the following as my inputs.

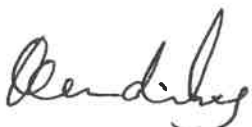
1. The municipality administrating is not complying with applicable legislation when placing such notices and the also do not enable meaningful public participation and in this regard to proof this fact I bring the following to your attention.
 - Even though the notice was placed by the MM in the Eikestadnews paper dated 28 May 2020 the Information Statement was only accessible on the Municipal website on 8 June 2020 . 11 days after it was advertised.
 - The notice did not provide that the public could peruse Hard copies this Information Statement at the municipal offices . In fact the public could only obtain this information statement from the Municipal website.
 - It must be noted the this information statement does not appear on the front home page of the municipal website under notices and as such the public does not see it as a new notice.
 - Even the Notice at was placed in the Eikestad news paper on 28 My 2020 was only placed on the mun website on 17 June 2020, and again this was not place where the public can see it on the front home page of the mun website.
 - The municipality also failed to make available to the public the Council agenda item the dated 31 March 2020 ,on which Mayor resolve on during lockdown period. In this regard I had to collect a copy of this from the Speakers office on the afternoon of Friday 3 July 2020.
 - Thus not all information the public need to give inputs on have been put in the public domain and thus this whole process of public participation must be redone.

2. The Council has passed illegal resolutions which the administration was complicit in misleading the Council and even now the Mayor is part of this illegal process in passing illegal resolutions. In this regard note the following facts.
 - At the 29 January 2020 and 26 February 2020 the DA majority in Council passed illegal council resolutions (See attached Agenda item the mayor resolved on In March 2020 which indicates the January and February 2020 Council resolutions)
 - The council has given illegal authority the municipal manager and to date the municipal manager has not made public as to how she has acted on this illegal resolutions. What makes these resolutions illegal is that the council has given the MM the authority without a public participation process to be followed.
 - Currently the mayor has the full powers of Council and as such the Mayor and the Municipal manager are acting illegally as they prepare council agenda items on which the mayor resolves on which have nothing to do with Covid19 disaster. They thus make decisions the suite their own agenda , Just as those illegal resolutions passed at the January and February 2020 Council meetings as set out above.
 - Likewise in the past on this item both the MM and the Mayor don't make use of the Housing committee establish by council to advise the mayor on Council on such important matters. No the MM and her administration are of the view they done need to use the committee system for such items , all they need o to is to get the mayor to get the Da caucus to approve it. And now they employ the same stance when it comes to public participation.

3. The Information Statement place on the Mun we site. In this regard the information statement does not include all the information for the public to meaningful partake in this process. In this regard note the following.
 - The Information statement does not include the full details of the Council agenda item the mayor resolved on in March 2020 . This the public don't have all the information in front of them.
 - Likewise the public and myself as a councillor did not have access to the Council meeting where the Mayor resolve on this matter in March 2020. This resolution the mayor passed behind closed doors.

Taking all the above into account I call on Council to stop this illegal manipulation of this process and act in an open and transparent way. Bring this matter back to the Housing committee where it can be properly interrogated and debated. Likewise at a council meeting. A proper and meaningful public participation process must also be done , and if it must wait for the easing of lockdown restrictions then so be it.

Yours faithfully



Clr DA Hendrickse

CC Speaker

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Michelle Moses

From: Le Roux, Marieanna, C [mclr@sun.ac.za] <mclr@sun.ac.za>
Sent: Wednesday, June 24, 2020 4:41 PM
To: Ihs Admin
Subject: [EX] La Colline ontwikkeling

Importance: High

Beste mnr Van Stavel

Dit het onder my aandag gekom dat daar 'n groot ontwikkeling vir La Colline en omgewing beplan word. La Colline en omgewing is reeds 'n beknopte omgewing wat reeds 'n groot aantal woonstelle insluit.

Om 'n ingeligte besluit te kan neem benodig ek volledige inligtingsverslae van professionele studies wat oor die ontwikkeling gedoen is.

Ek maak **ten sterkste beswaar** teen die ontwikkeling en die hantering van die aangeleentheid.

Die uwe

Dr Marieanna le Roux
Erf: 8379
Condéstraat 11

Dr Marieanna C le Roux

Pets as Therapy volunteer

www.pat.org.za



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Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalinge bereël. [Vrywaringsklousule](#)

ANNEXURE B

5.4.2

ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES

Collaborator No: 682329
 IDP KPA Ref No: DIGNIFY LIVING
 Date: 31 March 2020

1. **SUBJECT: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES**

2. **PURPOSE**

To get the mandate of Council to commence with the process of granting long-term use rights to SHIs or ODAs on Council-owned land in order to realise the implementation of the Social Housing Programme.

3. **DELEGATED AUTHORITY**

EXECUTIVE MAYOR

At an Urgent Council Meeting held on 2020-03-25, Council resolved [as per Item 9.1, resolution (e)] *“that permission be granted to confer all Council powers and functions upon the Executive Mayor with the exception of the non-delegated powers as per section 160 (2) of the Constitution until the disaster is lifted by the President”*.

4. **EXECUTIVE SUMMARY**

Stellenbosch Municipality, was identified by the Western Cape Provincial Administration as one of “Leader Towns” in the Province that have the requisite constituents to partake in the Social Housing Programme. Consequent to this, the municipality adopted an Affordable Rental Housing Strategy and Plan in 2016 (ANNEXURE A). The municipality also underwent a rigorous process of identifying and approving Restructuring Zones for the development of Social Housing. Stellenbosch Restructuring Zone areas were subsequently endorsed by the National Housing Ministry and have been published as such in the Government Gazette dated 27 April 2017 (No. 40815) – ANNEXURE B.

The Human Settlements Division needs to commence with a process of granting long-term use rights to qualifying accredited entities (SHIs or ODAs) on land identified and approved by the Municipality for the purpose of developing Social Housing estates.

5. **RECOMMENDATIONS**

- (a) that the land in question, remainder of Erf 2149, Stellenbosch (Lapland flats), Remainder of Farm 180 (open spaces near Teen-die-Bult flats) and Erf 81/2 and Erf 81/9 Stellenbosch, be identified as land parcels **not needed for the municipality’s own use** during the period for which the right is to be granted;
- (b) that Council, **in principle**, approves the Municipality’s entering into **Land Availability Agreements** with SHIs and ODAs successful in the Public Competitive Process (with SHIs and ODAs successful in the Public Competitive Process in terms of Regulation 34(1) (b) of the Asset Transfer Regulation (ATR), read with paragraph 9.2.2.1 (l) of the Policy on the Management of Council owned property, subject to the following conditions:

- (i) that Council's intention so to act, i.e. the awarding of rights on a private treaty agreement basis, **be advertised** for public comments;
 - (ii) that, simultaneously, the **public participation** process envisaged in Regulation 35 of the ATR **be followed**;
 - (iii) that Lease Agreement be concluded, based on a **40 year term** based on applicable tariffs;
 - (iv) that the Lease Agreement provide for **review/revision**, should the need arise for further development/redevelopment of the area; and
- (c) that, following the public participation process referred to above, a report be submitted to Council in order for Council to give a mandate to the Administration to proceed with the Public Competitive Process that will result in the awarding of the long-term use rights.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 The Social Housing Programme in Stellenbosch

The aim of the Social Housing Programme is to create affordable rental housing stock in South Africa's urban areas that frees its occupants from on-going government dependency, and will contribute to the restructuring of urban areas by addressing structural, economic, social and spatial dysfunctionalities and secondly to provide a subsidised rental option to poor households.

The creation of a portfolio of affordable rental units benefit more than a single beneficiary household in the lifetime of a single subsidy contributed, and is unique amongst all state housing subsidy programmes. In addition, the role Social Housing and SHIs play in contributing to a better quality of life to many beneficiaries' lives creates inter-generational benefits that break the cycle of deprivation amongst occupants. This in turn creates a 'virtuous housing cycle' where tenants pay rent, housing stock and environments are maintained and SHIs contribute to ongoing revenue streams to municipalities through rates and service charges.

The Social Housing Regulatory Authority (SHRA) was established by government as the sector regulator and is responsible for investing in the sector on behalf of government and SHIs which are the implementing agents are responsible for developing and managing social housing stock. The Eligible Income Bands for the Social Housing Programme range between R1 500 and R15 000 household income per month.

Subsequent to Stellenbosch Municipality having demarcated areas for Social Housing, the Municipality and the Provincial Department of Human Settlements (PDoHS) approached the SHRA for the funding of a feasibility study that was commissioned to determine the potential and viability of sites in the approved restructuring zone. In June 2019 a service provider was appointed by SHRA to carry out a feasibility study which has duly been completed and submitted to Stellenbosch Municipality. Out of the numerous initiatives the report proposes, there are two (2) sites that provide immediate opportunity for social housing development namely:

1. Lapland Flats; and
2. Teen-die Bult (open space near Teen-die-Bult flats).

Furthermore, a separate study has been commissioned for Erf 81/2 and Erf 81/9, Stellenbosch, a piece of land that lies between Cloeteville and Kayamandi (commonly referred to as Mount Simon). All the three (3) sites are the subject of this Item, with the intention being to enter into Land Availability Agreements (LAA) with the successful Social

Housing Institutions (SHIs) or Other Development Agencies (ODA's).

It is imperative to note that only entities accredited by the Social Housing Regulatory Authority can develop and manage Social Housing Estates and the Social Housing Grant is allocated to them for this purpose. In order to realise the development of quality affordable rental accommodation through the Social Housing Programme, the municipality has to enter into long-term Land Availability Agreements with qualifying SHIs or ODAs.

6.2 Discussion

6.2.1 Locality and context

The locality of the three (3) sites is depicted below:

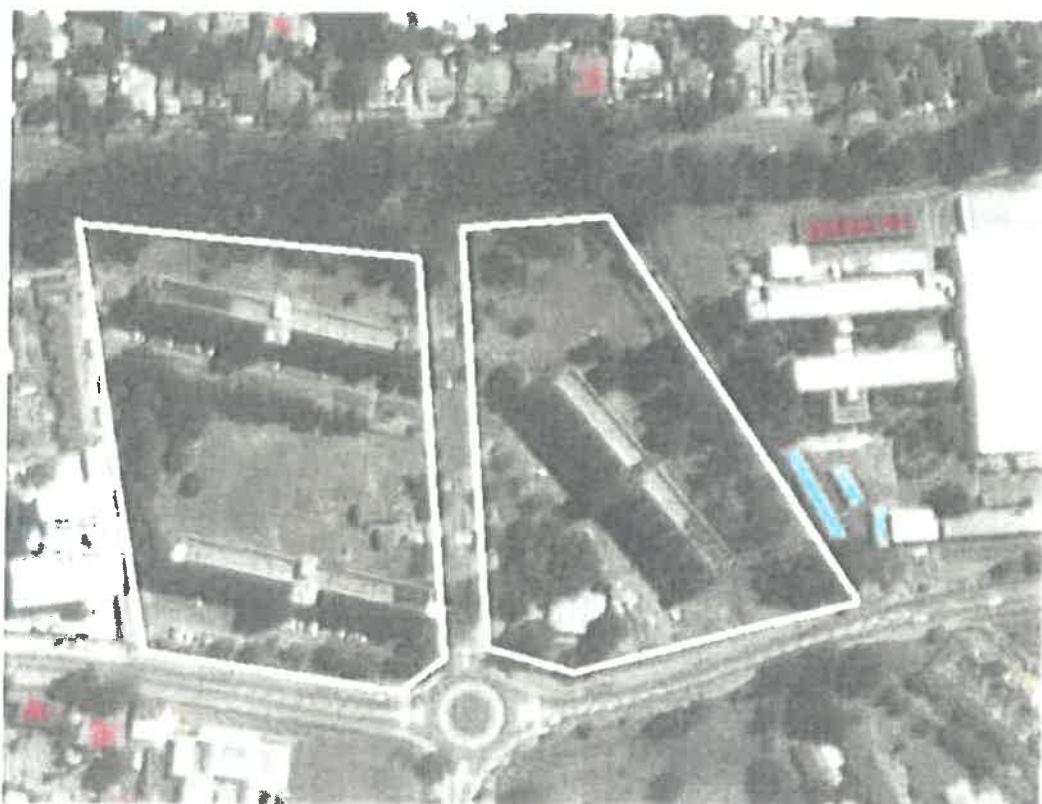


Fig 1: Lapland Flats, RE/2149



Fig 2: Teen-die Bult (open space)

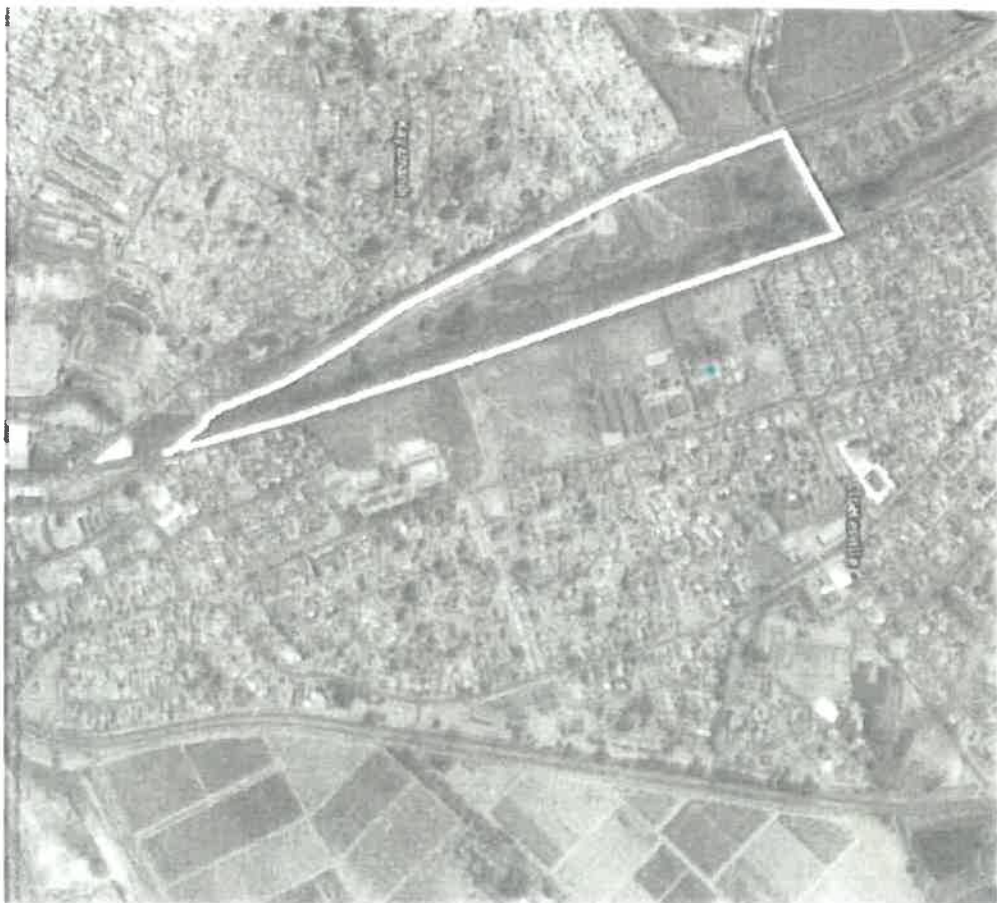


Fig 3: Erf 81/2 and Erf 81/9, Stellenbosch

6.2.2 Services

All the three (3) sites are in built up formalised areas and have access to bulk services infrastructure (e.g. water, sanitation, roads, stormwater and electricity).

6.2.3 Ownership

The ownership of Lapland Flats area (RE/2149), Teen-die Bult and La Colline Erf 3481/2/3/4/5/6/2728 Farm 180, and Erf 81/2 & Erf 81/9 Stellenbosch vests with Stellenbosch Municipality.

6.2.4 Legal requirements**6.2.4.1 Asset Transfer Regulations****6.2.4.1.1 Granting of rights to use, control or manage a capital asset**

In terms of Regulation 34, a municipality may grant a right to use, control or manage a capital asset only after:

- 1) a) The accounting officer has, in terms of Regulation 35, concluded a **public participation process** regarding the proposed granting of the right; and
 - b) The municipal Council has approved **in principle** that the right may be granted.
- 2) Sub-regulation (1)(a) must be complied with only if:
 - (a) the capital asset in respect of which the proposed right is to be granted has a value in **excess of R10m**; and
 - (b) a long-term right is proposed.

***Please note** that for the purpose of this report, it is evident that the properties fall within this category, i.e. value in excess of R10M.

- 3) a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)b) a request to the Municipal Council for the authorisation of a public participation process **must be accompanied by an Information Statement***, stating:
 - (i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;
 - (ii) any expected **benefit** to the municipality that may result from the granting of the right;
 - (iii) any expected **proceeds** to be received by the municipality from the granting of the right; and
 - (iv) any expected **gain or loss** that will be realised or incurred by the municipality arising from the granting of the right.

*Hereto attached as **ANNEXURE C**, an Information Statement, as required by sub-regulation 3.

6.2.4.1.2 Public participation process for granting of long-term rights

In terms of Regulation 35, if a Municipal Council has in terms of Regulation 34(3)(a) authorised the Accounting Officer to conduct a public participation process ... the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1)(b) is to be considered (i.e. in principle decision)

- a) In accordance with Section 21A of the Municipal Systems Act:

- i) Make public the proposal to grant the relevant right together with the Information Statement referred to in Reg 34(3)(b); and
- ii) invite the local community and interested persons to submit to the municipality comments or representations in respect of the proposed granting of the right; and
- b) solicit the views and recommendations of National Treasury or the relevant Provincial Treasury on the matter.

6.2.4.1.3 Consideration of proposals

In terms of Regulation 36, the Municipal Council must, when considering the approval of any such right, take into account:

- a) whether such asset may be required for the municipality's own use during the period for which such right is to be granted;
- b) the extent to which any **compensation** to be received will result in a significant economic or financial benefit to the municipality;
- c) the **risks and rewards** associated with such right to use; and
- d) the **interest of the local community**.

6.2.4.1.4 Conditional approval of rights

In terms of Regulation 40, an approval in principle in terms of Regulation 34(1) (b) that a right to use, control or manage a capital asset may be granted, **may be given subject to any conditions**, including conditions specifying:-

- a) The **type of right** that may be granted, the **period** for which it is to be granted and the **way** in which it is to be granted;
- b) The **minimum compensation** to be paid for the right, and
- c) A **framework** within which **direct negotiations** *for the granting of the right must be conducted*if applicable.

6.2.4.1.5 Granting of rights to be in accordance with disposal management system

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality may grant the right only in accordance with the **disposal management system*** of the municipality, irrespective of:-

- a) the value of the asset; or
- b) the period for which the right is granted; or
- c) whether the right is to be granted to a private sector party or organ of state.

* The Policy on the Management of Council-owned property is regarded as the Municipality's Disposal management System (see paragraph 6.2.4.2, below).

6.2.4.2.1 Policy on the Management of Council owned property

6.2.4.2.1 Competitive process

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of viable immovable property **shall be effected by means of a process of public competition**.

In terms of paragraph 9.1.1 of the Policy, the type of a formal tender may vary, depending on the nature of the transaction:

- i) **Outright tender** may be appropriate where the immovable property ownership is not complex, and the Municipality is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.
- ii) **Qualified tenders/call for proposals** will be appropriate where the immovable property ownership position is complex or the development proposals for the immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.
- iii) **Call for proposals on a build-operate transfer (B.O.T)** basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.

Such a process may, depending on the nature of the transaction, include a **two-stage** or two-envelope bidding process (proposal call) in terms of which **only those bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.**

A Public Competitive Process (Call for Proposals) is the most appropriate mechanism that should be followed in granting long term use rights to qualifying entities. The awarding of proposal calls shall be adjudicated on a maximum one hundred (100) points system, based on the following:

- (a) Understanding of the Social Housing Programme and applicable policies, funding source ... etc.
- (b) Understanding of the SHRA project application and approval processes.
- (c) Ability and expertise to package and implement a project, covering all the phases/stages of a built environment project of this nature.
- (d) Ability to manage the estates created including the rental stock, facilities and amenities proposed.
- (e) Rental amount offered to the municipality for each of the land portions targeted by each bidder on monthly and annual basis for the duration of the lease period (including escalations if any). Justify the offer based on anticipated income to be generated from the estate.
- (f) Submitted design concepts of the proposed development.
- (g) ability to run the scheme on a sustainable basis

6.2.4.2.2 Deviation from competitive process

In terms of paragraph 9.2.2 of the Policy, **the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act.** Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy. However, should any objections, be received from potential, competitive bidders, then a public competitive process must be followed.

The advertisement referred to above should also be served on adjoining land owners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

- a) Due to **specific circumstances** peculiar to the properties under consideration, each of the land extents can only be utilised by one entity wishing to enter into the Property Transaction;
- b) In **exceptional cases** where the Municipal Council is of the opinion **the public competition would not serve a useful purpose** or that it is in the interest of the community and the Municipality. In such cases reasons for preferring such out of hand sale or lease to those by public competition must be recorded".
From the above it is clear the Council may, under the circumstances described above, decide to dispose with a Public Competitive Process.

6.2.5 Feasibility Studies

The SHRA and the Directorate: Planning & Economic Development recently commissioned feasibility studies in the areas concerned, copies are **ANNEXURE 4**. These indicate the Social Housing potential all of the sites possess.

6.3 Financial Implications

The municipality will derive the financial benefit of revenue generation through rates, taxes and rental for the land.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality;

6.6 Previous / Relevant Council Resolutions

35TH COUNCIL MEETING: 2020-02-26: ITEM 11.4.1

RESOLVED (majority vote)

- (a) that the progress report be noted;
- (b) that Council approves in principle the development proposal as set out in the draft feasibility study;
- (c) that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHI's) or Other Development Agencies (ODA's);
- (d) that a Smart Partnership and a Land Availability Agreement be entered into with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and
- (e) that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.

The following Councillors requested that their votes of dissent be minuted:

FT Bangani-Menzlwa (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.4.2**RESOLVED** (majority vote with abstentions)

- (a) that Council approves in principle the development proposal of the 3 precincts namely Lap Land, La Colline, Teen-die-Bult as set out in the draft feasibility studies;
- (b) that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHI's) or Other Development Agencies (ODA's);
- (c) that a Smart Partnership and a Land Availability Agreement be entered into with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and
- (d) that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.

Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.

6.7 Risk Implications

The responsibility to have the requisite capacity and expertise required for the development, management and maintenance of the Social Housing Estates will be borne by the successful SHIs/ and/or ODAs. This also relates to all risks associated with built environment projects of this magnitude. The successful implementation of a long-term contractual agreement between SHIs and/or ODAs, SHRA and Stellenbosch Municipality.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-03-20: ITEM 7.4.2

- (a) that the land in question, remainder of Erf 2149, Stellenbosch (Lapland flats), Remainder of Farm 180 (open spaces near Teen-die-Bult flats) and Erf 81/2 and Erf 81/9 Stellenbosch, be identified as land parcels **not needed for the municipality's own use** during the period for which the right is to be granted;
- (b) that Council, **in principle**, approves the Municipality's entering into **Land Availability Agreements** with SHIs and ODAs successful in the Public Competitive Process (with SHIs and ODAs successful in the Public Competitive Process in terms of Regulation 34(1) (b) of the Asset Transfer Regulation (ATR), read with paragraph 9.2.2.1 (l) of the Policy on the Management of Council owned property, subject to the following conditions:
 - (i) that **Council's intention** so to act, i.e. the awarding of rights on a private treaty agreement basis, **be advertised** for public comments;
 - (ii) that, simultaneously, the **public participation** process envisaged in Regulation 35 of the ATR **be followed**;
 - (iii) that Lease Agreement be concluded, based on a **40-year term** based on applicable tariffs;
 - (iv) that the Lease Agreement provide for **review/revision**, should the need arise for further development/redevelopment of the area; and
- (c) that, following the public participation process referred to above, a report be submitted to Council in order for Council to give a mandate to the Administration to proceed with the Public Competitive Process that will result in the awarding of the long-term use rights.

ANNEXURE C

Maties-aansoeke sluit gou

Voornemende studente aan die Universiteit Stellenbosch het tot 30 Junie om hul aansoeke vir 2021 in te dien.

Die US word gereed op verskeie internasionale ranglyste as een van die drie top-universiteite in Suid-Afrika gelys. Die universiteit het ook een van die hoogste eerstejaardeur-vloeiakoerse in Suid-Afrika – meer as 85% van US-studente vorder jaarliks na hul tweede studiejaar.

In die lig van die Covid-19-pandemie, wat verskeie matrikulante met onsekerhede oor die pad vorentoe gelaat het, stel die universiteit se sentrum vir studentewerwing en loopbaanadvies aansoekers gerus.

Die sentrum is gereed om matrikulante by te staan om ingeligte besluite rakende hulle voorgraadse studie in 2021 te neem.

Vir meer inligting oor die US se akademiese aanbod, of om die aansoekproses te begin, word voornemende Maties genooi om www.maties.com te besoek.

Matrikulante kan ook e-pos aan csr@sun.ac.za stuur vir 'n virtuele of telefoniese raadgewingsessie.

'n Vriendelike versoek word aan diegene wat reeds 'n aanlyn aansoek ingedien het, gerig om asseblief seker te maak dat die aansoek volledig is aangesien studente dikwels nie al die vereiste dokumente oplaai nie.

Dokumente sluit in: 'n bewys van betaling ('n R100 nieterugbetaalbare aansoekfooi), 'n ondertekende kontrak, sowel as die finale graad 11-uitslae vir diegene wat tans in hul finale skooljaar is, of die Nasionale Senior Sertifikaat (NSS)-uitslae vir diegene wat reeds hul finale skooljaar voltooi het.

Die keuringsproses neem slegs voltooide aansoeke in ag. Volledige



Voornemende studente van die Universiteit Stellenbosch kan nou voor 30 Junie finaal aansoek doen om by die Instansie te studeer. Foto: Stefan Els

besonderhede is by www.maties.com beskikbaar.

Aangesien daar in vandag se werksplek soveel veranderings plaasvind, bied die universiteit jaarliks nuwe programme aan wat gegradueerdes vir die nuwe wêreld van werk sal toerus.

Vanjaar het die fakulteit natuurwetenskappe drie nuwe interdisiplinêre programme bekend gestel, wat gebou is op die wisselwerking tussen die mediese wetenskappe, wiskunde, asook chemie en berekeningswetenskap.

Hierdie drie programme is biomediese wiskundige wetenskappe, toegepaste medisinale chemie en bioinformatika en berekeningsbiologie.

Die fakulteit ingenieurswese bied data-ingenieurswese as 'n nuwe stroom in die departement elektriese en elektroniese ingenieurswese aan, terwyl die universiteit ook van 2021 af 'n vierjaargraad in datawetenskap sal aanbied, wat kunstmatige intelligensie, masjienleer en groot data (big data) insluit.

Bystand met die aansoekproses is beskikbaar by 021 808 9111, e-pos info@sun.ac.za of via webklets by www.maties.com (klik op Let's Talk onder regs).

US hervat en beur voort om jaar te red

Die afgelope agt weke het die universiteitsgemeenskap eerstehands ervaar hoe daaglikse aktiwiteite na die virtuele wêreld verplaas word – 'n werklikheid wat in alle waarskynlikheid kenmerkend van die hoëronderwyslandskap van die toekoms gaan word.

Só meen prof. Wim de Villiers, rektor en visekanselier van die Universiteit Stellenbosch.

"As instelling moes ons alles uithaal om te verseker dat ons studente nie deur hul omstandighede gepootjie word nie. Ons studente het nou grootliks suksesvol na aanlyn leer oorgeskakel."

Ná president Cyril Ramaphosa se aankondiging dat die risiko-assessering van 1 Junie af na vlak 3 aangepas word, sal die US sy scenario-beplanning vir die volgende fase in werking stel.

As deel van die beheerde hervatting van kampusaktiwiteite mag instellings op vlak 3 tot 33% van die studenteliggam toelaat om na kampusse terug te keer.

Dit is egter aan streng nakoming van nasionale regulasies onderhewig.

Dit sal op baie spesifieke groepe studente van toepassing wees – hoofsaaklik finalejaarstudente of nagraadse studente wat kliniese opleiding, praktiese sessies in laboratoriums en gespesialiseerde toerusting benodig om hul akademiese jaar suksesvol te voltooi.

"Soos alle universiteite sal ons aan streng gesondheids- en higiëne-vereistes moet voldoen, soos die voorsiening van handreiniging en gesigmaskers, koorsmeting, sifting en toetsing van personeel, studente en besoekers, voorbereiding van afsondering- en kwarantyngeriewe indien infeksies voorkom en persoonlike beskermende toerusting vir mediese personeel by die kampusgesondheidsdiens," het De Villiers bygevoeg.

Geen studente mag na die kampus of koshuise terugkeer alvorens hulle deur die universiteit ingelig is om dit te doen nie. Studente sal deur hul onderskeie fakulteite in kennis gestel word.

Die universiteit sal onder vlak 3 reispermities aan terugkerende studente moet uitreik.

"Die eerste en tweede eksamenleentehede wat vir Junie en

Julie geskeduleer is, sal alles as aanlyn assesserings afgelê word soos in ons vorige kommunikasie aangedui is."

Vir studente wat moontlik boeke en akademiese materiaal in hul koshuise wil gaan haal, sal eenmalige toegang toegelaat word, maar slegs indien dit vooraf met die koshuishoof gereë is.

Die universiteit het ook betalingsverligtingsmaatreëls toegepas om studente in hierdie tyd tegemoet te kom.

Vir diegene wat nie die Mei- en September-betaaldatums kan haal nie, kan 'n reëling vir maandelikse paaiement vir die res van 2020 getref word.

Hierdie alternatiewe afbetalingsreëling sal slegs op 2020 van toepassing wees en alle finalejaarstudente se geld moet voor die 2020-graduateplegtighede betaal wees en vir ander studente voor registrasie vir 2021.

"Gewoonlik word rente teen primakoers op agterstallige rekeninge gehef, maar geen rente sal betaalbaar wees vir die vier maande tydperk van 1 April tot 31 Julie 2020 nie."

Geen heffings word tans vir parkering, verenigings, sportklubs en koshuise- en PSO-aktiwiteite gehef nie, aangesien dit volgens werklike gebruik bepaal en gehef sal word wanneer meer sekerheid hieroor beskikbaar is.

Gegewe die situasie wat die Covid-19-pandemie geskep het en die ontruiming van studente van die kampus af, asook die finansiële druk op studente en hul borge, het die US 'n toepaslike kleiner paaiement vir koshuisegeld wat einde Mei 2020 betaalbaar is, bepaal.

Die verminderde tweede paaiement, tesame met die finale paaiement wat in September betaalbaar is, sal verseker dat US-studente slegs vir die weke wat hulle werklik vanjaar in die koshuis was, betaal.

"Aangesien ons maar alte bewys is van die uitdagings van aanlyn leer, die sosiaal-ekonomiese situasie en die moontlike uitwerking daarvan op ons studente se welstand, stel ons ons kundigheid en hulpbronne beskikbaar om ons wye verskeidenheid ondersteuningsdienste aan ons studente uit te brei om hulle die beste geleentheid moontlik te bied om die akademiese jaar suksesvol te voltooi."

Vinpro-kursusse gaan voort

Vinpro bied steeds sy gewilde opleidingskursusse vir wingerdspanne aan, maar net in 'n nuwe formaat om die verspreiding van Covid-19 te verhoed.

Wyndruifprodusente kan nou versoek dat praktiese demonstrasies, vir nie meer as 15 mense nie, in die vorm van 'n halfdagkursus op die plaas aangebied word. Hierdie nuwe formaat vervang die gebruiklike voorafbepaalde veldkursusse wat teorie en prakties vir groter groepe behels het.

"Dit is vir ons belangrik dat wingerdwerkers deurlopend bemagtig word deur opleidingsgeleenthede soos die wingerdkursusse terwyl ons hul veiligheid hoog ag," sê Hanno van Schalkwyk, Vinpro-wingerdkundige en koördineerder van die kursusse. "Deur die formaat aan te pas, wil ons die vervoer en samekoms van wingerdspanne in een lokaal verhoed en die verspreiding van Covid-19 beperk."

In die plek van die 10 opleidingsmodules kan produsente nou uit twee praktiese sessies kies wat op hul plaas aangebied kan word.

Elke persoon wat die opleiding bywoon, sal 'n gratis masker ontvang terwyl die basiese gesondheidsmaatreëls sal geld, onder meer temperatuurmeting, die was van hande, asook die handhawing van veilige afstand gedurende die sessies.

Vinpro het verlede jaar, te danke aan finansiële ondersteuning deur die Vinpro-stigting, meer as 1 000 mense touwys gemaak oor die beste wyndruifverbouingstegnieke.

Vanjaar is Columbit as nog 'n



Vinpro het verlede jaar, te danke aan finansiële ondersteuning deur die Vinpro-stigting, meer as 1 000 mense touwys gemaak oor die beste wyndruifverbouingstegnieke.

waardevolle vennoot by die opleiding betrokke.

Die koste beloop R210 per persoon. Bespreek nou 'n praktiese opleidingsessie deur die Vinpro-opleidingskantoor te kontak by 021 276 0429 of stuur e-pos na training@vinpro.co.za.

Opleiding :
Winteropleiding: Basiese snoei beginsels (kort-, halflangdraer en Guyot-stelsels), instandhouding van snoeiskere, voorkoming van stamsiektes en die korrekte plantegniek van jong stokkies.
Someroopleiding: Basiese werking van die wingerdstok, die doel van lowerbestuur, verskillende lowerbestuurtegnieke, jongstokontwikkeling en algemene siektes en plaas.

NOTICE

ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES: STELLENBOSCH MUNICIPALITY

Notice is hereby given, in terms of Section 21(A) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that Stellenbosch Municipality intends to commence with the process of granting long-term use rights to SHIs and/or ODAs on Council-owned land in order to realise the implementation of the Social Housing Programme. -.

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Comments and / or objections may be directed to Mr Tabiso Mfeya (Social Housing: Project Manager) and/or Lester van Stavel via e-mail: lhs.admin@stellenbosch.gov.za and / or Cell: 060 986 2044 and / or 082 442 7709, persons unable to write, may submit such comment through whatsapp voice note to the aforementioned contact number.

The closing date for comments is 29 June 2020.

G Mettler
Municipal Manager

Maties-aansoeke sluit dán

Voornemende studente aan die Universiteit Stellenbosch het tot 30 Junie om hul aansoeke vir 2021 in te dien.

Die US word gereed op verskeie internasionale ranglyste as een van die drie topuniversiteite in Suid-Afrika gelys. Die universiteit het ook een van die hoogste eerstejaar-deurvloeiakoerse in Suid-Afrika – meer as 85% van US-studente vorder jaarliks na hul tweede studiejaar.

In die lig van die Covid-19-pandemie, wat verskeie matrikulante met onsekerhede oor die pad vorentoe gelaat het, stel die universiteit se sentrum vir studentewerwing en loopbaanadvies aansoekers gerus.

Die sentrum is gereed om matrikulante by te staan om ingeligte besluite rakende hulle voorgraadse studies in 2021 te neem.

Vir meer inligting oor die US se akademiese aanbod, of om die aansoekproses te begin, word voornemende Maties genooi om www.maties.com te besoek.

Matrikulante kan ook e-pos aan csr@sun.ac.za stuur vir 'n virtuele of telefoniese raadgewingsessie.

'n Vriendelike versoek word aan diene wat reeds 'n aanlyn aansoek ingedien het, gerig om asseblief seker te maak dat die aansoek volledig is aangesien studente dikwels nie al die vereiste dokumente oplaai nie.

Dokumente sluit in: 'n bewys van betaling (‘n R100 nietेरugbetaalbare aansoekfooi), 'n getekende kontrak, sowel as die finale graad 11-uitslae vir diene wat tans in hul finale skooljaar is, of die Nasionale Senior Sertifikaat (NSS)-uitslae vir diene wat reeds hul finale skooljaar voltooi het.

Die keuringsproses neem slegs



Voornemende studente aan die Universiteit Stellenbosch kan nou finaal vir 30 Junie aansoek doen om by dié Instansie te studeer.

voltooi aansoeke in ag. Volledige besonderhede is by www.maties.com beskikbaar.

Omdat daar in vandag se werksplek soveel veranderinge plaasvind, bied die universiteit jaarliks nuwe programme aan wat gegradeer is vir die nuwe wêreld van werk sal toerus.

Vanjaar het die fakulteit natuurwetenskappe drie nuwe interdisiplinêre programme bekend gestel, wat gebou is op die wisselwerking tussen die mediese wetenskappe, wiskunde, asook chemie en berekeningswetenskap.

Hierdie drie programme is biomediese wiskundige wetenskappe, toegepaste medisinale chemie en bioinformatika en berekeningsbiologie.

Die fakulteit ingenieurswese bied data-ingenieurswese as 'n nuwe stroom in die departement elektriese en elektroniese ingenieurswese aan, terwyl die universiteit ook van 2021 af 'n vierjaargraad in datawetenskap sal aanbied, wat kunsmatige intelligensie, masjienleer en groot data (big data) insluit.

• Bystand met die aansoekproses is beskikbaar by 021 808 9111, e-pos info@sun.ac.za of via webblads by www.maties.com (klik op Let's Talk onder regs).

Donkies gee pas aan

Bryten Cupido

WORCESTER - Die HTS Drostyd in dié dorp het ouers meer gerus gemaak om hul kinders skool toe te stuur deur die skool se omvattende plan om die verspreiding van Covid-19 te bekamp, bekend te stel.

Die skool het 'n Covid-komitee saamgestel wat hom daartoe verbind het om navorsing te doen en die nodige kennis te gebruik om 'n doeltreffende plan daar te stel.

Die voorsitter van die Covid-komitee, Annamarie Underhay, het met *Standard* oor dié plan gesels.

“Ons was bewus dat die skole een of ander tyd gaan oopmaak en ons het dus die komitee saamgestel om te begin beplan. Nog voor die departement sy regulasies aan ons gestuur het, was ons plan reeds beraam en dit het voldoen aan al die voorskrifte wat die departement ook aan ons deurgestuur het. Kennis is mag en ons het seker gemaak dat ons plan op navorsing gegrond is,” sê Underhay.

Die Donkies het Saterdag (23 Mei) op sy Facebook-blad, *Beleef HTS Drostyd*, ouers ingelig oor die plan wat die personeel en leerders se gesondheid eerste stel.

In die video stipuleer die bestuur van die skool die volgende:

■ Elke leerder gaan die eerste dag van skool twee materiaalmaskers en 'n klein bottel ontsmettingsmiddel vir hul persoonlike gebruik ontvang.

■ Elke personeelid ontvang ook 'n klein bottel ontsmettingsmiddel en bring 'n bykomende spuitbottel saam skool toe.

■ Die bottel met die ontsmettingsmiddel kan gratis deur die loop van die dag hervul word.

■ Tafels is reeds in die klaskamers verskuif sodat die maatreëls oor veilige afstand gevolg word en dit is 1,5 m uittekaar.

■ Die temperatuur van elke leerder word daagliks gemeet as hulle by die skool aankom en dit word dan in 'n register opgeteken.

■ Almal wat die skool betree, sal deur die saniteringshok moet loop en almal se temperatuur sal gemeet word.



Twee leerders van HTS Drostyd wys hoe die maatreëls by die ingang van die skool gaan werk. Bo gebruik Hermanus Steyn ontsmettingsmiddel wat by die skool se ingang beskikbaar gaan wees en Dara Preuss stap deur die saniteringshok.

Underhay noem verder selfs die leerders wat in die koshuise woon, sal streng by maatreëls moet hou. Alle artikels wat binnekam, soos kos en ander goedere, sal ook eers ontsmet moet word. Leerders moet deur die saniteringshokke stap as hulle die koshuise binnekam en as hulle na die eetsaal gaan.

“Dit is ons hoofprioriteit om die ouers, personeel en kinders gerus te stel met die maatreëls wat daargestel is, maar tog moet ons onthou dat die risiko, dat enigeen die virus kan opdoen, daar is en ons moet maar net daardie risiko verlaag.”

HTS Drostyd het ook na die plaaslike laerskole, Laerskool Worcester-Oos en Worcester Primêr, uitgereik om saniteringshokke vir hulle te gee.

“Ons gr.12-leerders gaan voor hulle skool te kom 'n vraelys ontvang wat hulle moet invul om seker te maak hulle het geen simptome as hulle terug kom skool toe nie. As daar dalk 'n leerder is wat nie gemaklik is om terug te keer skool toe nie sal ons steeds daardie leerders help en aanlyn klasse aanbied.

“Die personeellede en party ouers het reeds aanlyn genoem dat hulle baie gemaklik is met dié plan. Ons is bly dit word goed ontvang en beplan om dit doeltreffend te implementeer.”

Die departement van basiese onderwys het aangekondig dat alle gr.7- en gr.12-leerders Maandag (1 Junie) moet terugkeer skool toe.

NOTICE

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G Mettler
Municipal Manager

Vasgevang om vryheid weer te kan ontdek



My grendeltyd

Kenneth Janson

In hierdie inperking is baie mense besig om nuwe vaardighede aan te leer. Hulle is besig om 'n langverdiende ruskans te kry. Daar word na ons land se hele infrastruktuur gekyk en daar word planne gemaak om foute reg te stel. Minister Angie Motshekga het self gesê hierdie is 'n geleentheid om na ons onderwysstelsel te kyk en dit te verbeter. En ek, Kenneth Janson van Hoër Jongenskool Paarl, ek . . . doen skoolwerk. Natuurlik nie net skoolwerk nie – my rugbybal is vernietig, so ek word gedwing om met 'n woubal in die agtertuin rond te hardloop en my broer se duikslae te ontdek. Ek het begin om 'n nuwe taal aan te leer, maar sewe dae se Duits was sewe dae te veel en ek het besluit om na Spaans oor te skakel. My kamer klink soos iets uit 'n Spaanse sepie, maar my familie vra nie vrae nie. Hulle aanvaar my.

Op 'n ernstiger noot: Al is ek nie tans besig om 'n massiewe impak op die wêreld te maak soos sekere wêreldleiers nie, is die pandemie besig om 'n massiewe impak op my wêreld te hê. Nuwe werk wat ek nie verstaan nie is moeilik om aan te leer en sonder 'n memorandum

kan my foute in rekeningkunde nie reggestel word nie (wat ironies is aangesien die aktiwiteite meestal oor regstelling van ander mense se foute gaan). Ek het begin om flikreekste te kyk om sekere vakke interessanter te maak – hierdie is vir my 'n nuttige vaardigheid om die vak te verstaan en te wil doen. Gelukkig was my pa 'n onderwyser en kan hy vir my met besigheidstudies en ekonomie bystaan. Verder mis ek die interaksie met onderwysers en klasmaats en dit is moeilik om 'n vaste slaap- en werkrooster uiteen te sit.

Daar is egter voordele: Ek kan nou op my eie tyd werk en myself beloon vir 'n goeie studietoestand deur in die tuin te gaan rondstap of iets te eet. Hierdie is beslis nie iets wat ek by die skool kon doen nie. As ek wiskunde wil doen, doen ek wiskunde. Ek kan ook op 'n gemaklike plek gaan sit met 'n peuselhappie langs my en aan take werk. In die inperking het ek ook vele geleenthede gekry – hierdie artikel skryf is 'n voorbeeld. Ek is op die Paarl se junior stadsraad en ek het al gehelp om uitdagings vir mense op te stel, vir kinders stories op te neem, die nuus op die radio te lees en ek bied selfs programme op Paarl FM aan.

Wanneer ons weer vrylik kan rondbeweeg, glo ek mense sal daardie vryheid waardeer. Ek weet ek sal beslis elke minuut op my fiets, in 'n motor op pad skool toe, op die rugbyveld, saam met my familie in 'n restaurant en selfs die klaskamer meer geniet as wat ek ooit gedink het moontlik is. Miskien was hierdie iets wat ons drasties nodig gehad het. Ek praat nou nie oor die virus nie, maar 'n tydjie by die huis. 'n Blaaskans. Sodat ons kan beseff hoeveel dinge ons is 'n gegewe aanvaar het. Partykeer moet jy vasgevang word om vryheid te ontdek.

INDEPENDENT MEDIA

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ABSA PREMIERSHIP

Sundowns' 'Mr Delivery Man'

Coach Mosimane rewarded for seven magnificent years

MIHLALI BALEKA
@MihlaliBaleka

SEVEN and a half seasons later, nine titles – and counting.

It is perhaps fitting that Mamello Sundowns president Patrice Motsepe often refers to club coach Pitso Mosimane as “South Africa’s very own Sir Alex Ferguson”.

During his 26-year reign with English giants Manchester United, Ferguson became the first coach to win 38 official and unofficial trophies – which include 13 English Premiership titles, two UEFA Champions League crowns and five FA Cups – with one club.

Meanwhile, Mosimane has emerged as the most successful local coach since taking over the Sundowns reins from Johan Neeskens, who had left the Brazilians languishing in the bottom half of the standings during the second half of the 2012/13 season.

From the doldrums of finishing, Mosimane turned the Brazilians into African kings in just four seasons.

Conquering Africa may be top of Mosimane’s achievement

list during his reign at the club, but four league titles, two Telkom Knockout trophies, one CAF Super Cup and one Nedbank Cup is a run worthy of all the plaudits in local football.

And that is why, when it was reported that his contract negotiations for a new deal at Chloorkop had hit a snag, it increased the volume on the outside noise that Middle East and north African teams were still chasing the signature of the 55-year-old coach.

Despite the murmurs, Mosimane has always been vocal about his intentions of continuing with the Sundowns project at least until the age of 60, considering he’s loved, supported and appreciated by the players, management and supporters.

Last week Sundowns finally put the speculation surrounding Mosimane’s future to bed, Motsepe announcing that they’d extended the contract of their long-serving coach by four years.

History has it that it’s rare for a black local coach to spend more than half a decade at the helm of a top five club – well, unless your name is Pitso Mosimane.

Sure, the success of a coach is defined by the number of trophies that he brings to the club’s cabinet. But part and parcel of Mosimane’s two-decade coaching career has been the polishing of raw diamonds into renewed footballers who can compete anywhere in the world.

One of South Africa’s most successful footballers, Mosimane’s protégé and SuperSport United legend Daine Klate, who won the league title six times with three different clubs, recently declared that he’s turning to coaching with an aim of following in the footsteps of his idol.

But it’s been at Sundowns that the 2016 African Coach of the Year has shaped young footballers into world class stars.

Keagan Dolly, Bongani Zungu, Percy Tau and Khama Billiat found inspiration in Mosimane as they swapped the green and yellow jersey of the Brazilians for bumper moves to the French Ligue 1, English Premier League and rivals Kaizer Chiefs.

Should the local season resume, Downs will be targeting their 10th league title, and fifth with Mosimane at the helm.

Deaths

ROBERTS Dennis Reginald

It is with great sadness that we, Lynette and Sandra have to say farewell to our beloved father, who passed away on the 16th May, 2020.

He was a true gentleman right until the end. His son-in-law Eric called him a true humanitarian.

He will be sorely missed by his grandchildren Danielle, Tarryn, Kyle, Michaela, Byron, Collyn and Julia and his great-granddaughter Olivia.

Deaths

STUBBS Richard

Passed away peacefully in Durban on 27th May 2020.

Sadly missed by his wife Wendy, family and friends.

Found Pets

KRUSKAL LENNIE

My 15-month friend who was born 37 months after my mother died in London. I shall miss him and wish, especially for his family a long life of pleasure.

Bon Rabinowitz

MCCARTHY STUART

Passed away after a short illness in Durban Saturday, May 23, 2020. Will be sorely missed by his wife Jennifer, brother Glen, sister Justin and other family.

WALKER Neville

Long standing member of the Maropeng Golf Club, who passed away on 20th May.

Will be sorely missed by the Board, Management, Staff, Members & his beloved 'Monday school'

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ABSA PREMIERSHIP

Baxter open to SA return

MINENHLE MKHIZE
minenhle.mkhize@inl.co.za

STUART Baxter is ready to return to South Africa if there's a "project requiring his services and the timing is right".

That's according to his business manager Steve Kapeluschnik, who dismissed rumours that the former Bafana Bafana coach is linked to a move back to Kaizer Chiefs.

Baxter enjoyed a trophy-laden spell with Amakhosi and remains a darling among the club's fans, who want the team to reclaim their title-winning ways.

Baxter turned the Glamour Boys into a well-oiled machine as he amassed two league triumphs, a Nedbank Cup crown and the MTN8 title, but the club has failed to win anything since his departure.

Kapeluschnik said Baxter is open to a return to South Africa but vehemently dismissed any links with Chiefs.

"No, he hasn't been linked with Chiefs. What I said is that Baxter loves the country and if there is a project that is available and the timing is right for him and the project is right, he will



Stuart Baxter

consider the project," Kapeluschnik explained.

Since the 2014/15 season Amakhosi have struggled to restore their reputation as cup kings of South African football.

Since then, Steve Komphela, Giovanni Solinas and Ernst Middendorp have occupied Chiefs' coaching hotseat with no tangible success.

Middendorp seemed to have established some rhythm towards winning the league this season but the coronavirus outbreak has disrupted that. If the league does resume, the battle will be an uphill one for the German.

Kapeluschnik said Baxter is currently in Sweden and there was nothing solid at this stage that could link him with a return to South Africa.

"There's been some stuff in Asia (as well) which he is seriously looking at," he added.

Baxter arrived in the country in 2004 to coach Bafana Bafana and was later recruited by Chiefs chairman Kaizer Motaung.

After a successful stint at Naturena, he joined SuperSport United, where he also had a successful stay.

The SA Football Association again managed to entice Baxter back to Bafana and he led the national team to the quarter-finals of the Africa Cup of Nations in Egypt last year. He resigned after that.

"Everything has been put on hold because of Covid-19. We will have to wait and see what happens after this virus has left," Kapeluschnik said about the immediate future of the English coach.

Suitors are reportedly lining up for the signature of Baxter in the Premiership but Kapeluschnik refused to reveal any detail.

"South Africa is always an option for him but I can't say it is that club or this club," he said.

"There will always be clubs that will enquire about his services because he has really, really done well here. I often get calls about that."

PREMIER LEAGUE

Go-ahead for contact training

PREMIER League football clubs on Wednesday voted unanimously to return to contact training, including tackling, as the English top flight moved a step closer to a resumption after the shutdown caused by the novel coronavirus pandemic.

A statement, following a meeting of all 20 clubs, said: "Squads are now able to train as a group and engage in tackling while minimising any unnecessary close contact. The Premier League's priority is the health and well-being of all participants."

Failure to resume the season could cost the league around £750-million (about R1.4-billion) in

lost revenue from broadcasters, according to British media estimates.

Clubs last week began the first phase of 'Project Restart' after agreeing to a return to training in small groups under strict limitations and no contact.

The announcement that Phase Two can commence follows 1,744 tests on players and staff for coronavirus which produced eight positives.

No matches have been played in the Premier League since March when the pandemic shut down world sport. However, yesterday's vote is a big step towards the league completing the 92 remaining fixtures.

Today Premier League shareholders will discuss the business aspects of 'Project Restart', including a possible broadcast restart that would do if the season is curtailed.

Phase Two allows up to 10 players to work together and would ease the time restrictions on training sessions and let players to be closer. The third phase would be a move to a more typical form of training in the build-up to actual games.

The league had signalled June 12 as a potential start date but it now looks likely to be later in the month. Matches would be held without fans in attendance.

1 Reuters

11.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
11.5.1	BSM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS(INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19,2019/20 AND 2020/21

Collaborator No: 688179
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 July 2020

1. **SUBJECT: BSM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS (INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19,2019/20 AND 2020/21**

2. **PURPOSE**

To obtain the necessary approval to extend the scope of work of BSM 13/19 to allow for additional work required to conduct a new cost of supply study in accordance with NRS058 and National Energy Regulator of South Africa (NERSA) methodology.

3. **DELEGATED AUTHORITY**

Council.

4. **EXECUTIVE SUMMARY**

Tender number B/SM 13/19 was awarded to BBEnergy (Pty) in July 2018 for a period of three (3) years ending June 2021 to do a comprehensive analysis of existing electrical tariffs offered by Stellenbosch Municipality to their customers, including negotiated pricing agreements and gathering of statistical data for distribution forms. Part of the tariff analysis requires BBEnergy to assist Stellenbosch Municipality in motivating, during tariff application period, tariff increases based on NERSA's consultation paper (Municipal Tariff Guidelines) or Municipality's cost of supply study if available.

An additional work is required for BBEnergy to conduct a new cost of supply study that will give a true reflection for Stellenbosch Municipality of rendering a service of delivering electricity to its customers. The cost for additional service is above the variance order threshold of 15% for other services as indicated in section 54(2) in Supply Chain Management policy. Hence the department followed the route of section 116(3) of MFMA.

5. **RECOMMENDATIONS**

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the increase of tender scope and pricing;
- (b) that Council notes the public participation process that was followed and that no comments were received; and
- (c) that the additional amount of R 342 582 (VAT inclusive) which is 20% of the total tender amount in favour of BBEnergy Pty, be approved.

6. DISCUSSION / CONTENTS**6.1 Background**

BBenergy was appointed in July 2018 through bid number B/SM 13/19 for a period of three (3) years ending June 2021 to do a comprehensive analysis of existing electrical tariffs offered by Stellenbosch Municipality to their customers, including negotiated pricing agreements and gathering of statistical data for distribution forms. Part of the tariff analysis requires BBenergy to assist Stellenbosch Municipality in motivating, during tariff application period, tariff increases based on NERSA's consultation paper (Municipal Tariff Guidelines) or Municipality's cost of supply study if available.

BBenergy energy was previously appointed via a formal quotation process to conduct the first cost of supply study for Stellenbosch Municipality and such a study was submitted to NERSA for approval, but because of the change in the municipal licensed electrical structure another study is to be conducted.

6.2 Discussion

The scope of work in which BBenergy is appointed on under contract number B/SM 13/19 does not include doing the cost of supply study. However the municipality had a significant change in the licensed electrical structure due to the network bought from Drakenstein Municipality in February 2019 and because of the change in the structure the municipality is bound by the Electricity Pricing Policy, 1998(CG No. 31741 of 19 December 1998) to conduct a new Cost of supply study. Secondly, it is of the municipality's interest to conduct such a study to determine a true reflection of the cost to the municipality to render a service of delivering electricity to its customers. Once a true reflection to render such a service has been determined then the municipality will be in a position to motivate electricity tariffs increases based on the cost of supply study and not depend on NERSA's Municipal tariff guidelines and benchmarks.

Therefore the purpose of this memorandum is to get approval to include the additional work of conducting a cost of supply study, to the existing tender number B/SM 13/19 scope. BBenergy submitted a formal quotation to do the cost of supply study amounting to R 342 585 (VAT Inclusive) which is 20% of R 1 712 925 (Total tender amount over three years).

The intention to follow a Section 116(3) process was advertised in the local media (Eikestad Nuus) on 11 June 2020 with closing date on 25 June 2020. No comments were received from the public. Council to take note that the advertisement was published during the extended Level 3 lockdown period.

6.3. Financial Implications

Additional funding will be available from UKey number 20180711007183 on the 2020/21 budget, equating to an additional amount of R 342 585 (VAT inclusive) which is 20% of the total tender amount.

Below find detail of proposed variation order:

Tender BSM 13/19 – total tender Amount (VAT incl.)	R 1 712 925
Amount for Variation Order (VAT inclusive)	R 342 585
New amount	R 2 055 510

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 to the Municipality.

6.6 Previous / Relevant Council Resolutions:

Not applicable

6.7 Risk Implications

If the Cost of Supply Study is not done the municipality might be in a risk of having electricity tariffs that are not a true reflection of the service to deliver electricity to its customers. Hence, not recovering enough money to cover such expenses incurred to render the service. This is a risk of financial loss.

6.8 Comments from Senior Management:**6.8.1 Chief Financial Officer:**

Supported

6.8.2 Municipal Manager:

Agree with the recommendations

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 11.5.1

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the increase of tender scope and pricing;
- (b) that Council notes the public participation process that was followed and that no comments were received; and
- (c) that the additional amount of R 342 582 (VAT inclusive) which is 20% of the total tender amount in favour of BBEnergy (Pty), be approved.

ANNEXURES

Annexure A: Appointment Letter

Annexure B: Advertisements for S116 as advertised

Annexure C: Current Service Provider quote for additional work

Annexure D: Proof - No Objections received

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	29 June 2020

ANNEXURE A



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SUPPLY CHAIN MANAGEMENT UNIT

Enquiries: Ms G Mettler E-mail scm.appeals@stellenbosch.gov.za Ref: 6/1/1 Tel: (021) 808 8025 Fax: (021) 886 6749

As per fax: 011 706 6931
As per email: cnell@bbe.co.za

Attention: Mr Christiaan Nell

BBE ENERGY (PTY) LTD
PO BOX 786012
SANDTON
2146

Dear Sir/Madam

BID: B/SM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS (INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION(D) FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19, 2019/20 AND 2020/21.

Stellenbosch Municipality has accepted your offer dated **19 OCTOBER 2018**, for the rendering of the above-mentioned services, subjected only to the terms and conditions embodied in the Tender specifications and the general conditions of contract.

Please note this award is subject to a 14 day objection period as per SCM regulation 49 as well as to a 21 day for any potential objections or complaints lodged against the decision made.

Please note the above provisions will run concurrently from the date of notification of the decision.

If there is any uncertainty regarding the scope of work, it should be addressed as soon as possible. Please liaise with **Victor Dyusha** at the following number **021 808 8334**

Yours faithfully

pp Financial Services
Municipal Manager

Date

ANNEXURE B



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 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE

NOTICE IN TERMS OF SECTION 116(3) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003) FOR THE AMENDMENT TO THE TENDER AWARDED TO BBEnergy (Pty) Ltd (B/SM 13/19) FOR THE IMPLEMENTATION OF ELECTRICAL TARIFFS (INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19, 2019/20, 2020/21.

Notice is hereby given in terms of Section 116 (3) (a) and (b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) that it is the intention of Stellenbosch Municipality to amend the existing contract:

Number: B/SM 13/19

Description: AMENDMENT TO THE TENDER AWARDED FOR THE IMPLEMENTATION OF ELECTRICAL TARIFFS (INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19, 2019/20, 2020/21.

Service Provider: BBEnergy (Pty) Ltd

Reasons for the proposed amendment: To amend the current contract period to provide for additional work to conduct the new cost of supply study which will give a true reflection to Stellenbosch Municipality for the rendering of a service delivering of electricity to its customers. The Part of the tariff analysis requires the service provider to assist Stellenbosch Municipality to motivate during the tariff application period, tariff increases based on NERSA's consultation papers or Municipal cost of supply study if available.

The original approved scope and value of tender will be amended.

Notice is hereby further given in terms of Section 21 and 21A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the local community and interested/affected parties are invited to submit comments or representations to the Municipality in respect of the above, such comments or representations must be received within 14 days of advertisement via electronic mail to the e-mail address provided below, or be delivered to the undersigned to the mailing address provided hereunder. Persons who are physically disabled or who cannot read or write but wish to participate in the process, may come during office hours to the Municipal Offices, Supply Chain Department, Plein Street, Stellenbosch where a staff member will assist that person to transcribe that person's comments or representations.

Comments and/or representations must be submitted to the following e-mail address: s116.contracts@stellenbosch.gov.za, with the subject line entitled "B/SM 13/19: COMMENTS ON NOTICE OF AMENDMENT TO THE TENDER AWARDED FOR THE IMPLEMENTATION OF ELECTRICAL TARIFFS (INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19, 2019/20, 2020/21

The closing time for the submission of representations and/or comments must be received by **25 June 2020 at 12:00**. Any comments or representations received after this time and date will not be considered.

All enquiries regarding this intent can be directed to the following official:

Name & Surname : **Victor Dyusha**
 Telephone Number : **E-mail enquiries only**
 E-mail address : **victor.dyusha@stellenbosch.gov.za**
 Physical address : **Stellenbosch Municipality**
Department: Infrastructure Services (Electrical Services)
Ecclesia building
1st Floor
Plein Street
Stellenbosch
7600

Geraldine Mettler
Municipal Manager

06/06/2020 11:18:12

ANNEXURE C

27 March 2020
Mr. Victor Duysha
STELLENBOSCH MUNICIPALITY

Plein Street
Stellenbosch

Dear Sir

We thank you for affording BBEnergy for the opportunity to provide you with a quotation for an electrical Cost of Supply study based on the municipal financial year 2018/19 data. Our price excludes VAT, is valid for 60 days and we estimate that the work can be completed in four to six weeks. It may however be advantageous to Stellenbosch Municipality to expedite the work if the COS results are to be used to motivate tariffs to NERSA other than the 6.24% increase as per their latest guideline.

The price is submitted with the understanding that it will form part of a variation order on the existing agreement for tariff development and D-form statistics for the period 2019 to 2021.

QUANTITY	DESCRIPTION	PRICE/UNIT (EXCL VAT)	DELIVERY PERIOD
1	Cost of supply (COS) study for Stellenbosch Municipality, in accordance with NRS058 and National Energy Regulator of South Africa (NERSA) methodologies.	R297,900	4-6 weeks

I trust that our quotation will be favourably considered and remain available for further correspondence in this regard.

Kind Regards



Jaco Perold Pr. Eng; CEM®; CMVP®; CRM®

Senior Engineer

Confidential

Stellenbosch Municipality – Quotation for a Cost of Supply Study

27 March 2020

Prepared for: Victor Dyusha

Stellenbosch Municipality

Document Version: 1

Compiled by: Jaco Perold

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Project Background

Policy Position 23 of the Electricity Pricing Policy (GG No. 31741 of 19 December 2019) states that:

Electricity distributors shall undertake Cost of Supply studies at least every five years, but at least when significant licensee structure changes occur, such as in the customer base, relationships between cost components and sales volumes. This must be done according to the approved National Energy Regulator of South Africa (NERSA or 'the Energy Regulator') standard to reflect changing costs and customer behaviour.

Since its last Cost of Supply (COS) study was completed in March 2018 the following changes have occurred:

- Co-generation/small scale embedded generation tariffs were introduced (i.e. DOM6, COM6, AGR3, IND1.2, TOU1.2 and TOU2.2)
- Wheeling tariffs were introduced
- Customers in the Pniel area were transferred from Drakenstein municipality to Stellenbosch municipality
- Three new Drakenstein electricity supply points were added (i.e. Rhodes Food Group, Pniel and De Hollandse Molen)

All of the above constitute structural changes which merit conducting a new COS study.

Stellenbosch Municipality has requested a quotation from BBEnergy to complete a COS study to the satisfaction of the Municipality and approval by NERSA. The intention is for this deliverable to be added to the existing contract which is for tariff development and D-form statistics for the period 2019-2021. The additional scope will be added via a Variation Order.

This document details:

- I. cost and indicative schedule,
- II. data requirements,
- III. our proposed project team,
- IV. methodology and
- V. similar work and references

Cost and Delivery Period

The cost for the COS study is shown in Table 1.

Table 1: Cost and indicative delivery period

QUANTITY	DESCRIPTION	PRICE (EXCL VAT)	DELIVERY PERIOD
1	Cost of supply (COS) study for Stellenbosch Municipality, in accordance with NRS058 and National Energy Regulator of South Africa (NERSA) methodologies.	R297,900	4-6 weeks ¹

¹Our understanding is that the COS work will follow the 2020/21 tariff submission to NERSA. There is however merit in doing the COS to motivate different increases. If this is desirable, contact us to discuss expediting the work.

Assumptions and Exclusions

- Travel to Stellenbosch Municipal offices is limited to two trips for two people (subject to COVID-19 travel restraints).
- Additional meetings can be conducted via web conferencing (e.g. Zoom, Skype etc).
- One meeting allowed for with NERSA at its Pretoria office to present the outcomes of the COS study. Stellenbosch Municipality to ensure that this meeting takes place within a reasonable time after BBEnergy's final report is submitted.
- Travel costs for Stellenbosch Municipality staff attending the NERSA meeting is for the municipality's cost.
- Invoice for work performed will coincide with submission of final report and is not dependent on the NERSA meeting having taken place.
- Indicative delivery period is based on outstanding data being received timeously from Stellenbosch Municipality. Refer to Table 2 for data requirement.
- Stellenbosch Municipality to authorise the release of the AMR meter database from Motla to BBEnergy (May & June 2019 data).
- Stellenbosch Municipality to provide the AMR database from Livewire to BBEnergy (July 2018 to April 2019) via courier or online storage (e.g. Dropbox, Google Drive or similar service).
- Updated Asset register (with purchased and replacement costs) as well as departmental costs (e.g. salaries and maintenance) to be provided.
- Stellenbosch to assist with cost breakdowns where required in order to answer NERSA's questions on the previous COS study (refer to NERSA's email of 28 November 2019).
- The scope of work excludes a detailed technical losses study.

Data Requirement

The typical information requirement for the completion of the cost of supply and related outputs is given in Table 2 below. As BBEnergy is the incumbent service provider for the tariff development and D-form statistics, many of items in the list are already in our possession. If this is the case, a green tick mark (v) is displayed in the right-hand column of Table 2. Conversely, outstanding data is marked with a red X (X). The contents of Table 2 should be interpreted as being for the period 1 July 2018 to 30 June 2019 which is the most recent completed municipal financial year.

Table 2: Typical data requirement

Data requirement	Interval	Source	Description	In BBEnergy possession?
Eskom intake profile data	30min	Eskom Customer Service	30minute export - integrated energy/kVAh measurements per Eskom Pod	X
Eskom diversity information		Eskom Bills	Information on diversity between supply points	√
Eskom bills per intake point	Monthly	Eskom Bills	Eskom bills for 12 months for each of the Eskom intake points	√
Drakenstein intake profile data	30min	Drakenstein Municipality		1 March to 1 October 2019. Balance outstanding
Drakenstein diversity information		Drakenstein bills	Information on diversity between supply points	X
Drakenstein bills per intake point	Monthly	Drakenstein bills	Bills for 12 months for each of intake point	√
Large Power User /AMR / Interval Metering	30 min	AMR System	30 minute export integrated energy/kVAh measurements for each AMR customer	Motla data procurement provided for. Stellenbosch to supply Livewire data
Link between AMR profile and tariff		AMR System	Table that will make it possible to link each AMR customer to a specific tariff	Motla data procurement provided for. Stellenbosch to supply Livewire data
Customer generation profile data	30 min	AMR System	If applicable, 30 min energy/kVAh export values per generation point e.g. PV	Motla data procurement provided for. Stellenbosch to supply Livewire data
Conventional meter sales data	per transaction	Billing System	Database export of all conventional meter sales data per month	√
Prepaid meter sales data	per transaction	Prepaid Meter System	Database export of every Prepaid transaction for the year	√
Detailed - Asset register	Current	Asset Register	Detailed asset register containing listing of assets, associated voltages as well as current and replacement values	X
Operational Budget		Operational Budget	Detailed operational budget including Electricity department salaries, maintenance, consultants etc.	X

Proposed Project Team

The following table is a summation of the staffing profile we will forward for this engagement:

Table 3: Proposed project team

Resource	Experience	Client / Comment
Dr. Johan Delport	15 years' experience in tariff development for various Municipalities	Details provided in next section
	Developed and presented short courses <ul style="list-style-type: none"> • Electricity Pricing Theory • Electricity Cost Management 	University of Stellenbosch University of Pretoria
	International Experience <ul style="list-style-type: none"> • IEE conferences on Metering and Tariffs for Electricity industry in Glasgow and Brighton • Presented a paper on Probabilistic Methods Applied to Power systems at PMAPS97 in Vancouver 	
	Publications <ul style="list-style-type: none"> • New Large Industrial Tariff Impact Evaluation Models. Paper presented at the Metering Apparatus and Tariffs for Electricity Supply Conference, Glasgow, and November 1992. Paper included in the conference proceedings, page 18 - 22. • Water Usage Models for Competitive Load Management. Probabilistic Methods Applied in Power Systems, PMAPS'97, and Vancouver, BC, Canada. 21-25 September 1997. 	
Jaco Perold	Senior engineer with 18 years' experience in process engineering and energy management. Registered with ESCA as a professional engineer and holds the following certifications with the Association of Energy Engineers (USA): Certified Energy Manager®, Certified Measurement and Verification Professional® and Certified Carbon Reduction Manager®.	B. Eng. (Chemical) M. Eng. (Chemical) Both qualifications obtained from University of Pretoria

Resource	Experience	Client / Comment
		<p>Electricity tariff modelling for Stellenbosch and Madibeng municipalities.</p> <p>Electricity bill verification consulting work for various customers. Tariffs included Eskom Megaflex, Miniflex, Ruraflex and Nightsave as well as municipal tariffs from Ekurhuleni, City Power and Tshwane.</p> <p>Various energy management projects, feasibility studies and consulting work for the steel industry, gold and platinum mining as well as cement manufacturing.</p>
Tobie Nortje	Tobie is a registered electrical engineer with more than 16 years' experience in the power delivery business and related industries.	<ul style="list-style-type: none"> • Established the Measurement and Verification function at Eskom, Andrew Etzinger, 011 800 5316 • Implemented various residential, commercial and industrial Demand Side Management and Energy Efficiency programmes, Eskom, Andrew Etzinger, 011 800 5316 • Solar Water Heating Technical Modelling for the Eskom Mass Rollout • Thermodynamic, load profile and system impact modelling of Solar Water Heaters, Heat Pumps and conventional geysers, Ronel Clarke, 0825752639 • Research and Modelling of Residential End Use consumption/disaggregation patterns, Senzo Myeni, 011-8712058 • Researcher on team developing the Eskom Homeflex and Eskom Critical Peak Day pricing tariffs • Lead a team of researchers providing market research into the uptake and design of the Eskom Homeflex tariff. • Load profile impact studies for Wind, Photo Voltaic and Solar Water Heating applications • Lead a research team that investigated the use of Distributed Generation in Residential Estates. Included technical and load profile models

Resource	Experience	Client / Comment
		<ul style="list-style-type: none"> • Provided technical models to Eskom in the development of the Standard Offer programme • Provided technical models to Eskom in the development of the Standard Product programme • Provided technical models to Eskom in the development of the Performance Compacting programme • Conducted research into the development of a "Green Bond" strategy for South-Africa • Developed main technical model for the Eskom online energy game. This model included the "life-like" representation of a city with various customer classes and the option to build various supply side options, renewables as well as introduce DSM. The game could only be completed once an optimal balance was achieved between supply, demand, and budget and citizen morale, Eskom, Latetia Venter, 0824687667 • Review of MYPD and IRP input data, Responsible for the automation of data extraction from various data sources within the IDM environment. The datasets were then transformed and modelled into specific inputs to the MYPD and IRP planning processes • Advanced Meter Research (Smart Meter), Tobie was part of a team that investigated the current state of the art related to smart and advanced electricity utility metering systems

Methodology

A Cost of Supply study will be delivered using the NRS 058 and NERSA Cost of Supply guidelines as well as the Tariff Grid code as guiding documents.

Model design

Information for the 2018/2019 financial year will be used. The combined approach, using the NRS058 methodology, ensures that the actual cost of supply is technically correct and the NERSA methodology, ensures that the necessary NERSA rules are applied when determining the relevant tariff structures and rates to create the required income. Additional to this, the actual cost of supply results is evaluated against the current basket of tariffs to see where there are imbalances.

As far as possible, the aim of the cost of supply model is to keep it as simple as possible, without losing credibility and accuracy to ensure the objectives are met as documented in the NRS document.

The total cost of supply is given by the equation:

$$\text{Cost of Supply} = \text{Power Cost} + \text{Parts Cost} + \text{People Cost} + \text{Pain Cost} + \text{Profit} = \left[\frac{c}{kWh} \right]$$

where:

Table 4: P5' Methodology, Power, Parts, People, Pain and Profit

Where	Equals	Description (c/kWh)
Total CoS	Total Cost of Supply	Total cost of supplying electricity
P ₁	Power	All costs related to pay the supplier(s) costs for energy. Technical losses included
P ₂	Parts	All costs related to the assets of the Electricity Department. Work with replacement value
P ₃	People	All costs related to the people of the Electricity Department
P ₄	Pain	Total cost of Non-technical losses
P ₅	Profit	If expanded, the surplus can be included in the cost of supply study.

The analysis of the purchase data follows. Calculate the cost of purchasing electricity from Eskom, Drakenstein and embedded generators to be resold to customers. This excludes purchasing for own

or departmental use like pump stations or sewerage works. The points of delivery will be identified in co-operation with the electrical department.

Figure 1 below indicates the complexity of putting all the various data sets, data analysis, data transformations as well as Cost of Supply modelling together to arrive at the total municipal Cost of Supply per tariff group.

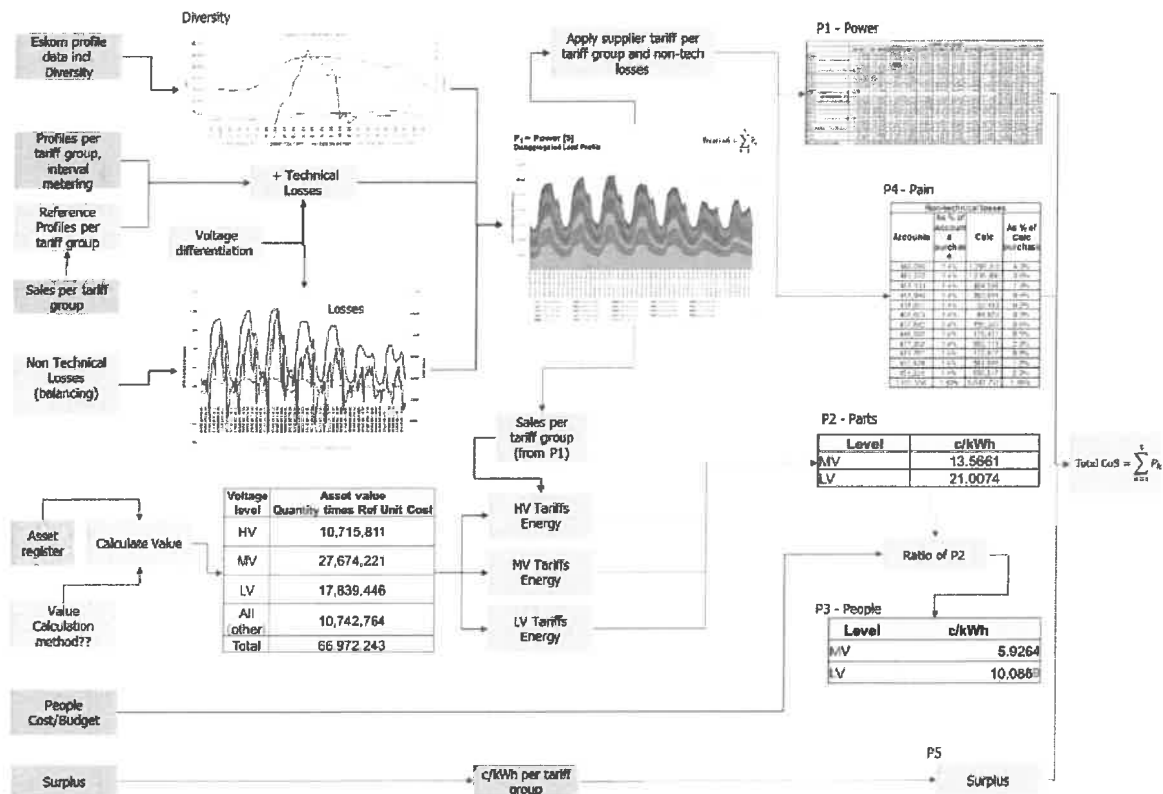


Figure 1: Cost of Supply methodology and model design (Data sources, models and outputs)

Technical Losses

It is important to remember that when the cost of each tariff group is calculated that the profile plus technical losses be used. This means that each tariff group will have a slightly higher cost of energy purchase based on the inclusion of losses (which is related to the tariff voltage).

Non-Technical Losses

When the total load profiles for each customer class is subtracted from the total Eskom intake data, an approximate profile for non-technical losses is obtained as a balancing factor in the total profile disaggregation. The losses calculation is summarised in the next section.

Demand side (customers) sales data

The analysis of customer sales data is broken down into 5 steps and discussed in more detail in the following subsections. The study will use the customer data from the Municipality and the AMR system for the 2018/2019 financial year.

Step 1 – Calculate the contribution of each tariff group to the total electricity cost

The total cost to Eskom for energy, demand and other costs must be apportioned per tariff group. If a tariff group peaks during the Municipality's peak, that tariff group will get more of the demand cost than the tariff group that does not peak at the same time.

It is preferred to use half-hourly load profiles to construct the total consumption. The half hourly consumption data for each AMR customer will be used to construct tariff group load profiles. We have made provision to procure a backup of the Stellenbosch ARM meter data from Motla for the period 2018/19. The database will be interrogated using the open source scripting language Python and MySQL to transform individual customer data to a tariff group load profiles for each of the tariffs associated with AMR meters. For non-AMR clients such as the Domestic, Commercial and Agricultural tariffs, statistics from other "similar" municipalities will be used to construct load profiles.

Step 2 – Calculate the contribution of each tariff group to the cost of the Electricity Department

This step deals with the question of how the cost of the Electricity Department should be divided between the different tariff groups.

Step 3 – Calculate the contribution of each tariff group to the electrical assets cost

This step deals with the question of how the cost of the Electricity Department Assets should be divided between the different tariff groups.

Step 3 – Calculate the contribution of each tariff group to the total surplus from electricity sales

This step deals with the question of how the cost of the planned surplus to be made by the Electricity Department should be divided between the different tariff groups.

Step 4 – Calculate the contribution of each tariff group to the technical and non-technical losses

The losses are quantified as the difference between the amount of energy that is purchased from the suppliers (Eskom, Drakenstein and embedded generation) and the amount of energy that is accounted to the customers of the Municipality. In other words, it is the difference between the energy purchased and the energy sold and should be considered as losses. This is not to determine what causes the losses, but to quantify the cost of losses per tariff group. Normally this is done per voltage level.

Subtask: Revenue Requirement

To calculate the required (qualifying) revenue, the NERSA approach will be followed.

Subtask: Cost Functionalisation

To determine the cost functions and cost classifications, the NERSA approach will be followed.

Subtask: Cost Classification

The different costs of the total Electricity Department will be allocated to each customer group (or tariff group) according to what they cause. This will then be translated into tariff structures for each group, according to the NERSA approach.

Subtask: Cost Allocation method

The energy cost, (energy and demand and fixed cost), from the supply of electricity to the municipality and the other customer related cost apportionment is performed according to the NRS058 methodology. After the costs were allocated to the different tariff components as described above, the rates of each of the tariff components will be calculated.

Rate Setting

The NERSA approach will be followed, unless changes are required because of data or requests by the municipality.

Review of existing customer classes

The NERSA approach will be followed, unless changes are required because of data or requests by the municipality.

Current customer mix

The customer mix as are known to BBEnergy as we are the incumbent service provider for the tariff development and D-form statistics.

Current tariff types

The current tariffs as are known to BBEnergy as we are the incumbent service provider for the tariff development and D-form statistics.

Typical Cost of Supply Model Outputs

One of the key outputs of the Cost of Supply study is a disaggregated load profile for the Utility. An example is given in Figure 2 below. This is a critical piece of information that will be valuable on its own as a study.

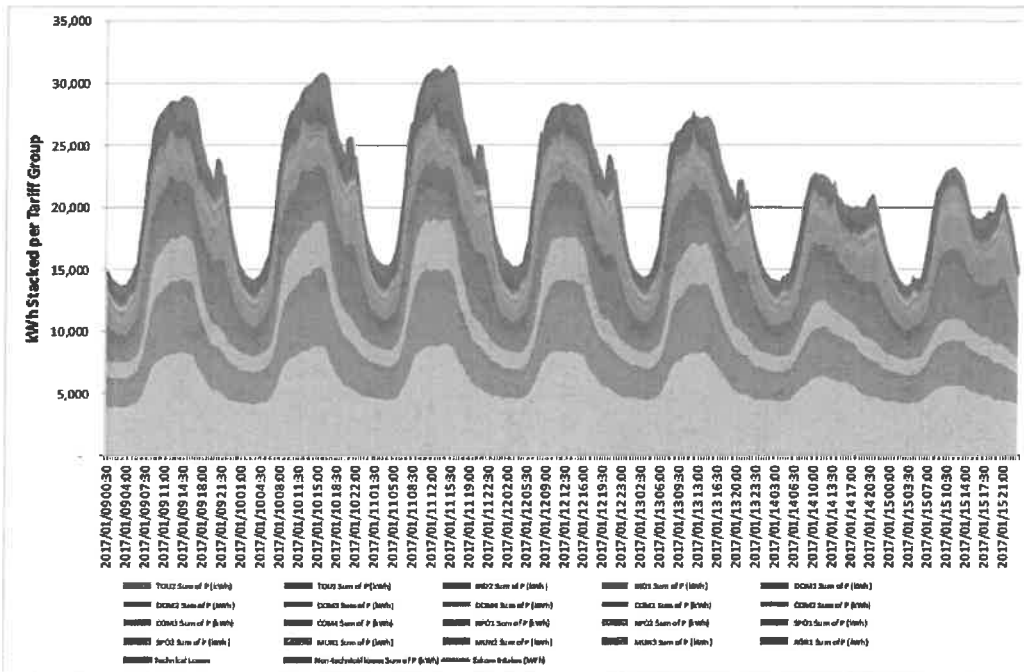


Figure 2: Total disaggregated load profile for each tariff group, including technical and non-technical losses = total purchases

Table 5 below shows a typical output of this methodology indicating each of the 5P cost components.

Table 5: Cost components per tariff

Name	Power c/kWh (P1)	Parts c/kWh (P2)	People c/kWh (P3)	PAIN (Non-technical losses) c/kWh (P4)	Profit (Surplus) c/kWh (P5)	Total c/kWh
Agriculture	86.7582	19.1277	10.4589	3.1249	19.55	139.0197
DOMESTIC A - with subsidy	87.8769	19.1277	10.4589	3.1249	19.55	140.1384
DOMESTIC A	90.0456	19.1277	10.4589	3.1249	19.55	142.3071
DOMESTIC B	90.1094	19.1277	10.4589	3.1249	19.55	142.3709
COMERCIAL A	89.5869	19.1277	10.4589	3.1249	19.55	141.8484
COMERCIAL B	89.9846	19.1277	10.4589	3.1249	19.55	142.2461
INDUSTRIAL A	89.9687	19.1277	10.4589	3.1249	19.55	142.2302

A key output of our Cost of Supply methodology is the calculation of Customer Profitability levels. The cost of supply study focusses on getting the true purchase cost per customer class (tariff, voltage level) as well as the income per customer class (based on the current and future tariffs.). The other Cost of Supply Components can be added to the power purchase cost to get the 'true' cost of supply.

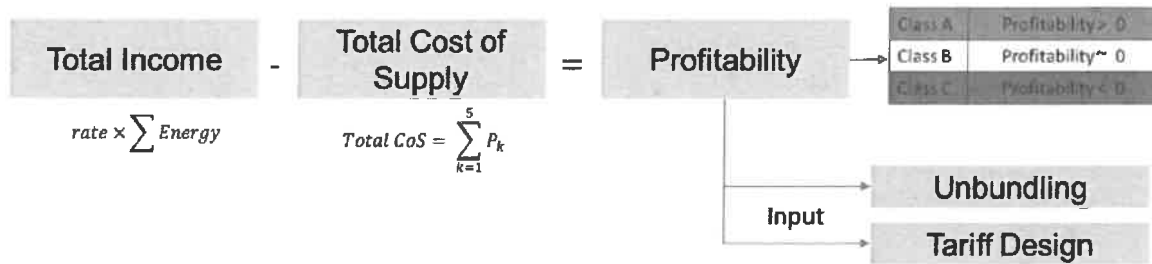


Figure 3: Profitability calculation equals Income minus cost; key input to tariff unbundle and design

Figure 3 figure above summarises the process of determining customer profitability. The customer profitability is the given by the equation:

$$\begin{aligned}
 CustomerProfitability &= TotalIncome - Total\ CoS \\
 &= \left\{ rate \times \sum Energy \right\} - \left\{ \sum_{k=1}^5 P_k \right\}
 \end{aligned}$$

Where:

$\left\{ \sum_{k=1}^5 P_k \right\} = Total\ Cost\ of\ Supply$ (Detailed Cost Allocation happens here)

$rate \times \sum Energy = Sum\ of\ energy\ sold\ times\ the\ applicable\ tariff$

if $>0 = Income\ is\ larger\ than\ cost\ (surplus/profit)$

if $<0 = Cost\ to\ supply\ is\ larger\ than\ income\ (loss)$

Table 6: Output of Cost of Supply study showing customer profitability

Tariff Group	Total Cost of Supply, including surplus c/kWh	Income c/kWh	kWh as % of total energy	Over/Under recovery (ZAR)
Agriculture	139.0197	178.8089	0.43%	643,831
DOMESTIC A - with subsidy	140.1384	114.3275	6.33%	-5,964,759
DOMESTIC A	142.3071	129.5819	10.13%	-4,706,848
DOMESTIC B	142.3709	161.0116	7.27%	4,950,838
COMERCIAL A	142.2461	185.3900	0.03%	42,644
COMERCIAL B	142.2302	277.9661	0.00%	11,580
INDUSTRIAL A	144.2352	218.6705	9.52%	25,875,706

The profitability can also be shown in relation to each tariff group’s contribution to the Cost of Supply as indicated in Figure 4 below. Customers to the left are less ‘profitable’ compared to customers on the right. The breakeven point is also shown.

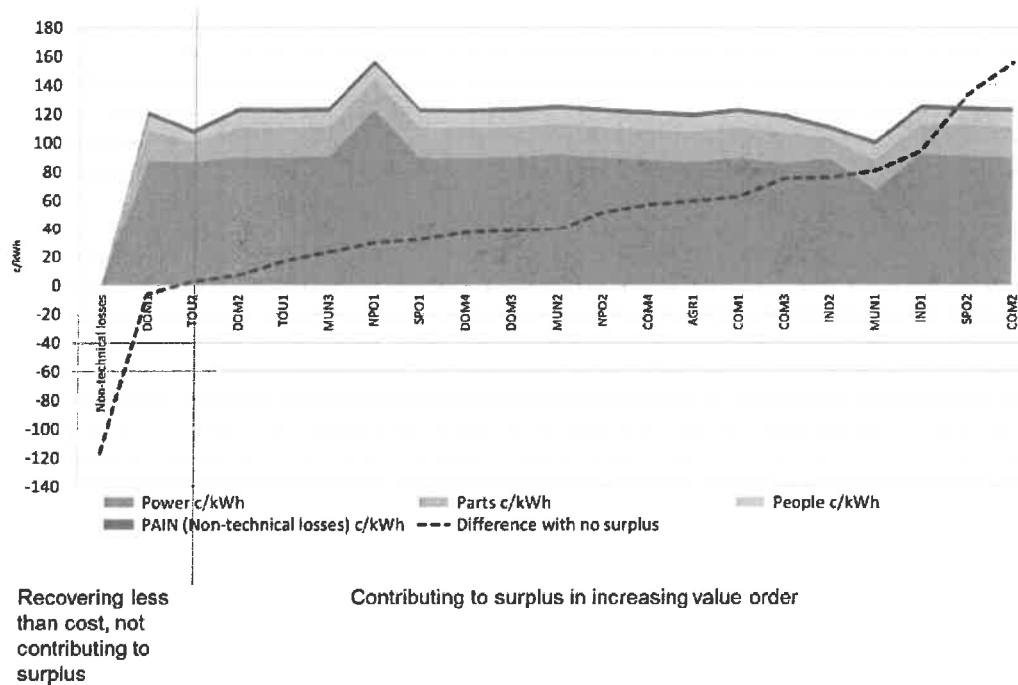


Figure 4: Graphical view of customer profitability

NRS058 vs. NERSA methodologies

A brief review of the differences between the NERSA and NRS approaches is important. The main difference between the two methodologies can be summarised as follow:

- NRS058 is a detailed, bottom up, methodology to calculate the detailed cost to supply a kWh to any tariff group. It does not consider the income from any tariff group.
- The NERSA methodology, on the other hand, starts with the amount of money required by a municipality and then ends up with where and how to get it (top down). This is more of a tariff design methodology that includes the NRS058 methodology.

The combined approach ensures that the actual cost of supply is technically correct and that the necessary NERSA rules are applied when determining the relevant tariff structures and rates to create the required income.

Typical outputs for NERSA methodology

If the NERSA approach is followed, the study must start at the income side (how much revenue is required) and work backwards towards the cost (or how to get the income) to end up with the difference between the current tariff and the ideal tariff. The result will demonstrate either an over or under recovery per tariff group (cross-subsidisation).

The NERSA consultation paper proposes the following methodology (Figure 5):

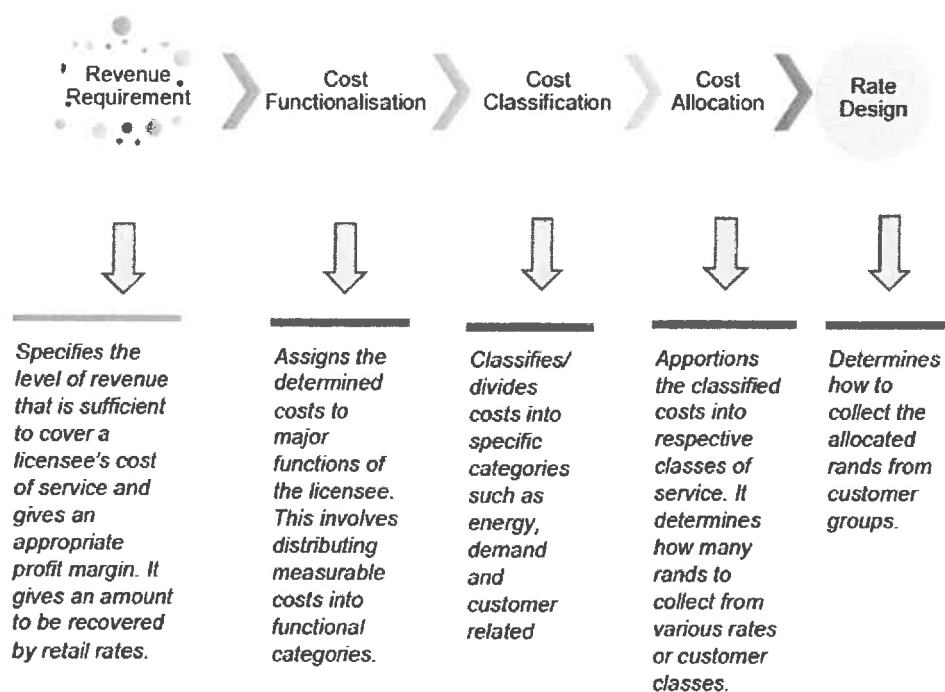
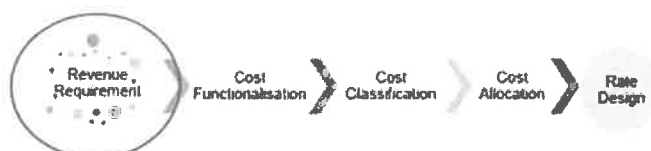


Figure 5: Illustration of the steps of the NERSA methodology

Examples of results obtained from a previous assignment of each of the above steps is given in the tables below. This exercise excludes that final (yellow circle) step, namely *Rate Setting*. This is dealt with in the next section.

Revenue Requirement

Example results of the revenue requirement study as prescribed in the consultation paper is given below.



Total Sales Forecast			MWh
Sales forecast (Expected sales to customers)		MWh	351 106 585
Electricity purchased for own use		MWh	7 733 523
Street lighting		MWh	3 335 519
Total (excluding allowable loss factor)		MWh	362 175 627
Allowable loss factor (Represents a percentage energy loss of 10 %)		1.1	1.10
Required purchases		MWh	398 393 190

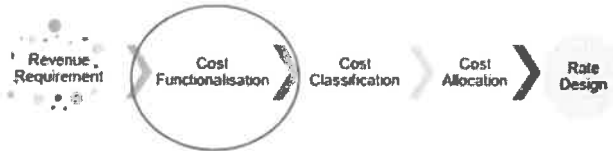
Sources of Electricity Purchases	Volume (MWh)	Weight (%)	Average Price (c/kWh)	Total Cost [R]
Purchases from Eskom	385 825 416	99.99%	84.91	327 606 504
Purchases from IPPs	24 408	0.01%	60.1	14 670
Own Generation	-	0.00%	0	-
Purchases - Other options	-	0.00%	0	-
Total	385 849 824			327 621 174

Add other costs		Allowable	[R]
Operating expenditure			R 14 618 442
Shared Costs			R 81 668 332
Depreciation/amortisation of refurbishment and capital costs			R 60 979 931
Interest on loans			R 1 234 509
Total costs before Repairs and Maintenance costs			R 486 122 389
Repairs and Maintenance costs at 6 % of total costs before R & M		6%	R 29 167 343
Total costs before surplus			R 515 289 732
Add surplus allowable		15%	R 77 293 460
Total Allowable Revenue			R 592 583 192

Divide by sales volume		MWh	398 393 190
Average selling price		c/kWh	148.74
Previous year price		c/kWh	130.48
Average percentage price increase		%	13.994%

Cost Functionalisation

Example results of the Cost Functionalisation study as prescribed in the consultation paper is given below.



Activity /Cost	Cost [R]
Generation(Gx)	-
Transmission(Tx)	-
Distribution(Dx)	388 601 105
Customer-Related Cost	126 688 627
Total	515 289 732

Cost	GX [R]	TX [R]	DX [R]	Customer Related [R]
Underground Conductors	Not Applicable		60 979 931	
Transmission lines				
Fuel Costs			327 621 174	
Admin Salaries				125 454 118
Collection Agency Fee				
Consultants				
Interest on loans				1 234 509
Total	-	-	388 601 105	126 688 627
				515 289 732

Cost Classification

Example results of the Cost Classification study as prescribed in the consultation paper is given below.

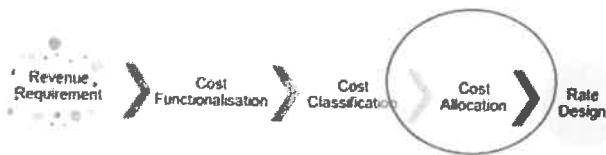


Activity /Cost	Cost [R]	Fixed Cost [R]	Variable Cost [R]
Generation(Gx)	R -		
Transmission(Tx)	R -		
Distribution(Dx)	R 388 601 105	92 332 122	296 268 983
Customer-Related Cost	R 126 688 627		
Total	R 515 289 732	92 332 122	296 268 983

Activity /Cost	Cost [R]	Demand Related [R]	Energy Related [R]	Customer Related [R]
Generation(Gx)	-	-	-	-
Transmission(Tx)	-	-	-	-
Distribution(Dx)	388 601 105	92 332 122	296 268 983	
Customer-Related Cos	126 688 627	-	-	126 688 627
Total	515 289 732	92 332 122	296 268 983	126 688 627

Cost Allocation

Example results of the cost allocation study as prescribed in the consultation paper is given below. This table includes the cost per tariff group for technical losses



Name	Total cost Electricity sold	Parts Rands	People Rands	PAIN (Non-technical losses) Rands	Total cost in Rand without Surplus
Tariff 1	1 403 839	309 506	654 095	50 564	2 418 004
Tariff 2	20 307 875	4 420 308	9 341 651	722 147	34 791 981
Tariff 3	33 306 427	7 075 030	14 952 006	1 155 851	56 489 314
Tariff 4	23 932 420	5 080 182	10 736 196	829 951	40 578 749
Tariff 5	33 555 969	7 164 535	15 141 162	1 170 473	57 032 139
Tariff 6	88 943	18 906	39 955	3 089	150 893
Tariff 7	7 675	1 632	3 449	267	13 023
Tariff 8	10 265 070	2 285 368	4 829 780	373 362	17 753 580
Tariff 9	9 318 729	2 020 603	4 270 238	330 107	15 939 677
Tariff 10	402	62	132	10	606
Tariff 11	10 636	2 261	4 778	369	18 044
Tariff 12	154 791	32 903	69 537	5 375	262 606
Tariff 13	180 209	37 837	79 962	6 181	304 189
Tariff 14	2 243 914	638 008	1 348 334	104 232	4 334 488
Tariff 15	678 225	140 896	297 763	23 018	1 139 902
Tariff 16	6 325 546	1 338 349	2 828 398	218 647	10 710 940
Tariff 17	31 972 525	6 649 301	14 052 293	1 086 299	53 760 418
Tariff 18	14 163 863	1 954 908	3 758 787	494 555	20 372 113
Tariff 19	40 537 846	8 640 239	18 259 837	1 411 559	68 849 481
Tariff 20	92 729 140	13 169 238	25 321 061	3 331 570	134 551 009
Non-technical losses	6 575 262	-	-	-	6 575 262

Similar work and References

The table below indicates the work we have completed in the Tariff and Cost of Supply environment. Reference letters can be made available on request.

Types of Relevant Work Previously Performed	Clients Details	Date
COS and Municipal Tariff Development - 3 years appointment – 2020/2021 to 2022/2023	Madibeng Municipality Lesego Boutlwanve Electricity, Technician Planning Infrastructure and Technical Services lesegeboutlwanve@madibeng.gov.za (012) 318 9362	2019 to current

Types of Relevant Work Previously Performed	Clients Details	Date
Municipal Tariff Development – 3 years appointment – 2019/2020 to 2021/2022 Wheeling and Green Tariff design	Stellenbosch Municipality Nombulelo Zwane Senior Manager: Electro-Technical Services Nombulelo.Zwane@stellenbosch.gov.za (021) 808-8335	2019 to current
Cost of Supply Studies	Stellenbosch Municipality Nombulelo Zwane Senior Manager: Electro-Technical Services Nombulelo.Zwane@stellenbosch.gov.za (021) 808-8335	2017
Cost of Supply Studies	City of Ekurhuleni Dr. Fred Fryer Chief Engineer: Metering and Tariffs Energy Department: Revenue Division Stephen.Delport@ekurhuleni.gov.za 011 999 5263	2015 and 2016
Cost of Supply Studies	City of Mbombela Phumula Mathebula Senior Manager Revenue Management PhumulaM@mbombela.gov.za 013 759 2017	2015
Cost of Supply Studies	Nkomazi Local Municipality Themba Mashabane Manager: Management Accounting Themba.mashabane@nkomazi.gov.za 013 790 0386 076 020 4526	2016

Types of Relevant Work Previously Performed	Clients Details	Date
Cost of Supply Studies	Matzikama Municipality Willem Wium Manager: Income 027 201 3324	2017

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End of Document

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11.5.2	REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR

2. PURPOSE

To request approval from Council to:

- a. Reduce Managed Parking Fees for 2020/2021
- b. Alter the Parking Contractor's portion of the Parking Tariff within Tender Contract B/SM 04/19

3. DELEGATED AUTHORITY

Council may approve the reduction of tariffs as provided for in the Municipal Finance Management Act (MFMA) Section 28(6).

Council may approve the change of scope of a tender contract as per the MFMA Section 116(3).

4. EXECUTIVE SUMMARY

Council introduced a new Parking Management Contract in the beginning of 2018/19. This Contractor commenced with parking management in June 2019. During the start of 2019/20 budget year, parking fees were raised by 20%. Due to much more efficient operation of the Contractor and therefore the public having to pay on all parking, as well as the hike in tariffs, the parking tariff were reduced to the same as the 2018/19 budget year. The Contractor has refused to introduce.

Due to the COVID-19 Pandemic, parking management was halted and is to start again on 1 August 2020. Due to the big impact of the COVID-19 Pandemic as well as public outcry against high tariffs, it is proposed that all tariffs be reduced by 20%. This reduction is to be done in such a way that the Contractor still gets paid what he would have been paid, but that the Council reduces its portion of the income, resulting in the public paying 20% less than they paid last year (2019/20).

5. RECOMMENDATIONS

- (a) that the Parking Fees be reduced by 20% for the remainder of the 2020/19 financial year, as per **ANNEXURE A**;
- (b) that the Tender Contract B/SM 04/19, conditions based on a 20% reduction of public parking tariffs, be altered to allow the Contractor to utilise up to 76.9% of the Parking Fee for own use and the balance of not less than 23.1% be paid over to the Municipality;
- (c) that the above be advertised for public comment to allow Council to make a final decision with relation to:

- i. Reducing parking tariffs as per **ANNEXURE A**
 - ii. Altering the Tender Condition Scope as regulated by the MFMA Section 116(3); and
- (d) that, once the Public Comment has been received, a final report be brought to Council for a final decision.

6. DISCUSSION / CONTENTS

6.1 Background

The tender B/SM 04/19 Parking Management System for Stellenbosch Municipality for a Contract Period up to 30 June 2021 was awarded to Street Parking Solutions on 14 December 2018. The Tender was finally awarded on 28 January 2019 after the appeal period expired. This tender provided for a company to render a parking management service to the Municipality on both on-street parking and off-street parking areas. The company Tender required that the municipality be paid 40% of the income received from parking tariffs and therefore was allowed to retain 60% for provision of this service. The Tender was concluded with a 50%/50% split between the Contractor and the Municipality.

A spate of unhappy public complained ensued because of the higher tariffs but mainly due to the much more effective management of the parking system. Previously a very large number of motorists did not pay the required parking fee.

Complaints from the public were severe and it was decided to reduce the parking tariff to the same tariff that it was before July 2019 on the Council meeting of 14 August 2019.

6.2 Discussion

The tariffs remained a bone of contention as the Contractor refused to lower the asking rate for tariffs. This matter is currently taken up in a mediation process with the Contractor.

At the advent of the COVID-19 virus pandemic, the Contractor was forced to stop all operations with neither the Contractor nor the Municipality obtaining any income as a result of the Lockdown process.

During the tariff process of May 2020 the parking tariffs have again be kept the same as it was in the 2018/19 budget. It is however felt that the public is still not very happy with parking situation and has just come out of the COVID-19 Lockdown process. The business fraternity has gone through a big financial suffering and it is felt that the parking tariff should be reduced to encourage the public to increase their business with local commerce. Coupled with this we received various request from business owners for the parking contractor to return as parking bays are occupied for prolonged periods and customers do not have access to parking.

Since the Parking tariff, also provides income to the Parking Contractor, the lowering of the tariff will also be detrimental to this Contractor. It is therefore proposed to reduce the parking tariff by 20%. In order to ensure that the Contractor can still receive a market related income, it is proposed that the municipality reduces its portion of the parking income such that the Contractor will receive an income proportional to the CPIX index. Council will effectively subsidise the parking fee.

The contract provides for an income split of 60% to Contractor and 40% to the Municipality. The Tenderer offered to split on a 50%: 50% basis. The original tariffs at the beginning of the 2019/20 financial year was R10.00 (including VAT) per unit of parking. This meant that the contractor would receive 50% or R5.00 (incl VAT) and the Municipality would receive R5.00 (incl VAT).

The proposal is now that the tariffs be reduced by 25% or R7.50 (incl VAT). In order to provide the Contractor an amount that would allow for an inflationary increase, which is 4% at July 2019 and 2.43% at July 2020. The tariff that the Contractor should therefore get is at 1 July 2019 is R6.00 which is what the original tariff of R 5.00 escalated by 4% for June 2019 and 2.43 % for July 2020 which equals to R5.3264 or rounded upwards to R5.33 (Incl VAT). The Municipal portion will therefore drop to R7.50 minus R5.33 equals to R2.17 (incl VAT).

This is not seen as an effective income for the municipality as the administration cost would exceed the income. The following matrix provides further examples of tariff reductions (Note that for ease of explanation a unit of 1-hour parking fee is used):

Nr	Tariff (incl VAT)	Budget Year	Tariff altered by (%)	Contractor split to equal inflation	Municipal Income per unit	Contract % of Income	Munic % of Income
Tder	R10.00	2018/19	Start	R5.00	R5.00	50%	50%
1	R12.00	2019/20	+20%	R5.20	R6.00	50%	50%
2	R10.00	2019/20	0%	R5.20	R4.00	60%	40%
3	R10.00	2020/21	0%	R6.15	R3.85	61.5%	38.5%
4	R9.00	2020/21	-10%	R6.15	R2.85	68.3%	31.7%
5	R8.50	2020/21	-15%	R6.15	R2.35	72.4%	27.6%
6	R8.00	2020/21	-20%	R6.15	R1.85	76.9%	23.1%
7	R7.50	2020/21	-25%	R6.15	R1.35	82%	18%
8	R7.00	2020/21	-30%	R6.15	R0.87	87.9 %	12.1%

It is therefore proposed that a reduction of 20% be used, providing the Contractor with R6.15 per parking unit and the municipality with R1.85 per unit.

In terms of this reduction percentage it is therefore proposed that the Tender Contract be altered to provide for the following income share:

- a. The Contractor to be awarded 76.9% of all parking income
- b. The Municipality to be awarded 23.1% of all parking income.

It is therefore proposed that the new Parking tariff list be altered by a 20% reduction, to the tariffs as depicted in **APPENDIX 1**

It is also proposed that the wording of the tender document on page 62 which currently reads "The Municipality has capped the total remuneration on 60% as total compensation for all obligations in terms of this contract." to "The Municipality has capped the total remuneration on **76.9%** as total compensation for all obligations in terms of this contract."

On the same page the following should be changed from: "Should the number of parking bays in the "Site" be rented for the use of film shoots, advertisements, parades or any other activity approved by the Municipality, the service provider will be compensated in terms of the following formula: **60%** per parking bay based on approved annual Council Tariff for "Hiring of parking Bays"." to "Should the number of parking bays in the "Site" be rented for the use of film shoots, advertisements, parades or any other activity approved by the Municipality, the service provider will be compensated in terms of the following formula: **76.9%** per parking bay based on approved annual Council Tariff for "Hiring of parking Bays".

Finally on page 83, the following:

“PRICING SCHEDULE:

Please note: The percentage for service provider must not exceed **60%**”

Must be changed to:

PRICING SCHEDULE:

Please note: The percentage for service provider must not exceed **76.9%**”

6.3 Financial Implications

Reduced income from parking as per the schedule.

6.4 Legal Implications

Proposed amendment to contract must be published in terms of section 116(3) of the MFMA.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

“4.3 PARKING TARIFFS AMENDMENT

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: Special Council: 14 August 2019

SPECIAL COUNCIL MEETING: 2019-08-14: ITEM 4.3

RESOLVED (majority vote)

That Council approves the amendments to the parking tariffs, as shown in **APPENDIX 1**. Cllrs F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.”

6.7 Risk Implications

There is a Risk of a reduced Parking Income 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

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 11.5.1

- (a) that the Parking fees as depicted in the table above in 6.2 be referred to Council for final determination;
- (b) that the Tender Contract B/SM 04/19, conditions based on a 20% reduction of public parking tariffs, be altered to allow the Contractor to utilise up to 76.9% of the Parking Fee for own use and the balance of not less than 23.1% be paid over to the Municipality;
- (c) that the above be advertised for public comment to allow Council to make a final decision with relation to:
 - i. Reducing parking tariffs as per **ANNEXURE A**
 - ii. Altering the Tender Condition Scope as regulated by the MFMA Section 116(3); and
- (d) that, once the Public Comment has been received, a final report be brought to Council for a final decision.

ANNEXURES

APPENDIX 1: Reduced Parking Tariffs

APPENDIX 2: Public Comments

APPENDIX 1

ANNEXURE 1

STELLENBOSCH MUNICIPALITY				
PARKING TARIFFS FOR THE PERIOD 1 SEPTEMBER 2020 - 30 JUNE 2021				
Page 1				
DIREKTORAAT GEMEENSKAP DIENSTE: VERKEER DIENSTE				
DIRECTORATE COMMUNITY SERVICES: TRAFFIC SERVICES				
VERKEERSDIENSTE / TRAFFIC SERVICES	Tariff	Amended Tarriff		
	2020/2021 Incl. Vat	2020 /2021 Excl. Vat	Vat	2020/2021 Incl. Vat
Parking Areas Zone 1 (CBD):				
Tol (Eikestad) Parking area				
Stelmark Parking area 1 & 2				
Midmar Parking area				
Operating hours:				
07:00 - 19:00 (Mon - Fri)				
07:00 - 14:00 (Sat)				
Sunday / Public Holiday - Free				
0-30min	0.00	0.00	0.00	0.00
31- 59 min	10.00	6.96	1.04	8.00
1-2 hours	20.00	13.91	2.09	16.00
2-3 hours	25.00	17.39	2.61	20.00
3-4 hours	35.00	24.35	3.65	28.00
4-5 hours	45.00	31.30	4.70	36.00
5-6 hours	55.00	38.26	5.74	44.00
6-7 hours	65.00	45.22	6.78	52.00
7-8 hours	80.00	55.65	8.35	64.00
8-9 hours	85.00	59.13	8.87	68.00
9-12 hours	110.00	76.52	11.48	88.00
12-24 hours	150.00	104.35	15.65	120.00
Lost Ticket	150.00	104.35	15.65	120.00
Maandelikse permit / Month permit	1000.00	695.65	104.35	800.00

ANNEXURE 1

PARKING TARIFFS FOR THE PERIOD 1 SEPTEMBER 2020 - 30 JUNE 2021				
Page 2				
DIREKTORAAT GEMEENSAP DIENSTE: VERKEER DIENSTE				
DIRECTORATE COMMUNITY SERVICES: TRAFFIC SERVICES				
VERKEERSDIENSTE / TRAFFIC SERVICES	Tariff	Amended Tarriff		
	2020/2021 Incl. Vat	2020 /2021 Excl. Vat	Vat	2020/2021 Incl. Vat
0-30min	0.00	0.00	0.00	0.00
31- 59 min	10.00	6.96	1.04	8.00
1-2 hours	20.00	13.91	2.09	16.00
2-3 hours	25.00	17.39	2.61	20.00
3-4 hours	35.00	24.35	3.65	28.00
4-5 hours	45.00	31.30	4.70	36.00
5-6 hours	55.00	38.26	5.74	44.00
6-7 hours	65.00	45.22	6.78	52.00
7-8 hours	80.00	55.65	8.35	64.00
8-9 hours	85.00	59.13	8.87	68.00
9-12 hours	110.00	76.52	11.48	88.00
12-24 hours	150.00	104.35	15.65	120.00
Lost Ticket	150.00	104.35	15.65	120.00
Maandelikse permit / Month permit	1000.00	695.65	104.35	800.00

ANNEXURE 1

PARKING TARIFFS FOR THE PERIOD 1 SEPTEMBER 2020 - 30 JUNE 2021				
Page 3				
DIREKTORAAT GEMEENSAP DIENSTE: VERKEER DIENSTE				
DIRECTORATE COMMUNITY SERVICES: TRAFFIC SERVICES				
VERKEERSDIENSTE / TRAFFIC SERVICES	Tariff	Amended Tarriff		
	2020/2021 Incl. Vat	2020 /2021 Excl. Vat	Vat	2020/2021 Incl. Vat
Plein Street	10.00	6.96	1.04	8.00
Blom Street	10.00	6.96	1.04	8.00
Bird Street (Braak)	10.00	6.96	1.04	8.00
Ryneveldt Street	10.00	6.96	1.04	8.00
Andringa	10.00	6.96	1.04	8.00
Bird	10.00	6.96	1.04	8.00
Alexander Dienspad	10.00	6.96	1.04	8.00
Alexander Street	10.00	6.96	1.04	8.00
Meul (Dorp/Plein)	10.00	6.96	1.04	8.00
Dorp Street (West)	10.00	6.96	1.04	8.00
Crozier Street	10.00	6.96	1.04	8.00
Piet Retief	10.00	6.96	1.04	8.00
Banghoek (Andringa/Bird)	10.00	6.96	1.04	8.00

ANNEXURE 1

PARKING TARIFFS FOR THE PERIOD 1 SEPTEMBER 2020 - 30 JUNE 2021				
Page 4				
DIREKTORAAT GEMEENSAP DIENSTE: VERKEER DIENSTE				
DIRECTORATE COMMUNITY SERVICES: TRAFFIC SERVICES				
VERKEERSDIENSTE / TRAFFIC SERVICES	Tariff	Amended Tarriff		
	2020/2021 Incl. Vat	2020 /2021 Excl. Vat	Vat	2020/2021 Incl. Vat
Wiel Vasklem / Wheel Clamping				
Vrylatingsfooi / Release fee	200.00	139.13	20.87	160.00
Huur van parkeervakke per dag / Hiring of Parking Bays per day	220.00	153.04	22.96	176.00
Parking Disc - Medical Practitioners per year	210.00	146.09	21.91	168.00
Resident Parking Permit per year	220.00	153.04	22.96	176.00
Temporary Parking Permit per application	165.00	114.78	17.22	132.00
Work Zone Permit per application	220.00	153.04	22.96	176.00
Taxi rank permit (WCO24 area) per jaar/year	385.00	267.83	40.17	308.00

APPENDIX 2

Babalwa Mgcushe

From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: 20 July 2020 04:31 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: [EX] Parking problem

Kind regards,
Nomie Tshefu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

-----Original Message-----

From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: Thursday, 16 July 2020 21:00
To: Directors Group <DirectorsGroup@stellenbosch.gov.za>
Subject: FW: [EX] Parking problem

FYI

Kind regards,
Geraldine Mettler
Municipal Manager
Stellenbosch Municipality
Office of the Municipal Manager

T: +27 21 808 8025 | C: +27 82 312 3063
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

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-----Original Message-----

From: Michele Corner [mailto:michelecorner@icloud.com]

Sent: Thursday, 16 July 2020 12:01

To: mm

Subject: [EX] Parking problem

Dear Sir

I am writing as a concerned shop owner in Stellenbosch. The current parking situation and lack thereof is becoming a serious concern. Many of my customers are unable to find parking and as a result do not visit. It would seem that the “whole day free parking” is being taken advantage of. Obviously as a business owner during this time we need all the help and support with that as a matter of urgency.

Many thanks

Michéle Corner

Fleur le Cordeur shop

Sent from my iPhone

Babalwa Mgcushe

From: mm <Municipal.Manager@ Stellenbosch.gov.za>
Sent: 20 July 2020 04:31 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: [EX] Return of official parking guards



Kind regards,
Nomie Tshetu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: mm <Municipal.Manager@ Stellenbosch.gov.za>
Sent: Thursday, 16 July 2020 21:00
To: Directors Group <DirectorsGroup@ Stellenbosch.gov.za>
Subject: FW: [EX] Return of official parking guards

FYI



Kind regards,
Geraldine Mettler
Municipal Manager
Stellenbosch Municipality
Office of the Municipal Manager

T: +27 21 808 8025 | C: +27 82 312 3063
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Etienne Van Wyk [<mailto:etiennejvw@gmail.com>]
Sent: Thursday, 16 July 2020 12:45

To: mm

Subject: [EX] Return of official parking guards

Dear Sir/Madam

I am writing this letter as an urgent appeal to bring the official parking attendants back to Stellenbosch town centre as a matter of urgency.

Parking in Stellenbosch, and especially around Plein and Church streets is a major issue. Stellenbosch residents avoid town because there is never parking. This is hurting our local economy and directly leading to the demise of small businesses in town, where we currently are desperately dependent on local support.

We are also a small business just off Church Street. We are suffering tremendously at the moment with trade and tourism being non-existent. Shops are closing all around us. We cannot afford to have the few visitors to centre of town be discouraged from visiting due to lack of parking because others are abusing the lack of parking guards by parking in the same spot all day.

Please bring back the parking guards as a matter of urgency and do your part to assist small businesses. There is also a knock on effect for the municipality, as small businesses close you will see your income from rates and taxes come under pressure, so bringing back the parking attendant is simply good business by the municipality.

Kind regards

Etienne van Wyk

Babalwa Mgcushe

From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: 20 July 2020 04:31 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: Complaint - Street Parking Central Stellenbosch



Kind regards,
Nomie Tshetu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za



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From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: Thursday, 16 July 2020 20:59
To: Directors Group <DirectorsGroup@stellenbosch.gov.za>
Subject: FW: Complaint - Street Parking Central Stellenbosch

fyi



Kind regards,
Geraldine Mettler
Municipal Manager
Stellenbosch Municipality
Office of the Municipal Manager

T: +27 21 808 8025 | C: +27 82 312 3063
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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From: anya@rank.co.za [<mailto:anya@rank.co.za>]
Sent: Thursday, 16 July 2020 12:52

To: mm

Subject: [EX] Complaint - Street Parking Central Stellenbosch

Good day,

On behalf of Rank Property Administrators and other tenants in Church, Andringa, Bird and Ryneveld Streets:

There is currently a great frustration with the fact that people park on the streets for the whole day and potential visitors circle a few times and then leave.

People are also occupying the loading zones for long periods.

We would like urgent response in the matter and to request official parking guards to return as soon as possible.

Kind Regards,

Anya Rosser
Rank Property Administrators (Pty) Ltd

Babalwa Mgcushe

From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: 20 July 2020 04:31 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: [EX] Parking problems, Church Street



Kind regards,
Nomie Tshetu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
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From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: Thursday, 16 July 2020 20:59
To: Directors Group <DirectorsGroup@stellenbosch.gov.za>
Subject: FW: [EX] Parking problems, Church Street

FYI



Kind regards,
Geraldine Mettler
Municipal Manager
Stellenbosch Municipality
Office of the Municipal Manager

T: +27 21 808 8025 | C: +27 82 312 3063
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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From: chris@hideandseek.biz [<mailto:chris@hideandseek.biz>]
Sent: Thursday, 16 July 2020 12:53

To: mm

Subject: [EX] Parking problems, Church Street

Hello,

We are a retail business situated t the corner of Church and Adringa street.

Since COVID and the removal of official municipal carguards, there are people parking in spaces for the entire day which does not allow potential customers to come and visit our stores. They have to circle the block constantly to find spaces ut not finding any, they leave, giving us no chance to do trade.

This will become a problem – is there anything that can be done to assist?

Many thanks
Chris Warncke

Babalwa Mgcushe

From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: 20 July 2020 04:32 PM
To: Babalwa Mgcushe; Jerome Potts
Subject: FW: [EX] Parking in town Centre

Kind regards,
Nomie Tshefu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za

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-----Original Message-----

From: Ingrid du Toit <ingrid@greengate.co.za>
Sent: Thursday, 16 July 2020 18:38
To: mm <Municipal.Manager@stellenbosch.gov.za>
Subject: [EX] Parking in town Centre

Good day

I am the owner of the Greengate Eatery on de Wet Centre situated between Church and Plein streets. Like many other businesses at this time we are struggling to keep our heads above water and need all the help we can get to entice more customers to the Centre of town. With the current parking situation - free parking with no parking guards - we have had numerous complaints from clients saying that they simply can't find parking. People circle the block 3 or 4 times and then leave. The parking bays are taken up by people working in town so there is simply no turnover of cars. We implore you to please bring back paid parking to the Centre so that our customers can come back. Please contact me on 0828903772 should you want any more input from me

Kind regards
Ingrid du Toit

Sent from my iPhone

Babalwa Mgcushe

From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: 20 July 2020 04:32 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: [EX] Stellenbosch Kleinbesighede Kliënte parkeerprobleem

Importance: High



Kind regards,

Nomie Tshefu

Chief Administrative Officer

Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438

Plein Street, Stellenbosch 7600

www.stellenbosch.gov.za



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From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: Thursday, 16 July 2020 16:00
To: Directors Group <DirectorsGroup@stellenbosch.gov.za>
Subject: FW: [EX] Stellenbosch Kleinbesighede Kliënte parkeerprobleem
Importance: High

As requested



Kind regards,

Geraldine Mettler

Municipal Manager

Stellenbosch Municipality

Office of the Municipal Manager

T: +27 21 808 8025 | C: +27 82 312 3063

Plein Street, Stellenbosch, 7600

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From: Nic van Rensburg [<mailto:info@eikeboom.co.za>]
Sent: Thursday, 16 July 2020 15:52
To: mm
Subject: [EX] Stellenbosch Kleinbesighede Kliënte parkeerprobleem
Importance: High

DRINGEND

Vir persoonlike aandag: **Me Geraldine Mettler**

Geagte Me Mettler,

Ek rig hierdie epos aan u vir onself en ook namens die verskeie grondvloer kleinhandel besighede in Dorpstraat tussen Adringa en Birdstrate.

Ons besighede vind 'n definitiewe en kommerwekkende afname in die besoeke van ons Kliënte, hoofsaaklik as gevolg van die onaanvaarbare parkeersituasie wat tans geld. (*Parkering was, is en sal altyd'n probleem in ons dorp wees, maar nou is dit 'n groot rede tot kommer vir die voortbestaan van kleinhandel*)

Administratiewe personeel van verskeie instansies rondom ons, parkeer noual sedert hulle weer kan werk, elke dag voltyds, 08:00 tot 17:00 op aangewese straatparkering vakke.

Die Slaghuis was in die bevoorregde posisie on Tydens vlak een en twee van die huidige CORONA 19 virus probleem sekere tye oop te kan wees. Gedurende hierdie tydperk was ons omsette normaal en veral met die instelling van vlak twee, het die besigheid beter as normaal gedoen. Hoofsaaklik omrede daar pakeerplek vir ons Kliënte was.

Met die instelling van vlak drie en die gepaardgaande adminkantore personeel wat weer kon werk, het daar 'n **oombliklike afname** van voete plaasgevind. Die besighede se omsette het algemeen oornag gesak na ongeveer 30% minder as normaal. Die besighede se voortbestaan is nou skielik in die weegskaal.

Die rede is definitief die skielike "Hugging" van parkeerplekke.

Dit sal waardeer word indien u op 'n DRINGENDE basis aandag kan skenk aan die huidige parkeerprobleem sodat die normale parkeervloei herstel kan word.

Ons maak staat op u vinnige optrede.

Vriendelike groete,

Nic van Rensburg

Eikeboom Slagterye (LSJ Familietrust H/a)
 021 865 2559 (Bottelary) 021 886 5731 (Stellenbosch) www.eikeboom.co.za



En ook namens die volgende besighede:

Binky's Do-Nuts, Chilli Bite Café, Sew Elegant, Simply Greek, Gary Rom Hair Dressers, Whitehouse, Thule, PostNet, Tosca Hair, Cape Union Mart, Photo Studio Langley, Eikeboom Slagtery, Jackie O Hairdressers.

Indien nodig, kan die ondersteuning van boonste skrywe ook verkry word van die res van Pleinstraat en Adringastraat se kleinhandelbesighede.

Babalwa Mgcushe

From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: 20 July 2020 04:33 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: PARKING COMPLAINT STELLENBOSCH TOWN



Kind regards,
Nomie Tshefu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za



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From: Carmen Moller <info@etenhealthbar.com>
Sent: Thursday, 16 July 2020 15:17
To: mm <Municipal.Manager@stellenbosch.gov.za>
Subject: [EX] PARKING COMPLAINT STELLENBOSCH TOWN

Good day,

To whomever this may concern, I am the owner of Eten Health Bar which is situated in the De Wet Square's Courtyard.

Church Street is commonly known as the main tourism street of Stellenbosch and attracts the most people. Due to the weather we have more visitors coming in their cars and not on foot- however, some tenants, or offices in and around the area are now using the parking space as a luxury and we are not getting as much feet to our shops as we usually would have due to NO PARKING AVAILABLE EVER in and around the area.

Please may I request that the parking tenants come back, since being outside is anyways much safer with COVID and wearing a mask. Snapscan and card payments can also be done without touching anything, so the concern with regards to COVID is not really an issue at all from how I look at it.

I am requesting this, because less tenants and office building employees will make use of ALL DAY PARKING FOR FREE if they need to start paying for it again,

Thank you,
Sending my best regards,
Carmen Möller

ETEN HEALTH BAR
DE WET CENTRE

SHOP 7C, 7600
STELLENBOSCH CENTRAL
0823337658

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Babalwa Mgcushe

From: mm <Municipal.Manager@ Stellenbosch.gov.za>
Sent: 20 July 2020 04:33 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: [EX] Parking problems, Church Street



Kind regards,
Nomie Tshefu
Chief Administrative Officer
Office of the Municipal Manager

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From: chris@hideandseek.biz <chris@hideandseek.biz>
Sent: Thursday, 16 July 2020 12:53
To: mm <Municipal.Manager@ Stellenbosch.gov.za>
Subject: [EX] Parking problems, Church Street

Hello,

We are a retail business situated t the corner of Church and Adringa street.

Since COVID and the removal of official municipal carguards, there are people parking in spaces for the entire day which does not allow potential customers to come and visit our stores. They have to circle the block constantly to find spaces ut not finding any, they leave, giving us no chance to do trade.

This will become a problem – is there anything that can be done to assist?

Many thanks
Chris Warncke

Babalwa Mgcushe

From: mm <Municipal.Manager@ Stellenbosch.gov.za>
Sent: 20 July 2020 04:33 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: [EX] Parking problems, Church Street



Kind regards,
Nomie Tshetu
Chief Administrative Officer
Office of the Municipal Manager

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Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za



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From: chris@hideandseek.biz <chris@hideandseek.biz>
Sent: Thursday, 16 July 2020 12:53
To: mm <Municipal.Manager@ Stellenbosch.gov.za>
Subject: [EX] Parking problems, Church Street

Hello,

We are a retail business situated at the corner of Church and Astringa street.

Since COVID and the removal of official municipal carguards, there are people parking in spaces for the entire day which does not allow potential customers to come and visit our stores. They have to circle the block constantly to find spaces but not finding any, they leave, giving us no chance to do trade.

This will become a problem – is there anything that can be done to assist?

Many thanks
Chris Warncke

Babalwa Mgcushe

From: mm <Municipal.Manager@stellenbosch.gov.za>
Sent: 20 July 2020 04:33 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: Complaint - Street Parking Central Stellenbosch



Kind regards,
Nomie Tshetu
Chief Administrative Officer
Office of the Municipal Manager

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Plein Street, Stellenbosch 7600
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From: anya@rank.co.za <anya@rank.co.za>
Sent: Thursday, 16 July 2020 12:52
To: mm <Municipal.Manager@stellenbosch.gov.za>
Subject: [EX] Complaint - Street Parking Central Stellenbosch

Good day,

On behalf of Rank Property Administrators and other tenants in Church, Andringa, Bird and Ryneveld Streets:

There is currently a great frustration with the fact that people park on the streets for the whole day and potential visitors circle a few times and then leave.

People are also occupying the loading zones for long periods.

We would like urgent response in the matter and to request official parking guards to return as soon as possible.

Kind Regards,

Anya Rosser
Rank Property Administrators (Pty) Ltd

Babalwa Mgcushe

From: mm <Municipal.Manager@ Stellenbosch.gov.za>
Sent: 20 July 2020 04:34 PM
To: Babalwa Mgcushe; Jerome Potts
Subject: FW: [EX] Return of official parking guards



Kind regards,
Nomie Tshefu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za



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From: Etienne Van Wyk <etiennejvw@gmail.com>
Sent: Thursday, 16 July 2020 12:45
To: mm <Municipal.Manager@ Stellenbosch.gov.za>
Subject: [EX] Return of official parking guards

Dear Sir/Madam

I am writing this letter as an urgent appeal to bring the official parking attendants back to Stellenbosch town centre as a matter of urgency.

Parking in Stellenbosch, and especially around Plein and Church streets is a major issue. Stellenbosch residents avoid town because there is never parking. This is hurting our local economy and directly leading to the demise of small businesses in town, where we currently are desperately dependent on local support.

We are also a small business just off Church Street. We are suffering tremendously at the moment with trade and tourism being non-existent. Shops are closing all around us. We cannot afford to have the few visitors to centre of town be discouraged from visiting due to lack of parking because others are abusing the lack of parking guards by parking in the same spot all day.

Please bring back the parking guards as a matter of urgency and do your part to assist small businesses. There is also a knock on effect for the municipality, as small businesses close you will see your income from rates and taxes come under pressure, so bringing back the parking attendant is simply good business by the municipality.

Kind regards

Babalwa Mgcushe

From: mm <Municipal.Manager@ Stellenbosch.gov.za>
Sent: 20 July 2020 04:34 PM
To: Jerome Potts; Babalwa Mgcushe
Subject: FW: [EX] Parking problem

Kind regards,
Nomie Tshefu
Chief Administrative Officer
Office of the Municipal Manager

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-----Original Message-----

From: Michele Corner <michelecorner@icloud.com>
Sent: Thursday, 16 July 2020 12:01
To: mm <Municipal.Manager@ Stellenbosch.gov.za>
Subject: [EX] Parking problem

Dear Sir

I am writing as a concerned shop owner in Stellenbosch. The current parking situation and lack thereof is becoming a serious concern. Many of my customers are unable to find parking and as a result do not visit. It would seem that the “whole day free parking” is being taken advantage of. Obviously as a business owner during this time we need all the help and support with that as a matter of urgency.

Many thanks

Michéle Corner

Fleur le Cordeur shop

Sent from my iPhone

Babalwa Mgcushe

From: mm <Municipal.Manager@ Stellenbosch.gov.za>
Sent: 20 July 2020 04:39 PM
To: Babalwa Mgcushe
Subject: FW: PARKING COMPLAINT STELLENBOSCH TOWN



Kind regards,
Nomie Tshetu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
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From: mm <Municipal.Manager@ Stellenbosch.gov.za>
Sent: Monday, 20 July 2020 16:33
To: Jerome Potts <Jerome.Potts@ Stellenbosch.gov.za>; mm <Municipal.Manager@ Stellenbosch.gov.za>
Subject: FW: PARKING COMPLAINT STELLENBOSCH TOWN



Kind regards,
Nomie Tshetu
Chief Administrative Officer
Office of the Municipal Manager

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Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za



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From: carmen crous <carmencrous4@gmail.com>
Sent: Thursday, 16 July 2020 15:15
To: mm <Municipal.Manager@ Stellenbosch.gov.za>
Subject: [EX] PARKING COMPLAINT STELLENBOSCH TOWN

Good day,

To whomever this may concern, I am the owner of Eten Health Bar which is situated in the De Wet Square's Courtyard.

Church Street is commonly known as the main tourism street of Stellenbosch and attracts the most people. Due to the weather we have more visitors coming in their cars and not on foot- however, some tenants, or offices in and around the area are now using the parking space as a luxury and we are not getting as much feet to our shops as we usually would have due to NO PARKING AVAILABLE EVER in and around the area.

Please may I request that the parking tenants come back, since being outside is anyways much safer with COVID and wearing a mask. Snapscan and card payments can also be done without touching anything, so the concern with regards to COVID is not really an issue at all from how I look at it.

I am requesting this, because less tenants and office building employees will make use of ALL DAY PARKING FOR FREE if they need to start paying for it again,

Thank you,
Sending my best regards,
Carmen Möller

ETEN HEALTH BAR
DE WET CENTRE
SHOP 7C, 7600
STELLENBOSCH CENTRAL
0823337658

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11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
-------------	---

NONE

11.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))
-------------	---

11.7.1	PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK
---------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK

2. PURPOSE

The purpose of this report is to provide the Council with an update on the progress of the Adam Tas Corridor Catalytic Initiative contained in the Stellenbosch Municipality's Integrated Development Plan 2017 – 2022, and also as stipulated in the Stellenbosch Municipality's Spatial Development Framework, 2019, which in terms of Section 26(e) of the Municipal Systems Act, Act 32 of 2000 is stipulated as a core component of the Municipal IDP.

3. DELEGATED AUTHORITY

Council for noting purposes.

4. EXECUTIVE SUMMARY

The commencement of the Compilation of the draft Adam Tas Corridor Local Spatial Development by the Municipal Manager on 20 March 2020, as delegated by Council at the 27th Council Meeting dated 29 May 2019.

5. RECOMMENDATIONS

- (a) that Council takes cognizance that the process for the Compilation of the draft Adam Tas Corridor Local Spatial Development Framework has commenced;
- (b) that the Adam Tas Corridor geographic area to which the Local Spatial Development will apply, as specified in of this report, has been approved by the Municipal Manager;
- (c) that the Senior Manager: Development Planning has been assigned and appointed as the Project Leader for the formulation of the draft Adam Tas Corridor Local Spatial Development Framework;
- (d) that the process to procure a multi-disciplinary team to undertake the required professional services for the compilation of the draft Adam Tas Corridor Local Spatial Development Framework is currently underway; and

(e) that a Project Team consisting of the following members have been identified to contract and project manage the Adam Tas Corridor Catalytic Initiative:

- Craig Alexander Pr Pln, Project Leader (Senior Manager: Development Planning)
- Stiaan Carstens Pr Pln, Senior Manager: Development Management
- Mr Lester van Stavel, Manager: Housing Development
- Ms Jerri-Lee Mowers, Senior Manager: Development Services

The following Western Cape Government: Department of Environmental Affairs & Development Planning (“DEA&DP”) representatives, listed below, will coordinate the input from WCG and serve as technical advisors to the Project Team:

- Ms Catherine Stone Pr Pln, Director: Spatial Planning;
- Mr Kobus Munro Pr Pln, Director: Regulatory Planning;
- Mr Jeremy Benjamin Pr Pln, Coordinator: Regional Socio-Economic Programme: Stellenbosch (“RSEP”)

6. DISCUSSION / CONTENTS

6.1 Background

The ATC (Adam Tas Corridor) is the start of Stellenbosch’s emerging urban transformation district and the vision is to create an integrated urban development corridor that is liveable, safe, resource-efficient, socially integrated, economically inclusive and globally competitive, in which all citizens can actively participate.

On 29 May 2019, at the 27th Council Meeting, attached **APPENDIX 1**, Council resolved the following:

- (a) *That Council authorises the Municipal Manager to enter into a multi-stakeholder engagement involving the key national departments, relevant local government institutions, the university, private stakeholders, and various landowners;*
- (b) *That Council authorises the Municipal Manager to explore a public private partnership for the Adam Tas Re-generation Initiative;*
- (c) *That Council authorises the Municipal Manager to undertake further work to explore the feasibility, dependencies, and associated risks, etc. in determining the appropriate path for unlocking the Adam Tas Corridor; and*
- (d) *That the Municipal Manager provides feedback to Council.”*

On 20 March 2020, the Municipal Manager agreed with the recommendations as put forward by the then, Acting Director: Planning & Economic Development to commence with the compilation of the draft ATC LSDF, these recommendations were as follows:

“Delegated: for decision by the Municipal Manager”

It is recommended that:

- 10.1 *the commencement of the drafting of a Local Spatial Development Framework for the Adam Tas Corridor (“ATC”) area be approved;*
- 10.2 *the Adam Tas Corridor (“ATC”) geographic area to which the Local Spatial Development Framework will apply, as specified in 4.2 of this report, be approved;*

-
- 10.3 *the Senior Managers: Development Planning and Development Management be appointed as Co-Project Leaders for the formulation of the ATC LSDF;*
- 10.4 *the Municipal Manager & the Chief Financial Officer take note of the proposed budget for the project, as specified in Section 7 of this report, and duly support the proposal put forward;*
- 10.5 *the Co-Project Leaders be authorised to commence with the procurement processes to appointment a suitably qualified and skilled multi-disciplinary team to undertake the required professional services for the compilation of the LSDF;*
- 10.6 *the Co-Project Leaders within two (2) weeks of this approval submit project plans for the procurement process and the proposed project cycle with critical paths, and projected cash flow to the Municipal Manager & Chief Financial Officer for consideration and approval; and*
- 10.7 *the Senior Manager: Development Planning be authorised to publish the commencement of the ATC Local Spatial Development Framework within the local newspapers, as prescribed in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2015.”*

A visioning exercise was undertaken along with the Stellenbosch Municipality’s Municipal Spatial Development Framework (“MSDF”), which was aimed at providing high-level insight into the possibility of including the ATC as a catalytic project within the Municipal IDP and MSDF.

The emerging vision for ATC proposed the following:

- Restructuring and transforming Stellenbosch Town, using existing underutilised assets in a manner to benefit all and address critical needs;
- Establishing a process and plan which gives certainty and sufficient flexibility to accommodate the unknown while enabling a “Starting through staring, learning by doing and using small steps to inform the next” methodology.”
- Broadening opportunity for a range of stakeholders, while accommodating varying readiness and material means; and
- To place Stellenbosch in the heart of the most important urban development project in the country today.

Although, the MSDF has defined ATC as a catalytic initiative, and a lot of previous visioning work which has been completed by both the public and private sector, a need was identified by Council to provide planning guidance in terms of the detailed desired nature and form of development within the ATC area. It is thus envisaged to achieve the key outcomes from the preparation of the LSDF, the following must be included within the LSDF:

- Achieving a unified spatial concept and framework for the area, which has been engaged upon with key stakeholder groupings;
- Providing an enabling framework to guide decision-making on land use applications in line with the intended imperatives such as Transit-Orientated Development, Live-Work-Play, Spatial Transformation (including inclusionary housing and implementation projects and proposals of Stellenbosch Municipality’s Restructuring Zones, etc.);
- Identifying key lead actions and / or projects necessary to enable development in line with the agreed vision and concept for the ATC area;
- Identification of infrastructure requirements and funding mechanisms to enable development of areas that have been prioritised.

6.2 Discussion

This item serves to inform Council that the Directorate: Planning and Economic Development is in the process of the procurement of suitably skilled and experienced multi-disciplinary team to undertake the required professional services, and that it is envisaged that the timeframe for completion of the project is 12-months from the date of appointment.

6.3 Financial Implications

Currently the project will be funded by own funds; RSEP funds (email confirmation of transfer of funds to Stellenbosch Municipality has been issued by DEA&DP); funding from Human Settlement Grant for Northern Extension and Droe Dyke.

The planning grant for Droe Dyke is included as a deliverable of the project and is aimed at obtaining the required land use rights through the overlay zone process, which include the compilation of strategic EIA's and HIA's, which would thus exempt the municipality to undertake these processes, as it is already considered within the SDF and the overlay zone.

6.4 Legal Implications

The ATC LSDF and deliverables contained in the Scope of Works will be drafted in accordance with the Spatial Planning & Land Use Management Act, Act 16 of 2013 ("SPLUMA"); the Western Cape Land Use Planning Act, Act 3 of 2014 ("LUPA"), the Stellenbosch Municipality Land Use Planning Bylaw, 2015; the National Environmental Management Act, Act 107 of 1998 and the National Heritage Resources Act, Act 25 of 1999, and such regulations.

6.5 Staff Implications

The project will have no impact on staff resources, grading, remuneration, allowances, designation, job description, location and / or the organisational structure is required, since the project management will be outsourced and forms part of the proposed duties of the successful bidder, and the contract management will be the responsibility of the Project Leaders, Senior Manager: Development Planning, assisted by the Project Team.

6.6 Previous / Relevant Council Resolutions:

On 29 May 2019, at the 27th Council Meeting, Council resolved the following:

- (a) *That Council authorises the Municipal Manager to enter into a multi-stakeholder engagement involving the key national departments, relevant local government institutions, the university, private stakeholders, and various landowners;*
- (b) *That Council authorises the Municipal Manager to explore a public private partnership for the Adam Tas Re-generation Initiative;*
- (c) *That Council authorises the Municipal Manager to undertake further work to explore the feasibility, dependencies, and associated risks, etc. in determining the appropriate path for unlocking the Adam Tas Corridor; and*
- (d) *That the Municipal Manager provides feedback to Council."*

6.7 Risk Implications

At this stage, no risks have been identified by the Project Leader to complete the project within the required timeframes and proposed budget.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 11.7.1

- (a) that Council takes cognizance that the process for the Compilation of the draft Adam Tas Corridor Local Spatial Development Framework has commenced;
- (b) that the Adam Tas Corridor geographic area to which the Local Spatial Development will apply, as specified in of this report, has been approved by the Municipal Manager;
- (c) that the Senior Manager: Development Planning has been assigned and appointed as the Project Leader for the formulation of the draft Adam Tas Corridor Local Spatial Development Framework;
- (d) that the process to procure a multi-disciplinary team to undertake the required professional services for the compilation of the draft Adam Tas Corridor Local Spatial Development Framework is currently underway; and
- (e) that a Project Team consisting of the following members have been identified to contract and project manage the Adam Tas Corridor Catalytic Initiative:
- Craig Alexander Pr Pln, Project Leader (Senior Manager: Development Planning
 - Stiaan Carstens Pr Pln, Senior Manager: Development Management
 - Mr Lester van Stavel, Manager: Housing Development
 - Ms Jerri-Lee Mowers, Senior Manager: Development Services

The following Western Cape Government: Department of Environmental Affairs & Development Planning ("DEA&DP") representatives, listed below, will coordinate the input from WCG and serve as technical advisors to the Project Team:

- Ms Catherine Stone Pr Pln, Director: Spatial Planning;
- Mr Kobus Munro Pr Pln, Director: Regulatory Planning;
- Mr Jeremy Benjamin Pr Pln, Coordinator: Regional Socio-Economic Programme: Stellenbosch ("RSEP")

APPENDICES

Appendix 1: 27th Council Meeting Minutes dated 29 May 2019

Appendix 2: Adam Tas Development Concept, May 2019

FOR FURTHER DETAILS CONTACT:

NAME	Craig Alexander
POSITION	Senior Manager: Development Planning
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8196
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REPORT DATE	13 July 2020

APPENDIX 1

8.2.4	TABLING OF REPORT SEEKING AUTHORISATION FOR THE MUNICIPAL MANAGER TO ENTER INTO MULTI-STAKEHOLDER ENGAGEMENT TO EXPLORE POTENTIAL TO UNLOCK THE RE-GENERATION AND TRANSFORMATION POTENTIAL OF THE ADAM TAS CORRIDOR
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Collaborator No:

File No:

IDP KPA Ref No:

Valley of Possibility

Meeting Date:

29 May 2019

1. **SUBJECT: TABLING OF REPORT SEEKING AUTHORISATION FOR THE MUNICIPAL MANAGER TO ENTER INTO MULTI-STAKEHOLDER ENGAGEMENT TO EXPLORE POTENTIAL TO UNLOCK THE RE-GENERATION AND TRANSFORMATION POTENTIAL OF THE ADAM TAS CORRIDOR**

2. **PURPOSE**

The purpose of the report is to:-

- (a) To inform Council of the proposed development concept between multi-stakeholder, national government, provincial government, and private stakeholders.
- (b) Seek the support from Council to authorize the Municipal Manager to enter into a multi-stakeholder engagement involving, the key national departments, relevant local government institutions, the university, private stakeholders, and various landowners;
- (c) Seek the support from Council to authorize the Municipal Manager to explore a public private partnership for the Adam Tas Re-generation Initiative; and
- (d) Seek the support from Council to authorize the Municipal Manager to undertake further work to explore the feasibility, dependencies, and risks associated, etc. in determining the appropriate path for unlocking the Adam Tas Corridor.

3. **DELEGATED AUTHORITY**

Council.

4. **EXECUTIVE SUMMARY**

Challenges highlighted during the State of the National Address included, unemployment, education, building of safer communities, sustainable infrastructure development, land reforms, drought disaster management plans, implementation of related initiatives, provision of housing (dignified living), provision of services to the poor households. These were echoed by the Western Cape Premier who further reiterated the importance of finding ways to minimise unemployment by creating an environment that encourages job creation, through investment and growth. The proposed Adam Tas Corridor provide an unique opportunity for such an initiative to address these challenges through a private- public partnership. Furthermore, this proposed corridor is aligned to our draft Spatial Development Framework (SDF) currently under consideration. It provide a unique opportunity for the municipality to explore the potential for the re-generation and transformation of the Adam Tas Corridor. This initiative is aligned to the national and provincial vision of private- public

partnerships to address community needs.. It is important to note that the recommendations below is are in line with the Draft Spatial Development Framework.

27TH COUNCIL MEETING: 2019-05-29: ITEM 8.2.4

RESOLVED (majority vote)

- (a) that Council authorizes the Municipal Manager to enter into a multi-stakeholder engagement involving the key national departments, relevant local government institutions, the university, private stakeholders, and various landowners;
- (b) that Council authorizes the Municipal Manager to explore a public private partnership for the Adam Tas Re-generation Initiative;
- (c) that Council authorizes the Municipal Manager to undertake further work to explore the feasibility, dependencies, and associated risks, etc. in determining the appropriate path for unlocking the Adam Tas Corridor; and
- (d) that the Municipal Manager provides feedback to Council.

Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8025
E-MAIL ADDRESS	mm@ Stellenbosch.gov.za
REPORT DATE	22 May 2019

APPENDIX 2

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 Department: Planning and Economic Development
 Departement: Beplanning en Ekonomiese Ontwikkeling

R2 058 798,50 over an 18-month period. It is proposed that the project plan and cash flow will provide the detail in respect of projected cashflows for the 2020/2021 and 2021/2022 financial years.

8. LEGAL IMPLICATIONS

The LSDF will be developed in line with the relevant provisions of the Stellenbosch Municipality's Land Use Planning Bylaw, 2015, including the process for its drafting as per Sections 9 and 10. This would include public participation as required in terms of the said bylaw, in accordance with the Municipal Systems Act, Act 32 of 2000 and Section 3 of the Promotion of Administrative Justice Act, Act 3 of 2000.

9. STAFF & BUDGET IMPLICATIONS

The report has budget implications to the estimated extent of R2 058 798,50, with a R2,5 million which will be provided by WCG: DEA&DP and R1 million will be provided transferred to Stellenbosch Municipality on 01 April 2020. The report will however have no impact on staff resources, grading, remuneration, allowances, designation, job description, location and / or the organisational structure, as the project management will be outsourced and forms part of the proposed duties of the successful bidder, and the contract management will be shared between the Co-Project Leaders, Senior Managers: Development Planning & Development Management.

10. RECOMMENDATIONS

"Delegated: for decision by the Municipal Manager"

It is recommended that:

- 10.1 the commencement of the drafting of a Local Spatial Development Framework for the Adam Tas Corridor ("ATC") area be approved;
- 10.2 the Adam Tas Corridor ("ATC") geographic area to which the Local Spatial Development Framework will apply, as specified in 4.2 of this report, be approved;
- 10.3 the Senior Managers: Development Planning and Development Management be appointed as Co-Project Leaders for the formulation of the ATC LSDF;
- 10.4 the Municipal Manager & the Chief Financial Officer take note of the proposed budget for the project, as specified in Section 7 of this report, and duly support the proposal put forward;

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Department: Planning and Economic Development
Departement: Beplanning en Ekonomiese Ontwikkeling

- 10.5 the Co-Project Leaders be authorised to commence with the procurement processes to appointment a suitably qualified and skilled multi-disciplinary team to undertake the required professional services for the compilation of the LSDF;
- 10.6 the Co-Project Leaders within two (2) weeks of this approval submit project plans for the procurement process and the proposed project cycle with critical paths, and projected cash flow to the Municipal Manager & Chief Financial Officer for consideration and approval; and
- 10.7 the Senior Manager: Development Planning be authorised to publish the commencement of the ATC Local Spatial Development Framework within the local newspapers, as prescribed in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2015.

REPORT & RECOMMENDED BY:



Craig Alexander Pr Pln
Acting Director: Planning & Economic Development

Date: 20/03/2020

RECOMMENDATIONS APPROVED / NOT APPROVED BY:



Ms Geraldine Mettler
Municipal Manager
 Date: 20.03.2020

comment Mettler as amended per

Comments:

Cost need to be reduce with at least million, project is a priority into SDF and the development priority for Stellenbosch especially into mix development and social housing. This should be partly funded by province

RCEP Funding Mettler

11.7.2	REPORT ON THE STATUS OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: REPORT ON THE STATUS OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS

2. PURPOSE

The purpose of this report is to present an overview of the situation on the backlog in the processing of the land use applications.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Due to a number of service delivery challenges, a backlog in the timeous processing of land use applications occurred over time. A number of interventions were made to address these service delivery challenges, and as a result, the backlog has been reduced since 1 February 2020 from 146 to 30 applications. Of the 116 planning evaluation reports, 61 decisions have already been taken and communicated with the applicants.

5. RECOMMENDATION

that the current status in addressing the backlog in the processing of land use applications, **BE NOTED.**

6. DISCUSSION / CONTENTS

6.1 Due to a number of interventions, the following progress have been made since 1 February 2020 and through the lockdown period to address the backlog in the processing of land use applications:

- a) A total number of 146 applications were identified as backlog applications.
- b) A total number of 116 planning reports have been prepared to evaluate the land use applications.
- c) Of the planning reports completed, a total number of 61 decisions have been taken and communicated to applicants.
- d) A total number of 30 backlog applications are outstanding and still needs to be evaluated.

It needs to be noted that the applications who were designated as backlog applications, are those applications which were finalised in terms of the required administrative processing as on 1 February 2020, and ready for evaluation and decision-making.

6.2 Financial Implications

None

6.3 Legal Implications

None

6.4 Staff Implications

None

6.5 Previous / Relevant Council Resolutions:

2020-05-18: Progress report on backlog applications under Mayoral delegation.

On 25 March 2020, Council resolved to confer all Council power and functions upon the Executive Mayor with the exception of non-delegated powers outlined in Section 160(2) of the Constitution

6.6 Risk Implications

Protracted delays in applications lead to delays in income generating developments and have an adverse impact on the image of the municipality.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 11.7.2

that the current status in addressing the backlog in the processing of land use applications, **BE NOTED.**

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
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E-MAIL ADDRESS	Stiaan.carstens@ Stellenbosch.gov.za
REPORT DATE	14 July 2020

11.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
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NONE

11.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
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NONE