



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2017-11-10

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2017-11-15 AT 10:00

TO The Executive Mayor, Ald G Van Deventer (Ms)

The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS PW Biscombe

J De Villiers

AR Frazenburg

E Groenewald (Ms)

XL Mdemka (Ms)

S Peters

Ald JP Serdyn (Ms)

Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch on **Wednesday, 2017-11-15 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

A G E N D A

MAYORAL COMMITTEE MEETING

2017-11-15

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NONE

5.	STATUTORY MATTERS
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5.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

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

5.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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5.3.1	APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 9993, 14 GIHOND ROAD, PARADYSKLOOF, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for refusal**.

2. BACKGROUND

There is no relevant background information that has a bearing on the current application.

3. DISCUSSION

3.1 Application for consideration

Application is made in terms of Clause 13 of the bylaw relating to the control of boundary walls and fences (Provincial Gazette 6671, 30 October 2009) to enable the owner to construct a 2,4m high boundary wall on a portion of the street and common boundary on Erf 9993, Stellenbosch. See **APPENDIX 2** for site plan.

3.2 Property Information

Erf number	9993
Location	14 Gihond Road, Eden, Stellenbosch. APPENDIX 1
Zoning/Zoning Scheme	Group housing/ Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Property size	406m ²
Owner	James Cave
Applicant	Diane Isles

3.3 Site Description and immediate environs

The subject property is located in Gihond Road in Eden a residential area of Stellenbosch. Eden is a group housing development located in Paradyskloof. There is currently a semi-detached dwelling unit, a garage and outside room on the property (see **APPENDIX 3**).

3.4 Legal requirements

Applicable laws and ordinances:

- By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009).

3.5 Public participation

Registered letters were served on the surrounding property owners, Eden Home Owners Association and the Ward Councillor (Cllr F J Badenhorst). No objections have been received. The relevant internal department also supported the application.

3.6 Comments from internal and external departments

The **Manager: Spatial Planning, Heritage and Environment** supported the proposal subject to the positive written comment from the Home Owners Association (see **APPENDIX 4**).

3.7 Planning Assessment

The owner of the subject property proposes to construct a 2,4m high boundary wall on a portion of the common and street boundary. Clause 5 of the bylaw states that the height of a boundary wall or fence on a residential zoned property may not exceed 2,1m in height and Council may grant a waiver to any of the provisions of the bylaw if in Council's opinion the specific site topographical conditions are such that the granting of a waiver will not result in the construction of a wall or fence that will materially detract from the character of the area.

The applicant's motivation is that the wall is needed for security reasons. A building plan was approved on 20 February 2001 to construct an outside room next to the existing single garage. The proposed wall will also shield the outside room from the street and the adjacent property.

A site inspection revealed that similar walls/fences exist within the immediate vicinity of the subject property (see **APPENDIX 5** for photos). It is however important to note that two onsite parking bays needs to be provided for every group housing property and that two parking bays currently can be accommodated on the subject property. With the construction of the proposed boundary wall only access to one onsite parking bay will be able to be accommodated on the property within the existing single garage. The existing garage is located too close to the street and thus there is also not enough space for a vehicle to be parked in front of it.

The proposal as submitted thus not be supported due to the fact the proposed boundary wall will facilitate only one onsite parking bay, should the applicant amend the proposal to accommodate two onsite parking bays then the proposal could be supported by this department.

CONCLUSION

The proposed boundary wall will have a detrimental impact on the character of the surrounding area as cars will be parked in the road reserve due to the fact that they cannot be accommodated on the subject property as required by the Stellenbosch Municipality Zoning Scheme Regulations, July 1996.

RECOMMENDED

that the application for deviation from the By-law Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,4m high boundary wall on a portion of the street and common boundary on Erf 9993, Stellenbosch, as indicated on the attached Drawing No. STB9993, dated May 2017, drawn by Fineline (See **APPENDIX 2**), be **refused**.

<i>Meeting:</i>	<i>Mayco: 2017-11-15</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>1/2/1/2</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>	<i>543005</i>	<i>Referred from:</i>	

5.3.2	APPLICATION FOR A SPECIAL DEVELOPMENT ON ERF 7586, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable a decision on the application for a special development on erf 7586, Stellenbosch. The application is **recommended for approval**.

2. BACKGROUND

Erf 7586, Stellenbosch is zoned *Specific Business*; i.e. the erf has development rights as permitted in the *General Business* zone (to be finalised through negotiations with Council). The application under consideration is for the land owner to develop a two storey building comprising basement parking with shops and offices on the ground and first floor of the building.

3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a two storey commercial building comprising basement parking with shops and offices on the ground and first floor of the building. A locality plan is attached as **APPENDIX 1**.

4. PROPERTY INFORMATION

Erf number	7586
Location	Stellentia Road, Stellenbosch (see APPENDIX 2)
Zoning/Zoning Scheme	Specific Business / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Current Land Use	Vacant
Unauthorized land use/building work / date when notice served	No
Property size	20869m ²
Applicant	TV3 Architects & Town Planners (Power of Attorney attached as Appendix 6)
NHRA Applicable	No
Title deed conditions	No

5. DISCUSSION

5.1 Legal requirements and Public Participation

The application for a Special Development was submitted in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a two storey commercial building comprising basement parking with shops and offices on the ground and first floor of the building. The application was advertised to the surrounding affected property owners and associations via registered mail for comment in terms of the Public Participation Policy for the Land Use Management section. The application was also circulated to the relevant internal departments of Council and is supported with conditions approval.

Two letters of objection were received from the Stellenbosch Ratepayers' Association and Liesl Marais. (Refer to **APPENDIX 4**)

5.2 Summary of objections and comments received

Refer to **APPENDIX 4**

STELLENBOSCH RATE PAYERS' ASSOCIATION (Objection against development on Erven 7586 and 7588)		
OBJECTIONS / ISSUES RAISED	APPLICANT'S COMMENTS	PLANNING DEPARTMENTS COMMENTS
1. Both erven are zoned Specific Business. There are no normal developments for Specific Business and only uses as permitted in the general business zone is permitted. It is strange that no business uses were indicated with the 1984 approval.	Noted.	Noted
2. The Specific Business zoning was created to limit development and must be negotiated with Council and should take cognisance of the environment.	The Specific Business zoning was not created to limit development. The Zoning Scheme Regulations only state that the detail of the development proposal must be negotiated with Council.	The proposal under consideration has taken the surrounding land uses into consideration and thus should not have a negative impact on its surroundings.
3. The applications requests an extension of the Specific Business Zoning and a special development for certain land uses.	A legal opinion has been obtained and it is not necessary to apply for the extension of the Specific Business zoning as it has already vested. The application is therefore only for a special development.	The subject property has the development rights applicable to Specific Business and the application under consideration is to be able to act on the existing land use rights.

<p>4. There is a capacity crisis with the municipal waste water treatment plant.</p>	<p>The Municipality is currently busy with the upgrading of the waste water treatment plant which should be completed by the end of 2017.</p>	<p>The subject properties will only be developed once capacity is in place within the waste water treatment plant of Council.</p>
<p>5. With such a development the developer must pay bulk infrastructure contribution levies (BICLs).</p>	<p>The required BICLs will be paid in accordance with Council's policy.</p>	<p>This detail is determined by the Engineers Department and the owner will be informed of the relevant contributions that must be paid.</p>
<p>6. The Erf 7586 special development application asks for retail, shops, offices, wine shop and offices. These are land uses of General Business and not the purpose of Specific Business.</p>	<p>The proposed land uses on Erf 7586 will be limited to shops and offices – which are permissible land uses i.t.o. the Specific Business zoning. The proposed restaurant will not be developed.</p>	<p>The land uses which are allowed within a general business zoned property is similar to that of a specific business zoned property with the exception that approval is granted for only the land use rights approved and indicated on the Site Development Plan attached to the approval granted.</p>
<p>7. The applicant claims the site is located in the town's CBD.</p>	<p>Stellenbosch's proclaimed historic core acts as an indication of the town's CBD. The site is located in the town's historic core and it can therefore be accepted that it is also located in the town's CBD.</p>	<p>The subject property forms part of the Historical Core of Stellenbosch and is also located on the edge of the CBD area of Stellenbosch.</p>
<p>8. We disagree with the claim that the development will acknowledge the area's heritage or conserve the built, agricultural, rural and natural environment.</p>	<p>The development proposal was the subject of an extensive heritage impact assessment and an urban design study. These specialist input dictated the final development proposal. For this reason we are of the opinion that the development proposal does acknowledge the area's heritage and conserve the environment.</p>	<p>The application has been endorsed by Heritage Western Cape and will comply with the conditions of approval as imposed by Heritage Western Cape as determined by the heritage study.</p>
<p>9. The applicant claims that employment opportunities must be created close to housing opportunities.</p>	<p>The development will create new employment opportunities and the idea is to link the area with Die Boord via pedestrian and bicycle paths.</p>	<p>The proposed development will create short and long term employment opportunities within Stellenbosch.</p>

<p>10. The applicant's motivation is not reconcilable.</p>	<p>This is only the objector's opinion.</p>	<p>This comment is noted and the department uses a number of sources to determine the impact of the development on its surroundings.</p>
<p>11. The site is located in the town's historic core and is subject to the rules of construction in the historical centre of Stellenbosch.</p>	<p>Noted. The proposed development is compliant with all of these rules.</p>	<p>The development does comply with the development parameters applicable to the heritage core and is supported by Heritage Western Cape</p>
<p>12. Council must facilitate development and provide engineering services on a sustainable manner.</p>	<p>The necessary bulk infrastructure upgrades will be undertaken (in conjunction with the engineering department) for the proposed development.</p>	<p>This comment is noted and will be addressed by the relevant departments.</p>
<p>13. Council now has the opportunity to do the right thing since the erven have no existing development rights.</p>	<p>The site is zoned Specific Business. The development detail must be negotiated with Council but the permissible land uses are the same as those of General Business. It is therefore incorrect of the objector to claim the site has no existing rights.</p>	<p>As noted above the subject property has the land use rights of specific business and complies with all the relevant departments' requirements and the requirements of Heritage Western Cape.</p>
<p>14. The development will place an additional burden on the traffic problem and engineering services.</p>	<p>The development is an opportunity for Council to upgrade and improve the town's bulk infrastructure.</p>	<p>The Engineers Department of Council has addressed this issue and the relevant infrastructure will be upgraded by the developed as part of the approval granted.</p>
<p>15. Dr. Anton Rupert planted vineyards on these erven (in the late 1980's / early 1990's) to alleviate development pressure in Stellenbosch.</p>	<p>In the 1999 Dr. Rupert planned to construct the Rupert International head office building on Erf 7586. Even though it never materialised he did develop the Rupert Museum on one of the vineyard erven (Erf 7587).</p>	<p>The subject property is not zoned for agricultural purposes and thus the planting of vineyards was an interim use of the subject property.</p> <p>The proposal as submitted is in line with the zoning of the property and the proposal has taken the surrounding land uses into consideration.</p>

5.3 Site Description and Assessment

The proposed development can be deemed desirable as the site is already zoned for business purposes. The subject property is located on the edge of the central business district of Stellenbosch.

The proposed commercial land uses (consisting of shops and offices) is not foreign to the area and should complement the existing surrounding commercial land uses already located in the area such as Inanda (offices), Oude Rozenhof (retail), Protea Hotel Dorpshuis, Rupert Museum, Distell's head office, Shell Garage (service station and car dealership), Agrimark (retail), De Wagenweg Office Park, etc.

The proposed development will comply with the recommendations of the Lower Dorp Street urban design framework (as drafted by Piet Louw urban designers) and will complete the Lower Dorp Street precinct. It is foreseen that the proposal will create a destination to which people will be drawn as currently only sections of lower Dorp Street are actively visited. Due to this people will move up and down lower Dorp Street contributing to the existing pedestrian movement in this area.

The proposed development will contribute to the local economy as numerous temporary employment opportunities will be created during the construction phase and a number of permanent employment opportunities will be created within the commercial facility once the building is occupied. The development of the subject property and those around will lead to the optimal use of the town's existing bulk infrastructure and will aid in containing urban sprawl and protect the agricultural areas around Stellenbosch.

The densification will further contribute to making public transport and non-motorised transport a viable alternative. A heritage impact assessment was undertaken by Dr. Elzet Albertyn and Heritage Western Cape has approved the proposed development i.t.o. the National Heritage Resources Act, 1999.

In light of the above the application is supported from a town planning point of view.

5.4 APPENDICES

- Appendix 1: Locality Map.
- Appendix 2: Site Development Plan.
- Appendix 3: Objections received and Comment on objections by applicant.
- Appendix 4: Comments received from Internal Departments

RECOMMENDED

that **approval is granted** in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on Erf 7586, Stellenbosch to permit the construction of a commercial building consisting of shops and offices, subject to the following conditions:

1. The approval applies only to the Special Development as applied for and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2. That the development shall be limited to shops and offices only;
3. That the development shall be limited to a 3-storey building with basement parking, shops, restaurants, liquor store, offices and flats above ground floor only as indicated on the attached Site Development Plan, Plan number 2970-A-102, Dated 03 April 2014, attached as **APPENDIX 2**;
4. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
5. That the conditions imposed by the Directorate Engineering Services in their memo dated: 15 July 2017 attached as **APPENDIX 4** be adhered to;
6. That an advertising theme be submitted to the Municipality for approval and that the theme complies with the relevant signage policy of Council prior to any signage being fixed to the building;
7. That the relevant business licence be obtained, if required; and
8. That this Council reserves the right to impose further conditions if deemed necessary.

REASON FOR RECOMMENDATION

The land use is considered desirable as it is in line with the municipal planning policies and principles; constitutes infill development of underutilised land; will lead to the optimal use and appropriate densification; is compatible with and will complement the surrounding land uses; will have a positive impact on the local economy; will broaden the municipal tax base; and will lead to efficient use of existing services and facilities.

Meeting:	Mayco:2017-11-15	Submitted by Directorate:	Economic Development & Planning Services
Ref No:	15/3/12/1 & 72/2/1/15	Author:	Director: Planning & Economic Development
Collab:		Referred from:	

5.3.3	APPLICATION FOR A SPECIAL DEVELOPMENT ON ERF 7588, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable a decision on the application for a special development on erf 7588, Stellenbosch. The application is **recommended for approval**.

2. BACKGROUND

Erf 7588, Stellenbosch is zoned *Specific Business*; i.e. the erf has development rights as permitted in the *General Business* zone (to be finalised through negotiations with Council). The application under consideration is for the land owner to develop basement parking with offices and flats above ground floor level on the subject property. The proposed development will consist of a three storey building.

3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a mixed use building consisting of basement parking with offices and flats above ground floor level. A locality plan attached as **APPENDIX 1**.

4. PROPERTY INFORMATION

Erf number	7588
Location	Stellentia Road, Stellenbosch (see APPENDIX 1)
Zoning/Zoning Scheme	Specific Business / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Current Land Use	Vacant
Unauthorized land use/building work / date when notice served	No
Property size	18391m ²
Applicant	TV3 Architects & Town Planners
NHRA Applicable	No
Title deed conditions	No

5. DISCUSSION

5.1 Legal requirements and Public Participation

The application for a Special Development was submitted in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a mixed use building consisting of basement parking with offices and flats above ground floor

level. The application was sent to the surrounding affected property owners and associations for comment in terms of the Public Participation Policy for the Land Use Management section. The application was also circulated to the relevant internal departments of Council and the proposal is supported. One letter of objection was received from the Stellenbosch Ratepayers' Association. (Refer to **APPENDIX 3**).

5.2 Summary of objections and comments received

Refer to **APPENDIX 3**

STELLENBOSCH RATE PAYERS' ASSOCIATION (Objection against development on Erven 7586 and 7588)		
OBJECTIONS / ISSUES RAISED	APPLICANT'S COMMENTS	PLANNING DEPARTMENTS COMMENTS
1. Both erven are zoned Specific Business. There are no normal developments for Specific Business and only uses as permitted in the general business zone is permitted. It is strange that no business uses were indicated with the 1984 approval.	Noted.	Noted
2. The Specific Business zoning was created to limit development and must be negotiated with Council and should take cognisance of the environment.	The Specific Business zoning was not created to limit development. The Zoning Scheme Regulations only state that the detail of the development proposal must be negotiated with Council.	The proposal under consideration has taken the surrounding land uses into consideration and thus should not have a negative impact on its surroundings.
3. The applications requests an extension of the Specific Business Zoning and a special development for certain land uses.	A legal opinion has been obtained and it is not necessary to apply for the extension of the Specific Business zoning as it has already vested. The application is therefore only for a special development.	The subject property has the development rights applicable to Specific Business and the application under consideration is to be able to act on the existing land use rights.
4. There is a capacity crisis with the municipal waste water treatment plant.	The Municipality is currently busy with the upgrading of the waste water treatment plant which should be completed by the end of 2017.	The subject properties will only be developed once capacity is in place within the waste water treatment plant of Council.

<p>5. With such a development the developer must pay bulk infrastructure contribution levies (BICLs).</p>	<p>The required BICLs will be paid in accordance with Council's policy.</p>	<p>This detail is determined by the Engineers Department and the owner will be informed of the relevant contributions that must be paid.</p>
<p>6. The Erf 7586 special development application asks for retail, shops, offices, wine shop and offices. These are land uses of General Business and not the purpose of Specific Business.</p>	<p>The proposed land uses on Erf 7586 will be limited to shops and offices – which are permissible land uses i.t.o. the Specific Business zoning. The proposed restaurant will not be developed.</p>	<p>The land uses which are allowed within a general business zoned property is similar to that of a specific business zoned property with the exception that approval is granted for only the land use rights approved and indicated on the Site Development Plan attached to the approval granted.</p>
<p>7. The Erf 7588 special development application asks for offices and flats.</p>	<p>Noted.</p>	<p>Noted.</p>
<p>8. The applicant claims the site is located in the town's CBD.</p>	<p>Stellenbosch's proclaimed historic core acts as an indication of the town's CBD. The site is located in the town's historic core and it can therefore be accepted that it is also located in the town's CBD.</p>	<p>The subject property forms part of the Historical Core of Stellenbosch and is also located on the edge of the CBD area of Stellenbosch.</p>
<p>9. We disagree with the claim that the development will acknowledge the area's heritage or conserve the built, agricultural, rural and natural environment.</p>	<p>The development proposal was the subject of an extensive heritage impact assessment and an urban design study. These specialist input dictated the final development proposal. For this reason we are of the opinion that the development proposal does acknowledge the area's heritage and conserve the environment.</p>	<p>The application has been endorsed by Heritage Western Cape and will comply with the conditions of approval as imposed by Heritage Western Cape as determined by the heritage study.</p>
<p>10. The applicant claims that employment opportunities must be created close to housing opportunities.</p>	<p>The development will create new employment opportunities and the idea is to link the area with Die Boord via pedestrian and bicycle paths.</p>	<p>The proposed development will create short and long term employment opportunities within Stellenbosch.</p>
<p>11. The applicant's motivation is not reconcilable.</p>	<p>This is only the objector's opinion.</p>	<p>This comment is noted and the department uses a number of sources to determine the impact of the development on its surroundings.</p>

<p>12. The site is located in the town's historic core and is subject to the rules of construction in the historical centre of Stellenbosch.</p>	<p>Noted. The proposed development is compliant with all of these rules.</p>	<p>The development does comply with the development parameters applicable to the heritage core and is supported by Heritage Western Cape</p>
<p>13. Council must facilitate development and provide engineering services on a sustainable manner.</p>	<p>The necessary bulk infrastructure upgrades will be undertaken (in conjunction with the engineering department) for the proposed development.</p>	<p>This comment is noted and will be addressed by the relevant departments.</p>
<p>14. Council now has the opportunity to do the right thing since the erven have no existing development rights.</p>	<p>The site is zoned Specific Business. The development detail must be negotiated with Council but the permissible land uses are the same as those of General Business. It is therefore incorrect of the objector to claim the site has no existing rights.</p>	<p>As noted above the subject property has the land use rights of specific business and complies with all the relevant departments' requirements and the requirements of Heritage Western Cape.</p>
<p>15. The development will place an additional burden on the traffic problem and engineering services.</p>	<p>The development is an opportunity for Council to upgrade and improve the town's bulk infrastructure.</p>	<p>The Engineers Department of Council has addressed this issue and the relevant infrastructure will be upgraded by the developed as part of the approval granted.</p>
<p>16. Dr. Anton Rupert planted vineyards on these erven (in the late 1980's / early 1990's) to alleviate development pressure in Stellenbosch.</p>	<p>In the 1999 Dr. Rupert planned to construct the Rupert International head office building on Erf 7586. Even though it never materialised he did develop the Rupert Museum on one of the vineyard erven (Erf 7587).</p>	<p>The subject property is not zoned for agricultural purposes and thus the planting of vineyards was an interim use of the subject property.</p> <p>The proposal as submitted is in line with the zoning of the property and the proposal has taken the surrounding land uses into consideration.</p>

5.3 Site Description and Assessment

The proposed development is seen to be desirable as the site is already zoned for business purposes (which provides for offices and flats). The proposed development will actualise the development potential of the property which is currently vacant.

The application area is located on the edge of the town's central business district and thus the proposed land uses (offices and flats) will not be foreign to the area and will be seen to be compatible with the surrounding

commercial land uses (Inanda (offices), Oude Rozenhof (retail), Protea Hotel Dorpshuis, Rupert Museum, Distell's head office, Shell Garage (Service station and KFC), Agrimark (retail), De Wagenweg Office Park, Weidenhof Street apartment buildings, etc.)

The proposed development will be done in accordance with the recommendations of the Lower Dorp Street urban design framework (as drafted by Piet Louw urban designers). The proposed development will complete the Lower Dorp Street precinct and create a destination. Currently only sections of Dorp Street are actively visited. The proposed development of the Lower Dorp Street area will attract more people to the area and these people will move up and down Dorp Street, contributing to further redevelopment / development of this area.

The proposed development will give the local economy a boost by creating a number of temporary employment opportunities (during the construction phase) and permanent employment opportunities within the commercial facility when the project will be created.

The densification of the existing urban area within the urban edge will lead to the optimal use of a town's existing bulk infrastructure and contain urban sprawl thereby protecting the agricultural hinterland around Stellenbosch.

The densification will further contribute to making public transport and non-motorised transport a viable alternative. Pedestrian walkways and cycle paths will be provided.

A heritage impact assessment was undertaken by Dr. Elzet Albertyn and Heritage Western Cape has given their approval for the proposed development in terms of the National Heritage Resources Act, 1999.

In light of the above the application is supported from a town planning point of view.

6. APPENDICES

- Appendix 1: Locality Map.
- Appendix 2: Site Development Plan.
- Appendix 3: Comment on objections and objections received.
- Appendix 4: Comments received from Directorate: Engineering Services

RECOMMENDED

that **approval is granted** in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on Erf 7588, Stellenbosch to permit the construction of a mixed use building consisting of basement parking, offices and flats above ground level, subject to the following conditions:

1. The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2. That the development shall be limited to a 3 storey building with basement parking, shops, restaurants, liquor store, offices and flats above ground floor only as indicated on the attached Site Development Plan, Plan number J3083-A-101-2, Dated October 2013;
3. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite; That the building plans submitted to Council for approval is substantially the same as the approved Site Development;
4. That the building plans must comply with the conditions imposed by Heritage Western Cape and must be endorsed by the relevant Heritage body;
5. That the conditions imposed by the Directorate: Engineering Services in their memo dated 15 July 2017 attached as Appendix 4 be adhered to prior to building plans being submitted to Council for approval;
6. That a detailed landscaping plan is submitted for approval with the building plans and that the landscaping plan be to the satisfaction of the Directorate Community Services;
7. That the landscaping shall be implemented prior to an occupational certificate being issued for the building;
8. That the refuse room be placed in such a position on the property to have minimal impact on the streetscape and to form part of architecture of the building;
9. That any vehicle servicing the refuse room should at all times have minimal impact on the existing traffic flow within the street;
- 10 That an advertising theme be submitted to the Municipality for approval and that the theme complies with the relevant signage policy of Council prior to any signage being fixed to the building;
- 11 That the relevant business licence be obtained if required;
- 12 That this Council reserves the right to impose further conditions if deemed necessary.

REASON FOR RECOMMENDATION

The proposed development of the subject property is considered desirable as it is in line with the municipal planning policies and principles and constitutes infill development of underutilised land. The proposal is compatible with the surrounding land uses. The proposal will have a positive impact on the local economy and will broaden the municipal tax base. The proposal will also facilitate the efficient use of existing services and facilities.

Meeting: Ref no: Collab:	Mayco: 2017-11-15 1/2/1/2	Submitted by Directorate: Author Referred from:	Planning & Economic Development D Lombaard
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5.3.4	APPLICATION FOR THE DEVIATION FROM THE PROVISIONS OF THE BYLAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 1202, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable Council to make an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for approval**.

2. BACKGROUND

*This item served before the Mayoral Committee meeting held on 11 October 2017 and was referred back for the **Manager: Spatial Planning, Heritage and Environment** to provide additional comment. See **APPENDIX 9** for the additional comment.*

3. DISCUSSION

3.1 Application for consideration

Application is made in terms of Clause 13 of the bylaw relating to the control of boundary walls and fences (Provincial Gazette 6671, 30 October 2009) to enable the owner to construct a 2,4m high solid wall on the rear boundary of Erf 1202, Stellenbosch. See **APPENDIX 3** for site plan.

3.2 Property Information

Erf number	1202
Location	16 Helderberg Street APPENDIX 1
Zoning/Zoning Scheme	General Residential / Stellenbosch Municipality Zoning Scheme Regulations, July 1996
Property size	638m ²
Owner	Elsbeth Verhoeven
Applicant	Rodney Dirkse

3.3 Site Description and immediate environs

The subject property is located in Helderberg Street which connects Dorp Street and Noordwal Street. The subject property is surrounded by high density development consisting of a mixture of retail and residential development and is situated within the historical core of Stellenbosch (see **APPENDIX 1**).

3.4 Legal requirements

Applicable laws and ordinances:

- By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009). See **APPENDIX 4** for extract from By-law.

3.5 Public participation

Registered letters were served on the surrounding property owners and the Ward Councillor (Cllr Q Smit). The owner of Erf 13606 commented on the proposal by indicating that the new boundary wall must be the same style and painted as the current wall between Erf 1205 and Erf 13606 (a condition will be imposed in this regard). No objections had been received and all the relevant internal departments supported the application.

3.6 Comments from internal and external departments

The **Manager: Building Management** supports the proposal (see **APPENDIX 5**).

The **Manager: Spatial Planning, Heritage and Environment** supports the proposal (see **APPENDIX 6**).

The **Director: Engineering Services** supports the proposal (see **APPENDIX 7**).

3.7 Planning Assessment

The owner of the subject property proposes to construct a 2,4m high solid wall on a portion of the rear boundary of the property.

Clause 5(b) of the bylaw states that the height of a boundary wall or fence on a residential zoned property may not exceed 2,1m in height except where the screening of backyards or swimming pools are concerned, in which case the height may at the discretion of Council be increased to 2,5m (see **APPENDIX 4** for an extract of the bylaw).

A visit to the site revealed that the subject property is sited lower than Erf 13606, Stellenbosch and the current fence is overgrown with shrubs (see **APPENDIX 8** for photos). The parking area of the adjacent property is facing onto the application property and the proposed wall will definitely enhance the existing situation with regards to safety and aesthetics and will also screen off the owner's private outdoor space from the adjacent property. The proposed wall will not infringe on the rights of the abutting property owners.

The property is situated in the historical core of Stellenbosch and the proposal was supported by the Manager: Spatial Planning, Heritage and Environment. The proposal will not have a negative impact on the streetscape as it will be located at the rear of the property and will not be visible to passing traffic.

Council may grant a waiver to any of the provisions of the bylaw if in Council's opinion the specific site topographical conditions are such that the granting of a waiver will not result in the construction of a wall or fence that will materially detract from the character of the area. The proposed boundary wall will aid in providing privacy to the residents of the subject property.

Conclusion

The main purpose of the boundary wall is to screen the backyard which is use for recreational area by the owner of the property, from the adjacent property. The backyard (private outdoor space) faces onto the neighbours parking area and the wall will provide privacy to the backyard area of the subject property. The proposed wall will have no impact on the abutting property owners. The proposal will also not have a negative impact on the streetscape as it is located at the rear of the property and will also not be visible to passing traffic.

Given the above discussion as well as the absence of any material impact, the proposal is considered to have planning merit and the deviation from the bylaw is therefore recommended for approval by the Directorate Planning and Economic Development.

4. LEGAL IMPLICATIONS

Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

5. FINANCIAL IMPLICATIONS

None required.

APPENDICES

- Appendix 1 : Conditions of approval
- Appendix 2 : Locality plan
- Appendix 3 : Site Plan/Site Development Plan
- Appendix 4 : Extract from bylaw
- Appendix 5 : Comment from the Manager: Building Management
- Appendix 6 : Comment from the Manager: Spatial Planning, Heritage and Environment
- Appendix 7 : Comment from the Director: Engineering Services
- Appendix 8 : Photos
- Appendix 9 : Additional comment from the Manager: Spatial Planning, Heritage and Environment as well as Manager: Land Use Management

**APPENDIX 1
FILE NO: 1202**

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site " means **ERF1202, STELLENBOSCH**

"scheme regulation" has the meaning assigned thereto by the Western Cape Land Use Planning Act (03 of 2014).

EXTENT OF APPROVAL:

Deviation in terms of Section 13 of the Bylaw Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,4m high solid wall on the rear boundary of Erf 1202, Stellenbosch, as indicated on the attached Drawing No. CD101, dated April 2016, drawn by Innovative Designs Architectural Designers (See **APPENDIX 3**).

RECOMMENDATION

that approval be granted for the application to deviate from the By-law Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,4m high solid wall on the rear boundary of Erf 1202, Stellenbosch, as indicated on the attached Drawing No. CD101, dated April 2016, drawn by Innovative Designs Architectural Designers (See **APPENDIX 3**), subject to the conditions contained in **APPENDIX 1**.

CONDITIONS IMPOSED:

1. The approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements from council;
2. Building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
3. The proposed wall must have the same finishes as the existing wall on the neighbouring property which is Erf 1205, Stellenbosch; and
4. This Municipality reserves the right to impose further conditions if deemed necessary.

Meeting:	Mayco: 2017-11-15	Submitted by Directorate:	Planning & Economic Development
Ref no:	1/2/1/2	Author	D Lombaard
Collab:	543005	Referred from:	

5.3.5

STELLENBOSCH MUNICIPALITY MSDF STATUS QUO REPORTS

1. PURPOSE OF REPORT

The purpose of the report is to submit a status quo report in terms of Section 6(2) of the Stellenbosch Land Use Planning Bylaw (2015) to Council. After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the *status quo* report and submit it to the Council for adoption.

2. BACKGROUND

Council resolved at their meeting of 2016-10-05 (Item 7.4.4) to:

- (a) proceed with the development of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) (MSDF);
- (b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;
- (c) establish a project committee;
- (d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and
- (e) use the MSDF as a platform to consider and align the following:
 - (i) Strategic Environmental Management Framework (SEMF)
 - (ii) Rural Area Plan (RAP)
 - (iii) Urban Development Strategy leading to a Stellenbosch WCO24 SDF
 - (iv) Heritage Resources Inventory
 - (v) Integrated Human Settlement Plan
 - (vi) Klapmuts Local Spatial Development Framework (LSDF)
 - (vii) Stellenbosch LSDF amendment to be compliant with SPLUMA
 - (viii) Jonkershoek LSDF amendment to be compliant with SPLUMA
- (f) proceed with the amendment of the current approved MSDF to be aligned with the 2017/18 IDP; and
- (g) both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.

Since the above resolution was taken, the Intergovernmental Steering Committee was firmly established and met successfully on 4 occasions to discuss the progress of the various projects. The status quo reports were distributed amongst all members of the ISC for input. Only 4 comments were received and are attached as **Annexure 1**.

The following comments were received:

- Western Cape Government: Environmental Affairs & Development Planning – *Comment on the Urban Development Study (Status Quo Report);*
- Western Cape Government: Environmental Affairs & Development Planning – *Comment on the Klapmuts Special Development Area Economic Feasibility Study Draft Report;*
- Western Cape Government: Human Settlements – *Comment on the Klapmuts Special Development Area EFS Draft Report*
- Western Cape Government: Transport & Public Works – *General comment on the Klapmuts Special Development Area EFS Status Quo Report*

The municipality appointed different consultants to assist with the drafting of various high level strategic plans as well as a number of local area plans.

These studies became necessary in implementing strategies contained in the approve 2013 MSDF and through various council decision i.e. Innovative Projects. All the above projects were commissioned as independent studies each with its own project schedule, completion date and budget.

However, the various studies all relate to one another and shed further light on the spatial strategy for the municipality with varying levels of detail.

The projects are as follows:

NO	PROJECT	CONSULTANT
1	Urban Development Strategy	Rode & Associates
2	Rural Area Plan	CNdV Africa
3	Heritage Inventory and Management Plan	Cape Winelands Professional Practice
4	Transit Orientated Development Study	Royal Haskoningdhv
5	Investigation into the Western By-pass	ICE
6	Klapmuts Economic Feasibility Study	BEAL

3. CURRENT PROGRESS WITH PROJECTS

Progress made with the individual projects is illustrated in the table:

PROJECT	PRODUCT	COMPLETION DATE
Urban Development Strategy	Status Quo report completed	June 2017
Rural Area Plan	Status Quo report completed	June 2017
Heritage Inventory	Phase 2 a Report completed	February 2017
Transit Orientated Development	Feasibility study completed.	June 2017
Western By-Pass	Pre-feasibility	April 2017
Klapmuts EFS	Draft Strategy Report completed	July 2017

The coordination of the different studies will form the framework for the new MSDF. As the individual projects each have their own schedule the challenge is to coordinate and integrate the work of the consultants to such an extent that the work will result in a complete and credible MSDF in time for submission to Council in May 2108.

Attached please find the following status quo documentation for information and adoption as **Annexure 2**.

Heritage Inventory – Prof F Todeschini

- Report: *Phase 2a Report – Preliminary Draft Heritage Inventory of Large-Schale Landscape Areas in the Rural Domain of the Stellenbosch Municipality Informing Proposed Heritage Areas*

Rural Area Plan – Simon Nicks

- Report: *Stellenbosch Municipality Rural Area Plan: Phase 1 Public Participation and Phase 2 Status Quo Report*

Urban Development Strategy – Bergwald Rode:

- Report: Status Quo Report (Draft 1) – Assignment Drafting of a Stellenbosch Municipal Urban Development Strategy

Western Bypass – Piet van Blerk

- *Stellenbosch Western Bypass – Status Report (23 April 2017) and Provisional Traffic Modelling Result (30 May 2017)*

Transit Orientated Development: *A Concept for the town of Stellenbosch (Final Draft) [Royal Haskoning DHV]*

Klapmuts Special Development Area – *Economic Feasibility Study – Draft Report June 2017*

4. LEGAL COMMENT

This item is in compliance with the Stellenbosch Land Use Planning Bylaw, 2015.

RECOMMENDED

- (a) that Council adopts the status quo reports; and
- (b) that the reports be subjected to 4 public open days in November 2017 as reflected in the process plan approved by Council as part of the IDP process in August 2017.

<i>Meeting:</i>	<i>Mayco: 2017-11-15</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>15/2/1/1</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>	<i>551454</i>	<i>Referred from:</i>	

5.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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NONE

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE)
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5.5.1	PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO FACILITATE THE DELIVERY OF STATE SUBSIDIZED HOUSING UNITS, SERVICED SITES FOR AFFORDABLE HOUSING UNITS, GAP HOUSING UNITS AND HIGH INCOME HOUSING UNITS
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1. PURPOSE OF REPORT

The purpose of this report is for Council to consider:

- (i) the disposal of municipal land, being a portion of Portion 4 of Farm No 527 and a portion of the Remainder of Farm No 527, located at Jamestown, Stellenbosch through a Land Availability Agreement (LAA); and
- (ii) to allow the Municipal Manager to commence the process of appointing a Turnkey Developer through a Call for Proposals in order to facilitate the delivery of a range of housing options on the land parcels identified in (i) above and indicated on Figure 2 below.

2. BACKGROUND / STATUS QUO

2.1 Development Rights: Portion 4 of Farm No 527

2.1.1 Existing Approval

At a meeting of the Council of the Stellenbosch Municipality held on 30 May 2013, Council resolved, amongst others, as follows:

“(a) that Council’s resolution dated 28-02-2012 be rescinded and replaced as follows:

- (i) that the application for the subdivision of the property in terms of Section 25 of the Land Use Planning Ordinance, 1985, Ordinance 15 of 1985 (LUPO) be approved ...”*
- (ii) that the application for the rezoning of Portion 4 of the property in terms of Section 16 of the LUPO, be approved, to create a subdivisional area ...”*

In terms of the above resolution, the Subdivisional Area must allow for the following development:

- (i) Approximately 395 single residential erven with sizes varying between 100m² and 450m², Zoned Single Residential, with special development for additional dwelling units and occupational uses, and departures from building line and coverage parameters, to allow semi-detached and row housing.
- (ii) Approximately 176 dwellings on more or less 9 erven, zoned General Residential.
- (iii) Educational Institution / Place of Worship erf for use as a day care facility and religious purposes.
- (iv) Public Open Space of no less than 5,2 hectares.
- (v) Local Authority for taxi rank.
- (vi) Local Authority for street purposes.

The Development Plan approved as part of this Council Resolution provided for the development to be completed in 3 Phases as indicated in Figure 1 below.

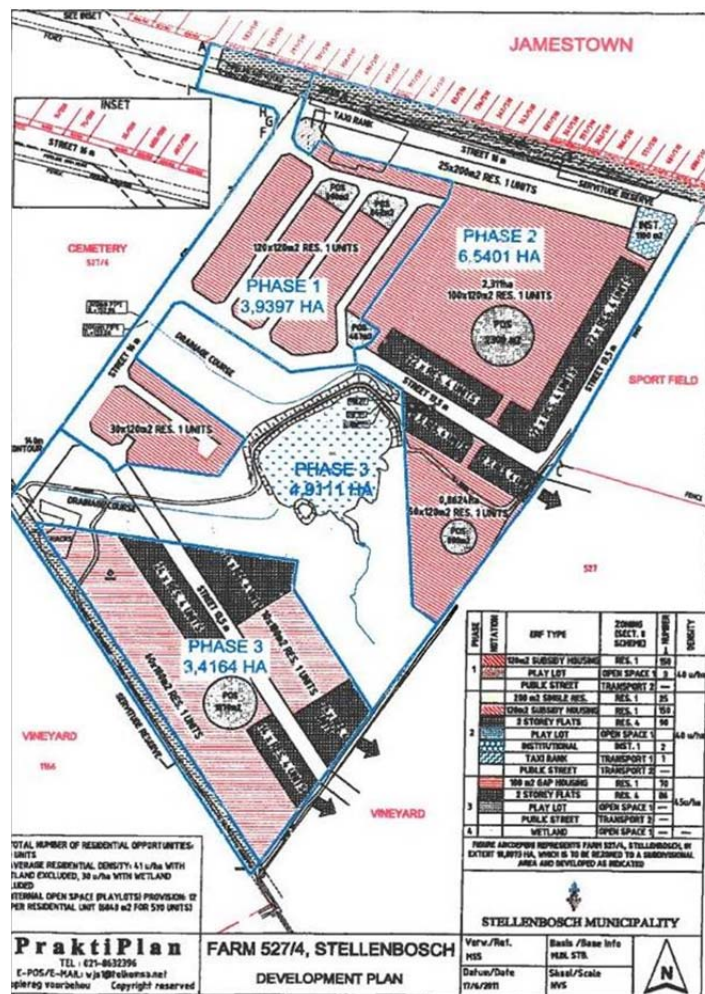


Figure 1: Approved township establishment on Portion 4 of Farm 527, Stellenbosch

2.1.2 Phase 1

Phase 1 of the development, comprising a total of 162 state subsidised residential units on 120 m² erven, has already been constructed and was completed in December 2016.

2.1.3 Temporary Relocation Area (TRA)

A Temporary Relocation Area (TRA) had to be established to accommodate the existing families resided on the access road to the site where the contractor had to start with the services of the 162 erven.

The TRA is located in the southern corner of the site on a significant portion of the development area earmarked for Phase 3 of the development as per the Development Plan in 2.1 above. This TRA, originally intended to accommodate approximately 50 temporary structures, has now grown to the extent that there are currently approximately 170 structures due to the relocation of the families affected by a devastating fire and the eviction order instituted by the owners of Blaauwklippen.

2.1.4 Phase 2

Phase 2 of the approved development proposal is located in the north-eastern corner of Portion 4 of Farm 527 wedged between the recently completed (December 2016) Phase 1 to its west and the existing sportsfield to its east.

Phase 2 covers an area of 6.5401ha and approval has been granted for the development of:

- 150 Single Residential units (120 sq m erven on 3.1724ha) earmarked for subsidy housing;
- 90 higher density General Residential units (2-storey flats);
- 25 Single Residential units (200 sq m erven located in the transition area between the existing Jamestown and the new development);
- 1 Public Open Space (playlot);
- 1 Institutional Use erf; and
- A Local Authority Use erf (taxi rank).

It is envisaged that Phase 2 be developed in the short / medium term either as a stand-alone project or together with the approved Phase 3.

2.2 Remainder Farm 527

The Remainder of Farm 527 is zoned Agriculture and is currently, and has historically, been used for agricultural purposes, mainly for the cultivation of grapes. The Stellenbosch Municipality: Housing Pipeline (Annual Review) dated 15 June 2016 indicates the development potential for a portion of this property to be in the region of 850 housing opportunities with proposed timelines for construction of 3-5 years and 5-10 years. The location of the property in relation to Portion 4 of Farm 527 is presented diagrammatically in Figure 2 overleaf.

3. DISCUSSION**3.1 The Concept of Turnkey Development as opposed to the Conventional “Contractor Approach”**

The conventional approach to housing development used extensively over the years is a cumbersome process for municipalities, fraught with pitfalls and risks associated with the management of a wide range of disciplines from conceptual development stage up to handover of a finished product to the end-user / beneficiary. Project funding and financial management of the project, to a large extent, rests with the municipality.

Typical steps for the municipality in this process include:

- Land identification;
- Budget process for planning and design phase;
- Tender process for planning phase;
- Identification of end-users / beneficiaries;
- Concept development and planning;
- Obtaining development rights & township establishment;
- Budget process for detailed design and construction phase;
- Tender process for detailed design;
- Detailed design approval processes;
- Tender process for construction phase;
- Project management during construction phase;
- Monitoring compliance to municipal standards and regulations;
- Approval of finished product; and
- Handover of finished product to end-user / beneficiary (subsidy units).

In a Turnkey Development, the developer is appointed by the municipality through a competitive public process to do all the work related to the successful completion of the project, including:

- Planning of the land identified;
- Township establishment process;
- Design and installation of internal reticulation services;
- Construction of houses to municipal requirements and compliance;
- Obtaining municipal approvals and occupancy certificates; and
- Transfer of individual properties/conveyancing.

One of the benefits of a Turnkey Development is that the developer is responsible for the whole project (provides complete and functional development), funds the entire building process (including planning and design), deals with all building and infrastructure development issues, and delivers a completed product to the end-user.

Whilst the municipality needs to ensure that the type of housing provided through a Turnkey Development matches the need for the various housing products within its area of jurisdiction, the success or otherwise of Turnkey Developments can be determined, amongst others, by:

- Municipalities being over-prescriptive in terms of their expected outcomes;
- Municipality responsible for funding applications in line with housing pipeline;
- Economies of scale – the larger the development, the bigger the opportunity for cross-subsidization between the various income groups and the lower the risks for the developer; and
- Quality of house delivered/end product.

3.2 The Proposed Development

3.2.1 Locality and Context

The locality of the Jamestown Housing Project on Portion 4 of Farm No 527 and Remainder Farm No 527 and its local context is indicated on Figure 2 overleaf.



**F****Figure 2: Location of the Jamestown Housing Project**

It is located on the southern edge of the suburb of Jamestown, east of the R44 between Stellenbosch and Somerset West. It is flanked by an existing cemetery on its western boundary and a sports field located centrally on its northern edge. The site falls within an area characterized by medium to high-density residential as well as non-residential uses that serve the local community of Jamestown. Portion 4 of Farm 527 has been rezoned allowing for a mix of uses as indicated in 2.1.1 above. A number of (approximately 170) informal residents are residing on the southern-most portion of Portion 4 of Farm 527 on the land earmarked for Phase 3 of the Project.

3.2.2 Availability of bulk infrastructure

Bulk water and water distribution system

Bulk water and water distribution system Jamestown zone is supplied from the Jamestown reservoir which receives its water from the Faure WTP via the supply scheme which supplies Spier and the De Zalze Golf Estate. The Jamestown reservoir can also be supplied with water through the Jamestown reservoir network with water supplied through the Paradyskloof 1 zone.

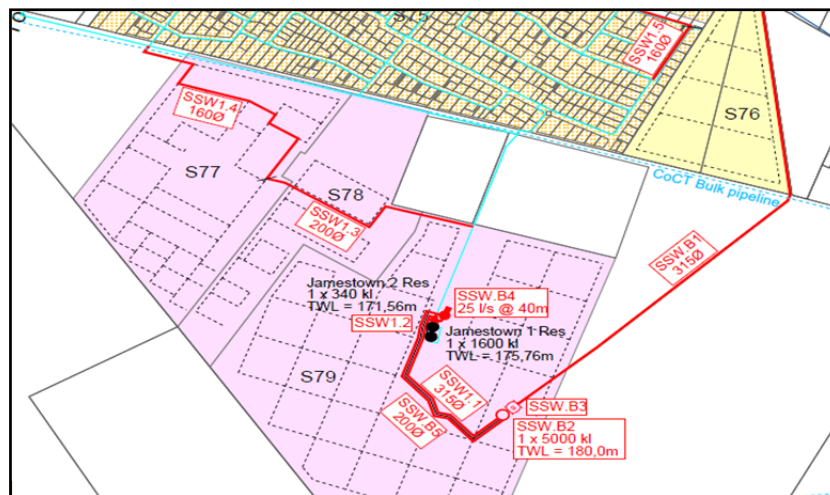


Figure 3: Jamestown - Existing Water Distribution System

In figure 3 alongside indicates the existing water distribution system and existing Jamestown reservoirs.

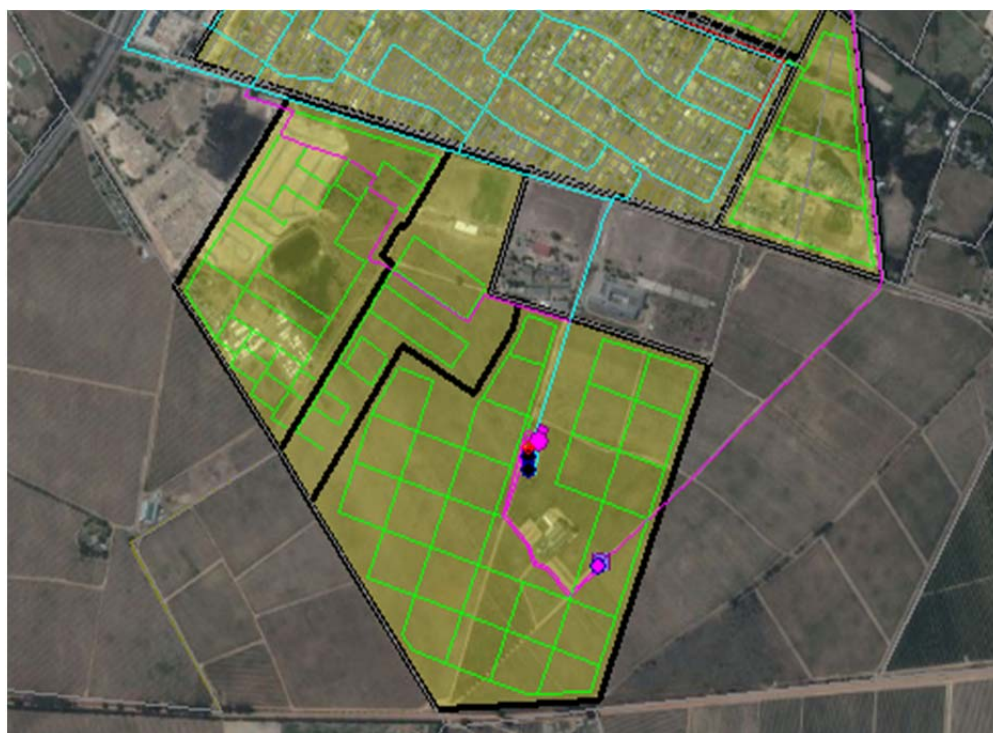


Figure 4: Jamestown - Master Plan Water Distribution System

In figure 4 alongside indicates the schematic water network and the position of a new 5Ml reservoir needed to provide water for this new development area. This new reservoir is currently not in the process of being built and to supply sufficient water for this proposed development area, this bulk water infrastructure combined with the feeders, down feeders and booster pump station will be needed.



Figure 5: Jamestown - Detail Master Plan Water Distribution System

In Figure 5 alongside the details are given of the Water Master Plan items to be installed for this new area. The item SSW.B1, a 315 mm water line from Paradyskloof is in the process to be installed.

Figure 6: Jamestown - Reservoir and Booster Distribution Zones

In figure 6 two new Water Distribution Zones are given. This two new water distribution zones indicated are necessary due to the fact that the height of the proposed reservoir is not sufficient to supply the whole area with gravity feed from the reservoir. The supply area has to be divided into a high and lower supply area, revered to the Booster zone and Reservoir zone.

Sewer system

Figure 7: Jamestown - Existing Sewer Gravity System

The existing sewer system in Jamestown is given in Figure 7 overleaf. This illustrates the gravity system of the existing residential area.

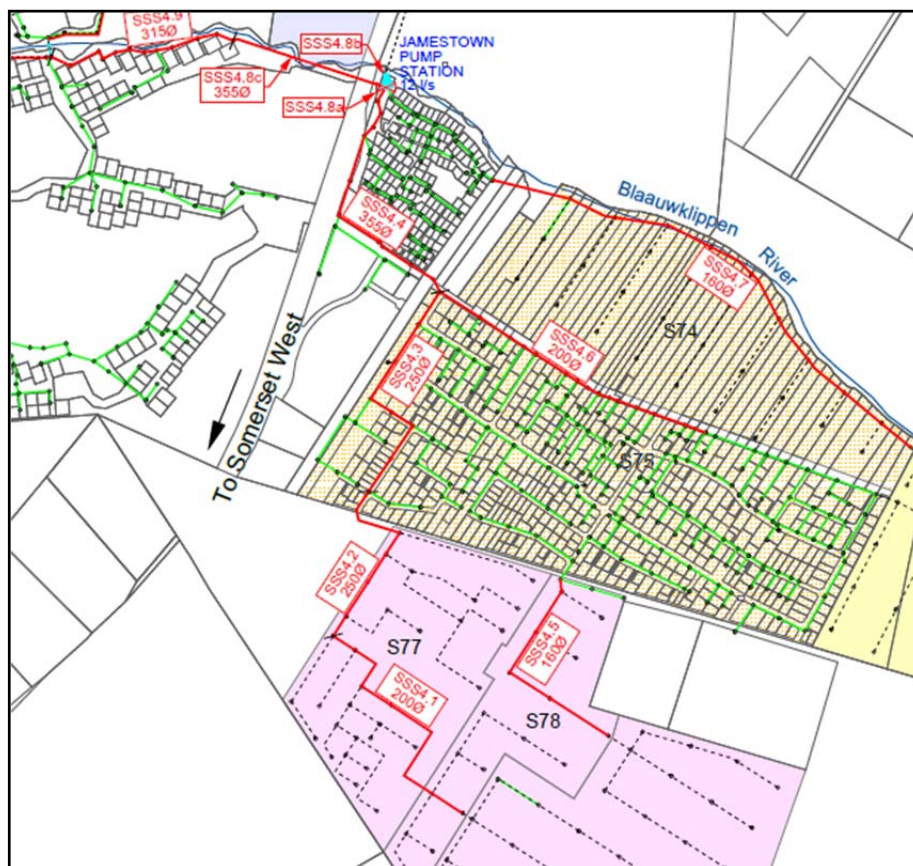


Figure 8: Jamestown - Future Sewer System

Figure 8 overleaf indicates the future schematic sewer and manhole system proposed for the new development area.

Figure 9: Jamestown - Sewer Master Plan

Figure 9 overleaf is the proposed Sewer Master Plan for this area. On this diagram, items SSS4.8c and SSS4.9 is an outfall sewer line that has to be upgraded and runs through the De Zalze Estate. This part of the Mater Plan implementation has currently issues with the EIA and to get authorization from De Zalze Estate to install the new upgraded sewer line. The existing outfall sewer line does not have any spare capacity to accommodate any further developments.

The rest of the sewer upgrades needed for this proposed development is indicated in red on Figure 9 alongside.

In order to supply water and sewer services to the proposed development at the required service levels, the implementation of the Water and Sewer Master Plan items as mentioned in this document is needed.

In order for the development to have sufficient sewer capacity, all the sewer upgrades are essential.

The reservoir was not planned to be built at this point in time, but to comply with the Red Book design criteria to have sufficient bulk water capacity, the new 5MI reservoir should form part of the initial infrastructure to be installed.

3.3 Portion 4 of Farm No 527

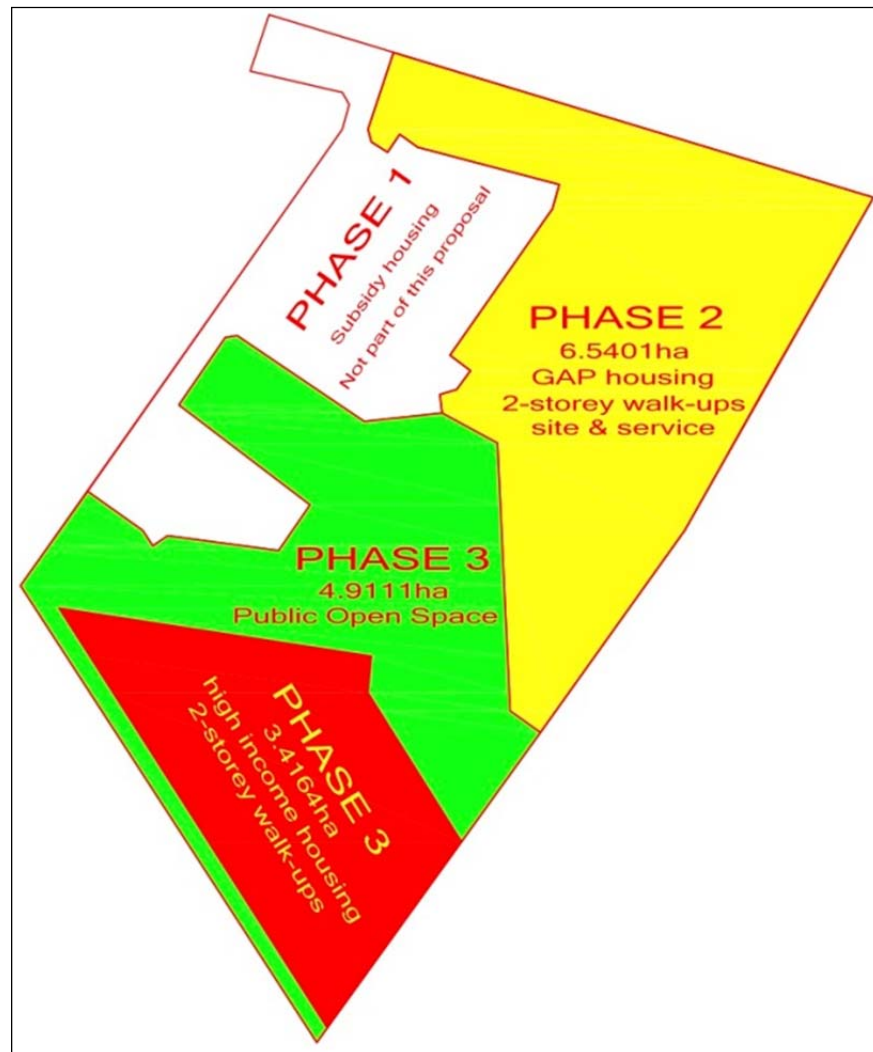


Figure 10: Portion 4 of Farm 527 - Phasing

The proposed development of Portion 4 of Farm No 527 in three phases is discussed in 2.1 above and indicated diagrammatically in Figure 10 overleaf. As indicated in 2.1, the development rights for this proposed development are in place.

3.4 Remainder Farm No 527 (a portion of)

No development rights for this portion of land have as yet been applied for. It is proposed that the full extent of Remainder Farm No 527 that falls within the urban edge be made available for housing purposes as Phase 4 of the development.

3.5 Amended Stellenbosch Municipality SDF (31 May 2017) and Urban Edge

The Draft Stellenbosch Municipality Spatial Development Framework (SDF) identifies 14 nodes as the loci of future development in the municipality. Jamestown / De Zalze is one of these nodes and is described in the SDF as “a disjointed semi-rural settlement on the outskirts of Stellenbosch town consisting of three isolated components: a historic Rhenish mission village (Jamestown), an out of town shopping centre (Stellenbosch Square) and an upmarket golf estate (De Zalze)”. The SDF identifies the implementation of “low income housing on commonage land to the south” as one of the opportunities for this node and “vacant land in Jamestown” as future development areas.

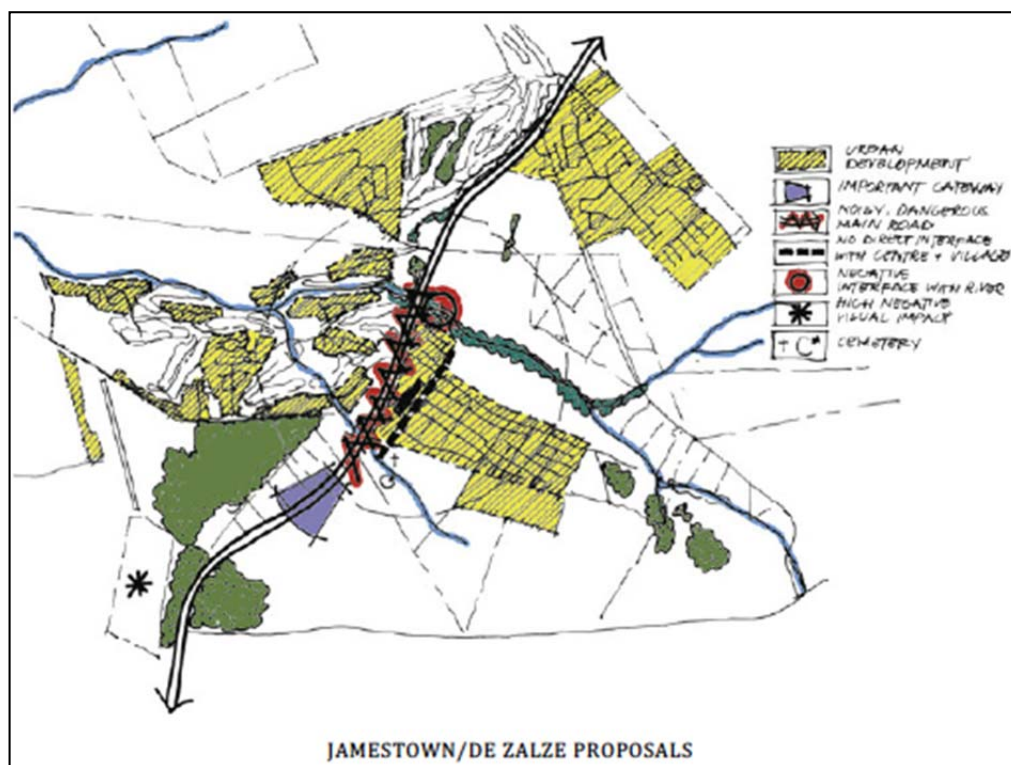


Figure 11: SDF Proposals for Jamestown / De Zalze Node

According to the SDF the future lateral growth direction for the Jamestown / De Zalze node is seen as “southerly expansion to accommodate RDP, social and GAP housing”. The SDF proposals for the Jamestown / De Zalze node is indicated diagrammatically in Figure 11 alongside and shows proposed urban development on land surrounding the existing sportsfield located centrally between Portion 4 and Remainder Farm 527.

The Stellenbosch Municipality Spatial Development Framework, as amended 31 May 2017, therefore provides for future urban development options to be considered in the area in which the two subject properties are located. The Proposed Development Concept / Framework discussed briefly below provides for a development footprint that aligns with the revised urban edge for the Jamestown area as approved on 31 May 2017. The proposed extended development envelope provides for a sizeable development that may be considered a viable proposition to prospective Turnkey Developers.

3.6 Proposed Development Concept / Framework

Phase 1 of the approved development on Portion 4 of Farm No 527 (state subsidy housing) has recently been completed (December 2016). This 3.9397ha portion of Portion 4 of Farm No 527 is therefore excluded from this Proposed Development Concept / Framework (refer Figure 12 overleaf).

Development rights have also been obtained for Phases 2 and 3 on Portion 4 of Farm 527 (site and service, 2-storey walk-ups, GAP housing, medium high income housing and public open space) and it is proposed that these two phases be made available simultaneously with the extended area for development in the short to medium term.

The portion of Remainder Farm No 527 included in this Proposed Development Concept is zoned Agriculture and application therefor still needs to be made to obtain development rights for urban / residential development. The development of this area (the new Phase 4) is therefore only possible in the medium to long term (as also indicated in the Stellenbosch Municipality Housing Pipeline (Annual Review) 2016). Because of the extent of the combined (expanded) development footprint, it will be required that the provision of community facilities be considered as part of this phase. It will also be required of the prospective Turnkey Developer to do the necessary detailed feasibility studies and obtain the relevant planning and other approvals to enable township establishment for this phase of the development.



Figure 12: Proposed Development Area

Considering past experiences in respect of difficulties relating to the viability of delivering housing in especially the lower middle-income market, a project consisting of the combined Phases 2 and 3 (short to medium term) as well as the new Phase 4 (medium to long term) may provide for the economies of scale required for a successful project.

3.7 Existing Lease Agreements



Figure 13: Current lease agreements on Remainder Farm No 527

Two lease agreements are in place between the Stellenbosch Municipality and private individuals in respect of portions of Remainder Farm 527 earmarked for the proposed Phase 4 of the development, being Lease Areas 527J, measuring 28ha in extent and 527F, measuring 53ha in extent (refer Figure 13 alongside).

Clause 20 of the lease agreement affords the Municipality the right to cancel the lease agreement (or amend it) should the land, or a portion of the land, be needed for *bona fide* municipal purposes. In such an event a 12 months written notice should be served to allow the lessee ample time to gather his / her harvest.

In order to allow for the development of the proposed Phase 4, these lease agreements need to be terminated and / or negotiations in respect of agreement on alternative arrangements with the lessees must be initiated.

3.8 Housing Pipeline

The Stellenbosch Municipality Housing Pipeline (Annual Review) 2016 identifies the Jamestown Project as both an existing project (Phases 1, 2 and 3) for BNG and GAP housing development, as well as a proposed project (Remainder Farm 527 Jamestown (Phase 4)). No specific housing type is identified for the proposed project (Remainder Farm 527) and it is expected to be developed in the medium to long term (3 to 5 years and 5 to 10 years).

3.9 Land Costs and Development Contributions

Under normal circumstances market related land costs would be recovered from the development. However, in the interest of Stellenbosch Municipality's overall objectives and to enable the municipality to provide housing opportunities for its target market, Council can consider waiving these land contributions for certain categories of end users. This may typically be considered based on a sliding scale as per Table 1 below.

Table 1: Typical sliding scale for land value contributions by end-users

HOUSEHOLD INCOME	% OF MARKET VALUE TO BE CONTRIBUTED BY END USER
R0 to R300 000	0%
R300 001 to R1m	50%
More than R1m	100%

Development Contributions (DC's) are payable for all private developments and developers have to enter into a Service Agreement with Council, in terms whereof service standards will be fixed and pro-rata contributions payable by the developer will be determined. However, Council may also consider waiving the payment of these contributions, or part thereof, in order to achieve the overall objective of this development and if such waiving will favour the provision of low-cost and medium-cost housing. Development Contributions payable may also be considered on the principle of a sliding scale based on the value of housing units to be developed (refer Table 2 below).

Table 2: Typical Development Contributions (DC's) sliding scale

VALUE OF HOUSING UNIT	% OF DC TO BE CONTRIBUTED
R0 to R500 000	0%
R500 001 to R1 000 000	50%
More than R1 000 000	100%

In order to achieve a viable financial arrangement for the Stellenbosch Municipality and to minimize shortfalls related to infrastructure provision, the proceeds from the land cost contributions by end users (Table 1 above) may be used to off-set the reduced income from DC's.

3.10 Legal Considerations

3.10.1 Municipal Finance Management Act, No 56 of 2003 (MFMA)

In terms of Section 14 (1) of the MFMA a municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

In terms of Section 14 (2), however, a municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in sub-section (1), but only after the municipal Council, in a meeting open to the public –

- (a) has decided on reasonable grounds that the **asset is not needed to provide the minimum level of basic municipal services**; and

- (b) **has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.**

Further, in terms of sub-section (5), any transfer of ownership of a capital asset in terms of sub-section (2) must be fair, equitable, transparent, **competitive** and consistent with the Supply Chain Management Policy of the Municipality.

3.10.2 Asset Transfer Regulations (ATR)

Chapter 2 of ATR deals with the transfer and permanent disposal of non-exempted capital assets.

In terms of Regulation 4(3)(b), the Regulations **do not apply to the transfer of housing on municipal land and the transfer of that municipal land for the poor as beneficiaries of such housing.**

In terms of the Regulations a municipality may transfer or dispose of a non-exempted capital asset only after-

- (a) the accounting officer has conducted a public participation process* to facilitate the determinations a municipal Council must make in terms of Section 14(2)(a) and (b); and
- (b) the Municipal Council-
 - (i) has made the determinations required by Section 14(2)(a) and (b); and
 - (ii) has as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.

*Sub-regulation 1(a) must be complied with only if the capital asset is a high value capital asset, i.e. with a value in **excess of R50m** or 1% of the total value of the municipality's assets.

Further, in terms of Regulation 7, a municipal Council must, when considering any proposed transfer or disposal of a non-exempted capital asset, take into account, *inter alia*:-

- (a) whether the capital asset may be required for the municipality's **own use** at a later stage;
- (b) the expected loss or gain that is expected to result from the proposed transfer; and
- (c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the Municipality.

Further, in terms of Regulation 11, an approval in principle in terms of Regulation 5 (*supra*) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any condition, including conditions specifying:-

- (a) **the way in which the capital asset is to be sold or disposed of;**
- (b) **a floor price** or minimum compensation;
- (c) **whether the capital asset may be transferred or disposed of at less than its fair market value**, in which case the municipal Council must first consider the criteria set out in Regulation 13(2)*; and
- (d) a framework within which direct negotiations for the transfer or disposal must be conducted with another person, if transfer or disposal is subject to direct negotiations.

In terms of Regulation 12 the municipality may transfer or dispose of a capital asset only in accordance with its disposal management system, irrespective of the value of the asset.

*In terms of Regulation 13(2), if a municipality on account of the **public interest**, in particular in relation to the **plight of the poor**, intend to transfer a non-exempted capital asset for less than its fair market value, the municipality must, when considering such transfer, take into account:

- (a) **the interest of the local community;**
- (b) **the strategic and economic interest of the municipality**, including the long-term effect of the decision on the municipality;
- (c) whether the interest of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and
- (d) **whether the local community would be better served if the asset is transferred at less than its fair market value, as opposed to a transfer at fair market value.**

In terms of Regulation 17 a municipality may transfer a fixed asset only by way of a written transfer agreement. The minimum requirements are set out in Regulation 17(2).

3.10.3 Disposal / Awarding of Rights

Stellenbosch Municipality's Disposal Management Policy is set out in Chapter 5 of the Supply Chain Management Policy.

In terms of Section 5.3.1 hereof, immovable property may only be sold at market related prices, **except when the public interest or plight of the poor demands otherwise**. For purposes hereof "*public interest*" means disposal to:-

- (a) promote the **achievement of equality** by taking measures to protect or advance persons or categories of persons disadvantaged by unfair discriminations;
- (b) afford **Black people** who are South African citizens a preference;

- (c) ensure and promote **first time home ownership**, including, but not limited to, ensuring that people that qualify in terms of the municipality's **GAP Housing** Policy.

3.10.4 Process

It is intended that prospective Turnkey Developers will be solicited to submit bids through a Call for Proposals Process that will request the delivery of state subsidized housing units, serviced sites for affordable housing (plot and plan), GAP housing units and high income housing for sale on the open market. Although the eventual development mix will be determined through, amongst others, feasibility studies and financial modelling to be completed by prospective developers, a mix of 30% BNG housing and 70% other (lower, middle and upper GAP and high income) is considered achievable.

Developers and financiers will be invited to submit proposals on how to achieve these outcomes having regard to objectives and conditions that will be outlined in the Call for Proposals. The evaluation of proposals received in response to this Call for Proposals will be undertaken on the basis of a set of evaluation criteria to be approved by the Municipal Manager, based on the following framework:

- Experience of the Developer (track record) in delivering quality housing in the various categories identified;
- Ability (financial and otherwise) of the Developer to deliver on a project of this nature;
- Urban design proposals and the quality of the environment created
- Funding proposal;
- Value for money (for example housing typologies and specifications proposed); and
- BBBEE credentials.

3.10.5 Valuation of land

The value of the land parcels to be made available for the proposed development must be determined in advance. Two (2) independent valuers will be appointed to provide land value per square meter. The market value will be the weighted average of the two (2) independent values.

3.10.6 Land Availability Agreement

As the properties are publicly owned land it is anticipated that they will be offered to the successful Bidder in the form of a Land Availability Agreement (LAA). In terms hereof the land is to be made available to the successful Bidder, to enable it to do the relevant feasibility studies, obtain the required approvals for township establishment, provide the necessary infrastructure and to construct the housing units, where applicable. The rights to develop the subject

properties will therefore be transferred to the successful Bidder, with the objective of selling the improved land (and house, where applicable) to end-buyers.

4. COMMENTS BY RELEVANT DEPARTMENTS

4.1 Community Services

Supports the item and propose that the development includes the design and construction of proper social infrastructure.

4.2 Economic Development and Planning

The Item does not make any reference to the provision of:

- (a) ECD's
- (b) Schools (both primary and high schools)
- (c) Health services / facilities

Should no provision be made for additional services / facilities, then comment from various provincial government departments should be solicited regarding the potential impact of the number of proposed new dwelling units on the current health and educational infrastructure. Should the intention be for learners to be transported to other schools, the provincial education department must also be requested to comment on this aspect.

4.3 Financial Services

The opportunity exists for approximately 1300 housing opportunities if the urban edge is extended to include a greater portion of the municipal land as per the current IDP/SDF/Budget public participation process. This provides a unique opportunity to implement a human settlement project on scale large enough to facilitate a quality mixed human settlement project.

Budget has already been provided for in terms of some of the required bulk infrastructure especially water and sanitation to facilitate this project while addressing other bulk infrastructure backlogs at the same time.

Finance proposes that the Call for Proposal is based on a Bill of Quantities for all the functions expected from the turnkey developer including planning; obtaining authorisations; construction of infrastructure; construction of different housing units; sales commission; transfers; project management; development management for a period etc. Then this priced Bill of Quantities can be used as a base to negotiate terms with the successful developer like selling prices and ratios between different housing options.

From an access point of view the Skool Street access onto the R44 and the possible access to the site via a western route must be addressed with Provincial Government. The more information the Municipality can provide with the bid document the better quality bids the Municipality will receive.

A raised reservoir can also be considered to extend the urban edge even further up against the contours to provide sufficient water pressure for the higher laying areas but still below the ridge from an aesthetic point of view. This will then increase the development opportunity on municipal owned land.

Finance supports the Item.

4.4 Legal Services

The item and recommendations are supported.

4.5 Engineering & Technical Services

See 3.2.2 above.

In order to supply water and sewer services to the proposed development at the required service levels, the implementation of the Water and Sewer Master Plan items as mentioned in this document is needed.

In order for the development to have sufficient sewer capacity, all the sewer upgrades is essential.

The reservoir was not planned to be built at this point in time, but to comply with the Red Book design criteria to have sufficient bulk water capacity, the new 5MI reservoir should form part of the initial infrastructure to be installed.

5. CONCLUSION

- 5.1 The Jamestown Housing Project is located just south of the existing Jamestown within the area of administrative jurisdiction of the Stellenbosch Municipality.
- 5.2 Town planning approval has been granted for the development of approximately 18.8073ha of land on Portion 4 of Farm No 527 for housing development in three phases.
- 5.3 The town planning approval provides for the development of state subsidised housing, serviced sites (plot and plan), GAP housing units and high income housing units intended for sale on the open market and preference should be given to Jamestown community first.
- 5.4 Phase 1 of the development consisting of 162 state subsidised has recently been completed (December 2016).
- 5.5 A Temporary Relocation Area (TRA) is located on portions of the land earmarked for Phase 3 of the development and has gradually grown to a total of 170 structures.
- 5.6 The development potential for a portion of Remainder Farm 527, located immediately to the east of the current development site, to be in the region of 850 housing opportunities with proposed timelines for construction of 3-5 years and 5-10 years.
- 5.7 Remainder Farm 527 is zoned Agriculture and residential development on the property will require a land use application to obtain development rights.

- 5.8 Residential development on a portion of Remainder of Farm 527 is consistent with the general direction for future urban development provided for in the Draft Stellenbosch Municipality Spatial Development Framework (SDF). The southern-most portion of Remainder Farm 527 is, however, located outside of the urban edge (as interpreted by Spatial Planning, Heritage & Environment) and no development is proposed on this portion.
- 5.9 The development of Portion 4 of Farm No 527 (Phases 2 and 3) and a portion of Remainder Farm 527 (Phase 4) for residential purposes can be packaged as one development to be completed over the short, medium and long term.
- 5.10 The conventional approach to housing development used extensively over the years is a cumbersome process for municipalities, fraught with pitfalls and risks and an alternative thereto is the appointment of a Turnkey Developer.
- 5.11 Two lease agreements are in place between the Stellenbosch Municipality and private individuals in respect of portions of Remainder Farm 527 and their termination / amendment need to be negotiated with the lessees.
- 5.12 Market related land costs will have to be recovered from the development by the Stellenbosch Municipality. This can be achieved on the basis of a sliding scale that will benefit end-users in the low-income housing categories.
- 5.13 Development Contributions (DC's) are payable for all private developments, but Council may also consider waiving the payment of these contributions, or part thereof to achieve its own objectives. Proceeds from the land costs could, however, be used to off-set any potential shortfalls as a result hereof.
- 5.14 Turnkey Developers may be solicited to submit bids through a Call for Proposals that will be evaluated according to a set of pre-determined evaluation criteria.
- 5.15 The properties may be made available for development to the successful Bidder on the basis of a Land Availability Agreement (LAA).

RECOMMENDED

- (a) that the land parcels listed in paragraph 1.1 and indicated on Figure 12 be identified as land not needed by Stellenbosch Municipality to provide the minimum level of services;
- (b) that potential shortfall/s as a result of the waiving of Development Contributions (DC's) be off-set by the proceeds from land cost contributions by end users; and

- (c) 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.

<i>Meeting:</i>	<i>Mayco: 2017-11-15</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>	<i>7/3/3/8</i>	<i>Author</i>	<i>Governance Project Manager</i>
<i>Collab:</i>		<i>Referred from:</i>	

5.5.2	DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI
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Collaborator No: 551695

IDP KPA Ref No:

Meeting Date: Mayoral Committee Meeting: 15 November 2017

1. SUBJECT:

DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI

2 PURPOSE

To obtain Council's approval for the methodology to develop Zone O and the housing allocation criteria for the temporary housing unit on Phase 2B and 2C, Watergang.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL)

In terms of system of delegations which reads as follows:

- Item 500 – To allocate housing scheme dwellings on the terms and conditions determined by Council; and
- Item 516 (S9 of the Housing Act) – Take all reasonable and necessary steps, within the framework of national and provincial housing legislation and policy to ensure:
 - (a) that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis;
 - (b) services in respect of water, sanitation, electricity, roads, stormwater drainage and transport are provided in a manner which is economical/efficient; and
 - (c) that appropriate housing development is initiated, planned and co-ordinated.

4. EXECUTIVE SUMMARY

The families staying in Zone O, Kayamandi were unfortunately affected by a devastating fire in March 2013. In conjunction with the Provincial Minister: Human Settlements (MEC Bonginkosi Madikizela) and the then Executive Mayor of Stellenbosch Municipality (Alderman Conrad Sidiego) it was agreed that a special intervention programme is needed to prevent such a recurrence taking place. It was clear that an incremental housing approach must be followed and provision must be made for high density development to accommodate as many as possible families residing in Zone O. After consultation with various stakeholders different development options were considered.

The most important relocation strategy the community agreed upon was that a "block approach" must be followed to effectively address the challenges facing Zone O, Kayamandi.

The aim of this item would be to unpack the developmental opportunities of Zone O, Kayamandi and recommend a relocation and allocation strategy for the families moving to the temporary units (332) that will be erected on 193 sites (Phase B, Watergang).

5. RECOMMENDATIONS

- (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;
- (b) that beneficiaries that were not allocated houses on the bottom part (access road) be allocated a site or Temporary Relocation Area units;
- (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);
- (d) that, within the block non-qualifiers 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);
- (e) that \pm 40 beneficiaries from Enkanini that are on the road reserve be allocated temporary housing units;
- (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 (\pm 20 beneficiaries);
- (g) that the 10m road reserve be waived and the 8m road reserve be approved in order to create more housing opportunities; and
- (h) that 10% of the TRA's be allocated for emergency cases in accordance with Council's Emergency Housing Assistance Policy (EHAP).

6. DISCUSSION / CONTENTS

6.1. Background

After the devastating fire incident that occurred in Zone O in March 2013, it became evident that there was an urgent need to incrementally upgrade and formalise the informal settlement.

A number of development priorities and challenges were identified after the incident which needed innovative solutions:

- (a) To create as much as possible opportunities for future human settlement development through a densification model; and
- (b) to create access roads to allow emergency vehicles to operate as well as infrastructure services to be installed to render a must needed service in Zone O.

In light of the above, a funding application was submitted to the Provincial Department of Human Settlements (PDoHS) for pre-planning and implementation of a housing project. The development intentions to incrementally upgrade Zone O and funding application was approved in 2015.

Jubelie Projects was appointed in 2015 to undertake town planning studies and obtain all the required approvals in terms of LUPO.

During 2015/16 financial year, Amandla construction completed the servicing of 277 sites which will serve as a decanting site. The project will be implemented by phasing the decanting site into two (2) areas or phases (refer to Figure 1):

- Phase B of the Watergang housing project, 193 sites will be densified to allow for the construction of 332 temporary housing units.
- Phase C of the Watergang housing project, 86 service sites can also be made available to residents that earn more than R3 501 till R15 000 per month and do not qualify for a full government housing subsidy.

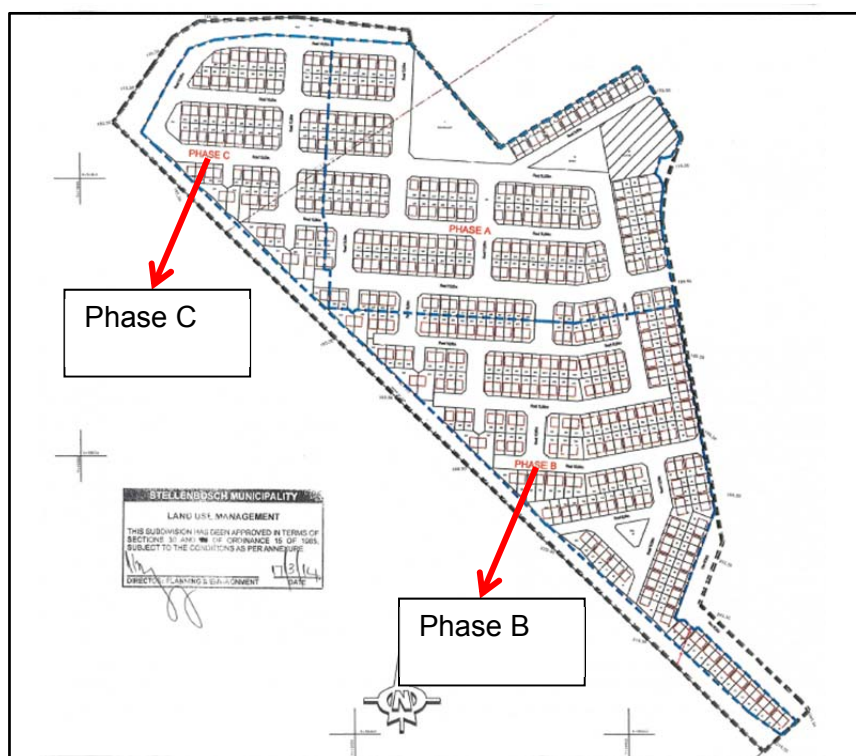


Figure 1: Indicates the Phase B and C decanting sites.

6.2 Discussion

The town planning layout has been completed and is ready to be submitted for LUPA approval for the following proposals:

- 177 – 354 high density residential development; and
- 526 semi-detached duplex units.

After the layout was discussed with the Engineering Department, the road reserve of 8m was not acceptable. In terms of the Municipal standards the road width should not be less than 10m. The consultants indicated that the 10m road reserve will significantly reduce the number of units. The consultants also indicated that other Municipalities have accepted 8m road reserves depending on the

development proposal submitted. A site visit was undertaken with the Engineers and Town Planners of Stellenbosch Municipality at a housing project near Cape Town to illustrate the “Joe Slovo-model” whereby the City of Cape Town incorporated and approved the 8m road reserve in the project.



Photos depicting the Joe Slovo-model which accommodated the 8m road reserve.

Development methodology

A three phased approach has been developed for the implementation of the Zone O housing project based on the layout plan (refer to Figure 2). The strategy will be implemented as a multi-year project:

- Phase 1 of Zone O: will be implemented at the upper part of Zone O and will comprise of 177 - 354 housing opportunities (high density residential unity, Joe Slovo-model).

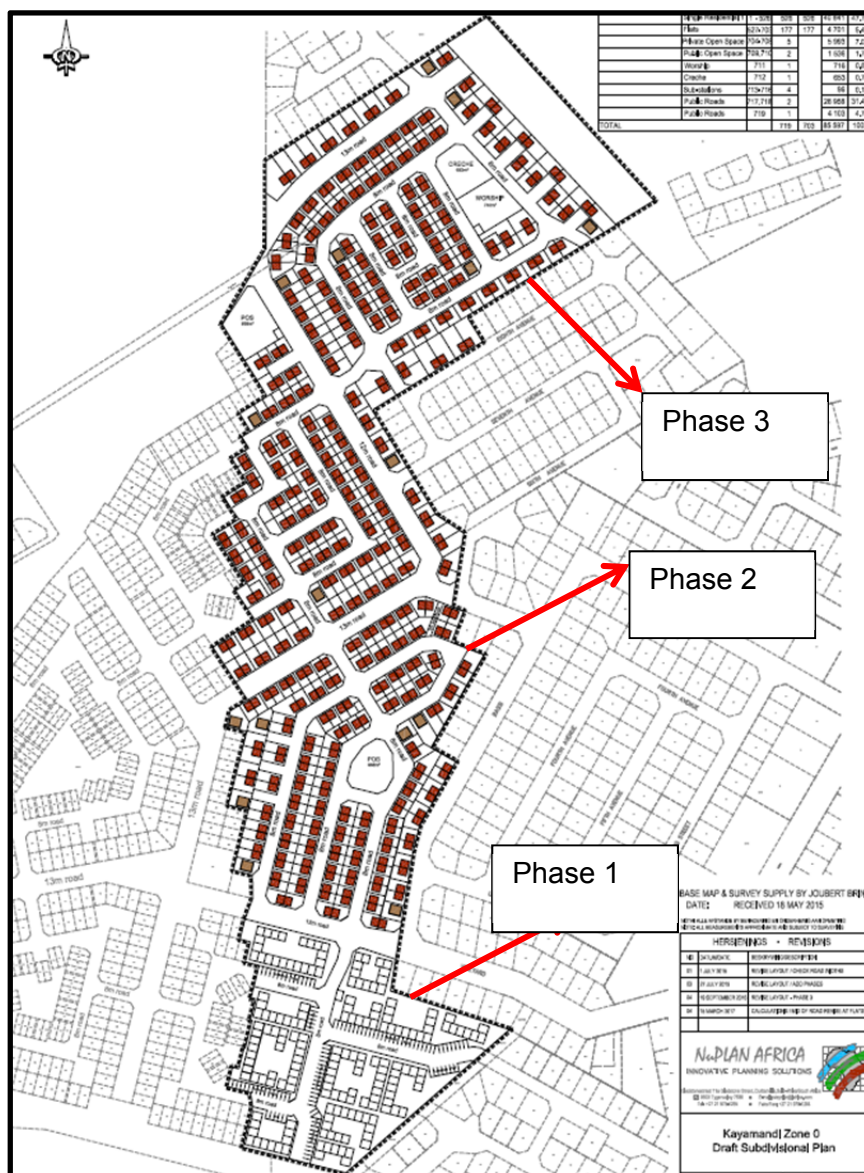


Figure 2: Layout plan

- Phase 2 of Zone O: Middle part of Zone O.
- Phase 3 of Zone O: Bottom part of Zone O.

Allocation strategy

In light of the above, the Provincial Department of Human Settlements (PDoHS) approved funding for the construction of 277 temporary housing units (TRA's) at Watergang. The 277 sites have been fully serviced and the construction of the temporary housing units will commence before the end of the year.

As previously mentioned, the 277 serviced sites will consist of two areas namely Phase A and Phase C of Watergang, respectively:

- Phase A of the Watergang housing project, consists of 193 serviced sites that will be densified to allow for the construction of 332 temporary housing units. Due to topography of the area there will be two temporary units per plot and on certain plots, only one temporary unit (refer to Figure 3).



Figure 3: Topography of the area

During the construction of previous housing projects in the past years, it was evident that there are households residing in informal settlements that do not qualify for BNG (subsidy) house and are excluded from housing opportunities. Several groups and individuals have approached the Municipality in search of serviced vacant land for housing.

- (b) Therefore, Phase C of the Watergang housing project will consist of 86 service sites and can be made available to residents that do not qualify for a government housing subsidy – those are residents earning between R3 501-R15 000 per month (the so-called non-qualifiers).

The allocation of the 86 serviced site could be as follows (refer to Figure 4):

- (i) First preference will be afforded to households impacted by the development at the upper part of Zone O and all identified access road that earning R3 501 to R7 001 to apply for a serviced site.
- (ii) Second rounds of applications should be opened to all residents from Zone O earning between R7 001 to R15 000, cognisant should be taken that there is a limited number of serviced sites available. The selling price of these service sites can be sold equal to the amount it cost to service these sites (R49 554.00).

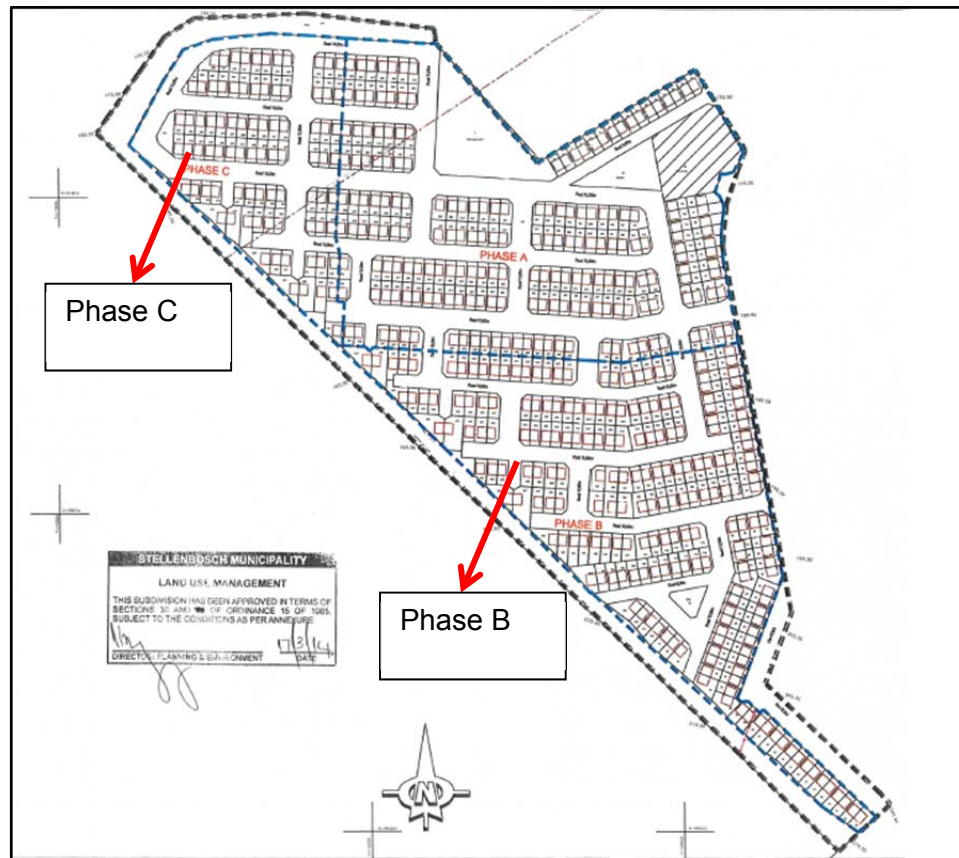


Figure 4: Allocation of service sites.

- (c) It should also be mentioned that the first formalised emergency area in Kayamandi better known as TRA1 (refer to Figure 5), still have occupants in these prefabricate units. Many of these units are in a very bad structural condition. Although the previous phases of the Watergang housing projects were earmarked to eradicate the TRA1, many of the current occupants did not qualify for a housing subsidy due to various reasons. This is an opportunity to further decrease the number of emergency units in TRA1 by relocating the families occupying these units the longest, to serviced sites in Watergang and the dilapidated prefabricated units can be refurbished and reallocated.



Figure 5: First formalised emergency area as TRA1, Kayamandi

- (d) Furthermore, is a pilot project premised on the principles of an *in-situ* upgrading of informal settlements, on Erf 2175 (a portion of property that forms part of Enkanini, see Figure 6 below). The intent of the pilot project on Erf 2175 is to:
- (i) Provide electricity to the residents;
 - (ii) Improve accessibility of emergency vehicles in the area; and
 - (iii) Enhance the provision of basic service (i.e. waterborne toilets and stand pipes).

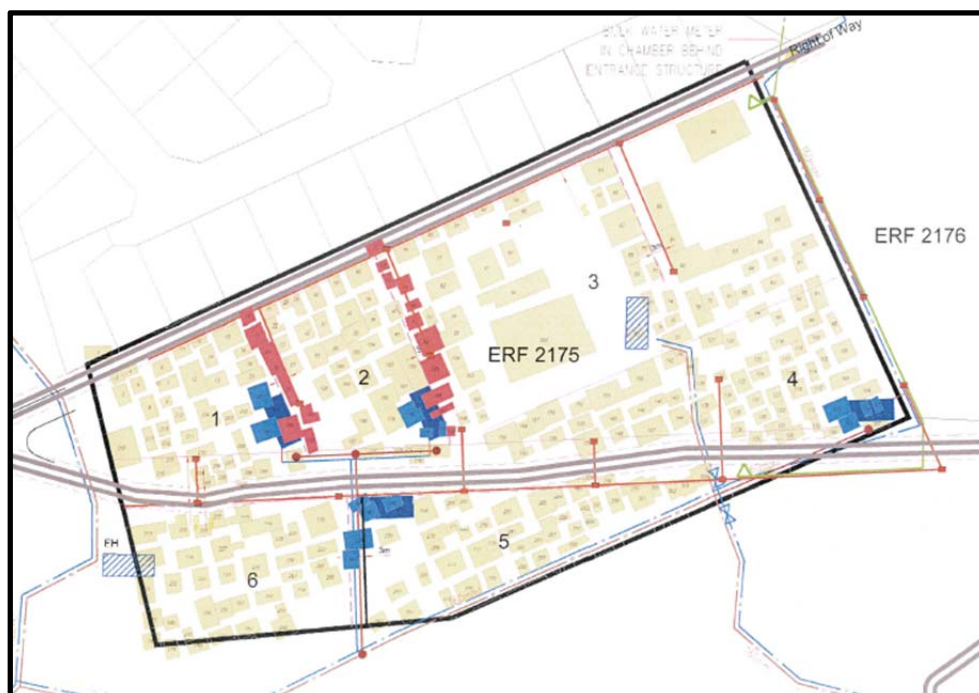


Figure 6: Erf 2175 (a portion of property that forms part of Enkanini)

An upgrading plan with proposals for the implementation of the pilot project – that is the electrification and provision of basic services has been finalised. The successful implementation of electricity in the pilot area is strongly dependent on creating space where necessary before the infrastructure can be installed. Currently and based on the proposed upgrading plan, 34 existing households will be affected. It will be required that the affected households be relocated to the TRA in order to create space and to realise the installation of electricity and basic services.

6.2. Financial Implications

The financial implications of this project is linked to the DORA allocation to Council as determined by the Provincial Department of Human Settlements.

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:

The allocation criteria for this previous Phase B of Watergang housing project (187 units) was approved by the 23rd Council meeting held on 2014-09-23, Item 7.2 which reads as follows:

- “(a) that access roads on the bottom part of Zone O be identified first and people affected by such process be the ones to benefit (in either way) from the current housing development in Watergang Phase 2A;

- (b) *that if there are still plots left from the above process, the 2005 TRA1 (Watergang) legal occupants list (non-qualifiers) be made available and that they be allocated to the enhanced plots from the current housing development and that the structures they currently occupy be demolished;*
- (c) *that, if there are still some plots or top structures available after (a) and (b) above then more beneficiaries from a specific block from Zone O be identified for allocation;*
- (d) *that in all the above-mentioned processes the National Housing Allocation criteria be considered when identifying the beneficiaries i.e. taking into consideration the vulnerable people and thus giving preference to the elderly and the disabled; and*
- (e) *that a public participation process be embarked upon."*

6.7 Risk Implications

6.7.1 This report has no additional risk implications for the Municipality; accept for the normal risk associated with all housing projects.

6.7.2 Comment from the Manager: Roads & Stormwater

The Manager: Roads & Stormwater has no objection to the proposed reduction in the road-wirth from 10m to 8m.

6.8 Comments from Senior Management:

6.8.1 Director: Infrastructure Services

Agree with the recommendations

The directorate in general we are in agreement with recommendation (a to h, and i). Our minimum standard for roads is a reserve of 10m. If one car is parked within an 8m road then a refuse truck will not be able to go past.

6.8.2 Director: Planning and Economic Development

Agree with the recommendations / No comments received / The

6.8.3 Director: Community and Protection Services:

Agree with the recommendations

The Directorate Community and Protection services supports the item.

6.8.4 Director: Strategic and Corporate Services:

Agree with the recommendations

The recommendations are supported.

6.8.5 Director Human Settlements and Property Management

Agree with the recommendations / No comments received / The

6.8.6 Chief Financial Officer:

Agree with the recommendations / No comments received / The

6.8.7 Municipal Manager:

Agree with the recommendations / No comments received / The

ANNEXURES**FOR FURTHER DETAILS CONTACT:**

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POSITION	Director
DIRECTORATE	Director: Human Settlements & Property Management
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REPORT DATE	

DIRECTOR: HUMAN SETTLEMENTS & PROPERTY MANAGEMENT

5.5.3	VARIOUS ISSUES: VLOTTENBURG HOUSING PROJECTS: WAY FORWARD
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Collaborator No: 551717

IDP KPA Ref No:

Meeting Date : Mayoral Committee Meeting: 15 November 2017

1. SUBJECT: VARIOUS ISSUES: VLOTTENBURG HOUSING PROJECTS: WAY FORWARD

2 PURPOSE

The purpose of this item is twofold, i.e.:-

- a) To provide Council with a report on the progress (or the lack thereof) on the various housing projects in Vlottenburg; and
- b) To authorise the Municipal Manager to:-
 - i) conclude the necessary agreement (s) with the (new) owner of Longlands; and
 - ii) to negotiate the acquisition of a portion of Remainder Farm 387 and/or registration of an access servitude over a portion of Remainder Farm 387 and Portion 2 of Farm 1307.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL)

Although the Municipal Manager and/or the Executive Mayor have the delegated authority to:-

- a) conclude agreement(s) on behalf of Stellenbosch Municipality; and
- b) acquire land or rights in land (see delegations 526 and 527, respectively)

agreement was reached between the Executive Mayor and the Municipal Manager to obtain a fresh mandate from the municipal council on a way forward.

4. EXECUTIVE SUMMARY

Although three (3) low-income housing projects were approved in the Vlottenburg Area, none of the developments have an approved access. For this (and other) reason (s) very little or no progress were made with the development of the Longlands project.

In an effort to take this matter forward, Council is requested to authorise the Municipal Manager to:-

- a) conclude the necessary contract(s) with the new owner of Longlands, and
- b) to negotiate a deal with the owner(s) of Remainder Farm 387 and Portion 2 of Farm 1307 regarding the acquisition of land and / or the registration of a servitude that will allow access to the various developments.

5. RECOMMENDATIONS

- (a) that the Municipal Manager be mandated to conclude an agreement(s) with the new owner of Longlands regarding the development of the envisaged low-income housing project, either by way of a new Deed of Donation or by way of a Ceding Agreement(s); and
- (b) that the Municipal Manager be mandated conclude agreements with the owner(s) of Remainder Farm 387 (Vredenheim) and Portion 2 of Farm 1307 (Ash Farmers) with the view of securing an access servitude(s) or the purchase/exchange of land for this purpose and/or land for additional housing.

6. DISCUSSION / CONTENTS

6.1. Background

6.1.1 Digteby Development

During 2006 a development on Farm 1307/1 (Digteby) was approved. The development consisted of two (2) components; being an up-market component of 39 erven and a low-income component of 20 units. The approval, and subsequent Service Agreement that was concluded between the Municipality and the Developer allowed for a temporary access over the Digteby property to the low-income housing project. Subsequently the Developer negotiated an alternative route over a portion of Farm 387, being, the property of Vredenheim (Pty) Ltd. Although a servitude diagram was submitted and approved by the Surveyor General, it has recently come to our attention that a Servitude Agreement (*inter alia* dealing with compensation was never concluded. For this reason none of the 20 beneficiaries of the development has been able to take transfer of their properties.

6.1.2 Longlands Development

Similarly, during 2007 the development on Farm 393/11 (Longlands) was approved comprising of 100 upmarket units and 106 low-income units.

A Service Agreement was concluded between the Municipality and the Developer during 2008, in terms whereof the Developer would, *inter alia*, develop 106 serviced sites, to be transferred to the Municipality.

Subsequently, during 2011, an Addendum Agreement was concluded in terms whereof the Developer would also act as Implementing Agent for the Municipality to construct the 106 houses.

To date, however, none of the agreements were implemented, *inter alia* due to the fact that the Provincial Road Engineer did not want to approve an access from the Polkadraai road or directly from the Vlottenburg Road to Longlands.

During 2014 the Minister of Rural Development and Land Reform approved the development of an additional 38 low-income housing erven.

Following various interactions with the Provincial Roads Engineer an access to the Longlands Development has now been approved, but at a point where it will have to cross Portion 2 of Farm 1307 (Ash Farms) and Remainder Farm 387 the property of Vredenheim.

6.1.3 Ash Farm Development

During 2015 a development on Farm 1307/2 was also approved, again with an upmarket and low-income housing component, “linking” the Digteby Development with Longlands.

This development however, was approved subject thereto that an access road(s) be provided, seeing that the land is effectively land-locked.

From the above it is clear that, unless an access road is agreed upon, none of these developments can take place. In an effort to unlock this situation, an agreement(s) need to be concluded with private land owner(s) with the view of registering a servitude access or to buy/exchange land for this purpose.

6.2 Discussion

6.2.1 Location and context

The various developments are shown on Fig. 1 to 3 below.

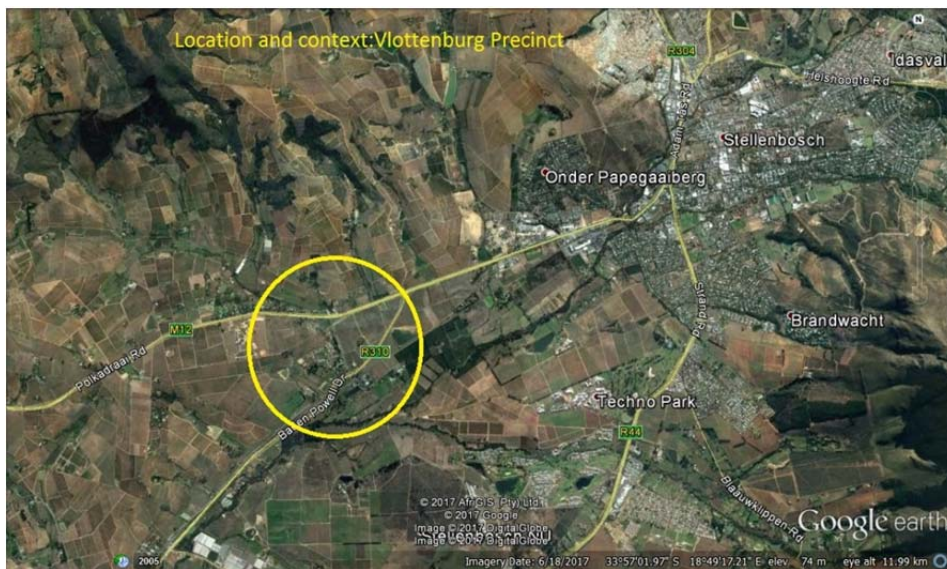


Fig 1: Location and context



Fig 2: Identification of various developments



Fig 3: Possible access route

6.2.2 Current situation

It is clear from the above that none of the proposed developments have an approved access. During recent discussions with the owners of Rem. Farm 387 (Vredenheim (Pty) Ltd), they indicating that they would be willing to:-

- a) consider the disposal of a portion of their land (to the South of the school) to Stellenbosch Municipality, or
- b) allow for the registration of a servitude over their property, with the view of giving access to the various low-income housing projects and/or to allow for further housing development.

Due to various factors (one of which is the lack of access), there were very little or no progress with the implementation of the Longlands Agreements.

However, a new owner has recently bought the Remainder of the Longlands property and has indicated his willingness to take over the obligations of the previous owner, i.e. to implement the low-income housing project. To formalise this situation either:

- a) a new Deed of Donation or ;
- b) a Ceding Agreement(s) needs to be concluded.

6.3. Financial Implications

Although there will be financial implications (acquisition of land and/or rights in land and the construction of access road) it is too early to provide Council with detail.

6.4 Legal Implications

The recommendations contained in this report comply with 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:

As was indicated above, three (3) different land-use applications have been approved; i.e. Digteby, Longlands and Ash-Farms, allowing for various low-income housing projects, subject to certain conditions.

6.7 Risk Implications

The biggest risk to Council is that none of the projects would be able to be implemented due to the fact that agreement(s) cannot be reached on an access route.

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

Agrees with the recommendations. Services can be supported with initial developments, but for full development of services a major strengthening would be required, but have to fit in with our new SDF. We have however devised contingency plans to be able to support services for the next three years.

6.8.2 Director: Planning and Economic Development

It is agreed that the above approved developments are subject to appropriate and adequate access and that an amicable solution to this problem should be identified and implemented. The proposed access will provide access to Digteby development primarily.

However, the Directorate: Planning and Economic Development is currently involved with the drafting of a municipal spatial development plan. The development of the Vlotenburg hamlet forms part of the project. Land located between the Longlands "upmarket development" and subsidise units is also under consideration and will be dependent on suitable access also. Without such an access, this land will also be landlocked perpetuating the current scenario where a lack of access can become an insurmountable obstacle to urban development.

Should access be negotiated with the adjacent landowners as is proposed in this report, access to the undeveloped portion of the Farm 393/11 should be included.

This directorate therefor agree with the recommendations subject to the negotiations obtaining approval for access to Farm 393/11 also.

6.8.3 Chief Financial Officer:

Finance supports the Item. The required infrastructure must be identified with cost estimates and included in the budget process for consideration. Apart from the access that must be constructed bulk water and other infrastructure might also be required.

6.8.4 Legal Services:

Agree with the recommendations.

ANNEXURES

None

FOR FURTHER DETAILS CONTACT:

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<i>REPORT DATE</i>	2017-11-06

DIRECTOR: HUMAN SETTLEMENTS & PROPERTY MANAGEMENT

5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
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NONE

5.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

5.8	PROTECTION SERVICES: (PC: CLLR Q SMIT)
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NONE

5.9	YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS))
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NONE

6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

7.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

8.	MOTIONS AND QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

9.	URGENT MATTERS
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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE