



1. PURPOSE:

The purpose of this notice is to solicit inputs/comments from the general public on the future use of Portions 528A and 528CC, Stellenbosch (Formerly known as Mountain Breeze Caravan Park)

2. BACKGROUND:

Stellenbosch Municipality and the Stellenbosch Caravan Park cc (Malan) concluded a long-term Lease Agreement during 1992 for a period of 30 years (1 April 1991 – 31 March 2021). The Lease Agreement was due to expire on 31 March 2021 and the Council, at a meeting held on 31-03-2021 has decided, inter alia, to extend the then Lease Agreement on a month-to-month basis whilst Council decide on the long-term future of the land. The Lessee has subsequently informed Council that she does not want to continue with the lease and vacated the property on 30 June 2021. Council has taken over the land and closed the park. At a meeting held on 23 July 2021, Council resolved, inter alia, to afford the public an opportunity to submit comment/ inputs on the future use of the property.

3. DISCUSSION:

3.1 Property description

The Mountain Breeze Caravan Park is situated on Lease Portions 528 A and 529 C, off the R44 (direction Somerset-west), measuring approximately 22.2 Ha in extent, as shown on Fig 1 and Fig 2, below.



Fig 1. Location and context



Fig 2. The site

3.1 Ownership

Ownership of the properties vests with Stellenbosch Municipality by virtue of Title Deeds ST FH6-6/1891 and ST FH 6-4/1890

3.2 Legal status

Council will through a public participation process solicited the views of the public to determine the future use or most appropriate use of the land. Once the future use is determined a decision will be made on whether to sell or lease the land for that use. The Municipal Assets transfer regulations is applicable to land as it is valued above R10 million.

3.2.1 Municipal Finance Management Act

In compliance with the provisions of section 14(1) of the MFMA, the Municipality shall not transfer ownership as a result of a sale or other transaction, or otherwise permanently dispose of an Immovable property that is needed to provide the minimum level of basic municipal services.

3.2.2 Asset Transfer Regulations

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

3.2.3 Property Management Policy

The following abstracts extracts from the policy is highlighted below:

5.1. The following principles and values should underpin Immovable property disposal activities:

- (a) The use of the Municipality's Immovable property to promote social integration, to redress existing spatial inequalities, to promote economic growth, to build strong, integrated and dignified communities and to provide access to housing, services, amenities, transport and opportunities for employment.

4. PROCESS

A further public participation process will therefore follow after council has determined in their view the most appropriate use for the land.

In determining the most appropriate use of surplus properties, regard should be given to:

- (a) Spatial development framework(s);
- (b) Regional plans;
- (c) Sectoral studies/plans;
- (d) Government policies;
- (e) Relevant legislation; and
- (f) The views of interested and affected parties.

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

5 SUBMISSION OF INPUTS/COMMENTS/OBJECTIONS

Submissions/inputs/comments on the future use of the property is herewith requested from the public to be submitted to the Municipal Manager within 30 days from publication of this notice. Submissions can be hand delivered or e-mailed to the Municipal Manager the following address:

Email: mountainbreeze@stellenbosch.gov.za
Physical address: 3rd Floor, Plein Street, Stellenbosch.
Landline: 021 808 8025

The closure date for submissions is: 03 September 2021

6 FURTHER INFORMATION

Further information is available at the office of the Municipal Manager during office hours, including the agenda item that served before Council.

PERSONS WITH DISABILITIES

Notice is further given in accordance with Section 21 of the Local Government: Municipal Systems Act, No. 32 of 2000 that anyone with disabilities or who is unable to write, but need to participate in the process, may present him/herself during office hours at the office of the Municipal Manager, where a staff member of the Municipality will assist such person to transcribe that person's comments/inputs/objections.