STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2023-05-12

MAYORAL COMMITTEE MEETING

WEDNESDAY, 2023-05-17 AT 10:00

TO	The Executive Mayor, Ald G Van Deventer
	The Deputy Executive Mayor, Cllr J Fasser
COUNCILLORS	R Adams
	R du Toit P Johnson J Joon
	L Nkamisa
	C van Wyk
	J Williams

Notice is hereby given that a Mayoral Committee Meeting will be held via **MS Teams** on **Wednesday, 2023-05-17 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER

CHAIRPERSON

AGENDA

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2023-05-17

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STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2023-04-19

MINUTES

MAYORAL COMMITTEE MEETING:

2023-04-19 AT 10:00

MINUTES

MAYORAL COMMITTEE MEETING

2023-04-19

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PRESENT: Deputy Executive Mayor,J Fasser **(Chairperson)**

Councillors: R du Toit
P Johnson
J Joon
L Nkamisa
C van Wyk
J Williams

Also Present: Councillor P Crawley (Chief Whip)
Q Smit (Speaker)
W Petersen (MPAC Chairperson)

Officials: Municipal Manager (G Mettler (Ms))
Director: Corporate Services (A de Beer (Ms))
Acting Director: Community & Protection Services (A van der Mewer)
Director: Planning and Economic Development (A Barnes)
Director : Infrastructure Services (S Chandaka)
Acting Chief Financial Officer (H Mitchell)
Senior Administration Officer (B Mgcushe (Ms))

****

1.	**OPENING AND WELCOME**

The Chairperson, Deputy Executive Mayor welcomed everyone present at the Mayoral Committee Meeting.

2.	**COMMUNICATION BY THE CHAIRPERSON**

Asalaam Alukum, Molweni, Goeiemore and Goodmorning to All our Mayco Members, Speaker,
Chief Whip,
Mpac Chairperson and All our other Councillors for joining us for todays Mayco meeting.
I also want to welcome our MM, Directors and officials, as well as our members of the public.

Our Executive Mayor is respresenting our municipality at another important engagement, therefore , as the Executive Deputy Mayor, I will be chairing todays scheduled Mayco meeting.

As part of my communication, I want to express our sincere gratitude and thanks to our Fire Services and Disaster management Teams that assisted with Monday night's fire in Klapmuts. Due to their speedy response the fire was quickly contained and no lives were lost.. We also acknowledge Disaster Management for assisting the affected

communities as well as all other stakeholders who so generously came to assist the community.
And this is what makes our town special. Whenever disaster strikes, we always stand together and asisst those in need.
I want to once again remind all our residents that we are busy with the IDP community engagements, and I hope and trust that all residents will use this opportunity to engage with the officials and give their inputs.
It is the month of Ramadaan, and I want to thank our Executive Mayor, and our Municiapl Manager, for all their assistance in ensuring that our municiaplity could host the Stellenbosch Mass Iftar for the 3rd consecutive year. This year's outreach was a huge success, and a special word of thanks to the Shumeez Scott foundation, The Stellenbosch Gujjatah Jamaah, and all other stakeholders who contributed in making this event a reality.
I know MM, and I are huge supporters of Stellenbosch FC, and we just want to say "congratulations for making it through to the Semi - finals of the Nedbank Cup, and be sure to know that as a Town we will be keeping our fingers crossed and wish them All the Best and we proudly say GO STELLIES!"

3.	**DISCLOSURE OF INTERESTS**

NONE

4.	**APPLICATIONS FOR LEAVE OF ABSENCE**

The following applications for leave of absence were approved in terms of the Rules and Order By-law of Council: -

Executive Mayor, Ald GM Van Deventer

Director: Community & Protection Services (G Boshoff)

Chief Financial Officer (K Carolus)

5.	**CONFIRMATION OF PREVIOUS MINUTES**

The minutes of the Mayoral Committee Meeting held on 2023-03-22 were **confirmed as correct without any amendments.**

6.	STATUTORY MATTERS

6.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MARCH 2023

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MARCH 2023

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2022/2023 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during March 2023.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 6.1

that Council notes the deviations as listed for the month of March 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	***CFO***
DIRECTORATE	***Finance***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	***Kevin.Carolus@stellenbosch.gov.za***
REPORT DATE	05 April 2023

6.2	**OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 3 (01 JANUARY 2023 – 31 MARCH 2023)**

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 3 (01 JANUARY 2023 – 31 MARCH 2023)

2. PURPOSE

To submit to Management a report for the period 01 January 2023 – 31 March 2023 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (3) & 4 of the SCM Policy 2022/2023, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to aid in the provision of municipal services.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 6.2

(a) that Council approves this report and **ANNEXURE A** attached to the report, and

(b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

6.3	MFMA SECTION 52 REPORTING UP TO MARCH 2023

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO MARCH 2023

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 3 of the 2022/23 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

In terms of section 52 (d) of the Municipal Finance Management Act:

"The mayor of a municipality—

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget as well as the non-financial performance of the municipality;"

4. EXECUTIVE SUMMARY

The Executive Mayor must provide general political guidance over the fiscal and financial affairs of the Municipality and is required by Section 52(d) of the Municipal Finance Management Act to submit a report on the implementation of the budget and the financial and non-financial performance of the Municipality, to the Council within 30 days after end of each quarter.

The Section 52 report is a summary of the budget performance. It compares the implementation of the budget to the commit) and made and contained in the Service Delivery and Budget Implementation Plan (SDBIP) and is intended to enable Council to give effect to their oversight responsibility.

This report provides the overall performance of the Municipality for the period 1 January 2023 to 31 March 2023.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 6.3

that Council notes the Section 52 Report (including quarterly performance report) – Third Quarter

7.	**CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]**

7.1	**PROTECTION SERVICES: (PC:)**

7.1.1	**REVIEW OF DISASTER MANAGEMENT PLAN**

Collaborator No: **747710**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: REVIEW OF DISASTER MANAGEMENT PLAN

2. PURPOSE

To notify the Committee of the recently reviewed Disaster Management Plan.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality, as prescribed by the Disaster Management act, do have a disaster plan. Due to the dynamic nature of disaster management, an annual review of the disaster plan is necessary. The disaster section therefore embarked on a consultative process and engaged widely with various stakeholders and institutions to collect and verify information and data needed to amend the current plan, where required.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.1.1

that Council approves and adopts the revised Disaster Management Plan.

FOR FURTHER DETAILS CONTACT:

NAME	Wayne Smith
POSITION	***Manager: Fire Services and Disaster Management***
DIRECTORATE	***Community and Protection Services***
CONTACT NUMBERS	***Ext 8771***
E-MAIL ADDRESS	***wayne.smith@stellenbosch.gov.za***
REPORT DATE	***3 April 2023***

7.2	**YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]**
7.2.1	**FINAL REPORT ON THE IMPLEMENTATION OF THE HYBRID SPORT FACILITIES MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)**

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: FINAL REPORT ON THE IMPLEMENTATION OF THE HYBRID SPORT FACILITIES MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)

2. PURPOSE

2.1 To inform Council on the implementation of the Hybrid Sport Facilities Management Model (Plan) for Stellenbosch Municipality (WC024).

2.2 To inform Council of the User Agreement and the profit-sharing addendum (**ANNEXURE A**) that were used to enter into agreement between Stellenbosch Municipality and Sport Councils.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

All municipal property is funded and maintained from our resources received from rates and taxes paid by our rate payers. It is therefore critical that municipal property be adequately maintained and protected against vandalism and damages to prevent loss to the rate payers. To this end, Council through the department of Community Services engaged with all 15 area sport councils individually to explain and retrieve input and comments on the new Facilities Management Plan.

The new approved Hybrid Model (SFMP) aims to address the issues of proper management and maintenance of the municipal sports facilities. Given that all leases expired, it's the perfect time to introduce this model and new User Agreement. It is important to note that Council have to follow a public participation process in terms of Municipal Assets Transfer Regulations (MTAR). The initial lease will only be for a period of 12 months to ensure that the implementation of the new Facilities Management Plan as per hybrid model is monitored and evaluated for effective and efficient management. Longer term leases will be considered after an initial trail period of 12 months.

The Stellenbosch Sport and Recreation Association (SSRA) has been non-functional since the Covid-19 lockdown restrictions were lifted and sport, and sport facility use returned to normal. A notice was received by the Sport Office that from 09 September 2022 an interim SSRA committee was established to continue the committee activities.

The SSRA interim committee would remain active until a new Annual General Meeting (AGM) date be scheduled. At this AGM a new SSRA Executive would be elected and to date this did not materialise.

During these engagements the replacement of the formal Lease Agreement with a revised "User Agreement" was explained in detail to the various Sport Council representatives.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.2.1

(a) that Council takes note of the report;

(b) that Council mandate the Director Community and Protection Services to enter into an agreement with Sport Councils who have accepted the hybrid model and signed User Agreements;

(c) that Council takes over the management of the Sport facilities linked to the Sport Council which have not signed the User Agreement; and

(d) that the department finalise the engagement with Pniel and Raithby Sport Council.

FOR FURTHER DETAILS CONTACT:

NAME	Garth Abrahams
POSITION	Manager: Sport, Recreation and Halls
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8162
E-MAIL ADDRESS	Garth.Abrahams@stellenbosch.gov.za
REPORT DATE	2 February 2023

7.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)

7.3.1	SALARY AND WAGE INCREASE: IMPLEMENTATION OF SALGBC COLLECTIVE AGREEMENT: YEAR 3

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: SALARY AND WAGE INCREASE: IMPLEMENTATION OF SALGBC COLLECTIVE AGREEMENT: YEAR 3

2. PURPOSE

To inform Council in regard to the salary and wage increase for employees (excluding the Municipal Manager and Section 56 Managers) as per the SALGBC collective agreement 2021 – 2024 – year 3.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

SALGA, SAMWU and IMATU entered into a salary and wage agreement for the period 1 July 2021 until 30 June 2024 during the bargaining process on 16 September 2021. In terms of clauses 6.6 and 6.7 of the agreement the increase for the 2023/24 financial year will be the projected CPI average for 2023. The forecast by the Reserve Bank in January 2023 will be used for this projection.

SALGA send the municipality a circular 01 of 2023 in March 2023 (attached as **APPENDIX 1**) in which municipalities are informed that the following increases shall apply from 1 July 2023. Salary 5,4% and the minimum wage will be R9 531.54. The flat rate for Homeowners allowance will be R1066.41 and the maximum employer contribution to medical aid will increase to R5 277.38 All benefits linked to salary will increase by 5.4%.

Where municipalities are not able to afford the increase SALGA should be notified and an exemption application must be made to the SALGBC with full motivation. There is provision made for this increase in the draft budget approved by Council. Employees who are not at the maximum of their salary scale are entitled to a notch increase over and above the cost-of-living increase which amounts to around a further 2,5% increase in the salary. The Municipal Manager and 56 Managers are excluded from this agreement and therefore will not be receiving the same increase from 1 July 2023. The current prediction for them is 3%.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.3.1

(a) that Council note the circular from the SALGBC dated 31 March 2023; and

(b) that Council takes note that the increase has been provided for in the draft budget for 2023/24.

FOR FURTHER DETAILS CONTACT:

NAME	*Annalene De Beer*
POSITION	*Director Corporate Services*
DIRECTORATE	*Corporate Services*
CONTACT NUMBERS	*021 – 808 8018*
E-MAIL ADDRESS	*Annalene.Debeer@stellenbosch.gov.za*
REPORT DATE	*14 April 2023*

7.3.2	APPLICATION FOR SEPERATION OF NOTARIALLY TIED PROPERTIES, PORTION 17 OF FARM 369 AND PORTION 3 OF FARM 527 FROM THE MOTHER ERF, PORTION 837 OF THE FARM BLAAUW KLIP NUMBER 510

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **19 April 2023**

1. SUBJECT:APPLICATION FOR SEPERATION OF NOTARIALLY TIED PROPERTIES, PORTION 17 OF FARM 369 AND PORTION 3 OF FARM 527 FROM THE MOTHER ERF, PORTION 837 OF THE FARM BLAAUW KLIP NUMBER 510

2. PURPOSE

To obtain Council-approval for the separation of Notarial tied properties, portion 17 of Farm 369 and portion 3 of Farm 527 from the Mother Erf, Portion 837 of the farm Blaauw Klip number 510.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

During October 2004 a Deed of Sale was entered into between the Stellenbosch Municipality, the Cape Dutch Estate Stellenbosch (Pty) Ltd and Blaauwklippen Agricultural Estates (Pty) Ltd. A copy of the Deed of Sale is attached hereto as **APPENDIX 1 (**it is the best version of the document that writer could find). In terms of the Deed of Sale various portions of Council-owned land were sold to the purchasers (now the applicants).

In terms of Clause 2.2.3 it was recorded that:

"The seller shall be entitled to impose a notarial tie condition between the property hereby sold and the existing property of the purchaser, so that the purchaser or its successor in title shall not be entitled to sell or otherwise alienate or transfer any portion of the property hereby sold without the simultaneous sale or alienation or transfer of the property collectively referred to as Blaauwklippen Estate, being the existing property of the Purchaser, or its successor in title, to the same transferee."

The reason for inserting the clause was to ensure that the Purchaser would not be able to sell or otherwise dispose of the property that was sold to them. For this reason, the municipal properties were first consolidated into one portion, and then notarially tied to the property collectively referred to as Blaauwklippen. The Notarial Deed, registering the notarial tie (condition of sale), was registered with the Registrar of Deeds on 25 July 2006, a copy of which is attached hereto as **APPENDIX 2**.

An application is now brought to un-tie Portion 17 of the Farm 369 (Paradyskloof Erf) and Portion 3 of the Farm 527 (Skilpadrug Erf) from the Mother Erf (**APPENDIX 4**). The application is brought on the basis that the fact that Blaauwklippen cannot sell these properties is placing a financial strain on the business and they are not able to raise the necessary funds they require for operational purposes. COVID had, and continues to have, a devastating effect on Blaauwklippen's wine and hospitality businesses. They say it is not an application for change in land use for development purposes, but merely to enable the

current owners to utilise the properties individually to raise funds. They say it will not necessarily lead to the urban development of the properties as the farm will remain zoned for agricultural purposes and be protected by the MSDF.

The properties are situated outside the urban edge (**APPENDIX 5**). Council however in March 2023 approved the inclusion of "portion of remainder, portion 3 and a broader portion of portion 7 of farm 527 portion 7 of Farm 527" to form part of the housing pipeline (**APPENDIX 6)**.

EXECUTIVE MAYORAL COMMITTEE: 2023-04-19: ITEM 7.3.2

RESOLVED

that the item be referred back for further clarification and information

FOR FURTHER DETAILS CONTACT:

NAME	***Annalene de Beer***
POSITION	***Director: Corporate Services***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088073***
E-MAIL ADDRESS	***annalene.debeer@stellenbosch.gov.za***
REPORT DATE	***2023-04 - 12***

7.4	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)

7.4.1	DATE OF THE NEXT GENERAL VALUATION

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: DATE OF THE NEXT GENERAL VALUATION

2. PURPOSE

Is to determine a date, according to Section 31 of the Local Government: Municipal Property Rates Act, No 6, 2004, on which the new General Valuation Roll is to be first implemented.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The purpose of this report is to determine a date, according to Section 31 of the Local Government: Municipal Property Rates Act, No 6, 2004, on which the new General Valuation Roll is to be first implemented.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.4.1

(a) that Council, for purposes of the next General Valuation, approves 02 July 2024 as date of the Valuation Roll, to be implemented on 01 July 2025; and

(b) that Council hereby commits to the successful implementation of the new Valuation Roll on 01 July 2025.

FOR FURTHER DETAILS CONTACT:

NAME	**HENRY MITCHELL**
POSITION	***SENIOR MANAGER: FINANCIAL MANGEMENT SERVICES***
DIRECTORATE	***FINANCIAL SERVICES***
CONTACT NUMBERS	***021 808 8512***
E-MAIL ADDRESS	***Henry Mitchell@stellenbosch.gov.za***
REPORT DATE	***11 April 2023***

7.5	HUMAN SETTLEMENTS: (PC: CLLR J FASSER)

NONE

7.6	INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING)

NONE

7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)

NONE

7.8	PLANNING :(PC: CLLR C VAN WYK)

7.8.1	APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING & SIGNAGE BYLAW

Collaborator No: 747753
IDP KPA Ref No: Good Governance
Meeting Date: 19 April 2023

1. SUBJECT: APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING & SIGNAGE BYLAW

2. PURPOSE

To provide Council with the pertinent facts in order to approve and adopt the Final Draft Stellenbosch Municipality Outdoor Advertising and Signage Bylaw.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The purpose of the subject bylaw is to control, manage and regulate outdoor advertising and signage, and to provide mechanisms and guidelines for the control, regulating and management thereof, including matters connected therewith.

The subject bylaw has undergone two (2) rounds of public participation, with the first round soliciting numerous comments, which was subsequently addressed, and the second round only solicited comments from the Stellenbosch Interest Group ("SIG").

The comment submitted by SIG was further debated in several workshop in order to finalise the draft bylaw, which is serving before Council for adoption and promulgation. The request also involves the approval of the relevant delegations in respect of the bylaw, as well as the approval of the fine structure to be submitted to the court for final approval.

EXECUTIVE MAYORAL COMMITTEE: 2023-04-19: ITEM 7.8.1

RESOLVED

that this item referred back for further consultation and workshop.

FOR FURTHER DETAILS CONTACT:

NAME	Craig Alexander Pr Pln
POSITION	***Senior Manager: Development Planning***
DIRECTORATE	***Planning and Economic Development***

CONTACT NUMBERS	***021 808 8196***
E-MAIL ADDRESS	***Craig.alexander@stellenbosch.gov.za***
REPORT DATE	***13 May 2023***

7.8.2	**REPORT ON REVIEW OF THE CURRENT STELLENBOSCH MUNICIPAL ZONING SCHEME BYLAW (2019) (SZSB) AND TO REQUEST COUNCIL PERMISSION TO COMMENCE WITH A FULL AMENDMENT PROCESS OF THE CURRENT STELLENBOSCH MUNICIPAL ZONING SCHEME BYLAW (2019)**

Collaborator No: **747756**
IDP KPA Ref No: **Good Governance**
Meeting Date: **19 April 2023**

1. SUBJECT: REPORT ON REVIEW OF THE CURRENT STELLENBOSCH MUNICIPAL ZONING SCHEME BYLAW (2019) (SZSB) AND TO REQUEST COUNCIL PERMISSION TO COMMENCE WITH A FULL AMENDMENT PROCESS OF THE CURRENT STELLENBOSCH MUNICIPAL ZONING SCHEME BYLAW (2019)

2. PURPOSE

Is to present to Council a review of the Stellenbosch Municipal Zoning Scheme Bylaw (2019) (SZSB) and to request permission from Council to, based on the internal review, commence, and undertake a full amendment of the said Stellenbosch Municipal Zoning Scheme Bylaw in terms of Section 12(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (MSA).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Following the Land Use Planning law reform process in South Africa the Stellenbosch Municipality adopted and introduced a Stellenbosch Zoning Scheme Bylaw (SZSB) in 2019.

Since the introduction of the SZSB, several matters have been identified that presents challenges and would necessitate that the subject Bylaw be updated with improvements, corrections, and additions.

Due to the nature and scope of the required amendments, and the inherent benefits of having the provincial standard draft zoning scheme bylaw to adequately address these challenges, it is proposed that this provincial standard draft zoning scheme bylaw be used as the foundation to develop a new zoning scheme bylaw for Stellenbosch Municipality.

Consequently, the revision and updating of the SZSB is proposed to ensure the delivery of effective and efficient land use planning services and to contribute to economic growth.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.8.2

(a) that the contents in the report on the internal review of the current Stellenbosch Zoning Scheme Bylaw (2019) **BE NOTED**;

(b) that the proposed development of a revised and updated Stellenbosch Zoning Scheme Bylaw **BE AUTHORISED**; and

(c) that the provincial standard draft Zoning Scheme Bylaw be used as the foundation for the development of the revised and updated Stellenbosch Zoning Scheme **BE ADOPTED**.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.Carstens@stellenbosch.gov.za
REPORT DATE	29 March 2022

7.8.3	APPOINTMENT OF NEW TERM OF OFFICE AND MEMBERS OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (SMPT)

Collaborator No: 747869
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 April 2023

1. SUBJECT: APPOINTMENT OF NEW TERM OF OFFICE AND MEMBERS OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (SMPT)

2. PURPOSE

To present for consideration the approval of a new term of office of the Stellenbosch Municipal Planning Tribunal (SMPT) with the associated appointment of new municipal planning tribunal members and associated matters.

3. DELEGATED AUTHORITY

The appointment of municipal planning tribunal members and associated matters, Council by virtue of Delegation LUP57.

4. EXECUTIVE SUMMARY

A Municipality is compelled to establish a Municipal Planning Tribunal (MPT) to decide on a category of land use and land development applications. The current term of office, as extended by Council, will end on 31 May 2023.

A recruitment process was duly authorised by Council and undertaken by the Administration to identify persons that are suitably qualified and experienced in land use planning or the law related thereto.

It is proposed to appoint the SMPT for a term of office of 5 years, with a total of 5 external and 5 internal MPT members.

Suitable external MPT members were identified for appointment, and it is proposed to retain the current internal MPT members, with the addition of the Director: Planning and Economic Development. The proposed external MPT members constitute a healthy mix of existing as well as new members in order to secure long term continuity of experience amongst the membership.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.8.3

(a) that the following members **BE APPOINTED** in terms of Section 73(1)(a) of the Stellenbosch Municipal Planning Bylaw (2015) for a period of 5 Years commencing 1 June 2023 and, on the terms, and conditions as contained in the relevant provisions of the said Bylaw, namely:

(i) External Members in terms of Section 71(1)(a) of the Stellenbosch Municipal Planning Bylaw (2015):
(a) Mr. S. Boshoff
(b) Mrs. H. Crooijmans-Lemmer

(c) Mrs. C. Havenga

(d) Mr. D. Leo
(e) Mr. P. van Zyl

(i) Internal Members in terms of Section 71(1)(b) of the Stellenbosch Municipal Planning Bylaw (2015):

(a) Mr. C. Alexander (Snr. Manager Development Planning)
(b) Mr. A. Barnes (Director Planning and Economic Development.

(c) Mrs. M. Francis (Snr. Manager Infrastructure Planning, Development and Implementation)
(d) Mr. M. Williams (Snr. Manager Legal Services)
(e) Mr. A. van der Merwe (Snr. Manager Community Services

(b) that the appointment of Mrs. H. Crooijmans-Lemmer as the Chairperson of the Stellenbosch Municipal Planning Tribunal **BE APPROVED**;

(c) that the appointment of Mr. P. van Zyl as the Deputy Chairperson of the Stellenbosch Municipal Planning Tribunal **BE APPROVED**.

(d) that the renumeration and allowances and reimbursement for expences for the services of the members of the Stellenbosch Municipal Planning Tribunal **be approved** as follows, as contemplated in terms of Section 73(6) of the Stellenbosch Municipal Planning Bylaw (2015):

1. For renumeration an hourly fee for meetings, to a maximum of 5 hours per meeting and which will include the time needed for the preparation for the tribunal meeting, in accordance with the annual Guideline Professional Fees of the South African Council of Planners, as follows:

a) Chairperson – 100% of Category A Staff (Currently at a rate of R 2879.00/ h)
b) Deputy Chairperson – 100% of Category B Staff (Currently at a rate of R 2460.00/h)
c) External Members – 100% Category B Staff (Currently at a rate of R 2460.00/h);

2. For allowances

None

3. For Reimbursements

Travel allowance payable at annual standard AA tariffs and calculated by using the shortest route from the place of normal residence to the meeting venue.

(e) that a request to the Head of Department of the Western Cape Department of Environmental Affairs and Development Planning to nominate a suitable Professional Planner in the employ of the Department to serve as a Technical Advisor to the Stellenbosch Municipal Planning Tribunal, **BE AUTHORISED**; and

(f) that, upon the successful fulfilment of the appointment of the members of the Stellenbosch Municipal Planning Tribunal in terms of Council's decision, the Council's satisfaction that the Stellenbosch Municipal Planning Tribunal is in a position to commence its operations **BE CONFIRMED** in terms of Section 72(11)(b) of the Stellenbosch Municipal Planning Bylaw (2015) for the purpose of the required notice to be published in the Provincial Gazette in terms of Section 72(11)(c) of said Bylaw.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@stellenbosch.gov.za
REPORT DATE	4 April 2023

7.8.4	**CONSIDERATION AND APPROVAL OF REPRESENTATIONS ON CLASS 2 – 4 STELLENBOSCH MUNICIPAL BOUNDARY PROPOSALS IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT NO. 27 OF 1998 (MDA) FOR SUBMISSION TO THE MUNICIPAL DEMARCATION BOARD**

Collaborator No: **747908**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: CONSIDERATION AND APPROVAL OF REPRESENTATIONS ON CLASS 2 – 4 STELLENBOSCH MUNICIPAL BOUNDARY PROPOSALS IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT NO. 27 OF 1998 (MDA) FOR SUBMISSION TO THE MUNICIPAL DEMARCATION BOARD

2. PURPOSE

For Council to:

(a) Note the information contained in Circular 1 of 2023 regarding the class 2 – 4 Stellenbosch municipal boundary redetermination proposals which the Municipal Demarcation Board intends to consider.
(b) Support and approve the representations on the proposed Stellenbosch municipal boundary redeterminations for submission to the Municipal Demarcation Board.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Municipal Demarcation Board (MDB) has initiated the process of municipal boundary redetermination and three (3) proposals were submitted from the public – including the municipality – for consideration. Comments and representations on these redetermination proposals are currently open for comment and based on the proposals, the municipality supports the two proposals contained in DEM8250 (Stellenbosch Municipality submission) and DEM 8252 (City of Cape Town submission); and objects to DEM8251 (private submission).

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.8.4

(a) that Council supports and approve the representations provided on the proposed Stellenbosch municipal boundary redeterminations (DEM8250);

(b) that Council supports the representations provided on the proposed Stellenbosch municipal boundary redetermination (DEM8251) and objects to this proposal;

(c) that Council at this stage do not support the inclusion proposed Stellenbosch municipal boundary redetermination (DEM8252) until such time as time as a detailed discussion occurs between the City of Cape Town and Stellenbosch to understand the exact implications of such demarcation for Stellenbosch municipality; and

(d) that Council approve these submissions for submission to the Municipal Demarcation Board.

FOR FURTHER DETAILS CONTACT:

NAME	Chantel Hauptfleisch
POSITION	Senior Spatial Planner
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8607
E-MAIL ADDRESS	Chantel.hauptfleisch@stellenbosch.gov.za
REPORT DATE	13 April 2023

7.9	LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT)

7.9.1	ERF 2235, MOOIWATER, GROENDAL: POSSIBLE LEASE TO RANYAKA (ACTIVATING COMMUNITIES)

Collaborator No:
IDP KPA Ref No: **Valley of Opportunity**
Meeting Date: **19 April 2023**

1. SUBJECT: ERF 2235, MOOIWATER, GROENDAL: POSSIBLE LEASE TO RANYAKA (ACTIVATING COMMUNITIES)

2. PURPOSE

To provide Council with the pertinent facts in order to approve the use of the subject property for the establishment of Economic Development Hub, specifically for youth development.

3. DELEGATED AUTHORITY

The Executive Mayor in Consultation with the Mayoral Committee.

4. EXECUTIVE SUMMARY

Ranyaka, a Non-Profit Organisation ("NPO") has applied for a medium-term lease agreement (for a period of 9 years and 11 months) of Erf 2235, Mooiwater Groendal in order to develop a Youth Hub Concept for youth development for the broader Groendal Community in Franschhoek.

The Policy on the Management of Council-owned properties allows for direct negotiations (private treaty) in specific circumstances, inter alia, for social and youth development purposes. The Asset Transfer Regulations provides that rights may be provided to any third party, unless there is a public participation process indicating the municipality's intention and requesting any objections to the proposal. All land worth more than R10 million must first go through another public participation process publishing an information statement as provided for in the Asset Management Regulations.

The subject property is current worth less than R10 million and therefore does not require the publishing of an information statement. The municipality will determine a market related rent taking onto account the investment (if any) the lessee makes in the property.

EXECUTIVE MAYORAL COMMITTEE: 2023-04-19: ITEM 7.9.1

RESOLVED

that this item be referred back for further discussion.

FOR FURTHER DETAILS CONTACT:

NAME	Craig Alexander Pr Pln
POSITION	***Senior Manager: Development Planning***
DIRECTORATE	***Planning and Economic Development***
CONTACT NUMBERS	***021 808 8196***
E-MAIL ADDRESS	***Craig.alexander@stellenbosch.gov.za***
REPORT DATE	***13 April 2023***

7.10	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)

NONE

7.11	MUNICIPAL MANAGER

7.11.1	REQUEST TO ENTER INTO A SISTER CITY RELATIONSHIP WITH CORAL GABLES - FLORIDA

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: REQUEST TO ENTER INTO A SISTER CITY RELATIONSHIP WITH CORAL GABLES - FLORIDA

2. PURPOSE OF REPORT

To obtain approval from Council to enter into a Sister City relationship with Coral Gables in Florida.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The City of Coral Gables is known as The City Beautiful, which stands out as a planned community that blends color, details, and the Mediterranean Revival architectural style. Coral Gables is a major employment center, with almost as many people working in the city as residents. The economy is comprised of local and international businesses.

The International Affairs Coordinating Council for the City of Coral Gables, Florida expressed its desire in respect of the establishment and maintenance of a potential Sister City relationship with Stellenbosch Municipality (attached as **ANNEXURE 1**).

The city's primary goal is cultural exchange and to collaborate with other municipalities to advance in safety (public safety, environmental preparedness), IT and other measures. The Council further aim to grow by establishing relationships with other areas globally.

However, in order to initiate the process for a potential Sister City relationship between the two governments, a line of communication had to be developed by sending an introductory letter from one Executive Mayor to the other. On 8 August 2022, the Executive Mayor transmitted a letter to Executive Mayor Lago of Coral Gables indicating mutual interest in establishing this Sister City relationship (attached as **ANNEXURE 2**).

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.11.1

that Council approves the request to enter into a Sister City relationship with Coral Gables.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	12 April 2023

7.11.2	**CONSIDERATION FOR ADDITIONAL FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023: (Local Tourism Organisations)**

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 April 2023**

1. SUBJECT: CONSIDERATION FOR ADDITIONAL FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023: (Local Tourism Organisations)

2. PURPOSE

To discuss and consider the amendment to the funding application for the 2022/2023 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000, as approved by Council at the Special Council Meeting dated 22 June 2022.

3. DELEGATED AUTHORITY

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

4. EXECUTIVE SUMMARY

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation is delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The following body submitted an additional application to perform the local tourism function for Council for the 2022 / 2023 financial year:

Applicant	**2022 / 2023 Funding Approved by Council on 22 June 2022, in Rand Value**	**2022 / 2023 Total additional Funding Requested**
Visit Stellenbosch Dwarsrivier Tourism	3 775 000.00 (*Including funding for Dwarsrivier Tourism Region)*	961 180.00 (3 775 000)
Franschhoek Wine Valley Tourism Association	1 940 918.00	1 940 918.00
Total Funding Requested	**5 715 918.00**	**6 677 098.00**

Currently, Council allocated the above amount of R5 715 918 to the Local Tourism Organisations (LTO's) for the 2022/23 financial year.

The Directorate: Planning & Economic Development has however received a written application / request dated 23 November 2022, copy attached as **APPENDIX 1**, for additional funding as part of the Municipality's Adjustment Budget Process for the 2022/ 2023 financial year.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.11.2

that an additional amount of R787 950.00 be allocated to Visit Stellenbosch for the 2022/2023 financial year for the additional projects.

FOR FURTHER DETAILS, CONTACT:

NAME	*Lesley van Gensen*
POSITION	*Manager: Economic Development and Tourism*
DIRECTORATE	*PLANNING AND ECONOMIC DEVELOPMENT*
CONTACT NUMBERS	*021 808 8179*
E-MAIL ADDRESS	*Lesley.vangensen@stellenbosch.gov.za*
REPORT DATE	*16 March 2023*

7.11.3	ADOPTION OF THE NEW ANTI-FRAUD AND CORRUPTION PREVENTION PLAN 2023/24

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **19 April 2023**

1. SUBJECT: ADOPTION OF THE NEW ANTI-FRAUD AND CORRUPTION PREVENTION PLAN 2023/24

2. PURPOSE

To adopt the new Anti- Fraud and Corruption Prevention Plan 2023/24.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Fraud, corruption, criminal activity, maladministration and/or negligence is an ever-present threat to public resources. Stellenbosch Municipality is committed to a process of ethical governance, fraud risk management and consequence management that is aligned to the principles of the Local Government: Municipal Finance Management Act 56 of 2003, Local Government Systems Act 32 of 2000 and other related legislative, regulatory and policy frameworks.

Stellenbosch Municipality subscribes to principles of good corporate governance underpinned by values of honesty, good ethics, and transparency. This Municipality is therefore committed to creating and nurturing a culture of zero tolerance toward unethical conduct, corruption, and fraud.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-04-19: ITEM 7.11.3

that Council adopts the new Anti-Fraud and Corruption Prevention Plan 2023/2024 which replaces the Anti–Fraud and Corruption Prevention Plan as approved by Council in 2018.

FOR FURTHER DETAILS CONTACT:

NAME	Helena Priem
POSITION	Chief Risk Officer
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021-8088157
E-MAIL ADDRESS	Helena.priem@stellenbosch.gov.za
REPORT DATE	2023 -04-12

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR

NONE

9.	URGENT MATTERS

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE

The meeting adjourned at 10:46

CHAIRPERSON: ……

DATE: ……

Confirmed on ……

6.	**STATUTORY MATTERS**

6.1	**ADOPTION OF THE 1ST REVIEW OF THE 5TH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027**

Collaborator No: **749389**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **17 May 2023**

1. SUBJECT: ADOPTION OF THE 1ST REVIEW OF THE 5TH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027

2. PURPOSE

To submit the following to the Council for adoption:

(a) The 1st Review of the 5th Generation Integrated Development Plan (IDP) 2022 – 2017, attached as **ANNEXURE A;** and

(b) The public participation input and comments, written submissions and the Provincial Government SIME Assessment Report on the Draft 1st Review of the 5th Generation IDP 2022 - 2027, attached as **ANNEXURE B.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In terms of Section 34(a)(i)(ii) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), each municipal council must review its Integrated Development Plan annually in accordance with an assessment of its performance measurements in terms of Section 41 of MSA and to the extent the changing circumstances so demand. Therefore, taking into account the changing circumstances in the municipal environment, including the community's needs and priorities.

The 1st Review of the 5th Generation IDP 2022 – 2027 informs the municipality's budget and details the municipality's actions to address the vision, mission, strategic objectives, and needs of the community.

The municipal IDP must be reviewed annually to ensure that:

- municipalities and communities keep track of progress in implementing development projects and spending the municipal budget; and
- communities are provided with an opportunity to review their needs and make possible revisions to the priorities listed in the municipal IDP.

The IDP and Budget public participation period was open from Monday, 03 – 25 April 2023 (23 days), to allow members of the community and stakeholders sufficient time to provide written inputs and or comments on the Draft 1st Review of the 5th Generation IDP 2022 – 2027. Eight (8) area-based public participation meetings were held from Wednesday, 12 April to Tuesday, 18 April 2023 in the respective areas / wards. This

was to allow community members to submit verbal inputs. A virtual stakeholder engagement was held on Thursday, 20 April 2023, attended by councillors, senior management, stakeholders, and role–players in the Stellenbosch Municipal area.

5. RECOMMENDATIONS

(a) that the Stellenbosch Municipality's 1st Review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE A,** be adopted;

(b) that the public participation inputs and written submissions on the Draft 1st Review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE B**, be noted; and

(c) that an advertisement be placed on the official website of the municipality and in the local newspaper notifying the public that the 1st Review of the 5th Generation IDP 2022 – 2027 has been adopted by the Council.

6. DISCUSSION

6.1 Background

In terms of the provisions of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), each council must review its Integrated Development Plan in accordance with an assessment of its performance measurements in terms of Section 41 of the MSA and to the extent the changing circumstances so demand.

The key dates for the IDP review process form part of the integrated SDF / IDP / Budget Time Schedule approved by the Council in August 2022 to guide the planning and development of the 1st Review of the 5th Generation IDP 2022 – 2027.

The following processes were followed in accordance with the Time Schedule:

Date	Action(s)
July / August 2022	- Approval of the Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule / Process Plan for 2023/24.
September – November 2022	- The IDP public participation period was from **07 – 28 September 2022.** - The hybrid public participation meetings were held from **19 – 22 September 2022.** - The online stakeholder engagement was held on **27 September 2022.** - An electronic written submission form was created on the municipal website for the community and stakeholders to provide input into the 1st Review of the 5th Generation IDP 2022 – 2027. This website link (URL) was shared via Facebook, Twitter, WhatsApp and the Stellenbosch Citizen App. - Hard copies of the submission form were also made available at all libraries and ward offices. - An all-ward councillor session was held on **7 October 2022**, for the reprioritisation of ward priorities for the 2023/24 financial year taking into account the community inputs as baseline information for the reprioritisation of ward priorities.

Date	Action(s)
December 2022 - February 2023	- Departmental sessions were held to review the IDP deliverables and targets set for the period 2022 – 2027. - An Indaba 2 Engagement was attended on **7 February 2023** to provide the opportunity to the municipality to engage Western Cape Government (WCG) departments on planning priorities, service delivery challenges and WCG-planned projects / programmes. - Management held a strategic session on **15 – 16 February 2023** to consider the external and internal analysis and strategies around the 5-year development priorities and operational strategies (programmes / projects / activities and actions).
March – May 2023	- MayCo and Council considered the Draft 1st Review of the 5th Generation IDP 2022 – 2027 for the purpose of obtaining public input and comments. - The IDP and Budget public participation period has commenced on **Monday, 3 April – Tuesday, 25 April 2023**. - A virtual Stakeholder Engagement was held on **20 April 2023** to provide feedback on major projects / programmes/ initiatives. - The closing date for the IDP and Budget submission was 25 April 2023. - Consultation and refinement of SDF, IDP and Budget documents. - Adoption of final IDP, Budget, Tariffs and budget-related policies. - Submission of the adopted IDP to the Provincial Government and other role-players.

6.2 Financial Implications

The IDP and the Budget have been aligned, taking into account ward priorities and public needs identified through the public participation engagements outlined above.

6.3 Legal Implications

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

Section 25(1):

The municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality which—

(a) links, integrates and co-ordinates plans and takes into account proposals for the development of the municipality;
(b) aligns the resources and capacity of the municipality with the implementation of the plan;
(c) forms the policy framework and general basis on which annual budgets must be based;
(d) complies with the provisions of this Chapter; and
(e) is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation.

Section 26:

An integrated development plan must reflect -

(a) the municipal council's vision for the long-term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs;
(b) an assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services;
(c) the council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs;
(d) the council's development strategies which must be aligned with any national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation;
(e) a spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality;
(f) the council's operational strategies;
(g) applicable disaster management plans;
(h) a financial plan, which must include a budget projection for at least the next three years; and
(i) the key performance indicators and performance targets determined in terms of section 41.

Section 34:

"**Annual review and amendment of the integrated development plan**

A municipal council-

(a) must review its integrated development plan-

(i) annually in accordance with an assessment of its performance

measurements in terms of Section 41; and

(ii) to the extent that changing circumstances so demand; and

(a) may amend its integrated development plan in accordance with a prescribed process."

Section 35(1):

An integrated development plan adopted by the council of a municipality—

(a) is the principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development, in the municipality;
(b) binds the municipality in the exercise of its executive authority, except to the extent of any inconsistency between a municipality's integrated development plan and national or provincial legislation, in which case such legislation prevails; and
(c) binds all other persons to the extent that those parts of the integrated development plan that impose duties or affect the rights of those persons have been passed as a by-law.

Section 36:

A municipality must give effect to its integrated development plan and conduct its affairs in a manner that is consistent with its integrated development plan.

The 2nd Review of the 5th Generation IDP 2022 – 2027 will be compiled during the 2023/24 financial year.

6.4 Staff Implications

This report has no additional staff implications for the Municipality.

6.5 Risk Implication

This report has no direct risk implications for the Municipality.

6.6 Previous / Relevant Council Resolutions:

- Item 8.2 of the 5th Council Meeting held on 25 May 2022. "*Adoption of the 5th Generation Integrated Development Plan (IDP) 2022 - 2027"*; and
- Item 8.2 of the 12th Council Meeting held on 29 March 2023. "*Approval of the Draft 1st Review of the 5th Generation IDP 2022 - 2027"*.

6.7 Comments from Senior Management

6.7.1 Director: Community and Protection Services

Supported

6.7.2 Chief Financial Officer

Supported

6.7.3 Director: Infrastructure Services

Supported

6.7.4 Director: Corporate Services

Supported

6.7.5 Director: Planning and Economic Development

Supported

6.7.6 Comments from the Municipal Manager

Supported

ANNEXURES

Annexure A: 1st Review of the 5th Generation IDP 2022 – 2027

Annexure B: Public comments received on the Draft 1st Review of the 5th Generation IDP 2022 – 2027 and Draft MTREF (Budget) 2023 – 2026

(APPENDICES WILL BE DISTRIBUTED UNDER SEPARATE COVER)

6.2	**MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2023/2024-2025/2026**

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **17 May 2023**

1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2023/2024-2025/2026

2. PURPOSE

The purpose of this report is as follows:

a) To consider the views/submissions of the local community in terms of Section 23(1) (a) of Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public envisaged in terms of Section 23 (2) (a) and (b).

b) To approve the Medium-Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003).

c) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R560 million of which over the MTREF R200 million will be required in year one, R200 million in year two and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

EXECUTIVE SUMMARY

BUDGET

Attached as **APPENDIX 1** is an executive summary by the Accounting Officer.

4. RECOMMENDATIONS

(a) that the Draft High Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved;

(b) that the Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved;

(c) that the proposed Grants-In-Aid allocations as set out in APPENDIX 1 – PART 2 – SECTION J, be approved;

(d) that the three-year Capital Budget for 2023/2024, 2024/2025 and 2025/2026, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved;

(e) that the proposed draft rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved;

(f) that Council specifically take note of the amendments made to the Development charges policy as set out in APPENDIX 10 and development charges tariffs **APPENDIX 36** based on the public comments and submissions received and approval of same for public release and comment;

(g) that the proposed amendments to existing budget related policies and other policies as set out in **APPENDICES 5 - 34**, be approved;

(h) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the amount of R560 millions of which R200 million will be required in year one, R200 million in year two and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;

(i) that Council specifically take note of the amendments made to the proposed electricity charges based on the NERSA guidelines and approval of same for public release and comment **APPENDIX 36**;

(j) that Council takes note of MFMA circulars 122 and 123 that was published to guide the MTREF for 2023/2024 to 2025/2026 as set out in APPENDICES 34 – 35; and

(k) that Council takes note that the public comments and submissions were considered with the compilation of the final budget.

5. DISCUSSION / CONTENTS

5.1 Background/ Legislative Framework

Section 23 of the MFMA (Act No 56 of 2003) prescribes to municipalities the process to be followed when the Annual Budget is tabled for approval, which is as follow:

(1) "The municipal council must consider any views of the local community, the National Treasury, the relevant Provincial Treasury and any provincial or national organs of state or municipalities which made submissions on the budget.

(2) After considering all budget submissions, the council must give the mayor an opportunity—
   (a) to respond to the submissions; and
   (b) if necessary, to revise the budget and table amendments for consideration by the council.

ANNEXURE B to the Council Item for the Integrated Development Plan includes the input and comments received during the IDP and Budget Public Participation Process.

5.2 Discussion

This MTREF budget is being tabled during a difficult domestic and global economic environment. Domestically, load-shedding has become more persistent and prolonged, impacting on service delivery and threatening the survival of many businesses. Households are under pressure from the rising cost of living, and unemployment remains stubbornly high.

The Finance Minister, in the *Medium-Term Budget Policy Statement* (MTBPS), indicated South Africa is prioritising stable and clear policies that promote economic growth and fiscal health in the midst of an uncertain outlook.

The pursuit of higher growth remains anchored on the following three pillars:

- Firstly, ensuring a stable macroeconomic framework to create a conducive environment for savings, investment and growth.
- Secondly, implementing growth-enhancing reforms in key sectors, particularly in energy and transport.
- And thirdly, strengthening the capacity of the state to deliver quality public services, invest in infrastructure and fight crime and corruption.

Fiscal Strategy

The 2023 Medium Term Budget Policy Statement (MTBPS) sets the course for a fiscal consolidation strategy consisting of the following measures:

- Reduction in fiscal deficit without resorting to tax increases or further cuts in the social wage and infrastructure;
- Achieving a primary fiscal surplus in the current financial year, and maintaining it over the medium term;
- Considering a consolidated position, which includes debt-service costs.
- The consolidated fiscal deficit is projected at 4.2 per cent of GDP for 2022/23, and this will reach 3.2 per cent in 2025/26. (These figures include the impact of the partial take-over of Eskom debt amounting to R254 billion)
- Due to this Eskom debt relief, government debt will stabilise at a higher level of 73.6 per cent of GDP and in 2025/26.
- Government debt is high and as such the debt-service costs as a per cent of main budget revenue will increase from 18 per cent in 2022/23 to 19.8per cent in 2025/26. The gross debt stock is projected to increase from R4.73 trillion in 2022/23 to R5.84 trillion in 2025/26. Debt-service costs are projected to average R366.8 billion annually over the medium term, reaching R397.1 billion in 2025/26.

The risks to the fiscal outlook include a worsening of the economic outlook, a further weakening of the finances of state-owned companies, and an unaffordable public-service wage agreement. Difficult budgeting trade-offs must therefore be made as government continues exercising fiscal restraint.

Accordingly, government non-interest spending will be kept below the level of revenue into the future, and will continue targeting the stabilisation of debt.

Economic Growth & Domestic Outlook

Since the 2022 Budget, global growth estimates for 2023 have been revised lower. The International Monetary Fund projects global growth to slow from an estimated 3.4 per cent in 2022 to 2.9 per cent in 2023. South Africa is expected to register better-than-expected GDP growth of 2.5 per cent in 2022, largely due to higher-than-expected agriculture and services sector growth in the third quarter.

Real GDP growth is now projected to average 1.4 per cent from 2023 to 2025, compared with 1.6 per cent in the 2022 MTBPS, as a result of persistent structural constraints especially power cuts, and a less supportive global environment. Although output has recovered to pre-pandemic levels, the persistent scarring impact of the pandemic on employment and investment decisions continues to weigh on the recovery.

Risks to the global outlook include:

- Weaker-than-expected global growth, including the effects of monetary policy tightening in major economies.
- Further disruptions to global supply chains, renewed inflationary pressures, and constrained food and energy supplies stemming from the war in Ukraine.
- A sustained period of lower growth and elevated borrowing costs, which poses a threat to highly indebted countries.

The domestic outlook faces a range of risks, and include:

- Continued power cuts and a deterioration in port and rail infrastructure.
- Slow implementation of structural reforms could lower business confidence and deter new investment.

- Widespread criminal activity poses a threat to economic growth and national security.

- A deterioration of the fiscal outlook due to unfunded spending pressures or the materialisation of contingent liabilities could increase borrowing costs, and crowd out both private and public investment.

The key focus areas outlined in the Medium-Term Budget Policy Statement (MTBPS) is to enhance economic growth are as follows:

- Higher economic growth and a durable recovery in economic activity require a stable macroeconomic framework, complemented by rapid implementation of economic reforms and improved state capability;
- Government continues to provide a stable macroeconomic policy framework, underpinned by a flexible exchange rate, inflation targeting and sustainable fiscal policy, to encourage investment;
- Numerous reforms under way through Operation Vulindlela and the economic recovery plan. However, the most pressing reforms are required in electricity and freight rail

- Implementing urgent measures to reduce load shedding in the short term and transform the sector through market reforms to achieve long term energy security National Energy Crisis Committee (NECOM) interventions include:
- Improving Eskom's plant performance
- Clearing regulatory obstacles by establishing a one stop shop to bring electricity onto the grid more rapidly. This will be supported by the Energy Security Bill, which removes regulatory impediments for independent power producers
- Supporting the rollout of rooftop solar for households and businesses, including through tax incentives
- Implementing a wheeling framework and grid capacity rules to provide certainty to private producers investing in energy projects
- Several reforms are underway to support recovery in the transport sector, arrest the decline and increase the volume of freight rail. These include:
  - The Economic Regulation of Transport Bill, which will establish the transport regulator, has been tabled in Parliament and is now with the National Council of Provinces.
  - Software upgrades to increase efficiency through better signaling.
  - Steps to prevent theft and vandalism and resolving legal challenges in relation to locomotive procurement.
  - Granting third-party access to the rail network.
  - To facilitate competition and improve pricing, the operations and infrastructure management functions of Transnet Freight Rail are due to be separated by October 2023.

- The 2023 Budget makes allocations towards infrastructure as well as crime and corruption, to ensure that public resources are used to lay the foundation for a more resilient economy.

The President of South Africa, in his State of the Nation Address (SONA), on the 9th February 2023 spoke about how our country has, for many months, endured a debilitating electricity shortage that has caused immense damage to our economy.

And for two years before that, our society was devastated by the COVID-19 pandemic that caused great loss of life and much hardship.

The pandemic worsened a situation of deep unemployment, as the country lost two million jobs. The pandemic negatively affected livelihoods and increased poverty.

Now, persistent load-shedding is impeding our recovery from the effects of these events.

The most immediate task on the agenda for the year ahead is to drastically reduce the severity of loadshedding in the coming months, and ultimately end loadshedding altogether.

The President spoke about the issues concerning South Africa most is:

- Loadshedding;
- Unemployment;
- Poverty and rising cost of living; and
- Crime and corruption

The following focus areas were also highlighted, amongst others, during the State Of Nation Address:

- National State of Disaster due to the electricity crises and its effects;
- Extreme weather events (drought, floods and wild fires);
- Climate change;
- Just Energy Transition Investment Plan (R1.5 trillion invested over 5-years into projects such as renewable energy, green hydrogen and electric vehicles);
- Major investments and developments in renewable energy which will create jobs and stimulate local economies;
- To conclude a social compact and work on a framework to enable joint action in key areas such as energy, transport and logistics, employment creation and skills development, investment and localization, social protection, crime and corruption;
- Covid-19 vaccinations;
- Initiatives like the Solidarity Fund being mobilized to end gender-based violence and femicide, and to respond to the effects of climate change;
- Develop master plans in sectors such as automotive, clothing and textiles, poultry, sugar, agriculture and global business services;
- Reliable water supply (Department of Water and Sanitation is in the process of investing in major infrastructure projects);
- Efficient transport and road infrastructure system;
- National Rail policy to guide the modernization and reform of the rail sector, providing for third-party access to our rail network;
- Challenges in the transportation of commuters on passenger rail;
- A comprehensive turnaround plan is being implemented to streamline the process for water use license applications;
- Building bridges;
- Roll-out of 5G mobile networs an will reduce the cost of data;
- Mobilising greater levels of investments;
- Investment conference on 13 April 2023;
- Unlocking investment in the hemp and cannabis sector;
- Bounce-back loan scheme for companies that need finance to recover from the effects of the pandemic;
- Employment Tax incentives has been expanded to address the challenge of youth unemployment;
- Finalizing amendments to the business Act, 1991 (Act 71 of 1991) to reduce regulatory impediments for small, medium and micro enterprises (SMMEs) and co-operatives
- Presidential Employment Stimulus in providing work and livelihood opportunities;
- Rising cost of living that is deepening poverty and inequality;
- Extension of the Social Relief of Distress (SRD) Grant;
- Focus on eradicating the backlog in the processing of title deeds;
- Strengthening the SAPS, improving the capacity of the NPA and courts to ensure perpetrators are brought to justice

The President stated that poor performance of many local governments remain an area of concern. There are 163 out of 257 municipalities that are dysfunctional or in distress due to poor governance, ineffective and sometimes corrupt financial and administrative management and poor service delivery. Stellenbosch municipality is not part of the 163 municipalities identified.

The government is implementing a number of interventions to adddess failures at local government level and improve basic service delivery.

Government interventions include:

- Enhancing the capacity of public representatives and officials;
- Maintaining and upgrading local infrastructure;
- Invoking the powers of national government to intervene where municipalities fail to meet their responsibilities;
- Integrity assessments will become a mandatory requirement for recruitment to the public service and entry exams will be introduced;
- Legislation will be amended to strengthen the role of the Public Service Commission to ensure that qualified people are appointed to senior management positions.

The Western Cape Premier in his State of the Province address, on 16th February 2023, reiterated the following sentiments highlighted during the State of the Nation Address, including but not limited to, the new National State of Disaster, the president to address the energy crises, establishing an oversight committee to monitor government expenditure related to the energy crises, economic growth recovery initiatives, unemployment / job creation (especially youth interventions), sustainable infrastructure development, educational infrastructure, health infrastructure, provision of housing (dignified living), agriculture, crime and safety, as well as campaigns against gender-based violence and femicide.

The Premiers' speech focused, amongst others, on the following areas:

- The new National State of Disaster due to the energy crises;
- Ensuring the citizens basic needs are protected (Water, Wifi and health);
- Renewable energy / green economy push
    - Drive to increase energy resilience, mitigate effects of loadshedding and potential of the power generation sector to stimulate growth and create employment opportunities
- Municipal Energy Resilience plan
    - A local government-level programme that develops, supports and builds capacity at municipalities across our province to implement renewable energy projects.
    - Stellenbosch is working towards procuring energy from Independent Power Producers.
- Establishment of the Infrastructure Department
    - Aimed to further prioritise the importance of developing and maintaining critical infrastructure in the Western Cape
- Rapid School Build Programme (Education Infrastructure)
- Provision of housing opportunities
- Health infrastructure
- "Our Growth For Jobs" strategy
    - Radical drive to reduce unemployment
- Youth interventions
- Agriculture
- Crime & Safety
- SAPS Devolution
- Campaigns against Gender-based violence and femicide

Provincial treasury reiterated most of the challenges and focus areas highlighted in the Premier's State of the Province address, the SONA and the 2023 Budget Review.

National Treasury encourages municipalities to maintain tariff increases and adopt a tariff setting methodology at levels that reflects an appropriate balance between the affordability to poorer households and other customers, while ensuring the financial sustainability of the municipality. Municipalities must ensure that their budgets are funded from realistically anticipated revenues. This means that the municipality must refrain from assuming collection rates that are unrealistic and unattainable. The setting of cost-reflective tariffs is a requirement of Section 74(2) of the Municipal Systems Act, which is meant to ensure that municipalities set tariffs that enable them to recover the full cost of rendering the service. This forms the basis of compiling a credible budget. The municipalities must therefore generate sufficient revenue to fully recover their costs, deliver services to customers sustainably and invest in the infrastructure that promises local economic development.

The municipality's revenue is determined by setting a package of tariffs that is not only considered to be affordable to its ratepayers and the users of it services, but deemed to be at fair and realistic levels.

Tariff increases by Eskom and Water Boards are above inflation and should be considered as such while determining cost reflective tariffs. In the instance of bulk tariff increases for electricity, municipalities are encouraged to apply for electricity tariff increases that reflect the total cost of providing the service, to ensure that they are working towards achieving fully cost-reflective tariffs that will assist them to achieve financial sustainability. Municipalities should consider the following facts during the tariff setting process, namely, the costs of bulk purchases and the fluctuation in the seasonal cost thereof; the consumption patterns to enable better demand planning and management; and in the event that municipalities have been under recovering costs, embark on a process to correct their tariff structures over a reasonable time period so that cost reflective tariffs are achieved, which in turn will result in financial sustainability.

Local government confronts tough fiscal choices in the face of financial and institutional problems that result in service-delivery breakdowns and unpaid bills. Municipalities can offset these trends by improving their own revenue collections, working more efficiently and implementing cost-containment measures. In order to maintain a funded budget, municipalities need to not only focus on tariff increases, but also focus on how to eliminate expenditure that is unnecessary. The Cost Containment Regulations were issued on 07 June 2019, as well as the municipality's Cost Containment Policy is embedded in the municipality's operations that assists in driving down costs, ensuring that value for money is achieved and resources of the municipality is used effectively, efficiently and economically.

Municipalities are required to consider the following during the compilation of the 2023/2024 MTREF budgets:

- Improving the effectiveness of revenue management processes and procedures;
- Cost containment measures to, amongst other things, control unnecessary spending on nice-to-have items and non-essential activities as highlighted in the Municipal Cost Containment Regulation read with MFMA Circular No.82;
- Ensuring value for money through the procurement process;
- The affordability of providing free basic services to all households;
- Not taking on unfunded mandates;

- Strictly control the use of costly water tankers and fix the water infrastructure to enable the sustainable provision of water;
- Priorities the filling of critical vacant posts, especially linked to the delivery of basic services; and
- Curbing consumption of water and electricity by the indigents to ensure that they do not exceed their allocation.

The aforementioned were taking into account during the compilation of the municipality's budget.

The application of sound financial management principles for the compilation of the Stellenbosch municipality's long term financial plan is essential and critical to ensure that the municipality remains financially viable and that municipal services are provided sustainably, economically and equitably to all communities. The municipality's business and service delivery priorities were reviewed as part of this year's planning, through the Integrated Development Plan (IDP), and the annual budget process.

Funds were shifted from low to high priority programmes so as to maintain sound financial stewardship. A critical review was also undertaken on non-core and 'nice to have' items with regards to expenditure. The municipality has embarked on developing a revenue enhancement strategy to optimize revenue, including the collection of debt owed by consumers. Furthermore, the municipality has undertaken various customer care initiatives to ensure the municipality truly involves all citizens in the process of ensuring a people lead government.

The main challenges experienced during the compilation of the 2023/2024 MTREF can be summarized as follows:

- The on-going difficulties in the national and local economy;
- National State of Disaster – Electricity crises / Load shedding;
- Aging infrastructure;
- The need to reprioritise projects and expenditure within the existing resource envelope;
- The increased cost of bulk electricity and procuring water inventory, which is placing upward pressure on service tariffs to residents. Continuous high tariff increases are not sustainable - as there will be point where services will no-longer be affordable;
- Attracting economic investment;
- Water Conservation;
- Reductions in allocations of some of the National and Provincial grants due to a worsening fiscal outlook;
- Limited resources to deal with all key priorities;
- Decline in reserves available to fund capital programmes.

The following budget principles and guidelines directly informed the compilation of the 2023/2024 MTREF:

- Integrated Development Plan was used to inform the measurable objectives, targets and backlog eradication goals;
- Tariff and property rate increases should be as affordable as possible and should ideally not exceed inflation as measured by the CPI, except where there are price increases in the inputs of services that are beyond the control of the municipality.

However, tariffs need to remain or move towards being cost reflective, and should take into account the need to address infrastructure backlogs;
- National, provincial and local priorities;
- Headline inflation forecasts; and
- Funding choices and modelling.

The Integrated Development Plan (IDP) was used as a guiding strategic document to inform the budget compilation. The challenge however is still to deliver services more efficiently and effectively with the tight financial envelope.

Stellenbosch municipality's revenue strategy was based on the following fundamentals, namely, tariff policies of the municipality, economic outlook and development for Stellenbosch and surrounding areas, National Treasury's guidelines and macroeconomic policy, National, Provincial and Regional fiscal growth rates and electricity tariffs as approved by National Electricity Regulator of South Africa (NERSA).

The financial resources to fund the Operational Budget will and must consist of realistically anticipated revenue generated from property taxes, service charges and other income. The municipality were mindful of the estimated headline inflation for 2023/2024 of between 3% to 6% forming the basis of the extensive income modelling exercise, but also taking into account the principles of economical services that are cost reflective, trading services generating surpluses, the effect of escalating salary costs and bulk purchases. Inflation is forecast to fluctuate around 5.2% over the medium term in line with moderating inflation expectations.

The national budget focuses on fiscal consolidation. This means that we as municipalities must ensure that we do not borrow beyond our ability to repay and we do not spend money we do not have, until we ignite growth and generate revenue, we have to be tough on ourselves.

It is expected that fuel prices will increase substantially in the next financial year and this will be provided for in the budget.

The total budget quantum for the 2023/2024 year is R2 781 526 062 of which R2 276 726 197 (82%), is allocated to the operating budget and R504 799 865 (18%) to capital investment.

Budget documentation in line with the budget and reporting regulations is attached as **APPENDIX 1 – PART 1**. The report serves as an overview of the budget as a whole, budget assumptions used to compile the budget, funding sources used to fund the capital budget, different income categories to fund priorities of the municipalities, as well as the different expenditure items, including non-cash items.

CAPITAL BUDGET 2023/2024 – 2025/2026

The capital budget is infrastructure orientated and addresses the huge backlog and urgent need to upgrade/refurbish Council's infrastructure as addressed by the different master plans. It is directed by the IDP (Integrated Development Plan) and the needs of the community. It's also aligned to the strategic priority in the State of the Nation Address of Infrastructure investment and the "back to basics" approach. Council's attention is however drawn to the fact that not all needs identified by the community can realistically be funded by the municipality. Critical and committed programmes/projects were the focal point for the capital budget.

The main capital projects that the municipality will be investing in, include:

- Expansion of the landfill site (New cells)
- Landfill Gas To Energy
- Alternative Energy
- Bien don 66/11kV substation new
- Electricity Network: Pniel
- Electrification INEP
- General Systems Improvements - Stellenbosch
- Kayamandi(Costa grounds)new substation 11 kV switching station
- Laterra Substation
- Bulk Water Supply Pipe and Reservoir: Stellenbosch
- Bulk Water Supply Pipeline & Reservoir – Jamestown
- New Reservoir & Pipeline: Vlottenburg
- Upgrade of WWTW Wemmershoek
- Upgrade of WWTW: Klapmuts
- Lanquedoc Access road and Bridge
- Khayamandi Pedestrian Bridge (R304, River and Railway Line)
- Bird Street Dualling - Adam Tas to Kayamandi
- Main Road Intersection Improvements: Franschhoek
- Adam Tas - Technopark Link Road

The detailed capital budgets for 2023/2024, 2024/2025 and 2025/2026 are attached as **APPENDIX 1.**

OPERATING BUDGET 2023/2024 – 2025/2026

The basis of the operating budget is aligned to the principle of total potential income from all our services as well as a projection of total direct income. The extent, to which tariffs and levies are proposed to increase, is in the main influenced by:

- The increase in bulk purchases (electricity)

- Employee related costs, as per SALGBC wage agreement

- Councillor remuneration, as per SALGA upper limits

- Service delivery challenges

- Repairs and maintenance

- Operational projects impacting job creation and economic development

- Contractual commitments

- Day to day operational costs (fuel & oil, telephones, bank costs, etc)

- Finance costs, influenced by level of borrowing

Taking all of these issues into consideration and to ensure the sustainability of our operations from realistically anticipated income flows, the following tariff and property tax increases are proposed for 2023/2024:

Electricity	**15.10%**
Sanitation	**6.50%**
Refuse removal	**9.00%**
Water	**6.00%**
Rates	**6.50%**

The proposed electricity tariffs are subject to change based on the final findings and recommendation of the cost of supply study. The proposed electricity charges and tariff structure is subject to National Electricity Regulator of South Africa (NERSA) approval.

The impact of the proposed tariff increases on the monthly services account for the various consumer categories is summarized in **APPENDIX 2.**

HIGH LEVEL CAPITAL AND OPERATING BUDGET FOR 2023/2024 – 2025/2026

The high level budget depicting the total budget is attached as **APPENDIX 1 – PART 1 – SECTION C.**

TARIFFS

Council's attention is further drawn to the fact that the Tariff List attached as **APPENDIX 3** includes Sundry Tariffs as a basket of services and charges, i.e. Land Use Management Fees, Development contributions, Technical Charges, etc. In this regard, the proposed tariff list must be consulted for the detail.

BUDGET RELATED POLICIES & BY-LAWS

The following budget related policies are new:

Infrastructure Asset Unbundling Policy 2023-2024 **(Appendix 4)**

Pool Vehicle Policy 2023-2024 **(Appendix 5)**

The following budget related policies and by-laws were revised:

Borrowing, Funds and Reserves Policy **(Appendix 6)**

Budget Implementation and Monitoring Policy **(Appendix 7)**

Cash Management and Investment Policy **(Appendix 8)**

Credit Control and Debt Collection Policy **(Appendix 9)**

Development Charges Policy **(Appendix 10)**

Grants-In-Aid Policy **(Appendix 11)**

Indigent Policy **(Appendix 12)**

Irrecoverable Debt Policy **(Appendix 13)**

Rates Policy **(Appendix 14)**

Supply Chain Management Policy **(Appendix 15)**

Travel and Subsistency Policy **(Appendix 16)**

Virementation Policy **(Appendix 17)**

Ward Allocation Policy **(Appendix 18)**

Unchanged Policies

Accounting Policy **(Appendix 19)**

Asset Management Policy **(Appendix 20)**

Cost Containment Policy **(Appendix 21)**

Inventory Management Policy **(Appendix 22)**

Liquidity Policy **(Appendix 23)**

Preferential Procurement Policy **(Appendix 24)**

Petty Cash Policy **(Appendix 25)**

Credit Control and Debt Collection By- Law **(Appendix 26)**

Special Ratings Area Policy **(Appendix 27)**

Special Ratings By-law **(Appendix 28)**

Tariff By-law **(Appendix 29)**

Tariff Policy **(Appendix 30)**

Rates By-Law **(Appendix 31)**

Financing of External Bodies performing municipal functions Policy **(Appendix 32)**

Wayleave Policy (**Appendix 33)**

OTHER SUPPORTING DOCUMENTATION

The additional information as prescribed by the budget and reporting regulations are attached as **APPENDIX 1 – PART 2 – SECTION P.**

5.3 Financial Implications

Financial impact already discussed above.

5.4 External Loan for 2023/2024

That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R560 million of which over the MTREF R200 million will be required in year one, R200 million in year two and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary).

5.5 Legal Implications

Legal Services

The item at my disposal is compliant with the relevant legislative framework.

5.6 Staff Implications

None

5.7 Risk Implications

None

6. Comments from Senior Management:

6.1 Director: Infrastructure Services

Noted

6.2 *Director: Planning and Development Services*

Noted

6.3 Director: Community and Protection Services:

Noted

6.4 Director: Corporate Services:

Noted

6.5 Chief Financial Officer:

Noted

6.6 ***Municipal Manager:***

Noted

(APPENDICES WILL BE DISTRIBUTED UNDER SEPARATE COVER)

FOR **FURTHER DETAILS CONTACT:**

NAME	**MONIQUE STEYL**
POSITION	***SENIOR MANAGER: FINANCIAL MANAGEMENT SERVICES***
DIRECTORATE	***FINANCIAL SERVICES***
CONTACT NUMBERS	***021 808 8516***
E-MAIL ADDRESS	***Monique.steyl@stellenbosch.gov.za***
REPORT DATE	***11 May 2023***

6.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2023

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **17 May 2023**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2023

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2022/2023 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during April 2023.

5. RECOMMENDATION

that Council notes the deviations as listed for the month of April 2023.

6. DISCUSSION / CONTENTS

6.1. Background/Legislative Framework

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

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

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

6.2. Discussion

Reporting the deviations as approved by the Accounting Officer for April 2023:

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 10/23	11 April 2023	ACTOM Power Transformers	Jan Marais SS Transformer upgrades: Extension of Transformer Storage	Exceptional case and it is impractical or impossible to follow the official procurement processes	Electrical services department initiated a tender process to procure two 20MVA Transformers for the replacement and upgrade of the transformers at Jan Marais Substation, Jonkershoek area. This was needed to increased power demands and system improvements. This was done under bid B/SM 101/20, known as Package A in the tender document and the tender was awarded to Actom Transformers for the design and construction. The Transformers were constructed and completed in November 2021 and stored after completion. Three months storage at no cost was included in the bid. This storage period expired at the end of March 2022. A variation order was approved to extend storage for the 6 months with the manufacturer which came to an end in September 2022. Due to the nature of the storage of power transformers which required that it must be filled with	R1 833 792,30 (Incl. Vat)

					Hydrogen gas and be monitored by specialised professionals. The storage cannot be done onsite at the municipality. Bid B/SM 111/21 known as Package B in the tender document, was for the appointment of a contractor to install the transformers at Jan Marias Substation, the consultant responsible for this construction phase contract was terminated due to poor performance. A new consultant was appointed to replace to complete the construction phase of the project. The package B tender, B/SM 111/21 was awarded, and the contractor was expected to start with construction during October 2022, however due to poor performance the services of the contractor were terminated in November 2022. A new contractor must be appointed, however for this to happen the scope of the current consultant must be amended. The scope of works is amended through a section 116 process. This process has been initiated and is planned to be completed by end May 2023. All the above has created a delay in the installation of the transformers and an extension of storage must be arranged. It is important to note that the transformer remain with the manufacturer, all the	

					warranties and guarantees will remain intact.	
D/SM 11/23	21 April 2023	Kainos Projects Africa (Pty) Ltd	Operation and maintenance contract	Exceptional case and it is impractical or impossible to follow the official procurement processes	The handling and treating of sewage at the Stellenbosch WWTW and Wemmershoek WWTW are deemed an essential service as part of the provision of sanitation services. The Operation and Maintenance of the Stellenbosch Wastewater Treatment Works (WWTW) and the Wemmershoek WWTW has been performed by Stellenbosch Municipality over the past few years. There is a need to appoint a service provider to take over operations and maintenance from the municipality due to the current staff shortages, skill levels and non-compliance of the wastewater treatment plants to meet environmental laws and regulations. The Department of Environmental Affairs and Development Planning (DEADP) in terms of section 28(4) of the national environment management act 1998, have issued a Directive to the municipality to implement various corrective actions to achieve compliance for the Wemmershoek WWTW. The time allowed to implement an action plan is 30 calendar days. The Department of Water and Sanitation has subsequently issued a notice of non-compliance for a variety of factors for the Stellenbosch WWTW.	R 1 610 119.34 per month (Incl. VAT)

					They mentioned that the Stellenbosch WWTW malfunction is affecting the Eerste River and immediate action is required to address these concerns. This is an exceptional case, and it is impractical or impossible to follow the official procurement processes to timeously appoint a service provider to the operation and maintenance of the WWTWs. Urgent action and an immediate response are required. The deviation can thus be motivated for two reasons: a) an "emergency" and/or as b) "an exceptional case".	

6.3 **Legal Implications**

The regulation applicable is:

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

6.4 **Staff Implications:**

No staff implications

6.5 **Previous / Relevant Council Resolutions:**

None

6.6 **Risk Implications**

That the market may not be tested.

The measures in place to deal with deviations mitigate the risk to an acceptable level. The auditor general also audit the deviations during the yearly audit.

6.7 **Comments from Senior Management:**

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

6.8.1 Municipal Manager

Supports the recommendations.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	***Senior Manager: Supply Chain Management***
DIRECTORATE	***Financial Services***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	***Dalleel.Jacobs@stellenbosch.gov.za***
REPORT DATE	11 May 2023

7.	**CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]**

7.1	**PROTECTION SERVICES: (PC:)**

7.1.1	**PERMISSION TO VISIT GERMANY ON INVITATION OF LANDESVERBAND KINDER -UND JUNGERHOLUNGSZENTREN (KIEZ) – FIREFIGHTING EXCHANGE PROGRAM 20 AUGUST 2023 - 31 AUGUST 2023**

Collaborator No: **749544**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **17 May 2023**

1. SUBJECT: PERMISSION TO VISIT GERMANY ON INVITATION OF LANDESVERBAND KINDER -UND JUNGERHOLUNGSZENTREN (KIEZ) – FIREFIGHTING EXCHANGE PROGRAM 20 AUGUST 2023 - 31 AUGUST 2023

2. PURPOSE OF REPORT

To obtain Council approval to visit Germany on invitation of KIEZ, an NGO, on a firefighting exchange program from 20 August 2023 to 31 August 2023.

3. DELEGATED AUTHORITY

In terms of 9.2 of the Cost Containment Policy 2019, only the municipal council in a council meeting can approve the international travel for any official or political bearer.

4. EXECUTIVE SUMMARY

Assistant Chief Fire Officer Mr Craig van Reenen was nominated to participate in the firefighting exchange program to represent Stellenbosch Municipality in Germany from 20 August 2023 to 31 August 2023.

The invitation by the Landesverband Kinder-und Jungerholungszentren (KIEZ), sponsor one official from a municipality to attend the German peer learning program.

The costs for accommodation and transport in Germany will be covered by the host, KIEZ. The municipality is requested to cover the travel costs to and from Germany as well as other associated costs such as daily allowances. See attached as Appendix 1. This is an excellent opportunity for firefighters to share their expertise with a first world country.

5. RECOMMENDATIONS

(a) that Council approves the request for attendance of the firefighting exchange program that will be hosted in Germany from 20 to 31 August 2023; and

(b) that Council approves the daily allowance and travel costs to and from Germany for the duration of the program.

6 DISCUSSION / CONTENTS

6.1 Background

Assistant Chief Fire Officer Mr Craig van Reenen were nominated to participate in the firefighting exchange program to represent Stellenbosch Municipality in Germany from 20 August 2023 to 31 August 2023.

Firefighting is described as an ultrahazardous, unavoidably dangerous activity. Fires, in its nature are very dangerous and equally destructive. A fire in Germany and a fire in South Africa challenges firefighters in the same manner. The difference is that the so called “first world countries”’ are better equipped to deal with fires in terms of vehicles, equipment, manpower and the number and proximately of their fire stations. The impact on society in the various countries also differs. Stellenbosch and surrounding areas are very prone to grass, mountain, formal and especially informal settlement fires. This excursion will enlighten our understanding of fires and firefighting in other countries and the exchange of ideas and skills will be invaluable and can only benefit the fire service, the municipality, and the community at large. This will be the first opportunity of its kind for one of our fire fighters and hopefully not the last.

Mr Craig van Reenen, the nominee, who also holds the position of Assistant Chief Fire Officer, is a veteran with 25 years’ experience. Due to Mr van Reenen’s inquisitive nature he swiftly educated himself, obtained the necessary skills and advanced quickly through the ranks in fire services. His variety of skills also includes a certificate as an intermediate paramedic (AEA). His years’ experience in various fire stations within the City of Cape Town and in the Cape Winelands District, coupled with the necessary skills set and fluency in the English language makes him an ideal exchange candidate.

6.2 Discussion

Assistant Chief Fire Officer Mr Craig van Reenen was nominated to participate in the firefighting exchange program to represent Stellenbosch Municipality in Germany from 20 August 2023 to 31 August 2023 for work purposes.

The objective of the trip is to obtain a mutual understanding of firefighting, the roles that fire fighters fulfil in different countries and to exchange skills. The engagement will span from 20 August 2023 to 31 August 2023.

6.3 Financial Implications

Cost of local return flights and visa costs.

In line with the Cost Containment Policy

6.4 Legal Implications

In line with the Cost Containment Policy.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

None.

6.7 Risk Implications

None.

ANNEXURES

Appendix 1: Invitation

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	9 May 2023

ANNEXURE A

CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMIBUZO: Mr. Pietie Williams
TELEFOON/TELEPHONE/UMNXEBA: 021 888 5156
FAKS/FAX/iFEKSI:
E-POS/E-MAIL/IE-MAIL: pietie@capewinelands.gov.za
U VERW/YOUR REF/iREF YAKHO:
ONS VERW/OUR REF/iREF YETHU:

Alexanderstraat 46 Alexander Street
✉ 100
STELLENBOSCH
7599

For Attention:

Municipal Manager: Breede Valley Municipality

City Manager: Drakenstein Municipality

Municipal Manager: Langeberg Municipality

Municipal Manager: Stellenbosch Municipality

Municipal Manager: Witzenberg Municipality

26 April 2023

Germany Exchange Programme

Dear City Manager and Municipal Managers

An invitation was received from Landesverband Kinder-und Jungerholungszentren (KIEZ), Sachen-Anhalt e.V., a partner of the Cape Winelands District Municipality to visit Germany from Sunday, 20 August 2023 to Thursday, 31 August 2023.

Background

Cape Winelands District Municipality has an ongoing partnership with KIEZ, an NGO in Germany. The projects with the NGO are mainly aimed at youth development and give them a global understanding of the people, culture, and skills of the two regions.

This year, however, our fire department received an invitation as well to participate in an exchange of skilled firefighters.

Purpose

This exchange will aim to get a mutual understanding of firefighters, their roles in different countries, and the exchange of skills. This exchange will further, align with programmes that will enhance youth and their future in firefighting and fire control.

Therefore, Cape Winelands District Municipality would like to extend the invitation to all Local Municipalities in the Cape Winelands District. Each municipality can nominate one fireman to partake in this programme.

Costs

a) Each municipality will have to cover the travelling costs of their representative;

b) Accommodation and transport in Germany will be provided by the host, KIEZ

Kindly indicate accepting or declining the invitation. Kindly provide us with the name of the participant that will represent the municipality by Tuesday, 30 May 2023.

Please note that more details and programme will be forthcoming once the participants are confirmed.

Your favourable response will be appreciated.

Thank you and kind regards,

Mr. P.A Williams

Acting Municipal Manager

7.2	**YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]**

NONE

7.3	**CORPORATE SERVICES: (PC: CLLR L NKAMISA)**

7.3.1	**APPLICATION FOR SEPERATION OF NOTARIALLY TIED PROPERTIES, PORTION 17 OF FARM 369 AND PORTION 3 OF FARM 527 FROM THE MOTHER ERF, PORTION 837 OF THE FARM BLAAUW KLIP NUMBER 510**

ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER IN DUE COURSE

7.4	**FINANCIAL SERVICES: (PC: CLLR P JOHNSON)**

NONE

7.5	**HUMAN SETTLEMENTS: (PC: CLLR J FASSER)**

NONE

7.6	**INFRASTRUCTURE SERVICES : (PC : CLLR)**

7.6.1	**REQUEST FOR APPROVAL OF THE DRAFT POLICY ON SIDEWALK ACCESSIBILITY**

Collaborator No: **745030**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **17 May 2023**

1. SUBJECT: REQUEST FOR APPROVAL OF THE DRAFT POLICY ON SIDEWALK ACCESSIBILITY

2. PURPOSE

That council notes and approves the draft policy on Sidewalk Management.

3. DELEGATED AUTHORITY

Reserved for decision by Council.

4. EXECUTIVE SUMMARY

The Municipality aims is to promote and prioritize Non-Motorised Transport (NMT), as these were outcomes from IDP consultative processes and forms part of the Municipality's and National Government's Strategic Planning.

Landscaping, outdoor dining and other activities carried out on sidewalks may obstruct drivers' sight distances and pedestrian movements, creating potentially unsafe conditions.

The Municipality endeavours to improve sidewalk management and strive for a safe environment for all sidewalk and roadway users. In order to achieve this, the municipality intends to introduce a policy and processes that would improve safety and make sidewalks more accessible and user friendly to pedestrians.

5. RECOMMENDATIONS

(a) that the content of this report be noted;

(b) that the Draft Sidewalk Accessibility Policy, attached as **ANNEXURE A**, be accepted as the copy to be used in a Public Participation process;

(c) that the Draft Sidewalk Accessibility Policy be duly advertised for the purpose of a public participation process; and

(d) that upon the completion of the public participation process, the Draft Sidewalk Accessibility Policy together with any comments/objections be resubmitted to Council for final approval and adoption.

5. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch is a developing town and as part of its strategic planning, a shift from reliance on private motor vehicles towards safer, sustainable alternatives such as NMT is required. The Municipality has also received numerous requests through IDP sessions to prioritize on NMT in Stellenbosch. The Municipality therefore aims to promote and prioritise NMT.

Stellenbosch is also a unique town, with landscaped / tree-lined road verges and opportunities for outdoor dining etc. Although the Municipality intends to preserve this unique character, if activities in road verges are not regulated, pedestrian movements could be impeded.

Landscaping, structures, outdoor dining and other commercial activities within the road reserve, implemented by adjacent landowners, often obstruct pedestrian movements on sidewalks as well as drivers' sight distances, potentially creating unsafe scenarios.

6.2 Discussion

The Municipality aims is to promote and prioritize Non-Motorised Transport (NMT), as these were outcomes from IDP consultative processes and forms part of the Municipality's and National Government's Strategic Planning.

The Constitution of the Republic of South Africa, Act 108 of 1996 Section 85 (1) (b) mandates the Department of Transport (DoT) with the role of developing transport policy. Through its policies the DoT aims to integrate NMT as a recognized mode of transport, ensuring that appropriate and safe infrastructure is provided.

To make provision for safe pedestrian movements, the municipality is obligated to ensure that sidewalks are safe and accessible and that obstructions that gives rise to unsafe conditions are removed.

Section 4 of the Municipality's Bylaw on Roads and Streets stipulates that no person may "plant or cause to be planted, any tree, shrub or other plant on or allowing any such tree, shrub or plant to remain on; or placing or cause to be placed any other impediment or obstruction on such a street, sidewalk, walkway or road reserve forming part thereof, other than in accordance with conditions prescribed by the Municipality.

The objectives of this policy are to:

- To improve sidewalk management, ensuring a safe environment for all roadway and sidewalk users.
- To introduce guidelines that would make sidewalks more accessible for pedestrians, minimizing obstructions on sidewalks and ensuring that continuous pedestrian belts are maintained.
- To set out the general administrative procedure for compliance with this policy.

The Municipality appreciates the acknowledgement and support from the citizenry, private sector and all sidewalk users in ensuring that the risk to pedestrians and road users is mitigated, and that all parties are collectively contributing towards a safer community in Stellenbosch Municipality.

6.3 Financial Implications

Current capital and operational funding will be utilized for required works on sidewalks.

6.4 Legal Implications

Adjacent landowners may wish to seek compensation for landscaping removed by the municipality.

6.5 Staff Implications

Phased implementation of the policy is proposed, to align with available resources.

6.6 Previous / Relevant Council Resolutions:

8TH COUNCIL MEETING: 2022-10-26: ITEM 11.6.4

The Speaker **RULED**

that this matter be referred to a combined Section 80 Committee meeting between Planning -; Corporate -; Infrastructure - and Protection Services.

6.7 Risk Implications

Risk associated with liability resulting from injury to pedestrians could be mitigated.

6.8 Comments from Senior Management:

6.8.1 Director: Infrastructure Services

6.8.2 ***Director: Planning and Economic Development:***

I do not have a problem with the item in principle, however, we need to ensure that there is alignment between this policy and the recently communicated process for dealing with outdoor dining applications communicated by the Director: Corporate Services. Furthermore, I suggest that the team responsible for this policy also have a short discussion with the Senior Manager: Development Management (Stiaan Carstens) to ensure that there is alignment between the content of the policy and the manner in which our Land Use Management Section will deal with applications for the use of sidewalks for activity such as outdoor dining. (Addressed. Detailed inputs were received from Development Management and subsequent discussions were held)

6.8.3 Director: Community and Protection Services:

1) When the pedestrian walkways are created it should clearly be marked (lets say by thin white lines) as this will identify the walkway and make it easier for the enforcement officer to note transgressions.

2) It should be noted within the outdoor dining policy, that allocating and giving businesses permission to use areas or lease areas from the municipality in ‘’the sidewalk area”, the municipality does not give businesses permission to sell alcohol, neither allow their patrons to consume alcohol on that leased area. Businesses will have to apply and amend their liquor license.

With this in mind and consideration of point 1, staff will be able to do enforcement; and in relation to point 2, the SAPS and Law Enforcement will also be able to enforce the consumption and selling of liquor if it is not on the businesses liquor license. (Noted)

6.8.4 Director: Corporate Services:

I support the comments from the Director Planning and Economic Development

In regard to the outdoor dining processes. Addressed, see inputs under 6.8.2.

Staff vacancies can only be filled within budget provision and must be done in a sustainable manner. (Addressed, see input under Item 6.4).

6.8.5 *Municipal Manager:*

Please ensure that the policy is in line with the policy on outdoor dining, trading and the use of public places for commercial ventures and display.

(Addressed) The Sidewalk Accessibility Policy takes into account the municipal approval processes for outdoor dining.

RECOMMENDATIONS FROM THE JOINT INFRASTRUCTURE SERVICES AND CORPORATE SERVICES AND COMMUNITY AND PROTECTION SERVICES AND PLANNING AND ECONOMIC DEVELOPMENT:2023-03-14: ITEM 5.1.1

(a) that the content of this report be noted;

(b) that the Draft Sidewalk Accessibility Policy, attached as **ANNEXURE A**, be accepted as the copy to be used in a Public Participation process;

(c) that the Draft Sidewalk Accessibility Policy be duly advertised for the purpose of a public participation process; and

(d) that upon the completion of the public participation process, the Draft Sidewalk Accessibility Policy together with any comments/objections be resubmitted to Council for final approval and adoption.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	***Director***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***Shane.Chandaka@stellenbosch.gov.za***
REPORT DATE	***07 February 2023***

ANNEXURE A

Stellenbosch Municipality

Draft Policy on Sidewalk Accessibility

September 2022

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POLICY ON SIDEWALK ACCESSABILITY

1. Introduction

Due to complexities in the use, handling, and management of sidewalks, the Municipality has decided to compile a policy focussing exclusively on the accessibility of sidewalks.

Sidewalks must meet the needs of all sidewalk uses, i.e. of persons of all abilities which includes children, the elderly, parents with prams, pedestrians with vision impairments and people using wheel-chairs and other assistive devices. Sidewalks must be usable and functional since it is utilized for the most basic forms of mobility namely walking, cycling, running etc.

Stellenbosch is a unique town, with landscaped / tree-lined road verges and opportunities for outdoor dining etc. Although the Municipality intends to preserve this unique character, if activities in road verges are not regulated, pedestrian movements could be impeded. The Municipality has therefore decided to introduce a policy and implement guidelines to this effect, so that sidewalks remain accessible and safe for all users.

2. Legislative and Policy Context

2.1 National Policies and Guidelines

The Constitution of the Republic of South Africa, Act 108 of 1996 Section 85 (1) (b) mandates the Department of Transport with the role of developing transport policy. The following policies and guidelines have been developed by the Department of Transport, with relevant extracts that support the Municipality's Policy on Sidewalk Accessibility:

White Paper on Transport Policy:

- To encourage, promote and plan for the use of Non-Motorised Transport (NMT) where appropriate.
- Infrastructure and maintenance standards will be developed and must recognize NMT as an essential mode of transport.

Draft White Paper on Roads Policy:

- Integration of NMT as a recognised mode in the transport system and ensure appropriate infrastructure is provided for safe NMT usage.
- All authorities must strive to maintain the integrity of the road reserve in order to ensure that future network development is not compromised, and that services can be located and accessed appropriately.
- Services installed in a road reserve must be installed with the approval of the local authority, in the form of a wayleave.
- Ensure that safer road networks are provided for that appropriate infrastructure is provided for and that safe NMT usage and road safety audits are conducted.

NMT Facility Guidelines:

- Aims to enhance integrated transport, to ensure that the proper movement (or mobility) of people, to increase safety, reduce fatalities and produce universally designed infrastructure to improve the physical environment of all NMT users.

2.2 Municipal By-laws and Policies

The Constitution also makes provision for a Municipality to make and administer by-laws and polices for the effective administration of Local Government Competencies, the following are extracts of relevant Municipal by-laws and policies

The Municipality's By-law on Roads and Streets:

- The by-law assists the Municipality to regulate functions on roadways, walkways and other spaces within road reserves and aims to promote a safe environment for the benefit of all road and sidewalk uses and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges.

The Municipalities Draft NMT Policy:

- Stellenbosch Municipality will strive to develop walkable and cycle-able environments that are safe for all to use and contribute to the mobility needs, economic vibrancy and social health of communities.

The Universal Access Policy

- The rights of people with disabilities are protected by the country's Constitution, which stipulates that governmental departments and state bodies have a responsibility to ensure that concrete steps are taken so that people with disabilities are able to access the same fundamental rights and responsibilities as persons without disabilities.
- The Universal Access Policy aims to create conductive environment to address issues affecting people with diverse needs/ requirements including persons with disabilities.

The Municipality's Draft Wayleave Policy

- Sets out the procedure internal departments, external departments, private parties etc.. to obtain approval for any of the following works carried out in the road reserves, digging of trenches, tunnelling, erection of signboards, erection of structures, street shaping, planting of trees, and any other Work that may affect motorists, cyclists, pedestrians etc..

3. Objectives

The objectives of the policy are:

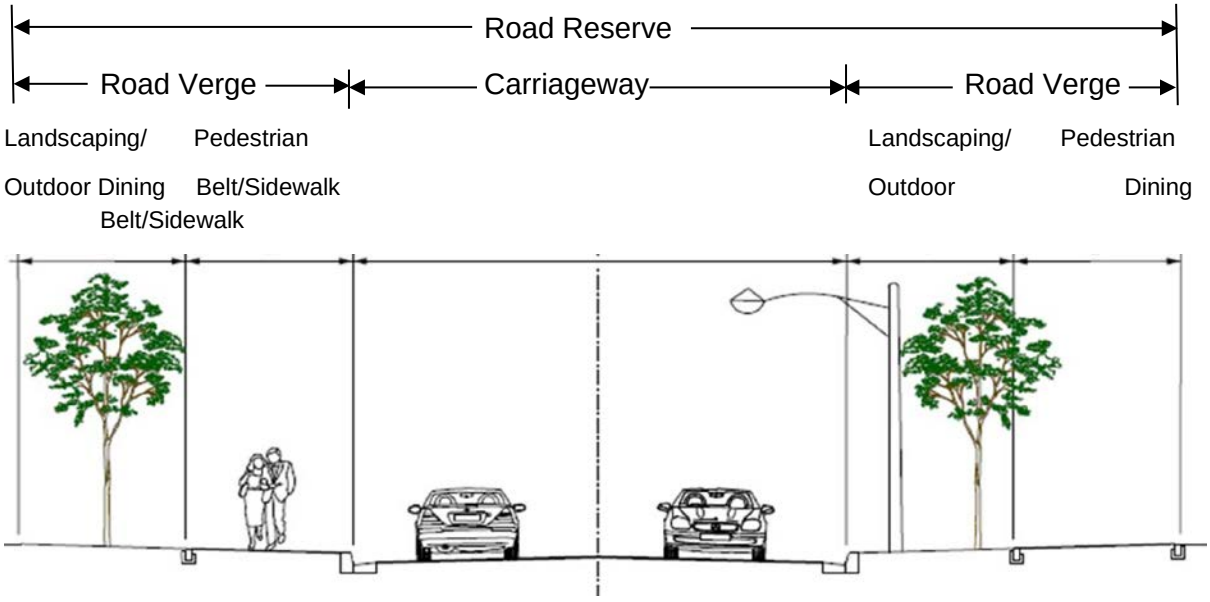
a) To improve sidewalk management, ensuring a safe environment for all roadway and sidewalk users.
b) To introduce guidelines that would make sidewalks more accessible for pedestrians, minimizing obstructions on sidewalks and ensuring that continuous pedestrian belts are maintained.
c) To set out the general administrative procedure for compliance with this policy.

4. Functions and Components of the Road Reserve

The Road Reserve (which includes the Sidewalk Area or Road Verge) has the following functions:

- Connects and links communities and serves all transportation needs of residents, commuters, businesses etc..
- Provides space for required services, such as pipelines and cables for electricity, water, sewer, telecommunication, stormwater services etc.

Typical Cross Section of Municipal Roads:



The Road Reserve comprises the following:

- **The Road Verge:** utilized by pedestrians (and cyclist where applicable), and can consist of constructed sidewalk as found in CDB, industrial areas and along priority routes in residential areas. Unconstructed / natural sidewalks are found on certain roads in residential areas. Services such as pipelines and cables for electricity, water, sewer, telecommunication, stormwater etc. are normally located within this area.
- **Carriageways:** also referred to as the roadways and are utilized by motor vehicles and cyclist.

In residential areas, where formal sidewalks have not been constructed, obstructions are often found in the form of landscaping. Where the sidewalk is natural ground, space must be

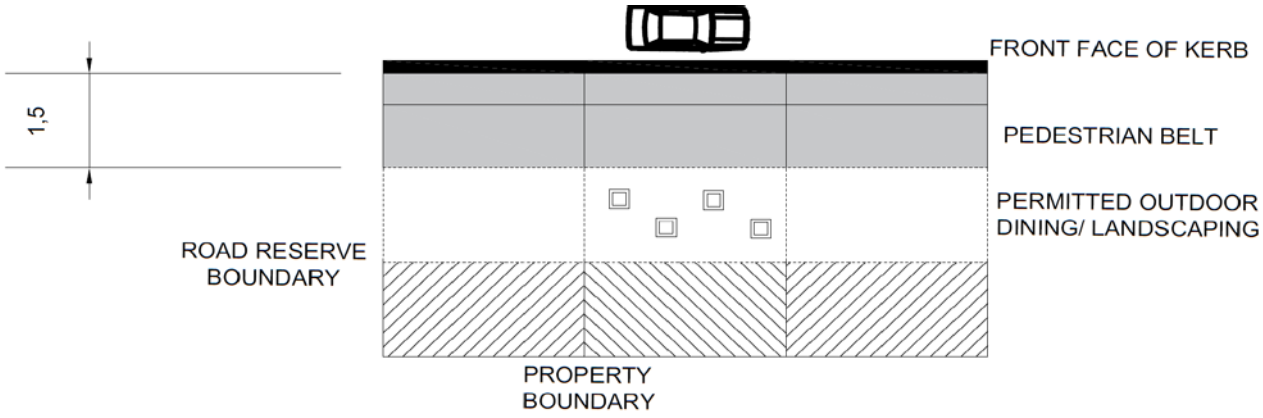
reserved and be kept clear from obstructions to ensure safe and continuous pedestrian movements. The surface should be suitably firm, and level so as not to create a tripping hazard. A suitable surface may comprise natural ground, laterite gravel, grassing or paving as approved by the municipality.

On certain roads within the CBD, outdoor dining other commercial activities are allowed. Where these are allowed, space must be reserved and kept clear from obstructions to ensure safe and continuous pedestrian movements.

5. Guidelines

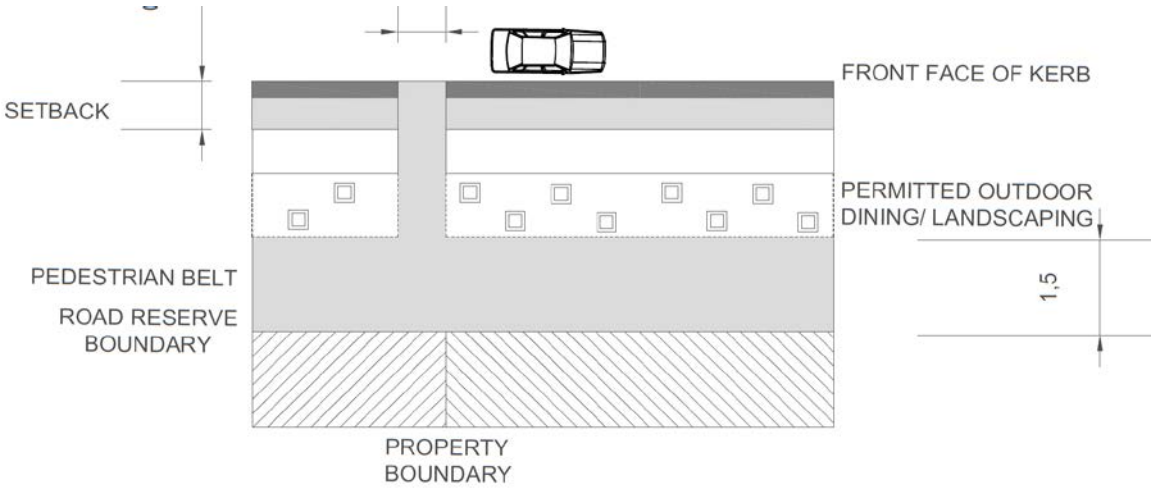
The following minimum guidelines are applicable where constructed and natural sidewalks occur. The preferred option is a pedestrian belt located near the front face of the kerb. A pedestrian belt of at least 1.5m must remain free from obstructions, see **Option 1** below:

OPTION 1:



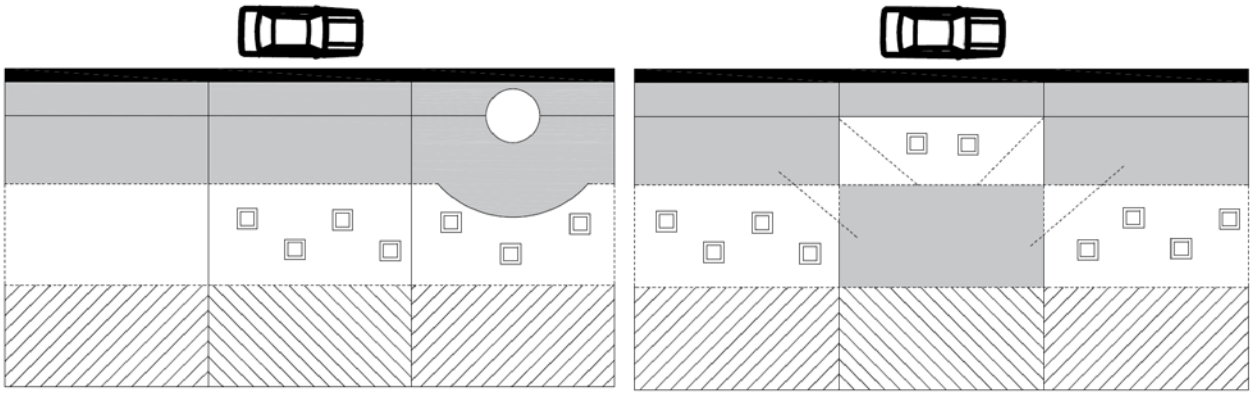
In instances where the position of existing landscaping or other features prohibits the implementation of Option 1, the pedestrian belt may be located away from the roadway. In this instance a 750mm setback from the front face of the kerb edge must be in effect. An additional passage (on the extension of the cadastral boundary) between the setback and pedestrian belt should be maintained. No obstructions are therefore allowable within the pedestrian belt, the setback line, the passage between the pedestrian belt and setback line, as shown in **Option 2** below:

OPTION 2:



Variations to Option1 and 2 are allowable and will be dependent on the outcome of the safety audit. The diagrams below show how an obstruction can be accommodated and how a continuous pedestrian belt can be maintained:

VARIATIONS:



The above are minimum guidelines, certain locations may require wider pedestrian belts to accommodate higher pedestrian volumes. In such instances wider pedestrian belts will be required by the Municipality.

6. Application Processes

6.1 Way-leave Application Process

A way-leave application must be submitted for any proposed construction work, temporary use of sidewalk, landscaping on sidewalk, outdoor dining or other commercial activity allowable within the road reserve. The wayleave application process grants rights / approval for proposed works / activities and comprises site inspections, assessments as well as a Road Safety Audit. Where it is found that the proposed works/activity will have a detrimental impact on the Municipality or any of its services, the application may be declined. The Municipality's draft Wayleave Policy outlines the procedures and processes when submitting a wayleave application. Proposals for any construction work, temporary use of sidewalk, landscaping on sidewalk, outdoor dining or other commercial activity must follow the wayleave application process (which includes the compilation of a drawing), applications must be submitted to Infrastructure Services Directorate.

6.1.2 Landscaping

Landowners that have frontage onto to the Road Reserve, may submit applications for proposed landscaping within the Road Verge. Permission may be granted for landscaping outside of the pedestrian belt. The Wayleave Application process as described above must be followed. Landscaping in the road reserve should be maintained by the applicant, the landscaping will however be deemed the property of the Municipality.

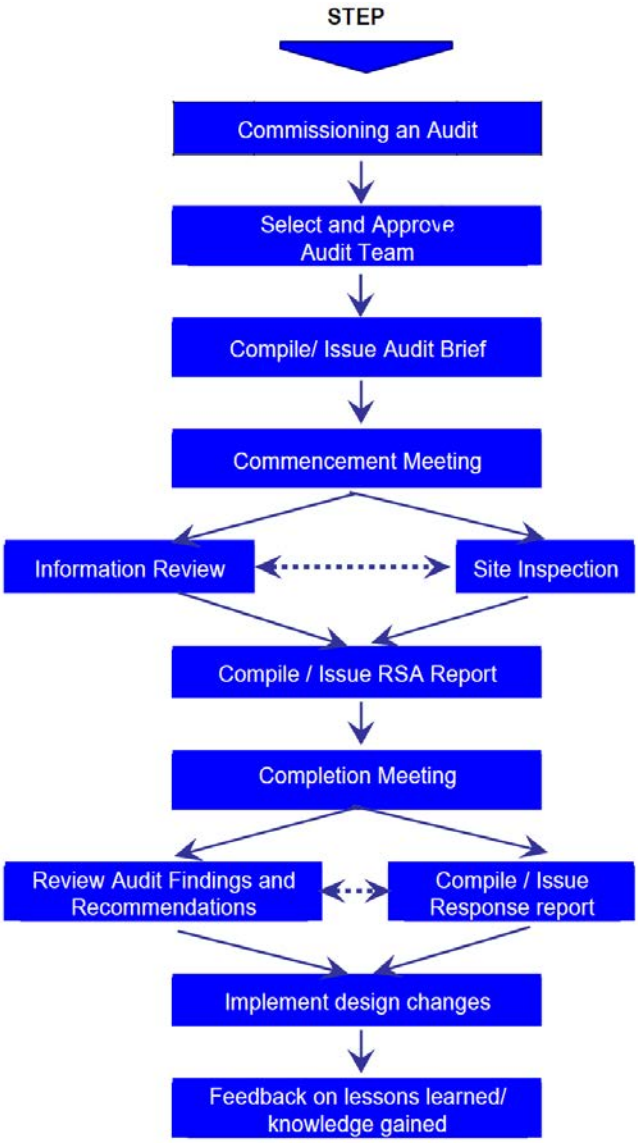
6.1.3 Outdoor Dining

On certain roads within the Municipality, Outdoor Dining or Trading and Events are allowed if approved in terms of the relevant Policy. Business that have frontage onto the Road Reserve, may submit applications for proposed outdoor dining or trading and events withi. To commence the process for applications for Outdoor Dining or Trading, a site plan detailing the proposals must be prepared and processes followed in terms of the relevant policy. For example, applications for Outdoor dining, including layout plans, must be submitted to the Corporate Services Directorate. Additional processes required for Outdoor Dining or Trading and Events on sidewalks may also include the following:

- Wayleave Application (as described above)
- Building plan Application for any proposed structure
- Land Use Planning Application
- Lease Agreement
- All relevant approvals

7. Road Safety Audit Process

A Roads Safety Audit will be carried out to determine the impact of the proposed construction work, use of sidewalk, landscaping, structures, outdoor dining or other commercial activity allowable within the road reserve. Road Safety Audit will also be carried out on existing scenarios, for alignment and compliance with Policy. Road Safety Audits will determine impacts on the safety of pedestrians, cyclist drivers etc. The road safety audit methodology is prescribed in the South African Road Safety Audit Manual, Chapter 4 refers to proposed interventions and Chapter 5 makes reference to Roads Safety Audit on existing scenarios.



Aspects to consider when conducting the road safety audit:

- Is the minimum width for the pedestrian belt sufficient for the prevailing conditions?
- Will pedestrian facilities be satisfactory for visibility, the disabled, the elderly, children etc?
- Will cyclist or other road users be affected?
- Are tripping hazards present?
- Will vehicle sight distances and visibility be affected by the proposed intervention?
- Will the proposed intervention negatively affect neighbouring properties?

- Will the accessibility / maintenance of services be affected?
- Will existing traffic operations be negatively affected?

The following process should be followed when carrying out a road safety audit:

Step 1: Estimate the Frequency of Possible Incidents

FREQUENCY	DEFINITION
Frequent	One or more per month
Probable	One or more per year (but less than one per month)
Occasional	Once every one to three years
Remote	Less frequent than once in three years

Step 2: Estimate the Severity of Possible Incidents

SEVERITY of OUTCOME	EQUIVALENT CRASH OUTCOME
Catastrophic	Likely multiple deaths
Serious	Likely death or serious injury requiring hospitalization
Minor	Likely minor injury
Negligible	Likely trivial injury or property damage only

Step 3: Determine the Level of Risk

		FREQUENCY			
		Frequent	Probable	Occasional	Remote
SEVERITY	Catastrophic	**Intolerable**	**High**	**High**	**Medium**
	Serious	**High**	**High**	**Medium**	**Medium**
	Minor	**High**	**Medium**	**Medium**	**Low**
	Negligible	**Medium**	**Medium**	**Low**	**Low**

Step 4: Course of Action

RISK	
Intolerable	Proposed Landscaping or Outdoor Dining can-not be allowed.
High	Proposed Landscaping or Outdoor Dining can-not be allowed.
Medium	Proposed Landscaping or Outdoor Dining may be allowed, on condition that mitigation measures be effectively implemented.
Low	Proposed Landscaping or Outdoor Dining may be allowed.

Where the impact of proposed landscaping, structures, outdoor dining or other commercial activity is determined as being Intolerable or High, the application will be declined. Where a risk is determined as Medium, the application may be approved on condition that mitigation measures be introduced. Where the risk is designated as Low the application may be approved, along with any condition stipulated by the Municipality.

8. Aligning Existing Scenarios with Policy

Landscaping and other structures located within the road reserve that is not in compliance with Municipal processes, will require rectification. Rectification will also be required for outdoor dining or other commercial activities that has not been approved by the Municipality.

The rectification process will in general include liaison with the relevant landowner(s) providing time frames for rectification. The Municipality will communicate to residents and businesses the procedures for the rectification and regulation of landscaping, outdoor dining and other commercial activities.

Where there is non-compliance with time frames provided, or an unacceptable risk of danger to motorists, cyclists or pedestrians (as assessed and determined by the Municipality), the Municipality may remove landscaping and other structures located within the road reserve that is not in compliance with Municipal processes, in terms of the provisions made in the Municipality's By-law on Roads and Streets.

This ensures an acceptable level of risk to both the users of the sidewalks as well as to the Municipality.

The Municipality appreciates the acknowledgement and support from the citizenry, private sector and all sidewalk users in ensuring that the risk to pedestrians and road users is mitigated, and that all parties are collectively contributing towards a safer community in Stellenbosch Municipality

9. SHORT TITLE AND COMMENCEMENT

This policy is called the Stellenbosch Municipality's Policy on Sidewalk Accessibility and will commence on the date of publication.

7.6.2	**REQUEST FOR APPROVAL OF THE DRAFT POLICY ON SIDEWALK ACCESSIBILITY**

ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER IN DUE COURSE

7.7	**PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)**

NONE

7.8	**PLANNING :(PC: CLLR C VAN WYK)**

7.8.1	**ADOPTION OF THE FINAL DRAFT STELLENBOSCH BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 AND ASSOCIATED SYSTEM OF DELEGATIONS AND CATEGORISATION MODEL**

Collaborator No: **749408**
IDP KPA Ref No: **Good Governance**
Meeting Date: **17 May 2023**

2. SUBJECT: ADOPTION OF THE FINAL DRAFT STELLENBOSCH BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 AND ASSOCIATED SYSTEM OF DELEGATIONS AND CATEGORISATION MODEL

2. PURPOSE

Is for the Portfolio Councillor of Planning to present to Council for consideration the adoption of the proposed final Draft Bylaw on Municipal Land Use Planning, as well as the updated system of delegations and the categorisation model on decision making on land use and land development applications for the associated statutory operations of the land use planning functionality.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Municipal Land Use Planning Bylaw (hereafter referred to as the “Bylaw”), which was adopted in 2015, has been reviewed and accordingly amended during the course of 2022. The resulting proposed draft amended Bylaw was adopted by Council for the purpose of public participation, which process was concluded by February 2023. The proposed Draft Bylaw was updated in terms of the comments received, and the final Draft Bylaw is now being submitted to Council for adoption.

For the purpose of adopting the final Draft Bylaw, the system of delegations and the categorisation model on decision making for land use and land development applications was also reviewed and updated.

5. RECOMMENDATIONS

(a) that the final Draft Stellenbosch Bylaw on Municipal Land Use Planning, 2023, duly introduced in terms of Section 12(1) of the Local government: Municipal Systems Act, 2000 (Act 32 of 2000) by the Portfolio Councillor for Planning, and attached as **ANNEXURE “A”, BE APPROVED** in terms of section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

(b) that the updated system of delegations in terms of the Stellenbosch Bylaw on Municipal Land Use Planning, 2023, attached as **ANNEXURE “D”, BE APPROVED** in terms of Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);and

(c) that the amended categorisation model of decision making on land use and land development applications in terms of Section 69(1) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, attached as **ANNEXURE "E",** and which includes the qualification and appointment of the identified Authorised Employees in terms of Section 68(a) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, **BE APPROVED** and to come into effect simultaneously with the Stellenbosch Municipal Land Use Planning Bylaw, 2023.

6. DISCUSSION / CONTENTS

6.1 Background

An overview of the planning law review that resulted in the adoption of the Stellenbosch Municipal Land Use Planning Bylaw in 2015, was provided in the previous report to Council in November 2022 and in which the Draft Bylaw on Land Use Planning was presented for adoption for the purpose of public participation.

6.2 Final Draft Bylaw on Municipal Land Use Planning

The Draft Bylaw was duly advertised on 9 December 2022, and the commenting period closed on 8 February 2023. The advertisement was also sent per e-mail to the full mailing list of all active town planning consultants in the Stellenbosch Municipal area, as well as all organisations active in land use and land development applications.

The Office of the Municipal Manager did not receive any inputs in response to the advertisement on the Draft Bylaw. The internal comments were workshopped with officials from the Provincial Department of Development Planning who also made additional inputs regarding matters on which recent legal opinions were obtained and judgements of recent court cases.

These inputs were considered and the Draft Bylaw was accordingly updated, attached as **ANNEXURE "A"** as the final Draft Bylaw. The updating of the Draft Bylaw should be read together with the original record of amendments to the Bylaw2015-2022, attached as **ANNEXURE "B".** The latest and final record of additional amendments to the Bylaw 2015 – 2023, is attached as **ANNEXURE "C"**.

The nature and scope of the additional amendments was considered for the purpose of any additional requirement for public participation, and it was concluded that the additional amendments are not material in nature regarding the original amendments, and which would warrant the need for any additional public participation.

The process of amending the Bylaw has been concluded and is now being submitted to Council for consideration and adoption. Following the adoption of the final Draft Bylaw, the Bylaw needs to be published and in terms of which the existing Bylaw will automatically be repealed.

An appropriate process for the training of planning staff, officials, and Councilors, as well as a communications campaign will be undertaken in preparation for the implementation of new Bylaw.

6.2.1 Amended system of delegations for statutory land use planning functionality

With the adoption of an amended bylaw, it is also required to review and update the existing system of delegations for the associated statutory operations of the land use planning functionality.

With the application of the current system of delegations, adopted in 2019, it has also become apparent that this suit of delegations contains omissions which results in operational difficulties, as well as inappropriate levels of authority to decide on matters.

The current need to amend the system of delegations to make provision for any new and amended provisions of the new Bylaw is consequently also an apt opportunity to update the system of delegations to ensure that there are no oversights, as well as to ensure efficient and effective, as well as accountable levels of authority to deal with the associated statutory operations of the land use planning functionality.

The proposed system for delegations for the land use planning functionality is attached as **ANNEXURE "D".**

6.2.1 Amended Categorisation model for land use planning decision making

The Bylaw, and as required in terms of the National Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), hereafter referred to as "*SPLUMA*", stipulates in Section 70(1) that a Municipal Planning Tribunal (MPT) must be established to decide on land use and land development applications.

Notwithstanding the mandatory establishment of a MPT, the municipality may also, in terms of Section 68(1) of the Bylaw, appoint an Authorised Employee (AE) and delegate a category of applications to the AE to decide on such applications.

For such purpose the land use and land development applications should be categorise in terms of Section 69(1) of the Bylaw to determine which types of applications will be considered by the AE and the MPT respectively.

The categorisation model is very similar to the former system of delegations where qualified types of applications were decided on by e.g. Senior Managers or Directors. Such system of delegations ensured that applications of a non-complex nature are decided on without undue time delays.

The categorisation model for Stellenbosch Municipality was reviewed in April 2020, and during the past three years it has become apparent that the categorisation model can be improved to enhance timeframes on service delivery and facilitate developments. With the introduction of the new planning bylaw, and regarding the amendments and differentiation between types of land use and land development applications, it is also necessary to introduce an amended categorisation model.

The proposed categorisation model, which includes the rationale and criteria for distinguishing the different types of applications, as well as identifying all the authorised decision makers who, together with the MPT, must decide on the assigned categories of applications, is attached as **ANNEXURE "E".**

6.3 Financial Implications

The review of the Bylaw was undertaken internally (in house) with no cost to Council. The required publishing of the Bylaw after adoption will result in a cost which funding is available on the existing budget of the Directorate.

6.4 Legal Implications

The amendment of the subject Bylaw with the replacement of the current Bylaw is governed in terms of the provisions of Section 12 of the Municipal Systems Act, which needs to be satisfied. Due process are followed in terms of this enabling legislation for the introduction of final Draft Bylaw to Council by a member of the Municipal Council.

6.5 Staff Implications

The review process was undertaken internally (in-house) and there are no additional staff implications for the adoption of the final Draft.

6.6 Previous / Relevant Council Resolutions

Adoption of the Municipal Land Use Planning Bylaw in 2015, as well as the adoption of the Draft Bylaw for the purpose of public participation in November 2022.

6.7 Risk Implications

Due to the amendments to the subject Bylaw to address and effect corrections, omissions and improvements, the risks associated with these matters will be averted by adopting the final Draft Bylaw.

6.8 Comments from Senior Management:

6.8.1 Director: Infrastructure Services

No comments solicited.

6.8.2 Director: Planning and Economic Development

Supports the Item.

6.8.3 Director: Community and Protection Services

No comments solicited.

6.8.4 Director: Corporate Services

No comments solicited.

6.8.6 Chief Financial Officer

No comments solicited.

6.8.7 Municipal Manager

Supports the item.

ANNEXURES

ANNEXURE A: Proposed final Draft Stellenbosch Bylaw on Municipal Land Use Planning, 2023.

ANNEXURE B: Report on record of amendments and reasons for changes to Bylaw on Municipal Land Use Planning.

ANNEXURE C: Report on record of additional amendments and reasons for changes to Bylaw on Municipal Land Use Planning.

ANNEXURE D: Proposed Revised system of delegations for the Stellenbosch Bylaw on Municipal Land Use Planning, 2023.

ANNEXURE E: Proposed revised Categorisation Model for decision making structures on land use and land development applications, 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@stellenbosch.gov.za
REPORT DATE	5 May 2023

ANNEXURE A

STELLENBOSCH MUNICIPALITY

By-law on Municipal Land Use Planning 2023

To regulate and control municipal land use planning.

PREAMBLE

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) confers on municipalities the executive authority and right to administer local government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS Part B of Schedule 4 to the Constitution lists municipal planning as a local government matter;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS Parliament has enacted the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Provincial Legislature has enacted the Land Use Planning Act (Act 3 of 2014), which among other things set out development principles which apply to all organs of state responsible for the implementation of legislation regulating the use and development of land;

NOW THEREFORE Stellenbosch Municipality has adopted this By-law.

ARRANGEMENT OF SECTIONS AND SCHEDULES

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2. Application of By-law

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SPATIAL PLANNING

3. Compilation or amendment of municipal spatial development framework
4. Establishment of project committee
5. Establishment of intergovernmental steering committee
6. Procedure with intergovernmental steering committee
7. Procedure without intergovernmental steering committee
8. Functions and duties
9. Local spatial development frameworks
10. Compilation, adoption, amendment or review of local spatial development frameworks
11. Status of local spatial development frameworks
12. Structure plans

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DEVELOPMENT MANAGEMENT

13. Determination of zoning
14. Non-conforming uses
15. Land development requiring approval and other approvals
16. Continuation of application after change of ownership
17. Rezoning of land
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19. Consent uses
20. Subdivision
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22. Lapsing of subdivision
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CHAPTER I

INTERPRETATION AND APPLICATION

Definitions

1. In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), has the meaning assigned to it in that Act and—

"adopt", in relation to a spatial development framework, zoning scheme, policy or strategy, means the approval thereof by a competent authority;

"agent" means a person authorised in terms of a power of attorney to make an application on behalf of the owner;

"Appeal Authority" means the Appeal Authority contemplated in section 79(1);

"applicable period", referred to in sections 17(5) and (6), 18(2), 19(5), 22(1) and 32(1), means the period that may be determined by the Municipality in the approval;

"applicant" means a person referred to in section 15(2) who makes an application to the Municipality as contemplated in that section;

"application" means an application to the Municipality referred to in section 15(2);

"authorised employee" means a municipal employee who is authorised in terms of delegated or sub-delegated authority by the Municipality to exercise a power or perform a duty in terms of this By-law or to inspect land and buildings in order to enforce compliance with this By-law or the zoning scheme;

"base zoning" means the zoning before the application of any overlay zone;

"commencement", in relation to construction, means to have begun continuous physical, on-site construction in accordance with building plans approved in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and that has gone beyond site clearing, excavation or digging trenches in preparation for foundations*;*

"comments", in relation to comments submitted by the public, municipal departments and other organs of state and service providers on an application or appeal, includes objections, representations and petitions;

"consolidation", in relation to land, means the merging of two or more adjacent land units into a single land unit, and includes the physical preparation of land for consolidation;

"Council" means the municipal council of the Municipality;

"date of notification" means the date on which a notice is served as contemplated in section 35 or published in the media or *Provincial Gazette*;

"development charge" means a development charge contemplated in section 83 as levied by the Municipality;

"emergency" includes a situation that arises from a flood, strong wind, severe rainstorm, fire, earthquake or industrial accident and that requires the relocation of human settlements or people;

"external engineering service" means an engineering service outside the boundaries of a land area referred to in an application and that is necessary for the utilisation and development of the land;

"Land Use Planning Act" means the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);

"local spatial development framework" means a local spatial development framework contemplated in section 9;

"Municipal Manager" means the Municipal Manager of the Municipality;

"municipal spatial develo**pment framework"** means a municipal spatial development framework contemplated in section 10 of the Land Use Planning Act;

"Municipality" means the municipality of Stellenbosch established by Provincial Notice No. 479 in *Provincial Gazette* of 22 December 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and, where the context so requires, includes—

(a) the Council;

(b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-law;

(c) the Tribunal, authorised or delegated to perform a function or exercise a power in terms of this By-law;

(d) the Municipal Manager; and

(e) an authorised employee;

"non-conforming use" means an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with the zoning scheme in force;

"overlay zone" means a category of zoning that applies to land or a land unit in addition to the base zoning and that—

(a) stipulates additional development parameters or use rights that may be more or less restrictive than the base zoning; and

(b) may include provisions and development parameters relating to—

(i) primary or consent uses;

(ii) subdivision or subdivisional areas;

(iii) development incentives;

(iv) density limitations;

(v) urban form or urban renewal;

(vi) heritage or environmental protection;

(vii) management of the urban edge;

(viii) scenic drives;

(ix) coastal setbacks; or

(x) any other purpose as set out in the zoning scheme;

"owners' association" means an owners' association contemplated in section 29;

"pre-application consultation" means a consultation contemplated in section 37;

"restrictive condition" means any condition registered against the title deed of land restricting the use, development or subdivision of the land concerned;

"service" means a service provided by the Municipality, any other organ of state or a service provider, including services for the provision of water, sewerage, electricity, refuse removal, roads, storm-water drainage, and includes infrastructure, systems and processes related to the service;

"site development plan" means a dimensioned plan drawn to scale that indicates details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

"social infrastructure" means community facilities, services and networks that meet social needs and enhance community well-being;

"Spatial Planning and Land Use Management Act" means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

"Spatial Planning and Land Use Management Regulations" means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015, made under the Spatial Planning and Land Use Management Act and published under Notice R239/2015 in *Government Gazette* 38594 of 23 March 2015;

"subdivisional area" means an overlay zone that permits subdivision for the purposes of a subdivision application involving a change of zoning;

"Tribunal" means the Municipal Planning Tribunal, established in terms of section 70.

Application of By-law

2. This By-law applies to all land situated within the municipal area, including land owned by organs of state.

CHAPTER II

SPATIAL PLANNING

Compilation or amendment of municipal spatial development framework

3. (1) When the Council compiles or amends its municipal spatial development framework in accordance with the Municipal Systems Act, the Council must, as contemplated in section 11 of the Land Use Planning Act—

(a) establish an intergovernmental steering committee to compile a draft municipal spatial development framework or a draft amendment of its municipal spatial development framework; or

(b) refer its draft municipal spatial development framework or draft amendment of its municipal spatial development framework to the Provincial Minister for comment.

(2) The Municipality must—

(a) publish a notice in two of the official languages of the Province most spoken in the area in two newspapers circulating in the area concerned of—

(i) the intention to compile or amend the municipal spatial development framework; and
(ii) the process to be followed, in accordance with section 28(3) and 29 of the Municipal Systems Act;

(b) inform the Provincial Minister in writing of—

(i) the intention to compile or amend the municipal spatial development framework;
(ii) its decision in terms of subsection (1)*(a)* or *(b)*; and
(iii) the process contemplated in subsection (2)*(a)*(ii); and

(c) register relevant stakeholders, who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process contemplated in subsection (2)*(a)*(ii).

Establishment of project committee

4. (1) The Municipality may establish a project committee to assist to compile or amend its municipal spatial development framework and to perform the duties of the Municipality referred to in sections 6 to 8.

(2) The project committee must consist of—

(a) the Municipal Manager or a municipal employee designated by the Municipal Manager; and

(b) municipal employees appointed by the Municipal Manager from the following municipal departments, where relevant:

(i) the integrated development planning office;

(ii) the spatial planning department;

(iii) the engineering department;

(iv) the local economic development department; and

(v) the housing department.

Establishment of intergovernmental steering committee

5. (1) If the Council establishes an intergovernmental steering committee, it must consist of—

(a) the Municipal Manager, or a designated municipal employee to represent the Municipal Manager; and

(b) representatives of—

(i) the Municipality, nominated by the Municipal Manager;

(ii) the Department, nominated by the Head of Department;

(iii) the provincial department responsible for land use planning, nominated by the Head of that department; and

(iv) other relevant organs of state, if any, who may have an interest in the compilation or amendment of the spatial development framework of the Municipality.

(2) When the Council establishes an intergovernmental steering committee the Municipal Manager must—

(a) designate a municipal employee to represent the Municipal Manager;

(b) nominate other representatives of the Municipality; and

(c) in writing, invite written nominations for representatives from the persons or organs of state contemplated in subsection (1)(b)(ii), (iii), and (iv).

Procedure with intergovernmental steering committee

6. (1) If the Council establishes an intergovernmental steering committee, the Municipality must compile a draft *status quo* report setting out an assessment of the existing levels of development and development challenges in the municipal area or relevant area in the municipal area and must submit it to the intergovernmental steering committee for comment.

(2) After consideration of the comments of the intergovernmental steering committee, the Municipality must finalise the *status quo* report and submit it to the Council for adoption.

(3) After finalising the *status quo* report the Municipality must compile a first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment.

(4) After consideration of the comments of the intergovernmental steering committee, the Municipality must finalise the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment in accordance with the process adopted in terms of sections 28(3) and 29 of the Municipal Systems Act.

(5) After consideration of the comments received by virtue of the publication contemplated in subsection (4), the Municipality must compile a final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment.

(6) After consideration of the comments of the intergovernmental steering committee contemplated in subsection (5), the Municipality must finalise the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework and submit it to the Council for adoption.

(7) If the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (6) is materially different to what was published in terms of subsection (4), the Municipality must in accordance with

subsections (4), (5) and (6), read with the necessary changes, follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.

(8) The Council may at any time in the process of compiling a municipal spatial development framework or drafting an amendment of the municipal spatial development framework request comments from the intergovernmental steering committee.

(9) The Council must adopt the final draft municipal spatial development framework or final draft amendment of the municipal spatial development framework, with or without amendments and must within 14 days of its decision give notice of its decision in the media and the *Provincial Gazette*.

Procedure without intergovernmental steering committee

7. (1) If the Council does not establish an intergovernmental steering committee to compile or amend its municipal spatial development framework, the Municipality must—

(a) compile a draft *status quo* report setting out an assessment of the existing levels of development and development challenges in the municipal area or relevant area in the municipal area and submit it to the Council for adoption;

(b) after adoption of the *status quo* report, compile a first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment;

(c) after approval of the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework for publication contemplated in paragraph *(b)*, submit the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework to the Provincial Minister for comment in terms of section 13 of the Land Use Planning Act; and

(d) after consideration of the comments received from the public and the Provincial Minister, submit the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with any further amendments, to the Council for adoption.

(2) If the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (1)*(d)* is materially different to what was published in terms of subsection (1)*(b)*, the Municipality must follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.

(3) The Council must adopt the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice of its decision in the media and the *Provincial Gazette*.

Functions and duties

8. (1) The Municipality must, in accordance with the directions of executive mayor—

(a) ensure the compilation of the municipal spatial development framework or drafting of an amendment of the municipal spatial development framework for adoption by the Council;

(b) provide technical knowledge and expertise to the Council;

(c) ensure that the compilation of the municipal spatial development framework or drafting of the amendment of the municipal spatial development framework is progressing according to the process contemplated in section 3(2)*(a)*(ii);

(d) guide the public participation process and ensure that the registered stakeholders remain informed;

(e) ensure the incorporation of amendments to the draft municipal spatial development framework or draft amendment of the municipal spatial development framework based on the consideration of the comments received during the process of drafting thereof;

(f) ensure the drafting of—

(i) a report in terms of section 14*(c)* of the Land Use Planning Act setting out the response of the Municipality to the provincial comments issued in terms of section 12(4) or 13(2) of that Act; and

(ii) a statement setting out—

(aa) whether the Municipality has implemented the policies and objectives issued by the national minister responsible for spatial planning and land use management and if so, how and to what extent the Municipality has implemented it; or

(bb) if the Municipality has not implemented the policies and objectives, the reasons for not implementing it;

(g) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and other organs of state as contemplated in section 24(1) of the Municipal Systems Act;

(h) facilitate the integration of other sector plans into the municipal spatial development framework; and

(i) if the Council establishes an intergovernmental steering committee—

(i) assist the Council in establishing the intergovernmental steering committee and adhering to timeframes; and

(ii) ensure the flow of information between the project committee and the intergovernmental steering committee.

(2) The members of the intergovernmental steering committee must—

(a) provide the intergovernmental steering committee with the following:

(i) technical knowledge and expertise;

(ii) input on outstanding information that is required to compile the municipal spatial development framework or draft an amendment thereof;

(iii) information on budgetary allocations;

(iv) information on and the locality of any current or planned projects that have an impact on the municipal area; and

(v) written comments in terms of section 6; and

(b) provide the project committee, if established, or the Municipality with written comments in terms of section 6.

Local spatial development frameworks

9. (1) The Municipality may adopt a local spatial development framework for a specific geographical area in a part of the municipal area.

(2) The purpose of a local spatial development framework is to, for a specific geographical area, —

(a) provide detailed spatial planning guidelines;

(b) provide more detail in respect of a proposal provided for in the municipal spatial development framework;

(c) meet specific land use planning needs;

(d) provide detailed policy and recommended development parameters for land use planning;

(e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; and

(f) guide decision-making on land use applications.

Compilation, adoption, amendment or review of local spatial development frameworks

10. (1) If the Municipality compiles, amends or reviews a local spatial development framework, it must adopt a process plan, including the public participation processes to be followed for the compilation, amendment, review or adoption of a local spatial development framework.

(2) The Municipality must, within 21 days of adopting a local spatial development framework or an amendment of a local spatial development framework, publish a notice of the decision in the media and the *Provincial Gazette*.

Status of local spatial development frameworks

11. (1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in section 10(2).

(2) A local spatial development framework guides and informs decisions made by the Municipality relating to land development, but it does not confer or take away rights.

Structure plans

12. (1) If the Municipality intends to convert a structure plan to a local spatial development framework, the Municipality must comply with sections 9 to 11 and must—

(a) review that structure plan and make it consistent with the purpose of a local spatial development framework contemplated in section 9(2); and

(b) incorporate the provisions of the structure plan that are consistent with that purpose in the local spatial development framework.

(2) The Municipality must, in terms of section 16(4) of the Land Use Planning Act, withdraw the relevant structure plan by notice in the *Provincial Gazette* when it adopts a local spatial development framework contemplated in subsection (1).

CHAPTER III

DEVELOPMENT MANAGEMENT

Determination of zoning

13. (1) The owner or his or her agent may apply in terms of section 15(2) to the Municipality for the determination of a zoning for land referred to in section 34(1), (2) or (3) of the Land Use Planning Act.

(2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:

(a) the lawful utilisation of the land, or the purpose for which it could be lawfully utilised immediately before the commencement of the Land Use Planning Act, if it can be determined;

(b) the zoning, if any, that is most compatible with that utilisation or purpose and any applicable title deed condition;

(c) any departure or consent use that may be required in conjunction with that zoning;

(d) in the case of land that was vacant immediately before the commencement of the Land Use Planning Act, the utilisation that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the Municipality; and

(e) where the lawful utilisation of the land and the purpose for which it could be lawfully utilised immediately before the commencement of the Land Use Planning Act cannot be determined, the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.

(3) If the lawful zoning of the land contemplated in subsection (1) cannot be determined, the Municipality must rezone the land concerned in terms of section 15(2)(a).

(4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, may not be considered to be lawful.

Non-conforming uses

14. (1) A non-conforming use does not constitute an offence in terms of this By-law.

(2) A non-conforming use may continue as long as it remains otherwise lawful, subject to the following:

(a) if the non-conforming use is ceased for any reason for a period of more than twenty-four consecutive months, any subsequent utilisation of the property must comply with this By-law and the zoning scheme, with or without departures;

(b) an appropriate application contemplated in section 15(2) must be made for the alteration or extension of buildings or structures in respect of the non-conforming use;

(c) the owner bears the onus of proving that the non-conforming use right exists; and

(d) the use right is limited to the area of the building or land in respect of which the proven use right exists.

(3) Subject to subsection (2)*(a)* and *(b)*, if an existing building that constitutes a non-conforming use is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the Municipality may grant permission for the reconstruction of such building subject to conditions.

Land development requiring approval and other approvals

15. (1) No person may commence, continue, or cause the commencement or continuation of, land development, other than the subdivision or consolidation of land referred to in section 24, without the approval of the Municipality in terms of subsection (2).

(2) The owner or his or her agent may apply to the Municipality in terms of this Chapter and Chapter IV for the following in relation to the development of the land concerned:

(a) a rezoning of land;

(b) a permanent departure from the development parameters of the zoning scheme;

(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;

(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;

(e) a consolidation of land that is not exempted in terms of section 24;

(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;

(g) a permission required in terms of the zoning scheme;

(h) an amendment, deletion or imposition of conditions in respect of an existing approval;

(i) an extension of the validity period of an approval;

(j) an approval of an overlay zone as contemplated in the zoning scheme;

(k) an amendment or cancellation of an approved subdivision or consolidation plan or part thereof, including a general plan or diagram;

(l) a permission required in terms of a condition of approval;

(m) a determination of a zoning;

(n) a closure of a public place or part thereof;

(o) a consent use contemplated in the zoning scheme;

(p) to disestablish an owner's association;

(q) to rectify a failure by an owners' association to meet its obligations in respect of the control over or maintenance of services; and

(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged

to the extent that it is necessary to demolish a substantial part of the building.

(3) If section 53 of the Land Use Planning Act is applicable to the land development, the owner or agent must also apply for approval of the land development in terms of that Act.

(4) When an applicant or owner exercises a use right granted in terms of an approval, he or she must comply with the conditions of the approval and the applicable provisions of the zoning scheme.

(5) The Municipality may, subject to subsection (7), on its own initiative rezone land of which it is not the owner for a purpose contemplated in sections 13(3) and 17(1).

(6) The Municipality may, subject to subsection (7), on its own initiative conduct land development or an activity contemplated in subsections (2)*(b)*, *(c)*, *(f)* to *(j)* and *(l)* to *(r)* in respect of land which is not owned by the Municipality.

(7) When the Municipality on its own initiative acts in terms of subsection (2), (5) or (6)-

(a) the Municipality is regarded for purposes of this Chapter and Chapter IV as an applicant and must comply with this Chapter and Chapter IV, including the publication and notice requirements; and

(b) the decision on applications in terms of subsection (2)(a), (d) and (j) must be made by the Tribunal-

.**Continuation of application after change of ownership**

16. If land that is the subject of an application is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law.

Rezoning of land

17. (1) The Municipality may, on its own initiative, rezone land of which it is not the owner to—

(a) provide a public service or to provide a public recreational space; or

(b) substitute a zoning scheme or part thereof for a zoning scheme in terms of which the land is not zoned in accordance with the utilisation thereof or existing use rights.

(2) An applicant who wishes land to be rezoned must submit an application to the Municipality in terms of section 15(2).

(3) When the Municipality creates an overlay zone for land it must comply with sections 12 and 13 of the Municipal Systems Act.

(4) Zoning may be made applicable to a land unit or part thereof and zoning need not follow cadastral boundaries.

(5) Subject to subsection (6), a rezoning approval contemplated in subsection (2) lapses after the applicable period reckoned from the date that the approval comes into operation if, within that period—

(a) the zoning is not utilised in accordance with the approval; or

(b) the following requirements have not been met:

(i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and

(ii) commencement of the construction of the building contemplated in subparagraph (i).

(6) An approval of a rezoning to subdivisional area contemplated in section 20(2) lapses after the applicable period reckoned from the date that the approval comes into operation if, within that period—

(a) a subdivision application is not submitted; or
(b) the conditions of approval are not complied with.

(7) If a subdivision application is submitted in respect of land that is zoned as subdivisional area, the zoning of subdivisional area lapses on the later date of the following dates:

(a) the date on which the subdivision is approved; or

(b) the date after the applicable period contemplated in subsection (6) including any extended period approved in terms of section 67.

(8) The approval of a rezoning to subdivisional area must include conditions that make provision for at least—

(a) density requirements;

(b) main land uses and the extent thereof; and

(c) a detailed phasing plan or a framework including—

(i) main transport routes;

(ii) main land uses;

(iii) bulk infrastructure;

(iv) requirements of organs of state;

(v) public open space requirements; and

(vi) physical development constraints.

(9) If a rezoning approval lapses, the zoning applicable to the land before the approval of the rezoning applies or, where no zoning existed before the approval of the rezoning, the Municipality must determine a zoning in terms of section 13.

Departures

18. (1) An applicant may apply to the Municipality in terms of section 15(2) —

(a) for a departure from the development parameters of a zoning or an overlay zone; or

(b) to utilise land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land for a period not exceeding five years.

(2) A departure contemplated in subsection (1)*(a)* lapses after the applicable period from the date that the approval comes into operation if, within that period—

(a) the departure is not utilised in accordance with the approval; or

(b) the following requirements have not been met:

(i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved departure; and

(ii) commencement of the construction of the building contemplated in subparagraph (i).

(3) The Municipality may approve a departure contemplated in subsection (1)*(b)* for a period shorter than five years but, if a shorter period is approved, the period together with any extension approved in accordance with section 67 may not exceed five years.

(4) A temporary departure contemplated in subsection (1)*(b)*, except for a right to utilise land for a purpose granted on a temporary basis for a specific occasion or event, may not be approved more than once in respect of a particular use on a specific land unit.

(5) A temporary departure contemplated in subsection (1)*(b)* may include an improvement of land only if—

(a) the improvement is temporary in nature; and

(b) the land can, without further construction or demolition, revert to its previous lawful use upon the expiry of the use right.

(6) A temporary departure contemplated in subsection (1)*(b)* lapses after one year from the date that the approval comes into operation if, within that period the temporary departure is not utilised in accordance with the approval.

Consent uses

19. (1) An applicant may apply to the Municipality in terms of section 15(2) for a consent use contemplated in the zoning scheme.

(2) If the development parameters for the consent use that is being applied for are not defined in the zoning scheme, the Municipality must determine the development parameters that apply to the consent use in terms of conditions of approval imposed in terms of section 66.

(3) A consent use may be approved permanently or for a period specified in the conditions of approval imposed in terms of section 66.

(4) A consent use approved for a specified period must not have the effect of preventing the property from being utilised in the future for the primary uses permitted in terms of the zoning of the land.

(5) A consent use contemplated in subsection (1) lapses after the applicable period from the date that the approval comes into operation if, within that period—

(a) the consent use is not utilised in accordance with the approval; or

(b) the following requirements have not been met:

(i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved consent use; and

(ii) commencement of the construction of the building contemplated in subparagraph (i).

Subdivision

20. (1) No person may subdivide land without the approval of the Municipality in terms of section 15(2) unless the subdivision is exempted in terms of section 24.

(2) No application for subdivision involving a change of zoning may be considered by the Municipality unless the land concerned is zoned as a subdivisional area.

(3) An applicant may submit a subdivision application simultaneously with an application for rezoning.

(4) The Municipality must impose appropriate conditions in terms of section 66 relating to engineering services for an approval of a subdivision.

(5) If the Municipality approves a subdivision, the applicant must submit a general plan or diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—

(a) the Municipality's decision to approve the subdivision;

(b) the conditions of approval imposed in terms of section 66; and

(c) the approved subdivision plan.

(6) The Municipality must issue a certificate to the applicant or any other person on his or her written request to confirm that all the conditions of approval contemplated in subsection 21(1)*(c)* have been met, if the applicant has submitted the proof contemplated in that section.

(7) If the Municipality issues a certificate referred to in subsection (6) in error, the owner is not absolved from complying with the obligations imposed in terms of the conditions.

Confirmation of subdivision

21. (1) A subdivision or part thereof is confirmed and cannot lapse when the following requirements are met within the period contemplated in section 22(1):

(a) approval by the Surveyor-General of the general plan or diagram contemplated in section 20(5);

(b) completion of the installation of engineering services in accordance with the conditions contemplated in section 20(4) and other applicable legislation;

(c) proof to the satisfaction of the Municipality that all the conditions of the approved subdivision that must be complied with before compliance with paragraph *(d)* have been met in respect of the area shown on the general plan or diagram; and

(d) registration of the transfer of ownership or certificate of registered title in terms of the Deeds Registries Act of the land unit shown on the diagram or of at least one new land unit shown on the general plan.

(2) Upon confirmation of a subdivision or part thereof in terms of subsection (1), zonings indicated on an approved subdivision plan are confirmed and cannot lapse.

(3) The Municipality must in writing confirm to the applicant or any other person on his or her written request that a subdivision or part of a subdivision is confirmed if the applicant has to the satisfaction of the Municipality submitted proof of compliance with the requirements referred to in subsection (1)*(a)* to *(d)* for the subdivision or part thereof.

(4) No building or structure may be constructed on a land unit forming part of an approved subdivision unless the subdivision is confirmed as contemplated in subsection (1) or the Municipality approved the construction before the confirmation of the subdivision.

Lapsing of subdivision

22. (1) An approved subdivision lapses after the applicable period from the date that the approval comes into operation if the requirements contemplated in section 21(1)*(a)* to *(d)* have not been met within that period.

(2) If an applicant complies with section 21(1)*(b)* and *(c)* only in respect of a part of the land reflected on the general plan contemplated in section 21(1)*(a)*, the applicant must withdraw the general plan and submit a new general plan to the Surveyor-General for that part of the land.

(3) If an approval of a subdivision or part thereof lapses in terms of subsection (1)—

(a) the Municipality must—

(i) amend the zoning map and, where applicable, the register accordingly; and

(ii) notify the Surveyor-General accordingly; and

(b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

Amendment or cancellation of subdivision plan

23. (1) The Municipality may in terms of section 15(2) approve the amendment or cancellation of a subdivision plan, including conditions of approval, the general plan or diagram, in relation to land units shown on the general plan or diagram that have not been registered yet in terms of the Deeds Registries Act.

(2) When the Municipality approves an application in terms of subsection (1), any public place that is no longer required by virtue of the approval must be closed in terms of section 26.

(3) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1) and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment or cancellation of the subdivision.

(4) An amended subdivision approval contemplated in subsection 1 does not extend the validity period of the initial approval of the subdivision as contemplated in section 22(1).

Exemption of certain subdivisions and consolidations

24. (1) The subdivision or consolidation of land does not require the approval of the Municipality in the following cases:

(a) a subdivision or consolidation that arises from the implementation of a court ruling;

(b) a subdivision or consolidation that arises from an expropriation;

(c) a minor amendment to the common boundary between two or more land units if the resulting change in area of any of the land units does not exceed 10 per cent;

(d) the consolidation of a closed public place with an abutting erf;

(e) the construction or alteration of a public or proclaimed street;

(f) the registration of a servitude or lease agreement, for—

(i) the provision of a borehole or installation of water pipelines, electricity transmission lines, sewer pipelines, storm water pipes and canals, gas pipelines or oil and petroleum product pipelines or related infrastructure by a service provider, whether it is on behalf of an organ of state or not;

(ii) the provision or installation of telecommunication infrastructure by or on behalf of a licensed telecommunications operator;

(iii) the imposition of height restrictions; or

(iv) the granting of a right of habitation, private right of way or usufruct.

(g) the subdivision or consolidation of land units that arise from the establishment of a development scheme as defined in section 1(1) of the Sectional Titles Act, 1986 (Act 95 of 1986), after the sectional plan has been registered in terms of section 12 of that Act.

(2) An owner or his or her agent must obtain a certificate from the Municipality that certifies in writing that the subdivision or consolidation is exempted from the application of section 15, and sections 20 to 23 in the case of a subdivision or sections 15, 31 and 32 in the case of a consolidation.

(3) The Municipality must indicate on the subdivision plan, or on the diagram in respect of the consolidation, that the subdivision or consolidation is exempted from the application of the sections referred to in subsection (2).

Ownership of public places and land for municipal service infrastructure and amenities

25. (1) The ownership of land that is earmarked for a public place as shown on an approved subdivision plan vests in the Municipality upon confirmation of the subdivision or a part thereof.

(2) The Municipality may in terms of conditions imposed in terms of section 66 determine that land designated for the provision of municipal service infrastructure and amenities on an approved subdivision plan be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

Closure of public places

26. (1) The Municipality may, on its own initiative or on application, permanently close a public place or any part thereof in accordance with Chapter IV.

(2) An applicant who requires the closure of a public place, whether permanently or temporarily, must apply in terms of section 15(2) to the Municipality.

(3) If any person lodges a claim against the Municipality for loss or damage that he or she has allegedly suffered due to wrongdoing on the part of the Municipality when it permanently closed a public place, the authorised employee must—

(a) require proof of negligence or any other wrongdoing on the part of the Municipality which resulted in the loss or damage; and

(b) before any claim is paid or settled, obtain a full technical investigation report in respect of the circumstances that led to the closure of the

public place to determine whether or not there has been negligence on the part of the Municipality.

(4) The Municipality may pay a claim if—

(a) the circumstances of the loss or damage reveal that the Municipality acted wrongfully;

(b) in the case of loss of or damage to property, the claimant has proved his or her loss or damage;

(c) in the case of personal injury, the claimant has provided proof of a fair and reasonable quantum;

(d) no claim has been paid by personal insurance covering the same loss; and

(e) any relevant information as requested by the authorised employee has been received.

(5) The ownership of the land comprising any public place, or a part thereof, that is permanently closed in terms of this section continues to vest in the Municipality unless the Municipality determines otherwise.

(6) The Municipal Manager may, without complying with Chapter IV, temporarily close a public place—

(a) for the purpose of, or pending, the construction, reconstruction or maintenance of the public place;

(b) for the purpose of, or pending, the construction, extension, maintenance or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;

(c) if the public place is in a state that is dangerous to the public;

(d) by reason of an emergency or public event that requires special measures for the control of traffic or crowds; or

(e) for any other reason that renders the temporary closing of the public place necessary or desirable.

(7) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1) and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the closure of the public place.

Services arising from subdivision

27. Subsequent to the approval of an application for subdivision in terms of this By-law, the owner of any land unit originating from the subdivision must—

(a) allow that the following be conveyed across his or her land unit as may be reasonably required in respect of other land units originating from the subdivision:

(i) gas mains;

(ii) electricity cables;

(iii) telephone cables;

(iv) television cables;

(v) other electronic infrastructure;

(vi) main and other water pipes;

(vii) foul sewers;

(viii) storm-water pipes; and

(ix) ditches and channels;

(b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:

(i) surface installations such as mini-substations;

(ii) meter kiosks; and

(iii) service pillars;

(c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraph *(a)* or *(b)*; and

(d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank where necessitated by differences between the level of the street as finally constructed and the level of the land unit unless he or she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

Certification by Municipality

28. (1) A person may apply to the Registrar of Deeds to register the transfer of a land unit, a certificate of title or certificate of consolidated title, as the case may be, in any of the instances referred to in subsection (3)*(a)* to *(b)* only if the Municipality has issued a certificate in terms of this section.

(2) The Registrar of Deeds may register the transfer of a land unit, a certificate of title or certificate of consolidated title, as the case may be, in any of the instances referred to in subsection (3)*(a)* to *(b)* only if the Municipality has issued a certificate in terms of this section.

(3) The Municipality must issue a certificate to transfer a land unit contemplated in subsections (1) and (2) if the owner provides the Municipality with the following:

(a) in the case of the first registration of the transfer of ownership of a land unit arising from a subdivision to any person other than the developer and where an owner's association is constituted, proof that—

(i) all common property arising from the subdivision has been transferred to the owners' association by virtue of section 29(3)*(e)*; or

(ii) all common property arising from the subdivision will be transferred to the owners' association simultaneously with the registration of the transfer of that land unit;

(b) in the case of the first registration of the transfer of ownership or certificate of registered title of a land unit arising from a subdivision and that leads to the confirmation of the subdivision, proof that—

(i) land needed for public purposes or other municipal infrastructure as contemplated in terms of a condition imposed under section 66 has been transferred to the Municipality or will be transferred to the Municipality simultaneously with the registration of the transfer of that land unit or certificate of registered title;

(ii) the engineering services and amenities that must be provided in connection with the subdivision are available; and

(iii) a certificate contemplated in section 20(6) has been issued by the Municipality.

Owners' associations

29. (1) The Municipality may, when approving an application for a subdivision of land, impose conditions relating to the compulsory establishment of an owners' association by the applicant for an area determined in the conditions.

(2) An owners' association that comes into being by virtue of subsection (1) is a juristic person and must have a constitution.

(3) The constitution of an owners' association must be approved by the Municipality before registration of the transfer of the first land unit and must make provision for—

(a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;

(b) control over and maintenance of buildings, services or amenities arising from the subdivision;

(c) the regulation of at least one annual meeting with its members;

(d) control over the design guidelines of the buildings and erven arising from the subdivision;

(e) the ownership by the owners' association of all common property arising from the subdivision, including—

(i) private open spaces;

(ii) private roads; and

(iii) land required for services provided by the owners' association;

(f) enforcement of conditions of approval or management plans;

(g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function; and

(h) the implementation and enforcement by the owners' association of the provisions of the constitution.

(4) The constitution of an owners' association may have other objectives as set by the association but may not contain provisions that are in conflict with any law.

(5) The constitution of the owners' association takes effect upon the registration of the transfer of ownership of the first land unit to a person other than the developer.

(6) An owners' association may amend its constitution when necessary, but if an amendment affects the Municipality or a provision referred to in subsection (3), the amendment must also be approved by the Municipality.

(7) An owners' association that comes into being by virtue of subsection (1) —

(a) has as its members all the owners of the land units arising from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and

(b) is upon registration of the transfer of ownership of the first land unit to a person other than the developer automatically established.

(8) The design guidelines contemplated in subsection (3)*(d)* may introduce more restrictive development rules than the rules provided for in the zoning scheme.

Owners' associations that cease to function

30. (1) If an owners' association ceases to function or carry out its obligations any affected person, including a member of the association, may apply—

(a) in terms of section 15(2)*(p)* to disestablish the owners' association subject to—

(i) the amendment of the conditions of approval to remove the obligation to establish an owners' association; and

(ii) the amendment of title conditions pertaining to the owners' association, to remove any obligation in respect of an owners' association;

(b) in terms of section 15(2)*(q)* for appropriate action by the Municipality to rectify a failure of the owners' association to meet any of its obligations in respect of the control over or maintenance of services contemplated in subsection 29(3)*(b)*; or

(c) to the High Court to appoint an administrator who must exercise the powers of the owners' association to the exclusion of the owners' association.

(2) In considering an application contemplated in subsection (1)*(a)*, the Municipality must have regard to—

(a) the purpose of the owners' association;

(b) who will take over the control over and maintenance of services for which the owners' association is responsible; and

(c) the impact of the disestablishment of the owners' association on the members of the owners' association and the community concerned.

(3) The Municipality or the affected person may recover from the members of the owners' association the amount of any expenditure incurred by the Municipality or that affected person, as the case may be, in respect of any action taken in terms of subsection (1).

(4) The amount of any expenditure so recovered is, for the purposes of section 29(7)*(a)*, considered to be expenditure incurred in connection with the owners' association.

Consolidation of land units

31. (1) No person may consolidate land without the approval of the Municipality in terms of section 15(2) unless the consolidation is exempted in terms of section 24.

(2) If the Municipality approves a consolidation, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—

(a) the Municipality's decision to approve the consolidation;

(b) the conditions of approval imposed in terms of section 66; and

(c) the approved consolidation plan.

(3) If the Municipality approves a consolidation, the Municipality must amend the zoning map and, where applicable, the register, accordingly.

Lapsing of consolidation

32. (1) An approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within the applicable period from the date that the approval comes into operation.

(2) If an approval of a consolidation lapses in terms of subsection (1)—

(a) the Municipality must—

(i) amend the zoning map, and where applicable the register, accordingly; and

(ii) notify the Surveyor-General accordingly; and

(b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the consolidation has lapsed.

Removal, suspension or amendment of restrictive conditions

33. (1) The Municipality may—

(a) remove or amend a restrictive condition permanently;

(b) suspend a restrictive condition permanently for the extent of the development specified in the approval;

(c) suspend or amend a restrictive condition for a period specified in the approval; or

(d) remove, suspend or amend a restrictive condition as contemplated in paragraph *(a)* or *(b)* subject to conditions of approval.

(2) When an owner applies for a removal, suspension or amendment of restrictive conditions, the owner must in addition to the procedures set out in Chapter IV submit a copy of the relevant title deed to the Municipality.

(3) The Municipality must cause a notice of an application in terms of section 15(2)*(f)* to be served on—

(a) all organs of state that may have an interest in the restrictive condition;

(b) a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and

(c) all persons mentioned in the title deed for whose benefit the restrictive condition applies.

(4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:

(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;

(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;

(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;

(d) the social benefit of the restrictive condition remaining in place in its existing form;

(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and

(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

(5) An approval to remove, suspend or amend a restrictive condition comes into operation—

(a) if no appeal has been lodged, after the expiry of the period contemplated in section 79(2) within which an appeal must be lodged; or

(b) if an appeal has been lodged, when the Appeal Authority has decided on the appeal.

(6) The Municipality must cause a notice of the decision to remove, suspend or amend a restrictive condition to be published in the *Provincial Gazette* after the decision comes into operation as contemplated in subsection (5) and notify the Registrar of Deeds of the decision.

(7) If an owner intends to apply in terms of section 15(2) for land development that is contrary to a restrictive condition applicable to the land concerned, the owner must when the application for land development is submitted simultaneously apply for the removal, suspension or amendment of the restrictive condition.

(8) The Municipality must consider the land development application and the application for the removal, suspension or amendment of the restrictive condition contemplated in subsection (7) together and make an integrated decision.

(9) Where a condition of title, a condition of establishment of a township or an existing scheme provides for a purpose with the consent or approval of the Municipality, such consent must be requested and may be granted by the municipality in terms of the provisions as provided for in the subject title deed.

Endorsements in connection with removal, suspension or amendment of restrictive conditions

34. (1) An applicant at whose instance a restrictive condition is removed, suspended or amended must, after the publication of a notice contemplated in section 33(6) in the *Provincial Gazette*, apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive condition.

(2) The Registrar of Deeds may require proof of the removal, suspension or amendment of a restrictive condition from the applicant, including the submission of the following to the Registrar of Deeds:

(a) a copy of the approval;

(b) the original title deed; and

(c) a copy of the notice contemplated in section 33(6) as published in the *Provincial Gazette.*

CHAPTER IV

APPLICATION PROCEDURES

Manner and date of notification

35. (1) Any serving of a notice or notification or acknowledgement given in terms of this By-law must be in writing and may be issued to a person—

(a) by delivering it by hand to the person;

(b) by sending it by registered mail—

(i) to that person's business or residential address and municipal billing address, where the billing address differs from the business or residential address; or

(ii) in the case of a juristic person, to its registered address or principal place of business and municipal billing address, where the billing address differs from the business or residential address;

(c) by means of data messages contemplated in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), by sending a copy of the notice to the person, if the person has an email address or other electronic address; or

(d) where an address is unknown despite reasonable enquiry, by publishing it once in the *Provincial Gazette* and once in a local newspaper circulating in the area of that person's last known residential or business address.

(2) The date of notification in respect of a notice served or given to a person in terms of this By-law—

(a) if it was served by certified or registered post, is the date of registration of the notice;

(b) if it was delivered to that person personally, is the date of delivery to that person;

(c) if it was left at that person's place of residence, work or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person;

(d) if it was displayed in a conspicuous place on the property or premises to which it pertains, is the date that it is posted on that place; or

(e) it was e-mailed or sent to an electronic address, is the date that it was received by that person as contemplated in the Electronic Communications and Transactions Act, 2002.

(3) The Municipality may determine specific methods of service and notification in respect of applications and appeals, including—

(a) information specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format;

(b) the manner of submission to and communication with the Municipality;

(c) the method by which a person may be notified;

(d) other information requirements; and

(e) other procedural requirements.

Procedures for applications

36. (1) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter III of this By-law.

(2) An applicant may apply simultaneously for different types of applications for land development in terms of section 15(2).

Pre-application consultation

37. (1) The Municipality may require an owner who intends to submit an application or his or her agent to make a pre-application scrutiny submission and/ or to meet with the authorised employee and, where applicable, with employees of other relevant organs of state for a pre-application consultation before he or she submits an application to the Municipality in order to determine the information and documents that must be submitted with the application.

(2) The Municipality may issue guidelines regarding—

(a) applications that require a pre-application scrutiny submission or consultation;

(b) the nature of the information and documents that must be submitted with an application;

(c) the attendance of employees from the Municipality or other organs of state at a pre-application consultation;

(d) the procedures at a pre-application consultation.

(3) The Municipality must provide and keep a record of the feedback on a pre-application scrutiny submission and must keep minutes of the proceedings of a pre-application consultation.

Information required

38. (1) Subject to subsection (2), an application must be accompanied by the following information and documents where applicable:

(a) an application form provided by the Municipality, completed and signed by the applicant;

(b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;

(c) if the owner of the land is a company, closed corporation, trust, body corporate or owners' association, proof that the person is authorised to make the application on behalf of the company, closed corporation, trust, body corporate or owners' association;

(d) proof of registered ownership or any other relevant right held in the land concerned;

(e) a written motivation for the application based on the applicable criteria referred to in section 65, excluding sections 65*(a)*, *(b)*, *(d)*, *(e)* and *(g)*;

(f) a copy of the Surveyor-General's diagram of the property concerned or, if it does not exist, an extract from the relevant general plan;

(g) a locality plan and site development plan, if required, or a plan showing the proposed land development in its cadastral context;

(h) in the case of an application for the subdivision of land, copies of the subdivision plan showing the following:

(i) the location of the proposed land units;
(ii) the proposed zonings in respect of the proposed land units;
(iii) all existing structures on the property and abutting properties;
(iv) the proposed public places and the land needed for public purposes;
(v) the existing access points;
(vi) all servitudes;
(vii) contours with at least a one-meter interval or such other interval as may be approved by the Municipality;
(viii) the street furniture;
(ix) the lamp, electricity and telephone posts;
(x) the electricity transformers and mini-substations;
(xi) the storm-water channels and catchpits;
(xii) the sewerage lines and connection points;
(xiii) any significant natural features; and
(xiv) all distances and areas to scale;

(i) proof of an agreement or permission if the proposed land development requires a servitude over land or access to a provincial or national road;

(j) any other documents or information that the Municipality may require;

(k) proof of payment of application fees;

(l) a copy of the title deed of the land concerned;

(m) a conveyancer's certificate indicating that the application is not restricted by any condition contained in the title deed pertaining to the land concerned or a copy of all historical title deeds; and

(n) where applicable, the record of feedback on a pre-application scrutiny submission and/ or the minutes of a pre-application consultation in respect of the application.

(2) The Municipality may by means of the feedback on a pre-application scrutiny or at a pre-application consultation add or remove any information or documents contemplated in subsection (1) for a particular application.

(3) The Municipality may issue guidelines regarding the submission of information, documents or procedural requirements.

Application fees

39. (1) An applicant must pay the application fees determined by the Municipality before submitting an application in terms of this By-law.

(2) Application fees paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

Grounds for refusing to accept application

40. The Municipality may in terms of section 41(3) refuse to accept an application if—

(a) there is no proof of payment of the applicable fees; or

(b) the application is not in the form or does not contain the information or documents referred to in section 38.

Receipt of application and commencement of application process

41. (1) The Municipality must—

(a) record receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt;

(b) verify whether the application complies with section 38; and

(c) notify the applicant in writing within 14 days of receipt of the application—

(i) that the application is complete and complies with section 38 and that the application process commences; or

(ii) of any information, documents or fees referred to in section 38 that are outstanding and that the applicant must provide to the Municipality within 14 days of the date of notification.

(2) The Municipality must within 14 days of receipt of the outstanding information, documents or fees referred to in subsection (1)*(c)*(ii) notify the applicant in writing that the application is complete and that the application process commences.

(3) The Municipality may refuse to consider the application if the applicant fails to provide the information or documents or pay the fees within the period contemplated in subsection (1)*(c)*(ii).

(4) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (3) and must close the application.

(5) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (3) to refuse to consider an application.

(6) If an applicant wishes to continue with an application that the Municipality refused to consider under subsection (3), the applicant must apply again and pay the applicable application fees.

(7) The Municipality must cause notice of the application to be given within 21 days from the date on which the application process commences as contemplated in subsection (1)*(c)*(i) or (2).

Provision of additional information or documents

42. (1) The Municipality must, within 30 days of receipt of an application that complies with section 38, notify the applicant in writing of any information or documents it requires in addition to the requirements contemplated in section 38.

(2) The applicant must provide the Municipality with the additional information or documents contemplated in subsection (1) within 30 days of the date of notification or within the further period agreed to between the applicant and the Municipality.

(3) If the applicant fails to provide the additional information or documents within the period contemplated in subsection (2), the Municipality must consider the application without the information or documents and notify the applicant accordingly.

(4) The Municipality must, within 21 days of receipt of the additional information or documents, if the applicant provided all the required information or documents, acknowledge receipt thereof and notify the applicant in writing that the application process proceeds or that further information, documents or fees are required as a result of the information or documents received.

(5) If the Municipality notified the applicant that further information or documents are required as contemplated in subsection (4), subsections (2) and (3) apply to the further submission of information or documents.

Withdrawal of application or power of attorney

43. (1) An applicant may, at any time before the Municipality makes a decision on an application submitted by the applicant, withdraw the application by giving written notice of the withdrawal to the Municipality.

(2) The owner must in writing inform the Municipality if he or she has withdrawn the power of attorney given to his or her former agent and confirm whether he or she will personally proceed with the application.

Public notice in accordance with other laws and integrated procedures

44. (1) The Municipality may, on written request and motivation by an applicant, before notice is given of an application in terms of section 45 or 46, determine that—

(a) a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of this By-law; or

(b) public notice of the application given in terms of this By-law may be published in accordance with the requirements for public notice applicable to a related application in terms of another law.

(2) If the Municipality determines that an application may be published as contemplated in subsection (1)*(b)*, an agreement must be entered into between the Municipality and the relevant organs of state to facilitate the simultaneous publication of notices.

Publication of notices

45 (1) When the Municipality intends to consider an application in terms of this By-law, the decision relating to which will likely materially and adversely affect the rights of the public, it must subject to section 44—

(a) take appropriate steps to communicate the application to those likely to be materially and adversely affected by it and call for comments from them;

(b) consider any comments received; and

(c) decide whether or not to approve the application, with or without changes.

(2) (a) Information concerning the application must be published by way of notice if the application—

(i) affects the rights of the public throughout the Republic, in the Government Gazette and a newspaper which is distributed, or in newspapers which collectively are distributed, throughout the Republic;

(ii) affects the rights of the public in the Province only, in the Provincial Gazette and a newspaper which is distributed, or in newspapers which collectively are distributed, throughout the Province; or

(iii) affects the rights of the public in a specific area only, in a newspaper which is distributed in that specific area.

(b) A notice published in terms of paragraph (a) must be in at least two of the official languages of the Province.

(c) A notice published in terms of paragraph (a)(iii) must take account of the Municipality's language policy .

(3) A notice published in terms of subsection (2) must—

(a) include sufficient information about the application to enable members of the public to submit meaningful comments, including, at least—

(i) information on the nature and purpose of the application; and

(ii) a description of the land unit or land units to which the application relates;

(b) specify a place or places where, and the hours within which, further information concerning the application will be available for public scrutiny;

(c) include an invitation to members of the public to submit written comments in connection with the application to the Municipality on or before a date specified in the notice, which date may not be earlier than 30 days from the date of publication of the notice;

(d) include a caution that comments received after the closing date may be disregarded;

(e) indicate the name and official title of the person to whom any comments must be sent or delivered, and that person's—

(i) work, postal, street and email address;

(ii) work telephone number; and

(iii) fax number, if any; and

(f) specify that the applicant and any person who commented on the application, will be notified of the decision on the application, and that the decision will be published on the Municipality's website, as contemplated in section 61(1).

(4) A notice published in terms of subsection (2)(a)(i) and (ii) in a newspaper may, notwithstanding subsection (3), only contain—

(a) a concise statement of the application;

(b) the name, official title, contact telephone number, email address and physical address of the person from whom further information on the application and the administrative procedure can be obtained; and

(c) a note that a more detailed notice concerning the application appears in the Government Gazette or Provincial Gazette, as the case may be.

(5) Access to further information as contemplated in subsection (3)(b) will be allowed from the date on which the notice is published until the closing date for comment, during normal office hours.

(6) (a) In order to ensure that the application is brought to the attention of the public, the Municipality may, in addition, publicise the information referred to in subsections (3) or (4) by way of communications through the printed or electronic media, including by way of press releases, press conferences, the internet, radio or television broadcasts, posters, leaflets, announcements through a loudhailer, publications on community notice boards, emails or social media.

(b) (i) The municipality may cause a notice to be displayed on the land concerned.

(ii) A notice contemplated in subparagraph (i) must comply with subsection (3) and must remain legible for the notice period.

(7) (a) If the application materially and adversely affect the rights of members of a specific community consisting of a significant proportion of people who cannot read or write or who otherwise need special assistance—

(i) an additional notice must be publicised in the area of that community in a manner that will bring the application to the attention of the community at large; and

(ii) the Municipality must take special steps to solicit the views of members of the community.

(b) Special steps in terms of paragraph (a)(ii) may include—

(i) the holding of public or group meetings where the application is explained, questions are answered and views from the audience are minuted;

(ii) a survey of public opinion in the community on the application; or

(iii) provision of a secretarial facility in the community where members of the community can state their views on the application.

(8) (a) The Municipality may extend the closing date for comment contemplated in subsection (3)(c).

(b) Any extension of the closing date of more than one month must be published by way of a notice as prescribed in subsection (2), and when appropriate, as prescribed, in subsection (6).

(9) (a) The Municipality—

(i) may refuse to accept comments received after the closing date for comment; or

(ii) may, but is not obligated to, grant requests for condonation of late submission of comments.

(b) A request for condonation may be granted on good cause shown by the person who submitted the comments if that condonation would not—

(i) lead to unnecessary delays; or

(ii) otherwise prejudice the public interest.

(10) (a) If it is reasonable and justifiable in the circumstances, the municipality may depart from the provisions of this section.

(b) In determining whether a departure as contemplated in paragraph (a) is reasonable and justifiable, the Municipality must take into account all relevant factors, including—

(i) the objects of this By-law, and any other applicable law regulating land use planning;

(ii) the nature and purpose of, and the need for, the approval of the application;

(iii) the likely effect of the approval of the application;

(iv) the urgency of approving the application or the urgency of the matter; and

(v) the need to promote an efficient administration and good governance.

(11) The publication of a notice contemplated in subsection (2) does not release a Municipality from the obligation to cause a notice to be served in the instances contemplated in section 46(1).

(12) The Municipality may require the applicant to attend to the publication as contemplated in subsection (2) of the public notice of an application.

(13) An applicant who publishes a notice in terms of this section must within the period determined by the Municipality of publication of the notice provide the Municipality with proof, as determined by the Municipality, that the notice was published in accordance with this section.

Serving of notices

46. (1) When the Municipality intends to consider an application in terms of this By-law, the decision relating to which will likely materially and adversely affect the rights or legitimate expectations of any person, it must—

(a) cause a notice regarding the application to be served on that person and call for comments from that person;

(b) consider any comments received; and

(c) decide whether or not to approve the application, with or without changes.

(2) The notice contemplated in subsection (1)*(a)* must—

(a) include sufficient information about the application to enable the person to submit meaningful comments, including, at least—

(i) information on the nature and purpose of the application; and

(ii) a description of the land unit or land units to which the application relates;

(b) specify a place or places where, and the hours within which, further information concerning the application will be available for inspection;

(c) include an invitation to the person to submit written comments in connection with the application to the Municipality on or before a date specified in the notice, which date may not be earlier than 30 days from the date of the serving of the notice;

(d) include a caution that comments received after the closing date may be disregarded;

(e) specify the name and official title of the person to whom any comments must be sent or delivered, and that person's—

(i) work, postal, street and email address;

(ii) work telephone number; and

(iii) fax number, if any; and

(f) specify that the applicant and any person who commented on the application, will be notified of the decision on the application, and that the decision will be published on the Municipality's website, as contemplated in section 61(1).

(3) Access to further information as contemplated in subsection (2)*(b)* will be allowed from the date on which the notice is served until the closing date for comment, during normal office hours.

(4) The Municipality may, in its discretion, also give a person referred to in subsection (1) an opportunity to—

(a) obtain assistance and, in serious or complex cases, legal representation;

(b) present and dispute information and arguments; and

(c) appear in person.

(5) *(a)* If the application materially and adversely affect the rights or legitimate expectations of a person who cannot read or write or who otherwise needs special assistance—

(i) the notice must include information set out in a manner that will bring the application to the attention of that person; and

(ii) the Municipality must take special steps to solicit the views of that person.

(b) Special steps in terms of paragraph *(a)*(ii) may include—

(i) the holding of meeting where the application is explained, questions are answered and views from that person are minuted; or

(ii) the provision of a secretarial facility to assist that person to state that person's views on the application.

(6) *(a)* The Municipality may extend the closing date for comment contemplated in subsection (2)*(c)*.

(b) The Municipality must inform every person whose rights or legitimate expectations may be materially and adversely affected by the application, of any extension of the closing date of more than one month by serving another notice as prescribed in subsection (1)*(a)*.

(7) *(a)* The Municipality—

(i) may refuse to accept comments received after the closing date for comment; or

(ii) may, but is not obligated to, grant requests for condonation of late submission of comments.

(b) A request for condonation may be granted on good cause shown by the person who submitted the comments if that condonation would not—

(i) lead to unnecessary delays; or

(ii) otherwise prejudice the public interest.

(8) *(a)* If it is reasonable and justifiable in the circumstances, the Municipality may depart from the provisions of this section.

(b) In determining whether a departure as contemplated in paragraph *(a)* is reasonable and justifiable, the municipality must take into account all relevant factors, including—

(i) the objects of this By-law, and any other applicable law regulating land use planning;

(ii) the nature and purpose of, and the need for, the approval of the application;

(iii) the likely effect of the approval of the application;

(iv) the urgency of approving the application or the urgency of the matter; and

(v) the need to promote an efficient administration and good governance.

(9) The Municipality may require the applicant to attend to the serving of a notice as contemplated in subsection (2).

(10) An applicant who serves a notice in terms of this section must within the period determined by the Municipality from the service of that notice provide the Municipality with proof, as determined by the Municipality, of the service of the notice in accordance with subsection (2).

(11) The Municipality may require the applicant to make the application available for inspection by members of the public at a public place determined by the Municipality.

Additional contents of notice

47. When notice of an application is published or served in terms of this By-law, the notice must in addition to sections 45 and 46 also—

(a) provide the name and contact details of the applicant and the owner;

(b) identify the land or land unit to which the application relates by giving the property description and the physical address; and

(c) state the intent and purpose of the application.

Other methods of public notice

48. (1) The Municipality may cause public notice to be given by one or more of the methods referred to in subsection (2)—

(a) to ensure additional public notice of applications listed in section 45(1) if the Municipality considers notice in accordance with section 45 or 46 to be ineffective or expects that the notice would be ineffective; or

(b) to give public notice of any other application in terms of this By-law.

(2) Public notice contemplated in subsection (1) may be given by—

(a) displaying a notice contemplated in section 45 and 47 of a size of at least 60 centimetres by 42 centimetres on the frontage of the erf concerned or at any other conspicuous and easily accessible place on the erf, provided that—

(i) the notice is displayed for a minimum of 30 days during any period that the public may comment on the application; and

(ii) the applicant, within 30 days from the last day of display of the notice, submits to the Municipality—

(aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and

(bb) at least two photos of the notice, one from close up and one from across the street;

(b) convening a meeting for the purpose of informing affected members of the public of the application;

(c) broadcasting information regarding the application on a local radio station in a specified language;

(d) holding an open day or public meeting to notify and inform affected members of the public of the application;

(e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or

(f) obtaining letters of consent or objection to the application, provided that the letters are accompanied by acceptable evidence that the person signing the letter has been provided with correct and adequate information about the application.

(3) Additional public notice can be given simultaneously with notice given in accordance with sections 45 or 46 or thereafter.

(4) The Municipality may require the applicant to attend to the publication of a notice as contemplated in subsection (2).

(5) An applicant who gives notice in terms of this section must within the period determined by the Municipality of giving notice provide the Municipality with

proof, as determined by the Municipality that notice has been given in accordance with subsection (2).

Requirements for petitions

49. (1) Comments in respect of an application submitted by the public in the form of a petition must clearly state—

(a) the contact details of the authorised representative of the signatories of the petition;

(b) the full name and physical address of each signatory; and

(c) the comments and reasons therefor.

(2) Notice to the person contemplated in subsection (1)*(a)* constitutes notice to all the signatories to the petition.

Requirements for submission of comments

50. (1) A person may respond to a notice contemplated in section 44, 45, 46 or 48 by commenting in writing in accordance with this section.

(2) Any comment made as a result of a notice process must be in writing and addressed to the person mentioned in the notice and must be submitted within the period stated in the notice and in the manner set out in this section.

(3) The comments must state the following:

(a) the name of the person concerned;

(b) the address or contact details at which the person or body concerned will receive notice or service of documents;

(c) the interest of the person in the application; and

(d) the reason for the comments.

(4) The reasons for any comment must be set out in sufficient detail in order to—

(a) indicate the facts and circumstances that explain the comments;

(b) where relevant demonstrate the undesirable effect the application will have if approved;

(c) where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and

(d) enable the applicant to respond to the comments.

(5) The Municipality may refuse to accept comments submitted after the closing date.

Intergovernmental participation process

51. (1) Subject to section 45 of the Land Use Planning Act and section 44 of this By-law, the Municipality must, simultaneously with the notification to the applicant that an application is complete as contemplated in section 41(1)*(c)*(i) or (2) cause notice of the application together with a copy of the application to be given to every municipal department and organ of state that has an interest in the application and request their comment on the application.

(2) An organ of state must comment on a land use application within 30 days of—

(a) the date of notification of a request for comment on the application; or

(b) receiving all the information necessary to comment if the application is not complete and a request for additional information is made within 14 days of the date of notification of the request for comment.

(3) If an organ of state fails to comment within the period referred to in subsection (2), the Municipality may notify the organ of state's accounting officer or accounting authority contemplated in the Public Finance Management Act, 1999 (Act 1 of 1999), of the failure.

Amendments before approval

52. (1) An applicant may amend his or her application at any time before the approval of the application—

(a) at the applicant's own initiative;

(b) as a result of a comment submitted during the notice process; or

(c) at the request of the Municipality.

(2) If an amendment to an application is material, the Municipality must give notice of the amendment of an application to all municipal departments and other organs of state and service providers who commented on the application and request them to submit comments on the amended application within 21 days of the date of notification.

(3) If an amendment to an application is material, the Municipality may require that further notice of the application be published or served in terms of section 44, 45, 46 or 48.

Further public notice

53. (1) The Municipality may require that notice of an application be given again if more than 18 months have elapsed since the first public notice of the application and if the Municipality has not considered the application.

(2) The Municipality may, at any stage during the processing of the application if new information comes to its attention that is material to the consideration of the application, require—

(a) notice of an application to be given or served again in terms of section 44, 45, 46 or 48; and

(b) an application to be re-sent to municipal departments and, where applicable, other organs of state or service providers for comment.

Liability for cost of notice

54. The applicant is liable for the costs of publishing and serving of all notices of an application in terms of this By-law.

Right of applicant to reply

55. (1) Copies of all comments and other information submitted to the Municipality must be given to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of his or her rights in terms of this section.

(2) The applicant may, within 30 days from the date on which he or she received the comments, submit a written reply thereto to the Municipality.

(3) The applicant may, before the expiry of the period of 30 days referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period not exceeding 14 days.

(4) If the applicant does not submit a reply within the period of 30 days or within an additional period contemplated in subsection (3), if granted, the applicant is considered to have no comment.

(5) The Municipality may in writing request additional information or documents from the applicant as a result of the comments received, and the applicant must supply the information or documents within 30 days of notification of the written request or the further period as may be agreed upon between the applicant and the Municipality.

(6) If the applicant fails to provide the additional information or documents within the period contemplated in subsection (5), the Municipality may consider the application without the information or documents and notify the applicant accordingly.

Written assessment of application

56. (1) An authorised employee must in writing in accordance with section 65 assess an application and make a recommendation to the decision-maker regarding the approval or refusal of the application.

(2) An assessment of an application must include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

Decision-making period

57. (1) When an authorised employee makes a decision in respect of an application as contemplated in section 69(1) and no integrated process in terms of another law is being followed, the authorised employee must decide on the application within 60 days, reckoned from—

(a) the last day for the submission of comments as contemplated in section 50(2) if no comments were submitted;

(b) the last day for the submission of the applicant's reply to comments submitted as contemplated in section 55(2) or (3); or

(c) the last day for the submission of additional information as contemplated in section 55(5).

(2) If no integrated process in terms of another law is being followed and the Tribunal must decide on an application as contemplated in section 69(2), the Tribunal must decide on the application within 120 days, reckoned from the applicable date contemplated in subsection (1)*(a)*, *(b)* or *(c)*.

(3) The authorised employee or Tribunal, as the case may be, may extend the period contemplated in subsection (1) or (2) in exceptional circumstances, including the following:

(a) if an interested person has submitted a petition for intervener status; and

(b) in the case of the Tribunal, if an oral hearing is to be held.

Failure to act within period

58. Subject to section 41(5), an applicant may lodge an appeal with the Appeal Authority if the authorised employee or the Tribunal fails to decide on an application within the period referred to in section 57(1) or (2).

Powers to conduct routine inspections

59. (1) An authorised employee or member of the Tribunal may, in accordance with the requirements of this section, enter land or a building to conduct an inspection for the purpose of obtaining information to assess an application

in terms of this By-law and to prepare a written assessment contemplated in section 56.

(2) When conducting an inspection, the authorised employee or member of the Tribunal may—

(a) request that any record, document or item that is relevant to the purpose of the investigation be produced to assist in the inspection;

(b) make copies of or take extracts from any document produced by virtue of paragraph *(a)* that is related to the inspection;

(c) on providing a receipt, remove a record, document or other item that is related to the inspection; and

(d) inspect any building or structure and make enquiries regarding that building or structure.

(3) No person may interfere with a person referred to in subsection (1) who is conducting an inspection as contemplated in subsection (1).

(4) The authorised employee or member of the Tribunal must, on request, produce identification showing that he or she is authorised to conduct the inspection.

(5) An inspection under subsection (1) must take place at a reasonable time after reasonable notice has been given to the owner, occupier or person in lawful control of the land or building and with the written consent of the owner, occupier or person in lawful control of the land or building.

Decisions on applications

60. An employee authorised by virtue of section 69(1), or the Tribunal by virtue of section 69(2), or the Municipality by virtue of section 68(c) as the case may be, may in respect of an application contemplated in section 15(2)—

(a) approve, in whole or in part, or refuse that application;

(b) upon the approval of that application, impose conditions in terms of section 66;

(c) conduct any necessary inspection to assess an application in terms of section 59;

(d) in the case of the Tribunal, appoint a technical adviser to advise or assist in the performance of the Tribunal's functions in terms of this By-law.

Notification and coming into operation of decision

61. (1) The Municipality must, within 21 days of its decision—

(a) in writing notify the applicant and any person who commented on the application, of the decision and reasons for the decision, and inform such persons of any right of appeal, where applicable; and

(b) publish the decision on its website for a period of at least 90 days, and, in such publication, notify members of the public whose rights are materially and adversely affected by the decision, of the decision and reasons for the decision and the right of appeal.

(2) A notice contemplated in subsection (1) must also where applicable—

(a) stipulate the period, if any, in which the appeal proceedings must be instituted;

(b) state the name and address of the person with whom proceedings for appeal must be instituted;

(c) set out any other formal requirements in respect of the proceedings for appeal; and

(d) inform the applicant when an approval comes into operation.

(3) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him or her of the decision of the Municipality.

(4) An approval comes into operation only after the expiry of the period contemplated in section 79(2) within which an appeal must be lodged if no appeal has been lodged.

(5) Subject to subsection (6), the operation of the approval of an application that is the subject of an appeal is suspended pending the decision of the Appeal Authority on the appeal.

(6) If an appeal is lodged only against conditions imposed in terms of section 66, the Tribunal or the authorised employee who imposed the conditions may determine that the approval of the application is not suspended.

Duties of agent

62. (1) An agent must ensure that he or she has the contact details of the owner on whose behalf he or she is authorised to act.

(2) An agent may not provide information or make a statement in support of an application which information or statement he or she knows or believes to be misleading, false or inaccurate.

Errors and omissions

63. (1) The Municipality may at any time correct an error in the wording of its decision if the correction does not change the decision or result in an alteration, insertion, suspension or deletion of a condition of approval.

(2) The Municipality may, on its own initiative or on application by the applicant or interested party, upon good cause shown, condone an error in a procedure, if the condonation does not have a material adverse effect on, or unreasonably prejudice, any party.

Exemptions to facilitate expedited procedures

64. (1) The Municipality may in writing and subject to section 60 of the Land Use Planning Act—

(a) exempt a development from compliance with a provision of this By-law to reduce the financial or administrative burden of—

(i) integrated application processes contemplated in section 44;

(ii) the provision of housing with the assistance of a state subsidy; or

(iii) incremental upgrading of existing settlements;

(b) in an emergency situation authorise that a development may depart from any of the provisions of this By-law.

(2) If the Provincial Minister grants an exemption or authorisation to deviate from a provision of the Land Use Planning Act to the Municipality in terms of section 60 of the Land Use Planning Act, the Municipality is exempted from or authorised to deviate from any provision in this By-law that corresponds to the provision of the Land Use Planning Act in respect of which an exemption was granted or deviation was authorised.

CHAPTER V

CRITERIA FOR DECISION-MAKING

General criteria for consideration of applications

65. When the Municipality considers an application, it must have regard to the following:

(a) the application submitted in terms of this By-law;

(b) the procedure followed in processing the application;

(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses and which relevant desirability considerations for the assessment of the proposed use or development of land includes the -

(i) socio-economic impact;

(ii) compatibility with surrounding uses;

(iii) impact on the external engineering services;

(iv) impact on safety, health and wellbeing of the surrounding community;

(v) impact on heritage;

(vi) impact on the biophysical environment;

(vii) traffic impacts, parking, access and other transport related considerations; and

(viii) whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land.

(d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;

(e) the response by the applicant, if any, to the comments referred to in paragraph *(d)*;

(f) investigations carried out in terms of other laws that are relevant to the consideration of the application;

(g) a written assessment by a registered planner appointed by the Municipality in respect of an application for—

(i) a rezoning;

(ii) a subdivision of more than 20 cadastral units;

(iii) a removal, suspension or amendment of a restrictive condition if it relates to a change of land use;

(iv) an amendment, deletion or imposition of additional conditions in respect of an existing use right;

(v) an approval of an overlay zone contemplated in the zoning scheme;

(vi) a phasing, amendment or cancellation of a subdivision plan or part thereof;

(vii) a closure of a public place or part thereof;

(h) the impact of the proposed land development on municipal engineering services;

(i) the integrated development plan, including the municipal spatial development framework;

(j) the integrated development plan of the district municipality, including its spatial development framework, where applicable;

(k) the applicable local spatial development frameworks adopted by the Municipality;

(l) the applicable structure plans;

(m) the applicable policies of the Municipality that guide decision-making;

(n) the provincial spatial development framework;

(o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act and provincial regional spatial development framework;

(p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;

(q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;

(r) the principles referred to in Chapter Vl of the Land Use Planning Act;

(s) the applicable provisions of the zoning scheme; and

(t) any restrictive condition applicable to the land concerned.

(u) the impact of the proposed land development on any heritage resources as defined in the National Heritage Resources Act, 1999 (Act 25 of 1999)

Conditions of approval

66. (1) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land.

(2) Conditions imposed in accordance with subsection (1) may include conditions relating to—

(a) the provision of engineering services and infrastructure;

(b) requirements relating to engineering services as contemplated in sections 82 and 83;

(c) the cession of land or the payment of money;

(d) settlement restructuring;

(e) agricultural or heritage resource conservation;

(f) biodiversity conservation and management;

(g) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;

(h) energy efficiency;

(i) requirements aimed at addressing climate change;

(j) the establishment of an owners' association in respect of the approval of a subdivision;

(k) the provision of land needed by other organs of state;

(l) the endorsement in terms of the Deeds Registries Act in respect of public places where the ownership thereof vests in the Municipality;

(m) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;

(n) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;

(o) the registration of public places in the name of the Municipality;

(p) the transfer of ownership to the Municipality of land needed for other public purposes;

(q) the implementation of a subdivision in phases;

(r) requirements of other organs of state;

(s) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;

(t) agreements to be entered into in respect of certain conditions;

(u) the phasing of a development, including lapsing clauses relating to such phasing;

(v) the delimitation of development parameters or land uses that are set for a particular zoning;

(w) the setting of a validity period and any extensions thereto;

(x) the setting of a period within which a particular condition must be met;

(y) requirements for a temporary departure for a specific occasion or event, which must include—

(i) parking and the number of ablution facilities required;

(ii) the maximum duration or occurrence of the occasional use; and

(iii) any other development parameters that the Municipality may determine;

(z) the payment of a contravention penalty in respect of the unlawful utilisation of land.

(3) If the Municipality imposes a condition contemplated in subsection (2)*(a)* or *(b)*, an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of engineering services and infrastructure commences on the land.

(4) A condition contemplated in subsection (2)*(c)* may require only a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the Municipality in accordance with section 83(7) and any other applicable provincial norms and standards.

(5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—

(a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;

(b) nature conservation;

(c) energy conservation;

(d) climate change; or

(e) engineering services.

(6) Except for land needed for public places or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved subdivision must be acquired subject to the applicable laws that provide for the acquisition or expropriation of land.

(7) An owners' association or home owners' association that came into being by virtue of a condition imposed under the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), and that exists immediately before the commencement of this By-law is regarded as an owners' association that came into being by virtue of a condition imposed by the Municipality in accordance with this By-law.

(8) The Municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required.

(9) Conditions requiring a standard to be met must specifically refer to an approved or published standard.

(10) No conditions may be imposed that rely on a third party for fulfilment.

(11) If the Municipality approves a land use application subject to conditions, it may specify which conditions must be complied with before the sale, development or transfer of the land.

(12) Notwithstanding the provisions of any other section in this By-law, and the exclusion of section 18(1)(*b*), a conditional approval of an application lapses if the conditions therein are not complied with within :-

(a) a period of ten years from the date of such conditional approval, if no period for compliance is specified in such approval; or

(b) the period for compliance specified in such conditional approval, which, together with any extension which may be granted, may not exceed ten years.

CHAPTER VI

EXTENSION OF VALIDITY PERIOD OF APPROVALS

Applications for extension of validity period

67. (1) The Municipality may, on a date before or after the expiry of the validity period of an approval, approve an application for the extension of a validity period imposed in terms of a condition of approval if the application for the extension of the period was submitted before the expiry of the validity period.

(2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:

(a) whether the circumstances prevailing at the time of the original approval have materially changed;

(b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval have materially changed; and

(c) whether there is a pending review application in court which may have an effect on the date of implementation of the approval.

(3) If there are material changes in circumstances or in legislative or policy requirements that will necessitate new conditions of approval if an extension of a validity period is approved, an application contemplated in section 15(2)*(h)* must be submitted for consideration before or simultaneously with the application for the extension of a validity period.

(4) The extended validity period takes effect on and is reckoned from the expiry date of the validity period applicable to the original approval or from the expiry date of the previously extended validity period approved in terms of this By-law.

CHAPTER VII

MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

Municipal planning decision-making structures in respect of applications and appeals

68. Applications or appeals are decided—

(a) in the case of an application referred to in section 15(2)*(a)* to *(f)*, *(h)* to *(k)*, *(n)*, *(o)* or *(r)*, by an authorised employee who has been authorised by the Municipality to consider and determine the applications as contemplated in section 69(1);

(b) in the case of an application referred to in section 15(2)*(a)* to *(f)*, *(h)* to *(k)*, *(n)*, *(o)* or *(r)* where an authorised employee has not been authorised by the Municipality to consider and determine the applications as contemplated in section 69(2), by the Tribunal;

(c) in the case of an application referred to section 15(2)*(g)*, *(l)*, *(m)*, *(p)* or *(q)*, by the Municipality;

(d) by the Appeal Authority where an appeal has been lodged against a decision of an authorised employee or the Tribunal in respect of applications referred to in paragraph *(a)* or *(b)* respectively; or

(e) by the appeal authority referred to in section 62(3) of the Municipal Systems Act where an appeal has been lodged against a decision of an authorised employee in respect of applications referred to in section 15(2)*(g)*, *(l)*, *(m)*, *(p)* or *(q)*.

Consideration of applications

69. (1) The Municipality may categorise applications referred to in section 15(2)*(a)* to *(f)*, *(h)* to *(k)*, *(n)*, *(o)* or *(r)* for consideration and determination by an. authorised employee.

(2) The Tribunal considers and determines all applications referred to in section 15(2)*(a)* to *(f)*, *(h)* to *(k)*, *(n)*, *(o)* or *(r)* that have not been categorised for consideration and determination by an authorised employee.

Establishment of Tribunal

70. (1) The Municipality must—

(a) establish a Municipal Planning Tribunal for its municipal area;

(b) by agreement with one or more municipalities establish a joint Municipal Planning Tribunal; or

(c) agree to the establishment of a district Municipal Planning Tribunal by the district municipality.

(2) An agreement referred to in subsection (1)*(b)* or *(c)* must provide for—

(a) the composition of the Tribunal;

(b) the terms and conditions of appointment of members of the Tribunal;

(c) the determination of rules and procedures at meetings of the Tribunal; and

(d) other matters as may be prescribed in terms of the Spatial Planning and Land Use Management Act.

Composition of Tribunal for municipal area

71. (1) A Tribunal established in terms of section 70(1)*(a)* must consist of at least the following members appointed by the Council:

(a) three employees in the full-time service of the Municipality; and

(b) two persons who are not employees of the Municipality or councillors.

(2) The members of the Tribunal must have knowledge and experience of land use planning or the law related thereto and be representative of a broad range of appropriate experience and expertise.

(3) A member of the Tribunal appointed in terms of subsection (1)*(b)* may be—

(a) an official or employee of—

(i) any department of state or administration in the national or provincial sphere of government;

(ii) a government business enterprise;

(iii) a public entity;

(iv) organised local government as envisaged in the Constitution;

(v) an organisation created by government to provide municipal support;

(vi) a non-governmental organisation; or

(vii) any other organ of state not provided for in subparagraphs (i) to (iv); or

(b) an individual in his or her own capacity.

Process for appointment of members for Tribunal for municipal area

72. (1) The members of the Tribunal referred to in section 71(1)*(b)* may be appointed by the Council only after the Municipality has—

(a) in the case of an official or employee contemplated in section 71(3)*(a)*, extended a written invitation to nominate an official or employee to serve on the Tribunal to the departments in the national and provincial spheres of government, other organs of state and organisations referred to in section 71(3)*(a)*; and

(b) in the case of member contemplated in section 71(3)*(b)*, by notice in a newspaper in circulation in the municipal area, invited interested parties to submit, within the period stated in the notice, names of persons who meet the requirements to be so appointed.

(2) An invitation for nominations must—

(a) request sufficient information to enable the Municipality to evaluate the knowledge and experience of the nominee;

(b) request a written nomination in the form that the Municipality determines that complies with subsection (3);

(c) permit self-nomination; and

(d) provide for a closing date for nominations, which date may not be less than 14 days from the date of publication of the invitation in terms of subsection (1)*(b)* or the written invitation in terms of subsection

(1)*(a)*, and no nominations submitted after that date may be considered by the Municipality.

(3) A nomination in response to an invitation must—

(a) provide for acceptance of the nomination by the nominee, if it is not a self-nomination;

(b) include confirmation by the nominee that he or she is not disqualified from serving as a member in terms of section 74;

(c) include agreement by the nominee that the Municipality may verify all the information provided by the nominee; and

(d) include a statement that the nominee will be obliged to commit to and uphold a code of conduct if he or she is appointed.

(4) If no or insufficient nominations are received or if the nominees do not possess the requisite knowledge and experience or comply with any additional criteria which may have been determined by the Municipality, the Municipality must invite nominations for a second time and follow the process required for the invitation for nominations referred to in this section.

(5) If after the second invitation for nominations, no or insufficient nominations are received or if the nominees do not possess the requisite knowledge and experience or comply with any additional criteria which may have been determined by the Municipality, the executive authority of the Municipality must designate persons who possess the requisite knowledge and experience and comply with any additional criteria which may have been determined by the Municipality and appoint the persons.

(6) Nominations submitted to the Municipality by virtue of subsection (1) must be submitted in writing in the form determined by the Municipality and must contain the contents referred to in subsection (3).

(7) The Municipality must convene an evaluation panel consisting of officials in the employ of the Municipality to evaluate nominations that comply with this section as received by the Municipality and must determine the terms of reference of that evaluation panel.

(8) The Council must appoint the members of the Tribunal after having regard to—

(a) the recommendations of the evaluation panel;

(b) the knowledge and experience of candidates in respect of land use planning or the law related thereto;

(c) the requirement that the members of the Tribunal must be representative of a broad range of appropriate experience and expertise;

(d) the powers and duties of the Tribunal; and

(e) the policy of the Municipality in respect of the promotion of persons previously disadvantaged by unfair discrimination.

(9) The Council may not appoint a person to the Tribunal if that person—

(a) was not nominated in accordance with the provisions of this section;

(b) is disqualified from appointment as contemplated in section 74; or

(c) does not possess the knowledge or experience required in terms of section 71(2).

(10) The Council must designate from among the members of the Tribunal—

(a) the chairperson of the Tribunal; and

(b) another member as deputy chairperson, to act as chairperson of the Tribunal when the chairperson is absent or unable to perform his or her duties.

(11) The Municipal Manager must—

(a) inform the members in writing of their appointment;

(b) obtain written confirmation from the Council that the Council is satisfied that the Tribunal is in a position to commence its operations; and

(c) after receipt of the confirmation referred to in paragraph *(b)*, publish a notice in the *Provincial Gazette* of the following:

(i) the name of each member of the Tribunal;

(ii) the date on which the appointment of each member takes effect;

(iii) the term of office of each member; and

(iv) the date that the Tribunal will commence its operation.

(12) The Tribunal may commence its operations only after publication of the notice contemplated in subsection (11)*(c)*.

Term of office and conditions of service of members of Tribunal for municipal area

73. (1) A member of a Tribunal contemplated in section 70(1)*(a)*—

(a) is appointed for five years or a shorter period as the Municipality may determine; and

(b) may be appointed for further terms, subject to section 37(1) of the Spatial Planning and Land Use Management Act.

(2) The office of a member becomes vacant if—

(a) the member is absent from two consecutive meetings of the Tribunal without the leave of the chairperson of the Tribunal;

(b) the member tenders his or her resignation in writing to the chairperson of the Tribunal or, if the member who is resigning is the chairperson, to the Council;

(c) the member is removed from the Tribunal under subsection (3); or

(d) the member dies.

(3) The Council may, after having given the member an opportunity to be heard, remove a member of the Tribunal if—

(a) sufficient grounds exist for his or her removal;

(b) the member contravenes the code of conduct referred to in section 76;

(c) the member becomes subject to a disqualification from membership of the Tribunal as referred to in section 74.

(4) A vacancy on the Tribunal must be filled by the Council in terms of section 71 and 72.

(5) A member who is appointed by virtue of subsection (4) holds office for the unexpired part of the period for which the member he or she replaces was appointed.

(6) Members of the Tribunal referred to in section 71(3)*(b)* must be appointed on the terms and conditions and must be paid the remuneration and allowances and be reimbursed for expenses as determined by the Council.

(7) An official of the Municipality appointed in terms of section 71(1)*(a)* as a member of the Tribunal—

(a) may serve as member of the Tribunal only for as long as he or she is in the full-time employ of the Municipality;

(b) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other additional employee benefit as a result of his or her membership on the Tribunal.

(8) A person appointed in terms of section 71(1)*(b)* as a member of the Tribunal—

(a) is not an employee on the staff establishment of the Municipality;

(b) in the case of a person referred to in section 71(3)*(a)*, is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other additional employee benefit as a result of his or her membership of the Tribunal;

(c) performs the specific tasks in respect of the consideration of an application allocated to him or her by the chairperson of the Tribunal;

(d) sits at such meetings of the Tribunal that requires his or her relevant knowledge and experience as determined by the chairperson of the Tribunal;

(e) in the case of a person referred to in section 71(3)*(b)*, is entitled to a seating and travel allowance as determined by the Municipality for each meeting of the Tribunal that he or she is required to attend; and

(f) in the case of a person referred to in section 71(3)*(b)*, is not entitled to overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, a performance bonus, medical scheme contribution, pension, motor vehicle or any other benefit to which a municipal employee is entitled to.

(9) The allowances referred to in subsection (8)*(e)* are subject to taxation in accordance with the normal tax rules that are issued by the South African Revenue Service.

Disqualification from membership of Tribunal

74. (1) A person may not be appointed or continue to serve as a member of the Tribunal if that person—

(a) is not a citizen or permanent resident of the Republic of South Africa;

(b) is a member of Parliament, a Provincial Legislature, a municipal council or a House of Traditional Leaders;

(c) is an unrehabilitated insolvent;

(d) has been declared by a court of law to be mentally incompetent or has been detained under the Mental Health Care Act, 2002 (Act 17 of 2002);

(e) has at any time been convicted of an offence involving dishonesty;

(f) has at any time been removed from an office of trust on account of misconduct;

(g) has previously been removed from a tribunal for a breach of the Spatial Planning and Land Use Management Act or this By-law;

(h) has been found guilty of misconduct, incapacity or incompetence; or

(i) fails to comply with the Spatial Planning and Land Use Management Act or this By-law.

(2) A member must vacate office if that member becomes subject to a disqualification as contemplated in subsection (1).

(3) A member of a Tribunal—

(a) must make full disclosure of any conflict of interest, including any potential conflict; and

(b) may not attend, participate or vote in any proceedings of the Tribunal in relation to any matter in respect of which the member has a conflict of interest.

(4) For the purposes of this section, a member has a conflict of interest if—

(a) the member, a spouse, family member, partner or business associate of the member is the applicant or has a pecuniary or other interest in the matter before the Tribunal;

(b) the member has any other interest that may preclude or may reasonably be perceived as precluding the member from performing the functions of the member in a fair, unbiased and proper manner;

(c) the member is an official in the employ of national, provincial or local government, if the department by which such an official is employed has a direct or substantial interest in the outcome of the matter.

(5) The Council may at any time remove any member of the Tribunal from office—

(a) if there are reasonable grounds justifying the removal; or

(b) where a member has been disqualified in terms of subsection (1), after giving such a member an opportunity to be heard.

(6) If a member's appointment is terminated or the member resigns, the Council may appoint a person to fill the vacancy for the unexpired portion of the vacating member's term of office in accordance with sections 71 and 72.

Meetings of Tribunal for municipal area

75. (1) Subject to section 78, the Tribunal contemplated in section 70(1)*(a)* must determine its own internal arrangements, proceedings and procedures and those of its committees by drafting rules for—

(a) the convening of meetings;

(b) the procedure at meetings; and

(c) the frequency of meetings.

(2) The Tribunal may constitute itself to comprise one or more panels to determine—

(a) applications in specific geographical areas;

(b) applications in specific areas within the Municipality; or

(c) a particular application or type or category of application.

(3) In this section, section 77 and section 78, unless the context indicates otherwise, "the Tribunal" includes a panel of the Tribunal contemplated in subsection (2).

(4) The Tribunal must meet at the time and place determined by the chairperson or, in the case of a panel, the presiding officer provided that it must meet at least once per month if there is an application to consider.

(5) If the Tribunal constitutes itself to comprise a panel, the Tribunal must designate at least three members of the Tribunal to be members of that panel, of whom one must at least be a member contemplated in section 71(1)*(b)*.

(6) A quorum for a meeting of the Tribunal is the majority of its appointed members.

(7) A quorum for a meeting of a panel of the Tribunal is—

(a) the majority of its designated members; or

(b) three members, if the panel consist of only three members.

(8) Meetings of the Tribunal or a panel of the Tribunal must be held as contemplated in this section and section 78 in accordance with the rules of the Tribunal.

Code of conduct for members of Tribunal for municipal area

76. (1) The code of conduct in Schedule 1 applies to every member of a Tribunal contemplated in section 71(1).

(2) If a member contravenes the code of conduct, the Council may—

(a) in the case of member contemplated in section 71(1)*(a)*, institute disciplinary proceedings against the member;

(b) remove the member from office.

Administrator for Tribunal for municipal area

77. (1) The Municipal Manager must appoint or designate an employee as the Administrator and other staff for the Tribunal contemplated in section 70(1)*(a)* in terms of the Municipal Systems Act.

(2) The Administrator must—

(a) liaise with the relevant Tribunal members and the parties concerned regarding any application to be determined by, or other proceedings of, the Tribunal;

(b) maintain a diary of meetings of the Tribunal;

(c) allocate a meeting date for, and application number to, an application;

(d) arrange the attendance of members of the Tribunal at meetings;

(e) arrange venues for Tribunal meetings;

(f) perform the administrative functions in connection with the proceedings of the Tribunal;

(g) ensure that the proceedings of the Tribunal are conducted efficiently and in accordance with the directions of the chairperson of the Tribunal;

(h) arrange the affairs of the Tribunal so as to ensure that time is available to liaise with other organs of state regarding the alignment of integrated applications and authorisations;

(i) notify the parties concerned of decisions and procedural directives given by the Tribunal;

(j) keep a record of all applications submitted to the Tribunal as well as the outcome of each, including—

(i) decisions of the Tribunal;

(ii) on-site inspections and any matter recorded as a result thereof;

(iii) reasons for decisions; and

(iv) proceedings of the Tribunal; and

(k) keep records by any means as the Tribunal may deem expedient.

Functioning of Tribunal for municipal area

78. (1) The meetings of the Tribunal contemplated in section 75(1)*(a)* must be held at the times and places as the chairperson may determine.

(2) If an applicant or a person whose rights or legitimate expectations will be affected by the approval of an application requests to make a verbal representation at a meeting of the Tribunal, he or she must submit a written request to the Administrator at least 14 days before that meeting.

(3) The Chairperson may approve a request contemplated in subsection (2), subject to reasonable conditions.

(4) An application may be considered by the Tribunal by means of—

(a) the consideration of the written application and comments; or

(b) an oral hearing.

(5) The application may be considered in terms of subsection (4)*(a)* if it appears to the Tribunal that the issues for determination of the application

can be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it.

(6) An oral hearing may be held—

(a) if it appears to the Tribunal that the issues for determination of the application cannot be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it; or

(b) if such hearing would assist in the expeditious and fair disposal of the application.

(7) If appropriate in the circumstances, the oral hearing may be held by electronic means.

Appeals

79. (1) The executive authority *(executive committee/executive mayor of the Municipality/if the Municipality does not have an executive committee or executive mayor, a committee of councillors)* is the Appeal Authority in respect of decisions of the Tribunal or an authorised employee contemplated in section 68*(a)* or *(b)* and a failure to decide on an application as contemplated in section 58.

(2) A person whose rights are affected by a decision contemplated in subsection (1) may appeal in writing to the Appeal Authority within 21 days of notification of the decision.

(3) An applicant may appeal in writing to the Appeal Authority in respect of the failure of the Tribunal or an authorised employee to make a decision within the period contemplated in section 57(1), (2) or (3) any time after the expiry of the period contemplated in that section.

(4) An appeal is lodged by serving the appeal on the Municipal Manager in the form determined by the Municipality and subject to section 80(1).

(5) When the Appeal Authority considers an appeal, it must have regard to—

(a) the provisions of section 65, read with the necessary changes; and

(b) the comments of the Provincial Minister contemplated in section 52 of the Land Use Planning Act.

Procedure for appeal

80. (1) An appeal is invalid if—

(a) in the case of an appeal contemplated in section 79(2), it is not lodged within the period referred to in that subsection; or

(b) it does not comply with sections 79 (2) – (4) and 80 (2) - (7)

(2) An appeal must set out the following:

(a) the grounds for the appeal, which may include the following grounds:

(i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

(ii) grounds relating to the merits of the land development or land use application on which the appellant believes the Tribunal or authorised employee erred in coming to the conclusion that the Tribunal or authorised employee did, as the case may be,

(b) whether the appeal is lodged against the whole decision or a part of the decision;

(c) if the appeal is lodged against a part of the decision, a description of the part;

(d) if the appeal is lodged against a condition of approval, a description of the condition;

(e) the factual or legal findings that the appellant relies on;

(f) the relief sought by the appellant;

(g) any issue that the appellant wishes the Appeal Authority to consider in making its decision; and

(h) in the case of an appeal in respect of the failure of a decision-maker to make a decision, the facts that prove the failure.

(3) A person who lodges an appeal must within the period referred to in subsection 79(2), submit proof of payment of appeal fees, as may be determined by the Municipality, to the Municipal Manager.

(4) An applicant who lodges an appeal must simultaneously serve notice of the appeal on any person who commented on the application concerned and any other person as the Municipality may determine.

(5) The notice must be served in accordance with section 35.

(6) The notice contemplated in subsection (5) must invite persons to comment on the appeal within 21 days of the date of notification.

(7) The appellant must submit proof of service of the notice as contemplated in subsection (5) to the Municipal Manager within 14 days of the date of notification.

(8) If a person other than the applicant lodges an appeal, the Municipal Manager must give written notice of the appeal to the applicant within 14 days of receipt thereof.

(9) An applicant who has received notice of an appeal in terms of subsection (8) may submit comment on the appeal to the Municipal Manager within 21 days of the date of notification.

(10) The Municipality may refuse to accept any comments on an appeal submitted after the closing date for comments on an appeal.

(11) The Municipal Manager—

(a) may request the Provincial Minister within 14 days of the receipt of an appeal to comment in writing on the appeal within 30 days of the date of notification of the request;

(b) must notify and request the Provincial Minister within 14 days of the receipt of an appeal to comment on the appeal within 30 days of the date of notification of the request in respect of appeals relating to the following applications:

(i) a development outside the Municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;

(ii) if the Municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;

(iii) a rezoning of land zoned for agricultural or conservation purposes;

(iv) any category of land use applications as may be prescribed by the Provincial Minister; and

(c) must on receipt of an appeal in terms of this section notify the applicant in writing whether or not the operation of the approval of the application is suspended.

(12) An authorised employee must draft a report assessing an appeal and must submit it to the Municipal Manager within—

(a) 30 days of the closing date for comment requested in terms of subsections (6) and (9), if no comment was requested in terms of subsection (11); or

(b) 30 days of the closing date for comments requested in terms of subsection (11).

(13) The Municipal Manager must within 14 days of receiving the report contemplated in subsection (12) submit the appeal to the Appeal Authority.

(14) The Municipal Manager or an employee designated by him or her must—

(a) liaise with the Appeal Authority and the parties concerned regarding any appeal lodged with the Appeal Authority;

(b) maintain a diary of meetings of the Appeal Authority;

(c) allocate a meeting date for, and appeal number to, an appeal;

(d) arrange the attendance of members of the Appeal Authority at meetings;

(e) arrange venues for the Appeal Authority;

(f) perform the administrative functions in connection with the proceedings of the Appeal Authority;

(g) ensure that the proceedings of the Appeal Authority are conducted efficiently and in accordance with the directions of the Appeal Authority;

(h) arrange the affairs of the Appeal Authority so as to ensure that time is available to liaise with other organs of state regarding the alignment of integrated appeal procedures;

(i) notify the parties concerned of decisions and procedural directives given by the Appeal Authority;

(j) keep a record of all appeals lodged as well as the outcome of each, including—

(i) decisions of the Appeal Authority;

(ii) on-site inspections and any matter recorded as a result thereof;

(iii) reasons for decisions; and

(iv) proceedings of the Appeal Authority; and

(k) keep records by any means as the Appeal Authority may deem expedient.

(15) An appellant may, at any time before the Appeal Authority makes a decision on an appeal submitted by the appellant, withdraw the appeal by giving written notice of the withdrawal to the Municipal Manager.

(16) The owner must in writing inform the Municipality if he or she has withdrawn the power of attorney given to his or her former agent and confirm whether he or she will personally proceed with the appeal.

Consideration by Appeal Authority

81. (1) An appeal may be considered by the Appeal Authority by means of—

(a) the consideration of the written appeal and comments; or

(b) an oral hearing.

(2) The appeal may be considered in terms of subsection (1)*(a)* if it appears to the Appeal Authority that the issues for determination of the appeal can be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it.

(3) An oral hearing may be held—

(a) if it appears to the Appeal Authority that the issues for determination of the appeal cannot be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it; or

(b) if such hearing would assist in the expeditious and fair disposal of the appeal.

(4) If appropriate in the circumstances, the oral hearing may be held by electronic means.

(5) If the Appeal Authority decides to hold an oral hearing, any party to the appeal proceedings may appear in person or may be represented by another person.

(6) The Appeal Authority must ensure that every party to a proceeding before the Appeal Authority is given an opportunity to present his or her case, whether in writing or orally as contemplated in subsections (2) and (3) and, in particular, to inspect any documents to which the Appeal Authority proposes to have regard in reaching a decision in the proceeding and to submit comments thereon in accordance with this Chapter or, in the case of an oral hearing, to make submissions in relation to those documents.

(7) The Appeal Authority must—

(a) consider and determine all appeals lawfully submitted to it;

(b) confirm, vary or revoke the decision of the Tribunal or authorised employee;

(c) provide reasons for any decision made by it;

(d) give directions relevant to its functions to the Municipality;

(e) keep a record of all its proceedings; and

(f) determine whether the appeal falls within its jurisdiction.

(8) Subject to subsection (12), the Appeal Authority must decide on an appeal within 60 days of receipt of the assessment report as contemplated in section 80(13).

(9) If the Appeal Authority revokes a decision of the Tribunal or authorised employee it may—

(a) remit the matter to the Tribunal or authorised employee—

(i) if there was an error in the process that was unfair and that cannot be corrected by the Appeal Authority; and

(ii) with instructions regarding the correction of the error; or

(b) replace the decision with any decision it regards necessary.

(10) The Appeal Authority may appoint a technical adviser to advise or assist it with regard to a matter forming part of the appeal.

(11) The Appeal Authority must within 21 days from the date of its decision notify the parties to an appeal in writing of—

(a) the decision and the reasons therefor; and

(b) if the decision on an appeal upholds an approval, notify the applicant in writing that he or she may act on the approval.

(12) The Appeal Authority may extend the period contemplated in subsection (8) in exceptional circumstances, including the following:

(a) if an interested person has submitted a petition for intervener status;

(b) if an oral hearing is to be held.

(13) Nothing in this section prohibits a person from instituting proceedings for the judicial review of a decision as contemplated in section 6 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

CHAPTER VIII

PROVISION OF ENGINEERING SERVICES

Responsibility for provision of engineering services

82. (1) An applicant is responsible for the provision, installation and costs of internal engineering services required for a development once an application is approved.

(2) The Municipality is responsible for the provision and installation of external engineering services.

(3) If the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service.

(4) The Municipality may enter into a written agreement with an applicant to provide that—

(a) the applicant is responsible for the provision, installation and costs of external engineering services instead of paying the applicable development charges; or

(b) the applicant is responsible for the provision, installation and costs of external engineering services and that the fair and reasonable costs

of the external engineering services may be set off against the development charges payable by the applicant.

Development charges and other contributions

83. (1) The applicant must pay development charges to the Municipality in respect of the provision and installation of external engineering services.

(2) These external engineering services for which development charges are payable must be set out in a policy adopted and annually reviewed by the Municipality.

(3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.

(4) The date by which development charges must be paid and the means of payment must be specified in the conditions of approval.

(5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges.

(6) The Municipality must annually submit a report to the Council on the development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

(7) When determining the contribution contemplated in section 66(4) and (5), the Municipality must have regard to provincial norms and standards as well as—

(a) the municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;

(b) the public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;

(c) the public expenditure on that infrastructure and those amenities that may arise from the approved land use;

(d) money in respect of contributions contemplated in section 66(4) paid in the past by the owner of the land concerned; and

(e) money in respect of contributions contemplated in section 66(4) to be paid in the future by the owner of the land concerned.

Land for parks, open spaces and other uses

84. (1) When the Municipality approves an application for the use of land for residential purposes, the Municipality may require the applicant to provide land for parks or public open spaces in terms of conditions of approval imposed in accordance with section 66.

(2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with a policy adopted by the Municipality.

(3) The land required for parks or public open spaces must be provided within the land area of the application or may, with the consent of the Municipality, be provided elsewhere within the municipal area.

(4) When an application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land.

CHAPTER IX

ENFORCEMENT

Enforcement

85. (1) The Municipality must comply and enforce compliance with—

(a) the provisions of this By-law;

(b) the provisions of a zoning scheme;

(c) conditions imposed in terms of this By-law or any law repealed by the Land Use Planning Act.

(2) The Municipality may not do anything that is in conflict with subsection (1).

Offences and penalties

86. (1) A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment if he or she—

(a) contravenes or fails to comply with sections 15(1) and (4), 20(1), 21(4), 31(1), 59(3), 62(2) or 88(2);

(b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the Municipality;

(c) upon registration of the transfer of ownership of the first land unit arising from a subdivision to a person other than the developer, fails to transfer all common property arising from the subdivision to the owners' association;

(d) supplies particulars, information or answers in an application, or in an appeal against a decision on an application, or in any documentation or representation related to an application or an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct;

(e) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or

(f) hinders or interferes with an authorised employee in the exercise of any power or the performance of any duty of that employee.

(2) An owner who permits his or her land to be used in a manner set out in subsection (1)*(b)* and who does not cease that use or take reasonable steps to ensure that the use ceases, is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment.

(3) A person convicted of an offence in terms of this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.

(4) The Municipality may adopt fines and contravention penalties to be imposed in the enforcement of this By-law.

Serving of compliance notices

87. (1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person is guilty of an offence in terms of section 86.

(2) A compliance notice must instruct the person to cease the unlawful utilisation of land or construction activity or both, without delay or within the period determined by the Municipality, and may include an instruction to—

(a) demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned to its original form or to cease the activity, as the case may be, within the period determined by the Municipal Manager;

(b) submit an application for the approval of the utilisation of the land or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty within 30 days of the decision on the application; or

(c) rectify the contravention of or non-compliance with a condition of approval within a specified period.

(3) A person who has received a compliance notice with an instruction contemplated in subsection (2)*(a)* may not submit an application in terms of subsection (2)*(b)*.

(4) An instruction to submit an application in terms of subsection (2)*(b)* must not be construed as an indication that the application will be approved.

(5) In the event that the application submitted in terms of subsection (2)*(b)* is refused, the owner must demolish, remove or alter the building, structure or work unlawfully erected or constructed and rehabilitate the land or restore the building.

(6) A person who received a compliance notice in terms of this section may object to the notice by submitting written representations to the Municipality within 30 days of the date of notification.

Contents of compliance notice

88. (1) A compliance notice must—

(a) identify the person to whom it is addressed;

(b) describe the alleged unlawful utilisation of land or construction activity and the land on which it is occurring or has occurred;

(c) state that the utilisation of land or construction activity is unlawful and inform the person of the particular offence contemplated in section 86 which that person allegedly has committed or is committing by the continuation of that activity on the land;

(d) state the steps that the person must take and the period within which those steps must be taken;

(e) state anything which the person may not do and the period during which the person may not do it;

(f) make provision for the person to submit representations in terms of section 89 with the contact person stated in the notice; and

(g) issue a warning to the effect that—

(i) the person may be prosecuted for and convicted of an offence contemplated in section 86;

(ii) on conviction of an offence, the person will be liable for the penalty as provided for;

(iii) the person may be required by an order of court to demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned or to cease the activity;

(iv) in the case of a contravention relating to a consent use or temporary departure, the approval may be withdrawn; and

(v) in the case of an application for authorisation of the activity or development parameter, the contravention penalty, including any costs incurred by the Municipality, may be imposed.

(2) Any person on whom a compliance notice is served must comply with that notice within the period stated in the notice unless and until the person has objected to the notice in terms of section 89 and the Municipality has not decided on the matter in terms of that section or the Municipality has agreed to suspend the operation of the compliance notice in terms of section 89(2).

Objections to compliance notice

89. (1) Any person who receives a compliance notice in terms of section 87 may object to the notice by making written representations to the Municipality within 30 days of the date of notification.

(2) After consideration of any objections or representations made in terms of subsection (1) and any other relevant information, the Municipality—

(a) may suspend, confirm, vary or withdraw the compliance notice or any part of the compliance notice; and

(b) must specify the period within which the person to whom the compliance notice is addressed must comply with any part of the compliance notice that is confirmed or varied as contemplated in subsection (2)(a).

Failure to comply with compliance notice

90. If a person fails to comply with a compliance notice, the Municipality may—

(a) lay a criminal charge against the person;

(b) apply to the court for an order—

(i) restraining that person from continuing the unlawful utilisation of the land;

(ii) directing that person to, without the payment of compensation—

(aa) demolish, remove or alter any building, structure or work unlawfully erected or constructed; or

(bb) rehabilitate the land concerned;

(c) in the case of a consent use or temporary departure, withdraw the approval granted and take any of the other steps contemplated in section 88(1)*(g)*.

Compliance certificates

91. (1) An authorised employee who is satisfied that the owner or occupier of any land or premises has complied with a compliance notice may issue a certificate, in the manner and form determined by the Municipality, to confirm the compliance.

(2) The authorised employee must submit a report to the Municipality regarding his or her findings contemplated in subsection (1) and the issuing of a compliance certificate.

Urgent matters

92. (1) The Municipality does not have to comply with sections 87(6), 88(1)*(f)* and 89 in a case where an unlawful utilisation of land must be stopped urgently and may issue a compliance notice calling upon the person or owner to cease the unlawful utilisation of land immediately.

(2) If the person or owner fails to cease the unlawful utilisation of land immediately, the Municipality may apply to the court for an urgent interdict or any other relief necessary.

General powers and functions of authorised employees

93. (1) An authorised employee may, with the written consent of the owner, occupier or person in lawful control of the land or building without a warrant and after reasonable notice has been given to the owner, occupier or person in lawful control of the land or building, enter upon land or premises or enter a building at any reasonable time for the purpose of ensuring compliance with this By-law.

(2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of subsection (1).

(3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

Powers of entry, search and seizure

94. (1) In ensuring compliance with this By-law an authorised employee may in accordance with section 93—

(a) question any person on land or premises entered upon or in a building entered who, in the opinion of the authorised employee, may be able to provide information on a matter that relates to an investigation regarding an offence in terms of, or contravention of, this By-law;

(b) question any person on that land or those premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it constitutes—

(i) an offence in terms of this By-law;

(ii) a contravention of this By-law; or

(iii) a contravention of an approval or a term or condition of that approval;

(c) question that person about any structure, object, document, book, record, written or electronic information or inspect any structure, object, document, book, record or written or electronic information that may be relevant for the purpose of the investigation;

(d) copy or make extracts from any document, book, record, written or electronic information referred to in paragraph *(c)*, or remove that document, book, record or written or electronic information in order to make copies thereof or extracts therefrom;

(e) require that person to produce or deliver to a place specified by the authorised employee any document, book, record, written or electronic information referred to in paragraph *(c)* for inspection;

(f) examine that document, book, record, written or electronic information or make a copy thereof or an extract therefrom;

(g) require from that person an explanation of any entry in that document, book, record, written or electronic information;

(h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;

(i) take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building relevant to the purposes of the investigation; or

(j) seize a book, record, written or electronic information referred to in paragraph *(c)* or article, substance, plant or machinery referred to in paragraph *(h)* or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of that book, record or document before the seizure.

(2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.

(3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

Warrant of entry for enforcement purposes

95. (1) A judge of a High Court or a Magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or premises or building if—

(a) the prior permission of the occupier or owner cannot be obtained after reasonable attempts; or

(b) the purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.

(2) A warrant may be issued only if it appears to the Judge or Magistrate from information on oath or affirmation that there are reasonable grounds for believing that—

(a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;

(b) an authorised employee will be refused entry to land or a building that he or she is entitled to inspect;

(c) an offence contemplated in section 86 is occurring or has occurred and an inspection of the premises is likely to yield information pertaining to that offence; or

(d) the inspection is reasonably necessary for the purposes of this By-law.

(3) A warrant must authorise the Municipality to enter upon the land or premises or to enter the building to take any of the measures referred to in section 94 as specified in the warrant, on one occasion only, and that entry must occur—

(a) within one month of the date on which the warrant was issued; and

(b) at a reasonable time, except where the warrant was issued on grounds of urgency.

Regard to decency and order

96. The entry upon land or premises or in a building under this Chapter must be conducted with strict regard to decency and order, which must include regard to—

(a) a person's right to respect for and protection of his or her dignity;

(b) the right to freedom and security of the person; and

(c) a person's right to personal privacy.

Enforcement litigation

97. Whether or not the Municipality lays criminal charges against a person for an offence contemplated in section 86, and despite section 87, the Municipality may apply to the court for an interdict or any other appropriate order, including an order compelling that person to—

(a) demolish, remove or alter any building, structure or work unlawfully erected or constructed;

(b) rehabilitate the land concerned;

(c) cease the unlawful utilisation of land.

CHAPTER X
MISCELLANEOUS

Naming and numbering of streets

98. (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the

naming of streets and must allocate a street number to each of the erven or land units located in such street or road.

(2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.

(3) In considering the naming of streets or the numbering of properties, the Municipality must take into account the relevant policies regarding street naming and numbering.

(4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision plan in terms of section 23 and the Surveyor-General must endorse the records of the Surveyor-General's Office to reflect the amendment or cancellation of the street names on an approved general plan.

Repeal and Transitional Arrangements

99. (1) The Stellenbosch Bylaw on Municipal Land Use Planning, 2015 is hereby repealed.

(2) Any approval, granted or in force in terms of By-law Municipal Land Use Planning, 2015, and in existence immediately before the commencement of this By-law, remains in force and is regarded to have been issued or granted in accordance with this By-law and in terms of the corresponding provisions of applicable by-laws for the period for which, and subject to the conditions under which, it was issued or granted under the repealed By-law until withdrawn, amended or extended in terms of applicable by-laws.

(3) Any action taken, application or appeal lodged in terms of the Stellenbosch By-law on Municipal Land Use Planning, 2015 and that has not been finalised before this by-law comes into operation, must be administered and finalised as if the Stellenbosch By-law on Municipal Land Use Planning, 2015, had not been repealed.

Short title and commencement

100. (1) This By-law is called the Stellenbosch By-law on Municipal Land Use Planning 2023.

(2) This By-law shall come into operation on 1 July 2023.

SCHEDULE 1

CODE OF CONDUCT FOR MEMBERS OF TRIBUNAL

General conduct

1. A member of the Tribunal must at all times—

(a) act in accordance with the principles of accountability and transparency;

(b) disclose his or her personal interests in any decision to be made in the planning process in which he or she serves or has been requested to serve; and

(c) abstain completely from direct or indirect participation as an advisor in any matter in which he or she has a personal interest and leave any chamber in which such matter is under deliberation unless the personal interest has been made a matter of public record and the Council has given written approval and has expressly authorised his or her participation.

2. A member of the Tribunal may not—

(a) use his or her position or privileges as Tribunal member or confidential information obtained as a Tribunal member, for private gain or to improperly benefit another person; or

(b) participate as a decision-maker concerning a matter in which that Tribunal member or that member's spouse, family member, partner or business associate has a direct or indirect personal interest or private business interest.

Gifts

3. A member of the Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence that member's objectivity as an advisor or decision-maker in the planning process.

Undue influence

4. A member of the Tribunal may not—

(a) use the power of his or her office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;

(b) use confidential information acquired in the course of his or her duties to further a personal interest;

(c) disclose confidential information acquired in the course of his or her duties unless required by law to do so or by circumstances to prevent substantial prejudice or damage to another person; or

(d) commit a deliberately wrongful act that reflects adversely on the Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions of the Tribunal by improper means.

ANNEXURE B

ANNEXURE "B"

Stellenbosch Municipal Land Use Planning Bylaw Review 2022

Record of reasoning of proposed amendments

(Reflecting amendments from the 2015 version.)

Section reference	Reasoning or motivation for amendments
Heading/name of by-law	Unless an amendment by-law is done whereby only certain sections are amended or deleted using the *brackets-and-underline method*, the amended by-law will be a new by-law which replaces the previous version. As such it will be necessary to properly name and date the by-law, to make it distinguishable from previous versions. Consequently, a name suggestion is included which where the municipality's name and the year-date of the version is to be inserted. **Note** that this amendment not only has an impact on section 99 in the text itself, but also in the index.
Index 15	This is more fully addressed in section 68, but it is a result of the view that not all application types listed in section 15 are SPLUMA land development applications and do therefore not necessarily have to be considered by the MPT or AO.
Index 25	Improved wording as the word "amenities" is used throughout the by-law and not "social facilities".
Index 47	Change heading from "Contents of Notice" to "Additional contents of notice" in accordance with changes to Section 47.
Index 68	Details appear in section 68, but is the result the realisation that not all application types listed in section 15(2) are SPLUMA land development applications and do therefore not necessarily have to be considered by the MPT or AO.
Index 80	Improved wording as there is only one procedure.
Index 83	Development charges are linked to engineering infrastructure, whereas there may also be other contributions as well.
Index 99	Since it is recommended that the previous by-law is to be repealed and replaced with the new (amended) by-law, it is necessary to include a transitional measure to regulate the transition period.
Definitions	
Agent	This change appears throughout the by-law. The reason is that LUPA already defines "owner" as the person registered in a deeds registry as the owner of land or who is the beneficial owner in law, thus owner is already described as owner of land hence there is no need to repeat it every time. This comment will only be made once and is applicable in all instances where the by-law refers to "owner of land".
Applicable period	The reason for deleting the words "condition of" is because not all applicable periods are contained in conditions of approval. The sections referred to in this definition does not refer to the conditions of approval but actually form part of the decision itself. If there is a need to extend the validity period the application is therefore for an extension of the validity period in terms of Section 15(2)(h) and not an application for the amendment of a condition in terms of Section 15(2)(i), unless specific validity period were imposed as conditions of approval. Secondly with the granting of the exemption (by the Minister of Rural Development and Land Reform) of the provisions of section 43(2) on condition that the alternative provision be regulated for in the municipal land use planning by-law, the definition of applicable period was further adjusted to make provision for the alternative provision in such a way the normal lapsing of right in the by-law (based on commencement) can remain as is.

Note on applicable period	This note is to be deleted from the by-laws, as it is just a note to municipalities and not part of the regulatory instrument. This comment is provided for the instance that either SPLUMA section 43(2) is amended or if and when the Western Cape is granted exemption from this section of SPLUMA. "Applicable period" refers to the period that may be determined by the Municipality in the conditions of approval subject to section 43(2) of the Spatial Planning and Land Use Management Act or the period referred to in section 43(2) of the Spatial Planning and Land Use Management Act, 2013. Section 43(2) of the Spatial Planning and Land Use Management Act will remain applicable until the Act has been amended or an exemption has been granted.
Notes *(in general)*	All "notes" are to be deleted from the by-laws, as these are just notes to municipalities and do not form part of the regulatory instrument. It is not repeated in all instances, but is applicable in all instances.
Commencement	This newly inserted term refers only to the instances where it is linked to the lapsing of approved land use rights in respect of section 17 (Rezoning), section 18 (Departure) and section 19 (Consent use)
Emergency	Improved wording to provide more clarity.
Municipal Manager	This change occurs throughout this document and will not be repeated again, the reasons is proper use of capitalisation of the official position of Municipal Manager.
municipal spatial development framework	MSA does not refer to MSDF, but LUPA does. Change wording to accurately reflect reference in LUPA.
Municipality	Change wording to accurately reflect the statutory reference to the establishment of the Stellenbosch municipality
Occasional use	The definition was deleted as it is only a type of temporary departure, more clarity appears in section 18(4).
Overlay zone	Change "or" to "and" because if it remains an "or" it will mean either one of the two are applicable whereas there may very well be situations where both are required.
Overlay zone Base zoning	Deleted as base zoning is not part of an overlay zone.
Overlay zone Local areas	The word "local areas" has been deleted as it is vague and adds no value to this concept.
Overlay zone Coastal setback lines	Deleted the words "where coastlines are involved" for the reason that coastal set back lines can only apply where coastlines are involved.
Spatial Planning and Land Use Regulations	Improved the wording.
3(1)(a)	To make it more clear that it involves the SDF itself as well as amendments thereto.
3(1)(b)(ii)	Deleted words which are actually duplicated by "the process contemplated in subsection (2)(a)(ii)".
4(1)	Changed "must" to "may" to provide for an option to establish a project committee and not to make it compulsory. Also to provide that when the municipality does not opt have an intergovernmental steering committee, then it could use the project committee to do this work.
4(2)(b)	Add "where relevant" because all departments may not be necessary in all cases, so these words add some flexibility depending on the situation at hand – therefore the words "at least" are also deleted.
5(1)	Improved wording because the Municipal Manager is not mentioned in the existing by-laws whereas the corresponding section 12 of LUPA does and it is to give improved effect to the LUPA requirements as well as to more clearly spell

	out the role of the Municipal Manager in this. Previous wording has been replaced by new wording.
6(1)	This is to provide for the situation where the municipality does not establish a project committee, whereas it is really the function of the municipality to do this, but they may use a project committee for this purpose. This amendment occurs in various instances in sections 6-8 and will not be repeated. Insertion of “relevant area” - this is to provide for smaller or localised amendments to a SDF, where it may not be necessary to do a draft status quo report for the whole area, but just for a smaller relevant area. This amendment occurs in various instances in sections 6-8 and will not be repeated.
6(5)	Replace “comments and representations” with only “comments’ - this occurs in various instances in the document and will not be repeated. The reason is that “comments” is defined in section 1 which definition includes “representations” and it will be confusing if it is mentioned separately. This suggested change occurs in a number of instances and will not be repeated again.
7(2)	Improved referencing in order to provide more clarity and to provide a clear distinction between the two documents.
8(1)	Reflect that the Executive Mayor is the designated political office bearer to oversee the MSDF process.
8(1)(a)	The municipality must ensure and not oversee. This amendment occurs in various instances in section 8 and will not be repeated
8(1)(f)(i)	Improved referencing.
8(2)(b)	To provide for instance if a project committee was established, which is now an option and not compulsory as it was in the previous version of the by-laws
9(2)(d)	The word “recommended” is better legislative grammar than “proposed”, but it is also inserted to indicate and make it clear that the parameters in a local SDF as a policy document can only be proposed/recommended as a local SDF cannot give rights and development parameters - if the word “recommended” is not inserted it may be misconstrued as that it does.
13(3)	Change to be accepted. The reason is to make it very clear that - if after the “fact finding mission” it results in 2(e), i.e. no zoning could be determined, then the action which must be followed by municipality to give effect to 2(e) would be to rezone the land from “unknown” to its new zoning whatever it is to be, via a rezoning process, in which case the municipality will be the applicant and will have to comply with all relevant provisions of the by-law as set out in the new sections 15(5) and (6) and amended (7). Initially it was not clear what is to happen in such a case.
Heading of section 15	Inclusion of “and other approvals”, as not all the matters in 15(2) are land development applications in terms of SPLUMA, some are not and hence the addition of “other approvals”. Additional reasoning will be found in comments at section 68. This amendment to the heading is also to facilitate and enable the suggested amendments to section 68.
15(2) occasional use	Deleted occasional use as an application type as an “occasional use” is in essence a temporary departure for a specific occasion or event on a specific site and as such it is distinguished from the normal temporary departure as in section 18(4) provision is made that it may be granted more than once on a specific land unit and in section 66(2)(y) provision is made for specific conditions in this regard. As a result, occasional use as a specific application has been removed.
15(2) home owners’ association	The word “home” was removed as industrial or business areas may also have owners’ associations, so the new wording is a more generic term as home owners’ associations are only linked to residential uses.
15(4)	This section in the existing Bylaw which refers to section 52 of SPLUMA is deleted in total. Firstly, is it only informative, but secondly it lends municipal credibility to a SPLUMA provision, the content of which is regarded unconstitutional. If section 52 of SPLUMA is challenged or amended, it may mean that the by-law will have to be amended as a result. Downstream re-numbering occurs as a result of this deletion.

15(4)	Renumbered - Existing Bylaw 15(5) now 15(4) in new Bylaw
15(5) & (6)	Renumbered and this sections was inserted to make it clear that when the municipality undertakes these activities, what the process is that must be followed and then links it to the new section 15(7) which provides that when the municipality undertakes these activities, it is then an applicant and must adhere to all application requirements. Also Section 13(3) was inserted in (5) as well as there may be instances where there is a need for a municipality to rezone as a result of an unsuccessful zoning determination and where no request from an owner is forthcoming and where it does not meet the requirements of section 17(1).
15(7)	Renumbered, deleted and replaced with new wording was inserted. Subsection 7(a) was inserted and reworded to make it clear that where the municipality is the applicant it must follow all procedures which an ordinary applicant would normally have to comply with in terms of the by-laws. The addition of subsection 7(b) is to identify the types of applications, where the municipality is the applicant, that must be considered by the MPT and not by an AO, so as to ensure or build in some impartiality facilitated by the outside persons serving on a MPT. This provision has changed from previous version in terms of which all types of applications by the municipality had to be decided on by the MPT.
17(5)	Insertion of “reckoned” the reason is improved wording to make it clearer.
17(6)	Improved wording to make it clearer.
17(6)(a)	The word “and” was replaced with to “or” to prevent the situation where compliance with one of the two provisions will keep the rights alive, which is not the intention.
18(4)	The new insertion is necessary due to the fact that an occasional use was removed as a separate application, due to it being a temporary departure, but it requires some kind of distinction from an ordinary temporary departure so that it can be granted more than once on a specific land unit. It thus describes the “occasional use as right to utilise land for a purpose granted on a temporary basis for a specific occasion or event.
21(1)(d)	This is to provide for an additional method to secure confirmation of the subdivision by means of a certificate of registered title to provide for circumstances where the economy is not conducive to selling of erven and can then save the subdivision from lapsing. The option for a certificate of consolidated title has been removed as it is irrelevant and not applicable when dealing with the confirmation of a subdivision.
22(2)	Insertion to result in improved wording to make it clearer.
23(1)	Alternate wording to make it clearer.
23(4)	A total reword, the reason being to prevent the “stopping of the clock” by way of submitting an amended subdivision, however small the changes may be, as it can be abused to gain more time beyond the original validity period. The conservative approach suggested is favoured. This was confirmed at the Municipal Planning Heads Forum on 17 May 2017.
24(1)(f)(iii)	Improved grammar as a result of new (v)
24(1)(f)(iv)	Improved grammar as a result of new (v)
24(1)(f)(v)	New insertion, the reason is to provide for an additional exemption of a matter not really of municipal interest, to lessen the administrative burden and red-tape.
24(1)(g)	The existing provision for the exemption for the subdivision of agricultural land in some instances is removed. The subdivision of productive farming units in the context of the Stellenbosch rural landscape and its value to the space economy of Stellenbosch requires sensible consideration and if exempted from an application, the role of municipal planning is forfeited. An exemption for the subdivision of agricultural land also denies the municipality of the opportunity to institute conditions which may be required. Accordingly, the provision for this exemption is removed from the Bylaw.

24(1)(g)	This is a new section 24(1)(g) that deals with a separate matter than the (g) above that is being removed as discussed above. This insertion is to provide for sectional title development scheme to be also exempted. Currently with the wording of the definitions of "land" in SPLUMA and LUPA includes a sectional title scheme (part of a real right), which again is an unintended consequence. Making it an exemption in the by-laws achieves the object easier than amending SPLUMA and LUPA.
24(4)	New section inserted. This insertion is necessary to ensure that where there is a court order, an expropriation or a sectional title scheme is applicable, that no certification of the municipality will be necessary. If the Courts have made a ruling, how can a municipality then still need to make a certification in order to achieve compliance with a court order?
Heading of section 25	The reason is improved wording to make it clearer and to ensure that the heading encompasses the content of 25(1) and (2) and be aligned with it - as the content addresses "amenities" whereas the heading referred to "social facilities" which may be confusing.
26(1)	Insertion of "its" - the reason is improved wording to make it clearer.
26(4)(b)	The reason is improved wording to make it clearer and to distinguish it from (c)
26(4)(c)	The reason is improved wording to make it clearer and to distinguish it from (b)
27(a)	This emanated from a historical situation and may not always be the case anymore. This is why the words "without compensation" has been removed and replaced with "as may reasonably be required".
28(1) and (2)	These changes emanate from the change in section 21 that a certificate of registered title should also be able to confirm a subdivision. Since this changes the status of land is necessary that the section 28 certification also be amplified by adding the certificate of registered title and certificate of consolidated title where appliable. Whilst this provides for more options for the developer, it simultaneously increases the obligations and legal effect in that actions which would normally have followed registration of transfer. It is there necessary to subject these to certification as well, hence the insertion. The option for a certificate of consolidated title has been removed as it is irrelevant and not applicable when dealing with the confirmation of a subdivision. Due to the omission of former sections 28(3) (a) & (b) [see below] with new resulting numbering, the corresponding omission of reference to such numbering and replacing "*subsection (3)(a) to (d)"* with "*subsection (3)(a) to (b)"*
28(3)(a) & (b)	These provisions as provided in former Bylaw has been removed from the new Bylaw as it has transpired that the transfer of a property may not be held back due to outstanding money.
28(3) (a), (b), (c) & (d)	Due to the omission of former sections 28(3) (a) & (b), the former sections 28(3) (c) & (d) are now renumbered from former (c) to new (a) and former (d) to new (b).
28(3)(a), (a)(i), (b)(i)-(iii)	(With reference to newly numbered sections) Improved wording to make it clearer and renumbering to improve numbering
28(3)(a)(ii)	(With reference to newly numbered sections). This is to ensure that no land to be transferred to the owners' association is left in the hands of the developer/applicant and prevent many problems experienced in this regard in the past.
28(3)(b) and (b)(i)	(With reference to newly numbered sections). This is to highlight and ensure that where confirmation of a subdivision via certificate of registered title occurs it will also result in these transfers where required. The option for a certificate of consolidated title has been removed as it is irrelevant and not applicable when dealing with the confirmation of a subdivision.
29(3)	Improved wording to make it clearer.
29(5)	This is a logical amendment in that the constitution of the owners' association cannot take affect before the owners' association comes into being which as set out in section 28(3)(c) can only occur after registration of first land unit to a person different to the developer/applicant.

29(7)(b)	Improved wording for the same reasoning as for 29(5) above
30(1)	Deletion as it is already provided for in section 15(2)(p)
30(1)(a) and (b)	Improved referencing as number needed to be amended as “occasional use was taken out of the list in section 15(2).
30(2)	Improved referencing
33(1) and (1)(a) and (b)	This was deleted as it is now provided for and included in the new section 15(6) in order to result in an improved grouping of matters and to distinguish the permanent removal from those which may be suspended for a specific period.
33(1)(c)	Rewording to provide that the removal, suspension or amendment of a restrictive condition, can be made subject to conditions.
33(2)	Amended with the omission of subsection (2)(b) for requirement of bondholder’s consent in line with proposed LUPA amendments. The omission of this requirement would not mean that it does not have to be submitted if the corresponding sections in LUPA are eventually not amended to delete the requirement for a bondholder's consent.
33(3), (3)(b), (4), (5) and (6)	Renumbering to (2) as a result of upstream adjustments and to improve wording to make it clearer.
33(3)(b)	Addition of the wording “materially and adversely” to existing provision in line with proposed amendments to LUPA.
33(7) and (8)	New clauses inserted as previously a land use application was done in terms of LUPO and the removal, suspension or amendment of a restrictive condition in terms of the Removal of Restrictions Act, 1967. Now they are all done in terms of the same legislation (as a result of the provisions of SPLUMA) and since this is the case these matters should be applied for and considered simultaneously, which is what these 2 new sections require and provide for.
34(1)	Improved referencing.
35(1)(b)(i)-(ii), and (d)	The reason is improved wording to make it clearer and to provide for more options.
35(2)(a)-(d) and (3)(b)	Improved grammar.
36(2)(c)	Improved grammar to not make it a closed list.
37(1),(2) & (3)	Make provision in addition to requirement for a pre-application consultation meeting to also allow for a practise for a pre-application consultation by means of a submission with corresponding requirement for the municipality to issue and keep record of feedback on such pre-application submission.
38(1)	This insertion is to improve the wording to provide for situations where perhaps not all the documents in this list are necessary for a specific application and to enable the outcome of the pre-consultation meeting in 38(2) to determine which documents may not be relevant or applicable.
38(1)(c)	The reason is improved wording to make it clearer.
38(1)(e)	Omission of subsection (1)(e) for requirement of bondholder’s consent in line with proposed LUPA amendments. The omission of this requirement would not mean that it does not have to be submitted if the corresponding sections in LUPA are eventually not amended to delete the requirement for a bondholder's consent. Corresponding renumbering from (e) to (o) – which now stops at (n) with the omission of former (e).
38(1)(e) [former(g)]	The matters provided for in 65(a), (b), (d), (e) and (g) are not matters which can be addressed in a motivation for an application when it is first submitted as these matters and aspects follow only after submission of the application. As such these matters are now excluded as it would not be practically possible to comply with them.
38(1)(o) [former(n)]	Improved grammar
38(1)(n) [former(o)]	Insert wording to reflect the record of a pre-application submission in accordance with changes in 37 (1) to (3) above.

40	Improved referencing
41(1)(a) and (7)	Improved grammar
45	This section on the publishing of notices is replaced in its entirety with a new section 45 which is in line with proposed amendments in LUPA which will provide more discretion to the Municipality for the requirements on the publishing of notices in accordance with requirements of PAJA. The former Section 45(4) and (5) is retained as new sections 45 (12) and (13). Requirements that municipality, as applicant, is also subject to these provisions – former (5) is omitted as it is now provided for in the new section 15(5)-(7) - there is no need to make this distinction.
46	This section on the serving of notices is replaced in its entirety with a new section 46 which is in line with proposed amendments in LUPA which will provide more discretion to the Municipality for the requirements on the serving of notices in accordance with requirements of PAJA. The former Section 46(4), (5) and (6) is retained as new sections 46 (9), (10) and (11). Requirements that municipality, as applicant, is also subject to these provisions - former (7)- is omitted as it is now provided for in the new section 15(5)-(7) - there is no need to make this distinction.
47	This section retains only some requirements not provided for in sections 45 and 46. Former subsections (d) to (i) are omitted which is fully covered in new sections 45 and 46.
48(2)(a)	Consequential amendment of referencing due to new section 45 and amended section 47.
48(2)(e)	Removed “or” as improved grammar as any one or more of these possibilities could be opted for.
Heading of section 50	Improved grammar
51(1) and (2)	Improved referencing and grammar
51(2)	Change period for comments from an organ of state from 60 days to 30 days to improve timeframes on the processing of applications.
51(2)(a) and (b)	To provide more clarity on dates and to improve wording to make it clearer and also to provide and regulate for a situation where a commenting body requires additional information to enable it to provide comments.
51(3)	This insertion is an attempt to improve accountability when there is non-performance by a commenting body in so far as provision of comments are concerned.
53(2)(a)	Delete “and” to ensure that either one or both can be required.
53(2)(b)	Improved wording to make it clear that where applicable other organs of state or service providers must again be notified.
54	Deletion of referencing as it is simpler to refer to this by-law rather than to list the section, as these may change in future, thus preventing unnecessary amendments to the by-laws.
55(5)	Amended wording to provide more clarity and regulation on how to obtain additional information or documents (and time) when it is needed as a result of comments received pursuant to the notification process which was followed.
55(6)	Amended wording as at this stage the application is already complete, and processes have started. Section (5) above provides for such additional information or documents, but regulates that if it is not submitted, then consideration of the application must proceed without the relevant additional information or documents. The application process should not be further delayed as a result.
56(1)	Improved grammar and sentence construction.
57(1) and (2)	Improved grammar, referencing and sentence construction.
59(1) and (2)	The reason is to provide for a MPT member to also be able to inspect a property.
59(2)(a)	Improved wording to make it clearer and to link the record, document or item to be produced, to the purpose of the investigation.
59(2)(c)	Delete “or” as there is no need to link these items with an “or” as the option should be there to do one, some or all of the options.

59(5)	Improved wording to make it clearer, but also to provide for an inspection where written consent could be obtained so that a warrant is not necessary.
60	Improved referencing
61(1) - with new (a) and (b), and (2) – with new (a) – (d).	The amendments are consequential to amendments to 45 and 46. The changes Although these changes are linked to the changes to section 45 and 46, it also represents a general improvement that may stand on its own.
65	Renumbering as a result of deletion of section 65(2)
65(c)	Adding subsections (i) – (viii) in order to provide guidance with specific relevant considerations to determine the desirability of a proposed use or development of land.
65(g)	This improved wording is to make it clear that it refers to the municipality's planner's assessment and that it is not a requirement that the relevant applications may only be submitted or must (as application) be accompanied by an assessment of a registered planner.
65(g)(vii)	This wording has been deleted, because if a zoning determination results in a rezoning it is already covered in 65(g)(i) and is also addressed in section 13(3) on the process of zoning determination.
65(j) (o), (r) and (s) and new (t) and (u).	Improved grammar and sentence construction and insertion of new (t) i.e. include restrictive title conditions if any, is to be a relevant consideration when determining a land use application. (u) is added in order to consider the heritage impact and in terms of section 38(8) of the National Heritage Resources Act 1999 (Act 25 of 1900).
65(2)	This whole section was removed, firstly because there may be other considerations or reasons on which a site development plan may not be acceptable. Secondly, as will appear more fully in section 15(2) and 68, a site development plan when following from a land use approval is not seen as a land development application.
66(2)(l)	No real purpose in referencing this section 31, there may even be other relevant sections and when the Deeds Registries Act is amended may then effect this section of the by-law, necessitating an unnecessary by-law amendment.
66(2)(y) and (y)(iii)	This links to the insertion in section 18(4) and provides for specific requirements/conditions which may be imposed as part of an occasional use seen as a temporary departure for a specific occasion or event, and to separate or distinguish it from an ordinary temporary departure.
66(2)(z)	The word "levy" has throughout been replaced with "penalty' as it is really a fine or punishment for a contravention as opposed to the previous dispensation under LUPO when payment of a contravention levy actually "bought" a person a right, which is not the case anymore. Even after payment of a contravention penalty will the submission of a suitable land use application be required.
66(3)	Improved wording to make it clearer.
66(11)	(1) Initially amended to provide that it may include a certificate of registered title and certificate of consolidated title as potential milestones where certain conditions must be complied with. (2) Since it has the same effect section 66(2)*(x) "the setting of a period within which a particular condition must be met"* it was deleted and replaced with a section to give effect to the Minister of Rural Development and Land Reform's exemption to the province of the Western Cape from section 43(2) of SPLUMA in terms of section 55 of SPLUMA, where by the original 5 years is replaced for a period of 10. The exemption is effective for a period of 15 years, provided that:- a) the municipality resolves to accept and implement this exemption; and b) the municipality regulates for the exemption in the prescribed manner in their land use planning by-laws; which is what the reworded section 66(11) seeks to achieve.
66(12)	This section was deleted as it is now provided for in the new section 15(5) -(7)
67(1)	Rewording to improve the understanding of the section and in which the link to section 43(2) of SPLUMA has been removed. This link was removed to provide for the instance that either SPLUMA section 43(2) is amended or if and when

	the Western Cape is granted exemption from this section of SPLUMA. Section 43(2) of the Spatial Planning and Land Use Management Act will remain applicable until the Act has been amended or an exemption has been granted.
Heading of section 68	This change in heading is necessary due to the separation of matters which are considered SPLUMA land development applications and those which are not considered as such. As such some of these may become Council/delegated decisions in which cases the MSA section 62 appeals may be applicable. This appears more fully in sections 68(a)-(e)
68	Since there can now be more than one appeal authority (as a result of MSA 62 and the interpretation above, it is necessary to specify appeals considerations as well.
68(a) & (b)	This is to identify the application types in 15(2) which are regarded as land development applications for the purpose of SPLUMA compliance. The lists in paragraphs (a) and (b) are the same, noting that paragraph (a) relates to the AO and paragraph (b) relates to the MPT. This same comment is applicable to (b) and will not be repeated there.
68(c)	This is to identify the application types in 15(2) which are not regarded as land development applications for the purpose of SPLUMA compliance and which may be considered by the Municipality in terms of delegations.
68(d)	This section determines that for those matters for consideration in (a) and (b) above, the SPLUMA defined Appeal Authority is the appeal authority.
68(e)	This section determines that for those matters for consideration in (c) above, the Council's MSA 62 Committee is the appeal authority if it was decided by a committee of the Council or a delegate of the Council. If the full Council decided on the matter, then there can be no MSA section 62 appeal.
69(1)	This provides for categorisation of those matters which for the purpose of SPLUMA compliance are regarded as land development applications to an AO
69(2)	This provides for categorisation of those matters which for the purpose of SPLUMA compliance are regarded as land development applications to the MPT.
71(1)	Improved referencing
71(3)(a)(vi)	Improved wording by replacing 'and" with "or" to make it clear that it can be any of these
71(3)(a)(vii)	Improved referencing.
72(1)(b)	Improved referencing.
72(2)(c)	To provide for self-nomination which was not provided for before and which is not prohibited in SPLUMA.
72(2)(d)	To provide and regulate for a closing date for submission of nominations, which was not provided or regulated for before and not prohibited in terms of SPLUMA and provide for administrative certainty.
72(3)(a)	To provide for acceptance of nomination if it is not a self-nomination. A self-nomination is deemed to be accepted.
72(3)(c)	Improved grammar to provide for a complete list.
72(3)(d)	Improved grammar.
72(3)(e)	This was reworded and moved to 72(2)(d)
72(4) and (5)	The word skill was replaced with experience as this is the term used in SPLUMA to be aligned with it.
72(9)	Improved grammar – no need to refer to he/she as the introduction part of (9) already refers to "a person".
72(11)(c)	Improved referencing
73(2)(b)	The reason is improved wording to make it clear that when the chair resigns he/she must inform the Council as it is Council who appointed the Chair. Although the other members are also appointed by Council, the chair manages the MPT and needs to be aware of who resigns, the chair will then in the normal course of events inform the Council accordingly, but there is no practical purpose of when the chair resigns to inform anybody else other than the Council who appointed him/her.
73(7)(a)	Improved grammar and sentence construction.
73(7)(b)	Improved wording to make it clearer.

74(1)(b)	Improved use of capitalisation.
74(4)(a)	Spouse was omitted and is now included to be aligned with SPLUMA regulations, Schedule 3.
75(3)	Improvement of referencing, grammar and wording to make it clearer.
75(6)	Deletion of “simple” there is no point in making the majority a simple majority.
75(7)(a)	The initial wording did not really make sense. SPLUMA also does not regulate this, so just using the term majority will suffice.
75(7)(b)	Improved wording to make it clearer.
77(2)(a)	Improved wording to make it clearer. Applications are not filed with the MPT, they are submitted to the municipality and determined by the MPT.
79(3)	Improved wording to make it clearer as section 57 provides for 3 different periods whereas the initial wording did not recognise this.
79(4)	Improved wording and linking it directly to the provisions of section 80(1).
79(5)(a)	Improved referencing
80(1)(a)	Change required as a result of the interpretational challenges that the word “and” leads to – the intention is that either (a) or (b) should trigger an invalid appeal and not both combined as it would lead to an absurdity.
80(1)(b)	Improved wording to make it clearer of what an appeal should consist of and to improve the grammar.
80(3)	This is to make it clear that where appeal fees are payable that it must be paid within the period set out section 79(2) and not afterwards.
80(6), (9), (11)(a) & (b)	Improved wording to make it clearer.
80(11)(a) & (b)	Changed time periods from 60 days to 30 days in accordance with proposed LUPA amendments.
80(16)	Owner was replaced by appellant as it is not only the owner who may submit an appeal.
81(6)	Improved wording to make it clearer.
81(8)	Improved grammar.
81(13)	New addition in line with proposed LUPA amendments. This action is possible in terms of PAJA regardless of this addition.
Heading of section 83	Improved wording to make it clearer. SPLUMA links development charges to engineering services whereas there may be charges for amenities as well. This heading will now be more aligned to the content of section 83, which has not been amended.
84(1)	Improved referencing.
85(1)(c) and (d)	Municipality is only to enforce the conditions imposed in terms of the by-laws and laws repealed by LUPA. It cannot be all title conditions as many of these may be so-called “contractual” conditions in which the municipality has no role to play. It is the statutory provisions which must be enforced by this, it is submitted that it will be covered by the proposed improved wording and the deletion of (d)
86(1)(a)	This change is as a result of a deletion of section 15(4) which resulted in 15(5) now becoming 15(4)
86(1)(c)	Change to be accepted. Just improved wording to make it clearer and to link this to amendment made in section 28(3)(c) relating to certification where an owners’ association is involved.
86(2)	Improved wording to make it clearer as this deleted content is already included in the first part of this sentence.
86(4)	Change “must” to “may” to provide a municipal choice to adopt fines or not and not make it compulsory.
87(1) and (2)	The owner is not necessarily the contravener on who the notice must be served. The word owner is deleted to facilitate this.
87(2)(b)	Improved grammar.
87(6)	Improved wording to make it clearer.
88(1)(b)	Improved grammar as the word “concerned” adds no further meaning here and can be deleted.
88(2)	Include wording “and until” to improve understanding that the compliance notice is suspended if and from the time when an objection is submitted.

89(1)	The owner is not necessarily the contravener on who the notice must be served. The word owner is deleted to facilitate this.
89(2)(a)	Improved grammar.
90(b)	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction, and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.
90(c)	To provide for additional methods for law enforcement.
92(2)	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction, and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.
93(1)	Improved wording to make it clearer and to improve the content.
94(1)	Improved grammar and referencing.
94(1)(a) and (c)	Improved wording to make it clearer.
95(2)	To provide for affirmation as well as an alternative to an oath.
97	Improved wording to make it clear that it can be the magistrate or other court as well. Courts have their own jurisdiction, and it is not for the municipal by-laws to determine this and there is no need that this matter must be applied for at the High Court.
98(4)	Improved wording to make it clearer.
99	Renumbered the first paragraph to (1) *(since a 2 is to be added)* and inserted a description of which by-law is to be repealed (by date) –consequently not necessary to retain table in Schedule 2 of former bylaw.
99	*(In addition to the comments directly above)* A new section (2) and (3) has been added to regulate and facilitate the transition between the repealed and replacement by-law to ensure the seamless transition and to avoid any uncertainty and ambiguities. It is important to year-date-name the by-laws.
100	Wording amended in accordance with approach to repeal and replace existing Bylaw with the new proposed Bylaw.
Schedule 1	
1(a)	Improved grammar
1(c)	Improved grammar and sentence construction as it is implicit in the rest of this section that a MPT member is already a decision maker.
2(a) and (b)	Improved grammar and wording to make it clearer.
Schedule 2	Omit Schedule 2 as this aspect has been provided for in section 100(1) – no further need for this table.

ANNEXURE C

ANNEXURE "C"

Stellenbosch Municipal Land Use Planning Bylaw Review 2022

Record of reasoning of additional proposed amendments

(Reflecting amendments from the 2015 version.)

Section reference	Reasoning or motivation for amendments
13(2)(e) & (3)	Omit the proposed reference of *"If subsection (2)(e) is applicable…"* of the draft Bylaw to read in accordance with the current bylaw provision, save for the alternative process to undertake a rezoning process to establish the land use rights: *"If the lawful zoning of the land contemplated in subsection (1) cannot be determined, the Municipality must rezone the land concerned in terms of section 15(2)(a)."*
15(2)(k)	To include a consolidation plan as a type of application for amendment or cancellation to be considered. It was an oversight to never have such type of application.
18(6)	Propose the inclusion of new Section 18(6) to provide that an approval for a temporary departure lapses if not implemented after one year of such approval being granted. It is with the understanding that the total effective period of a temporary departure will remain a total of 5 years from effective date of approval.
24(1)(f)(i)	Current provisions only provide for linear infrastructure, and also excludes that private landowners may require such servitudes. Proposed amendment to also include certain area structures like boreholes or infrastructure related to linear infrastructure. Propose amendment includes the combination of Sections 24(1)(f)(i) and 24(1)(f)(v). (f) the registration of a servitude or lease agreement, for— (i) the provision **of a borehole** or installation of water pipelines, electricity transmission lines, sewer pipelines, storm water pipes and canals, gas pipelines or oil and petroleum product pipelines **or related infrastructure** by **a service provider, whether it is** on behalf of an organ of state or not; (ii) the provision or installation of telecommunication **infrastructure** by or on behalf of a licensed telecommunications operator; (iii) the imposition of height restrictions; **or** (iv) the granting of a right of habitation, private right of way or usufruct.
24(4)	The proposed inclusion of this new section to the Draft Bylaw creates a potential difficulty for the municipality. If no certification is required for such instances the Municipality will otherwise not carry any knowledge of such cases. As there is no obligation to exclude such cases from obtaining the required certificate from the municipality, it is proposed to omit this provision that will ensure that these cases are noted by the municipality by obtaining the required certificate from the municipality.
33(1) – (a) & (b)	The current provision of the Draft Bylaw only refers to and make provision for the temporary "suspension" of a restriction in a title condition for a specified period of time, which temporary suspension will only relate to a land use activity.

	Regarding development parameter restrictions, there are instances where it is not desirable to remove a title condition altogether where the scope of the proposed development has a minimal impact on the title condition. It is consequently proposed to include a provision for the permanent "suspension" of a title deed restriction as it relates and is attached to a specific extent of a proposed development. This approach is also preferred to the alternative but cumbersome option to amend the title conditions. Section 33 (1) is accordingly amended with the inclusion of the option to suspend a title condition permanently in new proposed Section 33(1)(b). Renumbering of former proposed Section 33(1) (b) to 33(1)(c) and 33(1)(c) to 33(1)(d) accordingly.
33(2)	Due to the new electronic regime of submitting applications, the requirement for a "certified" copy of the title deed is problematic and as this is also not a minimum requirement of the framework planning acts, this requirement is omitted from the draft Bylaw.
33(9)	Many enquiries are received on the process in terms of which the municipality may grant a permission as provided for in certain title deeds. It is understood that the Bylaw should not regulate on these matters which may result in undue unintended actions like appeal processes provided for in the Bylaw, it is proposed to include a new section aligned with associated Section 45(6) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), which will provide clarity on this matter. New section 33(9) proposed: Where a condition of title, a condition of establishment of a township or an existing scheme provides for a purpose with the consent or approval of the Municipality, such consent must be requested and may be granted by the municipality in terms of the provisions as provided for in the subject title deed.
46(2)(f)	The requirement that a decision must be communicated in at least two of the official languages of the province will result in undue operational difficulties and it is proposed to omit this requirement.
51(3)	In the Draft Bylaw this section compelled the municipality to report all instances of non-performance to provide inputs/ comments to the executive authority of that organ of state, the Minister and relevant MEC. This may not in all instances applicable and can but an undue burden on the municipality. It is consequently proposed to change the provision from "must" to "may" so as to provide for a discretion for instances where non-compliance is enduring or consistent.
60	Inclusion of wording *"or the Municipality by virtue of section 68(c)".* It was an oversight to not include the decisions that the Municipality needs to take on the qualified application types referred to in section 68(c), as section 6o is the empowering provision to make decisions on applications listed in section 15(2).
Former 66(11)	In the Draft Bylaw, Section 66(11) of the current Bylaw was omitted on the basis that the wording of Section 66 in general inherently provides for a distinction between conditions that must be complied with or not prior to the sale, development or transfer of the land.

	On reconsideration it is proposed to retain this provision for the sake of clarity, but it is also proposed to amend such provision as an absolute requirement (must) to a discretionary provision (may): *"66(11) If the Municipality approves a land use application subject to conditions, it may specify which conditions must be complied with before the sale, development or transfer of the land."* The new proposed Section 66(11) of the draft Bylaw will be included as the new Section 66(12) in the Final Draft Bylaw.
66(12)	This new section includes unintentionally and erroneously that a temporary departure will remain valid for 10 years prior to implementation, whilst the provisions in section 18, and specifically the new proposed Section 18(6), have specific provisions on the validity period for this type of land use approval. It is accordingly proposed to amend 66(12) to exclude approvals for temporary departures. 66 (12) Notwithstanding the provisions of any other section in this By-law, **and the exclusion of section 18(1)(*b*)**, a conditional approval of an application lapses if the conditions therein are not complied with within :- (a) a period of ten years from the date of such conditional approval, if no period for compliance is specified in such approval; or (b) the period for compliance specified in such conditional approval, which, together with any extension which may be granted, may not exceed ten years.
80(3)	Tariffs also require appeal fee from appellants other than applicants. It is thus proposed to amend the wording in the Final Draft Bylaw to refer to "a person" to include any party that submits an appeal.
88(1)(v)	Requirement for including the amount of the contravention penalty in the notice has practical implications and it is proposed to omit the wording to this effect. (v) in the case of an application for authorisation of the activity or development parameter, the contravention penalty ~~**in the amount as stated in the notice**~~, including any costs incurred by the Municipality, may be imposed.
89	It is a concern that this provision for an objection against a notice may result in recurring actions with no results. Amendment proposed to ensure that reference is made to a decision taken on appeal to signify the end of the process. 88(2) (b) must specify the period within which the person to whom the compliance notice is addressed must comply with any part of the compliance notice that is confirmed or varied **as contemplated in subsection (2)(a)**.
100	To determine that the Bylaw will come into operation on 1 July 2023

ANNEXURE D

ANNEXURE "D"

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STELLENBOSCH MUNICIPALITY

SYSTEM OF DELEGATIONS: STELLENBOSCH MUNICIPAL BYLAW - LAND USE PLANNING 2023

AND RELATED LAND USE PLANNING MANDATES

EFFECTIVE 1 JULY 2023

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
General Provision: Any power or duty that has been sub-delegated will not prevent the Delegate to also exercise the relevant power or duty						
CHAPTER 2 - SPATIAL PLANNING						
LUP 1	Sec3(1)	To undertake process for Council to compile or amend Municipal Spatial Development Framework	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 2	Sec3(1)(a)	To undertake establishment intergovernmental steering committee to compile Municipal Spatial Planning Framework	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 3	Sec3(1)(b)	To refer draft Municipal Spatial Planning Framework to Provincial Minister for comment	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 4	MSA Sec 28(3) and 29	To undertake drafting for approval by Council a process plan for the compilation or amendment of the	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
		municipal spatial development plan.				
LUP 5	Sec3(2)(a)	To undertake publishing a notice regarding intention to compile or amend the Municipal Spatial Planning Framework in accordance with section 28(3) and 29 of the Municipal Systems Act	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 6	Sec3(2)(b)	To undertake to inform the minister of the intention to compile or amend the municipal Spatial Development Framework as well as the decision on approach to process in terms of subsection 3(1) and the process to be followed in terms of subsection 3(2)(a)(ii).	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 7	Sec3(2)(c)	To undertake to register relevant stakeholders to be invited to comment on draft spatial Development Framework	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 8	Sec 4(1)	To undertake establishment of a Project Committee to assist to compile or amend municipal spatial development framework	Council	Municipal Manager	Director: Planning and Economic Development Senior Manager Development Planning. Manager Spatial Planning	Sec 4(2)
LUP 9	Sec 5(1)	To undertake to establish an intergovernmental steering committee	Council	Municipal Manager	Director: Planning and Economic Development Senior Manager Development Planning. Manager Spatial Planning	Sec 5(1)(a)&(b)
LUP 10	Sec 5(2)	To designate representation of the Municipal Manager, make nominations for representation and invite written nominations for representatives from persons and organs of state to serve on the intergovernmental steering committee	Council	Municipal Manager	Director: Planning and Economic Development Senior Manager Development Planning. Manager Spatial Planning	

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
LUP 11	Sec 6(1)	To undertake to compile draft status quo report and submit to intergovernmental steering committee for comment	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 12	Sec 6(2)	Consider inputs and finalise status quo report and submit to Council for adoption.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 13	Sec 6(3)	To compile first draft spatial development framework or amendment thereof and submit to intergovernmental steering committee for comment.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 14	Sec 6(4)	Consider inputs of intergovernmental steering committee and finalise first draft municipal spatial development framework and submit to Council to approve publication thereof for public comment.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 15	Sec 6(5)	Consider inputs following publication and compile final draft of municipal spatial development framework and submit to the intergovernmental steering committee for public comment.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 16	Sec 6(6)	Consider inputs of the intergovernmental steering committee and finalise final draft municipal spatial development framework and submit to Council for adoption.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 17	Sec 6(7)	Consider need for further consultation and public participation and undertake accordingly.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 18	Sec 6(8)	To request ad-hoc comments from the intergovernmental steering committee.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
LUP 19	Sec 6(9)	To give notice of Council decision of adoption of municipal spatial development framework.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 20	Sec 7(1)(a)	Compile draft status quo report and submit to Council for adoption	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 21	Sec 7(1)(b)	Compile first draft municipal spatial development framework and submit to Council to approve publication thereof for public comment.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 22	Sec 7(1)(c)	To submit approved first draft spatial development framework or amendment thereof to the Provincial Minister for comment.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 23	Sec 7(1)(d)	Consider inputs of the public and Provincial Minister and finalise final draft municipal spatial development framework and submit to Council for adoption.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 24	Sec 7(2)	To consider need for further consultation and public participation and undertake accordingly.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 25	Sec 7(3)	To give notice of Council decision of adoption of municipal spatial development framework.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 26	Sec 8(1)	To manage and undertake the administration of the process for compiling or amendment of a municipal spatial development framework.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	Directions of the executive mayor
LUP 27	Sec 9	To manage and undertake the administration of the process for compiling or amendment or review of a local spatial development framework	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
LUP 28	Sec 10(1)	To compile and submit for approval to Council a process plan to undertake a process for the compilation or amendment or review of a local spatial development framework.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
LUP 29	Sec 10(2)	To give notice of Council decision of adoption of a local municipal spatial development framework.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning Senior Spatial Planner.	
LUP 30	Sec 12	Administration of the conversion of a structure plan to a local spatial development framework	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Manager Spatial Planning	
CHAPTER 3 – DEVELOPMENT MANAGEMENT						
LUP 31	Sec 13(3)	To authorise and mandate to undertake the rezoning of land where the lawful zoning of a property cannot be determined.	Council	Director: Planning and Economic Development	Senior Manager Development Management	
LUP 32	Sec14	To determine and confirm the existence and ongoing status of a non-conforming land use	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management.	
LUP 33	Sec 15(6)	To authorise and mandate to undertake the qualified land development or land use application on land that is not owned by the municipality.	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 34	Sec 17(1)	To authorise and mandate to undertake the rezoning of land of which it is not the owner for the purposes as provided for in subsection (1)(a) & (b).	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 35	Sec 17(3)	To authorise and mandate to undertake the process to develop	Council	Director: Planning and Economic Development	Senior Manager Development Planning	Compliance to sections 12 and 13 of the Municipal Systems

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
		and introduce to Council for consideration an overlay zone.			Senior Manager Development Management	Act.
LUP 36	Sec 17(5), (6), (7) &(9)	To determine and confirm the lapsing of rezoning approval and determine and reinstate original zoning.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management.	
LUP 37	Sec 18(2)	To determine and confirm the lapsing of a departure approval.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 38	Sec 19(5)	To determine and confirm the lapsing of a consent approval.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 39	Sec 20(6))	To issue a certificate on written request by the applicant to confirm that all conditions attached to an approved subdivision has been complied with.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	Submission of proof of compliance by applicant
LUP 40	Sec 21(3)	To issue written confirmation that a subdivision is confirmed.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	Submission of proof of compliance by applicant

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
LUP 41	Sec 21(4)	To approve the construction of a building before the confirmation of the subdivision.	Council	Municipal Manager	Not delegated	
LUP 42	Sec 22(1)	To determine and confirm the lapsing of subdivision approval.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 43	Sec 22(3)(a)	To amend zoning map and register and notify the surveyor-general if an approval of subdivision lapses.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 44	Sec 23(2)	To undertake the closing of a public place that are no longer required as a result of the amendment or cancellation of a subdivision plan.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner.	
LUP 45	Sec 23(3)	To notify the surveyor-general of an approval for the amendment or cancellation of a subdivision plan.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 46	Sec 24(2)	To determine an exemption from application for subdivision or consolidation.	Council	Director: Planning and Economic Development	Senior Manager Development Management.	

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
LUP 47	Sec 26(1)	To authorise and mandate that the Municipality launch an application to close a public place.	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 48	Sec 26(3)	Authorised Employee to consider and to determine a claim against the Municipality for loss or damage suffered due to wrongdoing when it permanently closed a public place.	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 49	Sec 26(5)	To determines that ownership of land comprising any public place that has been closed will no longer vest with the municipality.	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 50	Sec 26(6)	Municipal Manager to authorize temporary closure of a public place	Municipal Manager	Not delegated	Not delegated	
LUP 51	Sec 26(7)	To notify surveyor-general of an approval for the closure of a public place.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 52	Sec 27	To determine the reasonable services that needs to be conveyed across or be placed on land unit originating from a subdivision and any matter related thereto.	Council	Director Infrastructure Services	Not delegated	
LUP 53	Sec 28(3)	To issue a certificate that will permit to register the transfer of a property as provided for by the Register of Deeds.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	

POWERS / DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
LUP 54	Sec 29(3)	To approve the constitution of an owner's association.	Council	Director: Planning and Economic Development	Senior Manager Development Management.	If not an application in terms of Section 15(2).
LUP 55	Sec 29(6)	To approve an amendment of the constitution of an owner's association when it affects the municipality.	Council	Director: Planning and Economic Development	Senior Manager Development Management.	
LUP 56	Sec 30(1)(c) &(3)	To authorize and mandate the launch of an application to the high court to appoint administrator to exercise powers of owner's association and/ or to recove any associated cost thereof.	Council	Municipal Manager	Not delegated	
LUP 57	Sec 31(3)	To amend zoning map and applicable register on approval of consolidation.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 58	Sec 32(1)	To determine and confirm the lapsing of consolidation approval.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 59	Sec 32(2)(a)	When a consolidation approval has lapse, to amend the zoning map and register and notify the surveyor-general accordingly.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	

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LUP 60	Sec 33(3)	To determine affected parties and to cause notice of an application to remove, suspend or amend restrictive condition.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 61	Sec 33(6)	To cause notice of decision to remove, suspend or amend restrictive condition in Provincial Gazette and to notify the Registrar of Deeds.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 62	Sec 33(9)	To grant a consent or approval as provided for in terms a condition of title, a condition of establishment of a township or an existing scheme.	Council	Director: Planning and Economic Development	Senior Manager Development	
CHALTER 4 – APPLICATION PROCEDURES						
LUP 63	Sec 35(3)	To determine specific methods to serve a notification in respect of applications and appeals as provided for.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 64	Sec 37(1) & (3)	Authorised employee to conduct pre-application consultation meetings and/ or to provide comment on a pre-application submission and cause minutes to be kept of such meetings or records of feedback.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	

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LUP 65	Sec 37(2)	To issue guidelines regarding pre-application submissions or consultations.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management.	
LUP 66	Sec 38(3)	To issue guidelines regarding the submission of information, documents or procedural requirements.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management.	
LUP 67	Sec 40 & 41(3) & (4)	To refuse to accept an application.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 68	Sec 41 (1) - (2)	To undertake all actions required for the processing of a land use and land development application as provided for: To determine required information, ensure and manage compliance with procedures, and notification on completeness of application.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer Administrative Officer	
LUP 69	Sec 41(7)	To cause notification of all notices related to land use and land development applications, ensure compliance of associated prescribed requirements to such processes, and effect any correspondence as prescribed or as may be required. (Reference to Sec 45, 46, 47, 48, 49, 50, 51, 55)	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer Administrative Officer	

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LUP 70	Sec 42	To determine need of any additional information that is required in addition to the requirements contemplated in section 38 and effect associated request and notifications to applicant, and inclusive of agreement on further period for applicant to submit required information. .	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer Administrative Officer	
LUP 71	Sec 44	To determine and agree on integrated public notices and cause such agreement where applicable.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 72	Sec 45(1)(a), (6) (7), Sec 46(1)	To determine the scope and approach of public participation to be undertaken as prescribed and in consideration of discretion provided for. (Refer to Sec 48).	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 73	Sec 45(9) & 46(7) & 50(5)	To refuse to accept comments, or grant request for condonation of late submission of comments. consider condonation for submission of late comments and refuse to accept comments	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 74	Sec 45(10) & 46(8)	To depart from the provisions of section 45 & 46 on reasonable and justifiable grounds.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management.	
LUP 75	Sec 52(1)(c)	To request amendment of application prior to approval	Council	Director: Planning and Economic Development	Senior Manager Development Management.	

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					Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 76	Sec 52 (2)&(3) and Sec 53	To determine the material nature of amendments to an application and require further notice to be published or served, or when new information has been submitted on an application, or due to the time that has lapsed from submitting an application, to require further notice to be published or served.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 77	Sec 55(3)	To grant permission for the extension of the period to submit a written reply.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner	
LUP 78	Sec 55(5)	To determine the need of any required additional information that has to be submitted as a result of comments received on an application.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 79	Sec 56	Authorised employee to assess an application and make a recommendation on a land use and land development application to be decided on by the authorised employee as contemplated in Section 68(a).	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner	
LUP 80	Sec 56	Authorised employee to assess an application and make a recommendation on a land use	Council	Director: Planning and Economic Development	Senior Manager Development Management.	

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		and land development application to be decided on by the Tribunal as contemplated in Section 68(b).			Manager Land Use Management. Principle Planner.	
LUP 81	Sec 56	Authorised employee to assess an application and make a recommendation on a land use and land development application to be decided on by the Municipality as contemplated in Section 68(c).	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner	
LUP 82	Sec 57(3)	To grant permission for the extension of the period to submit a written reply.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner	
LUP 83	Sec 59	Authorized officials to conduct routine inspections for the assessment of an application	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner	
LUP 84	Sec 60	Appointed authorised employee to decide on applications in terms of section 15(2) as contemplated in terms of section 68(a).	Council	As per approved categorisation model	Not delegated	
LUP 85	Sec 60	To decide on an application in terms of section 15(2)(g) [a permission require in terms of the zoning scheme] as contemplated in terms of section 68(c).	Council	Director: Planning and Economic Development	Senior Manager Development Management Manager Land Use Planning	
LUP 86	Sec 60	To decide on an application in terms of section 15(2)(l) [a permission require in terms of a	Council	Director: Planning and Economic Development	Senior Manager Development Management Manager Land Use Planning	

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		condition of approval] as contemplated in terms of section 68(c).				
LUP 87	Sec 60	To decide on an application in terms of section 15(2)(m) [a determination of a zoning] as contemplated in terms of section 68(c).	Council	Director: Planning and Economic Development	Senior Manager Development Management Manager Land Use Planning	
LUP 88	Sec 60	To decide on an application in terms of section 15(2)(p) [to disestablish an owner's association] as contemplated in terms of section 68(c).	Council	Director: Planning and Economic Development	Not delegated	
LUP 89	Sec 60	To decide on an application in terms of section 15(2)(q) [to rectify a failure by an owner's association to meet its obligations in respect of the control over or maintenance of services] as contemplated in terms of section 68(c).	Council	Director: Planning and Economic Development	Not delegated	
LUP 90	Sec 61 (1)	To give notice of a decision and cause the publishing of same.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 91	Sec 63(1)	To correct an error in the wording of a decision if the correction does not change the decision.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner.	
LUP 92	Sec 63(2)	To condone an error in a procedure if the condonation does not have a material adverse effect on or unreasonable prejudice any party.	Council	Director: Planning and Economic Development	Senior Manager Development Management.	

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LUP 93	Sec 64	To exempt a development from compliance with a provision of the By-law or depart from any of the provisions of the By-law.	Council	Director: Planning and Economic Development	Not delegated	
LUP 94	Sec 64	To authorise the launch of an exemption application to the Provincial Minister in terms of Section 60 of the Land Use Planning Act.	Council	Director: Planning and Economic Development	Not delegated	
CHAPTER 5 – CRITERIA FOR DECISION MAKING						
No delegations required						
CHAPTER 6 – EXTENSION OF VALIDITY PERIOD						
No delegations required						
CHAPTER 7 – MUNICIPAL PLANNING DECISION-MAKING STRUCTURES						
LUP 95	Sec 68 (a)	To authorise the authorised employees to decide on applications determined by the Categorisation model as contemplated in terms of Section 69(1).	Council	Not delegated	Not delegated	
LUP 96	Sec 69(1)	To categorise applications to be decided on by an authorised employee as contemplated in terms of section 68(a)	Council	Not delegated	Not delegated	
LUP 97	Sec 70	To decide on type of Municipal Planning Tribunal and to establish such Municipal Planning Tribunal with the appointment of its members to decide on applications.	Council	Not delegated	Not delegated	
LUP 98	Sec 72	To authorise and mandate the process to recruit for appointment the members of the Municipal Planning Tribunal	Council	Municipal Manager	Not delegated	

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LUP 99	Sec 72	To undertake the required process as mandated to recruit for appointment of members and establishment of the Municipal Planning Tribunal	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 100	Sec 73(3) & 74(5) & 76 (2)	To institute disciplinary proceedings and to remove a member of the Municipal Planning Tribunal	Council	Not delegated	Not delegated	
LUP 101	Sec 77(1)	Municipal Manager to appoint or designate an employee as the Administrator and other staff for the Tribunal	Municipal Manager	Director: Planning and Economic Development	Not delegated	
LUP 102	Sec 80 & 81	To fulfil general administrative duties related to the appeal processing other than those functions provided for differently.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner. Senior Administrative Officer Administrative officer.	
LUP 103	Sec 80(1)	Determine validity of appeal	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 104	Sec 80(10)	Municipality to refuse comment on appeal if received after closing date	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	

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LUP 105	Sec 80 (11)(a) &(b)	Municipal Manager to request the Provincial Minister to comment on the appeal or notify of appeal where applicable	Municipal Manager	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 106	Sec 80 (11)(c)	Municipal Manager to notify the applicant whether or not the operation of the approval of the application is suspended on receipt of appeal	Municipal Manager	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management.	
LUP 107	Sec 80(12)	To authorise and Authorised Employee to make an assessment and recommendation on appeal to be submitted for consideration to the Appeal Authority.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner.	
LUP 108	Sec 80(13)	Municipal Manager to submit appeal to Appeal Authority	Municipal Manager	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management.	
LUP 109	Sec 80(14)	Municipal Manager to undertake administration, arrangements, and the keeping of diaries and records of appeal processes.	Municipal Manager	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner. Senior Administrative Officer Administrative officer.	
LUP 110	Sec 81(10)	To appoint a Technical Advisor to the Appeal Authority	Council	Municipal Manager	Not delegated	

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CHAPTER 8 – PROVISION OF ENGINEERING SERVICES						
LUP 111	Sec 82(4)	Municipality to enter into written agreement with applicant on provision of engineering services	Council	Director Civil Engineering Services	Not delegated	
LUP 112	Sec 82(6)	Municipality to submit report to Council w.r.t development charges paid & statement of expenditure & purpose of expenditure	Municipal Manager	Director Civil Engineering Services	Not delegated	
CHAPTER 9 – ENFORCEMENT						
LUP 113	Sec 87(1)	To issue and serve compliance notices	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner. Senior Land Use Inspector Land Use Inspector.	
LUP 114	Sec 89(2)	To decide on an objection to compliance notice to suspend, confirm, vary or withdraw compliance notice.	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 115	Sec 90(a)	If a person fails to comply with a compliance notice, to lay criminal charge.	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 115	Sec 90(b)	If a person fails to comply with a compliance notice, to apply to the Court for an order as provided for.	Council	Municipal Manager	Not delegated	
LUP 116	Sec 90(c)	If a person fails to comply with a compliance notice, to withdraw a temporary departure or consent use approval.	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 117	Sec 91	Authorised employee to issue certificate to confirm compliance to notice and issue report.	Council	Director: Planning and Economic Development	Senior Manager Development Management.	

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					Manager Land Use Management. Principle Planner. Senior Planner. Planner. Senior Land Use Inspector Land Use Inspector	
LUP 118	Sec 92(1)	To wave compliance to sections 87(6), 88(1)(f) and 89 and issue compliance notice calling upon the person or owner to cease the unlawful utilization of land immediately.	Council	Municipal Manager	Director: Planning and Economic Development	
LUP 119	Sec 92(1)	If a person fails to comply with a compliance notice to cease the unlawful utilization of land immediately, to apply to the Court for an urgent interdict or any other relief necessary.	Council	Municipal Manager	Not delegated	
LUP 120	Sec 93(1)	Authorised employee to enter upon land or premises or enter a building for the purpose of ensuring compliance with By-law.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner. Senior Land Use Inspector Land Use Inspector	
LUP 121	Sec 95	To apply to a judge of the High Court or a Magistrate for the district to issue a warrant for to enter upon the land or premises or a building to undertake site inspection as provided for.	Council	Municipal Manager	Not delegated	
LUP 122	Sec 97	To make application to court for an interdict or any other appropriate order to demolish, remove or alter building, rehabilitate the land or	Council	Municipal Manager	Not delegated	

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		cease the unlawful utilization of land.				
CHAPTER 10 – MISCELLANEOUS						
LUP 123	Sec 98(1)	To approve street names and numbers	As per approved system of delegations attached to subject policy.			
LUP 124	Sec 98(4)	To notify Surveyor General of approval of new streets as result of amendment/ cancellation of subdivision plan.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner. Senior Administrative Officer Administrative officer.	
GENERAL : POWERS AND DUTIES OF ASSOCIATED MATTERS RELATED TO LAND USE PLANNING FUNCTIONS						
LUP 125	Performing powers and functions associated with matters related to land use planning functionality	To provide any comments to any internal Municipal Departments on any matter related to exercising any function of land use planning that is not specifically provided for in the system of delegations.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Senior Manager Development Management. Manager Spatial Planning Manager Land Use Management. Principle Planner.	
LUP 126	Performing powers and functions associated with matters related to land use planning functionality	To provide any comments to any external institution on any matter related to exercising any relevant function of land use planning that is not specifically provided for in the system of delegations.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Senior Manager Development Management. Manager Spatial Planning Manager Land Use Management.	

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LUP 127	Performing powers and functions associated with matters related to land use planning functionality	To sign all outgoing correspondence with regards to general procedures for the administration and processing of land use applications.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner. Senior Land Use Inspector Land Use Inspector. Senior Administrative Officer Administrative Officer	
LUP 128	Performing powers and functions associated with matters related to land use planning functionality	To sign all outgoing correspondence with regards to communicate any decision on a land use application or appeal provided that correspondence reflect the scope of decision on record.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Senior Administrative Officer	
LUP 129	Performing powers and functions associated with matters related to land use planning functionality	To give comments on any encroachment applications or application for lease agreement on Council owned land.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Senior Manager Development Management. Manager Spatial Planning Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 130	Performing powers and functions associated with matters related to land use planning functionality	To issue Zoning Certificates	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner. Planner.	

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LUP 131	Performing powers and functions associated with matters related to land use planning functionality	To consider and approve and Precinct Plans, Site Development Plans and amendments thereto arising from the managing the implementation of approved or vested land use rights.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner (Land Use).	
LUP 132	Performing powers and functions associated with matters related to land use planning functionality	To evaluate and make recommendations to the authorised decision maker on the naming and renaming of streets.	Council	Director: Planning and Economic Development	Senior Manager Development Management. Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 133	Performing powers and functions associated with matters related to land use planning functionality	To comment on applications in terms of the Western Cape Gambling and Racing Act 1996 (Act 4 of 1996).	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Senior Manager Development Management. Manager Spatial Planning Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 134	Performing powers and functions associated with matters related to land use planning functionality	To comment on applications for liquor licenses.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Senior Manager Development Management. Manager Spatial Planning Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 135	Performing powers and functions associated with matters related to land use planning functionality	To comment on applications for business licenses	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Senior Manager Development Management. Manager Spatial Planning	

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					Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 136	Performing powers and functions associated with matters related to land use planning functionality	To comment on applications for event applications.	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Senior Manager Development Management. Manager Spatial Planning Manager Land Use Management. Principle Planner. Senior Planner.	
LUP 137	Performing powers and functions associated with matters related to land use planning functionality	To comment on Building Plans	Council	Director: Planning and Economic Development	Senior Manager Development Planning. Senior Manager Development Management. Manager Spatial Planning Manager Land Use Management. Principle Planner. Senior Planner. Planner	
LUP 138	Performing powers and functions associated with matters related to land use planning functionality	Approval of amusement licences in terms of policy directives	Director: Planning and Economic Development	Senior Manager Development Planning	Manager: Land use management	
LUP 139	Performing powers and functions associated with matters related to land use planning functionality	To consider and approve the waiving of additional building plan fees under the conditions stipulated in the resolution	Council	Director: Planning and Economic Development	Not delegated	Subject to motivation by owner and comments by Building Control division / to be reported regularly to

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						executive mayoral committee
LUP 140	Sec 12(2) of the "Spatial Data Infrastructure Act	To ensure that metadata for spatial information is available to users by making metadata available to the Department of Land Affairs in the prescribed manner for inclusion in the electronic metadata catalogue in terms of section 12(2) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP 141	Sec 14(2) of the "Spatial Data Infrastructure Act".	To be accountable for the integrity of unmodified spatial information in terms of section 14(2) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP 142	Sec 14(3) of the "Spatial Data Infrastructure Act".	To provide (a) the information in a prescribed manner and (b) the relevant metadata together with the spatial information when supplying information, in terms of section 14(3) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP 143	Sec 16 (2) of the "Spatial Data Infrastructure Act	To ensure regular updating of base data sets in accordance with the provisions of the Act in terms of section 16 (2) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP 144	Sec 17 (3) of the "Spatial Data Infrastructure Act	To report on data quality by responding in the prescribed time and manner, to the user after receiving the report on that deficiency in terms of section 17 (3) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP 145	Sec 18(a) of the "Spatial Data Infrastructure Act	To take reasonable steps to effect adequate and appropriate security against the loss of spatial information unauthorized or unlawful access to and modification or disclosure of that	Director: Planning and Economic Development	Not delegated	Not delegated	

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ITEM NUMBER	**LEGISLATIVE MANDATE**	**DESCRIPTION OF POWER OR DUTY**	**RESPONSIBILITY / DELEGATED FROM**	**DELEGATED TO**	**SUB-DELEGATED TO**	**CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST**
		spatial information in terms of section 18(a) of the "Spatial Data Infrastructure Act".				
LUP 146	Sec 18(b) of the "Spatial Data Infrastructure Act	To ensure the protection of the copyright of the state and other interested parties in spatial information in terms of section 18(b) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Not delegated	Not delegated	
LUP 147	Sec 18(b) of the "Spatial Data Infrastructure Act	To position, create and maintain a Town Survey Mark Reference System in terms of the "Land Survey Act, 1997 (Act 8 of 1997).	Director: Planning and Economic Development	Senior Manager; Development Management	GIS Officer	
LUP 148	Land Survey Act, 1997 (Act 8 of 1997	To regulate and manage the erection of structures near building restriction roads outside the urban area in terms of Section 9 of the "Advertising on Roads and Ribbon Development Act".	Accounting Officer (Municipal manager)	Director: Planning and Economic Development/ Director Infrastructure	Not delegated	
LUP 149	Section 9 of the Advertising on Roads and Ribbon Development Act	To implement the requirements in terms of the said By-Law.	Director: Planning and Economic Development	Senior Manager; Development Management	Manager Land Use Management Principal Planner Senior Town Planner	

ANNEXURE E

ANNEXURE "E"

STELLENBOSCH
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STELLENBOSCH MUNICIPALITY:

CATEGORISATION MODEL FOR DECISIONMAKING ON LAND USE AND LAND DEVELOPMENT APPLICATIONS IN TERMS OF SECTION 69 OF THE BYLAW ON MUNICIPAL LAND USE PLANNING 2023

EFFECTIVE 1 JULY 2023

1. PURPOSE AND CONTEXT

The purpose of this Categorisation Model is to:

1.1 To determine and assign, in terms of Section 69 of the Bylaw on Land Use Planning, 2023 – hereafter referred to as *the Bylaw,* and as contemplated in terms of Section 35(3) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA], categories of land use and land development applications in terms of Section 15(2) of the Bylaw for decision making; and

1.2 To duly appoint Authorised Employee's [AE] in terms of Section 68(a) of the Bylaw to supplement the Municipal Planning Tribunal [MPT], established in terms of Section 70(1)(a) of the Bylaw, to make decisions on land use and land development applications as contemplated in terms of Section 69(1) of the Bylaw.

1.3 All applications contemplated in terms of Section 68(c) of the Bylaw, and which are not regarded as land use and land development applications, will be duly decided on by the authorised employees in terms of the system of delegations approved by Council.

2. GENERAL PRINCIPLES ON DECISION MAKING

The categorisation model is based on the following general principles on decision making for all categories of application types:

2.1 When a land use and land development application consist of any number of individual types of applications as contemplated in terms of Section 69 of the Bylaw, the decision maker required to decide on the highest category of applications must decide on the full extent of all associated applications of lesser categories, regardless of the cited authorised decision maker on those categories of applications.

2.2 If any of the Authorised Employees have a personal or vested interest in any application which he/ she lawfully has to consider, or may be implicated by taking a decision on such application due to his/ her professional involvement in the processing of such application, or does not comply with the requirement of registration with SACPLAN as a Professional Town and Regional Planner, he/ she must refer such application for consideration to the Authorised Employee at the next higher post level for consideration and a decision. In the instance of the Director responsible for the land use planning functionality, such application must be referred to the Municipal Planning Tribunal for consideration and a decision.

2.3 When an authorised decision maker does not agree with the evaluation and recommendation of the application and which in his/ her judgement affects the application category to the effect that he/ she may not decide on the matter, the subject application must be escalated with such rationale and motivation in accordance with the newly established application category to the designated authorised decision maker.

2.4 When an objection to an application is officially withdrawn by the objector, the application will, for the purpose of classification of type of application for decision making, be regarded as uncontested and may be decided on as if there is no objection to the application.

2.5 When an application is conditionally supported, and such conditions are relevant to the merits and desirability of the subject application to be considered

on, the subject application will be regarded as uncontested insofar as the conditions attached to such support are found warranted and are fully accommodated in any recommendation of the authorised official and the associated approval that may be granted by the authorised decision maker. If the conditions attached to such support is not supported and will not be accommodated in the recommendation and any associated approval that may be granted, the subject application should be viewed as being contested and regarded as an objection for the purpose of categorisation of the subject application.

2.6 Any application for the amendment, deletion or imposition of conditions, as well as an application for the amendment or cancellation of an approved subdivision plan or part thereof, or a consolidation, and including a general plan or diagram, and which includes the phasing thereof, will generally be considered and decided on in terms of the categorisation model, but should the registered planner authorised to assess such application be of the opinion that the potential impact of such application, and with due consideration of any objections thereto, should warrant that the authorised decision maker that decided on the subject application of origin must consider and decide on such application, such discretion may be exercised to refer the subject application to such authorised decision maker that decided on the application of origin.

2.7 In instances where the Municipality is the applicant or the owner of land which is subject to a land use and land development application, the provisions of Section 15(7)(a) of the Bylaw regarding the decision maker applies. In all other instances the decision maker on the subject land use and land development application will be categorised in accordance with the criteria of the application category.

3. CRITERIA OF CATEGORISATION MODEL

For the purpose of interpretation of the relevant criteria in the application categories, the following meanings is assigned to the relevant concepts:

3.1 Compliance to land use planning directives

If any plan, policy, guideline or associated land use planning directive specifically provides for the utilisation or development of land as proposed in a land use and land development application, the proposed utilisation or development is regarded as being in compliance with prevailing land use planning directives.

3.2 Consistency with land use planning directives

If any land use planning directives do not specifically provide for the utilisation or development of land as proposed in a land use and land development application, but the proposed utilisation or development of land is implicitly and rationally supported by relevant land use planning directives and explicitly supports and promotes the intent and purpose of any such prevailing land use planning directive, the utilisation or development is regarded as being consistent with prevailing land use planning directives.

If there are no clear grounds for consistency, but the proposed land use and land development application is also not explicitly prohibited or constrained by any relevant land use planning directive or otherwise implicitly in conflict with the intent and purpose of any relevant land use planning directive, or will not impact negatively on any prevailing locational, development or spatial context as depicted in any relevant land use planning directives, the utilisation or development of land is regarded as not being inconsistent with prevailing land use planning directives.

3.3 Deviation from land use planning directives

If the proposed utilisation or development of land in a land use or a land development application does not comply with and is not consistent with any plan, policy, guideline or associated land use planning directive, but excluding any application for a permanent departure from development parameters as provided for, the proposed utilisation or development deviates from prevailing land use planning directives. Such land use and land development application

will explicitly or implicitly be prohibited or constrained by any prevailing land use planning directive and be in clear conflict with the intent and purpose of any such prevailing land use planning directive and will otherwise in fact impact negatively or undermine the prevailing locational, development or spatial context.

4. APPLICATION CATEGORIES

The categorisation model is based on the following categories of application types:

4.1 Category 1 – Application is compliant and uncontested.

a) The land use and land development application are compliant with the municipal spatial planning framework.
b) The land use and land development application are compliant with any relevant Council plan, policy or guideline.
c) No objection from any interested or affected party was submitted against the proposed land use and land development application, with due regard to the relevant general principles in this regard.

4.2 Category 2: Application is not inconsistent and may be contested.

a) The land use and land development application are consistent or not inconsistent with the municipal spatial planning framework.
b) The land use and land development application are consistent or not inconsistent with any relevant Council plan, policy or guideline.
c) Objection from any interested or affected party may have been submitted against the proposed land use and land development application.

4.3 Category 3 - Application is inconsistent and deviates, excluding the MSDF.

a) The land use and land development application are consistent or not inconsistent with the municipal spatial planning framework.
b) The land use and land development application are inconsistent with and/ or deviates from any relevant Council plan, policy or guideline.
c) Objection from any interested or affected party may have been submitted against the proposed land use and land development application.

4.4 Category 4 – Application is inconsistent and/ or deviates, inclusive of the MSDF.

a) The land use and land development application deviates from the municipal spatial planning framework.
b) The land use and land development application are inconsistent with and/ or deviates from any relevant Council plan, policy or guideline.
c) Objection from any interested or affected party may have been submitted against the proposed land use and land development application.

4.5 Category 5 – Application on initiative of Council or on Council owned land.

a) The land use and land development application are either initiated or undertaken by the Council, or Council is the owner of such land on which the land use and land development proposal is undertaken.

4.5.1 Category Criteria

4.5.1.1 Any land use and land development application for rezoning, subdivision of land, or the approval of an overlay zone as contemplated in the zoning scheme, must be decided on by the Municipal Planning Tribunal in accordance with the provisions of the Bylaw.

4.5.1.2 All land use and land development applications other than for rezoning, subdivision of land, or the approval of an overlay zone as contemplated in the zoning scheme -:

(i) If any such application is consistent and uncontested, such application may be considered and decided on by either the Senior Manager Development Management or the Director responsible for the land use planning functionality.

(ii) If any such application is inconsistent and / or contested, such application may be considered and decided on by the Director responsible for the land use planning functionality.

(iii) If any such application deviates from the municipal spatial development framework, such application must, regardless of the designated authorised decision maker, be considered and decided on by the Municipal Planning Tribunal.

5. AUTHORISED OFFICIALS

To supplement the Municipal Planning Tribunal, the following Authorised Officials are appointed to take decisions on land use and land development applications in accordance with the categorisation model:

5.1 Manager: Land Use Management (MLUM); subject to Professional Registration with SACPLAN as a Professional Town and Regional Planner

5.2 Senior Manager: Development Management (SMDM); subject to Professional Registration with SACPLAN as a Professional Town and Regional Planner

5.3 Relevant Director Responsible for the Land Use Planning functionality (DIR); subject to Professional Registration with SACPLAN as a Professional Town and Regional Planner.

6. CATEGORISATION MODEL FOR DECISION MAKING

STELLENBOSCH MUNICIPALITY: CATEGORISATION MODEL FOR AUTHORISED DECISION MAKERS ON LAND USE AND LAND DEVELOPMENT APPLICATIONS							
Page 1			**APPLICATION CATEGORY**				
APPLICATION TYPE & QUALIFICATION			**1**	**2**	**3**	**4**	**5**
A	a	Rezoning of land (Single unit and / or mono land use).	MLUM SMDM	SMDM DIR	DIR	MPT	MPT
	b	Rezoning of land (Multi unit and/ or mix use development but not requiring rezoning to sub-divisional area).	SMDM DIR	SMDM DIR	DIR	MPT	MPT
	a	Rezoning to Sub-divisional Area	SMDM DIR	MPT	MPT	MPT	MPT
B		Permanent departure	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria
C		Temporary departure	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria
D	a	Subdivision of land (Single property less than 2000m² with maximum of 2 resulting erven and associated servitudes)	MLUM SMDM	SMDM DIR	DIR	MPT	MPT
	b	Subdivision of land (Other)	SMDM DIR	DIR	DIR	MPT	MPT
	c	Any subdivision of land that results from and are in compliance with an approval for rezoning to subdivisional area. Inclusive of any phasing thereof.	SMDM DIR	SMDM DIR	DIR	MPT	MPT
E	a	Consolidation of land (Resulting property less than 2000m²)	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria
	b	Consolidation of land (Other)	SMDM DIR	SMDM DIR	DIR	MPT	As per criteria
F		Amendment, suspension or removal of restrictive conditions	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria

Legend: Manager: Land Use Management - **MLUM**
Senior Manager: Development Management - **SMDM**
Director for Land Use Planning functionality - **DIR**
Stellenbosch Municipal Planning Tribunal - **MPT**

STELLENBOSCH MUNICIPALITY: CATEGORISATION MODEL FOR AUTHORISED DECISION MAKERS ON LAND USE AND LAND DEVELOPMENT APPLICATIONS								
Page 2			**APPLICATION CATEGORY**					
APPLICATION TYPE & QUALIFICATION			**1**	**2**	**3**	**4**	**5**	
G		Permission required in terms of the zoning scheme;	Authorised Employee in terms of approved system of delegations					
H		The amendment, deletion or imposition of conditions. Subject to applicable General Principle on Decision Making 2.6.	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria	
I		Extension of the validity period of an approval.	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria	
J		Approval of an overlay zone as provided for in the zoning scheme.	MPT	MPT	MPT	MPT	MPT	
K		The amendment or cancellation of an approved subdivision or consolidation plan or part thereof, including a general plan or diagram, and which includes the phasing thereof. Subject to applicable General Principle on Decision Making 2.6.	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria	
L		A permission required in terms of conditions of approval.	Authorised Employee in terms of approved system of delegations					
M		Determination of a zoning.	Authorised Employee in terms of approved system of delegations					
N		Closure of a public place or part thereof.	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria	
O		Consent use contemplated in the zoning scheme.	MLUM SMDM	SMDM DIR	DIR	MPT	As per criteria	
P		Disestablish owners' association	Authorised Employee in terms of approved system of delegations					
Q		Rectify failure of owner's association to meet its obligations	Authorised Employee in terms of approved system of delegations					
R		Permission to reconstruct building that constitutes a non-conforming use	SMDM DIR	SMDM DIR	DIR	MPT	As per criteria	

Legend: Manager: Land Use Management - **MLUM**
Senior Manager: Development Management - **SMDM**
Director for Land Use Planning functionality - **DIR**
Stellenbosch Municipal Planning Tribunal - **MPT**

7.8.2	**APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING & SIGNAGE BYLAW**

Collaborator No: **749467**
IDP KPA Ref No: **Good Governance**
Meeting Date: **17 May 2023**

1. SUBJECT: APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING & SIGNAGE BYLAW

2. PURPOSE

To provide Council with the pertinent facts in order to approve and adopt the Final Draft Stellenbosch Municipality Outdoor Advertising and Signage Bylaw.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The purpose of the subject bylaw is to control, manage and regulate outdoor advertising and signage, and to provide mechanisms and guidelines for the control, regulating and management thereof, including matters connected therewith.

The subject bylaw was undergoing two (2) rounds of public participation, with the first round soliciting numerous comments, which was subsequently addressed and the second round only solicited comments from the Stellenbosch Interest Group ("SIG").

The comment submitted by SIG was further debated in several workshop in order to finalise the draft bylaw, which is serving before Council for adoption and promulgation. The request also involves the approval of the relevant delegations in respect of the bylaw, as well as the approval of the fine structure to be submitted to the court for final approval.

5. RECOMMENDATIONS

(a) that Council approve the Final Draft Stellenbosch Municipality Outdoor Advertising and Signage, attached as **APPENDIX 1**, in terms of Section 13 of the Municipal Systems Act, Act 32 of 2000;

(b) that Council **approve** the submission of the Admission of Guilt Fines, attached as **APPENDIX 2** for submission to the relevant court for endorsement;

(c) that Council **approve** the amendment of the System of Delegations in respect of the said bylaw, attached as **APPENDIX 3** to this report; and

(d) that Council **authorise** the Department: Development Planning in consultation with the Legal Services to promulgate the said bylaw in the Provincial Gazette.

6. DISCUSSION / CONTENTS

6.1 Background & Discussion

At the 24th Council Meeting dated 06 May 2010, Council resolved that the Draft Outdoor Advertising Signage Bylaw, be approved and be promulgated in the Provincial Gazette. The Department has investigated and confirmed that the bylaw approved in 2010 was not promulgated, and therefore this bylaw was used as a guideline to control, manage and enforce signage matters within the Stellenbosch Municipality.

The Directorate: Infrastructure Services commenced with a process to draft an updated outdoor signage bylaw, as there were areas which falls within the functional mandate of the said directorate related to signage, specifically when such signage was located within the road reserve, which include sidewalks and that impacts the Road Safety Act.

Council therefore on 31 October 2018 approved that the draft bylaw underwent a public participation process ("PPP"). A number of comments were received during this, which involved round table discussions and debates, and these comments were included, to the extend it was relevant to the objectives of the bylaw. A second round of public comment was requested and approved by Council on 28 April 2021, and the 2nd draft bylaw was published for comment from 14 May 2021 until 14 June 2021, copy of advert attached as **APPENDIX 4**. During this period, the only comment(s) received from the Stellenbosch Interest Group ("SIG"), copy attached as **APPENDIX 5**, which mainly related to ensure that the said bylaw was aligned with the zoning categories and definitions as stipulated within the Stellenbosch Municipality Zoning Scheme Bylaw, 2019. Therefore, there were no significant amendments to the 2nd draft.

It must be noted that currently, the Stellenbosch Municipality which is a world-renowned tourist destination, and also comprise of areas and buildings of high valued heritage and cultural significance, is currently plagued with signage boards, including billboards, posters and specifically 3rd party signage be placed all over the municipal area. In certain instances, the signage detracts from the high valued heritage and cultural significance that has made the Municipal Area sought after tourism destination, and also has resulted in infringements of the Road Safety Act, which has resulted in Council embarking on a process to develop and duly promulgate the required legislation to ensure that outdoor advertising is duly managed and regulated.

6.2 Financial Implications

The bylaw once promulgated will ensure that the enforce of illegal outdoor signage can be addressed and will also result in an increase of revenue the scrutiny fee for signage applications.

6.3 Legal Implications

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

6.4 Staff Implications

Currently, the positions to manage the administration of the signage applications are contained on the municipal organogram, and in certain instances the post are filled. It must also be noted that Council has a Law Enforcement Department, which is required to enforce municipal bylaws and policies.

6.5 Previous / Relevant Council Resolutions:

24th Council Meeting: 2010-05-06: Item 7.13

RESOLVED (nem con)

(a) that the Draft Outdoor Advertising Signage Bylaw attached as APPENDIX 1, be approved and be promulgated in the Provincial Gazette; and

(b) that the areas demarcated in schedule 1 and 2 of the attached By-law be approved as areas of maximum control for the Stellenbosch and Franschhoek nodes respectively.

6.6 Risk Implications

There are no risks associated with the approval of this item.

APPENDICES

Appendix 1: Final Draft Bylaw Relating to Outdoor Advertising and Signage

Appendix 2: Admission of Guilt Fines

Appendix 3: Proposed System of Delegations relating the Outdoor Advertising and Signage

Appendix 4: Advertisement for Calling on Public Comment

Appendix 5: Comments received from Stellenbosch Interest Group ("SIG") during the 2nd round of Public Participation

FOR FURTHER DETAILS CONTACT:

NAME	Craig Alexander Pr Pln
POSITION	***Senior Manager: Development Planning***
DIRECTORATE	***Planning and Economic Development***
CONTACT NUMBERS	***021 808 8196***
E-MAIL ADDRESS	***Craig.alexander@stellenbosch.gov.za***
REPORT DATE	***05 May 2023***

APPENDIX 1

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APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING & SIGNAGE BYLAW

STELLENBOSCH MUNICIPALITY

OUTDOOR ADVERTISING AND SIGNAGE BYLAW

To control, manage and regulate outdoor advertising and signage and to provide mechanisms and guidelines and policies for the control, regulating and management thereof and for matters connected therewith.

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution provides that a Municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 5 to the Constitution lists Billboards and the display of advertisements in public places as local government matters to the extent set out in section 155(6) (a) and (7);

AND WHEREAS the Stellenbosch Municipality seeks to manage, control and regulate outdoor advertising and signage and any matters connected therewith;

BE IT ENACTED by the Council of the Stellenbosch Municipality, as follows:—

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1. Definitions

In this Bylaw, unless inconsistent with the context-

"advertisement" means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol, or any light which is not intended solely for illumination or as a warning against any dangers and **"advertising"** has a similar meaning;

"**advertisement ownership**" mean that person or body that has authorised the advertising of information or a product. The authority who contracts a service provider for such an advertisement, the service provider who physically mounts or displays such an advertisement and the owner or body who's information or product is being advertised, will jointly and severally be responsible for such advertisement and may jointly or severally be charged for any misconduct of this By-Law

'advertising structure" means any physical structure designed for an advertising sign, any detached screen or board that is greater than 4.5 m^2 in overall size; supported by or made from a structure that is used to be affixed, displayed or shown as a sign.

"aerial sign" means a sign that is displayed or performed in the air, including but not limited to balloons and blimps that can be viewed from within the Municipality's area of jurisdiction;

"approval" means approval by the Municipality and "approve" has a corresponding meaning;

"areas of control" means those areas set out in Schedule 1 of this By-Law; and which may be modified or amended from time to time, which amendments and modifications will be graphically depicted by way of maps as prepared by the Municipality;

"authorized official" an employee of the Municipality or any other person who is appointed or authorized thereto to perform any act, function or duty related to the

provisions of this By-Law, or exercise any power in terms of this By-Law; and **"official"** has a corresponding meaning;

"banner" means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on an approved flagpole shall for the purposes of this By-Law be deemed to be a banner;

"billboard" means any screen or board which stands free and is larger than 4.5m² in total area; which is supported by, or consists of, a structure used, for the purpose of posting, displaying or exhibiting a sign;

"Central Business District (CBD)" means an area in the build environment demarcated as such on the Spatial Development Framework for a town;

"class 2 roads" means the roads which form the primary network for the urban areas as a whole and which are characterized by high volumes, restricted access and fairly high speeds;

"class 3 roads" means roads that distribute traffic between the principal residential, industrial and business districts of the town and which form the link between the primary network (class 2 roads) and the roads within residential areas;

"clear height", in relation to a sign, means the vertical distance between the lowest edge of the sign and the natural level of the surrounding ground, footway or roadway immediately below the sign;

"commercial advertising" means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation in respect of any particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events;

"commercially sponsored sign" means a sign which advertises goods or services, but the erection of which has a secondary purpose, which is to promote or contribute to some recognized public or community goal or function;

"common boundary facade" means any façade of a building which is built abutting a rear or side boundary of an erf and which façade is blank, that is, having no architectural features, which includes windows;

"composite sign" means a single freestanding advertising structure for the display of more than one sign;

"consultant" means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign in terms of this By-Law;

"continuing offence" means an offence in terms of this By-Law, which offence continues to exist after the expiry of the notice period referred to in a notice served in terms of this By-Law;

"custom made design" means the design of any sign, which features special effects such as specialist character cut outs or shapes or three-dimensional presentations or moving parts or a combination thereof, and which is uniquely designed or constructed for erection in a particular location;

"development board" means a sign displayed at premises upon which building operations are currently in progress and relating to any services being provided, work being done or goods being supplied in connection with such building operations, but excludes contract boards for building and civil engineering projects as required in terms of the National Building Regulations and Control Act, 1977 (Act 103 of 1977);

"display" means the display of a sign and includes the erection of any billboard, sign or structure intended solely or primarily for the support of a sign or billboard, and

includes the display of a sign of a business, trade partnership or individual connected with the contents of the sign or sign, and "displayed" has a corresponding meaning;

"electronic sign" means a sign which has an electronically controlled, illuminated display surface which allows all, or a portion, of the sign to be changed or illuminated in different ways;

"Environmental Impact Assessment" (EIA) means an assessment carried out in accordance with the Municipality's guidelines for outdoor advertising;

"estate agency" means a person who markets, sells or leases properties with or without buildings erected thereon and **"estate agent"** has a corresponding meaning;

"existing sign" means any sign previously approved by the Municipality;

"flat sign" means a sign which is affixed to, or painted directly onto a wall of a building but not onto or over windows or doors or architectural articulations and which at no point projects more than 250mm in front of the surface of such wall;

"freestanding sign" means any sign or group of signs contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

"gateway route" means a prominent route with an entrance to or exit from a specific part of the Municipality's jurisdiction, consisting of man-made or natural features and creating a strong sense of arrival or departure and which is consistent with town planning or development framework plans or By-Law, and which may be geographically depicted by way of maps or listed by the Municipality;

"graphic" includes but is not limited to any component which contributes to the visual appearance or aesthetics of a sign, including its background;

"headline poster" means a temporary poster advertising the contents of a daily or weekly newspaper;

"height of a sign" is calculated by measuring the vertical distance between the uppermost and lowest parts of the advertising panel;

"Heritage Impact Assessment" (HIA) means a visual and contextual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognized at the locality where the proposed sign will be displayed;

"internally illuminated sign" means an advertisement or structure used to display an advertisement which has been installed with electrical or other power and an artificial light source which is fully or partially enclosed within the structure or sign and which light is intended to illuminate the advertisement or a portion thereof;

"law" means any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law;

"locality bound advertising" means any sign displayed on a specific erf, premises or building and may include such a sign on municipal owned land, adjacent to, abutting on or within 5 meters of the aforementioned erf, premises or building, which sign refers to an activity, product, service or attraction, located, rendered or provided on or from that erf or those premises;

"loose portable sign" means a freestanding locality bound notice or advertising board placed or erected in the road reserve or in a public place;

"movable sign" means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent sign;
"Municipality" means the Municipality of Stellenbosch established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorized agent, service provider or any employee thereof acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent service provider or employee;

"new sign" means any sign first displayed after the promulgation of this By-Law;

"non-profit body" means a body established primarily to promote a community goal or benefit without direct or personal financial gain, and may include educational, sporting, medical, municipal departments, bodies as well as charities or community organizations;

"organ of state" means—

(a) any department of state or administration in the national, provincial or local sphere of government;

(b) any other functionary or institution—

  (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or

  (ii) exercising a public power or performing a public function in terms of any other Legislation;

"overall height", in relation to a sign, means the vertical distance between the uppermost edge of the sign and the finished level of the ground, footway or roadway immediately below the centre point of the sign;

"perimeter of an intersection" means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other;

"person" includes—

(a) any organ of state;

(b) any company incorporated or registered as such under any law; and

(c) any body of persons, whether incorporated or not, functioning as a single entity for whatever purpose;

"poster" means temporary signs capable of being attached to the Municipal electrical light standards or pasted to fixed structures to advertise events or campaigns, including elections or referenda of limited duration and excluding signs advertising markets, exhibitions or events which are held on a regular basis;

"projected sign" means any sign projected by a laser projector, video projector, or other apparatus;

"projecting sign" means a sign which is affixed to a wall of a building and which at some point projects more than 250mm in front of the surface of such wall;

"public façade" means any façade of a building that has architectural articulations and which is visible to the public;

"public place" means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a road reserve), lane, square, open space, garden, park or enclosed place vested in the Municipality, or other state authority or indicated as such on the Surveyor General's records, or utilized by the public or zoned as such in terms of the applicable zoning scheme;

"public road" means public road as defined in the National Road Traffic Act, 1996 (Act 93 of 1996);

"road reserve" means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;
"roadway" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act, 1989 (Act 29 of 1989);

"roof sign" means a sign affixed to a roof of a building where the top edge of any point of that sign does not exceed the height of the roof plane to which it is affixed;

"Rural Area" means an area outside the urban edge excluding natural areas as described in schedule 1;

"scenic route" means a road designated as such on an approved zoning scheme or from which landscapes or features of aesthetic or cultural significance can be seen or viewed as designated by the Municipality;

"security sign" means an outdoor sign for neighbourhood watch and similar schemes, and a sign containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the sign is displayed;

"service station facility sign" means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs;

"shop" means a building used for retail trade or services;

"sign" means any object, product, replica, advertising structure, device or board which is used to publicly display a sign, or which is in itself a sign and includes a poster, billboard and an advertisement which is included in the architectural design of a building or structure and which is visible from any public place;

"signalized traffic intersection" means an intersection controlled by traffic signals;

"sky sign" means a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed;

"sponsored sign" means a sign, the primary purpose of which is not to advertise goods or services, but which displays a graphic or content which promotes community or public awareness of a recognized public or community goal;

"street name signs" means pole-mounted, double-sided, internally illuminated or un-illuminated signs displayed in combination with names of streets, not exceeding one (1) m^2;

"street furniture" means public facilities and structures which are not intended primarily for advertising and includes but is not limited to seating benches, planters, bins, pole mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, electricity boxes, post boxes and telephone booths, but excludes road traffic signs, traffic signals, street lights or any other road-related structures;

"teardrop banner" means any material in a teardrop shape with or without a printed sign which is fully legible in windless conditions and held taught by a spring tension and supported by a single flexible pole;

"temporary signs" means signs which are displayed for a maximum period of 14 days, or such other period as may be approved by the Municipality;

"thickness", in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed;

"third-party advertising" means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the sign or sign advertising those goods or services is fixed or placed, and includes advertising which is not locality bound;

"three dimensional sign" means a sign containing more than 2 dimensions, including product replicas;

"Traffic Impact Assessment" (TIA) means a study carried out by a registered professional engineer with demonstrable experience in the field of traffic engineering that investigates the impact a proposed sign may have on vehicle, pedestrian, or cyclist safety and traffic operation, which study should recommend any mitigating measures that may be required as a result of that impact;

"traffic sign" means a road traffic sign as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996);

"traffic signal" means a road traffic signal as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996);

"transit advertising" means advertising by means of a movable sign which is capable of being transported by road either on or in conjunction with a motorized vehicle, including trailers primarily used for advertising;

"transportation terminals" means any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designated railway stations, official taxi terminals and bus terminals;

"Urban conservation area" means an area in the build environment demarcated as such on the Spatial Development Framework for a town;

"Urban Edge" means an area in the build environment demarcated as such on the Spatial Development Framework for a town;

"urban edge line" means a predetermined point to point boundary line as determined by the Municipality, which has as its purpose, the containment of urban development;

"Urban Areas" means an area within the urban edge of a town;

"veranda" includes a cantilever canopy and sunblind;

"Visual Impact Assessment (or VIA)" means the analysis of the potential visual impacts to boundary walls and fences. The document that contains a visual impact analysis is also often referred to as a visual impact assessment or VIA.

"window signs" means signs which are temporarily or permanently painted on, or attached to the window-glass of a building;

"zone" means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and **"zoning"** has a corresponding meaning.

2. Principles

2.1 To maintain the sensitive environmental quality of each area.

2.2 To promote the aesthetic sensitivity of the environment.

2.3 To find a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, environmental and heritage characteristics and traffic safety on the other side.

2.4 Outdoor advertising must respect the integrity of any site where it is displayed supplement the character of the area.

2.5 To give recognition to the substantial number of technical details that apply to specific types of signs and their effect on specific places.

2.6 To give recognition to the Stellenbosch Municipality's Heritage Guidelines & Policies.

2.7 To ensure that the cultural landscapes, heritage and scenic route overlay zones, and the rural areas and nodes aesthetics and scenic landscapes be protected and conserved, and that only signage and advertising as contained in this bylaw be permitted.

CHAPTER 1

3. Submission of applications

(1) Other than those signs referred to in section 13(3) to 13(10) of this Bylaw, no person may display any advertisement or erect or use any sign for advertising purposes without the Municipality's approval in terms of this Bylaw and any other applicable legislation.

(2) Every person intending to display a new sign or to alter or to add to an existing approved sign or submit a signage plan in terms of a Site Development Plan proposal, must apply in writing to the Municipality which application must be accompanied by the following information in duplicate:

(a) a site plan, drawn to a scale of not less than 1:200, showing the following—

(i) the site on which it is proposed that the sign is to be erected or displayed;

(ii) the position of the sign and the building, if any, to which it is to be attached;

(iii) every building and the existing signs on the site;

(iv) existing and proposed landscaping, traffic signals and road traffic signs; and

(v) the positions, with dimensions, of the sign in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions;

(b) a drawing, which complies with the requirements of the National Building and Regulations Standards Act, 1977 (Act 103 of 1977), and is in sufficient detail to enable the Municipality to consider the appearance of the sign and all relevant construction detail, including a description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; In the latter event, the plan must indicate whether or not the sign is an electronic sign and, if so, full details must be furnished;

(3) The drawing referred to in sub-section (2)(b) must have detailed drawings of such sign to a scale of not less than 1:20 and a site plan indicating the position of the sign on the site to a scale of not less than 1:50;

(4) If a sign is to be attached to or displayed on the wall or façade of a building, the Municipality may require the submission of an additional drawing, drawn to a scale of not less than 1:100, showing—

(i) an elevation of the building in colour;

(ii) the details and position of the proposed sign; and

(iii) the details and the position of every existing sign on the building

Alternatively, the Municipality may require a coloured print of or an artist's photographic- or computer-generated impression of the building with the details of the proposed sign superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic;

(5) If the applicant is not the registered owner of the property on which the sign will be erected, he or she must obtain the consent of the registered owner of the land or building on which the sign is erected, indicating that person's knowledge of the application.

(6) The Municipality may require the submission of any or all of the following studies or assessments—

(a) an Environmental Impact Assessment (either the 1st stage thereof; being the completion of an Environmental Checklist or in its entirety);

(b) a Heritage Impact Assessment; and

(c) a Traffic Impact Assessment.

(7) If a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval.

(8) The Municipality may require a signage master plan in respect of any development where the erection of numerous signs is proposed, or the rationalization of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.

(9) The Municipality must notify the applicant of any additional requirements it has within twenty-one (21) working days of the date of submission of the original application and payment of the application fee.

(10) The Municipality must retain a copy of each document that formed part of an application.

(11) The Municipality may require a written notice from the applicant or person to confirm that an approved sign was erected.

4. Fees and general factors in considering approval of applications, amendments and conditions

(1) Every person who applies to the Municipality for approval in terms of this Bylaw must, on making application, pay to the Municipality an application fee as determined by the Municipality and no sign may be erected until such time as the application fees have been paid in full, or the required approval has been granted.

(2) In considering an application for the display of an advertisement or the erection of a sign in terms of this Bylaw, or an amendment or condition attaching or to be attached to an approval, the Municipality may have regard to the following factors:

(a) The area of control in which the proposed sign is to be erected or displayed as set out in Schedule 1 of this Bylaw; provided that if a sign falls into more than one area of control or if a proposed site in one area of control may impact on an adjacent area of control, the Municipality shall be entitled to determine the area of control pertaining to that application;

(b) the locality or landscape and the advertising opportunities pertaining to that area of control; the number of signs already displayed or proposed to be displayed on the erf and in the area surrounding the erf concerned;

(c) the findings of any Traffic- , Environmental- or Heritage Impact Assessment

(d) Impact Assessment and public participation processes where applicable

(e) locality bound signs must relate to the lawful use of a property provided that no such sign must be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses; and

(f) that no sign or advertisement may be designed or displayed that—

(i) will constitute a danger to any person or property;

(ii) will display any material or graphic which does not comply with the requirements of the Advertising Standards Authority of South Africa.

(iii) will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic or locality.

(iv) will obscure any other signs approved in terms of this Bylaw or its predecessor; and

(v) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.

(3) Subject to any conditions in Schedule 16, all new signs or advertising structures approved under this Bylaw and any successive Bylaw, may remain on display uninterrupted until such time as they do not comply with the provisions of this Bylaw or any other applicable legislation.

5. Factors relating to specific signs, areas of control, and commercial sponsored signs

(1) The Municipality may, in addition to the factors set out in section 4 of this Bylaw, apply certain minimum standards to certain specific sign types and proposed localities when an application for approval is made in respect thereof and will apply certain specific criteria to applications for the erection of signs by non-profit bodies.

(2) The specific standards and criteria are set out in schedules 1 to 18 of this Bylaw. The Schedules are part of the Bylaw and are not any less important than the content of the Bylaw itself.

(3) Schedule 1 of this Bylaw indicates the areas of control in which certain specific sign types may be permitted, subject always to approval in terms of this Bylaw and furthermore subject to any additional requirement pertaining to a specific sign type as set out in the remaining schedules.

(4) The description of areas or routes in Schedule 1 should be read with the definitions as contained in the Municipality's Zoning Scheme Bylaw.

(5) The Municipality may grant an exemption from the terms of this Bylaw in respect of sign types or areas of control set out in Schedules 10, 11 and 12 of this Bylaw having regard to—

(a) the area of control where it is proposed to display the signs;

(b) nature of the event;

(c) duration of the erection or display of the sign;

(d) size of the proposed sign;

(e) any traffic, safety, environmental or heritage impact assessment; and

(f) the outcome of any public participation process.

CHAPTER 2

6. Standard conditions for approval

(1) All signs and advertising structures must be properly erected and constructed of the requisite strength and must be secure and must comply with the requirements pertaining thereto of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977).

(2) The applicant to whom approval has been granted and the owner of the property or building to which it is attached shall be jointly and severally liable for the maintenance thereof and must undertake at least one inspection per year thereof with a view to satisfying themselves as to the safety thereof.

(3) Where any sign or advertising structure is vandalised or becomes torn or damaged or otherwise falls into a state of disrepair, and/or dilapidation the applicant to whom the approval has been granted and the owner of the fixture or property which or to which a sign is attached must within seven (7) working days of a notice in writing to do so, repair it.

(4) All signs and their support structures must be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.

(5) All glass used in a sign, other than glass used in illumination, must be safety glass of at least 3mm thick.

(6) Glass panels used in a sign must not exceed 0.9m² in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.

(7) Every sign and its support structure must be kept in a state of good repair.

(8) No sign may obstruct the opening and closing of any window or opening provided for ventilation of a building or obstruct any stairway or doorway or other means of exit from the building or prevent movement of people from one part of a roof to another.

(9) No advertising structure may be closer to overhead electrical equipment than the minimum distance as prescribed in the Occupational Health and Safety Act, Act 85 of 1993.

7. Electrical requirements

(1) All signs needing an electrical connection must preferably be supplied from the existing electrical supply on the erf where it is to be erected. If this is not possible, application for a metered electricity supply must be made to the relevant authority.

(2) Every sign in connection with which electricity is used, must be provided with suitable capacitors to prevent interference with radio and television reception.

(3) Each power cable and conduit containing electrical conductors in respect of a sign must be so positioned and fixed so that it is safe, unseen, inaccessible and child tamper proof and animal proof.

(4) Each interior high-voltage installation that runs unattended (such as a window display) and each exterior high-voltage installation must have an acceptable type of fireman's switch in accordance with the requirements as stipulated in sections 6.7.2 and 7.5 of SANS 0142 1993 promulgated in terms of the Occupational Health and Safety Act.

8. Illumination requirements

(1) The Municipality may approve an illuminated sign, provided that the provisions of this Bylaw are complied with and that such illumination does not constitute a road safety hazard or cause undue light spillage.

(2) Signs may not be illuminated if no sign content is displayed.

(3) Requirement for internal illumination or electronic signs—

(a) internally illuminated and electronic signs may only be displayed in areas of partial and minimum control and must be less than 2.1m².

(b) electronic signs may not have subliminal flashes; and

(c) prior to erection, the Municipality may require a Traffic Impact Assessment, Environmental and Heritage Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged. In addition, the Municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.

(4) Requirements for external illumination:

(a) the light source emanating from external illumination must not be visible to traffic traveling in either direction;

(b) external illumination must not be positioned so as to create any undue light spillage beyond the surface area of the sign; and

(c) approved wayleaves must be obtained from the Director: Infrastructure Services or his/her nominee prior to any excavations for the installation of signs. This also applies for signs to be erected in the vicinity of overhead powerlines.

(5) Electricity Power sources may be applied for as per the conditions of the Electricity Services Bylaw.

9. Road traffic safety requirements

(1) Signs may not be erected in an area where they are an unacceptable distraction for drivers, which acceptability may be determined in terms of the guidelines laid down in the S.A. Road Traffic Signs Manual.

(2) Electronic signs may not be permitted if they are visible from class 2 or 3 roads, gateway route or a scenic route unless expressly approved in writing by the Municipality.

(3) Advertising on bridges, towers, telecommunication masts, pylons or street poles shall not be permitted.

(4) The graphic content of signs must not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:

(a) any stylised or pictorial presentation of a road traffic sign or traffic signal;

(b) any word, symbol, logo or other device used on a road traffic sign;

(c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion; and

(d) any reflector paint or material.

(5) Signs may not be erected in an area where the traffic volume, the average following headway, or accident history requires a higher degree of awareness from drivers.

(6) Signs may not be attached to or obscure a road traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual or the South African Development Community Road Traffic Signs Manual.

(7) Signs may not be erected within the road reserve of any public road unless expressly approved by the Municipality.

(8) When located at signalized traffic intersections, signs may not have the colours red or yellow or green as main colours and may not obscure or interfere with any road traffic sign or traffic signal.

(9) Electronic signs shall not be permitted within 80 meters of the perimeter of a signalised traffic intersection.

(10) Flashing or running messages or variable transition messages that have a message change interval of greater than 0,3 seconds or have transition effects between message changes shall not be permitted if viewable from a public road. Such signs will not be permitted within Historical Areas or upon roads with high traffic flow at night.

(11) Static display, simple transition signs must display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.

(12) All signs larger than 4.5m² erected adjacent to a public road or in a railway reserve intended to advertise to persons using class 2 and 3 roads must be spaced a minimum specified distance from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with the measurements set out in Table 1 below:

TABLE 1: LINEAR SPACING BETWEEN SIGNS

Instance	**Spacing required when visible for traffic on road with a speed of:**		
	≤ 60 km/h (In the Rural Areas and the Scenic Routes)	**61 – 80km/h**	**≥80km/h**
Where a sign follows a road sign	**120m**	**200m**	**300m**
Where a sign follows another sign	**250m**	**250m**	**300m**
Where a sign precedes a road sign	**40m**	**70m**	**100m**

(13) The abovementioned minimum distances specified in Table 1 above may be decreased by the Municipality if the sign falls within an area of minimum control, or in other areas of control on submission of a Traffic Impact Assessment motivating a reduction of this spacing to the satisfaction of the Municipality. The Municipality may prepare a list or map of designated areas in which the abovementioned spacing requirements shall not be applicable.

10. Legal requirements

All signs to be erected or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this Bylaw, comply with all other applicable legislation, including any applicable Zoning Scheme Bylaw or condition of approval or any departure from the applicable Zoning Scheme Bylaw.

11. Approval

(1) The Municipality may refuse any application or grant its approval subject to conditions relating to the erection or use of the sign and including a condition that the owner of any sign or billboard on the land or building on which it is erected or displayed, or both such owners or the person whose product or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such sign.

(2) The Municipality may, at any time, withdraw an approval granted in terms of this Bylaw or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure:

(a) is in a state of disrepair and/or dilapidation;

(b) remains unused for more than 90 consecutive days;

(c) becomes redundant or obsolete;

(d) no longer complies with any provision of this Bylaw; or

(e) is substantially altered from the original approved application by way of either structure or graphic content.

(3) Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval shall lapse, unless that period is extended in writing by the Municipality prior to such lapse.

(4) In the event that the structure supporting such sign is intentionally demolished before the expiry of the approval period, the approval shall lapse and no further sign or supporting structure may be erected or re-erected without the Municipality's approval.

(5) All decisions made by the Municipality in terms of this bylaw with regard applications must be in writing and within sixty (60) calendar days after a completed application was received, or within sixty (60) calendar days after receipt of additional information as required by the Municipality.

(6) In notifying an applicant of the outcome of the application the Municipality must inform such applicant or an objector of his right to appeal in terms of section 12.

CHAPTER 3: GENERAL PROVISIONS

12. Appeal

A person whose rights are affected by a decision in terms of a delegated power may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the Municipal Manager within twenty-one (21) days of the date of the notification of the decision.

13. Signs for which Municipality's approval not required

(1) Should any sign not comply with the conditions relative to each sign type listed below an application in terms of section 3 will be required.

(2) Subject to compliance with the conditions relative to each sign provided for in sub-sections (3) to (10), and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this Bylaw in respect of the signs provided for in sub-sections (3) to (10).

(3) Development Boards

(a) Development boards shall be removed forthwith when the building operations are complete or if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased.

(b) The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs may thereupon be forthwith removed but no later than five (5) days after the date of the order for removal thereof.

(c) If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board may be displayed, and such development board may not exceed 3m² in total area.

(d) If the premises are not to be used wholly for residential purposes, no more than two development boards may be displayed, and the aggregate area of both development boards may not exceed 5m² in total area;

(e) If the signage, whether on freestanding boards, or flexible building covering material, include any other form of third-party advertising, such sign must then comply with the provisions of Schedule 8 hereto and approval for the display thereof must first be obtained in terms of this Bylaw.

(4) To Let/For Sale Signs

(a) These include any sign not exceeding (400mm x 500mm) (0.2m^2) in total area displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building; and

(b) on condition that any such sign must be removed within 2 weeks from date of issue of the occupation certificate or conclusion of a contract.

(5) On Premises Business Signs

These include any sign not illuminated, not projecting over a public road and not exceeding 0.2m² in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.

(6) Window Signs

These include any locality bound signs which are temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2 meters of any window or external opening through which it can be seen from the outside such a building, on condition that no window sign may exceed 4m² in an area of maximum control. (Not more than 50% of window and not more than total area or 4m^2)

(7) Signs incorporated in the face of a building

Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign may exceed 0.2m² in total area.

(8) Security Signs

Any security sign not projecting over a public road and not exceeding 0.2m² in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that—

(a) only one such sign is displayed on any public road or each street frontage of such premises; and

(b) the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

(9) Sponsored, Commercially sponsored and Non-Profit Body Signs: less than 4.5m².

(a) Any such sign whether erected by or in connection with a non-profit body or not; not exceeding 4.5m² in total area on condition that no more than 5% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign may be permitted per erf.

(b) Signs which comply with provisions of sub-section (a) may, when erected on Municipal land, only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit and the terms of the erection of the sign has been agreed.

(c) All other sponsored signs are dealt with in Schedule 16 and 17.

(10) Advertising on Vehicles

Signs painted or affixed directly onto the body of a motorised vehicle unless transit advertising.

14. Disfigurement

No person may destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person may disfigure any sign legally displayed in terms of this Bylaw.

15. Damage to Municipal property

No person may, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other Municipal installation or property and street furniture.

16. Entry and inspections

The Municipality shall be entitled, through its authorized officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-Law.

17. Presumptions

Any person charged with an offence in terms of this Bylaw who is—

(a) alone or jointly with any other person responsible for organising, or in control of any meeting, function or event, to which a sign or poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;

(b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed;

(c) the owner of any land or building on which any unlawful sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed.

18. Enforcement and removal of signs

(1) If any sign displayed is in contravention of this Bylaw, the Municipality may without prejudice to or in addition to the right to take legal steps or prosecute, serve a notice on the owner or lessee of the sign, or the land owner or occupant on whose land the sign is erected or displayed, or person whose product or services are advertised,

calling upon such person to remove such sign or carry out such alteration thereto or do such work as may be specified in such request or notice, within a time frame specified therein.

(2) A notice served in terms of sub-section (1) may be withdrawn or varied by the Municipality, by agreement with the person so served, or failing such agreement, by the service of a further notice.

(3) Should the Municipality's directives, as set out in the notice, not be carried out within the time period specified therein, the Municipality may, without further notice to the person upon whom the notice was served, remove or alter the sign or do such work as may be specified in such notice.

(4) Any costs incurred by the Municipality in removing signs, or in doing alterations or other works required in terms of a notice, may be recovered from the person on whom the notice was served.

(5) Notwithstanding any other clause in this Bylaw, if a sign is, or is reasonably considered to be an imminent danger to life or property, the Municipality itself may, after a minimum of six (6) hours prior notice carry out or arrange for the removal of such sign in event of the noncompliance with such notice.

(6) Any costs incurred by the Municipality in carrying out or arranging for the removal of any sign may be recovered from the owner or lessee of the sign, or the landowner on whose land the sign was erected, or the person whose product or services were advertised, jointly and severally.

(7) Unlawful or dangerous signs removed by the Municipality may be reclaimed from the Municipality on payment in full to it of any costs incurred by the Municipality in the removal of the said sign, as well as payment of the costs incurred in the storage of such sign.

(8) Any unlawful signs removed by the Municipality and not reclaimed within two (2) months of the date of removal may be disposed of or be sold by the Municipality to defray its removal or storage costs.

19. Serving of notices

(1) A notice, order or any other document issued by the Municipality in terms of this Bylaw is deemed to be duly issued if an official of the Municipality, formally delegated, signed it.

(2) Any notice or other document that is served on a person in terms of this Bylaw is regarded as having been duly served—

(a) when it has been delivered to that person personally;

(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;

(c) when it has been posted by registered or certified mail to that person's known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;

(f) in the event of a body corporate, when it has been delivered at the registered office of the premises of the body corporate; or

(g) when it has been delivered, at the request of that person, to his or her e-mail address.

(3) Serving of a copy is deemed to be service of the original.

(4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, holder of the property or right in question, and it is not necessary to name that person.

20. Liaison forums in community

(1) The Municipality may establish liaison forums in the community for the purposes to—

(a) ensure the local community participation in the implementation and execution of this Bylaw; and

(b) promoting local economic development and the conservation of visual, tourist, environmental and heritage characteristics of the Stellenbosch Municipal area;

(2) A forum as contemplated in sub-section (1) may consist of-

(a) a person or persons of an interested party or an affected person or community;

(b) designated official or officials of the Municipality and

(c) a council member of the relevant council committee

(3) The Municipality may request-

(a) a forum to give their input or

(b) make use of a forum's special knowledge or capacity

(4) A forum of persons or a person as defined in sub-clause (2) may give input on their own accord to the Municipality for its consideration but will have no decision-making powers.

21. Offences and Penalties

(1) A person who contravenes any provision or fails to comply with any provision of this By-law, or fails to comply with a notice issued in terms of this Bylaw, commits an offence and shall upon conviction be liable to—

(a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and

(b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

(c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

(2) A person commits an offence if he or she—

(a) threatens, resists, hinders, obstructs or otherwise interferes with, or who uses foul or abusive language towards or at an employee or contractor of the Municipality in the exercise of any powers or performance of any duty or function in terms of this Bylaw; or

(b) impersonates an employee or contractor of the Municipality.

22. Conflict with other legislation

(1) In the event of any conflict between any provision of this By-law and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail subject to section 151(3) and 156(4) of the Constitution.

(2) In the event of an inconsistency between the different texts the English text shall prevail.

23. Exemptions

Notwithstanding the provisions of this Bylaw, the Municipality may, in written application, exempt any person or class of persons from any or all of the requirements of this Bylaw in considering such exemption it may impose any conditions or requirements it deems appropriate.

24. Repeal of Bylaw

The stipulations of any Bylaw previously passed by the municipality, or any abolished Municipality now incorporated in the present Municipality are herewith repealed as far as they relate to matters provided for in this Bylaw and insofar as it has been made applicable to the Municipality by the authorization for the execution of powers and functions covered in Section 84(3) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

25. Transitional arrangements

(1) Anything done before the promulgation of this Bylaw, which was not done in terms of a provision repealed in this Bylaw and was unlawful, shall in the event of such act or sign still not complying with the provisions of this Bylaw, be unlawful and the Municipality in such case may take the necessary action in terms of section 19 hereof.

(2) All legal signs that exist at the date of publication of this Bylaw, must in all respects comply with the stipulations in this bylaw within a period of six (6) months from the date of publication. Any sign that fails to comply after the initial six (6) months will be removed.

(3) The municipality could instruct an owner of a sign to remove it should the sign fail to comply to the regulations of this Bylaw. Should the owner neglect to remove the sign and/or within the period of 6 months, after publication of this bylaw, then the Municipality reserves the right to remove such sign at the expense of the owner.

(4) When a sign as a result of the change of ownership or occupation or a change in the nature of a business, industry, trade or profession performed on the premises or due to the installation of new traffic signs or a change in the level or location of any road, foot path or kerbstone or due to any other factor what so ever, no longer comply with the regulations of this Byaw then the person responsible for the sign must immediately remove, erase or change the sign to comply to this Bylaw.

26. Short title and commencement

This Bylaw shall be known as the Stellenbosch Municipality Outdoor Advertising and Signage Bylaw.

SCHEDULE 1: AREAS OF CONTROL

Area Type	Natural Area	Rural Area	Urban Area	Urban Area	Urban Area
Control Strength	Maximum	Maximum	Maximum	Partial	Minimum
Area Description	• Proclaimed, declared or zoned nature reserve and conservation areas. • Protected natural environment. • Forestry areas. • River corridors. • 1:100 Year flood plains. • Wetlands. • Game reserves	• Agricultural areas/zones • Horticultural areas • Rural small holdings • Large private open spaces (e.g. golf courses) • Scenic routes • Scenic landscapes • Scenic features • Municipal parks • Urban edge zones as defined in the Urban Edge Policy • Agricultural and horticultural areas/zones and adjacent road and rail reserves • Specific areas or sites designated as maximum control by way of a map as contained in the zoning scheme bylaw prepared by the Municipality	• Urban conservation overlay areas • Declared Heritage sites • Graded buildings and places • Residential zones and adjacent road and rail reserves • Pedestrian malls and pedestrian squares • Private Open Spaces e.g. Golf courses • River corridors • Specific areas or sites designated as maximum control by way of a map as contained in the zoning scheme bylaw prepared by the Municipality	• Central business districts, unless within an urban conservation area • Mixed use commercial and residential areas, unless within a conservation area • Commercial ribbon development and activity corridors, unless within a conservation area • Commercial and business districts and adjacent streets and rail reserves, unless within a conservation area • Entertainment district or complexes with commercial zones, unless within a conservation area • Educational institutions, Sports fields and stadiums, unless within a conservation area • Limited zones (including railway reserves, transport use zones) • Specific areas or sites designated as partial control by way of a map as contained in the zoning scheme bylaw prepared by the Municipality	• In Heritage insensitive areas • Designated transportation terminals unless historical conservation area or graded building or site • Designated areas within limited use zones unless within a conservation area • Specific areas or sites designated as minimum control by way of a map as contained in the zoning scheme bylaw prepared by the Municipality • Industrial zones

SCHEDULE 2: BILLBOARDS

(1) Subject to approval in terms of this By-Law, the erection or display of Billboards, whether custom made or of standard design, is permitted only in areas of minimum control and subject to a traffic safety audit and visual impact assessment. In addition:

(a) If the proposed erf where the billboards are to be erected borders on class 2 and 3 roads the billboard may not be placed less than 5 meters from the property's boundary line. If the proposed site of erection of a billboard has been designated as a gateway then no billboards will be permitted within such gateway;

(b) Billboards must comply with the standard conditions of approval set out in this By-Law;

(c) Billboards must not encroach over the boundary line of the property on which it is erected, whether such encroachment is aerial or on ground level;

(d) Billboards must have a minimum clear height of 2.4m and a sign structure which does not exceed a maximum height of 7.5m above natural ground level;

(e) Billboards must not exceed a maximum total size of 6 x 3m (18m²) provided that on any V-shaped structure, two such panels may be permitted;

(f) Billboards must be displayed between the angles of 90° and 60° to the direction of oncoming traffic;

(g) Billboards must be spaced a minimum distance apart as specified in section 9 of this By-Law;

(h) If located at signalized traffic intersections, Billboards may not be erected or displayed within 50 meters of the perimeter of the intersection if un-illuminated; and within 80 meters of the perimeter of the intersection if illuminated;

(i) If erected along the right hand side of a section of road, such that its graphics are visible to a driver traveling on the left hand side of the road, shall be deemed to have replaced the advertising opportunity that existed on the left hand side of the road;

(j) Billboards must have a minimum letter or number height of 285mm.

SCHEDULE 3: LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS

(1) Subject to approval in terms of this By-Law and subsection 5, the erection or display of locality Bound freestanding and composite signs are permitted only in urban areas of maximum, partial and minimum control and subject to a traffic safety audit and visual impact assessment. In addition:

(a) Locality bound freestanding signs may only be permitted in the following instances:

(i) where business premises are set back 15 meters or more from the boundary of the road reserve; or

(ii) where it is not reasonably possible to affix appropriate signs to a building; or

(iii) where such a sign is necessary to allow the public to locate the entrance to business premises; or

(iv) where the existence of a freestanding composite sign may prevent the proliferation of signs.

(2) Locality bound freestanding composite signs may not exceed 4,5 meters in height and in addition may not exceed 4.5m² in total area. This provision may be waived, after having regard to the following factors:

(a) if such increase reduces the number of individual signs facing any one street boundary of the site, thereby minimising the visual impact on the surrounding environment;

(b) if more than two significant roads approach the site in question;

(c) the number of businesses which will be advertising on such sign;

(d) the number of approach or exit routes to the site in question;

(e) the applicable zoning of the area surrounding the site in question.

(3) Service Station freestanding pylon signs must be locality bound and may only be erected or displayed at service stations adjacent to and directly accessible from the public road at which such a sign is directed and only one Service Station freestanding facility sign per street boundary may be permitted.

(4) Service station freestanding pylon signs may not exceed 7,5 meters in height and may not consist of more than eight advertising panels of 4.5m² each in total area. In areas

of maximum control the maximum height is 4,5 meters and an area of 7.0m² on each side.

(5) In conservation areas and single residential zones only standard locality bound, free standing and composite signs shall be allowed as prescribed in Schedule 18.

SCHEDULE 4: SIGNS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS

Subject to approval in terms of this By-Law, the erection or display of flat and projecting signs are permitted in all areas of maximum, partial or minimum control. In addition, flat and projecting signs may:

(1) not be allowed within 1.0 meters of the edge of a roadway nor may it extend to within 1.0 meters of the edge of a roadway;

(2) not project in front of a wall more than 1,5 meters in the case of a sign which has a clear height of more than 7,5 meters or more than 1 meter in the case of any lesser clear height;

(3) not project more than 250mm over a footway unless such sign has more than 2.4 meters clear height;

(4) not obstruct the view from any window or any other external opening of any building and no portion of any such sign may obstruct the opening or closing of any window, door or any other openings

(5) not exceed 5m^2 in total area and may not exceed 20% (in areas of maximum control), 30% (in areas of minimum and partial control) or one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser. This size restriction may be waived on condition that:

  (a) an Environmental Visual Impact Assessment be submitted to the Municipality indicating no detrimental environmental impact is envisaged;

  (b) or in a conservation area, a Heritage Impact Assessment be submitted to the Municipality indicating no detrimental heritage impact is envisaged; and

  (c) only graphics designed and created by a suitably qualified consultant be displayed on such sign;

(6) may be considered for approval on blank common boundary facades of non-residential buildings.

(7) if the sign appears on public facades of any building—

  (a) be so designed as to become an integral part of the building design; and

  (b) when a third-party sign, only be permitted if custom-made and subject to the requirements of 5(a) to (c) above.

(8) No signs may be attached to walls or fences of residential buildings.

SCHEDULE 5: SKY SIGNS

(1) Subject to approval in terms of this By-Law, the erection or display of sky signs whether custom made or of standard design, is permitted in areas of minimum control only. In addition, sky signs must:

(a) be limited to a maximum total size of 4.5m^2 and subject to Traffic Safety Assessment and Visual Impact Assessment indicating no detrimental environmental impact is envisaged; and

(b) not obstruct the view from any other building.

(2) Sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will not be allowed.

SCHEDULE 6: ROOF SIGNS

(1) Subject to approval in terms of this By-Law, the erection or display of roof signs is permitted only in areas of minimum control.

In addition:

(a) The total area of any roof sign affixed flush onto or painted onto a roof of a building may not exceed one-quarter of the overall area of the roof to which it is affixed or painted.

(b) When attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed 500mm in height and its total area may not exceed 25% of the roof area to which it is affixed.

(2) It shall be permissible to affix a roof sign along the edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3.6m² in total area; with a maximum height of 500mm.

SCHEDULE 7: SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS

Subject to approval in terms of this By-Law and subsection 11 below, the erection or display of signs on a veranda, balcony, canopy, supporting columns, pillars and posts may only be permitted in areas of medium and minimum control on the condition that they also comply with the following:

(1) No signs may be attached to Historical Buildings

(2) No such signs will be allowed on or over architectural features of buildings.

(3) Such signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, and beam or fascia of a veranda or balcony.

(4) The sign may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250mm in front of the surface to which it is affixed or project over a roadway or within 0,6 meters of the edge of the roadway.

(5) Such signs may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard, no sign may project more than 50mm in front of the surface to which it is affixed and may not extend beyond any of the extremities of such column, pillar or post. Signs affixed flat onto non-rectangular supporting structures must be curved to fit the form of such structure.

(6) Only one sign per column, pillar or post will be allowed.

(7) Such signs suspended below the roof of a veranda, canopy or the floor of a balcony may not exceed 1,8 meters in length or 600mm in height.

(8) Every such sign must be at right angles to the building line.

(9) No signs suspended under a canopy may extend beyond the external edge of the canopy or veranda to which it is attached.

(10) All suspended signs must have a clear height of at least 2,4 meters.

(11) Such signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding individual, cut- out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a veranda or balcony.

(12) No such sign shall be allowed in a conservation area within a single residential zone unless a Heritage Impact Assessment was submitted which found that no negative impact would be made on the heritage resources.

SCHEDULE 8: SIGNS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS

Subject to approval in terms of this By-Law, the erection or display of signs on boundary walls and fences is permitted only for locality bound signs in urban areas of maximum, minimum or partial control and in addition:

(1) In urban areas of maximum and partial control, the Municipality may approve an application to affix a locality bound sign against a boundary wall only if the sign is indented into the wall or composed of individual, un-illuminated cut-out letters or symbols fixed flat on such wall not projecting more than 50mm from the face of such wall.

(2) In areas of minimum control, the Municipality may approve, subject to Visual Impact Assessment—

(a) an application to affix a locality bound sign flat onto a boundary wall only if it does not project more than 50mm from the face of such wall; and

(b) an application to affix a locality bound flat sign with a maximum size of 0.5m² onto the permanent fence of an erf.

(3) Third party and locality bound advertising on construction site hoardings and fences must comply with the following conditions:

(a) any one sign may not exceed a vertical dimension of 3 meters and total area of 18m² and in the case of construction site cladding, the graphic must comply with the requirements of the Advertising standards Association of South Africa.

(b) any such sign may not project more than 100mm in front of the hoarding or fence to which it is affixed;

(c) it may not be illuminated in areas of maximum and partial control; and

(d) advertising will not be allowed on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.

SCHEDULE 9: HEADLINE POSTERS

Subject to approval in terms of this By-Law, the erection or display of headline posters is permitted in all areas except natural and rural areas of maximum control. In addition:

(1) Headline posters may not exceed 0.9m x 0.6m in area.

(2) The commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster.

(3) The posters may be attached to Municipal electrical light poles only where approved by the Municipality for the express purposes of these posters.

(4) Posters may not be affixed to traffic signal poles, or other poles which carry road traffic signs, or poles erected for any other purpose except as provided for in item 5 below, or any other street furniture, walls, fences, trees, rocks or other natural features.

(5) Headline posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose.

(6) Only one headline poster per pole, regardless of which newspaper group it is, will be permitted, and must be at a uniform height of approximately 2 meters.

(7) The number of posters as well as the designated areas for the display of headline posters as approved by the Municipality must be strictly adhered to.

(8) All "special events" posters are to comply with the following:

(a) the name of the newspaper group, the "special event" and the date of the "special event" must appear on the posters in letters not less than 50mm in height;

(b) the special event posters may not be displayed more than 14 days before the date of the event and they must be removed within 48 hours after the date of the event shown on the poster.

(9) Headline posters and fastenings are to be removed on a daily basis failing which the posters will be removed, at the newspaper group's expense, in accordance with the standard charges for removal of posters.

(10) The Municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the person responsible for the display of such posters or the newspaper group concerned.

(11) The Municipality may remove any poster displayed in contravention of the abovementioned conditions.

(12) Any poster not removed on a daily basis or a poster relating to a "special event by due date referred to in item 8(b) may be removed by the Municipality.

(13) The display of unauthorised posters is illegal, and the Municipality may also remove such posters.

(14) The Municipality may determine the costs involved for the removal of unauthorised posters.

(15) Application must be made on an annual basis by each newspaper group for permission to display such posters subject to an annual fee per newspaper group.

(16) A deposit per newspaper group who wishes to display posters must be paid annually against which a charge for the removal of any poster which contravenes the By-Law will be levied. In the event of the above deposit being exhausted, permission to display such poster may be withdrawn until a further deposit is submitted to the Municipality.

SCHEDULE 10: POSTERS, BANNERS, TEAR-DROP BANNERS, FLAGS AND BALLOONS

Subject to approval in terms of this By-Law, the erection or display of posters, banners, tear-drop banners and flags other than those referred to in Schedule 11, or balloons, is permitted in all areas, except areas of maximum control. Only to be displayed within or adjacent to property associated with advertisement. In addition:

(1) The display of posters, banners, tear-drop banners, flags and balloons is prohibited on any bridge or across any public road, and along any road designated by the Municipality, unless consent has been obtained from the Municipality.

(2) Posters, banners, tear-drop banners, flags and balloons may not be attached so as to interfere with or constitute a danger to passing pedestrians or vehicular traffic.

(3) No banner, or flag-type banner may be larger than 5m², and no flag may be larger than 2m²; provided further that no flagpole may exceed a relevant height restriction of the zoning of the premises, up to a maximum of 8m above natural ground level, measured directly below the pole;

(4) No poster, banner, tear-drop banner, flag, or balloon may be displayed within 30 meters of any road traffic sign or traffic signal. - special permission required for display within 30m

(5) Posters, banners, flags, or balloons may not be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock, other natural features, street furniture or other Municipal property.

(6) Posters, banners, tear-drop banners, flags, or balloons may not be affixed in such a way that they unfairly prejudice other businesses or organisations or obscure any approved existing signs.

(7) Only one banner per premises will be permitted unless the Municipality's written permission is obtained for more than one.

(8) (i) A maximum of five flagpoles bearing national flags may be erected on the premises of an accommodation facility on a single residential erf

(ii) Subject to the conditions laid down in paragraph 4, a maximum of two tear-drop banners or flags displaying the name, corporate symbol or nature of the business on the premises on which it is displayed, may be allowed.

(9) Posters, banners, tear-drop banners, flags and balloons not kept in a good condition may not be displayed and must be removed after notification by the Municipality.

SCHEDULE 11: TEMPORARY POSTERS, TEAR-DROP BANNERS, BANNERS AND FLAGS ON PUBLIC ROADS AND PUBLIC PLACES

Subject to approval in terms of this By-Law, the erection or display of posters, banners, tear-drop banners and flags in public roads or public places, for the purpose of advertising specific events, is permitted in all areas of control except natural and rural areas of maximum control. In addition—

(1) Approval for third party advertising on posters, banners, tear-drop banners, flags and balloons may only be granted for a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or for a function or event relating to a Municipal, Provincial or Parliamentary election or referendum.

(2) The name of the host organisation, the date and venue must appear on the material in letters not less than 50mm in height.

(3) Posters, banners tear-drop banners and flags may only be erected to advertise the event and the name or emblem of a sponsor may not cover more than 20% of the surface of the material.

(4) The Municipality may levy a tariff to cover the cost for the removal of material which has been erected without the approval of the Municipality given under the hand of an authorized official.

(5) Posters, banners, tear-drop banners and flags may be displayed for a maximum period of fourteen days prior to the event and must be removed within 2 days from the date of the event or the last day thereof as applicable.

(6) Posters with a maximum measurement of 80 cm x 50 cm must be mounted on a board and affixed securely with stout string or plastic fastening without damage caused to the poles. No securing material with a metal content is permitted.

(7) Posters, banners, tear-drop banners and flags, excluding election posters and flags, may only be erected in the roads, or places as indicated by the Municipality and may not be erected in residential areas or on bridges. No political banners will be allowed.

(8) Only one poster or flag per organisation may be erected on every second streetlight pole.

(9) Posters and flags must be erected at a uniform height of approximately 2 meters.

(10) No posters, banners, tear-drop banners or flags may be affixed to trees, traffic signs, traffic signals, central ridges, existing advertising signs or any municipal buildings or over hydrant identification signs.

(11) No posters, banners, tear-drop banners and flags may be displayed within 30 meters of any road traffic sign or traffic signal.

(12) All materials used to affix the posters must be removed together with the posters.

(13) The Municipality may remove any indecent or torn posters, banners, tear-drop banners or flags, or any posters, banners or flags which create a traffic hazard in the opinion of the Municipality

(14) The Municipality is exempted from claims that may be instituted against the Municipality as a result of the display of posters, banners, tear-drop banners and flags.

(15) The display of posters, banners, tear-drop banners and flags purely for commercial advertising is not permitted, provided that any poster, banner or flag which relates to a sport, the arts, or a cultural event may be permitted, despite such posters, banners, tear-drop banners or flags containing commercial elements. The commercial element may not exceed 20% of the extent of the poster, banner, tear-drop banner or flag.

(16) Organisations or persons who obtained approval to display posters or flags must pay a deposit as determined by the Municipality, which shall entitle that person to display the said poster or flag for a maximum period of 14 days, or such time as stipulated by the Municipality. No poster or flag may be displayed without such deposit having been paid.

(17) The Municipality may remove or request the applicant to remove all posters, banners, tear-drop banners or flags should any of the above conditions not be complied with.

(18) Posters, banners, tear-drop banners or flags that are not removed by the due date may be removed by the Municipality in which case the deposit paid in terms of item 15 will be forfeited to the Municipality.

(19) Banners will be erected or removed by the Municipality at a rate as approved from time to time and the banner must comply with the specifications as laid down by the Municipality.

SCHEDULE 12: ESTATE AGENT SIGNS

Subject to approval in terms of this By-Law, the erection or display of estate agent signs is permitted in all areas except natural areas of maximum control. Only estate agents registered with the Estate Agents Board will be allowed to erect show houses signs. Proof of registration must accompany the application. In addition:

(1) Estate Agencies must apply annually for permission to display signs and approval may be subject to payment of an annual fee in accordance with the Municipality's by-law and policy on tariffs.

(2) A deposit may be required by the Municipality against which a charge for the removal of any sign which contravenes this By-law will be levied. In the event of the above deposit being exhausted, permission to display such signage may be withdrawn until a further deposit is paid to the Municipality.

(3) Any Estate Agent sign unlawfully erected, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality; in the event of the said sign not being removed, photographic evidence of the unlawful sign may be obtained by the Municipality prior to levying the said charge.

(4) "For sale", "Sold" and "To let" signs shall be fixed flat to the surface of the boundary fence or wall of the property.

(5) "Sold" signs may be displayed, fixed flat to the surface of the boundary fence or wall of the property, for a maximum period of two weeks.

(6) No sign may be erected in such a way that any part of it is closer than 1.5m from a road verge.

(7) No sign may be erected on centre islands.

(8) No sign may obscure a road traffic sign.

(9) No signs may be erected on any tarred area of pavements.

(10) Estate agent signs may not exceed 0.3m² in total area.

(11) "Show House" signs may be displayed only from 12h00 on Fridays to 20h00 on Sundays.

(12) Show house signs may not be affixed to trees, traffic signals, street poles or other poles which carry road traffic signs, walls, fences, rocks, other natural features or landscaped areas, street furniture, or other Municipal property, unless such other display is authorised by the Municipality in writing.

(13) On each sign, the wording "On Show", "Show House", "Show Flat" or "Show Plot" with the Agency's name and directional arrow must be displayed as well as the date.

(14) Show house signs may be displayed on stakes making use of a design approved by the Municipality. Estate Agent signs may not be displayed on concrete, tarred or paved surfaces. It is not permissible for stakes to penetrate the ground deeper than 15cm.

(15) Not more than six estate agent directional signs will be permitted in total per show house, show plot or block of flats in which a show flat is on display. The definition of one sign will include the display of two signboards only when such boards are sandwiched back to back around an electric light pole.

(16) Show houses signs may not be displayed along Scenic Routes or on any bridge, public park or public open space.

(17) Directional signs may be displayed along main routes only, being the shortest route from a main road to the property.

(18) Only one directional sign per show house/flat/plot may be displayed along class 2 or 3 roads, excluding roads referred to in item 7 above.

SCHEDULE 13: LOOSE PORTABLE SIGNS

Subject to approval in terms of this By-Law, the erection or display of loose portable signs is permitted in areas of minimum and partial control as well as designated areas within urban areas of maximum control. In addition:

(1) Loose portable signs may not be placed in a road reserve or in public open spaces without the written permission of the Municipality.

(2) The Municipality may remove and impound loose portable signs placed without permission in a road reserve or on Municipal property. Owners can recover their signs on payment of the prescribed fee as determined the Municipality which will be used to defray the cost of removal, storage and transportation.

(3) The following criteria will apply in respect of an application in terms of item 1:

(a) that it does not pose a hazard in terms of safety to the public;

(b) that it does not obstruct or cause inconvenience to the public either by its physical size or location;

(c) that it does not unfairly prejudice other traders;

(d) that the loose portable sign or proposed number thereof does not detract from the amenity of the local streetscape or local environment;

(e) that it is intended solely to advertise the name of the business, goods or services for sale from the advertiser's premises;

(f) that the maximum dimensions of the proposed loose portable sign must be 1.2m (height) x 0.6m (width).

(g) that it may be placed directly in front of the advertiser's premises, provided that the above criteria are met; and

(h) that a minimum clear footway width of 1,8 meters must remain clear and 2,5 meters in the central business district and sidewalks with high pedestrian volumes.

(4) The Municipality may demarcate areas within the road reserve or on municipal property where, during normal trading hours, applicants may then place the approved loose portable signs. The said signs must be removed outside normal trading hours and stored away from public view.

(5) The Municipality may levy tariffs for displaying the loose portable signs, which tariffs shall be payable in advance for a maximum period of six months.

(6) Applicants will be required to indemnify the Municipality against any claims from third parties that may arise, due to the placement of loose portable signs within the road reserve or on municipal property.

(7) Notwithstanding the above, the Municipality may cause the removal or impoundment of the sign or signs should the applicant contravene any of the above conditions.

SCHEDULE 14: AERIAL SIGNS

Subject to approval in terms of this By-Law, the erection display of aerial signs is permitted only in urban areas of minimum control. In addition:

(1) No aerial signs affixed to any building or structure may be flown at a height of more than 45 meters from the surface measured from ground level.

(2) Aerial signs may not be flown above a public road.

SCHEDULE 15: TRANSIT ADVERTISING

Subject to approval in terms of this By-Law, the erection or display of transit signs is permitted only in urban areas of minimum control.

In addition:

(1) The parking of a transit sign which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this By-Law as well as the Streets By-Law.

(2) Transit signs parked on private property for the purpose of storage must be positioned in such a manner as not to be visible from a street or public place.

(3) The advertising panel or portion of the vehicle used for transit advertising may not exceed a cumulative total of 18m².

(4) The Municipality may designate sites in areas of minimum control for transit advertising and may publish notices indicating such sites.

(5) Notwithstanding any provisions of this By-Law, the Municipality may, without prior notice, remove any unauthorised transit signs from municipal property, and, in the case of unauthorised transit advertising on private property, the Municipality may serve a notice ordering the removal thereof in terms of this By-Law.

(6) Transit signs must be properly fixed to the ground at the parking location.

SCHEDULE 16: SIGNS ON MUNICIPAL LAND OR BUILDINGS

(1) No sign may be displayed or erected on municipal land or buildings without the written permission of the Municipality.

(2) The following specific conditions and criteria will apply to the signs mentioned in items (a) to (c) below:

(a) Commercially sponsored signs other than those in section13 (10).

Notwithstanding the area of control within which it is proposed to erect a commercially sponsored sign on Municipal land or buildings, and subject to compliance with all other provisions of this By-Law, the Municipality may consider a commercially sponsored sign for approval, subject to the following:

(i) Public or community needs or goals must be identified or adopted by the Municipality and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercially sponsored signs, the Municipality may call for public input on such public or community needs or goals and the related advertising opportunity.

(ii) In order to identify such public or community needs or goals, the Municipality and other interested authorities must consult prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising.

(iii) The Municipality's Supply Chain Management Policy will apply.

(iv) that any proposal be evaluated on the following factors:

(aa) the adherence to the principles of this By-law;

(bb) the design contribution;

(cc) the best community benefit offered;

(dd) the creativity and public safety;

(ee) the permanence of the contribution to the community goals or needs; and

(ff) the recovery cost over the period of the erection of the sign as opposed to the largest advertising opportunity or financial gain.

(v) When contributions in kind are to be recovered by the Municipality, a conversion thereof to a monetary contribution to the Municipality's income base will be assessed.

(vi) the Municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect shall not be regarded decision by the Municipality to proceed with the erection of a sign in respect of a specific site.

(vii) Once accepted, any sign to be erected in terms of this schedule must be the subject matter of a written agreement between the Municipality as landowner and the person responsible for the erection of the sign.

(b) Sponsored signs

Notwithstanding the area of control within which it is proposed to erect such a sign on Municipal owned land or buildings and subject to compliance with all other provisions of this By-Law, the Municipality may consider a sponsored sign for approval on condition that:

(i) written detail will be provided which clearly indicates the recognised community goals which will be promoted by the erection or display of the proposed sign;

(ii) signs with a political content will not be permitted;

(iii) no more than 5% of the total surface of the sign is used for third party advertising.

(iv) the maximum size of any such sign will be 6m x 3m; provided in the event of a V-shaped sign where the size may not exceed two panels of 6m x 3m each. Not allowed in areas of maximum control

(iv) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2.

(vi) no sign erected in terms of this clause be located within 5 meters of a property's boundary line.

(c) Non-profit body signs

Notwithstanding the area of control within which it is proposed to erect a sign, and subject to compliance with all other provisions of this By-Law, the Municipality may consider the erection of a sign by or for the benefit of a non-

profit body subject to compliance to a VIA and with the requirements set out in Schedule 17.

SCHEDULE 17: SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT ORGANISATIONS

(1) Notwithstanding the area of control within which it is proposed to erect a sign by or for the benefit of a non-profit organisation, and subject to compliance with all other provisions of this By-Law, the Municipality may consider such a sign for approval subject to the following:

(a) written details from the host non-profit organisation regarding the nature and extent of the support to be received from the erection or display of the sign must be delivered to the Municipality together with the other information set out in Section 3 of this By-Law;

(b) the extent of involvement of previously disadvantaged communities, small businesses, job creation and empowerment will be considered in any proposal;

(c) any proposal will be evaluated on the following factors;

(i) the adherence to the principles or provisions of this By-Law;

(ii) the design contribution;

(iii) the best community benefit offered;

(v) the creativity and public safety; and

(vi) the permanence of the contribution to the community goals or needs as opposed to the largest advertising opportunity or financial gain.

(d) in the event of it being proposed that the said sign will be erected on municipal property:

(i) the Municipality must evaluate the proposal;

(ii) the Municipality as landowner reserves the right not to proceed with any proposal prior to final approval thereof; and

(iii) if accepted, a written agreement between the Municipality, the person responsible for the erection of the sign and the non-profit body must be entered into.

(e) In addition the following conditions will apply:

(i) signs with a political content will not be permitted;

(ii) the maximum size of any such sign is 6m x 3m; provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 3m each;

(iii) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2;

(iv) no sign erected in terms of this clause may be located within 5 meters of a property's boundary line;

(v) the name of the non-profit body must be displayed on the sign with a maximum 300mm lettering height;

(vi) all parties that may be affected by the erection or display of such sign must be given opportunity for their input;

(vii) the Municipality may require submission of impact assessment studies; and

(viii) no more than two individual signs of 6m x 3m each may be permitted, or alternatively one V-shaped sign with a maximum of two panels of 6m x 3m each on any one property. In addition, only one sign per street frontage will be permitted.

SCHEDULE 18: STANDARD FREE STANDING AND COMPOSITE SIGNS FOR THE CONSERVATION AREA

(1) Subject to approval and in accordance to this By-Law, the erection and display of standard free standing and composite signs will be the primary way of advertising in conservation areas and in areas of single residential zoning. In addition:

(a) Only one standard advertising structure, designed according to Municipal requirements, will be allowed on a property.

(b) A composite sign of maximum two advertising signs and size not exceeding an area of 1.8 m^2 per advertising structure showing only the name of the business and its main product will be allowed.

(c) In the case of a business centre, more than one advertising sign per advertising structure will be allowed in which case the centre's name and the names of the businesses in the centre may be displayed.

(2) The signs and advertising structures shall:

(a) Comply to the design standards and requirements of the Municipality.

(b) Not be displayed in the road reserve.

APPENDIX 2

OUTDOOR ADVERTISING AND

SIGNAGE BYLAW

ADMISSION OF GUILT

OFFENCES AND FINES

Section Contravened	Description of Offence	Proposed Fine (1)	Approved Fine (2)
3(1)	Display any advertisement or erect or use any sign for advertising purposes without the Municipality's approval	R2 500	
4(1)	No sign may be erected until such time as the application fees have been paid in full	R2 000	
4(2)(f)	(f) that no sign or advertisement may be designed or displayed that— (i) will constitute a danger to any person or property; (ii) will display any material or graphic which does not comply with the requirements of the Advertising Standards Authority of South Africa. (iii) will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic or locality. (iv) will obscure any other signs approved in terms of this By-Law or its predecessor; and (v) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.	R2 000	
6(1)	(1) All signs and advertising structures which are not properly erected and constructed of the requisite strength or inadequately secured or does not comply with the requirements pertaining thereto of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977).	R2 000	
6(2)	Sign not repaired within seven after receipt of notice in writing for being vandalised, torn, damaged or falling into state of disrepair	R2 000	

9(2)	Signs may not be erected in an area where they are an unacceptable distraction for drivers, which acceptability may be determined in terms of the guidelines laid down in the S.A. Road Traffic Signs Manual.	R2 000	
14	No person may destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person may disfigure any sign legally displayed in terms of this By-Law	R2 500	
15	No person may, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other Municipal installation or property and street furniture.	R2 500	
17(2)	(2) A person commits an offence if he or she— (a) threatens, resists, hinders, obstructs or otherwise interferes with, or who uses foul or abusive language towards or at an employee or contractor of the Municipality in the exercise of any powers or performance of any duty or function in terms of this By-law; or (b) impersonates an employee or contractor of the Municipality.	R2 500	

APPENDIX 3

POWERS/DUTIES CONFERRED ON OFFICIALS AND/OR STRUCTURES					
LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
BY-LAWS **BY-LAW RELATING TO TO OUTDOOR ADVERTISING AND SIGNAGE**					
OAS (3)	To approve an application for the display a new sign or to alter or to add to an existing approved sign or submit a signage plan	Municipal Manager	Director: Planning & Economic Development for all off street positioned signs, advertising, posters (Signs and poster outside of any street or road reserve) Director: Infrastructure Services for all on-street positioned signs, advertising, posters (signs and posters for all signs and posters within street and road reserves). Director: Corporate Services for all on-street positioned TEMPORARY posters (signs and posters for all signs and posters within street and road reserves).	Senior Manager: Development Planning / Senior Heritage Planner	

OAS (4)	Determination of all and any fees associated with Outdoor Advertising and Signage	Council			
OAS (7)	The approval of any electricity connections and fees to be paid for signs needing an Electricity Supply	Municipal Manager	Director: Infrastructure Services		
OAS (8)	Approval of illuminance conditions and positioning wrt unwanted visual irritation to motorists of an illuminated signs=	Municipal Manager	Director: Infrastructure Services		
OAS (9)	Approval of sign position and design wrt to Traffic Safety	Municipal Manager	Director: Infrastructure Services		In consultation with both external and internal role- players as per by-law
OAS (12)	Any appeals lodged in terms of Signs and Posters conditions of approval	Municipal Manager			

APPENDIX 4

Annexure E

SakeBusiness

LATEGAN'S
sementwerke • cement works
Sedert 1954 Since
Jou langtermyn betonvennoot
☎ 021 873 1154 • sales@lategans.co.za • www.lategans.co.za

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MUNISIPALE KENNISGEWING: 44/2021

OPENBARE PUBLIEKE DEELNAME PROSES VIR NUWE PAAIE MEESTERPLAN

Kennis geskied hiermee dat Stellenbosch Munisipaliteit 'n nuwe Paaie Meesterplan ter tafel lê vir openbare inspeksie en kommentaar by die onderskeie biblioteke in die Stellenbosch munisipale area asook op www.stellenbosch.gov.za vanaf **14 MEI 2021 – 14 JUNIE 2021.**

Alle kommentaar moet verwys word na die Direkteur: Infrastruktuurdienste.

Kontak persoon:	Deon Louw
Tel:	021 808 8213
E-pos:	engineering.services@stellenbosch.gov.za
Onderwerpslyn:	ROADS MASTERPLAN

Geraldine Mettler
MUNISIPALE BESTUURDER

Posbus 17
STELLENBOSCH, 7599

MUNICIPAL NOTICE: 44/2020

CALLING ON PUBLIC FOR COMMENTS ON NEW ROADS MASTERPLAN

Notice is hereby given that Stellenbosch Municipality has tabled a new Roads Masterplan, available for public comment at the libraries in the Stellenbosch municipal area and on www.stellenbosch.gov.za from **14 MAY 2021 – 14 JUNE 2021.**

All comments must be submitted to the Director: Infrastructure Service

Contact person:	Deon Louw
Tel:	021 808 8213
Email:	engineering.services@stellenbosch.gov.za
Subject matter:	ROADS MASTERPLAN

Geraldine Mettler
MUNICIPAL MANAGER

PO Box 17
STELLENBOSCH, 7599

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MUNISIPALE KENNISGEWING: 45/2021

OPENBARE PUBLIEKE DEELNAME PROSES VIR NUWE PLAKKAAT VERORDENING

Kennis geskied hiermee dat Stellenbosch Munisipaliteit 'n nuwe Plakkaat Verordening ter tafel lê vir openbare inspeksie en kommentaar by die onderskeie biblioteke in die Stellenbosch munisipale area asook op www.stellenbosch.gov.za vanaf **14 MEI 2021 – 14 JUNIE 2021.**

Alle kommentaar moet verwys word na die Direkteur: Infrastruktuurdienste

Kontakpersoon:	Deon Louw
Tel:	021 808 8213
E-pos:	engineering.services@stellenbosch.gov.za
Onderwerpslyn:	POSTER BY-LAW

Geraldine Mettler
MUNISIPALE BESTUURDER

Posbus 17
STELLENBOSCH, 7599

MUNICIPAL NOTICE: 45/2021

CALLING ON PUBLIC FOR COMMENTS ON NEW POSTER BY-LAW

Notice is hereby given that Stellenbosch Municipality has tabled a new Poster By-law, available for public comment at the libraries in the Stellenbosch municipal area and on www.stellenbosch.gov.za from **14 MAY 2021 – 14 JUNE 2021.**

All comments must be submitted to the Director: Infrastructure Services

Contact person:	Deon Louw
Tel:	021 808 8213
Email:	engineering.services@stellenbosch.gov.za
Subject matter:	POSTER BY-LAW

Geraldine Mettler
MUNICIPAL MANAGER

PO Box 17
STELLENBOSCH, 7599

APPENDIX 5

Annexure B

Belangegroep Stellenbosch Interest Group

14 June 2021

Mr Deon Louw
deon.louw@stellenbosch.gov.za

Dear Mr Louw

STELLENBOSCH MUNICIPALITY SECOND DRAFT BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE

Please find the Stellenbosch Interest Group's (SIG's) comments on the Second Draft By-Law relating to Outdoor Advertising and Signage below.

The SIG wishes to place on record the importance for the Stellenbosch Municipality to; first, take note of the comments of Ms Claire Abrahamson relating to this By-law. Secondly, the comments of the Stellenbosch Municipality's recently appointed Senior Heritage Planner, Ms Katherine Robinson, must be obtained as she will be administering the Signage Policy. The significance of the afore-mentioned two heritage practitioners must precede and override any comments that are contributed by the SIG.

In particular, the following input from Ms Claire Abrahamson must be given immediate attention:

- *Rural landscapes are vulnerable to visual degradation through inappropriate signage, which can sometimes form an "urban intrusion" into the landscape.*
- *If a sign impacts or alters building fabric older than 60 years, application to HWC under Section 34 of the National Heritage Resources Act would be required, and comment on the proposed sign from the local heritage bodies would be appropriate.*
- *Applications for proposed new signs within conservation areas should engage with and receive the comment of any registered conservation bodies within those areas.*
- *The Municipality has a conservation team that is in the process of finalising a CMP for the whole area. It would be prudent to workshop this section of the by-law with them, to ensure that adequate control of signage in historic environments is provided.*

The SIG's concern relates in particular to the need for specific reference in the By-law to rural areas. The By-law indicates what is not permitted but gives no guidelines as to what signage should look like in this area of maximum control.

The SIG's further wishes to comment as follows:

Definitions

"sign" means any object, product, replica, advertising structure, ~~mural~~, device or board which is used to publicly display a sign, or which is in itself a sign and includes a poster, billboard and an advertisement which is included in the architectural design of a building or structure and which is visible from any public place;

Comment: Signs must exclude murals. Murals must be dealt with in a separate By Law. In recent decades, public murals have become a common phenomenon in urban landscapes around the world. The Stellenbosch Municipality needs to establish a Public Mural Art Policy and Regulations that employ murals as an acceptable element while maintaining a balance which reflects and influences social, political, historical, cultural, and aesthetic values in Stellenbosch. In this regard Cape Town's Mural Policy would be a possible example to adapt for the unique character of Stellenbosch and the Winelands.

Comment: Rural areas are listed as areas of maximum control. The schedules only refer to what is not permitted under the schedules 9: headline posters 11: Temporary posters, tear-drop banners, banners and flags on public roads and public places.

SCHEDULE 1: AREAS OF CONTROL P35
The table refers

Please note that the SIG considers that the text highlighted in yellow below should be added to the draft document and that the text that has been struck through should be deleted.

Urban Area – Partial Control

Mixed use commercial and residential areas, unless within a conservation area.

Commercial ribbon development and activity corridors, unless within a conservation area.

Commercial and business districts and adjacent streets and rail reserves, unless within a conservation area.

Entertainment district or complexes with commercial zones, unless within a conservation area.

Educational institutions, Sports fields and stadiums, unless within a conservation area.

~~Undetermined zones~~ Limited use zones (including railway reserves, transport use zones).

Specific areas or sites designated as partial control by way of a map as contained in the zoning scheme regulations prepared by the Municipality. (Comment: There are no partial control sites marked on a map in the zoning scheme)

Urban Area – Minimum Control

Designated areas within ~~undetermined zones~~ limited use zones unless within a conservation area.

Specific areas or sites designated as minimum control by way of a map as contained in the zoning scheme ? (Comment: There are no partial control sites marked on a map in the zoning scheme)

SCHEDULE 4:

(8) ~~is not allowed on the sides of buildings around the areas of maximum and partial control.~~ Comment: The text should be omitted because it contradicts the introductory paragraph of Schedule 4: the erection or display of flat and projecting signs are permitted in all areas of maximum, partial or minimum control.

Add the following:
(9) No signs may be attached to walls or fences of residential buildings.

SCHEDULE 5: SKY SIGNS

Sky signs are not suitable for Stellenbosch or the Winelands.
(2) ~~Sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will only be permitted if they are locality bound, un-illuminated and consist of individual cut-out letters or logos~~. Comment: This at least must be removed. Such signs should not appear on the roof of a cultural, historic or architecturally significant building.

SCHEDULE 6: ROOF SIGNS

(1b) When attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed ~~1~~ 0,5 metre in height and its total area may not exceed 25% of the roof area to which it is affixed. Comment: 1 metre is too big, consider 0.5metre and a limitation should be set for the total area if the roof is large.

2) It shall be permissible to affix a roof sign along the lower edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3.6m² in total area; with a maximum height of ~~1 metre~~ 0,5metre.

SCHEDULE 7: SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS

The numbering should be reviewed. Two sections (1) appear under Schedule 7.

(1) No signs may be attached to Historical Buildings

~~(1)~~ (2) No such signs will be allowed on or over architectural features of buildings.

(2) No such signs will be allowed on or over architectural features of buildings.
Comment: Please note that columns, pillars, verandas, and balconies etc are all architectural features.

(7) Every such sign must be at right angles to the building line.
Comment: Unclear to which building line is referred.

SCHEDULE 13: LOOSE PORTABLE SIGNS

(d) that the loose portable sign, only one per business, ~~or proposed number thereof~~ does not detract from the amenity of the local streetscape or local environment;

(h) that a minimum clear footway width of 1,8 meters must remain clear and 2,5 meters in the urban conservation area ~~central business~~ district and sidewalks with high pedestrian volumes.

SCHEDULE 14: AERIAL SIGNS

(2) Aerial signs may not be flown above a public road. ~~time~~ ('time' should be deleted)

SCHEDULE 15: TRANSIT ADVERTISING

(4) The Municipality may designate sites in areas of ~~ad~~ minimum control for transit advertising and may publish notices indicating such sites.

The SIG wishes to thank the Municipality for the good working relationship that has been established with the committee in drafting this By-law and suggests that the task be completed by working with the Heritage practitioners that are deeply committed to improving the visual and environmental condition of our unique Municipality's historic and rural character.

Kind regards,

Patricia Botha

7.8.3	**APPROVAL OF THE ADAM TAS CORRIDOR OVERLAY ZONE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2019**

Collaborator No: **749468**
IDP KPA Ref No: **Good Governance**
Meeting Date: **17 May 2023**

1. SUBJECT:APPROVAL OF THE ADAM TAS CORRIDOR OVERLAY ZONE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2019

2. PURPOSE OF REPORT

To obtain Council's approval for the draft Adam Tas Corridor Overlay Zone to be included in the Stellenbosch Municipality: Zoning Scheme Bylaw, 2019.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

1) Council resolved *inter alia* at their meeting of 11 October 2022 (Item 11.8.1) that the public participation process and advertisement of the draft Adam Tas Overlay Zone can commence subject to the following conditions:

    a. The public participation phase of the project will take place over 60 days (2 months).
    b. The draft Overlay Zone will be advertised in the local newspaper, municipal web page and notice boards within two weeks after the decision by Council; and that.

2) After the process of public participation was concluded, the draft Adam Tas Corridor report must be resubmitted to Council together with all comments received for consideration within 2 months.

The Adam Tas Corridor Local Spatial Development Framework and Development Guidelines were approved by Council in October 2022 as official spatial policy for the development of the area. Following the approval of the Framework, Council also approved the process to obtain input from the public on the draft overlay zone in October 2022. The overlay zone is the mechanism through which the framework can be inpkemented.

The purpose of the overlay zone in terms of Section 239 (1) of the Stellenbosch Municipality: Zoning Scheme Bylaw is to designate land for future subdivision where a change of zoning from the pre-existing base zone will be required once the subdivision is approved and where the principle of future subdivision has been approved through a rezoning process, but the subdivision plan itself has not yet been approved.

The darft overlay zone was advertised for 60 days in line with the approval of Council. No comment was received during this period.

This item thus serves to obtain Council's approval of the draft Adam Tas Corridor Overlay Zone to be included in the Stellenbosch Municipality: Zoning Scheme Bylaw, 2019.

5. RECOMMENDATION

that Council approves the draft Adam Tas Corridor Overlay Zone attached as **APPENDICE 1** to the agenda for incorporation in the Stellenbosch Municipality: Zoning Scheme Bylaw, 2019.

6. DISCUSSION /CONTENTS

The Municipal Spatial Development Framework (MSDF) approved by Council in November 2019 aimed to address the restructuring of Stellenbosch in a meaningful way with a view to respond to the principles of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA).

The approved MSDF recognised and proposed two catalytical projects which can play a significant role in achieving these principles spatially, one of which was the development of the Adam Tas Corridor.

The Adam Tas Corridor Local Spatial Development Framework was subsequintly approved by Council at the end of October 2022.

The complexity associated with the Adam Tas Development Corridor can be encapsulated as follows:

1. That landownership over the 11 identified precincts is not homogenous with various land parcels currently in the ownership of the private sector and various state institutions.
2. Determine a mechanism to implement such an initiative that will be significantly incentivised to attract investment.
3. To ensure that there is sufficient bulk infrastructure to enable the development vision.
4. The magnitude of the project is of such a nature that it will be implemented over multiple years and require significant public and private partnerships.

The Adam Tas Corridor Local Spatial Development Framework guides and informs decisions made by the Municipality relating to land development, without conferring or removing development rights. For rights to be allocated to the Adam Tas Corridor – enabling actual development as contemplated in the Local Spatial Development Framework – the envisaged rights and obligations need to be incorporated in the Stellenbosch Municipality Zoning Scheme By-Law, 2019.

The most appropriate option for incorporating the LSDF's envisaged rights and obligations in the LUMS appears to be establishing an ATC Local Area Overlay zone as provided for in Section 17 of the Stellenbosch Municipality Land Use Planning By-law, 2019.

ADVANTAGES TO ESTABLISH AN OVERLAY ZONE

From the perspective of the Adam Tas Corridor, establishing an Overlay Zone will have the following advantages:

- Framing development parameters specific to the project context, including the specific objectives pursued through the project.

- Ensuring a high-level of integration in the work undertaken by different landowners for different parts of the area over a prolonged period of time.

- Enabling a clear and accountable Land Use Management process while allowing significant flexibility over time to accommodate changes in societal and landowner context.

Chapters 23 and 24 of the Stellenbosch Municipality; Zoning Scheme Bylaw deals extensively with Overlay Zones.

In terms of the By-law an Overlay Zone *(oorlegsonering)* means a category of zoning that applicable to a defined area or land unit which stipulates additional development parameters that may be more or less restrictive than the base zone as defined in the zoning scheme.

The objective of an Overlay Zone is to serve two different roles, which may be pursued within a single overlay zone:

(a) In the first role an overlay zone can impose additional and more restrictive development parameters to achieve e.g., a conservation goal, like prescribing a building character, development parameters or limiting the types of land uses to protect an established historic character of an area.

(b) In the second role it can be used as a tool to facilitate development in pursuance of a specific developmental goal e.g., to promote a type of development or harness investment and job creation and may include the establishment of less restrictive development parameters and/ or by vesting inherent additional land use rights with the potential of incentives for less burdensome statutory processes.

The overlay zone envisaged for the Adam Tas Corridor is in pursuance of the second role, and specifically in pursuance of:

(a) The development vision of the Stellenbosch Municipal Spatial Development Framework in general and the Adam Tas Corridor Spatial Plan in particular,
(b) Unlocking and leveraging investment by facilitating the establishment of pre-approved land use rights.

INCORPORATION OF OVERLAY ZONE INTO EXISTING ZONING SCHEME BY-LAW

In pursuance of the approved spatial planning goals and in consultation with all landowners and interested and affected parties, the municipality will develop and approve the overlay zone in accordance with a process to rezone the land to a representing subdivisional area zoning in accordance with the zoning scheme bylaw.

The envisage overlay zone will not change the existing base zoning and land use rights but will establish an additional layer of inherent enhanced land use rights attached to pre-determined performance conditions to be complied with when the subject

landowner exercises the option to take up the inherent land use rights of the overlay zone.

Although the inherent land use rights exist and may be taken up at any time, the base zoning and associated existing land use rights will not change if not purposefully taken up by the subject landowner. The subject landowner will consequently also not be liable for any enhanced land tax, development charges or any other obligations unless the subject landowner elects to act on and implement the enhanced land use rights of the overlay zone.

As previously indicated, the Adam Tas Corridor consists of eleven distinct precincts, and each precinct will have its own distinct type and mix of land uses in accordance with the Local Spatial Development Framework and Development Guidelines of the Adam Tas Corridor.

The land use rights attached to the overlay zone is pre-approved in accordance with the subdivisional area rezoning process during the establishment of the overlay zone, and the landowners will consequently not be required to launch individual land use application processes with associated public participation processes to establish these land use rights.

ADMINISTRATIVE PROCESS TO IMPLEMENT INHERENT LAND USE RIGHTS

To facilitate the implementation of the inherent land use rights, the developers will need to launch administrative processes (this means it is not statutory processes where land use rights are granted, and which are associated with public participation processes) to ensure that all conditions and requirements attached to the overlay zone is being complied with.

During this process, the subject landowners within a precinct will first need to develop a precinct development plan for the approval of the Municipality that will illustrate the overall implementation and allocation of land use rights to the different properties, as well as the associated obligations and counter performance in terms of required infrastructure investment. This again is an administrative process (this means it is not statutory processes where land use rights are granted, and which are associated with public participation processes) but must be developed in partnership between landowners in a specific precinct.

Following the approval of this precinct development plan, a site development plan that complies with this precinct development plan needs to be submitted for approval to the municipality by individual property owners/ developers to take up the specific land use rights attached to such property. This again is an administrative process (this means it is not statutory processes where land use rights are granted, and which are associated with public participation processes).

The purpose of these precinct development and site development plans is to illustrate how the inherent land use rights will be implemented in accordance with the pre-approvals facilitated by the establishment of the overlay zone. The purpose of these plans is therefore not to establish any new or additional land use rights, and consequently there will also be no need or obligation for any additional public participation processes.

A landowner has no obligation to implement the inherent land use rights attached to the overlay zone and will also not be prohibited by pursuing any other type of

development not permitted in terms of the subject overlay zone. Should the developer/ landowner however elect to establish any additional or alternative land use rights which are outside the scope of the inherent land use rights attached to the overlay zone, a comprehensive land use application process will need to be followed.

The only other statutory requirement relates to the submission of the actual building plan for approval in terms of the National Building Regulations. This process will be subject to normal building plan approval processes.

Establishing an Overlay Zone will involve an amendment to the Stellenbosch Municipality Zoning Scheme By-law, 2019, following the procedures related to public participation and approval set out in Sections 12 and 13 of the Municipal Systems Act. In terms of the Stellenbosch Municipality Zoning Scheme By-law, 2019, the Overlay Zone does not change the underlying zoning of the properties to which it relates but may vary the development parameters relating to these properties.

A final draft ATC Local Area Overlay zone is attached as **APPENDIX 1.**

7. COMMENTS FOR OTHER DEPARTMENTS

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

The MSDF was made available to all directorates during the 60-day period for public participation and input and comments were received and are addressed to their satisfaction.

8. FINANCIAL IMPLICATIONS

No financial implication.

9. LEGAL IMPLICATIONS

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

10. STAFF IMPLICATIONS

None

11. RISK IMPLICATIONS

None

APPENDIX 1: **Draft Adam Tas Corridor Local Spatial Development Framework Overlay Zone**

APPENDIX 1

Adam Tas Corridor Overlay Zone

(To be incorporated in Chapter 27 of the SM Zoning Scheme By-Law 2019: Local Overlay Zones ***Sections 263-265 and Section 266 (1)-(4) remain and is reflected as it is.)***

263. Zone name and designation on map

(1) The Local Area Overlay zone shall be depicted on a map and shall be referred to by the code (LAO) followed by a number designating the zone. The area to which the Local Area Overlay zone applies shall be indicated on the zoning map by a green unique coloured dotted outline with a transparent fill in the same colour.

264 Purpose of the zone and incorporation of land

(1) The purpose of the local area overlay zones is to provide more detailed development parameters for a specified local area.

(2) The Municipality may demarcate new Local Area Overlay areas or amend existing areas by amending the Scheme in terms of Planning Law, but land cannot be rezoned by an owner for incorporation into or exclusion from this overlay zone.

265. Areas designated as local area overlay zones

(1) Municipality has designated the areas listed in **Table D** as Local Area Overlay zones.

TABLE D: LOCAL AREA OVERLAY ZONES

Number and Map Reference	Description of Area	Colour on map
LAO1	Techno Park Local Area Overlay zone	
LAO2	Adam Tas Corridor Local Area Overlay zone	TBC

266. Areas declared as local overlay zone areas and specific provisions

Sub-sections 1-4 deals with the Techno Park Local Area Overlay Area.

(1) The Adam Tas Corridor Local Overlay Area is indicated on Map LAO2 and the parameters in this subsection will apply as indicated.

(2) The purpose of the Adam Tas Corridor Overlay zone is to enable development of the area in a manner which provides for:

(a) A vibrant, compact, and efficient urban district as part of Stellenbosch town, respectful of the environment and history.

(b) Increased access to livelihood opportunity for ordinary citizens and different income groups.

(c) Inclusionary Housing.

(d) Seamless spatial and socio-economic integration with surrounding areas.

(e) Financial sustainability.

(f) Pro-active partnership, shared responsibility, and a clear differentiation of roles between landowners, government, and other stakeholders.

(g) A clear development process with speedy decision-making.

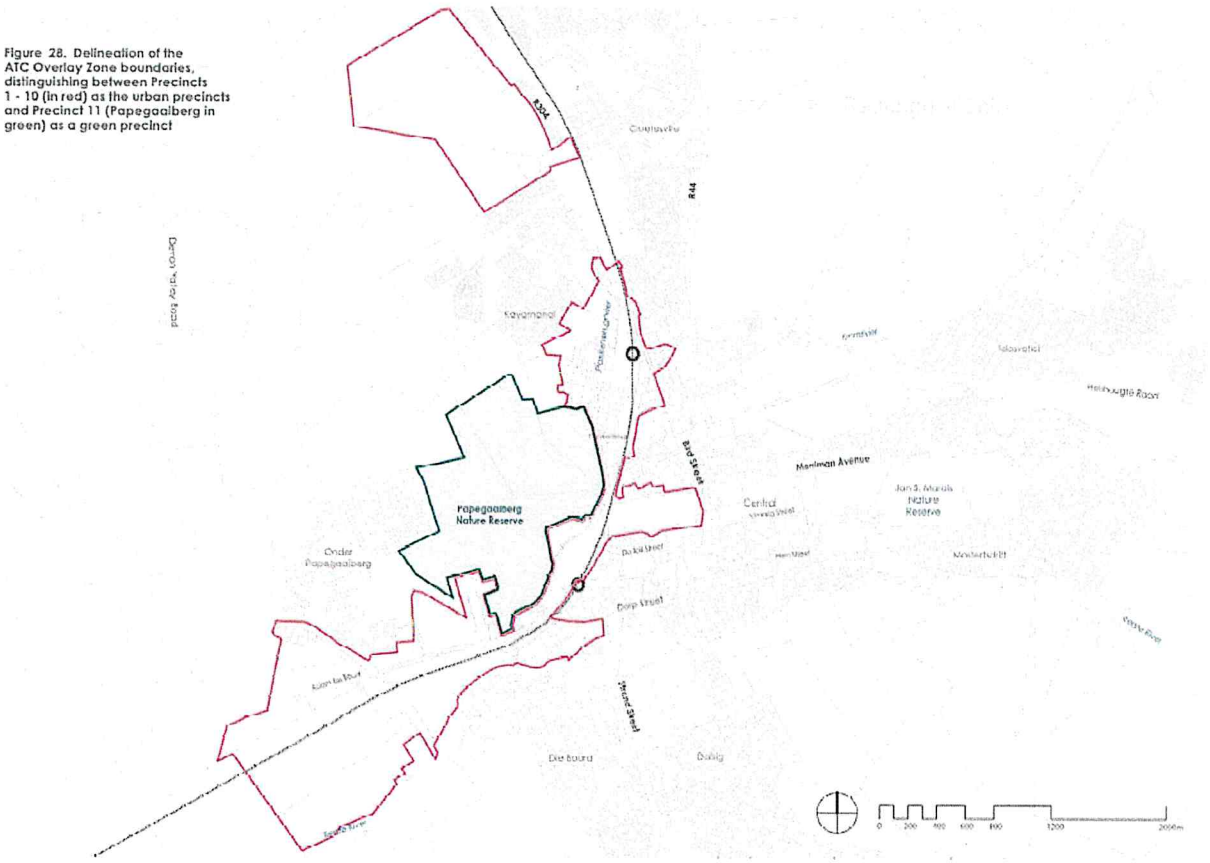


Figure 28. Delineation of the ATC Overlay Zone boundaries, distinguishing between Precincts 1 - 10 (in red) as the urban precincts and Precinct 11 (Papegaaiberg in green) as a green precinct

(3) Unless otherwise indicated, the development parameters set out in this Chapter replace all the development rules set out in the various use zones applicable to the area and shall apply to all the properties or portion of properties falling within the boundaries of the Adam Tas Corridor Local Area Overlay zone as depicted on map LAO2.

(4) The Municipality's overall intent for the Adam Tas Corridor Overlay Area is stated in the Adam Tas Corridor Local Spatial Development Framework, prepared in

terms of the legislative framework, settlement development and management objectives, principles, and policy set out in the Spatial Planning and Land Use Management Act 16 of 2013, Western Cape Land Use Planning Act 3 of 2014, approved Stellenbosch Municipal Spatial Development Framework, and related legislation and policy.

(5) Core components of the Adam Tas Corridor Local Spatial Development Framework which informs the development parameters in this Chapter, its extent and distribution across the area, take-up, phasing, and form, are the:

(a) Development Principles.

(b) Policy framework.

(c) Area-wide Development Framework, including the identification of precincts, mix of uses (including the compulsory provision of inclusionary housing), and development yields permitted.

(d) Area-wide Services Framework, including the progressive extent of development permitted with respect to bulk infrastructure provision/ investment triggered by such development.

(e) Area-wide Development Guidelines.

(f) The hierarchical process of plan preparation and approval - the "package of plans" - required for precincts and parts of precincts following below the Development Framework and the focus and format of each.

(6) The indicative land area allocated to different uses as permissible in the Adam Tas Corridor Overlay Area and precincts shall be as set out in the table below:

Area	Residential	Mixed use residential	Mixed use commercial/retail	Light industry	Sporting facilities	Public facilities
Overall Area	**259 730**	**487 111**	**379 398**	**220 661**	**57 026**	**198 025**
Precinct #1 Droë Dyke	173 125	194 766	-	-	21 641	43 281
Precinct #2 Sawmill	-	49 063	56 072	28 036	-	7009
Precinct #3 Oude Libertas	-	17 804	17 804	-	-	23 738
Precinct #4 Adam Tas	-	56 986	56 986	14 247	-	14 247
Precinct #5 Remgro	-	12 360	24 719	12 360	-	12 360
Precinct #6 Bosman's Crossing	-	16 586	14 513	8 293	-	2 073
Precinct #7 Bergkelder	-		50 971	16 990	-	16 990
Precinct #8 Van der Stel	-	24 073	30 951	-	6 878	6 878
Precinct #9 Plankenbrug	-	-	98 514	140 735	14 073	28 147
Precinct #10 Northern Extension	86 605	115 473	28 868	-	14 434	43 302
Precinct #11 Papegaaiberg	-	-	-	-	-	-

(7) The overall extent of floor area permitted in the Adam Tas Corridor Local Area Overlay area and its distribution between precincts and uses shall be as set out in the table below.

Area	Residential		Mixed use residential		Mixed use commercial/retail		Light industry		Sporting facilities		Public facilities		TOTAL	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Overall Area	**372 971**	**528 793**	**884 948**	**1 250 285**	**908 685**	**1 227 516**	**500 076**	**669 315**	**104 551**	**143 809**	**375 427**	**526 881**	**3 146 659**	**4 346 599**
Precinct #1 Droë Dyke	234 758	328 902	264 103	370 014	-	-	-	-	29 345	41 113	58 690	82 225	**586 895**	**822 254**
Precinct #2 Sawmill	-	-	107 624	172 830	122 998	197 520	61 499	98 760	-	-	15 375	24 690	**307 496**	**493 799**
Precinct #3 Oude Libertas	-	-	24 947	42 371	42 371	42 371	-	-	-	-	33 263	56 495	**100 581**	**141 238**
Precinct #4 Adam Tas	-	-	158 305	204 295	158 305	204 295	39 576	51 074	-	-	39 576	51 074	**395 762**	**510 737**
Precinct #5 Remgro	-	-	24 857	33 185	49 714	66 370	24 857	33 185	-	-	24 857	33 185	**124 285**	**165 925**
Precinct #6 Bosman's Crossing	-	-	45 114	56 392	39 474	49 343	22 557	28 196	-	-	5 639	7 049	**112 784**	**140 980**
Precinct #7 Bergkelder	-	-	-	-	138 641	190 085	46 214	63 362	-	-	46 214	63 362	**231 068**	**316 809**
Precinct #8 Van der Stel	-	-	75 716	104 677	97 349	134 584	-	-	21 633	29 908	21 633	29 908	**216 331**	**299 076**
Precinct #9 Plankenbrug	-	-	-	-	213 761	276 317	305 373	394 739	30 537	39 474	61 075	78 948	**610 747**	**789 478**
Precinct #10 Northern Extension	138 213	199 891	184 283	266 522	46 071	66 630	-	-	23 035	33 315	69 106	99 946	**460 709**	**666 304**
Precinct #11 Papegaaiberg	-	-	-	-	-	-	-	-	-	-	-	-		

(8) At the discretion of the Municipality, and subject to meeting the overall intent for the Adam Tas Corridor Overlay Area, floor area associated with the preservation of historic buildings, historic structures, and inclusionary housing, may be excluded from overall floor area permitted.

(9) With cognisance to the general purpose of a specific building or structure, it's specific location and built environment context - including the general townscape, historic features, view lines, and the amenity of adjoining development - no building or structure in the Adam Tas Corridor Overlay Area shall exceed a height of six (6) storeys.

(10) The Municipality will follow a package of plans approach as the basis for approvals in respect of the Adam Tas Corridor Overlay Zone.

(11) The package of plans consists of the following components, listed in a hierarchy from higher - order to lower-order plans:

a) Contextual Framework.

b) Development Framework.

c) Precinct Plan.

d) Subdivision Plans.

e) Site Development Plans.

f) Building Plans.

(12) The Municipality will issue detailed specifications related to the focus, subject matter, and format of components of the package of plans for the Adam Tas Corridor Overlay Area from time to time.

(13) General provisions of the package of plans are that:

a) Lower-order plans must follow higher-order plans.

b) The Municipality may deem the description of the Adam Tas Corridor Overlay Area contained in the approved Municipal Spatial Development Framework as the Contextual Framework for the area.

c) The Municipality may deem the description and associated development parameters of the Adam Tas Corridor Overlay Area contained in the approved Adam Tas Local Corridor Local Spatial Development Framework as the area-wide Development Framework for the area.

d) Bulk allocated to a Precinct Plan area remains "floating" across the precinct - within the overall over-all intent for the Adam Tas Corridor Overlay Area as stated in the Adam Tas Corridor Local Spatial Development Framework and area-wide Development Framework - and shall be allocated to a specific development area through the mechanism of a Site Development Plan.

e) Unless otherwise stated in this Chapter, no development may commence on site unless the necessary hierarchy of plans have been submitted and approved by the Municipality.

f) A specific plan - at any level in the hierarchy - shall only lapsed if replaced by a new approved plan.

g) The Municipality is the approving authority of any level of plan and may require amendments of plans under preparation to address reasonable concerns related to the overall vision, strategic goals, and planning of the area.

(14) Upon approval of a Precinct Plan for each of the precincts constituting the Adam Tas Corridor Overlay Area, and with cognisance to the development guidelines contained in the Adam Tas Corridor Local Spatial Development and the area-wide Development Framework for the area, the Municipality shall impose conditions of

approval which will specify additional development parameters for the precinct, including, but not limited to:

a) Site coverage, height, and massing of buildings.

b) The relationship between buildings, streets, and spaces.

c) The management of environmental resources.

d) The provision of Inclusionary Housing.

e) The general response to, incorporation, and management of aspects of heritage and culture.

f) Parking, and access.

g) Engineering services provision.

(15) The application and calculation of Development Charges (DCs) for the enhanced rights as per 266(6) for these developments, will be subject to the Stellenbosch Municipality's DC Policy and DC Tariffs, as approved annually by Council.

(16) Road reserve widths for public roads that includes non-motorized transport, pedestrian walkways, cycle routes and public transport routes within the Adam Tas Corridor will be a minimum of 16m wide. The development of traffic impact assessments and the Adam Tas transport study will propose and inform on road reserve widths.

(17) Final Road Reserve widths will be determined by the Municipality's Infrastructure Services in collaboration with the Planning Department.

18) Non-motorized transport and public transport in the overlay zone must be promoted.

19) The Adam Tas Transport Study currently underway will inform and provide guidance to the Municipality on all transport related aspects which must be taken into account in the preparation of all precinct plans.

(20) The new residential or mixed-use development which include 20 dwelling units or more, must contain a minimum of 30% of the total units to be targeted at affordable housing on-site (also referred to as inclusionary housing units), falling within the affordability thresholds for rental or ownership.

(21) These inclusionary housing units must be provided on-site as part of the market-related development i.e., in the same building or on the same land parcel and

should be spread throughout the development as indicated on the approved precinct site development plan.

(22) Residents of the inclusionary housing units must have indiscriminate access to all entrances and amenities of the development; and -

a) The inclusionary housing units are not intended for community residential buildings, communes, hostels, and less formal residential. The inclusionary housing units should only be used for permanent residence and excludes any of the land uses associated with transient guest (i.e., home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling units, etc.)

b) The target market for beneficiation should benefit employed households (excl. students) earning stable incomes that fall within the affordability threshold as defined above.

23) The inclusionary housing units will be reserved for qualifying recipients with a total combined annual gross monthly household income from R3 500 to R27 200 (Financial Services Charter Measure, 2022 rates (updated yearly).

a) Monthly rent or repayments may not be more than 30% of the total monthly household income for renters and 30-35% for homeowners;

b) The sale price or rental amount may not escalate annually beyond inflation, based on the Consumer Price Index (CPIX) as published by Stats SA.

24) The conditions of affordable housing which relates to the inclusionary housing units must be in place for not less than 30 years using a suitable management mechanism, to the satisfaction of the Director: Planning and Economic Development, or until repealed by a Council resolution.

a) Prior to the approval of any building plan, the developer shall submit to the Director: Planning and Economic Development for approval, a mechanism to ensure the abovementioned condition, as well as the affordability criteria of the qualifying recipients. The approval mechanism shall be implemented to the satisfaction of the Director prior to the occupation of any building on the relevant portion.

b) If rented, the qualifying household income criteria and rent may not escalate annually beyond inflation (based on the CPIX). Lease agreements need to ensure that the tenants are subject to annual income certification and the units as allocated remains available to the intended income group; or

c) If sold, a restrictive condition must be included in the deed of sale capping the sale price to comply with the definition of affordability and must only be sold to pre-approved buyers that meet the affordability criteria.

d) Approval on resale prices of units needs to be sought from the Director: Planning and Economic Development before such a transaction take place.

25) The developer or managing agent (HOA or Body Corporate) must provide the Director: Planning and Economic Development with the list of registered inclusionary housing units, annually. The entities should also ensure that the affordability preservation and any other requirements as agreed in the inclusionary housing agreements as part of the planning permission are stipulated in the constitution of these bodies.

26) If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the option (but no obligation) to adopt and adhere to the policy requirements instead.

(27) In addressing parking, landowners should consider:

a) The intent expressed in the Adam Tas Corridor Local Development Framework and area-wide Development Framework to pursue and environment prioritising public and non-motorised transport.

b) The reality of having to accommodate parking – serving Stellenbosch town and the Adam Tas Corridor Overlay Area – while expecting to progress towards lower private motor vehicle dependence and use over time; this, in turn, requiring innovative transitory arrangements, including the provision of parking in a form enabling ready conversion in future to other uses.

c) Centralised parking facilities, delinking the provision of parking from the specific entity served.

(28) With cognisance to the intent expressed in the development guidelines contained in the Adam Tas Corridor Local Spatial Development Framework, its core components, and the development parameters contained in this Chapter, it is anticipated that the Municipality, landowners, and other stakeholders will enter into formal agreements from time to time to further inform the manner in which the overall development intent for the Adam Tas Corridor Overlay Area is to be achieved and to affirm the varied commitments

and responsibilities of landowners and stakeholders. These agreements may include inter alia:

a) Shared responsibility related to the provision of infrastructure services and the phasing of infrastructure, including the extent and use of development contributions.

b) Incentives offered to landowners (including the cost of public land to be made available for development and conditions associated with its development).

c) Shared responsibility related to the formation and operation of institutional arrangements established in support of the Adam Tas Corridor Overlay Area.

d) Landowner and shared responsibility related to the provision of inclusionary housing.

e) Shared responsibility related to undertaking environmental remediation work.

f) Shared responsibility related to the provision and operation of public facilities.

29) To enable the coordination demanded to achieve the stated overall intent for the Adam Tas Corridor Overlay Area between landowners, the Municipality, and other stakeholders, the Municipality and landowners will establish and maintain dedicated institutional arrangements to support the Municipality in exercising its responsibility in managing the uptake and implementation of development parameters envisaged in the Adam Tas Corridor Local Spatial Development Framework and contained in this Chapter.

30) The Institutional mechanism referred to in (29) above will be established within three (3) months after the proclamation of the Adam Tas Overlay Zone and according to a structure with Terms of Reference as approved by Council. The institutional mechanism will include the establishment of a Project Management Unit ("PMU") who will assist the Municipality with the implementation of the ATC.

31) The purpose, composition and functioning of the Institutional Mechanism will be described in the Terms of Reference as approved by Council and as may be amended from time to time.

32) Public participation related to the Adam Tas Corridor Overlay Area as

contemplated in the Stellenbosch Municipality Land Use Planning By- law, 2015 shall occur:

a) Prior to the adoption of the Adam Tas Corridor Local Spatial Development Framework and establishment of the Adam Tas Corridor Local Area Overlay zone.

b) At the review of the Adam Tas Corridor Local Spatial Development Framework (and resultant- if demanded through the review-amendment of the Overlay zone).

c) When a departure from the provisions of the Adam Tas Corridor Local Area Overlay zone is applied for.

33) As part of the dedicated institutional arrangements contemplated in Section (34) above, detailed arrangements will be agreed to related to addressing possible disputes between landowners, their agents, and proponents of individual development projects in the Adam Tas Corridor Overlay Area.

34) The Municipality may consider lead projects to commence development of the Adam Tas Corridor Overlay Area - prior to completion and adoption of Precinct Plans - if it is considered that the specific project will contribute to the overall development objectives for the area, do not impede future opportunity, and assist in learning about and enabling future roll-out of development in the area.

35) Lead projects - taken together- should encompass a balanced package of interventions and reflect the future of the area as a vibrant, mixed use living and working environment serving a range of interests and income groups.

36) No application for building plan approval in terms of the National Building Act for a lead project shall be granted by the Municipality unless a Site Development Plan has first been approved.

37) As it is expected that development of the Adam Tas Corridor Overlay Area will take place over a lengthy period, the Municipality may consider interim uses for parts of the area, ensuring fruitful use of existing land and building resources, meeting community needs, and assisting in project learning.

38) In considering interim uses other than that permitted in terms of the base zoning of the Adam Tas Corridor Overlay Area, the Municipality may require submission of a Site Development Plan for approval.

39) To address issues of nuisance and safety the following restrictions apply to the Adam Tas Corridor Overlay Area:

a. No building shall be used for the manufacture, storage, distribution, or sale of any product or item which increases the fire hazard to any other improvement or property in the environment.

b. No business shall be permitted which constitutes a nuisance by the emission of smoke, gases, and effluvia, which could reasonably be expected to be injurious to products or persons in the Adam Tas Corridor Overlay Area.

c. The storage of material or the use of equipment or research processes, which may cause vibrations beyond the boundaries of the land unit upon which such equipment or processes occur, shall not be permitted.

d. The storage of explosives shall not be permitted in the Adam Tas Corridor Overlay Area.

7.8.4	**REQUEST FOR THE APPROVAL OF THE DRAFT STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING POLICY, 2023**

Collaborator No: **749595**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **17 May 2023**

1. SUBJECT: REQUEST FOR THE APPROVAL OF THE DRAFT STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING POLICY, 2023

2. PURPOSE

To provide Council with the pertinent facts that include the responses from the extended legislative Public Participation Process ("PPP") in order to approve that the draft Stellenbosch Municipality Inclusionary Zoning Policy.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The draft policy document which aims to support Stellenbosch Municipality and other key role players in delivering more high-quality affordable housing (also referred to as inclusionary housing) in well-located and priority development areas, creating a mix of income groups across new and infill developments in Stellenbosch Municipality promoting social and economic integration.

To deliver affordable housing within the Stellenbosch Municipality, available municipal spatial planning; and land use planning systems and land-based financing mechanisms were investigated and identified. This will be used in leveraging and incentivizing land value gains in spatially targeted areas for the creation public good (i.e. affordable housing) and to enable well performing settlements (i.e. integrated, inclusive, resilient, efficient) in order to address current development challenges and historical spatial imbalances/inequalities.

The spatial compact as envisaged and approved in the Stellenbosch Municipal Spatial Development Framework, 2019 and the Adam Tas Corridor Local Spatial Development Framework and Development Guidelines, 2022 of enabling inclusive, efficient, and an effective municipality by providing a wide choice of quality affordable housing to meet the needs of the community, widening the opportunities for homeownership, and creating flexibility and choice of tenures and price ranges for those who rent and seek the security of tenures. In addition to facilitate and grow a strong partnership with the private sector in terms of delivering more quality affordable housing.

The report also provides the feedback received during the Public Participation Process and provides responses from the comments, where applicable.

It is noted that there was large scale support, even from the bodies providing comments, and suggest comments related to suggestions which will be discussed below.

5. RECOMMENDATIONS

(a) that Council takes note of the feedback from the Public Participation Process ("PPP"), which commenting period closed on 08 May 2023; copies attached as **APPENDIX 4** to this report; and

(b) that Council **approve and adopt** the draft Stellenbosch Municipality Inclusionary Zoning Policy, 2023 in terms of the Local Government Municipal Systems Act No. 32 of 2000, copy attached as **APPENDIX 1** to this report.

6. DISCUSSION / CONTENTS

6.1 Background

Council approved the Municipal Spatial Development Framework, 2019 ("MSDF") and the Adam Tas Corridor ("ATC") Local Spatial Development Framework and Development Guidelines, 2022 ("LSDF") which identifies the development of an inclusionary zoning (housing) policy to achieve a desired urban future of more affordable housing opportunities in well located parts of our towns to become more socially and economically inclusive.

The envisaged spatial transformation of our towns is underpinned by the Constitution, Spatial and Land Use Management Act, Act 16 of 2013 ("SPLUMA") principles of spatial justice, sustainability, efficiency and good governance, and specifically to meet the expectations of the Western Cape Inclusionary Housing Policy Framework as approved by the Provincial Cabinet in October 2022.

At the 11th Council Meeting dated 22 February 2023, Council resolved that the Draft Stellenbosch Municipality Inclusionary Zoning Policy, be advertised for public comment for a period of sixty (60) days. The draft bylaw was advertised in the Eikestadnuus, Paarl Post and Die Burger and the municipal website on 02 & 07 March 2023. The closing date for comments was 08 May 2023.

Comments were received from the Internal Engineering Department, which was addressed as the comments related to the Development Contributions ("DC's") Policy. Comments were received from Stellenbosch Interest Group ("SIG"), copy attached as **APPENDIX 4** to this report, and the Ndifuna Ukwazi, copy attached as **APPENDIX 5** to this report.

6.2 Discussion

The policy aims to apply the inclusionary zoning provisions in land use planning permissions which is a municipal planning mandate within the Stellenbosch Municipality context.

A prerequisite of the development of the municipality's inclusionary zoning policy was the adoption of a policy framework by the Western Cape Government ("WCG"). The Western Cape Inclusionary Housing Policy Framework, 2022, was approved by Cabinet in October 2022 and sets out a clear definitional framework and approaches available to municipalities in developing a municipal inclusionary zoning policy.

Another prerequisite includes the identification of unaffordable housing as a development challenge within the municipality's spatial policies and an indication on how and where this should be addressed. The Council approved MSDF and the ATC LSDF and Development Guidelines, 2022 identifies the development issue of unaffordability and proposes the development of a targeted inclusionary zoning (housing) policy using the available municipal spatial planning, land use management and land-based financing mechanisms within its control in order to leverage and incentives private developments to provide more high quality affordable housing.

As part of the policy development process, a housing market study in partnership with the WCG departments, namely Department of Environmental Affairs and Development Planning ("DEA&DP"), Department of Human Settlements ("DHS"), Department of Transport and Public Works ("DT&PW"), the Department of the Premier ("DOTP"), and four participating municipalities (including Stellenbosch Municipality) was concluded in September 2022.

The goal of the housing market study was to determine how the local property market functions and where there might be a mismatch between the availability and/or provision of housing opportunities compared to the ability of existing households to afford these housing opportunities. The study followed an evidence-based approach and illustrates specifically the mismatch between household income and the entry level, affordable, and conventional market segments (also referred to as the affordable housing segments). *The study demonstrated a functional and active property market in the luxury market segmentation with few housing opportunities in the affordable housing segments in Stellenbosch.*

Responses to the comments received during the Public Participation Process

Organisation / Individual	**Summary of relevant comment(s)**	**Departmental Response(s)**
Stellenbosch Interest Group ("SIG")	The policy will not mandate developers to choose one of the three options, except perhaps in the case of spatially targeted area, it is not entirely clear where these areas are located.	The Policy clearly not that the policy will be applicable within the Restructuring Zones as contained within the Municipality's Spatial Development Framework, 2019 ("MSDF"). The policy is further clear that the Adam Tas Corridor ("ATC") which was also identified as the Municipality's Spatial Transformation District is an area where this policy will be applicable, and therefore the Council has approved and adopted the ATC Local Spatial Development

		Framework during October 2022.
	The dwelling units must be used exclusively for permanent residency and not for any land uses associated with transient guests such as home lodging, bed and breakfast, hotels, tourist accommodation establishments, tourist dwelling units, etc. It is unclear how this requirement will be policed, managed, and administered, as there are many loopholes that can be exploited to circumvent its enforcement. Therefore, the creation of overlay zones is necessary.	The comment is noted and the Department has undertaken the public participation process i.r.o. the Adam Tas Corridor Overlay Zone, and the request to approve the overlay will serve at the Council meeting scheduled for May 2023. It must also be noted that the Inclusionary Zoning Policy is a land use management tool to implement the prescripts of the policy.
	It is also necessary to provide an overall map that displays the areas designated for each of the three type of inclusionary zoning: mandatory, spatially targeted, or voluntary implementation.	As mentioned above, the maps that indicate the areas where the policy will be applicable is contained within the MSDF and the ATC LSDF.
Ndifuna Ukwazi	The policy should be amended to reflect a racially targeted approach which prioritises Black families for affordable units generated out of inclusionary housing.	The policy was informed by the housing market study which was compiled for Stellenbosch Town and Klapmuts, and the goal of the study was specific to provide the factual information related determining how the local property market functions and where there might be a mismatch between the availability and/or provision of housing opportunities compared to the **ability of existing households to afford these housing opportunities**. The study followed an evidence-based approach and illustrates specifically the mismatch between household income and the entry level, affordable, and conventional market

		segments (also referred to as the affordable housing segments). *The study demonstrated a functional and active property market in the luxury market segmentation with few housing opportunities in the **affordable housing segments** in Stellenbosch*
	The policy should lower the upper affordability threshold and take a stronger position on the need for income brackets to further break down this broad category. There should be a proportional spread of households across the income bands (based on the number of people falling into the various brackets in a specific context) to ensure that municipal policies provide truly affordable housing.	As noted above the Housing Market Study followed an evidence-based approach and through this study the affordability in terms of the Stellenbosch Context was determined and used to inform the policy.

It must be noted that both commenting organisations in their responses applauded Council for taking the leap in drafting and ultimately adopting the policy. This is also evident from the article published by Ndifuna Ukwazi on 26 April 2023, copy attached as **APPENDIX 6** to this report. This is also evident in the commenting letters submitted by both organisations.

It is imperative to note that housing markets alone cannot fix themselves and it has various negative consequences for both households and towns as identified within the municipality's spatial planning policies. The provincial and municipal policy imperatives identified inclusionary zoning as a planning system tool (also referred to as a land use regulatory mechanism) used to secure affordable housing through the regulatory system of development planning permissions to oblige property owners and developers to provide affordable housing, for sale or rent, within new residential and mixed-use developments.

The policy option provides scope for using land-based financing and planning mechanisms by the municipality to offset these costs by one or more incentives, including density bonus (including parking reductions or other planning parameter variances), providing or leveraging public land leasing and land sales, discounting or deferring the payment of developer contributions, expedited planning processes through an overlay zone mechanism (i.e. Adam Tas Local Area Overlay Zone, in progress) in well-located and spatial targeted areas in alignment with its adopted spatial policies.

The development of the municipal inclusionary policy was done in parallel with the provincial policy framework and various technical assistance groups facilitated by the Development Action Group ("DAG"), Lincoln Institute, DEA&DP, Centre of Affordable Housing Finance ("CAHF") and other participating municipalities were made available to the drafting team to engage on technical issues and facilitate peer learning since the only inclusionary housing policy currently adopted and implemented is within the City

of Johannesburg. These platforms, partners, and internal technical workshops provided valuable inputs into the draft municipal policy position on inclusionary zoning.

6.3 Financial Implications

There are no financial implications in respect of the drafting or this report and or the bylaw, as the bylaw was produced in house and the Housing Market Study was funded by the Western Cape Government: DEA&DP.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

11TH COUNCIL MEETING: 2023-02-22: ITEM 8.2

RESOLVED (nem con)

(a) that Council takes note of the draft Stellenbosch Municipality Inclusionary Zoning Policy, attached as APPENDIX 1 to this report, and

(b) that Council approves that the draft Stellenbosch Municipality Inclusionary Zoning Policy, be advertised for public comment for a period of sixty (60) days, whereafter same be resubmitted to Council for final consideration and subsequent approval in terms of the Local Government Municipal Systems Act No. 32 of 2000.

6.7 Risk Implications

The risks are addressed through the content of the report.

APPENDICES

Appendix 1: Final Draft Stellenbosch Municipality Inclusionary Zoning Policy
Appendix 2: Western Cape Government: Department of Environmental Affairs and Development Planning: Housing Market Studies for Intermediate Cities / Larger Towns in the Western Cape: Stellenbosch Town Report, Final Report, August 2022
Appendix 3: Copy of advertisement placed in the newspapers, requesting comment.
Appendix 4: Comments received from Stellenbosch Interest Group ("SIG")
Appendix 5: Comments received from Ndifuna Ukwazi
Appendix 6: Ndifuna Ukwazi Article placed in the Property Wheel.co.za dated 26 April 2023

APPENDIX 1

FINAL DRAFT STELLENBOSCH MUNICIPALITY: INCLUSIONARY ZONING POLICY

MAY 2023

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1. DEFINITIONS AND TERMS OF CLARIFICATION

"Additional land use rights (obtained through development permissions)" refers to any development permission that increases or enhances allowable bulk or development yield over and above the existing rights, including the removal of restrictive title deed conditions (WCG 2022).

"Affordable housing" are determined by National Government as an income threshold for the affordable or gap housing market of households earning up to R22 000 per month. The Financial Services Charter (FSC) defines the affordable housing target market to be the approximate cost of bonded entry-level housing in the country, capable of being mortgaged, adjusted annually by the midpoint of the average Consumer Price Index (CPI) and the average Building Cost Index (BCI). The Banking Association of South Africa annually updates this measure and makes this available on its website. However, affordability can fluctuate depending on the context and for the purposes of municipal inclusionary housing policies, affordability can be determined by using the aforementioned sources, as well as considering the outcomes of housing market studies for particular settlements. Also refer to gap market/housing below (WCG 2022).

"Affordability preservation" - the purpose of inclusionary housing is to increase the stock of well-located affordable housing over the long term. If such housing is not restricted from being sold or rented in the open market following the first generation of allocation, the purpose is defeated, while public value profits a few. Preserving the affordability of inclusionary units over the long term is therefore a key policy concern (WCG 2022).

"Density bonus" refers to a zoning tool that allows developers to increase height and/or bulk in a project by allowing building heights or a floor factor/floor space greater than the zoned maximum as well as

relaxations of related requirements, such as parking, in exchange for a public good namely affordable housing (also referred to as inclusionary housing). This tool is used primarily for projects that include the development of housing units. The added density is intended to compensate the developer with additional revenue from the construction of additional dwellings. This recognises the added costs of development or differences in profit margins between market rate units and the inclusion of below-market rate units or unprofitable amenities. The result is development that provides additional density and public benefits without direct public funding. The density bonus is a one-time, in-kind obligation in which the private sector developers' cost of capital investment in affordable housing can be offset by granting additional, monetizable development rights, greater than the zoned maximum for a specific development site. (WCG 2022).

"Development charges" also known as an impact fee, is a charge that a local government imposes on the developer of a new development project to pay for all or a portion of the costs to the public sector of providing public services to the new development. Development charges have been used by local governments to help offset fiscal burdens created by new developments related to municipal infrastructure and provision of public services such as sewer and wastewater management treatment systems, road networks, parks and so on. Development charges are calculated by assessing the costs that the development would impose on the current municipal infrastructure network and what additional capacity or infrastructure would be required to ensure that the new development is adequately serviced. The fee is often able to be paid either in kind or in cash (NT 2017).

"Finance-linked Individual Subsidy Programme (FLISP)" is a housing subsidy for first-time home buyers to assist with purchasing a property. The subsidy can be used on its own or in combination with mortgage and non-mortgage finance facilities, making it more affordable to purchase a property (plot and/or house).

Households with an income between R3 501 to R22 000 may qualify for the FLISP subsidy if they meet all the criteria. The subsidy amount depends on the income of the applicant and ranges between R27 960 – R121 626 (WCG 2022).

"Gap market/housing" refers to households falling into the portion of the market that earn too much to qualify for full grant housing assistance, but too little to be able to afford a bond of sufficient size to purchase an entry level market house. The gap housing market is understood to fall within the broader affordable housing market. Also refer to affordable housing above (WCG 2022).

"Housing/property ladder" refers to where there are "progressive stages of securing adequate and improved housing. This encompasses moving from informal to formal housing, and within the formal realm, from renting to owning and from owning a small house/flat to owning a larger and/or more valuable property" (WCG 2022).

"Land-based financing" **(LBF)** goal as defined by National Treasury (Cities Support Programme 2017) is a mechanism to be primarily used to maximize and unlock the value of government assets, advance a city's spatial restructuring goals, and promote transit orientated development. This mechanism refers to policy and regulatory mechanisms that allow the public sector to participate in the appreciation of real estate values resulting from public, and at times, private improvements. These improvements may make land parcels more accessible in the case of transit investments, or may prepare land (proactive zoning through the use of an overlay zone such as the ATC overlay zone) for private sector development through the provision of network infrastructure (such as water connectivity and sewerage access) and additional public amenities (such as public open space, hospitals, and schools). Mechanisms associated with LBF include special assessment districts, tax increment financing, development charges, leveraging the value

of municipal real estate, sale of development rights, density bonus, inclusionary housing, land readjustment schemes and so on (NT 2017; OECD 2022).

"Land value capture" refers to a policy approach that enables communities to recover and reinvest land value increases that result from public investment and government actions (i.e. planning permissions). It is rooted in the notion that public action should generate public benefit. When used in conjunction with good governance and urban planning principles, land value capture can be an integral tool to help governments advance positive fiscal, social, and environmental outcomes. Well-known instruments include land banking, land readjustment, land leasing, inclusionary housing, transfer of development rights, charges on building rights, special assessments, impact fees, land value taxes, and exactions (OECD 2022).

"Leveraging the value of municipal real estate" refers to the municipal land as an asset which can be leveraged for improved strategic use. Transacting in municipal land can take the form of sales, auctions, leases, or any other conveyance that sees the rights and entitlements to municipal owned property transferred at below market cost value in exchange for a policy benefit required by the municipality. Depending on the municipality's goals, legal, and regulatory framework, and institutional capacity, it could decide to convey a parcel of land for a fee, receive an in-kind payment of infrastructure in lieu of cash, or participate as an equity partner in the development (NT 2017).

"*Municipality*" means Stellenbosch Local Municipality;

"Open-market housing" refers to housing sold or rented on the open market (willing buyer and seller) with no state assistance, with or without a mortgage (WCG 2022).

"***Overlay zone"*** means a category of zoning applicable to a defined area or land unit, which stipulates additional development parameters that may be more or less restrictive than the base zone as defined in the Stellenbosch Municipality Zoning Scheme Bylaw (2019).

"Planning permissions" refers to authorisations given in response to applications made to a competent authority to develop land (WCG; 2022).

"***Priority development areas"*** as defined in the Stellenbosch Municipal Spatial Development Framework (2019) and subsequent Capital Expenditure Framework (2020) refers to the urban functional areas of Stellenbosch, Klapmuts, and Franschhoek. These areas are priority development areas where the municipality intends to focus investment in order to achieve the goals of the MSDF as well as other strategic documents, namely the Adam Tas Local Spatial Development Framework and Development Guidelines (2022).

"Set-aside requirement" refers to the number of inclusionary housing units that must be provided in a development according to the size of the development or in relation to the additional rights given (WCG 2022).

"***Settlement restructuring*****"** refers to the need to transform i) the apartheid form of our urban settlements where the poorest live the furthest away from opportunities – spending the most time and money accessing these opportunities or being caught in spatial poverty traps – and residential areas are defined and separated by class and race ii) the unsustainable modernist form of our settlements where settlements are designed with the automobile as the main form of movement and land uses is monofunctional. Typically, settlement restructuring is planned for and implemented through investment

in socially integrated, mixed-use infill development on well-located land, along with densification, intensification of land uses, public transport and non-motorised transport and taking high quality facilities and amenities to marginalised township areas (WCG 2022).

"***Social housing"*** refers to rental housing targeted at households earning R1 850 – R22 000 per month. Social Housing is governed by the Social Housing Act, 2008 (Act 16 of 2008) and the policy prescripts of the National Housing Code (WCG 2022).

"Spatial apartheid" refers to "the legacy of apartheid – communities segregated from one another based on race (and class) with so-called black and coloured people relocated to less well-resourced urban areas or prevented from accessing or owning property in these areas – as well as the impacts of the legacy of the modernist approach to city building based on the automobile and functional separation of land uses. This has left South Africa with cities that are inefficient, inequitably developed and environmentally, socially, and fiscally expensive to live in and to manage. It has also meant that discrimination has been structured into settlement patterns" (WCG 2022).

"***Spatial transformation"*** as a national focus on transforming of cities as envisaged by the NDP 2030. Namely ensuring that a larger proportion of the population of the population should live closer to places of work and that travel distances and costs should be reduced, especially for poor households. Urban systems are key levers to overcome the debilitating impact of distance and separation on the fortunes of the individual, household, business, and the state, as well as the environment and the resilience of the system as a whole. These include both hard (physical structures and networks) and soft (such as governance systems including urban management and land use management) systems that facilitate and enable compact cities and transformed urban spaces of social and economic inclusion on an equitable

basis. The equitable distribution of resources within cities, as well as building systems that facilitate affordable and safe access to the full ambit of resources that makes urban living productive, are critical to spatial transformation. The South African Local Government Association (SALGA) defines spatial transformation as the overhaul of an inherited segregated spatial dispensation and preventing it from re-establishing itself in new forms of post-apartheid class and income-based spatial segregation and spatial inequality. In considering how to measure whether we are spatially transforming our settlement, SALGA identifies four themes: proximity and access; housing and basic services; integration and inequality; safety and amenity; and agency and governance (WCG 2022).

"Spatially targeted areas" refers to "a built environment investment prioritisation approach where specific areas are designated for investment or specific land uses, within an urban system, to achieve transformative development outcomes. Spatial targeting is an approach recommended by the National Development Plan 2030" (WCG 2022) and the Integrated Urban Development Framework (2016).

2. PURPOSE

2.1 The intention of this document is to support Stellenbosch Municipality and other key role players in delivering more high-quality affordable housing (also referred to as inclusionary housing) within mixed sustainable communities by using all the municipal planning tools (regulations, mechanisms, & incentives) available to them. It outlines the affordable housing challenge that needs to be met, and provides information on how the existing municipal planning tools operate and recommendations on how they need to change to assist in delivery.

3. OBJECTIVES OF THE POLICY

3.1 To increase the supply of high-quality affordable housing (also referred to as inclusionary housing) in well-located and priority development areas, creating a mix of income groups across new and infill developments in Stellenbosch Municipality promoting social and economic integration (also referred to as settlement restructuring).

3.2 Using the municipal spatial planning, land use planning system, and land-based financing tools and their mechanisms to leverage and incentivize land value gains in spatially targeted areas for the creation of public goods (i.e. affordable housing), enabling well-performing settlements (i.e. integrated, inclusive, resilient, efficient) in order to address current and historical spatial imbalances/inequalities (also referred to as spatial apartheid).

3.3 Achieve a more inclusive, efficient, and effective municipality by providing a wide choice of quality affordable housing to meet the needs of the community, widening the opportunities for homeownership, and creating flexibility and choice of tenures and price ranges for those who rent and seek the security of tenures (also referred to as housing/property ladder) as envisioned by its adopted and approved spatial policies.

3.4 Facilitate and grow strong partnerships with the private sector in terms of delivering more quality affordable housing.

4. LEGISLATIVE FRAMEWORK

4.1 This document should be read in conjunction with the following documentation namely; Western Cape Government Inclusionary Housing Policy Framework (November 2022), Stellenbosch Municipality Land Use Planning By-law, Stellenbosch Municipality Zoning Scheme By-law, Stellenbosch Municipal Spatial Development Framework, Adam Tas Local Area Spatial Development Framework and Development Guidelines; Adam Tas Local Area

Overlay Zone, Stellenbosch Municipality Development Contributions Policy; Stellenbosch Municipality Rates Policy; Municipal Fiscal Powers and Functions Act (2002), and the draft Municipal Fiscal Powers and Functions Amendment Bill (2020).

4.2 The details of the municipal planning tools reflect the position in May 2023, and will be subject to change. Accordingly, the document will be robust to changes in future policies and some parts are likely to evolve which will necessitate periodical updates.

5. PRINCIPLES OF INCLUSIONARY ZONING

5.1 Inclusionary zoning must be understood as a planning system tool (also referred to as a land use regulatory mechanism) used to create affordable housing and foster social and economic inclusion through the regulation of private development. Therefore, its use and powers are guided by the broader understanding of the power to regulate land use for the public good (i.e. affordable housing).

5.2 The goal of inclusionary zoning is achieving racially and/or socio-economically integrated communities by confronting and addressing the exclusionary impact of development, which in many contexts has often been facilitated by planning and land use regulation (also referred to as spatial transformation).

5.3 Inclusionary zoning is one of the land and planning tools where spatially targeted financing (also referred to as land-based financing) leverages the benefits of agglomeration, increasing land demand, infrastructure investments, and planning decisions that drive up the value of urban land. Land-based financing is based on the recognition that property owners and developers benefit from this rising value and the possibility for local government to capture some of the rising value for the public good (also referred to as land value capture).

5.4 This policy option provides the scope for securing affordable housing through the regulatory system of development planning permissions to oblige property owners and developers to provide affordable housing, for sale or rent, within the new residential and mixed-use developments (also referred to as set-aside requirement) in well-located and priority development areas as defined by the municipal spatial development framework and/or other strategic spatial policies (namely the Adam Tas Local Spatial Development Framework and Development Guidelines) and the associated urban management mechanisms (namely the Adam Tas Local Area Overlay Zone).

5.5 The policy option provides scope for securing affordable housing through the land-based financing and planning systems to oblige property owners and developers to pay developer contributions (also referred to as impact fees or development charges), and/or additional land use rights (benefits obtained through development permissions), as well as offsetting the cost by one or more incentives, such as a density bonus (which includes parking reductions or other planning parameters variances), providing and leveraging public land leasing and land sales, discounting the payment of developer contributions, expedited planning processes through an overlay zone mechanism (i.e. Adam Tas Local Area Overlay Zone) and/or any other land-based financing and planning system mechanisms deemed appropriate by the Municipality.

5.6 It is not the intention, in this mechanism, that a housing subsidy is made available to assist the property owners and developers to meet this affordable housing contribution, but that the cost of the contribution is absorbed in the land price paid for the land and in the award of additional land use rights to offset the costs of such a contribution.

5.7 When the inclusion of affordable units on-site within market-rate projects has been demonstrated based on the financial viability criteria as unfeasible, the property owners and

developers can enter into an inclusionary zoning agreement that sets out alternatives, such as payments of an affordable housing fee (also referred to in-lieu requirement) or provision of affordable units off-site in another project within the priority development areas.

6. INCLUSIONARY ZONING: REGULATIONS, MECHANISMS, AND OFF-SET INCENTIVES IN SPATIALLY TARGETED AREAS

The following applies within the Municipality:

DEFINITIONS

Inclusionary zoning

6.1 Inclusionary zoning, is a planning system tool used to secure affordable housing (alternatively referred to as inclusionary housing) within private residential and mixed-use developments, through the regulatory system of development planning permissions to oblige an applicant to provide affordable housing, for sale or rent, within the new residential and mixed-use development in well-located located and priority development areas as defined by the municipal spatial development framework and/or other strategic spatial policies (namely the Adam Tas Local Spatial Development Framework and Development Guidelines) and the associated urban management mechanisms (namely the Adam Tas Local Area Overlay Zone).

6.2 The applicant should pay developer contributions, and/or adhere to the additional land use rights obtained through development permissions, and the municipality will reasonably offset the cost by means of using one or more incentives, such as a density bonus (which includes parking reductions or other planning parameters variances), providing and leveraging public land leasing and land sales, discounting the payment of developer contributions, expedited planning processes through an overlay zone mechanism (i.e. Adam Tas Local Area Overlay

Zone) and/or any other land-based financing and planning system mechanisms deemed appropriate by the Municipality.

6.3 When the inclusion of affordable units on-site within market-rate projects has been demonstrated based on the financial viability criteria as unfeasible, the property owners and developers can enter into an inclusionary zoning agreement that sets out alternatives, such as payments of an in-lieu fee or provision of affordable units off-site in another project within the priority development areas.

Affordability

6.4 Households should not spend more than a third of their income on housing (also referred to as the premium to income ratio). The standard differentiates between renters with a premium-to-income ratio of 30% and owners with a premium-to-income ratio ranging between 30 – 35%.

6.5 Property owners and developers can use the international spatially targeted approach for calculating affordability usually referring to affordability as being aligned with a proportion of an area's median income and below. Households below the median household income or households with a monthly income below 50%-80% of the area's median household income are targeted. A detailed household income analysis is required as part of the pre-application process requirements and should be submitted to the municipality.

Affordable housing

6.6 In the local context, affordable housing has traditionally been used to describe the "GAP market/Housing". The "GAP market/Housing" refers to persons/households who earn in excess of R3 500 monthly household income and can therefore not qualify for a full government housing subsidy but earn too little to qualify for a mortgage loan to purchase a property. The government ceiling for the "GAP market/Housing" is R22 000 monthly household income.

6.7 The Financial Sector Charter (FSC) defines the affordable housing target market to be the approximate cost of bonded entry-level housing in the country, capable of being mortgaged, adjusted annually by the midpoint of the average Consumer Price Index (CPI) and the average (Building Cost Index). The Banking Association of South Africa annually updates this measure and makes this available on its website for example the 2022 rate is determined as R27 200 monthly household income a month.

6.8 The Stellenbosch housing market study (2022) outcomes reflect the undersupply of houses valued in the affordable (R300 000 – R600 000) and conventional (R600 000 – R900 000) market segments. The high-end market segment (R900 000 – R1.2 million) also appears to match the current demand and considering the urbanisation and migration trends expected and projected in this market segment, this segment is included.

6.9 Based on the aforementioned standard definitions of affordability and the evidence gathered through the housing market study, affordability in the Stellenbosch Municipality context refers to the following market segmentations – affordable (R300 00 – R600 000), conventional (R600 000 – R900 000), and high-end (R900 000 - R1.2 million).

Affordability thresholds estimates/examples using the ratios discussed above

6.10 As examples of the application of affordability thresholds, the following estimates can be derived based on some assumptions[1] based on the housing market study:

Market segment (residential property value)	Minimum monthly household income needed to purchase in this market segment	Maximum monthly household income needed to purchase in this market segment
Affordable (R300 000 – R600 000)	R7 300	R14 750
Conventional (R600 000 – R900 000)	R14 750	R22 200
High end (R900 000 – R1.2 million)	R22 200	R29 600

Table 1:Extract from Stellenbosch housing market study (source: WCGb, 2022)

6.11 The abovementioned affordability thresholds as evidenced in the housing market study, accommodate the government-defined "Gap Market/Housing", as well as the FSC affordable housing target market and the affordability threshold for Stellenbosch Municipality ranges between R3 500 and R27 200 (2022 rates, to be updated annually). The housing market study and its affordability threshold as determined should be applied when updated every two years.

[1] Assuming 7.75% interest rate, 20 year loan tenor, 30% premium to income ratio, 10% deposit and no subsidy (i.e. FLISP). There are cautionary notes which should be considered in the interpretation of the calculations, namely – 1) house purchases below R1.2 million avoid transfer fees, there are other transfer costs which can be applicable to the household and have not been included; 2) not all households purchase in the market segment they can afford as some may have additional funds from a once-off source, and some may have other competing expenses that prohibit them from spending the benchmark figure of 30% on housing; 3) Some households may be living in properties that they accessed either by purchase or inheritance or gift, that today they might not be able to afford to buy

Well-located

6.12 Areas (such as suburbs, neighbourhoods, town centres, and activity corridors) with good public transport and non-motorised transport, access to existing urban service, public and private education, health and social facilities, amenities, retail facilities, and work opportunities.

6.13 Based on the municipal spatial development framework of the Municipality, these areas are defined as priority development areas (also referred to as growth nodes), namely Stellenbosch, Klapmuts, and Franschhoek. The settlements are further delineated by the adopted urban edges, and priority development areas focused on housing (i.e. social restructuring zones; PHSHDA's), intensification zones (i.e. mixed-use community and residential infill; strategic sites, projects and/or infill opportunities) and development corridors (including activity routes).

6.14 Based on the strategic spatial policies namely the Adam Tas Local Spatial Development Framework and Development Guidelines and the associated enabling urban management mechanisms (namely the Adam Tas Local Area Overlay Zone), the delineated areas are priority spatial targeting areas.

6.15 The listed priority spatial targeting areas are primarily identified for mandatory implementation of affordable housing provision through the inclusionary zoning mechanism, with alternative options requiring approval incorporated.

REQUIREMENTS FOR INCLUSIONARY ZONING WHEN MANDATORY, SPATIALLY TARGETED, OR VOLUNTARY IMPLEMENTATION

Mandatory implementation with off-set requirements (primary option)

6.16 The mandatory application of inclusionary zoning means that the property owner and developer are automatically required to include a portion of affordable housing units (also referred to as inclusionary housing or the set-aside requirement) as part of their development within the well-located priority development areas as defined. The municipality therefore only grants approval for the development if the developer builds a proportion of the affordable units.

6.17 Inclusionary zoning requirements are triggered by land development applications, as such, the requirement does not affect existing, approved land use rights.

6.18 Inclusionary zoning is mandatory for all new development applications under the jurisdiction of Stellenbosch Municipality that request additional development rights from the municipality within their residential or mixed-use developments.

6.19 New residential or mixed-use developments which include 20 dwelling units or more, are required to contribute a minimum of 20% of the total units to be targeted at affordable housing.

6.20 The affordable units can be designed to provide non-market housing accommodation for rental or ownership.

6.21 The affordable units are intended for dwelling units and not student housing, community residential buildings, communes, hostels, or less formal residential. The dwelling units should be used for permanent residence and excludes any of the land uses associated with transient

guests (i.e. home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling unit, etc.).

6.22 All conditions for affordable housing will be in place for not less than 30 years, or until repealed by a Council resolution.

6.23 Any off-set incentive packages contemplated as part of the off-set requirement will be over and above the allowable development parameters as per the prevailing zoning defined in the zoning scheme by-law. As such, development parameters must be determined first, with off-set incentive packages added to that determination.

6.24 The affordable housing contribution should be delivered on-site, and if demonstrated and deemed unfeasible an inclusionary housing agreement can be entered into to determine in-kind off-site or affordable housing fee (in-lieu) contributions.

6.25 When inclusionary housing is applicable, it will be implemented as a condition of approval (section 66.(1)(d))(settlement restructuring) by the Stellenbosch Municipality. The Municipality may act against property owners and developers who do not comply with the conditions for inclusionary zoning outlined in land use/development approvals, as with any condition of approval.

6.26 The priority development areas as identified by the municipal spatial development framework are Stellenbosch, Klapmuts, and Franschhoek, and fall within the delineated and adopted urban edges.

Spatially targeted implementation within an applicable overlay zone (primary option)

6.27 Implementation of inclusionary housing in targeted areas within the municipality, where an overlay zone has been designated or higher-density developments are encouraged by means of spatial policies or strategies in areas for urban infill, transit-orientated development, etc.

These targeted areas normally have a well-performing housing market and public investment has been targeted in the area.

6.28 The mandatory application of inclusionary zoning means that the property owner and developer are automatically required to include a portion of affordable housing units (also referred to as inclusionary housing or the set-aside requirement) on-site as part of their development within the well-located priority development areas as defined. The municipality therefore only grants approval for the development if the developer builds a proportion of the affordable units.

6.29 Inclusionary zoning requirements are triggered by land development applications, as such, the requirement does not affect existing, approved land use rights.

6.30 Inclusionary zoning is mandatory for all new development applications and when property owners and developers want to utilize the land use rights as applied by the Adam Tas Corridor Local Area Overlay Zone.

6.31 New residential or mixed-use developments which include 20 dwelling units or more, are required to contribute a minimum of 30% of the total units to be targeted at affordable housing on-site or as defined by an approved precinct site development plan.

6.32 The affordable units can be designed to provide non-market housing accommodation for rental or ownership.

6.33 The affordable units are intended for dwelling units and not student housing, community residential buildings, communes, hostels, or less formal residential. The dwelling units should be used for permanent residence and excludes any of the land uses associated with transient guests (i.e. home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling unit, etc.)

6.34 All conditions for affordable housing will be in place for not less than 30 years, or until repealed by a Council resolution.

6.35 The inclusionary zoning parameters as defined in the Adam Tas Local Area Overlay zone are applicable. The Municipality may act against property owners and developers who do not comply with the parameters as outlined in land use/development approvals, as with any condition of approval.

6.36 Based on the strategic spatial policies namely the Adam Tas Local Spatial Development Framework and Development Guidelines, and the associated enabling urban management mechanisms (namely the Adam Tas Overlay Zone), the delineated areas are priority spatial targeting areas.

Voluntary implementation (alternative option)

6.37 The voluntary application of inclusionary housing means that affordable housing units are only required when the property owners and developers choose to utilise off-set incentive packages provided by the municipality. Such incentive packages could include flexible development parameters or bonuses i.e., density bonuses. This approach is based on willing partners that strike a mutually beneficial arrangement that will result in the delivery of affordable housing.

6.38 A property owner and developer developing below the threshold of 20 units, but who meets the criteria for one of the inclusionary zoning options in this framework, may still benefit from the off-set incentive packages associated with the option chosen.

6.39 The affordable housing contribution can be delivered on-site, in-kind off-site, or an affordable housing fee (in-lieu payment).

6.40 This approach will be assessed on a case-by-case basis and in alignment with the criteria and requirements as stipulated in the inclusionary zoning policy.

AFFORDABLE HOUSING CONTRIBUTION (ALSO REFERRED TO AS SET-ASIDE REQUIREMENT)

6.41 Set-aside requirement is a proportion of the extra development rights granted by the municipality that must be set aside as a contribution towards affordable housing.

On-site requirement

6.42 The affordable units are built on-site as part of the market-related development i.e., in the same building or on the same land parcel.

6.43 The tenure type of the set-aside contribution must be similar to the market-related component of the development.

6.44 The on-site requirement is the primary option in the mandatory - and spatially targeted implementation approaches, with exemptions incorporated within these options.

In-kind contribution

6.45 In-kind contribution (also referred to as the in-kind off-site requirement) refers to when the affordable units are built off-site on well-located land in areas identified by the municipality in its spatial development framework. The units can be built on municipal-owned land, on land owned by private developers, or another state partner, or on a site under development by an SHI, or another registered affordable housing developer.

6.46 This method will be advisable for market-related developments that are not that well-located, thus capturing the value of the development by re-directing it to a well-located site.

6.47 The tenure of the units can be either rental or ownership.

6.48 The property owner and developer can choose this option in the voluntary implementation approach or when demonstrated and deemed acceptable by the municipality in the mandatory implementation approach.

Affordable housing fee

6.49 Affordable housing fee also referred to as the in-lieu requirement. It is the contribution of the affordable housing units in the form of a cash contribution which is ring-fenced into a municipal fund dedicated to the building of affordable housing for the benefit of households in the income range targeted by this policy, as well as in designated / priority development areas, as identified by the municipal spatial development framework, the applicable land use planning by-law or zoning scheme-by-law.

6.50 The contribution can either go towards the acquisition and/or assembly and/or packaging of well-located land to be developed for affordable housing; the construction of affordable housing on such land; ensuring the financial sustainability of social housing development, or towards planned in-kind off-site development of affordable housing by the municipality via existing national housing programmes.

6.51 Each application is considered on a case-by-case basis, with negotiations taking place based on a standard proforma submitted by the property owner and developer. This proforma should consider the differing land values in each area, as this is a significant cost driver. This proforma should be able to calculate affordable housing contributions for on-site, in-kind off-site, and affordable housing fees (in-lieu).

6.52 The property owner and developer can choose this option in the voluntary implementation approach or when demonstrated and deemed acceptable by the municipality in the mandatory implementation approach.

AFFORDABILITY PRESERVATION OF NON-MARKET HOUSING

6.53 Preserving the long-term affordability of units produced by inclusionary zoning is key to ensuring that targeted beneficiaries can benefit from the policy over a specified period of time.

6.54 Affordable units created by inclusionary zoning developments be maintained not less than 30 years, or until repealed by a Council resolution.

Mechanisms for maintaining affordability are as follows:

Inclusionary units for ownership

6.55 Property owners and developers can sell a unit outright to a qualifying household where the beneficiary will independently secure finance from a financial institution and may qualify for and make use of the Finance-linked Individual Subsidy Programme (FLISP).

6.56 Property owners and developers can run an instalment sale or lease with an option to buy programme.

6.57 The sale price of affordable housing units for sale must be stipulated in the inclusionary housing agreement tied to the planning permission with a view to ensuring this is clearly tailored to the targeted market. The agreement should record provisions for the adjustment of this price year on year.

6.58 An increase in the value of the units should be fixed to the Consumer Price Index (CPI), to ensure that homeowners benefit from price appreciation while protecting against the unaffordable escalation of house prices.

6.59 Each affordable housing unit needs to be registered with the municipality, to ensure that the valuations process recognizes their status as affordable housing units and as such can be valued and taxed or rated accordingly.

6.60 The registered affordable ownership units require municipal approval on resale prices before the transaction takes place for the municipality to monitor and track escalation in the price restrictions and ensure that the inclusionary housing register and valuation process are updated accordingly.

6.61 To enable the effective management and monitoring of these affordable housing units and the inclusionary housing agreement, the property owners and developers are required to place a restrictive condition in the title deeds, or any other affordability preservation mechanism deemed appropriate and effective by the municipality.

6.62 Resale should only be for pre-approved buyers that meet the affordability criteria as set out by the municipal policy.

6.63 Capacity should be put in place for Home-Owner Associations (HOA) and/or Body Corporates to effectively market and manage the allocation process. The affordability preservation and any other requirements as agreed in the inclusionary housing agreement as part of the planning permissions, need to be stipulated in the constitutions of these bodies, including the annual reporting to the municipality as agreed upon.

Rental inclusionary units

6.64 Fixed-term leases will be the primary instrument for ensuring that inclusionary units continue to benefit the intended income group as identified in the planning permission associated with the inclusionary housing agreement.

6.65 Property owners and developers may choose to retain the units in their ownership and rent them to households that fall within the agreed targeted income range and meet the criteria, along with any additional criteria introduced by this policy and in the inclusionary housing obligation set out in the planning permission.

6.66 Capacity should be put in place to market and manage the allocation process and conduct regular income certification, as well as provide the normal services of a landlord, as with any tenant.

6.67 Rents charged must remain within the affordability threshold, which will be reviewed annually to accommodate inflation and its impact on maintenance costs, as well as changes in the affordability dynamics in the housing market and changes to income categories in amendments to the inclusionary zoning policy.

6.68 Lease agreements need to ensure that the tenants are subject to regular income certification to ensure that the affordable housing units remain as allocated and available to the intended income group. This must include allowance for some income growth over time. Successive tenants would pay the rental as adjusted for inflation at the time of occupation.

6.69 The lease agreements should stipulate that sub-letting isn't allowed, and excludes any land uses associated with student housing and transient guests (i.e., home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling unit, student housing, etc.).

6.70 Property owners and developers may choose to build affordable housing units and hand them over to a social housing institution (SHI) to manage them. In this case, the annual monitoring of affordability preservation as required by the municipality will be managed by the SHI and the property owners and developers will not have to comply with this specific requirement.

6.71 When affordable housing units are delivered through partnering with SHIs and where they provide a capital subsidy (administered by the SHRA) the requirement for subdividing and registering the affordable units needs to be accommodated within the application and the conditions of approval.

6.72 Each affordable rental unit needs to be registered with the municipality, and approval of new tenants should meet the affordability criteria by the policy. In the case of rental agency management, the affordability criteria of the social housing institution should be met.

6.73 In the case where property owners and developers retain ownership and become landlords or use a rental agency for the management of these units, the compliance of the annual reporting should be managed by these parties. The municipality should be informed of the managing rental agents in order for the inclusionary housing unit register as administered by the municipality to be updated accordingly. Annual reporting mechanisms will be agreed upon and stipulated in the inclusionary housing agreement as part of the planning permissions.

Other affordability considerations.

6.74 Municipal rates and taxes as approved within the Rating Policy, will be adapted to ensure that affordable housing units are not undermined by the municipality's own policies. The Municipality may consider adding an inclusionary housing category that may benefit/qualify for exemptions, rebates, discounted rates, as well as capped valuation of these units. The

criteria and annual application process will still be applicable as defined in these municipal policies to ensure that the household can maintain affordability including avoiding unjustifiable subsidisation.

6.75 Failure to comply with the planning permission and associated agreement should result in a penalty, with rates due on units meant as affordable housing units, calculated for the whole period when units were supposed to be affordable and were not.

BENEFICIATION

6.76 The broad principle for dealing with an allocation is whoever takes development or marketing risk for affordable housing may control the allocation of units to the end-users. The responsibility of affordable housing units for ownership vests with the developer/financiers/body corporates/homeowners associations and in the case of rental the landlord, or SHI management.

6.77 The allocation process of affordable housing units in inclusionary zoning developments will be different for rental or ownership units. It will also differ depending on whether the property owner or developer will do the allocation, or if the municipality or SHI is involved in the allocation process.

6.78 The standard affordability measures as described above applies.

6.79 The target market for beneficiation should benefit employed households (excl. students) earning stable incomes that fall within the affordability threshold as defined above.

6.80 Developers can deviate from the income profiles if they use the median income formula as explained above.

6.81 Proportional allocation within the affordable market income range & units per segment within the range is encouraged.

6.82 The developer should consider the following targeted beneficiaries;

6.82.1 Key workers refers to an employee who provides a vital service, typically in the police, health, and education sectors (WCG 2022). Targeting these individuals or households presents an opportunity to empower them to climb the property ladder over time and save on costs associated with travel, access to community facilities, etc.

6.82.2 Vulnerable groups such as the youth, elderly, and people living with disabilities.

6.82.3 Gender, with specific reference to female-headed households.

6.83 The developer may partner with companies with employee housing assistance programmes when the beneficiaries comply with the criteria as stipulated in the inclusionary housing agreement.

6.84 The municipality may impose requirements on the reporting with regard to allocation within these criteria.

DESIGN

6.85 The affordable units should be integrated into the projects and blend in with the surrounding buildings and the development as a whole.

6.86 The architectural styles should be similar i.e., tenure blind from the outside, but the interior may differ to enable affordability.

6.87 The municipality may regulate the requirement and standards for these units within policies and by-laws i.e., number of bedrooms, size of units, location of affordable units on a site or within a building, or the exterior access to the units.

6.88 The affordable housing units need to comply with the National Housing Building Regulatory Council.

6.89 The minimum standards must be met regarding bathroom and kitchen areas and fittings, and the quality of these facilities must avoid higher maintenance costs. It is proposed that the Social Housing norms and standards are used as a benchmark in this regard.

6.90 The property owner and developer need to consider variety in the housing typologies, based on household composition found within the municipality, namely a mix of studio, one-bedroom, and two-bedroom units in order to respond to different family compositions. The reviewed optimum unit sizes as proposed for social rental stock can be used as a guideline:

Type of unit	Optimum size (sqm)	Minimum size	Occupancy
Room	12	10	1b1p
Bachelor / Studio	25	18	1b2p
1 Bedroom	35	25	1b2p / 2b3p
2 Bedroom	48	42	3b3p / 4b4p
3 Bedroom	60	52	3b4p / 5b6p

Table 2:Extract from Western Cape Government Inclusionary Housing Policy Framework, 2022 (source: WCGa:2022)

OFF-SET INCENTIVE PACKAGES

6.91 Fast-tracking of approval processes by a dedicated municipal project team in the Adam Tas Corridor Local Area Spatial Development Framework, and its overlay zone, or any area identified in the priority development areas of the municipal spatial development framework and capital expenditure framework; or other urban management mechanisms (e.g., integrated decision-making, changes in delegations, etc.) as deemed appropriate and applicable by the municipality.

6.92 Density bonus which allows private developers to provide units in addition to the prescribed land use density.

6.93 Parking requirements: reducing parking requirements for the affordable housing component, particularly in areas close to public transport routes, or as deemed appropriate by the municipality.

6.94 Removing or reducing associated planning requirements as deemed appropriate by the municipality and accordingly demonstrated in the financial viability estimates during the pre-application phase.

6.95 Development contribution discount: Ten percent (10%) development contribution discount on the affordable housing component of the development be allowed.

6.96 The off-set incentive packages should not place a cost burden on the municipality to the extent that it amounts to a hidden subsidy and is not sustainable for the municipality.

INCLUSIONARY ZONING APPLICATION IN STELLENBOSCH MUNICIPALITY

6.97 The table below provides the various options:

Options	Description	Planning obligation	Planning requirement & Off-set benefit packages
Option A	Mandatory inclusionary zoning (units/ha)	20% of dwelling units fall within the affordability thresholds (either using the standard or spatially targeted approach) for rental or ownership within the new residential or mixed-use development of 20du or more. Provision of affordable housing must be provided on-site within the priority development areas, namely Stellenbosch, Klapmuts, & Franschhoek, or as alternatively demonstrated. Applicable to the conventional residential zone, multi-unit residential zone, local business zone, and mixed-use zone of the zoning scheme by-law.	**Planning requirement**: Inclusionary Zoning Agreement & Developer contributions **Off-set incentive package:** Density bonus – increase in density (du/ha) to accommodate the inclusionary housing units. AND/OR Parking reduction for inclusionary housing units in well-located areas. AND/OR Development contribution discount. AND/OR Other planning parameters deemed to assist in the financial viability/project feasibility as demonstrated.
Option B	Mandatory inclusionary zoning (Bulk/FAR)	Minimum of 10% or a maximum of 17% (depending on the applicable zoning) of the total residential floor area (complying with the minimum 20% requirement) is made up of dwelling units that fall within the affordability thresholds (either using the standard or spatially targeted approach) for rental or ownership within the new residential or mixed-use development of 20du or more. Provision of affordable housing must be provided on-site within the priority development areas,	**Planning requirement**: Inclusionary Zoning Agreement & Developer contributions **Off-set incentive package:** Density bonus – increase in density (du/ha) to accommodate the inclusionary units. AND/OR Parking reduction for inclusionary units in well-located areas. AND/OR

Options	Description	Planning obligation	Planning requirement & Off-set benefit packages
		namely Stellenbosch, Klapmuts, & Franschhoek, or as alternatively demonstrated. Applicable to the conventional residential zone, multi-unit residential zone, local business zone, and mixed-use zone of the zoning scheme by-law.	Development contribution discount. AND/OR Other planning parameters deemed to assist in the financial viability/project feasibility as demonstrated.
Option C (ATC)	Mandatory spatial targeted inclusionary zoning (units/ha) – overlay zone	30% of dwelling units fall within the affordability thresholds (either using the standard approach or spatially targeted approach) for rental or ownership within the new residential or mixed-use development. Provision of affordable housing can only be provided on-site within the delineated area and in accordance with the precinct site development plans, within the Adam Tas Corridor. Applicable to the Adam Tas Corridor Local Area Overlay Zone.	**Planning requirement**: Inclusionary Zoning Agreement & Developer contributions & Precinct Site Development Plan & Compliance with applicable LSDF and Development Guidelines **Off-set incentive package:** Overlay Zone – upzoned property and expedited planning process **AND** Density bonus – increase in density (du/ha) to accommodate the inclusionary units. AND/OR Parking reduction for inclusionary units in well-located areas. AND/OR Development contribution discount. AND/OR Other planning parameters deemed to assist in the financial viability/project feasibility as demonstrated.

Options	Description	Planning obligation	Planning requirement & Off-set benefit packages
Option D (ATC)	Mandatory spatial targeted inclusionary zoning (Bulk/FAR) – overlay zone	Minimum of 25% of the total residential floor area (complying with the minimum 30% requirement) is made up of dwelling units that fall within the affordability thresholds (either using the standard or spatially targeted approach) for rental or ownership within the new residential or mixed-use development of 20du or more. Provision of affordable housing can only be provided on-site within the delineated area and in accordance with the precinct site development plans, within the Adam Tas Corridor. Applicable to the Adam Tas Corridor Local Area Overlay Zone.	**Planning requirement**: Inclusionary Zoning Agreement & Developer contributions & Precinct Site Development Plan & Compliance with applicable LSDF and Development Guidelines **Off-set incentive package:** Overlay Zone – upzoned property and expedited planning process **AND** Density bonus – increase in density (du/ha) to accommodate the inclusionary units. AND/OR Parking reduction for inclusionary units in well-located areas. AND/OR Development contribution discount. AND/OR Other planning parameters deemed to assist in the financial viability/project feasibility as demonstrated.
Option E	Voluntary inclusionary zoning	20% of dwelling units fall within the affordability thresholds (either using the standard or spatially targeted approach), or as agreed to by the for rental or ownership within the new residential or mixed-use development.	**Planning requirement**: Inclusionary Zoning Agreement & Developer contributions **Off-set benefit package:**

Options	Description	Planning obligation	Planning requirement & Off-set benefit packages
		Provision of affordable housing can be provided in-kind off-site or in-lieu within priority development areas, namely Stellenbosch, Klapmuts, & Franschhoek.	Public land leasing & land sales AND/OR Leveraging municipal real estate **AND** Density bonus – increase in density (du/ha) to accommodate the inclusionary units. AND/OR Parking reduction for inclusionary units in well-located areas. AND/OR Development contribution discount. AND/OR Other planning parameters deemed to assist in the financial viability/project feasibility as demonstrated.
Option F	Targeted in-kind off-site affordable housing provision	To the satisfaction of the municipality, when the development already targets the affordability thresholds. The application may be exempted from the provisions of the policy provided that the development assessment and ultimately the permission places this on record for monitoring and compliance processes.	**Planning requirement**: Inclusionary Zoning Agreement & Developer contributions **Off-set incentive package:** To be negotiated.

Table 3: Inclusionary application in Stellenbosch Municipality, (own source)

INCLUSIONARY ZONING AGREEMENT

6.98 Planning permissions will be accompanied by an Inclusionary Zoning Agreement between the applicant and the Municipality setting out the basis on which the affordable housing contribution will be made in line with the municipal inclusionary zoning policy, including inter alia:

6.99 Whether the contribution will be met on site, off site or as an in-lieu contribution;

6.100 When and where the inclusionary housing units will be constructed;

6.101 The number and sizes of units to be provided on site or off site;

6.102 How off-site units will be provided;

6.103 Whether the units will be rented or sold and the sale price or monthly rental;

6.104 How levies will be dealt with in terms of units sold within sectional title schemes;

6.105 The income group (or groups within the broader income range) to be targeted to purchase or rent the units as well as other priority groups such as women, the youth or people with disabilities, along with the proportional allocation of units, if relevant;

6.106 Who will undertake the screening and allocation process and how this process will be undertaken;

6.107 If the rented units will be sold on and to whom;

6.108 The total amount of the in-lieu contribution should this be the case, and to whom, how and when it will be paid. An in-lieu contribution should be paid prior to issue of the occupancy certificate for the development and the issue of such certificate should be conditional on proof of payment;

6.109 The reporting requirements to enable the monitoring of affordability of the affordable housing units over time, and to whom reports will be provided;

6.110 Title deed restrictions to be introduced on stock for sale to maintain affordability.

FINANCIAL VIABILITY CRITERIA

6.111 In the pre-application phase of the application, the property owner, developer and municipality need to consider and evaluate the economic trade-offs involved in requiring a certain percentage of affordable units in new residential or mixed-use development.

6.112 Following this approach ensures that it is economically sound, will not deter development, and will deliver the types of new affordable units the local community needs. It can also be used to determine how a new inclusionary zoning would affect market-rate housing development costs and profits.

6.113 It also assists in highlighting what is economically reasonable for the municipality trying to set affordable housing requirements and offer developers meaningful incentives.

6.114 It does not replace a detailed financial feasibility analysis prepared by a trained professional.

6.115 Variables that make the greatest difference to the bottom line results: hard construction costs (usually 60-70% of development costs can be attributed to materials and labour – drives the cost side of the equation); average rental rates or market price sales (average monthly starting rental rates for new rental projects and average market prices for for-sale projects are the most important assumptions on the revenues side of the equation); capitalization rates (used to translate net operating income in a year of stabilized occupancy into total project value).

6.116 The literature and local case studies suggests the following financial viability criteria for consideration and these factors and measures should form part of the pre-application phase of the application:

Factors and measures
Property size / development footprint
Current zoning and land use
Proposed new zoning

Vacant land cost
Municipal property valuation
Developed land value per land use: Residential sales income
Developed land value per land use: Rental income per land use
Developed land value per land use: Office rental income
Developed land value per land use: Retail rental income
Developed land value per land use: Parking rental income
Developed land value per land use: Parking sales income
Total number of parking bays required
Assign parking requirements to each site (per m² and per dwelling unit), for each chosen/permitted land use, for both scenarios. m² parking requirement residential no concession m² parking requirement residential with concession m² parking requirement office no concession m² parking requirement office with concession m² parking requirement retail no concession m² parking requirement retail with concession
Percentage of residential floor area allocated to the ratio of affordable housing units for each site.
Define the floor area of 0-bedroom, 1-bedroom, 2-bedroom and 3-bedroom units. Proportion of residential floor area allocated to each dwelling unit type 0bedroom:1bedroom:2bedroom:3bedroom (ratio) 0bedroom:1bedroom:2bedroom:3bedroom (size)
Land-use distribution - define/calculate the maximum proportion of floor area allocated to permitted land uses (residential and/or retail and/or office) on each site under both scenarios according to land-use zone and parcel size. % residential no concession % residential with concession % office no concession % office with concession % retail no concession % retail with concession
Based on calculation above, calculate within each land use, floor area the allocation to parking, according to the parking requirements established in. m² parking area residential no concession

m² parking area residential with concession m² parking area office no concession m² parking area office with concession m² parking area retail no concession m² parking area retail with concession
Municipal rates
Monthly cost of municipal rates per site for both scenarios is calculated, according to land-use zone, estimated municipal valuation and construction floor area. R/m² residential no concession R/m² residential with concession R/m² office no concession R/m² office with concession R/m² retail no concession R/m² retail with concession
Rental income per land use, per site, per scenario (floor area multiplied by suburb market data values)
Define discount factors, for low-, medium-income and open-market units under the inclusionary zoning scenario* - Users to define % reduction in residential rental income estimates in relation to estimated open-market rental incomes for the sites' suburbs. Discount factor low-income rent Discount factor medium-income rent Discount factor open-market rent
Define occupancy rates of rented floor area. % residential occupancy rate
Levies income from sold residential units, per site, per scenario (proportional to building maintenance costs of sold units)
Define the percentage of open market residential floor area sold under both scenarios. % open-market residential units sold no concessions % open-market residential units sold with concessions
Monthly municipal rates per site, per scenario
Define building maintenance costs (R) per m², per scenario
Cost of land per site
Cost of construction per site, per scenario Construction cost (R) per square residential per m² Construction cost (R) per square office per m² Construction cost (R) per square retail per m² Construction cost (R) per square parking m²

Define construction duration (months) for each site for no concession Construction duration residential Construction duration office Construction duration retail Construction duration parking
Define construction duration (months) for each site for with concession Construction duration residential Construction duration office Construction duration retail Construction duration parking
Income from sold residential units, per site, per scenario
Income from sold residential units parking bays, per site, per scenario
Debt at project completion per site, per scenario
Generated equity at project completion per site, per scenario (value of completed construction, minus value of units sold, minus any debt owed on loans to fund projects)
Monthly profit, per site, per scenario (monthly income minus monthly debt)
Net rental yield, per site, per scenario (annual rental income minus annual expenses, divided by total cost of project)
Define loan interest rate
Number of years to settle loan per site, per scenario (using monthly profit)

Table 4: Financial viability criteria

SUMMARY: Key considerations for the Inclusionary Zoning Policy and Regulations for Stellenbosch Municipality

Which type of policy is the municipality considering in adopting?	
Hybrid	• Mandatory requirements and additional, optional developer incentives for greater affordability in targeted areas. • Tend to produce more affordable units than voluntary policies. • Tend to serve more low-income households in well-located areas. • Offer uniformity and predictability for property owners and developers.
Where does the policy apply?	
Target areas	Inclusionary Housing Trigger Area • Requirements apply to specific priority development areas (i.e., Adam Tas Corridor, Stellenbosch Town, Klapmuts and Franschhoek) located within the delineated and adopted urban edges. Priority receiving areas for Inclusionary housing. • Well-located specific priority development areas as defined by the municipal spatial development framework. capital expenditure framework, Adam Tas Corridor Local Spatial Development Framework, and Adam Tas Local Area Overlay Zone, social restructuring zones, PHSHDA's, and so on.
To whom does the policy apply?	
Residential and non-residential property owners and developers	• Applies to property owners and developers if the development project trigger the policy to go into effect. • Allows mixed-use property owners and developers to contribute to the community.
To what types of projects does the policy apply? (i.e. What's the trigger for the policy to be in effect?)	
Minimum development size	• Trigger is 20 dwelling units or more. • May apply to smaller developments on voluntary implementation option.
Tenure type	• Applies to both rental and ownership development projects.

How can the property owner and developer meet the policy's requirements?	
Constructing affordable housing contribution on-site	• Promotes social and economic integration in well-located areas. • On-site construction is the standard requirement within the spatially targeted and mandatory implementation approaches, with alternative options requiring approval incorporated.
Deciding duration for affordability preservation	• Rental and homeownership units to remain affordable for at least 30 years, or until repealed by Council.
Defining the share of affordable housing contribution	• 20% of total units or total floor area within the priority development areas (Stellenbosch Town, Klapmuts and Franschhoek) located within the delineated and adopted urban edges. • 30% of total units or floor area within the priority development areas delineated in the Adam Tas Local Spatial Development Framework and Development Guidelines and the Adam Tas Local Area Overlay Zone.

Varying income requirements within development project	• Proportional allocation within the affordable market income range and units per segment within the range is proposed.
	• Affordable housing market segments targeted are:
	  • Affordable (R300 000 – R600 000);
	  • Conventional (R600 000 – R900 000); and –
	  • High-end (R900 000 – R1.2million).

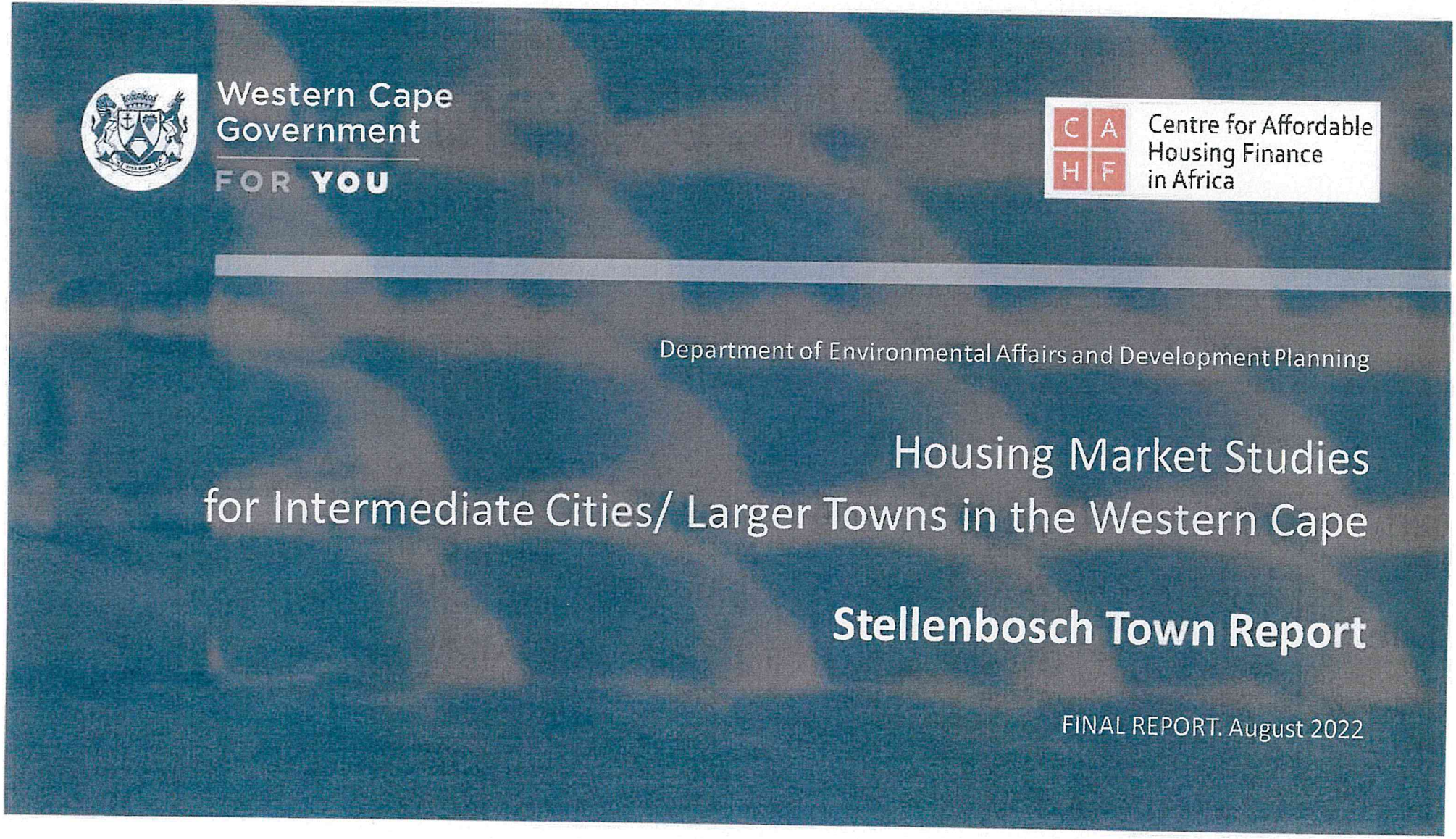
Offering trade-offs for deeper affordability	• Development projects that target the affordable housing market segments as defined is exempted from applying the policy.
Deciding the location of affordable housing contribution within the development	• Affordable units on-site may be clustered, located on certain floors, or in adjacent buildings.
Setting specification requirements for	• Require affordable units to be identical to market-rate units (tenure blind) and allow internal variations with minimum standards.

affordable housing contribution	• Social Housing norms and standards are proposed as minimum design requirements regarding bathroom, kitchen areas, fittings and quality of facilities is recommended to be used as a guideline. • Variety of housing typologies are proposed, based on household composition within the municipality to respond to different family compositions. Optimum unit sizes as proposed for social rental stock is recommended to be used as a guideline.
What are the prices and income requirements for affordable units?	
Affordability criteria for households	• Focus on households falling within the GAP market/Housing and affordable housing target market namely >R3 500 – R27 200 (FSC 2022, rates to be updated yearly) annual gross household income. • Provisions for household income over time for annual income verification has been proposed in line with CPI.
Targeted beneficiaries	• Employed households (excluding students) earning stable incomes falling within the affordability threshold. • Suggestions around targeted beneficiaries (e.g., key workers, vulnerable groups, etc.) are proposed for consideration in the beneficiation process.
Setting affordable housing cost for household income	• Premium to income ratio for renters not more than 30% and for homeowners between 30-35%. • Differentiated procedure for premium to income ratio allowed when detailed household income analysis are provided.
What are the off-set incentives available to property owners and developers?	
Deciding whether and how resources from existing land-based financing and housing mechanisms may be used by renters or homeowners	• Municipal rates and taxes to be adapted to ensure the affordability of these units. • Municipality to consider inclusionary housing category for these households to qualify and benefit from exemptions, rebates, discounted rates, and capped valuation of units. • Households can apply for financial subsidies, such as FLISP.
Expedited planning permissions	• Fast-tracking of approval processes by a dedicated municipal project team for implementing the Adam Tas Corridor Spatial Development Framework and Development Guidelines, and its overlay zone (pro-active rezoning mechanism).

Density, height, bulk bonus, or other zoning variances	• Density bonus which allows private developers to provide units in addition to the prescribed land use density. • Reducing parking requirements for the affordable housing component, particularly in areas close to public transport routes, or as deemed appropriate by the municipality. • Removing or reducing associated planning requirements as deemed appropriate by the municipality and accordingly demonstrated in the financial viability estimates during the pre-application phase.
Receiving discounts	• 10% development contribution discount on the affordable housing component of the development.

Table 5: Summary table for the application of the inclusionary zoning mechanism in Stellenbosch Municipality

APPENDIX 2


Western Cape Government
FOR YOU
C A H F
Centre for Affordable Housing Finance in Africa
Department of Environmental Affairs and Development Planning
Housing Market Studies
for Intermediate Cities/ Larger Towns in the Western Cape
Stellenbosch Town Report
FINAL REPORT. August 2022

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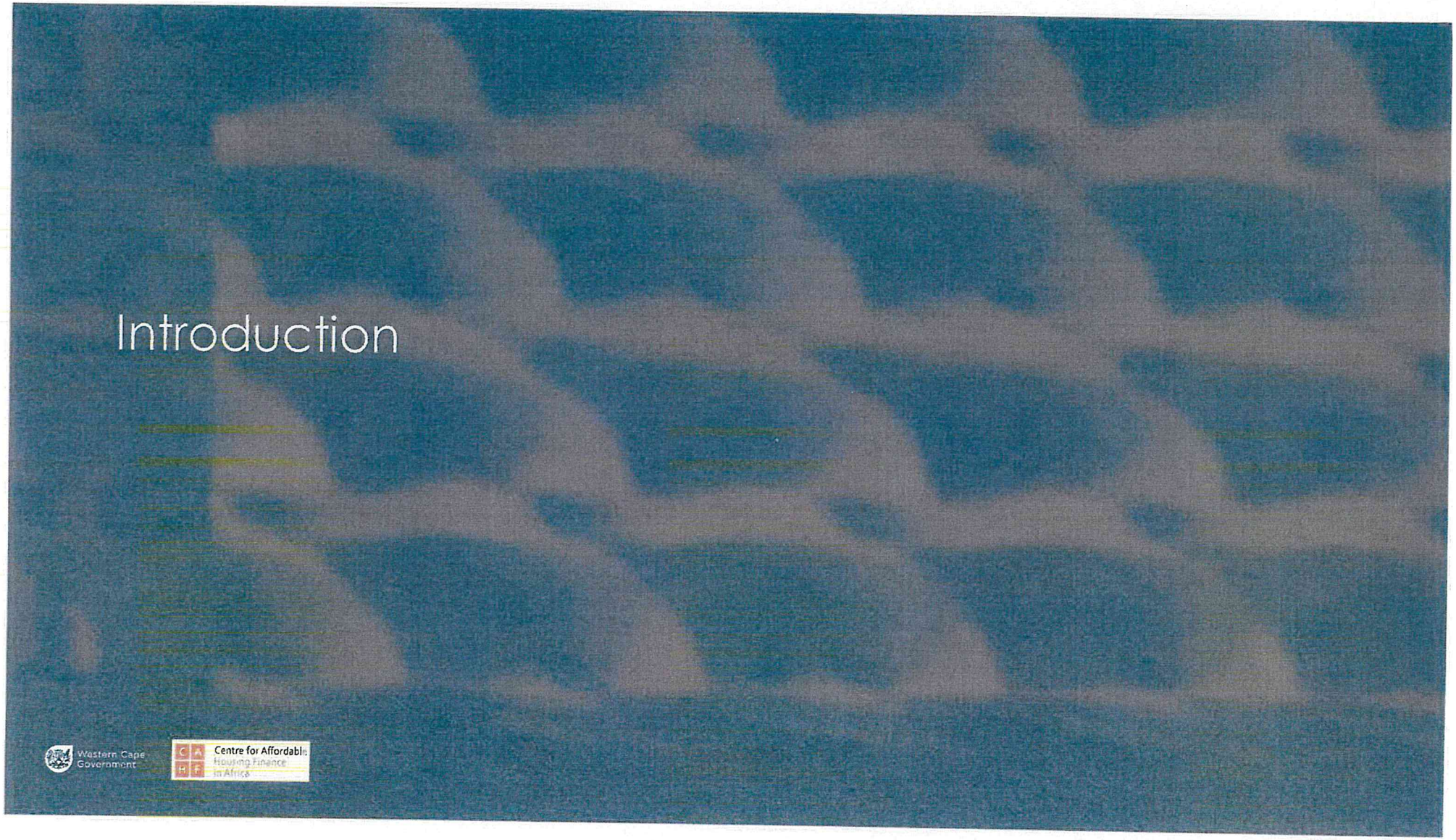
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This report was produced by the
Centre for Affordable Housing Finance in Africa (CAHF)

Team members
- Alison Tshangana
- Luther Jubane
- Alfred Namponya
- Miriam Maina
- Kecia Rust

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- The estate agents and developers who were interviewed for this study


Introduction
Western Cape Government
Centre for Affordable Housing Finance in Africa

Project background and purpose

Problem statement

Developed in 2021, the draft Western Cape Inclusionary Housing Policy Framework provides a guide for municipalities to develop local policies which harness inclusionary housing as a mechanism to promote better located affordable housing in towns and cities, in partnership with the private sector. As a first step to determining if inclusionary housing has the potential to be an effective policy tool in the local municipal context, its necessary to have a clear understanding of the residential property market in the municipality.

Given that many local governments do not have the means to undertake this detailed analysis themselves, the Western Cape Department of Environmental Affairs and Development Planning (DEADP) in partnership with the Department of Human Settlements appointed the Centre for Affordable Housing Finance in Africa (CAHF) to deliver housing market studies for identified urban areas of George, Stellenbosch, Mossel Bay and Drakenstein municipalities.

Project objectives

The overall aim of the project is to underpin and support each of the municipalities to decide on the applicability of an inclusionary housing policy for their municipality and then to assist with the design and development of that policy, by providing key data to inform the design and parameters.

The reports include: analysis of the residential property markets; housing supply and demand assessments; and analysis of the affordability gap in each area, and are intended to provide the intelligence needed to ensure an evidence-led understanding of the housing markets in these urban areas.

Key research questions

In order to inform the potential development of a local inclusionary housing policy, the analysis of the residential property market must address the following questions:

- What is the profile of housing in the city? – by market segment, property type, neighbourhood
- What is the state of the residential market currently? – in terms of market performance, activity, key players, government and private sector delivery
- What is the affordability gap? – where is affordable housing needed, how much and what type? what is the target market for the affordable housing market?
- Is there an active property development market that would make the application of an inclusionary housing policy viable?

Data sources

- **Deeds data from Lightstone Pty.**

Deeds data was purchased from Lightstone Pty for the study areas in each of the local municipalities, covering the period 1 January 2017 – 31 December 2021. Record-level data is aggregated over time by calendar year, at subplace level, using StatsSA boundary delineations.

NB: The data purchased from Lightstone, and detailed in the Supply and Market Activity sections of this report, reflects only the Census sub-places contained within the study area, as well as the relevant portion of the Stellenbosch NU subplace which is within the study area—see **Appendix A** for a detailed explanation. The deeds data therefore reflects the study area, and *not* the entire municipality.

- **TPN Credit Bureau data on rental market**

Given that the deeds data from Lightstone does not allow sight of the rental market, we obtained rental market data from TPN Credit Bureau, who produce and sell Investor Reports for specific areas. The reports provide data on rental prices by size of unit (no. of bedrooms) for last three years, low, average and high monthly rental. The drawback of the TPN data is that a) it only includes formal properties, and b) only includes data from landlords and companies that voluntarily provide the data to TPN. The lack of updated municipal or sub-place level data on the rental market is critical gap impacting on municipal planning.

- **Stats SA sources**

Demographic data and data on housing circumstances was sourced from Stats SA sources, including the: 2011 Census, 2016 Community Survey, 2019 General Household Survey, and Labour Force Survey Q4 2021. For many key indicators, the most updated data is not available at municipal level, forcing a trade-off between how recent the data is, and whether it is too high level to be useful to a study of the city area.

- **DEADP and other Western Cape provincial sources**

Population estimates were provided by the WC Department of Social Development and DEADP. Quantec data (2021) published in the Municipal Economic Review and Outlook was provided by Provincial Treasury. Additional data was obtained from DHS on: housing project pipeline status per municipality; FLISP and social housing delivery; Restructuring Zones; and demand information acquired through public Open Day events in municipalities.

- **Income segments**

Apart from more outdated income data from Stats SA source, recent data on income at municipal level was difficult to obtain. In addition to Quantec data acquired from Provincial Treasury, the WC Department of Economic Development and Tourism also provided municipal-level income data for 2021. GeoTerraImage provided income data at subplace level for the four municipalities, which allowed us to isolate the data for the George city area.

Data from Stellenbosch municipality

The municipality provided a wealth of information, including: valuations data; housing demand database data; housing project information; backyard dwellings; and land use management decisions. Shapefiles were provided for: land use and zoning; the urban edge, priority development areas, zoning schemes, informal settlements and LUPO applications. This data was overlayed with deeds data from Lightstone to get a spatial understanding of market activity.

- **Key respondent interviews**

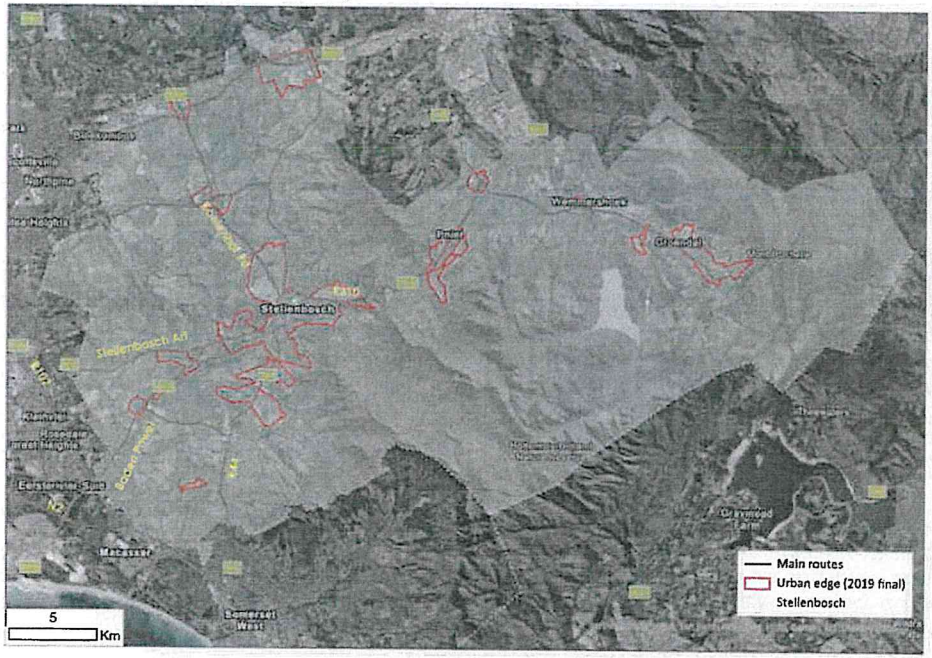
A limited number of key respondent interviews were undertaken to supplement the quantitative data sources. In Stellenbosch, we spoke to two private developers and an executive manager at the University of Stellenbosch. The interviews explored: trends in the market; the nature of demand and the target market; the level of activity and growth in the rental and ownership markets; and market prices (rental and ownership.

- **Additional sources**

Additional sources included: the Social Housing Regulatory Authority (SHRA), Consumer Credit Market Reports, and other sector reports and publications.

Study area

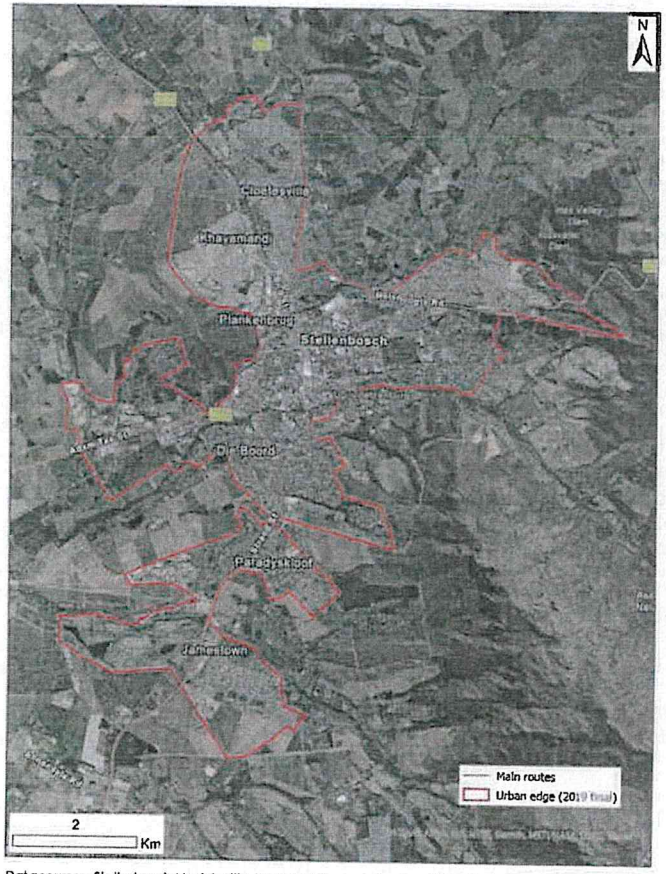
Stellenbosch municipality: Urban edge



Data source: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

As shown in the map above, the 2019 urban edge for Stellenbosch municipality includes a number of separate outlying areas—such as Pniel and Groendal—in addition to the town of Stellenbosch itself. The scope of this study is limited to the main central town of Stellenbosch, as encircled by the urban edge (map to the right)—see **Appendix A** for further detail.

Study area: Stellenbosch town



Data sources: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

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Demand side assessment
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Key demographics

Stellenbosch town is the largest settlement in the municipality, followed by Klapmuts and Franschoek and a number of smaller rural settlements. Home to a major university of 22 000 students, the town serves as a centre for the municipality with education, commercial and government services. Stellenbosch is an important centre for tourism, due to its natural environment and wineries, and also attracts retirees.

Population

Identified as the main urban node of the municipality, Stellenbosch town had a population of 101 843 in 2021, with a total of 27 359 households. Stellenbosch town is home to 52% of the total households in the municipality.*

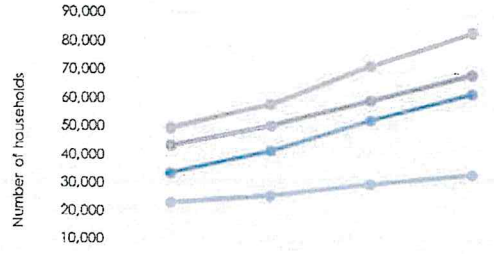
At municipal level, 73% of households have access to basic services, as well as live in a formal dwelling. Municipal population estimates by WC DSD are shown to the right, alongside figures for Drakenstein, George and Mossel Bay.

According to earlier DEADP estimates, having increased relatively faster at 2.8% per annum between 2001 and 2011, Stellenbosch municipality's population growth is estimated to slow to 2.2% per annum from 2011 to 2023, at which point the population growth rate is expected to increase to 2.5% per annum up to 2028. The municipal IDP forecasts a lower population growth rate of 1.7% per annum for the period 2021-2025. Household size in the municipality has been declining slightly, from 3.4 in 2001, to 3.3 in 2016. The municipal IDP 2022-2027 puts household size at 3.7 in 2021.

Density

Stellenbosch municipality's population density is 236 persons per km^2, higher than neighbouring Drakenstein municipality at 191 person/km^2. The 2019 SDF set the target density for the municipality at 25 dwelling units per hectare, but noted that the average density in 2015 was only 8.17, indicating that significant changes to settlement patterns needed to be effected in order to increase density within the urban edge.

Number of households per municipality



	2002	2011	2021	2031
George	43,463	50,498	60,162	69,089
Mossel Bay	22,938	25,977	30,308	34,229
Stellenbosch	33,577	42,070	52,653	62,972
Drakenstein	49.706	58,410	72,207	84,027

Source: W C Department of Social Development, Population and Household Estimates created for Inclusionary Housing Project/Study, 2022. Excel file: *DSD\IHSstudy_SummaryOutputDraftML20220223 2011SFaligned.xlsx*

Number of households by gender of head of house
Stellenbosch, 2016

	Number of households	Percent of total
Female	19,122	36.58%
Male	33,152	63.42%
Grand Total	52,274	100.00%

Source: 2016 Community Survey.

Demographics

As of 2021, the municipal population is 51.2% female (2021), while the 2016 Community Survey puts the number of women-headed households at just 37%.

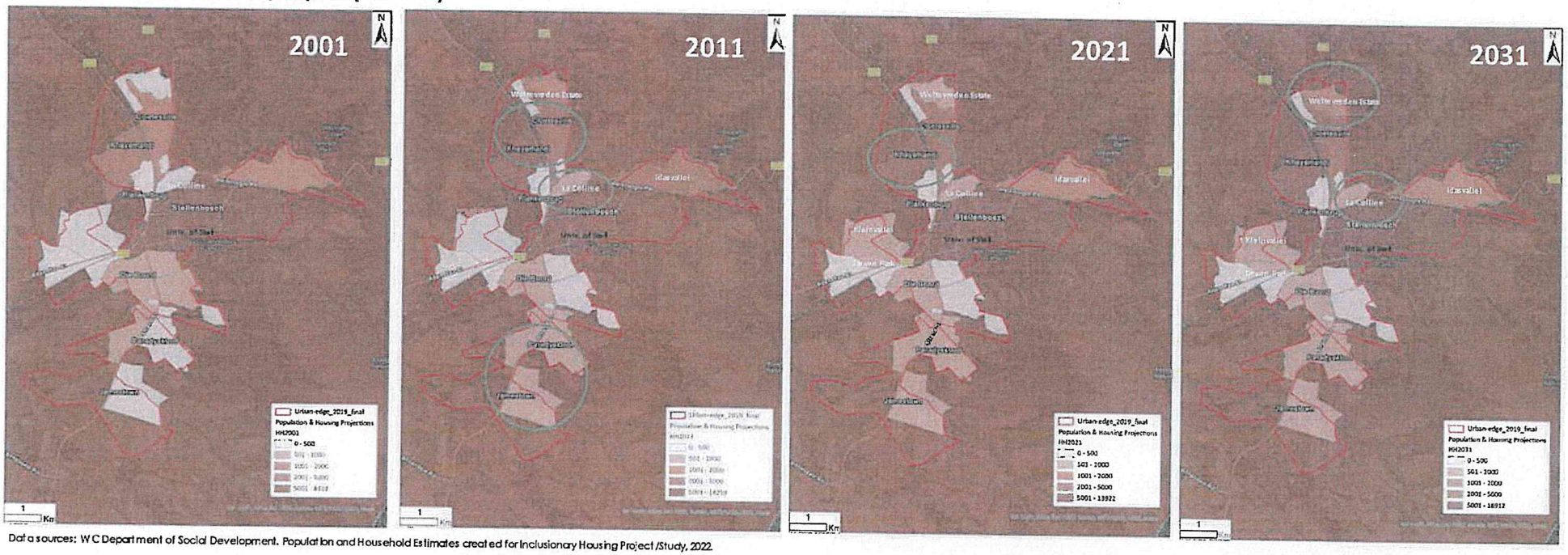
According to the 2016 CS, approximately 30% of Stellenbosch municipality's population were adults, 42% were youth (15-34) and 4% elderly persons (65 and over). Stellenbosch municipality has an ageing population, with the cohort of persons 65 or over, growing faster than the cohort of working age adults. The great majority of stable homeowners are over 50 years old, with only about 5% under 35.

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* Source is W C Department of Social Development, Population and Household Estimates created for Inclusionary Housing Project/Study, 2022. This figure for the household total differs from that sourced from GTI for 2021 (see pg. 15). The DSD figures were used here as shapefiles were available at subplace level to do a spatial analysis (next page).

Growth of number of households by subplace (2021-2031)



Data sources: WC Department of Social Development. Population and Household Estimates created for Inclusionary Housing Project /Study, 2022.

Urban Edge
HH2021
0 - 500
501 - 1000
1001 - 2000
2001 - 5000
5001 - 13922

Population growth by area – 2001-2031

Between 2001 and 2011, Khayamandi more than doubled in size, with an additional 5 004 households. Cloetsville also grew in population with 1 081 additional households. Stellenbosch SP dropped by one third, losing nearly 3 000 households. Reflecting densification at the centre of town, La Colline more than doubled its number of households. Jamestown and Paradyskloof to the south also gained population.

The next ten years until 2021 saw continued growth in Khayamandi, with another 2 760 households being added.

Looking forward, the growth in Khayamandi is forecast to continue at the same rate, growing by one third before 2031. La Colline and Cloetsville will also continue to densify. Having dropped in size prior to 2021, Welgevonden is anticipated to gain another 420 households in the next 10 years.

In total, the Stellenbosch town area is anticipated to gain an additional 6 146 households between 2021 and 2031, according to these estimates by WC DSD.

Housing context

Dwelling type and tenure

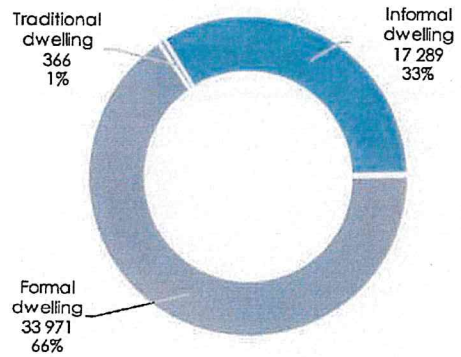
The data from the 2016 Community Survey shows that 66% of households in Stellenbosch municipality stayed in formal dwellings and 33% in informal dwellings—see pie graph. According to more recent figures from the 2021 MERO, 36 592 households in the municipality reside in formal dwellings, or 73% of total households. An estimated 25% of residents live in the 29 informal settlements in the municipality (2022-2027 IDP).

The 2016 CS has the most recent data at municipal level on tenure status—see table to the right. At that point in time, one half of the municipality's households reported that they owned their property (50%) while 19% rented. Stellenbosch municipality has a lower ownership rate than the national average (65%) and lower rates of rental than the national average (26%)—according to national data from the 2019 GHS.

Of those who owned, 41% of households reported they possessed the title deed to their home, while 37% said they did not have the deed to their property (2016 CS).

At the time of the 2011 Census, one third of households reported that they were in an RDP or government-subsidised dwelling, while 37% indicated they were not.

Number of households per dwelling type
Stellenbosch municipality (2016)



Source: 2016 Community Survey.

Number of households by tenure status
Stellenbosch municipality (2016)

	Number of households	Percent of total
Do not know	569	1.09%
Occupied rent-free	10,089	19.30%
Other	5,661	10.83%
Owned and fully paid off	22,002	42.09%
Owned; but not yet paid off	4,122	7.88%
Rented from other (incl. municipality and social housing ins	1,754	3.36%
Rented from private individual	8,077	15.45%
Grand Total	52,274	100.00%

Source: 2016 Community Survey.

Housing demand

Stellenbosch town housing demand database

According to data provided by the municipality, as of November 2021, the number of people on the Stellenbosch municipality housing demand database was 17 945. Residents of Stellenbosch town made up 64% of the database (11 396), of which: 64% were aged 41-65 years old, and 0.12% (or 14 people) indicated a member in the household had a disability.

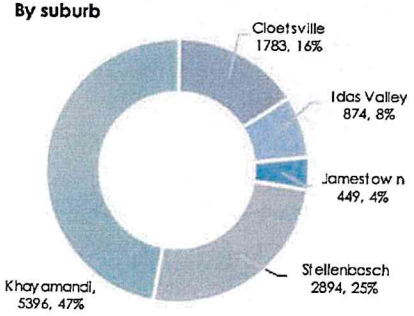
The housing demand database information must be viewed with caution for a number of reasons. The data is based on those people who voluntarily come forward, and income data is self reported and not verified. Furthermore, the demand data is a moving target and thus these figures only speak to one point in time as recorded at one event. Finally, it has been observed that this open day methodology typically undercounts persons with disabilities.

Housing gaps

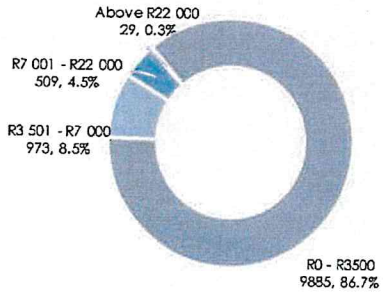
Because state housing delivery has not produced sufficient units and the private sector is not building units affordable to low and middle income households at scale, there is a significant shortage of adequate, affordable housing in Stellenbosch town, resulting in land invasions, a growth in informal settlements, and large numbers of workers and students from the university or private sector needing to commute daily into town. The current housing gap is specifically with respect to student housing and affordable housing for employed, lower and middle income groups. The demand for lower-value rental accommodation for university students is in the region of 4 000 units.

Stellenbosch town housing demand database (November 2021)

By suburb

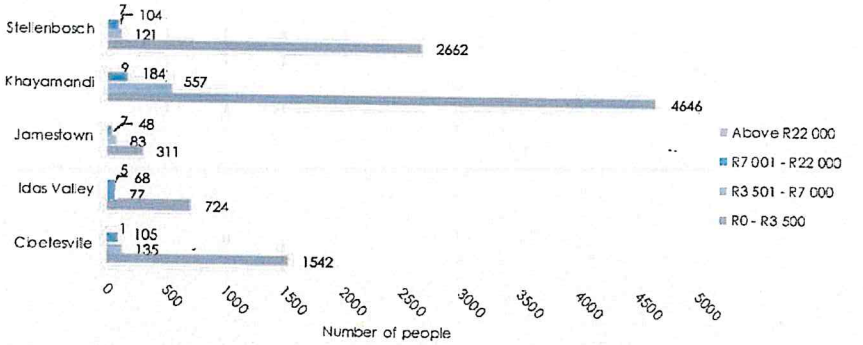


By monthly income



Source: Stellenbosch Municipality, Stellenbosch November 2021 statistics.

Stellenbosch town housing demand database by suburb and monthly income (Nov 2021)



Source: Stellenbosch Municipality, Stellenbosch November 2021 statistics.

The data indicates that housing need is concentrated in particular areas of the town. Cloetesville, Idas Valley, Khayamandi, and Jamestown make up nearly half of the municipality's total BNG housing need. Cloetesville (84%), and Idas Valley (88%) have the highest proportion of applicants on the waiting list for 10 years or more.*

Many people on the housing demand database have been waiting for housing assistance for years. According to the 2019 SDF, 74% of the applicants (for the entire municipality) had been on the waiting list for longer than 10 years, 24% of which are currently on the waiting list for more than 20 years.

Looking at the demand database for the municipality in 2018, the majority of people (53%) were over 40 and had been on the waiting list for more than 10 years, according to the 2019 MSDF.* Those applicants who were under 40 years of age were mainly located in Khayamandi and Klapmuts, which falls outside the study area (see pg 6).

* Sourced from 2019 Stellenbosch SDF, which includes an analysis of a May 2018 extract from the WC Housing Demand Database for the municipality.

Unmet housing needs – Informal settlements and backyard dwellings

The presence of informal settlements and backyard dwellings in Stellenbosch town, provides a sort of proxy for housing demand, indicating the number of households unable to find alternate, adequate accommodation which is affordable. The location of these dwellings may indicate areas of opportunity for settlements, or may express preferences for location with respect to formal or informal employment.

As shown in the map, informal settlements within Stellenbosch town are almost entirely located in Khayamandi, at the northern end of town. Its important to note that, absent a recent survey of informal settlement residents which provides data on type and quantum of income, its difficult to know if those households would qualify for subsidized housing, and thus whether the required housing opportunities would need to be provided by government through fully-subsidized units, service sites, social housing or FLISP. These households may have income which make them ineligible for full subsidies and unable to purchase a newly-built unit, but adequate to enable some affordability—perhaps affordable rental or a low value house on the resale market. The existence of the informal settlements and backyard dwellings are therefore an indication of housing inadequacy, but not evidence of effective housing demand or capacity to pay.

- **Backyard dwellers in Khayamandi**

A 2021 survey of backyard dwellers in Khayamandi yielded good information on the circumstances of residents, with implications for determining demand for adequate housing. A total of 1 629 households were interviewed.

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backyard dwellings were mostly occupied by single youth. Nearly three quarters (73%) of backyard structures were inhabited by one person, and 62% of

heads of households were aged between 18 and 25. Another 45% of household heads were 26-35 years old, while only 2% were over 55. The great majority of the heads of households were single (84%).

Although 48% of persons were employed, incomes were low, with 59% earning R4 000 or less a month. Only 4% reported a monthly income over R10 000. The share of households receiving a social grant—primarily the child support grant—was only 18%.

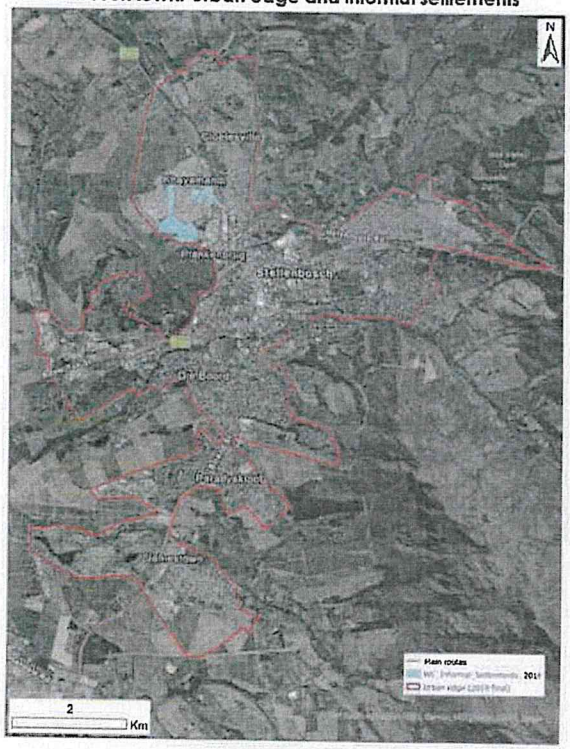
Of those who were employed, 57% indicated they were in permanent employment—mostly unskilled or low skilled—primarily as restaurant workers, general workers, and security personnel.

Approximately half of backyard households had been staying at the same address for five years. Most respondents indicated they were renting their dwellings and/or the land on which it sat. Importantly, only 11% of respondents had registered on the housing demand database.

While reported income levels would suggest that approximately one third of backyard dwellers would meet the income requirements below R3 500/month, single persons who did not have dependents would be ineligible for a housing subsidy unless they were elderly or had disabilities (both of which were very small numbers). However the relative frequency of permanent employment suggests steady formal income which would support access to credit.

Source: Demographic Survey of Khayamandi and Kiapmuts Backyard Dwellers Socio Economic Report, June 2021.

Stellenbosch town: Urban edge and informal settlements



Data sources: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

Employment

In 2020 Stellenbosch municipality's GDP per capita was R89 378, exceeding both Drakenstein at R76 561 and the provincial figure of R84 967 (2021 MERO). Given the concentration of jobs, the GDP per capita in Stellenbosch town itself is likely higher than the municipal figure.

The 2022-2027 IDP reports that the economy of Stellenbosch municipality grew by an average annual growth rate of 0.9% between 2015 and 2019, but contracted by 6.7% in 2020, largely due to COVID and economic lockdowns.

- **Employment**

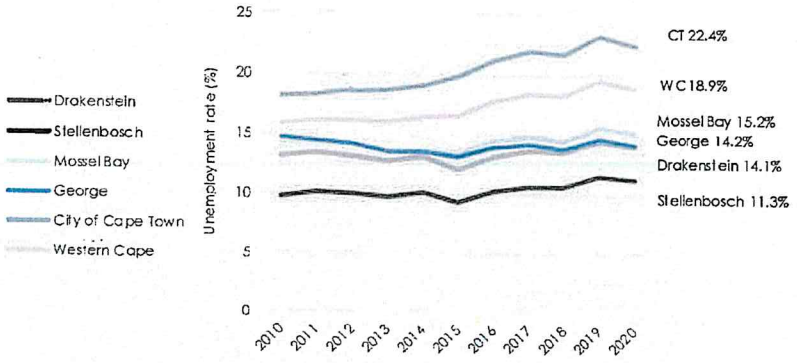
Despite the onset of the pandemic, unemployment in Stellenbosch municipality actually dropped very slightly from 11.6% in 2019, to 11.3% in 2020.

Of the approximately 73 800 workers in 2020, 74% were formally employed while 26% worked in the informal sector.

With respect to formal employment, 24% of workers in 2020 were skilled, 43% semi-skilled, and 32% low-skilled, with the number of low-skilled workers declining in the last four years.

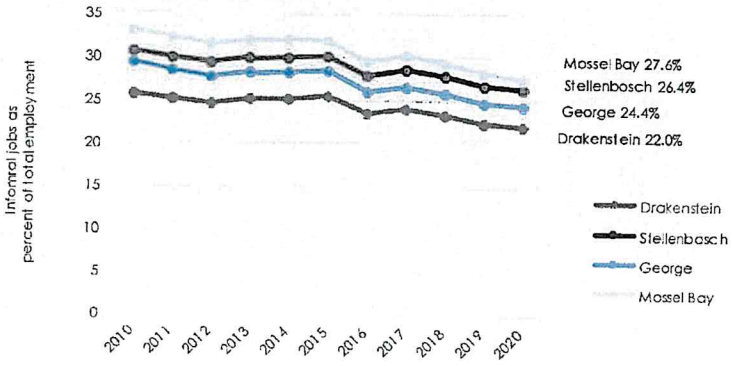
Apart from those who are unemployed, the large number of persons in informal employment creates a challenge for accessing finance to support their housing. Mortgage finance is likely unavailable to these households as banks require evidence of formal employment with a regular income.

Unemployment rates (2010-2020)



Source: 2021 Quantec, calculations by Urban Economics.

Informal employment (2010-2020)



Source: 2021 Quantec, calculations by Urban Economics.

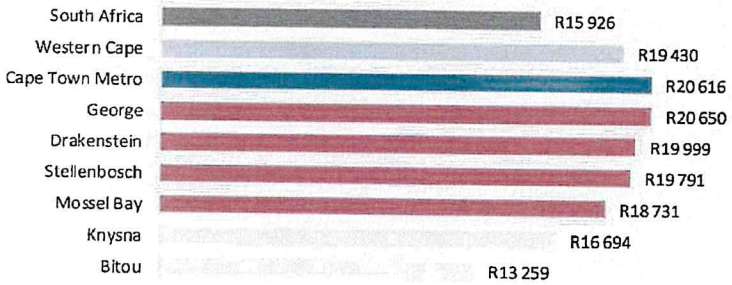
Income

Household income

At R19 791 in 2019, average monthly household income in Stellenbosch municipality exceeds the average for the country, and for the province (2021 MERO). However it is just slightly below the average for Cape Town metro, as shown in the graph below. Stellenbosch municipality's average monthly household income is just R208 below that of Drakenstein.

While average household income in the metro and the province overall declined from 2015 to 2019, the average household income in Stellenbosch increased very marginally—by 0.1% between 2015 and 2019.

Average monthly household income (current prices), 2019

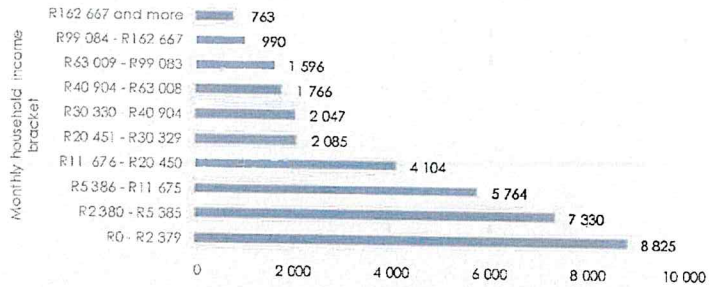


Source: 2021 Quantec, calculations by Urban Economics.

Income distribution

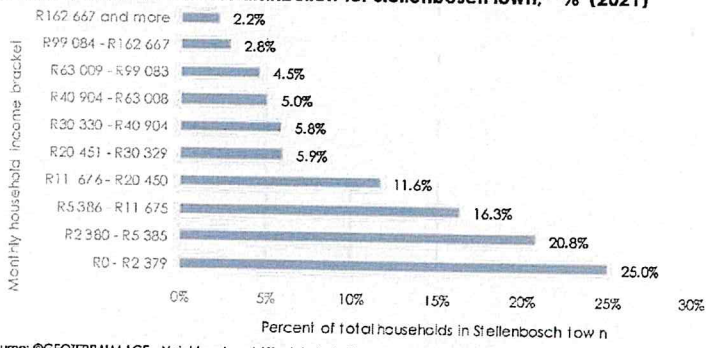
Income data obtained from GeoTerraImage (GTI) for 2021 at subplace level allowed analysis of the income profile of households in Stellenbosch town, instead of the entire municipality.* The graphs to the right display the income distribution. In Stellenbosch town, 8 8825 households, or 25% of the total, earn R2 379 or less / month. Approximately 62% earn about R12 000 or less per month.

Monthly household income distribution for Stellenbosch town (n=35 271) **



Source: ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™© (NLI™©) Release 2021.

Monthly household income distribution for Stellenbosch town, % (2021)**



Source: ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™© (NLI™©) Release 2021.

* The W C Department of Economic Development and Tourism also provided municipal level household income data for 2021. A comparison of the DEDT and GTI data shows that the overall number of households at municipal level is close, but the GTI data has considerably more households in the bottom income segment. A comparison of the two data sources is provided in **Appendix C.** The GTI data is used in this report because it was available at subplace level.
** Includes data from 16 subplaces in Stellenbosch town.

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Rental market

Rental rates

As noted above, the 2016 CS put the overall rental rate for Stellenbosch municipality at 18.8%. The 2016 Community Survey reported that 15.45% of households rented from private individuals, while another 3.36% rented from the municipality or social housing institutions.

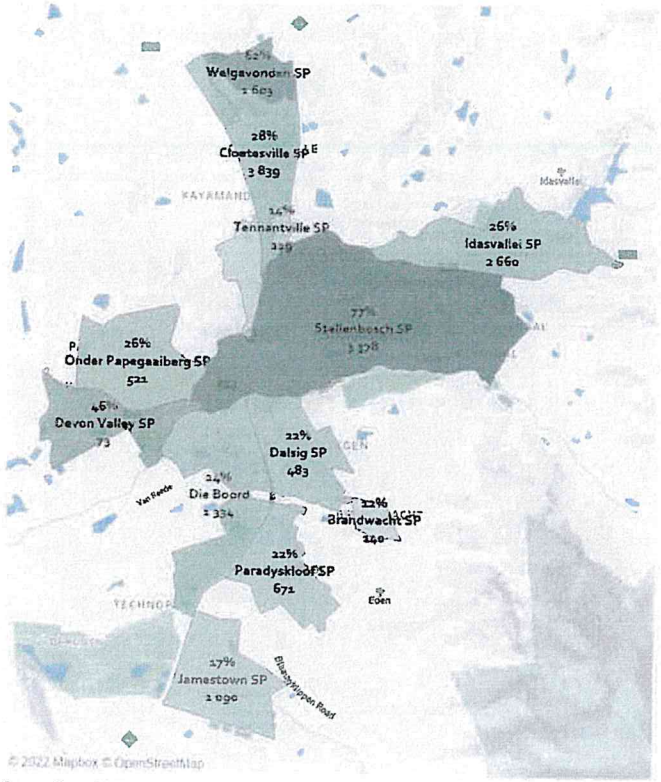
However subplace-level data on the percentage of households who rent is scarce. The most recent data on the percent of households renting *by sub place* is only available from the 2011 Census, and indicated that—at that time—overall 31% of households in the municipality rented their accommodation. In Stellenbosch town alone, that percentage was higher at 47%. At that time, rental rates were highest in central areas of Stellenbosch town, Stellenbosch sub place itself and La Colline. This makes sense given the presence of the university and the number of student renting their accommodation during their studies.

The pie graph displays Census 2011 figures for Stellenbosch town only. In terms of the size of rental units, 21.5% were 1-2 bedroom units, 12.1% were 3 rooms, and 23.8% had 4 rooms back in 2011.

However clearly these areas, and Stellenbosch town, has changed significantly in the last eleven years. The new Census 2021 data will provide much more recent figures.

Percent households renting

Stellenbosch, 2011

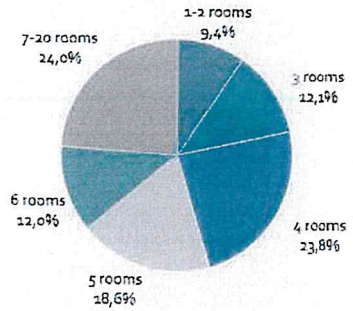


Source: Stats SA Census 2011

Percent Renting

12% 85%

Stellenbosch town: Rental dwellings by number of room (2011)



Source: Stats SA Census 2011

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Summary of demand side assessment

Demand for affordable housing

Stellenbosch town had a total of 27 359 households in 2021, and is expected to grow by 2.5% per annum between 2023 and 2028 (DSD). With a relatively high population density of 236 persons per km², the municipality has an ageing population, with the cohort of persons 65 or over growing faster than the cohort of working age adults. Particular areas of the town are expected to densify more rapidly, especially Khayamandi , La Colline, Cloetsville and Welgevonden. In total, the Stellenbosch town area is anticipated to gain an additional 6 146 households between 2021 and 2031.

As of November 2021, the number of households from Stellenbosch town on the waiting list was 11 396, of which 47% stay in Khayamandi. The current housing gap is specifically with respect to lower-income student housing and affordable housing for employed, lower and middle income groups. Housing need is concentrated in particular areas of the town: Cloetesville, Idas Valley, Khayamandi, Jamestown, and central Stellenbosch. In addition to unmet housing needs for students reliant on financial aid, there is lack of housing for

Demand for student housing

Approximately 8 000 students at the University of Stellenbosch are in need of private accommodation off campus. Students who receive assistance from the National Student Financial Aid Scheme (NSFAS) have a housing allowance of approximately R60 000/year, or R5 000 /month. About 4 500 NSFAS students stay on campus but there is still about 2 500 who need to find their own accommodation. Although a number of private developers have started building for the wealthier student market (see pg 30), there is a gap for NFAS students who require a safe place to stay at around R5 000 per month.

Of the approximately 8 000 students who require private accommodation in town, about one quarter are in the rental bracket of R5 000/ month, another portion rent in the region of R8 000/month, while the wealthier segment rent units between R8 000 and R15 000 month. The gap in supply therefore remains for affordable private accommodation for lower income students, many of who receive NSFAS support.

young families and young people starting their career. Technopark employees, university staff, teachers at local schools, lecturers, support staff at university are also another key market which is not sufficiently met.

Affordability

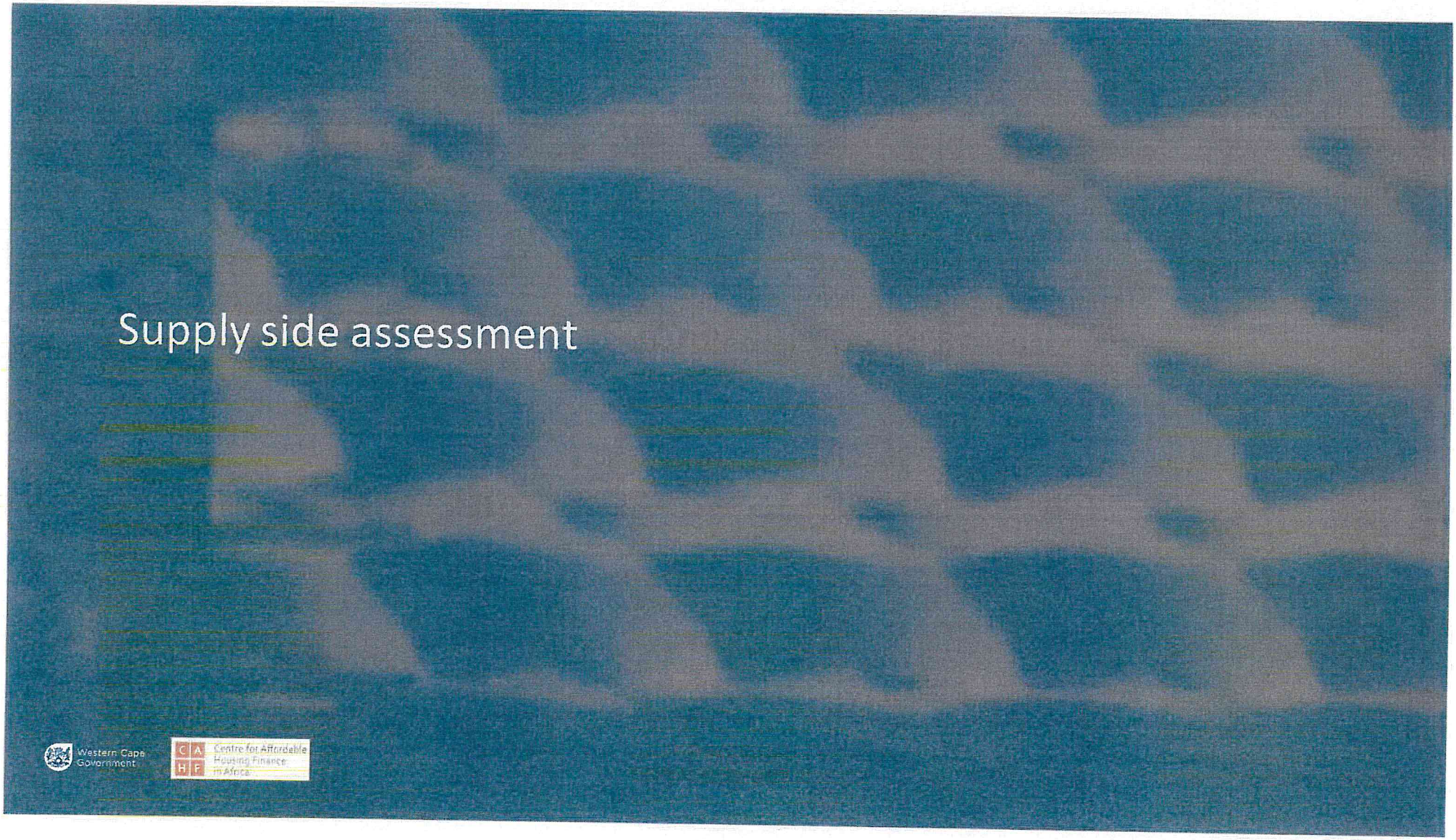
According to the 2021 MERO, the average monthly household income in Stellenbosch municipality in 2021 was R19 791, which exceeded the average for the country and the province. A household with this income could purchase a house priced approximately R796 000 with a mortgage.*

As shown in the table below, 32.8% of households in Stellenbosch town earn less than R3 500/month and 19.8% of households earn R3 501-R8 000/month. According to the calculations presented in the table, only 20.5% of Stellenbosch town households could afford to purchase a home worth approximately R1.2 million or more, with a mortgage. The following section explores whether there is a sufficient supply of houses in the price bracket which is affordable to these households.

Stellenbosch town household income brackets and affordable housing purchase price (2021)

Monthly household income bracket **	No. of households	Percent of total households	House affordable to household at lowest end of the bracket *	House affordable to household at top end of bracket
R0 - R3 500	11 557	32.8%	—	R142 112
R3 501 - R8 000	6 991	19.8%	R142 112	R328 887
R8 001 - R16 000	5 390	15.3%	R328 887	R649 654
R16 001 - R30 000	4 097	11.6%	R649 654	R1 218 103
R30 000 - R50 000	2 843	8.1%	R1 218 103	R2 030 171
R50 001 - R100 001	2 650	7.5%	R2 030 171	R4 060 343
> R100 000	1 739	4.9%	R4 060 343	—
Total	**35 267**	**100.0%**		

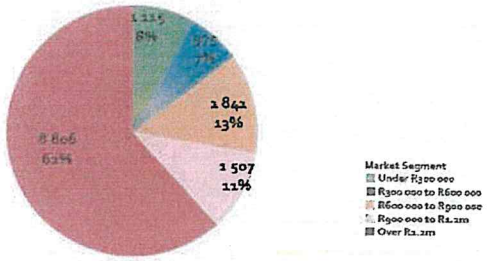
Source: ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™© (NLI™©) Release 2021. Own calculations.
*Assuming a 7.75% interest rate, loan tenor of 20 years, 10% deposit, 30% housing premium to income ratio, and no FLISP. Also assuming the household has a regular formal income and is not accessing other finance. See cautionary notes of methodology on page 31.
** The G11 income brackets shown on pg 15 have been converted here to standard income brackets. The conversion assumes the number of households is evenly spread across the income bracket, which may not be true. The total number of households in this table differs slightly from the total on pg 15 because of the conversion.


Supply side assessment
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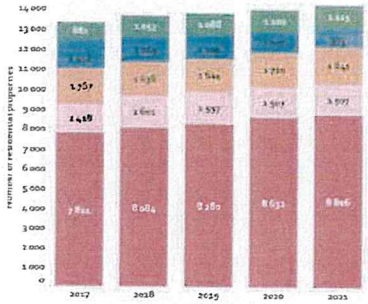
Ownership market – Housing stock by market segment

Market segmentation allows for analysis of how categories of properties have performed differently over time. Most properties under R300 000 were developed through government housing projects, with resale restrictions for houses under eight years old. Properties between R300 000 and R1.2 million are of current interest to government, investors and developers keen on providing more affordable housing, while houses valued over R1.2 million typically trade in more conventional and organic ways.

Number of residential properties by market segment
Stellenbosch, 2021



Number of residential properties by market segment
Stellenbosch, 2017 to 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

With a count of 14 244 residential properties, the total value of the residential property market of Stellenbosch town was is R32.39 billion in 2021, having increased by 4.7% from 2020, and an average of 3.65% per annum over the last five years.* Just 8% of Stellenbosch town's residential properties are in the entry market (under R300 000) and only 7% are in the affordable segment (R300 000 – R600 000), while 13% are in the conventional market valued between R600 000 and R900 000.

Eleven percent of residential properties in Stellenbosch town are in the high-end market (valued between R900 000 and R1.2 million), while the large majority (62%) are in the luxury market over R1.2 million. This means that only about 1 in 3 residential properties is under R1.2 million. Only 28% of the residential properties, or 3 931 houses, are valued R900 000 or less.

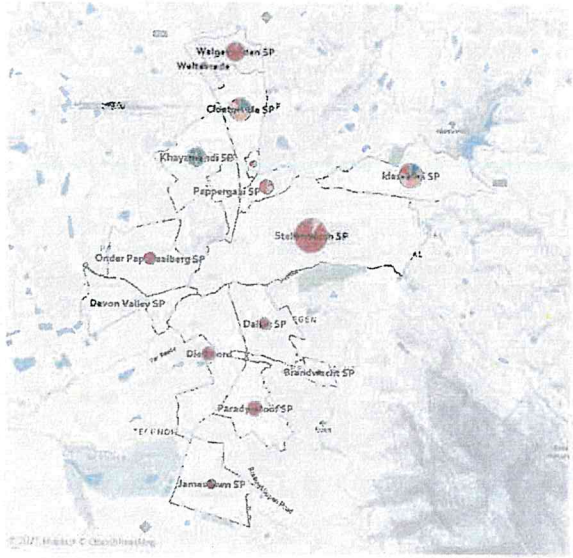
These properties valued over R1.2 million would require a minimum monthly household income of R29 600 in order to purchase with a mortgage. (This calculation—and others in this report—assume a 7.75% interest rate, 10% deposit, 30% housing premium to income ratio, 20-year loan tenor, and no FLISP subsidy.)

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* NB: As noted in the Data Sources section above, the data purchased from Lightstone, and detailed in the Supply and Market Activity sections of this report, reflects only the Census sub-places contained within the study area (Stellenbosch town). The deeds data therefore reflects the study area, and *not* the entire municipality.

Distribution of residential properties by market segment
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Number of residential properties	Market Segment
2	Under R300 000
1 000	R300 000 to R600 000
2 000	R600 000 to R900 000
3 000	R900 000 to R1.2m
3 885	Over R1.2m

Of the 1 115 entry market properties, 92% are government-subsidised properties (GSP). As shown in the map above, the entry level housing is clustered in Khaymandi, while the bulk of properties valued over R1.2 million are located in the centre of town. Cloetesville is a fairly mixed neighbourhood with the majority of residential properties in the conventional market.

Comparing Lightstone deeds data to the Stellenbosch Valuation Roll

The Lightstone data for the study area as of 31 December 2021 includes 14 244 residential properties in total, while the Stellenbosch Valuation Roll (2 July 2020) contains 15 709 properties, approximately 1 500 more.

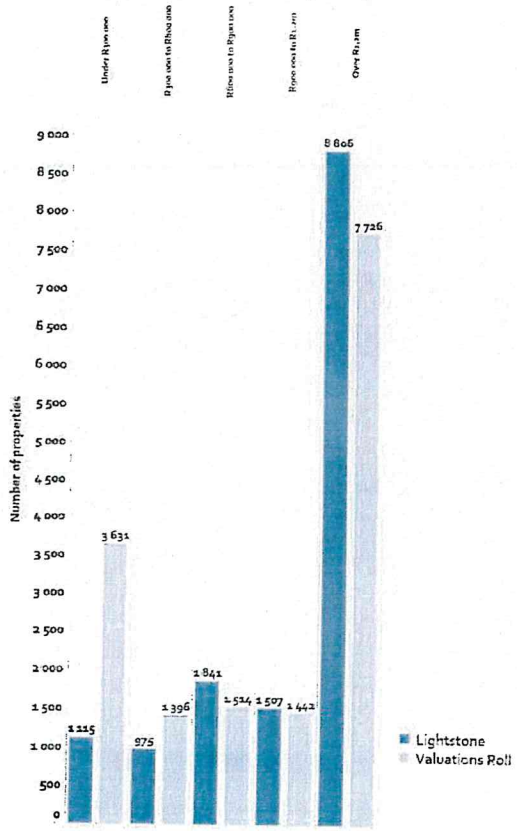
The difference between the total residential stock counts of Lightstone and the municipal valuation roll are to be expected, for a number of reasons. Firstly, there may be a difference in timing between the date that the municipality published their roll, and the updated data from the Deeds Office and Surveyor General which Lightstone uses for its count at any point in time.* Second, the municipality may categorise residential properties differently than Lightstone. Finally, municipalities may undervalue properties in order to avoid widespread disputes over rates.

Having acknowledged these differences in methodology, a comparison of the two datasets is still valuable as it provides a more detailed picture of the market. Furthermore, the municipal valuation roll permits sight into the market segment above R1.2 million.

In our analysis of the Stellenbosch Valuation Roll, we only included properties that are zoned residential and that are located in the neighbourhoods which are part of the Stellenbosch city area, inside the urban edge. The areas included in the Lightstone data are delineated in **Appendix A**.

The graph compares the data from the two sources and shows the number of properties in each market segment. The number of properties in the Lightstone data is higher than the valuation roll for the lower market segments (especially under R300 000), while the valuation roll has a bigger count of properties in the higher market segments, most notably above R1.2 million.

Stellenbosch town: Number of properties, by market segment (Lightstone and municipal VR)



Source: Lightstone data as of 31 Dec 2021, Stellenbosch Valuation Roll, July 2020.

Lightstone's valuation methodology

Lightstone's valuation approach is broadly based on three methodologies and uses a combination of these methodologies to estimate the value of a property at a given point in time:

1. Repeat sale valuation of the property: A previous sale price is inflated to current value using the Lightstone Residential Property Price Indices. Properties may have an extremely low purchase prices and as such these prices are often not used to generate a repeat sale valuation, but may sometimes be utilised where it appears that there are volumes that carried similar sale prices in the area.
2. Comparable sales valuation: This methodology uses comparable sales in the area in recent times inflated to current value using the Lightstone Residential Property Price Index. If low value sales occurred in the area, these values will affect the comparable sale valuation downwards.
3. Third party valuations: These are valuations completed by third parties such as municipalities and physical valuers which Lightstone uses as input at a property level in valuing a particular property. The Lightstone Residential Repeat Sale Indices is then used to bring historic valuations to current value.

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* The date of valuation for the Stellenbosch VR was 2 July 2020. The roll was approved/implemented 1 July 2021.

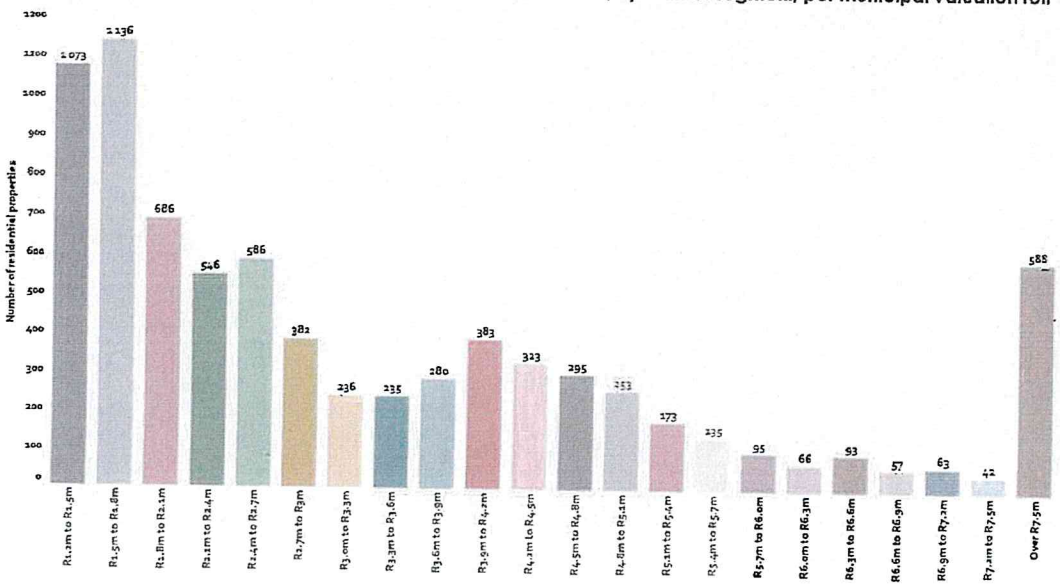
Comparing Lightstone deeds data to the Stellenbosch Valuation Roll

The graph below further segments the properties valued over R1.2 million, as per the Stellenbosch VR, and shows that many of the properties are grouped at the bottom end of the luxury segment—R1.2 million to R1.8 million.

- **Properties over R1.2 million**

A critical drawback of the five market segments we use to analyse the Lightstone data is that all properties valued above R1.2 million are grouped together and not separated into R300 000 increments, which would allow for more detailed and nuanced understanding of the upper end of the property market. The graph to the right displays the Lightstone market segmentation, alongside the detailed market segmentation possible with the VR data.

Stellenbosch town: Number of properties valued above R1.2 million, by market segment, per municipal valuation roll

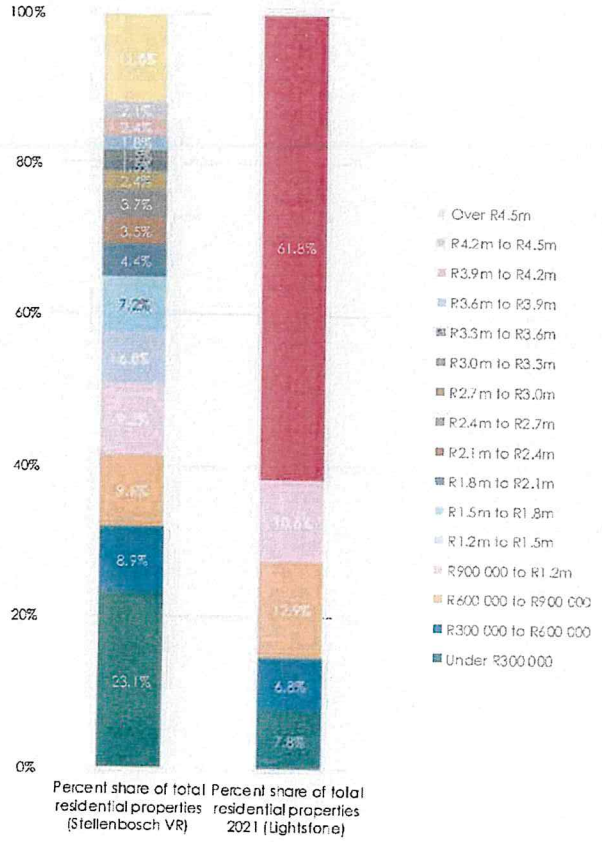


Source: Lightstone data as of 31 Dec 2021. Stellenbosch Valuation Roll, July 2020.

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Stellenbosch town: Lightstone data vs. municipal valuation roll, per market segment



Source: Lightstone data as of 31 Dec 2021. Stellenbosch Valuation Roll, July 2020.

Ownership market – Housing stock by property type

Property type categorization is particularly relevant because of its implications for affordability. Often estate properties are higher value, while sectional title—in some, but not all cases—offer a more affordable option. Second, the property type is particularly relevant to an inclusionary housing policy as typically estate properties are located outside the main urban areas, while sectional title units may be better located in relation to economic opportunities.

In Stellenbosch town, in 2021 the largest portion of residential properties are freehold title outside an estate (54.5%), followed by sectional title outside an estate including student rental (27.2%), and 18.0% freehold within a private estate. Fifty properties—0.4%–are sectional title properties within estates.*

- **Property type by market segment**

In 2021, 88% of freehold estate properties were in the luxury market—mostly located in Welgevonden to the north, as well as Paradyskloof to the south. The great majority of sectional title units (outside of an estate) are also in the luxury market (33.7% of luxury market stock). Much of the high end market is also sectional title (39%).

While freehold properties (outside of estates) exist in every market segment, all entry level properties are freehold (except for one sectional title unit). Notably, 93% of these entry level, freehold properties are government-subsidised properties.

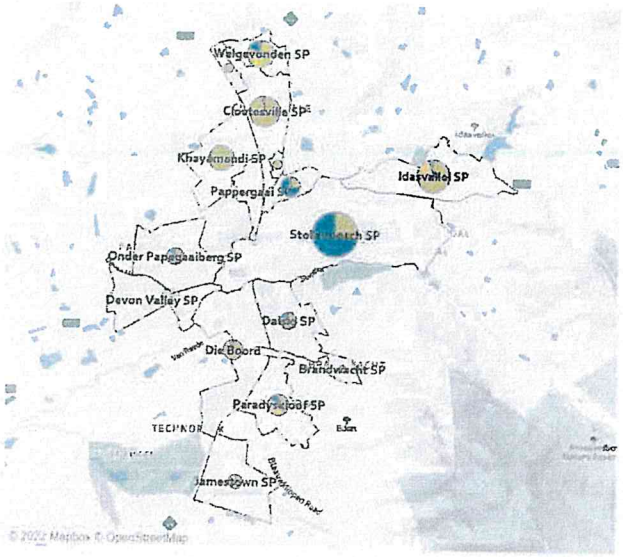
- **Property type by location**

As shown in the map above, not surprisingly, the great majority of sectional title units outside of estates are in central Stellenbosch, in the Stellenbosch sub place in the centre of town. A large portion of these properties would be student rental units. Typically rental units would be part of a sectional title development with a body corporate managing the complex, and common areas. A block of flats with one owner would also likely be a number of sectional title units on the same erf.

* The four property types used in the analysis of deeds data in this report are: freehold title (outside an estate); freehold title within an estate (referred to as freehold estate); sectional title (outside an estate); and sectional title within an estate (referred to as sectional title estate).

Distribution of residential properties by title type

Stellenbosch, 2021



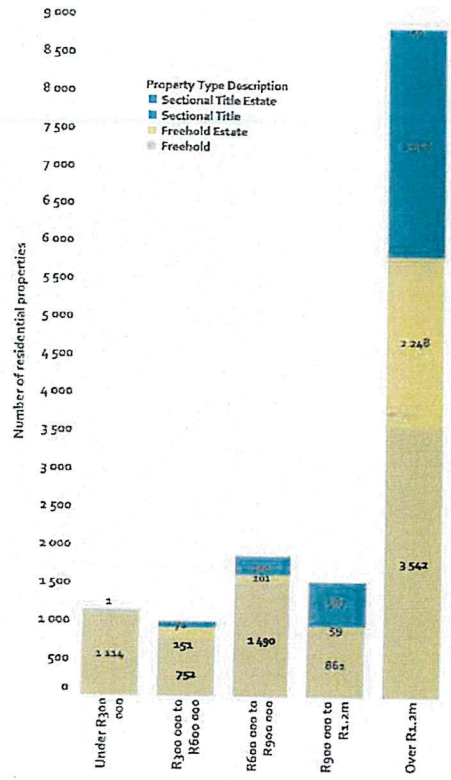
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced June 2022).

Number of residential properties
2
1 000
2 000
3 000
3 885

Property Type Description
Freehold
Freehold Estate
Sectional Title
Sectional Title Estate

Total number of properties by title type by market segment

Stellenbosch, 2021



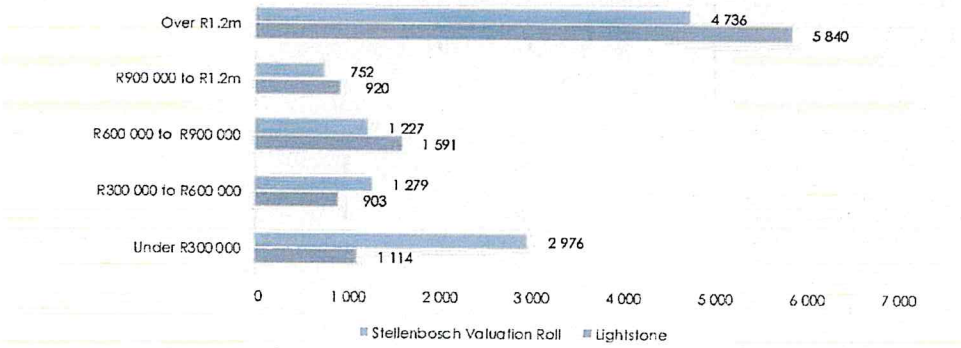
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced June 2022).

Comparing Lightstone deeds data to the Stellenbosch Valuation Roll - Property types

These graphs below compare the data on the number of freehold and sectional title properties from the two data sources, the Stellenbosch Valuation Roll and the Lightstone deeds data (grouping together properties that are inside and outside private estates).* Notably, the overall split between freehold and sectional title in the Lightstone data is very similar to the ratio reflected in the Valuation Roll; the VR contains 69.8% freehold and 30.2% sectional title, while the Lightstone data is split 72.8% freehold and 27.2% sectional title.

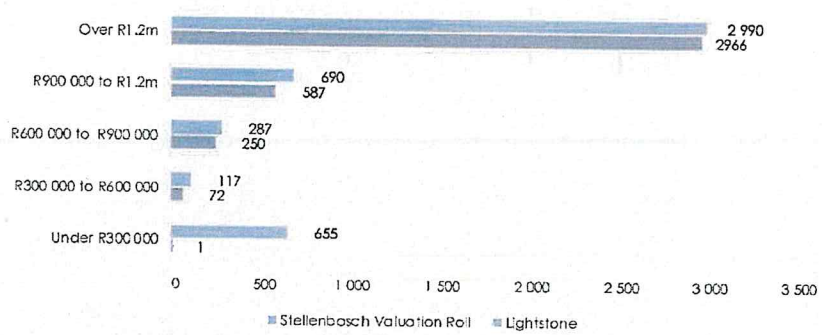
In total, the VR contains 602 more freehold properties than what is contained in the Lightstone data (10 970 Valuation Roll; 10 368 Lightstone). However, within the luxury market segment, approximately 1 100 more freehold properties are captured in the Lightstone data, as shown below.

Stellenbosch town: Number of freehold properties, by market segment (Lightstone & municipal VR)



NB: Both freehold properties inside and outside estates are included.
Source: Lightstone data as of 31 Dec 2021. Stellenbosch Valuation Roll, July 2020.

Stellenbosch town: Number of sectional title properties, by market segment (Lightstone and municipal VR)



NB: Both sectional title properties inside and outside estates are included.
Source: Lightstone data as of 31 Dec 2021. Stellenbosch Valuation Roll, July 2020.

Similar to freehold properties, the VR contains more sectional title units (863)than the Lightstone data. There are approximately 4 739 sectional title properties on the VR, compared to 3 876 in the Lightstone data.

In the entry market segment, again, there is a large disjuncture. The VR includes 655 sectional title properties below R300 000, while the Lightstone data has a single property.

In summary, the comparison of the stock data for freehold and sectional title properties from the VR and Lightstone reflects a similar pattern. For both property types, it appears the municipal valuation roll has a higher total count, with the difference most pronounced in the entry market where it appears that the either the VR contains an overcount or Lightstone is undercounting.

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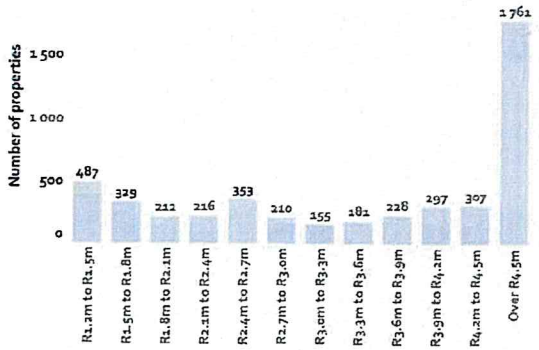
* The Stellenbosch Valuation Roll does not distinguish between freehold estate and freehold properties (outside private estates).

Comparing Lightstone deeds data to the Stellenbosch Valuation Roll - Property types

The data in the Stellenbosch Valuation Roll enables us to look at the properties valued over R1.2 million, in smaller market segments, to get a sense of the distribution. The graph on the left shows freehold properties over R1.2 million as per the Stellenbosch Valuation Roll.

In the Lightstone data, 56% of freehold properties (inclusive of properties inside and outside estates) are in the luxury segment (5 790), compared to only 43% of freehold properties in the municipal valuation roll (4 736).

Number of freehold properties over R1.2 million by market segment: Stellenbosch Valuation Roll

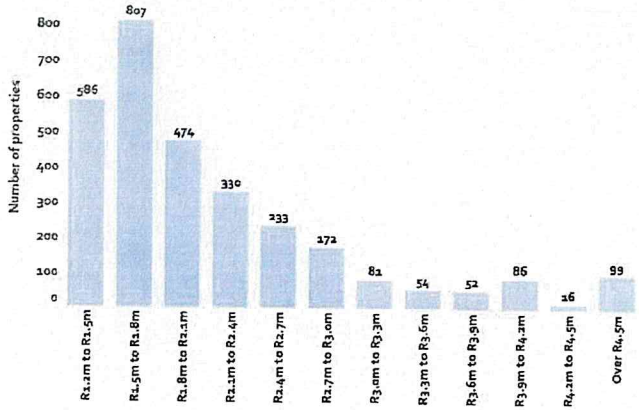


NB: Both freehold properties inside and outside estates are included.
Source: Lightstone data as of 31 Dec 2021. Stellenbosch Valuation Roll, July 2020.

The graph below looks at the sectional title properties valued over R1.2 million on the Stellenbosch Valuation Roll.

In the Lightstone data, 77% of sectional title properties (both inside and outside estates)are in the luxury segment (3 016), compared to only 43% of the sectional title properties listed in the municipal valuation roll (2 990). The considerable difference in the counts of sectional title luxury properties bears further exploration.

Number of sectional title properties over R1.2 million by market segment: Stellenbosch Valuation Roll



NB: Both sectional title properties inside and outside estates are included.
Source: Lightstone data as of 31 Dec 2021. Stellenbosch Valuation Roll, July 2020.

Comparing municipalities – By size, market segmentation, GSP and property type

The graph to the right compares the study areas in George, Mossel Bay, Stellenbosch and Paarl/Wellington (Drakenstein) with respect to: the number of residential properties by market segment, the share of government-subsidised properties (GSP), and property type.

Market size and segmentation

In terms of the number of residential properties, among the four study areas, Stellenbosch town has the smallest residential property market, with a total of 14 244 properties. As shown in the bottom graph, Stellenbosch town also has the smallest residential property market in terms of value (R32.35 billion in 2021).

Of the four areas, Stellenbosch town has the largest proportion of properties in the luxury market over R1.2 million (62%). Stellenbosch also has the smallest portion of residential properties in the entry market, just 7.8%, compared to George with 41% of properties valued below R300 000.

Residential market size

Properties by market segment, government -subsidised housing and property type
Western Cape Housing Study Municipalities, 2021



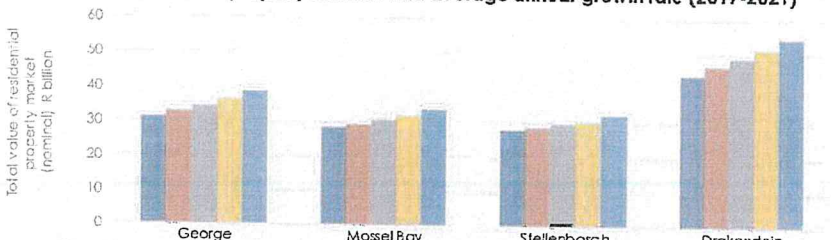
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced June 2022).

Property Type: Freehold; Freehold Estate; Sectional Title; Sectional Title Estate
Market Segment: Under R300 000; R300 000 to R600 000; R600 000 to R900 000; R900 000 to R1.2m; Over R1.2m
Subsidy Type: Government subsidised housing; Non-subsidy

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Total value of residential property markets and average annual growth rate (2017-2021)



	George	Mossel Bay	Stellenbosch	Drakenstein
2017	31.23	28.29	28.03	43.99
2018	33.02	29.45	29.02	46.97
2019	34.39	30.47	29.61	49.25
2020	36.39	32.15	30.89	51.94
2021	38.66	33.84	32.35	54.96
Annual average growth rate	6.5%	5.2%	2.0%	6.9%

Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Contribution of government housing programmes*

In Stellenbosch town, only 9% of residential properties are government-subsidised, making up just 1.2% of the total residential property market in terms of value. In contrast, neighbouring Drakenstein has 28% GSP, while as much as 43% of the residential properties in George are GSP.

Property types

Unlike the other three municipalities, only 54.5% of residential properties in Stellenbosch town are freehold title (outside an estate). This is likely due to the presence of student rental as well as the small number of GSP.

About 18% of properties are freehold houses in a private estate. Due to the university, Stellenbosch has the largest proportion of sectional title properties among the four areas (27.2%).

* GSP are identified through a proxy which is applied by Lightstone the deeds data. See further details on page 26 below.

Government-subsidised properties – Number and spatial distribution

Government-subsidised houses are not explicitly recognised or marked on the title deed. Therefore its necessary to use a proxy to identify these properties on the deeds registry—the proxy is based on common programme characteristics of BNG/RDP houses, including the year, first registration price and buyer type, maximum prices, and proximity to other similar housing types (see **Appendix B**). This analysis helps to understand the contribution of public investment in subsidised housing programmes, and the performance of these assets on the ground.

Notably, by virtue of the fact that the data is from the Deeds Office, these figures only include those subsidised houses where a title deed has been transferred to the beneficiary. According to the 2016 CS, title deed possession was low in Mossel Bay municipality (41%)—among both GSP and non-GSP properties. Due to the title deed backlog, these figures will not reflect those units delivered by government and handed over to beneficiary households who have not yet received a title deed.

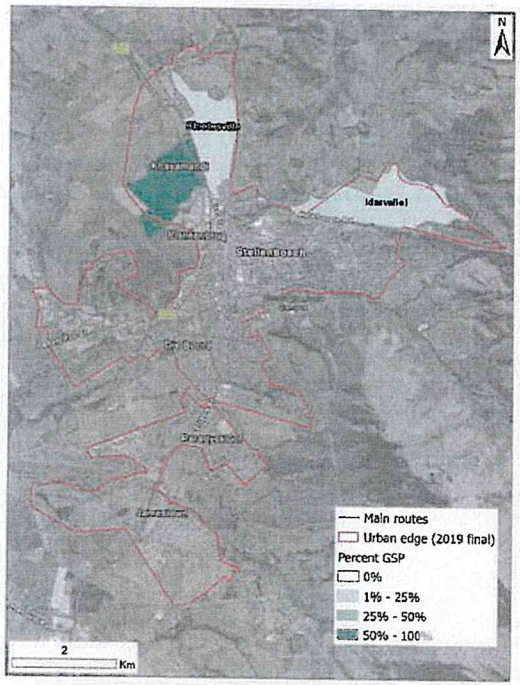
- **Number and location of GSP**

Stellenbosch town contains only **1 353 GSP**, making up **9.5% of residential properties** in 2021. The GSP in Stellenbosch town are fairly new, with 62% eight years old or less.

All of the GSP are concentrated in just three subplaces: Khayamandi, Cloetesville and Idas Valley.

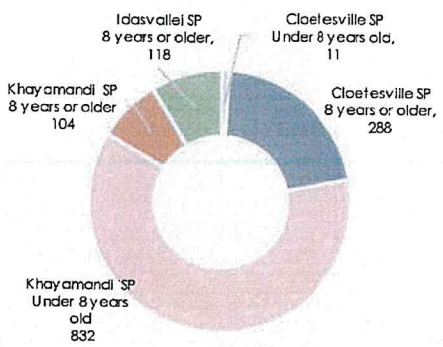
- Khayamandi contains 69% of the total GSP in the town. The area is almost entirely government-subsidised properties, with 78% of the houses subsidised by the state. Only 11% of these GSP are over 8 years old, indicating the area is a fairly new settlement.
- In contrast, Cloetesville is a more mixed neighbourhood with 18% of the residential properties GSP. However 96% of these GSP are over 8 years old, and thus eligible to be sold on the resale market.
- In Idas Valley, GSP make up only 6% of the total properties—all of which are over 8 years old.

Stellenbosch town: Distribution of GSP



Source: Lightstone data as of 31 Dec 2021; Municipal Demarcation Board (MDB), ESRI South Africa. .

Number of GSP by subplace and age (2021)



Source: Lightstone data as of 31 Dec 2021.

Subplaces containing GSP in Stellenbosch town (2021)

Subplace name	No. of GSP	GSP as share of total properties in subplace	Subplace share of total GSP in Stellenbosch town	No. of households (2021)	No. of GSP 8 years or older	No. of GSP 8 years or older as share of total GSP in subplace	Subplace share of total GSP over 8 years old in Stellenbosch town
Khayamandi SP	936	78%	69%	10 287	104	11%	20%
Cloetesville SP	299	18%	22%	2 923	288	96%	56%
Idasvallei SP	118	6%	9%	1 765	118	100%	23%
	1 353		**100%**	16 617	**510**	**38%**	**100%**

Source: Lightstone data as of 31 Dec 2021; ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™© (NLI™©) Release 2021.

Government subsidised properties – Performance and role of GSP

Value of GSP properties

Together the 1 353 GSP in Stellenbosch town were valued at R378.6 million in 2021, with an average value of R279 848. In 2021, 76% of GSP in the Stellenbosch town were entry market properties valued under R300 000, with 13% in the affordable segment valued R300 000 to R600 000, and another 10% in the conventional market.

As shown in the left-hand graph, GSP dominate the entry level market in Stellenbosch town: 92% of entry level properties were built by government, and 18% of residential properties in the affordable market (R300 000 – R600 000). Thus, not only are most GSP in the entry market segment, most of the entry market segment are GSP.

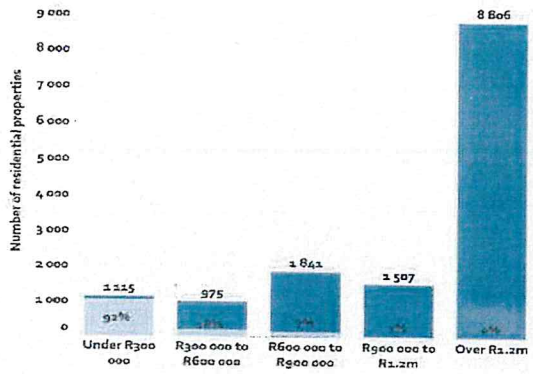
As shown in the bottom graph, the GSP in Stellenbosch town have appreciated over time. Unlike the other study areas that mostly have older GSP stock, only 38% of the GSP are over 8 years or older. However these 510 properties had an average value of R442 388 in 2021, much higher than in the other study areas. The newer GSP less than 8 years have a significantly lower average value of just R181 515. The performance of these properties over 8 years is particularly relevant as GSP older than 8 years are eligible to be sold in the formal property market.

Residential exclusion for property rates

Notably, the residential exclusion threshold as per the Stellenbosch rates policy is R250 000, meaning that the average owner of a GSP under 8 years old will not be levied any rates, while the average owner of a GSP over 8 years old would be levied rates on approximately R192 400, or 43% of the value of their property.*

* It is noted that the number of residential properties in Stellenbosch town valued under R250 000 was 3 272 in 2021, or 23%, meaning that 23% of total residential properties fall under the residential exclusion threshold.

Total number of residential properties
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

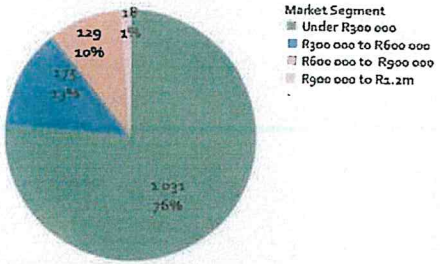
Number of government-subsidised housing
Number of residential properties

Total number of residential properties
Stellenbosch, 2021

Market Segment	Number of residential properties	Number of government-subsidised housing	Government-subsidised houses percent share of market segment
Under R300 000	1 115	1 031	92%
R300 000 to R600 000	975	175	18%
R600 000 to R900 000	1 841	129	7%
R900 000 to R1.2m	1 507	18	1%
Over R1.2m	8 806	0	0%
Grand Total	14 244	1 353	9%

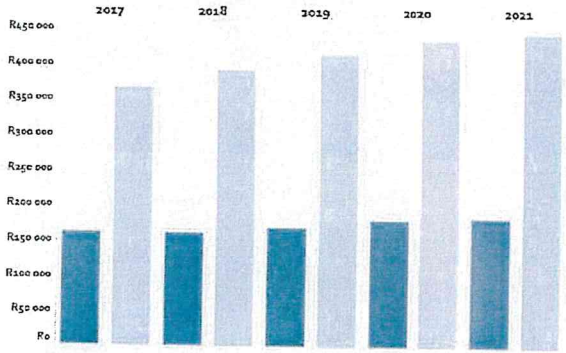
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of June 2021 (sourced June 2022).

Number of residential properties by market segment: Government-subsidised properties
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced June 2022).

Average value of GSP under and over 8 years (2017 - 2021)
Stellenbosch, 2017 to 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced June 2022).

0-8 year old
More than 8 years old

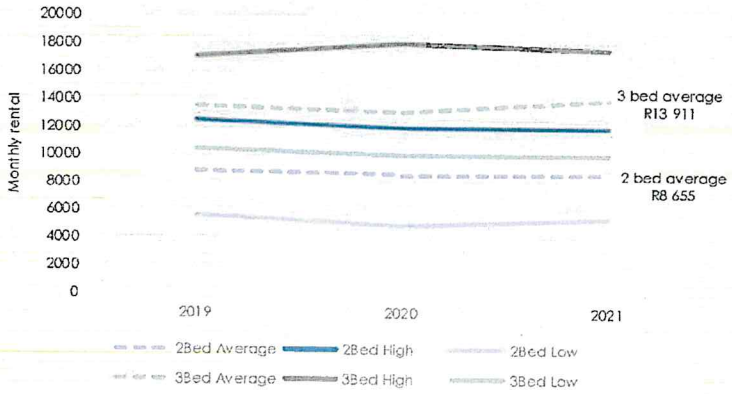
Rental market – Rental prices by property type and size

The TPN Credit Bureau provides updated data on the rental market, however its important to note that these figures are for the municipality as a whole, and not Stellenbosch town.

By number of bedrooms

According the TPN data, the average monthly rental for a 3 bedroom unit in 2021 in Stellenbosch municipality was R13 911, and for a 2 bedroom unit it was R8 655. These averages dropped very slightly in 2020—as shown in the graph below—and then returned to 2019 levels.

Monthly rental prices for 2 and 3 bedroom units (2019-2021)



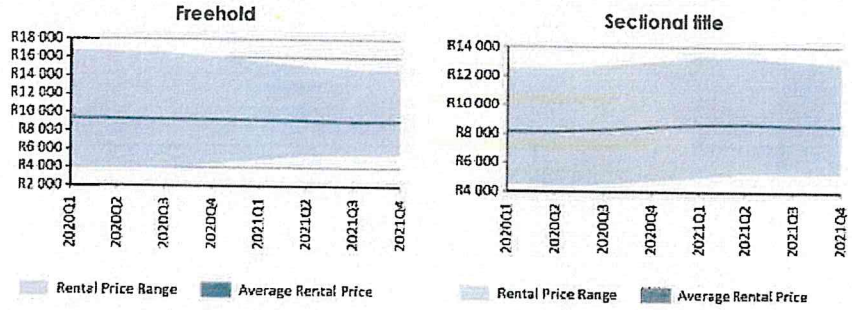
Source : TPN Credit Bureau, Investor Reports March 2022

By property type

On average, rental prices for sectional title units are more affordable than freehold property. (Notably, the TPN data does not disaggregate freehold properties inside and outside of private estates as the Lightstone data does.)

According to TPN data, at the end of 2021, average rent was around R9 000/month for freehold properties and around R8 000/month for sectional title units. The graphs below show the average rental price as well as the price range, from Q1 2020 to Q4 2021. As at the final quarter of 2021, the minimum rental price was approximately R5 000/month for both freehold and sectional title properties.

Rental price range (2020-2021)



Source : TPN Credit Bureau, Investor Reports March 2022

Target market

Assuming a benchmark of 30% of income spent on rent, the lowest-priced freehold or sectional title property (R5 000/month) would be affordable to households with a minimum income of R16 670/month—which is approximately 31% of households in Stellenbosch town.*

* Calculation based on income data from ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™® (NLI™®) Release 2021.

Rental market – Rental price distribution

- **Rental price distribution**

The graphs to the right display the distribution of rental units (less than 3 rooms, 3 rooms, and more than 3 rooms) according to their rental price. Data is from TPN, for 2021, for Stellenbosch municipality as a whole.

For **freehold** properties, the largest share of rental units with *less* than three rooms (approximately 27%) go for a rental price of R8 000/month. However freehold property with less than three rooms can rent for as low as R3 000/month, and as high as R14 000/month.

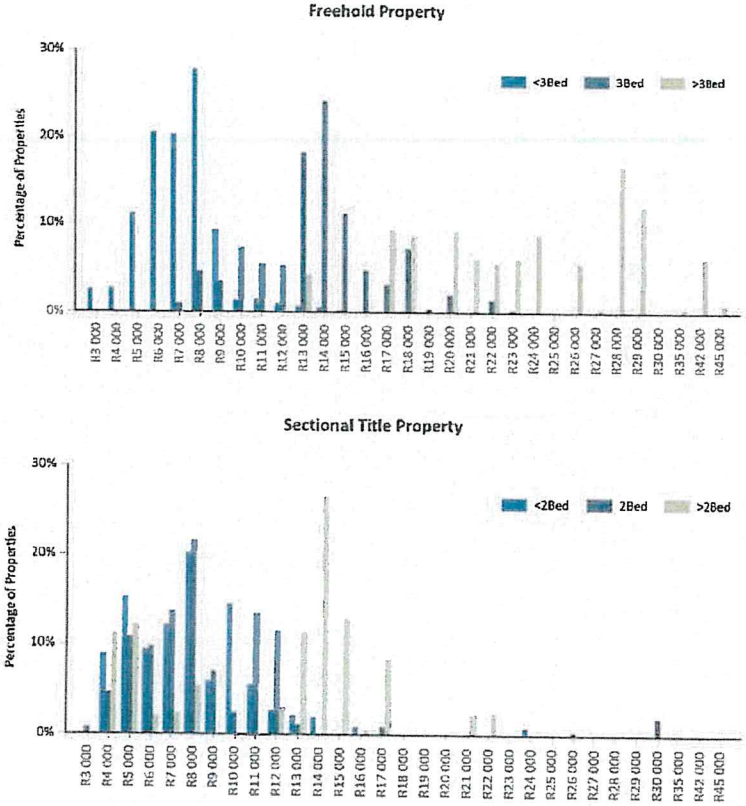
Most three bedroom units are priced R10 000 – R18 000 /month, but the range extends from R7 000 to R23 000 per month. Larger properties with *over* three bedrooms are all above R13 000/month and have the widest distribution of prices, from R13 000 to over R45 000 per month.

Again assuming a 30% rent to income ratio, a household would need a monthly income of R26 670 to rent the most common small freehold with *less* than three rooms (R8 000)—only an estimated 23% of households in the municipality earn this much or more.

For **sectional title** properties, the most common sectional title unit with 2 bedrooms rents for R8 000/month. The most common sectional title unit with *less* than 2 bedrooms rents for the same price, but it is easier to find units less than that (R4 000 – R5 000 / month). The biggest portion of larger sectional title units with more than 2 bedrooms rent at R14 000/month, but prices range from R4 000 to R22 000 per month.

The average household in Stellenbosch is unlikely to locate a rental unit in their price range. For example, a household looking for a 3 bedroom house in Stellenbosch municipality is most likely to find a R14 000/month freehold property (requiring an income of R46 670 /month)—only 13% of households fall in this category. Alternatively they if they are looking for a sectional title unit, they would typically find apartments for R8 000/month, which require a monthly income of R26 670. Approximately 23% of households in the municipality earn this much.

Rental price distribution (2021)



Source : TPN Credit Bureau, Investor Reports March 2022.

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Rental housing for students

Rental price distribution

With a total student body of 22 000, the University of Stellenbosch is a critical force in the residential property market of the municipality, and especially Stellenbosch town itself. The university itself accommodates approximately 6 500 students in its residences, leaving around 8 000 students who require affordable accommodation in town.

A number of years ago, many students stayed in granny flats of houses in town, but more recently homeowners have converted these properties for tourist accommodation. Until the 2000's, the primary private student accommodation was blocks of flats which would work for students, or a small family. Small student flats were built in the CBD area, providing a good location, and bringing students closer to campus. However these private units were primarily affordable to wealthier students only.

Currently, there are a number of developers building for the higher income bracket of the student market, but there remains a gap in supply for students who receive support from the National Student Financial Aid Scheme (NSFAS). Much of the stock built now is narrowly targeted at the student market (with small rooms and shared facilities), and is not suitable for small families or young professionals.

In the next year, the University is planning on adding 400 units in the residences, and another 800 private student units will be developed for the top market.

High end student accommodation

The flagship residential development in Stellenbosch, called MySpace, was built by developer Abacus and serves as an example of the types of rental units being built presently which narrowly target wealthier students.

Currently there is one My Space Residence located in Paradys (125 units), with two more locations set to open in January 2023 in Drostdy and Dorpstreet with a further 550 beds. Most of the units are sharing, with some singles available.

Prices per bed range from R8 500 to R12 500 per month, and include a wide range of amenities including: study area, wifi, gym, lounge area, water and electricity. The least expensive beds (R8 500/month) are in a 24m^2 twin room, with a small kitchenette, bathroom and two beds. These units are not affordable to NSFAS students who receive an allowance of R5 000/month for accommodation.

Summary of supply side assessment

House prices in Stellenbosch have been rising for a number of years. Out of the four study areas, Stellenbosch town has the largest proportion of luxury market properties (62%) as well as the smallest portion of entry market units (8%). One developer operating in the area said that its very difficult to find residential properties for less than R900 000, and most properties under R700 000 would be of lower quality and size. Only 28% of residential properties, or 3 931 houses, are valued R900 000 or less.

Government-subsidised properties

In Stellenbosch town, just 9% of the residential properties are government subsidised (1 353). Stock in the entry market is almost entirely the result of public investment: 92% of entry market houses are GSP, with all concentrated in 3 subplaces: Khayamandi, Cloetesville and Idas Valley.

Most GSP in Stellenbosch town are fairly new—62% are less than 8 years old—but the older ones have seen significant appreciation over time. The 510 GSP 8 years or older had an average value of R442 388 in 2021, while the newer GSP have a significantly lower average value of just R181 515.*

Rental market

On average, rental prices for sectional title units are more affordable than freehold property. According to TPN data, at the end of 2021, average rent was around R9 000/month for freehold properties and around R8 000/month for sectional title units. The average monthly rental for a 3 bedroom unit in 2021 in Stellenbosch municipality was R13 911, and for a 2 bedroom unit it was R8 655.

The average household in Stellenbosch is unlikely to locate a rental unit in their price range—most units are only affordable to less than a quarter of households. A household looking for a 3 bedroom unit is most likely to find a R14 000/month freehold property which would require a monthly income of R46 670—only 23% of households fall in this bracket.

* It should be noted that the valuation of the GSP under 8 years old is likely an underestimation due to the fact that they have not been sold formally since primary transfer.

Estimated household incomes required to purchase property with a mortgage, per market segment (2021)

Market segment (residential property value)	No. of properties	% share of total properties	Minimum monthly household income needed to purchase in this market segment*	Maximum monthly household income needed
Entry level: <R300 000	1 115	7.8%	--	R7 300
Affordable: R300 000 - R600 000	975	6.8%	R7 300	R14 750
Conventional: R600 000 - R900 000	1 841	12.9%	R14 750	R22 200
High end: R900 000 - R1.2m	1 507	10.6%	R22 200	R29 600
Luxury: >R1.2m	8 806	61.8%	R29 600	--
Total	**14 244**	**100%**		

* Assuming 7.75% interest rate, 20 year loan tenor, 30% premium to income ratio, 10% deposit and no FLISP.
Source: Lightstone data as of 31 Dec 2021. Own calculations.

Affordability

Only 20% of residential properties (or approximately 2 800 houses) fall in the bracket between R300 000 and R900 000 (affordable and conventional market segments), which is theoretically accessible for purchase by households earning between R7 300/month and R22 000/month—see table above. As noted above, with the average monthly household income for Stellenbosch (R19 791), a household could only afford a house priced R796 000—but there are less than 3 500 properties valued this amount or less in the town.

Nearly 62% of residential properties are valued over R1.2 million (luxury market) and thus would require a monthly income of approximately R29 600 or more in order to purchase with a mortgage (no FLISP). This implies that those units would be out of reach for nearly 80% of households in the town.

Word of caution regarding affordability calculations

There are a number of important cautionary notes which should be raised with respect to these calculations:

- While house purchases below R1.2 million avoid transfer fees, there are other transfer costs which are not included here—see box on pg 43.
- Not all households purchase in the market segment they can afford: some may have additional funds from a once-off source, and some may have other competing expenses that prohibit them from spending the benchmark figure of 30% on housing.
- Some households may be living in properties that they accessed either by purchase or inheritance or gift, that today they could not afford to buy - in some cases properties appreciate faster than incomes.


Current market activity
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Market for new build – New transactions by market segment

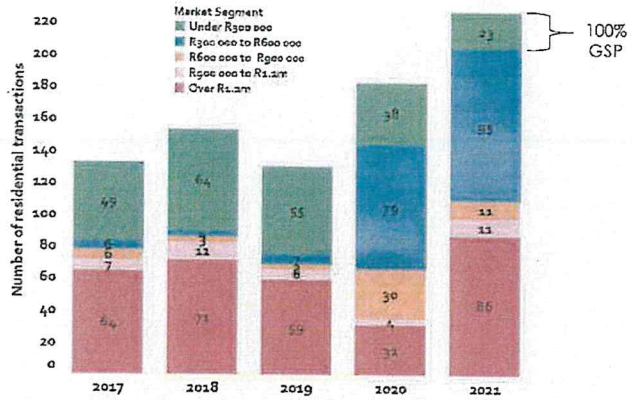
Unlike Mossel Bay and George, new transactions in Stellenbosch town were *increasing* pre COVID. Having dropped from 2018 to 2019, the volume of new transactions rose by 40% in 2020, driven primarily by more sales in the affordable and conventional markets. 2021 saw a further increase in new affordable transactions, as well as a jump in luxury sales, which together boosted the total number of new transactions by 24% in 2021.

In 2021, there were 226 new transactions in Stellenbosch town, totaling R252 million in value. New transactions in Stellenbosch town have averaged 165 per annum over the last five years.

Its important to note that new transactions include both the sale of houses newly constructed by private developers, as well as the transfer of new subsidised units to government housing programme beneficiaries.

For Stellenbosch town, the entirety of the new transactions in the entry market in 2021 (23 transactions) were GSP—there was no private sector construction of new houses below R300 000 in 2021. These 23 new transactions in the entry market were the only GSP registrations in 2021.

New residential transactions by market segment
Stellenbosch, 2017 to 2021

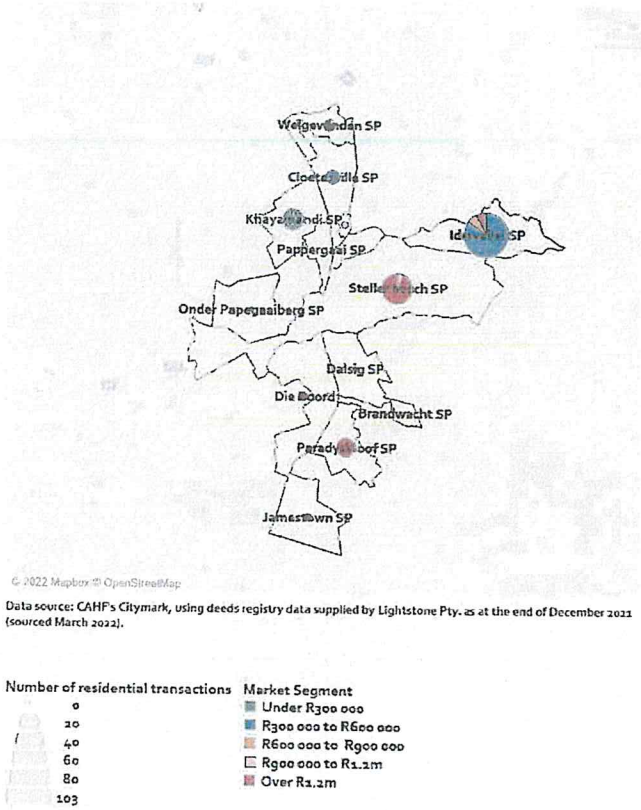


Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

In 2021, 90% of new transactions were sales of *non-GSP* houses which were built by the private sector. These non-GSP new transactions in 2021 totaled R62.7 million.

As shown in the map to the right, the entry level new transactions in 2021—all GSP—took place in Khayamandi, while the affordable new transactions were in Idas Valley. New construction and sales by private developers was centred in Stellenbosch central and Paradyskloof primarily.

Distribution of new transactions by market segment
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

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New build market – New transactions by property type

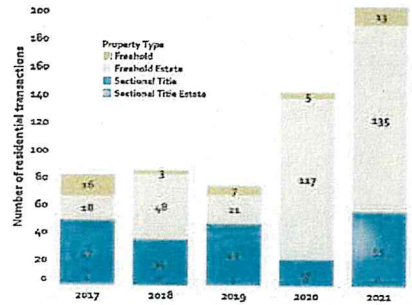
Analysis of new transactions (excluding GSP) by property type sheds light on the typologies of units which developers are constructing and bringing onto the market within Stellenbosch town.

New units from private sector

The graphs below show the number of new transactions each year, by property type, *excluding* GSP. Over the last five years, the consistent majority of units built and sold by the private sector have been freehold properties in estates (67%), with another 27% sectional title outside estates.

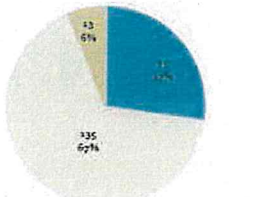
Very few regular freehold houses are being built by the private sector. Only 6% (just 13 houses) of new transactions in 2021 were freehold units outside of estates. The private sector is not building sectional title within estates—only two have been built and sold in Stellenbosch town in the last five years.

New residential transactions by property type: Non-subsidy properties
Stellenbosch, 2017 to 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

New residential transactions by property type : Non-subsidy properties
Stellenbosch, 2021



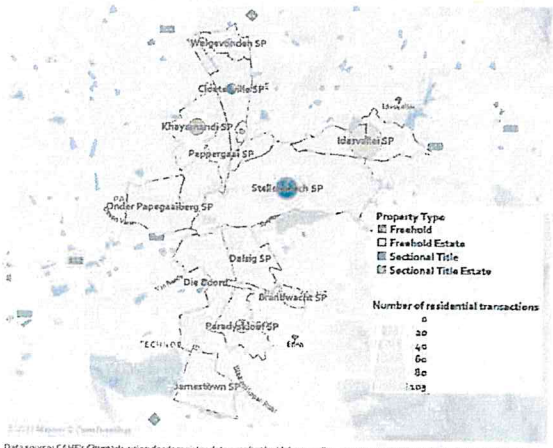
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Total new transactions

The bar graph to the right *includes* GSP, and thus gives an overall picture of new units being sold or transferred each year. As indicated previously, the 23 new freehold transactions in the entry market are all GSP. However notably there is a significant number of new transactions of freehold estate properties in the affordable segment—88 transactions in 2021—which are not GSP. Many of these are part of the Idas Valley housing development—see next page.

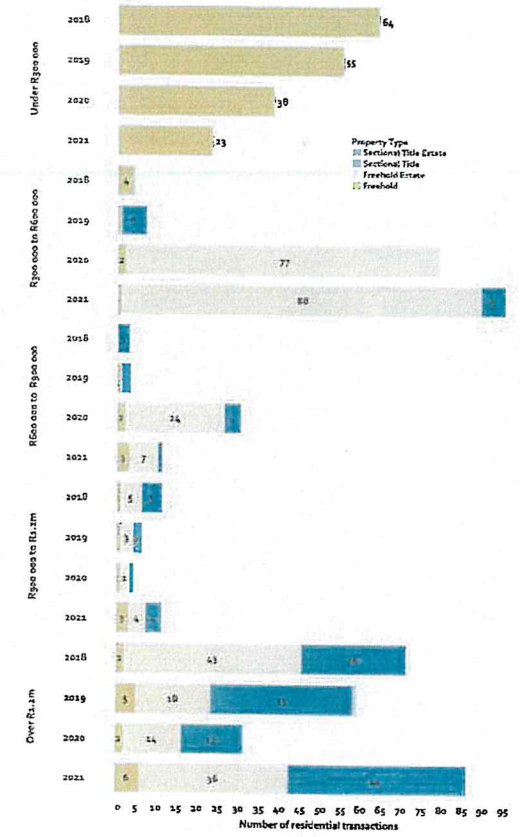
New transactions of sectional title units (outside an estate) are dominant in the luxury market, where there were 44 of these new units sold in 2021.

Distribution of new transactions by property type
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Number of new transactions by property type by market segment
Stellenbosch, 2018 to 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Western Cape Government

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Idas Valley

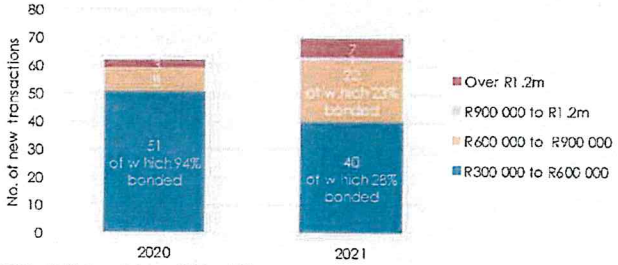
Located in the northern portion of Stellenbosch Municipality, north of Helshoogte Road and east of Lelie Street, Idas Valley has a stock of 1 953 residential properties in 2021, of which 39% are in the conventional market, between R600 000 and R900 000 as per the Lightstone data (see also pg 26).

The municipality appointed ASLA Magwebu to execute two projects in Lindida as part of the Idas Valley Housing Project. The project is a mixed housing development, with 113 GAP houses, and 87 fully subsidized units. It's a multi phased development, with families beginning to move in in 2019 and 2020. As part of the Khay Lam project, the Free Market Foundation has also been involved in facilitating the transfer of the properties so that owners receive their title deeds.*

The website of Oak Tree Village, one of the developments in the area, advertises the following new units for sale. These properties are targeted at first time home buyers with gross monthly income below R30 000:**

- 55.7 m² 2 bedroom from R607 950
- 43.4 m² 2 bedroom from R468 000
- 54.6m² 3 bed from R699 500

Idas Valley: New transactions by market segment (2020 & 2021)



Source: Lightstone data as of 31 Dec 2021.

The Property24 and Private Property websites offer limited listings for sales of existing housing in Idas Valley below R1 million, as shown in online adverts.

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* Stellenbosch Monitor. 30 April 2021. "Idas Valley residents benefit from housing project."

** See https://www.oaktree-village.com/

Googlemaps screengrab of Idas Valley (24 July 2022)



Screengrabs from Property24 and Private Property websites (24 July 2022)



3 Bed House in Idasvalley

R 1 790 000

3 2

Harcourts



R 650 000

JUST PROPERTY

Idasvalley

43 m²



4 Bed House in Idasvalley

R 960 000

2 Gordon Street

4 1



R 1 900 000

JUST PROPERTY

Idasvalley

Resale market – Secondary market sales

The resale market has behaved somewhat differently than the new build market over the last few years in Stellenbosch town. Resale transactions were declining since 2017, and continued to drop into the first year of the pandemic. However in 2021, the total number of resale transactions shot up by 62%, to higher levels than 2017. This increase was driven almost entirely by a boost in resale transactions of properties in the luxury market over R1.2 million.

In total there were 554 resale transactions in 2021, totaling R1.38 billion in value. The great majority of these transactions were over R1.2 million (77%), 10% were in the high end market, 9% in the conventional market, and 3% in the affordable market. There were only 9 resale transactions of entry market properties in 2021.

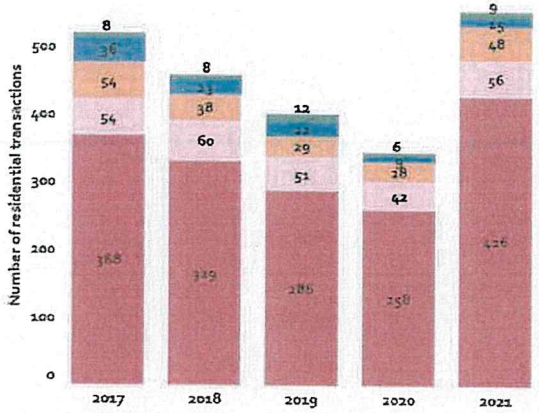
Over the five-year period, the majority of resale transactions have been in the luxury market over R1.2 million, averaging approximately 73% of total resale transactions annually.

- **Resale transactions of GSP**

A number of resale transactions each year are sales of existing GSP which are older than 8 years (and thus no longer subject to sales restrictions). In Stellenbosch town, 62% (501) of the total 1 353 GSP are over 8 years old, comprising a total asset value of R225.6 million. In 2021, 12 GSP were sold on the resale market, at an average price of approximately R254 583. These resale transactions of GSP made up just 2% of all resale transactions in 2021.

Eight of the 9 entry market resale transactions in 2021 were cases of GSP changing hands. This underlines the critical importance of GSP properties, not only in their original delivery to beneficiary households, but also their role in providing a critical supply of affordable housing for households purchasing property on the resale market.

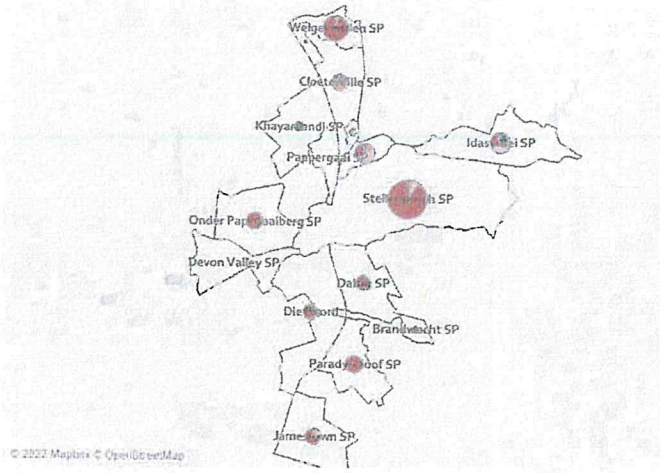
Resale residential transactions by market segment
Stellenbosch, 2017 to 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Market Segment
- Under R300 000
- R300 000 to R600 000
- R600 000 to R900 000
- R900 000 to R1.2m
- Over R1.2m

Distribution of resale transactions by market segment
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Number of residential transactions
- 0
- 50
- 100
- 173

Market Segment
- Under R300 000
- R300 000 to R600 000
- R600 000 to R900 000
- R900 000 to R1.2m
- Over R1.2m

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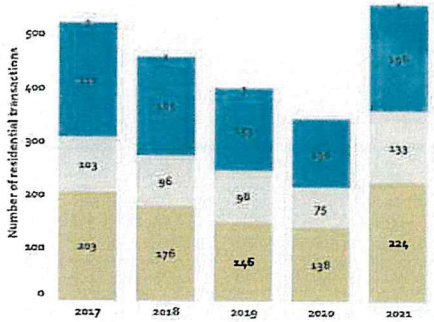
Resale market – Resale transactions by property type

As shown in the pie graph, the largest share of resale transactions are of regular freehold properties outside of private estates (40%). The resale of sectional title units outside estates accounted for 35% of total resale transactions in 2021, with the remaining 24% made up of resale transactions of freehold properties *inside* estates.

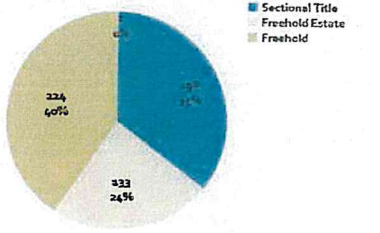
Most resale activity was transactions of properties valued over R1.2 million, both regular freehold and sectional title.

The sale of student units for rental would be reflected in the numbers of resale transactions of sectional title units outside estates. Most of these were properties over R900 000.

Resale residential transactions by property type
Stellenbosch, 2017 to 2021

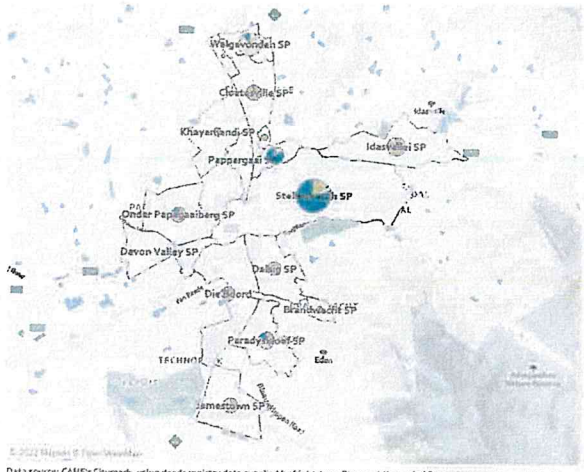


Resale residential transactions by property type
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

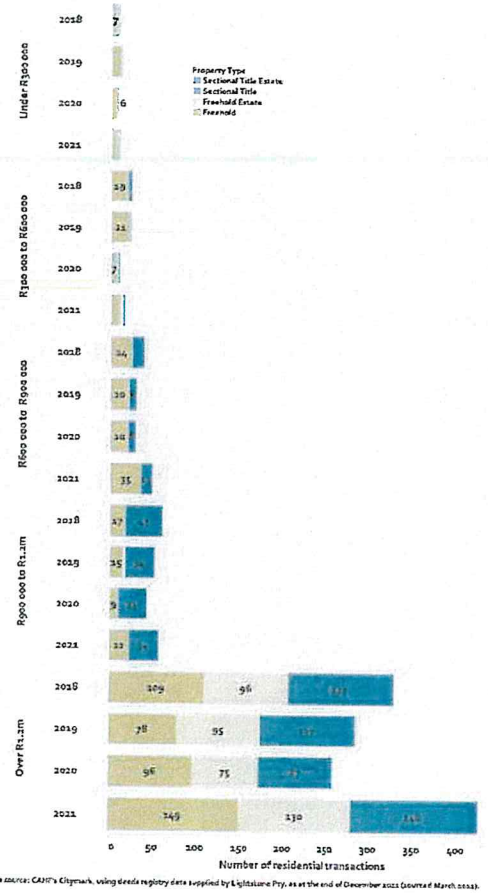
Distribution of resale transactions by property type
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

As shown in the map above, sectional title resale transactions are mostly in downtown Stellenbosch and Pappergaai—most of these sales are for units over R1.2 million.

Number of resale transactions by property type by market segment
Stellenbosch, 2018 to 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

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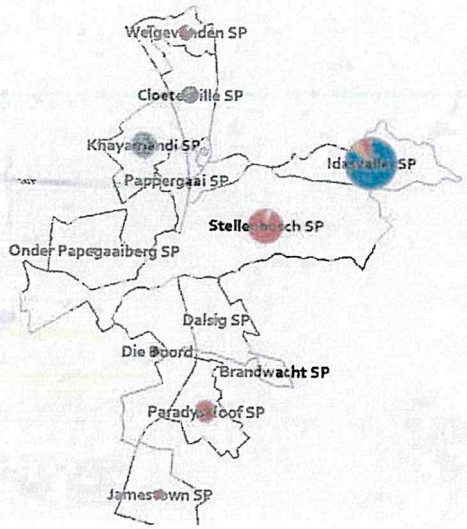
Spatial distribution of new vs. resale market activity

These two graphs illustrate the marked differences between the new build and resale markets in Stellenbosch town. A clear pattern is visible in new transactions: entry market new build of GSP in Khayamandi, new affordable segment transactions in Idas Vallley, and new build of luxury units over R1.2 million in central Stellenbosch.

Resale activity was overwhelmingly transactions valued over R1.2 million, and was spread across the town, with the majority of resale activity in Welgevonden and central Stellenbosch again.

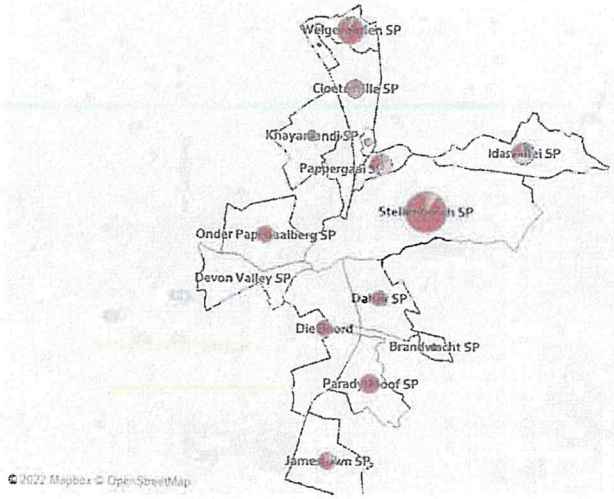
Distribution of new transactions by market segment

Stellenbosch, 2021



Distribution of resale transactions by market segment

Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Number of residential transactions	Market Segment
1	Under R300 000
50	R300 000 to R600 000
100	R600 000 to R900 000
250	R900 000 to R1.2m
1214	Over R1.2m

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Churn – Levels of resale transactions by market segment

Another important indicator of market activity is the churn rate. Churn rates measure the rate of formal (registered) turnover of the property market: the total number of formal repeat transactions divided by the total number of properties less new registrations, calculated as an annual ratio. It serves as a useful indicator for understanding how well filtering is happening within the property market, or whether markets in particular neighbourhoods are constrained.* Churn can also indicate a level of market interest. More resale activity also brings new people into an area. Given apartheid's legacy of racially-divided cities, neighbourhoods with very low churn rates are unlikely to diversify quickly.

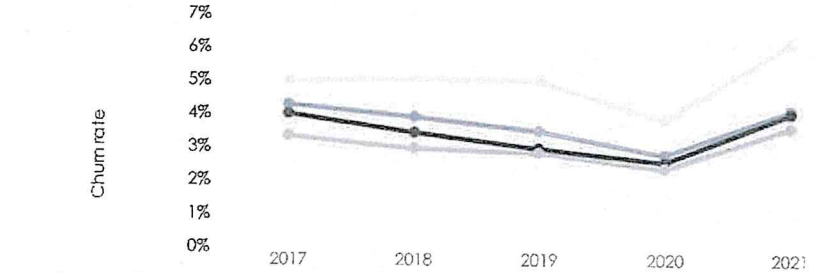
However it should be noted that churn rates may be undermined by the number of informal sales in the market, which would not be reflected in the formal deeds data.

Prior to the pandemic, the churn rate in Stellenbosch town had been falling, from 4.0% in 2017, to a low of 2.5% in 2020. However, resale activity picked up in 2021, returning to its 2017 level of 4.0%. The graph below shows how the churn rate for Stellenbosch town compare to the other four study areas. The George city area, Stellenbosch town and Paarl/Wellington have followed the same pattern over this five-year period, while the churn rate in the Mossel Bay city area has been consistently higher.

Churn rates by market segment

Churn varies significantly between market segments, with higher value properties changing hands more frequently than lower value properties. While the top market segment of properties worth more than R1.2 million have relatively high churn rates – reaching 4.89% in 2021—the bottom entry level market segment of properties worth less than R300 000 have churn rates of 0.82% in the same year. For properties in the affordable market, the churn rate is also low, 1.7%. This means that properties in those market segments are not selling – the potential benefits of filtering are not being realised.

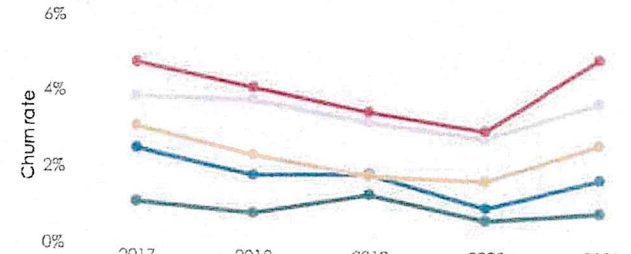
Churn rate for four study areas (2017-2021)



	2017	2018	2019	2020	2021
George city area	4.3%	3.9%	3.5%	2.7%	4.1%
Mossel Bay city area	5.0%	5.0%	5.0%	3.8%	6.1%
Stellenbosch town	4.0%	3.4%	3.0%	2.5%	4.0%
Paarl/Wellington	3.3%	2.9%	2.8%	2.3%	3.6%

Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Churn rate by market segment (2017-2021)



	2017	2018	2019	2020	2021
Under R300 000	1.09%	0.81%	1.28%	0.62%	0.82%
R300 000 to R600 000	2.50%	1.79%	1.84%	0.96%	1.70%
R600 000 to R900 000	3.07%	2.32%	1.79%	1.66%	2.62%
R900 000 to R1.2m	3.83%	3.77%	3.21%	2.79%	3.74%
Over R1.2m	4.75%	4.11%	3.48%	3.00%	4.89%

Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

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* See Appendix D for a full explanation of filtering, and its importance to access to affordable housing.

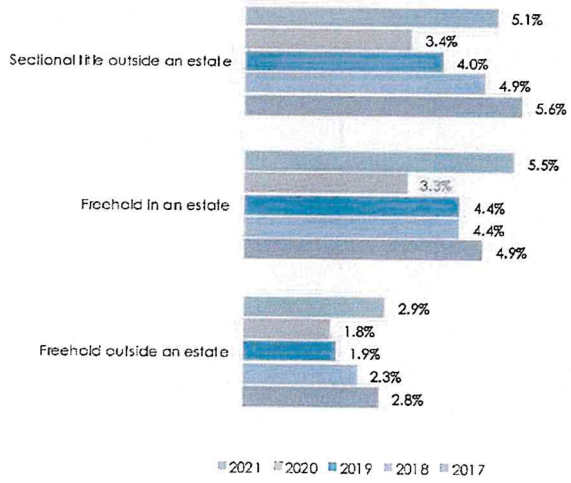
Churn – Turnover of GSP

Churn rates by property type

Resale market transaction rates (or churn) also vary significantly by property type. Freehold estate and sectional title properties (outside private estates) have relatively high levels of turnover – almost twice as large as regular freehold properties outside an estate (including GSP). This suggests a more vibrant market within private estates and sectional title properties outside of estates in Stellenbosch town, and substantial market interest in these property types. Given the demand for student housing, and the regular turnover as students locate there and then leave after their studies, the higher turnover for sectional title outside an estate makes sense.

The churn rates for all the property types was dropping prior to the pandemic, and then rebounded in 2021 to rates higher than the pre-pandemic rates.

Churn rates (2021) by property type



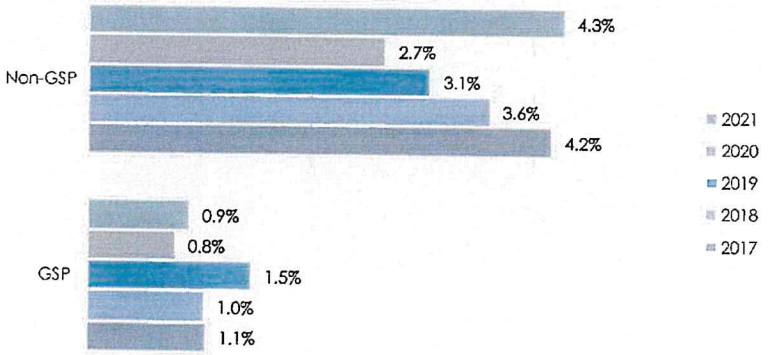
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Churn rates of government-subsidised properties

The analysis by property type indicates that the lower levels of churn with freehold properties outside estates, is responsible for reduced overall average of 4.0% across Stellenbosch town. This is partly due to a very small churn rate for GSP—just 0.9% in 2021—largely because of the 8-year preemptive clause attached to government-subsidised properties.

However the impact of the Housing Act restriction on GSP sale in Stellenbosch town is limited, given that only 38% of GSP are 8 years or older and therefore can be transacted freely. The low resale activity of older GSP houses is a cause for concern, as the small churn rate indicates that homeowners are not realizing the asset value of their property.

Churn rates: GSP or non-GSP (2017-2021)



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

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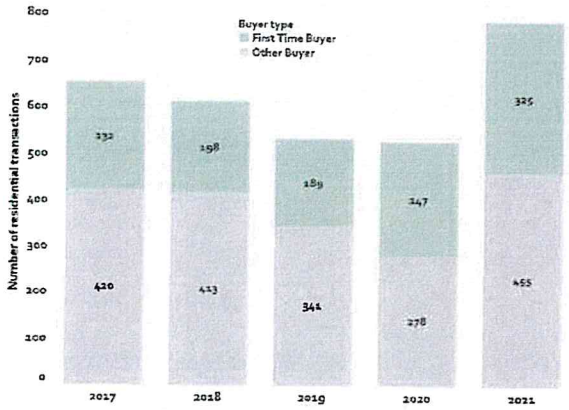
First-time home buyers – How do households step onto the property ladder?

FTHB as share of total transactions

First-time home buyers (FTHB) are a critical force in the residential property market, particularly the affordable housing segment, making up 42% of total transactions in Stellenbosch town last year. In 2021, 325 households became home-owners for the first time—of which only 7% received a new house from government.

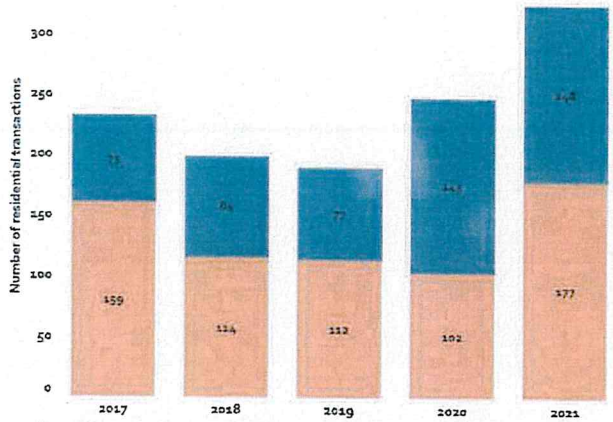
As shown in the middle graph, transactions by FTHB rose by about 32% in the second year of the pandemic. Likely influenced by the record-low interest rates in 2020, the number of bonded FTHB transactions went from 75 in 2019, to 136 in 2020. In 2021, 45% of FTHB transactions were bonded.

First time home buyers: Total residential transactions
Stellenbosch, 2017 to 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

First time home buyers: Total residential transactions
Stellenbosch, 2017 to 2021



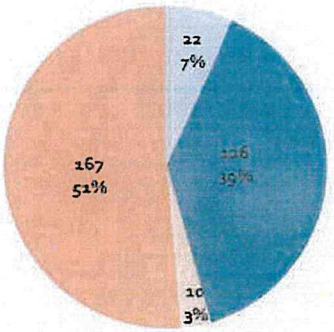
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

How do FTHB step onto the property ladder?

A little over half of FTHB purchase an existing house (55%). More households become home-owners by buying on the resale market, than by purchasing new affordable housing units from private developers.

Of the 177 resale transactions to FTHB, just 10 were older GSP being sold to FTHB. This small number makes sense given that only 38% of the GSP in Stellenbosch are over 8 years old and able to be sold.

First time home buyers
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Transaction type
- New transactions government-subsidised housing
- New transactions non-subsidy
- Resale transactions government-subsidised housing
- Resale transactions non-subsidy

The majority of FTHB who move into a new house did not receive it from government, but instead purchased it from a private developer (126 transactions, or 39% of FTHB).

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First-time home buyers – By market segment

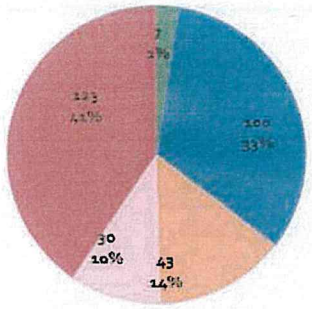
- **By market segment**

Excluding the 22 households who were beneficiaries of government-subsidised housing in 2021, approximately half of FTHB are purchasing properties which are R900 000 or less—see pie graph below. Ten percent are buying units in the high end market, and 41% are purchasing in the luxury market over R1.2 million.

FTHB are particularly important to the affordable market segments, making up 91% of sales in this market.

Number of first time home buyers by market segment

(Excludes new transactions of government-subsidised properties)
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Market Segment
- Under R300 000
- R300 000 to R600 000
- R600 000 to R900 000
- R900 000 to R1.2m
- Over R1.2m

Transfer payments and other costs associated with buying a house

For first-time homebuyers, there can be many unexpected associated costs to purchasing a home including VAT, bond initiation fees, bond registration fees and monthly loan account administration fees. However, the largest additional costs for a home-buyer are the transfer fees, and transfer duty payments.

Transfer fees are paid to the attorneys who complete the transaction paperwork and are typically the largest portion of the total transfer costs—ranging from R23 000 to R35 000 for a R1.2 million house.

Transfer duty payments are owed to the South African Revenue Service (SARS). Homes valued below the threshold of R 1 million are exempt from any duty payments. If the house is R1 million - R1.375 million, 3% of the value over R1 million is owed. The percentage owed continues to climb as the value of the house increases. Transfer duty payments are exempt for those who acquire a house through marriage, divorce, inheritance, or if a property purchase is canceled before it is registered at the Deeds Office.

The threshold adjustment for transfer duty payments took effect on March 1, 2020, prior to which the threshold was R900 000. This adjustment specifically enacted to aid those trying to enter the property market.

Mortgage market – New and resale bonded transactions

An analysis of bonded transactions provides a picture of the health of the mortgage market and the degree of confidence by the financial sector in the residential property market. In 2021, 53% of all transactions (419) in Stellenbosch town were bonded: of which, 80.5% were resale & 19.5% new transactions.

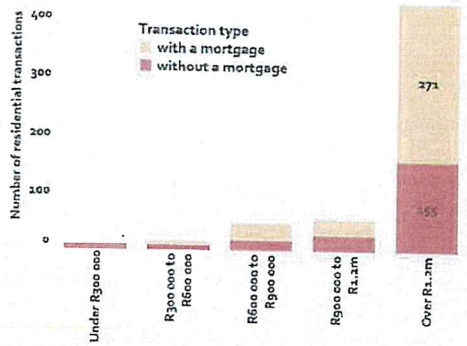
The graphs to the top right show the number of bonded transactions in each market segments—both new and resale. Overall, 36% of new transactions were bonded, although this number is impacted by the number of GSP which are transferred to beneficiaries, obviously without a bond. As noted above, 90% of the new transactions in 2021 were non-GSP. Of these 203 new transactions of non-GSP, only 40% were bonded, meaning that approximately 60% of the households who bought a new house from a developer in Stellenbosch town, did not require financing to do so. Interestingly, most of these cash purchases were for properties in the affordable segment (80).

In total, 61% of all resale transactions were bonded. Of the 337 bonded resale transactions, only one was a GSP.

As would be expected, banks primarily lend to the top of the market. There were no bonded transactions under R300 000 in 2021. Of the total bonded transactions, over 78% were for properties valued over R1.2 million in 2021. Only 28% of transactions under R900 000 were bonded, while 63% of transactions over R1.2 million were bonded.

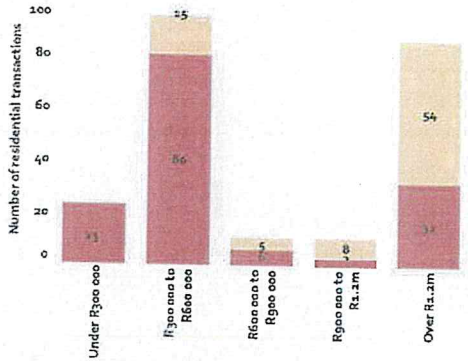
In an area such as Stellenbosch with a large number of wealthy residents, non-bonded transactions could be the result of high-income buyers who don't require financing, or low income households who can't access a mortgage. It may also be that these homes were purchased with non-mortgage loans. In Stellenbosch town, excluding new GSP registrations, 55% of all transactions in 2021 were bonded (see bottom graph), meaning that 45% of households (338 transactions) managed to buy a house cash. This proportion is low compared to Drakenstein at 62%, but higher than Mossel Bay, where only 34% of transactions (excluding new GSP) were financed with a bond.

Number of resale transactions
Stellenbosch, 2021 :554



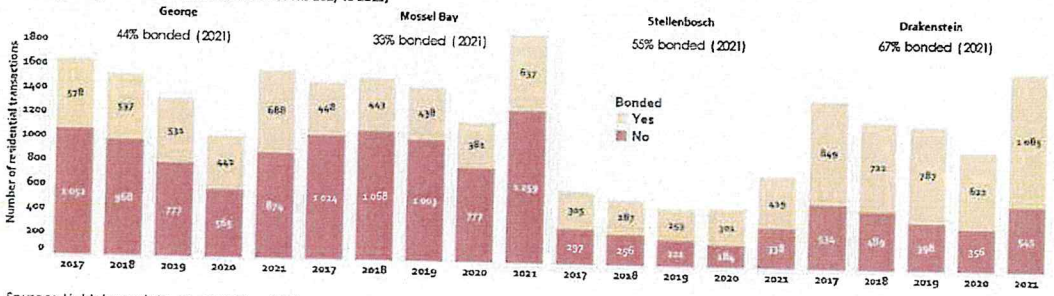
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Number of new transactions
Stellenbosch, 2021: 226



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Number new and resale transactions: Bonded and non-bonded
(Excluding new government -subsidised transactions 2017 to 2021)



Source: Lightstone data as of 31 Dec 2021.

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Mortgage market – Bonded transactions by lender and property type

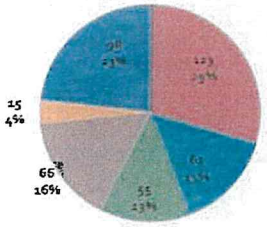
By lender

In total, 419 bonds were issued for new and resale transactions in 2021, over half of which were issued by Standard Bank and Absa.

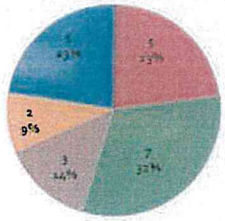
However, if we focus specifically on bonds for transactions under R600 000, the picture shifts. No bonds were issued in the entry market in 2021, and there were only 22 bonds issued in the affordable segment. Nedbank issued one third (7 bonds) with Absa and Standard Bank both issuing 5 bonds in the affordable segment—see bottom right pie graph.

All of the five main banks are lending in every segment (except the entry market) but the bulk of lending is for properties over R1.2 million.

Residential transactions by lender
Stellenbosch, 2021



Residential transactions by lender: Under R600 000
Stellenbosch, 2021



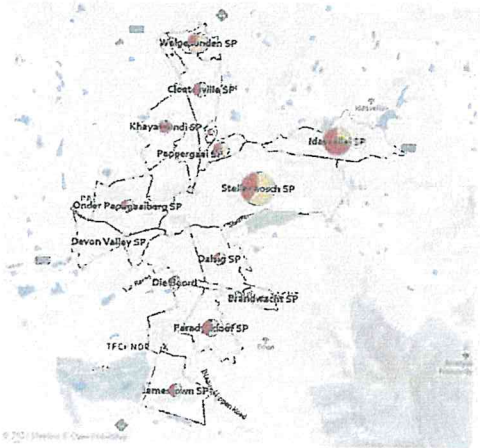
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Lender
- Absa
- FNB
- Nedbank
- Other Lenders
- SA Home Loans
- Standard Bank

By geographic area

As shown in the map below, in 2021 the banks were primarily lending in central Stellenbosch, Welgevonden and Idas Valley. The graphs to the right zero in on two areas with much of the lending activity: Stellenbosch SP and Welgevonden. In both areas, Absa and Standard Bank issued the most bonds. And in both areas, the overwhelming majority of bonds were for properties valued over R1.2 million.

Distribution of new and resale transactions: Bonded and non-bonded
Stellenbosch, 2021

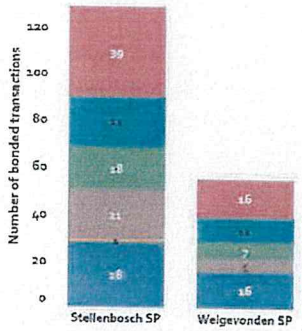


Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Number of residential transactions
0
50
100
150
219

Transaction type
- With a mortgage
- Without a mortgage

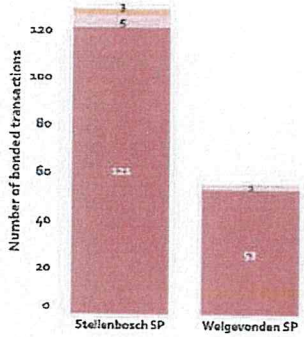
Number of new and resale bonded transactions by lender
Stellenbosch SP & Welgevonden SP
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Lender
- Absa
- FNB
- Nedbank
- Other Lenders
- SA Home Loans
- Standard Bank

Number of new and resale transactions: Bonded by market segment
Stellenbosch SP & Welgevonden SP
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Market Segment
- R600 000 to R900 000
- R900 000 to R1.2m
- Over R1.2m

By property type

Bonded transactions were fairly evenly spread between the three property types: 36% freehold, 34% sectional title, and 30% freehold estate. There were no bonded transactions for sectional title properties in estates in 2021.

The rate of bonded transactions was highest for freehold and sectional title properties (58% bonded), compared to 46% of freehold estate transactions which were bonded in 2021.

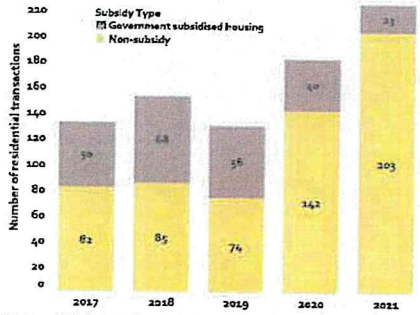
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Government housing delivery

According to the Lightstone deeds data, which uses a proxy to identify GSP, as described above, the number of new registrations of GSP in Stellenbosch town over the last five years was only 237 units, as shown in the graph below. Again, it must be noted that the deeds data will only reflect GSP where the beneficiary has received their title deed, and therefore will not necessarily match municipal or provincial figures of houses delivered.

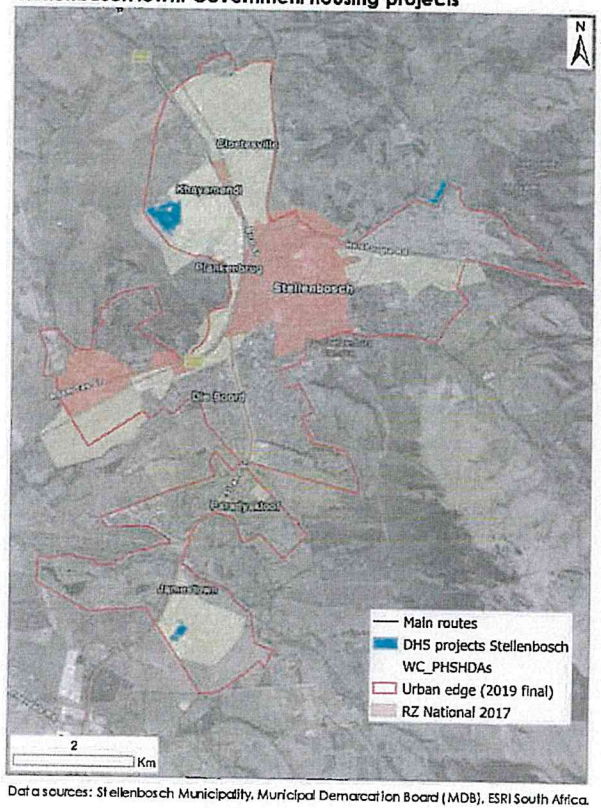
New residential transactions : GSP and non-GSP
Stellenbosch, 2017 to 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty, as at the end of December 2021 (sourced March 2022).

The development of the Adam Tas corridor is positioned as the main catalytic project highlighted in the 2022-2027 IDP. This involves re-design and development of the land around the Adam Tas Road, along the R44 and the railway line, bringing in a range of housing typologies and different income groups. The intention is for the district to be residentially-led with mixed-use, high density development and an emphasis on non-motorized access to the town centre.

Stellenbosch town: Government housing projects



Data sources: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

The municipality's housing pipeline covers the ten-year period to 2030/31 and is focused on social housing, the provision of serviced sites, affordable housing, upgrading of informal settlements and mixed-use housing (formalized homeownership employer housing, especially farmworker housing) (2022-2027 IDP). Projects within the Stellenbosch town area include:

- Jamestown, Farm 527 (phases 2, 3 and 4)- Work is being undertaken to finalise the sub-division plan, and obtain development rights for mixed-use development, approximately 2000 housing opportunities. The project is a Mayoral priority.
- Idas Valley (erf 9445, Oak Tree Village)
- Rectification of Cloetesville subsidy houses at The Steps and Orlean Lounge – These are temporary units with toilets erected for temporary relocation of occupants (161 housing opportunities).
- Erf 7001, Cloetesville – The intention is to obtain development rights on erf 7001 in order to establish GAP housing (360 GAP housing units).
- Upgrade of the Khayamandi CBD – This project is also a Mayoral priority and involves approximately 1 854 housing opportunities.
- Development of the northern extension, Khayamandi – Approximately 5000-6000 housing opportunities.
- Upgrading of Zone 0 in Khayamandi – 711 housing opportunities.

Restructuring zones and social housing delivery

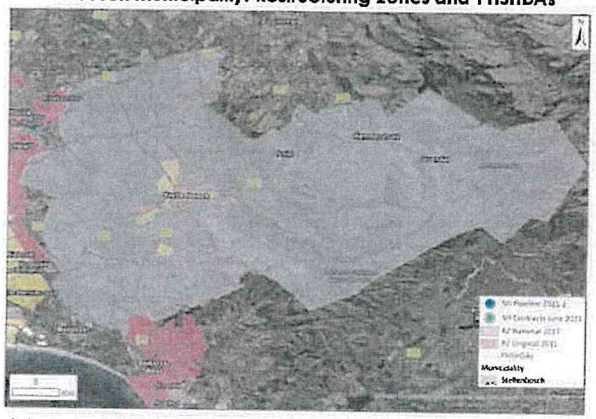
Activity in the rental market in Stellenbosch town includes government plans for social housing projects. Two Restructuring Zones for Stellenbosch municipality were included in the National 2017 Gazette: Greater Stellenbosch and Plankenburg.

In the map to the right, the area in red marks the RZ which includes central Stellenbosch, as well as the area around Adam Tas Street. The Priority Human Settlements and Housing Development Area (PHSHDA) for the Stellenbosch town is shown on the map in yellow. Some areas of the PHSHDA and RZ extend outside the current urban edge, but both are mainly within the urban edge.

Although there are not currently any social housing projects in implementation, there are four projects in pre-planning stage (and thus not reflected on the map):*

- Lapland Flats—This is a refurbishment of existing medium-rise council flats (400 units), with estimated delivery in 2022/23.
- Two projects in La Colline—The two projects total 550 units and are in early stages.
- Town Centre, Erf 2609—This involves unused or underused buildings that can be demolished and re-developed for social housing, yielding potentially 600 units.

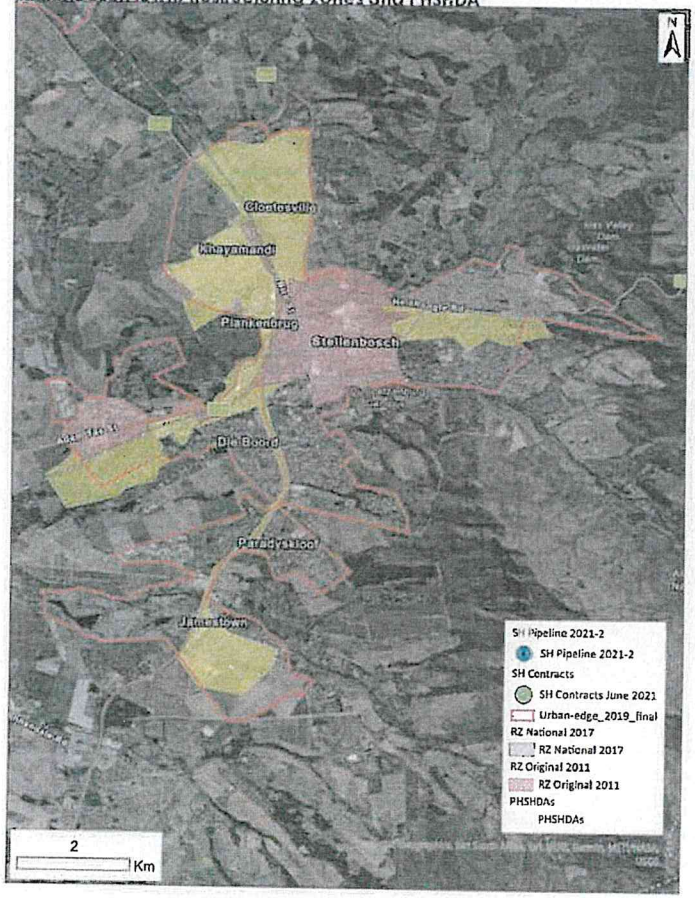
Stellenbosch municipality: Restructuring zones and PHSHDAs



Data sources: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

* Source: W C DHS, Credibility Provincial Analysis – Social Housing Pipeline updated December 2021.

Stellenbosch town: Restructuring zones and PHSHDA



Data sources: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

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Rental market

Rental yields provide an indication to landlords and potential landlords which properties would be profitable to rent out.

- **Freehold property rental yields**

Since 2010, the gross rental yield for freehold properties in Stellenbosch municipality has stayed below the national average, despite variations during the period. As at the end of 2021, the gross rental yield was approximately 5.1%, while the effective yield (taking into account outstanding rental payments) was a slightly less at around 4.9%.

- **Sectional title rental yields**

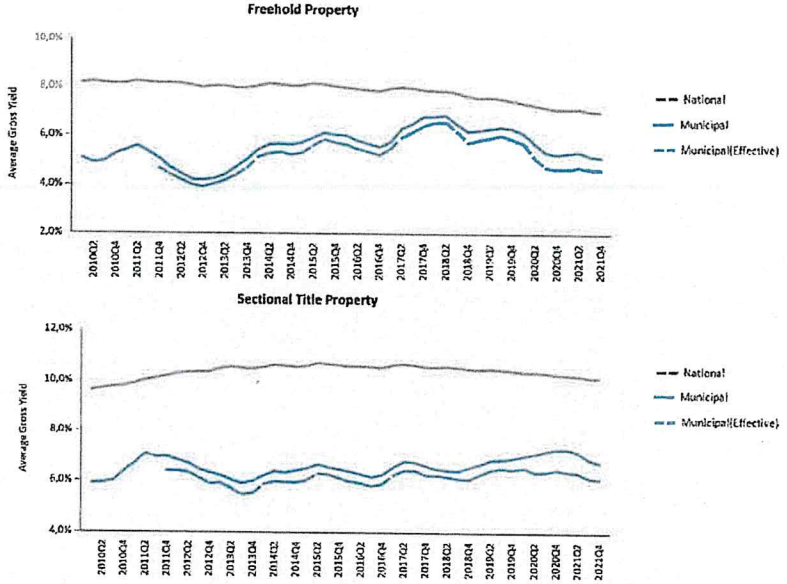
Gross rental yields for sectional title also stayed below the national average. At the end of 2021, the gross rental yield for sectional title (6.8%) was higher than that of freehold properties. Effective rental yield for sectional title was again slightly less, at approximately 6.2%. At the end of 2021, gross rental yield for sectional title was approximately 1.7 percentage points higher than for freehold units.

- **Percentage of tenants in good standing**

The percentage of tenants in good standing reflects the number of tenants who are up to date with their monthly payments,* and serves as another indicator of profitability for landlords. The indicator took a heavy hit in the second quarter of 2020, due to the economic impact of COVID and associated lockdowns. At that time the national average dropped to 74%. Since then the national average for percentage of tenants in good standing has substantially recovered, reaching 81.4% at the end of 2021.

At the end of 2021, the good standing rate for Stellenbosch municipality was strong (90.28%), higher than both the national and provincial averages.

Stellenbosch municipality rental yields (2010-2021)



Source : TPN Credit Bureau, Investor Reports March 2022.

Effective rental yields for four municipalities (Q4 2021)



Source : TPN Credit Bureau, Investor Reports March 2022.

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* Tenants in good standing includes those who have paid on time, those paying within the grace period, and those who have paid late.

Summary of current market activity

As with the other study areas, market activity picked up substantially in 2021—led by resale transactions of luxury properties. The property typologies that are seeing the most activity and higher churn rates are freehold estate (5.5%) and sectional title outside estate (5.1%).

- **New build market**

Unlike Mossel Bay and George, new transactions in Stellenbosch town were *increasing* pre COVID. Then in 2021 they shot up by 24%, due to growth in affordable and luxury transactions. In 2021, all of the new transactions in the entry market (23 transactions) were GSP—there was no private sector construction of new houses below R300 000 in 2021.

Over the last five years, the consistent majority of units built and sold by the private sector have been freehold properties in estates (67%), with another 27% sectional title outside estates. New transactions of sectional title units (outside an estate) are dominant in the luxury market, where there were 44 of these new units sold in 2021. Very few regular freehold houses (outside estates) are being built by the private sector—just 13 houses in 2021. Nor is the private sector building sectional title within estates—only two have been built and sold in Stellenbosch town in the last five years.

- **Resale market**

Unlike new transactions which have been on the rise, resale transactions in Stellenbosch town were declining since 2017, and continued to drop into the first year of the pandemic. However in 2021, the total number of resale transactions shot up by 62%, to higher levels than 2017, driven mostly sales in the luxury market over R1.2 million. In total there were 554 resale transactions in 2021, totaling R1.38 billion in value. The great majority of these transactions were over R1.2 million (77%), 10% were in the high end market, 9% in the conventional market, and 3% in the affordable market. There were only 9 resale transactions of entry market properties in 2021.

Resale activity of GSP is very thin, because stock of GSP in Stellenbosch town is very small (only 9%), of which only 62% of these units are over 8 years old. In total, 12 GSP changed handed formally in 2021.

The impact of student housing on the residential market is apparent. Given the university setting, 35% of resale activity was sectional title transactions outside estates, with another 40% being freehold properties outside estates. Despite the student market, the overwhelming portion of these transactions are over R1.2 million.

On the whole, the churn rate for Stellenbosch town is at the lower end of the four study areas (4.0% in 2021) yet slightly higher than nearby Paarl/Wellington (3.6%). Similar to the other intermediate cities, low value properties have lower churn rates—one fifth the rate of luxury properties.

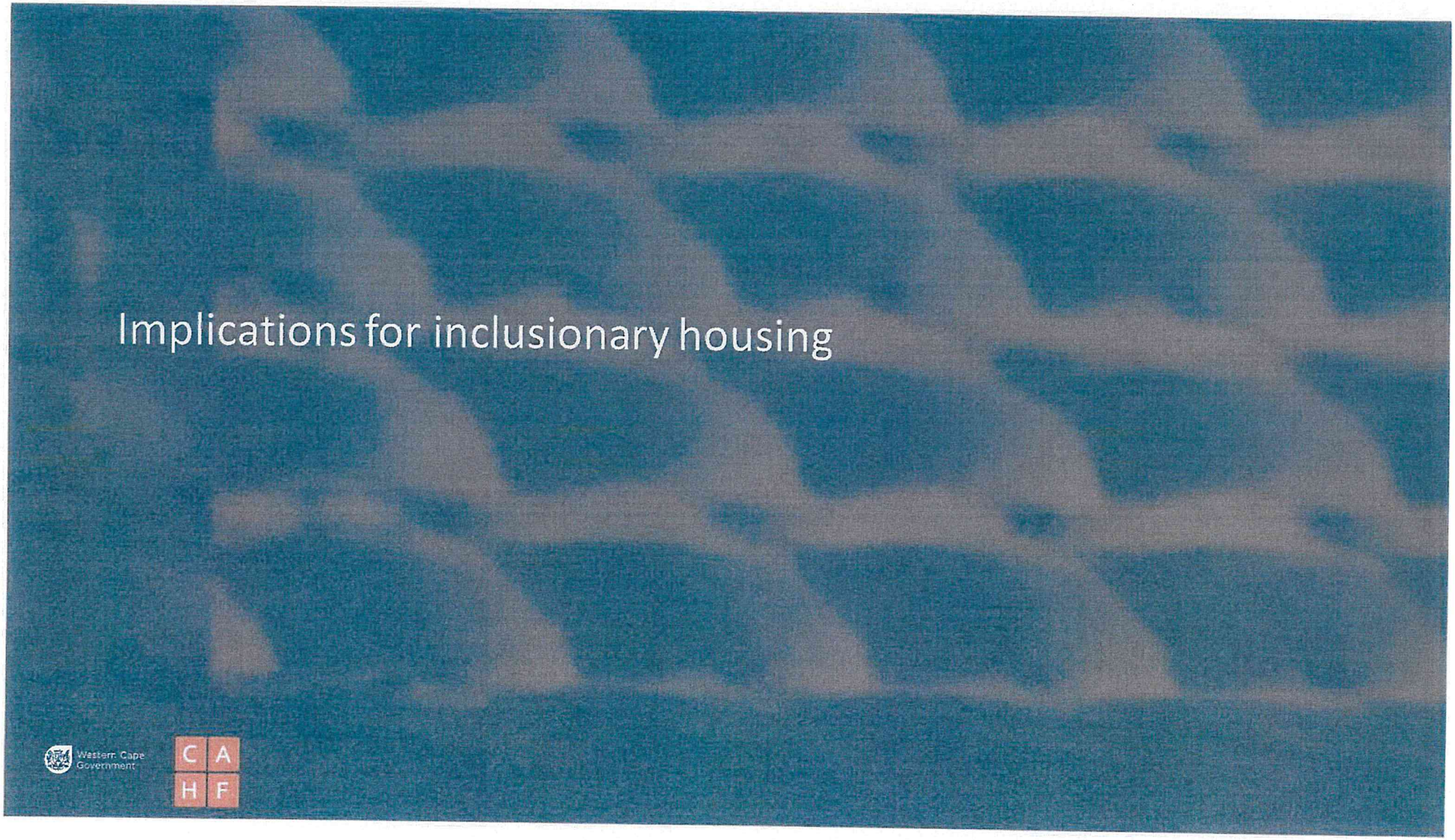
- **First time home buyers**

In 2021, 325 households became home-owners for the first time—of which only 7% received a new house from government. Likely influenced by the record-low interest rates in 2020, the number of bonded FTHB transactions went from 75 in 2019, to 136 in 2020. More households become home-owners by buying on the resale market, than by purchasing new affordable housing units from private developers. Approximately half of FTHB are purchasing properties which are R900 000 or less, 10% percent are buying units in the high end market, and 41% are purchasing in the luxury market over R1.2 million. In 2021, 45% of FTHB transactions were bonded.

- **Mortgage market activity**

In the new build market, only 40% of non-GSP transactions were bonded, mostly in the affordable segment. In Stellenbosch town, excluding new GSP registrations, 55% of all transactions in 2021 were bonded . This proportion is low compared to Drakenstein at 62%, but higher than Mossel Bay, where only 34% of transactions (excluding new GSP) were financed with a bond.

In total, 419 bonds were issued for new and resale transactions in 2021, over half of which were issued by Standard Bank and Absa. There were no bonded transactions below R300 000 in 2021, and only 22 bonds issued in affordable segment.


Implications for inclusionary housing
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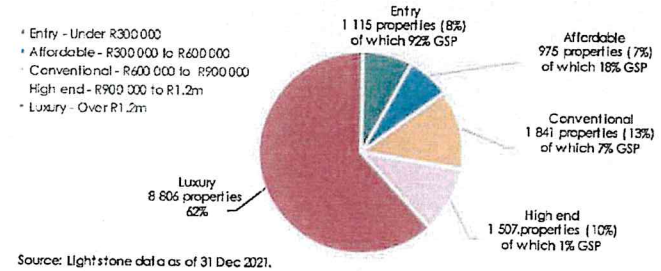
What is the profile of housing in Stellenbosch town?

In order to better understand the implications of the above analysis on inclusionary housing, we return to the key questions set out for this study:

- What is the profile of housing in the city? – by market segment, property type, neighbourhood
- What is the state of the residential market currently? – in terms of market performance, activity, key players, government and private sector delivery
- What is the affordability gap? – where is affordable housing needed, how much and what type? what is the target market for the affordable housing market?
- Is there an active property development market that would make the application of an inclusionary housing policy viable?

This concluding section of the report pulls together the main points of the above analysis to identify the characteristics and trends of the residential property market in Stellenbosch town which would critically impact on the success of an inclusionary housing policy.

Number of properties by market segment: Lightstone data (2021)

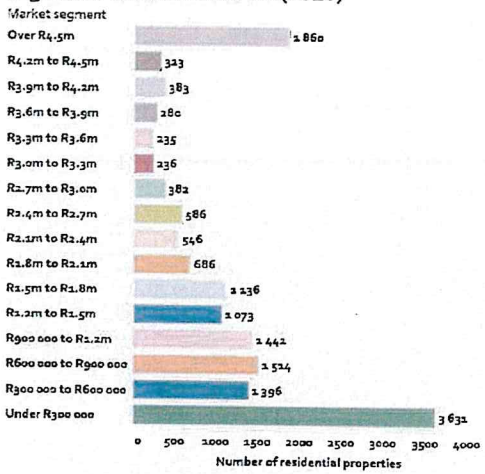


Source: Lightstone data as of 31 Dec 2021.

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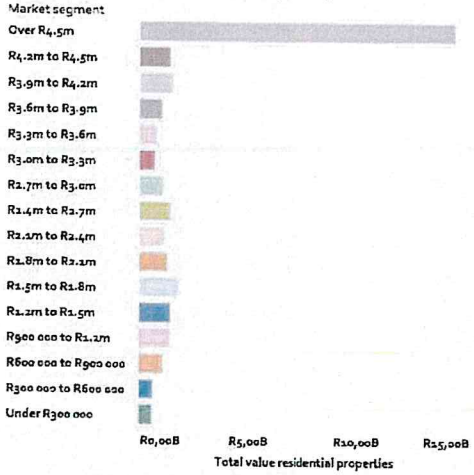
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Number of residential properties by market segment: Stellenbosch VR (2020)



Source: Stellenbosch Valuation Roll, July 2020.

Total value of residential properties by market segment: Stellenbosch VR (2020)



Source.: Stellenbosch Valuation Roll July 2020.

With approximately 35 300 households (as per GTI data), nearly one quarter of households in Stellenbosch town earn R2 379 or less. Of the four study areas, Stellenbosch town has the smallest residential property market in terms of number of properties, and also the smallest in terms of value (R32.35 billion), growing at an average 2.0% annually over the last five years.

The municipal valuation roll from July 2020 records 15 709 residential properties while the Lightstone data as at the end of 2021 has fewer (14 244). However both indicate a predominantly luxury market. More than the other three study areas, Stellenbosch town's residential property market is biased towards high value properties, with 62% valued over R1.2 million in 2021. Just 15% (or 2 0 90) are valued under R600 000, and over half of these lower value properties are government-subsidized units. The stock of GSP in Stellenbosch town is fairly low—just 1 393 units all located in Khayamandi, Cloetesville and Idas Valley; the majority of the GSP are under 8 years old.

Given the location of the university in town, rental rates are high and the share of sectional title properties outside estates (27%) is large.

What is the state of the residential market currently?

Market activity in Stellenbosch town is centred in private estates, in the upper market segments, with sectional title resale playing a larger role due to the presence of the university.

New build market

Unlike Mossel Bay and George, new transactions in Stellenbosch town were increasing pre COVID, and continued to climb through the pandemic, driven largely by luxury market sales and the construction of some affordable housing developments.

Delivery of government housing programmes is limited, with 23 new registrations recorded in the Lightstone data in the entry market below R300 000 in 2021, in Khayamandi. However the private sector built and sold 203 units with a total value of R62.7 million, of which 46% were actually affordable housing valued between R300 000 and R600 000. A new development in Idas Valley saw the sale of 88 new homes in the affordable segment between R300 000 and R600 000 in 2021.

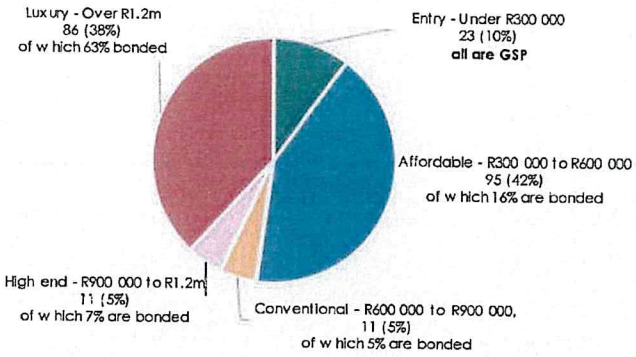
Over the last five years, the private sector has primarily been building freehold properties in private estates (67% of total new non-GSP transactions), with another 27% sectional title units outside estates—much of which is likely upper end rental housing for students. The private sector is mainly investing in new gated developments, or student rental housing. Very few regular freehold houses outside of estates are being built—less than 15 in 2021.

Notably, of the approximately 200 new transactions of non-GSP in 2021, only 40% were bonded (80), yet most of these non-mortgage purchases were for properties in the affordable segment. If the majority of units are bought without finance, it may be that these affordable housing developments are not reaching the target market, but instead are being purchased by higher-income households and/or buyers who are purchasing a second property with cash.

Resale activity

Resale activity has followed the same pattern as the other three study areas in the last five years, declining from 2017 to 2020, and then rebounding past 2017 levels in the second year of the pandemic. This was clearly driven by secondary sales of luxury properties, primarily in Stellenbosch SP, in the centre of town, as well as Welgenden.

Stellenbosch town: New sales by market segment (2021)



Source: Lightstone data as of 31 Dec 2021.

Some of these resale transactions are of GSP, but very few. As noted earlier, Stellenbosch town differs from the other three study areas in its small stock of GSP (only 1 353 houses in total, or 9% of total residential properties). Over half of these (62%) are newer GSP which are still bound by the 8 year sales restriction. In 2021, only 12 GSP changed hands on the secondary market, at an average price of R254 583.

Purchases by first time home buyers jumped to 325 transactions in 2021. Most first time home buyers are purchasing on the secondary market (54%), while 39% are buying new units from private developers. The data suggests that many first time home buyers are wealthier and/or have higher incomes: excluding government housing beneficiaries, 41% of first time home buyers are purchasing properties valued over R1.2 million, and just 49% are purchasing with a bond.

Mortgage lending

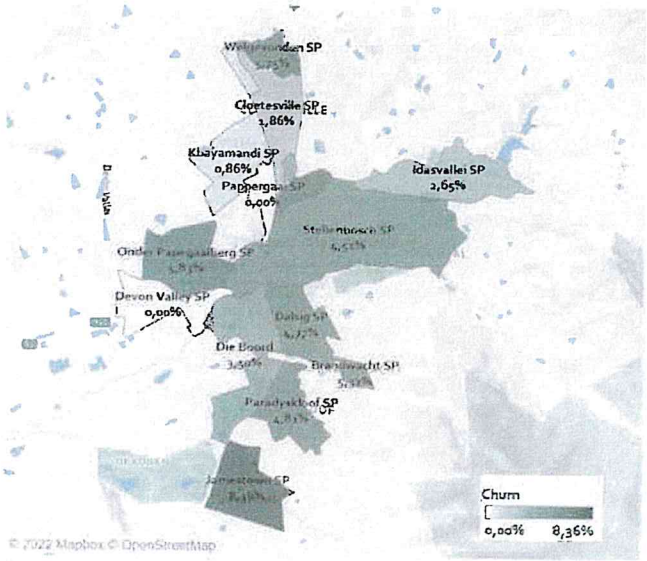
Excluding new GSP registrations, only 55% of all transactions in 2021 were bonded. Nearly 78% of the bonded transactions in 2021 were over R1.2 million, indicating that not only is the mortgage market limited in volume, it is also largely limited to high-value transactions. While some of these households may have drawn up once-off lump sum payments (e.g. pensions or inheritance), many of them will have been drawing upon equity from a previous home.

What is the state of the residential market currently?

Churn rates

After having declined 2018-2020, the overall churn rate for Stellenbosch town returned to 4.0% in 2021. As with the other study areas, the churn rate for the higher market segments exceeds that of the lower market segments—ranging form 0.82% for the entry market, to R4.89% for the luxury market.

Churn rates by subplace
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced June 2022).

As a result of the very low churn rates at the bottom end of the market, filtering is not taking place. This is important because, without turnover at the lower end of the ladder, current homeowners (both GSP and not) are unable to realise the asset wealth of their properties and move up the ladder.

As reflected in the churn rates, the market activity for sectional title outside estates and freehold properties in private estates is substantial.

Market activity is clearly concentrated in particular neighbourhoods and suburbs, as shown in the map. Highest churn rates in 2021 were in Jamestown (8.36%) and Onder Papegaaiberg (5.83%) and Welgevonden (5.75%). One developer interviewed described a process of gentrification in Jamestown as it transformed into a more up-market area, 85% of properties valued over R1.2 million.

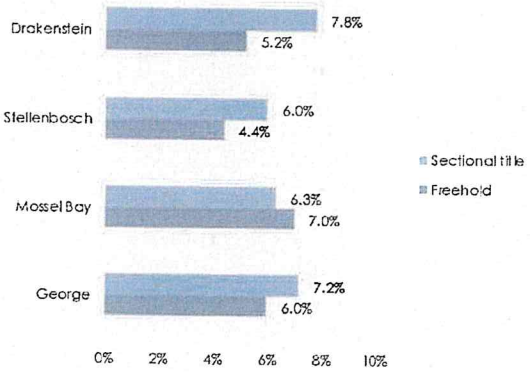
Rental market

Data on the rental market is painfully scarce—the TPN data used in this report does not include absolute figures and thus does not assist with quantifying supply and demand. According to a representative of the university, there is a gap in supply of affordable private accommodation for lower income students, many of whom receive NSFAS support.

According to TPN's municipal level data, a 2 bedroom sectional title unit would typically rent for R8 000/month, which require a monthly income of R26 670. Approximately 23% of households in the municipality earn this much, and students dependent on national financial aid, would have a budget of R5 000/month only.

The graph below compares Stellenbosch municipality to the other three municipalities, demonstrating that effective rental yields for freehold *and* sectional title were smallest in Stellenbosch.

Effective rental yields for four municipalities (Q4 2021)



Source : TPN Credit Bureau, Investor Reports March 2022.

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What is the affordability gap? – Town level

The table to the right compares the stock of housing per market segment in Stellenbosch town, to the number of households with the income required to purchase a house with a bond in that market segment. The results point to:

- **Unmet housing needs in the lowest segment**

The unmet housing need is most pronounced in the lowest segment. The table shows a large number of households with a monthly income below R7 300— approximately 17 900 households, or 51% of the total. However there are only 1 115 formal houses on the deeds registry valued below R300 000. This would suggest an unmet need for affordable formal housing: many of these households may currently be renting, and/or staying in informal settlements or backyard dwellings which are not reflected in the deeds data.

Similarly, in the income segments between R7 300/month and R22 200/month, there are far more households (approximately 8 500) than there are houses in the corresponding market segment which would be affordable to households with this income (around 2 800). One possibility may be that a number of these households are renting, or staying in informal dwellings. The data does suggest there is an undersupply of houses valued in the affordable and conventional market segments.

- **Apparent market clearing in the high end segment**

In the high end market segment of houses valued between R900 000 and R1.2 million, there are 1 507 residential properties, and 1 562 households with monthly incomes that would theoretically enable them to purchase a house at this value. The supply appears to roughly match the demand.

- **Potential oversupply in the luxury market**

However there does appear to be a disjuncture at the top end of the market. There are about 8 800 residential properties valued over R1.2 million in Stellenbosch town (approximately 62% of the total), however there are only about 7 300 households with incomes over R29 600 which would enable them to purchase a house with a bond at this cost. This is consistent with the findings of this study which indicate private developers are focusing on the top end of the market.

Estimated household incomes required to purchase property with a mortgage, per market segment (2021)

Market segment (residential property value)	No. of properties in that market segment	% share of total properties in that market segment	**Minimum** monthly household income needed to purchase in this market segment*	**Maximum** monthly household income needed to purchase in this market segment	No. of 2021 households that fall in this income bracket**	Percent of 2021 households that fall in that income bracket
Entry level: < R300 000	1 115	7.8%	--	R7 300	17 909	50.8%
Affordable: R300 000 - R600 000	975	6.8%	R7 300	R14 750	5 447	15.4%
Conventional: R600 000 - R900 000	1 841	12.9%	R14 750	R22 200	3 035	8.6%
High end: R900 000 - R1.2m	1 507	10.6%	R22 200	R29 600	1 562	4.4%
Luxury: > R1.2m	8 806	61.8%	R29 600	--	7 316	20.7%
Total	**14 244**	**100%**			**35 269**	**100%**

* Assuming 7.75% interest rate, 20 year loan tenor, 30% premium to income ratio, 10% deposit and no FLISP.
** Assuming even spread of number of households at each income level, within an income bracket.
Source: Lightstone data as of 31 Dec 2021; ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™® (NLI™®) Release 2021. Own calculations.

Word of caution regarding affordability calculations

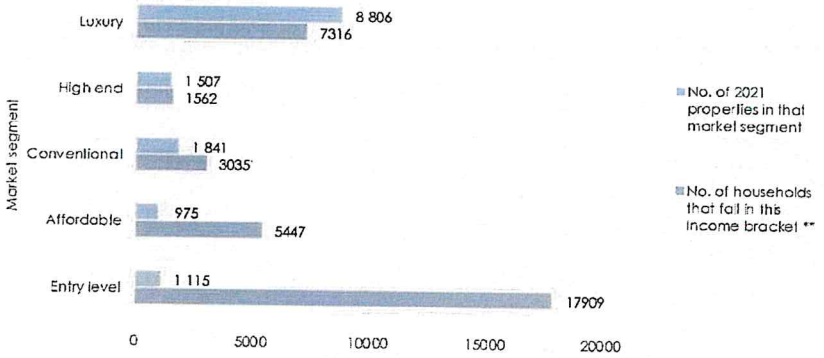
There are a number of important cautionary notes which should be raised with respect to these calculations:

- While house purchases below R1.2 million avoid transfer fees, there are other transfer costs which are not included here. See box on page 43.
- Not all households purchase in the market segment they can afford: some may have additional funds from a once-off source, and some may have other competing expenses that prohibit them from spending the benchmark figure of 30% on housing.
- Some households may be living in properties that they accessed either by purchase or inheritance or gift, that today they could not afford to buy - in some cases properties appreciate faster than incomes.

The affordability gap – Town level

The graph below shows the gap between the housing stock in each market segment and the number of households with an income required to purchase a house with a bond in that market segment.

Stellenbosch town: Number of properties per market segment and number of households in associated income bracket (2021)



* Assuming 7.75% interest rate, 20 year loan tenor, 30% premium to income ratio, 10% deposit and no FLISP.
** Assuming even spread of number of households at each income level, within an income bracket.
Source: Lightstone data as of 31 Dec 2021; ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™© (NLI™©) Release 2021. Own calculations.

It should be emphasized that this analysis must be considered with caution and due recognition of its limitations (see box on prior page). This is not a quantification of demand, but only a comparison of the available stock and the number of households with an income required to purchase that stock with a bond. It does not consider the rental market, and does not take into account the multitude of circumstances that also impact on a household's housing choices and ability to pay e.g. large once-off income such as pension payout or inheritance; equity from a previous property; housing preferences and needs with respect to size, location and other factors; and other sources of credit.

Where is the affordability gap? – Neighbourhood view

With subplace level income data, its possible to undertake the same analysis we did at municipal level, comparing the number of properties per market segment to the number of households in the associated income band, at neighbourhood level. The graphs below display this comparison for three subplaces in Stellenbosch town, selected because they had a combination of average churn rates and sizable populations—Idas Vallei, Cloetesville and Welgevonden.

Idas Vallei and Cloetesville both have older GSP properties that make up 6% and 18% of the total, respectively. Idas Vallei's residential properties are fairly mixed in value, with the largest portion in the conventional market, due to recent new developments (see pg 36). There are a large number of households in the lowest income segment, yet no properties below R300 000. Its not likely the 'surplus' properties in the conventional and high end market are affordable for households with these incomes.

Similarly, Cloetesville has a disproportionate number of households in the lowest income segment, and clearly insufficient supply of entry level and affordable units in the area. Again, there appears to be an oversupply of conventional market units, relative to the income level of most households in the neighbourhood.

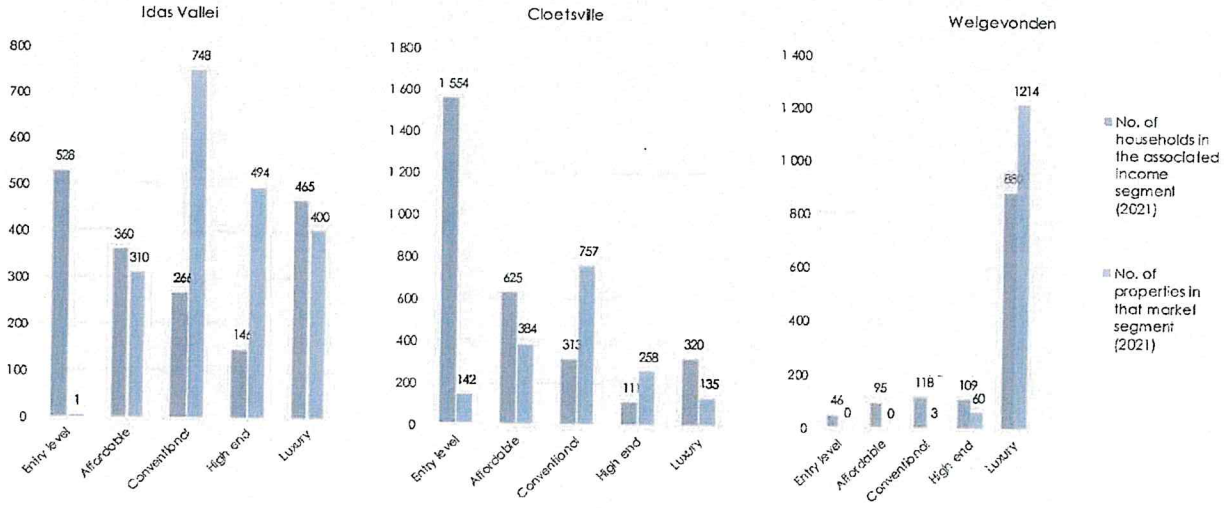
Welgevonden is an entirely different neighbourhood, with zero GSP and nearly all luxury properties. The majority of households are also in the top earning segment. It appears that private investment has resulted in an oversupply of homes over R1.2 million, or those units were likely developed with a target market in mind that comes from outside the area.

Churn, GSP and number of properties by market segment –selected subplaces (2021)

	Churn (2021)	GSP as share of total properties in subplace (2021)	Total no. of households in subplace (2021)	No. of GSP over 8 years as share of total GSP in subplace (2021)	Number of properties per market segment (2021)					
					Under R300 000	R300 000 to R600 000	R600 000 to R900 000	R900 000 to R1.2m	Over R1.2m	Total residential properties (2021)
Idas Vallei	2.66%	6%	1 765	100%	1	310	748	494	400	1 953
Cloetesville	1.86%	18%	2 923	96%	142	384	757	258	135	1 676
Welgevonden	5.75%	0%	1 248	-	0	0	3	60	1214	1 277

Source: Lightstone data as of 31 Dec 2021; ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™© (NLI™©) Release 2021. Own calculations.

Number of properties per market segment and number of households in associated income bracket (2021) *



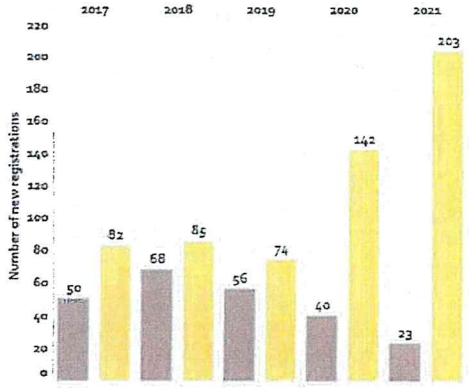
* Assuming 7.75% interest rate, 20 year loan tenor, 30% premium to income ratio, 10% deposit and no FLISP. Also assuming an even spread of number of households at each income level, within an income bracket.
Source: Lightstone data as of 31 Dec 2021; ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™© (NLI™©) Release 2021. Own calculations.

Is there sufficient developer activity and interest? – Non GSP new transactions by market segment

Given that inclusionary housing leverages planning permissions to compel the incorporation of affordable housing units into private developments, the presence of strong developer interest is a necessary prerequisite for the regulatory mechanism to be effective.

The top left graph compares the number of new registrations of GSP and new transactions of non-GSP properties over the last five years. In 2021, 203 housing units were built and sold by private developers or households in Stellenbosch town.

New registrations and transactions of GSP and non-GSP (2017-2021)
Stellenbosch



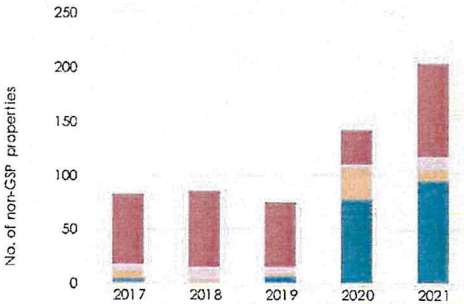
Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

New GSP transactions
New non-GSP transactions

The graph below then unpacks the non-GSP new transactions for each year, by market segment. The graph thus reflects the types of products that private developers are putting into the market, providing evidence of the degree and nature of recent private developer activity and investment.

As shown in the map to the right, the apart from the Idas Valley development which already is largely affordable housing, private investment in building new luxury units in the Stellenbosch SP has been substantial.

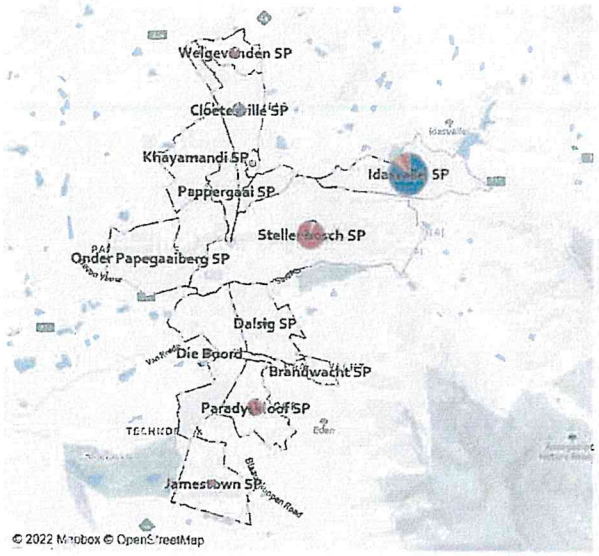
New transactions non-GSP by market segment (2017-2021)



	2017	2018	2019	2020	2021
Over R1.2m	64	71	59	31	86
R900 000 to R1.2m	7	11	6	4	11
R600 000 to R900 000	6	3	3	30	11
R300 000 to R600 000	5	0	6	77	95
Under R300 000	0	0	0	0	0

Source: Lightstone data as of 31 Dec 2021.

Distribution of new transactions by market segment: Non-subsidy properties
Stellenbosch, 2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end of December 2021 (sourced March 2022).

Number of residential transactions
0
20
40
60
80
103

Market Segment
Under R300 000
R300 000 to R600 000
R600 000 to R900 000
R900 000 to R1.2m
Over R1.2m

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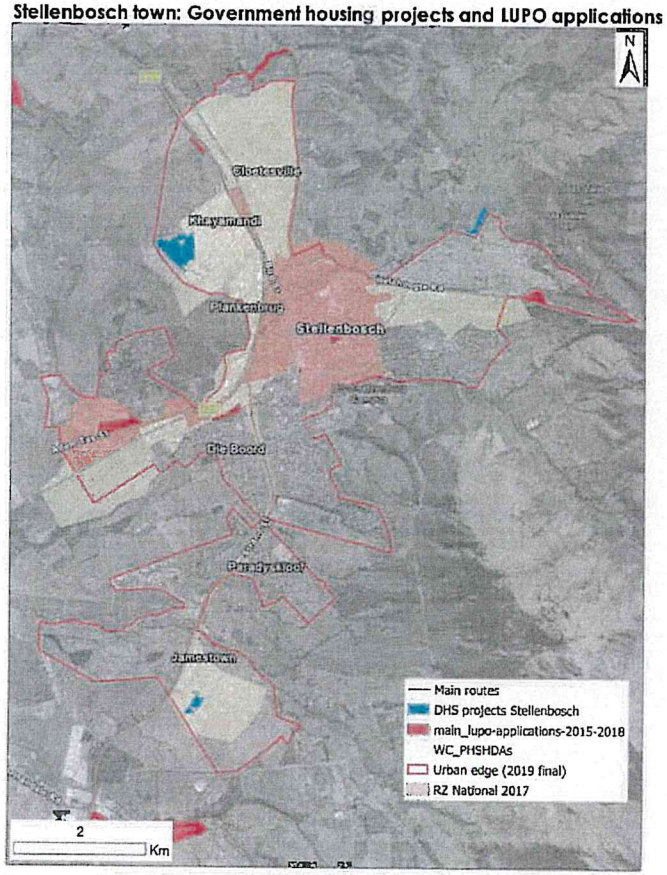
Is there sufficient developer activity and interest? – Evidence from land use management applications

The left-hand map shows the main LUPO applications (red) alongside the location of government housing projects (blue). It therefore gives a visualization of public investment alongside private sector intentions for development and investment.

The LUPO applications are centred in the Adam Tas corridor, in keeping with municipal plans for developing that area. Additional applications are for developments near Idas Valley and Cloetesville, and in the centre of town.

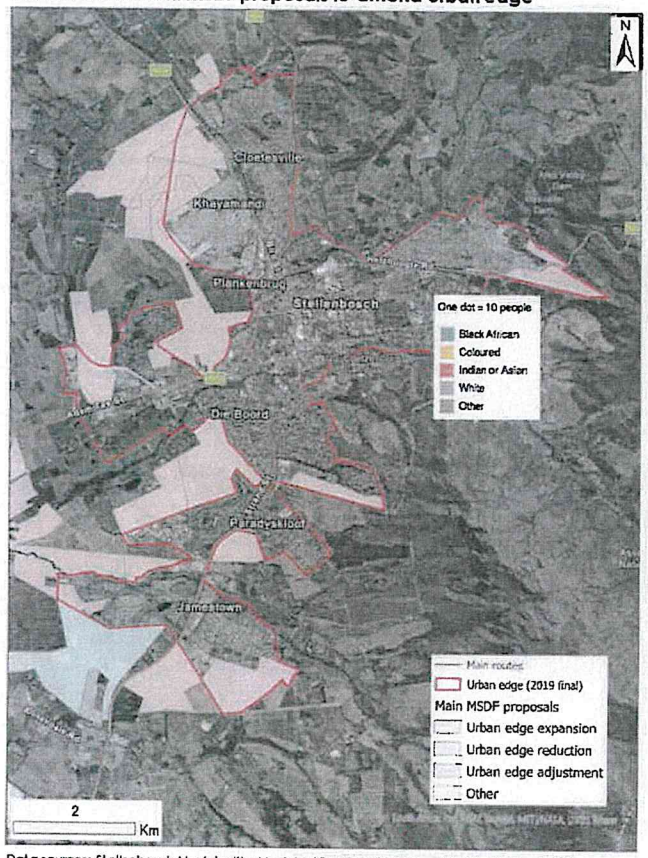
The map to the right displays areas proposed for changes to the current urban edge, which also provide an indicator of developer interest. Most are areas of expansion, near Khayamandi, and north and south of the Adam Tas corridor. There is also a proposed adjustment to the urban edge in Jamestown.

Stellenbosch town: Government housing projects and LUPO applications



Data sources: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

Stellenbosch town: MSDF proposals to amend urban edge



Data sources: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

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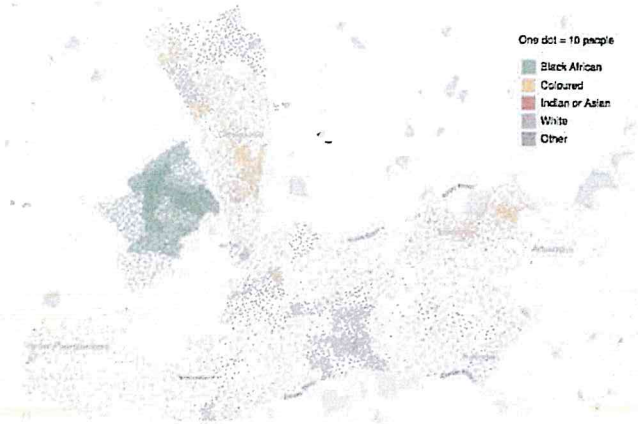
Conclusion

Inclusionary housing is intended to promote better located affordable housing, create more inclusive neighbourhoods and contribute to spatial transformation. The geographic target of an inclusionary housing policy would thus be areas that harbour a potential for greater inclusion and diversity in property value bands, while also containing the space and potential for new developments (in terms of appropriate residential zoning and the existence of bulk infrastructure), in addition to being well-located with respect to transport, jobs and amenities.

The demand and supply side assessments of the residential property market in Stellenbosch town point to opportunities to leverage private developer investment towards the construction of additional affordable housing, both ownership and rental, especially in those areas experiencing increased market activity post-COVID and high churn rates. This includes the centre of town (Stellenbosch subplace) as well as Idas Valley and Jamestown.

The map to the far right displays areas of residential zoning which would allow for further development. The map to the far left, apart from showing the striking racial divisions that continue to define Stellenbosch town spatially, suggests that there is considerable room in these largely-white areas to further densify, before moving to expand the urban edge.

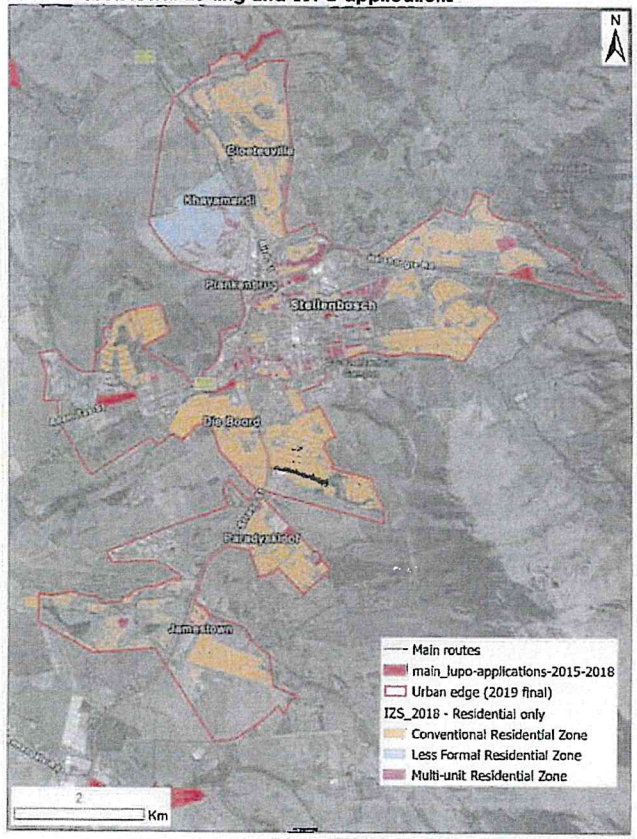
Stellenbosch town: Racial distribution



Source: Stellenbosch Municipality Spatial Development Framework, Approved by Council on 11 November 2019, pg. 36.

Despite the evidenced demand in the entry and affordable markets, private developers are currently focused on building luxury properties—mostly freehold estate and sectional title. An inclusionary housing policy has the potential to leverage this developer interest towards increased investment in affordable housing, thus increasing supply and contributing to mixed neighbourhoods. The challenge is to ensure that demand in each sub market is met, while preserving new affordable housing for the intended target market.

Stellenbosch town: Zoning and LUPO applications



Data sources: Stellenbosch Municipality, Municipal Demarcation Board (MDB), ESRI South Africa.

This report was prepared by the Centre for Affordable Housing Finance in Africa (CAHF) under the commission of the Western Cape Department of Environmental Affairs and Development Planning (WC DEA&DP) and the Western Cape Department of Human Settlements (WCDHS)

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Chief Directorate: Spatial Planning
P O Box X9086
Cape Town
8000

Web:

Contact:

Catherine Stone, WCDEA&DP
Email: Catherine.Stone@westerncape.gov.za

Alison Tshangana, CAHF
Email:

Western Cape Government

C A
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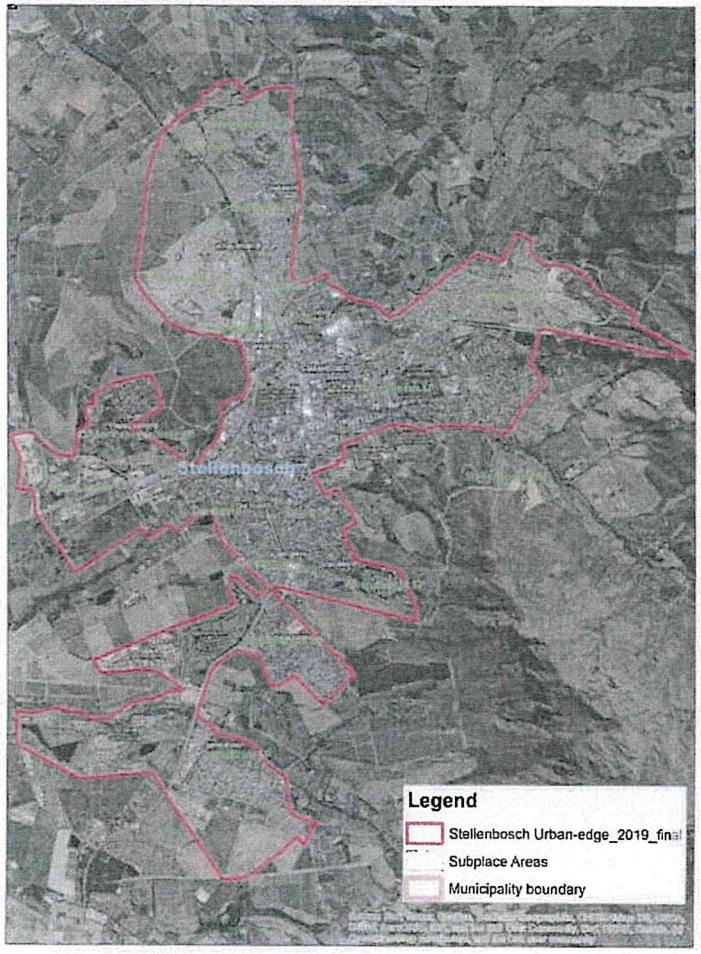
Appendix A. Scope of Lightstone deeds data

As noted in the Introduction of the report, the area identified for the focus of this study is the Stellenbosch town area within the urban edge. However the borders of the Census subplaces are not perfectly aligned with the urban edge. The map to the right shows the urban edge of Stellenbosch town in purple, which is also the boundary for the study area. The boundaries of the Census subplaces are shown in green.

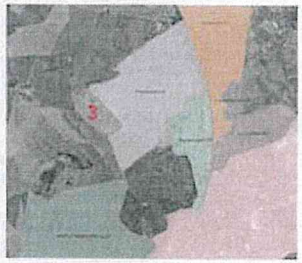
We purchase the Lightstone indicators at Census sub-place level. For the most part, the boundaries of the Census subplaces align with the urban edge and thus the study area. However in some cases there are portions which fall inside the urban edge / study area, but are part of the expansive Stellenbosch NU which surrounds the town area and also covers the rural areas of the municipality. We identified four of these areas, as shown in the small maps to the right, and considered whether we should request deeds data for this particular portion of the Stellenbosch NU for the purposes of this study:

- Area 1: A luxury golf estate and thus not a priority to include in the study.
- Area 2 : A Technopark with mainly office buildings, and thus not a priority to include in the study.
- Area 3: An informal settlement, and thus would not reflect in the deeds data.
- Area 4: A formal residential development, fairly recent and therefore relevant for this study.

We therefore felt it worthwhile to include the data for area 4, as a particular sub section of Stellenbosch NU, and add this data to the 16 subplaces fully (or nearly fully) contained within the study area / urban edge (see list).









Sp Code	Subplace Name
167010001	Welgevonden SP
167011001	Weltevrede
167011002	Cloetesville SP
167012001	Khayamandi SP
167013001	Pappergaai SP
167015001	Tennantville SP
167017001	Idasvallei SP
167018001	Stellenbosch SP
167018002	Die Boord
167019001	Onder Papegaaiberg SP
167020001	Devon Valley SP
167022001	Dalsig SP
167024001	Paradyskloof SP
167025001	Brandwacht SP
167026001	Jamestown SP
167014001	La Colline SP

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Appendix B. Proxy for identifying government-subsidised housing

The term "government-subsidised properties" refers to any properties created as a result of government subsidies, including provision of land, construction of top structures, and where possible, financing. The definition is limited to the data indicators available from the deeds registry, and/or those extrapolated from Lightstone's databases. The methodology uses the knowledge of the government programmes, namely RDP/BNG, discount benefit scheme and 99-year leases, to identify particular characteristics of a residential property to designate it as "government subsidised."

Properties are deemed to be government subsidised, and under which programme, if *all* of the following conditions hold true:

RDP/BNG:

1. The property's first transaction price is less than the government subsidy amount (R184 658 for 2017; R187 275 for 2018-2021), plus R50 000, depending on the year of transacting, *and*
2. The property's first seller to a private owner should be a government entity or a major developer/development company,[2] *and*
3. The property should be a freehold non-farm property,[3] *and*
4. The stand size of the property should be less than or equal to 500 m^2,[4] *and*
5. New private transactions are not bonded,[5] *and*
6. The property's first registration should have taken place also after 1 January 1994,[6] *and*
7. The property should not fall in luxury/super wealthy areas or within a gated estate, *and* [7]
8. Properties located in suburbs (Lightstone suburb spatial layer) with 10 or more flagged active RDP/BNG properties. [7]

Subsidy Other:

In order to be classified as the 'Subsidy Other' subsidy type, all the following conditions must hold true:[8]

1. The property is not an RDP/BNG property as defined above, and
2. The title deed type should be freehold (non-farm), and
3. The transferor of the property to the first private owner is a government entity, and
4. The property's first private registration date occurs on or after 1 January 1989, and
5. The property is not located in a luxury or gated estate area.

Alternatively, the following conditions must be met which attempt to identify 99-year leasehold subsidy properties:

6. The property does not meet the RDP/BNG requirements, and
7. The property's first private transfer title deed begins with 'TL'.[9]

Note that 99-year leasehold properties are also classified as "Subsidy Other" subsidy type. **Properties identified in this report as GSP are a combination of both RDP/BNG and Subsidy Other.**

[1] Subsidy amounts were often used as the default property value on the deeds registry at the time of registration. An amount of R50 000 was added to these amounts to take into consideration the incidences where registrations attempted to consider actual market values.
[2] The Residential Development Programme (RDP) and Breaking New Ground (BNG) programmes provided funding to provinces, municipalities or developers to build housing directly on top of land made available for that purpose. Both were implemented after 1 January 1994. All RDP/BNG homes were transferred directly from the province or municipality or the developer to the owner directly.
[3] All RDP/BNG properties were transferred to owners in freehold title.
[4] The RDP/BNG programme implemented lot size limitations of up to 500 square metres.
[5] As RDP and BNG properties were provided to owners for free, there should be no bond.
[6] The programmes were implemented after 1994, with land initially designated in large plots to the developer, province or municipality, and delivered to the homeowners upon completion.

[7] Due to the programme guidelines, properties were only developed in large development tracts; this indicator is to prevent isolated properties which might meet other criteria from being inadvertently included (such as due to data entry errors).
[8] The two other major government housing interventions precede the RDP and BNG programme, namely the Discount Benefit Scheme and the 99-year lease programme.
[9] 99-year leaseholds were properties provided by the government, in order to adhere to national legislation preventing land ownership by race category. Leasehold ownership was created to provide collateral assurance to those lenders and investors providing acquisition loans. Note that bonded first-time private registrations are allowed for when classifying a property as a 99-year leasehold.

Appendix C. Comparison of municipal level income data from WC DEDT and GTI

For this project, income data was provided by the Western Cape Department of Economic Development and Tourism for 2021, at municipal level only. Income data obtained from GTI, also for 2021, was available at subplace level, allowing isolation of the study area.

Total number of households by municipality (2021) – GTI and WC DEDT data

	GTI total no. of households	DEDT total no. of households	Difference No. of households	Difference %
George	65 010	64 480	-530	-0.8%
Mossel Bay	41 649	33 137	-8 516	-25.7%
Stellenbosch	58 593	50 567	-8 034	-15.9%
Drakenstein	72 931	73 736	805	1.1%

Source: ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™® (NLI™©) Release 2021; W C Department of Economic Development and Tourism, 2021.

Monthly household income distribution (2021) – GTI and WC DEDT data*

	GTI No. of households	GTI Percent share	WC DEDT No. of households	WC DEDT Percent share
R0 - R2 379	16 704	29%	4 606	9%
R2 380 - R5 385	11 720	20%	10 282	20%
R5 386 - R11 675	9 805	17%	12 897	26%
R11 676 - R20 450	6 367	11%	6 267	12%
R20 451 - R30 329	2 935	5%	4 368	9%
R30 330 - R40 904	2 946	5%	2 498	5%
R40 904 - R63 008	2 670	5%	3 313	7%
R63 009 - R99 083	2 458	4%	3 230	6%
R99 084 - R162 667	1 635	3%	1 659	3%
R162 667 and more	1 352	2%	1 439	3%
Total	**58 593**	**100%**	**50 559**	**100%**

Source: ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™® (NLI™©) Release 2021; W C Department of Economic Development and Tourism, 2021.

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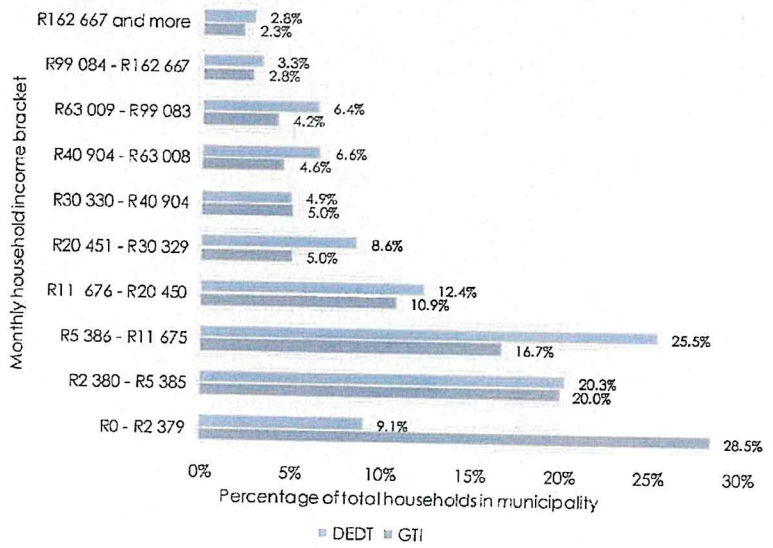
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* The municipal total for WC DEDT differs slightly from the total of income brackets due to calculations to convert WC DEDT income brackets to those of GTI.

At municipal level, the number of total households for 2021 does not differ significantly between the two data sources: according to GTI, total households for Stellenbosch municipality was 58 593, while DEDT reported 16% less, 50 567 households.

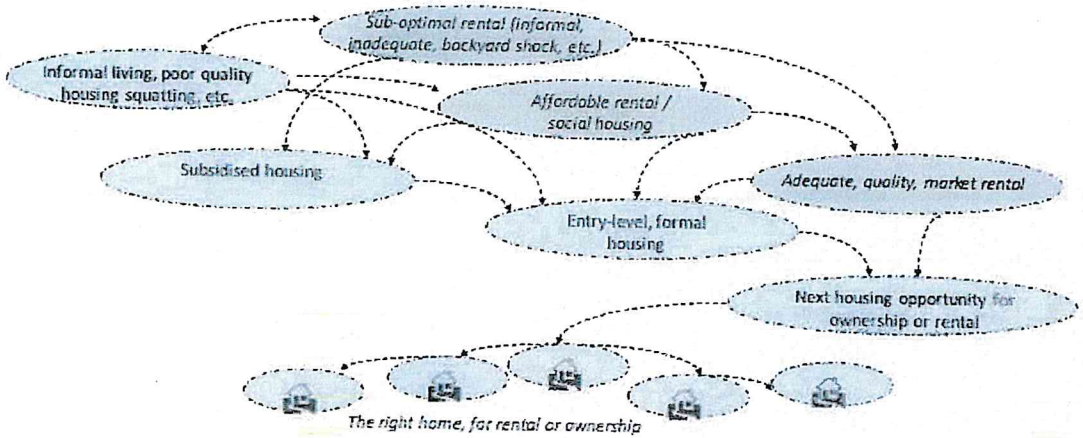
The data does differ significantly in its distribution however. The graph below compares the income data from the two sources. Given that the two sources used different income brackets, the DEDT data was converted into the GTI income segments, which required an assumption that the number of households in an income bracket is evenly distributed across the income range.*

Monthly household income distribution at municipal level (2021) – GTI and WC DEDT data



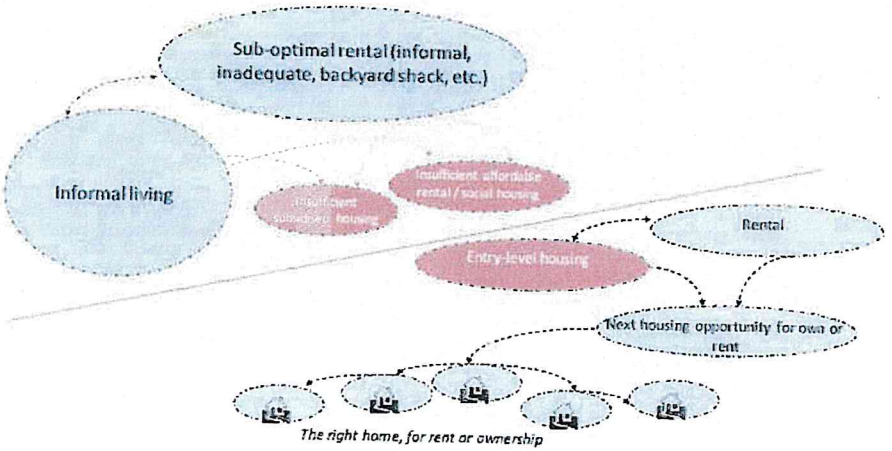
Source: ©GEOTERRAIMAGE – Neighbourhood Lifestyle Index™® (NLI™©) Release 2021; W C Department of Economic Development and Tourism, 2021.

Appendix D. Filtering in residential property markets



Filtering is when households move from one house to another to meet their needs affordably

- **New housing supply** and **functional resale markets** enable filtering
- When filtering works there is **sufficient supply of affordable housing** for ownership and rental, enabling **household mobility** and the **leverage of the housing asset.**
- When filtering doesn't work, **household mobility** is constrained, the **value of the housing asset declines**, and poor households cannot access the property market. This also depresses household affordability for entry-level housing, and widens the housing gap, as first time buyers come without equity.



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Source: CAHF (2018). Understanding housing markets: An analytical framework.

APPENDIX 3

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PROPOSED STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING (HOUSING) POLICY 2023

Notice is hereby given in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Stellenbosch Municipality resolved that the draft Stellenbosch Municipality Inclusionary Zoning (Housing) Policy 2023 be made available for the purpose of public comment.

The draft Stellenbosch Municipality Inclusionary Zoning (Housing) Policy 2023 is available on the Planning Portal of the Municipal Website and can be viewed and downloaded at:
https://stellenbosch.gov.za/planning-policies/

The proposed draft policy can also be viewed for inspection during normal office hours at the following venues:-

- Customer Care Office of Land Use Management, Ground Floor, NPK- Building, corner of Plein and Ryneveld Streets, Stellenbosch
- The Stellenbosch Public Libraries at Cloetesville; Franschhoek; Groendal; Jamestown, Kayamandi; Klapmuts; Idas Valley; Plein Street, and Pniel.

Written comments, objections and representations in connection with the draft Stellenbosch Municipality Inclusionary Zoning (Housing) Policy 2023, if any, must be submitted to the Office of the Municipal Manager, Third Floor, Main Building, 17 Plein Street, Stellenbosch by no later than **16:00** on **8 May 2023.**

Any person needing assistance to transcribe that person's comment or representation may, during normal office hours, approach the Customer Care Office of Land Use Management, Ground Floor, NPK- Building, corner of Plein and Ryneveld Streets, Stellenbosch, for assistance with the lodging of comments, objections and representations, if any, in respect of the draft policy.

Geraldine Mettler
MUNICIPAL MANAGER
NOTICE NO: 25 /2023

Email: municipal.manager@stellenbosch.gov.za
Office of the Municipal Manager, Plein Street, STELLENBOSCH
PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

VOORGESTELDE STELLENBOSCH MUNISIPALE GEÏNTEGREERDE SONERING (BEHUISING) BELEID 2023

Kennis geskied hiermee ingevolge Artikel 12(3)(b) van die Plaaslike Regering: Munisipale Stelselswet, 2000 (Wet Nr. 32 van 2000), dat Stellenbosch Munisipaliteit die konsep Stellenbosch Munisipale Geïntegreerde Sonering (Behuising) Beleid 2023 aanvaar het vir die doel van publieke kommentaar.

Die konsep Stellenbosch Munisipale Geïntegreerde Sonering (Behuising) Beleid 2023 is beskikbaar op die Beplannings Portaal van die Munisipale Webtuiste en kan besigtig en afgelaai word by:
https://stellenbosch.gov.za/planning-policies/

Die voorgestelde konsep beleid kan ook besigtig en geraadpleeg word gedurende normale kantoorure by the volgende plekke:

- Kliëntesorg kantoor van Grondgebruik Bestuur, NPK- Gebou (Grond Vloer), hoek van Pleinstraat en Ryneveldstraat, Stellenbosch
- Die Stellenbosch Publieke Biblioteke by Cloetesville; Franschhoek; Groendal; Jamestown, Kayamandi; Klapmuts; Idas Vallei; Pleinstraat, en Pniel.

Kommentare, besware en voorleggings met betrekking tot die konsep Stellenbosch Munisipale Geïntegreerde Sonering (Behuising) Beleid 2023, indien enige, moet ingedien word by die Kantoor van die Munisipale Bestuurder; Derde Vloer, Hoof Gebou, Pleinstraat 17 , Stellenbosch voor of teen **16:00** op **8 Mei 2023.**

Persone wat bystand benodig om hulle kommentare, besware en voorleggings op skrif te stel, kan gedurende gewone kantoor ure, die Kliëntesorg kantoor van Grondgebruik Bestuur, Grondvloer NPK- Gebou, hoek van Pleinstraat en Ryneveldstraat, Stellenbosch, nader vir hulp indien hulle enige kommentare, besware en voorleggings, indien enige, met betrekking tot die konsep beleid wil indien.

Geraldine Mettler
MUNISIPALE BESTUURDER
KENNISGEWING NR: 25 /2023

E-pos: municipal.manager@stellenbosch.gov.za
Kantoor van die Munisipae Bestuurder, Pleinstraat, STELLENBOSCH
Posbus 17, Stellenbosch, 7599
www.stellenbosch.gov.za

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APPENDIX 4

Municipality - Munisipaliteit
Stellenbosch
08 MAY 2023
Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder

Belangegroep Stellenbosch Interest Group

HM/CB/0815/32
interestgroupstellenbosch@gmail.com
2023-05-08

Municipal Manager
Stellenbosch

Dear Ms Mettler

Draft Stellenbosch Municipality Inclusionary Zoning (Housing) Policy. 2023
Comment by the Stellenbosch Interest Group

The Stellenbosch Interest Group (SIG) welcomes the introduction of a policy on inclusionary housing (IH) for Stellenbosch, particularly given that two thirds of the housing stock in the area is classified as luxury market (valued over 1.2 million rand). This policy has been long overdue.

The primary objective of this policy is to increase the supply of high-quality affordable housing, also known as inclusionary housing, in priority development areas that are well-located, in order to create a mixture of income groups across new and infill developments in Stellenbosch Municipality. This will promote social and economic integration. Although this appears to be an honest attempt to address the spatial inequalities of the past, the broader implementation of the IH policy suggests that it may be nothing more than lip-service.

The policy proposes three different types of inclusionary zoning requirements: mandatory, spatially targeted, and voluntary implementation. It states that it "provides the scope for securing affordable housing through the regulatory system of development planning permissions to oblige property owners and developers to provide affordable housing, for sale or rent, within the new residential and mixed-use developments (also referred to as set-aside requirement) in well-located and priority development areas as defined by the municipal spatial development framework." As far as SIG understand, the IH policy will not mandate developers to choose one of the three options mentioned above, except perhaps in the case of spatially targeted areas, although it is not entirely clear where these areas are located.

It is essential to establish overlay zones with specific regulations to address point 6.21 of the policy. This point states that the affordable units are intended for permanent dwelling units and not for student housing, community residential buildings, communes, hostels, or less formal residential. The dwelling units must be used exclusively for permanent residency and not for any land uses associated with transient guests such as home lodging, bed and breakfast, hotels, tourist accommodation establishments, tourist dwelling units, etc. However, it is unclear how this requirement will be policed, managed, and

APPENDIX 5

c/o: Jonty Cogger, Attorney
Robyn Park-Ross
Email: Jonty@nu.org.za
Robyn@nu.org.za

18 ROELAND STREET
CAPE TOWN 8001
tel: +27 (0)21 012 5094
www.nu.org.za

8 May 2023

To: Geraldine Mettler
Municipal Manager
Stellenbosch Municipality
By email: municipal.manager@stellenbosch.gov.za

Dear Ms Geraldine Mettler

RE: NDIFUNA UKWAZI'S COMMENT ON THE DRAFT STELLENBOSCH INCLUSIONARY ZONING POLICY

1. Ndifuna Ukwazi is a non-profit activist organisation and law centre that combines research, organising and litigation in campaigns to advance urban land justice in Cape Town. Our primary mission is to expand and protect access to affordable housing and build an integrated and inclusive city.

2. Since 2017 Ndifuna Ukwazi, along with other civil society organisations and activists, has leveraged the public participation processes that exist in the land use process to campaign for inclusionary housing as a form of urban governance of land markets in Cape Town. This strategy has aimed to achieve greater equity through compelling the City of Cape Town to adopt its own inclusionary housing policy. We have been campaigning for inclusionary housing as a targeted tool to respond to racial exclusion, to address various aspects of the housing problem and to regulate the private sector.

3. While our primary advocacy efforts are to push the City of Cape Town to adopt an inclusionary housing policy, we are encouraged to see that the Stellenbosch Municipality has taken the lead and surpassed Cape Town in trying to heal the divisions of apartheid spatial planning and integrate communities in its jurisdiction.

4. While we welcome this policy, we note concerns on the following two aspects which we address in more detail below:

Ndifuna Ukwazi is
a not-for-profit trust
(IT 540- 2001)
(NPO 094 - 737)

Board of trustees:
Shuaib Manjra (Chair)
Mercy Brown-Luthango
Michael Evans
Ruth Hall
Phumeza Mlungwana
Alan Roberts
Nomfundo Ramalekana

4.1. The policy should be amended to reflect a racially targeted approach which prioritises Black families[1] for the affordable units generated out of inclusionary housing policies.

4.2. The policy should lower the upper affordability threshold and take a stronger position on the need for income brackets to further break down this broad category. There should be a proportional spread of households across the income bands (based on the number of people falling into the various brackets in a specific context) to ensure that municipal policies provide truly affordable housing.

5. Well done on the progress achieved to date. Please do not hesitate to contact us for any assistance, discussion or engagement. As an NGO, we exist to serve the public interest and are open to helping the government in the performance of their constitutional duties.

Yours faithfully,

Ndifuna Ukwazi
(Per: Jonty Cogger, Attorney and Robyn Park-Ross, Researcher)

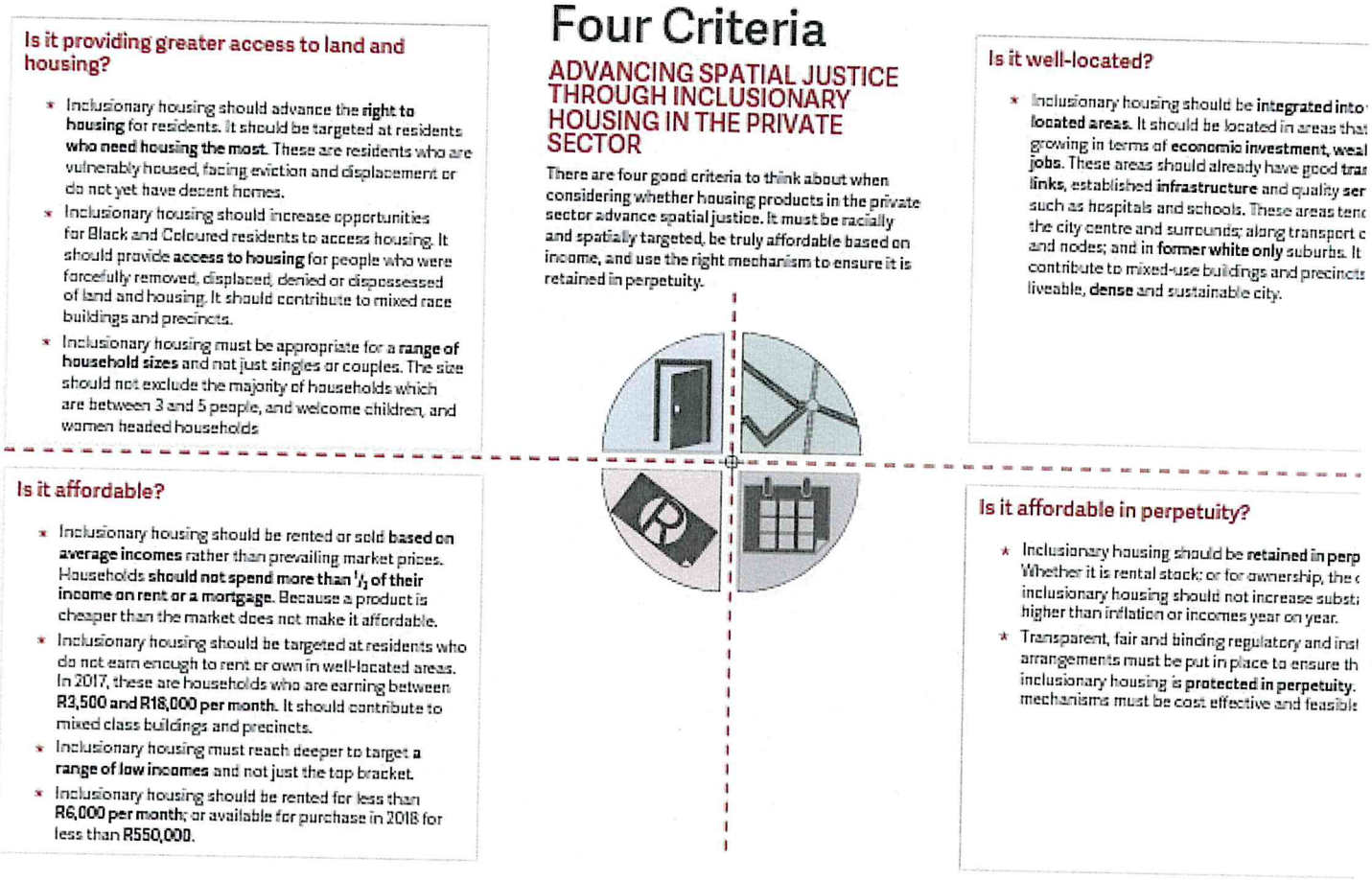
[1] Save as otherwise stated, 'Black people' refers to, and includes African people, people of Mixed Descent and classified as 'Coloured' under the apartheid system, and Indian people (as per the definitions in equity legislation such as the Employment Equity Act, 55 of 1998).

NDIFUNA UKWAZI'S SUBMISSION ON THE DRAFT STELLENBOSCH INCLUSIONARY ZONING POLICY

A. INTRODUCTION

1. At the outset, we welcome and support the adoption of the Stellenbosch Inclusionary Zoning Policy ("the draft policy").

2. In our view, there are four criteria to think about for any inclusionary housing policy to advance spatial justice. It must be racially and spatially targeted, be truly affordable based on income, and use the right mechanism to ensure it is retained in perpetuity.



3. However, despite the overall good draft policy, we have some concerns that centre around who will truly benefit from inclusionary housing in terms of race and income.

B. INCLUSIONARY HOUSING MUST PROVIDE GREATER ACCESS TO LAND AND HOUSING FOR THOSE WHO NEED IT THE MOST

4. Twenty-seven years after apartheid, racial and class exclusion remains a persistent barrier to access to equitable services. The legacy of spatial inequality in many towns

and cities in the Western Cape means that the majority of Black[2] residents live in densely populated under-resourced townships, informal settlements on the periphery of the city; while wealthy mostly White residents live in well-resourced, low density, well-located areas.

5. In this context, access to an affordable home in good locations - close to jobs, hospitals, good public schools and other social amenities - remains an unrealised pipedream for the majority of the working class. For instance, nurses, police officers, fire-fighters, and government employees - despite playing an essential public role - are forced to live far from work opportunities in areas more prone to gangsterism, poverty and crime.

6. The lasting effect of living in peripheral locations is to trap the poor in a cycle of poverty, by reducing access to educational opportunities, and making jobs harder to find and keep. Toilets are temporary, water is shared, schools have worse outcomes, gangs and violence are rife, public facilities such as hospitals and police stations are under-resourced and jobs are hard to find and keep. Poor and working class people spend a significant portion of their limited income on unsafe and unreliable public transport to work.

7. Given the layout of segregated towns and cities as a result of apartheid era planning and the Group Areas Act, disproportionate hours commuting, more congestion, pollution on the roads and an unsustainable dependent economy is a legacy of apartheid spatial planning that needs to be actively overhauled.

8. This inverse densification and urban sprawl costs poor and working-class families more everyday and costs the local municipalities more in the long term. It is unsustainable socially, economically and environmentally. Quite literally, where one lives determines the opportunities one can access, the quality of services one receives, and one's enjoyment of fundamental human rights.

9. The state's response to the need for affordable public housing has been to provide it on the urban periphery. Government-subsidised housing, which prioritises the *number* of units built over their *location*, has focused primarily on cheaper land. And cheaper land, generally, means poorly located land.

10. While it is understandable that the state would try to maximise the number of housing units it is able to provide, because the delivery of housing is not in well-located areas, it entrenches spatial inequality. It puts more and more poor, working-class Black people on the urban periphery, away from access to opportunities. And it deepens the segregated nature of the city.

11. The Constitution and the Spatial Planning and Land Use Management Act 16 of 2013 ("SPLUMA") clearly establish a firm mandate for local municipalities to address the legacy of spatial apartheid that is rooted in racial and economic exclusion. The preamble of the Constitution states this mandate in affirmative terms in the commitment to "Heal the divisions of the past and establish a society based on

[2] Save as otherwise stated, 'Black people' refers to, and includes African people, people of Mixed Descent and classified as 'Coloured' under the apartheid system, and Indian people (as per the definitions in equity legislation such as the Employment Equity Act, 55 of 1998).

democratic values, social justice and fundamental human rights."[3] This mandate stems from the acknowledgment that segregation and land deprivation were cemented and effected through land use management schemes and other spatial planning mechanisms and laws during the colonial and apartheid eras. The Constitution expressly recognises South Africa's history of forced removals and landlessness in the property clause (section 25), and places obligations on the state to proactively redress past injustice in relation to land and housing.

12. This is clearly evident in several provisions of SPLUMA, but importantly in that it gives effect to two fundamental rights in the Bill of Rights, namely: section 25(5) of the Constitution which requires the state to take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis; and section 26(1) of the Constitution which provides for the right to access adequate housing. In terms of section 26(2), the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.

13. SPLUMA requires that, "spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons."[4] Importantly, land use schemes must "include provisions to promote the inclusion of affordable housing in residential land development."[5]

14. Moreover, the Western Cape Land Use Planning Act 3 of 2014 ("LUPA") requires that "past spatial and other development imbalances should be redressed through improved access to and utilisation of land"[6] and that "spatial planning mechanisms, including zoning schemes, should incorporate provisions that enable redress in access to land by disadvantaged communities and persons."[7]

15. The principle of spatial justice requires that unlimited residential development in well-located areas that do not have regard to the imbalances of past racial and class exclusion is detrimental to the vision of people-centred, inclusive and sustainable human settlements. The provision of affordable housing in well-located areas is therefore essential to the underlying SPLUMA'S (and LUPA's) vision for spatially just cities.

16. Having established the constitutional and statutory duty to redress race-based segregation, we would submit that the intended purpose of town planning legislation in the post-apartheid era must be to break with past racially discriminatory planning practices by incorporating previously excluded informal settlements and bantustans into the planning system and redressing the inequality in access to land-based opportunities. These two goals (namely inclusion and redistribution) are key to understanding the role of inclusionary housing within the municipal zoning scheme.

17. This mandate should be also viewed in the context of how colonial and apartheid era state actors (including spatial planners) relentlessly wielded zoning systems as a tool

[3] Preamble of the Constitution, 1996.
[4] Section 7(a)(iii), Act 16 of 2013.
[5] Section 24(2)(d), Act 16 of 2013.
[6] Section 59(1) (a), Act 3 of 2014.
[7] Section 59(1) (c), Act 3 of 2014.

for racial oppression and segregation, with the result our communities are still segregated from one another by race and class. In stark comparison, post-apartheid state actors have largely failed to meet this by implementing concrete plans to redress centuries of spatial inequities.

18. It is thus undeniable that SPLUMA and LUPA intends to adopt a transformative vision for spatial planning and land use management as a break from the past, and thus intends for local municipalities to dismantle systemic racism in the built environment.

19. A well-crafted inclusionary housing policy has the potential to both expand the supply of affordable housing while simultaneously promoting social, racial and economic inclusion. However, the success of inclusionary housing will hinge on the ability of the policy to get the details of how much housing, how affordable, for how long and for who.

20. In light of the concrete mandate to reverse spatial apartheid, we submit that in order to effectively advance the joint constitutional rights of adequate housing and equitable access to land, the policy should promote these broad principles:

    20.1. It must advance the right to housing for residents. It should be targeted at residents who need housing the most. These are residents who are cannot access or sustain housing through an unregulated property market, are vulnerably housed, facing eviction and displacement or do not yet have decent homes;

    20.2. It must respond to existing racial and spatial inequalities by increasing opportunities for families who have been excluded (priced-out) on the basis of race, and in the Western Cape, predominantly Black families. It should provide access to housing for people who were forcefully removed, displaced, denied or dispossessed of land and housing. It should contribute to racially diverse and mixed income buildings and precincts;

    20.3. It must be appropriate for a range of household sizes and not only singles or couples. The size should not exclude the majority of households which are between 3 and 5 people, and welcome children, and women headed households.

C. WHY RACIAL TARGETING IN INCLUSIONARY HOUSING IS CONSTITUTIONAL

21. In order to achieve racial redress, inclusionary housing units should be racially targeted, increasing opportunities for families excluded from well-located affordable homes on the basis of race. Inclusionary housing should be a tool to correct racial segregation in our towns and cities. The policy does recognise the need for inclusionary housing to provide for a diversity of people who will benefit, including saying that it should look at how their policies can benefit women, the youth and people living with disabilities. This is similar to the Western Cape Government Inclusionary Housing Framework Policy.[8]

[8] Draft Western Cape Inclusionary Housing Policy Framework, p. 30.

22. Despite a clear recognition of the need to benefit vulnerable groups of people, the policy is silent on the need for inclusionary housing to be racially targeted to break down persistent apartheid segregation. This raises the legitimate question of whether the policy can effectively correct the wrongs of the past if it does not squarely address the most dominant societal feature - entrenched racial and spatial inequality.

23. Section 9(2) of the Constitution states that: 'Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.'

24. This section recognises that the state and other institutions may take positive steps to advance groups previously disadvantaged by unfair discrimination. These steps are known as redress measures (or sometimes affirmative action). Therefore, people or groups of people who have been previously disadvantaged by unfair discrimination can be treated differently in order for equality to be achieved in the long term.

25. These measures are not 'in themselves a deviation from, or invasive of, the right to equality guaranteed by the Constitution. They are not "reverse discrimination" or "positive discrimination" ... They are integral to the reach of our equality protection.'[9] They are used to ensure that previously disadvantaged people enjoy equal benefits and opportunities and that systemic disadvantage is eradicated.

26. For redress measures to be constitutional and lawful they must comply with s9(2). In assessing this, three questions will be asked:

    26.1. Do the measures target persons or a group of persons who have been disadvantaged by unfair discrimination?

    26.2. Are the measures designed to protect or advance these persons or group of persons?

    26.3. Do the measures promote the achievement of equality in the long term?[10]

27. If the answer to all three questions is yes, the redress measure is constitutional. Once a court has determined that a measure complies with s9(2), it cannot amount to unfair discrimination.

Do the measures target persons or a group of persons who have been disadvantaged by unfair discrimination?

28. The first question is whether or not racial targeting in inclusionary housing targets persons or a group of persons who have been disadvantaged by unfair discrimination? The answer to this is clearly yes. Racial targeting in inclusionary housing is designed to protect and advance a group of people (Black, Indian and Coloured people) who have previously been disadvantaged by unfair discrimination. Black, Indian and Coloured people were dispossessed and forcefully removed from their homes and land during Apartheid and colonialism, and made to live in densely-populated, under-resourced and

[9] *Minister of Finance and Other v Van Heerden* 2004 (6) SA 121 (CC) at para 30.
[10] Ibid at para 41.

poorly-serviced peripheral areas. The measures therefore clearly target groups of people who have been disadvantaged by unfair discrimination.

Are the measures designed to protect or advance these persons or group of persons?

29. The next question is whether or not racial targeting in inclusionary housing is designed to protect or advance these people or group of people? One does not have to show that the measures will definitely achieve the intended goal. Instead, the measures must be reasonably capable of addressing the effects of past unfair discrimination.[11] These measures are reasonably capable of addressing the effects of past unfair discrimination by increasing access to housing by Black, Indian and Coloured people. The measures are therefore designed to protect or advance these racial groups.

Do the measures promote the achievement of equality in the long term?

30. The final question is whether or not racial targeting in inclusionary housing promotes the achievement of equality in the long-term. Whether a measure promotes the achievement of equality in the long term requires a value judgment in light of all the circumstances. It requires a balancing between:

    30.1. The interests of those people suffering from the effects of past or present unfair discrimination (Black, Indian and Coloured people); and

    30.2. The people who benefited or do benefit from this discrimination (White people).

31. A court will be slow to strike down a redress measure. However, a court may do so where a policy is so extreme and overly burdensome that it sends a signal to the excluded group that their equal dignity is not respected.[12]

32. We argue that racial targeting in inclusionary housing promotes the achievement of equality in the long term as:

33. Racial targeting in inclusionary housing should involve preferential treatment and 'ideal' numerical goals, but should not use rigid quotas, which inflexibly and outright exclude White people from accessing inclusionary housing. This will mean that although there will be some White people who fall within the inclusionary housing income bracket who will be impacted by racial targeting, they will not be absolutely barred from accessing inclusionary housing. This ensures that the measures are not unduly burdensome or exclusionary.

34. It will promote the achievement of equality in the long term as it will mean that Black, Coloured and Indian people will have greater access to housing. It will disrupt the current patterns of disadvantage, curb spatial segregation and mean that housing in Cape Town is more demographically representative of all races.

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[11] Ibid.

[12] Pierre de Vos 'The past is Unpredictable: Race, Redress and Remembrance in the South African Constitution' (2012) 129 *SALJ* 1 at 93.

35. We therefore conclude that racial targeting in inclusionary housing complies with all three requirements and so is constitutionally valid and lawful.

C. INCLUSIONARY HOUSING MUST BE AFFORDABLE

36. In this section, we argue that inclusionary housing must be *truly affordable based on incomes rather than prevailing market prices*, and in this context, would mean prioritizing households earning between R3,500 and R18,000 per month.[13]

37. The policy will aim to benefit employed people in the gap market as households that earn between R3,500 and R22,000 monthly.[14] It further states that "Based on the aforementioned standard definitions of affordability and the evidence gathered through the housing market study, affordability in the Stellenbosch Municipality context refers to the following market segmentations – affordable (R300 00 – R600 000), conventional (R600 000 – R900 000), and high-end (R900 000 R1.2 million)." Later in the policy the target income group is defined as households with monthly income of R3,500 to R27,200 monthly. This creates a lack of clarity whether the upper income bracket is R22,000 or R27,200. While R22,000 is already high, targeting households earning up to R27,200 will dilute the impact of the policy by not targeting those who need housing the most.

38. We are concerned about who will truly be able to afford the units created from the policy. We assert that;

    38.1. Just because a product (housing unit) is cheaper than the market, does not make it affordable,

    38.2. Inclusionary housing should be targeted at residents who do not earn enough to rent or own in well-located areas,

    38.3. Inclusionary housing should contribute to mixed class buildings and precincts, and

    38.4. Inclusionary housing must reach deeper to target a range of low incomes and not just the top bracket.

39. The policy definition of affordability and proposed target group may result in inclusionary housing that does not place sufficient emphasis on addressing the most pressing housing need which is located in lower income earning categories.

40. It is therefore concerning that the policy provides such a high upper threshold for affordability and fails to use measures to provide a spread of units across the wide income bracket. In this omission the policy's definition of affordability and proposed target group runs the risk of developers providing only units at the top end of the affordability bracket (for example, households earning R18,000 to R22,000). For this reason, we urge the Stellenbosch Municipality to lower the upper affordability threshold and to take a stronger position on the need for income brackets to further break down this broad category. There should be a proportional spread of households across the income

[13] Based on the CoCT MSDF definition of affordable housing
[14] The Policy, p. 16-17.

bands (based on the number of people falling into the various brackets across the municipality) to ensure that municipal policies provide truly affordable housing.[15]

41. In addition, the policy mentions the use of Area Mean Income (AMI) to establish housing costs of inclusionary housing. We strongly warn against the use of this as a measure to determine affordability. As proven in the parts of the world that implement this measure (such as many jurisdictions in America), the major issue with this approach is that it is based on the existing average income of an area. In South African towns and cities where race and income segregation are so stark, this is not an appropriate measure to disrupt these areas. The well-located areas correctly targeted in this policy will inevitably have a very high average income due to the exact spatial inequality that this policy is trying to address. Using the average income in this area, rather than the average incomes of the municipality as a whole, will only serve to maintain to some degree the higher income levels of those areas, rather than creating economic integration based on a picture of the entire municipality.

D. CONCLUSION

42. In conclusion, while Ndifuna Ukwazi welcomes the policy as a whole, our recommendations are it should:

42.1. be amended to reflect a racially targeted approach which prioritises Black families for the affordable units generated out of inclusionary housing policies.

42.2. be amended to lower the upper affordability threshold and take a stronger position on the need for income brackets to further break down this broad category. Deep down reach must be prioritised to maximise the impact of the policy. There should be a proportional spread of households across the income bands (based on the number of people falling into the various brackets in the municipality) to ensure that municipal policies provide truly affordable housing.

Ends.

[15] Precedent from social housing can be used as a guideline for recommended income brackets and the proportion of units that should be provided across these bands.

APPENDIX 6

Stellenbosch edges ahead with inclusionary zoning while Cape Town lags behind

26 Apr 2023
by PropertyWheel_G
5 min read



By Dr. Jonty Cogger, Attorney at Ndifuna Ukwazi

The Stellenbosch Municipality has published a draft Inclusionary Zoning Policy for public comment (due on the 8th of May 2023). It is a welcome and monumental feat towards redressing the scars of apartheid spatial planning, but where is the Cape Town policy which was promised in November 2019?

When the policy is finalised, Stellenbosch will be the second municipality in South Africa (after Johannesburg in 2019) to adopt inclusionary housing as a land use planning tool. It's also the first Western Cape municipality to publish a draft policy after the Western Cape Government adopted a Framework Policy as guidance to local municipalities late last year. Other municipalities expected to follow suit are George and Paarl.

What inclusionary zoning does is incentivise the inclusion of affordable homes in private developments for working class people typically in the 'Gap market' – i.e., earning too much for a full government subsidy (R3 500 per month) but not enough to complete on the open property market (R27 000 per month).

Inclusionary zoning obliges private developers to contribute towards spatial restructuring by including affordable housing in new residential developments in exchange for additional development rights. It's a win/win for developers and the public in that it increases affordable homes and integrates communities but also compensates a developer by granting incentives like additional development rights, fast tracking, development charges holidays, and reduced parking requirements. Until now, developers have benefited from a host of public infrastructural amenities in well-located areas (higher zoning, access to good schools, healthcare etc) without any reciprocal obligation to contribute towards the public good.

It cannot be over-emphasised how important inclusionary zoning is for spatial restructuring and redressing racial segregation. During the post-apartheid-era, government-subsidised housing has primarily been built in peripheral locations whereas the private sector has catered for the luxury market in previously "whites-only" areas. The stark spatial division in Cape Town and Stellenbosch (as with many other towns and cities) is evident in how exclusionary residential markets are located in well-off areas, inaccessible and unaffordable to the majority of residents.

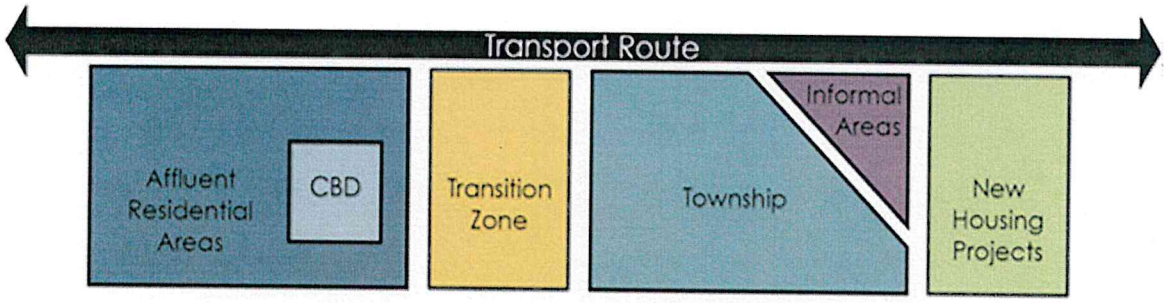
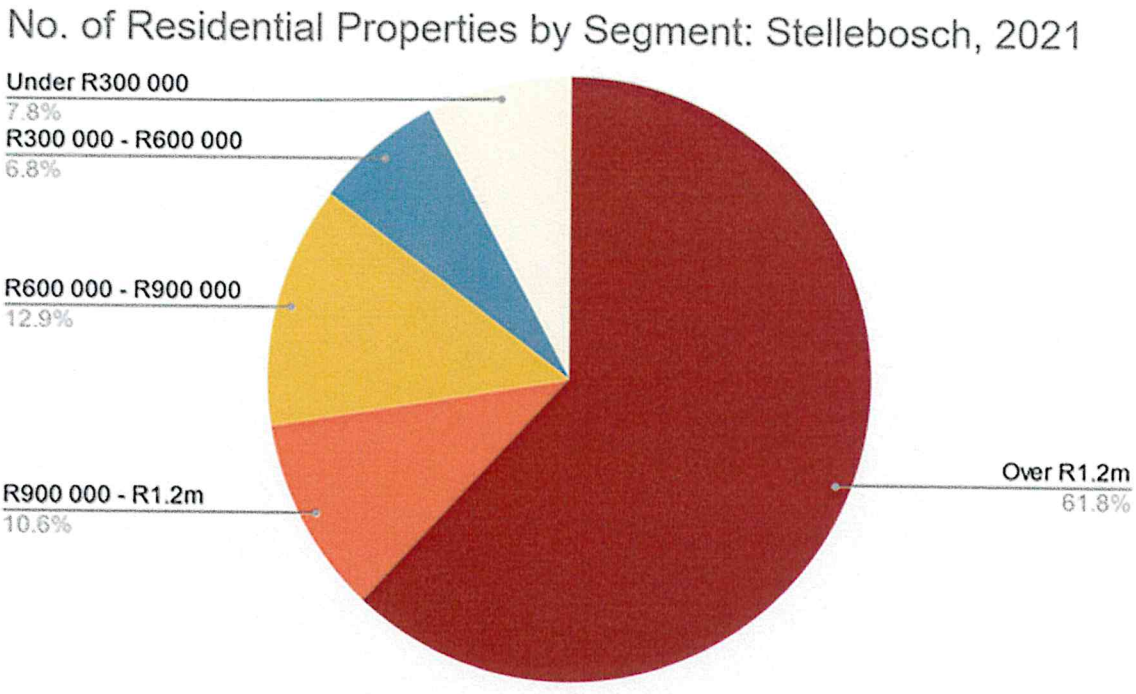
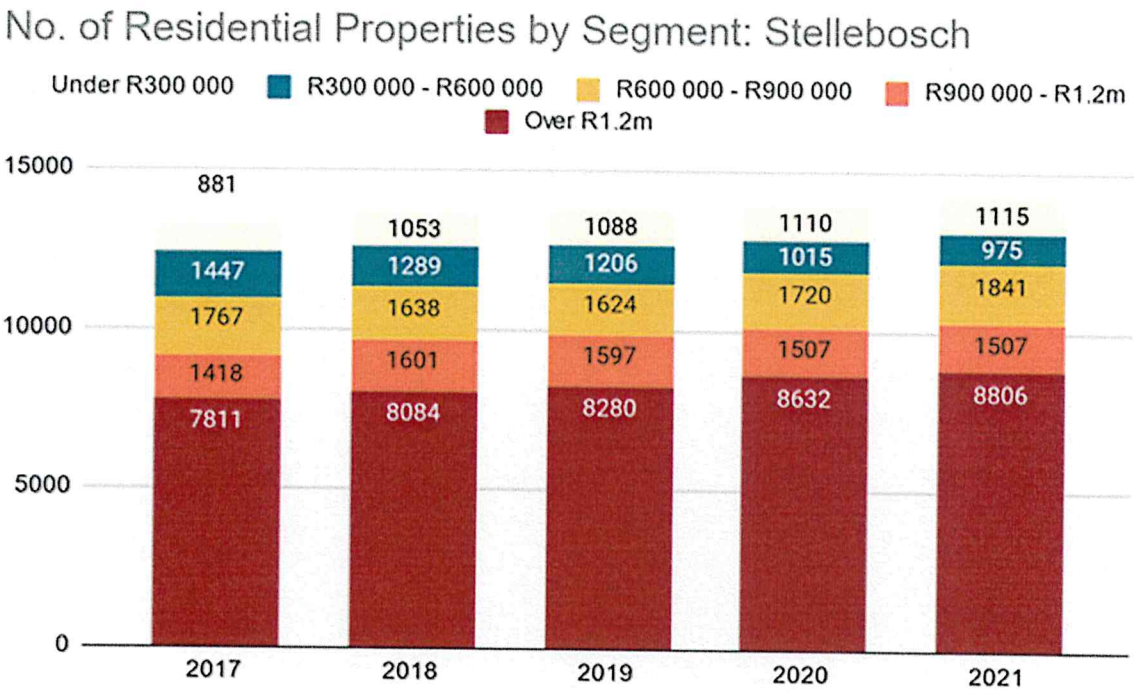
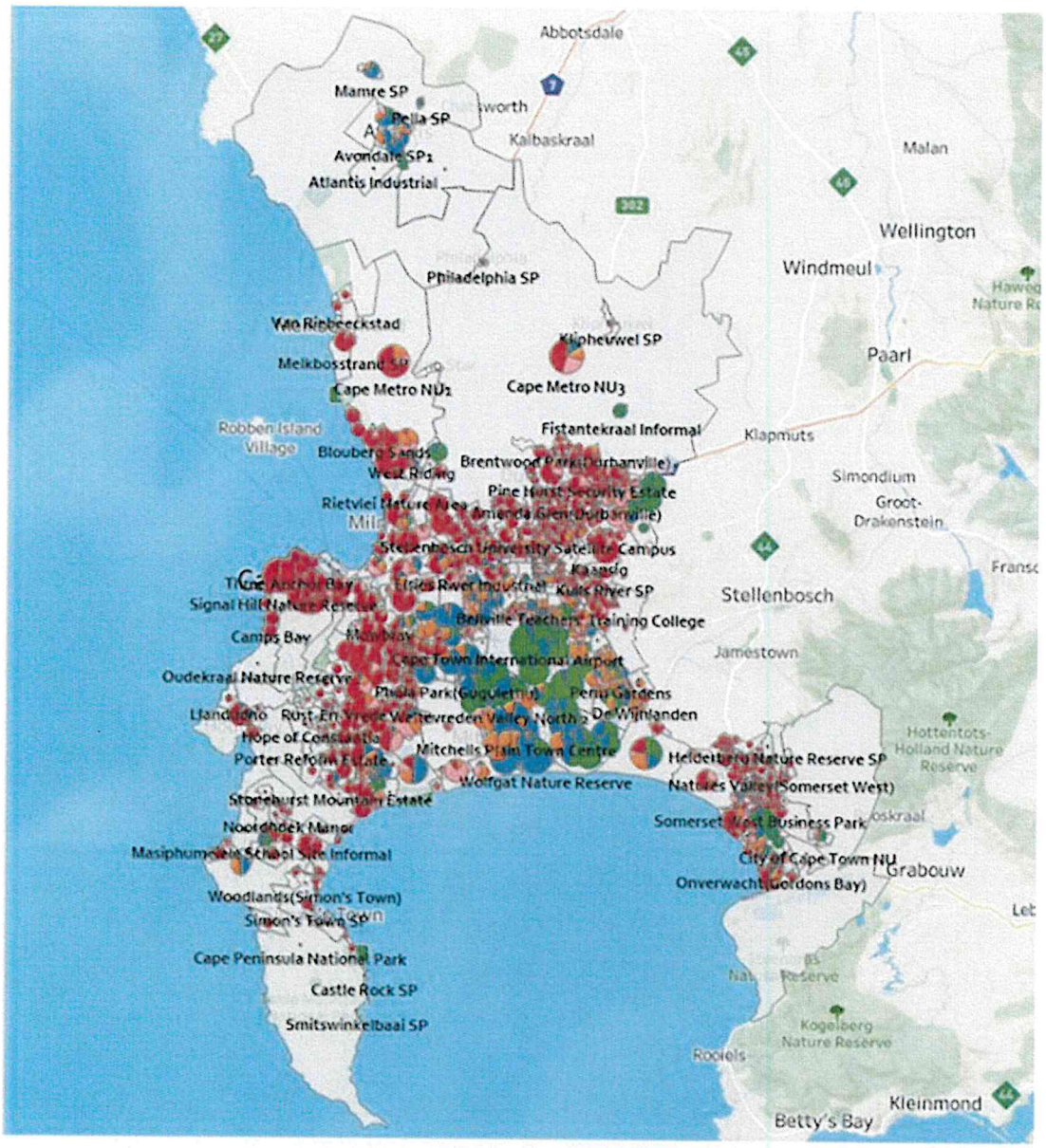


Figure 2. Stylised Structure of Western Cape Towns




No. of Residential Properties by Segment: Stellebosch
Under R300 000
R300 000 - R600 000
R600 000 - R900 000
R900 000 - R1.2m
Over R1.2m
15000
10000
5000
0
881
1447
1767
1418
7811
1053
1289
1638
1601
8084
1088
1206
1624
1597
8280
1110
1015
1720
1507
8632
1115
975
1841
1507
8806
2017
2018
2019
2020
2021



Data source: CAHF's Citymark, using deeds registry data supplied by Lightstone Pty. as at the end June 2021 (sourced September 2021).

There are broadly two options for inclusionary housing contributions in the Stellenbosch policy. The first is a mandatory requirement applicable to 'well-located priority development areas' (such as Adam Tas Corridor, Stellenbosch Town, Klapmuts and Franschhoek) where an overlay zone will be in place. A **mandatory** 20% affordable units in any development with more than 20 proposed residential market-rate units will be required in the priority development areas. A **mandatory** 30% of affordable housing will be required for residential development in an overlay zone to be implemented in the Adam Tas Corridor. Developers may **voluntarily** contribute affordable housing for developments with 20 residential units or less if they wish to benefit from incentives offered in the inclusionary zoning policy.

Typically, developers can contribute towards inclusionary housing in three ways: 1. by building units in the development (on-site), 2. building units in another development in a well-located area (off-site); or 3. paying a monetary fee (fees-in-lieu). The Stellenbosch policy has made on-site the primary option in the mandatory contributions (i.e., Adam Tas Corridor, Stellenbosch Town, Klapmuts and Franschhoek). Off-site will apply to voluntary contributions or developments that are not well-located to ensure that it still contributes towards providing affordable homes in better locations of Stellenbosch (areas identified as such in the Spatial Development Framework). Fees-in-lieu will also be an option in a voluntary contribution or if negotiated by the Stellenbosh municipality as part of a mandatory contribution (determined on a case-by-case basis).

The affordable housing can be rented or sold by the developer and are protected from being released on the open market for a period of 30 years. In terms of the policy, the affordable homes cannot be used for student accommodation or for transient guests (home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling unit, etc.)

The policy also includes a measure of flexibility that allows private developers to negotiate the size and form of inclusionary housing contribution based on feasibility or practical restrictions. This is particularly important since it debunks the notion often given by the Cape Town Mayor, Geordin Hill-Lewis that inclusionary housing will somehow scare away developers. This is clearly not an insurmountable problem for Stellenbosh who is willing to intervene in exclusionary markets that are unsustainable, inefficient and a burden to the public fiscus.

It begs the question of not only why it has taken so long for Cape Town to adopt a policy but also why it is content on allowing spatial inequality to endure. Stellenbosch has produced an excellent policy. It shouldn't take 4 years to develop a policy whereas Stellenbosh only took less than 3 year. It is hoped that the publishing of the Stellenbosh policy will jolt Cape Town into urgent action to catch up with its sister municipality.

The views and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of Property Wheel.

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cookielawinfo-checkbox-advertisement	1 year	The cookie is set by GDPR cookie consent to record the user consent for the cookies in the category "Advertisement".
cookielawinfo-checkbox-analytics	1 year	This cookies is set by GDPR Cookie Consent WordPress Plugin. The cookie is used to remember the user consent for the cookies under the category "Analytics".
cookielawinfo-checkbox-necessary	1 year	This cookie is set by GDPR Cookie Consent plugin. The cookies is used to store the user consent for the cookies in the category "Necessary".
cookielawinfo-checkbox-performance	1 year	This cookie is set by GDPR Cookie Consent plugin. The cookie is used to store the user consent for the cookies in the category "Performance".

Cookie	Duration	Description
lang		This cookie is used to store the language preferences of a user to serve up content in that stored language the next time user visit the website.

Cookie	Duration	Description
_gat	1 minute	This cookies is installed by Google Universal Analytics to throttle the request rate to limit the colllection of data on high traffic sites.

Cookie	Duration	Description
__gads	1 year 24 days	This cookie is set by Google and stored under the name dounleclick.com. This cookie is used to track how many times users see a particular advert which helps in measuring the success of the campaign and calculate the revenue generated by the campaign. These cookies can only be read from the domain that it is set on so it will not track any data while browsing through another sites.
_ga	2 years	This cookie is installed by Google Analytics. The cookie is used to calculate visitor, session, campaign data and keep track of site usage for the site's analytics report. The cookies store information anonymously and assign a randomly generated number to identify unique visitors.
_gid	1 day	This cookie is installed by Google Analytics. The cookie is used to store information of how visitors use a website and helps in creating an analytics report of how the website is doing. The data collected including the number visitors, the source where they have come from, and the pages visted in an anonymous form.
_omappvp	11 years	The cookie is set to identify new vs returning users. The cookie is used in conjunction with _omappvs cookie to

Cookie	Duration	Description
		determine whether a user is new or returning.
_omappvs	20 minutes	The cookie is used to in conjunction with the _omappvp cookies. If the cookies are set, the user is a returning user. If neither of the cookies are set, the user is a new user.

Cookie	Duration	Description
IDE	1 year 24 days	Used by Google DoubleClick and stores information about how the user uses the website and any other advertisement before visiting the website. This is used to present users with ads that are relevant to them according to the user profile.
test_cookie	15 minutes	This cookie is set by doubleclick.net. The purpose of the cookie is to determine if the user's browser supports cookies.

Cookie	Duration	Description
cookielawinfo-checkbox-functional	1 year	The cookie is set by GDPR cookie consent to record the user consent for the cookies in the category "Functional".
cookielawinfo-checkbox-others	1 year	No description
epl_wp_session	12 hours	No description available.

Cookie	Duration	Description
GoogleAdServingTest	session	No description

7.9	**LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT)**

NONE

7.10	**RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)**

7.10.1	**THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESFUL LAND APPLICANTS (502 BH 9 & 10 AND 502 BH 23 & 24)**

Collaborator No: **749449**
IDP KPA Ref No: **Good Governance**
Meeting Date: **17 May 2023**

1. SUBJECT:THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESFUL LAND APPLICANTS (502 BH 9 & 10 AND 502 BH 23 & 24)

2. PURPOSE

To obtain approval to allocate vacant Municipal Agricultural Land to Small Scale Farmers in terms of the Policy on the Management of Municipal Agricultural Land Policy (Provincial Gazette Extraordinary, 7750, 27 March 2017).

3. DELEGATED AUTHORITY

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

4. EXECUTIVE SUMMARY

The item deals with the allocation of vacant municipal land to successful applicants after Council resolved to advertise two portions of vacant municipal agricultural land for leasing purposes to current and / or potential emerging farmers.

5. RECOMMENDATIONS

(a) that Council take note of the process undertaken and the final recommended outcomes;

(b) that Council approves the allocation of suitable non – allocated vacant land Portions 502BH 9 and 10 and 502BH 23 and 24 as proposed by the Operational Committee; and

- Mr Basil Williams is the preferred candidate for farm portion 502BH 23 and 24

- Mr Sam Manuel is the preferred candidate for farm portion 502BH 9 and 10

(c) that further hereto the Operational Committee advised that in the event that a portion of land cannot be taken up by the selected individuals, that the next highest scoring candidates shortlisted for the selected portions be given an opportunity, prior to re – advertising.

6. DISCUSSION / CONTENTS

6.1 Background

Council resolved that vacant municipal agricultural land depicted below be advertised for leasing purposes to emerging farmers in line with the policy on the Management of Municipal Agricultural Land as advertised Eikestad Nuus (26 November 2020).

	Property Description	Size	Total (Ha)	Water (Ha)
1.	502BH 9 and 10	5	5	5
2.	502BH 23 and 24	5	5	5

6.2 Discussion

The following list of 16 applicants were received in respect of the land portions advertised:

No	Applicant	Land	Type of farming
1	Henzel Arthur Eugene Sauls	502 BH 9&10; 23 & 24	Crop Production (Vegetables)
2	Mlondoloza Mnxeba Simlindile Patekile	No specific plot indicated	Pigs, Chickens and Mixed Crops
3	Pakama Moatsana	No specific plot indicated	Livestock and Chickens
4	Carmen Louw	No specific plot indicated	Pig Farming
5	Kurt Jerome Jacobs	502 BH 9&10	Pig and Cattle Farming
6	Jerome Thomas	502 BH 9&10	Vegetable Crops, Herbs and Poultry Farming
7	Veldt Boerdery Ansell Lester Lucian Lincoln Manfred Linders	502 BH 9 & 10 502 BH 23 & 24	Vegetable Crop Production (Spinach, Cauliflower, Broccoli, Cabbage, Brinjals, Green Peppers and Green Beans)
8	Zayne Ontong	502 BH 23 & 24	Vegetable Crop Production, Horticultural Fruit and Flower Production and Sheep Farming
9	Marlon Wayne Ontong	502 BH 23 & 24	Vegetable Crops, Herbs, Flowers, Sprouts, Sheep and Poultry Farming
10	Jo-Andra Cloete	502 BH 9 & 10 502 BH 23 & 24	Broiler Producer

11	Basil Williams	502 BH 23 & 24	Hydroponic Cultivation of Herbs and Vegetables
12	Naomi Linders	502 BH 9&10	Vegetable Crop Production and Herbs
13	Sam Manuel	502 BH 9&10	Vegetable Crop Production (Beans, Baby Marrows & Patty Pans)
14	Daniel Esau Delport	502 BH 9&10; 502 BH 23 & 24	Vegetable Crop Production
15	Anel Odette Gordon	502 BH 9 &10	Fruit and Vegetable Crops
16	Derrick Marconi	502 BH 9&10	Fruit and Vegetable Crops

The Operational Committee examined all the applications in terms of its compliance with the stipulated criteria as listed in the Policy on the Management of Municipal Agricultural Land.

The minimum requirements were as follows:

- **Resident of the WC024** for a minimum of 5 years
- **Previously Disadvantaged Individuals**
- **Not employed by 3 spheres of government**
- **If applying as an entity – 80% minimum black ownership**

EVALUATION CRITERIA: (80 POINTS)

- Experience in farming/ agriculture
- Business Plan – type of farming
- Financial readiness – access to markets/ availability of funding

Scoring:

Experience (maximum 30)	
0>1 year experience	(5 points)
1>5 years' experience	(10 points)
5>10 years' experience	(20 points)
10 years or more experience	(30 points)
Business plan and financial readiness (maximum: 50)	
Indicate clearly which portion of land applied for	(5)
Business Description/ type of farming activity	(5)
Financial projections/ cash flow projections	(10)
Implementation Plan	(10)
Market access	(10)
Financial readiness	(10)

The Operational Committee scored all the applicants and below are the top four scoring applicants.

It was agreed upon by the Operational Committee that the top two scoring applicants should be awarded the land, namely:

- Mr Basil Williams is the preferred candidate for farm portion 502BH 23 and 24.
- Mr Sam Manuel is the preferred candidate for farm portion 502BH 9 and 10.

It must be noted, that even though Mrs Linders scored second highest, her husband, Mr Linders was already awarded a portion of land on Farm 502BH, during a previous agricultural land application process. The Operational Committee agreed that even though Mrs Linders scored second highest, that another emerging farmer be given an opportunity to farm.

In the event that a portion of land cannot be taken up by the selected individuals, that the next highest scoring candidate be given an opportunity to farm, prior to re – advertising.

No	Applicant	Portion	Type of farming	Comments
1.	Basil Williams	502BH 23 and 24	Hydroponic Cultivation of Herbs and Vegetables	That Mr Basil Williams be the preferred applicant for 502BH 23 and 24
2.	Naomi Linders	502 BH 9 and 10	Vegetable Crop Production and Herbs	A portion of land was already awarded to Mr Linders on the Farm 502 BH during a previous agricultural land application process and the Operational Committee agreed that even though Mrs Linders scored second highest, that another merging farmer be given an opportunity to farm.
3.	Sam Manuel	502BH 9 and 10	Vegetable Crop Production (Beans, Baby Marrows & Patty Pans)	That Mr Sam Manuel be the preferred applicant for 502BH 9 and 10.
4.	Veldt Boerdery Ansell Lester Lucian Lincoln Manfred Linders	502BH 9 and 10 502BH 23 and 24	Vegetable Crop Production (Spinach, Cauliflower, Broccoli, Cabbage, Brinjals, Green Peppers and Green Beans)	That Veldt Boerdery be the shortlisted applicant for 502BH 9 and 10 if any of the top two scoring applicants do not take up the opportunity to farm.

6.3 Financial Implications

The successful applicants will be billed according to the municipal tariff for agricultural land to bring them on par with tariffs applied to the current emerging farmers.

6.4 Legal Implications

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

6.5 Staff Implications

This report at this stage has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

No

6.7 Risk Implications

None

ANNEXURES

Annexure A:
Compliance Check List

Annexure B:
Map of Farm 502 BH Portions

Annexure C:
Advertisement Of Notice 71/2020 – Lease of Municipal Agricultural Land

Annexure D:
Compliance Checklist of Applicants502 BH identifying portions 9&10 and 23&24

FOR FURTHER DETAILS CONTACT:

Name	Lesley van Gensen
Position	Local Economic Development Manager
Directorate	Planning & Economic Development
Contact Numbers	021 808 8974
E-mail Address	Lesley.vangensen@stellenbosch .gov.za
Report Date	5 May 2023

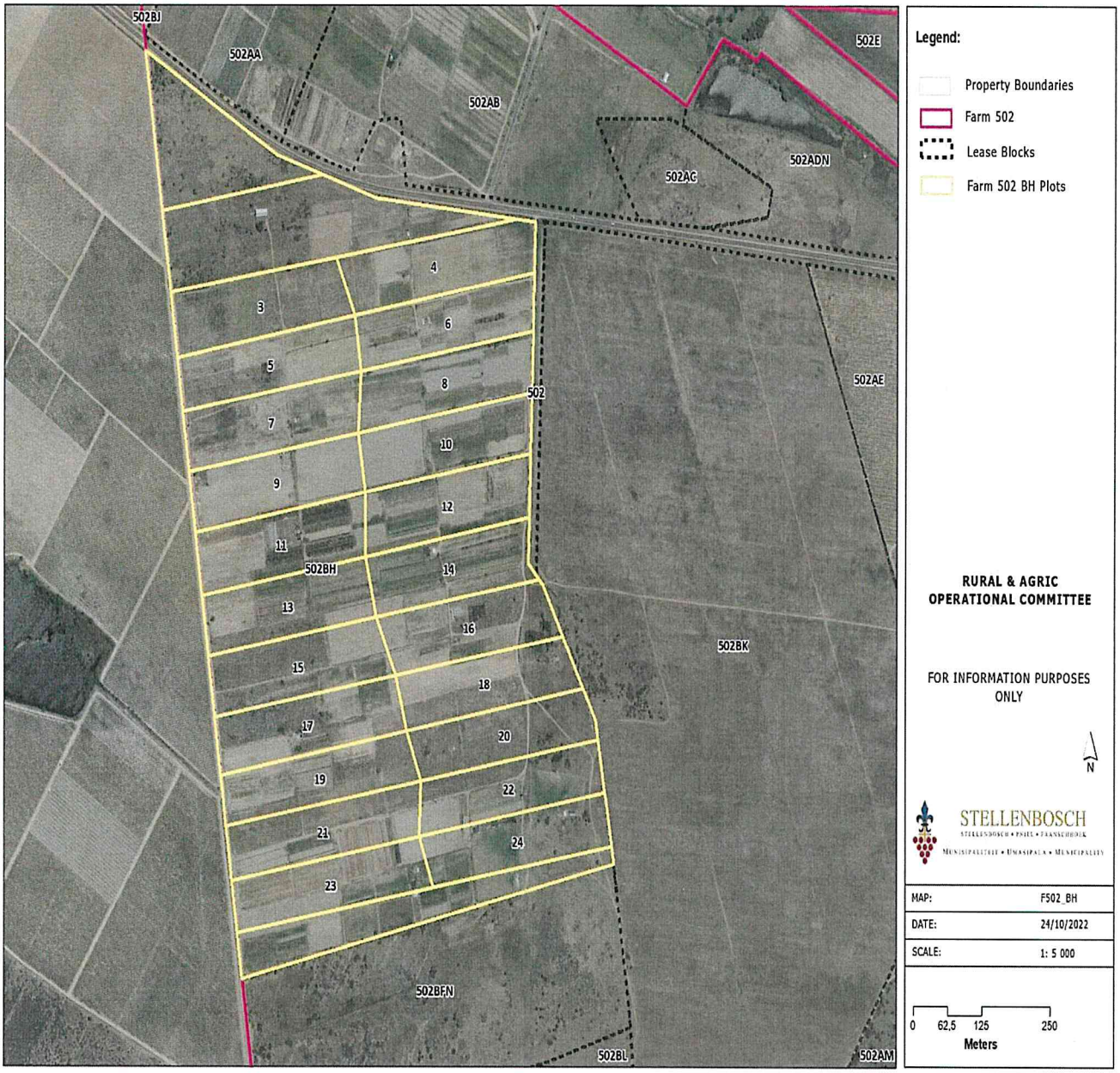
ANNEXURE A

SMALL SCALE FARMERS - LEASE APPLICATIONS — **PORTIONS 502 BH 9&10 AND 23 &24**

NUMBER	NAME OF ENTITY/ BUSINESS	NAME OF APPLICANT (S)	SURNAME OF APPLICANT (S)	MALE/ FEMALE	ID NUMBER	ADDRESS	CONTACT NUMBER	TYPE OF ANIMAL/ HORTCULTURE AND CROP PRODUCTION	ELIGIBILITY CRITERIA: RESIDENT OF WC024	PREVIOUSLY DISADVANTAGED	NOT EMPLOYED BY 3 SPHERES OF GOVERNMENT	INTITY RUN BLACK OWNED	EXPERIENCE IN FARMING	PROVISION OF BUSINESS PLAN	ACCESS TO MARKET	AVAILABILITY OF FUNDING	DOCUMENTS TO BE ATTACHED TO THE APPLICATION FORM: ID CERTIFIED ID COPIES OF APPLICANT AND SPOUSE	PROOF OF RESIDENCE	COPY OF MARRIAGE CERTIFICATE	CERTIFIED LEGAL ENTITY REGISTRATION	SCHEDULE OF OWN ASSETS I.E. MACHINERY ETC	LIVESTOCK BRANDING CERTIFICATE (IF ANY)	CERTIFICATES OF TRAINING PROVIDED (IF ANY)	FINANCIAL RESOURCES TO COVER 1ST PRODUCTION CYCLE (PROOF FROM THE BANK)	BUSINESS PLAN/ AGRICULTURAL PLAN FOR THE IDENTIFIED PORTION OF LAND	PLOT(S) APPLIED FOR	NOTES
1.	N/A	HENZEL ARTHUR EUGENE	SAULS	M	780704 5020 089	74 Parfaite Street, Jamestown, 7600	083 445 3027		✓	✓	✓	N/A	✓	x	x	x	✓	x	✓	N/A	x	N/A	x	x	x		
2.	GREEN PASTURE FARMING ASSOCIATION CO-OPERATIVE LIMITED	MLONDOLOZA	MNXEBA	M	830303 5990 084	University Hostel, Room 40, Kayamandi,	083 243 4969	PIGS, CHICKENS AND MIXED CROPS	✓	✓	✓	✓	✓	✓	✓	x	✓	x	N/A	x	✓	x	✓	x	✓		
3.	ATANG FARMS	PAKAMA	MOATSANA	F	761103 0805 086	2352 Buttercup, Klapmuts	073 561 3973/ 062 492 6902	LIVESTOCK AND CHICKENS	✓	✓	✓	N/A	✓	x	✓	x	✓	x	✓	x	✓	✓	✓	x	x		
4.	N/A	CARMEN	LOUW	F	770508 0230 086	INFRUITEC, NO.2, STELLENBOSCH	073 302 6601	PIG FARMING	✓	✓	x	N/A	x	x	x	x	x			x						x		Employment contract woth COCT was meant to end in 2021; need to verified
5.	ITHEMBA FARMERS ASSOCIATION	KURT JEROME	JACOBS	M	7208055127080	223 Highbury Road, Kuilsriver, 7580	083 945 8348/ 078 816 4669	PIG AND CATTLE FARMING	x	✓	x	✓	✓			✓	✓	✓	✓	x	✓	✓	✓	✓	x		Employed at Stellenbosch Municipality; Indicated funding resources on the application but did not attach proof thereof
6.	JEROMAS ENTERPRISE	JEROME	THOMAS	M	790420 5220 086	04 Rendevouz Town, Mosselbay, Garden Route	082 759 7932	VEGETABLE CROPS, HERBS AND POULTRY FARMING	x	✓	✓	✓	✓	✓	✓		✓	x	✓	✓	✓	x	✓	x	✓		Discrepancy with listed address; Late application
7.	VELDT BOERDERY/ TRADING	ANSELL LESTER LUCIAN LINCOLN MANFRED	LANGEVELDT LINDERS	M	890530 5234 082 891125 5105 082	53 Maroela Crescent, The Ridge, Stellenbosch 144 Webersvalley, Jamestown, Stellenbosch	076 145 5554	VEGETABLE CROP PRODUCTION (SPINACH, CAULIFLOWER, BROCCOLI, CABBAGE, BRINJALS, GREEN PEPPERS & GREEN BEANS)	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	N/A	✓	✓	N/A	x	✓	✓		
8.		ZAYNE	ONTONG	M	921225 5087 082	37 Tennant Street, Tennantville, Stellenbosch	none	VEGETABLE CROP PRODUCTION, HORTICULTURAL FRUIT AND FLOWER PRODUCTION AND SHEEP FARMING	✓	x	✓		✓	x	x	x	x	x	x	x	✓	x	✓	x	x	502 BH 23 & 24	
9.		MARLON WAYNE	ONTONG	M	640826 5199 08	37 Tennant Street, Tennantville, Stellenbosch	061 289 2337	VEGETABLE CROPS, HERBS, FLOWERS, SPROUTS, SHEEP AND POULTRY FARMING	✓	✓	✓		✓	x	x	x	x	x	x	x		x	x	x	x	502 BH 23 & 24	
10.	OUR POULTRY PLACE	JO-ANDRA YOLANDA	CLOETE GOLDSTEIN	F	780115 0085 086 821205 0219 084		084 705 3182	BROILER PRODUCER	x	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	502 BH 23 & 24	Verify Address
11.	HERBAL VIEW HYDROPONICS	BASIL	WILLIAMS	M	750316 5210 085	29 Pretoria Street, Craydon	072 022 3380	HYDROPONIC CULTIVATION OF HERBS AND VEGETABLES	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A	✓	✓	502 BH 23 & 24	
12.	NAOMI HERBS (PTY) LTD	NAOMI	LINDERS	F	710207 0084 089	144 Webersvalley, Jamestown, Stellenbosch	071 640 5492	VEGETABLE CROP PRODUCTION AND HERBS	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A		✓	✓	502 BH 9&10	
13.		SAM	MANUEL	M	610731 5134 087	12 Bergsig Street, Stellenbosch, 7600	082 686 2081	VEGETABLE CROP PRODUCTION (BEANS, BABY MARROWS & PATTY PANS)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A	✓	✓	✓	502 BH 9&10	
14.		DANIEL ESAU	DELPORT	M	560421 5204 086	1 Madeliefie, Cloetesville, Stellenbosch, 7600	084 813 6088	VEGETABLE CROP PRODUCTION	✓	✓	✓	✓	✓	x	x	x	x	x	✓	✓	✓	✓	N/A	x	x	x	502 BH 9&10; 23 & 24	No evidence of business plan and Financial Readiness documentation
15.	GORDON GROWS FARMING	ANEL ODETTE	GORDON	F	940820 0118 087	7 Ostara Avenue, Jamestown, Stellenbosch, 7600	072368 2187	FRUIT & VEGETABLE CROPS	✓	✓	✓	✓	✓	✓	x	x	✓	N/A	x	x	x	N/A	x	x	✓	502 BH 9 &10	Stellenbosch Application is not attached.
16.	DERRICK MARCONI (PTY) LTD	DERRICK	MARCONI	M	830926 5204 088	2331 Bluebell Street, Klapmuts, Stellenbosch, 7600	073 418 7649	FRUIT & VEGETABLE CROPS	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A	✓	✓	✓	✓	✓	✓	✓	502 BH 9&10	

ANNEXURE B

MAP OF FARM 502BH PLOTS



ANNEXURE C

ADVERTISEMENT OF NOTICE 71/2020 – LEASE OF MUNICIPAL AGRICULTURAL LAND

EIKESTADNUUS - 26 NOVEMBER 2020

NOTICE 71/2020 - KENNISGEWING 71/2020

LEASE OF MUNICIPAL AGRICULTURAL LAND

Notice is hereby given that offers are invited from individuals or enterprises to lease the properties below in line with the approved Policy: Management of Municipal Agricultural Land as published in the Government Gazette (27 March 2017).

The aim to lease the properties as listed below is to advance the Economic Development objectives of Council in terms of creating access to municipal agricultural land for current and potential emerging farmers.

	Property description	Size	Total (ha)	Water (ha)
1	502 BH 9 & 10	5 ha	5	5
2	502 BH 23 & 24	5 ha	5	5

Application forms can be collected from the Economic Development office at 58 Andringa Street Stellenbosch or requested via email from Tamzin.Lakey@stellenbosch.gov.za

Minimum Criteria

Resident of the WC024 area
From a previously disadvantaged background
Not employed by 3 spheres of government
If Applying as an entity must be 80% minimum black owned

Experience in farming
Provision of business plan
Access to market
Availability of funding

For more information contact Tamzin Lakey at Tamzin.Lakey@stellenbosch.gov.za or at 021 808 8173. Offers have to be submitted by end of business on 21 Dec 2020 to the Local Economic Development office in 58 Andringa Street, Stellenbosch.

Ms Geraldine Mettler
Municipal Manager
Stellenbosch Municipality

HUUR VAN MUNISIPALE LANDBOUGROND

Neem kennis dat individue of maatskappye hiermee uitgenooi word om aansoek te doen vir die huur van die onderstaande ingevolge die Beleid op die Bestuur van Munisipale Landbougronde soos adverteer in die staatskoerant (27 Maart 2017)

Die doel om die onderstaande landbougronde te verhuur is gefokus op die Ekonomiese Ontwikkelings objektief van die Raad om toegang tot landbougrond vir huidige en potensiële opkomende boere te bevorder.

	Eiendoms beskrywing	Grootte	Totaal (ha)	Water (ha)
1	502 BH 9 & 10	5 ha	5	5
2	502 BH 23 & 24	5 ha	5	5

Minimum Kriteria

Woonagtig in die WC024 area
Afkomstig van 'n voorheen benadeelde agtergrond
Mag nie 'n staatswerker wees nie
Entiteite wat aansoek doen moet 80% swart wees

Ondervinding in boedery
Inhandiging van 'n besigheidsplan
Toegang tot markte
Toegang tot fondse

Aansoekvorms kan aangevra word by Tamzin.Lakey@stellenbosch.gov.za of 'n harde kopie kan afgehaal word by die Ekonomiese Ontwikkelingskantore (PEO). Vir meer inligting kontak Tamzin Lakey by Tamzin.Lakey@stellenbosch.gov.za of telefonies 021 808 8173. Voorstelle moet ingedien word by die PEO kantoor voor of op 21 Des 2020.

Ms Geraldine Mettler
Munisipale Bestuurder
Stellenbosch Munisipaliteit

ANNEXURE D

FARM 502BH - LEASE APPLICATIONS FOR AGRICULTURAL LAND

NUMBER	NAME OF ENTITY/ BUSINESS	NAME OF APPLICANT(S)	SURNAME OF APPLICANT(S)	MALE/ FEMALE	ID NUMBER	ADDRESS	CONTACT NUMBER	TYPE OF ANIMAL/ HORTCULTURE AND CROP PRODUCTION	ELIGIBILITY CRITERIA								DOCUMENTS TO BE ATTACHED TO THE APPLICATION FORM									PLOT(S) APPLIED FOR	NOTES
									RESIDENT OF WC024	PREVIOUSLY DISADVANTAGED	NOT EMPLOYED BY A SERVERE OF GOVERNMENT	ENTITY FOR BLACK OWNED	EXPERIENCE IN FARMING	PROVISION OF BUSINESS PLAN	ACCESS TO MARKET	AVAILABILITY OF FUNDING	SA CERTIFIED ID COPIES OF APPLICANT AND SPOUSE	PROOF OF RESIDENCE	COPY OF MARRIAGE CERTIFICATE	CERTIFIED LEGAL ENTITY REGISTRATION	SCHEDULE OF OWN ASSETS (IE MACHINERY ETC	INVESTOR'S OPINIONS CERTIFICATE (IF ANY)	CERTIFICATE/LETTER OF LOAN/INS PROVIDED (IF ANY)	FINANCIAL RESOURCES TO COVER 1ST PRODUCTION CYCLE (IE PROOF FROM THE BANK)	BUSINESS PLAN/ AGRICULTURAL PLAN FOR THE IDENTIFIED PORTION OF LAND		
1.	N/A	HENZEL ARTHUR	SAULS	M	780704 5020 089	74 Parfaite Street, Jamestown, 7600	083 445 3027	CROP PRODUCTION (VEGETABLES);	✓	✓	✓	N/A	✓	x	x	x	✓	x	✓	N/A	x	N/A	x	x	x	502 BH 9 & 10;	Incomplete application;
2.	GREEN PASTURE FARMING ASSOCIATION CO-OPERATIVE LIMITED	MLONDOLOZA PATEKILE	MNXEBA SIMLINDILE	M M	830303 5990 084 830903 6610 084	University Hostel, Room 40, Kayamandi 074D Luyolo Street, Kayamandi	073 044 5879 083 243 4969	PIGS, CHICKENS AND MIXED CROPS	✓	✓	✓	✓	✓	✓	✓	x	✓	x	N/A	x	✓	x	✓	x	✓	No specific plot indicated	Co-applicants but submitted separate applications as well for the same business and scored
3.	ATANG FARMS	PAKAMA	MOATSANA	F	761103 0805 086	2352 Buttercup, Klapmuts	073 561 3973 062 492 6902	HORTICULTURE (HERBS); ANIMAL PRODUCTION (BEEF, PIGS &	✓	✓	✓	N/A	✓	x	✓	x	✓	x	✓	x	✓	✓	✓	x	x	No specific plot indicated	
4.	N/A	CARMEN	LOUW	M	770508 0230 086	INFRUITEC, NO.2, STELLENBOSCH	073 302 6601	PIG FARMING	✓	✓	x	N/A	x	x	x	x	x			x					x	No specific plot indicated	Incomplete application and pre-lim score could not be done on the information provided.
5.	ITHEMBA FARMERS ASSOCIATION	KURT JEROME	JACOBS	M	720805512 7080	223 Highbury Road, Kuilsriver, 7580	083 945 8348 078 816 4669	PIG AND CATTLE FARMING	x	✓	x	✓	✓			✓	✓	✓	✓	x	✓	✓	✓	✓	x	No specific plot indicated	Municipality; Indicated funding resources on
	JEROMAS ENTERPRISE	JEROME	THOMAS	M	790420 5220 086	04 Rendevouz Town, Mosselbay, Garden Route	082 759 7932	VEGETABLE CROPS, HERBS AND POULTRY FARMING	x	✓	✓	✓	✓	✓	✓		✓	x	✓	✓	✓	x	✓	x	✓	502 BH 23 & 24	Late application and address needs to be verified
7.	VELDT BOERDERY/ TRADING	ANSELL LESTER LUCIAN LINCOLN	LANGEVELDT LINDERS	M	890530 5234 082 891125 5105 082	53 Maroela Crescent, The Ridge, Stellenbosch 144	076 145 5554	VEGETABLE CROP PRODUCTION (SPINACH, CAUUFLOWER,	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	N/A	✓	✓	N/A	x	✓	✓	502 BH 23 & 24 502 BH 9 & 10	Youth Farmers
8.		ZAYNE	ONTONG	M	921225 5087 082	37 Tennant Street, Tennantville, Stellenbosch	none	VEGETABLE CROP PRODUCTION , HORTICULTURAL FRUIT AND FLOWER PRODUCTION AND SHEEP FARMING	✓	x	✓		✓	x	x	x	x	x	x	x	✓	x	✓	x	x	502 BH 23 & 24; 502 BH 9 & 10	No evidence of business plan and Financial Readiness documentation
9.		MARLON WAYNE	ONTONG	M	640826 5199 082	37 Tennant Street, Tennantville,	061 289 2337	VEGETABLE CROPS, HERBS,	✓	✓	✓		✓	x	x	x	x	x	x	x		x	✓	x	x	502 BH 23 & 24	No evidence of business plan
10.	OUR POULTRY PLACE	JO-ANDRA YOLANDA	CLOETE GOLDSTEIN	M	780115 0085 086 821 205 0219 084	Bay Breiers Road, Joostenberg Vlakte	084 705 3182	BROILER PRODUCER	x	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	502 BH 23 & 24	Verify Address
11.	HERBAL VIEW HYDROPONICS	BASIL	WILLIAMS	M	750316 5210 085	29 Pretoria Street, Croydon	072 022 3380	HYDROPONIC CULTIVATION OF	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A	✓	✓	✓	502 BH 23 & 24	
12.	NAOMI HERBS (PTY) LTD	NAOMI	LINDERS	F	710207 0084 089	144 Webersvalley, Jamestown,	071 640 5492	VEGETABLE CROP PRODUCTION	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A		✓	✓	502 BH 9&10	
13.		SAM	MANUEL	M	610731 5134 087	12 Bergsig Street, Stellenbosch, 7600	082 686 2081	VEGETABLE CROP PRODUCTION	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A	✓	✓	✓	502 BH 9&10	
14.		DANIEL ESAU	DELPORT	M	560421 5204 086	1 Madeliefie, Cloetesville, Stellenbosch, 7600	084 813 6088	VEGETABLE CROP PRODUCTION	✓	✓	✓	✓	✓	x	x	x	x	x	✓	✓	✓	N/A	x	x	x	502 BH 9&10; 23 & 24	No evidence of business plan and Financial Readiness documentation
15.	GORDON GROWS FARMING	ANEL ODETTE	GORDON	M	940820 0118 087	7 Ostara Avenue, Jamestown, Stellenbosch, 7600	072368 2187	FRUIT & VEGETABLE CROPS	✓	✓	✓	✓	✓	✓	x	x	✓	N/A	x	x	x	N/A	x	x	✓	502 BH 9 &10	Stellenbosch Application is not attached.
16.	DERRICK MARCONI (PTY) LTD	DERRICK	MARCONI	M	830926 5204 088	2331 Bluebell Street, Klapmuts,	073 418 7649	FRUIT & VEGETABLE CROPS	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A	✓	✓	✓	✓	✓	✓	✓	502 BH 9&10	

7.11	**MUNICIPAL MANAGER**

NONE

8.	**REPORTS SUBMITTED BY THE EXECUTIVE MAYOR**

NONE

9.	**URGENT MATTERS**

10.	**MATTERS TO BE CONSIDERED IN-COMMITTEE**