STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-08-23

NOTICE OF THE 25TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY FRIDAY, 2024-08-23 AT 09:00

TO

The Speaker, Cllr Q Smit [Chairperson]
The Executive Mayor, Ald GMM Van Deventer
The Deputy Executive Mayor, Cllr JS Fasser
The Council Whip, Cllr P Crawley

COUNCILLORS

RA Adams
J Andrews
Ald JC Anthony
ZJ Dalling
MM Danana
JA Davids
I De Taillerfer
R Du Toit
A Ferns
E Groenewald
AJ Hanekom
RB Hendrikse
J Joon
O Jooste
X Kalipa
N Mananga-Gugushe
C Manuel
EP Masimini
NE Mcombring
XL Mdemka
NM Mkhontwana
NR Ndalasi
L Nkamisa
M Nkopane
N Ntsunguzi
N Olayi
GA Petersen
WC Petersen
RO Pheiffer
WF Pietersen
MG Rataza
Ald JP Serdyn
MJ Slabbert
SR Schäfer
A Tomose
RB Van Rooyen
M Van Stade
CA Van Wyk
E Vermeulen
J Williams

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **25TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held via **MS TEAMS** on **FRIDAY, 23 AUGUST 2024** at **09:00** to consider the items on the Agenda.

SPEAKER
CLLR Q SMIT

A G E N D A
25TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2024-08-23

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	(SEE PINK DOCUMENTATION)	

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S

7.1	24TH COUNCIL MEETING: 2024-07-30

The minutes of the 24th Council meeting: 2024-07-30 is attached as **APPENDIX 1.**

FOR CONFIRMATION

APPENDIX 1

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-07-30

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MINUTES

23RD MEETING OF THE

COUNCIL OF STELLENBOSCH MUNICIPALITY

2024-07-30 AT 10:00

M I N U T E S
24TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2024-07-30

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17.	**REPORT/S SUBMITTED BY THE EXECUTIVE MAYOR**	
	NONE	
18.	**MATTERS TO BE CONSIDERED IN-COMMITTEE**	
	(SEE PINK DOCUMENTATION)	

MINUTES **24TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY** **2024-07-30**

TO

The Speaker, Cllr Q Smit [Chairperson]
The Executive Mayor, Ald GMM Van Deventer
The Deputy Executive Mayor, Cllr JS Fasser
The Council Whip, Cllr P Crawley

COUNCILLORS

RA Adams
J Andrews
Ald JC Anthony
ZJ Dalling
MM Danana
JA Davids
I De Taillerfer
R Du Toit
A Ferns
E Groenewald
AJ Hanekom
J Joon
X Kalipa
EP Masimini
NE Mcombring
XL Mdemka
NM Mkhontwana
L Nkamisa
M Nkopane
N Olayi
GA Petersen
WC Petersen
RO Pheiffer
MG Rataza
MJ Slabbert
SR Schäfer
A Tomose
RB Van Rooyen
M Van Stade
CA Van Wyk
J Williams

****

OFFICIALS

Municipal Manager (G Mettler)
Chief Financial Officer (K Carolus)
Director: Community and Protection Services (G Boshoff)
Director: Corporate Services (A De Beer)
Director: Planning and Economic Development (A Barnes)
Director: Infrastructure (S Chandaka)
Chief Audit Executive (F Hoosain)
Senior Administration Officer (T Samuels)

****

1.	**OPENING AND WELCOME**

The Speaker, Cllr Q Smit welcomed all present at the 24th Council meeting which was held in the Council Chamber.

2.	MAYORAL ADDRESS

- “Ons kan nie genoeg ons spanne by Infrastruktuur, Gemeenskapsdienste, Wetstoepassing en Rampbestuur bedank vir die ure wat hulle insit en die werk wat hulle verrig in die gure omstandighede nie. Namens al die inwoners van die Stellenbosch munisipaliteit sê ons weereens dankie vir julle onbaatsugtige diens en toewyding.

- Neem asseblief kennis dat die Direktoraat: Infrastruktuurdienste beplan om 'n nuwe brug oor die Dwarsrivier naby Lanquedoc te bou en die Lanquedoc-toegangspad op te gradeer. Die werk sal na verwagting omstreeks 29 Julie 2024 begin en die konstruksietydperk sal na verwagting 12 maande wees. Verkeer sal op die bestaande pad en brug geakkommodeer word.

- Stellenbosch se jaarlikse Wyndorp-viering loop uit op die ikoniese Stellenbosch Wynfees op 2-3 Augustus, 'n gekoesterde tradisie sedert 1973. Die geleentheid, wat in die historiese stadsaal gehou word, bevat ongeveer 60 van die land se topprodusente wat meer as 200 wyne aanbied om te proe, vergesel van 'n eindelose oestafel vol seisoenale en plaaslike lekkernye.

- On a wet and rainy Mandela Day, the municipality, in collaboration with the Stellenbosch Academy of Sports, seized the opportunity to honour and celebrate some of the unsung heroes in our communities. Councillors were invited to nominate individuals within their wards who are making extraordinary efforts to improve the lives of those around them. Recipients from various areas including Jamestown, Pniel, Raithby, Kayamandi, Cloetesville, Ida's Valley, and Franschhoek gathered at the Town Hall. Congratulations to the recipients.

- Over the years the unauthorised and unattended excavations on the properties in Bird Street (Erven 7575 and 7576) have been in the news constantly due to its unsightly nature and the risks associated with environmental health and safety conditions, and which claimed the lives of two young adults in 2022.

  Over the years the Municipality has continuously attempted to engage with the owner to pursue the development of the subject property, and consequently the excavations were never rehabilitated in anticipation that the property would eventually be developed. As no formal commitment could be obtained to develop the property, the Municipality proceeded to serve notices and demand that the property be rehabilitated to its former state. The owner did not comply with these notices and all avenues were exhausted to address the matter amicably.

  With no apparent progress to facilitate the development of the property, and no conceivable probability that the owner will address the unauthorised excavations and/ or proceed with plans to develop the property, the Municipality instituted formal legal proceedings to address and resolve the unauthorised excavations.

  The matter was placed on the court roll and was set down to be heard on 9 July 2024. The property owners elected to oppose the application of the Municipality at the very last minute, after which the court postponed the hearing to 17 October 2024 to permit all parties to submit responding papers to the court.

  Thank you.”

3.	COMMUNICATIONS BY THE SPEAKER

- "The following Items were referred back to the Administration for additional information that is required:

  Item 10.3.4 (POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL)
  Item 12.4 (50-MEGAWATT ALTERNATIVE ENERGY SOLUTION)

- The Speaker extended a warm welcome to the newly elected Councillor, Cllr JA Davids of the ANC who replaces Cllr RS Nalumango who is no longer a Councillor of this municipality. Cllr JA Davids served as a Councillor previously and is not new to this municipality or the Administration.

- Ward Projects

  The cut-off date for the Ward Allocation Plan (R120 000) was 19 June 2024 and not all wards submitted their plans.

  The cut-off date for the Ward Committee Operational Plan was 29 June 2024 and not all wards submitted their plans.

- Birthdays

  Congratulations to Cllr R Hendrikse who celebrated her birthday on 20 July.

  Thank you."

4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER

- "Good morning Councillors, Mayor, Speaker, Colleagues and members of the public.

  The adverse weather conditions led to disruptions in service delivery within WCO24.

- The municipality had a spurt of vandalism, specifically at the pumpstations and electricity kiosks and the Municipal Manager requested the community to be vigilant and alert the municipality when they note any unsavory activities.

- The Municipal Manager, on behalf of Management, expressed her appreciation to the Infrastructure Team who worked tirelessly, sometimes in the middle of the night, to ensure that service delivery is up and running within the community of WCO24.

- The Municipal Manager requested all Councillors, in particular all Ward Councillors, to communicate to their communities regarding the switch over of prepaid electricity meters before 24 November 2024. Pre-paid meters must be reset and software updated, or consumers will not be able to recharge meters with new tokens. This is a national directive and not only applicable to Stellenbosch Municipality.

  Thank you."

5.	DISCLOSURE OF INTERESTS

NONE

6.	APPLICATION FOR LEAVE OF ABSENCE

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

Cllr O Jooste - 30 July 2024
Cllr Mananga-Gugushe - 30 July 2024
Cllr C Manuel - 30 July 2024
Cllr N Ntsunguzi - 30 July 2024
Cllr WF Pietersen - 30 July 2024
Ald JP Serdyn - 30 July 2024
Cllr E Vermeulen - 30 July 2024

6.2 ABSENT

Cllr RB Hendrikse - 30 July 2024
Cllr NR Ndalasi - 30 July 2024

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S

7.1	23RD COUNCIL MEETING: 2024-06-14

The minutes of the 23rd Council meeting: 2024-06-14 **were confirmed as correct without any changes**.

8.	STATUTORY MATTERS

8.1	APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2024/25

Collaborator No: 770190
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2024/25

2. PURPOSE

The purpose of this submission is to inform the Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2024/25.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) requires the mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2024/25 was approved by the Executive Mayor on 25 June 2024, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2024/25 is herewith submitted to the Council for notification.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.1

NOTED

(a) the approved TL SDBIP 2024/25 attached hereto as **ANNEXURE A**;

(b) the approved TL SDBIP 2024/25 has been made public within 10 working days after the approval of the TL SDBIP 2024/25 and duly submitted to the MEC for Local Government in the Province;

(c) the approved TL SDBIP 2024/25 must be read together with the second review of the 5th Generation Integrated Development Plan (IDP) 2022 – 2027; and

(d) the performance indicators and targets contained in the approved TL SDBIP 2024/25 be considered to have been made in the IDP to ensure accurate technical alignment between the second review of the IDP 2022 – 2027 and the TL SDBIP 2024/25.

FOR FURTHER DETAILS CONTACT:

NAME	*Gary Boshoff*
POSITION	*Acting Municipal Manager*
DIRECTORATE	*Office of the Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*mm@stellenbosch.gov.za*
REPORT DATE	*12 July 2024*

8.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2024

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & 30 July 2024**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2024

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2023/2024 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 (2023/2024) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during June 2024.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.2

NOTED

the deviations as listed for the month of June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	*Kevin Carolus*
CONTACT NUMBERS	*021 808 8528*
E-MAIL ADDRESS	*Kevin.Carolus@stellenbosch.gov.za*
DIRECTORATE	*Financial Services*
REPORT DATE	*03 July 2024*

8.3	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2023 - 30 JUNE 2024)

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & July 2024**

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2023 - 30 JUNE 2024)

2. PURPOSE

To submit to Management a report for the period 01 July 2023 - 30 June 2024 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 (2) (i) & 4 of the SCM Policy 2022/2023 determines that the Accounting Officer must, within 30 days of the end of each financial year; 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

Within 30 days of the end of each financial year 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 provide assistance in the provision of municipal services.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.3

RESOLVED (majority vote with 6 abstentions)

(a) that Council approves 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.

FOR FURTHER DETAILS CONTACT:

NAME	*Kevin Carolus*
CONTACT NUMBERS	*021 808 8528*
E-MAIL ADDRESS	*Kevin.Carolus@stellenbosch.gov.za*
DIRECTORATE	*Financial Services*
REPORT DATE	*03 July 2024*

8.4	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2024 – 30 JUNE 2024)

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & 30 July 2024**

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2024 – 30 JUNE 2024)

2. PURPOSE

To submit to Management a report for the period 01 April 2024 – 30 June 2024 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 2023/2024, 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.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.4

RESOLVED (majority vote with 1 abstention)

(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.

FOR FURTHER DETAILS CONTACT:

NAME	*Kevin Carolus*
CONTACT NUMBERS	*021 808 8528*
E-MAIL ADDRESS	*Kevin.Carolus@stellenbosch.gov.za*
DIRECTORATE	*Financial Services*
REPORT DATE	*03 July 2024*

8.5	MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JANUARY 2024 – 30 JUNE 2024 MFMA S116(2)(d) REPORT

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & 30 July 2024**

1. SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JANUARY 2024 – 30 JUNE 2024 MFMA S116(2)(d) REPORT

2. PURPOSE

To report in accordance with MFMA, Section 116(2)(d) on the management of contracts or agreements and the performance of contractors.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)

None.

4. EXECUTIVE SUMMARY

The report indicates the performance of service providers who were active on contracts secured by means of a competitive bidding process for the period 01 January 2024 to 30 June 2024.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.5

NOTED

the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 January 2024 to 30 June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	***Snr manager Supply Chain***
DIRECTORATE	***Financial services***
CONTACT NUMBERS	***021 808 8137***
E-MAIL ADDRESS	***Dalleel.jacobs@stellenbosch .gov.za***
REPORT DATE	***2024***

8.6	MFMA SECTION 52 REPORT UP TO JUNE 2024

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & 30 July 2024**

1. SUBJECT: MFMA SECTION 52 REPORT UP TO JUNE 2024

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the implementation of the budget; and service delivery budget plan of the Municipality for the 4th quarter of the 2023/24 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 and the financial affairs 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 commitments 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 April 2024 to 30 June 2024.

The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the Annual Financial Statements for the financial period ended 30 June 2024. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2024.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.6

NOTED

the Section 52 Report for the fourth quarter of the 2023/2024 financial year.

FOR FURTHER DETAILS CONTACT:

NAME	**Monique Steyl**
POSITION	***Senior Manager Financial Management Services***
DIRECTORATE	***Financial Services***
CONTACT NUMBER	***021 – 808 8512***
E-MAIL ADDRESS	***Monique.Steyl@stellenbosch.gov.za***
REPORT DATE	***11 July 2024***

9.	ITEMS FOR NOTING

9.1	REPORT/S BY THE EXECUTIVE MAYOR

9.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL - JUNE 2024

Collaborator No: 770232
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL - JUNE 2024

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from April 2024 to June 2024 **(**see **APPENDIX 1)**.

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation.

For Notification

4. EXECUTIVE SUMMARY

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

"An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor."

24THCOUNCIL MEETING: 2024-07-30: ITEM 9.1.1

NOTED

the report on the decisions taken by the Executive Mayor for the Quarter: April - June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCILLOR SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***02 July 2024***

9.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [APRIL – JUNE 2024]

Collaborator No:
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [APRIL - JUNE 2024]

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor on matters resolved under the authority delegated to the Executive Mayor, in consultation with the Mayoral Committee, for meetings from April to June 2024 **(**see **APPENDIX 1)**.

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation. In terms of the Stellenbosch Municipality System of Delegations (2019) EM12 and section 56(5) of the Structures Act, the Executive Mayor must report to Council at such intervals as the latter may determine on decisions taken.

The Executive Mayor is herewith reporting on the decisions taken by the Executive Mayor in consultation the Mayoral Committee.

4. EXECUTIVE SUMMARY

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

"An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor."

24THCOUNCIL MEETING: 2024-07-30: ITEM 9.1.2

NOTED

the decisions by the Executive Mayor taken in consultation with the Mayoral committee meeting from April until June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCILLOR SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***21 June 2024***

9.2	REPORT/S BY THE SPEAKER

9.2.1	QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING 4th QUARTER OF 2023/2024 FINANCIAL YEAR

1. SUBJECT: QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING 4TH QUARTER OF 2023/2024 FINANCIAL YEAR

2. PURPOSE

For Council to take note of the Functioning of Ward Committees within the Stellenbosch municipal areas.

3. DELEGATED AUTHORITY

For Notification by Municipal Council

4. EXECUTIVE SUMMARY

In terms of section 73 of the Local Government: Municipal Structures Act, no 117 of 1998 and Regulations, Ward Committees must be established for each ward within the municipal area within 120 days after the election.

The system of delegations of the Stellenbosch Municipality (S6 and S7) designates the Speaker of Stellenbosch Municipality to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees.

At the Council meeting of 30 March 2022, Council noted the establishment of Ward Committees for all 23 wards within the Stellenbosch Municipality.

Wards who did not have the full complement of Ward Committees members were allowed to co-opt members in line with Council Policy and Procedures for Ward Committees. All ward committees are fully functional and are performing all duties as set out in the Policy and Procedures for Ward Committees.

Attached herewith as ANNEXURE A is a table outlining the functioning of all Ward Committees for the period April to June 2024, including dates and number of Ward Committee meetings held to date.

24THCOUNCIL MEETING: 2024-07-30: ITEM 9.2.1

NOTED

(a) the functioning of Ward Committees in all 23 wards; and

(b) of the number of Ward Committee and Sector meetings held to date in all 23 wards from April to June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Jacqueline Beerwinkel
POSITION	***EXECUTIVE SUPPORT OFFICER***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021808 8618***
E-MAIL ADDRESS	***Jacqueline.Beerwinkel@stellenbosch.gov.za***
REPORT DATE	***24 July 2024***

9.3	REPORT/S BY THE MUNICIPAL MANAGER

9.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 APRIL 2024 UNTIL 30 JUNE 2024

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024**

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 APRIL 2024 UNTIL 30 JUNE 2024

2. PURPOSE

To report to Council on the decisions taken by the Municipal Manager and the Directors in terms of Council's System of Delegations for the period 1 April 2024 until 30 June 2024, in compliance with Section 63 of the Local Government: Municipal Systems Act, read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

In view of the legislative stipulations, attached is a summary as **ANNEXURE 1** of decisions taken by each Directorate. The report is for noting purposes.

Furthermore, these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

24THCOUNCIL MEETING: 2024-07-30: ITEM 9.3.1

NOTED

that Council takes note of the decisions taken for the period 1 April 2024 until 30 June 2024, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (1 April 2024 – 30 June 2024)
- Chief Financial Officer – Mr Kevin Carolus (1 April 2024 – 30 June 2024)
- Director Corporate Services – Ms A de Beer (1 April 2024 – 30 June 2024)
- Director Infrastructure Services – Mr S Chandaka (1 April 2024 – 30 June 2024)
- Director Planning and Economic Development – Mr A Barnes (1 April 2024 – 30 June 2024)
- Director Community and Protection Services – Mr G Boshoff (1 April 2024 – 30 June 2024)

FOR FURTHER DETAILS CONTACT:

NAME	*G Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Office of the Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 June 2024*

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

10.1	**PROTECTION SERVICES: (PC: CLLR R PHEIFFER)**

10.1.1	**INVITATION FROM THE STRONG CITIES NETWORK TO FACILITATE THE IMPLEMENTATION OF NEIGHBOURHOOD WATCH AND COMMUNITY SAFETY PROGRAMS IN UGANDA**

Collaborator No: **770291**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & 30 July 2024**

1. SUBJECT: INVITATION FROM THE STRONG CITIES NETWORK TO FACILITATE THE IMPLEMENTATION OF NEIGHBOURHOOD WATCH AND COMMUNITY SAFETY PROGRAMS IN UGANDA

2. PURPOSE

To provide feedback to Council on the training provided to the Nansana Municipality, Uganda, which forms part of the global Strong Cities Network, of which Stellenbosch Municipality is also a member.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was accepted as a Strong Cities Network member on 25 July 2023. Since then, two knowledge-sharing engagements took place whereby information was shared with partnering cities on various crime prevention initiatives. An engagement was held in Cape Town in December 2023 where much interest was shown in Stellenbosch's Neighbourhood Watch support programs and safety initiatives, particularly the safety monitors (eyes and ears) project.

An invitation was received from the Mayor of Nansana Municipality, Ms Regina Bakitte, via the Strong Cities Network platform. Mr Gary Boshoff, Mr Charl Kitching and Ms Joan Felix were invited to provide input, training, sharing of policies, implementation plans, support plans etc. of safety initiatives, especially those related to the establishment of Neighbourhood Watches and similar safety projects. Stellenbosch Municipality was identified as a leader in the design, development and implementation of local safety projects with Neighbourhood Watches as the main pillar of such programs and projects. The municipality was therefore invited to share its knowledge and expertise with the other partner cities of the Strong Cities Network.

Training was conducted in Uganda from 13 – 15 May 2024.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.1.1

RESOLVED (majority vote with 1 abstention)

(a) that Council notes the feedback report;

(b) that Council supports the continued engagement between Nansana Municipality and Stellenbosch Municipality to advance community safety initiatives in both municipalities; and

(c) that Council supports the possible signing of a twinning agreement between Nansana Municipality and Stellenbosch Municipality in relation to Community Safety.

FOR FURTHER DETAILS CONTACT:

NAME	*Charl Kitching*
POSITION	*Senior Manager*
DIRECTORATE	*Protection Services*
CONTACT NUMBERS	*021- 808 8815*
E-MAIL ADDRESS	*Charl.kitching@stellenbosch.gov.za*
REPORT DATE	*28 June 2024*

10.2	SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]

NONE

10.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)

10.3.1	RETURN ITEM: FUTURE PLANS FOR FARM 502AS STELLENBOSCH

Collaborator No: 770288
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: RETURN ITEM: FUTURE PLANS FOR FARM 502AS STELLENBOSCH

2. PURPOSE

To inform Council of the cancellation of the long-term agreement with Mr. HW Gebers and to obtain Council's approval for the future use of Farm 502AS, Stellenbosch. This item served before Mayco in April 2024 and was referred back for refinement. It is resubmitted after additional information was obtained from Directorates.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Farm 502AS is owned by the Stellenbosch Municipality and is situated next to several other portions of agricultural land that is currently being rented out to different farmers. Some of these farms are under long term lease agreements and dealt with by the Property Management department whilst others are currently being rented out to small scale farmers through the Local Economic Development Department.

Farm 502AS was initially leased to Mr. HW Gebers. The lease agreement was entered into in November 2000 effective from December 1999 until 31 March 2032. The lessee however failed to make payment for rent as well as expenses on several occasions and the agreement was formally terminated on 30 April 2021. The property has been vacated by the previous tenant and is currently not being used. There has been consultation with the Local Economic Department (LED) around possible use for small scale farmers. Although it appears from the map attached that the property is landlocked it has been established that there is a road to grant access to the premises and the property can be rented out as is.

The item served before the Mayoral Committee in April 2024 and was referred back for further investigations into the possible uses of the property.

It has come to light that this portion of land has been classified as a Critical Biodiversity Area (Renosterveld/Fynbos") in terms of Cape Nature's Biodiversity Spatial Plan. The management goal of this type of area is as described as "to maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low impact, biodiversity-sensitive land uses are appropriate. From an environmental perspective it would therefore be best that no farming activities be allowed on the property and the Community and Protection Services Department has indicated that they are currently looking after this portion of land.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.3.1

RESOLVED (majority vote with 2 abstentions)

(a) that the access to area be confirmed;

(b) that the allocation to upcoming farmers for farming that is not invasive and harmful to the biodiversity be approved in principle and the item be brought back after allocation process was followed; and

(c) that the CFO confirms the financial situation regarding the recouping of the outstanding money.

FOR FURTHER DETAILS CONTACT:

NAME	**Annalene de Beer**
POSITION	***Director***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088018***
E-MAIL ADDRESS	***Annalene.deBeer@stellenbosch.gov.za***
REPORT DATE	***15/05/2024***

10.3.2	APPLICATION FOR LEASE OF ERF 748 FRANSCHHOEK BY GH BUILDING SUPPLIES (PTY) LTD FOR STORAGE PURPOSES PARKING TRUCKS AND TRACTOR LOADER BACKHO AND STORAGE OF BUILDING MATERIALS

Collaborator No: 770292
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024

1. SUBJECT:APPLICATION FOR LEASE OF ERF 748 FRANSCHHOEK BY GH BUILDING SUPPLIES (PTY) LTD FOR STORAGE PURPOSES PARKING TRUCKS AND TRACTOR LOADER BACKHO AND STORAGE OF BUILDING MATERIALS

2. PURPOSE

To consider the request from GH Building Supplies (Pty) Ltd to lease Erf 748 Franschhoek for the purposes of parking trucks and Tractor Loader Backho (TLB's) as well as storage of building material. There is a second item on the agenda regarding this erf for the lease of an existing cellphone base station on the erf.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegations the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated authority to consider applications for Lease agreements, up to a contract value not exceeding R5M and not exceeding a period of 10 years.

The Municipal Manager has the delegated authority to sign lease agreements on behalf of the Municipality.

4. EXECUTIVE SUMMARY

An application has been received from GH Building Supplies (Pty) Ltd for the lease of Erf 748 Franschhoek. The application is for the lease of the entire erf excluding the portion where there is an existing Telecommunications Tower. The application indicates that no permanent structures will be erected on the property and it is only needed for wholesale and retail of building materials and the parking of trucks and TLB's. They do not specify a period that they are interested in in leasing the premises.

The applicant further states that they have been supplying building materials such as sand, stone and bricks and providing services for plant hire, earthmoving and demolition in the Franschhoek area for over 30 years. They require a yard to continue delivering these services. They currently employ nine Franschhoek locals. The erf is zoned Industrial zone and is situated close to the Pick and Pay shopping centre as one enters Franchhoek. The applicants are already using the area for this purpose and our Land Use Inspectorate has given them notice to stop the use after receiving several complaints.

The item served before Mayo on 24 July 2024 and it is recommended that the application not be approved to lease the land to GH Building supplies, but rather sell it on auction.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.3.2

RESOLVED (majority vote with 1 abstention)

(a) that the land be identified as not required for the provision of basic Municipal Services;

(b) that the erf be sold on auction and that the market related price to be determined as the base price for the auction;

(c) that application to lease the property by GH Building Supplies is not approved.

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	***2024-06-10***

10.3.3	RETURN ITEM: BOTMASKOP ESTATE DEVELOPMENT PROPOSED LAND SWAP: BOTMASKOP ESTATE DEVELOPMENT ERF 3363 AND REMAINDER OF FARM 333, STELLENBOSCH

Collaborator No: 770304
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: RETURN ITEM: BOTMASKOP ESTATE DEVELOPMENT PROPOSED LAND SWAP: BOTMASKOP ESTATE DEVELOPMENT ERF 3363 AND REMAINDER OF FARM 333, STELLENBOSCH

2. PURPOSE

To provide Council with feedback after the public participation process was followed and finalised on the request of a possible land swap between the Stellenbosch Municipality and Botmaskop Estate Development.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

The Botmaskop Development was approved by the Municipality several years ago. On 16 April 2018 an encroachment agreement was entered into between the municipality and Reset Properties on the land they are now requesting to swap.

The developers of the Botmaskop Development have requested that council consider a possible land swap for this encroached area (adjacent to the Botmanskop Estate Development), portions of erf 3363 and Remainder of Farm 333 Stellenbosch for a similar size portion of land higher up against the mountain being portion of portion 2 of farm 490 Stellenbosch. The two portions of land from the Municipality are 4.69 hectares in total. The proposed land to be swapped is also 4,69 hectares.

The matter served before the Mayoral Committee in November 2023 and was referred back to obtain a valuation report on the properties and for further refinement. A valuation report was obtained and the matter served before Council in February 2024 where Council resolved to request comments/inputs on the and swop before it is considered by Council. A notice was published in due Burger, which is the only newspaper circulating in the whole of the WC024 with a closing date of 17 May 2024 (**APPENDIX 4).**

The Public Participation process has been finalised and several comments and objections have been received from the public. These comments and objections are attached to the item and will be briefly discussed in the item. There were comments received in June long after the closure for inputs and is included for completeness' sake despite it been received late.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.3.3

RESOLVED (majority vote with 1 abstention)

that the land swop be approved in the following conditions:

(i) that a restrictive condition be registered against the title deed prohibiting any future developments on the swopped land;

(ii) that the area's natural fauna and flora be restored by the developer at their cost;

(iii) that a servitude be registered in favour of the municipality for access to services at the cost of the developer;

(iv) any cost incurred for the above actions to be for the account of the developer.

FOR FURTHER DETAILS CONTACT:

NAME	**Annalene de beer**
POSITION	***Director***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021-8088073***
E-MAIL ADDRESS	***Annalene.debeer@stellenbosch.gov.za***
REPORT DATE	***2024-07-11***

10.3.4	POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL

Collaborator No: 770306
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL

2. PURPOSE

To obtain Council's approval for the disposal of a portion of erf 9190, Technopark, to Protea Hotel.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Protea Hotel constructed a building on their property, encroaching onto erf 9190 (municipal property). Plans were approved and occupation certificates were provided.

They have tried to rectify the situation by proposing a land swap. This application, however was turned down by the Planning Tribunal, based on planning principles. **(APPENDIX 1).**

The Planning Tribunal suggested that Protea Hotel request the adjustment of the common boundary and purchase the land from the Municipality that they are currently encroaching on. The extent of the municipal land currently encroaching on is indicated below and they would need to purchase is 3505m² as discussed under 6.2.2 below – fig 3.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.3.4

The Speaker **RULED** that this matter be referred back to the Administration for additional information.

FOR FURTHER DETAILS CONTACT:

NAME	**Annalene de Beer**
POSITION	***Director***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088018***
E-MAIL ADDRESS	***Annalene.debeer@stellenbosch.gov.za***
REPORT DATE	***2024-07-15***

10.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)

10.4.1	FEEDBACK REPORT ON THE INCA CAPACITY BUILDING FUND STUDY TOUR TO SWITZERLAND FROM 7 TO 15 JUNE 2024

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & 30 July 2024**

1. SUBJECT: FEEDBACK REPORT ON THE INCA CAPACITY BUILDING FUND STUDY TOUR TO SWITZERLAND FROM 7 TO 15 JUNE 2024

2. PURPOSE OF REPORT

To provide feedback on the INCA Capacity Building Fund Study Tour to Switzerland that took place from 07 June to 15 June 2024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Subsequent to the INCA Capacity Building Fund's Summer School held in 2022 and the Summer School held in 5 – 7 February 2024, INCA Capacity Building Fund (ICBF), an invitation was extended to undertake a study tour to Switzerland from 7 to 15 June 2024.

The ICBF Summer School has become one of the flagship projects of the ICBF, along with the Study Tour of which a number have taken place over the past twenty-six years.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.4.1

NOTED

the INCA Capacity Building Study Tour Report 2024 attached hereto as **ANNEXURE "A"**.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	18 July 2024

10.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)

NONE

10.6	INFRASTRUCTURE SERVICES : (PC : CLLR P JOHNSON)

10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – JUNE/JULY 2024

Collaborator No: 770262
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 24 July 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – JUNE/JULY 2024

2. PURPOSE

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the loadshedding mitigation which is underway to reduce the impact of electricity loadshedding in the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 Eskom in 2022-23, advised the Municipality to prepare an application to serve at their Loadshedding Committee, for the Municipality to be considered as a curtailment customer. Upon receipt of the said application, Eskom then rejected the application. A follow up meeting was held with Eskom and the outcome was that a revised application had to be resubmitted for representation to the Eskom Loadshedding Committee. The draft application was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Though the indication from Eskom was that this application would serve at the April 2024 Loadshedding Committee, meeting confirmation has been received from Eskom that the application has not yet served. The Municipality is constantly following up with Eskom in the regard.

4.2 The Municipality has advertised a tender on 03 February 2024, for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), tender closed 28 March 2024. The service provider Lyners Consulting Engineers and the user department completed their technical evaluations and submitted these to Supply Chain Management after which the BEC was held on 9 July 2024 but has been rescheduled due to information of clarity that is required by the Committee.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.6.1

NOTED

the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

FOR FURTHER DETAILS CONTACT:

NAME	**Nombulelo Zwane**
POSITION	***Senior Manager: Electrical Services***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8770/ 021 808 8333***
E-MAIL ADDRESS	nombulelo.zwane@stellenbosch.gov.za
REPORT DATE	***12 July 2024***

10.6.2	ANNUAL WATER SERVICES DEVELOPMENT PLAN PERFORMANCE- AND WATER SERVICES AUDIT REPORT: FINANCIAL YEAR 2022/2023

Collaborator No: 770262
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: ANNUAL WATER SERVICES DEVELOPMENT PLAN PERFORMANCE- AND WATER SERVICES AUDIT REPORT: FINANCIAL YEAR 2022/2023

2. PURPOSE

For Council to note the Annual Water Services Development Plan Performance and Water Services Audit report for the Financial Year 2022/2023.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality is required in terms of Section 18 of the Water Services Act, 1997 (Act No.108 of 1997), as well as the "Regulations relating to compulsory national standards and measures to conserve water", as issued in terms of sections 9(1) and 73(1)(j) of the Water Services Act, to report on the implementation of its Water Services Development Plan (WSDP) during each financial year and to include a water services audit in such an annual report.

The WSDP Performance- and Water Services Audit is designed to monitor the compliance of Stellenbosch Municipality with these regulations. It also assists the communities within Stellenbosch Municipality's Management Area and the DWS to assess how well the Municipality is performing relative to their stated intentions and their capacity. The Water Services Audit Report can be seen as an annexure to the Municipality's Annual Report. The Annual Report is compiled as required by the Local Government Municipal Systems Act, Act no 32 of 2000 (Section 46) and the Local Government: Municipal Finance Management Act, Act no 56 of 2003 (Section 121).

24TH COUNCIL MEETING: 2024-07-30: ITEM 10.6.2

NOTED

the Water Services Development Plan Performance- and Water Services Audit Report.

FOR FURTHER DETAILS CONTACT:

NAME	***Shane Chandaka***
POSITION	***Director Infrastructure Services***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8815***
E-MAIL ADDRESS	*shane.chandaka@**stellenbosch.gov.za***
REPORT DATE	***11 July 2024***

10.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)

NONE

10.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR C VAN WYK)

10.8.1	APPROVAL TO RECTIFY THE ADAM TAS CORRIDOR OVERLAY ZONE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW

Collaborator No: **770265**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & 30 July 2024**

1. SUBJECT: APPROVAL TO RECTIFY THE ADAM TAS CORRIDOR OVERLAY ZONE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW

2. PURPOSE OF REPORT

To obtain approval from the Council to rectify the Adam Tas Corridor Overlay Zone (ATC OZ) by inserting a table containing the basket of land use rights applicable under this zone, into the overlay zone. The table was omitted from the final draft overlay zone that was considered and approved by the Council at their meeting on 24 May 2023. The draft overlay zone advertised for public comment included said table but the final draft submitted to the Council for consideration, did not contain the table due to an administrative oversight.

Rectifying the Adam Tas Overlay Zone will require the re-proclamation of the Stellenbosch Municipality: Zoning Scheme By-law in the Government Gazette that was proclaimed in the Government Gazette on 17 November 2023.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Council resolved at their meeting of 24 May 2023 to approve the Adam Tas Overlay Zone as an instrument to implement the Adam Tas Local Spatial Development Framework. The purpose of the overlay zone is to award and allocate land use rights to land-owners/ developers aligned with the Adam Tas Local Spatial Development Framework. Without the table that defines the various land uses allowed within this zone, it creates unnecessary confusion with respect to the development rights allowed in terms of the overlay zone. The overlay zone is the primary instrument that will allocate the land use rights up-front as an incentive to develop.

24TH COUNCIL MEETING: 2024-07-30: ITEM 10.8.1

RESOLVED (majority vote)

(a) that Council gives approval that the Adam Tas Corridor Overlay Zone be corrected by including the table of permissible land use rights to the promulgated overlay zone (paragraph 10) to the overlay zone; and

(b) that the Stellenbosch Municipality: Zoning Scheme By-law be re-proclaimed to reflect the corrected overlay zone.

FOR FURTHER DETAILS, CONTACT:

NAME	*BJG de la Bat Pr Pln*
POSITION	*Manager: Spatial Planning*
DIRECTORATE	*PLANNING AND ECONOMIC DEVELOPMENT*
CONTACT NUMBERS	*021 808 8653*
E-MAIL ADDRESS	*Bernabe.delabat@stellenbosch.gov.za*
REPORT DATE	*10 June 2024*

10.9	COMMUNITY SERVICES:(PC: CLLR X KALIPA)

NONE

10.10	RURAL MANAGEMENT: (PC: CLLR J JOON)

NONE

10.11	MUNICIPAL MANAGER

10.11.1	SIGNED PERFORMANCE AGREEMENTS 2024/25 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER (THE CFO AND DIRECTORS)

Collaborator No: **770191**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **24 July 2024 & 30 July 2024**

1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2024/25 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER (THE CFO AND DIRECTORS)

2. PURPOSE

To submit to the Council, for notification, the following:

(a) The signed Performance Agreements 2024/25 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager (the Chief Financial Officer (CFO) and Directors).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

According to Section 57(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), the performance agreement(s) must be concluded annually:

"(a) …within one month after the beginning of each financial year of the municipality."

The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) additionally mandates the prompt submission of the signed performance agreements to the Council.

The Performance Agreements 2024/25 were developed in consultation with the Municipal Manager, CFO, and Directors and signed on 25 June 2024.

24TH COUNCIL MEETING: 2024-07-30: ITEM 10.11.1

NOTED

the signed Performance Agreements 2024/25 of the Municipal Manager, the CFO, and the Directors.

FOR FURTHER DETAILS CONTACT:

NAME	***Gary Boshoff***
POSITION	***Acting Municipal Manager***
DIRECTORATE	***Office of the Municipal Manager***
CONTACT NUMBERS	***021 808 8025***
E-MAIL ADDRESS	***mm@stellenbosch.gov.za***
REPORT DATE	***12 July 2024***

10.11.2	**CONSIDERATION ON APPLICATIONS RECEIVED: 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 2024/25: (LOCAL TOURISM ORGANISATIONS 'LTO')**

Collaborator No: 767883
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: 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 2024/25: (LOCAL TOURISM ORGANISATIONS 'LTO')

2. PURPOSE

To discuss and consider the funding applications for the 2024/2025 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.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

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

The notices of the applications for the funding of bodies performing a municipal function were advertised in the Eikestadnuus and the Paarl Post-dated 15 February 2024, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday on 18 March 2024.

The following bodies submitted applications by the closing date for funding to perform the Tourism function for Council for the 2024 / 2025 financial year.

Applicant	**2024 / 2025**
Franschhoek Wine Valley Tourism Association NPC	R9 495 000
Visit Stellenbosch NPC	R7 064 000
Total funding requested	R16 559 000

24TH COUNCIL MEETING: 2024-07-30: ITEM 10.11.2

RESOLVED (majority vote with 1 abstention)

With due regard for the importance of Tourism to the South African economy it is necessary to give thought to municipal funding against the desired outcomes, the capabilities and capacity of the funded entities to deliver quantifiable outcomes and practice safe stewardship of the funds granted.

In light of the above and the reasons submitted in this report the following is recommended to the Grants Committee for endorsement to Council for decision:

(a) that the amount of R 2 525 330.00 be allocated to Franschhoek Wine Valley Tourism Association NPC for the 2024 / 2025 financial year; and

(b) that the amount of R 4 652 000.00, that includes an allocation for Dwarsrivier Tourism, be allocated to Visit Stellenbosch NPC for the 2024 / 2025 financial year.

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	***31 May 2024***

11.	**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]**

NONE

12.	**REPORTS BY THE MUNICIPAL MANAGER**

12.1	**QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2024 TILL 31 MARCH 2024**

Collaborator No:
File No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **30 July 2024**

1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2024 TILL 31 MARCH 2024

2. PURPOSE

To inform Council of the activities of the Audit Committee for the period 01 January 2024 till 31 March 2024 (3rd Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

That Council notes the Report of the Audit and Performance Audit Committee included in the Annual Report of Municipality for the year ending 30 June 2023 attached as **APPENDIX 2**.

3. DELEGATED AUTHORITY

Audit and Performance Audit Committee reports to Council periodically.

4. EXECUTIVE SUMMARY

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.1

NOTED

(a) the report of the Audit and Performance Audit Committee for the period 01 January 2024 till 31 March 2024; and

(b) the report of the Audit and Performance Audit Committee on the Annual Report of the Municipality ending 30 June 2023.

FOR FURTHER DETAILS CONTACT:

NAME	*Faiz Hoosain*
POSITION	*Chief Audit Executive*
DIRECTORATE	*Municipal Manager's Office*
CONTACT NUMBERS	*021-808 8555*
E-MAIL ADDRESS	*Faiz.Hoosain@stellenbosch.gov.za*
REPORT DATE	*30 July 2024*

12.2	AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER 2024-25

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 30 July 2024**

1. AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER 2024-25

2. PURPOSE

To obtain Council's approval of the Audit and Performance Audit Committee Charter attached as **APPENDIX 1**,

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Audit and Performance Audit Committee reviews its Charter annually to incorporate any legislative changes or to implement new best practice principles in line with the IIA Standards. Council approves this Charter Annually.

The Audit and Performance Audit Committee members at their meeting held on 25 June 2024 and reviewed its Charter.

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.2

RESOLVED (majority vote)

that Council approves the Audit and Performance Audit Committee Charter 2024-25.

FOR FURTHER DETAILS CONTACT:

NAME	***Faiz Hoosain***
POSITION	***Chief Audit Executive (CAE)***
DIRECTORATE	***Municipal Manager***
CONTACT NUMBERS	***0218088555***
E-MAIL ADDRESS	***Faiz.Hoosain@stellenbosch.gov.za***
REPORT DATE	***30 July 2024***

12.3	COMBINED ASSURANCE FRAMEWORK 2024-25

Collaborator No:
File No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **30 July 2024**

1. COMBINED ASSURANCE FRAMEWORK

2. PURPOSE

To adopt the Combined Assurance Framework as recommended by the Audit and Performance Audit Committee

3. DELEGATED AUTHORITY

Audit and Performance Audit Committee reports to Council.

4. EXECUTIVE SUMMARY

The Audit and Performance Audit Committee are the custodians of Combined Assurance in terms of the approved Audit and Performance Audit Committee Charter.

The Audit and Performance Audit Committee at its meeting dated 25 June 2024 considered and approved the Draft Combined Assurance Framework 2024-25 attached herewith as **Appendix 1** and recommended it to Council for adoption.

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.3

RESOLVED (majority vote)

that Council adopts the Combined Assurance Framework 2024-25 of Stellenbosch Municipality.

FOR FURTHER DETAILS CONTACT:

NAME	*Faiz Hoosain*
POSITION	*Chief Audit Executive*
DIRECTORATE	*Municipal Manager's Office*
CONTACT NUMBERS	*021-808 8555*
E-MAIL ADDRESS	*Faiz.Hoosain@stellenbosch.gov.za*
REPORT DATE	*30 July 024*

12.4	50-MEGAWATT ALTERNATIVE ENERGY SOLUTION

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.3

KINDLY NOTE: THIS ITEM WAS WITHDRAWN AS PER INSTRUCTION OF THE SPEAKER

12.5	ESTABLISHMENT OF THE MUNICIPAL HONOURS AND MEDALS ADVISORY PANEL

Collaborator No:
IDP KPA Ref No: ***Good Governance and Compliance***
Meeting Date: **30 July 2024**

1. SUBJECT: ESTABLISHMENT OF THE MUNICIPAL HONOURS AND MEDALS ADVISORY PANEL

2. PURPOSE

To establish the Municipal Honours and Medals Advisory Panel in terms of clause 5 of the Stellenbosch Municipal Honours By-Law of 2002.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Municipal Council in 2002 promulgated The Municipal Honours By-Law **(Annexure A)** in terms of which Council can recognise and consider persons for exceptional achievements or for rendering of exceptional, meritorious service in the interest of the municipality. The By-law requires that a Municipal Honours Advisory Panel should advise Council on the conferral of Municipal Honours. The municipality has recently received such an application; the candidate is over 85 years of age and is in frail health. However, since no advisory panel is currently approved by Council, the administration is unable to process the application.

A process to amend the Honours Bylaw started in 2023, the section 80 committee made recommendations regarding changes and those recommendations served before Mayco in September 2023. It was referred back for further consultation, which process has not been finalised. Any application received must be dealt with in terms of the existing approved Bylaw until the amended Bylaw is approved and promulgated, hence this application is dealt with in terms of the bylaw promulgated in April 2002.

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.5

RESOLVED (majority vote)

(a) that Council establishes the Municipal Honours and Medals Advisory Panel;

(b) that Council appoints five (5) Councillors, broadly representative of the Council, to serve on the Municipal Honours and Medals Advisory Panel;

(i) Cllr J Fasser;
(ii) Cllr N Mcombring;
(iii) Cllr W Pietersen;
(iv) Cllr M Nkopane;
(v) Cllr I De Taillerfer

(c) that Council appoints five (5) people, broadly representative of the people of Stellenbosch Municipality, to serve on the Municipal Honours and Medals Advisory Panel:

(i) Dr L van Rooi;
(ii) Ms M Heese;
(iii) Mr M Cyster;
(iv) Ms Schaafsma;
(v) Mr H van Zyl; and

(d) that the process regarding the amendments to the Municipal Honours By-law be finalised and brought back to Council for approval.

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	Municipal.manager@stellenbosch.gov.za
REPORT DATE	23 July 2024

13.	**CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER**

NONE

14.	**CONSIDERATION OF URGENT MOTIONS**

NONE

15.	**URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

NONE

16.	**REPORTS SUBMITTED BY THE SPEAKER**

NONE

17.	**REPORTS SUBMITTED BY THE EXECUTIVE MAYOR**

NONE

18.	**MATTERS TO BE CONSIDERED IN–COMMITTEE**

NONE

The meeting adjourned at 13:50.

CHAIRPERSON: ……

DATE: ……

Confirmed on ……..**without amendments.**

7.2	SPECIAL COUNCIL MEETING: 2024-08-14

The minutes of a Special Council meeting: 2024-08-14 is attached as **APPENDIX 1.**

FOR CONFIRMATION

APPENDIX 1

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-08-14

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MINUTES

SPECIAL MEETING OF THE

COUNCIL OF STELLENBOSCH MUNICIPALITY

2024-08-14 AT 09:00

M I N U T E S
SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-14

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3.	**COMMUNICATION BY THE SPEAKER**	
4.	**COMMUNICATION BY THE MUNICIPAL MANAGER**	
5.	**DISCLOSURE OF INTERESTS**	
6.	**APPLICATIONS FOR LEAVE OF ABSENCE**	
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8.	**REPORTS BY THE MUNICIPAL MANAGER**	
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9.	**URGENT MATTERS**	
10.	**MATTERS TO BE CONSIDERED IN-COMMITTEE**	
	NONE	

PRESENT

The Speaker, Cllr Q Smit [Chairperson]
The Executive Mayor, Ald GMM Van Deventer
The Deputy Executive Mayor, Cllr JS Fasser
The Council Whip, Cllr P Crawley

COUNCILLORS

RA Adams
J Andrews
Ald JC Anthony
ZJ Dalling
MM Danana
JA Davids
R Du Toit
A Ferns
E Groenewald
J Joon
O Jooste
X Kalipa
N Mananga-Gugushe
C Manuel
EP Masimini
NE Mcombring
XL Mdemka
NR Ndalasi
L Nkamisa
M Nkopane
N Olayi
GA Petersen
WC Petersen
RO Pheiffer
WF Pietersen
MG Rataza
Ald JP Serdyn
MJ Slabbert
SR Schäfer
A Tomose
RB Van Rooyen
M Van Stade
CA Van Wyk
E Vermeulen
J Williams

****

OFFICIALS

Municipal Manager (G Mettler)
Chief Financial Officer (K Carolus)
Director: Corporate Services (A De Beer)
Director: Planning and Economic Development (A Barnes)
Director: Infrastructure (S Chandaka)
Acting Director: Community and Protection Services (A vd Merwe)
Acting Chief Audit Executive (M Minnie)
Senior Administration Officer (T Samuels)

ALSO PRESENT

Vanessa Snyman: (CRESCO Stream lead)
Francois Viljoen: (Business Matters)
Andrew Johnson: (Technical Engineering Matters)
Pippa Reyburn: (Legislative Matters)
Enriko Fourie: (Engineering Business Matters)

****

1.	**OPENING AND WELCOME**

The Speaker, Cllr Q Smit welcomed all present at the Special Council meeting which was held via MS Teams.

2.	COMMUNICATION BY THE EXECUTIVE MAYOR

- "As we just celebrated Women's Day on 9 August 2024, I extend my heartfelt wishes to all the incredible women in our beautiful Valley. This day is a powerful reminder of the resilience, strength, and contributions of South African women throughout our history. We honour the heroines of our past who fought tirelessly for the freedoms and rights we enjoy today. We recognize and appreciate the mothers, grandmothers, sisters, nieces, aunts, daughters, step-mothers, step-daughters, cousins, and young girls who make our organization and towns exceptional. Each one of you plays a vital role in shaping our community, and today, we celebrate you. Let us keep on celebrating this Women's month.

- Was bevoorreg om gisteraand die Provinsiale Department van Landbou, se funksie, VRoue Entrepreneurs in Landbou by te woon. Die was 'n prestige funksie om vroue te vereer wie 'n bydrae tot landbou in die Provinsie maak as deel van Vrouemaand.

- Reminder to all Jamestown residents: ESKOM will have a pop-up office on 15 August 2024 at the ward office in Pajaro Avenue, Jamestown. This is to address and assist with customer enquiries such as metering, billing, follow up on logged calls, etc.

- Die Stellenbosch-munisipaliteit waarsku weer inwoners oor individue wat hulle as munisipale amptenare voordoen om toegang tot huise te kry. Veral senior inwoners word geteiken. Hierdie bedrieërs poog om huise onder valse voorwendsels in die naam van die munisipaliteit binne te gaan en gebruik die geleentheid om van inwoners te steel. Dit is belangrik om daarop te let dat die munisipaliteit nooit sal probeer om toegang tot inwoners se huise te kry om items soos muurproppe of krane te tel nie. Water- en elektrisiteitsmeters wat gelees moet word, is hoofsaaklik buite huise geleë, en munisipale werkers het nie toegang tot die binnekant van 'n huis nodig om daardie meters te lees nie. Slegs in sekere seldsame gevalle sal amptenare toegang tot persele benodig, en hulle moet in besit wees van hul amptelike munisipale identiteitskaarte. Dit sluit ad hoc-besoeke in om die werking van voorafbetaalde elektrisiteitsmeters na te gaan. Alle inwoners word aangemoedig om eers die munisipaliteit te kontak om die identiteit van die persoon te verifieer indien hulle onseker of onveilig voel voordat hulle toegang tot hul perseel verleen. Werkers moet bewys van identiteit dra. Skakel gerus 021 808 8215 of stuur 'n boodskap na ons WhatsApp-lyn by 076 951 0768 om die identiteit van 'n munisipale werknemer te verifieer."

3.	COMMUNICATION BY THE SPEAKER

NONE

4.	COMMUNICATION BY THE MUNICIPAL MANAGER

NONE

5.	DISCLOSURE OF INTERESTS

Cllr R Schäfer disclosed his interest in Item 8.1 and the Speaker requested him to recuse himself when this matter is dealt with.

6.	APPLICATIONS FOR LEAVE OF ABSENCE

6.	APPLICATION FOR LEAVE OF ABSENCE

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

Cllr I De Taillerfer - 14 August 2024

6.2 ABSENT

Cllr AJ Hanekom - 14 August 2024
Cllr RB Hendrikse - 14 August 2024
Cllr C Manuel - 14 August 2024
Cllr NM Mkhontwana - 14 August 2024
Cllr N Ntsunguzi - 14 August 2024

7.	STATUTORY MATTERS

NONE

8.	REPORTS BY THE MUNICIPAL MANAGER

8.1	LANDOWNER CONSENT FOR THE APPLICATION FOR ENVIRONMENTAL AUTHORISATION ASSOCIATED WITH THE PROPOSED FRANSCHHOEK SKYTRAM DEVELOPMENT IN MONT ROCHELLE NATURE RESERVE

Collaborator No: 771622
Lêer no: 15/10
IDP KPA Ref No: Valley of Possibility
Meeting Date: 14 August 2024

1. SUBJECT: LANDOWNER CONSENT FOR THE APPLICATION FOR ENVIRONMENTAL AUTHORISATION ASSOCIATED WITH THE PROPOSED FRANSCHHOEK SKYTRAM DEVELOPMENT IN MONT ROCHELLE NATURE RESERVE

2. PURPOSE

To acquire Council's approval for granting consent for the assessment and application, undertaken in terms of the National Environmental Management Act (107 of 1998), for the proposed Franschhoek Skytram development partially located within Mont Rochelle Nature Reserve.

3. DELEGATED AUTHORITY

Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

The development and related operation of an above ground cableway and associated amenities (Franschhoek Skytram) on Erf 1466, Erf 1467 (Haute Cabrière Wine Estate) and the Remainder of Erf 23 (Mont Rochelle Nature Reserve), Franschhoek, is currently being assessed.

Doug Jeffery Environmental Consultants (Pty) Ltd. was appointed by the applicant, the Franschhoek Cableway Company (Pty) Ltd, as independent Environmental Assessment Practitioner (EAP) to apply for Environmental Authorisation in terms of the National Environmental Management Act (107 of 1998 [NEMA]) and the Environmental Impact Assessment (EIA) Regulations. Various specialist reports have been generated along with a Pre-Application Basic Assessment Report that has been advertised by the developer for public input.

As Mont Rochelle Nature Reserve is municipal property, Stellenbosch Municipality's consent is required to enable the applicant to proceed with the the above process in terms of NEMA. The applicant also requires Stellenbosch Municipality's consent as Management Authority of Mont Rochelle Nature Reserve, which is declared a protected area in terms of the National Environmental Management: Protected Areas Act (57 of 2003 [NEM:PA]).

5. RECOMMENDATIONS

It is recommended that:

a) The Municipal Manager be authorized to provide consent to Franschhoek Cableway Company (Pty) Ltd. in order for the latter to apply for Environmental Authorization in terms of the National Environmental Management Act (107 of 1998);
b) The Municipal Manager be authorized to consent to the acknowledgement required in terms of Section 50 of the National Environmental Management: Protected Areas Act (57 of 2003); and

c) Stellenbosch Municipality's comment on the Basic Assessment Report (compiled in terms of the National Environmental Management Act [107 of 1998]) be submitted to Council for consideration and approval prior to being submitted to Doug Jeffery Environmental Consultants (Pty) Ltd.

6. DISCUSSION / CONTENTS

6.1 Background

The development of the Franschhoek Skytram on Haute Cabrière wine estate and Mont Rochelle Nature Reserve, Franschhoek, is currently being assessed.

Doug Jeffery Environmental Consultants (Pty) Ltd. was appointed as independent EAP to apply for Environmental Authorisation in terms of NEMA. The latter process have not formally commenced and is in an pre-application phase. A draft Basic Assessment Report will be published in the coming months on which the municipality will be providing comment.

The cableway, should it be approved, would be the second of its kind in South Africa after the globally recognised Table Mountain Cableway in Cape Town.

Haute Cabrière wine estate on Lamprechts Road in Franschhoek has been identified as the preferred location for the lower (base) station, with Middagkransberg in the Mont Rochelle Nature Reserve as the preferred location for the upper (top) station.

6.2 Discussion

Stellenbosch Municipality is not the authority that will decide on the above assessment and application being conducted in terms of NEMA. The competent authority in this regard is the Department of Forestry, Fisheries and the Environment (DFFE). Stellenbosch Municipality is the landowner of Erf 23, Mont Rochelle Nature Reserve and the Management Authority of Mont Rochelle Nature Reserve declare in terms of NEM:PA.

For the above application to proceed the applicant, Franschhoek Cableway Company (Pty) Ltd, requires Stellenbosch Municipality's consent as landowner (Annexure 1) and Management Authority (Annexure 2).

6.3 Financial Implications

This item has no financial implications for the Municipality. All costs associated with the relevant NEMA assessment and application is for the applicant's account.

6.4 Legal Implications

Stellenbosch Municipality is not the authority that will decide on the above assessment and application being conducted in terms of NEMA. The competent authority in this regard is the Department of Forestry, Fisheries and the Environment. Stellenbosch Municipality is the landowner of Erf 23, Mont Rochelle Nature Reserve. It is also the Management Authority of the reserve declare in terms of NEMPA.

Stellenbosch Municipality will be providing consent for the said assessment and application to be undertaken.

If the top base station is to be built on municipal land a decision must be made as to whether this land will be leased to the company or if there will be a subdivision and selling of that property. Either way an information statement will hav eto be published if long term rights will be provided on the council land.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

There are no previous Council Resolutions in this regard.

6.7 Risk Implications

Risks are addressed in the content of the item.

Signing the attached consent merely allows Franschhoek Cableway Company (Pty) Ltd. to conduct the required assessment of the proposed development and submit the relevant application in terms of NEMA. Stellenbosch Municipality will provide formal comment and input as part of the legislated public participation process that forms part of the NEMA process.

Should Environmental Authorization be issued by the DFFE, Stellenbosch Municipality would become the competent authority on the submission of the relevant land use and building plan applications as well as any related infrastructure impact .

6.8 Comments from Senior Management:

Comments already contained in the item.

6.8.1 Municipal Manager:

Supports the recommendations

SPECIAL COUNCIL MEETING: 2024-08-14: ITEM 8.1

Cllr S Schäfer recused himself from the meeting for the duration of the discussions and decision on the item.

RESOLVED (majority vote with 4 abstentions)

(a) that Council notes that the Franschhoek cableway Company has to undertake an EIA for submission to National Department of Forestry, Fishery and Environment before any development application can be submitted;

(b) that Council takes note that this is not an application for development nor an indication of support for a development application;

(c) that, as Council is one of the affected landowners, Council authorises the Municipal Manager to sign a power of attorney to allow the Franschhoek Cableway company to submit an application for environmental authorisation in terms of NEMA, 107 of 1998; and

(d) that the Basic Assessment Report, once completed be returned to Council for consideration and comment before final submission to the Environmental Assessment practitioner.

NAME	**Schalk van der Merwe**
POSITION	***Senior Environmental Planner***
DIRECTORATE	***Community Services***
CONTACT NUMBERS	***021-808 8679***
E-MAIL ADDRESS	***Schalk.vandermerwe@stellenbosch.gov.za***
REPORT DATE	***2024-08-05***

8.2	STELLENBOSCH MUNICIPAL INDEPENDENT POWER PRODUCER PROCUREMENT PIONEERING PROJECT 2 - FEASIBILITY STUDY

Collaborator No:
IDP KPA Ref No: **Sustainable Valley**
Meeting Date: **Special Council: 14 August 2024**

1. SUBJECT: STELLENBOSCH MUNICIPAL INDEPENDENT POWER PRODUCER PROCUREMENT PIONEERING PROJECT 2 - FEASIBILITY STUDY

2. PURPOSE

For Council to consider the Feasibility Study report (covering the needs, technical and financial viability, legal and regulatory environment, staff implications, economic development impacts and the procurement plan for the recommended option) associated with the procurement of electricity generated from renewable sources, from one or more Independent Power Producers (IPPs)). Approval of the Feasibility Study report, and one of recommendations arising from the report, will allow the process to proceed to the procurement phase of the project.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 The Portfolio Infrastructure Services five-year plan contained within the IDP lists the Directorate: Infrastructure Services and the Department: Electrical Services as being responsible for developing alternative energy supply, and the purchasing of electricity from IPPs and the conclusion of an IPP tender as a key priority, with a target of 30% of total energy supply to be purchased from IPP's by 2027.

4.2 Further to this, the Council Meeting held on 30 March 2022 included the following statement: "Stellenbosch Municipality to commence with the investigation to generate at least sufficient electricity such that loadshedding up to Level 2 will have no impact on the business of Stellenbosch Consumers."

4.3 Before embarking on a procurement process, it was deemed necessary to conduct a feasibility study to investigate, amongst others, the technical and financial viability of technical solutions, staff implications as well as the legal and regulatory environment. The Transaction Advisor has now completed the Feasibility Study report, which is attached as **Annexure A.**

4.2 The Feasibility Study for the abovementioned project determined that the most feasible options for the Municipality to pursue are:

Option 1: **Solar PV of up to 55MW$_p$ only**,

or;

Option 2A10S: **Solar PV of up to 71MW$_p$ and Battery Energy Storage System (BESS) of approximately 15MWh**.

4.3 The Western Cape Government will undertake, in parallel to the above processes, a formal written Eskom confirmation and approval on Grid Capacity on the Municipality's behalf, as well as a formal written Eskom confirmation and approval on how they view aggregated supply between the Municipal Points of Supply ("PoS").

SPECIAL COUNCIL MEETING: 2024-08-14: ITEM 8.2

RESOLVED (majority vote)

(a) that Council approves the Feasibility Study Report in Annexure A.;

(b) that Council approves the initiation of a process for the procurement of electricity energy generated from a combined PV Solar and Battery Storage with a Solar capacity of approximately 71MWp / 59MWAc in total, as well as a Battery Energy Storage System with a capacity of approximately l 5MWh in total, for the Stellenbosch Municipal Area as per Option 2A 10 S in Table 3 under paragraph 6.2. 7 .1;

(c) that the procurement process bid invitation documents include a customised Power Purchase Agreement (PP A) and the process aligns with the requirements of Chapter 11, and Section 33 of the MFMA, the bid invitation documents to be prepared with the support of the Transaction Advisor Team;

(d) that Council approves that the maximum contracted Solar capacity of the Project as stated in paragraph (b) may be reduced to account for the outcome of the current tender B/SM 60/24 (20MW) IPP plant, should it be successfully concluded and awarded; and

(e) that Council takes note of the dependencies in the Feasibility Study report, such as a successful award of the contract being contingent upon the Western Cape Government obtaining confirmation from Eskom on Grid Capacity and aggregated supply between the Municipal Points of Supply ("PoS"); and

(f) that Council agrees that an Expression of Interest (EOI) may be requested from the Public prior to the final bid invitation documents being published.

FOR FURTHER DETAILS CONTACT:

NAME	**Shane Chandaka**
POSITION	***Director Infrastructure Services***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***shane.chandaka@stellenbosch.gov.za***
REPORT DATE	**1 August *2024***

8.3	INVITATION FROM THE STRONG CITIES NETWORK TO FACILITATE THE IMPLEMENTATION OF NEIGHBOURHOOD WATCH AND COMMUNITY SAFETY PROGRAMS IN UGANDA

Collaborator No:
IDP KPA Ref No: **Good governance and compliance**
Meeting Date: **14 August 2024**

1. SUBJECT: INVITATION FROM THE STRONG CITIES NETWORK TO FACILITATE THE IMPLEMENTATION OF NEIGHBOURHOOD WATCH AND COMMUNITY SAFETY PROGRAMS IN UGANDA

2. PURPOSE

To request Council approval for the travelling arrangements from staff as part of the ongoing relations between Nansana Municipality in Uganda and Stellenbosch Municipality which forms part of the global Strong Cities Network, of which Stellenbosch Municipality is also a member.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was accepted as a Strong Cities Network member on 25 July 2023. Since then, two knowledge-sharing engagements took place whereby information was shared with partnering cities on various crime prevention initiatives. An engagement was held in Cape Town in December 2023 where much interest was shown in Stellenbosch's Neighbourhood Watch support programs and safety initiatives, particularly the safety monitors (eyes and ears) project.

An invitation was received from the Mayor of Nansana Municipality, Ms Regina Bakitte, via the Strong Cities Network platform. Mr Gary Boshoff, Mr Charl Kitching and Ms Joan Felix were invited to provide input, training, sharing of policies, implementation plans, support plans etc. of safety initiatives, especially those related to the establishment of Neighbourhood Watches and similar safety projects. Stellenbosch Municipality was identified as a leader in the design, development and implementation of local safety projects with Neighbourhood Watches as the main pillar of such programs and projects. The municipality was therefore invited to share its knowledge and expertise with the other partner cities of the Strong Cities Network.

Training was conducted in Uganda from 13 – 15 May 2024. A report giving feedback on the engagements in May served before Council on 30 July 2024 during which meeting it was resolved as follows:

(a) that Council notes the feedback report;

(b) that Council supports the continued engagement between Nansana Municipality and Stellenbosch Municipality to advance community safety initiatives in both municipalities; and

(c) that Council supports the possible signing of a twinning agreement between Nansana Municipality and Stellenbosch Municipality in relation to Community Safety.

Subsequent request to return and deliver practical advice and follow up interventions, Dir Boshoff and Mr Kitching has been invited to Uganda from 12 – 16 August 2024.

The travel arrangements of the two employees must be approved by Council as it involves travelling outside the borders of RSA. In view of Council's approval of the continued involvement and as Council is only responsible for daily allowances, the approval is recommended.

SPECIAL COUNCIL MEETING: 2024-08-14: ITEM 8.3

RESOLVED (majority vote with 4 abstentions)

(a) Council approves any further engagements which includes international travel associated with Nansana and Stellenbosch Municipality; and

(b) Council approves the daily allowances for attendees as and when travelling occurs.

FOR FURTHER DETAILS CONTACT:

NAME	*Charl Kitching*
POSITION	*Senior Manager*
DIRECTORATE	*Protection Services*
CONTACT NUMBERS	*021- 808 8815*
E-MAIL ADDRESS	*Charl.kitching@stellenbosch.gov.za*
REPORT DATE	*08 August 2024*

9.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

NONE

10.	MATTERS TO BE CONSIDERED IN–COMMITTEE

NONE

The meeting adjourned at 10:10.

CHAIRPERSON: ……

DATE: ……

Confirmed on ……**with/without amendments.**

8.	STATUTORY MATTERS

8.1	SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2025/26

Collaborator No: 771524
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 14 August 2024 & 23 August 2024

1. SUBJECT:SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2025/26

2. PURPOSE

To table to the Council for consideration and approval:

(a) The SDF / IDP / Budget Time Schedule / Process Plan 2025/26, attached as **ANNEXURE A.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Each municipality is legally required to adopt a time schedule stipulating the key strategic activities and deadlines 10 months before the start of the new financial year.

The Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule / Process Plan for 2025/26 outlines the key strategic activities and public participation processes that will guide the planning, drafting, and adoption of the **3rd review of the 5th Generation IDP 2022 – 2027** and the Medium – Term Revenue Expenditure Framework (Budget) for the period 2025/26 – 2027/28.

The SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 is, therefore, compiled in terms of Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), which states that "the mayor of a municipality **must** –

at least **10 months** before the start of the budget year table in the municipal council a time schedule outlining key deadlines for –

(i) the preparation, tabling and approval of the annual budget;

(ii) the annual review of-

  (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and

  (bb) the budget-related policies;

(iii) the tabling and adoption of any amendments to the integrated development plan and budget-related policies; and

(iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii)

The SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 is also compiled in terms of Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Section 29(1) of the MSA specifies that:

The process followed by a municipality to draft its integrated plan, including its consideration and adoption of the draft plan, must-

(a) be in accordance with a predetermined programme specifying timeframes for the different steps;

(b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for:

(i) the local community to be consulted on its development needs and priorities;

(ii) the local community to participate in the drafting of the integrated development plan; and

(iii) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;

(c) provide for the identification of all plan and planning requirements binding on the municipality in terms of national and provincial legislation; and

(d) be consistent with any other matters that may be prescribed by regulation.

In preparation for the drafting of the 3rd review of the 5th Generation IDP 2022 – 2027, the public participation period will be from 09 – 30 September 2024, to allow members of the community and stakeholders sufficient time to submit written input and to make oral representations for consideration during the review process of the IDP.

The IDP public participation open days are provisionally scheduled to be held from 10 – 16 September 2024. The IDP public participation open days schedule will be published in the local newspaper, on the municipal website, on the notice boards of libraries, and on social media platforms (Facebook, *X*, Stellenbosch Citizens App, WhatsApp, and Email).

5. RECOMMENDATIONS

(a) that the Council adopts the SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA to guide the planning, drafting, and adoption of the 3rd review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE A**; and

(b) that an advertisement is placed on the official website of the municipality and in the local newspaper notifying the public of the adopted SDF / IDP /Budget Time Schedule / Process Plan for 2025/26.

6. DISCUSSION

6.1 Background

The SDF / IDP / Budget are inextricably linked with one another, and this link has been formalised through the promulgation of the MFMA.

The requirements for a time schedule are outlined in Section 21(1) of the MFMA and indicate:

The Mayor of a municipality must –

(a) coordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;

(b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for–

(i) the preparation, tabling and approval of the annual budget;
(ii) the annual review of –
aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and

bb) the budget-related policies.

(iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and

(iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

The new planning dispensation includes the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013) (SPLUMA), the Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014), and the Stellenbosch Municipal Planning By-law, 2015, which imposes new requirements to compile or amend a municipal Spatial Development Framework (*m*SDF).

The SDF / IDP / Budget Time Schedule for 2025/26 also takes cognizance of the regulatory framework for the **review**, **amendment,** and **approva**l of the SDF, IDP, Budget, and the annual Service Delivery and Budget Implementation Plan (SDBIP). The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP and Budget. The importance of synchronising the timelines for the amendment and revision of the IDP and Annual Budget with those of the SDBIP is captured in Section 41 of the MSA, which states that:

Section 41:

"(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –

(a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality's development priorities and objectives set out in its integrated development plan".

Section 26(e) of the MSA refers to the municipal SDF as a 'core component' of the municipal IDP and requires that the IDP reflect an mSDF, which must include the provision of basic guidelines for a land use management system for the municipality.

6.2 Financial Implications

There are no financial implications beyond that which was approved in the 2024/25 MTREF Budget.

6.3 Legal Implications

In accordance with Section 21(1)(b) of the MFMA, "the mayor of a municipality must –

at least 10 months before the start of the budget year table in the municipal council a time schedule outlining key deadlines for –

(i) the preparation, tabling and approval of the annual budget;
(ii) the annual review of-
(aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
(bb) the budget-related policies;
(iii) the tabling and adoption of any amendments to the integrated development plan and budget-related policies; and
(iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii)

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must –

(a) be *in accordance with a predetermined programme specifying timeframes for the different steps;*
(b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for-
(iv) the local community to be consulted on its development needs and priorities;
(v) the local community to participate in the drafting of the integrated development plan; and
(vi) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;
(c) provide for the identification of all plan and planning requirements binding on the municipality in terms of national and provincial legislation; and
(d) be consistent with any other matters that may be prescribed by regulation.
Section 41 of the MSA also states that:

(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –

(b) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality's development priorities and objectives set out in its integrated development plan".

In terms of Section 26(e) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), states that *"an integrated development plan must reflect- …a spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality*…"

Furthermore, Section 34 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) prescribes that the Municipal Council:–

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

The process referred to in Section 34(b) of the MSA is further regulated by Regulations 3(1) – (6) of the Local Government: Municipal Planning and Performance Management Regulations, 2001, which reads as follows:

3 (1) Only a member or committee of a municipal council may introduce a proposal for amending the municipality's integrated development plan in the council.

(2) Any proposal for amending a municipality's integrated development plan must be-

(a) accompanied by a memorandum setting out the reasons for the proposal; and

(b) aligned with the framework adopted in terms of section 27 of the Act.

(3) An amendment to a municipality's integrated development plan is adopted by a decision taken by a municipal council in accordance with the rules and orders of the council.

(4) No amendment to a municipality's integrated development plan may be adopted by the municipal council unless-

(a) all the members of the council have been given reasonable notice;

(b) the proposed amendment has been published for public comment for a period of at least 21 days in a manner that allows the public an opportunity to make representations with regard to the proposed amendment;

(c) the municipality, if it is a district municipality, has complied with sub regulation (5); and

(d) the municipality, if it is a local municipality, has complied with sub regulation (6).

(5) A district municipality that considers an amendment to its integrated development plan must-

(a) consult all the local municipalities in the area of the district municipality on the proposed amendment; and

(b) take all comments submitted to it by the local municipalities in that area into account before it takes a final decision on the proposed amendment.

(6) A local municipality that considers an amendment to its integrated development plan must-

(a) consult the district municipality in whose area it falls on the proposed amendment; and

(b) take all comments submitted to it by the district municipality into account before it takes a final decision on the proposed amendment.

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

Not applicable.

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.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-08-14: ITEM 6.1

(a) that the Council adopts the SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA to guide the planning, drafting, and adoption of the 3rd review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE A**; and

(b) that an advertisement is placed on the official website of the municipality and in the local newspaper notifying the public of the adopted SDF / IDP /Budget Time Schedule / Process Plan for 2025/26.

ANNEXURES

Annexure A: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2025/26

FOR FURTHER DETAILS CONTACT:

NAME	*G Mettler*
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REPORT DATE	*1 August 2024*

ANNEXURE A

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN FOR 2025/26

(In accordance with Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and the Regulations made under these Acts)

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
AUGUST 2024									
1	Place 4th Quarter Performance Report 2023/24 on website **(must be placed on the website not later than 5 days)** after its tabling in the council or on the date on which it must be made public, which ever occurs first)	MFMA - Section 75 (2) MSA 21(b)						01 August 2024	Manager: Financial Statements, Compliance and Reporting
2	Submit 4th Quarter Performance Report 2023/24 - SDBIP and Financial Performance Reports to National and Provincial Treasury	MPPMR - Reg 13						07 August 2024	Manager: Financial Statements, Compliance and Reporting
3	Executive Mayor and Mayoral Committee considers the 2024/25 Roll-Over Adjustments Budget	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				14 August 2024			Snr Manager: Financial Management Services
4	Executive Mayor and Mayoral Committee recommend that **SDF/IDP/Budget Time Schedule / Process Plan (at least 10 months before the start of the budget year)** be approved by the Council	MFMA - Sec 21(1)(b)	**14 August 2024**	**14 August 2024**					**Manager: IDP/PMS/PP**
5	Council considers the 2024/25 Roll-Over Adjustments Budget **(to be tabled before 25 August 2024)**	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				**21 August 2024**			**Snr Manager: Financial Management Services**
6	Council approve the **SDF/IDP/Budget Time Schedule / Process Plan for 2025/26** (at least 10 months before the start of the budget year)	MFMA - Sec 21(1)(b)	**21 August 2024**	**21 August 2024**		**21 August 2024**			**Manager: IDP/PMS/PP**
7	Place the 2024/25 Roll-Over Adjustments Budget on the website **(must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, whichever occurs first)**	MFMA - Sec 75(2) MSA - Sec 21(b)				28 August 2024			Manager: Budget and Costing
8	Place an advertisement to notify the public of the approved SDF/IDP/Budget Time Schedule on the municipal website, and local newspaper	MSA - Sec 21, 21A, 28(3)	30 August 2024	30 August 2024					Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
9	Submit the Annual Financial Statements (AFS) and Annual Performance Report (APR) 2023/24 to the Auditor-General of South Africa (AGSA) for auditing **(the accounting officer of a municipality must prepare the annual financial statements of the municipality within 2 months after the end of the financial year to which those statements relate and submit the statements to the Auditor-General for auditing)**	MFMA Sec 126 (1)(a) MSA - Sec 46 (1) (2)					**31 August 2024**	**31 August 2024**	**Chief Financial Officer** **Manager: IDP/PMS/PP**
SEPTEMBER 2024									
10	Submit the **Budget** to the National- and Provincial Treasury as prescribed by legislation	MFMA - Sec 22(b) MBRR - Reg 20				04 September 2024			Manager: Budget and Costing
11	District IDP Managers Forum	MSA Section 24	06 September 2024						Manager: IDP/PMS/PP
12	**IDP Public Participation period commences:** during this period the community and stakeholders will be able to submit inputs for the 3rd review of the 5th Generation IDP 2022 - 2027 and MSDF	MSA Section 29(1)(b)(I)	09 - 30 September 2024	09 - 30 September 2024					**Manager: IDP/PMS/PP**
13	**Host IDP Public Participation Open Days** for the 3rd review of the 5th Generation IDP 2022 – 2027 and MSDF	MSA Section 29(1)(b)(I)	10 - 16 September 2024	10 - 16 September 2024					**Manager: IDP/PMS/PP**
14	Review of the Long Term Financial Plan	MSA Section 26(a)				02 September 2024 - 31 March 2025			Senior Manager: Financial Management Services
OCTOBER 2024									
15	Capture and refine all community inputs from the needs analysis process and stakeholder engagement	Not Applicable	01 - 18 October 2024	01 - 18 October 2024					Manager: IDP/PMS/PP
16	Finalise all IDP inputs (Chapters) and distribute to all municipal departments for input and revisions / amendments	MSA Section 34	25 October 2024	25 October 2024					Manager: IDP/PMS/PP
17	Submission of priority requests to the sector departments and the district municipality	Not Applicable	25 October 2024						Manager: IDP/PMS/PP
18	The formulation of disaster strategies: prevention and mitigation strategies, vulnerability reduction strategies, capacity building, Contingency building, and Emergency preparedness	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			30 October 2024				Manager: Fire and Disaster

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
19	Submit the Quarter 1 MFMA S52 Quarterly Report Performance Assessment Report 2024/25 for the **period ending 30 September 2024** on the implementation of the budget and financial state of affairs of the municipality to the Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 28						**30 October 2024**	**Manager: Financial Statements, Compliance and Reporting**
20	Submit Quarter 1 MFMA S52 Quarterly Report Performance Assessment Report 2024/25 - SDBIP and Finance Performance Reports to National and Provincial Treasury	MFMA - Sec 75(2) MSA - Sec 21(b)						30 October 2024	Manager: Financial Statements, Compliance and Reporting
21	Operationalise disaster management in the municipality by means of identifying projects such as setting up the relevant structures	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			30 October 2024				Manager: Fire and Disaster
NOVEMBER 2024									
22	Directorates to submit inputs for the 2024/25 Operating and Capital Mid-Year Adjustments Budget to the Manager: Budgeting and Costing	MFMA - Section 28				04 November 2024			Manager: Budget and Costing
23	Directorates complete the template for 2025 - 2028 Capital and Operational Budget for Budget Prioritisation	MFMA - Section 21 MSA Section 26(h)				04 November 2024			Manager: Budget and Costing
24	Place the Quarter 1 MFMA S52 Quarterly Report Performance Assessment Report 2024/25 on the municipal website **(must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, which ever occurs first)**	MFMA - Sec 75(2) MSA - Sec 21(b)						04 November 2024	Manager: Financial Statements, Compliance and Reporting
25	Identify all plans and planning requirements binding on the municipality in terms of national and provincial legislation	MSA - Sect 29(1)(c)	01 - 30 November 2024						Manager: IDP/PMS/PP
26	**Submit to the Council a consolidated report on the IDP public participation input and comments received during September / October for consideration**	MSA Section 34(a)	**27 November 2024**						**Manager: IDP/PMS/PP**
27	Operationalise disaster management in the municipality by means of identifying projects such as setting up the relevant structures	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			29 November 2024				Manager: Fire and Disaster

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
DECEMBER 2024									
28	District IDP Managers Forum	MSA - Sec 24	04 December 2024						Manager: IDP/PMS/PP
29	Design of disaster management projects	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			30 December 2024				Manager: Fire and Disaster
JANUARY 2025									
30	MAYCO considers and adopts the **2024/25 Adjustments Budget** and **Revised SDBIP 2024/25**	MFMA - Sec 28 MBRR - Part 4				**22 January 2025**	**22 January 2025**		**Snr Manager: Financial Management Services and Manager: IDP/PMS/PP**
31	Submit Mid-Year Budget and Performance Assessment Report 2024/25 to Executive Mayor	MFMA - Sec 72				22 January 2025	22 January 2025		Manager: IDP/PMS/PP
32	Submit Mid-Year Budget and Performance Reports 2024/25 to Provincial Treasury and National Treasury by 25 January	MFMA - Section 72(1)(b) MBRR - Reg 35						24 January 2025	Manager: IDP/PMS/PP and Manager: Financial Statements, Compliance and Reporting
33	Council considers the **2024/25 Adjustments Budget and Revised TL SDBIP 2024/25**	MFMA - Sec 28 MBRR - Part 4 MSA - Sec 28 and 29				**29 January 2025**	**29 January 2025**		**Snr Manager: Financial Management Services and Manager: IDP/PMS/PP**
34	Submit the Quarter 2 MFMA S52 Quarterly Report Performance Assessment Report 2024/25 for the **period ending 31 December 2024** on the implementation of the budget and financial state of affairs of the municipality to the Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29						**29 January 2025**	**Manager: Financial Statements, Compliance and Reporting and Manager: IDP/PMS/PP**
35	Submit the MFMA S72 Mid-Year Budget and Performance Assessment Report 2024/25 to the Council	MFMA - Section 72(1)(b) MBRR - Reg 35				**29 January 2025**	**29 January 2025**	**29 January 2025**	**Manager: Financial Statements, Compliance and Reporting and Manager: IDP/PMS/PP**

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
36	Council considers the **Draft Annual Report 2023/24** before advertising it for public comment	MFMA - Sec 127					**29 January 2025**	**29 January 2025**	**Manager: IDP/PMS/PP and Senior Manager: Financial Management Services**
37	Council considers the **MSDF/CEF review recommendations**, and decides if the review process introduces a proposal for amending the MSDF due to a) the outcomes of the review or b) due to 'changing circumstances', including deciding on the establishment of an Intergovernmental Steering Committee (ISC)	MSA - Section 3(1) LUPA - Section 11(a) & (b)		**29 January 2025**					**Senior Manager: Development Planning**
FEBRUARY 2025									
38	Make public the Mid-Year Budget and Performance Report 2024/25 in the local newspaper and on municipal website	MFMA - Section 75 (2) MSA - Sec 21(b)				05 February 2025		05 February 2025	Manager: Financial Statements, Compliance and Reporting and Manager: IDP/PMS/PP
39	Submit the **Draft Annual Report 2023/24**, within five (5) days via e-mail and hard copy to the National Treasury, the Western Cape Department of Local Government, the Western Cape Provincial Treasury and the Auditor General	MFMA - Section 127(5)(b)					**05 February 2025**		**Manager: IDP/PMS/PP**
40	Place the Quarter 2 MFMA S52 Quarterly Report Performance Assessment Report 2024/25 on the municipal website	MFMA - Section 75 (2) MSA - Sec 21(b)						**05 February 2025**	Manager: Financial Statements, Compliance and Reporting
41	Place an advertisement in local newspaper to notify the public and other stakeholders to submit written comments on the **Draft Annual Report 2023/24**	MFMA - Sec 127(5)(a) MSA - Sec 21A					06 February 2025		Manager: IDP/PMS/PP
42	Table the draft Annual Report 2023/24 to the MPAC to consider and evaluate the content of the Draft Annual Report 2023/24	MFMA 127 and 129 (1)					**10 - 14 February 2025**		**Manager: IDP/PMS/PP**
43	Advertise the approved **Adjustments Budget 2024/25 and Revised SDBIP 2024/25** and submit budget and B Schedules to National Treasury and Provincial Treasury as required per legislation **(within 10 working days)**	MFMA - Sec 28(7) MSA - Sec 21A MBRR - Part 4				**12 February 2025**	**12 February 2025**		Manager: Budget and Costing and Manager: IDP/PMS/PP
44	**Public Hearing:** Consultation on the Draft Annual Report 2023/24 with the community and interested stakeholders	MFMA - Sec 127(5) MFMA - Sec 127(6)					12 February 2025		Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
45	Feedback from officials confirming internal arrangements if the Draft Annual Report 2023/24 content is credible, reliable and accurate. (Modification to the report before tabling it to the Council)	MFMA Sec 121 and 122					19 February 2025		Manager: IDP/PMS/PP
46	**Annual (2023/24) and Mid-year (2024/25) Performance Assessments** for the Municipal Manager and Managers directly accountable to the Municipal Manager	MPPMR - Reg 13 GN 21- 17/01/2014					**26 February 2025**		**Manager: IDP/PMS/PP**
47	Complete tariff setting exercise for 2025/26	MFMA Section 17				28 February 2025			Manager: Budget and Costing
48	Review the current Budget and Related Policies / By-laws inputs and newly needed budget related policies	MFMA - Sec 21 MBRR - Part 3				28 February 2025			Snr Manager: Financial Management Services
49	Technical Integrated Municipal Engagements **(TIME)**	MSA - Chapter 5	28 February 2025						Municipal Manager
MARCH 2025									
50	District IDP Managers' Forum	MSA - Sec 24	07 March 2025						Manager: IDP/PMS/PP
51	Compilation of the Disaster Management Plan	DM Act, No 57 of 2002, Section 53 (1)(a-d) Section 53(2)(a))			15 March 2025				Manager: Fire and Disaster
52	MAYCO meeting to consider the draft IDP, draft Budget and draft SDBIP 2025/26	MFMA - Sec 24	**19 March 2025**			**19 March 2025**	**19 March 2025**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**
53	Council considers the Oversight Report and Annual Report 2023/24 for approval	MFMA - Sec 129					26 March 2025		Manager: IDP/PMS/PP
54	Review the municipality's Performance Management System (PMS) - submit the Revised Performance Management Policy to the Council	MPPR - Reg 3(4)(b) and Reg 11(2)					26 March 2025		Manager: IDP/PMS/PP
55	Submission of the **draft IDP, Budget, tariffs, budget related policies and SDBIP (at least 90 days before the start of the budget year)** to the Council for approval for the purpose of obtaining public comment and inputs **(21 days)**	MFMA - Sec 16(2) MSA - Sec 25 MBRR - Part 3	**26 March 2025**			**26 March 2025**	**26 March 2025**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
56	Submit the **Budget** to National and Provincial Treasury, as prescribed by legislation	MFMA - Sec 22(b) MBRR - Reg 20				26 March 2025			Manager: Budget and Costing
57	The Cape Winelands District Municipality (CWDM) to table their draft 3rd review IDP and Budget to its Council	MFMA - Sec 16(2) MSA - Sec 25 (b)(c) MBRR - Part 3	**27 March 2025**						**Cape Winelands District Municipality**
APRIL 2025									
58	Place an advertisement for the Annual Report Oversight Report and the Annual Report 2023/24 to be released for information which must be placed on the municipal website within **five (5) days** after it is approved	MFMA - Sec 129(3) MFMA - Sec 75 ©					01 April 2025		Manager: IDP/PMS/PP
59	Distribute the Annual Report Oversight Report and Annual Report 2023/24 to all municipal offices and libraries for information	MFMA - Sec 129(3)					03 April 2025		Manager: IDP/PMS/PP
60	Submit the **Draft IDP**, **Draft SDBIP 2025/26** to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by the IDP and budget	MFMA - Sec 22(b) MSA - Sec 29(3)(b) MSA - Sec 32(1) MBRR - Reg 20	04 April 2025				04 April 2025		Manager: IDP/PMS/PP
61	Advertise the **Draft IDP and Draft Budget** and other required documents and provide at least **21 days** for public comments and written submissions	MFMA - Sec 22(a) MSA - Sec 21A, 42 MPPMR - Reg 15(3)	**07 - 29 April 2025**			**07 - 29 April 2025**	**07 - 29 April 2025**		Manager: IDP/PMS/PP and Manager: Budget and Costing
62	**Host IDP and Budget Public Participation Meetings:** to consult on the Draft IDP, Draft SDBIP 2025/26 and Draft Budget	MFMA - Sec 22(a) MSA - Sec 21A, 42 MPPMR - Reg 15(3)	**08 - 14 April 2025**			**08 - 14 April 2025**	**08 - 14 April 2025**		**Manager: IDP/PMS/PP and Manager: Budget and Costing**
63	Submit the Quarter 3 MFMA S52 Quarterly Report Performance Assessment Report 2024/25 for period **ending 31 March 2025** on implementation of the budget and financial state of affairs of the Municipality to the Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29						**30 April 2025**	**Manager: Financial Statements, Compliance and Reporting and Manager: IDP/PMS/PP**

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
MAY 2025									
64	Submit the Quarter 3 MFMA S52 Quarterly Report Performance Assessment Report 2024/25 - SDBIP and Performance Reports to National and Provincial Treasury	MPPMR - Reg 13						07 May 2025	Manager: Financial Statements, Compliance and Reporting
65	Place the Quarter 3 MFMA S52 Quarterly Report Performance Assessment Report 2024/25 on the municipal website	MFMA - Sec 75(2) MSA - Sec 21(b)						07 May 2025	Manager: IDP/PMS/PP
66	SIME / LG MTEC 3 IDP and Budget Assessments by Provincial Treasury and Department of Local Government	MSA Chapter 5 MFMA Section 23	09 May 2025			09 May 2025	09 May 2025		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
67	MAYCO meeting to consider the final IDP and Budget **(at least 30 days before the start of the budget year)**	MFMA - Sec 24	**21 May 2025**			**21 May 2025**	**21 May 2025**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**
68	Council meeting to adopt the IDP, Performance Management Measures and targets and the final Budget **(at least 30 days before the start of the budget year)**	MFMA - Sec 24	**28 May 2025**			**28 May 2025**	**28 May 2025**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**
69	The Cape Winelands District Municipality (CWDM) adopts their 3rd Review IDP and Budget	MFMA - Sec 24	29 May 2025						Cape Winelands District Municipality
JUNE 2025									
70	Place the adopted IDP, multi-year budget, all budget-related documents and all budget-related policies on the municipal website	MFMA - Sec 22 and 75 (1)(2) MSA - Sec 21A and 21B	02 June 2025			04 June 2025			Manager: IDP/PMS/PP and Manager: Budget and Costing
71	Submit a copy of the adopted IDP to the MEC for Local Government **(within 10 days of the adoption of the plan)**	MSA - Sec 21, 21A, 28(3)	06 June 2025						Manager: IDP/PMS/PP
72	CWDM District IDP Managers' Forum	MSA - Sec 24	06 June 2025						Manager: IDP/PMS/PP
73	Submit the Approved Budget to the National- and Provincial Treasury as prescribed by legislation	MFMA - Sec 24(3) MBRR - Reg 20				11 June 2025			Manager: Budget and Costing

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
74	Give notice to the public of the adoption of the IDP and Budget **(within 14 days of the adoption of the plan)** and budget **(within 10 working days)**	MBRR - Reg 18 MSA - Sec 25(4)(a)(b) MFMA - Sec 75(1)	11 June 2025			11 June 2025			Manager: IDP/PMS/PP and Manager: Budget and Costing
75	Submit to the Executive Mayor the draft TL SDBIP 2025/26 **(no later than 14 days after the approval of an annual budget)**	MFMA - Sec 69(3)(a)					11 June 2025		Manager: IDP/PMS/PP
76	Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved **(within 28 days after approval of the budget)**	MFMA - Sec 53(1)(c)(ii)					25 June 2025		Manager: IDP/PMS/PP
JULY 2025									
77	Preparation of the SDF / IDP / Budget Time Schedule for 2026/27	MFMA - Sec 21(1)(b)	01 - 30 July 2025						Manager: IDP/PMS/PP
78	Make public the projections, targets and indicators as set out in the TL SDBIP **(no later than 14 days after the approval of the SDBIP)** and submit to National and Provincial Treasuries (**no later than 10 working days after the approval of the SDBIP)**	MFMA Section 53(3)(a MBRR Reg 19					09 July 2025		Manager: IDP/PMS/PP
79	Make public the performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager **(no later than 14 days after the approval of the SDBIP)**	MFMA Section 53(3)(b)					09 July 2025		Manager: IDP/PMS/PP

8.2	ADJUSTMENTS BUDGET (ROLL-OVER) 2024/2025

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 14 August 2024 & 23 August 2024

1. SUBJECT: ADJUSTMENTS BUDGET (ROLL-OVER) 2024/2025

2. PURPOSE

To present the adjustments budget roll-over for the 2024/2025 financial year to Council for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

EXECUTIVE SUMMARY

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

4. RECOMMENDATIONS

It is recommended to Council,

(a) that the Adjustments Budget for 2024/2025 as set out in **APPENDIX 1-5**, be approved;

(b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and

(c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

5. DISCUSSION / CONTENTS

5.1. Background/ Legislative Framework

In terms of section 28 (2) (e) of the Municipal Finance Management Act:

"An adjustments budget may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council".

According to regulation 23 (5) of the Municipal Budget and Reporting Regulations:

"An adjustments budget referred to in section 28 (2) (e) of the Act may only be tabled after the end of the financial year to which the roll-overs relate and must be approved by the municipal council by 25 August of the financial year following the financial year to which the roll-overs relate."

5.2 Discussion

This adjustments budget addresses the spending of funds that were unspent and committed at the end of the 2023/2024 financial year where the under-spending could not reasonably have been foreseen at the time of concluding the annual budget of the current financial year.

Capital Adjustments Budget

Council approved a Capital Budget for the 2024/2025 financial year amounting to R 599 345 303 in May 2024. These adjustments budget effectively changes the approved budget by means of the inclusion of the roll-overs from the 2023/2024 financial year.

The criteria applied for roll over of capital projects included supporting evidence that must be provided for each project that the work has commenced, namely the following:

- Proof that the project tender was published and the period for tender submissions closed before 30 June 2024.
- Detailed reference numbers of the Supply Chain Management process followed needs to be provided.
- Evidence that all projects linked to an allocation will be fully utilised by 30 June 2025.

Details of the proposed adjustments are reflected in **APPENDIX 2**.

Operating Revenue Adjustments Budget

The approved Operating Revenue Budget for the 2024/2025 financial year amounted to R2 631 276 396 in May 2024. These adjustments budget effectively changes the approved revenue budget by means of the inclusion of the grant roll-overs from the 2023/2024 financial year, which emanated from the Human Settlements Grant and the Informal Settlements Upgrading Partnership Grant (ISUP).

Operating Expenditure Adjustments Budget

Council adopted an Operating Expenditure Budget for the 2024/2025 financial year amounting to R2 511 734 132 in May 2024. No adjustments were made regarding the Operational Expenditure Budget.

5.3 Financial Implications

Financial impact is reflected in the appendices.

5.4 External Loan roll over from 2023/2024

Council approved the debt agreement in terms of Section 46 (2) of the Municipal Finance Management Act (Act No 56 of 2003) on 14 June 2024.

The specific loan capital projects formed part of the information statement in terms of S46(3) and the loan funding can only be utilised for these identified projects.

The details of the proposed adjustments are reflected in **APPENDIX 2**.

5.5 Legal Implications

The item is compliant with the relevant legislative framework.

5.6 Staff Implications

None

5.7 Previous / Relevant Council Resolutions

Special Council Meeting on 31 May 2024 - Item 7.2

5.8 Risk Implications

None

5.9 Comments from Senior Management

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

5.9.1 *Municipal Manager*

Supports the recommendations.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-08-14: ITEM 6.2

It is recommended to Council,

(a) that the Adjustments Budget for 2024/2025 as set out in **APPENDIX 1-5**, be approved;

(b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and

(c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

ANNEXURES

Appendix 1: Executive Summary

Appendix 2: Adjustments Budget: Detail Projects

Appendix 3: Adjustments Budget Tables (Schedule B)

Appendix 4: Adjustments Budget Supporting Schedules

Appendix 5: Municipal Manager's Quality Certification

FOR FURTHER DETAILS CONTACT:

NAME	***MONIQUE STEYL***
POSITION	***SENIOR MANAGER: FINANCIAL MANGEMENT SERVICES***
DIRECTORATE	***FINANCIAL SERVICES***
CONTACT NUMBERS	***021 808 8512***
E-MAIL ADDRESS	***Monique.Steyl@stellenbosch.gov.za***
REPORT DATE	***06 August 2024***

APPENDIX 1-5

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ROLL-OVER ADJUSTMENTS BUDGET DOCUMENTATION

AUGUST 2024

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APPENDIX 1

Executive Summary

Overview

The adjustments budget in terms of section 28 (2) (e) of the MFMA emanates from funds that have not been spent in the 2023/2024 financial year.

Only unspent capital funds will be rolled over. Capital projects funded from conditional grants will also be rolled over during this adjustments budget process.

Stellenbosch Municipality had budgeted R 491 726 021 for capital expenditure in the 2023/2024 financial year, of which the municipality spent R 420 466 424 of the budget.

Roll-over of unspent Provincial conditional grants

The unspent portions of the provincial conditional grant allocations will be rolled over to the 2024/2025 financial year. The breakdown of the provincial conditional grants is as follow:

Grants	Type	Approved Budget	Adjustment	Adjusted Budget
Human Settlements Grant (Beneficiaries)	Capital	6 389 000	1 679 845	8 068 845
Informal Settlements Upgrading Partnership Grant (ISUP) (Beneficiaries)	Capital	12 550 000	793 904	13 343 904
		18 939 000	**2 473 749**	**21 412 749**

Capital Adjustments Budget for 2024/2025

	2024/2025 Approved Budget	2024/2025 Adjustments Budget	%
Capital Budget	599 345 303	634 147 943	6%

Adjustments to Funding

The funding sources to the capital budget are as follows:

Funding	2024/2025 Approved Budget	%	2024/2025 Adjustments Budget	%
Own Funding				
Capital Replacement Reserve	261 794 767	44%	280 944 412	44%
Development Contribution	38 427 536	6%	42 306 722	7%
External Funding				
External Loans	200 000 000	33%	209 300 060	33%
National Grants	72 056 000	12%	72 056 000	11%
Provincial Grants	27 067 000	5%	29 540 749	5%
	599 345 303		**634 147 943**	

Adjustments to Capital Expenditure

The capital budget per directorate is as follows:

Directorate	Total Approved Budget (R)	%	Total Adjustments Budget (R)	%
Municipal Manager	40 000	0%	40 000	0%
Planning and Development Services	20 244 000	3%	21 923 845	3%
Infrastructure Services	449 483 974	75%	476 298 433	75%
Corporate Services	56 420 000	9%	60 688 523	10%
Community and Protection Services	71 757 329	12%	73 797 142	12%
Financial Services	1 400 000	0%	1 400 000	0%
TOTALS	**599 345 303**		**634 147 943**	

Adjustments to Operating Revenue

The operating revenue budget per directorate is as follows:

Directorate	Total Approved Budget (R)	%	Total Adjustments Budget (R)	%
Municipal Manager	-	0%	-	0%
Planning and Development Services	33 903 257	1%	35 583 102	1%
Infrastructure Services	1 748 088 938	66%	1 748 882 842	66%
Corporate Services	12 642 310	0%	12 642 310	0%
Community and Protection Services	199 917 110	8%	199 917 110	8%
Financial Services	636 724 781	24%	636 724 781	24%
TOTALS	**2 631 276 396**		**2 633 750 145**	

Adjustments to Operating Expenditure

The operating expenditure budget per directorate is as follows:

Directorate	Total Approved Budget (R)	%	Total Adjustments Budget (R)	%
Municipal Manager	17 202 891	1%	17 202 891	1%
Planning and Development Services	98 091 073	4%	98 091 073	4%
Infrastructure Services	1 541 782 409	61%	1 541 782 409	61%
Corporate Services	216 623 591	9%	216 623 591	9%
Community and Protection Services	510 981 472	20%	510 981 472	20%
Financial Services	127 052 696	5%	127 052 696	5%
TOTALS	**2 511 734 132**		**2 511 734 132**	

High Level Adjustments Budget Summary for 2024/2025

The total budget is summarized as follows:

Directorate	Operating Revenue Budget	Operating Expenditure Budget	Capital Budget	Total Budget
Municipal Manager	-	17 202 891	40 000	17 242 891
Planning & Development Services	35 583 102	98 091 073	21 923 845	120 014 918
Infrastructure Services	1 748 882 842	1 541 782 409	476 298 433	2 018 080 842
Corporate Services	12 642 310	216 623 591	60 688 523	277 312 114
Community and Protection Services	199 917 110	510 981 472	73 797 142	584 778 614
Financial Services	636 724 781	127 052 696	1 400 000	128 452 696
Total Budget	**2 633 750 145**	**2 511 734 132**	**634 147 943**	**3 145 882 075**

APPENDIX 2

Capital Adjustments Budget for 2024/2025

The following funds per directorate are to be rolled-over:

Directorate	Approved Budget	Funds rolled-over	Adjustments Budget
Municipal Manager	40 000	-	40 000
Planning and Development Services	20 244 000	1 679 845	21 923 845
Infrastructure Services	449 483 974	26 814 459	476 298 433
Corporate Services	56 420 000	4 268 523	60 688 523
Community and Protection Services	71 757 329	2 039 813	73 797 142
Financial Services	1 400 000	-	1 400 000
TOTALS	**599 345 303**	**34 802 640**	**634 147 943**

The Capital projects to be rolled over from the previous financial year are as follows:

Projects		***Fund***	***Roll Over Amount***	***Motivation***
Planning and Economic Development			**1 679 845**	
Housing Development			**1 679 845**	
	Erf 64, Kylemore	HS Grant	778 988	Roll-over of grant funding
	Jamestown: Housing	HS Grant	900 857	Roll-over of grant funding
Infrastructure Services			**26 814 459**	
Waste Management: Solid Waste Management			**10 724 048**	
	Area Cleaning Depot: Franschhoek	CRR	269 216	Project was not completed and carried forward to 2024/2025 Financial Year.
	Expansion of the landfill site (New cells)	CRR	1 914 952	This is a multi-year project. Project carried forward to the 2024/25 Financial Year.
	Landfill Gas To Energy	External Loan	6 631 759	The External loan capital projects formed part of the information statement in terms of S46(3) and the loan funding can only be utilised for these projects. Tender was awarded.

Projects		***Fund***	***Roll Over Amount***	***Motivation***
	Major Drop-Offs: Construction - Franschoek	External Loan	751 629	The External loan capital projects formed part of the information statement in terms of S46(3) and the loan funding can only be utilised for these projects.
	Major Drop-offs: Construction - Klapmuts	CRR	196 492	Project was not completed and carried forward to 2024/2025 Financial Year.
	Vehicles: Solid Waste	CRR	760 000	An order was generated for the procurement of a vehicle during the previous financial year. Delivery of vehicle will take place during 2024/2025 financial year. Project carried forward to the 2024/2025 Financial Year.
	Waste Minimization Projects	CRR	200 000	This is a multi-year project. Project carried forward to the 2024/25 Financial Year.
Electrical Services			**364 841**	
	Electricity Network: Pniel	External Loan	364 841	The External loan capital projects formed part of the information statement in terms of S46(3) and the loan funding can only be utilised for these projects.
Project Management Unit (PMU)			**3 809 329**	
	Franschhoek Mooiwater 236	ISUP	793 904	Roll-over of grant funding.

Projects		***Fund***	***Roll Over Amount***	***Motivation***
	Franschhoek Mooiwater 236	CRR	3 015 425	This is a multi-year project. Project carried forward to the 2024/25 Financial Year.
Water and Wastewater Services: Water			**1 273 737**	
	New Reservoir & Pipeline: Vlottenburg	DC-Water	679 645	This is a multi-year project. Funds required for Phase 2 of project. Tender to be awarded. Project carried forward to the 2024/2025 Financial Year.
	Reservoirs and Dam Safety	External Loan	558 087	The External loan capital projects formed part of the information statement in terms of S46(3) and the loan funding can only be utilised for these projects.
	Upgrade and Replace Water Meters	CRR	36 005	This is a multi-year project. Project carried forward to the 2024/25 Financial Year.
Water & Wastewater Network Operations			**3 951 912**	
	Extention Of WWTW: Stellenbosch	CRR	1 437 202	This is a multi-year project. Project carried forward to the 2024/25 Financial Year.
	Upgrade of WWTW Wemmershoek	External Loan	993 744	The External loan capital projects formed part of the information statement in terms of S46(3) and the loan funding can only be utilised for these projects.
	Upgrade of WWTW: Klapmuts	CRR	1 520 966	This is a multi-year project. Tender process in progress. Project carried forward to the 2024/25 Financial Year.

Projects		***Fund***	***Roll Over Amount***	***Motivation***
Roads and Stormwater			**3 442 707**	
	Parking Area Upgrades - Franschhoek	DC-Parking	2 267 937	Project was not completed, work delayed due to inclement weather and carried forward to the 2024/25 Financial Year. Service provider has been appointed and work in progress.
	River Rehabilitation Implementation	CRR	1 174 770	Project was not completed, work delayed due to inclement weather and carried forward to the 2024/25 Financial Year. Service provider has been appointed and work in progress.
Transport Planning And Public Transport			**3 247 885**	
	Public Transport Facilities (Taxi Ranks) Adhoc Upgrades	CRR	3 247 885	Project was not completed, work delayed due to inclement weather and carried forward to the 2024/25 Financial Year. Service provider has been appointed and work in progress.
Corporate Services			**4 268 523**	
Information Technology			**450 099**	
	Upgrade and Expansion of IT Infrastructure Platforms	CRR	450 099	Project was not completed, and funds carried forward to the 2024/2025 Financial Year.

Projects		***Fund***	***Roll Over Amount***	***Motivation***
Property Management & Municipal Buildings and Structures			**3 818 424**	
	Upgrade Facilities for the Disabled	CRR	79 969	Project was not completed, and funds carried forward to the 2024/2025 Financial Year.
	Structural Improvement: General	CRR	1 225 379	This is a multi-year project. Project was not completed, and funds carried forward to the 2024/2025 Financial Year.
	Structural Upgrade: Heritage Building	CRR	2 471 676	Project was not completed, and funds carried forward to the 2024/2025 Financial Year.
	Upgrade Millenium Hall Pniel	CRR	41 400	This is a multi-year project. Project was not completed, and funds carried forward to the 2024/2025 Financial Year.
Community & Protection Services			**2 039 813**	
Community Services: Library Services			**554 046**	
	Furniture, Tools & Equipment: Pniel Library	CRR	293 955	Project was not completed due to non-delivery and poor performance by service provider. Project carried forward to the 2024/2025 Financial Year.
	Library Books	CRR	165 576	Procuring of specific library book could not occur before 30 June 2024, due to unforeseen circumstances. Project carried forward to the 2024/2025 Financial Year.

Projects		***Fund***	***Roll Over Amount***	***Motivation***
	Upgrading: Cloetesville Library	CRR	94 515	Orders have been placed, but due to shortage of stock, delivery was delayed. Items to be delivered during new financial year and payment to commence thereafter. Project carried forward to the 2024/2025 Financial Year.
Halls			**35 260**	
	Community Hall	CRR	35 260	Orders were generated for the appointment of architectural services for the upgrade of Groendal Hall. Project carried forward to the 2024/2025 Financial Year.
Sports Grounds and Picnic Sites			**1 283 141**	
	Recreational Equipment Sport	CRR	79 719	Orders were generated for the supply and delivery of recreational equipment. Project carried forward to the 2024/2025 Financial Year.
	Re-Surface of Netball/Tennis Courts	CRR	271 818	Orders were generated. Project not completed finishing of outdoor tennis courts. Project carried forward to the 2024/2025 Financial Year.

Projects		***Fund***	***Roll Over Amount***	***Motivation***
	Upgrade of Sport Facilities	DC-Comm	931 604	Project not completed- appointment of service providers for the upgrade of existing floodlights at Pniel and Ida's valley sport facilities and installation of paving at La Motte and Groendal sport facilities. Project carried forward to the 2024/2025 Financial Year.
Environmental Management: Implementation			**133 999**	
	Design and implement electronic Urban Forestry management tool	CRR	133 999	This is a multi-year project to be completed in 2024/2025 financial year. This is the last phase of the 3-year project. Project carried forward to the 2024/2025 Financial Year.
Law Enforcement and Security			**33 367**	
	Install Computerized Access Security Systems and CCTV Cameras At Municipal Buildings	CRR	33 367	Project was not completed, and funds carried forward to the 2024/2025 financial year. Tender was awarded.
TOTAL - Capital			**34 802 640**	

Adjustments to Operational Revenue

The revised operating income budget per Directorate is as follows:

Directorate	Approved Budget	Funds rolled-over	Adjustments Budget
Municipal Manager	-	-	-
Planning and Development Services	33 903 257	1 679 845	35 583 102
Infrastructure Services	1 748 088 938	793 904	1 748 882 842
Corporate Services	12 642 310	-	12 642 310
Community and Protection Services	199 917 110	-	199 917 110
Financial Services	636 724 781	-	636 724 781
Total Revenue	**2 631 276 396**	**2 473 749**	**2 633 750 145**

Department	Description	Approved Budget	Adjustment	Adjusted Budget	Motivation
Planning and Economic Development					
Housing Development	Human Settlements Grant	6 389 000	1 679 845	8 068 845	Adjust the budget in line with the roll-over of unspent Human Settlements Grant
Sub Total: Planning and Economic Development		**6 389 000**	**1 679 845**	**8 068 845**	
Infrastructure Services					
Project Management Unit (PMU)	Informal Settlements Upgrading Partnership Grant (ISUP)	12 550 000	793 904	13 343 904	Adjust the budget in line with the roll-over of unspent ISUP Grant
Sub Total: Infrastructure Services		**12 550 000**	**793 904**	**13 343 904**	
TOTAL - Operational Revenue		**18 939 000**	**2 473 749**	**21 412 749**	

APPENDIX 3

Adjustments Budget Tables

In accordance with the Budget and Reporting Regulations, the following compulsory schedules are attached (Appendix 3) reflecting the composition and detail of the adjustments budget:

Table name	Table reference
Adjustments Budget Summary	B1
Adjustments Budget Financial Performance by standard classification	B2
Adjustments Budget Financial Performance by vote	B3
Adjustments Budget Financial Performance	B4
Adjustments Budget Capital Expenditure by vote and funding	B5
Adjustments Budget Financial Position	B6
Adjustments Budget Cash Flows	B7
Cash backed reserves/ Accumulated surplus reconciliation	B8
Asset Management	B9
Basic Service Delivery Measurement	B10

Supporting schedules (SB1 – SB20) are attached on Appendix 4.

APPENDIX 4

Other supporting documentation (Supporting Schedules)

APPENDIX 5

Municipal Manager's Quality Certification

The quality certificate signed by the Accounting Officer is attached on Appendix 5.

APPENDIX 5

QUALITY CERTIFICATE

I, Geraldine Mettler, municipal manager of Stellenbosch Municipality, hereby certify that the adjustments budget and supporting documentation have been prepared in accordance with the Municipal Finance Management Act and the regulations made under the Act, and that the adjustments budget and supporting documentation are consistent with the Integrated Development Plan of the Municipality.

Name: Geraldine Mettler

Municipal Manager of Stellenbosch Municipality

Signature _____

Date:

8.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2024

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2024

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2024/2025 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 (2024/2025) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2024.

5. RECOMMENDATION

that the Council notes with the deviations as listed for the month of July 2024.

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 July 2024:

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 1/25	2024/07/02	Zutari (Pty) Ltd	Appointment of Zutari (Pty) Ltd for completion of new cells and associated infrastructure at the Stellenbosch Landfill.	Exceptional case and it is impractical or impossible to follow the official procurement processes	Zutari (Pty) Ltd has an existing appointment with the Stellenbosch Municipality until 30 June 2024 and the Waste Management Department requires a new appointment to be made to Zutari (Pty) Ltd to enable the finalization of the project after 30 June 2024. The Municipality requires an engineer to supervise and certify the remaining work that is completed by the contractor. The work has been supervised and certified by Zutari (Pty) Ltd up to 98% of the work completed. The deviation is required to allow the consultant to finalize the project in its entirety. Zutari is aware of all the contractual circumstances of the project and has dealt with the project thus far. Due to the it, it will not be feasible or cost effective and it would be impractical to follow the official procurement process to appoint a new engineering consultant to inspect, supervise and certify the remainder of 2% of the work. Therefore, the deviation in the procurement process to re-appoint Zutari is required as it is an exceptional case, and it is impractical or impossible to follow the official procurement processes.	R95,217.60 excl VAT
D/SM 2/25	2024/07/08	Turner Ntshingana Kirsten Ravens (Inc) TNK Attorneys	Assist the appeal Authority in rehearsing of the appeal by DB PROPERTIES regarding the conditions that was approved with the development. Reviewing a decision by the administration to approve credit for the development contributions payable to the	Exceptional case and it is impractical or impossible to follow the official procurement processes.	On 2 June 2022 the Director: Planning and Economic Development approved subject to certain conditions, DB Property's land use application for the rezoning, consent use, departure, and temporary departure in relation to Portion 43 of Farm No 65 Stellenbosch Division. DB Property Development Company (Pty) Ltd ("DB Property") instituted review proceedings and applied for the setting aside of two conditions of the 2020	Estimate amount R1 155 500.00 inc. Vat

			municipality DB PROPERTIES regarding the development.		Approval in terms of section 6 and 8 of the Promotion of Administrative Justice Act, 3 of 2000. The first condition relates to the amount of money DB Property is required to contribute as development charges towards the municipal road infrastructure for the trips generated by its proposed development. The second condition relates to the amount of credit the Municipality granted to DB Property for development charges. The Court granted the review application and referred the matter back to the Appeal Authority for reconsideration of the appeal. TNK Attorneys were appointed by the Municipality on previous legal Tender B/SM97/19 to oppose the review application instituted by DB Property against the Municipality. They have been involved in this matter from the inception thereof and has the relevant background and institutional knowledge on this matter and they are best placed to proceed with the self-review application on the Municipality's behalf regarding the credit initially provided to DB Property by the Municipality. TNK Attorneys are not on the current legal panel of B/SM54/22. This is an exceptional case, and it is impractical to follow the official procurement processes. It would make no financial sense to appoint any other attorney firm to attend the self-review of the Municipality. Should a new attorney firm be appointed, they would need to read the entire record in the review application instituted by DB Property against the Municipality including the judgment which would amount to additional legal fees incurred instead of appointed TNK Attorneys who has the relevant background, institutional experience, and expertise to attend to this matter. In terms of the current legal tender, the Municipality reserved the right to make appointments outside the legal panel, to ensure that the best interest of the Municipality is served. The municipality wants to institute legal action to review the	

					decision by the administration to give credit of R25 490 105.44 towards development contributions due by DB Properties for the development. The same attorneys should deal with such a review application for value for money purposes as they already have the background of the matter.	
D/SM 3/25	2024/07/16	Yvette Cloete Attorneys	Appointment of attorneys in appeal matter: Franschhoek claimant Trust / Stellenbosch Municipality.	Exceptional case and it is impractical or impossible to follow the official procurement processes.	The Franschhoek Claimant's Trust ("the Trust") applied for an order in terms of section 6 and 8 of PAJA reviewing and setting aside the Executive Mayor's decision, in her capacity as the appeal authority, to revoke the development and related approvals, granted by the Stellenbosch Municipal Planning Tribunal to the Trust in respect of Erf 1692 Franschhoek, Western Cape. Substituting the decision of the Executive Mayor with the following: "The appeal is dismissed". The Court held that the appeal lodged by the Franschhoek Gegriefde Grondeisers Groep and Ward 1 and 2 Committees are remitted back to the Municipality for reconsideration before the appeal authority other than the Executive Mayor. Council appointed an appeal committee to rehear the appeal. An attorney needs to be appointed to assist the committee through the rehearing process. Yvette Cloete Attorneys were appointed by the Municipality on the previous legal Tender B/SM97/19 to oppose the review application instituted by Franschhoek Claimant Trust against the Municipality. They have been involved in this matter from the inception thereof and have the relevant background and institutional knowledge on this matter and they are best placed to assist the Committee appointed to attend the hearing of the Appeal. Yvette Cloete Attorneys are not on the current legal panel of B/SM54/22. It is impractical to go out on a new SCM process to appoint another attorney. It would not make financial sense to appoint any other attorney firm to assist the Committee appointed to attend the Appeal submitted by the Franschhoek Claimant Trust. Should a new attorney	Estimate amount R40 250.00 incl. Vat

					firm be appointed, they would need to read the entire record in the review application instituted by the Franschhoek Claimant Trust which will amount to additional legal fees incurred instead of appointing Yvette Cloete Attorneys who has the relevant background, institutional experience, and expertise to attend to this matter. In terms of the current legal tender, the Municipality reserved the right to make appointments outside the legal panel, to ensure that the best interest of the Municipality is served.	
D/SM 4/25	2024/07/19	Adapt IT Holdings Pty Ltd	CaseWare Financial Reporting System	Exceptional case and it is impractical or impossible to follow the official procurement processes	The municipality requires CaseWare specialist support and licenses for the utilization, design, and customization of notes to the annual financial statements. Since a lot of custom work and time has already been invested in the current mSCOA template of the municipality to get it to its current state, it will be impractical to try and utilize a new financial reporting application/system.	Estimate amount. R 915 841,86 incl. Vat
D/SM 5/25	2024/07/17	Stodart Trees	Emergency of trees in WC024	Emergency.	The tender BSM 81/24 for tree felling, pruning, and stump-grinding for tree related incidents is currently at the Bid Evaluation Committees. The Municipality needed to act pro-actively due to the adverse weather conditions experienced in the province and the associated risks that the storm was presenting therefor it was important for the municipality that disaster management mitigation measures are put in place to avoid damages to assets. This deviation was approved for the period from 12 to 22 July 2024.	R 135 050,00 incl. Vat
		Toncu (Pty) Ltd				R 304 750,00 incl. Vat
		Trees Unlimited				R 20 250,00 incl. Vat
D/SM 6/25	2024/07/30	Jubelie Project Management (Pty) Ltd	Appointment of Jubelie Project Management (Pty) to finalise the installation of civil services and the procurement process to appoint a contractor for the 170 Top structures.	Exceptional case and it is impractical or impossible to follow the official procurement processes.	It would be impractical or cost effective for Stellenbosch Municipality to appoint new service providers for what is merely a continuation of its appointment by the Stellenbosch Municipality. Jubelie Project management are responsible for the professional services and management of tender BSM 123/21: Zone O, Kayamandi housing project. Jubelie Project Management is required to provide the final sign off engineering services	R 2 516 391,10 Incl. vat

					compliance certificates (including the provision of as-built drawings), so that a Section 28 clearance certificate can be provided. Without the clearance certificate the municipality cannot proceed with the 170 Top structures. The Section 28 clearance certificate is necessary for the Housing Development department to register the subdivisional erven at the Deeds Office. It would not be reasonable to bring in other professionals to attempt to sign off works completed and/or overseen by Jubelie and their appointed specialists. A different team of specialists would prevent BSM 123/21 from being completed and a large amount of re-work will need to be done by the new consultants. Jubelie is familiar with the community and our internal structures. A new group of professionals would first have to review all the existing designs and tender documentation completed by Jubelie prior to providing comments and or updates to designs. This will take more time and additional costs. The service sites will stand vacant for a much longer anticipated time, bringing in a large risk factor to vandalism such that has taken place just up the road at the 86 service sites project in Kayamandi. Budget allocation has been made and committed by the provincial department for 50 Top structures that must be completed by 31 March 2025. Therefore, a delay in the top structure tender would make it almost impossible to reach the target of 50 Top structures, and a risk of not getting an approved roll-over would put the municipality at financial risk. The municipality needs to start with the Top structures as soon as possible, to prevent potential vandalism to services that are currently at 92% completion. The budget aligns with Jubelie's remaining fees as the professional consultant, and any new appointments would delay the construction project which would require the	

					municipality to request budget amendments from the Provincial Government which are not always guaranteed. With the current phase more in the implementation phase of service sites and 170 Top structures on phase 3 of the site, the departments feel that Jubilee needs to complete certain tasks to ensure that a contractor can be appointed for the 170 Top structures	

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.

6.7.1 Municipal Manager

Supports the recommendations.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-08-14: ITEM 6.3

that the Council notes with the deviations as listed for the month of July 2024.

FOR FURTHER DETAILS CONTACT:

NAME	***Dalleel Jacobs***
POSITION	***Senior Manager SCM***
DIRECTORATE	***Finance***
CONTACT NUMBERS	***021 808 8137***
E-MAIL ADDRESS	***Dalleel.Jacobs@stellenbosch.gov.za***
REPORT DATE	***05 August 2024***

9.	**ITEMS FOR NOTING**

9.1	**REPORT/S BY THE EXECUTIVE MAYOR**

9.1.1	**REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 5 JUNE 2024**

Collaborator No:
IDP KPA Ref No: Good Governance
Meeting Date: 23 August 2024

1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 5 JUNE 2024

2. PURPOSE

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 5 June 2024.

3. DELEGATED AUTHORITY

For information.

4. EXECUTIVE SUMMARY

The Executive Mayor has since her election reported to Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 5 June 2024. The minutes is attached as **Annexure A**. The University of Stellenbosch caused the delay with the circulation of the minutes.

5. RECOMMENDATION

that Council take note of the report from the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 Background

The Mayor – Rector Forum was established to collaborate and share information and research on main areas of agreement regarding the challenges facing Stellenbosch and the possible solutions.

6.2 Discussion

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The minutes is attached as **Annexure A.**

The following concerns were discussed: 5 June 2024.

- Matters arising from previous meeting
    - Recent events and engagements on campus
    - Update on Adam Tas Corridor
    - Khampepe response / CIRCORE – Presentation

- Feedback from standing committees
  - o Stellenbosch Municipality Mobility Forum
  - o Infrastructure Forum
  - o Stellenbosch Municipal Water Management
  - o Monitoring & Advisory Committee on Crime (MACC)

- New Matters
  - o Electrical network in Stellenbosch
  - o Press release and communications
  - o NMT (non-motorised transport)
  - o Park and ride / Student parking in town
  - o Safety
  - o SU Green Route
  - o Uber license / electric scooters

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Item 9.1 – Council meeting: 2024-06-14

6.7 Risk Implications

Addressed through the content of the item.

6.8 Comments from Senior Management

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Annexure A: Minutes of the Mayor – Rector Forum meeting: 5 June 2024

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCILLOR SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***19 July 2024***

ANNEXURE A

STELLENBOSCH RECTOR / EXECUTIVE MAYOR FORUM

Minutes of the Rector / Executive Mayor Forum

Date: Wednesday, 5 June 2024
Time: 14h00 – 16h00
Venue: Mayoral Boardroom, 2nd floor, Main building, Stellenbosch Municipality
Chair: Mayor van Deventer

Members present:

Stellenbosch Municipality	
Adv GMM van Deventer (GvD)	Executive Mayor
Ms G Mettler (GM)	Municipal Manager
Cllr J Fasser	Deputy Mayor
Mr G Boshoff (GB)	Director: Community and Protection Services
Mr S Chandaka (SC)	Director: Infrastructure Services
Mr A Barnes (AB)	Director: Planning and Economic Development
Mr C Kitching (CK)	Deputy Director: Protection Services
Mr D Muller (DM)	Manager: Councilor Support
Stellenbosch SU	
Prof W de Villiers (WdV)	Rector and Vice-Chancellor
Prof S du Plessis (SdP)	Chief Operating Officer
Prof N Koopman (NK)	Vice-Rector: Social Impact, Transformation and Personnel
Dr L van Rooi (LBvR)	Senior Director: Social Impact and Transformation
Ms N van den Eijkel (NvdE)	Chief Director: Facilities Management
Mr N van der Merwe (NvdM)	Corporate Communication and Marketing
Prof K Ratele (KR)	

Members absent with apology:

Stellenbosch Municipality (the Municipality)	
Stellenbosch University (the SU)	
Prof H Klopper (HK)	Deputy Vice-Chancellor: Strategy and Internationalisation
Ms A Mawson	Secretariat

ITEM	DISCUSSION	RESPONSIBLE PERSON
1.	**Opening and welcome**	
	GvD welcomed all members present.	GvD
2.	**Finalisation of agenda**	
	Changes were proposed to agenda: 6.4 Park and ride / student parking in town (added) 6.7 Uber license / electric scooters (added)	GvD
3.	**Approval of previous minutes**	
3.1	A motion for adopting minutes was made by NK, seconded by WdV.	GvD
4.	**Matters from previous meeting**	
4.1	**Recent events and engagements on campus** WdV shared current events and some highlights at the start of the academic year, noting the following: **First semester** First semester concluded successful, and the students at the time busy with examinations.	WdV

	Also concluded a very successful March 2024 graduation. For 2024, more post-graduate students than undergraduate qualifiers. Hosted the 3rd Nobel in Africa symposium, with very positive outcomes. About 89 attendees and good lectures by laureates. Next year the focus will be on literature. **Thutuzela GBV Centre** WdV the trustee for the Ring for Peace trust. Centre opened in Idas Valley and already positive results and outcomes. Sets the tone for similar initiatives. Centre assists increasing number of victims, and this highlights the extent of the pandemic. The partnership between the US and Ring for Peace is already showing success in terms of positive social impact. **Achievements** Prof C Grey was awarded the Oppenheimer Memorial fellowship, and this is awarded for 5 years, with funding for research. Prof P Madikizela was awarded the 2024 Templeton Prize worth 1.1 million pounds. She is the Chair of the National Research Foundation in Violent Histories and Transitional Trauma Director of the Centre for the Study of the Afterlife of Violence and the Reparative Quest at Stellenbosch University. Both individuals add much to the prestige of the US. In addition, Dir G Boshoff and Mr C Kitching invited to Strong Cities Forum, where they adivised countries on the successful establishment of Neighbourhood watches. **Woordfees** NK added the Woordfees has been going for more than 2 decades, and has also now finally registered as NPC, with the US still as active partner. The Woordfees is again organized for October this year. As part of this new venture, a festive side external to the US is added as part of the NPC. The Het Jan Marais Nasionale fund now the major sponsor and other sponsors still involved and remain committed. GvD added this is best known and most prestigious events on the events calendar, not just for the town but beyond the province. Discussion brought in the question of where the cap for the number of students will be, and the perceived cap at 10 000 students. When that enrollment number is achieved, the US will already have looked into the hybrid model for student attendance and also considered the extension of off-campus sites for learning. US started with campus renewal projects, and since start of project in 2027, US spent more than 2,3 billion on completion of the projects. Projects not affected by the building Mafia in Kayamandi, and the projects assisted in generating work experience. R1.5 mill was received form National government to assist with training and upskilling of artisans, as well as ensuring local procurement is preferable.	GvD NK GvD / SdP
4.2	**Update on Adam Tas Corridor** GM provided an update, noting the ATC covers 11 precincts. The overlay zone is completed, and the project received the Premier's Excellence Award for the reduction in red tape. Busy finalizing the PM job description that must manage the project. ATC includes a housing zone policy, where 30% of the development is for housing. The inclusive housing agreements has already been concluded with 3 private developers, and strict qualifying criteria for the inclusionary housing zone is set to allow entry into the GAP housing market and make it more affordable. The concern was raised about provision of schools in ATC, and GM advised that ATC residential precincts allow space for the establishment of schools. There is also the possibility for an APEX school to open in 2025, as part of the ATC plan. There is constant engagement with the WCED and the developers to allow for land for schools, and the schools development must be part of the WCCED plan. For the WCED to address the backlog, there needs to be the building of at least 30 schools per year to cope with the demand and growth.	GM
4.3	**Khampepe Response /** LBvR introduced Prof K Ratele, who discussed in broad terms the recommendations and possible implementations of CIRCORE. Mention was made of the 5 workstreams, and the heads of each workstream can make recommendations. There is about 80 persons per workstream, and they need to actively engage with the stakeholders on this matter. The matter is expected to be concluded by March 2025.	LBvR / KR

	KR also spoke about institutional culture ands the dispossessed, and that more must be done to connect communities and find ways to redress and reconnect.	
5.	**Feedback from standing committees**	
5.1	**Stellenbosch Municipality Mobility Forum** SC advised Draft Terms of reference has been compiled and please see attached. The First Forum meeting occurred on 4 April 2024 and was held at the University's Smart Mobility Lab. Mobility Forum or Workshop Meetings will comprise of University and Municipality representatives at first. It is imperative that the forum and its engagements be beneficial to both the Municipality and the University. The municipality has regulated ways of engaging with stakeholders and/or interested parties and projects, programmes, and initiatives each have a separate public participation process as regulated. A Non-Motorised Transport NMT Forum is already in place and functioning well.	SC
5.2	**Infrastructure Forum** The meeting is attended by the Faculty of Engineering and other interested parties from Stellenbosch University as well as the Senior Managers of all the Services of the Infrastructure Services Directorate at Stellenbosch Municipality. The purpose of this meeting is to discuss research projects of mutual interest and to identify research topics / areas for students and staff to assist the municipality. The previous meeting took place on 14/05/2024 and updates are based on this meeting minutes. The next meeting is scheduled to take place on 13/08/2024. **In-time control system for traffic signals along the R44 corridor** Prof Andersen reported that there is no new work to report on at this stage from Stellenbosch University's side. It was emphasized that operational support is required in order to move to the next stage. J Fullard reported that Stellenbosch Municipality has appointed a consultant which is to assist with support for the model. How the various aspects of management and maintenance of the transport model, the traffic synchronization programme etc. will integrate, is currently being reviewed. **Landfill Project** Senior Manager: Solid Waste to meet with Prof Cristina Trois, new Director of CRSES and previously SARChI Chair in Waste and Climate at UKZN. Landfill liner installed and landfill cell due for commissioning in June 2024. **Alternative Generation and Procurement of Electricity Project** N Zwane reported that the tender for the procurement of 20 MW has closed and is being evaluated at present. Transaction advisor (Cresco), and Project Management (Pegasus) appointed by Province to assist the Municipality. Potential 50 MW IPP plant – Project in feasibility stage: Draft Feasibility Report out for comment at present. Continuously engaging with Eskom to explore the possibility of being considered as a load curtailment customer. Original application submitted but were rejected. Revised application submitted and awaiting feedback from Eskom **Municipal Energy storage study** N Zwane reported that the study was concluded. **Electric Minibus Taxi Project** Prof Booysen reported that the vehicles are being procured by the funder. No further updates at this stage. J Fullard reported that they have started with phase 1 which is the upgrade of the site. Phase 2 will be the enabling works. Prof Booysen informed all that simulations have shown that the impact on the infrastructure at the taxi rank will substantially be reduced if slow chargers at the Kayamandi taxi rank can be considered. Will also reduce the burden on the Bergzicht Taxi rank. J Fullard noted that further studies need to be done. **Sewage Slug Project** Prof Burger reported that the contractual documentation was submitted to Stellenbosch Municipality.	SC

	Student enrolled to assist with analysing materials. **Biomass Power Station** Feasibility study has been concluded by the university and presented to the Municipality. • Considering 3 different scenarios: 1. Major off taker like the municipality and university partake in an agreement for basically all of the power. 2. Get the municipality to consider signing the power take off and then the municipality passes it on to several customers. 3. Wheeling agreement into the national grid. N Zwane to request Lyners to look at the feasibility study report once received from the University as it might affect the curtailment application to Eskom. **Other matters arising:** KaacKai wastewater regeneration pilot (Prof Gideon Wolfaart): Prof Wolfaart reported that KaacKai approached Stellenbosch University. Prof Wolfaart informed all that the project has great potential. KaacKai has decentralised Wastewater Treatment systems. Considering a demo plant at Woodmill. Lynedoch also identified as a possible alternative site. Stellenbosch Municipality will avail themselves to discuss the proposals**.**	
5.3	**Stellenbosch Municipal Water Management** There is no change to the status quo and no water restrictions are in place. All Western Cape Dams affecting supply to Stellenbosch are above 60% and the rainy season is about to start. No drought warnings are currently active. **Current projects status:** • Vlottenburg Water Scheme Phase 1 completed; Phase 2 will be completed by June 2025. • Jamestown Reservoir Project's contractor has been appointed and construction is progressing according to expectation (Completion still in 2024) • (*Kayamandi*) Stellenbosch 10 megalitre Reservoir planned to start with construction by August 2024. Emergency plans are in place for additional generators as support for electricity backup options at municipal facilities at present.	SC
5.4	**Monitoring and Advisory Committee on Crime (MACC)** MACC minutes of the past meetings were circulated. Theft out of vehicles and opportunistic crimes (quite often because of student carelessness) are the main crimes identified by SAPS and Law Enforcement. Another concern is the homeless problem, and ways need to be identified how to deal with the problem. Students add to problem by giving money and ensuring money is available. In the MACC, concerns were also raised about the soccer matches at Danie Craven, and that other ways must be found to address the concerns of residents but also of attendees not being inside the stadium. These are normally the cause of the problems that arise outside the venue. Students that are resident in Idas Valley also seem to fall victim to crime and robberies. There is a shuttle service at night but maybe there needs to be more regular shuttle times to areas. There is ongoing engagement between placement, student affairs and the homeowners regarding safe residence for students but also safe travel to and from campus to place of residence.	NvdE
6	**New Matters**	
6.1	**Electrical Network in Stellenbosch** This was covered by SC under feedback from standing committees.	SC
6.2	**Press Release and Communications** It was expressed that better communication must be established between the US and SM, and for co-operation on press releases and to ensure the US put more out in terms of good work with SM.	GvD
6.3	**NMT**	

	Discussions ongoing.	
6.4	**Park and Ride / Student parking in town** More inputs and support requested from the US regarding these matters, as US impacts greatly on the issues and the execution of decisions. A short discussion was generated regarding a potential park and ride facility at the Technopark, where land for such a facility is available. Need to investigate ways to address ease of traffic pressure on town.	GvD
6.5 & 6.6	**Safety / Green Route** Many concerns about student safety especially raised, and these concerns were raised during campaigning for the 2024 elections. Request to extend student green route, to include the LAPland flats area, and to enhance with more lights and security. Proposal to do more walk with security service / provide more shuttles. More information on safety routes can also be published / shared. Not advertised as Green Route anymore.	GvD
6.7	**Uber license / Electric scooters** No input / feedback on the Uber license issue. Electric scooters seem to be a major problem. No legislation guiding the use and where the scooters must ride. National legislation lacking on this new problem. Now, the scooters cannot operate on a public road, and share the same space as a pedestrian. A few incidents have already been reported. Problems occur about where the scooters are left after use, and the vandalism of the scooters. The MEC for Mobility is also uncertain about how to address this issue, as they need to find ways to incorporate the use but in a controlled and safe manner.	
7	**Closing**	
	Meeting adjourned at 16:00 Next meeting will be on 9 September 2024.	

9.2	**REPORT/S BY THE SPEAKER**

NONE

9.3	**REPORT/S BY THE MUNICIPAL MANAGER**

NONE

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

10.1	**PROTECTION SERVICES: (PC: CLLR R PHEIFFER)**

NONE

10.2	**SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]**

NONE

10.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)

10.3.1	REQUEST TO SUPPORT APPLICATION TO WESTERN CAPE HERITAGE TO DECLARE AAN DE WAGEN WEG AS A HERITAGE SITE

Collaborator No: 771436
IDP KPA Ref No: Good Governance
Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: REQUEST TO SUPPORT APPLICATION TO WESTERN CAPE HERITAGE TO DECLARE AAN DE WAGEN WEG AS A HERITAGE SITE

2. PURPOSE

To inform Council of the request received from REMGRO and for council to resolve if they will support the application. The item served before the section 80 Committee in June 2024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Remgro send an application they want to submit to Heritage Western Cape (**APPENDIX 1)** and requested the Municipal Manager to provide a letter to support the application. The land where the road is Municipal Land. The surrounding owners have all send letter to indicate that they support the application. The Municipal Manager first want Council to indicate if they support the application before she submits any response. This matter served before Mayco in 2023 and the Executive Mayor referred it to a combined section 80 meeting for advice. A Combined section 80 Committee consisting of the Corporate, Planning and Infrastructure Portfolio Committee considered the item in June 2024 and resolved as follows:

COMBINED CORPORATE SERVICES COMMITTEE MEETING: 2024-06-11: ITEM: 6.1

RECOMMENDATIONS

(a) That the combined Committee support the application.

(b) That signs be put up and maintained to explain the heritage of the site.

5. RECOMMENDATIONS

(a) that the combined Committee support the application; and

(b) that signs be put up and maintained to explain the heritage of the site.

6. DISCUSSION / CONTENT

6.1 Background

If an area is to be declared a heritage site, the application must be considered by Western Cape Heritage in accordance with the provisions of the criteria for such a declaration. One of the requirements is that the landowners or surrounding owners must give their input on the application to indicate if they support or not support such an application.

6.2. DISCUSSION

Remgro send an application they want to submit to Heritage Western Cape (**APPENDIX 1)** and requested the Municipal Manager to provide a letter to support the application. The land where the road is Municipal Land. The surrounding owners have all send letter to indicate that they support the application. The Municipal Manager first want Council to indicate if they support the application before she submits any response.

The site and what it currently looks like can be seen on the photographs in **APPENDIX 1**.

This matter served before Mayco in 2023 and the Executive Mayor referred it to a combined section 80 meeting for advice. A Combined section 80 Committee consisting of the Corporate, Planning and Infrastructure Portfolio Committee considered the item in June 2024 and resolved as follows:

COMBINED CORPORATE SERVICES COMMITTEE MEETING: 2024-06-11: ITEM: 6.1

RECOMMENDATIONS:

a) That the combined Committee support the application.

b) That signs be put up and maintained to explain the heritage of the site.

6.3 Financial Implications

The declaration of the site as a Heritage site would not have any financial implications. It will prohibit any changes unless Heritage Western Cape approves. The section 80 Committee requested that signs be put up to explain the heritage of the site if the approval is granted by Heritage Western Cape.

6.4 Legal Implications

Council must provide a response to the application seeing that part of the area that is applied for is Council property and zoned as road reserve.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

No Council resolutions. The Matter served before Mayco and was referred to a combined section 80 Committee.

COMBINED CORPORATE SERVICES COMMITTEE MEETING: 2024-06-11: ITEM: 6.1

RECOMMENDATIONS:

a) That the combined Committee support the application.

b) That signs be put up and maintained to explain the heritage of the site.

6.7 Risk Implications

There are no risks for the Municipality.

6.8 Comments from Senior Management

There were no objections to the request when the item served before the combined section 80 committee. All directorates supported the application.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-08-14: ITEM 7.3.1

(a) that Council support the application; and

(b) that signs be put up and maintained to explain the heritage of the site.

APPENDICES:

APPENDIX 1 – Application

FOR FURTHER DETAILS CONTACT:

NAME	**Annalene de beer**
POSITION	***Director***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021-8088018***
E-MAIL ADDRESS	***Annalene.deBeer@stellenbosch.gov.za***
REPORT DATE	***2024 – 1 August 2024***

APPENDIX 1



AAN DEN WAGENWEG
ERF 6156, Ptn Re/16476 & UNSURVEYED STATE LAND, STELLENBOSCH

Expanded Heritage Statement & PHS Nomination

March 2023

ARCON

CS Design CC t/a ARCON Specialist Architectural & Heritage Consultants

email: ARCON@megaserve.net
cell 083 658 5636

Aan-den-Wagenweg: Erf 6156; Unsurveyed State Land and Unregistered Roadway between the R44 and the Dorp Street Intersection

Expanded Statement of Significance and Motivation for PHS Declaration

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Aan-den-Wagenweg: Erf 6156; Ptn Re/16476; Unsurveyed State Land and Unregistered Roadway between the R44 and the Dorp Street Intersection.

Expanded Statement of Significance and Motivation for PHS Declaration

1 Introduction

This report is to be read in conjunction with the attached completed PHS Nomination Form and expands on the information provided there.

Aan-den-Wagenweg is a surviving portion of one of two historic principal wagon routes into Stellenbosch. This portion dates back to the 17th C and is arguably the only good surviving example of its type, at least in the Western Cape. Aan-den-Wagenweg is the key defining element in a precinct that has retained its spatial integrity for well over a century as a historic corridor leading into what is effectively one of the country's most important early settlements. Although this road is no longer a through-route for motorized transport, it remains accessible at both ends for pedestrians and non-motorized transport, as was the case in historical times.

This nomination argues that Aan-den-Wagenweg has historical, aesthetic, architectural, scientific and social value that elevates it to exceptional in terms of its cultural significance, especially when compared to other surviving historic urban gateway routes in the Province, and probably further afield.

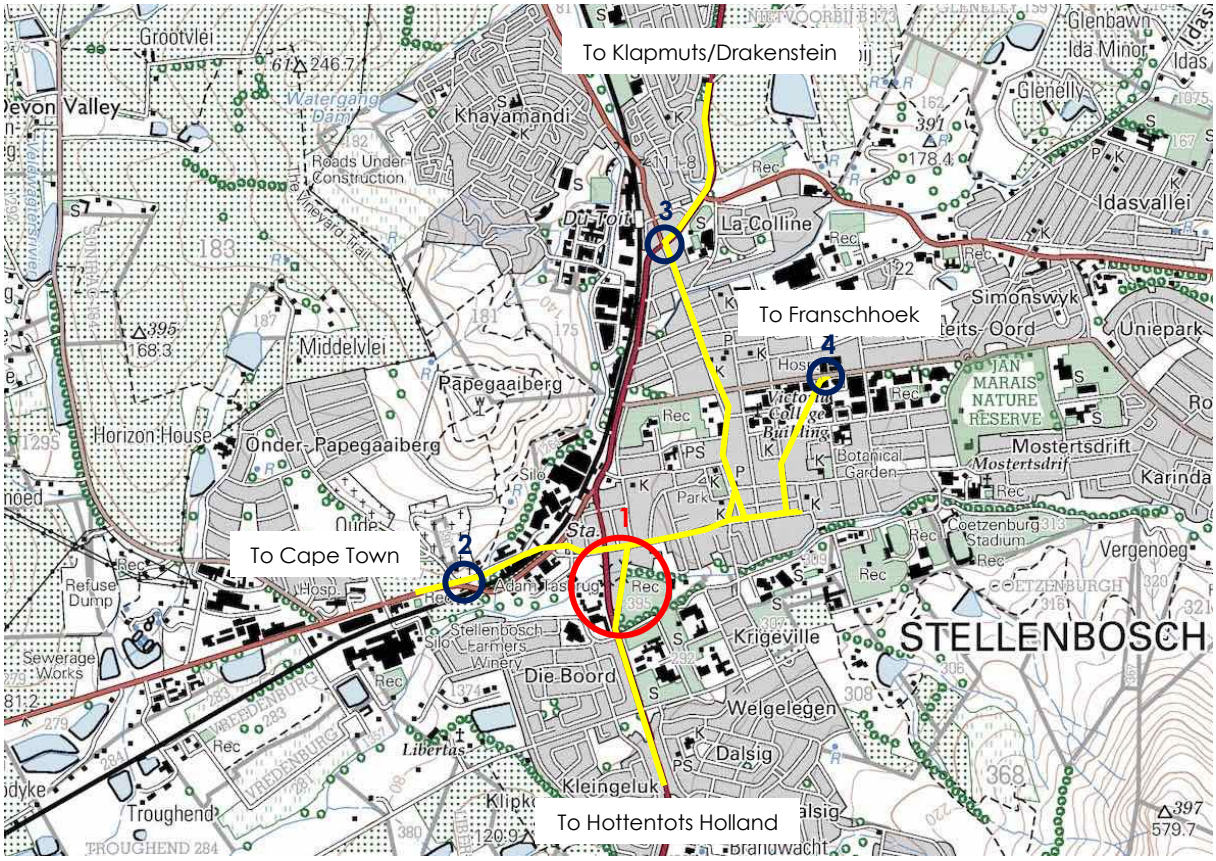


FIGURE 01: *The location of Aan-den-Wagenweg (circled in red: node 1) in relation to the other historic entry points into Stellenbosch (circled in blue and identified as nodes 2, 3 & 4). Main historic routes to, from and within Stellenbosch are marked in yellow. (Base map: SG survey grid ref. 3318 DD).*

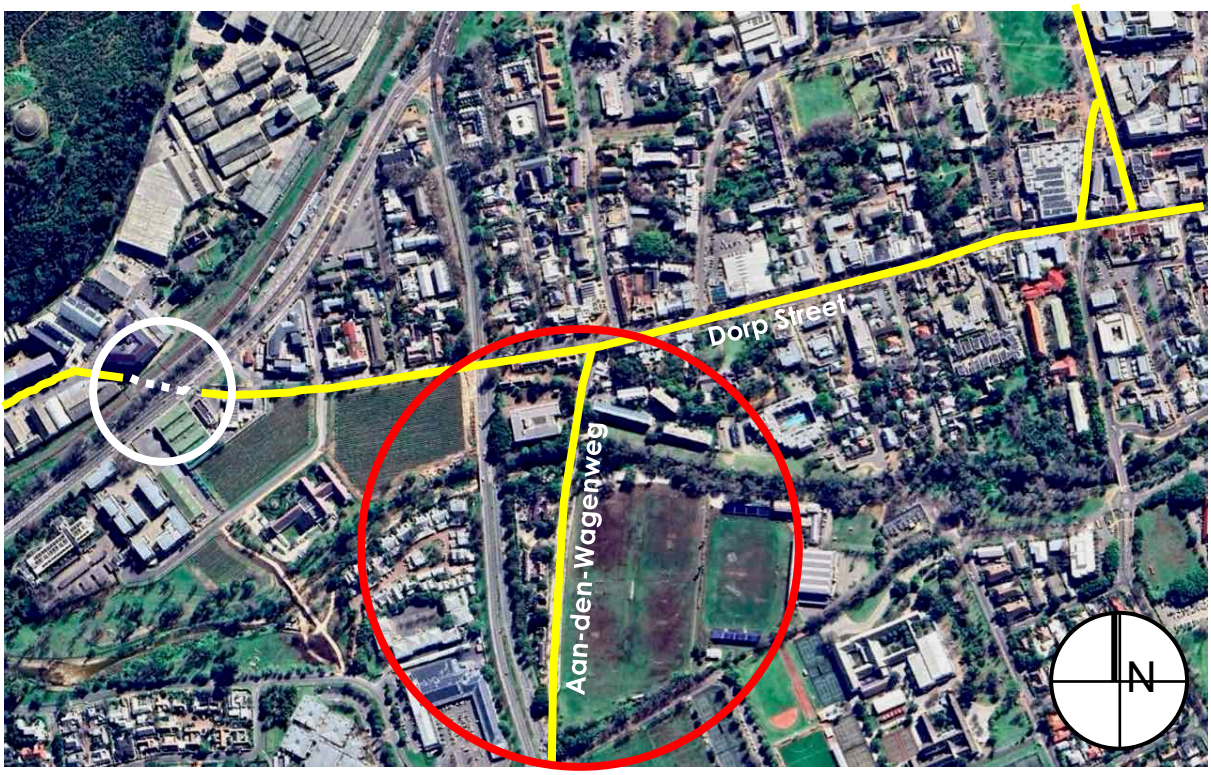


FIGURE 02: *The location of Aan-den-Wagenweg (circled in red) in relation to the other main historic Stellenbosch thoroughfares superimposed on a contemporary satellite image. The historic approach from the east has been cut off (see white broken lines circled in white) from the bottom of Dorp Street by the railway line (Base image: Google Earth, 10 July 2022).*

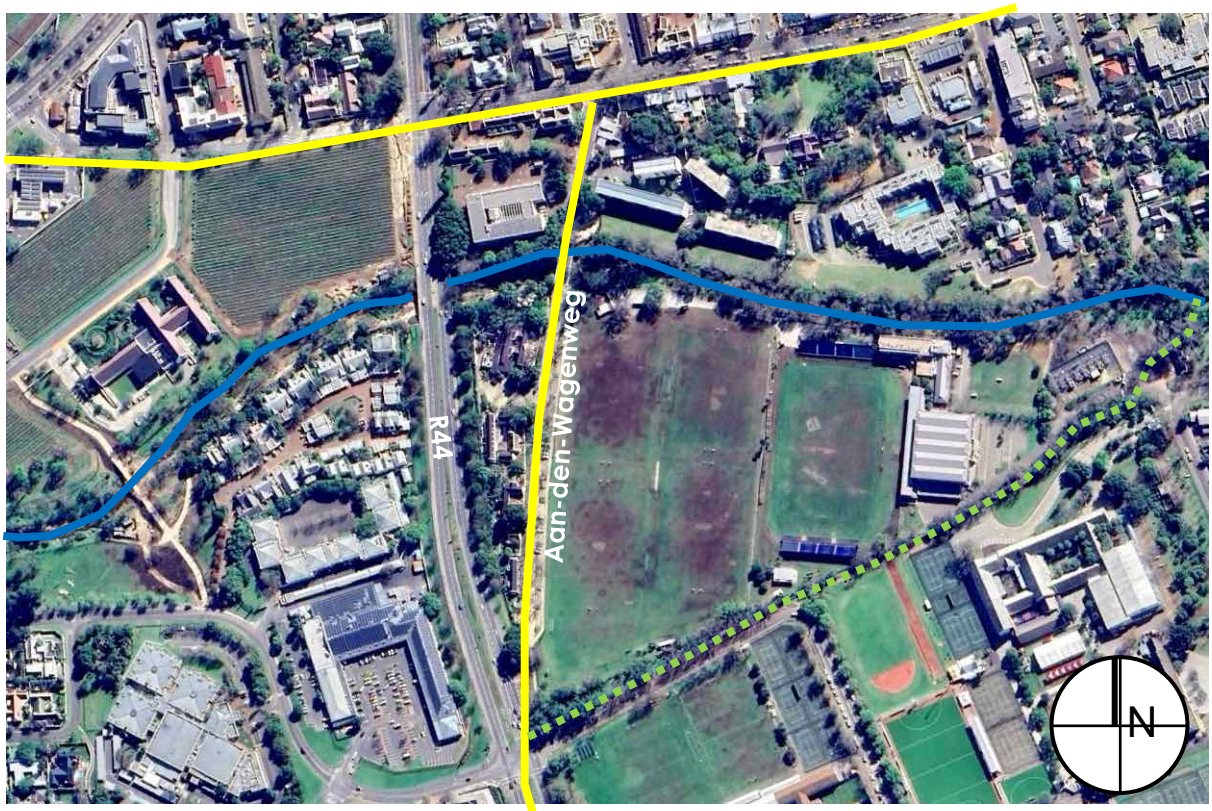


FIGURE 03: *Closer view of the spatial context with the historic Libertas irrigation furrow (in green broken lines) leading from to the Eerste River (in blue) and located just off the southern non-motorized intersection with the R44. (Image: Google Earth, 10 July 2022).*

In 2018, Aan-den-Wagenweg was subject to various improvements largely under the custodianship of Millennia Park (Pty) Ltd who are the owners of a large portion of the land upon which this road is located south of the Eerste River. These improvements were the subject of a heritage impact assessment (HIA) prepared by the late Dr Elzet Albertyn and approved by HWC on 27 February 2018.

In 2021, the portion of the subject site to the south of the Eerste River was further enhanced by the construction and landscaping of a formalised non-motorized transport (NMT) route along the eastern edge of the Wagenweg (**Figure 05**). This was completed with the support of Paul Roos Gymnasium, upon whose land the NMT route is located, but which has since been leased by Paul Roos Gymnasium to Millennia Park (Pty) Ltd for 99 years. The proposals for the NMT route (on the land now leased to Millennia Park (Pty) Ltd) was endorsed by HWC on 27 November 2020 in response to a Notice of Intent to Develop application prepared by ARCON (the author of this nomination report).

Millennia Park (Pty) Limited, Paul Roos Gymnasium and the Stellenbosch Municipality, support in principle, having the entire length of the road between its intersection with the R44 and its intersection with Dorp Street declared a Provincial Heritage Site (PHS). The nomination includes the Victoria Bridge over the Eerste River which, in my view, has been significantly under-valued as a graded heritage resource.

2 Site Description

i) ***Location & Overall Spatial Character***: Aan-den-Wagenweg is situated at the lower end of Stellenbosch's historic Dorp Street with which it intersects on its southern side (**Figures 01-03**). It consists of a roadway that extends from the R44 over the Victoria bridge crossing the Eerste River, and connecting with Dorp Street on the river's northern side. Approaching from the south towards Dorp Street, the spatial character of this historic route is defined by open space on its east side (across the adjacent Markotter Sports Fields) but defined by single storey linear development framed by tall trees on its west side. After crossing the Victoria Bridge to the northern bank of the Eerste River, this character changes to more contained, with development now on both sides of the route approaching the intersection with Dorp Street. In other words, as one approaches Dorp Street from the south, the landscape character transitions from relatively rural in terms of broader spatial quality to more pronounced in terms of urban character.

ii) ***Through-route:*** The intersection of Aan-den-Wagenweg and Dorp Street was the old main entrance/exit to Somerset West from Stellenbosch. Although no longer a through-route tor motorized vehicles, the wagon road was reinstated as a through-route for bicycles and pedestrians in 2018 funded by Millennia Park (Pty) Ltd. That enabled part of the heritage significance of the roadway to be regained subsequent to the through-route having been lost when the construction of the R44 cut the roadway off, turning it at that time into a cul-de-sac.

iii) ***Road surface:*** The subject roadway accurately follows the line of the main wagon route that linked Stellenbosch to Hottentots Holland and the Gantouw Pass before the completion of Sir Lowry's Pass. Work for improving the area, which was approved by HWC in 2018, included re-surfacing the road with a brown washed aggregate surface and cobbled margins (**Figures 09**&**10**). The purpose was to re-create the effect of a natural gravel surface on the Millennia Park's portion of the road in recognition of its important

history. This surfacing currently extends to the southern end of the Victoria Bridge as it is on private property. The portion of the route on the north side of the Victoria Bridge is on municipal land.

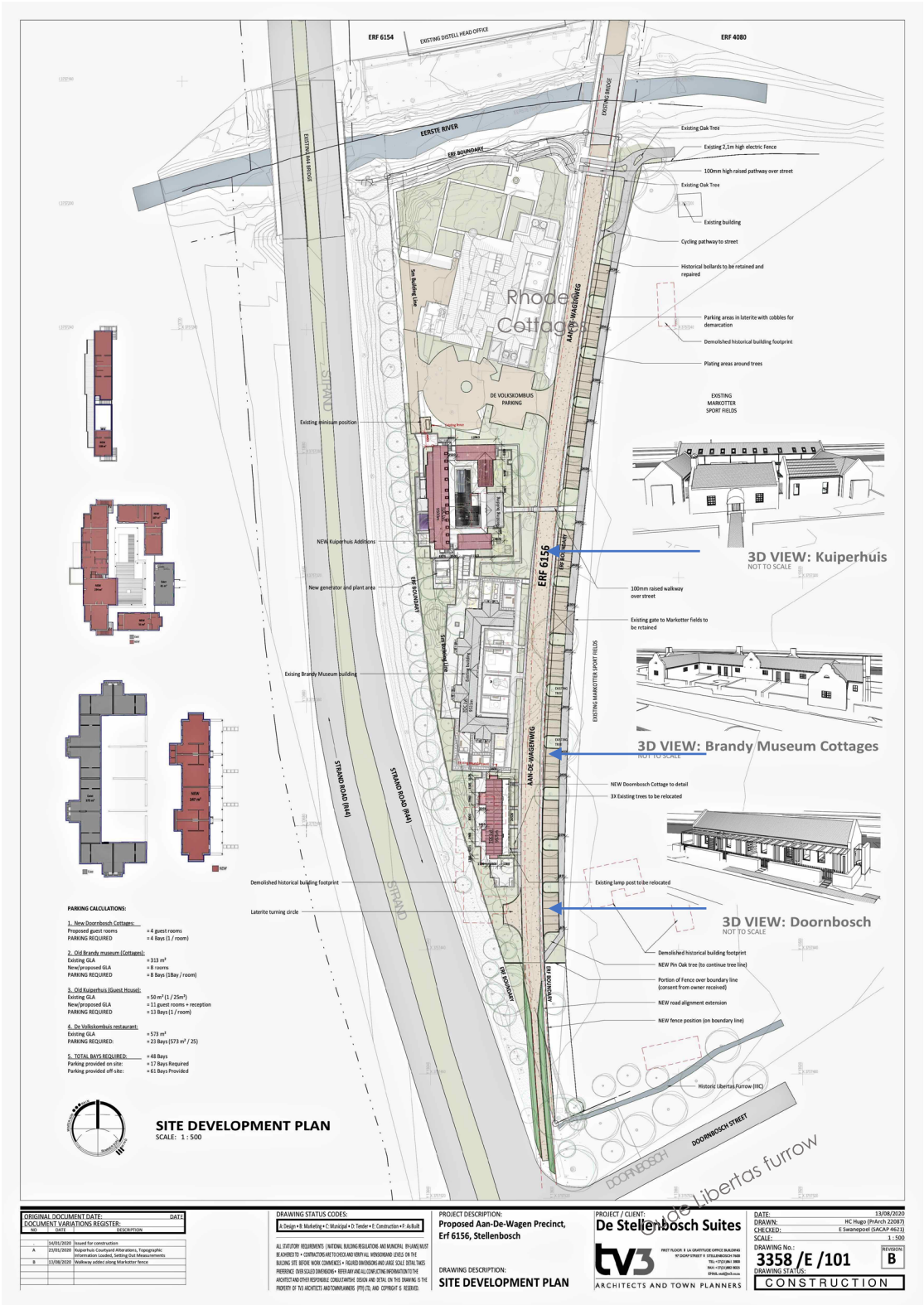


FIGURE 04: *Existing development south of the Eerste River on the western side of the wagon route. The buildings in red have recently been completed and form part of the development approved by HWC in 2018. (Courtesy: TV3 Architects & Planners, October 2020).*

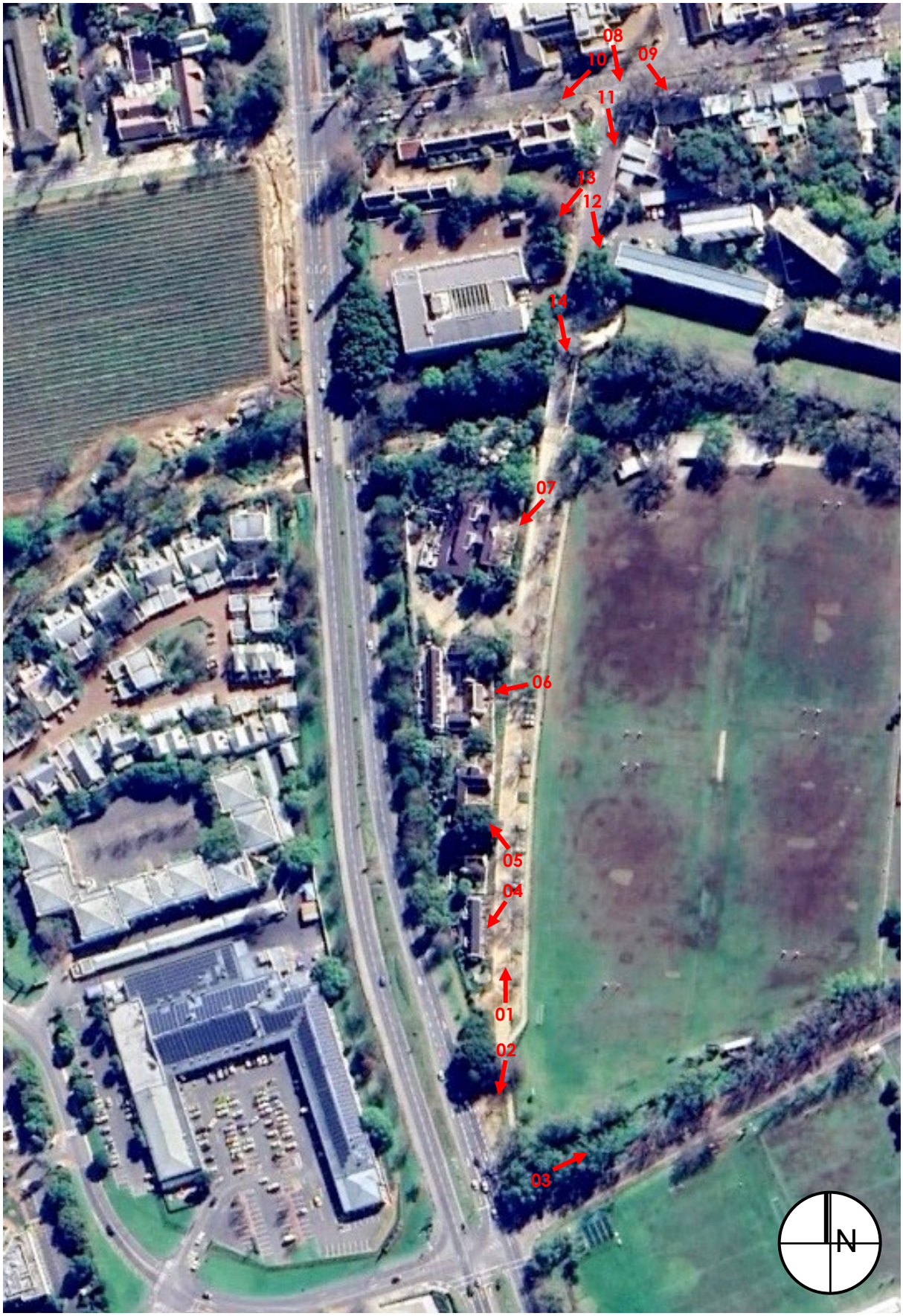


FIGURE 05: *Aan-den-Wagenweg with photographic viewpoints for Figures 01 to 19. (Base image: Google Earth, 10 July 2022).*

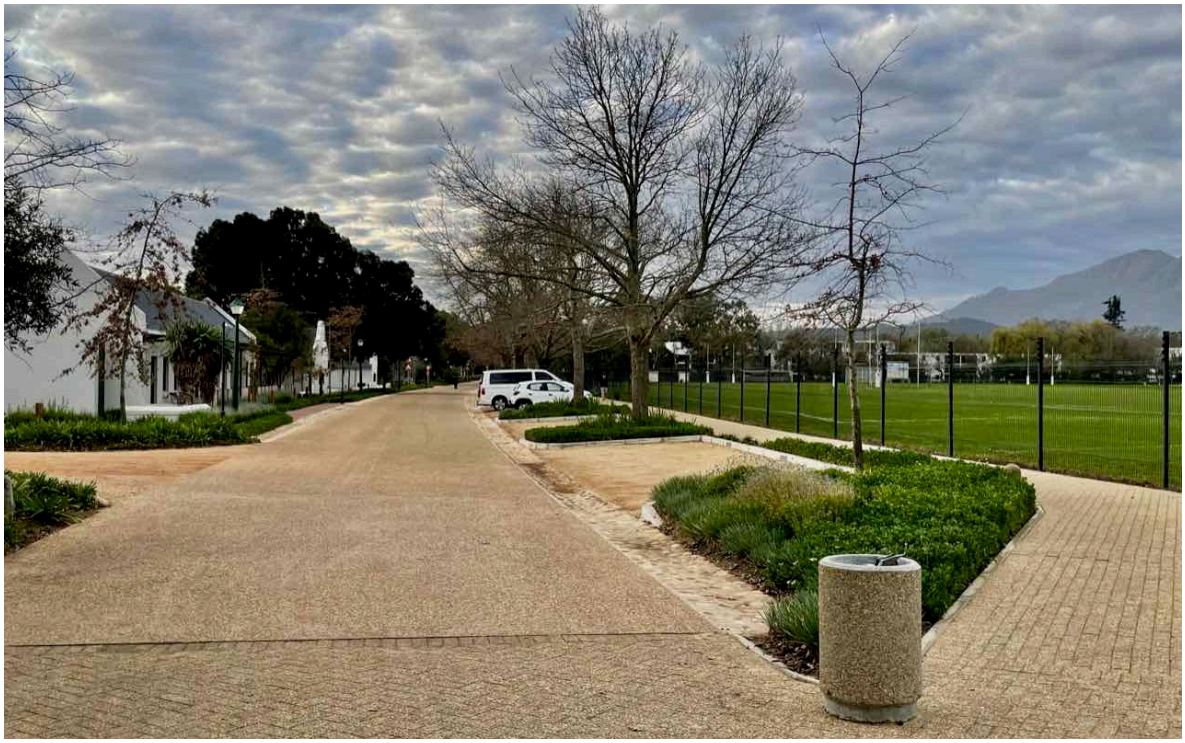


FIGURE 06: View 01: *Aan-den-Wagenweg: approach from the south with linear development defining the left side of the road and the undeveloped open space of the Markotter Sports Fields to the right with photographic viewpoints. (Image: ARCON, 1 July 2022).*



FIGURE 07: View 02: *Aan-den-Wagenweg: looking in the opposite direction to Figure 06. The route narrows into a non-motorized transport track, and connects with the R44 (right). The location of the historic Libertas irrigation furrow is arrowed (far left). (Image: ARCON, 1 July 2022).*



FIGURE 08: View 03: *The historic Libertas irrigation furrow dating back to c1794 and running along the southern boundary of the Markotter Sports Fields, connecting to the Eerste River at its northeast end. It is crossed by the southern end of Aan-den-Wagenweg. (Image: Elzet Albertyn, July 2017).*



FIGURE 09: View 04: *Recently completed guest accommodation at the southern end of Aan-den-Wagenweg, forming part of the new hospitality complex in the precinct. This building occupies the site of labourer's cottages demolished to make way for the R44. The brown washed aggregate road surface and cobbled margins are a historical reference to the old wagon road. This building has not been graded but, in my view, warrants Grade IIIC status (of contextual significance) notwithstanding being recently built. (Image: ARCON, 1 July 2022).*

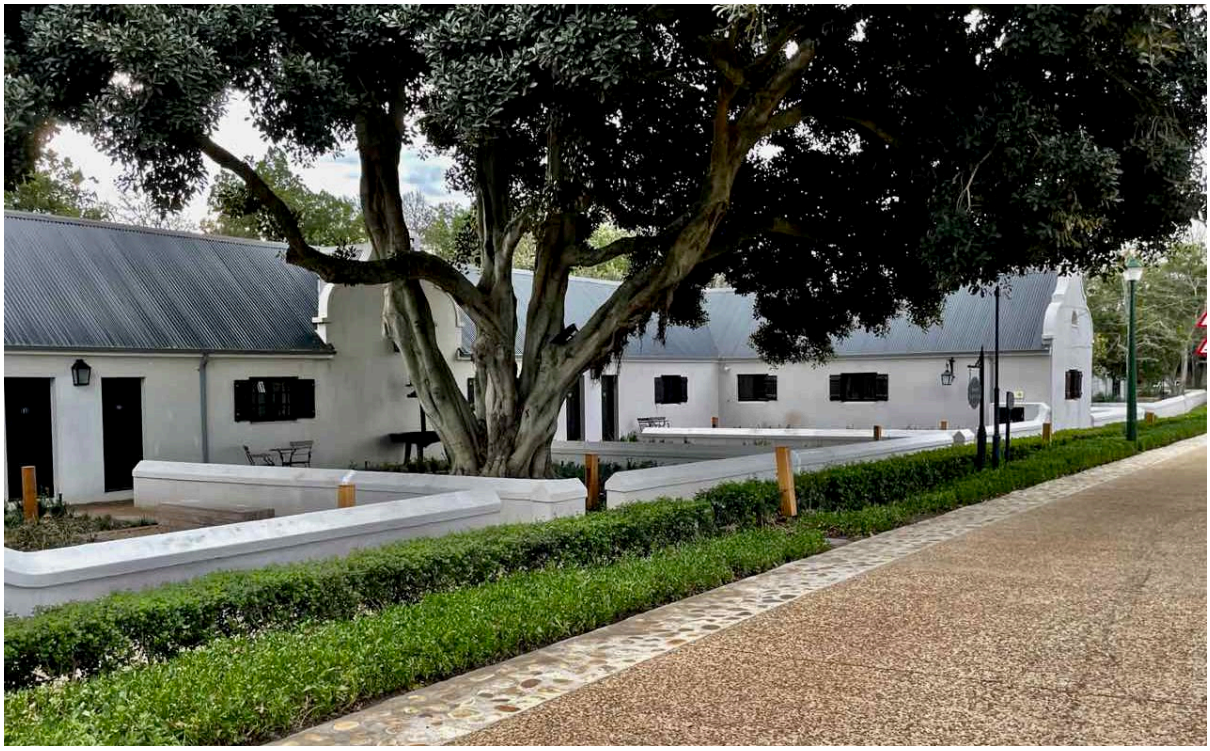


FIGURE 10: View 05: *The second of two surviving Rhodes Cottage complexes: graded Grade IIIA, but deserving of Grade II status in my view. It currently provides guest accommodation for the small hospitality complex in the precinct. (Image: ARCON, 1 July 2022).*



FIGURE 11: View 06: *The 'Kuiperhuis', now surrounded by recently completed new development forming part of the small hospitality complex in the precinct. The Kuiperhuis has been graded Grade IIIB (2013 Stellenbosch Heritage Survey). (Image: ARCON, 1 July 2022).*



FIGURE 12: View 07: *The surviving* Rhodes *Cottage complex closest to the Eerste River. The building now houses the Volkskombuis restaurant and has been graded Grade IIIA (2013 Stellenbosch Heritage Survey) although in my view is deserving of Grade II status. (Image: ARCON, 1 July 2022).*



FIGURE 13: View 08: *The intersection of Aan-den-Wagenweg and Dorp Street: formerly the exit gateway from Stellenbosch to Hottentot's Holland/Somerset West. This gateway is flanked by buildings identified as of high heritage significance (see also Figures 9 & 10) (Image: ARCON, 1 July 2022).*



FIGURE 14: View 09: *No 37 Dorp Street on the eastern corner of Aan-den-Wagenweg. This building and its neighbours are former National Monuments. It and and its neighbours have been graded Grade IIIA (2013 Stellenbosch Heritage Survey). (Image: ARCON, 1 July 2022).*

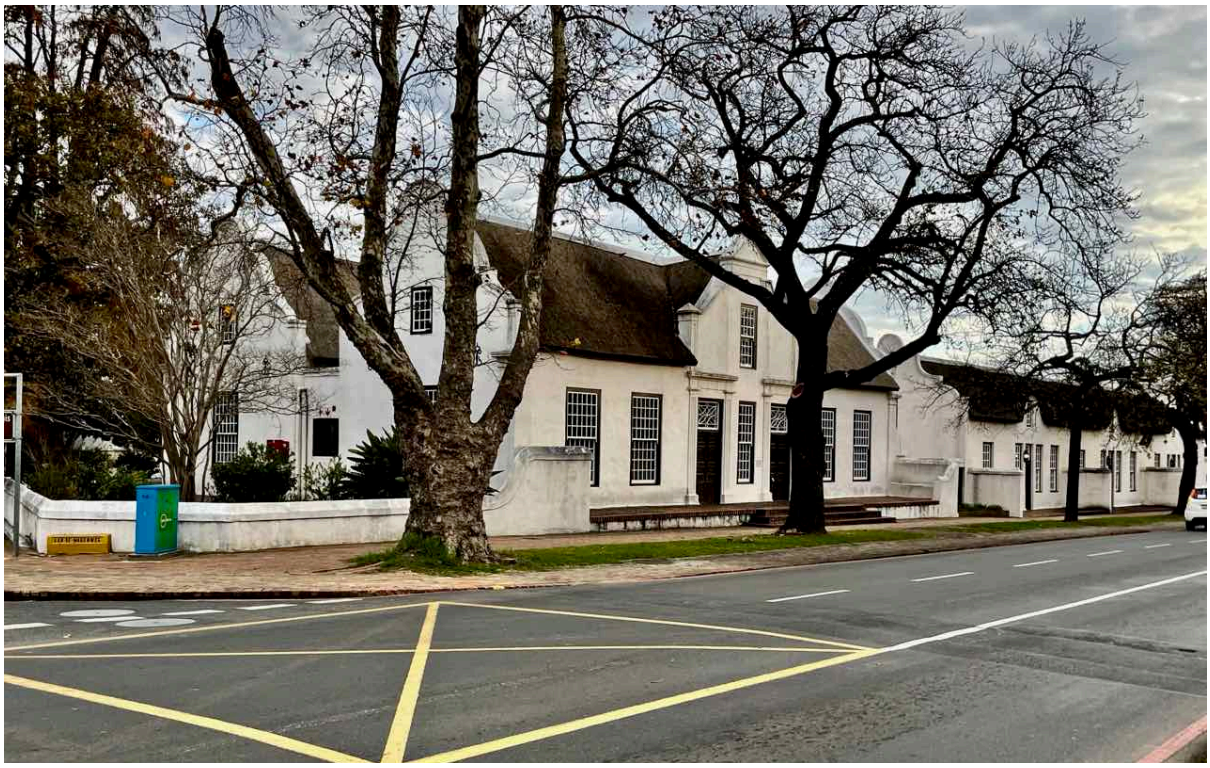


FIGURE 15: View 10: *This complex facing onto Dorp Street and the Stellenryk Wine Museum occupies the western side of Aan-den-Wagenweg. This property, including the buildings behind (see Figure18 for the other example side-on to this wagon route), is a Provincial Heritage Site. (Image: ARCON, 1 July 2022).*



FIGURE 16: View 11: *This group of buildings occupies the east side of Aan-den-Wagenweg. Although the date on the one gable is incorrect (the building is more recent) this group contributes positively to the streetscape in terms of overall massing, scale and architectural form. The group is currently not graded. This, I believe, is an oversight, and warrants at least Grade IIIC (of contextual significance) status. (Image: ARCON, 1 July 2022).*



FIGURE 17: View 12: *Stillewaters/ Helderwaters is an apartment complex end-on to Aan-den-Wagenweg and directly behind the 'Smidswinkel' complex in Figure 16. This modernist complex has been graded Grade IIIB (Stellenbosch Heritage Survey). (ARCON, 1 July 2022).*

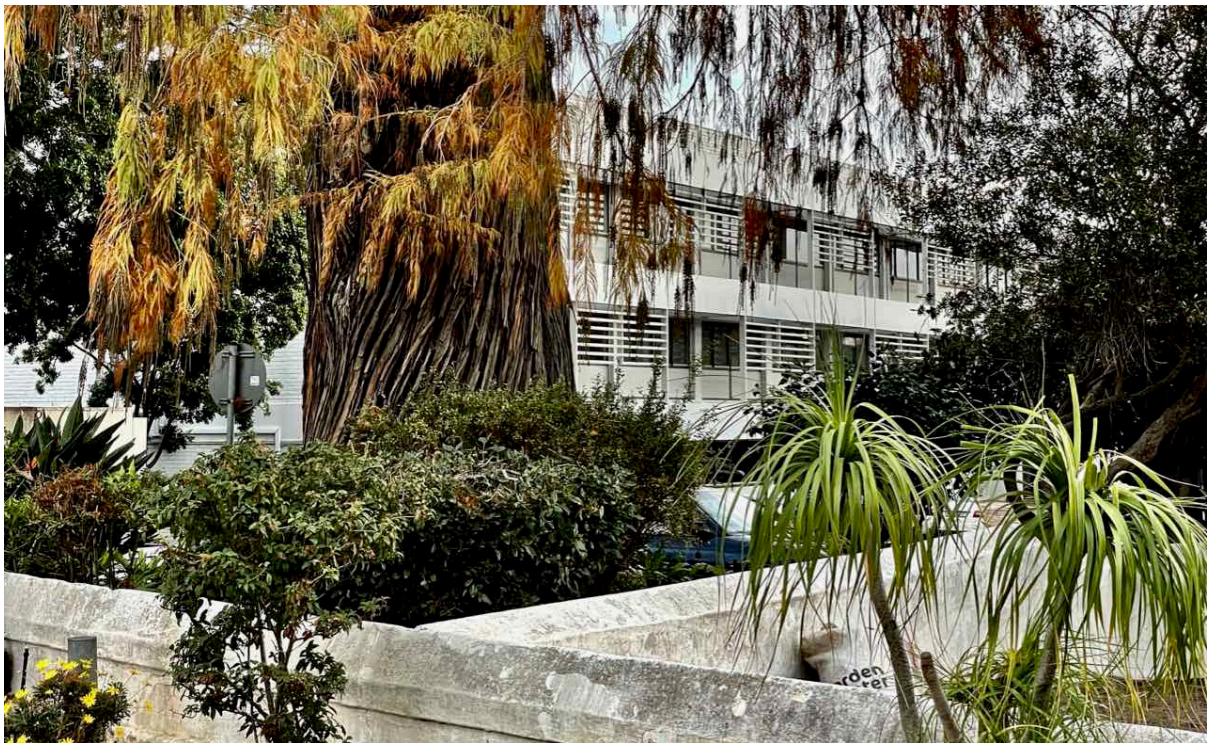


FIGURE 18: View 13: *This modernist office block forms part of the Stellenryk Wine Museum complex and, like Stillewaters/Helderwaters on the opposite side of Aan-den-Wagenweg, is end-on to the old wagon road. The building forms part of the Parva/Stellenryk Provincial Heritage Site and has not been individually graded. (Image: ARCON, 1 July 2022).*

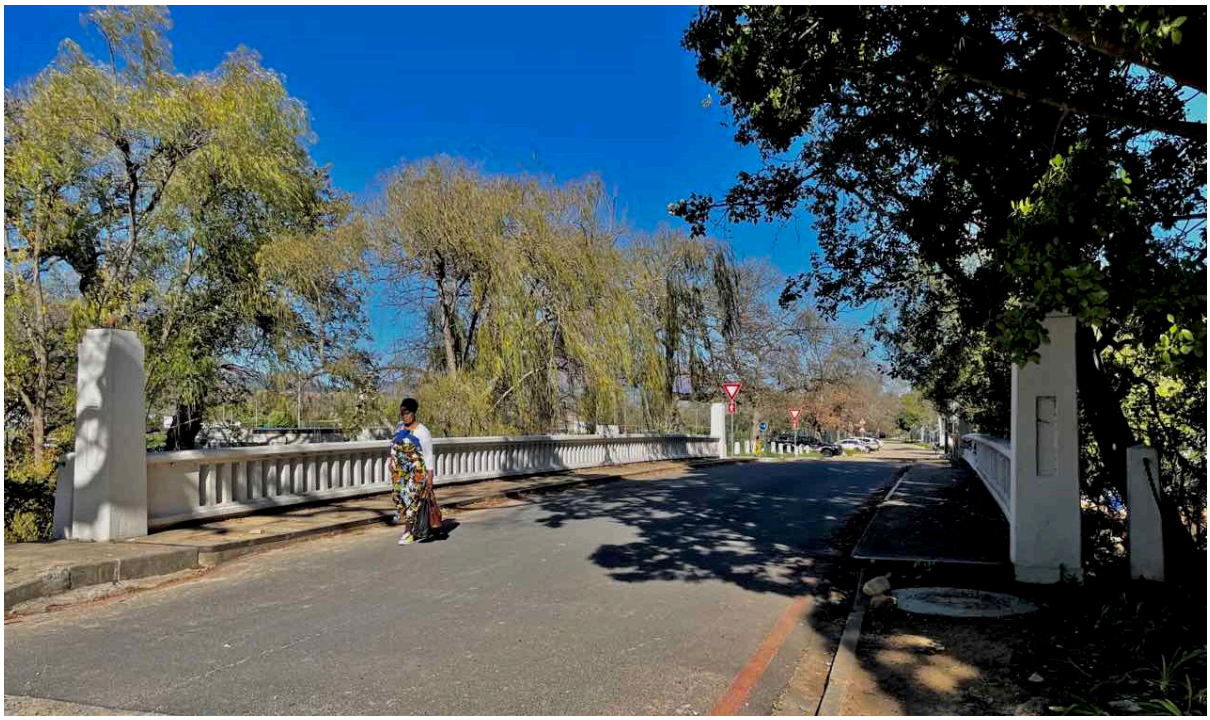


FIGURE 19: View 14: *The Victoria Bridge crosses the Eerste River on the old wagon road alignment. This structure warrants greater recognition than its currently suggested IIIC status, i.e. as per the 2013 Stellenbosch Heritage Survey. I believe this to be an oversight and submit that a Grade IIIA grading would be more appropriate. (Image: ARCON, 1 July 2022).*

iv) ***Approach south of the Eerste River: west side:*** From the southern approach along the wagon road from the R44 towards Stellenbosch, there are a series of substantially linear developments to the left (west) with a strong line of trees acting as a visual buffer between these buildings and the negative impact of the R44 further west. These developments include two recently completed small hospitality complexes and two existing complexes (**Figure 04**). The latter comprise two surviving former labourer's cottage complexes (the Rhodes Cottages): the one having operated for a while as a brandy museum, and other as a restaurant (which is still the case). Both sets of Rhodes Cottages have been graded Grade IIIA[1] (of highest local significance) although I believe their significance to be higher as already mentioned. Both are former National Monuments. The new complex immediately to the south of the Rhodes Cottages has been built around another existing building, i.e. the so-called Kuiperhuis. This building has been graded Grade IIIB. All of the recently completed buildings respond positively in terms of overall scale, massing and architectural form to the Kuiperhuis and Rhodes Cottages. The result is that the overall spatial integrity that has characterized the western side of the wagon route south of the Eerste River for well over a century if not longer, has been retained.

v) ***Approach south of the Eerste River: east side:*** The eastern side of the road is bounded by the Markotter Sports Fields of Paul Roos Gymnasium, previously agricultural land but nonetheless now still retained as largely undeveloped open space. Where development has occurred in the form of the school's multi-storey sports center and grandstands, this has been set well back and therefore does not impact negatively on the historic integrity of the wagon road. The overall spatial character of the east side of the road south of the Eerste River has therefore been largely retained, albeit not as cultivated agricultural land as had existed up to the mid-20th C.

vi) ***Approach north of the Eerste River:*** Unlike the south side, there is development on both sides of the route at its northern end. The intersection with Dorp Street is flanked by two buildings of high heritage significance, i.e. on the west corner: a historic thatched and gabled townhouse facing onto Dorp Street and forming part of the Libertas Parva and the Stellenryk Wine Museum complex (all part of a deserved Provincial Heritage Site[2]); and off the east corner: No 37 Dorp Street (graded Grade IIIA[3] – of highest local significance – a grading with which I concur). Beyond the latter on the east side of Aan-den-Wagenweg are a group of buildings that have not been graded in the Stellenbosch Heritage Survey but nonetheless contribute significantly to the spatial context of the wagon route in terms of overall massing and scale.

3 Historical Background

The historical background of Aan-den-Wagenweg has been largely covered in Dr Elzet Albertyn's heritage impact assessment of July 2017 (approved by HWC in February 2018). A copy of that report is attached.

The following key points relate to the historical morphology of the surrounding landscape informed, *inter alia*, by the Albertyn Report and various other survey maps and illustrations:

[1] Stellenbosch Heritage Survey, 19 March 2013.
[2] Ibid
[3] Ibid

i) ***C1688-1692: Early wagon routes into Stellenbosch:*** The earliest known map of Stellenbosch (c1688-1692), i.e. barely 3-7 years after it was formally established as a town, includes three major wagon routes in and out of the settlement (**Figure 20**). These include a wagon route to the north to Drakenstein (Paarl); another to the west to Cape Town; and a third, (the subject of this nomination), to the south to Hottentots Holland and outlying territories into the east coast territories of the country. It is almost certain that these trails followed routes that originated as wild animal tracks, subsequently widened by first nation Khoe herders with their livestock.

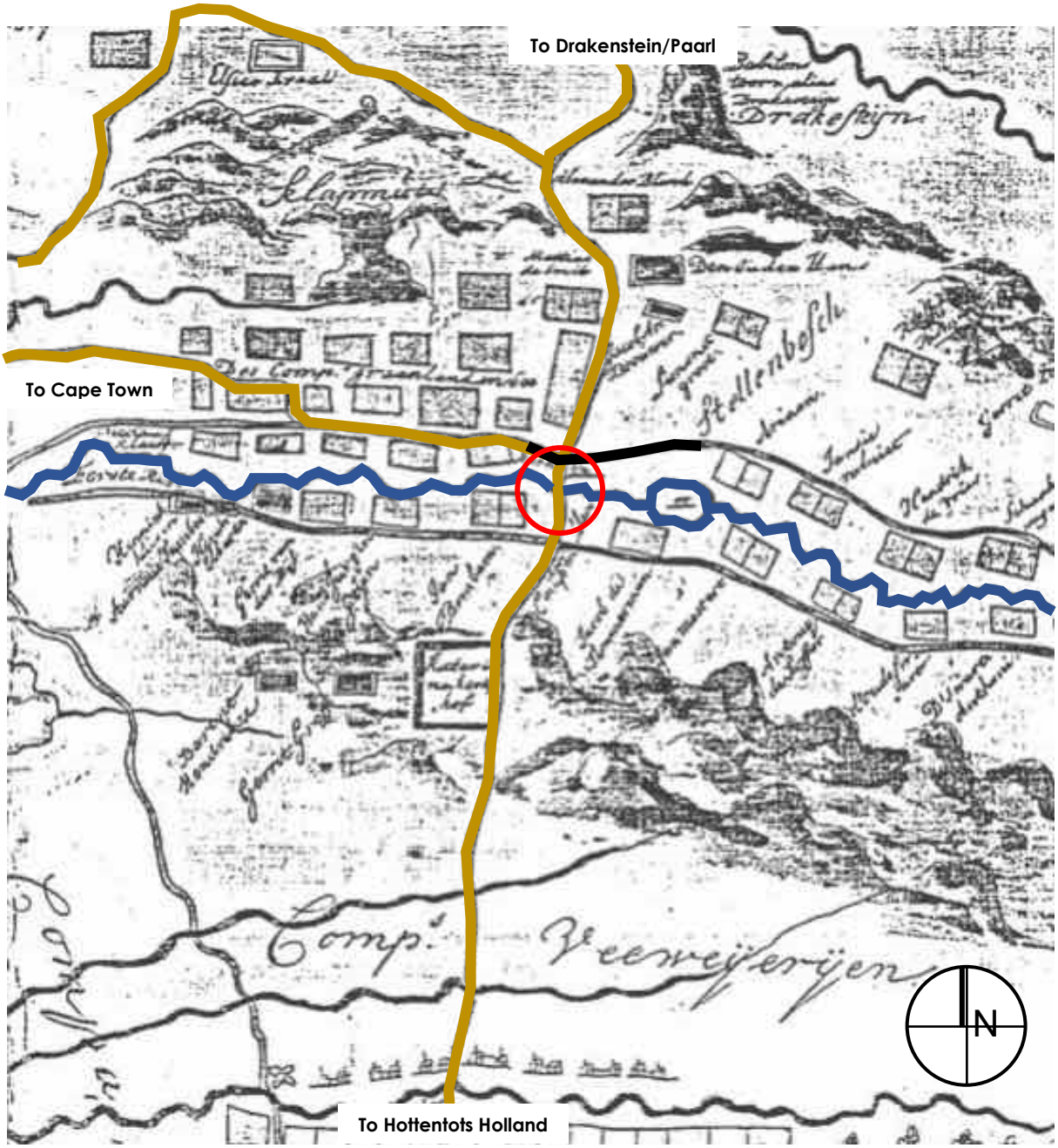


FIGURE 20: *Portion of a larger map of the Cape Peninsula and hinterland showing Stellenbosch with the Eerste River (in blue) and various wagon trails around the settlement. Some of these are 'buurmanslane' connecting various neighbouring farms along the Eerste River. The principal routes leading to Cape Town, Drakenstein and Hottentot's Holland are indicated in brown. The track that became Aan-den-Wagenweg is circled in red. The road in black indicates the beginnings of Dorp Street. (Western Cape Archives, M42).*

ii) ***1691- 1776: The two early river gateway crossings.*** During the 18th C, there were two river gateway crossings into Stellenbosch. These were the Steenenbrug/Plankenburg crossing from Cape Town (the present Bosman's Crossing indicated as Node 2 in **Figure 01**) and the crossing of Aan-den-Wagenweg from Hottentots Holland. A bridge over the Steenenbrug was the first bridge constructed into Stellenbosch that could carry wagons and dates back to 1691 (a timber footbridge had been constructed to the then island in the Eerste River where Stellenbosch the Drostdy was located). The Aan-den- Wagenweg crossing over the Eerste River remained a ford until well into the 18th C (**Figure 21**) due to seasonal flooding of the Eerste River. At some stage, presumably after 1776, the timber Koloniesbrug was constructed but had to be rebuilt on various occasions due to the continued seasonal flooding of the river. By the 1800's the ford, which still had to be negotiated, presumably when the Koloniesbrug could not be used, was being called Stoltzendrift.

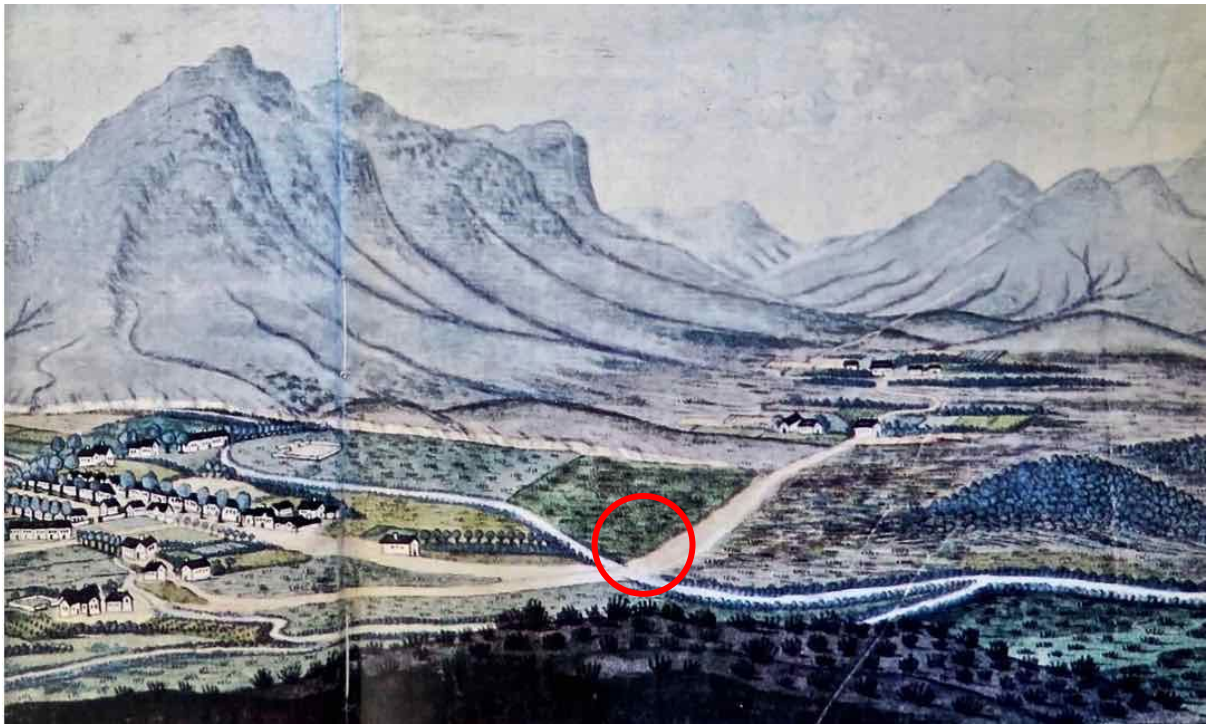


FIGURE 21: *A portion of the 1776 watercolour sketch from Pappegaaisberg by Johannes Schuhmacher showing the Aan-den-Wagenweg crossing over the Eerste River (circled) from Hottentots Holland – at that stage still without a bridge. Immediately above the ford and partly enclosed by the circle is part of the farm Doornbosch, now largely occupied by the Markotter Sports Fields of Paul Roos Gymnasium. From the right-hand side of this image is the approach from Cape Town towards the Plankenbrug, partly obscured by a portion of Pappegaaisberg in the bottom foreground. (Swellengrebel Collection, Breda, Netherlands).*

iii) ***Pre-1794: The Libertas irrigation channel:*** In the course of exercising water rights in favour of the Farm Libertas, an irrigation furrow from the Eerste River was dug, crossing Aan-den-Wagenweg at the southern end of the current study area. This very early water channel, already depicted on a diagram of 1794 (Albertyn, p35 Fig 22) still survives. Its location is marked in **Figure 03** of this report.

iv) ***1817: Further development of Stellenbosch and its main access routes:*** Between 1776 and 1861, Stellenbosch underwent significant growth and the boundaries of the settlement more clearly defined. What had previously been open agricultural blocks within the settlement were being filled in by new development and the earlier routes into the town consolidated. That included the re-alignment of the northeast entry into Stellenbosch from Helshoogte/Franschhoek to follow a more rectilinear grid pattern. (**Figure 22**). However, there was still no permanently usable bridge at the Aan-den-Wagenweg/Stoltzendrift crossing.

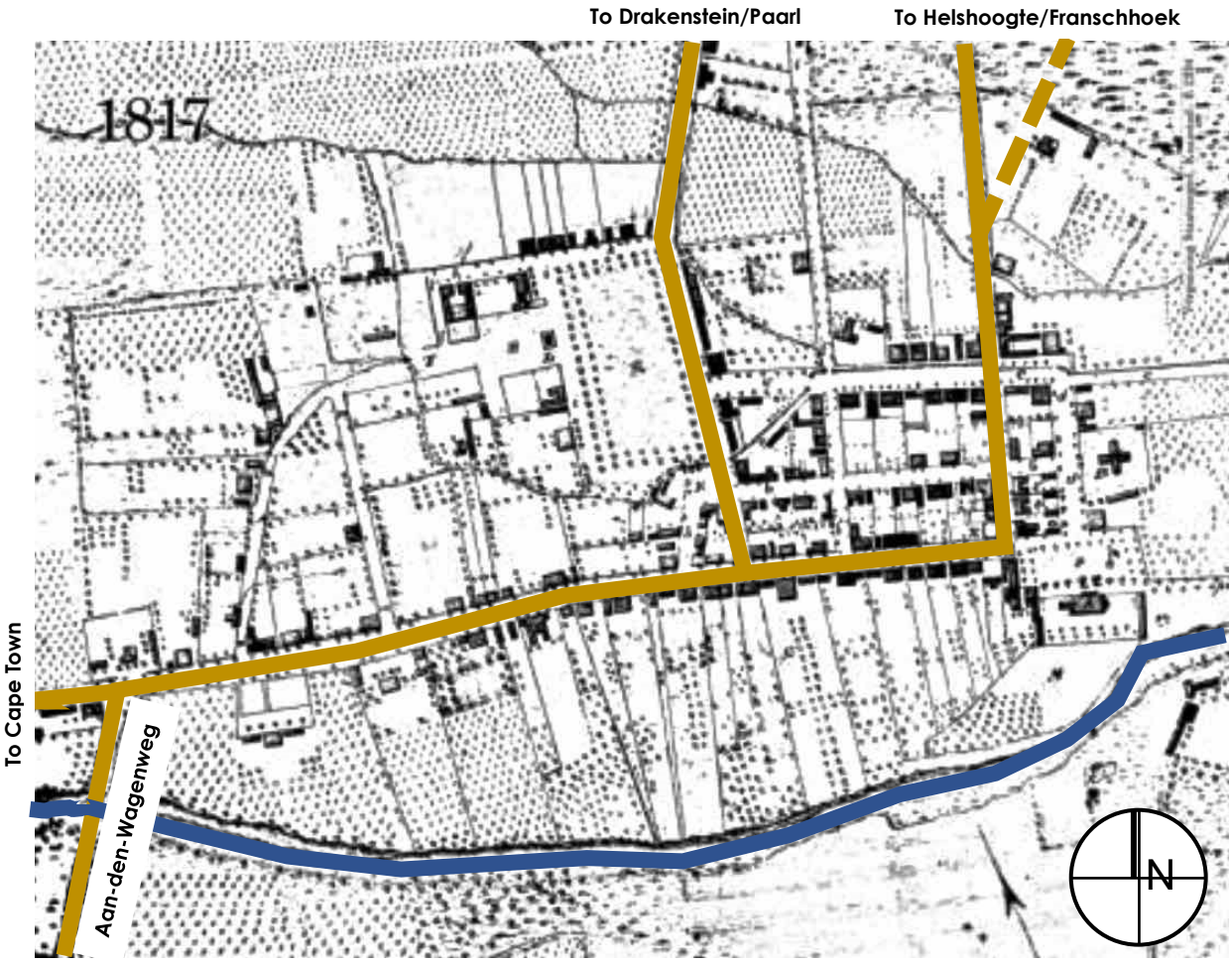


FIGURE 22: *A portion of the 1817 survey of Stellenbosch by WF Hertzog showing how the town had grown and indicating the formalisation of the town's boundaries and road network. Main entry/exit routes are indicated in brown. Note the re-alignment of the northeast exit to Franschhoek to correspond with the town grid at Van Ryneveld Street. Evidence of the previous route can still be seen in the form of the 'Skuinshuis' and the University of Stellenbosch's Wilgenhof student's hostel building footprints, which still follow the previous alignment.* (Courtesy, Stellenbosch Heritage Foundation).

v) ***Mid-latter 1800's: Construction of the first Victoria Bridge:*** The 18th C Koloniesbrug was eventually replaced by a more substantial timber single arched bridge with central support (**Figure 23**). This became known as the Victoria Bridge. This structure clearly proved to be more durable than its predecessor and remained in use until replaced in c1930 by the present concrete Art Moderne bridge that bears the same name.



FIGURE 23: *The first Victoria Bridge. This structure replaced the Koloniesbrug at some stage between the mid and latter part of the 19th C. This single arched timber bridge with central support was more substantial than its predecessor. Note the washerwomen on the right (circled) while additional laundry activity can be seen in the background including on the opposite riverbank. The people in this image would have been locals from Roesdorp/Die Bos; the Rhodes Cottages (see vi) below) and dwellings on the north bank of the Eerste River. (From Albertyn, p40 Fig 30. Image from the Stellenbosch Museum: A/b:10b.i.EER).*

vi) ***C1900-1902: Construction of the Rhodes Cottages:*** The so-called Rhodes Cottages located alongside Aan-den-Wagenweg were built to house labourers of the farms Vredenburg/Libertas. These farms were acquired by Cecil John Rhodes in 1898 (Libertas acquired partially) on the advice of Harry Pickstone, managing director of Rhodes' expanding foray into deciduous fruit farming at the Cape. The housing originally comprised three sets of U-shaped Cape Revival dwelling complexes fronting onto the old Wagenweg wagon route (**Figure 24**). These buildings were almost certainly designed by Sir Herbert Baker, although plans confirming this have yet to be found.

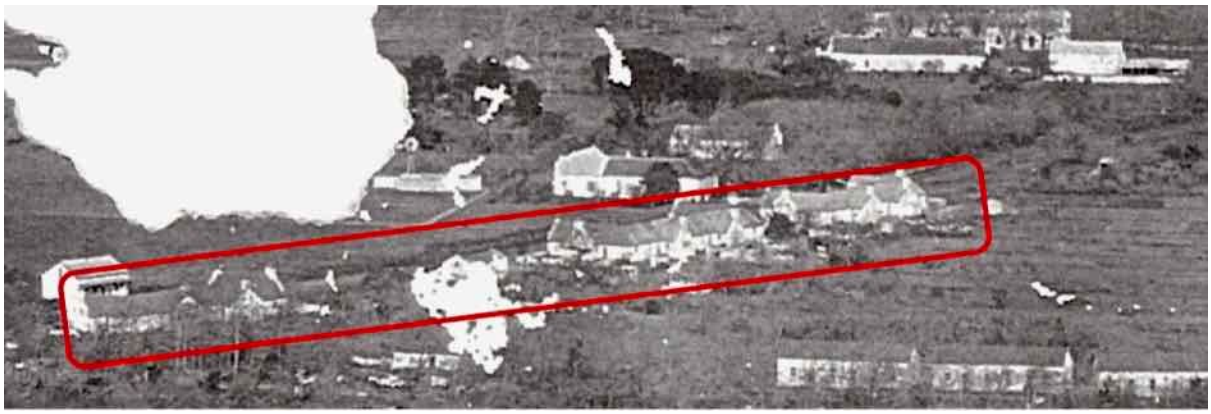


FIGURE 24: *The set of three Rhodes Cottages houses (within the red rectangle) viewed from the north, and only a few years after their completion. Part of Roesdorp along the south bank of the Eerste River is visible along the bottom of this image. Roesdorp and the buildings immediately beyond the Rhodes Cottages no longer exist, and the land upon which the latter buildings stood now forms part of the Markotter Sports Fields. (From a larger photograph in Albertyn, p39 Fig 28. Image from the Stellenbosch Museum).*

vii) ***C1930; Construction of the 'new' Victoria Bridge:*** By the late 1920's, the timber Victoria Bridge was proving inadequate for the heavier motorized transport that had become widespread on the Cape's roads. This led to the construction of a replacement bridge of reinforced concrete designed in the Art Moderne (Art Deco) style. This is a relatively early date for the use of Portland cement concrete, especially in the Western Cape considering that the first Portland cement factory was opened at De Hoek, Piketberg, barely 9 years earlier, and that reinforced concrete construction at this time in South Africa, not to mention the Western Cape, was even rarer.

viii) ***The surrounding landscape by 1938:*** The Surveyor General aerial survey of 1938 shows that by this date, the Aan-den-Wagenweg approach into Stellenbosch was still very strongly rural and agrarian in character (**Figure 25**).

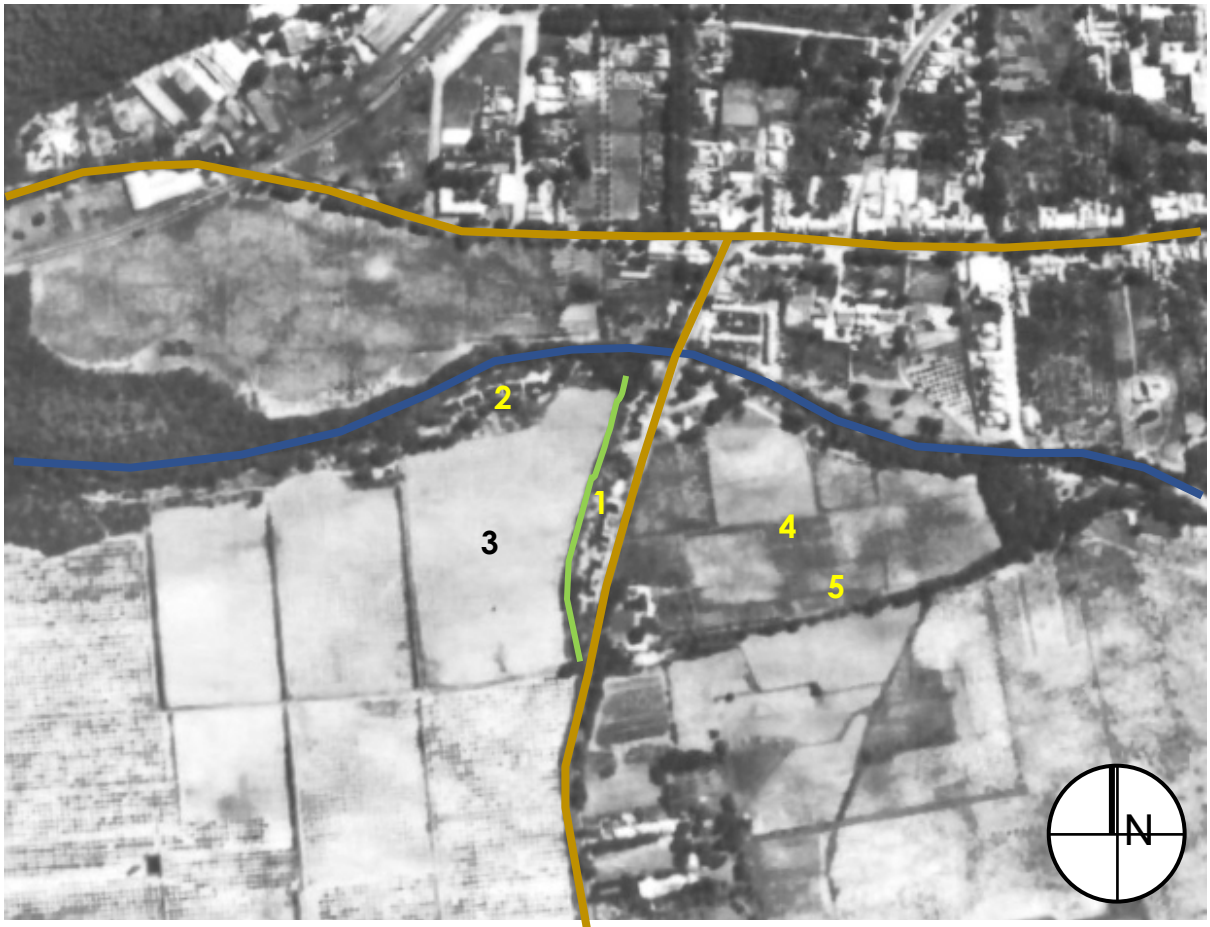


FIGURE 25: *1938: The southern approach into Stellenbosch showing the three sets of Rhodes Cottages **(1)** along Aan-den-Wagenweg. Roesdorp **(2)** is visible along the south bank of the Eerste River (in blue). The Rhodes orchards to the west **(3)** are separated from the Rhodes Cottages by maturing tree canopies (in green) forming a linear wind break parallel with the Cottages and the wagon road. Other rectilinear wind breaks in the orchards are also clearly visible to the west. The agricultural lands of Doornbosch **(4)** to the east (now the Markotter Sports Fields) are divided into various agricultural quadrants. The buildings on this land east of the wagon road are more clearly indicated in **Figure 24**. The course of the historic Libertas irrigation furrow **(5)** is marked by the extended row of trees immediately to the south of the agricultural lands. The farm werf at the bottom of this image is that of Doornbosch, which still exists. (SG Historical Aerial Survey Series frame 126_084_12284).*

ix) ***The surrounding landscape by 1953:*** The Surveyor General aerial survey of 1953 shows that by this date, little had changed either to the Aan-den-Wagenweg precinct or its immediate context. The landscape is still strongly rural in character with cultivation on both sides of the wagon road south of the Eerste River (**Figure 26**). Krigeville to the east (right of centre) is in the process of development.



FIGURE 26: *1953: The southern approach into Stellenbosch is still largely unchanged from 1938 and retains a strongly rural character. (SG Historical Aerial Survey Series frame 335_006_06062).*

x) ***The Group Areas Act and forced removals:*** In 1962, the residents of the area on both sides of the Eerste River, including those residing at Rhodes Cottages and Roesdorp (also known as 'Die Bos'), were forced to leave their homes, resulting in much pain and suffering. These included members of well-known Stellenbosch families such as the Februaries and Van Rooys (Albertyn, p59).[4] These and others were relocated to Jamestown and Ida's Valley after the Aan-den-Wagenweg precinct was declared a White Group Area.

xi) ***The surrounding landscape by 1977***: The Surveyor General aerial survey of 1977 (**Figure 27**) reveals significant changes in the immediate landscape since 1953. The old agricultural lands to the west of the wagon route had, during the latter 1960's, been acquired by Paul Roos Gymnasium. This land, marked by an athletics oval, had become the Markotter Sports Fields, displacing what had been agricultural land. The old Rhodes fruit orchards to the west can be seen under development as a new residential area. This was to be euphemistically called 'Die Boord'. Even more significant is the presence of the newly completed R44 to the west of the old wagon road, cutting it off at its southern end and turning it into a cul-de-sac. Further visible changes include the loss of the southernmost of the three sets of Rhodes Cottages (**Figure 28** No.4) to make way for the R44. Also gone are the buildings on the farmland opposite the Rhodes Cottages (visible in **Figure 27**), and Roesdorp/Die Bos on the southern banks of the Eerste River. The old approach from Cape Town over Plankenbrug has by now also been cut off from the bottom of Dorp Street and turned into a cul-de-sac, now called Distillery Road, to north of the railway lines.

National Monument declaration of Rhodes Cottages: On 9 December 1977, Erf 6156 containing the remaining two Rhodes Cottages was declared a National Monument in terms of the then National Monuments Act (28:1969).

[4] From Boonzaaier 1995:3; F1 Stellenbosch Museum.



FIGURE 27: *1977: The southern approach into Stellenbosch, now significantly altered with the then recent construction of the R44 (in dark brown) west of the old wagon road (in yellow). The R44 is a north-south through-route across Dorp Street (indicated in lighter brown), bypassing the western end of the town whereas the old wagon road had T-'d into Dorp Street. (SG Historical Aerial Survey Series frame 335_006_06062).*

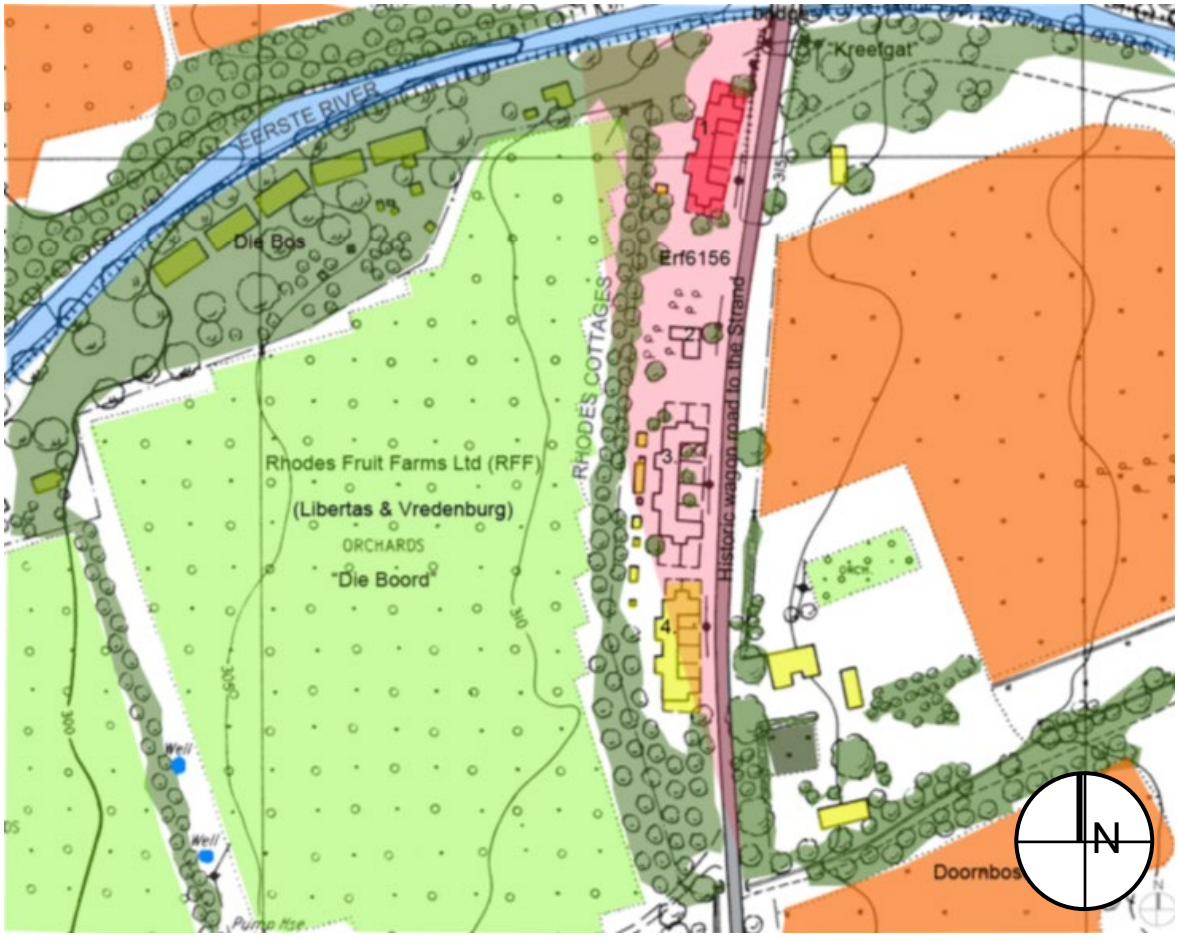


FIGURE 28: *Diagram indicating in yellow the buildings within the immediate context that have been demolished; No 4 (to the south) to make way for the R44. Erf 6156, declared a National Monument in 1977, is indicated in light red. The northernmost building (in dark red - No 1) was converted to a restaurant. (Albertyn, p49 Figure 49).*

Despite the latter 20th C heritage losses around Aan-den-Wagenweg in the name of apartheid, traffic efficiency and steady expansion of the town, the spatial system within the immediate context of the old wagon route alignment south of the Eerste River remained (and still remains) largely open, with the old wind break along the west side of Rhodes Cottages fortuitously acting as a buffer to the R44. The bypassing of Aan-den-Wagenweg and its adjacent historic buildings by the R44 has therefore ironically saved this precinct as a discrete historic enclave, albeit at the expense of some of its individual historic buildings.

xii) ***Recent Developments south of the Eerste River:*** Between 2018 and 2022 extensive upgrading of Erf 6156 including the portion of Aan-den-Wagenweg south of the Eerste River was undertaken under the stewardship of the property owner, Millennia Park (Pty) Limited in terms of a public-private partnership initiated by Stellenbosch Municipality for managing various sections of the Eerste River. This work included the limited construction of new buildings forming part of a new hospitality complex within the precinct (**Figure 04**). Also included was extensive re-landscaping of the area. This not only involved substantial new tree planting, but also the construction of a new non-motorised transport (NMT) route to the east of the old road and alongside the fence of the Markotter Sports Fields. Also undertaken was the re-surfacing of the old road with a brown washed aggregate finish: the latter being an historical reference to the gravel road it had once been. The new NMT route reinstated Aan-den-Wagenweg as a formalised through road to the R44, albeit not for motor vehicles. At its northern end, the NMT route links up with a new system of pathways and cycle tracks currently under construction along the south bank of the Eerste River in accordance with the same stewardship agreement with Stellenbosch Municipality.

xiii) ***Recent Developments north of the Eerste River:*** The work in this area has been more limited in scope given that this portion of Aan-den-Wagenweg is mostly publicly owned. A project that has recently been completed is the construction of a new vehicular turnabout. This is located off the eastern side of the historic roadway close to the northern end of the Victoria Bridge. The project, also executed under the stewardship of Remgro Limited as part of the same private-public partnership with Stellenbosch Municipality, provides a turnabout for vehicles, especially taxis, close to Dorp Street. This saves public transport from having to cross the Victoria Bridge to turn around on the southern side of the Eerste River.

Future proposals: The intention is for the portion of Aan-den-Wagenweg between the Victoria Bridge and the intersection with Dorp Street, to be re-surfaced in the same manner as on the southern side of the river in recognition of the roadway's historical importance as the main road from the south entering Stellenbosch.

4 Expanded Statement of Heritage Significance

Aan-den-Wagenweg has heritage significance at a provincial, regional and precinct level largely related to it being historically and aesthetically the most well-defined, cohesive and representative of the surviving historic gateways into Stellenbosch, a town that can realistically be considered of national heritage significance as the country's second oldest European settlement and a primary historical, architectural and scenic anchor within the Cape Winelands, an area already identified for potential World Heritage status.

Overview of historic gateways into comparable early Cape settlements up to the mid-18th C.

i) ***Stellenbosch (1679)*:** all other historic gateways apart from the Aan-den-Wagenweg precinct now spatially degraded and/or heavily altered (**Figures 29-34**);
ii) ***Paarl (1687)*:** all historic gateways now spatially degraded and/or heavily altered apart from the northern entry into Main Street which still retains its historic rural sense of place, albeit not as a discrete precinct as is the case with Aan-den-Wagenweg (**Figures 35-36**);
iii) ***Franschhoek (1688)*:** historic gateways significantly altered at both northeast and southwest ends (the southwest is much later, dating back to the construction of the Franschhoek Pass in 1822). The alterations are the result of road reconfigurations and subsequent 20th C urban development, notwithstanding good contextual scenic and streetscape qualities at both ends (**Figures 37-38**);
iv) ***Tulbagh (1699)*:** historic gateways spatially degraded due to road alterations and surrounding latter 20th C urban development, although historic Church Street itself with both of its gateways (south and north) remains highly significant as a historic enclave worthy of at least Provincial Heritage, if not National Heritage status (**Figures 39-40**);
v) ***Malmesbury (1743)*:** historic gateways spatially degraded and heavily altered due to extensive road alterations and reconfigurations, 20th C agri-industry and latter 20th C urban development: but with the exception of the R302 entry from Klipheuwel/Stellenbosch which is 'only' partly altered due to road alterations and latter 20th C urban infill (**Figures 41-42**);
vi) ***Swellendam (1743)*:** historic gateways largely intact but the main road entered from these points has been partly degraded, in places, heavily, due to latter 20th C roadworks (**Figures 43-44**).

Simonstown (1743+) is not considered comparable to the other settlements featured above, although it is an early Cape settlement. That is because it is now very strongly urban in character with its own very distinct naval history and related historic developments. Furthermore, Main Road Simonstown is now completely ensconced within urban ribbon development which has its own very distinct and significant historical character that cannot, be regarded as rural.

The early gateways to later towns, i.e. established after 1750 such as Graaf Reinet (1785), Uitenhage (1804) and Wynberg (1805) have similarly been transformed by subsequent new development and alterations to their historic built fabric. This has resulted in a consequent loss of historical character in those gateway areas. Similarly, the historic gateways to the settlements at Genadendal (1792) and Mamre (1807) have also been transformed, resulting in a loss of heritage significance. It is, however, notable that their historic cores retain very high architectural, aesthetic and historical significance and consequently already enjoy provincial heritage status. It is also notable that the historic wagon road gateways to both Elim (1824) and Wupperthal (1830), together with large parts of their settlements, substantially retain historical integrity. Notably, both also enjoy provincial heritage protection.

4.1. Historical Significance

4.1.1. Age and Strategic Significance:

Aan-den-Wagenweg has outstanding historical significance at both provincial/regional and local level as one of the earliest gateways into an early Cape settlement: in the case of

Stellenbosch, the second oldest European settlement in the country. It was already known to have existed by at least 1692 and probably substantially earlier. This is because it terminated a strategically highly important route between the hinterland via the Gantouw Pass and Hottentots Holland to Stellenbosch (**Figure 20**), from where wagons conveyed produce and other goods to Cape Town, thereby avoiding the shorter, but torturous route to Cape Town over the notorious Cape Flats dunes.

4.1.2. Rarity & Degree of Historical Intactness in Relation to other Early Cape Settlements

i) ***Relating to other historic gateways in Stellenbosch itself:*** Aan-den-Wagenweg was originally one of four formal gateways into Stellenbosch, and today the most intact of these in terms of spatial quality and surviving sense of place. The other gateways, i.e. at Plankenbrug, the northern route to Drakenstein/Paarl, and the northeast route to Franschhoek over Banghoek (now Banhoek) Pass have been significantly altered over time due to the steady expansion of the town (**Figures 29** to **34**). In the case of Plankenbrug, its interruption by the railway line into Stellenbosch and, eventually, its total disconnection from Dorp Street, has severely compromised its historical integrity. When the station road was upgraded to become the R310, the Plankenbrug gateway into Stellenbosch became a cul-de-sac and is now known as Distillery Road. This former entrance into Stellenbosch has since developed into a commercial precinct (Bosman's Crossing) characterised by substantial new development that has altered it out of all previous recognition, apart from the western approach to the current Plankenbrug bridge, which still retains some rural characteristics (**Figure 30**). Considering the aforementioned factors and the status of comparable gateways into other early Cape settlements, Aan-den-Wagenweg must clearly be considered of HIGH regional historical significance.



FIGURE 29: *c1900 photograph of the Plankenbrug, said to have been in the approximate location of the present railway bridge, i.e. a little further south than the present bridge. (RSA Architects: from Stellenbosch, Three Centuries, 1979).*



FIGURE 30: *View towards the current Plankenbrug Bridge located approximately 60m north of the old bridge in Figure 29. (node 2 in Figure 01). Although some remnants of the area's rural character are still evident on the left, the precinct is steadily being transformed out of all recognition from what it once was. (Image, ARCON, 6 July 2022).*



FIGURE 31: *Current view of the gateway intersection between the roads from Klapmuts and Drakenstein/Paarl (node 3 in Figure 01). The exact location of the original intersection is not clear, but would have been close by given the natural constraints of the terrain. (Image, ARCON, 6 July 2022).*



FIGURE 32: *Current view of the same gateway intersection as in Figure 31, but looking down present day Bird Street with the current turnoff to Klapmuts arrowed in yellow on the left. The historic approach would have been characterised by surrounding agricultural lands framed by mountain backdrops, unlike the current dramatically transformed situation. (Image, ARCON, 6 July 2022).*



FIGURE 33: *Current view of Wilgenhof Hostel, cnr Van Ryneveld and Victoria Streets (node 4, Figure 01). The footprint of the hostel follows the alignment of the old wagon road (yellow broken line) from Franschhoek into Stellenbosch before it was re-routed to follow the rectilinear town grid aligned on Van Ryneveld Street (see also Figure 22). This property used to be an old distillery ('Bosman se Stokery') on the northeast outskirts of Stellenbosch. (Image, ARCON, 6 July 2022).*



FIGURE 34: *The 'Skuinshuis' following the line of the old wagon road (in yellow broken lines) from Franschhoek at the point where it joined the rectilinear grid (solid yellow line). Despite the appealing streetscape, this demonstrates the degree to which the original gateway has been transformed by subsequent development. (See also Figure 22: top right-hand corner). (Image, ARCON, 6 July 2022).*

ii) ***Relating to Paarl's historic gateways:*** Paarl (1687) was founded 8 years after Stellenbosch and is the third oldest European settlement in the country, Simons Town being the second. Like Stellenbosch, it is another Cape settlement of high historical and architectural significance. Also, like Stellenbosch, it evolved as a linear settlement parallel to a natural watercourse (the Berg River) with agricultural allotments between its main thoroughfare and the river.



FIGURE 35: *Entry into the southern end of Main Street Paarl from the N1 offramp off this image to the left. This gateway has lost all historic integrity due to contemporary development and roadworks. (Image, Google Earth Street View, August 2020).*

The historical integrity of Paarl's southern gateway (into Main Street) has been substantially altered by contemporary development, 20th C road widening works and the construction of the N1 (**Figure 35**). The southern gateway into Main Street provided the main entry between Paarl, Cape Town and Stellenbosch. The northern gateway was a secondary gateway linking the settlement with surrounding farms and, later, Wellington (1840). This northern gateway into Main Street still retains its historical rural sense of place but lacks the discrete spatial identity of Aan-den-Wagenweg (**Figure 36**).



FIGURE 36: *Entry into the northern end of Main Street Paarl at the intersection of the Wellington/Malmesbury and Slot van Paarl roads. This gateway retains a degree of historic rural character but lacks the discrete sense of place and surviving historic spatial integrity of Aan-den-Wagenweg. (Image, ARCON, 23 October 2022).*

iii) ***Relating to Franschhoek's historic gateways:*** Franschhoek (1688) was founded as an enclave for immigrant French Huguenots who settled there and in nearby Paarl. The settlement was linear and laid out along the valley basin of the Franschhoek mountains, following the course of the Franschhoek River. The settlement could effectively only be approached from the west/northwest due to its enclosure by mountains on its other three sides. The current Franschhoek Pass, providing access to the hinterland to the east, was only constructed much later (1822) although a torturous and dangerous elephant trail had existed over the mountains to the hinterland prior to that. Historic evidence suggests that the main road was originally simply an extension of the old approach road into the settlement (**Figure 37**), whereas the current approach road Tee's into the main road at an angle (**Figure 38**). This road alignment which followed the railway line when it came to the town much later in 1904, probably therefore rendered the original approach redundant. Consequently, the current approach road into the town is very unlikely to follow an original historic alignment and therefore cannot be compared with Aan-den-Wagenweg, which does.

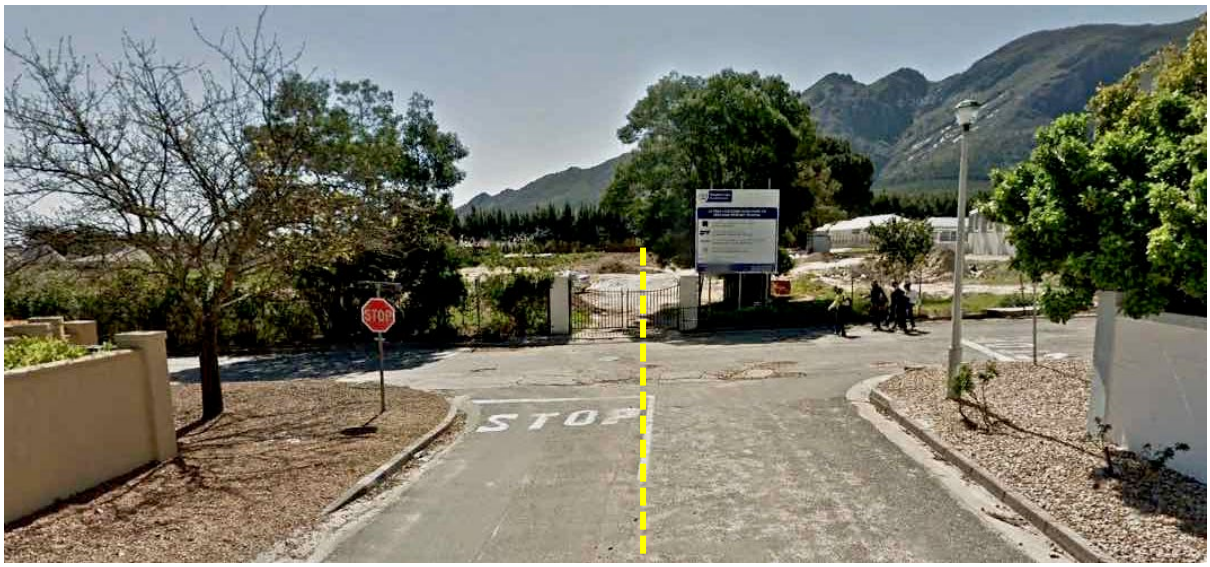


FIGURE 37: *The northwest end of the main road, Franschhoek looking towards Cape Town. This image indicates the likely alignment of the original approach, now terminated by a simple gate. (Image, ARCON, 23 October 2022).*



FIGURE 38: *Alignment of the current 20th C approach (red broken line) relative to the historic main road (yellow broken line) into which the current approach Tee's at an angle. The main road continues off the image to the left, terminating at the gate in Figure 37. (Image, ARCON, 23 October 2022).*

iv) ***Relating to Tulbagh's historic gateways:*** Tulbagh (1699) was, like Franschhoek, established within the basin of a valley amphitheatre, i.e. having mountains on three sides. Consequently, approaches to the town were constrained to the southern end of the valley, either from Worcester or via a dangerous and torturous route over the Obiqua Mountains from Malmesbury and Paarl. It was only during the 1760's with the completion of the first safe pass that a safe approach from the southwest was achieved. Both this approach and the approach from the south (the latter ending in what is now the main road of the town, i.e. Van der Stel Street) are now substantially transformed resulting in a significant loss of historical character (**Figures 39** - **40**). What is of very high significance (and long recognized as such) is the renowned Church Street with its famous collection of historic buildings. However, Church Street is not an entry route into an historic town unlike Aan-den-Wagenweg.



FIGURE 39 *Tulbagh approached from the southwest. This approach has been substantially altered over the years and no longer constitutes a historically representative landscape. (Image, Google Earth, October 2022).*



FIGURE 40: *Tulbagh approached from the south, becoming Van der Stel Street i.e. the main road of the town. Like the approach from the southwest (Figure 39), this route has been substantially transformed over the years and no longer constitutes a landscape of high historical, architectural and aesthetic value. (Image, Google Earth, October 2022).*

v) ***Relating to Malmesbury's historic gateways:*** Malmesbury (1743) was founded as a settlement around natural mineral springs but thereafter evolved into a typical 'kerkdorp' for surrounding farmers wishing to attend monthly 'nagmaal' (holy communion). It later became a major agricultural centre serving the area's wheat farmers and processing their harvests. The historic town centre nestles between three hills with a southern boundary formed by the Diep River. The nature of this topography has resulted in four primary routes into the town, i.e. the gateway road from Cape Town (now the R302); the gateway road from Paarl (Piet Retief Street: now the R45, east); the historically lesser entry points of Bokomo Road from Darling (now

the R315, west), and the road to Moorreesburg and Piketberg (Voortrekker Road: now the R45 north). All of these entry/exits have been significantly altered, although the entry from the old Cape road along the R302 to a lesser extent (**Figure 41**). The gateway road from Paarl has been negatively impacted by changes in levels resulting from 20th C roadworks (**Figure 42**) while the western approach along Bokomo Street has evolved into a 20th /21st C industrial landscape (**Figure 43**). The northern entry along Voortrekker Road does not have any specific gateway point and transitions from 20th C residential to commercial as one moves into the town (**Figure 44**). These approaches lack the very special architectural, aesthetic and historical qualities of Aan-den-Wagenweg.

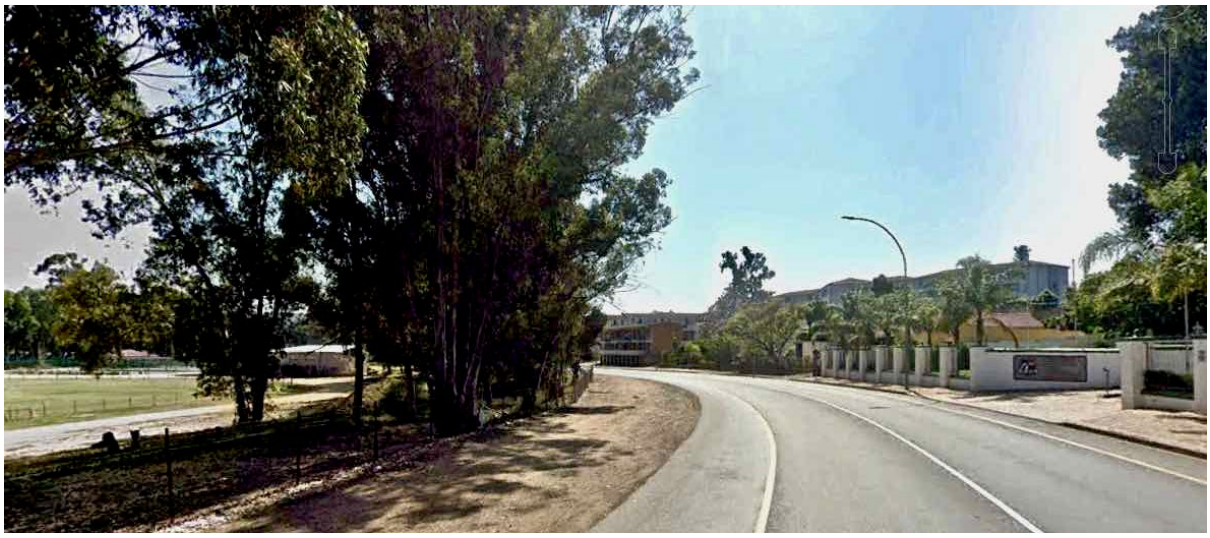


FIGURE 41: *Entry along the old Cape Town road into Malmesbury. The spatial integrity of the open space system (formerly the town's outspan – now sports fields) on the left with the Diep River beyond, survives although development on the opposite side of the road (right) comprises largely late 20th C flats but occasionally interspersed by a few isolated Victorian villas. (Image, Google Earth Street View, November 2022).*



FIGURE 42: *Entry along the road from Paarl into Malmesbury. Changes in level and alignment due to 20th C roadworks have significantly altered the historical integrity of this gateway route which is especially regrettable as a substantial number of late 19th/early 20th C dwellings survive along this route. (Image, Google Earth Street View, November 2022).*



FIGURE 43: *The entry into Malmesbury from the west off the N7 along Bokomo Street has been transformed into a 20th C industrial landscape, largely around the processing and milling of wheat. (Image, Google Earth Street View, August 2022).*



FIGURE 44: *Entering Malmesbury from the north off the N4 and along the old road alignment from Mooreesburg/Piketberg. This approach has been significantly transformed by commercial development and has lost all traces of historical character apart from a few isolated buildings further south along this street. (Image, Google Earth Street View, August 2022).*

vi) ***Relating to Swellendam:*** Swellendam (1745) developed as a commercial centre on the wagon road up the eastern end of the country. It was established with a Drostdy to maintain some control over trekboers moving further into the country, and demonstrating too much independence for the liking of the government at the Cape. Like Paarl and Stellenbosch, the settlement evolved in a linear form with a main road (Voortrek Street) parallel to the banks of the Breede River, with agricultural allotments between the main road and the river. The town has two historic entry points, one from the southwest and the other from the northeast. The former has been substantially transformed by 20th C development (**Figure 45**). This includes roadworks that have negatively impacted the historical integrity of Voortrek Street in parts. However, the northeast end of this street around the old Drostdy does retain much of its historic character (**Figure 46**) probably second only in terms of overall historic character to Aan-den-Wagenweg, although Voortrek Street's flanking buildings in this area are much earlier. Nonetheless, this area remains a very busy vehicular thoroughfare unlike Aan-den-Wagenweg. Also, this entry point can neither be considered a gateway to a town with the same historical gravitas as Stellenbosch, nor can its old wagon road approach claim to have the same degree of strategic historical and economic significance as Aan-den-Wagenweg. However, with creative planning, sensitive urban design, and re-routing of traffic, this gateway does have great potential to become a historic precinct deserving of regional heritage recognition in due course, and as already enjoyed by various historic buildings in the area of the Drostdy.



FIGURE 45: *Entering Swellendam from the southwest from Ashton and Worcester. The landscape in this area has lost a significant amount of historical character due to road widening and latter 20th C development. (Image, ARCON, 23 October 2022).*



FIGURE 46: *Entering Swellendam from the northeast from the N2. The landscape in this area retains a significant amount of historical and rural character although currently compromised by traffic loads that can become heavy at times. This area (the Drostdy precinct) has potential for improvement and recognition as an historic gateway of regional significance if the traffic issue can be resolved as at Aan-den-Wagenweg. (Image, ARCON, 23 October 2022).*

4.2. Aesthetic/Spatial Significance

4.2.1. Spatial Intactness

Aan-den-Wagenweg is the most spatially intact of all the historic gateways into Stellenbosch. It is also probably the most spatially intact of all other gateways into early settlements in the province apart from those already enjoying provincial heritage protection (see **4.1.2**). Despite clear transformations in the landscape from the new and upgraded road systems in the 1970's that saw this old wagon road cut off and turned into a cul-de-sac, its surrounds have retained significant aspects of rural character. Ironically, it was the cul-de-sac that resulted in the precinct becoming an enclave, with the wagon route as the historical anchor. Consequently, Aan-den-Wagenweg has become the key defining element tying together the precinct's architecturally and historically significant buildings, planting patterns, waterways and open spatial systems. While other early towns in the Western Cape also boast significant historic enclaves (including Stellenbosch itself), none apart from Elim and Wupperthal constitute such aesthetically well-defined, largely intact surviving historic gateways into those settlements as does the subject of this nomination.

4.2.2. Recovery of Aesthetic/Spatial Significance

Recent landscaping, road alterations and abutting infill development between 2018 and 2021 have helped to consolidate the Aan-den-Wagenweg precinct and this historic road alignment south of the Eerste River. These works have not only helped to strengthen the definition historically provided by linear development along the route's western side, but also reinstated a through-route to the R44, albeit now limited to non-motorised transport (as was originally the case). These works, supported by HWC, have helped to recover significance lost with the demolition of the southernmost of the Rhodes Cottages and the severing of the roadway at its southern end adjacent to the R44. Declaring the full length of Aan-den-Wagenweg as a Provincial heritage Site, i.e. to the intersection with Dorp Street, will encourage similar landscaping and road surfacing improvements to be made at the northern end of this historic route, thereby further recovering significance.

4.2.3. Aesthetic/Scenic Value

Being a roadway, Aan-den-Wagenweg cannot claim intrinsic scenic significance although it is clearly a strong linking element within a broader scenic landscape. It does, however, arguably have local aesthetic significance due to the contextually sympathetic visual quality of its relatively new washed aggregate surface and the revitalised landscaping along its edges, not to mention the aesthetic/architectural significance of the Victoria Bridge which is addressed in **4.2** below.

4.3. Architectural/Technological Significance

4.3.1. Architectural/Technological Significance of the Victoria Bridge

Technological significance: The Victoria Bridge, an integral part of Aan-den-Wagenweg, has at least HIGH Local significance as an early example of reinforced concrete bridge construction in at least the Western Cape. The supply of Portland cement in South Africa goes

back to imports from England in the latter stages of the 19th C [5] although small scale domestic production had begun with the founding of 'De Eerste Cement Fabrieken' in Pretoria in 1892. This company was later to become the Pretoria Portland Cement Company (PPC), still one of the largest producers of Portland cement in the country. However, widespread production only began when PPC was listed on the Johannesburg Stock Exchange in 1910. Consequently, Portland cement was still a relatively rare and expensive building material locally until the first cement works in the Western Cape (and second PPC plant in the country) was established in 1921, i.e. barely 9 years before the construction of the Victoria Bridge. Therefore, in terms of materiality alone, the Victoria Bridge is likely to be one of the first of its type in the Western Cape, if not further afield. Furthermore, being constructed at least partly of reinforced concrete would have been a significant technological achievement at that time, at least locally. Nationally, however, that would have been surpassed by the construction of the first reinforced concrete bridge in the country in 1906 at Port Alfred[6] (but now demolished).

Architectural significance: The Victoria Bridge is an early local example of Art Moderne, the architectural derivative of Art Deco (sometimes also referred to as 'Style Moderne'). Considering that the bridge was constructed in c1930 i.e. only a few years after the style was formally introduced internationally to the public at the Exposition Internationale des Arts Décoratifs et Industrieles Modernes in Paris in 1925, this would have made the design cutting edge at the time. This is especially so when considering that the style only became widely adopted in Europe and the USA from the 1930's onwards. The Victoria Bridge is therefore an early, probably rare and good representative example of an Art Moderne structure. This is a bridge of which I know of no other comparative stylistic examples and may indeed be the only example of its type in the Western Cape, if not further afield. Consequently, a strong case can be made for asserting that this structure has been severely under-valued with a suggested Grade IIIC grading (of contextual significance)[7] when it clearly has high intrinsic significance on architectural and technological grounds. This structure is therefore recommended as a Grade IIIA structure (of highest local significance) and worthy of listing in HWC's Heritage Register.

4.3.2. Architectural/Historical Significance of the two surviving Rhodes Cottages

Architectural significance: The remaining two sets of Rhodes Cottages, i.e. the one closest to the Eerste River operating as a restaurant and the other further south providing hospitality accommodation are architecturally highly significant. They are the only examples of labourer's housing constructed with Cape Revival gables, a stylistic convention more readily associated with the upper classes. These buildings are almost certainly the work of Herbert Baker and his partner, Francis Masey and were commissioned by Cecil John Rhodes. This alone makes these buildings both architecturally and historically significant. Elzet Albertyn appropriately equates the significance of these buildings to Herbert Baker's Lanquedoc farmworker's village near

[5] The earliest example of which I am aware is a mass concrete cistern that acted as a holding tank supplying water to the Wynberg military base, and forming part of the old Wynberg Municipal Waterworks. This structure still survives in part on private property at the entrance to Glen Dirk off Klaassens Road, Constantia and is known to have existed by 1897: Re: Wynberg Municipal Waterworks map 30-36 dated March 1897, City of Cape Town Waterworks Department.

[6] The Henry Putt Bridge spanning the Kowie River. Principal engineer: FW Waldron. The design was considered extremely darling at the time. The bridge was replaced by the present Putt Bridge in 1989.

[7] As suggested by the Stellenbosch Heritage Foundation.

Boschendal (another of Rhodes' fruit farms) which, as at Aan-den-Wagenweg, have been oriented to define the road. The Lanquedoc houses are also regarded as strong candidates for being declared Provincial Heritage Sites although the Rhodes Cottages are even rarer as only the two at Aan-den-Wagenweg survive.

In her 2017 HIA of the southern half of the precinct, Elzet Albertyn recommends that these buildings be considered for Provincial Heritage Site (Grade II) status, an assertion which I support.

Historical significance: The Rhodes Cottages are historically highly noteworthy as good examples of what at the time would have been high quality workers housing. Cecil John Rhodes is said to have worked with the local Rev. Jacob Weber of the Rhenish Mission Society (one of the founders of Rhenish Girls School in Stellenbosch) for the improvement of housing conditions for the Coloured community in the town. One of these projects was the row of gabled cottages on the 'old wagon road to the Strand'. Elzet Albertyn (p41) quotes Boonzaaier regarding an interview with an elderly Christiaan Langeveldt during which he revealed that he and his father had worked at Rhodes Fruit Farm in the orchards that had then existed to the west of this old wagon road. Apparently, they were walking back from work one day when a man on horseback approached and asked where they lived and for whom they worked. They responded by telling him that they worked for old Rhodes ('ons werk vir ou Rhodes') not realising at the time that they were speaking to the man himself. Apparently, when Rhodes realized how far they lived from their work, he contacted Weber and as a result, the cottages were built (Boonzaaier 1995:3; F1.; K3 Stellenbosch Museum). If true, this is an interesting departure from the present-day negative narratives surrounding Rhodes, his imperialism and exploitative attitude (amongst others) towards people of colour.

4.4. Social Significance

The Aan-den-Wagenweg precinct has social significance related to the humane treatment of farmworkers, including the provision of decent worker housing during the early 20th C: a phenomenon that was unusual in the country at the time. The significance of Rhodes Cottages in this regard has already been mentioned.



FIGURE 47: *The set of Rhodes Cottages nearest to the Eerste River (now the De Volkskombuis Restaurant). Local children swinging on the bollard chains leading to the Victoria Bridge were a regular sight for southbound passers-by leaving Stellenbosch. (Image, Stellenbosch Museum: 125).*

In stark contrast, forced removals under apartheid began in earnest in Stellenbosch during the late 1950's to early 1960's after the passing of the notorious Group Areas Act in 1950. The Aan-den-Wagenweg precinct was one of various in Stellenbosch that were declared White Group Areas, and its residents of colour (i.e. most of those living in this area) were forced to move out in 1962. These included members of certain prominent Stellenbosch families who were forced to relocate to Jamestown and Ida's Valley (see also **Section 3 x**). This dark occurrence in the history of the town is still recalled by many who were directly affected at the time and continues to evoke painful memories. It is a phase in the town's history that also needs to be recognised and acknowledged as part of the history of this precinct.

The Rhodes Cottages have strong social links with the Eerste River, with which it is historically bound. It was not only a place of recreation for local residents during hot summers, but also constituted the water supply for these people, and a place for washing their clothes. (**Figure 23** illustrates the latter).

4.5. Summary Heritage Statement

The heritage significance of Aan-den-Wagenweg is accordingly summarised as follows:

i) An historic wagon route that dates back to the pioneering days of European settlement of the Cape and one of the earliest surviving legible gateways into an early Cape settlement. Notably, surviving wagon roads into historic settlements such as Elim and Wupperthal already enjoy statutory protection at provincial level.

ii) A rare surviving early gateway into one of the most historically significant settlements in the country: a gateway that has remained substantially intact in terms of its spatial integrity and sense of place for at least the past 120 years; and one of few (if not the best) example

of such a gateway into an early settlement in the Western Cape. It is also the only substantially intact historic gateway into Stellenbosch itself.

iii) An early surviving entrance to an historic town with high local aesthetic significance reinforced by recent sympathetic landscaping and paving that acknowledges its historic and strategic role in the development of the early Cape Colony. It is also unencumbered by heavy traffic.

iv) Containing, as part of its alignment, a bridge that is at least of high local significance as an early example of Art Moderne architecture, while having regional technological significance in terms of its pioneering use of Portland cement concrete in the Western Cape.

v) Being the key defining element in an historically important precinct, tying together its architecturally and historically significant buildings, planting patterns, waterways, pathways and open spatial systems. These include one Provincial Heritage Site (Stellenryk/Parva), two buildings recommended for inclusion as Provincial Heritage Sites (the two surviving sets of Rhodes Cottages), and a series of others recognised and/or recommended as of highest local significance (the Victoria Bridge and No 37 Dorp Street).

vi) Defining a precinct of high local social significance with strong historical links between the then local residents and the nearby Eerste River; and of high social significance relating to historic apartheid forced removals, symbolising a painful part of this country's history, and for that reason, amongst others, requiring wider recognition and acknowledgement.

5. Motivation for Declaration as a Provincial Heritage Site

Given the heritage statement set out and summarised in this motivation, it is argued that Aan-den-Wagenweg has sufficient significance to warrant its declaration as a Provincial Heritage Site. Although this historic roadway and bridge falls within the Stellenbosch Central Heritage Area, it is submitted that the significance of Aan-den-Wagenweg is so exceptional that it elevates the site to being worthy of recognition as more than a part of a heritage area.

The application is being brought by one of the owners, i.e. Millennia Park (Pty) Ltd and supported by the other, i.e. the Municipality of Stellenbosch as a means of adding an extra layer of protection to the site.

6. References

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National Geospatial Information (Surveyor General Surveys & Mapping	Historic Aerial Survey Series over Stellenbosch: 1938: 126_084_12284 1953: 335_006_06062 1960: 454_018_07613 1977: 786_012_00665 1989: 919_012_09401
Rennie Scurr Adendorff Architects	*Distillery Road Bridge: Proposed Alterations and Upgrading: The Historic Distillery Road Bridge – Steenenbrug-Stellenbosch*. Report submitted in terms of Section 34 of the NHRA (1999) on behalf of CTS Heritage for the Stellenbosch Municipality. 6 January 2021.

10.3.2	POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL

Collaborator No: 771590
IDP KPA Ref No: Good Governance
Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL

2. PURPOSE

To obtain Council's approval for the disposal of a portion of erf 9190, Technopark, to Protea Hotel.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Protea Hotel constructed a building on their property, encroaching onto erf 9190 (municipal property). Plans were approved and occupation certificates were provided.

They have tried to rectify the situation by proposing a land swap. This application, however, was turned down by the Planning Tribunal, based on planning principles. **(APPENDIX 1).**

The Planning Tribunal suggested that Protea Hotel request the adjustment of the common boundary and purchase the land from the Municipality that they are currently encroaching on. The extent of the municipal land currently encroaching on is indicated below and they would need to purchase is 3505m² as discussed under 6.2.2 below – fig 3.

An application was received from Protea Hotel – **APPENDIX 2 and 3**.

The item served before Mayco in December 2023. The item was referred back for a valuation and further refinement. The refinement requested was to provide information on the encroachments and the land adjacent. Photos to that effect is included in the item. Planning also needed to provide comment on the approval of the plans. The land use rights also had to provided. Planning has now submitted a report on the history of the matter which is attached to the item (**APPENDIX 7).**

The department has appointed a valuer to determine the fair market value and a valuation report has been received which is attached hereto as **APPENDIX 5**. The valuation is based on the prize of properties sold in the area.

Given that they have already build on the "encroached" areas an encroachment agreement is not the correct vehicle if the applicants decide not to proceed with the purchase. The Land Use Rights of Erf 9190 are already in place, and it will not be necessary to apply for further Land Use Rights in the event that a portion of Erf 9190 had to be considered for selling. The zoning is currently "business". The area where the hotel currently encroached has a play area and could be considered for further development however the area of encroachment on the other side of the hotel is currently a dam.

After the applicant received the valuation report they submitted an amendment to their request wherein they only requested to purchase the section of the property where the function room was erected on Municipal land. This portion is only 488 square meters. They requested consent to purchase this portion of land and for council to consent to the sub-division of this portion of land and the consolidation thereof to their property, erf 9209. For the remainder of the encroached areas the applicant did not give an indication on their intentions and same can either be dealt with as a lease agreement (upon receipt of the necessary application) alternatively the applicant can

be asked to remove everything from the municipal land they are currently using. The amended application served before the Executive Mayoral Committee and Council during July 2024, and it was removed from the Council Agenda by the Speaker in order for the administration to enter into further discussions with the applicant. These discussions have taken place and the applicant has now provided three alternative proposals on how to finalise this matter.

Three alternative proposals submitted by Protea Hotel

The proposals submitted by the applicant for consideration by Council is attached hereto as **APPENDIX 8.**

Council needs to consider the three alternative proposals provided by the applicant and if any of the three is acceptable.

The three different proposals are indicated in orange, green and blue on the photograph in 6.2.5 below.

Option 1: Indicated on the photograph in Orange: This option is the same proposal as the one which served before in July 24 to only take transfer of the portion of land where the restaurant is encroaching which is approximately 488 square meters. In terms of the valuation the amount payable for this portion will be R 2 215 032.00 excluding VAT.

Option 2: Indicated in Blue: In this proposal the areas in orange and blue will be sold to the applicant. The area in blue is the area where, inter alia, the play area is currently located. This will add a further 1879 square meters and the total square meters being 2367 square meters. The amount payable for this entire area being R10 743 813.00 excluding VAT.

Option 3: Indicated in Green: This is for a further purchase of the area in Green together with the portions in orange and blue. This will be for a total of 2659 square meters at a cost of R12 069 021.00 excluding VAT.

A way forward with the remainder of the encroached area must be resolved upon - either the applicant submitting an application for lease of municipal land or that the applicant will have to remove all structures from the property where they are encroaching on Erf 9190 and does not form part of the options above.

Due to the value of the land an information statement will have to be published for public comment before a final decision to sell can be approved even though they are the only entity who can use the property.

5. RECOMMENDATION

For consideration

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Application for subdivision to land swap

During 2018 Friedlander, Burger & Volkman, on behalf of Protea Hotel, applied for a subdivision to rectify the encroachment of a structure that was constructed over the boundary of erf 9209 (Protea Hotel) onto Erf 9190 (Council property). A proposal has been submitted to facilitate a land swap with the Municipality to rectify the encroachment.

Due to the fact that erf 9190 is municipal owned land, the application had to be submitted to the Planning Tribunal. The Planning Tribunal rejected this application.

Although the application was basically a boundary adjustment (±191m² of Protea Hotel land in exchange for ±191m² of Council owned land), and although no objections were received, the Planning Tribunal turned down the application and suggested that the common boundary line be realigned to facilitate the incorporation of the unauthorised structure in a manner that will ensure that the new boundary line does not create unusable space and also will not have a negative input on the existing

amenities on erf 9209. A copy of the report that served before the Planning Tribunal, setting out the reasons for their decision, is attached as **APPENDIX 1**. It must be noted that the full extent of the current encroachment on municipal land is 3505m².

6.2. DISCUSSION

6.2.1 Location and context

Erven 9190 and 9209 are located in Techno road, as shown on Fig 1 and 2 below.

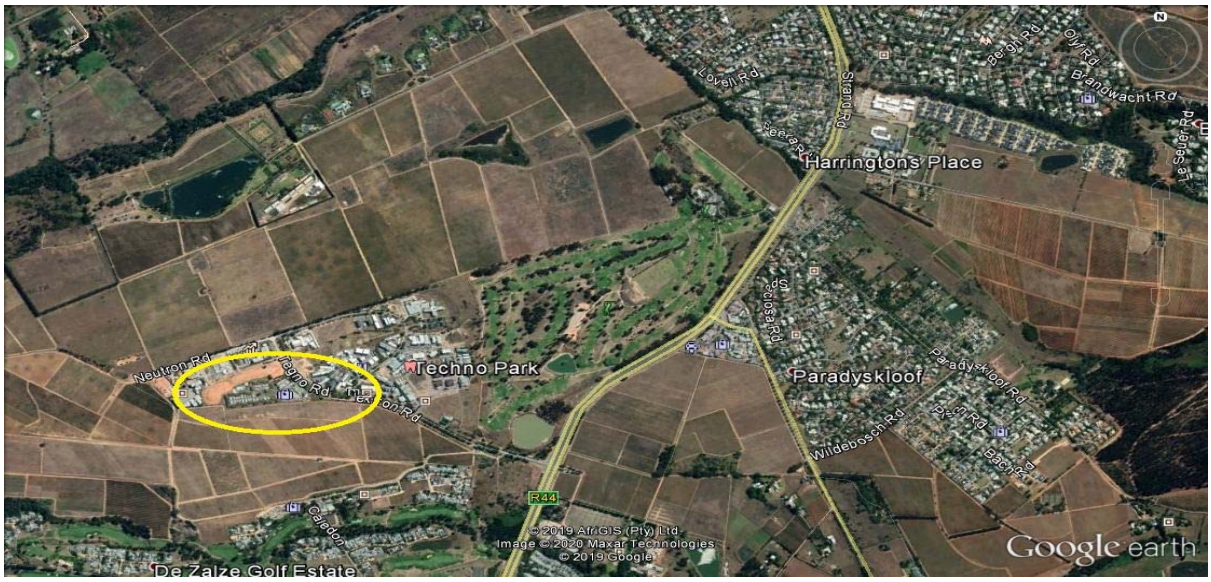


Fig 1: Location and context



Fig 2: Extent of land encroached on

6.2.2 Area description

The area(s) under discussion is shown on Fig 3, below.



Fig 3:

The area consists of three (3) portions:

- Erf 17341 : ±1971m²
- Erf 17340 : ±1094m²
- Erf 17339 : ±440m²

  Total : ±3505m²

The erf numbers referred to here does not exist yet, and forms part of the bigger erf 9190.

Closer photographs of the areas encroached upon look as follows:







6.2.3 Ownership

The ownership of Erf 9190 vests with Stellenbosch Municipality by virtue of Title Deed T28901/1988. See copy of Windeed record attached as **APPENDIX 4**. Erf 9209 is owned by the applicant.

6.2.4 Application for adjustment of boundary between Remainder erf 9190 (Council owned land) and erf 9209 (Protea Hotel land), Stellenbosch

Following the above decision by the Planning Tribunal, an application was submitted by Friedlander, Burger & Volkman, on behalf of Protea Hotel, requesting the adjustment of the common boundary between Protea Hotel and Stellenbosch Municipality's property (Erf 9190). A copy of their application is attached as **APPENDIX 2**.

Also hereto attached as **APPENDIX 3** and application received from Protea Hotel, the owner of erf 9209, for the purchasing of portion of erf 9190, in order to adjust the common boundary, as to incorporate the unauthorised structure build on erf 9190. The extent of the encroachment is 3505m². Erf 9190 is Municipal owned land as per **APPENDIX 4** hereto.

A valuator was appointed to determine the land value of the areas encroached upon. It is important to note that the Land Use Rights of Erf 9190 are already in place and it will not be necessary to apply for further Land Use Rights in the event that a portion of Erf 9190 had to be considered for selling. The valuation was based on the selling price per square meter of previous properties sold in Technopark. The area where the hotel currently has a play area could be considered for further development however the area of encroachment on the other side of the hotel is currently a dam. The valuation report is attached hereto as **APPENDIX 5**.

The valuation report indicates that the average price per square meter in the Technopark area is R4 539.00. The current areas being encroached upon is 3505 square meters which means that the total value of the property encroached on is R 15 912 700.00, excluding VAT.

After receiving the valuation report the applicants amended their initial request to only apply to purchase a portion of the land being encroached upon. This is specifically the area where the function room is built over the building line onto municipal land and it's for 488 square meters. A copy of the amendment is attached hereto as **APPENDIX 6**.

The Planning Department was requested to provide a report on the background of the approval of the building plans as well as the issuing of an occupation certificate despite the fact that the applicant has such an extensive encroachment on municipal land. The report has now been submitted and is attached hereto as **APPENDIX 7**.

The matter served before the Executive Mayoral Committee in July 2024 and was supposed to serve before Council however it was removed from the agenda by the Speaker in order for the administration to have further negotiations with the applicant. These negotiations have now taken place and the applicant has provided three alternative proposals for consideration by Council.

6.2.5 Three alternative proposals submitted by Protea Hotel

The proposals submitted by the applicant for consideration by Council is attached hereto as **APPENDIX 8.** An aerial photograph depicting the three alternative proposals is supplied in the proposal and looks as follows:



The three different proposals are indicated in orange, green and blue on the photograph.

Option 1: Indicated on the photograph in Orange: This option is the same proposal as the one which served before the Executive Mayoral Committee to only take transfer of the portion of land where the restaurant is encroaching which is approximately 488 square meters. In terms of the valuation the amount payable for this portion will be R 2 215 032.00 excluding VAT.

Option 2: Indicated in Blue: In this proposal the areas in orange and blue will be sold to the applicant. The area in blue is the area where, inter alia, the play area is currently located. This will add a further 1879 square meters and the total square meters being 2367 square meters. The amount payable for this entire area being R10 743 813.00 excluding VAT.

Option 3: Indicated in Green: This is for a further purchase of the area in Green together with the portions in orange and blue. This will be for a total of 2659 square meters at a cost of R12 069 021.00 excluding VAT.

6.2.6 Application entails further processes

If council approves the request to buy a portion of the land further planning applications will have to be submitted. An application for the boundary adjustment (land-use application) will be submitted to the Planning Department as an exemption application, once Council has made an in-principle decision on the possible disposal. The portion that is sold will have to be consolidated with erf 9209. The municipality does not support the proposal of a notarial tie of the properties – once subdivided it needs to be consolidated with erf 9209.

6.2.5 Legal Requirements

6.2.5.1 MFMA

In terms of Section 14 of the MFMFA a Municipality may not transfer ownership as a result of a sale or other transaction, or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic services.

Further, in terms of Subsection (2), a municipality may dispose of land not needed to provide the main level of basic municipal services, but only if the Council, in a meeting open to the public, (a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

6.2.5.2 Asset Transfer Regulation (ATR)

6.2.5.1 Transfer or disposal of non-exempted capital assets

In terms of Regulation 5(1)(b) a municipal Council may transfer or dispose of a non-exempted capital asset only after-

(a) the accounting officer has in terms of regulation 6 conducted a public participation* process to facilitate the determinations a municipal council must make in terms of Section 14(2)(a) and (b) of the Act; and

(b) the municipal council-

i) has made determinations required by section 14(2) (a) and (b)* and

ii) has, as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.

*Only applicable to high value properties, i.e. in excess of R50M

6.2.5.2.2 Consideration of proposals to transfer or dispose of non-exempted capital assets

In terms of Regulation 7 the municipal council must, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5(1)(b)(i) and (ii), take into account—

(a) whether the capital asset may be required for the municipality's own use at a later date;

(b) the expected loss or gain that is expected to result from the proposed transfer or disposal;

(c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the municipality;

(d) the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;

(e) the effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;

(f) any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;

(g) the estimated cost of the proposed transfer or disposal;

(h) the transfer of any liabilities and reserve funds associated with the capital asset;

(i) any comments or representations on the proposed transfer or disposal received from the local community and other interested persons; (if applicable);

(j) any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury; (if applicable)

(k) the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and

(l) compliance with the legislative regime applicable to the proposed transfer or disposal.

6.2.5.2.3 Conditional approval of transfer or disposal of non-exempted capital assets

Further, in terms of Regulation 11, an **approval in principle** in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, **may be given subject to any conditions**, including conditions specifying—

(a) the way in which the capital asset is to be sold or disposed of;

(b) a floor price or minimum compensation for the capital asset;

(c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and

(d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.

6.2.5.2.4 Transfer or disposal of non-exempted capital assets to be in accordance with disposal management system

In terms of Regulation 12(1); if approval has been given in terms of regulation 5(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, the relevant municipality may transfer or dispose of the asset only in accordance with its disposal management system, irrespective of—

(a) the value of the capital asset; or

(b) whether the capital asset is to be transferred to a private sector party or an organ of state.

*In the case of Stellenbosch Municipality, the Policy on the Management of Council-owned property is deemed to be the disposal management system.

6.2.5.2.5 Transfer agreements

In terms of Regulation 17, a municipality may transfer assets approved for transfer to a private sector party or organ of state, only by way of a written transfer agreement concluded between the transferring municipality and the receiving private sector party or organ of state.

A transfer agreement must set out the terms and conditions of the transfer, including, as a minimum—

(a) a sufficient description of the capital asset being transferred in order to identify the asset;

(b) particulars of any subsidiary assets that are transferred with the capital asset;

(c) particulars of any liabilities transferred with the asset;

(d) the amount of compensation payable to the municipality or municipal entity for the transfer of the asset or assets, and the terms and conditions of payment; and

(e) the effective date from which the risk and accountability for the asset or assets is transferred to the receiving private sector party or organ of state.

6.2.5.6 Policy on the management of Council-owned property

6.2.5.6.1 General principles

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of Viable Immovable property shall be effected-

by means of a process of public competition; and

a) at market value except when the public interest or the plight of the poor demands otherwise.

6.2.5.6.2 Methods of disposal

In terms of paragraph 9 the type of tender may vary, depending on the nature of the transaction. The following options may be considered:

a) outright tendered residential erven;

b) Call for proposals, e.g social care erven.

c) In respect of Non-viable Immovable Property which can be utilised by one adjacent landowner, like in this matter) a Property Transaction(s) may be approved without any competitive process having been followed on the basis that no purpose would be served by a competitive process but subject to the determination of the fair market value and public notice of the intent to dispose of the property.

6.2.5.6.4 Non-viable immovable property

In terms of par. 9.2.1, in respect of Non-viable Immovable Property which can be utilised by one adjacent land owner, a Property Transaction(s) may be approved without any competitive process having been followed, including in response to an unsolicited application, on the basis that no purpose would be served by a competitive process but subject to the determination of the fair market value and public notice of the intent to dispose of the property.

6.2.5.4 Fair market value

In terms of par.2 immovable property may be disposed of only at market related prices, except when the plight of the poor or the public intend demands otherwise.

6.3 Financial Implications

Should Council approve of the application all the cost associated with the transfers, such as subdivision, rezoning will be account by the applicant. The land should be sold at, at least market related value which has been valuated at R15 912 700.00 for the entire encroached area. The total payable by the applicant will be determined by the option Council decides on.

6.4 Legal Implications

See par. 6.2.5 above.

6.5 Staff Implications

No additional staff implications

6.6 Previous / Relevant Council Resolutions

EXECUTIVE MAYORAL COMMITTEE: 2023-11-16: ITEM 7.3.2

RESOLVED

that this item be referred back to Administration for further discussion and refinement.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-07-24: ITEM 7.3.11

That the item be referred to Council for consideration.

6.7 Risk Implications

Risks are addressed through the content of the report.

6.8 Comments from Senior Management

6.8.1 Municipal Manager

Supports option 3.

6.8.2 Director Planning and Economic Development

The D:PED supports the sale of the property in order to resolve the matter.

- However, the concerns raised by the MPT Item and Land Use Section have not been addressed in the current proposal. The Land Use Section is of the opinion that the common boundary line must be realigned to facilitate the incorporation of the unauthorized structure in a manner that will ensure that the new boundary line does not create unusable space and also will not have a negative impact on the existing amenities on Erf 9209. We are of the opinion that these issues should have been addressed by the applicant, as the proposal under discussion once again does not make provision to mitigate the impact of the building located on the new boundary line. The area between the red line and the current boundary should have formed part of the application as the existing building should be setback 0.5m -1.0m from the new / proposed common boundary line for maintenance purposes as a result of windows and a stoep under roof which faces onto the adjoining property. The proposed boundary line in red will also ensure that the resultant boundary adjustment does not have a negative impact on the adjoining property as a result of the irregular boundary line. The setback will also further aid in mitigating the impact of the current building on the adjoining property / Council owned property, should this property be developed in future, as it will ensure that a solid boundary wall could be constructed with minimal impact on the existing building located on the proposed common boundary.



- With reference to the approved building plan: According to the building plan records, this building was approved within the boundary lines of the property, but not built accordingly.

6.8.3 Director Community and Protection Services

Supported

6.8.4 Director Infrastructure Services

Supports the updated recommendations of the report. Should the sale proceed, that the to be-transferred portion as well as remaining encroached portions, be subject to the following:

1. Must ensure that municipal water pipes are not affected. Must ensure that the water lines fall outside of the new proposed erf boundaries. Must confirm the exact positions on site and clearly indicate on the subdivision plan.
2. Once received, Department Water and Wastewater Services will have to approve the final proposal as per standard procedure.
3. Ensure that the boundary change does not affect future road plans in accordance with the Roads Master Plan and/or stormwater management. Stormwater Infrastructure to the north needs to be considered**.**
4. Techno Lane Road Reserve: Applicant to ensure the distance between the road edge and line - Z,A1, D1,E1,F1,G1,H1,J1 not be less than 9m.

We do not have any further comment – as the various options would not negatively impact RTS.

The comments below i.e. point 3 and 4 are still applicable - for clarity we have added the highlighted section under point 4.

3. Ensure that the boundary change does not affect future road plans in accordance with the Roads Master Plan and/or stormwater management. Stormwater Infrastructure to the north needs to be considered.

4. Techno Lane Road Reserve: Applicant to ensure the distance between the road edge (including the drainage channel), and line-Z, A1, D1, E1, F1, G1, H1, J1 not be less than 9m. "

6.8.5 CFO

Supports content of the report

RECOMMENDATIONS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-08-14: ITEM 7.3.9

(a) that the land 2659 square meters is identified as land not required for basic municipal services;

(b) that Council approves option three (3) in principle;

(c) that a public participation process be followed in which council's intent to sell the land to the adjacent landowner, Protea Hotel, Technopark without any competitive process having been followed on the basis that no purpose would be served by a competitive process as only the adjacent owner can use the land;

(d) that the fair market value of R12 069 021.00 excluding VAT, as determined by a valuator, in principle be approved as the sales price; and

(e) that the item be brought back to Council after the public participation process for a final decision.

ANNEXURES:

Appendix 1: Report that served before the Planning Tribunal

Appendix 2: Application from Friedlander. Burger & Volkmann

Appendix 3: Application from Protea Hotel

Appendix 4: Windeed report

Appendix 5: Valuation Report

Appendix 6: Amended application

Appendix 7: Report by Planning Department

Appendix 8: Three alternative proposals from applicant

FOR FURTHER DETAILS CONTACT:

NAME	**Annalene de Beer**
POSITION	***Director***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088018***
E-MAIL ADDRESS	***Annalene.debeer@stellenbosch.gov.za***
REPORT DATE	***2024-08-01***

APPENDIX 1

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LAND USE PLANNING REPORT TO THE MUNICIPAL PLANNING TRIBUNAL

APPLICATION IS HEREBY MADE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW, 2015 PERTAINING TO THE SUBDIVISION, REZONING AND CONSOLIDATION OF PORTIONS ERVEN 9190 AND 9209, STELLENBOSCH, TO RECTIFY ENCROACHMENTS.

Reference number	LU/6518 Erf file 9190	*Application submission date*	July 2017	*Date report finalized*	Nov 2018

INTRODUCTION

The subject properties form part of the Technopark development. All the properties with the exception of erf 9209 the Protea Hotel are zoned for Special Zone I including the open space areas and roads within the development. The Protea Hotel Stellenbosch was developed on Erf 9209, Technopark, Stellenbosch, which is a portion of erf 9190. The hotel is a sectional title scheme and the portion of this property under consideration forms part of the common property of the sectional title scheme of this property.

The proposal under consideration is to rectify the encroachment of a structure that was constructed over the boundary of Erf 9209 (The Protea Hotel) onto Erf 9190 (Council property). The proposal has been submitted to facilitate a land swop with the Municipality to rectify the encroachment. Due to the fact that Erf 9190 is a municipal owned property the applications under consideration needs to be referred to the Planning Tribunal for consideration and a decision in terms of the Stellenbosch Municipal Land Use Planning By-Law.

PART A: AUTHOR DETAILS

First name(s) and Surname	Robert Fooy
Job title	Senior Town Planner
SACPLAN registration number	N/A
Directorate/Department	Planning and Economic Development / Land Use Management
Contact details	021 808 8680 robert.fooy@stellenbosch.gov.za

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PART B: APPLICANT DETAILS							
First name(s) and Surname	Mark Straughan						
SACPLAN registration number	N/A						
Company name	Friedlaender, Burger and Volkmann			Is the applicant authorized to submit this application?	Y		
Registered owner(s)	The Protea Hotel Body Corporate (The area under discussion forms part of the common area within the sectional title scheme)						
PART C: PROPERTY DETAILS							
Property description (in accordance with Title Deed)	Erven 9190, and 9209, Stellenbosch						
Physical address	Techno Avenue			Town/City	Stellenbosch		
Current zoning	Erf 9190 Special Zone 1: Technology or Science Park & Erf 9209 Specific Business Zone for hotel purposes	Extent (m^2/ha)	Erf 9209 3.0ha 9190 33.28ha	Are there existing buildings on the property?	Y		
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme Regulations (1996)						
Current Land Use	Erf 9209 (Hotel purposes) and 9190 (Vacant)			Title Deed number & date	T28901/1988		
Any restrictive title conditions applicable?		N	If Yes, list condition number(s)	N/A			
Any third party conditions applicable?		N	If Yes, specify	N/A			
Any unauthorised land use/building work?	Y		If Yes, explain	A building has been constructed over the common boundary of erf 9190 and erf 9209.			

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PART D: APPLICATION DESCRIPTION

Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following on Erf 9190 and Erf 9209, Technopark, Stellenbosch:

a) The subdivision of Portion A (±191m²) from Erf 9190 in terms of Section 15(2)(d));

b) The rezoning of unregistered Portion A (±191m²) from Special Zone I (Technology or Science Park) to Specific Business for Hotel purposes;

c) The subdivision of Portion B (±191m²) from Erf 9209 in terms of Section 15(2)(d));

d) The rezoning of unregistered Portion B (±191m²) from Specific Business for Hotel purposes to Special Zone I (Technology or Science Park);

e) The consolidation of unregisterred rezoned Portion A with Erf 9209 in terms of Section 15(2)(e));

f) The consolidation of unregisterred rezoned Portion B with Erf 9191 in terms of Section 15(2)(e)).

PART E: SUMMARY OF APPLICANTS MOTIVATION

The land use planning application has been submitted to formalise the structure that has been constructed over the common boundary line between Erf 9190 and Erf 9209. The proposal underconsider has been advertised as required and no objections or comments have been received on the proposal. The propsal was submitted after discussions with the Manager of the Property Management Department of the Municipality and has been submitted to facilitate a land swop as suggested by the Property Management Department.

PART F: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	16 November 2017	15 December 2017
Notices	Y	N	N/A	16 November 2017	15 December 2017
Ward councillor	Y	N	N/A	16 November 2017	15 December 2017
On-site display	Y	N	N/A	16 November 2017	15 December 2017
Community organisation(s)	Y	N	N/A	16 November 2017	15 December 2017
Oth-er	Y	N	If yes, specify		

Was public participation undertaken in accordance with sections 44-49 of the Stellenbosch Land Use Planning By-law, October 2015	Y	

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PART G: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION (INTERESTED AND AFFECTED PARTIES)			
FARM/ ERF NO.	ISSUES RAISED	APPLICANT'S RESPONSE	DEPARTEMENTAL REPONSE
	No Comments or Objections received on the application.		

PART H: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE AND/OR COMMUNITY ORGANISATIONS AND/OR WARD COUNCILLOR					
NAME OF DEPARTMENT	DATE	SUMMARY OF COMMENTS	RECOMMENDATION		
Department of Environmental Affairs and Development Planning	06 December 2017	Support the application with standard conditions.	**Positive**	Nega-tive	No Com-ment
Stellenbosch Electrical Department	16 January 2017	Support the application with conditions.	**Positive**	Nega-tive	No Com-ment
Local Economic Development	21 November 2017	Support the application.	**Positive**	Nega-tive	No Com-ment
Directorate Infrastructure Services (Traffic Engineer)	08 November 2017	Support the application with conditions.	**Positive**	Nega-tive	No Com-ment
Manager: Property Management Department	11 November 2017	Support the application.	**Positive**	Nega-tive	No Com-ment

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Ward Councillor		No formal response was received from the Ward Councilor	Positive	Nega-tive	**No Com-ment**

PART I: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Background

The application area (Erven 9190 and 9209) are located in Techno Avenue, Technopark, Stellenbosch and are surrounded by primarily office buildings, open area or undeveloped portion of land which forms part of Erf 9190 and are used for agricultural and open space purposes.

The application under consideration is to facilitate the formalization of the building which has been constructed over the common boundary between Erven 9190 and 9209. The area under consideration on Erf 9209 forms part of the common space of the Protea hotel which has been sectional titled. The proposal has also been submitted to facilitate a land swop between the Municipality (Erf 9190) and the Protea hotel (Erf 9209) as suggested by the Manager: Land Use Management.

The areas under consideration are currently being used by the Protea hotel to accommodate the building which is constructed over the common boundary of the two properties and as part of the common open space area within the sectional title scheme. The proposal as submitted will only facilitate a form of boundary adjustment which normally could be dealt with by the Municipality via the existing delegations, but due to the fact that the one property, Erf 9190 is owned by the Municipality the application needs to be referred to the tribunal for a decision in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015.

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

a) Spatial Justice

N/A

b) Spatial Sustainability

The proposal will not have a detrimental impact on valuable agricultural land, environmentally sensitive and biodiversity rich areas or scenic and cultural landscapes as the subject property is located within the urban edge of Stellenbosch and the properties are not zoned for agricultural purposes.

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c) Efficiency

The proposed application will only facilitate the formalization of the existing building which was been constructed over the common property boundary between Erf 9090 and Erf 9209.

d) Spatial Resilience

N/A

e) Good Administration

The application was processed strictly in accordance with the prescribed application procedures as stipulated in the By-law on Municipal Land Use Planning, 2015.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

The proposal is supported by Spatial Planning, Heritage and Environment Department as it will have no impact on its surroundings.

(In)consistency with guidelines prepared by the Provincial Minister

This section has no bearing on the application as the subject property is loacted within the urban edge of Stellebenbosch town.

Outcomes of investigations/applications i.t.o other laws

The application complies with the relevant legislation applicable to the application.

Existing and proposed zoning comparisons and considerations

The change in zoning proposed will have no impact on the surrounding area as the subject properties are located within the existing urban area and the proposed zonings will only facilitate a form of boundary adjustment to accommodate the existing building which is located over the common boundary line between Erf 9190 and Erf 9209.

The need und desirability of the proposal

The subject properties are located within Techno Avenue, Technopark, Stellenbosch and the surrounding land uses are primarily offices, open space and agricultural purposes. The applications under consideration will only faciliate the movement of the common boundary line to accommodate the existing structure which is currently located over the common boundary line of Erf 9190 and Erf 9209, Technopark and to facilitate a land swop.

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As noted above the proposal is basically a boundary adjustment with the rezoning of the various subdivided portions being required to ensure that they have the applicable zoning prior to being consolidated with the respective erven.

The proposal as submitted will only facilitate the formalization of the unauthorized building work but will also result in unusable portions of land being formed (Portion B). The new boundary line that will be created by the proposal will also result in the fact that the unauthorized structure is now located on the common boundary between Erf 9190 and Erf 9209. As a result should the owners of the Hotel decide to enclose their property with a wall or fence the existing deck / stoep area which will be located on the erf boundary would be negatively affected due to the fact that the deck / stoep area is will be narrow due to the fact that the fence / wall will be located on the edge of the deck / stoep. The new boundary that will be created over erf 9209 has also not taken cognizance of the fact that the area being cut off and consolidated with erf 9190, will result in an unusable portion of land being created between the "Road" and erf 9209.

The two areas being subdivided, rezoned and consolidated have the same area to facilitate a land swop but would create unusable areas as a result of the new erf boundaries that will be created. The proposal as submitted is not supported as the applicant is in effect trying to facilitate the formalization of the unauthorized structure and a land swop without taking into consideration what impact the revised boundary will have on the two erven concerned.

PART J: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Financial or other value of the rights affected

The proposal as submitted will create an area of unusable land due to the new shape of the subject properties.

Benefits to the holder of such rights in terms of the restrictive condition

This section is not applicable to the application under consideration.

Personal benefits which will accrue to the applicant

This section is not applicable to the application under consideration.

Social benefit of the restriction remaining in place

This section is not applicable to the application under consideration.

Social benefit of the proposal and whether the application will completely remove all rights enjoyed by the beneficiary or only some of those rights

This section is not applicable to the application under consideration.

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PART K: SUMMARY OF EVALUATION

The application as submitted is only to facilitate the formalization of the structure that has been constructed over the common boundary line between Erf 9209 and Erf 9190 and to facilitate in effect a land swop. The proposal as submitted will also result in an unusable area being created due to the irregular shape created by the "boundary adjustment" of the two erven and will also have a negative impact on the existing facilities located on erf 9209 such as the garden area with its facilities. The application submitted is purely to ensure or facilitate a land swop at all cost and has not taken cognizance of the impact of the revised boundary line between Erf 9209 and Erf 9190.

The new boundary line that will be created by the proposal will also result in the fact that the unauthorized structure is now located on the common boundary between Erf 9190 and Erf 9209. As a result should the owners of the Hotel decide to enclose their property with a wall or fence the existing deck / stoep area which will now be located on the erf boundary would be negatively impacted on due to the fact that the deck / stoep area will be narrow due to the fact that the fence / wall will be located on the edge of the deck / stoep. The new boundary that will be created over erf 9209 has also not taken cognizance of the fact that the area being cut off from Erf 9209 and consolidated with erf 9190, will result in an unusable portion of land being created between the "Road" and existing erf 9209.

The two areas being subdivided, rezoned and consolidated have the same area to facilitate a land swop but would create unusable areas as a result of the new erf boundaries as noted above. For this reason the proposal as submitted is not supported by the Land Use Planning Department, as the applicant is in effect trying to facilitate the formalization of the unauthorized structure and a land swop without taking into consideration what impact the revised boundary will have on the two erven concerned.

The proposal also only just incorporates the building that is currently located over the common boundary into Erf 9209 without taking cognizance of the fact that the new boundary line will have a negative impact on the existing facilities. As the proposal has not taken note of the fact that by realigning the common boundary as indicated / proposed it will have a negative impact on the facilities located in the common area on Erf 9209.

The Land Use Department is of the opinion that the common boundary line must be realigned to facilitate the incorporation of the unauthorized structure in a manner that will ensure that the new boundary line does not create unusable space and also will not have a negative impact on the existing amenities on Erf 9209.

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PART L: RECOMMENDATION

That **approval not be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications:

a) The subdivision of Portion A (±191m²) from Erf 9190 in terms of Section 15(2)(d));

b) The rezoning of unregistered Portion A (±191m²) from Special Zone I (Technology or Science Park) to Specific Business for Hotel purposes;

c) The subdivision of Portion B (±191m²) from Erf 9209 in terms of Section 15(2)(d));

d) The rezoning of unregistered Portion B (±191m²) from Specific Business for Hotel purposes to Special Zone I (Technology or Science Park);

e) The consolidation of unregisterred rezoned Portion A with Erf 9209 in terms of Section 15(2)(e));

f) The consolidation of unregisterred rezoned Portion B with Erf 9191 in terms of Section 15(2)(e)).

PART M: REASONS FOR RECOMMENDATION

a) The proposed subdivision, rezoning and consolidation of Portion A (±191m²) and Portion B (±191m²) with Erf 9209 and Erf 9190 will result in the creation of irregular shaped property with unusable sections due to the shape created by the subdivision and consolidation of the various portions.

b) The proposal has not taken into consideration the fact that the approval of the application will have a negative impact on the common area in terms of the sectional title plan on Erf 9209, due to the fact that the existing facilities located on the Hotel property will be negatively impacted on.

c) The proposals main objective is to facilitate a land swop by incorporating the unauthorized building into Erf 9209 and ensuring that both portions to be subdivided and consolidated are of equal size without taking into account what the negative impact of the proposal will be on both erven 9209 and 9190.

PART N: ANNEXURES

Annexure A Locality and Zoning map.
Annexure B Proposed Subdivisions and consolidation plan.
Annexure C Title deed.
Annexure D Motivation of Applicant.
Annexure E Portfolio of Evidence/ Affidavit.

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Annexure F	Copy of Notices sent to Interested and Affected parties/ Organs of state.
Annexure G	Comments received from Internal Departments.
Annexure H	Comments received from External Departments.
Annexure I	Power of Attorney from both property owners.

PART T P: SIGNATURES

REPORT COMPILED AND ASSESSED BY:

RFooy

ROBERT FOOY
SENIOR TOWN PLANNER

30/11/2018
DATE

RECOMMENDED BY:

H Dednam

H. DEDNAM
MANAGER: LAND USE MANAGEMENT
(Pr.Pln A/ 846/1995)

03/12/2018.
DATE

PART U: DECISION IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, OCTOBER 2015:

APPROVE		APPROVE IN PART		REFUSE	

Tick the appropriate box:

SIGNATURE: _____

DATE: _____

CHAIRPERSON OF THE MUNICIPAL PLANNING TRIBUNAL
ADV. MANDLA MDLUDLU

IF REASON/S FOR DECISION:

_____

_____

_____

_____

APPENDIX 2

friedlaender, burger & volkmann
PROFESSIONAL LAND SURVEYORS. SECTIONAL TITLE CONSULTANTS. MAPPING CONSULTANTS

39 Herte Str, Stellenbosch, 7600
PO Box 154, Stellenbosch, 7599
+27 21 8864004
+27 21 8878088
info@fbvsurvey.co.za
www.fbvsurvey.co.za

Our ref: ERF9209F

Friday, 18 October 2019

The Director

Human Settlements and Property Management

Town House Complex

Plein Street

Stellenbosch

7600

By email to Piet.Smit@stellenbosch.gov.za

Dear Mr. Smit

ADJUSTMENT OF BOUNDARY BETWEEN THE REMAINDER OF ERF 9190 AND ERF 9209, STELLENBOSCH (THE PROTEA HOTEL, STELLENBOSCH, AT TECHNOPARK)

I refer to the above matter and our telephone conversation this morning.

Erf 9209 is the property on which the Protea Hotel, Stellenbosch is constructed. The remainder of Erf 9190 is Municipal property and is the parent erf of the Technopark development.

The background to the matter as discussed, is that we applied for subdivision, rezoning and consolidation of the above erven to give effect to a land swap involving each party relinquishing, and gaining 191m² of land. This was undertaken to rectify an encroachment by a building of the hotel over Erf 9190.

The application was made with power of attorney by your office and the Protea Hotel.

The Land Use Planning recommendation to the Municipal Planning Tribunal ("MPT") was that the application is not approved as it did not deal fully with the area of encroachment by the hotel over Municipal land. The subsequent recommendation to us from the Municipal Land Use Planning department

was that the application be withdrawn and resubmitted as a request for exemption to adjust a common boundary. The recommendation was further that the Municipality will rezone the affected land.

We have therefore surveyed the area fenced in and used by the Protea Hotel. As advised by you this area is subject to an encroachment agreement with the Municipality. Please see our plan attached as Annexure A.

We will to commence the application process for the subdivision exemption of the area encroached. It will save time if this is done simultaneously with the process in your office to alienate Municipal land.

Kindly confirm that we may proceed based on the attached plan. Please call us should any matters require clarification. We are happy to meet at your convenience if necessary.

Your sincerely

M.B. Straughan

pp. Friedlaender, Burger and Volkmann



Land unit	Figure description	Area	Current Use	Current Zone
Existing properties				
Remainder Erf 9190, Stellenbosch		33.0865 ha	Technopark	
Protea Hotel Stellenbosch: Sectional title units and common property of Protea Hotel Stellenbosch Sectional Title Scheme (Previously Erf 9209, Stellenbosch)	A, B, C, D, E, F, G, H, J, K	3.0000 ha	Protea Hotel	Specific Business: Hotel and offices

Land unit	Figure description	Area
Final layout		
Protea Hotel Stellenbosch: Notarial tie of erven 17339, 17340 and 17341 with Protea Hotel Stellenbosch Sectional Title Scheme	K, L, M, P, Q, R, S, T, D, U, V, W, X, Y, Z, A1, B1, C1, D1, E1, F1, G1, H1, J1, K1, L1, M1, N1, P1	±3.3505 ha
Remainder of erf 9190		±32.7361 ha

Land unit	Figure description	Area	Current Use	Current Zone	Rezoning
Proposed subdivisions and rezonings of parts of erf 9190, Stellenbosch					
Erf 17339: proposed portion of erf 9190	K, L, M, N, P, Q, R, S, T, D, C, B, A	±440m²	Protea Hotel	Special Zone 1: Technology or Science Park	To be rezoned to Specific Business: Hotel and offices, transferred to Protea Hotel Stellenbosch Body Corporate and included in common property of Protea Hotel Sectional Title Scheme
Erf 17340: proposed portion of erf 9190	D, U, V, W, X, Y, Z, A1, B1, N, G, F, E	±1094m²	Protea Hotel	Special Zone 1: Technology or Science Park	To be rezoned to Specific Business: Hotel and offices, transferred to Protea Hotel Stellenbosch Body Corporate and included in common property of Protea Hotel Sectional Title Scheme
Erf 17341: proposed portion of erf 9190	C1, D1, E1, F1, G1, H1, I1, K1, L1, M1, N1, P1,	±1971m²	Protea Hotel (building encroachment)	Special Zone 1: Technology or Science Park	To be rezoned to Specific Business: Hotel and offices, transferred to Protea Hotel Stellenbosch Body Corporate and included in common property of Protea Hotel Sectional Title Scheme

Note
Erven 17339, 17340 and 17341 to be subdivided from remainder erf 9190 and included in sectional title scheme Protea Hotel Stellenbosch by notarial tie and not by consolidation.

TN

Caveat
1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:1000	Date:27 Sept 2019	Contours: n/a	System: WG 19

Adjustment of Boundaries and Rezoning
Protea Hotel Stellenbosch

Ref:erf9209f | Dwg:pr-on-rev3.dwg a3

fbv friedlaender, burger & volkmann

APPENDIX 3

PROTEA HOTEL
MARRIOTT
Stellenbosch

INITIATIVE SA INVESTMENTS 159 (PTY) LTD
Company Registration: 2003/009691/07, VAT Registration: 4360217345
Directors: K. Jankowitz, B. Venter, A. Malan, C. Visagie, D. Pretorius

RODASH 125 (PTY) LTD
Company Registration: 2009/017174/07, VAT Registration: 4810254518
Directors: K. Jankowitz, B. Venter, A. Malan, C. Visagie, D. Pretorius

35 Techno Avenue, Techno Park
Stellenbosch 7600
South Africa
P.O. Box 12450, Die Boord
Stellenbosch 7613
South Africa

T +27 (0) 21 880 9500
F +27 (0) 21 880 9505
E info@phstellenbosch.com
W marriott.com/cptst

Date: 17 November 2019

For Attention:

Mr Piet Smit
Stellenbosch Municipality

Good day Sir,

Application for the Purchase of certain pieces of land of the Stellenbosch Municipality by the Protea Hotel by Marriott Stellenbosch in Techno Park.

We hereby make application to purchase pieces of land from the Municipal which the Protea Hotel Stellenbosch is using currently.

This means that Erven 17339, 17340 and 17341, all portions of the Remainder of erf 9190, shall have to be subdivided and rezoned as per the attached Plan.

Once subdivided these erven will be included by Notarial Tie in the Common Property of the Protea Hotel Stellenbosch Sectional Title Scheme.

We had previously made Application for a Land Swap of the pieces of land being used by the Hotel coupled with an Encroachment Agreement which Application was not acceptable to the MPT. The MPT suggested that we follow this route to make Application to realign our boundaries.

Please inform us if there is any further information that you need in order to consider our Application.

Kind regards,



Riaan Malan

Protea Hotel by Marriott Stellenbosch

APPENDIX 4

Printed: 2019/12/12 10:27

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

STELLENBOSCH, 9190, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested	2019/12/12 10:24
Deeds Office	CAPE TOWN
Information Source	WINDEED DATABASE
Reference	-



PROPERTY INFORMATION

Property Type	ERF
Erf Number	9190
Portion Number	0 (REMAINING EXTENT)
Township	STELLENBOSCH
Local Authority	STELLENBOSCH MUN
Registration Division	STELLENBOSCH RD
Province	WESTERN CAPE
Diagram Deed	T28901/1988
Extent	31.9688H
Previous Description	PTN OF ST RD 377
LPI Code	C06700220000919000000

OWNER INFORMATION

Owner 1 of 2

Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
ID / Reg. Number	-
Title Deed	T28901/1988
Registration Date	1988/06/02
Purchase Price (R)	UNKNOWN
Purchase Date	-
Share	0.00
Microfilm	2007 0556 3308
Multiple Properties	NO
Multiple Owners	NO

Owner 2 of 2

Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
ID / Reg. Number	-
Title Deed	T76566/2002
Registration Date	-
Purchase Price (R)	TRANSFER BY ENDORSEMENT
Purchase Date	-
Share	0.00
Microfilm	2002 0736 5098
Multiple Properties	NO
Multiple Owners	NO

ENDORSEMENTS (6)

#	Document	Institution	Amount (R)	Microfilm
1	K199/1995L	GOLF CLUB-STELLENBOSCH	UNKNOWN	1995 0286 2058
2	K331/1998S	-	UNKNOWN	1998 0272 4942
3	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 13168 ,PRTN 0	UNKNOWN	-
4	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 13166 ,PRTN 0	UNKNOWN	-
5	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 17317 ,PRTN 0	UNKNOWN	-
6	VA3757/2019	MUN STELLENBOSCH	UNKNOWN	-

Printed: 2019/12/12 10:27

HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	STF5-34/1883	MUN STELLENBOSCH	0	2006 1881 1465

DISCLAIMER

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APPENDIX 5

VALUATION REPORT

PORTION OF ERF 9190, TECHNOPARK

STELLENBOSCH

HCB Property Valuations
38 Long Street
Moorreesburg
7310
Tel: 022 433 2035
Email: admin@hcb.co.za

LIMITATIONS AND RESTRICTIONS

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined, and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.



Signature

LIMITATIONS AND RESTRICTIONS

This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.



Signature

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1. INTRODUCTION

I, Coenraad Botha, registered as a Professional Valuer in terms of the Property Valuers Profession Act 47 of 2000, do hereby certify that I have identified and inspected the subject property referred to in this report and have obtained all the necessary information to determine the market value thereof.

- *See Annexure 1 for Valuer Certificates*

1.1 Instruction

An instruction was received from Yolande van den Berg of Stellenbosch Municipality to attend to the valuation of a Portion of Erf 9190, situated in Stellenbosch. The purpose of the valuation is to determine the open market valuation of the property as on 1 November 2023.

- *See Annexure 2 for Instruction*

1.2 Date of Valuation

The date of valuation as instructed by the client is 1 November 2023.

1.3 Date of Inspection

A Desktop Valuation was done.

2. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION

2.1 Local Authority

This property falls under the jurisdiction of the Stellenbosch Municipality, situated in the Western Cape.

2.2 Zoning

Zoning was not supplied by Stellenbosch Municipality, thus HCB used commercial zoning as reference. Should this be incorrect, HCB reserves the right to amend this valuation report.

92. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (Technical approval)	Consent Uses (Application required)
• Business premises (including a shop, market, restaurant, office) • Clinic • Flats • Medical consulting rooms • Public parking area • Private road • Occasional use (one event/year)	• Tourist dwelling unit (in flat) • Commune (in flat)	• Commercial gymnasium • Community residential building • Conference facility • Day care Centre • Extramural facility • Filling station • Guest house • Hostel • Hotel • Liquor store • Occasional use (more than one) • Parking garage • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Tourist accommodation establishment • Welfare institution

3.3 Municipal Valuation

Municipal Valuation is not applicable as only a Portion of Erf 9190 is being valued in this report.

3. PHYSICAL DESCRIPTION

3.1 Location

The subject portions referred to in the order from Stellenbosch Municipality refers to portions of erf 9190 adjacent to the Protea Hotel in Techno Park, an established neighbourhood in Stellenbosch.

- *See Annexure 3 for Locality Plan*

3.2 Infrastructure

It was noted that all infrastructure is available to the surrounding erven and services are available.

3.3 Land

Subject property is flat and ground conditions are good, therefore our findings that the topography will not affect market value.

3.4 Improvements

The Protea Hotel encroaches on Municipal Land.

4. MARKET ANALYSIS

The definition “Market Value” as laid down by the International Valuation Standards Committee is: *“The estimated amount for which an asset should exchange, on the date of valuation, between a willing buyer and a willing seller, in an arms-length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.”*

5. METHOD OF VALUATION

The Comparable Method of valuation is the most suitable method to apply to establish the market value of the subject property. In applying the Comparable Method, it is necessary to investigate the sales of similar types of properties that have been sold.
The below information (see 7.2) is compared to the subject property, which involves judgments as to the degree of similarity regarding value factors such as location, shape of erf and use to which the subject property can be put.
The comparable method was applied to determine a land valuation.
Construction costs for the pavilion and clubhouse was determined and used with the land value to get to a value for the subject portion.

6. ESTABLISHMENT OF COMPARABLES

6.1 Highest and Best use

Definition*: "The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which result in the highest value of the property being valued".* Therefore, it could be argued that the highest and best use of a property is, which is physically possible, appropriately justified, legal permissible, financially feasible and which result in the best value of the property to be valued.

It is my opinion that the highest and best use is commercial.

6.2 Comparable Properties

Erf	Area	Extent	Sale Date	Sale Price
9194	Stellenbosch	3 800m²	2019/07/04	R17 250 000-00
263	Stellenbosch	1 218m²	2021/03/02	R10 750 000-00

Vacant Commercial Sales are not readily available in Techno Park. Stellenbosch Municipality bought Erf 9194 for R 17 250 000-00 in 2019. This sale calculates to R4 539-00/m².
There are no other recent sales available in Techno Park.

Vacant Commercial Sales in Stellenbosch are also rare to find, with only Erf 263 available. This sold at a rate of R8 825-00/m². This erf is in central Stellenbosch on 43 Alexander Road and could be seen as premium property. It is thus not 100% comparable with the Techno Park area.

The property Market of Techno Park slowed down after the covid pandemic and the sales in the area regarding commercial property are struggling to recover.

It is my opinion to use erf 9194 and the tariff of R4 539-00/m² as a base price to calculate a rate/m² tariff for the applicable portion as determined by a Land Surveyor.





Erf 9209 is the Protea Hotel, other two erven indicated on the above imagery are the applicable sales.

6.3 Conclusion

It is my opinion that the Open Market Value of the subject property on 1 November 2023 is R4 539-00/m², taking into consideration sales and after adjusting for time, location, zoning, and usage.

7. CERTIFYING OF VALUE

I hereby certify that I have identified the subject property and obtained all the necessary information to determine the market related value thereof.

Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the Market Value of the subject property on 1 November 2023 to be R4 539-00/m² (Four Thousand Five Hundred and Thirty-Nine Rand per Square Meter). VAT Excluded.



Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

1 November 2023
Date of Signature

8. CAVEATS

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation unless such full disclosure has been made.

8.1 Valuation Standard

This valuation has been prepared in accordance with the guidelines of the South African Institute of Valuers for valuation reports.

8.2 Statutory Notices and Unlawful Use

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

8.3 Confidentiality

This valuation is produced exclusively for Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

8.4 Non-Publication

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.

9. ANNEXURES

9.1 Annexure 1 – Valuer Certificates

SOUTH AFRICAN COUNCIL FOR THE
PROPERTY VALUERS PROFESSION

This is to certify that

HENDRIK COENRAAD BOTHA

is registered as

Professional Valuer

In terms of section 20(2)(a) of the Property Valuers Profession Act, 2000

DATE OF REGISTRATION AS: Professional Valuer: 28 January 2020
DATE OF ISSUE: 13 February 2020
PERIOD OF VALIDITY: 28 January 2020 - 30 June 2024

JF Cloete
President

REGISTRATION No: 5601

MC Seola
Registrar

9.2 Annexure 2 – Instruction

Beste Helen,

Vind hierby aangeheg.

Ek het die zoning aangevra en sal laat weet sodra ek ontvang het.

Vriendelike Groete,

Kind regards,
Yolande van den Berg
Head: Contract Management
Corporate Services

T: +27 21 808 8073| Fax 021-886 7319
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

Dear Helen,

I hereby confirm that we accept the following quotations:

- 266 – Erf 9190 Technopark
- 267 – Erf 23 Franschhoek
- 268 – Erf 2885 Franschhoek
- 269 – Erf 1693 Franschhoek

I trust you find this to be in order and look forward to receiving your valuation reports.

Kind regards,
Yolande van den Berg
Head: Contract Management
Corporate Services

T: +27 21 808 8073| Fax 021-886 7319
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

HCB
Valuations and Services (Pty) Ltd
HEAD OFFICE
38 Long Street, Moorreesburg, 7310
T: +27(0)22 433 2035 M: +27(0)83 663 2140 E: admin@hcb.co.za

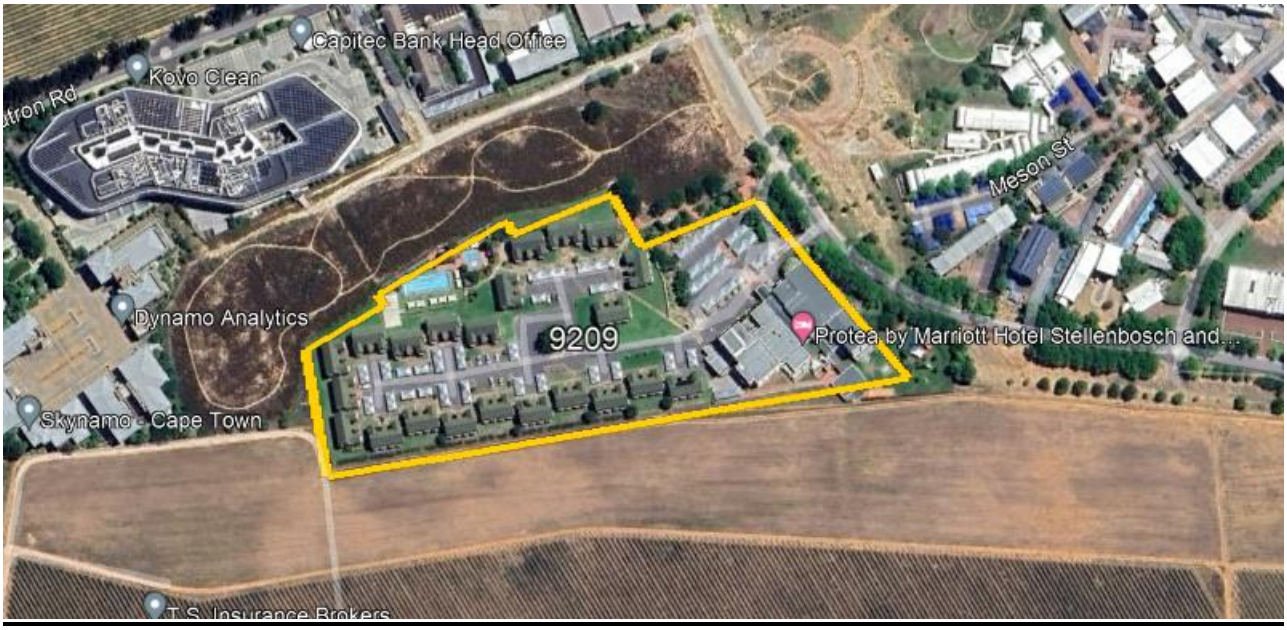
HCB would like to assist with you valuation request.
Kindly complete below to the best of your ability in order for us to provide you with a quotation and subsequent valuation report.

Erf/Farm Number:	ERF 9190 Stellenbosch (TechnoPark)
Town/Region:	Stellenbosch (TechnoPark)
Owner:	Stellenbosch Municipality
Zoning and Usage:	TBC
Date of Valuation:	14/11/2023
Reason for valuation:	Protea Hotel built over their erf line onto our property and Council needs to consider possibly selling these portions to the Hotel.
Any other information you feel is pertinent to the valuation:	
Expected Delivery Date:	As soon as possible.

Should you have any questions or concerns contact:
Helen: 081 4733 707 / helen@hcbval.co.za
Coenraad: 083 663 2140 / coenraad@hcb.co.za

9.3 <u>Annexure 3 - Locality Map</u>

Please note no indication was provided as to what areas of Protea Hotel are encroaching on municipal land, thus this is a general aerial photography to indicate locality of the hotel in proximity to municipal land.



9.4 Annexure 4 – Valuation Certificate

HCB
Valuations and Services (Pty) Ltd

HEAD OFFICE
38 Long Street, Moorreesburg, 7310
T: +27(0)22 433 2035 **M**: +27(0)83 663 2140 **E**: admin@hcb.co.za

Valuation Certificate

Client:	Stellenbosch Municipality
Erf Number:	Portion of Erf 9190
Title Deed Number:	Unavailable
Area/Town:	Stellenbosch
Owner:	Mun Stellenbosch
Erf Extent:	N/A
Date of Valuation:	1 November 2023
Reference Number:	STELL/PTN/9190
Valuation Amount:	R4 539-00/m² (VAT excluded)
Zoning:	Commercial/Business Zone 1

Comments:

This Valuation Certificate must be read in conjunction with the attached Valuation Report.

Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

APPENDIX 6

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners
Managing Director: DUPRÉ LOMBAARD
3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa
Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com

12 April 2024

The Municipal Manager
PO Box 17
STELLENBOSCH
7600
Per email: Yolande.vandenBerg@stellenbosch.gov.za

Dear Madam

AMENDED APPLICATION FOR THE CONSIDERATION OF THE SUBDIVISION AND TRANSFER OF PORTIONS OF ERF 9190, STELLENBOSCH (TECHNOPARK)

The application on behalf of the Protea Hotel Stellenbosch Body Corporate, Sectional Title Scheme 480/2002 dated 28 June 2022 for approval of a land transaction entailing a subdivision and consolidation of council-owned land and subsequent interaction and consultation between the parties refer. The purpose of this submission is to amend the aforementioned application, for which purpose a new plan of proposed subdivision and consolidation is submitted herewith in Annexure A.

In summary, and as detailed in the initial application, the Protea Hotel submitted building plans for extension of the Sectional Title Scheme by addition of a function room in 2010 (BP/10/2274 – under Annexure C of the June 2022 application). The building plan was approved on 15 June 2010 and the development completed. The function room encroaches on Erf 9190, which is municipal property, as indicated on the approved building plan by roughly 1 971m².

The purpose of this application is to request Council to approve of the subdivision of only that portion of Erf 9190 on which the function room has been constructed, and disposal thereof to the Protea Hotel Stellenbosch Body Corporate, and to permit the consolidation thereof with Erf 9209 (Annexure A).

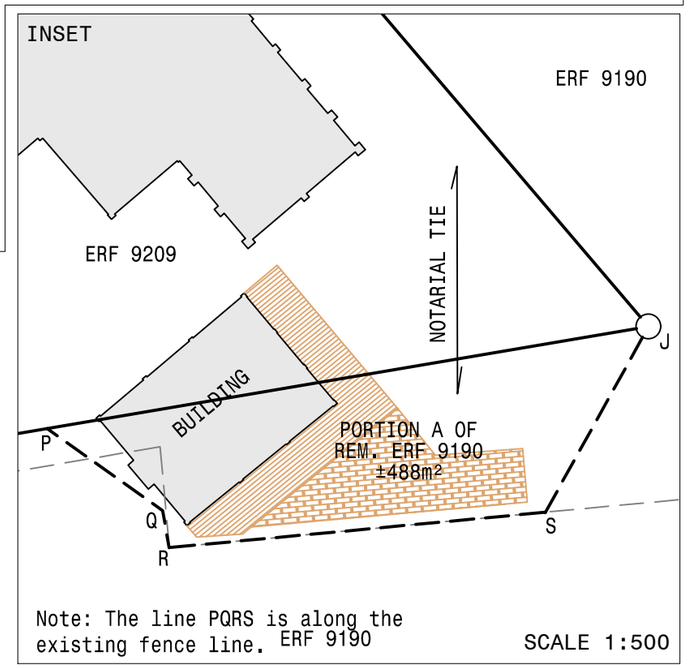
Following an approval of this application for a land transaction by Council, the rezoning, subdivision and consolidation of the land would have to be addressed in an application in terms of the Stellenbosch Municipality: Municipal Land Use Planning Bylaw, 2023.

Yours faithfully

DUPRé LOMBAARD

Annexure A - Subdivision and consolidation plan





Land unit	Figure description	Area	Current Use	Current Zone	Rezoning
Existing properties					
Remainder erf 9190, Stellenbosch	See plan of proposed subdivision	33.0866 ha	Technopark	Special Zone 1: Technology or Science Park	
Protea Hotel Stellenbosch: Sectional title units and common property of Protea Hotel Stellenbosch Sectional Title Scheme (Previously Erf 9209, Stellenbosch)	A, B, C, D, E, F, G, H, J, K	3.0000 ha	Protea Hotel	Specific Business: Hotel and offices	
Proposal					
Portion A: a portion of remainder erf 9190	P, S, R, Q, J	±488m²	Protea Hotel (building encroachment)	Special Zone 1: Technology or Science Park	To be rezoned to Specific Business: Hotel and offices, transferred to Protea Hotel Body Corporate and included in common property of Protea Hotel Sectional Title Scheme by notarial tie
Final layout					
Protea Hotel Stellenbosch: Notarial tie of Portion A with Sectional Title Scheme Protea Hotel Stellenbosch: Proposed total area of Protea Hotel non-building common property	A, B, C, D, E, F, G, H, J, S, R, Q, P, K	±3.0488 ha			
Remainder of erf 9190 after deduction of Portion A	See plan of proposed consolidation	±33.0378 ha			

building

pergola

paving

boundary line

proposed subdivision

TN

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:1000	Date: 15 Mar 2024	Contours: n/a	System: WG 19

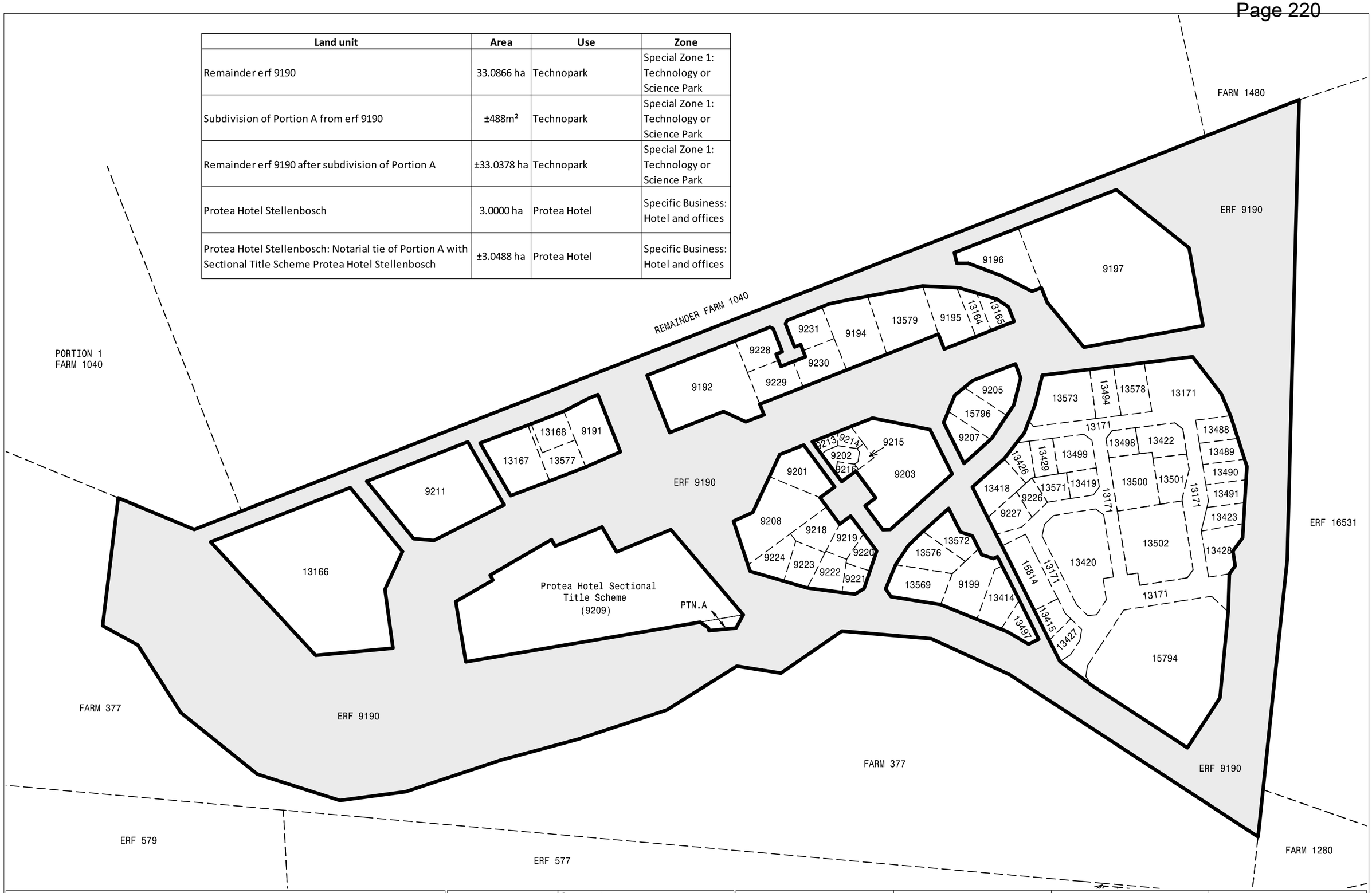
Proposed Subdivison and Notarial Tie
Remainder Erf 9190 and Erf 9209
Stellenbosch

Ref: ERF9209F | Dwg:PR-ON - REV4.DWG

friedlaender, burger & volkmann
PROFESSIONAL LAND SURVEYORS, SECTIONAL TITLE CONSULTANTS, MAPPING CONSULTANTS
Stellenbosch House 4, Perryvale, 7600 T +27 21 8864004 Cape Town 150 St. George's Mall, 8000 T +27 21 0071851
Riebeek Kasteel 3 Bergzig, Wafer Street, 7300 T +27 22 4481024
enquiries@fbvsurvey.co.za • www.fbvsurvey.co.za

Annexure B – Locality plan

Land unit	Area	Use	Zone
Remainder erf 9190	33.0866 ha	Technopark	Special Zone 1: Technology or Science Park
Subdivision of Portion A from erf 9190	±488m²	Technopark	Special Zone 1: Technology or Science Park
Remainder erf 9190 after subdivision of Portion A	±33.0378 ha	Technopark	Special Zone 1: Technology or Science Park
Protea Hotel Stellenbosch	3.0000 ha	Protea Hotel	Specific Business: Hotel and offices
Protea Hotel Stellenbosch: Notarial tie of Portion A with Sectional Title Scheme Protea Hotel Stellenbosch	±3.0488 ha	Protea Hotel	Specific Business: Hotel and offices



denotes final boundaries after land swop

TN

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:4000 @A3	Date:08 April 2024	Contours:NA	System: WG 19

Proposed Subdivison and Notarial Tie
Remainder Erf 9190 and Erf 9209
Stellenbosch

Ref:ERF9209F | Dwg: PROPOSED REMAINDER ERF 9190 - rev4.dwg

friedlaender, burger & volkmann
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APPENDIX 7

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Planning and Economic Development

FROM/VAN	**: Building Inspectorate Section**
TO/AAN	**: Manager: Building Development Management**
DATE / DATUM	**: 25 July 2024**
INSAKE / RE	**: Inspection report – Erf 9209 Protea Hotel, Technopark**

PURPOSE

To provide a chronological account of the BDM Record with regard to the development of The Protea Hotel, Erf 9209, Technopark, Stellenbosch.

BUILDING DEVELOPMENT MANAGEMENT RECORD

Record of building plans submitted and approved in terms of Section 7 of the NBR Act

2002 – **BP02/455** Proposed New Hotel **No Record of Approval**

- **BP02/842** Proposed Gas installation Approved on 12 December 2002

2003 - **BP03/15** Proposed Hotel **Approved** on 3 February 2003

- **BP03/249** Proposed Gas installation Approved on 19 May 2003

2004 – **NO BP Number** proposed new extension to black bull restaurant and new Refuse & Laundry Building – **To Note: No record of Approved Building Plan**

2005 - **BP05/623** Proposed Gas installation Approved on 29 June 2005

2006 – **BP06/531** Proposed Conference room Approved on 7 July 2006

- **BP06/495** Proposed Gas room / installation Approved on 12 June 2006

2009 – **BP09/785** Proposed Antennas & equipment room Approved 25 February 2009

2010 – **BP10/2274** Proposed New function room Approved 15 June 2010

2012 – **BP12/5414** Proposed New Laundry room Approved 12 December 2012

2013 – **BP13/402** Proposed Alteration to new restaurant Approved 21 May 2013

2016 – **BP16/817** "As- Built" Approved 10 Augustus 2016 for the existing swimming pool area

2023 - **BP3375/2023** Proposed Alteration & Addition to Protea Hotel Approved 19 May 2023

(To Note: BP Number referred to Gym and break away room building plans)

2024 – **BP4438/2023** Proposed Gas installation Approved on 09 February 2024

Record of Certificate of Occupancy issued in terms of Section 14 of the NBR Act

BDM record confirms that two (2) Certificate of Occupancy was issued

2011 - **BP/10/2274**

Certificate of Occupancy issued for new conference Centre extension on 25 February 2011 for ***(To Note: BP Application referred to new function room building plan)***

2017 - **BP17/4423**

Certificate of Occupancy issued for HOTEL on 25 February 2011

(To Note: BP Number referred to the request / application for certificate of occupancy)

BDM further confirms that the **2017** request for Certificate of Occupancy does not specify a specific building plan. The application BP2027/4423 was for request for Certificate of Occupancy. BDM records further confirm that a Certificate of Occupancy was issued specifying HOTEL dated 17 November 2017 and approved by the late Manager: BDM.

No further record with regards to the Certificate of Occupancies.

ERF FILE RECORD

The erf File records confirm communication since 2015 with regards to Lease Agreement of Municipal property.

No record and/or account of encroachment and or inspection report with regards to the deviation of the approved building plan more 15-20 years ago.

Building Plan Record confirms that all building plans that was submitted from 2010 specified the encroachment of the restaurant over the erf Boundary.

The record further confirmed that all building plan applications was circulated to all departments, including Land Use Management – and approved as specified.

BDM does not have record of a Lease Agreement, the erf File Record contain communication in reference thereto.

To Note:

Building Plan BP10/2274 was for the proposed conference room, submitted and approved in 2010. This building specifies encroachment of "As Built" the restaurant building over the erf boundary.

STATUS

Site inspection conducted on 24/07/2024 at Erf 9209 – Protea Hotel, Technopark.

Protea Hotel (Technopark) - Locality Plan



TO NOTE:

BDM Record confirms no building plan was submitted and/approved for the following:

1. Container - Use as Storage
2. Wendy Houses - Use as Staff Rooms
3. Play Park

Restaurant and Play Park Locality

1. Building and play park is encroaching over onto municipal property.



Location of restaurant encroachment on municipal



Container and Wendy House Structures –

1. Container and 2 x Wendy House structures - During the above-mentioned inspection, it was noted that unauthorized structures were placed on Municipal Property.

2. Inspection further confirmed that the unauthorized structures are used by Protea Hotel for storage and staff rooms respectively.

3. Constructed outside the Boundary line on municipal property.









Compiled By:

.....
A Langeveldt
Senior Building Inspector

APPENDIX 8

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners
Managing Director: DUPRÉ LOMBAARD
3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa
Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com

26 July 2024

The Municipal Manager
PO Box 17
STELLENBOSCH
7600
Per email: Yolande.vandenBerg@stellenbosch.gov.za

Dear Madam

SUPPLEMENT TO THE AMENDED APPLICATION FOR THE CONSIDERATION OF THE SUBDIVISION AND TRANSFER OF PORTIONS OF ERF 9190, STELLENBOSCH (TECHNOPARK)

The application on behalf of the Protea Hotel Stellenbosch Body Corporate, Sectional Title Scheme 480/2002 dated 28 June 2022 for approval of a land transaction entailing a subdivision and consolidation of council-owned land and subsequent interaction and consultation between the parties, the amended application submitted by hand on 16 April 2024, our subsequent discussion of the matter, and the meeting between Mr Deleur Stander (General Manager of the Protea Hotel) and the Executive Mayor in July 2024 refer.

This submission is made to provide alternatives for consideration of the application. A plan showing three alternatives is submitted herewith in Annexure A.



1) Alternative 1 (shown in orange on the plan): The current proposal as submitted on 16 April 2024 for the subdivision only of that portion of the land on which the conference centre was constructed is shown in orange on the attached plan. It covers and area of only 488m² and addresses only the encroachment of the building construction.

2) Alternative 2: It includes the area shown in Alternative 1 and adds roughly 1 879m² (shown in blue on the plan) covering the fenced area around the children's playground, the outdoor entertainment area and the air conditioning units constructed for the conference facility along the eastern boundary of the property with Techno Avenue.
3) Alternative 3: It includes the area shown in Alternatives 1 and 2 and adds roughly 292m² to the western boundary of the site (shown in green on the plan). It is aligned with the existing fence and allows for access around the entire complex for security personnel, maintenance staff and in case of emergencies.

As discussed and as detailed in the initial application, the Protea Hotel submitted building plans for extension of the Sectional Title Scheme by addition of a function room in 2010 (BP/10/2274 – under Annexure C of the June 2022 application) and for ease of reference attached hereto under Annexure B. The building plan was approved on 15 June 2010 and the development completed.

We trust that this submission will facilitate a rapid positive conclusion of the matter.

Yours faithfully

DUPRé LOMBAARD

Annexure A – Plan showing alternatives

Protea Hotel (Erf 9209) boundary adjustment alternatives



Legend

- Farm Portions
- Erf

Map Center: Lon: 18°49'59.5"E
Lat: 33°57'58.1"S

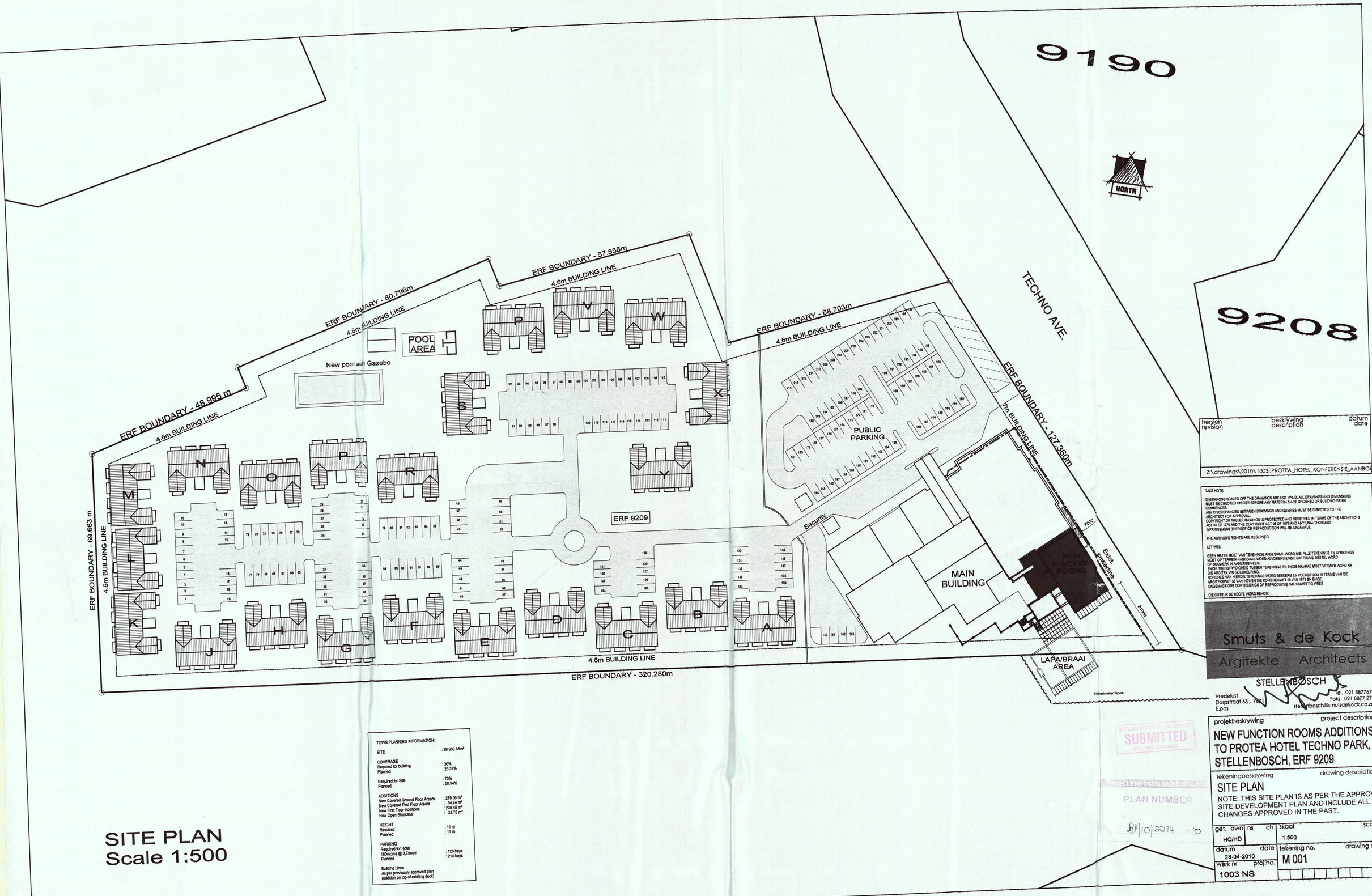
Scale: 1:1,500

Date created: 2024/07/26

Western Cape Government
FOR YOU

Annexure B – Building plan approvals

Annexure C – Approved building plan



SITE PLAN
Scale 1:500

TOWN PLANNING INFORMATION:

SITE	: 29 960.85m²
COVERAGE	: 50%
Required for building	: 25.37%
Planned	
Required for Site	: 70%
Planned	: 50.94%
ADDITIONS	
New Covered Ground Floor Area/s	: 279.56 m²
New Covered First Floor Area/s	: 54.24 m²
New First Floor Additions	: 238.45 m²
New Open Staircase	: 22.76 m²
HEIGHT	
Required	: 11 m
Planned	: 11 m
PARKING	
Required for Hotel	
180rooms @ 0,7/room	: 126 bays
Planned	: 214 bays
Building Lines	
As per previously approved plan (addition on top of existing deck)	

hersien revision	beskrywing description	datum date

Z:\drawings\2010\1003_PROTEA_HOTEL_KONFERENSIE_AANBOU

TAKE NOTE:

DIMENSIONS SCALED OFF THE DRAWINGS ARE NOT VALID. ALL DRAWINGS AND DIMENSIONS MUST BE CHECKED ON SITE BEFORE ANY MATERIALS ARE ORDERED OR BUILDING WORK COMMENCES.
ANY DISCREPANCIES BETWEEN DRAWINGS AND QUERIES MUST BE DIRECTED TO THE ARCHITECT FOR APPROVAL.
COPYRIGHT OF THESE DRAWINGS IS PROTECTED AND RESERVED IN TERMS OF THE ARCHITECTS ACT 35 OF 1970 AND THE COPYRIGHT ACT 98 OF 1978 AND ANY UNAUTHORIZED INFRINGEMENT THEREOF OR REPRODUCTION WILL BE UNLAWFUL.

THE AUTHOR'S RIGHTS ARE RESERVED.

LET WEL:

GEEN MATES MOET VAN TEKENINGE AFGESKAAL WORD NIE. ALLE TEKENINGE EN AFMETINGS MOET OP TERREIN NAGEGAAN WORD ALVORENS ENIGE MATERIAAL BESTEL WORD OF BOUWERK IN AANVANG NEEM.
ENIGE TEENSTRYDIGHEID TUSSEN TEKENINGE EN ENIGE WAARAE MOET VERWYS WORD NA DIE ARGITEK VIR GOEDKEURING.
KOPIEREG VAN HIERDIE TEKENINGE WORD BESKERM EN VOORBEHOU IN TERME VAN DIE ARGITEKSWET 35 VAN 1970 EN DIE KOPIEREGWET 98 VAN 1978 EN ENIGE ONGEMAGTIGDE OORTREDINGS OF REPRODUKSIE SAL ONWETTIG WEES

DIE OUTEUR SE REGTE WORD BEHOU.

Smuts & de Kock
Argitekte Architects
STELLENBOSCH
Vredelust
Dorpstraat 63 , 7600
E.pos
tel. 021 8877678
Faks. 021 8877 279
stellenbosch@smutsdekock.co.za

STELLENBOSCH MUNICIPALITY
SUBMITTED
BUILDING CONTROL

STELLENBOSCH MUNICIPALITY
PLAN NUMBER
BP/10/2014 /10

STELLENBOSCH MUNICIPALITY
BUILDING DEVELOPMENT MANAGEMENT
APPROVED
IN TERMS OF SECTION [illegible] OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, NO 103 OF 1977
15/6/2010
DIRECTOR: PLANNING & DEVELOPMENT DATE

projekbeskrywing	project description
NEW FUNCTION ROOMS ADDITIONS TO PROTEA HOTEL TECHNO PARK, STELLENBOSCH, ERF 9209	
tekeningbeskrywing	drawing description
SITE PLAN NOTE: THIS SITE PLAN IS AS PER THE APPROVED SITE DEVELOPMENT PLAN AND INCLUDE ALL CHANGES APPROVED IN THE PAST.	

get. dwn	ns	ch	skaal	scale
HO/HD			1:500	
datum		date	tekening no.	drawing no.
28-04-2010			M 001	
werk nr		proj.no.		
1003 NS				

Annexure G – Occupation certificate

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

OCCUPATION CERTIFICATE

2011 / 02 / 25

EIENAAR / OWNER : **BODY CORP PROTEA HOTEL STELLENPARK**

GEMAGTIGDE AGENT : **F C S CONSTRUCTION**

AUTHORISED AGENT : **CELL: 082 3429 591**

ERF / ERWEN : **9209**

VOORSTAD / SUBURB : TECHNOPARK

TYPE OF UNIT : NEW CONFERENCE CENTRE EXTENSION

BUILDING PLAN NUMBER : **BP / 10 / 2274**

Goedkeuring van Bou-inspekteur :

Approval from Building Inspector: REGINALD KING **Inspeksie Datum / Inspection Date** : 2011/02/21

Issued in terms of section 14(1)(a) of Act 103 of 1977
Uitgereik in terme van 14(1)(a) van Wet 103 van 1977

I hereby certify that a building(s) / dwelling / garage in respect of which application is made in the Stellenbosch district (Stellenbosch) has been erected in accordance with the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, as amended.

Hiermee sertifiseer ek dat 'n gebou(e) / woning / motorhuis ens, afhangend van watter aansoek gemaak is in die Stellenbosch distrik (Stellenbosch) opgerig is in ooreenstemming met die bepalings van die Nasionale Bouregulasies en Boustandaarde Wet, Nr 103 van 1977, soos gewysig.

This certificate does not exempt the applicant from any other legal requirements which must be complied with, or the approval of any other Authority which must be obtained.

Hierdie sertifikaat stel die aansoeker nie kwyt van enige ander wettige vereistes wat aan vodoen moet word, of goedkeuring van ander Owerhede wat verkry moet word nie.

Voorwaardes / Conditions :

Geteken / Signed:

HOOF: BOUBEHEER / HEAD: BUILDING CONTROL

nm : UITVOERENDE DIREKTEUR : EKONOMIESE FASILITEERINGSDIENSTE

EXECUTIVE DIRECTOR : ECONOMIC FACILITATION SERVICES

10.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)

NONE

10.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)

NONE

10.6	INFRASTRUCTURE SERVICES

10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – AUGUST 2024

Collaborator No: 771499
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – AUGUST 2024

2. PURPOSE

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the loadshedding mitigation which is underway to reduce the impact of electricity loadshedding in the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 The draft application for load curtailment was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Though the indication from Eskom was that this application would serve at the April 2024 Loadshedding Committee, meeting confirmation has been received from Eskom that the application has not yet served. At the meeting held on 31 July 2024, further proposals were provided by Eskom for the Municipality to amend the current application so they Eskom's Loadshedding Committee can take it into consideration. The revised application is planned for submission to Eskom by 8 August 2024

4.2 A tender for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), that was advertised closed on 28 March 2024 and is currently at evaluation and adjudication phase.

4.3 The Supervisory Control and Data Acquisition (SCADA) project is on track with the implementation and the fitting of main substations with the additional equipment to enable remote monitoring (Phase 1). Six main substations have been brought online i.e.. Main 11 kV, Gholf 66 kV and 11 kV, Jan Marais 11 kV, Markotter 66 kV and 11 kV, Suidwal 66 kV and 11 kV and University 11 kV and Cloetesville 66 kV and 11 kV substations. Franschhoek substation will only come online in 2024-2025 financial year. Main, Markotter and University 66 kV substations'

remote viewing are scheduled for completion in the 2024/2025 financial year pending the completion of the 66 kV circuit breaker replacement.

4.4 All municipal buildings that require alternative energy supplies are being investigated as part of the AEG initiatives. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting and smart/intelligent lighting devices/initiatives in Municipal offices and -buildings. These initiatives are driven by the South African National Energy Development Institute (SANEDI) & Department Mineral Resources and Energy (DMRE). This grant funding will also be utilized to ensure compliance to energy performance certificates (EPC's).

4.5 The tender for the Stellenbosch Fire Station battery storage system as awarded construction work will be completed by 30 June 2025. The Main building and NPK buildings have been earmarked for Business Continuity Initiatives, which entails the installation of BESS, Hybrid Inverters and PV, investigations are currently underway. An assessment report with estimated costs to establish the feasibility of the implementation of the projects was submitted to the user department by the consultant and is currently under review before submission to the AEG Committee.

4.6 **Provincial Initiative**

4.6.1 Provincial Initiative to Establish a 50MW Solar Plant

- Feasibility Study has been completed and is currently presented to various internal structures including Council. The item with regard to the50 MW MIPPP is due to serve at Council in August 2024.
- Concerns raised by Provincial Government regarding the Municipality's 20 MW IPP project re being addressed through engagements through the feasibility study workshop. The final item relating to the 50 MW MIPPP that will be submitted to Council will address all the concerns raised by Provincial Government regarding the 20 MW IPP municipal project.

4.6.2 **Provincial Project: Municipal Pooled Buying initiative:**

Following Stellenbosch' input after reviewing the Pool Buying report it was recently indicated by Province that this project has been put on hold until further notice.

5. RECOMMENDATION

That Council notes the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

6. DISCUSSION / CONTENTS

6.1 Background

Under previous circumstances, the Constitution did not allow Local Government to enter into the generation of electricity and the Electricity Regulation Act did not allow municipalities to purchase electricity from any company other than Eskom. Through the promulgation of Electricity Regulation Act Regulations, on 16 October 2020, this changed, and municipalities are now allowed to generate electricity and purchase electricity from other electricity providers other than Eskom.

6.2 Discussion

Progress to date on the various initiatives are as follows:

6.2.1 Outcome of Eskom Engagements

The draft application for load curtailment was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Though the indication from Eskom was that this application would serve at the April 2024 Loadshedding Committee, meeting confirmation has been received from Eskom that the application has not yet served. At the meeting held on 31 July 2024, further proposals were provided by Eskom for the Municipality to amend the current application so they Eskom's Loadshedding Committee can take it into consideration. The revised application is planned for submission to Eskom by 8 August 2024.

6.2.2 Proposed Load Curtailment Strategy

Taking the above into consideration the following load shedding mitigation strategy is being facilitated.

6.3 Municipal Initiatives

6.3.1 Appointment of Alternative Energy Independent Power Producers (IPP's)

A tender for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), that was advertised closed on 28 March 2024 and is currently at evaluation and adjudication phase.

Possible second Tender: Three sites were identified by Stellenbosch Municipality with the view to establishing IPP's. The Municipality is continuing to facilitate a possible separate tender process to procure IPP's as follows:

- Erf RE/119 Idas Valley for possible Biomass.
- Erf 181/0 Stellenbosch (below reservoir) for possible photovoltaic site.
- Erf 279/0 Stellenbosch (Droëdyke site opposite the landfill) for a possible photovoltaic site.

As a result of extensive investigations that are still required to be conducted to ensure that the tender specifications adhere to the Municipality's needs and ensuring the responsiveness of bidders, this tender will be the second tender to be issued. The Municipality is continuously engaging with other Municipalities who are also following the same process to learn from their experiences, but this tender will only be advertised once the evaluation and adjudication of the 20 MW IPP tender process have been concluded.

6.3.2 Implementation of Supervisory Control and Data Acquisition (SCADA)

The Supervisory Control and Data Acquisition (SCADA) project is on track with the implementation and the fitting of main substations with the additional equipment to enable remote monitoring (Phase 1). Six main substations have been brought online i.e.. Main 11 kV, Gholf 66 kV and 11 kV, Jan Marais 11 kV, Markotter 66 kV and 11 kV, Suidwal 66 kV and 11 kV and University 11 kV and Cloetesville 66 kV and 11 kV substations. Franschhoek substation will only come online in 2024-2025 financial year. Main, Markotter and University 66 kV substations' remote viewing are scheduled for completion in the 2024/2025 financial year pending the completion of the 66 kV circuit breaker replacement.

6.3.3 Municipal Critical Buildings and Plants

All municipal buildings that require alternative energy supplies are being investigated as part of the AEG initiatives. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting and smart/intelligent lighting devices/initiatives in Municipal offices and -buildings. These initiatives are driven by the South African National Energy Development Institute (SANEDI) & Department Mineral Resources and Energy (DMRE). This grant funding will also be utilized to ensure compliance to energy performance certificates (EPC's).

The investigation for the most suitable alternative energy for the key infrastructure (water- and wastewater plants) to ensure continued service delivery is underway.

The progress on the four municipal buildings identified for business continuity is;

- Fire Station The tender for the Stellenbosch Fire Station battery storage system as awarded and construction work will be completed by 30 June 2025.
- NPK Building – Investigation for the most feasible option is underway.
  An assessment report with estimated costs to establish the feasibility of the implementation of the projects was submitted to the user department by the consultant and is currently under review before submission to the AEG Committee.
- Main Building –. Site visits have been conducted and the Department is in the process of procuring contractors to conduct repairs as well as to ensure compliance with EPCs. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting and smart/intelligent lighting devices/initiatives.

6.4 Financial Implications

This report has further financial implications to the municipality than what has been mentioned in this report, but the exact impact will only become known once all the investigations have been concluded. R20million in the 2024/2025 financial year has been budgeted for the implementation of the Alternative Energy initiatives to ensure that upgrades to the electrical network are conducted enabling Alternative Energy initiatives.

6.5 Legal Implications

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

6.6. Staff Implications

A minimum of 4 staff members will be required to operate the Remote Switching control room which is required to enable self loadshedding.

Further to the above, specialized technical staff would be required to facilitate and implement the loadshedding initiatives. The department has identified vacancies that are required for the implementation of Alternative Energy initiatives and presented same to Management for consideration and approval.

6.7. Previous / Relevant Council Resolutions

23RD COUNCIL MEETING: 2024-06-14: ITEM 10.6.1

NOTED

the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

"40TH COUNCIL MEETING: 2021-01-27: ITEM 11.5.1

RESOLVED (nem con)

(a) that Council approves the investigation into alternate methods of electricity generation and purchases.

(b) that Council approves the joint investigation to be done by University of Stellenbosch, Council for Scientific and Industrial Research (CSIR), and the Western Cape Government.

(c) that Council accepts the initiating of the following processes as may be required:

i. Municipal Systems Act, Section 78(1) processes

ii. Municipal Finance Management Act, Section 33 investigation processes

iii. Electricity Regulation Act, Section 13; and

(d) that Council considers the funding of such investigations and implementation of completed investigations within the determination of the 2021/22 budget process.

16TH COUNCIL MEETING: 2023-08-23: ITEM 11.6.3

NOTED

The progress of the Alternate Energy Generation initiatives and studies.

20TH COUNCIL MEETING: 2024-02-21: ITEM 11.6.1

NOTED

The Alternative Energy Generation strategies identified by the AEG Committee and the progress with the Alternative Energy Generation projects initiated.

6.8. Risks / Challenges: Implications and Mitigation:

- With both initiatives (Municipal 20 MW tender and Provincial 50 MW proposed tender) currently underway, Provincial Government has raised concerns about the Municipal 20 MW tender currently being evaluated. The PGWC were requested to submit their concerns in writing to the Municipality.
- Various engagements were held between the Municipal specialist service provider (Lyners), Municipal officials, Provincial Government Transactional Advisory consortium (Cresco) and the Provincial Government's Project Manager (Pegasys).to mitigate the possible conflict between the two projects.

- The implementation of the load shedding mitigation strategies is still subject to the approval of the municipality's load curtailment application by Eskom's Load Shedding Committee. Regular follow-up engagements are being held with Eskom and the Municipality's revised application is being finalised at present.
- To enable self-loadshedding, a significant capital investment will be required. The Department is implementing in phases the upgrades to the electrical network and has budgeted accordingly.
- The identified resources (vacancies and equipped operational control room) will be budgeted for the strategies and initiatives to be realised.
- The existing ICT network infrastructure needs to be upgraded, but it will be a phased in approach over time, so that the existing bandwidth of the ICT network is sufficient to deal with the volume of the SCADA traffic. The ICT Department is investigating solutions to enable a functioning SCADA on the ICT network.
- The preliminary simulations investigation that was conducted by the Municipality's service provider revealed that the maximum suitable size for a solar plant without batteries that can be absorbed into the Stellenbosch network is 20MW at the Stellenbosch Main substation.

The feasibility study revealed that the maximum capacity that the Stellenbosch Electrical network can accommodate is up to 50 MW.

6.9. Comments from Senior Management:

Not circulated for comment.

6.9.1 Municipal Manager

Requested item on agenda.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-08-14: ITEM 7.6.1

that Council notes the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	***05 August 2024***

10.6.2	REQUEST FOR APPROVAL OF THE EIKESTAD PARKING PUBLIC PRIVATE PARTNERSHIP FEASIBILITY STUDY

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **14 August 2024**

1. SUBJECT: REQUEST FOR APPROVAL OF THE EIKESTAD PARKING PUBLIC PRIVATE PARTNERSHIP FEASIBILITY STUDY

2. PURPOSE

For Council to approve the Eikestad Parking Public Private Partnership Feasibility Study

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Council had previously resolved to address parking shortages, extensive studies were commissioned and the statutory requirements, such as the Section 78 of the Systems Act and Section 33 of the MFMA process were undertaken and concluded.

The Project Feasibility Study found that the best available option is a build-operate-transfer (BOT) arrangement with a private sector operator which will be a Public Private Partnership (PPP) as defined in the Municipal PPP Regulations made under the Municipal Finance Management Act (MFMA). Refer to the Feasibility Report, **attached as APPENDIX A.**

It is proposed that the private party will raise the necessary funds and erect the facility at its own cost. The private party will operate the facility for an estimated period of approximately 25 years after which the PPP agreement will terminate and the facility will continue to be owned by the Municipality. The Municipality will then have the option to enter into a new PPP agreement with a private party, following due process, for possibly another 25 years.

Extensive consultation sessions with interested and affected parties were carried out. Initial comments from Provincial and National Treasury have been incorporated into the updated report however the Municipality is still awaiting final comments from National Treasury.

Comments received from the public have been largely addressed, some have indicated support for the initiative while others have raised concerns that relate to aspects such as alignment with municipal strategies, need for possible additional transport studies, impacts of the proposed development on culture, heritage and the fairness of PPP planning and implementation process. Refer to the Public Consultations as contained **in APPENDIX A.**

Alignment with strategies have been clarified, the community's request for further traffic studies were considered and is currently underway, and cultural and heritage concerns are addressed, for details refer to the Environmental Scoping Report as contained in **APPENDIX A.** National Treasury's robust PPP process ensures fairness and transparency throughout the planning and implementation process.

National Treasury requires formal approval of the Feasibility Study by Council, before they formally issue the Municipality with "Treasury Approval 1" (TA1) approval in terms of the PPP regulations. This will allow the process to move to the next phase which is Treasury Approval 2 (TA2) approval.

5. RECOMMENDATIONS

(a) that Council takes note of the extensive consultation sessions that have occurred during the feasibility phase, for details refer to **APPENDIX A;**

(b) that Council notes the comments received from the Stakeholders as well as the Directorate's responses;

(c) that Council takes note of the value for money analysis, for details refer to **APPENDIX A**;

(d) that Council approves the Feasibility Report, attached as **APPENDIX A,** subject to final approval from National Treasury**;**

(e) that Council approves the multi-story parking as a Public Private Partnership (PPP) and allows for phase 2 of the Public Private Partnership Process to commence.

6. DISCUSSION / CONTENTS

6.1 Background

The council had previously resolved to address parking shortages, extensive specialist studies were commissioned and the statutory requirements, such as Section 78 of the Systems Act and Section 33 of the MFMA process were undertaken and concluded.

The proposal is to involve the private sector in the development and operation of a multi-storey parking facility in the central business district of the Municipality. The facility is proposed to be erected on the site of the existing Eikestad parking area on land owned by the Municipality.

The Project Feasibility Study Report found that the best available option is a build-operate-transfer (BOT) arrangement with a private sector operator which will amount to a Public-Private-Partnership (PPP) as defined in the Municipal PPP Regulations made under the Municipal Finance Management Act (MFMA).

The private party will operate the facility for an estimated period of approximately 25 years after which the PPP agreement will terminate and the facility will continue to be owned by the Municipality. The Municipality will then have the option to enter into a new PPP agreement with a private party, following due process, for possibly another 25 years.

Extensive consultation sessions with interested and affected parties were carried out. Views from Provincial and National Treasury were incorporated into the updated report. Comments received from the public have been largely addressed, some have indicated support for the initiative while others have raised concerns that relate to, amongst others alignment with municipal strategies, need for possible additional transport studies, impacts of the proposed development on culture and heritage and the fairness of PPP planning and implementation process.

Alignment with strategies have been clarified, the community's request for further traffic studies were considered and is currently underway, and cultural and heritage concerns are addressed, for details refer to the Environmental Scoping Report as contained in **APPENDIX A.** National Treasury's robust PPP process ensures fairness and transparency throughout the planning and implementation process.

6.2 Discussion

The consultation process included soliciting views and recommendations from the following entities: (Refer to the Public Consultations as contained **in APPENDIX A).**

1. Western Cape Government Provincial Treasury

Comments were based around the value for money, risk transfer, affordability, public participation and certain terminologies that need to be altered.

The Provincial Treasury has been invited to attend additional workshops in order to address comments. The report has been updated to address the Provincial Treasury comments.

2. National Treasury

Initial comments were received requesting further clarity on - the need and options analysis / project due diligence / BBBEE and Socio-economic analysis / procurement plan / value assessment / Affordability / Value for money / Risk transfer etc.

Three workshops were held to address the above, and the Report has been updated to address the comments received. More comments have been solicited from National Treasury and the Municipality awaits these comments at present.

3. COGTA

No comments have been received.

4. Human Resources / Municipal Labour Unions

Details of engagements with labour unions are contained in Appendix D, IMATU provided comments requesting that no employee/IMATU member be disadvantaged in this process.

5. Local Community

Local Community - Strategic Policies and Planning Concerns

The proposed development contradicts the principles and strategic objectives outlined in the Stellenbosch Spatial Development Framework (SDF) 2019, the Comprehensive Integrated Development Transportation Plan 2022-2026, and the Non- Motorized Transportation Master Plan 2020. Specifically, when it comes to alleviating the significant congestion and parking challenges in the Stellenbosch CBD, collectively, these policies aim to reduce car dependency, encourage public and non-motorized transport, and foster a more sustainable, accessible, and vibrant urban environment.

The Directorates Comment:

The proposed development aligns with the approved CITP and in addition, will enable significant gains in the provision on Non-Motorized Transport by providing an alternative to on-street parking thereby allowing for reductions in on-street parking on certain roads in the historical core.

The Central Business District (CBD) has a critical shortage of parking, complaints from the travelling public are received daily relating to the lack of adequate parking facilities. In addition, many complaints and requests have been received over the past 10 years - through the Municipality's IDP Processes for improved parking facilities in the Central Area.

Residents and businesses have mentioned that the parking situation is unattainable, and many are conducting businesses / shopping etc. outside of Stellenbosch due to the shortage of parking.

This shortage of parking in the CDB has been created by historical planning dispensations where the parking requirements for developments in the CDB were relaxed when certain conditions were met.

Local Community - Traffic and Transportation Concerns

The possible need for more detailed traffic impact assessments and appropriate measures to manage traffic flow and avoid congestion was highlighted. Some stakeholders also suggested that alternative transportation options, such as nonmotorized transport, walking routes, cycling and public transport, should be promoted to reduce reliance on private cars. Many suggested that park-&-ride facilities be implemented outside of town to alleviate the existing level of traffic congestion.

The Directorates Comments:

Initial traffic studies have been completed, the request for more detailed traffic impact assessments have been considered, and these detailed assessments are currently underway. Interventions such as the promotion of NMT including cycling, the expansion of the NMT network, the pedestrianization of streets, intersection improvements, new road construction projects, the planning for Park and Ride facilities on the outskirts of the urban edge, the promoting of public transport by developing infrastructure and compilation of a Public Transport Plan are all intervention currently underway that addresses congestion. These are separate projects aligning to the Municipality's Transport Vision. This focal point of the proposal is the under-supply of parking in the CBD.

Local Community - Community and Heritage Impact Concerns

Some stakeholders raised concerns about the project's potential impact on the local community, noting that it appears to be counterproductive and misaligned with the town's demonstrated commitment to environmental sustainability and community well-being. Stellenbosch, as a treasured historic town with its heritage buildings, narrow and treelined streets, and water channels, does not offer the luxury of widening streets, building slipways, or other means to improve traffic flow.

The Directorates Comments:

The design inputs and operations of the proposal addresses and mitigates Heritage and Environment impacts, for details refer to the Environmental Scoping Report as contained in **APPENDIX A.**

Local Community - Project planning and Implementation Concerns

Several stakeholders expressed concerns about the project management process, citing issues such as a lack of transparency and communication. Some stakeholders felt that they were not adequately consulted during the project's planning stages, while several expressed concerns about its overall feasibility.

The Directorates Comments:

National Treasury's robust PPP process ensures consultations are carried out as well as fairness and transparencies throughout the planning and implementation process.

6.3 Financial Implications

All financial implications are address, for further details refer to **APPENDIX A**.

6.4 Legal Implications

All legislative requirements are complied with, for further details refer to **APPENDIX A**.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

12TH COUNCIL MEETING 2017-09-27: ITEM 7.6.1 (Section 78(1) Commencement)

RESOLVED (majority vote with abstentions)

a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through section 78 (1).

b) that parking service delivery increase be based on the towns of:

- Stellenbosch
- Klapmuts
- Franshoek

c) that a formal report be submitted to council as required by section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking.

16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.2 (Section 78(2) and (3))

RESOLVED (nem con)

a) that this report be noted;

b) that Council notes the attached report on the providing of sufficient public parking;

c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of the provision of sufficient parking have been complied with;

d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to “after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).”;

e) that Council formally proceeds to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism; and

f) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision.”

SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING

35TH COUNCIL MEETING: 2020-02-26: ITEM 13.3

RESOLVED

a) that this report be noted;

b) that Council accepts that all the requirements of Section 78(3) (Annexure A) in terms of investigating the feasibility of the provision of sufficient parking, has been complied with;

c) that Council accepts that parking forms an integral part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT);

d) that Council notes that in order to alleviate the parking process as a whole, matters such as PT, NMT, TOD must also be addressed in synchronisation, as this will directly affect the quantity and positioning of parking;

e) that Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:

   i) Provision of open one level parking space needs, be performed on an internal mechanism;

   ii) Provision of multi storied parking space needs, be performed on an external mechanism.

f) that Council approves the provision of parking as a first phase as mentioned hereunder, which must be in line with future mobility developments, as the final mobility status can by nature not be resolved at this time;

g) that Council proceed with the initial provision and upgrade of parking spaces as follows:

   i) that the legislative process be commenced with to provide multiple level parking, and management thereof, utilising an External Mechanism of parking in the following areas:

      1) Eikestad Mall Parking area bounded by Andringa -, Victoria, and Ryneveld Streets. Portion of erf 1692, erven, 1969, 1972, 1973, 1974, 1975, 1976, 6402 and 6636; and

      2) Techno Park area, considering the area bounded by Tegno Road, Termo Avenue and Proton Road. Portion of erf 13171

   ii) that the following areas, as a first phase, be upgraded and/or developed as a single layer open space parking area, utilising an internal service delivery mechanism:

      1) Dennesig Existing Parking Area, entrance in Hoffman Road, Part of Erf 235;

      2) Municipal Court Existing Parking Area, entrance from Papegaai Road, Erf 528;

3) Aandklas Existing Parking Area, entrance from Du Toit Road Part of Erf 235;

4) New Parking Area Bounded by Borcherd Road and Andringa Street to be considered as an extension of the public parking on erf 2529;

5) New Parking Area Bounded by Jan Cilliers Road, Ds Botha Road and Muller Road to be considered as new parking area. Part of Erf 175/0; and

6) Parking area to be upgraded at the old tennis courts, Franschhoek, Erf 1538.

h) that Council proceeds with the setting up of a Service Delivery Agreements for the provision of Bulk Parking, as required by Section 80(1) & (2), of the MSA and in particular section 80(1)(b) (which prescribes an SDA with a Private Company) for the areas mentioned under 4.7.1;

i) that the Service Delivery Agreement be approved by Council as a draft SDA prior to Community Participation takes place; and

j) that the matter of providing a synchronised total mobility network be urgently pursued with all the role-players participating in the mobility arena which includes Public Transport, Non-Motorised Transport, Transit Oriented Development, Parking and Universal Access.

AMENDMENT OF DECISION IN REGARD TO SECTION 78(4) ON THE PROVISION OF A PARKING SERVICE TO THE PUBLIC

SPECIAL COUNCIL MEETING: 2022-02-23: ITEM 8.11.2

RESOLVED (nem con)

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

(b) that it is noted that a MSA section 78 (3) investigation was done to which Council took a section 78 (4) decision on 26 February 2020;

(c) that Council now review, rescind and replace 4.5 of the 26 February 2020 decision to read as follows:

"4.5 that Council, in terms of the MSA Act 32 of 2000 as amended, section 78 (4), accepts that the method of providing parking generally be considered as follows:

a Provision of open one level off-street parking space needs, be performed on an external service delivery Mechanism except where the internal mechanism is clearly more viable and effective;

(d) that the two requests of the management of the following parking spaces:
a Checkers Complex Parking, Annexure A

b Stelmark Centre Parking, Annexure B

be approved in principle as interim pilot projects for a period of not more than three years.

(e) Council confirm that Eikestad multi-level parking will be done through a Public-Private Partnership as envisage in the Section 78 (3) report,

(f) that given the project life cycle for PPP process the parking be leased out a short-term base until the PPP process is finalised.

(g) that the intention to outsource the management of these areas on an interim basis be advertised for public comment; and

(h) that after the public participation process the comments be considered by Council before a final decision is taken.

6.7 Risk Implications

All risk implications are addressed, for further details refer to **APPENDIX A**.

6.8 Comments from Senior Management:

Feasibility Study was presented and discussed at the Directors Meeting.

6.8.1 Comments from CFO

Supports the recommendation.

6.8.2 Director Corporate Services

Comments provided throughout the item to be incorporated in the item content.

6.8.3 Municipal Manager

Supports the recommendation.

RECOMMENDATIONS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-08-14: ITEM 7.6.2

(a) that Council takes note of the extensive consultation sessions that have occurred during the feasibility phase, for details refer to **APPENDIX A;**

(b) that Council notes the comments received from the Stakeholders as well as the Directorate's responses;

(c) that Council takes note of the value for money analysis, for details refer to **APPENDIX A**;

(d) that Council approves the Feasibility Report, attached as **APPENDIX A,** subject to final approval from National Treasury**;**

(e) that Council approves the multi-story parking as a Public Private Partnership (PPP) and allows for phase 2 of the Public Private Partnership Process to commence.

ANNEXURES

Appendix A Eikestad Parking PPP Feasibility Report

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	***8 August 2024***

ANNEXURE A

SMEC
South Africa
Member of the Surbana Jurong Group



SMEC INTERNAL REF. C1978

Eikestad Parking PPP

Feasibility Study

Client Reference No. **B/SM 13/21-TT.9**
Prepared for Stellenbosch Municipality
9 July 2024

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List of Abbreviations

Acronym	Definition
ARR	Accounting Rate of Return
BBBEE	Broad Based Black Economic Empowerment
BEE	Black Economic Empowerment
BER	Bureau for Economic Research
BOO	Build-Own-Operate
BOOT	Build-Own-Operate-Transfer
BOT	Build-Operate-Transfer
CBD	Central Business District
CITP	Comprehensive Integrated Transport Plan
CPI	Consumer Price Index
CWD	Cape Winelands District
D&C	Design and Construct
D/E	Debt/ Equity
DB	Design-Build
DBF	Design-Build-Finance
DBFM	Design – Build – Finance – Maintain
DBFMO	Design – Build – Finance – Maintain – Operate
DBFO	Design – Build – Finance – Operate

DBSA	Development Bank South Africa
DCMF	Design – Construct – Maintain – Finance
DSAR	Debt Service Reserve Account
DSCR	Debt Service Cover Ratio
EIA	Environmental Impact Assessment
ESD	External Service Deliverer
GLA	Gross Leasable Area
IDP	Integrated Development Plan
IRR	Internal Rate of Return
JIBAR	Johannesburg Interbank Agreed Rate
LETRP	Large Employer Trip Reduction Program
LLCR	Loan Life Cover Ratio
LOS	Level of Service
MRA	Maintenance Reserve Account
MSA	Municipal Systems Act
NMT	Non-Motorised Transport
NPV	Net Present Value
O&M	Operate and Maintain
ORA	Operational Reserve Account
PH	Peak Hour
PP	Private Party
PPP	Public Private Partnerships
PPPFA	Preferential Procurement Policy Framework Act, 2000
PSC	Public Sector Comparator
PT	Public Transport
RA	Risk Adjusted
RDP	Reconstruction and Development Programme
RFP	Request for Proposal
RFQ	Request for Quotation
SDA	Service Delivery Agreement
SDF	Spatial Development Framework
SMME	Small, medium and micro-enterprises
SPV	Special Purpose Vehicle
TA	Transaction Advisor
TOD	Transit Orientated Developments
TVR	Treasury Views and Recommendation
VAT	Value Added Tax
VFM	value-for-money
WACC	weighted average cost of capital
WC	Western Cape

Executive Summary

Stellenbosch experiences major congestion coupled with a high demand for parking in the CBD and other parts of the city. In addition, the Comprehensive Integrated Transport Plan indicates a need for sustainable transport that amongst other factors requires a reduction in traffic congestion and an increase in mode shifts, such as public transport and/or non-motorised transport as well as parking initiatives to resolve the parking issues.

There are currently a number of projects and solutions defined with the aim of reducing the congestion and improving mode share in Stellenbosch. These are: the widening of the R44, R304, R310, construction of the western by-pass, construction of the link between Techno Park and Adam Tas, TOD developments, NMT infrastructure and public transport enhancement. These solutions are costly. Thus, these solutions should be seen as an integrated and comprehensive package to solve the congestion issues in Stellenbosch. Although the provision of parking is not a standard method of reducing congestion it may assist in alleviating traffic related issues in the CBD by reducing circulating traffic searching for parking. This study is a focus on the feasibility of parking initiatives through an external mechanise for the Stellenbosch CBD, while taking into consideration what the other proposed solutions and designs may have on the demand of the parking proposed initiatives.

A prefeasibility study and demand investigation was conducted for parking the Stellenbosch CBD and Techno Park in 2021. Due to the section 78(4) resolution in 2019 on the matter, the preferability was developed to assess the possibility of a parking gauge facility as a possible external mechanism project while at grade facilities would be done through an internal mechanism. As part of that study the following was recommended:

- The Eikestad Parking Garage be considered as a viable option as a PPP contract and could further be considered to be registered with National Treasury as a possible PPP project, so that a feasibility analysis of the possible PPP project can be done through the appointed transaction advisor.
- The analysis of the techno park parking needs clearly identified the need for additional parking. However, due to the parking utilisation and the nature of the space time needs for the Techno Park demand, as well as the willingness for employees of Techno Park to pay for parking, it resulted in the feasibility of a parking garage being unfavourable. However, based on the same considerations, an at-grade facility located as per the concept designs, returned a sustainable financial assessment.
- It is recommended that the at-graded facility be developed into a formal project and the designs and construction of the facility move forward internally with the municipality.
- Based on the above, SLM register the Eikestad Parking Garage with National Treasury as a possible PPP project and appointed the Transaction advisor as per phase one of the PPP project cycle. The structure and methodology of the feasibility was done as follows:

Phase 1: Needs Analysis

This phase was the review of the needs for sustainable transport and improved transport in Stellenbosch.

Phase 2: Demand Analysis

The Demand Analysis phase is done through assessing the existing demand for parking in Stellenbosch and at existing parking facilities in Stellenbosch, as well as surveys of all public parking facilities in the CBD. The surveys conducted were both actual counts, as well as preference surveys.

Phase 3: Concept Developments.

The concepts have been developed using the parking demands, historical and heritage significance, financial considerations, functionality and impact on the surrounding road networks. The concepts have been prepared in a 3D model and the impact on the road network have been assed using SIDRA and based on the level of service that the accesses have on the road network.

Options Analysis and Project Due Diligence:

- Environmental assessment
- Traffic study
- Desktop geotechnical investigation
- Heritage study
- The legal study
- Socio-economic studies regarding BBBEE Targets in PPP Reference

Value Assessment:

- Affordability of the facility though conversional process:
- PPP reference model
- Appropriate risk transfer
- Value for money

Economic Evaluation:

- Social accounting matrix
- Cost benefit analysis

Needs Analysis

The needs analysis was done to align the current strategic objectives to the current CITP, DITP municipal needs, internal or external mechanism, type of external structure, available budget and resources for an internal structure, the review of the existing section 78 council decisions, environmental needs, heritage needs, job creation, geotechnical investigation and BBBEE and socio-economic requirements.

A section 78 was previously done in 2019 and the recommendations from council was that:

- Parking forms an important part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT).
- That the municipality needs to provide enough public parking.
- That the continuous provision of road infrastructure for private vehicles is not sustainable.
- That the future demands of parking must also be advised on and provided for.
- That Council uses an approach where a private company is to be procured to provide a parking service to build, own, operate and transfer the entity to Council after a period of 20 years.
- That Council, in terms of the Municipal Systems Act (MSA), Act 32 of 200, as amended, Section 78(4), accepts that the method of providing parking be considered as follows:
    - Provision of open one level parking space needs, be performed on an internal mechanism
    - Provision of multi storied parking space needs, be performed on an external mechanism
- Of the ten major types of PPP contracts, the BOOT contract was deemed the most suitable for the multi-story type parking structure based on the following:
- The Municipality does not have the finances to build the facility, while the private sector does;
- The BOOT system is widely used in SA and encourages private investment;
- It has the potential to inject new foreign capital to the country;
- With this model and the concession ownership, there is ample time to transfer skills and know-how;
- Will allow for a faster construction and procurement phase;
- This type of system allows for financial sources from the municipality to be allocated to other priority projects;
- Releasing the burden on public budget for infrastructure development.
- A private company has the technical expertise and resources to manage and maintain such a project while training municipal staff.
- The financial, equity and operational risks are transferred to the private sector.

Demand Analysis

A detailed parking inventory of all the existing public parking facilities in the study area was undertaken on 24 August 2020, where the following were recorded: parking area type, number of parking spaces per parking facility operating times and parking duration time limit, and parking fees and method of collection.

An updated inventory was undertaken on 3 October 2023 to record the operating times, parking duration time limit, parking fees and method of collection.

Parking surveys were undertaken in the study area from 06:00 to 18:00 between 15 and 19 September 2020 as well as between 22 and 24 April 2021, for the pre-feasibility study done in 2021 for a parking facility in the study area. The same parking surveys were undertaken for the *Public Private Partnership for Eikestad Parking Development* appointment between 18 and 20 May 2023 for the peak period and 11 and 15 July 2023 for the off-peak period.

A 20% increase in the peak Parking Accumulation was observed from 2020 to 2021 and a further 85% increase was observed from 2021 to 2023 during typical weekdays. It was also noted that the usable capacity was exceeded in 2023.

The base year for the study was selected for 2023 while the horizon year was selected as 2028. The demand was calculated in four phase for the base year with an additional two phases for the horizon year:

Base Year:

1. Stage 1: 2023 Status Quo:
    a. The estimated percentage of the current illegal parking demand.
    b. Existing overflow estimated percentage.
    c. Current utilisation of the off street Eikestad Facility.
2. Stage 2: Incorporate projects and policies that will increase the parking demand, such as:
    a. Pedestrianisation of certain streets; and
    b. Elimination of parking to increase street capacity.
3. Stage 3: Optimise parking search time and utilization of parking areas with the implementation of a parking management system. This allows vehicles to find parking quicker and thus may reduce congestion in the CBD, it would however, not affect the max demand for parking in the CBD but would reduce waiting and circulating traffic there by allocating parking more effectively. For this scenario, it was estimated to have an effect of 10% of the parking bays required. This was estimated form the proportion of overflow vehicles that may utilise the paid off-street parking. However, this does not reduce the total demand for parking.
4. Stage 4: Incorporate measures and systems that will reduce the demand for parking, such as:

a. Park and ride systems;

b. Shuttle routes; and

c. Public transport systems, etc.

d. Horizon Year:

5. Stage 2: Apply a compound growth of 2.57% per annum to the status quo peak parking demand to calculate the 2028 horizon year parking demand.

6. Stage 3: Incorporate measures and systems that will reduce the demand for parking, such as:

   a. Park and ride systems;

   b. Shuttle routes; and

   c. Public transport systems, etc.

The results were as follows:

Table 3-3: Facility size based on method used

Stages	2023			Comments
	Method 1	Method 2	Method 3	
Stage 1	255	314	340	2023 is influenced by the available capacity in the underground for M1 and 2
Stage 2	321	384	**475**	
Stage 3	248	258	382	
Average	285	319	399	

Stages	2028			Comments
	Method 1	Method 2	Method 3	
Stage 1		473	460	Due to growth over the system, the M1 and M2 capacity for the underground is limited
Stage 2	520	562	**548**	
Stage 3	284	469	440	
Average	402	502	483	

The parking facility size was calculated to be between 475 and 548 bays. Based on the stage mitigation measures and the practical capacity of the site due to the floor levels, a parking facility of 498 bays was used as the proposed parking facility.

Options Analysis

Nine sites were assessed from a suitability aspect. Based on the assessment, the most suitable location for the facility was the existing Eikestad open parking behind the Eikestad Mall.

Economic Analysis

Based on the needs analysis and based on the solutions analysis, the Eikestad Mall parking area was identified as the most feasible options for parking facilities.

Due to the conditions of the CBD and the nature and parking utilisation demand, the CBD Eikestad parking needs identified a need for a multi-story parking facility. As a result, the feasibility of this facility was assessed for the public sector, as well as a possible PPP project.

The value for money assessment of the Eikestad Parking garage resulted in the project having a feasibility assessment as favourable for a possible PPP BOOT contract. It is apparent that the private sector gives an initial favourable value for money on the following considerations:

- Technical Abilities;
- Risk Transfer abilities;
- Financial Returns and affordability;
- BEE target spend and upskill.

In addition, due to the cost and expertise required to fund and manage the facility, it creates a significant risk for the municipality to design-construct-operate and maintain the facility. The facility was assessed for both a 20- and 25-year forecast. The 20-year forecast deemed the minimum period, while the 25-year forecast deemed the longest. The analysis indicated that the 20-year forecast has scenarios 4, 5 and 6 that are acceptable, while the 25 year forecast allows for scenario 3, 4, 5 and 6 to be acceptable. As a result, the more favourable concession period was deemed for the 25-year period. As a result, it is recommended that the Eikestad Parking Garage be considered as a viable option as a PPP contract. Based on the analysis, it is recommended that treasury approval 1 is approved.

The effectiveness indicators for capital investment efficiency highlight the capital-intensive nature of the Parking Garage. For each R1 of capital invested in the project, R0.40 additional GDP is generated compared to R0.24 generated from an equivalent capital investment on an average Stellenbosch project. This implies that the capital employed in the Project is less efficient in generating output as compared to capital invested in the average Stellenbosch project.

Similarly, the labour-to-capital ratio reveals that, for each R1 million of capital investment in the Parking Project, 0.61 new jobs will be created. An equivalent capital investment in the average Stellenbosch project would create 0.86 jobs, which is once again indicative of the capital intensity of the Project.

Regarding poverty alleviation (low income relative to Total Household Income ratio) the project slightly makes a cut. The Low/Total Income Households Ratio of the project is 0.14 compared to 0.18 generated by an average project in the Stellenbosch economy.

From the CBA analysis it is apparent that the development of the Eikestad parking facility is economically viable. However, from the Macroeconomic Analysis although it exhibits that it contributes to the GDP and creates jobs, it shows that it is a very capital-intensive project.

PPP Type

The PPP route followed based on two types of PPP was a BOOT user pays option.

Value Assessment

The simplified value assessment was chosen based on the following:

- Stellenbosch Municipality does not have the financial resources to fund the construction of the Eikestad Parking Facility, especially since the budgeted external loans to fund capital projects have increased by 36% from 2023/24 to 2024/25 and funds from National Government has shown a decline of just more than 32%. At an estimated cost of R 115.2m (2023 figures) the Eikestad parking Facility amounts to almost 23% of the 2023/24 capital budget of R505m.
- Although the Municipality does have some experience in managing parking facilities, this experience is limited to smaller at-grade facilities. The Municipality does not favour managing parking areas directly, nor does it have the operational expertise to manage a multi-storey facility with its resultant SMART parking system technology. Moreover, Stellenbosch Municipality also does not have the appetite to mitigate and manage the financial and demand risk that would go with such a facility.
- The municipality has also not made any provision for the project in the 3-year MTREF budget to 2025/26. In the MTREF for the financial period 2023/2024 to 2025/26 (p.22)[1] the following caution is directed to Council: *Council to note the upward pressure of external borrowing interest (Finance Charges) on future tariffs. In this regard, strong political will and strategic leadership is required to ensure that the municipality maintains the position of being responsive to its communities by ensuring that service charges are kept affordable and realistic by amongst other, critically investigating funding choices and expenditure decisions.*
- There are many examples in South Africa and in the Western Cape where multi-party facilities are being developed and operated by parking specialists in the private sector. The private sector possesses the financial resources and has the acumen to manage the facility more productively than the Municipality.
- The Eikestad parking facility will yield a direct monthly benefit to the Municipality (bidders to provide proposals in this regard) as well as receiving a fully developed and paid for asset with a remaining life of at least 25 years, at very little cost and no financial risk to the Municipality.

[1] Stellenbosch Municipality. Medium Term Revenue and Expenditure Framework for the Financial Period 2024/2025 to 2026/2027.

Financial Benefit to Stellenbosch

For purposes of the TVR 1 study, a nett return sharing analysis was undertaken. Various nett return share percentages were undertaken. These varied between 5% and 50%. In the end a 5% and a 15% share was incorporated into the PPP Reference Model.

Modelling Scenarios

- Base: Existing Eikestad Volumes only.
- Scenario 1: 30% of the Illegal surveyed parking volumes + Base scenario volumes.
- Scenario 2: Scenario 1 volumes + the 70% volumes for the pedestrianisation of Church St.
- Scenario 3: Overflow volumes for the existing facilities + Scenario 2
- Scenario 4: Scenario 3 + 2,57% pa traffic growth for 3 years.
- Scenario 5: Scenario 3 + 2,57% pa traffic growth till 2028.
- Scenario 6: Scenario 3 + A night demand and monthly parking demand estimate have been included.
    - Night demand was calculated at an additional 15% of total day trips of scenario 3.
    - Monthly parking was calculated based on the volume of weekday traffic parking for 8 hours or more in the existing facilities from scenario 3.

Financial Results

IRR rates higher than the discount rate of 10.31% is only achieved for scenarios 5 and 6 over 20 years and for scenarios 3-6 for 25 years. The highest NPVs and IRRs are achieved for scenario 5. However, scenario 6 was chosen as the preferred revenue scenario due to the monthly parking requirements. Monthly parking was included to reflect common practice in the management of parking garages in the country.

Based on the assumptions used, scenario 6 shows a NPV of almost R20m and an IRR of 12.64%.

Value for Money

Item	Description
Project objectives expressed as measurable outputs	The facility should consist of a multi-storey facility consisting of 498 parking bays, with provisions for night-time parking and monthly parking.
Incentive for demonstrable innovation by the private party	Private party will bring expertise, not just in the construction and management of the facility, but also through employing the latest smart parking systems.
Transfer of substantial financial, technical and operational risks to the private party	All financial and operational risks are transferred to the private partner. The Municipality retains no risk. In turn it will receive a fully functional facility at the end of the concession period.

Item	Description
Competitive procurement as to which there are a sufficient number of qualified private sector firms that may bid.	There are many private parking facility developers and managers in South Africa.
Contract design reflecting good PPP contracting practices to provide for efficient monitoring and regulation.	The municipality can use previous PPP municipal based contracts to guide and structure the contracts between the private and public sector.
Increased direct revenue to the municipality. Increased socioeconomic activities within the community.	A 5% share of nett return leads to a gain of R11.3m over 25-years. Over the shorter 20-year period, the Municipality could earn an income of R5.8m under a 5% nett return share. Currently the Municipality earns about R70 000 revenue per month, from the facility, but has to pay staff on site, which makes the undertaking a loss-making activity (staff costs are more than revenue). Nett return share provides almost 100% "profit" to the Municipality. The annual fiscal impact will amount to approximately R21.26 million per annum through direct and indirect taxes generated by the operation of the Stellenbosch Parking garage (see section 9) The total impact on household income amounts to R34 million, of which 14.7% is destined for lower-income households. As such, a percentage of the total income generated by the parking garage will benefit the poor communities in the Stellenbosch (see section 9)
Optimal use of under-performing assets	The current facility has about 250 parking spaces at at-grade level, which means the land is not used optimally. By developing the land into a multi-storey facility, the number of parking spaces is increased substantially.
Job creation	The Municipality has currently 7 persons employed on temporary basis at the facility. These persons these are temporary workers employed through a special EPWP programme and will be absorbed fully by the Municipality, so there will be no job losses. The parking garage will sustain 235 jobs on average over the programming period, which will impact positively on the Stellenbosch economy (see section 9)

Procurement Plan

The following recommendations and actions items have been made on the back FSR outcome:

- The Project, in all its facets, qualify as a PPP. Therefore, it is recommended that the Project be procured through the PPP procurement methodology as a BOOT project.
- From the analysis it is clear that the PPP Reference Model provides the best value for money to the SLM.

- Appropriate risk transfer is possible as indicated in the Value Assessment – Risk Analysis Report. Project technical, financial, and operational risk can be identified and can be transferred to a private party that can best manage it – substantial Project risk can be transferred to the private party.
- The initial investment requirement of the Project may be more than R 124.1 million which can be classified as a RELATIVELY SMALL project, BUT which would be suitable for PPP implementation.
- The financial position of SLM does allow the municipality to afford the budget to undertake the Project as a PPP
- Infrastructure items not in the cost calculation of the Project, but will be required to facilitate the Project are the following Project enablers or dis-enablers:
    - Road Infrastructure
    - NMT infrastructure
- There is a requirement for the SLM to engage with the various private entities that have responsibility for the above functions to allow for planning and budgeting with regard to the above items.
- The initial investment, the Project service requirements and institutional set-up and arrangements renders the Project suitable as a non-recourse project finance Project. It will be structured through a PPP SPV project finance structure where the SLM enter into a PPP Agreement with a private service provider through a Project SPV ring-fenced company. This is the basis for the development of the documentation that related to the procurement stage.
- In addition, output specifications and key performance indicators should be determined for the full duration of the Project. This task will be undertaken as part of the structuring of the procurement documents, more specifically the output specifications and key performance indicators will be developed as a Schedule to the PPP Agreement as part of the Request for Proposal (RFP) documents.
- The Project activities fall within the regulated activities and the Project will require environment impact assessments to be conducted as per the provisions of the Environmental Assessment Act. An environmental authorization regarding the Project will be obtained for heritage and environmental protection.
- Procurement Portal - It is recommended that the procurement process of a Portal of this nature commence to allow for approval and set-up before the projects goes to market.

1 Introduction

1.1 Background & Purpose of the Study

Stellenbosch experiences major congestion coupled with a high demand for parking in the CBD and other parts of the city. In addition, the Comprehensive Integrated Transport Plan indicates a need for sustainable transport that amongst other factors requires a reduction in traffic congestion and an increase in mode shifts, such as public transport and/or non-motorised transport as well as parking initiatives to resolve the parking issues.

There are currently a number of projects and solutions defined with the aim of reducing the congestion and improving mode share in Stellenbosch. These are: the widening of the R44, R304, R310, construction of the western by-pass, construction of the link between Techno Park and Adam Tas, TOD developments, NMT infrastructure and public transport enhancement. These solutions are costly. Thus, these solutions should be seen as an integrated and comprehensive package to solve the congestion issues in Stellenbosch. Although the provision of parking is not a standard method of reducing congestion it may assist in alleviating traffic related issues in the CBD by reducing circulating traffic searching for parking. This study is a focus on the feasibility of parking initiatives through an external mechanise for the Stellenbosch CBD, while taking into consideration what the other proposed solutions and designs may have on the demand of the parking proposed initiatives.

A pre-feasibility study and demand investigation was conducted for parking in the Stellenbosch CBD and Techno Park in 2021. Due to the section 78(4) resolution in 2019 on the matter, the preferability was developed to assess the possibility of a parking gauge facility, as a possible external mechanism project, while at grade parking facilities would be done through an internal mechanism. As part of that study the following was recommended:

- The Eikestad Parking Garage should be considered as a viable option as a PPP contract and could further be considered to be registered with National Treasury as a possible PPP project, so that a feasibility analysis of the possible PPP project can be done through an appointed transaction advisor.
- The analysis of the techno park parking needs clearly identified the need for additional parking. However, due to the parking utilisation and the nature of the space time needs for the Techno Park demand, as well as the willingness for employees of Techno Park to pay for parking, it resulted in the feasibility of a parking garage being unfavourable. However, based on the same considerations, an at-grade facility located as per the concept designs, returned a sustainable financial assessment.
- It was recommended that the at-graded facility be developed into a formal project and the designs and construction of the facility move forward internally with the municipality.

Based on the above, SLM registered the Eikestad Parking Garage with National Treasury as a possible PPP project and appointed the Transaction advisor as per phase one of the PPP project cycle.

1.2 Project Deliverables

The aim of this study, as defined in the inception report, is to plan, manage and facilitate the development of a multi-story parking facility for the CBD of Stellenbosch Municipality as a PPP project. Essentially, to identify the need and demand for additional parking in the CBD and assess the possibility of the project as a PPP project through phases 1, 2 and 3.



Figure 1-1: PPP Project Cycle

This phase of the project is phase 2: The feasibility study. The following specific tasks were identified as part of this phase of the project:

- Needs Analysis
    - Project objectives
    - Available budgets, institutional environment
    - Project duration
- Options Analysis
    - Analyse the Spatial Development Framework of the Stellenbosch Municipality and identify those developments that will increase the demand for parking;
    - Identify measures and systems that will reduce the demand for parking in the CBD's, namely: park- and ride systems, shuttle routes, public transport systems, etc.;
    - Analyse the influence of the University's policies, parking provision and public transport systems on the CBD of Stellenbosch especially, and thus the demand for parking;
    - Identify projects and policies that will increase the demand for parking namely: the pedestrianisation of certain streets, as well as the elimination of parking to increase street capacity;
    - Identify specific parking requirements for the envisaged Eikestad Mall parking facility;
    - Determine specific parking shortfalls for the horizon years of 2023 and 2028;
    - Compile the Future Parking Needs Plan;
    - Assess the accesses to the facilities;
    - Options, risk and financial assessments; and
    - Suitability as a possible PPP (Public Private Partnership).
- Value Assessment
    - Develop PSC (Public Sector Comparator) models.
    - Develop Risk adjusted PSC models.
    - Develop PPP reference and Risk adjusted PPP reference models.
    - Assess the project affordability and value for money.
- Economic Valuation
- Procurement Plan

The parking study focused on providing parking facilities for the Stellenbosch CBD (on identified locations in the CBD). The key plan of the Stellenbosch CBD is indicated in Figure 1-2.

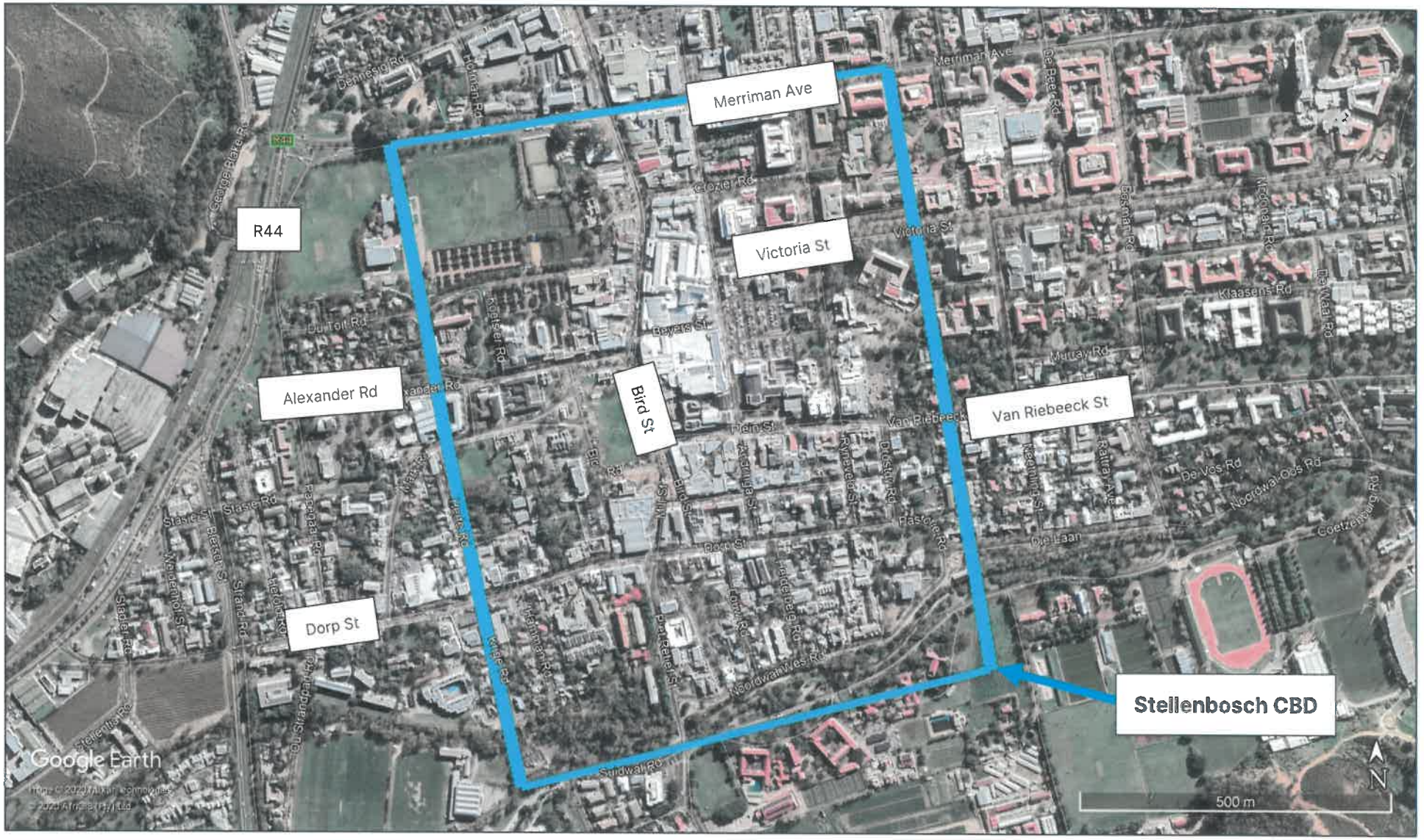


Figure 1-2: Stellenbosch CBD Parking Study Area (source: Google Earth)

1.3 Approach and Methodology

The methodology involved was to identify the need, demand, develop functional concept designs, assess the impact on accesses of these concepts, test the affordability and the possibility of possible PPP project and proposed recommendations regarding the possible solutions and parking facilities. The methodology is defined below in five (5) phases.

Phase 1: Needs Analysis

This phase was the review of the needs for sustainable transport and improved transport in Stellenbosch. These sections included a review of the following documents:

- CITP and DITP
- Section 78(1-3) submission reports
- SDF
- Provincial Sustainable Transport Programme.
- Budget Allocations

Based on the findings and needs identified in these documents, the need and available budgets, that can identify additional parking facilities in Stellenbosch.

Phase 2: Demand Analysis

The Demand Analysis phase is done through assessing the existing demand for parking in Stellenbosch and at existing parking facilities in Stellenbosch, as well as surveys of all public parking facilities in the CBD. The surveys conducted were both actual counts, as well as preference surveys.

The survey results were used to determine the following:

- Analysis of parking data to determine total demand:

  Parameters, such as: the peak time, parking accumulation, parking saturation, parking duration, peak parking ratio, parking turnover and parking index have been calculated from the surveyed information and have been used to calculate the number of parking spaces proposed for the envisaged Eikestad Mall parking facility; and

- Analysis of other factors that may influence the parking demand:

  Once the parking demand was calculated based on the surveys, other factors, such as: the Spatial Development Framework, public transport interventions, Stellenbosch University parking policies, pedestrianisation of streets in the CBD, etc. have been used to adjust the calculated parking demand figures for further use in the feasibility study.

Phase 3: Concept Developments.

Phase 3 is the development of workable concepts. The project involved concept designs for the facilities proposed in the CBD. The concepts have been developed using the parking demands, historical and heritage significance, financial considerations, functionality and impact on the surrounding road networks. The concepts have been prepared in a 3D model and the impact on the road network have been assed using SIDRA and based on the level of service that the accesses have on the road network.

The concepts have been designed based on the demand for parking in the peak times, parking saturation, parking duration, peak parking ratio, parking turnover and parking index.

Phase 4: Options Analysis and Project Due Diligence:

The options analysis and project due diligence was to ensure the following requirements of the PPP process is achieved:

- Environmental assessment - This process is to determine whether an EIA is required as well as outline specialist studies required, procedures that need to be followed as well as likely cost implications.
- Traffic study – a high level traffic investigation will have to take place around key identified nodes in the study area. The outcomes will be submitted for approval by the local municipal authority. During the traffic studies additional upgrades may be identified, in order to maintain the current LOS in the area where the facility site will operate.
- Desktop geotechnical investigation – A high level geotechnical investigation will be done on the proposed alignment, with the intention of identifying fatal flaws in the founding conditions of the alignment.
- Heritage study. A heritage investigation will be conducted for the site and surrounding areas that will dictate the updated concept of the facility.
- The legal consultant will examine the applicable legal and policy framework and produce a report listing the relevant policy, requirements and guidelines and legislation and outlining its relevance to the project.
- Socio-economic studies regarding BBBEE Targets in PPP Reference.

Phase 5: Value Assessment:

The value assessment was conducted though the following process:

- Affordability of the facility though conversional process:
    - PSC model development and assessment
    - Risk adjusted PSC model
    - Sensitivity analyses
    - Determine affordability and returns
- PPP reference model:
    - Develop PPP reference model
    - Risk adjusted model
    - Sensitivity analysis of the risk adjusted model
    - Determine affordability and returns
- Appropriate risk transfer:
    - Calculate the risk transfer to the PPP partner

- Value for money
    - Financial and technical Capacity
    - Cost
    - NPV

Economic Evaluation:

- Social accounting matrix
- Cost benefit analysis

2 Needs Analysis

The needs analysis of this project has been sectioned into five subchapters as indicated below. The purpose of this chapter is to define the proposed project and give a clear pathway to affordable solutions for parking in Stellenbosch.

2.1 Stellenbosch Local Municipality Strategic Objectives

In accordance with draft document, Section 78(1) "Stellenbosch is experiencing severe traffic congestion due to various reasons including the undersupply of parking facilities. In an attempt to relieve the traffic congestion in Stellenbosch, the municipality embarked on a number of projects which include:

1. The improvement of NMT facilities.
2. The development of rideshare and public transport through the Large Employer Trip Reduction Program (LETRP) project.
3. The investigation into an Integrated Public Transport Network.
4. Possible TOD development.
5. The proposed parking projects have a strong alignment to the municipalities vision and objects."

Item 5 is the focus point of this study. In accordance with the 2016 CITP for Stellenbosch municipality, the Vision of the city is:

A sustainable transport system that provides for the basic mobility needs of individuals, supports a vibrant economy and operates seamlessly within and across the municipal boundaries.

With objectives to reduce congestion, increase safety, support a green municipality, good governance and to upgrade infrastructure to name a few. As part of the study, the draft section 78 report indicated that improved parking will:

- Improve safety by having safer and formal parking for motorists;
- Increase modal shift to NMT by parking centrally and walking to nearby amenities thereby reduced on-street parking needs;
- Increase the mobility town features, such as pedestrianised roads, etc; and
- Reduce circling traffic searching for open parking bays and thus reduce CO2 emissions and driver frustration.

As a result, the objective of this project is to propose parking projects that will enhance the environment, human health and wellbeing and aid in a sustainable transport network.

2.1.1 Alignment to Municipality

The proposed project must contribute and or be endorsed and validated through the implementation of government and institutional policies. As a result, the proposed parking needs are endorsed through the CITP and IDP and are guided by the following principles:

- Compliance with the Department of Transport guidelines for parking requirements in terms of the Technical Recommendation for Highways TMH16 and 17.
- Compliance with the geometric and configurative requirements, as prescribed in the Department of Transport TMH 17.
- Compliance to the municipal zoning scheme.
- Improve parking services and quality of life of residents.
- Provision of parking on the periphery of the town centre to be still within walking distance from the centre of town or in association with a shuttle service if parking is provided outside of town.
- Financial sustainability.

In addition, the proposed parking project is in accordance with the provincial sustainable transport programme.

2.2 Budget

The 2021 Stellenbosch Bulk Parking Feasibility Study[2] investigated two types of parking facilities, namely a multi-story parking garage (as proposed for the Stellenbosch CBD) and an at-grade parking lot (as proposed for the Techno Park). The 2021 study found the at-grade facility not to be feasible and the full feasibility study therefore focuses on the multi-story facility that consists of between 3 and 4 levels, with a capacity of about 500 parking bays. This facility is termed the Eikestad Parking Facility.

2.2.1 Provision of parking in the CITP and Municipal Budget

The CITP for the period 2016-2020 included two parking projects, one for the CBD and the at-grade facility at the Techno Park. These two projects (TR042 and TR044) provided for a total cost of R120 million for both parking facilities.

In contrast, however, the reviewed Stellenbosch CITP for the period 2022-2026 excludes any financial provision for a substantial parking facility. The focus of the Municipality has shifted to a PPP process to address the need for parking in the CBD, specifically the Eikestad parking facility. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The 2022 CITP provides for two small parking area upgrades in Franschhoek (R700 000) and Stellenbosch (R800 000) for the 2022/23 year. Both facilities to be funded through developer charges.

2.2.2 Estimated Facility Capital Cost

The estimated facilities cost (exclusive of VAT) of the Eikestad Parking Facility is estimated as follows:

- Estimated construction cost: R99 439 000
- Smart Parking System R1 999 141
- Fibre Infrastructure R5 000

[2] Stellenbosch Bulk Parking Feasibility Study: Draft 1 dated 28 June 2021 under reference number RFP085.2020

2.2.3 Estimated Facility Operational and Maintenance Cost

The operational costs associated with the Eikestad Parking Facility have been estimated at R1 246 000 per annum at 2023 levels. The maintenance costs (operational maintenance, aesthetic maintenance and structural maintenance have been estimated at R464 500 per annum at 2023 costs

2.3 Institutional Environment

The findings in section 78(1) found from the high-level investigation regarding the institutional environment that is required to operate the facility. Based on the needs of this facility, the positions required to manage a parking garage and the functions associated are as follows:

- Facility Manager: The facility manager will manage the parking service, including procurement, maintenance and servicing, cleaning, insurance, accident administration, licensing and financial asset management.
    - Manager
- Marketing and communications: focused on publicising the parking service to the community to encourage service patronage, communicate service changes or updates and to distribute motorist information in a usable format.
    - Marking and Communications Manager
- Contract Management: All functions that are outsourced to external service providers will be contracted and these contracts need to be managed.
    - Project Manager from the municipality
    - Personal Assistant for the municipality PM
- Fare Management: The sale of tickets for the parking bays. This function is generally done through ticket machines and kiosks. However, a back-office team is required for lost tickets and or faulting tickets. In addition, a team is required for equipment maintenance etc. The fare management must ensure all methods of payment are available.
    - Kiosk operator(*2)
    - Parking attendant (depends on number of gates, one per gate) assume 2 gates,
    - Mechanical Maintenance technician *3
- Financial Management: Managing the various financial elements of the system including revenues (fare revenue, any grants or subsidy contributions from national or provincial government, municipal contribution, other system revenue) and costs (operating and capital costs). This function inhouse is done through the financial office within the municipality. Else this function will be managed by the accountants of the private partner.
    - Accountant
    - Bookkeeper

- Safety and Security: Ensures the safety of the motorist using the parking facility. This function requires a security team on the ground and as well as the use of technology to monitor the facilities and record safety and security issues.
    - Night and Day shift (1 per floor, shift 12hrs) assume 3 floors.
- Maintenance Team: This function is the general and periodic maintenance of the structure and equipment of the facilities.
    - Maintenance Manager
    - General worker *2 (can also be parking attendant in off peak times)
- Cleaning Team: Function is responsible for the cleanliness, removal of refuse and unwanted vegetation.
    - Can be parking attendants in off peak times.
- IT specialist: The IT services are to manage the IT equipment.
    - IT Technician

The above services are estimated for a multi-level parking garage. The staff requirements have a need of between +-20-30 Employees.

Capacity Requirements This section investigates the internal capacity of the municipality to accommodate the staff requirements should the Municipality operate the Eikestad Parking facility and when following the PPP route.

2.3.1.1 Internal Capacity analysis

The section 78(1) estimated that the municipality would need to employ between 35-40 staff to properly manage the parking facilities. The 2021/2022 annual report indicated that the municipality's approved organogram (approved on 25 October 2017 and augmented on 27 February 2019) has a total post complement of 1996. The actual posts filled by functional level was 1 185, which translates to an effective vacancy rate of 59.3%. Infrastructure services has 463 posts filled with 35 fully funded vacancies. The municipality as indicated in the section 78(1) report that the municipality does not have the ability to increase the staff capacity to accommodate this function.

In addition, based on the staffing requirements, the municipality doesn't have the ability to increase the capacity of other functions in the municipality as there are cross divisional positions required for this project.

In accordance with the section 78(1) reports stated that, "Section 78(1)(a)(iii) states that a municipality "must first assess the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76(a)"

Section 51(g)(i) states that "a municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to perform its functions

through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units."

Section 68(1) states that "a municipality must develop its human resource capacity to a level that enables it to perform its functions and exercise its powers in an economical, effective, efficient and accountable way…""

From the analysis above, the municipality has a vacancy of 856 positions or nearly 43%. This indicates that the other functions do not have the current capacity to re-organise staff to a parking service function.

Based on the above, the municipality will require an external partner.

For a possible PPP project to comply with the Treasury Regulations, a Project Officer will be appointed.

The roles and responsibilities of the Project Officer cover the whole PPP project cycle. Broadly, the Project Officer will:

- manage the planning, procurement and implementation of the Project on behalf of Stellenbosch Municipality, exercising delegated authority; and
- direct and manage the work of the Advisory Team and approve payments in terms of the Mandate Agreement entered into between Stellenbosch Municipality and the Transaction Advisor.

The detailed skills and competencies required of the Project Officer in order to successfully execute his role are detailed in the PPP manual.

It is the opinion of the Transaction Advisor that the Project Officer is performing the tasks expected of him in this position and is playing a continued crucial role in ensuring that the Project is proceeding on time, within budget and according to scope.

For Stellenbosch Municipality to successfully engage in the process of providing secure, safe and additional public parking, the Project Officer relies on the support of other municipal staff members with expertise in specific areas. The Stellenbosch Municipality Project team should be multi-functional. In addition to permanent team members of the PSC (Project Steering Committee), other specialist team members are included on an ad-hoc basis. This ensures that the expertise can be utilized in a focused manner when required within the parameters of the Project.

The following criteria were considered in structuring the Stellenbosch Municipal Project team:

- A knowledgeable, focused and committed team is a strong promoter for a successful PPP; and
- The team members have all been specifically appointed and have been given a job and role description for the Project.

The table below provides an indication of the core team members on the project and needs to be completed by the municipality before final submission to National Treasury for Treasury Views and Recommendation I (TVR I).

Table 2-1: Department Project team members

Team Member	Key Functions	Mun Team Member
Financial	• Assisting with extraction of costs from Department and DPW budgets required by the Advisory Team • Input into the construction of the Financial Model • Participate in the establishment of bid criteria • Evaluation of the bids received against the bid criteria • Participation in the negotiation process in order to ensure optimal financial structuring for the Mun • Provide in input into the Financial Model once the Project is in the implementation phase.	To be appointed
Human Resources & Labor Relations	• To provide an understanding of the current Human Resources policies and processes within Stellenbosch Municipality • To identify and co-ordinate future establishment needs • To assist with gathering staff related information such as post descriptions, space needs and operating requirements • Ensure the organization is able to deliver services in light of any changes as a result of the PPP implementation • Providing inputs into the HR consequences of outsourcing of non-core services • Managing the following possible scenarios: • Changes in staff circumstances • Managerial resistance • Staff uncertainty • Advise on engagement with trade unions • Ensuring, as far as possible, consensus with unions around labour relations issues • Participation in the establishment of bid criteria • Evaluation of the bids received against the bid criteria	To be appointed
Legal	• To assist with negotiations and review the Transaction Advisor appointment • To advise the Advisory Team of Stellenbosch Municipality legal obligations and existing contracts. • To participate in the Advisory Team's legal Due Diligence • Participation in the establishment of bid criteria • Assisting to ensure compliance with the legal elements of the procurement agreements • Participation in the drafting of appropriate procurement documentation • Evaluation of the bids received against the bid criteria • To actively participate in the negotiations with the Preferred Bidder prior to Financial Close • Legal advice to Stellenbosch Municipality on issues relating to the Project	Services

Team Member	Key Functions	Mun Team Member
Technical: Facilities Management & Organizational Development	• To provide an understanding of the current facilities occupied by Stellenbosch Municipality • To identify and co-ordinate future needs • To identify and assist with the compilation of existing costs and expenses relating to services procured whether from Government departments or the private sector. • To assist with gathering staff related information such as post descriptions, space needs and operating requirements • Providing inputs into possible outsourcing of non-core services • Provide inputs around present Department assets • Participation in determination of the Output Specifications • Participation in the establishment of the bid criteria • Participation in the evaluation of the bids received against the bid criteria • To actively participate in the negotiations with the Preferred Bidder prior to Financial Close	To be appointed
ICT	• To co-ordinate the ICT inputs into the Project • Establish a suitable electronic communications environment • Ensure that all external IT stakeholders are kept informed of progress • Ensure the safety of the information contained on the IT system (link with the security specialist deliverable) • Provide inputs into the ICT output specification • Participation in establishment of the bid criteria • Participation in the evaluation of the bids received against the bid criteria • Provide inputs into the possible outsourcing of non-core services	To be appointed
Communications	• To identify various stakeholders and develop an internal and external communication plan to disseminate information throughout the organization and externally. • To assist with media enquiries and to formulate appropriate responses	To be appointed

2.3.1.2 Project Office

As Stellenbosch consists of various directorates/ business units, a Project Office, through the Project Officer will co-ordinate the input from Stellenbosch Municipality with regard to aspects of the Project. This interaction and co-ordination entails:

- managing deadlines to ensure that the timelines of the Project Plan are met;
- managing the service provider to ensure the progress of the Project;
- liaising between the stakeholders and the service provider;
- highlighting "red-flags" as and when they arise;
- troubleshooting and providing ongoing solutions; and
- reviewing the reasonableness of the risk allocation and the managing of the risks inherent in the Project.

Beyond this, the Project Office must also:

- Ensure that capacity is created within Stellenbosch Municipality, through a skills transfer initiative. In this way, for example, Stellenbosch Municipality facility management personnel should develop the capabilities to take over from the facility management specialists at some

point. Capacity can be built in other ways and consideration should be given to the potential areas for skills development.

- Build institutional memory - over the life of the concession the nature of the members within the Project Office will change, however, there needs to be some continuity. A knowledge management system has been created so that new advisors and Stellenbosch Municipality staff members are aware of the history of the Project.
- Engage with employees and provide them with on-going information about the process underway. This will create a sense of ownership and excitement amongst Stellenbosch Municipality employees. This type of communication will also raise the level of awareness about the PPP within Stellenbosch Municipality and relieve any misplaced anxieties.
- The Project is completed on time, within budget and to a standard expected by National Treasury.

2.3.1.3 Transaction Advisor

A transaction advisor was appointed.

2.3.1.4 Stakeholder Engagement for a PPP

The diagram below depicts the relationship between the Project Office and other stakeholders.

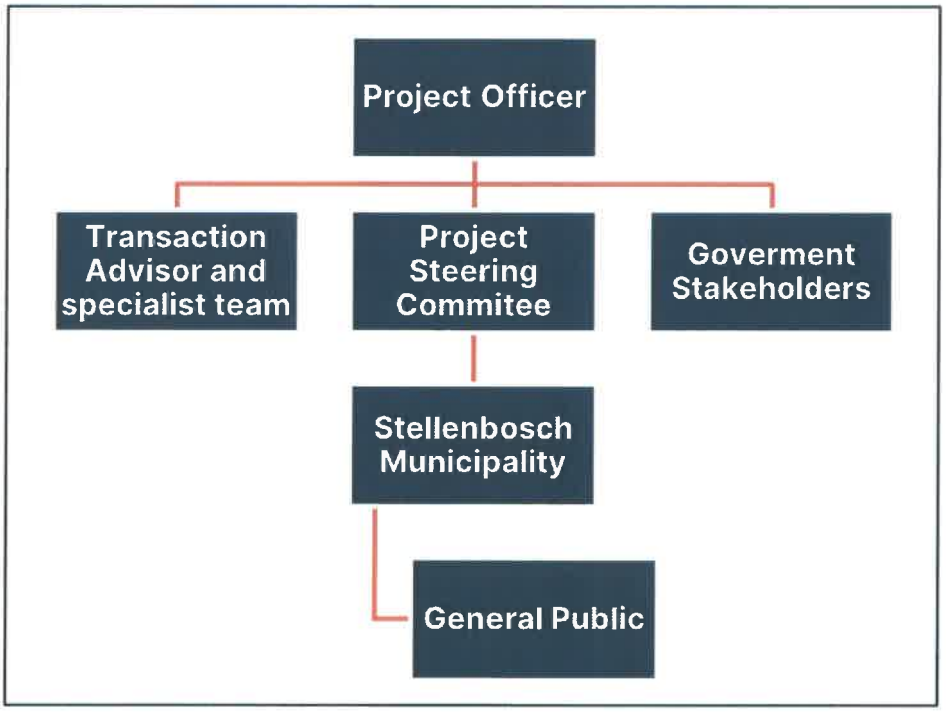


Figure 2-1: Interaction between the Project Office and other stakeholders

The Project Officer acts as the chair of the PSC. This committee acts as the interface between Stellenbosch Municipality, the Advisory Team and other Government stakeholders and the PPP Unit.

A number of different stakeholders have been identified, which may have a role to play in either the Feasibility Study phase or the procurement phase of the Project:

- Stellenbosch Municipality management and staff;
- Stellenbosch Municipality residents;

- Government representatives who will manage the transaction from a public sector perspective (Project Office);
- Service provider who will manage the transaction from the private sector perspective;
- Technical - or specialist team members and advisors from the public - or private sector (Project Office support);
- Advisors to the public sector on procurement processes (Advisory Team);
- External advisors from other Government departments on specialist areas such as PPP processes, security and ICT (i.e. the PPP Unit, NIA, SAPS, SITA);
- National, provincial and local government institutions as the relevant authorities in respect of certain Project approval processes, i.e. township establishment, environmental, heritage (Stellenbosch Municipality, DEAT and GDACE, SAHRA and GHRA);
- Partner in BBBEE financing instrument (DBSA);
- Regulatory authority relating to public finance management (National Treasury);
- Organized labour; and
- The general public, perhaps in the role as interested and affected parties in terms of any environmental and heritage processes.

A key success factor in the procurement of the Project is managing the interaction between these role players and ensuring proactive responses and decision-making. It is evident above that the Project Officer plays an integral interface role between the PSC, the Project Office and other stakeholders. In the preparation for the Project, the involvement and advice of National Treasury remains important to ensure the success of the Project.

The National Treasury plays a key role from a regulatory perspective in all financial and regulatory matters relating to Government and, in particular any project procured by way of a PPP in terms of Regulation 16.

The interaction with the National Treasury official ensures that the PPP Unit is fully informed on progress on the Project, especially budgetary and Affordability issues and that National Treasury is providing oversight to ensure adherence to the PFMA, without compromising the regulatory authority of National Treasury in respect of the Project.

2.3.2 Job Creation

The proposed project will create approximately 20-30 jobs in the operational phase and approximately 300 jobs during the construction phase for local labour. Moreover, post construction, in accordance with the economic analysis, the facility could create 0.61 jobs per R1million rand investment in the in the facility.

2.3.3 Environment Improvements

2.3.3.1 Background

An environmental scoping exercise serving as a due diligence process to evaluate the biophysical and socio-economic aspects of the proposed initiative was developed. It represents the starting point for understanding the potential environmental implications and sustainability aspects associated with the proposed Eikestad development.

This process equips the proponent and project team with essential insights required to make informed decisions about the project's future trajectory, ensuring a harmonious coexistence between the proposed Eikestad development and environmental and heritage protection.

The site is located between the Municipality's offices on Plein Street, and the Stellenbosch University campus. The Braak, an historic green space, is located one block to the west, with the main shopping mall and densest shopping area facing Bird Street located between the site and the historic open space of the Braak. Along Van Ryneveld Street, a fine streetscape with a collection of historic buildings with cultural and religious associations in the old town abuts the site. An open green space with mature trees creates the interface between the site and the street edge. Therefore, the site occupies an interesting location between government, university, commercial and cultural nodes within the town of Stellenbosch. It is currently used as an at grade parking lot, one of the few open parking lots in this area. It is a well-used space, catering to shoppers, people visiting the nearby cultural and municipal facilities (municipality, library, Sasol Art Museum) as well as to students. In the evenings the Adam Smal Theatre at the University and other restaurant and bar venues nearby mean that the demand for parking extends beyond daytime uses only.

At present the site is tarred across its full extent. Some Turkish Oak trees have been planted on the raised kerbs between lengths of parking bays, and two boomed entries (to Van Ryneveld and Victoria Streets) exist. There is a temporary flower stand and some storage structures (more permanent) located along the Andringa Street edge of the site.

2.3.3.2 The proposed development

The Municipality aims to maximise its parking facility on the site and wishes to implement structured parking, together with the following architectural aims:

- Create direct access to the facility from both Victoria & Ryneveld Streets. No vehicular entrance point is proposed from Andringa Street.
- Create direct pedestrian access to the facility from the Eikestad Mall, Ryneveld Street & Victoria Street.
- Create a parking structure that sits on top of a half-basement with a recessed structure that elevates to 2 additional storeys.
- The building has to fit into a rich heritage context. The aim of this proposal is to create a building that will be secondary in its importance to the context. In order to achieve this the building mass has been pushed to the back and centre of the site.

- Create a forecourt. This will serve as a landscape pedestrian friendly area that will connect the different parking areas. The forecourt will include the main pedestrian access to the parking structure.
- Create a layout that connects with the rich heritage value of the immediate surrounding context. The single storey shops along Andringa Street are of a high historical value. The aim is to create a lower-level street façade that responds to these neighbouring buildings.
- Create a service zone to the southern side of the site. The aim of this is to create service access to the municipal buildings on the southern side.

2.3.3.3 Environmental Aspects Considered

The Scoping Report considered the following various environmental components that could potentially be impacted on by the proposed Eikestad development. The goal is to ensure that the project is developed with a full understanding of its potential effects on the biophysical and social environment and to implement mitigation measures to minimise adverse impacts.

- Biodiversity and Ecological Systems

  The site is located within a built-up urban area. As such, no impacts are anticipated on local indigenous flora and fauna, including habitats, endangered species, and ecosystems on and around the site.

- Water Resources

  No watercourses or wetlands are located on or near the site. No impacts on surface water bodies and water quality, including effects on watercourses, wetlands, rivers, have been identified.

- Air Quality

  No emissions or air pollution will be caused by the proposed development. As such, no impacts on ambient air quality, including greenhouse gas emissions are anticipated. The proposed parking structure will not negatively impact on ambient air quality and could potentially indirectly reduce the emission of harmful CO2 gases by reducing the driving time spent by motorists whilst searching for parking.

- Land Use and Vegetation

  No significant impacts on land use, vegetation cover, and changes to land patterns and use have been identified seeing that the land use will remain the same. The existing trees in the current parking area will however be lost. A tree survey must be carried out by a qualified service provider.

- Cultural Heritage and Archaeological Sites

  The identification of cultural heritage sites and identification of potential impacts on historical and archaeological resources has been carried out by a Heritage and Cultural Specialist. The key heritage-related impacts envisaged will be townscape/streetscape, as well as visual impacts from an urban design and townscape perspective. The site was the location of the old Drooge Rivier stream and so archaeological impacts are possible.

- Noise and Vibration

  An evaluation of potential noise and vibration impacts caused by the project and their potential effects on the surrounding environment and communities found that noise and vibration could potentially have a negative impact during the construction phase but less so during the operational phase of the development.

- Social Aspects

  Consideration of social factors, including the project's impact on local communities, public health, and well-being found that a public participation process is recommended as part of the Stellenbosch Municipality's Duty of Care and to ensure that the proposed development is aligned with the current cultural and historically sensitive surrounding area.

- Visual and Aesthetic Impacts

  An assessment of how the project may alter the visual landscape and aesthetics of the area found that strict architectural design parameters, as approved by the Heritage Western Cape, must be adhered to.

- Waste and Hazardous Materials

  An examination of waste generation, disposal practices, and the potential presence of hazardous materials found that the potential impact associated with waste will be negligible.

- Climate Change

  An analysis of how the project may impact on climate change found that sustainable green building design practices must be adhered to reduce the potential negative impact on climate change.

- Energy Use and Efficiency

  An assessment of energy consumption and opportunities for energy efficiency and renewable energy integration found that the proposed design must accommodate mechanisms for efficient energy consumption.

2.3.3.4 Legal and Regulatory Framework

Considering environmental legislation is paramount in any decision-making process that may have ecological consequences, the following environmental legislation has been considered during the scoping process in order to ensure that the proposed Eikestad development is in line with relevant legislative guidelines and requirements.

- **The Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) as set out in the National Environmental Management Act (NEMA) (Act No. 107 of 1998), as amended.**

  It is crucial to note that the proposed development will not trigger any activities listed in the Environmental Impact Assessment Regulations of 2014 in accordance with the National Environmental Management Act (Act No. 107 of 1998), as amended. Therefore, it will not necessitate an environmental authorization for its implementation. Importantly, the development will not have any adverse impacts on terrestrial or aquatic ecosystems.

- **National Environmental Management: Biodiversity Act (NEMBA) (Act No. 10 of 2004), as amended.**

  The site is situated within an established urban area, and consequently, the envisioned development is not anticipated to exert any adverse effects on endangered species or ecosystems, in accordance with the provisions outlined in the National Environmental Management Biodiversity Act (Act No. 10 of 2004), as amended.

- **National Heritage Resources Act (NHRA) (Act No 25 of 1999), as amended.**

  The selected site for this development is situated within a culturally and historically significant landscape and comprises 18 separate erven (as well as requiring access across two different erven), and in combination the area of the site is 18 651,2 m2. The development of this open site into one that has a structure thereon will constitute a "change in character", thereby triggering Section 38 (1) (c) (i) of the National Heritage Resources Act.

  The key heritage-related possible impacts will be townscape/streetscape, as well as visual impacts from an urban design and townscape perspective. The site was the location of the old Drooge Rivier stream and so archaeological impacts are possible.

  Accordingly, the proposed project aims to seamlessly integrate with the surrounding cultural and heritage landscape by adhering to stringent architectural design guidelines and parameters, as duly approved by Heritage Western Cape (HWC).

  A Notice of Intent to Develop (NID) has been prepared by the Heritage specialist which concludes that there is reason to believe the proposed development will impact on heritage, and therefore a Heritage Impact Assessment (HIA) will be required. At this stage, a Phase 1 HIA is recommended.

  In addition, the following studies would be prudent to include in an overall HIA:

  - A townscape and streetscape study.
  - A visual assessment at the scale of the block and surrounds.
  - An archaeological desktop study.
  - A tree survey.

  The NID; HIA and additional studies must be submitted to HWC for endorsement and subsequent approval.

- **National Water Act (NWA) (Act No. 36 of 1998), as amended.**

  The development will not invoke any water usage as defined by the National Water Act (Act No. 36 of 1998), and thus, it will not require a water use license or a General Authorization as per this legislation. The development will not have any adverse impacts on aquatic ecosystems.

- **National Environmental Management: Air Quality Act (NEMAAQ) (Act No. 39 of 2004), as amended.**

  The proposed development is not expected to release any emissions that could compromise air quality or induce air pollution, aligning with the standards delineated within the National Environmental Management Air Quality Act (Act No. 39 of 2004), as amended.

- **National Environmental Management: Waste Act (NEMWA) (Act No. 59 of 2008), as amended.**

The proposed development will not necessitate the acquisition of any waste management permits or licenses under the purview of the National Environmental Management Waste Act (Act No. 59 of 2008), as amended.

2.3.3.5 Positive Environmental Impacts

The proposed parking facilities are expected to yield several positive environmental outcomes. Firstly, the facility will contribute to a reduction in the volume of vehicles circling in search of available parking spaces, thereby curtailing the emission of harmful CO2 gases. This will also lead to a decrease in on-street parking demand, freeing up space for streetscape enhancements. The centralised location of the facilities is strategically designed to encourage the utilisation of Non-Motorized Transport (NMT), thereby further alleviating circulating traffic.

2.3.3.6 Possible sustainable future use of the Eikestad parking structure

In the event that it becomes necessary in the distant future, the proposed parking structure could potentially undergo re-purposing. Re-purposing is an innovative and sustainable strategy for maximising the utility of existing urban infrastructure. This transformation not only optimises land use but also contributes to a more dynamic and vibrant urban environment. Historically, parking garages have been dedicated to the singular purpose of vehicle storage. However, as urban centres evolve and respond to evolving transportation trends, re-purposing these structures has emerged as a practical and sustainable means of optimising urban space. The conversion of a parking garage into a multi-functional space has the potential to enhance the overall urban experience, advance sustainability objectives, and stimulate economic growth. Moreover, re-purposing a parking garage can significantly contribute to sustainability goals by reducing the necessity for new construction and fostering urban density.

2.3.3.7 Conclusion on Environmental Considerations

In conclusion, the Eikestad Environmental Considerations for the proposed development in Stellenbosch have been thoroughly examined to ensure that the project aligns with both ecological and heritage preservation. The Environmental Partnership conducted an extensive environmental scoping assessment to understand the potential ecological implications and sustainability aspects of the Eikestad development. This process is essential to make informed decisions and promote a harmonious co-existence between the development and environmental and heritage protection.

The project site is strategically located in the heart of Stellenbosch, surrounded by various key nodes, including government, university, commercial, and cultural areas. It currently serves as a vital parking facility for shoppers, visitors to cultural and municipal facilities, and students from the Stellenbosch University. The proposed development aims to maximise parking capacity and implement structured parking while adhering to architectural goals that respect the rich heritage context of the area.

The Scoping Report considered various environmental components, including biodiversity, water resources, air quality, land use, cultural heritage, noise and vibration, social aspects, visual aesthetics, waste and hazardous materials, climate change, and energy efficiency. Mitigation measures will be applied where necessary to minimise adverse impacts on these components.

The legal and regulatory framework has been considered, with specific attention to all relevant environmental legislation. The development of this open site into one that has a structure thereon will

constitute a "change in character", thereby triggering Section 38 (1) (c) (i) of the National Heritage Resources Act. No other Environmental or Water Use authorization is applicable to the proposed Eikestad development.

The project is expected to yield positive environmental outcomes, including a reduction in CO2 emissions, decreased on-street parking demand, and the promotion of Non-Motorized Transport. Furthermore, the proposed parking structure could be designed with the potential for future repurposing, aligning with sustainability objectives and contributing to a more dynamic and vibrant urban environment. This adaptability allows for urban infrastructure to evolve and respond to changing transportation trends, fostering sustainability, economic growth, and reduced construction needs.

In summary, the Eikestad development project has been meticulously evaluated to ensure that it not only meets its functional goals but also aligns with environmental and heritage preservation principles, ensuring that it is a responsible and sustainable addition to the Stellenbosch community.

2.3.3.8 Recommendations

The following studies must be submitted to Heritage Western Cape for endorsement and subsequent approval.

1. The Notice of Intent to Develop (NID). This will confirm the requirement for the various stages of the HIA.
2. A Heritage Impact Assessment (HIA). The HIA will be submitted in two stages:
    - The Stage 1 HIA will be submitted to HWC for endorsement and will include design parameters that will have to be included in the design of the Eikestad parking structure.
    - The Stage 2 HIA will include the aforementioned design and must be submitted to HWC for approval. This can be undertaken by the successful developer/concessionaire, and not at this stage. The outcome of the Stage 1 HIA will be included as part of the set of conditions for the successful entity to incorporate and they would need to complete the Stage 2 HIA and acquire formal approval from HWC, before any construction can commence.
3. In addition to the NID and HIA, the following studies is to be completed and included in the HIA submission.
    - A townscape and streetscape study.
    - A visual assessment at the scale of the block and surrounds.
    - An archaeological desktop study.
    - A tree survey must be carried out by a qualified service provider.
4. The HIA must be subjected to a 30 day public participation period. The intention is to include this requirement as part of the broader public consultation process that will be undertaken.

2.3.4 Geotechnical Investigation

2.3.4.1 Background

A geotechnical investigation is required as part of the design process, and this draft report comprises a desktop study for the geotechnical aspects of this project.

This desktop report would serve as part of the background information of the geotechnical investigation report. The geotechnical investigation report will be updated with investigation data, laboratory test results, analysis and recommendations.

This geotechnical desktop study aims to determine the anticipated geotechnical characteristics of the in-situ soils and rock, as well as boundary conditions and potential fatal flaws as far as the desktop investigation level will permit. This study provides a baseline understanding for planning of further investigations and baseline design consideration. The tasks required to fulfil this objective are as follows:

- Assess the current on-site conditions;
- Review the potential geotechnical conditions from available sources;
- Reveal the variability of the in-situ soil and rock profiles;
- Reveal any risks or challenges to geotechnical investigation;
- Reveal potential fatal flaws to the specific site location for the intended purposes; and,
- Comment on the geotechnical feasibility of the proposed development.

The following standard practice codes and guideline documents in performing this study:

- Site Investigation Code of Practice, 1st Edition, South African Institute of Civil Engineering – Geotechnical Division, January 2010; and,
- Basis of structural design and actions for buildings and industrial buildings. Part 5: Basis for geotechnical design and actions. SANS 10160-5 (2010).

2.3.4.2 Limitations of the Assessment

The services performed by SMEC were conducted in a manner consistent with the level of care, skill and detail exercised by members of the geotechnical profession practising under similar conditions for the requirements of a geotechnical study (SAICE, 2010). This geotechnical desktop study report is based on data obtained from a limited number of sources, including geological records, topographic maps, aerial imagery, and geotechnical and geological literature available for the greater Cape Town region. The nature of geotechnical engineering is such that variations in soil and rock conditions may occur even where sites seem to be consistent. Variations in what is reported here will become evident during the detailed geotechnical investigations.

2.3.4.3 Study Particulars

Climate

Stellenbosch is characterised by Mediterranean climate conditions, comprising hot dry summers and cold wet winters. Climatic data (World Weather Online, 2023) indicates that the mean annual temperature in this region is 16.9°C. The average maximum daily temperature varies from 28°C in

January and February to 17°C in June-August. Corresponding minimum temperatures for these months are 16°C and 7-8°C, respectively. The mean annual precipitation is approximately 847 mm, falling mainly during winter. Precipitation is the lowest in February, with an average of 15 mm. The greatest amount of precipitation occurs in June, with an average of 183 mm. The average monthly temperature and rainfall distribution are illustrated in Figure 2-2.

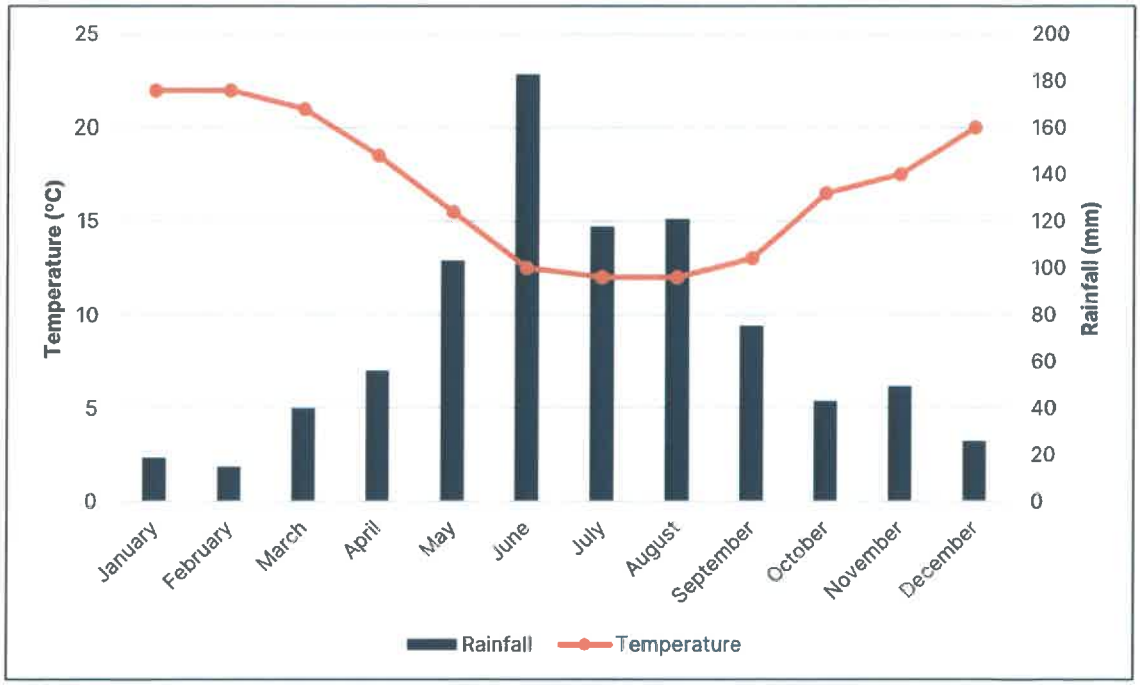


Figure 2-2: Summary of Climatic Data in Stellenbosch Region (World Weather Online, 2023)

The climate is a pivotal factor for geotechnical considerations as it determines the mode and rate of rock mass weathering and, thus, the formation of soils. Weinert (1980) developed the N-Value to differentiate between regions of similar weathering characteristics. The N-value for this region is between 2 and 5, indicating that although disintegration will happen, chemical decomposition will be the dominant type of weathering, resulting in the formation of thick residual and weathered profiles.



Figure 2-3: Regional Scale Site Location

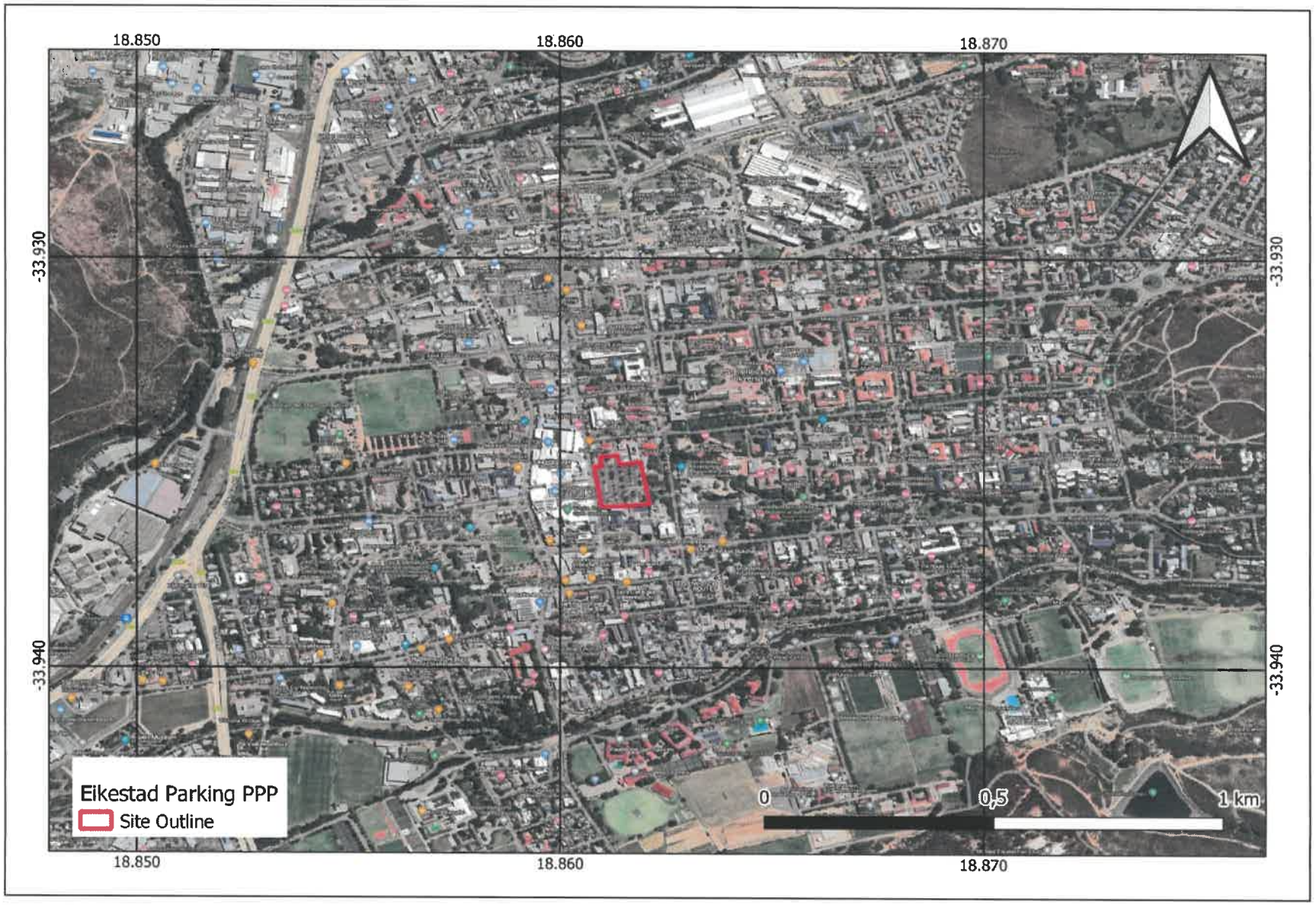


Figure 2-4: Site Location within Stellenbosch

Topography, Drainage and Vegetation

The regional topography of the town is generally gently sloping to the west at an average gradient of approximately 2%, with the minimum and maximum elevation points at 95 m and 245 m above the mean sea level, respectively. The town of Stellenbosch is surrounded by higher topographical features such as the mountainous landscapes of the Hottentot-Holland Mountain range to the east and southeast at a regional scale, with elevation reaching up to 1 500 m above mean sea level, and the undulating agricultural hills to the north and west. The site is characterised by a relatively flat topography with an elevation of approximately 115 m above mean sea level.

The site is locally bounded by a southward flowing Eerste River about 1 km to the west and its tributary, Jonkershoek River, about 0.6 km to the south (see Figure 2-5). Stormwater management in the vicinity of the site is highly developed, however localised ponding of water is possible across the site due to a flat topography during heavy rainfall.

According to 1:1 000 000 SANBI vegetation map (2018), the study area is regionally characterised by the Coastal Renosterveld vegetation comprising hardy low shrubs, small trees and various grass varieties, including the Renosterbos plant from which the vegetation type is named, and there is a notable lack of fynbos plants.

Regional Geology

A review of 3318 Cape Town, 1:250 000 Geological Series indicates that the site is largely underlain by the recent sediments of Quaternary Age mainly comprising alluvial terrace gravels (Figure 2-6). These sediments are underlain by the greywacke and phyllite of the Tygerberg Formation, Malmesbury Group.

The flat topography of Stellenbosch was formed by the large paleo-fluvial plain of coarse boulder alluvium eroded from the mountainous region to the east. The origin of the alluvium largely consists of the Table Mountain Sandstones that top the Hottentot-Holland mountains to the southeast but will also contain eroded sediments from the igneous plutons that underlie the sandstones and make-up the base of the surrounding hills and mountains. The igneous plutons in the region are part of the Cape Granite Suite and belong to the Stellenbosch Pluton to the east and the Kuilsriver-Helderberg Pluton to the west.

Regional Hydrogeology

The groundwater environment characterising the site comprises fractured aquifers associated with undifferentiated metasedimentary rocks of the Malmesbury Shale Group. The borehole yielding potential within these aquifers ranges between 0.5 L/s and 2.0 L/s (see Figure 2-7). Unconfined aquifers associated with the Quaternary deposits are also expected in the study area and will often form perched groundwater tables during high rainfall periods; this is anticipated along or near the drainage lines on the site.

The depth of groundwater obtained from the existing registered borehole database (National Groundwater Archive) in the vicinity of the study area indicates groundwater levels between 2 m and 26 m below ground level within the fractured aquifer. Groundwater levels within the quaternary aquifers may be shallower than these depths; however, local variances may exist at the site.

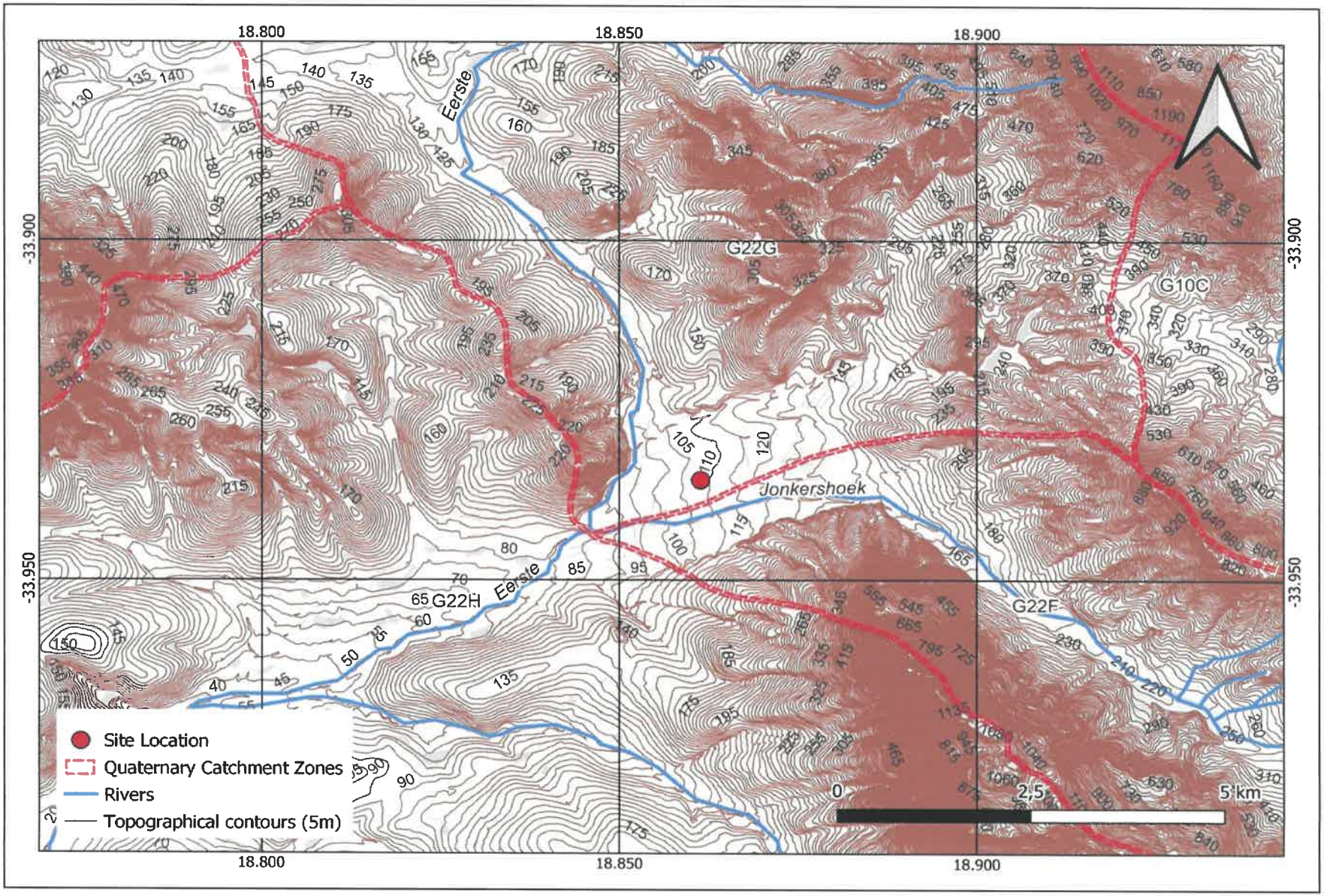


Figure 2-5: Topography and Drainage of the Study Area

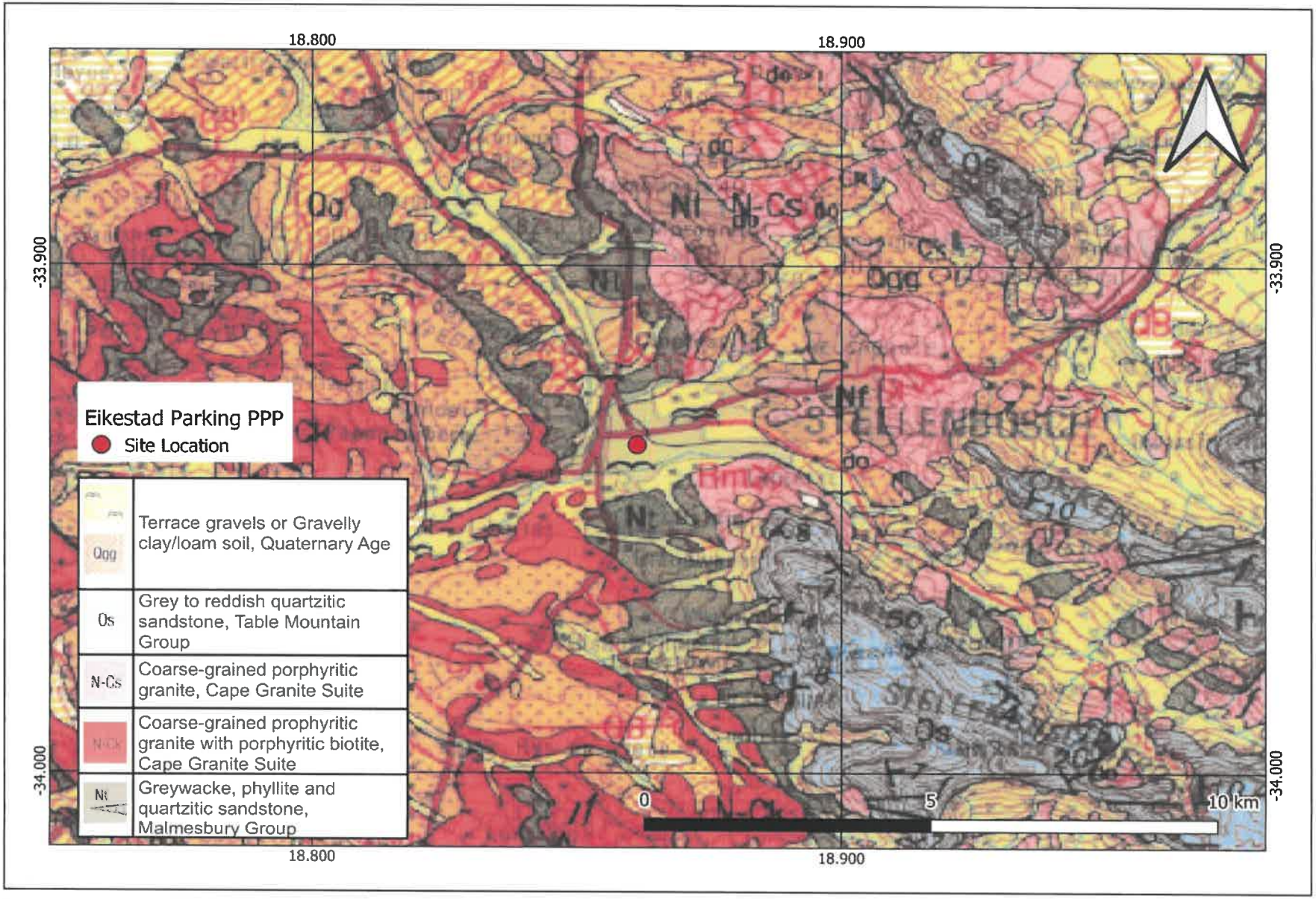


Figure 2-6: Extract of 3318 Cape Town, 1:250 000 Geological Map

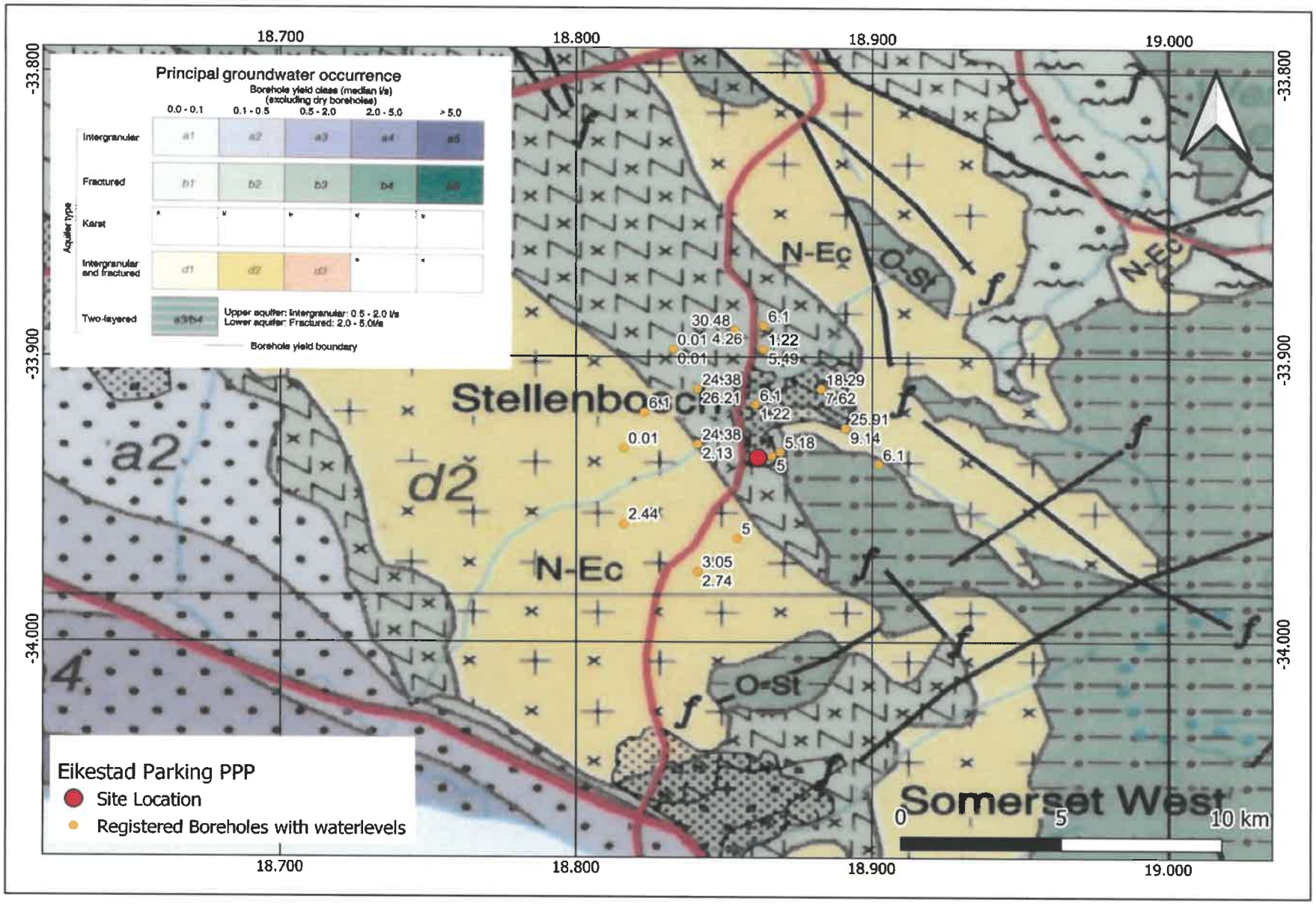


Figure 2-7: Abstract of 3317 Cape Town, 1:500 000 Hydrogeological Map with registered boreholes within 5 km of site location

Seismicity

South Africa is located on the African Tectonic Plate, which, compared to other tectonic plates, is relatively stable with low degrees of seismic risk. Much of the African Plate, except for the East African Rift Zone and localities of intensive underground mining, can be considered to have low seismic risk. This does not suggest that no seismic activity occurs but instead that the probability of activity is much lower.

Seismic hazard is represented by any particular area's peak horizontal ground acceleration (PGA): the greater the PGA, the more severe the potential seismic activity at the given site. Figure 2-8 provides indicative seismic risk across South Africa and the corresponding peak ground accelerations with a 10% probability of exceedance within a 50-year period. For design purposes, a baseline PGA in the range of 0.15g is considered applicable for the Eikestad Parking site (in line with Figure 2-7 and SANS 10160-4), which equates to a Degree VII ("Very Strong") classification on the Modified Mercalli Scale.

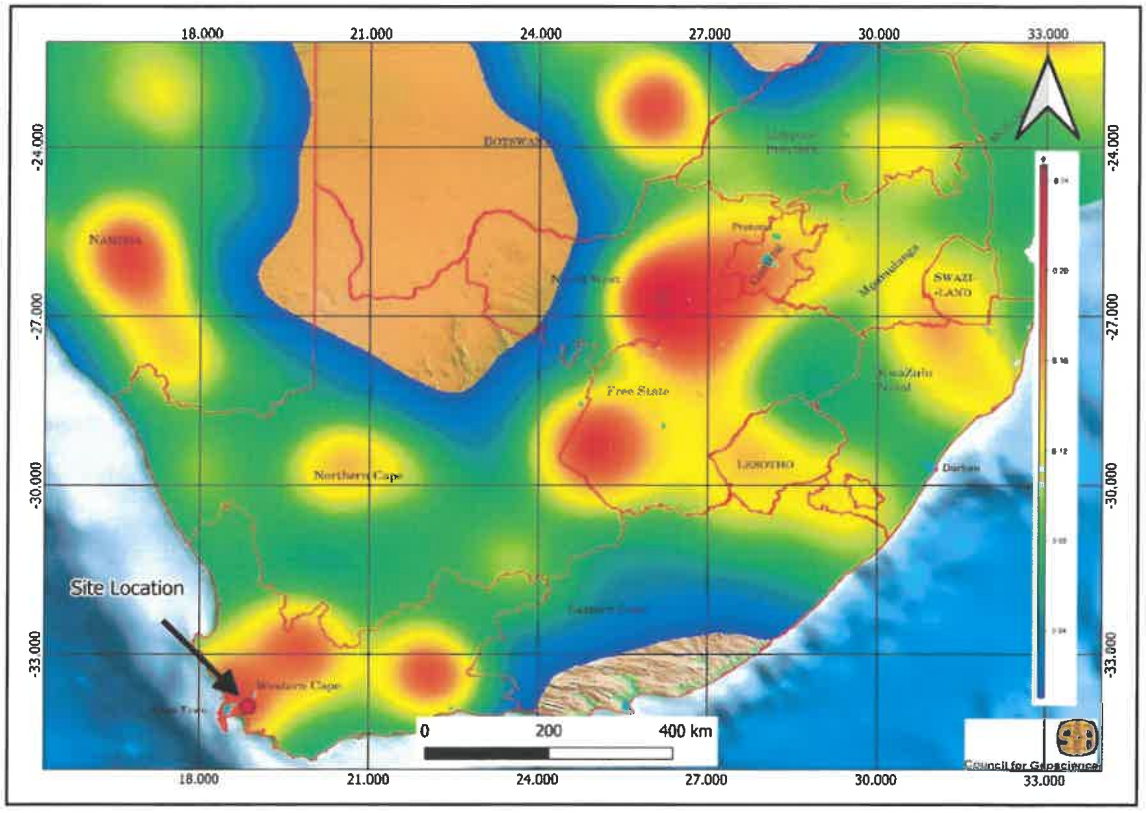


Figure 2-8: Seismic Hazards Map of South Africa (Council for Geoscience, 2003)

Previous Geotechnical Investigations

Three geotechnical investigations were completed in the area, two under the name of Vela VKE (former name of SMEC) in 2010 and 2011, and one investigation as SMEC in 2013. All three investigations were within 850 m of the current parking facility development as shown in Figure 2-9 below. In each respective case, these investigations were aimed at facilitating the design of multi-storey buildings (without a basement level). All recommendations were for shallow foundations within the boulder layer of the alluvial sediments. The archived reports were reviewed and summarised below to inform the geotechnical understanding of the current site and the anticipated geology.

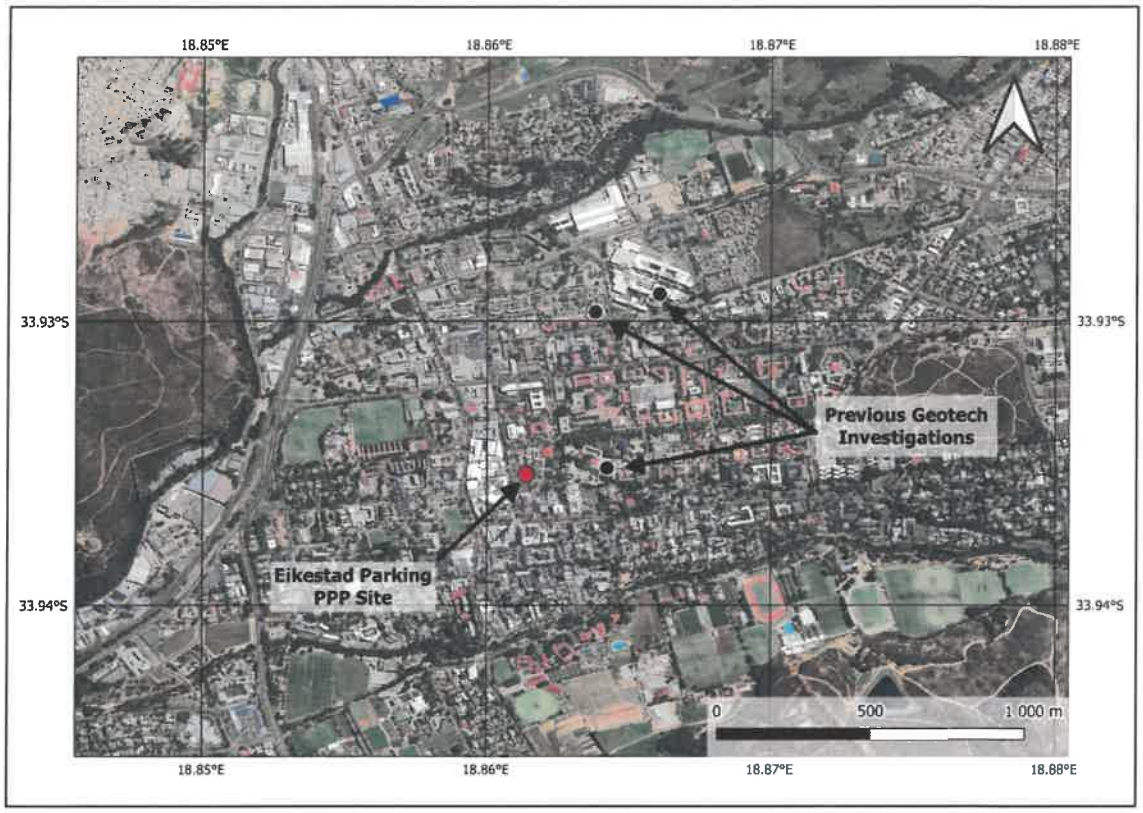


Figure 2-9: Site plan of site location in relation to previous investigations

Overall, the investigations comprised of trial pitting, laboratory testing and, in two projects, geophysical surveys to verify the geological conditions and geo-mechanical parameters. All uses of a TLB machine for trial pitting resulted in refusal on the boulder layers while one investigation used an 18-ton excavation to excavate past the boulder layer. The trial pits revealed a thin layer of transported sand or fill with a thickness of 0.2-1.0 m. This was underlain by the clast supported boulder layer with a matrix of sand that progresses to a clay matrix with depth. The boulder layer varied in thickness but generally the lower clay-rich boulder layer ended at a depth of 2.1-3.0 m below existing ground level (EGL). Underlying the boulder packed alluvium was a firm to stiff clay layer designated as the residual phyllite down to a depth of 2.8-4.0 m below EGL. This residual phyllite was shown to grade into very soft rock phyllite until the final depth of 5.0 m below EGL was reached, as required by the scope.

Geophysical surveys were conducted in two of the investigations in the form of continuous surface wave (CSW) tests to assess ground stiffness for settlement calculations. The CSW test results revealed consistency in ground stiffness until the soft rock bedrock of phyllite. This allowed for confidence in shallow founding on sandy boulder layer. The settlement calculations were within serviceability limits (<13mm) with minimal differential settlement calculated, given the allowable bearing capacity stated for each design.

Groundwater was only observed in one project located 850 m away from the current site. Groundwater was encountered at 1.5 m below EGL in the trial pit dug past the boulder layer with the 18-ton excavator. The other two projects did not encounter any groundwater as all trial pits refused on the upper part of the boulder layer. Based on this, it is presumed that groundwater at the site can be encountered as early as 1.5 m below EGL.

2.3.4.4 Site Assessment Results

Observations

A site visit was conducted by SMEC on Thursday, 26 October 2023. The objective of the site visit was to conduct a site walk-over of the project area with a view of assessing the current conditions and providing an accurate scope for the required geotechnical investigation.

The following observations were made during the site walkover:

- The site is flat terrain with a slight gentle gradient to the west;
- There is an existing paved open parking lot with a few small buildings;
- The boundary of the parking lot is surrounded by existing buildings on three of the four sides, with the Andringa Street separating site from the Eikestad Shopping Mall;
- Consideration to building stability and potential foundation movements will need to be given for the existing buildings depending on the proximity to the boundary of the basement level.
- Underground services were indicated by a number of man-hole covers (11 no. in total) identified on site.

They were not inspected thus the type of underground service(s) are unknown. However, wayleave applications and communications with service providers have revealed a number of different services in the proposed site footprint. As of writing this desktop study, the following services have been indicated: electrical cabling, stormwater pipelines, water pipeline (possibly for irrigation), and sewerage. The electrical cabling runs east to west in the southern half of site with a branch going south off site. These cables run just north of an electrical substation that is managed by the municipality. The stormwater pipeline has multiple branches and runs across the site. The water pipeline was a single line and enters from the east. It is potentially for irrigation as the line ends abruptly in the centre of the parking lot. The sewerage pipeline is relatively short and runs between two small buildings with a connection running west under Andringa Street. These two buildings are understood to be two public toilets that have been decommissioned and disused. No overhead electrical lines were observed but street/parking lights present would require underground cabling.



Figure 2-10: North entrance from Victoria St looking south into the parking lot.



Figure 2-11: View of parking lot from the northern side looking southwest towards the Eikestad Shopping mall.



Figure 2-12: View from northwest corner of the parking next to Andringa Str., looking southeast.



Figure 2-13: View of western side of the parking lot and Andringa str. (looking south).



Figure 2-14: View of electrical substation from the parking lot (looking south-southwest).



Figure 2-15: View of decommissioned public toilets on west side of the site (looking northwest).

Anticipated Geotechnical Conditions

Given the previous investigations and the reviewed regional information, the following geological profile is anticipated:

- 0.6 m (±0.4 m): Medium dense, fine sand (Transported/Fill)
- m (±0.6 m): Medium dense, boulders and cobbles in sand matrix progressing to clay matrix (Alluvium)
- 4.0 m (±1.0 m): Firm to stiff, clay. (Residual Phyllite)
- Below 4.0 m (±1.0 m): Very soft phyllite rock, occasionally recovered as dense gravel. (Phyllite)

Based on NGA data and previous investigations, groundwater/ perched water table is anticipated from a depth of 1.5 below EGL within the alluvial layer of boulders and cobbles.

Findings

This geotechnical study report highlights the anticipated geological and subsequent ground conditions, as well as boundary conditions and potential fatal flaws as far as the investigation level will permit.

The regional topography is flat with an overall very gentle gradient to the west. Climate data indicate that the area receives most rainfall between June and August during the cold winter months, with the summers dry and hot, especially over December to February. The seismicity study indicated a minimum PGA of 0.15g to be taken into consideration for design purposes.

Conceptually, the site is anticipated to be underlain by alluvial gravels and boulders of the quaternary sediments which in turn is underlain by the phyllite and greywacke of the Tygerberg Formation of the Malmesbury Group. Historical investigations in the vicinity of the site within the same geological zonation revealed the anticipated geological profile below:

- 0.6 m (±0.4 m): Medium dense, fine sand (Transported/Fill)
- m (±0.6 m): Medium dense, boulders and cobbles in sand matrix progressing to clay matrix (Alluvium)
- 4.0 m (±1.0 m): Firm to stiff, clay. (Residual Phyllite)
- Below 4.0 m (±1.0 m): Very soft phyllite rock, occasionally recovered as dense gravel. (Phyllite)

Based on the previous studies and NGA data, a perched ground water table is anticipated from 1.5 m below EGL within the alluvial deposits.

A site visit was conducted to assess the conditions across the site and geotechnical risks. The physical assessment of site conditions would help to firstly confirm elements of the desktop study findings but also to provide an accurate scope and specifications for the required geotechnical investigation. The scope and specification have been submitted previously for approval by Client.

The observations made during the site visit align with the elements of the desktop study findings, that is, general topography and indications of the potential underground services. Due to the paved and highly developed nature of the area, no natural ground was exposed to assess the geology but previous investigations in the area were drawn upon. A number of manhole covers were observed on site and the wayleave applications, and subsequent communications, have revealed existing underground services

in the proposed site footprint including, but not limited to, electrical cabling, stormwater pipes, water pipe and disused sewerage line. Linked to these services is an electrical substation to the south of site and two small disused toilets to the west of site. There were also indications of telecommunication infrastructure running through the parking lot, but this has not been confirmed with the service provider as of writing this study.

It is important to note that all wayleave applications need to be completed and a ground penetrating (GPR) survey will need to be conducted prior to any intrusive investigations carried out. This is to ensure the safety of the contractors as well as the cost and time implications of damaging any underground services. The site has easy accessibility for investigation works and construction works, however appropriate plans will need to be arranged to block off sections of the whole of the parking lot so that pedestrians and cars are not in the way.

Recommendations

Based on the findings presented above, SMEC is of the view that the proposed parking facility project is feasible and from a geotechnical point of view, the project can be progressed to the geotechnical investigation stage. Cognisance must however be given of the risks identified in this study that have an impact on both the geotechnical investigations and the design and construction of the parking infrastructure.

The risk of striking underground services must be highlighted for the intrusive investigation works due to the variety of services present. However, the investigation can be accommodated within the site plan indicating the location of the underground services.

SMEC has previously submitted a scope and specifications document detailing the geotechnical works required and recommended that the geotechnical investigations be conducted based on the quantum of work and specifications contained in this document. In summary, the following scope of work is recommended:

- A ground penetrating radar (GPR) survey of the area to confirm the location of buried services;
- no. rotary cored boreholes to 12 m below EGL;
- Installation of piezometer standpipes for groundwater level monitoring;
- A Competent Engineering Geologist or Geotechnical Engineer on site to supervise investigation works and profile the boreholes according to the SIACE Guidelines of Soil and Rock Logging (2002); and,
- Laboratory testing of samples obtained from boreholes.

Note rotary core boreholes are favoured over other methods of investigation, such as depp trial pits excavated by 20 t excavator. The reasons for this include, inter alia:

- Boreholes will offer more information on the soil horizons at depth as well as the opportunity to monitor the long-term groundwater profile. This information is pertinent to the design of basement levels and deep foundations, as well as to the design of the building's waterproofing/ damp-proofing measures and to managing uncertainty during construction;

- Boreholes will also create less disturbance (and more localised) than test pits. This means the parking facility can be returned to normal operation with minimal rehabilitation of the pavement layers being necessary.
- Boreholes can also be located more strategically to avoid the risk of striking buried services.

Notwithstanding, if Client's budget does not allow for rotary core drilling at this time the above scope may be adjusted, but note we deem this disadvantageous in so far as gaining the requisite information to manage the risk of deep foundations, basement levels and shallow groundwater relevant to this site.

2.3.5 Health and Safety

The proposed facilities will increase safety on the streets due to a reduction in circulating traffic. It will reduce drive frustrations, which will have a positive effect on motorists within the CBD by reducing reckless driving. Due to the increased parking space, various streets may be altered to pedestrian streets, which will increase safety in these highly dense pedestrian areas in the CBD by reducing the conflict between motorists and pedestrians. The proposed facilities will be access controlled and thus have appropriate security consequently allowing safe areas for people to park, which will increase the safety of both the motorists and vehicles.

2.4 Output Specifications

2.4.1 Purpose

The purpose of providing the Broad Based Black Economic Empowerment (BBBEE) inputs into the Needs Analysis is to list the BBBEE needs of Stellenbosch Municipality, which are sought to be addressed in the Project. The needs of Stellenbosch Municipality have been developed taking into consideration the applicable legal framework and the existing socio-economic conditions, which exist surrounding the Project site. Thus, the needs were determined taking into account the following documents:

- Stellenbosch Municipality Supply Chain Management Policy, Appendix 17 2021-2022
- The Preferential Procurement Policy Framework Act, 2000;
- BBBEE Act, 2003;
- Public Private Partnership Manual, 2004 (the Manual);
- Stellenbosch Municipality Integrated Development Plan, 2016 to 2020 (the IDP);
- Stellenbosch Community Development Strategy 2014
- Municipal Service Delivery and PPP Guidelines

2.4.2 General

The proposed projects are located in the Stellenbosch CBD. The construction and management of the facility will have an impact on BBBEE in the municipal area through job creation and construction.

According to the code of good practice for BEE in PPP partnerships 2003;

"Government's policy objectives for BEE in PPPs are as follows:

- To achieve meaningful and beneficial direct ownership of substantial equity interests in the Private Party to a PPP Agreement by black people, black women and black enterprises;
- To achieve effective participation in the management control of the Private Party and its sub-contractors by black people and black women;
- To ensure that a substantive proportion of the Private Party's subcontracting and procurement is to black people, black women and black enterprises;
- To ensure effective employment equity and skills development in the Private Party and its sub-contractors throughout the PPP project;
- To promote positive local socio-economic impact from the project to the benefit of small and medium enterprises, the disabled, the youth, and nongovernment organisations within a targeted area of project operations;
- To create jobs; and
- For institutions of government to be represented in all PPP transactions by financial, legal and technical advisors who generally reflect South Africa's diverse population, and to build the professional skills and number of black people and black enterprises in these fields."

2.4.3 Legal Framework

2.4.3.1 PPPFA

Section 217(1) of the Constitution states that procurement by organs of states must occur within a system that is fair, equitable, transparent, competitive and cost-effective.

Section 217(2) of the Constitution provides that there should be an implementation of policies providing for categories of preference in the allocation of contracts and the protection or advancement of persons, or categories of persons disadvantaged by unfair discrimination. Section 217(3) of the Constitution further states that national legislation was to be enacted to prescribe a framework within which policies referred to in section 217(2) must be implemented. This national legislation referred to in section 217 of the Constitution is the PPPFA, which is discussed below.

Section 2(1) of the PPPFA provides that an organ of state must determine its preferential procurement policy and implement it within the framework prescribed by the PPPFA and Regulations thereto.

What must be noted from the PPPFA is that 90 points in the Project would have to be allocated to price and 10 points be allocated to specific goals (BBBEE).

Section 2(1)(e) of the PPPFA provides that any specific goal for which a point may be awarded, must be clearly specified in the invitation to submit a tender.

An organ of state is defined, in section 1 of the PPPFA, to include Stellenbosch Municipality.

Regulation 2 of the PPPFA Regulations, 2022 provides that the Regulations apply to organs of state, as defined in section 1 of the PPPFA.

Thus, the PPPFA is applicable to Stellenbosch Municipality and specifically directs an organ of state to have its preferential procurement policy and implement it within the framework of the PPPFA. Furthermore, the PPPFA requires that the specific goals be included in the tender documents.

The PPPFA currently places emphasis on equity ownership and the promotion of non-quantifiable Reconstruction and Development Programme ("RDP") goals, which include:

- promotion of South African owned enterprises;
- promotion of small, medium and micro enterprises;
- creation of new jobs;
- the promotion of enterprises located within a particular municipal area, region or province; and
- upliftment of communities through, inter alia, housing, transport, schools, infrastructure donations and charity organizations.

The PPPFA Regulations were amended in 2022, to ensure alignment between the PPPFA and the BBBEE Act (and Codes) and compliance with the judgement of the Supreme Court of Appeal finding the 2017 Regulations to be invalid.

2.4.3.2 BBBEE Act and the Department of Trade and Industry BBBEE Codes of Good Practice

Two of the main objects of the BBBEE Act are to empower the Minister to issue codes of good practice and to develop criteria for entering into partnerships with the private sector.

The Minister is empowered to issue codes of good practice on black economic empowerment by notice in the Gazette, in terms of section 9(1) of the BBBEE Act, in order to promote the purpose of the BBBEE Act.

The BBBEE Act, section 10 states that every organ of state and public entity must apply any relevant code of good practice issued in terms of the BBBEE Act. Section 10(2) provides that the Minister of Trade and Industry may exempt an organ of state from this requirement.

An organ of state is defined as, *inter alia*, a municipality, in terms of section 1 of the BBBEE Act (paragraph (b) of the definition).

It must be expressly stated that the Codes of Good Practice will be applied in all aspects of the procurement process as required by the BBBEE Act.

2.4.3.3 PPP Manual

The PPP Manual and in particular, the Municipal Service Delivery and PPP Guidelines published in 2015 must be taken into account. Module 2 of these Guidelines provides a *Code of Good Practice for BEE in Public-Private-Partnerships*.

The Codes of Good Practice, which were finalized in 2007 and as such the PPP Code may be out of sync with the 2015 Guidelines.

Construction Sector Code

In terms of the BBBEE Act, a sector code of good practice has the same status as the Codes of Good Practice.

Section 3 of the Construction Sector Code states that it is applicable to measured entities which conduct any construction-related activities and entities which derive their majority turnover from construction related activities.

This sector was taken into consideration in the development of the Project BBBEE Scorecard.

2.4.3.4 Property Sector Transformation Charter

In terms of section 12 of the BBBEE Act, a transformation charter is published for general information purposes only and is not binding on a particular sector, therefore, although the Property Sector Transformation Charter is not binding it is an indication of what the industry deems possible to be achieved in terms of BBBEE. This charter was taken into consideration in the development of the Project BBBEE Scorecard.

2.4.3.5 Conclusion on legal framework

There is scope for the applicable of BBBEE in the Project, within the 90/10 framework as stated in the PPPFA.

The Project BBBEE Scorecard was developed taking into account the various policy documents applicable in terms of BBBEE.

It must be repeated that the Codes of Good Practice will be applied in all aspects of the procurement process.

2.4.4 BBBEE needs for the Project

In each phase of the PPP project cycle BBBEE needs need to be mentioned. Below is a diagram from the code of good practice for BEE in PPP partnerships 2004 depicting the various requirements for PPP BEE involvement.

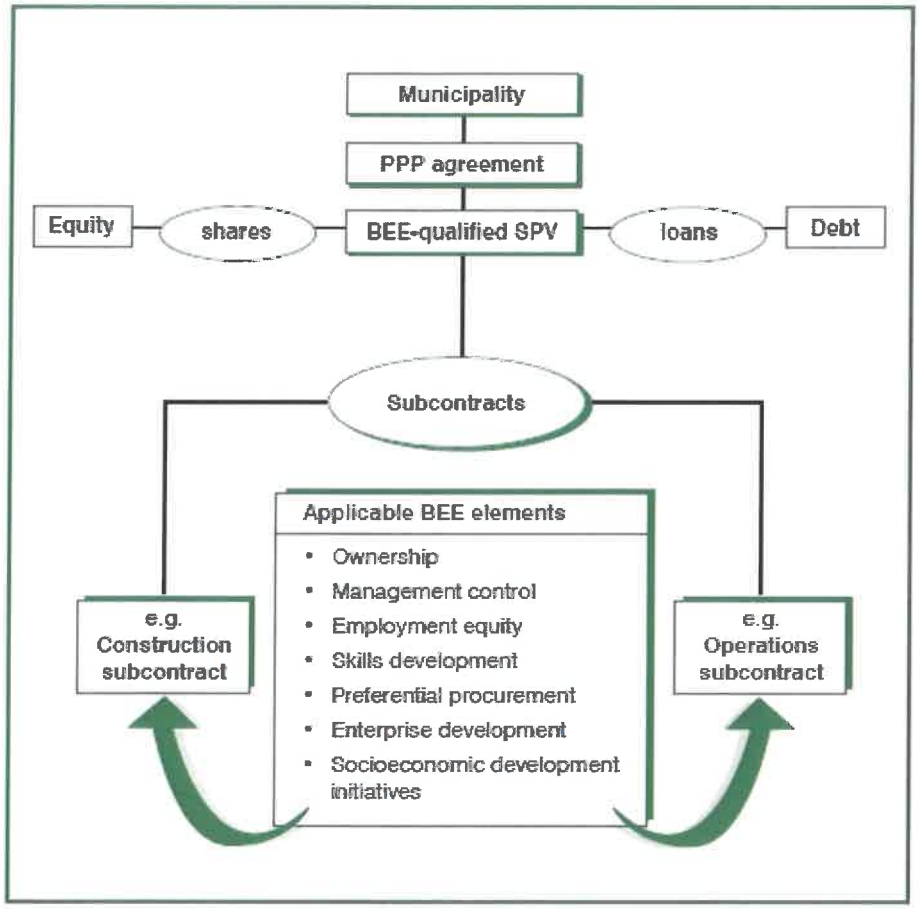


Figure 2-16: Extract, BEE in stages of PPP, Model 2, Code of Good Practice, 2004

How to apply BEE PPP policy at each phase of the PPP project cycle

In accordance with the 2003 Code of Good Practice, the PPP project cycle reflects the phases of a PPP prescribed by the MFMA PPP Regulations, including specific Treasury Views and Recommendation required therein. PPP BEE policy objectives will be pursued at every phase, namely:

- Appointment of a Transaction Advisor by the Institution;

Table 2-2: Extract, Municipal Service Delivery and PPP Guidelines

Adviser scorecard				
Element	**Maximum score**	**Scoring criteria**	**Weighting**	**Points total**
Percentage of black equity in the adviser team	5	25%-35% = 3 >35% = 5	6	30
Percentage of black people playing leading professional roles in the adviser team	5	25%-35% = 3 >35% = 5	6	30
Skills transfer plan	5	Poor plan = 1 or 2 Incomplete plan = 2 or 3 Credible plan = 4 or 5	4	20
Credible plan for structuring effective BEE for the PPP, with the necessary skill and experience in the team	5	Poor plan, poor skill & experience = 1 or 2 Incomplete plan, limited skills & experience = 2 or 3 Credible plan & skill & experience = 4 or 5	4	20
Total points				**100**
Minimum threshold				**60**

- Feasibility Study for Treasury Views and Recommendation I;

Table 2-3: Extract, Feasibility Phase BEE Tasks, source PPP Unit, National Treasury, 2004

Relevant stage of the Feasibility Study	Brief description	BEE feasibility phase task
Output specifications	To clearly identify what the institution wants to deliver	Draw up a list of BEE outputs that the institution wishes to achieve in the project, using the *PPP BEE Balanced Scorecard* as reference.
Solution options analysis	To identify the pros and cons of each option that can meet the institution's needs and output specifications; to examine the risks, benefits and impacts for government of each; and to select a preferred option	Set out a preliminary view of the impact of each option on the intended BEE outputs, and identify the possible BEE outcomes of the preferred option.
Due diligence	To undertake a due diligence assessing all budgetary, institutional, legal, regulatory, site, BEE and other socio-economic factors that constrain and/or enable the project	Identify project-specific BEE sectoral conditions: Black Enterprise strength, implementation of sectoral BEE charters, local socio-economic factors that could be addressed in the project location, and any constraining factors to the achievement of the intended BEE outputs.
If the preferred option can be procured through a PPP, the institution must then establish affordability, value for money and risk transfer. This entails constructing a PSC model, and a PPP reference model, both risk-adjusted.		
Risk identification	To identify all possible risks in the construction and operation of the project, the probability of each arising, the value of each risk, and strategies and costs of mitigation	Identify all possible BEE risks in the project, probabilities of each such risk arising, values for each, and the strategies for, and costs of mitigation.
Public sector comparator (PSC)	Life-cycle cost model of the output specifications where the public sector takes financing, construction and operating risks	Cost the achievement of the project's identified BEE outputs if it were procured conventionally, namely calculate preferential procurement as stipulated by the PPPFA's 90:10 formula price premium for procured goods and services, and include in the model.
PPP reference model	Life-cycle cost model of the same output specifications where the private sector takes substantial financing, construction and operating risk	Cost the achievement of the project's identified BEE outputs by calculating how the private sector would cost each of the BEE elements of a proposed *PPP BEE Balanced Scorecard for the project* in the PPP reference model.
Sensitivity analysis	To test the resilience of the models to changes in assumptions and risk over the project term	Test varying BEE targets for the project, their costs and their assumptions, to assess the impact on affordability and value for money.
Value-for-money test and making the procurement choice	To reach a justified conclusion analysing the outcomes of the modelling as to which procurement route is both affordable and will achieve optimal value for the institution	Analyse which procurement route will best achieve the identified BEE outputs for the project.
If a PPP is the procurement choice, finalise the optimal proposed *BEE Balanced Scorecard for the project*, with appropriate elements and targets.		
Economic analysis	To establish the economic rationale for the project, where required	Identify the economic benefits and opportunity cost to BEE of a 'no-project' scenario.

Table 2-4: Extract, Feasibility study considerations, source PPP Unit, National Treasury, 2004

PPP BEE element	Feasibility Study considerations
A: Private Party equity	A: Assess realistic targets by establishing: • Possible Black Equity participants • Extent, possible sources, and projected costs of Black Equity, impact of assumptions on affordability and value for money • Effect of phased increase in Black Equity on affordability and value for money • Effect on affordability and value for money of early cash flow to Black Shareholders • Impact of sectoral BEE charters. B: Assess targets in a sectoral analysis of: • Black management capacity • Black Women in management • Employment equity track record • Skills shortfalls, existing initiatives to address these, training opportunities • Sources and costs of possible support. C: Assess realistic targets by establishing cost and risk implications of: • Number and capacity of existing Black Enterprises in the relevant sectors • Employment equity track record of enterprises in the relevant sectors • Range of Black Enterprise SMMEs in the market for procurement opportunities, and nature, sources and cost of support they may need. D: Cost all the local socio-economic targets and assess impact on project affordability, value for money and risk assumption.
A1: Black Equity	
A2: Active Equity	
A3: Cost of Black Equity	
A4: Timing of project cash flows to Black Shareholders	
B: Private Party management and employment	
B1: Black Management Control	
B2: Black Women in Management Control	
B3: Employment Equity	
B4: Skills development	
C: Subcontracting	
C1: Capital expenditure cash flow to Black People and/or Black Enterprises	
C2: Operating expenditure cash flow to Black People and/or Black Enterprises	
C3: Black Management Control	
C4: Black Women in Management Control	
C5: Employment Equity	
C6: Skills development	
C7: Procurement to Black Enterprise SMMEs	
D: Local socio-economic impact	

- PPP procurement, including: bid documentation preparation for Treasury Views and Recommendations IIA; PPP procurement and value-for-money report on the preferred bid, for Treasury Views and Recommendations IIB; negotiations with the preferred bidder; and Treasury Views and Recommendations III for the final terms of the PPP Agreement and the Institution's Contract Management Plan;
- RFQ stage: In order to Pre-qualify for the RFQ phase, the consortia should at least demonstrate:
    - *"that they have memoranda of understanding in place for the required targets of BEE participation in the Private Party and the first-tier sub-contracts;*
    - *that they have the ability to secure the targets of BEE management required for the Private Party and the first-tier sub-contracts;*
    - *that relevant members of the consortia have demonstrable track records in devising and implementing local socio-economic plans as part of their operations;*
    - *that the major sponsor companies have their own effective employment equity programmes in place and can demonstrate their own track record in BEE.",* PPP Unit, National Treasury, 2003
- Contract management for the term of the PPP Agreement. Detailed modules on each of these phases is provided in the Municipal Service Delivery and PPP Guideline Manual. Set out below

is the approach to be adopted in each to ensure that PPP BEE policy objectives are appropriately achieved in every PPP project undertaken in terms of the PPP Regulations.

According to the PPP Unit, Municipal Service Delivery and PPP Guidelines the PPP BEE elements of the bid are equated as follows:

Equation 1: Extract Municipal Service Delivery and PPP Guideline, Bid overall score calculation.

a*(technical score/100) + b*(BEE score/100) + c*(price score/100) = d
where:
a is the weighting for technical elements (between 50% and 70%)
b is the weighting for BEE elements (10%)
c is the weighting for price (between 20% and 40%)
d is the total score achieved by the bidder.

The document further identifies the recommended weighted bid evaluation for the BEE component of the document.

Table 2-5: Extract BEE PPP Code of Good Practice recommended weighted evolution of BEE, Source PPP Unit, National Treasury, 2003

a* (technical score/100) + b* (BEE score/100) + c* (price score/100) = d
where:
a is the weighting for technical elements (between 50% and 70%)[21]
b is the weighting for BEE elements (10%)[22]
c is the weighting for price (between 20% and 40%)[23], and
d is the total score achieved by the bidder.

PPP BEE element	Indicative PPP project target	Recommended bid evaluation weighting
A: Private Party equity		**20%**
A1: Black Equity	40%	
A2: Active Equity	55% of A1	
A3: Cost of Black Equity	Value for money	
A4: Timing of project cash flows to Black Shareholders	Early and ongoing	
B: Private Party management and employment		**15%**
B1: Black Management Control	Commensurate with A1 and A2	
B2: Black Women in Management Control	15% of B1	
B3: Employment Equity	Compliant with law	
B4: Skills Development	1% of payroll	
C: Subcontracting		**50%**
C1: Capital expenditure cash flow to Black People and/or Black Enterprises	30%	
C2: Operating expenditure cash flow to Black People and/or Black Enterprises	30%	
C3: Black Management Control	25%	
C4: Black Women in Management Control	15% of C3	
C5: Employment Equity	Compliant with law	
C6: Skills development	1% of payroll	
C7: Procurement to Black Enterprise SMMEs	30%	
D: Local socio-economic impact	Sustainable, effective plan	**15%**

2.4.4.1 Stellenbosch Municipal policy

In terms of Section 4.2 of the municipal policy, procurement undertaken by Stellenbosch Municipality is to be in line with the Preferential Procurement Policy Framework Act Regulations (PPPFA of 2017 or as amended from time to time) [they were replaced in 2022 as indicated above] and circulars.), which places an emphasis on ownership and the achievement of developmental goals, such as the advancement of emerging contractors.

In terms of the directive issued by National Treasury on April 18, 2007, accounting officers and authorities are required to apply the PPPFA as it stands until such PPPFA has been revised.

Thus, although the Stellenbosch Policy does speak to BBBEE, it is limited in its scope and it is necessary, for purposes of the Project, to include additional items to be considered for BBBEE purposes and to respond to the new 2022 PPPFA Regulations.

2.4.5 Stellenbosch Integrated Development Plan

The socio-economic profile of Stellenbosch in accordance with the SEP Stellenbosch Municipality 2019 is summarised as per Figure 2-17. This information was further updated in 2020 through the update of the Integrated development plan.

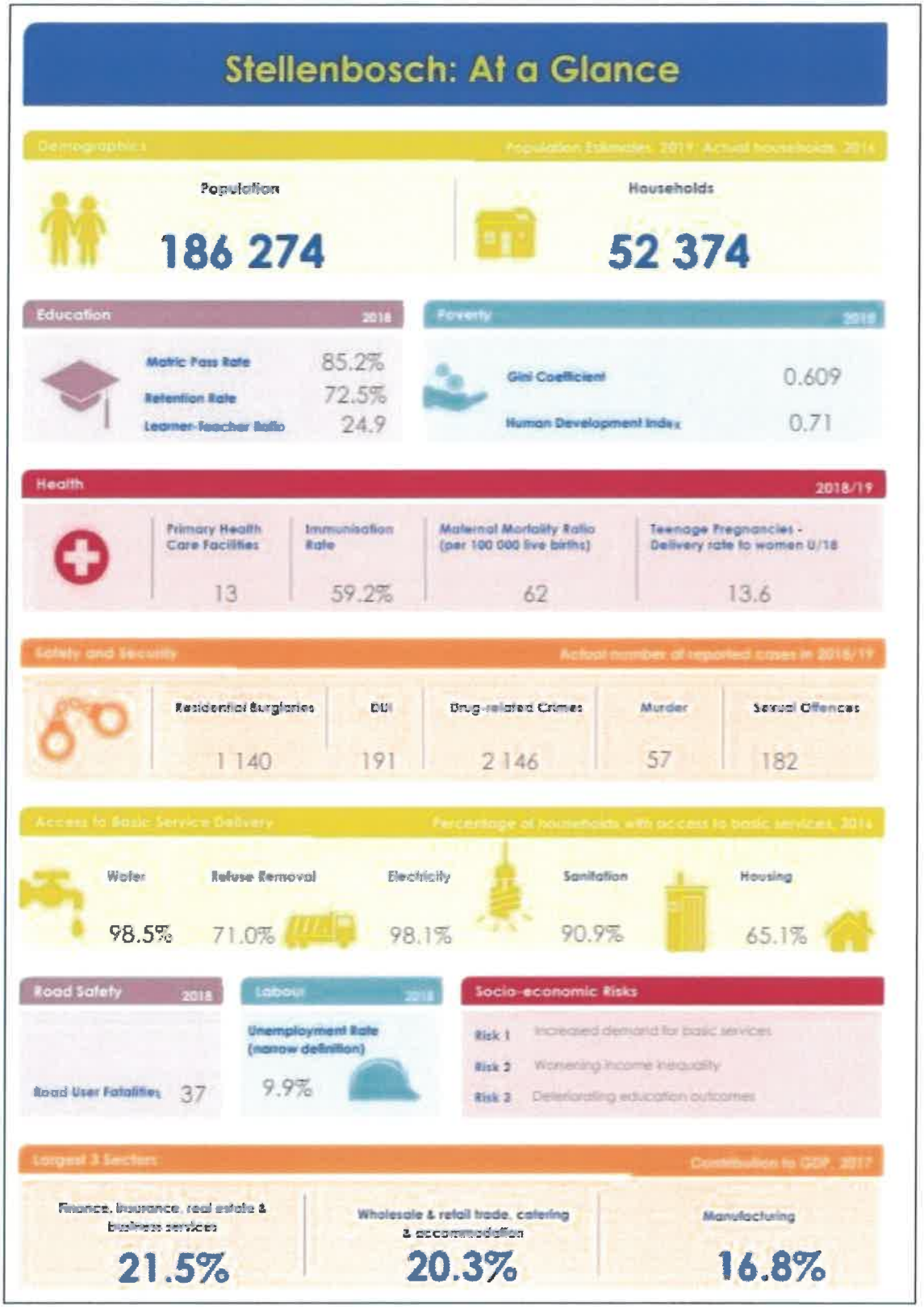


Figure 2-17: Extract Stellenbosch SEP 2019

2.4.5.1 Population

As per the 2020 IDP the population of Stellenbosch is 192 879 people in 2020, ranking amongst the most populated municipal areas in the CWD. This total is expected to growth to 209 849 by 2024, equating to an average annual growth rate of 2.1 per cent.

2.4.5.2 Sex Ratio

The data extracted from the 2020 IDP indicates that there are less males than females in the Stellenbosch municipal area with a ratio of 49 per cent (males) to 51 per cent (females).

2.4.5.3 Age

Cohorts Between 2020 and 2026, the largest population growth projection was recorded in the 65+ aged cohort which grew at an annual average rate of 3.3 per cent. The dependency ratio however, decreases towards 2023, and increases towards 2026 as identified in the 2020 IDP.

2.4.5.4 Household sizes

The actual size of households remains steady at 3.7 from 2020 to 2024. Contributing factors to a stagnation in household size growth could include, but are not limited to, lower fertility rates, occurrences of divorce, ageing population, etc.

2.4.5.5 Population Distribution Group

The population distribution group of Stellenbosch Municipality is dominated by coloured, black African and white populations. The coloured population group amounts to over 52% and the black African group to almost 30%. The persons of colour amounts to over 80% of the Stellenbosch Municipality population groups. Based on the unemployment statistics and

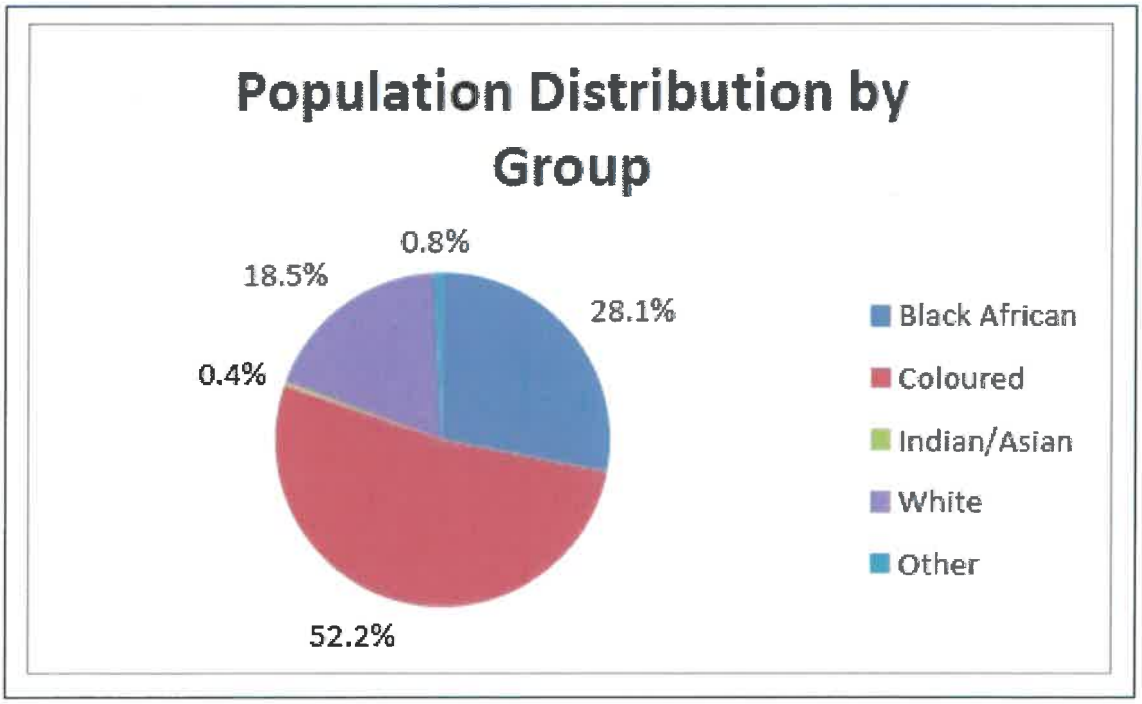


Figure 2-18: Extract Population group_ source CITP 2016

2.4.5.6 Population density

Amidst rapid urbanisation across the Western Cape, population density figures will aid public sector decision makers to mitigate environmental, individual health and service delivery risks. In 2020, the population density of the Cape Winelands District (CWD) was 44 persons per square kilometre. Integrated Development Plan 2017-2022: In order of highest to lowest, the various local municipal areas in the CWD compare as follows:

- Stellenbosch 232 people/km2
- Drakenstein 189 people/km2
- Breede Valley 50 people/km2
- Langeberg 26 people/km2
- Witzenberg 14 people/km2

According to the above comparison Stellenbosch has the highest densities in the Cape Winelands District.

2.4.5.7 Income Inequality

The National Development Plan (NDP) has set a target of reducing income inequality in South Africa from a Gini coefficient of 0.7 in 2010 to 0.6 by 2030.



	Western Cape	Cape Winelands	Witzenberg	Drakenstein	Stellenbosch	Breede Valley	Langeberg
2012	0.604	0.589	0.552	0.587	0.625	0.565	0.551
2015	0.606	0.593	0.572	0.591	0.611	0.581	0.569
2018	0.614	0.602	0.589	0.601	0.609	0.594	0.588

Figure 2-19: Extract SEP 2019 Income inequality Gini Coefficient

In 2018, the Gini coefficient of the CWD (0.602) was lower than that of the Western Cape (0.614). The Gini coefficient of the Stellenbosch municipal area at 0.609 is the highest in the district and outside of the NDP target of 0.6.

2.4.5.8 Economic Sector Performance

In 2017, the total GDPR for Stellenbosch amounted to R15.639 billion with economic activity mostly focussed within the tertiary sector (R10.953 billion; 70.0 per cent). The overall economy grew by 1.9 per cent between 2008 and 2017. From 2014 – 2018 (estimated) economic growth in the municipal area slowed to 1.4 per cent compared to the District's growth of 1.0 per cent over the same period. Stellenbosch's GDPR economy is expected to grow at 0.8 per cent 2018.

Stellenbosch: GDPR performance per sector, 2008 - 2017									
Sector	Contribution to GDPR (%) 2017	R million value 2017	Trend		Real GDPR growth (%)				
			2008 - 2017	2014 - 2018e	2014	2015	2016	2017	2018e
Primary sector	6.4	1 003.6	2.1	-0.3	6.7	-3.3	-9.6	9.0	-4.3
Agriculture, forestry & fishing	6.2	974.0	2.1	-0.3	6.7	-3.4	-9.8	9.2	-4.4
Mining & quarrying	0.2	29.6	1.4	1.6	7.2	0.3	0.6	2.2	-2.5
Secondary sector	23.5	3 682.4	-0.6	-0.2	0.3	0.0	-0.4	-0.9	-0.2
Manufacturing	16.8	2 627.0	-1.5	-0.8	-0.7	-0.8	-1.0	-1.3	-0.2
Electricity, gas & water	1.4	221.4	0.1	-0.3	0.1	-1.3	-2.5	1.1	1.4
Construction	5.3	834.0	4.0	2.2	4.9	3.5	2.7	0.5	-0.6
Tertiary sector	70.0	10 952.5	2.9	2.1	3.0	2.4	2.0	1.5	1.6
Wholesale & retail trade, catering & accommodation	20.3	3 179.2	3.3	2.3	3.1	3.6	3.1	0.7	1.1
Transport, storage & communication	10.8	1 693.0	4.7	3.8	5.9	3.2	3.3	3.4	3.3
Finance, insurance, real estate & business services	21.5	3 359.4	2.9	2.4	2.7	2.9	1.8	2.4	2.1
General government	10.7	1 669.7	1.9	0.1	2.4	-0.5	-0.6	-0.9	0.2
Community, social & personal services	6.7	1 051.3	1.2	0.9	1.2	0.6	1.2	1.0	0.3
Total Stellenbosch	100	15 638 5	1.9	1.4	3.0	1.4	0.6	1.4	0.8

Figure 2-20: Extract, SEP 2019 Economic Sector Performance

In accordance with the SEP 2019, the primary sector is almost exclusively supported by the agriculture, forestry and fishing sector which contributed 6.4 per cent to total GDPR in 2017. The agriculture, forestry and fishing sector grew at an average rate of 2.1 per cent between 2008 and 2017.

The growth contracted to 0.3 per cent from 2014 to 2018 dropping off mainly due to the impact of the drought, as per the SEP 2019. Challenges were encountered in the secondary sector, specifically in the manufacturing and agriculture, forestry and fishing sectors. The secondary sector contributed 23.5 per cent (R3.682 billion) to total GDPR in 2017 and maintained a negative 0.6 per cent growth rate between 2008 and 2017.

Strong growth within the construction sector (4.0 per cent) was offset by weakened performance in the manufacturing (-1.5 per cent) and electricity, gas and water (0.1 per cent) sectors. From 2014 to 2018 growth in the construction sector slowed to 2.2 per cent while the manufacturing sector shrunk to -0.8 per cent growth.

The finance, insurance, real estate & business services sector is the most dominant sector in the tertiary sector and the largest contributor to GDPR in 2017 (R3.359 billion; 21.5 per cent), followed closely by the wholesale and retail trade, catering and accommodation sector (R3.179 billion; 20.3 per cent). From 2008 to 2017, the fastest growing sector was the transport, storage and communication sector, growing at 4.7 per cent on average per annum.

As a result, the transport sector has a significant impact on the economic conditions with Stellenbosch Municipality.

2.4.5.9 Labour

Although various sectors have been increasing, there has been significant job losses in the primary sector as well as transport sector.

Stellenbosch: Employment growth per sector 2006 - 2017									
Sector	Contribution to employment (%)	Number of jobs	Trend		Employment (net change)				
	2017	2017	2006 - 2017	2014 - 2018e	2014	2015	2016	2017	2017e
Primary sector	14.0	10 726	-4 528	425	-581	2 245	-517	-463	-259
Agriculture, forestry & fishing	14.0	10 692	-4 526	424	-583	2 243	-518	-463	-255
Mining & quarrying	0.0	34	-2	1	2	2	1	0	-4
Secondary sector	15.6	11 921	404	666	176	163	135	135	57
Manufacturing	10.2	7 847	-546	-28	-37	89	-89	68	-59
Electricity, gas & water	0.2	157	45	17	6	6	8	0	-3
Construction	5.1	3 917	905	677	207	68	216	67	119
Tertiary sector	70.4	53 938	13 735	6 726	1 553	1 855	320	1 833	1 165
Wholesale & retail trade, catering & accommodation	25.4	19 444	5 631	3 125	451	951	253	1 073	397
Transport, storage & communication	4.3	3 255	1 504	455	118	250	-151	168	70
Finance, insurance, real estate & business services	16.7	12 794	3 541	2 214	387	550	238	395	644
General government	9.7	7 439	1 152	148	365	-156	122	-261	78
Community, social & personal services	14.4	11 006	1 907	784	232	260	-142	458	-24
Total Stellenbosch	100	76 585	9 611	7 817	1148	4 263	-62	1 505	963

Figure 2-21: Extract, SEP 2019 employment growth per sector

The semi-skilled and low-skilled employement trends still dominate the municipality with over 70% of the labour force. However, if the Gini Coeficient is observed, the grap between economic inequality is reducing with stellenbosch municipality having a coeficient of 0.609 which is near to the NDP target of 0.6, which is an indication of an increase in the skilled and semi-skilled labour force. However, there is still work to be done to increase the semi-skilled and skilled labour force and thus projects such as the parking garage in the CBD will increase required skilled needs for the construction phase will increase the need for skilled and semi-skilled labour for the operations and management of the facility.

Moreover, in considering the population groups in Stellenbosch as well as the PPPFA, PPP Unit, Municipal Service Delivery and PPP Guidelines, the municipalities procurement needs as well as the focus on BBBEE bid evaluation criteria can be used to help address the economic transformation required and mandated to the municipality.

Stellenbosch: Trends in labour force skills, 2014 - 2018				
Formal employment by skill	Skill level contribution (%)	Average growth (%)	Number of jobs	
	2017	2014 - 2018e	2017	2018e
Skilled	23.9	2.6	13 199	13 545
Semi-skilled	43.1	3.5	23 824	24 606
Low-skilled	33.0	2.5	18 273	18 368
Total Stellenbosch	100	3.0	55 296	56 519

Figure 2-22: Extract, SEP 2019 Labour force trends

3 Parking Demand Analysis

3.1 Introduction

The aim of the parking demand analysis is firstly to assess the performance of the parking supply in the vicinity of Eikestad Mall (Stellenbosch CBD) and to identify the parking requirements. During the pre-feasibility study done in 2021 for a parking facility in Stellenbosch, parking surveys were undertaken during a period when traffic and parking patterns were affected by Covid19. During the *Public Private Partnership for Eikestad Parking Development* appointment in 2023, surveys will be undertaken to update the parking demand calculations to review the parking demand post Covid19.

Surveys will be undertaken during the peak and off-peak seasons to identify the difference in parking demand between the peak and off-peak seasons. This comparison is important to develop a parking demand profile over an entire year considering the periods where a high parking demand is expected and periods where a lower parking demand is expected. This parking demand profile is important for the financial models to paint a more realistic picture of the expected income during high and low parking demand seasons.

The main deliverable associated with this phase of the project, is as follow:

- Determine the parking demand for the planned Eikestad parking facility.
- Determine the parking demand for revenue calculations.

3.2 Methodology

Taking into consideration the project deliverables, the following is recommended for the Public Private Partnership for Eikestad Parking Development Study:

- Analyse the Spatial Development Framework (SDF) and the Comprehensive Integrated Transport Plan (CITP) of the Stellenbosch Municipality and identify those developments that will increase the demand for parking.
- Analyse the influence of the University's policies, parking provision and public transport systems on the CBD of Stellenbosch especially, and thus the demand for parking.
- Identify projects and policies that will increase the demand for parking namely: the pedestrianisation of certain streets, as well as the elimination of parking to increase street capacity.
- Analise parking survey data to determine the total parking demand.
- Analyse stated preference survey data.
- Parameters such as the peak time, parking accumulation, parking saturation, parking duration, peak parking ratio, parking turnover and parking index will be calculated from the parking surveys. These parameters will be used for the sizing of the planned parking facility.
- Scenario testing – Factors that could influence the parking demand.

- Following the parking demand calculations, other factors such as the following will be taken into consideration to determine the effect on the parking demand:
    - Spatial Development Framework
    - Compressive Integrated Transport Plan
    - Public transport interventions
    - Stellenbosch University parking policies
    - Pedestrianisation of pre-defined streets in the CBD
- Determine specific parking shortfalls for the 2028 horizon year.
- Compile the Future Parking Needs Plan.

3.3 Land-use Development

3.3.1 Legal Parking Provision Requirements

In the Provincial Gazette Extraordinary of Friday 27 September 2019 was published the "Stellenbosch Municipality: Zoning Scheme By-Law". Amongst other information this document carried the following requirements for the provision of parking at new developments:

Table 3-1: Off-Street Parking Requirements (Stellenbosch Municipality: Zoning Scheme By-Law, 2019)

Land Use Category	Normal parking	Additional parking reserved for visitors
Residential		
Bed- and breakfast (additional to dwelling)	1 bay/guest bedroom	
Commune	1 bay/bedroom	
Community Residential building: orphanage and old age home	0,3 bay/bedroom	
Dwelling house in all zones except LFR: 1 bedroom 2 or more bedrooms	 1 bay/dwelling house 2 bays/dwelling house	
Dwelling house in LFR Zone	1 bay/dwelling house	
Flats in all zones except LFR: 1- & 2-bedroom units 3-bedroom units 4 or more-bedroom units	 1 bay/dwelling unit 1,25 bays/dwelling unit 1,5 bays/dwelling unit	 0,5 bay/dwelling unit 0,5 bay/dwelling unit 0,5 bay/dwelling unit
Flats in LFR Zone:	1 bay/dwelling unit	0,25 bay/unit
Group house:	1 bay/group house	1 bay/unit
Guest house	1 bay/bedroom or suite	
Home lodging (additional to dwelling unit)	1 bay/boarder bedroom	
Hostel	1 bay/bedroom for private hostels; 0,6 bay per bedroom for tertiary institution; nil for schools	
Hotel	0,7 bay/bedroom or suite plus, additional parking for additional facilities accessed by non-guests at the corresponding ratio for the particular land use as set out in this table.	
Backpackers	To be determined by Council based on occupancy and location	
Second dwelling house: all zones except LFR	1 bay/second dwelling	
Second dwelling house in LFR zone	nil	
Tourist accommodation establishment	To Municipality's satisfaction - between 0,7 bays per bedroom and 1 bay per self-catering unit	
Business and office		
Business premises: including liquor store, funeral parlour, adult entertainment and similar	4 bays/100m² gross leasable area	
Commercial gymnasium	6 bays/100m² gross leasable area	
Conference facility	0,25 bay/seat	
Filling Station	4 bays/100m² gross leasable area	
Motor showroom: Light Vehicles	3 bays/100m² gross leasable area	
Motor showroom: Medium and Heavy Vehicles	1 bay/100m² gross leasable area with a min of 6 bays plus 1/bay/800m² gross leasable area for heavy vehicles (min 1 bay)	
Motor vehicle fitment centre, repair centre	4 bays per service bay plus 4 bays/100m² gross leasable area: Min 8 bays	
Offices	4 bays/100m² gross leasable area	
Place of entertainment -general Cinemas and theatres -in shopping centre -stand-alone	4 bays/100m² gross leasable area 0,1 bay/seat 0,25 bay/seat	
Plant nursery	1 bay/100m² gross leasable area (total indoor and outdoor sales area)	
Restaurant	4 bays/100m² gross leasable area	
Service station	4 bays /service bay plus 2 bays/100m² gross leasable area	
Shops (including supermarkets and centres): up to and including 1000m² >1000m²	 4 bays/100m² gross leasable area 6 bays/100m² gross leasable area	
Industrial		
Industry	1,5 bays/100m² gross leasable area	
Warehouse, abattoir, brickworks, builders' yard	1 bay/100m² gross leasable area	
Scrap yard	1 bay/100m² gross leasable area	
Community facilities and medical		
Medical consulting rooms	6 bays/100m² gross leasable area	
Clinics and Hospitals	1 bay/bed plus 3 bays/consulting room	
Day care centre	1 bay/classroom or office	
Extramural facility	1 bay/4 students	
Place of Education	1 bay/classroom	

Land Use Category	Normal parking	Additional parking reserved for visitors
Tertiary educational institution		
colleges	1 bay/lecture room	0,25 bay/student
university	1 bay/lecture room	0,4 bay /student
Place of worship		
Church	0,4 bay/seat or 40 bays/100m² of seating and aisle area	
Mosque	25 bays/100m2 of net prayer area	
Place of assembly; indoor sport	0,25 bay/seat or 20 bays/100m² gross leasable area	
Outdoor sport	0,25 bay/seat, player or occupant	
Public institution (e.g. library, museum)	2 bays/100m² gross leasable area	
Welfare institution, libraries and museums	2 bays/100m² gross leasable area	

The following regulations for the provision of parking in terms of Table 3-1 have also been defined:

- Off-street parking requirements for any new development are set out in Table 3-1 and shall apply to all new development approved after the commencement of this Scheme.
- The parking standard in Table 3-1 applies to the land use as indicated in the table, notwithstanding the base zone, unless otherwise indicated.
- Off-street parking shall be provided:
    - on the same land unit where the land use is located for which the parking is required; or
    - in a public parking facility to be provided by the developer near the site, subject to the Municipality's approval and subject further to any conditions it may impose together with such approval; or
    - on another land unit, in which case the land on which such parking is provided shall be notarially tied with the subject land unit in accordance with this Scheme.
- Where an addition is made to an existing building, or where an existing building or its use is altered so as to require additional parking or loading, only the additional parking required by that particular addition or altered land use shall be required to be provided.
- Should the Municipality approve a departure from minimum parking requirement in terms of this Scheme, it may impose a condition which requires payment of a levy in lieu of the shortfall of the number of bays, on the basis that public parking or roads may be utilised for parking of vehicles connected to the activity. The Municipality shall adopt a policy in this regard, setting out the circumstances under which such levy may be charged, as well as the method of calculation, and a levy may only be charged in accordance with said approved policy.
- Parking on a land unit shall only be for land uses which are lawfully permitted on the land unit or part thereof. Apart from the provision in section 31(1)(a), no business vehicles may be parked on land which is not zoned in a manner which permits, with technical approval or consent use, if required that specific land use.
- The size and layout of all parking bays, parking areas and circulation space shall be to the Municipality's satisfaction and shall be dimensioned on a site development plan or building plan.
- Except in the case of dwelling houses, tandem parking bays count as one bay.

- Parking areas shall be constructed, adequately signposted, demarcated and maintained to the Municipality's satisfaction.
- Parking layout, circulation and dimensions shall be to the Municipality's satisfaction. Minimum parking bay dimensions are 2,5 meters wide by 5-meter-long unless otherwise approved by the Municipality. The Municipality may require that bays are wider to ensure they are accessible especially in cases where they are adjacent to solid walls and support columns or where narrow aisle widths require wider bays.
- All parking bays shall remain accessible for use as parking and may not be otherwise used or encroached upon.
- When approving a rezoning, consent use or departure application in terms of the Planning By-law, the Municipality may impose conditions which require more parking than stipulated in this section and may also impose parking requirements for land uses not stipulated in Table 3-1.
- Where two or more land uses on the same land unit combine to share a common parking area, parking requirements may be reduced with the Municipality's technical approval and an applicant for a building plan may submit a motivation prepared by a suitably qualified person in support of shared parking together with such building plan. Approval of reduced parking on this basis is solely at the Municipality's discretion.
- Shared parking may never be allocated or rented to specific users or tenants and shall at all times be available on a first-come-first-serve basis.

The above parking requirements are very clear cut, and it is obvious that if it is rigorously enforced, no new developments will add to the perceived parking shortfalls in the study area. The emphasis in this study would thus be to address the historic shortfalls in the study area.

3.3.2 SDF and CITP projects that may impact the parking demand

3.3.2.1 SDF

In the SDF a number of policy statements are defined who may have a long-term influence on parking demand in the municipal area, it is however difficult to ascertain the exact influence over the short term. These policy statements are the following:

- The SDF has a clear policy objective of no long-term growth in automobile traffic. Graphically it is depicted as follows in the SDF (p111, MSDF):

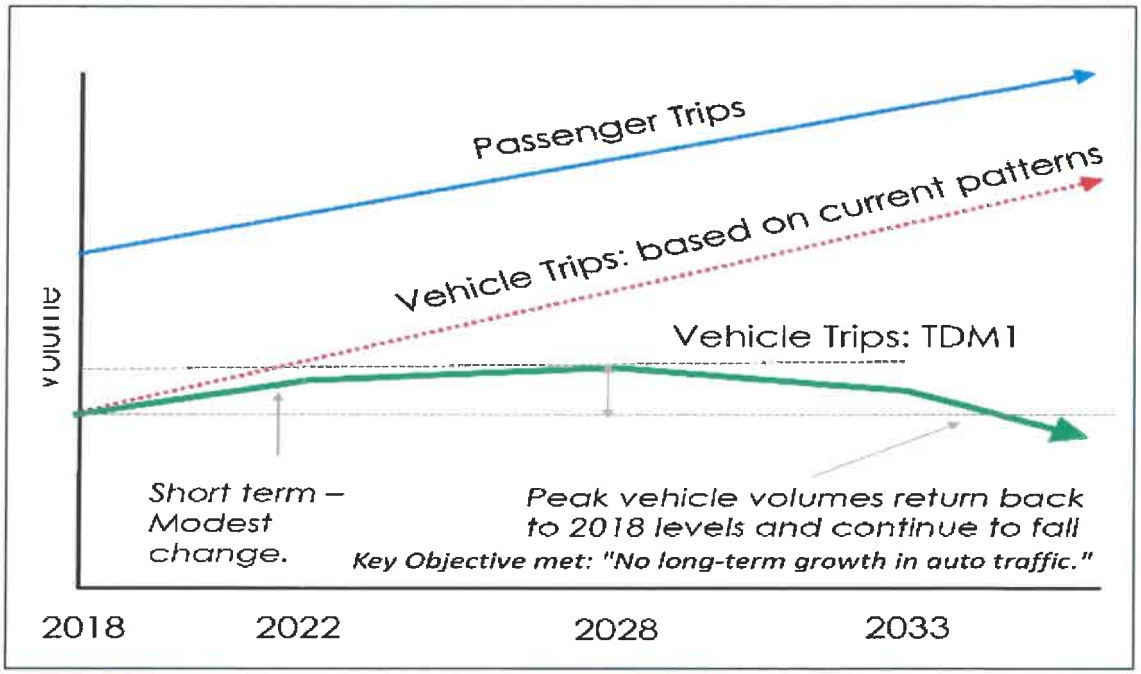


Figure 3-1: Expected Vehicle Growth in Stellenbosch

3.3.2.2 CITP

Stellenbosch's CITP defines a future public transport system based on a series of hubs and park- and ride sites outside the town as depicted below:

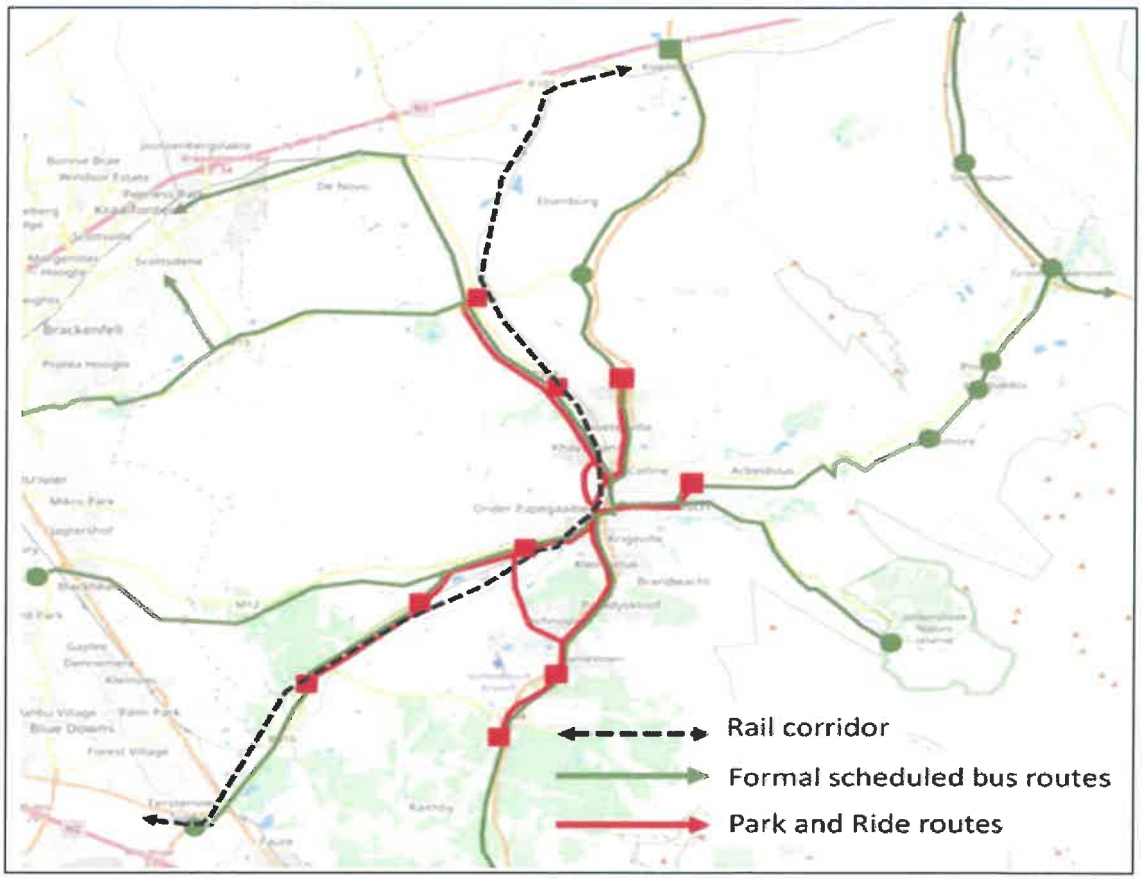


Figure 3-2: Future Park- and Ride Hubs

3.3.2.3 Findings

The parking requirements are quite clear, in the sense that all new developments (also in the CBD) will have to provide the necessary parking spaces off-street, to fulfil all the parking demand for such developments.

Coupled to this, has the SDF defined very ambitious objectives to lower the vehicle traffic inside Stellenbosch Town, with very clear projects with which to achieve this.

In summation, it can be said that it is a prudent approach to the parking garage feasibility study, to cap parking demand at existing levels, as it is unlikely with all the policies and objectives defined that there will be a future rise in parking demand in the study area.

3.4 Data collection

3.4.1 Inventory of Parking Facilities

A detailed parking inventory of all the existing public parking facilities in the study area was undertaken between 24 August 2020 and 19 September 2020. The following were recorded:

- Parking area type;
- Number of parking spaces per parking facility;
- Operating times and parking duration time limit; and
- Parking tariffs and method of collection.

An updated inventory was undertaken on 3 October 2023 and the following was recorded:

- Operating times and parking duration time limit;
- Parking tariffs and method of collection.

In addition to the above, the number of parking spaces at the new MySpace Apartment Block (underground parking) was recorded on 13 October 2023.

3.4.2 Parking Surveys

Parking surveys were undertaken in the study area from 06:00 to 18:00 between 15 and 19 September 2020 as well as between 22 and 24 April 2021, for the pre-feasibility study done in 2021 for a parking facility in the study area.

Parking surveys were undertaken post Covid19 during the following periods to understand the utilisation of the parking areas within the survey area:

- Peak Period - Between 18 and 20 May 2023
- Off-peak Period - Between 11 and 15 July 2023

The parking areas were grouped into 32 parking survey areas with an average of 59 parking spaces per parking survey area. Each parking survey area was assigned to a surveyor (counter). Refer to Figure 3-3 for the 32 parking survey areas.

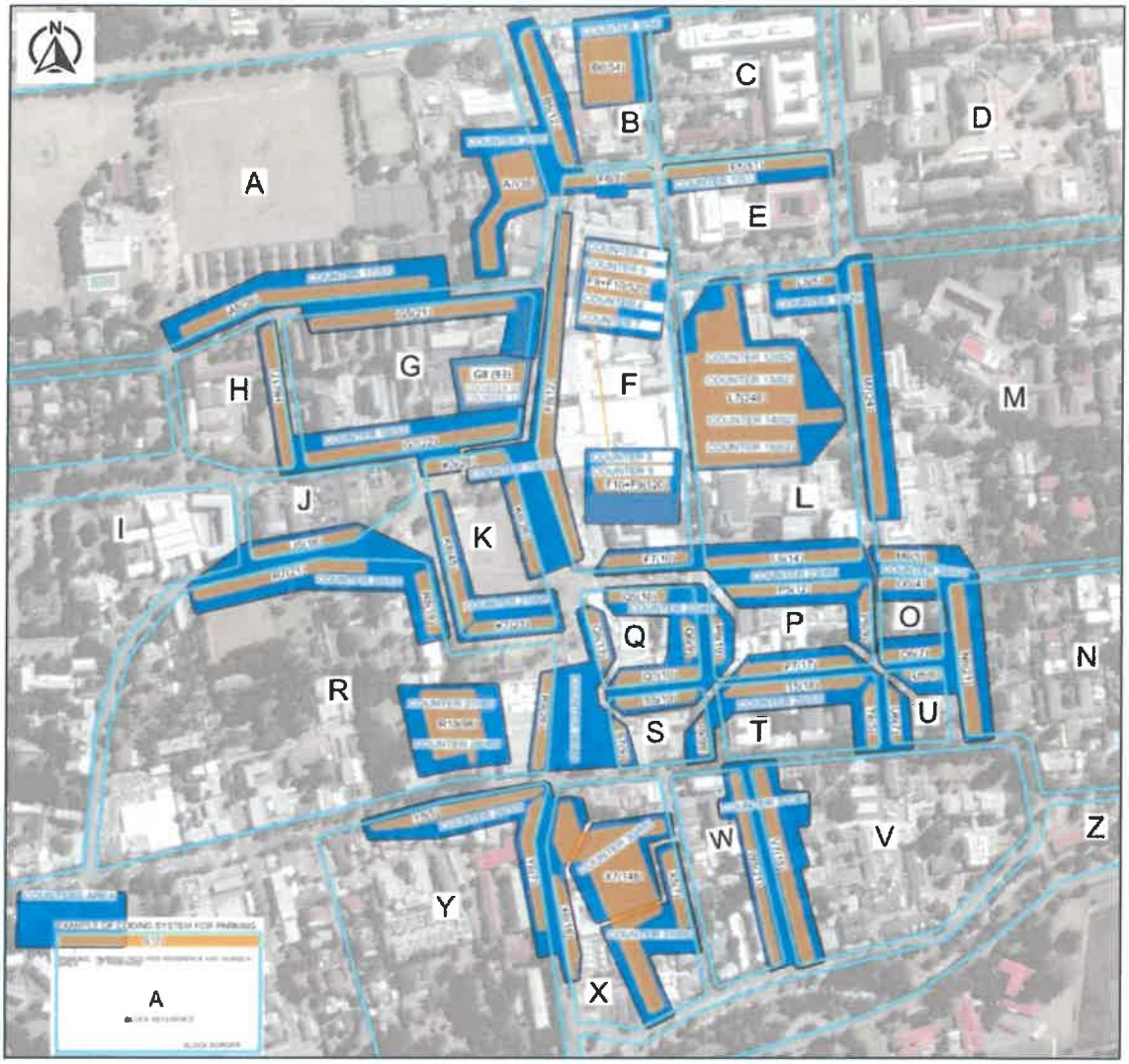


Figure 3-3: Counter locations in the study area

3.4.3 Stated Preference Surveys

Stated preference surveys were undertaken in the study area from 06:00 to 18:00 between 15 and 19 September 2020, for the pre-feasibility study done in 2021 for a parking facility in Stellenbosch CBD.

For the *Public Private Partnership for Eikestad Parking Development* appointment, stated preference surveys were undertaken post Covid19 to obtain detailed information from the parking users utilising the parking areas within the study area. Stated preference surveys were undertaken post Covid19 during the following periods:

- Peak Period - Between 18 and 20 May 2023
- Off-peak Period - Between 11 and 15 July 2023

The parking survey areas were grouped into 15 stated preference survey areas with an average of 3 parking survey areas per stated preference survey area. Each group was assigned to an interviewer interviewing the parking users at the various parking facilities in the stated preference survey area. Refer to Figure 3-4 for the 15 stated preference survey areas.

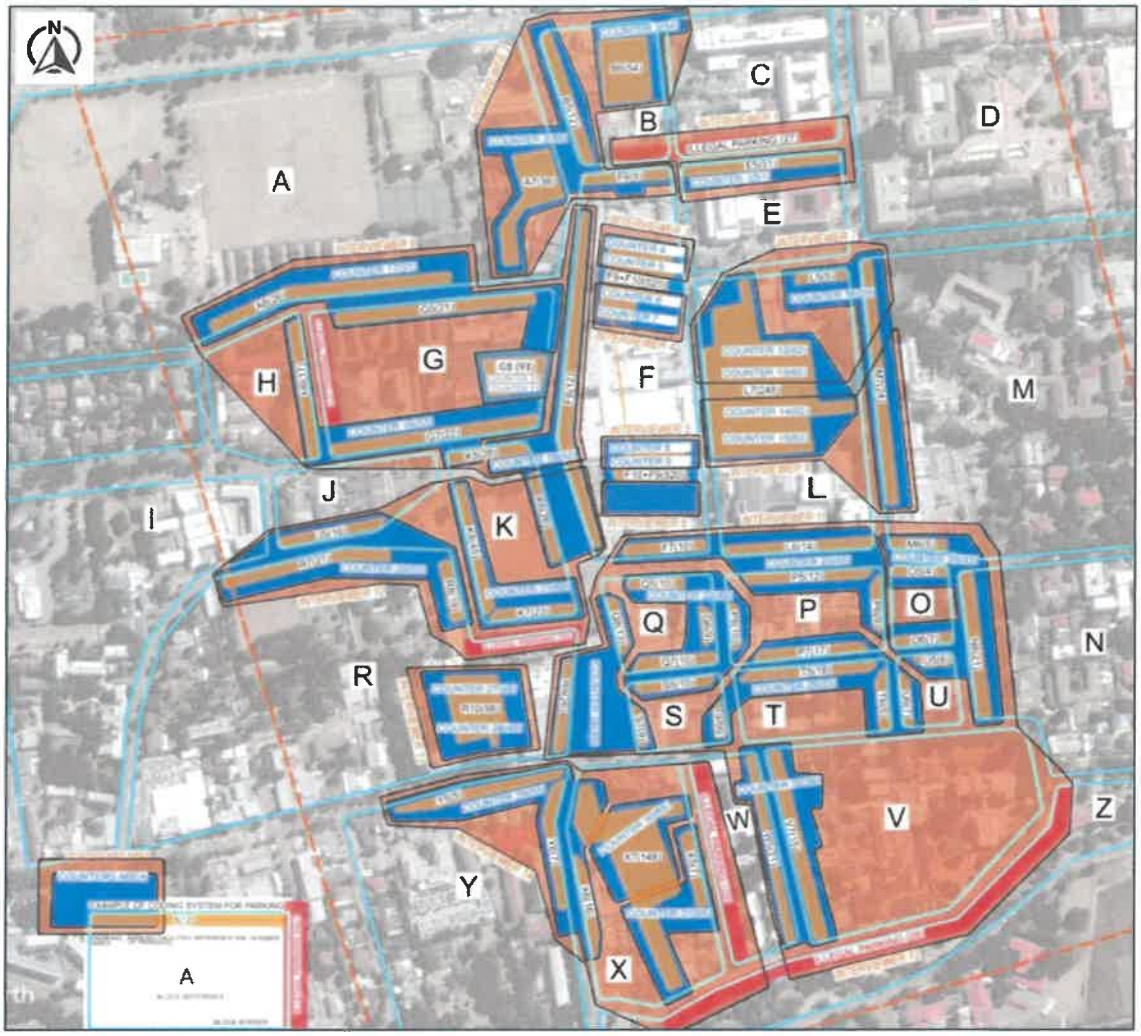


Figure 3-4: Stated Preference Survey Locations in the study area

3.4.4 Traffic Surveys

Traffic surveys are required to calculate the traffic growth rate within the study area. The traffic growth rate will be used to calculate the anticipated future parking requirements. Data from seven (7) permanent Western Cape Government (WCG) counting stations, recoded between 1 September 2011 and 28 February 2022 at the following locations, were received:

- R304 – Joostenberg Vlakte (Station nr. 5011)
- M23 – Bottelary (Station nr. 5005)
- R44 – Delheim (Station nr. 5023)
- R45 – Franschoek (Station nr. 5013)
- M12 – Polkadraai (Station nr. 5075)
- R310 – Spier (Station nr. 5074)
- R44 – Eikendal (Station nr. 5057)

Note should be taken that at Counting Station 5074, no data was recorded after 28 February 2022. Refer to Figure 3-5 for the seven (7) permanent WCG counting station locations.

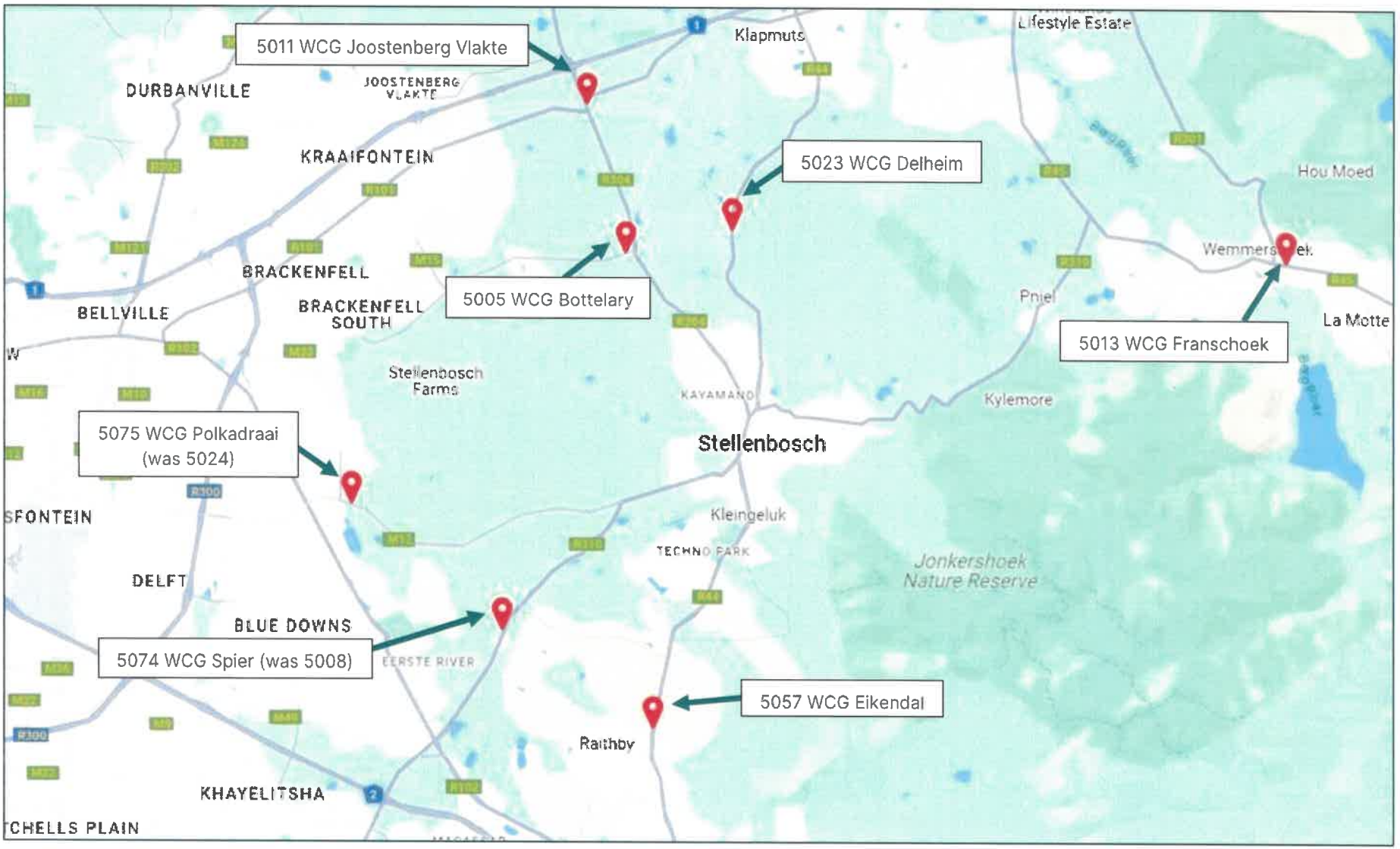


Figure 3-5: Western Cape Government (WCG) Counting Station Locations

3.5 Existing Parking Supply / Demand

This section summaries the parking analysis results of the parking inventory, parking survey, parking accumulation and status preference survey for the planned Eikestad parking facility.

3.5.1 Inventory Analysis

3.5.1.1 Parking Area Types and Coding System for Parking Inventory

The parking study for the planned Eikestad parking facility only includes the public parking facilities and illegal parking areas. The public parking facilities include on- and off-street parking, which can be classified as either free or paid parking.

The study area was subdivided into 32 blocks (Block A to Block Z). Refer to Figure 3-6 for the 32 blocks, the parking areas per block and the illegal parking areas.

Within the greater study area, a focus area was determined consisting of the parking areas for which the parking demand could realistically be assumed to make use of the planned Eikestad parking facility. The parking areas included in the focus area were selected based on the distance users would need to walk from the facility to reach their destination. This parking demand was then considered for further analysis. Refer to Figure 3-7 for the legal parking areas within the focus area. Note should be taken that the illegal parking areas and underground parking areas F9, F10 and G8 were assessed and used in two of the three methods of calculation the parking facility demand in Section 3.7.

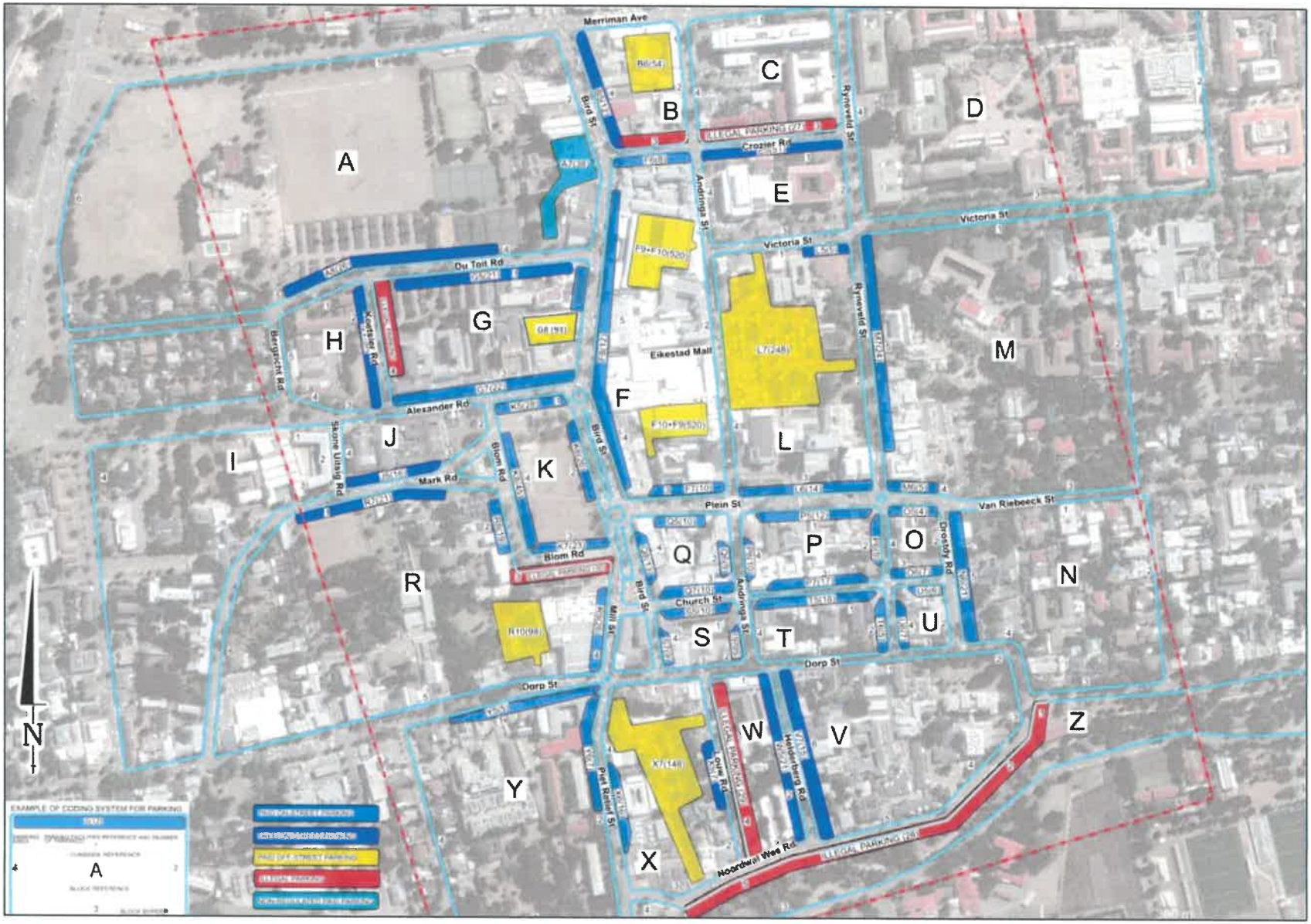


Figure 3-6: Coding system for parking areas in the study area

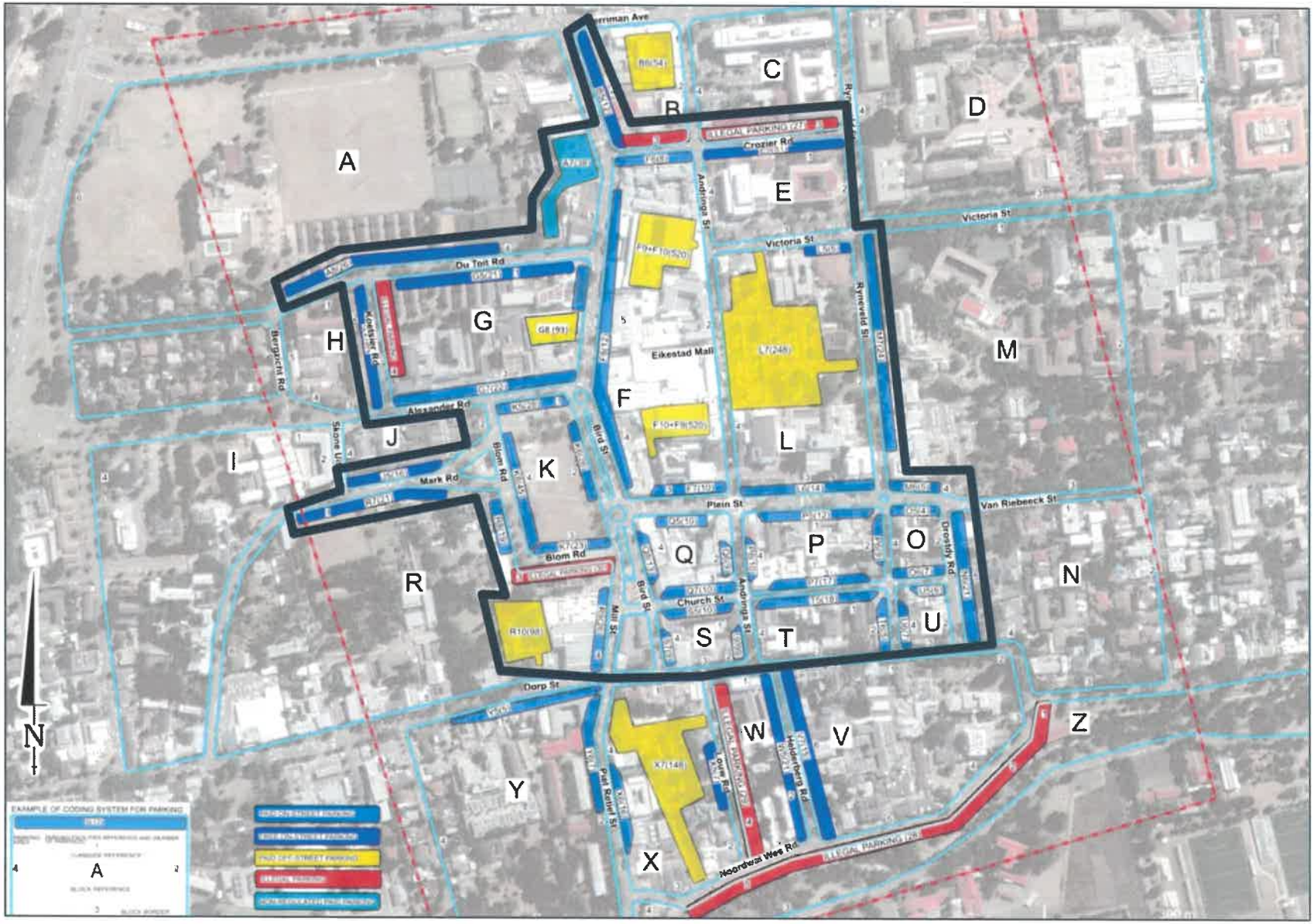


Figure 3-7: Legal parking areas within the Focus Area (Excluding Underground parking areas F9, F10 and G8)

Refer to Table 3-2 for a summary of the legal parking areas forming part of the focus area.

Table 3-2: Legal Parking Areas within the Focus Area

Parking Type	Street Name / Parking Area	Parking Location Numbers	Number of Parking Bays
On-Street	Alexander Street	G7, K5	49
	Andringa Street	P8, Q6, S6	25
	Bird Street	B5, F8, Q8, S7	42
	Blom Street	K7, K8, R8	87
	Church Street	O6, P7, Q7, S5, T5, U5	67
	Crozier Street	E5, F6	61
	Drostdy Road	N6	21
	Du Toit Street	A8, G5	50
	Koetsier Street	H6	17
	Mark Street	J5, R7	33
	Mill Street	K6, R9	53
	Plein Street	F7, L6, M6, O5, P5, Q5	54
	Ryneveld Street	M7, P6, T6, U6	45
	Victoria Street	L5	5
Off-Street	Access from Du Toit Street	A7	44
	Eikestad Parking Area	L7	255
	Access from Blom Street	R10	98

3.5.1.2 Number of parking spaces per parking facility

Refer to Table 3-3 for the parking inventory summary of the study area.

Table 3-3: Parking Inventory Summary of the Study Area

Parking area Type		Inventory (Study Area)	% Split
On-Street	Free	214	11%
	Paid	468	25%
Off-Street	Free	44	2%
	Paid	1 179	62%
Total		**1 905**	**100%**

The study area surveyed for the planned Eikestad parking facility has roughly 1 905 public parking spaces. Majority of the parking spaces within the greater study area are off-street parking (62%) and 96% of the off-street parking is paid parking. 69% of on-street parking in the study area is paid parking.

Refer to Table 3-4 for the parking inventory summary of the focus area (formalised parking only).

Table 3-4: Parking Inventory Summary of the Focus Area (Formalised parking only)

Parking area Type		Inventory (Focus Area)	% Split
On-Street	Free	170	17%
	Paid	439	44%
Off-Street	Free	44	4%
	Paid	353	35%
Total		**1 006**	**100%**

Majority of the parking spaces within the focus area are on-street parking (61%) and 72% of the on-street parking is paid parking. 89% of off-street parking in the study area is paid parking.

3.5.1.3 Operating times and parking duration time limit

Two parking areas in the study area had a time limit on the parking duration:

- De Watergracht parking area is only open to public between 08:00 and 18:00 from Monday to Saturday.
- Parking area R7 has a 30-minute parking limit between 08:00 and 18:00 during weekdays, and between 08:00 and 13:00 on Saturdays.

3.5.1.4 Parking tariffs and method of collection

From the site visits and a desktop study done in 2020, information on the rates and method of collection before and after the 20% reduction in parking tariffs (as an economic relief due to the impact of Covid-19) were collected at all on- and off-street parking areas in the study area. The parking tariffs and method of collection was reviewed and updated in 2023.

On-Street:

The payment method for on-street parking during the data collection periods was identified to be on-street payment to the parking marshal. All on-street parking areas in the study area belong to the Stellenbosch Municipality. The tariffs for on-street areas are set out in Table 3-5.

The trading/billing hours at paid on-street parking areas within the greater study area, excluding Parking Area X6 located on Piet Retief Street, controlled by Stellenbosch Municipality, are defined below:

- 08:00 – 17:00 (Monday – Friday)
- 08:00 – 14:00 (Saturday)
- Free – (Sunday / Public Holidays)

The trading/billing hours at paid on-street Parking Area X6 located on Piet Retief Street, controlled by Stellenbosch Municipality, are defined below:

- 08:00 – 19:00 (Monday – Friday)
- 08:00 – 14:00 (Saturday)
- Free – (Sunday / Public Holidays)

Table 3-5: On-Street Parking Tariffs

Street/Area	Parking Location Number	On-Street Parking Tariffs (Per hour - Incl. Vat)		
		Before amendments on 21 Sept 2020	Amended Tariff – Post 21 Sept 2020	Site Visit – Tuesday, 3 Oct 2023
Alexander Street	G7, K5	R10	R8	R8
Andringa Street	P8, Q6, S6	R10	R8	R8
Bird Street	B5, F8, Q8, S7	R10	R8	R8
Blom Street	K7, K8, R8	R10	R8	R8
Church Street	O6, P7, Q7, S5, T5, U5			R8
Crozier Street	E5, F6	R10	R8	R8
Dorp Street	Y5	R10	R8	R8
Drostdy Road	N6			R8
Du Toit Street	A8, G5			R8
Helderberg Street	V7, W5			R8
Koetsier Street	H6			R8
Louw Street	X5			R8
Mark Street	J5, R7			R8
Mill Street	K6, R9	R10	R8	R8
Piet Retief Street	X6	R10	R8	R8
	Y6	R10	R8	R12
Plein Street	F7, L6, M6, O5, P5, Q5	R10	R8	R8
Ryneveld Street	M7, P6, T6, U6	R10	R8	R8
Victoria Street	L5			R8

Off-Street:

Payment for off-street parking during the data collection periods was made at the exit of the parking area to a parking marshal. This payment method was the same at all off-street parking areas (except underground parking at Eikestad mall and MySpace Apartment Block) in Stellenbosch CBD. The payment method for underground parking at Eikestad Mall is using a pay station at the access point to/from Eikestad Mall from/to the underground parking area. The payment method for underground parking at MySpace Apartment Block is either using a pay station in the parking area or by means of Admyt, an application using licence plate recognition to calculate the parking duration and invoice the user accordingly.

The parking tariffs for the off-street parking areas were grouped according to their rates. The following three groups were identified:

- Managed by Stellenbosch Municipality (Parking Areas L7, R10 and X7);
- Managed by private owners of De Watergracht apartment block (Parking Area B6);
- Managed by private owners of Eikestad Mall (Parking Areas F9 and F10); and
- Managed by private owners of MySpace apartment block (Parking Area G8).

Refer to Table 3-6 for the tariffs for the off-street parking areas, controlled by the Stellenbosch Municipality. The trading/billing hours at Parking Areas L7 and R10 are defined below:

- 07:00 – 00:00 (Monday – Saturday)
- Free – (Sunday / Public Holidays)

The trading/billing hours at Parking Area X7 are defined below:

- 07:00 – 18:00 (Monday – Friday)
- 08:00 – 14:00 (Saturday)
- Free – (Sunday / Public Holidays)

Table 3-6: Off-Street Parking Tariffs - Stellenbosch Municipality Parking

Time	Off-Street Parking Tariffs (Incl. Vat)			
	Site Visit - Tuesday, 15 Sept 2020	Before amendments on 21 Sept 2020	Amended Tariff – Post 21 Sept 2020	Site Visit - Tuesday, 3 Oct 2023
0 – 30 min	R0.00	R0.00	R0.00	R0.00
31 – 59 min	R12.00	R10.00	R8.00	R8.00
1 – 2 hours	R24.00	R20.00	R16.00	R16.00
2 – 3 hours	R30.00	R25.00	R20.00	R20.00
3 – 4 hours	R42.00	R35.00	R28.00	R28.00
4 – 5 hours	R54.00	R45.00	R36.00	R36.00
5 – 6 hours	R66.00	R55.00	R44.00	R44.00
6 – 7 hours	R78.00	R65.00	R52.00	R52.00
7 – 8 hours	R96.00	R80.00	R64.00	R64.00
8 – 9 hours	R102.00	R85.00	R68.00	R68.00
9 – 12 hours	R132.00	R110.00	R88.00	R88.00
12 – 24 hours	R180.00	R150.00	R120.00	R120.00
Lost Ticket	R180.00	R150.00	R120.00	R120.00
Month permit*	R1 200.00	R1 000.00	R800.00	R800.00

* Only at Parking Area X7

The parking tariffs for off-street parking at De Watergracht parking area, controlled by private owners, are defined in Table 3-7. The trading/billing hours at this parking area are defined below:

- 08:00 – 18:00 (Monday - Saturday)
- 18:00 – 08:00 (Monday – Saturday) and Sunday – Closed to the public

Table 3-7: Off-Street Parking Tariffs - De Watergracht Parking

Time	Parking Tariffs*
0 – 30 min	R0.00
30 – 60 min	R8.00
1 – 2 hours	R15.00
2 – 3 hours	R30.00

Time	Parking Tariffs*
3 – 4 hours	R40.00
4 – 5 hours	R50.00
5 – 8 hours	R80.00
8+ hours	R100.00
Lost Ticket	R100.00

* From a site visit on Tuesday, 3 Oct 2023

The parking tariffs for the Eikestad Mall Underground parking, controlled by private owners, are defined in Table 3-8. The trading/billing hours at this parking area is defined below:

- 07:00 – 19:00 (Monday – Sunday)

Table 3-8: Off-Street Parking Tariffs - Eikestad Mall Underground Parking

Time	Parking Tariffs*
Parking from 05:00 – 19:00	
0 – 30 min	R5.00
30 min – 1 hour	R10.00
1.01 – 2 hours	R20.00
2.01 – 3 hours	R25.00
3.01 – 4 hours	R30.00
4.01 – 5 hours	R40.00
5.01 – 6 hours	R60.00
6.01 – 7 hours	R80.00
7.01 – 8 hours	R100.00
Parking from 19:00 – 04:59	
R20.00	
Lost Ticket	R100.00

* From a site visit on Tuesday, 3 Oct 2023

The parking tariff for the MySpace Underground parking area, controlled by private owners, is defined as R5 per 30-minute period for the first 5 hours. Thereafter, a fixed rate of R50 applies. The trading/billing hours at this parking area is defined below:

- All day (Monday to Sunday)

3.5.2 Parking Survey Results

The parking survey data was collected for on- and off-street parking areas as well as the illegal parking areas within the study area during the peak and off-peak periods. During the peak period, the parking surveys were done on the following days:

- Thursday - 18/05/2023;
- Friday - 19/05/2023; and
- Saturday - 20/05/2023.

During the off-peak period, the parking surveys were done on the following days:

- Tuesday - 11/07/2023;
- Friday - 14/07/2023; and
- Saturday - 15/07/2023.

The parking survey results were assessed for seven (7) different parking categories, such as the following:

- All the parking areas together (excluding illegal parking)
- Off-Street Parking Areas (excluding illegal parking)
    - Free
    - Paid
- On-Street Parking Areas (excluding illegal parking)
    - Free
    - Paid
- Focus Area (excluding illegal parking)
- Illegal Parking

For each of the seven (7) parking categories, the data was analysed, and the following seven (7) characteristics were determined:

- Parking Volume;
- Peak Parking Saturation;
- Parking Load;
- Peak Parking Ratio;
- Average Parking Duration;
- Parking Turnover; and
- Parking Index.

3.5.2.1 Peak Period Results

The peak period results for each of the seven (7) characteristics, for each parking category, are summarised in Table 3-9, Table 3-10 and Table 3-11.

Table 3-9: Peak Period Parking Survey Results – Thursday, 18 May 2023

Parking Characteristics	Parking Category						
	All Parking*	Off-Street*		On-Street*		Focus Area*	Illegal
		Free	Paid	Free	Paid		
Survey Duration (hours)	12	12	12	12	12	12	12
Total Number of Parking Spaces	1 905	44	1 179	214	468	1 005	88**

Parking Characteristics			Parking Category						
			All Parking*	Off-Street*		On-Street*		Focus Area*	Illegal
				Free	Paid	Free	Paid		
Parking Volume (vehicles)			7 380	167	4 222	592	2 399	4 620	177
Peak Parking Saturation			0.625	0.955	0.671	0.935	0.936	0.918	
Parking Load (vehicle hour)			3 690	84	2 111	296	1 200	2 310	89
Peak Parking Ratio			1.588	1.797	1.418	1.264	1.319	1.312	
Average Parking Duration (hours)			3.315	3.440	2.710	4.688	2.425	3.071	4.743
Parking Turnover			3.874	3.795	3.581	2.766	5.126	4.597	2.011
Parking index	Full day	Max	62%	95%	67%	93%	94%	92%	
		Average (06:00 - 18:00)	39%	53%	47%	74%	71%	70%	
	AM	Average (06:00 - 12:00)	32%	36%	37%	71%	58%	58%	
		Max (06:00 - 12:00)	62%	75%	67%	93%	91%	92%	
	PM	Average (12:00 - 18:00)	46%	70%	57%	77%	84%	82%	
		Max (12:00 - 18:00)	61%	95%	67%	89%	94%	92%	

* Excluding Illegal Parking

** Maximum number of illegal parking

Table 3-10: Peak Period Parking Survey Results – Friday, 19 May 2023

Parking Characteristics			Parking Category						
			All Parking*	Off-Street*		On-Street*		Focus Area*	Illegal
				Free	Paid	Free	Paid		
Survey Duration (hours)			12	12	12	12	12	12	12
Total Number of Parking Spaces			1 905	44	1 179	214	468	1 005	83**
Parking Volume (vehicles)			8 113	184	4 709	564	2 656	5 198	200
Peak Parking Saturation			0.761	0.955	0.687	0.864	0.917	0.918	
Parking Load (vehicle hour)			4 057	92	2 355	282	1 328	2 599	100
Peak Parking Ratio			1.314	1.487	1.371	1.234	1.283	1.278	
Average Parking Duration (hours)			3.253	3.816	2.412	4.727	2.057	2.817	3.601
Parking Turnover			4.259	4.182	3.994	2.636	5.675	5.172	2.410
Parking index	Full day	Max	76%	95%	69%	86%	92%	92%	
		Average (06:00 - 18:00)	58%	64%	50%	70%	71%	72%	
	AM	Average (06:00 - 12:00)	49%	46%	41%	68%	61%	60%	
		Max (06:00 - 12:00)	76%	86%	69%	86%	91%	92%	
	PM	Average (12:00 - 18:00)	67%	82%	59%	73%	82%	83%	
		Max (12:00 - 18:00)	76%	95%	69%	86%	92%	91%	

* Excluding Illegal Parking

** Maximum number of illegal parking

Table 3-11: Peak Period Parking Survey Results – Saturday, 20 May 2023

Parking Characteristics			Parking Category						
			All Parking*	Off-Street*		On-Street*		Focus Area*	Illegal
				Free	Paid	Free	Paid		
Survey Duration (hours)			12	12	12	12	12	12	12
Total Number of Parking Spaces			1 905	44	1 179	214	468	1 005	60**
Parking Volume (vehicles)			6 669	158	3 869	425	2 217	4 573	92
Peak Parking Saturation			0.625	0.955	0.498	0.612	0.932	0.834	
Parking Load (vehicle hour)			3 335	79	1 935	213	1 109	2 287	46
Peak Parking Ratio			1.588	1.803	1.642	1.524	1.542	1.586	
Average Parking Duration (hours)			2.475	2.969	1.673	3.219	2.038	2.135	2.196
Parking Turnover			3.501	3.591	3.282	1.986	4.737	4.550	1.533
Parking index	Full day	Max	62%	95%	50%	61%	93%	83%	
		Average (06:00 - 18:00)	39%	53%	30%	40%	60%	53%	
	AM	Average (06:00 - 12:00)	32%	49%	24%	41%	48%	42%	
		Max (06:00 - 12:00)	62%	95%	50%	61%	93%	83%	
	PM	Average (12:00 - 18:00)	46%	57%	37%	40%	73%	64%	
		Max (12:00 - 18:00)	61%	86%	48%	61%	90%	82%	

* Excluding Illegal Parking

** Maximum number of illegal parking

From the above, the following were determined from the peak period results for all parking areas:

- The parking volume was recoded 10% higher for Friday compared to the weekday.
- The parking volume was recoded 22% higher for Friday compared to the Saturday.
- The average parking duration was recorded as 72% longer for free parking compared to paid parking.
- Free parking is on average 11% more occupied than paid parking.
- On-street parking is on average 8% more occupied than off-street parking.

3.5.2.2 Off-peak Period Results

The off-peak period results for each of the seven (7) characteristics, for each parking category, are summarised in Table 3-12, Table 3-13 and Table 3-14.

Table 3-12: Off-Peak Period Parking Survey Results – Tuesday, 11 July 2023

Parking Characteristics			Parking Category						
			All Parking*	Off-Street*		On-Street*		Focus Area*	Illegal
				Free	Paid	Free	Paid		
Survey Duration (hours)			12	12	12	12	12	12	12
Total Number of Parking Spaces			1 902	47	1 176	209	470	1 006	83**
Parking Volume (vehicles)			5 872	156	3 307	492	1917	3 901	107
Peak Parking Saturation			0.716	0.830	0.650	0.890	0.815	0.864	
Parking Load (vehicle hour)			2 936	78	1 654	246	959	1 951	54
Peak Parking Ratio			1.435	1.790	1.481	1.427	1.362	1.430	
Average Parking Duration (hours)			3.373	3.070	2.758	5.008	2.656	3.265	4.508
Parking Turnover			3.087	3.319	2.812	2.354	4.079	3.878	1.289
Parking index	Full day	Max	72%	83%	65%	89%	81%	86%	
		Average (06:00 - 18:00)	50%	46%	44%	62%	60%	60%	
	AM	Average (06:00 - 12:00)	38%	28%	31%	58%	46%	46%	
		Max (06:00 - 12:00)	67%	68%	59%	87%	79%	80%	
	PM	Average (12:00 - 18:00)	62%	65%	57%	67%	73%	75%	
		Max (12:00 - 18:00)	72%	83%	65%	89%	81%	86%	

* Excluding Illegal Parking

** Maximum number of illegal parking

Table 3-13: Off-Peak Period Parking Survey Results – Friday, 14 July 2023

Parking Characteristics			Parking Category						
			All Parking*	Off-Street*		On-Street*		Focus Area*	Illegal
				Free	Paid	Free	Paid		
Survey Duration (hours)			12	12	12	12	12	12	12
Total Number of Parking Spaces			1 902	47	1 176	209	470	1 006	57**
Parking Volume (vehicles)			6 615	214	3 668	454	2 279	4 485	94
Peak Parking Saturation			0.696	0.787	0.615	0.861	0.870	0.870	
Parking Load (vehicle hour)			3 308	107	1 834	227	1 140	2 243	47
Peak Parking Ratio			1.380	1.482	1.470	1.405	1.303	1.387	
Average Parking Duration (hours)			3.041	2.540	2.316	4.989	2.317	2.876	3.469
Parking Turnover			3.478	4.553	3.119	2.172	4.849	4.458	1.649
Parking index	Full day	Max	70%	79%	61%	86%	87%	87%	
		Average (06:00 - 18:00)	50%	53%	42%	61%	67%	63%	
	AM	Average (06:00 - 12:00)	40%	37%	32%	57%	53%	48%	
		Max (06:00 - 12:00)	69%	72%	61%	82%	84%	83%	
	PM	Average (12:00 - 18:00)	61%	69%	52%	66%	80%	78%	
		Max (12:00 - 18:00)	70%	79%	60%	86%	87%	87%	

* Excluding Illegal Parking

** Maximum number of illegal parking

Table 3-14: Off-Peak Period Parking Survey Results – Saturday, 15 July 2023

Parking Characteristics			Parking Category						
			All Parking*	Off-Street*		On-Street*		Focus Area*	Illegal
				Free	Paid	Free	Paid		
Survey Duration (hours)			12	12	12	12	12	12	12
Total Number of Parking Spaces			1 902	47	1 176	209	470	1 006	33**
Parking Volume (vehicles)			5 012	184	2581	306	1 941	3732	41
Peak Parking Saturation			0.511	0.894	0.402	0.440	0.821	0.701	
Parking Load (vehicle hour)			2 506	92	1 291	153	971	1 866	21
Peak Parking Ratio			1.521	1.626	1.593	1.689	1.475	1.497	
Average Parking Duration (hours)			2.280	2.716	1.667	2.631	2.105	2.161	2.111
Parking Turnover			2.635	3.915	2.195	1.464	4.130	3.710	2.636
Parking Index	Full day	Max	51%	89%	40%	44%	82%	70%	1.242
		Average (06:00 - 18:00)	34%	55%	25%	26%	56%	47%	
	AM	Average (06:00 - 12:00)	26%	50%	19%	23%	43%	36%	
		Max (06:00 - 12:00)	48%	83%	38%	39%	77%	67%	
	PM	Average (12:00 - 18:00)	41%	60%	31%	29%	68%	58%	
		Max (12:00 - 18:00)	51%	89%	40%	44%	82%	70%	

* Excluding Illegal Parking

** Maximum number of illegal parking

From the above, the following were determined from the off-peak period results for all parking areas:

- The parking volume was recoded 13% higher for Friday compared to the weekday.
- The parking volume was recoded 32% higher for Friday compared to the Saturday.
- The average parking duration was recorded as 52% longer for free parking compared to paid parking.
- Free parking is on average 9% more occupied than paid parking.
- On-street parking is on average 9% more occupied than off-street parking.

3.5.3 Parking Accumulation Analysis

Parking accumulation is the number of vehicles parked in a specific area at any specified time. The parking accumulation against time, usable and system capacity are plotted on the same figure to compare the three (3) data sets. The usable capacity refers to the maximum level of accumulation that can be reached prior to negative consequences, particularly for first-time users. Such consequences can include excessive circulating traffic in an area to locate a parking space, aggravating traffic congestion. It is important to consider usable capacity when designing a system, in order to avoid circulating traffic. System capacity refers to the full capacity of the parking inventory. Refer to Table 3-15 for the usable and system capacity for on-and off-street parking areas within the study area.

Table 3-15: System Capacity vs Usable Capacity per parking area type

Parking Area Type	System Capacity (% of parking inventory capacity)	Average Usable Capacity (% of parking inventory capacity)
On-Street	100%	90%
Off-Street		85%
Underground Parking		80%

3.5.3.1 All Parking Areas (excluding illegal parking)

The peak period parking accumulation against time, usable and system capacity for all parking areas in the study area are illustrated in Figure 3-8.

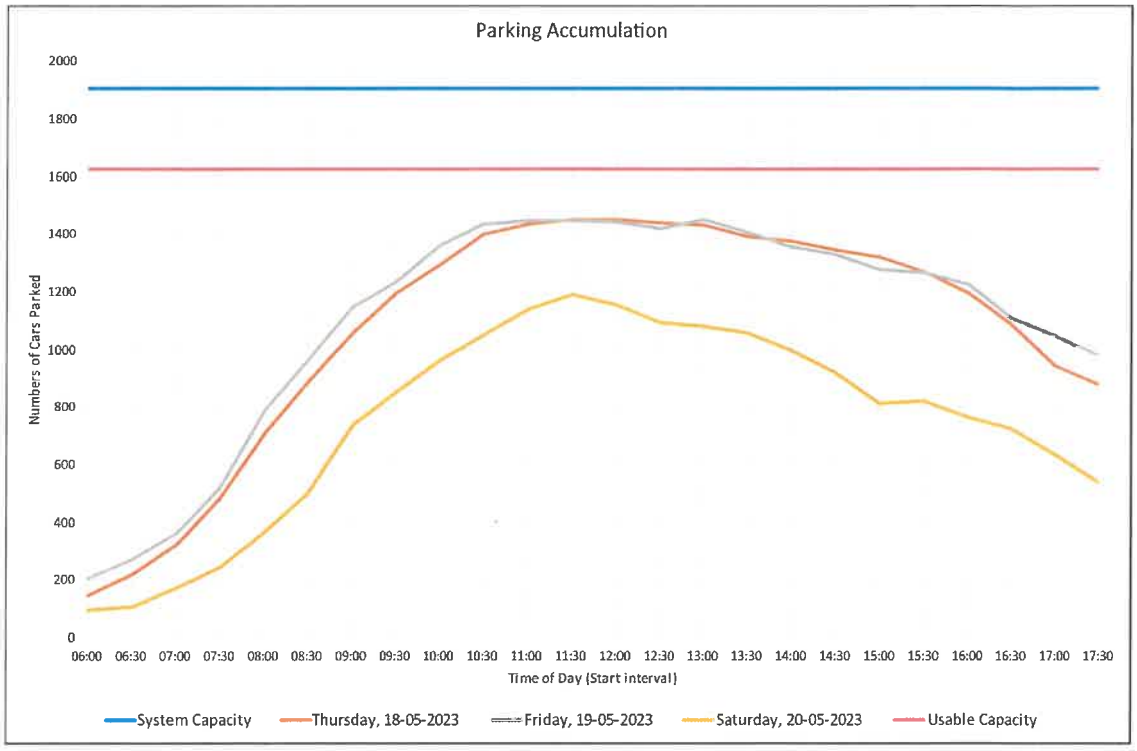


Figure 3-8: Peak Period Parking Accumulation – Usable and System Capacity (All Parking)

From the above, an overall maximum peak parking saturation of 76% was observed during the peak period taking into considering all the parking areas within the study area. Considering the location of the planned Eikestad parking facility relative to the location of the parking areas in the study area, the focus area would provide a more realistic indication of the parking demand that will be considered for further calculations of planned Eikestad parking facility.

The off-peak period parking accumulation against time, usable and system capacity for all parking areas in the study area are illustrated in Figure 3-9.

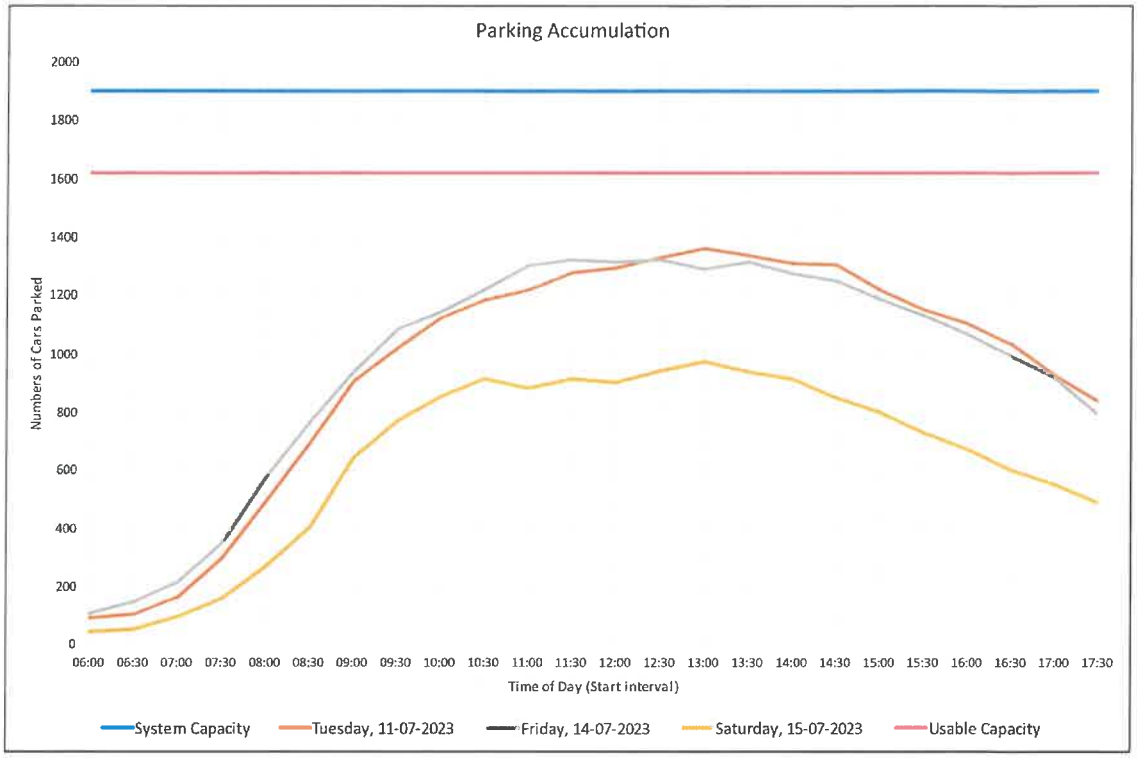


Figure 3-9: Off-peak Period Parking Accumulation – Usable and System Capacity (All Parking)

From the above, an overall maximum peak parking saturation of 72% was observed during the off-peak period taking into considering all the parking areas within the study area. During the off-peak period, a significant lower demand was observed compared to the peak period.

3.5.3.2 On-Street Parking Analysis (excluding illegal parking)

Paid Parking

The peak period parking accumulation against time, usable and system capacity for all the on-street paid parking areas in the study area are illustrated in Figure 3-10.

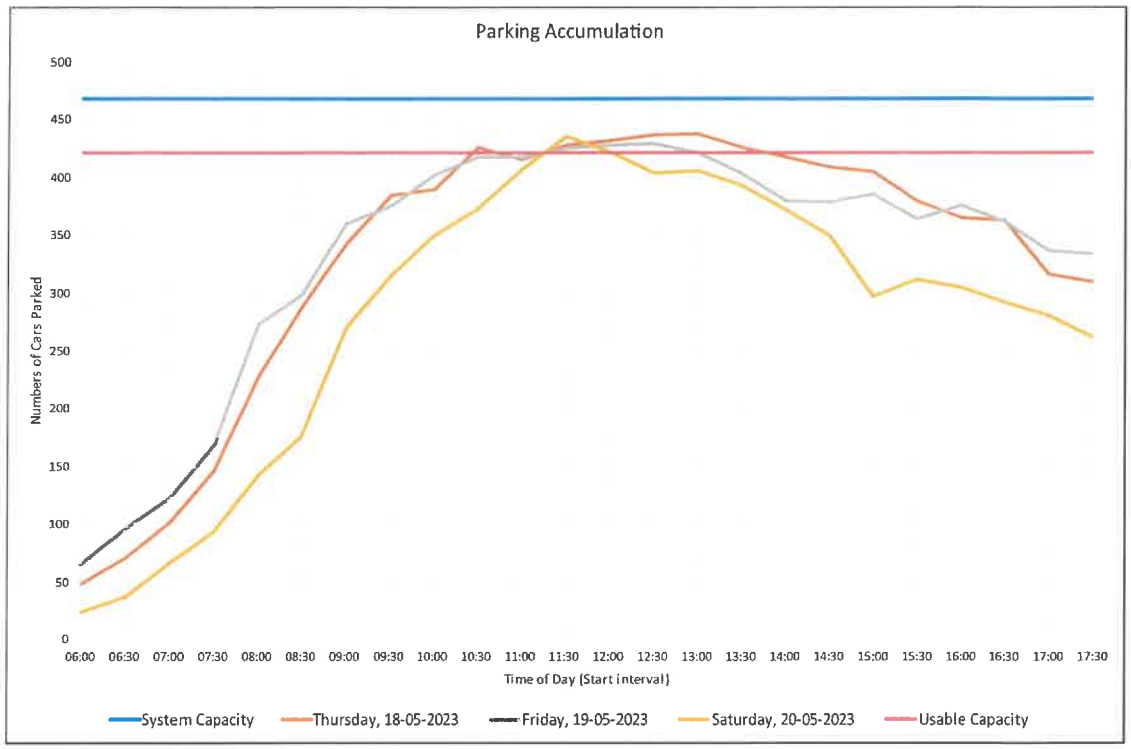


Figure 3-10: Peak Period Parking Accumulation – Usable and System Capacity (On-Street Paid Parking)

From the above, it can be seen that the demand for all on-street paid parking in the study area exceeded the maximum usable capacity during the peak period for all three days surveyed. During the weekday, the longest period (approximately 3 hours) was observed where the demand exceeded the capacity with Friday the second longest period (approximately 2 hours) and Saturday the shortest period (approximately 1 hour). As a result of the overall parking demand for on-street paid parking exceeding the maximum usable capacity, traffic circulation is expected.

The off-peak period parking accumulation against time, usable and system capacity for all the on-street paid parking areas in the study area are illustrated in Figure 3-11.

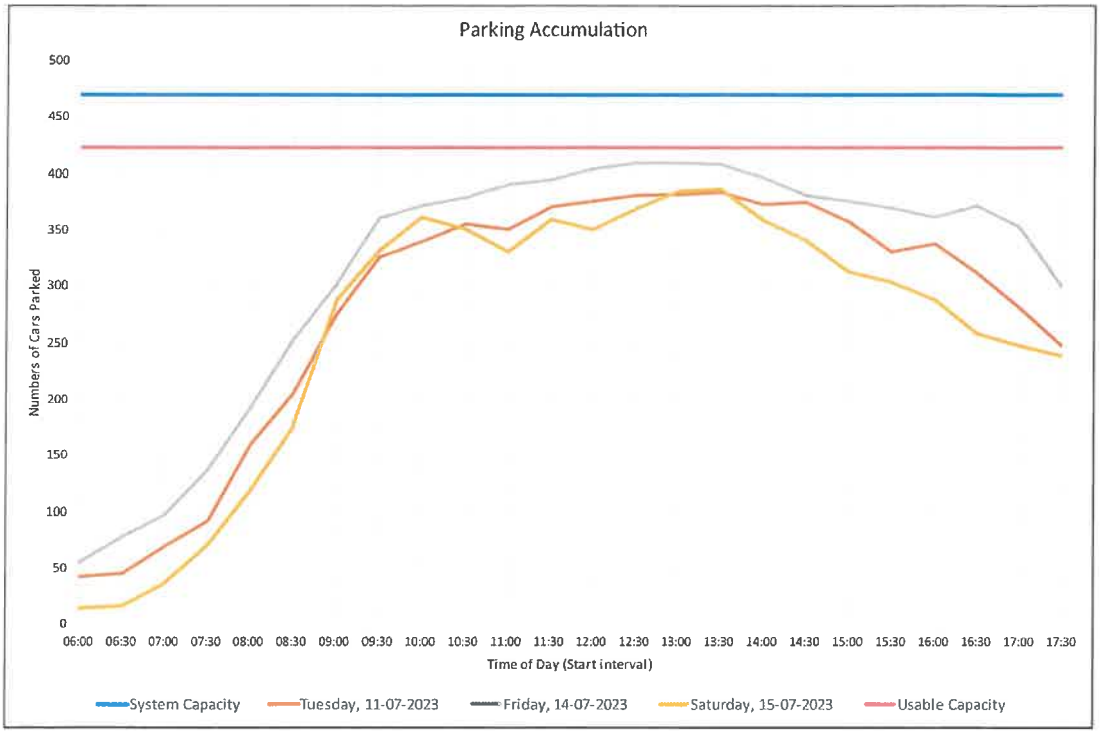


Figure 3-11: Off-peak Period Parking Accumulation – Usable and System Capacity (On-Street Paid Parking)

From the above, a maximum peak parking saturation of 87% was observed during the off-peak period taking into considering the on-street paid parking areas within the study area. During the off-peak period, a significant lower demand was observed compared to the peak period.

Free Parking

The peak period parking accumulation against time, usable and system capacity for all the on-street free parking areas in the study area are illustrated in Figure 3-12.

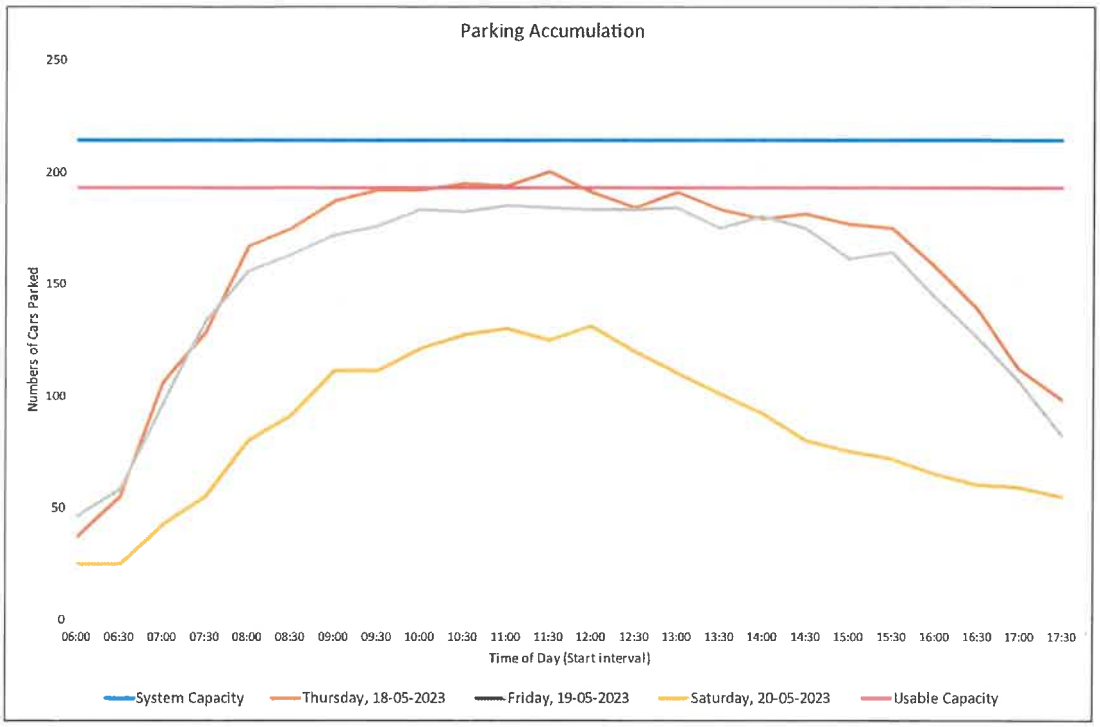


Figure 3-12: Peak Period Parking Accumulation - Usable and System Capacity (On-Street Free Parking)

From the above, it can be seen that the demand for all the on-street free parking in the study area only exceeded the maximum usable capacity (approximately 3 hours) during the weekday in the peak period. As a result of the overall parking demand for on-street free parking exceeding the maximum usable capacity, traffic circulation is expected.

The off-peak period parking accumulation against time, usable and system capacity for all the on-street free parking areas in the study area are illustrated in Figure 3-13.

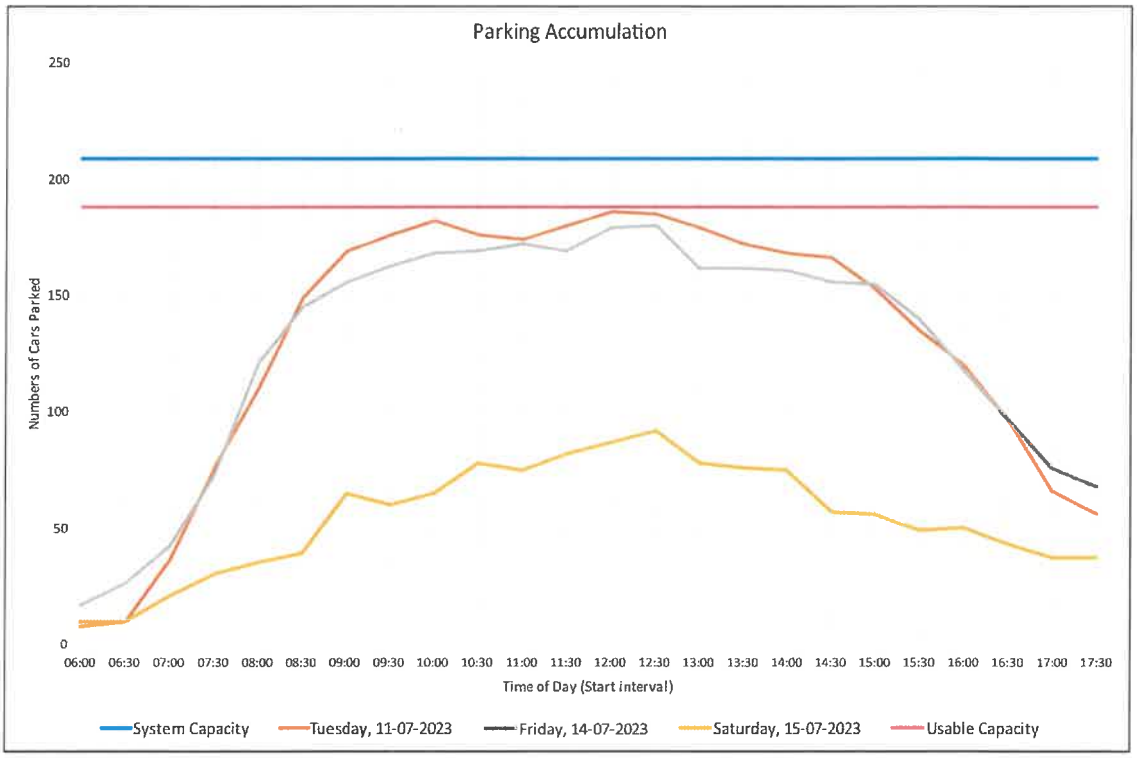


Figure 3-13: Off-peak Period Parking Accumulation - Usable and System Capacity (On-Street Free Parking)

From the above, a maximum peak parking saturation of 89% was observed during the off-peak period taking into considering the on-street free parking areas within the study area. During the off-peak period, a significant lower demand was observed compared to the peak period.

3.5.3.3 Off-Street Parking Analysis (excluding illegal parking)

Paid Parking

The peak period parking accumulation against time, usable and system capacity for the following off-street paid parking areas are illustrated in the following figures:

- All off-street paid parking areas (excluding underground parking): Illustrated in Figure 3-14
- All underground parking areas together: Illustrated in Figure 3-15

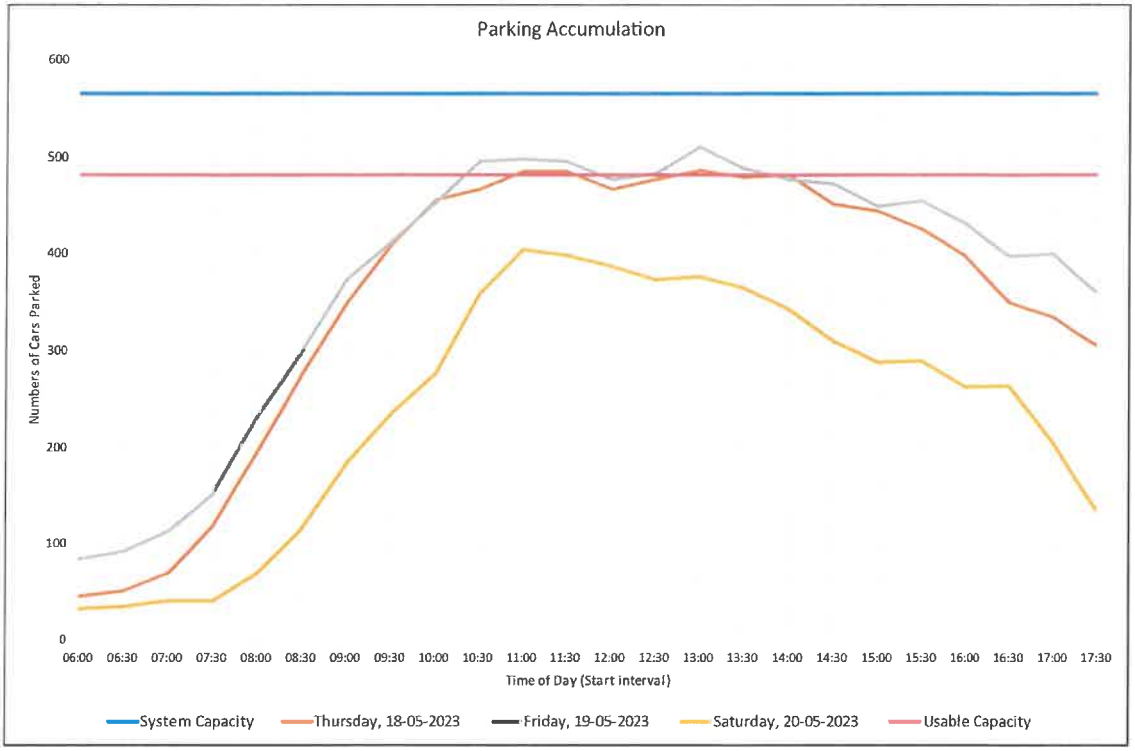


Figure 3-14: Peak Period Parking Accumulation - Usable and System Capacity (Off-Street Paid Parking excluding underground parking)

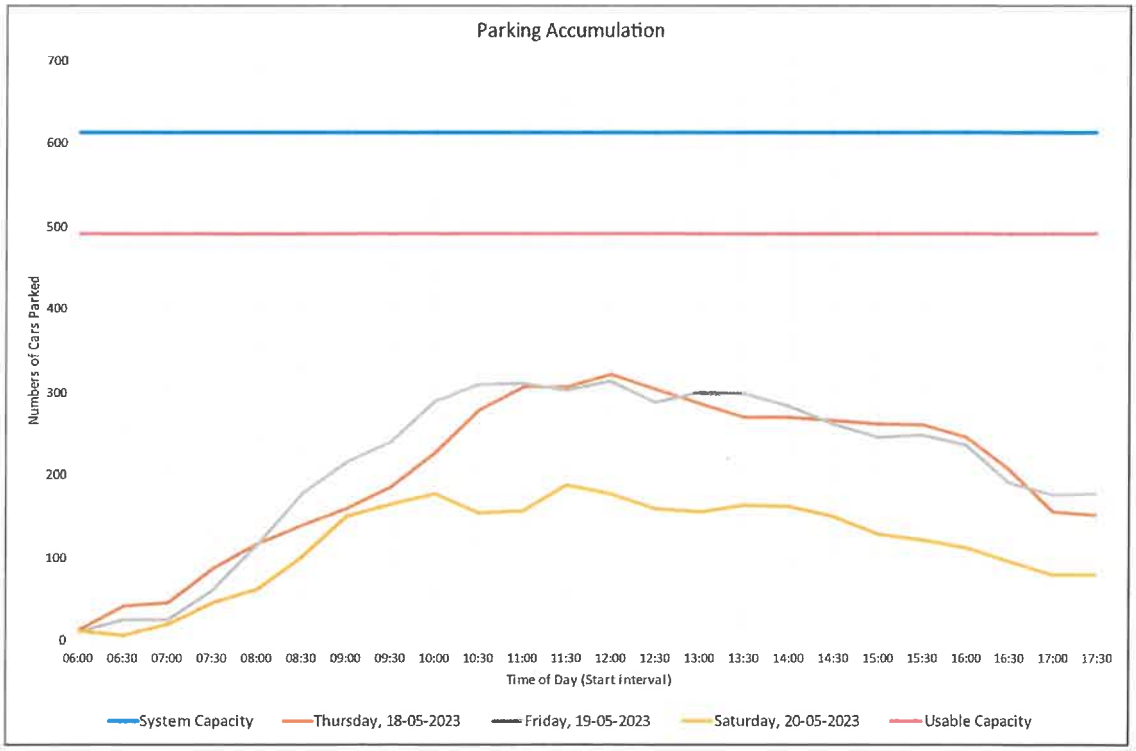


Figure 3-15: Peak Period Parking Accumulation – Usable and System Capacity (Underground Parking Areas)

From the above, it can be seen that the parking accumulation during the peak period for all off-street paid parking areas together, excluding underground parking, exceeded the usable capacity for the weekday between 11:00 and 11:30 and at 13:00, and on Friday between 10:30 and 13:30. For the underground parking only, the usable capacity was never reached indicating that underground parking is the least favourable parking area compared to off-street paid parking only. However, due to ability to

survey the underground parking area, it must be noted that parking bays were counted vs the volume of traffic entering and existing the facility. As a result, employees, mall staff, shoppers and gym users entering the parking facility prior to the start of the counts were not captured. In essence those parking bays may have been occupied for the duration of the day.

The off-peak period parking accumulation against time, usable and system capacity for the following off-street paid parking areas are illustrated in the following figures:

- All off-street paid parking areas (excluding underground parking): Illustrated in Figure 3-16
- All underground parking areas together: Illustrated in Figure 3-17

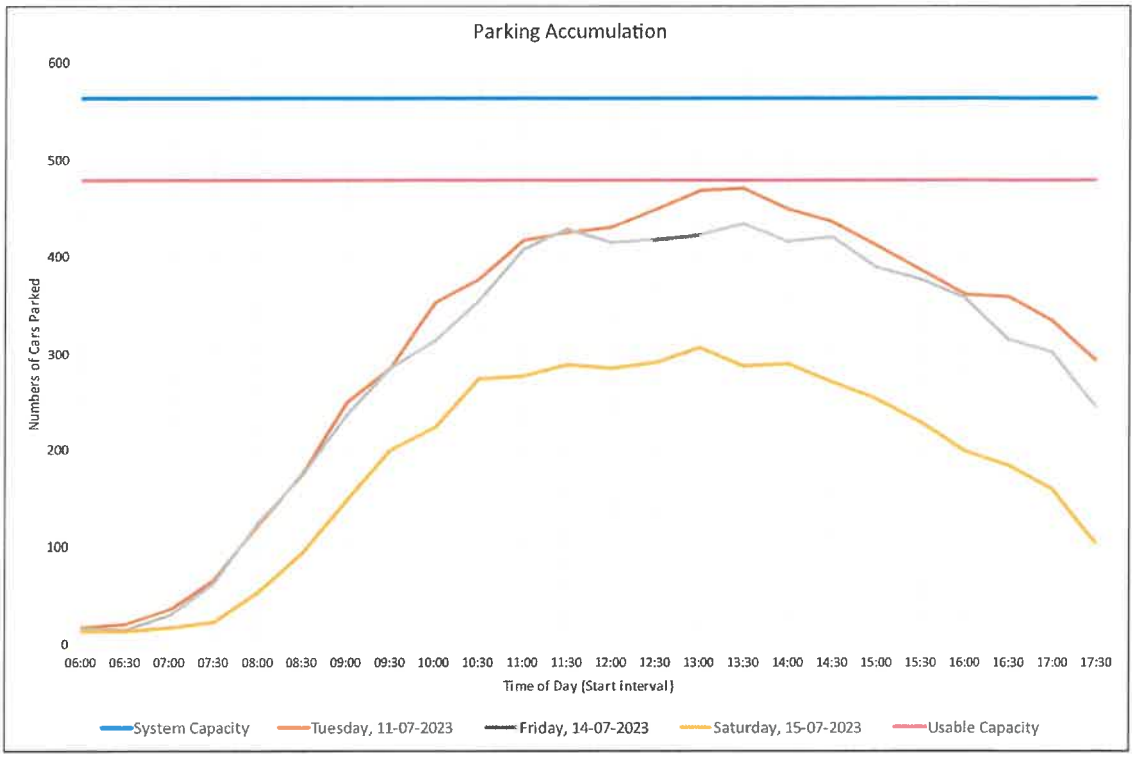


Figure 3-16: Off-peak Period Parking Accumulation - Usable and System Capacity (Off-Street Paid Parking excluding underground parking)

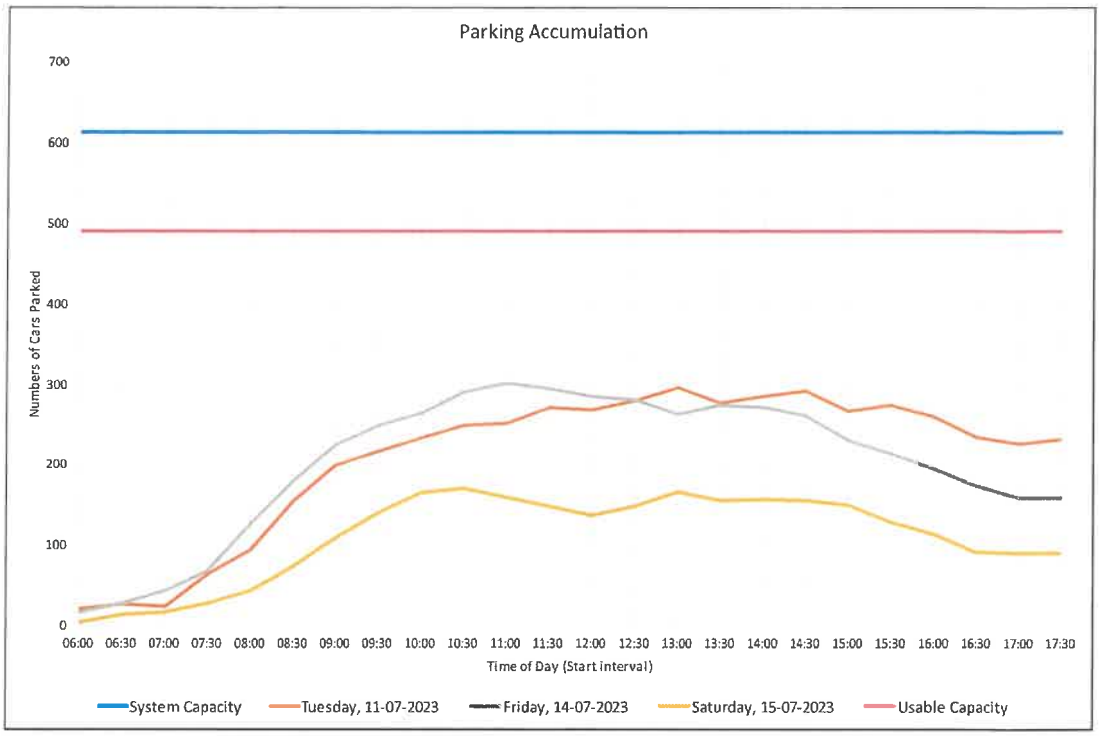


Figure 3-17: Off-peak Period Parking Accumulation – Usable and System Capacity (Underground Parking Areas)

From the above, it can be seen that the usable capacity was not reached for either the off-street paid parking only (excluding underground parking) or the underground parking only during the off-peak period.

Free Parking

The peak period parking accumulation against time, usable and system capacity for all the off-street free parking areas in the study area are illustrated in Figure 3-18.

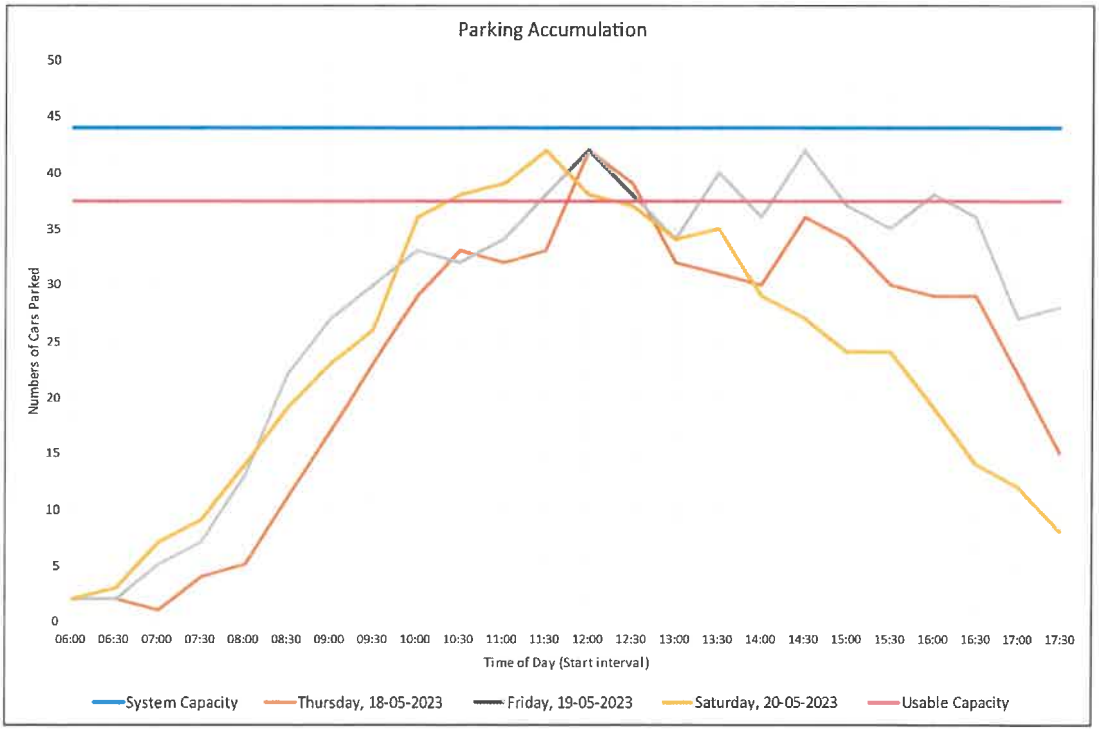


Figure 3-18: Peak Period Parking Accumulation – Usable and System Capacity (Off-Street Free Parking)

From the above, it can be seen that the demand for off-street free parking in the study area exceeded the maximum usable capacity during the peak period for all three days surveyed. As a result of the overall parking demand for off-street free parking exceeding the maximum usable capacity, traffic circulation is expected.

The off-peak period parking accumulation against time, usable and system capacity for all the off-street free parking areas in the study area are illustrated in Figure 3-19.

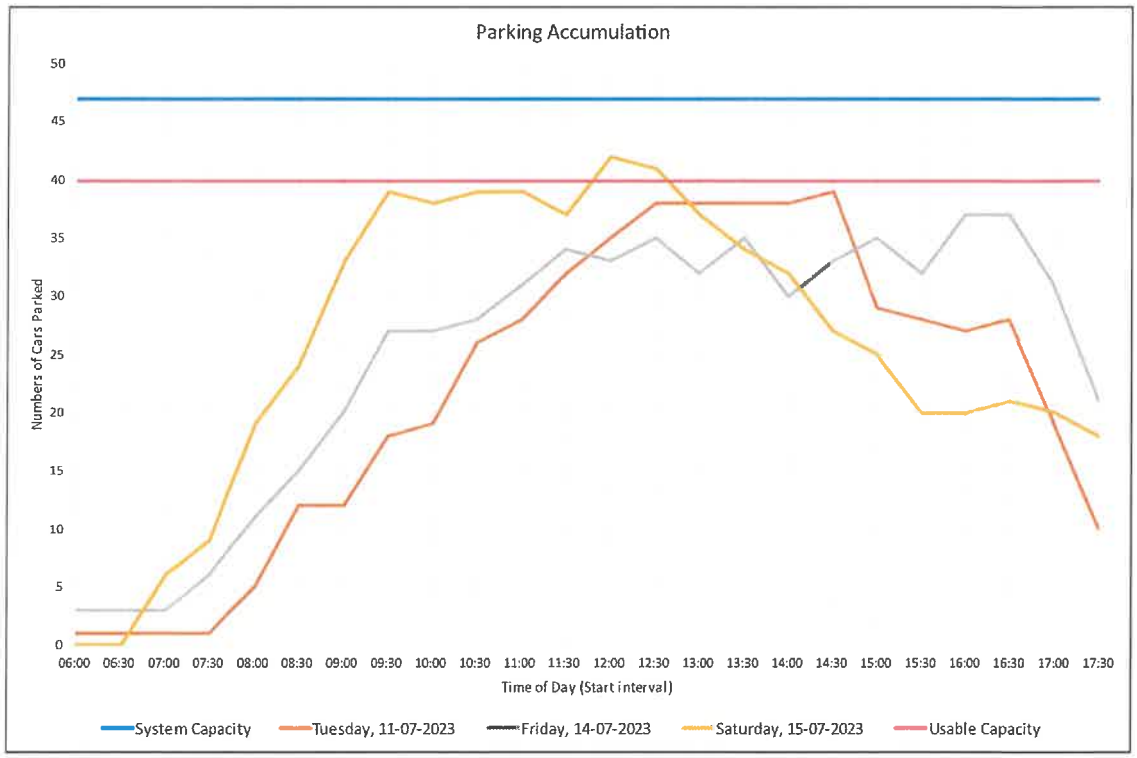


Figure 3-19: Off-peak Period Parking Accumulation – Usable and System Capacity (Off-Street Free Parking)

From the above, a maximum peak parking saturation of 89% was observed during the off-peak period taking into considering the off-street free parking areas within the study area. The maximum usable capacity was exceeded during the off-peak period on the Saturday between 12:00 and 12:30 During the off-peak period, a significant lower demand was observed compared to the peak period.

3.5.3.4 Focus Area (excluding illegal parking)

The peak period parking accumulation against time, usable and system capacity for all the parking areas in the focus area are illustrated in Figure 3-20.

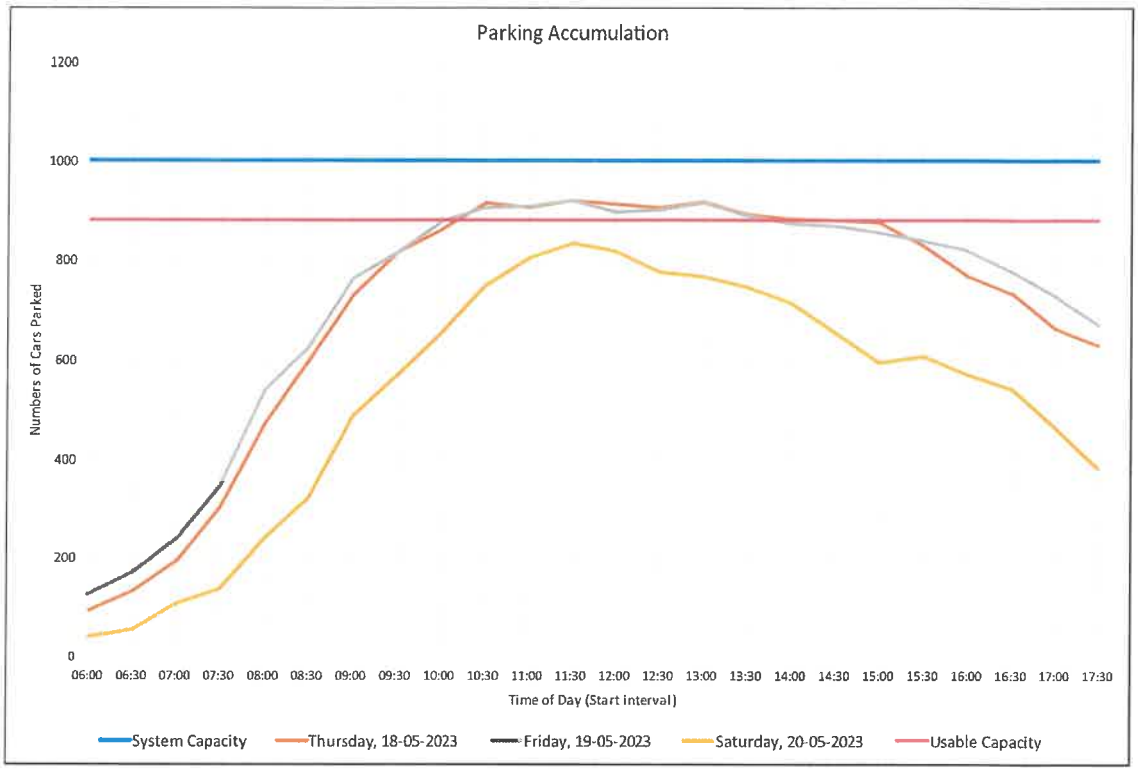


Figure 3-20: Peak Period Parking Accumulation – Usable and System Capacity (Focus Area)

From the above, an overall maximum peak parking saturation of 92% was observed during the peak period taking into considering all the parking areas within the focus area. It can be seen that the demand for the focus area exceeded the maximum usable capacity (approximately 4 hours) during the weekday in the peak period. As a result of the overall parking demand for on-street free parking exceeding the maximum usable capacity, traffic circulation is expected.

The off-peak period parking accumulation against time, usable and system capacity for all the parking areas in the focus area are illustrated in Figure 3-21.

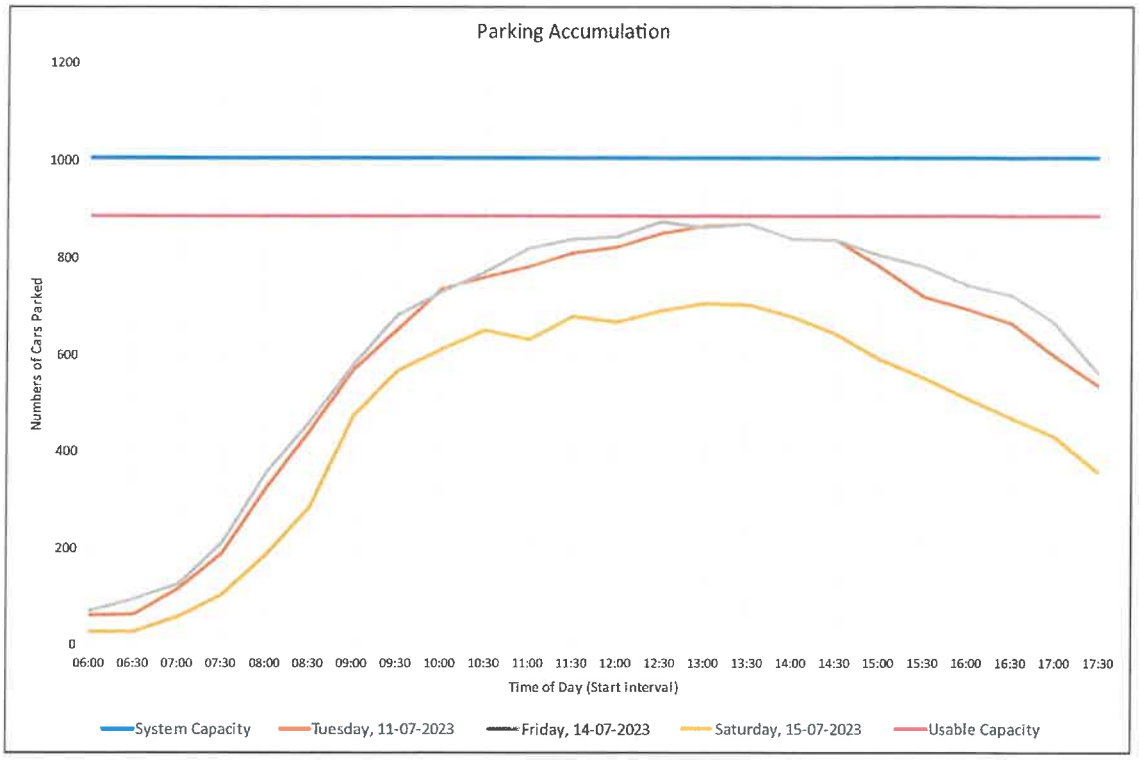


Figure 3-21: Off-peak Period Parking Accumulation – Usable and System Capacity (Focus Area)

From the above, an overall maximum peak parking saturation of 87% was observed during the peak period taking into considering all the parking areas within the focus area. During the off-peak period, a significant lower demand was observed compared to the peak period.

Taking the above into consideration, the need for additional parking in the vicinity of Eikestad Mall is warranted during the peak period.

3.5.3.5 Illegal Parking

The peak period parking accumulation against time for the predefined illegal parking areas in the study area are illustrated in Figure 3-22.

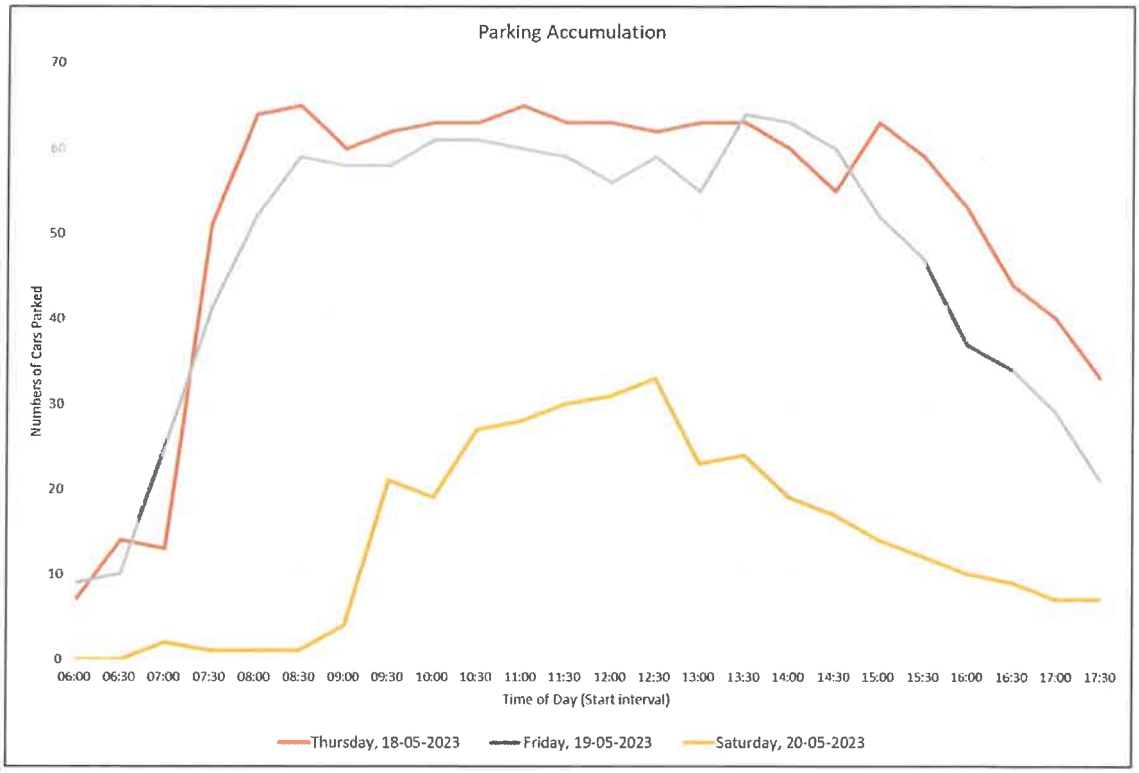


Figure 3-22: Peak Period Parking Accumulation (Illegal Parking)

From the above, an overall maximum of 65 illegally parked vehicles were observed during the peak period at the predefined illegal parking areas within the study area.

The off-peak period parking accumulation against time for the predefined illegal parking areas in the study area are illustrated in Figure 3-23.

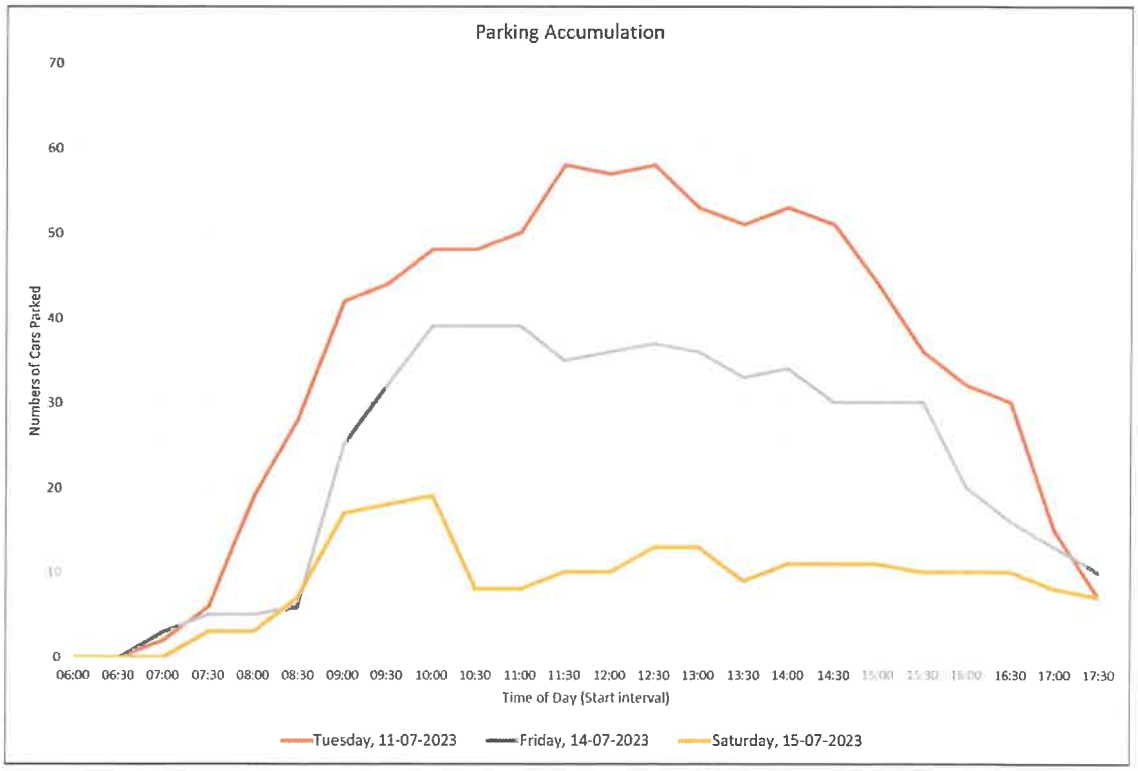


Figure 3-23: Off-peak Period Parking Accumulation (Illegal Parking)

From the above, an overall maximum of 58 illegally parked vehicles were observed during the peak period at the predefined illegal parking areas within the study area.

3.5.4 Stated Preference Survey Results

Stated preference survey data was processed for the peak and off-peak periods. The processed data was analysed and will be discussed in this section of the report. The results of the following will be discussed in more detail for the peak and off-peak periods:

- Main purpose of trips.
- Planned parking duration.
- Is the user willing to pay for parking and how much per hour.
- Reason why the user chose a specific parking area.
- Trip origin.
- How often does the user visit a specific area.

3.5.4.1 Main purpose of the trip

Information on the main purpose of trips to the study area was extracted from the stated preference survey data to evaluate the reasons for trips to the study area utilising the parking facilities. Refer to Figure 3-24 and Figure 3-25 for the peak and off-peak period results.

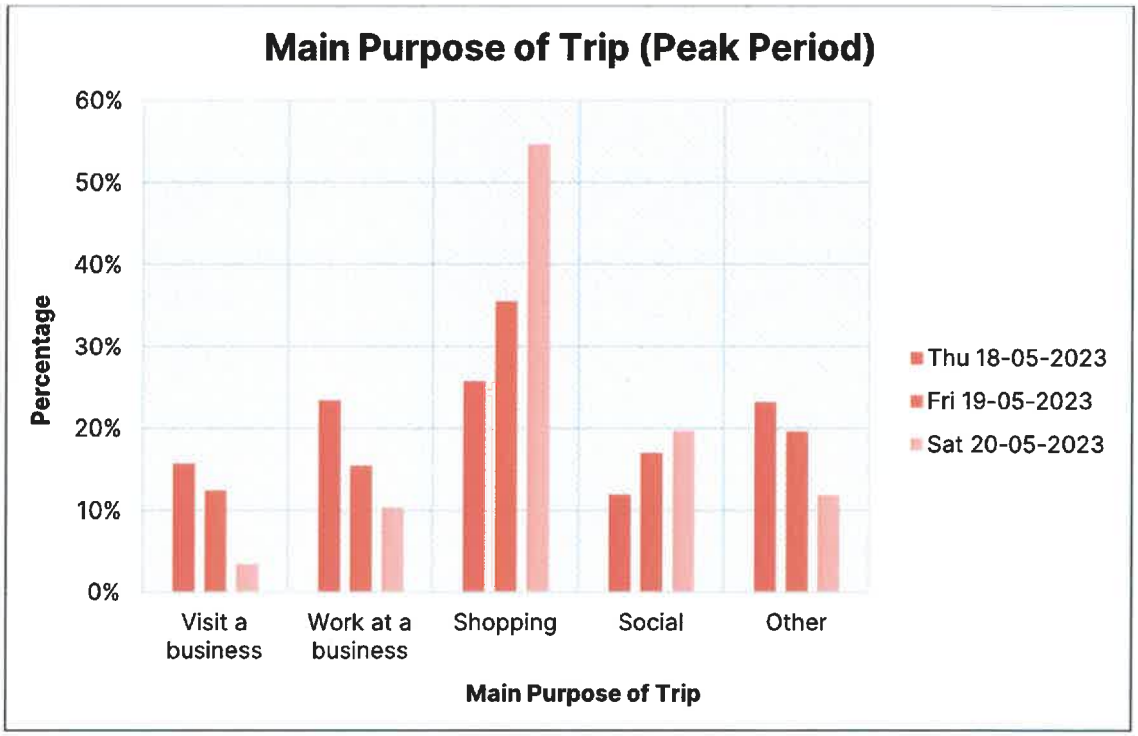


Figure 3-24: Main purpose of trips to the study area utilising the parking facilities: Peak Period

From the above, the following observations were made from the *main purpose of trips to the study area utilising the parking facilities* results on a typical weekday, Friday and Saturday during the peak period:

- Weekday - The main purpose of trips to the study area making use of the parking facilities are mainly for shopping, work at a business and other purposes not mentioned.
- Friday - The main purpose of trips to the study area making use of the parking facilities are mainly for shopping, other purposes not mentioned and social activities.
- Saturday - The main purpose of trips to the study area making use of the parking facilities are mainly for shopping and social activities.

Overall, the observation was made that shopping as the main purpose of trips for Friday and the weekend was significantly higher compared to the other reported trip purposes.

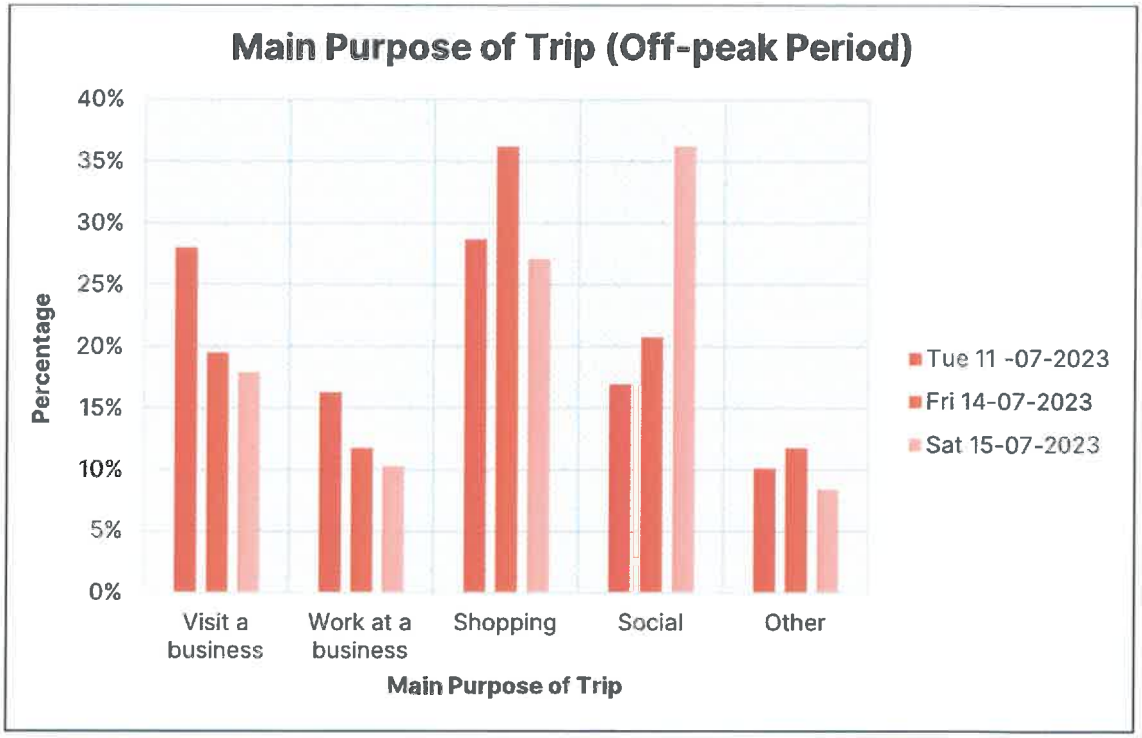


Figure 3-25: Main purpose of trips to the study area utilising the parking facilities: Off-peak Period

From the above, the following observations were made from the *main purpose of trips to the study area utilising the parking facilities* results on a typical weekday, Friday and Saturday during the off-peak period:

- Weekday - The main purpose of trips to the study area making use of the parking facilities are mainly for shopping and to visit a business.
- Friday - The main purpose of trips to the study area making use of the parking facilities are mainly for shopping, social activities and to visit a business.
- Saturday - The main purpose of trips to the study area making use of the parking facilities are mainly for social activities and shopping.

3.5.4.2 Planned parking duration

Information on the planned parking duration was extracted from the stated preference survey data to evaluate the planned parking duration in the study area. Refer to Figure 3-26 and Figure 3-27 for the peak and off-peak period results.

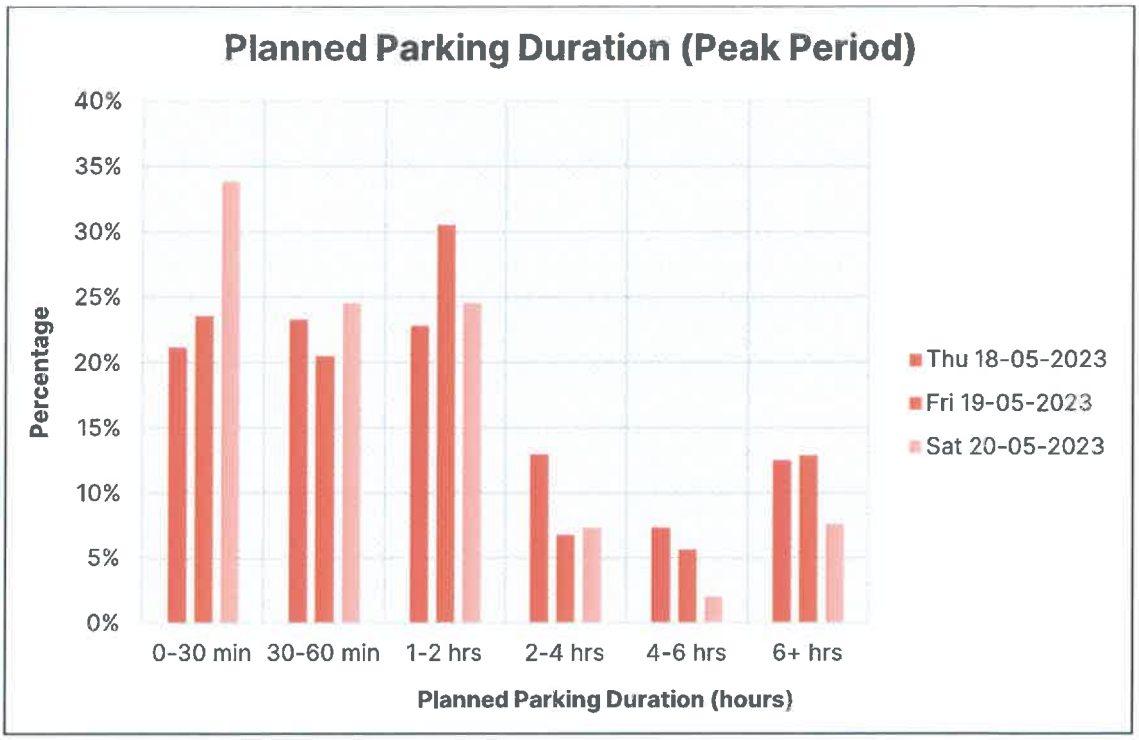


Figure 3-26: Planned parking duration in the study area: Peak Period

From the above, it was identified that majority of users planned to park for 0 – 2 hours on a typical weekday, Friday and Saturday during the peak period. It was also identified that short parking durations are much more favourable than longer parking durations.

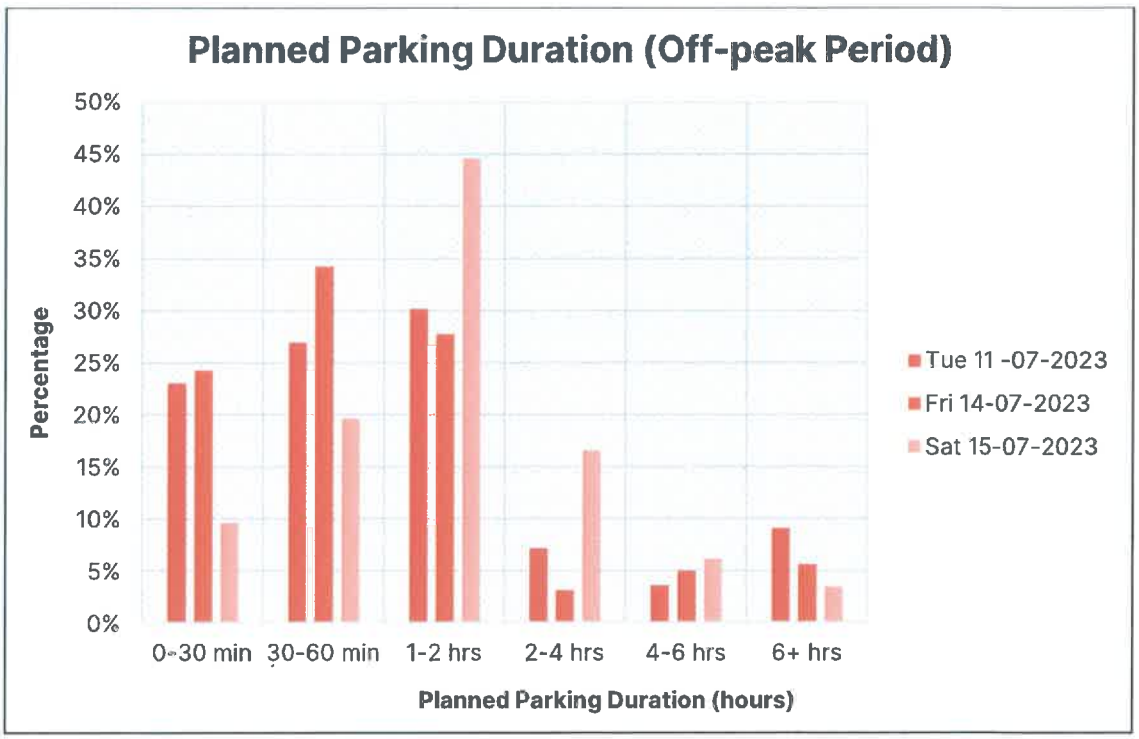


Figure 3-27: Planned parking duration in the study area: Off-peak Period

From the above, a similar trend in the parking duration was observed for the off-peak period compared to the peak period.

3.5.4.3 Is the user willing to pay for parking and how much per hour

Information was extracted from the stated preference survey data on *the willingness to pay for parking in the study area* and if no free parking was available, how much is the user willing to pay for a parking in a preferred area. Refer to Figure 3-28 and Figure 3-29 for the peak and off-peak period results.

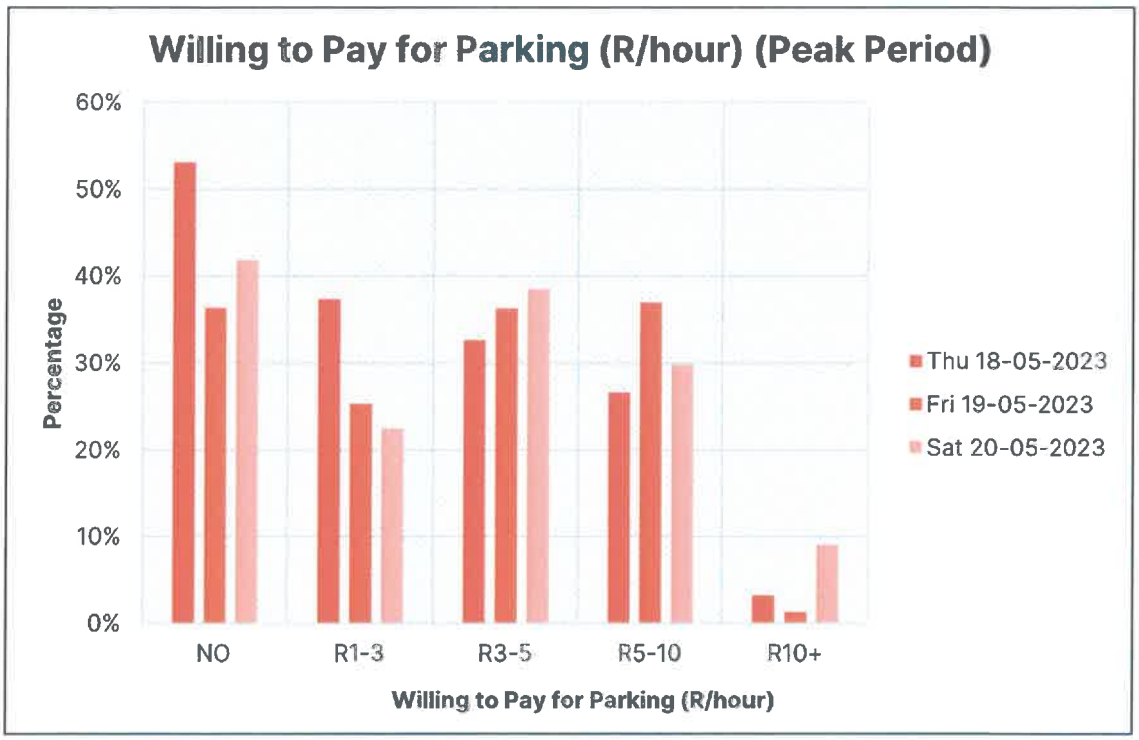


Figure 3-28: Willingness to pay for parking in the study area: Peak Period

From the above, a similar trend in the willingness to pay for parking was identified for Friday and Saturday during the peak period. Overall, between 36% and 53% of the parking users do not want to pay for parking, but if no free parking was available, majority would consider paying a parking fee of between R1 and R10 per hour.

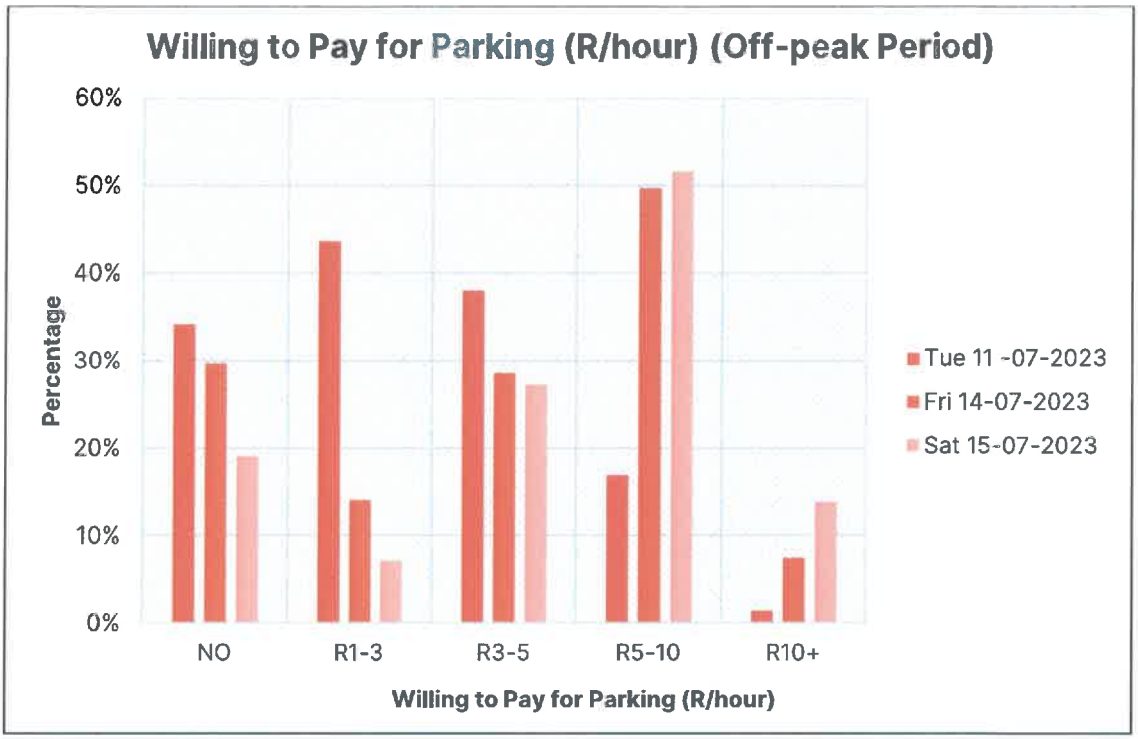


Figure 3-29: Willingness to pay for parking in the study area: Off-peak Period

From the above, between 19% and 34% of the parking users do not want to pay for parking during the off-peak period. However, if no free parking was available, majority would consider paying a parking fee of between R1 and R10 per hour during a typical off-peak weekday and between R3 and R10 per hour on a typical off-peak Friday and Saturday. An increase in the willingness to pay for parking during off-peak periods compared to peak periods was identified.

3.5.4.4 Reason why the user chose a specific parking area

Information was extracted from the stated preference survey data on the reason why parking users chose specific parking bays in the study area. Refer to Figure 3-30 and Figure 3-31 for the peak and off-peak period results.

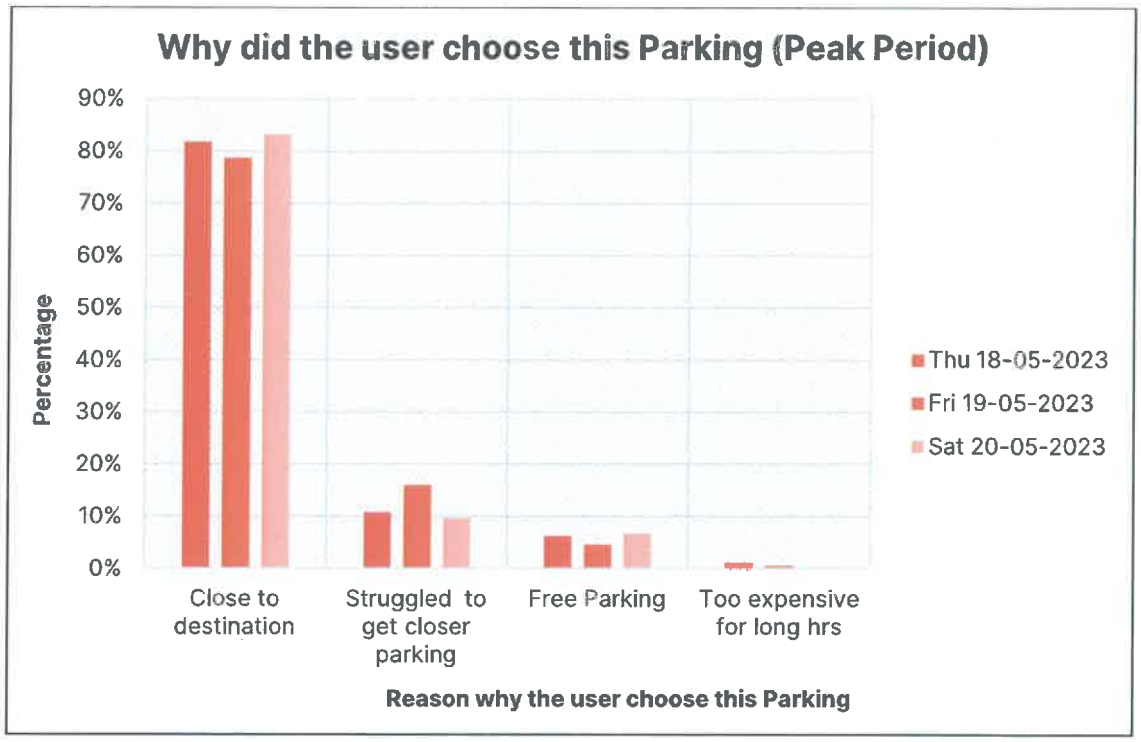


Figure 3-30: Reason why the user chose the specific parking area: Peak Period

From the above, it was identified that for all three days in the peak period, majority of the parking users chose the closest parking to their destination. It was also identified that parking close to destination is much more favourable than free parking. However, the number of paid parking spaces is much higher than the number of free parking spaces. Therefore, although it seems that parking close to destination is much more favourable than free parking, it is not a true reflection of reality.

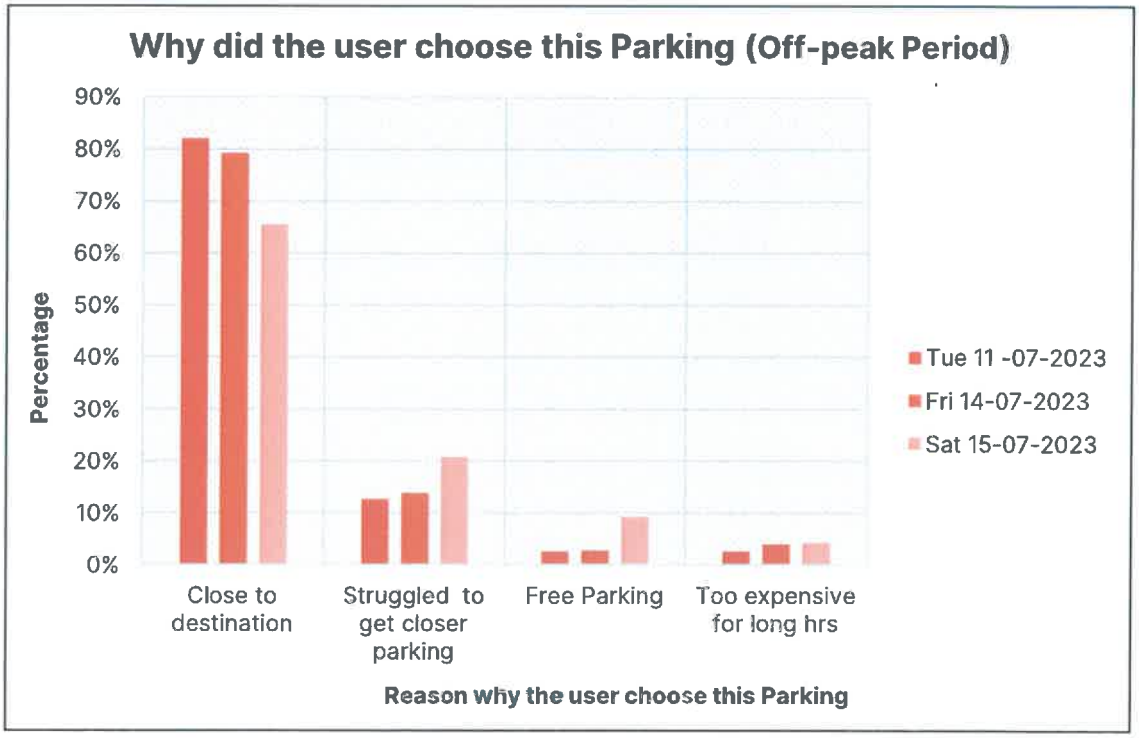


Figure 3-31: Reason why the user chose the specific parking area: Off-peak Period

From the above, a similar trend in the reason why users chose a specific parking area in the study area during the peak period was observed during the off-peak period.

3.5.4.5 Trip origin

Information on the trip origin to the study area was extracted from the stated preference survey data. This information was extracted to identify the percentage of users traveling from inside or outside Stellenbosch to the study area. Furthermore, the parking users were then grouped based on the direction of travel from inside Stellenbosch to the study area. Refer to Figure 3-32 and Figure 3-33 for the peak and off-peak period results.

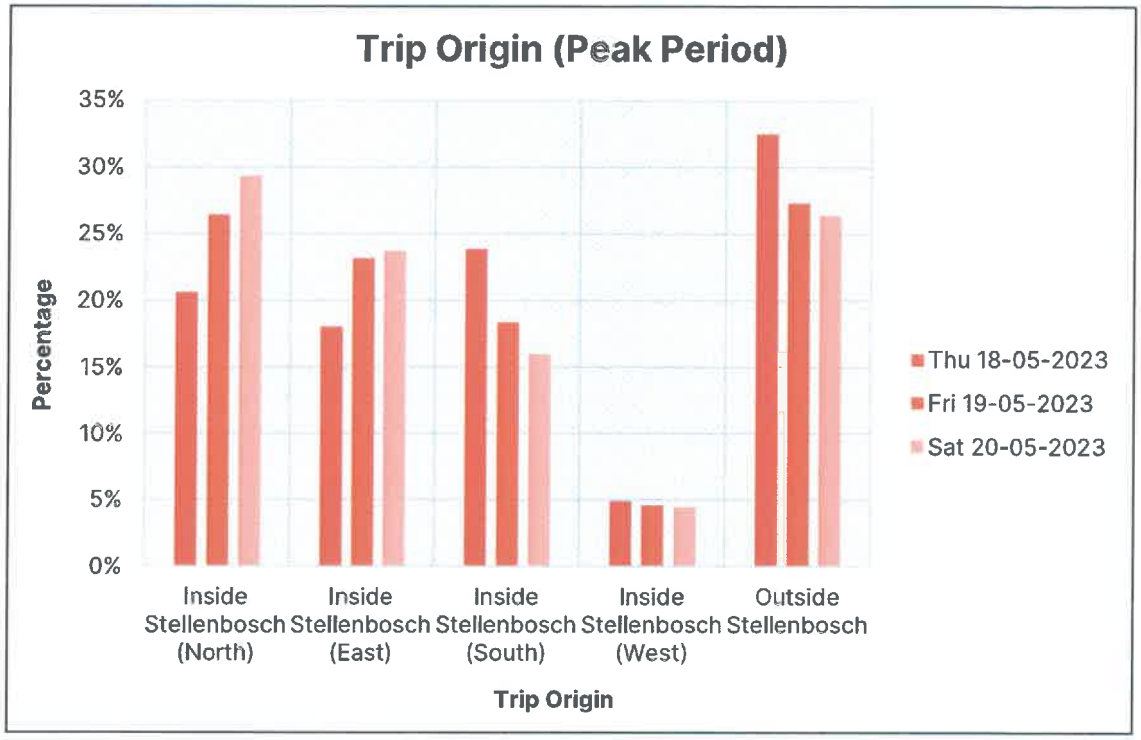


Figure 3-32: Trip origin of the parking users: Peak Period

From the above, majority of the trip origins were recorded from inside Stellenbosch during the peak period. From the weekday data, majority of the internal trip origins were recorded from the south and from the Friday and Saturday data, majority of the internal trip origins were recorded from the north.

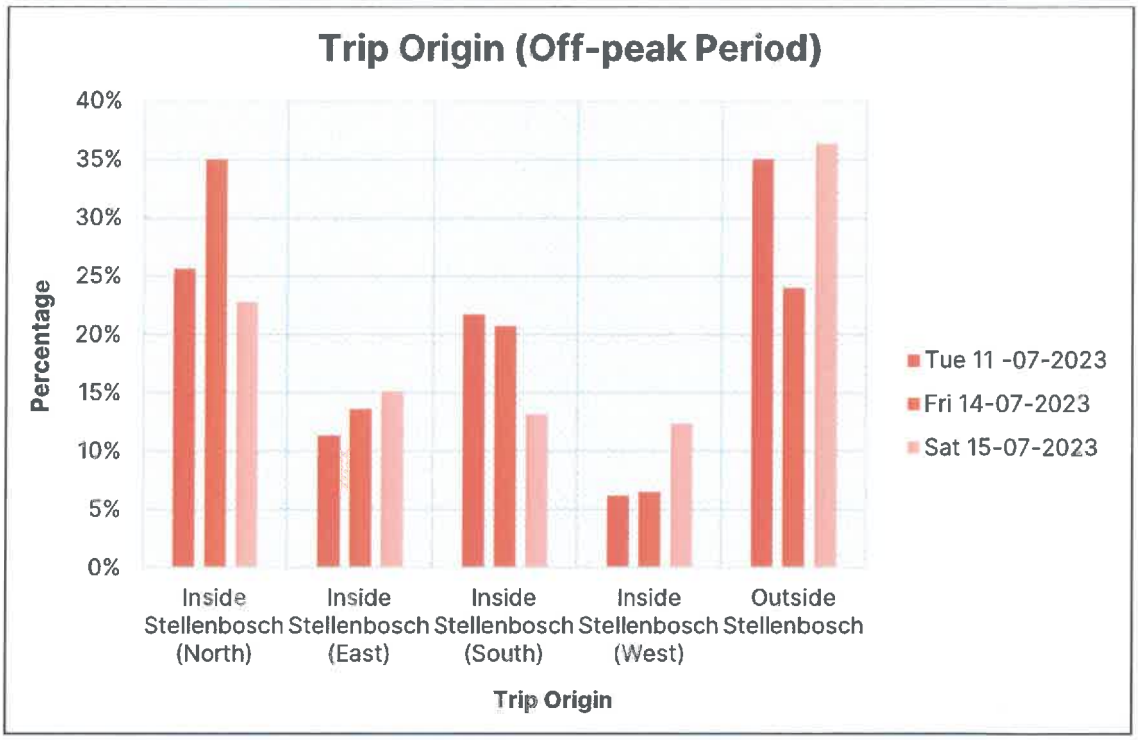


Figure 3-33: Trip origin of the parking users: Off-peak Period

From the above, majority of the trip origins were recorded from inside Stellenbosch during the off-peak period. From the off-peak period data, majority of the internal trip origins were recorded from the north.

3.5.4.6 How often does the user visit a specific area

Information was extracted from the stated preference surveys on how often a user visits the study area utilising the parking facilities. This information was extracted to evaluate the parking needs and potentially how familiar the users are with the parking areas in the study area. Refer to Figure 3-34 and Figure 3-35 for the peak and off-peak period results.

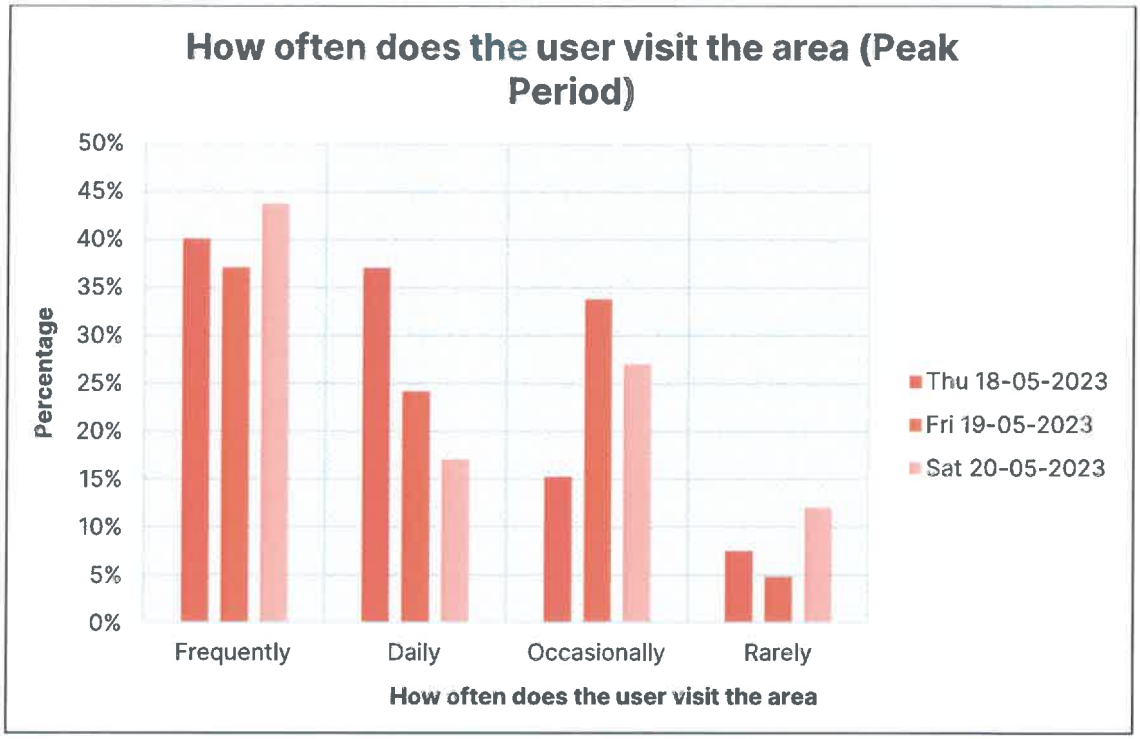


Figure 3-34: How often does the parking users visit the study area: Peak Period

From the above, it was identified that majority of the parking users frequently visit the study area and minority of the users rarely visit the study area. Therefore, the assumption can be made that the parking users are familiar with the parking areas in the study area during the peak period.

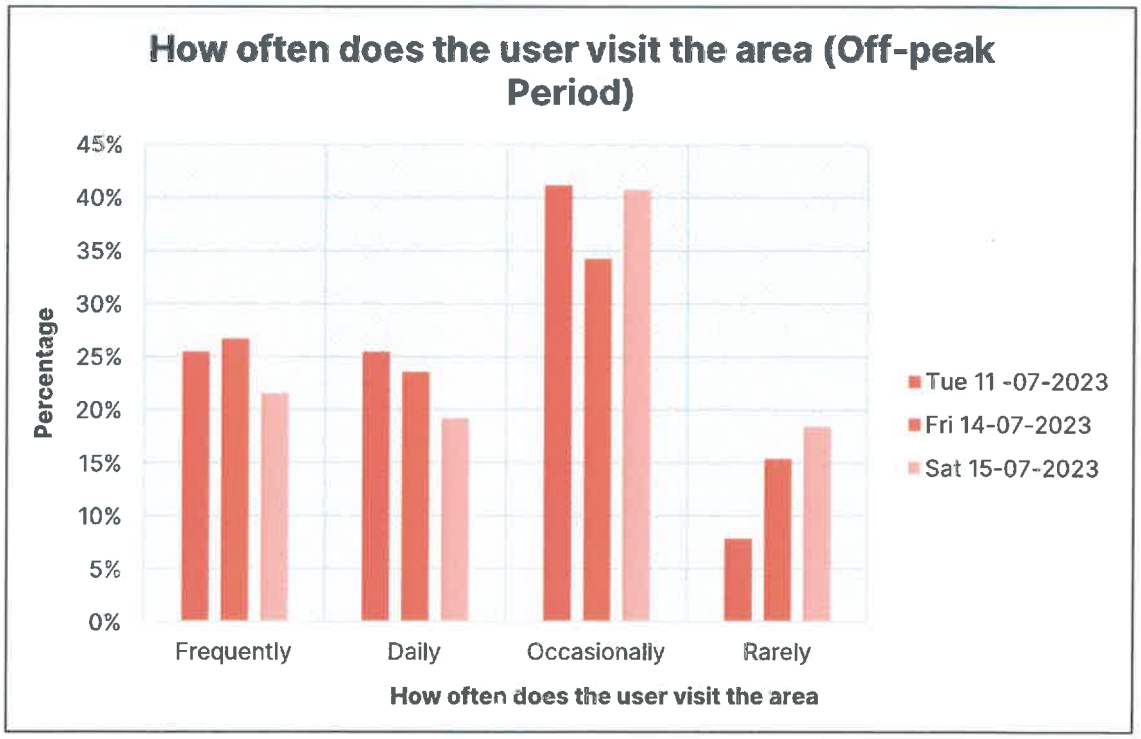


Figure 3-35: How often does the parking users visit the study area: Off-peak Period

From the above, it was identified that majority of the parking users occasionally visit the study area and minority of the users rarely visit the study area. Therefore, the assumption can be made that the parking users are relatively familiar with the parking areas in the study area during the off-peak period.

3.5.4.7 General Feedback from the public

From interviews with parking users on-site, undertaken during 2020 and 2023, complaints were received on the parking payment method and parking rates. Users were very unhappy with card payment being the only option to pay for parking and that they are required to pay such small amounts using a card. Users were also unhappy with regular payments when they park at various parking areas in the study area on the same day. Complaints were received on the duration of processing payments at the Eikestad off-street parking area. The payment processing takes too long.

People would rather consider shopping at Stellenbosch Square, Paarl or Somerset-West instead of Eikestad mall. One of the shop owners in Eikestad mall mentioned that their sales decreased with as much as 30% since they implemented the new parking system in the study area. Some of the users requested pension discount.

In addition to payment method and parking rate concerns, the users also had concerns regarding security and safety. They note that even when paying for parking, they are not guaranteed personal safety or vehicle security. Users note that better access control is required as informal 'car guards' demand payment in addition to the existing parking rates.

3.6 2020 vs 2021 vs 2023 Survey Results

Data was collected on 15, 18 and 19 September 2020 during Level 1 of the National Covid19 Lockdown, which had a big impact on the transport sector in Stellenbosch and the rest of South Africa. The total daily traffic count data for all the major roads entering and exiting Stellenbosch were evaluated to determine the impact of Covid19 on traffic patterns and whether the traffic condition normalise after lockdown. Refer to Figure 3-36.

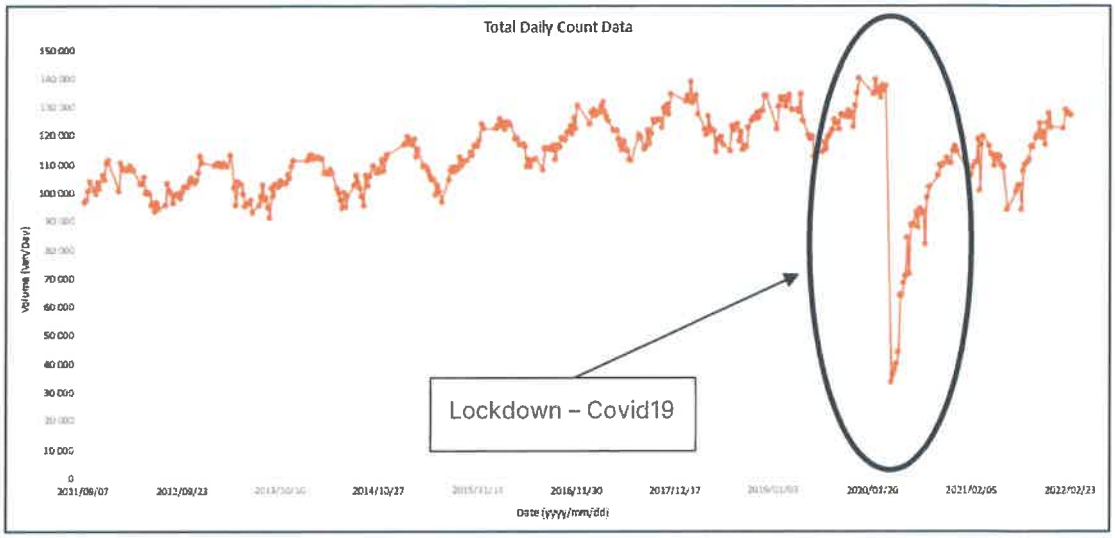


Figure 3-36: Total daily count data of the 7 counting stations together

From the above, it can be seen that the total daily volumes decreased from 137 488 vehicles per day to 33 569 vehicles per day when the National Lockdown was implemented. During the initial surveyed period (15, 18 and 19 September 2020), the daily volume was recorded to be approximately 100 361 vehicles per day.

Lockdown Level 1 is an activity that occurs occasionally, and it would not be appropriate to use the data to represent the typical worst-case condition. In 2021, as the universities reopened, the data was re-assessed between 22 and 24 April 2021. However, due to lockdown regulations there was an assumed large reduction in tourists visiting Stellenbosch compared to previous years.

The growth rate using data up until 2019 was calculated as a 2.57% compounded. Considering the data up until 2021, a compound growth rate of 1.06% was calculated. Therefore, due to the implications of Covid19 on the daily traffic volumes, the compound growth rate using data up until 2019 was used for further calculations.

In addition to obtaining the growth rate, calibrations were done by re-surveying selected parking areas in the focus area to determine the impact on the parking demand during COVID 19 when the university was closed (2020) compared to lower Covid19 lockdown levels (2021). However, it must be noted that South Africa was still a high-risk travel destination area during the April 2021 survey period and as such there were limited international tourists visiting Stellenbosch. Stellenbosch is a sought-after tourist destination, and the CBD is a major tourist attraction. Note should be taken that the surveys done in 2021 still did not reflect a true reflection of the peak demand.

During 2023, surveys were undertaken again during more normal conditions compared to prior Covid19 to update the parking demand calculations. Note should be taken that since Covid19, the daily traffic volumes were still not on the same level as pre Covid19. Refer to Figure 3-37 for a total daily volume plot for the 6 permanent counting stations for which data was available from 07 September 2011 up until 21 June 2023.

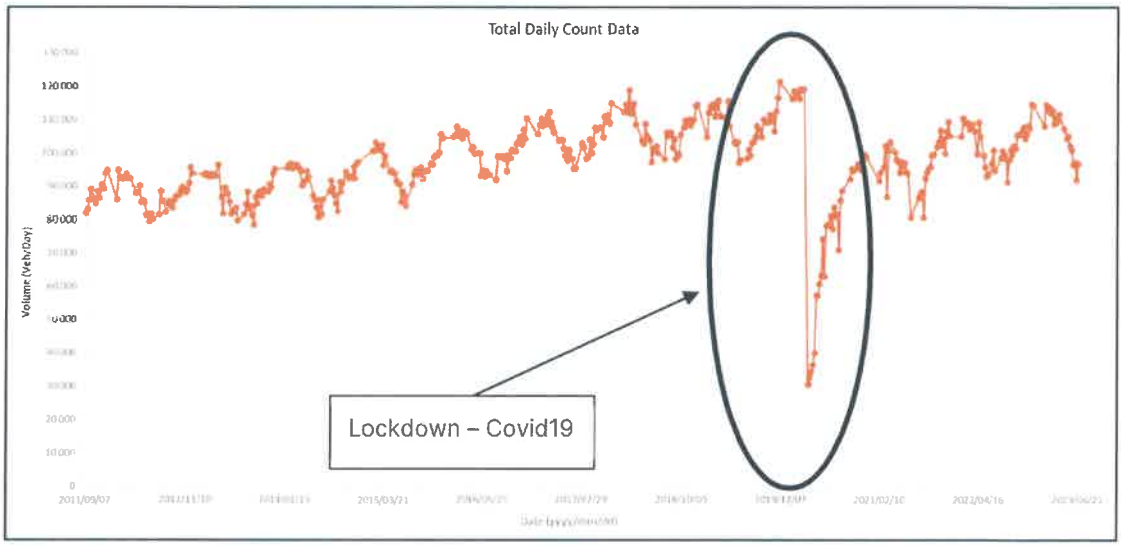


Figure 3-37: Total daily count data of the 6 counting stations together

From the above, the maximum total daily volume for the six counting stations was 121 338 vehicles on 27 November 2019 and on 07 December 2022 the maximum total daily volume was 114 275 vehicles. This is 6.18% lower in 2022 compared to 2019.

The parking survey data for the three years surveyed (2020, 2021 and 2023) were compared for the following parking areas:

- All parking areas
- Eikestad Underground Parking
- Eikestad Mall Off-Steet Parking Area

3.6.1 Eikestad Underground Parking

Refer to Table 3-16 for a summary of the Eikestad Underground parking area parking characteristics from the 2020, 2021 and 2023 peak periods parking surveys.

The parking accumulation against time, usable and system capacity for the Eikestad Underground parking area are illustrated in Figure 3-38, Figure 3-39 and Figure 3-40 for the weekday, Friday and Saturday respectively, comparing the 2020, 2021 and 2023 survey data.

Table 3-16: Eikestad Underground Parking: 2020 vs 2021 vs 2023

Parking Characteristics			2020			2021			2023		
			Weekday	Friday	Saturday	Weekday	Friday	Saturday	Weekday	Friday	Saturday
Survey Duration (hours)			12	12	12	12	12	12	12	12	12
Total Number of Parking Spaces			520	520	520	520	520	520	520	520	520
Parking Volume (vehicles)			1505	1588	1144	1684	1790	1579	2024	1968	1442
Peak Parking Saturation			0.440	0.504	0.402	0.535	0.552	0.483	0.608	0.600	0.379
Parking Load (vehicle hour)			753	794	572	842	895	790	1012	984	721
Peak Parking Ratio			1.544	1.669	1.625	1.491	1.670	1.848	1.615	1.511	1.691
Average Parking Duration (hours)			1.858	1.600	1.306	1.802	1.742	1.219	1.622	1.709	1.124
Parking Turnover			2.894	3.054	2.200	3.238	3.442	3.037	3.892	3.785	2.773
Parking index	Full day	Max	44%	50%	40%	53%	55%	48%	61%	60%	38%
		Average (06:00 - 18:00)	29%	30%	25%	36%	33%	26%	38%	40%	22%
	AM	Average (06:00 - 12:00)	26%	30%	18%	39%	34%	24%	29%	33%	20%
		Max (06:00 - 12:00)	44%	50%	38%	53%	55%	48%	58%	59%	38%
	PM	Average (12:00 - 18:00)	31%	31%	32%	33%	32%	28%	46%	46%	25%
		Max (12:00 - 18:00)	44%	43%	40%	48%	54%	43%	61%	60%	35%

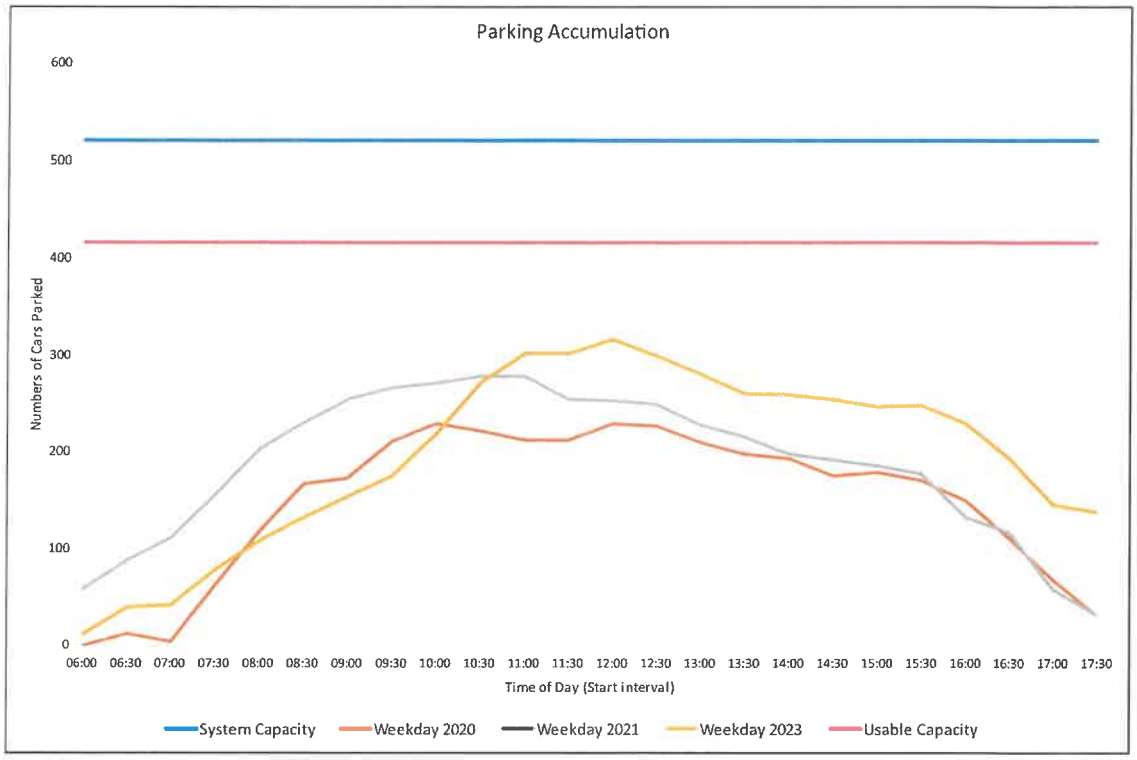


Figure 3-38: Parking Accumulation – 2020 vs 2021 vs 2023 Weekday (Eikestad Underground Parking)

From the above, a 21% increase in the peak Parking Accumulation was observed from 2020 to 2021 and a further 14% increase was observed from 2021 to 2023 during typical weekdays.

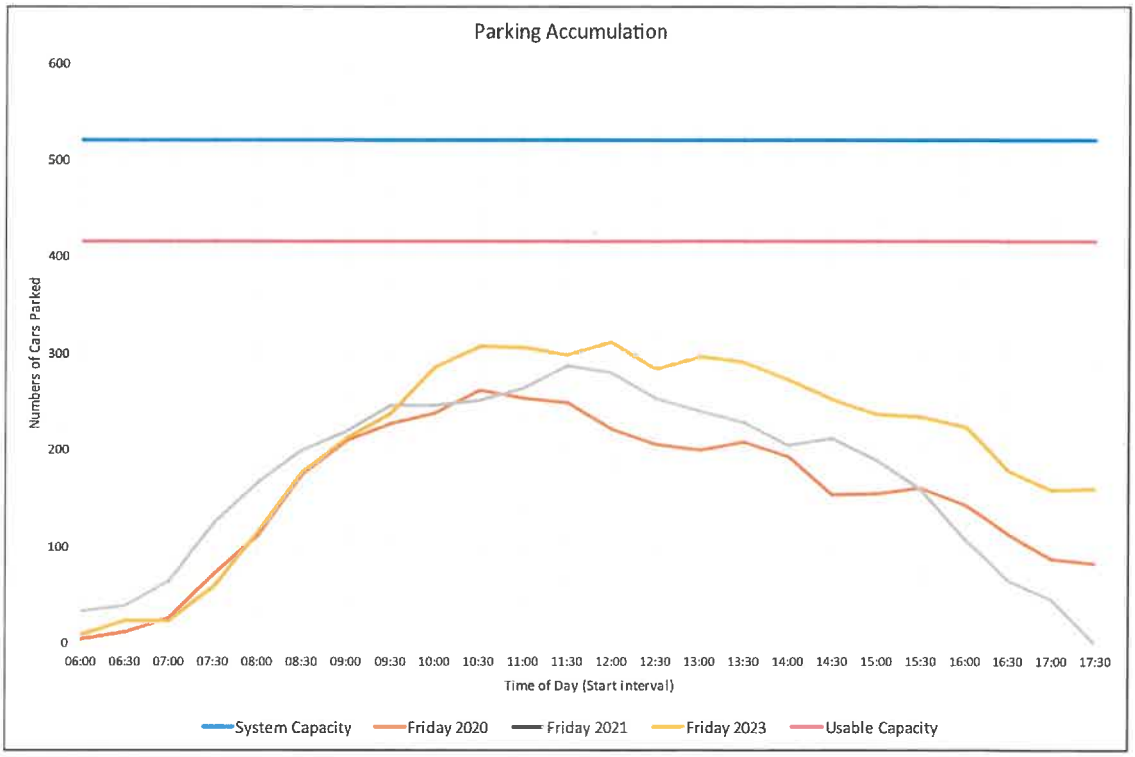


Figure 3-39: Parking Accumulation – 2020 vs 2021 vs 2023 Friday (Eikestad Underground Parking)

From the above, a 10% increase in the peak Parking Accumulation was observed from 2020 to 2021 and a further 9% increase was observed from 2021 to 2023 during typical Fridays.

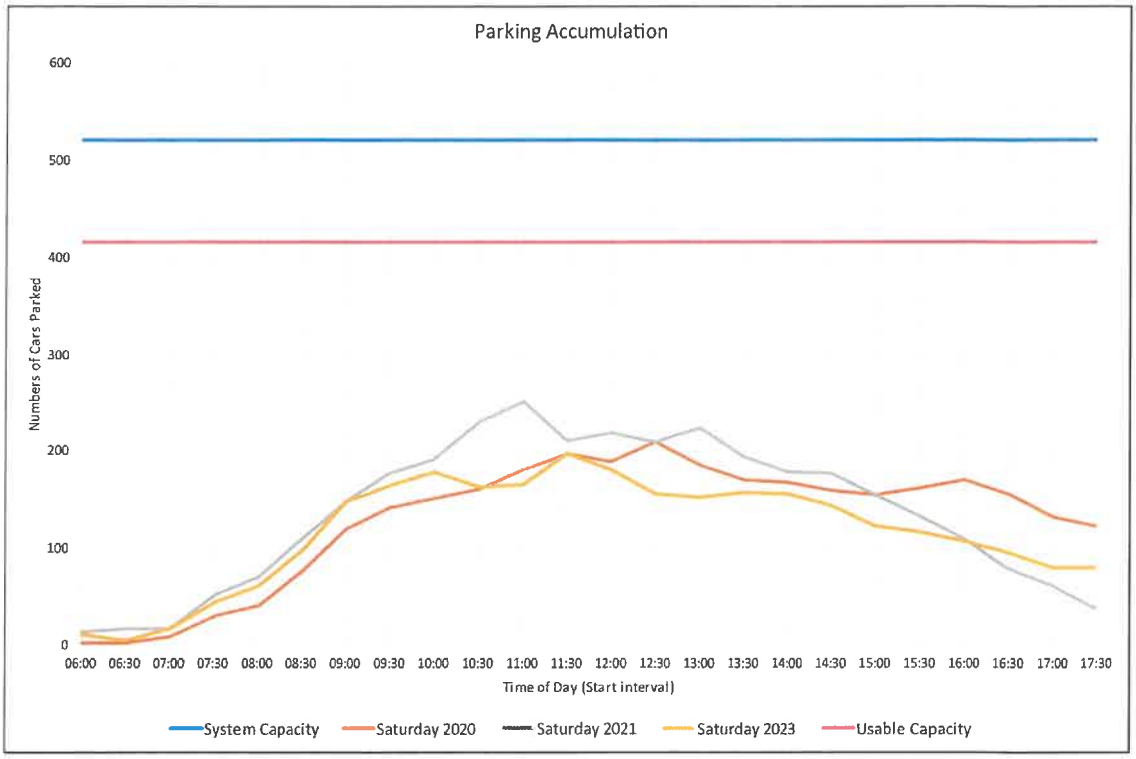


Figure 3-40: Parking Accumulation – 2020 vs 2021 vs 2023 Saturday (Eikestad Underground Parking)

From the above, a 20% increase in the peak Parking Accumulation was observed from 2020 to 2021 and a 22% decrease was observed from 2021 to 2023 during typical Saturdays.

From Figure 3-38, Figure 3-39 and Figure 3-40, it can be seen that for all three years surveyed, the parking demand did not exceed the system or usable capacity for Eikestad Underground Parking.

3.6.2 Eikestad Mall Off-Street Parking Area

Refer to Table 3-17 for a summary of the Eikestad Mall Off-Street parking area parking characteristics from the 2020, 2021 and 2023 peak periods traffic surveys.

The parking accumulation against time, usable and system capacity for the Eikestad Mall Off-Steet parking area are illustrated in Figure 3-41, Figure 3-42 and Figure 3-43 for the weekday, Friday and Saturday respectively, comparing the 2020, 2021 and 2023 survey data.

Table 3-17: Eikestad Mall Off-Street Parking Area: 2020 vs 2021 vs 2023

Parking Characteristics			2020			2021			2023		
			Weekday	Friday	Saturday	Weekday	Friday	Saturday	Weekday	Friday	Saturday
Survey Duration (hours)			12	12	12	12	12	12	12	12	12
Total Number of Parking Spaces			248	248	248	248	248	248	248	248	248
Parking Volume (vehicles)			750	804	684	1012	1327	1149	988	1142	1199
Peak Parking Saturation			0.448	0.423	0.403	0.536	0.726	0.645	0.992	0.992	0.835
Parking Load (vehicle hour)			375	402	342	506	664	575	494	571	600
Peak Parking Ratio			1.719	1.618	1.684	1.579	1.641	1.625	1.308	1.325	1.552
Average Parking Duration (hours)			1.378	1.439	1.409	1.372	1.371	1.554	4.019	3.506	2.371
Parking Turnover			3.024	3.242	2.758	4.081	5.351	4.633	3.984	4.605	4.835
Parking index	Full day	Max	45%	42%	40%	54%	73%	65%	99%	99%	83%
		Average (06:00 - 18:00)	26%	26%	24%	34%	44%	40%	76%	75%	54%
	AM	Average (06:00 - 12:00)	17%	16%	18%	21%	28%	25%	61%	58%	37%
		Max (06:00 - 12:00)	40%	33%	38%	48%	65%	63%	99%	99%	83%
	PM	Average (12:00 - 18:00)	35%	36%	30%	46%	60%	54%	90%	91%	71%
		Max (12:00 - 18:00)	45%	42%	40%	54%	73%	65%	99%	99%	81%

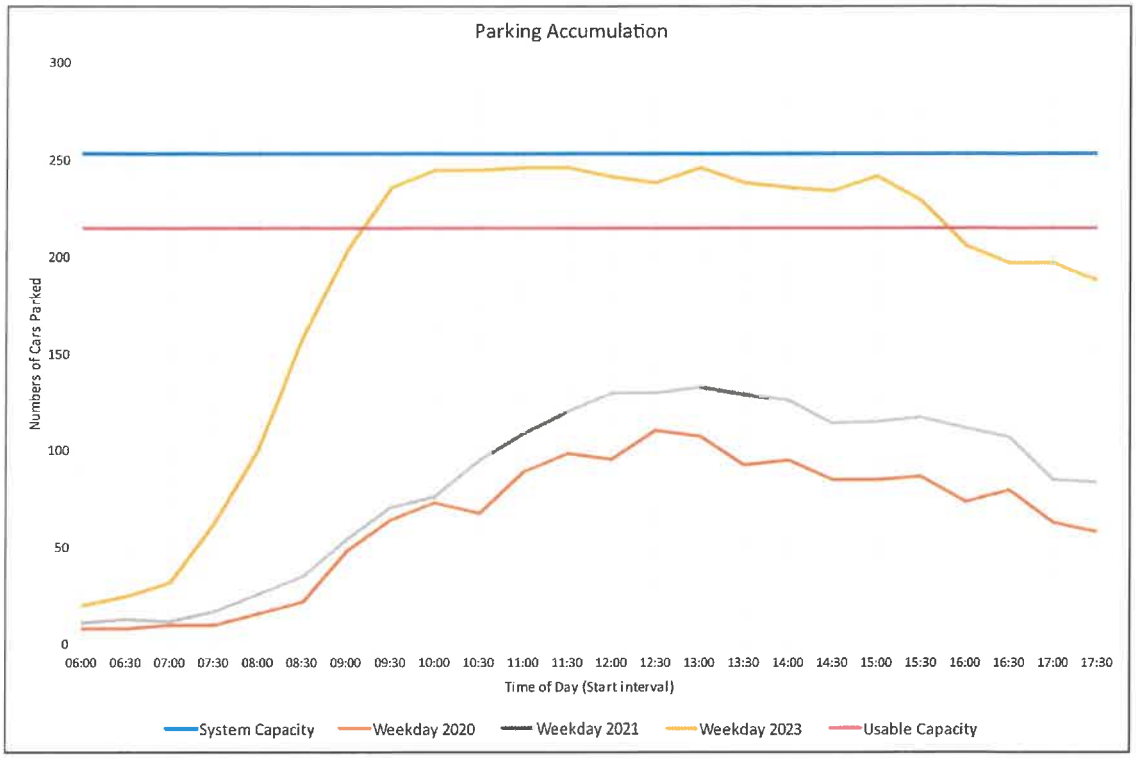


Figure 3-41: Parking Accumulation – 2020 vs 2021 vs 2023 Weekday (Eikestad Mall Off-Street Parking Area)

From the above, a 20% increase in the peak Parking Accumulation was observed from 2020 to 2021 and a further 85% increase was observed from 2021 to 2023 during typical weekdays. It was also noted that the usable capacity was exceeded in 2023.

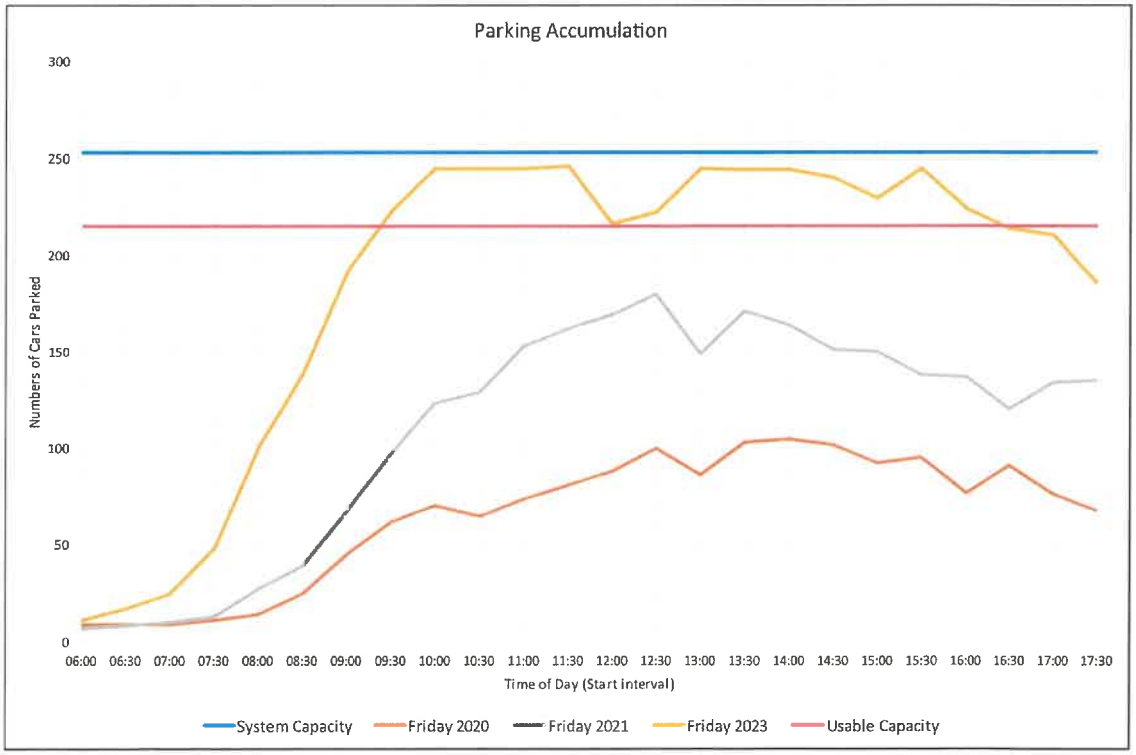


Figure 3-42: Parking Accumulation – 2020 vs 2021 vs 2023 Friday (Eikestad Mall Off-Street Parking Area)

From the above, a 71% increase in the peak Parking Accumulation was observed from 2020 to 2021 and a further 37% increase was observed from 2021 to 2023 during a typical Friday. It was also noted that the usable capacity was exceeded in 2023.

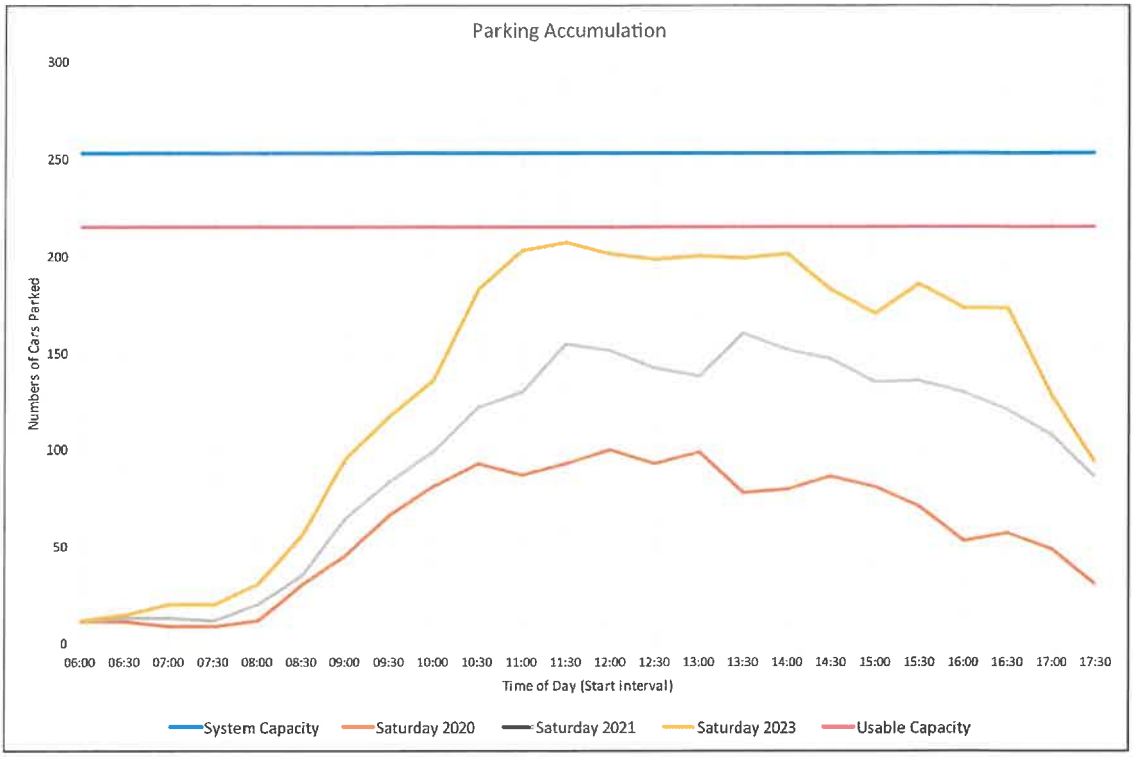


Figure 3-43: Parking Accumulation – 2020 vs 2021 vs 2023 Saturday (Parking Area L7)

From the above, a 60% increase in the peak Parking Accumulation was observed from 2020 to 2021 and a further 29% increase was observed from 2021 to 2023 during typical Saturday.

3.7 Parking Demand Calculations

Using the calibrated data above, the existing and future parking demands were calculated. For the purposes of this study, the parking requirements for the following existing and horizon years are being addressed:

- 2023 Status Quo; and
- 2028 Horizon Year.

The COTO TMH 17 South African Trip Data Manual dated September 2012 provides typical growth rates to be used for growth areas based on the existing/anticipated rate of growth. Refer to Table 3-18.

Table 3-18: Typical Growth Rates

Development Area	Growth Rate
Low Growth Areas	0% - 3%
Average Growth Areas	3% - 4%
Above Average Growth Areas	4% - 6%
Fast Growing Ares	6% - 8%
Exceptionally High Growth Areas	> 8%

As indicated previously, a compounded traffic growth rate of 2.57%, calculated from the traffic surveys, was applied to the 2023 Base Year parking demand in order to derive the 2028 Design Year parking demands.

In this section, the peak occupancy based on the usable capacity was used to calculate the over/undersupply of parking. In addition, the focused study area was used to calculate the demand profile. This was based on the stated preference surveys were the reason for choosing the parking space and the purpose for parking were considered the define the major focus parking lots. The calculations were done in three methods. These were done to determine the current peak demand and off-peak demand:

- Method 1: is the parking's required
  - All parking in CBD assessed and use in the demand calculations.
  - Additional bays based on overflow based of parking type in the peak and the practical capacity.
  - Assumes that all parking in the CBD is in play and that motorists will drive until any parking is available regardless of destination location within the CBD of the purpose of their visit.
- Method 2: positive is additional bays needed
  - Assess parking in a walkable distance of the proposed facility, based on the stated preference surveys.
  - Additional bays based on volumes and space calculations of all affected parking in the revised study area.

- Works on the eight-hour parking distribution to refine the number of peak parking requirements due to parking preference duration.
- Assumes that demand for the underground and new facility would be equal and that all available parking is in play between the new facility and underground parking.

- Method 3: Most realistic approach
  - Assess parking in a walkable distance of the proposed facility based on the stated preference surveys.
  - Calculate the volumes to use the facility based on preference between the existing Eikestad parking and the underground based on the existing utilisation of these facilities.
  - Uses space time volume calculations to determine parking demand from the surveyed volumes.
  - Overflow calculations based on practical capacity of each facility.
  - Works from the 8-hour parking distribution to refine the number of peak parking requirements due to parking preference duration.

3.7.1 2023 Base Year

For the purpose of this study, the 2023 base year scenario is being analysed in four (4) stages. Each additional stage incorporates the changes implemented in the preceding stage/stages. The four stages are:

1. **Stage 1**: 2023 Status Quo:
   a. The estimated percentage of the current illegal parking demand.
   b. Existing overflow estimated percentage.
   c. Current utilisation of the off street Eikestad Facility.
2. **Stage 2**: Incorporate projects and policies that will increase the parking demand, such as:
   a. Pedestrianisation of certain streets; and
   b. Elimination of parking to increase street capacity.
3. **Stage 3**: Optimise parking search time and utilization of parking areas with the implementation of a parking management system. This allows vehicles to find parking quicker and thus may reduce congestion in the CBD, it would however, not affect the max demand for parking in the CBD but would reduce waiting and circulating traffic there by allocating parking more effectively. For this scenario, it was estimated to have an effect of 10% of the parking bays required. This was estimated form the proportion of overflow vehicles that may utilise the paid off-street parking. However, this does not reduce the total demand for parking.
4. **Stage 4**: Incorporate measures and systems that will reduce the demand for parking, such as:
   a. Park and ride systems;
   b. Shuttle routes; and
   c. Public transport systems, etc.

3.7.2 2028 Horizon Year

For the purpose of this study, the 2028 horizon year scenario is being analysed in two (2) stages. Each additional stage incorporates the changes implemented in the preceding stage/stages. The two stages are:

1. **Stage 2:** Apply a compound growth of 2.57% per annum to the status quo peak parking demand to calculate the 2028 horizon year parking demand.
2. **Stage 3:** Incorporate measures and systems that will reduce the demand for parking, such as:
   A. Park and ride systems;
   B. Shuttle routes; and
   C. Public transport systems, etc.

The 2028 horizon year was chosen as the year in which the parking demand should stabilise after construction. This allows for teething and final construction finishes to have been completed and the facility should be functioning optimally. By no means does it suggest that the demand for parking in the CBD of Stellenbosch will peak in this year.

3.7.3 Results

3.7.3.1 Method 1

This method calculated the existing surplus and deficit. Therefore, the deficit indicates required bays for the facility. The required bays ranged from 7 to 292 bays depending on the scenario assessed. Refer to Table 3-19.

Table 3-19: Bay requirement per scenario: Method 1

Total CBD Parking Needs: Method 1						
Scenario		Parking area type		Capacity (bays)	Peak Occupancy	Surplus / Deficiency
2023 Status Quo	Stage 1	On-Street	Free	210	91%	-2
			Paid	465	93%	-14
		Off-Street	Free	44	95%	-4
			Paid	1069	73%	82
		Illegal Parking		69	100%	-69
		Total		**1788**	**85%**	**-7**
2023	Stage 2	On-Street	Free	210	91%	-2
			Paid	397	93%	-12
		Off-Street	Free	44	95%	-4
			Paid	1069	73%	82
		Illegal Parking		69	100%	-68
		Close Church Rd		68	100%	-69
		Total		**1720**	**88%**	**-73**
	Stage 3	On-Street	Free	210	77%	27
			Paid	397	79%	43
		Off-Street	Free	44	81%	2

Total CBD Parking Needs: Method 1						
Scenario		Parking area type		Capacity (bays)	Peak Occupancy	Surplus / Deficiency
			Paid	1069	73%	75
		Illegal Parking		68	100%	-68
		Close Church Rd		69	100%	-69
		Total		**1720**	**83%**	**10**
	Stage 4	On-Street	Free	210	71%	40
			Paid	397	73%	69
		Off-Street	Free	44	74%	5
			Paid	1069	73%	75
		Illegal Parking		68	100%	-68
		Close Church Rd		69	100%	-69
		Total		**1720**	**81%**	**51**
2028 Horizon Year	Stage 2	On-Street	Free	210	103%	-27
			Paid	397	106%	-63
		Off-Street	Free	44	108%	-10
			Paid	1069	83%	-34
		Illegal Parking		68	100%	-68
		Close Church Rd		69	100%	-69
		Total		**1720**	**99%**	**-272**
	Stage 3	On-Street	Free	210	88%	5
			Paid	397	90%	0
		Off-Street	Free	44	92%	-3
			Paid	1069	71%	99
		Illegal Parking		69	100%	-69
		Close Church Rd		68	100%	-68
		Total		**1720**	**86%**	**-36**

3.7.3.2 Method 2

Method two calculated the number of bays form the space time relations to determine the number of additional bays. However, this method equally distributed the excess parking to the existing underground parking and available bays. As indicated in the stated preference surveys and in the analysis of the individual parking bay demands, this method is flawed. As most users of the existing parking facilities are familiar users, the preference for a specific parking facility is pre-determined. The parking ranges from 2 to 314 additional bays. Refer to Table 3-20.

Table 3-20: Bay requirement per scenario: Method 2

Affected CBD Parking: Method 2						
Period	Stage	Parking criteria	Full Capacity	Parking Spaces needed Space Time Calc	Practical Utilisation	Additional Parking: Practical Capacity
	Stage 1	Eikestad	248	272	80%	74
		Overflow @6%	0	57		57

Affected CBD Parking: Method 2						
Period	Stage	Parking criteria	Full Capacity	Parking Spaces needed Space Time Calc	Practical Utilisation	Additional Parking: Practical Capacity
2023 Status Quo		Illegals @50%	0	39		39
		Underground	**520**	312	80%	-104
		Total Required				**66**
2023	Stage 2	Eikestad	248	272	80%	74
		Overflow @6%	0	57		57
		Illegals @50%	0	39		39
		Underground	**520**	312	80%	-104
		Church Rd	0	**70**		70
		Total Required				**136**
	Stage 3	Eikestad	248	231.2	80%	33
		Overflow @6%	0	-2		-2
		Illegals @50%	0	39		39
		Underground	520	286	80%	-130
		Church Rd	**0**	**70**		70
		Total Required				**10**
	Stage 4	Eikestad	248	213	80%	14
		Overflow @6%	0	-2		-3
		Illegals @50%	0	39		49
		Underground	520	270	80%	-146
		Church Rd	**0**	**70**		88
		Total Required				**2**
2028 Horizon Year	Stage 1	Eikestad	248	378	80%	163
		Overflow @6%	0	81		81
		Illegals @50%	0	42		42
		Underground	**520**	355	80%	-61
		Church Rd	0	0		0
		Total Required				**225**
	Stage 2	Eikestad	248	378	80%	163
		Overflow @6%	0	81		81
		Illegals @50%	0	42		42
		Underground	**520**	355	80%	-61
		Church Rd	0	89		89
		Total Required				**314**
	Stage 3	Eikestad	248	321.3	80%	123
		Overflow @6%	0	81		81
		Illegals @50%	0	42		42
		Underground	**520**	301.75	80%	-114
		Church Rd	0	89		89
		Total Required				**221**

3.7.3.3 Method 3

The space/time calculation used the surveyed volumes of the facilities to calculate the required bays to supply the demand. It is based on the existing volumes and calculations based on the current and forecasted demand. Furthermore, this method used the estimated demands based on the preference for parking and the purpose for parking.

Table 3-21: Method 3 Demand Analysis 2023

2023 Stage 1			
Efficiency Factor (90% for curb, 80% for garage and 85% for surface lots) - Average	=	0.8	

Legal parking			
Duration	=	12	hours
Space-hour	=	2934.5	Space-hours
Number of required parking spaces	=	306	parking spaces
Duration	=	8	hours
Space-hour	=	2176	Space-hours
Number of required parking spaces	=	**340**	parking spaces
2023 Stage 2			
Efficiency Factor (90% for curb, 80% for garage and 85% for surface lots) - Average	=	0.8	

Legal parking			
Duration	=	12	hours
Space-hour	=	3423	Space-hours
Number of required parking spaces	=	357	parking spaces
Duration	=	8	hours
Space-hour	=	3040	Space-hours
Number of required parking spaces	=	**475**	parking spaces
2023 Stage 3			
Efficiency Factor (90% for curb, 80% for garage and 85% for surface lots) - Average	=	0.8	

Legal parking			
Duration	=	12	hours
Space-hour	=	3001.5	Space-hours
Number of required parking spaces	=	313	parking spaces
Duration	=	8	hours
Space-hour	=	2439	Space-hours
Number of required parking spaces	=	**382**	parking spaces

Table 3-22: Method 3 Demand Analysis 2028

2028 Stage 1			
Efficiency Factor (90% for curb, 80% for garage and 85% for surface lots) - Average	=	0.8	

Legal parking			
Duration	=	12	hours
Space-hour	=	3959.5	Space-hours
Number of required parking spaces	=	413	parking spaces
Duration	=	8	hours
Space-hour	=	3501.5	Space-hours
Number of required parking spaces	=	**548**	parking spaces

2028 Stage 2			
Efficiency Factor (90% for curb, 80% for garage and 85% for surface lots) - Average	=	0.8	

Legal parking			
Duration	=	12	hours
Space-hour	=	3331.5	Space-hours
Number of required parking spaces	=	348	parking spaces
Duration	=	8	hours
Space-hour	=	2942.6	Space-hours
Number of required parking spaces	=	**460**	parking spaces

2028 Stage 3			
Efficiency Factor (90% for curb, 80% for garage and 85% for surface lots) - Average	=	0.8	

Legal parking			
Duration	=	12	hours
Space-hour	=	3468.5	Space-hours
Number of required parking spaces	=	362	parking spaces
Duration	=	8	hours
Space-hour	=	2812.5	Space-hours
Number of required parking spaces	=	**440**	parking spaces

The tables above indicated that the required parking demand ranges from 340-548 bays which is an additional 92 to 300 bays.

3.7.4 Summary Demand

The three methods used ranged from just 7 additional bays to 314 bays depending on the stages and method used. The average being around 148 additional bays over the three methods.

Table 3-23: Summary of stages and method facility size

Facility Size Three Methods	Stages	Additional Bays Required	Facility Size if Basement is used
Method 1: Total CBD Needs	2023 Stage 1	7	255
	2023 Stage 2	73	321
	2023 Stage 3	-10	248
	2023 Stage 4	-51	248
	2028 Stage 2	272	520
	2028 Stage 3	36	284
Method 2: Affected Area Needs	2023 Stage 1	66	314
	2023 Stage 2	136	384
	2023 Stage 3 (Assuming that the Underground will pick up all additional capacity)	10	258
	2023 Stage 4 (Assuming that the Underground will pick up all additional capacity)	2	250
	2028 Stage 1	225	473
	2028 Stage 2	314	562
	2028 Stage 3	221	469
Method 3: Space Time based on volume distribution to use the facility	2023 Parking Facility Stage 1	92	340
	2023 Parking Facility Stage 2	227	475
	2023 Parking Facility Stage 3	134	382
	2028 Eikestad Underground Stage 1	212	460
	2028 Eikestad Underground Stage 2	300	548
	2028 Eikestad Underground Stage 3	192	440

The table below indicates the size of the proposed facility based on the demand analysis for the different options for the different horizon years.

Table 3-24: Facility size based on method used.

Stages	2023			Comments
	Method 1	Method 2	Method 3	
Stage 1	255	314	340	2023 is influenced by the available capacity in the underground for M1 and 2
Stage 2	321	384	**475**	
Stage 3	248	258	382	
Average	285	319	399	

Stages	2028			Comments
	Method 1	Method 2	Method 3	
Stage 1		473	460	Due to growth over the system, the M1 and M2 capacity for the underground is limited
Stage 2	520	562	**548**	
Stage 3	284	469	440	
Average	402	502	483	

4 Technical Options Analysis

4.1 Options Considered

The options for the CBD are shown in Figure 5-1.

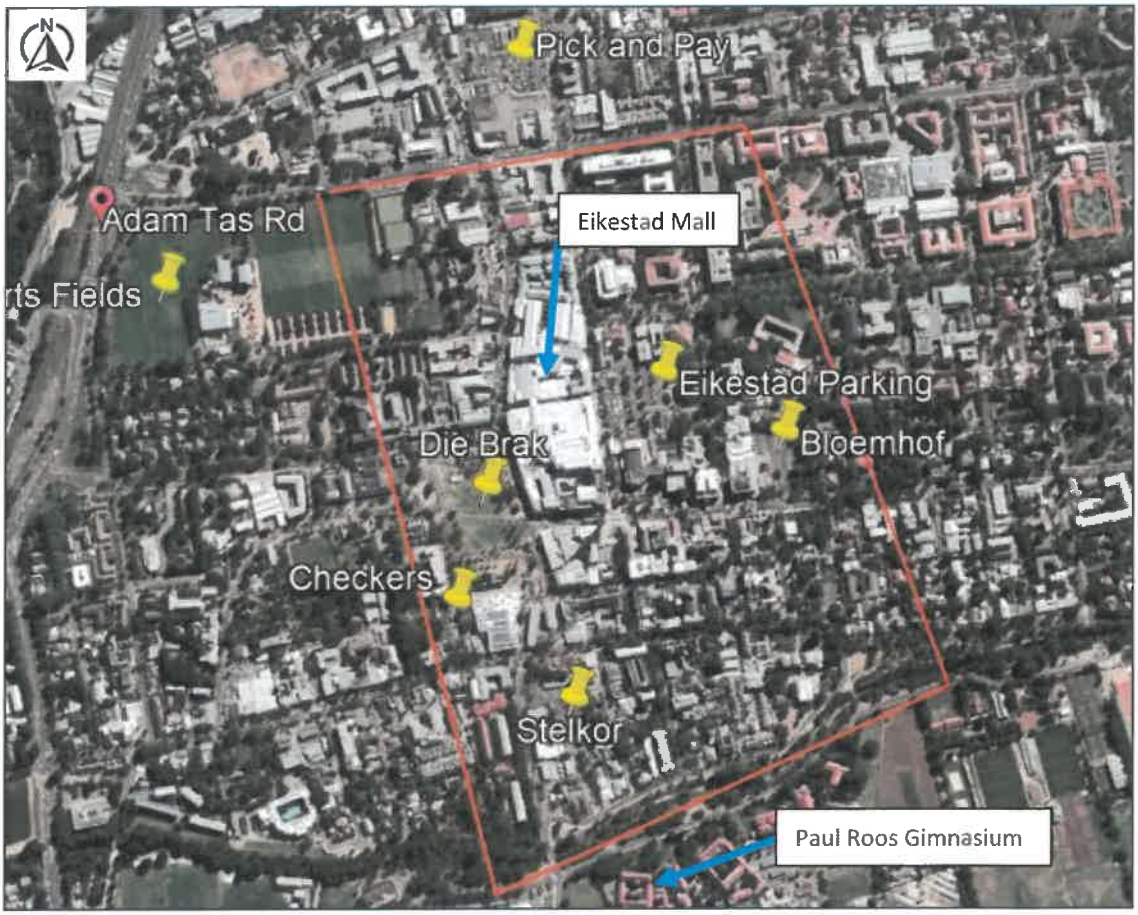


Figure 4-1: CBD Parking Options

There are seven locations identified for a multi-story parking garage in the CBD.

4.2 Evaluation and Assessment

The proposed solutions for the CBD. The proposed solutions are assessed based on the following aspects:

- Project Description: Type of projects and location with regards to the CBD as defined in Chapter 0.
- Financial impacts: Cost of the proposed facility.
- Funding and affordability: Available funding based on chapter financial assessment.
    - The 2021-2022 financial operational expenditure for Roads and Stormwater was R108 786 million with a 96% spend, the capital expenditure for road infrastructure was

95.6% at R71 300 million. Community facilities spend was R37 656 mil with a 200% spend of budget.

- The integrated development grant was further spent at 100% in R59 941 mil.
- From these budgets there is only a remaining budget of R7.65mil
- The total infrastructure spend was R253 878 mil at 89% with a total remaining budget of R29 708 mil.
- Yet, the majority of this budget is for water and housing projects.
- The budget for a parking facility would need to come from the municipality or an external loan.
- The R29 mil is not enough to construct the proposed facility.

- Risk identification: Based on high level risks associated with location, regulations and project description.
- Service Arrangements: Types of services.
- Transitional management issues: Difficulty in transitioning the project over at handover stage.
- Technical Summary: Description of technical aspects of the project.
- Site Issues, legislation and regulations: Issues such as zoning, heritage, etc. as assessed.
- Market capability and appetite: There are existing service providers for parking facilities management in Stellenbosch from the private sector.
- Qualitive factors: The qualitive factors were determined through the preference surveys and other non-qualitive assumptions and assessments conducted in Stellenbosch.
  - The preference surveys indicated the need to be close to shopping and the places of work for people.
  - The need for long term parking.
  - The willingness of people to pay for parking.
- Suitability for a PPP
  - Is it a long term project?
    - Yes, the concession period is expected for 20 to 25 years.
  - Are there measurable service outputs?
    - Yes, the ability to reduce on-street parking and improve pedestrianisation of certain streets.
    - Yes, the parking facility being utilised by persons parking their vehicles.
    - Level of service of parking facility based on utilisation.
    - Financial returns based on the principle of pay- for- parking.
  - Is there Innovation?

- Yes, architecture innovation.
- Yes, smart parking as a possibility.

- Does it include the whole-of-life costing?
  - Yes, the possibility of a BOOT, etc. contract is possible.
  - Depending on solution needs.
- Is there market appetite?
  - Yes, there are current companies that specialise in parking facilities and a business model.
- Is there an opportunity for risk transfer?
  - Yes, the transfer of the construction, maintenance and operating risk from a capacity and financial sector, through a BOOT type contract. User-pays system.
- Does it include a bundling of contracts?
  - Bunding of construction, operation and maintenance service providers.
- Is the service a non-core service?
  - No, this is a core service of the municipality.
- Is the service complementary for commercial development?
  - The parking is to aid commercial developments, such as Church Street pedestrianisation, shuttle services, etc.

The options below in Table 4-1 for the most, achieve the above criteria. However, for this report, the most optimal solution that satisfies the requirements above will be the most feasible location for the proposed parking garage and or parking facilities. This does not eliminate the other locations from becoming parking facilities but is to highlight the optimal solution for the current demand identified in Chapter 3. In relation to Table 4-1, facilities there are 3 options that could satisfy a location for the CBD that are suitable for a PPP type project that is currently zoned for parking, located correctly and is being used as parking:

- Bloemhof parking facility
- Eikestad open parking facility
- Checkers parking facility

However, of these three options, in accordance with Table 4-1, the Eikestad parking facility is the most optimum to develop the parking facility.

Table 4-1: Options analysis

Project Description	Location	Technical Summary	Financial impacts Estimate	Funding and affordability and Capacity	Risk identification	Service Arrangements	Transitional management issues	Site Legislation and regulations issues	Zoned for Parking	Being Used for Parking/ Utilisation	Market capability and appetite	Qualitive factors	Parking Close to Shopping and Business	Suitability for a PPP	Preferred Option
Stellenbosch Central		Assumed a three floor Parking Garage with an estimated 1200 bays	R222 750 000	Capital budget available for R&S is R71mil. This facility would require 3 years to construct at R74mil per year. The available budget split would not be sufficient. However, the project is a user cost project and may be funded through public usage.	Availability risk, Environmental Risk, Geotechnical Risk, Regulatory Risk, Completion Risk, Cost Overrun Risk, Design Risk, Market Demand Risk (Due to location),	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	Obtaining Land Use & Zoning Rights. Geotechnical & Environmental impact would need to be investigated	No	No	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	Short Stay customers might not use this site due to its proximity to the CBD. Outside the study area of the CBD. Tourists might use this site if a good public transport link network is established to the CBD and other tourist sites. Public might perceive this site as unsafe due to close proximity to Station	No	Yes, but with significant risk to private sector due to location of the site. The site is approximately 1,2km walking distance to major restaurants and work areas. Difficulty to link to NMT.	No
Bloemhof Parking		Assumed a three floor Parking Garage with an estimated 480 bays	R89 100 000	Capital budget available for R&S, Traffic and Transport is R71mil. This facility would require 2 years to construct at R44mil per year. The available budget split would not be sufficient. However, the project is a user cost project and may be funded through public usage.	Construction Cost ratio to possible revenue might not be feasible due to space that will be utilised by structure and ramps.	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	This size of this Site restricts the possibility of a multi-floor facility due to spatial requirement of ramps and structure.	Yes	Yes/ No public parking	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	Due to the smaller size of the site it might be a more expensive and less profitable option.	Yes	Yes, but issues on size constraints may increase the cost with less parking space area to generate an income.	No

Project Description	Location	Technical Summary	Financial impacts Estimate	Funding and affordability and Capacity	Risk identification	Service Arrangements	Transitional management issues	Site Legislation and regulations issues	Zoned for Parking	Being Used for Parking/ Utilisation	Market capability and appetite	Qualitive factors	Parking Close to Shopping and Business	Suitability for a PPP	Preferred Option
Eikestad Mall Parking		Assumed a three floor Parking Garage with an estimated 500 bays	R111 000 000	Capital budget available for R&S, Traffic and Transport is R71mil. This facility would require 2 years to construct at R50mil per year. The available budget split would not be sufficient. However, the project is a user cost project and may be funded through public usage.	Traffic Congestion and accommodation, Geotechnical & Environmental impact low risk & Heritage, Cost overruns, Completion Risk	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	Geotechnical & Scoping Environmental impact has been completed	Yes	Yes	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	This site has a prime link to the CBD, university and local tourist sites. Short stay customers will use this site for ease of Non-motorised transport within the CBD.	Yes	YES, The site size is adequate, most central location to link to NMT between restaurants, mall, CBD, university location. Zoned as parking and is currently in use.	Yes
Stelkor Parking		Assumed a three floor Parking Garage with an estimated 480 bays	R89 100 000	Capital budget available for R&S, Traffic and Transport is R71mil. This facility would require 2 years to construct at R45mil per year. The available budget split would not be sufficient. However, the project is a user cost project and may be funded through public usage..	Construction Cost ratio to possible revenue might not be feasible due to space that will be utilised by structure and ramps.	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	This size of this Site restricts the possibility of a multi-floor facility due to spatial requirement of ramps and structure.	Yes	Yes/ 0,36	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	Due to the smaller size of the site it might be a more expensive and less profitable option.	No	Yes, however, there is a risk for the demand as Stelkor sits to the south of the study area. There is another significant risk in the size of the facility and the shape may create an expensive cost to revenue income ratio.	No

Project Description	Location	Technical Summary	Financial impacts Estimate	Funding and affordability and Capacity	Risk identification	Service Arrangements	Transitional management issues	Site Legislation and regulations issues	Zoned for Parking	Being Used for Parking/ Utilisation	Market capability and appetite	Qualitive factors	Parking Close to Shopping and Business	Suitability for a PPP	Preferred Option
Die Braak Parking		Assumed a three floor Parking Garage with an estimated 1200 bays	R222 750 000	Capital budget available for R&S, Traffic and Transport is R71mil. This facility would require 3 years to construct at R74mil per year. The available budget split would not be sufficient. However, the project is a user cost project and may be funded through public usage.	Heritage Application Rejection, Environmental Risk, Geotechnical Risk, Regulatory Risk,	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	Due to the Heritage Value of this Site, obtaining Land use and Zoning rights for a development of this nature might receive rejection.	No	No	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	This site has a prime link to the CBD, university and local tourist sites. Short stay customers will use this site for ease of Non-motorised transport within the CBD. Public might perceive this development as in intrusion on the Heritage value of the site	Yes	Yes, regarding location, size and area. However, this site location has major heritage significance and the regulatory requirements may prohibit the site for becoming a parking garage.	No
Checkers Parking		Assumed a three floor Parking Garage with an estimated 240 bays	R44 550 000	Capital budget available for R&S, Traffic and Transport is R71mil. This facility would require 2 years to construct at R22mil per year. The available budget split may be sufficient. However, the project is a user cost project and may be funded through public usage.	Construction Cost ratio to possible revenue might not be feasible due to space that will be utilised by structure and ramps.	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	This size of this Site restricts the possibility of a multi-floor facility due to spatial requirement of ramps and structure.	Yes	Yes,/ 0,556	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	Due to the smaller size of the site it might be a more expensive and less profitable option.	Yes	NO, the site is to small for a feasible multi story parking garage. It is currently an at grade parking facility	No

Project Description	Location	Technical Summary	Financial impacts Estimate	Funding and affordability and Capacity	Risk identification	Service Arrangements	Transitional management issues	Site Legislation and regulations issues	Zoned for Parking	Being Used for Parking/ Utilisation	Market capability and appetite	Qualitive factors	Parking Close to Shopping and Business	Suitability for a PPP	Preferred Option
Pick n Pay Parking		Assumed a three floor Parking Garage with an estimated 840 bays	R155 925 000	Capital budget available for R&S, Traffic and Transport is R71mil. This facility would require 2 years to construct at R74mil per year. The available budget split would not be sufficient. However, the project is a user cost project and may be funded through public usage.	PPP Attractive risk, Environmental Risk, Geotechnical Risk, Regulatory Risk,	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	Separating road through the site might make it more expensive to develop. The site is currently used as a parking and the zoning rights should be in place. Location less ideal	Yes	Yes/ Outside of study area surveys	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	The integration to the CBD using NMT may be too far based on the location of the facility. It could be feasible if investigated using the university needs from the engineering facility.	No	Yes, there is a significant risk based on demand due to the site's location to the CBD.	No
R304 Entrance		Assumed a three floor Parking Garage with an estimated 1440 bays	R267 300 000	Capital budget available for R&S, Traffic and Transport is R71mil. This facility would require 3 years to construct at R89mil per year. The available budget split would not be sufficient. However, the project is a user cost project and may be funded through public usage.	Location, Surrounding Attraction, Required Public Transport	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	Obtaining Land Use & Zoning Rights. Geotechnical & Environmental impact unknown.	No	No	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	Due to the proximity of the site to the CBD this might be a less viable option unless a good Public Transport link existing.	No	NO, unless the demand is created through a PT service and other regulatory restrictions for parking in the CBD and Stellenbosch	No

Project Description	Location	Technical Summary	Financial impacts Estimate	Funding and affordability and Capacity	Risk identification	Service Arrangements	Transitional management issues	Site Legislation and regulations issues	Zoned for Parking	Being Used for Parking/ Utilisation	Market capability and appetite	Qualitive factors	Parking Close to Shopping and Business	Suitability for a PPP	Preferred Option
Adam Tas Entrance		Assumed a three floor Parking Garage with an estimated 1440 bays	R267 300 000	Capital budget available for R&S, Traffic and Transport is R71mil. This facility would require 3 years to construct at R89mil per year. The available budget split would not be sufficient. However, the project is a user cost project and may be funded through public usage.	Location, Surrounding Attraction, Required Public Transport	Due to the simpler nature of this project there are not many services involved. Access Control, Security, Cleaning, Facility Management & Landscaping. However, as it is a user pays, there will be a need for financial services as well as user admin interface.	Due to the simpler nature of this type project a transition will not be complex.	Obtaining Land Use & Zoning Rights. Geotechnical & Environmental Impact unknown.	No	No	Exact Market appetite is unknown at this stage but there is a demand and business case. Private Sector Market Capability is existing	Due to the proximity of the site to the CBD this might be a less viable option unless a good Public Transport link existing.	No	NO, unless the demand is created through a PT service and other regulatory restrictions for parking in the CBD and Stellenbosch	No

4.3 Recommendation of Preferred Option

The optimum solution was found to be the Eikestad parking facility in the CBD as per Table 4-1. The initial Eikestad demand analysis was done in 2020 and 2021. During this phase, the analysis indicated that a demand for between 120-300 additional parking bays is required in the CBD for the then horizon years of 2023 and 2028. The most optimum location for the facility was determined at the existing above ground Eikestad parking facility. In 2023 additional surveys were conducted and a revised demand analysis was done. There are currently 248 bays at the Eikestad facility and based on chapter 3.4 an additional 148 to 314 bays are required. This amounts to a parking garage of between 350 and 550 bays as per the previous analysis. The actual demand analysis for the for 2023 and the forecasted demand analysis for 2028 correlated well with the forecasted growth of 2021.

The sizing of the facility was done using the scenarios and methods discussed in chapter 3.4 to access the most feasible design options for the facility. The scenarios were calculated using the daily volumes of the various assumptions and existing parking conditions and the surveyed time parking durations and distributions to determine the number of bays required. The assumptions made are as follows:

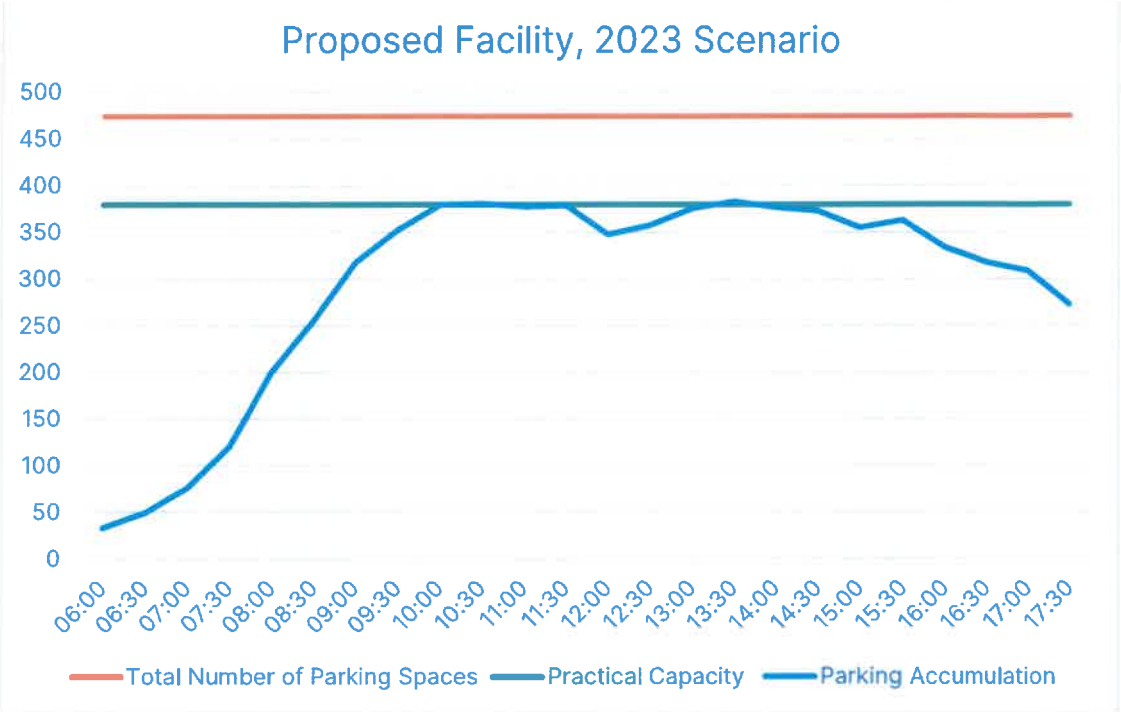
1. The current users of the Eikestad parking facility will still use the facility;
2. If the illegal parked vehicles in the CBD are policed, then approximately 30% will use the new facility. The 30% was based on the calculation of the available capacity in the underground vs the volume of illegal parking needs;
3. There is a calculated 2.57% pa growth in traffic in Stellenbosch that will require parking;
4. The existing overflow will use the new facility, if it is accessible and affordable; and
5. Initiatives like the pedestrianisation of Church Street will remove existing on-street parking and approximately 70% of these motorists will use the new parking garage at Eikestad.
6. Overflow and demand were based on the above three methods.

Based on the above assumptions, the following scenarios were developed:

- Base: Existing Eikestad Volumes only.
- Scenario 1: 30% of the Illegal surveyed parking volumes + Base scenario volumes.
- Scenario 2: Scenario 1 volumes + The 70% volumes for the pedestrianisation of Church St.
- Scenario 3: Overflow volumes for the existing facilities + Scenario 2
- Scenario 4: Scenario 3 + 2,57% pa traffic growth for 3 years.
- Scenario 5: Scenario 3 + 2,57% pa traffic growth till 2028.
- Scenario 6: Scenario 3 + A night demand and monthly parking demand estimates.
    - Night demand was calculated at an additional 15% of total day trips of scenario 3.
    - Monthly parking was calculated based on the volume of weekday traffic parking for 8 hours or more in the existing facilities from scenario 3.

The scenarios above were then included into the analysis through the three methods for the demand calculations. From Table 4-23 the method one is limited as this method does not assumes that available parking outside walking distance from the Eikestad parking will be used equally. Method two is further limited as it does not take into consideration the underground parking staff/ land load bays. This then does not adequately define the capacity analysis. Method three uses the assumptions that certain percentages of parking and overflows will use the new parking facility. It then calculates the parking requirements based on the space time durations based on existing volumes. This then calculates the most accurate and realistic approach to sizing the facility. As a result, the parking facility size was calculated to be between 475 and 548 bays. Based on the stage mitigation measures and the practical capacity of the site due to the floor levels, a parking facility of 498 bays was used as the proposed parking facility.

2023 New Facility Calculations					
Duration			=	12	hours
Total Number of Parking Spaces			=	475	Parking Spaces
Parking Volume			=	1683	vehicles
Peak Parking Saturation			=	0.806	
Parking Load			=	841.5	Veh hour
Peak Parking Ratio			=	1.296	
Parking Duration (Average)			=	3.700	hours
Parking Turnover			=	3.543	
Parking index	Full day	Max	=	81%	
		Average (06:00 - 18:00)	=	62%	
	AM	Average (AM 06:00 - 12:00)	=	53%	
		AM Peak hour	=	80%	
	PM	Average (PM 12:00 - 18:00)	=	73%	
		PM Peak hour	=	81%	
Efficiency Factor (90% for curb, 80% for garage and 85% for surface lots) - Average			=	0.8	
Legal parking					
Duration			=	12	hours
Space-hour			=	3423	Space-hours
Number of required parking spaces			=	357	parking spaces
Duration			=	8	hours
Space-hour			=	3040	Space-hours
Number of required parking spaces			=	**475**	parking spaces



2028 New Facility Calculations					
Duration			=	12	hours
Total Number of Parking Spaces			=	543	Parking Spaces
Parking Volume			=	1923	vehicles
Peak Parking Saturation			=	0.801	
Parking Load			=	961.5	Veh hour
Peak Parking Ratio			=	1.295	
Parking Duration (Average)			=	3.700	hours
Parking Turnover			=	3.541	
Parking index	Full day	Max	=	80%	
		Average (06:00 - 18:00)	=	62%	
	AM	Average (AM 06:00 - 12:00)	=	53%	
		AM Peak hour	=	80%	
	PM	Average (PM 12:00 - 18:00)	=	73%	
		PM Peak hour	=	80%	
Efficiency Factor (90% for curb, 80% for garage and 85% for surface lots) - Average			=	0.8	
Legal parking					
Duration			=	12	hours
Space-hour			=	3959.5	Space-hours
Number of required parking spaces			=	413	parking spaces
Duration			=	8	hours
Space-hour			=	3501.5	Space-hours
Number of required parking spaces			=	**548**	parking spaces

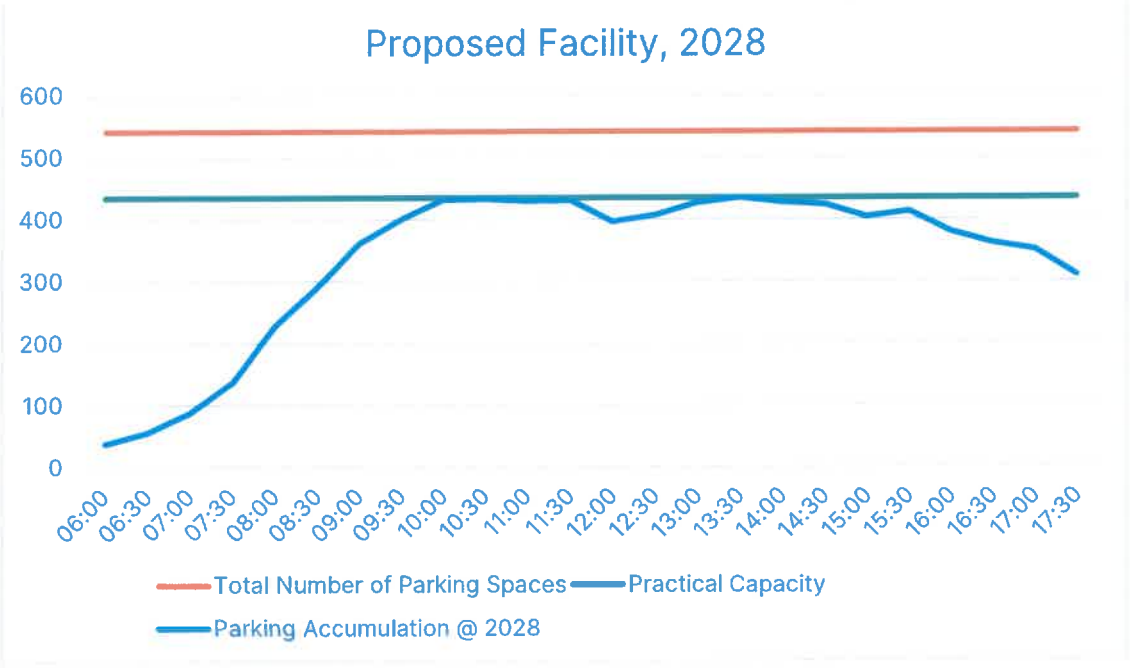


Table 4-2: Summary of Scenario's

Scenario	Description	Volumes/ day	Space hr/ duration	Parking Size (Bays)
Base	Existing Eikestad Volumes	1169	2304	272
1	Illegal surveyed parking + Base	1241	2542.5	295
2	Scenario 1 + Church Street Pedestrianization	1497	2792.5	335
3	Overflow + Scenario 2	1683	3423	475
4	Scenario 3 + 2,57% growth 3 years	1784	3686	508
5	Scenario 3 + 2,57% growth till 2028	1912	3900.5	548
6	Scenario 3 + Night Demand and Monthly estimates	1923	3959.5	507

In assessing the demand analysis, scenario's 3-6 are all in the region of 450-550 bays. However, in assessing the demand parameters, scenario 6 is scenario 3 with additional night and monthly demand. Some of the existing long-term parking is then converted to monthly parking and thus Scenario 6 requires less bays than Scenario 5. Scenario 6 is conservative regarding demand forecast, while it further allows for the inclusion of monthly users. Furthermore, scenario 6 allows for 85% of the calculated worst case scenario regarding the demand analysis. Therefore, scenario 6 is the most optimal design demand estimation. The architectural designs for the proposed facility then included the analysis above to allow for +-500 bays space dependent.

Based on the stage mitigation measures and the practical capacity of the site due to the floor levels, a parking facility of 498 bays was used as the proposed parking facility. This amounts to the existing 248 Eikestad parking bays and an additional 240 required bays to make a multi-story parking Garage of 498 bays. In addition, for scenario 6, the favourable scenario, the church street proposal for removal of on-street parking results in a reduction of 68 parking bays to the CBD. Hence, the total additional required

parking bays as identified for scenario 6 for the CBD is 182 bays. The total facility size proposed is 498bays which is made up of the following:

- 248 Existing Eikestad bays L7 open bays to be demolished and included in the multistorey parking lot
- 68 Church street parking to be removed in church street to improve NMT as per the NMT master plan in the CBD
- 182 new additional bays to account for future growth and overflow of the CBD parking requirements

As can be seen form the figure below, the walking circumference from the proposed location encompasses the entire CBD and university facility. This make the location of the facility well suited for bike sharing and NMT links to form from the centralised area of the CBD that can access the university, restaurants, malls, gym and business.

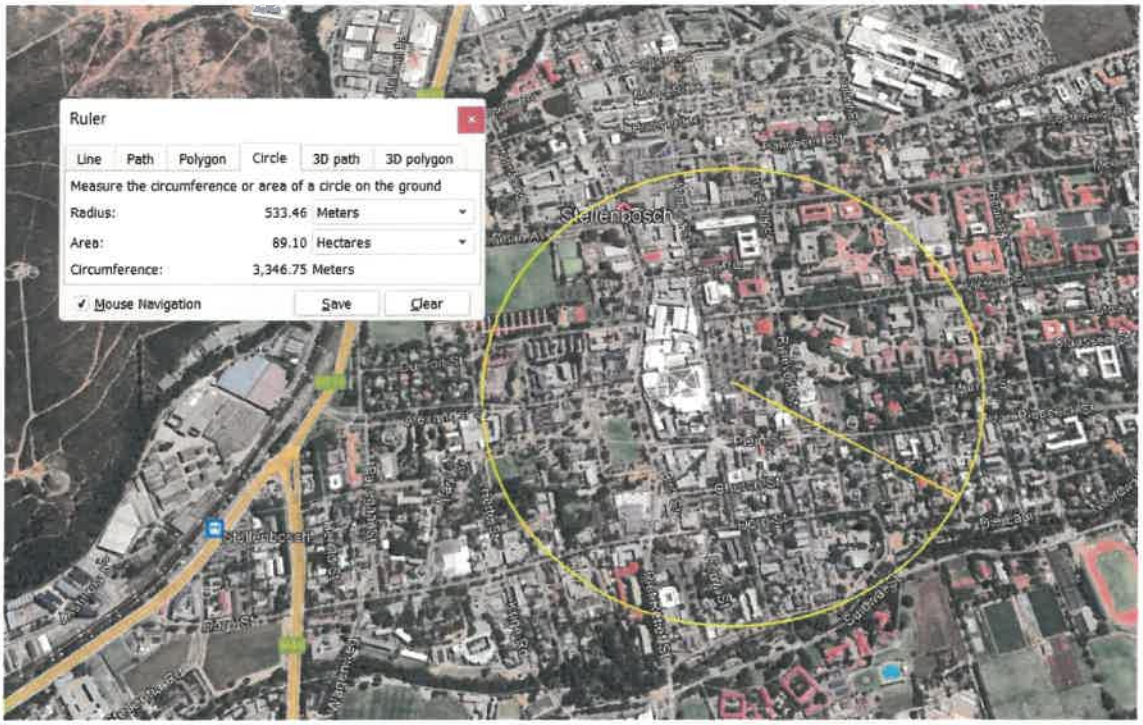


Figure 4-2: Walking Radius 500m for the CBD

In the stakeholder consultation phase a risk was defined as though additional CBD traffic would prevent the optimal demand for the facility to be reached as congestion would prevent patrons to reach the facility. This is considered to be extremely unlikely as peak parking demand occurs in the off-peak hours of 11h00 to 15h00 when there is ample road capacity available.

4.4 Eikestad Architectural Design

Based on the calculations done in section 5.2.1, the ideal amount of parking bays required are ±500. Within the available space, a number of 486 parking bays could be fitted. A 3-storey parking structure is proposed, which allows for this number of parking bays. The proposal is to design a sub-structure that

will allow future addition of an extra level should the requirements grow. The Architectural concept report is detailed in Appendix C.

4.4.1 Architectural Aims

4.4.1.1 Site & Locality

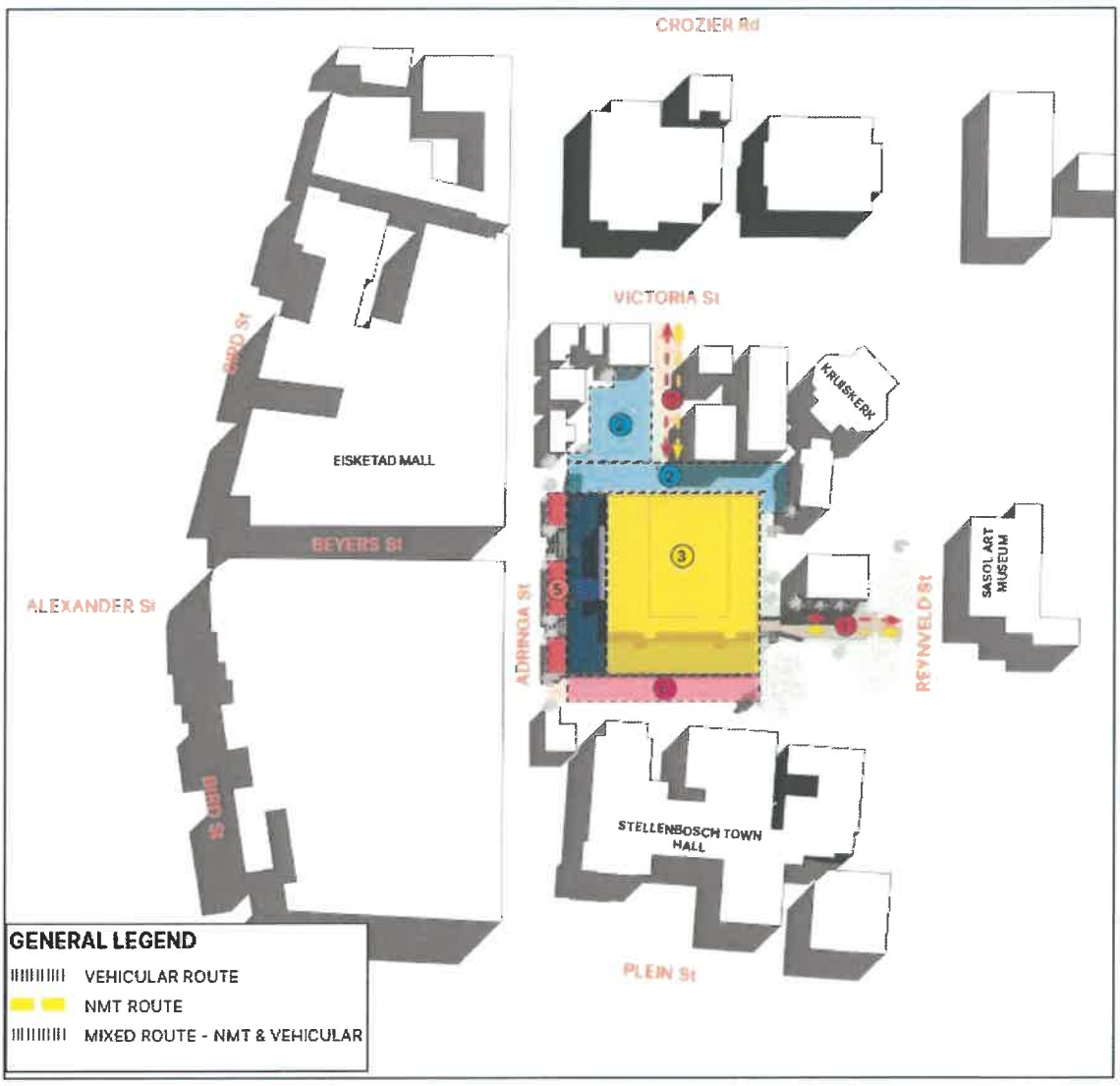


Figure 4-3: Site Locality

1. Access – Vehicle and NMT
2. Street Level Parking within Facility
3. Multi-Level Parking Structure
4. Forecourt on Podium
5. Future Retail
6. Service access to buildings bordering southern edge of site.

The architectural aims are as follows:

- Create direct access to the facility from both Victoria & Ryneveld Streets. No entrance point is proposed from Andringa Street to allow for the possibility of changing Andringa Street into a pedestrian only street.
- Create direct pedestrian access to the facility from The Eikestad Mall, Ryneveld Street & Victoria Street.



Figure 4-4: Access

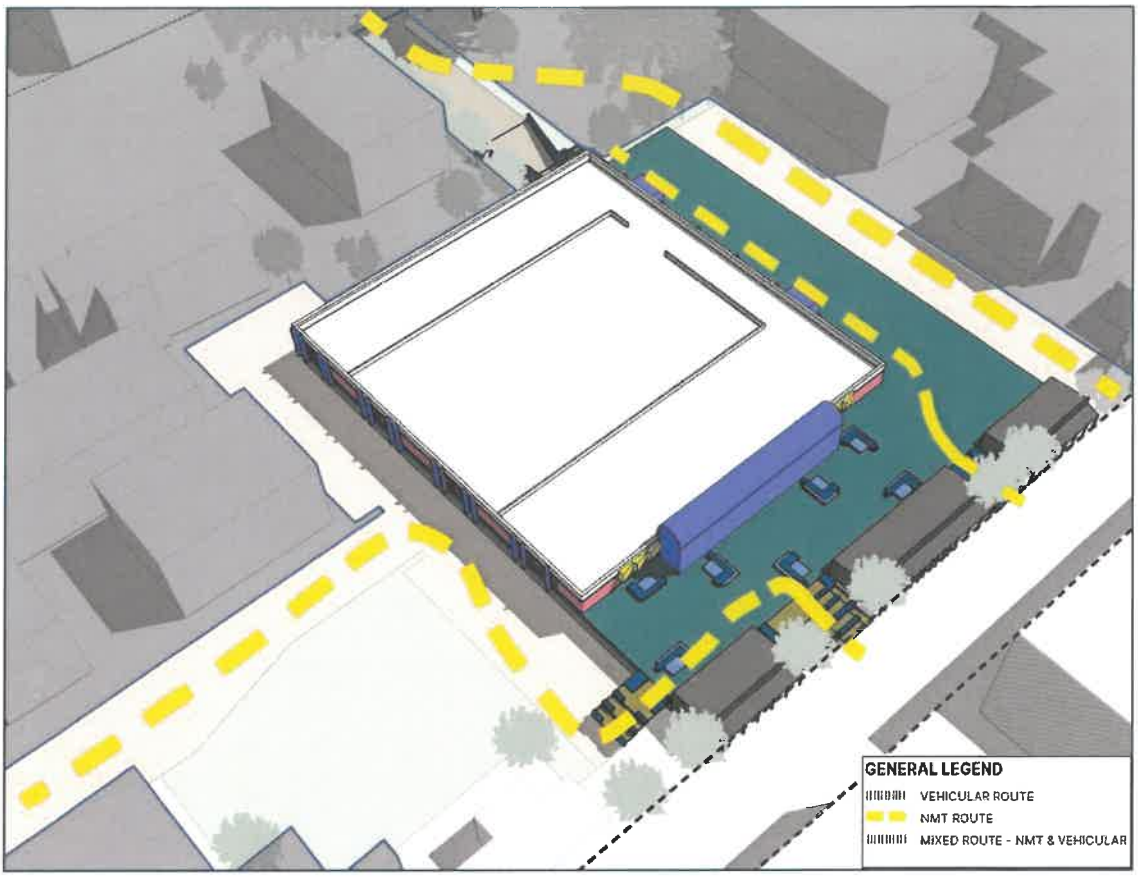


Figure 4-5: Access

- Create a parking structure that sits on top of a half-basement with a recessed structure that elevates to 2 additional storeys.
- Create a forecourt for the bigger mass of the building. This will serve as a landscape pedestrian friendly area that will connect the different parking areas. From the forecourt the main parking structure is accessed by pedestrians.

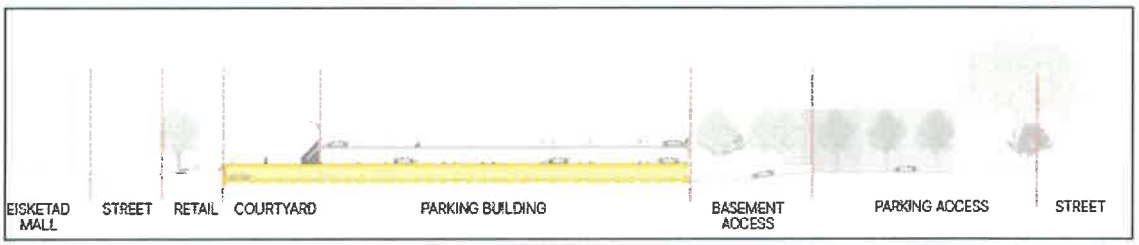


Figure 4-6: Diagrammatic Section indicating Half-Basement

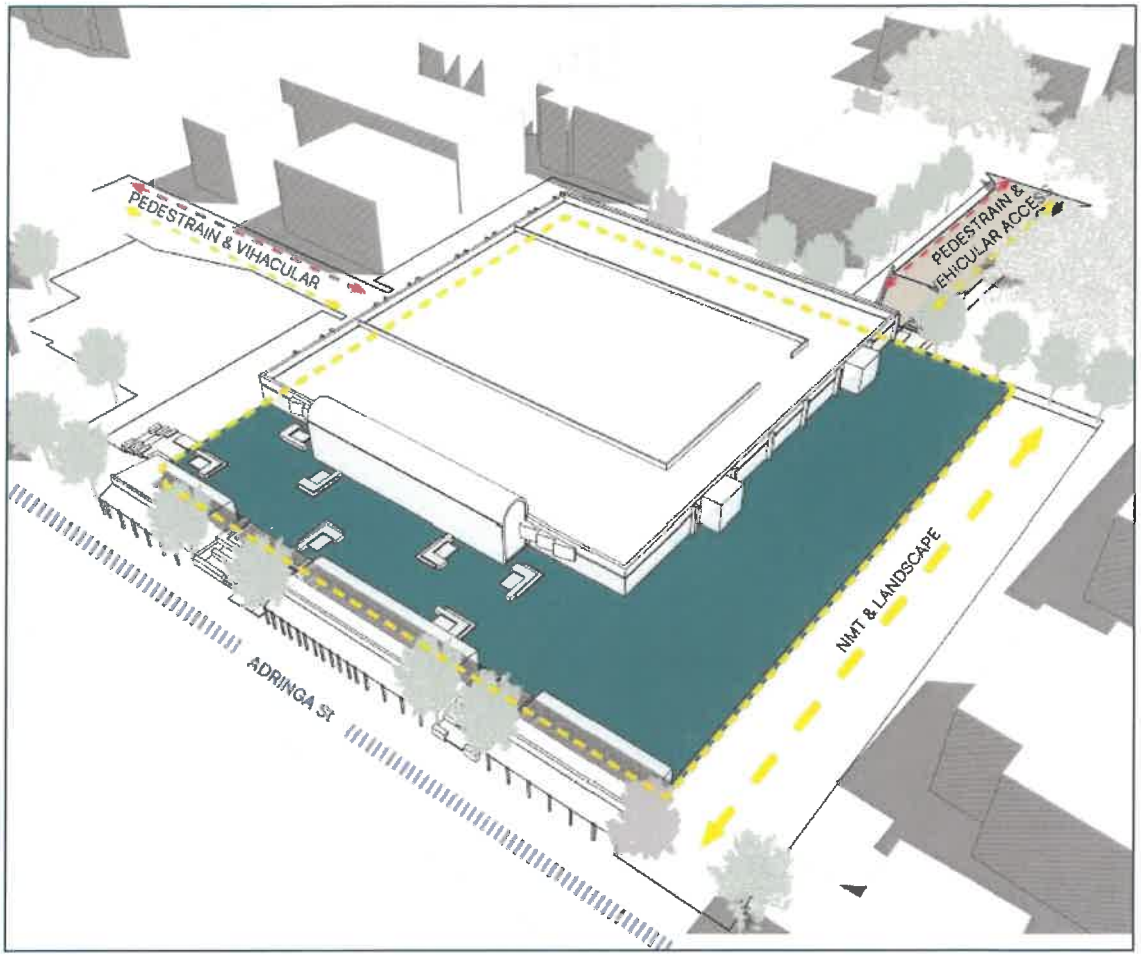


Figure 4-7: Diagrammatic Axonometric View -- Indicating Half-Basement

- The building has to fit into a rich Heritage context. The aim of this proposal is to create a building that will be secondary in its importance to the context. In order to achieve this, the building mass has been pushed to the back and centre of the site. By doing this there is available space on the site and to utilise the available space to the full available capacity, street level parkings are proposed at this level.

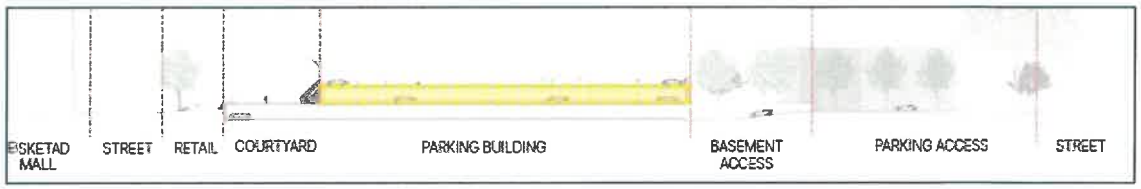


Figure 4-8: Diagrammatic Section – Indicating Parking Structure setback.



Figure 4-9: Diagrammatic Axonometric View – Indicating Parking Structure setback.

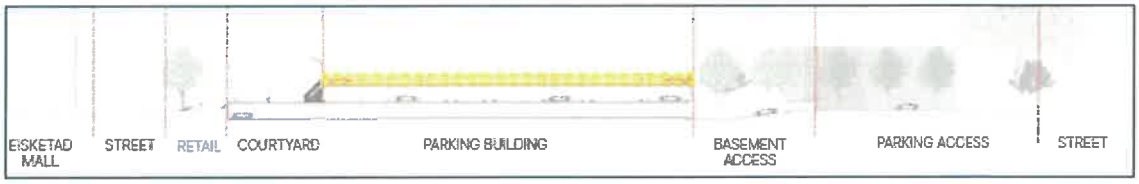


Figure 4-10: Diagrammatic Section – Indicating Roof Top Parking.

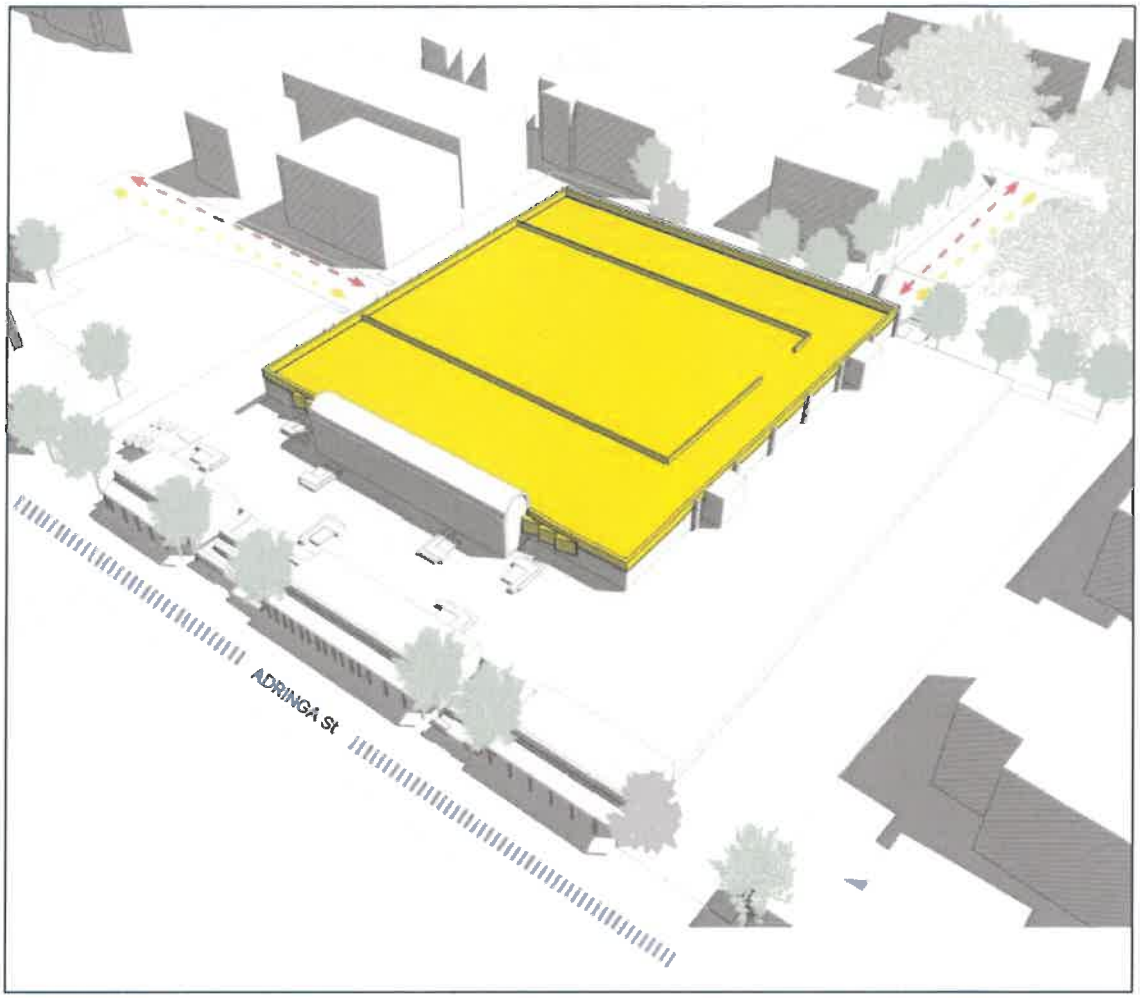


Figure 4-11: Diagrammatic Axonometric View – Indicating Roof Top Parking

- Create a layout that connects with the rich heritage value of the immediate surrounding context. The 2 bordering buildings along Andringa Street are of a high historical value. The aim is to create a lower-level street façade that connects these to neighbouring buildings.

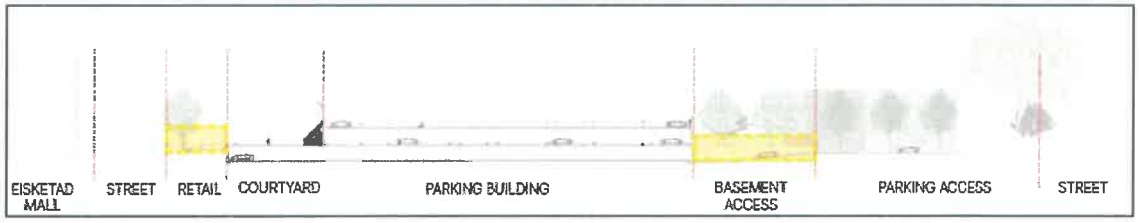


Figure 4-12: Diagrammatic Section View – Andringa Street Façade

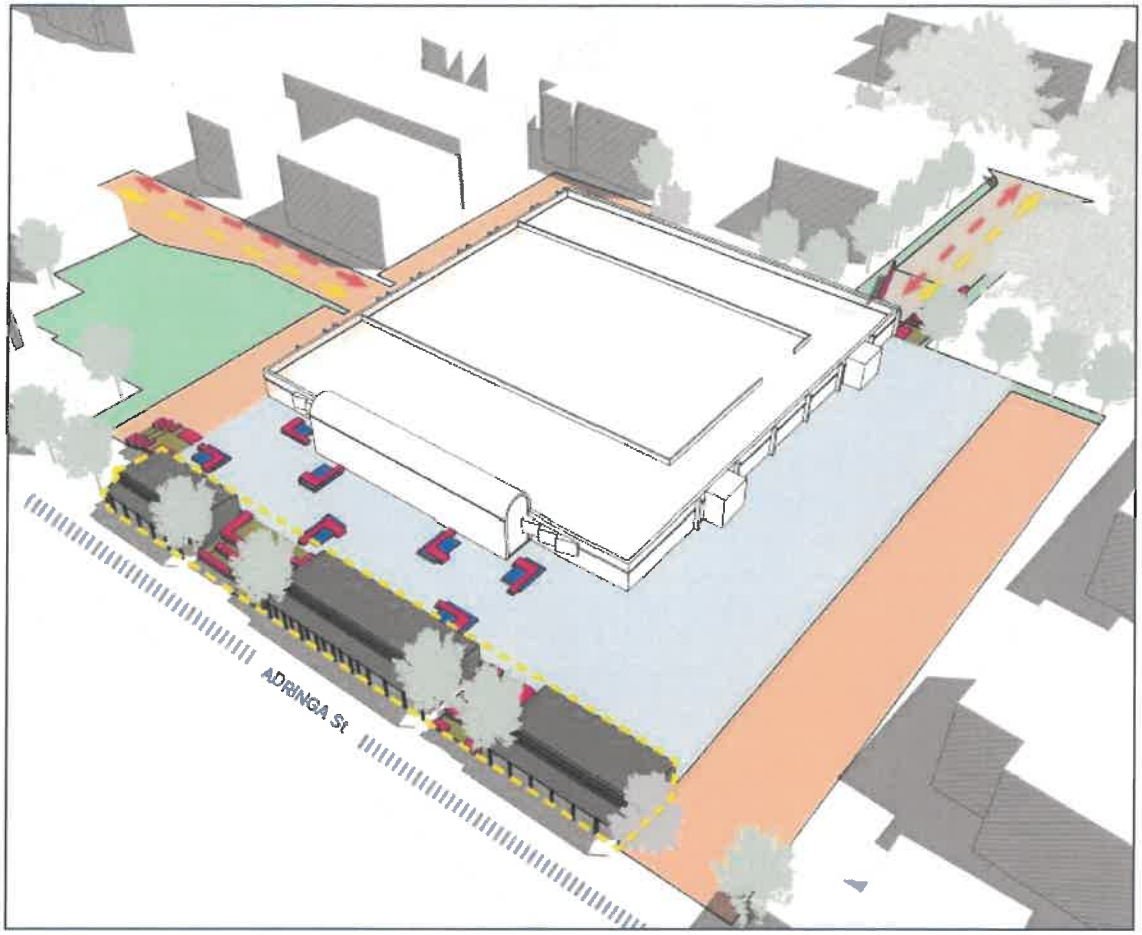


Figure 4-13: Diagrammatic Axonometric View – Street Facade

- Create a service zone to the southern side of the site. The aim of this is to create a service access to the buildings on the southern side. Furthermore, the aim is to create a breathing space between the parking structure and these buildings, which are also of a high historical value.

Figures 5-4 to 5-9 contain the site layout plans and elevations.

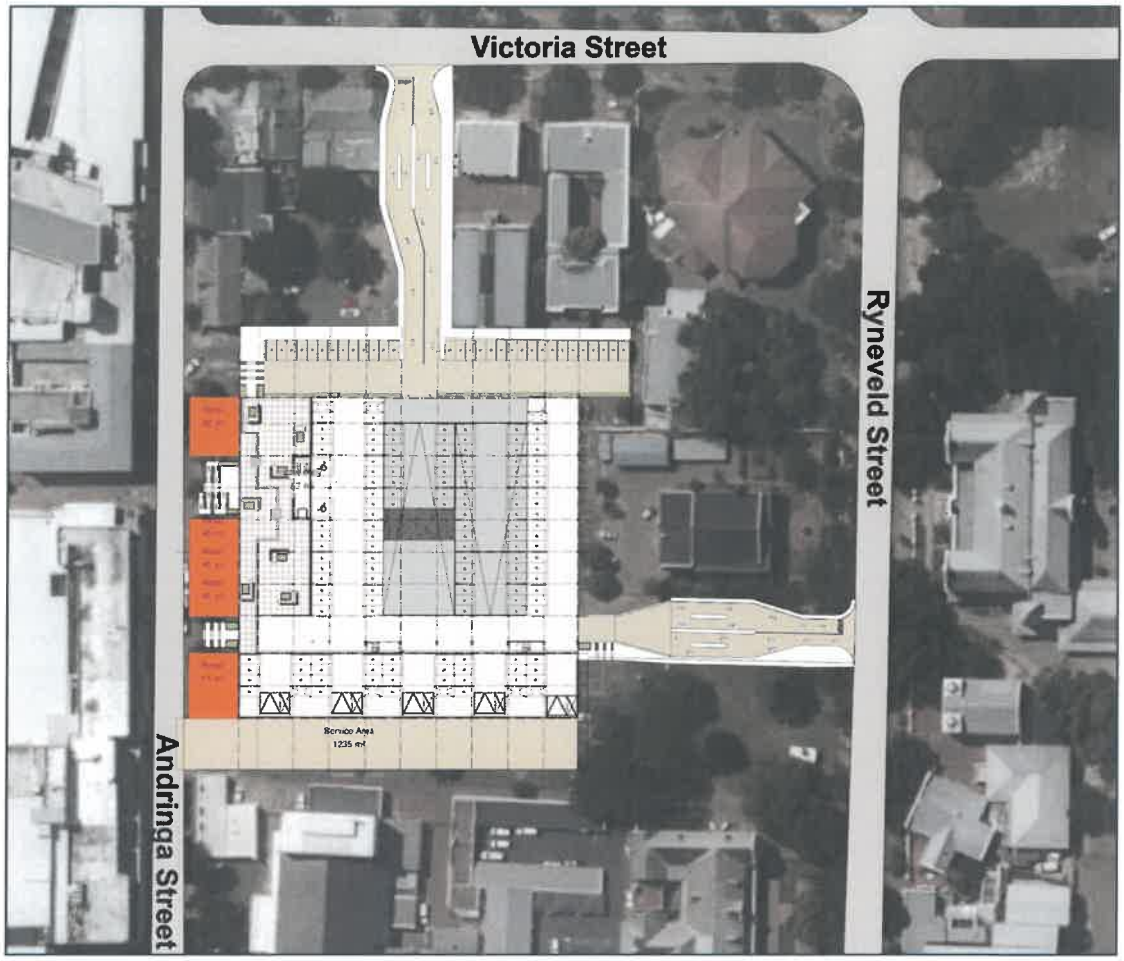


Figure 4-14: Site Layout

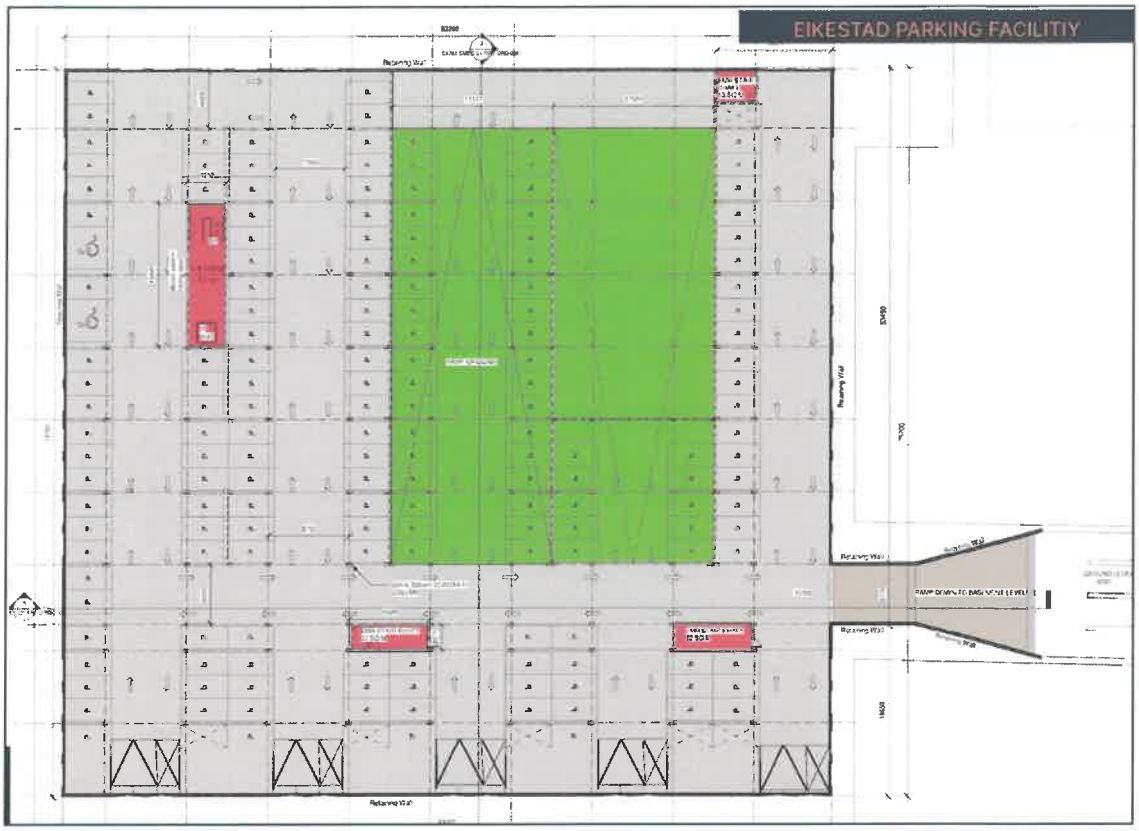


Figure 4-15: Basement Parking Level

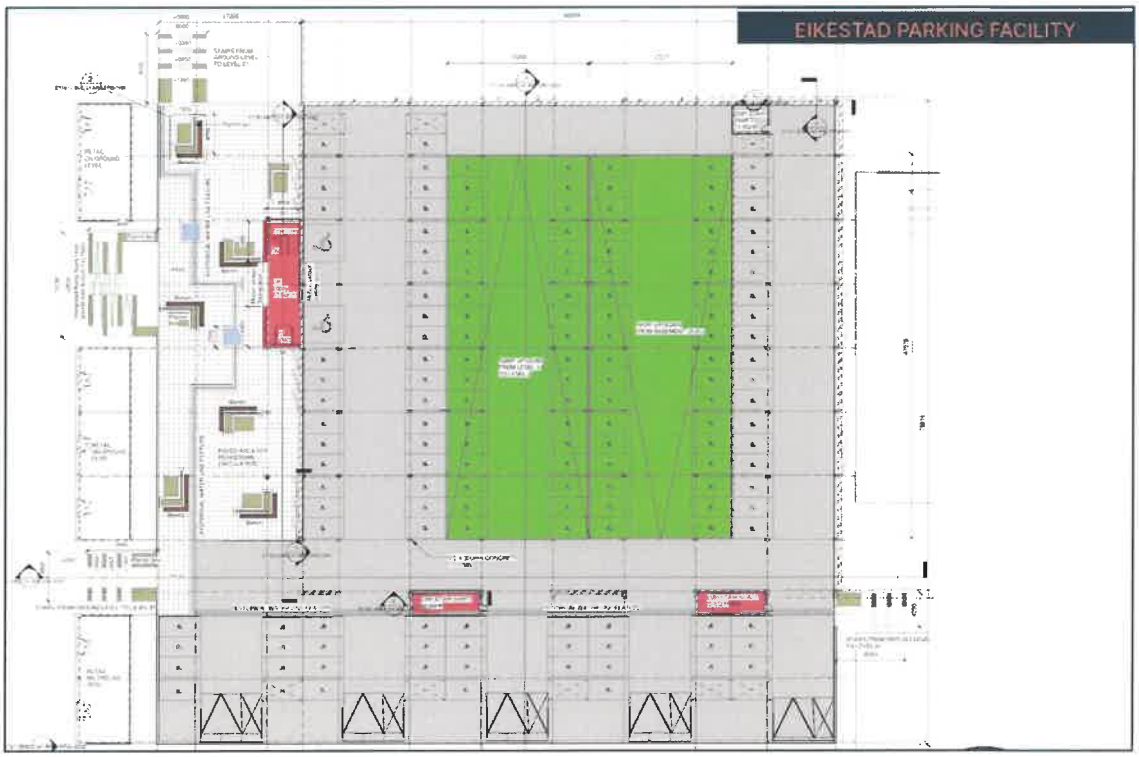


Figure 4-16: First Parking Level



Figure 4-17: Second Parking Level

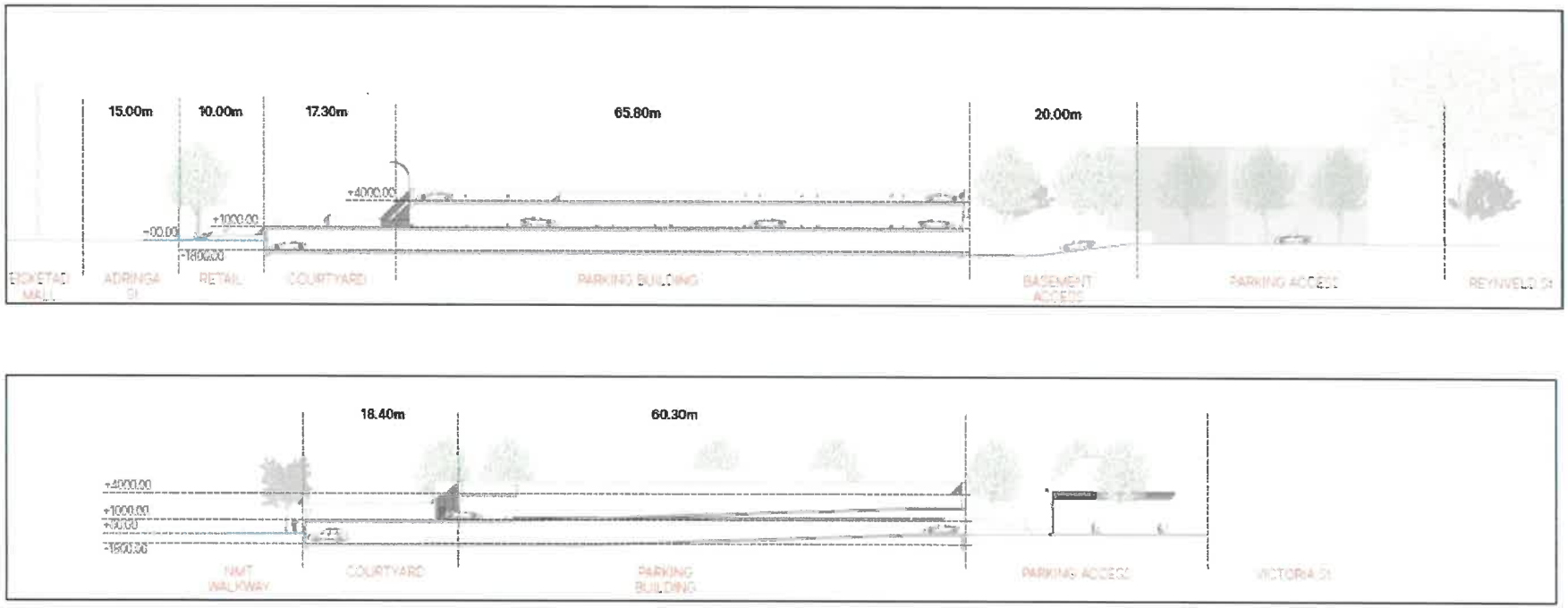


Figure 4-18: Sections

4.4.2 Guiding Principles

Historical Cape Vernacular streetscape design components introduced for Stellenbosch Eikestad parking:

These Historical streetscape design elements used in this design can be seen as guidelines for the design of this development from pedestrian scale to user functionality.

1. Building form
2. Building platform
3. Scale
4. Urban courtyard
5. External envelope treatment: Wall opening and closure.
6. External finish: Walls and balustrade typology
7. Linking elements: Visual, physical, pedestrian, symbolic links, walls and arch ways

4.4.2.1 Building form:

Building form follows the typology of the existing buildings in the area, which is a flat roof serving as a parking area to fit in with the building scale of the surrounding historical context.

4.4.2.2 Building platform

To reduce the building height and slope in the existing context a sunken basement was introduced.

4.4.2.3 Scale

The scale of the building consists out of a sunken natural ventilated half basement and 2 levels of which level 2 is roof parking.

The total building mass rises 5.2m above natural ground level.

4.4.2.4 Urban courtyard

Typically to the courtyard "werf" architecture of the Winelands an urban courtyard was designed between the existing Street and the new Eikestad parking, which is also the linking visual element between the old and new on an urban and pedestrian scale with a visual connection to a lobby space and vertical circulation for physical pedestrian access.

4.4.2.5 External envelope treatment:

As per Cape Vernacular architecture openings and closures are vertically proportioned as 1:1.5 to 1.2 proportion which form part of the external envelope treatment for this parking building.

4.4.2.6 External finish:

Typically to the Winelands Architecture and context the external finish will be a plaster finish painted white with natural wood finish for architectural elements. Thick walls will serve as linking elements to

define the courtyard elements and to link these areas with the building structure. Thick solid walls will also be used as balustrades on the roof level to resembles the old Cape werf walls.

4.4.2.7 Linking elements:

Visual

Visual links are created through existing building openings in the streetscape and the vertical circulation visible from the surrounding streets by way of a main lobby and stairs.

In this historical context the use and identification of physical pedestrian and vehicle pathways connect the new parking building to the existing surrounding areas creating focal points with the surrounding historical buildings.

Pedestrian

Pedestrian links/ NMT routes are created from the existing areas to the new parking building that pulls you into the urban courtyard "werf" and from there secondary pathways to the rest of the area.

Symbolic

As per Historical Stellenbosch context a symbolic water line feature is created around the building through street side water channels that resembles the Drooge River, Millstream that cross the site underground and connect the new with the old in courtyard "werf" through low cape werf walls/benches and water features.

Walls and Archways

Walls that serve as linking elements are used to define the "werf" area of the parking building and at the entrance from the Eikestad mall and to link building structures between the existing streetscape and new.

Boundary Walls

The use of low boundary walls to define the to a maximum height of 0.75 m to 1.2 m and a minimum thickness of 0.44 m are used to define the "werf" in the new courtyard and to be used as balustrades on the parking roof deck. This solid Cape walls used as balustrade on the roof parking area also screen the cars form the surrounding historical street context.

5 Service Delivery Options Analysis

5.1 Options Considered

The available options that can be considered to implement the Eikestad Parking Facility as set out in section 76 (b) of the MSA are:

Internal Options

1. Department or other administrative unit within the Municipality's administration
2. Any business unit devised by the municipality, provided it operates within the municipality's administration and under the control of the council in accordance with operation and performance criteria determined by the council
3. Any other component of its administration

External Options

1. A municipal entity
2. Another municipality
3. An organ of state, including:

a. A water services committee established in terms of the Water Services Act (1997)
b. A licensed service provided registered or recognized in terms of national legislation.
c. A traditional authority

4. A community-based organisation or other non-governmental organisation legally competent to enter into such an agreement.
5. Any other institution, entity or person legally competent to operate a business activity.

5.2 Evaluation and Assessment

Based on the above needs, a section 78(1) report was submitted, and the council findings were as follows:

"Previously Council accepted the investigation into the problem of parking within a study required by the Municipal Systems Act (MSA) section 78 (1) process. The basic requirements of parking were investigated, and a Section 78(2) report was submitted to Council on 28 March 2019 and the following outcomes were debated:

i) Aspects Reviewed

The above report has provided an overview of the extent of the parking service as identified in Chapter 1 of this report, considered the process that the Municipality must follow in terms of section 78(1) of the MSA, and then reviewed each issue listed by section 78(1). These include the costs and benefits of providing the service, the Municipality's capacity to provide the service, and international and local trends with respect to transport service provision.

ii) Conclusions

The conclusions reached from interviewing key municipal officials and considering each of the aspects required by S78 (1) are that the Municipality does not currently have the financial resources or organisational capacity to internally provide a public transport service. The major factors counting against it are the increased budget required to cover the establishment and recurring costs of the service, the significant increase in staffing that would be required and a national shift in the approach to sustainable transport.

Irrespective of the mechanism selected to deliver a parking service (internal vs. external), the Municipality should consider pursuing an alternative approach to parking facilities in and around the Stellenbosch and Franshoek CBD, based on the experience of other cities and towns. The experience of Boulder in the USA can be beneficial as it has become world renowned for its sustainable transport system, that stroke a good balance between non-motorised transport modes and the private vehicle.", Section 78(3), 9/11/2019.

The process the municipality has followed is as follows:

- Section 78(1) Commencement

12TH COUNCIL: 2017-09-27: ITEM 7.6.1

RESOLVED (majority vote with abstentions)

(a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;

(b) that parking service delivery increase be based on the towns of:

i) Stellenbosch
ii) Klapmuts, and
iii) Franschhoek; and

(c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.

Meeting:	*12th Council: 2017-09-27*	*Submitted by Directorate:*	*Engineering Services*
Ref no:	*17/2/3/6*	*Author*	*D Louw*
Collab:	*538693*	*Referred from:*	*Mayco: 2017-09-13*

Figure 5-1: Council Resolution on 78(1)

- Section 78(2) Resolution:
  - "16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.2
  - RESOLVED (nem con)
  - that this report be noted;
  - that Council notes the attached report on the providing of sufficient public parking;
  - that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of the provision of sufficient parking have been complied with;
  - that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to "after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).";
  - that Council formally proceeds to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism; and

- that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision."

The section 78(3) draft report identified the various explanations regarding the reasons for the use of an external service provider as per Table 2-1 below for the bulk parking garage:

Table 5-1: Section 78 (b) Descriptions, Source Draft Report Section 78(3)

Sect 76(b)	Service Delivery Option	Direct & Indirect Costs and Benefits	Capacity of current and Future Service Providers	Views of Local Community	Impact on Development, Job Creation and Employment Patterns	The views of organised labour
(b)(i)	Municipal Entity	The cost involved in this will be very similar to costs incurred by a private body utilising the MSA section 81 and will therefore be addressed under the "any other Institution" below	There is no capacity within Stellenbosch Local Municipality nor the Cape Wineland District Municipality to be a Bulk Parking Service of Bulk Parking Garages.	See item (b)(v)	See item (b)(v)	
(b)(ii)	Another Municipality	The parking is performed by or on behalf of the Municipality itself. This Scenario is therefore not seen as a solution in this case	The parking is performed by or on behalf of the Municipality itself. This Scenario is therefore not seen as a solution in this case	See item (b)(v)	See item (b)(v)	
(b)(iii)	An organ of state	There are no parts of any organ of state that provides and manages parking on behalf of municipalities.	There are no parts of any organ of state that provides and manages parking on behalf of municipalities.	See item (b)(v)	See item (b)(v)	
(b)(iv)	Community based organisation	Due to the very large capital needed to build a parking garage, there are no community organisation within Stellenbosch that would be able to build parking and perform parking and management	Current Community based organisations do not have the capacity to own and operate this kind of project	See item (b)(v)	See item (b)(v)	

(b)(v)	Any other institution	Should Council decide to rather use an external mechanism for service delivery then the Private Sector would have to be asked to Build Own Operate & Transfer after a time such as 20 years (BOOT)then this would possibly be the only entity that would be capable to build and operate a service worth a few hundred of millions of Rand.	There are Private Entities that would have the capacity currently to BOOT this project and also their private entities that would in future have the capabilities to BOOT such a project	This matter has been addressed at several forums as such: 1. Mobility Forum 2. NMT Working Group 3. IDP 4. University Rector/ Mayor Forum 5. University Department of Engineering Forum 6. Ratepayers Associations No objections were received when a proposal was made that an external Service Proved be approached to Build, Own, Operate and Transfer (BOOT) such a business.	The impact on Development, Job Creation and Employment patterns will be similar for each option. There would be assistance for future development. There would be the creation of new employment in the view of jobs such as Managers, Clerks, Technical Staff and Law Enforcement	Meeting held on (##-##-####) to explain the proposed process

The basic assessment is that the initial estimated capital and no capacity within the municipality or other municipalities/ state owned entities that can build and operate this type of facilities.

The report on Section 78(3) recommended that council accepts that:

- Parking forms an important part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT).
- That the municipality needs to provide enough public parking.
- That the continuous provision of road infrastructure for private vehicles is not sustainable.
- That the future demands of parking must also be advised on and provided for.
- That Council uses an approach where a private company is to be procured to provide a parking service to build, own, operate and transfer the entity to Council after a period of 20 years.
- That Council, in terms of the Municipal Systems Act (MSA), Act 32 of 200, as amended, Section 78(4), accepts that the method of providing parking be considered as follows:
    - Provision of open one level parking space needs, be performed on an internal mechanism.
    - Provision of multi storied parking space needs, be performed on an external mechanism.

Based on the council resolution, an external service provider is required for the operations of the bulk parking garage. The Bulk Parking Garage section 78(3) identified the following possible service delivery vehicles:

1. External Service Deliverer (ESD) via a Service Delivery Agreement (SDA) Utilising Section 81 to 84 of the Municipal Systems Act.
2. ESD via Municipal Entity Utilising Chapter 8A of the Municipal Systems Act Section 86B (1)(a) Private Company.
3. ESD via Municipal Entity Utilising Chapter 8A of the Municipal Systems Act Section 86B (1)(b) Service utility.
4. Utilising Chapter 8A of the Municipal Systems Act Section 86B (1)(c) Service utility Multi-Jurisdictional Service Utility.
5. Public Private Partnership as per the Municipal Finance Management Act Section 120 of the MFMA applies.

As a result of the council decision, external partners are considered, which include the need for a Feasibility Study of the concepts and which municipal service should be considered. The feasibility must include the number of years of the provision of services and impact the project will have on the municipality regarding staff and budgets.

PPPs by municipalities are governed by section 120 of the Municipal Finance Management Act 56 of 2003 (MFMA) and the Municipal Public-Private-Partnership Regulations, 2005 made under the MFMA. The Regulations give the following definition of a PPP:

"'public-private partnership" means a commercial transaction between a municipality and a private party in term of which the private party—

a) *performs a municipal function for or on behalf of a municipality, or acquires the management or use of municipal property for its own commercial purposes, or both performs a municipal function for or on behalf of a municipality and acquires the management or use of municipal property for its own commercial purposes;*

b) *assumes substantial financial, technical and operational risks in connection with—*

   (i) the performance of the municipal function;

   (ii) the management or use of the municipal property; or

   (iii) both; and

c) *receives a benefit from performing the municipal function or from utilising the municipal property or both, by way of—*

   (i) consideration to be paid or given by the municipality or a municipal entity under the sole or shared control of the municipality;

   (ii) charges or fees to be collected by the private party from users or customers of a service provided to them; or

   (iii) a combination of the benefits referred to in subparagraphs (i) and (ii)."

The requirements and procedures for PPPs in terms of the applicable legislation are set out in the Legal Assessment Report attached as Annexure A.

A PPP as the choice for the delivery of a public service is warranted by its nature as (Module 1: SA regulations for PPP's):

- Target public spending, principally on outputs to agreed standards.
- Using private sector financing and efficiencies.
- Allocating risks to the party best able to manage them.

A PPP is essentially a contract between a public sector institution and a private party in which the private party assumes substantial finical, technical and operational risk, Module 1: SA regulations for PPP's and MFMA Regulations.

There are two types of PPPs specifically defined:

- where the private party performs an institutional function.
- where the private party acquires the use of state property for its own commercial purposes.

A PPP may also be a hybrid of these types. Payment in any scenario involves one of three mechanisms:

- the institution paying the private party for the delivery of the service, or
- the private party collecting fees or charges from users of the service, or
- a combination of these.

Module 1 further defines a PPP as not being:

- a PPP is not a simple outsourcing of functions where substantial financial, technical and operational risk is retained by the institution.
- a PPP is not a donation by a private party for a public good.
- a PPP is not the privatisation or divesture of state assets and/or liabilities.
- a PPP is not the 'commercialisation' of a public function by the creation of a state-owned enterprise.
- a PPP does not constitute borrowing by the state.

5.3 Preferred Option: PPP Models and Their Structure

5.3.1 PPP Delivery Model

5.3.1.1 Definition

There are many definitions of what a Public Private Partnership ("PPP") is. Typically, a PPP is a contract delivery model where a private party contracts with a government entity (public party), and where the private party has the responsibility to finance, design, construct, operate and/or maintain public infrastructure over a long contract term, e.g. twenty years.

There are two basic forms of PPPs, namely: a **user-charge PPP** (were project revenue is generated by means of tolls, or train fare for example) and a **unitary-payment PPP** (also called a service-payment PPP, where government pays a fixed monthly instalment for the availability of services).

5.3.2 In this regard refer to the definition of a PPP quoted above and referred to in the Municipal Service Delivery and PPP Guidelines.

Figure 2-2 below shows a basic PPP contracting structure. On a typical PPP project, a government entity contracts with a private party special purpose vehicle ("SPV"), which is a company specifically established for the implementation of the project. The SPV's appointment includes full or partial financing or the project, and as discussed earlier, could include a combination of other responsibilities, such as: the design, construction, operation and maintenance of certain infrastructure over the contract term.

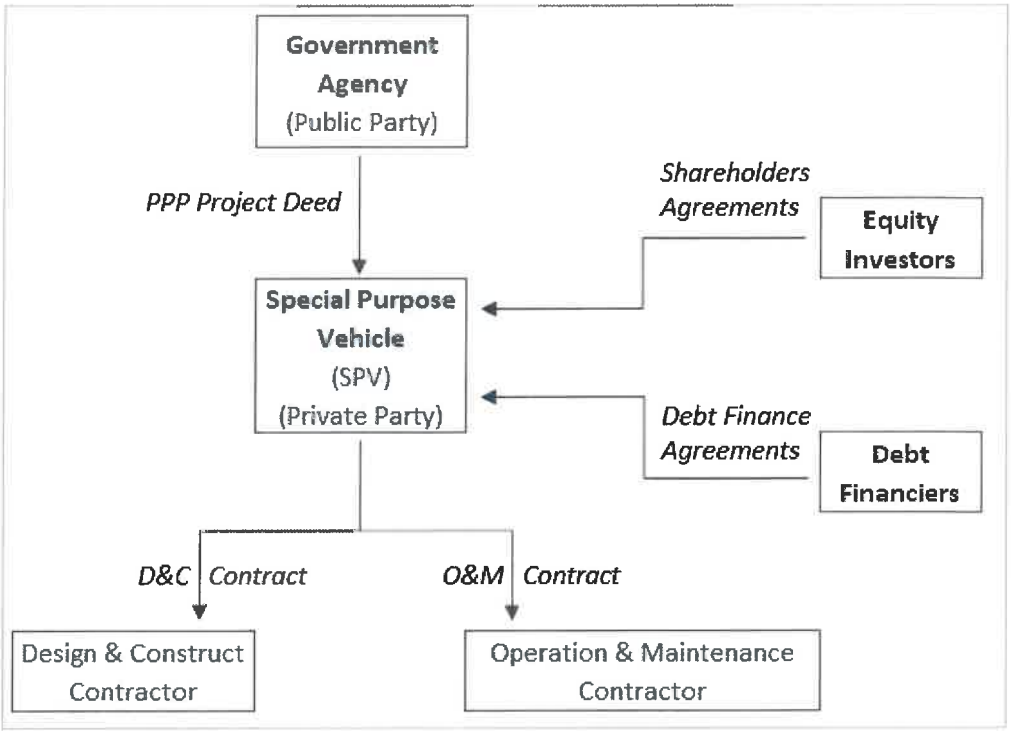


Figure 5-2: Basic PPP Contracting Structure

The SPV gets investors to invest equity into the project with the prospect of a return on their investment (over the course of the project term), from revenues generated by the project. Equity providers are the first to put their money into the project but are also the last ones to take it out.

Further to the equity, the SPV may also borrow money from debt financiers. The debt finance is borrowed on a limited recourse basis, which means that the lenders can only have recourse to the assets of the SPV and cannot have recourse to government. It is only when the default or insolvency of the SPV's D&C (design and construction) or O&M (operation and maintenance) contractor causes the SPV to become insolvent, that the risk then falls back to government.

The SPV is therefore established to legally isolate the parent company from direct exposure to the financial risks associated with the project, because the lenders can only rely on the project revenues to secure a loan. The lenders are entitled to financial recourse before equity contributors can claim any returns or repayments, but because the equity contributors bear the highest risk, they correspondingly also 'stand to receive the highest potential returns.

5.3.3 Advantage of using a PPP delivery model

A key advantage that is attributed to PPPs is that they achieve 'significant risk transfer from the government to the private sector'. It is true that much of the risk transfer that takes place with a PPP delivery model can also be achieved by traditional government-financed delivery models, however, government achieves extra risk transfer under a PPP that cannot be achieved under more traditional procurement models.

5.3.4 PPPs can achieve greater Value-for-Money

Better value-for-money ("VfM") is the principal rationale for using PPPs. On projects suitable for the PPP model, greater VfM can be achieved by fewer risk for government and/or lower cost to government of managing those risks over the project term. Section 120(1)(a) of the MFMA requires that a PPP must provide value for money to the municipality.

Some of the reasons why this can be achieved by PPPs, as opposed to other contracting models, are:

- The PPP contracting structure holds a high degree of risk to the debt financiers and equity investors and therefore it results in additional due diligence and monitoring by the private sector. This adds to the quality of risk assessments and planning that goes into a PPP project;
- Government tends to spend more time and effort into preparation of PPPs, because of the long-term nature of the projects. This includes better project scoping and risk assessment;
- For user-charge PPPs, private sector contractors might not have the financial capacity to absorb demand risk, but equity investors and debt financiers might;
- The SPV's private finance provides a cushion to government, guarding against the risk of contractor insolvency or default where the contractor's liability is limited or excluded;
- The SPV shields the government from contractor claims for additional time and/or money;
- The SPV administers the D&C and O&M contractors' contracts, thereby relieving the government from risks relating to poor contract administration in that regard; and
- On most PPPs the government only starts making payment to the SPV once the development phase is completed and services are in operation. This relieves the government from the risk of paying for infrastructure that might not be fit-for-purpose.

5.3.5 PPPs as a means of Financing

5.3.5.1 Private Finance

The cost of project capital is calculated by using weightings of the financing sources and their related costs, which is called the weighted average cost of capital ("WACC"). On a PPP project, the equity providers carry higher investment risks and therefore request higher rates of return than the debt financiers. Accordingly, the higher the share of equity, the higher the WACC and in other words, the higher the cost of financing.

The SPV's investors will seek to limit the equity as much as possible, because more equity means higher financing costs and therefore a lower chance of providing value-for-money to the government and a lower chance of winning the bid to contract with government for the proposed PPP. However, an increased debt-to-equity ratio increases financial risk to the SPV, because there is a limited supply of equity to absorb losses when project difficulties are experienced.

5.3.5.2 Public Finance

Governments can borrow finance more cheaply than the private sector. But to access the cheaper finance, governments need to borrow on a full recourse basis, and agree to repay the loan regardless of whether or not the net revenues generated by the project are sufficient to repay the loan. This is a lower risk to lenders and therefore the government pays lower interest rates than the private financiers on a PPP project.

In other words, the financing of a PPP project is more expensive than the financing of a project procured with a standard delivery model, such as a Construct-only model. The difference lies in the fact that the government carries the risk of poor project performance when using a standard delivery model.

5.3.5.3 Why use private finance?

While the higher cost of private sector finance will ultimately be passed on to government (or users), on a PPP project the government receives the benefit of the buffer that the private sector finance provides against the risk of contractor insolvency or default for which the contractor's liability has exhausted. There are also the added benefits of superior risk transfer and value-for-money.

5.3.5.4 Funding Source

It is important to note that a PPP delivery model is not a funding model. The funds used to pay for a PPP project still come from the government coffers. The private party provides a means of financing the project and the government needs to repay that money. On a unitary-payment PPP, the government's monthly instalment will include costs relating to the loan itself, interest, equity and return on the equity investment.

The PPP contracting model does not expand the funding available to Government. It only allows government to spread its payment obligations over a long period of time. The diagrams below compare the payment obligations of government on a typical traditional procurement with those on a unitary-payment PPP.

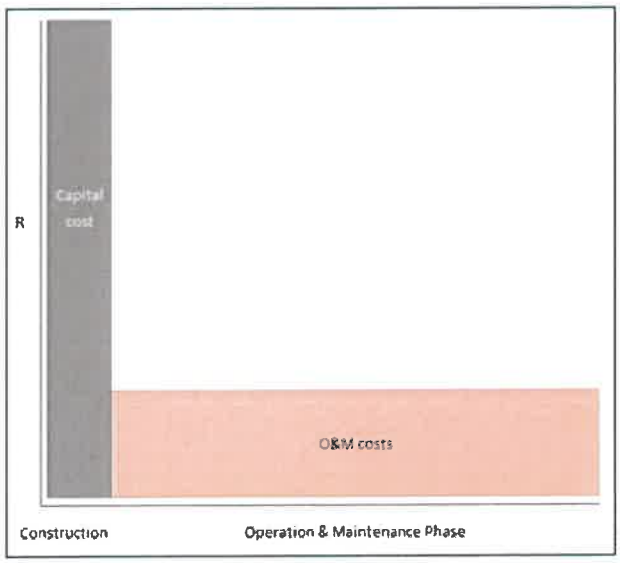


Figure 5-3: Traditional Procurement / Standard delivery model

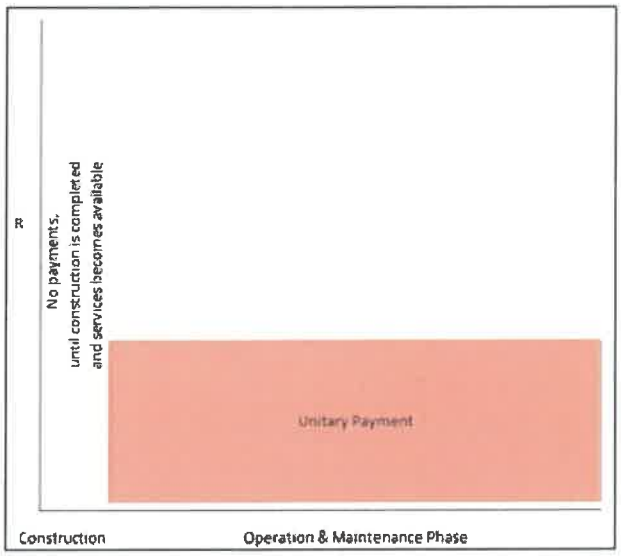


Figure 5-4: Unitary-payment PPP

It is only on a user-charge PPP, such as a toll road or parking garage project, where users pay for a service, such as the use of the road, that we can say that the PPP model expands the government's funding source.

When a procuring agency (e.g. a Municipality) sees a PPP as a funding mechanism instead of a financing mechanism, it could create a fiscal illusion whereby the Municipality leaves the PPP's costs and liabilities off its balance sheet and budgets for other projects. By the time the Municipality needs to start paying the unitary payment, it has over-invested its interests in infrastructure projects, with not enough budget to meet its contractual obligations.

A PPP delivery model should not be selected purely for reason of delayed expenditure. It should be selected when it is determined that the PPP delivery model offers better value-for-money for the specific project than a traditional procurement model.

5.3.6 Projects suitable for delivery as a PPP

If a PPP delivery model is used for an unsuitable project, then the government will not achieve value-for-money and will bear the brunt of the higher financing costs, without adequate benefits to justify those costs.

Projects likely to provide value-for-money using a PPP delivery method are those with some or all of the following attributes:

- **long term**. Contracts tend to be long-term (up to/or more than 20 years), and reflect an acceptance of whole-of-life cycle costing risk by the private party;
- **measurable service outputs**. Government service requirements should have measurable outputs that can be translated to a performance contract. Payment mechanisms are generally structured around these output specifications to provide incentives for achieving key performance indicators;

- **innovation**. The project is sufficiently complex to encourage innovative approaches (in design and technology) that can deliver value-for-money;
- **whole-of-life costing**. Full integration, under the responsibility of one party, of up-front design and construction costs with ongoing service delivery, operational, maintenance and refurbishment costs. This delivers improved efficiency through whole-of-life costing as design and construction become fully integrated up-front with operations and asset management;
- **market appetite**. The project creates a genuine business opportunity, which is likely to attract a sufficient number of private parties and create an effective and competitive bidding process;
- **opportunity for risk transfer**. A PPP project needs to be structured to achieve optimal risk allocation. Value-for-money is a key driver of PPPs and there needs to be scope to allocate appropriate risk to the private sector.
- **bundling of contracts**. In many cases, the provision of a service or capability by the public sector depends on a number of separate contracts with different contractors. PPPs provide an opportunity to combine related services and an asset into a single long-term contract;
- **non-core services**. Contracts are likely to include a requirement for a range of non-core services and support activities to be delivered that currently divert management and skilled staff in the public sector. These services may include accommodation availability, information technology outputs and many other services; and
- **complementary commercial development.** The commercial opportunities that may add value to the project and/or reduce service payments to the private party (where complementary to the project objectives).

Together, these characteristics can create cost savings for government in the competitive bidding process, while giving an opportunity for innovative service delivery and a viable opportunity to the private sector (where complementary to the project objectives).

While the presence of these characteristics will not always mean that PPPs are a viable or the most appropriate option, their presence does suggest that PPP options should be properly considered as part of any Procurement Options Analysis undertaken.

All South African Municipal PPPs governed by the MFMA and Municipal Public-Private Partnership Regulations are subjected to three strict tests:

- Can the municipality **afford** the deal?
- Is it a **value-for-money** solution?
- Is **substantial** technical, operational and financial **risk** transferred to the private party?

5.3.7 Other Matters to Consider

Apart from only using a PPP for a suitable project, the relevant institution should have the capabilities of supporting the PPP implementation; have sufficient resources to finance the preparation of the PPP project (procuring transaction advisory services, send staff on training etc.); and make the PPP attractive to potential private partners.

A PPP project comes as a high risk to the private sector and therefore there should be a good opportunity for the private sector to make money on the project. In other words, there should be value for money for the private party as well.

The types of contracts that exists as a PPP, according to service works global are as follows:

- Build-Operate-Transfer (BOT)

  A BOT model is generally used to develop a discrete asset rather than a whole network, for example a toll road. This simple structure provides the most freedom for the private sector partner during construction and the public sector bears the equity risk. This model's main disadvantages are that the transaction not for smaller project, projects less than R150mil, transaction cost are high and public sector bears equity risk.

- Build-Own-Operate (BOO)

  This is a similar structure to BOOT (below), but the facility is not transferred to the public sector partner. A BOO transaction may qualify for tax exempt status and is often used for water treatment or power plants. The public sector does not acquire the asset.

- Build-Own-Operate-Transfer (BOOT)

  The private sector builds and owns the facility for the duration of the contract, with the primary goal of recouping construction costs (and more) during the operational phase. At the end of the contract the facility is handed back to the government. This structure is suitable when the government has a large infrastructure financing gap as the equity and commercial risk stays with the private sector for the length of the contract. This model is often used for school and hospital contracts. These projects are only successful if the necessary finances are raised and if substantial revenues are generated during the operations phase.

- Design-Build

  The contract is awarded to a private partner to both design and build a facility or a piece of infrastructure that delivers the performance specification in the PPP contract. This type of partnership can reduce time, save money, provide stronger guarantees (as the work is with a single entity rather than a consortium) and allocate additional project risk to the private sector. However, the private sector does not then operate the facility.

- Design-Build-Finance

  The private sector constructs an asset and finances the capital cost during the construction period only. It does not operate the facility and or maintain the facility.

- Design – Build – Finance – Operate (DBFO)

- Design – Build – Finance – Maintain (DBFM)
- Design – Build – Finance – Maintain – Operate (DBMFO)

  Similar to BOOT, DBFO (and its variations) is more used in the UK for PFI (Private Finance Initiative) projects. The private sector designs, builds, finances, operates an asset, then leases or sells it back to the government, typically over a 25 – 30-year period. Public sector long-term risk is reduced and the regular payments make it an attractive option to the private sector. However, once the asset is constructed, government purchases/ lease the facility back from the private sector. The major risk is that the public sector then takes all ownership risk after the purchase.

- Design – Construct – Maintain – Finance (DCMF)

  The private entity creates the facility based on specifications from the government body and leases it back to them. This is generally the convention for PPP prison projects. Again, government takes ownership risk and must have operational capacity to manage the facility.

- O & M (Operation & Maintenance)

  In an O&M contract, a private operator operates and maintains the asset for the public partner, usually to an agreed level with specified obligations. The work is often sub-contracted to specialist maintenance companies. The payment for this contract is either via a fixed fee, where a lump sum is given to the private partner, or more commonly a performance-based fee. In this situation, performance is incentivized using a pain share / gain share mechanism, which rewards the private partner for over-performance (according to the agreed SLAs) or induces a penalty payment for work which has fallen short. This is based on an existing asset and does not involve construction.

The model identified by the council resolution based on section 78(3) was that of a Build Own Operate Transfer (BOOT), The benefits of this model were identified as follows for the municipality as described in section 78(3) report:

- The Municipality does not have the finances to build the facility, while the private sector does. (It may be more accurate to state that the Municipality prefer not to utilise its available funds for a facility that the private sector can fund, operate and transfer at a profit.);
- The BOOT system is widely used in SA and encourages private investment;
- It has the potential to inject new foreign capital to the country;
- With this model and the concession ownership, there is ample time to transfer skills and know-how;
- Will allow for a faster construction and procurement phase;
- This type of system allows for financial sources from the municipality to be allocated to other priority projects;

- Releasing the burden on public budget for infrastructure development.
- A private company has the technical expertise and resources to manage and maintain such a project while training municipal staff.
- The financial, equity and operational risks are transferred to the private sector.

6 Traffic Analysis

The traffic analysis was conducted to assess the proposed accesses to the facility regarding congestion and accessibility based on the parking demand and optimisation analysis. (In essence this section aims to prove that additional congestion caused by the concentration of traffic seeking access to the proposed multi- storey parking facility will not cause it to fail as the result of a lack of accessibility.)

6.1 Background

The parking area is located to the east of the Eikestad Mall. It is proposed to construct a multi-level parking facility on this municipal parking area in the Stellenbosch CBD. The site is located between Victoria Street to the north, Ryneveld Street to the east, and Eikestad Mall and Andringa Street to the west. The site is zoned for parking.

The site has two existing accesses. The one access is located on Victoria Street and the second on Ryneveld Street. Both accesses are two-way accesses and are proposed to be used for the multi-story parking facility.

6.2 Study Area

The site will be referred to as the Eikestad Parking Facility. The site is situated on erven 1969 to 1976, Erf 6636, as well as on part of the Remainder of Erf 1962, Stellenbosch. A consolidation application will need to be submitted to consolidate these erven. The development site is located as follows:

- Within the Stellenbosch Local Municipality.
- Area between Andringa Street, Victoria Street and Ryneveld Street, Stellenbosch.
- Access from Victoria Street to the north and Ryneveld Street to the east.
- Adjacent to Eikestad Mall.

The exact location can be seen in Figure 6-1 and Figure 6-2 below.

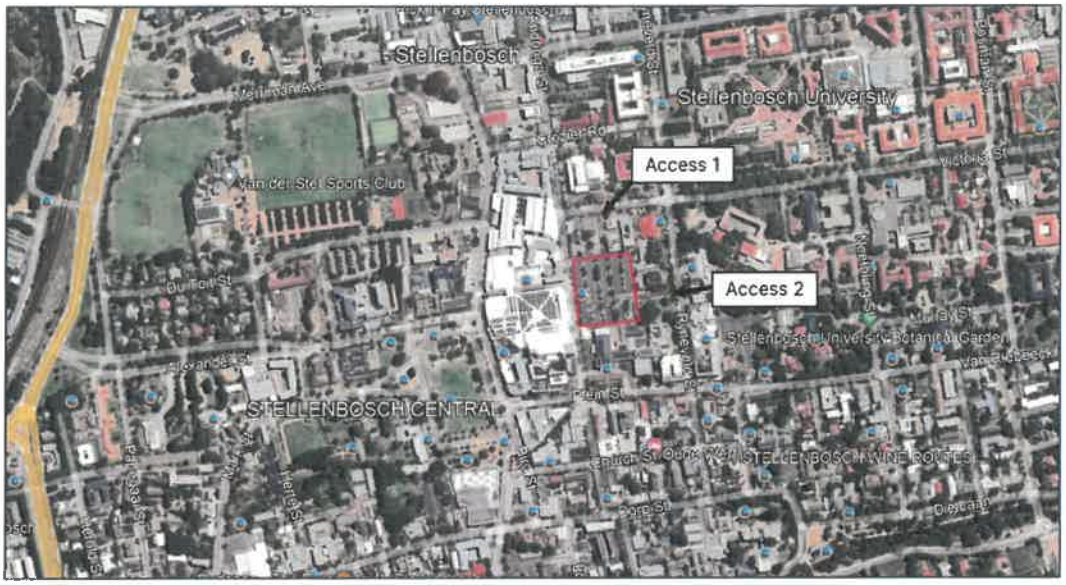


Figure 6-1: Locality in greater Stellenbosch Area.

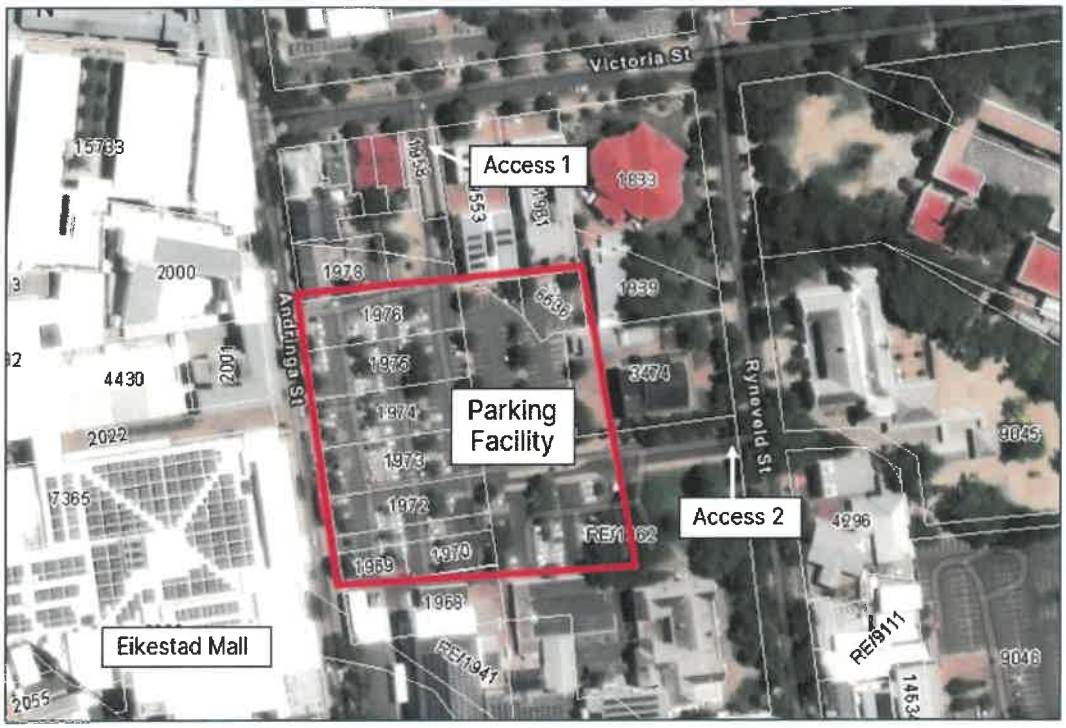


Figure 6-2: Locality Plan

The GPS coordinates of the above-shown drop pin are as follows:

- Latitude; 33°56'7.41"S
- Longitude; 18°51'40.81"

The site contains an existing entrance and exit from Victoria Street and Ryneveld Street. The parking is paid parking and is available for public use. Ryneveld Street is a one-way street in the southern direction. Victoria Street is a two-way street, and vehicles can access the parking facility from any direction.

The intersections adjacent to the accesses are included as part of the study area to ensure that there is sufficient capacity on the road to accommodate the turning movements in and out of the parking facility. The study area can be seen in Figure 6-3.



Figure 6-3: Study Area

The parking facility will be a multi-level facility. Two ramps will be provided in the facility to allow vehicles to enter the first and second level from the ground level. A third ramp will be provided on the western side of the building to allow vehicles to travel from the ground level to the basement level. The isles in the parking facility will be two-way, enabling vehicles to easily enter and exit the building.

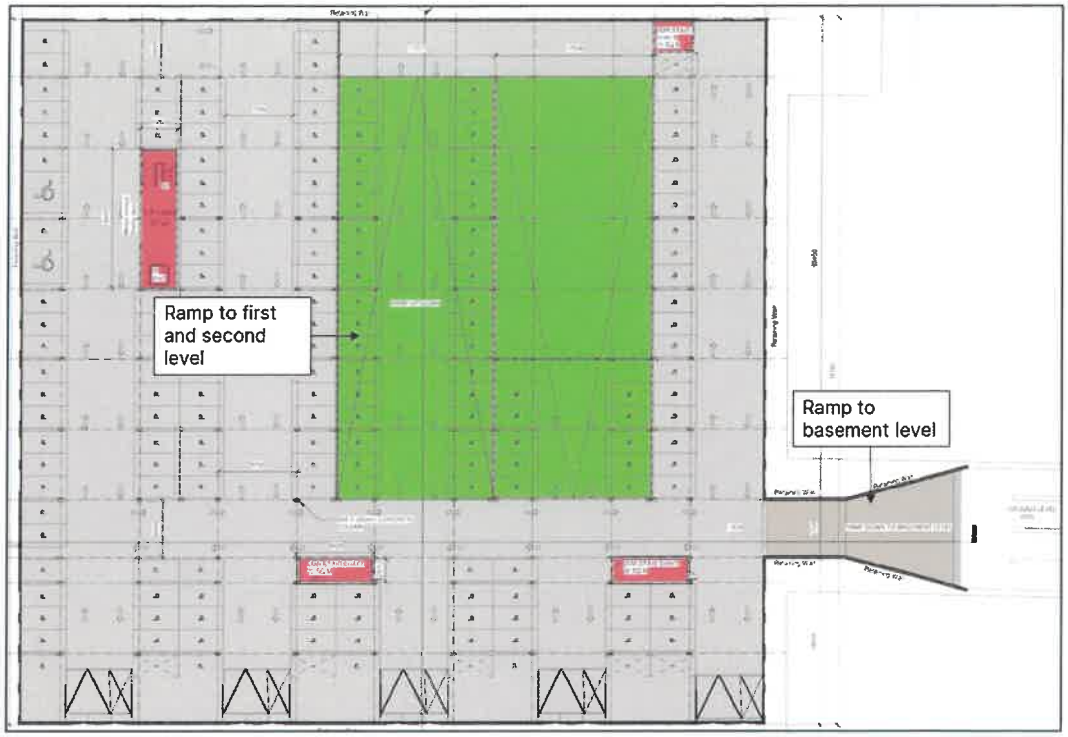


Figure 6-4: Ramps to be provided for the Parking Facility

There are no new roads to be constructed on the external road network to the site. The accesses to the site will remain, however, the accesses will be converted to boom gate-controlled accesses. A total of 498 parking bays will be provided, resulting in an additional 250 parking bays to what is currently provided at the existing parking area.

Pedestrian accommodation is made at the accesses to the existing parking area. These walkways will be retained when the proposed parking facility is in place. Elevators and stairs will be provided in the parking facility to allow pedestrians to walk from their vehicles to the ground level.

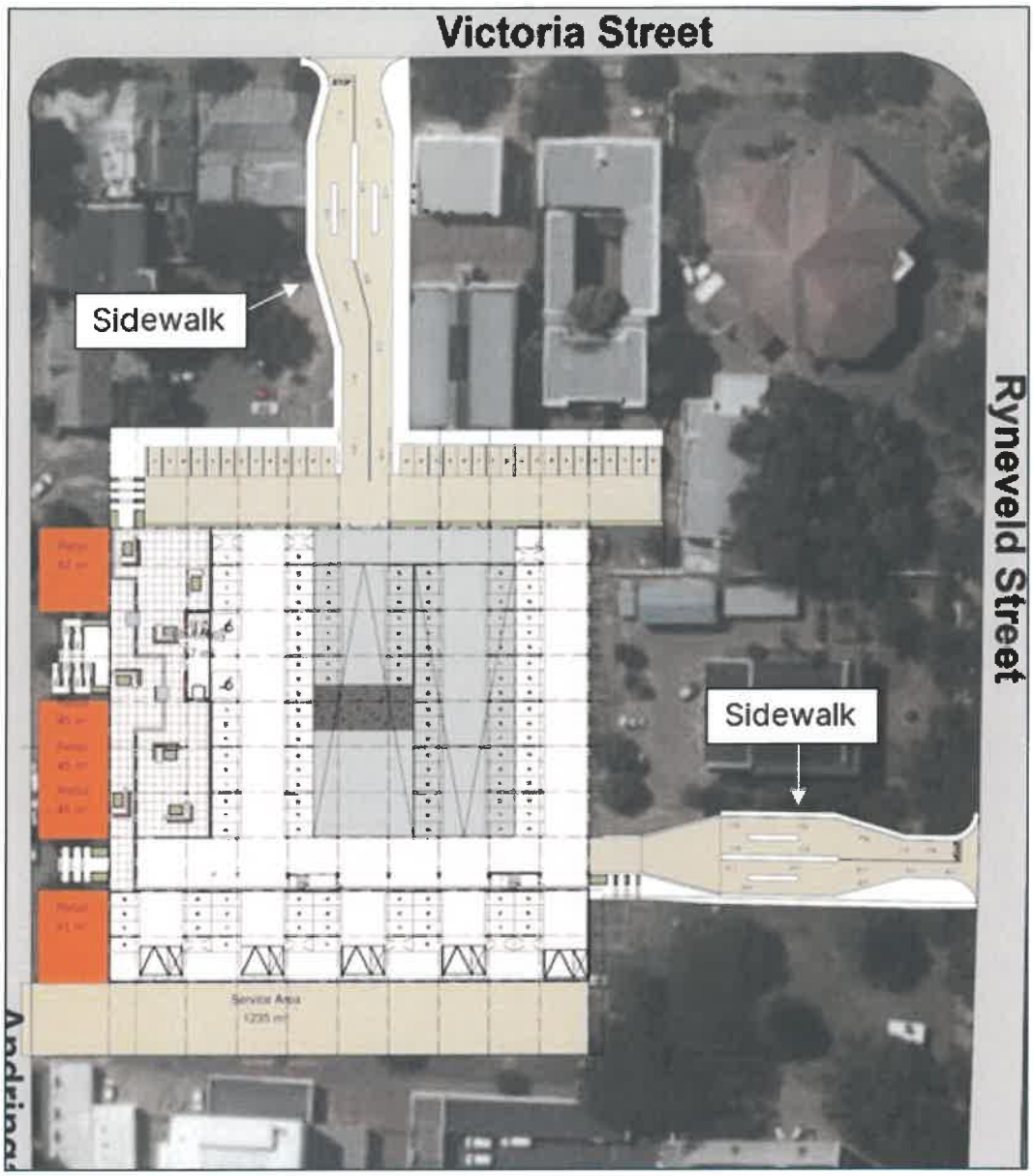


Figure 6-5: Walkways along the access road to the parking facility

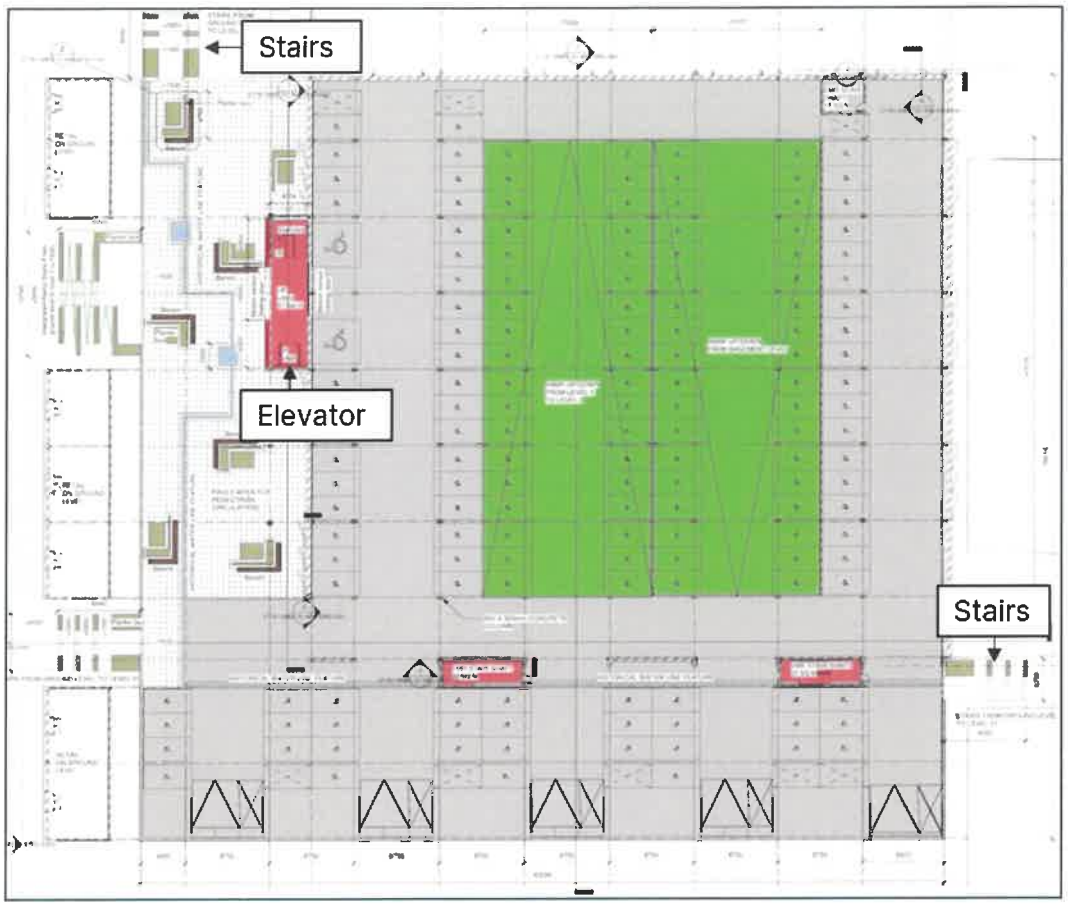


Figure 6-6: Pedestrian Accommodation in Parking Facility

6.2.1 Required Information

The following information is relevant to this study:

- Number of parking bays: 498 bays, with at least 11 disabled parking bays
- Three Ramps:
  - Width: 6 - 7m
  - Length of ramp on western side: 25m
  - Length of ramps inside facility: 49m
  - Gradient: not exceeding 12%
- Design vehicle: Light vehicle: Passenger vehicles.
- Existing access
  - Throat length:
    In accordance with the TMH 16 Vol 2, the existing access is an access to a public facility from a class 5 road. More than 50 vehicles enter and / or exit this facility during the peak hours on weekdays and weekends.
    Egress: The current access egress length is 34m at the Victoria Street Access and 74m at the Ryneveld Street Access. The minimum egress throat length for priority-controlled accesses is between 15 – 25m. The existing egress throat length at the accesses are therefore sufficient.

Table 29 Minimum egress throat length

Minimum egress throat lengths (m) for control types and number of egress lanes				
Control type:	Priority control	Traffic signal control		
Number of egress lanes:	All	1-2 Lanes(*)	3 Lanes(*)	4 Lanes(*)
Minimum throat length (m):	15 – 25 (**)	25	60	95

(*) Excluding taper lengths
(**) 6 – 25 m for Driveways

The existing ingress throat length of the Victoria Street Access is 34m while the ingress throat length at the Ryneveld Street Access is 74m. The TMH 16 Vol 2 manual specify that an ingress throat length of at least 15m should be provided on class 5a roads. It is evident that the existing ingress throat length provided at the parking facility is sufficient.

Table 30 Minimum ingress throat lengths

Minimum ingress access throat lengths (m) from different road classes							
Road Class	Class 2	Class 3	Class 4a	Class 4b	Class 5a	Class 5b	Driveways
Service Station	50	25	15	N/A	10	N/A	N/A
Other developments	100	75	25	15	15	10	5

(*) The requirements of the Municipality or authority will apply to Class 1 roads

Both the egress and ingress throat lengths are acceptable.

- Control: Boom gate controlled with automatic ticket dispenser.

6.2.2 Site Assessment

The existing parking area is located on various erven, namely on Erven 1969 – 1976 as well as on Erf 6636 and part of the Remainder of Erf 1962. A consolidation application will need to be submitted to consolidate these erven. This is unpacked in the environmental report.

The existing accesses are stop controlled. A security house with a guard is provided at the accesses to this parking. Parking tickets are provided by the guards at the entrance of the parking area. The proposed parking facility will be provided with boom gates and an automatic ticket dispenser.



Figure 6-7: Victoria Street Access



Figure 6-8: Ryneveld Street Access

6.2.2.1 Non-motorised transport

The area surrounding the proposed parking facility is provided with sidewalks on both sides of the road. Pedestrian crossings are provided at the Victoria Street / Andringa Street and at the Victoria Street / Ryneveld Street intersections. A midblock pedestrian crossing leading to the Eikestad Mall is provided on Andringa Steet. Refer to Figure 6-9 to Figure 6-11 for the pedestrian crossings.



Figure 6-9: Midblock Pedestrian Crossing on Andringa Street



Figure 6-10: Pedestrian Crossing at the Victoria Street / Andringa Street Intersection



Figure 6-11: Pedestrian Crossing at the Victoria Street / Ryneveld Street intersection

As mentioned in Section 6.2.1, NMT facilities, including stairs and an elevator, will be provided at the parking facility to accommodate pedestrians that walk from the parking facility to their destinations along Victoria Street, Ryneveld Street and Andringa Street, refer to section 4 of this report. The existing sidewalks along the accesses to the facility will be retained.

6.2.2.2 Public Transport

It is not expected that public transport users will make use of the parking facility or that the parking facility users will make use of public transport, however, a taxi rank is located within walking distance to the parking facility. Pedestrian sidewalks lead from the parking facility to the taxi rank, providing safe walking environments for the public transport users. Refer to Figure 6-12 for the locality of the taxi rank.

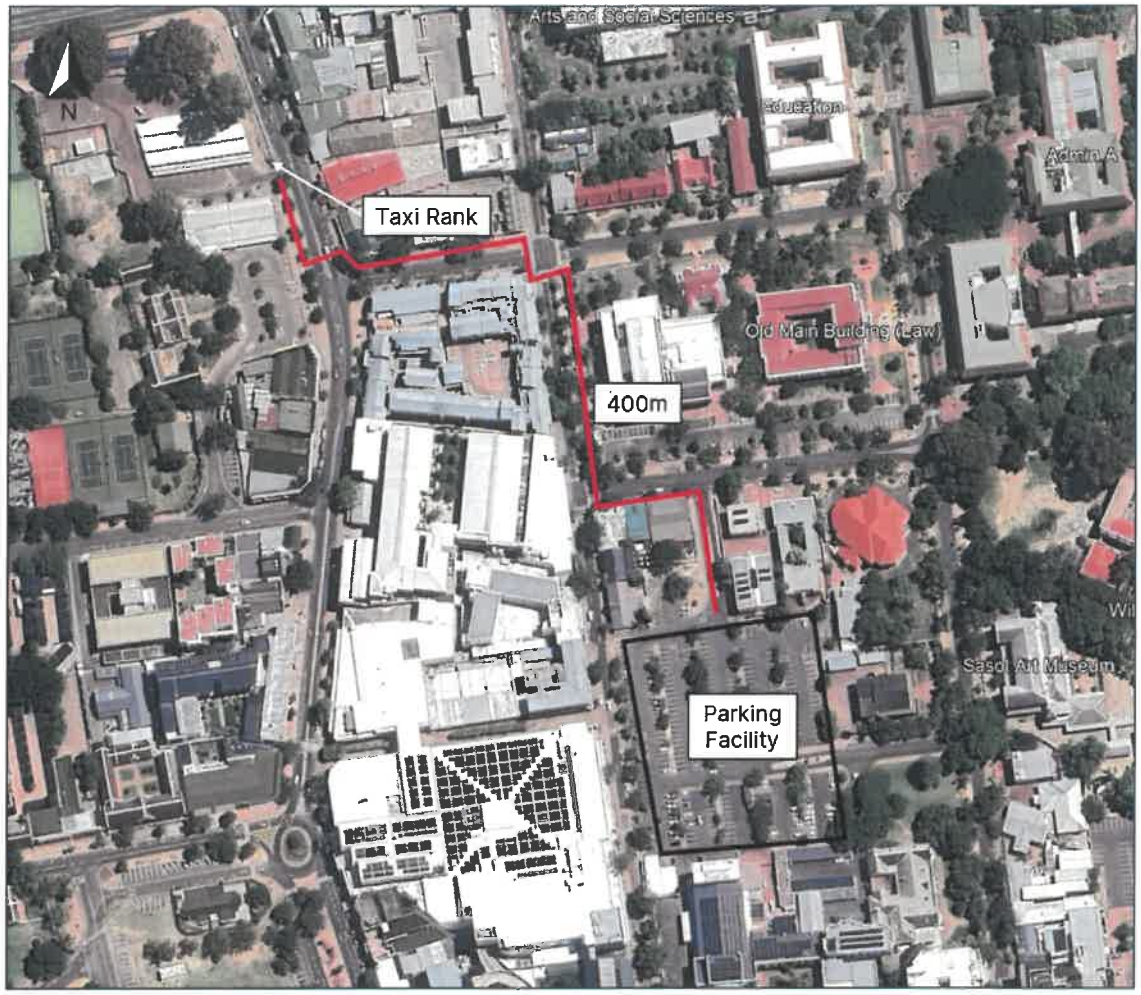


Figure 6-12: Stellenbosch Taxi Rank

6.2.3 Background Traffic Volumes

Traffic counts were conducted at the various intersections in the Stellenbosch CBD on Tuesday 31 October 2023. The AM peak, PM peak counts were performed and categorized according to light vehicles, minibus taxis, buses and heavy vehicles. The traffic counts were conducted at the following intersections in the study area:

- Victoria Street / Andringa Street;
- Victoria Street / Ryneveld Street;
- Ryneveld Street / Plein Street / Van Riebeeck Street; and
- Andringa Street / Plein Street / Van Riebeeck Street.

It is observed from the traffic count volumes that for the study area, the volumes peaked within the following hours that are chosen for the study area:

- Weekday AM Peak: 07h45-08h45
- Weekday PM Peak: 16h00-17h00

The future background traffic is estimated using the growth rate expected. According to the TMH17 Volume 1: South African Trip Data Manual, the following growth rates are applicable to urban environments:

Development Area	Growth rate
Low growth areas	0 - 3%
Average growth areas	3 - 4%
Above average growth areas	4 - 6%
Fast growing areas	6 - 8%
Exceptionally high growth areas	> 8%

Source: City Council of Pretoria (1998)

Based on the guidelines provided by (COTO:TMH16 v2, 2012, p. B2) a 5-year design horizon (2028) is selected. Furthermore, historic traffic data from 2007 to 2019 was used to calculate the average traffic growth rate for the Stellenbosch CBD. It was determined that the traffic grew with an average growth rate of 2.57% per annum from 2007 to 2019. A growth rate of 2.57% will therefore be applied to the 2023 traffic counts to determine the horizon year traffic.

6.2.4 Latent Rights

The area is built up and no additional latent rights were used. The 2.57% growth as indicated above accounted additional trips generated for any developments within the area and surrounding area.

6.3 Traffic Demand Estimate

6.3.1 Existing Traffic Demand

Parking facilities are not trip generators and the TMH 17 Trip data manual can therefore not be used to calculate the trip generation and traffic demand for the Eikestad Parking Facility. The vehicles that will access the facility is traffic volumes that are already on the road network (i.e. traffic that is generated by other land uses). The traffic demand was therefore determined by conducting 12-hour parking demand surveys in the CBD as indicated in chapter 3. The existing parking demand and supply was derived using the survey data which was then assessed based on the proposed facility size of chapter 3 and 4 of this report. The arrival and departure rates were based on the existing survey data. The parking surveys indicated that the AM and PM peak hour for the parking facility is:

- AM Peak Hour: 08h30-09h30
- PM Peak Hour: 15h30-16h30

Based on the actual volumes and distribution of parking volumes that are estimated to use the facility based on the survey data, the trip generation and trip distributions were estimated, Table 6-1 and Table 6-2.

Table 6-1: 12hr actual estimated arrival and departure volumes

Time	06:00	06:30	07:00	07:30	08:00	08:30	09:00	09:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00	17:30
Total Number of Parking Spaces	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500
Practical Capacity	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435	435
Parking Accumulation @ 2028	**38**	**56**	**87**	**137**	**228**	**291**	**362**	**401**	**432**	**433**	**430**	**431**	**396**	**407**	**427**	**435**	**428**	**424**	**404**	**413**	**380**	**362**	**351**	**310**

Table 6-2: Peak Hour Demand

AM Peak Hour		
Arrival Peak Hour	264	08:30 - 09:30
Departing	52	08:30 - 09:30
PM Peak Hour		
Arrival Peak Hour	66	15:30 - 16:30
Departing	218	15:30 - 16:30

6.3.2 Future Traffic Demand

Since a parking facility is not a trip generator, the future traffic demand was calculated using the additional number of parking bays that will be provided at the parking facility together with the existing parking demand that was surveyed at the parking areas. It is assumed that the proposed Eikestad Parking Facility will have a similar in-out split that was surveyed at the existing parking area. The expected traffic demand can be seen in Figure 6-13 and Figure 6-14.

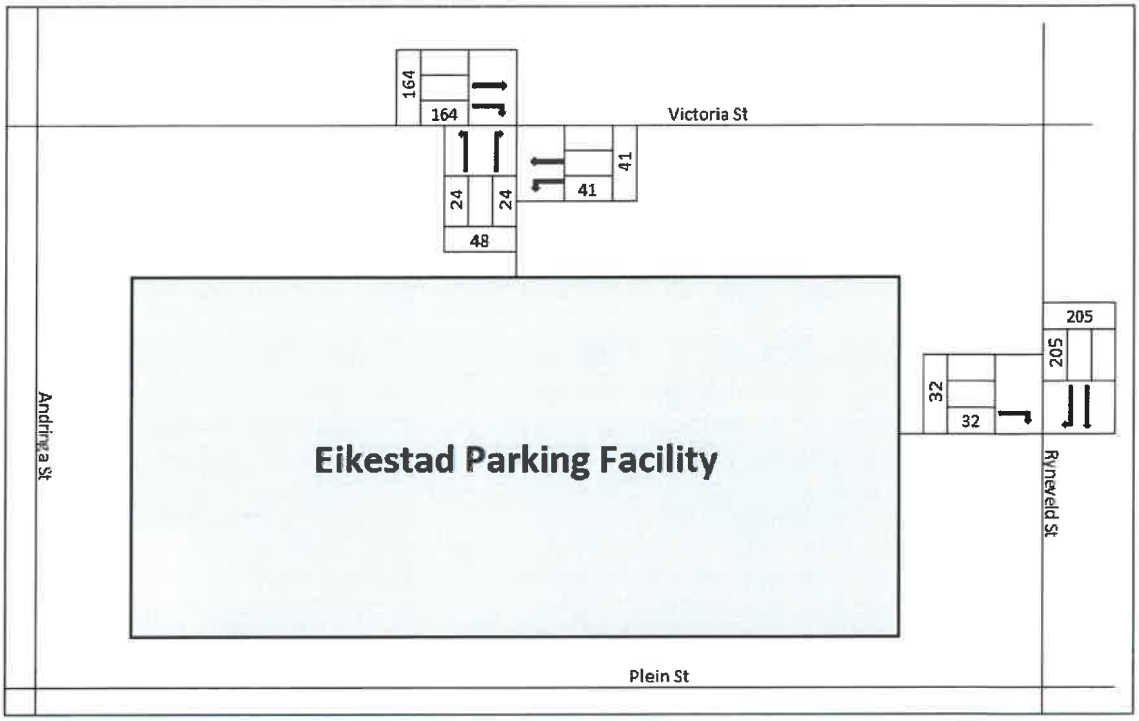


Figure 6-13: Future AM Peak Hour Traffic Demand at the Eikestad Parking Facility

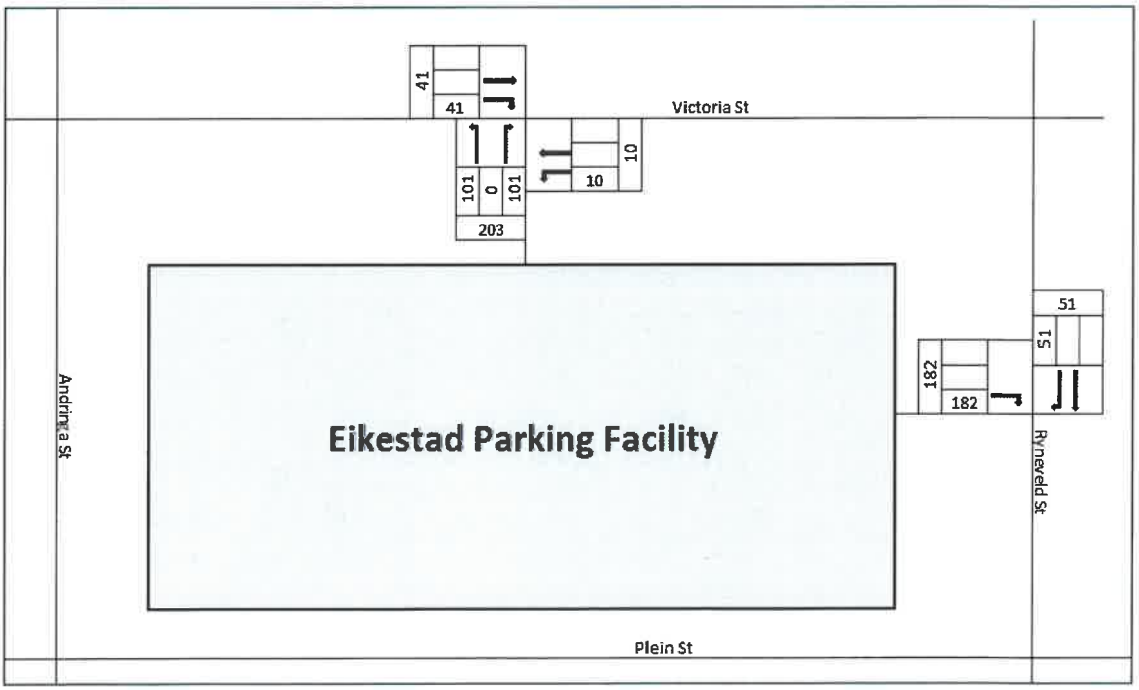


Figure 6-14: Future PM Peak Hour Traffic Demand at the Eikestad Parking Facility

6.3.3 Modal Split

The modal split for the facility was assumed to be private vehicles only. This parking area will not be used by delivery vehicles since specific loading facilities for loading and offloading are provided along Andringa Street. This parking area will also not be utilised by public transport vehicles since this facility is not earmarked for parking only and not as a public transport node.

6.3.4 Trip Distribution and Trip Assignment

The directional split, or in other words the trip distribution for the parking facility was derived using the parking survey data. It was assumed that the trip distribution that was surveyed at the existing parking area will remain the same for the proposed parking facility. The expected trip distribution can be seen in Figure 6-15. The traffic volumes that are expected to arrive and depart at the parking facility during the AM and PM peak hours are indicated in the diagrams below.

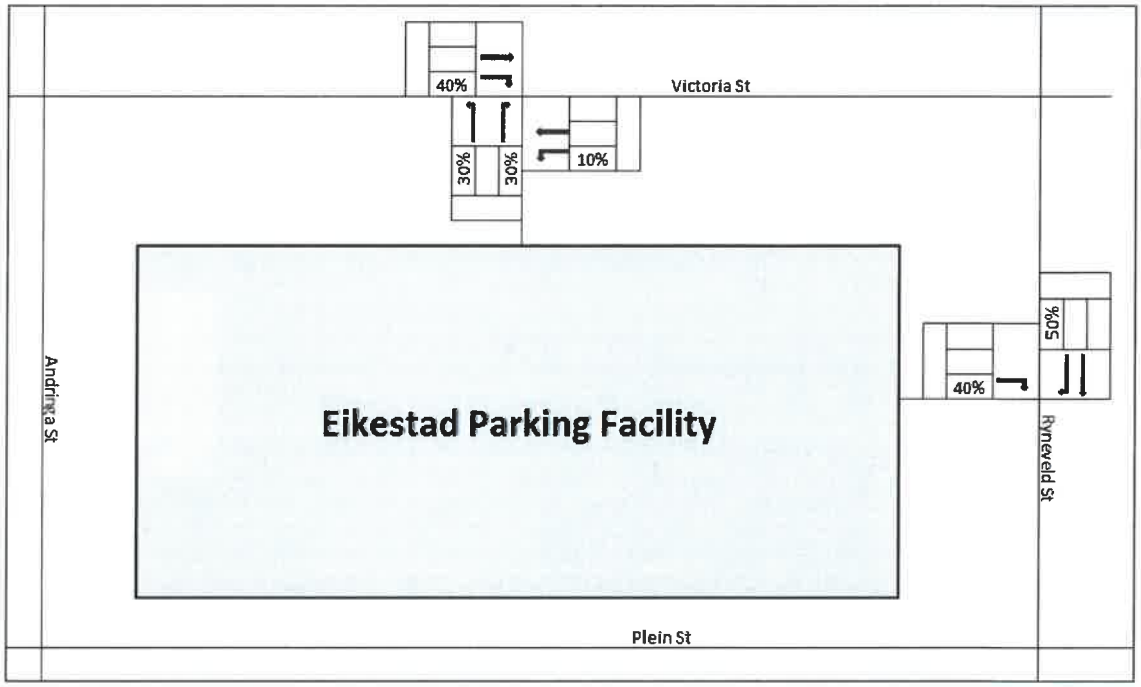


Figure 6-15: Trip Distribution at the Accesses to the Parking Facility

6.3.5 Scenarios

The Eikestad Parking Facility does not generate additional trips on the external network. It will merely be utilised by traffic that is already on the road network. The following scenarios were therefore included as part of this study:

- 2023 AM Peak Hour Base Year Traffic
- 2023 PM Peak Hour Base Year Traffic
- 2028 AM Peak Hour Future Year Traffic
- 2028 PM Peak Hour Future Year Traffic

6.4 Site Traffic Assessment

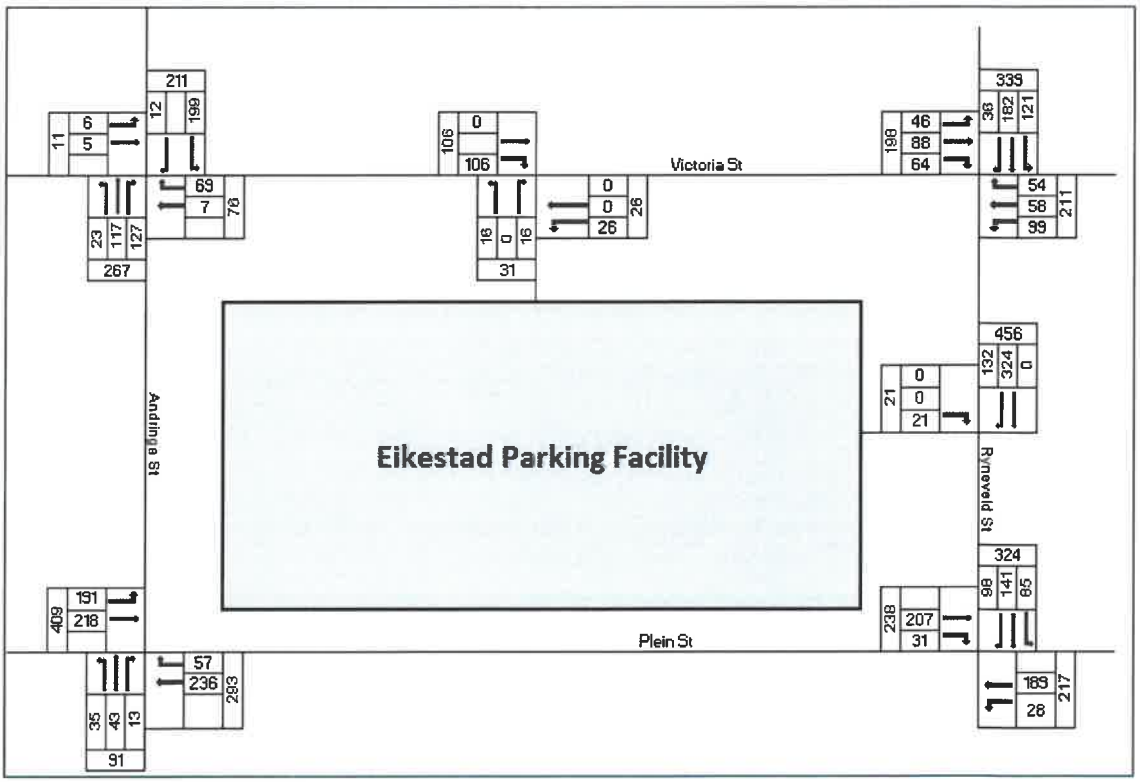
6.4.1 Investigation of other road elements

No other road elements are included that experience traffic capacity constraints due to the development.

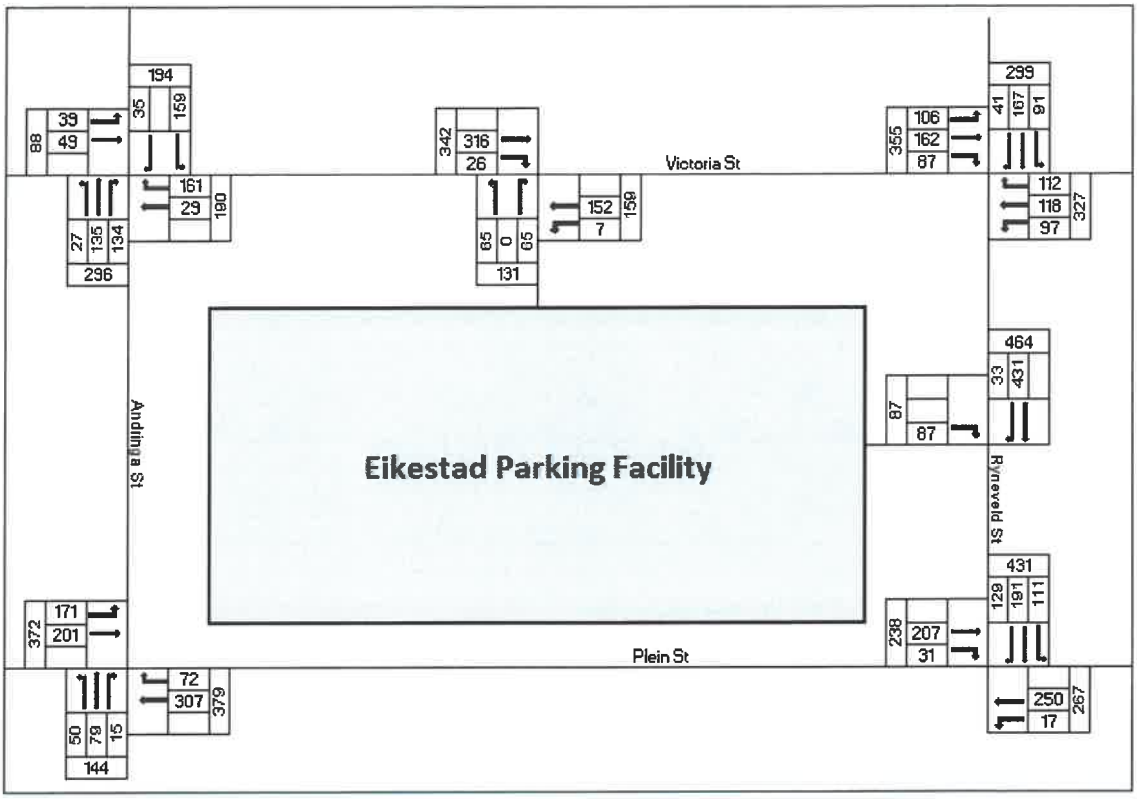
6.4.2 Traffic Volumes

The traffic volumes for the different scenarios are indicated below.

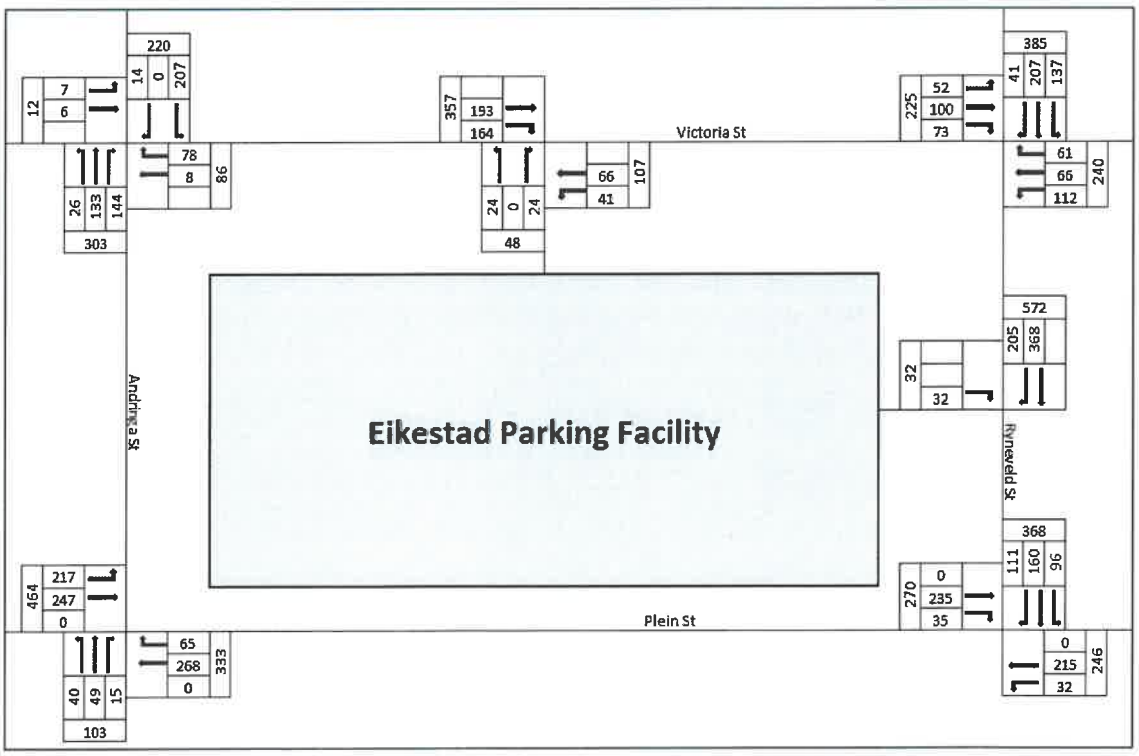
Scenario 1: 2023 AM Peak Hour Base Year Traffic



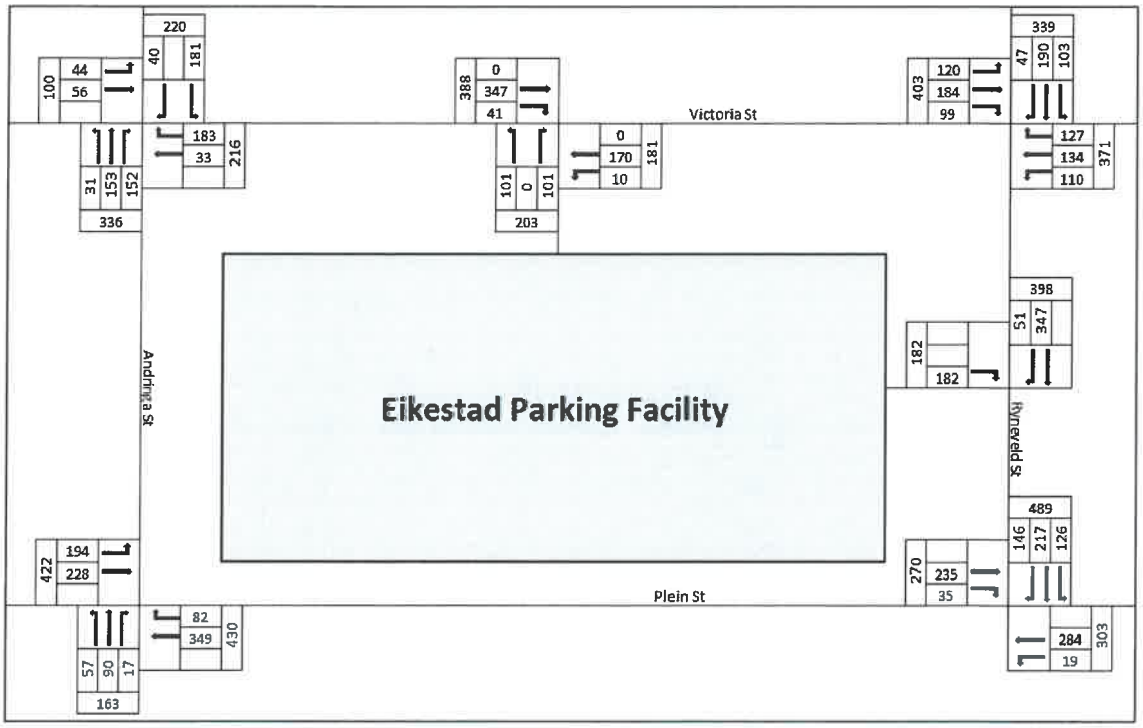
Scenario 2: 2023 PM Peak Hour Base Year Traffic



Scenario 3: 2028 AM Peak Hour Future Year Traffic



Scenario 4: 2028 AM Peak Hour Future Year Traffic



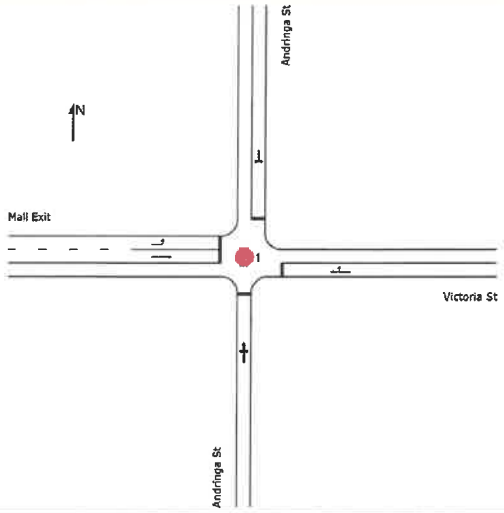
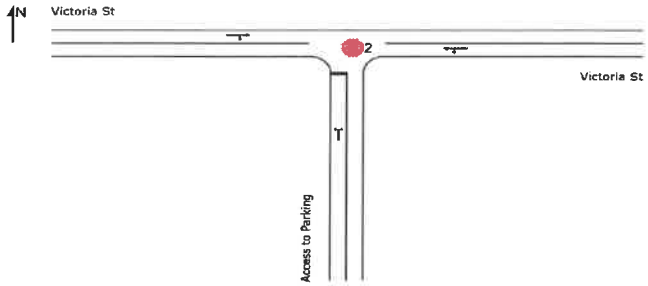
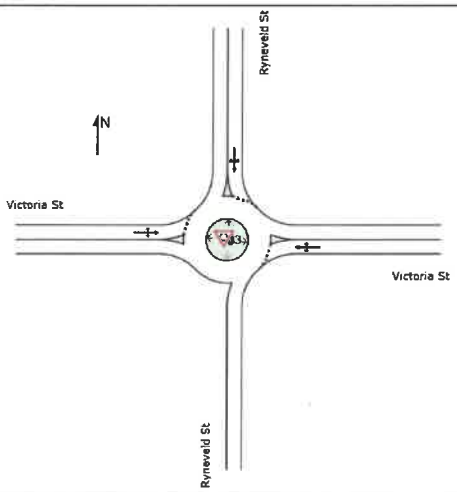
6.5 Intersection Layouts and Measures of Effectiveness

The results of the traffic analysis will be based on a Level of Service (LOS) measurement, which uses measured delay experienced by a vehicle at the intersection and compares it to a scale of values defining the LOS. The Level of Service (LOS) is based on Table 6-3 below, which has been taken from the (HCM , 2010) manual. The type of intersection affects the allowable delay in each LOS bracket resulting in different values for a traffic signal and non-signalized intersection. An acceptable LOS is on an intersection where a LOS D and above (A, B and C) is achieved. An unacceptable LOS is represented by an E and an F.

Table 6-3: Level of Service

Level of Service	Average Overall Delay per Vehicle (seconds)	
	Signals and Roundabouts	Stop Signs and Give-Way (Yield) Signs
A	<= 10	<= 10,0
B	10,1 to 20,0	10,1 to 15,0
C	20,1 to 35,0	15,1 to 25,0
D	35,1 to 55,0	25,1 to 35,0
E	55,1 to 80,0	35,1 to 50,0
F	> 80,0	> 50,0
Desirable / Maximum Recommended	**55/ 80**	**35 / 50**

In addition, the queue lengths at the access will be assessed in terms of the (COTO: TRH 26, 2012). This will lead to the correct assessment of the access and the relevant control warrants. The analysis will be conducted on the layouts of the proposed facility accesses and existing intersection configurations.

Intersection	Schematic Layout
Victoria St / Andringa St	
Victoria St / Access	
Victoria St / Ryneveld St	

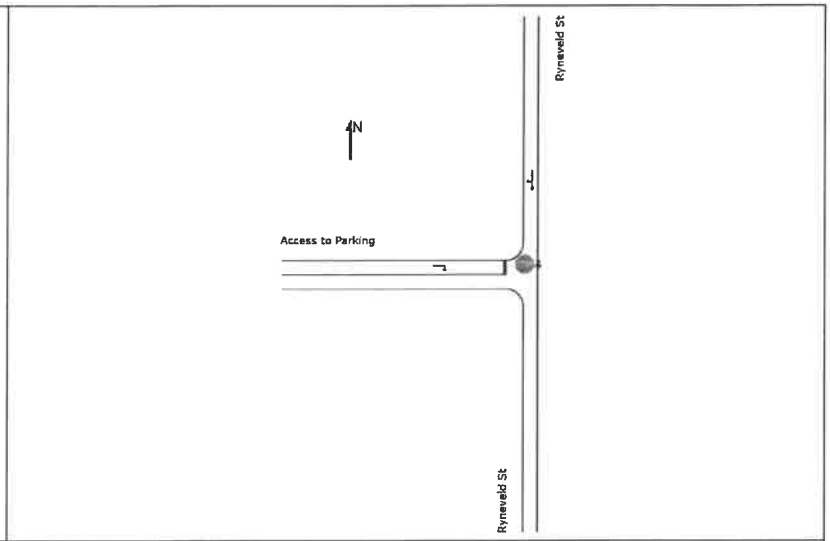
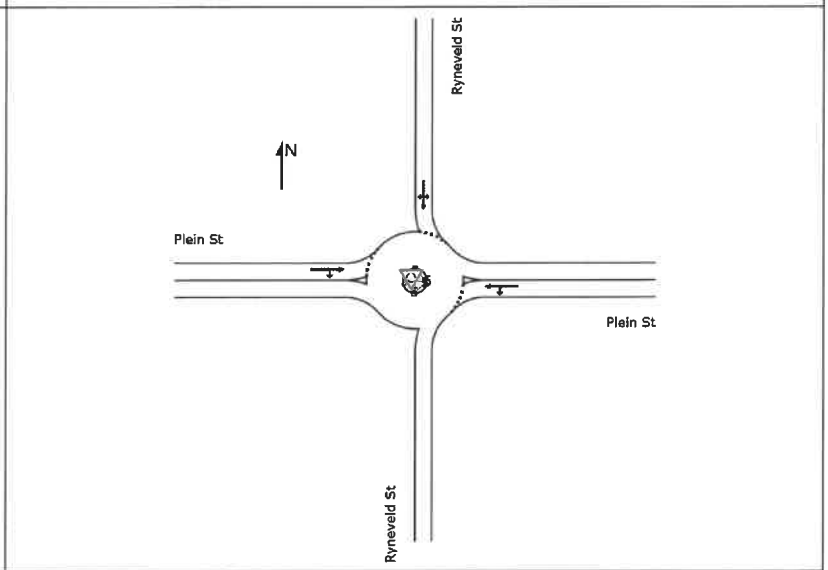
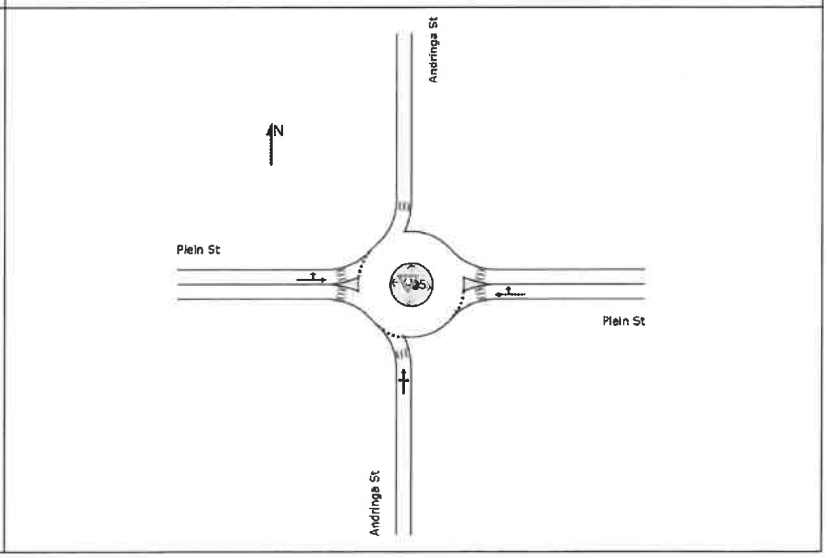
Ryneveld St / Access	
Ryneveld St / Plein St	
Andringa St / Plein St	

Figure 6-16: Schematic Intersection layouts

6.5.1 Capacity Analysis Results

The overall intersection capacity analysis results for the four intersections and two accesses can be seen in Table 6-4. The detailed intersection capacity results per movement can be seen in Annexure B.

Table 6-4: Average Intersection Level of Service Results

Intersection	Scenario	Intersection control	AM Peak Hour			PM Peak Hour		
			LOS	Del (s)	v/c	LOS	Del (s)	v/c
Victoria St / Andringa St	2023 Base	All-way Stop	D	26	0,7	C	19	0,61
	2028 Future		D	25	0,71	C	25	0,69
Victoria St / Access	2023 Base	Priority Stop	N/A	3	0,17	N/A	2	0,19
	2028 Future		N/A	3	0,21	N/A	3	0,22
Victoria St / Ryneveld St	2023 Base	Traffic Circle	A	6	0,28	A	7	0,37
	2028 Future		A	7	0,37	A	8	0,44
Ryneveld St / Access	2023 Base	Priority Stop	N/A	2	0,25	N/A	2	0,25
	2028 Future		N/A	3	0,32	N/A	3	0,22
Ryneveld St / Plein St	2023 Base	Traffic Circle	A	7	0,34	A	7	0,43
	2028 Future		A	7	0,39	A	8	0,51
Andringa St / Plein St	2023 Base	Traffic Circle	A	6	0,35	A	6	0,34
	2028 Future		A	6	0,4	A	6	0,4

It is evident from the table above that the intersections operate at acceptable levels of service during the base and horizon years.

The 95% queue lengths at the accesses to the Eikestad Parking Facility can be seen in Table 6-5. It is evident that the queue lengths at the two accesses are acceptable for the existing control.

Table 6-5: Access 95 Percentile Queue Length (vehicles)

Victoria St / Access												
Scenario	South			East			North			West		
	L	S	R	L	S	R	L	S	R	L	S	R
2023 AM	0,6		0,6	0.0	0.0						4,8	4,8
2028 AM	0,9		0,9	0.0	0.0						7	7
2023 PM	2,9		2,9	0.0	0.0						1,5	1,5
2028 PM	5		5	0.0	0.0						2,4	2,4
Ryneveld St/ Access												
Scenario	South			East			North			West		
	L	S	R	L	S	R	L	S	R	L	S	R
2023 AM	0		0	0.0	0.0						0.0	0,2
2028 AM	0		0	0.0	0.0						0.0	0,4
2023 PM	0.0		0.0	0.0	0.0						0	1
2028 PM	0		0	0.0	0.0						0.0	2,2

6.6 Results

The findings of the traffic analysis are as follows:

- The proposed accesses are acceptable to accommodate the additional trips.
- The proposed accesses have acceptable throat lengths.
- The NMT and internal walkways, existing and proposed, links to the road network, buildings and parking bays are adequate.
- The are no issues regarding the design vehicle's ability to navigate the internal road network.
- Due to the demand analysis, a wider traffic analysis would be required to assess the closure of church road on the wider CBD area.

Based on the above accesses and surrounding intersections can accommodate the additional traffic.

7 Due Diligence

7.1 Applicable legislation

This section provides a checklist of required actions for the project.

The legislation applicable to the project is the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA), the Local Government: Municipal Systems Act 32 of 2000 (MSA) and the Municipal Public-Private-Partnership Regulations published in terms of the MFMA under Notice R.309 in *Government Gazette* 27431 of 1 April 2005 (PPP Regulations).

Apart from the above, the following legislation is or could be applicable (the list is not necessarily exhaustive) and has been considered:

- The Constitution on the allocation of powers and functions of the spheres of government, the Bill of Rights, financial issues and procurement.
- The Promotion of Administrative Justice Act 3 of 2000 (PAJA) on fair and just administrative action.
- The Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA) on procurement and the Procurement Regulations made under that Act.
- The National Road Traffic Act 93 of 1996 and the National Road Traffic Regulations, 2000 on road signs and markings, rules of the road etc.
- The National Building Regulations and Building Standards Act 103 of 1977 and the regulations and standards issued in terms of that Act.
- The National Land Transport Act 5 of 2009 (NLTA) on detailed land transport functions of the spheres of government and on transport planning.
- The *Minimum Requirements for Integrated Transport Plans* published in terms of the NLTA on 29 July 2016 in *Government Gazette* 40174 (Notice 881) on requirements for transport planning.
- The National Land Transport Amendment Bill, 2016 – being considered by Parliament insofar as it will amend relevant provisions of the NLTA.
- The Broad-Based Black Economic Empowerment Act 53 of 2003 (B-BEE Act), as well as the B-BBEE regulations and codes and the proposed Bill to replace that Act.
- The National Environmental Management Act 107 of 1998 (NEMA) and regulations, and related legislation such as the National Environmental Management: Air Quality Act 39 of 2004.
- The Heritage Resources Act 25 of 1999.
- The Climate Change Bill, 2022 on the need to promote public transport etc. to combat climate change.
- The Stellenbosch Local Municipality (SLM) Roads and Streets By-Law, 2021.
- The SLM Draft NMT By-Laws, 2023.
- Current SLM Tariff Policy and By-Law.

- Other relevant by-laws of the SLM.
- The Municipal Supply Chain Management Regulations published in terms of the MFMA on 30 May 2005 as amended on 20 January 2017.
- Municipal Asset Transfer Regulations published in terms of the MFMA under Notice R.878 of 22 August 2008.

7.2 Relevant Policy documents include the following, among others:

- The Municipal Service Delivery and PPP Guidelines published by the National Treasury ("the Guidelines").
- The White Paper on National Transport Policy, 1996 and draft revised White Paper, 2021 published In *Government Gazette* 46422 of 27 May 2022.
- The SLM's Supply Chain Management (SCM) Policy adopted in terms of section 111 of the MFMA.
- The Public Transport Strategy and Action Plan, 2007 on integration of public transport services.
- The Draft National Non-Motorised Transport (NMT) Policy, 2013 on the need to promote NMT e.g. by providing bicycle lock-up facilities.
- The Non-Motorised Transport Facility Guideline, 2014 on the design of transport facilities to promote NMT.
- The National Strategic Framework on Universal Design and Access, 2021 on the need to design infrastructure to accommodate accessible transport.
- The White Paper on the Rights of Persons with Disabilities, 2016 on the need to design infrastructure to accommodate the needs of persons with disabilities.
- The National Climate Change Response White Paper, 2011 on the need to limit private car use etc. to combat climate change and limit greenhouse gases (GHG).
- The TRH26 South African Road Classification and Access Management Manual, 2012 on road access.

Applicable legislation and policy were considered in a Legal Assessment Report, which is attached as Annexure G.

7.3 Section 78 Assessment

Section 120(3) of the MFMA provides that if a PPP involves the provision of a municipal service, there must be compliance with Chapter 8 of the MSA. Accordingly the (SLM) conducted an assessment under that Chapter to determine whether the relevant parking services ("the services") should be provided by an internal or external mechanism.

Section 76 of the MSA provides that a municipality may provide a municipal service either through an internal mechanism (i.e. a department or component of the municipality itself or a business unit within its administration) or by an external mechanism, which may be a municipal entity (ME), another

municipality or another organ of state, or a private person or entity by means of a service agreement. An ME may be either a private company or a service utility established by by-laws of the municipality.

"Municipal service" is defined as a service that the municipality provides for the benefit of its local community in terms of its powers and functions, whether the service is provided by an internal or external mechanism and regardless of whether or not a fee, charge or tariff is levied for the service. As indicated above the term "municipal service" is widely defined and would appear to include parking services.

In terms of section 77 of the MSA, the municipality must review and decide on the appropriate mechanism to provide a municipal service, commonly called a "section 78 assessment", where a new municipal service is to be provided or an existing municipal service is to be significantly upgraded, extended or improved. It seems that the proposed parking services will amount to a significant upgrading, extension or improvement of the parking services currently being provided on the site.

An external mechanism can include the establishment of a municipal entity (ME) under Chapter 8A of the MSA, as a separate legal entity to undertake the functions, with or without undertaking other transport functions.

Section 78 requires as a first step that the municipality must assess whether to use an internal mechanism. This involves, among others, assessing:

- The indirect costs and benefits if the service is to be provided through an internal mechanism;
- The capacity and future capacity of the municipality to furnish the skills, expertise and resources necessary to provide the services through an internal mechanism;
- The extent to which the organisation and administration and the development of the human resources (HR) capacity of the municipality could be used to provide the services;
- The likely impact on development, job creation and employment patterns in the municipality; and
- The views of organised labour.

After these steps have been taken the municipality may decide to use an internal mechanism or to investigate the possibility of providing the services by an external mechanism. If it decides to investigate an external mechanism it must:

- Give notice to the local community.
- Assess the different service delivery options under section 76(b), i.e. whether to establish an ME, use another municipality or organ of state, a community-based organisation or any other entity, including a private entity. In doing so it must take into account:
    - The direct or indirect costs and benefits, including the effect on health and the environment;
    - The capacity or future capacity of the service provider;
    - The views of the local community;
    - The impact on development and job creation; and
    - The views of organised labour.

- Conduct a feasibility study which covers the matters listed in section 78(1)(c) which includes, among others, assessing:
    - The extent to which the service will provide value for money;
    - The needs of the poor;
    - Whether the proposals will be affordable for the municipality and its residents; and
    - Whether the proposals will transfer appropriate technical, operational and financial risk.

After this assessment, the municipality must decide on the appropriate internal or external mechanism. If it decides on an external mechanism it must enter into a service delivery agreement that complies with section 80 of the MSA after applying the required procurement processes (competitive bidding etc.).

So, to summarise, if the services will amount to a new municipal service or a substantial upgrading, improvement or extension of an existing service, the SLM must first take the abovementioned steps to assess whether it should provide the services through an internal mechanism. After that it may investigate the possibility of an external mechanism by applying the abovementioned steps relevant to that investigation, including a feasibility study. If it then decides on an external mechanism, such as an agency agreement or concessioning, it must apply normal procurement procedures in terms of its supply chain management policy and applicable legislation.

A section 78 assessment has been conducted as described in the Feasibility Study Report (FSR). On 28 March 2018 the Council accepted that all the requirements of section 78(1) of the MSA in terms of investigating the feasibility of the provision of sufficient parking have been complied with and that the SLM should formally proceed to the MSA Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism.

After exploration of such an external mechanism Council took a decision on 26 February 2020 that it accepted that the section 78 processes in terms of the MSA had been properly conducted and that the SLM should proceed to put in place the legislative processes for the services to be provide though a private party as an external mechanism.

The Chapter 8 process was conducted by the SLM and a full legal due diligence has not been conducted on that process for purposes of this Report.

7.4 Project Cycle

The PPP Regulations provide that before a municipality initiates a feasibility study for a PPP contemplated in section 120(4) of the Act the accounting officer of the municipality must-

a) Notify the National Treasury (NT) and the relevant Provincial Treasury (PT) in writing of the municipality's intention, together with information on the expertise within the municipality to comply with that section; and

b) If requested by the NT or PT, appoint a person with appropriate skills and experience, either from within or outside the municipality, as the transaction advisor to assist and advise the municipality on the preparation and procurement of the PPP agreement.

The FSR has identified and described the project in the FSR.

The SLM notified the National Treasury (NT) and has been engaging with the NT representative on an ongoing basis.

A project officer was appointed as well as a project adviser.

The municipality must consult stakeholders. A notice in terms of section 78(3)(a) of the MSA was published on 12 July 2028. Comments received pursuant to the notice were considered.

The municipality must solicit the views of organised Labour. The Section 78 Report states that there were no objections to the project from organised labour. The provision of operational labour will have a minimal impact on the current internal labour market.

Section 120(4) of the MFMA provides that before a PPP is concluded, the municipality must conduct a feasibility study that-

- Explains the strategic and operational benefits of the PPP for the municipality in terms of its objectives.
- Describes in specific terms-
    - The nature of the private party's role in the PPP; – this has been done.
    - The extent to which this role both legally and by nature can be performed by a private party; I think this is covered.
    - How the proposed agreement will-
        - Provide value for money to the municipality;
        - Be affordable for the municipality;
        - Transfer appropriate technical, financial and operational risks to the private party, and
        - Impact on the municipality's revenue flows and current and future budgets.
- Takes into account all relevant information, and
- Explains the capacity of the municipality to effectively monitor, manage and enforce the agreement.

As regards value for money, the NT has raised the following questions, which are included with the replies provided by the financial specialist in the project team:

Query 1: Total Project cost vs Term of the contract (20 years) – in some instances 20 years is used for higher value such as R1B. – will the 20 year term ensure feasibility.

Response: The results of the CBA should always be seen in the context of the assumptions. It is therefore difficult to state in absolute terms what the feasibility would be without running the models based on changes in assumptions. The IRR is obviously dependent on all the assumptions. Scenario 6 is regarded as the most realistic scenario. In terms of this scenario, the returns of the PPP Risk Adjusted Model are as follows:

Scenario 6: PPP Risk Adjusted Model		
Time period	**NPV**	**IRR**
20-years	R6.7m	12.34%
25-years	R17.9m	14.37%

Based on the assumptions, over 25 years the PPP Risk Adjustment shows the project to be feasible as the IRR is above the lending rate. Over 20-years, the project is marginal as the IRR is just below the assumed lending rate. However, if the lending rate is set a percentage point lower at 11.75% the 20-year IRR goes to 13.97% over 20-years which would make this scenario feasible.

Query 2: Revenue to the Municipality – how will this be done to ensure value for money. For eg:

- Income from parking - Will be a threshold and any amounts over the threshold will come to the municipality.
- Or one the loan is repaid the income come to the municipality.
- Or will the municipality receive a monthly income

Response: In its current format the study has not considered a revenue sharing model. In terms of the BOOT model, the facility in its entirety transfers to the Municipality at contract expiry. Assuming that the facility will not depreciate (the contract will provide for maintenance), that value is at least R120m (current prices). At transfer of the facility all revenue (and maintenance responsibilities) will accrue to the Municipality. However, the project team will amend the report to include revenue sharing option between the Municipality and the Private Partner. This model will also comment on the impact on the feasibility of the entire project.

The Guidelines provide for the FSR to be amended after receiving the comments from the NT and others. This is elaborated later.

In terms of section 120(1) of the MFMA, the municipality must demonstrate that the PPP agreement will-

a) Provide value for money for the municipality;

b) Be affordable for the municipality, and

c) Transfer appropriate technical, operational and financial risk to the private party.

These aspects have been covered above.

Regulation 3 of the PPP Regulations provides for additional matters to be addressed in the feasibility study, as follows:

1. A feasibility study conducted in terms of section 120(4) of the Act, in addition to the matters specified in that section, must—

a) identify and define the activity which the municipality proposes to outsource to a private party;

b) assess the needs of the municipality in respect of such activity, including—

i. the various options available to the municipality to satisfy those needs; and

ii. the advantages and disadvantages of each option;

c) assess the projected impact of the proposed outsourcing of the activity to a private party on the staff, assets, liabilities and revenue of the municipality or a municipal entity under the sole or shared control of the municipality, which must include an assessment of—

I. the number of officials of the municipality or such municipal entity that would become redundant as a result of the outsourcing of the activity;

II. the cost to the municipality or such municipal entity of any staff retrenchments or the retention of redundant staff;

III. any assets of the municipality or such municipal entity proposed to be placed under the control of the private party;

IV. any assets of the municipality or such municipal entity that would become obsolete as a result of the outsourcing of the activity;

V. any liabilities of the municipality or such municipal entity proposed to be assigned to the private party;

VI. any debt of the municipality or such municipal entity attributed to the activity to be outsourced which the municipality or such municipal entity would retain; and

VII. any revenue to be foregone by the municipality or such municipal entity as a result of the outsourcing of the activity; and

d) recommend an appropriate plan for the procurement of the proposed public-private partnership agreement, if outsourcing of the activity is the preferred option.

2. An assessment in terms of sub-regulation (1)(b) must show comparative projections of—

a) the full costs to the municipality for the activity if that activity is not outsourced through a public-private-partnership agreement; and

b) the full costs to the municipality for the activity if that activity is outsourced through a public-private-partnership agreement.

3. Sub-regulations (1) and (2) need not be complied with if the activity which the municipality proposes to outsource is a municipal service in respect of which an assessment in terms of section 78 (3) (b) and a feasibility study in terms of section 78(3)(c) of the Municipal Systems Act have already been carried out, provided that—

a) such assessment and feasibility study cover the matters referred to in sub-regulations (1) and (2); and

b) the documents reflecting the results of such assessment and feasibility study are included in the documents submitted to the council in terms of section 120(6)(a) of the Act.

Once the Feasibility Study has been completed, the accounting officer of the municipality must submit the report on the feasibility study together with all other relevant documents to the Council for a decision in principle on whether the municipality should continue with the proposed PPP. This Council meeting is proposed to be held on 24 April 2024.

At least 60 days prior to the Council meeting the municipality must make public particulars of the PPP together with the report on the Feasibility Study and invite the local community and other interested

persons to submit comments or representations in respect of the proposed PPP. The notice must be published in terms of section 21A of the MSA. Such a notice was published on 25 February 2024 as Municipal Notice No. 9 of 2024. In addition, a notice was published in terms of the Heritage Resources Act inviting comments. A public meeting was held on 13 February 2024 at which a number of comments were received from the local community and interested persons. These comments with the SLM's responses will be set out in an Annexure to the FSR.

At least 60 days prior to the Council meeting the accounting officer of the municipality must solicit the views and recommendations of the NT and the national Department responsible for local government (the Department of Cooperative Governance and Traditional Affairs - COGTA). Notices were sent to these entities on 26 February 2024. In response to the notice the abovementioned questions were received from the NT, which indicated that it would supply comments in April 2024. The PT indicated that it would provide comments by 6 April 2024. No response has been received yet from COGTA. The comments received with responses by the SLM will be described in an Annexure to the FSR as required by the Guidelines. If any negative comments are received the Project Team will engage with the entity concerned in an attempt to resolve the matter before the Council meeting, and a description of the meeting(s) will be provided in such an Annexure as required by the Guidelines.

If the PPP involves a type of service as prescribed in regulations made under the MFMA, the SLM must also engage with the relevant national department. No such regulations could be found. The SLM must also engage with other national or provincial organs of state as prescribed in regulations. No such regulations could be found.

In terms of the Guidelines the FS Report must also be circulated to relevant Departments within the SLM for their comments. Once the report has been amended in response to the comments received etc. it must be circulated to Council members not less than 10 days before the Council meeting.

If the proposed PPP agreement will impose financial obligations on the SLM beyond the three years covered in its annual budget for the relevant financial year, the SLM must undertake the processes outlined in section 33 of the MFMA. This will likely be the case, and the required processes will then be followed.

The Project Team includes environmental specialists who will ensure compliance with environmental legislation including NEMA. It also includes heritage specialists to ensure compliance with the Heritage Resources Act.

8 Financial Value Assessment

8.1 Introduction

In this section the financial model development process and results are described, as well as the rationale for going the PPP route on the project. The financial model is discussed in terms of assumptions and cost inputs. The section is concluded with the value for money assessment, which is based on the simplified version as reflected in module 4 of the Municipal Service Delivery and PPP guidelines.

8.2 PPP Route

8.2.1 Purpose of the PPP route

The purpose of the PPP is to transfer all risk (demand and financial) to the private party. This way the Municipality would earn an income, but without concomitant risk. The PPP would also ensure that the BBEEE objectives of the Municipality and the country will be met through clear requirements in the procurement plan. A full risk assessment has been undertaken for this project to allow the Municipality to understand the risks and the related costs that would be passed onto the private party. This risk analysis is reflected in section 8.6 of the report.

8.2.2 Types of PPP

There are two major types of PPP funding contracts: User-charge and a Unitary-Payment PPP as Funding Sources:

- User-Charge PPP (Advised for this project)
- User pays for services.

Government funding expands.

- Unitary-payment PPP (Not advised for this project)
- Funding not expanded.

For this project a user-pays funding source is advised. The relationship between the service providers, government and users is through the special purpose vehicle, as presented in Figure 8-1.

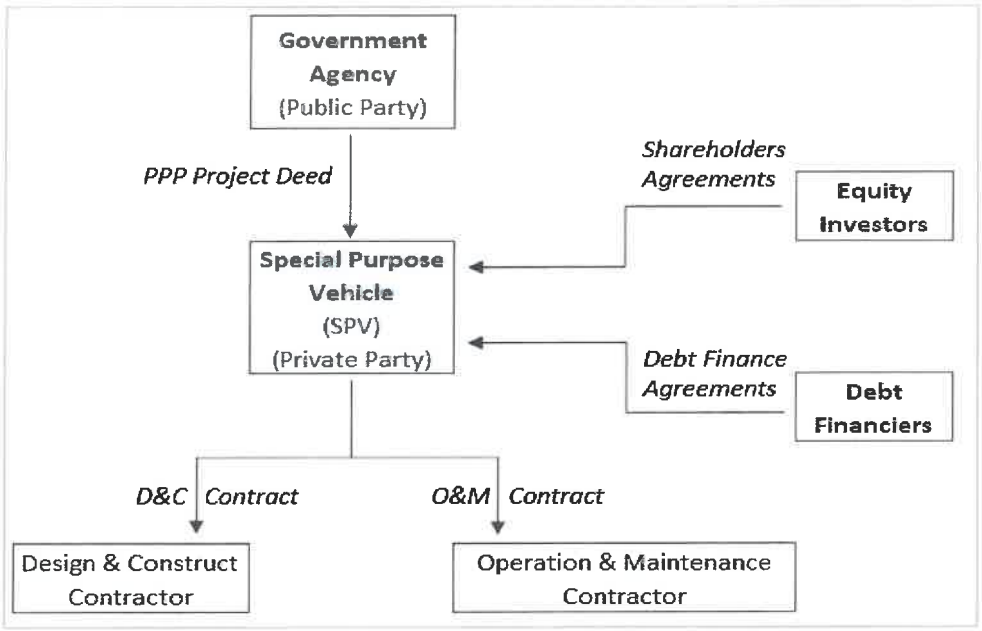


Figure 8-1: SPV relationship

The types of PPP contracts are listed below:

- Build-Operate-Transfer (BOT)
- Build-Own-Operate (BOO)
- Build-Own-Operate-Transfer (BOOT)
- Design-Build (D&B)
- Design-Build-Finance (DBF)
- Design – Build – Finance – Operate (DBFO)
- O & M (Operation & Maintenance)

Due to the nature of the risks, the availability of funds and the technical capacity for this type of project, a BOOT is most likely the most acceptable contract type.

8.2.3 Proposed PPP structure and funding.

The PPP reference model was established as per module 4 of the Municipal Service Delivery and PPP guidelines.

In accordance with module 4 of the PPP guidelines, the proposed structure for the PPP project needs to show the relationship between the institution, the special purpose vehicle (SPV) (if required), shareholders, lenders, suppliers, subcontractors and other players. The proposed sources of funding (the combination of debt and equity, and (if appropriate) government contribution) are identified and shown in a proposed funding structure. Appropriate equity returns, and the costs and key terms of debt financing, including debt service cover ratios (if applicable) are shown. All assumptions are clearly stated, as these directly affect the cost of capital for the project.

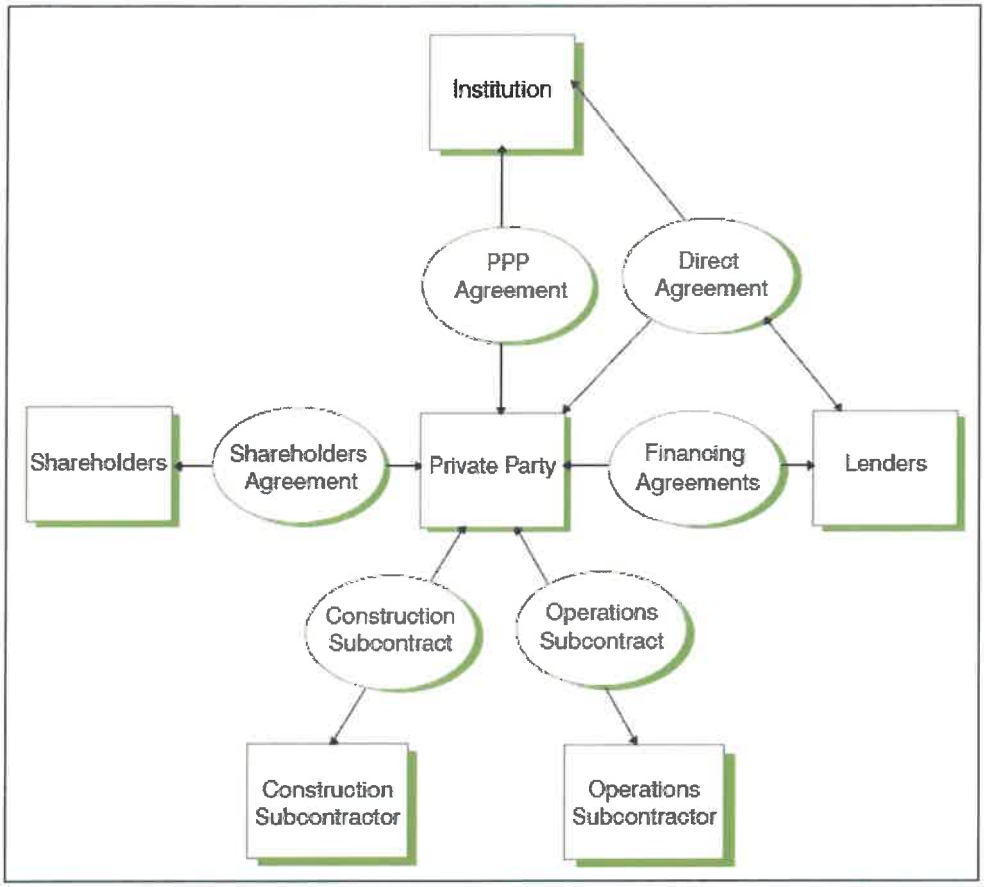


Figure 8-2: Extract, Relationship for a PPP

8.3 Value Assessment Types and Selection

8.3.1 Value assessment types

According to Module 4: Feasibility Study (stage 6) of the Municipal Service Delivery and PPP Guidelines either a full value assessment or a simplified value assessment could be undertaken, depending on the nature of the project and the capacity of the municipality. For this project a simplified value assessment was undertaken, as motivated below.

8.3.2 Simplified Value Assessment

The simplified value assessment was chosen based on the following:

- Stellenbosch Municipality does not have the financial resources to fund the construction of the Eikestad Parking Facility, especially since the budgeted external loans to fund capital projects have increased by 36% from 2023/24 to 2024/25 and funds from National Government has shown a decline of just more than 32%. At an estimated cost of R 115.2m (2023 figures) the Eikestad parking Facility amounts to almost 23% of the 2023/24 capital budget of R505m.
- Although the Municipality does have some experience in managing parking facilities, this experience is limited to smaller at-grade facilities. The Municipality does not favour managing parking areas directly, nor does it have the operational expertise to manage a multi-storey facility with its resultant SMART parking system technology. Moreover, Stellenbosch

Municipality also does not have the appetite to mitigate and manage the financial and demand risk that would go with such a facility.

- The municipality has also not made any provision for the project in the 3-year MTREF budget to 2025/26. In the MTREF for the financial period 2023/2024 to 2025/26 (p.22)[3] the following caution is directed to Council: *Council to note the upward pressure of external borrowing interest (Finance Charges) on future tariffs. In this regard, strong political will and strategic leadership is required to ensure that the municipality maintains the position of being responsive to its communities by ensuring that service charges are kept affordable and realistic by amongst other, critically investigating funding choices and expenditure decisions.*
- There are many examples in South Africa and in the Western Cape where multi-party facilities are being developed and operated by parking specialists in the private sector. The private sector possesses the financial resources and has the acumen to manage the facility more productively than the Municipality.
- The Eikestad parking facility will yield a direct monthly benefit to the Municipality (bidders to provide proposals in this regard) as well as receiving a fully developed and paid for asset with a remaining life of at least 25 years, at very little cost and no financial risk to the Municipality.

8.4 PPP Reference Model Construction

8.4.1 Technical Definition of the Project, Design and Construction Standards and Codes

The project is a multi-story Parking Garage for the Stellenbosch CBD located at the current open parking site across of the Eikestad mall. The project costs are for a three-story building with 498 parking bays. The parking structure will be a concrete structure. The design and construction phase will include, but is not limited to, the following disciplines and associated codes to design and construct the 3-story parking garage on the site known as the Eikestad Mall:

- Transportation and Geometric Engineer
  - TRH 26 (South Africa Road Classification and Access Manual),
  - TRH 17 (Geometric Design of Rural Roads),
  - Department of Transport Chief Directorate Roads
  - Human Settlement Planning and Design.
  - Drainage Design Guidelines
- Pavement and Geotechnical Engineer
  - South African Pavement Design Guide TRH4 and TRH 26
- Architect
  - SANS 10400

[3] Stellenbosch Municipality. Medium Term Revenue and Expenditure Framework for the Financial Period 2024/2025 to 2026/2027.

- Electrical Engineer
    - SANS 10142-1 - THE WIRING OF PREMISES PART 1: LOW-VOLTAGE INSTALLATIONS
    - SANS 10142-2 - THE WIRING OF PREMISES PART 2: MEDIUM-VOLTAGE INSTALLATIONS
    - SANS 10098-1 – PUBLIC LIGHTING
    - SANS 10098-2 – PUBLIC LIGHTING
    - SANS 10114-1 – INTERIOR LIGHTING
    - SANS 10114-2 – EMERGENCY LIGHTING
    - SANS 10389-1 – EXTERIOR LIGHTING
    - SANS 10389-2 – SECURITY LIGHTING
    - SANS 10139 – FIRE DETECTION AND ALARM SYSTEMS FOR BUILDINGS
    - SANS 62305 – PROTECTION AGAINST LIGHTNING
- Mechanical Engineer
- Geotechnical Engineer
- Topographical survey
- Structural Engineer
    - SANS 10160 – Loading code
    - SANS 10100 – Structural use of concrete
    - SANS 10162 – Structural use of steel
    - SANS 10163 – Structural use of timber
    - SANS 10164 – Structural use of masonry
    - SANS 10400 – National Building Regulations
    - SANS 1200 – Specifications for Civil Engineering Construction
- Environmentalist
    - The Environmental Impact Assessment (EIA) Regulations (Section 21 of Government Gazette No 18261)
- Construction Supervision

Post construction and implementation, a maintenance cycle will be required. For parking garages, routine maintenance is important, as the garage undergoes continuous use and daily exposure to the elements. Under these circumstances, even the sturdiest construction materials will deteriorate over time. As with all large-scale pavement and concrete assets, routine preventative maintenance is the key to the longevity and structural integrity of a parking garage, parking structure maintenance guide, 2017. Preventative services can help prolong the functionality of a garage over an extended period of time, limiting damage, keeping cash flow steady and costs down. With accurate cost and timeline projections, routine maintenance will minimize disruptions. As per the Department of Public Works, National Immovable Asset Maintenance Management Planning Guidelines, a maintenance framework consists of both preventative and corrective maintenance as reflected in Figure 8-3.

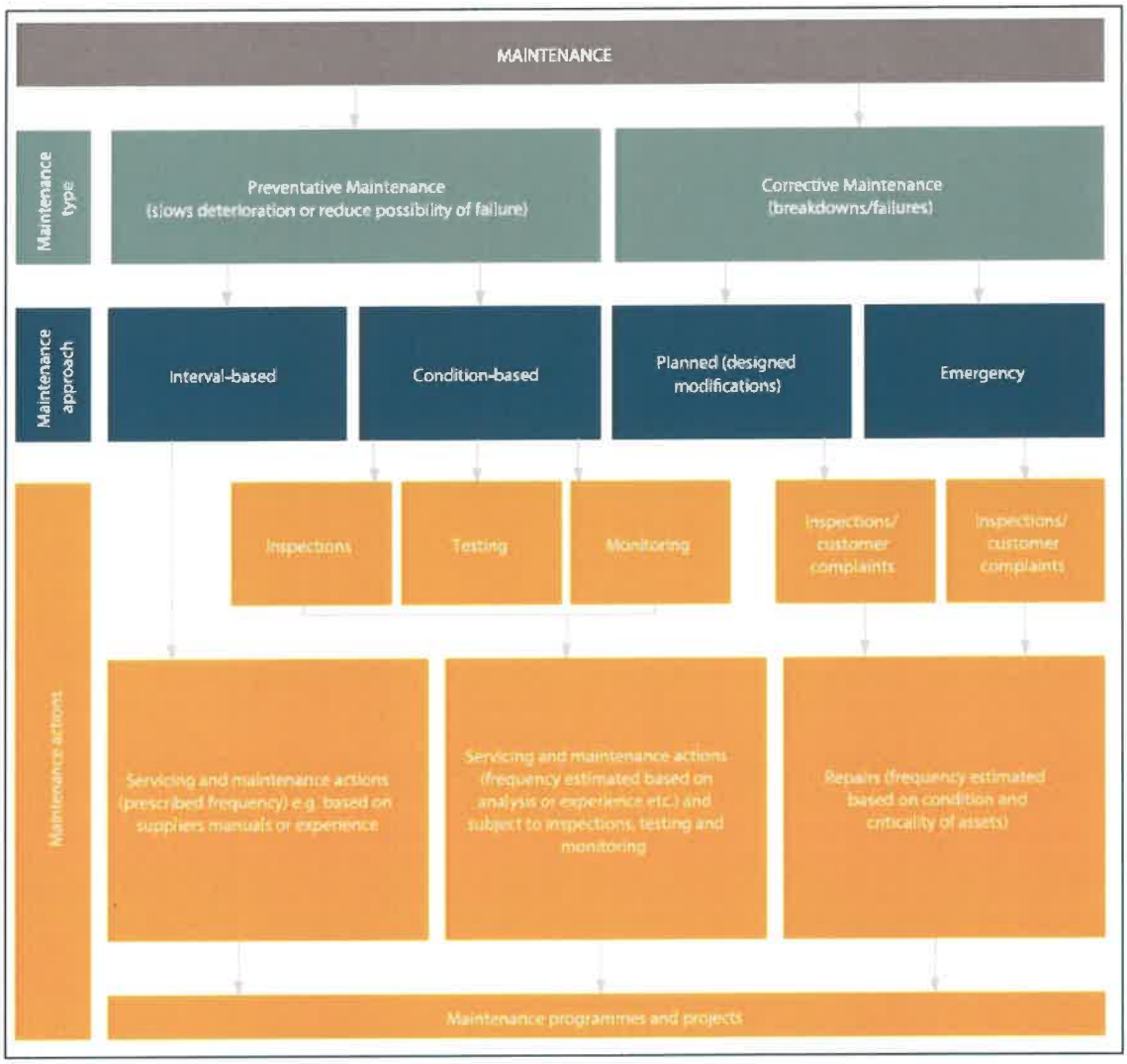


Figure 8-3: Maintenance Hierarchy NIAMM Maintenance Planning Guidelines

In accordance with the Effective Repairs and Maintenance strategies for parking structures 2014, the loads and environmental conditions in enclosed buildings do not change rapidly, most buildings deteriorate slowly over time. This is illustrated by Figure 8-4 and Figure 8-5. Essentially, the figures indicate that the correct implementation of maintenance can significantly extend the facilities life.

As a result, a comprehensive maintenance program requires that an annual budget be established. This budget should begin on the first day of operation and account for costs, such as operating expenses, routine and preventative maintenance, and structural repairs, rehabilitation, and restoration. The two main components of effective repair planning are routine/ preventative maintenance and corrective maintenance as well as structural repairs, rehabilitation, and restoration.

Preventative maintenance as indicated in the Effective Repairs and Maintenance strategies for parking structures 2014, can be completed either quarterly or annually by in-house personnel. As a minimum, a routine walk-through inspection should be conducted at least once a year. This should be in conjunction with a washdown of the structure, so that any active leakage can be noted and its source identified. Areas of concern such as cracks, leaks, joint sealant failures, and general surface deterioration can be recorded on plan sheets for each floor. An example of a routine checklist is shown in Figure 8-6.

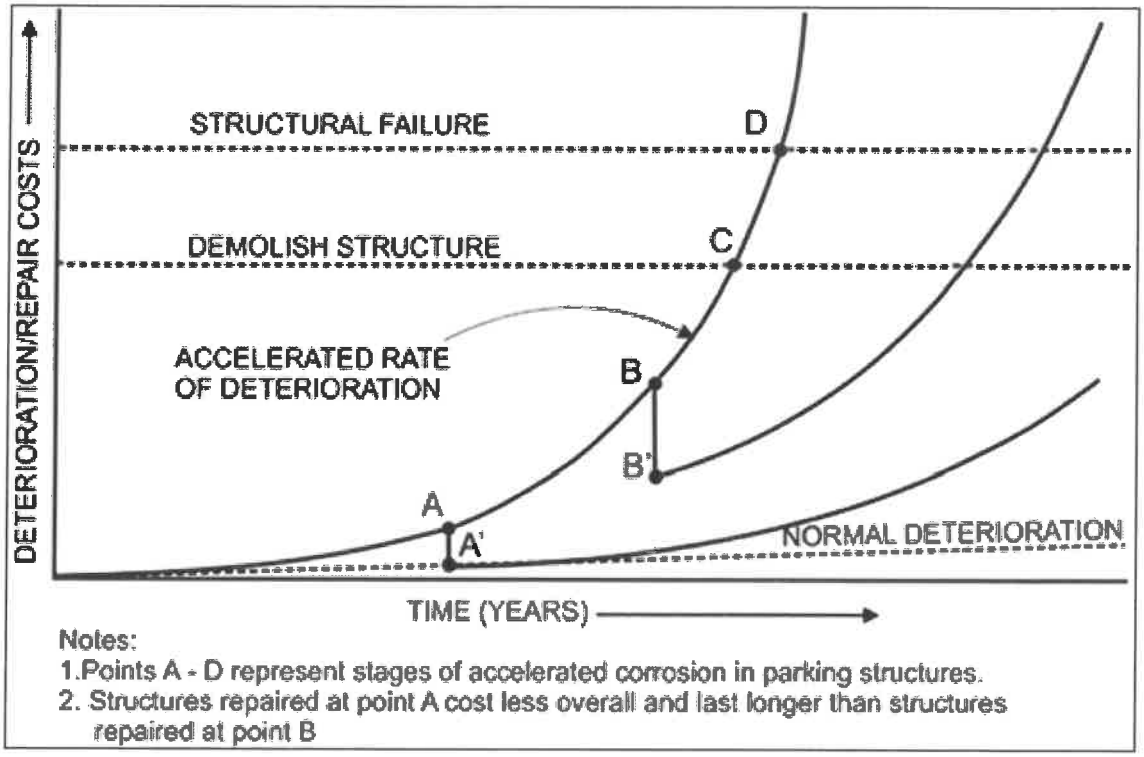


Figure 8-4: Parking structure deterioration curve, Source, Parking Structures: Planning, Design, Construction, Maintenance and Repair, third edition,

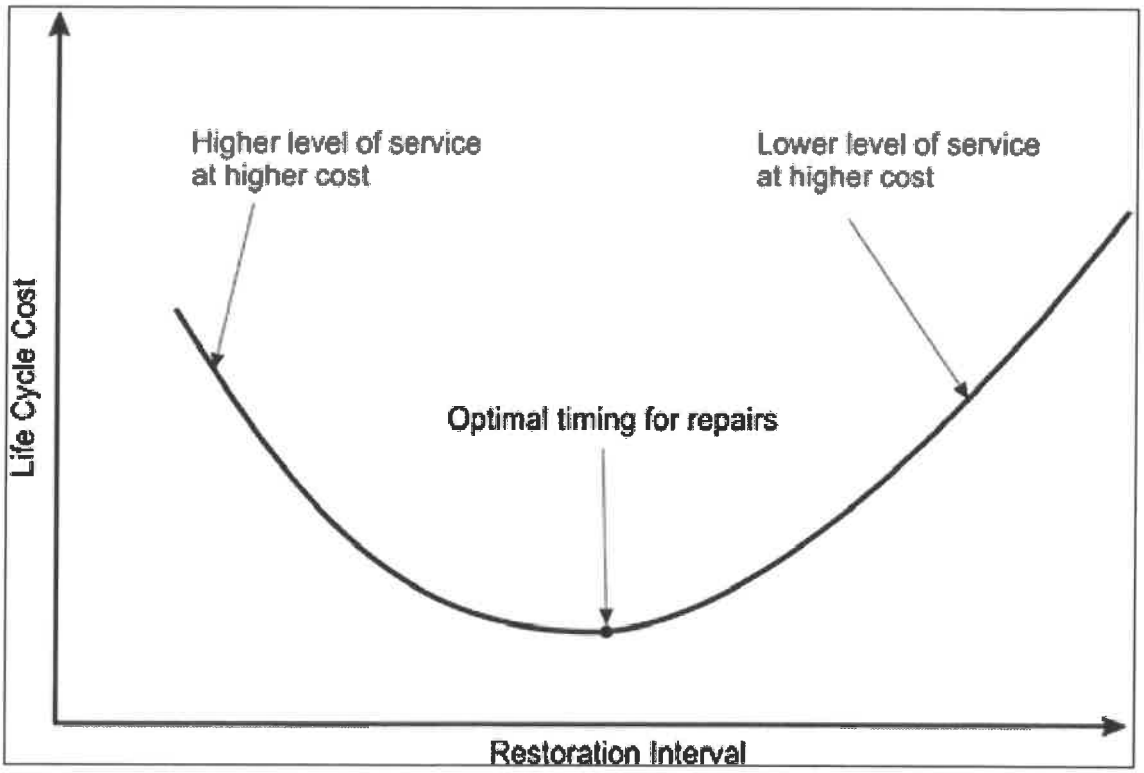


Figure 8-5: Life-cycle cost of a parking structure, Source Effective Repairs and Maintenance strategies for parking structures 2014

ANNUAL STRUCTURAL CHECKLIST

PARKING STRUCTURE NAME
INSPECTOR **DATE**
OWNER **CITY, STATE**

FLOORS

_____ When was the last floor sealer application? (Typically applied every 3 to 5 years)
_____ Are there rips, tears, debonded areas, or signs of embrittlement in the traffic topping?
_____ Are there cracks in the floor slab? If yes, where are they located and how wide are they?
_____ Are there signs of leaking?
_____ Any spalls or delaminations? If yes, how big and where are they located?
_____ Has chloride ion content testing been performed this year?

BEAMS AND COLUMNS

_____ Are there cracks? If yes, are they vertical or horizontal and how wide?
_____ Are there any signs of leaking?

STAIR/ELEVATOR TOWERS

_____ Are there any signs of a leaking roof?
_____ Are there any cracks in the exterior brick?
_____ Are there any cracks in the mortar joints?
NOTES AND CORRECTIVE ACTION NEEDED:

JOINTS

_____ Are there any signs of leaking, loss of elasticity or separation from adjacent surfaces?
_____ Expansion joints
_____ Control joints
_____ Construction joints
_____ Tee-to-tee joints

ARCHITECTURAL SEALANTS

_____ Are there any signs of leaking, loss of elasticity, or separation from adjacent surfaces?
_____ Between windows and doors
_____ In block masonry
_____ Exterior sealants
_____ Concrete walks, drives, and curb landings

EXPOSED STEEL

_____ Is there any exposed steel? If yes, where is it located and is it rusted?

MASONRY

_____ Are there any cracks in the brick?
_____ Are there any cracks in the mortar?
_____ Are there any brick spalls? If yes, where are they located and how big are they?
NOTES AND CORRECTIVE ACTION NEEDED:

BEARING PADS

_____ Are bearing pads squashed, bulging, or out of place? If yes, where?
After answering the above questions, please consult a qualified engineer to discuss your answers.
NOTES AND CORRECTIVE ACTION NEEDED:

Figure 8-6: Typical structural checklist for parking structures, Source: Effective Repairs and Maintenance strategies for parking structures 2014

With regards to the structural repairs, rehabilitation and restoration for parking garages, the maintenance cycle as per the recommendation of the parking structure garage maintenance guide, 2017 is recommended that a formal structure be assessed every 3-5 years focusing on the following:

Wall & Column Repairs

Signs of deterioration are structural cracks in the concrete, spalling or chipping, defection of the structure, or corrosion appearing on the column/ wall surface. Depending on the severity of the damage, epoxy injection may be sufficient, but other instances might require a re-pour.

Expansion Joint

Deck expansion joints provide room for the concrete structure to flex independently under heavy loads. Malfunctioning expansion joints can restrict the necessary movement in the slabs or allow water to enter the structure.

Post Tension Repairs

Post tension repairs are required to restore strength and integrity to the structure. Visible signs that a structure needs post tension repairs are broken tendons that are coming out of the structure, excessive deflection, cracking that runs parallel to the post tension strands, and diagonal shear cracks in beams and joints.

Deck Repairs

Deck repairs are needed when the cast surface of the concrete is compromised. Typically, the damaged section is removed, and concrete is reapplied into the void. This should typically be done by a restoration engineer and approved contractor.

Based on the above maintenance needs and types of maintenance requirements, a proposed maintenance schedule is indicated below in Table 8-1.

Table 8-1: Proposed Maintenance Schedule

Maintenance Structure		Daily	Weekly	Monthly	Quarterly	Semi-Annually	Other
Structural Maintenance							
A. Structural Systems							
Check For:	Floor Surface Deterioration				•		
	Water leakage				•		
	Cracking of concrete				•		
	Rusting of steel				•		
Repair		As per engineers' recommendations					
Replace protective concrete floor coating		As per engineers' recommendations					
B. Roofing and Waterproofing							
Check for leaks	Roofing			•			
	Joint Sealant in floors			•			
	Expansion joints			•			
	Windows, doors and walls			•			
	Floor membrane areas			•			
Check for wear and deterioration				•			
Operational Maintenance							
A. Cleaning							
	Sweeping-localized	•					
	Sweeping-all areas (including curbs)		•				

Maintenance Structure		Daily	Weekly	Monthly	Quarterly	Semi-Annually	Other
	Expansion joints		•				
	empty bins	•					
	Toilets	•					
	Cashier booths	•					
	Elevators, doors, tracks, windows, glass back etc	•					
	Stairs	•		•			
	Lobby, offices, floors windows etc	•	•				
	Wash down parking floors			•			To occur monthly in coastal areas and quarterly elsewhere
	Parking control equipment		•				
B. Doors and Hardware							
	Doors close and latch properly	•					
	Mechanised doors	•					
	Panic hardware at security doors	•					
	Lubricate mechanised doors			•			
C. Electrical systems							
	Check light fixtures and exposed conduit		•				
	Re-lamp fixtures		•				
	Special units-inspect						As per the needs of the equipment
	Distribution panels					•	
D. Elevators							

Maintenance Structure		Daily	Weekly	Monthly	Quarterly	Semi-Annually	Other
	Check normal operation	•					
	Check indicators and other lights	•					
	Preventive maintenance service					•	Note: Under service contract for regular maintenance and safety checks
E. Heating ventilation and air conditioning							
	Check for proper operation		•				
	Check ventilation in enclosed or underground garage	•					
	Preventive maintenance service				•		
G. Parking System and Control equipment							
	Check for proper operation	•					
	Preventative maintenance				•	•	Generally, under a service contract and maintenance is done through this contract.
H. Plumbing/ Drainage systems							
Check for proper operation	Sanitary facilities	•					
	Irrigation		•				
	Floor drains		•				
	Sump pump		•				
	Fire protection systems			•			

Maintenance Structure		Daily	Weekly	Monthly	Quarterly	Semi-Annually	Other
I. Safety Checks							
	Carbon monoxide monitor	•					
	Handrails and guardrails		•				
	Exit lights	•					
	Emergency lights	•					
	Tripping hazards	•					
J. Security Systems							
Check for proper operation							
	Closed circuit TV	•					
	Audio surveillance	•					
	Panic buttons	•					
	Stair door locks and alarms	•					
K. Signs							
Check signs for							
	In place		•				
	Clean				•		
	Legible				•		
	Illuminated	•					
Aesthetic Maintenance							
A. Landscaping							

Maintenance Structure		Daily	Weekly	Monthly	Quarterly	Semi-Annually	Other
	Remove trash	•					
	Garding- mow, trim, weed		•				
B. Painting							
Check for rust spots	Doors and door frames				•		
	Handrails and guardrails				•		
	Pipe guardrails				•		
	Pipe guards				•		
	Exposed pipes				•		
	Conduits				•		
	Other metal				•		
Check for appearance				•			
	Striping			•			
	Signs				•		
	Walls			•			
	Curbs			•			
	Touch-up paint			•			
Re-paints							As and when required

8.4.2 Compilation of the PPP Reference Model

The PPP Reference Model has been compiled based on the requirements in the PPP manual, module 4, as highlighted below:

- Provide a technical definition of the project, including design and construction standards and codes (as reflected in the above section);
- Calculate direct costs (based on concept design to accommodate the 498 parking bays and calculated from first principles by quantity surveyors based on similar projects and construction rates (see Sections 8.4 and 8.6)
- Calculate indirect costs (similar to the calculation of direct costs). In this step the BBBEE targets are discussed (see Sections 8.4 and 8.6)
- Calculate revenue (based on the various demand scenarios) (see sections 4 and 8.6)
- Explain all assumptions used in the construction of the model (see section 8.4)

8.5 PPP Reference Model Assumptions

8.5.1 Introduction

In this section the development of the financial model that takes the form of a PPP Reference Model (as required in the Municipal PPP guidelines) is discussed in terms of the assumptions, input costs, revenues and results. For the sake of completeness, a risk assessment is also provided which indicates the risks and costs that would be passed on to the private partner.

8.5.2 Technical project definition

The technical project definition is presented in detail in section 4 and 5 in the report. The main elements of the technical project definition are:

- It should be a multi-storey parking facility that makes uses of the latest innovations in smart parking revenue collection technology;
- The facility should provide for 498 parking bays and allow for a monthly parking option;
- The facility should be developed through the PPP mechanism;
- All risk, demand, operational and financial should be transferred to the private partner;
- The Municipality should receive some form of revenue share that is in excess of the current costs associated with the operation of the current facility by the Municipality.

8.5.3 Direct costs and assumptions

The direct costs are split into direct capital costs (construction, relocation of civil engineering services, smart parking system), maintenance costs, operating costs and BBBEE Costs.

8.5.3.1 Capital Costs

The direct capital costs for the construction of the facility are calculated by quantity surveyors based on the conceptual design and according to industry standards for structures in Stellenbosch. Construction costs have been calculated based on type of space, services and the quality of finishes required. Industry standard space requirements for parking areas were used in determining the amount of space required in each respective area and costs for each area calculated, accordingly. The costs were split into the different structures of the proposed facility. The capital cost estimates as shown in Table 8-2 exclude:

- Abnormal foundations
- Loose equipment
- Perimeter walls
- Power generators
- Refuse yard
- Fire sprinkler
- Escalation
- Professional fees (which were included as a separate cost item in the models)
- Property cost
- Services relocation cost
- VAT

Table 8-2: Eikestad Parking Structure Cost estimate

EIKESTAD PARKING FACILITY : ELEMENTAL ESTIMATE 1 REV 2

Monday, 11 September 2023

	Basement	Structure	Other services	External Works	TOTAL
Primary Items	R 18 218 000	R 33 186 000	R -	R 1 172 000	R 52 576 000
- Substructure	R 54 000	R 6 555 000	R -	R 221 000	R 6 830 000
- Ground floor	R 115 000	R 4 024 000	R -	R 473 000	R 4 612 000
- Structural frame	R 11 205 000	R 15 115 000	R -	R -	R 26 320 000
- External facades & lateral support	R 5 218 000	R 2 856 000	R -	R 160 000	R 8 234 000
- Roofs	R -	R 1 489 000	R -	R -	R 1 489 000
- Floor finishes	R 63 000	R 211 000	R -	R -	R 274 000
- Internal wall finishes	R 63 000	R 120 000	R -	R -	R 183 000
- Ceiling finishes	R 478 000	R 568 000	R -	R -	R 1 046 000
- Fittings	R -	R -	R -	R 318 000	R 318 000
- Electrical installation	R 668 000	R 1 114 000	R -	R -	R 1 782 000
- Fire protection	R 248 000	R 503 000	R -	R -	R 751 000
- Balustrading, handrails etc	R 76 000	R 601 000	R -	R -	R 677 000
- Miscellaneous items	R 30 000	R 30 000	R -	R -	R 60 000
Specialist items	R 795 000	R 611 000	R 1 873 000	R -	R 3 279 000
- Special fire protection	R 730 000	R 258 000	R -	R -	R 988 000
- HVAC	R 65 000	R 128 000	R -	R -	R 193 000
- Lift	R -	R -	R 1 017 000	R -	R 1 017 000
- CCTV	R -	R -	R 535 000	R -	R 535 000
- Access control	R -	R -	R 321 000	R -	R 321 000
- Signage (road signage elsewhere)	R -	R 225 000	R -	R -	R 225 000
External works	R 11 806 000	R 3 648 000	R -	R 10 733 000	R 26 187 000
- Alterations & demolitions	R -	R -	R -	R 1 345 000	R 1 345 000
- Site clearance	R -	R -	R -	R 114 000	R 114 000
- Earthworks	R 9 960 000	R 75 000	R -	R -	R 10 035 000
- Sub-soil drainage	R 1 352 000	R 688 000	R -	R -	R 2 040 000
- Storm water drainage	R 212 000	R 368 000	R -	R 100 000	R 680 000
- Water supply	R -	R -	R -	R 55 000	R 55 000
- Electrical installation	R -	R -	R -	R 3 210 000	R 3 210 000
- Roads, paving, etc	R 282 000	R 467 000	R -	R 3 195 000	R 3 944 000
- Covered parking	R -	R 1 550 000	R -	R -	R 1 550 000
- Minor construction work	R -	R 500 000	R -	R 1 019 000	R 1 519 000
- Water features	R -	R -	R -	R 1 017 000	R 1 017 000
- Garden works	R -	R -	R -	R 678 000	R 678 000
Sub-total (excl. VAT)	R 30 819 000	R 37 445 000	R 1 873 000	R 11 905 000	R 82 042 000
- Preliminaries (say 10%)	R 3 082 000	R 3 744 000	R 187 000	R 1 190 000	R 8 204 000
- Price and detail development (say 7.5%)	R 2 543 000	R 3 089 000	R 155 000	R 982 000	R 6 769 000
TOTAL CURRENT ESTIMATED CONSTRUCTION COST (excl VAT)	R 36 444 000	R 44 278 000	R 2 215 000	R 14 077 000	R 97 014 000
- Contingencies (say 2.5%)	R 911 000	R 1 107 000	R 55 000	R 352 000	R 2 425 000
TOTAL CURRENT ESTIMATED CONSTRUCTION COST (excl VAT)	R 37 355 000	R 45 385 000	R 2 270 000	R 14 429 000	R 99 439 000
Escalation	R -	R -	R -	R -	R -
- Pre-contract (excluded)	R -	R -	R -	R -	R -
- Post contract (excluded)	R -	R -	R -	R -	R -
TOTAL CURRENT ESTIMATED CONSTRUCTION COST (excl VAT)	R 37 355 000	R 45 385 000	R 2 270 000	R 14 429 000	R 99 439 000

EXCLUSIONS

- See cover letter for the exclusions list

In addition to the above cost estimates, the following costs (excluding VAT) were also included in the models at 2023 costs:

- Consultant costs (12%, of the 2023 capital cost estimate, (according to ECSA rates), amounting to R12 138 368.83 at 2023 prices. It should be kept in mind that the multidisciplinary nature of the process requires civil, structural, electrical and mechanical engineers as well as architects and quantity surveyors. In addition to design fees, the

estimated 12% professional fees include site supervision and project management during construction as well.

- Relocation of civil engineering services (R 1 714 073.56), based on best engineering practices and cost estimates of similar projects.
- Smart parking system (R1 999 141.00 at 2023 prices), to be replaced every 8 years in full according to industry best practice.
- Fibre installation costs (R5000.00)

The total 2023 capital cost estimate amounts to R115 295 583.39. When the assumed inflation rate of 5% per annum and the planning and construction period of 2 years are taken into consideration, the capital investment amounts to R124.1m (R126 270 691.87). Costs were allocated over the construction period as follows:

- Year 1 (2024) Full portion of consultant fees and 70% of construction costs; and
- Year 2: (2025): Fibre provision, Smart parking system and 30% of the construction cost.

8.5.3.2 Operating Costs (Direct and Indirect) and Assumptions

The direct operating costs were calculated from industry applicable salaries and operations. The salaries below do not take into consideration back-office staff regarding financial procurement etc. Tasks such as security, cleaning and gardening will be contracted out and are listed in the maintenance section. The operating costs were divided as follows:

- Management Salaries: 1 Manager
- Staff Salaries: 6 general labourers: 2 Customer Care officers, four general maintenance, aesthetics and cleaning. Included in the staff salaries is a 1.3 multiplier for sick days, leave days and portable equipment such as laptops for management and customer care personal.
- 13th Cheque: Applicable to all staff
- Electricity and water
- Sanitation
- Rates and Taxes
- Insurance
- Miscellaneous

The yearly costs (2023 base cost estimates escalated to 2026 which is the first year of the facility being fully operational) are shown in Table 8-3 below:

Table 8-3: Operational Costs

Operational Cost (Direct & Indirect)	Budget (2023)	Budget (2026)
Management and audit fees	R330 750.00	R382 884.47
Staff salaries	R515 970.00	R597 299.77
13th cheque	R60 637.50	R70 195.49
Smart Parking Maintenance	R0.00	R68 310.68
Electricity and Water	R132 300.00	R153 153.79
Sanitation	R6 615.00	R7 657.69
Rates and Taxes	R59 535.00	R68 919.20
Insurance	R105 840.00	R122 523.03
Miscellaneous	R46 305.00	R53 603.83

The total operational costs amount to just more than R1.52m per annum in the facility's first year of operation, namely 2026.

8.5.3.3 Maintenance Cost Assumptions

The calculation of the direct maintenance costs used for the model is based on industry-related costs and best practice replacement intervals for each of the maintenance items. The following maintenance items and replacement horizons were identified and used in the model:

- Painting: internal and external wall surface areas to receive touch up and repairs to high traffic areas every 3rd year with complete repaint every 6 years.
- Roof refurbishment; repairs, flashings, gutters and downpipes every 5th year with total full maintenance coat/ roof refurbishment every 10 years.
- Air-conditioning: replace filter medium, dosing equipment 3-4 years, cooling tower replacement and fan motor replacement every 5th year with total chiller replacement in year 18. Full service every year
- Lifts: full replacement of installation in year 20, control panel upgrades every 10 years, ropes and sheave replacement every 9 years and floor and wall upgrade every 7 years. Total lift replacement every 10 years
- Electrical installations: internal: infra-red scanning every two years, switchgear replacement/ service every 8 years, replace all light fittings after 5-year period over the rest of the contract with upgrades to DB's every 8 years, complete rewire, new distribution boards, switchgear and fittings over one year in year 22.
- Electrical installations: external: replace light fittings and supports every 8 years, transformer service every 5 years, rewire allowance for roadway/ parking alterations every 8 years.

- Roads and paved areas: repair kerbs, roadways parking lines and stop signage after 4 years with continual upgrading and major maintenance every 3-years. A premix overlay every 10 years.
- Cabling: replace backbone cabling after a maximum of 5 years. Move previous backbone downstream to replace smaller distribution cables.
- Facilities repair, maintenance and operational costs incurred as a result of normal wear and tear.
- SMART tech parking sensors are to be fully replaced over the 20-year cycle with ad hoc replacements and maintenance annually. The cost of each sensor and installation is approximately R2100 to R2800.
- A Smart Parking System is provided for, with maintenance based on industry quotes, replaceable every 8 years as per industry best practice advice.

General maintenance, repairs and inspections to be conducted as per Table 6-1 above. Due to the expense of maintenance and the planed replacement costs, the following yearly maintenance costs that will increase based on inflation was estimated as follows for 2023 (current costs) and escalated to 2026, which is the first year that the facility will be in full operation and generating revenue.

Table 8-4: Yearly Maintenance Costs

Description of Item	2023 Cost Estimate / Year	2026 Escalated Cost Estimate/Year
Inflation rate %	**5%**	
DIRECT MAINTENANCE COSTS		
Routine and Replacement Maintenance Costs		
Cleaning	R6 174.00	R7 147.18
Mechanical Replacement Maintenance	R36 382.50	R42 117.29
Electrical both routine and Replacement	R28 665.00	R33 183.32
Plumbing	R6 174.00	R7 147.18
Fire Protection	R6 174.00	R7 147.18
Security	R16 537.50	R19 144.22
Elevators Replacement Maintenance	R41 895.00	R48 498.70
Signage and SMART Tech sensors Replacement Maintenance	R74 970.00	R86 787.15
Inspections	R6 174.00	R7 147.18
Aesthetic Maintenance Costs		
Doors	R4 410.00	R5 105.13
Finishes	R8 820.00	R10 210.25
Painting	R8 820.00	R10 210.25

Description of Item	2023 Cost Estimate / Year	2026 Escalated Cost Estimate/Year
Landscaping	R5 512.50	R6 381.41
Structural Maintenance Costs		
Floors	R19 845.00	R22 973.07
Corrosion	R19 845.00	R22 973.07
Beams	R19 845.00	R22 973.07
Walls	R19 845.00	R22 973.07
Columns	R19 845.00	R22 973.07
Bearing pads	R19 845.00	R22 973.07
Barriers	R19 845.00	R22 973.07
Drainage	R19 845.00	R22 973.07
Sealants	R19 845.00	R22 973.07
Roofing	R19 845.00	R22 973.07
Membranes	R19 845.00	R22 973.07
	R469 003.50	R542 930.18

The total monthly maintenance cost is estimated at R469 000.00 for the 2023 base year and almost R 543 000.00 for the 2024 year. Over a 20-year productive lifecycle of the project (to 2045) this is a total estimated cost of R17.95m, which amounts to approximately 14.5% of the original capital investment as at the end of the construction period.

8.5.3.4 Building Price Escalation Assumption

The capital cost estimates are based on September 2023 prices. It is anticipated that construction is scheduled to commence in June 2024 to November/December 2025 based on an anticipated 18-month construction program. It is convention in the construction industry for contractors to apply escalation to the quoted price from the date of the price submission up to commencement of construction (pre-contract escalation) and then to apply escalation on the price escalated to commencement of construction to cover price increases from the contractor's subcontractors during the contract period (during contract escalation).

The Bureau for Economic Research (BER) at Stellenbosch University publishes a quarterly report on building costs, which tracks construction price escalation. The BER Building cost index is based on the analysis of accepted building tenders.

The underlying philosophy is that tender prices should follow the movement in 22 representative items carefully selected for this purpose. The selected items are common to all buildings and should therefore reflect the movement in tender prices. Research has shown that tender prices are influenced by the business cycle. This is the case because of fluctuations in the profit margins of building contractors, the degree of competition in tendering and the level of building demand generally. A 5% escalation factor was assumed for this study.

8.5.3.5 BEE Targets

The proposed BBBEE targets used in the PPP reference model are reflected in the table below.

Table 8-5: Estimated BBBEE targets for the Project

BBBEE CORE COMPONENT	BBBEE TARGETS FOR THE PROJECT					
	PRIVATE PARTY		CONSTRUCTION SUBCONTRACTOR		OPERATIONS SUBCONTRACTOR	
OWNERSHIP	VOTING RIGHTS					
	Exercisable voting rights in Enterprise of Black People	40%	Exercisable voting rights in Enterprise of Black People	27.5%	Exercisable voting rights in Enterprise of Black People	26%
	Exercisable voting rights in the Enterprise of Black Women	10%	Exercisable voting rights in the Enterprise of Black Women	10%	Exercisable voting rights in the Enterprise of Black Women	10%
	ECONOMIC INTEREST					
	Economic interest of Black People in the Enterprise	25%	Economic interest of Black People in the Enterprise	25%	Economic interest of Black People in the Enterprise	25%
	Economic interest of Black Women in the Enterprise	10%	Economic interest of Black Women in the Enterprise	10%	Economic interest of Black Women in the Enterprise	10%
	Economic interest of Black Designated Groups, Black Employee Share Participation Schemes, Black Broad Based Ownership Schemes & Black Cooperatives in the Enterprise	2.5%	Economic interest of Black Designated Groups, Black Employee Share Participation Schemes, Black Broad Based Ownership Schemes & Black Cooperatives in the Enterprise	2.5%	Economic interest of Black Designated Groups, Black Employee Share Participation Schemes, Black Broad Based Ownership Schemes & Black Cooperatives in the Enterprise	2.5%
	As part of the Ownership Core Component, the cost of Black Equity and the timing of Project cash flows to Black Shareholders will be measured.					
MANAGEMENT CONTROL	BOARD PARTICIPATION					
	Exercisable voting rights of Black Board Members, using the Adjusted Recognition for Gender				50%	
	Black Executive Directors using the Adjusted Recognition for Gender				50%	
	TOP MANAGEMENT					
	Black Senior Top Management using the Adjusted Recognition for Gender				40%	

BBBEE CORE COMPONENT	BBBEE TARGETS FOR THE PROJECT	
	Black Other Top Management using the Adjusted Recognition for Gender	40%
	BONUS POINTS	
	Black Independent Non-Executive Board Members	40%
EMPLOYMENT EQUITY	**MEASUREMENT CATEGORY & CRITERIA**	
	Black disabled employees as a percentage of all employees using the Adjusted Recognition for Gender	Year 0-5: 2%
		Year 6-10: 3%
	Black employees in Senior Management as percentage of all such employees using the Adjusted Recognition for Gender	Year 0-5: 43%
		Year 6-10: 60%
	Black employees in Middle Management as a percentage of all such employees using the Adjusted Recognition for Gender	Year 0-5: 63%
		Year 6-10: 75%
	Black employees in Junior Management as a percentage of all such employees using the Adjusted Recognition for Gender	Year 0-5: 68%
		Year 6-10: 80%
	Involvement of local people (South African) as a percentage of all Employees to give preference to people residing in the Site Area	Year 0-5: 80%
		Year 6-10: 90%
	Involvement of labour (skilled & unskilled) to be procured from the Site Area	Year 0-5: 40%
		Year 6-10: 50%
	Involvement of labour (skilled and unskilled who are Black Women) to be procured form the Site Area	Year 0-5: 10%
		Year 6-10: 15%
SKILLS DEVELOPMENT	Skills Development Expenditure on Learning Programmes specified in the Learning Programmes Matrix for Black Employees as a percentage of Leviable Amount using the Adjusted Recognition for Gender	3%
	Skills Development Expenditure on Learning Programmes specified in the Learning Programmes Matrix for Black Employees with disabilities as a percentage of Leviable Amount using the Adjusted Recognition for Gender	0.3%

BBBEE CORE COMPONENT	BBBEE TARGETS FOR THE PROJECT	
	Number of Black Employees participating in Learnerships or Category B, C and D Programmes as a percentage of total employees using the Adjusted Recognition for Gender	7.5%
PREFERENTIAL PROCUREMENT	BBBEE Procurement Spend from all Suppliers based on the BBBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	Year 0-5: 50%
		Year 6-10: 70%
	BBBEE Procurement Spend from all Suppliers based on the BBBEE Procurement Spend from Qualifying Small Enterprises or Exempted Micro Enterprises based on the applicable BBBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	Year 0-5: 10%
		Year 6-10: 15%
	BBBEE Procurement Spend from any of the following Suppliers as a percentage of Total Measured Procurement Spend: Suppliers that are 50% Black Owned Suppliers that are 30% Black Women Owned	Year 0-5: 15%
		Year 6-10: 20%
	BBBEE Procurement Spend from all Suppliers located within the Site Area	Year 0-5: 15%
		Year 6-10: 20%
	BBBEE Procurement Spend from all Suppliers who are Black Women, located within the Site Area	Year 0-5: 5%
		Year 6-10: 10%
ENTERPRISE DEVELOPMENT	Average annual value of all Enterprise Development Contributions and Sector Specific Programmes made by the measured entity as a percentage of the target	1% of Net Profit After Tax
	Average annual value of all Enterprise Development Contributions and Sector Specific Programmes made by the measured Entity on Enterprises within the Site Area, as a percentage of the target	1% of Net Profit After Tax
SOCIO-ECONOMIC DEVELOPMENT	Average annual value of all Socio-Economic Development Contributions by the Measured Entity as a percentage of the target	1% of Net Profit After Tax

8.5.4 Financial Model Assumptions

8.5.4.1 Inflation

The Consumer Price Index (CPI) has been used as the inflation rate at which the base Operating & Maintenance costs and revenues are escalated at in arriving at nominal figures throughout the concession period.

The inflation forecast has been set at 5%, which is within the South African Reserve Bank target range of between 3% and 6%, which means construction and other capital costs are escalated by 5% per annum.

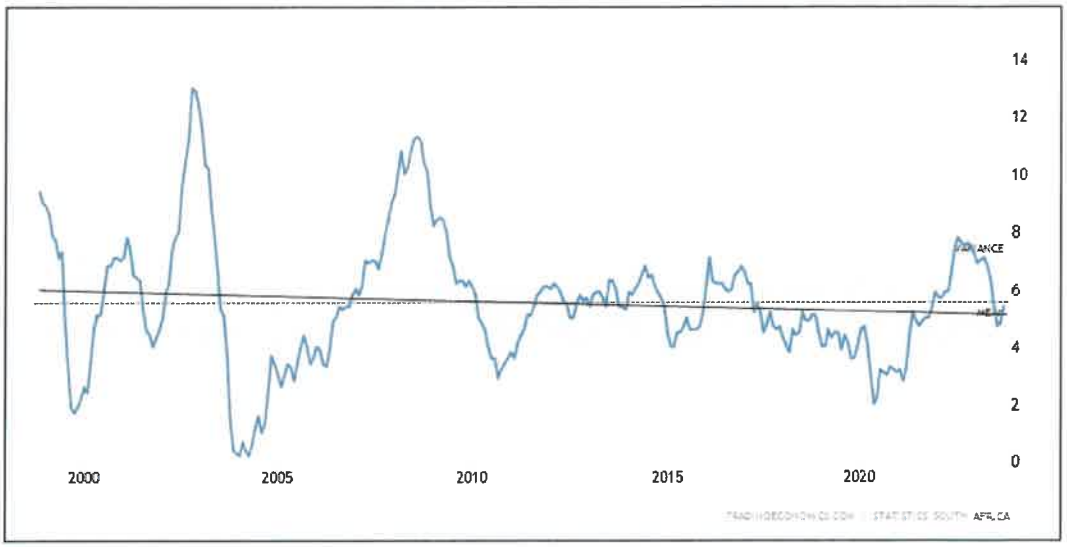


Figure 8-7: South Africa Inflation Rate

8.5.4.2 Discount Rate

The discount rate is an interest rate applied to a project's benefits and costs that are expected to occur in the future in order to convert them into a present value. This conversion is done to ascertain what those benefits and costs are worth today. The discount used for this project is a calculated Weighted Average Cost of Capital (WACC) as per the following formula and calculations:

WACC assumptions:

- Market values of likely debt/equity ratios of the business are not known as each company would have their own debt/equity structure. So, these values were then omitted from the calculations;
- Re – cost of equity 16% (based on the CAPM method), where:
    - Risk free rate = 14.334%[4] (SA Reserve Bank)
    - Beta variable = 1 (neutral risk impact on cost of equity)

WACC Formula and Calculation

$$WACC = \left(\frac{E}{V} \times Re\right) + \left(\frac{D}{V} \times Rd \times (1 - Tc)\right)$$

where:

E = Market value of the firm's equity
D = Market value of the firm's debt
$V = E + D$
Re = Cost of equity
Rd = Cost of debt
Tc = Corporate tax rate

4 *(https://www.resbank.co.za/en/home/publications/publication-detail-pages/prudential-authority/pa-insurers/Insurance-Sector-Data/pa-risk-free-rates/2024/Risk-free-rates-2024)*

- Expected return = 16% - based on higher return than risk free rate after discussions with parking facility operators.
- Market risk premium = 1.666% (calculated as expected return – risk free rate)

- Rd – cost of debt = 12.75% (prime lending rate + 1%)
- Equity weighting = 15% (same as used in Financial Models)
- Debt weighting = 85% same as used in Financial Models)

Calculation	%	Weight	%
Cost of equity (RE)	16.00%	15	2%
Cost of debt (Rd)	12.75%	85	8%
WACC			**10.31%**

Based on the above calculation a WACC of 10.31% was used as the discount rate in all financial models.

8.5.4.3 Revenue Rate Increase

The preference surveys indicated that there is a sensitivity to paying for parking. As a result, the increase to the rate was done only every two years. The increase rate chosen for the model was 8% every two years. This rate is below inflation for each year, so as to represent a conservative estimate. However, as it is difficult to know what inflation in the future will do, Scenario 6 deviated from the set assumed inflationary adjustment of 8% every second year to the following from 2043 onwards (the reason why this is applicable to Scenario 6 is discussed in Section 8.1.6.:

- 0-2 hours: 2041 rate + R1.00;
- 2-5 hours: 2041 rate + R2.00;
- 5+ hours: 2041 rate + R4.00
- Night parking in the slot 30minutes to 1.5 hours: 2041 rate + R5.00; and
- Monthly rate: Rate of 2041 + R5.00

The revenue estimates for each scenario in the financial model cash flows are based on the 2023 tariffs that were inflated by the escalation rate to 2026 level (rounded up to the nearest full Rand), which is the first year of operation assumed in the financial models.

8.5.4.4 Modelled lifecycles

The PPP Reference Model and financial analysis considered the productive and non-productive lifecycles of the project. The productive lifecycle is the period starting when revenue is generated until the selected lifespan for modelling purposes and the non-productive period includes planning and construction. For modelling purposes, two productive project timelines (i.e., once revenue is generated and the project is in operation) have been modelled, namely a 20-year and a 25-year period. These two periods can be regarded as the concession periods. Although the results of both lifecycle periods are provided in the report for the sake of comparison and

determining the best lifecycle period (concession period), the 25-year period is the most optimum period. It also provides a good cut-off point as the lifetime of a parking facility is typically 50 years.

8.5.4.5 Equity and Debt Target

Equity and Debt Contributions

In the development of the PPP Reference model a fifteen percent (15%) equity contribution has been proposed. The rest (85%) is funded through debt funding mechanisms.

Dividend Policy

The PPP model assumes a 100% dividend payout to equity shareholders of cash available for distribution to equity shareholders.

Equity Returns

An internal rate of return of >12% is forecasted to be required by investors and the accounting rate of return over 15% is required.

8.5.4.6 Currency, Taxation and Asset Value

Currency Treatment

It is assumed that about 5% of the capital cost will be imported primarily from European countries. The imported content is usually under agency agreement to local suppliers, but the prices are subject to variation due to fluctuation in the exchange rates. This was included in the cost overrun and technology risk analysis and is a very small contributor to additional costs.

Taxation

The provisions of the Income Tax Act and the VAT Act have been used in constructing the tax implications of the transactions in order to determine the tax cash flows for the PPP reference model. The following currently legislated tax rates have been used as the forecast tax rates:

- Corporate Income Tax rate of 27%;
- VAT rate of 15%; and
- STC/Withholding Tax rate of 10%.
- Tax on Dividend 20%

Asset Values

Due to the continuous maintenance of the assets and planning for replacement of mechanical assets during the concession period, the facility assets are expected to have good market values and useful lives. This is not reflected in the book value of the assets as maintenance costs are not capitalized to the assets but rather expensed.

8.5.5 Revenue Estimation and Escalation Assumptions

8.5.5.1 Revenue estimates

The revenue estimation was done for the seven scenarios as described in Chapter 4. Each scenario was based on the demand surveys conducted in Chapter 3 and calculated in Chapter 4. Revenues are estimated for the 2023 base year and escalated at an assumed rate of 8% every second year. This is considered a conservative way of estimating revenue.

The tariffs for the parking were taken as per the existing Eikestad parking tariffs. The split of parking duration was calculated as per the existing CBD parking splits. Revenue was estimated on a monthly basis with the main distinction being peak months of the year and off-peak months of the year. The peak months was considered to be 9 months of the year (taking the students and tourists into account) and the off-peak period was then 3 months. For each of these two periods revenue was calculated on a weekday basis (5 working days) and a Saturday basis where allowance was made for 4.33 Saturdays in a month. Parking volumes (and thus revenue) were estimated for the period 05:00-19:00 each day. The Sunday tariff was assumed to be R0 and thus was not included in the volume analysis.

Only scenario 6, included night parking with a tariff estimated additional volumes for night parking. Furthermore, only scenario 6 allowed for additional monthly parking for employees in the area. The full revenue estimates for each scenario are reflected in Appendix I.

In terms of S74 of the Municipal Systems Act, only Council can develop a tariff policy for Municipal Services and in turn that Policy will inform the tariff level for the parking. The tariff policy will also determine the tariffs that will be applicable to the private party, as further explained in Section 8.3.3.

8.5.5.2 Revenue Rate Increase

The preference surveys indicated that there is a sensitivity to paying for parking. As a result, the increase to the rate was done only every two years. The increase rate chosen for the model was 8% every two years. This rate is below inflation for each year, so as to represent a conservative estimate. However, as it is difficult to know what inflation in the future will do, Scenario 6 deviated from the set assumed inflationary adjustment of 8% every second year to the following from 2043 onwards (the reason why this is applicable to Scenario 6 is discussed in Section 8.1.6.:

- 0-2 hours: 2041 rate + R1.00;
- 2-5 hours: 2041 rate + R2.00;
- 5+ hours: 2041 rate + R4.00
- Night parking in the slot 30minutes to 1.5 hours: 2041 rate + R5.00; and
- Monthly rate: Rate of 2041 + R5.00

The revenue estimates for each scenario in the financial model cash flows are based on the 2023 tariffs that were inflated by the escalation rate to 2026 level (rounded up to the nearest full Rand), which is the first year of operation assumed in the financial models.

8.5.5.3 Concession Period

Two concession periods have been provided for in the models, namely 20 and 25 years.

For the PPP reference model, the same annual tariff increase as that for the PSC was applied, namely 8% every other year. As was apparent in the PSC base model, the 25-year concession period yields the best results. The procurement requirements will then be based on a 25-year concession period.

8.5.5.4 Parking tariffs

As indicated earlier in the report, the same parking tariffs that are currently applicable for the existing parking facility are applicable to both the PSC models and the PPP Reference Model. The following is applicable to the private party:

- During operations, the private party will follow the Municipality's approved Tariff Policy for Parking;
- On an annual basis, the Private Party is required to submit an annual report showing their costs and revenues for the year to justify the need for an increase. Council will consider this application and put it out for consultation and can then approve the higher tariff.

8.5.6 Financial Benefit for Stellenbosch Municipality

There are various ways that the Municipality can derive a direct monetary benefit through the development of the parking facility on a PPP basis. The procurement plan will contain a requirement whereby the private partner must propose a suitable mechanism combined with a clear financial proposal.

It should be kept in mind that after the concession period the Municipality will effectively acquire a fully operational facility (asset) with a remaining life of at least 20 to 25 years. All income will then revert to the Municipality, unless it decides to put the facility out on an operating contract.

For purposes of the TVR 1 study, a nett return sharing analysis was undertaken. Various nett return share percentages were undertaken. These varied between 5% and 50%. In the end a 5% and a 15% share was incorporated into the PPP Reference Model.

8.5.7 Scenario and Lifecycle Selection

Full financial models have been run for each of the 7 scenarios to ascertain the best, or most probable scenario to base the feasibility study on. The scenarios consist of a base scenario and 6 other scenarios based on various revenue estimates. The financial models for each scenario are reflected in Appendix F for the PPP model. The main differentiator between the scenarios is the revenue, so the scenario with the best revenue potential has been selected for presentation as part of the TVR 1 process.

Based on the assumptions used for the revenue estimates as reflected in Section 4, the following scenarios were developed:

- Base: Existing Eikestad Volumes only.

- Scenario 1: 30% of the illegal surveyed parking volumes + Base scenario volumes.
- Scenario 2: Scenario 1 volumes + the 70% volumes for the pedestrianisation of Church St.
- Scenario 3: Overflow volumes for the existing facilities + Scenario 2
- Scenario 4: Scenario 3 + 2,57% pa traffic growth for 3 years.
- Scenario 5: Scenario 3 + 2,57% pa traffic growth till 2028.
- Scenario 6: Scenario 3 + A night demand and monthly parking demand estimate have been included.
    - Night demand was calculated at an additional 15% of total day trips of scenario 3.
    - Monthly parking was calculated based on the volume of weekday traffic parking for 8 hours or more in the existing facilities from scenario 3.

The detailed results of the monthly revenue scenarios are reflected in Annexure I. In this section only the results of Scenario 6 (henceforth termed the Project Scenario) which has been determined to be the most suitable scenario are reflected. The monthly estimated revenue for the Project Scenario (for the categories of weekday parking, Saturday parking and off peak parking) is reflected in Table 8-6 to Table 8-8 for the years 2023, 2025 and 2027.

Table 8-6: Project Scenario Weekday parking

Time	Demand 2021 (Incl. Vat)			2023	2023	2025	2025	2027	2027
Parking from 05:00 – 19:00		Volume	Split	Rate	Daily Income	Inflated rate	Daily Income	Inflated rate	Daily Income
0 – 30 min	R6.00	766	42%	R6.00	R 4 596.00	R7.00	R 5 362.00	R8.00	R 6 128.00
30 – 60 min	R10.00	376	21%	R10.00	R 3 760.00	R11.00	R 4 136.00	R12.00	R 4 512.00
1 – 2 hours	R20.00	353	19%	R20.00	R 7 060.00	R22.00	R 7 766.00	R24.00	R 8 472.00
2 – 3 hours	R25.00	109	6%	R25.00	R 2 725.00	R27.00	R 2 943.00	R30.00	R 3 270.00
3 – 4 hours	R30.00	56	3%	R30.00	R 1 680.00	R33.00	R 1 848.00	R36.00	R 2 016.00
4 – 5 hours	R40.00	30	2%	R40.00	R 1 200.00	R44.00	R 1 320.00	R48.00	R 1 440.00
5 – 6 hours	R80.00	30	2%	R80.00	R 2 400.00	R87.00	R 2 610.00	R94.00	R 2 820.00
6+ hours	R150.00	102	6%	R150.00	R 15 300.00	R162.00	R 16 524.00	R175.00	R 17 850.00
Parking from 19:00 – 05:00					**R 38 721.00**		**R 42 509.00**		**R 46 508.00**
R10.00									
Night Parking		15% of Total Volume							
30 – 60 min	R10.00	192	70%	R10.00	R 1 920.00	R11.00	R 2 112.00	R12.00	R 2 304.00
1 – 1.5 hours	R15.00	82	30%	R15.00	R 1 230.00	R17.00	R 1 394.00	R19.00	R 1 558.00
					R 3 150.00		**R 3 506.00**		**R 3 862.00**
Monthly Parking		5% of Total Volume							
Month Rate	R1 328.00	90	100%	R1 328.00	R 119 520.00	R1 435.00	R 129 150.00	R1 550.00	R 139 500.00
Total					**R 119 520.00**		**R 129 150.00**		**R 139 500.00**
			Monthly Income		**R 1 040 682.00**		**R1 141 480.00**		**R 1 247 640.00**

Table 8-7: Project Scenario: Saturday parking

Time	Demand 2021 (Incl. Vat)			2023	2023	2025	2025	2027	2027
Parking from 05:00 – 19:00		Volume	Split	Inflated rate	Daily Income	Inflated rate	Daily Income	Inflated rate	Daily Income
0 – 30 min	R6.00	805	46%	R6.00	R 4 830.00	R7.00	R 5 635.00	R8.00	R 6 440.00
30 – 60 min	R10.00	380	22%	R10.00	R 3 800.00	R11.00	R 4 180.00	R12.00	R 4 560.00
1 – 2 hours	R20.00	314	18%	R20.00	R 6 280.00	R22.00	R 6 908.00	R24.00	R 7 536.00
2 – 3 hours	R25.00	93	5%	R25.00	R 2 325.00	R27.00	R 2 511.00	R30.00	R 2 790.00
3 – 4 hours	R30.00	38	2%	R30.00	R 1 140.00	R33.00	R 1 254.00	R36.00	R 1 368.00
4 – 5 hours	R40.00	24	1%	R40.00	R 960.00	R44.00	R 1 056.00	R48.00	R 1 152.00
5 – 6 hours	R80.00	16	1%	R80.00	R 1 280.00	R87.00	R 1 392.00	R94.00	R 1 504.00
6+ hours	R150.00	78	4%	R150.00	R 11 700.00	R162.00	R 12 636.00	R175.00	R 13 650.00
Parking from 19:00 – 05:00					**R 32 315.00**		**R 35 572.00**		**R 39 000.00**
R10.00									
Night Parking		15% of Total Volume							
2 – 3 hours	R25.00	184	70%	R25.00	R 4 600.00	R27.00	R 4 968.00	R30.00	R 5 520.00
3 – 4 hours	R30.00	79	30%	R30.00	R 2 370.00	R33.00	R 2 607.00	R36.00	R 2 844.00
					R 6 970.00		**R 7 575.00**		**R 8 364.00**
Monthly Parking		No Monthly parking for Sat							
Month Rate	R1 328.00	0	100%	R1 328.00	R -	R1 435.00	R -	R1 550.00	R -
Total					R -		R -		R -
			Monthly Income		**R 292 294.50**		**R 319 609.60**		**R 351 708.00**

Table 8-8: Project Scenario Off-peak parking

Time	Demand 2021 (Incl. Vat)			2023	2023	2025	2025	2027	2027
Parking from 05:00 – 19:00		Volume	Split	Inflated rate	Daily Income	Inflated rate	Daily Income	Inflated rate	Daily Income
0 – 30 min	R6.00	581	40%	R6.00	R 3 486.00	R7.00	R 4 067.00	R8.00	R 4 648.00
30 – 60 min	R10.00	347	24%	R10.00	R 3 470.00	R11.00	R 3 817.00	R12.00	R 4 164.00
1 – 2 hours	R20.00	294	20%	R20.00	R 5 880.00	R22.00	R 6 468.00	R24.00	R 7 056.00
2 – 3 hours	R25.00	88	6%	R25.00	R 2 200.00	R27.00	R 2 376.00	R30.00	R 2 640.00
3 – 4 hours	R30.00	56	4%	R30.00	R 1 680.00	R33.00	R 1 848.00	R36.00	R 2 016.00
4 – 5 hours	R40.00	31	2%	R40.00	R 1 240.00	R44.00	R 1 364.00	R48.00	R 1 488.00
5 – 6 hours	R80.00	15	1%	R80.00	R 1 200.00	R87.00	R 1 305.00	R94.00	R 1 410.00
6+ hours	R150.00	48	3%	R150.00	R 7 200.00	R162.00	R 7 776.00	R175.00	R 8 400.00
Parking from 19:00 – 05:00					**R 26 356.00**		**R 29 021.00**		**R 31 822.00**
R10.00									
Night Parking		15% of Total Volume							
2 – 3 hours	R25.00	153	70%	R25.00	R 3 825.00	R27.00	R 4 131.00	R30.00	R 4 590.00
3 – 4 hours	R30.00	66	30%	R30.00	R 1 980.00	R33.00	R 2 178.00	R36.00	R 2 376.00
					R 5 805.00		**R 6 309.00**		**R 6 966.00**
Monthly Parking		No Monthly parking for Sat							
Month Rate	R1 328.00	90	100%	R1 328.00	R 119 520.00	R1 435.00	R 129 150.00	R1 550.00	R 139 500.00
Total					**R 119 520.00**		**R 129 150.00**		**R 139 500.00**
			Monthly Income		**R 955 706.00**		**R1 047 730.00**		**R 1 147 988.00**
			Scenario 6 Total		**R 2 288 682.50**		**R2 508 819.60**		**R 2 747 336.00**

The tables show that the monthly revenues are estimated to vary between R2.29m and R2.75m in 2023 and 2027. Converted to an annual revenue estimate (based on the tables above and the assumptions), the Project Scenario is estimated to generate the following revenue in 2026 (first year of operation) and 2027:

- 2026: R16.293m
- 2027: R17.838m

Further analysis shows that total annual revenue estimated for the two lifecycle periods are as follows:

- Revenue 20-years: R518.5m
- Revenue 25-years: R700.8m

8.6 Risk Assessment

8.6.1 General comments on risk assessment

In following the Feasibility Study Guidelines, optimal risk transfer is a cornerstone concept to achieve "Value for Money". The Risk Matrix is a tool that is used to identify and quantify the risks in the Project and to allocate the identified risks to determine optimal risk allocation.

The Risk Matrix identifies the Project risks, documents the consequences of each risk, identifies mitigation factors, allocates the risk between the contracting parties and quantifies the risk. The quantification of each risk is determined, firstly, by estimating the probability of occurrence and secondly, by estimating the most likely loss upon the occurrence of the event; the value for the risk is the product of the probability and the value of the loss. The allocation of the risk is identified to determine which party will bear the risk, or the sharing of the risk. The risk allocation has been prepared upon the basis of that party, which is best suited to manage the risk at the best "Value for Money", e.g. if a particular risk is allocated to the private sector where they are not best placed to manage this risk they will price a large premium into the contract to assume such a risk, thereby impacting negatively upon the project's "Value for Money" calculation.

In addition to the quantification of risks, each risk has been ranked (on a scale of high, medium and low) for both quantitative and qualitative risks in order to understand the risks of the project as best as is possible at the time of performing the feasibility analysis

The Risk Matrix is to be used by the transaction advisor team in the future: namely the legal and financial advisors. The legal team will use the Risk Matrix, specifically the risk allocations, as a basis of preparing a draft PPP Agreement (assuming that Treasury Views and Recommendations I is achieved in the future) ensuring that the risks transferred are captured in the PPP Agreement. The Risk Matrix will further be used by the Legal Advisor in evaluating the bids, and to define the broad parameters of the negotiations, if a PPP contract is viable.

The Financial Advisor will use the Risk Matrix, to identify how the Private Party will deal with the risks that will be transferred to them (e.g. insurance, costed into return expectation, other mitigation and management measures costed into the cash flows, etc.) in the construction of the PPP Reference Model. I.

The Risk Matrix will be a "living" document and, should the Project be procured by way of a PPP, will be updated during the course of contract negotiations; it is envisaged that the document will be updated at TVR IIB (indicating the Preferred Bidder's preferred risk allocation) and at TVR III (indicating the agreed risk allocation with the Private Party).

A comprehensive Risk Matrix has been populated that contains an in-depth analysis of each category of foreseeable risk.

8.6.2 Risk Assessment methodology

The following is a brief summary of the methodology utilized in identifying, analysing and quantifying the risk elements and establishing a process for allocating the risks to the private sector where applicable.

- Step 1: Identify the risks.

  The process adopted in identifying risks related to parking structures.

  Potential risks can be categorized very broadly:

  - Construction Risk: The main risks are the possibility of delay in construction completion, cost overruns and increased costs time overruns.
  - Design Risk: The risk that the design solution is considered in isolation and not coherent/integrated with operational efficiency and other considerations.
  - Operational Risk: The risk of continuous delivery of sub-standard service levels, as well as cost overruns/ underestimates.
  - Demand Risk: The risk that the required other projects and needs will not be implemented that will assist in increasing the demand for the parking Garage.

- Step 2: Identify the impacts of each risk.

  This part of the exercise aims to quantify the impact of the risk in the event that it was to occur. If a potential risk occurs, it could result in either a delay or increased costs. The impact of the risk would be based on the period in which the risk occurs, and the cost affected. For instance, cost overruns occurring during the construction period would have an impact on the capital expenditure costs.

- Step 3: Estimate the likelihood of the risks occurring.

  When assessing the likelihood/probability of risk occurrence, a number of factors are taken into consideration including:

  - Past experience: in considering the risk of cost overruns with conventional procurement, past experience of recent projects is taken into account;
  - General economic conditions and user demands: This takes into consideration the preference surveys etc.
  - Experience of the service provider to undertake this type of project etc.

- Step 4: Estimate the cost of each risk.

  In calculating the cost of each risk, the following formula is used:

  Cost of Risk = Impact x Probability x Cost Affected

  The timing of the risk is then considered and the NPV of total risk based on the discounted nominal cash flows constructed.

- Step 5: Identify strategies for mitigating the risks.

The risk mitigating strategy is considered for each risk.

- Step 6: Allocate risk.

  Taking due cognizance of the project structures under consideration, an assessment was made for each risk to determine whether it would be transferred to the relevant Private Party, retained by Stellenbosch Municipality or shared. The risk was allocated to the party that would be best able to manage it. Past experience from other projects was applied in risk allocation.

- Step 7: Construct the risk matrix.

  The outcome of Steps 1 to 6 above was a comprehensive risk matrix, which resulted in the NPV of the risks retained by Stellenbosch and the NPV of risks transferred to the Private Party.

  The valuation of these risks, being the Net Present Value (NPV) of risk, is then added to the cost of the PSC in order to establish the real cost of public sector procurement called the risk-adjusted PSC price.

  Value for money is determined by comparing the risk-adjusted PSC to the risk-adjusted PPP alternative on an NPV basis.

8.6.3 Risk Identification

The risks are identified below with the description of the risk. The risk categories are described as Likely, Moderate and Extreme.

Table 8-9: Risk Description

Description	Affected Cost	Description	Consequences
Cost Overrun 2023	R111 521 263.60	Risk that construction is not completed in the allocated budget	Cost
Likely			
Moderate			
Extreme			
Time Overrun 2023	R111 521 263.60	Risk that construction is not completed in the allocated time	Cost due to delay
Likely			
Moderate			
Extreme			
Heritage Risk	R124 266 550.87	The risk that the design and construction will need to change due to Heritage Reasons	Cost of upgrades
Likely			
Moderate			
Extreme			

Description	Affected Cost	Description	Consequences
Operating Risk Likely Moderate Extreme	R1 257 952.50	The risk that the operating inputs cost more than budgeted for	Cost increase per year
Maintenance Risk Likely Moderate Extreme	R469 003.50	The risk that the construction and or design was inadequate and additional more expensive maintenance is required	Increase cost per year
Technology Risk Likely Moderate Extreme	R1 999 141.00	The risk that the SMART tech is outdated and more expensive upgrades are required, especially when the Smart parking System has to be replaced every 8 years.	Cost increase
Design Risk 2023 Likely Moderate Extreme	R12 529 314.00	Risk that the design phase takes longer than expected at a higher price	Delay and cost increase
Usage Risk (as per scenario) Likely Moderate Extreme	R10 661 866.50	The risk that the demand is not realised due to other infrastructure and policing needs that must be implemented to ensure demand is achievable	Lower Revenue collected

8.6.4 Risk Allocation

The risk allocation was done through the best fit of which party would adequately manage the risks identified.

Table 8-10: Allocation of Risk

Description	Mitigation	Allocation
Cost Overrun 2023 Likely Moderate Extreme	Private party has a fixed term and a fixed contract with subcontractors to minimise the risk	Allocated to the private party, but at a far reduced risk
Time Overrun 2023 Likely Moderate Extreme	Institution will not pay until service commencement	Risk is allocated to the private party, but is reduced by transferring the risk to the subcontractor
Heritage Risk Likely Moderate Extreme	To minimise this risk, a thorough due diligence exercise needs to be conducted during design phase. This is best managed by the public sector	Allocated to the public sector
Operating Risk Likely Moderate Extreme	Managed by the Private party, the contracts and existing operational knowledge minimise this risk	Allocated to the private sector
Maintenance Risk Likely Moderate Extreme	The insurances and knowledge of the private sector and quality management of the private sector can address this risk	Allocated to the private sector
Technology Risk Likely Moderate	The private party is an existing operator of such infrastructure and business and will remain up to date with required tech needs. Risk can be absorbed into upgrade maintenance	Allocated to the private sector
Design Risk 2023 Likely Moderate	Private party may pass risk to subcontractor, but maintain	Risk is allocated to the private sector

Description	Mitigation	Allocation
Extreme	primary liability. Institution will not pay until service commencement	
Usage Risk (as per scenario)	The public sector needs to ensure that the required projects to increase demand and that policing of the illegally parked vehicles is done, to provide the required demand.	Risk remains with the private sector
Likely		
Moderate		
Extreme		

8.7 PPP Reference Model Results

8.7.1 Model results by Scenario

The results of the PPP Reference model in terms of the main financial indicators NPV, IRR and ARR are presented in Table 8-11 below for both the 20-year and 25-year lifecycle periods. The results are presented for the base model, i.e. without any revenue share proposals. In should be kept in mind that the scenarios differ in one respect only and that is the parking demand and therefore revenue.

Table 8-11: PPP Reference Model Results (20- and 25-year).

	20 years			25 years		
Scenario	Net Present Value (R)	Internal Rate of Return (%)	Accounting Rate of Return (ARR) (%)	Net Present Value (R)	Internal Rate of Return (%)	Accounting Rate of Return (ARR) (%)
Base Scenario	-R32 728 014	-3.66%	7.97%	-R24 399 268	4.63%	7.97%
Scenario 1	-R29 054 197	-3.66%	7.97%	-R20 725 451	-3.66%	7.97%
Scenario 2	-R16 778 925	1.65%	8.94%	-R7 412 723	7.37%	8.94%
Scenario 3	R5 345 553	8.83%	10.68%	R16 600 390	12.04%	10.68%
Scenario 4	R9 286 683	9.89%	11.00%	R20 871 134	12.82%	11.00%
Scenario 5	R21 579 134	13.01%	11.97%	R34 206 969	15.20%	11.97%
Scenario 6	R19 973 666	12.64%	11.82%	R30 363 253	14.62%	11.82%

The results show that positive NPVs are achieved from Scenario 3 onwards for both project lifecycle periods. IRR rates higher than the discount rate of 10.31% is only achieved for scenarios 5 and 6 over 20 years and for scenarios 3-6 for 25 years. The highest NPVs and IRRs are achieved for scenario 5. However, scenario 6 was chosen as the preferred revenue scenario due to the monthly parking requirements. Monthly parking was included to reflect common practice in the management of parking garages in the country.

Based on the assumptions used, scenario 6 shows a **NPV of almost R20m** and an **IRR of 12.64%.**

8.7.2 Sensitivity Analysis

The sensitivity analysis for the PPP reference model was performed for the following financial model elements:

- Demand for parking
- Lending Rates
- Debt/ Equity targets
- Inflation rates
- Annual increases in parking tariffs

Demand sensitivity is tested for each of the seven scenarios, whereas the remaining items above were only assessed on sensitivity on the NPV and IRR for scenario 6.

8.7.2.1 Demand Analysis

As alluded to earlier in the report, scenario 6 is the preferred option from a revenue perspective. However, demand sensitivities are reflected in each of the scenarios as indicated in the following table and should be viewed in conjunction with the PPP Reference Model results in Table 8-12.

Table 8-12: Demand Sensitivity (all scenarios)

Scenario	Description	Volumes/ day	% difference
Base	Existing Eikestad Volumes	1169	61%
1	Illegal surveyed parking + Base	1241	65%
2	Scenario 1 + Church Street Pedestrianization	1497	78%
3	Overflow + Scenario 2	1683	88%
4	Scenario 3 + 2,57% growth 3 years	1784	93%
5	Scenario 3 + 2,57% growth till 2028	1912	99%
6	Scenario 3 + Night Demand and Monthly estimates	1923	100%

The results of the demand sensitivity indicated that over a 20-year period the PPP reference model shows viable investment for scenario 5 and 6 as IRRs are higher than the discount rate used. Over 25-years viable investment is possible for scenario 3,4, 5 and 6. The effect of the differences in demand is significant over both the modelled lifetime periods of the project.

The difference in demand is 11% per daily average. Although the range in NPV for the analysis is high, the daily averages is a yearly difference of 122 472 parked vehicles. As such the robustness of the scenarios tested and the sensitivity of the financial model is stable and able to endure a significant reduction in users and still ensure returns.

8.7.2.2 Lending Rates

The lending rates for the PPP Reference Model were assessed for scenario 6 only mode as this option is the most optimal scenario where night and monthly parking were included. The results from Table 8-13 indicate a significant difference in the sensitivity as the rate increases per 1%. The IRR is less sensitive in comparison to the NPV. Nevertheless, the impact of the lending rate does significantly affect the feasibility of the investment.

Table 8-13: Sensitivity of the Lending Rate on the PPP Reference model (scenario 6)

Years	Lending Rate (%)	NPV (Rand)	IRR (%)	Difference IRR	Difference NPV
20 years	14.75	6 788 465.00	9.21	3.43	R13 185 200.00
25 years	14.75	17 178 052.00	12.06	2.56	13 185 200.00
20 years	13.75	13 442 918.00	10.95	1.69	6 530 747.00
25 years	13.75	23 832 505.00	13.34	1.28	6 530 747.00
20 years	12.75	19 973 665.00	12.64	0.00	0.00
25 years	12.75	30 363 252.00	14.62	0.00	0.00
20 years	11.75	26 368 564.00	14.24	1.60	6 394 899.00
25 years	11.75	36 758 152.00	15.89	1.27	6 394 900.00
20 years	10.75	32 615 102.00	15.79	3.15	12 641 437.00
25 years	10.75	43 004 689.00	17.17	1.28	12 641 437.00
20 years	9.75	38 700 545.00	17.31	4.67	18 726 880.00
25 years	9.75	49 090 132.00	18.45	1.28	18 726 880.00
20 years	8.75	44 612 127.00	18.77	6.13	24 638 462.00
25 years	8.75	55 001 714.00	19.72	1.27	24 638 462.00
20 years	7.75	50 337 257.00	20.19	7.55	30 363 592.00
25 years	7.75	60 726 844.00	20.98	1.26	30 363 592.00

8.7.2.3 Targeted Debt/Equity Ratios

The results of the sensitivity analysis on the targeted debt/equity ratio are reflected in Table 8-14, which indicates the sensitivity as the debt/ equity for various levels, from 40/60 to 95/5. The impact of Debt/ Equity has a significant effect on the IRR the higher the debt and then decreases in sensitivity on the IRR as the equity increases. In contrast, the effect of the increased equity has a more profound effect on the NPV, the higher the equity becomes. However, the sensitivity of the increased equity is less significant than the demand and lending rate effects.

Table 8-14: Sensitivity of Debt/ Equity on Reference model scenario 6

Year	Debt/Equity	NPV	IRR	Difference IRR	Difference NPV
20 years	95/5	19 426 211.00	15.17	2.53	547 454.00
25 years	95/5	29 815 798.00	17.3	2.68	547 454.00
20 years	90/10	21 305 406.00	14.11	1.47	1 331 741.00
25 years	90/10	30 089 525.00	15.71	1.09	273 727.00
20 years	85/15	19 973 665.00	12.64	0.00	0
25 years	85/15	30 363 252.00	14.62	0.00	0
20 years	80/20	20 247 392.00	11.88	0.76	273 727.00
25 years	80/20	30 636 979.00	13.79	0.83	273 727.00
20 years	70/30	20 794 846.00	10.85	1.79	821 181.00
25 years	70/30	31 184 433.00	12.62	2.00	821 181.00
20 years	60/40	21 342 299.00	10.19	2.45	1 368 634.00
25 years	60/40	31 731 887.00	11.83	2.79	1 368 635.00
20 years	50/50	21 889 753.00	9.72	2.92	1 916 088.00
25 years	50/50	32 279 340.00	11.24	3.38	1 916 088.00
20 years	40/60	22 437 207.00	9.37	3.27	2 463 542.00
25 years	40/60	32 826 794.00	10.79	3.83	2 463 542.00

8.7.2.4 Inflation

The results of the inflation rate assessment are reflected in Table 8-15 indicate the sensitivity as the inflation rate is increased in 0.5% intervals. The impact of inflation has a very low effect on the overall IRR and NPV values.

Table 8-15: Sensitivity of Inflation on PPP Reference Model (Scenario 6)

Years	Inflation Rate (%)	NPV (Rand)	IRR (%)	Difference IRR	Difference NPV
20 years	4	21 001 038.00	12.89	0.25	**R1 027 373.00**
25 years	4	31 490 493.00	14.83	0.21	1 127 241.00
20 years	4.5	22 097 954.00	13.13	0.49	2 124 289.00
25 years	4.5	30 932 604.00	14.73	0.11	569 352.00
20 years	5	19 973 665.00	12.64	0.00	0.00
25 years	5	30 363 252.00	14.62	0.00	0.00
20 years	5.5	19 444 401.00	12.51	0.13	529 264.00
25 years	5.5	29 782 222.00	14.52	0.10	581 030.00
20 years	6	18 904 512.00	12.38	0.26	1 069 153.00
25 years	6	29 189 290.00	14.41	0.21	1 173 962.00

8.7.2.5 Annual Tariff Increase

the sensitivity of the PPP Reference model to annual tariff increases is reflected in Table 8-16. The sensitivities were tested against lower and higher than the modelled annual tariff increases of 8% every second year. The impact of this increase at even low percentage increases has a very high effect on the overall IRR and NPV values. The table clearly demonstrate the danger to the profitability of the project if lower than inflation rate increases are implemented.

Table 8-16: Sensitivity of annual tariff increase on PPP reference model scenario 6.

Years	Revenue Growth (% every 2nd year)	NPV (Rand)	IRR (%)	Difference IRR	Difference NPV
20 years	9	**27 612 500.00**	**14.29**	1.65	**2 750 752.00**
25 years	9	38 906 980.00	15.97	1.35	8 543 728.00
20 years	8	19 973 665.00	12.64	0.00	0.00
25 years	8	30 363 252.00	14.62	0.00	0.00
20 years	7	13 366 888.00	11.04	1.60	6 606 777.00
25 years	7	22 849 509.00	13.36	1.26	7 513 743.00
20 years	6	6 856 182.00	9.18	3.46	13 117 483.00
25 years	6	15 578 839.00	11.99	2.63	14 784 413.00
20 years	5	1 493 180.00	7.38	5.26	18 480 485.00
25 years	5	9 531 921.00	10.74	3.88	20 831 331.00
20 years	4	-4 353 076.00	5.05	7.59	24 326 741.00
25 years	4	3 113 763.00	9.27	5.35	27 249 489.00

8.7.2.6 Summary

Based on the above analysis, the PPP reference model is most impacted by demand, revenue increase and the lending rates. The debt/ equity and inflation have a lower effect on the sensitivity of the models. The models have been developed with an average lending rate, low tariff increase and an achievable and conservative demand. The debt/ equity is in order with existing PPP projects in South Africa and can be changed by 10 to 20% without the model becoming completely unattractive. The inflation rate was taken as a realistic value and has little effect on project. Based on the above, the models have been developed conservatively, have flexibility and are still attractive as a possible investment opportunity.

8.8 Value for Money Assessment

The concept "Value for money" is understood as: "the performance of a private party in terms of the agreement will result in a net benefit to the municipality and the community at large in terms of cost, price, quality, quantity, risk transfer or any combination of those factors".

This section addresses the initial value for money assessment from the perspective of both the Municipality (i.e. the Municipal coffers) and the Stellenbosch community at large.

8.8.1 Value for money from Municipality perspective

The initial value for money for Stellenbosch Municipality focuses on a financial evaluation (direct monetary balance sheet benefits) of two income options, namely the asset value and an annuity income for the Municipality. The basic point of departure is that the balance sheet of the Municipality should not be worse off at the expiry of the contract period than before the contract started.

The benefits of the parking facility are assessed against the following cash flow expenditures:

- Direct costs paid to service providers for the feasibility study and advisory services: R7.0 million.
- Relocation of bulk services: R1.74 million.
- No provision has been made for the salaries of municipal staff as it was assumed that the time related to this project falls under their allocated tasks.

8.8.1.1 Asset value benefit coupled to future revenue income.

The main benefit that will accrue to the Municipality's balance sheet is that of the parking facility itself. It is highly unlikely that the facility will depreciate in value (unless something extraordinary happens) over the contract period. If it is assumed that there is no appreciation in the value of the building, the Municipality will add an asset worth R120m (2023 value) to its assets.

For the duration of life of the building Stellenbosch Municipality will then be able to collect revenue as follows:

- From year 21 onwards (2044), if a contract period of 20 years is assumed: R35.92m per annum (escalated from base levels as per Scenario 6 to 2044 levels).
- From year 26 onwards (2049), if a contract period of 25 years is assumed: R37.95m per annum (escalated from base levels as per Scenario 6 to 2049 levels).

Although this option does not lead to actual cash inflow into Municipal coffers until the concession period expires, the initial direct monetary outlay is negligible if measured against the facility if it is assumed that the facility appreciates in line with inflation. Under this assumption, the appreciated facility value will be R275m.

8.8.1.2 Annuity income

The other possibility is to secure an annuity income for the Municipality. This will have to be negotiated with the Private Party. The most likely basis for determining this annuity income is a form of revenue sharing based on a negotiated benchmark. For example, the Municipality and the Private Party could agree that the Municipality receives a certain percentage of all revenue earned over and above the agreed benchmark. It will be up to the Private Party to come up with a proposal in this regard.

8.8.1.3 Financial Benefit for the Municipality based on Nett Return Shares

The PPP Reference model was subjected to four financial return scenarios based on a share of the calculated nett return. This method was chosen, rather than just a simple percentage of revenue as it means that all moneys paid to the Municipality will come from profits and will therefore not make the project unprofitable for the private party. The potential direct financial benefits for the Municipality, based on various nett return share percentages are as follows:

- 5% nett return share for Stellenbosch over 20-year lifecycle period: R5.8m
- 15% nett return share for Stellenbosch over 20-year lifecycle period: R17.3m
- 20% nett return share for Stellenbosch over 20-year lifecycle period: R23.1m
- 50% nett return share for Stellenbosch over a 20-year lifecycle period: R57.7m
- 5% nett return share for Stellenbosch over 25-year lifecycle period: R11.3m
- 15% nett return share for Stellenbosch over 25-year lifecycle period: R33.7m
- 20% nett return share for Stellenbosch over 25-year lifecycle period: R45,2m
- 50% nett return share for Stellenbosch over 25-year lifecycle period: R112.6m

8.8.1.4 Although a wide range of nett return percentages were used in the estimates, it is probably too wide. It is highly likely that the nett share percentage will be in the vicinity of 5%. That will still leave the private partner with substantial nett returns. Value for money for the Stellenbosch community.

The project yields substantial benefits for the community in terms of value of time savings and savings in vehicle operating costs. These benefits accrue to all transport users (including people walking) in Stellenbosch. A detailed Economic Value Assessment is provided in Chapter 9 of the report, but in summary the Present Value of these savings (at a discount rate of 10%) amounts to R425.7m.

8.8.2 Summary of the Value for Money Assessment

The main elements of the value for money are summarised in the table below.

Table 8-17: Summary of main value for money elements

Item	Description
Project objectives expressed as measurable outputs	The facility should consist of a multi-storey facility consisting of 498 parking bays, with provisions for night-time parking and monthly parking.
Incentive for demonstrable innovation by the private party	Private party will bring expertise, not just in the construction and management of the facility, but also through employing the latest smart parking systems.
Transfer of substantial financial, technical and operational risks to the private party	All financial and operational risks are transferred to the private partner. The Municipality retains no risk. In turn it will receive a fully functional facility at the end of the concession period.
Competitive procurement as to which there are a sufficient number of qualified private sector firms that may bid.	There are many private parking facility developers and managers in South Africa.
Contract design reflecting good PPP contracting practices to provide for efficient monitoring and regulation.	The municipality can use previous PPP municipal based contracts to guide and structure the contracts between the private and public sector.
Increased direct revenue to the municipality. Increased socioeconomic activities within the community.	A 5% share of nett return leads to a gain of R11.3m over 25-years. Over the shorter 20-year period, the Municipality could earn an income of R5.8m under a 5% nett return share. Currently the Municipality earns about R70 000 revenue per month, from the facility, but has to pay staff on site, which makes the undertaking a loss-making activity (staff costs are more than revenue). Nett return share provides almost 100% "profit" to the Municipality. The annual fiscal impact will amount to approximately R21.26 million per annum through direct and indirect taxes generated by the operation of the Stellenbosch Parking garage (see section 9) The total impact on household income amounts to R34 million, of which 14.7% is destined for lower-income households. As such, a percentage of the total income generated by the parking garage will benefit the poor communities in the Stellenbosch (see section 9)
Optimal use of under-performing assets	The current facility has about 250 parking spaces at at-grade level, which means the land is not used optimally. By developing the land into

Item	Description
	a multi-storey facility, the number of parking spaces is increased substantially.
Job creation	The Municipality has currently 7 persons employed on temporary basis at the facility. These persons these are temporary workers employed through a special EPWP programme and will be absorbed fully by the Municipality, so there will be no job losses. The parking garage will sustain 235 jobs on average over the programming period, which will impact positively on the Stellenbosch economy (see section 9)

9 Economic Value Assessment

In the previous chapter, a detailed financial analysis has been compiled based on the revenue that the parking garage will generate over two programming periods, namely 20 and 25 years, as well as the capital costs of the parking facility and the operating and maintenance costs thereof.

The objective of this section of the study is to shed light on the **broader economic advantages** that the new parking facility will have on the community of Stellenbosch and its neighbourhoods. The study is to a large extent based on the Financial Analysis conducted in the preceding chapter. The Economic Analysis comprises two main components, namely, a Costs Benefit Analysis (CBA) and a Macroeconomic Impact Analysis (MEIAM).

It is important to note that CBA and MEIAM are two different assessments. The CBA, in contrast to the Financial Analysis, considers the valuation of both money and non-money benefits including social, environmental, and quality of life impacts, where the cashflow analysis focuses only on the monetary benefits. The CBA uses shadow prices to portray the scarcity of the resource and effects adjustments where the market prices are subsidised for social reasons. The CBA is done in constant prices and a real discount rate of 10% is used.

The Economic Impact Analysis focuses specifically on measurable changes in the flow of money (income) earned by labour and businesses, including both spending and productivity effects. It calculates the broader impacts in terms of Gross Domestic Product (GDP), Employment, Household Income, and the impact on the Fiscus.

9.1 Methodology

9.1.1 Cost Benefit Analysis (CBA)

A CBA is considered to be the most acceptable tool for ascertaining the economic viability of public and public/private sector infrastructure development projects. The CBA method provides a logical framework for evaluating developmental projects; thus, serving as an aid in the project approval decision-making process. The core principle of CBA can be described as the comparison of costs and benefits. The only factor that complicates this technique is the discounting of future costs and benefits to present values. CBA differs from cash-flow analysis in that cash-flow looks at the availability of cash to repay a specific loan or service an investment, whereas CBA looks at the lifespan of the project.

The following standard CBA criteria were used in the evaluation the Eikestad parking facility:

- Net Present Value (NPV).
- Internal Rate of Return (IRR); and
- Benefit Cost Ratio (BCR).

The detailed definition of these standard evaluation criteria is as follows:

Net Present Value

According to this method, the difference between the benefits and costs (the net benefit) in a specified future year is discounted to the present using a discount rate. The discounted sum of all these net benefits over the project's economic life is defined as the NPV.

The criterion for the acceptance of a project is that the NPV must be positive (i.e., greater than zero). In other words, funds will be voted for a project only if the analysis produces a positive net present value. Where a choice must be made between mutually exclusive projects, the project with the highest net present value will be chosen since it maximises the net benefit to the community.

Internal Rate of Return

The IRR is the discount rate at which the present values of cost and benefits are equal.

Only projects with an IRR higher than the discount rate, which forms a lower limit, will be considered for funding. IRR must be handled carefully because there are situations in which the mathematical solution of the above equation is not unique. This happens when the stream of net benefits over the assessment period changes its sign (positive or negative) more than once.

Benefit Cost Ratio

The discounted BCR is the ratio of the present value of the benefits relative to the present value of the costs.

A project is potentially worthwhile if the BCR is greater than 1. This means that the PV of benefits exceeds the PV of costs. Under this decision rule, if alternatives are mutually exclusive, the alternative with the highest BCR would be chosen.

9.1.2 Macro-economic Impact Assessment

Partial general equilibrium analysis is used to quantify the macroeconomic impact of the Eikestad parking facility in Stellenbosch. The Social Accounting Matrix (SAM) for the Western Cape Province provides the basis for this analysis.

The SAM is a comprehensive, economy-wide database that contains information about the flow of resources that takes place between the different economic agents that exist within an economy (i.e., business enterprises, households, government, etc.) during a given period – usually one calendar year. A SAM is thus a matrix that incorporates the interrelationships that exist between the various economic agents in the economy, including the distribution of income and expenditure amongst household groups.

9.1.2.1 Basis for calculating the benefits of the Stellenbosch parking garage.

In general, the basis for calculating the benefits of a Transport Project entails the following.

- Vehicle operational costs.
- Time costs; and
- Accident costs.

The users of the Eikestad parking facility will benefit in terms of the reduction of vehicle operational costs and time costs. When there is a shortage of parking, drivers must often park some way from their actual destination, and this extra walk time can be viewed as a cost.

The benefit also emanates from the reduction of swerving and searching for parking bays. Due to the availability of the new parking garage the users can drive straight to the new parking garage.

As far as the savings of accidents and the costs thereof is concerned, the new parking garage will have only a minuscule impact and can therefore regarded as negligible.

9.2 Assumptions

9.2.1 Benefits

The benefits of the Eikestad parking facility comprise of reduction of walking distances from the eventual parking location to the destination and the time and operational cost reduction due to less swerving and searching for an available parking bay.

The assumptions postulated and the calculation of the saving of longer distance walk for Base Year 2026 are provided in Table 9-1 and

Table 9-2 below. Table 9-3 and Table 9-4 provide the calculations for the benefits of less swerving and searching for parking bays. The assumptions are presented in relation to both weekdays and Saturdays the calculations and assumptions are self – explanatory in the respective tables.

Table 9-1: Value of time of users of the Eikestad parking facility, 2026 base year, weekdays

	Row		Formula
Number of parking users per day [Base Year 2026]	1	1367	
Walking speed of Parking Users (Kilometre per Hour)	2	4	
Radius of Stellensbosch's CBD has been used as the average walking distance [Kilometres]	3	0.4	
Walking distance per day equals to the twice the radius [Kilometres]	4	0.80	
Hours walked per person per day [Hours]	5	0.2	
Total Walking Hours Spend per Day by Parking Users [Hours]	6	273	[ROW 6 = ROW1* ROW5]
Time Value Split among Parking Users [Source based on surveys]			
Working Hour (Percentage)	7	35%	
Recreational Hour (Percentage)	8	65%	
Value of Working Time: (Rand per hour) [*Source CBA Manual*]	9	R171.4	
Value of Recreational Time: (Rand per hour) [*Source CBA Manual*]	10	R17.7	
Total Rand Value of Working Time Gained	11	R16 372	ROW 11 = (ROW 1 * ROW7 * ROW9)
Total Rand Value of Recreational Time Gained	12	R3 143	ROW 12 = (ROW 1 * ROW 8 * ROW 10)
Per Day: Total Value Gained [Rand]	13	R19 515	ROW 13 = (ROW 11 + ROW 12)
Days per Year	14	267	
Total Value Gained [Rand Million]	15	R5.21	ROW 14 = (ROW 13 * 267 Days)/1000 000

Table 9-2: Value of time of users of the Eikestad parking facility, 2026 base year, weekdays Saturdays

	Row		Formula
Number of parking users per day [Base Year 2026]	1	1311	
Walking speed of Parking Users (Kilometre per Hour)	2	4	
Radius of Stellenbosch's CBD has been used as the average walking distance [Kilometres]	3	0.4	
Walking distance per day equals to the twice the radius [Kilometres]	4	0.80	
Hours walked per person per day [Hours]	5	0.2	
Total Walking Hours Spend per Day by Parking Users [Hours]	6	262	[ROW 6 = ROW1* ROW5]
Time Value Split among Parking Users [Source based on surveys]			
Working Hour (Percentage)	7	35%	
Recreational Hour (Percentage)	8	65%	
Value of Working Time: (Rand per hour) [*Source CBA Manual*]	9	R171.4	
Value of Recreational Time: (Rand per hour) [*Source CBA Manual*]	10	R17.7	
Total Rand Value of Working Time Gained	11	R15 707	ROW 11 = (ROW 1 * ROW7 * ROW9)
Total Rand Value of Recreational Time Gained	12	R3 015	ROW 12 = (ROW 1 * ROW 8 * ROW 10)
Per Day: Total Value Gained [Rand]	13	R18 722	ROW 13 = (ROW 11 + ROW 12)
Days per Year	14	49	
Total Value Gained [Rand Million]	15	R0.92	ROW 14 = (ROW 13 * 49 Days)/1000 000

Table 9-3: Value of time and operational costs saving from less swerving and searching, 2026 base year, weekdays

A: Calculation of Total value of Time Spend For Swerving	ROW		Formula
-	-		
Number of parking users per day [Base Year 2026]	1	1822	
Percentage that will swerve if there is no parking garage [Percentage]	2	70%	
Number of parking users per day that will swerve before parking outside CBD [Base Year 2026]	3	1275	ROW 3 = (ROW 1 * ROW 2)
Number Streets involved	4	6.00	
Average length of street involved [Kilometres]	5	0.80	
Number of Swerving Attempts per car	6	1.00	
Distance of time swerved per car for one attempt [Kilometres]	7	4.80	ROW 7 = (ROW 4 * ROW 5 * ROW 6)
Distance Swerve per day [Kilometres]	8	6122	ROW 8 = (ROW 3 * ROW 7)
Swerved Speed [Kilometre per Hour]	9	20.00	
Time Spent per Kilometre when Swerving [Minutes]	10	3.00	ROW 9= (60 / ROW 9)
Time spent per Swerving [Minutes]	11	14.40	ROW 11 = (ROW 8 * ROW 10)
Time spent per person Swerving	12	0.24	ROW 12 = (ROW 11 / 60)
Time Value Split among Parking Users			
Working Hour (Percentage)	13	35%	
Recreational Hour (Percentage)	14	65%	
Value of Working Time: (Rand per hour) [*Source CBA Manual*]	15	R171.4	
Value of Recreational Time: (Rand per hour) [*Source CBA Manual*]	16	R17.7	
Total Value of Working Time Spend Due to Swerve	17	R18 358	ROW 17 = (ROW 3 * ROW 12 * ROW 13 *ROW 15)
Total Value of Recreational Time Spend Due to Swerve	18	R3 518	ROW 18 = (ROW 3 * ROW 12 * ROW 14 *ROW 16)
Per Day: Value of Time Lost [Rand Values]	19	R21 876	ROW 19 = (ROW 17 + ROW 18)
Weekdays per Annum	20	267	
Per Year: Value of Time Lost [Rand Millions]	21	R5.84	ROW 21 = (ROW 19 * ROW 20)/1000000
B: Calculation of Vehicle Operation Costs Due to Swerving & Searching			
Distance Swerve per day [Kilometres]	22	6122	ROW 22 = ROW 8
Distance Swerve per Year [Kilometres]	23	1799844	ROW 23 = (ROW 22 * 24,5 Days * 12 Number of Months)
Vehicle Operational Costs per Kilometre (Source: Vehicle Operating Costs from the Automotive Association A), [R/Kilometre]	24	R4.64	
Total Vehicle Operational Costs Per Annum Due to Swerving [R Million]	25	R8.35	ROW 25 = (ROW 23 * ROW 24)
C. Total Time Lost and Vehicle Operational Costs per annum Due to Swerving, [R Million]	26	R14.19	ROW 26 = ROW 21 + ROW 25)

Note: A Manual For Cost Benefit Analysis with specific reference to Water Resource Development, (Updated, Fourth Version, Report No TT 894 / 22, Page 83, Table 7.11, Figures Applicable for Western Cape)

Table 9-4: Value of time and operational costs saving from less swerving and searching, 2026 base year, Saturdays.

A: Calculation of Total value of Time Spend for Swerving	ROW		Formula
Number of parking users per day [Base Year 2026]	1	1748	
Percentage that will swerve if there is no parking garage [Percentage]	2	70%	
Number of parking users per day that will swerve before parking outside CBD [Base Year 2026]	3	1224	ROW 3 = (ROW 1 * ROW 2)
Number Streets involved	4	6.00	
Average length of street involved [Kilometres]	5	0.80	
Number of Swerving Attempts per car	6	1.00	
Distance of time swerved per car for one attempt [Kilometres]	7	4.80	ROW 7 = (ROW 4 * ROW 5 * ROW 6)
Distance Swerve per day [Kilometres]	8	5873	ROW 8 = (ROW 3 * ROW 7)
Swerved Speed [Kilometre per Hour]	9	20.00	
Time Spent per Kilometre when Swerving [Minutes]	10	3.00	ROW 9= (60 / ROW 9)
Time spent per Swerving [Minutes]	11	14.40	ROW 11 = (ROW 8 * ROW 10)
Time spent per person Swerving	12	0.24	ROW 12 = (ROW 11 / 60)
Time Value Split among Parking Users			
Working Hour (Percentage)	13	35%	
Recreational Hour (Percentage)	14	65%	
Value of Working Time: (Rand per hour) [*Source CBA Manual*]	15	R171.4	
Value of Recreational Time: (Rand per hour) [*Source CBA Manual*]	16	R17.7	
Total Value of Working Time Spend Due to Swerve	17	R17 613	ROW 17 = (ROW 3 * ROW 12 * ROW 13 *ROW 15)
Total Value of Recreational Time Spend Due to Swerve	18	R3 375	ROW 18 = (ROW 3 * ROW 12 * ROW 14 *ROW 16)
Per Day: Value of Time Lost [Rand Values]	19	R20 988	ROW 19 = (ROW 17 + ROW 18)
Weekdays per Annum	20	49	
Per Year: Value of Time Lost [Rand Millions]	21	R1.03	ROW 21 = (ROW 19 * ROW 20)/1000000
B: Calculation of Vehicle Operation Costs Due to Swerving & Searching			
Distance Swerve per day [Kilometres]	22	5873	ROW 22 = ROW 8
Distance Swerve per Year [Kilometres]	23	1726744	ROW 23 = (ROW 22 * 24,5 Days * 12 Number of Months)
Vehicle Operational Costs per Kilometre (Source: Vehicle Operating Costs from the Automotive Association A), [R/Kilometre]	24	R4.64	
Total Vehicle Operational Costs Per Annum Due to Swerving [R Million]	25	R8.01	ROW 25 = (ROW 23 * ROW 24)
C. Total Time Lost and Vehicle Operational Costs per annum Due to Swerving, [R Million]	26	R9.04	ROW 26 = ROW 21 + ROW 25)

Note : A Manual For Cost Benefit Analysis with specific reference to Water Resource Development , (Updated , Fourth Version , Report No TT 894 / 22, Page 83 , Table 7.11, Figures Applicable for Western Cape)

9.2.2 Capital, maintenance and operational costs.

For purposes of performing a Cost Benefit Analysis, it is also important to consider the capital, maintenance, and operational costs of the Parking Garage. Information flowing from the Financial Assessment (Chapter 8), forms the basis for performing the Economic CBA for this project. It is important to note that shadow prices were applied to convert the capital, maintenance, and operational costs of the financial analysis to come up with the economic analysis. The Updated Fourth Edition CBA Manual provided the shadow prices used in the Economic CBA.

It is worth highlighting that a residual value for the capital / investment items was taken into account in the final year of the project programming period. Capital consists of various capital assets with different life cycles. The following table is provided to assist the researcher in considering the replacement of capital goods during the lifetime of the project, as well as to estimate the residual value.

Table 9-5: Replacement of Capital Goods

Type of Asset	Sector	Lifetime Years
Residential buildings	Agriculture	50
Non-residential buildings	Mining	50
Construction works.	General government*	80
	Other	30
		80
Transport equipment	Manufacturing	50
Machinery and other equipment	Mining and electricity, gas, and water	8
	Other	8

Source: Note: A Manual For Cost Benefit Analysis with specific reference to Water Resource Development (Updated , Fourth Version , Report No TT 894 / 22, Page 83 , Table 7.11, Figures Applicable for Western Cape)

9.3 Results of the CBA and Macroeconomic Impact Assessment

9.3.1 Results of the CBA

The CBA is defined as the net savings in terms of time and vehicle operating costs that the future existence of the Stellenbosch Parking Garage for the users thereof will bring about.

Table 5 below represents consolidated results of the Cost Benefit Analysis performed for the Stellenbosch Parking Garage project regarding the Final Scenario of the Financial Assessment in Chapter 8, Scenario 6. The results depict the marginal benefits (difference between the With and Without the Parking Garage for the users of the parking facility.

Table 9-6: Consolidated CBA results, R millions, 2023 Constant Prices, Scenario 6

Indicator				Year				
				0	5	10	15	25
Rand Millions	Percentage Composition	PV	Total	2023	2027	2032	2040	2050
		10%						
A: Benefits								
Less Distance Walk: Value of Time Savings	20.9%	R 88.9	R 301.7		R 6.9	R 8.5	R 13.3	R 16.6
Less Swerving: Value of Time Savings	23.4%	R 99.6	R 338.2		R 7.7	R 9.5	R 14.9	R 18.6
Less Swerving: Vehicle Operating Costs	55.7%	R 237.3	R 805.7		R 18.3	R 22.7	R 35.5	R 44.4
Total Benefits pa	100.0%	R 425.7	R 1 445.7		R 32.8	R 40.7	R 63.6	R 79.6
B. Capital Costs		R 111.5	R 108.7	R 63.9	R 0.0	17.97	17.97	-51.80
C. Maintenance & Operating Costs		R 12.8	R 42.7	R 0.0	R 1.7	1.71	1.71	1.71
Net Present Value (NPV)		R 227.5						

From Table 9-6 it can be deduced that the Present Value (PV) of the total savings that the new parking garage will bring about over a period of 25 years at a discount rate of 10% amounts to R425.7m, which is comprised of:

- Shorter Distance Walk from parking bays before existence of parking garage:
  - Value of Time Savings, R88.9 million, (20.9%)
- Less Swerving in searching for parking:
  - Value of Time Savings, R99.6 million, (23.4%); and
  - Vehicle Operating Costs, R237.3 million, (55.7%)

If the capital, operational and maintenance costs are taken into account, the results of the CBA show the following:

- A Surplus / Net Present Value (NPV) of R227.5 million in 2023 constant prices.
- An Internal Rate of Return (IRR) of 23.7%; and
- A Benefit Cost Ratio (BCR) of 3.42.

The economic CBA also satisfies all CBA evaluation criteria. It yields an NPV which is positive, an IRR which is significantly higher than the real social economic discount rate of 10% , where this **discount rate of 10%** refers to the average cost-of-capital for the project, taking into account the inherent risk factors associated with such capital projects, and a Benefit/Cost Ratio which is greater than 1 which indicates that the benefits exceed costs over the 25-year programming period.

9.3.2 Results of macroeconomic impact

The macroeconomic impact reflects in the first instance the construction effect, maintenance, and operational effect in terms of standard macroeconomic indicators such economic growth and employment. Secondly it also measures the magnitude and nature of the contribution that

the savings on time and operational costs contribute to the future economic growth of Stellenbosch.

The actual amount of savings available for investment in Stellenbosch is derived via the following algorithm:

Step 1: The basis of the calculation is the NPV of the benefits of the existence of the new Stellenbosch Parking Garage which amounts to **R425.7 million** (see Table 5).

Step 2: The time and cost Savings is not ultimate savings *per se* since a portion of such savings is going to be used for the consumption of goods and services by the households, this was therefore excluded from saving. The consumption of goods and services by the households' portion was calculated as the ratio between Gross Savings and Gross Operating Surplus with data obtained from the South African Reserve Bank Bulletin. According to this calculation, spending on goods and services by households translates to 61% and savings translate to 39%.

Step 3: Not all the investment based on the savings will be invested in the Stellenbosch. A view was taken that 50% will be invested in Stellenbosch and 50% will be invested in other parts of RSA. The reason why a relatively large portion of the savings will be invested in Stellenbosch is because that owners of the capital that gain by the Parking Garage is in Stellenbosch and they will probably utilise the additional profits to expand their own portfolio of businesses.

The **construction, operation and reinvestment / savings impact** of the time and operational cost savings emanating from the new Parking Garage in Stellenbosch are measured in terms of standard economic and socio-economic performance indicators such as:

- GDP (value added to the national economy).
- Employment creation (creation of new jobs for skilled, semi-skilled, and unskilled workers).
- Capital utilization (procurement of machinery, transport equipment, buildings, and other social and economic infrastructure).
- Income generated for low-income households (incremental income available to low-income households) as a specific measure of poverty alleviation.
- Fiscal Impact (contributions to Government Revenue).
- Balance of Payments; and
- Effectiveness Criteria (the GDP/Capital ratio, and the Labour/Capital ratio), where these indicators of projects are measured and compared to national and sectoral effectiveness indicators to demonstrate how efficiently a particular project employs the factors of production to arrive at a certain output.

The table below reflects the contribution of the Stellenbosch Parking Garage to the economy of Stellenbosch in relation to the construction, operation, and reinvestment / savings impacts.

Table 9-7: Macroeconomic Impacts on the economy of Stellenbosch [Average per Annum over the programming period (R million, 2023 constant prices]]

	Direct Impact	Indirect Impact	Induced Impact	Construction and Operational Total Impact	Savings/ Reinvestment Impact	Total Impact
	1	2	3	4 (1+2+3+)	5	6 (4+5)
Impact on Gross Domestic Product (GDP) [R million]	53	1	5	59	36	153
Impact on capital formation [R million]	111	4	22	137	113	387
Impact on employment [number of job opportunities]	31	3	17	50	135	235
- Skilled impact on employment [number of job opportunities]	9	1	5	15	34	64
- Semi-skilled impact on employment [number of job opportunities]	17	1	8	26	63	115
- Unskilled impact on employment [number of job opportunities]	5	1	3	9	38	56
Impact on Households [R million]				17	18	34
- Low Income Households [R million]				1	3	5
- Medium Income Households [R million]				3	6	9
- High Income Households [R million]				13	8	21
Fiscal Impact [R million]				10	11	21

The essence of the above results can be summarised as follows:

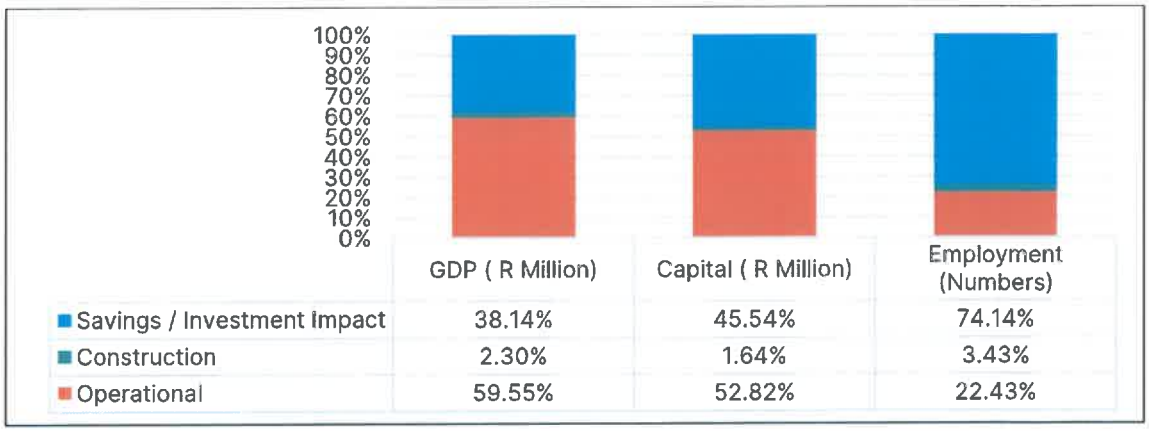
- The average annual impact of the Eikestad parking facility on the GDP of the Stellenbosch will amount to R 153 million per annum in 2023 constant prices. The GDP comprises of remuneration of employees and returns on capital invested (profits amongst others).
- The facility will sustain 235 jobs on average over the programming period, which will impact positively on the Stellenbosch economy and the community.

- The total impact on household income amounts to R34 million, of which 14.7% is destined for lower-income households. As such, a percentage of the total income generated by the parking garage will benefit the poor communities in the Stellenbosch.
- The annual fiscal impact will amount to approximately R21.26 million per annum through direct and indirect taxes generated by the operation of the Stellenbosch Parking garage.

9.3.3 Construction, Operational and Reinvestment Impact Results

The construction, operational and reinvestment phases of the Project will impact the Stellenbosch economy, where the construction phase is a once-off event that will last a few years, whilst the operational and reinvestment phases have longer-term impacts, stretching over the entire life cycle of the Projects.

In Figure 9-1, the results of the construction, operational and reinvestment phase macroeconomic impacts are presented in terms of the standard economic indicators.



	GDP (R Million)	Capital (R Million)	Employment (Numbers)
Savings / Investment Impact	38.14%	45.54%	74.14%
Construction	2.30%	1.64%	3.43%
Operational	59.55%	52.82%	22.43%

Figure 9-1: Results of the main components (phases) of the project (% of aggregate)

It is evident that significant impacts in terms of GDP, Capital Formation and Employment creation are generated during the operational phase of the Eikestad parking facility. Important to note is that the impacts generated by the savings/re-investment phase are sizeable relative to the construction phase impacts.

9.3.3.1 GDP Impact

Figure 9-2 allocates the total GDP impact to the different types of impacts, namely the savings / reinvestment, direct, indirect, and induced impacts. On average, the direct impact amounts to 56% of the total GDP impact value, the savings /reinvestment impact 38%, the indirect impact to 1% and the induced impact to 5% of the total GDP impact value.

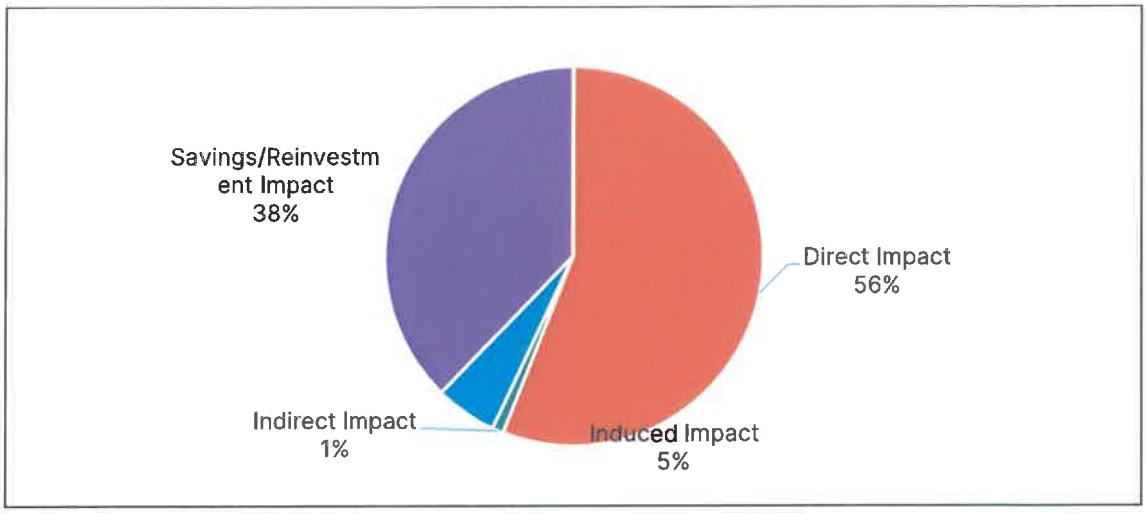


Figure 9-2: Percentage share of GDP impact

9.3.3.2 Employment

Figure 9-3 allocates the total Employment impact to the different types of impacts, namely the savings / reinvestment, direct, indirect, and induced impacts. On average, the direct impact amounts to 47% of the total employment impact value, the savings /reinvestment impact 23%, the indirect impact to 5% and the induced impact to 25% of the total employment.

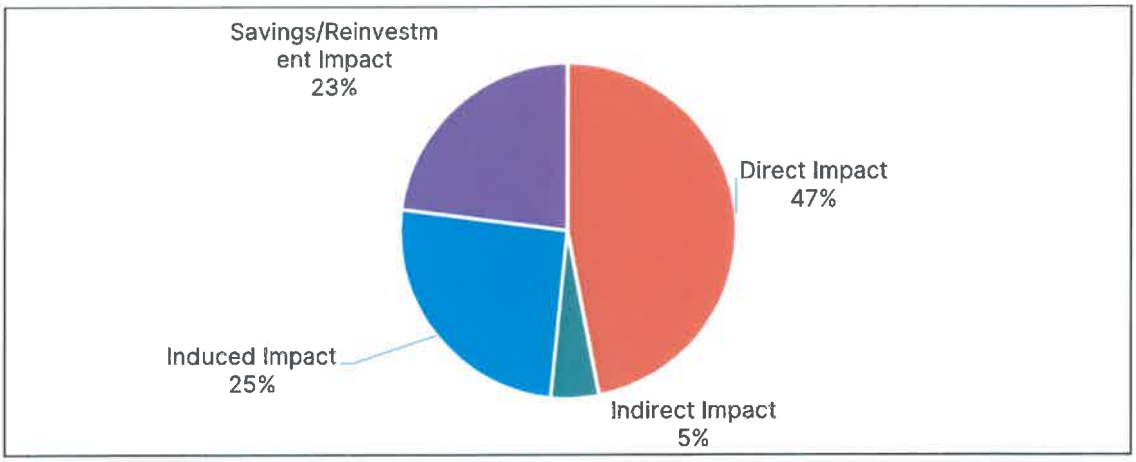


Figure 9-3: Percentage share of Employment impact

As far as skill levels are concerned, Figure 9-4 below indicates that most jobs created will be semi - skilled employment at 49%. Together, Unskilled and Semiskilled Employment make up the balance of 51%.

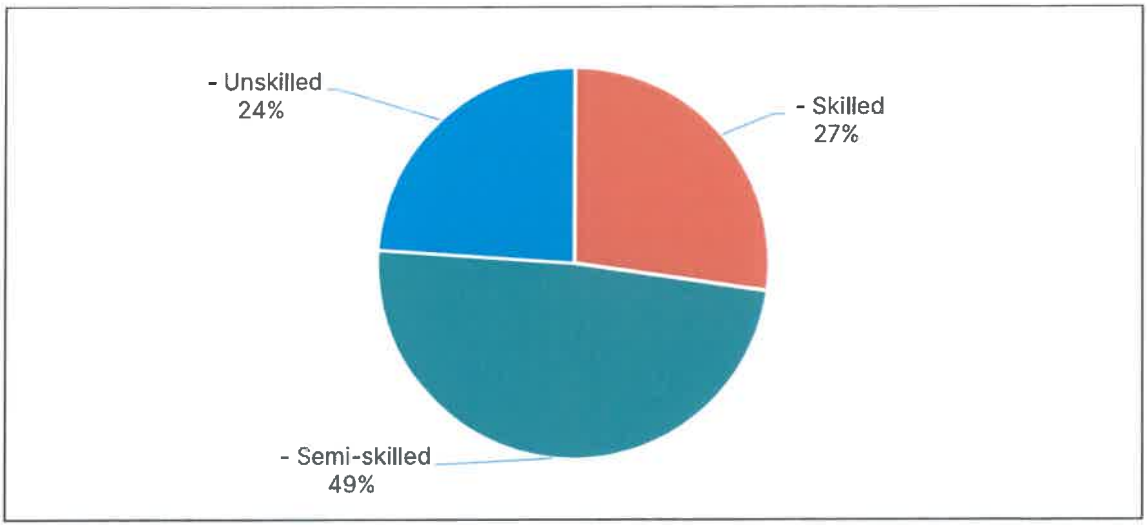


Figure 9-4: Labour impact according to Level of Skills

9.3.3.3 Poverty Alleviation/Impact on Household Income

Households, being the basic economic unit within the economy of any region, play a crucial role in the welfare of a region. The figure below indicates 14 % of household income will accrue to low-income households of Stellenbosch region - which is approximately 14% of the total household impact.

This increase in household income will result in an increase in consumer spending, which will stimulate economic growth throughout the region.

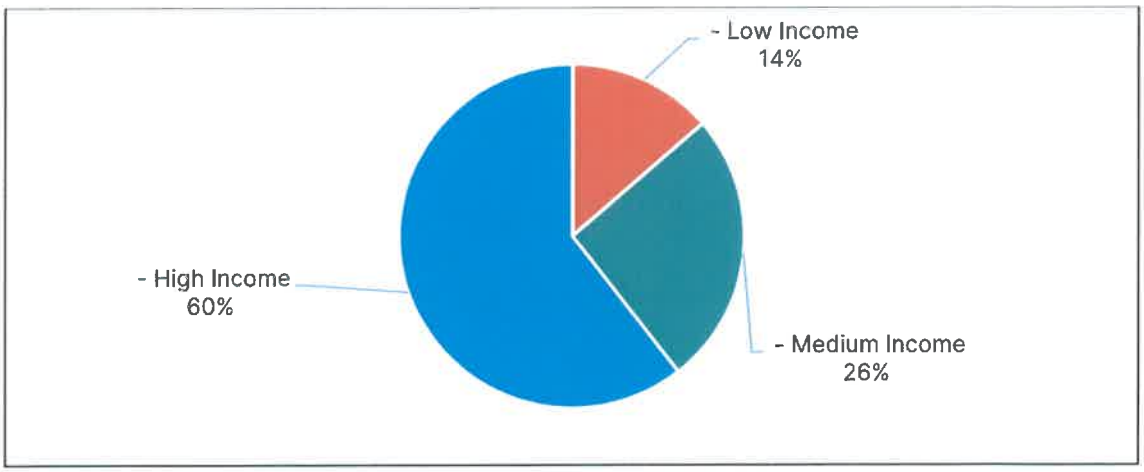


Figure 9-5: Household income

9.3.4 Sectoral impact

The Eikestad parking facility will have a linkage effect on other sectors of the economy Stellenbosch. These sectoral impacts are provided in the table below in terms of GDP and employment.

Table 9-8: Sectoral impact

	GDP (R Millions)	GDP %	Employment (Numbers)	Employment %
1.*Agriculture	1,77	1,87%	12,03	6,50%
2.Mining	2,99	3,16%	8,07	4,36%
3.Manufacturing	9,51	10,07%	20,59	11,13%
4.Electricity & water	0,05	0,05%	0,03	0,02%
5.Construction	3,94	4,17%	17,92	9,69%
6.Trade & accommodation	5,42	5,74%	32,26	17,44%
7.Transport & communication	55,15	58,40%	35,81	19,36%
8.Financial & business services	11,89	12,59%	22,24	12,02%
9.Community services	3,73	3,95%	36,03	19,48%
Total	**94,44**	**100,00%**	**184,99**	**100,00%**

The table above indicates that the Transport and Communication services, followed by Financial and Business Services, will be the most important sectors impacted on GDP. This is followed by manufacturing and trade. This impact is primarily because of additional wages that will be paid out in the parking facility, within the area of Stellenbosch. Regarding the employment impact, the Community Services, Transport and Trade and Accommodation impacts will lead the way with respect to new job creation.

9.3.5 Economic effectiveness criteria

Certain economic effectiveness criteria are listed in Table 9-9 below.

Table 9-9: Economic effectiveness criteria.

	GDP/ Capital Ratio	Labour/ Capital Ratio	Low/Total Income Households Ratio
Theme Results	**0.40**	**0.61**	**0.14**
Comparative Sectoral Results			
*Agriculture, hunting, forestry, and fishing	0,26	1,38	0,25
Mining and quarrying	0,28	1,04	0,20
Manufacturing	0,39	1,04	0,19
Electricity, gas, and water supply	0,01	0,03	0,17
Construction	0,50	2,43	0,23
Wholesale and retail trade	0,56	2,85	0,20

	GDP/ Capital Ratio	Labour/ Capital Ratio	Low/Total Income Households Ratio
Transport, storage, and communication	0,23	0,65	0,17
Financial, insurance, real estate, and business services	0,21	0,49	0,16
Community, social and personal services	0,21	1,25	0,17
Total	0,24	0,86	0,18

The effectiveness indicators for capital investment efficiency highlight the capital-intensive nature of the Eikestad parking facility. For each R1 of capital invested in the project, R0.40 additional GDP is generated compared to R0.24 generated from an equivalent capital investment on an average Stellenbosch project. This implies that the capital employed in the Project is less efficient in generating output as compared to capital invested in the average Stellenbosch project.

Similarly, the labour-to-capital ratio reveals that, for each R1 million of capital investment in the Parking Project, 0.61 new jobs will be created. An equivalent capital investment in the average Stellenbosch project would create 0.86 jobs, which is once again indicative of the capital intensiveness of the Project.

Regarding poverty alleviation (low income relative to Total Household Income ratio) the project is almost on par with an average project in the economy of Stellenbosch. The Low/Total Income Households Ratio of the project is 0.14 compared to 0.18 generated by an average project in the Stellenbosch economy.

9.4 Summary remarks

The objective of this section of the Stellenbosch Parking Garage study was to shed light on the broader economic advantages that the new parking facility will have on the community of Stellenbosch and its neighbourhoods. The Economic Analysis comprise mainly of two portions namely, a Costs benefit Analysis (CBA) and a Macroeconomic Impact Analysis (MEIAM).

The CBA in contrast with the Financial Analysis considers the valuation of both money and non-money benefits including social, environmental, and quality of life impacts, where the cashflow analysis focuses only on the monetary benefits.

The Economic Impact Analysis focuses specifically on measurable changes in the flow of money (income) earned by labour and businesses, including both spending and productivity effects. It calculates the broader impacts in terms of Gross Domestic Product (GDP), Employment, Household Income, and the impact on the Fiscus.

Cost Benefit Analysis

The CBA is defined as the net savings in terms of time and vehicle operating costs that the future existence of the Stellenbosch Parking Garage for the users thereof will bring about. The main results of the CBA are as follows:

- The PV of the total savings amount to R425.7 million and it comprise of:
- Shorter Distance Walk from parking bays before existence of parking garage:
- Value of Time Savings, R88.9 million, (20.9%)
    - Less Swerving in searching for parking:
    - Value of Time Savings, R99.6 million, (23.4%); and
    - Vehicle Operating Costs, R237.3 million, (55.7%)

Taking also into account, the capital, operational and maintenance costs, the Project performs as follows:

- A Surplus / Net Present Value (NPV) of R227.5 million in 2023 constant prices.
- An Internal Rate of Return (IRR) of 23.7%; and
- A Benefit Cost Ratio (BCR) of 3.42.

The economic CBA also satisfies all CBA evaluation criteria. It yields an NPV which is positive, an IRR which is significantly higher than the real social economic discount rate of 10% , where this **discount rate of 10%** refers to the average cost-of-capital for the project, taking into account the inherent risk factors associated with such capital projects, and a Benefit/Cost Ratio which is greater than 1 which indicates that the benefits exceed costs over the 25-year programming period.

Macro - Economic Impact Analysis

The macroeconomic impact reflects in the first instance the construction effect, maintenance, and operational effect in terms of standard macroeconomic indicators such economic growth and employment. Secondly it also measures the magnitude and nature of the contribution that the savings on time and operational costs contribute to the future economic growth of Stellenbosch.

In essence the results of the Macroeconomic Impact Results can be summarised as follows:

- The average annual impact of the Stellenbosch Parking Garage on the GDP of the Stellenbosch will amount to R 153 million per annum in 2023 constant prices. The GDP comprises of remuneration of employees and returns on capital invested (profits amongst others).
- The parking garage will sustain 235 jobs on average over the programming period, which will impact positively on the Stellenbosch economy.
- The total impact on household income amounts to R34 million, of which 14.7% is destined for lower-income households. As such, a percentage of the total income generated by the parking garage will benefit the poor communities in the Stellenbosch.

- The annual fiscal impact will amount to approximately R21.26 million per annum through direct and indirect taxes generated by the operation of the Stellenbosch Parking garage.

Effectiveness Criteria in terms of the Capital Invested

The effectiveness indicators for capital investment efficiency highlight the capital-intensive nature of the Parking Garage. For each R1 of capital invested in the project, R0.40 additional GDP is generated compared to R0.24 generated from an equivalent capital investment on an average Stellenbosch project. This implies that the capital employed in the Project is less efficient in generating output as compared to capital invested in the average Stellenbosch project.

Similarly, the labour-to-capital ratio reveals that, for each R1 million of capital investment in the Parking Project, 0.61 new jobs will be created. An equivalent capital investment in the average Stellenbosch project would create 0.86 jobs, which is once again indicative of the capital intensity of the Project.

Regarding poverty alleviation (low income relative to Total Household Income ratio) the project slightly makes a cut. The Low/Total Income Households Ratio of the project is 0.14 compared to 0.18 generated by an average project in the Stellenbosch economy.

From the CBA analysis it is apparent that the development of the Eikestad parking facility is economically viable. However, from the Macroeconomic Analysis although it exhibits that it contributes to the GDP and creates jobs, it shows that it is a very capital-intensive project.

10 Procurement Plan

10.1 Introduction to the Procurement Plan

10.1.1 The Feasibility Study Process

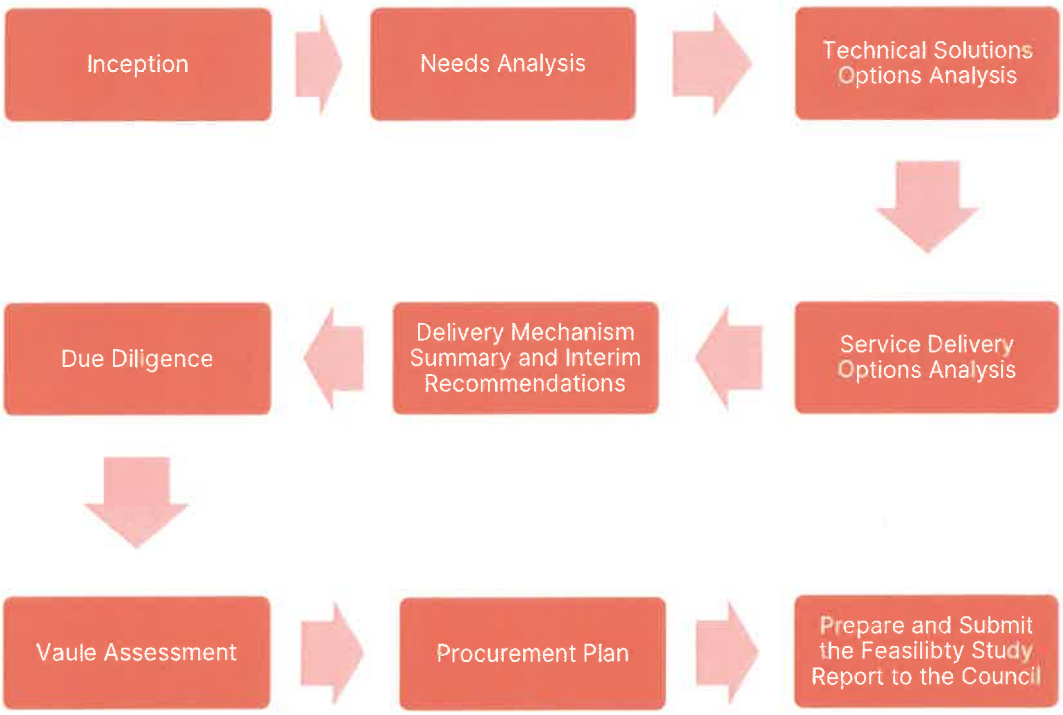


Figure 10-1: Feasibility study process

The diagram in Figure 10-1 above details the Project's full feasibility study steps that have now been completed. The Procurement Plan follows onto the Feasibility Study Report (FSR). It draws on the summarised assumptions contained in the Solution Option Analysis Report, the Due Diligence Report, the detailed financial modelling as contained in the Value Assessment Report and the findings of the Economic Valuation Report to detail the steps that are required for the procurement stage.

10.1.2 Purpose of the Procurement Plan

The purpose of the Procurement Plan is to demonstrate that the SLM has the necessary capacity and the budget to undertake the Project as a PPP. The Procurement Plan also details the critical next steps to be undertaken to facilitate the successful implementation of the Project. In addition, the Procurement Plan outlines at a high level the anticipated programme for activities to be undertaken for the procurement stage of the Project until Financial Close is achieved.

10.1.3 Confirmation of the Project Goals

The Eikestad Parking Facility Project goals as approved at the Needs Analysis Stage of the FSR are to:

- Improve the NMT facilities at the Eikestad Mall Parking.
- Develop rideshare and public transport through the Large Employer Trip Reduction Program (LETRP) project.
- Investigate the possibility of an Integrated Public Transport Network.
- Investigate the possibility of developing a TOD development.
- Provide parking to motorists in alignment with the municipalities vision and objects.
- Improve safety by having safer and formal parking for motorists;
- Increase modal shift to NMT by parking centrally and walking to nearby amenities thereby reducing on-street parking needs;
- Increase the mobility town features, such as pedestrianised roads etc;
- Reduce congestion and thus reduce C02 emissions; and
- Reduce circling traffic searching for open parking bays.
- Compliance with the Department of Transport guidelines for parking requirements in terms of the Technical Recommendation for Highways TMH16 and 17.
- Compliance with the geometric and configurative requirements, as prescribed in the Department of Transport TMH 17.
- Compliance to the municipal zoning scheme.
- Improve parking services and quality of life of residents.
- Provision of parking on the periphery of the town centre to be still within walking distance from the centre of town or in association with a shuttle service if parking is provided outside of town.
- Obtain financial sustainability.
- Enable the private party to provide a means of financing the project and the government needs to repay that money.
- Provision of open one-level parking space needs, to be performed on an internal mechanism.
- Provision of multi-storied parking space needs, to be performed on an external mechanism.
- Target public spending, principally on outputs to agreed standards.
- Use private sector financing and efficiencies.
- Allocate risks to the party best able to manage them.

- Promote South African owned enterprises;
- Promote small, medium and micro enterprises;
- Create new job opportunities;
- Promote enterprises located within a particular municipal area, region or province; and
- Uplift communities through, inter alia, housing, transport, schools, infrastructure donations, and charity organizations.

10.1.4 Procurement Choice

10.1.4.1 Preferred Solution Option Selected

The conclusions in terms of project definition from the Solution Option Report of the FSR were that the:

- The Eikestad Mall Parking area is the preferred location for the Project.
- The current users of the Eikestad parking facility will still use the facility;
- If the illegal parked vehicles in the CBD are policed, then approximately 30% will use the new facility. The 30% was based on the calculation of the available capacity in the underground vs the volume of illegal parking needs;
- There is a calculated 2.57% pa growth in traffic in Stellenbosch that will require parking;
- The existing overflow will use the new facility, if it is accessible and affordable;
- Initiatives like the pedestrianisation of Church Street will remove existing on-street parking and approximately 70% of these motorists will use the new parking garage at Eikestad.
- Overflow and demand were based on the above three methods.
- A multi-story parking facility with 500 parking bays is required at the Eikestad Mall Parking area to relieve existing parking challenges in the Stellenbosch CBD.

Based on the findings of the FSR it remains evident that the BOOT PPP type PPP procurement methodology is best suited option for the implementation of the Project and is recommended to be implemented.

Based on the above and the outcome of the Value Assessment Report, it is evident that the PPP procurement methodology should be applied to procure a private party to build, operate, own and transfer the Project.

The outcome of the Value Assessment exercise is that the Project:

- The project value (PV) of the total savings amount to R425.7 million.
- Result in shorter distance walk from parking bays.
- Result in Value of Time Savings of 20.9% (R 88.9 Million).

- Result in a Net Present Value (NPV) of R227.5 million in 2023 constant prices
- Result in an Economic IRR of 23.7%
- Result in a Benefit Cost Ratio (BCR) of 3.42
- Reduce the vehicle operational costs and time costs of the users of the Project.
- Will create 0.61 new jobs for each R1 million of capital investment.
- Is a capital-intensive project.
- Is affordable to the private sector.
- The private sector could manage the risks more efficiently and has the ability to reduce total risk cost to the public by almost 60% in transferred risks.
- Provides Value for Money (VfM).
- Lowers the risk to the SLM.

10.1.5 Project Scope

To appreciate the Project institutional structure, it is sensible to first have an understanding of what the Project scope does and does not include. Taking cognisance of the above, the Project scope includes among others the following:

- Design and development of the Eikestad Parking Facility
- Financing of the Eikestad Parking Facility
- Management (including the environmental management) and operation of the Project Facility and Project Site in accordance to agreed industry standards as per the provisions of the PPP Agreement
- Maintenance and repair of the Project Facility and Project Site in accordance to agreed industry standards as per the provisions of the PPP Agreement
- Replacement of assets of the Project Facility and Project Site in accordance to agreed industry standards as per the provisions of the PPP Agreement
- Hand-back of the Project Facility and Project Site at the termination or expiration of the PPP Agreement according to agreed industry standards as per the provisions of the PPP Agreement

The Project is to be designed, developed, financed, operated, and maintained by the private party and handed back to the SLM at the termination or expiration of the PPP Agreement

10.1.5.1 Fee Approach

The Private Party will carry the revenue risk in totality and the SLM will make no contribution towards revenue. Revenue will be collected from the users of the parking facility through the appropriate smart parking system specified in the facility design specifications. Parking tariffs are set by the Municipality in terms of their applicable By-laws.

10.2 Project institutional structure

The following positions are required to operate the proposed parking facility:

- Facility Manager: The facility manager will manage the parking service, including procurement, maintenance and servicing, cleaning, insurance, accident administration, licensing and financial asset management.
    - Manager
- Marketing and communications: focused on publicising the parking service to the community to encourage service patronage, communicate service changes or updates and to distribute motorist information in a usable format.
    - Marking and Communications Manager
- Contract Management: All functions that are outsourced to external service providers will be contracted and these contracts need to be managed.
    - Project Manager from the municipality
    - Personal Assistant for the municipality PM
- Fare Management: The sale of tickets for the parking bays. This function is generally done through ticket machines and kiosks. However, a back-office team is required for lost tickets and or faulting tickets. In addition, a team is required for equipment maintenance etc. The fare management must ensure all methods of payment are available.
    - Kiosk operator(*2)
    - Parking attendant (depends on number of gates, one per gate) assume 2 gates,
    - Mechanical Maintenance technician *3
- Financial Management: Managing the various financial elements of the system including revenues (fare revenue, any grants or subsidy contributions from national or provincial government, municipal contribution, other system revenue) and costs (operating and capital costs). This function inhouse is done through the financial office within the municipality. Else this function will be managed by the accountants of the private partner.
    - Accountant
    - Bookkeeper
- Safety and Security: Ensures the safety of the motorist using the parking facility. This function requires a security team on the ground and as well as the use of technology to monitor the facilities and record safety and security issues.
    - Night and Day shift (1 per floor, shift 12hrs) assume 3 floors.

- Maintenance Team: This function is the general and periodic maintenance of the structure and equipment of the facilities.
    - Maintenance Manager
    - General worker *2 (can also be parking attendant in off peak times)
- Cleaning Team: Function is responsible for the cleanliness, removal of refuse and unwanted vegetation.
    - Can be parking attendants in off peak times.
- IT specialist: The IT services are to manage the IT equipment.
    - IT Technician

It must be noted that due to the project size, no additional positions will be required for the management of this PPP contract. The staff the municipality has in employment should be able to fill the required roles of the project office.

10.2.1 Role of CLIENT

An Accounting Officer must be appointed as part of the Demand and Acquisition Management. The Accounting Officer must appoint a Project Officer who will be responsible for performing the duties set out in Section 116(2) (c)(1) and (ii) of the MFMA and any other duties or powers delegated by the accounting officer to him/her in terms of Section 79 of the Act.

The role of the Accounting Officer as summarised in the Supply Chain Management Policy of Stellenbosch is as follows:

System of Demand Management

1. The Accounting Officer must establish and implement an appropriate demand management system in order to ensure that the resources required by Stellenbosch Municipality support its operational commitments and its strategic goalsoutlined in the Integrated Development Plan.
2. The demand management system must –
    a. Include timely planning and management processes to ensure that all goods and services required by Stellenbosch Municipality are quantified, budgeted for and timely and effectively delivered at the right locations andat the critical delivery dates, and are of the appropriate quality and quantity at a fair cost;
    b. Take into account any benefits of economies of scale that may be derived in the case of acquisitions of a repetitive nature;
    c. Provide for the compilation of the required specifications to ensure that its needs are met; and
    d. To undertake appropriate industry analysis and research to ensure that innovations and technological benefits are maximized.
3. Green procurement must be incorporated as far as reasonably possible for all specifications of goods, services and construction works.

In the development of bid specifications, innovative mechanisms should be explored to render the service or product more resource and energy-efficient.

System of Acquisition Management

1. The Accounting Officer must implement the system of acquisition management setout in this Part in order to ensure –
    a. That goods and services are procured by Stellenbosch Municipality in accordance with authorised processes only;
    b. That expenditure on goods and services is incurred in terms of an approved budget in terms of section 15 of the Act;
    c. That the threshold values for the different procurement processes are complied with;
    d. That bid documentation, evaluation and adjudication criteria, and general conditions of a contract, are in accordance with any applicable legislation; and
    e. That any Treasury guidelines on acquisition management are properly taken into account.
2. Unless otherwise indicated in the bid documents, the Municipality shall not be liable for any expenses incurred by the prospective bidders in the preparation and / or submission of a bid or quotation.

Project Office

As Stellenbosch consists of various directorates/ business units, a Project Office, through the Project Officer will co-ordinate the input from SLM with regard to aspects of the Project. This interaction and co-ordination entails:

- managing deadlines to ensure that the timelines of the Project Plan are met;
- managing the service provider to ensure the progress of the Project;
- liaising between the stakeholders and the service provider;
- highlighting "red-flags" as and when they arise;
- troubleshooting and providing ongoing solutions; and
- reviewing the reasonableness of the risk allocation and the managing of the risks inherent in the Project.

Beyond this, the Project Office must also:

- Ensure that capacity is created within SLM, through a skills transfer initiative. In this way, for example, SLM facility management personnel should develop the capabilities to take over from the facility management specialists at some point. Capacity can be built in other ways and consideration should be given to the potential areas for skills development.

- Build institutional memory - over the life of the concession the nature of the members within the Project Office will change, however, there needs to be some continuity. A knowledge management system has been created so that new advisors and SLM staff members are aware of the history of the Project.
- Engage with employees and provide them with on-going information about the process underway. This will create a sense of ownership and excitement amongst SLM employees. This type of communication will also raise the level of awareness about the PPP within SLM and relieve any misplaced anxieties.
- The Project is completed on time, within budget and to a standard expected by National Treasury.

The Project Officer acts as the chair of the PSC. This committee acts as the interface between SLM, the Advisory Team and other Government stakeholders and the PPP Unit.

A number of different stakeholders have been identified, which may have a role to play in either the Feasibility Study phase or the procurement phase of the Project:

- SLM management and staff;
- SLM residents;
- Government representatives who will manage the transaction from a public sector perspective (Project Office);
- Service provider who will manage the transaction from the private sector perspective;
- Technical - or specialist team members and advisors from the public - or private sector (Project Office support);
- Advisors to the public sector on procurement processes (Advisory Team);
- External advisors from other Government departments on specialist areas such as PPP processes, security and ICT (i.e. the PPP Unit, NIA, SAPS, SITA);
- National, provincial and local government institutions as the relevant authorities in respect of certain Project approval processes, i.e. township establishment, environmental, heritage (SLM, DEAT and GDACE, SAHRA and GHRA);
- Partner in BBBEE financing instrument (DBSA);
- Regulatory authority relating to public finance management (National Treasury);
- Organized labour; and
- The general public, perhaps in the role as interested and affected parties in terms of any environmental and heritage processes.

A key success factor in the procurement of the Project is managing the interaction between these role players and ensuring proactive responses and decision-making.

10.2.2 Role of Special Purpose Vehicle/ private party

Special Purpose Vehicle/ private party role in terms of the Project is to perform the following activities:

- Fulfil the pre-implementation conditions of the PPP Agreement and other Project related agreements.
- Designs the Project Facility
- Constructs the Project Facility
- Finances the Project Facility
- Operates the Project Facility in terms of the provisions of the PPP Agreement which may include among others the following:
    - Alleviate existing illegal parking, parking constraints and congestion due to vehicles queuing for parking by providing additional parking bays Improve NMT and PT safety by providing NMT and PT facilities.
- Maintain the Project Facility
- Receives the Project unitary payment
- Comply with all PPP Agreement conditions
- Transfer facility at termination of the PPP Agreement

10.3 Key Risks and Challenges Identified for the Project

The following key risks that have been identified for the Project are as follows. It should be noted that the table below is not exhaustive, and reference should be made to the Due Diligence and the Risk Assessment Reports that form part of the FSR to ensure that all risks are addressed and / mitigated timeously.

Risk identified	Mitigation
Cost Overrun 2023	Private party has a fixed term and a fixed contract with subcontractors to minimise the risk
Time Overrun 2023	Institution will not pay until service commencement
Heritage Risk	To minimise this risk, a thorough due diligence exercise needs to be conducted during design phase. This is best managed by the Public sector.
Operating Risk	Managed by the Private party, the contracts and existing operational knowledge minimise this risk
Maintenance Risk	The insurances and knowledge of the private sector and quality management of the private sector can address this risk
Technology Risk	The private party is an existing operator of such infrastructure and business and will remain up to date with required tech needs. Risk can be absorbed into upgrade maintenance
Design Risk 2023	Private party may pass risk to subcontractor but maintain primary liability. Institution will not pay until service commencement
Usage Risk	The public sector needs to ensure that the required projects to increase demand and that policing of the illegally parked vehicles is done, to provide the required demand.

10.3.1 Land and access rights

Refer to chapter 2.

10.3.2 Environmental Impact Assessment

An environmental impact assessment was conducted to ensure harmonic coexistence between the proposed Project and the environmental and heritage protection. The following is proposed for the facility:

- Create direct access to the facility from both Victoria & Ryneveld Streets. No vehicular entrance point is proposed from Andringa Street.
- Create direct pedestrian access to the facility from the Eikestad Mall, Ryneveld Street & Victoria Street.
- Create a parking structure that sits on top of a half-basement with a recessed structure that elevates to 2 additional storeys.
- The building has to fit into a rich heritage context. The aim of this proposal is to create a building that will be secondary in its importance to the context. In order to achieve this the building mass has been pushed to the back and centre of the site.
- Create a forecourt. This will serve as a landscape pedestrian friendly area that will connect the different parking areas. The forecourt will include the main pedestrian access to the parking structure.
- Create a layout that connects with the rich heritage value of the immediate surrounding context. The single storey shops along Andringa Street are of a high historical value. The aim is to create a lower-level street façade that responds to these neighbouring buildings.
- Create a service zone to the southern side of the site. The aim of this is to create service access to the municipal buildings on the southern side.

The EIA investigated various environmental components that could have a potential impact on the Project:

- Biodiversity and Ecological Systems

  The site is located within a built-up urban area. As such, no impacts are anticipated on local indigenous flora and fauna, including habitats, endangered species, and ecosystems on and around the site.

- Water Resources

  No watercourses or wetlands are located on or near the site. No impacts on surface water bodies and water quality, including effects on watercourses, wetlands, rivers, have been identified.

- Air Quality

No emissions or air pollution will be caused by the proposed development. As such, no impacts on ambient air quality, including greenhouse gas emissions are anticipated. The proposed parking structure will not negatively impact on ambient air quality and could potentially indirectly reduce the emission of harmful CO2 gases by reducing the driving time spent by motorists whilst searching for parking.

- Land Use and Vegetation

  No significant impacts on land use, vegetation cover, and changes to land patterns and use have been identified seeing that the land use will remain the same. The existing trees in the current parking area will however be lost. A tree survey must be carried out by a qualified service provider.

- Cultural Heritage and Archaeological Sites

  The identification of cultural heritage sites and identification of potential impacts on historical and archaeological resources has been carried out by a Heritage and Cultural Specialist. The key heritage-related impacts envisaged will be townscape/streetscape, as well as visual impacts from an urban design and townscape perspective. The site was the location of the old Drooge Rivier stream and so archaeological impacts are possible.

- Noise and Vibration

  An evaluation of potential noise and vibration impacts caused by the project and their potential effects on the surrounding environment and communities found that noise and vibration could potentially have a negative impact during the construction phase but less so during the operational phase of the development.

- Social Aspects

  Consideration of social factors, including the project's impact on local communities, public health, and well-being found that a public participation process is recommended as part of the SLM's Duty of Care and to ensure that the proposed development is aligned with the current cultural and historically sensitive surrounding area.

- Visual and Aesthetic Impacts

  An assessment of how the project may alter the visual landscape and aesthetics of the area found that strict architectural design parameters, as approved by the Heritage Western Cape, must be adhered to.

- Waste and Hazardous Materials

  An examination of waste generation, disposal practices, and the potential presence of hazardous materials found that the potential impact associated with waste will be negligible.

- Climate Change

An analysis of how the project may impact on climate change found that sustainable green building design practices must be adhered to reduce the potential negative impact on climate change.

- Energy Use and Efficiency

  An assessment of energy consumption and opportunities for energy efficiency and renewable energy integration found that the proposed design must accommodate mechanisms for efficient energy consumption.

The Project will align with ecological and heritage preservation. Mitigation measures will be applied where necessary to minimise the impact on the environmental components.

The Project is expected to yield positive environmental outcomes.

10.4 Governance Processes for the Procurement

10.4.1 Legal Framework for Procuring the Project

Procurement will be conducted in terms of applicable legislation, policy and Treasury Guidelines, as elaborated below.

Section 217(2) of the Constitution provides that there should be an implementation of policies providing for categories of preference in the allocation of contracts and the protection or advancement of persons, or categories of persons disadvantaged by unfair discrimination. Section 217(3) of the Constitution further states that national legislation was to be enacted to prescribe a framework within which policies referred to in section 217(2) must be implemented. This national legislation referred to in section 217 of the Constitution is the PPPFA, which is discussed below.

Part 3 of Chapter 8 of the Municipal Systems Act (MSA) deals with procurement of a service provider in the case of an external mechanism. The SLM must comply with that Part (sections 80 and 81) and with Chapter 11 of the Municipal Finance Management Act (MFMA). These sections provide for competitive bidding and for negotiations with the service provider after he/she/it has been selected.

The SLM must comply with its Supply Chain Management Policy 2021/22 (SCMP) prepared in terms of section 111 of the MFMA. The SCMP applies where the SLM selects external mechanisms for the provision of municipal services in circumstances contemplated in section 83 of the MSA[5]. The SLM has established a Supply Chain Management Unit under supervision of the CFO. Goods or services above R200 000 may only be procured by a competitive bidding process[6]. Procedures for competitive bidding are set out in sections 20 to 29.

Section 37 of the SCMP deals with unsolicited bids – see section 7 below.

[5] Section 2(3)(d)

[6] See section 217 of the Constitution

Section 51 provides that if a service provider acts on behalf of the SLM to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to the service provider is fixed as an agreed percentage of turnover for the service or the amount collected, the contract between the service provider and the Stellenbosch Municipality must stipulate (a) a cap on the compensation payable to the service provider and (b) that such compensation must be performance based. Section 57 deals with the suspension of service providers for poor performance.

The SLM must also comply with the Local Government Framework for Infrastructure Delivery and Procurement Management dated 1 October 2020.

The NT has published the Municipal Service Delivery and PPP Guidelines. Module 2 of this document provides a *Code of Good Practice for BEE in Public-Private-Partnerships*. The Guidelines should be applied in relation to the project.

The Guidelines provide that the Municipality must prepare a procurement plan for the project that must contain at least the following:

- A project timetable for the key milestones and all approvals which will be required to take the project from TVR I to TVR III.
- Confirmation that sufficient funds in the municipality's budget are available to take the project to TVR III and into contract implementation.
- A list of any potential challenges to the project and a discussion on how these will be addressed by the project team and adviser.
- The best procurement practice and procedures suited to the project type and structure.
- The governance processes to be used by the municipality in its management of the procurement, especially regarding decision-making.
- The project stakeholders and the extent of their involvement in the external option.
- The project team with assigned functions.
- Categories of information to be made available to bidders and how such information will be developed.
- A list of required approvals from within and outside the municipality.
- A Gantt chart of the procurement process, including all approvals and work items necessary for obtaining these approvals (for procurement documentation as well as, for example, the land acquisitions and environmental studies to be procured by the municipality).
- Contingency plans for dealing with deviations from the timetable and budgets.
- The bid evaluation process and teams.
- An appropriate quality assurance process for procurement documentation.

- The means of establishing and maintaining an appropriate audit trail for the procurement.

Appropriate security and confidentiality systems, including confidentiality agreements, anti-corruption mechanisms, and conflict of interest forms to be signed by all project team member.

10.4.2 Legal framework for procuring the Project.

10.4.2.1 Preferential procurement Policy Framework Act (PPPFA)

The Preferential Procurement Policy Framework Act 5 of 2000 (PPPF Act) gives effect to section 217 of the Constitution which provides that when an organ of state such as a municipality procures goods and services, it must do so in accordance with a system which is fair, equitable, transparent competitive and cost effective. Procurement by the SLM of goods and services must be done within the framework of the PPPF Act and the Regulations made under that Act.

The Preferential Procurement Policy Regulations, 20227 have been promulgated under the PPPF Act. They provide for applicable points systems and specific goals for tender invitations. The Treasury Procurement Guidelines published by the National Treasury (NT) and which are available on their website provide guidelines for public procurement and emphasise the Government's commitment to a procurement system which enables the emergence of sustainable small, medium and micro business.

Section 2(1) of the PPPFA provides that an organ of state must determine its preferential procurement policy and implement it within the framework prescribed by the PPPFA and Regulations thereto.

What must be noted from the PPPFA is that 90 points in the Project would have to be allocated to price and 10 points be allocated to specific goals (BBBEE).

Section 2(1)(e) of the PPPFA provides that any specific goal for which a point may be awarded, must be clearly specified in the invitation to submit a tender.

An organ of state is defined, in section 1 of the PPPFA, to include Stellenbosch Municipality.

Regulation 2 of the PPPFA Regulations, 2022 provides that the Regulations apply to organs of state, as defined in section 1 of the PPPFA.

Thus, the PPPFA is applicable to Stellenbosch Municipality and specifically directs an organ of state to have its preferential procurement policy and implement it within the framework of the PPPFA. Furthermore, the PPPFA requires that the specific goals be included in the tender documents.

The PPPFA currently places emphasis on equity ownership and the promotion of non-quantifiable Reconstruction and Development Programme ("RDP") goals, which include:

[7] Published in *Government Gazette* 47452 of 4 November 2022 under Notice 2721

- promotion of South African owned enterprises;
- promotion of small, medium and micro enterprises;
- creation of new jobs;
- the promotion of enterprises located within a particular municipal area, region or province; and
- upliftment of communities through, inter alia, housing, transport, schools, infrastructure donations and charity organizations.

The PPPFA Regulations were amended in 2022, to ensure alignment between the PPPFA and the BBBEE Act (and Codes) and compliance with the judgement of the Supreme Court of Appeal finding the previous 2017 Regulations to be invalid.

10.4.2.2 BBBEE Act and the Department of Trade and Industry BBBEE Codes of Good Practice

The Broad-Based Black Economic Empowerment Act 56 of 2003 (BBBEE Act) is designed to promote black economic empowerment and to empower the Minister to issue codes of good practice and to develop criteria for entering into partnerships with the private sector. The Minister is empowered to issue codes of good practice on black economic empowerment by notice in the Government Gazette, in terms of section 9(1) of the BBBEE Act, in order to promote the purpose of the Act. Section 10 provides that every organ of state and public entity, which includes municipalities, must take into account and, as far as reasonably possible, apply any relevant code of good practice issued in terms of the BBBEE Act.

In terms of section 12 of the BBBEE Act the Minister must publish transformation charters. The Property Sector Transformation Charter has been published as an indication of what the industry deems possible to be achieved in terms of BBBEE. This charter should be taken into consideration in the development and implementation of the Project.

Two of the main objects of the BBBEE Act are to empower the Minister to issue the abovementioned codes of good practice and to develop criteria for entering into partnerships with the private sector.

The BBBEE Act, section 10 states that every organ of state and public entity must apply any relevant code of good practice issued in terms of the BBBEE Act. Section 10(2) provides that the Minister of Trade and Industry may exempt an organ of state from this requirement.

An organ of state is defined as, inter alia, a municipality, in terms of section 1 of the BBBEE Act (paragraph (b) of the definition).

10.4.2.3 BBBEE Targets

The BBEEE targets that are envisaged for the PPP are summarised in Table 10-1.

Table 10-1: BEE Targets for Procurement

BBBEE CORE COMPONENT	BBBEE TARGETS FOR THE PROJECT					
	PRIVATE PARTY		CONSTRUCTION SUBCONTRACTOR		OPERATIONS SUBCONTRACTOR	
OWNERSHIP	VOTING RIGHTS					
	Exercisable voting rights in Enterprise of Black People	40%	Exercisable voting rights in Enterprise of Black People	27.5%	Exercisable voting rights in Enterprise of Black People	26%
	Exercisable voting rights in the Enterprise of Black Women	10%	Exercisable voting rights in the Enterprise of Black Women	10%	Exercisable voting rights in the Enterprise of Black Women	10%
	ECONOMIC INTEREST					
	Economic interest of Black People in the Enterprise	25%	Economic interest of Black People in the Enterprise	25%	Economic interest of Black People in the Enterprise	25%
	Economic interest of Black Women in the Enterprise	10%	Economic interest of Black Women in the Enterprise	10%	Economic interest of Black Women in the Enterprise	10%
	Economic interest of Black Designated Groups, Black Employee Share Participation Schemes, Black Broad Based Ownership Schemes & Black Cooperatives in the Enterprise	2.5%	Economic interest of Black Designated Groups, Black Employee Share Participation Schemes, Black Broad Based Ownership Schemes & Black Cooperatives in the Enterprise	2.5%	Economic interest of Black Designated Groups, Black Employee Share Participation Schemes, Black Broad Based Ownership Schemes & Black Cooperatives in the Enterprise	2.5%
	As part of the Ownership Core Component, the cost of Black Equity and the timing of Project cash flows to Black Shareholders will be measured.					
MANAGEMENT CONTROL	BOARD PARTICIPATION					
	Exercisable voting rights of Black Board Members, using the Adjusted Recognition for Gender				50%	

	Black Executive Directors using the Adjusted Recognition for Gender	50%
	TOP MANAGEMENT	
	Black Senior Top Management using the Adjusted Recognition for Gender	40%
	Black Other Top Management using the Adjusted Recognition for Gender	40%
	BONUS POINTS	
	Black Independent Non-Executive Board Members	40%
EMPLOYMENT EQUITY	**MEASUREMENT CATEGORY & CRITERIA**	
	Black disabled employees as a percentage of all employees using the Adjusted Recognition for Gender	Year 0-5: 2%
		Year 6-10: 3%
	Black employees in Senior Management as percentage of all such employees using the Adjusted Recognition for Gender	Year 0-5: 43%
		Year 6-10: 60%
	Black employees in Middle Management as a percentage of all such employees using the Adjusted Recognition for Gender	Year 0-5: 63%
		Year 6-10: 75%
	Black employees in Junior Management as a percentage of all such employees using the Adjusted Recognition for Gender	Year 0-5: 68%
		Year 6-10: 80%
	Involvement of local people (South African) as a percentage of all Employees to give preference to people residing in the Site Area	Year 0-5: 80%
		Year 6-10: 90%
	Involvement of labour (skilled & unskilled) to be procured from the Site Area	Year 0-5: 40%
		Year 6-10: 50%
	Involvement of labour (skilled and unskilled who are Black Women) to be procured form the Site Area	Year 0-5: 10%
		Year 6-10: 15%
SKILLS DEVELOPMENT	Skills Development Expenditure on Learning Programmes specified in the Learning Programmes Matrix for Black Employees as a percentage of Leviable Amount using the Adjusted Recognition for Gender	3%
	Skills Development Expenditure on Learning Programmes specified in the Learning Programmes Matrix for Black Employees with disabilities as a percentage of Leviable Amount using the Adjusted Recognition for Gender	0.3%
	Number of Black Employees participating in Learnerships or Category B, C and D Programmes as a percentage of total employees using the Adjusted Recognition for Gender	7.5%
PREFERENTIAL PROCUREMENT	BBBEE Procurement Spend from all Suppliers based on the BBBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	Year 0-5: 50%
		Year 6-10: 70%

	BBBEE Procurement Spend from all Suppliers based on the BBBEE Procurement Spend from Qualifying Small Enterprises or Exempted Micro Enterprises based on the applicable BBBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	Year 0-5: 10%
		Year 6-10: 15%
	BBBEE Procurement Spend from any of the following Suppliers as a percentage of Total Measured Procurement Spend: Suppliers that are 50% Black Owned Suppliers that are 30% Black Women Owned	Year 0-5: 15%
		Year 6-10: 20%
	BBBEE Procurement Spend from all Suppliers located within the Site Area	Year 0-5: 15%
		Year 6-10: 20%
	BBBEE Procurement Spend from all Suppliers who are Black Women, located within the Site Area	Year 0-5: 5%
		Year 6-10: 10%
ENTERPRISE DEVELOPMENT	Average annual value of all Enterprise Development Contributions and Sector Specific Programmes made by the measured entity as a percentage of the target	1% of Net Profit After Tax
	Average annual value of all Enterprise Development Contributions and Sector Specific Programmes made by the measured Entity on Enterprises within the Site Area, as a percentage of the target	1% of Net Profit After Tax
SOCIO-ECONOMIC DEVELOPMENT	Average annual value of all Socio-Economic Development Contributions by the Measured Entity as a percentage of the target	1% of Net Profit After Tax

10.4.2.4 PPP Manual

The PPP Manual and in particular, the Municipal Service Delivery and PPP Guidelines published in 2015 must be taken into account. Module 2 of these Guidelines provides a Code of Good Practice for BEE in Public-Private-Partnerships.

The Codes of Good Practice, which were finalized in 2007 and as such the PPP Code may be out of sync with the 2015 Guidelines. Construction Sector Code

In terms of the BBBEE Act, a sector code of good practice has the same status as the Codes of Good Practice.

Section 3 of the Construction Sector Code states that it is applicable to measured entities which conduct any construction-related activities and entities which derive their majority turnover from construction related activities.

This sector was taken into consideration in the development of the Project BBBEE Scorecard.

10.4.2.5 Property Sector Transformation Charter

In terms of section 12 of the BBBEE Act, a transformation charter is published for general information purposes only and is not binding on a particular sector, therefore, although the Property Sector Transformation Charter is not binding it is an indication of what the industry

deems possible to be achieved in terms of BBBEE. This charter was taken into consideration in the development of the Project BBBEE Scorecard.

Project authorisations

This Procurement Plan provides the details the Project authorisations required for procurement that may be required. This list of Project authorisations is a living document and may be amended from time to time. The activities to be undertaken include as a minimum the following:

- Authorisations required by environmental and heritage legislation.
- Authorisations required in terms of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) and the SLM's Spatial Development Framework and Land Use Scheme and approval of building plans.

Procurement Phase

As PPP has been selected as the procurement choice, the Procurement Phase will go through distinct stages as detailed below:

- Expression of Interest
- Pre-qualification
- Evaluation
- Appointment of Pre-qualified Bidders
- Request for proposal
- Evaluation
- Best and Final Offer (if appropriate) and evaluation if appropriate
- Appointment of Preferred and Reserve Bidders
- Negotiations
- Appointment of Private Party
- Commercial Close
- Financial Closure
- PPP Agreement Management Plan

This is different from a conventional tender process. A conventional tender process has a single stage when an offer is made which an institution can accept or not.

10.5 Procurement Phase

Goods and / or services above a transaction value of R 300 000 (VAT included) must be done through a competitive bidding process.

Subparagraph 13 of the SCM states that a written quotation or bid may not be considered unless the provider who submitted the quotation or bid –

(a) Has furnished that provider's –

(i) Full name;

(ii) Identification number or company or other registration number; and

(iii) Tax reference number and VAT registration number, if any;

(b) Has authorised the Stellenbosch Municipality to obtain a tax clearance by means of the Tax Compliance Status Pin from, from the South African Revenue Services and Central Supplier Database Number (CSD) that the provider's tax matters are in order; and

(c) Has indicated –

(i) Whether he or she is in the service of the state, or has been in the service of the state in the previous twelve months;

(ii) If the provider is not a natural person, whether any of its directors, managers, principal shareholders or stakeholder is in the service of the state, or has been in the service of the state in the previous twelvemonths; or

(iii) Whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to in sub-paragraph (ii) is in the service of the state, or has been in the service of the state in the previous twelve months.

(1) The Accounting Officer must –

(a) Keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements through formal written price quotations;

(b) At least once a year through newspapers commonly circulating locally, the website and any other appropriate ways, invite prospective providers of goods or services to apply for evaluation and listing as accredited prospectiveproviders;

(c) Specify the listing criteria for accredited prospective providers as stated withinthe database registration forms; and

Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing businesswith the public sector.

(2) The list must be updated at least quarterly to include any additional prospective providers and any new commodities or types of services.

Prospective providers must be allowed to submit applications for listing at any time.

(3) The list must be compiled per commodity and per type of service.

Process for Formal Written Prices Quotations

1. The conditions for the procurement of goods or services through formal written price quotations are as follows: -

a. Quotations must be obtained in writing from at least three different providers whose names appear on the list of accredited prospective providers of the Stellenbosch Municipality. Quotations may be obtained from providers who are not listed, provided that such providers meet the listing criteria set out in paragraph 13 of the SCM Policy;

b. Where no suitable providers are available from the list of accreditedprospective providers, quotations may be obtained from other possible providers not registered on the municipal supplier database;

c. If it is not possible to obtain at least three quotations, the reasons must be recorded and approved by the Chief Financial Officer or an official designatedby the Chief Financial Officer;

d. The Accounting Officer must record the names of the potential providers and their written quotations; and

e. For the obtaining of quotations for services, Stellenbosch Municipality will utilize their notice boards.

2. A designated official referred to in subparagraph (1)(c) of the Stellenbosch SCM must within three days of the end of each month report to the Chief Financial Officer on any approvals given during that month by that official in terms of that subparagraph.

The process for competitive bidding is summarised in Subparagraph 20 to 29. Refer to the extracts of the SCM subparagraphs below.

Subparagraph 20 of the SCM: Process for Competitive Bidding

(1) The procedures for the following stages of a competitive bidding process are as follows:-

a. Compilation of bidding documentation as detailed in paragraph 21 of the SCM, refer to the paragraphs below;

b. Public invitation of bids as detailed in paragraph 22 of the SCM, refer to the paragraphs below;

c. Site meetings or briefing sessions as detailed in paragraph 22 of the SCM, refer to the paragraphs below;

d. Handling of bids submitted in response to public invitation as detailed in paragraph 23 of the SCM, refer to the paragraphs below;

e. Evaluation of bids as detailed in paragraph 28 of the SCM, refer to Section 10.7.2;

f. Award of contracts as detailed in paragraph 29 of the SCM, refer to Section 10.7.2;

g. Administration of contracts;

h. After approval of a bid, the Accounting Officer and the bidder must enter into a written agreement;

i. Proper record keeping; and

j. Original / legal copies of written contracts agreements must be kept in a secure place for reference purposes.

Subparagraph 21 of the SCM: Bid Documentation for Competitive Bids

(1) The criteria to which bid documentation for a competitive bidding process must comply, must –

(a) Take into account –

(i) The general conditions of contract and any special conditions ofcontract, if specified;

(ii) Any Treasury guidelines on bid documentation; and

(iii) The requirements of the Construction Industry Development Board, in the case of a bid relating to construction, upgrading or refurbishment of buildings or infrastructure;

(b) Include the preference points system to be used, goals as contemplated inthe Preferential Procurement Regulations and evaluation and adjudication criteria, including any criteria required by other applicable legislation;

(c) Compel bidders to declare any conflict of interest they may have in the transaction for which the bid is submitted;

(d) If the value of the transaction is expected to exceed R 10 million (VAT included), require bidders to furnish –

(i) If the bidder is required by law to prepare annual financial statements (AFS) for auditing, their audited AFS –

(aa) For the past three years; or

(bb) Since their establishment if established during the past three years;

(ii) A certificate signed by the bidder certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days;

(iii) Particulars of any contracts awarded to the bidder by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract;

(iv) A statement indicating whether any portion of the goods or services are

expected to be sourced from outside the Republic, and if so, what portion and whether any portion of payment from the municipality or municipal entity is expected to be transferred out of the Republic; and

(e) Stipulate that disputes must be settled by means of mutual consultation, mediation, adjudication (with or without legal representation), or, when unsuccessful, in a South African court of law;

(f) The period for which bids are to remain valid and binding must be indicated in the bid documents; and

(g) A provision for the termination of the contract in the case of non- or under-performance and objections and complaints must be included in the bid documentation.

Subparagraph 22 of the SCM: Public Invitation for Competitive Bids

(1) The procedure for the invitation of competitive bids is as follows –

(a) Any invitation to prospective providers to submit bids must be by means of a public advertisement in a newspaper commonly circulating locally, the website of the Stellenbosch Municipality or any other appropriate ways (which may include an advertisement in the Government Tender Bulletin); and

(b) The information contained in a public advertisement, must at least include

(i) The closure date for the submission of bids, which may not be less than 30 days in the case of transactions over R10 million (VAT included), or which are of a long term nature, or 14 days in any other case, from the date on which the advertisement is placed in a newspaper, subject tosubparagraph (2) of this policy; and

(ii) A statement that bids may only be submitted on the bid documentation provided by the Stellenbosch Municipality

(iii) Contact details for further enquiries.

(2) The Accounting Officer may determine a closure date for the submission of bids which is less than the 30 or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process.

(3) Bids submitted must be sealed and must clearly indicate the bid number on the outside of the envelope for which the bid is being submitted.

(4) Where bids are requested by the Municipality in electronic format, such bids must be supplemented by sealed hard copies.

(5) The municipality may require bidders to submit section(s) of their bid in electronic format, but only after the bid closing date. If the electronic copy differs from the original hard copy, the original hard copy will be binding.

Subparagraph 23 of the SCM: Handling, Opening and Recording of Competitive Bids

(1) The procedures for the handling, opening and recording of bids are as follows

(a) Bids –

(i) Must be opened only in public;

(ii) must be opened at the same time and as soon as possible after theperiod for the submission of bids has expired; and

(iii) Received after the closing time should not be considered and returned unopened immediately; and

(b) Any bidder or member of the public has the right to request that the names of the bidders who submitted bids in time must be read out and, if practical, also each bidder's total bidding price;

(c) No information, except the provisions in subparagraph (b), relating to the bid should be disclosed to bidders or other persons until the successful bidder is notified of the award;

(d) The Accounting Officer must –

(i) Record in a register all bids received in time;

(ii) Make the register available for public inspection; and

(iii) Publish the entries in the register and the bid results on the website.

(e) The bidder shall choose a *domicilium citandi et executandi* in the Republic and unless notice of the change thereof has duly been given in writing, it shall be the address stated in the bid. Opening of bid procedures –

(i) At the specified closing time on the closing date the applicable bid box shall be closed;

(ii) The bid box shall be opened in public as soon as practical after the closing time by at least two officials from the Supply Chain Management Unit and the Security Officer on duty;

(iii) It is the responsibility of the bidder to ensure that their bid is placed in the correct bid box. The municipality will not on its own initiative redirect any bid if it is placed in an incorrect bid box before the closing time of submissions.

(iv) Immediately after the opening of the bid box all bids shall be opened in public;

(v) At the official opening of the bids, the bids shall in all cases be readout in terms of the name of the bidder and, if practical, the amount of the bid;

(vi) As soon as a bid or technical proposal has been opened the bid / proposal

shall be stamped with the official stamps, and endorsed with the opening officials' signatures;

(viii) The name of the bidder, and where possible, the bid sum shall be recorded in a bid opening record kept for that purpose; and the responsible officials who opened the bidding documentation received shall forthwith place their signatures on the bid opening record (register) and shall ensure that the bid opening record, indicating at least the bid price of each bidder, the BBBEE status level contribution of each bidder and where applicable the local content percentages of the goods offered are made available for public inspection and are published on the municipality's website.

(f) Site Inspections / clarification meeting –

(i) Site inspections / clarifications meeting, where applicable, will be compulsory.

(ii) If site inspections / clarification meetings are to be held, full details mustbe included in the bid notice. Service providers that are late for the commencement of the site inspection/clarification meeting will be disqualified.

(iii) Minutes of all site inspection/clarification meetings must be kept for record purposes.

(iv) Any proposed Addendums to the advertised bid document must be tabled at the Bid Specification Committee Meeting for consideration and approval.

(g) Bid validity periods

(i) The validity period is calculated from the bid closure date and bids shall remain in force and binding for a period of six (6) months as indicated in the invitation to bid and the bid documents, subject to any other applicable legislation and instructions from the National Treasury for specific types of procurement.

(ii) The period of validity may be extended by the SCM Department, provided that the original bid validity period has not expired and that all bidders are given an opportunity to extend such period.

(iii) Any such extension shall be agreed to by a bidder in writing.

Bidders who fail to respond to such a request before the validity of their bid expires, or who decline such a request shall not be considered further in the bid evaluation process.

(iv) All bidders who indicated the acceptance of the extension of the bid validity period, bids will be considered for evaluation purposes.

(v) If the validity of all bids expired without it being awarded within the bid

validity period, including any extensions thereof allowable in terms of applicable legislation, the bid must be cancelled and published in the same media in which the original bid invitation appeared.

(vi) All bidders must be notified in writing of the cancellation of a bid.

(h) Bid Sum

(i) A bid will not necessarily be invalidated if the amount in words and the amount in figures do not correspond, in which case the amount in words shall be read out at the bid opening.

Subparagraph 24 of the SCM: Negotiations with Preferred Bidders

(1) The Accounting Officer may negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation

(a) Does not allow any preferred bidder a second or unfair opportunity;

(b) Is not to the detriment of any other bidder; and

(c) Does not lead to a higher price than the bid as submitted.

(2) Minutes of such negotiations must be kept for record purposes.

Subparagraph 25 of the SCM: Two-Stage Bidding Process

(1) A two-stage bidding process is allowed for –

(a) Large complex projects;

(b) Projects where it may be undesirable to prepare complete detailed technical specifications; or

(c) Long term projects with a duration period exceeding three years.

(2) In the first stage technical proposals on conceptual design or performance specifications should be invited, subject to technical as well as commercial clarifications and adjustments.

(3) In the second stage final technical proposals and priced bids should be invited.

10.6 Online Procurement Portal to Facilitate the Procurement Process

If the use of a tender platform is acceptable to the SLM, we propose the following way forward:

- Advertise the Project Online
- Schedule an online briefing meeting using MS Teams
- Allow bidders to submit their bids via the Online Procurement Portal

10.7 Procurement Practice

(1) A committee system for competitive bids should be established, consisting of the following committees for each procurement or cluster of procurements as the Accounting Officer may determine as issued within the directive and stating the termsof reference of each bid committee –

(a) A Bid Specifications Committee;

(b) A Bid Evaluation Committee; and

(c) A Bid Adjudication Committee.

(2) The Accounting Officer appoints the members of each committee, taking into account section 117 of the Act; and

(3) The committee system must be consistent with –

(a) Paragraph 27, 28 and 29 of this Policy;

(b) Any other applicable legislation; and

(c) The Accounting Officer may apply the committee system to formal written price quotations.

10.7.1 Bid Specification Committee

(1) A Bid Specifications Committee must compile the specifications for each procurement of goods or services by the Stellenbosch Municipality.

(2) Specifications –

(a) Must be drafted in an unbiased manner to allow all potential suppliers to offer their goods or services;

(b) Must take account of any accepted standards such as those issued by Standards South Africa, the International Standards Organisation, or an authority accredited or recognised by the South African National Accreditation System with which the equipment or material or workmanship should comply;

(c) Must, where possible, be described in terms of performance required rather than in terms of descriptive characteristics for design;

(d) May not create trade barriers in contract requirements in the forms of specifications, plans, drawings, designs, testing and test methods, packaging,marking or labelling of conformity certification;

(e) May not make reference to any particular trademark, name, patent, design, type, specific origin or producer unless there is no other sufficiently precise or intelligible way of describing the characteristics of the work, in which case such reference must be accompanied by the word "equivalent";

(f) Must indicate the preference points system set out in the Preferential Procurement Regulations 2017;

(g) Must be approved by the Accounting Officer prior to publication of the invitation for bids in terms of paragraph 22 of this Policy; and

(h) The Accounting Officer may sub-delegate the requirements in sub-paragraph2(g) above to the Chairperson of the Bid Specifications Committee.

(3) A Bid Specifications Committee must be composed of one or more officials of the Stellenbosch Municipality preferably the manager responsible for the function involved, and may, when appropriate, include external and / or internal specialist advisors.

No person, advisor or corporate entity involved with the Bid Specifications Committee, or director of such a corporate entity, may bid for any resulting contracts

(1) A Bid Evaluation Committee must –

(a) Evaluate bids in accordance with –

(i) The specifications for a specific procurement; and

(ii) The points system set out in terms of paragraph 27(2)(f);

(b) Evaluate each bidder's ability to execute the contract;

(c) Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears; and

(d) Submit to the adjudication committee a report and recommendationsregarding the award of the bid or any other related matter.

(2) A Bid Evaluation Committee must as far as possible be composed of

(a) Officials from departments requiring the goods or services; and

(b) At least one supply chain management practitioner of the Stellenbosch Municipality.

(3) The relevant user department's official shall carry out a preliminary evaluation of all valid bids received and shall submit a bid evaluation report to the Bid Evaluation Committee for consideration.

(4) Any evaluation of a bid shall consider the bids received and shall note for inclusion inthe evaluation report, a bidder –

(a) Whose bid does not comply with the provisions of paragraph 38 of the SCM Policy;

(b) Whose bid does not comply with the provisions of paragraph 13 of the SCM Policy;

(c) Whose bid is not in compliance with the specification;

(d) Whose bid is not in compliance with the terms and conditions of the bid documentation;

(e) Who is not registered and verified on the municipality's supplier database within seven days of the closing time for bids. In this regard bid documentation shall state that the responsibility for registration and verification rests solely with the bidder;

(f) Who, in the case of construction works acquisitions, does not comply with the requirements of the Construction Industry Development Board Act regarding registration of contractors. Verification of compliance with this requirement shall be by means of Stellenbosch Municipality's Supplier Database;

(g) Whose tax status is non-compliant and cannot be verified with the South African Revenue Services (SARS) certifying that the taxes of the bidder are in order or that suitable arrangements have been made with SARS; and

(h) Who fails to comply with any applicable Bargaining Council agreement.

(5) Bids shall be evaluated according to the following as applicable –

(i) Bid price (corrected if applicable and brought to a comparative level where necessary);

(ii) The unit rates and prices;

(iii) The bidder's ability to fulfill its obligations in terms of the bid documents;

(iv) Any qualifications to the bid;

(v) The bid ranking obtained in respect of Preferential Procurement as required by Stellenbosch Municipality's Preferential Procurement Policy;

(vi) The financial standing of the bidder, including its ability to furnish the required institutional guarantee, where applicable; and

(vii) Any other criteria specified in the bid documents.

(6) The Bid Evaluation Committee shall check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.

(7) The evaluation of bids on an equitable basis may be considered during the evaluation process.

(8) Additional information or clarification of bids may be called for if required.

(9) Alternative bids may be considered, provided that a bid free of qualifications and strictly in accordance with the bid documents is also submitted. Stellenbosch Municipality shall not be bound to consider alternative bids. The alternative offer is to be submitted with the main offer together with a schedule that compares the specifications of the bid documents with the alternative offer.

(10) If a bidder requests in writing, after the closing of bids, that his/her bid be withdrawn, then such a request may be considered and reported in the bidevaluation report.

(11) If, after bids have been brought to a comparative level, two or more scores equaltotal adjudication points, regulation 11(5) of the Preferential Procurement Regulations of 2017 will apply.

(12) If two or more bids are equal in all respects after applying regulation 11(5), the Bid Evaluation Committee shall draw lots to decide on the recommendation foraward.

(13) All disclosures of conflict of interest shall be considered by the Bid Evaluation Committee and if the conflict of interest is of a material nature, this shall be reported to the Bid Adjudication Committee.

(14) The relevant User Department in consultation with the SCM Unit may, before the bid is considered by the Bid Evaluation Committee, provide a reasonable opportunity to a bidder who made an innocent error and / or omission in their bid document, to correct the innocent error and / or omission, provided that such opportunity will not unduly prejudice any of the other bidders.

(15) In an event as described in sub-paragraph 14, bidders shall be afforded a minimumof two (2) working days up to a maximum of five (5) working days (in consultation with the relevant User Department or the Manager: Supply Chain Management) from time of notification to correct such innocent errors and / or omissions. If no response is received from such bidders at the deadline the bid may be deemed to be non-responsive.

10.7.2 Bid Adjudication Committees

(1) A Bid Adjudication Committee must –

(a) Consider the report and recommendations of the Bid Evaluation Committee;and

(b) Either –

(i) Depending on its delegations, make a final award or a recommendation to the Accounting Officer to make the final award; or

(ii) Make another recommendation to the Accounting Officer how to proceed with the relevant procurement.

(2) A Bid Adjudication Committee must consist of at least four senior managers of the Stellenbosch Municipality, which must include –

(a) The Chief Financial Officer or, if the Chief Financial Officer is not available, another manager in the budget and treasury office reporting directly to the Chief Financial Officer and designated by the Chief Financial Officer;

(b) At least one senior supply chain management practitioner who is an official ofthe Stellenbosch Municipality; and

(c) A technical expert in the relevant field who is an official, if such an expert exists.

(3) The Accounting Officer must appoint the chairperson of the committee. If the chairperson is absent from a meeting, the members of the committee who are present must elect one of

them to preside at the meeting.

(4) Neither a member of a Bid Evaluation Committee, nor an advisor or person assisting the evaluation committee, may be a member of a Bid Adjudication Committee.

(a) If the Bid Adjudication Committee decides to award a bid other than the one recommended by the Bid Evaluation Committee, the Bid Adjudication Committee must prior to awarding the bid–

(i) Check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and

(ii) Notify the Accounting Officer.

(b) The Accounting Officer may –

(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the Bid Adjudication Committee referred to in paragraph (a); and

(ii) If the decision of the Bid Adjudication Committee is rejected, referthe decision of the adjudication committee back to that committeefor reconsideration.

(6) The Accounting Officer may at any stage of a bidding process, refer any recommendation made by the evaluation committee or the adjudication committee back to that committee for reconsideration of the recommendation.

(7) The Accounting Officer must comply with section 114 of the Act within 10 working days

10.7.3 Conflict of Interest

Consortium members

To avoid any potential conflict of interest, no member of any consortium should be a member of, or in any way participate or be involved in (directly or indirectly), another consortium at any stage of the procurement process. This restriction should be backed up by the power to disqualify a consortium member or the entire consortium if there are good grounds to do so.

The restriction can be lifted for:

- any specialist supplier, if the restriction leads to a severely limited number of consortia
- any non-core service provider or general supplier which is not a consortium member
- any commercial entity whose role is strictly limited to lending money or advancing credit to the bidding consortium.

Advisors and lenders

To prevent the conflict, or potential conflict, of interest between lenders and sponsors of projects, no advisor to any consortium or member of a consortium should fulfil the role of arranger, underwriter or lead bank to the consortium.

Again, there should be a suitable right to disqualify such a member.

Other

No member of the institution's project team, including its transaction advisor, or the relevant treasury's PPP Unit's project advisor may participate in, advise, or have any interest in any bidding consortium.

10.7.4 Deviation from, and Ratification of Minor Breaches of Procurement Processes

The Accounting Officer may:

(a) dispense with the official procurement processes established by this Procedure 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) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) 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.

The Accounting Officer must record the reasons for any deviations in terms of subparagraphs (a) and (b) of this procedure and report them to the next meeting of the Executive Board.

The SLM in its sole discretion reserves the right to extend the contract or modify the original scope of work without re-bidding, after the conclusion of a contract, if -

(a) due to unforeseen circumstances additional work must be done in order to complete the contract based on the original objective as per the original enquiry document. The revised amount shall however not exceed 30% of the original contract price.

(b) the time span of the work stretches over more than one financial year. The renewal of a contract for subsequent years will enable Council to expedite the execution of a project without inviting new tenders for repetitive or similar work being part of a basic project for which a contract was awarded in the original tendering process. The SLM shall in the initial enquiry document indicate that it may award further contracts through negotiation with the qualifying service provider.

10.7.5 Critical Considerations for the Procurement Stage

- Should there be an explicit statement of affordability in the RFP?
- Variant bids
- Time allowed for bid preparation

There is a direct correlation between the time allowed for preparing bids and the quality of the bids. It is also true that absolute bidder commitment must be secured before a PPP agreement

can be finalised. Accordingly, bidders must be given enough time to meet all the bid requirements. Ascertain what bidders view to be adequate time for preparing a bid during or after pre-qualification.

- Value for money in risk: issues and mitigations
- Early works
- Land
- Staff
- Competition
- Bidder compensation
- Shared bid costs
- Existing institution assets
- Asset replacement and disposal

10.8 Activities and programme For Procurement

10.8.1 STAGE 1: MARKET SOUNDING AND EXPRESSION OF INTEREST



The Purpose of the EoI Process is to:

- Test Market appetite for the proposed Project from an investor and lender perspective.
- Market appetite for the proposed Project from a design, construct, finance, operate, and maintenance perspective.
- Assess the skills local entrepreneurs and businesses can offer towards the development of the Project and their willingness to participate as subcontractors to a PPP private party.
- Test whether the market has the capability to invest in and manage the full value chain that relates to the Project.
- As part of the Request for Proposal – the market will also be informed regarding the salient points of the Project.

10.8.2 STAGE 2: REQUEST FOR QUALIFICATION (RFQ)



The RFQ document must enable bidders to present the appropriate information about themselves. It must also clearly set out the RfQ evaluation criteria and processes. Any special requirements of the institution must be clearly stated, and particular RfQ provisions must be developed for the Project.

The RFQ document is required to contain a general disclaimer by the SLM as to any information in the document and that it reserves the right to terminate the procurement at any stage prior to award of contract, the terms and conditions for issuance of the RFQ, including when and where responses are to be submitted, the purpose of the RFQ, an outline of the document, information about the Project, the procurement process, instructions to bidders, required information from the bidders – so they may demonstrate their qualifications – and the RFQ evaluation process.

Information required from bidders is:

- Consortium capability and strength.
- Proposed consortium composition and structure with roles of the members clearly spelt out.
- Current workload of consortium members.
- Skill and experience of relevant organisations and subcontractors in projects of a similar nature.
- Strength of covenant between consortium members, subcontractors, and lenders (if applicable).
- Financial and market standing.
- Equity, ownership and directorship.
- Ability to fulfil the project's socio-economic objectives.
- Historical and current approach to social responsibility.
- Capacity to deliver.
- Commitment and capacity to meet project timetable.
- Ability to raise debt and equity and to provide security.
- Project management capability.
- Risk management capability.
- Demonstration of understanding key project demands/complexities.
- General issues raised by bidders.

- Previous relationship(s) with government.
- Quality assurance systems.
- Approach to the PPP and integration of deliverables.

10.8.3 STAGE 3: REQUEST FOR PROPOSAL (RFP)



On large, complex, or innovative PPP projects, considerable value can be yielded if pre-qualified bidders participate in the preparation of the final RFP. While the feasibility study would have tested the market, some key market responses can now be tested in detail with parties which have demonstrated their knowledge and capacity related to the project. Bidder participation in preparing the RFP can also lead to a shorter bidding process and greater bidder confidence.

The institution's procurement plan, as communicated to the pre-qualified bidders, must clearly identify the two stages, and set out the intention of and rules for each. The RFP proper is strictly competitive and bound by very limited and formal communication. Bidder interaction here is less formal, the end product being the incorporation of feedback from all bidders in a single, final RFP, prepared by the institution and issued to all pre-qualified bidders.

Generally, the RFP document will include as a minimum the following:

- General information to bidders
- Essential minimum requirements
- Service specifications
- Standard specifications
- Payment mechanism and penalty regime
- Legal requirements and draft PPP agreement
- Commitments required from bidders
- Evaluation criteria
- Bid formalities

Payment mechanism and penalty regime

The RFP must not be issued without a payment mechanism, which includes at least the following in a unitary payment arrangement:

- a single, indivisible unitary payment for full availability and performance of the services
- an appropriate indexation (CPIX, unless the feasibility study demonstrates an alternative indexation as providing value for money)

- a mechanism for penalising partial or complete failure of the availability and performance of the service, by means of penalty deductions.
- no limit to deductions for non-availability
- a mechanism for dealing with changes to service requirements.

Legal requirements and draft PPP agreement

These are all the key commercial and performance requirements necessary to sign-off that the consortium has the legal status and capacity to fulfil the requirements of the PPP agreement, including:

- shareholding agreements
- corporate governance requirements
- full disclosure of the consortium makeup, including lenders, sponsors, and parent companies.
- The RFP must include a draft PPP agreement that allows for highly structured bidder input.

Financial and project structure

The RFP must require bidders to submit financial models that allow the institution to thoroughly interrogate the proposal (be it a compliant or variant bid) in detail.

The response from bidders will depend on the nature of their approach to funding the project. Corporate finance will be provided from the balance sheet of a private company, while project finance involves limited recourse debt funding to a special purpose vehicle. Regardless of the differences, the institution needs enough information to be able to analyse the funding structure and to determine whether it can be provided and sustained through the project. The project participants, including all forms of funding and the terms and conditions of funding, are crucial. Bidders must demonstrate in their bids how the interest rate risk will be managed by means of hedging arrangements and how their interest rate hedging arrangements, if any, will achieve value for money. Furthermore, they must demonstrate during the RFP stage, how exchange rate and currency risks will be managed and how they impact on affordability.

10.8.4 STAGE 4: VALUE FOR MONEY REPORT



Before the preferred bidder is announced and appointed, the value-for-money report must be written and submitted to the relevant approving authorities for approval. There can be no negotiation with the preferred bidder before it has been approved. The value-for-money report is not an approval of the procurement process or its outcome, but rather an approval that the preferred bidder provides the best value for money for the project and that the bid is affordable.

10.8.5 STAGE 5: AGREEMENT NEGOTIATIONS & MANAGEMENT PLAN



Negotiations are an integral part of the procurement phase. They are a process, not an event. Successful negotiations culminate in awarding the contract, concluding the procurement phase, and starting implementation.

The institution and the private party have different perspectives on the negotiations stage. The private party wants to reduce risk and increase its margins, while the institution wants to reduce its costs and maximise the value of the services provided through the PPP.

The output of successful negotiations is a PPP agreement with all ancillary agreements including the service level agreements and payment mechanism.

10.8.6 STAGE 6: COMMERCIAL AND FINANCIAL CLOSE



In international project finance transactions, the common definition of financial close is:

"When the project documentation has been executed and the conditions precedent have been satisfied or waived. Drawdowns of the loan will then be now allowed.

Conditions precedent (CPs) are conditions/matters in a contract that must be satisfied before performance of the contract or certain obligations come into force. They will be listed in the PPP Agreement".

Conditions President for PPP Agreement may include:

- Financing in place e.g. Financing Agreements agreed and CPs executed
- Land Agreements executed e.g. Leases
- Required insurances obtained
- Developer has been granted access to Land
- Independent Engineer appointed
- All necessary approvals / permits for construction have been received
- Performance Bonds in place

10.8.7 Close Out and Case Study Reports



Draw together the lessons from each of the preceding sections, concluding with an assessment of project quality. Findings should cover at least:

- value for money achieved
- best practice process highlights
- recommendations for improvements needed regarding:
    - legislation, regulations, policy
    - institution's approach
    - sponsors' approach
    - lenders' approach
    - The PPP Policy
    - public sector management practice
    - skills

Annexures to close-out report

- All project documentation, including base-case financial models, duly referenced throughout main text.

Annexures to case study

- Transaction advisor terms of reference
- EoI
- RFQ
- RFP
- PPP agreement (with confidential clauses and schedules blacked out)

10.9 Action Items for Procurement

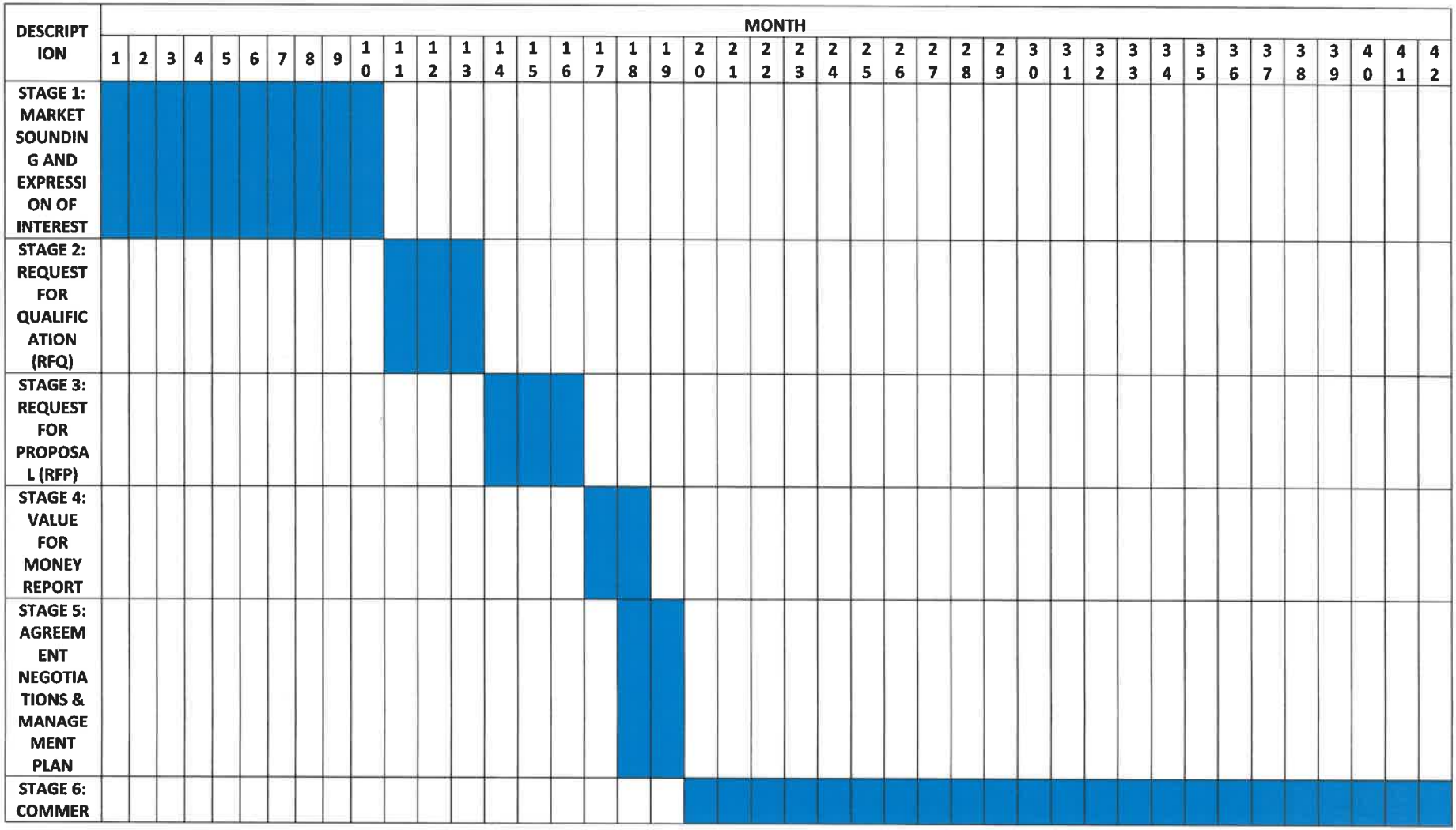
The following recommendations and actions items have been made on the back FSR outcome:

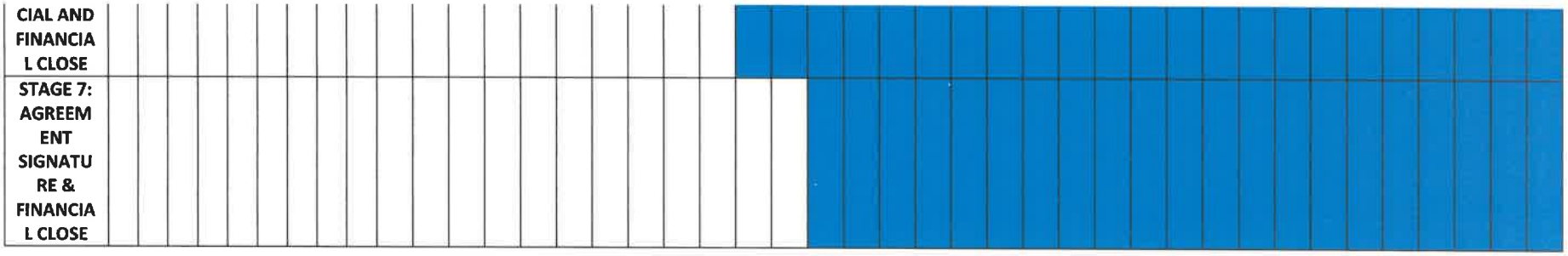
- The Project, in all its facets, qualify as a PPP. Therefore, it is recommended that the Project be procured through the PPP procurement methodology as a BOOT project.
- From the analysis it is clear that the PPP Reference Model provides the best value for money to the SLM.

- Appropriate risk transfer is possible as indicated in the Value Assessment – Risk Analysis Report. Project technical, financial, and operational risk can be identified and can be transferred to a private party that can best manage it – substantial Project risk can be transferred to the private party.
- The initial investment requirement of the Project may be more than R 124.1 million which can be classified as a RELATIVELY SMALL project, BUT which would be suitable for PPP implementation.
- The financial position of SLM does allow the municipality to afford the budget to undertake the Project as a PPP
- Infrastructure items not in the cost calculation of the Project, but will be required to facilitate the Project are the following Project enablers or dis-enablers:
    - Road Infrastructure
    - NMT infrastructure
- There is a requirement for the SLM to engage with the various private entities that have responsibility for the above functions to allow for planning and budgeting with regard to the above items.
- The initial investment, the Project service requirements and institutional set-up and arrangements renders the Project suitable as a non-recourse project finance Project. It will be structured through a PPP SPV project finance structure where the SLM enter into a PPP Agreement with a private service provider through a Project SPV ring-fenced company. This is the basis for the development of the documentation that related to the procurement stage.
- In addition, output specifications and key performance indicators should be determined for the full duration of the Project. This task will be undertaken as part of the structuring of the procurement documents, more specifically the output specifications and key performance indicators will be developed as a Schedule to the PPP Agreement as part of the Request for Proposal (RFP) documents.
- The Project activities fall within the regulated activities and the Project will require environment impact assessments to be conducted as per the provisions of the Environmental Assessment Act. An environmental authorization regarding the Project will be obtained for heritage and environmental protection.
- Procurement Portal - It is recommended that the procurement process of a Portal of this nature commence to allow for approval and set-up before the projects goes to market.

10.10 Summary of Procurement Stage

Below is a graphic depiction of the procurement Process




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STAGE 7: AGREEM ENT SIGNATU RE & FINANCIA L CLOSE

11 Conclusion and Recommendations

The demand for parking services in the CBD amounted to 300 bays. Based on the needs analysis and based on the solutions analysis, the Eikestad Mall parking area was identified as the most feasible options for parking facilities.

Due to the conditions of the CBD and the nature and parking utilisation demand, the CBD Eikestad parking needs identified a need for a multi-storey parking facility. As a result, the feasibility of this facility was assessed for the public sector, as well as a possible PPP project.

The value for money assessment of the Eikestad Parking garage resulted in the project having a feasibility assessment as favourable for a possible PPP BOOT contract. It is apparent that the private sector gives an initial favourable value for money on the following considerations:

- Technical Abilities;
- Risk Transfer abilities;
- Financial Returns and affordability;
- BEE target spend and upskill.

In addition, due to the cost and expertise required to fund and manage the facility, it creates a significant risk for the municipality to design-construct-operate and maintain the facility. The facility was assessed for both a 20- and 25-year forecast. The 20-year forecast deemed the minimum period, while the 25-year forecast deemed the longest. The analysis indicated that the 20-year forecast has scenarios 4, 5 and 6 that are acceptable, while the 25-year forecast allows for scenario 3, 4, 5 and 6 to be acceptable. As a result, the more favourable concession period was deemed to be the 25-year period. As a result, it is recommended that the Eikestad Parking Garage be considered as a viable option as a PPP contract. Based on the analysis, it is recommended that Treasury Views and Recommendations 1 is approved.

12 References

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Appendix A Survey Data Analysis

Refer to electronic file below:

https://surbanajurong.sharepoint.com/:f:/s/africa/C1978/EpuKvhSUkOVBo66st9OSG9UBcgMnUvMFF6625sSi7wmCXg?e=VP73ot

Appendix B Environmental Scoping Report

Refer to electronic file below:

https://surbanajurong.sharepoint.com/:f:/s/africa/C1978/EkX7zV5xORFBlWF3xocUGr0BFvx71Si0eKkOBvBeg_FB9A?e=ICbEXS

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STELLENBOSCH LOCAL MUNICIPALITY
SCOPING REPORT FOR THE PROPOSED 'EIKESTAD PARKING STRUCTURE' ON ERVEN: 1962-RE, 1969-1976, 1954, 6402 and 6636, STELLENBOSCH, WESTERN CAPE PROVINCE

Prepared for:

STELLENBOSCH MUNICIPALITY

On behalf of:

SMEC South Africa

NOVEMBER 2023

du Toit Environmental CC Registration number 2000/021877/23
t/a **The Environmental Partnership**
Member: **Carmen du Toit** MPhil (Stell) BAHons (UCT) *PriSciNat*, EAPASA Reg.

EXECUTIVE SUMMARY

In response to Stellenbosch facing significant congestion issues, SMEC South Africa was commissioned by the Stellenbosch Municipality to investigate the traffic congestion experienced in the Stellenbosch area, with the aim of prompting the need for more sustainable solutions. The study carried out by SMEC aims to understand the existing parking situation, *inter alia,* in Stellenbosch and develop a pre-feasibility report for proposed parking facilities. Essentially, the identification of the need and demand for additional parking was required and to determine the pre-feasibility of proposed facilities, taking into consideration the possibility of a public private partnership (PPP). The aim was to paint an exact picture of the existing parking situation within the Stellenbosch Municipality and to focus on providing parking facilities for Techno Park and the CBD.

The Environmental Partnership was commissioned to undertake an Environmental Scoping exercise for the proposed Eikestad parking structure development on behalf of SMEC, as part of the parking study for the Stellenbosch Municipality. The scoping exercise assesses the environmental and sustainability aspects of a proposed facility on this particular site, due to it being considered as the best location from a technical perspective. The objective of this scoping study is to provide critical insights for informed decision-making relating to environmental and heritage sustainability aspects for a parking facility on the Eikestad site.

The development site is situated in Stellenbosch, bounded by Andringa, Victoria, van Ryneveld, and Plein Streets. The Municipality aims to maximise parking with structured facilities including direct access from Victoria & Ryneveld Streets and pedestrian access from Eikestad Mall whilst integrating the existing heritage context of the wider area. The forecourt and lower-level street facade will connect with surrounding historical buildings.

The site currently serves as an open parking lot, attracting various users, including shoppers, cultural visitors, and students. The historical significance is linked to the old Drooge Rivier stream previously located on the site, influencing townscape/streetscape and potential archaeological impacts. The history and cultural value of the site is largely integrated with the historic development of Stellenbosch.
This report assesses various environmental components, including biodiversity, water resources, air quality, land use, cultural heritage, noise and vibration, social aspects, visual aesthetics, waste and hazardous materials, climate change, and energy efficiency. Mitigation measures should be applied as necessary to minimise adverse impacts. This report furthermore outlines the relevant environmental legislation and demonstrates the development's alignment with it, indicating that no additional environmental or water use authorisations are required.

The Eikestad development has undergone a thorough evaluation to ensure alignment with environmental and heritage preservation principles. The project is expected to yield positive environmental outcomes and offers adaptability for future re-purposing, aligning with sustainability objectives.

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Annexure A – Notice of Intent to Develop Report

ABBREVIATIONS

CO2	Carbon Dioxide
EIA	Environmental Impact Assessment
HIA	Heritage Impact Assessment
HWC	Heritage Western Cape
NEMA	National Environmental Management Act
NEMAAQ	National Environmental Management Air Quality Act
NEMBA	National Environmental Management Biodiversity Act
NEMWA	National Environmental Management Waste Act
NHRA	National Heritage Resources Act
NID	Notice of Intent to Develop
NMT	Non-Motorized Transport
NWA	National Water Act
PPP	Public-Private Partnerships

1. INTRODUCTION

1.1. Background and purpose of the Report

The Environmental Partnership conducted an Environmental Scoping exercise for the proposed Eikestad parking structure development on behalf of SMEC, as part of a parking study for the Stellenbosch Municipality. A parking study was required in response to Stellenbosch facing significant congestion issues, prompting the need for sustainable solutions like public transport and non-motorized transport to reduce congestion and increase mode shifts.

The parking study conducted by SMEC focuses specifically on understanding the existing parking situation in Stellenbosch and identifying parking needs and demand in order to develop a pre-feasibility report for proposed parking facilities, considering public-private partnerships and the impacts of other planned solutions on parking demand.

The Scoping exercise has been undertaken as part of a due diligence process to evaluate the biophysical and socio-economic aspects of the proposed Eikestad parking structure development. It represents the starting point for understanding the potential environmental implications and sustainability aspects associated with the proposed initiative. This process equips the proponent and project team with essential insights required to make informed decisions about the project's future trajectory, ensuring a harmonious coexistence between the proposed Eikestad parking development and environmental and heritage protection.

1.2. Locality

The development site is located on Erven 1962-RE, 1969-1976, 1954, 6402 and 6636 Stellenbosch between Andringa, Victoria, van Ryneveld and Plein Streets, Stellenbosch (**Figure 1**). It lies north of the Stellenbosch Town Hall, and east of the Eikestad Mall.

1.3. The Proposed Development

The Municipality aims to maximise its parking facility on the site by implementing structured parking in line with the following architectural aims (**Figure 2**):

- Create direct access to the facility from both Victoria & Ryneveld Streets. No vehicular entrance point is proposed from Andringa Street to allow for the possibility of changing Andringa Street into a pedestrian only street.
- Create direct pedestrian access to the facility from the Eikestad Mall, Ryneveld Street & Victoria Street.

- Create a parking structure that sits above a half-basement with a recessed structure that elevates to two additional storeys.
- The building must fit into the rich heritage context. The aim of this proposal is to create a building that will be secondary in its importance to the context. To achieve this the building mass has been pushed to the back and centre of the site.
- Create a forecourt. This will serve as a landscape pedestrian friendly area that will connect the different parking areas. The forecourt will include the main pedestrian access to the parking facility.
- Create a layout that connects with the rich heritage value of the immediate surrounding context. The single storey shops along Andringa Street are of a high historical value. The aim is to create a lower-level street façade that responds to these neighbouring buildings.
- Create a service zone to the southern side of the site. The aim of this is to create service access to the municipal buildings on the southern side.

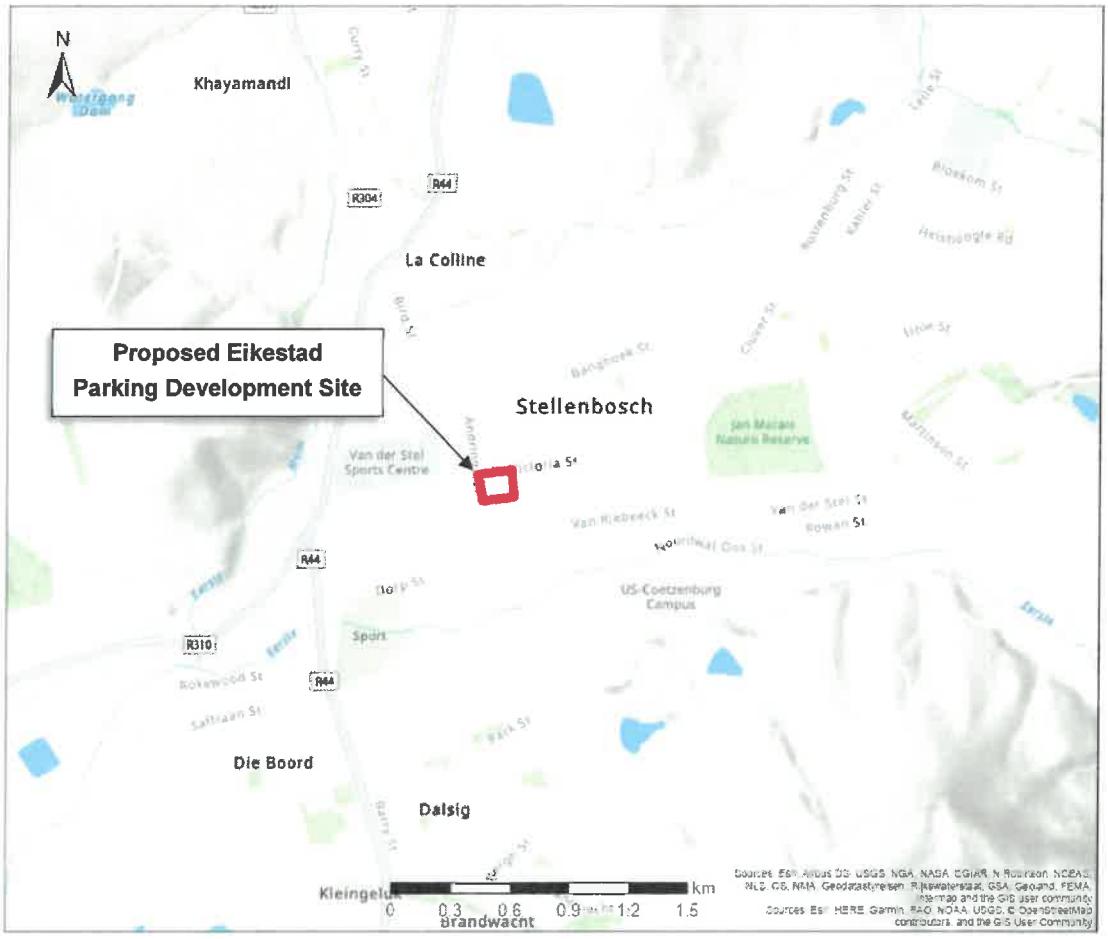


Figure 1: Eikestad Parking Development - Locality Map

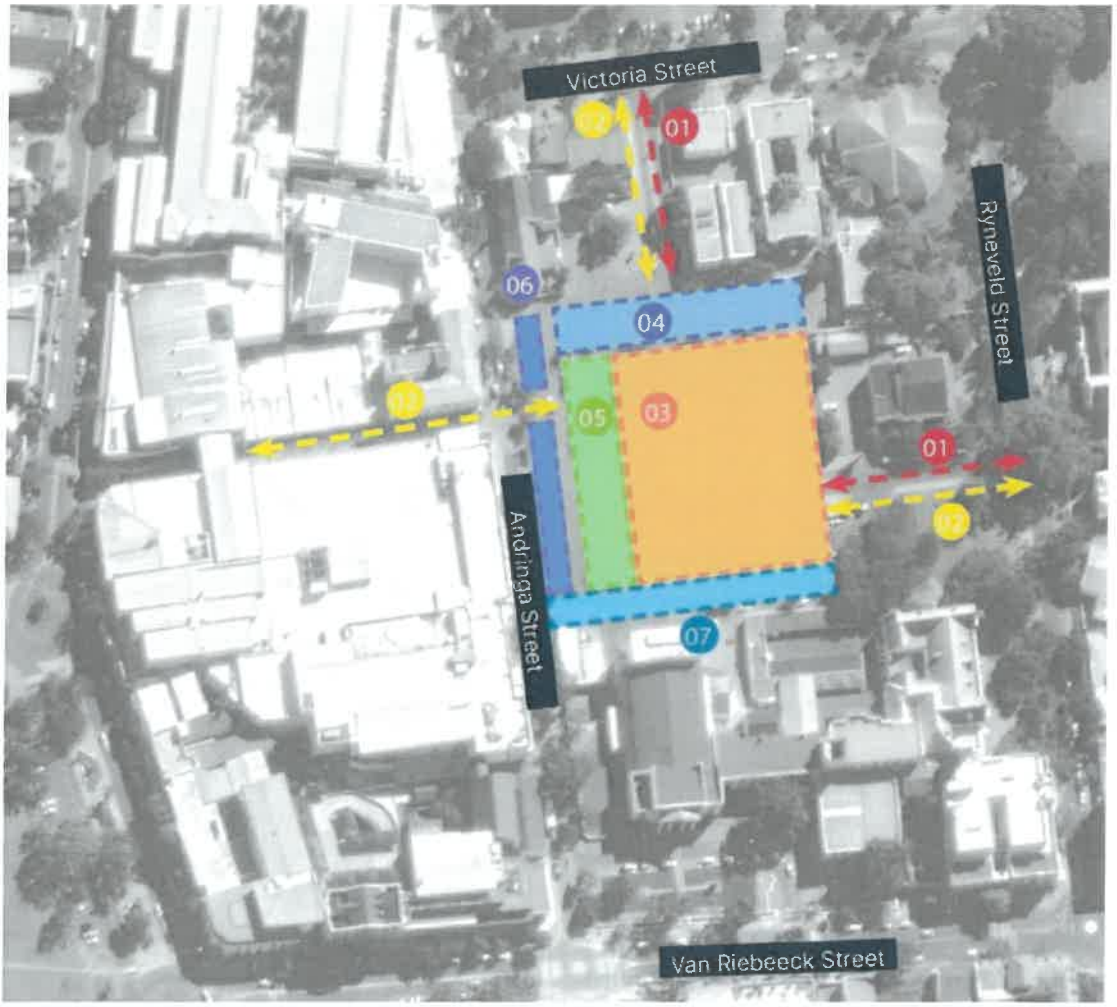


Figure 2: Proposed high-level development proposal (SMEC Architects, 2023)

2. STUDY AREA STATUS QUO

The site proposed for the development is located between the Municipality's offices on Plein Street (south), and the Stellenbosch University campus (north of the site). The Braak, an historic green space, is located one block to the west, with the main shopping mall and densest shopping area facing Bird Street located between the site and the historic open space of the Braak. Along Van Reyneveld Street, a fine streetscape with a collection of historic buildings with cultural and religious associations in the old town abuts the site. An open green space with mature trees creates the interface between the site and the street edge. Therefore, the site occupies an interesting location between government, university, commercial and cultural nodes within the town of Stellenbosch. It is currently used as a parking lot, one of the few open parking lots in this area. It is a well-used space, catering to shoppers, people visiting the nearby cultural and

municipal facilities (municipality, library, Sasol Art Museum) as well as to students. In the evenings the Adam Smal Theatre at the University and other restaurant and bar venues nearby mean that the demand for parking extends beyond daytime uses only.

At present the site is tarred across its full extent. Some Turkish Oak trees have been planted on the raised kerbs between lengths of parking bays, and two boomed entries (to Van Ryneveld and Victoria Streets) exist. There is a temporary flower stand and some storage structures (more permanent) located along the Andringa Street edge of the site (west of the site).

The site is located within a built-up urban area. As such, there is no indigenous flora and fauna, including habitats, endangered species, and ecosystems on or adjacent to the site. The closest Protected Areas to the site are the Pappegaaiberg Nature Reserve, located 900 meters to the northwest, and the Jan Marais Nature Reserve, situated 1 km to the east. The nearest terrestrial Critical Biodiversity Areas are located 1 km to the southeast and 1 km to the north of the site (**Figure 3**). Similarly, there are no watercourses or wetlands on or near the site. The nearest rivers are the Eerste River, which is situated 520 meters to the south, and the Krom River, located 800 meters to the north of the site. The closest natural wetland is positioned 1.3 km to the southeast of the site (**Figure 4**).

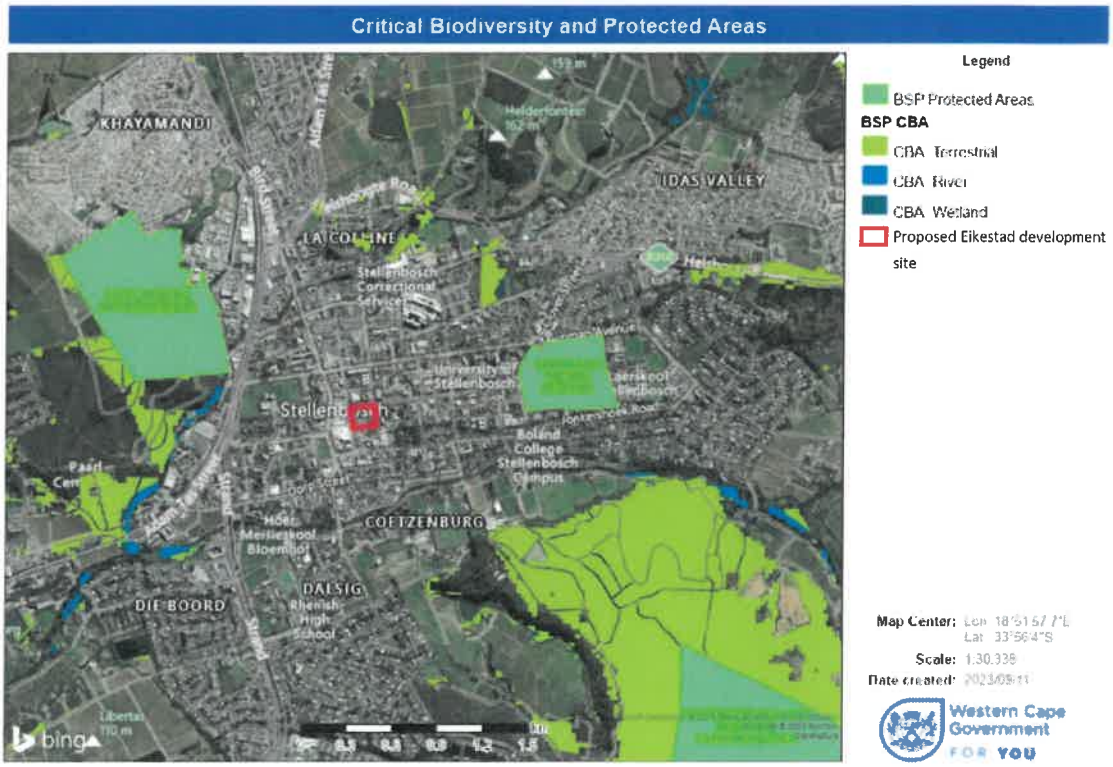


Figure 3: Critical Biodiversity and Protected Areas (CFM, 2023)

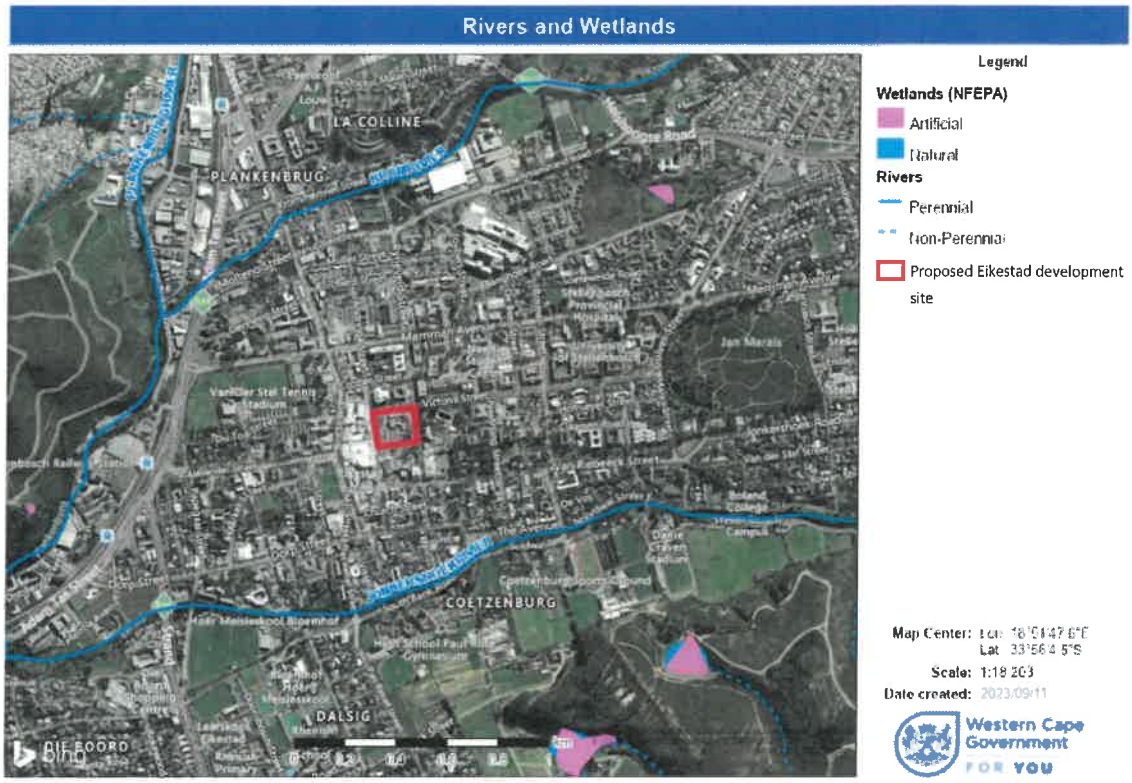


Figure 4: Rivers and Wetlands (CFM, 2023)

History of the site

According to a Middledorp/Historical Core Heritage Survey that was carried out in 2012, this parking area has no heritage significance. However, many of the buildings surrounding the site have been graded in terms of their historic significance (**Figure 5**).

The potential key heritage-related impacts will be townscape/streetscape, as well as visual impacts from an urban design and townscape perspective. The site was the location of the old Drooge Rivier stream and so archaeological impacts are possible (**Figure 6**). Note that this stream is no longer present on the site.

According to a heritage study carried out by Pistorius and Harris in 2004, the civic structure of Stellenbosch has evolved from its historic growth and topography. The subject area formed part of one of the earliest farms granted in Stellenbosch – Callabasse Kraal (granted 1683), whose werf was located behind the Skuinshuis and which was angled to align with the Drooge Rivier, running diagonally across the site. Even after the town was established in 1685, a farm grant in c1750 in the area had a T-shaped homestead which also followed the course of the Drooge Rivier, rather than the town grid.

It was between Dorp Street and the Eerste River that the early, linear 'water erf' grants were located, and this pattern of settlement is still faintly discernible in the present 21st century fabric of the town. The mountain ranges encircling the town forced the confluence of the Krom and Eerste Rivers, and these underpinned the 'natural elements' informing the character of Stellenbosch.

The key civic buildings in the town are located where the river and Dorp Street come together: the old Drostdy and the church. These buildings in turn set up their own public spaces and physical/visual axes, the most important being Church Street and Drostdy Street, which bisect at right angles and set up the grid of the core town.

The Braak forms the primary historic green space in the town and sets up two further primary routes: Bird Street to the north, and Plein/Van Riebeeck Street to the east. It was only in 1811 that Andringa Street was laid out, and Ryneveld Street was straightened, with only the Skuinshuis and old Lutheran Parsonage now reflecting the old, diagonal geometry of the early farms in this area.

Urban development in the late 19th century was influenced by the discovery of diamonds and gold in South Africa which reinvigorated the Cape economy. There had been urban densification on Plein Street as the gaps between the buildings were filled in, and many were re-built as two storey structures following the great fire of 1875: the look of Plein Street changed as thatched buildings were replaced.

In 1939 the subject site consisted of smaller buildings on all sides. The "Kruiskerk" and Erfurt House facing Van Ryneveld Street were in place, as were the small buildings on the corner of Victoria and Andringa Streets and the open, green space along Van Ryneveld Street.

By 1944, the Town Hall had been constructed and the nature of the block began to change – particularly along Andringa Street. Since the 1960s, the site has been defined by the mid-block parking lot area, which remains to this day.

Refer to **Annexure A: NID Report.**



Figure 5:Current grading map for the site approved by HWC 2012 (Abrahamse, 2023). Gradings 2 and, 3a and 3b abutting the site, are significant in terms of heritage value.



Figure 6:Map from the Harris and Pretorius study dated 2004 showing historic location of Droogte Rivier (Abrahamse, 2023)

Socio-Economic Profile of Stellenbosch

In 2020, Stellenbosch had a population of 192 879 people, with a projected growth to 209 849 by 2024 at an annual rate of 2.1%. The 65+ age group showed the highest growth rate, while household size remained stable at 3.7, possibly due to factors like lower fertility rates and an aging population.

The population density in Stellenbosch was 232 people per square kilometre in 2020. The real GDP per capita in 2018 was R62 000, higher than the Cape Winelands District and Western Cape figures, indicating economic well-being.

Income inequality increased from 2012 to 2018, with Stellenbosch having the highest Gini coefficient in 2018 compared to neighbouring municipalities. This inequality is expected to worsen due to potential impacts from the Covid-19 pandemic.

Human Development Index (HDI) in Stellenbosch improved from 0.72 in 2012 to 0.76 in 2018, reflecting better education, health, and income. This improvement correlated with GDP per capita. Regarding housing and household services, 73.4% had formal housing, the lowest in the District. Access to basic services was high, but economic stress may increase the demand for free basic services.

The local economy was valued at R16.2 billion in 2018, with growth attributed mainly to the tertiary sector. Sectors like wholesale and retail, finance, insurance, and manufacturing played key roles, while agriculture faced challenges.

Formal employment dominated in 2019, with a growing demand for skilled labour. Stellenbosch had a 11.3% unemployment rate, the second highest in the district, but lower than the Western Cape's 19.4%.

Public infrastructure spending in 2020/21 focused on social development, education, health, and human settlements. Economic infrastructure investments aimed to stimulate economic activity, primarily through transport and public works. Trading services, including wastewater and water management, electricity, and waste management, received significant allocations to improve living conditions and support businesses.

The potential socio-economic impacts associated with the proposed Eikestad development include job creation during both the construction and operational phases of the development.

(*Source: Western Cape Government: Socio-Economic Profile/Stellenbosch 2020*).

3. ENVIRONMENTAL ASPECTS CONSIDERED

This Scoping Report considers several environmental components that could potentially be impacted on by the proposed Eikestad development. The goal is to ensure that the project is developed with a full understanding of its potential effects on the biophysical and social environment and to implement mitigation measures to minimise adverse impacts.

3.1. Biodiversity and Ecological Systems

The site is located within a built-up urban area. As such, no impacts are anticipated on local indigenous flora and fauna, including habitats, endangered species, and ecosystems on and around the site.

3.2. Water Resources

No watercourses or wetlands are located on or near the site. No impacts on surface water bodies and water quality, including effects on watercourses, wetlands, rivers, have been identified.

3.3. Air Quality

No emissions or air pollution will be caused by the proposed development. As such, no impacts on ambient air quality, including greenhouse gas emissions are anticipated. The proposed parking structure will not negatively impact on ambient air quality and could potentially indirectly reduce the emission of harmful CO2 gases by reducing the driving time spent by motorists whilst searching for parking.

3.4. Land Use and Vegetation

No significant impacts on land use, vegetation cover, and changes to land patterns and use have been identified seeing that the land use will remain the same. The existing trees in the current parking area will however be lost. A tree survey must be carried out by a qualified service provider. The tree survey is to form part of the future required HIA.

3.5. Cultural Heritage and Archaeological Sites

The identification of cultural heritage sites and identification of potential impacts on historical and archaeological resources has been carried out by a Heritage and Cultural Specialist. The key heritage-related impacts envisaged will be townscape/streetscape, as well as visual impacts from an urban design and townscape perspective. The site was the location of the historic Drooge Rivier stream and so archaeological impacts are possible.

3.6. Noise and Vibration

An evaluation of potential noise and vibration impacts caused by the project and their potential effects on the surrounding environment and communities found that noise and vibration could potentially have a negative impact during the construction phase but less so during the operational phase of the development.

3.7. Social Aspects

Consideration of social factors, including the project's impact on local communities, public health, and well-being found that a public participation process is recommended as part of the Stellenbosch Municipality's Duty of Care and to ensure that the proposed development is aligned with the current cultural and historically sensitive surrounding area.

3.8. Visual and Aesthetic Impacts

An assessment of how the project may alter the visual landscape and aesthetics of the area found that strict architectural design parameters, as approved by the Heritage Western Cape, must be adhered to.

3.9. Waste and Hazardous Materials

An examination of waste generation, disposal practices, and the potential presence of hazardous materials found that the potential impact associated with waste will be negligible.

3.10. Climate Change

An analysis of how the project may impact on climate change found that sustainable green building design practices must be adhered to reduce the potential negative impact on climate change.

3.11. Energy Use and Efficiency

An assessment of energy consumption and opportunities for energy efficiency and renewable energy integration found that the proposed design must accommodate mechanisms for efficient energy consumption.

4. LEGAL AND REGULATORY FRAMEWORK

Considering environmental legislation is paramount in any decision-making process that may have ecological consequences, the following environmental legislation has been considered during the scoping process in order to ensure that the proposed Eikestad development is in line with relevant legislative guidelines and requirements.

4.1. The Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) as set out in the National Environmental Management Act (NEMA) (Act No. 107 of 1998), as amended.

It is crucial to note that the proposed development will not trigger any activities listed in the Environmental Impact Assessment Regulations of 2014 in accordance with the National Environmental Management Act (Act No. 107 of 1998), as amended. Therefore, it will not necessitate an environmental authorisation for its implementation. Importantly, the development will not have any adverse impacts on terrestrial or aquatic ecosystems.

4.2. National Environmental Management: Biodiversity Act (NEMBA) (Act No. 10 of 2004), as amended.

The site is situated within an established urban area, and consequently, the envisioned development is not anticipated to exert any adverse effects on endangered species or ecosystems, in accordance with the provisions outlined in the National Environmental Management Biodiversity Act (Act No. 10 of 2004), as amended.

4.3. National Heritage Resources Act (NHRA) (Act No 25 of 1999), as amended.

The selected site for this development is situated within a culturally and historically significant landscape and comprises 18 separate erven (as well as requiring access across two different erven), and in combination the area of the site is 18 651,2 m^2. The development of this open site into one that has a structure thereon will constitute a "change in character", thereby triggering Section 38 (1) (c) (i) of the National Heritage Resources Act.

The key heritage-related possible impacts will be townscape/streetscape, as well as visual impacts from an urban design and townscape perspective. The site was the location of the old Drooge Rivier stream and so archaeological impacts are possible.

Accordingly, the proposed project aims to seamlessly integrate with the surrounding cultural and heritage landscape by adhering to stringent architectural design guidelines and parameters, as duly approved by Heritage Western Cape (HWC).

A Notice of Intent to Develop (NID) has been prepared by the Heritage specialist which concludes that there is reason to believe the proposed development will impact on heritage, and therefore a Heritage Impact Assessment (HIA) will be required. At this stage, a Phase 1 HIA is recommended.

In addition, the following studies would be prudent to include in an overall HIA:
- A townscape and streetscape study.
- A visual assessment at the scale of the block and surrounds.
- An archaeological desktop study.
- A tree survey
- Targeted public participation

The NID; HIA and additional studies must be submitted to HWC for endorsement and subsequent approval.

4.4. National Water Act (NWA) (Act No. 36 of 1998), as amended.

The development will not invoke any water usage as defined by the National Water Act (Act No. 36 of 1998), and thus, it will not require a water use license or a General Authorization as per this legislation. The development will not have any adverse impacts on aquatic ecosystems.

4.5. National Environmental Management: Air Quality Act (NEMAAQ) (Act No. 39 of 2004), as amended.

The proposed development is not expected to release any emissions that could compromise air quality or induce air pollution, aligning with the standards delineated within the National Environmental Management Air Quality Act (Act No. 39 of 2004), as amended.

4.6. National Environmental Management: Waste Act (NEMWA) (Act No. 59 of 2008), as amended.

The proposed development will not necessitate the acquisition of any waste management permits or licenses under the purview of the National Environmental Management Waste Act (Act No. 59 of 2008), as amended.

4.7. Positive Environmental Impacts

The proposed parking facilities are expected to yield several positive environmental outcomes. Firstly, the facility will contribute to a reduction in the volume of vehicles circling in search of available parking spaces, thereby curtailing the emission of harmful CO^2 gases. This will also lead to a decrease in on-street parking demand, freeing up space for streetscape enhancements. The

centralised location of the facilities is strategically designed to encourage the utilisation of Non-Motorized Transport (NMT), thereby further alleviating traffic congestion.

5. POSSIBLE SUSTAINABLE FUTURE USE OF THE EIKESTAD PARKING STRUCTURE

In the event that it becomes necessary in the distant future, the proposed parking structure could potentially undergo re-purposing. Re-purposing is an innovative and sustainable strategy for maximising the utility of existing urban infrastructure. This transformation not only optimises land use but also contributes to a more dynamic and vibrant urban environment. Historically, parking garages have been dedicated to the singular purpose of vehicle storage. However, as urban centres evolve and respond to evolving transportation trends, re-purposing these structures has emerged as a practical and sustainable means of optimising urban space. The conversion of a parking garage into a multi-functional space has the potential to enhance the overall urban experience, advance sustainability objectives, and stimulate economic growth. Moreover, re-purposing a parking garage can significantly contribute to sustainability goals by reducing the necessity for new construction and fostering urban density.

6. CONCLUSION ON ENVIRONMENTAL CONSIDERATIONS

In conclusion, the Eikestad environmental considerations for the proposed development in Stellenbosch have been thoroughly examined to ensure that the project aligns with both ecological and heritage preservation. The Environmental Partnership conducted an extensive environmental scoping assessment to understand the potential ecological implications and sustainability aspects of the Eikestad development. This process is essential to make informed decisions and promote a harmonious coexistence between the development and environmental and heritage protection.

The project site is strategically located in the heart of Stellenbosch, surrounded by various key nodes, including government, university, commercial, and cultural areas. It currently serves as a vital parking facility for shoppers, visitors to cultural and municipal facilities, and students from the Stellenbosch University. The proposed development aims to maximise parking capacity and implement structured parking while adhering to architectural goals that respect the rich heritage context of the area.

The Scoping Report considers various environmental components, including biodiversity, water resources, air quality, land use, cultural heritage, noise and vibration, social aspects, visual aesthetics, waste and hazardous materials, climate change, and energy efficiency. Mitigation measures will be applied where necessary to minimise adverse impacts on these components.

The legal and regulatory framework has been considered, with specific attention to all relevant environmental legislation. The development of this open site into one that has a structure thereon will constitute a "change in character", thereby triggering Section 38 (1) (c) (i) of the National Heritage Resources Act. No other Environmental or Water Use authorisation is applicable to the proposed Eikestad development.

The project is expected to yield positive environmental outcomes by decreasing the on-street parking demand, and the concomitant reduction is driver frustration relating to traffic congestion and failure to find parking. The considerable time wasted in attempting to find an open on-street parking bay will also be alleviated. Furthermore, the proposed parking structure could be designed with the potential for future repurposing, aligning with sustainability objectives and contributing to a more dynamic and vibrant urban environment. This adaptability allows for urban infrastructure to evolve and respond to changing transportation trends, fostering sustainability, economic growth, and reduced construction needs.

The proposed Eikestad development has the potential to generate significant socio-economic impacts. This includes job creation during both the construction and operational phases of the development, which can contribute to the region's economic growth and employment opportunities.

In summary, the Eikestad development project has been evaluated to ensure that it not only meets its functional goals but also aligns with environmental and heritage preservation principles, ensuring that it is a responsible and sustainable addition to the Stellenbosch community.

7. RECOMMENDATIONS

The following studies must be submitted to Heritage Western Cape for endorsement and subsequent approval.

1. The Notice of Intent to Develop (NID). This will confirm the requirement for the various stages (below) of the HIA.
2. A Heritage Impact Assessment (HIA). The HIA will be submitted in two stages:
   - The Stage 1 HIA will be submitted to HWC for endorsement and will include design parameters that will have to be included in the design of the Eikestad parking structure.
   - The Stage 2 HIA will include the aforementioned design and must be submitted to HWC for approval. This can be undertaken by the successful developer/concessionaire, and not at this stage. The outcome of the Stage 1 HIA will be included as part of the set of conditions for the successful entity to incorporate and they would need to complete the Stage 2 HIA and acquire formal approval from HWC, before any construction can commence.

3. In addition to the NID and HIA, the following studies are to be completed and included in the HIA submission.
    - A townscape and streetscape study.
    - A visual assessment at the scale of the block and surrounds.
    - An archaeological desktop study.
    - A tree survey.

4. The HIA must be subjected to a 30 day public participation period. The intention is to include this requirement as part of the broader public consultation process that will be undertaken.
5. A public consultation process will be necessary to inform the public of the proposed development, the reasons for it, and how it is proposed to be carefully integrated into the existing historical fabric of the Stellenbosch CBD. Public comments received will need to be addressed so that substantive feedback is fed into the project where require.

8. REFERENCES

Abrahamse, C. (2023). Section 38 Notification of Intent to Develop. October 2023.

Pistorius, P. and Harris, S. "Stellenbosch Stadshuis Urban Block Heritage Study". Unpublished study for the Municipality of Stellenbosch: Stellenbosch, 2004.

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ANNEXURE A –
NOTICE OF INTENT TO DEVELOP REPORT

SECTION 38 NOTIFICATION OF INTENT TO DEVELOP

ERVEN 1962-RE, 1969-1976, 1954, 6402 and 6636 STELLENBOSCH

BETWEEN ANDRINGA, VICTORIA, VAN RYNEVELD AND PLEIN STREETS, STELLENBOSCH

October 2023



Prepared for

Stellenbosch Municipality

by

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SECTION 38 NOTIFICATION OF INTENT TO DEVELOP

ERVEN 1962-RE, 1969-1976, 1954, 6402 and 6636 STELLENBOSCH

BETWEEN ANDRINGA, VICTORIA, VAN RYNEVELD AND PLEIN STREETS, STELLENBOSCH

October 2023

PROPERTY DETAILS:

Physical Address of Property:	Centre of the block bounded by Andringa, Victoria, Van Ryneveld and Plein Streets, Central Stellenbosch.
Erven:	1962-RE, 1969-1976, 1954, 6402 and 6636 Stellenbosch.
Co-ordinates (centre point):	33.935894°S 18.861783°E
District/Municipality:	Stellenbosch.
Current Land Use:	At grade parking.
Current Zoning:	Road and Parking Zoning, Mixed Use.
Predominant Surrounding Land Use:	Retail/commercial, civic uses, offices.
NHRA "Trigger":	No. of erven – see table below.

No	Erf	Area
1	1962-RE	11270,5 m²
2	1976	1085,9 m²
3	1975	1083,2 m²
4	1974	1085,7 m²
5	1973	1080,4 m²
6	1972	855,3 m²
7	1971	385 m²
8	1970	437,1 m²
9	1969	348,5 m²
10	1958	395,7 m²
11	6402	115 m²
12	6636	508,9 m²
TOTAL AREA:		18651,2m²

PURPOSE OF THIS REPORT:

This report is intended to accompany and provide further information for the Section 38 Notification of Intent to Develop form that must be provided to Heritage Western Cape when a development that will change the character of a site comprising 3 or more erven is being contemplated.

PROPERTY DESCRIPTION AND LOCATION:

The erven in question form the central area of a block in the middle of Stellenbosch, being located between the Municipality's offices on Plein Street, and the Stellenbosch University campus.

The Braak is located one block to the west, with the main shopping mall and densest shopping area facing Bird Street located between the site and the historic open space of the Braak. Along Van Reyneveld Street, a fine streetscape with a collection of historic buildings with cultural and religious associations in the old town abuts the site. Another positive, open green space with mature trees creates the interface between the site and the street edge.

Therefore, the site occupies an interesting location between government, university, commercial and cultural nodes within the town of Stellenbosch. It is one of the few open parking lots in this area, and is busy throughout the day, catering to shoppers, people visiting the nearly cultural and municipal facilities (municipality, library, Sasol Art Museum) as well as to students. In the evenings the nearby Adam Smal Theatre at the University and other restaurant and bar venues nearby mean that the demand for parking extends beyond daytime uses only.

At present the site is tarred across its full extent. Some Turkish Oak trees have been planted on the raised kerbs between lengths of parking bays, and two boomed entries (to Van Ryneveld and Victoria Streets) exist. There is a temporary flower stand and some storage structures (more permanent) located along the Andringa Street edge of the site.

The site is owned by the Stellenbosch Municipality.

See Figure 1 – locality plan – as well as Figure 2A to 2G for photographs of the site and surrounds.

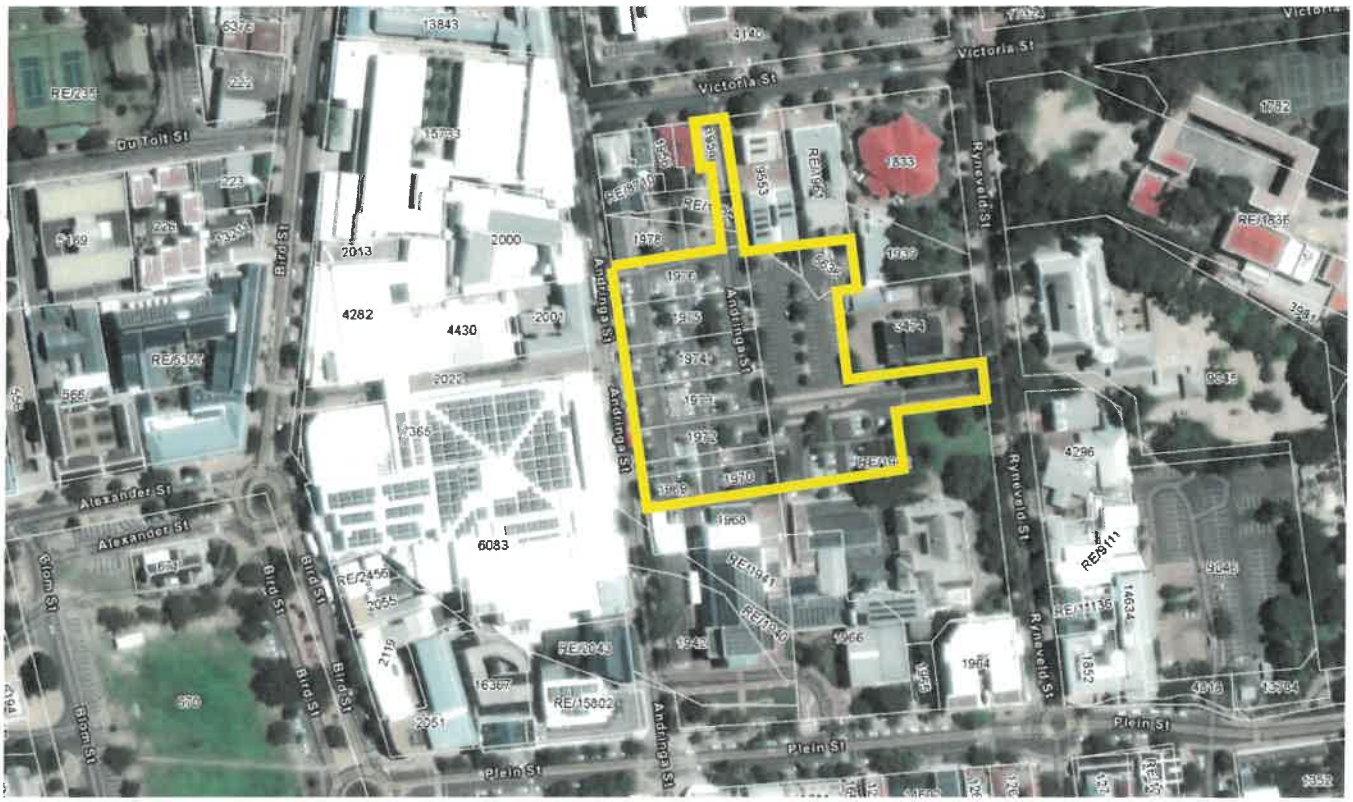


Figure 1B: Site plan with the site outlined in yellow.
(Source: Cape Farm Mapper).

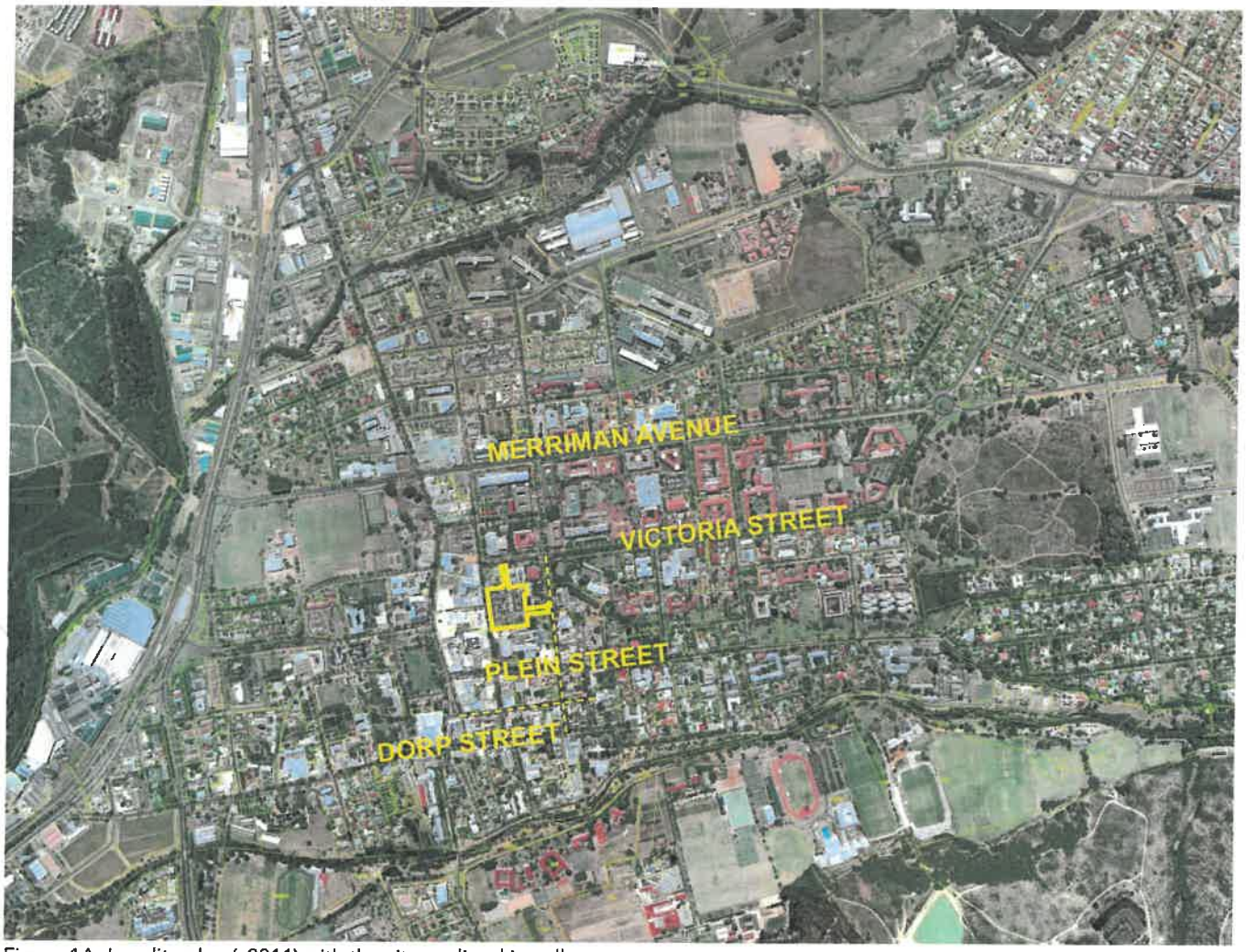


Figure 1A: Locality plan (c2011) with the site outlined in yellow.
(Source: Surveyor General).



Stellenbosch: Underlying Structuring Elements: nodes, landmarks, axes.
Figure 2 (Source: Abrahamse, Stellebosch Municipality Heirtage Survey).

HISTORY OF THE PROPERTY:

Stellenbosch's civic structure has evolved from its historic growth and topography.

Pistorius and Harris note that the subject area formed part of one of the earliest farms granted in Stellenbosch – Callabasse Kraal (granted 1683), whose werf was located behind the Skuinshuis and which was angled to align with the Drooge Rivier, running diagonally across the site (2004: 7). Even after the town was established in 1685, a farm grant in c1750 in the area had a T-shaped homestead which also followed the course of the Drooge Rivier, rather than the town grid.

> Fransen's reconstructed map of 1770 [Fig. 3] shows the two diagonal watercourses and Plein Street at the bottom with the T-shaped homestead, later the Wesleyan Parsonage (and the present site of the Town Hall). Ryneveld Street is on the right, cranking as it crosses the Drooge Rivier and passes the Skuinshuis. Plein Street was a definite edge between the urbanity of the village core and farmland [to the north] (2004: 7).

It was between Dorp Street and the Eerste River that the early, linear 'water erf' grants were located, and this pattern of settlement is still faintly discernible in the present 21st century fabric of the town (Figure 2). The mountain ranges encircling the town forced the confluence of the Krom and Eerste Rivers, and these underpinned the 'natural elements' informing the character of Stellenbosch.

The key civic buildings in the town are located where the river and Dorp Street come together: the old drostdy and the church. These buildings in turn set up their own public spaces and physical/visual axes, the most important being Church Street and Drostdy Street, which bisect at right angles and set up the grid of the core town.

The Braak forms the primary historic green space in the town and sets up two further primary routes: Bird Street to the north, and Plein/Van Riebeeck Street to the east.

It was only in 1811 that Andringa Street was laid out, and Ryneveld Street was straightened, with only the Skuinshuis and old Lutheran Parsonage now reflecting

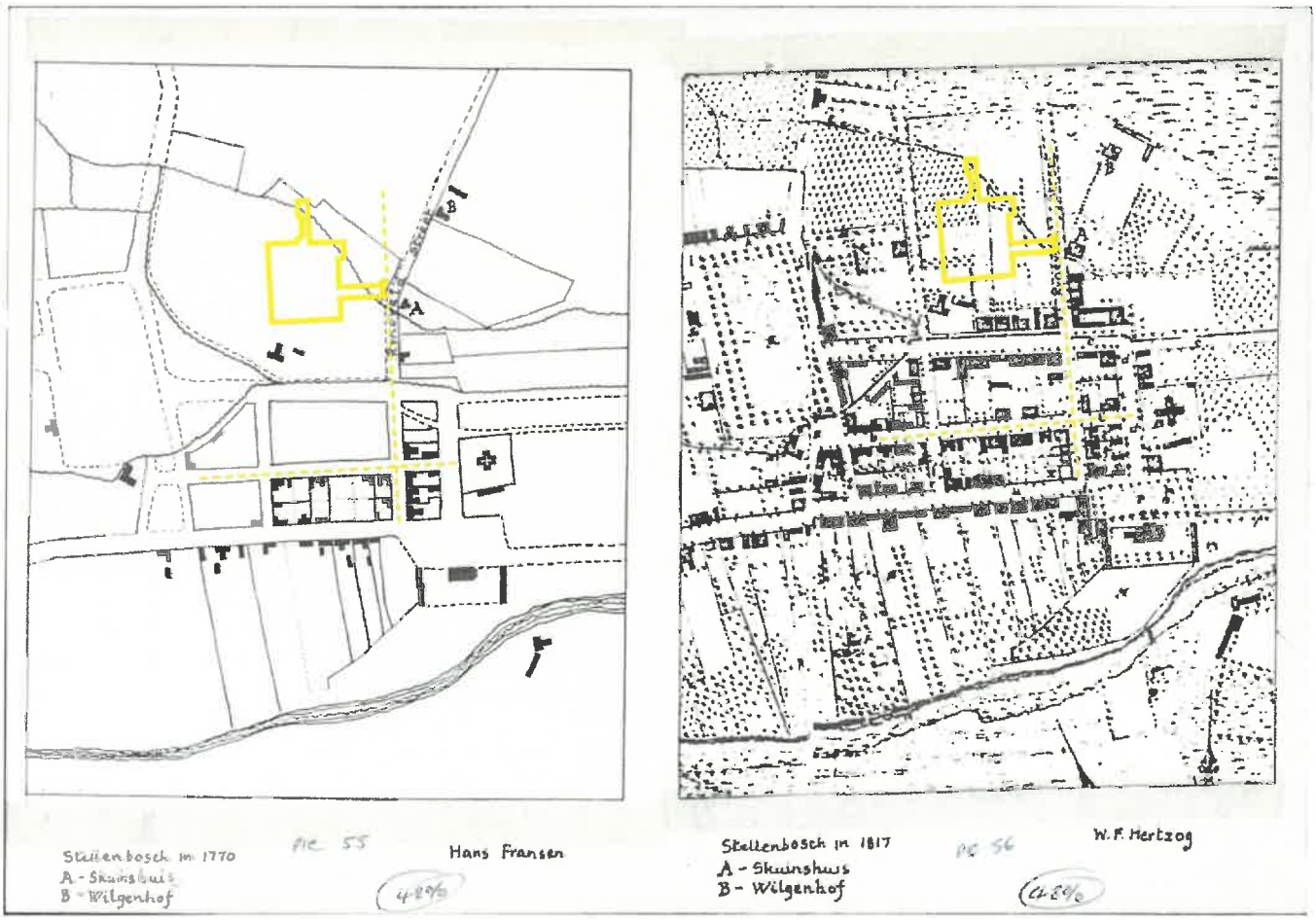


Figure 3: Fransen's reconstruction of the town in c1770, with the Hertzog plan of 1817 alongside. (Source: SUN Digital Archive).

the old, diagonal geometry of the early farms in this area. Harris and Pistorius describe the rural nature of buildings in this area:

> In 1812 a single storey gabled house was built on the corner of Plein and Ryneveld Street (Oude Bloemhof) and by 1817 Plein Street became lined with thatched buildings like it. They had long rear gardens reaching back to the Drooge Rivier which still ran diagonally across the northern part of the block. The urban ribbon extended up Ryneveld Street but Andringa was very rural, with a farm werf mid-way up it.

Urban development in the late 19th century is seen in Fransen's reconstructed map of 1905 (Figure 4). The discovery of diamonds and gold in South Africa reinvigorated the Cape economy. There had been urban densification on Plein Street as the gaps between the buildings were filled in, and many were re-built as two storey structures following the great fire of 1875: the look of Plein Street changed as thatched buildings were replaced (Harris and Pistorius, 2004: 8).



Figure 3: Fransen's reconstruction of the block in c1905 (Source: Pistorius and Harris, 2004).

> Erfurt House (1876) on Ryneveld Street sat as an object in the landscape, surrounded by balconies and a formal garden. And following the founding of Victoria College in 1866 the area along Victoria Street acquired several double storey residences that soon doubled as boarding houses, especially after the Ou Hoofgebou was opened across the street in 1886. Crozier House and Bergville both date from this time and there were others nearby that have been demolished. Later, terraced villas were built on the corner of Andringa and they reached down that street to meet the urban ribbon advancing northward. Additions and alterations were constantly being made. At the south end of Andringa, for example, the Liquor store was converted from its late Georgian character to the extravagant Edwardian building seen today.

In 1939 the subject site consisted of smaller buildings on all sides (Figure 4). The "Kruiskerk" and Erfurt House facing Van Ryneveld Street were in place, as were the small buildings on the corner of Victoria and Andringa Streets and the open, green space along Van Ryneveld Street.

By 1944, the Town Hall had been constructed and the nature of the block began to change – particularly along Andringa Street (Figure 5). The so-called "Battle of Andringa Street" occurred at this time, where local, Coloured residents and White university students were involved in violent confrontations following a skirmish that broke out at the corner shop while people were waiting to obtain a copy of the late edition of the Cape Argus on the 27th July 1940 (Grundlingh, 2012).

This incident shows that there were Coloured families living in Andringa Street at the time, but by 1966 the houses facing Andringa Street had been demolished and the parking lot established, although there was a larger area of green retained within the block (Figure 6). It was on the 25th September 1964 that 'Die Vlakte' was proclaimed a White Group Area. Besides the considerable number of Coloured people who were removed from the area as a result, six schools, four churches, a mosque, a cinema and ten business enterprises were also affected in various ways. The removal of people from the town centre to Ida's Valley and the present-day Cloetesville took place, bit by bit, until about 1970 (SMHS, 2008). There has, however, been no direct connection made between the removal of these houses and the Group Areas Act.

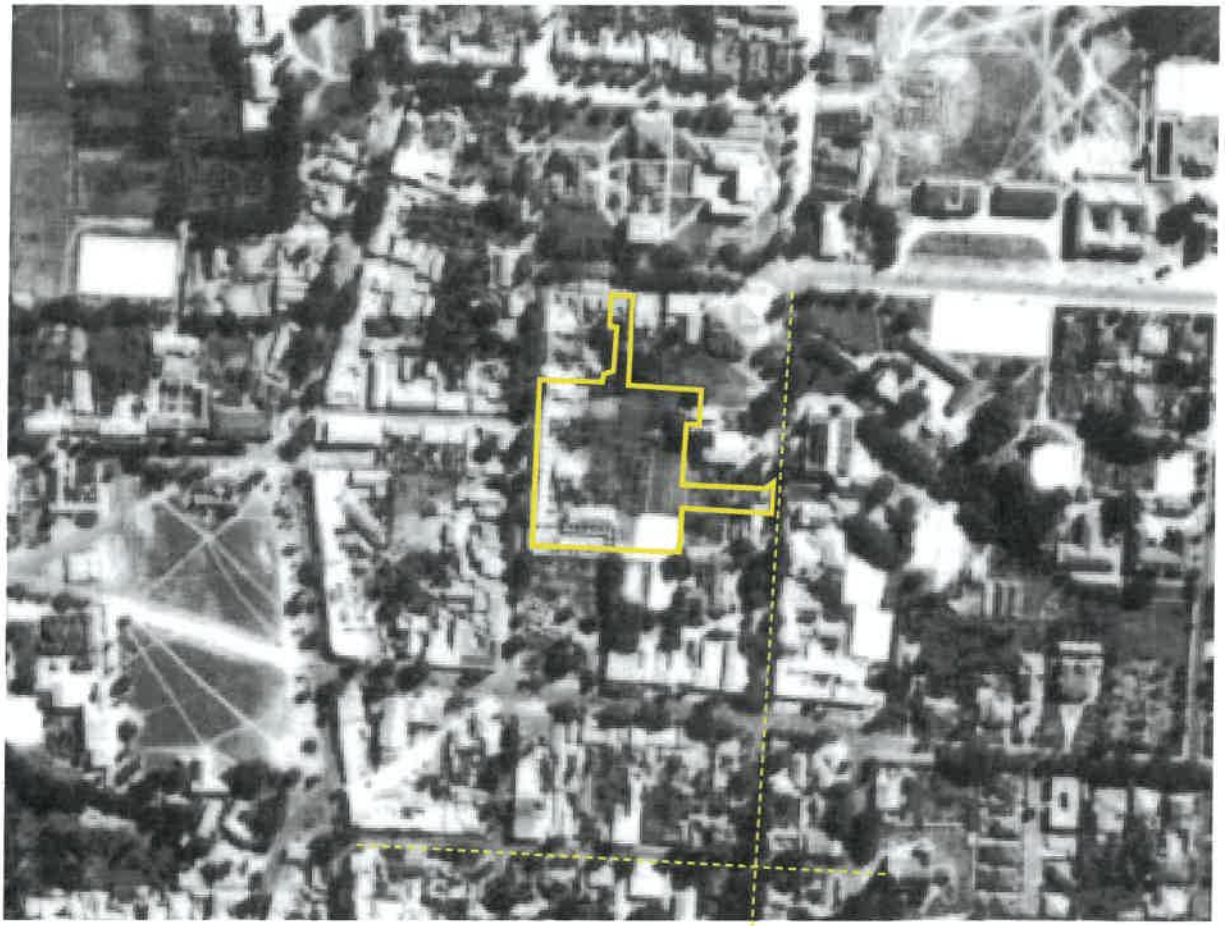


Figure 4: 1939 aerial photography for the site and surrounds (Source: NGI Mowbray).

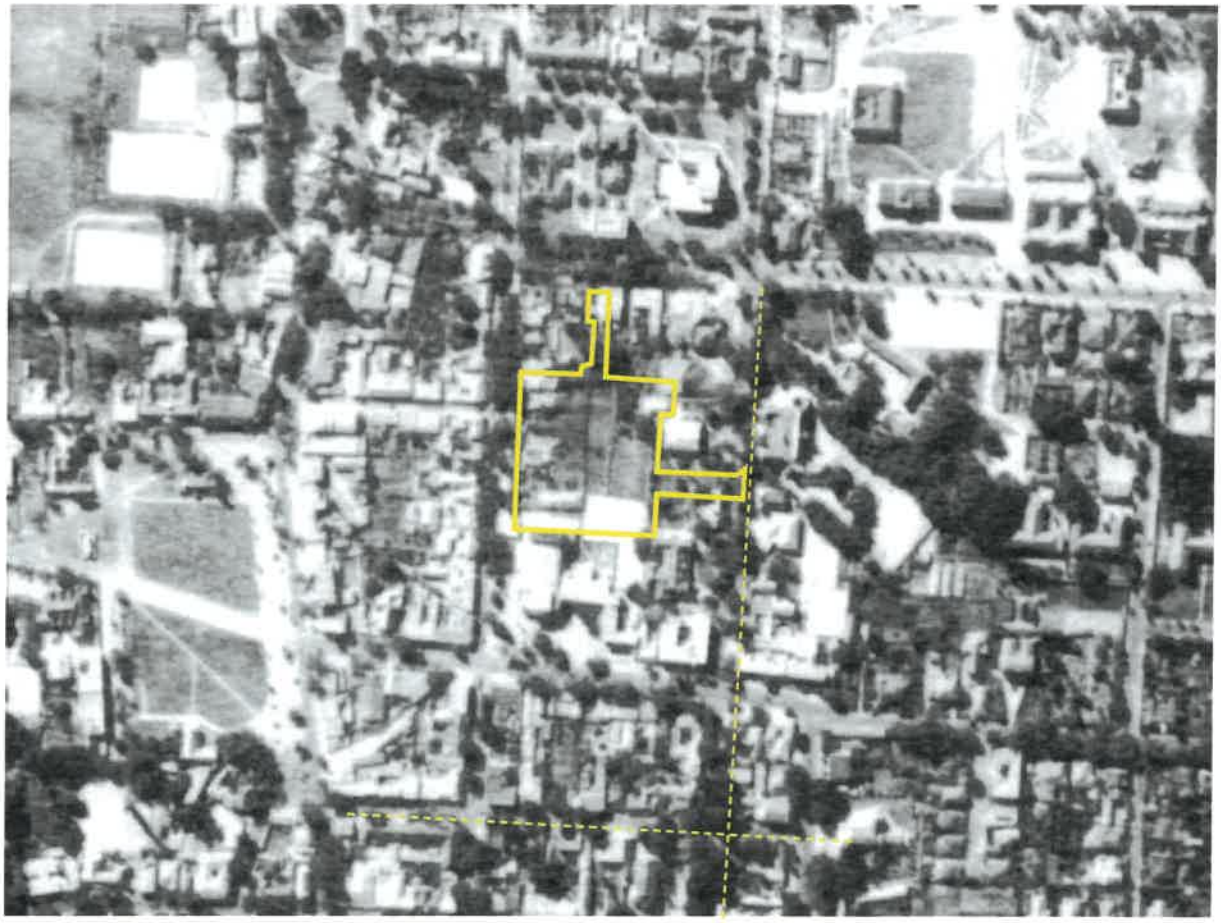


Figure 5: 1944 aerial photography for the site and surrounds (Source: NGI Mowbray).



Figure 6: 1966 aerial photography for the site and surrounds (Source: NGI Mowbray).



Figure 7 (left): Pistorius and Harris' 2004 dating of fabric map for the block.

Since the 1960s, the site has been defined by the mid-block parking lot area, which remains to this day. Pistorius and Harris note:

> In 1976 the Municipality took advantage of the unbuilt centre of the Stadhuis block to establish a large parking area to serve the civic and commercial centre of the town. Much of the urban ribbon along Andringa Street and a house on Victoria Street were demolished to provide more parking and access to it (2004: 8).

Their fabric dating map for the block has been replicated here, as Figure 7.



Figure 8A: View down the pedestrian link towards Bird Street from Andringa Street.



Figure 8B: View down Andringa Street towards Plein Street.



Figure 8C: View from the north-eastern corner of the parking lot, looking north-west.



Figure 8D: View across the civic node facing Plein Street.



Figure 8E: View across the open green space along Ryneveld Street, looking towards Neethling House.



Figure 8F: View looking south-east behind Erfurt House, towards the Municipal buildings.



Figure 8G: View looking north-west to the backs of the heritage buildings at the corner of Andringa and Victoria Streets.



Figure 8H: View of the access from Victoria Street.



Figure 8I: General view of the parking area.



Figure 8J: Protected heritage building adjacent to the site along Andringa Street.



Figure 8K: View along Andringa Street, showing the character of the street.



Figure 8L: View of the treed municipal parking area to the south-east of the site, near the Ryneveld Road entrance and green space

GRADING AND SIGNIFICANCE:

The site has been considered in numerous conservation-related studies. The findings of each are summarized below.

The Stellenbosch Conservation Strategy: Development Guidelines by KrugerRoos (1997)

The block was identified as part of a Key Precinct requiring a detailed Urban Design Framework "to facilitate proactive development, enhance the context of the conservation area and provide opportunities for both public and private investment" (1997: 26).

The precinct is described in that report as "the transition zone between the University and the Historical Core. It contains significant historical building stock, such as the Ryneveld Street buildings, the Wilgenhof forecourt, the Sasol Art Gallery and the row of shops linked by an arcade to the parking area adjacent to the Botanical Gardens, as well as relatively recent development such as the Town Hall complex and parking area, and the pedestrianisation of Beyers Street.

The inherent opportunities identified in the Precinct include:

- The provision of a pedestrian link from the University to the Core.
- The conversion of the parking area into a positive public space and cultural centre.
- The possible conversion of the parking area at the rear of the Town Hall as a public space, which could still accommodate parking.

See Figure 9.

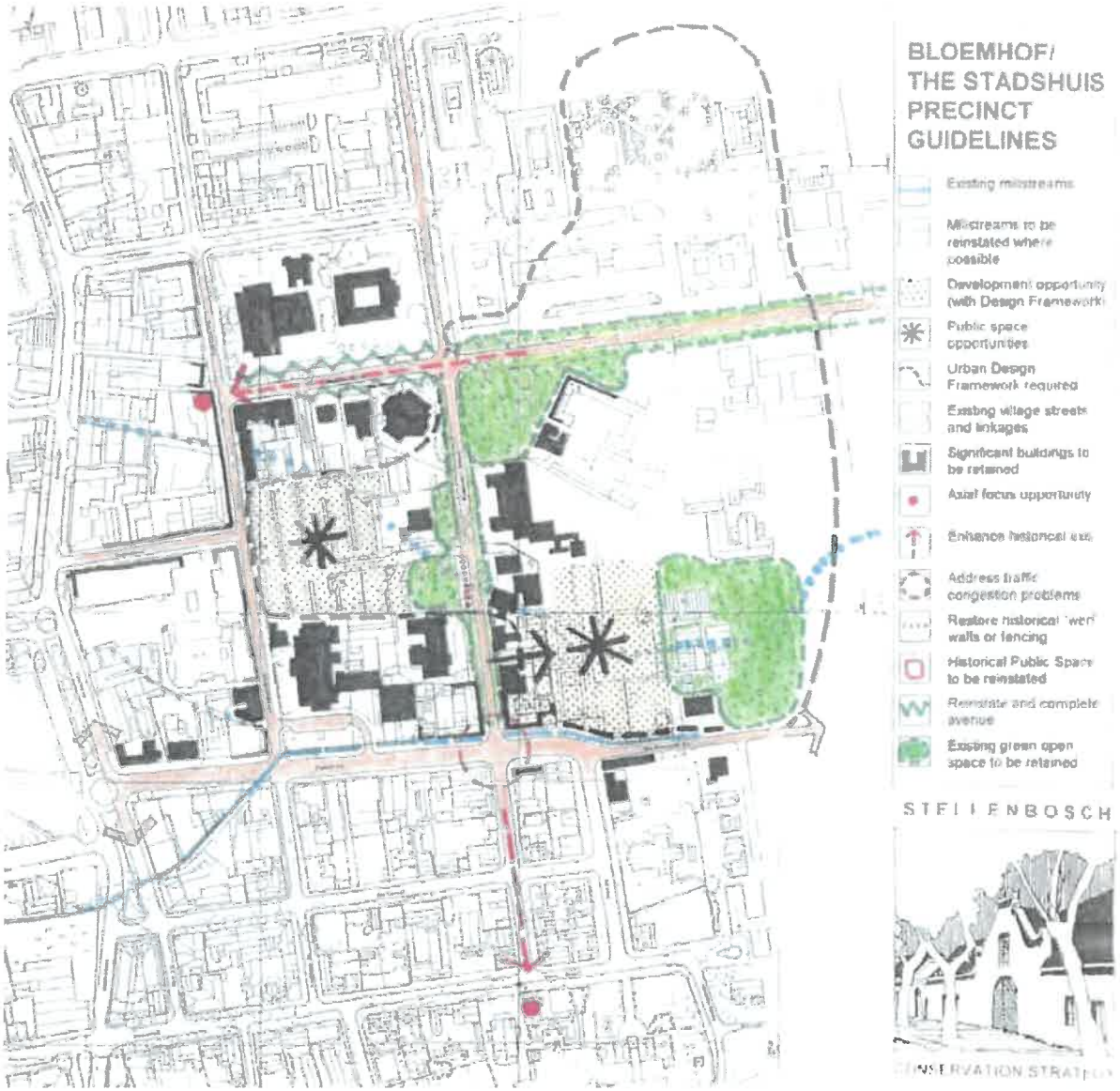


Figure 9: Guidelines for the Stadshuis Block by KrugerRoos, 1997.

Conservation Survey of all Buildings in the Historical Core by KrugerRoos (1998).

The study assessed heritage values primarily in terms of visual and architectural criteria, using also historical information from Fransen and Cook's Old Buildings of the Cape (1980).

See Figure 10.

Urban Design Study for the Stadshuis Block by KrugerRoos (2004).

The project aimed to take various previous policy statements regarding linkages between public spaces, and identified development opportunities and public space projects. Conceptual urban design proposals for the block were presented in Phase 1 of the project (Figure 11 - overleaf).

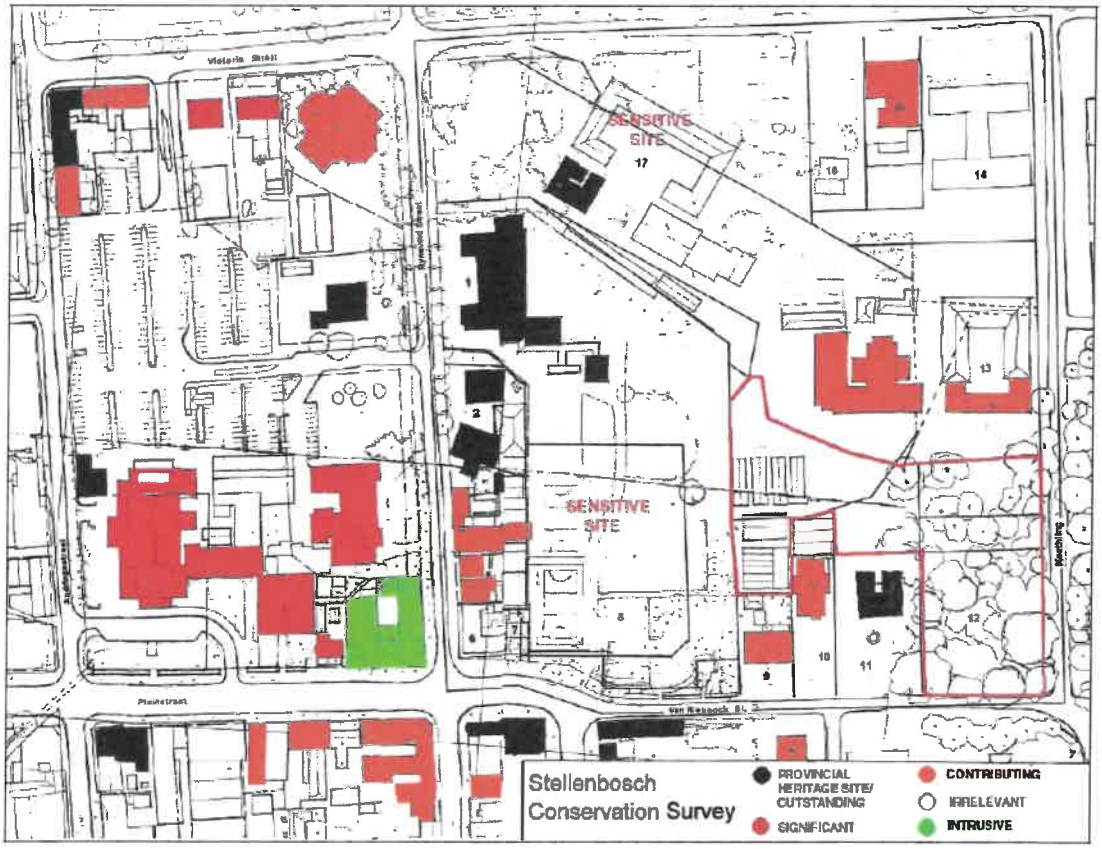


Figure 10: Heritage values according to Stellenbosch Conservation Survey, KrugerRoos, 1998. (Source: Harris and Pretorius, 2004).

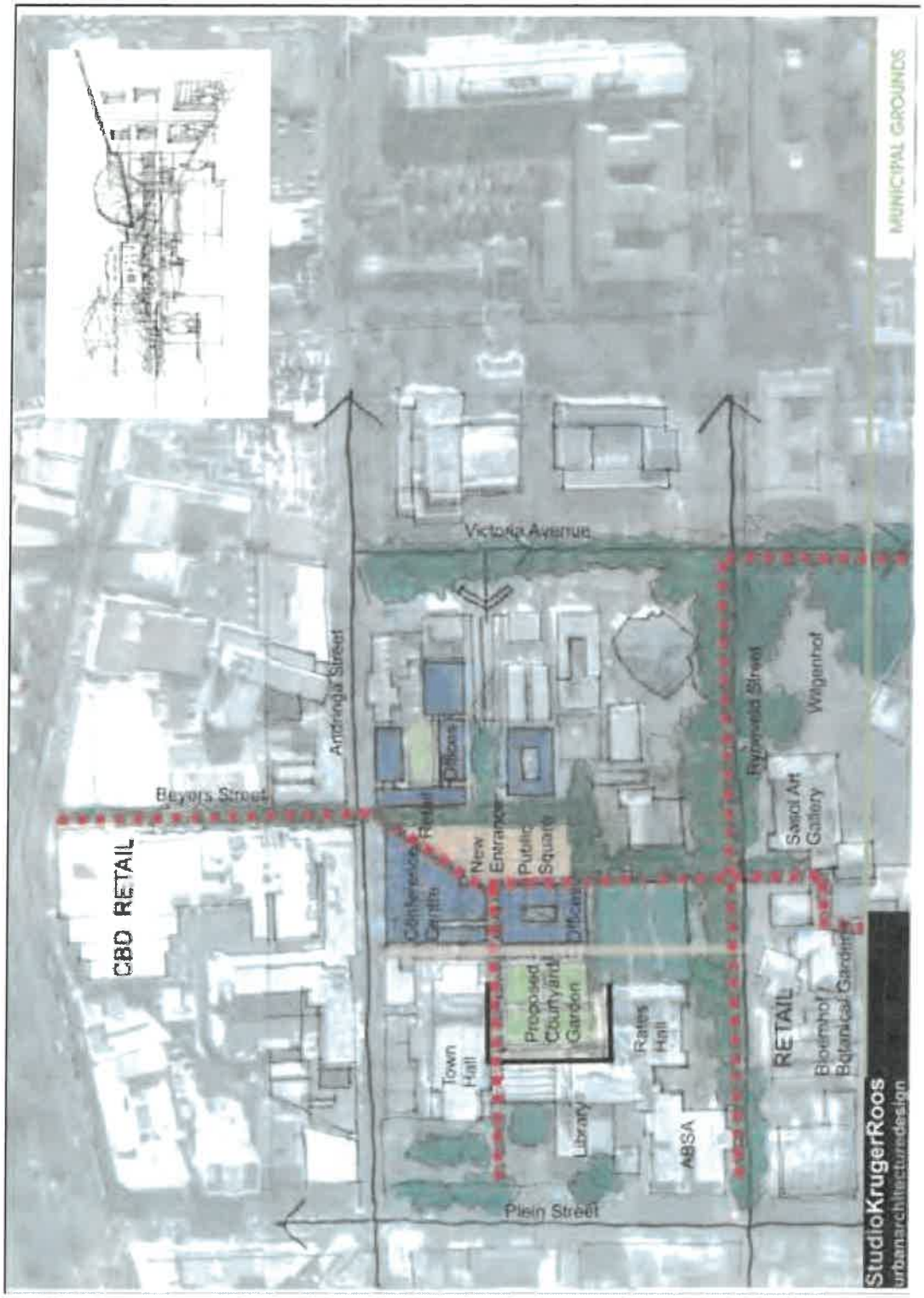


Figure 11: KrugerRoos sketch of concept for Stadshuis block, 2004.
(Source: Harris and Pretorius, 2004).

Stadshuis Urban Block Heritage Study by Pistoris and Harris (2004).

Pistorius and Harris undertook a parallel heritage study of the block in 2004, and came up with key heritage-based design indicators. These are:

Role, Structure and Form

- The multiple roles of this urban block are part of its character and should be accommodated and resolved in any development proposal:
  - The role of the southern part of the block as the civic centre of Stellenbosch is very important. Municipal functions have overflowed into other buildings on and off the block and become fragmented. Development should consolidate, strengthen and enhance the public role and stature of the "Civic Precinct", particularly by bringing the citizens there.
  - The western edge of the site was historically part of a ribbon of development along Andringa Street; re-development of this edge as part of the retail precinct would help to revitalise the area opposite it as well.
  - The relationship of the north east part of the block to the University precinct is not well resolved and could be improved by urban design.
  - The importance of convenient parking for the civic centre and commercial uses around the block is acknowledged. However, the impact of the parking area in terms of traffic generation and congestion in the historical core and its negative spatial and urban impact is problematic. While parking will have to be accommodated on the site, it should be as visually unobtrusive as possible: underground, where feasible, and screened by buildings and shaded by trees on the surface.
  - Some residential usage should be encouraged as part of the mixed-use character of the block, particularly on the northern part.
- The relationship (and potential relationships) between development of this block and the possible development of the Bloemhof site should be taken into consideration and their respective roles clarified. Possible developments which have been discussed in relation to these sites include a conference centre and a tourist hotel. Either or both would be suitable if appropriately designed.
- Development on the block should be structured like a contemporary extension of the village: broken up into clusters of buildings scaled in response to their immediate context and placed around people-scaled spaces and "streets". There is potential for the block to be divided into two parts by at least one east-west street (accommodating cars and people and with the scale, texture and treescape of the village).
- The scale and grain of any development on the block should respond directly to the scale and grain of the urban fabric of the historical core around it. This should be tested from the earliest stages of design through the use of figure-ground plans of the proposals drawn in the context of the fabric of the town around the block.
- Recognise and formalise existing pedestrian routes across the block, and where possible manage them as public paths which are part of the town. Security for any development should be at points of access to buildings.
- Increase and improve pedestrian permeability of the block, especially from Plein Street. Ensure that vehicular access is compatible with pedestrian access, and give the latter priority.
- There are opportunities to make a public "place" (square, plaza, court) or a series of connected places along routes through the development.

Parking and vehicular access

- Any increase of vehicular traffic in the historical core is regarded as a negative heritage impact. Similarly, reduction of on-street parking in the narrow streets of the historical village would be a positive heritage impact.

- The parking areas at the Stadshuis block and Bloemhof are conveniently located for users of the facilities in the centre of town, and the need for parking to be a part of development is acknowledged. However, cars should be discouraged from accessing parking via the historical core. The approach to the Stadshuis parking via Andringa Street has a very negative impact on the character and pedestrian use of that street (as do goods deliveries), and has traffic impacts beyond the immediate site, particularly on the west part of Plein Street and the Braak. We have suggested that potential parkers should be encouraged to bypass the heart of the historical core by using Merriman and Ryneveld Streets.
- In the Bloemhof study we suggested a study of the possibility of making Ryneveld Street between Plein and Merriman a two-way road, with appropriate urban design modifications. We envisaged it as a calm, dignified "university" boulevard, with grand buildings set back from the street, broad pavements in the shade of trees, and parked cars clustered in "courts" or hidden behind the buildings. The existing traffic calming measures between Victoria and Merriman Streets (raised, brick-paved pedestrian crossings) could be extended southwards, facilitating the existing east-west pedestrian movement between the Stadshuis block and Bloemhof and the University.
- Provision for surface planting of trees will need to be made in the design of the underground parking area.

See Figure 12 for a diagram of these indicators.

Middledorp/Historical Core Heritage Survey (2012).

The survey noted that the Eikestad Mall Parking had no heritage significance. However, many of the buildings surrounding the site have been graded (Figure 13).



Figure 13: The current grading map for the site, with the grading of the various structures around the site indicated. These gradings were approved by HWC in 2012.



Figure 12: Harris and Pretorius' spatialised heritage-based design indicators for the block, 2004.

THE PROPOSED DEVELOPMENT:

The Municipality would like to maximise their parking facility on the site. As such, they would like structured parking to be realised on the site, together with the following architectural aims:

1. Create direct access to the facility from both Victoria & Ryneveld Streets. No vehicular entrance point is proposed from Andringa Street to allow for the possibility of changing Andringa Street into a pedestrian only street.
2. Create direct pedestrian access to the facility from the Eikestad Mall, Ryneveld Street & Victoria Street.
3. Create a parking structure that sits on top of a half-basement with a recessed structure that elevates to 2 additional storeys.
4. The building has to fit into a rich heritage context. The aim of this proposal is to create a building that will be secondary in its importance to the context. In order to achieve this the building mass has been pushed to the back and centre of the site.
5. Create a forecourt. This will serve as a landscape pedestrian friendly area that will connect the different parking areas. The forecourt will include the main pedestrian access to the parking structure.
6. Create a layout that connects with the rich heritage value of the immediate surrounding context. The single storey shops along Andringa Street are of a high historical value. The aim is to create a lower level street façade that responds to these neighbouring buildings.
7. Create a service zone to the southern side of the site. The aim of this is to create service access to the municipal buildings on the southern side.

See Figure 15.

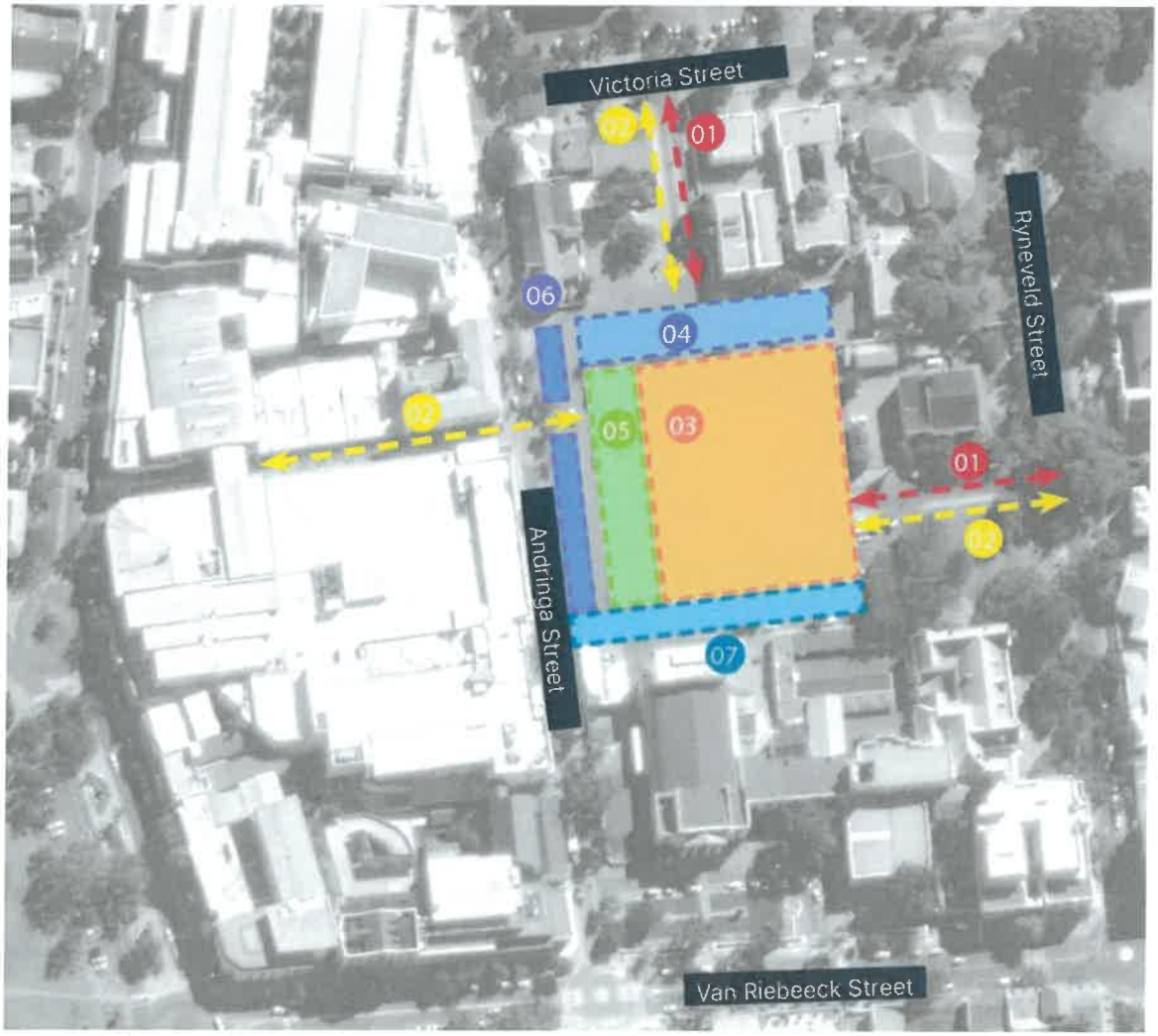


Figure 14: The current, high-level development proposal for the site, by SMEC Architects, 2023.

NHRA "TRIGGERS" AND LIKELY IMPACTS:

Because the site comprises 18 separate erven (as well as requiring access across two different erven), and in combination the area of the site is 18651,2m^2, the development of this open site into one that has a structure thereon will constitute a "change in character", thereby triggering Section 38 (1) (c) (i) of the National Heritage Resources Act.

The key heritage-related possible impacts will be townscape/streetscape, as well as visual impacts from an urban design and townscape perspective. The site was the location of the old Drooge Rivier stream and so archaeological impacts are possible.

RECOMMENDATION:

This NID therefore assesses that there is reason to believe the proposed development will impact heritage, and therefore an HIA should be required. In addition, the following studies would be prudent to include in an overall HIA:

- A townscape and streetscape study;
- A visual assessment at the scale of the block and surrounds;
- An archaeological desktop study.

Claire Abrahamse

October 2023

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Kruger, M. and Roos, P. "Stellenbosch Conservation Strategy Development Guidelines: A Study Undertaken for the Department of Planning and Development: Stellenbosch Municipality". 1997.

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Stellenbosch Heritage Foundation et al. "Stellenbosch Heritage Survey 2012". 2012.

Appendix C Geotechnical Report and Traffic Analysis

Refer to electronic file below:

https://surbanajurong.sharepoint.com/:f:/s/africa/C1978/Eg1o2C1hQf9HgwW9pAvSNNYBgzJh8GhN-B_ev3R-9v0TgTA?e=bSqOqy

Appendix D PPP Reference and Risk Adjusted Model

Refer to electronic file below:

https://surbanajurong.sharepoint.com/:f:/s/africa/C1978/ErU2CXLJXMREoo5_oBsAt3cBoV2K6-KIxMUp-fe_NHIyaQQ?e=4yTOTx

Summary:

Scenario	Net Present Value (R)	Internal Rate of Return (%)	Accounting Rate of Return (ARR) (%)
Base Scenario	-R24 399 268	4.63%	7.97%
Scenario 1	-R20 725 451	-3.66%	7.97%
Scenario 2	-R7 412 723	7.37%	8.94%
Scenario 3	R16 600 390	12.04%	10.68%
Scenario 4	R20 871 134	12.82%	11.00%
Scenario 5	R34 206 969	15.20%	11.97%
Scenario 6	R30 363 253	14.62%	11.82%
Discount Rate	10.31%		

Assumptions Scenario's
Base Scenario & Scenario 1
Eikestad Parking
30% of people parking illegal will use the parking facility

Scenario 2
Eikestad Parking
30% of people parking illegal will use the parking facility
Overflow

Scenario 3
Eikestad Parking
30% of people parking illegal will use the parking facility
Overflow
70% Church Rd

Scenario 4
Eikestad Parking
30% of people parking illegal will use the parking facility
Overflow
70% Church Rd
Growth 2.57% until Opeing year 2026

Scenario 5
Eikestad Parking
30% of people parking illegal will use the parking facility
Overflow
70% Church Rd
Growth 2.57% until Opeing year 2028 (80% capacity)

Scenario 6
Eikestad Parking
30% of people parking illegal will use the parking facility
Overflow
70% Church Rd
Growth 2.57% until Opeing year 2028 (80% capacity)
Night parking + Month Parking

Discount Rate Calculation

Risk free rate	14.138
Beta	1
Expected Return	16
Market risk premium	1.666
CAPM (Cost of equity)	16.00
Cost of equity (RE)	16.00%
Cost of debt (Rd)	12.75%
Corporate tax rate 2024 (TC)	27%

	%	Weight	%
st of equity (RE)	16.00%	15	2%
Cost of debt (Rd)	12.75%	85	8%
WACC			10.31%

Notes:

Risk free rate — *The risk free rate is the nominal rate obtained from the Reservebank Website.*
(https://www.resbank.co.za/en/home/publications/publication-detail-pages/prudential-authority/pa-insurers/Insurance-Sector-Data/pa-risk-free-rates/202

Beta — *The Beta is to weight the cost of equity to account for the risk. Due to the fact that this project doesn't hold additional or l*

Expected return — ???

https://www.investopedia.com/terms/c/capm.asp#toc-who-came-up-with-the-capm
https://www.investopedia.com/terms/w/wacc.asp#toc-wacc-formula-and-calculation
https://www.investopedia.com/terms/w/wacc.asp#:~:text=WACC%20can%20be%20calculated%20by,a%20given%20project%20or%20acquisition.

Understanding the Capital Asset Pricing Model (CAPM)

The formula for calculating the expected return of an asset, given its risk, is as follows:[1][2]

$$ER_i = R_f + \beta_i(ER_m - R_f)$$

where:
ER_i = expected return of investment
R_f = risk-free rate
β_i = beta of the investment
$(ER_m - R_f)$ = market risk premium

WACC Formula and Calculation

$$\text{WACC} = \left(\frac{E}{V} \times Re\right) + \left(\frac{D}{V} \times Rd \times (1 - Tc)\right)$$

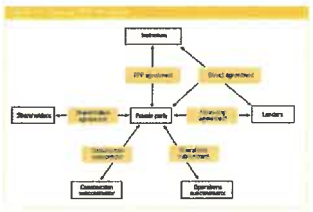
where:
E = Market value of the firm's equity
D = Market value of the firm's debt
$V = E + D$
Re = Cost of equity
Rd = Cost of debt
Tc = Corporate tax rate

Elkestad Parking Garage

Steps
Step 1: Confirm the type of PPP
Step 2: Describe the proposed PPP project structure and sources of funding
Step 3: Develop the core components of the payment mechanism
Step 4: Set and cost BEE targets
Step 5: Calculate the PPP reference model and explain all assumptions and indicators

Step 1:
The type of PPP is the one involving the use of state property by a private party for its own commercial purposes.

p 2&3:
We base the model on a 75/25 Debt/Equity ratio for the funding.
??? Core components of payment mechanism
Done, refer to sheet



The PPP **payment mechanism** is a third defining feature. The private party can be paid by collecting fees from service users, by the government, or by a combination of the two—with the common, defining characteristic that payment is contingent on performance. The options for a payment mechanism can depend on the functions of the private party:

- Under 'user pays' PPPs, such as toll roads, the private party provides a service to users, and generates revenue by charging users for that service. These fees (or tariffs, or tolls) can be supplemented by subsidies paid by government, which may be performance-based (for example, conditional on the availability of the service at a particular quality), or output-based (for example, payments per user).
- In 'government pays' PPPs, the government is the sole source of revenue for the private party. Government payments can depend on the asset or service being available at a contractually-defined quality ("availability" payments). They can also be output-based payments for services delivered to users—for example, a "shadow toll" road that is free for users, but for which the government pays a fee per driver to the operator.

Step 4:
BBBEE partner 40%, in the form of a bond
Dividend payment from year 1-6, half dividend

Step 5: Assumptions
Noted:
Construction is year 0 to year 2
Maintenance cost/operating cost/revenue starts year 3
Capital deposit year 0
Capital repayment starts year 1 to year 20
Dividend policy to pay based on ensuring the 18month reserves is enact before dividends is paid out.
Debt/Equity Ratio 60/40.

Inflation

1. South Africa's inflation target range is 3-6%, average of 5%

What is the inflation target?

South Africa uses an inflation target of 3–6%, for the headline consumer price index calculated by Stats SA. This target was introduced in 2000. Since 2017, the MPC has emphasised that it would, in general, like to see inflation close to the 4.5% midpoint of the 3–6% target range.

What is the current inflation rate in South Africa 2020?

South Africa: Inflation rate from 1986 to 2026 (compared to the previous year)

Characteristic	Inflation rate compared to previous year
2021*	4.28%
2020	3.27%
2019	4.13%
2018	4.62%

5 more rows

Discount rate

10.31% Refer to the WACC Calculation

Timeline

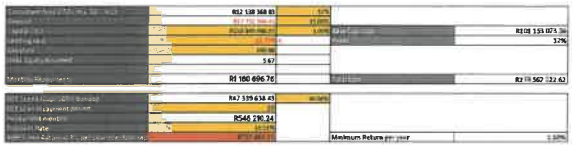
2023-2043

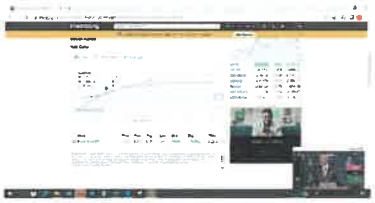
2023	0
2024	1
2025	2
2026	3
2027	4
2028	5
2029	6
2030	7
2031	8
2032	9
2033	10
2034	11
2035	12
2036	13
2037	14
2038	15
2039	16
2040	17
2041	18
2042	19
2043	20

Input for DR

Formula	Formula	Period	Cash flow	Discounted
#DIV/0!	0	0	100	100
0.906525	1.103114	1	100	91
0.821787	1.21686	2	100	82
0.744971	1.342335	3	100	74
0.675334	1.480748	4	100	68
0.612207	1.633434	5	100	61
0.554981	1.801863	6	100	55
0.503104	1.98766	7	100	50
0.456076	2.192615	8	100	46
0.413445	2.418704	9	100	41
0.374798	2.668105	10	100	37
0.339764	2.943224	11	100	34
0.308004	3.246711	12	100	31
0.279213	3.581491	13	100	28
0.253114	3.950792	14	100	25

Formula	Formula	Period	Cash flow	Discounted
1	0	0	500	500
0.906525	1.103114	1	550	499
0.821787	1.21686	2	600	493
0.744971	1.342335	3	650	484
0.675334	1.480748	4	650	439
0.612207	1.633434	5	650	398
0.554981	1.801863	6	650	361
0.503104	1.98766	7	650	327
0.456076	2.192615	8	650	296
0.413445	2.418704	9	650	269
0.374798	2.668105	10	650	244
0.339764	2.943224	11	650	221
0.308004	3.246711	12	650	200
0.279213	3.581491	13	650	181
0.253114	3.950792	14	650	165
0.229454	4.358173	15		
0.208006	4.807561	16		
0.188562	5.303286	17		
0.170936	5.850128	18		
0.154958	6.453357	19		
0.140473	7.118786	20		
0.127343	7.852831	21		
0.115439	8.662566	22		
0.104649	9.555796	23		
0.094866	10.54113	24		
0.085999	11.62806	25		
0.07796	12.82706	26		
0.070673	14.14973	27		
0.064067	15.60876	28		
0.058078	17.21824	29		
0.052649	18.99367	30		
0.047728	20.95218	31		
0.043266	23.11264	32		





Minimum payable is 1.50 * bond repayment

P (Prime+1 - Government bond rate is lower therefore we use prime+1)

tal cost Calculation

ated construction cost	R101 189 075.36
nt Parking System	R1 999 141.00
ions Infrastructure	R5 000.00

Replacement of Smart Parking system	R1 999 141.00 2025	Replacement every 8th year
	R2 998 641.75 2033	
	R4 868 874.08 2041	
	R6 647 429.33 2049	
	R9 515 788.85 2057	

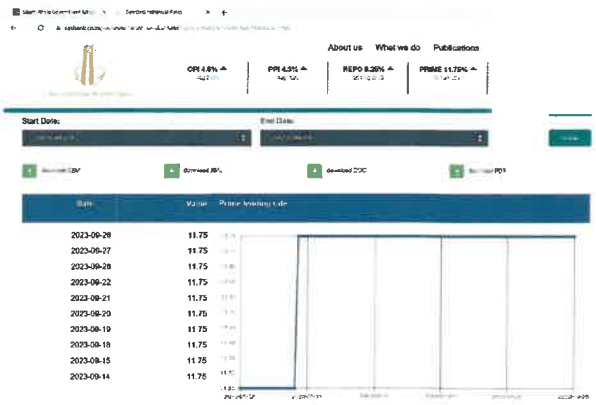
Lift Replacement cost	R1 000 000.00	Yr1
	R1 518 854.63	Yr10
	R2 653 297.73	Yr20

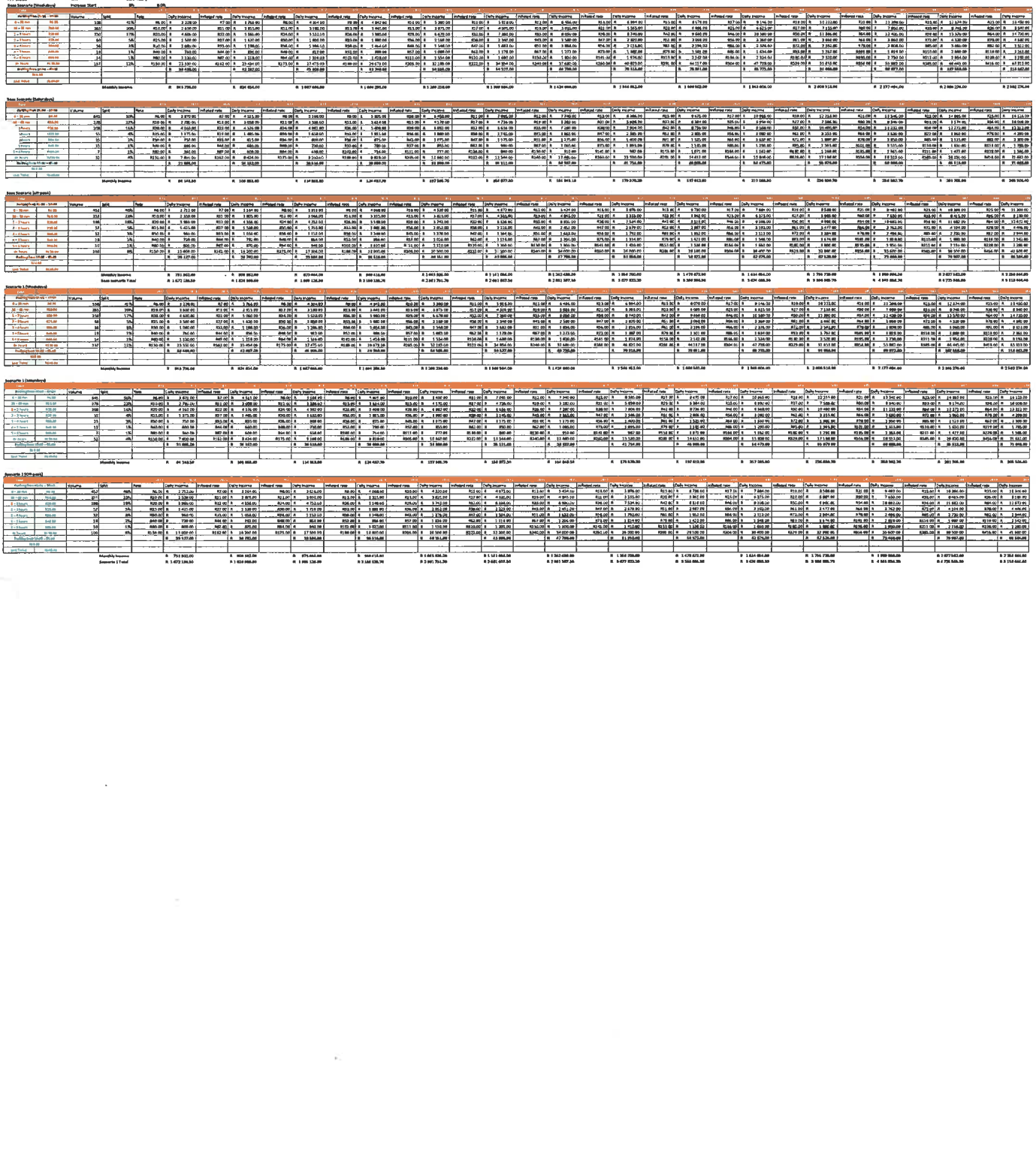
Smart parking system maintenance cost estimate received

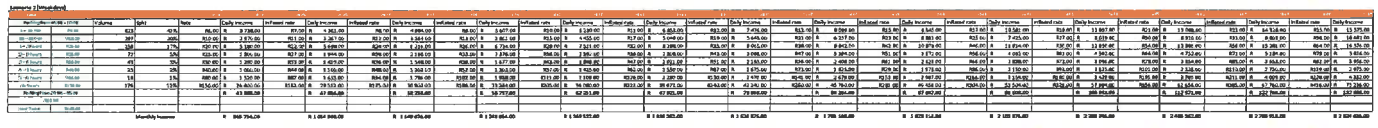
R0.00	Yr1
R59 680.75	Yr2
R118 910.00	Yr3
R139 223.00	Yr4
R150 361.00	Yr5
R0.00	Yr6
R0.00	Yr7

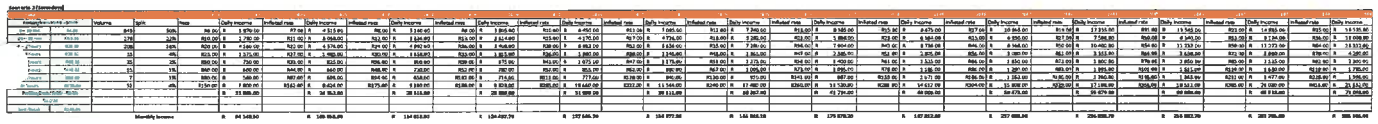
R478 174.73 Total

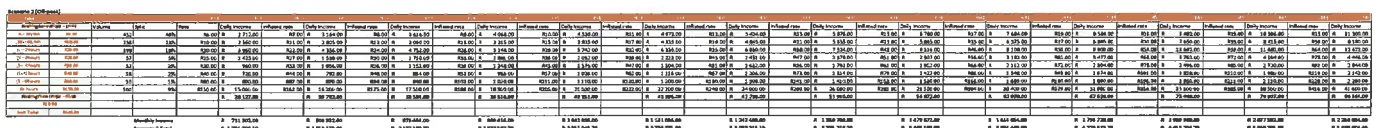
R68 310.69 Average cost over the period of 7 years

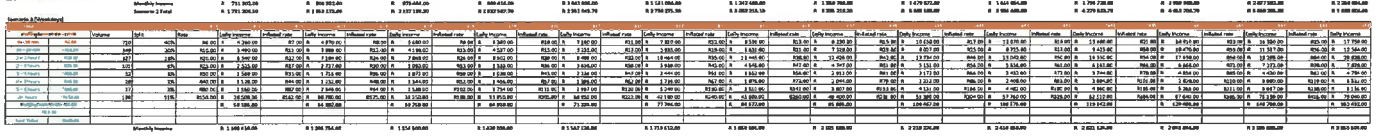


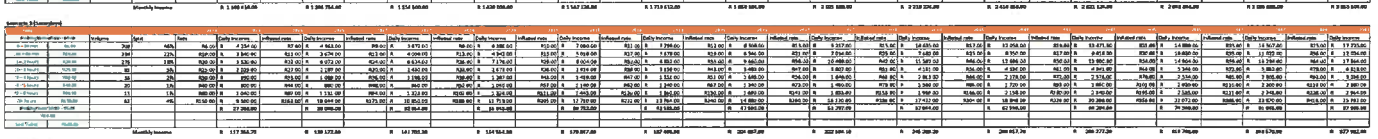


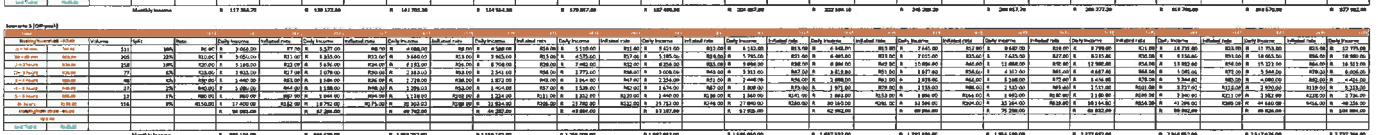


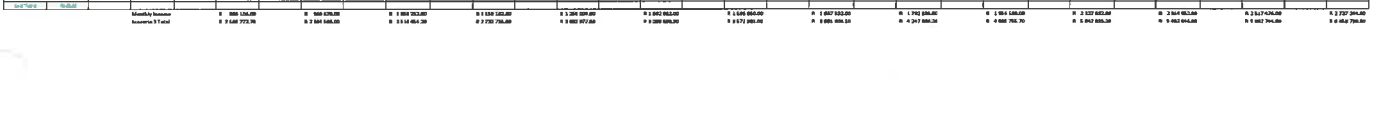


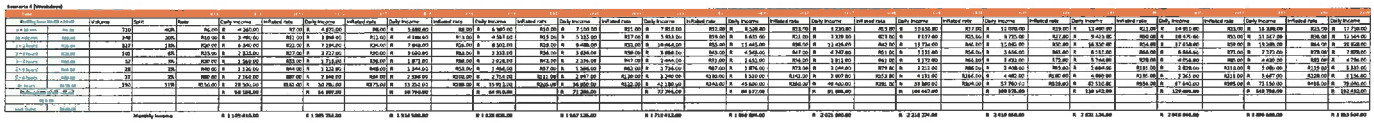


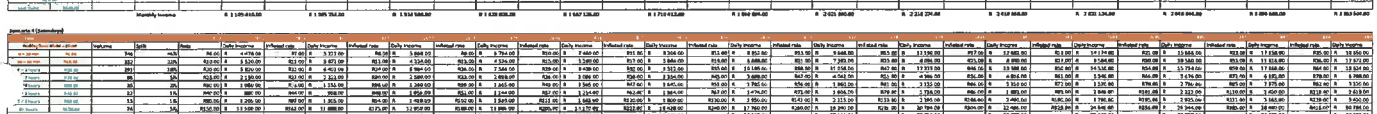


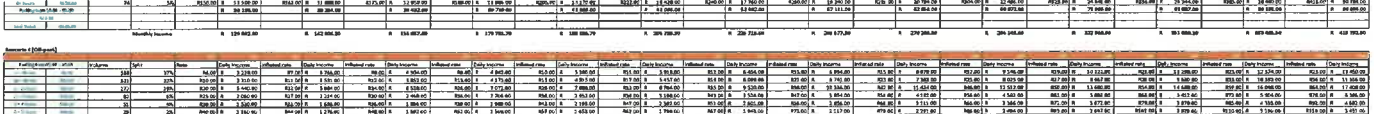


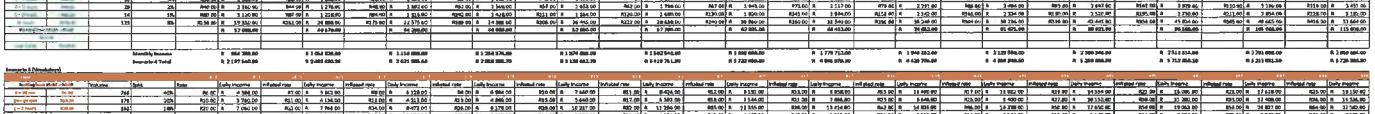


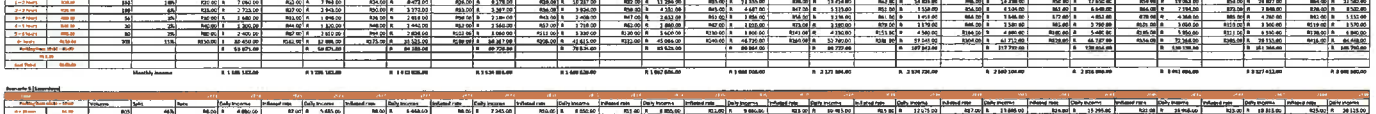


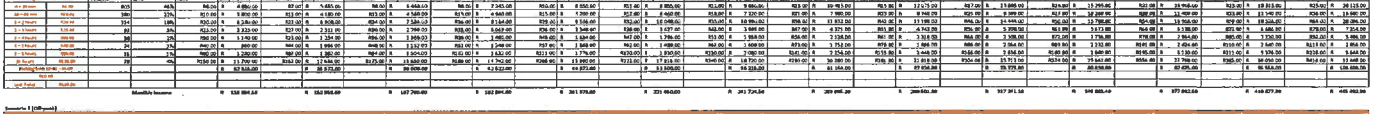


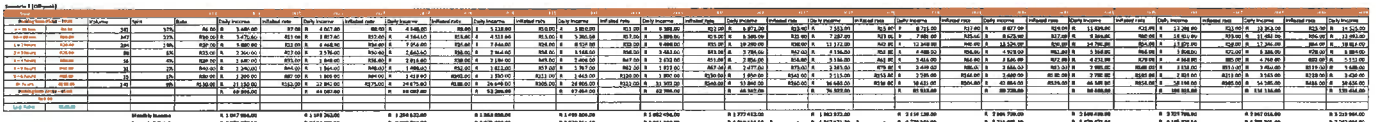


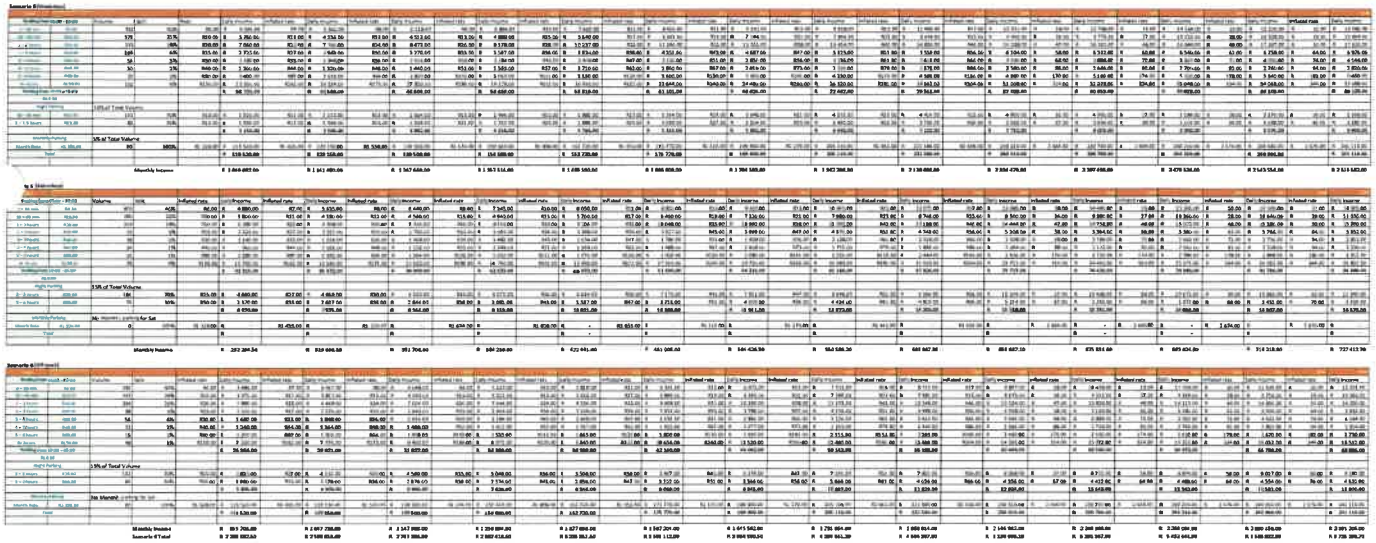


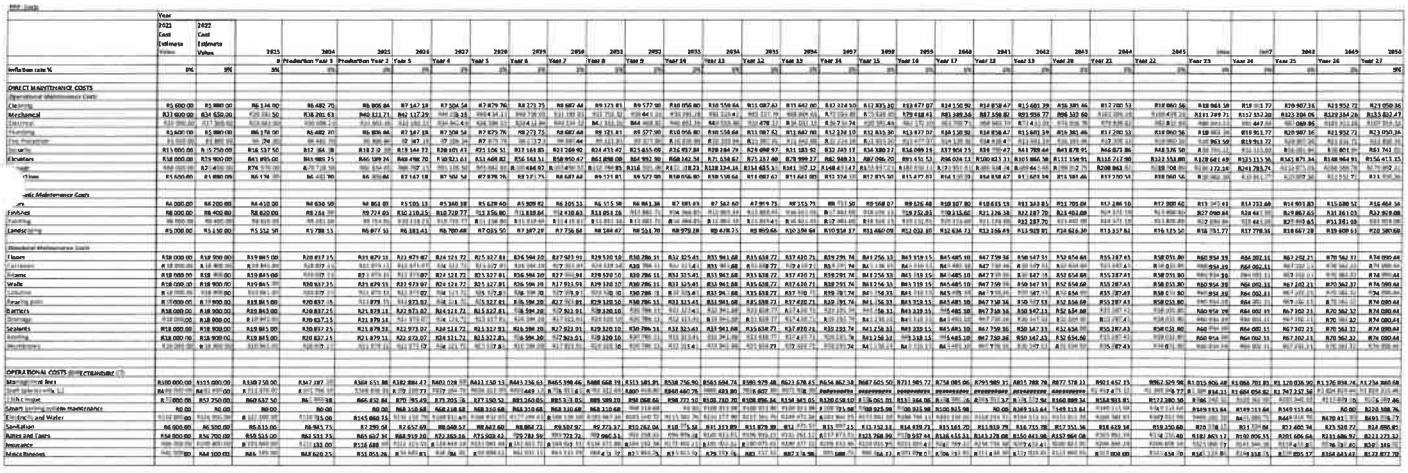


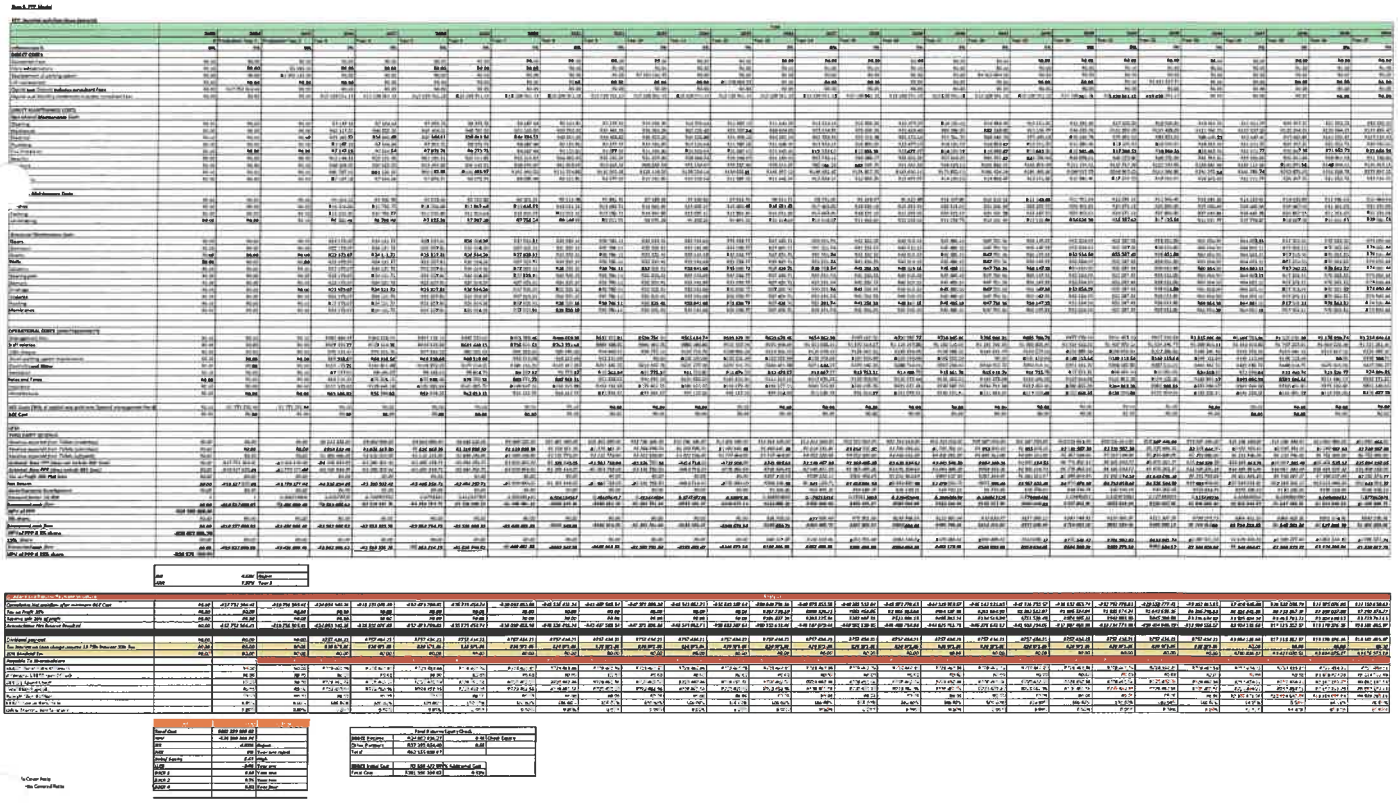


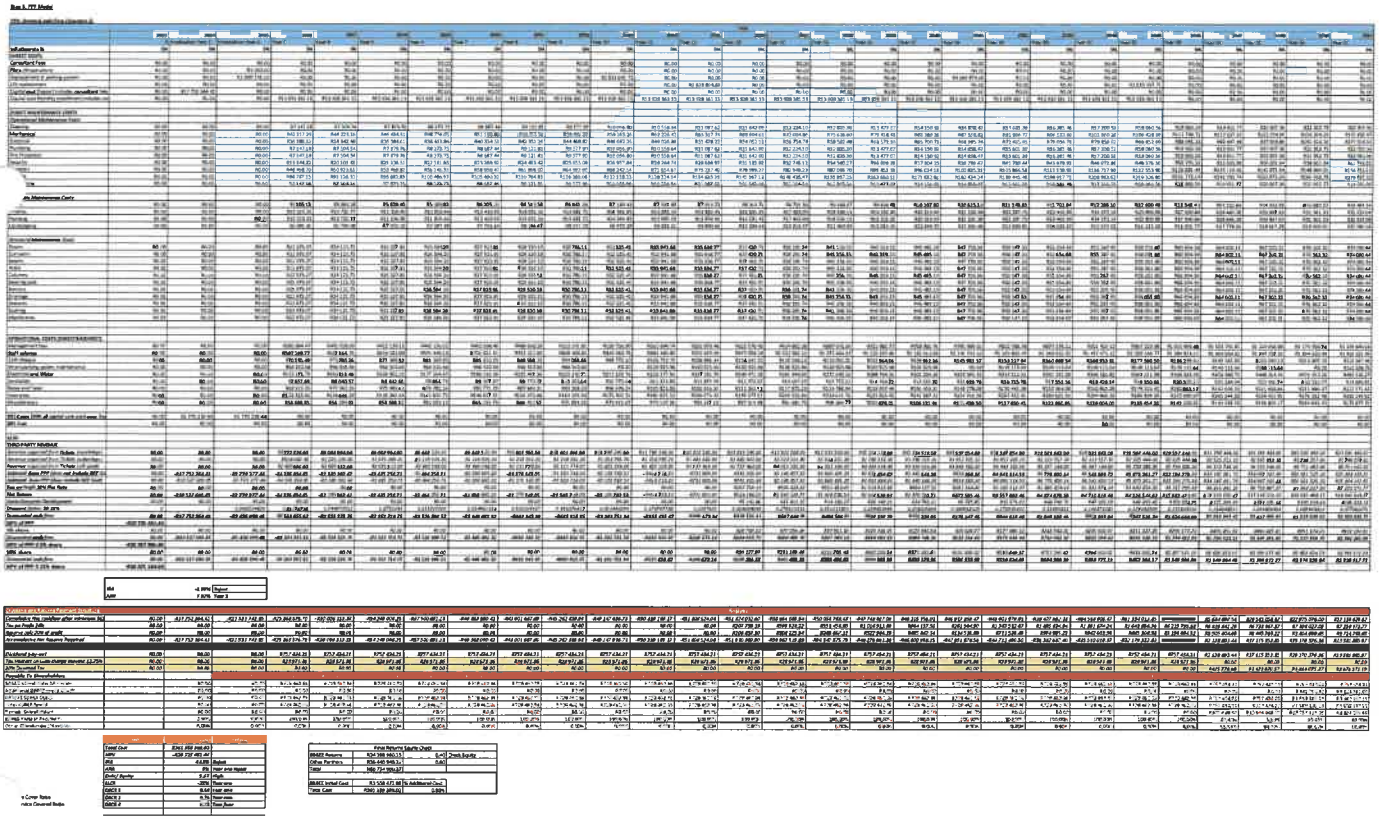


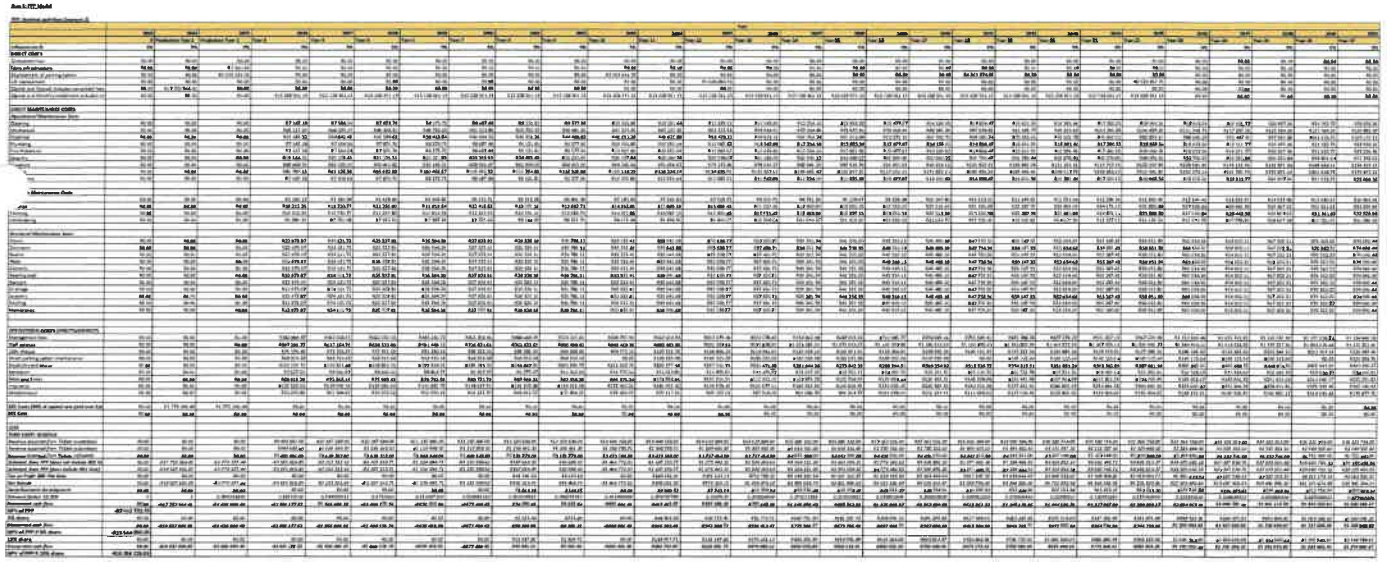


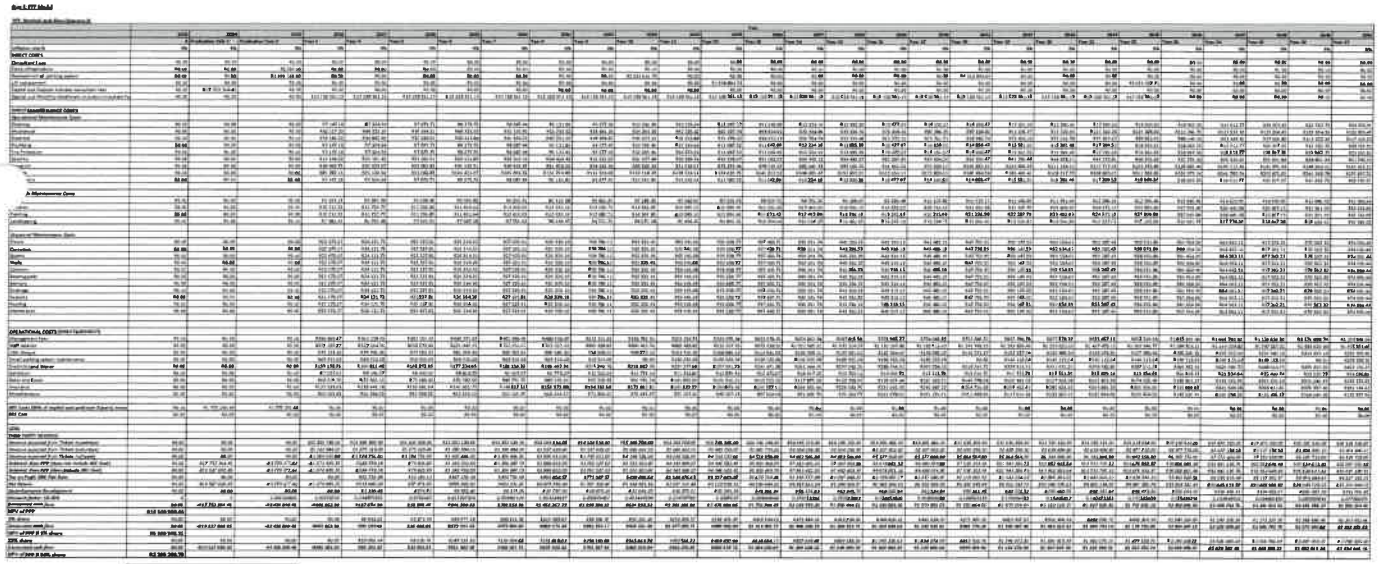


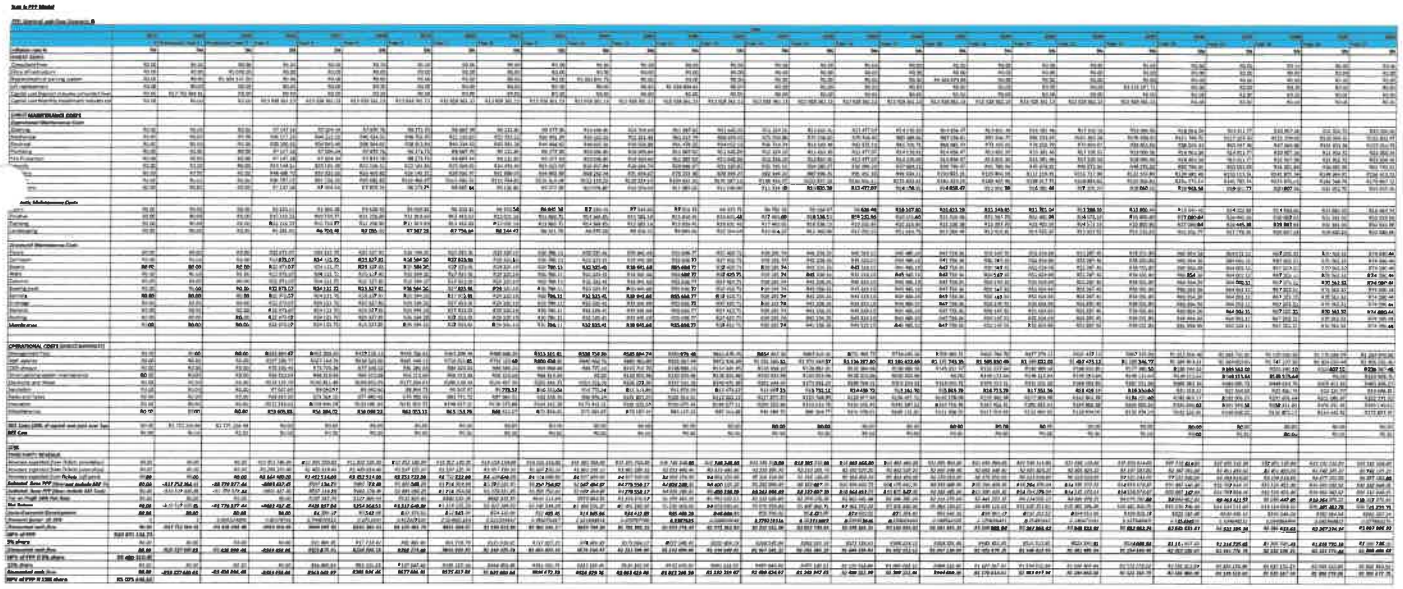


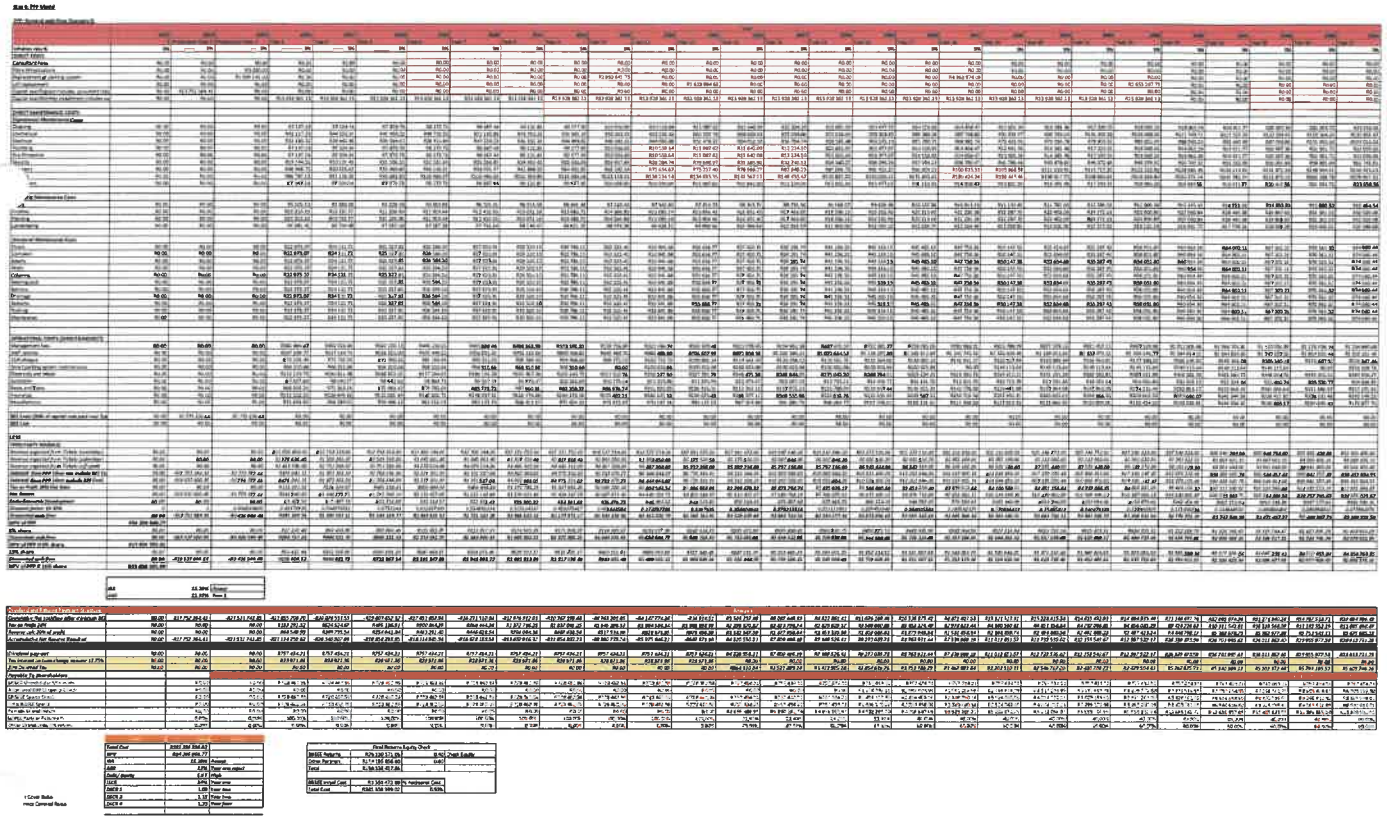


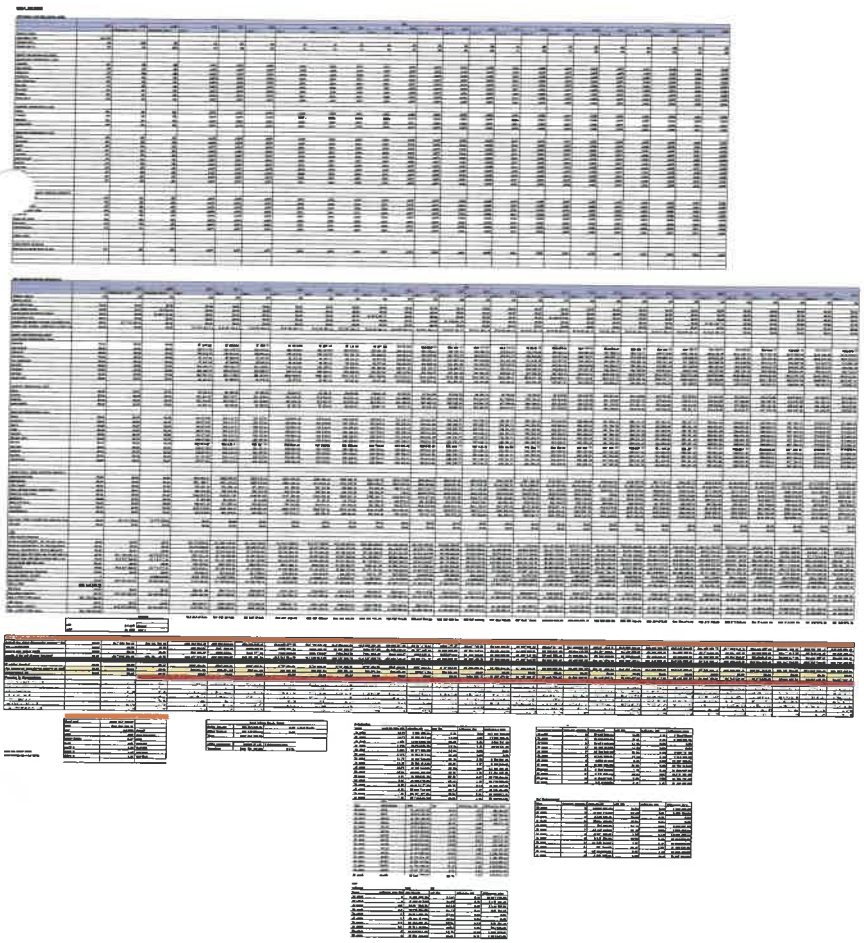












Summary:

Scenario	Net Present Value (R)	Internal Rate of Return (%)	Accounting Rate of Return (ARR) (%)
Base Scenario	-R32 728 014	-3.66%	7.97%
Scenario 1	-R29 054 197	-3.66%	7.97%
Scenario 2	-R16 778 925	1.65%	8.94%
Scenario 3	R5 345 553	8.83%	10.68%
Scenario 4	R9 286 683	9.89%	11.00%
Scenario 5	R21 579 134	13.01%	11.97%
Scenario 6	R19 973 666	12.64%	11.82%
Discount Rate	10.31%		

Assumptions Scenario's
Base Scenario & Scenario 1
Eikestad Parking
30% of people parking illegal will use the parking facility

Scenario 2
Eikestad Parking
30% of people parking illegal will use the parking facility
Overflow

Scenario 3
Eikestad Parking
30% of people parking illegal will use the parking facility
Overflow
70% Church Rd

Scenario 4
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Growth 2.57% until Opeing year 2026

Scenario 5
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Night parking + Month Parking

Discount Rate Calculation

Risk free rate	11.56%
Beta	1
Expected Return	16
Market risk premium	4.014
CAPM (Cost of equity)	16.00
Cost of equity (RE)	16.00%
Cost of debt (Rd)	12.75%
Corporate tax rate 2024 (TC)	27%

	%	Weight	%
Cost of equity (RE)	16.00%	15	2%
Cost of debt (Rd)	12.75%	85	8%
WACC			**10.31%**

Notes:

Risk free rate — *The risk free rate is the nominal rate obtained from the Reservebonk Website. (https://www.resbank.co.za/en/home/publications/publication-detail-pages/prudential-authority/pa-insurers/Insurance-Sector-Data/pa-risk-free-rates/2(*

Beta — *The Beta is to weight the cost of equity to account for the risk. Due to the fact that this project doesn't hold additional o*

Expected Return — ???

https://www.investopedia.com/terms/c/capm.asp#toc-who-came-up-with-the-capm
https://www.investopedia.com/terms/w/wacc.asp#toc-wacc-formula-and-calculation
https://www.investopedia.com/terms/w/wacc.asp#:~:text=WACC%20can%20be%20calculated%20by,a%20given%20project%20or%20acquisition.

Understanding the Capital Asset Pricing Model (CAPM)

The formula for calculating the expected return of an asset, given its risk, is as follows:[1]

$$ER_i = R_f + \beta_i(ER_m - R_f)$$

where:
ER_i = expected return of investment
R_f = risk-free rate
β_i = beta of the investment
$(ER_m - R_f)$ = market risk premium

WACC Formula and Calculation

$$\text{WACC} = \left(\frac{E}{V} \times Re\right) + \left(\frac{D}{V} \times Rd \times (1 - Tc)\right)$$

where:
E = Market value of the firm's equity
D = Market value of the firm's debt
$V = E + D$
Re = Cost of equity
Rd = Cost of debt
Tc = Corporate tax rate

Eikestad Parking Garage

Steps
Step 1: Confirm the type of PPP
Step 2: Describe the proposed PPP project structure and sources of funding
Step 3: Develop the core components of the payment mechanism
Step 4: Set and cost BEE targets
Step 5: Calculate the PPP reference model and explain all assumptions and indicators

Step 1:
= type of PPP is the one involving the use of state property by a private party for its own commercial purposes.

Step 2&3:
We base the model on a 75/25 Debt/Equity ratio for the funding.
??? Core components of payment mechanism
Done, refer to sheet



The PPP **payment mechanism** is a third defining feature. The private party can be paid by collecting fees from service users, by the government, or by a combination of the two—with the common, defining characteristic that payment is contingent on performance. The options for a payment mechanism can depend on the functions of the private party:

- Under 'user pays' PPPs, such as toll roads, the private party provides a service to users and generates revenue by charging users for that service. These fees (or tariffs, or tolls) can be supplemented by subsidies paid by government, which may be performance based (for example, conditional on the availability of the service at a particular quality), or output-based (for example, payments per user).
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Step 4:
BBBEE partner 40%, in the form of a bond
Dividend payment from year 1-6, half dividend

Step 5: Assumptions
Noted:
Construction is year 0 to year 2
Maintenance cost/operating cost/revenue starts year 3
Capital deposit year 0
Capital repayment starts year 1 to year 20
Dividend policy to pay based on ensuring the 18month reserves is enact before dividends is paid out.
Debt/Equity Ratio 60/40.

Inflation

1. South Africa's inflation target range is 3-6%, average of 5%

What is the inflation target?

South Africa uses an inflation target of 3–6%, for the headline consumer price index calculated by Stats SA. This target was introduced in 2000. Since 2017, the MPC has emphasised that it would, in general, like to see inflation close to the 4.5% midpoint of the 3–6% target range.

What is the current inflation rate in South Africa 2020?

South Africa: Inflation rate from 1986 to 2026 (compared to the previous year)

Characteristic	Inflation rate compared to previous year
2021*	4.28%
2020	3.27%
2019	4.13%
2018	4.62%

9 more rows

Discount rate

10.31%

Timeline

2023-2043

2023	0
2024	1
2025	2
2026	3
2027	4
2028	5
2029	6
2030	7
2031	8
2032	9
2033	10
2034	11
2035	12
2036	13
2037	14
2038	15
2039	16
2040	17
2041	18
2042	19
2043	20

Input for DR

Formula	Formula	Period	Cash flow	Discounted
#DIV/0!	0	0	100	100
0.906525	1.103114	1	100	91
0.821787	1.21686	2	100	82
0.744971	1.342385	3	100	74
0.675334	1.480748	4	100	68
0.612207	1.633434	5	100	61
0.554981	1.801863	6	100	55
0.503104	1.98766	7	100	50
0.456076	2.192615	8	100	46
0.413445	2.418704	9	100	41
0.374798	2.668305	10	100	37
0.339764	2.943224	11	100	34
0.308004	3.246711	12	100	31
0.279213	3.581491	13	100	28
0.253114	3.950792	14	100	25

Formula	Formula	Period	Cash flow	Discounted
1	0	0	500	500
0.906525	1.103114	1	550	499
0.821787	1.21686	2	600	493
0.744971	1.342385	3	650	484
0.675334	1.480748	4	650	439
0.612207	1.633434	5	650	398
0.554981	1.801863	6	650	361
0.503104	1.98766	7	650	327
0.456076	2.192615	8	650	296
0.413445	2.418704	9	650	269
0.374798	2.668305	10	650	244
0.339764	2.943224	11	650	221
0.308004	3.246711	12	650	200
0.279213	3.581491	13	650	181
0.253114	3.950792	14	650	165
0.229454	4.358173	15		
0.208006	4.807561	16		
0.188562	5.303286	17		
0.170936	5.850128	18		
0.154958	6.453357	19		
0.140473	7.118786	20		
0.127343	7.852831	21		
0.115439	8.662566	22		
0.104649	9.555796	23		
0.094866	10.54113	24		
0.085999	11.62806	25		
0.07796	12.82708	26		
0.070673	14.14973	27		
0.064067	15.60876	28		
0.058078	17.21824	29		
0.052649	18.99367	30		
0.047728	20.95218	31		
0.043266	23.11264	32		

	R22 338 368.83	1.5	
		11.75%	
	R478 180 304.27	5.00%	R101 153 073.56
			12%
		190.87	
		3.67	
	R1 190 844.76		R276 567 222.62

	R47 133 824.43	40.00%	
		30	
	R648 710.24		
		90.00%	
	R113 304.29		Minimum Return per year 1.60%

If (Prime+1 - Government bond rate is lower therefore we use prime+1)

...l cost Calculation

...mated construction cost	R101 158 073.56
Smart Parking System	R1 980 141.00
Fibre Infrastructure	R3 000.00

	R1 980 141.00	2025
	R2 838 645.72	2032
	R4 368 874.08	2041
	R6 447 428.50	2049
Replacement of Smart Parking system	R9 252 789.85	2057

Replacement every 8th year

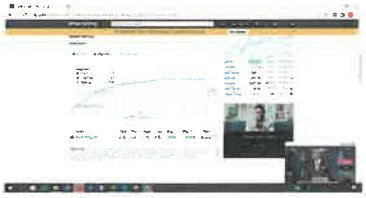
	R1 000 000.00	Yr7
	R1 528 894.61	Yr10
Lift Replacement cost	R2 659 297.73	Yr20

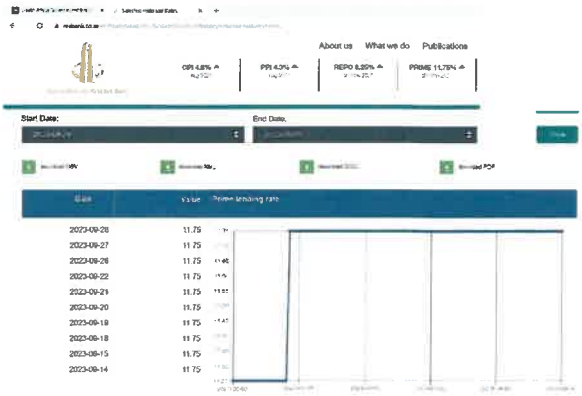
Smart parking system maintenance cost estimate received

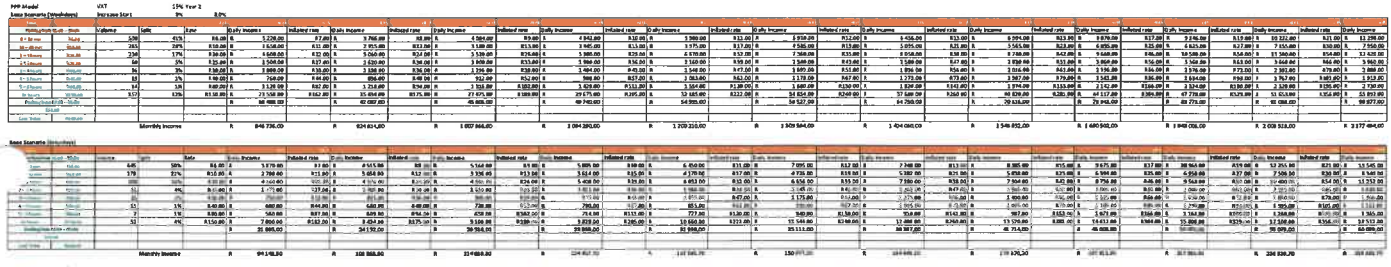
R0.00	Yr1
R96 680.75	Yr2
R128 910.00	Yr3
R195 223.00	Yr4
R150 561.00	Yr5
R0.00	Yr6
R0.00	Yr7

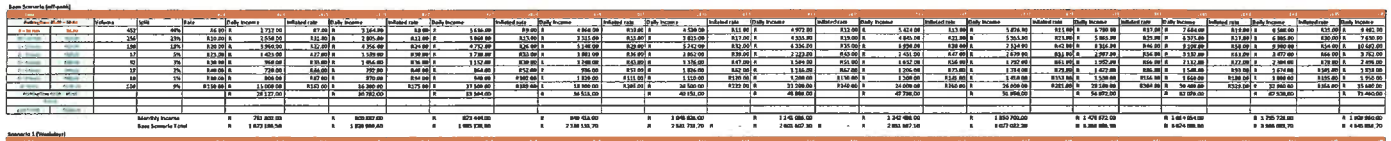
R478 374.75 Total

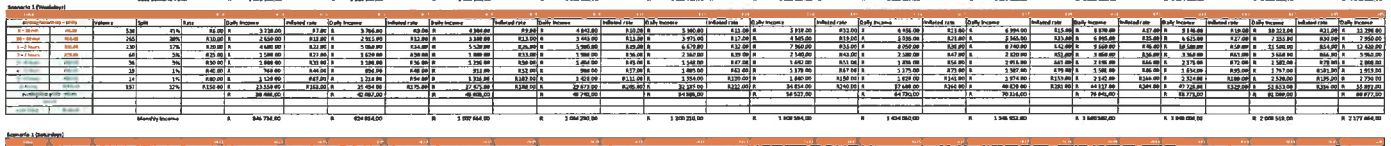
R68 936.68 Average cost over the period of 7 years

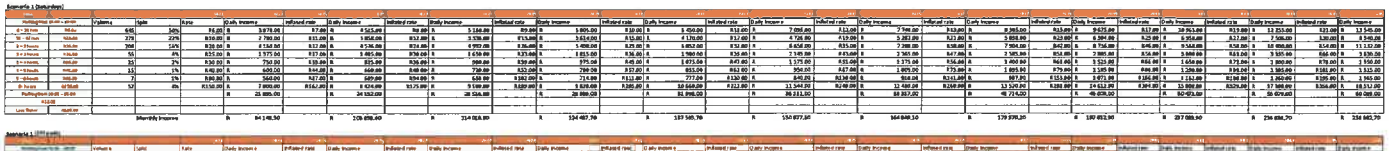


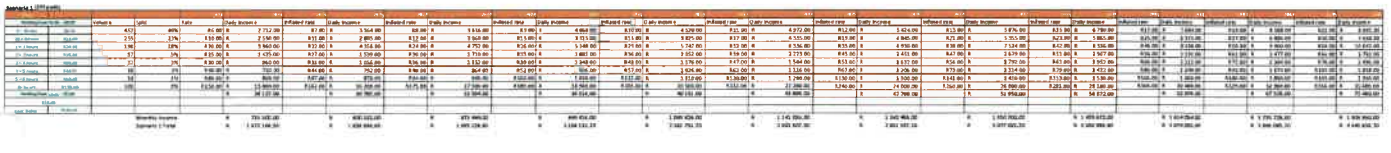




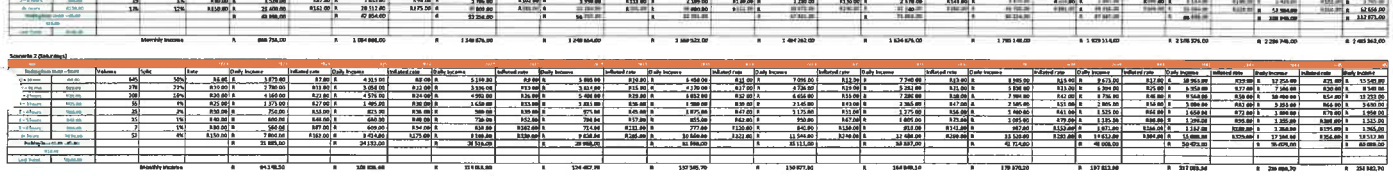


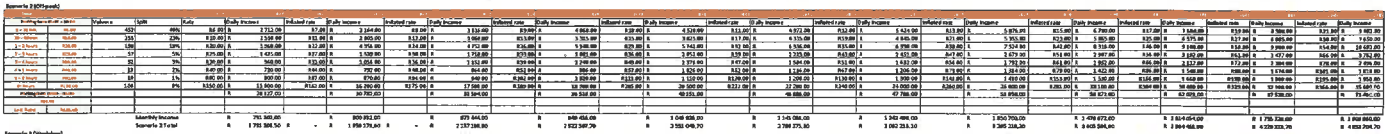


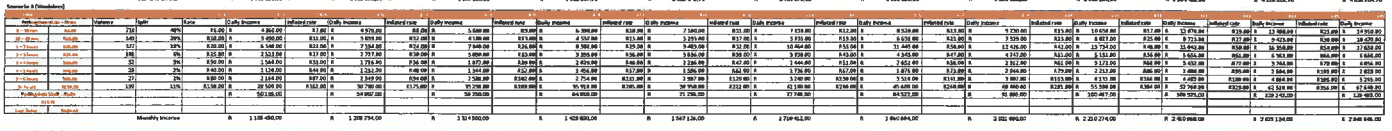


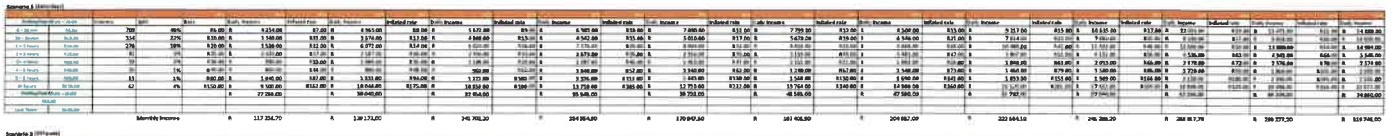


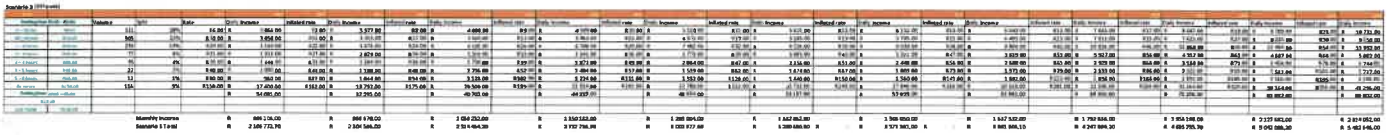


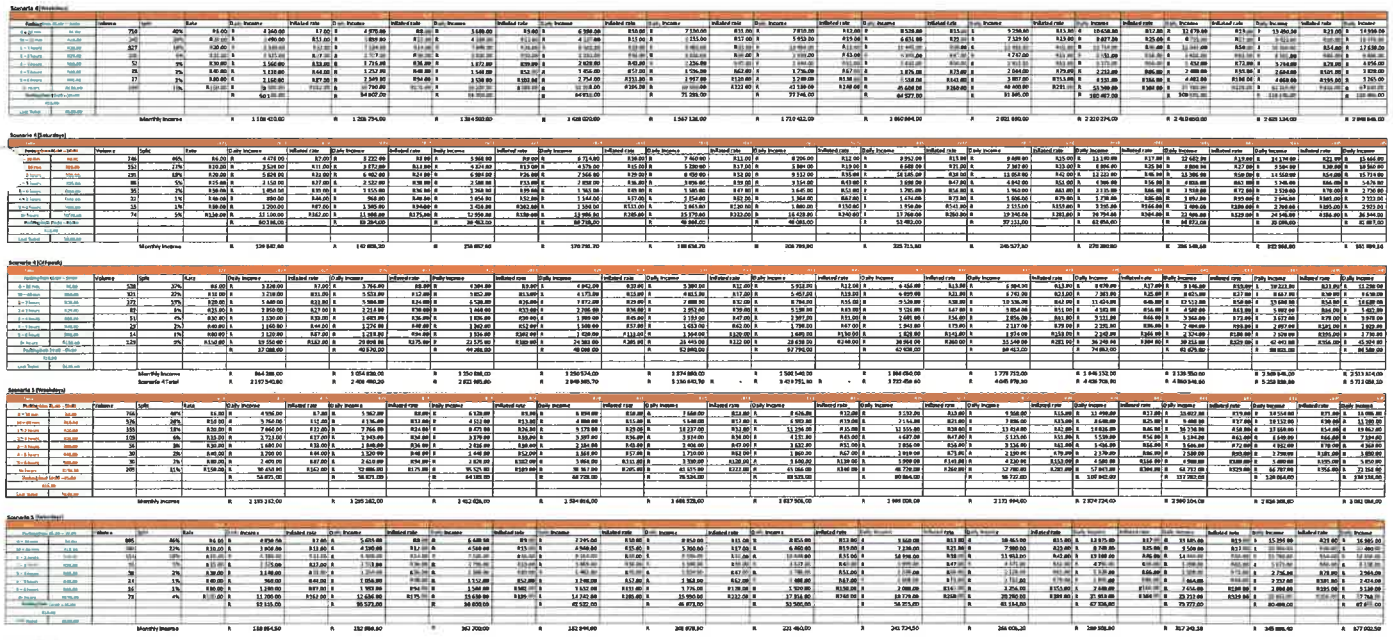




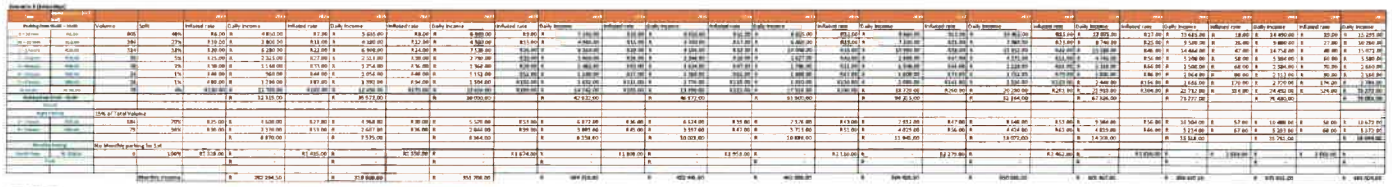


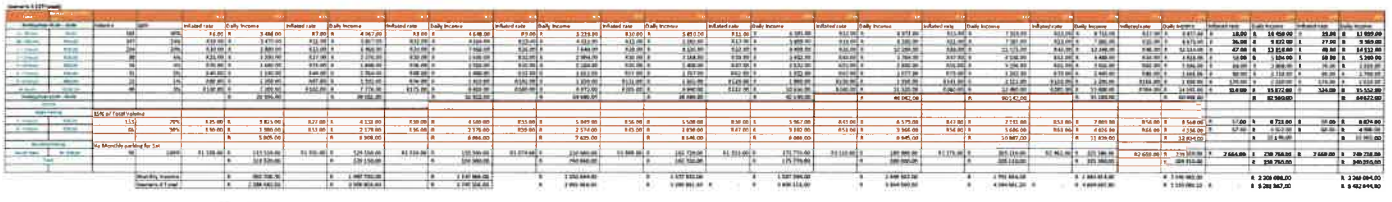






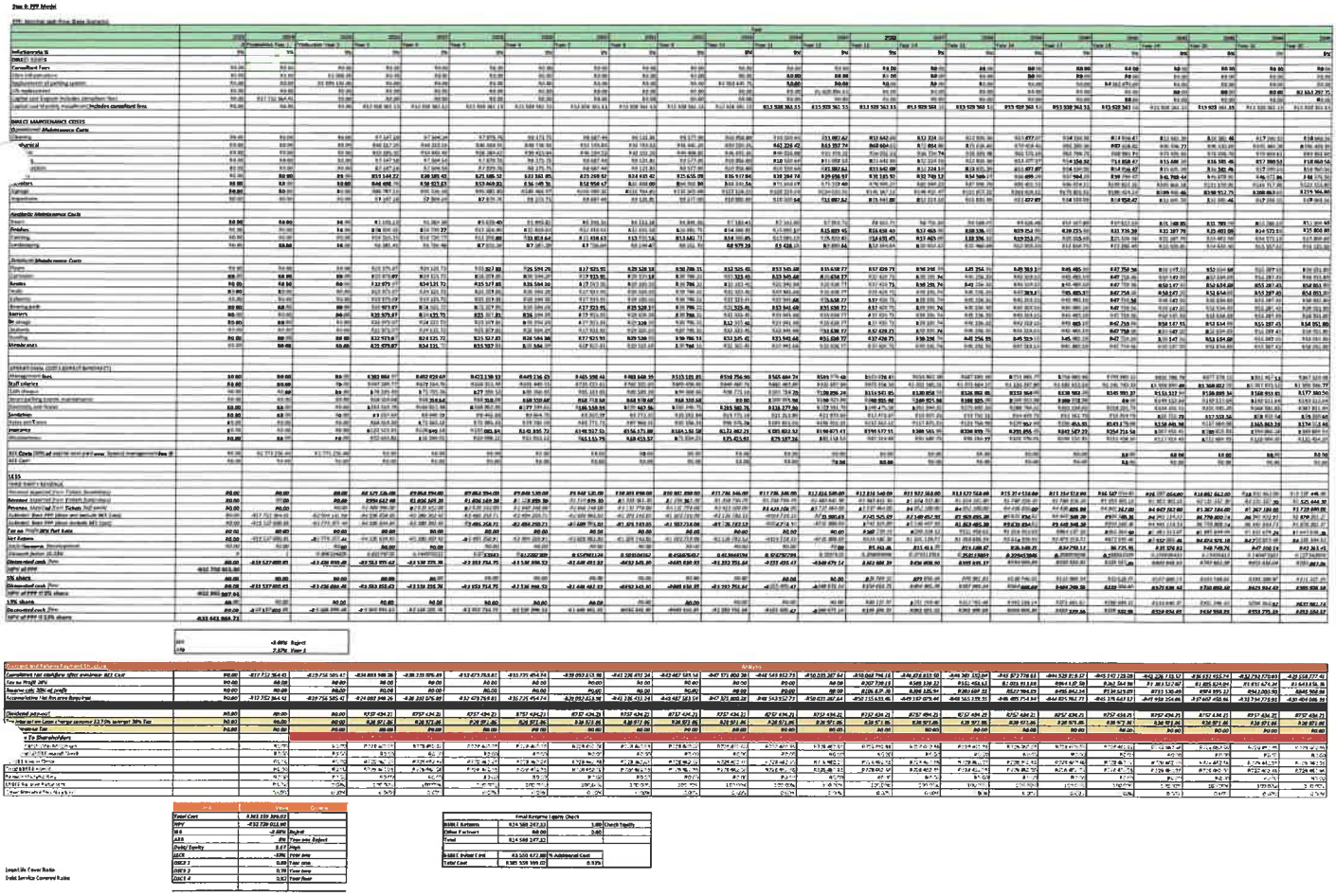




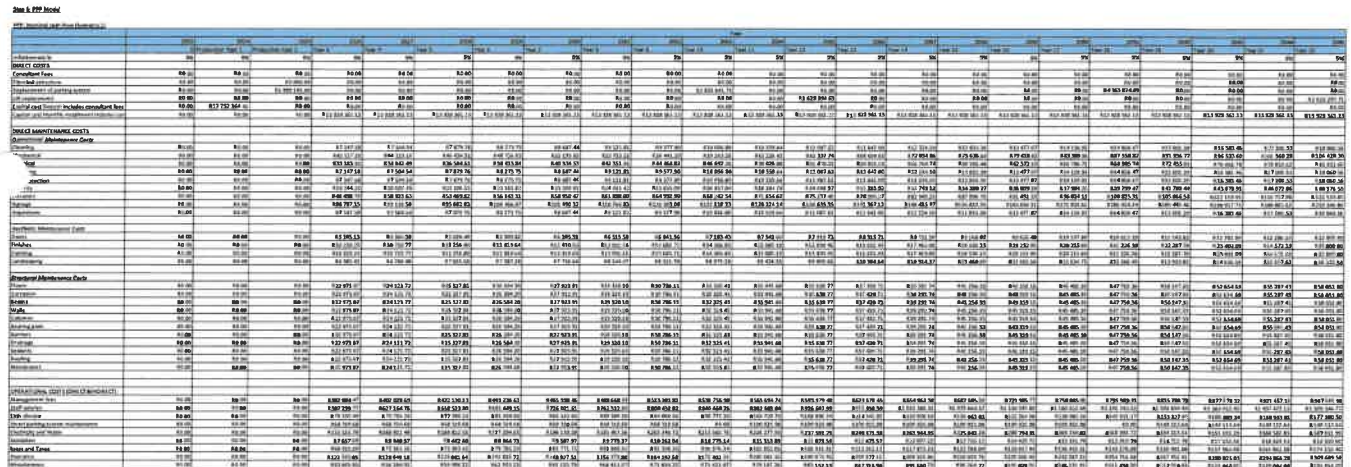


PP2c Costs

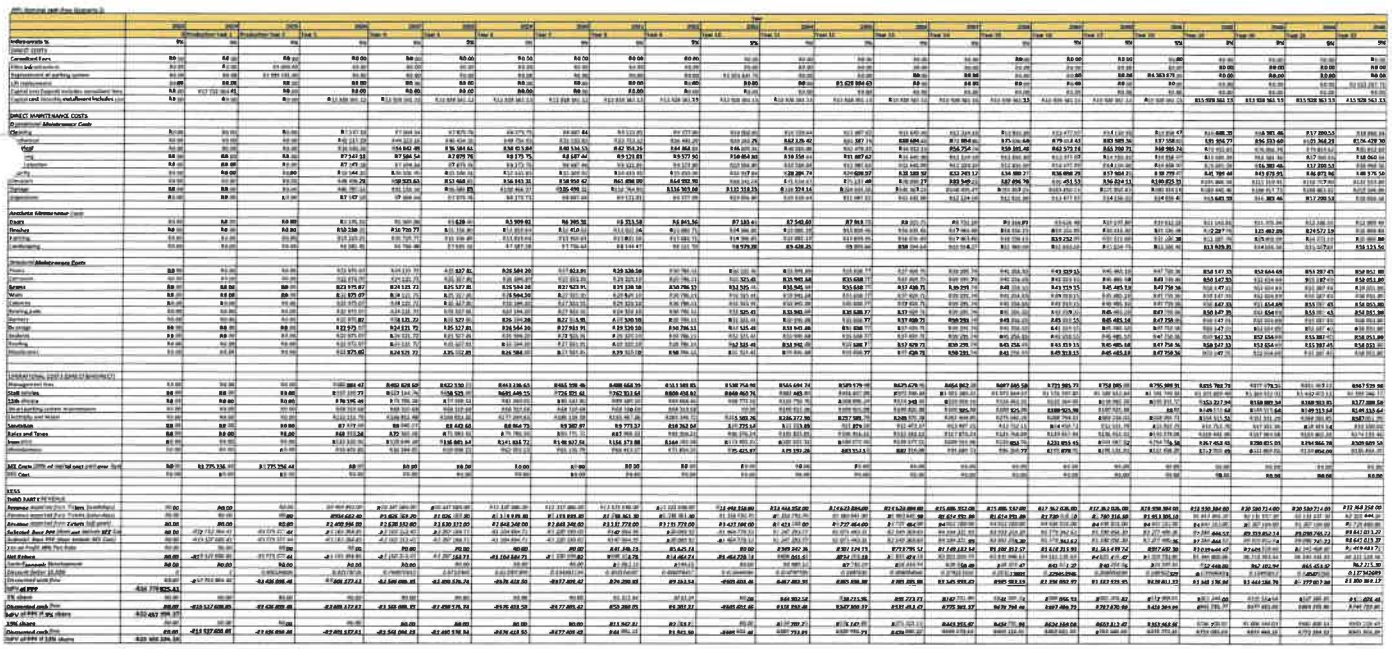
	Year																								
	2021 Cost Estimate Value	2022 Cost Estimate Value	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045
		0	Production Year 1	Production Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	
Inflation rate %		0%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
DIRECT MAINTENANCE COSTS																									
Operational Maintenance Costs																									
Cleaning	R5 600.00	R5 880.00	R6 174.00	R6 482.70	R6 806.84	R7 147.18	R7 504.54	R7 879.76	R8 273.75	R8 687.44	R9 121.81	R9 577.90	R10 056.80	R10 559.64	R11 087.62	R11 642.00	R12 224.10	R12 835.30	R13 477.07	R14 150.92	R14 858.47	R15 601.39	R16 381.46	R17 200.53	R18 060.56
Mechanical	R31 000.00	R34 650.00	R36 382.50	R38 201.63	R40 111.71	R42 117.29	R44 223.16	R46 434.31	R48 756.03	R51 193.83	R53 753.52	R56 441.20	R59 263.26	R62 226.42	R65 337.74	R68 604.63	R72 034.86	R75 636.60	R79 418.43	R83 389.36	R87 558.82	R91 936.77	R96 533.60	R101 360.28	R106 428.30
Electrical	R26 000.00	R27 300.00	R28 665.00	R30 098.25	R31 603.16	R33 183.32	R34 842.49	R36 584.61	R38 413.84	R40 334.53	R42 351.26	R44 468.82	R46 692.26	R49 026.88	R51 478.22	R54 052.13	R56 754.74	R59 592.48	R62 572.10	R65 700.71	R68 985.74	R72 431.01	R76 052.56	R79 855.19	R83 852.60
Technical	R5 600.00	R5 880.00	R6 174.00	R6 482.70	R6 806.84	R7 147.18	R7 504.54	R7 879.76	R8 273.75	R8 687.44	R9 121.81	R9 577.90	R10 056.80	R10 559.64	R11 087.62	R11 642.00	R12 224.10	R12 835.30	R13 477.07	R14 150.92	R14 858.47	R15 601.39	R16 381.46	R17 200.53	R18 060.56
Protection	R5 600.00	R5 880.00	R6 174.00	R6 482.70	R6 806.84	R7 147.18	R7 504.54	R7 879.76	R8 273.75	R8 687.44	R9 121.81	R9 577.90	R10 056.80	R10 559.64	R11 087.62	R11 642.00	R12 224.10	R12 835.30	R13 477.07	R14 150.92	R14 858.47	R15 601.39	R16 381.46	R17 200.53	R18 060.56
Fire	R15 000.00	R15 750.00	R16 537.50	R17 364.38	R18 232.59	R19 144.22	R20 101.43	R21 106.51	R22 161.83	R23 269.92	R24 433.42	R25 655.09	R26 937.84	R28 284.74	R29 698.97	R31 183.92	R32 743.12	R34 380.27	R36 099.29	R37 904.25	R39 799.47	R41 789.44	R43 878.91	R46 072.86	R48 376.50
Alarm	R38 000.00	R39 900.00	R41 895.00	R43 989.75	R46 189.24	R48 498.70	R50 923.63	R53 469.82	R56 143.31	R58 950.47	R61 898.00	R64 992.90	R68 242.54	R71 654.67	R75 237.40	R78 999.27	R82 949.23	R87 096.70	R91 451.53	R96 024.11	R100 825.33	R105 866.54	R111 159.91	R116 717.90	R122 553.80
Security	R68 000.00	R71 400.00	R74 970.00	R78 718.50	R82 654.43	R86 787.15	R91 126.50	R95 682.83	R100 466.97	R105 490.32	R110 764.85	R116 303.08	R122 118.23	R128 224.14	R134 635.35	R141 367.12	R148 435.47	R155 857.25	R163 650.11	R171 832.61	R180 424.24	R189 445.46	R198 917.73	R208 863.62	R219 306.80
Inspections	R5 600.00	R5 880.00	R6 174.00	R6 482.70	R6 806.84	R7 147.18	R7 504.54	R7 879.76	R8 273.75	R8 687.44	R9 121.81	R9 577.90	R10 056.80	R10 559.64	R11 087.62	R11 642.00	R12 224.10	R12 835.30	R13 477.07	R14 150.92	R14 858.47	R15 601.39	R16 381.46	R17 200.53	R18 060.56
Aesthetic Maintenance Costs																									
Doors	R4 000.00	R4 200.00	R4 410.00	R4 630.50	R4 862.03	R5 105.13	R5 360.38	R5 628.40	R5 908.82	R6 205.33	R6 515.58	R6 841.36	R7 183.43	R7 542.60	R7 919.73	R8 315.71	R8 731.50	R9 168.07	R9 626.48	R10 107.80	R10 613.19	R11 143.85	R11 703.04	R12 288.19	R12 900.60
Finishes	R8 000.00	R8 400.00	R8 820.00	R9 261.00	R9 724.05	R10 210.25	R10 720.77	R11 256.80	R11 819.64	R12 410.63	R13 031.16	R13 682.71	R14 366.85	R15 085.19	R15 839.45	R16 631.43	R17 463.00	R18 336.15	R19 252.95	R20 215.60	R21 226.38	R22 287.70	R23 402.09	R24 572.19	R25 800.80
Painting	R8 000.00	R8 400.00	R8 820.00	R9 261.00	R9 724.05	R10 210.25	R10 720.77	R11 256.80	R11 819.64	R12 410.63	R13 031.16	R13 682.71	R14 366.85	R15 085.19	R15 839.45	R16 631.43	R17 463.00	R18 336.15	R19 252.95	R20 215.60	R21 226.38	R22 287.70	R23 402.09	R24 572.19	R25 800.80
Landscaping	R5 000.00	R5 250.00	R5 512.50	R5 788.13	R6 077.53	R6 381.41	R6 700.48	R7 035.50	R7 387.28	R7 756.64	R8 144.47	R8 551.70	R8 979.28	R9 428.25	R9 899.66	R10 394.64	R10 914.37	R11 460.09	R12 033.10	R12 634.75	R13 266.49	R13 929.81	R14 626.30	R15 357.62	R16 125.50
Structural Maintenance Costs																									
Floors	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Corrosion	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Beams	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Walls	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Columns	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Bearing pads	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Barriers	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Drainage	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Sealants	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Roofing	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
Membranes	R18 000.00	R18 900.00	R19 845.00	R20 837.25	R21 879.11	R22 973.07	R24 121.72	R25 327.81	R26 594.20	R27 923.91	R29 320.10	R30 786.11	R32 325.41	R33 941.68	R35 638.77	R37 420.71	R39 291.74	R41 256.33	R43 319.15	R45 485.10	R47 759.36	R50 147.33	R52 654.69	R55 287.43	R58 051.80
OPERATIONAL COSTS (DIRECT&INDIRECT)																									
Management fees	R300 000.00	R315 000.00	R330 750.00	R347 287.50	R364 651.88	R382 884.47	R402 028.69	R422 130.13	R443 236.63	R465 398.46	R488 668.39	R513 101.81	R538 756.90	R565 694.74	R593 979.48	R623 678.45	R654 862.38	R687 605.50	R721 985.77	R758 085.06	R795 989.31	R835 788.78	R877 578.22	R921 457.13	R967 529.98
Staff salaries with 13	R468 000.00	R491 400.00	R515 970.00	R541 768.50	R568 856.93	R597 299.77	R627 164.76	R658 523.00	R691 449.15	R726 001.61	R762 311.69	R800 434.82	R840 460.76	R882 483.80	R926 607.99	R972 938.39	##########	##########	##########	##########	##########	##########	##########	##########	R1 437 473.12
13th cheque	R35 000.00	R37 750.00	R60 637.50	R63 669.38	R66 852.84	R70 195.49	R73 705.26	R77 390.52	R81 260.05	R85 323.05	R89 589.20	R94 068.66	R98 772.10	R103 710.70	R108 896.24	R114 341.05	R120 058.10	R126 061.01	R132 364.06	R138 982.26	R145 931.37	R153 227.94	R160 889.34	R168 933.81	R177 380.50
Smart building system maintenance	R0.00	R0.00	R0.00	R0.00	R0.00	R68 210.68	R68 310.68	R68 310.68	R68 310.68	R68 310.68	R68 310.68	R68 310.68	R68 310.68	R68 310.68	R0.00	R100 925.98	R100 925.98	R100 925.98	R100 925.98	R100 925.98	R100 925.98	R0.00	R149 133.64	R149 133.64	R149 133.64
Electricity and Water	R120 000.00	R126 000.00	R132 300.00	R138 915.00	R145 860.75	R153 153.79	R160 811.48	R168 852.05	R177 294.65	R186 159.36	R195 467.36	R205 240.72	R215 502.76	R226 277.90	R237 591.79	R249 471.38	R261 944.95	R275 042.20	R288 794.31	R303 234.02	R318 395.72	R334 315.51	R351 031.28	R368 582.85	R387 011.99
Sanitation	R6 000.00	R6 300.00	R6 615.00	R6 945.75	R7 293.04	R7 657 [illegible]	R8 040.52	R8 442.60	R8 864.73	R9 307.97	R9 773.37	R10 262.04	R10 775.14	R11 313.89	R11 879.58	R12 473.57	R13 097.25	R13 752.11	R14 439.72	R15 161.70	R15 919.79	R16 715.78	R17 551.56	R18 429.14	R19 350.60
Rates and Taxes	R34 000.00	R36 700.00	R39 535.00	R41 511.75	R43 637.34	R44 818.20	R72 365.16	R75 983.42	R79 782.59	R83 771.72	R87 960.31	R92 358.33	R96 976.24	R101 825.05	R106 916.31	R112 262.12	R117 875.23	R123 768.99	R129 957.44	R136 455.31	R143 278.08	R150 441.98	R157 964.08	R165 862.28	R174 155.40
Insurance	R95 000.00	R100 800.00	R105 840.00	R111 132.00	R116 688.60	R122 523.03	R128 649.18	R135 081.64	R141 835.72	R148 927.52	R156 373.81	R164 192.50	R172 402.23	R181 022.32	R190 073.41	R199 577.11	R209 555.96	R220 033.76	R231 035.45	R242 587.22	R254 716.58	R267 452.41	R280 825.03	R294 866.28	R309 609.59
Miscellaneous	R42 000.00	R44 100.00	R46 305.00	R48 620.25	R51 051.26	R53 603.83	R56 284.02	R59 098.22	R62 053.13	R65 155.79	R68 413.67	R71 834.35	R75 425.97	R79 197.26	R83 157.13	R87 314.98	R91 680.73	R96 264.77	R101 078.01	R106 131.91	R111 438.50	R117 010.43	R122 860.95	R129 004.00	R135 454.20

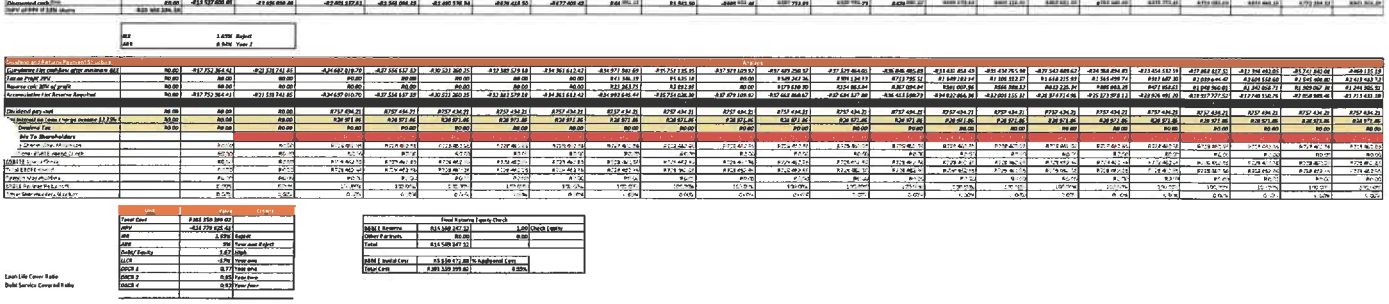


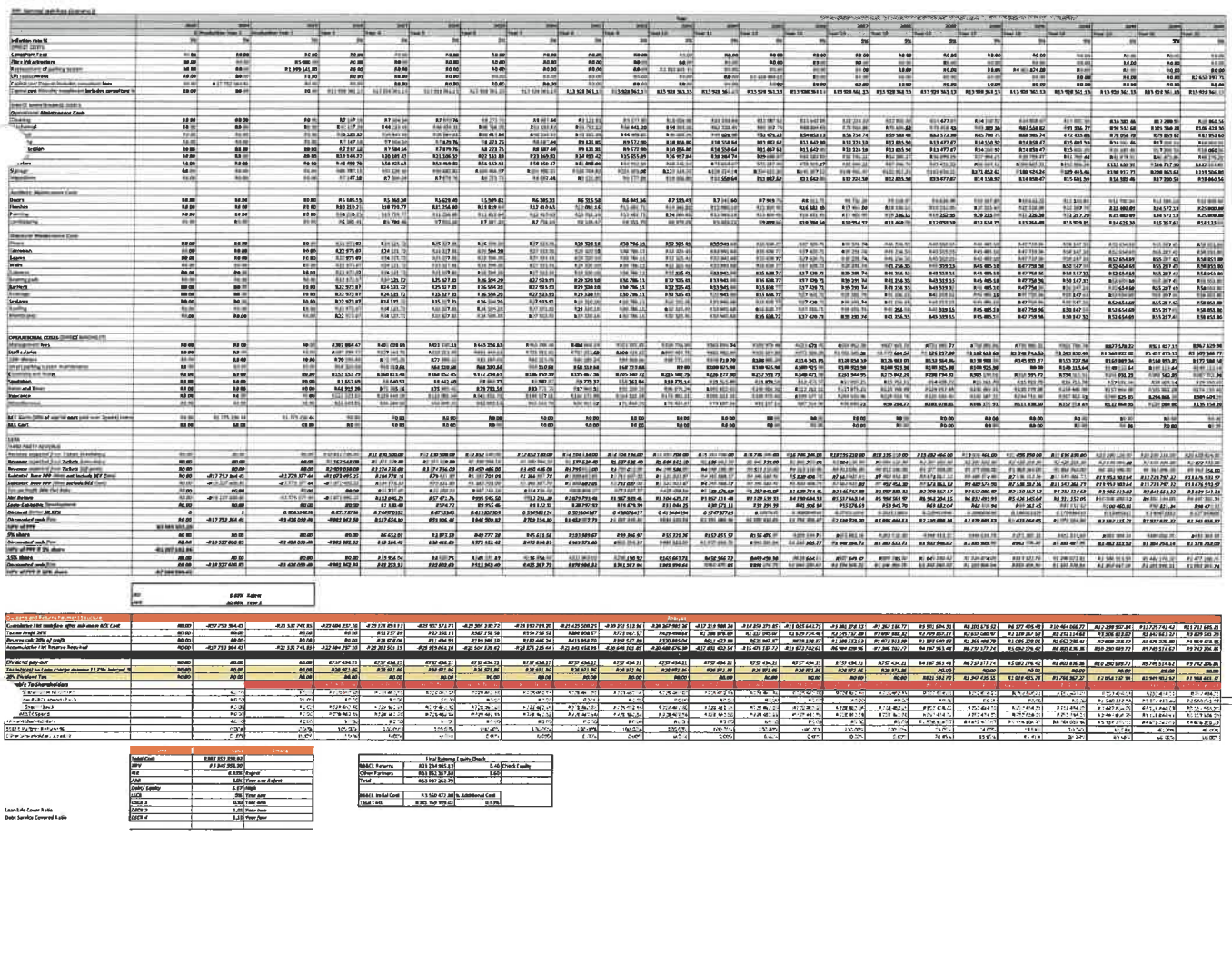
Step 5: PPP Model



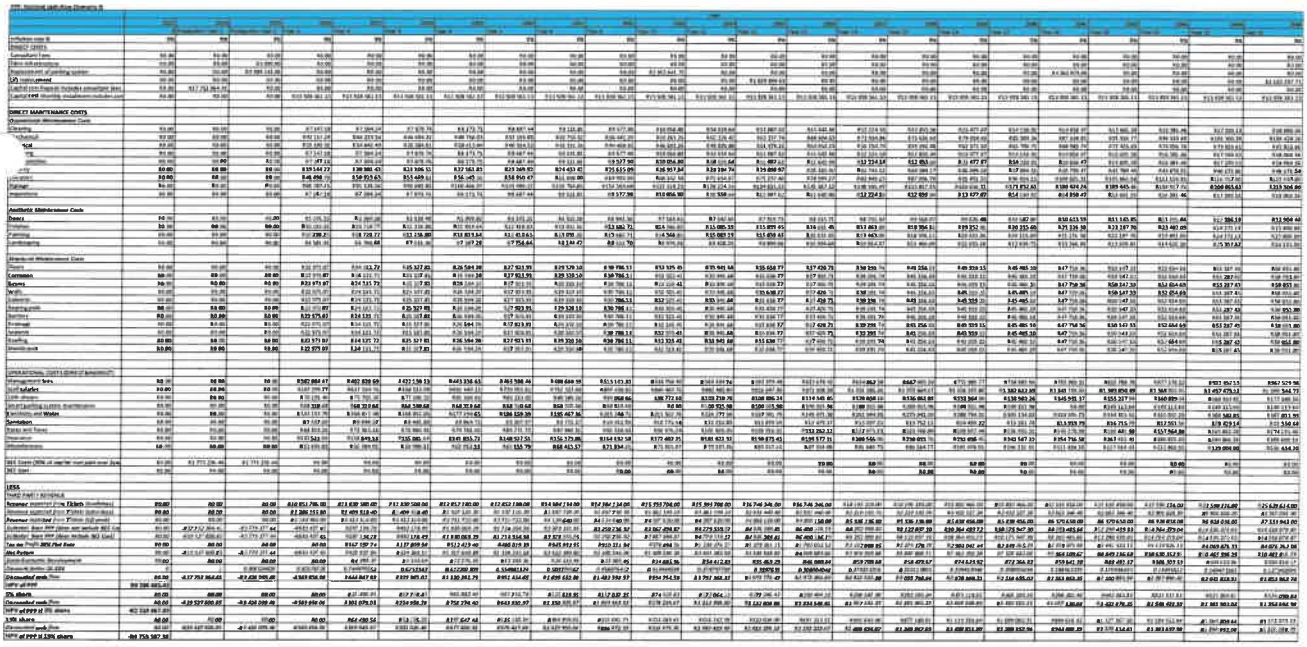
Step 6. PPP Model

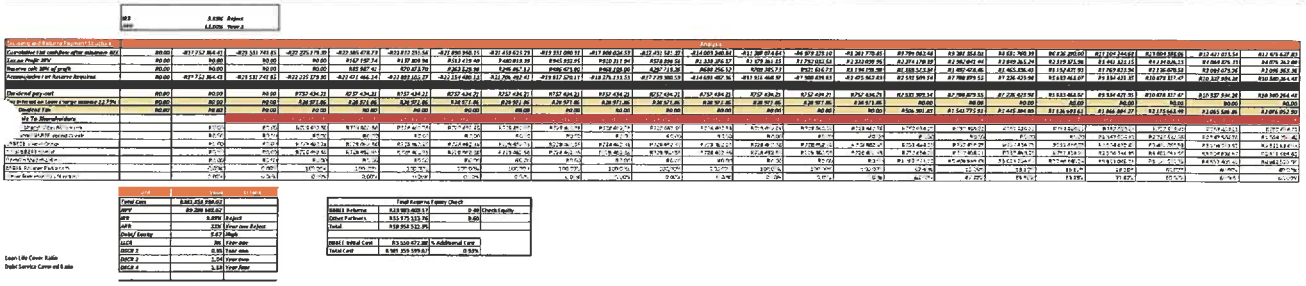


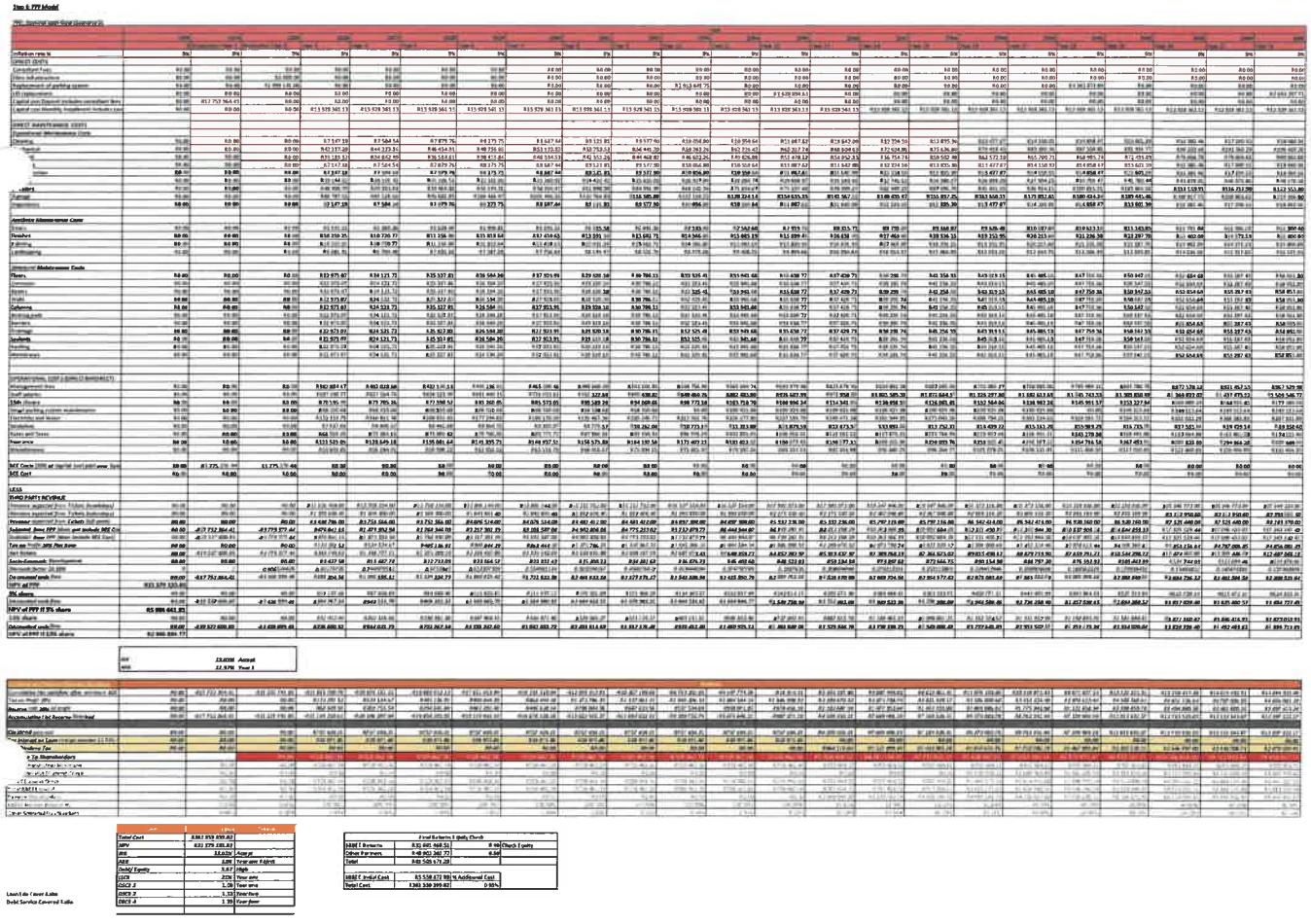




Step 3: PPP Model







Total Cost	3361 950 959.83
NPV	631 379 285.83
IRR	12.63% Accept
ARR	10% Target rate 7.50%
Debt/ Equity	3.67 High
DSCR	20% Year one
DSCR 2	1.38 Year one
DSCR 3	1.38 Year two
DSCR 4	1.35 Year four

Final Returns 5 daily Chart	
5000 E Returns	631 645 868.51 0.46 Chart Equity
Other Partners	0.40 852 282.77 0.54
Total	1 484 526 171.28
5000 E Invest Cost	53 558 672 980 % Additional Cost
Total Cost	1 360 109 959.83 0.96%

Loan Life Cover Ratio
Debt Service Covered Ratio



Appendix E Project Legal Due Diligence Report

Refer to electronic file below:

https://surbanajurong.sharepoint.com/:f:/s/africa/C1978/EiZ5MAe5rVRHvZ8BNqohf_IBLcn56Bx0v2x-SWIcy6W7WSA?e=FTWNO8

3 November 2023

STELLENBOSH LOCAL MUNICIPALITY: EIKESTAD PARKING SOLUTION

LEGAL ASSESSMENT REPORT

ANNEXURE TO THE FEASIBILITY STUDY: DRAFT 1

1. INTRODUCTION

This Report is an annexure to the Eikestad Parking Solution Feasibility Study: Draft 1. It analyses legal aspects of the proposed project for the planning and construction of a multi-storey parking facility on the site of the existing Eikestad facility on land owned by the Stellenbosch Local Municipality (SLM). The land is currently being used as a parking facility. The PFS found that the best available option is a build-own-operate-transfer (BOOT) arrangement with a private sector operator which will amount to a public-private-partnership (PPP). The land is owned by the SLM. The private party (PP) will raise the necessary funds and erect the facility at its own cost. The PP will operate the facility for an estimated period of 20 years after which the public-private-partnership (PPP) agreement will terminate and the facility will continue to be owned by the SLM. (When fixed improvements are erected on land they accede to the land, so once the facility is built it will automatically be owned by the SLM, subject to the terms of the PPP agreement.)

Parking fees will accrue to the PP to enable it to recoup the construction and operating costs. It may be agreed that the SLM and PP will share the income from the facility. The facility may also include shops and other retail outlets, the rental of which will accrue to the SLM unless there is agreement to the contrary. Our instructions are that the SLM will not contribute any funding for the project.

This Report examines the legal implications of the proposed arrangement at a high level. The legal options that are available with estimated advantages and disadvantages have been examined in a separate report.

Disclaimer

This Report provides high level advice of a general nature at this stage, and specific legal advice will be required once decisions have been taken as to how the proposal will work in more detail. It is subject to discussion, research and review. Once proposals for how the arrangements will work have been firmed up, this memorandum may have to be revised. While efforts have been made to collect all relevant legislation and documentation, the list is not necessarily exhaustive and the report will be amended or supplemented if additional information comes to light.

Abbreviations and acronyms

The following abbreviations and acronyms are used in this report:

BBBEE Act	Broad-Based Black Economic Empowerment Act 53 of 2003
COGTA	Department of Cooperative Governance and Traditional Affairs

IRFA	Intergovernmental Relations Framework Act 5 of 2013
LRA	Labour Relations Act 66 of 1995
MAT Regs	The MFMA Municipal Asset Transfer Regulations published in *Government Gazette* 31346 of 22 August 2008
ME	Municipal entity
MFMA	Local Government: Municipal Finance Management Act 56 of 2003
MPRA	Local Government: Municipal Property Rates Act 6 of 2004
MSA	Local Government: Municipal Systems Act 32 of 2000
NDoT	National Department of Transport
NEMA	National Environmental Management Act 107 of 1998
NLTA	National Land Transport Act 5 of 2009
NMT	Non-motorised transport
NRTA	National Road Traffic Act 93 of 1996
NT	National Treasury
PAJA	Promotion of Administrative Justice Act 3 of 2000
PFS	Preliminary Feasibility Study
PP	Private party
PPP	Public-private-partnership
PPP Regs	The Municipal Public-Private-Partnership Regulations published in *Government Gazette* 27431 of 1 April 2005 in terms of the MFMA
RfQ	Request for qualification
SCMP	The Supply Chain Management Policy of the SLM prepared in terms of section 111 of the MFMA
SCM Regs	The Municipal Supply Chain Management Regulations made under the MFMA and published in Government Gazette 27636 of 1 July 2005 under Notice 868
SLM	Stellenbosch Local Municipality
SPLUMA	Spatial Planning and Land Use Management Act 16 of 2013
TVR	Treasury Views and Recommendations
UP	Unsolicited proposal.

2. MANDATE OF THE SLM

The Constitution and the MSA require municipalities to provide municipal services, as defined in the MSA, to their communities. The function of "traffic and parking" is allocated to municipalities by Part B of Schedule 5 to the Constitution. For these reasons the provision of parking facilities is regarded as a municipal service as defined in the MSA.

In this and all other projects the SLM must comply with Chapter 2 of the Constitution which provides the Bill of Rights. This includes, for example, that it must not discriminate, must apply just administrative action, must allow freedom of association etc.

Chapter 3 of the Constitution deals with cooperative government. The SLM as an organ of state must, among other things, co-operate with other organs of state in mutual trust and good faith by coordinating its actions and legislation with that of the other organs of state and avoiding legal proceedings against them[1].

3. SECTION 78 ASSESSMENT

Section 76 of the MSA provides that a municipality may provide a municipal service either through an internal mechanism (i.e. a department or component of the municipality itself or a business unit within its administration) or by an external mechanism, which may be a municipal entity (ME), another municipality or another organ of state, or a private person or entity by means of a service agreement. An ME may be either a private company or a service utility established by by-laws of the municipality.

"Municipal service" is defined as a service that the municipality provides for the benefit of its local community in terms of its powers and functions, whether the service is provided by an internal or external mechanism and regardless of whether or not a fee, charge or tariff is levied for the service. As indicated above the term "municipal service" is widely defined and would appear to include parking services.

In terms of section 77 of the MSA, the municipality must review and decide on the appropriate mechanism to provide a municipal service, commonly called a "section 78 assessment", where a new municipal service is to be provided or an existing municipal service is to be significantly upgraded, extended or improved. It seems that the proposed parking services will amount to a significant upgrading, extension or improvement of the parking services currently being provided on the site.

An external mechanism can include the establishment of a municipal entity (ME) under Chapter 8A of the MSA, as a separate legal entity to undertake the functions, with or without undertaking other transport functions.

Section 78 requires as a first step that the municipality must assess whether to use an internal mechanism. This involves, among others, assessing:

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[1] Section 41(1).

- *The indirect costs and benefits if the service is to be provided through an internal mechanism;*
- *The capacity and future capacity of the municipality to furnish the skills, expertise and resources necessary to provide the services through an internal mechanism;*
- *The extent to which the organisation and administration and the development of the human resources (HR) capacity of the municipality could be used to provide the services;*
- *The likely impact on development, job creation and employment patterns in the municipality; and*
- *The views of organised labour.*

After these steps have been taken the municipality may decide to use an internal mechanism or to investigate the possibility of providing the services by an external mechanism. If it decides to investigate an external mechanism it must:

- *Give notice to the local community.*
- *Assess the different service delivery options under section 76(b), i.e. whether to establish an ME, use another municipality or organ of state, a community-based organisation or any other entity, including a private entity. In doing so it must take into account:*
    - *The direct or indirect costs and benefits, including the effect on health and the environment;*
    - *The capacity or future capacity of the service provider;*
    - *The views of the local community;*
    - *The impact on development and job creation; and*
    - *The views of organised labour.*
- *Conduct a feasibility study which covers the matters listed in section 78(1)(c) which includes, among others, assessing:*
    - *The extent to which the service will provide value for money;*
    - *The needs of the poor;*
    - *Whether the proposals will be affordable for the municipality and its residents; and*
    - *Whether the proposals will transfer appropriate technical, operational and financial risk.*

After this assessment, the municipality must decide on the appropriate internal or external mechanism. If it decides on an external mechanism it must enter into a service

delivery agreement that complies with section 80 of the MSA after applying the required procurement processes (competitive bidding etc.).

So, to summarise, if the services will amount to a new municipal service or a substantial upgrading, improvement or extension of an existing service, the SLM must first take the abovementioned steps to assess whether it should provide the services through an internal mechanism. After that it may investigate the possibility of an external mechanism by applying the abovementioned steps relevant to that investigation, including a feasibility study. If it then decides on an external mechanism, such as an agency agreement or concessioning, it must apply normal procurement procedures in terms of its supply chain management policy and applicable legislation.

A section 78 assessment has been conducted and is fully described in the PFS, which found that an internal option to provide the parking services was not viable and the possibility of an external option should be explored. An external mechanism by means of a PPP arrangement has been recommended as indicated above.

4. PUBLIC-PRIVATE-PARTNERSHIPS

When the SLM enters into an arrangement with a private party that will amount to a PPP it must comply with section 120 of the MFMA, as well as the Regulations made on PPPs under the MFMA. Section 120(4) requires a feasibility study and provides that the national government must assist municipalities with such feasibility studies. A Council decision must be obtained and the views of the National Treasury and the Department responsible for local government and other relevant national departments must be solicited. If the PPP involves the provision of a municipal service, the SLM must comply with Chapter 8 of the MSA and conduct a section 78 assessment.

A PPP is defined in the MFMA Regulations[2] as follows:

"'public-private partnership" means a commercial transaction between a municipality and a private party in term of which the private party—

a) *performs a municipal function for or on behalf of a municipality, or acquires the management or use of municipal property for its own commercial purposes, or both performs a municipal function for or on behalf of a municipality and acquires the management or use of municipal property for its own commercial purposes;*

b) *assumes substantial financial, technical and operational risks in connection with—*

   (i) the performance of the municipal function;

   (ii) the management or use of the municipal property; or

   (iii) both; and

[2] Published under Notice R.309 in *Government Gazette* 27431 of 1 April 2005.

c) *receives a benefit from performing the municipal function or from utilising the municipal property or both, by way of—*

(i) consideration to be paid or given by the municipality or a municipal entity under the sole or shared control of the municipality;

(ii) charges or fees to be collected by the private party from users or customers of a service provided to them; or

(iii) a combination of the benefits referred to in subparagraphs (i) and (ii)."

Private party means any entity other than a municipality, ME or organ of state.

The Regulations provide a regulatory framework for PPP agreements. The SLM or ME may enter into a PPP only if it can demonstrate that the PPP will provide value for money to and be affordable for the Municipality, and transfer appropriate technical, operational and financial risk to the private party.

If the SLM appoints one or more contractors to provide the parking services, this will amount to a PPP if the private party that provides the municipal service or function, assumes substantial risk and receives a benefit for performing the function as indicated in the above definition. It appears that this will be applicable in the present case, and that the proposed arrangement will amount to a PPP.

Required PPP procedures include that the SLM must conduct a feasibility study that covers the matters listed in section 120 of the MFMA and regulation 3 of the PPP Regulations, which includes cost projections and obtaining a Council decision as to whether to proceed with the PPP. If the Municipality has already completed a feasibility study as part of the section 78 assessment, it need not redo it for the PPP process, as long as that feasibility study covers the required matters[3].

At least 60 days prior to the Council meeting it must make particulars of the PPP available to the public for comments, and obtain the views of the NT, the National Department responsible for local government (COGTA) and other national or provincial organs of state prescribed in the Regulations (we have been unable to find such regulations). It must also solicit the views of the NT on proposed procurement processes and proposed agreement(s) and must appoint a project officer for the PPP process.

The SLM has notified the NT and Provincial Treasury of its intention to investigate a PPP as required by regulation 2(1) of the PPP Regulations. If requested by the NT the SLM must appoint a transaction adviser for the project[4].

When procuring the PP the SLM must comply with Part 1 of Chapter 11 of the MFMA. It must solicit the views of the NT and Provincial Treasury on the proposed bid documentation at least 30 days before bids are invited and on the evaluation of the bids at least 30 days before an award is made[5]. The PPP agreement between the SLM and the PP must comply with regulation 5 of the PPP Regulations. Any municipal

[3] Regulation 3(3) of the PPP Regulations
[4] Regulation 2(1)(b) of the PPP Regulations
[5] Regulation 4(1) of the PPP Regulations

employee participating in the negotiation of the PPP agreement may not be employed by the PP in the PPP for a period of 3 years[6].

The accounting officer of the SLM must appoint a project officer for the PPP[7]. Regulation 9 provides for procedures should a PPP agreement be amended, which include public participation.

5. SECTION 33 OF THE MFMA

Section 33 of the MFMA provides that municipalities must follow a number of prescribed processes where they enter into a contract that will impose financial obligations on the municipality beyond the three years covered in the annual budget for the particular financial year. The contract with the private party envisaged for the PPP project is projected to run for 20 years, so the SLM must take the steps listed in section 33 of the MFMA[8]. These include:

- making the draft contract(s) public and inviting comments from the local community and other interested parties;
- soliciting the views of the NT and the Provincial Treasury;
- taking into account expected financial implications for the City; and
- adopting a Council resolution that complies with the requirements of the section.

The requirements will not apply if the amounts involved are less than those prescribed in the MFMA regulations. We were not able to find any such regulations.

Section 33(3) of the MFMA provides that all contracts referred to in subsection (1) and all other contracts that impose a financial obligation on the municipality, must be made available in their entirety to the municipal Council and may not be withheld from public scrutiny except as provided for in the Promotion of Access to Information Act 2 of 2000.

Some of the procedures for section 33 overlap with the PPP procedures, and presumably do not have to be duplicated. The procedures can also be conducted in parallel with each other.

6. PROCUREMENT

Part 3 of Chapter 8 of the MSA deals with procurement of a service provider in the case of an external mechanism. The SLM must comply with that Part (sections 80 and 81) and with Chapter 11 of the MFMA. These sections provide for competitive bidding and for negotiations with the service provider after he/she/it has been selected.

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[6] Regulation 5(2) of the PPP Regulations
[7] Regulation 7 of the PPP Regulations
[8] Required by section 120(7) of the MFMA

The SLM must comply with its Supply Chain Management Policy 2021/22 (SCMP) prepared in terms of section 111 of the MFMA. The SCMP applies where the SLM selects external mechanisms for the provision of municipal services in circumstances contemplated in section 83 of the MSA[9]. The SLM has established a Supply Chain Management Unit under supervision of the CFO. Goods or services above R200 000 may only be procured by a competitive bidding process[10]. Procedures for competitive bidding are set out in sections 20 to 29.

Section 37 of the SCMP deals with unsolicited bids – see section 7 below.

Section 51 provides that if a service provider acts on behalf of the Stellenbosch Municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to the service provider is fixed as an agreed percentage of turnover for the service or the amount collected, the contract between the service provider and the Stellenbosch Municipality must stipulate (a) a cap on the compensation payable to the service provider and (b) that such compensation must be performance based. Section 57 deals with the suspension of service providers for poor performance.

The SLM must also comply with the Local Government Framework for Infrastructure Delivery and Procurement Management dated 1 October 2020.

The Preferential Procurement Policy Framework Act 5 of 2000 (PPPF Act) gives effect to section 217 of the Constitution which provides that when an organ of state such as a municipality procures goods and services, it must do so in accordance with a system which is fair, equitable, transparent competitive and cost effective. Procurement by the SLM of goods and services must be done within the framework of the PPPF Act and the Regulations made under that Act.

The Preferential Procurement Policy Regulations, 2022[11] have been promulgated under the PPPF Act. They provide for applicable points systems and specific goals for tender invitations. The Treasury Procurement Guidelines published by the NT and which are available on their website provide guidelines for public procurement and emphasise the Government's commitment to a procurement system which enables the emergence of sustainable small, medium and micro business.

The Broad-Based Black Economic Empowerment Act 56 of 2003 (BBBEE Act) is designed to promote black economic empowerment and to empower the Minister to issue codes of good practice and to develop criteria for entering into partnerships with the private sector. The Minister is empowered to issue codes of good practice on black economic empowerment by notice in the *Government Gazette*, in terms of section 9(1) of the BBBEE Act, in order to promote the purpose of the Act. Section 10 provides that every organ of state and public entity, which includes municipalities, must take into account and, as far as reasonably possible, apply any relevant code of good practice issued in terms of the BBBEE Act.

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[9] Section 2(3)(d)

[10] See section 217 of the Constitution

[11] Published in *Government Gazette* 47452 of 4 November 2022 under Notice 2721

In terms of section 12 of the BBBEE Act the Minister must publish transformation charters. The Property Sector Transformation Charter has been published as an indication of what the industry deems possible to be achieved in terms of BBBEE. This charter should be taken into consideration in the development and implementation of the Project.

The NT has published the Municipal Service Delivery and PPP Guidelines. Module 2 of this document provides a *Code of Good Practice for BEE in Public-Private-Partnerships.* The Guidelines should be applied in relation to the project.

The Guidelines provide that the Municipality must prepare a procurement plan for the project that must contain at least the following:

- A project timetable for the key milestones and all approvals which will be required to take the project from TVR I to TVR III.
- Confirmation that sufficient funds in the municipality's budget are available to take the project to TVR III and into contract implementation.
- A list of any potential challenges to the project and a discussion on how these will be addressed by the project team and adviser.
- The best procurement practice and procedures suited to the project type and structure.
- The governance processes to be used by the municipality in its management of the procurement, especially regarding decision-making.
- The project stakeholders and the extent of their involvement in the external option.
- The project team with assigned functions.
- Categories of information to be made available to bidders and how such information will be developed.
- A list of required approvals from within and outside the municipality.
- A Gantt chart of the procurement process, including all approvals and work items necessary for obtaining these approvals (for procurement documentation as well as, for example, the land acquisitions and environmental studies to be procured by the municipality).
- Contingency plans for dealing with deviations from the timetable and budgets.
- The bid evaluation process and teams.
- An appropriate quality assurance process for procurement documentation.
- The means of establishing and maintaining an appropriate audit trail for the procurement.
- Appropriate security and confidentiality systems, including confidentiality agreements, anti-corruption mechanisms, and conflict of interest forms to be signed by all project team member.

7. UNSOLICITED BIDS

Unsolicited bids are governed by section 113 of the MFMA. It provides that a municipality is not obliged to consider an unsolicited bid received outside of its normal

bidding process. If it does consider the bid it must do so in accordance with applicable regulations. Regulation 37 of the SCM Regulations deals with unsolicited bids and sets out procedures to be followed should a municipality decided to consider such a bid. It may do so only if the product or service is demonstrably unique, will be exceptionally beneficial to or have exceptional cost advantages, the person making the bid is the sole provider of the product or service and the accounting officer finds the reasons for not going through the normal bidding process to be sound. The decision to consider the bid must be made public with an invitation to submit comments. The comments and responses from the bidder must be submitted to the NT and Provincial Treasury for comment. The adjudication committee must consider the bid taking into account the matters required by the Regulations and its decision submitted to the NT and Provincial Treasury.

National Treasury Practice Note No. 11 of 2008/2009 deals with unsolicited proposals. The SLM may consider an unsolicited proposal (UP) if a project feasibility study has been done that establishes a clear business case for the proposal, the product or service involves an innovative design or an innovative approach to project development and management or presents a new and cost-effective method of service delivery. The UP must include the information listed in paragraphs 2.2 and 2.3 of the Practice Note.

The SLM must reject the UP if it relates to institutional requirements that can be acquired by conventional competitive bidding or relates to products or services that are generally available. If the UP is compliant, the SLM may enter into direct negotiation with the proponent (i.e. the party who submitted the UP) outside of the normal bidding process. If the proposal amounts to a PPP the SLM must comply with the PPP requirements outlined in section 4 above.

If the proposal is not a PPP, the SLM must undertake a comprehensive evaluation of the proposal including a feasibility study that complies with paragraph 4.2.3.1 of the Practice Note. If the SLM determines that the requirements of the UP are met, it may enter into an unsolicited proposal agreement that complies with paragraph 4.2.4.

Once the unsolicited proposal agreement has been concluded the SLM must prepare and issue bid documents, i.e. a request for qualification (RfQ) to "test the market for the existence of other private entities capable of providing the product or service". If there are one or more adequate responses to the RfQ the SM must conduct a competitive bidding process in terms of its SCMP among the firms qualified in the RfQ. Should the proponent of the UP not be awarded the contract, he/she must be reimbursed by the successful bidder for the audited costs of submitting the proposal.

8. OTHER RELEVANT LEGISLATION

Apart from the legislation referred to above, the SLM must also comply with the following legislation (the list is not exhaustive – only more important legislation is mentioned on a high-level basis):

8.1 The National Land Transport Act 5 of 2009 (NLTA)

The NLTA allocates functions to municipalities[12], one of which is to do transport planning. The SLM must prepare an integrated transport plan for each 5-year period in terms of the Minimum Requirements for Integrated Transport Plans gazetted under the Act[13]. The SLM has prepared a comprehensive ITP (CITP) which may have provisions applicable to the project. The Minimum Requirements provide that public transport must be favoured over private car transport, which may have a bearing on the project[14]. Section 38(2)(b) provides that developments on property within the area of a planning authority (this includes the SLM) are subject to traffic impact assessments and public transport assessments as prescribed by the Minister. To date no such assessments have been prescribed.

8.2 The National Road Traffic Act 93 of 1996 (NRTA)

The NRTA and the National Road Traffic Regulations, 2000 made under the NRTA deal comprehensively with road traffic issues. The Road Traffic Signs and Markings Manual attached to the Regulations must be complied with as regards signs and markings for the parking facility, as well as provisions on road access etc.

8.3 The South African National Roads Agency Limited and National Roads Act 7 of 1998

In terms of this Act the SA National Roads Agency (SANRAL) has full responsibility for all national roads. If the project impacts on any national roads the SLM will have to engage with SANRAL.

8.4 The Western Cape Provincial Transport Infrastructure Act 3 of 2023

The Province has full responsibility for provincial roads. This Act is not in operation yet, and currently the Cape Roads Ordinance 19 of 1996 applies. The SLM will have to engage with the Western Cape Mobility Department of the Provincial Government if the project will impact on provincial roads in any way or if permission (a wayleave) is required to encroach on provincial road reserves.

8.5 The Intergovernmental Relations Framework Act 5 of 2013 (IGRFA)

The IGRFA provides a framework to promote and facilitate intergovernmental relations to flesh out Chapter 3 of the Constitution, which requires the spheres of government and organs of state to co-operate with each other in a spirit of mutual trust and good faith. The IGRFA provides for co-operative agreements (called protocols) between

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[12] Mainly section 11(1)(c)

[13] Notice 881 in Government Gazette 40174 of 29 July 2016

[14] Page 20

spheres of government and other organs of state and for procedures that must be followed, where disputes arise between them. Guidelines have been published under the Act on those issues. In dealing with other organs of state in the course of the project the SLM must comply with this Act.

8.6 The Climate Change Bill, 2022

This Bill has not yet been passed by Parliament, but is mentioned because is purpose is to enable the development of an effective climate change response and a long-term just transition to a low-carbon and climate-resilient economy and society for South Africa in the context of sustainable development. The Bill lists transport as one of the functional areas where the Bill applies. It provides that the Bill will prevail in the case of any conflict with other legislation. One of the objectives is to reduce private car use and promote public transport and NMT.

The Bill will place a responsibility on municipalities to undertake a climate change needs and response assessment and limit the emissions of greenhouse gases (GHG) within one year from the date of coming into operation of the Act and develop and implement a climate change response implementation plan within two years of that date, which must be informed by the climate change needs and response assessments.

This will impose a duty on municipalities to consider and implement by-laws to ensure compliance with the required needs assessment and the climate change response measures, which could impact on parking issues.

8.7 The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA)

SPLUMA regulates spatial planning and land use management. It provides that municipalities must develop a spatial development framework (SDF) as part of their integrated development plans (IDPs). It is presumed that spatial planning and land use questions will not be an issue in the project because the site is already being used by the SLM as a parking facility. In this regard see also the Western Cape Land Use Planning Act 3 of 2014.

8.8 The Promotion of Administrative Justice Act 3 of 2000 (PAJA)

PAJA gives effect to section 33 of the Constitution which requires administrative action that is lawful, reasonable and procedurally fair. It provides for certain minimum procedures to be undertaken where an "administrative action" is undertaken. "Administrative action" is widely defined to include a decision or failure to take a decision by an organ of state or persons and institutions performing public functions, which adversely affect the rights of any person.

PAJA provides that where organs of state such as the SLM undertake any administrative action as defined in the Act that may materially and adversely affect the rights of the public, it must notify affected persons and allow them the opportunity to comment. The Act must be read with its regulations. The process can involve either a "notice and comment" procedure or one or more public hearings. This will apply for example if the new proposed parking facility is likely to materially and adversely affect the rights of adjoining properties.

8.9 The Labour Relations Act 66 of 1995 (LRA)

The LRA deals with labour relations and gives effect to section 23 of the Constitution which guarantees the right to fair labour practices. This Act will apply if the staff of the SLM will be affected by the construction or operation of the facility, e.g. if staff are to be transferred to the PP to operate the facility.

The LRA and other labour legislation and applicable collective agreements will have to be applied if relevant, depending on decisions taken as to how personnel are to be dealt with. For example, section 197 of the LRA deals with the transfer of contracts of employment where a business is transferred as a going concern, e.g. if the parking facility that exists on the site will be transferred to the PP as a going concern. Basically, such contracts must be transferred on conditions that are not less favourable to the employees. This will probably not be applicable in the project as proposed.

8.10 The National Environmental Management Act 107 of 1998 (NEMA)

NEMA provides the overarching legislative framework for environmental governance in South Africa. NEMA requires that environmental implications are investigated and public participation is undertaken whenever certain prescribed projects are undertaken. In terms of regulations promulgated under NEMA, an environmental impact assessment (EIA) must be done when certain listed activities are undertaken.

In terms of NEMA and related legislation, a number of environmental processes are required and authorisations and permits/ licenses needed prior to project implementation. No construction should take place prior to the necessary environmental authorisations/ permits and licences being in place.

The project team includes environmental specialists who will ensure compliance.

8.11 The National Heritage Resources Act 25 of 1999

The project must comply with the requirements of this Act. Heritage issues are of special importance in Stellenbosch as a significant part of the "national estate" as defined in that Act. The project team includes specialists who will ensure compliance.

8.12 The National Building Regulations and Building Standards Act 103 of 1977

This Act deals with the erection of buildings and provides for building plans to be approved by local authorities. The Minister of Economic Development may make regulations to be known as the National Building Regulations regarding the preparation, submission and approval of building plans and to regulate all aspects of buildings[15].

8.13 The National Building Regulations, 1990

The National Building Regulations[16] provide, for example, that pedestrian entrances must be positioned, marked and protected so that pedestrians will not walk into the path of moving vehicles . Regulation S.2 provides requirements for buildings in relation to persons with disabilities. This will also apply to public parking facilities. It provides for example that pathways must be free of obstacles. Where parking for more than 50 vehicles is provided, the parking area must also accommodate the parking of motor vehicles used by persons with disabilities.

The National Building Regulations must be applied where applicable to the design and construction of the facility.

8.14 The Stellenbosch Roads and Streets By-Law, 2021

This By-Law[17] regulates roads and streets and must be complied with, especially during construction of the facility. If any encroachment on a street, sidewalk walkway or public place will take place the construction company must obtain written permission from the SLM and comply with conditions that the SLM may impose[18]. The same applies if building materials etc. are to be placed or left on streets or sidewalks. In planting trees or shrubs in a street, sidewalk, walkway or public place the written permission of the SLM is required [19]. The SLM may close off or divert streets, sidewalks etc. for the purpose of construction[20]. The SLM may declare land under its control to be a street, sidewalk or walkway by following the required procedures[21]. This could include the pedestrianisation of streets. Persons may apply for exemption from the requirements of the By-Law in terms of section 2.

8.15 The Stellenbosch Rates By-Law, 2013

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[15] Section 17
[16] Promulgated under Notice R.2378 of 10 October 1990
[17] Promulgated in Provincial Gazette Extraordinary 8436 of 28 May 2021
[18] Section 4
[19] Section 8
[20] Section 39
[21] Section 41

In terms of this By-Law the SLM must develop and implement a Rates Policy. This may be relevant if there is a proposal that the developer of the facility will be exempted from paying rates for a period to recoup the construction costs.

8.16 The Stellenbosch By-Law on Municipal Land Use Planning, 2023

This By-Law[22] is relevant to the planning and zoning of the site for the facility. As stated above in relation to SPLUMA, there has probably already been compliance with this By-Law as the site is already being used by the SLM as a parking facility.

8.17 The Stellenbosch Rates Policy 2021/2022

The SLM must adopt a Rates Policy in terms of section 3(1) of the Municipal Property Rates Act (MPRA). The Policy thus has legal force in terms of this section and the Rates By-Law referred to above. In terms of this Policy properties used for public service purposes will be specially categorised and rated accordingly[23]. The SLM will grant a 100% exclusion on all public service infrastructure properties[24]. Para 7.6 provides as follows:

> *Municipal-owned properties which are leased in terms of a lease agreement or those properties which are allocated to beneficiaries but not yet transferred, will be rated as per the provisions of this Policy. The exclusions, exemptions, rebates, and reductions relating to the usage of properties as detailed in this Policy and the MPRA, will apply if applicable. The rates of said non-excluded property will be passed on to the lessee or the allocated beneficiary. All other Municipal-owned properties as described in Section 7(2)(a)(i) of the MPRA, will be excluded from paying property rates.*

Section 7(2)(a)(i) of the MPRA refers to properties owned by the SLM.

8.18 The Stellenbosch Non-Motorised Transport Policy, 2015

Policy does not have the force of law until embodied in legislation (by-laws in this case), but must be complied with as a published policy of the Municipality. The Policy states that[25]:

> *The NMT network plan forms part of the Comprehensive Integrated Transport Plan (CITP) for the Municipal area and will integrate with other mobility studies and plans as well as adhere to the WCO24 Municipal Spatial Development Framework (MSDF) 2013.*

Also that[26]:

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[22] Promulgated in Provincial Gazette Extraordinary 8768 of 9 June 2023
[23] Para 7.3
[24] Para 7.4
[25] Para 5.5
[26] Para 5.6 and 5.7

The Municipality should establish and promote secure Municipal and/or co-operative bicycle parking facilities at strategic locations.

The Municipality should address mobility impairment as part of the NMT plan.

The National and Provincial Governments also have NMT policies. See for example the Draft National Non-Motorised Transport (NMT) Policy, 2013 and the Western Cape Draft strategy on Non-Motorised Transport in the Western Cape, 2009. These policies all require NMT to be promoted and to be integrated with public transport modes.

8.19 The Draft Stellenbosch Non-Motorised Transport Policy, 2021

This Policy is still draft but is in the process of being finalised. It provides that the SLM must "strive towards car-free living in Stellenbosch" and "achieve a modal shift in the Stellenbosch CBD towards public transport, walkability and cycle-ability"[27].

As regards universal access: "Stellenbosch Municipality will implement infrastructure that are universally accessible and will also upgrade existing infrastructure to become universally accessible"[28]. It provides that:

Stellenbosch Municipality will manage, maintain and implement road and streets in such a manner that the road reserve can be safely used by all users, motorised vehicles, including public transport vehicles and non-motorised transport users such as pedestrians, cyclists and users of e-mobility options (e-bikes, pedi-cabs, etc). This requires a careful consideration of the design and use of the sidewalk to enable a broad use that are still legal.

All streets in Stellenbosch CBD will be managed in such a way that they become more pedestrian friendly and prioritize the needs of more vulnerable road users.

Stellenbosch Municipality will encourage and facilitate cycling including users of e-bikes to use the sidewalk and share space with pedestrians.

In streets where high pedestrian volumes are experienced, on-street parking bays will be converted to wider pedestrian space or cycle lanes, as required. [Emphasis added].

8.20 The Stellenbosch Universal Access Policy, 2021

This Policy refers to the National White Paper on the Rights of Persons with Disabilities, 2016 (WPRPD) and provides that:

The vision of the WPRPD is the creation of a free and just society inclusive of all persons with disabilities as equal citizens.

In order to achieve the above, universal accessibility should not be viewed as just physical changes to buildings and the like, but inclusion through the

[27] Section 3

[28] Section 6.1, 6.3, 6.8 and 6.9

acceptance of Universal Design Principles in the development of standards and guidelines. The term "Universal Design" has evolved from the "Barrier Free Design" and "Accessible Design", design processes that focused specifically on addressing the needs of people with disabilities.

The design of the parking facility should thus include provision for universal access and use. This includes not only persons with disabilities, but also persons who are mobility challenged such as the elderly, children, parents with prams etc. In this regard see also the NDoT's National Strategic Framework on Universal Design and Access, 2021.

8.21 The Stellenbosch Draft Policy on Sidewalk Accessibility, 2022

This Draft Policy provides that:

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.

The Draft Policy includes minimum guidelines for sidewalk construction.

8.22 The Draft Stellenbosch Wayleave Policy, 2022/23

This Draft Policy provides procedures for applying for permission for construction work etc. in municipal public road reserves, which include the full width of a public road including the verge and roadway.

9. CONCLUSIONS

This report has outlined the steps required for a PPP-BOOT arrangement for the proposed Eikestad parking facility and related matters. Some relevant policy documents have also been included. The report requires to be discussed and will be amended or supplemented as appropriate once comments are received and if there should be changes in the applicable policy or legislation. The report can be firmed up once final arrangements have been agreed upon, including the financial arrangements.

The programme of required actions that has been prepared should synchronise the required processes, e.g. the required public participation processes, and actions should be combined where possible to avoid duplication.

Draft - 8 July 2024

STELLEBOSCH EIKESTAD PARKING PROJECT

PROJECT DUE DILIGENCE REPORT: MANDATUM CC

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1. INTRODUCTION AND BACKGROUND

The project is being conducted by the Stellenbosch Local Municipality (SLM). The proposal is to involve the private sector in the development and operation of a multi-storey parking facility in the central business district of the SLM. The facility will be erected on the site of the existing Eikestad parking facility on land owned by the SLM. The land is currently being used as a parking facility. The Project Feasibility Study Report (FS) found that the best available option is a build-operate-transfer (BOT) arrangement with a private sector operator which will amount to a public-private-partnership (PPP) as defined in the Municipal PPP Regulations made under the Municipal Finance Management Act (MFMA). The private party (PP) will raise the necessary funds and erect the facility at its own cost. The PP will operate the facility for an estimated period of 20 years after which the PPP agreement will terminate and the facility will continue to be owned by the SLM. When improvements are erected on

land they accede to the land, i.e. once the facility is built it will automatically be owned by the SLM unless transferred to the PP.

Parking fees will accrue to the PP to enable it to recoup the construction and operating costs. It may be agreed that the SLM and PP may share the income from the facility. The facility may also include shops and other retail outlets, the rental of which will accrue to the parties as agreed. Our instructions are that the SLM will not contribute any funding for the project.

Disclaimer

This report is based on information and documents provided to the author. It reflects the situation on the date of submission. As legislation and policy is subject to change, and some of the aspects of the project have not yet been finalised, it should be regarded as a living document that will be supplemented or amended from time-to-time as required.

Abbreviations and acronyms

The following abbreviations and acronyms are used in this report:

BBBEE or BEE	Black economic empowerment
BBBEE Act	Broad-Based Black Economic Empowerment Act 56 of 2003
BL	By-law
BOT	Build-operate-transfer
COGTA	Department of Cooperative Governance and Traditional Affairs
FS	Feasibility Study
Guidelines	The Municipal Service Delivery and PPP Guidelines published by the National Treasury
IGRFA	Intergovernmental Relations Framework Act 5 of 2013
LRA	Labour Relations Act 66 of 1995
MAT Regs	The MFMA Municipal Asset Transfer Regulations published in *Government Gazette* 31346 of 22 August 2008
ME	Municipal entity
MFMA	Local Government: Municipal Finance Management Act 56 of 2003
MPRA	Local Government: Municipal Property Rates Act 6 of 2004
MSA	Local Government: Municipal Systems Act 32 of 2000
Municipal PPP Regulations	Municipal Public-Private-Partnership Regulations published in *Government Gazette* 27431 of 1 April 2005
NDoT	National Department of Transport
NEMA	National Environmental Management Act 107 of 1998
NLTA	National Land Transport Act 5 of 2009

NMT	Non-motorised transport
NRTA	National Road Traffic Act 93 of 1996
NT	National Treasury
PAJA	Promotion of Administrative Justice Act 3 of 2000
Planning By-Law	Stellenbosch By-Law on Municipal Land Use Planning 2023
PP	Private party
PPP	Public-private-partnership
Province	The Western Cape Province
PT	Provincial Treasury
RfQ	Request for qualification
SCMP	The Supply Chain Management Policy of the SLM prepared in terms of section 111 of the MFMA
SLM	Stellenbosch Local Municipality
SPLUMA	Spatial Planning and Land Use Management Act 16 of 2013
Structures Act	Local Government: Municipal Structures Act 117 of 1998
Summary Report	The Summary Report prepared in terms of the Guidelines read with section 10 of the MFMA
TVR	Treasury Views and Recommendations
UP	Unsolicited proposal
WDM	Winelands District Municipality

2. STRUCTURE AND MANDATE OF THE MUNICIPALITY

The SLM was established by Provincial Notice 489 of 22 September 2000 in terms of sections 12 and 14 of the Structures Act. The boundaries of the SLM were determined by the Municipal Demarcation Board in Provincial Notice 69 of 3 March 2000. It is a municipality with a mayoral executive system combined with a ward participatory system as provided for in the Western Cape Determination of Types of Municipalities Act 9 of 2000.

The SLM is a Local (Category B) Municipality contemplated in section 155(1) of the Constitution. It falls within the area of the Winelands District Municipality (WDM), being the relevant Category C municipality. As such its powers, functions and duties are set out in Chapter 7 and Parts B of Schedules 4 and 5 of the Constitution, and are elaborated on in sections 83 and 84 of the Local Government: Municipal Structures Act 117 of 1998 (Structures Act). It enjoys the powers and functions contemplated in section 83 of that Act excluding the powers allocated to the WDM in terms of section 84(1).

The Constitution and the MSA require municipalities to provide municipal services, as defined in the MSA, to their communities. The function of "traffic and parking" is

allocated to municipalities by Part B of Schedule 5 to the Constitution. For these reasons the provision of parking facilities is regarded as a municipal service as defined in the MSA.

In this and all other projects the SLM must comply with Chapter 2 of the Constitution which provides the Bill of Rights. This includes, for example, that it must not discriminate, must apply just administrative action, must provide an environment that is not harmful to its residents, etc.

Chapter 3 of the Constitution deals with cooperative government. The SLM as an organ of state must, among other things, co-operate with other organs of state in mutual trust and good faith by coordinating its actions and legislation with that of the other organs of state and avoiding legal proceedings against them[1].

The Council has established a "System of Delegations" for the Municipality in terms of which the function "To exercise all supply chain management powers and duties and to take decisions on all procurement of goods and services subject to the Municipal supply chain management regulations and council's SCM policy" has been delegated to the Accounting Officer, with sub-delegation to the Chief Financial Officer (CFO).

3. USE RIGHTS OF THE MUNICIPALITY

The following is a brief description of available options regarding the use of the property.

3.1 A service contract

This is where a municipality pays a fee to a contractor to provide the services. Capital investment is usually not the responsibility of the contractor. This type of contract is not suitable where capital investments are involved and is not considered suitable for the proposed parking facility arrangement. A service contract is appropriate where a straightforward service is to be outsourced. The contract term is normally between one and three years.

3.2 A management contract

This is where a municipality pays a fee to a contractor to assume overall responsibility for the operation and maintenance of a service delivery system, with the freedom to make day-to-day management decisions. Capital investment is usually not the responsibility of the contractor. This type of contract is usually used where the contractor assumes responsibility for a public open space or similar facility and is not suitable for the proposed parking facility. It is appropriate where there is a need for an outside organisation to take management responsibility for a service without having to provide any capital investment. The contract term is normally between two and five years.

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[1] Section 41(1).

3.3 The SLM sells the land

In this option the SLM would sell the land to the PP which will then take full responsibility and risk for the future operation, maintenance and development of the facility. The purchaser will manage the parking through competition in the market place or by competing for a contract to provide monopoly services for a defined period at an agreed price and could conclude an agreement with the PP that it will erect and operate the facility for the period and on the conditions set by the SLM. This option has not been chosen for the reasons set out below. The sale of capital assets by a municipality is governed by section 14 of the MFMA and the Municipal Asset Transfer Regulations, 2008 (MAT Regulations) made under the MFMA.

A sale of the asset is appropriate where the SLM wishes to divest itself of a non-core asset, which is not the case in the current proposals.

Advantages

- Allows the SLM to get rid of non-core assets, if this is applicable.
- Opportunities for existing staff can be created by allowing them to participate in the new facility.
- The SLM will gain a cash injection for the sale.
- Full risk and responsibility is transferred to the new owner.
- The SLM will not have to expend resources to manage the facility except for having to see that the PP adheres to its obligations under the agreement and the by-laws of the SLM.

Disadvantages

- The SLM will lose a valuable asset that can be used to provide parking or other uses for generations to come.
- The SLM will have to ensure that the purchaser has the resources to manage the facility without financial support from the SLM.
- Although the SLM will not have to follow the PPP procedures, it will have to subject the decision to a public participation process and do an investigation to provide an information statement to Council and solicit the views of the NT and the Provincial Treasury in terms of the MAT Regulations.

3.4 The SLM leases the land to the PP

In terms of this option the SLM would enter into a lease agreement with the PP in terms of which the PP will rent the land on payment of either a fixed rental or a rental based on a percentage of income. The PP will assume responsibility for operation and maintenance of the facility. Usually with the lease option the PP will finance working capital and maintenance, but not fixed assets, which remain the responsibility of the municipality. Typically, leases do not have a duration of more than 10 years. The lease

agreement could provide that the lessee (PP) must erect and operate the facility on the conditions set by the SLM.

A lease is appropriate where there is a need for an outside organisation to take management responsibility for a service as well as having to provide capital investment for limited life assets (e.g., vehicles, equipment etc).

Advantages

- The lease option is good for operation and maintenance type services where the municipality lacks skills or resources to manage the operations.
- Operational and maintenance risk is transferred to the contractor. The risk relating to revenue generation may or may not be transferred to the contractor.
- Brings in external experience and expertise.
- The contractor can be made responsible for capital investment, but usually only for limited life assets.
- The SLM will generate fixed income from the lease.
- The lease agreement and arrangements could be structured in such a way that it does not amount to a PPP, in which case the onerous PPP procedures need not be followed. However the procedures outlined in Chapter 4 of the MAT Regulations must be followed.

Disadvantages

- May not bring in major amounts of capital investment.
- The SLM is still responsible for funding for expansion of the facility.
- If the arrangement falls within the PPP definition quoted above, i.e the PP is providing the parking services on behalf of the SLM and is taking on substantial financial, technical and operational risks, the PPP procedures required by section 120 of the MFMA and the Municipal PPP Regulations must be followed. These include obtaining views and recommendations from the NT and Provincial Treasury and other procedures that will be outlined later in this Report.
- Parking is a municipal service, the provision of which service cannot be ensured by using this mechanism.

3.5 A concession agreement

In this option the SLM will continue to own the asset, but it will be leased and managed by the concessionaire for the period of the agreement. The concessionaire handles operations and maintenance and finances the design and development of the facility. At the end of the contract the SLM continues to own the facility. The SLM exercises

regulatory and oversight for which it receives a concession fee. Concessions typically focus on operating and financing the expansion of existing systems.

A concession is appropriate where capital investment is required in a number of areas and an outside organisation is required to provide this investment and to take over long-term responsibility for a specific service.

Advantages

- The contractor takes full responsibility for revenue collection and operating losses.
- Revenue risk is transferred to the contractor.

Disadvantages

The contractor may not use the property to raise finance or obtain a bond over the property which is prohibited by regulation 45(2)(x) of the MAT Regulations.

3.6 A build-operate-transfer arrangement

This is the arrangement recommended by the FS and is fully described in that Report.

A BOT arrangement is appropriate where capital investment is required to construct one specific facility, and an outside organisation is required to provide this investment and to recover its investment by operating the facility for about 15 years or longer.

Advantages

- The PP is required to fund the facility.
- The PP will typically bring in external expertise and experience from operating similar facilities elsewhere.
- The PP takes responsibility for revenue collection and for operation and maintenance, the risks of which are transferred to the PP. Revenue risk may or may not be transferred.
- Risk is transferred to the contractor, including the construction costs.
- The SLM retains ownership of the facility in perpetuity. This places it in a stronger position should the agreement have to be terminated.
- There is also no risk of the SLM losing the property should the PP fail to meet its obligations or go into liquidation. However, the agreement should be structured to avoid or reduce financial risk to the SLM.
- The parties can agree on the disposal of the rates and taxes accruing from the property. For example, it could be agreed that the PP will be exempted from paying these for a period or up to a ceiling amount until the costs of erecting and operating the facility are recouped. The same applies to the bulk service contributions payable to the SLM for the provision of services (electricity, water,

sanitation etc.). Agreement can be reached as to payment of these contributions, which could involve a discount or exemption to enable the PP to recover its costs, depending on whether the applicable by-laws allow for this.

Disadvantages

- The onerous PPP procedures must be followed which can be a lengthy process. However these procedures are designed to benefit the Municipality and its residents by confirming that there will be value for money from the arrangements, that proper financial arrangements are put in place, etc.

General comment

The options outlined above, with the probable exception of the service contract, could be used to outsource all or some of the SLM's responsibilities in similar projects. The level of transfer of operation and financial responsibility will dictate whether any of these styles of contract become a PPP as defined in the Municipal PPP Regulations.

4. APPLICABLE LEGISLATION AND POLICY

The legislation applicable to the project is mainly the MFMA, the MSA and the Municipal PPP Regulations. Apart from these, the following legislation is or could be applicable (the list is not necessarily exhaustive) and has been considered:

- The Constitution on the allocation of powers and functions of the spheres of government, the Bill of Rights, financial issues and procurement
- The Promotion of Administrative Justice Act 3 of 2000 (PAJA) on fair and just administrative action
- The Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA) on procurement and the Procurement Regulations made under that Act
- The National Road Traffic Act 93 of 1996 and the National Road Traffic Regulations, 2000 on road signs and markings, use of public roads and sidewalks, rules of the road etc.
- The National Building Regulations and Building Standards Act 103 of 1977 and the regulations and standards issued in terms of that Act
- The National Land Transport Act 5 of 2009 (NLTA) on detailed land transport functions of the spheres of government and on transport planning
- The *Minimum Requirements for Integrated Transport Plans* published in terms of the NLTA on 29 July 2016 in *Government Gazette* 40174 (Notice 881) on requirements for transport planning
- The National Land Transport Amendment Act 23 of 2023 – promulgated but not in force yet - will amend some relevant provisions of the NLTA

- The Broad-Based Black Economic Empowerment Act 53 of 2003 (B-BEE Act) as well as the B-BBEE regulations and codes
- The National Environmental Management Act 107 of 1998 (NEMA) and regulations, and related legislation such as the National Environmental Management: Air Quality Act 39 of 2004
- The Heritage Resources Act 25 of 1999
- The Infrastructure Development Act 23 of 2014
- The Climate Change Bill, 2022 on the need to promote public transport etc. to combat climate change
- The Stellenbosch Local Municipality (SLM) Roads and Streets By-Law, 2021
- The SLM Draft NMT By-Laws, 2023
- Current SLM Tariff Policy 2024-2025 and Tariff By-Law 2024-2025
- Other relevant by-laws of the SLM
- The Municipal Supply Chain Management Regulations published in terms of the MFMA on 30 May 2005 as amended on 20 January 2017
- The Municipal Asset Transfer Regulations published in terms of the MFMA under Notice R.878 of 22 August 2008 (not applicable if PPP procedures are followed)
- Stellenbosch By-Law on Municipal Land Use Planning 2023.

Relevant Policy documents include the following, among others:

- The Municipal Service Delivery and PPP Guidelines published by the National Treasury ("the Guidelines")
- The White Paper on National Transport Policy, 1996 and draft revised White Paper, 2021 published In *Government Gazette* 46422 of 27 May 2022
- The SLM's Supply Chain Management Policy (SCMP) adopted in terms of section 111 of the MFMA
- The Public Transport Strategy and Action Plan, 2007 on integration of public transport services
- The Draft National Non-Motorised Transport (NMT) Policy, 2013 on the need to promote NMT e.g. by providing bicycle lock-up facilities
- The Non-Motorised Transport Facility Guideline, 2014 on the design of transport facilities to promote NMT
- The National Strategic Framework on Universal Design and Access, 2021 on the need to design infrastructure to accommodate accessible transport

- The White Paper on the Rights of Persons with Disabilities, 2016 on the need to design infrastructure to accommodate the needs of persons with disabilities
- The National Climate Change Response White Paper, 2011 on the need to limit private car use etc. to combat climate change and limit greenhouse gases (GHG)
- The TRH26 South African Road Classification and Access Management Manual, 2012 on road access.

Apart from the legislation and policy referred to above, the SLM must also comply with the following legislation (the list is not exhaustive – only more important legislation is mentioned on a high-level basis):

4.1 The National Land Transport Act 5 of 2009 (NLTA)

The NLTA allocates functions to municipalities[2], one of which is to do transport planning. The SLM must prepare an integrated transport plan for each 5-year period in terms of the Minimum Requirements for Integrated Transport Plans gazetted under the Act[3]. The SLM has prepared a comprehensive ITP (CITP) for the period 2023 to 2028 (see 4.23 below). The Minimum Requirements provide that public transport must be favoured over private car transport, which may have a bearing on the project[4]. Section 38(2)(b) provides that developments on property within the area of a planning authority (the SLM is a planning authority) are subject to traffic impact assessments and public transport assessments as prescribed in regulations made by the Minister. To date no such regulations have been prescribed.

4.2 The National Road Traffic Act 93 of 1996 (NRTA)

The NRTA and the National Road Traffic Regulations, 2000 made under the NRTA deal comprehensively with road traffic issues. The Road Traffic Signs and Markings Manual attached to the Regulations must be complied with as regards signs and markings for the parking facility, as well as provisions on road access etc.

Section 80A of the NRTA provides that a municipality may make by-laws on the use of public roads, regulating parking and the appointment and regulation of parking attendants. It may be necessary for the SLM to make by-laws or amend its existing by-laws to promote the financial feasibility of the project by restricting parking in public roads and spaces near or around the proposed facility. The SLM may erect traffic signs and markings to apply such measures, and will need to apply the law enforcement measures authorised by the NRTA and applicable by-laws to enforce compliance with the measures[5].

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[2] Mainly section 11(1)(c)
[3] Notice 881 in Government Gazette 40174 of 29 July 2016
[4] Page 20
[5] See for example the powers of traffic officers in section 3I (uppercase i) of the NRTA

4.3 The South African National Roads Agency Limited and National Roads Act 7 of 1998

In terms of this Act the SA National Roads Agency (SANRAL) has full responsibility for all national roads. If the project impacts on any national roads the SLM will have to engage with SANRAL.

4.4 The Western Cape Provincial Transport Infrastructure Act 3 of 2023

The Province has full responsibility for provincial roads. This Act is not in operation yet, and currently the Cape Roads Ordinance 19 of 1996 applies. The SLM will have to engage with the Western Cape Mobility Department of the Provincial Government if the project will impact on provincial roads in any way or if permission (a wayleave) is required to encroach on provincial road reserves.

4.5 The Intergovernmental Relations Framework Act 5 of 2013 (IGRFA)

The IGRFA provides a framework to promote and facilitate intergovernmental relations to flesh out Chapter 3 of the Constitution, which requires the spheres of government and organs of state to co-operate with each other in a spirit of mutual trust and good faith. The IGRFA provides for co-operative agreements (called protocols) between spheres of government and other organs of state and for procedures that must be followed, where disputes arise between them. COGTA has published Guidelines under the Act on those issues. In dealing with other organs of state in the course of the project the SLM must comply with this Act.

4.6 The Climate Change Bill, 2022

This Bill has not yet been passed by Parliament, but is mentioned because is purpose is to enable the development of an effective climate change response and a long-term just transition to a low-carbon and climate-resilient economy and society for South Africa in the context of sustainable development. The Bill lists transport as one of the functional areas where the Bill applies. It provides that the Bill will prevail in the case of any conflict with other legislation. One of the objectives is to reduce private car use and promote public transport and NMT.

The Bill will place a responsibility on municipalities to undertake a climate change needs and response assessment and limit the emissions of greenhouse gases (GHG) within one year from the date of coming into operation of the Act and develop and implement a climate change response implementation plan within two years of that date, which must be informed by the climate change needs and response assessments.

This will impose a duty on municipalities to consider and implement by-laws to ensure compliance with the required needs assessment and the climate change response measures, which could impact on parking issues.

The progress through Parliament of this Bill and the regulations proposed by the Bill should be monitored as to its relevance to the project once it is promulgated and brought into operation.

4.7 The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA)

SPLUMA regulates spatial planning and land use management. It provides that municipalities must develop a spatial development framework (SDF) as part of their integrated development plans (IDPs). It is presumed that spatial planning and land use questions will in relation to the project will not be significant because the site is already being used by the SLM as a parking facility. See section 13 below on site enablement issues, which includes the zoning of the property. In this regard see also the Western Cape Land Use Planning Act 3 of 2014.

4.8 The Promotion of Administrative Justice Act 3 of 2000 (PAJA)

PAJA gives effect to section 33 of the Constitution which requires administrative action that is lawful, reasonable and procedurally fair. It provides for certain minimum procedures to be undertaken where an "administrative action" is undertaken. "Administrative action" is widely defined to include a decision or failure to take a decision by an organ of state or persons and institutions performing public functions, which adversely affect the rights of any person.

PAJA provides that where organs of state such as the SLM undertake any administrative action as defined in the Act that may materially and adversely affect the rights of the public, it must notify affected persons and allow them the opportunity to comment. The Act must be read with its regulations. The process can involve either a "notice and comment" procedure or one or more public hearings. This will apply for example if the new proposed parking facility will materially and adversely affect the rights of adjoining properties. The PPP procedures provide for public participation – see section 11 below.

4.9 The Labour Relations Act 66 of 1995 (LRA)

The LRA deals with labour relations and gives effect to section 23 of the Constitution which guarantees the right to fair labour practices. This Act will apply if the staff of the SLM will be affected by the construction or operation of the facility, e.g. if staff are to be transferred to the PP to operate the facility.

The LRA and other labour legislation and applicable collective agreements will have to be applied if relevant, depending on decisions taken as to how personnel are to be deployed. For example, section 197 of the LRA deals with the transfer of contracts of

employment where a business is transferred as a going concern, e.g. if the parking facility that exists on the site will be transferred to the PP as a going concern. Basically, such contracts must be transferred on conditions that are not less favourable to the employees. This will probably not be applicable in the project as proposed.

The SLM is engaging with organised labour – see section 16 below.

4.10 The National Environmental Management Act 107 of 1998 (NEMA)

NEMA provides the overarching legislative framework for environmental governance in South Africa. It requires that environmental implications are investigated and public participation is undertaken whenever certain prescribed projects are undertaken. In terms of regulations promulgated under NEMA, an environmental impact assessment (EIA) must be done when certain listed activities are undertaken.

In terms of NEMA and related legislation, a number of environmental processes are required and authorisations and permits/ licenses need to be obtained prior to project implementation. No construction should take place prior to the necessary environmental authorisations/ permits and licences being in place.

The project team includes environmental specialists who will ensure compliance. The steps being taken are outlined in the FSR Report.

A Notice of Intent to Develop (NID) has been prepared by the Heritage specialist which concludes that there is reason to believe the proposed development will impact on heritage, and therefore a Heritage Impact Assessment (HIA) will be required. The NID; HIA and additional studies must be submitted to HWC for endorsement and subsequent approval.

Adherence to environmental legislation, including the Environmental Impact Assessment Regulations, National Environmental Management Act, Biodiversity Act, National Water Act, Air Quality Act, and Waste Act was considered by the environmental specialist. It was found that no activities requiring environmental authorisation under the Environmental Impact Assessment Regulations will be triggered. Similarly, no water use activities requiring a water use licence under the National Water Act will be triggered.

4.11 The National Heritage Resources Act 25 of 1999

The project must comply with the requirements of this Act. Heritage issues are of special importance in Stellenbosch as a significant part of the "national estate" as defined in that Act. The project team includes specialists who will ensure compliance and the steps being taken are outlined in the FS Report.

4.12 The National Building Regulations and Building Standards Act 103 of 1977

This Act deals with the erection of buildings and provides for building plans to be approved by local authorities. The Minister of Economic Development may make regulations to be known as the National Building Regulations regarding the preparation, submission and approval of building plans and to regulate all aspects of buildings[6].

4.13 The National Building Regulations, 1990

The National Building Regulations[7] provide, for example, that pedestrian entrances must be positioned, marked and protected so that pedestrians will not walk into the path of moving vehicles . Regulation S.2 provides requirements for buildings in relation to persons with disabilities. This will also apply to public parking facilities. It provides for example that pathways must be free of obstacles. Where parking for more than 50 vehicles is provided, the parking area must also accommodate the parking of motor vehicles used by persons with disabilities.

The National Building Regulations must be applied where applicable to the design and construction of the facility.

4.14 The Infrastructure Development Act 23 of 2014

This Act empowers the Minister responsible for economic development to set guidelines for the implementation of infrastructure projects. Some National Treasury Circulars have been issued pursuant to the Act and allow for example for the preparation of purpose made tender documents for infrastructure projects. Regard should be had to this as input for the project once the stage of developing the RfQ has been reached.

4.15 The National Treasury MFMA Circular No 77: Model SCM Policy for Infrastructure Procurement and Management

The purpose of this Circular is to provide guidance to municipalities and municipal entities to establish a suitable supply chain management system for infrastructure delivery which is better able to deliver value for money, while minimizing the scope for corruption. It attaches a Model SCM Policy for Infrastructure Procurement and Delivery Management (Annexure A) issued in terms of section 168 of the MFMA in support of Regulation 3(2) of the Supply Chain Management Regulations as a Treasury guideline determining a standard for municipal supply chain management policies. It is linked to the National Treasury Standard for Infrastructure Procurement and Delivery Management.

This Circular should be applied in developing the RfQ and related aspects.

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[6] Section 17

[7] Promulgated under Notice R.2378 of 10 October 1990

4.16 The Stellenbosch Roads and Streets By-Law, 2021

This By-Law[8] regulates roads and streets in the municipal area and must be complied with, especially during construction of the facility. If any encroachment on a street, sidewalk walkway or public place will take place the construction company must obtain written permission from the SLM and comply with conditions that the SLM may impose[9]. The same applies if building materials etc. are to be placed or left on streets or sidewalks. In planting trees or shrubs in a street, sidewalk, walkway or public place the written permission of the SLM is required[10]. The SLM may close off or divert streets, sidewalks etc. for the purpose of construction[11]. The SLM may declare land under its control to be a street, sidewalk or walkway by following the required procedures[12]. This could include the pedestrianisation of streets. Persons may apply for exemption from the requirements of the By-Law in terms of section 2.

4.17 The Stellenbosch Rates By-Law 2024-2025

This By-Law gives effect to the SLM's Rates Policy. This may be relevant if there is a proposal that the developer of the facility will be exempted from paying rates for a period to recoup the construction costs. See section 14 below.

4.18 The Stellenbosch Tariff By-Law 2024-2025

The Stellenbosch Tariff By-Law gives effect to the Tariff Policy 2024-2025. Parking tariffs for the facility must be set by the Municipality – see section 15 below.

4.19 The Stellenbosch Planning By-Law, 2023

This By-Law[13] is relevant to the planning and zoning of the site for the facility – see section 13 below.

4.20 The Stellenbosch Rates Policy 2021/2022

The SLM must adopt a Rates Policy in terms of section 3(1) of the Municipal Property Rates Act (MPRA). The Policy thus has legal force in terms of this section and the Rates By-Law referred to above. The Policy is considered in section 14 below.

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[8] Promulgated in Provincial Gazette Extraordinary 8436 of 28 May 2021
[9] Section 4
[10] Section 8
[11] Section 39
[12] Section 41
[13] Promulgated in *Provincial Gazette Extraordinary* 8768 of 9 June 2023

4.21 The Stellenbosch Non-Motorised Transport Policy, 2015

Policy does not have the force of law until embodied in legislation (by-laws in this case), but must be complied with as a published policy of the Municipality. The Policy states that[14]:

> *The NMT network plan forms part of the Comprehensive Integrated Transport Plan (CITP) for the Municipal area and will integrate with other mobility studies and plans as well as adhere to the WCO24 Municipal Spatial Development Framework (MSDF) 2013.*

Also that[15]*:*

> *The Municipality should establish and promote secure Municipal and/or co-operative bicycle parking facilities at strategic locations.*
>
> *The Municipality should address mobility impairment as part of the NMT plan.*

The National and Provincial Governments also have NMT policies. See for example the Draft National Non-Motorised Transport (NMT) Policy, 2013 and the Western Cape Draft strategy on Non-Motorised Transport in the Western Cape, 2009. Both of these emphasise the need to promote NMT as regards transport infrastructure and operations.

4.22 The Stellenbosch Non-Motorised Transport Policy, 2022

The NMT Policy was adopted by Council in October 2022. It recognises that achieving the vision of walkable and cycle-able environments requires a move away from the "business as usual" approach in transport planning and engineering and requires a set of clear principles, policies and strategies to guide officials and politicians of the SLM as regards NMT.

It provides that the SLM must "strive towards car-free living in Stellenbosch" and "achieve a modal shift in the Stellenbosch CBD towards public transport, walkability and cycle-ability".

As regards universal access: "Stellenbosch Municipality will implement infrastructure that is universal accessible and will also upgrade existing infrastructure to become universally accessible". It provides that:

> *Stellenbosch Municipality will manage, maintain and implement road and streets in such a manner that the road reserve can be safely used by all users, motorised vehicles, including public transport vehicles and non-motorised transport users such as pedestrians, cyclists and users of e-mobility options (e-bikes, pedi-cabs, etc). This requires a careful consideration of the design and use of the sidewalk to enable a broad use that are still legal.*

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[14] Para 5.5

[15] Para 5.6 and 5.7

All streets in Stellenbosch CBD will be managed in such a way that they become more pedestrian friendly and prioritize the needs of more vulnerable road users.

Stellenbosch Municipality will encourage and facilitate cycling including users of e-bikes to use the sidewalk and share space with pedestrians.

In streets where high pedestrian volumes are experienced, on-street parking bays will be converted to wider pedestrian space or cycle lanes, as required. [Emphasis added].

4.23 The Stellenbosch Universal Access Policy, 2021

This Policy refers to the National White Paper on the Rights of Persons with Disabilities, 2016 (WPRPD) and provides that:

> *The vision of the WPRPD is the creation of a free and just society inclusive of all persons with disabilities as equal citizens.*
>
> *In order to achieve the above, universal accessibility should not be viewed as just physical changes to buildings and the like, but inclusion through the acceptance of Universal Design Principles in the development of standards and guidelines. The term "Universal Design" has evolved from the "Barrier Free Design" and "Accessible Design", design processes that focused specifically on addressing the needs of people with disabilities.*

The design of the parking facility should thus include provision for universal access and use. This includes not only persons with disabilities, but also persons who are mobility challenged such as the elderly, children, parents pushing prams etc. In this regard see also the NDoT's National Strategic Framework on Universal Design and Access, 2021.

4.24 The Stellenbosch Draft Policy on Sidewalk Accessibility, 2022

This Draft Policy provides that:

> *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.*

The Draft Policy includes minimum guidelines for sidewalk construction.

4.25 The Stellenbosch Wayleave Policy, 2024/25

This Policy provides procedures for applying for permission for construction work etc. in municipal public road reserves, which include the full width of a public road including

the verge and roadway. The PP may have to apply for wayleaves in the course of construction of the facility.

4.26 The Review of the Stellenbosch CITP 2023-2028

As stated above, the CITP is prepared in terms of section 25 of the NLTA read with the regulations on Minimum Requirements for ITPs. The objectives of the revised CITP for 2023 to 2028 regarding infrastructure and parking are to:

- Provide adequate capacity and safe mobility of all modes of transport on all routes, roads and streets;
- Reduce congestion;
- Minimise the impact of through traffic;
- Reduce the impact of extensive on-street parking of private vehicles;
- Provide parking developments that tie-in with and promote the use of public transport;
- Undertake acceptable maintenance;
- Include Universal Design principles, and
- Maintain the character and heritage of the Stellenbosch and Franschhoek Towns.

The CITP provides the objective to achieve a modal shift in the SLM towards public transport, walkability and cyclability. It stipulates an approach that favours vulnerable road users and the introduction of measures to reduce traffic flow in the CBD and develop more pedestrian-friendly or pedestrianised streets. It states that a shift from motorised transport to NMT is taking place because of improved NMT infrastructure and facilities. Parking requirements related to new development are scaled down in favour of public transport and NMT facilities considering all socio-economic and environmental costs/benefits. Where available, on-street parking has been made more expensive to encourage motorists to park-&-ride and/or use NMT. [Emphasis added].

The CITP refers to the parking demand study done for the CBD. The study describes the evaluation of the optimum locations for additional parking, including a multi-storey structure at the Eikestad Mall. It was concluded that depending on the scenario assessments, the CBD could require between 145 and 298 additional parking spaces after 2021. A facility of 120 to 300 parking spaces (in a multi-story structure) at the Eikestad Mall was identified as the optimum solution.

5. LEGAL PROCESSES

In conducting the PPP process the SLM must undertake a "section 78 assessment" in terms of Chapter 8 of the MSA and comply with the requirements of section 120 of the MFMA and the Municipal PPP Regulations. It must follow the guidelines set out in the published Guidelines of the NT. These processes are outlined in the following sections.

6. SECTION 78 ASSESSMENT

Section 120(3) of the MFMA provides that if a PPP involves the provision of a municipal service, there must be compliance with Chapter 8 of the MSA. Accordingly the (SLM) conducted an assessment under that Chapter to determine whether the relevant parking services ("the services") should be provided by an internal or external mechanism.

Section 76 of the MSA provides that a municipality may provide a municipal service either through an internal mechanism (i.e. a department or component of the municipality itself or a business unit within its administration) or by an external mechanism, which may be a municipal entity (ME), another municipality or another organ of state, or a private person or entity by means of a service agreement. An ME may be either a private company or a service utility established by by-laws of the municipality.

"Municipal service" is defined as *a service that the municipality provides for the benefit of its local community in terms of its powers and functions, whether the service is provided by an internal or external mechanism and regardless of whether or not a fee, charge or tariff is levied for the service.* As indicated above the term "municipal service" is thus widely defined and would appear to include parking services.

In terms of section 77 of the MSA, the municipality must review and decide on the appropriate mechanism to provide a municipal service, commonly called a "section 78 assessment", where a new municipal service is to be provided or an existing municipal service is to be significantly upgraded, extended or improved. It seems that the proposed parking services will amount to a significant upgrading, extension or improvement of the parking services currently being provided on the site.

An external mechanism can include the establishment of a municipal entity (ME) under Chapter 8A of the MSA, as a separate legal entity to undertake the functions, with or without undertaking other transport functions.

Section 78 requires as a first step that the municipality must assess whether to use an internal mechanism. This involves, among others, assessing:

- *The indirect costs and benefits if the service is to be provided through an internal mechanism;*
- *The capacity and future capacity of the municipality to furnish the skills, expertise and resources necessary to provide the services through an internal mechanism;*
- *The extent to which the organisation and administration and the development of the human resources (HR) capacity of the municipality could be used to provide the services;*
- *The likely impact on development, job creation and employment patterns in the municipality; and*
- *The views of organised labour.*

After these steps have been taken, the municipality may decide to use an internal mechanism or to investigate the possibility of providing the services by an external mechanism. If it decides to investigate an external mechanism it must:

- *Give notice to the local community.*
- *Assess the different service delivery options under section 76(b), i.e. whether to establish an ME, use another municipality or organ of state, a community-based organisation or any other entity, including a private entity. In doing so it must take into account:*
    - *The direct or indirect costs and benefits, including the effect on health and the environment;*
    - *The capacity or future capacity of the service provider;*
    - *The views of the local community;*
    - *The impact on development and job creation; and*
    - *The views of organised labour.*
- *Conduct a feasibility study which covers the matters listed in section 78(1)(c) which includes, among others, assessing:*
    - *The extent to which the service will provide value for money;*
    - *The needs of the poor;*
    - *Whether the proposals will be affordable for the municipality and its residents; and*
    - *Whether the proposals will transfer appropriate technical, operational and financial risk.*

After this assessment, the municipality must decide on the appropriate internal or external mechanism. If it decides on an external mechanism it must enter into a service delivery agreement that complies with section 80 of the MSA after applying the required procurement processes (competitive bidding etc.).

So, to summarise, if the services will amount to a new municipal service or a substantial upgrading, improvement or extension of an existing service, the SLM must first take the abovementioned steps to assess whether it should provide the services through an internal mechanism. After that it may investigate the possibility of an external mechanism by applying the abovementioned steps relevant to that investigation, including a feasibility study. If it then decides on an external mechanism, such as an agency agreement or concessioning, it must apply normal procurement procedures in terms of its supply chain management policy and applicable legislation.

A section 78 assessment has been conducted as described in the Feasibility Study Report (FSR) and the Section 78 Report made available by the SLM. On 28 March 2018 the Council accepted that all the requirements of section 78(1) of the MSA in terms of investigating the feasibility of the provision of sufficient parking have been

complied with and that the SLM should formally proceed to the MSA Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism.

After exploration of such an external mechanism Council took a decision on 26 February 2020 that it accepted that the section 78 processes in terms of the MSA had been properly conducted and that the SLM should proceed to put in place the legislative processes for the services to be provide though a private party as an external mechanism.

7. PUBLIC-PRIVATE PARTNERSHIPS

When the SLM enters into an arrangement with a private party that will amount to a PPP it must comply with section 120 of the MFMA, as well as the Regulations made on PPPs under the MFMA. Regulation 33(2) of the Municipal Asset Transfer (MAT) Regulations provides that Chapter 4 on granting the rights to use, control or management of municipal capital assets do not apply where the granting will be in terms of a PPP agreement referred to in section 120 of the MFMA. The requirements of section 120 are thus applicable and replace the MAT Regulations.

Section 120(4) requires a feasibility study and provides that the national government must assist municipalities with such feasibility studies. A Council decision must be obtained and the views of the National Treasury and the Department responsible for local government and other relevant national departments must be solicited. If the PPP involves the provision of a municipal service, the SLM must comply with Chapter 8 of the MSA and conduct a section 78 assessment.

A PPP is defined in the MFMA Regulations[16] as follows:

"'public-private partnership" means a commercial transaction between a municipality and a private party in term of which the private party—

a) *performs a municipal function for or on behalf of a municipality, or acquires the management or use of municipal property for its own commercial purposes, or both performs a municipal function for or on behalf of a municipality and acquires the management or use of municipal property for its own commercial purposes;*

b) *assumes substantial financial, technical and operational risks in connection with—*

    (i) the performance of the municipal function;

    (ii) the management or use of the municipal property; or

    (iii) both; and

[16] Published under Notice R.309 in *Government Gazette* 27431 of 1 April 2005.

c) *receives a benefit from performing the municipal function or from utilising the municipal property or both, by way of—*

(i) consideration to be paid or given by the municipality or a municipal entity under the sole or shared control of the municipality;

(ii) charges or fees to be collected by the private party from users or customers of a service provided to them; or

(iii) a combination of the benefits referred to in subparagraphs (i) and (ii)."

Private party means any entity other than a municipality, ME or organ of state.

The Regulations provide a regulatory framework for PPP agreements. The SLM or ME may enter into a PPP only if it can demonstrate that the PPP will provide value for money to and be affordable for the Municipality, and transfer appropriate technical, operational and financial risk to the private party.

If the SLM appoints one or more contractors to provide the parking services, this will amount to a PPP if the private party that provides the municipal service or function, assumes substantial risk and receives a benefit for performing the function as indicated in the above definition. It appears that this will be applicable in the present case, and that the proposed arrangement will amount to a PPP.

8. THE PROJECT CYCLE

Required PPP procedures include that the SLM must conduct a feasibility study that covers the matters listed in section 120 of the MFMA and regulation 3 of the Municipal PPP Regulations, which includes cost projections and obtain a Council decision as to whether to proceed with the PPP. If the Municipality has already completed a feasibility study as part of the section 78 assessment, it need not redo it for the PPP process, as long as that feasibility study covers the required matters[17].

At least 60 days prior to the Council meeting it must make particulars of the PPP available to the public for comments, and obtain the views of the NT, the National Department responsible for local government (COGTA) and other national or provincial organ of state prescribed in the Regulations (apparently none have been prescribed). It must also solicit the views of the NT on proposed procurement processes and proposed agreement(s) and must appoint a project officer for the PPP process.

The SLM has notified the NT and Provincial Treasury of its intention to investigate a PPP as required by regulation 2(1) of the Municipal PPP Regulations. If requested by the NT the SLM must appoint a transaction adviser for the project – this has been done[18].

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[17] Regulation 3(3) of the Municipal PPP Regulations

[18] Regulation 2(1)(b) of the Municipal PPP Regulations

When procuring the PP the SLM must comply with Part 1 of Chapter 11 of the MFMA. It must solicit the views of the NT and Provincial Treasury on the proposed bid documentation at least 30 (thirty) days before bids are invited and on the evaluation of the bids at least 30 (thirty) days before an award is made[19]. The PPP agreement between the SLM and the PP must comply with regulation 5 of the Municipal PPP Regulations. Any municipal employee participating in the negotiation of the PPP agreement may not be employed by the PP in the PPP for a period of 3 (three) years[20].

The accounting officer of the SLM must appoint a project officer for the PPP which has been done[21]. Regulation 9 provides for procedures when a PPP agreement is amended, which include public participation.

The Municipal PPP Regulations provide that before a municipality initiates a feasibility study for a PPP contemplated in section 120(4) of the Act the accounting officer of the municipality must-

(a) Notify the National Treasury (NT) and the relevant Provincial Treasury (PT) in writing of the municipality's intention, together with information on the expertise within the municipality to comply with that section; and

(b) If requested by the NT or PT, appoint a person with appropriate skills and experience, either from within or outside the municipality, as the transaction advisor to assist and advise the municipality on the preparation and procurement of the PPP agreement.

The FS Report has identified and described the project.

The SLM notified the National Treasury (NT) and has been engaging with the NT representative on an ongoing basis and recommendations of the NT and PT have been incorporated in the Summary Report.

A project officer was appointed as well as a project adviser.

The municipality must consult stakeholders. A notice in terms of section 78(3)(a) of the MSA was published on 12 July 2028. Comments received pursuant to the notice were considered.

The municipality must solicit the views of organised Labour – see section 16 below.

Section 120(4) of the MFMA provides that before a PPP is concluded, the municipality must conduct a feasibility study that-

(a) Explains the strategic and operational benefits of the PPP for the municipality in terms of its objectives.

(b) Describes in specific terms-

a. The nature of the private party's role in the PPP;

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[19] Regulation 4(1) of the Municipal PPP Regulations
[20] Regulation 5(2) of the Municipal PPP Regulations
[21] Regulation 7 of the Municipal PPP Regulations

b. The extent to which this role both legally and by nature can be performed by a private party;

c. How the proposed agreement will-

i. Provide value for money to the municipality;

ii. Be affordable for the municipality;

iii. Transfer appropriate technical, financial and operational risks to the private party, and

iv. Impact on the municipality's revenue flows and current and future budgets.

(c) Takes into account all relevant information, and

(d) Explains the capacity of the municipality to effectively monitor, manage and enforce the agreement.

As regards value for money, the NT has raised a number of questions, which have been taken into account in the FSR. The Guidelines provide for the FSR to be amended after receiving the comments from the NT and others. This is elaborated in an annexure to the Summary Report.

In terms of section 120(1) of the MFMA, the municipality must demonstrate that the PPP agreement will-

(a) Provide value for money for the municipality;

(b) Be affordable for the municipality, and

(c) Transfer appropriate technical, operational and financial risk to the private party.

These aspects have been covered above.

Regulation 3 of the Municipal PPP Regulations provides for additional matters to be addressed in the feasibility study, as follows:

(1) A feasibility study conducted in terms of section 120(4) of the Act, in addition to the matters specified in that section, must—

(a) identify and define the activity which the municipality proposes to outsource to a private party;

(b) assess the needs of the municipality in respect of such activity, including—

(i) the various options available to the municipality to satisfy those needs; and

(ii) the advantages and disadvantages of each option;

(c) assess the projected impact of the proposed outsourcing of the activity to a private party on the staff, assets, liabilities and revenue of the municipality or a municipal entity under the sole or shared control of the municipality, which must include an assessment of—

(i) the number of officials of the municipality or such municipal entity that would become redundant as a result of the outsourcing of the activity;

(ii) the cost to the municipality or such municipal entity of any staff retrenchments or the retention of redundant staff;

(iii) any assets of the municipality or such municipal entity proposed to be placed under the control of the private party;

(iv) any assets of the municipality or such municipal entity that would become obsolete as a result of the outsourcing of the activity;

(v) any liabilities of the municipality or such municipal entity proposed to be assigned to the private party;

(vi) any debt of the municipality or such municipal entity attributed to the activity to be outsourced which the municipality or such municipal entity would retain; and

(vii) any revenue to be foregone by the municipality or such municipal entity as a result of the outsourcing of the activity; and

(d) recommend an appropriate plan for the procurement of the proposed public-private partnership agreement, if outsourcing of the activity is the preferred option.

(2) An assessment in terms of sub-regulation (1)(b) must show comparative projections of—

(a) the full costs to the municipality for the activity if that activity is not outsourced through a public-private-partnership agreement; and

(b) the full costs to the municipality for the activity if that activity is outsourced through a public-private-partnership agreement.

(3) Sub-regulations (1) and (2) need not be complied with if the activity which the municipality proposes to outsource is a municipal service in respect of which an assessment in terms of section 78(3)(b) and a feasibility study in terms of section 78(3)(c) of the MSA have already been carried out, provided that—

(a) such assessment and feasibility study cover the matters referred to in sub-regulations (1) and (2); and

(b) the documents reflecting the results of such assessment and feasibility study are included in the documents submitted to the council in terms of section 120(6)(a) of the Act.

Once the Feasibility Study has been completed, the accounting officer of the municipality must submit the report on the feasibility study together with all other relevant documents to the Council for a decision in principle on whether the municipality should continue with the proposed PPP.

At least 60 (sixty) days prior to the Council meeting the municipality must make public particulars of the PPP together with the report on the Feasibility Study and invite the local community and other interested persons to submit comments or representations in respect of the proposed PPP. The notice must be published in terms of section 21A of the MSA. Such a notice was published in February 2024 as Municipal Notice No. 9 of 2024. In addition a notice was published in terms of the Heritage Resources Act inviting comments. A public meeting was held on 13 February 2024 at which a number of comments were received from the local community and interested persons. These comments with the SLM's responses will be set out in an Annexure to the Summary Report.

At least 60 days prior to the Council meeting the accounting officer of the municipality must solicit the views and recommendations of the NT, the PT and the national Department responsible for local government (COGTA). Notices were sent to these entities and in response questions and comments were received from the NT. The PT has also provided written comments and is part of the ongoing engagements with the NT. The comments received with responses by the SLM will be described in an annexure to the Summary Report as required by the Guidelines. If any negative comments are received the Project Team will engage with the entity concerned in an attempt to resolve the matter before the Council meeting, and a description of the meeting(s) will be provided in such an Annexure as required by the Guidelines.

If the PPP involves a type of service as prescribed in regulations made under the MFMA, the SLM must also engage with the relevant national department. No such regulations could be found. The SLM must also engage with other national or provincial organs of state as prescribed in regulations. No such regulations could be found.

In terms of the Guidelines the FS Report must also be circulated to relevant Departments within the SLM for their comments. This has been done. Once the report has been amended in response to the comments received etc. it must be circulated to Council members not less than 10 days before the Council meeting.

If the proposed PPP agreement will impose financial obligations on the SLM beyond the three years covered in its annual budget for the relevant financial year, the SLM must undertake the processes outlined in section 33 of the MFMA. This will likely be the case, and the required processes will then be followed – see section 17 below.

As indicated above the Project Team includes environmental specialists who will ensure compliance with environmental legislation including NEMA. It also includes heritage specialists to ensure compliance with the Heritage Resources Act.

9. PROCUREMENT

Part 3 of Chapter 8 of the MSA deals with procurement of a service provider in the case of an external mechanism. The SLM must comply with that Part (sections 80 and 81) and with Chapter 11 of the MFMA. These sections provide for competitive bidding and for negotiations with the service provider after he/she/it has been selected.

The SLM must comply with its Supply Chain Management Policy 2024/25 (SCMP) prepared in terms of section 111 of the MFMA. The SCMP applies where the SLM selects external mechanisms for the provision of municipal services in circumstances contemplated in section 83 of the MSA[22]. The SLM has established a Supply Chain Management Unit under supervision of the CFO. Goods or services above R200 000 may only be procured by a competitive bidding process[23]. Procedures for competitive bidding are set out in sections 20 to 29.

Section 37 of the SCMP deals with unsolicited bids – see section 7 below.

Section 51 provides that If a service provider acts on behalf of a Stellenbosch Municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to the service provider is fixed as an agreed percentage of turnover for the service or the amount collected, the contract between the service provider and the Stellenbosch Municipality must stipulate (a) a cap on the compensation payable to the service provider and (b) that such compensation must be performance based. Section 57 deals with the suspension of service providers for poor performance.

The SLM must also comply with the Local Government Framework for Infrastructure Delivery and Procurement Management dated 1 October 2020.

The Preferential Procurement Policy Framework Act 5 of 2000 (PPPF Act) gives effect to section 217 of the Constitution which provides that when an organ of state such as a municipality procures goods and services, it must do so in accordance with a system which is fair, equitable, transparent competitive and cost effective. Procurement by the SLM of goods and services must be done within the framework of the PPPF Act and the Regulations made under that Act.

The Preferential Procurement Policy Regulations, 2022 have been promulgated under the PPPF Act. They provide for applicable points systems and specific goals for tender invitations. The Treasury Procurement Guidelines published by the NT provide guidelines for public procurement and emphasise the Government's commitment to a procurement system which enables the emergence of sustainable small, medium and micro business.

The Broad-Based Black Economic Empowerment Act 56 of 2003 (BBBEE Act) is designed to promote black economic empowerment and to empower the Minister to issue codes of good practice and to develop criteria for entering into partnerships with the private sector. See section 12 below.

The Municipal Service Delivery and PPP Guidelines provide that the Municipality must prepare a procurement plan for the project that must contain at least the following:

- A project timetable for the key milestones and all approvals which will be required to take the project from TVR I to TVR III.

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[22] Section 2(3)(d)

[23] See section 217 of the Constitution

- Confirmation that sufficient funds in the municipality's budget are available to take the project to TVR III and into contract implementation.
- A list of any potential challenges to the project and a discussion on how these will be addressed by the project team and adviser.
- The best procurement practice and procedures suited to the project type and structure.
- The governance processes to be used by the municipality in its management of the procurement, especially regarding decision-making.
- The project stakeholders and the extent of their involvement in the external option.
- The project team with assigned functions.
- Categories of information to be made available to bidders and how such information will be developed.
- A list of required approvals from within and outside the municipality.
- A Gantt chart of the procurement process, including all approvals and work items necessary for obtaining these approvals (for procurement documentation as well as, for example, the land acquisitions and environmental studies to be procured by the municipality).
- Contingency plans for dealing with deviations from the timetable and budgets.
- The bid evaluation process and teams.
- An appropriate quality assurance process for procurement documentation.
- The means of establishing and maintaining an appropriate audit trail for the procurement.

Appropriate security and confidentiality systems, including confidentiality agreements, anti-corruption mechanisms, and conflict of interest forms to be signed by all project team member.

10. UNSOLICITED BIDS

Unsolicited bids are governed by National Treasury Practice Note No. 11 of 2008/2009 on unsolicited proposals. The SLM may consider an unsolicited proposal (UP) if a project feasibility study has been done that establishes a clear business case for the proposal, the product or service involves an innovative design or an innovative approach to project development and management or presents a new and cost-effective method of service delivery. The UP must include the information listed in paragraphs 2.2 and 2.3 of the Practice Note.

The SLM must reject the UP if it relates to institutional requirements that can be acquired by conventional competitive bidding or relates to products or services that are generally available. If the UP is compliant, the SLM may enter into direct negotiation with the proponent (i.e. the party who submitted the UP) outside of the normal bidding process. If the proposal amounts to a PPP the SLM must comply with the PPP requirements outlined in section 4 above.

If the proposal is not a PPP, the SLM must undertake a comprehensive evaluation of the proposal including a feasibility study that complies with paragraph 4.2.3.1 of the

Practice Note. If the SLM determines that the requirements of the UP are met, it may enter into an unsolicited proposal agreement that complies with paragraph 4.2.4.

Once the unsolicited proposal agreement has been concluded the SLM must prepare and issue bid documents, i.e. a request for qualification (RfQ) to "test the market for the existence of other private entities capable of providing the product or service". If there are one or more adequate responses to the RfQ the SM must conduct a competitive bidding process in terms of its SCMP among the firms qualified in the RfQ. Should the proponent of the UP not be awarded the contract, he/she must be reimbursed by the successful bidder for the audited costs of submitting the proposal.

11. CONSULTATION AND STAKEHOLDER ENGAGEMENT

Section 152(1)(d) of the Constitution provides that one of the objects of local government is to encourage the involvement of communities and community organisations in the matters of local government. Section 5(1) of the MSA provides that the local community of a municipality is entitled to contribute to the decision-making processes of the municipality and to submit recommendations, representations and complaints to the municipality.

As part of the requirements of co-operative government in Chapter 3 of the Constitution and the IGRFA, the SLM must co-operate with and engage with other organs of state that may be involved. For example if the facility will affect traffic on any provincial road, the SLM must engage with the provincial department responsible for roads. As seen above the PPP procedures require engagement with the NT and other parties.

Persons whose rights or interests will be affected as envisaged by PAJA, such as landowners in the vicinity of the proposed facility, businesses that could be affected and proposed users of the facility (who may have views e.g. on where the facility should be situated). These requirements are examined for purposes of the project to ensure that there is compliance.

No.	Section of Act	Requirement	Timing	Discussion and status
1	s.152(1)(e) of Constitution	Objects of local govt. are to encourage involvement of communities and community organisations	General requirement	General requirement
2	s.41(1)(h) of Constitution	The SLM must co-operate with other organs of state in mutual trust and good faith by informing and consulting one another on matters of common interest	General requirement	General requirement

3	s.5(1)(a) of the MSA	The local community has the right to contribute to the decision-making processes of the municipality	Applied in the various stages of the project	General requirement
4	s.5(1)(b) of the MSA	The local community has the right to submit written and oral representations to the Council or a political office bearer	Applied in the various stages of the project	General requirement
5	s.78(1)(a)(v) of the MSA	S. 78 Assessment: assess the views of organised labour	When deciding on the mechanism to provide a new municipal service	Done
6	s.78(3)(a) of the MSA	S.78 Assessment: Give notice to local community that the SLM is exploring an external mechanism	When exploring an external mechanism	Done
7	s.78(3)(b)(iii) of the MSA	S.78 Assessment: Take into account the views of organised labour	When exploring an external mechanism	Done - See section 16
8	c.120(6)(b) of the MFMA	PPP: Make public particulars of the PPP and invite comments and representations	At least 60 days before the Council meeting to decide whether to proceed with the PPP	Done
9	s.120(6)(c)(i) of the MFMA	PPP: Solicit the views and recommendations of the NT on the Feasibility Study (TVR 1)	On completion of the Feasibility Study	Done
10	s.120(6)(c)(ii) of the MFMA	PPP: Solicit the views and recommendations of COGTA on the Feasibility Study	On completion of the Feasibility Study	Done.
11	Reg. 4(1) of the PPP Regs	Solicit the views and recommendations of the NT and PT on the bid documentation (TVR 2)	At least 30 days before bids are invited	Still to be done
12	Reg. 4(3) of the PPP Regs	Solicit the views and recommendations of the NT and PT on the proposed PPP agreement, the plan for managing the agreement and the preferred bidder's competency and capacity (TVR 3)	When the PPP agreement is drafted	Still to be done. Also applies if the PPP agree-ment is to be amended
13	s.33(1)(a)(i)(aa) of the MFMA	Make public the draft contract (PPP agreement) and an info. statement summarising the SLM's obligations and invite comments and recommendations	At least 60 days before the Council meeting to approve the contract	Required if the contract will impose financial obligations on the municipality beyond the 3 years covered in the annual budget for that financial year: Still to be done

14	s.33(1)(1)(a)(ii) of the MFMA	Solicit the views of the NT and COGTA	At least 60 days before the Council meeting to approve the contract	Required if the contract will impose financial obligations on the municipality beyond the 3 years covered in the annual budget for that financial year: Still to be done
15	s.33(3)(a)(i) of the MFMA	The final draft contract is taken to Council for preliminary approval, subject to the public participation process. The contract is then distributed at least 60 days before the Council takes a decision on the final contract that is to be signed by the municipality	Not clear at what stage	Still to be done
16	s.33(3)(a)(ii) of the MFMA	S.33 contracts may not be withheld from public scrutiny except as provided for in the Protection of Public Information Act	Means that any interested person can have access to the contract	General requirement
17	s.4 of PAJA	Need a notice and comment procedure or public meetings if rights of persons will be adversely affected	E.g. if rights of adjacent property owners could be prejudiced	General requirement

12. BEE AND OTHER SOCIO-ECONOMIC ISSUES

The SLM has appointed a Socio-Economic and BBBEE Advisory Team which is using a consulting process to ensure that the BBBEE and Socio-Economic aspects of the Feasibility Phase will be met. The parameters of the Guidelines need to be confirmed against the following policy documentation, as well as regulatory requirements, as follows:

- SLM sustainability framework;
- Requirements of the shareholder compact and the design thereof;
- The terms of the Treasury BEE Code for PPPs;
- The BBBEE Codes of Good Practice (current);
- The MFMA and Regulations;
- The Refined Codes of Good Practice gazetted on 11 October 2013 - These become applicable on 11 October 2014 and therefore need to be factored into the global reporting initiative standards;

- The Proposed B-BBEE Bill which is intended to replace the BBBEE Act;
- The Construction sector BBBEE Sector Code;
- Other relevant Sector Codes.

The BBBEE Act is designed to promote black economic empowerment and to empower the Minister to issue codes of good practice and to develop criteria for entering into partnerships with the private sector. The Minister is empowered to issue codes of good practice on black economic empowerment by notice in the *Government Gazette*, in terms of section 9(1) of the BBBEE Act, in order to promote the purpose of the Act. Section 10 provides that every organ of state and public entity, which includes municipalities, must take into account and, as far as reasonably possible, apply any relevant code of good practice issued in terms of the BBBEE Act.

In terms of section 12 of the BBBEE Act the Minister must publish transformation charters. The Property Sector Transformation Charter has been published as an indication of what the industry deems possible to be achieved in terms of BBBEE. This charter should be taken into consideration in the development and implementation of the Project.

Two of the main objects of the BBBEE Act are to empower the Minister to issue the abovementioned codes of good practice and to develop criteria for entering into partnerships with the private sector.

The BBBEE Act, section 10 states that every organ of state and public entity must apply any relevant code of good practice issued in terms of the BBBEE Act. Section 10(2) provides that the Minister of Trade and Industry may exempt an organ of state from this requirement.

An organ of state is defined as, *inter alia*, a municipality, in terms of section 1 of the BBBEE Act (paragraph (b) of the definition).

PPP Manual

The PPP Manual and in particular, the Guidelines must be taken into account. Module 2 of these Guidelines provides a *Code of Good Practice for BEE in Public-Private-Partnerships*.

The Codes of Good Practice, which were finalized in 2007 and as such the PPP Code may be out of sync with the 2015 Guidelines.

In terms of the BBBEE Act, a sector code of good practice has the same status as the Codes of Good Practice.

Section 3 of the Construction Sector Code states that it is applicable to measured entities which conduct any construction-related activities and entities which derive their majority turnover from construction related activities.

This sector was taken into consideration in the development of the Project BBBEE Scorecard.

Property Sector Transformation Charter

In terms of section 12 of the BBBEE Act, a transformation charter is published for general information purposes only and is not binding on a particular sector, therefore, although the Property Sector Transformation Charter is not binding it is an indication of what the industry deems possible to be achieved in terms of BBBEE. This charter was taken into consideration in the development of the Project BBBEE Scorecard.

There is scope for the applicable of BBBEE in the Project, within the 90/10 framework as stated in the PPPFA.

The Project BBBEE Scorecard was developed taking into account the various policy documents applicable in terms of BBBEE.

It must be repeated that the Codes of Good Practice will be applied in all aspects of the procurement process.

As regards socio-economic issues, the proposed facilities will increase safety on the streets due to a reduction in circulating traffic and a reduction in circulating traffic. It will reduce drive frustrations, which will have a positive effect on motorists within the CBD by reducing reckless driving. Due to the increased parking space, various streets may be altered to pedestrian streets, which will increase safety in these highly dense pedestrian areas in the CBD by reducing the conflict between motorists and pedestrians. The proposed facilities will be access controlled and thus have appropriate security consequently allowing safe areas for people to park, which will increase the safety of both the motorists and vehicles.

13. SITE ENABLEMENT ISSUES

13.1 Introduction

The Property consists of a mosaic of 21 Erven (stands) in the Stellenbosch CBD. The Erven are subject to various conditions and servitudes which are set out in the relevant title deeds. There may also be servitudes affecting the Erven that are noted in the office of the Surveyor General that are not reflected in the title deeds. According to a valuation of the property done for the SLM on 11 June 2024 there are no improvements on the subject portion of the property, which is being used as a parking area. It states that services (reticulation) are available to the property.

The Erven are listed as follows:

No.	Erf number	Extent	Zoning	Owner	Title Deed
1	Erf 1962 Stellenbosch	7368,17 m²	Public Roads and Parking Zone	SLM	T8720/1967
2	Erf 6636 Stellenbosch	614,96 m²	Public Roads and Parking Zone	SLM	T4562/1980
3	Erf 6402 Stellenbosch	134,58 m²	Public Roads and Parking Zone	SLM	T12737/1979
4	Erf 1976 Stellenbosch	1085,93 m²	Public Roads and Parking Zone	SLM	T15201/1965
5	Erf 1975 Stellenbosch	13 080,94 m²	Public Roads and Parking Zone	SLM	T6957/1975/1980
6	Erf 1974 Stellenbosch	1311,95 m²	Public Roads and Parking Zone	SLM	T17114/1960

7	Erf 1973 Stellenbosch	1 305,57 m²	Public Roads and Parking Zone	SLM	T17465/1959
8	Erf 1971 Stellenbosch	385,85 m²	Public Roads and Parking Zone	SLM	T10310/1956
9	Erf 1970 Stellenbosch	437,12 m²	Public Roads and Parking Zone	SLM	T6026/1954
10	Erf 1958 Stellenbosch	395,66,96 m²	Public Roads and Parking Zone	SLM	T5432/1961
11	Erf 1954 Stellenbosch	529,16 m²	Public Roads and Parking Zone	SLM	T21749/1963
12	Erf 1977 Stellenbosch	111,81 m²	Public Roads and Parking Zone	SLM	T21750/1963
13	Erf 1979 Stellenbosch	294,95 m²	Public Roads and Parking Zone	Unknown	Unknown
14	Erf 6489 Stellenbosch	329,45,95 m²	Public Roads and Parking Zone	Unknown	Unknown
15	Erf 8711 Stellenbosch	18,02 m²	Public Roads and Parking Zone	Unknown	Unknown
16	Erf 1979 Stellenbosch	294,95 m²	Public Roads and Parking Zone	Unknown	Unknown
17	Erf 10850 Stellenbosch	58,23 m²	Transport Facility Zone	Unknown	Unknown
18	Erf 10851 Stellenbosch	9,27 m²	Limited Use Zone	Unknown	Unknown
19	Erf 1972 Stellenbosch	1 033,57 m²	Mixed Use Zone	SLM	T10310/1956
20	Erf 6490 Stellenbosch	384,87 m²	Mixed Use Zone	Unknown	Unknown
21	Erf 1969 Stellenbosch	421,13 m²	Mixed Use Zone	SLM	T397/1963

13.2 Ownership of the land

14 of the erven are owned by the SLM, having been purchased or acquired over a long period. The ownership status of the other seven is unknown and their title deeds could not be traced. The status of these erven will have to be determined by a land surveyor. It seems that the erf numbers may have changed in the course of a consolidation or subdivision. If it turns out that any erven required for the project are not owned by the SLM, it will have to acquire them by purchasing or expropriating them, as the pieces of land must all be owned by the same person to allow for consolidation.

13.3 Consolidation of the Erven

A qualified land surveyor will have to be appointed to prepare a consolidation diagram to enable the property to be used for the proposed development. The diagram must be approved by the Surveyor General. To qualify for consolidation the properties must be contiguous to one another, owned by the same person and must be registered in the same property register (which is the case).

The final design of the proposed improvements to the Property is not yet known and input or proposals will be invited from tenderers in the process of inviting tenders. Once the final design is known it may be necessary to exclude some of the erven or

portions thereof from the consolidated property, for example if they are to be used for municipal streets or public open spaces.

13.5 Title conditions and servitudes

In the course of preparing the consolidation diagram the surveyor must identify any title conditions or servitudes which may pose a problem for the consolidation or for the proposed development. The available title deeds have been examined for such conditions or servitudes, but more may be registered with the Surveyor General. Where a condition or servitude over a subservient property is in favour of the owner of the adjoining property these will be extinguished by merger where the SLM is/will be the owner of the dominant property. Other conditions or servitudes may have to be cancelled either by agreement with the servitude holder, which may involve paying a purchase consideration, or by expropriation.

13.6 Zoning

15 of the erven are zoned as *Public Roads and Parking Zone*. Three are zoned as *Mixed Use Zone*, 2 one is zoned as *Transport Facility Zone* and one as *Limited Use Zone*. Zoning certificates have been obtained from the SLM. All of the erven have a permitted primary use for a "public parking area". There is consent use for a "parking garage" requiring approval in terms of section 15 of the Planning By-Law.

Erf 1968 is part of a community zone and includes zoning for a "public institution" and a "private road". Depending on the planned use of this Erf in the final design, application may have to be made under the Planning By-Law for rezoning.

Section 15(1) of the Planning By-Law provides that no one may commence or continue land development without the approval of the Municipality.

If any floor space ratios for buildings or restrictions on coverage or heights of buildings are applicable, application will have to be made for rezoning or removal of the restrictions.

13.6 Land claims

A certificate has been obtained from the Office of the Regional Land Claims Commissioner: Western Cape confirming that there are no outstanding land claims against any of the erven. The certificate states that "Whilst the Commission takes reasonable care to ensure the accuracy of the information it provides, there are various factors that may be beyond the Commission's control, particularly relating to claims that have been lodged by not yet gazetted". It relates to circumstances where for example where historic property descriptions are used.

Should it be found in terms of 13.2 above that property descriptions have changed, the Commission should be asked to do a further search.

13.7 Geotechnical issues

Based on the findings of a geotechnical investigation conducted, the consultants are of the view that the proposed parking facility project is feasible and from a geotechnical point of view, the project can be progressed to the geotechnical investigation stage.

Cognisance must however be given to the risks identified in this study that have an impact on both the geotechnical investigations and the design and construction of the parking infrastructure.

The risk of striking underground services must be highlighted for the intrusive investigation works due to the variety of services present. However, the investigation can be accommodated within the site plan indicating the location of the underground services.

14. TARIFFS

Section 74 of the MSA provides that the Municipality must develop a tariff policy on the levying of fees for municipal services. This includes parking tariffs, which must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges[24]. They must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from other sources. The SLM's Tariff Policy will inform the tariff level for the parking. This cannot be delegated to a private or third party even if the services are delivered under a service delivery agreement.

The Stellenbosch Tariff Policy 2024-2025 was developed in terms of section 74 of the MSA. It provides that service charges should at least break even with the cost of providing the service. As regards "sundry tariffs" which would presumably include parking fees, the Sundry Tariff Schedule approved by the Council annually will be used. Tariffs will be calculated based on the estimated actual cost depending on the type of community service.

The Stellenbosch Tariff By-Law 2024-2025 gives effect to the Tariff Policy.

The NT has advised on how a similar issue on another project was dealt with, as follows:

> *The PPP reference model and PSC and Risk-Adjusted PSC Model will use the current tariffs for Eikestad Parking applied by the Municipality. During operations the private party will follow the Municipality's approved Tariff Policy for Parking. On an annual basis, the Private Party needs to draft a report showing their costs and revenues for the year to justify the need for an increase. Council will consider this and put it out for consultation(as with all other tariffs) and can then approve the higher tariff.*

15. PROPERTY RATES

The Municipality may levy rates on the Property[25]. It must adopt a Rates Policy for each financial year[26]. The Policy may grant exemptions on specific categories of

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[24] Section 74(2)(d) of the MSA

[25] Section 2 of the MPRA and section 229 of the Constitution

[26] Section 3 of the MPRA

property owners and grant rebates or reductions on rates for specific categories of property owners if it provides reasons for the exemptions, rebates or reductions. It must take into account the effect of rates on public service infrastructure[27]. The Policy must be reviewed, and if necessary amended, annually. The Municipality must adopt by-laws to implement its rates policy.

As owner of the Property the Municipality is not obliged to levy rates on the Property[28]. It is also not obliged to levy rates on public service infrastructure. It may not levy rates on the first 30% of the market value of public service infrastructure[29]. It is not clear from the definition of "public service infrastructure" in the MPRA whether the Property will fall into this category. It includes "publicly controlled infrastructure" as prescribed in regulations. We have been unable to find regulations dealing with this aspect[30] , Rates levied on newly rateable properties must be phased in over 3 financial years[31].

The Stellenbosch Rates Policy 2024-2025 has been formulated in terms of section 3 of the MPRA. Section 7.3 applies to public service purposes properties as defined in the MPRA which are categorised as per paragraph 6.1(f) of the Policy. In terms of this Policy properties used for public service purposes will be specially categorised and rated accordingly[32]. The SLM will grant a 100% exclusion on all public service infrastructure properties[33]. Para 7.6 provides as follows:

> *Municipal-owned properties which are leased in terms of a lease agreement or those properties which are allocated to beneficiaries but not yet transferred, will be rated as per the provisions of this Policy. The exclusions, exemptions, rebates, and reductions relating to the usage of properties as detailed in this Policy and the MPRA, will apply if applicable. The rates of said non-excluded property will be passed on to the lessee or the allocated beneficiary. All other Municipal-owned properties as described in Section 7(2)(a)(i) of the MPRA, will be excluded from paying property rates.*

Section 7(2)(a)(i) of the MPRA refers to properties owned by the SLM.

The Stellenbosch Municipal Property Rates By-Law 2024-2025 gives effect to the Municipality's Rates Policy.

These aspects will have to be considered in obtaining Council approval for the proposed rates.

16. HUMAN RESOURCES

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[27] Section 3(3)(h) of the MPRA
[28] Section 7(2)(a)(i) of the MPRA
[29] Section 17(1)(a) of the MPRA
[30] The Municipal Property Rates Regulations, 2006 published in *Government Gazette* 29304 of 18 October 2006 were made under the MPRA but do not deal with this issue
[31] Section 21(1)(a) of the MPRA
[32] Para 7.3
[33] Para 7.4

The Section 78 Report states that on 20 April 2018 a letter was sent to the following labour unions:

- Independent Municipal and Allied Trade Union (IMATU), and
- South African Municipal Workers Union (SAMWU).

On 7 June 2024 a meeting was held with representatives of IMATI. SAMWU were invited to the meeting but submitted an apology. The proposed project was explained to the representatives. Questions were asked and the representatives inquired whether written comments were required. The SLM responded in the affirmative.

A letter was sent to the Unions on 19 June 2024 confirming the meeting on 7 June and confirming that a copy of the Feasibility Study Summary Report was handed to IMATI. SAMWU collected a copy of the document from the SLM offices on 11 June 2024. The Unions were requested to submit written comments by 4 July 2024.

IMATU provided comments on 4 July 2024 stating that "IMATU requests that no employee/IMATU member be disadvantaged in this process as per the discussion held on 7 June 2024 and promised already by the employer".

17. SECTION 33 OF THE MFMA

Section 33 of the MFMA provides that municipalities must follow a number of prescribed processes where they enter into a contract that will impose financial obligations on the municipality beyond the 3 (three) years covered in the annual budget for the particular financial year. The contract with the private party envisaged for the PPP project is projected to run for 20 (twenty) years, so the SLM must take the steps listed in section 33 of the MFMA[34]. These include:

- making the draft contract(s) public and inviting comments from the local community and other interested parties;
- soliciting the views of the NT and the Provincial Treasury;
- taking into account expected financial implications for the City; and
- adopting a Council resolution that complies with the requirements of the section.

The requirements will not apply if the amounts involved are less than those prescribed in the MFMA regulations. We were not able to find such regulations.

Section 33(3) of the MFMA provides that all contracts referred to in subsection (1) and all other contracts that impose a financial obligation on the municipality, must be made available in their entirety to the municipal Council and may not be withheld from public scrutiny except as provided for in the Promotion of Access to Information Act 2 of 2000.

The procedures required by section 33 must be complied with if applicable.

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[34] Required by section 120(7) of the MFMA

18. CHECKLIST OF REQUIRED ACTIONS, AND COMPLIANCE

The following is a checklist of required actions and level of compliance.

No.	Legislation/policy	Action	Compliance
1	NLTA and Min. Planning Requirements	Ensure project is in line with the CITP and other municipal planning	Done
2	Constitution and IGRFA	Inform and liaise with other relevant organs of state	Will be done as required
3	Climate Change Bill and policy on climate change	Take note and comply as required	Will be done as required
4	Policies on NMT and universal access	Take note and comply as required	Will be done as required
5	PAJA	Engage with persons whose rights may be adversely affected	Will be done as required
6	LRA	Apply as applicable to labour relations e.g. if staff are to be transferred	Will be done as required
7	NEMA and other environmental legislation	Requires public participation. EIA may be required	In process
8	National Heritage Resources Act	Public participation and Heritage Impact Assessment	In process
9	National Building Regulations and Building Standards Act and Regulations	Compliance required in developing the design of the facility	Will be applied as required
10	SLM Roads and Streets By-Law	Comply as regards design of the facility and during building operations	Will be done as required
11	SLM Planning By-Law	Applies for rezoning of erven if necessary	Will be applied if required
12	SLM Draft Policy on Sidewalk Accessibility	Comply as regards design of the facility and during building operations	Will be applied as required
13	Section 77 of MSA	Conduct a "section 78 assessment" to review and decide on the appropriate mechanism to provide a municipal service	Done
14	Section 78(2)(b) of MSA	Investigate using an internal mechanism	Done. Council decision taken to explore an external mechanism
15	Section 78(3)(a) of MSA	Give notice to local community	Done
16	Section 78(3)(b)(i) of MSA	Assess direct and indirect costs and benefits	Done
17	Section 78(3)(b)(ii) of MSA	Assess capacity and potential future capacity of prospective service providers	Done
18	Section 78(3)(b)(iii) of MSA	Canvass views of local community	Done
19	Section 78(3)(b)(iv) of MSA	Assess likely impact on development, job creation and employment	Done
20	Section 78(3)(c) of MSA	Conduct a feasibility study	Done

21	Section 78(3)(c)(i) of MSA	Identify the municipal service	Done
22	Section 78(3)(c)(ii) of MSA	Indicate the number of years for which the service might be considered	Done
23	Section 78(3)(c)(iii) of MSA	Determine projected outputs	Done
24	Section 78(3)(c)(iv) of MSA	Assess value for money, needs of the poor, affordability for the Municipality and transfer of risk	Done
25	Section 78(3)(c)(v) of MSA	Assess impact on staff, resources and liabilities	Done
26	Section 78(3)(b)(vi) of MSA	Assess impact on IDP	Done – the CITP forms the transport component of the IDP
27	Section 78(3)(b)(vii) of MSA	Assess impact on Municipality's budgets	Done – must be compliance with section 33 of the MSA if applicable
28	Regulation 3(1)(a) of Municipal PPP Regulations	Identify and define the activity	Done
29	Regulation 3(1)(b) of Municipal PPP Regs	Assess needs of the Municipality, including the various options available and advantages and disadvantages	Done
30	Regulation 3(1)(c)(i) and (ii) of Municipal PPP Regs	Assess impact of outsourcing the service on staff, assets, liabilities etc. including the number of officials that will become redundant, costs of staff retrenchments or retention of staff	Done
31	Reg. 3(1)(c)(iii) of Municipal PPP Regs	Assess impact on municipal assets that will be placed under the control of the PP	Done
32	Reg. 3(1)(c)(iv) of Municipal PPP Regs	Assess impact on municipal assets that will become obsolete	Done
33	Reg. 3(1)(c)(v) of Municipal PPP Regs	Assess impact of liabilities to be assigned to the PP	Done
34	Reg. 3(1)(c)(vi) of Municipal PPP Regs	Assess impact of any debt of the Municipality to be outsourced	Done
35	Reg. 3(1)(c)(vii) of Municipal PPP Regs	Assess impact of revenue to be foregone by the Municipality	Done
36	Reg, 3(1)(d) of Municipal PPP Regs	Recommend an appropriate procurement plan	Done
37	Reg. 3(2) of Municipal PPP Regs	Assess and show comparative projections of full costs to the Municipality if the activity is not outsourced and if it is outsourced	Done
38	Section 120(1)(a) of MFMA	Demonstrate that the PPP will provide value for money	Done
39	Section 120(1)(b) of MFMA	Demonstrate that the PPP will be affordable for the Municipality	Done
40	Section 120(1)(c) of MFMA	Demonstrate that the PPP will transfer appropriate technical, operational and financial risk to the PP	Done
41	Section 120(3) of MFMA	Comply with Chapter 8 of the MSA	Done

42	Section 120(4) of MFMA	Conduct a feasibility study that complies with the subsection	Done
43	Section 120(6) of MFMA	Submit the FS Report with accompanying documents to the Council for a decision in principle to proceed with the PPP	In process
44	Section 20(1)(6(b)) of MFMA	At least 60 days before the Council meeting make public the PPP and FS and invite comments	Done. See Annexure to the Summary Report
45	Section 120(1)(6)(c) of MFMA	Solicit the views and recommendations of the NT, PT and COGTA	Done
46	Section 120(7) of MFMA	Comply with Part 1 of Chapter 11 of the MFMA on procurement	Will be done
47	Section 120(7) of MFMA	Comply with section 33 of the MFMA if the agreement will have multi-year budgetary implications	Will be done
48	BBB-EE Act and codes of conduct	Comply with this legislation in the procurement process	Will be done
49	Preferential Procurement Policy Framework Act and Regulations	Comply with this legislation in the procurement process	Will be done
50	SLM Planning By-Law	Appoint a conveyancer and land surveyor to prepare a consolidation diagram, and obtain approval from the Surveyor General once the final design is determined	Will be done
51	SPLUMA and SLM Planning By-Law	Apply for rezoning of erven if required	Will be done
52	SLM Planning By-Law	Cancel, acquire servitudes if necessary	Will be done
53	SLM Tariff Policy and By-Law	Request Council to determine parking tariffs once calculated and agreed upon	Will be done
54	MPRA and SLM Rates Policy and By-Law	Apply or amend Rates Policy and By-Law once proposals and agreements on rates issue is finalised	Will be done

19. IDENTIFIED RISKS

The following risks have been identified:

No.	Risk	Mitigation measures
1	Negative comments from NT, PT or COGTA	Arrange meetings with them to resolve the issue
2	Negative comments from municipal departments	No comments received to date. If any are received arrange meetings to resolve
3	Negative comments from the public during the NEMA or heritage processes (many already received)	Take steps to address the comments as appropriate and explain the comments and responses in the annexure to the Summary Report
4	Opposition from organised labour. Unlikely as effect on municipal staff likely to be negligible	Positive comments received
5	Reluctance or refusal of Council to continue with the project in taking the decision under section 120(6) of the MFMA	Ensure that all relevant issues are adequately explained to Council

6	Obstructing title deed conditions or servitudes identified	Cancel, purchase or expropriate the conditions or servitudes
7	Rezoning of some of the erven required	Pursue rezoning procedures under the Planning By-Law
8	Council reluctance or refusal to approve amendments to Rates Policy or By-Law	Lobby Council to approve
9	Council reluctance or refusal to approve amendments to Tariff Policy or By-Law	Lobby Council to approve

Appendix F Public Participation Comments and Summaries

Refer to electronic file below:

https://surbanajurong.sharepoint.com/:f:/s/africa/C1978/EnuxlSfIU6RFnR9DjVT3JikB-7ZbU34QdFUVX-WZKy4sUpQ?e=GCc1i1

The following public participation was conducted:

- Solicit the views and recommendations of the National Treasury (NT) - ask for their views and recommendations within 30 days. This was issued to NT on the 16 February 2024.

STELLENBOSCH

Your Reference: TASM 203
Our Reference:

Date: 16 February 2024

Head of PPP Unit
National Treasury
Private Bag X 115
Pretoria
0001

Email: Yonwaba.Fengwana@gtac.gov.za

Dear Madam

APPLICATION FOR TVR1: STELLENBOSCH MUNICIPALITY PUBLIC PRIVATE PARTNERSHIP EIKESTAD PARKING DEVELOPMENT PROJECT.

We hereby submit our application for TVR1, for the above mentioned project.

Attached herewith please find the following:

1. Feasibility Study (Summary and Full Report)

2 Project Information (Project Milestones, Timelines and Project Team)

Your assistance in obtaining TVR1 at your earliest convenience will be highly appreciated.

Please feel free to contact this office should you require any further information and we thank you in advance for your speedy response.

Yours Sincerely

MS GERALDINE METTLER
MUNICIPAL MANAGER
STELLENBOSCH MUNICIPALITY

Directorate: Infrastructure Services • Department: Roads, Transport and Stormwater • T: +27 21 808 8222 • engineering.services@stellenbosch.gov.za • Whatsapp 0769510768 •
71 Plein Street, Ecclesia Building, 1st Floor, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

- Solicit the views and recommendations of the Provincial Treasury (PT) - ask for their views and recommendations within 30 days. This was issued to PT on the 16 February 2024.

STELLENBOSCH

Your Reference:
Our Reference:

Date: 16 February 2024

Ms Corrine Cloete
Provincial Treasury
3rd Floor, Room 3-27
7 Wale Street
Cape Town
8000

Email: Corrine.Cloete@westerncape.gov.za

Dear Madam

STELLENBOSCH MUNICIPALITY - PUBLIC PRIVATE PARTNERSHIP (PPP)

We hereby submit an application for views and recommendations for the Municipality's PPP, Eikestad Parking Development Project.

Attached herewith please find the following:

1. Feasibility Study (Summary and Full Report)
2. Project Information (Project Milestones, Timelines and Project Team)

Your assistance in obtaining Provincial Treasury's Views and recommendation at your earliest convenience, will be highly appreciated.

Please feel free to contact this office should you require any further information and we thank you in advance for your speedy response.

Yours Sincerely

MS GERALDINE METTLER
MUNICIPAL MANAGER
STELLENBOSCH MUNICIPALITY

Directorate: Infrastructure Services: Department: Roads, Transport and Stormwater • T: +27 21 808 8[illegible] •
engineering.services@stellenbosch.gov.za • Whatsapp: 0769516768•
71 / Plein Street, Eccles Building, 1st Floor, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

- Solicit the views and recommendations of the Department of Co-operative Governance and Traditional Affairs (COGTA), and ask for their views and recommendations within 30 days. This was issued to COGTA on the 16 February 2024.

STELLENBOSCH

Your Reference
Our Reference:

Date: 16 February 2024

Mr Obed Aphane
Department of Cooperative Governance and Traditional Affairs
87 Hamilton Street
Arcadia
Pretoria
0007

Email: ObedA@cogta.gov.za

Dear Sir

STELLENBOSCH MUNICIPALITY - PUBLIC PRIVATE PARTNERSHIP (PPP)

We hereby submit an application for views and recommendations for the Municipality's PPP Eikestad Parking Development Project.

Attached herewith please find the following:

1. Feasibility Study (Summary and Full Report)
2. Project Information (Project Milestones, Timelines and Project Team)

Your assistance in obtaining CoCTA's views and recommendations at your earliest convenience will be highly appreciated.

Please feel free to contact this office should you require any further information and we thank you in advance for your speedy response.

Yours Sincerely

MS GERALDINE METTLER
MUNICIPAL MANAGER
STELLENBOSCH MUNICIPALITY

Directorate: Infrastructure Services. Department: Roads, Transport and Stormwater • T: +27 21 808 8222 •
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www.stellenbosch.gov.za

- Stellenbosch Sectoral Departments
- Summary of the Local Community responses: See attached report and summary of comments for the local community. Between 2 November and 3 December 2023.
- Media Release for the proposed development:
    - Published on the 25 January 2024
    - Published in English
    - The Notice and Reports are displayed on the TEP website
    - The Notice and Summary Report was placed at the SLM head office and local library

- The Notice was placed in various areas/ facilities in close proximity of the site and an e-mail notification was sent out to identified Interested and/or affected parties

STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MUNISIPALITEIT UMASIPALA MUNICIPALITY

021-808 8222 Infrastructure Services, Roads, Transport and Stormwater

PUBLIC PARTICIPATION INVITATION
EIKESTAD PARKING UPGRADE PPP

Municipal Notice No. 9/2024

Project proposal: The Stellenbosch Municipality intends to upgrade the current Eikestad parking area (Erven 1962-RE, 1969-1976, 1954, 6402 and 6636) to assist in alleviating the major congestion and parking challenges experienced in the Stellenbosch CBD. A parking study was undertaken by the Municipality specifically to understand the existing parking situation in Stellenbosch and identify needs and demand. One of the outcomes is to consider a Public-Private Partnership (PPP) for the upgrade of the existing Eikestad parking area to a three-level parking structure. The intention is to provide a structure that is in keeping with the existing historical context while being functional from a parking perspective.

Location: The development site is located between Andringa, Victoria, van Ryneveld and Plein Streets, Stellenbosch. It is located north of the Stellenbosch Town Hall, and east of the Eikestad Mall.

Opportunity to participate: On behalf of the municipality, *The Environmental Partnership* is undertaking this public consultation process. The following information will be available on *The Environmental Partnership*'s website (www.enviropart.co.za), the Stellenbosch Public Library (Plein Street, Stellenbosch) and on request.

- Eikestad Parking Public-Private Partnership Feasibility Study – Background Information Document (Executive Summary).
- Eikestad Parking Public Private Partnership Feasibility Study – Summary Report.
- Eikestad Parking Public Private Partnership Feasibility Study (Full Report) – Available on request.

You are invited to an Open House public forum (a poster presentation) where you will also have an opportunity to interact with the project team on 13 February 2024 at the Stellenbosch Town Hall. You may provide written comments by submitting to the contact details below. The commenting period commences on 25 January 2024 and closes on 26 February 2024.

Venue: Stellenbosch Town Hall – 26 Andringa Street, Stellenbosch
Date: 13 February 2024
Open House: Pop in at any time that suits you between 16:00 to 19:00

Please send any comments that you may have to the contact details below on or before 26 February 2024:
The Environmental Partnership
Tel: 021 422 0999
Email: comments@enviropart.co.za

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS

Western Cape Nursing Bill

Western Cape Government Provincial Treasury

With Regards comments received from the Western Cape Government Provincial Treasury (See attached comments):

- Ten comments received
- The comments were based around the Value for money, risk transfer, affordability, public participation and comments on certain terminologies that need to be altered.
    - Value for Money: The benefits to the municipality has been refined and is located in chapter 8

- The correct references have been altered to be in line with the Municipal Service Delivery and PPP Guidelines
- The PT has been invited to a few additional project meetings since the response and by the project team have changes that have been requested are in the report body.

- The comments have been addressed in the main body of the report specifically in 8, 9 and 10.

National Treasury

With Regards comments received from National Treasury (See attached comments):

- 14 Comments.
  - need and options analysis:
    - Issue on the number of bays. This has been addressed in chapter 4
  - project due diligence
    - BBBEE and Socio-economic analysis. Issued has been addressed in chapter 2, 8 and 10.
  - procurement plan
    - There was no plan. Amended in chapter 10.
  - value assessment
    - Affordability. Address in chapters 8 and 9.
    - value for money. Addressed in chapters 8 and 9.
  - risk transfer
    - Addressed in chapter 8
  - general
    - Addressed throughout the report.
- 3 meetings held post comments with NT and PT regarding the above concerns.

COGTA

With Regards comments received from COGTA (See attached comments):

- No comments have been received.

Local Community

Strategic Policies and Planning:

- The proposed development starkly contradicts the principles and strategic objectives outlined in the Stellenbosch Spatial Development Framework (SDF) 2019, the Comprehensive Integrated Development Transportation Plan 2022-2026, and the Non- Motorized Transportation Master Plan 2020. Specifically, when it comes to alleviating the significant congestion and parking challenges in the Stellenbosch CBD, collectively, these policies aim to reduce car dependency, encourage public and non-motorized transport, and foster a more sustainable, accessible, and vibrant urban environment. Specific mention was made of the following:
  - Spatial Development Framework 2019: The prioritisation of park-and-ride facilities along arterial routes, as outlined in the Stellenbosch Spatial Development Framework (SDF) approved by the Council in November 2019, underscores a strategic commitment to mitigating private car usage within the heart of Stellenbosch and its crucial employment zones. The SDF is designed to catalyse a modal shift towards public and shared transportation options, aiming to significantly reduce congestion in the Central Business District (CBD) and bolster sustainable urban mobility. In this context, the proposed development of new parking spaces at specific erven within the CBD starkly contradicts the objectives outlined in the SDF.
  - Comprehensive Integrated Development Transportation Plan 2022 3 2026: The proposed development contradicts the objectives of this plan, which emphasises sustainable mobility for all, land use and transport integration, reduced congestion, and the promotion of public and non-motorized transport (NMT).

- Non-Motorised Transportation Master Plan 2020 The proposed development directly contradicts the strategic objectives outlined in the Stellenbosch NMT (Non-Motorized Transport) Masterplan, which emphasises the municipality's commitment to developing walkable and cycle-able environments that are safe and contribute to the economic vibrancy and social health of communities, and strive towards car-free living in the CBD, achieve a modal shift towards public transport, walkability, and cycle-ability, and create dignified living spaces in previously disadvantaged areas.

- Many stakeholders raised concerns that the proposed project would negatively impact sustainable urban planning, active mobility, and the broader community's well-being.

Feasibility Study:

- Many stakeholders stated that the Feasibility Study lacks a comprehensive multidisciplinary assessment or a detailed transportation impact assessment, particularly concerning the claim of alleviating traffic congestion.
- The feasibility study underpinning this proposal is flawed in that it evaluates the viability of a parking garage as a financial case for a proposed private developer and the municipality and not the viability of this intervention to reduce congestion and increase the aesthetic, commercial, and residential value of the Stellenbosch CBD.

Traffic and transportation:

- Several stakeholders expressed concerns about the potential increase in traffic resulting from the proposed project.
- They highlighted the need for proper traffic impact assessments and appropriate measures to manage traffic flow and avoid congestion.
- Some stakeholders also suggested that alternative transportation options, such as nonmotorized transport, walking routes, cycling and public transport, should be promoted to reduce reliance on private cars.
- Many suggested that park-&-ride facilities be implemented outside of town to alleviate the existing level of traffic congestion. Suggestions were made to do this in the following stages: Stage 01: Put a drop-and-go park with a Safe Passage Route from the parking to the CBD as per the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022 - 2026 and Non-Motorised Transportation Master Plan 2020. Stage 02: implement your 2019 NMT Master plan and develop the space into a public space] - note: we have previously highlighted how progressive the NMT plan is and how little progress we have seen. Stage 01 and 02: Street Experiments (SET) and tactical urbanism through PPPs to make it quicker and cheaper. Stage 03: Develop a safe, scheduled, Integrated Public Transport system within and to/from Stellenbosch to nearby areas as a viable alternative to driving. We suggest investing in and supporting South Africa9s first-ever electrical bicycle-sharing scheme or investigating the feasibility of a PPP around re-introducing a tram for the dorp.
- The stakeholders believe that developing the car park will encourage car dependency, which contradicts global and local policies' efforts to reduce carbon emissions and combat climate change.
- Introducing a large parking lot would increase reliance on motorised transport, exacerbating challenges such as the dominance of infrastructure favouring motorised options, unsafe crossings prioritising private vehicles, and obstructing sidewalks.
- Regarding public transportation, in the absence of the National Government, the supporters urge the Municipality, with the newly established Western Cape Mobility Department, to look into a public-private partnership (PPP) around a tram line to define the land-use development of the Adam Tas LSDF corridor and connect surrounding estates and areas like Somerset West or even Bellville to the town.
- It was recommended that the Municipality urgently commence the development of the strategic transport and development action plan for Stellenbosch, using best-practice optioneering and assessment methods. A body of inputs and studies has already been undertaken to inform and guide this, and progress can be made rapidly.

- Regarding public transportation, in the absence of the National Government, they urge the Municipality with the newly established Western Cape Mobility Department to look into a public and private partnership (PPP) around a tram line for the Municipality to define the land-use development of the Adam Tas LSDF corridor and connect surrounding estates and areas like Somerset West or even Bellville to the town.

Community Impact:

- Some stakeholders raised concerns about the project's potential impact on the local community, noting that it appears to be counterproductive and misaligned with the town's demonstrated commitment to environmental sustainability and community well-being.
- In their view, it will also have a detrimental impact on urban space, and the space allocated could be better used for urban open space, affordable housing, and amenities for social interaction.
- The proposed project may also detract from pedestrian-friendliness, which is needed to boost local businesses and the economy more effectively than car-centric developments.

Heritage:

- The open space proposed for building the parking facility is one of the few remaining open spaces in the CBD. Building a parking garage here will further degrade the cultural and historical character of the town.
- Stellenbosch, as a treasured historic town with its heritage buildings, narrow and treelined streets, and water channels, does not offer the luxury of widening streets, building slipways, or other means to improve traffic flow.
- A more people-friendly (not car-friendly) use of the Precinct would also benefit tourism and the historic buildings nearby, like Erfurt House, the Stellenbosch Museum and others.

Project planning:

- Several stakeholders expressed concerns about the project management process, citing issues such as a lack of transparency and communication.
- Some stakeholders felt that they were not adequately consulted during the project's planning stages, while several expressed concerns about its overall feasibility.

Comments and Responses Register

All comments received during the four week comment period have been captured and Reponses provided in a Comments and Responses Register attached.

STELLENBOSCH MUNICIPALITY – EIKESTAD PARKING PUBLIC PRIVATE PARTNERSHIP

PUBLIC CONSULTATION REPORT

PREPARED FOR:

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

SMEC South Africa
Member of the Surbana Jurong Group

SMEC South Africa
65 Riebeek Street, Cape Town, 8001, South Africa

PREPARED BY

The Environmental Partnership

July 2024

THE ENVIRONMENTAL PARTNERSHIP
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3. PUBLIC FORUM 2
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Appendix 4: Information made available on TEP Website
Appendix 5: Public Forum photographs and posters presented
Appendix 6: Public Forum Attendance Register
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Appendix 8: Comments and Responses Register

1. INTRODUCTION

Stellenbosch experiences major congestion in the CBD and other parts of the city. In addition, the Comprehensive Integrated Transport Plan indicates a need for sustainable transport that amongst other factors requires a reduction in traffic congestion and an increase in mode shifts, such as public transport and/or non-motorised transport.

The Stellenbosch Municipality intends to upgrade the current Eikestad parking area (Erven 1962-RE, 1969-1976, 1954, 6402 and 6636) to assist in alleviating the major congestion and parking challenges experienced in the Stellenbosch CBD. A parking study was undertaken by the Municipality specifically to understand the existing parking situation in Stellenbosch and identify needs and demand. One of the outcomes is to consider a Public-Private Partnership (PPP) for the upgrade of the existing Eikestad parking area to a three-level parking structure. The intention is to provide a structure that is in keeping with the existing historical context while being functional from a parking perspective. Accordingly, the Stellenbosch Local Municipality registered the Eikestad Parking Garage with National Treasury as a possible PPP project.

2. PUBLIC CONSULTATION STRATEGY

2.1. Objectives of Public Consultation

The overall aim of the public consultation process was to ensure that members of the public and key stakeholders had an opportunity to provide input into the Eikestad PPP Project. More specifically the objectives of the public consultation were to:

- Inform stakeholders and the public about the Feasibility Report that was available for comment.
- Obtain information on any concerns pertaining to the proposed development.

The primary means of obtaining public input for the proposed development was the facilitation of a public forum, at which discussion was to take place regarding transport needs and concerns. For the consultation to be effective, attendance and representation at the meeting was crucial. Key stakeholders and interested parties were therefore identified and engaged with prior to the public meeting. Stakeholders and interested parties were notified using the methods below.

- **Pre-meeting engagement**

Identified stakeholders were contacted via e-mail or telephonically to confirm their details. They were also asked to provide the names and contact details of other potentially interested parties and stakeholders.

- **Public Forum invitations**

Public Forum invitations were distributed by email to identified public and stakeholders, advertising the opportunity to participate and attend the Forum (Appendix 1).

- **Media notice**

A media notice advertising the process and public forum was placed in the Eikestadnuus on 25 January 2024 (Appendix 2).

- **Posters**

Posters were prepared and placed in public areas prior to the public forum. The posters provided details of the process being undertaken and the opportunity to participate (Appendix 3).

- **Public Library**

Notification letters; a poster and copies of the Feasibility Report were placed and the Stellenbosch Public Library.

- **TEP Website**

The Invitation to Participate; Full Feasibility Report; Executive Summary; and Summary Report were made available on The Environmental Partnership Website (Appendix 4).

3. PUBLIC FORUM

The public forum was intended to afford stakeholders with an opportunity to raise concerns and issues relating to the proposed development in their area, and to provide comment on the information that was presented at the Forum. This also provided stakeholders with the opportunity to document any comments they may have and submit these after the Forum.

The Public Forum took place on 13 February 2024 at the Stellenbosch Town Hall from16:00 to 20:00 (Appendix 5 and Appendix 6).

4. OUTCOMES OF THE PUBLIC CONSULTATION PROCESS

4.1. Written comments

Attendees of the public forum and other interested parties were invited to submit written input to TEP within a four-week window period. Comment sheets were provided to Forum attendees for submission to TEP. All comments received are attached as Appendix 7.

The key issues raised are summarised below.

Strategic Policies and Planning:

- The proposed development starkly contradicts the principles and strategic objectives outlined in the Stellenbosch Spatial Development Framework (SDF) 2019, the Comprehensive Integrated Development Transportation Plan 2022-2026, and the Non-Motorized Transportation Master Plan 2020. Specifically, when it comes to alleviating the significant congestion and parking challenges in the Stellenbosch CBD, collectively, these policies aim to reduce car dependency, encourage public and non-motorized transport, and foster a more sustainable, accessible, and vibrant urban environment. Specific mention was made of the following:
    - Spatial Development Framework 2019: The prioritisation of park-and-ride facilities along arterial routes, as outlined in the Stellenbosch Spatial Development Framework (SDF) approved by the Council in November 2019, underscores a strategic commitment to mitigating private car usage within the heart of Stellenbosch and its crucial employment zones. The SDF is designed to catalyse a modal shift towards public and shared transportation options, aiming to significantly reduce congestion in the Central Business District (CBD) and bolster sustainable urban mobility. In this context, the proposed development of new parking spaces at specific erven within the CBD starkly contradicts the objectives outlined in the SDF.
    - Comprehensive Integrated Development Transportation Plan 2022 – 2026: The proposed development contradicts the objectives of this plan, which emphasises sustainable mobility for all, land use and transport integration, reduced congestion, and the promotion of public and non-motorized transport (NMT).
    - Non-Motorised Transportation Master Plan 2020 The proposed development directly contradicts the strategic objectives outlined in the Stellenbosch NMT (Non-Motorized Transport) Masterplan, which emphasises the municipality's commitment to developing walkable and cycle-able environments that are safe and contribute to the economic vibrancy and social health of communities, and strive towards car-free living in the CBD, achieve a modal shift towards public transport, walkability, and cycle-ability, and create dignified living spaces in previously disadvantaged areas.

- Many stakeholders raised concerns that the proposed project would negatively impact sustainable urban planning, active mobility, and the broader community's well-being.

Feasibility Study:

- Many stakeholders stated that the Feasibility Study lacks a comprehensive multidisciplinary assessment or a detailed transportation impact assessment, particularly concerning the claim of alleviating traffic congestion.
- The feasibility study underpinning this proposal is flawed in that it evaluates the viability of a parking garage as a financial case for a proposed private developer and the municipality and not the viability of this intervention to reduce congestion and increase the aesthetic, commercial, and residential value of the Stellenbosch CBD.

Traffic and transportation:

- Several stakeholders expressed concerns about the potential increase in traffic resulting from the proposed project.
- They highlighted the need for proper traffic impact assessments and appropriate measures to manage traffic flow and avoid congestion.
- Some stakeholders also suggested that alternative transportation options, such as non-motorised transport, walking routes, cycling and public transport, should be promoted to reduce reliance on private cars.
- Many suggested that park-&-ride facilities be implemented outside of town to alleviate the existing level of traffic congestion. Suggestions were made to do this in the following stages: Stage 01: Put a drop-and-go park with a Safe Passage Route from the parking to the CBD as per the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022 - 2026 and Non-Motorised Transportation Master Plan 2020. Stage 02: implement your 2019 NMT Master plan and develop the space into a public space] - note: we have previously highlighted how progressive the NMT plan is and how little progress we have seen. Stage 01 and 02: Street Experiments (SET) and tactical urbanism through PPPs to make it quicker and cheaper. Stage 03: Develop a safe, scheduled, Integrated Public Transport system within and to/from Stellenbosch to nearby areas as a viable alternative to driving. We suggest investing in and supporting South Africa's first-ever electrical bicycle-sharing scheme or investigating the feasibility of a PPP around re-introducing a tram for the dorp.
- The stakeholders believe that developing the car park will encourage car dependency, which contradicts global and local policies' efforts to reduce carbon emissions and combat climate change.
- Introducing a large parking lot would increase reliance on motorised transport, exacerbating challenges such as the dominance of infrastructure favouring motorised options, unsafe crossings prioritising private vehicles, and obstructing sidewalks.
- Regarding public transportation, in the absence of the National Government, the supporters urge the Municipality, with the newly established Western Cape Mobility Department, to look into a public-private partnership (PPP) around a tram line to define

the land-use development of the Adam Tas LSDF corridor and connect surrounding estates and areas like Somerset West or even Bellville to the town.

- It was recommended that the Municipality urgently commence the development of the strategic transport and development action plan for Stellenbosch, using best-practice optioneering and assessment methods. A body of inputs and studies has already been undertaken to inform and guide this, and progress can be made rapidly.
- Regarding public transportation, in the absence of the National Government, they urge the Municipality with the newly established Western Cape Mobility Department to look into a public and private partnership (PPP) around a tram line for the Municipality to define the land-use development of the Adam Tas LSDF corridor and connect surrounding estates and areas like Somerset West or even Bellville to the town.

Community Impact:

- Some stakeholders raised concerns about the project's potential impact on the local community, noting that it appears to be counterproductive and misaligned with the town's demonstrated commitment to environmental sustainability and community well-being.
- In their view, it will also have a detrimental impact on urban space, and the space allocated could be better used for urban open space, affordable housing, and amenities for social interaction.
- The proposed project may also detract from pedestrian-friendliness, which is needed to boost local businesses and the economy more effectively than car-centric developments.

Heritage:

- The open space proposed for building the parking facility is one of the few remaining open spaces in the CBD. Building a parking garage here will further degrade the cultural and historical character of the town.
- Stellenbosch, as a treasured historic town with its heritage buildings, narrow and tree-lined streets, and water channels, does not offer the luxury of widening streets, building slipways, or other means to improve traffic flow.
    - A more people-friendly (not car-friendly) use of the Precinct would also benefit tourism and the historic buildings nearby, like Erfurt House, the Stellenbosch Museum and others.

Project planning:

- Several stakeholders expressed concerns about the project management process, citing issues such as a lack of transparency and communication.
- Some stakeholders felt that they were not adequately consulted during the project's planning stages, while several expressed concerns about its overall feasibility.

4.2. Comments and Responses Register

All comments received during the four week comment period have been captured and Reponses provided in a Comments and Responses Register attached as Appendix 8.

APPENDIX 1:
INVITATION TO PARTICIPATE IN THE PUBLIC PARTICIPATION PROCESS VIA E-MAIL

STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PUBLIC PARTICIPATION INVITATION
EIKESTAD PARKING UPGRADE PPP

Municipal Notice No. 9/2024

Project proposal: The Stellenbosch Municipality intends to upgrade the current Eikestad parking area (Erven 1962-RE, 1969-1976, 1954, 6402 and 6636) to assist in alleviating the major congestion and parking challenges experienced in the Stellenbosch CBD. A parking study was undertaken by the Municipality specifically to understand the existing parking situation in Stellenbosch and identify needs and demand. One of the outcomes is to consider a Public-Private Partnership (PPP) for the upgrade of the existing Eikestad parking area to a three-level parking structure. The intention is to provide a structure that is in keeping with the existing historical context while being functional from a parking perspective.

Location: The development site is located between Andringa, Victoria, van Ryneveld and Plein Streets, Stellenbosch. It is located north of the Stellenbosch Town Hall, and east of the Eikestad Mall.

Opportunity to participate: On behalf of the municipality, *The Environmental Partnership* is undertaking this public consultation process. The following information will be available on *The Environmental Partnership's* website (www.enviropart.co.za), the Stellenbosch Public Library (Plein Street, Stellenbosch) and on request.

- Eikestad Parking Public-Private Partnership Feasibility Study – Background Information Document (Executive Summary).
- Eikestad Parking Public Private Partnership Feasibility Study – Summary Report.
- Eikestad Parking Public Private Partnership Feasibility Study (Full Report) – Available on request.

You are invited to an Open House public forum (a poster presentation) where you will also have an opportunity to interact with the project team on 13 February 2024 at the Stellenbosch Town Hall. You may provide written comments by submitting to the contact details below. The commenting period commences on 25 January 2024 and closes on 26 February 2024.

Venue: Stellenbosch Town Hall – 26 Andringa Street, Stellenbosch
Date: 13 February 2024
Open House: Pop in at any time that suits you between 16:00 to 19:00

Please send any comments that you may have to the contact details below on or before 26 February 2024:

The Environmental Partnership
Tel: 021 422 0999
Email: comments@enviropart.co.za

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS

APPENDIX 2: NEWSPAPER ADVERT

Stellenbosch-munisipaliteit doen ondersoek ná klagte

Van bladsy 1

Die Stellenbosch-munisipaliteit het intussen by navraag aan *Eikestadnuus* gesê "die ontwikkeling is toegelaat om op hul eie onkoste 'n waterpyp aan 'n bestaande munisipale waterpyp te verbind".

"Geen toestemming is egter verleen om aan enige munisipale afvalwaterpyp of stormwaterkanaal te verbind nie. Die munisipaliteit is bewus gemaak van hierdie beweerde voorval en het reeds ondersoek begin instel," het Stuart Grobbelaar, die munisipale woordvoerder, gesê.

Grobbelaar sê voorts die munisipaliteit dra ook kennis van 'n klagte wat aan die einde van 2023 deur die Wemmershoek-gemeenskap en sy belastingbetalersvereniging ingedien is.

"Ons omgewingspanne was Maandag 22 Januarie op die toneel om ondersoek in te stel na gerugte van besoedeling en sal toepaslike stappe doen indien waterbesoedeling hier plaasvind. Indien dit bevind word dat enige onwettige aktiwiteit plaasgevind het, sal strafmaatreëls ingevolge wetgewing ingestel word," het Grobbelaar gesê.

"Ons beoog om die ondersoek vandeesweek af te handel en met die ontwikkelaar te vergader."



Die Sawmill-vrugteverpakkingsfabriek in Wemmershoek naby Franschhoek het volgens inwoners glo self hul afvalwaterlyn aan die munisipaliteit se stormwaterstelsel gekoppel, wat nou 'n stank veroorsaak. Foto: Rasaad Adams

STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MUNISIPALITEIT ·UMASIPALA ·MUNICIPALITY

021-808 8222 Infrastructure Services, Roads, Transport and Stormwater

PUBLIC PARTICIPATION INVITATION
EIKESTAD PARKING UPGRADE PPP

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You are invited to an Open House public forum (a poster presentation) where you will also have an opportunity to interact with the project team on 13 February 2024 at the Stellenbosch Town Hall. You may provide written comments by submitting to the contact details below. The commenting period commences on 25 January 2024 and closes on 26 February 2024.

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NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA
NOTICE NUMBER: 5/2024

APPLICATION FOR CONSOLIDATION, REZONING AND SUBDIVISION OF THE FOLLOWING PORTIONS OF THE FARMS 182 AND 183 STELLENBOSCH: PORTION 23 OF FARM 183; PORTION 36 OF FARM 183; REMAINDER OF FARM 182; PORTION OF THE REMAINDER OF FARM 183; PORTION 1 OF FARM 182; PORTION 1 OF FARM 183; REMAINDER OF PORTION 5 OF FARM 183, IN ORDER TO CREATE THE NORTHERN EXTENSION INTEGRATED MIXED-INCOME HUMAN SETTLEMENT DEVELOPMENT.

Application Address: **Portions of the Farms 182 and 183 Stellenbosch, North of Kayamandi, Stellenbosch**
Applicant: **Zutari, represented by Rudolf Schröder: rudolf.schroder@zutari.com**
Owner: **Stellenbosch Municipality, NPK Building, 1st Floor, c/o Ryneveld and Van Riebeeck Streets, Stellenbosch, 7600**
Application Reference: **LU/16553(TP592/2023)**

Description of land development application:

a) In terms of Section **15(2)(d)** of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023, for the **subdivision** of the Remainder of Farm 183 into two Portions.
b) In terms of Section **15(2)(e)** of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023, for the **consolidation** of Portion 23 of Farm 183, Portion 36 of Farm 183, Remainder of Farm 182, Portion of the Remainder of Farm 183, Portion 1 of Farm 182, Portion 1 of Farm 183, and the Remainder of Portion 5 of Farm 183 into one property.
c) In terms of Section **15(2)(a)** of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023, for the **rezoning** of the consolidated property from "Agriculture and Rural Zone" to a "subdivisional area" in order to allow for the following uses:
   - 1338 Conventional Residential Zone stands
   - 1354 Less Formal Residential Zone stands
   - 8 Multi-unit Residential Zone stands
   - 25 Public Open Space Zone stands
   - 2 Transport Facility Zone stands
   - 4 Mixed Use Zone stands
   - 2 Education Zone stands
   - 2 Agriculture and Rural Zone stands
   - 3 Utility Zone stands
   - 6 Community Zone stands
   - Public Roads and Parking

   as shown on the proposed Subdivision plan
d) In terms of Section 15(2)(d) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023, for the **Subdivision** of the consolidated property in accordance with the Subdivision plan, in order to give effect to the proposed land uses.
e) Approval of the Phasing Plan.

Notice is hereby given in terms of the said By-law that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said By-law to the Applicant by electronic mail as follows: Zutari, attention Rudolf Schröder at rudolf.schroder@zutari.com. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **(25 February 2024)**. It should be noted that the Municipality, in terms of Section 50(5) of the said By-law, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the application or the above requirements, or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at +27 44 805 5400 / 0833906963 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA
KENNISGEWING NOMMER: 5/2024

AANSOEK OM KONSOLIDASIE, HERSONERING, EN ONDERVERDELING, VAN DIE VOLGENDE GEDEELTES VAN DIE PLAAS 182 EN 183 STELLENBOSCH: GEDEELTE 23 VAN DIE PLAAS 183, GEDEELTE 36 VAN DIE PLAAS 183, RESTANT VAN DIE PLAAS 182, GEDEELTE VAN DIE RESTANT VAN DIE PLAAS 183, GEDEELTE 1 VAN DIE PLAAS 182, GEDEELTE 1 VAN DIE PLAAS 183, RESTANT VAN GEDEELTE 5 VAN DIE PLAAS 183, TEN EINDE DIE SKEPPING VAN DIE NOORDELIKE UITBREIDING GEINTEGREERDE GEMENGDE INKOMSTE MENSLIKE NEDERSETTINGSONTWIKKELING.

Adres van eiendom: **Gedeeltes van die plaas 182 en 183 Stellenbosch, Noord van Kayamandi, Stellenbosch**
Aansoeker: **Zutari, verteenwoordig deur Rudolf Schröder: Rudolf.schroder@zutari.com**
Eienaar: **Stellenbosch Munisipaliteit, NPK Gebou, 1ste Vloer, h/v Ryneveld en Van Riebeeck strate, Stellenbosch**
Aansoek Verwysing: **LU/16553(TP592/2023)**

Beskrywing van grondontwikkelingsaansoek:

a) Ingevolge Artikel **15(2)(e)** van die Stellenbosch Munisipaliteit Verordening op Munisipale Grondgebruikbeplanning, 2023, vir die **onderverdeling** van die Restant van die Plaas 183 in twee gedeeltes.
b) Ingevolge Artikel **15(2)(e)** van die Stellenbosch Munisipaliteit Verordening op Munisipale Grondgebruikbeplanning, 2023, vir die **Konsolidasie** van Gedeelte 23 van die Plaas 183, Gedeelte 36 van die Plaas 183, Restant van die Plaas 182, Gedeelte van die Restant van die Plaas 183, Gedeelte 1 van die Plaas 182, Gedeelte 1 van die Plaas 183, Restant van Gedeelte 5 van die Plaas 183 in een gekonsolideerde eiendom.
c) Ingevolge Artikel **15(2)(a)** van die Stellenbosch Munisipaliteit Verordening op Munisipale Grondgebruikbeplanning, 2023, vir die **Hersonering** van die gekonsolideerde eiendom vanaf "Landbou en Landelike sone" na 'n "Onderverdelingsgebied" om voorsiening te maak vir die volgende gebruike:
   - 1338 konvensionele residensiële sone erwe
   - 1354 Minder Formeel Residensieel sone erwe
   - 8 Multi-eenheid Residensieel sone erwe
   - 25 Publieke Ooprulmte Sone erwe
   - 2 Vervoer Fasiliteitsone erwe
   - 4 Gemengde Gebruiksone erwe
   - 2 Onderwys sone erwe
   - 2 Landbou en Landelike sone
   - 3 Nutsone erwe
   - 6 Gemeenskapsone erwe
   - Publieke Pad en Parkering Sone

   Soos uiteengesit op die voorgestelde onderverdelings plan.
d) **Onderverdeling** van die gekonsolideerde eiendom in ooreenstemming met die onderverdelingsplan ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning 2023 ten einde uitvoering te gee aan bogenoemde voorgestelde erwe en sonering.
e) Goekeuring vir die Faserings Plan.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. Indien die webtuiste of tersaaklike dokumente nie toeganglik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

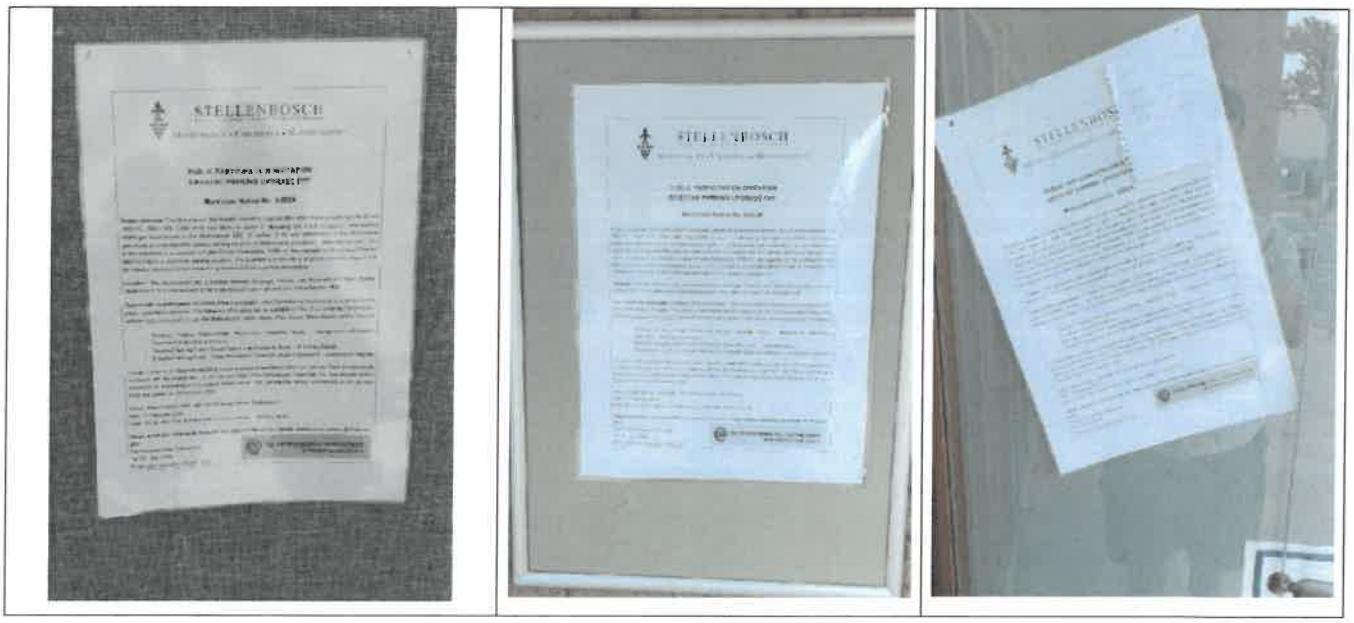
Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: Zutari vir aandag Rudolf Schröder by rudolf.schroder@zutari.com. Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **(25 Februarie 2024)**. Daar moet kennis geneem word dat die Munisipaliteit, ingevolge Artikel 50(5) van die genoemde Verordening, mag weier om enige kommentaar/beswaar wat na die sluitingsdatum ontvang word, te aanvaar.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by +27 44 805 5400/0833906963 gedurende normale kantoor ure.

APPENDIX 3:
POSTERS PLACED IN PUBLIC PLACES




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Notifications; poster and copies of the feasibility Report placed at Stellenbosch University

APPENDIX 4:

INFORMATION PLACED ON TEP WEBSITE

CURRENT PROJECTS AND PUBLIC DOCUMENTS

EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

PUBLIC PARTICIPATION INVITATION EIKESTAD PARKING UPGRADE PPP – MUNICIPAL NOTICE NUMBER 9/2024

Project proposal: The Stellenbosch Municipality intends to upgrade the current Eikestad parking area (Erven 1962-RE, 1969-1976, 1954, 6402 and 6636) to assist in alleviating the major congestion and parking challenges experienced in the Stellenbosch CBD. A parking study was undertaken by the Municipality specifically to understand the existing parking situation in Stellenbosch and identify needs and demand. One of the outcomes is to consider a Public-Private Partnership (PPP) for the upgrade of the existing Eikestad parking area to a three-level parking structure. The intention is to provide a structure that is in keeping with the existing historical context while being functional from a parking perspective.

The selected site for this development is situated within a culturally and historically significant landscape and comprises 18 separate erven (as well as requiring access across two different erven), and in combination the area of the site is 18 651.2 m². The development of this [illegible] PPP is one that has a structure thereon will constitute a "change in character" thereby triggering Section 38 (1) (c) (ii) of the National Heritage Resources Act.

Accordingly, the proposed project aim to [illegible] with the surrounding cultural and heritage landscape by adhering to stringent architectural design guidelines and parameters, as duly approved by Heritage Western Cape (HWC).

A **Notice of Intent to Develop (NID)** was submitted to HWC by the appointed heritage Specialist. The HWC committee meeting took place on 18 January 2024 during which the members of the meeting agreed that a Heritage Impact Assessment is required for the development of the Eikestad parking site and that the following studies must form part of the study:

- Archaeology desktop study
- Townscape study
- Visual study within a townscape context

Note that the Heritage Impact Assessment and other required studies will be commenced with **after the Public-Private Partnership has been put in place** and will be the responsibility of that entity to continue with the HIA process. All interested and/or Affected Parties will be notified of the availability of the Heritage Impact Assessment during the required Public Participation Process once this process has commenced.

ALL PUBLIC ITEMS



EIKESTAD PARKING UPGRADE PPP - PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024



ENVIRONMENTAL AUDIT REPORT ASANDA VILLAGE WETLAND PARK ON ERF NO. 29666 AND ERF NO. 32688, STRAND

EA GRANTED – PROPOSED ESTABLISHMENT OF THE MFULENI EMERGENCY HOUSING DEVELOPMENT (BOSASA LINK) (DEA&DP REFERENCE NUMBER

Location: The development site is located between Andringa, Victoria, van Ryneveld and Plein Streets, Stellenbosch. It is located north of the Stellenbosch Town Hall, and east of the Eikestad Mall.

Opportunity to participate: On behalf of the municipality, The Environmental Partnership is undertaking this public consultation process. The following information will be available on The Environmental Partnership's website (www.enviropart.co.za), the Stellenbosch Public Library (Plein Street, Stellenbosch) and on request.

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- Eikestad Parking Public Private Partnership Feasibility Study - Summary Report.
- Eikestad Parking Public Private Partnership Feasibility Study (Full Report) - **Available on request**

You are invited to an Open House public forum (a poster presentation) where you will also have an opportunity to interact with the project team on 13 February 2024 at the Stellenbosch Town Hall. You may provide written comments by submitting to the contact details below. The commenting period commences on 25 January 2024 and closes on 26 February 2024.

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Date: 13 February 2024
Open House: Pop in at any time that suits you between 16:00 to 19:00

Please send any comments that you may have to the contact details below on or before 26 February 2024.
The Environmental Partnership
Tel: 021 422 0999
Email: comments@enviropart.co.za

Contact Details (for public comment)

Tel: 021 422 0999

Email: comments@enviropart.co.za

[illegible]



NOTIFICATION OF AMENDED ENVIRONMENTAL AUTHORISATION GRANTED FOR THE APPROVED DEVELOPMENT OF THE ASANDA VILLAGE WETLAND PARK ON ERF NO. 29865 AND ERF NO. 32680, STRAND



PROPOSED 'MFULENI EMERGENCY HOUSING DEVELOPMENT' ON "MFULENI CENTRAL" A PORTION OF REMAINDER ERF 987 AND A PORTION OF REMAINDER OF ERF 1, WESTERN CAPE PROVINCE (DEA&DP REFERENCE NUMBER:

Physical Address:
30 Victoria Avenue
(1st Floor)
Hout Bay
7806

Postal Address:
P.O. Box 945
Cape Town
8000

Back to Public Zone

15/3/3/6/7/1/A4/43/3146/22)



EPPING - PROPOSED REZONING OF ERF 32403, RE/112629 AND RE/2179 (WP051 - EPPING), AND DEVELOPMENT OF A FILLING STATION



APPENDIX 5:
PUBLIC FORUM PHOTOGRAPHS AND POSTERS PRESENTED







WELCOME

PUBLIC PARTICIPATION - OPEN HOUSE PUBLIC FORUM

TIME:16:00 to 19:00

EIKESTAD PARKING UPGRADE - PUBLIC PRIVATE PARTNERSHIP

Municipal Notice No. 9/2024

Please feel free to view the posters on display and ask our team questions



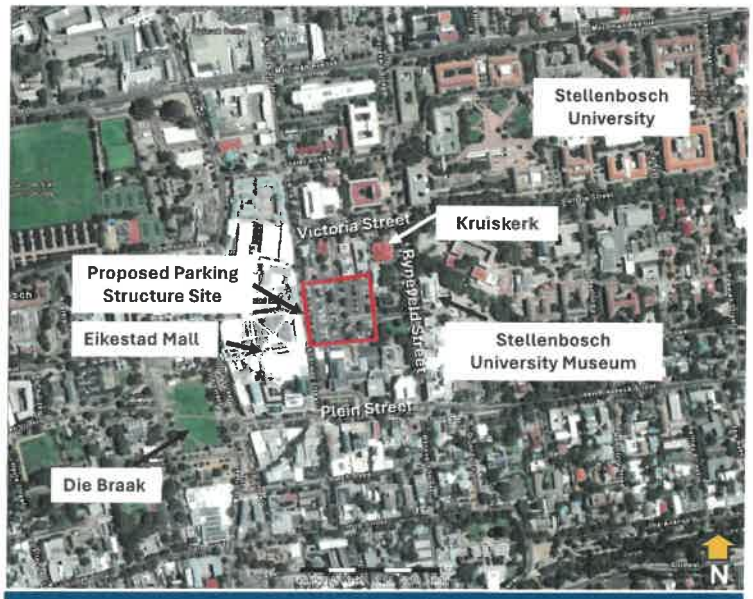
PROJECT DESCRIPTION

The Stellenbosch Municipality intends to upgrade the current Eikestad parking area (Erven 1962-RE, 1969-1976, 1954, 6402 and 6636) to assist in alleviating the major congestion and parking challenges experienced in the Stellenbosch CBD. A parking study was undertaken by the Municipality specifically to understand the existing parking situation in Stellenbosch and identify needs and demand. One of the outcomes is to consider a Public Private Partnership (PPP) for the upgrade of the existing Eikestad parking area to a three-level parking structure. The intention is to provide a structure that is **in keeping with the existing historical context** while being functional from a parking perspective.

Stellenbosch experiences major congestion in the CBD and other parts of the city. In addition, the Comprehensive Integrated Transport Plan indicates a need for sustainable transport that amongst other factors requires a reduction in traffic congestion and an increase in mode shifts, such as public transport and/or non-motorised transport.

A Feasibility Study was carried out with the following findings –

- The demand for parking services in the CBD amounted to 300 bays.
- Based on the needs analysis and based on the solutions analysis, the Eikestad Mall parking area was identified as the most feasible options for parking facilities.
- Due to the conditions of the CBD and the nature and parking utilisation demand, the CBD Eikestad parking needs identified a need for a multi-story parking facility.
- As a result, the feasibility of this facility was assessed for the public sector, as well as a possible Public Private Partnership (PPP) project.
- It is recommended that the Eikestad Parking Garage be considered as a viable option as a PPP contract.



LOCALITY MAP

PROJECT PROCESS

FEASIBILITY STUDY AND DEMAND INVESTIGATION

- Based on the needs analysis and based on the solutions analysis, the Eikestad Mall parking area was identified as the most feasible options for parking facilities.
- Due to the conditions of the CBD and the nature and parking utilisation demand, the CBD Eikestad parking needs identified a need for a multi-story parking facility.
- As a result, the feasibility of this facility was assessed for the public sector, as well as a possible Public Private Partnership (PPP) project.
- It is recommended that the Eikestad Parking Garage be considered as a viable option as a PPP contract.

PUBLIC PARTICIPATION
(PROJECT CURRENTLY IN THIS PHASE)

On behalf of the municipality, *The Environmental Partnership* is undertaking this public consultation process. The following information is available on *The Environmental Partnership's* website (www.enviropart.co.za), the Stellenbosch Public Library (Plein Street, Stellenbosch) and on request.

- Eikestad Parking Public-Private Partnership Feasibility Study – Background Information Document (Executive Summary).
- Eikestad Parking Public Private Partnership Feasibility Study – Summary Report.
- Eikestad Parking Public Private Partnership Feasibility Study (Full Report) – Available on request.

COMMENT PERIOD ENDS

26 FEBRUARY 2024

AWARDING OF PROJECT TO ENTITY

HERITAGE IMPACT ASSESSMENT

- Including the following studies:
  - Desktop Archaeological Impact Assessment
  - Townscape and Streetscape Assessment
  - Visual Impact Assessment
- A 30 day Public Participation Process will be carried out during which the HIA will be made available for comment.

DEVELOPMENT

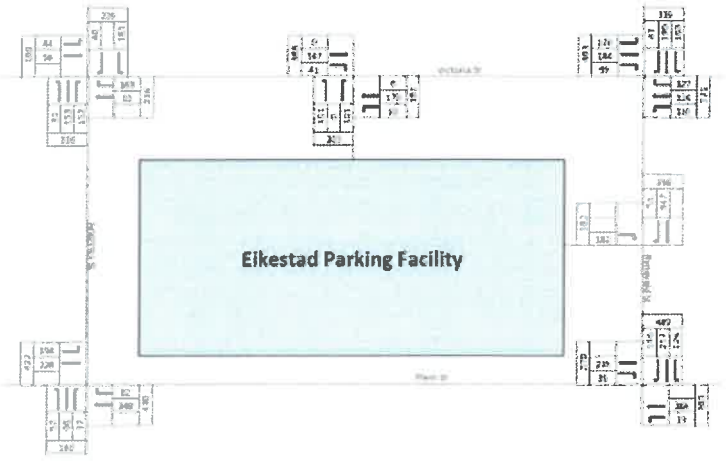
Traffic Analysis

The findings of the Site traffic analysis are as follows:

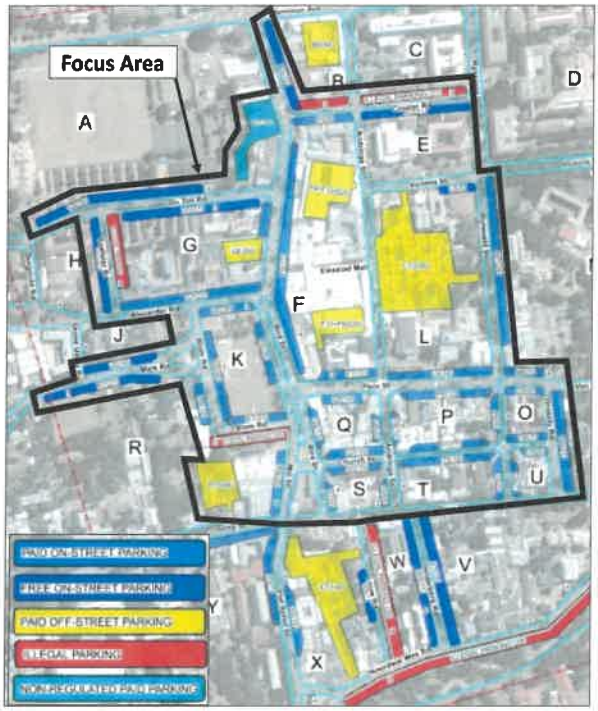
- ❑ The proposed accesses are acceptable to accommodate the additional trips.
- ❑ The proposed accesses have acceptable throat lengths.
- ❑ The NMT and internal walkways, existing and proposed, links to the road network, buildings and parking bays are adequate.
- ❑ The are no issues regarding the design vehicle's ability to navigate the internal road network.
- ❑ Due to the demand analysis, a wider traffic analysis would be required to assess the closure of church road on the wider CBD area.

Intersection	Scenario	Intersection control	AM Peak Hour			PM Peak Hour		
			LOS	Del (s)	v/c	LOS	Del (s)	v/c
Victoria St / Andringa St	2023 Base	All-way Stop	D	26	0,7	C	19	0,61
	2028 Future		D	25	0,71	C	25	0,69
Victoria St / Access	2023 Base	Priority Stop	N/A	3	0,17	N/A	2	0,19
	2028 Future		N/A	3	0,21	N/A	3	0,22
Victoria St / Ryneveld St	2023 Base	Traffic Circle	A	6	0,28	A	7	0,37
	2028 Future		A	7	0,37	A	8	0,44
Ryneveld St / Access	2023 Base	Priority Stop	N/A	2	0,25	N/A	2	0,25
	2028 Future		N/A	3	0,32	N/A	3	0,22
Ryneveld St / Plein St	2023 Base	Traffic Circle	A	7	0,34	A	7	0,43
	2028 Future		A	7	0,39	A	8	0,51
Andringa St / Plein St	2023 Base	Traffic Circle	A	6	0,35	A	6	0,34
	2028 Future		A	6	0,4	A	6	0,4



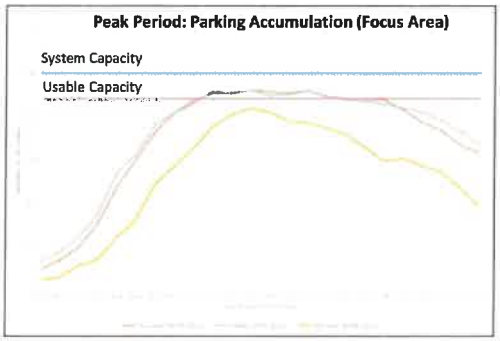


Survey Locations



Parking area Type		Inventory (Focus Area)	% Split
On-Street	Free	170	17%
	Paid	439	44%
Off-Street	Free	44	4%
	Paid	353	35%
Total		1 006	100%

Parking Surveys

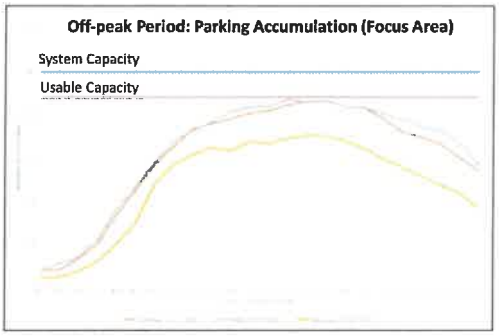


Peak Period Parking Duration (h):

- Weekday = 3.07 h
- Friday = 2.82 h
- Saturday = 2.14 h

Peak Period Max Occupancy (%):

- Weekday = 92 %
- Friday = 92 %
- Saturday = 83 %



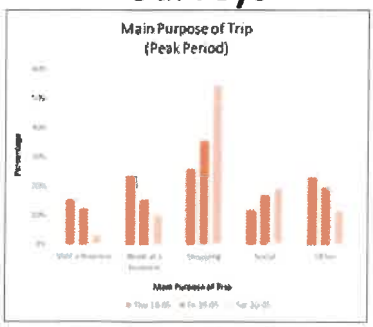
Off-Peak Period Parking Duration (h):

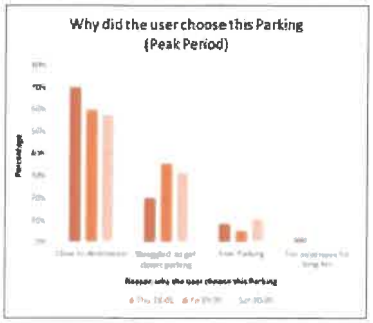
- Weekday = 3.27 h
- Friday = 2.88 h
- Saturday = 2.16 h

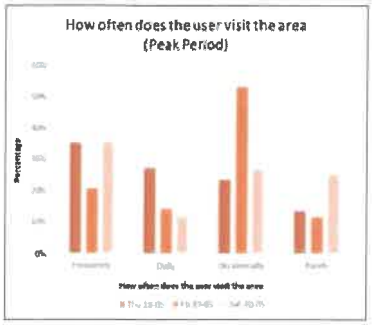
Off-Peak Period Max Occupancy (%):

- Weekday = 86 %
- Friday = 87 %
- Saturday = 70 %

Stated Preference Surveys







HERITAGE CONSIDERATIONS FOR THE INTENDED DEVELOPMENT OF ERVEN 1962-RE, 1969-1976, 1954, 6402 and 6636 STELLENBOSCH BETWEEN ANDRINGA, VICTORIA, VAN RYNEVELD AND PLEIN STREETS, STELLENBOSCH

PROPERTY DETAILS:

Physical Address of Property:	Centre of the block bounded by Andringa, Victoria, Van Ryneveld and Plein Streets, Central Stellenbosch.
Erven:	1962-RE, 1969-1976, 1954, 6402 and 6636 Stellenbosch.
Co-ordinates (centre point):	33.935894°S 18.861783°E
District/Municipality:	Stellenbosch.
Current Land Use:	At grade parking
Current Zoning:	Road and Parking Zoning, Mixed Use.
Predominant Surrounding Land Use:	Retail/commercial, civic uses, offices.
NHRA "Trigger":	No. of erven - see table below.

No	Erf	Area
1	1962-RE	11270,5 m²
2	1976	1085,9 m²
3	1975	1083,2 m²
4	1974	1085,7 m²
5	1973	1080,4 m²
6	1972	855,3 m²
7	1971	385 m²
8	1970	437,1 m²
9	1969	348,5 m²
10	1958	395,7 m²
11	6402	115 m²
12	6636	508,9 m²
TOTAL AREA:		18651,2m²



Figure 7 (left): Pistorius and Harris' 2004 dating of fabric map for the block.



Site plan with the site outlined in yellow.
(Source: Cape Farm Mapper).



View of the streets from Victoria Street.



General view of the parking area



View along Andringa Street, showing the character of the street.



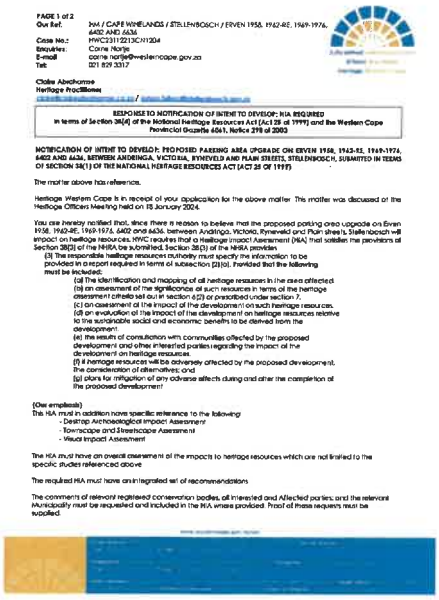
View of the street-level open parking area to the south-west of the site, near the Ryneveld Road entrance and green space



Protected heritage building adjacent to the site along Andringa Street



View looking northwest to the backs of the heritage buildings at the corner of Andringa and Victoria Streets



PAGE 1 of 2
Our Ref: HM / CAPE WINELANDS / STELLENBOSCH / ERVEN 1958, 1962-RE, 1969-1976, 6402 AND 6636
Case No.: HWC231122132CW1204
Enquiries: Carrie Hartje
E-mail: carrie.hartje@westerncape.gov.za
Tel: 021 829 3317

Claire Abrahamse
Heritage Practitioner

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED PARKING AREA UPGRADE ON ERVEN 1958, 1962-RE, 1969-1976, 6402 AND 6636, BETWEEN ANDRINGA, VICTORIA, RYNEVELD AND PLEIN STREETS, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter. This matter was discussed at the Heritage Officers Meeting held on 15 January 2024.

You are hereby notified that, since there is reason to believe that the proposed parking area upgrade on Erven 1958, 1962-RE, 1969-1976, 6402 and 6636, between Andringa, Victoria, Ryneveld and Plein streets, Stellenbosch will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

(3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a), provided that the following must be included:
(a) The identification and mapping of all heritage resources in the area affected
(b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6 (2) or prescribed under section 7,
(c) an assessment of the impact of the development on such heritage resources,
(d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development
(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources
(f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
(g) plans for mitigation of any adverse effects during and after the completion of the proposed development

(Our emphasis)
This HIA must in addition have specific reference to the following:
- Desktop Archaeological Impact Assessment
- Townscape and Streetscape Assessment
- Visual Impact Assessment

The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above

The required HIA must have an integrated set of recommendations

The comments of relevant registered conservation bodies, all interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied

HERITAGE CONSIDERATIONS FOR THE INTENDED DEVELOPMENT OF
ERVEN 1962-RE, 1969-1976, 1954, 6402 and 6636 STELLENBOSCH
BETWEEN ANDRINGA, VICTORIA, VAN RYNEVELD AND PLEIN STREETS, STELLENBOSCH

GRADING AND SIGNIFICANCE:

The site has been considered in numerous conservation-related studies. The findings of each are summarized below.

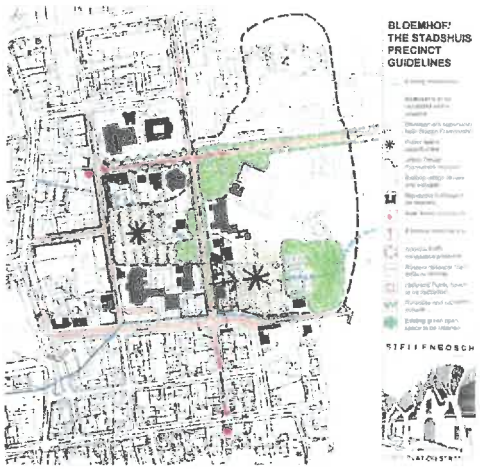
The Stellenbosch Conservation Strategy: Development Guidelines by KrugerRoos (1997)

The block was identified as part of a Key Precinct requiring a detailed Urban Design Framework "to facilitate proactive development, enhance the context of the conservation area and provide opportunities for both public and private investment" (1997: 26).

The precinct is described in that report as "the transition zone between the University and the Historical Core. It contains significant historical building stock, such as the Ryneveld Street buildings, the Wilgenhof forecourt, the Sasol Art Gallery and the row of shops linked by an arcade to the parking area adjacent to the Botanical Gardens, as well as relatively recent development such as the Town Hall complex and parking area, and the pedestrianisation of Beyers Street.

The inherent opportunities identified in the Precinct include:

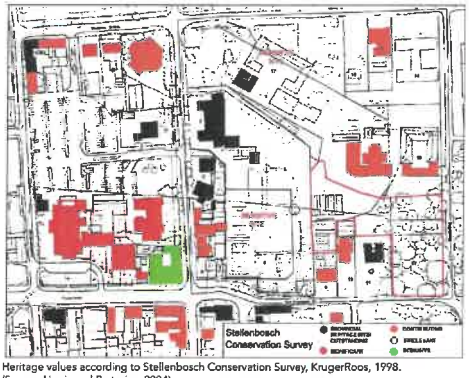
- The provision of a pedestrian link from the University to the Core.
- The conversion of the parking area into a positive public space and cultural centre.
- The possible conversion of the parking area at the rear of the Town Hall as a public space, which could still accommodate parking.



Guidelines for the Stadshuis Block by KrugerRoos, 1997.

Conservation Survey of all Buildings in the Historical Core by KrugerRoos (1998).

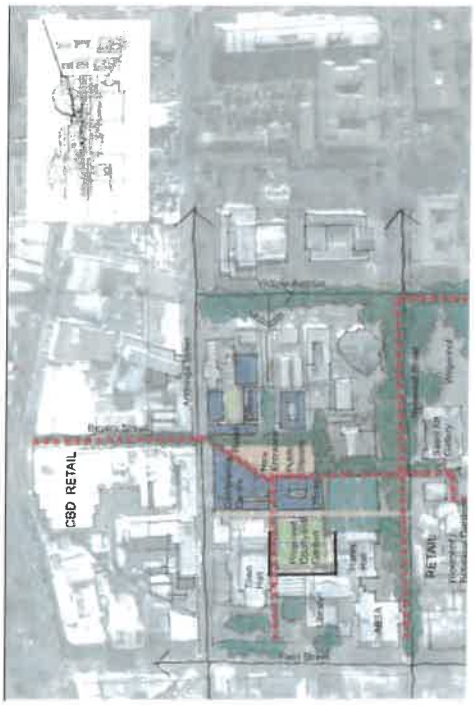
The study assessed heritage values primarily in terms of visual and architectural criteria, using also historical information from Fransen and Cook's Old Buildings of the Cape (1980).



Heritage values according to Stellenbosch Conservation Survey, KrugerRoos, 1998.
(Source: Harris and Pretorius, 2004).

Urban Design Study for the Stadshuis Block by KrugerRoos (2004).

The project aimed to take various previous policy statements regarding linkages between public spaces, and identified development opportunities and public space projects. Conceptual urban design proposals for the block were presented in Phase 1 of the project.



KrugerRoos sketch of concept for Stadshuis block, 2004.
(Source: Harris and Pretorius, 2004).

HERITAGE CONSIDERATIONS FOR THE INTENDED DEVELOPMENT OF
ERVEN 1962-RE, 1969-1976, 1954, 6402 and 6636 STELLENBOSCH
BETWEEN ANDRINGA, VICTORIA, VAN RYNEVELD AND PLEIN STREETS, STELLENBOSCH

Stadshuis Urban Block Heritage Study by Pistoris and Harris (2004).

Pistorius and Harris undertook a parallel heritage study of the block in 2004, and came up with key heritage-based design indicators. These are:

Role, Structure and Form

- The multiple roles of this urban block are part of its character and should be accommodated and resolved in any development proposal:
  - The role of the southern part of the block as the civic centre of Stellenbosch is very important. Municipal functions have overflowed into other buildings on and off the block and become fragmented. Development should consolidate, strengthen and enhance the public role and stature of the "Civic Precinct", particularly by bringing the citizens there.
  - The western edge of the site was historically part of a ribbon of development along Andringa Street; re-development of this edge as part of the retail precinct would help to revitalise the area opposite it as well.
  - The relationship of the north east part of the block to the University precinct is not well resolved and could be improved by urban design.
  - The importance of convenient parking for the civic centre and commercial uses around the block is acknowledged. However, the impact of the parking area in terms of traffic generation and congestion in the historical core and its negative spatial and urban impact is problematic. While parking will have to be accommodated on the site, it should be as visually unobtrusive as possible: underground, where feasible, and screened by buildings and shaded by trees on the surface.
  - Some residential usage should be encouraged as part of the mixed-use character of the block, particularly on the northern part.
- The relationship (and potential relationships) between development of this block and the possible development of the Bloemhof site should be taken into consideration and their respective roles clarified. Possible developments which have been discussed in relation to these sites include a conference centre and a tourist hotel. Either or both would be suitable if appropriately designed.
- Development on the block should be structured like a contemporary extension of the village: broken up into clusters of buildings scaled in response to their immediate context and placed around people-scaled spaces and "streets". There is potential for the block to be divided into two parts by at least one east-west street (accommodating cars and people and with the scale, texture and treescape of the village).
- The scale and grain of any development on the block should respond directly to the scale and grain of the urban fabric of the historical core around it. This should be tested from the earliest stages of design through the use of figure-ground plans of the proposals drawn in the context of the fabric of the town around the block.
- Recognise and formalise existing pedestrian routes across the block, and where possible manage them as public paths which are part of the town. Security for any development should be at points of access to buildings.
- Increase and improve pedestrian permeability of the block, especially from Plein Street. Ensure that vehicular access is compatible with pedestrian access, and give the latter priority.
- There are opportunities to make a public "place" (square, plaza, court) or a series of connected places along routes through the development.

Parking and vehicular access

- Any increase of vehicular traffic in the historical core is regarded as a negative heritage impact. Similarly, reduction of on-street parking in the narrow streets of the historical village would be a positive heritage impact.
- The parking areas at the Stadshuis block and Bloemhof are conveniently located for users of the facilities in the centre of town, and the need for parking to be a part of development is acknowledged. However, cars should be discouraged from accessing parking via the historical core. The approach to the Stadshuis parking via Andringa Street has a very negative impact on the character and pedestrian use of that street (as do goods deliveries), and has traffic impacts beyond the immediate site, particularly on the west part of Plein Street and the Braak. We have suggested that potential parkers should be encouraged to bypass the heart of the historical core by using Merriman and Ryneveld Streets.



Harris and Pistorius' spatialised heritage-based design indicators for the block, 2004.

- In the Bloemhof study we suggested a study of the possibility of making Ryneveld Street between Plein and Merriman a two-way road, with appropriate urban design modifications. We envisaged it as a calm, dignified "university" boulevard, with grand buildings set back from the street, broad pavements in the shade of trees, and parked cars clustered in "courts" or hidden behind the buildings. The existing traffic calming measures between Victoria and Merriman Streets (raised, brick-paved pedestrian crossings) could be extended southwards, facilitating the existing east-west pedestrian movement between the Stadshuis block and Bloemhof and the University.
- Provision for surface planting of trees will need to be made in the design of the underground parking area.

Middledorp/Historical Core Heritage Survey (2012).

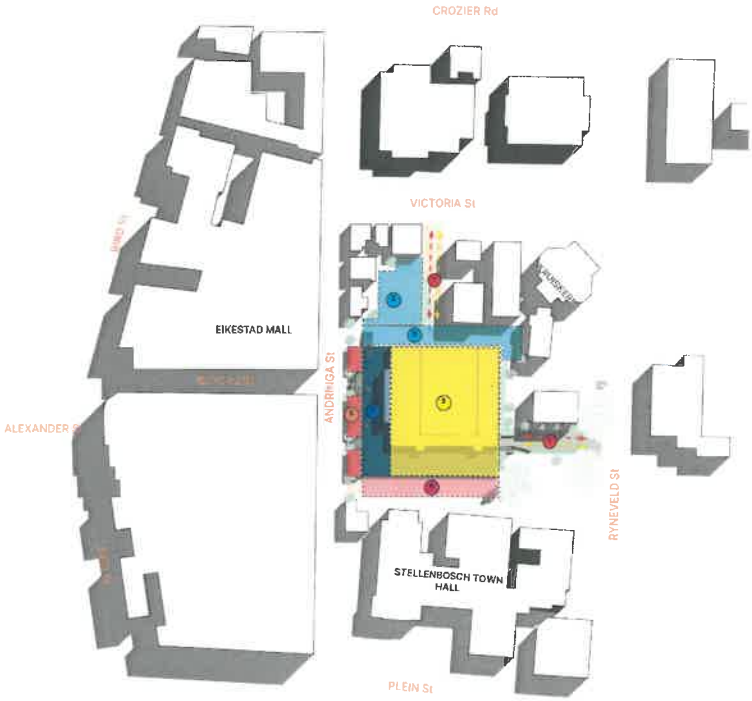
The survey noted that the Eikestad Mall Parking had no heritage significance. However, many of the buildings surrounding the site have been graded.



The current grading map for the site, with the grading of the various structures around the site indicated. These gradings were approved by HWC in 2012.



CIRCULATION FLOOR PLAN



USAGE FLOOR PLAN

GENERAL LEGEND

- VEHICULAR ROUTE
- NMT ROUTE
- MIXED ROUTE - NMT & VEHICULAR
- VEHICULAR ACCESS
- EXTERIOR MIXED USE SPACES
- PARKING FACILITY
- NMT & COURTYARDS
- FUTURE DEVELOPMENT
- NMT & WALKWAY

SAFETY ACCESS STRATEGY

Create direct access to the facility from both Victoria & Ryneveld Streets
No entrance point is proposed from Andringa Street to allow for the possibility of changing Andringa Street into a pedestrian only street.

ACCESS TO PARKING & PEDESTRIAN PARKING

Create direct pedestrian access to the facility from The Eikestad Mall, Ryneveld Street & Victoria Street.

Create a parking structure that sits on top of a half-basement with a recessed structure that elevates to 2 additional storeys.

FORECOURT DEVELOPMENT

Create a forecourt for the bigger mass of the building. This will serve as a landscape pedestrian friendly area that will connect the different parking areas. From the forecourt the main parking structure is accessed by pedestrians.

HERITAGE CONTEXT INTEGRATION

The building has to fit into a rich Heritage context. The aim of this proposal is to create a building that will be secondary in its importance to the context. In order to achieve this the building mass has been pushed to the back and centre of the site. By doing this there is available space on the site and to utilise the available space to the full available capacity, street level parkings are proposed at this level.

HERITAGE SENSITIVE DESIGN

Create a layout that connects with the rich heritage value of the immediate surrounding context. The 2 bordering buildings along Andringa Street are of a high historical value. The aim is to create a lower level street façade that connects these to neighbouring buildings.

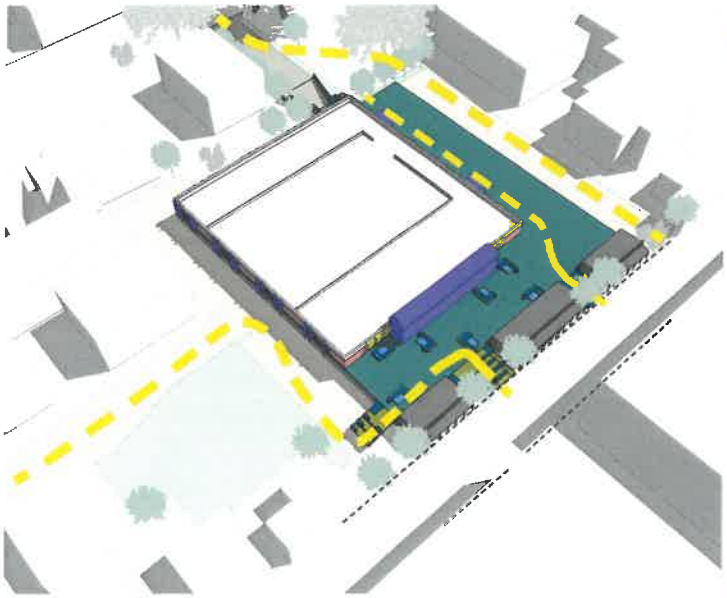
SERVICE ZONE PLANNING

Create a service zone to the southern side of the site. The aim of this is to create a service access to the buildings on the southern side. Furthermore, the aim is to create a breathing space between the parking structure and these buildings, which are also of a high historical value.

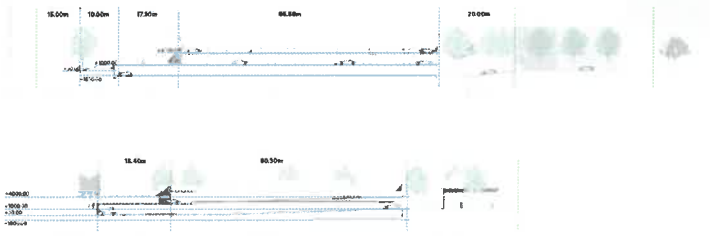
STELLENBOSCH BULK PARKING

Prepared by SMEC South Africa
2 February 2024

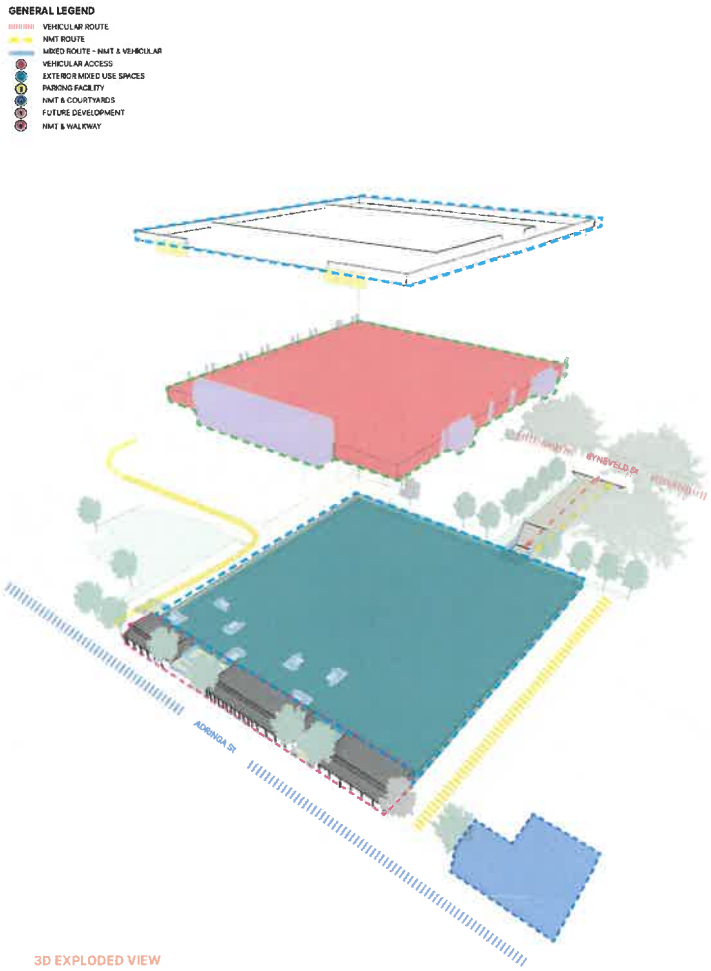
SMEC



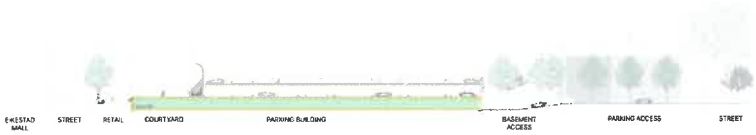
3D CONCEPTUAL VIEW



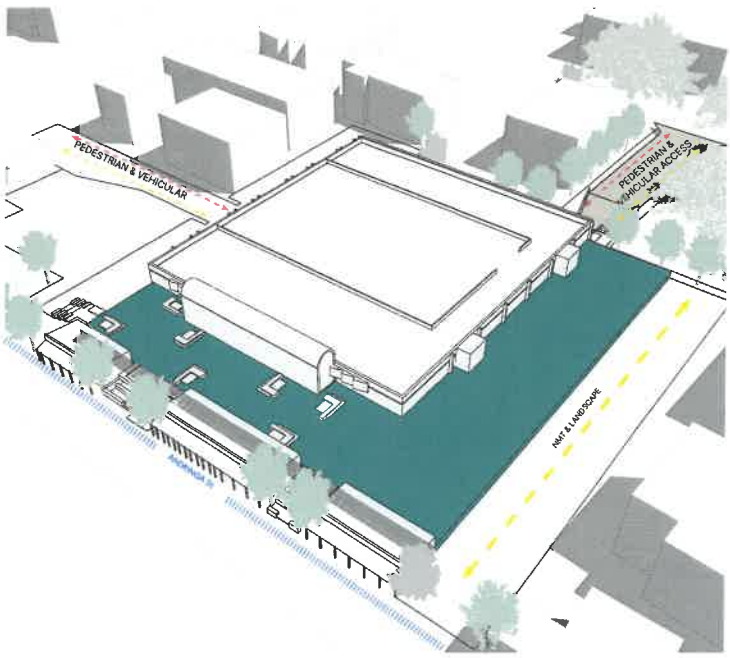
SECTIONS



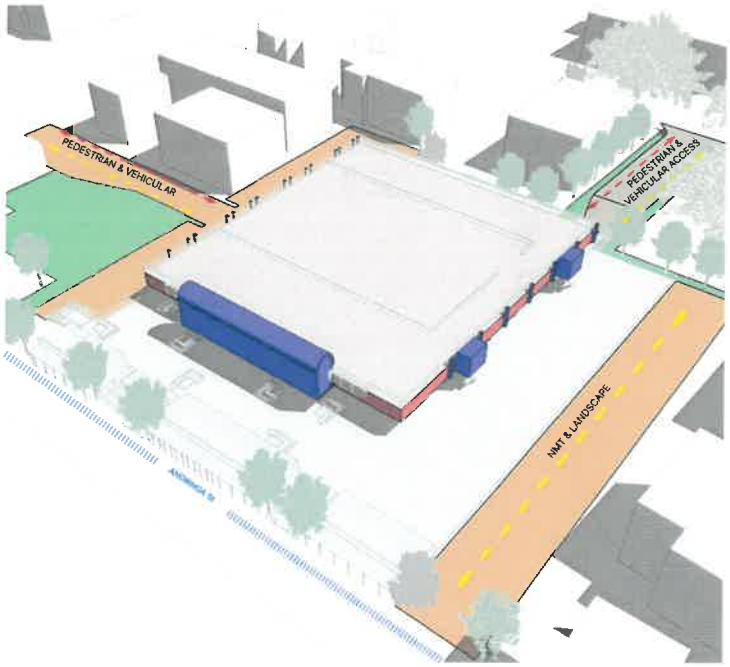
3D EXPLODED VIEW







3D BASEMENT PLAN



3D GROUND FLOOR PLAN

BUILDING FORM

Building form follows the typology of the existing buildings in the area which is a flat roof serving as a parking area to fit in with the building scale of the surrounding historical context.

BUILDING PLATFORM

To reduce the building height and slope in the existing context a sunken basement was introduced.

SCALE

The scale of the building consists out of a sunken natural ventilated half basement and 2 levels which level 2 is roof parking.

The total building mass rises 5.2m above natural ground level.

URBAN CONTEXT

Typically to the courtyard "werf" architecture of the Winelands an urban courtyard was designed between the existing Street and the new Eikestad parking which is also the linking visual element between the old and new on an urban and pedestrian scale with a visual connection to a lobby space and vertical circulation for physical pedestrian access.

EXTERNAL ENVELOPE TREATMENT

As per Cape Vernacular architecture openings and closures are vertically proportioned as 1:1.5 to 1:3 proportion which form part of the external envelope treatment for the parking building.

EXTERNAL FINISHES

Typically to the Winelands Architecture and context the external finish will be a plaster finish painted white with natural wood finish for architectural elements. Thick walls will serve as linking elements to define the courtyard elements and to link these areas with the building structure. Thick solid walls will also be used as balustrades on the roof level to resembles the old Cape werf walls.

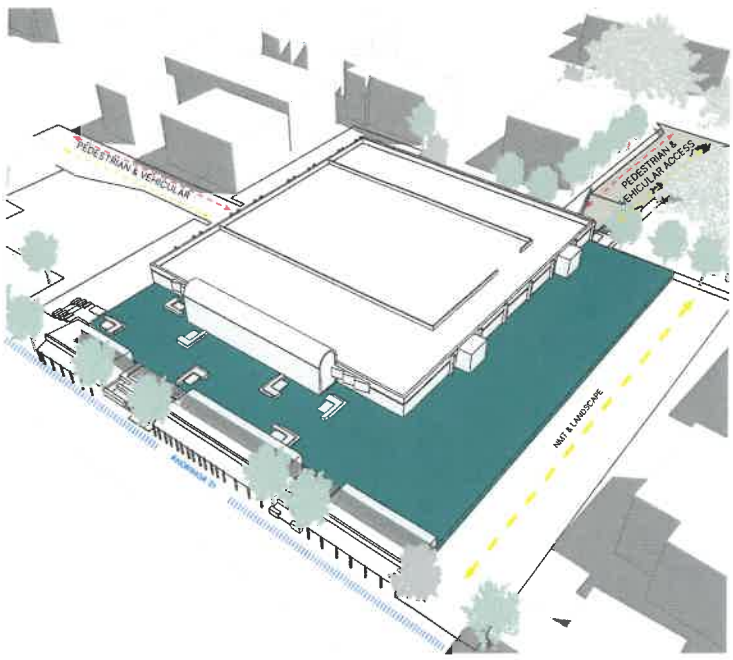
STELLENBOSCH BULK PARKING

Prepared by SMEC South Africa
1 February 2024

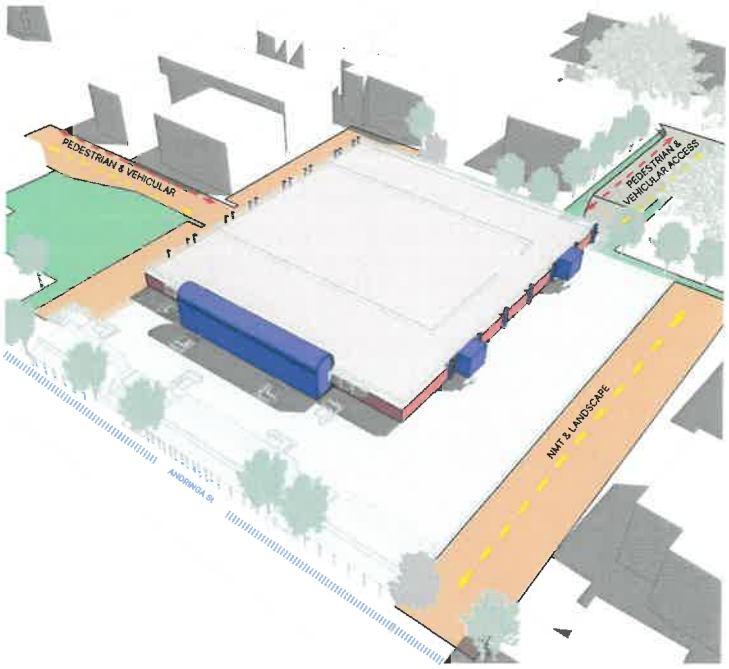
SMEC







3D BASEMENT PLAN



3D GROUND FLOOR PLAN

BUILDING FORM

Building form follows the typology of the existing buildings in the area which is a flat roof serving as a parking area to fit in with the building scale of the surrounding historical context.

2. BUILDING PLATFORM

To reduce the building height and slope in the existing context a sunken basement was introduced.

3. SCALE

The scale of the building consists out of a sunken naturally ventilated half basement and 2 levels which level 2 is roof parking.

The total building mass rises 5.2m above natural ground laval.

4. URBAN CONTEXT

Typically to the courtyard "werf" architecture of the Winelands an urban courtyard was designed between the existing Street and the new Eikestad parking which is also the linking visual element between the old and new on an urban and pedestrian scale with a visual connection to a lobby space and vertical circulation for physical pedestrian access.

5. EXTERNAL ENVELOPE TREATMENT

As per Cape Vernacular architecture openings and closures are vertically proportioned as 1:1.5 to 1:2 proportion which form part of the external envelope treatment for this parking building.

6. EXTERNAL FINISHES

Typically to the Winelands Architecture and context the external finish will be a plaster finish painted white with natural wood finish for architectural elements. Thick walls will serve as linking elements to define the courtyard elements and to link these areas with the building structure. Thick solid walls will also be used as balustrades on the roof level to resembles the old Cape werf walls.

STELLENBOSCH BULK PARKING

Prepared by SMEC South Africa
2 February 2024

SMEC

OPPORTUNITY TO PARTICIPATE

On behalf of the municipality, *The Environmental Partnership* is undertaking this public consultation process. The following information is available on *The Environmental Partnership's* website (www.enviropart.co.za), the Stellenbosch Public Library (Plein Street,Stellenbosch) and on request.

- Eikestad Parking Public-Private Partnership Feasibility Study – Background Information Document (Executive Summary).
- Eikestad Parking Public Private Partnership Feasibility Study – Summary Report.
- Eikestad Parking Public Private Partnership Feasibility Study (Full Report) – Available on request.

You are invited to an Open House public forum (a poster presentation) where you will also have an opportunity to interact with the project team on **13 February 2024** at the Stellenbosch Town Hall (**16:00 to 19:00**). You may provide written comments by submitting to the contact details below.

The commenting period commences on 25 January 2024 and closes on 26 February 2024.

Please send any comments that you may have to the contact details below on or before 26 February 2024:

The Environmental Partnership
Tel: 021 422 0999
Email: **comments@enviropart.co.za**

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS

APPENDIX 6:

PUBLIC FORUM ATTENDANCE REGISTER

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS
P O Box 845, Cape Town 8000
55 Shortmarket Street, Cape Town
T: 021 422 0099
F: 021 422 0088
www.enviropart.co.za
info@enviropart.co.za

EIKESTAD PARKING UPGRADE PPP
PUBLIC OPEN FORUM – 13 FEBRUARY 2024

Project Name: Eikestad Parking Upgrade PPP – Stellenbosch Town Hall 16:00 – 19:00
Date: 13 February 2024

No.	NAME & SURNAME / NAAM & VAN	E-MAIL ADDRESS / E-POS ADRES	TELEPHONE/ CELL PHONE NUMBER	SIGNATURE / HANTEKENING
1	Carli Van Wyk	carli.vanwyk@stellenbosch.gov.za	0791663949	
2	Marie Bolz	marie@arch-town.co.za	0726805832	
3	Hannes van Zyl	hannesvzee@gmail.com	083 503 8544	
4	C Rhynne	chris@Eikestadmall.co.za	0218866267	
5	A. Lareman	alareman@gmail.com	0760703445	
6	A BEYERS	admin@abeyers.co.za	0827673379	ABeyers
7	T. Willems	willemstyl@gmail.com	0828073540	
8	DJ VAN STADEN	dirkvs@mweb.co.za	0836091074	

THE ENVIRONMENTAL PARTNERSHIP
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No.	NAME & SURNAME / NAAM & VAN	E-MAIL ADDRESS / E-POS ADRES	TELEPHONE/ CELL PHONE NUMBER	SIGNATURE / HANTEKENING
1	A FERUS	[illegible]	082 309 7400	
2	Raymond Loftie-Eaton	Raymond.Loftie-Eaton@stellenbosch.gov.za	0826675703	
3	Deon Carstens	CARSTENSPG@gmail.com	0729062717	
4	Riis Lemmer	Riislemmer@gmail.com	081 542 7322	
5	P. SANDRI	psandri@mweb.co.za	0824605014	
6	Kyp Liebenberg	info@pmmadepm.co.za	0823190655	
7	M Roux	MARNUSROUX001@GMAIL.COM	082 782 1312	
8	ANDRÉ WILLIAMS	andre@eikestadmall.co.za	0823532229	

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No.	NAME & SURNAME / NAAM & VAN	E-MAIL ADDRESS / E-POS ADRES	TELEPHONE/ CELL PHONE NUMBER	SIGNATURE / HANTEKENING
1	Daniel Lutz	dyl@lutzgroup.co.za	083 270 5675	
2	Carlien Coetzee	carlien@archtownplanners.co.za	072 262 5304	
3 *	ERICH LUTZ	ERICHLUTZ@GMAIL.COM	082 660 1958	
4	Michael Clampett	michael@attorney.co.za	0823815644	
5	Michael Jamneck	michael@eikestadmall.co.za	0721748637	
6	Jeanne Sordyn	jsordyn@hotmail.com	073 4421919	
7	Hugo Truter	hugotruter@gmail.com	0832671750	
8	CHRIS DE HAAS	Chris@chrisdehaas.co.za	082 446 7955	

9	Andrew Goudling	andrew@highai.co.za	0837083175	
10	Roland Postma	roland@youngjunbanks.co.za	0764656	
11	David Botha	davidbotha.za@gmail.com	0824124543	
12	Piet v. Blerk	piet@udsafrica.co.za	0832307321	
13	GERRIT KEMP	gerritkemp@gmail.com	0822112282	
14	Johan Nel	Johan@pentasales.co.za	0827836367	
15	Albrecht Gantz	ALBRECHT.GANTZ@GMAIL.COM	0716075738	
16	Ebabi Relay	ebaberelay6@gmail.com	082 371 4894	
17				
18				
19				
20				
21				
22				
23				
24				

APPENDIX 7:
COMPILATION OF COMMENTS RECEIVED



Chairperson: HC Eggers
heggers@pm.me 076-785-3514

Secretary: H Koekemoer
hanneskoekemoer@proton.me

https://fsmountain.org
11 Grandiceps Rd, 7600 Stellenbosch

Public Benefit Organisation No. 930049434

Objection to the proposed parking garage and PPP on Erven 1962/RE, 1969–1976, 1952, 6402 and 6636 26 February 2024

Friends of Stellenbosch Mountain (FSM) objects to the proposal to erect a parking garage, by any mechanism whatsoever, on "the Precinct" comprising Erven 1962/RE, 1969–1976, 1952, 6402 and 6636 as advertised by Enviropart and studied by consultants SMEC. Reasons are set out below. **The parking garage proposal should be rejected and a new process must be started** to find a use for the Precinct which is compliant and in line with the relevant legislation, the MSDF and the ATC and which would benefit the people of Stellenbosch.

1. **Scope too narrow:** The SMEC study is too limited in scope:
   - 1.1 It considers the small Central Business District (CBD) in isolation while mobility is a long-range and integrated issue.
   - 1.2 The study focuses exclusively on cars and parking as an option for the Precinct while there would be important other uses.
   - 1.3 The study ignores the reasonable alternative sites for parking outside the CBD.
2. **Incorrect premises void the concusions:** Since the premises of the 2023/2024 SMEC study and the 2020 Parking Report are fundamentally incorrect, any resulting conclusions and recommendations are also incorrect.
3. **Noncompliance:** The 2023 SMEC study and the proposed Eikestad PPP project should be withdrawn because it is not compliant with the MSDF principles or projects and the associated Adam Tas Corridor (ATC) projects and the underlying legislation.
   - 3.1 The parking garage proposal incorrectly assumes that there is a "need" for parking in the CBD while the real need would be Park-and-Ride facilities at (for example) Droë Dyke, the Stellenbosch Central Station, along the R44 (Technopark or Jamestown) and Idas Valley. Relevant extracts from the MSDF appear in Appendices A and B. Regarding real needs in the CBD see Item 8.
   - 3.2 A parking garage in the CBD makes it harder to achieve the MSDF and ATC goals because it incentivises private car parking in the CBD and sabotages necessary changes in human behaviour patterns; see Item 10.
4. **Parking garages on the periphery, not in the CBD:** Park-and-Ride facilities on the periphery of town form an integral part of the long-term solution. Such Park-and-Rides could be multi-level garages; this would minimise the distance from the parking bays to the nearby public transport.
5. **PPP on the periphery** The park-and-ride sites on the periphery are the natural place to implement Section 78 Public-Private Partnerships. This would correctly incentivise

motorists to make use of the peripheral sites and parking service providers to integrate with Transit-Oriented Development.

6. **Duration of contract:** The SMEC study talks about municipal risk but forgets the risk inherent in long-term contracts. These are dangerous and must be avoided. Mobility needs and constraints are changing rapidly. Stellenbosch must not be locked for decades into a contract which fundamentally prevents necessary changes. It must retain options to redevelop existing and future parking spaces as needs change — as they should and will — towards public transport and NMT.
7. **Stellenbosch Municipality is already spending far too much money on cars:** Any Council approval of the proposed parking garage would worsen misallocation of budget money. Contrary to claims in the parking studies, Stellenbosch Municipality does have a lot of funds to spend on mobility: about R1.1billion in specific projects over the next three is earmarked for roads and road-related projects. This money should of course not be spent on CBD parking garages either but on those measures and projects which would make the CBD parking garage unnecessary. See Appendices C and D, especially the table of costs.
8. **Social justice**

    8.1 A parking garage would penalise the poor and benefit the rich. According to the Stellenbosch IDP, 59 percent of the Stellenbosch population falls below the Poverty Line. The cost of ownership of a car is beyond the financial means of most Stellenbosch residents; their need is not roads and parking but effective and safe public transport. A parking garage in the town centre will worsen existing inequality; it will be built solely to service and convenience the wealthy segment of Stellenbosch society.

    8.2 The land now making up the Precinct had been owned by members of the Coloured community prior to their eviction during the apartheid era. Its past history of social injustice may not be repeated but must be rectified. The land in question should therefore benefit the people, not PPP investment consortia and Eikestad Mall shareholders whose only interest is profit, not social justice or liveable town spaces.

    8.3 The number of additional jobs created by a parking garage is negligible compared to the economic penalties imposed on the poor resulting from a parking garage.

9. **Economic benefits: Who benefits?**

    9.1 The greatest beneficiary of the proposed parking garage PPP would be owners and shareholders of the adjacent Eikestad Mall. This is not acceptable.

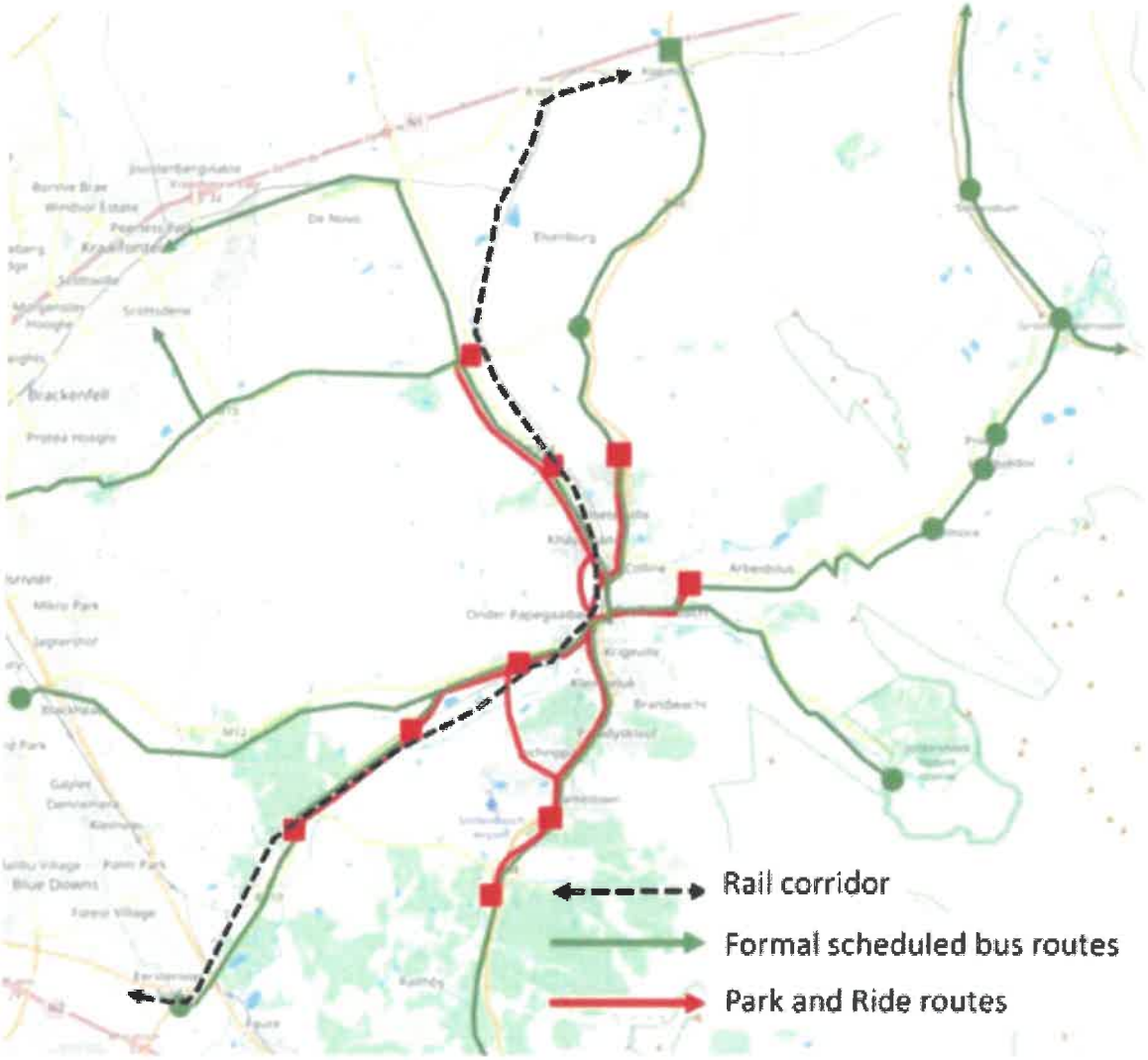
    9.2 A more people-friendly (and not car-friendly) use of the Precinct would also benefit tourism and the historical buildings nearby like Erfurt House, the Stellenbosch Museum and others.

    9.3 **No alternative considered** for development of the Precinct: The 2020 Parking Report and the current parking study has looked only at economic benefits of the parking garage but never considered economic benefits of alternative land uses for the Precinct. For example, many more jobs could perhaps be created by a LED hub on the site. **Ranyaka** is a good example of what is possible in the CBD.

10. **Engineering versus behavioural changes**

    The solution to the large number of commuters and congestion is well known and documented: Change the unsustainable one-person-per-car current patterns by exerting all sorts of pressure on commuters to change their behaviour: increasing the occupancy ratio of cars, use of public transport, lift clubs, high parking costs, etc. **Travel Demand Management** (TDM) is absolutely necessary. The proposed parking garage would sabotage current and future TDM measures by making it easy and convenient to continue with current unsustainable patterns of behaviour.

A MSDF Figure 50: Park and Ride sites (red squares)



B Relevant parts of the Municipal Spatial Development Framework

1. Section 6.6.2 of the approved Stellenbosch MSDF is clear on the subordinate role of parking in mobility. Here are some quotes:

   Priority Trends [Priority for Stellenbosch Town:] *Public transport development, travel demand management, parking controls, and NMT improvements.* "Parking controls" and "Travel Demand Management" both imply lessening, not increasing, parking in the CBD.

   Adam Tas Corridor Section 6.9.1. of the MSDF sets out the catalytic role of the ATC also with respect to transport and parking. Some quotes:

   - *Remote parking facilities will form part of the corridor concept, with passengers transferring via public transport, cycling and walking to reach destinations within the town of Stellenbosch.*
   - *Accommodate the parking of vehicles on the edge of town whilst the corridor provides for and promotes a greater focus on pedestrianism and cycling into the core town.*

   Park and Ride as priority (MSDF Section 6.6.2.4) *Park and ride sites along arterial routes are a top priority for development, allowing current private car commuters the option of driving to these nodes from where demand thresholds will enable a combination of public shuttle services and corporate chartered services to operate between central Stellenbosch and other main employment nodes. Park and ride sites along the Adam Tas Corridor will generate activity and so provide the base thresholds for some retail, commerce and other service developments which in turn support planned settlement growth at the nodes. Other park and rides will be sited along routes where development along the corridor must be prevented.*

   Park and Ride routes Figure 50 of the MSDF, already reproduced in the SMEC study and in Appendix A below, shows that the MSDF has clear ideas about Park-and-Ride sites and feeder routes. Sites which are relevant to the present parking garage proposal include Droë Dyke/Oude Libertas and the Stellenbosch Central Railway station; see MSDF Table 35.

   Adam Tas Corridor (MSDF Section 6.9.1) *Remote parking facilities will form part of the* [Adam Tas] *corridor concept, with passengers transferring via public transport, cycling and walking to reach destinations within the town of Stellenbosch.*

   Redevelopment [of the ATC] *offers the opportunity to ... accommodate the parking of vehicles on the edge of town.*

C FSM Comments of 12 May 2023 (first page)



Chairperson: H Koekemoer
hanneskoekemoer@proton.me

Secretary: HC Eggers
076-785-3514 heggers@pm.me

https://fsmountain.org
11 Grandiceps Rd, 7600 Stellenbosch

Public Benefit Organisation No. 930049434

2023 Draft CITP: FSM Comments, Questions and Criticism

12 May 2023

1 Background and motivation

1.1 **The law, budget constraints and climate change realities all prescribe investment into public transport and NMT infrastructure as priority over road-related infrastructure**. National and provincial legislation and strategy and even the Stellenbosch IDP and MSDF are all clear on this.[1]

1.2 Obviously, public transport is impossible without the underlying **public transport infrastructure**. The City of Cape Town and George Municipality have made significant strides in putting into place the necessary infrastructure and are now reaping the benefits. Stellenbosch, by contrast, is far behind on public transport infrastructure and must catch up urgently.

1.3 At present, **The Stellenbosch public transport infrastructure situation is catastrophic.** Stellenbosch has a well-developed road system but virtually no public transport infrastructure. The rail system is currently dysfunctional. Bus services exist only for schools and special needs. Taxi ranks constitute the only current public transport infrastructure even worth mentioning. While Non-Motorised Transport (NMT) is important for short trips, it plays little to no role for longer distances and the associated bigger infrastructure needs.

1.4 Public transport oriented mobility plans were put together by a task team over three years but canned by the municipality in 2000. Stellenbosch was also selected in 2007 as a priority for public transport, and the present draft CITP is the fourth one. However, public transport sections of previous CITPs were never taken seriously or implemented. Far from being innovative, Stellenbosch Municipality has remained in a cars-and-roads-only mindset. The emphasis remains on roads: road building, road maintenance and road planning. A Roads Master Plan (RMP) was compiled in great detail and its many projects continue to dominate planning and spending. Stellenbosch Municipality explicitly rejected efforts in the years 2016 to 2019 to make use of available grant funding such as the PSTP and has historically invested very little into public transport infrastructure.

[1] Examples: the *National Land Transport Act*, the associated *2016 Minimum Requirements*, the March 2023 *National Land Transport Strategic Framework*, Western Cape planning documents such as the *Provincial Spatial Development Framework*, the WC Government Medium Term Expenditure Framework Vote 8, etc all say the same thing: public transport must be prioritised.

D FSM Comments of 4 October 2023 (first page)

FRIENDS OF STELLENBOSCH MOUNTAIN

Chairperson: HC Eggers
heggers@pm.me 076-785-3514

Secretary: H Koekemoer
hanneskoekemoer@proton.me

https://fsmountain.org
11 Grandiceps Rd, 7600 Stellenbosch

Public Benefit Organisation No. 930049434

FSM Comments and Recommendations: 2023/24 IDP, CITP, Budgets

4 October 2023

1. FSM submitted comprehensive and well-researched comments on Draft 2 of the proposed 2022-2027 Comprehensive Integrated Transport Plan (CITP) on 12 May 2023. As required, we sent our comments not to Stellenbosch Municipality (SM) but to the CITP consultant AECOM. We attach the complete version as a separate PDF file; it is also available on the FSM website at `https://fsmountain.org/dfsm/230512-fsm-citp-comments.pdf`

2. We now submit these comments and criticism also to SM within the current 2023/2024 IDP and budget process because they are highly relevant to present and future budgets and funding priorities.

3. We did a joint analysis of both municipal and provincial budgets on infrastructure projects related to moving people and goods. We classified 86 projects listed in the MRTEF plus 11 projects listed in Votes 8 and 10 of the Western Cape Government MTEF into one of four categories: *New Road/Car*, *Road Maintenance*, *Mobility and Transport* plus *Undetermined*. The time horizon for these is 3 years. We also analysed the projects listed in Annexure C of the CITP which have a time horizon of 10 years. See Appendix A below for details, which is the same as Appendix I of our 12 May 2023 comments.

4. We repeat our main conclusions here. Of the R1.173 billion jointly budgeted for the next three years by Western Cape Government MTEF and Stellenbosch Municipality MTREF for mobility infrastructure, 95% is allocated to roads and road-related projects. Only R43m (4%) is budgeted for true mobility and transport infrastructure spending:

Infrastructure Spending Type	3-year budgets	Percent
New roads and car-related	R355,329,950	30
Road maintenance	R761,617,000	65
Transport, NMT & Mobility	R43,050,000	4
Undetermined	R13,050,000	1
Total	R1,173,046,950	100

Of the R859m in mobility infrastructure projects budgeted for the next 10 years, Stellenbosch Municipality intends to spend 65% of its own money on new roads and a further 20% on road maintenance, i.e. 85% on roads. The 10 % (R84m) to be spent on public transport is dominated by NMT (R31m) and the Khayamandi footbridge (R26m), leaving only R27m for proper transport projects in the next 10 years:

Infrastructure Spending Type	10-year horizon	Percent
New roads and car-related	R561,879,950	65
Road maintenance	R170,650,000	20
Transport, NMT & Mobility	R84,050,000	10
Undetermined	R42,550,000	5
Total	R859,129,950	100

Nadine Duncan

From: Adri Wessels <a3wes@icloud.com>
Sent: Thursday, February 22, 2024 11:34 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Adri Wessels
Stellenbosch University Student

Nadine Duncan

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Sent: Thursday, February 22, 2024 11:34 PM
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Stellenbosch University Student

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS

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EIKESTAD PARKING UPGRADE PPP

COMMENT SHEET

Please use this form to record specific comments that you may have for the abovementioned project. Please submit this form on or before **26 February 2023**. You may hand this sheet in today, or you may send the completed form to the details below. Please feel free to use extra sheets.

The Environmental Partnership
P O Box 945, Cape Town, 8000
Tel: 021 422 0999
Fax: 021 422 0998
E-mail: comments@enviropart.co.za

NAME:	Andrea Masai-Hegewisch
ORGANISATION:	Private
ADDRESS:	29 van Copenhagen St. Rozedal, Stb.
TELEPHONE:	082 775 8375
EMAIL:	andrea@hegewisch.co.za

COMMENT:

I totally disapprove of the parking upgrade!
- This will only add another bottle-neck
- How will you allow + 300 more cars into/out of Stellenbosch during peak hours?
- Integrated system is required to alleviate the traffic situation
  1) Public transport
  2) Bicycle lanes that are safe
  3) Pedestrian areas
  4) Terminate parking where & encourage with shuttles / bicycles / scooters / pedestrians
- Public transport from S/west and Northern suburbs should be encouraged and supported
- This parking garage does nothing to enhance Stellenbosch.

- Where are the impact studies?
- Why have none of the wards been consulted?
- This is not on the IDP 2022 – 2027
  How is it possible that this skips the wishlist being on the IDP???
  What is the purpose of the IDP??

15/2/24

Nadine Duncan

From:	awk.heydenrych@gmail.com
Sent:	Tuesday, February 20, 2024 7:34 PM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
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After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

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2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
AWK Heydenrych

Belangegroep Stellenbosch Interest Group

interestgroupstellenbosch@gmail.com
23-02-2024

The Environmental Partnership
comments@enviropart.co.za

cc The Executive Mayor
mayor@stellenbosch.gov.za

The Municipal Manager
Municipal.manager@stellenbosch.gov.za

Comment on the Eikestad Parking Public-Private Partnership Feasibility Study

1. Since the financial success of a parking garage in the town center close to the university can hardly be questioned, the question should be asked whether the financial viability study (hereafter referred to as the '*Viability Study*') conducted by SMEG on behalf of the Municipality was necessary.

1.1 The following questions also need to be raised: Will a multi-storey parking garage on this site alleviate the traffic congestion in the town center, especially in the long term? Will it promote sustainable development? What will the impact be (visually and otherwise) of a multi-storey parking garage on the historic core? And, most importantly: would a parking garage be the appropriate (or best?) use for this valuable site that links the heart of the historic town to the university campus that is a heritage resource of provincial importance in terms of the National Heritage Resources Act? Should the site not rather be used to enhance the experience of the unique town center for both visitors and permanent residents?

1.2 The long queues of cars waiting from the early morning to enter the town center from different directions, and the great difficulty in getting out of the town center during the afternoon rush hour (which currently lasts several hours), testify to the fact that there are already far too many vehicles accommodated in the town center. The proposed new roads with additional lanes to Stellenbosch town center will not address or alleviate the problem.

1.3 Ironically, the *Viability Study* states the following: "Stellenbosch experiences major congestion in the CBD and other parts of the city. In addition, the Comprehensive Integrated Transport Plan (CITP) indicates a need for sustainable transport that amongst other factors requires a reduction in traffic congestion and an increase in modal shifts, such as public transport and/or non-motorised transport."

2. Stellenbosch will not achieve a 'reduction in traffic congestion' unless facilities for public transport and non-motorised transport on a large scale are implemented to accommodate the ever-increasing number of vehicles entering the town on weekdays. Instead of NOW saving the town from suffocation by traffic and parking and losing its historical character, the Stellenbosch Municipality continues (strongly supported by provincial funding of billions of Rand in new roads to the town) NOT to do so. Facilities for public transport, and the making of land available that is suitable for such purposes is simply not happening and instead more parking on municipal land for private vehicles is envisaged.

3. For many years, measures to address the ever-increasing problem with traffic and parking have been listed as one of the main priorities highlighted in the Stellenbosch planning documents. Over and over a modal shift from privately owned vehicles to public transport has been suggested as an effective and sustainable way to alleviate the situation. Under Section 6.2.2 of the latest MSDF (June 2023) it is once again stated that *Park and Ride sites along arterial routes are a top priority for development, allowing current private car commuters the option of driving to these nodes from where demand thresholds will enable a combination of public shuttle services and corporate chartered services to operate between central Stellenbosch and other main employment nodes.* A concept public transport network for Stellenbosch is illustrated in figure 48.

4. At this stage, the level of traffic congestion is sufficiently critical for motorists entering the town to strongly consider parking their vehicles on the outskirts of the town. But this can only happen if safe parking facilities and public transport are provided in such locations. At the same time parking on sidewalks and along streets, including streets such as Die Laan and Noordwal should be prohibited to encourage these commuters to use park-and-ride facilities on the outskirts of town. If the Municipality continues to provide free parking on public land along streets, a park-and-ride system will not be viable.

5. Possible locations for public parking facilities would, for example, be along the R44 near the golf course, along the R304 beyond Kayamandi, e.g., on the land bought from Stefan Smit. Along Baden Powell, possibly on the old sawmill land, etc. There may be better options, but they need to be found, even if land has to be alienated for such a purpose as has happened in the case of the Gautrain which brought great relief from traffic congestion along many routes.

6. For the better part of the past twenty years one of the most important points highlighted in the interests of sustainable development of Stellenbosch is the shift from private transport to public transport. This policy, however, remains to be implemented and constitutes little more than lip service or a distant objective that is repeated annually. In the meantime, the town staggers under traffic and parking pressures while the rural and cultural landscape is irreversibly scarred by more and bigger roads leading to Stellenbosch.

7. The current traffic and parking problems in the historic core are taking their toll on historical Stellenbosch: We have recently seen plans being approved for several additional lanes in Dorpstraat between the R44 and the station – something almost unthinkable for the most important historic street of Stellenbosch.

8. All new developments are justified by appealing to the creation of jobs. Sometimes such appeals are highly misleading. With very rare exceptions, all major investments create some jobs. It should be possible to calculate how many jobs, on the average, are created for every (say) million Rand invested - this has probably been done. Projects that fall below this average should then be deemed to have a *negative* impact on job creation. A parking

garage would create few permanent jobs compared to the sum invested. The SIG submits that providing (even subsidizing) public transport would create more permanent jobs, probably at a lower cost

9. In the light of the above, the proposed parking garage is clearly not desirable. It will not serve the interests of Stellenbosch. No further studies relating to it should be conducted. The Stellenbosch Municipality now needs to focus on implementing sustainable solutions to address the urgent traffic and parking problems in and around the town. At the same time, the Provincial Government should focus on public transport orientated solutions instead of detracting from the rural cultural landscape of Stellenbosch. We encourage the Stellenbosch Municipality to look towards its vision of being an Innovation Capital and implement solutions that are forward thinking, socially just and environmentally friendly.

PE Botha

Patricia Botha
(Chairperson)

Nadine Duncan

From: Carey Jones <careyjones96@gmail.com>
Sent: Thursday, February 22, 2024 3:49 PM
To: comments@enviropart.co.za
Subject: ect Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,
I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.
After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:
1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.
2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.
3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.
Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.
I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.
Thank you for considering my concerns. I hope we can work together towards achieving a

sustainable, accessible, and vibrant future for Stellenbosch.

Yours sincerely

Carey-Leigh Jones

Nadine Duncan

From: Caro Opperman <caro@oppermansinc.co.za>
Sent: Wednesday, February 21, 2024 10:48 AM
To: mayor@stellenbosch.gov.za
Cc: comments@enviropart.co.za
Subject: URGENT Call to Reconsider the Eikestad Parking Upgrade Proposal

Importance: High

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

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Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough re-evaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely

Caro Opperman

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DIRECTOR: EUGENE OPPERMAN B Proc. LL.B. Adv Dipl Medicina Forensis, Advanced Diploma in Business Rescue Management, Commissioner of the Small Claims Court (Helderberg) LPC Examiner, LPC Disciplinary Committee, LPC Mediation Committee, Certified Court Annexed Mediator (L.E.A.D.) Civil- and Commercial Mediator
CANDIDATE ATTORNEYS: MAARTIN OLIVER , CARO OPPERMAN • CONVEYANCER: F.A. HANEKOM (FA Hanekom Attorneys)
• PARALEGAL: CANDICE VAN WYK • FINANCIAL CONSULTANT: T STEYN • BDTSA CONSULTANT: N VOSLOO • OFFICE MANAGER: S OPPEL

Pretoria: 012 – 942 0045 · Durban: 031 – 940 7015 · Bloemfontein: 051 011 0285 · East London: 043 – 050 4220

COMMENT SHEET

Please use this form to record specific comments that you may have for the abovementioned project. Please submit this form on or before **26 February 2023.** You may hand this sheet in today, or you may send the completed form to the details below. Please feel free to use extra sheets.

The Environmental Partnership
P O Box 945, Cape Town, 8000
Tel: 021 422 0999
Fax: 021 422 0998
E-mail: comments@enviropart.co.za

NAME:	Cecil Jordaan
ORGANISATION:	Silverstone Financial Solutions (Pty) Ltd
ADDRESS:	24 Hendrik Bergh Street, Rozendal, Stellenbosch, 7600
TELEPHONE:	0780783030
EMAIL:	cecil@silverstonefs.co.za

COMMENT:

To whom it may concern

PROPOSED PARKING GARAGE - CENTRAL STELLENBOSCH

I am a concerned Stellenbosch citizen and an owner of a business that operates from Stellenbosch.

Based on what I have learend about the proposed parking garage, it would appear to me that due process has not been followed - in that the proposal lacks other impact studies (specifically traffic) and that it has not consulted with important stake holders such as the University of Stellenbosch.

My common sense tells me that the solution to Central Stellenbosch's traffic problems is not providing more parking, which is likely to attract more traffic.

Solutions should be sought to improve micro mobility and pedestrian accessto central Stellenbosch.

A key element of Stellenbosch's success, lies within its ability to offer a very attractive destination to tourists. More traffic / turning central Stellenbosch into a massive parking lot runs the risk of diminishing the appeal of the town to tourists - which will result in loss of tourist dollar to the town.

Kind regards

Nadine Duncan

From:	Cris Robertson <crisantonrobertson@gmail.com>
Sent:	Wednesday, February 21, 2024 10:13 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

ATTN: Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

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I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Cris Robertson

Nadine Duncan

From: Gary Kennedy <gary.j.kennedy@gmail.com>
Sent: Tuesday, February 20, 2024 6:42 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Dr. Gary Kennedy

78A Jonkershoek Road,
Stellenbosch

Nadine Duncan

From: Pearce, JL, Dr [justinpearce@sun.ac.za] <justinpearce@sun.ac.za>
Sent: Wednesday, February 21, 2024 4:30 PM
To: comments@enviropart.co.za
Subject: Stellenbosch parking proposal

As a resident of Stellenbosch I would like to express my strong concern at the proposal to build a three-storey parking facility in the centre of the city. Traffic in central Stellenbosch is already unmanageable. More parking in the centre will only attract more cars into the narrow streets of the CBD, making congestion worse, posing a risk to public health and diminishing the urban experience.

Stellenbosch is rare among South African country towns in having a historic centre that is attractive, functional and pedestrian friendly. This is already at risk from elevated traffic volumes, and the proposed parking facility will only make it worse, possibly altering the character of the town irreversibly.

Planning needs to be on the basis of keeping cars out of the CBD, not bringing yet more cars in.

Yours sincerely,

Dr Justin Pearce
Senior lecturer / Honours programme co-ordinator
Department of History
Stellenbosch University

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

Nadine Duncan

From: Elrena Van Der Spuy <elrena2vanderspuy@gmail.com>
Sent: Tuesday, February 20, 2024 7:01 PM
To: comments@enviropart.co.za
Subject: Parking development in centre of Stellenbosch

Dear X

As ratepayers I wish to object strongly to the development of a multi storey parking development in the centre of town. It will simply contribute to further congestion.

Elrena v d Spuy

Nadine Duncan

From:	Gerard Van Weele <Gerard.VanWeele@westerncape.gov.za>
Sent:	Thursday, February 22, 2024 8:12 PM
To:	comments@enviropart.co.za
Cc:	mayor@stellenbosch.gov.za
Subject:	Eikestad Parking Upgrade Proposal

Dear Environmental Partnership and Stellenbosch Municipality,

I wish to register an objection against the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal is flawed, in the sense that it evaluates the viability of a parking garage as a financial case for a proposed private developer and the municipality and not the viability of this intervention to reduce congestion, and increase the aesthetic, commercial and residential value of the Stellenbosch CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine. The project proposal fails to provide substance to the argument that the provision of more parking in the CBD will encourage more NMT. Any transport engineer, transport planner, town planner, urban designer etc. will agree that such parking decreases the incentive for NMT.

3. The development must be compared to alternatives such as providing more inner-city residential facilities. By avoiding the need to drive into the CBD, a far larger impact can be made on congestion relief, municipal finances, reduced emissions, human well-being, compliance with key strategic plans, and so forth.

4. The long-term objective for all CBD areas in the Western Cape should be to achieve a private vehicle-free state. It has been proven all over the world that more pedestrianised space is positive for businesses, increases the viability of public transport and improves human health and well-being. Adding new parking garages in the Stellenbosch CBD will likely result in the need to redevelop the site within 10-15 years, due to the decreased appetite for private vehicle usage and demand for well-located residential units.

5. Increasing the number of vehicles drawn to the CBD will increase the local and regional emissions of noxious, poisonous exhaust gases and contribute to South Africa's greenhouse gas emissions. This can only be solved by increasing the speed at which people are encouraged onto public transport and into NMT.

Given these concerns, I urge the Stellenbosch Municipality to undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with the goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with the municipal policies and the broader vision of a sustainable town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Gerard van Weele
Climate Change Directorate
Department of Environmental Affairs and Development Planning
Western Cape Government

3rd Floor, Leeusig, 1 Dorp Street, Cape Town, 8000

Cell: +27 (0)84 505 2901
Tel: +27 (0)21 483 2791
Email: gerard.vanweele@westerncape.gov.za
Website: www.westerncape.gov.za/eadp

We are operating on a partial "work-from-home" basis.
Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 between 07:30-16:00.

Western Cape Government
FOR YOU

Be 110% Green. Read from the screen.

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The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise.
If you are not the intended recipient you may not copy or deliver this message to anyone."

Nadine Duncan

From: Gordon Laing <gordon.laing@gmail.com>
Sent: Thursday, February 22, 2024 2:31 PM
To: comments@enviropart.co.za
Subject: EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

Good Day

As per the notice we are requesting that you please provide a copy of the full report.

Kind regards

Gordon Laing

Greet a stranger, touch the Earth lightly - it's all we've got, and

May gentle moments touch us all and lead us to a new way of being in these unsettled times.

SEE Sustainability cc
Tel : +27 (0)21 788 2653
Mobile : +27 (0)74 100 6081
Fax: +27 086 5148 318
Twitter: @seesustainably

Nadine Duncan

From: hans24@mac.com
Sent: Thursday, February 22, 2024 4:03 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Hans Combrink

Hans Combrink
Mobile RSA: +27 (72) 308-5431
Mobile USA: +1 (719) 453-5478
E-mail: hans24@mac.com
Skype: hans_combrink

Nadine Duncan

From: Hayden Malan <hbmalan@gmail.com>
Sent: Thursday, February 22, 2024 6:48 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Hayden Malan

Nadine Duncan

From: Henri van der Merwe <vdm.henri@gmail.com>
Sent: Friday, January 26, 2024 3:52 PM
To: comments@enviropart.co.za
Subject: Municipal Notice No. 9/2024

Comment wrt Municipal Notice No. 9/2024 EIKESTAD PARKING UPGRADE PPP

It is incredibly concerning that a town the size of Stellenbosch - ideally placed to drive an urban mobility agenda that is NOT based on a car-dominated paradigm, but on pedestrians, NMT and public transport - could for one moment believe that adding parking in the centre of town will alleviate congestion.

In any modern town planning paradigm, the concept and danger of induced demand is well understood, and it is therefore surprising that the Stellenbosch municipality (or for that matter, the consultants who did the analysis) could believe that Stellenbosch is any different.

By adding parking in the town centre, you are simply entrenching and growing future congestion.

Spend the budget on EFFECTIVE and SAFE NMT routes in and to the town centre, and drive the NMT agenda instead.

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Henri van der Merwe
Information Systems Analyst
tel: 083 256 0502
vdm.henri@gmail.com
==========

Nadine Duncan

From:	Isebeau Marais <isebeaum@gmail.com>
Sent:	Tuesday, February 20, 2024 8:37 PM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Isebeau Marais

Nadine Duncan

From: Janine Herholdt <janineherholdt88@gmail.com>
Sent: Thursday, February 22, 2024 9:33 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za; paps; Hedwig Crooijmans-Lemmer
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipal Officials and Politicians,

I am writing to you as a concerned resident, life-long member of the Stellenbosch community and representative of the Young Urbanists regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my **strong opposition** to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive **multidisciplinary assessment**, including a detailed transportation impact analysis. It also does not refer to *any* relevant yet **critically necessary reflective studies** to assess the impact of increased parking bays versus increased traffic for example through the recent phased Eikestad Mall upgrades. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively **prioritize sustainable urban mobility** and a reduced reliance on private vehicles, goals that this project seems to undermine or in fact completely ignore.

3. The development overlooks **established international and local best practices** in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements that have been proven over and over and over towards effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to **halt the current public participation process** and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities (as your SDF that you approved clearly states and already identified spatially) and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of

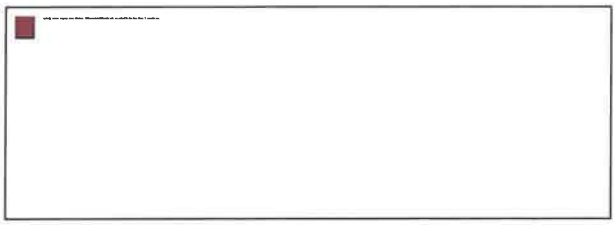
local businesses. Recent data shows that more than 85% of car trips in Stellenbosch are less than 5km, IDEAL conditions for park-and-ride. Plus a reasonably flat topography to support cycling, there is no excuse. If Lisbon, one of the world's most hilly cities, can implement a bike sharing culture (for locals AND tourists) then Stellenbosch can also do it.

In addition, the Young Urbanists urge Stellenbosch officials to work together with our members to facilitate a discussion around the significance and spatial experience of the existing parking area under scrutiny. We believe that this is one of the most important public spaces in Stellenbosch, where people from all walks of life cross paths, and that building on this strategic location could create a fantastic public space that will be visited by PEDESTRIANS and make Stellenbosch town centre even more attractive. We can provide an array of examples as inspiration, and will happily facilitate such a workshop. This is where the public participation should be focussing on.

While the rest of the world is pedestrianizing their streets, facilitating safe bicycle parking spaces, incentivising shared mobility schemes and in the process revitalizing their inner cities, Stellenbosch is stuck in a 60s mentality (not a good look especially in South Africa) where business-as-usual solutions will continue to lead to business-as-usual - more cars, less safety, and a complete lack of acknowledgement for what FUTURE GENERATIONS are pleading for. And to top it all off, Stellenbosch politicians seem to not feel embarrassed by wasting public money on out-dated ideas. Where is the innovation?

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Janine Herholdt



Nadine Duncan

From: Jean-Pierre Van Zyl <jp@eyerestore.co.za>
Sent: Wednesday, February 21, 2024 9:41 AM
To: comments@enviropart.co.za
Subject: Fwd: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

I, Jean-Pierre van Zyl, optometrist and shop owner at 6 Van Riebeeck street and previously (from 2014 -2022) Ryneveld street (opposite proposed parking bay upgrade(?), second the concerns addressed by Lizelle Potgieter.

Sincerely
Jean-Pierre Van Zyl

Begin forwarded message:

From: Hugo Truter <hugom.truter@gmail.com>
Subject: Fwd: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal
Date: February 21, 2024 at 9:33:04 AM GMT+2
To: jp@eyerestore.co.za

comments@enviropart.co.za

Nadine Duncan

From: Jose Conde <jose@stark-conde.co.za>
Sent: Tuesday, February 13, 2024 2:01 PM
To: comments@enviropart.co.za
Subject: Re: EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

To whom it may concern,

I would like to express my opposition to the proposed Eikestad Parking Upgrade.

My opposition is based on the following:

1. I believe that the further loss of the open space in the middle of town should be avoided.

2. I believe that a more out-of-the-box solution is possible — with parking further outside of the city centre and with a network of shuttle buses. This could be a much simpler and cheaper solution.

3. Along with 2, I think the municipality should explore making the centre of town pedestrian-only (except for emergency and disability parking) and rather look at turning the current Eikestad parking into a park. This would be more environmentally friendly, which is more in line with current and future trends, and would enhance the historical character of the town. There are many examples around the world where this has been done successfully.

I appreciate the great deal of effort made in this report and, as a 28-year resident of Stellenbosch, have looked on in dismay at the steadily deteriorating traffic and parking situation in the town. But I think the study grossly underestimates the future problems if we don't look rather at a drastic re-thinking of the use of the centre of town.

Sincerely,
José Conde

Stark-Condé Wines
Oude Nectar Farm
Jonkershoek Valley
Stellenbosch

Nadine Duncan

From: Jean-Pierre Van Zyl <jp@eyerestore.co.za>
Sent: Friday, January 26, 2024 10:51 AM
To: comments@enviropart.co.za
Subject: PUBLIC PARTICIPATION INVITATION EIKESTAD PARKING UPGRADE PPP

Geagte leser
Die idee om 'n drie verdieping parkering te bou is nie die oplossing in die lang termyn nie.

Redes:
1. Historiese argitektuur en unieke "studentedorp" gevoel gaan geskaad word.
2.Langtermyn bekamping van fosielbrandstof gebruik word hierdeur nie ondersteun 3. Projekte soos fietsry en slternatiewe "meer omgewings vriendelike" vervoer word net terug geplaas hierdeur.
4. Wereldwye tendense vir reuse winkelsentrums word minder populêr en is net 'n manier om die reuse kapitaalbesteeding op 'n wit-olifant (eikestad mall), te probeer winsgewend maak vir die verhuurder.
5. Alternatiewe oplossings wat lewensvatbaar was vir die klein handel/winkel eienaar in die strate, bly nie verder nagevolgvte word nie.
6. Parkering agter DeCameron wat tans onder die munisipaliteit se bates val, kon gebruik word vir alternatiewe parkering.

Daar is vele meer punte om te noem, tog ek as inwoner en besigheidseienaar nie my instemming gee tot die voorgestelde projek nie.

Jean-Pierre van Zyl

Sent on the run from my iPhone

Nadine Duncan

From: Kevin Foster <kevin.jr.foster@gmail.com>
Sent: Saturday, February 24, 2024 1:52 PM
To: comments@enviropart.co.za
Subject: Eikestad parking feasibility study report

Hi,

Could you please share the eikestad parking full feasibility study report?

Thanks and best,
Kevin Foster

Nadine Duncan

From: kotie0608 <kotie0608@gmail.com>
Sent: Friday, January 26, 2024 4:14 PM
To: comments@enviropart.co.za
Subject: FW: EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

Wie dit mag aangaan

Ek is 100% teen die oprigting van die drie verdieping parkeer parkade.

Die CBD is klaar oorvol van motors.

Die voorstel van parkeer parkades buite Die dorp bou met pendeldienste in dorp toe is 'n baie beter opsie.

Ons as inwoners en belasting betalers word benadeel deur die 25000-30000 studente wat meeste voertuie het en van 08:00-17:00 parkeer in al wat 'n straat is en parkeerarea.

Die middedorp kan nie nog meer voertuie hanteer nie. Die mini-sirkel met voetoorgange in Pleinstraat is al klaar 'n swak ontwerp wat verkeer laat ophoop.

Hoop u slaan ag op my vertoë teen die oprigting van die parkeer parkade by die Eikestad parkeerarea.

Dankie by voorbaat.
Kotie Bezuidenhout
0832869461

Sent from my Galaxy

-------- Original message --------
From: kotie0608 <kotie0608@gmail.com>
Date: 2024/01/26 16:08 (GMT+02:00)
To: omments@enviropart.co.za
Subject: EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

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Dankie by voorbaat.
Kotie Bezuidenhout
0832869461

Sent from my Galaxy

Nadine Duncan

From: Liebrecht Fick <liebrecht@daviesfick.family>
Sent: Thursday, February 08, 2024 12:48 PM
To: comments@enviropart.co.za
Subject: Comments: Opposition to proposed Eikestad Parking Upgrade

Good day,

RE: Public participation concerning the proposed Eikestad Parking Upgrade Public-Private Partnership (Municipal Notice No. 9/2024)

As a Stellenbosch resident, I am very happy to participate in this public consultation process and will gladly state that I am absolutely opposed to the proposed project as a whole. My absolute opposition to this project is based on the following points:

- **Further delay in investing in non-motorised transport (NMT)**
  - This proposal demonstrates disregard for recommendations made in terms of NMT masterplans dating back to 2015 and earlier, as well as the work of civil society groups, such as the Stellenbosch Trail Fund, Stellenbosch Cycling, and Visit Stellenbosch.
  - No substantial investment has been made in NMT infrastructure by Stellenbosch Municipality and this proposed project will likely lead to further delays in investment in various types of NMT infrastructure as measures to dramatically reduce the need for vehicular parking and infrastructure.
  - Proper cycling infrastructure is a prerequisite for mass adoption of cycling as a mode of transport. Stellenbosch is severely lacking in this regard. Investment and public-private partnerships are needed for the development of safe cycling paths away from vehicular traffic, safe bicycle parking/storage facilities across the CBD, and the level of cycling infrastructure that would meaningfully impact a shift away from cars.

- **Backward-looking improvement of CBD**
  - This proposed project demonstrates the backward-looking nature of Stellenbosch Municipality's strategy for improving the town's CBD and addressing vehicular traffic issues.
  - This backward-looking strategy clearly prioritises cars by meeting motorists' needs and only phasing in shuttle routes, park-and-ride facilities and public transport in later stages. In a forward-looking strategy, Stellenbosch Municipality would immediately prioritise and remedy the severe lack and backlog in NMT infrastructure, as well as phasing out personal vehicles.
  - Similarly, with a forward-looking strategy, Stellenbosch Municipality might be enough of a visionary governing body to put the town on track for a radically alternative future, beyond the status quo of personal vehicles and Apartheid spatial planning legacies.
  - For example, this site, physically and symbolically located next to the Town Hall, could be converted into a park centrally located in the CBD for all Stellenbosch's residents and visitors.
  - As a whole, this backward-looking proposal displays disregard for global trends in urban planning and design, as well as non-motorised transport.
  - For example, it displays disregard for global trends in initiatives to reestablish and strengthen urban fabric by perpetuating the past mistakes of prioritising personal vehicles.

- Other global trends disregarded by this proposed project include: divesting from fossil fuels and investing in car-free zones and public transport (e.g. bus rapid transit systems).
- Many of the world's cities are prioritising NMT infrastructure and liveable spaces, taking precedence from cities, such as Curitiba, Paris, and classic examples of successful cycling infrastructure and cycling culture in Copenhagen and most of the Netherlands.
- Ultimately, the proposed project is taking Stellenbosch, as a town, many steps back instead of making Stellenbosch a flagship of what is possible in South African urban renewal and the potential of positioning Stellenbosch as an international case study of public transport, non-motorised transport, pedestrian spaces, and car-free zones.

- **Contradictions in Stellenbosch Municipality's policies**
  - From the project's proposal, it is clear that the project was informed by the Town Council's contradictory and opposing beliefs that the municipality "needs to provide enough public parking" and, in opposition to that, that the "provision of road infrastructure for private vehicles is not sustainable".
  - Firstly, public parking should necessarily be seen as road infrastructure for private vehicles.
  - Secondly, the report makes no explicit mention of the municipality needing to provide the same in terms of pedestrian and cycling infrastructure.
  - In the proposal the term "NMT facilities" is used. In terms of what is needed to substantially reduce the amount of personal vehicles in Stellenbosch, the Municipality would need to invest in "NMT infrastructure" (an extensive, coherent system of paths, lanes, crossings, traffic signals, etc.) and not merely "facilities".

- **Illogical claims regarding the alleviation of congestion**
  - The proposed project's claims regarding its promised alleviation of traffic congestion are illogical.
  - The proposed three-storey parkade is located in-between two narrow one-way streets (Andringa and Van Ryneveld streets), as well as where Andringa (one-way street) and Victoria street meet in a T-junction.
  - Ultimately, funneling cars into the historical centre and to a site that is located between one-way streets right in the centre of an already congested town will naturally increase congestion.

- **Veiling environmental impact and heritage considerations in the existing site's undesirable and unappealing characteristics**
  - I believe that the case could be made that the environmental impact of building a three-storey building on an existing, aesthetically unappealing asphalt parking area is not immediately obvious to the average person, apart from perhaps removing the trees currently spread across the site in-between rows of parking bays.
  - In this case, the larger context is not accounted for. The environmental impact of the amount of cars parked across the three-storey parking facilities is extreme.
  - This severe impact on the environment (vehicle emissions on the atmosphere and air pollution on the health of living beings) caused by this project should be explained to the public in layman's terms.
  - In the absence of explaining these impacts, the project shows complete disregard for the bigger-picture environmental impact and the impact on the community.

- **Blatant disregard for the global crises of environmental unsustainability and social injustice**
  - A proposal for a project of this nature is encouraging and safeguarding vehicular transport, personal vehicles and access for motorists.

- It also means that money from the municipal budget and tax payers is spent to fund personal vehicles and fossil fuel consumption amidst a global crisis of environmental degradation.

- **Complete disregard for the needs of non-motorist residents and visitors**
  - Since the publication of the Municipality's NMT/cycling masterplan in 2015, there is very little proof or signs of investment of allocations from the municipal budget in NMT (cycling) infrastructure.
  - In terms of the needs of non-motorist residents and visitors, a three-storey parking facility further entrenches the town in legacy issues (environmental degradation, spatial planning, reliance on personal vehicles, etc.) instead of taking radical steps to dramatically improve non-motorised transport infrastructure to, ultimately, create non-motorist-friendly, lively and liveable streets for residents and visitors.
  - This proposed project perpetuates spending municipal budget on infrastructure for personal vehicles, instead of on the much-needed cycling infrastructure that could provide safe cycling routes separate from roads for residents from all socio-economic backgrounds of the surrounding high-density areas (neighbourhoods on the urban fringes, e.g. Paradyskloof, Onder-Papegaaiberg, Kayamandi, Cloetesville, Ida's Valley, Jonkershoek, as well as settlements further afield, e.g. Jamestown-De Zalze-Technopark area, Welgevonden, Nooitgedacht-Devonbosch-Bottelary area, Klapmuts).
  - Such an extensive cycling network and NMT infrastructure would: (1) alleviate traffic congestion and the demand for vehicular parking by providing a radically alternative solution to personal vehicles, and (2) create a bicycle economy and ecosystem where jobs are created for bicycle sales, maintenance and repairs, and bicycle-based businesses, e.g. courier/delivery services.
  - The project creates a precedent for ignoring the needs of the majority of Stellenbosch's residents by using a three-storey parking structure as leverage/to justify pedestrianising one street. The pedestrianisation of Church Street would be a great improvement and would be a great precedent for more car-free zones across Stellenbosch CBD. However, Church Street – whether pedestrianised or not – is frequented and enjoyed almost exclusively by tourists and middle-class residents.

- **Creating a precedent for multi-storey parking structures**
  - In closing, if this project were to be completed, it would serve as a precedent for further investment in infrastructure for personal vehicles, given the availability of other sites/options already assessed during the planning of this project.
  - If there is precedence, not only for building this type of personal vehicle facility in Stellenbosch, but for disregarding all the above mentioned factors of life in the 21st century, the very undesirable path will be paved for other sites/options mentioned in the proposal to be developed into multi-storey parking structures.

Regards
Liebrecht Fick
Bosman's Crossing Precinct, Distillery Road, Stellenbosch

Nadine Duncan

From: Lisa Marschner <lisakatemarschner@gmail.com>
Sent: Sunday, January 28, 2024 6:27 AM
To: comments@enviropart.co.za
Subject: Comments on Proposed Parking Upgrade

Wonderful idea! I can't make the public forum so just making a comment here that me and my family are FOR this!

Sent from my iPhone

Nadine Duncan

From:	Lizelle Potgieter <lizellekp@gmail.com>
Sent:	Wednesday, February 21, 2024 8:55 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within the town align with the shared goals of sustainable development, active mobility, and the well-being of the community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for the town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering these concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Lizelle Jackson *Architectural Professional PSAT60729442*

Nadine Duncan

From: Luke van Wyk <lukevanwyk10@gmail.com>
Sent: Wednesday, February 21, 2024 9:01 AM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: Young Urbanists; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Luke van Wyk

Nadine Duncan

From:	rockpaperscissors <rock.paper.scissors.arch@gmail.com>
Sent:	Wednesday, February 21, 2024 8:10 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Marlette Krige

Nadine Duncan

From:	Puttergill, MG, Miss [27256324@sun.ac.za] <27256324@sun.ac.za>
Sent:	Friday, February 23, 2024 8:01 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Morgaine Puttergill

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

Nadine Duncan

From: Miguel Henriques <miguelhenriques23@gmail.com>
Sent: Wednesday, February 21, 2024 6:06 PM
To: comments@enviropart.co.za
Subject: Eikestad Parking Upgrade PPP

Hi,

I think the proposed idea of a three storey parking lot is a bad idea. This would see us moving backwards as a town instead of in a more environmentally friendly way in which the municipality creates conditions for more public transport from surrounding areas in Stellenbosch/safe walking areas from these surrounds/bicycle lanes to and from these areas.

Thanks
Miguel

Nadine Duncan

From: Marthinus Botes <marthinuslbotes@gmail.com>
Sent: Sunday, February 25, 2024 7:24 PM
To: comments@enviropart.co.za
Subject: Questions regarding the parking expansion

Greetings,

I am a journalist for SMF News, and I have been interested in the congestion within Stellenbosch and the measures that have been taken to address it. The expansion of the Eikestad parking area seems to be a suitable way of addressing the congestion, but I understand that the plan has been met with some opposition - particularly a petition started by the Young Urbanists - which claims that the construction would actually worsen congestion in Stellenbosch Central and have a negative impact on the town's liveability.

I would like to know what measures will be taken to ensure that the structure will remain "in keeping with the existing historical context", and who was consulted to determine the effect of the expanded parking on congestion.

Kind regards.

Marthinus L. Botes

Nadine Duncan

From: Nakkiran Sunassee <n.sunassee@gmail.com>
Sent: Tuesday, February 20, 2024 6:31 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

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Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Nakkiran Sunassee
16 Van Coppenhagen Rd

Nadine Duncan

From: Nathan Howson <nathan.howson1@gmail.com>
Sent: Thursday, January 25, 2024 11:24 PM
To: comments@enviropart.co.za
Subject: Proposed Stellenbosch parking project

Good day,

I would like to comment on the proposed parking project in Stellenbosch.

I'm a student at the university and I've seen students use the municipal parking area to avoid paying for university parking.

As it stands, the municipal parking area is only manned by parking attendants from 8:00-17:00 every day. Students simply arrive before 8:00 and leave after 17:00 to avoid paying for parking. This massively inflates demand on the parking lot since it is free.

Some people leave their cars in the parking lot long term to avoid paying for parking at their place of residence in Stellenbosch. They can get away with parking for weeks without paying a cent simply by leaving after 17:00.

I recommend that the effects of manning the parking lot 24 hours a day, or using an automatic boom and ticketing system be studied before such a project of this magnitude is undertaken.

The parking lot is over capacity because people are gaming the system to avoid paying for parking. When the price of parking is non-zero, demand should decrease. Short term parking should be more expensive than long term parking so that demand shifts to the university and accomodation providers' private parking lots.

Kind regards,
Nathan How Son

Nadine Duncan

From:	Raymond van Rijn <vanrijnr8f@gmail.com>
Sent:	Thursday, February 22, 2024 8:45 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,
I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.
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Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.
I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.
Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely, Raymond van Rijn

Nadine Duncan

From:	Riis Lemmer <riislemmer@gmail.com>
Sent:	Thursday, February 22, 2024 9:51 PM
To:	comments@enviropart.co.za; mayor@stellenbosch.gov.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent call to reconsider the hideous 3 storey parking at eikestad

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Riis Lemmer

Nadine Duncan

From: Ross Cotterrell <rossglennc.rc@gmail.com>
Sent: Wednesday, February 21, 2024 5:00 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Proposed Eikestad Parking Upgrade

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private
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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Ross Cotterrell

Nadine Duncan

From: Ruhan Fourie <ruhan.fourie@gmail.com>
Sent: Saturday, February 24, 2024 11:56 AM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Dr Ruhan Fourie

Postdoctoral Fellow | Beyers Naudé Centre for Public Theology | Stellenbosch University
BA (NMU) | BAHons, MA (SU) | PhD (UFS)
w: https://ruhanfourie.substack.com | **e:** ruhan.fourie@gmail.com | **c:** +27 72 678 2776 | **t:** @ruhanfourie

Nadine Duncan

From: Roger Sivuyile Lupuwana <srlupuwana@gmail.com>
Sent: Thursday, February 22, 2024 11:07 AM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Sivuyile Lupuwana

Nadine Duncan

From:	Temosho Sekgobela <timmy.rebotile@outlook.com>
Sent:	Wednesday, February 21, 2024 8:16 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,
I am writing to you as a concerned citizen regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.
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I hope that the Municipality works towards achieving a sustainable, accessible, and vibrant future for Stellenbosch, setting the example for all across the country.
Regards

Get Outlook for iOS

Nadine Duncan

From: Tyl Willems <willemstyl@gmail.com>
Sent: Tuesday, February 20, 2024 10:21 PM
To: comments@enviropart.co.za
Cc: Annelise Willems
Subject: Eikestad Parking Upgrade Comments

We oppose Eikestad Parking Upgrade for the following reasons:

1. **Inadequate Feasibility Study**: The proposal is based on overly simplistic "desktop research" lacking a multidisciplinary assessment and detailed transportation impact analysis, particularly in alleviating traffic congestion claims.
2. **Contradiction to Municipality Policies**: The development undermines Stellenbosch's approved policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020, which prioritize sustainable urban mobility and reduced car dependency.
3. **Global Best Practices Ignored**: The project disregards global best practices in addressing congestion, urban planning and mobility management, which advocate for enhancing public transportation, adopting complete streets policies, promoting non-motorized transport, and leveraging smart mobility solutions.

What are we asking instead:

1. **Immediate Halt to Public Participation Process**: Given the project's contradictions with existing policies and the lack of a comprehensive feasibility study, the process is premature.
2. **Reevaluation of the Project: Consider** alternative solutions that align with Stellenbosch's policy frameworks and global best practices for urban development and congestion management.
3. **Engagement in Constructive Dialogue**: Open channels for dialogue with stakeholders to explore sustainable alternatives that support a vibrant, accessible, and environmentally friendly urban environment.

What are our solutions:

1. **Peripheral Park-and-Ride Facilities**: Develop outside CBD parking solutions to encourage the use of public transport and reduce congestion.

Investment in NMT and Public Transport: Prioritize the Non-Motorized Transportation Master Plan's implementation and support innovative mobility solutions like electrical bike-sharing schemes

Met vriendelike groete,
Tyl and Annelise Willems

+27 82 807 3540

Fietsry is Gesonder, Groener, Goedkoper, Geselliger en baie maal Gouer en Gemakliker

Nadine Duncan

From:	William Moultrie <william@moultrie-online.com>
Sent:	Wednesday, February 21, 2024 11:11 PM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

William Moultrie

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS

P O Box 945, Cape Town 800
30 Victoria Avenue, Hout Bay
T: 021 422 0999
F: 021 422 0998
www.enviropart.co.za
info@enviropart.co.za

EIKESTAD PARKING UPGRADE PPP

COMMENT SHEET

Please use this form to record specific comments that you may have for the abovementioned project. Please submit this form on or before **26 February 2023**. You may hand this sheet in today, or you may send the completed form to the details below. Please feel free to use extra sheets.

The Environmental Partnership
P O Box 945, Cape Town, 8000
Tel: 021 422 0999
Fax: 021 422 0998
E-mail: comments@enviropart.co.za

NAME:	Andrea Marais-Hegewisch
ORGANISATION:	Private
ADDRESS:	20 van Copenhagen St. Rozedal, 8h.
TELEPHONE:	082 775 8375
EMAIL:	andrea@hegewisch.co.za

COMMENT:

I totally disapprove of the parking upgrade!
- This will only add another bottle-neck
- How will you allow + 300 more cars into/out of Bellamosa during peak hours?
- Integrated system is required to alleviate the traffic situation
  1) Public transport
  2) Bicycle lanes that are safe
  3) Pedestrian areas
  4) Tourists parking should be encouraged with shuttles / bicycles / scooters / pedestrians
- Public transport from S/West and Northern suburbs should be encouraged and supported
- This parking garage does nothing to enhance Bellamosa.

- Where are the impact studies?
- Why have none of the wards been consulted?
- This is not on the IDP 2022 – 2027
  How is it possible that this skips the wishlist being on the IDP???
  What is the purpose of the IDP??

15/2/24

Nadine Duncan

From:	Andre Williams <andre@eikestadmall.co.za>
Sent:	Monday, February 26, 2024 10:06 AM
To:	comments
Cc:	Michael Clampett; Leemisa Tsolo; David Oosthuizen
Subject:	Eikestad Parking Upgrade PPP
Attachments:	Eikestad Parking Upgrade PPP - Attacq Comments 26 Feb 24.pdf

Good day,

Please note our comments / objections below and as attached:

1. ***Financial model***
   We submit that the financial model of a 25-year Build Own Operate Transfer is not beneficial to either the private sector partner or the public sector. It provides no income during the 25-year period to the municipality as the detailed financial analysis done on the proposed model shows only repairs, maintenance, and parking operations costs to the private partner for the 25-year period. A better long-term solution would be the rental of the underlying land by the public sector to the private partner on a 99-year lease, where a monthly rental is payable to the public sector based on income generated on the property by the private partner. This is a better alignment of economic benefits between the parties also allowing the public sector to utilise the monthly rental payments towards its own budget shortfalls in providing services to its constituents. This monthly rental should be more than the current economic benefit to the public sector for running the Eikestad parking area. A proposal would be that 4% of the net income earned by the private partner goes to the public sector for the 99-year period.

2. **Impact on current economic interests**
   It is interesting that in the proposal document the affected area is quoted as Eikestad Parking PPP. In the public domain this parking area is linked to Eikestad Mall by perception. Any redevelopment will have a material negative impact on the retail clients at the Eikestad Mall via a reduction in turnover caused by less shoppers being able park and access the mall, with a further down the line impact of the Eikestad Mall suffering financially as these same retailers will demand paying less rental due to the decreases in turnover. The proposal must address how the private partner will engage Eikestad Mall on this project, and how the negative impact of the construction period will be mitigated. The proposal cannot be silent on this and leave the potential for litigation.

3. **Pedestrianisation of Andringa Street**
   The pedestrianisation of Andringa street will lead to circulation issues around the parking area as well as the University of Stellenbosch. With the only accessible routes then being via van Ryneveld and Victoria streets, The one way exit out of Ryneveld to Plein street will create pressure on the routes via the historic Church street area. Exits must be allowed via Andringa street as well to allow for the traffic to move out of the parking area toward Victoria and ultimately Merriman streets. The delivery trucks that use Andringa street on behalf of Checkers, Woolworths and Food Lovers Market also need to be accommodated as delivery areas on Bird street are not possible.

Thank you and we look forward to engaging you further on this great opportunity.

Kind regards,



André Williams | General Manager
T: +27 21 886 6267 | C: +27 82 353 2229
E: andre@eikestadmall.co.za
A: 43 Andringa Str, Office 202B, 2nd Floor, Stellenbosch, 7600

www.eikestadmall.co.za

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS

P O Box 945, Cape Town 800
30 Victoria Avenue, Hout Bay
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EIKESTAD PARKING UPGRADE PPP

COMMENT SHEET

Please use this form to record specific comments that you may have for the abovementioned project. Please submit this form on or before **26 February 2023**. You may hand this sheet in today, or you may send the completed form to the details below. Please feel free to use extra sheets.

The Environmental Partnership
P O Box 945, Cape Town, 8000
Tel: 021 422 0999
Fax: 021 422 0998
E-mail: comments@enviropart.co.za

NAME:	ANDRÉ WILLIAMS
ORGANISATION:	ATTACQ RETAIL FUND (PTY) LTD
ADDRESS:	EIKESTAD MALL, 43 ANDELIERA STREET, STELLENBOSCH, 7600
TELEPHONE:	021-8866267 OR 0823532229
EMAIL:	andre@eikestadmall.co.za

COMMENT:

PLEASE SEE ATTACHED:

Andre Williams

To: comments@enviropart.co.za
Subject: Eikestad Parking Upgrade PPP

Good day,

Please note our comments below:

1. ***Financial model***
   We submit that the financial model of a 25-year Build Own Operate Transfer is not beneficial to either the private sector partner or the public sector. It provides no income during the 25-year period to the municipality as the detailed financial analysis done on the proposed model shows only repairs, maintenance, and parking operations costs to the private partner for the 25-year period. A better long-term solution would be the rental of the underlying land by the public sector to the private partner on a 99-year lease, where a monthly rental is payable to the public sector based on income generated on the property by the private partner. This is a better alignment of economic benefits between the parties also allowing the public sector to utilise the monthly rental payments towards its own budget shortfalls in providing services to its constituents. This monthly rental should be more than the current economic benefit to the public sector for running the Eikestad parking area. A proposal would be that 4% of the net income earned by the private partner goes to the public sector for the 99-year period.

2. **Impact on current economic interests**
   It is interesting that in the proposal document the affected area is quoted as Eikestad Parking PPP. In the public domain this parking area is linked to Eikestad Mall by perception. Any redevelopment will have a material negative impact on the retail clients at the Eikestad Mall via a reduction in turnover caused by less shoppers being able park and access the mall, with a further down the line impact of the Eikestad Mall suffering financially as these same retailers will demand paying less rental due to the decreases in turnover. The proposal must address how the private partner will engage Eikestad Mall on this project, and how the negative impact of the construction period will be mitigated. The proposal cannot be silent on this and leave the potential for litigation.

3. **Pedestrianisation of Andringa Street**
   The pedestrianisation of Andringa street will lead to circulation issues around the parking area as well as the University of Stellenbosch. With the only accessible routes then being via van Ryneveld and Victoria streets. The one way exit out of Ryneveld to Plein street will create pressure on the routes via the historic Church street area. Exits must be allowed via Andringa street as well to allow for the traffic to move out of the parking area toward Victoria and ultimately Merriman streets. The delivery trucks that use Andringa street on behalf of Checkers, Woolworths and Food Lovers Market also need to be accommodated as delivery areas on Bird street are not possible.

Thank you and we look forward to engaging your further in this great opportunity.

Kind regards,



André Williams | General Manager
T: +27 21 886 6267 | C: +27 82 353 2229
E: andre@eikestadmall.co.za
A: 43 Andringa Str, Office 202B, 2nd Floor, Stellenbosch, 7600

www.eikestadmall.co.za

Nadine Duncan

From:	awk.heydenrych@gmail.com
Sent:	Tuesday, February 20, 2024 7:34 PM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
AWK Heydenrych

Belangegroep Stellenbosch Interest Group

interestgroupstellenbosch@gmail.com
23-02-2024

The Environmental Partnership
comments@enviropart.co.za

cc The Executive Mayor
mayor@stellenbosch.gov.za

The Municipal Manager
Municipal.manager@stellenbosch.gov.za

Comment on the Eikestad Parking Public-Private Partnership Feasibility Study

1. Since the financial success of a parking garage in the town center close to the university can hardly be questioned, the question should be asked whether the financial viability study (hereafter referred to as the '*Viability Study*') conducted by SMEG on behalf of the Municipality was necessary.

1.1 The following questions also need to be raised: Will a multi-storey parking garage on this site alleviate the traffic congestion in the town center, especially in the long term? Will it promote sustainable development? What will the impact be (visually and otherwise) of a multi-storey parking garage on the historic core? And, most importantly: would a parking garage be the appropriate (or best?) use for this valuable site that links the heart of the historic town to the university campus that is a heritage resource of provincial importance in terms of the National Heritage Resources Act? Should the site not rather be used to enhance the experience of the unique town center for both visitors and permanent residents?

1.2 The long queues of cars waiting from the early morning to enter the town center from different directions, and the great difficulty in getting out of the town center during the afternoon rush hour (which currently lasts several hours), testify to the fact that there are already far too many vehicles accommodated in the town center. The proposed new roads with additional lanes to Stellenbosch town center will not address or alleviate the problem.

1.3 Ironically, the *Viability Study* states the following: "Stellenbosch experiences major congestion in the CBD and other parts of the city. In addition, the Comprehensive Integrated Transport Plan (CITP) indicates a need for sustainable transport that amongst other factors requires a reduction in traffic congestion and an increase in modal shifts, such as public transport and/or non-motorised transport."

2. Stellenbosch will not achieve a 'reduction in traffic congestion' unless facilities for public transport and non-motorised transport on a large scale are implemented to accommodate the ever-increasing number of vehicles entering the town on weekdays. Instead of NOW saving the town from suffocation by traffic and parking and losing its historical character, the Stellenbosch Municipality continues (strongly supported by provincial funding of billions of Rand in new roads to the town) NOT to do so. Facilities for public transport, and the making of land available that is suitable for such purposes is simply not happening and instead more parking on municipal land for private vehicles is envisaged.

3. For many years, measures to address the ever-increasing problem with traffic and parking have been listed as one of the main priorities highlighted in the Stellenbosch planning documents. Over and over a modal shift from privately owned vehicles to public transport has been suggested as an effective and sustainable way to alleviate the situation. Under Section 6.2.2 of the latest MSDF (June 2023) it is once again stated that *Park and Ride sites along arterial routes are a top priority for development, allowing current private car commuters the option of driving to these nodes from where demand thresholds will enable a combination of public shuttle services and corporate chartered services to operate between central Stellenbosch and other main employment nodes.* A concept public transport network for Stellenbosch is illustrated in figure 48.

4. At this stage, the level of traffic congestion is sufficiently critical for motorists entering the town to strongly consider parking their vehicles on the outskirts of the town. But this can only happen if safe parking facilities and public transport are provided in such locations. At the same time parking on sidewalks and along streets, including streets such as Die Laan and Noordwal should be prohibited to encourage these commuters to use park-and-ride facilities on the outskirts of town. If the Municipality continues to provide free parking on public land along streets, a park-and-ride system will not be viable.

5. Possible locations for public parking facilities would, for example, be along the R44 near the golf course, along the R304 beyond Kayamandi, e.g., on the land bought from Stefan Smit. Along Baden Powell, possibly on the old sawmill land, etc. There may be better options, but they need to be found, even if land has to be alienated for such a purpose as has happened in the case of the Gautrain which brought great relief from traffic congestion along many routes.

6. For the better part of the past twenty years one of the most important points highlighted in the interests of sustainable development of Stellenbosch is the shift from private transport to public transport. This policy, however, remains to be implemented and constitutes little more than lip service or a distant objective that is repeated annually. In the meantime, the town staggers under traffic and parking pressures while the rural and cultural landscape is irreversibly scarred by more and bigger roads leading to Stellenbosch.

7. The current traffic and parking problems in the historic core are taking their toll on historical Stellenbosch: We have recently seen plans being approved for several additional lanes in Dorpstraat between the R44 and the station – something almost unthinkable for the most important historic street of Stellenbosch.

8. All new developments are justified by appealing to the creation of jobs. Sometimes such appeals are highly misleading. With very rare exceptions, all major investments create some jobs. It should be possible to calculate how many jobs, on the average, are created for every (say) million Rand invested - this has probably been done. Projects that fall below this average should then be deemed to have a *negative* impact on job creation. A parking

garage would create few permanent jobs compared to the sum invested. The SIG submits that providing (even subsidizing) public transport would create more permanent jobs, probably at a lower cost

9. In the light of the above, the proposed parking garage is clearly not desirable. It will not serve the interests of Stellenbosch. No further studies relating to it should be conducted. The Stellenbosch Municipality now needs to focus on implementing sustainable solutions to address the urgent traffic and parking problems in and around the town. At the same time, the Provincial Government should focus on public transport orientated solutions instead of detracting from the rural cultural landscape of Stellenbosch. We encourage the Stellenbosch Municipality to look towards its vision of being an Innovation Capital and implement solutions that are forward thinking, socially just and environmentally friendly.

PE Botha

Patricia Botha
(Chairperson)

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS
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EIKESTAD PARKING UPGRADE PPP

COMMENT SHEET

The Environmental Partnership
P O Box 945, Cape Town, 8000
Tel: 021 422 0999
Fax: 021 422 0998
E-mail: comments@enviropart.co.za

NAME:	Erich Lutz Argitek
ORGANISATION:	BF Lutztrust
ADDRESS:	7 Park St, Stellenbosch, or Lutz Building, Stellenbosch.
TELEPHONE:	0826601958
EMAIL:	lutz@lutz.co.za
COMMENT:	26 February 2024

As representative and trustee of the BF Lutztrust who is the owner of the Lutz Building (which is adjacent to the proposed development) and as architect who studied, worked and lived in Stellenbosch since 1980, we object in the strongest terms against the proposed parking garage in this position in the CBD.

We ask council to accept that the long term implications of this project would be detrimental to the CBD and the Stellenbosch community.

The trust agreed that this objection, in addition to our other objection letter, should focus on the architectural merits of the project as presented, but the project is so off target that it is difficult to take the architecture seriously.

The development undermines Stellenbosch's endorsed policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorised Transportation Master Plan 2020, which prioritise sustainable urban mobility and reduced car dependency, specifically in the CBD - as well as that of the Adam Tas Corridor (ATC) report.

The building and presentation falls short on being well considered, thought through and co-ordinated:

- Artist impression of the project does not reflect the content of the report
- The sections, plans and perspectives are not co-ordinated and are not convincing
- The massing of the building is insensitive to the historical CBD and immediate surrounds
- Best options for a parking garage in context of the historical CBD has not been fully explored and considered

On specific questions behind the rational of the architecture in terms of mass, looks and interface with the environment, the best answer from the architectural representative at the exhibition on the 13th, was that this was a quick stab at producing something that can be evaluated and used in the feasibility study. (No involved officials were noticed while we attended the presentation, only some councillors were there, who had evidently no previous knowledge of this report and who voiced their objections to the proposal.)

The prominently featuring sketch on the front page was dismissed as "merely an artist's rendition" by the representative.

It is certainly not much more than an artists impression of a parking garage and cannot be taken seriously :



- The building shown does not align with the cross sections shown at the exhibition - the cross section only shows a half basement, one parking floor and a rooftop parking area.
- It does not fit into the historical fabric of the town.
- The ominous dark commercial "placeholders" on Andringa St with its perceived vertical burglar bars shows a complete lack of sensitivity for the architecture of the historical Van Der Stel Liquor store. As it "was not in the brief", transparent "placeholders" could have been used, which would also have allowed one to see the proposed podium and access points envisaged by the report/design.
- The report refers to the pedestrianisation of Andringa St, but the sketch shows a stark paved area and cars! (violating the one way street) No Oaks! No street furniture or plants (just look at Bird St opposite the Braak, what can be done).

- The architecture, although white, tries to hide the austere facades of the parking garage with vertical gardening. To keep in budget the facades of a parking garage unfortunately have to comply with safety, fire and ventilation regulations, which forces the architecture to be what it is - ugly and not in keeping with historical Stellenbosch CBD. (The ATC report recommends repurposing some of the obsolete, or soon to be obsolete, structures in the corridor into parking garages. Add smart mobility solutions and you save the CBD from suffocating by cars.)
- The massing of the proposed building, as shown on the sketch, shaded plans and descriptions, is insensitive to the heights of the neighbouring buildings. The lowest points - podiums - faces the multi storey municipal buildings, the tall town hall and the massive Eikestad Mall. In contrast the highest facades (3 plus storeys) of the building faces amongst other onto the historical 2 storey Erfurt House and two residential buildings.



- The open facades will result in polluted air and vehicle noise directly opposite established living units.
- If a parking garage would have been the only solution to the parking problem in the CBD a underground parking facility could have been much more sensitive to the historical core. (At a commercial bank close by, parking was provided down to 3 storeys deep into the area's existing river rocks and sand.
- The report only mentions that a survey will be done on the existing oak trees. Most of these well established shade trees will sadly be removed to allow for the parking garage.
- The building process would also pose a major obstacle to health and operation/business of the CBD. The existing parking area will become a construction site for at least a year.
    - And if the almost inevitable archeological studies happens, who knows how long this construction site will remain. Such studies happened at all ground breaking projects in the CBD.
    - The whole area will get cramped for space by pedestrians, vehicles and construction vehicles and equipment

Just as a last comment and observation:

A quick survey of number plates of vehicles in the CBD on the day of the presentation, the 13th, on the road and in parking spaces, indicated that 74% were from out of town - 26% only with CL number plates.

The perception is that parking is mostly utilised by students, judging by the number plates that ranges amongst others, from Namibia, Natal, Gauteng, Free State, Eastern Cape and others. And that can easily be solved by non-CBD parking, coupled with shuttle services and NMT. (the survey was done on the Eikestad parking, Andringa St - from Victoria to Plein, Plein St from the Braak circle to Ryneveld St, Ryneveld St from Plein to Victoria St, Bird St from the Braak/Mall circle to Church St and Church St from Bird to Andringa: thus the entire area surrounding and including the Eikestad parking area.

It was mentioned that students utilise the paid parking areas, and only leave after the traffic wardens close shop late in the day.

To end with the words of objectors at change.org:

"Building a huge structure on the existing open parking area will transform the CBD into a true concrete jungle and change the character of the town completely."

"Parking doesn't solve traffic."

Nadine Duncan

From: Carey Jones <careyjones96@gmail.com>
Sent: Thursday, February 22, 2024 3:49 PM
To: comments@enviropart.co.za
Subject: ect Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,
I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.
After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:
1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.
2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.
3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.
Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.
I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.
Thank you for considering my concerns. I hope we can work together towards achieving a

sustainable, accessible, and vibrant future for Stellenbosch.

Yours sincerely

Carey-Leigh Jones

Nadine Duncan

From:	Caro Opperman <caro@oppermansinc.co.za>
Sent:	Wednesday, February 21, 2024 10:48 AM
To:	mayor@stellenbosch.gov.za
Cc:	comments@enviropart.co.za
Subject:	URGENT Call to Reconsider the Eikestad Parking Upgrade Proposal
Importance:	High

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely

Caro Opperman

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DIRECTOR: EUGENE OPPERMAN B.Proc. LL.B. Adv Dipl. Medicina Forensis, Advanced Diploma in Business Rescue Management, Commissioner of the Small Claims Court (Helderberg) LPC Examiner, LPC Disciplinary Committee, LPC Mediation Committee, Certified Court Annexed Mediator (L.E.A.D): Civil- and Commercial Mediator
CANDIDATE ATTORNEYS: MAARTIN OLIVER , CARO OPPERMAN • CONVEYANCER: F.A. HANEKOM (FA Hanekom Attorneys)
• PARALEGAL: CANDICE VAN WYK • FINANCIAL CONSULTANT: T STEYN • BDTSA CONSULTANT: N VOSLOO • OFFICE MANAGER: S. OPPEL

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The Environmental Partnership
P O Box 945, Cape Town, 8000
Tel: 021 422 0999
Fax: 021 422 0998
E-mail: comments@enviropart.co.za

NAME:	Cecil Jordaan
ORGANISATION:	Silverstone Financial Solutions (Pty) Ltd
ADDRESS:	24 Hendrik Bergh Street, Rozendal, Stellenbosch, 7600
TELEPHONE:	0780783030
EMAIL:	cecil@silverstonefs.co.za

COMMENT:

To whom it may concern

PROPOSED PARKING GARAGE - CENTRAL STELLENBOSCH

I am a concerned Stellenbosch citizen and an owner of a business that operates from Stellenbosch.

Based on what I have learend about the proposed parking garage, it would appear to me that due process has not been followed - in that the proposal lacks other impact studies (specifically traffic) and that it has not consulted with important stake holders such as the University of Stellenbosch.

My common sense tells me that the solution to Central Stellenbosch's traffic problems is not providing more parking, which is likely to attract more traffic.

Solutions should be sought to improve micro mobility and pedestrian accessto central Stellenbosch.

A key element of Stellenbosch's success, lies within its ability to offer a very attractive destination to tourists. More traffic / turning central Stellenbosch into a massive parking lot runs the risk of diminishing the appeal of the town to tourists - which will result in loss of tourist dollar to the town.

Kind regards

Nadine Duncan

From: Cris Robertson <crisantonrobertson@gmail.com>
Sent: Wednesday, February 21, 2024 10:13 AM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

ATTN: Stellenbosch Municipality,

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Cris Robertson

Nadine Duncan

From: Gary Kennedy <gary.j.kennedy@gmail.com>
Sent: Tuesday, February 20, 2024 6:42 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Dr. Gary Kennedy

78A Jonkershoek Road,
Stellenbosch

Nadine Duncan

From: Pearce, JL, Dr [justinpearce@sun.ac.za] <justinpearce@sun.ac.za>
Sent: Wednesday, February 21, 2024 4:30 PM
To: comments@enviropart.co.za
Subject: Stellenbosch parking proposal

As a resident of Stellenbosch I would like to express my strong concern at the proposal to build a three-storey parking facility in the centre of the city. Traffic in central Stellenbosch is already unmanageable. More parking in the centre will only attract more cars into the narrow streets of the CBD, making congestion worse, posing a risk to public health and diminishing the urban experience.

Stellenbosch is rare among South African country towns in having a historic centre that is attractive, functional and pedestrian friendly. This is already at risk from elevated traffic volumes, and the proposed parking facility will only make it worse, possibly altering the character of the town irreversibly.

Planning needs to be on the basis of keeping cars out of the CBD, not bringing yet more cars in.

Yours sincerely,

Dr Justin Pearce
Senior lecturer / Honours programme co-ordinator
Department of History
Stellenbosch University

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

Nadine Duncan

From: Elrena Van Der Spuy <elrena2vanderspuy@gmail.com>
Sent: Tuesday, February 20, 2024 7:01 PM
To: comments@enviropart.co.za
Subject: Parking development in centre of Stellenbosch

Dear X

As ratepayers I wish to object strongly to the development of a multi storey parking development in the centre of town. It will simply contribute to further congestion.

Elrena v d Spuy

Nadine Duncan

From: Flip Liebenberg <info@pinnaclepm.co.za>
Sent: Monday, February 26, 2024 11:36 AM
To: comments@enviropart.co.za
Cc: info@stellenboschbusinessforum.org.za
Subject: Eikestad Parking Upgrade PPP

To whom it may concern

Flip Liebenberg
Stellenbosch Business Forum
17 Adelaar street
Stellenbosch
info@stellenboschbusinessforum.org.za
info@pinnaclepm.co.za

Comment.
We hereby raise our concern in regards to the proposed Eikestad parking building.

It is in direct conflict of the town's Spatial Development Framework, Integrated Development Plan. Secondly, its also in conflict withs other policies and practises aimed at reliving traffic.

The development contradicts the following policies;
Spatial development framework 2019
Comprehensive Integrated Development Transportation Plan 2022-2026
Non-Motorised Transportation Master Plan 2020

We strongly urge Stellenbosch Municipality not to go forward with this proposed development. This will have a considerable negative impact on the Stellenboch CBD, its citizens and overall traffic.

Regards
Flip Liebenberg
0823190455



STELLENBOSCH BUSINESS FORUM

Nadine Duncan

From:	Gerard Van Weele <Gerard.VanWeele@westerncape.gov.za>
Sent:	Thursday, February 22, 2024 8:12 PM
To:	comments@enviropart.co.za
Cc:	mayor@stellenbosch.gov.za
Subject:	Eikestad Parking Upgrade Proposal

Dear Environmental Partnership and Stellenbosch Municipality,

I wish to register an objection against the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal is flawed, in the sense that it evaluates the viability of a parking garage as a financial case for a proposed private developer and the municipality and not the viability of this intervention to reduce congestion, and increase the aesthetic, commercial and residential value of the Stellenbosch CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine. The project proposal fails to provide substance to the argument that the provision of more parking in the CBD will encourage more NMT. Any transport engineer, transport planner, town planner, urban designer etc. will agree that such parking decreases the incentive for NMT.

3. The development must be compared to alternatives such as providing more inner-city residential facilities. By avoiding the need to drive into the CBD, a far larger impact can be made on congestion relief, municipal finances, reduced emissions, human well-being, compliance with key strategic plans, and so forth.

4. The long-term objective for all CBD areas in the Western Cape should be to achieve a private vehicle-free state. It has been proven all over the world that more pedestrianised space is positive for businesses, increases the viability of public transport and improves human health and well-being. Adding new parking garages in the Stellenbosch CBD will likely result in the need to redevelop the site within 10-15 years, due to the decreased appetite for private vehicle usage and demand for well-located residential units.

5. Increasing the number of vehicles drawn to the CBD will increase the local and regional emissions of noxious, poisonous exhaust gases and contribute to South Africa's greenhouse gas emissions. This can only be solved by increasing the speed at which people are encouraged onto public transport and into NMT.

Given these concerns, I urge the Stellenbosch Municipality to undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with the goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with the municipal policies and the broader vision of a sustainable town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Gerard van Weele
Climate Change Directorate
Department of Environmental Affairs and Development Planning
Western Cape Government

3rd Floor, Leeusig, 1 Dorp Street, Cape Town, 8000

Cell: +27 (0)84 505 2901
Tel: +27 (0)21 483 2791
Email: gerard.vanweele@westerncape.gov.za
Website: www.westerncape.gov.za/eadp

We are operating on a partial "work-from-home" basis.
Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 between 07:30-16:00.

Western Cape Government
FOR YOU

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If you are not the intended recipient you may not copy or deliver this message to anyone."

Nadine Duncan

From: Gordon Laing <gordon.laing@gmail.com>
Sent: Thursday, February 22, 2024 2:31 PM
To: comments@enviropart.co.za
Subject: EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

Good Day

As per the notice we are requesting that you please provide a copy of the full report.

Kind regards

Gordon Laing

Greet a stranger, touch the Earth lightly - it's all we've got, and

May gentle moments touch us all and lead us to a new way of being in these unsettled times.

SEE Sustainability cc
Tel : +27 (0)21 788 2653
Mobile : +27 (0)74 100 6081
Fax: +27 086 5148 318
Twitter: @seesustainably

Nadine Duncan

From: hans24@mac.com
Sent: Thursday, February 22, 2024 4:03 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Hans Combrink

Hans Combrink
Mobile RSA: +27 (72) 308-5431
Mobile USA: +1 (719) 453-5478
E-mail: hans24@mac.com
Skype: hans_combrink

Nadine Duncan

From: Hayden Malan <hbmalan@gmail.com>
Sent: Thursday, February 22, 2024 6:48 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Hayden Malan

Nadine Duncan

From: Henri van der Merwe <vdm.henri@gmail.com>
Sent: Friday, January 26, 2024 3:52 PM
To: comments@enviropart.co.za
Subject: Municipal Notice No. 9/2024

Comment wrt Municipal Notice No. 9/2024 EIKESTAD PARKING UPGRADE PPP

It is incredibly concerning that a town the size of Stellenbosch - ideally placed to drive an urban mobility agenda that is NOT based on a car-dominated paradigm, but on pedestrians, NMT and public transport - could for one moment believe that adding parking in the centre of town will alleviate congestion.

In any modern town planning paradigm, the concept and danger of induced demand is well understood, and it is therefore surprising that the Stellenbosch municipality (or for that matter, the consultants who did the analysis) could believe that Stellenbosch is any different.

By adding parking in the town centre, you are simply entrenching and growing future congestion.

Spend the budget on EFFECTIVE and SAFE NMT routes in and to the town centre, and drive the NMT agenda instead.

--
==========
Henri van der Merwe
Information Systems Analyst
tel: 083 256 0502
vdm.henri@gmail.com
==========

Nadine Duncan

From: Hugo Truter <hugom.truter@gmail.com>
Sent: Monday, February 26, 2024 11:43 AM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: info@sstellenboshfietsry.co.za
Subject: Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community and Stellenbosch Fietsry regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Yours sincerely

Hugo Truter

Nadine Duncan

From:	Isebeau Marais <isebeaum@gmail.com>
Sent:	Tuesday, February 20, 2024 8:37 PM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Isebeau Marais

Nadine Duncan

From:	Janine Herholdt <janineherholdt88@gmail.com>
Sent:	Thursday, February 22, 2024 9:33 PM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za; paps; Hedwig Crooijmans-Lemmer
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipal Officials and Politicians,

I am writing to you as a concerned resident, life-long member of the Stellenbosch community and representative of the Young Urbanists regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my **strong opposition** to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. It also does not refer to *any* relevant yet **critically necessary reflective studies** to assess the impact of increased parking bays versus increased traffic for example through the recent phased Eikestad Mall upgrades. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively **prioritize sustainable urban mobility** and a reduced reliance on private vehicles, goals that this project seems to undermine or in fact completely ignore.

3. The development overlooks **established international and local best practices** in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements that have been proven over and over and over towards effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to **halt the current public participation process** and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities (as your SDF that you approved clearly states and already identified spatially) and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of

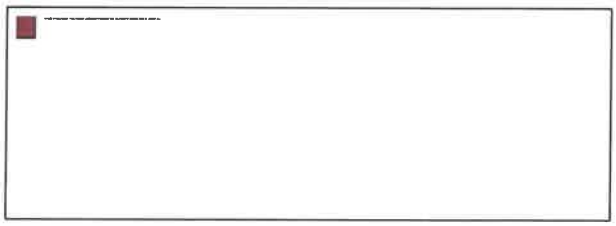
local businesses. Recent data shows that more than 85% of car trips in Stellenbosch are less than 5km, IDEAL conditions for park-and-ride. Plus a reasonably flat topography to support cycling, there is no excuse. If Lisbon, one of the world's most hilly cities, can implement a bike sharing culture (for locals AND tourists) then Stellenbosch can also do it.

In addition, the Young Urbanists urge Stellenbosch officials to work together with our members to facilitate a discussion around the significance and spatial experience of the existing parking area under scrutiny. We believe that this is one of the most important public spaces in Stellenbosch, where people from all walks of life cross paths, and that building on this strategic location could create a fantastic public space that will be visited by PEDESTRIANS and make Stellenbosch town centre even more attractive. We can provide an array of examples as inspiration, and will happily facilitate such a workshop. This is where the public participation should be focussing on.

While the rest of the world is pedestrianizing their streets, facilitating safe bicycle parking spaces, incentivising shared mobility schemes and in the process revitalizing their inner cities, Stellenbosch is stuck in a 60s mentality (not a good look especially in South Africa) where business-as-usual solutions will continue to lead to business-as-usual - more cars, less safety, and a complete lack of acknowledgement for what FUTURE GENERATIONS are pleading for. And to top it all off, Stellenbosch politicians seem to not feel embarrassed by wasting public money on out-dated ideas. Where is the innovation?

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Janine Herholdt



Nadine Duncan

From: Jean-Pierre Van Zyl <jp@eyerestore.co.za>
Sent: Wednesday, February 21, 2024 9:41 AM
To: comments@enviropart.co.za
Subject: Fwd: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

I, Jean-Pierre van Zyl, optometrist and shop owner at 6 Van Riebeeck street and previously (from 2014 -2022) Ryneveld street (opposite proposed parking bay upgrade(?), second the concerns addressed by Lizelle Potgieter.

Sincerely
Jean-Pierre Van Zyl

Begin forwarded message:

From: Hugo Truter <hugom.truter@gmail.com>
Subject: Fwd: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal
Date: February 21, 2024 at 9:33:04 AM GMT+2
To: jp@eyerestore.co.za

comments@enviropart.co.za

Nadine Duncan

From: Jose Conde <jose@stark-conde.co.za>
Sent: Tuesday, February 13, 2024 2:01 PM
To: comments@enviropart.co.za
Subject: Re: EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

To whom it may concern,

I would like to express my opposition to the proposed Eikestad Parking Upgrade.

My opposition is based on the following:

1. I believe that the further loss of the open space in the middle of town should be avoided.

2. I believe that a more out-of-the-box solution is possible — with parking further outside of the city centre and with a network of shuttle buses. This could be a much simpler and cheaper solution.

3. Along with 2, I think the municipality should explore making the centre of town pedestrian-only (except for emergency and disability parking) and rather look at turning the current Eikestad parking into a park. This would be more environmentally friendly, which is more in line with current and future trends, and would enhance the historical character of the town. There are many examples around the world where this has been done successfully.

I appreciate the great deal of effort made in this report and, as a 28-year resident of Stellenbosch, have looked on in dismay at the steadily deteriorating traffic and parking situation in the town. But I think the study grossly underestimates the future problems if we don't look rather at a drastic re-thinking of the use of the centre of town.

Sincerely,
José Conde

Stark-Condé Wines
Oude Nectar Farm
Jonkershoek Valley
Stellenbosch

Nadine Duncan

From: Jean-Pierre Van Zyl <jp@eyerestore.co.za>
Sent: Friday, January 26, 2024 10:51 AM
To: comments@enviropart.co.za
Subject: PUBLIC PARTICIPATION INVITATION EIKESTAD PARKING UPGRADE PPP

Geagte leser
Die idee om 'n drie verdieping parkering te bou is nie die oplossing in die lang termyn nie.

Redes:
1. Historiese argitektuur en unieke "studentedorp" gevoel gaan geskaad word.
2.Langtermyn bekamping van fosielbrandstof gebruik word hierdeur nie ondersteun 3. Projekte soos fietsry en slternatiewe "meer omgewings vriendelike" vervoer word net terug geplaas hierdeur.
4. Wereldwye tendense vir reuse winkelsentrums word minder populêr en is net 'n manier om die reuse kapitaalbesteeding op 'n wit-olifant (eikestad mall), te probeer winsgewend maak vir die verhuurder.
5. Alternatiewe oplossings wat lewensvatbaar was vir die klein handel/winkel eienaar in die strate, bly nie verder nagevolgvte word nie.
6. Parkering agter DeCameron wat tans onder die munisipaliteit se bates val, kon gebruik word vir alternatiewe parkering.

Daar is vele meer punte om te noem, tog ek as inwoner en besigheidseienaar nie my instemming gee tot die voorgestelde projek nie.

Jean-Pierre van Zyl

Sent on the run from my iPhone

Nadine Duncan

From: Kevin Foster <kevin.jr.foster@gmail.com>
Sent: Saturday, February 24, 2024 1:52 PM
To: comments@enviropart.co.za
Subject: Eikestad parking feasibility study report

Hi,

Could you please share the eikestad parking full feasibility study report?

Thanks and best,
Kevin Foster

Nadine Duncan

From: kotie0608 <kotie0608@gmail.com>
Sent: Friday, January 26, 2024 4:14 PM
To: comments@enviropart.co.za
Subject: FW: EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

Wie dit mag aangaan

Ek is 100% teen die oprigting van die drie verdieping parkeer parkade.

Die CBD is klaar oorvol van motors.

Die voorstel van parkeer parkades buite Die dorp bou met pendeldienste in dorp toe is 'n baie beter opsie.

Ons as inwoners en belasting betalers word benadeel deur die 25000-30000 studente wat meeste voertuie het en van 08:00-17:00 parkeer in al wat 'n straat is en parkeerarea.

Die middedorp kan nie nog meer voertuie hanteer nie. Die mini-sirkel met voetoorgange in Pleinstraat is al klaar 'n swak ontwerp wat verkeer laat ophoop.

Hoop u slaan ag op my vertoë teen die oprigting van die parkeer parkade by die Eikestad parkeerarea.

Dankie by voorbaat.
Kotie Bezuidenhout
0832869461

Sent from my Galaxy

-------- Original message --------
From: kotie0608 <kotie0608@gmail.com>
Date: 2024/01/26 16:08 (GMT+02:00)
To: omments@enviropart.co.za
Subject: EIKESTAD PARKING UPGRADE PPP – PUBLIC PARTICIPATION INVITATION – MUNICIPAL NOTICE NUMBER 9/2024

Wie dit mag aangaan

Ek is 100% teen die oprigting van die drie verdieping parkeer parkade.

Die CBD is klaar oorvol van motors.

Die voorstel van parkeer parkades buite Die dorp bou met pendeldienste in dorp toe is 'n baie beter opsie.

Ons as inwoners en belasting betalers word benadeel deur die 25000-30000 studente wat meeste voertuie het en van 08:00-17:00 parkeer in al wat 'n straat is en parkeerarea.

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Hoop u slaan ag op my vertoë teen die oprigting van die parkeer parkade by die Eikestad parkeerarea.

Dankie by voorbaat.
Kotie Bezuidenhout
0832869461

Sent from my Galaxy

Nadine Duncan

From: Liebrecht Fick <liebrecht@daviesfick.family>
Sent: Thursday, February 08, 2024 12:48 PM
To: comments@enviropart.co.za
Subject: Comments: Opposition to proposed Eikestad Parking Upgrade

Good day,

RE: Public participation concerning the proposed Eikestad Parking Upgrade Public-Private Partnership (Municipal Notice No. 9/2024)

As a Stellenbosch resident, I am very happy to participate in this public consultation process and will gladly state that I am absolutely opposed to the proposed project as a whole. My absolute opposition to this project is based on the following points:

- **Further delay in investing in non-motorised transport (NMT)**
  - This proposal demonstrates disregard for recommendations made in terms of NMT masterplans dating back to 2015 and earlier, as well as the work of civil society groups, such as the Stellenbosch Trail Fund, Stellenbosch Cycling, and Visit Stellenbosch.
  - No substantial investment has been made in NMT infrastructure by Stellenbosch Municipality and this proposed project will likely lead to further delays in investment in various types of NMT infrastructure as measures to dramatically reduce the need for vehicular parking and infrastructure.
  - Proper cycling infrastructure is a prerequisite for mass adoption of cycling as a mode of transport. Stellenbosch is severely lacking in this regard. Investment and public-private partnerships are needed for the development of safe cycling paths away from vehicular traffic, safe bicycle parking/storage facilities across the CBD, and the level of cycling infrastructure that would meaningfully impact a shift away from cars.

- **Backward-looking improvement of CBD**
  - This proposed project demonstrates the backward-looking nature of Stellenbosch Municipality's strategy for improving the town's CBD and addressing vehicular traffic issues.
  - This backward-looking strategy clearly prioritises cars by meeting motorists' needs and only phasing in shuttle routes, park-and-ride facilities and public transport in later stages. In a forward-looking strategy, Stellenbosch Municipality would immediately prioritise and remedy the severe lack and backlog in NMT infrastructure, as well as phasing out personal vehicles.
  - Similarly, with a forward-looking strategy, Stellenbosch Municipality might be enough of a visionary governing body to put the town on track for a radically alternative future, beyond the status quo of personal vehicles and Apartheid spatial planning legacies.
  - For example, this site, physically and symbolically located next to the Town Hall, could be converted into a park centrally located in the CBD for all Stellenbosch's residents and visitors.
  - As a whole, this backward-looking proposal displays disregard for global trends in urban planning and design, as well as non-motorised transport.
  - For example, it displays disregard for global trends in initiatives to reestablish and strengthen urban fabric by perpetuating the past mistakes of prioritising personal vehicles.

- Other global trends disregarded by this proposed project include: divesting from fossil fuels and investing in car-free zones and public transport (e.g. bus rapid transit systems).
- Many of the world's cities are prioritising NMT infrastructure and liveable spaces, taking precedence from cities, such as Curitiba, Paris, and classic examples of successful cycling infrastructure and cycling culture in Copenhagen and most of the Netherlands.
- Ultimately, the proposed project is taking Stellenbosch, as a town, many steps back instead of making Stellenbosch a flagship of what is possible in South African urban renewal and the potential of positioning Stellenbosch as an international case study of public transport, non-motorised transport, pedestrian spaces, and car-free zones.

- **Contradictions in Stellenbosch Municipality's policies**
  - From the project's proposal, it is clear that the project was informed by the Town Council's contradictory and opposing beliefs that the municipality "needs to provide enough public parking" and, in opposition to that, that the "provision of road infrastructure for private vehicles is not sustainable".
  - Firstly, public parking should necessarily be seen as road infrastructure for private vehicles.
  - Secondly, the report makes no explicit mention of the municipality needing to provide the same in terms of pedestrian and cycling infrastructure.
  - In the proposal the term "NMT facilities" is used. In terms of what is needed to substantially reduce the amount of personal vehicles in Stellenbosch, the Municipality would need to invest in "NMT infrastructure" (an extensive, coherent system of paths, lanes, crossings, traffic signals, etc.) and not merely "facilities".

- **Illogical claims regarding the alleviation of congestion**
  - The proposed project's claims regarding its promised alleviation of traffic congestion are illogical.
  - The proposed three-storey parkade is located in-between two narrow one-way streets (Andringa and Van Ryneveld streets), as well as where Andringa (one-way street) and Victoria street meet in a T-junction.
  - Ultimately, funneling cars into the historical centre and to a site that is located between one-way streets right in the centre of an already congested town will naturally increase congestion.

- **Veiling environmental impact and heritage considerations in the existing site's undesirable and unappealing characteristics**
  - I believe that the case could be made that the environmental impact of building a three-storey building on an existing, aesthetically unappealing asphalt parking area is not immediately obvious to the average person, apart from perhaps removing the trees currently spread across the site in-between rows of parking bays.
  - In this case, the larger context is not accounted for. The environmental impact of the amount of cars parked across the three-storey parking facilities is extreme.
  - This severe impact on the environment (vehicle emissions on the atmosphere and air pollution on the health of living beings) caused by this project should be explained to the public in layman's terms.
  - In the absence of explaining these impacts, the project shows complete disregard for the bigger-picture environmental impact and the impact on the community.

- **Blatant disregard for the global crises of environmental unsustainability and social injustice**
  - A proposal for a project of this nature is encouraging and safeguarding vehicular transport, personal vehicles and access for motorists.

- It also means that money from the municipal budget and tax payers is spent to fund personal vehicles and fossil fuel consumption amidst a global crisis of environmental degradation.

- **Complete disregard for the needs of non-motorist residents and visitors**
  - Since the publication of the Municipality's NMT/cycling masterplan in 2015, there is very little proof or signs of investment of allocations from the municipal budget in NMT (cycling) infrastructure.
  - In terms of the needs of non-motorist residents and visitors, a three-storey parking facility further entrenches the town in legacy issues (environmental degradation, spatial planning, reliance on personal vehicles, etc.) instead of taking radical steps to dramatically improve non-motorised transport infrastructure to, ultimately, create non-motorist-friendly, lively and liveable streets for residents and visitors.
  - This proposed project perpetuates spending municipal budget on infrastructure for personal vehicles, instead of on the much-needed cycling infrastructure that could provide safe cycling routes separate from roads for residents from all socio-economic backgrounds of the surrounding high-density areas (neighbourhoods on the urban fringes, e.g. Paradyskloof, Onder-Papegaaiberg, Kayamandi, Cloetesville, Ida's Valley, Jonkershoek, as well as settlements further afield, e.g. Jamestown-De Zalze-Technopark area, Welgevonden, Nooitgedacht-Devonbosch-Bottelary area, Klapmuts).
  - Such an extensive cycling network and NMT infrastructure would: (1) alleviate traffic congestion and the demand for vehicular parking by providing a radically alternative solution to personal vehicles, and (2) create a bicycle economy and ecosystem where jobs are created for bicycle sales, maintenance and repairs, and bicycle-based businesses, e.g. courier/delivery services.
  - The project creates a precedent for ignoring the needs of the majority of Stellenbosch's residents by using a three-storey parking structure as leverage/to justify pedestrianising one street. The pedestrianisation of Church Street would be a great improvement and would be a great precedent for more car-free zones across Stellenbosch CBD. However, Church Street – whether pedestrianised or not – is frequented and enjoyed almost exclusively by tourists and middle-class residents.

- **Creating a precedent for multi-storey parking structures**
  - In closing, if this project were to be completed, it would serve as a precedent for further investment in infrastructure for personal vehicles, given the availability of other sites/options already assessed during the planning of this project.
  - If there is precedence, not only for building this type of personal vehicle facility in Stellenbosch, but for disregarding all the above mentioned factors of life in the 21st century, the very undesirable path will be paved for other sites/options mentioned in the proposal to be developed into multi-storey parking structures.

Regards
Liebrecht Fick
Bosman's Crossing Precinct, Distillery Road, Stellenbosch

Nadine Duncan

From: Lisa Marschner <lisakatemarschner@gmail.com>
Sent: Sunday, January 28, 2024 6:27 AM
To: comments@enviropart.co.za
Subject: Comments on Proposed Parking Upgrade

Wonderful idea! I can't make the public forum so just making a comment here that me and my family are FOR this!

Sent from my iPhone

Nadine Duncan

From: Lizelle Potgieter <lizellekp@gmail.com>
Sent: Wednesday, February 21, 2024 8:55 AM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within the town align with the shared goals of sustainable development, active mobility, and the well-being of the community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for the town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering these concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Lizelle Jackson *Architectural Professional PSAT60729442*

Nadine Duncan

From:	Luke van Wyk <lukevanwyk10@gmail.com>
Sent:	Wednesday, February 21, 2024 9:01 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	Young Urbanists; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Luke van Wyk

Nadine Duncan

From: rockpaperscissors <rock.paper.scissors.arch@gmail.com>
Sent: Wednesday, February 21, 2024 8:10 AM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Marlette Krige

Nadine Duncan

From:	Puttergill, MG, Miss [27256324@sun.ac.za] <27256324@sun.ac.za>
Sent:	Friday, February 23, 2024 8:01 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Morgaine Puttergill

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

Nadine Duncan

From: Miguel Henriques <miguelhenriques23@gmail.com>
Sent: Wednesday, February 21, 2024 6:06 PM
To: comments@enviropart.co.za
Subject: Eikestad Parking Upgrade PPP

Hi,

I think the proposed idea of a three storey parking lot is a bad idea. This would see us moving backwards as a town instead of in a more environmentally friendly way in which the municipality creates conditions for more public transport from surrounding areas in Stellenbosch/safe walking areas from these surrounds/bicycle lanes to and from these areas.

Thanks
Miguel

Nadine Duncan

From: Marthinus Botes <marthinuslbotes@gmail.com>
Sent: Sunday, February 25, 2024 7:24 PM
To: comments@enviropart.co.za
Subject: Questions regarding the parking expansion

Greetings,

I am a journalist for SMF News, and I have been interested in the congestion within Stellenbosch and the measures that have been taken to address it. The expansion of the Eikestad parking area seems to be a suitable way of addressing the congestion, but I understand that the plan has been met with some opposition - particularly a petition started by the Young Urbanists - which claims that the construction would actually worsen congestion in Stellenbosch Central and have a negative impact on the town's liveability.

I would like to know what measures will be taken to ensure that the structure will remain "in keeping with the existing historical context", and who was consulted to determine the effect of the expanded parking on congestion.

Kind regards.

Marthinus L. Botes

Nadine Duncan

From: Nakkiran Sunassee <n.sunassee@gmail.com>
Sent: Tuesday, February 20, 2024 6:31 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

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3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Nakkiran Sunassee
16 Van Coppenhagen Rd

Nadine Duncan

From: Nathan Howson <nathan.howson1@gmail.com>
Sent: Thursday, January 25, 2024 11:24 PM
To: comments@enviropart.co.za
Subject: Proposed Stellenbosch parking project

Good day,

I would like to comment on the proposed parking project in Stellenbosch.

I'm a student at the university and I've seen students use the municipal parking area to avoid paying for university parking.

As it stands, the municipal parking area is only manned by parking attendants from 8:00-17:00 every day. Students simply arrive before 8:00 and leave after 17:00 to avoid paying for parking. This massively inflates demand on the parking lot since it is free.

Some people leave their cars in the parking lot long term to avoid paying for parking at their place of residence in Stellenbosch. They can get away with parking for weeks without paying a cent simply by leaving after 17:00.

I recommend that the effects of manning the parking lot 24 hours a day, or using an automatic boom and ticketing system be studied before such a project of this magnitude is undertaken.

The parking lot is over capacity because people are gaming the system to avoid paying for parking. When the price of parking is non-zero, demand should decrease. Short term parking should be more expensive than long term parking so that demand shifts to the university and accomodation providers' private parking lots.

Kind regards,
Nathan How Son

Nadine Duncan

From:	Raymond van Rijn <vanrijnr8f@gmail.com>
Sent:	Thursday, February 22, 2024 8:45 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,
I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.
After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:
1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.
2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.
3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.
Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.
I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.
Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely, Raymond van Rijn

Nadine Duncan

From: Riis Lemmer <riislemmer@gmail.com>
Sent: Thursday, February 22, 2024 9:51 PM
To: comments@enviropart.co.za; mayor@stellenbosch.gov.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent call to reconsider the hideous 3 storey parking at eikestad

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Riis Lemmer

Nadine Duncan

From: Ross Cotterrell <rossglennc.rc@gmail.com>
Sent: Wednesday, February 21, 2024 5:00 PM
To: mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc: hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject: Urgent Call to Reconsider the Proposed Eikestad Parking Upgrade

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private
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park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,
Ross Cotterrell

Nadine Duncan

From:	Ruhan Fourie <ruhan.fourie@gmail.com>
Sent:	Saturday, February 24, 2024 11:56 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Dr Ruhan Fourie

Postdoctoral Fellow | Beyers Naudé Centre for Public Theology | Stellenbosch University
BA (NMU) | BAHons, MA (SU) | PhD (UFS)
w: https://ruhanfourie.substack.com | **e:** ruhan.fourie@gmail.com | **c:** +27 72 678 2776 | **t:** @ruhanfourie

Nadine Duncan

From:	Roger Sivuyile Lupuwana <srlupuwana@gmail.com>
Sent:	Thursday, February 22, 2024 11:07 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,

I hope this message finds you well. I am writing to you as a concerned resident and member of the Stellenbosch community regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.

After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:

1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.

2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.

3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

Sivuyile Lupuwana

Nadine Duncan

From:	Temosho Sekgobela <timmy.rebotile@outlook.com>
Sent:	Wednesday, February 21, 2024 8:16 AM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

Dear Stellenbosch Municipality,
I am writing to you as a concerned citizen regarding the proposed Eikestad Parking Upgrade Public-Private Partnership, as outlined in Municipal Notice No. 9/2024.
After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within the Central Business District (CBD), I must express my strong opposition to this project for several critical reasons:
1. The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.
2. The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine.
3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.
Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within the town align with shared goals of sustainable development, active mobility, and the well-being of our community.
I also advocate for the exploration of alternative solutions that are consistent with municipal policies and the broader vision for the town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.
I hope that the Municipality works towards achieving a sustainable, accessible, and vibrant future for Stellenbosch, setting the example for all across the country.
Regards

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Nadine Duncan

From: Tyl Willems <willemstyl@gmail.com>
Sent: Tuesday, February 20, 2024 10:21 PM
To: comments@enviropart.co.za
Cc: Annelise Willems
Subject: Eikestad Parking Upgrade Comments

We oppose Eikestad Parking Upgrade for the following reasons:

1. **Inadequate Feasibility Study**: The proposal is based on overly simplistic "desktop research" lacking a multidisciplinary assessment and detailed transportation impact analysis, particularly in alleviating traffic congestion claims.
2. **Contradiction to Municipality Policies**: The development undermines Stellenbosch's approved policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020, which prioritize sustainable urban mobility and reduced car dependency.
3. **Global Best Practices Ignored**: The project disregards global best practices in addressing congestion, urban planning and mobility management, which advocate for enhancing public transportation, adopting complete streets policies, promoting non-motorized transport, and leveraging smart mobility solutions.

What are we asking instead:

1. **Immediate Halt to Public Participation Process**: Given the project's contradictions with existing policies and the lack of a comprehensive feasibility study, the process is premature.
2. **Reevaluation of the Project: Consider** alternative solutions that align with Stellenbosch's policy frameworks and global best practices for urban development and congestion management.
3. **Engagement in Constructive Dialogue**: Open channels for dialogue with stakeholders to explore sustainable alternatives that support a vibrant, accessible, and environmentally friendly urban environment.

What are our solutions:

1. **Peripheral Park-and-Ride Facilities**: Develop outside CBD parking solutions to encourage the use of public transport and reduce congestion.

Investment in NMT and Public Transport: Prioritize the Non-Motorized Transportation Master Plan's implementation and support innovative mobility solutions like electrical bike-sharing schemes

Met vriendelike groete,
Tyl and Annelise Willems

+27 82 807 3540

Fietsry is Gesonder, Groener, Goedkoper, Geselliger en baie maal Gouer en Gemakliker

Nadine Duncan

From:	William Moultrie <william@moultrie-online.com>
Sent:	Wednesday, February 21, 2024 11:11 PM
To:	mayor@stellenbosch.gov.za; comments@enviropart.co.za
Cc:	hello@youngurbanists.co.za; info@stellenboschfietsry.co.za
Subject:	Urgent Call to Reconsider the Eikestad Parking Upgrade Proposal

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3. The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions. These are all crucial elements in effectively addressing urban congestion and fostering a more livable city.

Given these concerns, I urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough reevaluation of the proposed parking upgrade. It is vital that any future developments within our town align with our shared goals of sustainable development, active mobility, and the well-being of our community.

I also advocate for the exploration of alternative solutions that are consistent with our municipal policies and the broader vision for our town. This includes the development of peripheral park-and-ride facilities and significant investment in the evidence-based Non-Motorized Transportation Master Plan, which promises to offer more effective means of reducing congestion and supporting the vitality of local businesses.

Thank you for considering my concerns. I hope we can work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.

Sincerely,

William Moultrie

APPENDIX 8:
COMMENTS AND RESPONSES REGISTER

EIKESTAD PARKING STRUCTURE DEVELOPMENT - COMMENTS AND RESPONSES TABLE

All comments received during the commenting period for the Eikestad Public Private Partnership Feasibility Report (25 January to 26 February 2024) have been documented and addressed.

Note: Many stakeholders submitted the same /very similar. In this case, the comment/issue was captured once, and the names of the stakeholders who submitted the same or similar comments were recorded next to the comment. All comments were captured and grouped according to themes. Where necessary, comments that were similar were summarised and added to a particular theme. Comments were rephrased where necessary for the purposes of grouping them. All comments in their original form are available in Appendix #.

Comments and Responses Table

NAME	COMMENTS/ISSUE	RESPONSE
	TRAFFIC	
Albrecht Gantz	The stakeholder is a committee member of Ward 7 in Stellenbosch and is concerned that due process was not followed with regards to a proposed project. The stakeholder has researched the matter and consulted with colleagues in the town Wards (8 & 9) and feels that the project was 'pushed through' without following proper procedures.	The process specified in the Municipal Service Delivery and PPP guidelines document was followed.
Annelise Willems, Cecil Jordaan, Justin Pearce	The stakeholders oppose the proposed project for the following reasons: - It will attract more traffic, worsening the current already serious traffic congestion problem in Stellenbosch.	It is agreed that a parking garage is not a solution to traffic congestion. However, the parking garage might assist in relieving circulating traffic on the roads in the CBD since the circulating traffic looking

NAME	COMMENTS/ISSUE	RESPONSE
	- Increased traffic poses a risk to public health and diminishing the urban experience. - A parking garage will bring more cars into the CBD creating more traffic jams and will have the opposite effect of what is envisaged for the future sustainable long term development plans of Stellenbosch. - Traffic should be minimized in the centre of town.	for parking will be removed from the road network and will be accommodated in the parking facility. In addition, the parking garage will assist in reducing the number of vehicles waiting for on street parking and blocking road lanes. It must be understood that the parking garage is to address the need for parking within the CBD and it is not a project that was developed to address traffic congestion. The parking facility is not a trip generator. Please refer to the TMH16 and 17 regarding trip generation parameters. It will merely accommodate the existing overflow and illegal on-street parking. It is also proposed to address the parking requirements that will be needed if the pedestrianisation of certain streets in the CBD is achieved. A traffic impact assessment will be done upon the design phase to determine the capacity at the existing intersections and mitigation measures will be proposed to alleviate any capacity constraints. Moreover, this is based on legislation for the zoning and environmental requirements. There are many methods to reduce traffic in the CBD. However, that is not the mandate of the scope of works of this project.
Bertus Swanepoel	- Expressed concern that the project under consideration could have a significant impact on the town of Stellenbosch, either for better or worse.	The parking facility is not a trip generator and caters for the existing parking constraints in the CBD.

NAME	COMMENTS/ISSUE	RESPONSE
	- He believes that the report is limited to the immediate area and does not take into consideration the impact of traffic on the road networks.	However, a detailed traffic study will be conducted upon the design of the facility. This study will look at the greater CBD area and new alternative travel patterns as a result of the location of the parking and the reduction of parking in other areas. The study area that will be considered for this study will be in accordance with the TMH 16 and 17 manuals.
Young Urbanists & The Coalition	The coalition had the made the following comment related to best practices when it comes to addressing congestion: - Drawing from best practices across the world, the proposed parking lot development, adding a 3-storey parking lot in the CBD will do the opposite of alleviating congestion, but rather makes it a thousand times worse. - Stages 02 and 03 in the "Feasibility Study" should have already taken place that looks at the importance of enhancing public transportation that can be supported by the Municipality and, adopting complete streets policies, promoting non-motorized transport (NMT), and leveraging smart mobility solutions. - Across the world, the budget prioritisation and promotion of NMT by creating dedicated infrastructure for cycling and walking is key to solving congestion and bolstering local economies. This approach directly reduces traffic congestion and enhances the overall livability of our town. - These should be the municipality's first point of call, not looking to set up a PPP to attract more cars in the heart of the CBD. - These globally recognized strategies present a compelling case against the proposed parking lot development, highlighting its incongruence with modern urban planning and mobility management practices. Instead, they advocate for	It is not envisaged that congestion will be worse than the status quo, since the parking facility will accommodate the traffic that has to circle the CBD looking for parking. Notably, a traffic study is required off the base of the proposed facility. The parking facility will reduce on-street parking demand. Cycle lanes, wider sidewalks and benches can then be accommodated in the CBD. There will therefore be an improvement in NMT and will follow a complete street approach. Also, public transport will be accommodated at the parking facility, reducing public transport vehicles loading and off loading on street. Stage 02 and Stage 03 of the Municipal PPP document relates to the Needs Analysis and the Technical Solution Options Analysis. Please elaborate on the stages referred to in the comment. Moreover, the options analysis takes into account

NAME	COMMENTS/ISSUE	RESPONSE
	focusing on the development of peripheral park-and-ride facilities, in line with the recommendations of the Stellenbosch Spatial Development Framework. Such an approach aligns with the coalition's collective vision for a sustainable, accessible, and vibrant Stellenbosch, mitigating congestion while promoting a healthier, more environmentally friendly urban environment.	the scenarios of public transport initiatives and a reduction in the need for parking in the future. The parking facility is listed as a PPP project in the 2023 Revised CITP. Without the parking facility, the on-street and off-street parking constraints experienced in the CBD will not be alleviated. Cycle lanes and wider sidewalks cannot be accommodated along the road while there is on-street parking, pedestrianisation cannot occur while parking remains a large concern. The parking facility, therefore, plays a crucial role in solving existing circular traffic movement and to enable NMT in the area. (It will allow the pedestrianisation of Church Street) Figure 3-2 in the FSR indicates future park-and-ride facilities, as per the SDF. The parking facility does not replace the planned park-and-ride facilities. The parking facility will not have a negative impact on the NMT and PT proposals made in the SDF. In contrast it will be a requirement of the RFP to link and integrate with the other modes of transport in the CBD. Also, it should be noted that the SDF proposes the NMT and PT facilities on sites other than the Eikestad Mall parking site.

NAME	COMMENTS/ISSUE	RESPONSE
		The SDF mentioned that the bulk of the congestion in Stellenbosch is due to students. The parking facility proposed is to cater to the existing restaurants and shops in the CBD and will not have an impact on the proposals made to improve movements due to the students.
Bertus Swanepoel, Liebrecht Fick	Stakeholders raised numerous concerns regard the lack of inclusion of **Non-Motorised transport (NMT).** It was suggested that the project should focus on regenerating the area, rather than just introducing a parking garage and suggests that the project should aid alternatives such as public transport and NMT significantly in providing technological answers to safe bicycle storage or other trends seen across the world. Further delay in investing in non-motorised transport (NMT) could come about due to: The proposal demonstrates disregard for recommendations made in terms of NMT masterplans dating back to 2015 and earlier, as well as the work of civil society groups, such as the Stellenbosch Trail Fund, Stellenbosch Cycling, and Visit Stellenbosch. Further delay in investing in non-motorised transport (NMT)cold come about due to: - No substantial investment has been made in NMT infrastructure by Stellenbosch Municipality and this proposed project will likely lead to further delays in investment in various types of NMT infrastructure as measures to dramatically reduce the need for vehicular parking and infrastructure.	The parking facility will accommodate pedestrians (and PT). This facility forms part of the CITP planning. As mentioned in the Review, Update, and Consolidation of the Stellenbosch NMT Masterplan & Cycle Plan, NMT movements are hindered if parked vehicles obstruct sidewalks. The parking facility will result in a decrease in on-street parking demand, again resulting in a number of on-street parking bays that can be removed. This will have a positive impact on the NMT movements. Also, sidewalks are already provided along Andringa Street, Ryneveld Street, Victoria Street and Plein Street as indicated in the figure below.

NAME	COMMENTS/ISSUE	RESPONSE
	- Proper cycling infrastructure is a prerequisite for mass adoption of cycling as a mode of transport. Stellenbosch is severely lacking in this regard. - Investment and public-private partnerships are needed for the development of safe cycling paths away from vehicular traffic, safe bicycle parking/storage facilities across the CBD, and the level of cycling infrastructure that would meaningfully impact a shift away from cars. <u>Backward-looking improvement of CBD is related to:</u> - This proposed project demonstrates the backward-looking nature of Stellenbosch Municipality's strategy for improving the town's CBD and addressing vehicular traffic issues. This backward-looking strategy clearly prioritises cars by meeting motorists' needs and only phasing in shuttle routes, park-and-ride facilities and public transport in later stages. - In a forward-looking strategy, Stellenbosch Municipality would immediately prioritise and remedy the severe lack and backlog in NMT infrastructure, as well as phasing out personal vehicles. Similarly, with a forward-looking strategy, Stellenbosch Municipality might be enough of a visionary governing body to put the town on track for a radically alternative future, beyond the status quo of personal vehicles and Apartheid spatial planning legacies. For example, this site, physically and symbolically located next to the Town Hall, could be converted into a park centrally located in the CBD for all Stellenbosch's residents and visitors. - As a whole, this backward-looking proposal displays disregard for global trends in urban planning and design, as well as non-motorised transport. For example,	 This document also listed a number of streets and sections of streets that are prioritised for pedestrianisation. Neither of the streets or sections of streets are bordering the parking facility. It can therefore be concluded that the parking facility does not contradict any of the proposals made in this planning document. The NMT document, as well as the CITP specify that Church Street and a portion of Andringa Street should be pedestrianised in future. The accesses to the parking facility are not located on either of these two streets and will therefore not have a negative impact on the pedestrianisation plans. The NMT document also specifically state that the pedestrianisation of the streets should be done in

NAME	COMMENTS/ISSUE	RESPONSE
	it displays disregard for global trends in initiatives to re-establish and strengthen urban fabric by perpetuating the past mistakes of prioritising personal vehicles. Other global trends disregarded by this proposed project include: divesting from fossil fuels and investing in car-free zones and public transport (e.g. bus rapid transit systems). - Many of the world's cities are prioritising NMT infrastructure and live-able spaces, taking precedence from cities, such as Curitiba, Paris, and classic examples of successful cycling infrastructure and cycling culture in Copenhagen and most of the Netherlands. - Ultimately, the proposed project is taking Stellenbosch, as a town, many steps back instead of making Stellenbosch a flagship of what is possible in South African urban renewal and the potential of positioning Stellenbosch as an international case study of public transport, non-motorised transport, pedestrian spaces, and car-free zones. Complete disregard for the needs of non-motorist residents and visitors Since the publication of the Municipality's NMT/cycling masterplan in 2015, there is very little proof or signs of investment of allocations from the municipal budget in NMT (cycling) infrastructure. - In terms of the needs of non-motorist residents and visitors, a three-storey parking facility further entrenches the town in legacy issues (environmental degradation, spatial planning, reliance on personal vehicles, etc.) instead of taking radical steps to dramatically improve non-motorised transport infrastructure to, ultimately, create non-motorist-friendly, lively and liveable streets for residents and visitors. This proposed project perpetuates spending municipal budget on infrastructure	parallel with adequate parking solution and traffic accommodation. The proposed parking facility is therefore the first step in the right direction by providing off street parking solutions in order for the streets to become more pedestrian friendly. The Eikestad Mall parking is earmarked and zoned for a parking facility in the CITP and not for a park or any other NMT, PT or recreational use. Also, an environmental and geological study were done to ensure that the parking facility will not compromise the existing historical and environmental character of the area.

NAME	COMMENTS/ISSUE	RESPONSE
	for personal vehicles, instead of on the much-needed cycling infrastructure that could provide safe cycling routes separate from roads for residents from all socio-economic backgrounds of the surrounding high-density areas (neighbourhoods on the urban fringes, e.g. Paradyskloof, Onder-Papegaaiberg, Kayamandi, Cloetesville, Ida's Valley, Jonkershoek, as well as settlements further afield, e.g. Jamestown-De Zalze-Technopark area, Welgevonden, Nooitgedacht-Devonbosch- Bottelary area, Klapmuts). - Such an extensive cycling network and NMT infrastructure would: (1) alleviate traffic congestion and the demand for vehicular parking by providing a radically alternative solution to personal vehicles, and (2) create a bicycle economy and ecosystem where jobs are created for bicycle sales, maintenance and repairs, and bicycle-based businesses, e.g. courier/delivery services.	
Liebrecht Fick	<u>Blatant disregard for the global crises of environmental unsustainability and social injustice:</u> - A proposal for a project of this nature is encouraging and safeguarding vehicular transport, personal vehicles and access for motorists. - It also means that money from the municipal budget and taxpayers is spent to fund personal vehicles and fossil fuel consumption amidst a global crisis of environmental degradation.	There are currently vehicles circling the Stellenbosch CBD, increasing emission of fossil fuels. The parking facility will accommodate these vehicles and may assist in the reduction of the emission of fossil fuels especially with the use of smart technology for the parking facility. The parking facility will reduce on-street parking and again allow for wider sidewalks and cycle lanes allowing residents to make use of NMT facilities. The parking facility will accommodate PT as well. It is clear that this facility will therefore benefit private-, public- and non-motorised transport users.

NAME	COMMENTS/ISSUE	RESPONSE
Cecil Jordaan, Justin Pearce, Miguel Henriques, Bertus Swanepoel	Stakeholders called for solutions to be sought to improve micro mobility and **pedestrian access** to central Stellenbosch. Including the following suggestions: - The municipality should explore making the centre of town pedestrian-only (except for emergency and disability parking) and rather look at turning the current Eikestad parking into a park. This would be more environmentally friendly, which is more in line with current and future trends, and would enhance the historical character of the town. There are many examples around the world where this has been done successfully. - The municipality should create conditions for more public transport from surrounding areas in Stellenbosch and safe walking areas from these surrounds/bicycle lanes to and from these areas. - The stated that the project presents an opportunity to replace parking in the CBD and pedestrianize parts of the area. - The project creates a precedent for ignoring the needs of the majority of Stellenbosch's residents by using a three-storey parking structure as leverage/to justify pedestrianizing one street. The pedestrianisation of Church Street would be a great improvement and would be a great precedent for more car-free zones across Stellenbosch CBD. However, Church Street – whether pedestrianised or not – is frequented and enjoyed almost exclusively by tourists and middle-class residents.	The parking facility is already planned and included in CITP, please refer to the extract out of the CITP below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near

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		Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget.
Cathrine Du Toit, Clara Knijf, Christoff Odendaal, Greg Lynch, Hans Scheffler, Jess Meissner, Kevin Foster, Mari Weideman, Raquel Jardim Theron, Teddy Hall, Adri Wessels, AWK Heydenrych, Carey-Leigh Jones, Caro Opperman, Cris Robertson, Gary Kennedy, Gerard van Weele, Hans Combrink, Hayden Malan, Isebeau Marais, Janine Herholdt, Hans Combrink, Hayden Malan, Lizelle Jackson, Luke van Wyk, Marlette Krige, Morgaine Puttergill, Nakkiran Sunassee, Raymond van Rijn, Riis Lemmer, Ross Cotterrell, Ruhan Fourie,	The stakeholders mentioned that they strongly oppose the project for several reasons, as stated below: The development overlooks established best practices in urban planning and mobility management, failing to adequately consider enhancements to public transportation, the promotion of non-motorized transport, and the implementation of smart mobility solutions.	The parking facility will accommodate PT at the parking facility. The NMT movements may improve when cycle lanes and wider sidewalks are implemented, since the parking facility will reduce on-street parking demand. Future park and ride facilities are planned which all contribute to mobility management, promoting NMT and PT. Also, the parking facility is already planned and included in CITP, refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the

NAME	COMMENTS/ISSUE	RESPONSE
Temosho Sekgobela, Sivuyile Lupuwana, Tyl and Annelise Willems, William Moultrie [The comments from these stakeholders very similar or are exactly the same]		Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget.
D van Staden	The stakeholder raised the following concerns regarding **traffic congestion:** - It is generally incomprehensible how the proposed project in fact can be promoted given the already severe traffic congestion in town and its close residential areas; - Ryneveld and Andringa streets are already major congested streets and additional traffic to and from the proposed parking facility will add a near total unmanageable dimension, irrespective of the direction of one way traffic in Ryneveld street. This is so given the traffic lights in both streets as well as the student pedestrian crossings in Ryneveld street leading to and from Merriman. It	The parking facility is not designed for the students of the US, but for the restaurants and shops in the area. It is based on the overflow need for parking identified in the surveys and count stage of the project. The parking facility does not generate trips, it will rather attract existing vehicles parking in the CBD or vehicles currently circling the CBD resulting in motorists being able to find a parking faster and not

NAME	COMMENTS/ISSUE	RESPONSE
	is also the entry and exit points into and from Merriman east and west, as well as crossing over Merriman into or from Ryneveld street north; - Ryneveld street already caters for major student movement between Plein and Merriman as well as into this street north of Merriman with its significant accommodation complexes predominantly for students; - The traffic congestion has already been exacerbated by motorists and particularly Uber taxis stopping indiscriminately in Ryneveld street to on-and off-board passengers with, might I add, no traffic officer in sight to alleviate the congestion but rather focusing on leisurely checking vehicles for licenses and writing fines for trivial offences; - Additional traffic not only will result in unmanageable congestion but also poses increased safety, noise and carbon dioxide emission risks to pedestrians and cyclists and two wheeled scooter riders;	circulate the CBD to find parking. Hence it is not planned to directly reduce traffic congestion. However, it should reduce peak period volumes on the road network by reducing circulating traffic. Please keep in mind the study was not done to reduce traffic congestion in the CBD, but to address another major issue parking in the CBD. A traffic study will be done upon the design phase to determine the traffic congestion expected for the status quo and horizon years. The parking facility will not have an impact on the existing issues experienced due to illegal Uber drivers and lack of law enforcement. The parking facility should alleviate the number of vehicles circling the CBD looking for parking and could therefore not have an impact on safety, carbon dioxide emissions, and noise pollution. Additional traffic from outside Stellenbosch will not be attracted to this facility, because this facility is not a park-and-ride facility. The vehicles parking at the parking facility are merely vehicles that had to travel to the CBD (i.e. the CBD is their destination). Since parking facilities are not trip generators, it is unlikely that this facility will result in additional traffic congestion.

NAME	COMMENTS/ISSUE	RESPONSE
Anette (Elsie) Nell	Stated that the problem runs deeper than building a parking garage in the CBD. She added that this will also only provide relief for a couple of months, while the problem of frustration of the inhabitants who are the rate payers will remain.	The feasibility study was done for horizon scenarios as well to ensure that this solution will improve the existing parking situation. Also, future plans for park and ride facilities are planned across Stellenbosch which will reduce private vehicle use in future. It can therefore be concluded that this facility will have a long-term positive impact in the CBD. It is understood that there may be greater concerns in Stellenbosch, but unfortunately this studies scope was specific and detailed to parking.
Anette (Elsie) Nell, Stelenbosch Interest Group, D van Staden, Friends of Stellenbosch Mountain (FSM), Annelise Willems, José Conde, Annelise Willems, D van Staden	Park & Ride Facilities outside of town: Stakeholders noted that the level of traffic congestion is sufficiently critical for motorists entering the town to strongly consider parking their vehicles on the outskirts of the town (border parking facilities). The following suggestions were made: - traffic remains on the outskirts in controlled parking lots. - Safe parking facilities and public transport are provided in such locations. - Shuttle busses or golf carts providing regular transport in and out of town. - The private sector can facilitate conditions to provide carriage facilities into town. - PPP on the periphery The park-and-ride sites on the periphery are the natural place to implement Section 78 Public-Private Partnerships. This would correctly incentivise motorists to make use of the peripheral sites and parking service providers to integrate with Transit-Oriented Development. - People should have permits to park in town, or use alternative transport from outside the centre of town.	The parking facility will not replace the proposed park and ride facilities where vehicles can park on the outskirts of the town. This facility is already listed as a PPP project in the CITP together with park and ride facilities. The same principle counts for the ATC, this project does not replace the ATC project. Please refer to the extract out of the CITP. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities

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	- It is noticeable how larger world cities such as Paris and London have adopted stringent measures to limit in-city traffic while countryside towns have decades ago integrated parking facilities outside inner town borders in their town planning. Adam Tas Corridor Section 6.9.1. of the MSDF sets out the catalytic role of the ATC also with respect to transport and parking. Some quotes: - Remote parking facilities will form part of the corridor concept, with passengers transferring via public transport, cycling and walking to reach destinations within the town of Stellenbosch. - Accommodate the parking of vehicles on the edge of town whilst the corridor provides for and promotes a greater focus on pedestrianism and cycling into the core town. Park and Ride as priority (MSDF Section 6.6.2.4) Park and ride sites along arterial routes are a top priority for development, allowing current private car commuters the option of driving to these nodes from where demand thresholds will enable a combination of public shuttle services and corporate chartered services to operate between central Stellenbosch and other main employment nodes. Park and ride sites along the Adam Tas Corridor will generate activity and so provide the base thresholds for some retail, commerce and other service developments which in turn support planned settlement growth at the nodes. Other park and rides will be sited along routes where development along the corridor must be prevented. Park and Ride routes Figure 50 of the MSDF, already reproduced in the SMEC study and in Appendix A below, shows that the MSDF has clear ideas about Park-and-Ride sites and feeder routes. Sites which are relevant to the present parking garage	outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. The parking legislation regarding development types specifies the number of parking per development. This was relaxed in the CBD and has created issues regarding parking. The idea of permits to parking within the CBD would be very new for South African

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	proposal include Dro˙e Dyke/Oude Libertas and the Stellenbosch Central Railway station; see MSDF Table 35. Adam Tas Corridor (MSDF Section 6.9.1) Remote parking facilities will form part of the [Adam Tas] corridor concept, with passengers transferring via public transport, cycling and walking to reach destinations within the town of Stellenbosch. Redevelopment [of the ATC] offers the opportunity to accommodate the parking of vehicles on the edge of town. (their comments referred to from 12 May and 4 October 2023 that were provided in the appendix are not captured here).	cities and towns. It raises major questions such as: How would this affect business and tourism in the town itself. Would this not lead to developments around the park and ride facilities that would disadvantage the existing business in the CBD. How would crime and safety of motorists be handled on the outskirts of town. What type and size shuttles and the frequency of the services need to accommodate month end shoppers. How would multiple parking areas be closed. How would the current OL's be restructured. How would the access control of the parking for permit holders be dealt with in the CBD. In the study it was found that there us approximately 6% undersupply of parking in the CBD, that were was around 5-8% illegally parked vehicles and that if you needed to pedestrianize some streets, the required parking demand in the CBD was around 200-300 bays more. Using accessible parking in the CBD (i.e converting an existing paved parking lot facility from one story to three stories) allows for some streets to be pedestrianised like Church Street, illegal parking in some of the natural areas like next to Coetzenburg to be alleviated and for a reduction in circulating traffic all possible. This allows for convenience, NMT enhancement and greening of areas where vehicles

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		have parked on the unsurfaced road edge. All while using an existing parking area and not paving an existing green area on the outskirts of the Stellenbosch. Building parking areas like park and ride areas on the outskirts of town where there is currently little development and possibility for enhanced greening seems counter intuitive compared to increasing the size of an existing parking facility vertically.
Young Urbanists	A 39-page comment report was submitted by a coalition comprising the private sector, individuals, and civil society—including Young Urbanists (who submitted the coalition's comment report), the Active Mobility Forum, and Stellenbosch Fietsry — who expressed their strong opposition to the proposed development of new parking spaces at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636, located in the heart of the CBD on three grounds. Instead, they advocate for allocating parking outside the CBD and argue that this approach aligns with the current Spatial Development Framework, Integrated Development Plan, and a comprehensive array of other policies and best practices aimed at "alleviating traffic." They have also inserted part of the submission in Appendix A signatories to their petition for the Stellenbosch Municipality to reconsider the feasibility study.	The proposed parking facility will not replace the projects listed in the SDF. This project is listed in the CITP, please refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not

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		address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget.
Greg Lynch	The stakeholder requested that the negative impacts caused by designing the public spaces and thus, the lives of residents, around cars. He added that there is a need to reduce the usage of cars, not increase it.	Public space will increase when need for on-street parking has reduced. The parking facility will accommodate existing traffic and will not attract traffic due to: 1. A parking facility is not a trip generator as indicated in the TMH 16 and 17 manuals. 2. The facility is not a park-and-ride facility and people will therefore not be able to park at this facility to be transported to other parts of Stellenbosch with a park-and-

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		ride service. Once you park, you will need to walk to your destination in the CBD.
Jaco Van der Linde, Elrena v d Spuy	The stakeholders object to the proposal on the basis that it will not alleviate any traffic in the CBD, but merely invite more vehicles into the CBD for parking spilling over into congested roads.	The parking facility will accommodate existing traffic and will not attract traffic due to: 1. A parking facility is not a trip generator as indicated in the TMH 16 and 17 manuals. 2. The facility is not a park-and-ride facility and people will therefore not be able to park at this facility to be transported to other parts of Stellenbosch with a park-and-ride service. Once you park, you will need to walk to your destination in the CBD.
Stellenbosch Interest Group, Henri van der Merwe, Jaco Van der Linde	Stated that Stellenbosch will not achieve a 'reduction in traffic congestion' unless facilities for public transport and non-motorised transport on a large scale are implemented to accommodate the ever-increasing number of vehicles entering the town on weekdays. Added that the focus should rather be on reducing traffic congestion and saving the historical character of the town.	A parking facility is not a trip generator and will therefore generate additional trips. It will increase traffic around the Eikestad area, but won't attract additional traffic to the CBD. The parking facility will merely accommodate the existing traffic in the CBD with a different travel pattern. This facility is listed in the CITP and does not replace any NMT or other projects listed in the CITP or SDF. Please refer to the extract out of the CITP. It is agreed that the historical character needs to be saved. As such the project is embarking on a heritage study. In addition, the findings will then be translated into the RFQ. The parking garage will allow NMT projects to be implemented sooner.

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Stellenbosch Interest Group	Facilities for public transport, and the making of land available that is suitable for such purposes is simply not happening and instead more parking on municipal land for private vehicles is envisaged.	The parking facility in the RFQ will need to make provision for Public Transport vehicles. It will not be a rank as there is a major rank located within walking distance of the facility. In addition, the CITP where the PTP is developed has a structured plan for new ranks, OL etc. This facility in the CITP was defined to be a PPP project for parking as stated in the comments above.
Nathan How Son	As a student at the university, he has seen students use the municipal parking area to avoid paying for university parking. As it stands, the municipal parking area is only manned by parking attendants from 8:00-17:00 every day. Students simply arrive before 8:00 and leave after 17:00 to avoid paying for parking. This massively inflates demand on the parking lot since it is free. Some people leave their cars in the parking lot long term to avoid paying for parking at their place of residence in Stellenbosch. They can get away with parking for weeks without paying a cent simply by leaving after 17:00. He recommends that the parking be manned 24 hours a day, or the use of an automatic boom and ticketing system to be studied before such a project of this magnitude is undertaken. Added that the parking lot is over capacity because people are gamming the system to avoid paying for parking. When there is a fee for parking, it is likely that the demand will decrease. Short term parking should be more expensive than long term parking so	Parking surveys were conducted between 06:00 – 18:00 and traffic counts were also conducted during the AM (06:00-09:00) and PM (15:00-19:00) peak hours to determine the highest peak hour. The surveys therefore include vehicles that enter the parking area before 08h00 in the morning. The parking facility will be access controlled which will solve the issue raised by the student.

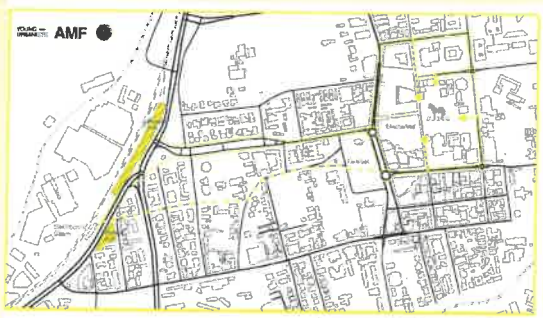
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	that demand shifts to the university and accommodation providers' private parking lots.	
Johannes Cloete	The stakeholder notes his opposition to the proposed parking garage and stated that he supports the peripheral parking with shuttles to the CBD concept.	This facility is included as a parking facility in the CITP. Refer to the extract of the CITP below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at

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		the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget.
Stellenbosch Interest Group	The stakeholder noted the following regarding parking: - At the same time parking on sidewalks and along streets, including streets such as Die Laan and Noordwal should be prohibited to encourage these commuters to use park- and-ride facilities on the outskirts of town. If the Municipality continues to provide free parking on public land along streets, a park-and-ride system will not be viable. - Possible locations for public parking facilities would, for example, be along the R44 near the golf course, along the R304 beyond Kayamandi, e.g., on the land bought from Stefan Smit. Along Baden Powell, possibly on the old sawmill land, etc. There may be better options, but they need to be found, even if land has to be alienated for such a purpose as has happened in the case of the Gautrain which brought great relief from traffic congestion along many routes. - For the better part of the past twenty years one of the most important points highlighted in the interests of sustainable development of Stellenbosch is the shift from private transport to public transport. This policy, however, remains to be implemented and constitutes little more than lip service or a distant objective that is repeated annually. In the meantime, the town staggers under traffic and parking pressures while the rural and cultural landscape is irreversibly scarred by more and bigger roads leading to Stellenbosch.	First point/remark: not sure how it's relevant to the parking facility The feasibility study included a list of various locations where a parking facility can be considered. It was concluded from the investigation that the Eikestad Mall is the location with the best fit for such a facility. The CITP also earmark this area for a parking facility. Third point – PPP Parking facility earmarked in CITP, refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle

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	- The current traffic and parking problems in the historic core are taking their toll on historical Stellenbosch: We have recently seen plans being approved for several additional lanes in Dorpstraat between the R44 and the station – something almost unthinkable for the most important historic street of Stellenbosch. - All new developments are justified by appealing to the creation of jobs. Sometimes such appeals are highly misleading. With very rare exceptions, all major investments create some jobs. It should be possible to calculate how many jobs, on the average, are created for every (say) million Rand invested - this has probably been done. Projects that fall below this average should then be deemed to have a negative impact on job creation. A parking garage would create few permanent jobs compared to the sum invested. The SIG submits that providing (even subsidizing) public transport would create more permanent jobs, probably at a lower cost.	services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. The economic study investigates the job creation and is available in the report.
HERITAGE IMPACT ASSESSMENT		
Anette (Elsie) Nell	She stated that this problem needs wisdom, insight and feeling for the historical town.	Agreed. The building structure will be set- out in such a manner that it becomes secondary to the main historical buildings. The Concessionaire will

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		design a building that is sensitive and fits into the context.
Annelise Willems	Commented that the open space that will be used to build the parking facility is one of the few remaining open spaces in the CBD. Building a parking garage here will further degrade the cultural historical character of the town.	The aim of the new facility will be to still have open spaces that not only open dead spaces but spaces that activates.
Cecil Jordaan, Justin Pearce, Miguel Henriques, Bertus Swanepoel	A key element of Stellenbosch's success, lies within its ability to offer a very attractive destination to tourists. The following comments were raised related to cultural heritage and tourism : - More traffic / turning central Stellenbosch into a massive parking lot runs the risk of diminishing the appeal of the town to tourists - which will result in loss of tourist dollar to the town. - Stellenbosch is rare among South African country towns in having a historic centre that is an attractive, functional and pedestrian friendly. - This is already at risk from elevated traffic volumes, and the proposed parking facility will only make it worse, possibly altering the character of the town irreversibly. - The municipality should explore making the centre of town pedestrian-only (except for emergency and disability parking) and rather look at turning the current Eikestad parking into a park. This would be more environmentally friendly, which is more in line with current and future trends, and would enhance the historical character of the town. There are many examples around the world where this has been done successfully.	As indicated in other comments, the major transport planning documents of Stellenbosch such as the CITP identify this piece of land for parking. It currently is zoned and used for parking and has not damaged the towns attractiveness. The aim of the parking is to increase the ability to find parking to be able to move around the CBD on more freely without struggling to find parking. It is to address a major need in the CBD to allow for the overflow of parking needs. In the document there are multiple scenarios where the future traffic planning items have been planned for that could help reduce the need for parking. However, these items, coupled with traffic growth still result in a parking problem for the CBD please refer to the full parking study and analysis. With that being said, the heritage needs of the CBD must be designed for in the infrastructure. In addition, the parking structure can be planed for to be able to be altered into a different land use if the demand for parking is to decrease due to future technologies. At

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		the moment, parking is a great issue for Stellenbosch. This project is to address that issue.
D van Staden	Stated that it should be borne in mind that Stellenbosch as a treasured historic town with its heritage buildings, narrow and tree-lined streets and water channels does not offer the luxury of widening streets, build slipways and other means to improve traffic flow.	Noted
D van Staden	The stakeholder requested that the parking upgrade proposal receives serious reconsideration by the town council given its major adverse effects and that cognizance be taken, with an open mind, of comments received in the larger interests of the town and its residents.	Noted
Pieter Louw	He is concerned with the impact this project will have on the heritage character of the town.	The building will be secondary to historical buildings that form the edge of the site. Effectively there will only be 1½levels above ground.
PARKING STRUCTURE BUILDING DESIGN		
	Proposed Alternatives: - Stage 01: Put a drop-and-go park with a *Safe Passage* Route from the parking to the CBD as per the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022 - 2026 and Non-Motorised Transportation Master Plan 2020 - Stage 02: implement your 2019 NMT Master plan and develop the space into a public space] - note: *we have previously highlighted how progressive the NMT plan is and how little progress we have seen.* Stage 01 and 02: Street Experiments (SET) and tactical urbanism through PPPs to make it quicker and cheaper. **Recommendation:**	These proposals are in addition to the proposed multi story parking required in the CBD. Tram lines are extremally expensive and generally require high volumes. The proposed project is inline with the NMT plan and part of this project is to remove on-street parking from places like church st and have it centralised to assist in pedestrianizing some streets of the CBD. Electrical bike sharing is a great idea. This can operated from the CBD parking as a based and be used to travel around Stellenbosch.

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	- Stage 03: Develop a safe, scheduled, Integrated Public Transport system within and to/from Stellenbosch to nearby areas as a viable alternative instead of driving. - They suggest investing in and supporting South Africa's first-ever **electrical** bicycle-sharing scheme or investigating the feasibility of a PPP around re-introducing a tram for the dorp.  Park-and-Ride. Illustrated by Alex Maas, 2024	

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	 New Public Space. Illustration by Alex Maas, 2024. The feel that aligning their actions with these established policies, would provide the opportunity to collaboratively foster an urban environment that is inclusive and sustainable, serving the interests and well-being of current and future generations. They believe that by considering alternative solutions that support these policy goals, we can ensure Stellenbosch evolves as a model of sustainable urban development and mobility.	
Liebrecht Fick	Stated that the proposed project may set a precedent for multi-storey parking structures. If this project were to be completed, it would serve as a precedent for further investment in infrastructure for personal vehicles, given the availability of other sites/options already assessed during the planning of this project. If there is	There are 2½ levels above ground. Off this the top level is an open structure. The total height will be lower than surrounding buildings.

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	precedence, not only for building this type of personal vehicle facility in Stellenbosch, but for disregarding all the factors raised of life in the 21st century, the very undesirable path will be paved for other sites/options mentioned in the proposal to be developed into multi-storey parking structures.	
COMPLIANCE WITH MUNICIPAL / PROVINCIAL / NATIONAL MANAGEMENT PLANS		
D van Staden	Stated that the proposed parking facility conflicts with the municipality's own adopted Spatial Development Framework, Integrated Development Plan, Non-Motorised Transport Plan, other pronounced policies and best practices worldwide. The project is now promoted as a single directly conflicting project ignoring a holistic and inclusive approach within the framework of well-conceived and adopted policies.	The location where the facility is to be constructed is earmarked for a PPP parking project in the CITP. The SDF and other planning documents do not propose any NMT, PT or other smart mobility projects on these erven. Refer to the extract out of the CITP below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the

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		Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. Also, the NMT facilities will benefit from the parking facility. Sidewalks can be widened when on-street parking is removed from critical streets As mentioned in the Review, Update, and Consolidation of the Stellenbosch NMT Masterplan & Cycle Plan, NMT movements are hindered if parked vehicles obstruct sidewalks. The parking facility will result in a decrease in on-street parking demand, again resulting in a number of on-street parking bays that can be removed. This will have a positive impact on the NMT movements. Also, sidewalks are already provided along Andringa Street, Ryneveld Street,

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		Victoria Street and Plein Street as indicated in the figure below.  This document also listed a number of streets and sections of streets that are prioritised for pedestrianisation. Neither of the streets or sections of streets are bordering the parking facility. It can therefore be concluded that the parking facility does not contradict any of the proposals made in this planning document. The NMT document as well as the CITP specify that Church Street and a portion of Andringa Street should be pedestrianised in future. The accesses to the parking facility are not located on either of these two streets and will therefore not have a negative impact on the pedestrianisation plans. The NMT

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		document also specifically state that the pedestrianisation of the streets should be done in parallel with adequate parking solution and traffic accommodation. The proposed parking facility is therefore the first step in the right direction by providing off street parking solutions in order for the streets to become more pedestrian friendly.
Cathrine Du Toit, Clara Knijf, Christoff Odendaal, Greg Lynch, Hans Scheffler, Jess Meissner, Kevin Foster, Mari Weideman, Raquel Jardim Theron, Teddy Hall, Adri Wessels, AWK Heydenrych, Carey-Leigh Jones, Caro Opperman, Cris Robertson, Gary Kennedy, Gerard van Weele, Hans Combrink, Hayden Malan, Isebeau Marais, Janine Herholdt, Hans Combrink, Hayden Malan, Lizelle Jackson, Luke van Wyk, Marlette Krige, Morgaine Puttergill, Nakkiran Sunassee, Raymond van	Stated that the proposed parking development appears to go against several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022- 2026, and Non-Motorized Transportation Master Plan 2020, which prioritize sustainable urban mobility and a reduced reliance on private vehicles.	This project is included as a PPP project in the CITP. Refer to the extract out of the CITP below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the

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Rijn, Riis Lemmer, Ross Cotterrell, Ruhan Fourie, Temosho Sekgobela, Sivuyile Lupuwana, Tyl and Annelise Willems, William Moultrie [The comments from these stakeholders very similar or are exactly the same]		Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. As mentioned in the Review, Update, and Consolidation of the Stellenbosch NMT Masterplan & Cycle Plan, NMT movements are hindered if parked vehicles obstruct sidewalks. The parking facility will result in a decrease in on-street parking demand, again resulting in a number of on-street parking bays that can be removed. This will have a positive impact on the NMT movements. Also, sidewalks are already provided along Andringa Street, Ryneveld Street, Victoria Street and Plein Street as indicated in the figure below.

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		 This document also listed a number of streets and sections of streets that are prioritised for pedestrianisation. Neither of the streets or sections of streets are bordering the parking facility. It can therefore be concluded that the parking facility does not contradict any of the proposals made in this planning document. The NMT document as well as the CITP specify that Church Street and a portion of Andringa Street should be pedestrianised in future. The accesses to the parking facility are not located on either of these two streets and will therefore not have a negative impact on the pedestrianisation plans. The NMT document also specifically state that the pedestrianisation of the streets should be done in

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		parallel with adequate parking solution and traffic accommodation. The proposed parking facility is therefore the first step in the right direction by providing off street parking solutions in order for the streets to become more pedestrian friendly.
Albrecht Gantz	The stakeholder stated that the proposed project is in conflict with the Adam Tas-Klapmuts corridor plan, the town's accepted Spatial Development Framework and Integrated Development Plan. He recommends that the Non-Motorised Transportation Master Plan 2020 be consulted and considered as this project contradicts the strategic objectives outlined in the plan.	This project is included as a PPP project in the CITP, refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the

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		entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. The SDF did not specify that a parking garage is not to be developed on this site and does not specify that this area should be developed for NMT or Public transport. The NMT facilities will benefit from the parking facility. Sidewalks can be widened when on-street parking is removed from critical streets. As mentioned in the Review, Update, and Consolidation of the Stellenbosch NMT Masterplan & Cycle Plan, NMT movements are hindered if parked vehicles obstruct sidewalks. The parking facility will result in a decrease in on-street parking demand, again resulting in a number of on-street parking bays that can be removed. This will have a positive impact on the NMT movements. Also, sidewalks are already provided along Andringa Street, Ryneveld Street,

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		Victoria Street and Plein Street as indicated in the figure below.  This document also listed a number of streets and sections of streets that are prioritised for pedestrianisation. Neither of the streets or sections of streets are bordering the parking facility. It can therefore be concluded that the parking facility does not contradict any of the proposals made in this planning document. The NMT document as well as the CITP specify that Church Street and a portion of Andringa Street should be pedestrianised in future. The accesses to the parking facility are not located on either of these two streets and will therefore not have a negative impact on the pedestrianisation plans. The NMT

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		document also specifically state that the pedestrianisation of the streets should be done in parallel with adequate parking solution and traffic accommodation. The proposed parking facility is therefore the first step in the right direction by providing off street parking solutions in order for the streets to become more pedestrian friendly.
Gerard van Weele, Young Urbanists The coalition: Johan Meyer - Ward 9 resident Roland Postma - Young Urbanists NPC, Active Mobility Forum & Safe Passage Programme Luke van Wyk - Young Urbanists Committee / Stellenbosch Fietsry NOC Liebrecht Fick - Stellenbosch Fietsry NPC Carinus Lemmer - Stellenbosch Fietsry NPC	The coalition stated that the aims put forward by the project of "alleviating the major congestion" and "parking challenges" experienced in the Stellenbosch CBD are contrary to the Stellenbosch approved Municipality Policies, namely Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022 - 2026, Non-Motorised Transportation Master Plan 2020 and best practices across the world when it comes to solving congestion and best urban governance practices, given the location and negative impact of the project. The project proposal fails to provide substance to the argument that the provision of more parking in the CBD will encourage more NMT. It can be assumed that such parking decreases the incentive for NMT.	This project is included as a PPP project in the CITP. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure

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Ane' Gouws - Associate - TV3 Architects & Town Planners Lizelle Jackson - Architectural Professional Peet le Roux - Resident Cris Robertson - Resident Anja Lareman - Professional Architect Janine Herholdt - Young Urbanists, Urban Planner and Heritage Practitioner in South Africa and the Netherlands, WeLoveTheCity Clinton du Preez - Leadership Development Specialist & Urban Planning Enthusiast William Moultrie - Young Urbanists member Ian van der Merwe - Regular Visitor Hans Combrink - Ward 7 resident		Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. The NMT facilities will benefit from the parking facility. Sidewalks can be widened when on-street parking is removed from critical streets As mentioned in the Review, Update, and Consolidation of the Stellenbosch NMT Masterplan & Cycle Plan, NMT movements are hindered if parked vehicles obstruct sidewalks. The parking facility will result in a decrease in on-street parking demand, again resulting in a number of on-street parking bays that can be removed. This will have a positive impact on the NMT movements. Also, sidewalks are already provided along Andringa Street, Ryneveld Street, Victoria Street and Plein Street as indicated in the figure below.

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Ruhan Fourie - Resident Megan Davies - Resident		 This document also listed a number of streets and sections of streets that are prioritised for pedestrianisation. Neither of the streets or sections of streets are bordering the parking facility. It can therefore be concluded that the parking facility does not contradict any of the proposals made in this planning document. The NMT document, as well as the CITP specify that Church Street and a portion of Andringa Street should be pedestrianised in future. The accesses to the parking facility are not located on either of these two streets and will therefore not have a negative impact on the pedestrianisation plans. The NMT document also specifically state that the pedestrianisation of the streets should be done in

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		parallel with adequate parking solution and traffic accommodation. The proposed parking facility is therefore the first step in the right direction by providing off street parking solutions in order for the streets to become more pedestrian friendly.
Young Urbanists & The Coalition	The development contradicts the Spatial Development Framework 2019 for the following reasons: - The prioritisation of park-and-ride facilities along arterial routes, as outlined in the Stellenbosch Spatial Development Framework (SDF) approved by the Council in November 2019, underscores a strategic commitment to mitigating private car usage within the heart of Stellenbosch and its key employment zones. - The SDF is designed to catalyse a modal shift towards public and shared transportation options, thereby aiming to significantly reduce congestion in the Central Business District (CBD) and bolster sustainable urban mobility. - In this context, the proposed development of new parking spaces at specific erven within the CBD starkly contradicts the objectives set forth in the SDF. By introducing additional parking infrastructure directly within the CBD, this development risks undermining the SDF's broader vision for reduced car dependency and enhanced public transportation and non-motorized transport (NMT) usage. - Rather than alleviating traffic and parking challenges in the CBD, this project may inadvertently exacerbate congestion, diluting the effectiveness of the SDF's strategic focus on park-and-ride facilities as pivotal to encouraging public transport use and ensuring sustainable growth and mobility within Stellenbosch. - Such a development would not only compromise the intended mobility benefits and spatial development plans but also detract from the efforts to stimulate	The SDF did not earmark the Eikestad Mall parking area for a specific project, however, this area is earmarked for a parking facility in the CITP, refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure

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	economic and service developments along vital corridors like the Adam Tas Corridor, envisioned as part of a holistic approach to urban growth and mobility. As such, it is essential to align all new developments with the SDF's directives to ensure that Stellenbosch progresses towards its goal of a more integrated, sustainable transport system that supports the town's economic vibrancy and environmental sustainability.	Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. The facility is planned to alleviate a major issue of parking in the CBD that is caused by a lack of parking currently in the CBD which results in illegal parking, improved pedestrianisation of certain identified roads and circulating traffic. The parking is not planned to allow for increased development GLA in the CBD, so it is difficult to understand how the parking will affect the SDF planned development corridors. The Available parking in the CBD through the questionnaires is used by the majority of persons for work or shopping etc. The understanding of the Park and Ride facilities would be more to accommodate visitors and

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		students from out of town and not residences going to work and shopping?
Young Urbanists & The Coalition	- The coalition stated that the development of a large parking facility in Stellenbosch's Central Business District contradicts several key objectives outlined in the Comprehensive Integrated Development Transportation Plan 2022 - 2026 (CITP), namely: - The objectives emphasise sustainable mobility for all, land use and transport integration, reduced congestion, and the promotion of public and non-motorized transport (NMT). Specifically, the objectives aim to provide safe and accessible mobility options for all community members, including commuters, students, tourists, and individuals with impaired mobility, while protecting the environment and preserving our cultural heritage. The CITP advocates for densification at public transport nodes and mixed-use developments well served by NMT, aiming to reduce travel and enhance the role of commuter rail and safe NMT infrastructure. - The proposal for extensive parking contradicts these objectives by potentially increasing congestion, encouraging private vehicle use over public transport and NMT, and undermining efforts to minimise the impact of through traffic and reduce the reliance on extensive on-street parking of private vehicles. - Furthermore, such a development could detract from the goals of maintaining the character and heritage of Stellenbosch as a whole (WC024), and counteract initiatives aimed at promoting car-free living in the area. This is in direct opposition to the envisioned sustainable and integrated transport system that unlocks economic opportunities and is accessible, safe, reliable, and affordable to all communities serviced by the municipality.	This project is included as a PPP project in the CITP, refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at

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		the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget.
Young Urbanists & The Coalition	As an argument against the proposed project, the coalition stated that the proposed development of a large parking facility in Stellenbosch's Central Business District (CBD) directly contradicts the strategic objectives outlined in the Stellenbosch NMT (Non-Motorized Transport) Masterplan. The following reasons were given: - The Masterplan emphasises the municipality's commitment to developing walkable and cycle-able environments that are safe and contribute to the economic vibrancy and social health of communities. Specifically, it aims to connect outlying communities with the CBD safely and attractively, strive towards car-free living in the CBD, achieve a modal shift towards public transport, walkability, and cycle-ability, and create dignified living spaces in previously disadvantaged areas. - The introduction of a large parking lot would increase reliance on motorised transport, exacerbating challenges such as the dominance of infrastructure favouring motorised options, unsafe crossings that prioritise private vehicles, and the obstruction of sidewalks. - This move would undermine efforts to reduce traffic congestion, improve public safety, and enhance the accessibility and dignity of all community members, particularly those from outlying and previously disadvantaged areas. It would also counteract the strategic goal of transforming the Stellenbosch CBD into a	The CITP earmarked the location for a parking project. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park

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	more liveable, sustainable, and inclusive urban environment, as envisioned in the master plan.	and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. As mentioned in the Review, Update, and Consolidation of the Stellenbosch NMT Masterplan & Cycle Plan, NMT movements are hindered if parked vehicles obstruct sidewalks. The parking facility will result in a decrease in on-street parking demand, again resulting in a number of on-street parking bays that can be removed. This will have a positive impact on the NMT movements. Also, sidewalks are already provided along Andringa Street, Ryneveld Street, Victoria Street and Plein Street as indicated in the figure below.

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		 This document also listed a number of streets and sections of streets that are prioritised for pedestrianisation. Neither of the streets or sections of streets are bordering the parking facility. It can therefore be concluded that the parking facility does not contradict any of the proposals made in this planning document. The NMT document as well as the CITP specify that Church Street and a portion of Andringa Street should be pedestrianised in future. The accesses to the parking facility are not located on either of these two streets and will therefore not have a negative impact on the pedestrianisation plans. The NMT document also specifically state that the pedestrianisation of the streets should be done in

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		parallel with adequate parking solution and traffic accommodation. The proposed parking facility is therefore the first step in the right direction by providing off street parking solutions in order for the streets to become more pedestrian friendly.
Young Urbanists & The Coalition	In light of the existing and emerging context, the coalition argues the following: - Given the progressive strides Stellenbosch has made towards sustainable urban development and active mobility, the proposal to introduce a large parking lot in the Central Business District (CBD) appears counterproductive and misaligned with the town's demonstrated commitment to environmental sustainability and community well-being. - The town's focus on walkability, through the development of pedestrian-friendly infrastructure, not only facilitates easy access to local amenities and services but also fosters a healthier, more active lifestyle among residents. Introducing a large parking facility in the CBD would likely detract from this, encouraging car use over walking or cycling, and thereby undermining the significant health and environmental benefits achieved through the promotion of NMT. - Furthermore, Stellenbosch's commitment to Inclusionary Housing Zoning and gentle density reflects a thoughtful approach to urban planning that prioritises accessibility, affordability, and a high quality of life. - These initiatives are designed to ensure that people can live closer to their workplaces and that the town grows in a way that is both sustainable and inclusive.	The parking facility is not in contrast to a more walkable and environmentally friendly city. The parking facility is an attempt to reduce circulating traffic, overflow of existing motorist who wish to park and to reduce the number of on street parking facilities. It allows for various streets to be pedestrianised which improves walkability. The RFQ will require the bidders to align to the NMT plans and CITP. From this comment and many before it, there seems to be a definite need for parking, yet it seems to be that the only condition is the locality of the parking. From the surveys, counts, needs analysis and options analysis, linking to the latest CITP, current zoning and through the needs of the NMT masterplan, the Eikestad facility seems to be the most appropriate location to address the major parking shortfall of the CBD. In the analysis, in the report, the further the parking facility was from the CBD, the less utilised it was. These all included parking facilities walkable to the CBD.

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	- A large parking lot would contribute to urban sprawl by encouraging residents to live further from the CBD, counteracting efforts to create a compact, connected community. - In light of these considerations, the proposed development of a large parking lot in Stellenbosch's CBD stands in stark contrast to the town's commendable efforts towards reducing car dependency, enhancing urban livability, and promoting environmental sustainability. It would not only exacerbate congestion and pollution but also signal a step backward in the town's journey towards a more sustainable, inclusive, and vibrant urban future.	The idea to increase a parking in a central location within the CBD, allows for a reduction in illegally parked vehicles, circulating traffic searching for parking and an increase in pedestrian and NMT integration and walkability. Moreover, smart technology will be used to indicate available spaces in the facility and where they are located. This is aimed at reducing search time for parking and thus increase efficiently of the road network and to reduce driver frustration. The park and ride facilities are further crucial to allow for a reduction of vehicles entering the town itself, such as out of town students etc. These persons may not necessarily need to use the CBD. There are also complications and detailed studies that would need to be investigated and ratified regarding the park and ride facilities. Items such as new OL or adjustments to the OL, overhaul of the PTP, town planning at the park and ride facilities, environmental issues, traffic impact assessment of the park and ride facilities at these locations, public participation regarding residents on the use of these facilities and many more items. However, Stellenbosch in all its planning documents does not indicate that the each of these proposals are a this

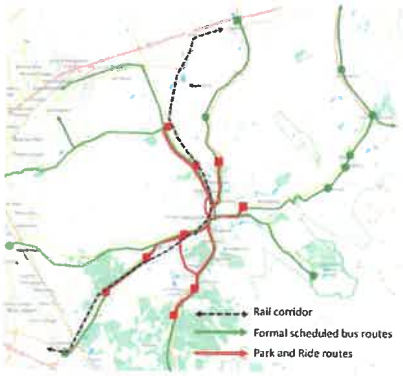
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		or that approach. Moreover, they indicate they as complementary to each other to all assist in improvement the mobility and accessibility of Stellenbosch. It must also be noted that a heritage and environmental report is required for the parking facility based on the design. Moreover, it is not accurate to say that a parking facility aimed at reducing circulating traffic will increase emissions etc. Without a full study of these items it is a pure assumption. The parking garage will be designed and constructed in such a way that it can be converted / refurbished into flats in the future, if parking is no longer required.
Young Urbanists & The Coalition	With respect to the 'bigger picture,' the coalition stated the following: - Their collective mission is to promote sustainable urban development, active mobility, and the enhancement of our community's quality of life. They believe that the development of more parking spaces runs counter to these goals for the following reasons: - Encouragement of Car Dependency: The addition of parking facilities encourages car use, which contradicts global and local policies' efforts to reduce carbon emissions and combat climate change. It undermines initiatives aimed at promoting more sustainable forms of transportation, such as walking, cycling, and public transit.	The park and ride facilities on the externalities of the town is not an OD trip. It is almost a last mile trip. It will require many motorists to move from their current car mode to another vehicle mode (PT) to get to the CBD. This aims at reducing congestion the CBD, but ironically increases the use of motorised transport from the park and ride facilities to the CBD. For the majority of persons using the parking in the CBD from the surveys, it would not be possible to cycle with groceries, small families etc from the park

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	- Detrimental Impact on Urban Space: The proposed parking space represents a significant opportunity cost. Urban land is a precious resource, and its use for parking detracts from potential developments that could better serve the community, such as green spaces, affordable housing, or amenities that promote social interaction and accessibility. - Adverse Effects on Active Mobility: As advocates for active mobility, they are concerned that prioritising parking facilities over infrastructure for pedestrians and cyclists will hinder efforts to create a safer, more inclusive, and accessible urban environment. This approach discourages active lifestyles and undermines public health initiatives. - Impact on Local Businesses and Economy: Evidence suggests that pedestrian-friendly areas and well-connected urban spaces can boost local businesses and the economy more effectively than car-centric developments. The vibrancy of urban centres is often linked to their accessibility and appeal to pedestrians, not to the availability of parking. - Contradiction to Sustainable Urban Development Goals: The development of more parking spaces is at odds with the principles of sustainable urban planning, which emphasises the importance of reducing reliance on private vehicles, enhancing public transportation options, and creating resilient, livable cities.	and ride facilities. The parking facility closer to the destination allows for a reduction in circulating traffic, reduction in driver frustration, improvements to NMT facilities within the CBD and allows for a walkable CBD due to its locality within the CBD. Make no mistake it is imperative that appropriate and adequate PT is planned for and implemented in Stellenbosch. The scenarios in the report allows for a reduction in parking needs by 2028 with adequate PT and the park and ride facilities. This was detailed in the pre-feasibility study as well. It is important to create items Urban space. Yet this area is zoned for parking, it is a parking lot and does have a purpose in the urban environment. As part of the requirements for the facility, urban spaces will need to be planned for and creative use of the space will be needed and is essential. Please indicate the sources for item four where this has occurred in South Africa in the absence of a world class public transport network within a town. Item 5 depends on the development. Consider a TOD: It is a development that has parking, access to public transport, access to residential, access to business and access to retail. But it still requires parking as it requires access to the other items. In this case the CBD has business, PT, retail, residential

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		items. Yet there seems to be an undersupply of parking in the CBD. Perhaps discussions around the ability for the development to be mixed use would then create a different discussion on the topic. However, SMEC's scope was limited to parking analysis and investigation for the PPP.
Young Urbanists & The Coalition	The collation's report and petition strongly urges the Stellenbosch Municipality to reconsider the proposed development of parking spaces at the specified erven within the CBD, in consideration of its significant negative implications for sustainable urban planning, active mobility, and the broader community's well-being. They stated that the development stands in stark contradiction to the principles and strategic objectives outlined in the Stellenbosch Spatial Development Framework (SDF) 2019, the Comprehensive Integrated Development Transportation Plan 2022-2026, and the Non-Motorized Transportation Master Plan 2020. These policies collectively aim to reduce car dependency, encourage public and non-motorized transport, and foster a more sustainable, accessible, and vibrant urban environment. Thy posed the following question: what is the purpose of the council adopting such forward-thinking policies to guide the town's development if we do not adhere to them?	
Friends of Stellenbosch Mountain (FSM)	Objection to the proposed parking garage and PPP on Erven 1962/RE, 1969–1976, 1952, 6402 and 6636 26 February 2024	The proposed study, project and location is in the CITP.

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	They object to the proposal to erect a parking garage, by any mechanism whatsoever, on "the Precinct" comprising Erven 1962/RE, 1969–1976, 1952, 6402 and 6636 as advertised by Enviropart and studied by consultants SMEC., for the following reasons: - The parking garage proposal should be rejected and a new process must be started to find a use for the Precinct which is compliant and in line with the relevant legislation, the MSDF and the ATC and which would benefit the people of Stellenbosch. The SMEC study is too limited in scope: - It considers the small Central Business District (CBD) in isolation while mobility is a long-range and integrated issue. - The study focuses exclusively on cars and parking as an option for the Precinct while there would be important other uses. - The study ignores the reasonable alternative sites for parking outside the CBD. Incorrect premises void the concusions: Since the premises of the 2023/2024 SMEC study and the 2020 Parking Report are fundamentally incorrect, any resulting conclusions and recommendations are also incorrect. Noncompliance: The 2023 SMEC study and the proposed Eikestad PPP project should be withdrawn because it is not compliant with the MSDF principles or projects and the associated Adam Tas Corridor (ATC) projects and the underlying legislation. - The parking garage proposal incorrectly assumes that there is a "need" for parking in the CBD while the real need would be Park-and-Ride facilities at (for example) Droë Dyke, the Stellenbosch Central Station, along the R44	The study was done in accordance with the Municipal Service Delivery and PPP Guidelines document. The parking facility will cater for the traffic in the CBD and it is not expected that this facility will cater for traffic outside the CBD. This precinct is earmarked for parking. The study was not a transport study. It was a parking study for the CBD. The CITP refers to both the Park and ride facilities and parking facility and not one or the other. The study identifies many other locations for parking that affect the CBD. The park and ride facilities on the externalities of the town is not an OD trip. It is almost a last mile trip. It will require many motorists to move from their current car mode to another vehicle mode (PT) to get to the CBD. This aims at reducing congestion the CBD, but ironically increases the use of motorised transport from the park and ride facilities to the CBD. For the majority of persons using the parking in the CBD from the surveys, it would not be possible to cycle with groceries, small families etc from the park and ride facilities. The parking facility closer to the destination allows for a reduction in circulating traffic, reduction in driver frustration, improvements to NMT facilities within the CBD and allows for a

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	(Technopark or Jamestown) and Idas Valley. Relevant extracts from the MSDF appear in Appendices A and B. Regarding real needs in the CBD see Item 8. - A parking garage in the CBD makes it harder to achieve the MSDF and ATC goals because it incentivises private car parking in the CBD and sabotages necessary changes in human behaviour patterns; see Item 10. - Parking garages on the periphery, not in the CBD: Park-and-Ride facilities on the periphery of town form an integral part of the long-term solution. Such Park-and-Rides could be multi-level garages; this would minimise the distance from the parking bays to the nearby public transport. - Duration of contract: The SMEC study talks about municipal risk but forgets the risk inherent in long-term contracts. These are dangerous and must be avoided. Mobility needs and constraints are changing rapidly. Stellenbosch must not be locked for decades into a contract which fundamentally prevents necessary changes. It must retain options to redevelop existing and future parking spaces as needs change — as they should and will — towards public transport and NMT. - Stellenbosch Municipality is already spending far too much money on cars: Any Council approval of the proposed parking garage would worsen misallocation of budget money. Contrary to claims in the parking studies, Stellenbosch Municipality does have a lot of funds to spend on mobility: about R1.1billion in specific projects over the next three is earmarked for roads and road-related projects. This money should of course not be spent on CBD parking garages either but on those measures and projects which would make the CBD parking garage unnecessary. See Appendices C and D, especially the table of costs.	walkable CBD due to its locality within the CBD. Make no mistake it is imperative that appropriate and adequate PT is planned for and implemented in Stellenbosch. The scenarios in the report allows for a reduction in parking needs by 2028 with adequate PT and the park and ride facilities. This was detailed in the pre-feasibility study as well. The SDF does not include a proposal for a specific NMT or PT project on this area and since the parking facility will enable wider sidewalks and less on-street parking, it can be concluded that this project is not compliant with the SDF principles and projects. Also, this facility does not influence the ATC project and it is therefore unclear what the relevance of this reference is. The risk associated with a long-term contract between the Municipality and a private partner has not been forgotten. A significant portion of the project has been devoted to the Risk Matrix, which at this time excludes any contract related risks. It is stated in the report that the Risk Matrix will be a living document which will form part of future Treasury approvals (TAIIB, TAIII). The Risk Matrix is to be used by the transaction advisor team in the future: namely the legal and financial advisors. The

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	A MSDF Figure 50: Park and Ride sites (red squares) 	legal team will use the Risk Matrix, specifically the risk allocations, as a basis of preparing a draft PPP Agreement ensuring that the risks transferred are captured in the PPP Agreement. The Risk Matrix will further be used by the Legal Advisor in evaluating the bids, and to define the broad parameters of the negotiations, if a PPP contract is viable. Moreover, since the Risk Matrix is a "living" document and, should the Project be procured by way of a PPP, will be updated during the course of contract negotiations; it is envisaged that the document will be updated at TA IIB (indicating the Preferred Bidder's preferred risk allocation) and at TA III (indicating the agreed risk allocation with the Private Party).It is therefore highly unlikely that a private partner will enter into a PPP with the Municipality if the private party is not convinced there is sufficient profit in the project. The Municipality can also at any time withdraw the project should it transpire its own risks become too high. In the PPP the risks of the Municipality are not substantial. At the end of the contract period the building reverts back to the Municipality. There is also the possibility that the facility can be designed to be repurposed as e.g. residential units.

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Friends of Stellenbosch Mountain (FSM)	The following comments were made related to social justice: - A parking garage would penalise the poor and benefit the rich. According to the Stellenbosch IDP, 59 percent of the Stellenbosch population falls below the Poverty Line. The cost of ownership of a car is beyond the financial means of most Stellenbosch residents; their need is not roads and parking but effective and safe public transport. A parking garage in the town centre will worsen existing inequality; it will be built solely to service and convenience the wealthy segment of Stellenbosch society. - The land now making up the Precinct had been owned by members of the Coloured community prior to their eviction during the apartheid era. Its past history of social injustice may not be repeated but must be rectified. The land in question should therefore benefit the people, not PPP investment consortia and Eikestad Mall shareholders whose only interest is profit, not social justice or liveable town spaces. - The number of additional jobs created by a parking garage is negligible compared to the economic penalties imposed on the poor resulting from a parking garage.	Stellenbosch Municipality to respond to the political statement.
Friends of Stellenbosch Mountain (FSM)	The following comments were raised relating to economic benefits: Who benefits? - The greatest beneficiary of the proposed parking garage PPP would be owners and shareholders of the adjacent Eikestad Mall. This is not acceptable. - A more people-friendly (and not car-friendly) use of the Precinct would also benefit tourism and the historical buildings nearby like Erfurt House, the Stellenbosch Museum and others. - No alternative considered for development of the Precinct: The 2020 Parking Report and the current parking study has looked only at economic benefits of the	The appointment is to address parking issues in the CBD. Other land use analysis was not considered as this in not part of the scope and study. There were ten other locality that could address the other land use comments and if feasible, should be considered. It must be noted that comments have been made regarding the inaccessibility of the CBD due to congestion. Any additional land use or rezoning triggers a TIA and as such additional traffic in

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	parking garage but never considered economic benefits of alternative land uses for the Precinct. For example, many more jobs could perhaps be created by a LED hub on the site. Ranyaka is a good example of what is possible in the CBD.	accordance with the TMH 16 and 17 and will need to be planned with adequate road improvements, access and parking for the new land use as indicated, contradicting the previously made comments. The consultant and the municipality selected the side based on the options analysis. Refer to the report.
Friends of Stellenbosch Mountain (FSM)	The stakeholder highlighted the following relating to engineering versus behavioural changes: - The solution to the large number of commuters and congestion is well known and documented: Change the unsustainable one-person-per-car current patterns by exerting all sorts of pressure on commuters to change their behaviour: increasing the occupancy ratio of cars, use of public transport, lift clubs, high parking costs, etc. - Travel Demand Management (TDM) is necessary. The proposed parking garage would sabotage current and future TDM measures by making it easy and convenient to continue with current unsustainable patterns of behaviour.	This project will not replace the park and ride facilities which are planned for Stellenbosch. This facility is listed as a PPP project in the CITP to alleviate the existing parking constraints in the CBD.
Friends of Stellenbosch Mountain (FSM)	The stakeholder highlighted the following relevant parts of the Municipal Spatial Development Framework: - Section 6.6.2 of the approved Stellenbosch MSDF is clear on the subordinate role of parking in mobility. Here are some quotes: - Priority Trends [Priority for Stellenbosch Town:] Public transport development, travel demand management, parking controls, and NMT improvements. "Parking controls" and "Travel Demand Management" both imply lessening, not increasing, parking in the CBD.	The CITP list the parking facility as a project. This facility is therefore part of the planning documents and does not contradict the SDF.

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Kevin Foster	The stakeholder noted the following: - the price of parking is inflated at below expected price inflation over time in the model, reducing the cost of parking over time, therefore incentivising it, and private vehicle use, is in contradiction to the aforementioned policies - single use multi-story car parks are an entirely inappropriate model in a congested urban centre with housing shortages.	The price of parking and future parking prices was done in accordance with patterns observed in SLM since 2019. The parking facility is a planned project in the CITP and will be designed and constructed in such a way that it can be converted to residential in the future.
Stellenbosch Ratepayers Association	As a point of departure, the Stellenbosch Ratepayers' Association (SRA) stated that they are most concerned that the project was an 'ad hoc proposal,' which is in direct conflict with approved planning policies and guidelines, has been put forward for public comment, triggering unnecessary follow-up studies such as a Historical Impact Assessment (HIA). The SRA added that the proposal indicates of a lack of concern for issues of local public interest by the executive of the town. The matter was raised in a letter by the SRA addressed to the Premier of the Western Cape, regarding the inadequate nature of Stellenbosch's Comprehensive Integrated Transport Plan (CITP), as recently as 28 November 2023. As it is well known that the Premier is not in favour of more roads at the expense of public transport, his response is eagerly awaited. The association feels that the process lacks transparency by the Municipality and undermines democratic principles, and regrettably suggests that actions are being driven by external influences, without regard to the interests of voters and citizens residing in WC024. To illustrate this point of view the following arguments were offered by the association:	This project is not an ad-hoc proposal. It is listed as a PPP project in the CITP. Please refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation

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Stellenbosch Ratepayers Association	The development proposal is not in line with national, provincial, and municipal statutory transport and integrated development policy obligations which requires dedicated planning and action to: - Promote and shift towards sustainable access and mobility interventions. - Reduce reliance on private vehicle travel through the provision and promotion of viable alternatives, and - Intensively managing excessive road transport impacts most especially in and around urban centres. On this basis, a town centre multi-storey parking development study should not have been actioned by the Municipality's Transport Planning division. The proposal is also not aligned with the MSDF or the IDP. The reasons for these omissions accordingly need to be investigated. The report is contradictory, and the proposal prepared is confused and inconsistent. A major addition to town centre parking capacity cannot be seen as an intervention to decongest the town, or to contribute to sustainable and inclusive mobility that the town and municipality so desperately needs.	of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. The SDP and IDP do not list any projects for this specific area. This facility will, however, have a positive impact on NMT when the on-street parking is removed from critical streets in future. Public transport will also benefit from this facility, since accommodation for them will be made in the facility. The parking facility is not a trip generator and will therefore not generate additional trips than the existing traffic in the CBD.
Stellenbosch Ratepayers Association	The SRA stated that a common thread of the comments and objections prepared over many years for the Municipality is the critical need for transport and spatial planning in the Municipality to follow a vision and policy led ('Decide & Provide') framework of	

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	structured optioneering and assessment prior to, and to determine optimum interventions and improvements. This work is not in place (The 2022-2026 CITP has major shortcomings which have been communicated through detailed comments both in 2021 and 2023). Such a framework must be embedded within the statutory planning process where transport plans are guided by the approved spatial development and integrated development plans.	
Stellenbosch Ratepayers Association Stellenbosch Ratepayers Association	The SRA recommends that the Municipality urgently commences the development of the strategic transport and development action plan for Stellenbosch, using best practice optioneering and assessment methods. There is a body of inputs and studies that have already been undertaken to inform and guide this and progress can be made rapidly. This should be a collaborative exercise with the Western Cape Province (given the overlapping portfolios for transport delivery and management) and draw in the full involvement other key local stakeholders including the University, business, and organised community groups. There is a tremendous opportunity and an incredible wealth of expertise locally to advance this quickly. The SRA added that they would welcome the opportunity to discuss these comments and wider issues around transport and development planning with the Municipality at a convenient time. The SRA is acutely aware that changing patterns of human behaviour, especially of the privileged classes, is crucial to implementing sustainable transport solutions. It is accordingly necessary to locate parking facilities in peripheral areas and provide alternative modes of transportation to service such parking areas, to safeguard the heritage value of the central area of Stellenbosch. It is essential that consensus be reached on the fundamental role tourism (and therefore heritage) plays in the economy of the town, the massive addition to traffic congestion generated by	

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	tertiary students (congestion levels being low during university holidays) and the urgent need for more on-campus accommodation to reduce levels of congestion."	
Andrea Mareut-Hegerish	Noted that she disapproved the proposed parking upgrade for the following reasons: - It will case a bottleneck, by allowing 300 more cars into/out of Stellenbosch during peak hours. - An integrated system is required to alleviate the traffic congestions including pubic transport, safe bicycle lanes and pedestrian areas. - Public transport plan in the south west and northern suburbs should be encouraged and supported. - The proposed parking does not add anything to enhance Stellenbosch. - The proposed project is not in the IDP 2022 – 2027. The stakeholder queried how it can be possible for the proposed project to be developed if it is not in the IDP and further queried what the purpose of the IDP is in this case.	The parking facility will not generate additional traffic in the CBD. It will alleviate the existing parking constraints and the traffic circling the CBD looking for parking will be accommodated by this facility. This project is included in the CITP as a PPP project, please refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten year Infrastructure

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		Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget.
Stellenbosch Interest Group	For many years, measures to address the ever-increasing problem with traffic and parking have been listed as one of the main priorities highlighted in the Stellenbosch planning documents. Over and over a modal shift from privately owned vehicles to public transport has been suggested as an effective and sustainable way to alleviate the situation. Under Section 6.2.2 of the latest MSDF (June 2023) it is once again stated that Park and Ride sites along arterial routes are a top priority for development, allowing current private car commuters the option of driving to these nodes from where demand thresholds will enable a combination of public shuttle services and corporate chartered services to operate between central Stellenbosch and other main employment nodes. A concept public transport network for Stellenbosch is illustrated in figure 48.	FIGURE 48 referred to in the comment was missing from the submission. Not sure what this comment has to do with project. Parking facility will not take away park and ride facilities, it alleviates illegal parking
Liebrecht Fick	As a Stellenbosch resident, he is very happy to participate in the public consultation process and will gladly state that he is absolutely opposed to the proposed project as a whole. His absolute opposition to the project is based on many points, including	Project is listed in the CITP. The facility will make accommodation for PT and pedestrians. The purpose of this project is to reduce parking

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Liebrecht Fick	Further delay in investing in non-motorised transport (NMT); Backward-looking improvement of CBD; Contradictions in Stellenbosch Municipality's policies; Illogical claims regarding the alleviation of congestion; Blatant disregard for the global crises of environmental unsustainability and social injustice (details provided in support if these objections were listed under the related themes of this Comments Register.) Contradictions in Stellenbosch Municipality's policies: - From the project's proposal, it is clear that the project was informed by the Town Council's contradictory and opposing beliefs that the municipality "needs to provide enough public parking" and, in opposition to that, that the "provision of road infrastructure for private vehicles is not sustainable." - Firstly, public parking should necessarily be seen as road infrastructure for private vehicles. - Secondly, the report makes no explicit mention of the municipality needing to provide the same in terms of pedestrian and cycling infrastructure. - In the proposal the term "NMT facilities" is used. In terms of what is needed to substantially reduce the amount of personal vehicles in Stellenbosch, the Municipality would need to invest in "NMT infrastructure" (an extensive, coherent system of paths, lanes, crossings, traffic signals, etc.) and not merely "facilities". Illogical claims regarding the alleviation of congestion: - The proposed project's claims regarding its promised alleviation of traffic congestion are illogical. The proposed three-storey parkade is located in-between two narrow one-way streets (Andringa and Van Ryneveld streets), as well as where Andringa (one-way street) and Victoria street meet in a T-junction. Ultimately, funneling cars into	constraints and illegal parking as well as traffic circling the CBD looking for parking. The facility will reduce the dependence on on-street parking. On-street parking can therefore be removed on critical streets resulting in the possibility to widen sidewalks and construction of cycle ways. The emission of carbon gasses will be reduced when the traffic circling the CBD is accommodated by the parking facility. The vehicles will therefore spend less time looking for parking resulting in less emission gasses emitted in the CBD. The facility is not a trip generator. It will merely accommodate the existing traffic in the CBD. There will not be an increase in traffic volume in the CBD, however, the existing congestion experienced in the CBD might be reduced since less vehicles will circle the CBD looking for parking. The traffic analysis indicated that the accesses have sufficient capacity to accommodate the vehicles parking at the facility. The queuing analysis also indicated that there is sufficient queueing space at the accesses to accommodate the vehicles waiting at the access for a gap to enter the traffic stream on the external road network.

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Liebrecht Fick	the historical centre and to a site that is located between one-way streets right in the centre of an already congested town will naturally increase congestion. - Veiling environmental impact and heritage considerations in the existing site's undesirable and unappealing characteristics I believe that the case could be made that the environmental impact of building a three-storey building on an existing, aesthetically unappealing asphalt parking area is not immediately obvious to the average person, apart from perhaps removing the trees currently spread across the site in-between rows of parking bays. - In this case, the larger context is not accounted for. The environmental impact of the amount of cars parked across the three-storey parking facilities is extreme. This severe impact on the environment (vehicle emissions on the atmosphere and air pollution on the health of living beings) caused by this project should be explained to the public in layman's terms. In the absence of explaining these impacts, the project shows complete disregard for the bigger-picture environmental impact and the impact on the community.	
	FEASIBILITY REPORT	
Gerard van Weele Climate Change Directorate Department of Environmental Affairs and Development Planning Western Cape Government	After reviewing the proposed development of new parking facilities at Erven 1962-RE, 1969-1976, 1954, 6402, and 6636 within our Central Business District (CBD), the stakeholder expressed his strong opposition for the following several critical reasons: - The feasibility study underpinning this proposal is flawed, in the sense that it evaluates the viability of a parking garage as a financial case for a proposed private developer and the municipality and not the viability of this intervention to reduce congestion, and increase the aesthetic, commercial and residential value of the Stellenbosch CBD.	The feasibility study was done as per the PPP guidelines. The other items mentioned are studies that are linked to the RFQ in the design stage of the facility. Refer to the PPP guidelines for South Africa. An economic study was developed that indicate the economic value to the greater Stellenbosch and its residence. Please refer to the report.

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	- The proposed parking development stands in stark opposition to several of Stellenbosch's key planning policies, including the Spatial Development Framework 2019, Comprehensive Integrated Development Transportation Plan 2022-2026, and Non-Motorized Transportation Master Plan 2020. These frameworks collectively prioritize sustainable urban mobility and a reduced reliance on private vehicles, goals that this project seems to undermine. The project proposal fails to provide substance to the argument that the provision of more parking in the CBD will encourage more NMT. Any transport engineer, transport planner, town planner, urban designer etc. will agree that such parking decreases the incentive for NMT.	As mentioned in the Feasibility Study, the existing congestion in the CBD might be reduced since the existing traffic circling the CBD will be accommodated at the parking facility. As mentioned in the Review, Update, and Consolidation of the Stellenbosch NMT Masterplan & Cycle Plan, NMT movements are hindered if parked vehicles obstruct sidewalks. The parking facility will result in a decrease in on-street parking demand, again resulting in a number of on-street parking bays that can be removed. This will have a positive impact on the NMT movements. Also, sidewalks are already provided along Adringa Street, Ryneveld Street, Victoria Street and Plein Street as indicated in the figure below. 

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		This document also listed a number of streets and sections of streets that are prioritised for pedestrianisation. Neither of the streets or sections of streets are bordering the parking facility. It can therefore be concluded that the parking facility does not contradict any of the proposals made in this planning document. The NMT document as well as the CITP specify that Church Street and a portion of Andringa Street should be pedestrianised in future. The accesses to the parking facility are not located on either of these two streets and will therefore not have a negative impact on the pedestrianisation plans. The NMT document also specifically state that the pedestrianisation of the streets should be done in parallel with adequate parking solution and traffic accommodation. The proposed parking facility is therefore the first step in the right direction by providing off street parking solutions in order for the streets to become more pedestrian friendly.
Cathrine Du Toit, Clara Knijf, Christoff Odendaal, Greg Lynch, Hans Scheffler, Jess Meissner, Kevin Foster, Mari Weideman, Raquel Jardim Theron, Teddy Hall,	The stakeholders raised concern about the feasibility study underpinning the proposal being overly simplistic and lacking a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis, which raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD.	The aim of the feasibility study was not to conduct a congestion study, but to determine the existing parking demand and the feasibility of a parking facility. These sections are multidisciplinary and complex.

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Adri Wessels, AWK Heydenrych, Carey-Leigh Jones, Caro Opperman, Cris Robertson, Gary Kennedy, Gerard van Weele, Hans Combrink, Hayden Malan, Isebeau Marais, Janine Herholdt, Hans Combrink, Hayden Malan, Lizelle Jackson, Luke van Wyk, Marlette Krige, Morgaine Puttergill, Nakkiran Sunassee, Raymond van Rijn, Riis Lemmer, Ross Cotterrell, Ruhan Fourie, Temosho Sekgobela, Sivuyile Lupuwana, Tyl and Annelise Willems, William Moultrie		At this stage of the project only a site traffic assessment where the accesses, queue lengths and turning movements were assessed was included in the feasibility study. A detailed traffic study will be done upon detail design. Environmental and geotechnical studies were also included as part of the feasibility study. It must be noted that a wider traffic study was conducted in 2019 for Stellenbosch and is detailed in the pre-feasibility study. Improvements to intersections, signal times etc was recommended. It is important to understand and read both these documents to fully comprehend the current document.
Young urbanists & The Coalition	The coalition argues on the inadequacy of the feasibility study, which they feel is overly simplistic, reliant on "desktop research," and crucially, it lacks a comprehensive multidisciplinary assessment or a detailed transportation impact assessment, particularly concerning the claim of alleviating traffic congestion.	The document is complex and covers the required PPP guidelines. I "don't understand the desktop research claim. Multiple days over multiple years of data was collected on site. With regards to the detailed traffic study, refer to the pre-feasibility study.

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	Such an assertion, made in the absence of rigorous analysis, undermines the credibility of the project's objectives. Given the complexity of urban mobility and the interconnectedness of transportation networks within Stellenbosch, the omission of a thorough evaluation of the parking lot's impact on traffic dynamics is a significant oversight.	Moreover, with regards to the municipal systems, the TIA will be required by the developer through the RFQ. The traffic study done was an STA while a wider study was done in 2019, detailed in the pre-feasibility study. Moreover, it has to be understood that this is a parking study, not a traffic congestion study.
Kevin Foster	The feasibility study underpinning this proposal appears overly simplistic and lacks a comprehensive multidisciplinary assessment, including a detailed transportation impact analysis. This raises significant concerns about the project's potential to genuinely alleviate traffic congestion within the CBD. Specifically it overemphasizes parking demand its analysis, as opposed to access to the city. Further the stated preference survey is inadequately reported on in the feasibility study (no sample sizes, no sample questionnaire).	A detailed parking demand assessment was done as part of the feasibility study. This study is not a congestion study and should not be treated as such. The aim of this study was to determine what the parking demand, illegal parking and circling traffic in the CBD are. A detailed traffic study will be as per the RFQ. The sample size of the stated preference surveys for the peak and off-peak season are the following: • **1 229** interview forms completed over 3 days (May 2023) • **891** interview forms completed over 3 days (July 2023)
Pieter Louw	As a resident of the Western Cape and a regular tourist to Stellenbosch, the stakeholder noted his opposition to the project due to the reasons provided below. The proposal demonstrates disregard for recommendations made in terms of NMT masterplans dating back to 2015 and earlier, as well as the work of civil society groups, such as the Stellenbosch Trail Fund, Stellenbosch Cycling, and Visit Stellenbosch.	Project forms part of the CITP and does not contradict the SDF. More NMT facilities will be provided when on-street parking is removed, public transport will be accommodated at the facility and

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	- The project is in contradiction to Stellenbosch Municipality's policies. - The project is in contradiction to the Stellenbosch Municipality's Spatial Development Framework. - He is concerned with the impact this project will have on the environment of the town in terms of increased noise and CO2 levels. - He is concerned that this project is going against the national interests of transformation as it prioritises one mode of transport, further bridging the gap between the rich and poor. - The proposal does not seem to utilise well located land optimally. The site could provide housing, improved NMT facilities, small scale economic opportunities and outdoor recreational facilities that would serve all the residents and visitors to Stellenbosch, not just the minority that can afford to own a private motor vehicle.	this area was not earmarked for any PT or NMT facilities in the SDF. The facility will accommodate the vehicles that are circling the CBD to find parking, resulting in less vehicles on the road network. This will again result in a reduction in emission gasses and noise levels, since the vehicles can be immediately accommodated at the parking facility. Public transport will be accommodated at the facility and will also accommodate pedestrians. The sidewalks can be widened in future due to a reduction in the demand for on-street parking. The facility will therefore not only benefit private vehicles, but other modes of transport as well. The area where the facility will be constructed is earmarked for a parking facility in the CITP.
Amy Kleu	The stakeholder supports the need for additional parking in the Stellenbosch CBD, however, they have a reservation with regards to one of the supporting arguments, i.e. the argument that the potential eventual removal of on-street parking may help to make a parking garage economically viable. The following reasons were offered: - On-street parking is not just a convenience but a lifeline for retail outlets. The revenue generated from paid parking contributes significantly to the economic sustainability of the town center, supporting both businesses and the municipality.	The parking facility will accommodate pedestrians. Accessibility to restaurants and shops in the area should not be compromised, since it can be accessed from the parking facility. Visitors to the restaurants and shops in the CBD will be able to park in the facility and walk to their destinations. A detailed traffic study will be conducted to assess the impact of what the removal of on-street parking will have on the traffic movements, however, it is envisaged to provide NMT facilities in the place of

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	- On-street parking currently provides a crucial amenity for business visitors, ensuring easy access and contributing to a vibrant and sustainable business environment in the town center. - The current parking arrangement allows for continuous traffic flow, even during peak times. Implementing changes that could disrupt this flow, such as removing parking spaces, may lead to congestion and hinder the efficient movement of vehicles. - Any argument that attempts to justify parking removal to pedestrianize streets must be opposed. Merely closing streets does not automatically transform them into public spaces comparable to those found in renowned cities. The limited width of Stellenbosch streets may not attract sufficient pedestrians to create a vibrant public space. - The local climate, characterized by seasonal variations, may not consistently support extensive outdoor activities. This raises questions about the year-round utilization of outdoor spaces and furniture. - The absence of a secure parking environment and the need to carry items for longer distances may discourage patrons from visiting the town center. Safety concerns, particularly during the evening, could affect the overall experience. - Pedestrianization efforts may inadvertently impact on a broad spectrum of businesses, favoring certain types over others and potentially leading to a shift in the overall business mix. Potentially affecting the diversity of retail outlets and professional offices that contribute to the unique character of the town. - The retention of on-street parking is crucial to maintain a sustainable business environment in the town center, providing essential accessibility for business visitors. It is important to consider the diverse needs of the community, including the elderly and families with small children. On-street parking serves as a vital	the on-street parking and not to accommodate more traffic by providing an additional lane in the place of the on-street parking. It is true that pedestrianisation is more than removing on-street parking, however, this is the first step and while it is proposed to pedestrianise Church Street, it's not proposed to fully pedestrianise streets such as Andringa, and Ryneveld Street. The parking facility should not have a negative impact on families, since the family will be able to park safely in the facility, load their shopping in their vehicles without worrying about their children that might run into the streets. The parking facility will create safe and convenient parking environments for all users, since the parking facility is easily accessible from the external road network for both vehicles and pedestrians.

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	amenity for the elderly, ensuring convenient access to local businesses. Additionally, families with young children heavily rely on accessible parking for the practicalities of outings. Any proposed changes to on-street parking should be carefully assessed to avoid creating barriers for these vulnerable or family-oriented groups. The stakeholder concluded that they believe these objections encapsulate the diverse concerns of those directly impacted by the removal of on-street parking.	
Stellenbosch Ratepayers Association	With specific reference to commentary within the Eikestad Parking Public Private Partnership Feasibility Study report, reference is made to an intention to reduce core town on-street parking making a new parking garage thereby necessary. Unless and until there is wholescale and confirmed commitment to eliminate historical core public on-street parking and that a total net reduction of available public parking in the town centre is approved then no new parking garage in the centre can be advanced. The parking strategy for the town and any public financial investment into parking related activity clearly must be focussed on peripheral parking and short distance and wider area park and ride services. Sites for wider area and peripheral parking that need to be investigated include the following: Beltana on the Helshoogte Road, Nietvoorbij at the junction of Helshoogte Road and the R44, Opposite Nuutgevonden at the junction of Welgevonden Boulevard and the R304, The Woodmill site at the junction of Vredenburg Road and the R310, and the area South of Trumali Street and its junction with the R44.	The parking demand investigation and analysis indicated that the parking demand is higher than the number of parking bays supplied. Additional parking solutions are therefore necessary. The Stellenbosch planning documents, however, strive to improve the NMT movements in the town and the parking facility will aid with this by reducing on-street parking demand. This again will allow the municipality to widen the sidewalks to improve NMT movements in the area. The parking facility will not replace future park-and-ride facilities, however, this parking facility will relieve the existing pressure on the on-street parking in the CBD. The shops and businesses in the area will have easy accessibility to the parking facility.

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		As mentioned previously, this site is earmarked for parking in the CITP. Other locations were investigated and included in the feasibility study, however, the Eikestad Mall parking was found to be the best suited area for the parking facility.
Andrea Mareut-Hegerish	The stakeholder queried where the impact studies are.	The environmental and geotechnical studies as well as the site traffic assessment are included in the feasibility study. A detailed traffic study was done for the pre-feasibility study and will be updated and developed for the design phase of the project.
Stellenbosch Interest Group	The stakeholder group stated that since the financial success of a parking garage in the town center close to the university can hardly be questioned, the question should be asked whether the financial viability study (hereafter referred to as the 'Viability Study') conducted by SMEG on behalf of the Municipality was necessary?	The consultant was appointed to conduct a PPP feasibility study which amongst other factors investigates the affordability of the municipality to developed such facilities.

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Stellenbosch Interest Group	The group queried the following: - Will a multi-storey parking garage on this site alleviate the traffic congestion in the town center, especially in the long term? - Will it promote sustainable development? - What will the impact be (visually and otherwise) of a multi-storey parking garage on the historic core? - And, most importantly: would a parking garage be the appropriate (or best?) use for this valuable site that links the heart of the historic town to the university campus that is a heritage resource of provincial importance in terms of the National Heritage Resources Act? Should the site not rather be used to enhance the experience of the unique town center for both visitors and permanent residents?	Partly Gerhard? The parking facility will accommodate traffic that is currently circling the CBD, and might therefore assist in alleviating congestion in the CBD. This facility is, however, not proposed to improve the capacity of the roads, but rather to improve existing parking constraints in the CBD. This facility will promote sustainable development in the sense that it can be converted to residential units in the future. This site is earmarked for a parking facility in the CITP, please refer to the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not

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		address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget.

NAME	COMMENTS/ISSUE	RESPONSE
Stellenbosch Interest Group	Stated that the long queues of cars waiting from the early morning to enter the town center from different directions, and the great difficulty in getting out of the town center during the afternoon rush hour (which currently lasts several hours), testify to the fact that there are already far too many vehicles accommodated in the town center. The proposed new roads with additional lanes to Stellenbosch town center will not address or alleviate the problem. Stated that the following statement form the Feasibility Study was ironic: "Stellenbosch experiences major congestion in the CBD and other parts of the city. In addition, the Comprehensive Integrated Transport Plan (CITP) indicates a need for sustainable transport that amongst other factors requires a reduction in traffic congestion and an increase in modal shifts, such as public transport and/or non-motorised transport."	The parking facility will not generate additional trips, but will merely accommodate traffic circling the CBD looking for parking, illegally parked vehicles and certain pedestrianised streets parking facilities. The parking facility will accommodate public transport. On-street parking will be removed in future to allow for wider sidewalks to accommodate NMT modes. The parking facility will therefore benefit all road users.
Stellenbosch Interest Group	In the light of the issues raised, the proposed parking garage is clearly not desirable. It will not serve the interests of Stellenbosch. No further studies relating to it should be conducted. The Stellenbosch Municipality now needs to focus on implementing sustainable solutions to address the urgent traffic and parking problems in and around the town. At the same time, the Provincial Government should focus on public transport orientated solutions instead of detracting from the rural cultural landscape of Stellenbosch. We encourage the Stellenbosch Municipality to look towards its vision of being an Innovation Capital and implement solutions that are forward thinking, socially just and environmentally friendly.	Not really a comment, this is more of an opinion.

NAME	COMMENTS/ISSUE	RESPONSE
Bertus Swanepoel	The stakeholder believes that the project should be initiated by town planning and urban design, and should fit into Stellenbosch's long-term planning. However, he raised concern that that this is absent from the report and therefore stated that he cannot support the project.	The facility is listed as a PPP project in the CITP. This is therefore an approved project for the CBD. The environmental assessment indicated that this facility will not have a negative impact on the environment and this facility fits into the long-term planning since this facility can be converted to residential units in future.

Kotie Bezuidenhout	Stated that she is 100% against the construction of the three-storey parking parkade. The CBD is already overcrowded with cars. The proposal of parking parkades outside the town building with shuttle services into town is a much better option. We as residents and tax payers are harmed by the 25000-30000 students who have the most vehicles and from 08:00-17:00 park in all that is a street and parking area. The town center cannot handle any more vehicles. The mini-circle with pedestrian crossings in Plein Street is already a poor design that causes traffic to pile up. [Original comment: Ek is 100% teen die oprigting van die drie verdieping parkeer parkade. Die CBD is klaar oorvol van motors. Die voorstel van parkeer parkades buite Die dorp bou met pendeldienste in dorp toe is 'n baie beter opsie. Ons as inwoners en belasting betalers word benadeel deur die 25000-30000 studente wat meeste voertuie het en van 08:00-17:00 parkeer in al wat 'n straat is en parkeerarea. Die middedorp kan nie nog meer voertuie hanteer nie. Die mini-sirkel met voetoorgange in Pleinstraat is al klaar 'n swak ontwerp wat verkeer laat ophoop. Hoop u slaan ag op my vertoë teen die oprigting van die parkeer parkade by die Eikestad parkeerarea.]	The CITP earmarked this area for a parking facility. This facility will not replace park and ride facilities in future. This parking facility is not a trip generator and will merely accommodate the traffic in the CBD that has to circle or park illegally due to insufficient parking.

NAME	COMMENTS/ISSUE	RESPONSE
Gerard van Weele Climate Change Directorate Department of Environmental Affairs and Development Planning Western Cape Government Tyl and Annelise Willems	The development must be compared to alternatives such as providing more inner-city residential facilities. By avoiding the need to drive into the CBD, a far larger impact can be made on congestion relief, municipal finances, reduced emissions, human well-being, compliance with key strategic plans, global best practices, and so forth.	Although it is very relevant that there are other issues facing Stellenbosch. The study focuses on the issue of parking in the CBD as the trigger element. Other land uses will trigger rezoning and attract additional traffic and or additional vehicles to the CBD. Not to mention the existing parking issue will still be present and worse than before. There are other sites that were investigated in the options analysis that can be more suitable for other development types.
José Conde	Expressed her opposition to the proposed project. She believes that the further loss of the open space in the middle of town should be avoided. While she appreciates the great deal of effort made in the report and, as a 28-year resident of Stellenbosch, she has looked on in dismay at the steadily deteriorating traffic and parking situation in the town. She thinks that the study grossly underestimates the future problems, and a drastic rethinking of the use of the centre of town is needed.	This site in not open space. It is currently being used for parking. I idea it to increase its existing use to allows for additional parking.
Annelise Willems	The feasibility study lacked a transportation impact assessment and multidisciplinary overview.	A more detailed analysis of traffic was completed in the pre-feasibility study. This phase looked at the site access and in the RFQ it will be specified that a traffic study is required as part of the design phase. Overview in terms of environment, geotechnical and architectural design are included in the study.
Bertus Swanepoel	Stated that the scope of the investigation was too limited and cannot be supported at this stage. He disagrees with the method of "mission creep" and believes that heritage, town planning, urban design, and broad traffic impact analysis should all be	Noted

NAME	COMMENTS/ISSUE	RESPONSE
	part of studies preceding the awarding of the PPP. He feels that such a big decision with such a big impact on the town cannot be done on such a limited scope.	
Jean-Pierre van Zyl	As an Optometrist and shop owner in Van Riebeeck street and previously (from 2014 -2022) Ryneveld street, stated that he agrees with the concerns addressed by Lizelle Potgieter. I have not seen Lizelle potgieters comments. Stated that the idea of building a three-storey car park is not the solution in the long term for the following reasons: - Historic architecture and unique "student town" feeling will be damaged. - Long-term combating of fossil fuel use is not supported by this 3. Projects such as cycling and alternative "more environmentally friendly" transport are only set back by this. - Global trends for giant shopping centers are becoming less popular and are just a way to try to make the huge capital investment on a white elephant (eikestad mall) profitable for the landlord. - Alternative solutions which were viable for the small trade/shop owner in the streets, continue to be followed no further. - Parking behind DeCameron, which currently falls under the municipality's assets, could be used for alternative parking. - There are many more points to mention, yet as a resident and business owner he does not give his onsent to the proposed project. [Original comment: Die idee om 'n drie verdieping parkering te bou is nie die oplossing in die lang termyn nie. Redes: 1. Historiese argitektuur en unieke "studentedorp" gevoel gaan geskaad word.	The area is earmarked as a parking area, as stated in the extract below. The municipality has embarked on a PPP process to address the need for parking in the CBD. This initiative proposes the development of a parking garage on the Eikestad Mall parking area site. The development of this parking area will also allow for the reduction of on-street parking areas making certain streets in the CBD more pedestrian and parking friendly. The creation of parking facilities outside Stellenbosch with accompanying shuttle services to central Stellenbosch has been proposed a number of times in the past, most recently in the Stellenbosch SDF. The recent parking study for Stellenbosch has been discussed above. It did not address the park and ride concept and focussed on the feasibility of two parking facilities in the Stellenbosch CBD and in Techno Park – the creation of these is included in the ten-year Infrastructure Services budget. The feasibility of park and ride facilities along the edge of Stellenbosch and the entrances to the town is questioned and it is considered that this concept should be further

NAME	COMMENTS/ISSUE	RESPONSE
	2.Langtermyn bekamping van fosielbrandstof gebruik word hierdeur nie ondersteun 3. Projekte soos fietsry en alterna'ewe "meer omgewings vriendelike" vervoer word net terug geplaas hierdeur. 4. Wereldwye tendense vir reuse winkelsentrums word minder populêr en is net 'n manier om die reuse kapitaalbesteeding op 'n wit-olifant (eikestad mall), te probeer winsgewend maak vir die verhuurder. 5. Alterna'ewe oplossings wat lewensvatbaar was vir die klein handel/winkel eienaar in die strate, bly nie verder nagevolgvte word nie. 6. Parkering agter DeCameron wat tans onder die munisipaliteit se bates val, kon gebruik word vir alterna'ewe parkering. Daar is vele meer punte om te noem, tog ek as inwoner en besigheidseienaar nie my instemming gee tot die voorgestelde projek nie. Jean-Pierre van Zyl	investigated. For example, a park and ride facility at the start of the ATC on Adam Tas Road and also near Koelenhof would be beneficial. The same is true of the proposal to pedestrianise some of the streets in the CBD. Allowance for both of these investigations is made in the ten-year Infrastructure Services budget. The parking area will be developed to be aesthetically suitable for the area.
CONSULTATION & DUE PROCESS		
Young Urbanists	Due to the gap in the preliminary research phase, the coalition raised concern that initiating public participation at this juncture is premature, as the foundational analysis necessary to inform stakeholders and guide decision-making processes—ensuring all factors are meticulously considered—is conspicuously lacking. This situation underscores the need for a more holistic and detailed approach, that aligns with Stellenbosch's existing policies.	The legislation governing PPPs as well as environmental and heritage legislation requires public participation at several stages of the process. These processes have been and will be undertaken. Not understood why the commentators say that public participation is conspicuously lacking
Stellenbosch Ratepayers Association	The Association stated that individual projects are out of line with policy and the needs for the town and region continue to be put forward and actioned. As community representatives, ratepayers, and residents, they need to stress to the Mayor and	

NAME	COMMENTS/ISSUE	RESPONSE
	Municipal management that they are extremely concerned about this situation and have been so for many years. This has been laboriously and repeatedly communicated to the Municipality. In this regard, we reference the following recent comments and objections (available on request): - Comment on the Stellenbosch Draft CITP, Stellenbosch Ratepayers' Association, May 2023. - Objections to Lower Dorp Street Dualling, as reporting in Stellenbosch Monitor, 12 May 2023, https://www.stellenboschmonitor.com/2023/05/12/stop-dorp-street-dualling- stellenbsoch-residents-plea/ - Proposed dualling of historic Dorp Street in Stellenbosch raises concerns and frustration among residents and business owners, https://www.news24.com/news24/ community-newspaper/eikestadnuus/proposed-dualling-of-historic-dorp-street-in-stellenbosch- raises-concerns-and-frustration-among-residents-and-business-owners-20230426, 26 April 2023 - Group petition and objection to application reference: LU/13953, Remainder of the Farm Brandwacht no. 1049, Trumali Road, Stellenbosch. Brandwacht Rezoning Action Group, October 2022. - Comment on the Draft CITP for Stellenbosch, Stellenbosch Ratepayers' Association, 14 June 2021 - Appendix A Comment on the Draft Stellenbosch Municipality Roads Master Plan (RMP), the Non-motorised Transport Master Plan (NMTMP) and the Comprehensive Integrated Transport Plan (CITP), by a technical working group of the Stellenbosch Ratepayers Association (SRA), 14 June 2021	

NAME	COMMENTS/ISSUE	RESPONSE
	- Legal and planning considerations regarding the Draft Roads Master Plan, MSDF, CITP and Farm 372/1/2/3, Letter to Executive Mayor, Ald. G. van Deventer and the Municipal Manager, Adv. G. Mettler Stellenbosch Municipality, Friends of Stellenbosch Mountain, Oct 2018 - Final Comments on: National Dept. of Agriculture Proposed Exclusion of Certain Properties from The Provisions of the Subdivision of Agricultural Land Act, Act 70 of 1970, Cape Winelands Professional Practices in Association, April 2018 - Towards A Sustainable Transport Strategy for Stellenbosch Municipality Reflections on the Current Situation, Vision for the Future and a Way Forward for Alignment and Adoption. Summary Report, Provincial Sustainable Transport Programme, December 2017 - Stellenbosch MSDF Public Participation Process 16 November 2017 Questions to iCE Group on the Western Bypass and related documents, Friends of Stellenbosch Mountain, Nov 2017 - Proposed Improvements to the R44 Between Somerset West and Stellenbosch: (Dea&Dp Ref. No.: 16/3/1/1/B4//45/1005/13): Comments on Revised Basic Assessment Report, Stellenbosch Municipality, April 2016. - Proposed Improvements to the R44 between Somerset West and Stellenbosch: (Dea&Dp Ref. No.: 16/3/1/1/B4//45/1005/13): Comments on Proposed Improvements of The R44 Between Somerset West and Stellenbosch, Letter from Martin Smuts, Executive Deputy Mayor Written as Chair of the Transport Working Group, May 2014 The SRA and a range of other commentators stated that they are under no illusions as to the extent of the challenge and complexity in changing behavioural patterns. However, if each isolated project put forward by the Municipality works in opposition	

NAME	COMMENTS/ISSUE	RESPONSE
	to the appropriate path, the well- intentioned efforts of the SRA and wider stakeholders are forced instead to spend time opposing and commenting, and the appropriate interventions and shifts seem ever more distant. By now major progress could have been made towards a more balanced, inclusive access and mobility situation reaping major economic benefits for all.	
Cathrine Du Toit, Clara Knijf, Christoff Odendaal, Greg Lynch, Hans Scheffler, Jess Meissner, Kevin Foster, Mari Weideman, Raquel Jardim Theron, Teddy Hall, Adri Wessels, AWK Heydenrych, Carey-Leigh Jones, Caro Opperman, Cris Robertson, Gary Kennedy, Gerard van Weele, Hans Combrink, Hayden Malan, Isebeau Marais, Janine Herholdt, Hans Combrink, Hayden Malan, Lizelle Jackson, Luke van Wyk, Marlette Krige, Morgaine Puttergill, Nakkiran Sunassee, Raymond van Rijn, Riis Lemmer, Ross Cotterrell, Ruhan Fourie,	They urge the Stellenbosch Municipality to halt the current public participation process and undertake a thorough re-evaluation of the proposed parking upgrade and to explore alternative solutions that are consistent with the municipal policies and the broader vision for the town, such as the development of peripheral park-and-ride facilities and significant investment in the Non-Motorized Transportation Master Plan. Expressed hopes that the municipality will take their concerns into consideration and work together towards achieving a sustainable, accessible, and vibrant future for Stellenbosch.	This study is part of the initiatives stated in the wider studies such as the CITP. Traffic planning is not a one solution study. It requires multiple avenues of assessment. The current streets of Stellenbosch are

NAME	COMMENTS/ISSUE	RESPONSE
Temosho Sekgobela, Sivuyile Lupuwana, Tyl and Annelise Willems, William Moultrie [The comments from these stakeholders very similar or are exactly the same]		
Andrea Mareut-Hegerish	The stakeholder queried why none of the wards were consulted.	The SLM is aware of the requirement to involve the local community in its decision making, e.g. as required by section 5 of the Municipal Systems Act. Johan: I presume that the relevant councillor and Ward have been consulted?
Cecil Jordaan	Stakeholder feels that, based on his understanding of the proposed parking garage, it would appear that due process has not been followed - in that the proposal lacks other impact studies (specifically traffic) and that it has not consulted with important stakeholders such as the University of Stellenbosch.	The scope of the project is guided by the PPP process. The specific studies that are referred to will be included into the RFQ that is then the responsibility of the successful bidder to plan, design and implement.
Gordon Laing, Kevin Foster	Requested a copy of the full report.	Noted
Janine Herholdt	As a Young Urbanists, urges Stellenbosch officials to work together with their members to facilitate a discussion around the significance and spatial experience of the proposed project. They believe that this is one of the most important public spaces in Stellenbosch, where people from all walks of life cross paths, and that building on this strategic	This will be addressed and incorporated in design process of building.

NAME	COMMENTS/ISSUE	RESPONSE
	location could create a fantastic public space that will be visited by pedestrians and make Stellenbosch town centre even more attractive. Offered to provide an array of examples as inspiration, and to facilitate a workshop I this regard. Added that this is where the public participation should be focussing on. While the rest of the world is pedestrianizing their streets, facilitating safe bicycle parking spaces, incentivising shared mobility schemes and in the process revitalizing their inner cities, Stellenbosch is stuck in a 60s mentality (not a good look especially in South Africa) where business-as-usual solutions will continue to lead to business-as-usual - more cars, less safety, and a complete lack of acknowledgement for what future generations are pleading for. Commented that Stellenbosch politicians seem to not feel embarrassed by wasting public money on out-dated ideas and queried where the innovation is	
Marthinus L. Botes	As a journalist for SMF News, he has been interested in the conges———— on within Stellenbosch and the measures that have been taken to address it. The proposed expansion of the Eikestad parking area seems to be a suitable way of addressing the congestion, but he understand that the plan has been met with some opposition - particularly a petition started by the Young Urbanists - which claims that the construction would actually worsen congestion in Stellenbosch Central and have a negative impact on the town's liveability. Queried what measures will be taken to ensure that the structure will remain "in keeping with the existing historical context", and who was consulted to determine the effect of the expanded parking on congestion.	The concessionaire will have to design a building that fits into Stellenbosch Heritage scheme. A Heritage Impact Assessment is required by Heritage Western Cape and the concessionaire will have to employ a Heritage Specialist as part of the design. It is important to note that the building still needs to be designed. Currently an area has been zoned for the parking structure. The edges and connections from the North, East and West will have Activated Urban areas with strong pedestrian & cycling (NMT) zones.

NAME	COMMENTS/ISSUE	RESPONSE
Tyl and Annelise Willems	Requested engagement in constructive Dialogue via open channels with stakeholders to explore sustainable alternatives that support a vibrant, accessible, and environmentally friendly urban environment.	This will be incorporated in the design
Albrecht Gantz	Requested that The University of Stellenbosch be consulted and be partner to any plan to alleviate parking and or traffic flow in the town centre. He stated that this was not the case with this proposed project. He requested that all stakeholders, including citizens, business owners, rate payers in Stellenbosch, University and Ward committees, and other accepted plans considering traffic be involved.	
LEGISLATION (OTHER THAT NEMA)		
Gerard van Weele Climate Change Directorate Department of Environmental Affairs and Development Planning Western Cape Government	Increasing the number of vehicles drawn to the CBD will increase the local and regional emissions of noxious, poisonous exhaust gases and contribute to South Africa's greenhouse gas emissions. This can only be solved by increasing the speed at which people are encouraged onto public transport and into NMT.	The parking facility is not a trip generator and will therefore not increase the number of vehicles in the CBD. It will merely accommodate the existing traffic circling the CBD looking for parking. This facility will also reduce the dependence on on-street parking. The on-street parking can therefore be removed from critical streets in order to widen the sidewalks to improve NMT movement.
Gerard van Weele Climate Change Directorate Department of Environmental Affairs and Development Planning Western Cape Government	The long-term objective for all CBD areas in the Western Cape should be to achieve a private vehicle-free state. It has been proven all over the world that more pedestrianised space is positive for businesses, increases the viability of public transport and improves human health and well-being. Adding new parking garages in the Stellenbosch CBD will likely result in the need to redevelop the site within 10-15 years, due to the decreased appetite for private vehicle usage and demand for well-located residential units	It is a great vision to have to completely ban private cars from the CBD's of south African cities. The proposed facility will be designed and constructed in such a way that it can be converted to residential units in the future or atleast to be repurposed. This project is, however, listed in the CITP for parking. Parking is a massive need in the

NAME	COMMENTS/ISSUE	RESPONSE
		CBD. Would it not be fair to say that in the SA context, we don't have pedestrianised CBD's nor do we have adequate public transport. The city of Cape Town CBD MiCiti which is the shining light to SA has taken more than a decade to implement phase 1 and would not be able to alleviate congestion in the CBD or handle the demand if all the private car users stopped using private cars in the next year. The purpose to ban private cars in CBD is to manage congestion. Other initiatives are to decentralise business areas and create multiple mixed-use areas. But all these initiatives don't resolve a current problem of Parking in the CBD.
Lisa Marschner	Expressed that the proposed project is a wonderful idea and that she and her family support it. Noted that she was unable to attend the public forum.	
PUBLIC PRIVATE PARTNERSHIP		
Young Urbanists & The Coalition	Regarding public transportation, in the absence of the National Government, they urge the Municipality with the newly established Western Cape Mobility Department to look into a public and private partnership (PPP) around a tram line for the Municipality to define the land-use development of the Adam Tas LSDF corridor and connect surrounding estates and areas like Somerset West or even Bellville to the town.	Noted, but was not the brief of this study.

10.7	**PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)**

NONE

10.8	**PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR C VAN WYK)**

NONE

10.9	**COMMUNITY SERVICES:(PC: CLLR X KALIPA)**

NONE

10.10	**RURAL MANAGEMENT: (PC: CLLR J JOON)**

NONE

10.11	**MUNICIPAL MANAGER**

NONE

11.	**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]**

NONE

12.	REPORTS BY THE MUNICIPAL MANAGER

12.1.1	PUBLIC PARTICIPATION PROCESS FOR STELLENBOSCH MUNICIPALITY: PROPOSED DRAFT ZONING SCHEME BY-LAW 2024

Collaborator No: 769990
IDP KPA Ref No: Good Governance and Public Participation
Meeting Date: 06 August 2024 and 23 August 2024

1. SUBJECT: PUBLIC PARTICIPATION PROCESS FOR STELLENBOSCH MUNICIPALITY: PROPOSED DRAFT ZONING SCHEME BY-LAW 2024

2. PURPOSE

To present to Council the Stellenbosch Municipality: Proposed Draft Zoning Scheme By-Law (2024) (ZSB) for consideration to adopt the same for the purpose of a public participation process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Following the internal review of the Stellenbosch Municipality: Zoning Scheme By-Law (2019) and a report submitted on same, Council decided as follows vide **Item 11.8.1 on 26 April 2023**:

(a) That the contents in the report on the internal review of the current Stellenbosch Zoning Scheme By-Law (2019) ***BE NOTED****.*

(b) That the proposed development of a revised and updated Stellenbosch Zoning Scheme By-Law ***BE AUTHORISED.***

(c) That the provincial standard draft Zoning Scheme By-Law be used as the foundation for the development of the revised and updated Stellenbosch Zoning Scheme ***BE ADOPTED****."*

The Department of Development Management proceeded to develop un updated zoning scheme By-Law based on the provincial standard draft zoning scheme By-Law further enhancing it with the unique and relevant provisions of the current zoning scheme By-Law.

The proposed draft Stellenbosch Municipality Zoning Scheme By-Law (2024) is now being presented to Council for consideration and to be adopted for the purpose of a public participation process. This public participation process will firstly include a round of consultations with key stakeholder groups, inclusive of the Portfolio Committee for Planning, after which any amendments will be undertaken before it is released and published for the public participation process.

Following such public participation process and any required amendments that may result from such process, the final draft zoning scheme By-Law will be submitted to Council for consideration of approval and implementation.

5. RECOMMENDATIONS

5.1 that the proposed draft Stellenbosch Municipality Zoning Scheme By-Law 2024 **BE NOTED.**

5.2 that the proposed draft Stellenbosch Municipality Zoning Scheme By-Law 2024 **BE ADOPTED** for the purpose of a public participation process which will include:

5.2.1 a first round of workshops with stakeholder groups and engagements with resource persons which will include any required amendments that may result from such inputs; and

5.2.2 thereafter a general public participation process during which the updated subject draft By-Law will be advertised for general public comment / inputs.

6. DISCUSSION / CONTENTS

6.1 Background

A comprehensive overview of the review process of the current Stellenbosch Municipality Zoning Scheme By-Law (2019) was provided in the previous Item on the matter to Council, and which included the rationale to support the decision by Council to develop a new Stellenbosch Municipality Zoning Scheme By-Law.

In accordance with the proposed approach to develop the new zoning scheme By-Law and the decision taken by Council, the provincial standard draft zoning scheme By-Law served as the foundation to develop the new proposed draft Stellenbosch Municipality Zoning Scheme By-Law (2024).

This standard draft By-Law was supplemented with additions from the current zoning scheme By-Law to retain relevant matters that is unique to the context of the Stellenbosch Municipality, as well as to add new provisions in accordance with the current reality of matters that is pertinent in our ever-evolving living environment. Some matters in the standard draft zoning scheme By-Law were also updated to provide clarity and some matters were omitted which have either been replaced with new provisions or due to its irrelevance in the context of the Stellenbosch Municipality.

In order to provide insight to Council on these changes or additions in developing the proposed draft Stellenbosch Municipality Zoning Scheme By-Law (2024), the subject text in the attached draft By-Law contains all these amendments in red coloured text and any omissions are indicated with strikethrough text. To be noted that the attached document will be cleaned of the coloured and strikethrough text prior to be released for public participation.

It is anticipated that the workshops and consultations, and any updates which will result from such inputs, will take approximately two to maximum three months, after which the draft By-Law will be advertised. All inputs will then be considered for required amendments and the final draft By-Law should be ready to be submitted to Council soonest in 2025 for adoption and implementation.

6.2 Financial Implications

The development of the subject By-Law was undertaken in-house with no cost to Council. The public participation process will result in the cost associated with required publishing of the draft By-Law.

6.3 Legal Implications

The amendment of By-Law is governed in terms of the provisions of Section 12 of the Municipal Systems Act, 2000 (Act 32 of 2000) which needs to be satisfied. The proposed public participation process is an inherent requirement for adopting a new By-Law.

6.4 Staff Implications

The public participation process will be conducted in-house by the available professional urban planning staff.

6.5 Previous / Relevant Council Resolutions

Council sanctioned vide **Item 11.8.1 on 26 April 2023** that a new Stellenbosch Municipality Zoning Scheme By-Law be developed.

6.6 Risk Implications

There are no risks associated with the envisaged public participation process in finalising the development of the proposed draft Stellenbosch Municipality Zoning Scheme By-Law (2024).

6.7 Comments from Senior Management

6.7.1 Director: Infrastructure Services

No comments solicited for this report.

6.7.2 Director: Planning and Economic Development

Report and recommendations are supported.

6.7.3 Director: Community and Protection Services

No comments solicited for this report.

6.7.4 Director: Strategic and Corporate Services

No comments solicited for this report.

6.7.5 Chief Financial Officer

No comments solicited for this report.

6.7.6 Municipal Manager

Report and recommendations are supported.

RECOMMENDATIONS FROM PLANNING, LED AND TOURISM COMMITTEE TO COUNCIL: 2024-08-06: ITEM 7.1.1

The Senior Manager: Development Management, Mr S Carstens, made a presentation to the Committee in terms of the amendments of the Zoning Scheme By-Law.

RECOMMENDATIONS TO COUNCIL

(a) that the proposed draft Stellenbosch Municipality Zoning Scheme By-Law 2024 **BE NOTED;**

(b) that the proposed draft Stellenbosch Municipality Zoning Scheme By-Law 2024 **BE ADOPTED** for the purpose of a public participation process which will include:

(i) a first round of workshops with stakeholder groups and engagements with resource persons which will include any required amendments that may result from such inputs; and

(ii) thereafter a general public participation process during which the updated subject Draft By-Law will be advertised for general public comment / inputs.

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	*27 June 2024*

ANNEXURE A

STELLENBOSCH MUNICIPALITY
Draft Zoning Scheme By-law 2024

To regulate and control municipal zoning.

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

CHAPTER 1
INTERPRETATION

Sections

1. Definitions
2. Rules of Interpretation

CHAPTER 2
ZONING SCHEME, USE ZONES AND USES

3. Application of zoning scheme
4. Purpose of zoning scheme
5. Components of zoning scheme
6. Use zones
7. Zoning scheme map
8. Transition to new use zones and savings
9. Rectification of errors on zoning scheme map
10. Zoning scheme register
11. Primary uses
12. Consent uses
13. Temporary departures for specific occasions
14. Non-conforming uses
15. Deemed zoning of closed public places
16. Split Zonings and Spot Zonings
17. Status of a Zoning Certificate

CHAPTER 3
OVERLAY ZONES

18. Purpose and status of overlay zones
19. Procedures for establishing, reviewing or amending overlay zones

CHAPTER 4
DISTANCES, LEVELS AND BOUNDARIES

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GENERAL

CHAPTER 1
INTERPRETATION

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——

"ancillary" means a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful dominant use of the property;

"antenna" means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves;

"alteration" means any action changing or amending the structure, appearance or physical properties of a building or place, whether by way of structural or other works, or a change of the use of that land or place;

"applicant" means a person who makes application in terms of the Planning By-law;

"atrium" means a covered courtyard that—
(a) comprises a void within a building that extends for one or more floors in height that contains a floor and roof or ceiling; and
(b) does not contain floors that penetrate into the void;

"balcony" means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by containing walls of rooms abutting the projecting floor, and may include a roof over the projecting floor and pillars supporting the roof;

"bar" refer to definition of pub;

"base zone" means the zone that determines the lawful land use and development parameters for a land unit in terms of this zoning scheme, before the application of any overlay zone;

"basement" means that portion of a building with a ceiling level which does not protrude more than one metre at any point above natural ground level excluding excavations required for access purposes and may not include any habitable space, in which case it will be regarded as a storey;

"boundary" in relation to a land unit means one or more of the cadastral lines separating the land unit from another land unit or from a road reserve;

"boundary wall" means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, including entrance gates and doors;

~~**"braai room"** means a room that is part of the main dwelling or outbuildings and that is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen;~~ *(replaced by "recreation room")*

"building" without in any way limiting its ordinary meaning, includes—

(a) any structure, whether roofed or not, of a temporary or permanent nature and irrespective of the materials used in the erection thereof; ~~a roofed structure;~~

(b) an external stair, step or landing of a building and any gallery, canopy, balcony, stoep, verandah, terrace, porch or similar feature of a building;

(c) a wall or railing enclosing any feature referred to in paragraph *(b)*;

(d) any swimming pool, reservoir, bridge or subsurface structure or any other structure connected therewith; and

(e) any other portion of a building;

"building line" means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited;

"cadastral line" means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor-General and registered in the Deeds Office;

"canopy" means a cantilevered or suspended roof, slab or covering projecting from the wall of a building, excluding the floor of a balcony;

"CapeNature" means the Western Cape Nature Conservation Board established in terms of the Western Cape Nature Conservation Board Act, 1998 (Act 15 of 1998);

"caravan" means a vehicle that has been equipped or converted for living and sleeping purposes and that can readily be moved;

"carport" means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;

"carriageway crossing", in relation to a motor vehicle carriageway crossing, means an entrance or exit way, or a combined entrance and exit way, from a land unit to a road;

"clubhouse" means a building or portion of a building in relation to a sports and recreation centre for the specific use of people who are members of an organized activity, sport or any association to meet with the intention of socialising and may also include a lounge, restrooms, change rooms, ablution facilities, hall, restaurant which serves members, and may include a shop which is associated with the particular sport, or a pub with the permission of the Municipality;

"commercial", in relation to a use right, means a use right for the express purpose of making a profit with no or limited social or charitable objectives;

"common boundary", in relation to a property, means a boundary common with the adjoining property other than a street boundary;

"Council" means the municipal council of the Municipality;

"coverage" means the area of a land unit that is covered by buildings, expressed as either a percentage of the total erf area of the land unit, or as the footprint of the total size of buildings in square meters, and includes—

(a) stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and

(b) canopies, verandas, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of coverage, namely—

(i) stoeps less than 0,5m above natural ground level, entrance steps and landings;

(ii) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of the building;

(iii) eaves not projecting more than 1,0 metres from the wall of the building; and

(iv) a basement, provided that the basement ceiling does not project above the ground level;

"deemed zoning" means the zoning of a land unit which the Municipality deems it to have in circumstances where no formal zoning determination or rezoning was previously done;

"dominant use" means the predominant or major lawful use of a property, and may consist of primary uses, consent uses or other lawful uses permitted on the property;

"dwelling unit" means a self-contained, inter-leading group of rooms —

(a) with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used with a dwelling unit;

(b) with adequately scaled communal areas that are normally associated with the living accommodation of a functional family;

(c) does not include a cluster of predominantly sleepings rooms with limited communal areas normally associated with accommodation for communal or hostel living;

(d) does not include tourist accommodation or accommodation used as part of a hotel.

"eave" means a portion of a roof projecting beyond the face of a building, including any gutters;

"earth bank" means land that is shaped to hold back earth or loose rock;

"ecosystem" means a self-sustaining and self-regulating community of organisms and the interaction between the organisms with one another and with their environment;

"encroachment agreement" means an agreement between an owner and the Municipality relating to the projection of portions of a building or structure from the owner's property onto or over the Municipality's property;

"entrance steps and landings" means steps and landings to a building, including any low walls and railings, if the steps and landings are not within the main containing walls of the building;

"environmental management plan" means a plan that documents the management of site preparation, construction or operations affecting an environmental resource or an environmentally significant place, its environmental values or management requirements, or both;

"erection" in relation to a building or structure includes—

(a) the construction of a new building or structure;

(b) the alteration or conversion of, or addition to, a building or structure;

(c) the re-construction of a building or structure which has completely or partially been demolished; and

(d) includes any site clearing, site preparation, site levelling, excavations and any other predatory work in connection with the erection of a building or structure.

"family" means—

(a) one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship and no more than 2 unrelated people; or

(b) a group of not more than 2 unrelated persons, including domestic workers or lodgers;

"floor" means the inner, lower surface of a room, garage or basement, and includes a terrace or atrium to which the occupants of a building have access;

"floor factor" means the factor, expressed as a proportion of 1, which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; being the maximum floor space as a proportion of the total erf area, and has the same meaning as "bulk";

"floor space", in relation to any building, means the total area of any floor which is covered by a slab, roof or projection; provided that—

(a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;

(b) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;

(c) a projection, including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1 metre beyond the exterior wall or similar support, is excluded;

(d) any uncovered internal courtyard, light well or other uncovered shaft which has an area in excess of 10 m² is excluded;

(e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, is excluded;

(f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 metres in width, is excluded;

(g) subject to paragraph *(h)*, any stairs, stairwells and atriums that are covered by a roof are included;

(h) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells, and any atrium, are only counted once; and provided further that—

(i) floor space is measured from the outer face of the exterior walls or similar supports of the multi-level building; and
(ii) the total floor space is the sum of the floor space of all the levels of the multi-level building, including that of any basement;

"garage" means a building for the storage of one or more motor vehicles, but does not include a motor repair garage or service station;

"GLA" means gross leasable area being the total floor space designed for, or capable of, occupancy or control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, but excludes public toilets, internal walkways, lift shafts, service ducts, interior parking and loading bays;

"greenhouse" means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic for the purpose of growing of plants or hastening growth of plants under controlled environmental conditions;

"gross density" means a measure of the number of dwelling units in a specified area, and is calculated as follows:

$$\text{Gross dwelling density (units per hectare)} = \frac{\text{Total number of dwelling units in a specified area}}{\text{Extent of specified area in hectares;}}$$

"group housing site" means one or more land units on which a group housing scheme or retirement resort may be erected;

"hazardous substance" has the same meaning as "grouped hazardous substance" as defined in section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

"height" of a structure means a vertical dimension of the structure from the natural ground level to the wall plate or, in the case of a pitched roof, the ridge of the roof or the highest point of a building, measured in metres, provided that—
(a) the height of a structure does not include chimneys, flues, masts or antennae;
(b) elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building are included when determining the height of a structure,; and
(c) the general provisions regarding these aspects in this By-law also apply;

"kitchen" means a room or part of a room equipped for preparing and cooking meals and excludes a braai room, food and drink preparation area or bar facilities in an entertainment area;

"land development plan" means a dimensional plan drawn to scale that spatially illustrates the physical characteristics of the subject land and the proposed location, site layout, nature and scale of the use rights and associated development parameters of the proposed land use and land development application that is being pursued.

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

"landscaping" means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements for the purposes of enhancing the aesthetic appeal, environmental management, amenity and value of a property;

"loading bay" means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Municipality;

~~**"lodger"** means a person who utilises lodging services;~~

"lodger" means a person receiving furnished or unfurnished bedroom accommodation in a dwelling unit against payment of a charge or a fee on a month-to-month basis or for periods exceeding 30 days.

~~**"lodging"** means the provision of furnished or unfurnished bedroom accommodation or, in the case of a backpackers' lodge, bed accommodation, that is made available on payment of a charge or fee, and includes the services ordinarily related to such accommodation including the provision of meals or the use of communal facilities for self-catering purposes;~~

"maximum floor space" means the greatest total floor space that is allowed for a building or buildings on a land unit, and is calculated by multiplying the floor factor by the area of the land unit or that portion of the land unit that is situated within a particular zone; provided that, where the land unit is situated within two or more zones to which different floor factors apply, the maximum floor space for the whole land unit is the total of the maximum floor space for each zoned portion of the land unit;

"mineral" means a substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or under water and which was formed by or subjected to a geological process, and includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes—

(a) water, other than water taken from land or sea for the extraction of any mineral from such water;
(b) petroleum; and
(c) peat;

"motor vehicle" means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but excludes a vehicle moving exclusively on rails;

"Municipality" means the Municipality of Stellenbosch established by Establishment 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 Municipal Planning Tribunal, authorised or delegated to perform a function or exercise a power in terms of this By-law;
(d) the Municipal Manager; and
(e) any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

"National Building Regulations" means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);
"natural ground level" means—
(a) the level of the land in its unmodified state; or
(b) when altered with the municipality's approval for the purpose of development, the municipality may approve such altered ground level as the natural ground level, subject to Section 21;

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

"occupant" means any person who occupies a land unit;

"occupational health and safety law" means the Occupational Health and Safety Act, 1993 (Act 85 of 1993), or municipal by-laws governing occupational health and safety, whichever is applicable;

"outbuilding" means a structure, whether attached or separate from the main building that is normally ancillary and subservient to the main building on a land unit, and includes a building designed to be used for the garaging of motor vehicles or the storage of goods, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building, but does not include a second dwelling, a recreation room or any other habitable space.

~~**"outdoor advertising"** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and that takes place out of doors~~ *(replaced with land use description – and see definition for "sign")*

"overlay zone" means a category of zoning that applies to land or land units in addition to the base zoning and that—
(a) stipulates development parameters or use rights that may be more or less restrictive; and
(b) may include provisions and development parameters relating to—
(i) primary or consent uses;
(ii) subdivision and subdivisional areas;
(iii) development incentives;
(iv) density limitations;
(v) urban form or urban renewal;
(vi) heritage and environmental protection;
(vii) management of urban growth;
(viii) scenic drives; ~~coastline setbacks~~;
(ix) any other purpose as set out in this zoning scheme;

"package of plans" means the hierarchy of plans specified in terms of this By-law;

"parapet" means a low projection, wall or moulding that finishes the uppermost edge of a building with a flat or low pitched roof;

"parking bay" means an area clearly outlined and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport that is accessible for easy and safe vehicle movement;

"pergola" means any unroofed horizontal or approximately horizontal grille or framework and associated vertical support structure and of which the area in the horizontal projection of its solid portions does not exceed 25% of the total area thereof;

"Planning By-law" means the Land Use Planning By-law adopted and enforced by the Municipality. ~~and effective from 1 July 2023;~~

"planning law" means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), Land Use Planning Act, Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the Planning By-law or succeeding legislation governing land use planning in the Western Cape, whichever is applicable;

"plaza" means an urban open space or square, primarily designed for outdoor use by pedestrians;

"policy plan" means a policy adopted by the Municipality, structure plan, spatial development framework or other policy plan approved in terms of planning law;

"porch" means a roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to the building, and includes any paved area underneath the roof, and any low walls or railings enclosing that paved area, and any pillars supporting the roof;

"porte cochères" means a covered entrance large enough for vehicles to pass through, typically opening into a courtyard or a porch where vehicles stop for passengers to get out of the vehicle;

"precinct plan" means a plan, approved by the Municipality, as envisaged in this By-law as a component of a package of plans;

"previous zoning scheme " means a zoning scheme or town planning scheme referred to in section 33(1) or (2) of the Land Use Planning Act;

"primary use" in relation to property means any land use specified in this By-law as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality's approval;

"property" means land together with any improvements or buildings on the land;

"provincial road" means a road that is under the jurisdiction of the provincial roads authority;

"pub" means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar; but excludes— a night club;

"public nuisance" means any act, omission or condition that is offensive in the opinion of the Municipality, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or that adversely affects the safety

of the public, having regard to the reasonableness of the activities in question in the area concerned, and the impacts that result from these activities;

"recreation room" means a room that is part of or separate from the main dwelling and is ancillary and subservient to the main building, but is not an outbuilding, and is used primarily for recreation purposes like a playroom, games room, indoor swimming pool, hobby room or a home gym, or for entertainment purposes like a braai room and where food and drinks may be prepared, but excludes a kitchen or any sleeping accommodation;

"refuse room" means a defined screened refuse receptacle from where refuse is collected, usually on a weekly basis;

"registered land surveyor" means a professional land surveyor, registered in terms of the Geomatics Profession Act, 2013 (Act 19 of 2013);

"retaining structure" means a wall or structure constructed to hold back earth or loose rock;

"road" includes a public street or a private road;

"road reserve" means the designated area of land that contains a public street or private road (including the road and associated verge) and that may be defined by cadastral boundaries;

"satellite dish antenna" means apparatus fixed to a structure or mounted permanently on the ground and that is capable of receiving or transmitting communications from a satellite;

"scenic drive" means a public street designated as a scenic drive by the Municipality in recognition of the high visual amenity alongside that public street, including background vistas of a mountain, open country, ~~a coastline~~ or a town;

"service yard" means a defined screened area providing utility services including washing line facilities for, amongst others, general residential developments;

"shipping or transport container" means a large, weatherproof container used for the transport of goods by sea, rail or road and that is usually stored in the open when not in use**;**

"sign" means:

(a) any visible or audible representation of a sign, symbol, sign-writing, mural, graphic design, signboard, billboard, screen, blind, boarding or other device by means of which an advertisement or notice is physically displayed; and
(b) which is visible from any public place and which is intended to promote any news headlines, business, product, service, brand, person, function, meeting, election or candidate in an election, event or activity, and "advertising" shall have a similar meaning, and
(c) includes any advertisement, object, structure or device that is in itself an advertisement or is used to display an advertisement.

~~**"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;~~

"site development plan" means a dimensional plan drawn to scale to spatially illustrate the implementation of the existing or approved use rights attached to the subject land, compliance to any associated development parameters, as well as conditions of approval attached to a land use and land development approval.

"spatial development framework" refers to a provincial spatial development framework, a provincial regional spatial development framework, or a municipal spatial development framework or municipal local spatial development framework;

"stoep" means an uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor of the building, and includes any low walls or railings enclosing the paved areas or floors;

"storm water" means water resulting from natural processes, the precipitation or accumulation of the water, and includes groundwater and spring water ordinarily conveyed by the storm water system, as well as sea water within estuaries, but excludes water in a drinking-water or waste-water reticulation system;

"storm water system" means constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use or disposal of storm water;

"street boundary" means the boundary between a land unit and a public street or private road;

"street centreline setback" means the line delimiting the area measured from the centre line of a particular public street, within which no building or other structure, including a boundary fence, may be erected;

"structure" without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, post, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump or underground tank, any building ancillary to service infrastructure provision, and any portion of a structure and irrespective of the material of such structure;

"tavern" refer definition of pub

"temporary structure" means a non-permanent structure constructed purely on a temporary basis for a specific period and purpose, which shall require building plan approval where applicable and which shall be demolished after the period and/ or purpose for which it was erected, has ended.

"terrace" means an area to which occupants of a building have access, created on a flat roof over a portion of the building, resulting from the setting back of part of the building above that portion;

"top of the roof", for the purpose of height control, means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where the parapet extends above the roof;

"total floor space" of a building means the sum of the floor space of all the levels of a particular building, including basements;

"tourist" means a person who travels to and visit a destination for holiday, leisure, business, recreation, exploration, adventure, sightseeing, sport or such other related purposes, and
(a) "*tourism*" as an activity has a similar meaning, and
(b) "tourist accommodation" refers to all accommodation types used by transient guest for tourism.

"transient guest" means a tourist receiving accommodation against payment of a charge or a fee for a bed, a furnished bedroom, suite or dwelling unit on a day-to-day or short term rental basis for less than 30 days.

"used" in addition to its ordinary meaning, includes "designated or intended to be used";

"verandah" means a covered area (not being an area that is part of a yard or parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor of the building, and includes both the covered area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing the covered area or floor;

"wall plate" means the lowest point of a longitudinal member, bar, rafter, beam, truss, bracket, pillar, post, structure or any other similar device that supports a roof, as determined by the Municipality;

"youth hostel" means a place providing affordable accommodation, aimed mainly at young tourists;

"zoning" includes base zoning and overlay zoning;

"zoning scheme" means a land use scheme as defined in section 1 of the Spatial Planning and Land Use Management Act and includes the components referred to in section 4 of this By-Law.

Rules of Interpretation

2.(1) After the commencement of this Scheme, any words in this Scheme, annotations used on the zoning map and register, words or expressions used in planning reports or any conditions of approval imposed after the commencement date shall have the meanings assigned to them in accordance with the definitions contained in section **Error! Reference source not found.** of the Scheme except where a different meaning is clear from the context.

(2) In conditions of approval imposed prior to the commencement of this Scheme, terms describing land use, shall, for the purposes of interpretation, retain their meaning as was effective under the previous legislation, unless the interpretation in this Scheme does not materially change the meaning. For all other aspects, the meaning of this Scheme shall prevail.

(3) The interpretation of words not defined in this Scheme will have the meanings assigned to them in the "new Shorter Oxford English Dictionary" published by Oxford University Press, except where a different meaning in the Municipality's opinion is clear from the context.

(4) Headings only serve to clarify the purpose of a section and may not be used to interpret the meaning of any provision contained therin.

(5) The masculine gender includes the feminine and agender, and vice versa, the singular includes the plural, unless otherwise indicated by the context.

(6) If there is any conflict between the English version and any other translation, the English version will prevail.

(7) Whenever reference is made to a law, ordinance, by-law or regulation, the reference applies to all substitutions, amendments, and additions of the said law, ordinance, by-law or regulation.

(8) Whenever reference is made to the use of a building, the reference applies also to the erection of a building, to the use of part of the building and to the use of the land unit or part thereof, whether a building is erected or not.

(9) The terms "must" and "shall" are mandatory, and the term "may" is discretionary.

(10) Where this scheme prescribes use rights which are different from other legislation, inclusive of any restrictive condition registered against the title deed of land, the most restrictive parameters shall be complied with.

(11) The competent authority's interpretation of any provision or wording shall prevail unless the contrary is proven.

CHAPTER 2
ZONING SCHEME, USE ZONES AND USES

Application of zoning scheme

3. (1) The zoning scheme applies to the entire Stellenbosch municipal area (WC24).

(2) This by-law binds every owner, and every user of land including the state.

(3) All land within the Municipal area shall be zoned in accordance with this Scheme, and at least one of the use zones set out in this Scheme shall apply to a land unit, for the purposes of controlling land use and buildings on the land.

Purpose of zoning scheme

4. The purpose of the zoning scheme is to—
(a) give effect to the municipal spatial development framework;
(b) make provision for orderly development and the welfare of the community; and
(c) determine use rights and development parameters, with due consideration of the principles referred to in the Land Use Planning Act.

Components of zoning scheme

5. The zoning scheme consists of the following components:
(a) this By-law;
(b) the zoning scheme map; and
(c) the register.

Use zones

6.(1) The municipal area is divided into the use zones referred to in column 1 of the table set out in Schedule 1.

(2) The purpose of each use zone is set out in column 1 of the table set out in Schedule 1.

(3) The description of the primary and consent uses applicable to each use zone is set out in Schedule 2.

(4) The location, boundaries and extent of each use zone is depicted on the zoning scheme map.

(5) The primary and consent uses applicable to each use zone are subject to the development parameters specified for the land use applicable to each use zone as set out in Schedule 2.

Zoning scheme map

7.(1) The zoning scheme map depicts—
(a) the zoning of land in accordance with the use zone in which the land is located; and
(b) overlay zones, if applicable to the land.

(2) The official version of the zoning scheme map must be kept on ~~file~~ record at the Municipality and is available for inspection during normal office hours.

(3) The official version of the zoning scheme map as approved together with this By-law must be certified by the Municipal Manager.

(4) The official version of the zoning scheme map depicts the status of the current zoning classification of land in the Municipality and may only be amended as provided for in this By-law and the Planning By-law.

(5) The official version of the zoning scheme map is incorporated in and made part of this By-law and publication of this By-law in the *Provincial Gazette* constitutes notice of the approval of the zoning scheme map.

(6) The Municipality must update the zoning scheme map within a reasonable time after use rights have been granted or have lapsed.

(7) The Municipality may keep the zoning scheme map in an electronic format.

(8) The Municipality may provide an extract of the zoning scheme map to members of the public on payment of a fee determined by the Municipality in terms of the Municipality's tariff policy.

Transition to new use zones and savings

8. (1) Upon the date of commencement of this By-law, land that is zoned in terms of the previous zoning scheme is translated or reclassified to one of the use zones referred to in section 5.

(2) Table 1 in Schedule 4, Zoning Transition Table, summarises the translation or reclassification of the use zones used in the previous zoning scheme to the use zones used in this By-law.

(3) Despite the translation or reclassification of the use zones used in the previous zoning scheme to the use zones used in this By-law—
(a) any condition of approval or validity period that is applicable to a land unit in terms of the previous zoning scheme applicable immediately before the coming into effect of this By-law, remains applicable and in so far as it determines development parameters that are different from the development parameters applicable in terms of this By-law, it is not to be considered an offence but a lawful non-conforming use;
(b) the Municipality must record any condition of approval referred to in paragraph *(a)* in the register together with any applicable validity period applicable to the zoning in terms of the previous zoning scheme;
(c) a zoning approved in terms of the previous zoning scheme that has been exercised within its validity period, cannot lapse, and is translated or reclassified as determined in this By-law;

(d) a zoning approved in terms of the previous zoning scheme that has not been exercised, lapses after the expiry of the validity period applicable to that zoning in terms of the previous zoning schemes;

(e) in the event of the lapsing of a zoning as contemplated in paragraph *(d),* the land unit reverts back to the use zone applicable to it in terms of the previous zoning scheme, before it was rezoned and is translated or reclassified as determined in Schedule 4.

(f) a building plan application that was formally submitted and accepted –

(i) immediately before the coming into effect of this By-law and which is still being processed; or

(ii) on or after the date of coming into effect of this By-law with the purpose to act on an approval in terms of a previous planning law,

must be assessed in accordance with that approval provided that such building plan application is submitted within 24 months after commencement of this zoning scheme, or within the validity period of said application, whichever is the later date.

(g) any rezoning or consent use application which was submitted prior to the date of coming into effect of this By-law, must be finalized in terms of the previous zoning scheme, and thereafter is translated or reclassified as determined in Schedule 4 and subject to subsection (3), or as determined by the municipality.

Rectification of errors on zoning scheme map

9.(1) If the zoning of a land unit is incorrectly indicated on the zoning scheme map, the owner of an affected land unit may submit an application to the Municipality to correct the error.

(2) An owner contemplated in subsection (1) must apply to the Municipality in the form determined by the Municipality and must—

(a) submit written proof of the lawful land use rights; and

(b) indicate the correct zoning that should be allocated.

(3) The onus of proving that the zoning is incorrectly indicated on the zoning scheme map is on the owner.

(4) The owner is exempted from paying application fees.

(5) If the zoning of a land unit is incorrectly indicated on the zoning scheme map, the Municipality must amend the zoning scheme map to reflect the correct zoning.

(6) If the correct zoning of a land unit cannot be ascertained from the information submitted to the Municipality or the records of the Municipality, the zoning must be determined in terms of the Planning By-law and the zoning as determined must be recorded on the zoning scheme map.

(7) In the event that any person identifies an error on the zoning map; the Municipality must—

(a) inform the owner of the affected land unit of the error;

(b) investigate and indicate the correct zoning that should be allocated;

(c) follow a public participation process;

(d) submit an amended zoning scheme map to Council for adoption; and

(e) amend the zoning register and map accordingly.

Zoning scheme register

10. The Municipality—

(a) must record all departures, consent uses or other permissions granted and non-conforming uses in the register;

(b) may keep the register from the date of commencement of the zoning scheme in an electronic format; and

(c) must make the register available to members of the public for viewing.

Primary uses

11.(1) Primary uses of land permitted in each use zone, ~~without the Municipality's consent,~~ are listed in the corresponding part of column 2 of the table set out in Schedule 1.

(2) Primary uses may be implemented without the Municipality's consent, but subject to any legal requirement to submit and obtain prior approval for a building plan for the buildings or structures associated with the primary uses,

Consent uses

12.(1) Consent uses of land permitted in each use zone, ~~with the Municipality's prior consent in terms of the Planning By-law,~~ is listed in the corresponding part of column 3 of the table set out in Schedule 1.

(2) A consent use may only be implemented with the Municipality's prior consent in terms of the Planning By-law and is also, where applicable, subject to any legal requirement to submit and obtain prior approval for a building plan for the buildings or structures associated with the consent use.

Temporary departures for specific occasions

13.(1) The Municipality must record the relevant information relating to a temporary departure for occasional uses applicable to a land unit in the register.

(2) Approval of a use right as a temporary departure for an occasional use in terms of the Planning By-law must at least be subject to the development parameters applicable to the use right as stipulated in this By-law.

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.

(3) No additions or extensions to a non-conforming use is permitted.

Deemed zoning of closed public places

15. The zoning of land that was previously a public street or public open space, vested in or owned by the Municipality and that is closed, is determined as follows:

(a) if the land is transferred to an abutting land owner, that portion of the land falls in the same zone as that of the abutting land belonging to the abutting owner; or

(b) the Municipality must determine which zoning applies to the land if—

(i) the land is transferred to an abutting land owner and that owner owns abutting properties falling into more than one zone; or

(ii) in any other case not provided for in this section.

Split Zonings and Spot Zonings

16. (1) If more than one base zone applies to a property, the zoning shall be represented either as:

(a) a split zoning along a demarcated boundary line on the property; or

(b) a spot zoning in accordance with a demarcated area of the property.

(2) In the event that a surveyor diagram indicating the extent of the split or sport zone is not available in the Municipality's records, the extent to which the split or sport zoning applies to a property shall be determined by the Municipality, taking into account the original application for the split or sport zoning, and/or the legal utilisation of the land, whichever is appropriate.

Status of a Zoning Certificates

17. (1) The purpose of a zoning certificate is to portray the administrative record of the approved land use rights attached to a property.

(2) A zoning certificate is not a legal mechanism to change the legitimate land use rights and any error contained in a zoning certificate will not vest any illegitimate land uses.

CHAPTER 3
OVERLAY ZONES

Purpose and status of overlay zones

18.(1) The Municipality may adopt, review or amend overlay zones for specific areas in the Municipality in accordance with section 16 to—

(a) give expression, in a planning context, to the local needs and values of the communities concerned; and

(b) promote particular types of development, urban form, landscape character, environmental features or heritage values.

(2) The Municipality must determine use rights and development parameters for each area of an overlay zone.

(3) The development parameters of an overlay zone may be more restrictive or more permissive than the development parameters applicable to the underlying base zoning of the land concerned.

(4) If the development parameters of the base zone are replaced with alternative development parameter in the overlay zone, and –
   (a) the overlay zone specifies more restrictive development parameters; the more restrictive development parameters of the overlay zone prevail.
   (b) the overlay zone specifies more permissive development parameters; the more permissive development parameters of the overlay zone apply in accordance with the provisions or with any other mechanism determined in the overlay zone and which may include satisfying any related performance criteria.

(5) An overlay zone does not change the base zone of the properties to which it relates, but an overlay zone may establish an additional layer of inherent use rights to facilitate development, and which use rights may be exercised in accordance with the approval of a site development plan and/ or a building plan, or in accordance with any other mechanism determined in the overlay zone and subject to satisfying any related performance criteria like development parameters, infrastructure requirements and the payment of development charges.

(6) If an overlay zone establishes an additional layer of inherent use rights to facilitate development, the use rights of the base zone will remain applicable and in force up until the use rights of the overlay zone is exercised.

Procedures for establishing, reviewing or amending overlay zones

19. An overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this By-law in accordance with sections 12 and 13 of the Municipal Systems Act and section 25 of the Land Use Planning Act.

CHAPTER 4
DISTANCES, LEVELS AND BOUNDARIES

Measuring distances and levels

20. The following provisions apply with regard to the method of measuring distances and levels:
   (a) when reference is made or implied to the distance between boundaries or between a building and a boundary, this distance must be measured in the following manner:
      (i) the boundary or boundaries and all points of the building must be projected onto a horizontal plane, and all measurements must be made in the plane; and
      (ii) the distance between a point on a building and a boundary must be measured at right angles to the erf boundary;
   (b) when reference is made to a portion of a boundary opposite a building, that portion must be defined by drawing lines in a manner described in paragraph *(a)* from points on the building, at right angles to the boundary;

(c) when reference is made to natural ground level or of a roof wall plate, parapet or other things, the level must be calculated in accordance with recognised geometric principles; and

(d) when the levels involved are so irregular that calculation in accordance with the principles in paragraphs *(a)* to *(c)* is impractical or leads to a result that is not in accordance with the intent of the zoning scheme, the Municipality must determine the level.

(e) If the verification of information is necessary to determine compliance with distances or levels in terms of this scheme, the Municipality may at any time require an applicant or owner to appoint a registered surveyor, at the owner/applicant's cost, to provide the subject information.

Determination of natural ground level

21.(1) The Municipality may request the submission of a registered land surveyor's certificate to determine the natural ground level before any construction activities may commence.

(2) Where the level of the land has been altered with the approval of the municipality—

(a) any grading for the purpose of development must connect evenly with the existing levels of abutting land units; and

(b) the municipality may approve the altered ground level to be the natural ground level.

(3) Where it is not possible to determine the natural ground level due to irregularities or disturbances of the land, the Municipality may—

(a) determine the natural ground level from measurements supplied on a building plan;

(b) deem a level to be the natural ground level based on measurements interpolated from a contour plan, local height benchmark or other information held by the Municipality; or

(c) require the owner or applicant to commission a registered surveyor at the cost of the owner or applicant to measure levels of the ground or interpolate levels, in order to provide the Municipality with sufficient information to determine the natural ground level for the purpose of administering this By-law.

(4) Where a building site is elevated, filled or extended with excavated or any other material, the natural ground level is not altered unless approved by the Municipality in which case the Municipality must define a ground level for the purposes of administering the height restriction of the building.

Determining boundaries of use zones

22. If uncertainty exists as to the boundaries of use zones, the following parameters apply in the order listed:

(a) boundaries shown as following or approximately following any public street or road must be construed as following the street cadastral boundary;

(b) boundaries shown as following or approximately following any land unit boundary must be construed as following that boundary;

(c) boundaries shown as following or approximately following natural features must be construed as following those features; and

(d) in the event of further uncertainty as to the boundaries of a use zone, the Municipality must make a determination.

CHAPTER 5
ENFORCEMENT

Offences, penalties and enforcement of By-law

23.(1) Subject to section 14, no person may erect any building or structure or any part thereof—
(a) except for a purpose permitted by this By-law and only in accordance with the applicable development parameters; or
(b) without first obtaining approval from the Municipality in terms of the Planning By-law.

(2) A use not reflected as a primary or consent use for a particular use zone is not permitted in the use zone concerned, unless approved in terms of the Planning By-Law.

(3) A person who contravenes this section and sections 24 to 69 is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

(4) A Municipality must enforce the zoning scheme through the measures for enforcement provided for in the Planning By-law.

CHAPTER 6
LAND USE RIGHTS

Development parameters applicable to use rights

24.(1) The land use descriptions and development parameters applicable to each primary and consent use right depicted in the table in Schedule 1 are described in Schedule 2.

(2) Development parameters are applicable to use rights only and, notwithstanding the zoning of an erf, a specific use right has the development parameters as listed in Schedule 2, provided that the Municipality may grant a departure from the development parameters in terms of the Planning By-law.

(3) The land use descriptions in Schedule 2 defines the explicit nature of types of land use activities that are permitted and may not be interpreted to include any implicit types of land use activities, nor should the omission of reference to any type of land use activity be interpreted as to being permitted.

(4) All land uses and buildings shall comply with the development parameters set out within the particular zone as well as the definitions and general development parameters set out in this Scheme; unless an approval where permitted, or a departure from the development parameters has been granted.

(5) Consent uses listed in Column 3 of Schedule 1 is subject to the following conditions:

(a) when a consent use is granted by the Municipality in a particular zone, the applicable land use must be supplementary to the primary use right allowed under the particular zone; and

(b) when land is intended to be utilised exclusively for a consent use in a particular zone and the consent use is a primary right in another zone, application must be made for rezoning to the zone where the applicable land use is a primary right.

(6) No departure from the land use descriptions or definitions may be granted by the Municipality.

(7) Despite subsections (1) and (2) and the scope of development rights attached to a land use desciption and the associated prescibed development parameters, the Municipality may qualify any approval granted for land use and land development to restrict the nature of any land use or limit the extent of any development.

(8) Despite subsections (1) and (2), the Municipality may determine any additional condition of approval in respect of a use right for a specific property as may be required in terms of any other applicable legislation.

(9) Where this scheme prescribes development parameters which are different from other legislation, inclusive of any restrictive condition registered against the title deed of land, the most restrictive parameters shall be complied with.

Architectural design guidelines and development parameters

25.(1) Development parameters contained in any architectural design guidelines or similar, must comply with the development parameters prescribed in the zoning scheme or as may have been approved in terms of due process in an associated land use and land development application.

(2) If the development parameters of architectural design guidelines are less restrictive than the development parameters of the zoning scheme, the development parameters of the zoning scheme will prevail.

(3) If the development parameters of architectural design guidelines were purposefully approved in a land use and land development decision to serve as the development parameters in lieu of the development parameters of the zoning scheme, the development parameters of the architectural design guidelines will prevail.

Change in zoning and the continuation of land use rights.

26. (1) When a decision is taken in accordance with the Planning By-law and this bylaw to rezone land to a new zoning, the following provisions will apply to the associated use rights:

(a) Where it is justifiable and desirable under the circumstances, the decision to rezone the property may include a condition to determine that the former zoning and associated land use rights must cease to continue within a stipulated period.

(b) If a rezoning decision does not explicitly restrain the continuation of the former zoning and associated land use rights, the former land use rights will remain valid for the duration of the period until the new land use rights has been vested, or

alternatively for the duration of the period for which the rezoning remains valid, whichever occurs first.

(c) The continuation of the former zoning and associated land use rights may only continue insofar as it is accommodated in existing structures and infrastructure, and no new structures and / or associated infrastructure may be erected, added, or upgraded to facilitate the exercise of the former zoning and associated land use rights.

(d) When the rezoning does not vest, the zoning of the land will revert to the former land use rights if the former land use was not restrained by a condition of approval and the subject land use rights continue to be exercised after the rezoning, unless as determined by the municipality.

(e) If a condition attached to a decision to rezone the property restrained the continued use of the subject land in accordance with its former zoning, and the rezoning does not vest, the zoning of the land will not automatically revert to the former zoning and will forthwith be zoned Undetermined and will be subject to a new land use and land development application to determine its zoning.

Rezoning of existing building structure

27.(1) If a property with an existing authorised building structure is rezoned to another zoning, a new building plan must be submitted to indicate the new uses of the subject building structure in accordance with the new zoning and uses, irrespective if any internal structural changes will be required or not.

(2) Building plan approval must be obtained prior to any structural changes to the existing building structure and prior to the vesting of the new land uses.

Evasion of intent of the scheme

28. The Municipality may refuse to accept and process any land use and land development application in terms of the Planning By-law or the zoning scheme By-law if in its opinion the subject application facilitates or constitutes an evasion of the intent of the zoning scheme or any of its provisions.

CHAPTER 7
DEVELOPMENT OF LAND

This part contains provisions on requirements that may apply to applications for the development of land.

Land development plans

29. (1) When a land use and land development application is submitted for consideration, the application must include an appropriately scaled land development plan.

(2) A land development plan serves in the purpose to spatially illustrate the physical characteristics of the subject land and the proposed location, site layout, nature and

scale of the use rights and associated development parameters of the proposed land use and land development application that is being pursued.

(3) When an application is submitted to rezone land or obtain any additional use rights, the land development plan may also be proposed to serve in the purpose to be adopted as a site development plan for the implementation of the approved use rights insofar it is adequate to satisfactorily address the implementation of the subject use rights being pursued.

(4) The Municipality may require the following information to be depicted on a land development plan:

(a) existing bio-physical characteristics of the property;
(b) existing and proposed cadastral boundaries;
(c) the layout of the property, indicating the use of different portions of the property;
(d) the massing, position, use and extent of buildings;
(e) sketch plans and elevations of proposed structures, including information about their external appearance;
(f) cross-sections of the site and buildings on site;
(g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
(h) measures of access control to parking areas and reservation of parking areas;
(i) the position and extent of private, public and communal space;
(j) typical details of fencing or walls around the perimeter of the land unit and within the property;
(k) electricity supply and external lighting proposals;
(l) provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
(m) external signage details;
(n) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
(o) the phasing of a development;
(p) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
(q) statistical information about the extent of the proposed development, floor area allocations and parking supply;
(r) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
(s) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
(t) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings;
(u) any other details as may reasonably be required by the Municipality.

(5) The Municipality may require that the area covered by a land development plan must extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact.

(6) The Municipality may determine the extent of the area covered by a land development plan.

(7) The Municipality may require amendments of detail to the land development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

(8) The following provisions apply with regard to land development plans:
(a) the property must be developed generally in accordance with an approved land development plan and any site development plan must be generally in accordance with any approved land development plan;
(b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a land development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
(c) if the Municipality considers it necessary, a storm water impact assessment or storm water management plan or both may be required in conjunction with a land development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
(d) if the Municipality considers it necessary, a visual impact assessment, which may include a landscape character analysis, may be required in conjunction with a land development plan, the extent of which must be determined by the Municipality, depending on the size of the development.

Site development plans

30. (1) An applicant must submit a site development plan to the Municipality if it is required in terms of this zoning scheme and must be approved before any development on the relevant land unit may commence.

(2) The purpose of a site development plan is to spatially illustrate the implementation of the existing or approved use rights attached to the subject land, compliance to any associated development parameters, as well as conditions of approval attached to a land use and land development approval.

(3) A site development plan does not confer any use rights in addition to the existing or approved use rights attached to the subject land.

(4) If land use rights have not been approved in terms of due process, any error of a reference or representation of such land use activity on an approved site development plan does not equate to any approval to permit such land use activity.

(5) When a site development is a requirement to develop land, it must be submitted, and approval must be obtained prior to commencement of any site preparation or the submission of any building plan application in pursuance of the development of the subject land.

(6) When an application is submitted to rezone land or obtain any additional use rights, the site development plan may be submitted together with the land use and land development application insofar as it is adequate to satisfactorily address the implementation of the subject use rights being pursued.

(7) When an application is considered to rezone land or to obtain any additional use rights, a land development plan that is submitted as part of the application may be approved

as the site development plan for the implementation of the approved use rights insofar as it is adequate to satisfactorily address the implementation of the subject use rights being granted.

(8) In addition to the zones that specifically require a site development plan, the Municipality may require a site development plan for any development and specifically in respect of the following development types:
(a) shopping centres or shopping complexes;
(b) business or office park developments;
(c) industrial park developments;
(d) developments in conservation areas;
(e) developments that will be sectionalised;
(f) incremental residential developments; and
(g) major developments where there are concerns relating to urban form, heritage, traffic, the environment or planning.

(9) The Municipality may require any of the information required in the land development plan in 30(4), and which must include any qualifications or conditions attached to a land use and land development approval, to be depicted on a site development plan.

(10) The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the development will have a wider impact.

(11) The Municipality may determine the extent of the area covered by a site development plan.

(12) The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

(13) The following provisions apply with regard to site development plans:
(a) the property must be developed generally in accordance with an approved site development plan;
(e) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
(f) if the Municipality considers it necessary, a storm water impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
(g) if the Municipality considers it necessary, a visual impact assessment, which may include a landscape character analysis, may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development; and
(h) a site development plan may serve to determine ~~must be considered as~~ ~~setting~~ any additional development parameters applicable to the base zone by means of conditions of such approval, and any application for amendment must comply with the Municipality's requirements for the amendments.

Construction environmental management plans

31. (1) A construction environmental management plan:

(a) may be required by the Municipality together with a building plan for its approval in the event that construction activities may have an impact on, in the opinion of the Municipality:

(i) the natural and/or built environment or neighbours;

(ii) on-site or adjacent trees or vegetation requiring protection during the site preparation or construction phase;

(iii) heritage resources which require protection during the site preparation or construction phase;

(iv) natural freshwater resources such as rivers, streams or wetlands;

(v) or any other related matter which require management during the site preparation or construction phase and which is not adequately dealt with by means of the provisions of the National Building Regulations. (0)

(b) may be imposed as a condition when the Municipality considers an application in terms of the Planning by-law.

(2) The Municipality may adopt a policy to direct when a construction environmental management plan may be requested.

(3) The construction environmental management plan and building plan may be submitted simultaneously for the Municipality's consideration and may be approved simultaneously.

(4) The Municipality may specify requirements in relation to the qualifications of the specialist who will prepare, implement and oversee the construction environmental management plan.

(5) The Municipality may approve the construction environmental management plan with or without conditions.

(6) It is an offence for any person to develop, construct or use land without an approved construction environmental management plan, where one is required, or develop, construct or use land contrary to an approved construction environmental management plan.

Visual impact assessments

32.(1) A visual impact assessment may be required by the Municipality when an application is submitted in terms of the Planning by-law or die development of land is pursued in accordance with the prevailing use rights by means of a building plan application.

(2) A visual impact assessment shall be undertaken by a suitably qualified specialist to the Municipality's satisfaction and shall contain sufficient information to enable the Municipality to make a decision and impose appropriate conditions to mitigate the impact of the proposed development.

(3) A visual impact assessment shall address all relevant aspects of the proposed development, including, but not limited to building height, bulk and the siting of the building and/or structure, proposed design, façade and composition, material, colour, texture, architectural treatment and appearance of the outer elements as well as any

element of such building or structure visible to the public, such as parking, outdoor lighting, landscaping, signage and grading.

(4) The Municipality may determine what information is relevant to a particular visual impact assessment and may request any of the following information:
(a) description of the affected environment;
(b) identification and response to issues;
(c) identification of alternatives;
(d) identification of opportunities and constraints;
(e) prediction of and assessing of impacts;
(f) recommendation of mitigatory measures.

Traffic studies

33. (1) The Municipality may require that a traffic study be undertaken for a land use and land development application in terms of the Planning By-law or this zoning scheme.

Development charges in terms of this scheme

34,(1) The calculation of development charges and whether or not a development charge is payable, shall be subject to the municipality's policy adopted in this regard.

(2) Where the provisions in a particular zone identifies that a development charge is payable for intensified primary development rights which came into operation as a result of this scheme, and where the owner intends to develop according to such intensified rights, such development charge shall be calculated when the building plan is submitted, and shall be paid prior to the approval of said building plan which takes up such additional rights or part thereof.

(3) Where an application is made in terms of Planning Law, or where application is made for additional use rights or permissions in terms of the scheme, the municipality may impose a condition related to development charges payable where said approval leads to the intensification of land use beyond the primary rights which was originally approved on the property.

(4) Unless alternative agreement is reached in writing between the owner and the Municipality, no building plan shall be approved for any property where an outstanding development charge is payable.

Decommissioning of various installations and land uses

35.(1) The owners of facilities such as a greenhouse, renewable energy infrastructure, telecommunication antennae, masts and other kinds of infrastructure, and owners of land where noxious industry and mining was undertaken, shall be responsible for the rehabilitation, decommissioning and any potential damage to the environment.

(2) The Municipality may impose conditions relating to rehabilitation, decommissioning and repair of any environmental damage and may require that the owner makes financial

provision, to the satisfaction of the competent authority, prior to construction commencing.

(3) In all instances, whether financial provisions were put in place or not, the owner remains financially responsible for any rehabilitation, decommissioning and repair to the environment, should the costs of rehabilitation or decommissioning exceed the financial provision made.

(4) If the facility is abandoned or, if the owner fails to rehabilitate and decommission the facility as contemplated above, or to restore damage to the environment, the competent authority may, after written notice to the owner, use all or part of the financial provision to rehabilitate, decommission, or manage the negative environmental impact in question or to remove the facility and may recover such or any related additional costs from the owner.

CHAPTER 8
GENERAL PROVISIONS

This part contains general provisions and parameters that apply to all zones or to specific zones as may be provided for.

Encroachment of building lines

36.(1) Despite the building line requirements set out in Section 24, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:

(a) boundary walls, screen walls, fences and gates; subject to applicable height restrictions ~~not exceeding 2,1 metres in height above the natural ground level~~, excluding where any such wall will result in infilling higher than 0,5 metres above natural ground level;

(b) open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground;

(c) entrance steps, landings and entrance porches, excluding *porte cochères;*

(d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;

(e) eaves and awnings projecting no more than 1 metre from the wall of a building;

(f) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;

(g) swimming pools not closer than 1 metre from any boundary;

(h) a basement, provided that no part of such a basement projects above natural ground level;

(i) a refuse room required by the Municipality in terms of this By-law;

(j) water storage tanks not exceeding the height of the boundary wall.

(3) No fireplace, including an enclosed fireplace, excluding the back of a chimney breast not encroaching more than 500 millimetres, may encroach on any side or rear building line, excluding where the neighbouring property is zoned for public open space.

(2) For the purposes of determining street boundaries, a street centreline setback and site access requirements, the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles may be regarded as a common boundary.

(3) When the Municipality grants an approval for subdivision of a property containing one or more existing approved buildings or structures, the Municipality's approval is deemed to have been granted for any departure which may arise out of the subdivision, provided that all such structures are accurately shown on a plan and any new structures or buildings constructed after the confirmation of said subdivision, shall comply with the parameters of the scheme.

Panhandle properties

37.(1) No buildings shall be constructed on the panhandle portion of a property, except with the permission of the Municipality, taking into consideration that the panhandle shall provide vehicular and/or pedestrian access to a property.

(2) Common boundary building lines apply to the portion of the property which does not form part of the panhandle.

(3) The panhandle portion of a panhandle property shall be:
(a) not less than 4 meters wide for its entire length;
(b) disregarded for the purposes of calculating coverage;
(c) disregarded for the purpose of calculating minimum erf size requirements for subdivision.
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Linear infrastructure

38.(1) Engineering services of a linear nature such as telecommunication, electrical transmission lines and pipelines or canals for the transportation of liquids and gasses may be permitted by the Municipality or an organ of state to traverse a land unit, as may be reasonably required by the Municipality or an organ of state in accordance with and subject to expropriation laws, other applicable laws and the registration of the necessary servitudes.

(2) Associated in-line facilities such as pump stations, and electrical substations, not exceeding an area of 4 meters x 5 meters may also be permitted in any use zone.

(3) All other buildings, installations, facilities, processing or generating plants, substations, pump stations or any other structures required for the provision of engineering services, shall require to be zoned Utility Services Zone or as permitted by the scheme.

(4) No buildings, except buildings associated with the particular service, may be constructed over municipal engineering services unless the Municipality has granted permission.

Street centreline setback

39.(1) The portion of a land unit falling within a street centreline setback area is excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the Municipality free of charge.

(2) In such case, the portion must be included for the purpose of determining coverage or maximum floor space on a land unit.

Steep slopes and ridgelines

40.(1) Unless the permission of the Municipality has been obtained:
(a) no new buildings or structures outside the urban edge are permitted on slopes steeper than 1:4;
(b) no new buildings are permitted on or protruding above those ridgelines as identified in the Municipality's Spatial Development Framework as ridgelines where construction is to be limited.

(2) The Municipality may grant permission in terms of subsection (1) only after due consideration of the visual impact of the proposed building or structure, together with any infrastructure which serves the development or gives access to it, and the Municipality may impose conditions to mitigate adverse impacts.

Earth banks and retaining structures

41. Unless the prior approval of the Municipality has been obtained—
(a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables the ground floor of a building to be raised more than 0,5 metres above natural ground level, provided that where the raising takes place, the height must still be measured from natural ground level, excluding infill for a driveway;
(b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and
(c) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

Boundary walls and fences

42.(1) In the absence of an approved site development plan, architectural guidelines or relevant policy, the following development parameters apply to boundary walls and fences:
(a) **Height**
(i) The maximum height on a street boundary will be 1,8m.
(ii) The maximum height on a common boundary will be 2,1 metres.
(b) **Permeability**
(i) 50% of a residential street boundary wall must be permeable; and
(ii) 80% of a street boundary wall in other areas must be permeable.

(2) No person shall erect a boundary wall or fence on any boundary of any erf without applying and obtaining prior building plan approval, which building plan must clearly indicate the position, dimensions and materials of the proposed boundary wall or fence.

(3) The height of boundary walls and boundary fences shall be measured from the level of the pavement and in the absence of a pavement, from the natural level of the ground outside the property immediately adjacent to such wall or fence.

(4) Additional security precautions such as spikes, electrical fencing/wiring, and such like, are not included in the total height measurement provided such features shall remain visually permeable in nature and shall not exceed 0,5m in height.

(5) The exterior finish of a boundary wall shall be adequately maintained and shall be in keeping with surrounding buildings and structures including walls facing adjacent properties and neighbours, to the Municipality's satisfaction.

(6) No vibracrete or face-brick shall be permitted along a street boundary without the permission of the Municipality.

(7) The Municipality may instruct an owner to repair a wall which has fallen in disrepair, or which has not been adequately finished to their satisfaction. Should and owner be denied access to a neighbour's property to finish off a boundary wall on the other side, the Municipality may compel the neighbour by serving a compliance notice for him/her to grant such reasonable access as may be required for the owner to comply.

(8) Two owners may agree to erect a shared boundary wall along a common boundary, in which case the wall may straddle a common boundary and both owners will share the ownership, cost and maintenance thereof. If an existing boundary wall straddles a common boundary, it will be deemed that both owners implicitly agreed to shared ownership and cost of maintenance of said wall. When a new boundary wall is to be erected, and in the absence of such agreement, the wall shall be erected inside a common boundary, and shall belong to the owner on whose land it is erected.

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

(10) In the event that an erf is a corner property, or is abutted by more than one street, the Municipality may, for the purposes of applying this section, deem one or more street boundaries to be common boundaries to ensure that a property can be walled sufficiently to provide for privacy, provided that at least one boundary shall remain subject to the visual permeability requirements for a street boundary.

Door and window openings and roof eaves

43.(1) No door, or window which opens, is permitted in a wall facing a common boundary where such wall is erected closer than 1 meter to the common boundary.

(2) No eave or gutter may protrude over a common boundary.

Equipment on top building or affixed to roofs or attached to building

44.(1) Any external geysers and associated equipment or solar panels or similar infrastructure affixed to the roof of a building may not at any point be more than 1,5 metres above the roof surface, measured perpendicularly from that surface, and may not protrude the ridge of the roof with more than 0,5 meters;

(2) No elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plants or other equipment on top of a flat roofed building may, subject to the definition of "height", exceed a height of 2 metres above the wall plate. All such features will where possible be set back from the edge of the roof so as not to be visible from the street and/or shall be screened to the satisfaction of the Municipality.

Parapet walls

45. Parapet walls are restricted to 500 millimetres in height above the finished roof level immediately contiguous to the parapet.

Chimneys

46. Chimneys may not extend higher than 1 metre above the highest point of the roof of a dwelling house or dwelling unit.

Screening

47. The Municipality may require screening in accordance with the following provisions:

(a) any part of a land unit that is used for the storage or loading of goods must be enclosed with a suitable wall or landscape screening or both; and

(b) any external utility service or equipment that is required for a building must be appropriately screened from view from a public street, and the screening must be integrated with the building in respect of materials, colour, shape and size.

(c) any building, structure or wall may require to be screened by means of landscaping, planting or other screening measures to soften the visual impact of the structure.

(d) where business or industrial zoned properties abut residential, community, open space, or any other use zone and has an adverse impact on the adjacent property.

Shipping containers, wendy houses and tented structures

48.(1) The use of shipping containers, wendy houses, tented and other similar informal structures for permanent habitation or storage is not permitted in a position where the said structure is visible from a public road or public open space unless permission of the Municipality has been obtained in writing.

(2) All such structures, whether temporary or permanent, when used for habitation or storage, are regarded as buildings in terms of this Scheme and shall be compliant with the development rules of the particular zone and subject to the approval of building plans.

Rooftop base telecommunication stations and satellite dish antenna systems

49.(1) A rooftop base telecommunication station may not extend more than 3 metres in height above the building that it is attached to without the prior approval of the Municipality.

(2) No rooftop base telecommunication station or transmission tower granted as a consent use in terms of this By-law may be modified or have its radio-frequency emissions altered without prior written approval from the Municipality.

(3) The following provisions apply with regard to decommissioned antennae or rooftop base telecommunication stations:
(a) the owner or operator must remove all decommissioned infrastructure;
(b) if the site has been disturbed, the owner or operator must rehabilitate the site to its original state or to a state acceptable to the Municipality; and
(c) if the owner or operator fails to comply with paragraphs *(a)* or *(b)*, the Municipality may remove that infrastructure, and rehabilitate the site at the expense of the owner or operator.

(4) Any satellite dish antenna with a diameter in excess of 1,5 metres must be placed in a position that minimises the visual impact on the surrounding area, to the satisfaction of the Municipality.

(5) Satellite dish antennas of 1,5 metres in diameter and smaller, and used solely for the purposes of television reception or telecommunication, do not require the Municipality's approval and are excluded from height restrictions.

Parking of vehicles in residential zones

50.(1) A motor vehicle of an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit may be parked on the property where the occupant resides, provided that—
(a) there is adequate space on the property concerned;
(b) no more than one commercial vehicle per dwelling unit may be parked on the property;
(c) the gross weight of any such commercial vehicle may not exceed 3 500 kg;
(d) no goods or passengers may be loaded or offloaded at the residential property

(2) No area visible from a public street shall be used for the outdoor storage of inoperable vehicles.

Mobile homes and caravans

51.(1) A recreation vehicle, including a mobile home or caravan, may not be used for permanent habitation without the approval of the Municipality, unless the zoning lawfully allows the permanent habitation.

(2) The following additional development parameters apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:

(a) the mobile home or caravan must be sited on a foundation slab and properly anchored;

(b) solid perimeter skirting, of material and colour complementary to the mobile home or caravan, must be provided from the bottom of the mobile home to the ground surface;

(c) the roof and exterior siding of the mobile home or caravan must be of a non-reflective material; and

(d) any structural additions must be of materials which, in the opinion of the Municipality, are compatible with the mobile home or caravan.

Leasing of dwelling units

52.(1) Nothing in this scheme shall be construed as prohibiting the leasing of a dwelling unit to a family, as defined, with the purpose of that family becoming permanent residents.

(2) Nothing in this scheme prohibits a permanent occupant, during their absence on a short-term basis, to lease their entire dwelling unit to transient guests for a total period of not exceeding 30 days and a maximum of three different occasions in each calendar year.

(3) In the event that the period or occasions in (2) are exceeded, a relevant permission for tourist accommodation must be obtained.

Maintenance of property

53. Property must be properly maintained by the owner or occupier and may not—

(a) be left in a neglected or offensive state, as may be determined by the Municipality;

(b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality;

(c) contain an accumulation of motor wrecks or unroadworthy vehicles or used motor parts, unless these are permitted in terms of the primary or consent use applicable in terms of this zoning scheme; and

(d) contain outdoor storage of building material, appliances or similar items unless these—

(i) are permitted in terms of the primary or consent use in terms of this zoning scheme;

(ii) are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or

(iii) are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

Utilisation of outbuildings

54.(1) Outbuildings may only be used for purposes as defined and the specific purpose of any outbuilding must be indicated on the building plan application submitted for approval.

(2) No outbuilding may be utilised for any purpose other than the intended purpose submitted in the building plans and approved by the Municipality, and an outbuilding may not be utilised until the main buildings are completed or occupied, unless approved by the Municipality.

Hobbies in single and general residential zones

55. When exercising a hobby in all single and general residential zones, the dominant use of the dwelling house or dwelling unit must be for the living accommodation of a single family, provided that—

(a) no portion of the dwelling, may be used for the purposes of a noxious trade, risk activity or sale of alcoholic beverages;

(b) in addition to paragraph *(a)*, the following uses are not classified as hobbies:

(i) activities conforming to the definition of a shop;
(ii) animal care centres;
(iii) butcheries;
(iv) coal and wood merchants;
(v) escort agencies or adult entertainment;
(vi) fishmongers;
(vii) hospitals or clinics;
(viii) house shops;
(ix) taverns;
(x) manufacturing of concrete products;
(xi) motor vehicle repairs;
(xii) panel beating or spray painting;
(xiii) parcel delivery services;
(xiv) places of entertainment;
(xv) places of instruction
(xvi) shooting ranges or shooting instructions;
(xvii) taxi businesses;
(xviii) tow-in services;
(xix) transport contractors;
(xx) undertakers;
(xxi) vehicle rental agencies; and
(xxii) any other activity that in the opinion of the Municipality does not fit in the particular environment or is of a nature that it must be located on a suitably zoned premises;

(c) no goods may publicly be displayed and no external evidence of the hobby may be visible from the street;

(d) no advertising may be displayed;

(e) any public exhibition of hobby items or activities on the residential property must:

(i) be preceded by a written consent from the Municipality; and
(ii) during the public exhibition, temporary parking must be provided on the land unit in accordance with the parking requirements of this By-law and appropriate traffic regulating measures must be put in place;

(f) an activity associated with a hobby may not occupy more than 25% of the total floor area of the dwelling on the property or 60 m², whichever is more restrictive, including storage;

(g) the Municipality may restrict the operating hours relating to the hobby, if the activity proves to be a nuisance to residents in the area; and

(h) any new structure, or alteration to the existing dwelling or outbuilding, must conform to the residential character of the area concerned.

Animals kept for commercial purposes

56. Animals may be kept for commercial purposes only on a land unit zoned Agricultural Zone I and Agricultural Zone II, except in the case of a Pet Shop.

Hazardous substances

57.(1) Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless the owner has submitted a risk management and prevention plan and the Municipality has approved the plan.

(2) The Municipality's approval in terms of subsection (1) above does not exempt the owner from applying for permission in terms of other applicable legislation.

CHAPTER 9
PARKING AND LOADING

Off-street parking requirements

58.(1) If parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Municipality, parking must be provided at a minimum ratio in accordance with the table entitled "Minimum off-street parking requirements".

(2) The Municipality must determine off-street parking requirements for land uses not stipulated in the table "Minimum off-street parking requirements".

(3) The column in the table titled "Minimum off-street parking requirements" and with heading "Normal Areas" refers to standard requirements that apply to areas where public transport is not being specifically promoted.

(4) The column with heading "PT1 Areas" refers to areas where the use of public transport is to be promoted, but where the Municipality considers the provision of public transport to be inadequate.

(5) The column with heading "PT2 Areas" refers to areas where the use of public transport is to be promoted and the Municipality considers the provision of public transport sufficient enough to justify the reduced parking requirements .

(6) Areas initially determined to be PT1 Areas may be changed to PT2 Areas once the Municipality is satisfied that the provision of public transport is adequate.

(7) If an area has not been specifically identified by the Municipality as a PT1 or PT2 area, then the parking requirements for Normal areas apply.

(8) Off-street parking space must be provided—
(a) on the property for which parking is required;
(b) subject to the Municipality's approval, in public parking facilities available in the vicinity; or
(c) in accordance with the table below;

(9) Areas designated as "PT1" or "PT2" areas must be indicated on the zoning scheme map.

Minimum off-street parking requirements

Land Use		Normal Areas	PT1 Areas	PT2 Areas
Dwelling house		2 bays per dwelling Erven <350m²: 1 bay per dwelling Erven < 100m²: Nil per dwelling	1 bay per dwelling	1 bay per dwelling
Group housing/Town Housing		2 bays per dwelling unit 0.25 bays/unit for visitors	1 bay per dwelling unit 0.25 bays/unit for visitors	1 bay per dwelling unit 0.25 bays/unit for visitors
Retirement resort	Dwelling unit	2 bays per dwelling 0.25 bays/unit for visitors	1 bay per dwelling 0.25 bays/unit for visitors	1 bay per dwelling 0.25 bays/unit for visitors
	Home for the aged	O,5 bays per bedroom	0,5 bays per bedroom	0,5 bays per bedroom
	Frail Care	0,5 bays per bed	0,5 bays per bed	0,5 bays per bed
Orphanage		O,5 bays per bedroom	0,5 bays per bedroom	0,5 bays per bedroom
Flats		1.75 bays per dwelling 0.25 bays/unit for visitors	1.25 bays per dwelling 0.25 bays/unit for visitors	0.5 bays per dwelling 0.25 bays/unit for visitors
Second dwelling		1 additional bay	1 additional bay	Nil
Commune, Home Lodging, Boarding house/ Guest House/ Guest Lodge/ Bed and Breakfast Establishment, Boarding Hostel.		1 bay per bedroom 2 bays per owner's home / manager's flat (where applicable) 1 bay for visitors/ employees	1 bay per bedroom	1 bay per bedroom
Home care facility		1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)	1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)	1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)
Backpackers Lodge		1 bay /3 beds 2 bays / owner's home / manager's flat 1 bay /visitors/ employees	1 bay per 3 beds	1 bay per 3 beds
Hotel (excluding other facilities, specific ratios apply to each use)		1.25 bays/bedroom	1 bay per bedroom	0.75 bays per bedroom
Hospital (general and private)		1 bay per bed 4 bays per consulting room	1 bay per bed 4 bays per consulting room	1 bay per bed 3 bays / consulting room
Frail care facility		1 bay per bed	1 bay per bed	1 bay per bed

Land Use		Normal Areas	PT1 Areas	PT2 Areas
Clinic/Medical consulting rooms		4 bays per consulting room	4 bays per consulting room	3 bays per consulting room
Funeral parlour		1 bay per 4 seats 4 bays per 100 m² office GLA	1 bay per 4 seats 2 bays / 100 m² office GLA	1 bay per 4 seats 1 bay / 100 m²office GLA
Shops / Liquor store / Restaurant / Supermarket	Neighbourhood shop	4 bays per 100 m² GLA	3 bays per 100 m² GLA	2 bay per 100 m² GLA
	High intensity area e.g.: CBD, corridors, supermarket,	6 bays per 100 m² GLA	4 bays per 100 m² GLA	3 bays per 100 m² GLA
Big box retail / Shopping centres		6/100m² as determined by Council	As determined by Council	As determined by Council
Offices		4 bays per 100 m² GLA	3 bays per 100 m² GLA	2 bay per 100 m² GLA
Home occupation		2 bays per 60 m² GLA	2 bays per 60 m² GLA	2 bays per 60 m² GLA
House shop / tavern/bar		1 bay per 25 m² GLA	1 bay per 25 m² GLA	1 bay per 25 m² GLA
Industry / Light industry / Warehouse / Scrap yard/ Builder's yard / Noxious trade / Risk activity		2 bays per 100 m² GLA	2 bays per 100 m² GLA	1.5 bays per 100 m² GLA
Industrial hive / Service trade		4 bays per 100 m² GLA	3 bays per 100 m² GLA	1.5 bays per 100 m² GLA
Storage facility		1 bay per 100m² GLA	1 bay per 100m² GLA	1 bay per 100m² GLA
Service station/ Motor repair garage/ Motor vehicle sales or Vehicle hire premises		4 per repair bay Minimum of 8 bays Plus 4 bays per 100 m² GLA	4 per repair bay Minimum of 8 bays Plus 4 bays per 100 m² GLA	4 per repair bay Minimum of 8 bays Plus 4 bays per 100 m² GLA
Open air motor vehicle sales		4 bays per 100 m² GLA	3 bays per 100 m² GLA	2 bay per 100 m² GLA
Place of assembly/Place of worship/ Place of Entertainment/ Place of leisure/Gambling place		1 bay per 8 seats	1 bay per 8 seats	1 bay per 15 seats
Motor fitment centre		2 bays per service bay	2 bays per service bay	2 bays per service bay
Sport stadium		1 bay per 4 seats or persons	1 bay per 4 seats or persons	1 bay per 4 seats or persons
Gymnasium, health club (not part of a shopping centre)		10 bays per 100m² GLA	10 bays per 100m² GLA	10 bays per 100m² GLA
Schools		1.5 bay per classroom/office plus stop & drop facility	1.5 bays per classroom/ office plus stop & drop facility	1.5 bays per classroom/ office plus stop & drop facility
Crèche		1 bay per 10 children plus 1 stop & drop facility	1 bay per 10 children plus 1 stop & drop facility	1 bay per 10 children plus 1 stop & drop facility
Library, Museum		2 bays per 100m² GLA	1,5 bays per 100m² GLA	1,5 bays per 100m² GLA
Place of instruction (other than schools/day care centre/ crèche)		1.5 bay per classroom/office plus 1 per 6 students	1.5 bay / classroom/office 1 per 10 students	1.5 bay classroom/office per 20 students
Conference facility		8 bays per 10 seats	6 bays per 10 seats	4 bays per 10 seats

Alternative parking supply

59.(1) As an alternative to compliance with the off-street parking requirements in terms of this zoning scheme, an owner may, with the approval of the Municipality—

(a) acquire an area of land sufficient for the permanent parking requirements elsewhere, in a location approved by the Municipality; or

(b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the Municipality, and must register a notarial tie or servitude against that land or parking facility to link the properties concerned for the purpose of parking, and the owner must cause the parking concerned to be constructed and maintained in accordance with the Municipality's requirements and approval.

(2) The cost of registration of the notarial tie or servitude referred to in paragraph (1)*(b)* must be borne by the owner.

Combined parking requirements

60. If two or more uses combine to share a common parking area, the Municipality may approve parking requirements that provide less than the quantum of the parking required for individual uses provided that—

(a) the Municipality is satisfied that the utilisation of the same parking area by the different use types or activities in the zones will not result in a concurrent use of the parking area; and

(b) bays intended for combined uses may not subsequently be reallocated to other uses without the approval of the Municipality.

Parking: Visitors

61.(1) The following parameters shall apply to visitors' parking required in terms of this Scheme:

(a) visitors' parking as required by this Scheme shall be clearly demarcated, readily visible, and accessible to visitors with suitable signage to direct visitors to such parking;

(b) visitors' parking shall not be sold via sectional title for exclusive use nor shall it be leased or allocated for the exclusive use of particular persons, other than visitors.

Site access and exits

62.(1) The Municipality may require compliance with standard municipal or provincial access spacing guidelines.

(2) No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries, except for industrial-zoned properties, where the distance must be 15 metres.

(3) The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.

(4) Vehicle entrances and exit ways to and from a property must conform to the following requirements:

(a) motor vehicle carriageway crossings must be limited to one per site per public street or road abutting the site;

(b) despite paragraph *(a)*, where the total length of any street boundary of a site exceeds 30 metres in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 metres to each other;

(c) the minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the table, titled "Width of motor vehicle carriageway crossings"; and

(d) the minimum width of a panhandle access may not be less than 4 metres wide.

Width of motor vehicle carriageway crossings

Type of carriageway crossing	Minimum width	Maximum width
Single entrance or exit way	2,7 metres	4,0 metres
Combined entrance and exit way	5,0 metres	8,0 metres

Parking layout requirements

63.(1) The following parking layout requirements apply unless otherwise stated in this zoning scheme:

(a) parking layout configurations, minimum dimensions and ramps to a parking area must be in accordance with this zoning scheme or an approved site development plan;

(b) the layout of any parking area, except for parking in Single Residential Zone I and Single Residential Zone II, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;

(c) a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays;

(d) visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;

(e) parking areas must be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;

(f) parking areas must be constructed and maintained in a state suitable for the parking and movement of vehicles;

(g) control of access to and reservation of parking bays or areas is not permitted unless written approval has been obtained from the Municipality, either through an approved site development plan or other written approval; and

(h) despite paragraphs *(a)* to *(g)*, the Municipality may lay down more restrictive requirements related to parking, site access or motor vehicle carriageway crossing, if it considers this to be necessary from a pedestrian or traffic safety point of view.

(2) The Municipality may require an applicant to submit a parking layout plan indicating—
(a) the way in which it is proposed that motor vehicles park;
(b) the means of entrance and exit from parking areas;
(c) landscaping proposals; and
(d) construction details.

Parking for physically disabled

64.(1) The Municipality may require parking suitable for use by persons with physical disabilities to be provided on any land unit in order to ensure easy and convenient access for such persons to services and facilities generally open to the public and to residential uses.

(2) In any parking facility serving the public, parking for persons with physical disabilities must be provided in accordance with the table entitled "Physically disabled accessible parking".

Physically disabled accessible parking

Total no of parking bays	Required number of bays accessible to the physically disabled
1–50	1
51–100	2
101–150	3
151–200	4
For every additional 100 bays	1 additional parking bay

(3) Parking for the physically disabled must comply with the following requirements:
(a) parking bays must be a minimum of 3,7 metres in width and 5 metres in length;
(b) parking and access aisles must be level;
(c) parking bays must be located as near as possible to accessible building or site entrances, and must be located to provide convenient access to kerb ramps;
(d) each parking bay reserved for physically disabled persons must be marked on the parking surface with the international symbol for disabled accessibility;
(e) additional signage indicating the parking bay as reserved for exclusive use by persons with physical disabilities may be required by the Municipality; and
(f) if five or fewer parking bays are provided, at least one bay must be 4 metres wide and marked to provide a parking bay of 2,5 metres with an access aisle of 1,5 metres, but the bay need not be reserved exclusively for persons with physical disabilities.

(4) Parking for persons with physical disabilities must count towards fulfilling off-street parking requirements.

Motorcycle and bicycle parking spaces

65.(1) The Municipality may require that parking be provided for motorcycles and bicycles.

(2) For every 4 motorcycle and 6 bicycle parking spaces provided, a credit of 1 parking bay may be given towards applicable parking requirements, provided that—

(a) the total credit may not exceed 2,5% of the parking bays required;
(b) the minimum dimension for a motorcycle space is 2,2 metres in length and 1 metre in width; and
(c) the minimum dimension for a bicycle space is 2 metres in length and 0,6 metres in width.

(3) Signage, bollards and racks or other devices for storing bicycles and enabling motorcyclists to make use of the motorcycle and bicycle parking spaces must be installed.

Loading requirements

66.(1) Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with the table entitled "Minimum off-street loading bay requirements".

(2) The Municipality may determine off-street loading requirements for uses not stipulated in the table.

(3) The following minimum requirements apply to loading bays:
(a) a loading bay must measure not less than 4,5 metres x 10 metres for perpendicular loading, and 2,5 metres x 12 metres for parallel loading;
(b) no carriageway crossing to be accessed by loading vehicles may be less than 3 metres in width, and no combined entrance and exit way may be less than 6 metres in width; and
(c) covered loading areas must have a minimum headroom of 3,7 metres.

Minimum off-street loading bay requirements

Land use	Floor area (m²)	Number of loading bays
Offices	0–5 000 5 001–15 000 15 001–30 000 Every additional 30 000 or part thereof	0 1 2 1 additional bay
Business premises other than offices, supermarket, industry	0–1 000 1 001–2 500 2 501–5 000 5 001–10 000 Every additional 10 000 or part thereof	0 1 2 3 1 additional bay
Supermarket	0–500 501–1 000 1 001 and greater	1 2 3 x requirements for business premises other than offices, supermarket, industry

CHAPTER 10
REFUSE ROOMS AND SERVICE YARDS

Refuse rooms

67. The Municipality may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property and require the refuse receptacle to—

(a) be of sufficient size to accommodate the refuse generated from the property for one week;

(b) be located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle;

(c) be designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and

(d) to comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, recycling, safety or aesthetics.

Service yards

68.(1) The Municipality may require the owner to install a screened area providing utility services, including washing lines, for residential developments.

(2) The utility services must—

(a) be designed in a manner that is architecturally compatible with the other structures on the property and in the case of refuse bins must be screened from public view; and

(b) comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

SCHEDULE 1

USE ZONES TABLE

1 **Zoning**	2 **Primary use**	3 **Consent use**
AGRICULTURAL ZONES		
Agricultural Zone I (AZI)		
The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide rural communities in more remote areas with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.	**Primary use** • Agriculture	**Consent uses** • Abattoir • Additional dwelling units • Agricultural building (all agricultural buildings >2000m² cumulative floor space) • Agricultural industry (>2000m²) • Airfield • Animal care centre • Aqua-culture • Camping site (>10 camping sites) • Crèche • Farm shop • Farm grave yard • Freestanding base telecommunication station • Function venue • Guest house • Guest Lodge • Helicopter landing pad • Home lodging • Intensive Animal Farming • Intensive Horticulture (>2000m²) • Market • Off-road trail • Plant nursery • Quarry • Renewable energy infrastructure ~~structure~~ on dedicated structure or carport • Shooting range • Tourist facilities • Utility service

1 Zoning	2 Primary use	3 Consent use
Agricultural Zone II (AZII)		
The objective of this zone is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permittted within an acknowledged, demarcated smallholding ~~urban~~ area.	**Primary use** • Smallholding	**Consent uses** • Agricultural industry • Animal care centre • Aqua-culture • Commune • Farm shop • Freestanding base telecommunication station • Guest house • Home lodging • Intensive animal farming • Intensive horticulture • Plant nursery • Quarry • Renewable energy infrastructure on dedicated structure or carport. • Riding school • Rooftop base telecommunication station • Second dwelling (>60m²) • Tourist facilities • Utility service
Agricultural Zone III (AZIII)		
The purpose of this zone is to support the government's rural land development programme and provide for the establishment of worker accommodation outside conventional towns.	**Primary use** • Agri-village	**Consent uses** • Commune • Freestanding base telecommunication station • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station

1 Zoning	2 Primary use	3 Consent use
SINGLE RESIDENTIAL ZONES		
Single Residential Zone I (SRZI)		
The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the dominant use of the property remains residential, and impacts of employment and additional accommodation uses do not adversely affect the quality and character of the surrounding residential environment.	**Primary use** • Dwelling house	**Consent uses** • Commune • Crèche • Guest house • Halfway house • Home care facility • Home lodging • ~~House shop~~ • Renewable energy infrastructure on dedicated structure or carport • Second dwelling (>60m²) • Self-catering unit
Single Residential Zone II (SRZII)		
The objective of this zone is to provide for upgrading and incremental housing from informal settlements to formal settlements and also to allow formal as well as informal housing types on a single erf. In recognition of the realities of poor and marginalised communities, development management provisions are not restrictive and local employment generation is encouraged within this zone.	**Primary uses** • Dwelling house • Shelter	**Consent uses** • Commune • Halfway house • Home care facility • Home lodging • House shop • Transitional relocation area • Small scale rental apartments • Renewable energy infrastructure on dedicated structure or carport • Second dwelling unit (>60m²) • Self-catering unit

1 Zoning	2 Primary use	3 Consent use
GENERAL RESIDENTIAL ZONES		
General Residential Zone I (GRZI)		
The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces.	**Primary use** • Group housing	**Consent uses** • Commune • Flats • Home lodging • Home occupation • Renewable energy infrastructure on dedicated structure or carport • Retirement resort • Self-catering unit • Sports and recreation centre • Wellness centre

1 Zoning	2 Primary use	3 Consent use
General Residential Zone II (GRZII)		
The objective of this zone is to encourage residential development of a greater density than for General Residential Zone II, while retaining the emphasis on design coordination and a modest scale in terms of height. This zone has particular location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities. Town housing may be located in and around central business areas, near high density nodes and along activity axis including railway lines and main traffic routes, where flats are often found.	**Primary use** • Town housing	**Consent uses** • Commune • Flats • Home occupation • Renewable energy infrastructure on dedicated structure or carport • Retirement resort • Self-catering unit
General Residential Zone III (GRZIII)		
The objective of this zone is to promote higher density residential development. The dominant use within this zone must be residential, but limited mixed-use development is possible with the Municipality's consent. This zone has particular location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities.	**Primary use** • Flats	**Consent uses** • Backpackers' lodge • Boarding house • Commune • Convenience shop • Home occupation • Renewable energy infrastructure on dedicated structure or carport • Retirement resort • Rooftop base telecommunication station • Self-catering unit

1	2	3
Zoning	**Primary use**	**Consent use**
General Residential Zone IV (GRZIV)		
The objective of this zone is to provide a temporary residence for transient guests in an appropriately scaled establishment that may include a small conference/ training facility that also caters for business meetings and where lodging and meals are provided.	**Primary use** • Guest lodge	**Consent uses** • Backpackers' lodge • Camping site • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Tourist facilities • Wellness centre
General Residential Zone V (GRZV)		
The objective of this zone is to provide a temporary residence for transient guests, where lodging and meals are provided, and may include a restaurant and conference facilities. Outside towns it should only be considered in identified tourism areas or within resorts.	**Primary use** • Hotel	**Consent uses** • Backpackers' lodge • Gambling place • Renewable energy infrastructure on dedicated structure or carport. • Rooftop base telecommunication station • Shop
General Residential Zone V (GRZVI)		
The objective of this zone is to provide for residence that is dedicated for student lodging with communal facilities and limited ancillary uses.	**Primary use** • Boarding Hostel	**Consent uses** • Renewable energy infrastructure on dedicated structure or carport. • Rooftop base telecommunication station

1 Zoning	2 Primary use	3 Consent use
BUSINESS ZONES		
Business Zone I (BZI)		
The objective of this zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.	**Primary use** • Business premises	**Consent uses** • Adult entertainment • Adult services • Adult shop • Flats (on ground floor) • Freestanding base telecommunication station • Gambling place • Helicopter landing pad • Motor repair garage • Open air motor vehicle display • Place of entertainment • Place of instruction • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Transport use • Warehouse

1 Zoning	2 Primary use	3 Consent use
Business Zone II (BZII)		
The objective of this zone is to provide for the retail sale of goods and services to the public.	**Primary use** • Shop	**Consent uses** • Adult shop • Conference facility • Dwelling house • Flats (on ground floor) • Freestanding base telecommunication station • Liquor store • Open air motor vehicle display • Place of assembly • Place of instruction • Place of leisure • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Rooftop base telecommunication station • Service station • Supermarket
Business Zone III (BZIII)		
The objective of this zone is to provide for low intensity commercial and mixed-use development that serves local neighbourhood needs for convenience goods and personal services. The development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations.	**Primary use** • Neighbourhood shop	**Consent uses** • Dwelling house • Liquor store • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Service trade • Supermarket

1 Zoning	2 Primary use	3 Consent use
Business Zone IV (BZIV)		
The objective of this zone is to provide an intermediate zone that may, if required, act as a buffer or interface between high- and medium-intensity business zones, and residential zones. Retail activities are limited to those which are ancillary to the dominant permitted uses, namely offices In order to protect the amenity of adjacent residential areas, appropriate levels of landscaping and environmental management are required.	**Primary use** • Offices	**Consent uses** • Dwelling house • Flats • Institution • Place of assembly • Place of instruction • Place of leisure • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Rooftop base telecommunication station • Shop • Supermarket
Business Zone V (BZV)		
The objective of this zone is to provide for large-scale regional retail facilities that exceed the floor area of shops and supermarkets aimed at the local market in general. These facilities may offer a diverse range of products under one roof and supply products to individuals as well as wholesale trade. These facilities may be developed as a power centre. Specific consideration should be given to the locality and placement of these facilities with consideration of their regional significance and accessibility as well as possible impact on existing nodal areas.	**Primary use** • Big box retail	**Consent uses** • Place of entertainment • Place of leisure • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Shop • Warehouse

1 Zoning	2 Primary use	3 Consent use
Business Zone VI (BZVI)		
The objective of this zone is to provide opportunities in urban areas for service stations, motor repair garages and associated facilities that have specific vehicle access requirements and potential negative impacts on adjoining areas.	**Primary use** • Service station	**Consent uses** • Motor repair garage • Open air vehicle display • Renewable energy infrastructure on dedicated structure or carport • Shop • Truck stop • Truck stop accommodation
INDUSTRIAL ZONES		
Industrial Zone 1 (IZI)		
The objective of this zone is to accommodate industry uses and service trades that may be carried out without nuisance to other properties or the general public. These uses may be located next to business uses and in close proximity to residential areas, and do not present a potential negative impact on the character or amenity of such areas.	**Primary use** • Light industry	**Consent uses** • Adult entertainment • Adult services • Adult shop • Aqua-culture • Caretaker's quarters • Convenience shop • Liquor store • Office • Place of leisure • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Truck stop • Truck stop accommodation

1 Zoning	2 Primary use	3 Consent use
Industrial Zone II (IZII)		
The objective of this zone is to accommodate all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.	**Primary use** • Industry	**Consent uses** • Abattoir • Adult entertainment • Adult services • Aqua-culture • Container site • Convenience shop • Crematorium • Helicopter landing pad • Liquor store • Office • Place of entertainment • Place of leisure • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Scrap yard • Truck stop • Truck stop accommodation
Industrial Zone III (IZIII)		
The objective of this zone is to provide for industries that are noxious in respect of smell, product, waste or other objectionable consequence of their operation, or carry a high risk in the event of fire or accident. While other uses are permitted with consent, the Municipality must ensure there is sufficient capacity for noxious trade in the limited areas suitable for this zone. A noxious trade should not be located close to residential areas.	**Primary use** • Noxious trade	**Consent uses** • Container site • Convenience shop • Helicopter landing pad • Industry • Liquor store • Motor repair garage • Renewable energy infrastructure on dedicated structure or carport • Scrap yard • Service station • Transport use

1 Zoning	2 Primary use	3 Consent use
Industrial Zone IV (IZIV)		
The objective of this zone is to provide for the use of land for the extraction of minerals and raw materials and, to a limited extent, associated business operations. This zone is intended for operations of a more permanent nature as opposed to temporary, short-term mining or prospecting activities.	**Primary use** • Mine	**Consent uses** • Industry • Renewable energy infrastructure on dedicated structure or carport
COMMUNITY ZONES		
Community Zone I (CZI)		
The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses.	**Primary use** • Place of instruction	**Consent uses** • Conference facility • Freestanding base telecommunication station • Institution • Place of assembly • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station
Community Zone II (CZII)		
The objective of this zone is to provide for places where communities can congregate and worship according to the custom of their specific faith or religion.	**Primary use** • Place of worship	**Consent uses** • Cemetery • Institution • Place of instruction • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Wall of remembrance

1 Zoning	2 Primary use	3 Consent use
Community Zone III (CZIII)		
The objective of this zone is to provide for a wide range of health facilities.	**Primary use** • Institution	**Consent uses** • Correctional facility • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station
RESORT ZONE		
Resort Zone (RZ)		
The objective of this zone is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage general public access to these facilities. At the same time, care should be exercised to minimise potential negative impacts of development on fragile environments. The guiding principle should be that a resort must not detract from the amenity that attracted the holiday facilities in the first place, nor should it cause a public nuisance for other people living and working in the vicinity. This zone should only be used in exceptional cases and is normally applicable to tourist developments outside established, built-up areas.	**Primary use** • Tourist accommodation establishment	**Consent uses** • Conference facility • Freestanding base telecommunication station • Function venue • Gambling place • Hotel • Off-road trail • Place of leisure • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Sport and recreation centre • Tourist facilities • Wellness centre

1 Zoning	2 Primary use	3 Consent use
OPEN SPACE ZONES		
OPEN SPACE ZONE I (OSZI)		
The objective of this zone is to provide for active and passive recreational areas on public land, in order to promote recreation, and enhance the aesthetic appearance of an area.	**Primary use** • Public open space	**Consent uses** • Air and underground rights • Cemetery • Environmental facilities • Informal trading • Market • Renewable energy infrastructure on dedicated structure or carport • Tourist facilities • Urban agriculture • Utility service
OPEN SPACE ZONE II (OSZII)		
The objective of this zone is to provide for private active and passive recreational areas, in order to promote recreation and enhance the aesthetic appearance of an area.	**Primary use** • Private open space	**Consent uses** • Cemetery • Tuck shop • Environmental facilities • Function venue • Informal trading • Plant nursery • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Sports and recreation centre • Tourist facilities • Urban agriculture • Utility service

1 Zoning	2 Primary use	3 Consent use
OPEN SPACE ZONE III (OSZIII)		
The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.	**Primary use** • Nature conservation area	**Consent uses** • Conference facilities • Environmental facilities • Freestanding base telecommunication station • Function venue • Harvesting of natural resources • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Tourist accommodation establishment • Tourist facilities • Tuck shop • Utility service • Wellness centre
OPEN SPACE ZONE IV (OSZIV)		
The objective of this zone is to provide for the conservation of natural resources in areas that have been proclaimed as nature areas (statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.	**Primary use** • Nature reserve	**Consent uses** • Conference facility • Freestanding base telecommunication station • Function venue • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Tourist accommodation establishment • Tourist facilities • Tuck shop • Utility service • Wellness centre

1 Zoning	2 Primary use	3 Consent use
TRANSPORT ZONES		
TRANSPORT ZONE I (TZI)		
The objective of this zone is to reserve land for transportation systems, excluding public streets, but including all other transport undertakings.	**Primary use** • Transport use	**Consent uses** • Air and underground rights • Airfield • Airport • Business premises • Conference facility • Container site • Freestanding base telecommunication station • Helicopter landing pad • Hotel • Industry • Informal trading • Market • Motor repair garage • Outdoor ~~trading and~~ dining • Renewable energy infrastructure on dedicated structure or carport • Service station • Warehouse
TRANSPORT ZONE II (TZII)		
The objective of this zone is to provide for public streets, whether constructed or still to be constructed, as well as infrastructure associated with public streets. Provision is also made for the temporary use of the land unit for other purposes as may be approved by the Municipality.	**Primary use** • Public street	**Consent uses** • Air and underground rights • Market • Multiple parking garage • Outdoor ~~trading and~~ dining • Renewable energy infrastructure on dedicated structure or carport

1	2	3
Zoning	**Primary use**	**Consent use**
TRANSPORT ZONE III (TZIII)		
The objective of this zone is to provide private roads that is privately owned and does not vest in the Municipality or any other organ of state, for the passage or parking of motor vehicles.	**Primary use** • Private road	**Consent uses** • Outdoor ~~trading and~~ dining • Renewable energy infrastructure on dedicated structure or carport
UTILITY ZONE		
UTILITY ZONE (UZ)		
The objective of this zone is to reserve land for uses that do not fall into another zoning category and that is normally undertaken by national, provincial and municipal government agencies including utility services and substations. Some flexibility for the use of land and development parameters is provided.	**Primary use** • Utility service	**Consent uses** • Renewable energy infrastructure on dedicated structure or carport

1 Zoning	2 Primary use	3 Consent use
AUTHORITY ZONE		
AUTHORITY ZONE (AZ)		
	Primary use • Authority use	**Consent uses** • Renewable energy infrastructure on dedicated structure or carport
UNDETERMINED ZONE		
UNDETERMINED ZONE (UNZ)		
The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality. The objective of this zone is furthermore to create a zone to which land could revert back to when rights under current zonings, other than Single Residential Zone I, were not exercised, especially in cases where changes in the planning context occurred since the current zoning was granted.	**Primary use** • None	**Consent uses** • None

RECORD OF AMENDMENTS

PAGE DESCRIPTION OR NUMBER	DATE OF LATEST ISSUE

SCHEDULE 2

LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS

"abattoir"

Land use description: "*abattoir*" is a place where animals are slaughtered and prepared for distribution to butchery shops and food markets but does not include the any processing of animal products.

Development parameters:
The development parameters applicable to "industry" apply, as well as those applicable to "agricultural industry" when an abattoir is located on a farm.

"additional dwelling unit"

Land use description: "*additional dwelling unit*" is a dwelling unit that may be erected on an agricultural land unit with the consent of the Municipality, in addition to a primary dwelling house or agricultural worker accommodation for *bona fide* agricultural workers, or both, provided that—

(a) additional dwelling units can be allowed at a ratio of one additional dwelling unit per 10 ha, calculated on the basis of all additional dwelling units on the agricultural land unit, up to a maximum of five (5) additional dwelling units per agricultural land unit; with the exception of one additional unit that can be allowed in all cases as a consent use, irrespective of the size of the agricultural land unit;
~~an additional unit may not be erected within 1 km of the high water mark of the sea or a tidal river except where a proclaimed township is situated between the additional dwelling unit and the sea or tidal river;~~
~~one additional dwelling unit may be erected within the 1km high water mark of the sea or a tidal river, provided that the additional dwelling unit is attached to the main house and does not exceed a floor area of 60m²;~~ and

(b) no alienation of additional dwelling units will be permitted whether by cadastral subdivision or sectional title.

(c) an additional dwelling unit may be used as a self-catering unit for tourist accommodation.

Development parameters:
The development parameters applicable to "agriculture" apply, together with the following additional development parameters for "additional dwelling units". Additional dwelling units may be erected with the consent of Municipality provided that—

~~*(a)* a dwelling permanently occupied by a person engaged in *bona fide* agricultural activities on the land unit is not regarded as an additional dwelling unit;~~

(b) the total floor space of an additional dwelling unit including the floor space in all ancillary buildings to the additional dwelling, may not exceed 175 m²;

(c) an additional dwelling unit must be constructed in a style that is similar to the architecture of the main dwelling house, unless otherwise permitted by the Municipality;

(d) an additional dwelling unit that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof;

(e) an additional dwelling unit that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; provided that both units may have a ground floor, or one unit may be on the ground floor and the other unit above;

~~*(f)* the existence of an additional dwelling unit may not in itself be sufficient reason for the Municipality to grant an application in terms of the Planning By-law to subdivide the land unit containing the dwelling units; and~~

(g) the Municipality must certify that services are available for the construction of an additional dwelling.

(h) The development of new additional dwelling units may not result in any adverse impact on viable agricultural land, resources or activities and should be located and clustered together with existing compound of agricultural buildings.

"adult entertainment"

Land use description: "*adult entertainment*"—

(a) means the use of property for adult film theatres or strip clubs where sexually explicit, live or recorded shows are displayed; and

(b) does not include adult services or an adult shop.

Development parameters:

The development parameters applicable to "business premises" apply.

"adult services"

Land use description: "*adult services*"—

(a) means the use of property for massage parlours or escort agencies where sexually orientated personal services are provided, unless the services form part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; and

(b) does not include adult entertainment or an adult shop.

Development parameters:

The development parameters applicable to "business premises" apply.

"adult shop"

Land use description: "*adult shop*"—

(a) means the use of property exclusively for the retail sale of pornographic, sexually explicit or erotic material, whether or not the material is displayed for sale, unless the material forms part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; and

(b) does not include adult entertainment or adult services.

Development parameters:

The development parameters applicable to "business premises" apply.

"agricultural building"

Land use description: "agricultural building" means any building or structures normally erected and/or used in direct connection with and ancillary to the reasonable and normal farming operations on a farm, and:

(a) includes amongst others packing sheds, implement stores, produce storage, farm office, staff facilities, and/or cold stores;

(b) excludes abattoirs, agricultural industry buildings, and agricultural worker accommodation,

(c) an agricultural building may not be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

The development parameters applicable to "agriculture" apply with the following additional development parameters:

(i) Agricultural buildings may, subject to prior approval of an associated site development plan, be erected on a property provided that where the coverage of any single building exceeds 2000m² a consent use approval shall be required.

(ii) If the development of separate agricultural buildings is simultaneously pursued and which agricultural buildings will result in a cumulative coverage that exceeds 2000 m², a consent use application shall be required.

(iii) The Municipality may require information related to the need for the agricultural buildings to confirm the scale of the agricultural buildings is commensurate with the farming activities on the land unit concerned.

(iv) Should agricultural buildings on one land unit serve a farm which consists of more than one land unit, the Municipality may, in their sole opinion, require that land units be notarially tied to prevent the separate sale thereof, before approving the building plan on a specific land unit.

(v) An agricultural building may not be converted to any non-agricultural use such as tourist facilities within 5 years following its completed erection and the issuing of the associated certificate of occupancy.

"agricultural industry"

Land use description: "*agricultural industry*"—

(a) means an enterprise for the processing of agricultural products of which the majority of the products is sourced from that land unit and if not produced on that land unit, then from the land units farmed by the owners of the enterprise with a minority of the products sourced from the surrounding or nearby farms;

(b) includes a dairy, distillery, the bottling of water, a saw mill;

(c) may include ancillary buildings such as storage, a point of sale, staff facilities, and/ or administrative offices;

(d) does not include an abattoir or winery, and

(e) may not be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

Development parameters applicable to "agriculture" apply with the following additional development parameters:

(i) Agricultural industry buildings may, subject to prior approval of an associated site development plan, be erected on a property provided that the coverage of the agricultural industry building does not exceed 2000m².

(ii) Agricultural industry buildings where coverage exceeds 2000 m² shall require a consent use approval.

(iii) The Municipality may require information about produce, yields and production capacity and any other relevant information to confirm the scale of the proposed building is commensurate with the farming activities on the land unit concerned.

(iv) The agricultural industry shall remain subservient to the agricultural activities on the farm or farm enterprise.

(v) Other farm owners in the surrounding area may also supply produce to the agricultural industry provided that the land use description is generally complied with.

(vi) An agricultural industry may not be subdivided, alienated via a registered lease, or sectionalised.

(vii) A building erected for the purpose of an agricultural industry may not be converted to any non-agricultural use such as tourist facilities within 5 years following its completed erection and the issuing of the associated certificate of occupancy.

"**agricultural worker accommodation"**

Land use description: "*agricultural worker accommodation*" means –

(a) accommodation provided for *bona fide* agricultural workers;

(b) includes accommodation for labourers and farm managers, as determined by the Municipality based on the extent of the *bona fide* agricultural activities on the land unit; and

(c) may not be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

The development parameters applicable to "agriculture" apply with the following additional development parameters:

(a) Agricultural worker accommodation may only be provided as approved in terms of a site development plan.

(b) the number of units must be reasonably connected to the *bona fide* agricultural activities on the land unit; and

(c) the units must be clustered relative to the farming activities and other agricultural buildings.

(d) Agricultural worker accommodation may only be used for the accommodation of one family as defined.

(e) One of the occupants of each of the agricultural worker accommodation units shall be permanently employed in connection with the farming activities on the land unit concerned.

(f) Each agricultural worker accommodation unit may not exceed a total floor area of 120 m^2, including all outbuildings.

(g) If agricultural worker accommodation units are required which exceed a total floor area of 120 m^2, including all outbuildings, the provision of additional dwelling units will apply.

(h) Agricultural working accommodation may not be converted to any non-agricultural use such as tourist accommodation within 5 years following its completed erection and the issuing of the associated certificate of occupancy.

(i) If any former agricultural worker accommodation were converted to other land uses in the past, no new agricultural worker accommodation units will be permitted unless such new agricultural worker accommodation is associated with new farming operations and/ or if such units will not result in the erosion of the agriculture use or rural landscape.

~~*(h)* no agricultural worker accommodation may be erected within 1 km of the high water mark of the sea or a tidal river.~~

"agriculture"

Land use description: "*agriculture*" means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, ~~intensive horticulture; intensive animal farming~~; a riding school or natural veld, and—

(a) includes—

(i) the harvesting, cooling, storing, sorting, packing and packaging of agricultural produce grown on that land unit and surrounding or nearby farms;
(ii) harvesting of natural resources limited to living organisms for delivery to the market;
(iii) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including one ~~a~~ dwelling house, agricultural worker accommodation and rooftop base telecommunication stations;
(iv) a camping site limited to a maximum of 10 tent or caravan stands subject to the development parameters applicable to "tourist accommodation establishment", provided further that a consent use must be applied for in the following cases
(aa) the property is smaller than 1ha;
(bb) more than 10 tent or caravan stands are applied for;
(v) linear infrastructure;
(vi) agricultural industry;
(vii) intensive horticulture; and

(b) does not include aquaculture; an abattoir, a farm shop, intensive animal farming, an animal care centre, any mining activity, utility services and renewable energy infrastructure for commercial purposes.
(c) Portions of buildings or land in this zone may not be registered separately by Sectional Title.

Development parameters:
The following development parameters apply:

(a) **Building lines**
The road or street and common boundary building lines are 30 metres.

(b) **Height**
(i) The height of a dwelling house may not exceed 6 metres to the wall plate in all cases and 8,5 metres to the ridge of the roof in the case of a pitched roof.
(ii) Agricultural buildings other than dwelling houses may not exceed a height of 15 metres to the top of the roof.
(iii) Earth banks and retaining structures that are in the opinion of Municipality associated with *bona fide* agricultural activities are exempt from the general provisions in this regard in this By-law.

(c) **Site development plan**
(i) For any development in this zone, as well as any part of the land not zoned Agriculture, a site development plan must be submitted to the Municipality for its approval.
(ii) After the commencement of this scheme, and prior to the erection of any new buildings or alterations to existing buildings or the conversion of any existing buildings to a new land use, a site development plan shall be submitted for a farm or farm enterprise.

(d) **Farm shop, resort shop**
Where a farm shop and a resort shop are operated from the same property the combined floor area of the farm shop and resort shop may not exceed 100m².

(e) **Agricultural Industry**
In addition to the above parameters the following apply:
(i) the agricultural industry does not exceed a total floor area of 2 000m²; and
(ii) the parking requirements for "industry" apply.

(f) **Intensive Horticulture**
In addition to the above parameters the following apply:
(i) the structures for the intensive horticulture operations does not exceed a coverage area of 2 000m².

"agri-village"

Land use description: "agri-village" means a private settlement of restricted size, established and managed by a legal institution that is situated within an agricultural area and where residence is restricted to bona fide agricultural workers and their dependents of the farms involved in the development. Security of tenure does not include right of ownership but can include a Trust, Communal Property Association or Sectional Title. The development of agri-villages represents a partnership between farmer, agricultural worker and state.

Development parameters:
(a) The Municipality must require a site development plan for an agri-village.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

"air and underground rights"

Land use description: "*air and underground rights*" means any use right that may be approved by the Municipality for the development of a defined space above or below a public street, open space, railway line or any other land utilised for transport purposes.

Development parameters:
(a) The Municipality must require a site development plan for air and underground rights.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.
(d) The Municipality may approve a consent use for air or underground rights if—
(i) the consent use does not compromise the intended primary use of the land;
(ii) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by the Municipality;
(iii) a servitude in respect of the air or underground rights is registered over the land concerned; and

(iv) the Municipality is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking.

"airfield"

Land use description: "*airfield*" means runways and associated buildings for the take-off and landing of light aircraft.

Development parameters:

(a) The Municipality must require a site development plan for an airfield.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

"airport"

Land use description: "*airport*" means a complex comprising aircraft runways and associated buildings for the take-off and landing of civilian aircraft and facilities for the handling and storage of air freight and includes land uses ancillary to airports, and includes—

(a) a restaurant;
(b) a clubhouse
~~*(c)* car rental facility;~~
~~*(d)* shop; and~~
~~*(e)* hotel.~~

Development parameters:

The development parameters applicable to "transport use" and "business premises" apply, provided that a site development plan must be submitted to the Municipality for its approval.

"animal care centre"

Land use description: "*animal care centre*" means a place for the care of pets and animals, operated on either a commercial or a welfare basis, and includes—

(a) boarding kennels; and
(b) pet training centres.

Development parameters:

The development parameters applicable to "agriculture" apply.

"aqua-culture"

Land use description: *aqua-culture*" means the breeding, for commercial purposes, of water flora or fauna in artificially constructed dams or holding tanks, or suspended from floating supports in natural water bodies.

Development parameters:

The development parameters applicable to "agriculture" apply.

"authority use"

Land use description: "*authority use*" means a use which is practised by or on behalf of an organ of state and that cannot be classified or defined under other uses in this zoning scheme, and includes a use practised by—

(a) the national government, including a military centre or installation, police station or correctional facility;
(b) the provincial government, including a road station or road camp;
(c) the Municipality, including a fire service or a municipal depot with related uses, including limited accommodation for staff who are required to be on standby for emergencies; and
(d) a foreign government including an embassy or consulate, but does not include a dwelling house when the dominant use is for living accommodation of foreign diplomatic personnel.

Development parameters:
The development parameters and additional provisions as approved by the Municipality according to the site development plan apply to every site, use and type of building.

"backpackers' lodge"

Land use description: "*backpackers' lodge*" means a building where ~~lodging~~ accommodation is provided for backpacker tourist ~~is provided~~ per bed and not per bedroom, and includes the services ordinarily related to such accommodation, including the provision of meals or the use of communal facilities, and includes a youth hostel.

Development parameters:
The development parameters applicable to "guest lodge" apply.

"bed and breakfast establishment"

Land use description: **"***bed and breakfast establishment*" means a dwelling house, second dwelling or additional dwelling unit—
(a) in which the owner or occupant of the dwelling supplies ~~lodging~~ accommodation and meals for compensation to transient guests who have permanent residence elsewhere; and
(b) provided that the dominant use, structure and design of the dwelling house concerned remains for the living accommodation of a single family.

Development parameters:
The development parameters applicable to "dwelling house", "second dwelling" and "additional dwelling unit" apply.
The following further parameters apply:
(a) no more than two rooms per land unit may be used for bedroom accommodation for paying guest, and no more than four paying guest per land unit may be supplied with ~~lodging~~ accommodation or meals at any time;
(b) the requirement in paragraph *(a)* is also applicable where a land unit contains both a bed and breakfast establishment and rooms that are available for letting to lodgers;
(c) the owner of a bed and breakfast establishment must live on the property and inform the Municipality in writing before the establishment opens for business;
(d) a register of guests must be kept, and completed when rooms are let;
(e) any new structure or alteration to the property related to its use as a "bed and breakfast establishment" must be compatible with the residential character of the area, particularly with regard to the streetscape or rural character on a farm, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit or outbuilding concerned;
(f) no more than three employees may be employed in activities related to the bed and breakfast establishment;

(g) no alcoholic beverages may be served except to resident guests for consumption on the premises;
(h) guest rooms may not be converted to, or used as, separate self-catering dwelling units;
(i) meals may only be supplied to guests who ~~have lodging~~ are accommodated on the property, employees, and the family residing in the dwelling;
(j) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;
(k) no weddings, receptions, conferences, training or similar activities are permitted in a bed and breakfast establishment;
(l) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and
(m) on-site parking must be provided in accordance with the provisions of this By-law; provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the bed and breakfast establishment does not have enough parking.

"big box retail"

Land use description: "*big box retail*" means large buildings with footprints larger than 2 000 m² per enterprise, where the nature of the retail business is typified by attracting customers with low prices or large selections or both low prices and large selections, with large floor space and high volume sales, and may include a restaurant that is ancillary to the main use.

Development parameters:

(a) **Coverage**
Coverage must be in accordance with the site development plan approved by the Municipality.
(b) **Floor factor**
The maximum floor factor is 2.
(c) **Height**
(i) The highest point of a building may not exceed 10 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) **Building lines**
(i) The street building line is at least 10 metres.
(ii) Side and rear building lines are 0 metres or at least 10 metres if the site abuts any single residential zone or general residential zone.
(iii) The general building line encroachments in this By-law apply.
(e) **Parking, access and loading space**
Parking, access and loading space must be provided on the land unit in accordance with this By-law.
(f) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

"boarding hostel"

Land use description: "*boarding hostel*" means a place which provides accommodation in rooms or dormitories for students attending a place of ~~education~~ instruction ~~or tertiary educational institution~~, and is managed by or on behalf of the particular educational

institution with which it is associated, or by a private institution for such purpose, and includes communal facilities directly associated with the main use.

Development parameters:
Development parameters applicable to "place of instruction" apply, or as may be determined by the Municipality if developed privately.

"boarding house"

Land use description: "*boarding house"* means a building where lodging is provided by a resident owner or manager, and includes ancillary communal cooking, dining and other communal facilities for the use of lodgers, together with outbuildings that are normally used in connection with a boarding house and—

(a) includes a building in which rooms are rented for residential purposes, a guest house or guest lodge, a home for the aged, a residential facility for handicapped persons or orphans; and

(b) does not include a hotel, dwelling house, second dwelling, backpackers' lodge or group house.

Development parameters:

(a) **Coverage**
The maximum coverage is 60%.

(b) **Floor factor**
The floor factor may not exceed 1.

(c) **Height**
(i) The highest point of a building may not exceed 15 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**
(i) The street building line is at least 5 metres.
(ii) Side and rear building lines are at least 4,5 metres.
(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**
Parking and access must be provided in accordance with this By-law.

(f) **Screening**
The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

(h) **Open space**
(i) Every boarding house must have access on the land unit to an outdoor living area that may include private or communal open space, but excludes roads, service yards and parking areas.
(ii) An outdoor living area of at least 10% of the total erf area must be provided.
(iii) The outdoor living area(s) must be of reasonable proportions and location, to the satisfaction of the Municipality, to allow for leisure or recreational use by residents, and may include open courtyards within the complex.

(i) **Service yard**
A service yard must be provided on the land unit in accordance with this By-law.

(j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

"builder's yard"

Land use description: "*builder's yard"* means a property used for the storage of material and equipment that—

(a) is required for or is normally used for construction work;

(b) was obtained from demolitions of structures or excavations of ground; or

(c) is necessary for, or is normally used for land development, including storage of material used for building roads, installing essential services, or for any other construction work, whether for public or private purposes.

Development parameters:
The development parameters applicable to "industry" apply.

"business premises"

Land use description: "*business premises*" means a property from which business is conducted and—

(a) includes a shop, big box retail, supermarket, restaurant, liquor store, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, place of leisure, institution, hotel, hospital, conference facility, rooftop base telecommunication station, and multiple parking garage;

(b) includes also the following land uses above ground floor:
(i) flats;
(ii) caretaker's quarters;
(iii) backpackers' lodge;
(iv) youth hostel;
(v) boarding houses; and

(c) does not include a place of entertainment, gambling place, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.

Development parameters:
The following development parameters apply:

(a) **Coverage**
The maximum coverage for all buildings on a land unit is 100%.

(b) **Street centre line setback**
The Municipality may require a street centre line setback, in which case all buildings or structures on a land unit must be set back at least 8 metres from the centre line of the abutting public street or streets.

(c) **Floor factor**
The maximum floor factor on the land unit is 3, but may be departed from if item *(h)* of these development parameters is complied with.

(d) **Height**
(i) The highest point of a building may not exceed 15 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(e) **Building line**
(i) The street building line is 0 metres.

(ii) Side and rear building lines are 0 metres, provided that the Municipality may lay down common building lines in the interest of public health and safety or in order to enforce any other law or right.

(iii) Minor architectural and sunscreen features may project beyond the street boundary building line, provided that such features do not project more than 250 millimetres beyond the street boundary.

(f) **Hotel floor space concession**

Where it is proposed to erect a hotel of at least 30 bedrooms in terms of this use right, the development parameters applicable to "hotel" apply.

(g) **Canopy or balcony projection**

The Municipality may require, and may approve, a canopy or balcony projection over the street boundary in accordance with the following conditions:

(i) the canopy or balcony may not project closer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;

(ii) no portion of a canopy or balcony projection may be less than 2,8 metres above the pavement;

(iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and

(iv) the owner must enter into an encroachment agreement with the Municipality.

(h) **Public pedestrian footway along street boundary**

If the owner provides on the land unit a public pedestrian footway that is accessible to the public at all times of at least 3 metres wide, next to a building situated alongside the street boundary, with a canopy and pavement that ties in with the street pavement, then, in recognition of the urban design contribution to the street environment, the floor factor of the building may be increased by twice the area of the public pedestrian footway.

(i) **Street corners**

The Municipality may require the owner of a building to be situated at a public street corner, and where the Municipality considers the street corner to be significant, to incorporate in the building architectural features that focus visual interest on the corner and emphasise the importance of pedestrian movement around the corner. The architectural features may include building cut-offs, walkthrough covered arcades, plazas or other elements.

(j) **Parking and access**

(i) Parking and access must be provided on a land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under section 43.(1).

(ii) Except with the approval of the Municipality, no parking bays at ground floor level on a land unit, either outside or within a building, may be located closer than 10 metres to a street boundary in order to enhance amenity at street level.

(k) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(l) **Screening**

The Municipality may require screening in accordance with this By-law.

(m) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"camping site"

Land use description: "*camping site*" means land set aside for camping where tents may be erected or caravans or motorhomes may be parked and are used for short term accommodation by ~~of~~ transient guests for holiday or recreational purposes and may include ancillary facilities for use by guests including facilities for outdoor food preparation, resort shop, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, ablution facilities, communal scullery and laundry facilities and waste disposal facilities, and does not include permanent tents or caravans.

Development parameters:
The development parameters applicable to "tourist accommodation establishment" apply, provided that a site development plan must be submitted to the Municipality for its approval.

"caretaker's quarters"

Land use description: "*caretaker's quarters*" means an outbuilding of not more than 60 m² in total floor area, including sanitary and cooking facilities used for the accommodation of a caretaker employed at an industrial site or business premises where the operation requires that somebody is on the land unit at all hours.

Development parameters:
As determined by the Municipality.

"**cemetery"**

Land use description: "*cemetery*" means a place for the burial of human or domestic animal remains, and—

(a) includes—
  (i) ancillary buildings including an office and chapel;
  (ii) a "garden of remembrance" or a "wall of remembrance"; and
(b) does not include a crematorium.

Development parameters:
The development parameters applicable to "public open space" apply in the case of publicly owned land, and the parameters applicable to "private open space" apply in the case of land in private ownership.

"clinic"

Land use description: "*clinic*" means a place that has limited facilities and an emphasis on outpatients for the diagnosis and treatment of human illness or the improvement of human health provided that—

(a) a clinic may contain live-in facilities for no more than 20 persons, including patients and staff; and
(b) a clinic may include medical consulting rooms, operating theatres, an outpatients centre, and a wellness centre with ancillary uses.

Development parameters:
The development parameters applicable to "place of instruction" apply.

"commune"

Land use description: "*commune*" means that the entire dwelling unit is rented out for the accommodation of lodgers and where the owner does not reside on the property, and -

(a) the scale of any dwelling unit so used shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family;

(b) no dwelling unit may be developed or altered purposefully to serve as a commune, in which case the establishment will be regarded as a "boarding house" or "boarding hostel";

(c) at least one communal bathroom, kitchen and lounge/eating area shall be provided for lodgers on each property;

(d) separate kitchen facilities may not be installed in any rooms in contravention of the permitted number of dwelling units in the zone.

Development parameters:

In addition to the development parameters associated with the applicable dwelling unit, parking must be provided on a ratio of 1 parking bay per bedroom.

"conference facility"

Land use description: "*conference facility*" means a place where information is presented and ideas or information exchanged among groups of people or delegates, and includes the supply of meals to delegates.

Development parameters:

The development parameters applicable to "business premises".

"container site"

Land use description: "*container site*" means property used for the storage of shipping or transport containers.

Development parameters:

The development parameters applicable to "industry" apply.

"convenience shop"

Land use description: "*convenience shop*" means a small retail concern that is open long hours and that typically stocks a range of everyday items including groceries, snack foods, candy, toiletries, soft drinks, tobacco products, newspapers and magazines.

Development parameters:

(a) The development parameters applicable to "service station" apply.

(b) When approved as a consent use in another zone, the development parameters applicable to "shop" apply.

"correctional facility"

Land use description: "*correctional facility*" means a place where persons are housed and trained on instruction of a court of law and includes a reformatory, place of detention; industrial school and prison.

Development parameters:

Development parameters applicable to "authority use" apply.

"crèche"

Land use description: *"crèche"* means the use of a portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after-school care services for children.

Development parameters:

(a) The services provided must primarily be day care and educational, and not medical services.
(b) The services may not operate outside the hours 6:00 to 18:00.
(c) The dominant use of the dwelling house must remain for the living accommodation of a single family.
(d) Not more than 20 children may be registered at a time, or on the property at any time.
(e) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;
(f) Parking and access must be provided in accordance with this By-law.
(g) A Crèche provided on a property zoned for Agriculture Zone 1 may only enrol children residing on that farm and the immediate surrounding farms.

"crematorium"

Land use description: *"crematorium"* means a place for incinerating corpses in a furnace, and includes—

(a) ancillary facilities such as a chapel and offices; and
(b) a "garden of remembrance" or a "wall of remembrance".

Development parameters:

Development parameters applicable to "industry" apply.

"dwelling house"

Land use description: *"dwelling house"* means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including:

(a) a storeroom and garaging;
(b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m²;
(c) a ~~braai room~~ recreation room;
(d) renewable energy infrastructure for household purposes, irrespective of whether it feeds into any electricity grid, and insofar such structure/s is accommodated on the roof of existing permitted building structures.
(e) home occupation;
(f) letting to a maximum of two lodgers;
(g) a bed and breakfast establishment; and
(h) home child care.

Development parameters:

(a) **Height**

(i) The height of a dwelling house may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(b) **Coverage and building lines**

(i) Building lines are at least the distance indicated in the table entitled "Coverage and building lines" from the relevant erf boundary:

Coverage and building lines

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m²	~~80~~ 75%	1 metre	1 metre	1,5 metres
Greater than 250 m², but not exceeding 500 m²	65%	3 metres	1,5 metres	1,5 metres
Greater than 500 m², but not exceeding 1 000 m²	50%	4 metres	2 metres	2 metres
Greater than 1 000 m²	500 m² or 40%, whichever is greater	5 metres	3 metres	3 metres

(ii) The general building line encroachments in this By-law apply.

(iii) The Municipality may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling house in Single Residential Zone I, provided that an adequate means of access, at least 1 metre wide, is provided from a street to every un-built open portion of the property.

(c) **Single Residential Zone II**

In the case of a "dwelling house" in Single Residential Zone II, the development parameters pertaining to coverage, height and building lines of "shelter" apply.

(d) **Window and door placement**

Any portion of a building that contains an external window or door facing onto a common boundary must—

(i) be set back at least 1,5 metres from the boundary; and

(ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.

(e) **Garages, carports and outbuildings**

(i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage and carport do not—

(aa) extend higher than 3,5 metres to the top of the roof;

(bb) contain more than a double garage façade; and

(cc) exceed a length and width of 6,5 metres.

(ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 metres from the street boundary provided the garage or carport—

(aa) is not higher than 3,5 metres to the top of the roof;

(bb) does not contain more than a double garage façade; and

(cc) does not exceed a length and width of 6,5 metres.

(iii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.

(iv) Despite subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the

property concerned. The Municipality must determine the street boundary building line in such a case.

(f) **Parking and access**

(i) Parking and access must be provided on the land unit in accordance with this By-law.

(ii) Where a dwelling unit is occupied by unrelated persons as defined in paragraph *(b)* of the definition of "family" in section 1, provision must be made for parking in accordance with the parking requirements for a boarding house.

(g) **Garaging**

Garaging for up to four vehicles is permitted.

"environmental facilities"

Land use description: "*environmental facilities*" means facilities for the management, study, interpretation, education, and public appreciation of a predominantly natural area or heritage site and may include hiking trails, but does not include tourist facilities or tourist accommodation.

Development parameters:

The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning and the specific circumstances including adherence with an approved environmental management plan, where applicable.

"events"

Land use description: "events" means sporting, entertainment, recreational, educational, religious, cultural, exhibition or similar activity, that is accessible to the general public and is hosted either at a specific place or along a specified route, and which is of a temporary nature, and which can occur on a specific day or on consecutive days for a limited period, but excludes activities associated with a function venue, a market, outdoor trading, tourist facilities, ~~such as weddings~~ and does not include any activities under "occasional use."

Development parameters

(a) A maximum of 12 events per calendar year can be hosted on an individual property, irrespective of the event being a linear event or place-bound event, unless otherwise stipulated, subject to the following requirements:

(i) obtaining an event permit from the Municipality prior to the event;

(ii) adherence to the conditions attached to an event permit;

(iii) compliance to the applicable provisions for linear events or place bound events in (b) and (c);

(iv) The development parameters set out in the applicable base zone remain applicable to any land unit subject to any variation through permissions as provided for by this land use activity.

(v) Purpose-built tracks, buildings, and infrastructure to be used for events requires land use approval for the facility or amenity as contemplated in Section 15 of the Stellenbosch Municipal Land Use Planning By-law.

(vi) Any event occurring on a property that takes direct access from a proclaimed road shall provide effective traffic control for safe access off such road to the on-site parking area, to the satisfaction of the Municipality.

(vii) Any event may involve the construction of temporary structures to facilitate the hosting of such event, which temporary structures shall require building

plan approval and shall be demolished on completion of the event for which it was erected.

(viii) Commercial services at the same venue that are not directly associated with the event, and which is not an event-related activity shall require prior land use approval for such activity.

(ix) Any event that involves amplified sound, whether it be for music, entertainment, public announcements or otherwise, shall be subject to compliance with the Western Cape Noise Control Regulations and the Policy on Noise Control.

(b) **Linear events** means an event along a route taken from a starting point to a destination during which the event takes the form of either a recreational activity or a procession, and which may traverse a single property or a number of properties, and includes marathon, trail running, cycling and mountain biking (including E-bikes) events, but excludes the use of motorized vehicles, and are permitted as follows:

(i) An unlimited number of linear events shall be permitted in the following zones:

(aa) Community zone;
(bb) Transport Facilities zone;
(cc) Public Road and Parking zone; and
(dd) Public Open Space zone.

(ii) An unlimited number of linear events shall be permitted in the following zones, provided that the total number of people involved in the event, including any support staff or spectators are limited to the capacity of the venue or do not exceed 1000 people, whichever is the lesser:

(aa) Education zone;
(bb) Private Open Space zone;
(cc) Agriculture and Rural zone; and
(dd) Natural Environment zone.

(iii) For a linear event involving more than 1000 people, including any support staff or spectators associated with such event, a maximum number of 12 events per calendar year shall be permitted on a property with a zoning stipulated in subsection (ii).

(iv) A linear event occurring on a property with a zoning stipulated in subsection (ii) may not exceed:

(aa) a maximum of 3 consecutive days; and
(bb) a cumulative number of 12 days in a calendar year.

(v) A linear event occurring on a property with a zoning stipulated in subsections (ii)(cc) and (ii)(dd):

(aa) must make use of existing routes, farm tracks and infrastructure;
(bb) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality; and
(cc) may not involve any motorized vehicles.

(ix) A linear event occurring on a property with a zoning stipulated in subsection (ii)(aa) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.

(c) A **Place-bound event** means an event that takes place at a specific venue, or on a specific property, and are permitted as follows:

(i) An unlimited number of place-bound events shall be permitted in the following zones:

(aa) Community zone;
(bb) Transport Facilities zone;
(cc) Public Road and Parking zone; and
(dd) Public Open Space zone.

(ii) A maximum of 12 place-bound events per calendar year shall be permitted on a property in the following zones:
(aa) Education zone;
(bb) Private Open Space zone; and
(cc) Agriculture and Rural zone.

(iii) A place-bound event occurring on a property with a zoning stipulated in subsection (ii) may not exceed:
(aa) a maximum of 3 consecutive days; and
(bb) a cumulative number of 12 days in a calendar year.

(iv) Notwithstanding subsection (ii), a place-bound event occurring on a property with a zoning stipulated in subsection (ii)(cc) that involves any amplified music such as an outdoor music concert, rave or festival, shall not be permitted to extend beyond 18h00.

(v) A place-bound event occurring on a property with a zoning stipulated in subsections (ii)(bb) and (ii)(cc):
(aa) must make use of existing facilities, amenities, and infrastructure; and
(bb) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality.

(vi) A place-bound event occurring on a property with a zoning stipulated in subsection (ii)(aa) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.

(vii) All place bound events, regardless of the base zoning of the property on which such event takes place, shall not continue past 22h00 without prior written permission as part of the event permit.

(d) The Municipality may order that an event be ceased if, in the sole opinion of the Municipality, the event:
(i) is not compliant with the provisions stipulated in this chapter; or
(ii) causes a public nuisance; or
(iii) impacts on the health, welfare, or safety of other properties in the surrounding area particularly regarding noise or traffic; or
(iv) causes damage or poses a potential risk to existing environmental, agricultural or heritage resources.

(e) No event can be both a "linear event" and a "place-bound event", and the Municipality's Development Management Department has the sole discretion to determine the specific type of an event as contemplated in this chapter.

(f) ~~Notwithstanding the specific provisions contained in sections 279, 278 and 279, all events must comply with the provisions of applicable legislation and policy, including, but not limited to, the Municipality's:~~
~~(i) Events By-law;~~
~~(ii) Roads and Streets By-law;~~
~~(iii) Policy on Noise Control; and~~
~~Policy on Outdoor Dining, Trading and the use of Public Places for Commercial Ventures and Display~~

"factory"

Land use description: *"factory"* means property containing an industrial assembly plant used for the manufacture of goods.

Development parameters:
The development parameters applicable to "industry" apply.

"factory shop"

Land use description: "*factory shop*" means property used for the retail sale of goods that are completely or predominantly manufactured in a factory on the property concerned and may include a shop.

Development parameters:
The development parameters applicable to "industry" apply.
The occupant of an industry may operate a factory shop provided that—
(a) the total floor space devoted to the sale of goods may not exceed 10% of the total floor space of all the buildings on the land unit; and
(b) any goods that are offered for sale but have not been manufactured on the property, must be directly connected with the goods that are manufactured on the property.

"farm grave yard"

Land use description: "*farm grave yard*" means a place for the burial of human or domestic animal remains situated on a property zoned "Agricultural Zone I", which is managed by the land owner where only the land owner's family members and farm workers formerly employed by the land owner may be buried, and- includes
(a) A garden of remembrance; and
(b) does not include a crematorium.

Development parameters:
A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for such private parking.

"farm shop"

Land use description: "*farm shop*" means a building or structure not exceeding 100 m² in floor space located on a farm and from where the farmer sells predominantly produce grown on the farm and may include other goods to the general public, including storage facilities.

Development parameters:
The development parameters applicable to "agriculture" apply.

~~**"farmers' market"**~~

~~**Land use description:**~~

~~*(a)* **"***farmers' market***"** means a predominantly fresh food market where farmers and food producers sell, directly to consumers, farm-origin and associated value-added specialty foods and plant products including—~~

~~(i) primary food products;~~
~~(ii) seafood, game and foraged foods;~~
~~(iii) value-added foods;~~
~~(iv) speciality food products;~~
~~(v) garden inputs; and~~
~~(vi) small livestock;~~

~~*(b)* A farmers'market–~~

~~(i) operates regularly within a community;~~

~~(ii) is located at a focal public location that provides a suitable environment for farmers to conduct trade;~~

~~(iii) typically consists of booths, tables or stands, outdoors or indoors, where farmers sell farm produce, meats, and sometimes prepared foods and beverages; and~~

~~(iv) may include:~~

~~*(aa)* a subservient component of stalls for the sale of locally produced handmade crafts and arts; and~~

~~*(bb)* live family entertainment, outdoor recreation activities and children's play area.~~

~~**Development parameters:**~~

~~The development parameters applicable to "agriculture", apply, together with the following additional parameters:~~

~~*(i)* the Municipality may stipulate conditions with regard to the layout, building design, open space, landscaping, parking, access and environmental management; and~~

~~*(ii)* the development must occur in accordance with an approved site development plan.~~

"flats"

Land use description: "*flats*" means a building containing three or more dwelling units of which at least one does not have a ground floor, together with such outbuildings, open space and private roads as are ordinarily associated with flats.

Development parameters:

(a) **Coverage**

The maximum coverage is 60%.

(b) **Floor factor**

The floor factor may not exceed 1.

(c) **Height**

(i) The highest point of a building may not exceed 15 metres to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**

(i) The street building line is at least 5 metres.

(ii) Side and rear building lines are at least 4,5 metres.

(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**

Parking and access must be provided in accordance with this By-law.

(f) **Screening**

The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**

The Municipality may require a site development plan to be submitted for its approval.

(h) **Institution, place of instruction and place of assembly**

The development parameters that apply to "institution", "place of instruction" and "place of assembly" apply to this use; provided that where the institution, place of instruction or place of assembly is situated within a building which is also used

for flats or a boarding house, then the coverage, height and building line requirements for the flats or boarding house apply.

(i) **Open space**

(i) Every block of flats must have access on the land unit to an outdoor living area, including private or communal open space, but excludes roads, service yards and parking areas.

(ii) An outdoor living area of at least 10% of the total erf area must be provided and the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by residents, and may include open courtyards within the complex.

(j) **Service yard**

A service yard must be provided on the land unit in accordance with this By-law.

(k) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

(l) **Flats as a consent use in a group housing scheme**

The following conditions apply to flats as a consent use right in this zone:

(i) the flats must form an integrated part of a group housing site and must comply with the development parameters for "group housing";

(ii) the total floor space of flats may not exceed 40% of the total floor space of all buildings on the group housing site; and

(iii) the open space requirement for dwelling units in a group housing site applies.

"freestanding base telecommunication station"

Land use description: *"freestanding base telecommunication station"* means a freestanding support structure on land or anchored to land and used for telecommunication infrastructure to transmit or receive electronic communication signals, and may include access roads to the structure.

Development parameters:

The development parameters applicable to "utility service" apply.

"function venue"

Land use description: *"function venue"* means a building or structure used for private celebratory functions such as weddings, birthdays, office parties, school farewell or similar occasions ~~and expos~~ on what is mainly a rural property.

Development parameters:

Development parameters applicable to "agriculture" apply on a rural property, together with the limitation that any function venue in a rural area, including all components of the venue, may not exceed a total floor space of 500 m².

"funeral parlour"

Land use description: *"funeral parlour"* means property where the dead are prepared for burial or cremation and—

(a) includes facilities for ancillary administrative and religious functions; and

(b) does not include a crematorium.

Development parameters:

The development parameters applicable to "shop" and "industry" apply.

"gambling place"

Land use description: "*gambling place*" means a place where betting and gambling may be undertaken in accordance with a license issued under the relevant Act, and includes premises for totalisators, electronic payout devices and limited payout gambling machines.

Development parameters:
The following development parameters apply:
(a) The development parameters applicable to "business premises" apply.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"garden of remembrance"

Land use description: "*garden of remembrance*" is a section of a cemetery or crematorium set aside for the erection of memorial plaques or structures, placing or scattering of ashes.

Development parameters:
The development parameters applicable to "cemetery" and "crematorium" apply.

"group housing"

Land use description: "*group housing*" and "*group housing scheme*" means a group of separate or linked dwelling units where—
(a) every dwelling unit has a ground floor;
(b) the units may be cadastrally subdivided;
(c) the units are planned, designed and built as a harmonious architectural entity in an ordered way; and
(d) the units are integrated with communal private open spaces, private roads and parking.

Development parameters:
(a) **Design principles**
All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping.
(b) **Density**
The maximum gross density on a group housing site is 35 dwelling units per hectare.
(c) **Height**
(i) The height of dwelling units may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) **Open space**
Within a group housing site, outdoor space of at least 50 m² per dwelling unit must be provided and the outdoor space may include private or communal open space or any functional outdoor space that is inaccessible to motor vehicles, but excludes roads, service yards and parking areas.

(e) **Coverage and building lines**

(i) Building lines are at least the distance indicated in the table entitled "Coverage and building lines" from the relevant erf boundary:

Coverage and building lines

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m²	75%	1 metre	1 metre	1,5 metres
Greater than 250 m², but not exceeding 500 m²	65%	3 metres	1,5 metres	1,5 metres
Greater than 500 m², but not exceeding 1 000 m²	50%	4 metres	2 metres	2 metres
Greater than 1 000 m²	500 m² or 40%, whichever is greater	5 metres	3 metres	3 metres

(ii) Irrespective of erf size, a street boundary building line of 3 metres applies where the group housing site abuts an external public street;

(ii) Irrespective of erf size, side and rear boundary building lines are 1,5 metres along the perimeter of the group housing site;

(iii) The general building line encroachments in this By-law apply; and

(iv) The Municipality may permit a relaxation of the lateral and/or rear building lines, provided that an adequate means of access, at least 1 metre wide, is provided from a street to every un-built open portion of the property.

(e) **Window and door placement**

Any portion of a building that contains an external window or door facing onto a common boundary must—

(i) be set back at least 1,5 metres from the boundary; and

(ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.

(f) **Garages, carports and outbuildings**

(i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage and carport do not—

(aa) extend higher than 3,5 metres to the top of the roof;

(bb) contain more than a double garage façade; and

(cc) exceed a length and width of 6,5 metres.

(ii) A garage may not be closer than 5 metres from the street boundary, notwithstanding the street building line.

(iii) A carport is permitted within the street boundary building line, provided the carport —

(aa) is not higher than 3,5 metres to the top of the roof;

(bb) does not contain more than a double carport façade; and

(cc) does not exceed a length and width of 6,5 metres.

(iv) Despite subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case.

~~*(e)* **Building lines along the perimeter of a group housing site**~~

~~The following building lines apply along the perimeter of a group housing site:~~

~~(i) a street boundary building line of 5 metres applies where the group housing site abuts an external public street;~~

~~(ii) side and rear boundary building lines are 3 metres along the perimeter of the group housing site; and~~

~~(iii) the general building line encroachments in this By-law apply.~~

~~*(f)* **Building lines within a group housing site**~~

~~The following building lines apply within a group housing site:~~

~~(i) street boundary building lines on internal roads are 0 metres; provided that any garage door facing the road must be set back at least 5 metres from the kerb of such internal road; and~~

~~(ii) side and rear boundary building lines within the group housing site are 0 metres, unless the Municipality requires a building line for fire-fighting purposes, in which case the common boundary building lines must be determined by the Municipality.~~

(g) **Parking and access**

(i) Parking and access must be provided in accordance with the requirements of this By-law.

(ii) ~~Parking may be provided in the form of communal parking.~~

(h) **Site development plan**

A site development plan of the proposed group housing scheme must be submitted to the Municipality for its approval, and, if approved, the development of the group housing site must be in accordance with the approved site development plan.

(i) **Service yard**

Service yard(s) must be provided on the land unit in accordance with this By-law.

(j) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"guest house"

Land use description: *"guest house"* means a dwelling house, second dwelling or additional dwelling unit that is used for the purpose of supplying ~~lodging~~ accommodation and meals to transient guests for compensation, in an establishment that exceeds the restrictions of a bed and breakfast establishment (more than 2 guest rooms or 4 guests), and—

(a) includes business meetings or training sessions by and for guests on the property for up to 12 persons; and

(b) does not include agricultural workers' accommodation.

Development parameters:

The development parameters applicable to "dwelling house", "second dwelling" and "additional dwelling unit" apply.

The following further parameters apply:

(a) the Municipality may require a site development plan to be submitted for a proposed guest house and the guest house may not open for business until the plan is approved;

(b) the owner of a proposed guest house establishment must live on the property and must have consent use approval from the Municipality before the guest house establishment may open for business;

(c) a register of guests ~~and lodgers~~ must be kept and completed when rooms are let;

(d) any new structure or alteration to the property related to its use as a guest house must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit or outbuilding concerned;

(e) no more than 6 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 12 paying guests ~~or lodgers~~ may be supplied with ~~lodging~~ accommodation or meals at any time;
~~the requirement in paragraph *(e)* is also applicable where a land unit contains both a guest house and rooms which are available for letting to lodgers;~~

(f) no alcoholic beverages may be served except to resident guests for consumption on the premises;

(g) guest rooms may not be converted to, or used as, separate self-catering dwelling units;

(h) meals may only be supplied to guests ~~or lodgers~~ who have accommodation ~~lodging~~ on the property, employees, and the family residing in the dwelling;

(i) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;

(j) no weddings, receptions, conferences, training or any similar activities are permitted in a guest house;

(k) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and

(l) on-site parking must be provided in accordance with the provisions of this By-law, provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the guest house does not have enough parking.

"guest lodge"

Land use description: "*guest lodge*" means an appropriately scaled establishment that provides temporary residence and meals for transient guests and—

(a) includes a small conference or training facility and also caters for business meetings, and

(b) does not include a restaurant or backpackers' lodge.

Development parameters:

(a) **Coverage**
The maximum coverage is 60%.

(b) **Floor factor**
The floor factor may not exceed 1.

(c) **Height**
(i) The highest point of a building may not exceed 8,5 metres from natural ground level to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**
(i) The street building line is at least 5 metres.
(ii) Side and rear building lines are at least 4,5 metres.
(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**
Parking and access must be provided in accordance with this By-law.

(f) **Screening**
The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

(h) **Open space**

(i) Every guest lodge must have access to an outdoor living area on the land unit, and the outdoor living area may include private or communal open space, but excludes roads, service yards and parking areas.

(ii) An outdoor living area of at least 10% of the total erf area must be provided; the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by guests ~~and lodgers~~, and may include open courtyards within the complex.

(i) **Service yard**
A service yard must be provided on the land unit in accordance with this By-law.

(j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

(k) A register of guests ~~and lodgers~~ must be kept, and completed when rooms are let.

(l) No more than 20 rooms per land unit may be used for bedroom accommodation for paying guests ~~or lodgers~~, and no more than 40 paying guests ~~or lodgers~~ may be supplied with accommodation ~~lodging~~ or meals at any time.

(m) No alcoholic beverages may be served except to resident guests for consumption on the premises.

(n) Guest rooms may not be converted to, or used as, separate self-catering dwelling units.

(o) Meals may only be supplied to guests ~~or lodgers~~ who have ~~lodging~~ accommodation on the property, employees, and the family residing in the guest lodge.

(p) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area.

"halfway house"

Land use description: *"halfway house"* means a facility that provides temporary accommodation for persons who have completed a formal treatment programme for substance abuse, but does not include inpatient treatment or similar facilities.

Development parameters:
The development parameters applicable to "dwelling house" apply.

"harvesting of natural resources"

Land use description: *"harvesting of natural resources"* means the gathering of flora or fauna (living organisms) within a conservation-worthy area, for sale or use by a person or agency other than a recognised environmental agency, provided that the harvesting—

(a) is sustainable;
(b) does not deplete the resources below acceptable levels;
(c) is not detrimental to the ecosystem; and
(d) is in accordance with any applicable law.

Development parameters:
The development parameters applicable to "agriculture" apply.

"helicopter landing pad"

Land use description: "*helicopter landing pad*" means any portion of land, building, structure or part thereof demarcated for the purposes of landing or take-off of helicopters or vertical lift-off aircraft.

Development parameters:
As determined by the Municipality.

"home care facility"

Land use description: **"***home care facility*" means the use of a dwelling house, second dwelling or a portion thereof to provide permanent or temporary accommodation and care for the retired, or elderly persons in need of frail care, or people in need of health care to recuperate from a medical condition or procedure, provided that —

(a) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family;
(b) the primary use of the property shall remain a residence for the operator;
(c) no more than 6 persons and three bedrooms be used for such facility; and
(d) the operator of the enterprise shall permanently reside on the property.

Development parameters:

(a) The development parameters applicable to the primary use apply.
(b) The Municipality must require a site development plan for a home care facility.
(c) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2m² in area.

"home child care"

Land use description: "*home child care*" means the use of a portion of a dwelling house or its outbuildings by the occupant to provide day care, after school care or instruction for a limited number of infants or children.

Development parameters:

(a) The dominant use of the property must be for accommodation of a single family.
(b) The owner of the home child care activity must live on the property.
(c) Any new structure or alteration to the property to accommodate an additional use right must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, outbuilding, or shelter concerned.
(d) No more than 3 employees may be engaged by the owner for the home child care activity.
(e) No more than 6 children may be enrolled at the home child care facility at a time.
(f) The home child care services must primarily be day care or educational, not medical.
(g) The home child care services may not operate outside the hours 6:00 to 18:00 from Monday to Friday, and from 8:00 to 13:00 on Saturday. No home child care services are permitted on public holidays or Sundays.
(h) Areas for indoor play space and outdoor play space must be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space must be fenced off from any public street or neighbouring property by a 1,8 metre-high fence or wall.

(i) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2m² in area.

(j) At least one off-street parking bay must be provided, plus one additional parking bay which is suitable for drop off and collection of children. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, the home child care service does not have enough parking for its operations.

"home for the aged"

Land use description: "*home for the aged*" means a building where permanent lodging is provided, with or without meals, to persons who are 50 years of age or older and–

(a) includes–
- (i) outbuildings as are normally used therewith; and
- (ii) a frail care facility; and

(b) does not include –
- (i) a dwelling house;
- (ii) a hotel;
- (iii) a bed and breakfast establishment; or
- (iv) flats.

Development parameters:
The development parameters applicable to "boarding house", apply.

"home lodging"

Land use description: "home lodging" means the provision of leased furnished or unfurnished bedroom accommodation for lodgers in a dwelling house, second dwelling unit or additional dwelling unit, and -

(a) the scale of any dwelling unit so used shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family;

(b) the primary use of the land unit shall remain the permanent residence of the owner of the establishment;

(c) includes the services ordinarily related to such accommodation, including the provision of meals or the use of communal facilities;

(d) no dwelling unit may be developed or altered purposefully to serve in the purpose to provide home lodging and may not exceed the normal scale associated with the subject dwelling unit and must be able to revert for the use of a family;

(e) at least one communal bathroom and lounge/eating area shall be provided for lodgers on each property; and

(f) no separate kitchen facilities may not be installed in any rooms in contravention of the permitted number of dwelling units in the zone.

Development parameters:
In addition to the development parameters associated with the applicable dwelling unit, the following additional development parameter applies:

(a) Apart from the normal parking requirements, additional parking must be provided on a ratio of 1 parking bay per bedroom.

"home occupation"

Land use description: "*home occupation*" means the practising of an occupation or the conducting of an enterprise by one or more occupants who reside on the property,

provided that the dominant use of the property concerned must remain for the living accommodation of the occupants and home occupation does not include a house shop.

Development parameters

(a) The dominant use of the property must be for accommodation of a single family.

(b) The proprietor of the home occupation concerned must live on the property.

(c) Any new structure or alteration to the property to accommodate a home occupation must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned.

(d) Not more than three employees may be engaged by the occupant in the home occupation concerned.

(e) No home occupation may include a noxious trade, risk activity, adult entertainment, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builder's yard, welding works or joinery.

(f) No goods for sale may be publicly displayed and no external evidence of the home occupation may be visible from a public street, except for an advertising sign in accordance with paragraph *(g)*.

(g) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2 m² in area.

(h) A "place of instruction" may be operated as a home occupation, provided that no more than six students may be accommodated at any given time.

(i) No activities that constitute or are likely to constitute a source of public nuisance, or generate waste material that may be harmful to the area or requires special waste removal processes, may be carried out.

(j) Off-street parking must be provided at a ratio of 1 parking bay per 25 m² area used for home occupation. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, there is not enough parking for the home occupation concerned.

(k) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling units on the land unit or 60 m², whichever is smaller.

(l) The storage of all goods and equipment connected with the home occupation concerned must be inside a building or screened from neighbours and the public street.

(m) Not more than two vehicles may be used in connection with a home occupation, and no one vehicle may exceed 3 500 kg in gross weight.

(n) The hours of operation of a home occupation may not extend beyond 8:00 to 18:00 from Monday to Friday, and 8:00 to 13:00 on Saturday. No home occupation operations are permitted on public holidays or Sundays.

(o) The Municipality may, at any stage, call for a cessation of the home occupation activity or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(p) When "home occupation" is approved as a consent use right in any zone, the development parameters of "home occupation" apply over and above the development parameters of the relevant land use allowed as a primary right in the zone.

(q) In order to exercise the consent use right under paragraph *(o)*, the owner must obtain the written consent, where applicable, of the relevant owners' association or Body Corporate, or all the owners within a housing scheme if the owners' association or Body Corporate is not functioning.

"hospital"

Land use description: "*hospital*" means a place for the diagnosis and treatment of human illness, with integrated facilities including operating theatres and live-in accommodation for patients and may include—

(a) a clinic;
(b) medical consulting rooms;
(c) a pharmacy;
(d) a subservient restaurant; and
(e) a shop.

Development parameters:

The development parameters applicable to "place of instruction" apply.

"hotel"

Land use description: "*hotel*" means a property used as a temporary residence for transient guests, where ~~lodging~~ accommodation and meals are provided, and—

(a) includes—
  (i) restaurants;
  (ii) conference and entertainment facilities and a chapel that are subservient and ancillary to the dominant use of the property as a hotel;
  (iii) premises that are licensed to sell alcoholic beverages for consumption on the property;
  (iv) flats;
  (v) a wellness centre; and
  (vi) a boarding house; and
(b) does not include—
  (i) a liquor store;
  (ii) a backpackers' lodge;
  (iii) a dwelling house, and
  (iv) a dwelling unit.

Development parameters:

The development parameters applicable to "business premises" apply with the following concession:

(a) Where it is proposed to erect a hotel of at least 30 bedrooms within this zone, the following portions of the hotel must be disregarded when calculating the total floor space of the building:
  (i) rooms that are used by residents and visitors as dining rooms, banqueting rooms, bars, restaurants, ballrooms, rooms for games and sports, lounges, sitting rooms, reading rooms, writing rooms and conference rooms;
  (ii) public foyers and areas comprising public or communal stoeps, verandahs, balconies, terraces or sun decks used by hotel residents or visitors;
  (iii) barber shops, hairdressing salons, florists and similar enterprises within the hotel for the exclusive use of hotel residents;

(iv) offices forming part of the hotel premises, used solely for the administration and management of the hotel;
(v) kitchens, sculleries, laundries and similar service facilities forming part of the hotel premises;
(vi) storerooms appurtenant to the hotel; and
(vii) staff quarters appurtenant to the hotel, including corridors, stairs and other means of access within such staff quarters, including all kitchens, dining rooms, recreation rooms, laundries and other similar rooms for the exclusive use of staff.

(b) If, in the opinion of the Municipality, a room is primarily for the use of persons other than hotel residents, staff or visitors, the room must be included in the floor space calculation of the building notwithstanding that it may be referred to in paragraph *(a)* (i) to (vii), and any rooms that are not specifically referred to in paragraph *(a)* (i) to (vii) must also be included in the floor space calculation of the building.

"house shop"

Land use description: "*house shop*" means the conducting of a retail trade from a dwelling house, second dwelling, shelter or outbuilding by one or more occupants who must reside on the property; provided that the dominant use of the property must remain for the living accommodation of the occupants.

Development parameters:

(a) Development parameters applicable to "dwelling house", "second dwelling" and "shelter" apply.
(b) On-site parking must be provided in accordance with the provisions of this By-law.
(c) Any new structure or alteration to the property to accommodate the "house shop" must be reconcilable with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the "dwelling house", "second dwelling" or "shelter".
(d) In the absence of a Municipal policy or by-law on house shops, the total area used for a house shop must be indicated on a site development plan and shall not exceed 25 m² or 50% of the total floor space of the dwelling units on the land unit, whichever is smaller.
(e) In the absence of a Municipal policy or by-law on house shops, and in the absence of any conditions of approval regarding operating hours, the operating hours of any house shop is restricted from 7h00 up to 19h00.

"industrial hive"

Land use description: "*industrial hive*" means a complex of uniformly designed buildings, containing a mix of retail and manufacturing activities arranged in an orderly manner around common spaces including—

(a) common parking and access;
(b) light industry;
(c) service trade;
(d) storage facilities;
(e) service station;
(f) restaurant; and
(g) open air motor vehicle display.

Development parameters

The development parameters applicable to "light industry" apply.

"industry"

Land use description: "*industry*" means a property used as a factory and in which an article or part of the article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters, factory shop or other uses that are subservient and ancillary to the use of the property as a factory; and—

(a) includes—
- (i) an industrial hive;
- (ii) builder's yard;
- (iii) funeral parlour;
- (iv) service station;
- (v) transport usage;
- (vi) rooftop base telecommunication station;
- (vii) freestanding base telecommunication station; and
- (viii) warehouse and agricultural industry; and

(b) does not include a noxious trade, scrap yard or risk activity.

Development parameters:

(a) **Floor factor and coverage**
- (i) The floor factor may not exceed 1,5.
- (ii) The maximum coverage is 75%.

(b) **Height**
- (i) The highest point of a building may not exceed 18 metres to the top of the roof.
- (ii) The highest point of a stack of shipping or transport containers stored outside a building may not exceed 15 metres above average ground level.
- (iii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(c) **Street boundary building line**

The street boundary building line is 0 metres, with a street centreline setback of at least 8 metres.

(d) **Side and rear boundary building lines**

Side and rear boundary building lines are 0 metres, provided that the Municipality may impose down side and rear building lines of up to 3 metres in the interest of public health and/or safety.

(e) **Boundary walls**

Where a land unit has a common boundary with another land unit that is not zoned Industrial Zone II or Industrial Zone III, the Municipality may require a 1,8 metre-high wall to be erected, to the satisfaction of the Municipality, along the common boundary.

(f) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law.

(g) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(h) **Screening**

The Municipality may require screening in accordance with this By-law.

(i) **Hazardous substances**

Despite the fact that an activity constitutes a primary use right in terms of this zone, no activity or use that includes the on-site storage of hazardous substances may be permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(j) **Industrial hive**

The same development management provisions that apply to an industrial hive under "light industry" apply to an industrial hive in this zone.

(k) **Site development plan**

The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

(l) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"informal trading"

Land use description: *"informal trading"* means the legal selling of products in areas demarcated by the Municipality specifically for these purposes, including markets and other areas demarcated in accordance with the Municipality's informal trading Policy or By-law.

Development parameters:

As determined by the Municipality.

"institution"

Land use description: *"institution"*—

(a) means a property used as a facility that renders services to the community including—

(i) hospital;
(ii) clinic;
(iii) home for the aged, retired, indigent or handicapped, frail care facility;
(iv) a social facility including a counselling centre, orphanage and rehabilitation centre;
(v) ancillary accommodation, administrative, tuck shop, health care, training and support services and facilities; and

(b) does not include a correctional facility.

Development parameters:

Development parameters applicable to "place of instruction" apply.

"intensive animal farming"

Land use description: *"intensive animal farming"*—

(a) means the breeding, feeding and keeping, on an intensive basis, of animals or poultry confined to buildings, or structures; and

(b) does not include the breeding, feeding and keeping of wildlife.

Development parameters:

Development parameters applicable to "agriculture" apply.

"intensive horticulture"

Land use description: *"intensive horticulture"* means the culture of plants on an intensive scale, including—

(a) the culture of plants under a roof or in greenhouses, which structures may include any structure constructed of wood, metal or plastic frames and covered with roof sheeting, polyethylene, shade netting, or other similar material and is used to protect crops or enhance the climate for agricultural crops, which may include plants, vegetables, fruit and flowers; and

(b) the sale of self-produced plants on a property.

Development parameters:

The development parameters applicable to "agriculture" apply with the following additional development parameters:

(i) roofed structures associated with intensive horticulture up to 2000m^2 coverage per land unit are permitted provided that it is indicated and approved by the Municipality on an overall site development plan;

(ii) roofed structures associated with intensive horticulture exceeding 2000m^2 will, subject to a more detailed and location-specific site development plan, as may be required by the Municipality, shall require the Municipality's consent;

(iii) roofed structures associated with intensive horticulture, irrespective of its extent, may require mitigation measures such as repositioning, screening and any other measures to address concerns of adverse impacts on visual, cultural and heritage amenity.

"light industry"

Land use description: *"light industry"*—

(a) means an industry, not being a hazardous or offensive industry or involving use of hazardous or offensive storage establishment, and where the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;

(b) involves manufacturing that is less capital-intensive and requires less machinery than other types of manufacturing; and

(c) includes—

(i) the manufacturing of consumer products, including electronics and clothing;
(ii) warehousing;
(iii) industrial hive;
(iv) service trade;
(v) service station;
(vi) restaurant; and
(vii) open air motor vehicle display.

Development parameters

(a) **Floor factor**

The maximum floor factor on the land unit is 1,5.

(b) **Coverage**

The maximum coverage for all buildings on a land unit is 75%.

(c) **Height**

(i) No building may exceed a height of eight metres.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Street building line**
The street building line is at least 5 metres.

(e) **Side building line**
The side building line is at least 3 metres.

(f) **Rear building line**
The rear building line is at least 3 metres.

(g) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned for industrial purposes, the Municipality may require a 1.8 metre-high wall to be erected to the satisfaction of the Municipality, along the common boundary.

(h) **Parking and access**
Parking and access must be provided in accordance with this By-law.

(i) **Loading bays**
Loading bays must be provided in accordance with this By-law.

(j) **Screening**
The Municipality may require screening in accordance with this By-law.

(k) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

(l) **Hazardous substances**
No activity which includes storage of on-site hazardous substances may be permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(m) **Site development plan**
A site development plan must be submitted to the Municipality for its approval.

(n) **Industrial hive**
The following additional development parameters apply for an industrial hive, namely:

(i) the design principles which are reflected in the definition of "industrial hive" must be closely followed and implemented;

(ii) special attention must be given to aesthetics, architectural coordination, urban design and landscaping; and

(iii) the Municipality may impose conditions specifying limits on the mix of retail and manufacturing activities, and the industrial hive may not allocate more than 50% of the total floor space to retail activities, shops or associated uses.

"liquor store"

Land use description: "*liquor store*" means an establishment where the dominant use is the retail sale of alcoholic beverages, for consumption off the property.

Development parameters:
The development parameters applicable to "shop" apply.

"market"

Land use Description: "*market*" means a place in a suitable environment where a variety of goods such as locally produced handmade arts and crafts, clothing, plants, household goods and/or second-hand goods, and/ or fresh produce, prepared speciality food, and beverages, are sold from temporary or permanent booths, tables and/or stands in an outdoors and/or indoors setting on a daily basis, or during specific days or at regular intervals, and may include outdoor dining and seating, outdoor recreational activities, family entertainment like live performances and a children's play area.

Development parameters:

The development parameters applicable to the base zone applies, together with the following additional parameters:

(a) a market activity must be compliant with any provisions of any related approved Municipal Policy or By-law.

(b) the Municipality may qualify the nature and extent of the market in terms of what may be sold or not sold, and what activities may take place or not, and the frequency and hours of the market.

(c) the Municipality may stipulate conditions with regard to the layout, building design, open space, landscaping, parking, access and environmental management; and

(d) the development must occur in accordance with an approved site development plan.

"medical consulting rooms"

Land use description: "*medical consulting rooms*" means an office or offices and ancillary rooms used by a registered medical professional for human medical or medical-related consultation, where the office is not attached to a hospital or clinic.

Development parameters:

The development parameters applicable to "office" apply.

"mine"

Land use description: "*mine*" means mine as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes extracting gas for market production purposes.

Development parameters:

The following development management provisions apply:

(a) the owner must comply with national and provincial statutory requirements applicable to mining;

(b) any application to rezone land to Industrial Zone IV must contain an explanation of the measures that will be implemented to address safety and environmental concerns that may be imposed as conditions of approval by the Municipality, including—

(i) control of drainage, sedimentation and erosion;
(ii) preservation of surface and substance water;
(iii) preservation of topsoil;
(iv) provision for restoration and the re-use of the site;
(v) provision for noise and visual buffering;
(vi) accommodation of heavy traffic and vehicles on roadways; and
(vii) a phased programme for rehabilitation; and

(c) a site development plan must be submitted to the Municipality for its approval.

"mobile home"

Land use description: "*mobile home*" means a transportable structure that is designed so that it can be used as a permanent dwelling and that has the necessary service connections for a permanent dwelling.

Development parameters:
As determined by the Municipality.

"motor repair garage"

Land use description: "*motor repair garage*" means a commercial enterprise where motor vehicles are provided with fuel or major services including engine overhauling, spray-painting, panel beating, black-smithery, exhaust fitment, shock absorber fitment or body work, and includes a service station.

Development parameters:
The development parameters applicable to "shop" apply. The following additional development parameters apply:

(a) a site development plan must be submitted to the Municipality for its approval;

(b) any part of the property of a motor repair garage that is used for the repair of motor vehicles, the storage of inoperable motor vehicles or parts of motor vehicles, empty containers including oil drums and packing cases, or any other scrap, must be enclosed with a solid screen wall at least 2 metres high, or contained in a building; and

(c) any motor repair garage that supplies fuel must comply with the following access requirements:

(i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;

(ii) a wall, at least 100 millimetres thick and 350 millimetres high, must be erected on the street boundary between different motor vehicle carriageway crossings, and the wall must continue along the boundary unless the property is otherwise enclosed;

(iii) the motor vehicle carriageway crossings must be limited to two per site unless the total length of a street boundary exceeds 30 metres, in which case one additional motor vehicle carriageway crossing may be permitted;

(iv) at the point where it crosses the street boundary, a motor vehicle carriageway crossing may not be closer than:

(aa) 30 metres to the intersection of a provincial road and with any other road of a similar status;

(bb) 30 metres to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;

(cc) 10 metres from the corner of an intersection not described in items *(aa)* and *(bb)*, if the intersection is not splayed, or 5 metres from the point where the splay meets the road boundary if the intersection is splayed; and

(dd) 1,5 metres from a side boundary; and

(v) no fuel pump may be erected so that the base or island on which the pump stands is less than 3,5 metres from the nearest street boundary.

"multiple parking garage"

Land use description: "*multiple parking garage*" means a place, excluding a road, street and on-site parking associated with a primary or consent use, that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building.

Development parameters

Development parameters applicable to "business premises" apply.

"nature conservation area"

Land use description: "*nature conservation area*" means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, including the fauna and flora, but does not include tourist facilities, tourist accommodation or agriculture.

Development parameters:

(a) The Municipality may require an environmental conservation plan to be submitted for its approval.

(b) The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan.

(c) One dwelling house is allowed if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.

(d) When a consent use to provide tourist facilities in a "nature conservation area" is approved, it is subject to conditions imposed by the Municipality with regard to layout, landscaping and building design.

(e) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.

"nature reserve"

Land use description: "*nature reserve*" means a national park or some other nature area that is owned by an organ of state or remains in private ownership and has been declared as a nature reserve or has a similar status in terms of legislation; it consists of an area that is utilised as a game park or reserve for fauna and flora in their natural habitat and—

(a) includes environmental facilities and worker accommodation; and

(b) does not include accommodation facilities for tourists ~~or holiday makers~~.

Development parameters:

(a) An environmental management plan must submitted to the Municipality, SANParks or CapeNature for their approval or to all of them for approval.

(b) SANParks or CapeNature or both must, in consultation with the Municipality, determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property, and in accordance with an approved environmental management plan.

(c) When consent uses to provide tourist facilities or tourist accommodation in a "nature reserve" are approved, conditions must be imposed with regard to density, layout, landscaping, and building design.

(d) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.

"neighbourhood shop"

Land use description: "*neighbourhood shop*" means a property used for the retail sale, principally, of convenience goods and the ancillary sale of alcoholic beverages to the public and providing service almost exclusively to the inhabitants of a specific neighbourhood and its surrounding area, and—

(a) includes laundrette, hair salon, flats above ground floor, medical practitioner and clinic; and

(b) does not include a liquor store; shop, supermarket; service trade; or office.

Development parameters

The development parameters applicable to "shop" apply.

Despite the zero side and rear building lines, a 3 metre side or rear building line applies where a land unit zoned Business Zone III abuts on a residential zone.

"noxious trade"

Land use description: "*noxious trade*" means an industry that is offensive, poisonous or a potentially harmful use or activity that, because of the fumes, emissions, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is considered by the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area and includes—

(a) an abattoir;

(b) a crematorium;

(c) rooftop base telecommunication station; and

(d) freestanding base telecommunication station.

Development parameters

The following development parameters apply:

(a) **Floor factor**

The maximum floor factor on the land unit is 2.

(b) **Coverage**

The maximum coverage for all buildings on the land unit is 75%.

(c) **Height**

(i) No height restriction applies to buildings used for a noxious trade, risk activity or manufacturing in this zone.

(ii) Buildings not used for noxious trade, risk activity or manufacturing purposes may not exceed a height of 18 metres to the top of the roof.

(iii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(iv) The highest point of shipping or transport containers, when stored or stacked outside a building connected with a noxious trade, may not exceed 15 metres above average ground level.

(d) **Building lines**

(i) The street boundary building line is at least 5 metres.

(ii) The side and rear boundary building lines are at least 5 metres.

(e) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law.

(f) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(g) **Screening**
The Municipality may require screening on the land unit in accordance with this By-law.

(h) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned Industrial Zone II or Industrial Zone III, the Municipality may require a 1,8 metre-high wall, of the quality and with finishings to the satisfaction of the Municipality, to be erected along the common boundary..

(i) **Hazardous substances**
Despite the fact that an activity constitutes a primary use right in terms of this zone, no activity or use that includes the on-site storage of hazardous substances is permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

(k) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

"occasional use"

Land use description: "*occasional use*" means a temporary departure granted by the Municipality for a specific occasion ~~or event~~ including—

(a) craft markets and outdoor trading;
~~circuses;~~ *(included under events)*
~~religious gatherings;~~ *(included under events)*
(b) film shoots;
(c) builder's yards;
(d) construction camp, plant and material yard;
(e) seasonal camping sites; and
(f) other outdoor occasions ~~events~~.

Development parameters:
The following development parameters apply:

(a) the applicant must provide parking and toilet facilities to the satisfaction of the Municipality.
(b) the temporary activities may not extend for a continuous period of more than 30 days;
(c) despite paragraph *(b)*, the Municipality may determine a longer period for a builder's yard, construction camp, plant and material yard; and
(d) the Municipality may withdraw the approval by written notice to the applicant if any condition of approval is not complied with or if, in the opinion of the Municipality, the occasional use concerned creates a public nuisance.
(e) An application for occasional use shall be accompanied by the necessary information, including a site development plan, and as may be prescribed, and the municipality may request any relevant information, studies and management plans to enable them to decide on the matter.

(f) Recurring occasional uses will be regarded as a full-time activity and an appropriate land use application should then be pursued to allow the subject use on a permanent basis.

(g) An occasional use does not exempt any owner or event organiser from compliance with any other law.

"office"

Land use description: "*office*" means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes—

(a) medical consulting rooms;

(b) a clinic; and

(c) a tuck shop.

Development parameters

The following development parameters apply:

(a) **Floor factor**

The floor factor may not exceed 1.

(b) **Coverage**

Coverage may not exceed 60%

(c) **Street centre line setback**

The municipality may require that all buildings or structures on the land unit are set back at least 6,5 metres from the centre line of the abutting street or streets.

(d) **Height**

(i) The highest point of a building may not exceed 11 metres from average ground level to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(e) **Building lines**

(i) The street building line is at least 5 metres.

(ii) The side and rear building lines are at least 3 metres.

(iii) Despite subparagraph (ii), the side building lines for properties smaller than 650 m² must be 0 metres for the first 12 metres measured perpendicular from street boundary; 0 metres for 60% of total remaining linear distance along all side and rear boundaries around the land unit; and 3 metres for the remainder.

(iv) The general building line encroachments in this By-law apply.

(f) **Garages and carports**

(i) A garage or carport is permitted within the common boundary building line provided the garage or carport—

(aa) does not exceed 3,5 metres to the top of the roof; and

(bb) does not contain more than a double garage façade with a maximum width of 6,5 metres.

(ii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.

(g) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under section 43.(1).

(h) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(i) **Screening**
The Municipality may require screening in accordance with this By-law.

(j) **Canopy or balcony projection**
Canopy and balcony projections for "business premises" apply.

(k) **Refuse room**
The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

"off-road trail"

Land use description: "*off-road trail*" means a series of roads, tracks and routes designed for recreational use and—

(a) includes buildings and facilities normally required for the administration and maintenance of the trail; and

(b) does not include tourist accommodation or tourist facilities.

Development parameters:
The development parameters applicable to "agriculture" apply.

"open air motor vehicle display"

Land use description: "*open air motor vehicle display*" means the display of motor vehicles for the purpose of trading under open air where the open air area does not form part of a covered showroom and where shade cloth may not be construed as a permanent method of covering.

Development parameters:
The development parameters of "shop", apply.

"outdoor advertising"

Land use description: "*outdoor advertising*" means the act or process of using any sign for notifying, warning, informing, making known or any other act of transferring information in a visible or audible manner and that takes place out of doors, whether such outdoor advertising sign is attached to an existing authorised structure or any other purpose built or dedicated structure for such purpose.

Development parameters: In the absence of a Municipal policy or by-law on outdoor advertising and signage, no outdoor advertising sign may be displayed in any zone other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2m² in area.

"outdoor dining"

Land use description: "outdoor dining" means dining outdoors on sidewalks or a portion of public street with tables, chairs, and other furnishings for the purpose of selling, offering for sale, and serving food and beverages in an area set up directly outside the confines of a property with any use rights associated with outdoor dining.

Development parameters

Outdoor dining shall be permitted as a primary use right on a property zoned public street, subject to the following conditions:

(a) The outdoor dining area must be compliant with any provisions of any approved

Municipal Policy or By-law on Outdoor Dining.

(b) The location of the outdoor dining area must be directly abutting the confines of a property with use rights associated with outdoor dining.

(c) The provision of an unobstructed walkway of at least 1,5m for pedestrian use and in the event that the 1.5m is not adjacent to the street, a further area of at least 0.8m must be provided adjacent to the street verge that would permit the unobstructed opening of car doors.

d) That no permanent or temporary structures, inclusive of any awnings, any enclosures or screening, decking, railing, trellis, or roofing be erected without the prior written consent of council, which permission must also be supported with the subsequent approval of a site development plan, and where required, a building plan for the subject structures, and inclusive of the approval from the Heritage Advisory Committee where applicable.

(e) No signs may be displayed on the sidewalk or against the building if not indicated and approved on the site development plan.

(f) All umbrellas used in the lease area must permit a head clearance height of at least 2.2m and any such ambarellas must be neutral in colour with no bright colours being permitted and may not contain any signage or branding, either in text or symbols.

(g) The owner of the property that wants to conduct outdoor dining must make an application and obtain approval with a written lease agreement with the Municipality for the street area to be used for outdoor dining.

(h) An application for a lease agreement to conduct outdoor dining must be accompanied with a site development plan and be approved prior to the operationalisation of the outdoor dining activity, which site development plan must address, but which are not necessarily limited to, the following requirements:

(i) Compliance to all specified provisions in the development parameters.

(ii) Demarcation of the lease area relative to its abutting context with the street, the applicant's property, and neighbouring properties.

(ii) The accurate location of all existing infrastructure, landscaping features and street furniture.

(iv) The layout of all furniture and features that will be used for the outdoor dining activity.

(i) In the event that the outdoor dining activity is in contravention with the development parameters or any other permission or does not comply with the terms of the lease agreement, the lease agreement may be cancelled, and the land use activity must be ceased.

~~**"outdoor trading and dining"**~~

~~**Land use description:** "*outdoor trading and dining*" means the regular and daily use of land in an outdoor setting for the selling of goods and food, and includes outdoor dining and seating, and where such activities typically takes place in the open air, and/or from temporary structures such as stalls, tents or caravans, and may also take place in permanent open structures which provide protection from the elements whilst in an open-air setting.~~

~~**Development parameters:**~~

~~*(a)* The Municipality must require a site development plan for outdoor trading and dining.~~

~~*(b)* The site development plan as approved by the Municipality constitutes the development parameters.~~
~~*(c)* The provisions for a site development plan in this By-law apply.~~

"place of assembly"

Land use description: "*place of assembly*"—
(a) means a place that has a civic function to serve the social and community needs of an area, may attract people in relatively large numbers and is not used predominantly for a commercial enterprise;
(b) includes a civic hall, ~~concert hall, gymnasium, sport stadium, and club house; and~~
(c) does not include a place of entertainment, place of leisure, or conference facility.

Development parameters:
Development parameters applicable to "place of instruction" apply.

"place of entertainment"

Land use description: "*place of entertainment*" means a place used predominantly for commercial entertainment and may include a bar, stage for live music, one or more dance floor areas, a DJ booth, and which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—
(a) a nightclub;
(b) disco;
(c) dance club;
(d) club; and
(e) a place of leisure
(f) amusement park/ centre;

Development parameters:
The following development parameters apply:
(a) As determined by the Municipality.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"place of instruction":

Land use description: "*place of instruction*"—
(a) means a place for education or training at pre-school, school or post-school levels;
(b) includes a crèche, nursery school, primary school, secondary school, college, university or research institute;
(c) includes ancillary uses including—
(i) a boarding hostel,
(ii) sports and recreation centre,
(iii) a civic facility for the promotion of knowledge to the community including—
(aa) a public library,
(bb) place of worship,
(cc) public art gallery,
(dd) museum;
(ee) place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators; and
(c) does not include a reformatory or a conference facility.

Development parameters:

(a) **Floor factor**

The maximum floor factor is 1,2.

(b) **Coverage**

The maximum coverage is 60%.

(c) **Height**

(i) The highest point of a building to the top of the roof may not exceed 12 metres, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**

(i) The street building line is at least 5 metres.

(ii) Side and rear building lines are at least 5 metres.

(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law.

(f) **Loading bays**

Loading bays must be provided on the land unit in accordance with this By-law.

(g) **Screening**

The Municipality may require screening in accordance with this By-law.

(h) **Noise mitigation**

The Municipality may require the owner to install noise mitigation measures if excessive noise is created or likely to be created.

(i) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"place of leisure"

Land use description: "*place of leisure*" means a place used predominantly for commercial leisure activities that may attract relatively large numbers of people, but does not generate excessive noise ~~operate outside normal business hours or generate noise from such activities on a regular basis~~, including—

(a) a cinema;
(b) theatre;
(c) ~~amusement park/ centre;~~
~~(d) dance hall;~~
~~(e) ball room hall;~~
(f) gymnasium;
~~(g) sport centre;~~
~~(h) skating rink;~~
(i) pool room;
(j) pub; and
(k) a sports and recreation centre.

Development parameters:

The following development parameters apply:

(a) As determined by the Municipality.

(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"place of worship"

Land use description: "*place of worship*"—

(a) means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, provided that a dwelling where the occupants engage in worship does not constitute a place of worship;

(b) includes ancillary uses such as a religious leader's dwelling, office, crèche, function hall, or place for religious instruction; and

(c) does not include a funeral parlour, cemetery or crematorium,

Development parameters:

Development parameters applicable to "place of instruction" apply.

"plant nursery"

Land use description: "*plant nursery*" means a property used for one or more of the following uses as a commercial enterprise:

(a) cultivation of plants;

(b) sale of plants; and

(c) sale of gardening products and gardening equipment.

Development parameters:

Development parameters applicable to "agriculture" apply.

"private open space"

Land use description: "*private open space*"—

(a) means land not designated as public open space and that is used primarily as a private site for sport, play, rest or recreation, or as a park, botanical garden, nature conservation area;

(a) includes ancillary buildings, infrastructure, and public land that is or will be leased on a long term basis; and

(b) does not include shops, restaurants and gymnasiums.

Development parameters:

The following development parameters apply:

(a) the Municipality must require a site development plan to be submitted for its approval; and

(b) the site development plan as approved by the Municipality constitutes the development parameters for a primary use and, if applicable, a consent use.

"private parking"

Land use description: "*private parking*" means property reserved exclusively for parking purposes and that is not normally accessible to the general public.

Development parameters:

A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for such private parking.

"private road"

Land use description: "*private road*"—

(a) means privately owned land designated as a private road that provides vehicle access to a separate cadastral property or properties;

(b) includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room;
(c) may include areas for private parking and
(d) does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.

Development parameters:
As determined by the Municipality.

"prospecting"

Land use description: "*prospecting*" means the first stage of physical search for minerals, fossils, precious metals or mineral specimens and may be granted as a temporary departure from this By-law by the Municipality since it does not constitute a primary, consent or occasional use right in terms of this By-law.

Development parameters:
As determined by the Municipality.

"public open space"

Land use description: "*public open space*"—
(a) means land, with or without access control —
(i) owned by the Municipality or other organ of state;
(ii) not leased out by the Municipality or that other authority on a long-term basis,
(ii) set aside for the public as an open space for recreation or outdoor sport and designated as public open space; and
(b) includes a park, playground, public or urban square, picnic area; public garden, nature area and ancillary buildings and infrastructure.

Development parameters:
The following development parameters apply:
(a) the Municipality must require a site development plan to be submitted for its approval; and
(b) the site development plan as approved by the Municipality constitutes the development parameters for a primary use, if applicable, and a consent use.

"public parking"

Land use description: "*public parking*" means property that is accessible to the general public for parking purposes with or without a fee and/or access control.

Development parameters:
A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for the public parking.

"public street"

Land use description: "*public street*" means any land, owned by or vesting in the Municipality, indicated on an approved plan, diagram or map as having been set aside as a public thorough way for vehicles and pedestrians and includes—
(a) open public parking areas;
(b) sidewalks;
(c) those parts of a public place that are travelled parts;

(d) informal trading; and

(e) appropriate and necessary street furniture and infrastructure, including reticulation networks that does not present any threat to the safety or obstruct or inhibit free movement of pedestrians.

Development parameters:

A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for the public street.

"quarry"

Land use description: "*quarry*" means a place from which dimension stone, rock, construction aggregate, riprap, sand, gravel or slate is excavated from the ground. A quarry is a type of open-pit mine that produces building materials and dimension stone.

Development parameters:

(a) Development parameters applicable to "agriculture" together with additional parameters determined by the Municipality apply.

(b) If a quarry is approved as a consent use in Agricultural Zone I, the consent may only be granted for the number of years equal to the expected lifetime of the quarry concerned.

(c) The owner must comply with national and provincial statutory requirements applicable to mining.

(d) Any application to rezone land to Industrial Zone IV must set out the measures that will be implemented to address safety and environmental concerns including—

(i) control of drainage, sedimentation and erosion;
(ii) preservation of surface and substance water;
(iii) preservation of topsoil;
(iv) provision for restoration and the re-use of the site;
(v) provision for noise and visual buffering;
(vi) accommodation of heavy traffic and vehicles on roadways; and
(vii) a phased programme for rehabilitation.

(e) The Municipality may impose the measures to address safety and environmental concerns as conditions of approval.

(f) A site development plan must be submitted to the Municipality for its approval.

"rehabilitation centre"

Land use description: "*rehabilitation centre*" means a facility providing treatment for substance abuse.

Development parameters:

Development parameters applicable to "place of instruction" apply.

"renewable energy ~~structure~~ infrastructure"

Land use description: "*renewable energy ~~structure~~ infrastructure*"—

(a) means any wind turbine, solar energy generating apparatus, including solar photo-voltaic and concentrated solar thermal, hydro turbines or bio mass facility or any grouping thereof, that captures and converts wind, solar radiation or bio mass into energy for commercial use and/ or gain irrespective of whether it feeds into any electrical grid or not; and

(b) includes any appurtenant structure necessary for, or directly associated with, generation of renewable energy, or any test facility or structure that may lead to

the generation of energy on a commercial basis, excluding electrical grid connections; and

(c) which, when restricted to photo-voltaic systems:

(i) are permitted on all properties zoned for residential use and primarily for the purpose of household consumption, but which may include excess generation to feed into any electricity grid, and insofar such structure/s is accommodated on the roof of existing permitted building structures, excluding car ports;

(ii) are permitted on all properties not zoned for residential purposes and to serve primarily in the energy needs of the authorised land uses, irrespective if it is for the purpose of commercial use, but which may also include excess generation to feed into any electricity grid for commercial gain, insofar as such structure/s is accommodated on the roofs of existing approved building structures which are directly related to the bona fide permitted uses of the subject property, excluding any carports;

(iii) are not permitted on any purpose build structure, inclusive of any carport, without a consent use approval as provided for and subject to the impact of such photo-voltaic system and associated structures on the productive, heritage, and scenic landscape.

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Development parameters:

The development parameters applicable to the base sone applies in all instances, together with the following additional parameters:

(a) **Height**

(i) The maximum height of a renewable energy infrastructure is technology dependent.

(ii) The height of buildings may not exceed 8,5 metres from natural ground level to the top of the roof.

(b) **Setback**

In the case of a wind turbine the setback is—

(i) a distance equal to 1,5 times the overall blade tip height of the turbine, measured from the nearest residential, commercial or critical agricultural structures including animal housing, outbuildings, store rooms, excluding structures such as water troughs, feed dispensers, and windmills;

(ii) a distance of 100m from the cadastral boundary of the land unit, unless the renewable energy infrastructure straddles two or more cadastral boundaries, in which case no setback applies;

(iii) a distance of 100m from any public road or private or public right of way, unless it provides access to the turbine;

(iv) a distance of 100m from any electrical infrastructure; and

(v) a distance of 1000m from towns, settlements or urban areas.

(c) **Site development plan**

(i) A site development plan must be submitted to the Municipality for its approval.

(ii) The site must be surveyed and the exact delineation of the construction footprint must be shown in the site development plan.

(iii) To the extent necessary, any relevant measures contained in these regulations must be incorporated into the site development plan submitted to the Municipality for approval.

(d) **Land clearing, soil erosion and habitat impact**

(i) The clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the renewable energy infrastructure as regulated by applicable environmental legislation.

(ii) Wind turbines, solar structures, access roads and other infrastructure must be located to minimise damage to natural vegetation, water courses and wetlands.

(iii) All land cleared that does not form part of the footprint of a renewable energy infrastructure must be rehabilitated according to a rehabilitation plan for the land concerned, approved by the Municipality.

(iv) Constructing or operating the renewable energy infrastructure may not cause soil erosion, and any high-risk erosion areas must be rehabilitated by the operator, to the satisfaction of the Municipality.

(v) The applicant must prove, to the satisfaction of the Municipality, that planning for the renewable energy infrastructure concerned has taken into account and mitigated the risk of all impacts on, and necessary distances that should be maintained from, wetlands, water bodies, threatened ecosystems, mountains, ridges, hills, coastal buffers, settlements, telecommunication towers, transmission towers and power lines.

(vi) The applicant must provide exact coordinates relevant to land clearing, soil erosion and habitat impact to assist the Municipality to evaluate the risk of possible negative environmental impacts of the renewable energy infrastructure concerned.

(e) **Noise, air quality and nuisance**

The renewable energy infrastructure may not exceed a noise limit of 45 dB(A) during the night and 55 dB(A) during the day at the nearest dwelling.

(f) **Finishing, colour and design**

(i) A wind turbine structure must be treated with a neutral, non-reflective exterior colour and designed to blend in with the surrounding natural environment, to the satisfaction of the Municipality.

(ii) A solar structure must minimise any adverse effects related to its reflective surfaces and must be designed and built in a way that mitigates this impact, as required by the Municipality.

(g) **Appurtenant structures**

(i) All appurtenant structures to a renewable energy infrastructure prescribed by the Municipality concerning bulk, height, yard sizes, building lines, open space, parking and building coverage requirements are subject to applicable by-laws.

(ii) Appurtenant structures, including equipment shelters, storage facilities, transformers and sub-stations must be architecturally compatible with the receiving environment as required by the Municipality, and contained within a renewable energy infrastructure site development plan submitted for approval by the Municipality.

(iii) Appurtenant structures may only be used for the storage of equipment or other uses directly related to the operation of the particular facility that they are associated with.

(iv) Appurtenant structures must be screened from view by indigenous vegetation or be joined and clustered to minimise adverse visual impacts.

(h) **Lighting**

(i) A renewable energy infrastructure or any part of such a structure may only be lit for safety and operational purposes and the lighting must be appropriately screened from abutting land units.

(ii) A renewable energy infrastructure must comply with the lighting air safety requirements of the South African Civil Aviation Authority in terms of the Civil Aviation Act, 2009 (Act 13 of 2009).

(i) **Signage and advertising**

Signs on renewable energy infrastructures must comply with the laws regulating signage and be limited to signage necessary to—

(i) identify the operator;

(ii) provide 24-hour emergency contact numbers; and

(iii) provide warning of any dangers associated with the structure.

No commercial advertising, including advertising for the provider or operator, may be displayed on any renewable energy infrastructure.

(j) **Maintenance**

The owner is responsible for maintaining a renewable energy infrastructure in good condition, including any access road, unless deemed a public way, and for paying the cost of repairing any damage resulting from construction or operation. Maintenance includes—

(i) painting;

(ii) structural repairs;

(iii) rehabilitation measures; and

(iv) the upkeep of security and safety measures.

(k) **Modification**

Any modification to a renewable energy infrastructure, excluding inconsequential *in situ* technical improvements, made after approval and that is not in accordance with the approval and conditions of approval, requires authorisation from the Municipality within the parameters of these regulations by means of—

(i) the amendment of approved conditions;

(ii) a new consent use approval;

(iii) amendment of the approved site development plan; or

(iv) amendment of the approved building plan.

(l) **Decommissioning**

(i) Any renewable energy structure and associated infrastructure that has reached the end of its productive life or has been abandoned, including buildings, cables and roads, must be removed by the owner.

(ii) A renewable energy structure is considered abandoned when the structure fails to continuously operate for more than two years.

(iii) When a renewable energy structure is scheduled to be decommissioned or operations have been discontinued or it has been abandoned, the land owner must notify the Municipality within 30 days after the operation ceased, and of plans for removal of the structure and infrastructure referred to in subparagraph (i).

(iv) The owner is responsible for the removal of the structure in all its parts, within 150 days after the date of discontinued operation, or as agreed upon by the Municipality after submission of a plan for decommissioning. The Municipality may grant an extension of the deadline for removing the structure and its parts. The land must then be rehabilitated by the owner, to the satisfaction of the Municipality, to the condition prescribed in the approved environmental management plan and the approved decommissioning plan.

(v) Decommissioning must include—

(aa) the removal of all renewable energy structures and appurtenant structures, including equipment, bases, foundations, security barriers and transmission lines directly related to the renewable energy;

(bb) disposal of all solid and hazardous waste in accordance with provincial and local waste disposal regulations; and

(cc) the stabilisation and re-vegetation of the site with indigenous vegetation to minimise erosion.

(vi) The Municipality may, in order to minimise erosion and disruption to natural vegetation and habitats, grant permission to the owner to depart from the decommissioning plan in respect of removing landscaping, underground foundations or other underground components, provided these do not cause any pollution.

(vii) Before the construction of the renewable energy structure commences, the owner must make financial provision or an alternative reasonable arrangement, to the satisfaction of the Municipality, for protection against failure by the owner to comply with the obligations in terms of this By-law and in the event of the owner being unable to fulfil the necessary financial obligations for the rehabilitation or management of the negative environmental impact of decommissioning or of abandonment.

(viii) If the owner fails to remove the structure or its parts in accordance with the requirements of these regulations within 150 days of abandonment or the date of decommissioning or an approved extension date, the Municipality may enter the property and remove the structure and its parts, and recover all removal costs incurred from the owner.

(ix) If the owner fails to meet the requirements of subitem (i), the Municipality may, after written notice to the owner, use all or part of the financial provision or other provision referred to in subitem (vii) to rehabilitate or manage the negative environmental impact concerned, or to remove the facility.

"resort shop"

Land use description: *"resort shop"* means a shop that provides for the daily needs of transient guest of a holiday resort or camping site.

Development parameters:

The floor space of a resort shop may not exceed 100 m².

"restaurant"

Land use description: *"restaurant"* means a commercial establishment where meals and liquid refreshments are prepared or served or prepared and served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase food for consumption off the property.

Development parameters:

Development parameters applicable to "business premises" apply.

"retirement resort"

Land use description: "*retirement resort*" means flats, group housing or town housing that conforms to the following additional conditions:

(a) each dwelling unit must be occupied by a retiree or pensioner or by a family of which at least one member is a retiree or pensioner; and

(b) a full spectrum of frail care and other facilities reasonably associated with a retirement resort may be provided at a retirement resort.

Development parameters:

Development parameters applicable to the primary use apply.

"riding school"

Land use description: "*riding school*" means a place or undertaking for the leasing of horses and riding instructions against payment, and includes the care and stabling of the horses.

Development parameters:

Development parameters as applicable to "agriculture" apply.

"risk activity"

Land use description: "*risk activity*" means an undertaking where the material handled or the process carried out is liable to cause extremely rapid combustion, give rise to poisonous fumes, or cause explosion, and includes major hazardous installations and activities involving dangerous and hazardous substances that are controlled in terms of national legislation.

Development parameters:

Development parameters applicable to "agriculture" apply.

"rooftop base telecommunication station"

Land use description: "*rooftop base telecommunication station*" means a support structure attached to the roof, side or any part of a building and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals.

Development parameters:

The general provisions of section 31 of this By-law apply.

"scrap yard"

Land use description: "*scrap yard*" means a property that is utilised for one or more of the following purposes:

(a) storing, depositing or collecting of junk, scrap material or articles that have value depending mainly or entirely on the material used during their manufacture;

(b) the dismantling of second-hand vehicles or machines to recover components or material; and

(c) the storage or sale of second-hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles suited to being left in the open.

Development parameters:

Development parameters applicable to "industry" apply.

"second dwelling"

Land use description: *"second dwelling"* means another dwelling that may, in terms of this By-law, be erected on a land unit where a dwelling house is also permitted; and the second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that–

(a) a second dwelling may only be erected in a use zone where provision has been made in column 2 of the table set out in Schedule 1 for a second dwelling as a consent use; and

(b) the second dwelling must remain on the same land unit as the dwelling house and not be alienated separately.

Development parameters:

The development parameters applicable to "dwelling house" apply, together with the following additional parameters:

(a) the total floor space of a second dwelling may not exceed 150 m² including the floor space of all ancillary buildings;

(b) a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;

(c) a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof;

(d) a second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;

(e) the existence of a second dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units; and

(f) the construction of a second dwelling is subject to the Municipality's municipal services department certifying that adequate services network capacity is available to serve the needs of the second dwelling.

"self-catering unit"

Land use description: "self-catering unit" means a furnished dwelling unit that is rented out to transient guest for short term accommodation on a self-catering basis where the owner does not reside on the property and rooms are not rented out separately.

Development parameters:

In addition to the prevailing development parameters, the following further parameters apply:

(a) the Municipality may require that a site development plan be submitted;

(b) a register of transient guest of the self-catering unit must be kept;

(c) any new structure or alteration to the property related to its use as a self-catering unit must be compatible with the residential character of the area, particularly with regards to the streetscape, and must be capable of reverting to its use as a dwelling unit.

(d) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;

(e) no weddings, receptions, conferences, training or any similar activities are permitted in a self-catering unit;

(f) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out;

(g) on-site parking must be provided in accordance with the provisions of this By-law.
(h) Where a dwelling unit is located in a residential estate and/ or subject to an owner's association, the constitution and/ or rules of the owner's association must permit that a dwelling unit be used as a self-catering unit, and an application for a self-catering unit must be accompanied with the consent of the owner's association.
(i) the number of self-catering units on any land unit as a single enterprise may not constitute a scale associated with a "tourist accommodation establishment", in which instance the appropriate use right must be obtained.

"service station"

Land use description: "*service station*" means property for the retail supply of fuel, and—
(a) may include uses including washing of vehicles, a convenience shop and a restaurant; and
(b) does not include spray-painting, panel beating, motor repair garage, open air motor vehicle display or truck stop.

Development parameters:

The development parameters applicable to "shop" apply. The following additional development parameters apply:
(a) A site development plan must be submitted to the Municipality for its approval. The site development plan must at least address matters pertaining to vehicle access, risk management of fuel pumps and fuel storage areas, screening and minimising any visual intrusion or operational disturbance with adjoining properties.
(b) Any part of the property of a service station that is used for the repair of motor vehicles, the storage of inoperable motor vehicles or parts of motor vehicles, empty containers including oil drums and packing cases, or any other scrap, must be enclosed by a solid screen wall at least 2 metres high, or contained within a building.
(c) Any service station must comply with the following access requirements:
(i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;
(ii) a wall, at least 100 millimetres thick and 350 millimetres high, must be erected on the street boundary between different motor vehicle carriageway crossings, and the wall must continue along the boundary unless the property is otherwise enclosed;
(iii) the motor vehicle carriageway crossings must be limited to two per site unless the total length of a street boundary exceeds 30 metres, in which case one additional motor vehicle carriageway crossing may be permitted; and
(iv) at the point where it crosses the street boundary, a motor vehicle carriageway crossing may not be closer than—
(aa) 30 metres to the intersection of a provincial road and with any other road of a similar status;
(bb) 30 metres to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
(cc) 10 metres from the corner of an intersection not referred to in subitems *(aa)* or *(bb)* if such intersection is not splayed, or 5 metres from the point where the splay meets the road boundary if such intersection is splayed; and
(dd) 1,5 metres from a side boundary.

(d) No fuel pump may be erected so that the base or island on which the pump stands is less than 3,5 metres from the nearest street boundary.

"service trade"

Land use description: "*service trade*" means an enterprise—

(a) primarily involved in the rendering of a service for the local community including the repair of household appliances or the supply of household services;
(b) not likely to be a source of disturbance to surrounding properties;
(c) that employs at most 10 people;
(d) not likely, in the event of fire, to cause extremely rapid combustion, give rise to poisonous fumes or cause explosions;
(e) that includes laundry, bakery, dairy depot, and similar types of uses; and
(f) that does not include an abattoir, brick-making site, builder's yard, sewage works, service station, open air motor vehicle display or motor repair garage.

Development parameters

The development parameters applicable to "shop" apply.

"shelter"

Land use description: "*shelter*" means a unit of accommodation, intended for human occupation with outbuildings as are ordinarily used with a dwelling unit, constructed of any material whatsoever, even though the material may not comply with the standards of durability intended by the National Building Regulations, and includes—

(a) renewable energy infrastructure for household purposes;
(f) home occupation;
(g) a bed and breakfast establishment; and
(h) home child care.

Development parameters:

(a) It is the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter.
(b) The Municipality may instruct any occupant or owner of a shelter to take action to remedy a public safety, health or fire risk.
(c) The dominant use of the unit must remain residential.
(d) No noxious trade, risk activity, adult entertainment, adult services or adult shop is permitted in a shelter.
(e) No activities may be carried out in a shelter that constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity that results in the generation of dust, fumes, smoke, or waste material that could be detrimental to health, or requires special waste removal processes.
(f) The Municipality may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.
(g) **Coverage**
There is no restriction on coverage.
(h) **Height**
A shelter structure may not exceed a height of 6 meters.
(i) **Building lines**
(i) Side building lines are at least 1 metre on one side or 1,5 metres in the case where the shelter has windows or doors.

(ii) If a midblock sewage system is present, a rear building line of up to 2 metres may be required by the Municipality.
(iii) The street building line is 1 metre, if required by the Municipality.

"shooting range"

Land use description: *"shooting range"* means an enclosed indoor facility or demarcated outdoor area designed, built or constructed and utilised by a person as a firing range with targets for the usual, regular, and primary activity of controlled firearm practice, shooting competitions, or firearm training on a commercial basis, and—

(a) may be restricted to certain types of arms, handguns or rifles, or can specialize in certain shooting sports;
(b) must be constructed or designed in such a way, or where the improvements, size, geography, and vegetation of the area are such that any misdirected shot, that can reasonably be expected to be fired towards the targets, would not reasonably be expected to leave the range or otherwise pose a threat to live or property; and
(c) may include ancillary activities, buildings and structures.

Development parameters:

(a) The Municipality must require a site development plan for a shooting range.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

"shop"

Land use description: *"shop"* means property used for the retail sale of goods and services to the public, and—

(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, ancillary sale of alcoholic beverages, flats above ground floor, service trade, clinic and the sale of motor vehicles; and
(b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.

Development parameters:

The following development parameters apply:

(a) **Floor factor**
The maximum floor factor on the land unit is 1.

(b) **Coverage**
The maximum coverage of all buildings on a land unit is 75%.

(c) **Height**
(i) The maximum height of a building is 12 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Street centreline setback**
The Municipality may require a street centreline setback, in which case all buildings or structures on the land unit must be set back 8 metres from the centre line of the abutting public street or streets.

(e) **Street boundary building line**

The street boundary building line is 0 metres, subject to the following conditions:

(i) the street centreline setback restriction in subparagraph *(d)*;

(ii) minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 millimetres beyond the street boundary; and

(iii) for service stations, the street boundary building line is 5 metres subject to the general building line encroachments in this By-law.

(f) **Side and rear boundary building lines**

The side and rear boundary building lines are 0 metres.

(g) **Canopy projection**

The Municipality may approve a canopy projection over the street boundary in accordance with the following conditions:

(i) the canopy may not project nearer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;

(ii) no portion of a canopy projection may be less than 2,8 metres above the pavement;

(iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy; and

(iv) the owner must enter into an encroachment agreement with the Municipality in the case of a canopy projection.

(h) **Street corners**

(i) The Municipality may require the owner of a building to be situated at a public street corner, and where the Municipality considers the street corner to be significant, to incorporate in the building, architectural features that focus visual interest on the corner and emphasise the importance of pedestrian movement around the corner. The architectural features may include building cut-offs, walk-through covered arcades, plazas or other elements.

(j) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under subsection 42.(1).

(k) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(l) **Screening**

The Municipality may require screening in accordance with this By-law.

(m) **Repair or manufacturing concern in a shop**

The floor space relating to any manufacturing or repair concern in a shop may not comprise more than 40% of the floor space of the shop.

(n) **Refuse room**

The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

(o) When a shop is approved as a consent use in Business Zone V, the total floor space of the shop or shops may not exceed 5% of the floor space of the building.

"smallholding"

Land use description: "*smallholding*" means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.

Development parameters:

Development parameters applicable to "agriculture" apply, except that the following building lines apply:

(a) 10 metres from any boundary in respect of properties smaller than 2 hectares;
(b) 20 metres from any boundary in respect of properties smaller than 4 hectares; and
(c) 30 metres from any boundary in respect of properties larger than 4 hectares.

"Small scale rental apartments"

Land use description: "*small scale rental apartments*" means a building containing purpose built micro residential units of a medium density to provide in the need of affordable rental units to improve living conditions, and includes:

(a) storerooms and garaging;
(b) renewable energy infrastructure for household purposes, irrespective of whether it feeds into any electricity grid, and insofar such structure/s is accommodated on the roof of existing permitted building structures.
(e) home occupation;
(f) letting to lodgers;
(h) home child care.

Development parameters:

(a) Small scale rental apartments can be permitted as provided for as a consent use and spatially targeted areas depicted in an associated overlay zone.
(b) Small scale rental apartments can only be permitted where sufficient service infrastructure capacity is available.
(c) Despite the prevailing development parameters, a small scale rental apartment development must comply with the building and fire safety regulations.
(d) The dominant use of the property must remain residential.
(e) No noxious trade, risk activity, adult entertainment, adult services or adult shop is permitted in any micro unit.
(f) No activities may be carried out in any unit that constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity that results in the generation of dust, fumes, smoke, or waste material that could be detrimental to health, or requires special waste removal processes.
(g) **Height**
  (i) The height of a small scale rental housing building may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.
(h) **Coverage**
  (i) The maximum coverage of all buildings on a land unit is 80%.

(i) **Building lines**
  (i) Side building lines are 1 metre on each side.
  (ii) Rear building line is 1,5 metres, but if a midblock sewage system is present, a rear building line of up to 2 metres may be required by the Municipality.
  (iii) The street building line is 1 metre.

(j) **Parking and access**
  (i) Parking and access must be provided on the land unit as may be required and in accordance with an approved site development plan.

"sports and recreation centre"

Land use description: *"sports and recreation centre"* means an outdoor or indoor sports and recreation facility which may be public or privately owned and which may include sports grounds and fields, golf courses, a sports stadium, as well as ancillary and subservient facilities and amenities like a clubhouse with a restaurant and shop, gymnasium, ablution facilities, stores, and related administrative buildings.

Development parameters:

(a) The Municipality must require a site development plan for a sports and recreation centre.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"supermarket"

Land use description: "*supermarket*" means a shop having a total floor space in excess of 400 m², where a range of goods, including foodstuff and household goods, is offered for sale on a predominantly self-service basis.

Development parameters:

Development parameters applicable to "shop" apply.

"telecommunication infrastructure"

Land use description: "*telecommunication infrastructure*"—

(a) means any part of the infrastructure of a telecommunication network for radio or wireless communication;

(b) includes voice, data and video telecommunications, including antennae, any support structure, equipment room, radio equipment or optical communications equipment (laser or infra-red);

(c) includes ancillary structures needed for the operation of telecommunication infrastructure; and

(d) does not include fibre optic installations and point-to-point copper (cable) installation and rooftop base telecommunication stations.

Development parameters:

As determined by the Municipality.

"tourist accommodation establishment"

Land use description: "*tourist accommodation establishment*" means a harmoniously designed and built ~~holiday~~ tourist development, used ~~for holiday or recreational~~ by transient guest for tourism purposes, whether in private or public ownership, that—

(a) consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only;

(b) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads;

(c) does not include a hotel or wellness centre; and

(d) no building or part of a building of a tourist accommodation establishment may be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

(a) When land is rezoned to Resort Zone, the Municipality must impose conditions with regard to density, layout, landscaping, and building design.

(b) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.

(c) Provided that if a hotel or wellness centre is approved as a consent use within Resort Zone the following additional conditions apply:

(i) rooms may not be alienated by means of sectional title;

(ii) the hotel may not accommodate more than 50% of the number of accommodation units;

(iii) the architectural design of the hotel or wellness centre must conform to that of the rest of the resort; and

(iv) the maximum height for the hotel or wellness centre is 6 metres to the wall plate in all cases and 8,5 metres to the top of the roof in the case of a pitched roof.

~~**"tourist facilities"**~~

~~**Land use description:** "*tourist facilities*" means amenities for tourists or visitors and—~~

~~*(a)* includes lecture rooms, restaurants, gift shops, restrooms, farmers' market and recreational facilities; and~~

~~*(b)* does not include an off-road trail, a hotel, wellness centre; or tourist accommodation.~~

~~**Development parameters:**~~

~~Development parameters applicable to "agriculture" apply.~~

"tourist facilities"

Land use Description: "*tourist facilities*" means the provision of a variety of facilities, amenities and activities which are aimed at tourists and visitors and -

(a) Includes, wine tasting and sales, restaurants, coffee shop and bakery, lecture rooms, outdoor sport facilities, conference facilities, mountain bike trails, cycle and hiking trails, bicycle park, picnic and recreational facilities, brew-pub, craft gin distillery, coffee roastery, charcuterie; restrooms;

(b) does not include shops, an off-road trail, a function venue, place of entertainment, hotel, wellness centre, or tourist accommodation; and

(c) no building or part of a building of a tourist facility may be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

(a) Development parameters applicable to "agriculture" apply, together with the site development plan and any conditions of approval by the Municipality shall constitute the development rules for the tourist facilities and activities and any expansion, alteration or relocation will require a fresh land use and land development application.

(b) The total floor area of all buildings which are used as tourist facilities shall not exceed 250m^2 for the entire land unit, and the total designated outdoor area not covered by any roof which are used together with the buildings for the tourist facilities, shall not exceed 100m^2, which excludes all types of trails or expansive outdoor recreational activities.

(c) Tourist facilities in this zone may only be undertaken from a farm where the primary use of the property is *bona fide* agriculture and where the proposed activity is subservient to the primary agricultural land use on the farm.

(d) Tourist facilities which require buildings to operate from, must be undertaken from existing approved buildings on the property which are no longer utilised for their original purpose, provided that the Municipality may consider new buildings if they do not adversely impact on the viability of the farm or the rural character.
(e) Parking areas associated with any tourist facilities may not be covered by any carports or similar structures.

"town housing"

Land use description: *"town housing"* means a row or group of linked or attached dwelling units, planned, designed and built as a harmonious architectural entity where every dwelling unit has a ground floor and dwelling units may be cadastrally subdivided.

Development parameters:

The development parameters of "group housing" apply, provided that:

(a) **Density**
The maximum gross density on a town housing site is 60 dwelling units/hectare.

(b) **Open space**
The open space requirements for group housing do not apply to town housing.

(c) **Coverage**
The maximum coverage for all buildings on a land unit is 60%.

(d) **Height**
The height of dwelling units may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.

"transitional relocation area"

Land use description: *"transitional relocation area"* means a designated property or area provided on a proactive or reactive basis to relocate and accommodate persons affected by emergencies or in need in temporary shelters with communal basic services on a temporary basis –

(a) to return to their original place of residence once the emergency has subsided, or
(b) as an interim measure to relocate to formal housing opportunities when available, or
(c) for the eventual in-situ upgrading to more formal dwelling units.

Development parameters:

(a) The Municipality may require a site development plan to be submitted for its approval, indicating the position of stands or shelters, structures, services, access and internal roads.
(b) Development parameters as determined by the Municipality.

"transport use"

Land use description: *"transport use"* means the use of land, a building or structure for the operation of a service for the transportation of goods (including liquids and gases) or passengers by means of rail, road, sea or pipeline and—

(a) includes the use of that land, building or structure for the purpose of a harbour, railway station, bus depot or taxi interchange, and a transport undertaking;
(b) includes a public-private undertaking including a railway station, bus depot, multiple parking garage, taxi rank, public transport interchange, rooftop base telecommunication station, harbour and ancillary purposes; and
(c) does not include an airport, airfield; or helicopter landing pad.

Development parameters:
Development parameters applicable to "business premises" apply.

"truck stop"

Land use description: "*truck stop*" means a facility with direct access from a freeway, inner city road or major transport route that—

(a) provides a range of rest, service and fuelling facilities for heavy duty, long haul vehicles and trucks: and

(b) does not include accommodation.

Development parameters:
Development parameters are determined by the Municipality by means of conditions of approval for a truck stop as a consent use, provided that—

(a) the Municipality must require a site development plan to be submitted for its approval; and

(b) the site development plan must at least address matters pertaining to vehicle access, placement of overnight parking and ablution facilities or rest rooms, screening and minimising any visual intrusion or operational disturbance to adjoining properties.

"truck stop accommodation"

Land use description: "*truck stop accommodation*" means overnight accommodation by means of short term rental that specifically caters for the needs of truck drivers and may include rooms, ablution facilities, basic food preparation facilities and communal areas for relaxation and is ancillary to a truck stop.

Development parameters:

(a) The Municipality must require a site development plan to be submitted for its approval.

(b) The height of the accommodation facility may not exceed 6,5 metres to the top of the roof.

"tuck shop"

Land use description: "*tuck shop*" means a small retail concern that stocks a range of snacks, food, candy, soft drinks, tobacco products, newspapers and magazines and serves the needs of the public who frequent the premises.

Development parameters:

(a) A tuck shop may not exceed 25m².

(b) The Municipality may require a site development plan to be submitted for its approval.

"urban agriculture"

Land use description: "*urban agriculture*" means the cultivation of crops, on relatively small areas within the urban area or edge, for own consumption or sale in neighbouring markets; provided that cultivation of a garden by an occupant is not regarded as urban agriculture for the purpose of this By-law.

Development parameters:

(a) The extent and nature of the activity will remain compatible with the primary land uses.

(b) The use of pesticides, fertilisers, equipment, machinery and trucks must not cause a nuisance or health risk, in which instance the Municipality may require the activity to cease.

(c) All other development parameters as determined by the Municipality.

"utility service"

Land use description: "*utility service*" means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and—

(a) includes a water reservoir and purification works, electricity substation, storm water retention facilities, and a waste-water pump station and treatment works, rooftop base telecommunication station and freestanding base telecommunication station; and

(b) does not include renewable energy infrastructure or transport use; and

(c) provided that a road is not regarded as a utility service.

Development parameters:

As determined by the Municipality.

"wall of remembrance"

Land use description: "*wall of remembrance*" is a wall in a cemetery or crematorium provided for the placement of inscribed tablets commemorating deceased persons.

Development parameters:

Development parameters applicable to "cemetery" and "crematorium" apply.

"warehouse"

Land use description: "*warehouse*" means a building used primarily for the storage of goods, except for goods that are offensive or dangerous and—

(a) includes property used for business of a predominantly wholesale nature, and

(b) does not include property used for business of a predominantly retail nature.

Development parameters:

Development parameters applicable to "industry" apply.

"wellness centre"

Land use description: "*wellness centre*" means a business that provides a variety of services for the purpose of improving health, beauty and relaxation through personal care treatments including massages, rehabilitation, exercise programmes, diet, instruction on wellness, life coaching, and facials and includes—

(a) facilities like saunas, pools, steam rooms, gymnasiums, treatment rooms, relaxation areas and whirlpools; and

(b) the provision of meals to guests.

Development parameters:

Development parameters applicable to "tourist accommodation establishment" apply.

“winery”

Land use description: *“winery”* means a place where wine is made, and may include a distillery, selling point to the general public and wine-tasting area.

Development parameters:
Development parameters applicable to “agriculture” apply.

SCHEDULE 3

OVERLAY ZONES APPROVED IN TERMS OF SECTION 16

1. SUBDIVISIONAL AREA OVERLAY ZONE

1.1. General purpose of Subdivisional Area Overlay Zone

The subdivisional area overlay (SAO) zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-law. The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout that will be determined when an actual application for subdivision is approved.

1.2. Use of the property

1.2.1 Land zoned as a subdivisional area may be subdivided as contemplated in the Planning By-law.

1.3. Development parameters

1.3.1 When the municipality approves a subdivisional area overlay zone, it must impose conditions making provision for at least—

(a) density requirements;
(b) main land uses and the extent of the uses; 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.

2. SPECIAL PLANNING AREA OVERLAY ZONE

2.1. General purpose of special planning area overlay zone

The general purpose of the special planning overlay zone is to provide for a package of plans mechanism to plan and manage the development of large or strategic urban development areas with a greater degree of flexibility. The package of plans mechanism is a phased process of negotiation, planning and approvals, where appropriate levels of planning detail are approved together with conditions for those approvals.

A special planning area overlay zone is generally created in respect of an application that involves a mixed use development proposal or where the development does not generally comply with the development parameters of the applicable land uses of this zoning scheme.

2.2. Use of the property

2.2.1 Primary uses are as stipulated in the conditions of approval imposed in terms of the Planning By-Law.
2.2.2 Consent uses are as stipulated in the conditions of approval imposed in terms of the Planning By-Law.

2.3. Development parameters

2.3.1 The Municipality must require a package of plans as set out in section 2.3.4 of Schedule 3 to be submitted for areas zoned as special planning area overlay zones.
2.3.2 The applicant must, during pre-application discussions with the Municipality, ascertain whether a package of plans procedure has to be followed.
2.3.3 The development parameters of the lowest order package of plans as contemplated in section 2.3.2 of Schedule 3 and as approved by the Municipality are the development parameters of the special planning overlay zone applicable to the property concerned.
2.3.4 The package of plans consists of all of the following components that are listed in a hierarchy from higher-order to lower-order plans, and the lower-order plans must be in compliance with the higher-order plan:

(a) **Contextual framework**

(i) The contextual framework lays down broad land use policy for the development and the surrounding area.
(ii) It may include principles or heads of agreement summarising the general obligations of the Municipality and the developer in relation to the development.
(iii) The contextual framework may be prepared by the Municipality, or by a land owner or development agency under supervision of the Municipality, and may not be in conflict with a spatial development framework or structure plan approved by the Municipality.

(b) **Development framework**

(i) The development framework must identify overall policy, broad goals, and principles for development within the development.
(ii) The development framework must identify the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits to development within the development, including but not limited to density and floor space.

(c) **Precinct plans**

(i) Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements.
(ii) There may be several precinct plans that make up a development area.
(iii) A precinct plan must describe in more detail the development objectives and intentions for a specific area in the development, as well as principles for urban form, land use, pedestrian links, traffic movement, floor space and environmental management.

(d) **Subdivision plans**

(i) Subdivision plans, if required, must be processed in terms of planning law to establish new cadastral boundaries and to facilitate the transfer of land units.

(ii) Subdivision plans may be approved at any stage after the development framework has been approved, and the provisions of section 16.2 apply to such plans.

(e) **Site development plans**

(i) Site development plans depict more detailed design and development provisions for one or more land units within a development.

(ii) These provisions may include details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping, as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement.

(iii) A site development plan may be required before or after a subdivision plan, and must provide for the information as required for a site development plan in terms of this By-law.

(f) **Building plans**

(i) Building plans contain detailed specifications as required by the National Building Regulations.

(ii) Building work may only commence once building plans have been approved by the Municipality.

2.3.5 The Municipality may require all or only some of the components of the package of plans to be applied in respect of a particular development.

2.3.6 The Municipality may require that the area covered by a contextual framework must extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and the Municipality may determine the extent of that area.

2.3.7 In approving a special planning area overlay zone, the Municipality must determine the total floor space or density permitted within the development as a condition of approval.

2.3.8 The allocation of floor space must take into account the carrying capacity of internal and external infrastructure including roads and utility services, and any urban design principles approved by the Municipality as part of a rezoning or contextual framework.

2.3.9 The approved floor space may remain as "floating floor space" assigned to the overall development for later allocation, or may be assigned to particular precincts when a precinct plan is approved; and in either case must be allocated to individual subdivisions or site development plans.

2.3.10 When a special planning area overlay zone and a package of plans is required in terms of this By-law, the relevant components must be submitted to the Municipality for its approval before any development on a land unit can commence, provided that—

(a) the development may not be refused if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval; and

(b) the Municipality may require amendments to the detail of the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

2.3.11 The general provisions contained in this By-law apply with regard to site development plans.

3. URBAN AND RURAL CONSERVATION OVERLAY ZONE

3.1 General purpose of Urban and Rural Conservation Overlay Zone

3.1.1 The Urban and Rural Conservation Overlay Zone may be referred to by the code (HAO) and shall be indicated on the zoning map in a unique colour outline for each area with fine horizontal hatching in the same colour.

3.1.2 The purpose of the Urban and Rural Conservation Overlay Zone is to guide development in order to protect and enhance the character of an area, which has special historical, heritage, cultural, environmental, amenity or architectural value.

3.1.3 The aim of this zone is to provide an additional mechanism through which the Municipality can manage sensitive areas, regardless of the base zone, where new development can be undertaken in a manner which is sensitive to the receiving environment, and also balanced, given the municipality's developmental objectives.

3.1.4 The overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed with which to mitigate the potential adverse impact of development on the receiving environment.

3.1.5 Other than when specific limitations are imposed by virtue of a provision contained in an overlay zone which reduces the development envelope, the objective of this zone is not to reduce existing development rights or to hinder development within existing development parameters unless such development has a severe and proven adverse impact on listed heritage resources or specific environmental resources.

3.2 Areas designated as Urban and Rural Conservation Overlay Zones

3.2.1 The council of the Stellenbosch Municipality may designate an area as Urban or Rural Conservation Overlay Zone. The area shall be depicted on a map and the area shall be recorded in Table A.

TABLE A: URBAN AND RURAL CONSERVATION OVERLAY ZONES

Number and Map Reference	Description of Area	Colour on map
URCO1	Stellenbosch Urban Conservation Area	
URCO2	Franschhoek Urban Conservation Area	
URCO3	Jonkershoek Valley Rural Conservation Area	
URCO4	Dwars River Valley Rural Conservation Area	
URCO5	Ida's Vallei Rural Conservation Area	

3.2.2 An area may be designated as an Urban or Rural Conservation Overlay Zone based on its exceptional historic interest, architectural significance, environmental or other conservation worthy aesthetic or landscape, after the completion of a suitable study to identify the extent and boundaries based on appropriate criteria.

3.2.3 The Municipality may demarcate new 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.

3.3 Applications in Urban and Rural Conservation Overlay Zones

3.3.1 In an Urban Conservation Area, the under-mentioned activities may not commence without the Municipality's permission in terms of this scheme :

(a) addition of any new building or structure, including a boundary wall, gate posts, entrance gate, security or refuse structure;

(b) external demolition or alteration or renovation to an existing building or structure which may, in the municipality's opinion alter the character of the area, including, but not limited to, boundary walls, fences, stoeps, windows, roof details, existing chimneys;

(c) removal, felling, lopping, topping or otherwise damaging of any mature tree (other than removal of dangerous branches or bona fide pruning) which is visible from a public road in the area;

(d) alteration or removal of any significant landscape feature which contributes to the character of the area, including mature hedges and rows of mature plantings which are visible from a public road in the area;

(e) the removal of any garden space for paving or parking, where such space is visible from a public road;

(f) alteration, removal or addition to historical hard landscape features such as (but not limited to) street furniture, signage, water furrows, carriageway/furrow crossings, bridges, cobble streets, lamp posts which are in or adjacent to a public road in the area;

(g) the erection of any signage which may be visible from any public road or public open space;

(h) the addition of washing-lines, rain catchment tanks, television aerials and satellite dishes, telecommunication masts, chimneys, solar panels, solar geysers, electrical substations, refuse rooms, air conditioners, generators or any other service component or a similar feature which is visible from a public road or public open space. .

3.3.2 In a Rural Conservation Area, the under-mentioned activities may not commence without the Municipality's permission in terms of this scheme :

(a) addition of any new building or structure, including any boundary wall, gate posts, security or refuse structure which is visible from a public road;

(b) external demolition or alteration to an existing building or structure which is visible from a public road;

(c) removal, felling, lopping, topping or otherwise damaging of any mature tree (other than removal of dangerous branches or bona fide pruning) which is visible from a public road in the area;

(d) alteration or removal of any significant landscape feature which contributes to the character of the area, including mature hedges and rows of mature plantings which are visible from a public road in the area;

(e) the removal of any garden space for paving or parking, where such space is visible from a public road;

(f) installation of general area lighting against buildings or on masts which is visible from a public road or from a distance, and which is regarded by the municipality to be potentially obtrusive.

3.3.3 The following activities are exempt from applying for permission:

(a) internal alteration to buildings or structures;

(b) external maintenance that does not involve removal of original fabric or change to the original appearance of a building or structure;

(c) repainting of existing painted surfaces of a building or structure, provided the colour is compliant with colour guidelines where such guidelines exist;
(d) re-plastering of existing plastered surfaces provided the appearance is identical to the original historical finish;
(e) re-cladding or re-thatching of roofs provided that the material is similar in appearance to the original historical material;
(f) the addition of washing-lines, water catchment tanks, television aerials and satellite dishes, solar panels, solar geysers which are not visible from a public road.
(g) alien vegetation clearing in accordance with an alien clearing plan submitted by the owner of the land to the Municipality for information purposes;
(h) pruning and felling of trees in bona fide orchards in the Agricultural and Rural Zone.

3.3.4 Applications for permission in terms of sections 00(a) and (b) shall be submitted only by a registered architect or town planner as the case may be, together with all information and plans the Municipal Manager may deem necessary to inform the decision.
3.3.5 Where a proposal is either adjacent to or on a property which is listed in the Municipality's heritage register, the Municipal Manager may require that the application be accompanied by a report prepared by a heritage practitioner registered with Heritage Western Cape which evaluates the possible impact of the proposal on the heritage asset.

3.4 Land uses and development parameters in Urban and Rural Conservation Overlay Zones

3.4.1 The base zone applicable to a property will continue to apply to properties within this overlay zone.
3.4.2 The primary, additional and consent land uses set out in the applicable base zone remain applicable, unless varied in the area-specific provisions listed under each Urban or Rural Conservation Overlay Zone.
3.4.3 All the development parameters included in the base zone remain applicable, unless a specific parameter is varied in the area-specific provisions listed under each Urban or Rural Conservation Overlay Zone.

3.5 Area specific parameters and decision making criteria

3.5.1 The Municipality may prepare and adopt, after following due process, area-specific development parameters and rules for a particular Urban or Rural Conservation Overlay Zone which shall be contained in this Scheme and which may only be deviated from, with the permission of the Municipality.
3.5.2 The Municipality may adopt a Conservation Overlay Policy, in which the character forming elements and decision making criteria for each area is set out, and these will guide decision making on an application in terms of this chapter.
3.5.3 Where a designated area is not included in the Conservation Overlay Policy, the Municipality shall assess the application against the general purpose of this overlay zone.

3.6 Advisory committee

3.6.1 The Municipality shall establish a Conservation Advisory Committee, which may consist of various sub-committees for different overlay zone areas, to make recommendations on the planning application in Urban and Rural Conservation Overlay Zones.

3.6.2 The Municipality shall by ordinary resolution prescribe rules and procedures for such committee.
3.6.3 Upon receipt of an application for permission in terms of this chapter, the Municipal Manger will refer the application to the committee for a recommendation.
3.6.4 The committee shall consider the application and submit their recommendation within the period prescribed by Planning By-law.
3.6.5 The committee may forward recommendations which may include conditions to be imposed or recommendations on how the proposal should be amended to improve the compliance with the Conservation Overlay Policy.
3.6.6 The Municipality may, through its adopted rules and procedures, determine that certain types of applications need not be commented on by the committee, in which case the designated decision-maker within the Municipality may decide on the application as per the appropriate delegations.

3.7 Consideration of applications in terms of this chapter

3.7.1 When considering an application for permission in terms of this chapter, the Municipality shall only grant its approval for the activity if it is satisfied that the activity will not be detrimental to the character of the area, or the streetscape;
3.7.2 The Municipality shall also take into consideration the recommendations by the Advisory Committee and shall be bound by the decisions by national and/or provincial heritage or environmental authorities, if applicable.
3.7.3 When granting its permission, the Municipality may do so subject to conditions it deems necessary to protect and promote the, which may include (but are not limited to):

(a) requiring an alternative position of the building on the property which has less impact on the receiving environment;
(b) setting a maximum development envelope (including the height) for a portion of the site or the whole site, which may be more or less restrictive than the building envelope permitted in the base zone. in cases where such a restrictive envelope is justified to protect important conservation worthy resources;
(c) prescribing details such as building platforms, stoeps, balconies, boundary walls, fences and landscaping;
(d) prescribing materials, colours and finishes;
(e) prescribing the proportion of wall space to windows and doors, including the dimensions, proportions and positions of all windows, doors and openings;
(f) prescribing an alternative building line to what is prescribed in this Scheme or a 'street build-to' line, having regard to the protection of trees both on the property or within the street reserve and also the position of historical buildings in the street. This alternative building line or 'street build-to line' may be more or less restrictive than what is prescribed in the base zone and any departure from the base zone which may be required will be deemed to have been granted and does not require public notification;
(g) prescribing the extent and position of parking, access and egress to the site, including screening of parking and the maximum number of parking bays which may be provided.

3.8 Site development plan

3.8.1 A site development plan may be required by the Municipality for any development in this zone.

3.9 Provisions applicable to specific Urban and Rural Conservation Overlay Zones

3.9.1 The provisions of this subsection shall apply to the Stellenbosch Urban Conservation Area, as defined on Map No. URCO1:

(a) buildings may not exceed a height of 10 meters (measured from existing ground level to top of roof or top of parapet), which limit is applicable only to the first 15 meters measured from a public road;

(b) the Municipality may withhold its permission in the event that any increase in height of a structure would, in the opinion of the Municipality, interfere with the growth of any mature tree within the street reserve, or if it would necessitate the undesirable pruning or removal of that tree or its branches;

(c) the Municipality may enforce a street building line for a basement set back from the street boundary if, in the opinion of the Municipality, the structure will interfere with the root system and growth of any mature trees within the abutting public road;

(d) face brick may not be visible from the public road;

(e) no pre-cast concrete walls of any kind, no barbed wire fencing or flat pressed industrial steel fences may be used which are visible from a public road;

(f) water tanks, solar panels, antennae and such similar attachments may not be visible from a public road;

(g) the Municipality may waive or reduce the parking and/or loading requirements as set out in the zoning scheme if it is of the opinion that the provision of parking will be detrimental to the character of the area;

(h) the following colours shall be used unless otherwise approved by the Municipality:
- (i) plastered walls shall be white or off-white;
- (ii) outside woodwork, if painted, shall be green, brown or black;
- (iii) piping and guttering shall be painted the same colour as the background;
- (iv) roofing, if visible shall be black or thatch colour.

(i) notwithstanding the permitted land uses in the base zone, the following land uses shall be a consent use application and may only be refused if in the opinion of the Municipality it will have a detrimental impact on the character of the street or area:
- (i) motor showrooms, public parking areas and parking garages;
- (ii) plant nurseries
- (iii) supermarkets, shopping centres.

(j) The Municipality may also impose conditions on how buildings and land use activities should be positioned in relation to the public road or a public open space to mitigate negative impact.

(k) Notwithstanding the requirements related to parking ratios, the Municipality may impose reduced parking ratio on a property in this overlay zone, may waive the requirement to provide parking altogether or may impose a requirement for the provision of non-motorised transport provision in lieu of the provision of parking. Such alternative requirements shall be agreed to in writing and shall be deemed to be alternative development parameters applicable to the property.

3.9.2 The provisions of this subsection shall apply to the Franschhoek Urban Conservation Area, as defined on Map No. URCO2:

(a) buildings may not exceed 8,5 meters in height (measured from existing ground level to top of roof or top of parapet) except with the Municipality's permission;

(b) none of the materials listed below may be used, unless otherwise approved by the Municipality:
  (i) decorative thatching;
  (ii) cement tiles;
  (iii) fibre cement or Inverted Box Rib (IBR) roof sheeting;
  (iv) face brick of any kind or un-plastered cement blocks;
  (v) gum poles;
  (vi) natural or artificial stone of any kind (except possibly as a base in plinths); slate;
  (vii) steel or aluminium windows or doors on any elevation visible from the street;
  (viii) unpainted wooden windows;
  (ix) pre-cast concrete fences;
  (x) exposed concrete of any kind.

(c) no boundary wall may exceed 1 meter.

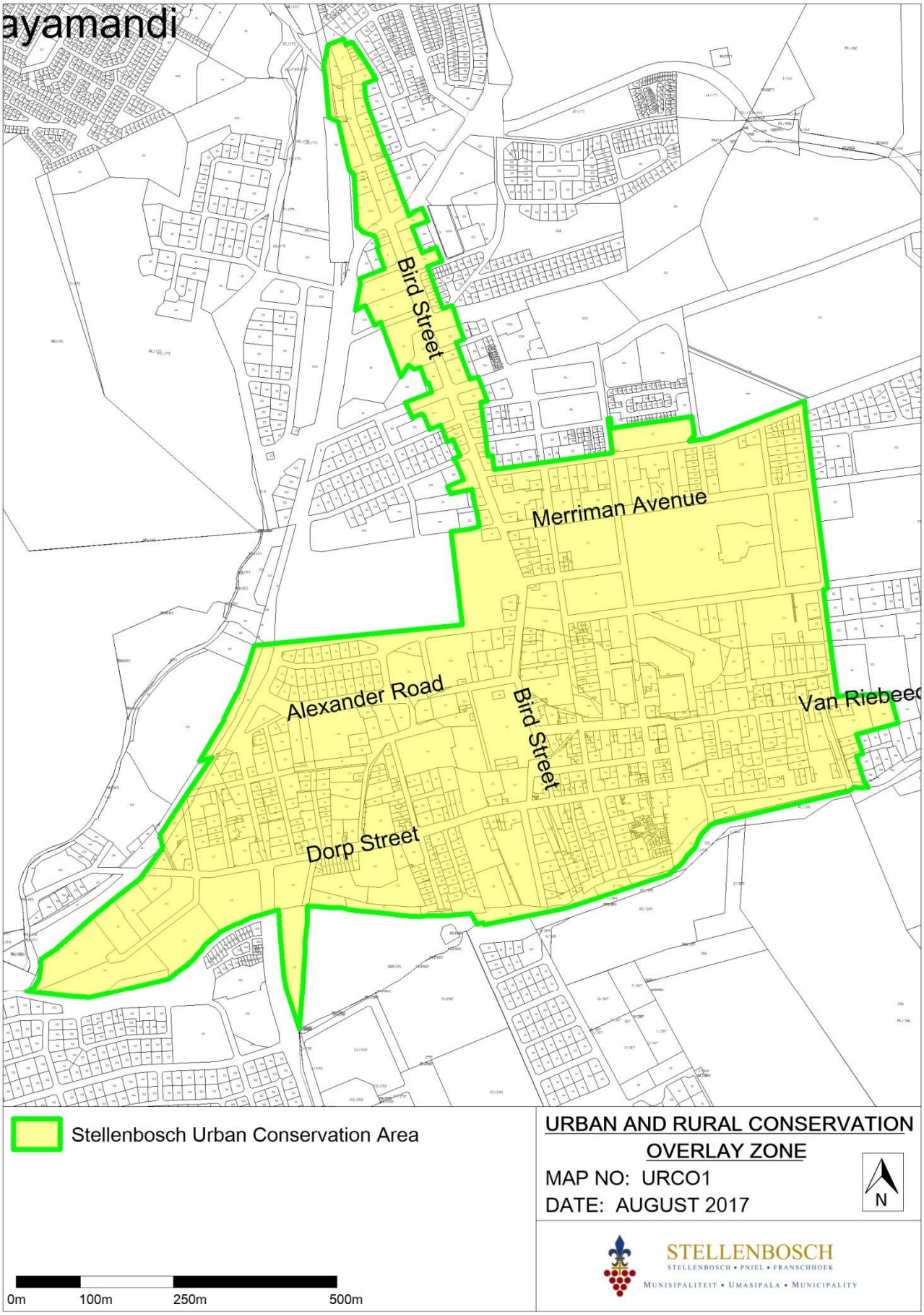
(d) no roof pitch to any part of a building except a lean-to section attached to the main building shall have a roof pitch of less than 30 degrees;

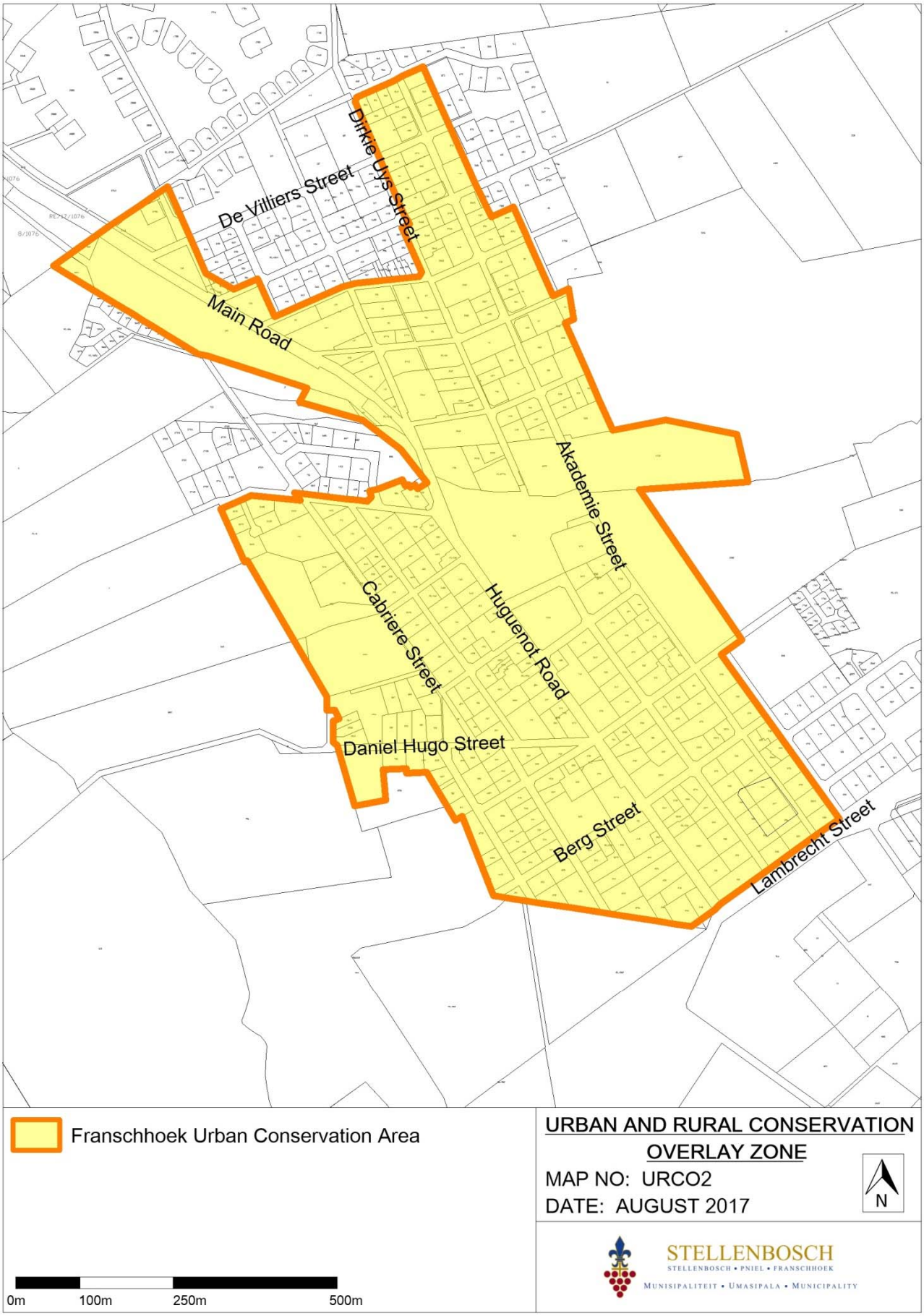
(e) the Municipality may waive or reduce the parking and/or loading requirements as set out in the zoning scheme if it is of the opinion that the provision of parking will be detrimental to the character of the area;

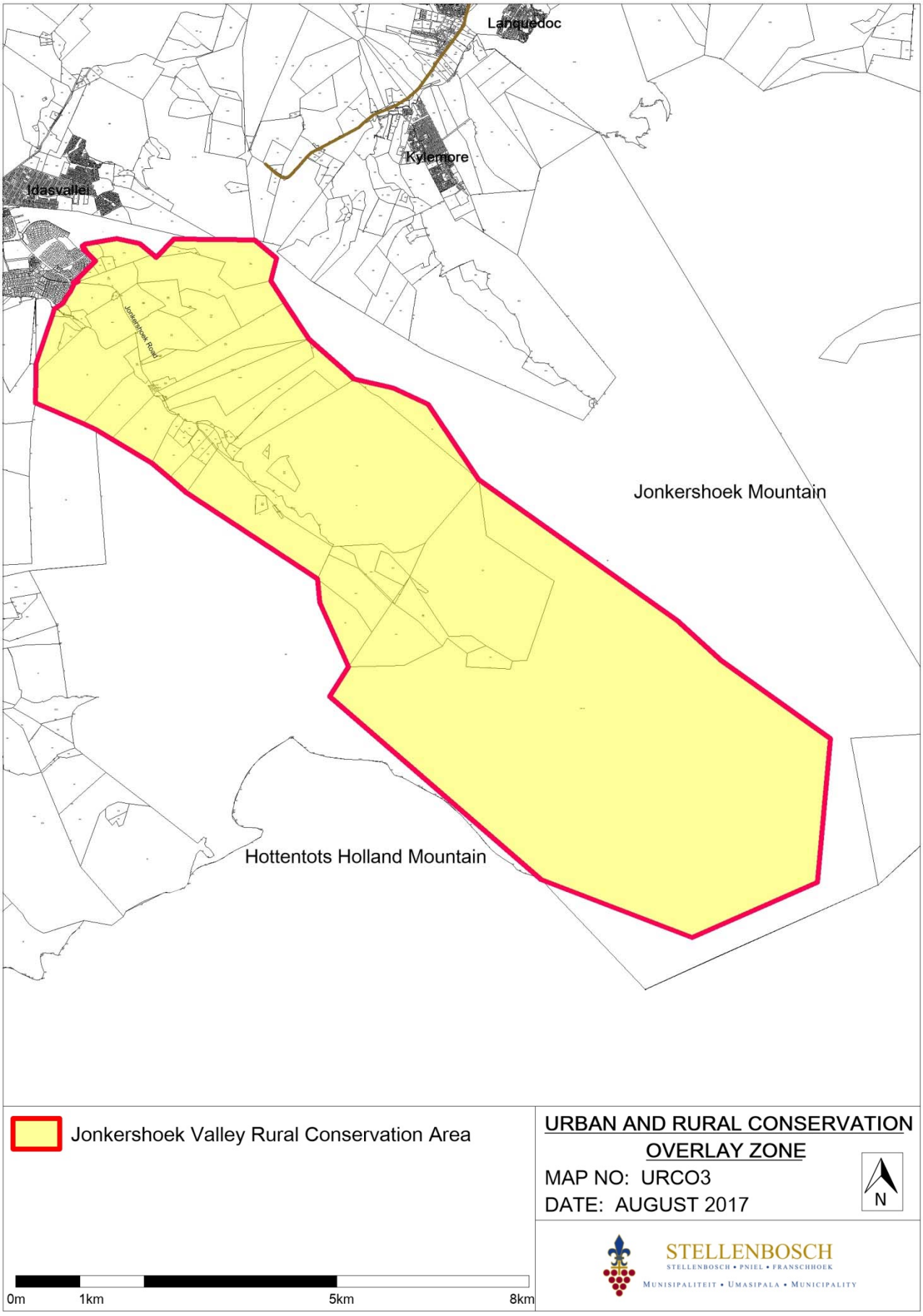
(f) the following colours shall be used unless otherwise approved by the Municipality:
  (i) plastered walls shall be white or off-white;
  (ii) outside woodwork, if painted, shall be green, blue, brown, grey or white;
  (iii) piping and guttering shall be painted the same colour as the background;
  (iv) roofing shall be red oxide, black or various shades of grey. Stoep roofs may be painted in red and white or green and white stripes (one colour per corrugated sheet).

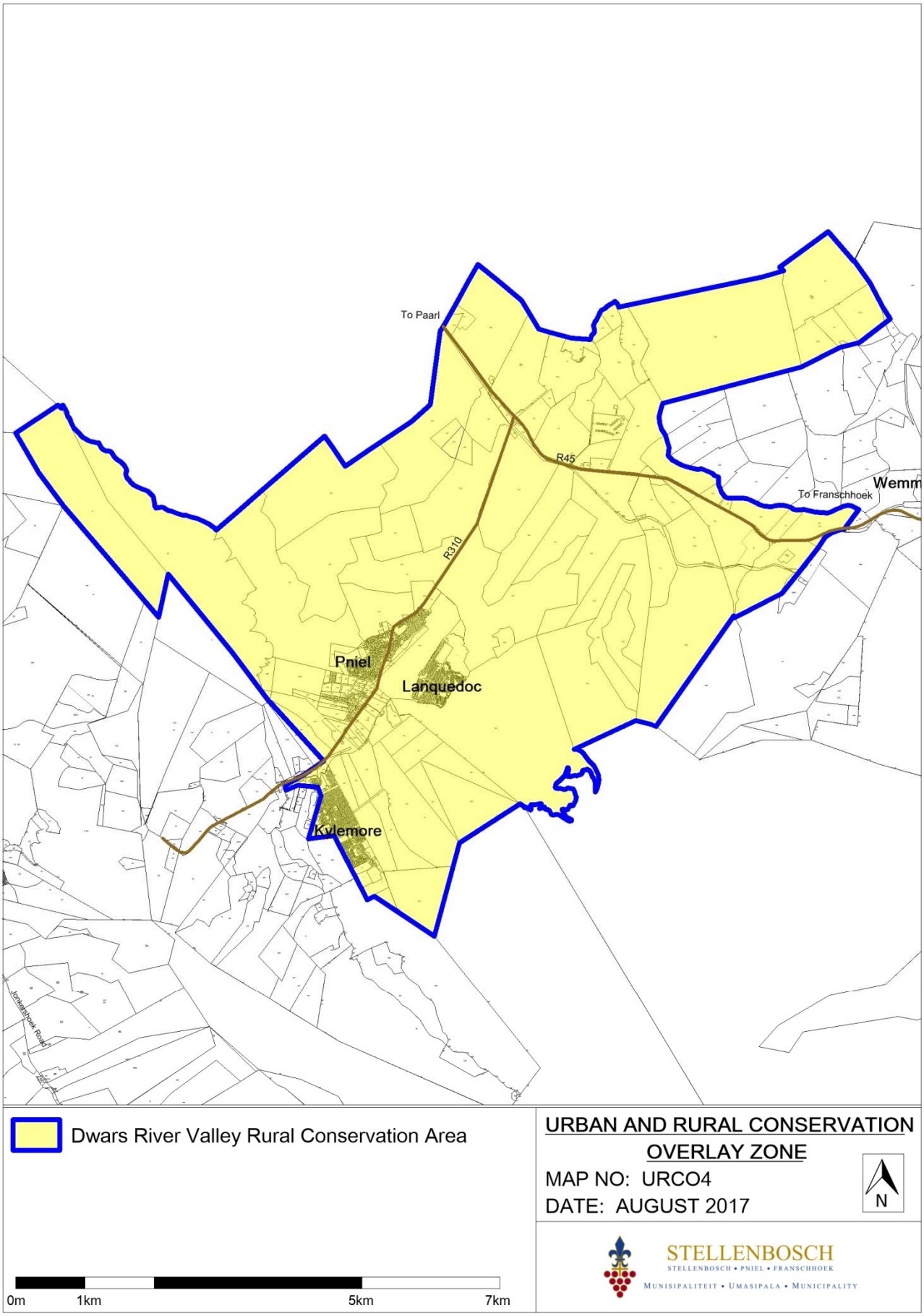
(g) notwithstanding the permitted land uses in the base zone, the following land uses shall require the Municipality's further consent and may be only refused if in the opinion of the Municipality it may have a detrimental impact on the conservation character of the area.
  (i) motor showrooms, public parking areas and parking garages;
  (ii) plant nurseries,
  (iii) supermarkets, shopping centre.

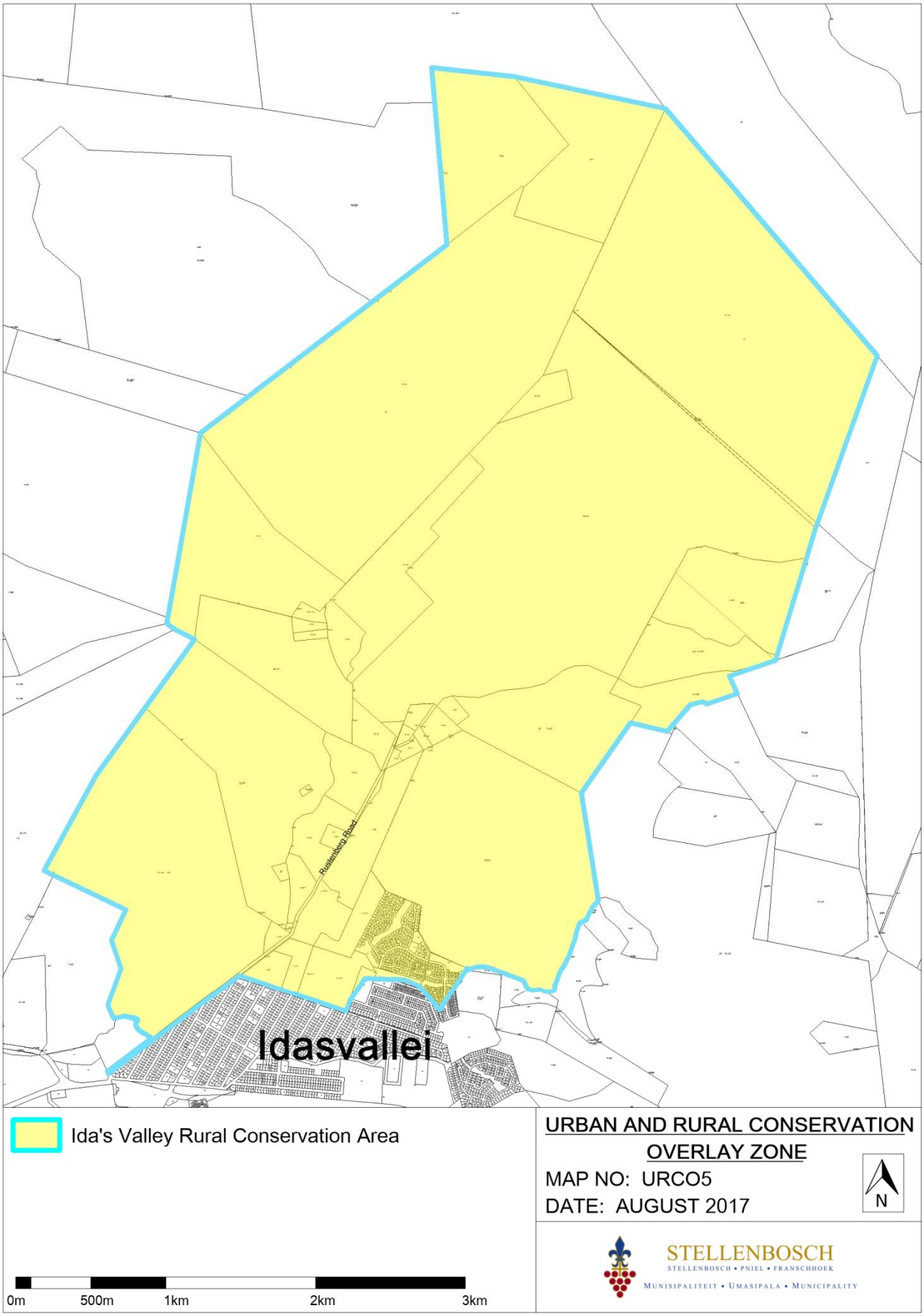
(h) The Municipality may also impose conditions on how buildings should be positioned in relation to the public road and open space to mitigate negative impact.


ayamandi
Bird Street
Merriman Avenue
Alexander Road
Bird Street
Van Riebeec
Dorp Street
Stellenbosch Urban Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO1
DATE: AUGUST 2017
N
0m
100m
250m
500m
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De Villiers Street
Dirkie Uys Street
Main Road
Akademie Street
Cabriere Street
Huguenot Road
Daniel Hugo Street
Berg Street
Lambrecht Street
Franschhoek Urban Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO2
DATE: AUGUST 2017
N
0m
100m
250m
500m
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Languedoc
Kylemore
Idasvallei
Jonkershoek Road
Jonkershoek Mountain
Hottentots Holland Mountain
Jonkershoek Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO3
DATE: AUGUST 2017
N
0m
1km
5km
8km
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To Paarl
R45
To Franschhoek
R310
Pniel
Lanquedoc
Kylemore
Dwars River Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO4
DATE: AUGUST 2017
N
0m
1km
5km
7km
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Idasvallei
Ida's Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO5
DATE: AUGUST 2017
N
0m
500m
1km
2km
3km
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4. SCENIC ROUTES OVERLAY ZONE

4.1 Zone name and designation on map

4.1.1 The Scenic Routes Overlay Zone shall be depicted on one of three maps numbers SRO. Rural Scenic routes will be identified by a code preceding with RSR and shall be indicated on the zoning map with an individual transparent colour band adjacent and on the side of the road to which it applies. Urban Scenic Routes shall be referred to by the code (USR) and shall be indicated on the zoning map in dark yellow and light yellow lines.

4.2 Purpose of the zone

4.2.1 The purpose of this overlay zone is to protect, conserve and enhance the visual environment and scenic resources adjacent to important tourist and transport routes which provide the unique sense of place for residents and visitors.

4.2.2 To this end, control will be exercised over buildings and structures, including fences, gates and gatehouses, berms, access roads, parking, poly-tunnels, signage and telecommunication structures immediately abutting these roads.

4.2.3 The rural scenic routes aim to preserve the unique rural visual character and qualities of the area whilst balancing this with the needs of working farms.

4.2.4 The urban scenic routes aim to provide a mechanism to mitigate the impact of new developments on the architectural aesthetic of the particular settlement, with particular reference of how development interacts and interface with the road.

4.2.5 A balance must be sought to allow agricultural activities to proceed unencumbered to ensure agricultural economic viability.

4.2.6 The aim of this zone is to provide an additional mechanism through which the Municipality can manage and mitigate new development in a sensitive and balanced manner and whereby the Municipality may impose measures and conditions with which to mitigate the adverse impact on scenic resources.

4.2.7 The objective of this zone is not to reduce existing development rights or to hinder development within existing development parameters unless such development has a severe and proven adverse impact on defined scenic resources.

4.3 Areas designated as scenic routes

4.3.1 The Municipality has designated Rural Scenic Routes or Urban Scenic Routes in accordance with this Scheme.

4.3.2 All routes are depicted on SRO1 as well as more detailed on SRO2, SRO3, or SRO4 and are recorded in Table C.

4.3.3 Rural Scenic Routes fall outside the urban edge and Urban Scenic Routes are located inside the urban edge.

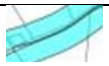
4.3.4 Upon adjustment of the urban edge when a new Spatial Development Framework is adopted by the council of the Municipality of Stellenbosch, the designation of Rural or Urban Scenic Routes shall be amended and the maps shall be updated accordingly.

4.3.5 Unless otherwise stated or indicated on the plans, the demarcated Rural Scenic Routes area of control consist of 200 meters either side of the road, measured from the centre line of the tarred road surface. The maps clearly indicate where a Rural Scenic Route area of control applies to one side of the road only.

4.3.6 Unless otherwise stated or indicated on the plans, the demarcated Urban Scenic Route shall apply to the erven directly adjacent to and on both sides of the roads indicated in

Table C where these routes are inside the urban edge. The maps clearly indicate where an Urban Scenic Route area of control applies to one side of the road only.

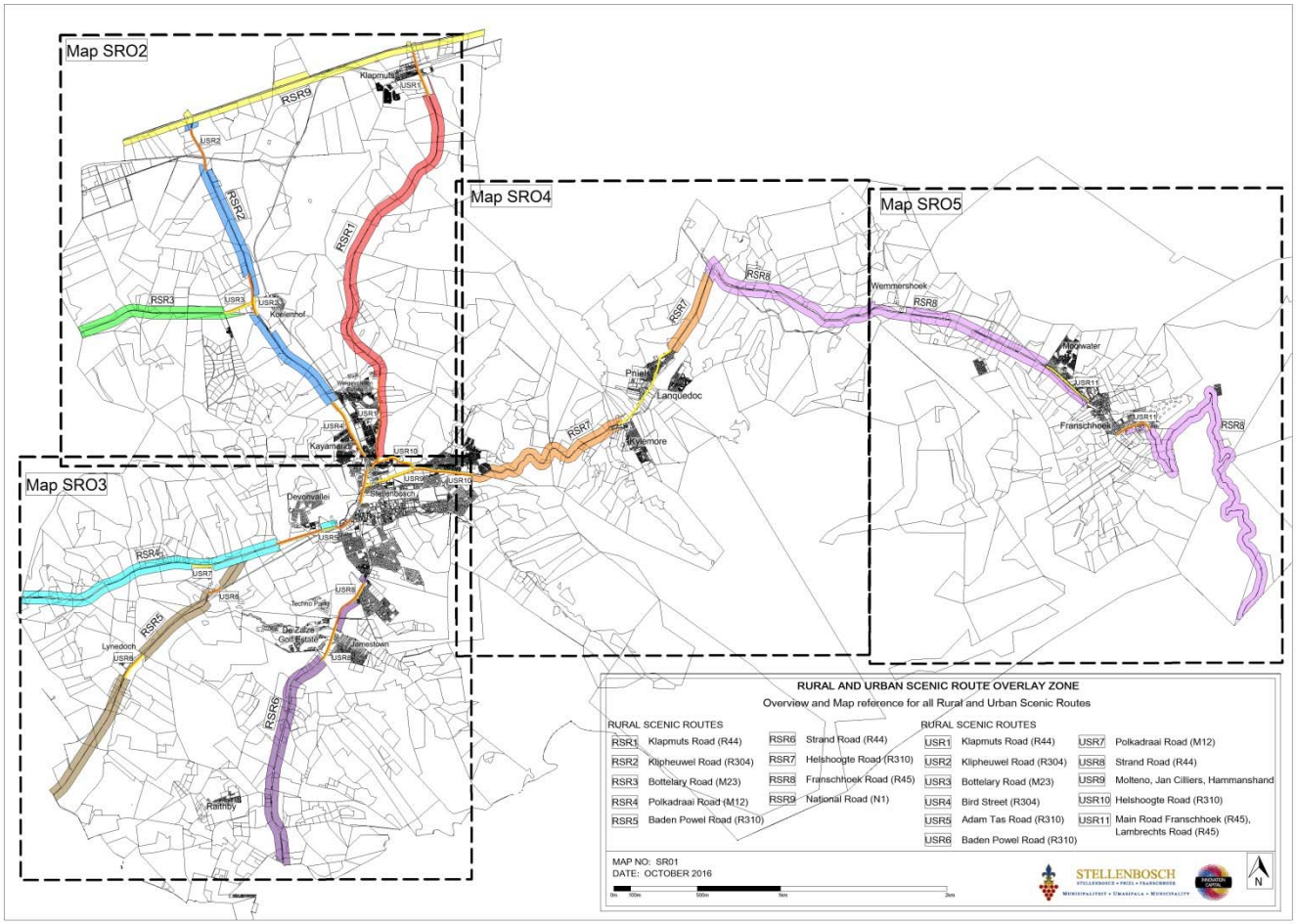
4.3.7 Should there be any dispute about the extent of the applicability of Rural or Urban Scenic Routes area of control, the Municipality will determine the final extent and its determination is final.

TABLE C: SCENIC ROUTE OVERLAY ZONES			
Rural Scenic Route No	Route Name and description	Detail Map no	Colour on map
RSR1	Klapmuts Road (R44)	Map SRO2	
RSR2	Klipheuwel Road (R304)	Map SRO2	
RSR3	Bottelary Road (M23)	Map SRO2	
RSR4	Polkadraai Road (M12)	Map SRO3	
RSR5	Baden Powell Road (R310)	Map SRO3	
RSR6	Strand Road (R44)	Map SRO3	
RSR7	Helshoogte Road (R310)	Map SRO4	
RSR8	Franschhoek Road, Lambrechts Road (R45)	Map SRO4	
RSR9	National Road N1	Map SRO2	
Urban Scenic Route No	Route Name and description	Map no	Colour on map
USR1	Klapmuts Road (R44)	Map SRO2	
USR2	Klipheuwel Road (R304)	Map SRO2	
USR3	Bottelary Road (M23)	Map SRO2	
USR4	Bird Street (R304)	Map SRO2	
USR5	Adam Tas Road (R310)	Map SRO3	
USR6	Baden Powel Road (R310)	Map SRO3	
USR7	Polkadraai Road (M12)	Map SRO3	
USR8	Strand Road (R44)	Map SRO3	
USR9	Molteno, Jan Cilliers, Hammandshand Rds	Map SRO3	
USR10	Helshoogte Road (R310)	Map SRO2/3/4	
USR11	Main Road, Franschhoek (R45), Lambrechts Road (R45)	Map SRO4	

4.4 General parameters applicable to all scenic routes

4.4.1 The Municipality's permission will be required for any new building and/or structure to be constructed within the demarcated Scenic Routes area which may include, but are not limited to, the following:

(a) all buildings and structures;
(b) greenhouse or poly-tunnels;
(c) refuse rooms;
(d) masonry boundary walls, gatehouses or berms;
(e) parking lots and access roads;
(f) telecommunication structures;
(g) signage;
(h) removal, felling, lopping, topping or otherwise damaging any mature tree (other than removal of dangerous branches, or bona fide agricultural pruning or orchards);
(i) alteration or removal of any historical landscape features including mature hedges and avenues of mature trees.



4.5 Development parameters

4.5.1 A building line of 30m shall apply on all Rural Scenic Routes, which may be relaxed by the municipality if they are satisfied that purpose of the scenic route is adhered to . ( )

4.6 Site development plan

4.6.1 A site development plan may be required by the Municipality for any development in this zone.

4.7 Visual impact assessment

4.7.1 A visual impact assessment may be required by the Municipality for any development in this zone.

4.8 Consideration of applications in terms of this chapter

4.8.1 When considering an application for permission in terms of this chapter, the Municipality shall consider the visual impact of the development proposal and shall impose conditions which mitigate the visual impact, including positioning, landscaping and screening of the building.

4.8.2 Where an application is to develop in accordance with existing development rights, the Municipality shall endeavour to permit such development in accordance with existing rights with or without sufficient mitigatory measures to address the visual impact of the proposed development.

4.8.3 Where an application is made for new or additional development rights or departures from this Scheme, the Municipality shall only grant its approval if it is satisfied that the proposal will not have a negative visual impact and will not be detrimental to the protection of the visual environment.

4.8.4 In considering applications in terms of this chapter, the Municipality may consider any or all of the following:

(a) building height, mass and positioning of the building and/or structure;
(b) design, façade and composition;
(c) parking;
(d) material, colour, texture, architectural treatment and appearance of the outer elements as well as any element of such building or structure visible to the public;
(e) outdoor lighting;
(f) landscaping and grading.

4.8.5 When granting its permission the Municipality may do so subject to conditions it deems necessary to mitigate impact or to protect and promote the visual environment and scenic quality of the area in general.

4.8.6 The Municipality may adopt by ordinary resolution, rules or more detailed policy guidelines to provide a more detailed guide for decision-making in terms of this Overlay Zone.

4.9 Signage

4.9.1 All signs or billboards shall comply with the approved Stellenbosch Municipality Advertising Signage Policy or by-law if adopted and in considering an application for signage the Municipality will also consider the impact on the visual environment and scenic quality of the area.

4.10 Activities exempted

4.10.1 The following activities and structures are exempt from applying for permission in terms of this section:

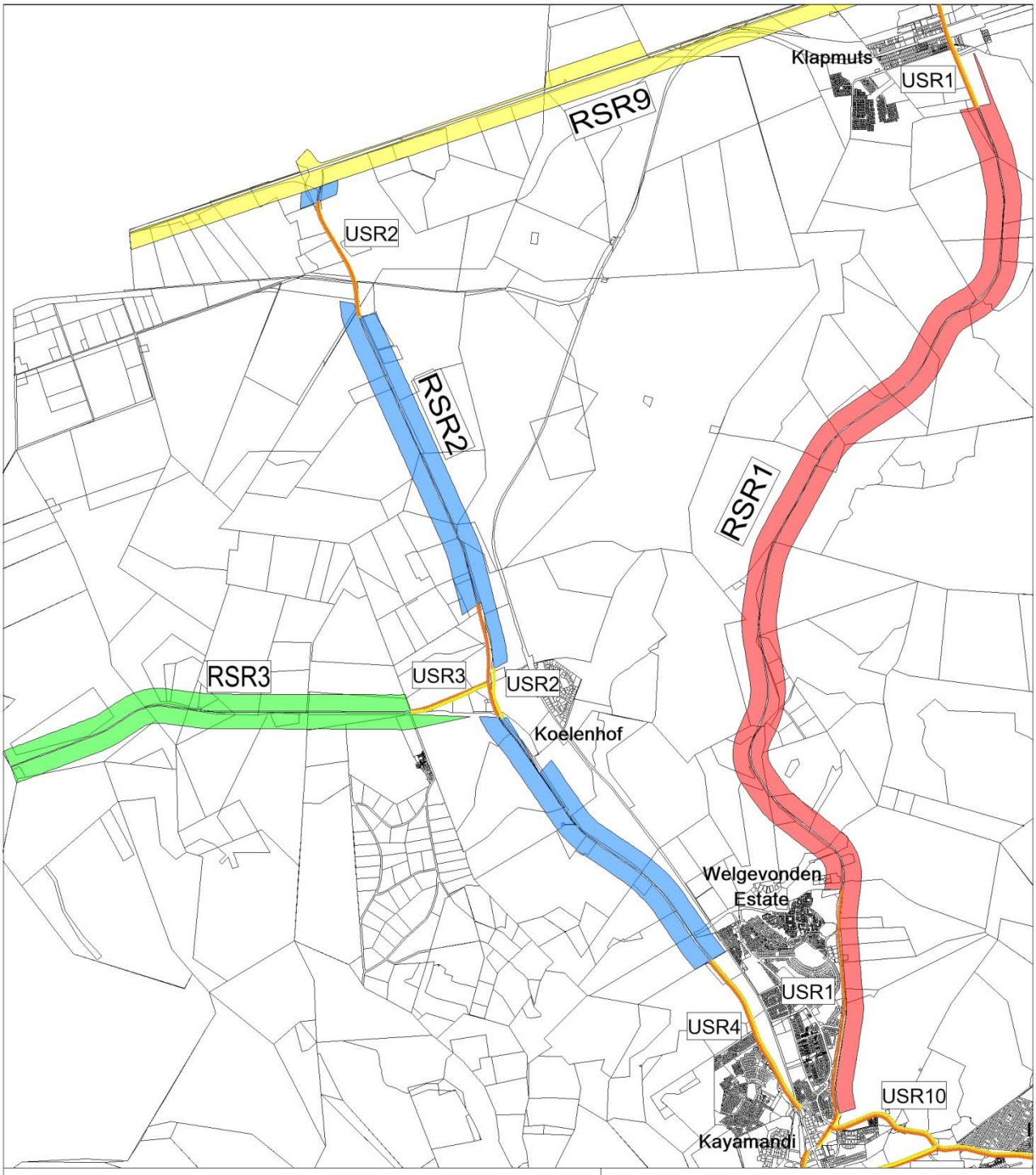
(a) general maintenance of existing buildings and structures;

(b) replacement of an existing fence with a new fence which is visually permeable painted wire or steel palisade;

(c) new fencing which does not contain solid piers or solid sections;

(d) agricultural shade netting provided the fabric is visually permeable.

4.10.2 The Council may approve additional activities which are exempt from applying in terms of this section, and once approved, will be deemed to form part of this section of the scheme.



SCENIC ROUTES OVERLAY 2

RURAL SCENIC ROUTES

RSR1	Klapmuts Road (R44)
RSR2	Klipheuwel Road (R304)
RSR3	Bottelary Road (M23)
RSR9	National Road (N1)

URBAN SCENIC ROUTES

USR1	Klapmuts Road (R44)
USR2	Klipheuwel Road (R304)
USR3	Bottelary Road (M23)
USR4	Bird Street (R304)
USR10	Helshoogte Road (R310)

0m 1km 2km 5km

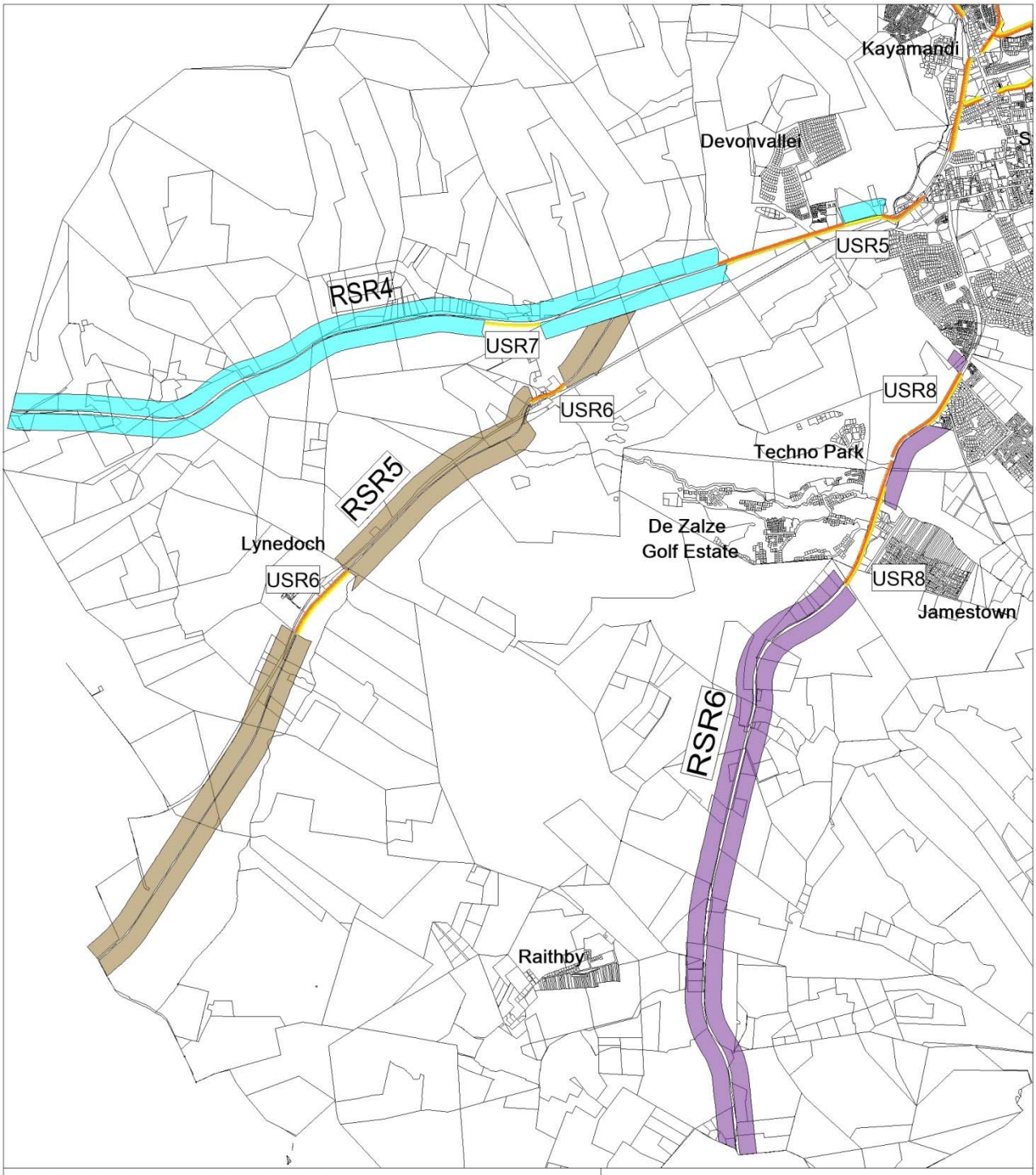
SCENIC ROUTE OVERLAY ZONE

MAP NO: SRO2
DATE: OCTOBER 2016

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SCENIC ROUTES OVERLAY 3

RURAL SCENIC ROUTES

RSR4	Polkadraai (M12)
RSR5	Baden Powel Road (R310)
RSR6	Strand Road (R44)

URBAN SCENIC ROUTES

USR5	Adam Tas Road (R310)
USR6	Baden Powel Road (R310)
USR7	Polkadraai Road (M12)
USR8	Strand Road (R44)
USR9	Molteno, Jan Cilliers, Hammanshand
USR10	Helshoogte Road (R310)

0m 1km 2km 5km

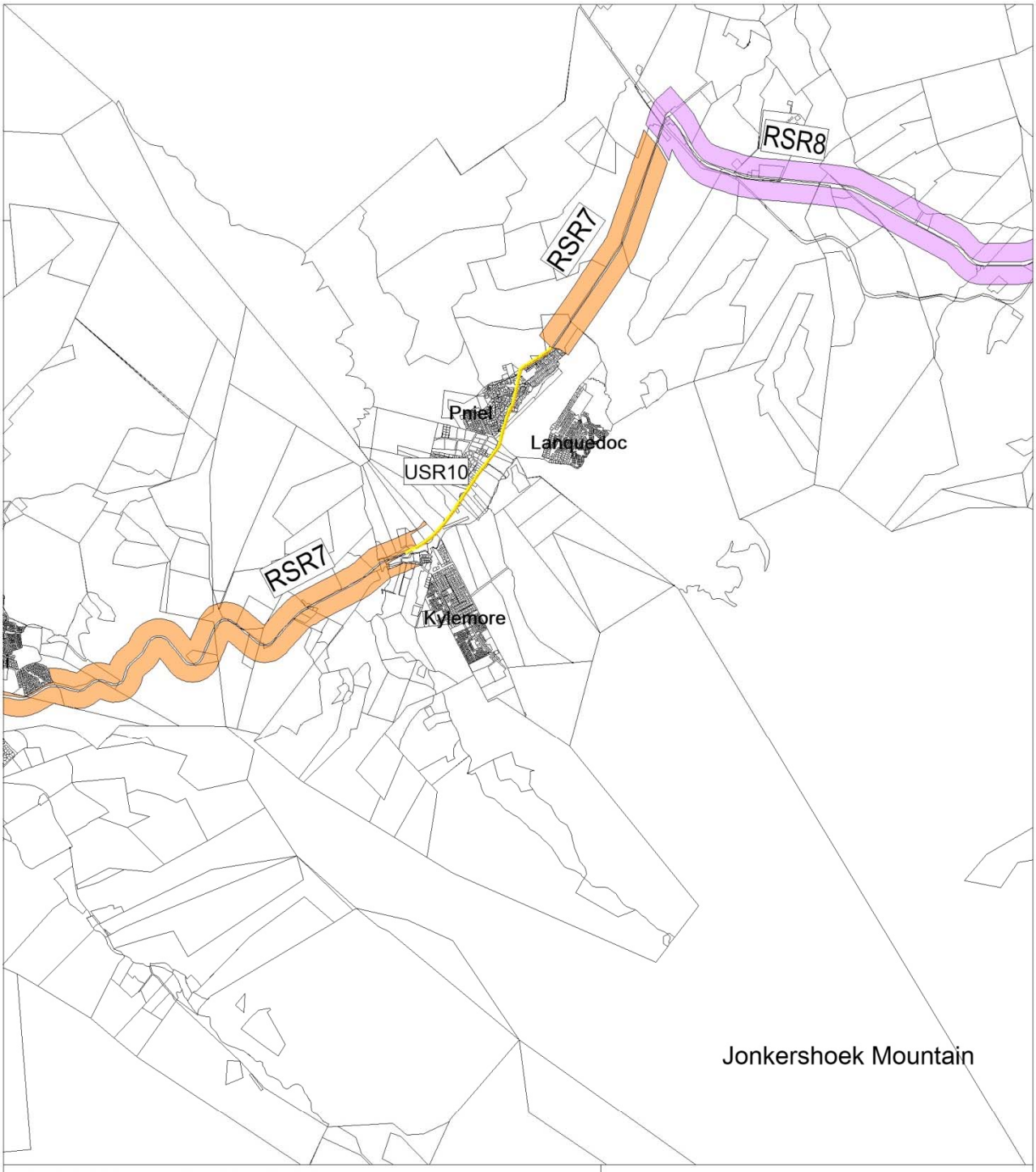
SCENIC ROUTE OVERLAY ZONE

MAP NO: SRO3
DATE: OCTOBER 2016

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SCENIC ROUTES OVERLAY 4

RURAL SCENIC ROUTES

RSR7 Helshoogte Road (R310)

RSR8 Franschhoek Road (R45)

URBAN SCENIC ROUTES

USR10 Helshoogte Road (R310)

0m 1km 2km 5km

SCENIC ROUTE OVERLAY ZONE

MAP NO: SRO4

DATE: OCTOBER 2016

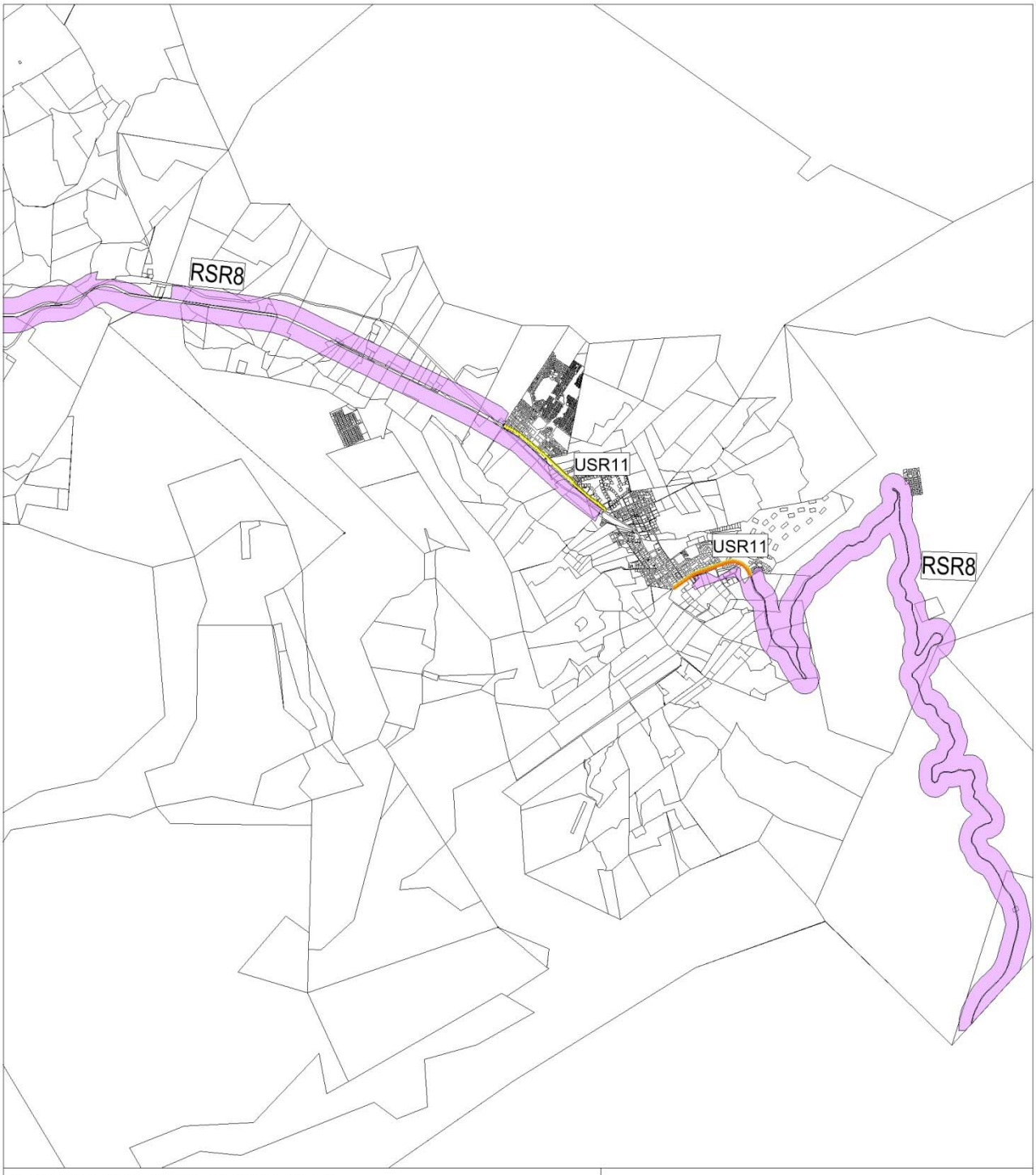
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SCENIC ROUTES OVERLAY 5

RURAL SCENIC ROUTES

RSR8 Franschhoek Road (R45)

URBAN SCENIC ROUTES

USR10 Helshoogte Road (R310)

USR11 Main Road Franschhoek (R45),
Lambrechts Road (R45)

0m 1km 2km 5km

SCENIC ROUTE OVERLA ZONE

MAP NO: SRO5

DATE: OCTOBER 2016

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5. LOCAL AREA OVERLAY ZONE: TECHNOPARK

5.1 Zone name and designation on map



5.1.1 The Local Area Overlay Zone shall be depicted on a map and shall be referred to by the code (LAO1) followed by a number designating the particular zone. The area to which the Local Area Overlay Zone applies shall be indicated by a unique coloured dotted outline with a transparent fill in the same colour.

5.2 Purpose of the zone

5.2.1 The purpose of the local area overlay zones is to provide more detailed development parameters for a specified local area.

5.3 Areas designated as local area overlay zones

The 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	

5.4 Areas declared as local overlay zone areas and specific provisions

5.4.1 The Techno Park Local Area Overlay Area is indicated on Map No. LAO1 and the parameters in this subsection will apply as indicated.

5.4.2 The purpose of the Techno Park Local Overlay Zone is to retain the development parameters applicable to this area, as they appeared in the Stellenbosch Zoning Scheme.

5.4.3 The development parameters set out in this overlay zone replace all the development rules set out in the base zone and shall apply to all the properties or portion of properties falling within the boundaries of the Techno Park Local Area Overlay Zone as depicted on Map No. LAO1.

5.4.4 The following land uses are allowed in this zone:

Primary Uses	**Additional Uses**	**Consent Uses (application required)**
i. Laboratories, offices and other facilities for research, development, design, testing and consultation by any individual, corporation, partnership, business association or any other type of organization, whether public or private. ii. Production and assembly of prototype products but only on a scale necessary	i. Professional and related business services directly associated with and primarily geared towards activities referred to in paragraphs (i) and (iii) of the primary uses, for example, banking facilities, personal services, post office, day-care centre, sports and health facilities, food	i. Any other usage, which is incidental to the aforementioned character of the Techno Park

for the completion of research in connection with the product. iii. Pilot plants, in which planned processes or products are investigated, tested and assembled with a view to production elsewhere.	services and training centres. ii. Conference centres and administrative offices needed for the running of the Techno Park. iii. Facilities for light manufacturing and/or the assembly of products that require a high level of skills in the high-technology sector result in regular liaison with the research and design personnel and require mainly highly skilled personnel. iv. Incidental operations required for the maintenance of the facilities referred to in paragraphs (i) to (iii) of the primary or additional uses, such as maintenance workshops, power plants and effluent treatment.	

(a) The following development parameters apply to all buildings in this zone unless otherwise indicated:

Building type	**Street building lines (m)**	**Common boundary building lines (m)**	**Coverage**	**Height**
All buildings	none	none	Max Erf coverage: 75% Max Building coverage : Erven >3000m^2=30% Erven < 3000m^2 = 40%	2 Storeys With consent: 3 storeys

(b) Coverage which includes building coverage plus all other built upon areas including all improvements such as parking areas, vehicular circulation and buildings may not exceed 75% of the area of the land unit.

(c) Permission in terms of the scheme may be granted by the Municipality for additional height or storeys after being applied for by the owner.

(d) Parking shall be provided at four bays per 100m^2 Gross Leasable Area of the building;

(e) The Municipality shall retain the right to lay down directives pertaining to the aesthetic appearance of buildings and the use of materials, textures and colours for the exterior finishing which factors may affect the appearance of the Techno Park;

(f) The following restrictions apply to address issues of nuisance and safety:

(i) 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 erf in the environment;
(ii) no business shall be allowed 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 Techno Park;
(iii) the storage of material or the use of equipment or research processes, which may cause vibrations beyond the boundaries of the erf upon which such equipment or processes occur, shall not be allowed;
(iv) Except with the permission of the Municipality, the storage of explosives shall not be allowed in the Techno Park;

(g) These rules of development shall be supplemented by a development plan with development guidelines specifically prepared for the Techno Park, which shall be binding on all developers in the discretion of the Municipality.

6. LOCAL AREA OVERLAY ZONE: ADAM TAS CORRIDOR

6.1 Zone name and designation on map

6.1.1 The Local Area Overlay zone shall be depicted on a map and shall be referred to by the code (LAO2) 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.

6.2 Purpose of the zone and incorporation of land

6.2.1 The purpose of the local area overlay zones is to provide more detailed development parameters for a specified local area.
6.2.2 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.

6.3 Areas designated as local area overlay zones

6.3.1 Municipality has designated the areas listed in Table A as Local Area Overlay zones.

TABLE A: LOCAL AREA OVERLAY ZONES		
Number and Map Reference	**Description of Area**	**Colour on map**
LAO2	Adam Tas Corridor Local Area Overlay Zone	TBC

6.4 Areas declared as local overlay zone areas and specific provisions

Sub-sections 1-4 deals with the Techno Park Local Area Overlay Area.

6.4.1 The Adam Tas Corridor Local Overlay Area is indicated on Map LAO2 and the parameters in this subsection will apply as indicated.

6.4.2 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.

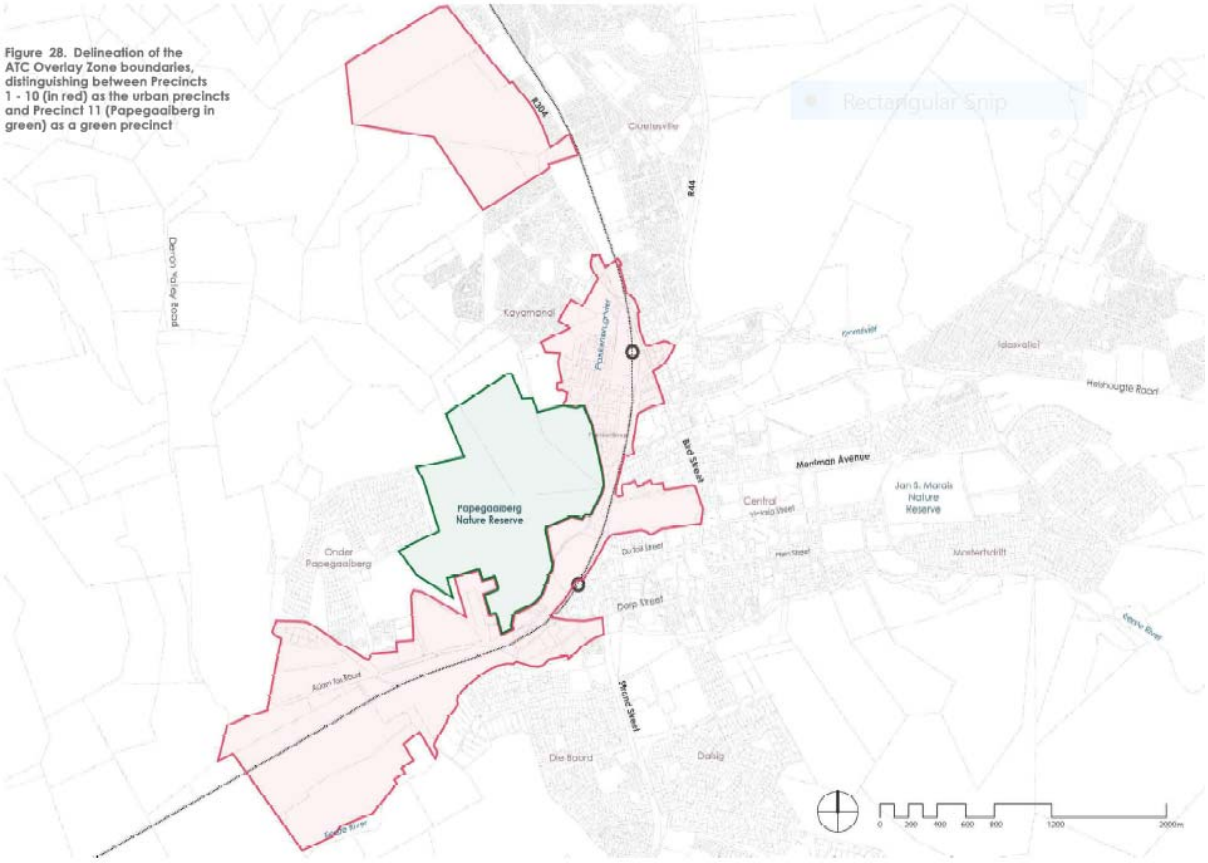


Figure 28. Delineation of the ATC Overlay Zone boundaries, distinguishing between Precincts 1 - 10 (in red) as the urban precincts and Precinct 11 (Papegaaiberg in green) as a green precinct

6.4.3 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.

6.4.4 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.

6.4.5 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.
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.

6.4.6 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	-	-	-	-	-	-

6.4.7 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	-	-	-	-	-	-	-	-	-	-	-	-		

6.4.8 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.

6.4.9 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.

6.4.10 The following land uses are permitted in the Adam Tas Corridor Local Area Overlay zone:

PRIMARY USES		CONSENT USES	
Ancillary uses Adult entertainment business Apartment/flat Builder's yard Authority use Filling station/service station Backpacker establishment Freestanding base telecommunication station Business premises Funeral parlour Church/place of worship Gambling place Clinic Helicopter landing pad Clubhouse Hospital Commercial gymnasium Motor vehicle fitment centre Commercial services	Rooftop base tele-communication station Employee housing Shopping centre Escort agency Transport purposes (goods) Extramural facility Warehouse Function venue/place of entertainment/ tourist facilities Parking garage Heritage resource Hostel Hotel Indoor sport Industry Liquor store Loading bay Market Medical consulting rooms Museum	Natural environment/Nature area Occasional use Office Outdoor sport Parking bay/parking garage Place of assembly Place of education Place of entertainment Plant nursery Postal agency Private outdoor space Private road Proclaimed road Professional service Public institution	Public and private open space Public parking area Public place Public road Railway use Restaurant Service trade Shop Tertiary educational institution Training centre Transport purposes (passengers) Utility installation Wellness centre Welfare institution

Motor vehicle repair centre Community residential building Motor showroom Commune Old age home Conference facility Renewable energy installation Day care centre			

6.4.11 The Municipality will follow a package of plans approach as the basis for approvals in respect of the Adam Tas Corridor Overlay Zone.

6.4.12 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.

6.4.13 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.

6.4.14 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.

6.4.15 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.

6.4.16 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.

6.4.17 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.

6.4.18 Final Road Reserve widths will be determined by the Municipality's Infrastructure Services in collaboration with the Planning Department.

6.4.19 Non-motorized transport and public transport in the overlay zone must be promoted.

6.4.20 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.

6.4,21 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.

6.4.22 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.

6.4.23 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.

6.4.24 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.

6.4.25 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.

6.4.26 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.

6.4.27 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.

6.4.28 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.

6.4.29 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.

6.4.30 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.

6.4.31 The Institutional mechanism referred to 6.4.29 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.

6.4.32 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.

6.4.33 Public participation related to the Adam Tas Corridor Overlay Area as contemplated in the Stellenbosch Municipality Land Use Planning By- law, 2023 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.

6.4.34 As part of the dedicated institutional arrangements contemplated 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.

6.4.35 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.

6.4.36 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.

6.4.37 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.

6.4.38 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.

6.4.39 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.

6.4.40 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.

SCHEDULE 4

ZONING TRANSITION TABLE

STELLENBOSCH ZONING SCHEME BY-LAW, 2019			STELLENBOSCH DRAFT ZONING SCHEME BY-LAW, 2023		
Zoning	**Primary uses**	**Additional uses**	**Zoning**	**Primary uses**	**Accommodation of existing additional uses**
CONVENTIONAL RESIDENTIAL ZONE	• Dwelling house	• Bed & Breakfast • Home day care • Home occupation • Home lodging • Second dwelling	**SINGLE RESIDENTIAL ZONE I**	Dwelling House	Primary uses: • Bed & Breakfast • Home child care • Home occupation • Second dwelling (≤60m²) Consent uses: • Second dwelling (exceeding >60m²) • Home lodging
LESS FORMAL RESIDENTIAL ZONE	• Dwelling house • Shelter • Second dwelling • Group housing • Bed & breakfast • Home day care centre • Home occupation • House shop • Home lodging • Other social, educational, religious, occupational or business purposes		**SINGLE RESIDENTIAL ZONE II**	Dwelling house Shelter	Primary uses: • Bed & Breakfast • Home child care • Home occupation • Second dwelling (≤60m²) Consent uses: • Second dwelling (exceeding >60m²) • Home lodging • House shop
			COMMUNITY ZONE I	Place of instruction	
			COMMUNITY ZONE II	Place of worship	
			COMMUNITY ZONE III	Institution	
MULTI-UNIT RESIDENTIAL ZONE	• Dwelling house • Flats • Group housing • Guest house • Hostel • Retirement village • Second dwelling house • Tourist dwelling unit • Commune	• Bed and Breakfast • Home day care • Home occupation • Home lodging	**SINGLE RESIDENTIAL ZONE I**	Dwelling House	Primary uses: • Bed & Breakfast • Home child care • Home occupation • Second dwelling (≤60m²) Consent uses: • Second dwelling (exceeding >60m²) • Home lodging • Guest house • Self-catering unit • Commune
			GENERAL RESIDENTIAL ZONE I	Group housing	Consent uses: • Commune • Home occupation • Retirement resort • Self-catering unit

			GENERAL RESIDENTIAL ZONE III	Flats	Consent uses: • Commune • Home occupation • Retirement resort • Self-catering unit
			GENERAL RESIDENTIAL ZONE V	Boarding Hostel	
LOCAL BUSINESS ZONE	• Business premises (including a shop, market, restaurant, office) • Clinic • Flats • Medical consulting rooms	• Tourist dwelling unit (in flat) • Commune (in flat)	**BUSINESS ZONE I**	Business premises	Primary uses: • Shop • Supermarket • Flats • Restaurant • Office • Medical consulting rooms Consent uses: • Commune (flats) • Self-catering unit (flats)
			BUSINESS ZONE II	Shop	Primary uses: • Flats Consent uses: • Restaurant • Commune (flats) • Supermarket
			BUSINESS ZONE III	Neighbourhood shop	Primary uses: • Flats • Medical consulting rooms Consent uses: • Restaurant • Supermarket
MIXED-USE ZONE	• Business premises (including a shop, market, restaurant, office) • Commune • Clinic • Community residential building • Extramural facility • Flats • Guest house • Hostel • Hotel • Plant nursery • Public institution • Tourist dwelling unit • Tourist accommodation establishment • Welfare institution		**BUSINESS ZONE I**	Business premises	Primary uses: • Shop • Supermarket • Flats • Restaurant • Office • Medical consulting rooms Consent uses: • Commune (flats) • Self-catering unit (flats)
			BUSINESS ZONE II	Shop	Primary uses: • Flats Consent uses: • Restaurant • Commune (flats) • Self-catering unit (flats) • Supermarket
			BUSINESS ZONE III	Neighbourhood shop	Primary uses: • Flats • Medical consulting rooms Consent uses: • Restaurant

					• Supermarket • Commune (flats) • Self-catering unit (flats)
			COMMUNITY ZONE I	Place of instruction	
			COMMUNITY ZONE III	Institution	
			GENERAL RESIDENTIAL ZONE III	Flats	Consent uses: • Commune • Self-catering unit
			GENERAL RESIDENTIAL ZONE V	Hotel	
			GENERAL RESIDENTIAL ZONE IV	Guest lodge	
INDUSTRIAL ZONE	• Builder's yard • Filling station • Funeral parlour • Industry • Motor vehicle fitment centre • Motor vehicle repair centre • Motor showroom • Plant nursery • Service station • Warehouse • Rooftop base telecommunication station	• Employee housing • Shop	**INDUSTRIAL ZONE I**	Light industry	Primary uses: • Warehousing • Service station Consent uses: • Rooftop base telecommunication station • Convenience shop
			INDUSTRIAL ZONE II	Industry	Primary uses: • Builder's yard • Service station • Funeral parlour • Motor repair garage • Warehousing • Rooftop base telecommunication station • Caretaker's quarters • Factory shop • Ancillary shop
			BUSINESS ZONE VI	Service station	Consent uses: • Motor repair garage
EDUCATION ZONE	• Day care centre • Extramural facility • Hostel • Indoor sport • Outdoor sport • Place of education • Tertiary educational • Public institution	• Dwelling house • Employee housing • Place of worship	**COMMUNITY ZONE I**	Place of instruction	Primary uses: • Crèche • School • College • University • Ancillary sports and recreation centre • Ancillary boarding hostel • Ancillary place of worship Consent uses: • Place of assembly
COMMUNITY ZONE	• Clinic	• Dwelling house	**COMMUNITY ZONE III**	Institution	Primary uses: • Hospital • Clinic

	• Community residential building • Day care centre • Extramural facility • Indoor sport • Medical consulting rooms • Outdoor sport • Place of assembly • Place of education • Public institution • Welfare institution • Place of worship	• Employee housing			• Social facility Consent uses: • Place of instruction
			COMMUNITY ZONE II	Place of worship	Primary uses: • Ancillary dwelling • Ancillary crèche • Religious instruction Consent uses: • Place of instruction • Institution
UTILITY SERVICES ZONE	• Utility services • Rooftop base telecommunication station • Authority use • Parking garage • Public parking • Public road • Rooftop base telecommunication station	Employee housing Market	**UTILITY ZONE**	Utility service	Primary uses: • Rooftop base telecommunication station
			AUTHORITY ZONE	Authority use	
			TRANSPORT ZONE II	Public street	Primary uses: • Public street • Public parking Consent use: • Multiple parking garage • Market
TRANSPORT FACILITIES ZONE	• Filling station • Public parking area • Private road • Transport purposes (goods) • Transport purposes (passengers)	• Market • Restaurant • Rooftop base telecommunication station • Shop	**TRANSPORT ZONE I**	Transport use	Primary uses: • Transportation of goods or passengers • Multiple parking garage • Rooftop base telecommunication station Consent use: • Service station • Market • Business premises
			TRANSPORT ZONE III	Private road	
PUBLIC ROADS AND PARKING ZONE	• Public road • Public parking area • Utility service	• Rooftop base telecommunication station • Market	**TRANSPORT ZONE II**	Public street	Primary uses: • Public street • Public parking Consent use: • Multiple parking garage • Market
			UTILITY ZONE	Utility service	

PUBLIC OPEN SPACE ZONE	• Open space • Natural environment	• Rooftop base telecommunication station	**OPEN SPACE ZONE I**	Public open space	Primary uses: Open space
PRIVATE OPEN SPACE ZONE	• Open space • Natural environment	• Rooftop base telecommunication station	**OPEN SPACE ZONE II**	Private open space	Primary uses: Open space
NATURAL ENVIRONMENT ZONE	• Natural environment	• Dwelling house • Rooftop base telecommunication station	**OPEN SPACE ZONE III**	Nature conservation area	Primary use: Dwelling house Consent uses: Rooftop base telecommunication station
			OPEN SPACE ZONE IV	Nature reserve	Primary use: Worker accommodation Consent uses: Rooftop base telecommunication station
AGRICULTURE AND RURAL ZONE	• Agriculture • Agricultural building (≤2000m²) • Dwelling house • Forestry • Natural environment • Poly tunnel (≤2000m²) • Second dwelling • Employee housing	• Agricultural building (>2000m²) • Agricultural industry (≤2000m²) • Bed and breakfast • Employee housing • Guest house • Home day care • Home occupation • Tourist dwelling units • Tourist facility • Polytunnel (>2001m² and ≤5000m²)	**AGRICULTURAL ZONE I**	Agriculture	Primary uses: • Agriculture • Agricultural building (≤2000m²) • Natural veld • Plantations • Agricultural worker accommodation • Agricultural industry(≤2000m²) • Intensive horticulture (≤2000m²) • Dwelling house • Home child care • Bed and breakfast • Home occupation Consent uses: • Additional dwelling unit • Agricultural building (>2000m²) • Agricultural industry(>2000m²) • Intensive horticulture (>2000m²) • Guest house • Guest lodge • Home lodging • Self-catering unit • Tourist facility
LIMITED USE ZONE	• Dwelling house and/or • Limited to existing lawful uses at		**UNDETERMINED ZONE**	None	
			NON-CONFORMING USE	An existing land use that was lawful in	

	commencement date			terms of a previous zoning scheme but that does not comply with this zoning scheme	

To note: The transitional tables serve as a guideline, but actual land use rights need to be verified and recorded in the zoning register and map.

SCHEDULE 5
GENERAL

1. Repeal

The Stellenbosch Municipality: Zoning Schee By-law, 2019 zoning scheme by-law is hereby repealed.

2. Short title and commencement

2.1 This By-law is called the Stellenbosch Municipality: Zoning Scheme By-law, 2024.

2.2 This By-law shall come into operation on [DATE].

12.2	EXTENSION OF THE PERIOD FOR THE APPLICATION OF A SPECIAL RATING AREA

Collaborator No: ***8/1***
BUDGET KPA Ref No: **Good Governance and Compliance**
Meeting Date: **23 August 2024**

1. SUBJECT: EXTENSION OF THE PERIOD FOR THE APPLICATION OF A SPECIAL RATING AREA

2. PURPOSE

To ask permission from the council to extend the submission date for the application of a Special Rating Area beyond 30 September 2024.

3. DELEGATED AUTHORITY

COUNCIL

FOR DECISION BY MUNICIPAL COUNCIL

In terms of Section 9.2 of the approved Special Rating Area Policy, an application for a special rating area, must be submitted by the end of September of the financial year preceding the establishment of the special rating area.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality has an approved Special Rating Area Bylaw and Policy which give any owner within the jurisdiction of the municipality and who owns property within the proposed special rating area, the right to lodge an application to council for the establishment of a special rating area.

Any application for the establishment of a special rating area must include a motivation report and an implementation plan covering a period from 1 July of a specific year and ending on 30 June of the fifth year or covering such lessor period as may be determined by the CFO.

In terms of the Special Rating Bylaw and Policy of Council, any application for the establishment of a special rating area, must be submitted before 30 September of the financial year preceding the financial in which the special rating area is established.

A notice of intention to establish a special rating area was received from the steering committee of the new proposed Stellenbosch Central SRA(SITI).

The Steering Committee of the Stellenbosch Central SRA indicated that they will not be able to submit their formal application before the due date of 30 September 2024 and they asked for an extension to submit their application by 30 November 2024. This is because they do not have the required number of votes from the property owners in the area, as required by the policy.

Due to time constraints and for budget purposes, the Finance Department can only recommend an extension until the 31st of October 2023. This will give the department sufficient time to evaluate their application and to submit the complete application timeously to council for approval.

5. RECOMMENDATIONS

that Council gives approval to extend the submission date to 31 October 2024 for the application of the Stellenbosch Central Special Rating Area.

6. DISCUSSION / CONTENTS

6.1 Background/Legislative Framework

The legislation applicable is as follows: Municipal Special Rating Area Bylaw, Municipal Special Rating Policy, Municipal Property Rates Act, Act 6 of 2004 as Amended.

6.2 Discussion

Stellenbosch Municipality has an approved Special Rating Area Bylaw and Policy which give any owner within the jurisdiction of the municipality and who owns property within the proposed special rating area, the right to lodge an application to council for the establishment of a special rating area.

Any application for the establishment of a special rating area must include a motivation report and an implementation plan covering a period from 1 July of a specific year and ending on 30 June of the fifth year or covering such lessor period as may be determined by the CFO.

In terms of the Special Rating Bylaw and Policy of Council, any application for the establishment of a special rating area, must be submitted before 30 September of the financial year preceding the financial in which the special rating area is established.

A notice of intention to establish a special rating area was received from the steering committee of the new proposed Stellenbosch Central SRA(SITI).

The Steering Committee of the Stellenbosch Central SRA indicated that they will not be able to submit their formal application before the due date of 30 September 2024 and they asked for an extension to submit their application by 30 November 2024. This is because they do not have the required number of votes from the property owners in the area, as required by the policy.

Due to time constraints and for budget purposes, the Finance Department can only recommend an extension until the 31st of October 2023. This will give the department sufficient time to evaluate their application and to submit the complete application timeously to council for approval.

6.3 Legal Implication

The recommendations complies with the legislation and Council policies.

6.4 Financial implications:

When a special rating area is approved by the residents and council the additional rates that are levied for the special purpose is used for that purpose and administered by the special purpose vehicle who drive and implement the special rating purpose.

6.5 Staff Implications:

No additional staff implications

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

Addressed in the content of the report.

6.8. Comments from Senior Management:

None requested

6.8.1 Municipal Manager

Supports the recommendation.

APPENDIX

Appendix A – Request for extension

FOR FURTHER DETAILS CONTACT:

NAME	Henry Mitchell
POSITION	***Snr Manager Revenue & Expenditure***
DIRECTORATE	***Finance***
CONTACT NUMBERS	***021 808 8016***
E-MAIL ADDRESS	***Henry.Mitchell@stellenbosch.gov.za***
REPORT DATE	19 August 2024

APPENDIX A

Henry Mitchell

From:	marinuslouw@icloud.com
Sent:	Tuesday, 06 August 2024 14:53
To:	Kevin Carolus; Raydine Wenn
Cc:	Pieter Wagener; Henry Mitchell; Ben-Carl Havemann; Daniel Lutz; jeanneret
Subject:	[EX] SRA - Stellenbosch middedorp - submission date extension

Good afternoon CFO Carolus,

We hope it's going well.

We would like to apply for an extension on the submission date for the **Stellenbosch Central SRA (SITI)** to 30 November 2024.

We currently have 450 YES votes and need 1,000 YES votes to include the entire area into an SRA so we're making progress, albeit slowly.

Thank you for your consideration.

Your's sincerely,
SITI Steering Committee

13.	**CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER**

NONE

14.	**CONSIDERATION OF URGENT MOTIONS**

15.	**URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

16.	**REPORTS SUBMITTED BY THE SPEAKER**

NONE

17.	**REPORTS SUBMITTED BY THE EXECUTIVE MAYOR**

NONE

18.	**MATTERS TO BE CONSIDERED IN–COMMITTEE**

NONE

THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER, CLLR Q SMIT AND HE AGREES WITH THE CONTENT.