



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2026-02-13

**MAYORAL COMMITTEE MEETING**  
**WEDNESDAY, 2026-02-18 AT 10:00**

**TO** The Executive Mayor, Ald J Fasser  
The Deputy Executive Mayor, Cllr M Slabbert

**COUNCILLORS** JC Anthony  
R du Toit  
S Heneke  
T Kumm  
L Nkamisa  
C Manuel  
R Pheiffer  
N Olayi  
J Williams

Notice is hereby given that a Mayoral Committee Meeting will be held **in Council Chamber** on **Wednesday, 2026-02-18 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD J FASSER

**CHAIRPERSON**

**AGENDA**  
**MAYORAL COMMITTEE MEETING**  
**2026-02-18**  
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# **APPENDIX 1**

## **Confirmation of Minutes: Mayoral Committee Meeting: 2026-01-22**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2026-01-22

## **MINUTES**

**MAYORAL COMMITTEE MEETING:**

**2026-01-22 AT 10:00**

**MINUTES**  
**MAYORAL COMMITTEE MEETING**  
**2026-01-22**  
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**PRESENT:** Executive Mayor, Ald J Fasser (**Chairperson**)  
Deputy Executive Mayor, M Slabbert

**Councillors:** Ald JC Anthony  
R du Toit  
S Heneke  
T Kumm  
C Manuel  
L Nkamisa  
R Pheiffer  
N Olayi  
J Williams

**Also Present:** Councillor P Crawley (Chief Whip)  
Councillor A Ferns  
Councillor Z Olayi  
Councillor Q Smit (Speaker)

**Officials:** Municipal Manager(G Mettler)  
Acting Director: Infrastructure Services (M Francis)  
Director: Community & Protection Services (G Boshoff)  
Director : Planning and Economic Development (A Barnes)  
Acting Director : Corporate Services (M Willimas)  
Acting Chief Financial Officer (D Jacobs)  
Chief Audit Executive (L Mvandedwa)  
Senior Administration Officer (B Mgcushe)

\*\*\*\*\*

|           |                            |
|-----------|----------------------------|
| <b>1.</b> | <b>OPENING AND WELCOME</b> |
|-----------|----------------------------|

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

|           |                                             |
|-----------|---------------------------------------------|
| <b>2.</b> | <b>COMMUNICATION BY THE EXECUTIVE MAYOR</b> |
|-----------|---------------------------------------------|

Good morning / Molweni / Goeie more.

A warm welcome to everybody at our first scheduled Mayoral Committee meeting for 2026.

I want to acknowledge our Honorable Speaker, Deputy Mayor, Chief whip of council, All members from my mayoral committee as well as All councillors present.

A warm welcome Also to our Municipal manager, our directors, officials and all our members from the public joining us online.

I trust that you all had a good and well-deserved break over the festive season, enjoyed time with your loved ones and that you were able to recharge over Christmas and the New Year.

Over the festive period we had a huge Influx of visitors to our town – local and international visitors – and I was amazed at how our town were buzzing till late evenings, and to see so many people who made Stellenbosch their destination of choice to come and visit and enjoying everything our Valley had to offer. I saw that we still have some visitors here and I hope you enjoy your prolonged visit to our Valley of Opportunity!

#### Back to School & Matric Results

As we return to full momentum, our schools have already reopened. I want to wish all learners and teachers the very best for the year ahead.

A special word of congratulations to our schools on their excellent 2025 matric results. Once again, our schools – big and small – have performed exceptionally well, consistently punching way above their weight.

To all the matriculants: congratulations on your hard-earned success. You have made your schools, families and communities incredibly proud. These results are a clear reminder that hard work truly does pay off.

I also want to express heartfelt appreciation to the teachers, parents, caregivers, tutors and all school staff. These achievements reflect a massive team effort and a shared commitment to excellence in education.

#### Thanks to Festive-Season Staff

I would like to sincerely thank all municipal employees who worked throughout the festive season – day and night – ensuring that emergency services and essential service delivery continued without interruption.

Your dedication does not go unnoticed and the community benefits directly from your commitment.

#### Special Mention: Firefighters

A very special word of recognition goes to our firefighters. This has been an intense fire season, with extremely dry conditions across the region. Our teams have been battling multiple blazes across the municipal area and have even assisted neighboring municipalities when called upon.

We salute these heroes for their courage, professionalism and selflessness. I also want to encourage residents to remain vigilant and follow fire-safety guidelines during this high-risk period.

Also, a big, big word of appreciation to all our Businesses and resident who without thinking twice- started donation programs and looked after our fire fighters in these difficult times. Your willingness to help, step up and portray active citizenry is testament to what makes Stellenbosch special.

#### **Busy Year Ahead**

January has already been a busy month, and we have a very full year ahead of us. And it's good to see that all our systems are fully operational.

Several large projects are underway and details of launches and openings to be shared on all platforms in the coming weeks!

### **Students Returning**

As students return to Stellenbosch, I want to extend a warm welcome to all new students and first-years.

The town is already noticeably busier, and we look forward to another vibrant academic year that contributes so much to the life and economy of our municipality.

### **Investec South African Golf Open –**

As we all are aware, Stellenbosch will soon take centre stage and host of the 115th Investec South African Open, taking place from 26 February to 1 March at the Stellenbosch Golf Club.

Founded just one year after the Open itself, the club has undergone a major transition to once again host our national Open – for only the second time in its illustrious history – marking the proud return of South African golf to the Winelands, and more specifically Our Beautiful Town called Stellenbosch

This prestigious event will place Stellenbosch firmly in the global sporting spotlight, attracting visitors, international media and significant tourism interest and it presents a major boost for our local economy.

The municipality is already providing support and will continue to do everything possible to ensure this event is a massive success and a showcase for our town.

N lekker geleentheid om ons dorpsvere reg te skud, en soos ek en my mayco gaan verneem het, dis nie so maklik om die bal in te slaan nie-

### **Local Government Elections**

All councillors will also be aware that 2026 is a local government election year. While the date is still to be proclaimed by the President, this remains an important context as we continue our work with professionalism and focus on terms of making sure, we continue, and I want to emphasise, continue with our excellent service delivery and response time.

We will expect and see to it that municipal service continues as normal, and we will ensure that we continue to serve our residents with the outmost professionalism, dignity and respect.

### **Harvest Parade – 31 January**

Another highlight on our calendar is the Harvest Parade, taking place on 31 January.



This event is always a special moment for Stellenbosch, celebrating our farmers, winemakers and farm workers and our rich history of winemaking.

In my opinion, we truly produce some of the best wines in the world!

The blessing of the harvest, the colourful floats and the family-friendly atmosphere make this a wonderful community event. I encourage residents to come out and bring family and friends to celebrate with us.

We will be visiting one of our farms soon, and hopefully this year- I will be able to cut some of the grapes.

Councillors

Finally, to my fellow councillors – welcome back. I know that many of you have also been working throughout this period, remaining available to residents, answering calls late at night and early in the morning.

Thank you for your dedication. I wish you strength and success for the year ahead, and I look forward to us continuing to serve our communities to the very best of our ability.

Don't get distracted by noise – it is not called the Silly season for nothing. As elected officials we know, what our pledge entails – We are in Service to our residents. Don't allow false narratives to distract you from your oversight duties. As councillors of this municipality – we are paving the way and showcase good, accountable and transparent governance. Now is not the time to question our resolve- Now is the time to continue Getting things done.423

Thank you.

|           |                                |
|-----------|--------------------------------|
| <b>3.</b> | <b>DISCLOSURE OF INTERESTS</b> |
|-----------|--------------------------------|

NONE

|           |                                          |
|-----------|------------------------------------------|
| <b>4.</b> | <b>APPLICATIONS FOR LEAVE OF ABSENCE</b> |
|-----------|------------------------------------------|

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

Director: Infrastructure Services (S Chandaka)  
Chief Financial Officer (K Carolus)

|           |                                         |
|-----------|-----------------------------------------|
| <b>5.</b> | <b>CONFIRMATION OF PREVIOUS MINUTES</b> |
|-----------|-----------------------------------------|

5.1 The minutes of the Mayoral Committee Meeting held on 2025-11-12 were **confirmed as correct without any amendments.**

|    |                   |
|----|-------------------|
| 6. | STATUTORY MATTERS |
|----|-------------------|

|     |                                            |
|-----|--------------------------------------------|
| 6.1 | TABLING OF THE DRAFT ANNUAL REPORT 2024/25 |
|-----|--------------------------------------------|

Collaborator No: 799770  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 22 January 2026

**1. SUBJECT: TABLING OF THE DRAFT ANNUAL REPORT 2024/25**

**2. PURPOSE**

To table to the Council the draft Annual Report 2024/25 for consideration and approval to be released for public comment.

Furthermore, it is also the purpose of this submission, after the approval of the draft Annual Report 2024/25 by the Council to be released for public comment, to refer the draft Annual Report 2024/25 to the Municipal Public Accounts Committee (MPAC) to fulfil the role of an Oversight Committee and to make a recommendation to the Council as contemplated in terms of Section 129(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The draft Annual Report must be tabled by the executive mayor within seven months after the end of the financial year and be made available for public inspection. The Accounting Officer must invite the public to provide input into the draft annual report. It has become a practice for the MPAC to also invite the public to make verbal representations at meetings where the report is being discussed.

A schedule with proposed dates for the MPAC meetings is also attached hereto as **ANNEXURE A**. The Council resolved that MPAC has, as part of its terms of reference, the role of sitting as the Oversight Committee to consider the draft Annual Report, and to make a recommendation to the Council as contemplated in terms of Section 129(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 6.1**

- (a) that the Council takes note of the draft Annual Report 2024/25;
- (b) that the Council takes note that the Municipal Manager will make the draft Annual Report 2024/25 public for comment on the official website of the Stellenbosch Municipality, the local print media, and at the offices of the municipality for 21 days;
- (c) that the commencement of the public participation process will be the date the draft Annual Report 2024/25 is published on the municipal website;

- (d) that the Council refers the draft Annual Report 2024/25 (**ANNEXURE B**) to the MPAC to consider the draft Annual Report 2024/25 and to make a recommendation to the Council as contemplated in terms of Section 129(1) of the MFMA;
- (e) that the Council takes note of the proposed dates for the MPAC meetings where the draft Annual Report 2024/25 will be discussed, as detailed in **ANNEXURE A**. These dates are subject to change, and the final dates will be published on the municipality's website and in the local media;
- (f) that the Council approves the MPAC's mandate to co-opt two members of the public with expertise in specific fields to assist and advise the MPAC; and
- (g) that the Council approves that the co-opted members can be remunerated in line with the recommendations of the National Treasury Regulation in this regard.

*Rates for additional nominated community members as per Treasury Regulation 20.2.2. The once-off preparation tariff was used as a guide since the National Treasury does not have guidance in that regard. Consultation must take place to decide if the rate will remain the same.*

| Tariff                                                | Number of co-opted members | Not exceeding the number of hours | Remuneration            |
|-------------------------------------------------------|----------------------------|-----------------------------------|-------------------------|
| Per-hour tariff for attendance of meeting as a member | 2                          | 45 hours                          | R 337.00 per hour       |
| Once-off Tariff for duties performed in preparation   | 2                          | 6 hours                           | R 2 698 (for six hours) |

**FOR FURTHER DETAILS CONTACT:**

|                 |                                        |
|-----------------|----------------------------------------|
| 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     | 13 January 2026                        |

|     |                                                                                  |
|-----|----------------------------------------------------------------------------------|
| 6.2 | <b>REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2025/26</b> |
|-----|----------------------------------------------------------------------------------|

Collaborator No: 799773  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 21 January 2026

**1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2025/26**

**2. PURPOSE**

To obtain the Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2025/26.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The TL SDBIP 2025/26 was approved by the Executive Mayor on 20 June 2025. It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), to review its performance indicators and targets after approving the adjustments budget.

A strikethrough and an underline, respectively, indicate all necessary changes that need deletion or amendment (for ease of reference). It should be noted that the TL SDBIP 2025/26 is the in-year plan of the municipality, and amendments made to the TL SDBIP 2025/26 must be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made in the Revised TL SDBIP 2025/26 are considered to be made in the IDP as well.

The reasons for the amendments to the following KPIs are as follows:

- a) KPI002: The target date of the deliverable was revised from 31 May to 30 June. The target date was revised in line with available resources to realistically achieve the planned target.
- b) KPI003: The targets were adjusted upwards in quarters 1 and 2 due to an overachievement in quarters 1 and 2. The overall target will remain at 1 100, as this is in line with the planned projects and available budgets.
- c) KPI005: The target for quarter 1 was adjusted upwards to accommodate the overachievement of the target. The target must be realistic, and any dramatic changes in actual results should be considered when revising the target.
- d) KPI009: The indicator wording was revised to indicate the specific deliverable.
- e) KPI028: The target was revised in line with available resources to realistically achieve the planned target. The construction of the waterborne toilet facilities is scheduled to commence in May 2026.
- f) KPI045: The word "actual" was removed as it is part of the KPI wording.

- g) KPI050: The indicator wording was revised to be in line with the correct committee's name.
- h) KPI056: The KPI has been removed as it was achieved in the previous year. The Electrical Master Plan is revised once every five years.

Any detected spelling, grammatical, and / or alignment errors in the document were also corrected where needed.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 6.2**

- (a) that the Revised TL SDBIP 2025/26 be approved;
- (b) that the Revised TL SDBIP 2025/26 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2025/26 be submitted to:
- i. Internal Audit Unit (for notification);
  - ii. Department of Local Government: Western Cape;
  - iii. Provincial Treasury: Western Cape;
  - ii. Auditor General of South Africa; and
  - iii. National Treasury.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                    |
|------------------------|----------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Geraldine Mettler                                                                                  |
| <b>POSITION</b>        | Municipal Manager                                                                                  |
| <b>DIRECTORATE</b>     | Office of the Municipal Manager                                                                    |
| <b>CONTACT NUMBERS</b> | 021 – 808 8025                                                                                     |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 13 January 2026                                                                                    |

|            |                                                                                                  |
|------------|--------------------------------------------------------------------------------------------------|
| <b>6.3</b> | <b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR 16 NOVEMBER 2025 TO 12 JANUARY 2026</b> |
|------------|--------------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2026

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR 16 NOVEMBER 2025 TO 12 JANUARY 2026**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2025/2026 to report the deviations to the 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 (2025/2026) stipulate that SCM deviations be reported to the Council. In compliance thereto, this report presents to the Council the SCM deviations that occurred during 16 November 2025 to 12 January 2026.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 6.3**

that Council notes with the deviations approved for the month of 16 November 2025 to 12 January 2026.

|                        |                                                                                          |
|------------------------|------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <i>Bentley Louw</i>                                                                      |
| <b>POSITION</b>        | <i>Acting Senior Manager SCM</i>                                                         |
| <b>DIRECTORATE</b>     | <i>Finance</i>                                                                           |
| <b>CONTACT NUMBERS</b> | <i>021 808 8177</i>                                                                      |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Bentley.Louw@ Stellenbosch.gov.za">Bentley.Louw@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | <i>02 January 2026</i>                                                                   |

|     |                                                                                                                               |
|-----|-------------------------------------------------------------------------------------------------------------------------------|
| 6.4 | MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JULY 2025 – 31 DECEMBER 2025 MFMA S116(2)(d) REPORT |
|-----|-------------------------------------------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2026

**1. SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JULY 2025 – 31 DECEMBER 2025 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 July 2025 to 31 December 2025.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 6.4**

that the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 July 2025 to 31 December 2025 be noted.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                            |
|------------------------|--------------------------------------------|
| <b>NAME</b>            | Kevin Carolus                              |
| <b>POSITION</b>        | <i>Chief Financial Officer</i>             |
| <b>DIRECTORATE</b>     | <i>Financial services</i>                  |
| <b>CONTACT NUMBERS</b> | <i>021 808 8528</i>                        |
| <b>E-MAIL ADDRESS</b>  | <i>Kevin.carolus@ Stellenbosch .gov.za</i> |
| <b>REPORT DATE</b>     | <i>02 January 2026</i>                     |

|     |                                                                                                                                                                                                                  |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.5 | <b>OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2025 – 31 DECEMBER 2025)</b> |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2026

**1. SUBJECT:OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2025 – 31 DECEMBER 2025)**

**2. PURPOSE**

To submit to Management a report for the period 01 October 2025 – 31 December 2025 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 2025/2026 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.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 6.5**

- (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.

|                        |                                                                                          |
|------------------------|------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <i>Bentley Louw</i>                                                                      |
| <b>CONTACT NUMBERS</b> | 8177                                                                                     |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Bentley.Louw@ Stellenbosch.gov.za">Bentley.Louw@ Stellenbosch.gov.za</a> |
| <b>DIRECTORATE</b>     | Supply Chain Management                                                                  |
| <b>REPORT DATE</b>     | 02 January 2026                                                                          |



|     |                                           |
|-----|-------------------------------------------|
| 6.6 | MID-YEAR ADJUSTMENTS BUDGET FOR 2024/2025 |
|-----|-------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 January 2026

**1. SUBJECT: MID-YEAR ADJUSTMENTS BUDGET FOR 2024/2025**

**2. PURPOSE**

To table the adjustments budget as envisaged by section 28 of the Municipal Finance Management Act ( Act No.56 of 2003), for the 2025/2026 financial year, for approval.

**3. DELEGATED AUTHORITY**

Approval is required by the Municipal Council.

**4. EXECUTIVE SUMMARY**

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

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 6.6**

- (a) that the Adjustments Budget for 2025/2026 as set out in **APPENDIX 1**, be approved;
- (b) that the list of capital projects be adjusted over the MTREF (2025/2026), as set out in **APPENDIX 1**;
- (c) that that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 2**, be approved; and
- (d) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                     |
|------------------------|-----------------------------------------------------|
| <b>NAME</b>            | <b>MONIQUE STEYL</b>                                |
| <b>POSITION</b>        | <b>SENIOR MANAGER: FINANCIAL MANGEMENT SERVICES</b> |
| <b>DIRECTORATE</b>     | <b>FINANCIAL SERVICES</b>                           |
| <b>CONTACT NUMBERS</b> | <b>021 808 8512</b>                                 |
| <b>E-MAIL ADDRESS</b>  | <b>Monique.Steyl@ Stellenbosch.gov.za</b>           |
| <b>REPORT DATE</b>     | <b>19 January 2026</b>                              |

|            |                                                                 |
|------------|-----------------------------------------------------------------|
| <b>6.7</b> | <b>MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2025/2026</b> |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 January 2026

**1. SUBJECT: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2025/2026**

**2. PURPOSE**

To submit the Section 72 report (Mid-year Budget and Performance Assessment Report) to Council.

**3. DELEGATED AUTHORITY**

**FOR NOTICE BY MUNICIPAL COUNCIL**

In terms of Section 54 of the Municipal Finance Management Act (MFMA), 56 of 2003.

**4. EXECUTIVE SUMMARY**

This report provides the progress made by the Municipality in terms of the Service Delivery Budget and Implementation Plan (SDBIP) for the period 1 July 2025 to 31 December 2025.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 6.7**

- (a) that Council take note of the report and more specifically the assessment and forecasts contained in the report;
- (b) that Council take note that an Adjustments Budget will be tabled to Council as a result of the following:
  - the appropriation of additional allocations received and increased realistically anticipated revenue during the financial year;
  - the reprioritization of projects in line with being completed by the communicated cut-off dates to facilitate year- end preparation;
- (c) that Council note the performance of the Municipality against the set objectives contained in Section 2; and
- (d) that the Accounting Officer attend to ensuring that Directors put the necessary corrective measures in place to ensure that projects are managed proactively in a bid to ensure that Council meet its strategic objectives contained in the Service Delivery and Budget Implementation Plan and to report on same at the end of quarter.

|                        |                                    |
|------------------------|------------------------------------|
| <i>NAME</i>            | Kevin Carolus                      |
| <i>POSITION</i>        | Chief Financial Officer            |
| <i>DIRECTORATE</i>     | Financial Services                 |
| <i>CONTACT NUMBERS</i> | 021 – 808 8528                     |
| <i>E-MAIL ADDRESS</i>  | Kevin.Carolus@ Stellenbosch.gov.za |
| <i>REPORT DATE</i>     | January 2026                       |

|     |                                               |
|-----|-----------------------------------------------|
| 6.8 | MFMA SECTION 52 REPORTING UP TO DECEMBER 2025 |
|-----|-----------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 January 2026

**1. SUBJECT: MFMA SECTION 52 REPORTING UP TO DECEMBER 2025**

**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 2<sup>nd</sup> quarter of the 2025/2026 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*

**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 October 2025 to 31 December 2025.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 6.8**

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

|                |                                              |
|----------------|----------------------------------------------|
| 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    | 21 January 2026                              |

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|----|-------------------------------------------------------------------|
| 7. | CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR:<br>[CLLR J FASSER] |
|----|-------------------------------------------------------------------|

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|-----|----------------------------------------------------|
| 7.1 | COMMUNITY&PROTECTION SERVICES: (PC: CLLR S HENEKE) |
|-----|----------------------------------------------------|

NONE

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|-----|-----------------------------------------------|
| 7.2 | SPORTS, YOUTH AND CULTURE: [PC: CLLR N OLAYI] |
|-----|-----------------------------------------------|

NONE

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|-----|-------------------------------------------------|
| 7.3 | <b>CORPORATE SERVICES: (PC: CLLR L NKAMISA)</b> |
|-----|-------------------------------------------------|

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|-------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.3.1 | <b>LANQUEDOC HOUSING PROJECT: PROPOSED TRANSFER OF UNALLOCATED RESIDENTIAL PROPERTIES AND COMMUNAL PROPERTIES TO STELLENBOSCH MUNICIPALITY</b> |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

21 January 2026

**1. SUBJECT: LANQUEDOC HOUSING PROJECT: PROPOSED TRANSFER OF UNALLOCATED RESIDENTIAL PROPERTIES AND COMMUNAL PROPERTIES TO STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To obtain Council's guidance on the way forward in respect of the proposed transfer of unallocated residential and communal properties in Lanquedoc to the Stellenbosch Municipality.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

During the 1990's the Lanquedoc Housing Project was initiated by the then Anglo-American Farms Limited (AAF) with the view of providing housing opportunities to their employees and ex-employees who left the company in good standing. For this purpose, the Lanquedoc Housing Association (LHA) was duly established for the development of the housing project on land donated by the AAF to the LHA.

On 23 April 2014 an item was before Council in relation to five communal properties to be transferred from the LHA to the Stellenbosch Municipality. It was resolved that the five properties donated to the Municipality be accepted, subject to certain conditions (i.e. that the outstanding debt in the amount of R379 215.12 be written off).

On 28 October 2015 the item returned to Council to rectify two of the property descriptions which was indicated incorrectly in the first item. The correct property descriptions were included in the resolution to accept the donation and accept transfer. By then the debt that was written off had accumulated to R582 331.50, which was also written off by Council.

Until date these properties have not been registered in the name of the Stellenbosch Municipality.

On 25 May 2016 an item was before Council in relation to the proposed transfer of unallocated residential properties to the Stellenbosch Municipality. It was resolved, *inter alia*, that the offer from LHA to donate the 23 improved residential units and eight unimproved sites be accepted, on condition that transfer only occur once vacant occupation has been obtained. This was also on condition that the Municipality waives any outstanding Municipal rates and taxes and outstanding payments for Municipal services or any other debt that may exist regarding the erven. The

Stellenbosch Municipality can utilise the properties as they deem fit but with the condition that any proceeds associated with the sale of the erven and or the overall utilisation of the erven be for the benefit of the Lanquedoc community.

To date the transfer of these 31 properties has not taken place.

The LHA is no longer in existence and can therefore not sign any agreements or transfer documentation. The Stellenbosch Municipality does however have the necessary *locus standi* to approach the court to appoint someone who can sign on behalf of the Association.

Council should consider whether it wants to proceed with the donation and transfer of properties as per the 2015 and 2016 resolutions. It is important to note that in terms of the 2016 resolution Council would only accept the donation if it was vacant properties. However, since the Lanquedoc Housing Association does no longer exist no one will attend to the evictions.

A task team will also have to investigate the current state and status of all these properties and provide a report to Council after the investigation is completed.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 7.3.1**

- (a) that Council takes note of the fact that the two Council resolutions to accept transfer of the five communal properties and the 31 residential properties have not been implemented and that the properties are still registered in the name of the Lanquedoc Housing Association;
- (b) that Council confirms the acceptance of the donation of all 36 properties in Lanquedoc and that the administration be tasked with:
  - (i) Investigating the current state and status of the properties; and
  - (ii) Appointing attorneys to approach court for an appointment of a suitable person to sign the transfer documents on behalf of the Lanquedoc Housing Association to have the properties transferred to the Municipality.
- (c) that after the investigation as to the current state and status of the property is concluded, a report be brought back to Council; and
- (d) that a report be brought back to Council every six months on the progress on the appointment of a suitable person to sign on behalf of the Lanquedoc Housing Association as well as the progress on the transfer of the properties.

|                        |                                                                                                      |
|------------------------|------------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <b>Yolande van den Berg</b>                                                                          |
| <b>POSITION</b>        | <b>Head: Contract Management</b>                                                                     |
| <b>DIRECTORATE</b>     | <b>Corporate Services</b>                                                                            |
| <b>CONTACT NUMBERS</b> | <b>021-8088073</b>                                                                                   |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:yolande.vandenberg@ Stellenbosch.gov.za">yolande.vandenberg@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | <b>2025/11/26</b>                                                                                    |

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|-------|------------------------------------------------------------------------------------|
| 7.3.2 | <b>POSSIBLE DISPOSAL OF A PORTION OF ERF 342 KLAPMUTS FOR EDUCATIONAL PURPOSES</b> |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

21 January 2026

**1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF ERF 342 KLAPMUTS FOR EDUCATIONAL PURPOSES**

**2. PURPOSE**

To obtain Council's in-principle approval for the disposal of a portion Erf 342 Klapmuts for Educational purposes.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

It is a well-known fact that there is an urgent need for more schools in the Stellenbosch Municipal area. In the Klapmuts area there is currently a crisis in primary school education due to the number of students far outweighing the capacity of the schools in the area and the availability of land to construct new schools. The Municipality has been approached by several non-profit organisations who have indicated their willingness to assist in the establishment of new schools in several areas. One of the areas which is mentioned is Klapmuts and the area which has been identified as a possible solution is a portion of Erf 342 Klapmuts measuring 1.5 hectares.

Council needs to consider giving its in-principle approval for the disposal of this portion of land by following a competitive process if the land is to be sold or leased to a private entity or non-profit organisation. Council further needs to approve the public participation process.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 7.3.2**

- (a) that Council takes note of the need for schools in the Klapmuts area;
- (b) that Council confirms that the portion of Erf 342 Klapmuts (next to the multi-purpose centre) is not needed to provide the basic minimum municipal services;
- (c) that Council approves, in-principle, the disposal of a portion of Erf 342 Klapmuts for educational purposes;
- (d) that a valuator be appointed to determine the fair market related rental alternatively sales price and that the land be made available at a percentage of the market related price to a Non-Profit Organisation; and
- (e) that Council authorises the administration to attend to the public participation process whereafter the item will return to Council for a final decision.



**FOR FURTHER DETAILS CONTACT:**

|                               |                                                                                                      |
|-------------------------------|------------------------------------------------------------------------------------------------------|
| <b><i>NAME</i></b>            | <b>Yolande van den Berg</b>                                                                          |
| <b><i>POSITION</i></b>        | <b><i>Head: Contract Management</i></b>                                                              |
| <b><i>DIRECTORATE</i></b>     | <b><i>Corporate Services</i></b>                                                                     |
| <b><i>CONTACT NUMBERS</i></b> | <b><i>021-8088073</i></b>                                                                            |
| <b><i>E-MAIL ADDRESS</i></b>  | <a href="mailto:yolande.vandenberg@ Stellenbosch.gov.za">yolande.vandenberg@ Stellenbosch.gov.za</a> |
| <b><i>REPORT DATE</i></b>     | <b><i>2025/11/11</i></b>                                                                             |

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|-------|---------------------------------------------------------------------------------------------|
| 7.3.3 | <b>REVIEW OF POLICY ON THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY'S IMMOVABLE PROPERTY</b> |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 January 2026

**1. SUBJECT: REVIEW OF POLICY ON THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY'S IMMOVABLE PROPERTY**

**2. PURPOSE**

To inform Council of the comments received from National Treasury in respect of the Municipality's Policy on the Management of Stellenbosch Municipality's Immovable Property and advise on the way forward.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

On 26 February 2025 Council gave an in-principle approval for a 30-year lease agreement for one of the properties owned by the Stellenbosch Municipality. The approval was subject to a public participation process as well as obtaining inputs and comments from National and Provincial Treasury.

National Treasury filed their inputs and mentions in the comments that the Policy on the Management of Stellenbosch Municipality's Immovable Property is not in line with the Municipal Finances Management Act and the Municipal Asset Transfer Regulations. National Treasury suggests that the Municipality review its policy and bring same in line with legislation.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 7.3.3**

- (a) that Council takes note of the inputs received from National Treasury in respect of the Policy on the Management of Stellenbosch Municipality's Immovable Property;
- (b) that Council agrees that the Policy on the Management of Stellenbosch Municipality's Immovable Property be reviewed as a matter of urgency; and
- (c) that Council approves the task team to attend to the review of the Policy on the Management of Stellenbosch Municipality's Immovable Property to include:
  - i) The Manager Property Management and Municipal Building Maintenance – Ehrel Maletzky;
  - ii) The Head Contract Management – Yolande Van den Berg;
  - iii) Chief Legal Advisor – Mervin Williams; and
  - iv) Chief Financial Officer – Kevin Carolus and or his secundi.

- (d) that Council rescind the Policy on the Management of Stellenbosch Municipality's Immovable Property and that all disposal of capital assets and lease applications be dealt with strictly in accordance with the Municipal Management Finances Act, Municipal Asset Transfer Regulations, Supply Chain Management Policy and the Supply Chain Management Regulations issued thereunder.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                      |
|------------------------|------------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Yolande van den Berg                                                                                 |
| <b>POSITION</b>        | Head: Contract Management                                                                            |
| <b>DIRECTORATE</b>     | Corporate Services                                                                                   |
| <b>CONTACT NUMBERS</b> | 021-8088073                                                                                          |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Yolande.vandenberg@ Stellenbosch.gov.za">Yolande.vandenberg@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 2026/01/19                                                                                           |

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|-----|-------------------------------------------|
| 7.4 | FINANCIAL SERVICES: (PC: CLLR JC ANTHONY) |
|-----|-------------------------------------------|

NONE

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| 7.5 | HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT) |
|-----|-----------------------------------------|

NONE

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| 7.6 | INFRASTRUCTURE SERVICES : (PC : R PHEIFFER) |
|-----|---------------------------------------------|

NONE

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|-----|------------------------------------------------------------------|
| 7.7 | <b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR J WILLIAMS)</b> |
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| 7.7.1 | <b>PAPEGAAIBERG NATURE RESERVE: ENVIRONMENTAL MANAGEMENT PLAN – REVIEW</b> |
|-------|----------------------------------------------------------------------------|

Collaborator No: 799756  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 21 January 2026

**1. SUBJECT: PAPEGAAIBERG NATURE RESERVE: ENVIRONMENTAL MANAGEMENT PLAN – REVIEW**

**2. PURPOSE**

The Papegaaiberg Nature Reserve Environmental Management Plan (EMP) was drafted and approved prior to the area's declaration in terms of the National Environmental Management: Protected Areas Act (57 of 2003) in 2016. As required by the existing EMP the document has been reviewed (**ANNEXURE A**). The EMP was advertised for public input from 5 September to 8 October 2025. Comment received during this period was considered and the EMP finalized. The purpose of this Item is to acquire Council's adoption of the EMP (June 2025) for the next 5-year cycle.

**3. DELEGATED AUTHORITY**

For decision by the Council of Stellenbosch Municipality.

**4. EXECUTIVE SUMMARY**

A portion of Stellenbosch Municipality owned property located on Papegaaiberg, Stellenbosch, was declared a nature reserve (NR) in terms of the National Environmental Management: Protected Areas Act (NEM:PA) in June 2016.

As part of the declaration an EMP was adopted by Council. This EMP has now been reviewed with the assistance of Cape Nature.

The purpose of the Papegaaiberg NR EMP is to provide a strategic tool for management of Papegaaiberg NR, informing the need for specific programs and operational procedures. It provides for capacity building, future thinking and continuity of management of Papegaaiberg NR and enables Stellenbosch Municipality to manage Papegaaiberg NR in such a way that its values and the purpose for which it has been established are protected.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2026-01-22: ITEM 7.7.1**

that Council approves the Papegaaiberg Nature Reserve Environmental Management Plan (June 2025) as guiding document for the management of the area.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                           |
|------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <b>Schalk van der Merwe</b>                                                                               |
| <b>POSITION</b>        | <b>Environmental Planner</b>                                                                              |
| <b>DIRECTORATE</b>     | <b>Community and Protection Services</b>                                                                  |
| <b>CONTACT NUMBERS</b> | <b>021 808 8679</b>                                                                                       |
| <b>E-MAIL ADDRESS</b>  | <b><a href="mailto:schalk.vandermerwe@stellenbosch.gov.za">schalk.vandermerwe@stellenbosch.gov.za</a></b> |
| <b>REPORT DATE</b>     | <b>24 November 2025</b>                                                                                   |

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|-----|------------------------------------------------------------------------|
| 7.8 | PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM :(PC: CLLR T KUMM) |
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|-------|-----------------------------------------------------------------------------------------------------------------------|
| 7.8.1 | TO OBTAIN APPROVAL TO ALLOCATE IDENTIFIED MARKET TRADING SITES TO SERVICE PROVIDERS SUBSEQUENT TO A CALL FOR PROPOSAL |
|-------|-----------------------------------------------------------------------------------------------------------------------|

Collaborator No: 799831  
 IDP KPA Ref No: Valley of Opportunity  
 Meeting Date: 21 January 2026

**1. SUBJECT: TO OBTAIN APPROVAL TO ALLOCATE IDENTIFIED MARKET TRADING SITES TO SERVICE PROVIDERS SUBSEQUENT TO A CALL FOR PROPOSAL**

**2. PURPOSE**

To provide feedback on the public participation process of the Municipality's intention to appoint service providers to operate and manage markets on the identified market trading sites.

To seek Council's approval to allocate market trading sites to service providers subsequent to a call for proposal process and to obtain the relevant approvals required to operate markets from the sites applied for, within Stellenbosch town thereby promoting local economic development and support for informal trading activities.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The item deals with the outcomes of a Call for Proposal process that was followed in terms of Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing of the establishment, management and operations of identified market trading sites.

**THE EXECUTIVE MAYORAL COMMITTEE: 2026-01-22: ITEM 7.7.1**

**RESOLVED**

that this item stands over till the February 2026 Mayoral committee meeting.

|                 |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| NAME            | Carmen Saville                                                                               |
| POSITION        | <i>Senior Local Economic Development Officer</i>                                             |
| DIRECTORATE     | <i>Planning and Economic Development</i>                                                     |
| CONTACT NUMBERS | <i>021 808 8151</i>                                                                          |
| E-MAIL ADDRESS  | <a href="mailto:Carmen.Saville@ Stellenbosch.gov.za">Carmen.Saville@ Stellenbosch.gov.za</a> |
| REPORT DATE     | <i>09 December 2025</i>                                                                      |

---

|     |                                       |
|-----|---------------------------------------|
| 7.9 | RURAL MANAGEMENT: (PC: CLLR C MANUEL) |
|-----|---------------------------------------|

NONE

|      |                   |
|------|-------------------|
| 7.10 | MUNICIPAL MANAGER |
|------|-------------------|

NONE

|    |                                          |
|----|------------------------------------------|
| 8. | REPORTS SUBMITTED BY THE EXECUTIVE MAYOR |
|----|------------------------------------------|

NONE

|    |                |
|----|----------------|
| 9. | URGENT MATTERS |
|----|----------------|

NONE

|     |                                       |
|-----|---------------------------------------|
| 10. | MATTERS TO BE CONSIDERED IN-COMMITTEE |
|-----|---------------------------------------|

SEE PINK DOCUMENTATION.

---

Meeting adjourned at 10:55

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** .....



|     |                                                                                           |
|-----|-------------------------------------------------------------------------------------------|
| 6.  | STATUTORY MATTERS                                                                         |
| 6.1 | MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR 12 JANUARY 2026 TO 11 FEBRUARY 2026 |

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 February 2026

**1. SUBJECT:MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR 12 JANUARY 2026 TO 11 FEBRUARY 2026**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2025/2026 to report the deviations to the 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 (2025/2026) stipulate that SCM deviations be reported to the Council. In compliance thereto, this report presents to the Council the SCM deviations that occurred during 12 January 2026 to 11 February 2026.

**5. RECOMMENDATION**

that Council notes that there were no deviations approved from 12 January 2026 to 11 February 2026.

**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 12 January 2026 to 11 February 2026: No deviations were approved.

## **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.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                            |
|------------------------|--------------------------------------------|
| <i>NAME</i>            | <i>Dalleel Jacobs</i>                      |
| <i>POSITION</i>        | <i>Senior Manager SCM</i>                  |
| <i>DIRECTORATE</i>     | <i>Finance</i>                             |
| <i>CONTACT NUMBERS</i> | <i>021 808 8137</i>                        |
| <i>E-MAIL ADDRESS</i>  | <i>Dalleel.Jacobs@ Stellenbosch.gov.za</i> |
| <i>REPORT DATE</i>     | <i>10 February 2026</i>                    |

|    |                                                                   |
|----|-------------------------------------------------------------------|
| 7. | CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR:<br>[CLLR J FASSER] |
|----|-------------------------------------------------------------------|

|     |                                                    |
|-----|----------------------------------------------------|
| 7.1 | COMMUNITY&PROTECTION SERVICES: (PC: CLLR S HENEKE) |
|-----|----------------------------------------------------|

NONE

|     |                                               |
|-----|-----------------------------------------------|
| 7.2 | SPORTS, YOUTH AND CULTURE: [PC: CLLR N OLAYI] |
|-----|-----------------------------------------------|

|       |                                                                                        |
|-------|----------------------------------------------------------------------------------------|
| 7.2.1 | UPGRADING, DEVELOPMENT AND USE OF KAYAMANDI SPORT FACILITY BY OPEN PLAY FOUNDATION NPC |
|-------|----------------------------------------------------------------------------------------|

Collaborator No: 800597  
IDP KPA Ref No: Valley of Opportunity  
Meeting Date: 18 February 2026

**1. SUBJECT: UPGRADING, DEVELOPMENT AND USE OF KAYAMANDI SPORT FACILITY BY OPEN PLAY FOUNDATION NPC**

**2. PURPOSE**

- 2.1 To inform Council about the proposal and request from Open Play Foundation NPC to upgrade and invest in the Kayamandi Sports Facility for use by Open Play Foundation.
- 2.2 To obtain permission from Council to enter into an agreement with Open Play Foundation (OPF) for the use and upgrade of Kayamandi Sports Facility.

**3. DELEGATED AUTHORITY**

Stellenbosch Municipal Council.

**4. EXECUTIVE SUMMARY**

A request has been received from Open Play Foundation NPC to undertake capital investment and assume operational management of the Kayamandi Sports Facility.

In order for Open Play Foundation NPC to upgrade, invest in, and utilise the Kayamandi Sports Facility, approval is required from Stellenbosch Municipality. This will be formalised through a Memorandum of Understanding, to be drafted in compliance with all applicable municipal legislation.

The project has the full support of the Stellenbosch Sport and Recreation Association (SSRA) and the Kayamandi Sports Council. (see **ANNEXURE B AND C**).

**5. RECOMMENDATIONS**

- (a) that Council notes the Stellenbosch Sport and Recreation Association (SSRA) and the Kayamandi Sports Council support for this project; and
- (b) that Council grant permission to the Community Services Department to conclude a formal agreement through a Memorandum of Understanding with Open Play Foundation.

**6. DISCUSSION**

A request has been received from Open Play Foundation NPC to upgrade and invest in the Kayamandi Sports Facility for use by Open Play Foundation NPC. Annexure A provides details of the following:

- a. PROJECT NAME AND DESCRIPTION
- b. WHO IS OPEN PLAY FOUNDATION NPC
- c. HOW WILL THE PROJECT BE FUNDED
- d. WHAT IS EXPECTED OF THE MUNICIPALITY

**ANNEXURE D** provides further information on the detailed plans.

The advantages of this partnership for Stellenbosch Municipality include the following:

- General maintenance associated with the successful, professional management of the facility.
- Targeted upgrades to the clubhouse.
- Ongoing enhancement of the facility in line with the standards and expectations of a professional centre of excellence.
- Employment of two local Ida's Valley residents for the ongoing maintenance of the facility.
- Investment in the establishment of four new beach tennis courts to support local youth participation.

The request by Open Play Foundation NPC is further supported by the Kayamandi Sports Council (see **ANNEXURE B**) and the Stellenbosch Sport and Recreation Association (see **ANNEXURE C**).

The department supports this application on the basis that the municipal facility will be upgraded, developed, and managed by a professional organisation. In addition, the proposed agreement will promote inclusivity through initiatives such as job creation for residents of Kayamandi facilitated by Open Play Foundation.

**6.1. Financial Implications**

The financial implication for Stellenbosch Municipality will be a saving on maintenance as well as capital costs for the Kayamandi Sport Facility.

**6.2. Legal Implications**

The recommendation in this report complies with Council's policies and all applicable legislation.

**6.3. Staff Implications**

The recommendation has no staff implications for the municipality.

**6.4. Previous / Relevant Council Resolutions**

None.

**6.5. Risk Implications**

The memorandum of understanding (MOU) between Stellenbosch Municipality and Open Play Foundation will address the potential risks for the municipality. The Community Services Department will ensure that all financial and legal compliance regulations are adhered to.

**ANNEXURES:**

**Annexure A:** Open Play Foundation document

**Annexure B:** Kayamandi Sport Council: Letter of Support

**Annexure C:** Stellenbosch Sport and Recreation Association: Letter of Support

**Annexure D:** Detail plans and background from Open Play Foundation

**FOR FURTHER DETAILS CONTACT:**

|                 |                                                                                                      |
|-----------------|------------------------------------------------------------------------------------------------------|
| NAME            | Albert van der Merwe                                                                                 |
| POSITION        | Senior Manager: Community Services                                                                   |
| DIRECTORATE     | Community and Protection Services                                                                    |
| CONTACT NUMBERS | 021 808 8165                                                                                         |
| E-MAIL ADDRESS  | <a href="mailto:Albert.vandermerwe@ Stellenbosch.gov.za">Albert.vandermerwe@ Stellenbosch.gov.za</a> |
| REPORT DATE     | 15 December 2025                                                                                     |

# **ANNEXURE A**

## OPEN PLAY FOUNDATION NPC

### KAYAMANDI SPORT, RECREATION & COMMUNITY FACILITY

#### KEY ELEMENTS

#### 1. PROJECT NAME AND DESCRIPTION

For an agreement between Stellenbosch Municipality and Open Play Foundation NPC, the project can be referred to as the **Kayamandi Sport, Recreation & Community Facility Development Project** (short: “Kayamandi Major”).

**Description:** The Kayamandi Sport, Recreation & Community Facility Development Project (“Kayamandi Major”) is a proposal to re-imagine and redevelop the existing Kayamandi sports precinct, consisting of ERF 1804, ERF 523, and ERF 2174. The development rests on four overarching, integrated pillars/verticals: (1) Sport, Recreation & Community, (2) Educational and Career Support for High-school Students, (3) Trauma-support Services, and (4) Primary Healthcare.

The main structural elements included in the current concept drawings/plans:

- Two full-sized artificial football pitches;
- A four-lane 400-metre athletics track;
- Three to four multi-purpose courts (depending on environmental and building regulations) ;
- A learn-to-swim swimming pool;
- Elevated pedestrian walkway (“promenade”) and fan walk, connecting Plankenbrug with the Kayamandi Corridor and existing pedestrian walkways;
  - Includes storage rooms, dressing rooms, ‘tuck shop’, vendor platforms.
- Spectator seating and ablutions;
- Improved lighting for sports and pedestrian-safety purposes;
- Building A:
  - Technology (“computer”) lab;
  - Study hall;
  - Community hall;
  - Kayamandi Boxing Academy;
  - Reserved office space (for Open Play foundation and selected operating partners);
  - Reception/Security Room.
- Building B:
  - Primary healthcare facility (private clinic and/or hub for community health workers);
  - Staff cafeteria for facilitators, coaches, and community workers directly involved in activating the facility.
- Other considerations (not included in current cost calculations):
  - Upgrades to the stadium to accommodate DDC, Women’s, and Junior high performance football fixtures;



- o Replace blue steel stands at A-field with concrete stands: seating for spectators and home to skills-development centre/entrepreneurship lab.

**Budget:** Calculated in March 2025, the monetary social investment value was professionally estimated at **R240,230,750.00** (~ quarter of a billion rand). This excludes capital and operational expenditures to be incurred by operational partners, but includes a construction budget of R191,505,000.00 (annual cost increase of ~7% to be applied), a contingency budget of R28,727,750.00 (capital efficiencies to be explored), and an operational budget of R20,000,000.00 for the first five years, reserved for selected operational matters.

Open Play proposes an agreement that transfers development and management rights to the Foundation and that a bespoke legal governance structure be created to represent the interests of primary stakeholder groups (Open Play, Municipality, Schools, Kayamandi Sports Council, SSRA, Trauma service providers, Healthcare, Security, After-school network, Community). While Open Play will manage the legal structure (currently called the Board of Overseers), appropriate full-time operational positions will be created, and operating partners will be onboarded to run operations in selected project pillars/verticals and to serve on the Board of Overseers.

## 2. WHO IS OPEN PLAY FOUNDATION NPC?

The Open Play Foundation NPC is a non-profit company without members (NPC: 2023/565348/08) and a Public Benefit Organisation (PBO: 930079664) founded by Remgro Limited and Stellenbosch Football Club in February 2023.

**Mission:** The Open Play Foundation NPC enables the children of Stellenbosch to discover their potential by revitalising public spaces into safe and accessible recreational platforms where the transformative power of sport, culture, and education can be harnessed through community partnerships.

**In practice,** Open Play creates safe and accessible sports and recreational facilities in the communities comprising the greater Stellenbosch Municipal district. Beyond construction, we onboard expert operating partners/community organisations, and we provide continued beneficiary support to ensure that the facilities are taken care of and are utilised optimally to ensure social impact that is aligned with our Building Blocks of HOPE framework (HOPE: Healthy Outcomes from Positive Experiences):

- **Improved emotional and personal growth** through playing and interacting with peers for self-awareness and self-regulation;
- **Improved relationships** within the family and with other children and adults through interpersonal activities;
- **Creating safe, equitable and stable environments** for living, playing, and learning at home, school and in one's immediate community;
- **Improved social and civic engagement** to develop a sense of belonging and connectedness.

Between October 2023 and December 2025, Open Play has unveiled four such projects:

- **GreenSource Sports for Water Facility** at Kayamandi Primary School (artificial mini-football pitch and water harvesting and purification plant);

- ***Pinkie's Promise Multi-purpose Court*** at Ikaya Primary School;
- ***Fiekie's Courts of HOPE*** at Pieter Langevelde Primary School in Cloeteville (one multi-purpose court and one mini-football pitch);
- ***Klipkraal Multi-purpose Court*** at Aitsa Youth Centre in Kylemore.

Beneficiary communities are empowered to oversee day-to-day care and maintenance, but larger maintenance tasks are taken care of by Open Play and our service providers.

In Kayamandi, we have a community coaches programme, supplementing the two primary schools' coaching and sports-organisational capacity by coaching and/or engaging their learners on the Open Play facilities, daily. Starting in 2026, Open Play will be providing two coaches to the Aitsa Youth Centre twice per week. The coaching programme is funded through the IDC's Social Employment Fund and is administered by the Greater Stellenbosch Development Trust (GST).

At Kayamandi Primary School, the GreenSource wastewater management system has enabled Love to Give to grow their community garden programme, employing 100 community members per year. This programme is also supported by the IDC/GST. Love to Give and Open Play co-fund the salary of the garden manager, and our collaboration illustrates Open Play's approach to partnerships: creating platforms that also enable other community organisations to grow their footprint and social impact.

### 3. HOW WILL THE PROJECT BE FUNDED?

The project will be funded with private capital raised through donor funding.

To support the fundraising initiative, Open Play would need the Municipality to, at the very least, issue us a letter of its intent to enter into a formal agreement with us. To be included in this formal notice:

- The nature of the agreement (example: Private-Public Partnership);
- The period applicable to the agreement (example: 9 years and 11 months);
- The Open Play Foundation NPC will have the first right of renewal once the initial agreement nears its expiration date.

These three conditions will be critical to provide donors with the assurance that their funds will be allocated to a project that enjoys legal protection and that is positioned well for long-term impact and sustainability.

### 4. WHAT IS EXPECTED OF THE MUNICIPALITY?

#### a. Legal agreement

Open Play Foundation will draft the first version of the proposed legal agreement before submitting it to the municipality for review. At such time, the municipality's support and guidance will be appreciated greatly to ensure that all parties are protected, aligned, and that roles and responsibilities are clearly and unambiguously expressed.

#### **b. Maintenance Support**

Given the significant investment in Municipal infrastructure and assets, Open Play would request the permanent presence of municipal maintenance staff/groundsmen, who will work closely with the General Manager, who will be appointed as operational manager of the facility. Note that a municipal team is already active at the Kayamandi sports grounds, and Open Play is asking that they be retained for day-to-day maintenance and ground staff duties applicable to sports infrastructure. Also note that no natural turf courts or fields will remain at the facility, eliminating certain current duties, such as watering and mowing of fields.

#### **c. Security services**

The safeguarding of this facility and of the people using it will require an integrated approach to community safety that includes community members and professional security personnel. Concerning the latter, Open Play would request the municipality's involvement in not only creating a collaborative security structure, but also the permanent involvement of municipal law enforcement agencies/structures.

#### **d. Nominal rent**

Given the significant investment in Municipal infrastructure and assets, Open Play would request that only a nominal rental fee be applied. The intent is to make the facility financially self-sufficient by the end of Year 5, and although certain external users and some internal teams/clubs will be expected to pay for the use of facility assets and spaces, the primary objective of the facility is participation and constructive engagement and not commercial in nature. Hence, a nominal rental fee would serve the long-term sustainability of the facility.

#### **e. Exemption from utility payments (i.e., free water, electricity and related services)**

The same motivation and logic apply as referred to under "Nominal rent".

#### **f. Upgrading of Stadium to comply with DDC requirements (NSL Compliance Manual)**

As noted, the upgrading of the stadium to comply with NSL Requirements for the hosting of DDC football is currently not included in the professional project cost calculation, but it is seen as critical to develop a commercial programme aimed at the facility's sustainability. Should the Municipality not agree to such a contribution, Open Play will explore such additions to its project budget, but this will exclude any work on the current municipal stormwater and sewage systems servicing the stadium. These are existing issues and would need to be addressed before construction starts (estimated to be in early 2027).

#### **g. Municipal accessibility and support with Planning, Environmental, and Zoning matters**

The three erven comprising the Kayamandi Sports Precinct would need to be consolidated and appropriately zoned. Erf 2174 (Agriculture and Rural zone) and Erf 523 (Private open space) belong to the Municipality, while Erf 1804 (Education) belong to the Department of Public Works. Only a segment of Erf 1804 intercepts the Sports Precinct and extends down the slope from Ikaya Primary. Here, the Municipality's support would be greatly appreciated when our architects are having to navigate the provincial and municipal corridors to arrive at a consolidated and workable solution.

Furthermore, the proximity to the Plankenburg River will require Municipal involvement when the current concept drawings are replaced with actual drawings and plans. Similar informal discussions have been had with Planning to ensure the project does not duplicate or impede adjacent development plans, but complements them (example: the Kayamandi Corridor and George Blake renewal initiatives). These conversations can only proceed once a formal agreement or intent to go into a partnership has been set.

# **ANNEXURE B**



STELLENBOSCH SPORT AND RECREATION ASSOCIATION

Stellenbosch, 7600  
ssrastellenbosch@gmail.com

Mr. Marco Botha

Open Play Foundation

Stellenbosch

7600

Dear Mr. Botha

**Conditional support – Kayamandi Sport Facility Project**

The SSRA wish to hereby submit our conditional support for the mentioned project. We need to note here that the SSRA has met with you and the leadership of the Kayamandi Sport Council on two occasions where the project was discussed.

From our consultations various matters were raised which addressed potential problematic areas referring to the project. These matters refer to legal, managerial and operational, to name a few.

Our last consultation highlighted matters to be streamlined as well as clarity on some issues to be addressed going forward.

In principle, the SSRA views the project as a positive one which will definitely make an impact to the community of Kayamandi as well as the rest of Stellenbosch. We appreciate the opportunity to being made part of the project and the fact that the Sport Community of Kayamandi are included with the planning of the project.

We wish everyone the best involved with the project.

Regards

**Brian Minnis**

**Chairperson**

**Executive Committee**

B Minnis (Chairperson), J Saaiman (Vice-Chairperson)  
P October (Secretary) B Robyn (Vice-Secretary) D Josephs (Treasurer)

**Additional Executive Members**

F Stubbs, R Steyn, J Adonis

# **ANNEXURE C**



KAYAMANDI SPORT COUNCIL (KSC)

KAYAMANDI SPORT GROUND  
CLUBHOUSE KAYAMANDI  
STELLENBOSCH, 7600

Phone No: 078 134 1722  
Kayamandisport@gmail.com

**24 MARCH 2025**

### **Support for the Proposed Sports, Recreation, and Community Facility**

Dear Marco Botha

I hope this letter finds you well. On behalf of the Kayamandi Sport Council (KSC), we hereby confirm our full support for the proposed Sports, Recreation, and Community Facility that Open Play Foundation seeks to develop at the existing Kayamandi Sports Precinct. The Kayamandi Sport Council has been actively engaged and consulted throughout the planning and design process of this project, beginning in April 2023.

Open Play Foundation and Ranyaka Community Development have continuously involved us in discussions, ensuring transparency and collaboration at every stage. We acknowledge and appreciate that various community stakeholders, including those beyond the sporting community, have also been included in shaping this initiative over the past two years.

We strongly believe that the development of such a world-class facility will bring significant benefits to Kayamandi. Improved access to quality sports infrastructure will enhance talent development, provide a safe and structured environment for youth engagement, and promote physical and social well-being. Furthermore, the multi-purpose nature of the facility will create opportunities beyond sports, fostering education, entrepreneurship, and community cohesion.

From our experience working with Open Play Foundation and Ranyaka Community Development, we can attest to their professionalism, commitment, and dedication to community-driven development. Their approach has been inclusive, ensuring that the voices and needs of Kayamandi residents are prioritized in the project's design and implementation.

The Kayamandi Sport Council looks forward to continued collaboration as this transformative project moves forward. We believe it will leave a lasting impact on our community and contribute to the positive development of sport and social cohesion in Kayamandi.

Should you require any further information, please do not hesitate to reach out.

Kind Regards!

Kwezi Mfazweni  
KSC- Secretary  
0781341722  
KayamandiSport@gmail.com



# **ANNEXURE D**





**KAYAMANDI SPORTS, RECREATION AND COMMUNITY FACILITY**  
**STELLENBOSCH MUNICIPALITY**  
April 2025 | By Marco Botha







**Open Play Foundation NPC**

1 Krige Road

Stellenbosch

7600

Company registration: 2023/565348/08

PBO reference number: 930079664

E: marco@openplayfoundation.com

C: 082 447 6299

**Directors**

Faffa Knoetze (Chair, Remgro)

Mariza Lubbe (Remgro)

Stefan Crouse (Remgro)

Hanli Brink (Independent)

Marco Botha (CEO, ex officio)

**Primary partner:** Open Play Foundation NPC with Stellenbosch Football Club

**Community engagement and consultation partner:** Ranyaka Community Development

**Architects:** The MAAK

**Quantity Surveyor:** De Leeuw Group

**Land Surveyor:** Outline Building Measurement Specialists

# Kayamandi Re-imagined

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*Imagine a community where every child has access to safe spaces to play, socialise, and learn, freely. A community where make-do goal posts, dirt pitches and deflated balls are replaced with goals for an attainable future and control of one's destiny. Where fear and powerlessness are displaced by a shared sense of togetherness, dignity, and hope. A community where kids can be kids: active, healthy, engaged, curious, loved, cared for, and heard; a seed preparing to flower in the fullness of its potential.*

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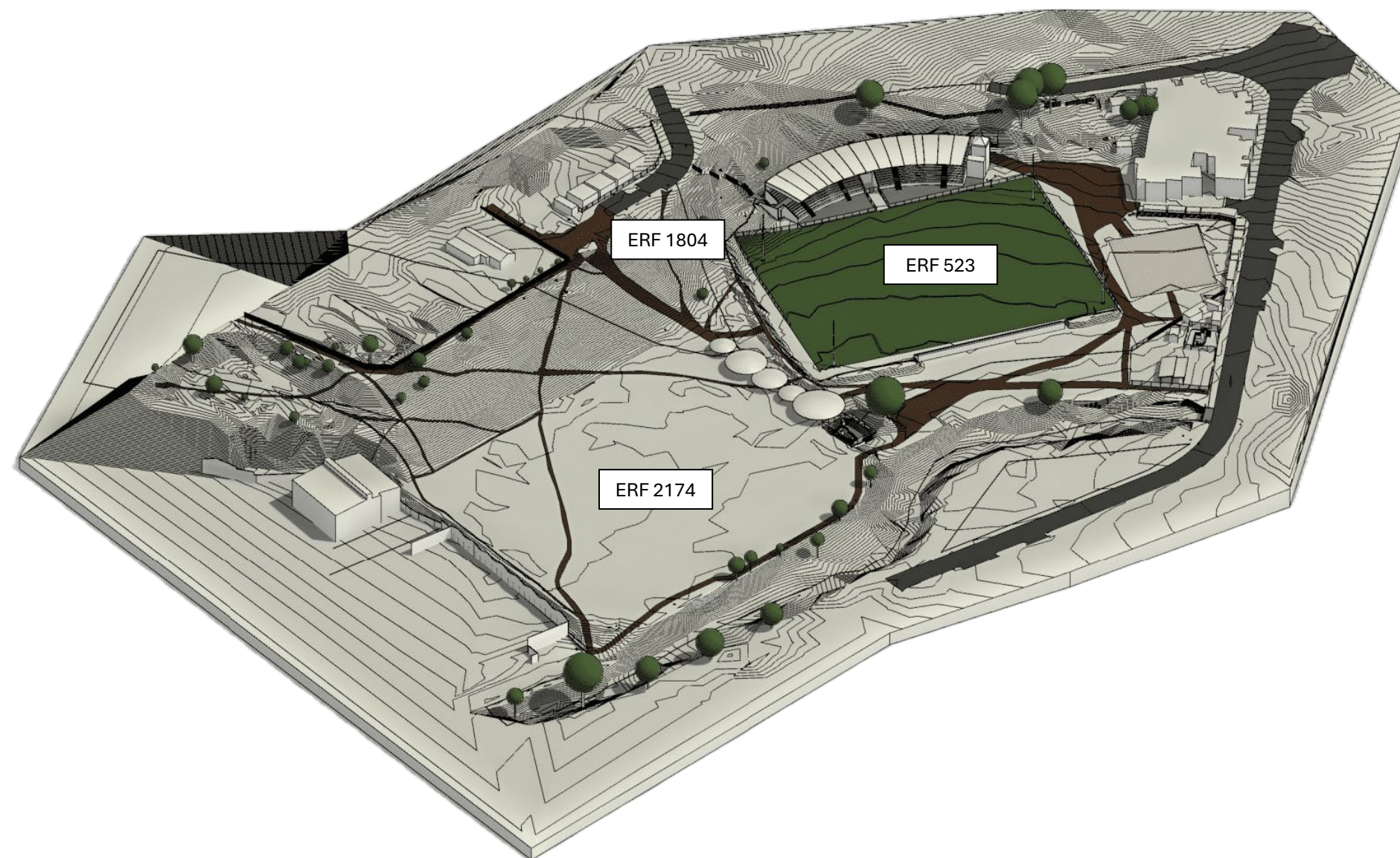
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|                                                            |       | <b>9. Contact details</b>                                      | p. 57 |

## SYNOPSIS

The purpose of this report is to present to the Stellenbosch Municipality a proposed community infrastructure development the Open Play Foundation envisions for Kayamandi. To date, we have had informal discussions with municipal representatives, but the emerging scale of the project and social investment now requires greater clarity and certainty on the feasibility of the project – from a municipal perspective – **and the correct pathway to approval and implementation.**

The Open Play Foundation NPC proposes a significant redevelopment of Kayamandi's sports precinct – spanning Erf 523, 2174, and 1804 – into a modern sports, recreation and community facility. **Current use will not be changed but enhanced** by upgrading and adding to the existing sports infrastructure while also integrating complementary facilities that address social challenges that were identified during **two years of community engagement and consultation.** The current professionally estimated project budget is **R240 million**, excluding certain non-essential elements *and* without having explored capital efficiencies to bring the total project cost down.



# FOUR INTEGRATED PROJECT PILLARS

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***Sports, Recreation & Community***



***Educational and Career Support for High-school Students***



***Trauma-support Services***



***Primary Healthcare Relief***

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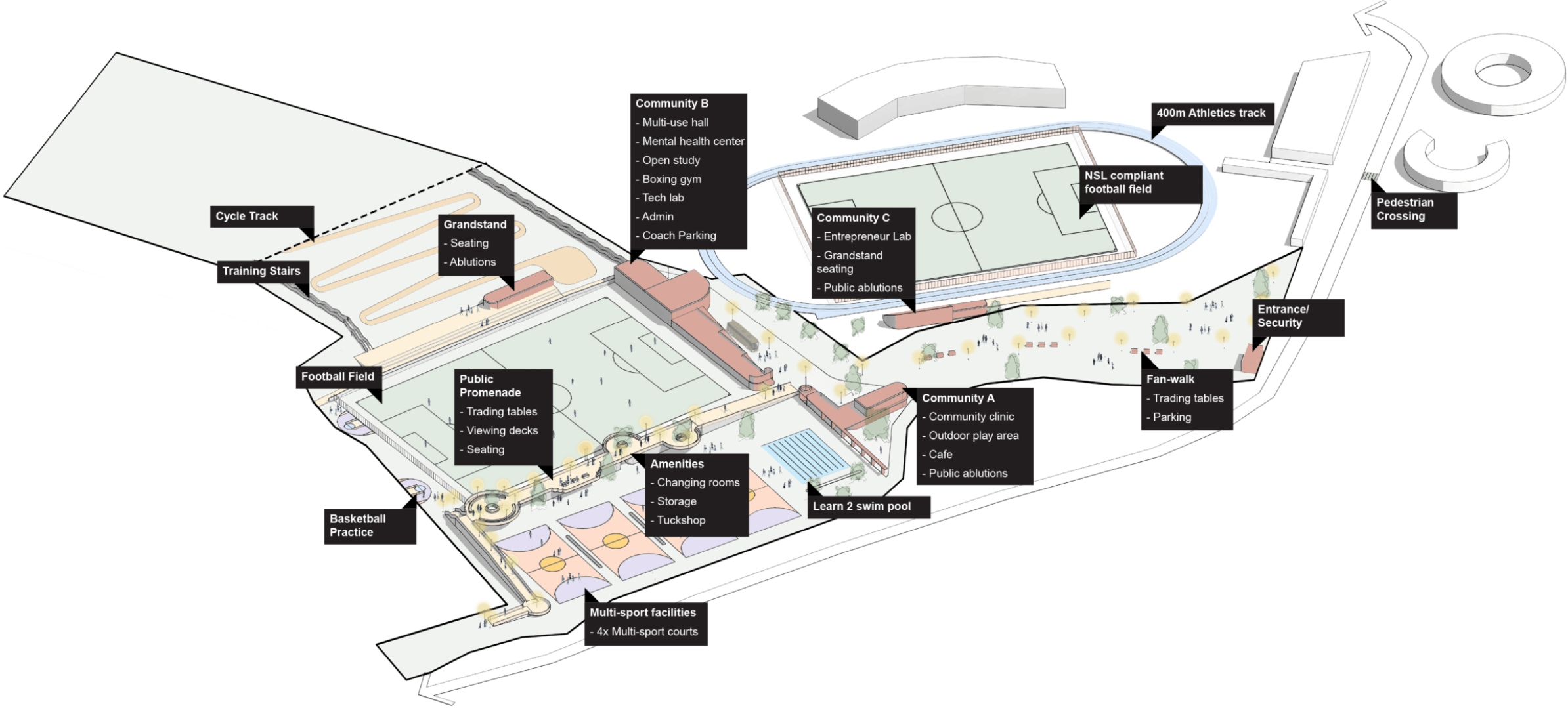


## PRIMARY ELEMENTS OF THE PROPOSED DEVELOPMENT

- **Two full-sized artificial football pitches**
  - Stadium-field replaced/upgraded (“A-field”)
  - New “B-field” on Erf 2174
- **A four-lane 400-metre artificial athletics track**
- Three to four **multi-purpose courts**, catering for netball, adapted hockey, volleyball, basketball, tennis, and Indigenous Games
- An adult-sized **learn-to-swim pool**;
- A pedestrian **promenade** that also houses storage facilities, dressing rooms, and a tuck shop
- **Community seating and ablutions** on the slope between the bottom of Erf 2174 and Songo.info
- **Community Building A:**
  - Digital lab (MiDo Foundation)
  - Study hall
  - Community hall
  - Kayamandi Boxing Academy
  - Reserved office space (Open Play Foundation & Community Keepers)
- Shared meeting and trauma counselling rooms
- **Community Building B:**
  - Basic Health care facility (TBD: Training hub for community health workers and/or social enterprise private clinic, similar to Kayamandi’s Unjani Clinic)
  - Staff cafeteria for facilitators, coaches and community workers directly involved in activating the facility.
  - Security room

### Other considerations:

- Basic infrastructure upgrades to the stadium per the NSL Compliance Manual to support the hosting of Diski, Women’s and junior high-performance football matches;
- Lighting for sports and pedestrian safety purposes;
- Replace derelict blue stands next to the A-field with concrete stands, serving as seating for spectators and hosting a skills development centre / entrepreneurship lab below.



## PREFACE: Marco Botha (CEO)

### Mission and Vision



The Open Play Foundation NPC enables the children of Stellenbosch to discover their potential by revitalising public spaces into safe and accessible recreational platforms where the transformative power of sport, culture, and education can be harnessed through community partnerships.

### Who is the Open Play Foundation?

The Open Play Foundation has a dynamic approach to creating safe spaces for children to thrive through community collaboration.

**Remgro Limited** and **Stellenbosch Football Club (SFC)** founded the Open Play Foundation in January 2023 with the conviction that safe and accessible recreational spaces designed and activated by communities for communities will enable the children of Stellenbosch to discover their full potential. Stellenbosch has an abundance of world-class sports and recreational facilities, but these are mostly inaccessible to many communities in and around town. The tension between high performance -, responsible use -, and maintenance objectives could be relieved by investing in community facilities that are designed for inclusion and mass participation. Otherwise, our children – and their wider communities – would continue to be restricted to undermaintained or over-utilised public and school spaces and infrastructure that are not fit for purpose and don't support optimal engagement and childhood development.

In just more than two years, the Open Play Foundation has already played an important role as a facilitator of partnerships and a custodian of the values and principles involved in developing infrastructure as a basis for socio-development programmes that are aimed at establishing platforms where community organisations such as sports clubs, NGOs, businesses, schools, and community members can collaborate

to improve social cohesion, create opportunities for informal and organised play, and introduce initiatives addressing community-specific needs. Ultimately, whole communities benefit from investments that are geared towards developing active and actively engaged children who have access to the recreational, cultural and educational resources and support every child deserves.

At the most basic level, **we invest in and develop sports and recreation facilities in Stellenbosch's under resourced communities**, transforming under or overutilized public or school spaces into safe and accessible facilities.

Our strategic approach is vested in the **HOPE Framework (Healthy Outcomes from Positive Experiences)**. Through sport and recreation, we aim to have a constructive impact in at least four areas that determine individual and community well-being:

1. **Social and Civic Engagement** to develop a sense of belonging and connectedness;
2. **Safe, equitable and stable environments** for living, playing, and learning, at home and in school;
3. **Relationships** within the family and with other children and adults through inter-personal activities;
4. **Emotional and Personal growth** through playing and interacting with peers, for self-awareness and self-regulation.

### The voice of the Community matters

Our approach is highly consultative, and by facilitating and encouraging robust community participation and engagement, we **identify other social challenges that could be addressed through the same infrastructure developments**. This extends our focus and

potential impact beyond sports and recreation, viewing the latter as an effective tool to draw our target beneficiaries to facilities that will ultimately benefit them in more ways than merely encouraging mass participation and active and healthy lifestyles. At face value, Open Play develops platforms that support development through sport. **In reality, we facilitate development through sports and “something else”**; the latter being complementary development opportunities that are community- and project-specific.

### Continuity

Importantly, Open Play remains actively involved in our projects following construction, and the nature of our involvement is also project-specific. Our overarching aim is **to ensure the maintenance, sustainability and constructive activation** of these sites, and some beneficiaries require a more hands-on approach than others.

### Collaboration

Besides co-designing, project managing and supporting projects, we believe in collaboration and partnerships. This goes for project funding and coopting context-specific established operational partners with a good track record, who bring their expertise and services to projects in support of their respective pillars and social objectives. Just as with community consultation, we regard the mobilisation or facilitation of funding and operational partnerships as one of our core duties and strengths.

### Impact-driven

As a non-profit and public benefit organisation, we measure our success by social impact and community development, intending to make our social investments self-sustaining over time. We focus on re-imagining Stellenbosch through a multi-generational lens, with no personal gain involved.

Open Play works to build local capacity and partnerships for community development, providing safe and accessible land, infrastructure, and facilities, while focusing on youth development,

particularly school-aged children. This helps foster personal growth, emotional development, and supportive relationships.

We’ve completed three projects in Stellenbosch, with a fourth in the final approval stage. The Kayamandi Sports, Recreation, and Community Facility, ***our first envisioned project***, is still in progress.

The journey has been slower than others, shaped by the involvement of multiple stakeholder groups, the nuanced community dynamics, and our commitment to compassion, relevance, efficiency, sustainability, and creating lasting impact in every design and planning decision.

The proposed project outline provided in this submission will illustrate the project in the fullest detail.

### Our ask

We are not requesting the (re-)development and management rights of a municipal facility. We request permission and support to **significantly improvement of a municipal asset without changing its current use but to enhance its utility and social value in the community**.

To ensure the success and sustainability of the project and to create value through this social investment, we designed a governance and facility support mechanism that is integrated with the existing Kayamandi Sports Council and reflects the insights and understanding we have gained through two years of stakeholder engagement.

With sincere appreciation for your time and consideration,

**Marco Botha**

*Open Play Foundation CEO*

*April 2025*



## FAFFA KNOETZE

### Chairman: Open Play & Stellenbosch FC



Remgro's rationale for owning SFC can best be explained by the powerful words of Nelson Mandela when he said:

"Sport has the power to change the world. It has the power to inspire. It has the power to unite people in a way that little else does. It speaks to youth in a language they understand. Sport can create hope where once there was only despair."

SFC has embraced this message from the start and continues to contribute to the realisation of these "Madiba benefits" in the wider Stellenbosch region. In addition to meeting the demands of high-performance sport on and off the field, SFC focuses on:

- developing young talent, physically, mentally, emotionally and character wise,
- building relationships across racial and other divides and
- giving people hope, opportunities, excitement and enjoyment.

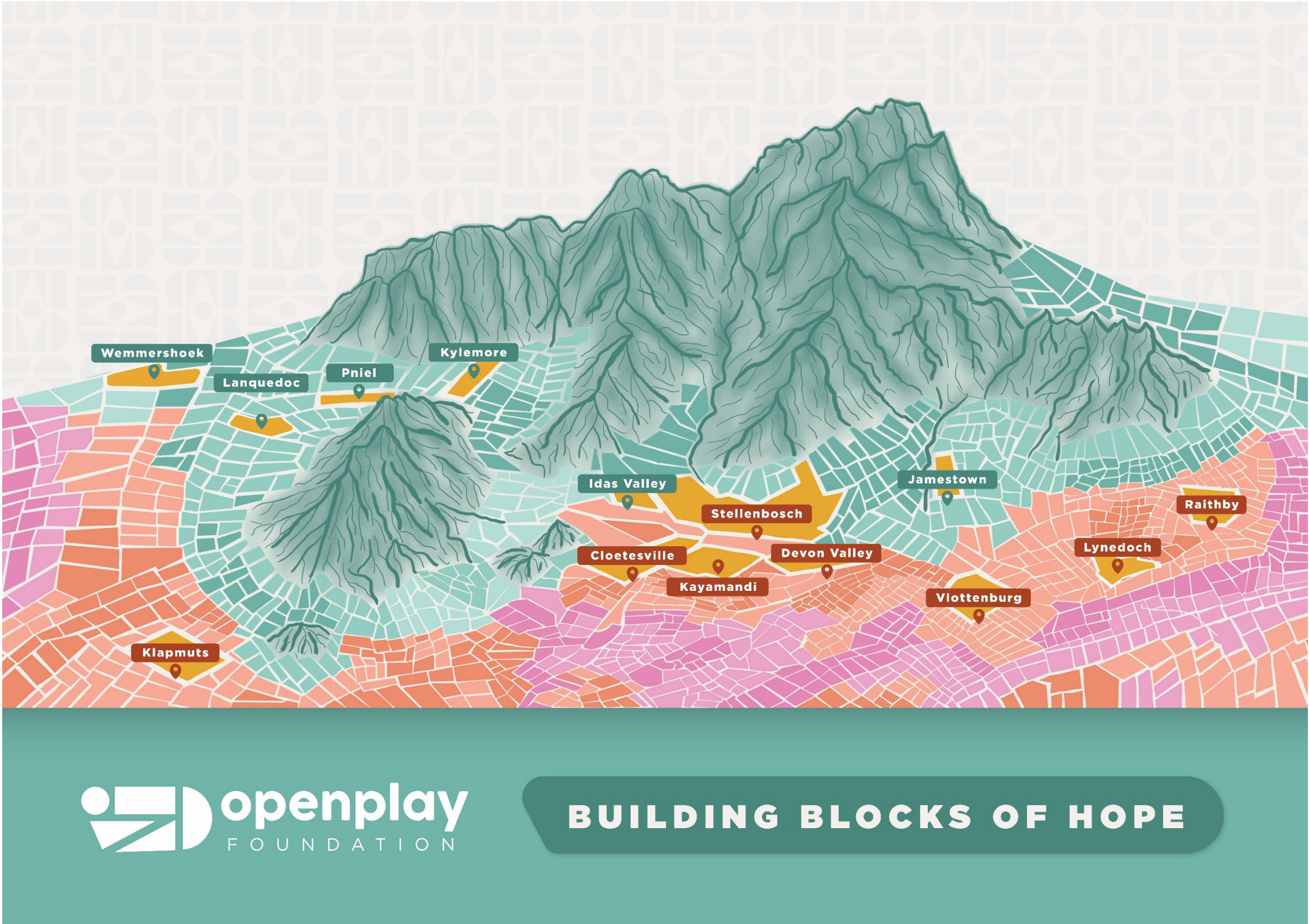
Although SFC and the Open Play Foundation are separate entities there are important links between the two. The golden thread is those powerful words of Nelson Mandela. In addition to the transformative power of sport, the Open Play Foundation harnesses the power of culture and education when it collaborates with communities to revitalise public spaces into safe and accessible recreational platforms so that the children of Stellenbosch can unlock their full potential.

Open Play aims to contribute to the realisation of many "Madiba benefits" in the wider Stellenbosch region, including to:

- improve the health and wellness of children,
- develop young talent, physically, mentally, emotionally and character wise,
- strengthen the social fabric of communities,
- build relationships across racial and other divides and
- give people hope and enjoyment.



OPEN PLAY PROJECT PORTFOLIO





**GREENSOURCE SPORTS FOR WATER FACILITY**  
**KAYAMANDI PRIMARY SCHOOL | NOVEMBER 2023**



**INVESTMENT VALUE: R11 MILLION**

**DESCRIPTION**

- Artificial football pitch (40 m X 20 m)
- Water harvesting system (below pitch)
- Water-purification plant (drinking water)
- Wastewater management system used to
- Irrigate community garden that
- Sustains the school's vegetable garden, and
- Provides food security and employment to 30 community members in 6-month cohorts

**FUNDERS**

- Open Play Foundation
- Dutch Ministry of Foreign Affairs
- GreenSource Consortium (Dutch)
- Global United FC (Germany)
- Leafspring Consortium (Dutch)
- Hungry Lion
- Vumatel

**OPERATIONAL PARTNERS**

- Love to Give (Kayamandi): Manages the community garden in collaboration with the Greater Stellenbosch Trust's Citizen Connect social employment fund.
- Remgro-sponsored Teaching Assistant position to support the use, bookings, and maintenance of the facility.



**PINKIE’S PROMISE RECREATIONAL FACILITY**  
IKAYA PRIMARY SCHOOL | MARCH 2024



**INVESTMENT VALUE:** R155,000

**DESCRIPTION**

- Artificial multi-purpose court.
- Netball, soccer and volleyball equipment and balls

**FUNDERS**

- Open Play Foundation
- PwC Stellenbosch

**OPERATIONAL PARTNERS**

- Open Play Foundation Community Coaches to increase school’s coaching capacity
- Stellenbosch FC, Global United FC, and Let’s Keep the Ball Flying (Dutch volleyball foundational) supporting skills development and events.

**NAME**

The facility was named in honour of Ikaya Primary’s long-serving sports teacher, **Pinkie Yolisa**. She made Open Play promise that we would do something for her school as well while we were busy with the GreenSource installation at Kayamandi Primary School.





**FIEKIE’S COURTS OF HOPE**  
**PIETER LANGEVEDLT PRIMÊRE SKOOL | NOVEMBER 2024**



**INVESTMENT VALUE: R1,8 MILLION**

**DESCRIPTION**

- Artificial fives football pitch
- Artificial multi-purpose court (netball, adapted hockey, volleyball, mini-cricket, mini-football, Physical Education)
- Sports equipment and balls
- New fence and security beams
- Two new permanent stands, seating 120 spectators
- Maintenance equipment
- Ownership training
- Maintenance training

**FUNDERS**

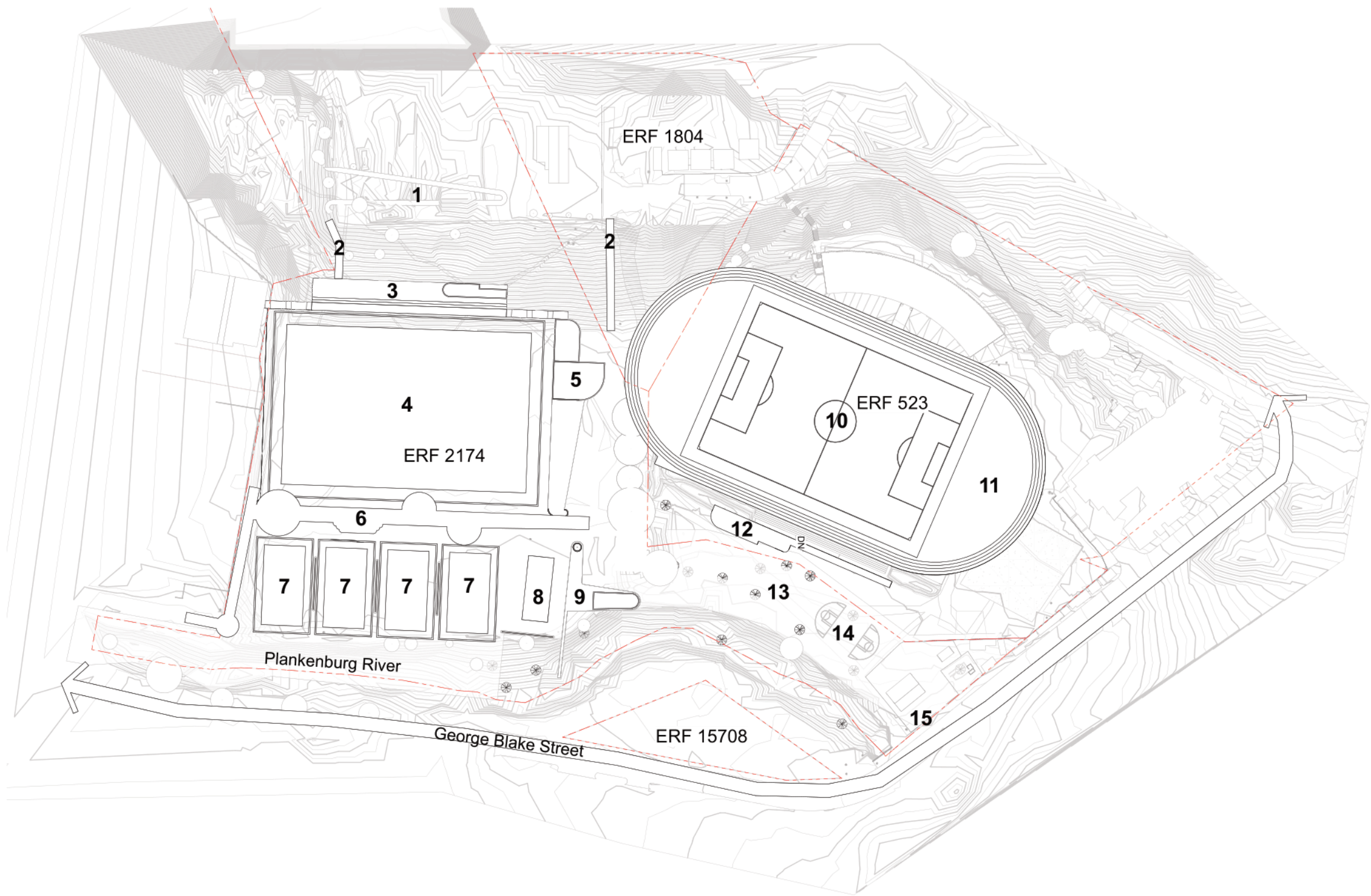
- Open Play Foundation
- Genesis Group (Switzerland)
- Global United FC (Germany)
- Global United FC Africa Foundation

**OPERATIONAL PARTNERS**

- Bradley Seconds (Facilities Manager: Western Province Cricket Club): Contracted by Open Play to serve as Maintenance Trainer and Consultant to support school from November 2024 to February 2025.
- Let’s Keep the Ball Flying: Dutch Volleyball Foundation upskilling teachers to coach volleyball as one of PLP’s official sports codes



KAYAMANDI SPORTS, RECREATION & COMMUNITY FACILITY



## 1. THE CASE FOR REDEVELOPMENT

The Kayamandi sports precinct consists of **one football stadium, one natural football pitch**, and an adjacent area roughly the size of two football pitches. It borders the Plankenbrug River and serves as a pedestrian crossing to and from town and the residential and commercial areas of Kayamandi.

### 1.1 Zoning & Land use

Although the stadium and adjacent spaces are used and viewed as one sports complex, the sports precinct is split over two primary erven: **Erf 523** accommodates the stadium and football pitch and is zoned for a “**Private Open**” use (*Stellenbosch Municipality Zoning Scheme By-Law 2019*, Chapter 18). The informal sports and recreational area is on **Erf 2174** and is zoned for **Agricultural and Rural use** (Chapter 20). A third, **Erf 1804 (Education zone)**, would need to be marginally intercepted to accommodate the proposed development.



- **Erf 2174's** current zoning (Agriculture and Rural Zone) does not support the development of buildings for public use or the land uses. The property will therefore need to be rezoned to a more appropriate zoning category. Further input will be needed from Land Use Management & Development (Chrizzle Kriel) to understand which is most preferable from the Municipality's perspective, considering the proposal's land uses.
- **Erf 523:** The Athletics track development fits within the character of the existing site functions and zone of Private Open Space, however, the entrepreneurship lab (understood as a land use of “Training Centre”) is not easily accommodated in the strict “Private Open Space” zoning definition. Further consultation to follow with Land Use Management.
- **Erf 1804:** While this erf is zoned for education, there is a publicly accessible road on the property. The commuter stairs that may cross this site, will have to be negotiated with Land Use Management.

Land Use Management has suggested to subdivide and consolidate the various portions of land to manage the development as one land unit but will need to be confirmed in further engagement and meetings.



## 1.2 Current Use

According to locals, the stadium **needs sewage, general plumbing and electrical work**. The stadium's **floodlights** are also in a state of disrepair and need to be replaced. The same applies to **fencing and the general seating** area on the George Blake side of the pitch (blue stands).

Currently, Kayamandi has **seven (7) football clubs** that are affiliated with the Stellenbosch Local Football Association (**LFA**). The community has **24 informal Sunday League teams**, who utilise Erf 2174 on Sundays for informal but extremely popular social fixtures. The latter contributes significantly to the poor surface condition of the so-called B- and C-fields.

Due to maintenance considerations, the Kayamandi Sports Council (KSC) needs to reject many requests for access to the A-field. There is a general sentiment among large sections of the community that the LFA clubs dominate access to the stadium field and that this leads to the exclusion of other sports codes, sports clubs and schools. Open Play has sympathy for the predicament the KSC finds itself in regarding regulating access.

**The Kayamandi Boxing Academy** is situated underneath the football stadium, but its space is limited. They do not have a boxing ring and only have four boxing bags dangling from the concrete stands. In 2024, the club produced four national amateur champions, including two school girls, one adult woman, and one adult male.

## 1.3 Insufficient sport infrastructure at schools

**Kayamandi has four public schools (6,398 students):** Ikaya Primary School (1,949), Kayamandi Primary School (1 585), Kayamandi High School (1,824), and Makupula Secondary School (1,040). These schools do not represent the full school-going population in Kayamandi. Vision Afrika has just more than 100 students from Grade R to Grade 3, and the new Kayamandi Apex school will accommodate 1,000 students, although not all of their students are from Kayamandi or Stellenbosch. A significant number of Kayamandi-based learners also

attend other Stellenbosch schools, including A.F. Louw, Hoërskool Stellenbosch, Devon Valley Primary School, and Pieter Langeveldt Primary School (PLP) in Cloetesville. According to PLP principal, Shafiek Jacobs, roughly 700 of their 1 100 students live in Kayamandi.

Besides the facilities that Open Play developed at the two Kayamandi primary schools, **none of these public schools have their own sports facilities**. The schools make use of the football field for their annual in-house athletics meets, but they don't have access to training and regular match facilities for this or other sports, except for the limited-use facilities that Open Play built.

The community's after-care facilities – such as Legacy Centre, Songo.info, and Kuyasa – have sports facilities that are more conducive to recreational activities than sports.

We were initially reluctant to include a learn-to-swim pool in our planning, but the need for a pool came up almost just as much as the need for trauma-support services in Kayamandi. In a conversation with South Africa's most decorated Olympian, Tatjana Smith, she mentioned that one in four drownings in South Africa are adults who cannot swim.

That's why Smith started the Tatjana Foundation, to teach people to swim. A adult-sized **learn-to-swim pool** should not be seen as a recreational or sports activity, but as a platform that **cultivates an essential life skill in children and adults**. Currently, residents of Kayamandi are swimming in a dam to the north-west border of Kayamandi, or they have to walk to Cloetesville to access a public pool.

**XOLISANI THEMBANI: HEAD & COACH OF KAYAMANDI BOXING ACADEMY**

**“THE VISION IS TO GET THE YOUTH OFF THE STREETS AND INTRODUCE THEM TO SPORTS, RECREATIONAL ACTIVITIES, EDUCATION AND SKILLS DEVELOPMENT”**  
– *EIKESTADNUUS*, 10 OCTOBER 2024

## 1.4 Opportunities to excel

**Kayamandi's demand for sports and recreational facilities that are maintained (or maintainable), safe, built for mass participation, and that are continuously accessible** far outweighs its ability to satisfy these needs.

A well-managed and maintained shared-use facility where access is regulated with a proper booking and controlled-access system would not only benefit the four public schools but the community at large.

While Open Play does not have high-performance objectives, it is impossible to imagine that a school-going cohort of more than 7,000 children won't produce high-performance athletes if they were provided with opportunities to excel.

Also, sport is a proven antidote to undesirable and destructive behaviours that often grow in the absence of better and more wholesome alternatives. Weak community cohesion, low levels of intra-community trust, and high prevalence of trauma (that fuels other community challenges) were often voiced in our consultation sessions. A community platform that supports sports, recreation and focused community development interventions will go a long way to not only address these community afflictions but also facilitate the establishment or improvement of the four Building Blocks of HOPE.





## 2. COMMUNITY CONSULTATION & COLLABORATION



Open Play's initial intention was to develop a shared-use facility that meets the sports and recreational needs of the four public schools, from Physical Education classes to Indigenous Games to full-on training and competitive matches in more popular sports such as football, rugby, and netball. However, to facilitate community buy-in and cultivate a sense of community ownership, more stakeholders would need to be accommodated, including after-care centres, formal and informal sports teams and clubs, as well as external users who would be willing to pay for the use of the facilities.

We appointed **Ranyaka Community Transformation** as our community engagement partner, knowing that the eventual infrastructure development would need to reflect the needs and aspirations of the community if it were to be accepted, owned, cared for and managed in a sustainably impactful manner.

During two years of community engagement and consultation, it became apparent that sports and recreation alone would not have the full desired social impact we aimed to achieve, referring to the four Building Blocks of HOPE.

**This resulted in a project with four complementary pillars:**

- **Sports & Recreation + Community**
- **Trauma-support services**
- **Educational and career support for high school students**
- **A primary healthcare solution**





## 2.1 Thriving Communities



**MARLI GOUSSARD, the lead community engagement consultant from Ranyaka Community Transformation, explains and expands on our engagement processes below:**

Since April 2023, the Ranyaka process in Kayamandi has followed a structured, participatory approach to co-create a sustainable and community-driven Multi-Sport & Community Facility in partnership with the Open Play Foundation and Stellenbosch Football Club. The Ranyaka model is based on a place-based, people-centred, and citizen-led approach that empowers communities to shape their own development. This process ensures that community residents, businesses, and stakeholders take active ownership of the planning and implementation of projects that affect their lives.

**“By prioritizing the voices of the community and fostering collaboration between government, businesses and civil society, Ranyaka creates long-term, integrated solutions that address key social and economic challenges.”**

The approach goes beyond infrastructure development – it builds social cohesion, enhances economic opportunities, and strengthens governance structures to ensure lasting impact. In Kayamandi, this process has played a crucial role in identifying priorities, mobilizing resources, and laying the foundation for a facility that will serve as a hub for sports, recreation, enterprise development, and community well-being.



The first phase, **Community Profiling**, focused on establishing a comprehensive understanding of the social, economic, and infrastructural landscape of Kayamandi. Through extensive research and multiple stakeholder engagements with the community, the process identified key community priorities, including the need for safer schools, improved recreational programmes and spaces, enhanced health services, support for enterprise development, and crime prevention initiatives.

Community participation was a key aspect of this phase, with engagement sessions revealing that various grassroots efforts were already underway to address these challenges. To support this, spatial and data analyses, including crime mapping and stakeholder network assessments, were conducted to provide a clearer picture of the local context. The outcomes of this phase established a clear roadmap, identified local champions, and strengthened relationships with





municipal and community stakeholders, laying the foundation for an inclusive development strategy. Kayamandi stakeholders engaged include: Schools, Kayamandi Sports Council, Business forum, NGO forum, Ministers Fraternal, local counsellors, and broader community.

The second phase, **Co-Designing Plans**, centred on translating community needs into actionable strategies. This phase was highly collaborative, engaging local stakeholders, government, civil society, the business forum, and schools to refine the facility's vision. One of the major achievements was the formation of, or support to action groups or forums focusing on security, sport and recreation, mental health, business development, and community governance. These groups, led by community representatives, not only play a crucial role in shaping the development framework for the community but also in how it translates into services at the proposed Kayamandi facility. This work is ongoing.

The third and ongoing phase, **Feasibility & Implementation Planning**, focuses on refining the project's feasibility, governance, and operational plans in preparation for construction. During this phase, architectural input was gathered from future tenants and key users of

the facility to ensure that the design aligns with community needs. Governance structures are being established through continued stakeholder dialogues, and a Community Governance Secretariat is being established to ensure community involvement with any developmental projects for the community of Kayamandi.

In addition, a comprehensive safety plan is being developed in collaboration with the Stellenbosch CPF. This includes the launch of a Kayamandi CPF Sub-Forum and an initiative to incubate a local security business. The operations plan is under development with the identification of key partners regarding health services, after-school programmes, trauma support, and economic opportunities for local entrepreneurs.

As the project moves towards the construction phase, efforts are being made to ensure local businesses and labour will be prioritized in the construction process, reinforcing the project's commitment to economic empowerment and community ownership.

Through this phased approach, Ranyaka has successfully fostered a participatory development process that prioritizes local leadership and sustainability.

The outcomes of each phase have provided a solid foundation for the establishment of the Kayamandi Sports, Recreation & Community Facility, making it a valuable opportunity for municipal partnership in terms of general support, financial investment, governance alignment, and maintenance support.

## 2.2 Community Workshops, Meetings & Events

Excludes regular meetings with KSC and any operational involvement in Kayamandi concerning Open Play's two other community projects:

| MARCH 2023                                                                                                                                                                                                                                                                                                                                                                                                                                | APRIL 2023                                                                                                                                                                                                                                                                                                                                                                                                                 | MAY 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | JUNE 2023                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Meeting with Kayamandi councillor to plan DNA mapping and finalise stakeholder list logistics (Ranyaka).</li> <li>Meeting with resident Karin Viviers as a resident and key community-development expert in Kayamandi.</li> <li>Strategic session with Open Play Foundation to plan Kayamandi Community Profiling session.</li> </ul>                                                              | <ul style="list-style-type: none"> <li>Kayamandi Community Profiling Workshop with 70 community members to understand the community's pain points and mapping community assets.</li> </ul>                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Development of Kayamandi Community Transformation plan based on outcomes of Community Profiling workshop.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Community Profiling Feedback session where stakeholders reviewed feedback from the DNA mapping workshop and discussed strategies for addressing pain points (Kayamandi stakeholders, Ranyaka).</li> <li>Ranyaka, Stellenbosch Civil Advocacy Network, and Real Deal hosted a "Youth at Risk" workshop to address school dropouts.</li> </ul> |
| SEPTEMBER 2023                                                                                                                                                                                                                                                                                                                                                                                                                            | OCTOBER 2023                                                                                                                                                                                                                                                                                                                                                                                                               | NOVEMBER 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DECEMBER 2023                                                                                                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>The Community Profiling feedback report was presented to the Kayamandi NGO Network to gain their insight into the report's findings and in particular discuss issues such as sport and recreation programme gaps, trauma and health gaps.</li> <li>A first meeting was held with the Kayamandi Business Development Forum (KBDF) to understand their role and mandate in the community.</li> </ul> | <ul style="list-style-type: none"> <li>A strategy session was hosted for the Kayamandi Business Development Forum.</li> <li>A trauma support strategy session was hosted with Real Deal.</li> </ul>                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>GreenSource Sports For Water facility was launched at Kayamandi Primary by Open Play Foundation, Stellenbosch FC, and GreenSource</li> </ul>                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Meeting with Kayamandi Sports Council to discuss community challenges and needs concerning sports facilities (Open Play &amp; Stellenbosch FC)</li> </ul>                                                                                                                                                                                    |
| JANUARY 2024                                                                                                                                                                                                                                                                                                                                                                                                                              | FEBRUARY 2024                                                                                                                                                                                                                                                                                                                                                                                                              | MARCH 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | APRIL 2024                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>A second strategy session was hosted with the Kayamandi Business Development Forum based on Ranyaka's work with business forums in other communities across the country.</li> </ul>                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Phase 2 of the Kayamandi Nodal roll-out planned, with Action Groups activated (Open Play Foundation, Ranyaka, KBDF).</li> <li>First workshop with Sports, Arts and Recreation Focus Group. Facilitated by Open Play Foundation at Songo.info</li> <li>Follow-up workshop with Sports, Arts and Recreation Focus Group. Facilitated by Open Play Foundation at Songi.info</li> </ul> | <ul style="list-style-type: none"> <li>The first Mental Health Action Group meeting at Legacy focused on lay counselling training.</li> <li>KBDF: 3rd strategy session focusing on their membership model.</li> <li>Planning and stakeholder alignment for the Re-imagine Kayamandi event with input from the Kayamandi Sports Council, NGO Network, and schools (Open Play Foundation, Stellenbosch FC, Ranyaka).</li> <li>Handover of the Pinkie's Promise sports and recreation facility to Ikaya Primary School (Open Play, Stellenbosch FC)</li> </ul> | <ul style="list-style-type: none"> <li>200–300 community members attended Re-imagine Kayamandi event, identifying priorities like a multi-sport facility, clinic, and after-school support centre for high-school students (Open Play Foundation, Ranyaka).</li> </ul>                                                                                                              |

| MAY 2024                                                                                                                                                                                                                                                                                                                                                                                                                | JUNE 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | JULY 2024                                                                                                                                                                                                                                                                                                                                                                         | AUGUST 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>KBDF received business support (logo design, equipment, signage) through RBB programme (Ranyaka).</li> <li>GIS Crime Mapping tool explored for Community Safety Programme (academic, Ranyaka).</li> <li>Mental Health Action Group meeting</li> <li>Community Governance meeting with Sports Council and KBDF</li> </ul>                                                         | <ul style="list-style-type: none"> <li>KBDF strategy sessions refined their value proposition and membership model (Ranyaka, KBDF).</li> <li>Mental Health Action Group introduced a community-based mental health framework (Good Hope Psychological Services).</li> <li>Career Guidance meeting hosted by Real Deal to unpack youth career guidance gaps and services for the Stellenbosch area.</li> <li>KBDF Feedback session on Re-imagine event</li> <li>Kayamandi NGO Network feedback session on Re-imagine event</li> <li>Career Guidance: Meeting with Noku Katum to discuss her services to be offered at the facility in the future.</li> <li>Mental health project design mapping services and stakeholders</li> <li>Technology Hub meeting with MiDo Technology</li> <li>Kayamandi Safety meeting with local councillors, SAPS, Law enforcement, CPF</li> <li>Workshop with Schools Focus Group, including representatives from all four Kayamandi public schools and coaching structures supporting schools with coaching resources</li> </ul> | <ul style="list-style-type: none"> <li>Potential integration of an IPIC indoor play arena and refurbished computers committed for KBDF (SuperGroup, IPIC, Ranyaka).</li> <li>Mental Health Action Group mapped mental health referral pathways with Arise NGO.</li> <li>TV3 architectural presentation</li> </ul>                                                                 | <ul style="list-style-type: none"> <li>Two entrepreneurs joined a product validation incubator (Noku Katum, Yondela Tyawa, Ranyaka).</li> <li>The MAAK architectural presentation: Final presentations for the Kayamandi Multi-Sport Facility delivered</li> <li>Mental Health Action Group meeting</li> <li>KBDF meeting at new offices at The Corridor</li> <li>After-school discussion with Legacy Centre management</li> <li>Safety meeting with Winelands Safety Initiative.</li> </ul>                              |
| SEPTEMBER 2024                                                                                                                                                                                                                                                                                                                                                                                                          | OCTOBER 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NOVEMBER 2024                                                                                                                                                                                                                                                                                                                                                                     | DECEMBER 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <ul style="list-style-type: none"> <li>CPF sub-section for Kayamandi discussed to improve safety (Ranyaka, CPF).</li> <li>Crime Prevention &amp; Mapping Workshop addressed local crime hotspots (businesses, schools, faith institutions).</li> <li>Impact Incubator training</li> <li>KBDF SLA signing</li> <li>Governance meeting: presenting initial plans to NGO network, KBDF, Sports Council, Schools</li> </ul> | <ul style="list-style-type: none"> <li>Provisional plans for the Sports Complex shared with stakeholders, focusing on governance and tech integration (MiDO Technology, Ranyaka, Open Play Foundation).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Sp(i)eel-led trauma mapping workshop for NGO leaders (Ranyaka, Sp(i)eel Arts Collective, Open Play Foundation)</li> <li>Architects presented revised designs for the development based on community feedback.</li> <li>A meeting was held with Stellenbosch University to discuss potential engagement with various facilities.</li> </ul> | <ul style="list-style-type: none"> <li>Discussions with Greater Stellenbosch Trust about incorporating micro-enterprise health services into the complex (Ranyaka, Open Play Foundation, GST).</li> <li>Progress on establishing CPF sub-forum and safety plans.</li> <li>Meeting with Kayamandi Sports Council about including the A-field and stadium in the proposed redevelopment project, including the addition of a four-lane 400-metre athletics track based on needs raised by the Kayamandi schools.</li> </ul> |



#### FEBRUARY 2025

- Meeting with Principal Dotwane from Makupula Secondary School to inform him of project progress and drawings, and to request greater involvement in project development initiatives (Open Play Foundation)
- Meeting with Principal Ntsanga from Kayamandi High School to inform him of project progress and drawings, and to request greater involvement in project development initiatives (Open Play Foundation)
- Meeting with Kayamandi Sports Council for input into proposed Governance and Management Structure for Kayamandi Sports, Recreation and Community facility, including implications for amendments to the KSC Constitution.

#### MARCH 2025

- Community Ownership Dialogue workshop hosted at Kayamandi High School in response to an earlier request from community stakeholders that ownership discussions be initiated to educate, empower and prepare the wider community for the responsibility that comes with new community and personal assets (Ranyaka, Open Play Foundation).
- Meeting with Health Promoters at Legacy Centre to discuss mental health and preventative education at a community level. Further discussions include what was lacking in community health services in Kayamandi; community health worker training and employability, and their integration into the Trauma pillar (Ranyaka, Open Play Foundation)





### 3. OPERATING PARTNERS & COMMUNITY OWNERSHIP

| OPERATING PARTNERSHIPS                                                                                   |                                                                                                           |                                                                                                             |                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| KAYAMANDI SPORTS, REC & COMMUNITY FACILITY                                                               |                                                                                                           |                                                                                                             |                                                                                                                                                                                                      |
| SPORTS & REC                                                                                             | TRAUMA                                                                                                    | EDU                                                                                                         | HEALTHCARE                                                                                                                                                                                           |
| MAIN PARTNER/TENANT<br> | MAIN PARTNER/TENANT<br> | TECH HUB<br>             | MAIN PARTNER/TENANT (TBD)<br>  |
| OTHER PARTNERS / TENANTS                                                                                 |                                                                                                           |                                                                                                             |                                                                                                                                                                                                      |
|                       |                       | CAREER COUNSELLING<br> |                                                                                                                 |
|                       | HER VOICE                                                                                                 | TUTORING<br>           |                                                                                                                 |
| SCHOOLS                                                                                                  |                      |                                                                                                             |                                                                                                                                                                                                      |

Open Play does not have the intention to be the primary operating partner in every pillar or area of activation for the proposed development. Fundamentally, this discourages community ownership and involvement, and practically, our expertise lies in **establishing community-led infrastructure platforms, facilitating operating partnerships, and providing managerial support.**

Hence, we identify and coopt appropriate operating partners whose mandates are relevant to specific areas of impact and whose footprint or reach could be increased by assuming certain responsibilities and opportunities provided by our community platforms.

An operating partner is defined as an organisation that will provide its expert services within one or more pillars, contributing to the day-to-day functioning of the facility in pursuit of clearly defined impact objectives. Primary partners or tenants will assume an overarching coordination role and/or have a fixed presence at the facility, while secondary operators will provide their services on a needs-based basis.

The illustration on the previous page shows operating partners or tenants who have confirmed their involvement or have indicated provisional commitment conditional on the project moving beyond the current feasibility phase.

All operating partners (except for one, potentially) are Kayamandi-based, which will cultivate a sense of community ownership and care.

Operating partners and tenants will be expected to pay nominal rental or facility fees to support the Facility's operational capital needs.



**NOTE:** Operating partners are considered experts in activating physical spaces to address specific needs identified during the community consultation process. In this context, Open Play is shown as a secondary partner to the Kayamandi Sports Council in ensuring the smooth operation of the Sports & Recreation pillar. We have a team of 10 community coaches working at the four Kayamandi public schools, and this team will be scaled and permanently based at the facility to serve as a coaching resource to the four schools. This illustration does not show Open Play's higher involvement in Governance and Management structures, which will be dealt with later.

### 3.1 HYPOTHETICAL OPERATING SCENARIOS

#### 3.1.1 Sports & Recreation

Schools book specific sports facilities using the Skedda platform, managed by a full-time bookings manager. An Open Play coach is assigned to the school or sports team and facilitates training and provides match-day support. Schools indicated that they could ensure the timely arrival of their students at the facility but that they don't have adequate coaching resources to provide formal sporting programmes. Open Play fills that gap. External organisations, such as Training4ChangeS, also use the facility to run their sports-for-good programmes, enhancing the social benefit of the facility.

The Kayamandi Boxing Academy will be permanently based at a fit-for-purpose facility, creating opportunities for a local entrepreneur to run a for-profit community gym during the day and a boxing academy in the evenings. They will also be required to pay a nominal rental fee for the space.

All Open Play and boxing coached are to be trained by Community Keepers to serve as "trauma first responders", i.e., able to identify trauma indicators or red flags. They establish a catch-net for trauma cases, referring all potential interventions to Community Keepers.

Note that a community hall is planned for the ground floor below the boxing academy. This facility will be available to the public through a booking system and manager and will also be used for training and events linked to the day-to-day primary operations of the overall facility.

#### 3.1.2 Trauma support

While this proposed social investment is seemingly in sports and recreation infrastructure, the strongest theme that came out in all community discussions, meetings and workshops was for trauma-support services that don't require travelling far distances, reduce

waiting times, provide counselling in isiXhosa, and that are also preventative and not only reactive following traumatic events.

The operating model under development includes that all vetted facilitators – coaches, academic tutors, digital literacy instructors, and career counsellors – would be trained as trauma first responders with the ability to identify red flags associated with trauma. In this regard, the sports, recreation and education facilities serve as ideal catch nets for such cases, feeding into a referral system overseen by Community Keepers and maintained by a network of professional organisations onboarded as operating partners. Community Keepers and Open Play Foundation also intend to have a permanent physical presence at the new facility.

As the primary operating partner, Community Keepers coordinates all service providers and referrals within the trauma-support system/pillar. A coach refers a potential case for trauma support to Community Keepers and based on the nature of the assessment, referrals are made: For basic counselling cases, Community Keepers, intervene. When higher psychological support is required, Good Hoop Psychological Services provides their professional counselling or psychology services – in isiXhosa – pro bono. In cases where community-level intervention would be adequate, Her Voice, steps in. Health Promoters are used as a prevention and first-responder network, offering educational support.

#### 3.1.3 Education support

This pillar does not have a primary operating partner. The MiDo Foundation will manage the digital hub to fulfil its vision of allowing young people to build confidence and acquire digital skills needed for the Fourth Industrial Revolution. Similar to Open Play's coaches, MiDo facilitators will also undergo first-responder training, having



pledged their support for the project's trauma-based objectives. The study and tutor facility will be accessible to high school students, and we have been in conversation with Stellenbosch University to provide facilitators and/or tutors to provide informal and structured educational support at this facility.

The Think Ahead Academy will book and lease designated spaces to provide school-subject and career guidance services to high school students from Kayamandi. Her services, as well as the digital lab when not used by a specific school or schools, will be open to the public through controlled access to meet specific needs, such as digital literacy training, printing, CVs, etc.

#### **3.1.4 Primary healthcare**

The healthcare pillar is the least developed of the four purely because the nature of the physical site is still being explored. Primary healthcare is not only provided through physical clinics but also through the empowerment and training of community health workers. We have consulted three potential primary operating partners but no decisions have been made: Greater Stellenbosch Trust (Unjani Clinics), Rhiza Ventures (Mpathy Clinics), and a private consortium interested in investing in the community health worker initiatives.

A hypothetical scenario could include Rhiza Ventures funding a privately owned clinic and/or employing community health workers working from a physical space, who do home visits/referrals based on AI screening assessments. These health workers could be employed from within the Kayamandi-based Health Promoters organisation, which does community-level personal development training on mental and primary healthcare. They would also use the Kayamandi facility to host preventative self-empowerment community workshops on mental and primary health. The primary healthcare provider would also be required to provide first-aid services to facility users during normal operating hours.



#### 4. THE PHYSICAL SPACE



The first project pillar, Sports & Recreation, will entail a **complete overhaul of the existing sports precinct, improving and amplifying its existing use and not changing it**. The three other pillars will be housed in new permanent structures bordering the sports facilities, accommodating services that add to the greater facility's capacity to stimulate community development on an individual and group basis. Open Play appointed **The MAAK** as project architects because of their expertise in creating social-impact facilities that are designed and built in consultation with resource-poor communities. Some of their recent projects include the Desmond Tutu HIV Testing Clinic in Masiphumelele in Cape Town, the New Rest Valley Creche in Riebeek-Kasteel, and the Rahmaniye Primary School Library in District Six.

**Ashleigh Killa** (right) and **Max Melvill**, founders and architects of The MAAK, provide an overview of the process that resulted in the current conceptual and site drawings presented in this proposal. To support The MAAK's work, Open Play appointed Outline Building Measurement Specialists and the De Leeuw Group as land and quantity surveyors, respectively.



## 4.1 Architecture

The Kayamandi Multi-sports Precinct proposal is a celebration of sport, publicness and community – a remarkable public space opportunity, which combines much-needed sports facilities and key community programming. It aims to support and enhance the already present characteristics of the site and work to create a community asset for Kayamandi at large.

By virtue of the site's location between Kayamandi and Stellenbosch, as well as its current open, undeveloped state, the site plays an important role of connection and is a major thoroughfare for Kayamandi residents. The proposal aims to maintain this porosity and enhance these important public networks. Safe routes through and bounding the site, that have been identified by the community, are reinforced in the scheme: a fan walk creates a primary entrance from the North, off George Blake St; public stairs on the western slope connect the site up towards residential Kayamandi; a raised promenade introduced in the centre of the site connects the public from North to South.

The promenade, inspired by precedents such as the New York High Line and Sea Point Pavilion, strategically utilizes architecture as a tool to spatially differentiate the public on the upper level from controlled sporting areas on the ground plane. While satisfying this practical function, the elevated infrastructure becomes multi-purpose, with inherent additional benefits: it is a prime vantage point for sports

spectators and becomes a place of community gathering and recreation; the integration of commercial opportunity along the promenade (and fan walk) becomes a significant advantage for local entrepreneurs; the activated public realm helps to maintain safety through passive surveillance.

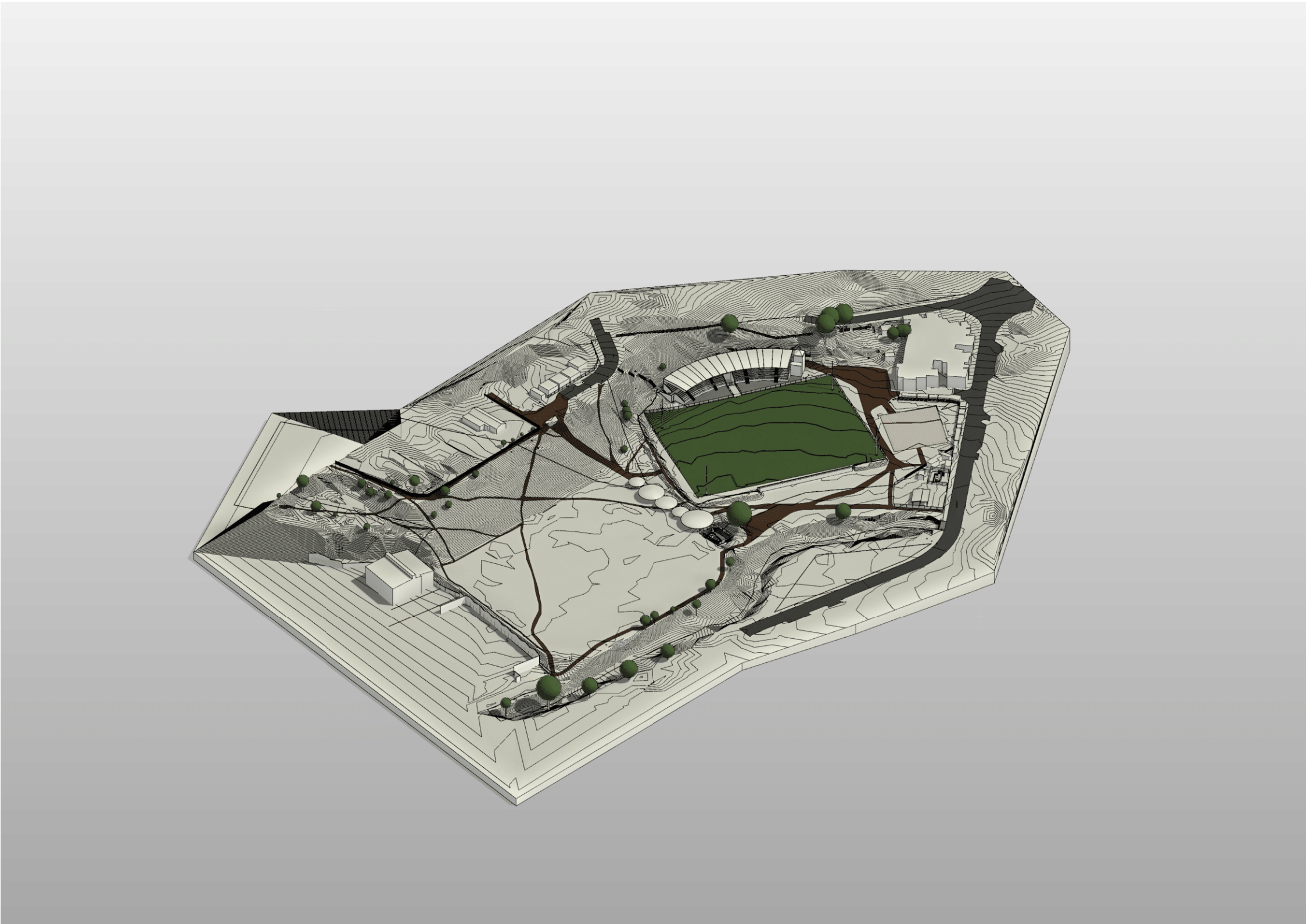
The formal sporting areas are organised around the central axis of the promenade – a full-sized football pitch to the West, multi-sports courts and a learn-to-swim pool to the east. The service spaces for these sports areas are neatly tucked below the promenade. Informal sporting and training activities – basketball hoops, cycle tracks and fitness areas – are included throughout the public precinct creating benefits for anyone visiting the site. The community buildings located to the north of the sports areas, define a proud public forecourt and create a strong threshold between public and private (sports) realms with controlled access points. With high traffic expected throughout the site, the architecture is considered in terms of its durability, accessibility and security whilst maintaining a welcoming and celebratory feel.

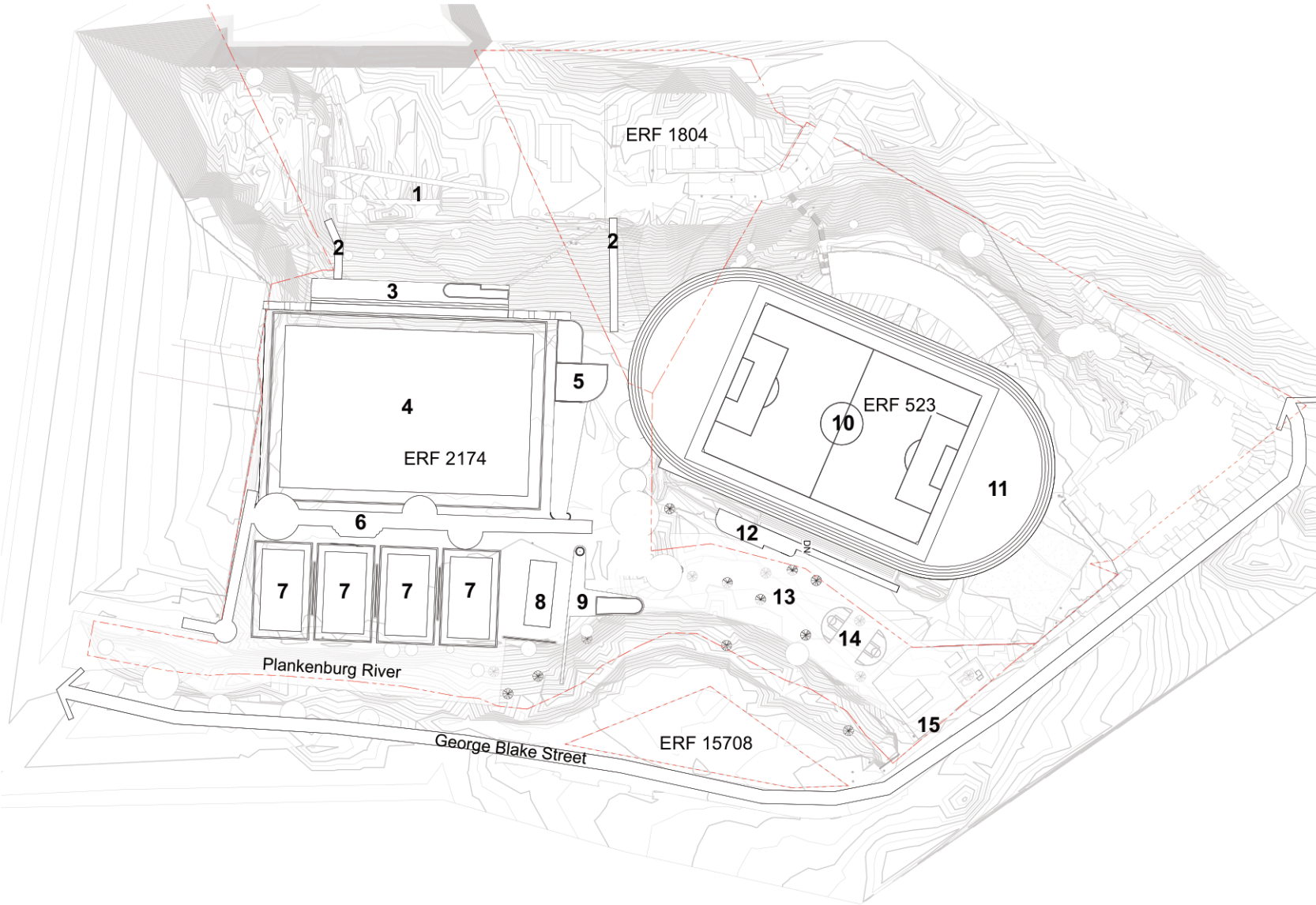
The proposal creates much-needed modern sporting facilities and by including the public in the project, creates new opportunities for engagement, commerce and recreation for the Kayamandi community. By balancing accessibility with clear spatial organization, the framework delivers a sustainable, inclusive, and secure urban intervention for Kayamandi.



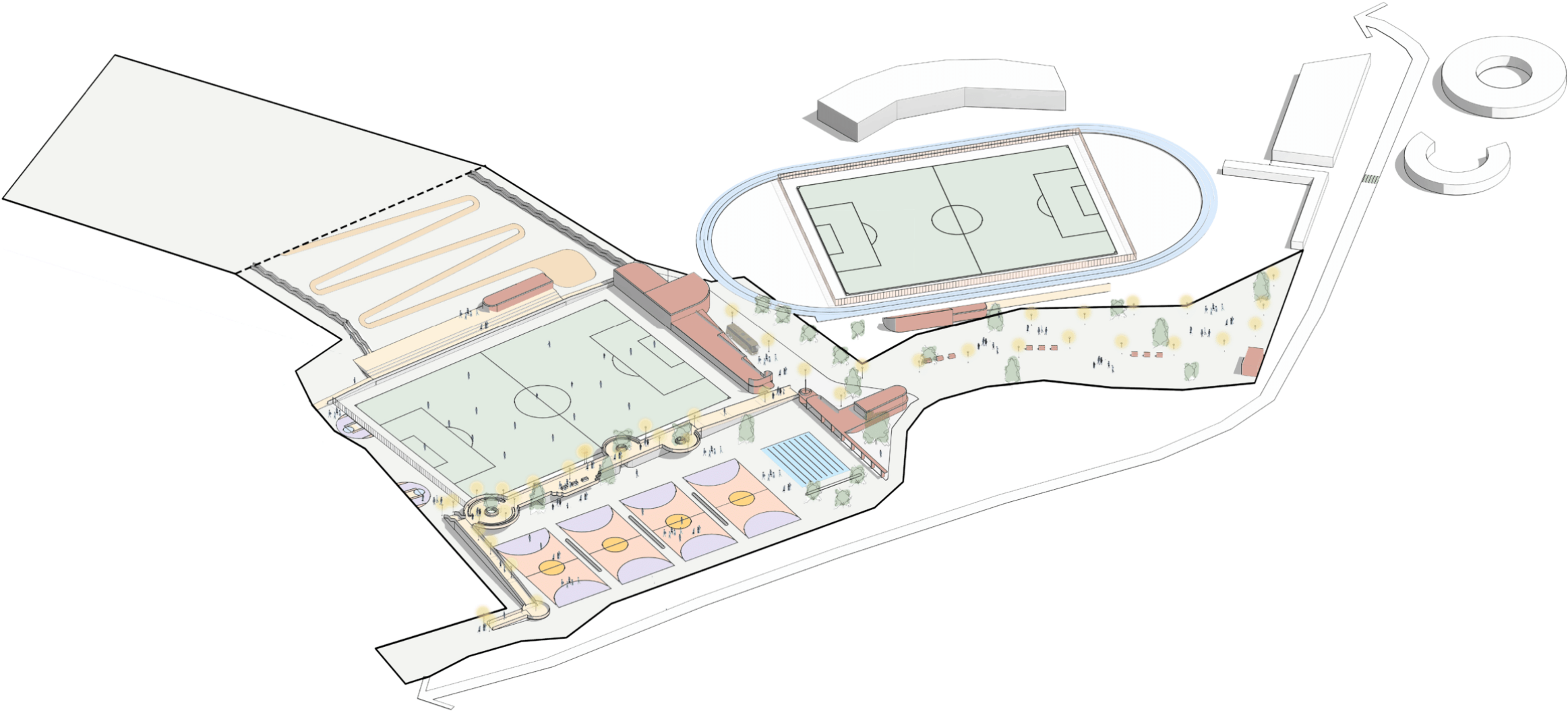




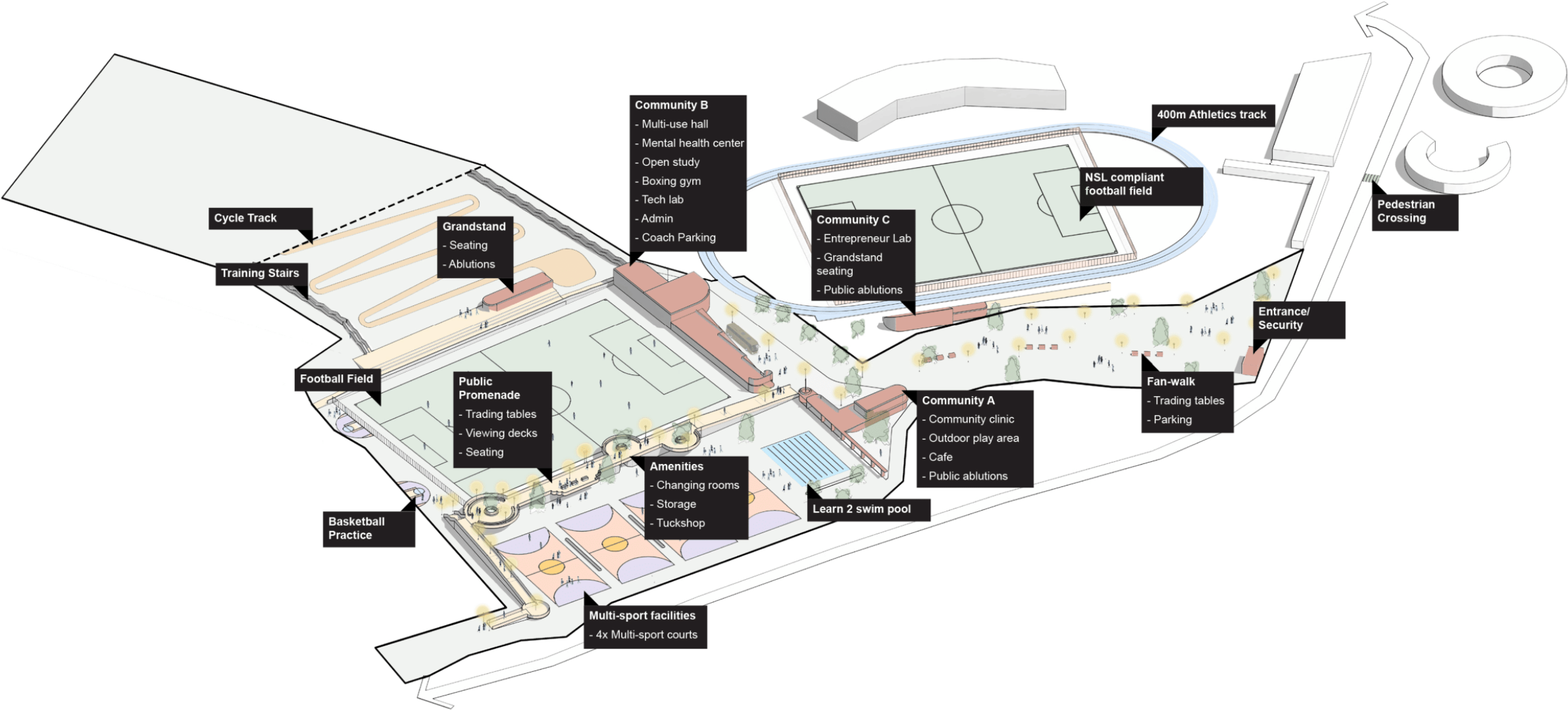




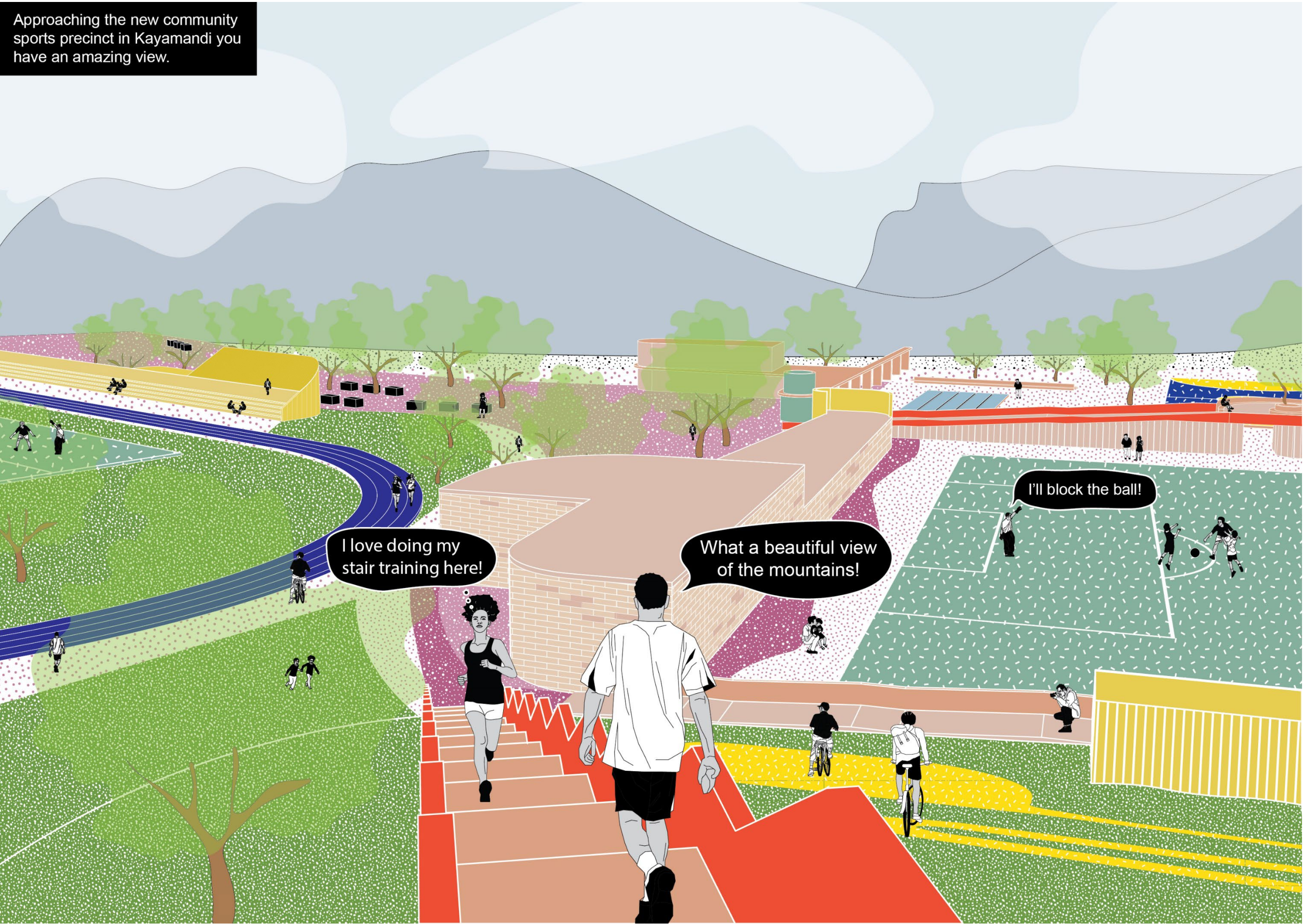
- SITE PLAN**
- 1. Cycle Track
  - 2. Training stairs
  - 3. Grandstand
  - 4. Football field
  - 5. Community Building A
  - 6. Public Promenade
  - 7. Multi-sport court 4
  - 8. Learn 2 Swim pool
  - 9. Community Building B
  - 10. NSL Compliant Football field
  - 11. 400m Athletics track
  - 12. Community Building C
  - 13. Fanwalk
  - 14. Basketball nets
  - 15. Entrance











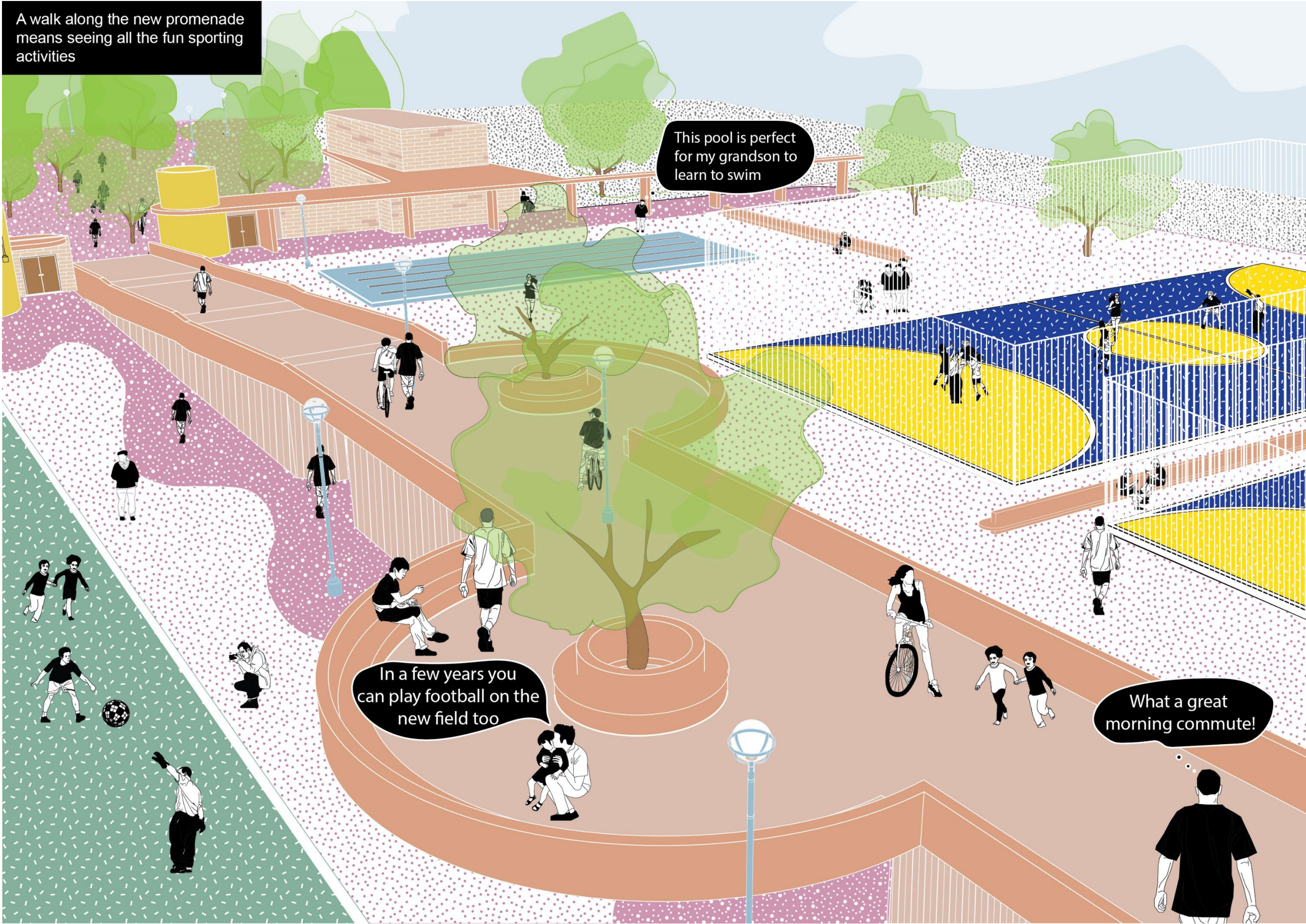














## 5. INVESTMENT VALUE

The total investment value is calculated using the full project budget plus professional fees paid or to be paid by Open Play (architects, land surveyors, quantity surveyors, and consultants). **The monetary social investment value is professionally estimated at R240,230,750.** This excludes capital and operational expenditures to be incurred by operational partners. The estimate is based on the urban framework, rather than architecturally developed concept drawings (linked to Stage 2 of the architectural work stages) as per typical protocol, certain resolution and detailing is yet to be completed. This means that the form/shape/position of project elements may need to change – potentially affecting the required project budget. Nonetheless, the majority of the budget will be relatively accurate/fixed as many of the project costs are for sports-related line items which come at a fixed cost; additionally, the buildings and spaces that need to be resolved are not large, in relation to the entire precinct. De Leeuw has noted that their tolerance accuracy for an estimate at this level can be taken with a 5-15% margin.

## 5.1 FUNDING: PROJECT BUDGET

Open Play is responsible for raising the full project budget, and we intend to complete the entire project in one phase, estimating a construction period of 12 to 18 months.

Open Play has earmarked potential donors and will proceed with fundraising initiatives and negotiations once the Municipality has provided us with clear guidelines on the appropriate route to approval and implementation. It will be favourable to have proof of Municipal support when we approach donors/funders.

The construction budget is based on the Element Cost Estimate submitted by De Leeuw Quantity Surveyors and will be reviewed once the project moves beyond feasibility criteria, moving to Stage 2 of the Stage 5 Construction Process. For the feasibility assessment we ‘high-balled’ the construction budget, working off “worst case’ assumptions.

The project budget for the Kayamandi Sports, Recreation & Community facility is comprised of a construction budget (indicative estimated construction cost, professional fees, including VAT) of R191,505,000, a construction contingency budget of R28,727,750 and an operational budget of R20 million. **Total: R240,230,750.** Capital efficiencies will be explored in consultation with the architects and QS.

### The operational budget is reserved for:

- Salaries for the General Manager and Bookings Manager for the first five years of operations;
- Salaries for Open Play’s community coaches who will serve as a coaching resource for the four public schools in Kayamandi using the Kayamandi Sports, Recreation and Community Facility as their de facto shared sports grounds;
- First-responder trauma-based training for all facilitators who fulfil permanent or regular positions at the Facility;
- Contributing to the acquisition of fittings and equipment not covered by the Construction Budget or Operational Partners;
- Insurances;
- Assets required to fulfil day-to-day operational duties, including a lawn tractor, maintenance equipment, sports equipment, etc.
- Contribution to the cost of integrated security structure;
- An emergency maintenance and repair fund;
- Events budget.
- Activation, design and monthly subscription fees for the Skedda booking system (five years);
- Operational expenses incurred by Open Play.

## 5.2 FUNDING: OPERATIONAL PLAN

The medium-term goal is for the Kayamandi Sports, Recreation & Community Facility to be operationally self-sufficient by the end of Year 5. To achieve this, Open Play will – in its capacity as lead investor and Chair of the Board of Overseers (see next section) – support, initiate and facilitate the establishment of income-generating activities and revenue streams. These funds will be deposited in a dedicated bank account overseen by the General Manager and Board of Overseers (to be created as an appropriate legal entity) and NOT into the accounts of Open Play or the Kayamandi Sports Council.

### **Income-generating streams will include:**

- Rental agreements with primary operational partners (including Open Play);
- Venue fees payable by all non-resident operational partners who use the facilities for commercial gain or who benefit from having access to the facilities;
- Leasing the community hall to any entity not directly involved in the day-to-day operations and activation of the facilities;
- Booking fees for all external entities who want to use the facilities to run private programmes or events;
- Facility fees or fixed-term agreements with professional or semi-professional teams and clubs who want to use the facilities for training and competitive matches when not in use by members of the community;
- Income-share agreement with Sunday League informal football teams;
- Leasing of the facilities to federations or entities renting the facilities for tournaments;
- Leasing vendor stations to local vendors;
- Any income-generating opportunities that are legally permissible and identified from time to time.

- The four public schools in Kayamandi will not pay for the use of the facilities.
- Any income-generating school – such as Apex or Vision Afrika – that wishes to share in the use of the facilities will do so on a pay-for-play basis.

The operational budget component of the overall project budget will serve as partial bridge funding for the first five years, allowing the Kayamandi Sports, Recreation and Community Facility to gradually become commercially viable and to accumulate a reserve fund over the same period before needing to fund all operations from it and future incomes.

It would be unrealistic to expect the facility to mature commercially within at least three years of opening. Open Play's operational, managerial and governance involvement is intended to facilitate the teething process, including a gradual release approach concerning the transfer of operational and financial responsibilities. Open Play's role will be scaled back between years four and five, but we indefinitely retain a level of control to ensure the stability and success of the social investment. This will be expanded upon in the next section on Governance and Management.



## 6. GOVERNANCE AND FACILITIES MANAGEMENT

Open Play regards the **establishment of and agreement to stable governance and facilities management structures** as key feasibility criteria for this social investment to go ahead and for the new facility to be sustainable and impactful.

Our relationship with the Kayamandi Sports Council (KSC) has been only positive but the governance and management responsibilities for a facility of this nature cannot be theirs alone.

Also, we believe it would not be conducive to creating and facilitating community ownership and care if Open Play were to indefinitely assume full governance and facilities management duties.

**Rather, we propose a five-year teething-and-transfer approach that entails the following:**

- Open Play CEO to Chair the proposed Board of Overseers for five years, facilitating the chairmanship handover in years 4 and 5 to an eligible and qualified individual from within the community. Open Play will retain permanent representation on the Board.
- Open Play to employ two full-time managerial/operational staff members: General Manager (GM) and Bookings Manager (BM). As the primary municipal contracting partner, we will bear the costs for the first five years. A gradual release approach will be structured so that employment and/or salary transfer begins between years four and five from Open Play to the Board, operating as a legal entity. This will ensure that employees remain protected throughout the transition. By the end of year five, the facility should be commercially self-sustaining, covering at least the cost of the two full-time staff members and certain annual maintenance expenditures.

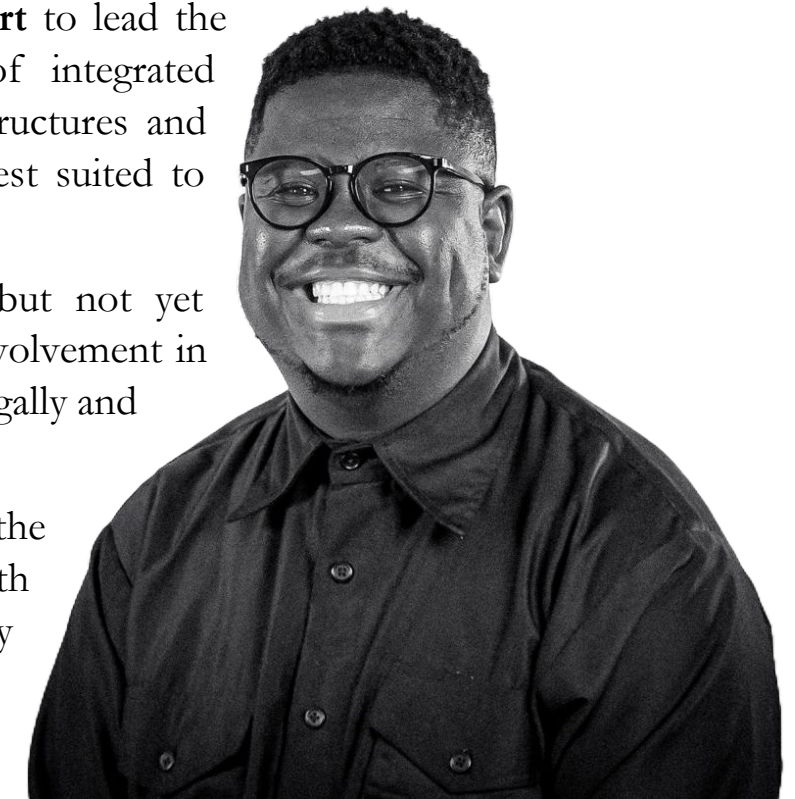
Following a near-full transfer of authority, Open Play will remain involved in an oversight capacity but with fewer operational duties. It is for this reason that we propose Open Play establish its permanent base at the facility.

This will enable direct involvement during the facility's teething years – its day-to-day operations and cultivating income-generating opportunities – and sustain our presence in a support capacity once the facility reaches maturity and self-sustainability.

In pursuit of this objective, we extended Open Play's agreement with Ranyaka by appointing **Qhamani Tshazi** as the **Community Governance expert** to lead the co-design and establishment of integrated governance and management structures and protocols that we believe are best suited to ensure stability and success.

This process is far-developed but not yet concluded, inviting municipal involvement in creating a final structure that is legally and civically acceptable and sound.

The current draft structure is the culmination of consultations with the KSC and an advisory community focus group that has been assembled during Ranyaka's community engagement process.



## 6.1 Governance and Managerial Considerations

We propose a **networked governance structure** because no single entity can effectively govern this space alone. The Municipality has given the KSC a formal role, but the KSC alone cannot manage the full scope of what the facility is meant to be. Sport is one piece of a larger puzzle that includes education, trauma support, security, and healthcare.

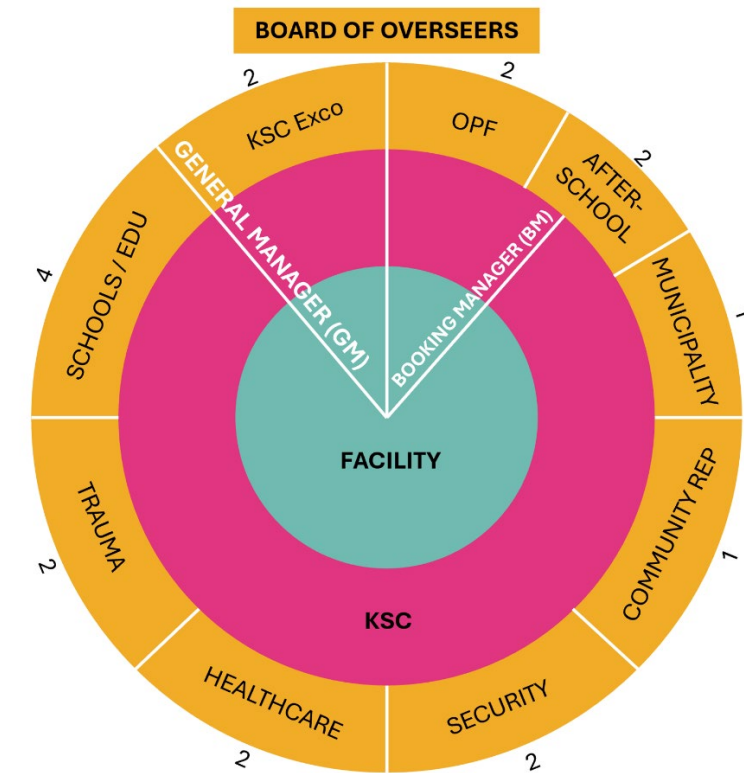
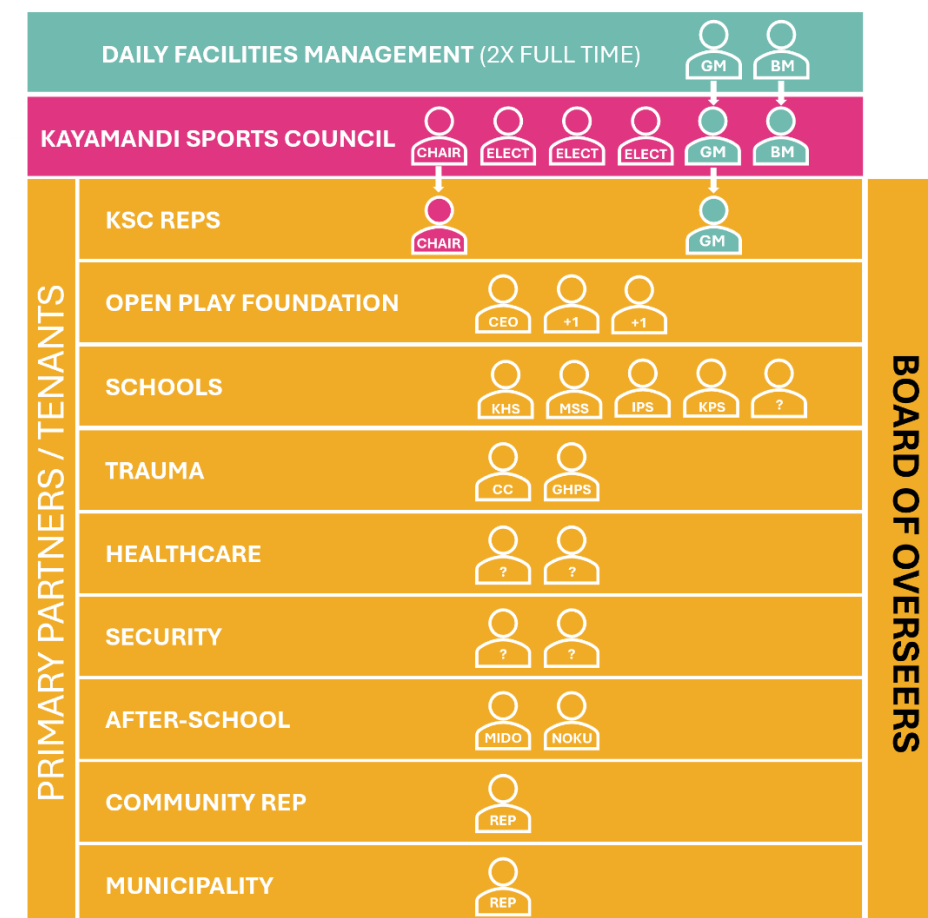
At a high level, the Governance structure has:

- an **operational staffing component** (full-time staff; preferably appointed from within Kayamandi);
- the **Kayamandi Sports Council** (with operational integration); and
- a **Board of Overseers**, consisting of Open Play, the Municipality, KSC representatives, and representatives from the group of key operational partners.

The following discussion stipulates the principles that underpin a stable governance and management structure that is appropriate for a community project of this nature. The appropriate legal entity – with specific reference to the legal nature of the proposed Board of Overseers – is subject to further consultation with legal and NPO experts, including the Municipality.

Looking at the proposed governance structure for the Kayamandi Sport, Recreation & Community Facility, there's a potential tension between existing authority (KSC), stakeholder representation, and long-term operational stability. When conceiving such a governance structure, the challenge is twofold:

- How to incorporate the KSC's municipal mandate into a broader governance framework without either undermining them or giving them unchecked authority.
- How to create a resilient governance structure – one that can withstand external political or community pressures while still being seen as legitimate.



### 6.1.1 Approaching the Governance Structure

#### A. Keep the KSC central but not alone

- The Kayamandi Sports Council (KSC) must be recognised as legitimate, but that legitimacy must be strengthened by embedding it into a broader governance framework.
- Rather than trying to work around or neutralise the KSC, the structure should build on its municipal mandate while ensuring broader stakeholder accountability.
- If we don't do this, we risk constant governance disputes every time someone tries to challenge the KSC's authority.

#### B. Create a Structured Oversight Body (“Board of Overseers”)

- The Board of Overseers should be a hybrid of institutional oversight (Municipality, KSC) and stakeholder governance (operational partners who use the space).
- The Board of Overseers serves as a stabilising force and should include:
  - KSC representatives (to maintain legitimacy)
  - Municipal representative (for policy alignment)
  - Education and health sector reps (because schools and trauma/healthcare services will be major users)
  - Open Play Foundation & other key programme partners (who have a stake in daily operations and ensuring the longevity of the social investment)
  - Security rep (given how contested spaces like these could become)
  - Two independent people nominated from the community (to prevent internal power struggles)
- This group must be structured in a way that it cannot be easily dissolved or replaced by opportunistic leadership changes.

#### C. Secure Operational Management

- The General Manager (GM) and Bookings Manager (BM) must be insulated from political shifts. These are full-time operational roles that:
  - Are employed and funded by Open Play Foundation for the first five years;
  - The GM reports to the Chair of the Board of Overseers (Open Play CEO for the first five years), with the Board providing oversight. This mirrors the Delegation of Authority adopted by the CEO, Chairman and Board of the Open Play Foundation.
  - I.e., the GM does not directly report to the KSC alone.
  - The Bookings Manager reports to the GM.
  - Both serve as permanent members of the KSC Exco;
  - Manage the facility independently, ensuring that governance disputes do not impact daily operations.
  - Have clear job security; these positions cannot be subject to easy removals by voting structures.

This is ultimately about balancing institutional legitimacy, stakeholder inclusion, and operational stability. A networked approach means governance is distributed, but it still needs clear lines of accountability. If we get this right, the facility can serve its full purpose without constantly being in crisis.



### 6.1.1.1 Critical Considerations

**6.1.1.1.1 The KSC remains central as the recognised sports authority with a municipal mandate, but it operates within a broader governance structure rather than as the sole decision-maker. This means:**

- a. The KSC has two formal seats on the Board of Overseers (Chairperson and General Manager), ensuring their mandate is acknowledged.
- b. Their role is defined, and primarily focused on sport-related matters, while other aspects (facility management, multi-purpose programming, stakeholder coordination) are managed collectively.
- c. Their legitimacy is reinforced before governance discussions start, so the process doesn't get derailed by debates about whether they should exist. This way, KSC is not sidelined, but it also isn't expected to do a job beyond its scope and capacity.

### 6.1.1.1.2 Decision-making is structured at different levels:

- a. **Daily operational decisions** (bookings, maintenance, programming) are handled by the General Manager and Bookings Manager. The GM reports to the Chairperson of the Board of Overseers, and both Managers are employed by Open Play Foundation.
- b. **Strategic governance and oversight decisions** (e.g., major funding, partnerships, facility expansions, resolving disputes) are made by the Board of Overseers, which represents all key stakeholders.
- c. **Municipal compliance decisions** (e.g., legal obligations, financial audits): The municipality retains final oversight, but only in defined areas like infrastructure investment or

emergency use but are not burdened with day-to-day operational matters besides basic maintenance responsibilities that need to be negotiated and agreed to formally between the municipality and Open Play Foundation.

- To avoid deadlock, the Board has clear voting rules and a dispute resolution process in case of disagreements.

### 6.1.1.1.3 How do we ensure the General Manager and Bookings Manager operate independently but are still held accountable?

- a. They are full-time employees of Open Play, the main investor and primary contracting party to the Municipality. Open Play will fund these positions for the first five years whereafter their employment and/or salaries are transferred to the Board.
- b. Their reporting lines are as stated above and not to the KSC or the Municipality.
- c. Their job descriptions are clearly defined, with key performance indicators (KPIs) to measure success.
- d. They have employment contracts that prevent arbitrary removal – they can only be dismissed for performance-related reasons, not political or personal disputes.
- e. Regular performance reviews by the Board ensure that they remain accountable while staying independent.
- This ensures stability while preventing these roles from becoming politically vulnerable.

#### 6.1.1.1.4 How do we ensure this governance model remains stable over time and isn't disrupted by external interference?

The Board of Overseers is made up of multiple stakeholders, so no single group can take full control.

- a. A governance charter defines how the structure works and makes it harder for new groups to come in and rewrite the rules.
- b. The KSC's role is formally recognised within the structure, preventing attempts to unseat them.
- c. Long-term, stability comes from ensuring everyone sees value in the structure – if stakeholders feel ownership over it, they're more likely to defend it rather than try to change it.

#### 6.1.1.1.5 Where does the Municipality fit into the structure?

The municipality's main role is oversight, not management.

- a. Its financial and infrastructure role is clear ensuring the facility is maintained, but not involved in programming or operational management.
- b. The Municipality is represented on the Board of Overseers in a limited capacity (as an observer or policy advisor, rather than a dominant decision-maker).

To ensure operational and managerial efficiency:

- Operational decisions won't require municipal approval unless they involve legal compliance or funding requests.
- The Board of Overseers and operational team handle most governance matters independently.
- This keeps the facility aligned with municipal regulations without creating a slow-moving bureaucratic structure.



## 6.2 DRAFT TERMS OF REFERENCE FOR THE KAYAMANDI COMMUNITY GOVERNANCE STRUCTURE

**In the following section, we present the Draft Terms of Reference for the Community Governance Structure of the Kayamandi Sports, Recreation and Community facility:**

### 1. Background

The Kayamandi Sport, Recreation & Community Facility serves as a multi-purpose space for sports, education, community well-being, and development. Its governance requires a collaborative model that ensures stability, accountability, and effective management while recognising the existing role of the Kayamandi Sports Council (KSC) under its municipal mandate.

This governance structure is designed to balance municipal oversight, the KSC's legitimacy, and multi-stakeholder involvement, ensuring that the facility is sustainably managed and accessible to the broader community.

### 2. Purpose of the Governance Structure

The purpose of this governance structure is to:

- Provide a stable, accountable, and transparent governance model for the facility.
- Ensure that the facility serves all key stakeholders, including sports groups, educational institutions, health services, security agencies, and community organisations.
- Prevent governance disruptions due to political interference, leadership disputes, or external power struggles.
- Balance the formal authority of the municipality with community-led governance through a structured oversight mechanism.
- Secure professional, full-time management of the facility, ensuring operational efficiency.

### 3. Structure & Composition

The governance framework consists of three interlinked bodies:

#### A. Board of Overseers (Oversight & Strategic Direction)

##### Mandate:

- Ensure good governance, financial accountability, and strategic oversight of the facility.
- Hold the General Manager and Bookings Manager accountable for daily operations.
- Approve key governance decisions, including financial sustainability and policy compliance.
- Function as the dispute resolution body for governance matters.

##### Composition:

- Chairperson (CEO of Open Play Foundation for at least years 1 to 5)
- Vice-Chairperson (elected from the Board)
- KSC Representatives: KSC Chairperson & Facility General Manager
- Municipal representative (non-voting observer role)
- Open Play Foundation: two nominated members with voting rights (one = secretariat)
- Education Sector Representative (schools using the facility)
- After-care representatives (from after-care/edu support operational partners)
- Healthcare & Trauma Support Representatives
- Security Representative
- Two Independent Experts (nominated based on governance/finance experience) and/or



- Two community representatives elected from the Community Advisory Committee

**Decision-making process:**

- The Board operates on a consensus model, with clear voting procedures for major decisions.
- In case of disputes, a formal mediation process will be followed before escalation.

**B. Facility Management Team (Operational Leadership)**

**Mandate:**

- Manage day-to-day operations, bookings, and financial administration of the facility.
- Ensure facility maintenance, security, and compliance with municipal agreements.
- Function as the liaison between stakeholders and the Board of Overseers.
- Implement Board-approved policies and governance directives.

**Roles:**

**1. General Manager (FM):** Oversees facility operations, stakeholder engagement, and finances. Reports to the Chair of the Board of Overseers and serves as a permanent member of the Kayamandi Sports Council Exco.

**2. Bookings Manager (BM):** Manages facility use, scheduling, revenue-sharing, and reporting. Reports to the General Manager and serves as a permanent member of the Kayamandi Sports Council Exco.

**Employment & Accountability:**

- These are permanent, professional roles that cannot be removed due to governance changes.
- They are accountable to the Board of Overseers, ensuring stability.

- They are employed by the Open Play Foundation as the primary contracting partner and lead social investor.
- Performance reviews will be conducted annually, with clear KPIs.
- The GM and BM are not eligible to be elected as Chairperson of the KSC Exco.

**C. Kayamandi Sports Council**

**Mandate:**

- Municipally sanctioned collective body representing the interests of all organised sports teams and clubs in Kayamandi per Clause 4 of the Constitution of the Kayamandi Sports Council, including but not limited to affiliated football clubs, other sports clubs and academies, and informal teams requiring access to community sporting facilities.
- Promoting inclusive participation in sports within Kayamandi, advocating for sports federations and local sports councils, facilitating networking opportunities, supporting education and training initiatives, and promoting the development and maintenance of sporting facilities for the community.
- Oversees fair use and access to the sports components of the Kayamandi Sports, Recreation & Community Facility. This operational function is coordinated with and seconded to the Bookings Manager, a full-time employee of the Open Play Foundation and a permanent member of the KSC Executive Committee.
- The KSC Chairperson serves on the Board of Overseers, representing all sports stakeholders along with the facilities General Manager as a permanent member of the KSC Executive Committee and Board.

**Composition:**

- The General Council of the KSC will comprise members such as stipulated in Clause 6 of the Constitution of the Kayamandi Sports Council.
- The Executive Committee (Exco) of the KSC shall comprise members such as stipulated in Clause 8 of the Kayamandi Sports Council, including (constitutional amendment needed):
  - The General Manager of the Kayamandi Sports, Recreation & Community facility as a permanent member of the Exco and whose position cannot be disputed by way of a vote or disagreement.
  - The Bookings Manager of the Kayamandi Sports, Recreation & Community facility as a permanent member of the Exco and whose position cannot be disputed by way of a vote or disagreement.
- The Kayamandi Sports Council shall be represented on the Board of Overseers by the Chairperson of the KSC Exco and the General Manager as a permanent member of the KSC Exco.

**4. Key Responsibilities of Each Entity**

| ENTITY                             | KEY RESPONSIBILITIES                                                                                                                                                                                                      |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Board of Overseers                 | Strategic governance, financial oversight, dispute resolution, accountability                                                                                                                                             |
| General Manager & Bookings Manager | Daily operations, bookings, revenue management, maintenance                                                                                                                                                               |
| Kayamandi Sports Council           | Represent sports stakeholders' interests on the Board and with the General Manager, supporting and enabling the Bookings Manager; intermediary between KSC members and Kayamandi Sports, Recreation & Community Facility. |

**5. Governance & Decision-Making**

- The Board of Overseers is the final decision-making body for governance disputes.
- All decisions must be made in line with the municipality's user agreement and South African governance regulations.
- Financial reports are submitted quarterly to the municipality.
- Any structural governance changes require a two-thirds majority vote by the Board.

**6. Dispute Resolution Mechanism**

To prevent governance instability, a three-tiered dispute resolution process applies:

1. Internal mediation within the Board of Overseers.
2. Independent arbitration if internal mediation fails.
3. Municipal intervention, only if governance breakdown threatens facility operations.

**7. Reporting & Accountability**

- The General Manager submits quarterly reports to the Board of Overseers.
- The Board of Overseers submits an annual governance review to the municipality.
- The KSC is represented on the higher Board of Overseers and adheres to the same policies as other Board-represented operational partners and stakeholders.



## 8. Review & Amendments

- This governance structure will be reviewed every two years to ensure it remains effective.
- Any amendments require formal approval by the Board of Overseers and a stakeholder consultation process.

## 9. Conclusion

This governance framework balances institutional legitimacy, operational independence, and community participation, ensuring that the facility is governed in a way that is inclusive, accountable, and resilient to political shifts. By embedding network governance principles, it provides a stable yet flexible structure that can evolve with the needs of the community.





## 7. STELLENBOSCH MUNICIPALITY & OPEN PLAY FOUNDATION

When the Open Play Foundation took its first steps towards re-imagining and re-developing the Kayamandi sports precinct at the beginning of 2023, our ideas were more modest. We considered one artificial football pitch, refurbishing two derelict netball courts, and maybe adding two multi-purpose courts.

The past two years have not only exposed us to the realities of despondency, vandalism, apathy concerning ownership and care, and a severe lack of resources that mark the day-to-day lives of residents of Kayamandi. We have also become intimately aware of the human and community development potential that could be realised through development initiatives that acknowledge the complexities of township life and do not refrain from addressing them – even if it is an expensive and time-consuming endeavour to design and implement solutions that are underscored by a generational perspective and not short-term gains, a lack of understanding and context, and low sustainability prospects.

Over the past two years, including our two completed projects, we have spent more than R13 million in Kayamandi, and we have spent countless hours there to understand the essence of Kayamandi in as far as non-residents can make sense of the place. We even appointed a full-time Community Support Coordinator in Kayamandi since our work there required a near-permanent presence.

We are not naïve about the risks involved in making a social investment of this nature in this community. But we have cultivated strong relationships and support networks of people and organisations who are not just excited about the prospect of having a modern community facility on their front lawn but are also willing to enter the trenches with us when required – and those instances cannot be escaped.

We are not proposing that the Municipality approve a project that will financially benefit Open Play. Open Play is assuming considerable risk with this project and stands to gain nothing but the reputation of a Public Benefit Organisation worthy of this designation, that keeps its

promises and delivers on its mandate. The proposal is the culmination of thousands of hours and millions of rands' worth of intellectual property that will only benefit Kayamandi and as a result, the greater Stellenbosch.

We are proposing a project where Open Play will assume the full capital responsibility for overhauling and enhancing a public facility, and unlike many other infrastructure development investors, we intend to remain invested indefinitely to ensure stability, professionalism and the empowerment of community members and organisations who will eventually be adequately equipped to manage and govern their own community assets.

**“We have to be willing to take the risk of putting our trust in the citizens of developing countries. Trust is the most important form of capital in any business because without it nothing of value can be created. Where there is no trust, there is no purpose or goal in life. [...] To trust is a risk. To distrust is an even bigger risk. [...] Everybody is consumed by politics, but no one is prepared to do the work. Let's start working.” – Dr Anton Rupert (loose translation, Dommisie biography)**

From our perspective, we understand the risks involved in doing a project of this scale and nature in Kayamandi, and we know there is an even greater risk that the community may not be able to use and maintain the facilities for generations to come without significant assistance. But if we choose to invest and indefinitely retain control over the use, access and care of the facility and not empower and trust the community to do it themselves and for themselves, no development will happen and destruction will follow.

Hence, we are not only proposing a grand infrastructure development but the opportunity to develop a platform where human capital can be expanded and developed in ways that only an integrated, community-sensitive project of this nature can achieve by putting our trust in the community without being blind to the risks and challenges inherent to infrastructure developments in disadvantaged, under resourced communities.

This is as much a project of trust and empowerment as it is a social investment in infrastructure and socio-economic advancement.

## 7.1 What are we asking of the Municipality?

### 7.1.1 Process

- Clarity on the appropriate process for approval and implementation while differentiating between the professional and commercial underpinnings of the SFC Van der Stel process and the philanthropic and social-investment nature of Open Play's proposal. Also consider the feasibility investment – including time, relationships, community consultation, IP development and professional services – that has already been incurred by Open Play.
- In this regard, we propose that Open Play Foundation and Stellenbosch Municipality undertake a private-public partnership, including an MOU, subject to further discussions with the Municipality concerning the appropriate legal framework within which such agreements may and should be undertaken. **The Municipality's guidance in this regard would be highly appreciated.**
- Support and cooperation with departmental approvals (Land Use Management, Building Development Management, etc.).

### 7.1.2 Indicative timeline

| WORKSTAGE       | NOTES                                                 | DURATION              | TIMELINE             |
|-----------------|-------------------------------------------------------|-----------------------|----------------------|
| Workstage 0 & 1 | Feasibility: Strategic definition & Inception         |                       | Concludes April 2025 |
| Fundraising     | Proportional feasibility target                       |                       | Est. June 2025       |
| Workstage 2 & 3 | User engagement, Concept design, & Design development |                       | End of 2025          |
| Workstage 4.1   | Statutory approvals                                   | Approx. 8 - 12 months | All of 2026          |
| Workstage 4.2   | Construction tenders*                                 |                       | End of 2026          |
| Workstage 5     | Construction                                          | 12 - 18 months        | Start of 2027        |

### 7.1.3 Project

- Ideally, we want to request capital investments from the Municipality in upgrading the Kayamandi Stadium to comply with NSL Diski requirements. A facility of this nature could create a significant and lasting revenue stream for the Kayamandi Sports, Recreation and Community Facility. As an alternative, given possible budgetary constraints and periods, we are willing to explore including such compliance upgrades in the Construction Budget if the Municipality would agree to full discounts on water, electricity and related charges associated with facility usage and consumption.
- We propose Municipal security services being integrated into a comprehensive security system and structure that would include:
  - In-person security (based in a security room at the facility)
  - Security infrastructure (fences, cameras, beams, and where necessary and safe, electric fencing)
  - Architectural design elements that create separation between publicly accessible zones and controlled-access areas.
  - Kayamandi Sub-CPF interventions.
- Daily maintenance and cleaning staff to assume basic maintenance and repair duties that do not require external service providers.
- Representation on the Board of Overseers within the oversight mandate described earlier.
- Involvement in drafting a final version of the Terms of Reference and amendments to the Constitution of the KSC, to be included in the MOU between the Municipality and Open Play.

### 7.1.4 What are we NOT asking of the Municipality?

- Project funding
- Operational or managerial responsibilities besides basic maintenance and cleaning services and representation on the Board of Overseers.

## 8. CONCLUSION

We have attempted to provide the Municipality with a comprehensive overview of the project, how we have arrived at this point, and what we endeavour to achieve by making a social investment in Kayamandi. We welcome any questions or remarks and are available to discuss this proposal in person and on short notice.

## 9. CONTACT

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|     |                                          |
|-----|------------------------------------------|
| 7.3 | CORPORATE SERVICES: (PC: CLLR L NKAMISA) |
|-----|------------------------------------------|

NONE

|     |                                           |
|-----|-------------------------------------------|
| 7.4 | FINANCIAL SERVICES: (PC: CLLR JC ANTHONY) |
|-----|-------------------------------------------|

NONE

|     |                                         |
|-----|-----------------------------------------|
| 7.5 | HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT) |
|-----|-----------------------------------------|

NONE

|     |                                                    |
|-----|----------------------------------------------------|
| 7.6 | <b>INFRASTRUCTURE SERVICES : (PC : R PHEIFFER)</b> |
|-----|----------------------------------------------------|

|       |                                                                                     |
|-------|-------------------------------------------------------------------------------------|
| 7.6.1 | <b>STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – FEBRUARY 2026</b> |
|-------|-------------------------------------------------------------------------------------|

Collaborator No: 801045  
 IDP KPA Ref No: Green & Sustainable Valley  
 Meeting Date: 18 February 2026

**1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – FEBRUARY 2026**

**2. PURPOSE**

For Council to note the progress of the Municipality as well as Provincial Government's initiatives regarding the Alternative Energy Programme projects which are underway at present.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

The Municipality's Alternative Energy Generation Programme is progressing well, and significant strides have been achieved in the last quarter.

The 50-Megawatt Solar PV project was advertised for 6 months which is standard for a complex project of this nature, supported by the full Transaction Advisor Team appointed by the Provincial Government Department of Infrastructure. The Bids have been evaluated by the Bid Evaluation Committee and will now serve at the Bid Adjudication Committee in February 2026.

The 20-Megawatt Solar PV project does have a preferred bidder appointed, subject to the finalisation of the Power Purchase Agreement (PPA). The Municipality's appointed Legal Firm is providing advice to the Municipality's Finance Department to ensure that the appropriate levels of risk and accountability are incorporated into the Power Purchase Agreement, before it is finalised in February 2026.

The Supervisory Control and Data Acquisition (SCADA) project is well underway with the Phase 3 installations, and these are on track to be completed by June 2026 as planned. The scope of works will enable remote monitoring and remote switching functionality at 11kV secondary substations. The following substations will be completed in Phase 3: Main substation; University substation; La Terra substation; Techo Park; Huguenot; Tennant Substations.

**4.1 20 MW Independent Power Producer Contract:** A meeting to address concerns raised by the Chief Financial Officer (CFO) regarding certain financial clauses in the PPA is scheduled for 13 February 2026.

**4.2 50 MW Independent Power Producer Tender:** The Request for Proposals closed on 30 September 2025. The first technical evaluation report was submitted to SCM on 29 October 2025 and an informal BEC meeting was held on 6 November

2025. The second technical evaluation report was submitted to SCM on 03 December 2025.

- 4.3 SCADA – Phase 3: Scope of works entails remote monitoring and remote switching functionality at 11kV secondary substations. The project is planned to be completed by June 2026. The following substations will be completed in Phase 3:
- Main substation
  - University substation
  - La Terra substation
  - Techo Park
  - Huguenot
  - Tennant
- 4.4 Fire Station Upgrades: Project Completed.
- 4.5 NPK Building Progress: During the stakeholder engagement meetings held in November, it was discovered that the Bloemhof Parking area (the site for the PV and the Battery Energy Storage System (BESS) installation) is located within a heritage area, as such, the project is required to comply with all applicable heritage legislation and approval processes. This will result in the project not reaching procurement stage completion by the originally scheduled date of end of June 2026 and will necessitate an increase in contract value.
- 4.6 Main Building (Neethling Huis) Progress: The Electrical specification was submitted to the Department in December 2025 for review. A meeting was held on 29 January 2026 with the Fire Safety Department to discuss and finalise the mechanical and fire specifications.
- 4.7 Municipal Community Buildings Progress: Thirteen buildings have been completed, only Jamestown Library is outstanding.
- 4.8 Eskom Hot Water Load Control (HWLC) and RT 29-2024 Contracts for smart meters: The tender was cancelled on 22 August 2025 due to the lack of any responsive bids.

## 5. RECOMMENDATION

that Council notes the latest progress with the Alternative Energy Generation projects in implementation at present.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

The Constitution did not allow Local Government to enter 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

- 6.2.1 20 MW Independent Power Producer Contract: Tender conditionally awarded to successful bidder. A Legal Firm has been appointed by the Municipality and has interrogated the draft Power Purchase Agreement. Once the draft Power Purchase Agreement is finalised and signed off by both parties, development rights will commence.

The CFO wanted to discuss certain financial clauses in the PPA. Consequently, finalisation of the PPA has been suspended pending resolutions of these clauses. A meeting to address these concerns and to finalise the PPA is scheduled for 13 February 2026.

- 6.2.2 50 MW Independent Power Producer Tender: The Request for Proposals closed on 30 September 2025. The first technical evaluation report was submitted to SCM on 29 October 2025.

The BEC recommended that the Department revise the evaluation report in the standard format and make a recommendation for a preferred bidder, if there was one.

The second technical evaluation report was submitted to SCM on 03 December 2025. A BEC meeting was scheduled for 28 January 2026, however it was subsequently cancelled following the Department's submission of a memorandum to the Municipal Manager requesting intervention regarding the Transaction Advisor's role and the tender evaluation approach being recommended by the Transaction Advisors.

- 6.2.3 SCADA Phase 3: commenced in July 2025. The kick-off meeting was held on 25 July 2025.

Phase 3 scope of works entails remote monitoring and remote switching functionality at 11kV secondary substations. The project is planned to be completed by June 2026. The following substations will be completed in Phase 3:

- Main substation
- University substation
- La Terra substation
- Techo Park
- Huguenot
- Tennant

Monthly progress meetings are proceeding, and the project remains on schedule for completion by June 2026.

- 6.2.4 Fire Station Progress: The Stellenbosch Fire Station Battery Energy Storage System (BESS) was completed in April 2024. The project is currently under defects and liability period.

The system is currently operating in accordance with the design specifications. The actual energy production for some months exceeded the projected production.

- 6.2.5 NPK Building Progress: The consultant is currently preparing the tender specifications based on the option chosen for implementation.

During the stakeholder engagements meetings held in November, it was discovered that the Bloemhof Parking area (the site for the PV and the Battery Energy Storage System (BESS) installation) is located within a heritage area, and as such, the project is required to comply with all applicable heritage legislation and approval processes.

The original contract period provided for project completion (the appointment's scope is up to the end of procurement stage including the appointment of the contractor) by 30 June 2026. One of the heritage compliance requirements is the undertaking of a Visual Impact Assessment (VIA). The appointment of a suitably qualified specialist to undertake the VIA will result in a revised project completion date and additional, unplanned project costs.

The Department has prepared a memorandum to Supply Chain Management requesting consideration of an extension to the contract period and an increase in the contract value arising from unforeseen statutory heritage requirements. We are currently awaiting feedback from SCM.

- 6.2.6 Main Building (Neethling Huis) Progress: The Electrical specification was submitted to the Department in December 2025 for review. A meeting was held on 29 January 2026 with the Fire Safety Department to discuss and finalise the mechanical and fire specifications. The tender is planned to be advertised in March 2026.

The consultant is finalising the construction program. The construction dates for the Town Hall have been finalised, taking into account existing bookings. The Town Hall has confirmed that there are no bookings during the proposed construction period and that no bookings will be accepted for these dates.

The Council Chambers, however, are presenting a scheduling challenge due to the monthly standing Council and Mayoral Committee meetings. The consultant has requested that the November 2026 Council and Mayoral Committee meetings be convened virtually or at an alternative venue to accommodate the implementation of the project. The Department has prepared a memorandum addressed to the Municipal Manager outlining this request.

Approval of this request will enable the consultant to finalise and formally issue the construction program. The approved program will then be used in the preparation of a more detailed memorandum which will be addressed to the Municipal Manager, confirming the construction timelines for all affected buildings, namely the Town Hall, Council Chambers, Huis De Wit (Filling), Law Enforcement and Building Control, Neethling Huis, and the Main Office Block for further distribution to all affected stakeholders.

- 6.2.7 Municipal Community Buildings Progress: Tender B/SM 34/25 Turnkey – Engineering, Procurement and Construction (EPC) of Hybrid Inverter with Battery Storage Systems at fourteen (14) Stellenbosch Municipality Community Buildings. Thirteen (13) out of fourteen (14) buildings have been completed. Construction at Jamestown Library is experiencing delays due to the absence of the Eskom billing documentation required to register the

installation. We are currently engaging with Eskom to resolve this matter so we can proceed with construction.

6.2.8 Eskom Hot Water Load Control (HWLC) and RT 29-2024 Contracts for smart meters: The tender was cancelled on 22 August 2025 due to the lack of any responsive bidders.

6.2.9 The Municipality's load curtailment application: Eskom submitted a formal response regarding load curtailment application. The response states that Eskom cannot allow the Municipality to be on load curtailment, however, it was determined that the Municipality can implement load curtailment for its end customers. The Municipality will still pursue this option but mitigating measures are in place should Eskom not allow it.

A departmental meeting is scheduled for 12 February 2026 to discuss Eskom's response and to decide on way forward.

The above projects, 4.1 to 4.8, will still be pursued by the Municipality's Alternative Energy Program with the focus on securing cheaper and renewable energy, as well as the focus on business continuity during outages and ensuring that critical plants and systems are still operational.

### 6.3 Financial Implications

The projects have been appropriately budgeted for. Some increase in costs may be incurred due to the Heritage Assessment now required, which will be budgeted for accordingly.

### 6.4 Legal Implications

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

### 6.5 Staff Implications

Specialized technical staff would be required to facilitate and implement the switching and optimization of different sources of energy into the Municipal grid. The department has identified vacancies as well as new posts which have been submitted in a new draft organogram for review.

### 6.6. Previous / Relevant Council Resolutions

**URGENT COUNCIL MEETING: 2025-03-04: ITEM 5.1**

#### **NOTED**

- (a) the clarification of the Feasibility Study Report (**Stellenbosch Municipal Independent Power Producer Procurement Pioneering Project – T008/23**) approved in August 2024;
- (b) the project is in the Bid Specification phase of the procurement process of the 50MW Solar PV and 15 MWh BESS Project;

- (c) that Council be reminded that the chosen option and size of battery energy storage, as per the approved Feasibility Study by Council in August 2024, will unfortunately not contribute to the Municipality reducing Eskom loadshedding levels, but is projected to significantly contribute towards electricity costs savings to the Municipality and ratepayers; and
- (d) that should no responsive bidders be found, it will result in the tender cancellation, whereafter Council will be informed.

**23<sup>RD</sup> 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.

**16<sup>TH</sup> COUNCIL MEETING: 2023-08-23: ITEM 11.6.3**

**NOTED**

The progress of the Alternate Energy Generation initiatives and studies.

**20<sup>TH</sup> 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.



**6.7 Risks / Challenges: Implications and Mitigation:**

- The approval of the municipality's load curtailment application by Eskom's Load Shedding Committee is a risk but the program is now focusing on affordability of future energy costs for the Municipality, as well as security of supply.
- The existing ICT network infrastructure is being upgraded in tandem with the SCADA project.

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

The ICT department is part of the planning regarding the SCADA monitoring project. Additional staff must be appointed once the project of SCADA installation is completed to monitor the equipment. The organogram will have to be amended for this process.

**6.8.2 Municipal Manager**

Requested item on agenda.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                                                                                                                               |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <b><i>Nombulelo Zwane / Rendani Makungo</i></b>                                                                                                                                                               |
| <b>POSITION</b>        | <b><i>Senior Manager: Electrical Services / AEG Project Manager</i></b>                                                                                                                                       |
| <b>DIRECTORATE</b>     | <b><i>Infrastructure Services</i></b>                                                                                                                                                                         |
| <b>CONTACT NUMBERS</b> | <b><i>021 808 8335/ 021 808 8334</i></b>                                                                                                                                                                      |
| <b>E-MAIL ADDRESS</b>  | <b><i><a href="mailto:nombulelo.zwane@ Stellenbosch.gov.za">nombulelo.zwane@ Stellenbosch.gov.za</a> / <a href="mailto:rendani.makungo@ Stellenbosch.gov.za">rendani.makungo@ Stellenbosch.gov.za</a></i></b> |
| <b>REPORT DATE</b>     | <b><i>03 February 2026</i></b>                                                                                                                                                                                |

|     |                                                                  |
|-----|------------------------------------------------------------------|
| 7.7 | <b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR J WILLIAMS)</b> |
|-----|------------------------------------------------------------------|

NONE

|     |                                                                               |
|-----|-------------------------------------------------------------------------------|
| 7.8 | <b>PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM :(PC: CLLR T KUMM)</b> |
|-----|-------------------------------------------------------------------------------|

|       |                                                                                                                              |
|-------|------------------------------------------------------------------------------------------------------------------------------|
| 7.8.1 | <b>TO OBTAIN APPROVAL TO ALLOCATE IDENTIFIED MARKET TRADING SITES TO SERVICE PROVIDERS SUBSEQUENT TO A CALL FOR PROPOSAL</b> |
|-------|------------------------------------------------------------------------------------------------------------------------------|

Collaborator No: 800795  
 IDP KPA Ref No: Valley of Opportunity  
 Meeting Date: 18 February 2026

**1. SUBJECT: TO OBTAIN APPROVAL TO ALLOCATE IDENTIFIED MARKET TRADING SITES TO SERVICE PROVIDERS SUBSEQUENT TO A CALL FOR PROPOSAL**

**2. PURPOSE**

To provide feedback on the public participation process of the Municipality's intention to appoint service providers to operate and manage markets on the identified market trading sites.

To seek Council's approval to allocate market trading sites to service providers subsequent to a call for proposal process and to obtain the relevant approvals required to operate markets from the sites applied for, within Stellenbosch town thereby promoting local economic development and support for informal trading activities.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The item deals with the outcomes of a Call for Proposal process that was followed in terms of Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing of the establishment, management and operations of identified market trading sites.

**5. RECOMMENDATIONS**

- (a) that Council take note of the two feasible submissions that were received through a Call for Proposal expressing the Municipality's intention to follow a process for the outsourcing and management of the identified market trading sites (Eersteriver South Bank and Die Braak).

- (b) that Council approves the allocation of the Eerste River South Bank site to Market on the Plein under the management of Ms Leani Breedts for a pilot period of six (6) months.
- (c) that Council approves the allocation of the Die Braak site to Creative Juice under the management of Ms Anelle Gordon for a pilot period of six (6) months.
- (d) that Council mandate the Municipal Manager to outsource the establishment, operation and management of the identified market trading sites (Eersteriver South Bank and Die Braak).
- (e) that Council mandate the Economic Development and Tourism Section to obtain the relevant approvals required to operate the markets from Die Braak and Eerste River South Bank sites.
- (f) that the Municipal Manager be authorised to conclude the contract or agreement after the above is finalised in terms of the applicable legislation.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

The Stellenbosch Municipality envisions a thriving informal trade sector that is valued, legally recognised, and fully integrated into the economic, urban, and social fabric of the municipal area. As part of its mandate, the Municipality is committed to fostering an environment that supports economic growth and enhances the well-being of its communities.

The Stellenbosch Municipality Informal Trading Policy (2019) outlines the importance of identifying suitable trading areas—such as markets—to create sustainable opportunities for informal traders. A key strategic objective of the Economic Development Section is to support the sector's growth through initiatives that promote entrepreneurship, enhance market access, and foster social cohesion within public spaces.

The Economic Development Section recognises the vital role of informal trade in strengthening the local economy. Key considerations include:

- Enabling Environment: The Municipality has a constitutional mandate to create conditions that promote social and economic well-being.
- Entrepreneurship & Job Creation: Small businesses and startups drive job creation, wealth generation, and increased household incomes.
- Economic Circulation: Affordable infrastructure investments attract new capital and stimulate local economic activity.
- Accessibility & Inclusion: Informal trade provides platforms for individuals with diverse skills, capacities, and financial resources.
- Local Impact: Locally owned and staffed businesses contribute significantly to the economy, with a higher likelihood of income remaining within the community.

- Community Buy-in: Engaging local stakeholders builds capacity, strengthens community ownership, and enhances the long-term sustainability of initiatives.

By fostering a supportive environment for informal traders, the Municipality aims to unlock economic potential, create inclusive opportunities, and build a resilient local economy:

- The initiative focuses on establishing dedicated spaces primarily designed for community markets.
- Job creation and new business opportunities are essential for Stellenbosch, requiring a diverse and inclusive approach.
- The selected sites should be an inviting open space, offering ample room not only for trading but also for light entertainment.
- Traders will operate on a “pack-up-and-go” basis, ensuring the site remains flexible and multi-purpose.

## 6.2 Discussion

The Economic Development and Tourism Section, in collaboration with the relevant internal municipal sections, identified three potential sites for markets. Council approved the advertising of these sites at its May 2025 meeting. Thereafter, two proposals were received for the Eerste River South Bank site, and one proposal was received for all three sites. An evaluation and multi-departmental consultation process was conducted to assess the suitability of various sites and submissions received.

| NR | APPLICANT                           | LAND                                               | TYPE OF MARKET  |
|----|-------------------------------------|----------------------------------------------------|-----------------|
| 1  | Anelle Gordon (Creative Juice)      | Eersterivier Bank<br>Die Braak<br>Bloemhof Parking | Weekend Markets |
| 2  | Leani Breedts (Market on the Plein) | Eersterivier Bank                                  | Sunday Market   |

Although Ms Gordon (Creative Juice) applied for all 3 identified sites, it was decided that Die Braak, would be the most suitable due to the Eerste Riverbank Site already being applied for and between Bloemhof and Die Braak, Die Braak is the more suitable site due to its central location and historical use of the site for trading.

## 6.3 APPLICATION RESPONSIVENESS AND EVALUATION OUTCOMES

- 6.3.1 Stakeholder departments (4 people) evaluated the submissions in terms of their compliance with the advertised criteria and requirements. The evaluation criteria were based on the proposed business model, market viability, market access, financial viability, support services, and financial model.

By the closing date of 15 September 2025, 2 applications were received, and the Application Responsiveness was as follows:



| NR | APPLICANT                           | LAND                                               | TYPE OF MARKET  | EVALUATION TOTAL SCORE | EVLUATION AVERAGE SCORE | RECOMMENDED SITE             |
|----|-------------------------------------|----------------------------------------------------|-----------------|------------------------|-------------------------|------------------------------|
| 1  | Anelle Gordon (Creative Juice)      | Eerste River Bank<br>Die Braak<br>Bloemhof Parking | Weekend Markets | 303                    | 75.75                   | Die Braak                    |
| 2  | Leani Breedts (Market on the Plein) | Eerste River Bank                                  | Sunday Market   | 284                    | 71                      | Eerste River South Bank site |

The scoring cut was 70%, and both proposals met the minimum scoring required.

The agreement between the Municipality and the successful applicant will address, i.e., operating times, noise levels, waste management, etc.

The Economic Development and Tourism Section will obtain the required planning approvals (consent use) to enable the operation of markets at both sites. Both Die Braak and the Eerste River South Bank are zoned as Public Open Space in terms of the Stellenbosch Municipality Zoning Scheme Bylaw, under which the operation of a market is permitted as a consent of use.

#### 6.4 **Financial Implications**

None.

#### 6.5 **Legal Implications**

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

#### 6.6 **Previous / Relevant Council Resolutions**

#### **RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025.05.21: ITEM 7.8.1**

1. That Council approves the following 3 sites as potential market sites which can be operated by organisers and entrepreneurs from Stellenbosch WC024.
  - Eerste River bank
  - Die Braak
  - Bloemhof Parking (weekend's only)
2. That Council approves the advertising of these potential trading sites for public participation
3. That Council notes that potential market organisations wishing to operate markets on these sites will have to comply with all Municipal Policies and By – Laws applicable to public events.
4. That Council mandates the Municipal Manager to enter into agreements with potential market organisers wishing to operate these sites as a public market on terms as prescribed by Municipal By – Laws and any other applicable legislation.

**6.6 Staff Implications**

This report at this stage has no staff implications to the Municipality.

**6.7 Departmental Comments****6.7.1 Department Community and Protection Services: Environmental Management**

This comment refers specifically to the Eerste River South Bank site. This site is environmentally sensitive given its proximity to the Eerste River. This Department does not oppose the approval of the site for a market under condition that the site be equipped with sufficient infrastructure to ensure the necessary waste collection is undertaken in the immediate area of the market and that waste collection is done as soon as possible on conclusion of the market being held. The market organizer must also ensure that waste generation is minimized during markets and that the area is clean once a market-day has concluded and the market packed up. All market activities must be restricted to the area south of the paved walkway that runs parallel to the Eerste River in the area.

Annexure 1:

**EIKESTADNUUS – CALL FOR PROPOSAL ADVERTISEMENT**

Annexure 2:

**STELLENBOSCH MARKETS EVALUATION SHEET**

Annexure 3:

**PREVIOUS COUNCIL DECISION**

Annexure 4:

**LOCALITY MAP – DIE BRAAK**

Annexure 5:

**LOCALITY MAP – EERSTE RIVER SOUTH BANK****FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                  |
|------------------------|--------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Lesley van Gensen                                                                                |
| <b>POSITION</b>        | Senior Local Economic Development Officer                                                        |
| <b>DIRECTORATE</b>     | Planning and Economic Development                                                                |
| <b>CONTACT NUMBERS</b> | 021 808 8179                                                                                     |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Lesley.vangensen@ Stellenbosch.gov.za">Lesley.vangensen@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 5 February 2026                                                                                  |

# **ANNEXURE 1**

[illegible]



# **ANNEXURE 2**

## ANNEXURE 2 - STELLENBOSCH MARKETS EVALUATION SHEET

**STELLENBOSCH MARKETS EVALUATION SHEET**

COMMITTEE MEMBER : .....  
DEPARTMENT : .....  
DATE OF EVALUATION : .....  
SIGNATURE : .....

| MARKET PREMISES                   |           |                                                                                                                                                         |  |                                                                                                                             |  |                                                                                                                                                     |  |                                                                                                                                 |  | RECOMMEND |
|-----------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|--|-----------|
| BUSINESS PLAN SUBMITTED: YES / NO |           |                                                                                                                                                         |  |                                                                                                                             |  |                                                                                                                                                     |  |                                                                                                                                 |  |           |
| No                                | Applicant | Proposed Business Model                                                                                                                                 |  | Market Viability                                                                                                            |  | Market Access                                                                                                                                       |  | Financial Viability                                                                                                             |  | YES / NO  |
| 1.                                |           | <b>Does it include:</b><br><br>Overview of Business Y N<br>Operational Plan Y N<br>Marketing Y N<br>Implementation Plan Y N<br>Target Market Y N<br>/25 |  | <b>Does it entail:</b><br><br>Market demand Y N<br>Cost Effectiveness Y N<br>Type of Market Y N<br>Portion of Land Y<br>/20 |  | <b>Does the plan show:</b><br><br>Market Analysis Y N<br>Market Entry Strategy Y N<br>Competitive Analysis Y N<br>Market Access Strategy Y N<br>/20 |  | <b>Does the plan include:</b><br><br>Financial Projections Y N<br>Realistic Cost Estimation Y N<br>Funding and Costs Y N<br>/15 |  |           |
|                                   |           | <b>Support Service</b><br><br><b>Does the plan show:</b><br><br>Competence of the Team Y N<br>Facilities & Operation Y N<br>/10                         |  | <b>Financial Model</b><br><br><b>Does it entail:</b><br><br>Risk Management Y N<br>Performance Monitoring Y N<br>/10        |  | <b>TOTAL SCORE /100</b>                                                                                                                             |  |                                                                                                                                 |  |           |
| COMMENTS:                         |           |                                                                                                                                                         |  |                                                                                                                             |  |                                                                                                                                                     |  |                                                                                                                                 |  |           |

# **ANNEXURE 3**

**ANNEXURE 3 – PREVIOUS COUNCIL DECISION**

|            |                                                                                           |
|------------|-------------------------------------------------------------------------------------------|
| <b>7.8</b> | <b>PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM :(PC: DEPUTY MAYOR M SLABBERT)</b> |
|------------|-------------------------------------------------------------------------------------------|

|              |                                                                |
|--------------|----------------------------------------------------------------|
| <b>7.8.1</b> | <b>IDENTIFICATION OF A MARKET TRADING SITE IN STELLENBOSCH</b> |
|--------------|----------------------------------------------------------------|

**Collaborator No:** 785640  
**IDP KPA Ref No:** Green & Sustainable Valley  
**Meeting Date:** 21 May 2025

**1. SUBJECT: IDENTIFICATION OF A MARKET TRADING SITE IN STELLENBOSCH****2. PURPOSE**

To seek Council's approval for the designation of a market trading site within Stellenbosch town, thereby promoting local economic development and support for informal trading activities. Furthermore, to request approval from Council to proceed with advertising of potential trading sites, for public participation.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Stellenbosch Municipality envisions a thriving informal trade sector that is valued, legally recognized, and fully integrated into the economic, urban, and social fabric of WC024. As part of its mandate, the Municipality is committed to fostering an environment that supports economic growth and enhances the well-being of its communities.

The Stellenbosch Municipality Informal Trading Policy (2019) outlines the importance of identifying suitable trading areas, such as markets, to create sustainable opportunities for informal traders. A key strategic objective of the Economic Development Section is to support the sector's growth through initiatives that promote entrepreneurship, enhance market access, and foster social cohesion within public spaces.

The Economic Development Section recognises the vital role of informal trade in strengthening the local economy. Key considerations include:

- **Enabling Environment:** The Municipality has a constitutional mandate to create conditions that promote social and economic well-being.
- **Entrepreneurship & Job Creation:** Small businesses and startups drive job creation, wealth generation, and increased household incomes.
- **Economic Circulation:** Affordable infrastructure investments attract new capital and stimulate local economic activity.
- **Accessibility & Inclusion:** Informal trade provides platforms for individuals with diverse skills, capacities, and financial resources.



- **Local Impact:** Locally owned and staffed businesses contribute significantly to the economy, with a higher likelihood of income remaining within the community.
- **Community Buy-in:** Engaging local stakeholders builds capacity, strengthens community ownership, and enhances the long-term sustainability of initiatives.

By fostering a supportive environment for informal traders, the Municipality aims to unlock economic potential, create inclusive opportunities, and build a resilient local economy:

- The initiative focuses on establishing a dedicated space primarily designed for community markets.
- Job creation and new business opportunities are essential for Stellenbosch, requiring a diverse and inclusive approach.
- The selected site should be an inviting open space, offering ample room not only for trading but also for light entertainment.
- Traders will operate on a "pack-up-and-go" basis, ensuring the site remains flexible and multi-purpose.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.8.1**

- (a) that Council approves the following 3 sites as potential market sites which can be operated by organisers and entrepreneurs from Stellenbosch W024;
  - Eerste Riverbank
  - Die Braak
  - Bloemhof Parking (weekend's only)
- (b) that Council approves the advertising of these potential trading sites, for public participation;
- (c) that Council notes that potential market organisers wishing to operate markets on these sites will have to comply with all Municipal Policies and by – laws applicable to public events; and
- (d) that Council mandates the Municipal Manager to enter into agreements with potential market organisers wishing to operate these sites as a public market on terms as prescribed in Municipal by – laws and any other applicable legislation

|                        |                                                                                                  |
|------------------------|--------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Lesley van Gensen                                                                                |
| <b>POSITION</b>        | Manager: Economic Development and Tourism                                                        |
| <b>DIRECTORATE</b>     | Planning and Economic Division                                                                   |
| <b>CONTACT NUMBERS</b> | 021 808 8179                                                                                     |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Lesley.vangensen@ Stellenbosch.gov.za">Lesley.vangensen@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 12 May 2025                                                                                      |

# **ANNEXURE 4**





Proposed LSDF Study Area

**Legend**

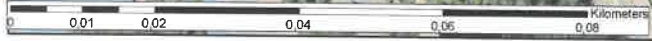
-  Other Municipalities
-  Stellenbosch Municipality
-  Erven

# **ANNEXURE 5**





Proposed LSDI Study Area



| Legend |                           |
|--------|---------------------------|
|        | Other Municipalities      |
|        | Stellenbosch Municipality |
|        | Erven                     |

|       |                                                                                                                             |
|-------|-----------------------------------------------------------------------------------------------------------------------------|
| 7.8.2 | <b>ADOPTION OF THE STELLENBOSCH MUNICIPALITY FINAL DRAFT PROBLEM PROPERTY BYLAW 2026 AND ASSOCIATD SYSTEM OF DELEGATONS</b> |
|-------|-----------------------------------------------------------------------------------------------------------------------------|

Collaborator No: 801184  
 IDP KPA Ref No: Valley of Opportunity  
 Meeting Date: 18 February 2026

**1. SUBJECT: ADOPTION OF THE STELLENBOSCH MUNICIPALITY FINAL DRAFT PROBLEM PROPERTY BYLAW 2026 AND ASSOCIATD SYSTEM OF DELEGATONS**

**2. PURPOSE**

Is for the Portfolio Councillor of Planning to present to Council for consideration the adoption of the Stellenbosch Municipality: Final Draft Problem Property By-law (2026), as well as the associated system of delegations.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Following the internal review of the Stellenbosch Municipality: Problem Property By-law (2020), the Department of Development Management proceeded to update the current problem property by-law to address difficulties that are currently being experienced in the implementation of said By-law, as well as to enhance the By-law with relevant additions.

Following the necessary amendments the subject By-law was adopted as a draft by Council for the purpose of a public participation process. No inputs, comments or objections were received.

The proposed draft Stellenbosch Municipality Problem Property By-law (2026) is now being presented to Council for consideration to be adopted for the purpose of implementation.

**5. RECOMMENDATIONS**

- (a) that the final Draft Stellenbosch Municipality By-law on Problem Properties 2026, duly introduced in terms of Section 12(1) of the Local government: Municipal Systems Act, 2000 (Act 32 of 2000) by the Portfolio Councillor for Planning, and attached as **ANNEXURE "A", BE APPROVED** in terms of section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); and
- (b) that the associated system of delegations for the Stellenbosch Municipality By-law on Problem Properties 2026, attached as **ANNEXURE "B", BE APPROVED** in terms of Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).



**6. DISCUSSION / CONTENTS****6.1 Background**

With due consideration of the report to Council vide item 10.8.1 of minutes dated 31 March 2025, the necessary updates were undertaken to address the matters that has been identified during the review of the subject By-law.

A public consultation process was undertaken with a notice in both the Eikestad Nuus on 24 April 2025 and Die Burger on 25 April 2025. No inputs, comments or objections from the public were received.

Due to the array of matters that this By-law will address, and which will result therein that various functionalities within the Municipality will be involved and responsible to implement the subject By-law, engagements with these Directorates and the Municipal Manager followed to clarify the roles and responsibilities in implementing the subject By-law. A Standard Operating Procedure was drafted that would guide the application of the Bylaw and the roles and responsibilities of the different functionalities in the Municipality in doing so. An associated system of delegations was drafted and is being presented as part of this Item for consideration and approval.

The adoption of this By-law will also repeal the current approved By-law (2020) in terms of Section 25 of the subject By-law and will come into operation on the date of publishing same.

The subject Bylaw was presented and discussed with both the Senior Legal Advisor of the Municipality as well as the Magistrate regarding the proposed fines in Schedule A.

**6.2 Financial Implications**

There are no direct financial implications to the adoption of the subject By-law other than the cost associated with its publishing.

**6.3 Legal Implications**

The adoption of the subject 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 required public participation process was undertaken.

**6.4 Staff Implications**

There will be no direct implications on staff other than to provide a By-law which will support and enhance associated matters of service delivery.

**6.5 Previous / Relevant Council Resolutions**

6.5.1 Council resolved vide Item 13.2 on 29 July 2020:

- (a) that the revised draft By-law on Problem Properties for Stellenbosch Municipality (WC024) be recommended for approval in terms of Sections 11(3)(m) of the Local Government Municipal Systems Amendment Act 32 of 2000 and;
- (b) the administration proceeds with the publication of the by-law.

6.5.2 Council resolved vide Item 10.8.1 on 31 March 2025:

5.1 that the proposed draft Stellenbosch Municipality Problem Property By-law 2025 **BE NOTED**.

5.2 That the proposed draft Stellenbosch Municipality Problem Property By-law 2025 **BE ADOPTED** for the purpose of a public participation process.

## 6.6 Risk Implications

There are no risks associated with the adoption and implementation of the of the proposed Stellenbosch Municipality Problem Property By-law 2026.

## 6.7 Comments from Senior Management

### 6.7.1 Director: Infrastructure Services

Inputs provided and addressed during internal consultations.

### 6.7.2 Director: Planning and Economic Development

Item supported.

### 6.7.3 Director: Community and Protection Services

Inputs provided and addressed during internal consultations.

### 6.7.4 Director: Strategic and Corporate Services

Inputs provided and addressed during internal consultations.

### 6.7.5 Chief Financial Officer

Inputs not solicited.

### 6.7.6 Municipal Manager

Item supported.

## ANNEXURES

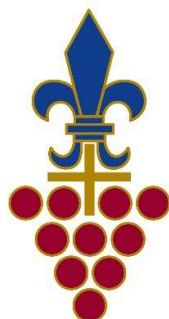
ANNEXURE "A": Final Draft Stellenbosch Municipality: Problem Property By-law 2026

ANNEXURE "B": Proposed system of delegations associated with the Final Draft Stellenbosch Municipality: Problem Property By-law 2026

|                 |                                        |
|-----------------|----------------------------------------|
| 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     | 10 February 2026                       |



# **ANNEXURE A**



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# **PROBLEM PROPERTY BY-LAW**

APPROVED BY COUNCIL/VIDE ITEM: \_\_\_\_\_ ON DATE

\_\_\_\_\_ 2026

EFFECTIVE DATE OF PUBLICATION: \_\_\_\_\_ 2026

***FINAL DRAFT:***

***04 February 2026***

## **STELLENBOSCH MUNICIPALITY**

### **Problem Property By-law 2026**

**To regulate and control problem properties in the Stellenbosch Municipality.**

### **PROBLEM PROPERTY BY-LAW**

#### **PREAMBLE**

**Noting** the constitutional mandate of municipalities to administer the regulation of buildings and properties within their jurisdiction and to control public nuisance;

**Noting** the need to identify problem properties and to take the necessary measures to ensure compliance with the Municipality's by-laws, policies and plans and legislation related to property and the use of property;

**And noting** that the principal purpose of this By-law is to secure compliance rather than demolition and re-development;

**Be it therefore enacted** by the Council of the Stellenbosch Municipality as follows: -

## **CONTENTS**

### **PART 1: DEFINITIONS AND APPLICATION**

- 1 Definitions**
- 2 Application of this By-law**

### **PART 2: DUTY AND LIABILITY OF OWNERS**

- 3 Duty of owners**
- 4 Duty to take measures**
- 5 Liability of owners for damages and costs**

### **PART 3: INVESTIGATION AND COMPLIANCE NOTICE**

- 6 Investigation**
- 7 Compliance notice**
- 8 Failure to comply with compliance order**

### **PART 4: DECLARATION OF A PROBLEM PROPERTY**

- 9 Notice of intention to declare a problem property**
- 10 Declaration of a problem building**
- 11 Owner's failure to comply with the declaration**

### **PART 5: APPOINTMENT OF ADMINISTRATOR<sup>7</sup>**

- 12 Appointment of administrator**

### **PART 6: EVACUATION, EVICTION AND DEMOLITION**

- 13 Evacuation**
- 14 Demolition**



**PART 7: ENFORCEMENT**

**15 Civil proceedings**

**16 Offences and penalties**

**PART 8: GENERAL**

**17 Appeals**

**18 Appointment of authorised officials**

**19 Delegation**

**20 Powers of authorised officials**

**21 Form of notices, declarations and sign boards**

**22 Service of notices**

**23 Indemnity**

**24 Repeal**

**25 Short title**

**SCHEDULE A: FINES**

**ANNEXURE A: NOTICES**

## PART 1: DEFINITIONS AND APPLICATION

### 1 Definitions

In this By-law, unless the context indicates otherwise-

**“authorised official”** means an employee of Stellenbosch Municipality responsible for carrying out any duty or function or exercising any power in terms of this By-law or any other applicable by-law and includes an employee delegated to carry out such duties, functions or exercise such powers;

**“building”** includes-

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the-
  - (i) accommodation or convenience of human beings or animals;
  - (ii) manufacture, processing, storage, display or sale of any goods;
  - (iii) rendering of any service;
  - (iv) destruction or treatment of refuse or other waste materials;
  - (v) cultivation or growing of any plant or crop;
- (b) any wall or part of the building including entrance gates/facilities;

1. **“Municipality”** means Stellenbosch Municipality, a local authority established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998 by Provincial Notice 489/2000 (Establishment of the Stellenbosch Municipal (WC024)) promulgated in the Government Gazette dated 22 September 2000, as amended by Provisional Notice PN675/2000 (Stellenbosch Municipality (WC024) Established Amendment Notice)

promulgated in the Provincial Gazette of 4 December 2000 as amended by the 9<sup>th</sup> Amendment notice dated 15 October 2021.

**“National Building Regulations Act”** means the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977);

**“owner”** in relation to a property means the person in whose name the land on which such building was or is erected, as the case may be, is registered in the deeds office in question;

**“occupier”** means a person in charge of a property or the person who occupy the property or who erected the structure under investigation or authorised the erection of the structure on the property with or without the consent of the owner.

(a) If such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973), or if his or her estate has been sequestrated, placed under administration or debt review the executor or curator, administrator or debt councillor concerned, as the case may be;

(b) such person, in the case of a juristic person or trust, has been liquidated or placed under judicial management or business rescue, the liquidator, judicial manager or business rescue practitioner concerned, as the case may be;

(c) such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or who is responsible therefor;

(d) in the case of a sectional title scheme, a sectional title unit is registered in the name of a person, that person;

(e) in the case of a trust, the trustees of such trust;

(f) in the case of an Owners Association, the members of the owners association

(g) in the case of a sectional title scheme, a body corporate responsible for the control, administration, and management of the common property; and/or

(h) where the Stellenbosch Municipality is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or who enjoys such benefit;

**“problem property”** means any property that has been declared under section 10 to be a problem property;

**“property”-**

(a) means any piece of land registered as a separate entity of land in the deeds registry as an erf, lot, plot, farm, stand or agricultural holding and includes any unit and land contemplated in the Sectional Title Act, 1986 (Act No. 95 of 1986) including any piece of land not so registered in the deeds registry;

(b) includes any building or structure on that piece of land, any active or abandoned development and building activities, inclusive of earthworks, on the property in pursuance of development of the subject property; and

(c) includes any earthworks done on that piece of land.

## **2 Application of this By-law**

(1) This By-law applies to all properties within the area of jurisdiction of the Stellenbosch Municipality including properties owned by the State.

(2) Where the Stellenbosch Municipality is unable to determine the identity of the owner of a property, any person who is entitled to the benefit of the use of such building or property, or who enjoys such benefit shall be deemed to be the owner of such property or the person in charge of that property or who occupy the property.



## PART 2: DUTY AND LIABILITY OF OWNERS

### 3 Duty of owners

- (1) Every owner of a property must-
- (a) not permit that the property becomes abandoned and/ or it to be unlawfully occupied, overcrowded or used for criminal activities; or activities that contravenes any Municipal Bylaws or National Laws
  - (b) not permit the dumping of waste on the property or allow that waste accumulate on the property; and
  - (c) not permit that the property be used for any purpose not authorised in terms of the prevailing land use rights and /or cause that the property is illegally connected to electricity and the water supply system,
  - (d) ensure that the property, which includes any structures, buildings and infrastructure located thereon, is maintained in a good state of upkeep, repair and in a safe and functional condition that prevents hazards to health, safety or the environment, and which includes, but is not limited to, ensuring:
    - (i) that the condition and appearance of the property is not in a state of being derelict, unhealthy, unsanitary, unsightly, dilapidated, overgrown and consequently justifiable objectionable, and
    - (ii) that the condition and appearance of the property does not impact negatively on the aesthetic appeal of the living environment, and which means that the condition and appearance of the property is not distractively less than, and not befitting, the equivalent state of the prevailing conditions of other properties in the same street and/ or precinct.
  - (e) ensure that the property, including any structures, buildings and infrastructure located thereon, is maintained in compliance with the applicable **National Building Regulations** and other relevant safety regulations so that the property does not present any risks to the health,

safety, or well-being of the occupants or the public, and which includes, but is not limited to, ensuring that:

- (i) the structural integrity of the building, structures, and infrastructure is preserved and not causing that any building, structure or infrastructure on the property becomes structurally unsound or becomes dangerous to life or property, and if so, to notify the Stellenbosch Municipality if the condition of any property is dangerous to life or property in terms of section 12(2) of the National Building Regulations and Building Standards Act;
  - (ii) electrical, plumbing, and mechanical systems are safe and properly functioning
  - (iii) access to the property, including walkways and stairways, is safe and free from hazards.
  - (iv) fire safety measures are in place and maintained in good working order.
- (2) During the erection of a building, the owner of the property must proceed with its erection without delay and take reasonable measures during its erection to prevent unauthorised access to the building.
  - (3) For the purposes of subsection (2), delay means any period in excess of three months.

#### **4 Duty to take measures**

- (1) If a property is unlawfully occupied or used for criminal activities, the owner must take the necessary measures to evict the occupants at own cost without delay.
- (2) Where the owner of such property fails/refuses to take appropriate legal action and/or eviction proceedings against the illegal occupiers, out of own initiative or when instructed to do so, the Municipality can institute appropriate legal action against the owner and occupiers which proceeding will be instituted by the Municipality, but for the cost of the owner. Where the owner cannot be found after a diligent search, legal action can be instituted by the Municipality against the illegal occupants, and owner which will be for the owner's cost.

- (3) The Municipality will take appropriate legal action against the occupiers of the property, where the Municipal Council is the owner of a property so occupied.
- (4) Where the State is the owner of a property, the Municipality will act against a State after a process of intergovernmental relations is instituted and finalised.
- (5) If waste has been dumped or accumulated on the property, the owner must remove the waste and transport it to a designated licensed disposal facility at the owner's cost.
- (6) Should the owner fail/refuse to remove the waste the Municipality can institute legal action against the owner/occupier of the property.
- (7) Overgrown vegetation shall be removed by the owner at the owner's cost when so instructed by the Municipality in writing, and within 14 working days from receipt of such instruction. Should the owner fail to adhere to the instruction from the Municipality, the Municipality shall appoint a contractor to execute the function, and the cost shall be for the owner's account and shall be placed on the owner's Municipal account.

## **5 Liability of owners for costs**

- (1) Where the owner has failed to comply with a compliance notice issued by the authorised official, the owner is liable for the costs incurred by the Stellenbosch Municipality or contractor appointed by the Municipality, to-
  - (a) maintain, repair, renovate, rehabilitate, or alter the property;
  - (b) secure, close or barricade the property;
  - (c) demolish a building or structure on the property;
  - (d) to clean-up and remove waste, vegetation, clear and remove plant overgrowth, remove rubble and rehabilitate the property; or
  - (e) otherwise enforce compliance with this By-law
- (2) Any damages and actual costs will be recovered by the Stellenbosch Municipality in terms of its Credit Control and Debt Collection Policy and the Credit Control

and Debt Collection By-law, 2011 and these cost may be added to the owner's Municipal account..

- (3) Where the Municipality commenced with any of the processes alluded to in section 5(1)(a) to (e), the Municipality will finalize the process commenced with and the owner cannot appoint its own contractors after the Municipality commenced with such processes.
- (4) The owner/occupier will be liable for the payment of the costs incurred by the Municipality regardless of the owner/occupier appointing its own contractor after the Municipality appointed a contractor to attend to the processes alluded to in section 5(1)(a) to (e).

### **PART 3: INVESTIGATION AND COMPLIANCE NOTICE**

#### **6 Investigation**

- (1) Subject to subsection (7), an authorised official may enter any property unrestricted at a reasonable time to inspect and determine whether the owner of the property complies with this by-law. A reasonable time in terms of this section will be any time between 07h00am and 20h00pm on weekdays.
- (2) An authorised official may only enter a property in terms of subsection (1)-
  - (a) with the consent of the owner or occupant; OR
  - (b) on 7 days after the date upon which a written notice was sent to the owner or occupant of an intention to inspect the property; or
  - (c) with a warrant to enter and search the property issued by a Judge of the High Court or a Magistrate for the district in which the land or property or premises or building or structure is situated, at the request of the Municipality if –
    - (i) the prior permission of the occupier or owner cannot be obtained after reasonable attempts; or
    - (ii) the purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof;



- (d) A warrant may be issued only if it appears to the Judge or Magistrate from information that there are reasonable grounds for believing that –
  - (i) An authorised employee has been refused entry to land or property or a building that he or she is entitled to inspect;
  - (ii) An authorised employee will be refused entry to land or property or a building that he or she is entitled to inspect;
  - (iii) An offence contemplated in section 16 of this By-law is occurring or has occurred and an inspection of the premises is likely to yield information pertaining to that offence; or
  - (iv) The inspection is in the opinion of the Municipality reasonably necessary for the purpose of this By-law.
- (3) A warrant must authorise the Municipality and all officials deemed necessary by the Municipality, including any law enforcement agents or government officials, to enter upon the land or property or premises or to enter the building to inspect and determine whether the owner of the property complies with this By-law as specified in the warrant, on one occasion only, and that entry must occur –
  - (i) Within one month of the date on which the warrant was issued; and
  - (ii) At a reasonable time between 07h00am and 20h00pm, except where the warrant was issued on grounds of urgency.
- (4) A search warrant may only be issued if it appears on information provided under oath that there are reasonable grounds for believing that the property is unlawfully occupied, used for criminal activities, or that there is prima facie evidence that there is a contravention of this By-law.
- (5) An authorised official or officials may enter the premises without a warrant if he/she reasonably believes that a warrant will be issued in the circumstances contemplated in subsection (7) but that the delay in obtaining such warrant will negate the purpose of such entry.
- (6) An authorised official may be accompanied by any approved competent person, as contemplated in Part A 19 of the National Building Regulations and a law

enforcement official may accompany the official due to safety concerns, or any other person who's technical or professional advice would be required to make a determination on any prevailing condition at the property, who is instructed to examine the building and report on the state of the building and any measures to be taken,

- (7) A notice issued in terms of subsection (2)(b) permits the authorised official to enter the property in terms of subsection (1) more than once.

## **7 Compliance notice**

- (1) An authorised official may issue a compliance notice on the owner of a property if that official considers that-
  - (a) the owner has failed to comply with the duties of an owner under Part 2 or any other contravention of the By-law which can be remedied by the issuing of a compliance notice; and
  - (b) the failure can be remedied without the declaration of a problem property in terms of Part 4.
- (2) The compliance notice must-
  - (a) specify-
    - (i) the measures that the owner must take to remedy the non-compliance in terms of Part 2;
    - (ii) a reasonable period within which the measures must be taken; and completed in full
    - (iii) the date by which the owner may make representations to amend or withdraw the notice; and
  - (b) be in the form determined by the delegated authority in terms of section 20.
- (3) The measures contemplated in subsection (2)(a) may include-
  - (a) cleaning, repairing, repainting, renovating or altering the property;
  - (b) securing, fencing, or barricading the property;

- (c) completing the construction of a building or structure on that property;
  - (d) closing or demolishing a structure, building or part of a building;
  - (e) disposing of, or removing, any waste accumulated, dumped or stored on a property;
  - (f) clear and remove plant overgrowth, remove rubble and rehabilitate the property; or
  - (g) causing any unauthorised land uses and/ or occupation or criminal activities associated with the property to cease.
- (4) The authorised official may amend the compliance notice after receiving any representations from the owner contemplated in subsection (2)(a)(v).

## **8 Failure to comply with compliance order**

- (1) If the owner of the property fails to comply with a compliance order issued in terms of section 7, an authorised official -
  - (a) may extend the period or otherwise amend the compliance order;
  - (b) may declare the property to be a problem property in terms of section 10;
- (2) The owner contemplated in subsection (1) is liable for the costs incurred in respect of an approved competent person for examining and reporting on the state of the building and the measures to be taken in terms of section 6(6).

## **PART 4: DECLARATION OF A PROBLEM PROPERTY**

### **9 Notice of intention to declare a problem property**

- (1) An authorised official may issue a notice of intention to declare a property to be a problem property if the official is satisfied that there are good grounds for believing that the property -
  - (a) is abandoned or derelict;
  - (b) is unlawfully occupied or overcrowded;

- (c) is overgrown, not maintained properly and as a result is or is becoming unhealthy, unsanitary, unsightly, dilapidated, overgrown or objectionable;
  - (d) is illegally connected to either the electricity and/or water supply system;
  - (e) is being used for criminal activities or as a throughfare for criminals;
  - (f) has without planning permission, been altered so as to have the effect of preventing the South African Police Service and/or law enforcement of the Municipality, its inspection authorities and authorised officials from lawfully entering the property without notice in order to frustrate the purpose of an investigation;
  - (g) is structurally unsound or is or becoming dangerous to life or property;
  - (h) is being used to dump waste or allowed to accumulate waste or vegetation;
  - (i) has people occupying the property without access to clean water supply and ablution facilities; or
  - (j) has buildings or structures that was erected without approved building plans that is used by people contrary to the consent use issued by the Municipality;
  - (k) the construction of which is incomplete and
    - (i) has not been proceeded with for more than three months, and
    - (ii) the owner has not taken reasonable measures during its erection to prevent unauthorised access to the property.
  - (l) failure to comply with any duty of owners as listed in section 3
- (2) The notice in subsection (1) must-
- (a) give the owner 7 days within which to make representations as to why the property should not be declared a problem property and why the measures specified in subsection (b) should be amended or withdrawn;
  - (b) specify the measures and the time-period within which the measures must be taken to prevent the property being declared a problem property.



- (3) If in the representations the owner undertakes, in writing, to take the measures specified in subsection (2)(b), subject to such conditions that the authorised official may require, the official may in his or her discretion defer a decision in terms of section 10(1).

## **10 Declaration of a problem property**

- (1) An authorised official may, using the criteria set out in section 9(1) declare a property a problem property if-
  - (a) the owner fails to comply with a compliance notice issued in terms of section 7(1);
  - (b) the owner fails to make representations;
  - (c) representations have been made; the official is nevertheless satisfied that there are good grounds to declare the property a problem property;
  - (d) the owner fails to comply with the undertaking given in terms of section 9(3).
- (2) The declaration, in a form to be determined by the delegated authority in terms of section 20, must set out the measures and the dates within which the measures must be taken by the owner.
- (3) The measures contemplated in subsection (2) include-
  - (a) any measure contemplated in section 7(3);
  - (b) an order requiring the evacuation of the property if the authorised official has reason to believe that the property is unsafe and requires immediate evacuation;
  - (c) a requirement that the owner take the necessary steps to evict the occupants of the property.
- (4) A measure contemplated in subsection (3)(c) may only require an owner to institute proceedings in a court of law to evict occupants on the property if-
  - (a) the occupants are unlawfully occupying the property;
  - (b) the premises are being used for criminal activities;

- (c) it is in the interests of safety and security of the occupants or the public or both that occupants are temporarily or permanently evicted; or
  - (d) one of the measures contemplated in subsection (3)(a) requires that the premises be vacated either temporarily or permanently in order to either effect alterations to the property or to demolish a building or structure on the property.
- (5) Where the owner of the property after a diligent search cannot be found, the Municipality can institute legal action against the occupiers of the property.
- (6) The Stellenbosch Municipality must-
- (a) serve the declaration on the owner and/or occupier of the property;
  - (b) at the owner's/occupier's cost, erect sign boards and publish advertisements in community newspapers notifying the public that the property has been declared a problem property setting out the measures to be taken and any orders or requirements as to access or occupation in the declaration.
- (7) No unauthorised person may enter a property which has been declared a problem property.
- (8) The Stellenbosch Municipality may, on its own accord, or upon written representation authorise any person to enter a property which has been declared a problem property for purposes of renovating, repairing, or securing the property as per the written instructions issued by the Municipality, which cost shall be for the owner of the property and which cost may also be added to the owner's Municipal account..

## **11 Owner's failure to comply with the declaration**

- (1) If the owner fails to comply with any measure required in section 10(2), the Stellenbosch Municipality may –
- (a) approach a court for relief contemplated in Part 6.
  - (b) carry out the measure; or
  - (c) appoint a contractor to carry out the measure; and

- (2) If the Stellenbosch Municipality gives effect to the measure under subsection (1)(b) and (c), the owner/occupier is liable for the costs and expenses of effecting the measures.

## **PART 5: APPOINTMENT OF ADMINISTRATOR**

### **12 Appointment of administrator**

- (1) The Stellenbosch Municipality may, where the owner of a property is deceased and complaints regarding the property have been received, apply to the Court for the appointment of an administrator.
- (2) An administrator appointed by the Court has the powers and duties of the registered owner of the property, including the following powers, or such powers and duties as the Court may direct:
  - (a) Full compliance with the stipulations of this By-Law
  - (b) The collection of rental and other charges from the occupiers;
  - (c) The maintenance, repair or renovation of the problem property utilizing the rental so collected or from other funding as obtained from whatever source;
  - (d) The payment of charges for the supply of electricity, water, sanitation and rates and taxes from such rental or other funding as obtained from whatever source;
  - (e) The appointment of a committee to assist in the management of the problem property;
  - (f) The opening and operating of an account with a bank;
  - (g) Any other action-
    - (i) required to give effect to measures contemplated in this By-Law
    - (ii) contemplated in Part 6;
    - (iii) reasonably required to be taken in terms of managing the problem property;

- (iv) any action which the owner would, in normal course of business and management of the problem property, have been able to take.
- (3) The administrator must submit the following documents to the Stellenbosch Municipality and the Court-
  - (a) a monthly report in the form determined by the delegated authority in terms of section 20;
  - (b) a final report and account in the form determined by the delegated authority in terms of section 20 on the completion of the administrator's mandate.
- (4) The Stellenbosch Municipality may, where necessary apply to the Court to -
  - (a) replace the administrator;
  - (b) require the administrator to account for and justify any action taken in terms of subsection (3);
  - (c) reverse or amend any decision taken by the administrator in terms of subsection (3);
  - (d) terminate the mandate of the administrator.
  - (e) Hold the administrator liable for adherence to the stipulations of this By-Law and any order of Court;

## **PART 6: EVACUATION, EVICTION AND DEMOLITION**

### **13 Evacuation**

- (1) If a property has been declared to be a problem property in terms of this By-Law and an authorised official has reasonable grounds for believing that a property is dangerous to life and other property and that the immediate evacuation of the property is necessary-
  - (a) the authorised official may make an order requiring the evacuation of the property as contemplated in section 10(3)(b).



- (b) If the order is not obeyed, the Stellenbosch Municipality may apply to court on an urgent basis for an order-
  - (i) compelling all persons on the property to evacuate the property;
  - (ii) prohibiting any person from entering the property.
  - (iii) Which cost shall be for the owner of the property or the administrator thereof in terms of Part 5;
- (2) A court may-
  - (a) grant an order contemplated in subsection (1)(b) if it is satisfied that the property is unsafe and that the immediate evacuation of the property is necessary;
  - (b) require the owner to provide temporary accommodation for the occupants to be evacuated;

make, in addition to any order of costs against the owner, an order regarding the costs incurred in implementing the order.

## **14 Demolition**

- (1) If an authorised official has reasonable grounds to believe that the demolition of a building is a necessary measure in terms of section 10(3)(a) read with section 7(3)(d), the Stellenbosch Municipality may-
  - (a) require the owner to demolish any structure, building or part of a building; or
  - (b) institute proceedings in a court to order directing the owner or authorising the Stellenbosch Municipality to demolish the building on one or more of the following grounds-
    - (i) the building or structure or its alteration is without planning permission or building plan approval;
    - (ii) the building or structure is structurally unsafe and not capable of being made safe;
    - (iii) the building or structure is or becoming dangerous to life and property;

- (iv) the building or structure is used by members of the public for purposes contrary to the land use right applicable to the property;
  - (v) the building or structure is used to continuously violate the Events Bylaws of Stellenbosch Municipality
  - (vi) the owner has failed to comply with the measures issued in terms of section 10(3)(a) and the costs of complying with those measures exceed the costs of demolition.
- (2) A court may- Also, and in addition
- (a) grant an order for the demolition of a building or structure if it is satisfied that the demolition is a necessary measure in terms of this By-Law read with section 7(3)(d); and
  - (b) make an order of costs against the owner including the costs of the demolition, and returning or rehabilitating the property to a state which will no longer put it in contravention of the stipulations of the By-Law

## **PART 7: ENFORCEMENT**

### **15 Civil proceedings**

The Stellenbosch Municipality or Administrator may, by way of civil proceedings and in accordance with the Stellenbosch Municipality: Credit Control and Debt Collection Policy and Credit Control and Debt Collection By-law recover-

- (a) any costs incurred in effecting any measure or performing any function in terms of this By-law from the owner or beneficial owner of the affected property;

### **16 Offences and penalties**

- (1) A person is guilty of an offence and is liable to a penalty in terms of subsections (2) and (3), if that person –

- (a) contravenes or fails to comply with any provision of this By-law;
  - (b) contravenes or fails to comply with any requirement set out in a notice served on him/her in terms of this By-law;
  - (c) fails to comply with a lawful instruction of an authorised official;
  - (d) threatens, resists, interferes with, or obstructs any authorised official in the performance of that official's duties or functions in terms of this By-law; or
  - (e) knowingly makes a false statement.
- (2) Any person who is convicted of an offence under this By-law is liable to-
- (a) a fine not exceeding an amount of R120 000
  - (b) imprisonment for a period not exceeding 3 years; or
  - (c) both such fine and imprisonment in (a) and (b) above.
  - (d) All costs incurred by the Municipality to ensure compliance to the stipulations of this By-Law;
- (3) In the case of a continuing offence, the Court may impose in respect of suitable proof that the offence continues-
- (a) an additional fine calculated at 25% of the municipal valuation of the property.
  - (b) imprisonment for a period not exceeding 10 days; or
  - (c) both such fine and imprisonment, will be imposed.
- (4) If civil proceedings have been instituted for the collection of a fine in terms of section 16(1) against any person in respect of a contravention contemplated in subsection (1), no criminal proceedings may be instituted against that person in respect of that contravention.
- (5) Municipality may put the property on auction to recover any unpaid fees owed in terms of sections 16.

**PART 8: GENERAL****17 Appeals**

Any person, who objects to a compliance notice or declaration issued by an authorised official, may appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**18 Appointment of authorised officials**

The delegated authority may appoint authorised officials to implement this By-law and may appoint such official as a building control officer in terms of section 5 of the National Building Regulations and Building Standards Act.

**19 Delegation**

The Stellenbosch Municipality's Municipal Manager is authorised to exercise all the powers and perform all the duties and functions conferred on the Stellenbosch Municipality under this By-law and may delegate such powers and functions to authorised officials other than the powers and functions contemplated in this section and sections 18.

**20 Powers of authorised officials**

- (1) An authorised official may, when entering a property-
  - (a) inspect or investigate the property;
  - (b) question the owner, management agent or occupier of the property;
  - (c) take photographs, notes or audio-visual recordings of the property;
  - (d) take samples and remove any document, sample, or thing for the purpose of evidence in any civil or criminal proceedings.
- (2) Subject to section 6(2), an authorised official may exercise any power conferred on a building control officer in terms of section 15 of the National Building Regulations and Building Standards Act.



## **21 Form of notices, declarations, and sign boards**

The delegated authority must determine the form of the notices, declarations and sign boards that are required to be issued or erected in terms of this By-law.

## **22 Serving of a notice**

- (1) Whenever a compliance notice, or any notice is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person—
  - (a) when it has been delivered to him or her personally;
  - (b) when it has been left at his or her place of residence or business in the Republic with a person apparently over the age of 16 years;
  - (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;
  - (d) if his or her address in the Republic is unknown, when it has been served on his or her agent or representative in the Republic in the manner contemplated in paragraph (a), (b) or (c); or
  - (e) if his or her address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates;
  - (f) by email a copy of the notice to the person, if the person has an email address. If service was effected by email, by an affidavit of the person who effected service, which must provide proof of the correct email address and confirmation that the whole sending of the email was completed;
- (2) Service on any of the following persons or addresses constitutes service on the owner of the property:
  - (a) an agent appointed by the owner to sell, lease, or manage the property;
  - (b) a person appointed to supervise the property;

- (c) a person seemingly in charge of the property or collecting rent from occupants on the property.
- (3) When a compliance notice as aforesaid is authorised or required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, but it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.
- (4) When a compliance notice as aforesaid is required to be served on a person after-hours; or in cases where officials are threatened, Stellenbosch Municipality Law Enforcement or South African Police Services (SAPS) can be requested to assist in delivering the notice. It shall be deemed to have been effectively and sufficiently served on such person.

## **23 Indemnity**

The Stellenbosch Municipality and any authorised official are not liable for any damages caused by anything lawfully done or omitted by the Stellenbosch Municipality or the authorised official in carrying out any function or duty in terms of this By-law.

## **24 Repeal**

Stellenbosch Municipality: Problem Property Bylaw, 2020 as published in the Provincial Gazette of July 2022 is hereby repealed.

## **25 Short title and commencement**

- (1) This By-law is called the Stellenbosch Municipality Problem Property By-law, 2026
- (2) This By-law shall come into operation on the day of publication.

## **SCHEDULE A: FINES**

Stellenbosch Municipality may impose the following fines in respect of contraventions of the relevant applicable sections of the By-Law.

- (1) In respect of Section 16(2)(a), any person who is convicted of an offence under this By-Law is liable to a fine not exceeding an amount of R120 000.00
- (2) In respect of section 16(3)(a), in the case of continuing offence, the Court may impose an additional fine; calculated at 25% of the municipal valuation of the property.
- (3) In respect of section 16(5), the Municipality may put the property on auction to recover any unpaid fees owed

## **ANNEXURE A: NOTICES**

Stellenbosch Municipality may apply Notices in respect of contraventions of the relevant applicable sections to ensure compliance of this By-law, as follows –

- a) Notice of Intended Inspection
- b) Compliance Notice
- c) Notice of Contravention
- d) Notice of Intention to Declare a Problem Property
- e) Notice of Declaration of a Problem Property

# **ANNEXURE B**





**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## STELLENBOSCH MUNICIPALITY

### SYSTEM OF DELEGATIONS: STELLENBOSCH MUNICIPAL PROBLEM PROPERTY BYLAW 2026

#### AND RELATED MANDATES

#### EFFECTIVE ON PROMULGATION

| POWERS / DUTIES CONFERRED ON COUNCIL                                                                                                       |                     |                                                                                                                                                                  |                                 |                                                             |                                                             |                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ITEM NUMBER                                                                                                                                | LEGISLATIVE MANDATE | DESCRIPTION OF POWER OR DUTY                                                                                                                                     | RESPONSIBILITY / DELEGATED FROM | DELEGATED TO                                                | SUB-DELEGATED TO                                            | CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST                                                                                                                |
| General Provision: Any power or duty that has been sub-delegated will not prevent the Delegate to also exercise the relevant power or duty |                     |                                                                                                                                                                  |                                 |                                                             |                                                             |                                                                                                                                                                |
| ALL PARTS                                                                                                                                  |                     |                                                                                                                                                                  |                                 |                                                             |                                                             |                                                                                                                                                                |
| PPB 1                                                                                                                                      | S. 17               | Appeal Authority on objections to compliance notices                                                                                                             | Municipal Manager               | Not delegated                                               |                                                             |                                                                                                                                                                |
| PPB 2                                                                                                                                      | S. 18               | Authorised Official: To receive and investigate complaint, submit status report and forthwith deal with the matter in accordance with responsible functionality, | Municipal Manager               | All designated authorised officials in terms of Section 18. | All designated authorised officials in terms of Section 18. | The Municipal Manager may designate any of the authorised officials as the leading coordinator for any problem property with matters that spans over different |

| POWERS / DUTIES CONFERRED ON COUNCIL |                     |                                                                                                                                                                                |                                 |                                             |                                                                                   |                                                 |
|--------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------|
| ITEM NUMBER                          | LEGISLATIVE MANDATE | DESCRIPTION OF POWER OR DUTY                                                                                                                                                   | RESPONSIBILITY / DELEGATED FROM | DELEGATED TO                                | SUB-DELEGATED TO                                                                  | CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST |
|                                      |                     |                                                                                                                                                                                |                                 |                                             |                                                                                   | functionalities.                                |
| PPB 3                                | S. 18               | Authorised Official: Responsible to deal with problem property regarding <b>UNLAWFULLY OCCUPIED AND/ OR BEING USED FOR CRIMINAL ACTIVITY</b>                                   | Municipal Manager               | Director: Community and Protection Services | Senior Manager: Protection Services                                               |                                                 |
| PPB 4                                | S. 18               | Authorised Official: Responsible to deal with problem property regarding <b>PROPERTY BEING ABANDONED.</b>                                                                      | Municipal Manager               | Director: Community and Protection Services | Senior Manager: Protection Services                                               |                                                 |
| PPB 5                                | S. 18               | Authorised Official: Responsible to deal with problem property regarding <b>PROPERTY BEING OVERCROWDED</b>                                                                     | Municipal Manager               | Director: Planning and Economic Development | Senior Manager: Development Management & Manager: Land Use Management             |                                                 |
| PPB 6                                | S. 18               | Authorised Official: Responsible to deal with problem property regarding <b>BEING DERELICT DUE TO NEGLIGENCE OF PROPER MAINTENANCE TO UPKEEP THE BUILDINGS AND STRUCTURES.</b> | Municipal Manager               | Director: Planning and Economic Development | Senior Manager: Development Management & Manager: Building Development Management |                                                 |
| PPB 7                                | S. 18               | Authorised Official: Responsible to deal with problem property regarding <b>NOT BEING MAINTAINED DUE TO OVERGROWTH</b>                                                         | Municipal Manager               | Director: Community and Protection Services | Senior Manager: Community Services                                                |                                                 |
| PPB 8                                | S. 18               | Authorised Official: Responsible to deal with problem property regarding <b>BEING USED FOR DUMPING OR THE ACCUMULATION OF WASTE</b>                                            | Municipal Manager               | Director: Infrastructure Services           | Senior Manager: Solid Waste Management                                            |                                                 |
| PPB 9                                | S. 18               | Authorised Official: Responsible to deal with problem property regarding <b>ILLEGAL WATER CONNECTION</b>                                                                       | Municipal Manager               | Director: Infrastructure Services           | Senior Manager: Water and Wastewater Services                                     |                                                 |
| PPB 10                               | S. 18               | Authorised Official: Responsible to deal with problem property regarding <b>ILLEGAL ELECTRICITY CONNECTION</b>                                                                 | Municipal Manager               | Director: Infrastructure Services           | Senior Manager: Electricity Services                                              |                                                 |

| POWERS / DUTIES CONFERRED ON COUNCIL |                                                                                                                   |                                                                                                                                                                                                            |                                 |                                                             |                                                                                   |                                                 |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------|
| ITEM NUMBER                          | LEGISLATIVE MANDATE                                                                                               | DESCRIPTION OF POWER OR DUTY                                                                                                                                                                               | RESPONSIBILITY / DELEGATED FROM | DELEGATED TO                                                | SUB-DELEGATED TO                                                                  | CONDITIONS / LIMITATIONS/ INSTRUCTION TO ASSIST |
| PPB 11                               | S. 18                                                                                                             | Authorised Official: Responsible to deal with problem property regarding <b>PROPERTY BEING ALTERED WITHOUT AUTHROISATION TO FRUSTRATE ENTRY AND INSPECTIONS</b>                                            | Municipal Manager               | Director: Community and Protection Services                 | Senior Manager: Protection Services                                               |                                                 |
| PPB 12                               | S. 18                                                                                                             | Authorised Official: Responsible to deal with problem property regarding <b>BEING STRUCTURALLY UNSOUND OR IS OR BECOMING DANGEROUS TO LIFE OR PROPERTY</b>                                                 | Municipal Manager               | Director: Planning and Economic Development                 | Senior Manager: Development Management & Manager: Building Development Management |                                                 |
| PPB 13                               | S. 18                                                                                                             | Authorised Official: Responsible to deal with problem property regarding <b>CONSTRUCTION BEING INCOMPLETE AND NOT BEING PROCEEDED WITH FOR MORE THAN 3 MONTHS</b>                                          | Municipal Manager               | Director: Planning and Economic Development                 | Senior Manager: Development Management & Manager: Building Development Management |                                                 |
| PPB 14                               | All relevant provisions concerning the administration of the Problem Property Bylaw.                              | To sign all outgoing correspondence with regards to general procedures for the administration and processing of all matters, including to communicate any decision, related to the Problem Property Bylaw. | Municipal Manager               | All designated authorised officials in terms of Section 18. |                                                                                   |                                                 |
| PPB 15                               | All provisions concerning the recovery of cost incurred by the Municipality to address a problem property matter. | To recover cost incurred by the Municipality on receipt of notice from the subject authorised official.                                                                                                    | Municipal Manager               | Director: Financial Services                                | Senior Manager: Revenue and Expenditure                                           |                                                 |
| PPB 16                               | All provisions concerning legal action or court proceedings.                                                      | To authorise any court application to obtain a warrant or institute legal action as provided for.                                                                                                          | Municipal Manager               | Not Delegated                                               |                                                                                   |                                                 |
| PPB 17                               | All provisions concerning legal action or court proceedings.                                                      | To undertake any court application to obtain a warrant or institute legal action as provided for.                                                                                                          | Municipal Manager               | Director: Corporate Services                                | Chief Legal Advisor                                                               |                                                 |

|       |                                                                                                                                                                  |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.8.3 | <b>APPROVAL OF THE PROCESS PLAN AND TO ADVERTISE THE DRAFT KOELENHOF LOCAL SPATIAL DEVELOPMENT FRAMEWORK ("LSDF"), AND OVERLAY ZONE FOR PUBLIC PARTICIPATION</b> |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No: 801206  
 IDP KPA Ref No: Valley of Opportunity  
 Meeting Date: 18 February 2026

**1. SUBJECT: APPROVAL OF THE PROCESS PLAN AND TO ADVERTISE THE DRAFT KOELENHOF LOCAL SPATIAL DEVELOPMENT FRAMEWORK ("LSDF"), AND OVERLAY ZONE FOR PUBLIC PARTICIPATION**

**2. PURPOSE**

To request Council to approve the process plan and to advertise the Draft Koelenhof Local Spatial Development Framework ("LSDF") and Overlay Zone for public participation.

**3. DELEGATED AUTHORITY**

MAYCO & Council

**4. EXECUTIVE SUMMARY**

The purpose of the report is to provide Council with the pertinent facts to approve the process plan and the commencement of a Public Participation Process ("PPP") for the Draft Koelenhof Local Spatial Development Framework ("LSDF") and the accompanying Overlay Zone, as prescribed in terms of:

- Sections 9 and 10 of the Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023 (SMLUPB); and -
- Sections 12 and 13 of the Municipal Systems Act (Act 32 of 2000) (MSA).

**5. RECOMMENDATIONS**

- that Council **approves** the commencement of the Public Participation Process ("PPP") for a period of sixty (60) days, to obtain comment in respect of the Draft Koelenhof Development Framework / LSDF and the Overlay Zone, attached as **APPENDIX 1** and **APPENDIX 2** to this report.
- that Council **approves** the process plan for the adoption of the Draft Koelenhof Development Framework / LSDF and the Overlay Zone, attached as **APPENDIX 3**; and
- that Council approve the Public Participation Process Plan, attached as **APPENDIX 4**.

**6. DISCUSSION / CONTENTS**

**6.1 BACKGROUND**

The development of LSDFs are identified in the Municipal Spatial Development Framework ("MSDF") and the Integrated Development Plan ("IDP") as key localised

spatial planning initiatives which requires public, and private landowners in key priority development areas to plan and coordinate collectively (beyond individual property boundaries and interests) and to ensure appropriate infrastructure arrangements, the provision of inclusionary housing, public facilities, and so on. Considering the MSDF settlement hierarchy, and based on intra-departmental - and public consultations, including the number of land use applications being submitted, one of the current top priorities LSDF's were identified as Koelenhof. The prioritisation of the development of a LSDF were presented and supported by Council in the second annual review for the 2025/26 cycle of the MSDF on 30 October 2024.

## **6.2 DISCUSSION**

Koelenhof is identified as an emerging node in the MSDF with key preconditions necessary highlighted to transform this node and to categorize it as a priority development area ("PDA"), which will achieve and align to all the spatial imperatives of the MSDF. The Municipality have in this instance proactively engaged with the private property developers, and key provincial stakeholders to enable the development of the emerging node and to proceed with work to detail the broader development plan and implementation programme. This will support and allow the alignment of municipal infrastructure (including provincial infrastructure) and social services planning to support the development of Koelenhof into an inclusive, appropriately serviced community, negotiated through formalised public and non-motorised transport ("NMT") networks, with a positive relationship with the surrounding natural and agricultural land.

The purpose of the Koelenhof LSDF is to provide the detailed spatial planning guidelines for the PDA in alignment with the municipal spatial development framework; the detailed policy and development parameters for land use planning; and the detailed infrastructure demand requirements over the 10 – 20-year planning horizon. The spatial planning initiative is further supported by an Overlay Zone, which purpose is to pro-actively "up-zone" and provide more permissive development parameters to achieve the spatial vision contained in the LSDF (and by extension the MSDF) with more streamlined and reduced land use planning legislative timeframes and requirements.

## **6.3 FINANCIAL IMPLICATIONS**

There is sufficient budget available for the publication of the advertisements as required by the applicable legislation.

## **6.4 LEGAL IMPLICATIONS**

The recommendation in this report complies with the requirements of the legislation on public participation and the compilation and adoption of local spatial development frameworks and establishing overlay zones as part of the zoning scheme by-law.

## **6.5 STAFF IMPLICATIONS**

No additional staff implications.



**6.6 PREVIOUS / RELEVANT COUNCIL RESOLUTIONS****26TH COUNCIL MEETING: 2024-10-30: ITEM 8.5****RESOLVED** (majority vote with 11 abstentions)

(a) Council adopts the second annual review report of the Amended MSDF/CEF (2023)

**6.7 RISK IMPLICATIONS**

The risks are addressed in the item content.

**APPENDICES**

- Appendix 1: Draft Koelenhof Local Spatial Development Framework  
 Appendix 2: Draft Koelenhof Overlay Zone  
 Appendix 3: Process Plan for the development of the Koelenhof LSDF & Overlay Zone.  
 Appendix 4: Public Participation Plan for the development of the Koelenhof LSDF & Overlay Zone

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                               |
|------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <b>Chantel Hauptfleisch</b>                                                                                   |
| <b>POSITION</b>        | <b>Senior Spatial Planner</b>                                                                                 |
| <b>DIRECTORATE</b>     | <b>Planning and Economic Development</b>                                                                      |
| <b>CONTACT NUMBERS</b> | <b>021 808 8607</b>                                                                                           |
| <b>E-MAIL ADDRESS</b>  | <b><a href="mailto:Chantel.Hauptfleisch@stellenbosch.gov.za">Chantel.Hauptfleisch@stellenbosch.gov.za</a></b> |
| <b>REPORT DATE</b>     | <b>05 February 2026</b>                                                                                       |

# **APPENDIX 1**

KOELENHOF DEVELOPMENT AREA

# DEVELOPMENT FRAMEWORK

January 2026



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## 1.0 INTRODUCTION

### 1.1 BACKGROUND

Following the habitation of the broader Stellenbosch landscape by indigenous tribes since the stone age and later nomadic herders using the land to graze livestock, settlement farms were first created by European settlers in the Koelenhof area in 1692, when a number of farms were granted to free burghers along the Plankenbrug River, including the farm Nooitgedacht. This was followed by the granting of Koelenhof to the north of Nooitgedacht in 1694. Most of the properties in the study area have their origins in these two farms.

During the Anglo-Boer War Nooitgedacht, Koelenhof and Sonop Farm, to the south-west of the study area were leased to the British Army as a remounting base camp and thousands of horses passed through these farms. After the war the properties were farmed again. The Holy Spirit Catholic Church, founded by the Catholic Order of the Oblate Sisters of St Frances de Sales, was blessed and opened in 1935, and by 1938 the school and some other buildings were constructed.

Clay quarrying was already happening on the Malanshoop site and on the land that today accommodates Nooitgedacht Village by 1938. Clay mining of the current Devonbosch site was initiated by 1944. By 1959 a prison was built on the site that today houses the Lindelani & Siyakathala Child and Youth Care Centre. By 1972, the Devonvale Golf course was constructed.

In the late 1990s and early 2000s, more urban development started to emerge, including industrial buildings to the south of Bottelary Road as the accessible location at the intersection of the R304 and M23 (Bottelary – Kromme Rhee Roads) became an attractive position. This resulted in the determination of an urban edge as part of the revision of the Koelenhof Development Framework in 2007. The preparation of this document corresponded with the approval of the Nooitgedacht Village development and was followed by the approval of an Industrial Business Park on the southern part of the Devonbosch site in 2012. It was later reconceptualised and approved in 2019 as the first precinct of a mixed-use lifestyle estate.

The 2019 Stellenbosch Municipal Spatial Development Framework expanded and refined the Koelenhof urban edge and identified the area as a transit node with future growth potential. This potential is being realised and the node is experiencing significant pressure to develop with the expansion of the Devonbosch Lifestyle Estate being planned and the environmental and planning applications for the Malanshoop Retirement Estate and the Koelenhof Estate mixed-use development being in process.

However, the Stellenbosch Municipality have communicated the importance of understanding the cumulative impact of these developments on the transport and services networks before its departments can make informed decisions on the approval conditions for the individual projects. This prompted the applications being put on hold until an integrated development vision could be established for the Koelenhof node.

The three development companies involved in these projects, DB Property Development Company (Pty) Ltd (Devonbosch Lifestyle Estate), Koelenhof Plase (Pty) Ltd (Koelenhof Estate) and Peerboord Developments (Pty) Ltd (Malanshoop Retirement Estate) have proactively engaged roleplayers in the node and established the Koelenhof Development Forum in order to collaborate on the preparation of a Development Framework for Koelenhof that could address the requirements of the municipality.

### 1.2 DEVELOPMENT FRAMEWORK AREA

In conjunction with the Spatial Planning Branch of the Municipality it was decided to focus the development framework on the land within the approved 2019 urban edge. This is not done to exclude any existing or future development potential, but rather to facilitate the phased growth of the Koelenhof node in a sensible and efficient manner.

The area within the urban edge totals 210 ha of which 140 ha is still undeveloped and many of the developed sites have further development potential. The amount of undeveloped land within the approved urban edge will therefore need to be carefully planned and co-ordinated to maximise services and infrastructure provision whilst catering for the market potential that the area offers to various sectors.



As shown in **Figure 1** (Development Framework Area) the study area surrounds the intersection of two major mobility routes being the north-south R304 (MR174) which links Stellenbosch in the south to the N1 Freeway, Klipheuwel and ultimately Malmesbury to the north, and the east-west M23, consisting of Bottelary Road (MR187) and Kromme Rhee Road (DR1085) which links Cape Town/ Kraaifontein in the west to the R44 (which leads to Klapmuts) in the east. The Northern Line -Strand railway line (parallel to the R304) runs through the area with the Koelenhof station located within the study area.

For ease of reference and clarity related to the development rights calculations, the study area is viewed as four quadrants formed by the major roads:

- **Quadrant 1**– North of Kromme Rhee & East of R304 (N-E)
  - Malanshoop site (Farm 1060)
  - The Holy Spirit Catholic Church & Convent and St Vincent Primary School complex
- **Quadrant 2** - South of Kromme Rhee & East of R304 (S-E)
  - Koelenhof Estate site (Portion 23 of Farm 74)
  - The Lindelani & Siyakathala Child and Youth Care Centre
  - The Koelenhof railway station including several railway houses
  - The Nooitgedacht Village development
  - The Hoogenzicht residential development (Portion 35 of Farm 74)
  - An existing vineyard east of Nooitgedacht (stakeholders agreed that this will remain as vineyard and not be developed)
- **Quadrant 3** – South of Bottelary & West of R304 (S-W)
  - The Koelenbosch residential estate
  - The service station and retail outlets
  - The Basil Williams residential development (Portion 13 of Farm 74)
  - The Alltech industrial facility
  - Origin Wine Plant
- **Quadrant 4** – North of Bottelary & West of R304 (N-W)
  - Devonbosch Precinct 1 (Rem Farm 165 & subdivisions) for which rights have been approved
  - Devonbosch Remainder (various land units) including areas currently used for clay quarry/brick making

**Figure 2** shows the various development sites.

### 1.3 PURPOSE OF THIS REPORT

Due to the mobility function and related design standards (current and future) of the road infrastructure that divide the study area into the quadrants, the design concept for each project has been understandably insular in nature as the integration of the various developments and urban components of Koelenhof will be challenging without a shared vision and the drive to achieve this shared vision by all parties involved.

This Development Framework lays the foundation in terms of which a Package of Plans and site-specific land use applications can be prepared and considered. The purpose of the Koelenhof Development Framework is four-fold:

- Establish a coherent urban design vision that brings spatial coherence across the divergent development parcels and pursues better spatial quality and performance.
- Summarize the development potential of the study area taking into consideration the environmental and heritage informants that refines the developable area.
- Identify the services and infrastructure capacities that will be required for the potential basket of rights and provide integrated services and transports master plans that supports the coordinated growth of the Koelenhof node and ensures efficiency in service provision and costs.
- Set out the implementation actions that are essential to achieve the implementation of the development framework

This Framework does not exclude future expansion but rather lays the structural foundation for the integrated development of the Koelenhof Node into a sustainable vibrant and people-friendly urban settlement.

This document is supported by the following reports:

- Urban Design Framework – Jakupa Architects & Urban Designers
- Transport Study – Integrated Transport Solutions Global
- Civil Engineering Services – BSI Consult Consulting Engineers
- Environmental Desktop Overview – Doug Jeffery Environmental Consultants
- Electrical Services – De Villiers & Moore Consulting Engineers
- Heritage Considerations – Lize Malan Heritage Consulting

Figure 1: Development Framework Area

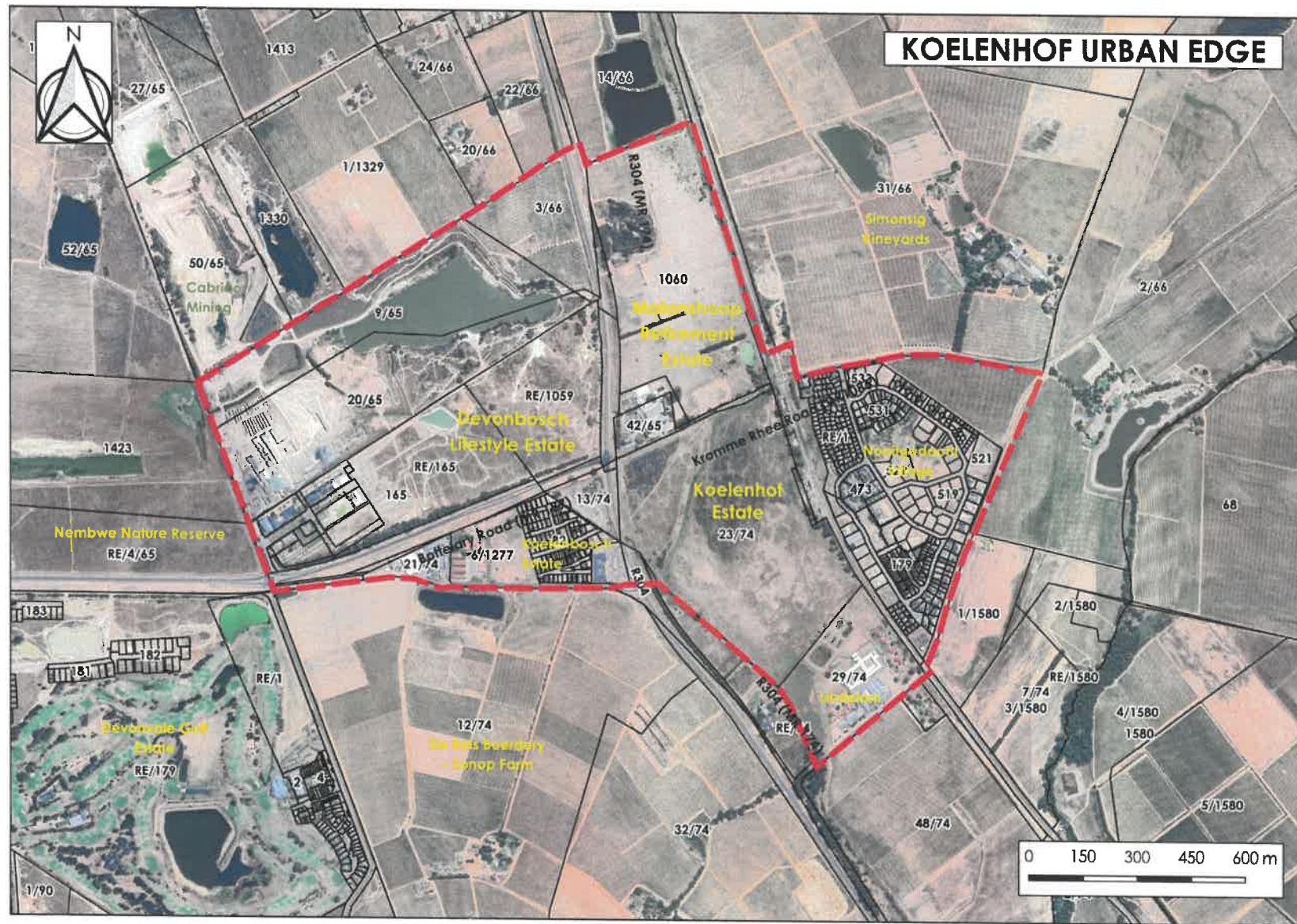
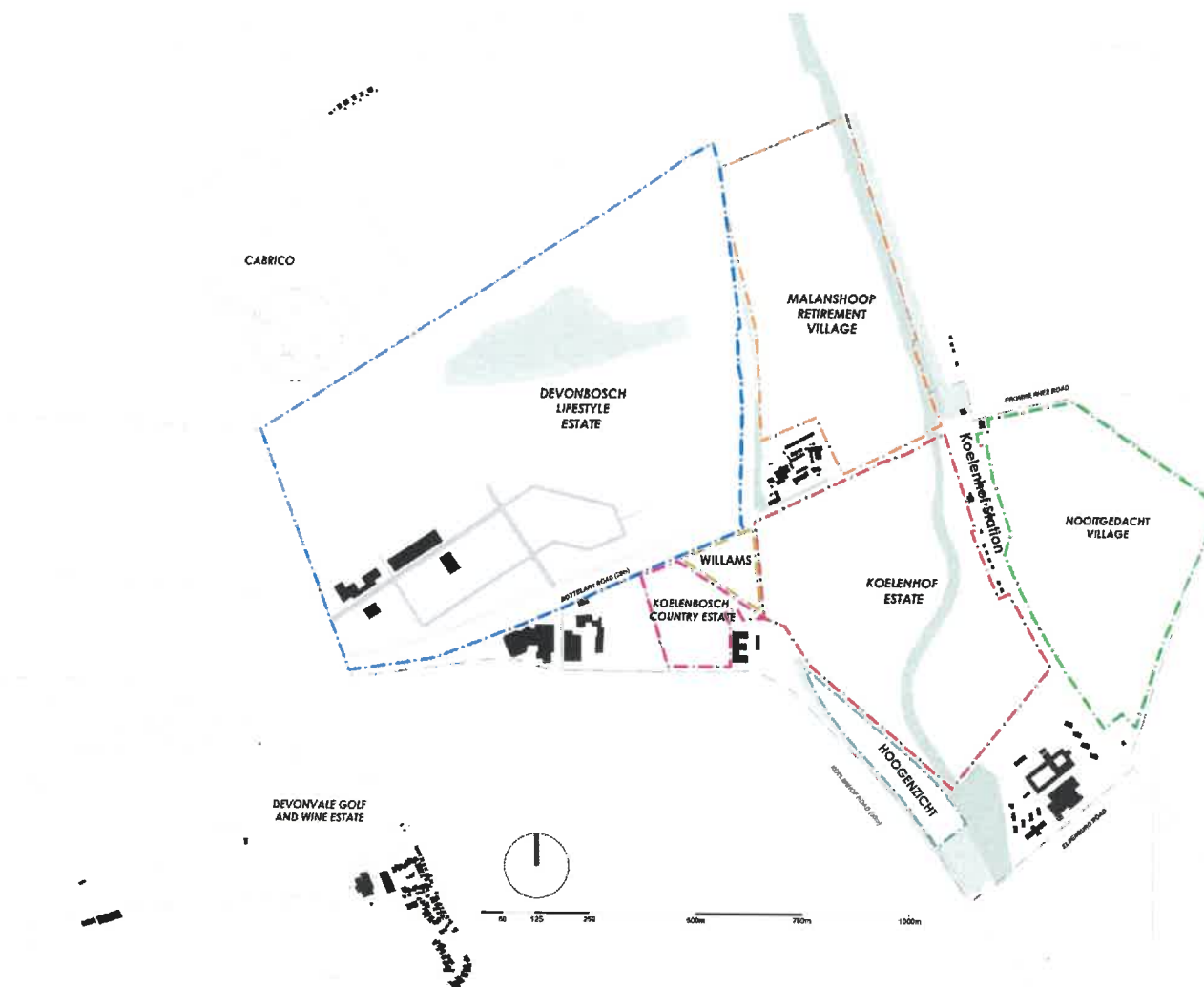


Figure 2: Development Sites (Source: Jakupa)



## 2.0 CONTEXTUAL ANALYSIS

### 2.1 PLANNING POLICY

- The Stellenbosch Municipality (SM) **Integrated Development Plan 2017-2022 (IDP)** is aimed at coordinating the efforts of various municipal departments in achieving the municipality's vision to be a "valley of opportunity and innovation". The Valley of Possibility focus area looks to attract investment, growing the economy and employment. Identification of the Koelenhof node as a Priority Development Area, will place it in position to draw public spending, thereby helping to attract further investment and growth. The "green and sustainable" directive focuses on the way settlements, nature and agricultural areas are spatially developed and managed to maintain and enhance natural resources and ensure future balance between human settlement and its use of natural resources and opportunity. The strategic direction provided to the SDF by these two directives include:
  - Containment of settlements to protect nature/ agricultural areas and enable public and non-motorized transport and movement.
  - A focus on public and non-motorized transport and movement.
  - Protection of nature areas, agricultural areas, and river corridors.
- The SM **Municipal Spatial Development Framework (2019) (MSDF)** provides direction to the current thinking regarding the role of Koelenhof which was identified as an emerging node. The MSDF is guided by various legislative and policy directives at national and provincial levels (as highlighted in the document).
- Spatial development and management of SM comprise seven key tenets:
  - Maintain and grow the natural assets - Valuable land areas, including critical biodiversity areas, agricultural land, land affecting the maintenance of water resources, cannot be built upon extensively, it cannot be the focus for significantly accommodating existing or future settlement need spatially.
  - Respect and grow the cultural heritage - The areas and spaces – built and unbuilt – that embody the cultural heritage and opportunity of SM needs to be preserved and exposed further.
  - Direct growth to areas of lesser natural and cultural significance as well as movement opportunity - within areas of lesser natural and cultural significance, the focus should be on areas where different modes of transport intersect, specifically places where people on foot – or using non-motorised transport – can readily engage with public transport.
  - Clarify and respect the different roles and function of settlements - the role of a settlement is determined by it's relationship to natural and cultural assets and the capacity of existing infrastructure to accommodate change and growth.
  - Clarify and respect the roles and functions of different elements of movement structure - Ensure a balanced approach to transport in SM, appropriately serving regional mobility needs and local level accessibility improvements, aligned with the spatial concept. –
  - Ensure balanced, sustainable communities - Ensure that settlements are balanced and sustainable, providing for different groups, maintaining minimal development footprints, walkability, etc.
  - Focus on critical lead projects - harness available energy and resources to focus on a few catalytic areas that offer extensive opportunity fastest and address present risk.
- Analysis of Koelenhof in terms of the Stellenbosch MSDF's consolidated spatial concept highlights the following (Refer to **Figure 3**):
  - Koelenhof does not form part of the World Heritage Landscape, Protected Areas or Primary Green Network of the SM and the natural assets that are located within the urban edge have been incorporated into the various development proposals
  - It is located in a Moderate Value Cultural Landscape area, but consideration needs to be given to Bottelary and Kromme Rhee Roads being scenic routes.
  - It is located on the R304 which is identified as a primary development axis/transport corridor and a primary movement route.
  - It is located at a higher-order road intersection with access to an existing railway station, allowing integration of modes of transport.
  - It is identified as a transit node with the future opportunity for high density mixed-use development as a growth node.





**Figure 3: Consolidated Spatial Development Concept extract (2019)**

- It is stated in the MSDF that while all settlements continually undergo change and require change to improve livelihood opportunity and convenience for existing residents, not all are envisaged to accommodate significant growth. Those envisaged to accommodate both larger scale change and significant growth are situated on the Baden Powell Drive-Adam Tas-R304 corridor. Furthermore, given the railway running on this corridor, the opportunity for settlement closely related to public transport exists. The corridor is not proposed as a continuous development strip. Rather it is to comprise contained, walkable settlements surrounded by nature and agriculture, linked via different transport modes, with the rail line as backbone.

- Guidance provided specific to the Koelenhof & Muldersvlei nodes (Refer to Figure 4):
  - Maintain and improve the nature areas surrounding the settlements.
  - Work to increasingly connect and integrate nature areas, also with the urban green areas, to form an integrated green web.
  - Improve public continuity, access, and space along stream corridors.
  - Retain and improve the relationship between the settlements and surrounding agricultural land.
  - Contain the footprints of settlements within existing urban edge.
  - Retain the strong sense of transition between agriculture and human settlement at the entrances to the settlements.
  - Maintain the integrity of historically and culturally significant precincts and places.
  - Accommodate inhabitants of informal structures in the planning.
  - Ensure that residential development provides for a range of housing types and income groups.
  - Ensure that future development is woven into the urban fabric of existing settlements.
  - Consider underutilised open space within the settlements for infill development that will enhance socio-economic potential of those who currently reside in these settlements.
  - Focus on addressing service needs in cluster developments, in this way improving mixed use and enhancing economic opportunities
  - Pro-actively improve conditions for walking and NMT within and between the settlements.
  - Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential.
  - As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities.
  - Over the longer term, Muldersvlei and Koelenhof could possibly accommodate more growth, and be established as inclusive settlements offering a range of opportunities.
  - Explore the feasibility of more frequent rail or bus services along the Adam Tas-R304 corridor.



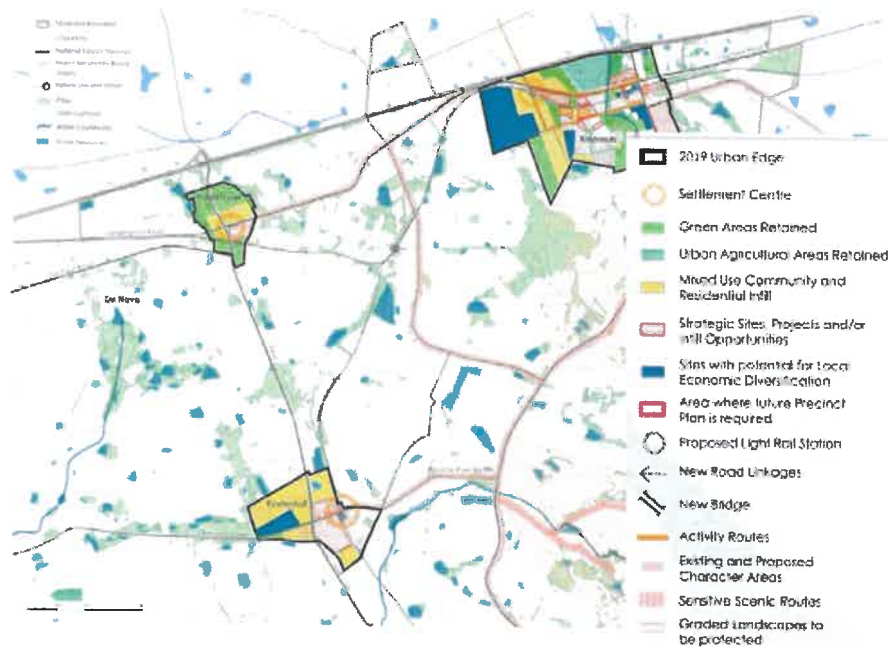


Figure 4: Proposals for the R304 Settlements (2019)

## 2.2 DEVELOPMENT CONTEXT

The following summarises the locational, physical and development considerations that impact on the potential development of this area:

- **Location:** Koelenhof is located 4km north of Stellenbosch town. Politically and functionally it forms part of Stellenbosch Municipality, but due to its location it is also developing functional ties to the eastern suburbs of the City of Cape Town.
- The Bottellary Hills with its rolling agricultural areas and historic wine estates will remain an important hinterland to the settlement that needs to be protected and maintained.

- **Surrounding Land Uses:** Some of the key land uses bordering the Koelenhof urban edge include (Refer to Figure 1):
  - Devonvale Golf and Residential Estate – the estate, located to the south-west has not been included into the urban edge, but retains its role as a private open space transition between the node and the Bottellary Hills.
  - Nembwe Wetland Reserve – Located to the west of Devonbosch, the historic wetland is described as having landscape and scenic as well as ecological significance.
  - Cabrico Clay Mine & Brick-Making Facility: A new circular brick kiln will be built to the north of the Devonbosch land, which will replace the existing kiln facilities with clean technology that will reduce its impact on the node and its surroundings.
  - Productive Farms: The node is surrounded by a number of larger productive farms, including a number of historic wine farms. These farmlands are to be protected.
- **Socio-Economic Context:** The population of the SM is likely to continue to grow above the average provincial rate, and urbanisation is likely to increase, with the main settlements having to absorb the bulk of this growth. Koelenhof currently accommodates 0,2% of the SM population, with a limited increase over the next 10 years as the residential projects are implemented.
- The dominant socio-economic impact of growth in the node will be created by the business growth and job creation achieved through the commercial developments taking place within the mixed-use areas. The SM population was expected to reach 190 680 in 2023 (a 8% growth rate off the 2018 base estimate) with a strong concentration within the 20-24 and 25-29 age categories.
- Due to the strong physical and functional relationship of Koelenhof with the Cape Town's northern suburbs commercial and recreational facilities within the node will also likely serve these areas

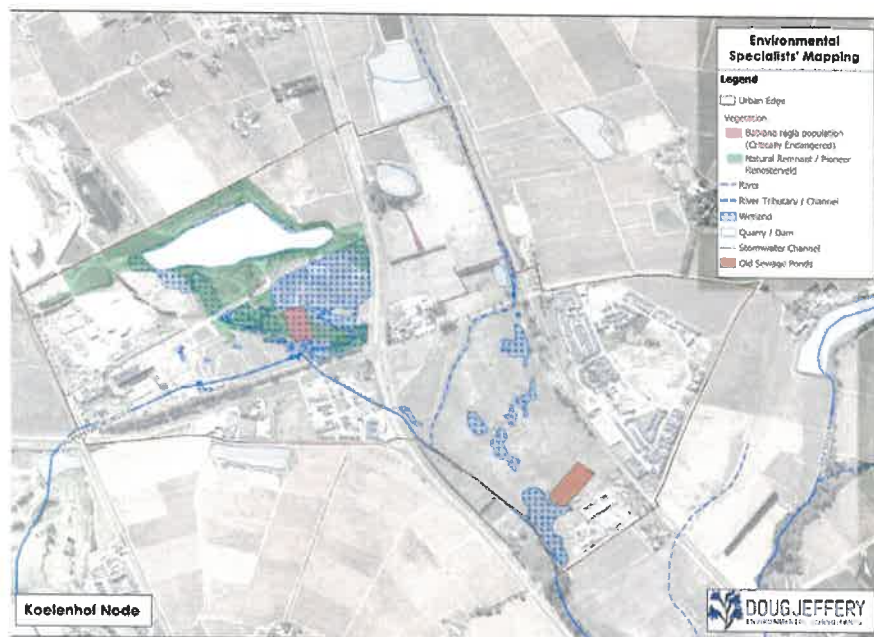


Figure 5: Environmental Mapping (Source: Doug Jeffery)

- **Environmental Informants:** A Desktop Environmental Assessment (See Annexure A & Figure 5) summarises the key environmental informants for the three main development areas:
  - **Geology and Topography:** The landscape is characterised by gently undulating low hills and flat valley-bottom plains with a mosaic of parent materials which creates diverse soil and habitat conditions. However, duplex soils prone to shallow depth, clay hardpans, and seasonal waterlogging are widespread. The area is underlain by:
    - Malmesbury Group shales, giving rise to fertile but heavy clay soils.
    - Cape Granite intrusions, producing coarse sandy to loamy soils with better drainage.
    - Alluvial deposits along the Eerste and Plankenbrug river systems, which have shaped natural wetlands.

- **Climate** The area has a Mediterranean-type climate, with cool, wet winters and hot, dry summers. The combination of low rainfall, high evaporation, and waterlogged soils strongly influences agricultural viability and freshwater ecosystem dynamics.
  - Mean Annual Precipitation (MAP):  $\pm 430$  mm (range 270–670 mm), with 70–80% falling in winter.
  - Evapotranspiration: 1200–1800 mm annually, creating summer water deficits.
  - Temperature range: Summer maxima often  $>36$  °C; winter minima typically 3–4 °C but frost-free.
  - Wind regime: Southeasterly in summer; northwesterly in winter.
- **Vegetation and Terrestrial Biodiversity:** Historically, the Koelenhof area supported two nationally threatened ecosystems listed on the SANBI Red List of Ecosystems<sup>1</sup>:
  - Swartland Shale Renosterveld – Critically Endangered (CR)
  - Swartland Granite Renosterveld – Endangered (EN), downgraded from CR in the 2018 National Biodiversity Assessment.
  - Both ecosystems have been extensively transformed ( $>90\%$  loss), largely due to viticulture, pastures, infrastructure development, and quarrying.
  - Natural vegetation has been almost entirely lost, with only scattered, degraded fragments remaining.
  - The landscape is now dominated by alien invasive trees (Acacia, Eucalyptus, Pine, Hakea) and pasture grasses (kikuyu, ryegrass).
  - Remnant patches persist mainly along road verges, riparian corridors, wetland fringes, and ecotonal transitions between shale and granite soils. These remnants are typically degraded and invaded, but still support pioneer indigenous species such as *Elytropappus rhinocerotis*, *Osteospermum moniliferum* and *Searsia tomentosa*. Although ecological integrity is low, these remnants retain conservation and restoration value, contributing to landscape connectivity, indigenous refugia, and rehabilitation potential.

○ **Botanical Conservation Context**

- The 2017 Western Cape Biodiversity Spatial Plan (WCBSP) identified extensive Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) within the Koelenhof landscape, particularly linked to river corridors and wetland systems. These areas are critical for species dispersal, ecosystem processes and ecological infrastructure, even where valley-floor habitats are highly degraded.
- The WCBSP was updated in 2023<sup>2</sup>, refining biodiversity priorities. Under the revised plan, Swartland Shale Renosterveld is mapped as a CBA: Terrestrial and a CBA: Threatened Ecosystem, in a natural condition. These CBAs are required to meet provincial biodiversity targets for species, ecosystems, and ecological processes.
- The management objective for these ecosystems is to maintain them in a natural or near-natural state, with no further loss of natural habitat permitted. Where degradation has occurred, rehabilitation is encouraged, and only low-impact, biodiversity-sensitive land uses are considered appropriate in order to safeguard ecological integrity.

○ **Aquatic Biodiversity:** Koelenhof falls within the Berg–Olifants Water Management Area (WMA 18), specifically the Eerste River catchment. Runoff drains into the Plankenbrug River, which flows into the Eerste River and ultimately into False Bay.

- Plankenbrug River: Once a naturally meandering watercourse, the river is now heavily channelised, with riparian zones dominated by alien reeds (e.g. *Phragmites australis*, *Typha capensis*) and invasive trees (*Acacia*, *Eucalyptus*).
- Wetlands: The area contains seasonal valley-bottom wetlands, as well as artificial dams and quarry seepage wetlands. Although degraded, these systems continue to provide important ecosystem services, including flood attenuation, sediment trapping, nutrient cycling and limited water purification.

- **Ecological State:** Rivers and wetlands in the area are assessed as Class C–D under the national Present Ecological State (PES) categories, indicating they are moderately to largely modified. While habitat condition and water quality have been significantly altered by human activity, key ecological processes such as hydrological regulation, sediment trapping, and nutrient cycling remain partially functional. Targeted rehabilitation would enhance both their ecological condition and their ability to provide essential ecosystem services.
- **Water Quality:** The broader Eerste River system is impacted by wastewater treatment works discharges, urban runoff, and agricultural inputs, resulting in elevated nutrient levels (phosphorus, ammonia), reduced dissolved oxygen concentrations, and generally poor ecological health downstream, particularly closer to its False Bay estuary.

○ **Agricultural Potential - Soils and Land Capability**

- Soils are predominantly duplex types with poor drainage and seasonal wetness.
- Suitability ratings show most of the area as “not recommended” or “marginally suitable” for intensive crop production.
- Irrigation potential is limited by absence of water rights and unsuitable groundwater quality.

○ **Agricultural Viability**

- Viticulture dominates the landscape but faces constraints on marginal soils. Productive blocks occur mainly on better-drained granite ridges.
- Dryland cropping (e.g. winter grains) is limited by soil wetness and shallow profiles.
- Grazing potential is very low ( $\pm 36$  ha per large stock unit), restricting livestock viability.
- Long-term agricultural economics in the valley floor are weak, with many areas converted to alternative land uses.

- **Scenic Resources:** The Koelenhof landscape is defined by:
  - Mountain backdrops (Simonsberg, Bottelary Hills, Hottentots Holland).
  - Vineyards and estates, creating a strong sense of place.
  - Historic churches, schools, and farm werfs, contributing to cultural identity.
- **Visual Quality**
  - High scenic value from vineyards and mountain views.
  - Degrading features include quarries, brickworks, and alien thickets, which contrast with the agricultural setting.
  - Tree clusters, dams, and windbreaks enhance the visual absorption capacity of the landscape.
- **Cultural Landscape**
  - Koelenhof forms part of the Cape Winelands cultural landscape, recognised as a continuing vernacular landscape with medium–high heritage significance.
  - Centuries of viticulture and associated built fabric (farmsteads, wine cellars, avenues, churches) underpin this heritage value.
  - The South African Heritage Resources Agency (SAHRA) has highlighted its vulnerability to cumulative transformation from new developments.
- **Heritage and Archaeology**
  - Area originally used by Khoekhoen pastoralists, later transformed during colonial farming expansion.
  - Farms such as Nooitgedacht and Koelenhof were established in the 17th –18th centuries.
  - The area was used as a remount camp during the Anglo-Boer War, adding military historical significance.
- **Built Heritage**
  - Wine estate werfs and the Catholic church and school precinct are key landmarks.
  - Many structures older than 60 years qualify under Section 34 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- **Archaeological Resources**
  - Artefacts (stone tools, early ceramics, historical material) have been recorded in the wider area, but extensive agricultural disturbance has reduced site integrity.
  - Surveys classify most finds as Not Conservation Worthy, though monitoring during earthworks is recommended.
- **Heritage Resources:** The Heritage Overview Report (**Annexure B**) provides a summary of the resources and their significance identified for each project site:
  - **Malanshoop:**
    - Low to moderate scenic significance, with a cluster of tall pine trees on the western boundary of moderate to high significance that should be retained
    - Low historical significance (despite the interesting early 20th century history of the area the connection to this site is tenuous).
    - No other aspects of heritage significance of consequence were identified.
    - The lines of beefwoods on the site, are not considered of high importance and could be replaced by similar planting on the site of other species.
  - **Devonbosch:**
    - Contextual significance as being located in the Winelands cultural landscape (graded IIIC)
    - Views from the Simonsberg werf towards Table Mountain (graded IIIB). NOTE: this view not identified in the Malanshoop HIA, which borders on Simonsig. Also, as the name implies Simonsig faces the Simonsberg.
    - Trees along the site boundary (graded IIIB)
  - **Koelenhof, Stellenbosch (Claire Abrahamse, 2023):**
    - The site plays a gateway role along the R304
    - It offers vistas towards Simonsberg and Jonkershoek with a secondary vista towards Bottelary (it is assumed the reference is to the Bottelary hills)



- Trees on the RC Church site and tree lines in the surrounding area (i.e. not on the site)
  - The desire line that cuts across the north-western corner of the site.
  - Study recognizes the importance of the RC Church and its tree setting as an important landmark for the node.
- **Contextual indicators**
- Apart from the importance of the RC Church site as a landmark in the node and the social significance of this precinct, there are no particular heritage resources both within the node and the broader context that would be of major consequence to the urban framework.
  - The insistence of the Stellenbosch Heritage Survey guidelines that the node should retain a rural character, seems to be debatable as the node has been earmarked for urban development and one could argue that it would be more important to ensure the optimal use of the land for development. Low density development is inefficient and in fact a threat to the cultural landscape.
  - The landmark nature of the church complex (Refer to **Figure 6**) must be enhanced and responded to as a prominent civic node within the wider context.
  - The railway station is an important potential civic asset and should be acknowledged as a higher-order element in the proposed development of the site.
  - The mature trees on and around the node are landmark elements within this environment that help to structure the space and provide some visual screening and should be retained.
  - The proposed developments must not disrupt signature backdrops including landmarks characterising scenic outlooks—this includes vistas from within the node onto the RC Church, and from the R304 onto the mountains to the east.

- **Key Environmental Sensitivities:** Future planning in the Koelenhof area must balance heritage conservation, biodiversity restoration, water resource management, and landscape character with the realities of agricultural decline and development pressures. The Koelenhof area is an ecologically and culturally significant part of the Cape Winelands landscape
- Critically Endangered Renosterveld: Largely lost, but regional remnants require strict conservation.
  - Aquatic ecosystems: Degraded but ecologically functional; key for flood regulation and biodiversity support.
  - Agricultural soils: Generally low potential; viticulture remains viable only on selected ridges.
  - Cultural landscape: High heritage significance as part of the Cape Winelands, but vulnerable to incremental urbanisation.
  - Visual sensitivity: Views from wine estates towards Table Mountain and Simonsberg are highly sensitive.



**Figure 6: Identified Heritage Resources** (Source: Lize Malan)



- **Engineering Services: Annexures C & D** provide a summary of services and electricity availability:
  - **Water:** The Sonop and Devon Valley Reservoirs currently provide water for Koelenhof with planning in the Water Master Plan for a third reservoir (4 MI) at Farm Kriekbult. The physical spare capacity in the existing reservoirs is 1224 kl/day. Capacity reservations for existing applications have been made.
  - **Wastewater:** Sewage from Koelenhof drain towards Cloeteville, Stellenbosch via the 300mm Ø bulk sewer and thereafter via a recently upgraded bulk sewer through the Plankenbrug Industrial Area to the Stellenbosch Wastewater Treatment Works in Devon Valley where it is treated. The treatment capacity of the WWTW has recently been increased through a major upgrade.
  - **Electricity:** The Electrical Supply Authority for the area is Eskom. The area is fed via various farm-feeders from the existing Koelenhof substation, along Elsenburg Road. This substation is on the edge of the Koelenhof Urban node and is fitted with a 12,5MVA 66/11kV transformer, that peaked on a load of 7,4MVA. Eskom has in 2024 started with a project to upgrade the Koelenhof substation to a 20MVA capacity, with spare space for a second 20MVA transformer, which will ensure a firm 20MVA distribution substation. This project is in the design and design-approval stages, and construction on site will commence early 2026.
- **Roads (Refer to Annexure E & Figure 7):** The Koelenhof node is served by the following roads:
  - **Koelenhof Road or R304 (MR174)** – A Class 2 Main Road within the PGWC network. It has single lanes in each direction, with paved shoulders and no sidewalks. The speed limit is 100km/h and reduces to 80km/h closer to intersections
  - **Bottelary Road (MR187)** – A Class 2 Main Road of the Western Cape Government Road network. It's a single lane in each direction, with paved shoulders and no sidewalks. The speed limit is 80km/h.
  - **Kromme Rhee Road (DR1085)** - A Class 4 Divisional Road within the PGWC network. It has a single lane per direction with a narrow gravel shoulder on the southern side of the road and a raised paved sidewalk on the northern side. The speed limit is 80 km/h. Planning includes the possibility of reclassifying this road to Class 3.

- **Blumberg Drive** - A Class 5 Local street with a speed limit of 60 km/h. This road provides access to the Devonvale Golf Estate and adjacent farms.



Figure 7: Existing Transport Infrastructure (Source: ITS)

- **Public Transport**
  - The Passenger Rail Agency of South Africa (PRASA) provides Metrorail services within the Cape Metropolitan Area, including SM, which is served by a branch of the Northern Line. This line includes seven stations within the Stellenbosch Municipality: Lynedoch, Vlorentburg, Stellenbosch (CBD), Du Toit, Koelenhof, Muldersvlei, and Klappmuts, spanning approximately 18 km
  - PRASA classifies its rail lines into three categories—A, B, and C—based on strategic importance and passenger volumes, with Category A lines receiving the highest priority. The Stellenbosch branch is classified as Category C (Stellenbosch Municipality, 2022).

- It should be noted that no recent data is available on rail operations or ridership for Stellenbosch. The dualling of the Northern Line through Stellenbosch remains a priority.
- The Koelenhof rail station is located to the west of the Nootgedacht Village development. All land within the Koelenhof urban edge is located within a 1.4 km radius of the station.
- Minibus-taxis (MBT) service the roads in the study area.
- **Daily movement patterns:** The following trends were observed from the transport data:
  - The 2022 RNIS data show that Bottelary Road has a higher morning peak than afternoon peak, while Kromme Rhee Road carries roughly 50% lower peak-hour volumes compared to the R304 and Bottelary Road during the morning peak.
  - Approximately 50% of the traffic travelling eastbound along Bottelary Road during the morning peak hour turns right towards Stellenbosch, and 25% towards the N1 and the R44 respectively.
  - During the afternoon peak hour, approximately 40% of the traffic travelling from Stellenbosch turns left onto Bottelary Road.
  - The morning peak volumes south of the R304/Elsenburg Road intersection are about 200 veh/h higher than those north of the R304/Bottelary Road intersection, suggesting that around 10% of northbound vehicles from Stellenbosch divert via Bottelary or Kromme Rhee Road—likely towards Kuilsrivier.
  - The R304/Bottelary Road intersection is experiencing delays during both peak periods. The dominant movement for this intersection is the eastbound right turn during the morning peak period and the northbound left turn during the afternoon peak period.
  - High volumes of MBTs were observed along Bottelary Road and R304 for the eastbound right turn movement and northbound left-turn and through movements. The majority of workers travel from/to Kuilsrivier along Bottelary Road. Approximately 1% of trips to/from Devonbosch travel along Kromme Rhee Road towards Stellenbosch. Approximately 28% travel to/from Stellenbosch using the R304 trip distribution of existing land uses in the larger Koelenhof area.
  - Approximately 48% of trips to/from the Koelenhof area are split between Kuilsrivier and the N1 freeway direction.

### 3.0 DESIGN PHILOSOPHY & STRATEGY

(Source: Jakupa)

#### 3.1 DESIGN PHILOSOPHY

- The design intention (Refer to **Annexure F - Design Report**) for The Koelenhof Development Framework is to make a memorable place that supports a positive and legible urban structure and is integrated into the node's underlying potential. It argues for an improved spatial quality of the public realm, promotes the creation of safe and vibrant places and it makes room for social and economic opportunities that are accessible and diverse.
- To achieve the above the following urban design principles are proposed:
  - **The Greater Public Good:** Create and link places of existing amenity value where people can come together to enjoy the shared benefits of living in a close-knit community. This is achieved through a balanced mix of residential, retail and office uses and complimented by a local transit system and amenities such as schools and sport facilities. The node has an important rural-urban interface and by creating an open space system that supports and connects existing ecological corridors into a coherent system, which in turn links into the ecological systems of the surrounding landscape broader area-wide spatial system can be initiated.
  - **The Whole Above The Parts:** Instead of continuing the existing model of fragmented development, the proposed model consolidates development into a coherent spatial system that enforces a stronger link between developments and reinforces the identity of the local area. A myriad of improvements including traffic flow/ vehicular movement improvements, pedestrian oriented spatial systems, NMT and public amenity upgrading and a range of uses have the potential to transform the area's identity into a memorable place. The proposal undertakes to improve the environmental performance of the consolidated area with integrated and holistically sustainable networks that offer connection between developments as well as amenity to residents and visitors.
  - **Identity, Context and Place-Making:** Effort needs to be made to find and extract the found potential of the site and making it evident in its genius loci. All these elements benefit from a sustained urban relationship which goes beyond the constraints of individual developments. The rural-urban identity is one that reflects the local character and identity of Stellenbosch and its farms and winelands, through making places that are relevant to locals and one that's rooted in its time and context. A place of deeper meaning will emerge through time as a node settles into its skin once it becomes inhabited and the community and businesses reflect their identity through place-making. The development will fundamentally alter the existing character of the place for the better: creating a vibrant, people-oriented and safe space.
  - **Transition Between Urban Peripheral and Rural:** As cities and towns develop, they become complex structures with edges that morph in response to the changing needs and development patterns. It is the edges of the city region that reveals its social, political, technological and environmental dynamics, through the development that takes place on the edges of its boundaries. Peri-urban areas although peripheral, play a major role in in the overall functioning of cities and towns. The study area serves as a transitional space between the urban periphery and the agricultural/rural landscape. The urban design proposal reflects this very distinct characteristic at the local level. Rather than a forced juxtaposition of conditions, the framework sets up a language of threshold and mediation.
  - **Future Proofing, Adaptation and Resilience:** Climate proofing cities for drought, flood, fire, food, water and soil security are part of the design challenge. In order to respond in a way that drives resilience, a holistic approach to these factors is paramount. This will be a process of considerations and negotiations to find the most sustainable outcomes whilst still meeting developmental goals. We need to prepare our towns for future climate challenges and acknowledge our responsibility to attempt to mitigate these challenges where possible.

### 3.2 SPATIAL UNDERSTANDING

- The spatial challenges of the area were analysed to establish a base set of issues that relate to the inherent nature of the place [the genius loci]. When coupling this with the interpretation of relevant municipal frameworks and policies as well as current global thought on urban design and development goals, more informed and appropriate decisions can be made that consider the surrounding urban context, including the rural-urban, urban morphology, spatial systems, movement, spatial patterns and ecological systems.
- The following issues were identified:
  - **Ecological Systems:** The ecological systems are not cohesive or congruent across the area with no collective plan straddling the proposed developments. The waterscape, ecological systems and the corresponding agricultural landscape is the overwhelming experience of the place and key to the success in maintaining the character of place is the protection, completion and engagement with the various ecological systems.
  - **Movement and Access:** The movement systems of the individual developments function in isolation and current vehicular access points via higher-order roads are prone to poor accessibility. Access to each development is restrictive with no connectivity between developments other than via primary roads.
  - **Barriers and Grain:** Nooitgedacht Village and Koelenbosch Country Estate are gated residential developments. These developments currently dominate in the landscape with their monotonous architecture and are isolated islands in the landscape. The proposed developments are at risk of replicating this phenomenon. The dangers of a predominantly gated urban landscape are that it has poor relationships with the surrounding landscape and one another, making the in-between space all the more unfriendly, unsafe, and vehicular dependent
  - **Form and Public Interface:** The existing spatial morphology (form) of the gated residential developments are limiting their public interface, however the urban morphology of Devonbosch Lifestyle Estate points to a vibrant mix of building uses and typologies that respond to the rural-urban condition.
- The intention of a contextual analysis is to provide informants that can aid in setting up guidelines and ensuring feasibility of a proposed design. These fixes will help to inform decisions on environmental and built form. The following fixes have been identified and agreed, following collaboration with the developers and the consulting team:
  - **Ecological Fixes - Topography, Water And Ecological Preservation:**
    - Expansion and integration of two ecological corridors, running north to south through the area, including water courses and their respective buffers.
    - Reestablishment of the river passing through Koelenhof Estate along its original course.
    - The creation of an ecological/recreation focus central to Devonbosch.
    - Utilisation of existing agricultural ponds to form part of the stormwater management system.
    - Protection of mature tree lines and clusters.
    - Expansion of a landscaped buffer of 20m either side of the R304 and Bottelary Road.
  - **Connectivity Fixes - Re-Organisation And Re-Alignment Accommodating Future Growth:**
    - Rehabilitation of the train station and creation of a potential NMT/public transit system.
    - Future widening of both R304 Road and Bottelary Road
    - Upgrading of Kromme Rhee Road including implementation of the bridge (PRASA responsibility) over the railway line.
    - Future intersections to access Malanshoop, Devonbosch and Koelenhof Estate from the R304.
    - An additional Intersection to access Devonbosch off Bottelary Road.
    - Linking of Malanshoop, Koelenhof Estate and station via an underpass under the future road bridge.
  - **Urban Fixes - Urban Intersection | Sacrifice For Security**
    - Using the public realm as a connector between developments by enabling a high quality pedestrianised urban interface to complement the rural character.
    - A development setback line along Bottelary Road to ensure the continuation of the public realm through a connected landscape buffer.

### 3.3 DESIGN STRATEGY

- The design strategy is based on **three pillars**:
  - Reinforcing the existing ecological systems across all developments as a linking device.
  - Strengthening and creating movement links between the developments, bridging barriers and encouraging integration.
  - Consolidating and enhancing the built environment with public space activation.
- **Green and Blue Network Strategies**:
  - Reinforcing the existing ecological systems across all developments as a linking device. A designed landscaped interface that meets the requirements of an ecological corridor is proposed. This space can also incorporate pedestrian movement, recreational as well as stormwater management functions (Refer to **Figure 8**).
  - Retain and enhance the natural shape of the large dam on Devonbosch. Surrounding development should make use of this visual and recreational asset.
  - Demarcate the central green space at Devonbosch as a recreational and conservation space - this area has the potential to become a large recreational park with footpaths and pocket parks/rest spaces.
  - The Bottelary Road buffer at Devonbosch should be expanded and landscaped as a protected wet buffer and the treelines extended to provide a screen from the roadway.
  - This river and wetland corridor along the eastern boundary of Malanshoop is to be maintained. Residential units along the eastern bank should be orientated towards the area to activate it. The boundary fence along this corridor needs to be transparent as to not create any visual obstruction as well as prevent contributing to unsafe spaces along the railway line.
  - The river running through Koelenhof Estate is proposed to be rerouted back to its original alignment through the centre of the property with a 30m cross section. This river corridor can become a potential asset to properties adjacent and facing onto it.
  - Water movement between the Devonbosch and Koelenhof properties has been canalized and redirected into pipes underground. Bringing this water back to the surface and rerouting

this water movement to pass through the intersection as part of a future intersection design will ensure continuity of the green system.

- Sustainable Urban Drainage System (SUDS) principles and Bio-detention ponds should be used in the implementation of stormwater systems.
  - A stormwater pond is proposed in the south-eastern corner of Devonbosch before the crossing southwards to hold water at the base of the slope.
  - SUDS-based stormwater management along the streets and sidewalks in Devonbosch will allow integration into an integrated stormwater system.
  - A stormwater retention facility in the south-eastern corner of Malanshoop will help to manage runoff for this development.
  - A series of small stormwater ponds along the river in Koelenhof Estate is proposed. These ponds provide opportunity for recreational pocket parks and walkways integrated into the layout.
  - Where possible trees and treelines should be retained.
  - The existing treelines that provide a green buffer for Devonbosch along Bottelary Road should be continued and expanded to both sides of the road.
  - The tree clusters in Malanshoop create an opportunity for a green neighbourhood park.
  - A 20m landscape buffer is proposed on either side of the R304 and should be extended up to the intersection with Bottelary/Kromme Rhee to provide a screen for pedestrian movement along the R304.
- **Movement and Access**
    - Strengthening and creating movement links between the developments, bridging barriers, encouraging integration and ensuring continuity is an important focus (Refer to **Figure 9**).
    - To reduce pressure on the Bottelary-R304 intersection and address the traffic impact of Devonbosch a northern bypass road is proposed from the Blumberg Circle along the western and northern edge of the Devonbosch project to the R304 north.
    - A southern bypass from the Blumberg Circle to link with the R304 south opposite Elsenburg Road is proposed to further ease the centralized traffic yield in the area.



- With the implementation of the road over rail bridge, a road link between Malanshoop and Koelenhof estate via the station and with the potential to link to the R304 via Elsenburg Road is to be explored to distribute traffic and integrate the urban area.
- Should in future the upgrade of the Bottelary Road – R304 intersection be required, it is proposed that a grade-separated design where Bottelary-Kromme Rhee continues at ground level beneath the elevated section of the R304, is utilised. This would allow the design of a primary pedestrian link/corridor through a green public open space system that would further reinforce the connectivity between the developments to the north and south of the intersection and create a direct access to the train station for pedestrians. It is further proposed that the lanes of the bridge be split to allow light in-between, thereby helping to foster a feeling of spatial continuity and safety.
- Together with the overpass a tertiary road system of quarter link roads can be created that will provide movement alternatives to the separated intersection and allow integration of the various developments within the node. In the short-term these could function as left-in left-out or unsignalized accesses.
- Road and traffic calming measures are to be implemented within the Koelenhof area. From the boundary edges of the node, the R304, Bottelary Road and Kromme Rhee Roads are to have signalised intersections to slow down traffic entering the area.
- Internal movement systems within the developments are to be designed alongside pedestrian pathways to facilitate a movement network of people-centred streets. The internal street design can take precedent from Alberto Drive in Devonbosch which is public (yet secure) and have active edges such as retail, front of houses, spill-out spaces, NMT networks, pedestrian pathways and street furniture.
- The rehabilitation of the train station will assist transit for residents, visitors and workers in and out of Koelenhof. It forms the centre of the NMT system which further endeavours to connect all the developments.
- NMT and pedestrian walkways tie into the train station and provide access throughout the developments. Walkways and green and blue systems are interlinked and will form the backbone of the development of the node.

- **Development Interface**

- Consolidating and enhancing the built environment with public space activation will be central to integrating the various development projects.
- The train station should become a transit orientated hub central to the Koelenhof node.
- The location of retail and recreational activity adjacent to the public environment will help to activate the movement system. The orientation of the retail development at Koelenhof Estate can help contribute to the public realm.
- An 'urban public forecourt' along a pedestrian-orientated Bottelary-Kromme Rhee Road which is supported by publicly orientated retail, institutional and recreational uses will serve to connect the developments to each other and to the transit routes.
- Green spaces such as the conservation/recreation area and large dam in Devonbosch and river corridors in Koelenhof Estate and Malanshoop should be activated with street and building interfaces that look onto the spaces. Public access should be encouraged through walkways and rest spaces or recreational amenities created where appropriate.
- To establish positive interfaces with the river corridors developers should endeavour to create at least 70% positive interface to maintain continuity of active, people-oriented uses.
- Rivers and open space areas should be integrated with the internal movement systems of the developments to make them publicly accessible for people living within the estates.
- With rapid development in a predominantly rural area, it is important to support gradual transition and allow for transition space that is aware of contrast along the urban-rural interface. Development at the edges of Malanshoop and Devonbosch needs to be responsive to the agricultural landscape adjacent through the use of landscape buffers as well as positive interfaces such as frontages and visually permeable edges.
- Development along the urban edges needs to respond in two directions. Externally to the landscape as well as internally to the neighbourhood and street.

Figure 8: Green and Blue Networks (Source: Jakupa)

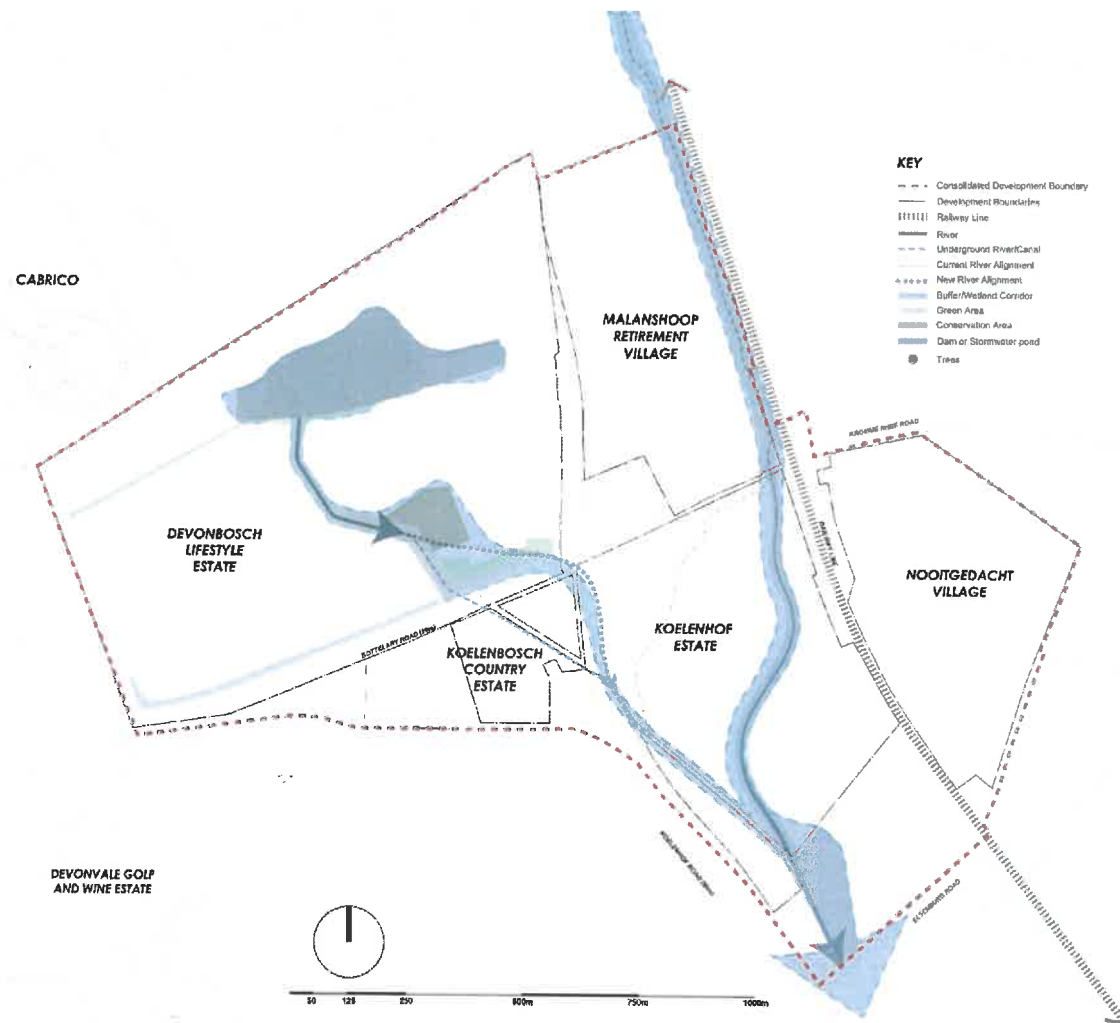
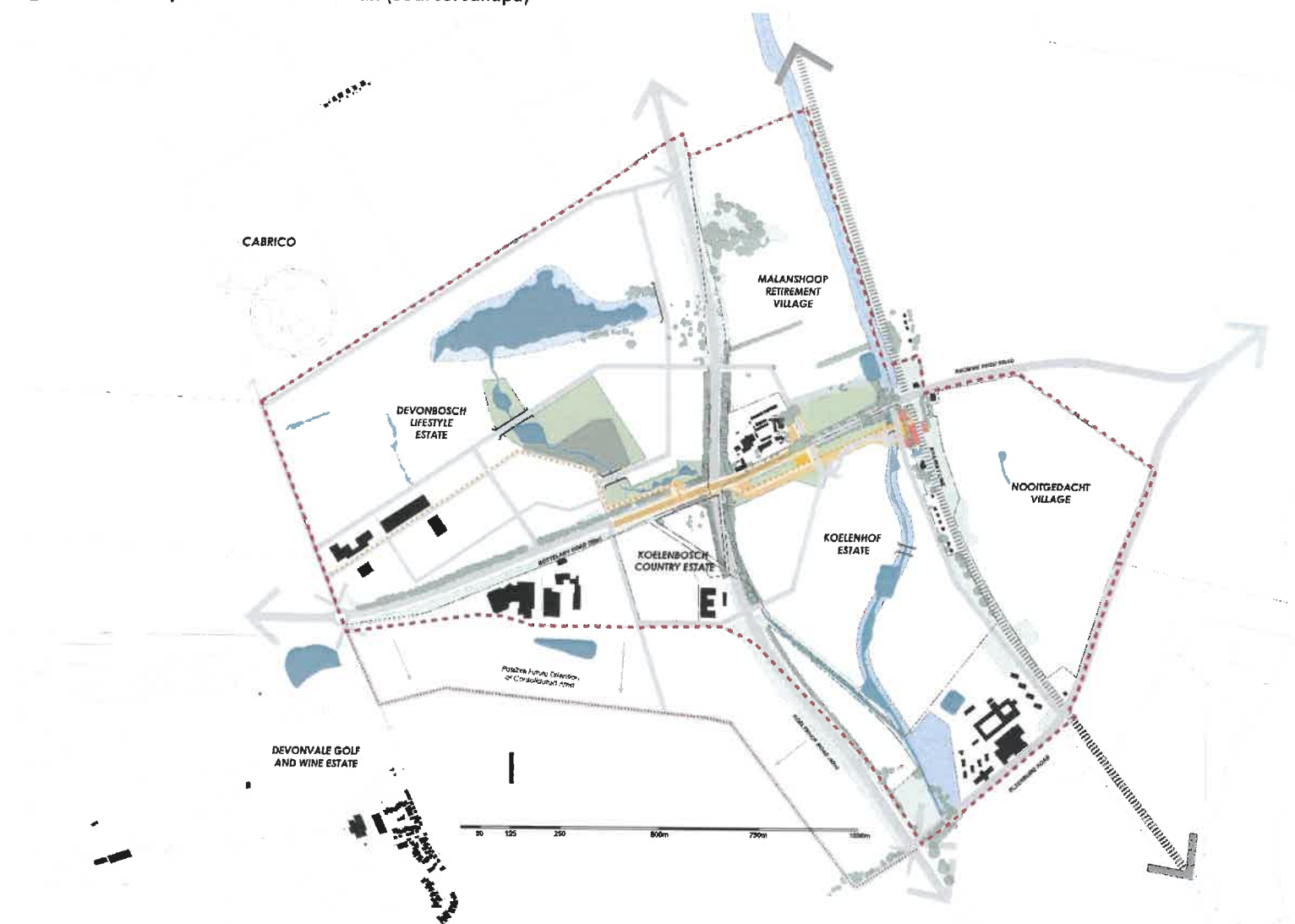




Figure 10: Development Framework Plan (Source: Jakupa)



## 4.0 DEVELOPMENT FRAMEWORK

The Development Framework Plan (Refer to **Figure 10**) is shaped by three key principles that offer coherence to the development of the Koelenhof node:

- Consolidate scattered and fragmented development into a coherent and compact footprint that supports a collective identity. This is achieved primarily through shared public space systems and must be viewed as a continuum with the adjacent rural landscape. Build continuity in the ecological systems across the site and ensure a positive interface with it through adding people-oriented activities and building positive interfaces between buildings and these systems.
- Connect the developments with the primary public transport system and node, which is the train station. All mobility systems are then shaped to support this connection, including an NMT system. Over and above the need to provide access to the development parcels, the road network is adjusted to support the lower order of movement. Within the node, the function of the roads is downgraded in order to integrate the development parcels and function as the heart of the node.
- The node will be implemented incrementally, and its landscape will transform over time, allowing a high-quality town to emerge. The quality of the environment will be a key driver of the town's success. Quality will emerge when the public realm experience is coherent, contiguous, and supports an experiential place for pedestrians.

### 4.1 LAND USE

- **Land Uses:** The potential land uses for each of the quadrants can be summarised as follows:
  - **Quadrant 1 – North-East:** The Malanshoop retirement development is the focus with an institutional interface along the northern boundary of Kromme Rhee Road.
  - **Quadrant 2 – South-East:** Koelenhof Estate and Nooitgedacht Village provide a predominant residential focus either side of the Koelenhof Station. Koelenhof Estate includes a retail and institutional interface along the southern boundary of Kromme Rhee Road with the existing Lindelani Youth Care Centre further expanding adjacent to the Elsenburg Road edge.

- **Quadrant 3 – South-West:** In addition to the Koelenbosch residential estate, the area accommodates a variety of retail, service and industrial uses. The area will likely evolve in future with a potential long-term amendment of the urban edge up to the proposed southern bypass road and overall improved access facilitating an expansion of a mix of future uses.
- **Quadrant 4 – North-West:** The Devonbosch mixed-use development will be expanded to incorporate industrial, residential and institutional land use opportunities in support of a growing business area.
- **Zoning:** A variety of zones as set out in the Stellenbosch Land Use Scheme are being utilised to facilitate the land use vision, but it is proposed that a **Koelenhof Overlay Zone** be approved and implemented to facilitate the future role of Koelenhof as a Priority Development Area and through which land use opportunities can be better pursued through a generous set of urban land use parameters.
- **Development Precincts:** Each development project will become a Precinct or be further divided into sub-precincts of homogenous functional development areas.
- The total **basket of rights (floor area and units)** which were projected as long-term potential for all land within the urban edge and on which the services calculations were based, is as follows:

| Table 1: Koelenhof Node: Potential Basket of Rights |              |                          |                          |                            |                             |                         |
|-----------------------------------------------------|--------------|--------------------------|--------------------------|----------------------------|-----------------------------|-------------------------|
| ZONE                                                | Res Units    | Retail (m <sup>2</sup> ) | Office (m <sup>2</sup> ) | Industry (m <sup>2</sup> ) | Institute (m <sup>2</sup> ) | Other (m <sup>2</sup> ) |
| Quadrant 1: North-East                              | 450          | 0                        | 0                        | 0                          | 6 000                       | 2 200                   |
| Quadrant 2: South-East                              | 1 520        | 10 605                   | 0                        | 0                          | 20 800                      | 1 000                   |
| Quadrant 3: South-West                              | 140          | 2 280                    | 0                        | 23 920                     | 0                           | 190                     |
| Quadrant 4: North-West                              | 3 085        | 81 950                   | 313 930                  | 71 456                     | 31 520                      | 34 690                  |
| <b>TOTAL</b>                                        | <b>5 195</b> | <b>94 835</b>            | <b>313 930</b>           | <b>95 376</b>              | <b>58 320</b>               | <b>38 080</b>           |
| <b>GRAND TOTAL</b>                                  | <b>5 195</b> |                          |                          |                            |                             | <b>600 541</b>          |



## 4.2 ACCESS & MOVEMENT

The movement systems within the Koelenhof Priority Development Area provide a critical role in structuring the area for future development. Four levels of movement form part of the development framework:

- **The primary movement level** consists of the R304 (north-south) and Bottelary – Kromme Rhee (east-west) movement routes. These roads fulfil an important mobility function, but it is proposed that within the Koelenhof node, both roadways are designed to slow down road speeds in order to balance mobility with safety in the node. Furthermore, it is proposed that the Bottelary-Kromme Rhee Road responsibility be transferred from PGWC to the Stellenbosch Municipality between the eastern and western urban edges to allow a more urban cross-section that would benefit a pedestrian-balanced design for these road reserves.
- The **second movement level** involves the implementation of the northern and southern bypass roads as well as the eastern underpass link along the railway line to reduce the pressure on the R304-Bottelary intersection and provide road capacity to serve the future development of the area.
- The **third movement level** is linked to the grade-separation of the R304-Bottelary intersection (if required) and the creation of quarter links via the development areas to provide alternative routes and help to integrate the various development areas through a system of internal roads. These accesses could function as left-in left-out or unsignalized intersections in the short to medium term, depending on road safety and functionality.
- The **fourth movement level** includes the rehabilitation of the train station and the creation of NMT and pedestrian systems to link the various development quadrants to the station.

## 4.3 GREEN NETWORK

The green network consists of the following:

- **Water System forms the Backbone:** The water system forms the backbone of the green network with two north-south systems linking the various development areas. The aim is to provide ecological continuity while also supporting the sense of place within the area.

- The western link includes the existing Devonbosch Dam and conservation/recreational area and stormwater dams linked to the existing water course route along the western boundary of the Koelenhof Estate together with the buffer areas integrated with stormwater facilities.
- The eastern system links the water course along the eastern boundary of Malanshoop with a realigned river course and buffer areas through the centre of the Koelenhof Estate site. The two systems connect on the southern boundary of the study area.
- A green landscape system is integrated with the water system by connecting the existing treelines and tree clusters with expanded landscape buffers along the primary routes and which are expanded to the secondary and tertiary road systems to provide ecological corridors and screening of pedestrian movement throughout the node.

## 4.4 SERVICE NETWORKS

The services reports have confirmed that with strategic network upgrades sufficient service capacity can be created to accommodate the proposed development. Services provision can be summarised as follows:

- **Potable Water:** Water storage is currently provided at the Sonop and Devon Valley Reservoirs, with the water master plan indicating a third reservoir (4 MI) at Farm Kriekbult to be constructed in future. Physical spare capacity in the storage system is currently 1 224 kl/day
- **Sewerage:** A recent upgrade of the 300mm Ø bulk sewer bulk sewer to the Stellenbosch Municipality's wastewater treatment works in Devon Valley provides sufficient capacity for the next 10 years.
- **Waste Management:** Sufficient infrastructure exists to provide waste management services for the node.
- **Stormwater:** The stormwater system for each development will be linked to the integrated SUDS-based water system.

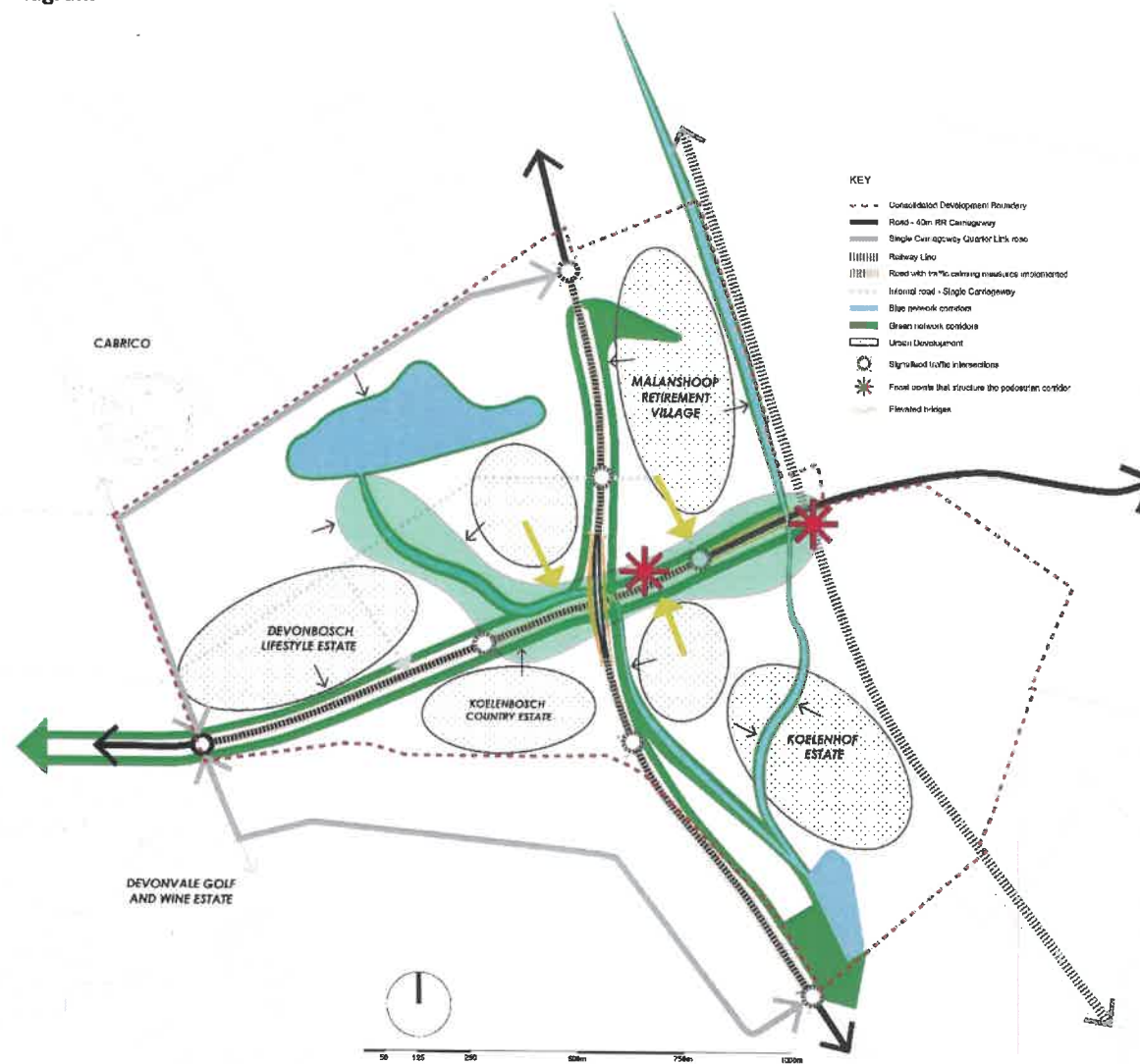
- **Electricity:** A supply of 90MVA will be required to service the total development. Three options exist:
  - A second step-down substation and several overhead line upgrades linking to the Stellenbosch substation and a portion of the 66kV-line from Helshoogte to Koelenhof.
  - A new 132kV-feeder into the Koelenhof area, fed from the existing Muldersvlei transmission substation adjacent to the N1-highway which currently has sufficient capacity at Muldersvlei substation to cater for the total anticipated load of Koelenhof area.
  - Extension of an existing 132kV-feeder from Elsenburg area to the proposed new stepdown substation in the Koelenhof area.

## 4.5 SUMMARY

As illustrated by **Figure 11**, translating the key elements of the Development Framework spatially implies the following minimum responses:

- To fix the public realm by making the ecological (green and blue) systems contiguous.
- To transform the east-west Bottelary-Kromme Rhee road system into a pedestrian-oriented heart of the development node with a church complex and rail station at its heart. This system is to be shaped to act and function as a pedestrian-oriented environment with a focus on landscaping elements.
- To shape building interfaces to orientate to the ecological and pedestrian-orientated road systems.
- To limit the extent of the development node and consolidate the development opportunities through density and diversity of uses.
- To grade the scale and intensity of development towards the edges of the node and orient development towards it to create a positive interface with the rural surroundings.

Figure 11 Development Framework Diagram



## 5.0 IMPLEMENTATION

### 5.1 10-YEAR ROLL-OUT HORIZON

Anticipating the roll-out framework and planning for the total development vision will prove impossible, but an interim planning horizon allows an implementation strategy to be developed based on which a services needs assessment and high-level cost estimate can be done as per illustration.

Table 2 provides an anticipated scenario should the implementation of the Malanshoop retirement development, Koelenhof Estate residential and retail developments and the mixed-use Precinct A of Devonbosch happen within a 10-year roll-out period.

| Table 2: Koelenhof 10-Year Roll-out Potential                               |                        |                                          |                                          |                                              |                                             |                                         |
|-----------------------------------------------------------------------------|------------------------|------------------------------------------|------------------------------------------|----------------------------------------------|---------------------------------------------|-----------------------------------------|
| Combined Devonbosch Precinct A, Malanshoop, Koelenhof Estate implementation |                        |                                          |                                          |                                              |                                             |                                         |
| Year of Occupation                                                          | Residential<br>(Units) | Retail<br>(Floor Area - m <sup>2</sup> ) | Office<br>(Floor Area - m <sup>2</sup> ) | Industrial<br>(Floor Area - m <sup>2</sup> ) | Institute<br>(Floor Area - m <sup>2</sup> ) | Other<br>(Floor Area - m <sup>2</sup> ) |
| 2026                                                                        |                        | 128                                      |                                          |                                              |                                             | 1 206                                   |
| 2027                                                                        | 17                     | 2 738                                    | 18 926                                   |                                              | 8 750                                       |                                         |
| 2028                                                                        | 226                    | 3 343                                    | 11 000                                   |                                              |                                             |                                         |
| 2029                                                                        | 290                    | 10 605                                   | 8 000                                    | 1 008                                        | 2 500                                       |                                         |
| 2030                                                                        | 310                    | 20 000                                   | 10 800                                   |                                              |                                             | 12 334                                  |
| 2031                                                                        | 150                    | 5 000                                    | 10 000                                   |                                              |                                             | 2200                                    |
| 2032                                                                        | 250                    | 2 000                                    | 10 000                                   |                                              |                                             |                                         |
| 2035                                                                        | 324                    | 1 736                                    | 16 329                                   |                                              |                                             |                                         |
| TOTAL                                                                       | 1 567                  | 45 550                                   | 85 055                                   | 1 008                                        | 11 250                                      | 15 740                                  |
| GRAND TOTAL                                                                 | 1 567                  | 158 603                                  |                                          |                                              |                                             |                                         |

This allows the high-level cost estimates to be compared with the potentially available Development Charges (DCs) designated for funding of upgrades.

The calculation does not preclude other landowners and developers from implementing rights within the node. The intent is to establish development thresholds for which services upgrades will be required and to identify what services will be triggered at that stage.

### 5.2 TRANSPORT INFRASTRUCTURE (Source: ITS)

The transport response for Koelenhof must evolve beyond the traditional car-centric solutions of the past to effectively manage the transport pressures of significant future growth. While the historical proposal of dualling the R304 (MR174) and constructing a grade-separated interchange addressed capacity and safety concerns at the critical node, it did not sufficiently consider sustainable mobility principles or the integration of public transport and non-motorised modes. It also did not consider the future urban development in the Koelenhof node.

The alternative approach presented in this report offers a more holistic and forward-looking strategy. By preserving the R304's role as a regional mobility corridor through managed access and bypasses, promoting modal shift through rail station upgrades and shuttle services, and enhancing pedestrian and cycling connectivity, the plan supports a sustainable, transit-oriented development model. Managing vehicle speeds and diverting through traffic via phased infrastructure improvements through the developments further contributes to safer and more efficient road operations.

Importantly, this approach is flexible, allowing for future infrastructure interventions like grade separation only if public transport initiatives do not achieve the intended trip reductions. The integration of land use and transport planning ensures that Koelenhof can grow in a way that balances regional mobility needs with local liveability and accessibility.

In response to the pressures this growth will place on the transport system, a coordinated and holistic transport response is essential and the approach below sets out a strategy aimed at ensuring the long-term sustainability and efficiency of mobility in the Koelenhof area while also allowing the node to develop as an integrated urban area.

The transport response presents a series of strategic interventions to reduce external trip demand, manage congestion, and improve internal connectivity. Central to this approach is the application of realistic trip reduction factors—such as mixed-use integration and public transport availability—based on the unique characteristics of Koelenhof's land use and transport context.

This section outlines, at a high level, the proposed upgrades to the road network, enhanced public transport integration (including plans for the Koelenhof Station), and non-motorised transport infrastructure. It aims to balance local access needs with regional mobility objectives while preserving the liveability and connectivity of the future Koelenhof urban node. The key objectives for the Koelenhof Transport Master Plan and the transport response for each are summarised below:

- **Objective 1: Preserve the mobility function of the R304** - Ensure that this key regional arterial route continues to serve as a high-capacity mobility corridor by limiting interruptions and managing access appropriately. Several important measures must be implemented to prevent future congestion and maintain its long-term efficiency. Including limiting direct access by restricting the number of intersections. This approach reduces conflict points between vehicles and helps maintain traffic flow.

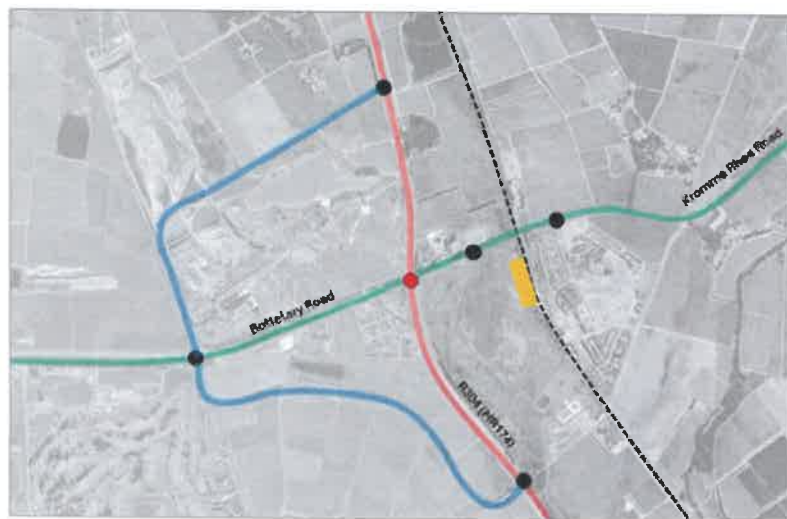


Figure 12a: Bypass Roads

- Another priority is the implementation of bypass roads designed to divert traffic away from the central Koelenhof node. These routes are expected to decrease traffic volumes on the R304 by about 40%. Moreover, they will intercept approximately 30% of the additional traffic generated by new developments. As a result, this intervention is estimated to reduce vehicle volumes at the critical R304 - Bottelary Road intersection by around 5 000 vehicles during peak hours, significantly improving capacity and reducing delays. Refer to **Figure 12a** for the ring roads to be constructed to improve capacity through the critical intersection.
- **Objective 2: Reduce overall trip generation and dependence on arterial roads** - Promote the use of alternative modes of transport, particularly rail, by improving accessibility to public transport facilities, thereby reducing private vehicle usage. This is a key objective and all efforts to implement transport solutions pro-actively to support behavioural change must be prioritized. Reducing trip generation and dependence on private cars is a crucial strategy for alleviating pressure on the regional road network.
- Promotion of public and non-motorised transport options requires integrated planning and targeted investment in infrastructure that supports these modes, making them more attractive and accessible. Upgrading and integrating the Koelenhof rail station is a key component of this strategy. By transforming the station into a multimodal hub, it can be better connected to nearby residential, commercial, and institutional areas, facilitating smooth and convenient transfers between different transport modes. Investing in station accessibility and improving last-mile connectivity is equally important. Enhancements should include better non-motorised transport infrastructure and feeder routes that improve access to both the Koelenhof and Stellenbosch rail stations. Introducing a shuttle service within the Koelenhof area developments will further increase convenience and reliability for rail users.
- Given that over 40% of the development-related traffic is destined to or originate from Stellenbosch, improving rail services and accessibility has the potential to significantly reduce road traffic. If only half of these trips were to shift to rail, it could result in a reduction of approximately 2 500 vehicles per hour at the critical R304-Bottelary intersection during peak periods.



- **Objective 3: Develop safe and continuous non-motorised transport (NMT) infrastructure** - Provide dedicated walking and cycling facilities throughout the Koelenhof area to support sustainable and inclusive mobility options. This intervention must be prioritised to improve the integration between land uses and reduce external trips. Prioritising pedestrian infrastructure and internal mobility is essential to promote a walkable and transit-oriented development in Koelenhof.
- Seamless pedestrian access between land uses must be ensured by providing continuous, safe, and direct routes connecting land uses and transport nodes within and across precincts. Such connectivity encourages walking for short trips within the community. Improving pedestrian connectivity to the Koelenhof rail station is also a key priority. This involves creating well-designed pedestrian pathways and safe crossings that allow commuters to access the station comfortably and directly, promoting the use of public transport.
- Implementing a grade separation along the R304 where possible reduces conflicts between pedestrians, vehicles, and trains, thereby preserving the corridor's role as a key regional arterial route. The proposal is to reduce the cross-section of Bottelary to create a walkable environment, should the R304 be grade-separated over Bottelary Road.
- Introducing a local shuttle service will further support last-mile connectivity. This shuttle can link residents and visitors to the rail station and other important nodes, reducing reliance on cars for short trips and improving overall transit convenience. The development extent of the node would justify a full public transport system that can serve local trips and trips to external nodes. Encouraging modal shifts, traffic volumes on arterial roads will decrease significantly. This reduction will delay the need to dual Bottelary Road.
- **Objective 4: Divert through-traffic away from the Koelenhof centre** - Alleviate congestion within the core development area by re-routing regional and non-local traffic via alternative alignments or bypasses. To protect the mobility function of the R304 and accommodate future traffic demand, a phased approach is proposed to divert through-traffic and upgrade intersections. This strategy balances immediate needs with long-term infrastructure planning to maintain efficient traffic flow.

- Grade separation is planned as a final phase of this approach. Such infrastructure will only be necessary if improvements in public transport—such as enhanced rail and shuttle services—do not sufficiently shift travel demand away from private vehicles. The phasing plan must be designed in such a way that it does not preclude or restrict the implementation of any future transport solutions. This ensures that interim interventions remain flexible and adaptable, allowing for the integration of long-term infrastructure upgrades—such as grade separation, public transport enhancements, or additional capacity improvements—should they become necessary over time
- By implementing grade separation of the R304 over Bottelary Road, the option to introduce two additional traffic signals is created. The completion of a double ring road network system of bypass routes, will reduce traffic volumes on both the R304 and Bottelary Road by about 1,000 vehicles per hour. This reduction will mitigate congestion at the critical intersection and throughout the Koelenhof area, contributing to safer traffic conditions and less delays along the R304. It is recommended that these new intersections be either priority controlled or left-in/left-out to sustain the mobility of the R304.



Figure 12b: Internal Ring road system

- **Objective 5: Implement a practical funding and phased expenditure approach** - Prioritise spending of Development Contributions (DCs) on municipal and public transport infrastructure first, thereby enhancing sustainable transport options early. Delay capacity upgrades on provincial roads where possible and encourage developers to contribute by creating integrated road networks and offering an alternative strategic and phased approach to funding is crucial to optimising the use of available resources and achieving long-term transport goals. Prioritising Development Charges (DCs) for investment in Municipal and public transport infrastructure, such as upgrading local roads, enhancing the Koelenhof rail station, improving non-motorised transport (NMT) facilities, and implementing shuttle services ensures that initial funds deliver immediate benefits within the local transport network.
- This approach encourages a modal shift away from private vehicles towards more sustainable travel options. This is an essential approach to achieve the objectives of the transport master plan. Delaying major capacity upgrades on provincial roads, such as widening arterials, prevents premature expenditure on costly infrastructure that may induce additional traffic demand. Instead, focusing first on enhancing public transport and active travel infrastructure makes transport investments more cost-effective and sustainable. In addition, requiring developers to contribute to the creation of an integrated internal road network, designed to support diverse and alternative travel modes, further strengthens connectivity and accessibility within Koelenhof. This coordinated investment and planning framework reduces traffic travel choices that align with sustainable transport objectives
- **Phasing Recommendations** - The implementation of transport infrastructure in the Koelenhof area is structured into 11 phases, each linked to cumulative trip thresholds. This phased approach ensures that capacity upgrades and modal interventions are aligned with actual development-generated demand. The phasing is selected with the following objectives in mind:
  - Invest in NMT and integration between land uses to reduce overall external travel demands.
  - Start to plan, design and implement the by-pass routes as soon as possible to limit any abortive upgrades of the R304-Bottelary intersection.

- Upgrade the R304-Bottelary intersection with upgrades that will not be abortive once the by-pass routes are constructed.
- Monitor the trip generation of the node to confirm assumptions of integration and external reductions.
- The total expected construction values were divided by the total expected peak hour trips for the full development to calculate a unit rate (R/trip). The cost of each transport project was divided by the unit rate to determine the number of trips to be generated to establish triggers. Refer to **Table 3** below for the proposed upgrades/phasing along with the proposed construction costs and total trips that will trigger the upgrades.

**Table 3: Potential Road Upgrades (Aug 2025) – Source ITS**

| Trigger | Upgrade                                                         | Authority  | Construction Cost (R) | Trips | Cumulative Trips |
|---------|-----------------------------------------------------------------|------------|-----------------------|-------|------------------|
| 1       | EA LT & RT lanes (included in Devonbosch approval)              | PGWC       | 2 350 000             | 200   | 200              |
| 2       | NA through & acceptance lanes (included in Devonbosch approval) | PGWC       | 4 380 000             | 300   | 500              |
| 3       | Upgrade rail station (Koelenhof & Stellenbosch)                 | PRASA PPP  | 10 000 000            | 250   | 750              |
| 4       | NMT Network                                                     | SM         | 4 400 000             | 300   | 1 050            |
| 5       | Implement Southern Bypass                                       | SM         | 66 734 728            | 4 500 | 5 550            |
| 6       | Implement Northern Bypass                                       | SM         | 111 168 574           | 7 450 | 13 000           |
| 7       | Dedicated RT lane EA                                            | PGWC       | 2 000 000             | 150   | 13 150           |
| 8       | Dedicated RT lane SA                                            | PGWC       | 2 000 000             | 150   | 13 300           |
| 9       | Roundabout on Kromme Rhee Rd                                    | Developers | 10 000 000            | 700   | 14 000           |
| 10      | Traffic Signal at Nootgedacht                                   | Developers | 5 000 000             | 350   | 14 350           |
| 11      | Traffic Signal at Devonvale Roundabout                          | PGWC       | 5 000 000             | 350   | 14 700           |
|         |                                                                 |            | 223 633 303           |       |                  |

- Not all projects are within the jurisdiction of the Stellenbosch Municipality. **Table 4** summarises the apportionment of transport project costs for various authorities. It is clear from the table that more than 80% of the transport-related projects are municipal and can be constructed from Development Charge funding.

**Table 4: Apportionment of Transport Costs (Aug 2025) – Source ITS**

| Authority                          | Estimated Costs     | %          |
|------------------------------------|---------------------|------------|
| Developers                         | R 15 000 000        | 7          |
| PRASA PPP                          | R10 000 000         | 4          |
| Stellenbosch Municipality (SM)     | R182 903 303        | 82         |
| Provincial Government Western Cape | R15 730 000         | 7          |
| <b>Grand Total</b>                 | <b>R223 633 303</b> | <b>100</b> |

- **Proposed 10-year roll-out** - The first 10-year development programme for Koelenhof (2026–2035) is expected to generate approximately 5 600 peak-hour trips, representing around 38% of the ultimate build-out demand. It is recommended that the TIA be updated regularly to confirm the next roll-out of infrastructure. The transport triggers outlined in Table 3 are aligned with trip thresholds to ensure capacity and accessibility are provided as required:
  - **2026 – 2027** ( $\pm 1\,130$  trips): Development is minimal, with only limited retail and other uses. No major road upgrades are required at this stage, and the existing network can accommodate the demand. Implement **Triggers 1 and 2**, which are already conditions of approval of the current phases of Devonbosch.
  - **2028–2029** ( $\pm 2\,600$  cumulative trips): Residential and office development continues, with further increases in trip generation. At this stage, the demand approaches the threshold for **Trigger 3**, which includes upgrades to the Koelenhof and Stellenbosch rail stations (PRASA), and **Trigger 4**, which involves the roll-out of a local NMT network by SM. These interventions encourage modal shift, reduce private vehicle reliance, and support sustainable travel patterns.
  - **2030** ( $\pm 4\,000$  cumulative trips): Significant residential, retail, and office development occurs, driving an increase in traffic volumes. At this point, the combined demand exceeds 4 000 trips, meaning both the rail and NMT interventions must already be in place. Planning should also commence for the Trigger 5 Southern Bypass, as it is triggered at  $\pm 5\,500$  trips, which is expected within the following five years.
  - **2031–2032** ( $\pm 5\,000$  cumulative trips): Moderate growth continues, reinforcing the need for operational improvements already delivered in Phases 1–4. The network remains functional but under

increasing strain, confirming the importance of proceeding with bypass planning.

- **2035** ( $\pm 5\,600$  cumulative trips): The cumulative trips surpass the 5 500 threshold, triggering the implementation of the Southern Bypass (**Trigger 5**) by SM. This marks the first major reconfiguration of the road network, diverting through-traffic from the Koelenhof node and preserving local accessibility.
  - The northern by-pass (**Trigger 6**) and Triggers 7 - 11 will be constructed after the first 10 year period with the implementation of the remainder of Devonbosch and other development rights.
  - The order of the transport projects can and should be changed in accordance with actual development applications.
- The transport response for Koelenhof must evolve beyond the traditional car-centric solutions of the past to effectively manage the transport pressures of significant future growth. While the historical proposal of dualling the R304 (MR174) and constructing a grade-separated interchange addressed capacity and safety concerns at the critical node, it did not sufficiently consider sustainable mobility principles or the integration of public transport and non-motorised modes. It also did not consider the future urban development of the Koelenhof node.
  - The alternative approach presented in this framework offers a more holistic and forward-looking strategy. By preserving the R304's role as a regional mobility corridor through managed access and bypasses, promoting modal shift through rail station upgrades and shuttle services, and enhancing pedestrian and cycling connectivity, the plan supports a sustainable, transit-oriented development model. Managing vehicle speeds and diverting through traffic via phased infrastructure improvements through the developments further contributes to safer and more efficient road operations.
  - This approach is flexible, allowing for future infrastructure interventions like grade separation only if public transport initiatives do not achieve the intended trip reductions. The integration of land use and transport planning ensures that Koelenhof can grow in a way that balances regional mobility needs with local liveability and accessibility.

### 5.3 CIVIL AND ELECTRICAL INFRASTRUCTURE (Source: BSI & De Villiers & Moore)

In addition to civil and electrical infrastructure and internal roads that will need to be provided to service individual projects, the following summarise the services requirements and estimated development contributions for the 10-year implementation period (August 2025 estimates).

- **Potable Water:**

- The demand for potable water for the projected total urban development is estimated at 4 393 kl/day.
- The demand for potable water for the 10-year development roll-out is estimated at 1 324 kl/day.
- Based on the water demand from the 10-year roll-out, Water Master Plan Item RKW B6a (4 143m x 560mm Ø bulk watermain) needs to be implemented by 2027 to accommodate the demand from the expected 10-year roll-out. Implementation of Item RKW B6a will add 1267 kl/day for development to the system.
- The next trigger for bulk water upgrade is at 1 267 kl/day when Water Master Plan Item RKW 2.2 (1201m x 315mm Ø bulk watermain) should be implemented. Implementation of Item RKW 2.2 will add 100 kl/day for development to the system and should happen by 2035.
- The estimated costs required to implement these two items to accommodate the 10-year roll-out are as follows:
  - R30 000 000 - RKW B6a 4 143m x 560mm Ø bulk watermain
  - R6 000 000 - RKW 2.2 1 201m x 315mm Ø bulk watermain
- The current water storage at the Sonop and Devon Valley Reservoirs has a physical spare capacity of 1 224 kl/day.
- The Water Master Plan indicates a third reservoir (4 MI) to be implemented at Farm Kriekbult - Based on the water demand from the projected 10-year development rollout, the trigger for the proposed Kriekbult Reservoir is approximately 2035.
  - R17 000 000 – Reservoir
  - R20 000 000 – Pipelines & Pump stations
- It is however acknowledged that the theoretical reservoir spare capacity may be significantly less and therefore this master plan item may have to be implemented sooner should some of the allocations be taken up before 2035.

- **Sewerage**

- Sewage run-off from the projected total urban development is estimated at 4 137 kl/day of Peak Day Dry Weather Flow.
- Sewage run-off from the 10-year development roll-out is estimated at 1 208 kl/day of Peak Day Dry Weather Flow.
- Koelenhof drains towards Cloeteville via a 300mm Ø bulk sewer and thereafter via the bulk sewer through the Plankenbrug Industrial Area that has recently been upgraded.
- GLS confirmed that the 300mm Ø bulk sewer has sufficient spare capacity to accommodate the 10-year development roll-out from Koelenhof (the total development will need to be analysed in future to establish the capacity constraints and upgrades required).
- Treatment happens at the Municipality's Waste Water Treatment Works in Devon Valley. The treatment capacity of the WWTW has recently been increased through a major upgrade, and it has been confirmed by the Municipality that sufficient spare capacity exists to accommodate the 10-year roll-out.
- No sewerage upgrades are required for the 10-year roll-out.

- **Solid Waste Removal**

- Solid waste generated by the projected total urban development is estimated at 320 ton/week
- Solid waste generated by the 10-year development roll-out is estimated at 90 ton/week.
- Solid waste will be removed by the Stellenbosch Municipality's waste removal service, alternatively the developments will make use of a private contractor for this basic service.

- **Development Contributions (DCs)**

- DCs from the projected total urban development are estimated at ±R680m with ±R600m available for bulk services upgrades.
- DCs from the 10-year development roll-out are estimated at ±R220m with ±R191m available for bulk services upgrades. The development contributions from the 10-year development roll-out related to Water Supply and Sewerage is estimate at ± R73m, which is adequate to fund the minimum water and sewerage master plan items identified for this period.

- **Electrical infrastructure**

- Capacity is available from Eskom for the projected growth of the Koelenhof development node. The initial developments will be supplied from the upgraded Koelenhof substation (project already in motion by Eskom).
- The Koelenhof substation will when upgraded, be fitted with 2 x 20MVA transformers, which is sufficient to cater for the developments from 2026 – 2029.
- The developments planned for 2029 – 2035 can be supplied with electricity capacity from one of the following options:
  - Eskom to allow the operation of Koelenhof substation as a non-firm supply, thus utilising both 20MVA transformers as load supply, instead of one spare for a firm supply (unlikely that Eskom will consider/approve this in the initial design stages).
  - Upgrade of Koelenhof substation again to a 40mVA transformer, subject to line capacity and fault-level control in the substation
  - Start the process of the new 132kV-supply and stepdown substation as soon as possible, to ensure some infrastructure being in place by 2031 to cater for the anticipated additional loads (also beyond 2035).
- Ultimately a new stepdown substation is required which will require a financial commitment of R120 – R140m (current costs) should the developers work together and implement a self-build agreement. The cost and timing of the project will be higher should Eskom be the implementing authority.
- Timeous planning (due to long Eskom lead times) and budgeting will be required to get the stepdown approved and constructed in time. The location of the stepdown facility still needs to be identified, agreed and approved.
- Cabling between the stepdown and individual projects will be an additional cost to be planned for as these services cannot be shared between developments.

## 5.4 IMPLEMENTATION ACTIONS

The following implementation actions are to be prioritised in pursuit of the implementation of this development framework:

| Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Responsibility |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| • Designation of Koelenhof as a <b>Priority Development Area</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                          | SM             |
| • Formalisation of the Koelenhof Development Framework as a <b>Local Spatial Development Framework</b> as part of the Stellenbosch Spatial Development Framework.                                                                                                                                                                                                                                                                                                                                                           | SM             |
| • Establishment of a <b>Koelenhof Development Association (KDA)</b> as a formal vehicle to jointly plan, design, procure and deliver bulk Infrastructure Upgrades of Civil Engineering Services, Roads and Stormwater within the Koelenhof node —namely water, sewer, roads, stormwater, and communications—to ensure that infrastructure capacity is available in step with development demand and municipal approvals It should be a requirement that all new land owners. All developers must become members of the KDA. | Developers     |
| • Engagement with PRASA on the <b>station upgrade</b> to achieve binding commitments to implement the infrastructure and services and the establishment of a PPP with PRASA and the KDA to implement the station upgrade initiatives.                                                                                                                                                                                                                                                                                       | SM             |
| • Engagement with PRASA on the <b>Kromme Rhee Road over Rail Bridge</b> and facilitation of the approval and implementation as part of the station precinct upgrade.                                                                                                                                                                                                                                                                                                                                                        | SM             |
| • Implementing the mechanisms for the <b>utilisation of DCs for Public Transport and NMT improvements</b> .                                                                                                                                                                                                                                                                                                                                                                                                                 | SM             |



| Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Responsibility           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <ul style="list-style-type: none"> <li>Achieve the <b>Transfer of Road Authority</b> in terms of Section 26 of the Roads Ordinance 19 of 1976 to allow MR187 (Bottelary Road) from the western edge of the circle at Blumberg Road to the intersection with the MR174 (R304) and DR 1085 (Kromme Rhee Road) from its intersection with the MR174 to the eastern edge of the access to Nooitgedacht Estate to be managed by the Municipality of Stellenbosch.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | SM                       |
| <ul style="list-style-type: none"> <li>A <b>City Improvement District (CID)</b> is to be established for the area to allow co-ordination and shared co-operation in the management of the area to the benefit of all roleplayers. The term CID refers to a specific geographical area, approved by Council in terms of the Municipal Property Rates Act, Section 22 (Special Rates Area [SRA]), and the SRA bylaw, in which complementary services are provided in addition to those rendered by the Municipality and the South African Police Services. The areas in which a CID can offer such top-up services are: urban management, safety and security, and social development. A special rates area can be established for the CID.</li> </ul> <p>A CID functions as a non-profit organisation, with its own board of directors and liaises across both the public and private sectors, working together with each to manage the area in an integrated manner. It should be a requirement that all new land owners and owners associations have to become members of the CID. The following areas of co-operation can be addressed by means of the CID (amongst others):</p> <ul style="list-style-type: none"> <li>Landscaping of public roads</li> <li>Cleaning and maintenance of public spaces</li> <li>Safety and security</li> <li>Stormwater management</li> <li>River corridor management and coordination</li> <li>Public transport services</li> </ul> | Developers,<br>SM & PGWC |

| Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Responsibility     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <ul style="list-style-type: none"> <li>Creation and approval of a <b>Koelenhof Overlay Zone</b> in terms of which the implementation of land uses in the node can be managed and facilitation.</li> </ul>                                                                                                                                                                                                                                                                                                                                     | Developers &<br>SM |
| <ul style="list-style-type: none"> <li>Undertake the planning for the <b>Southern and Northern Bypass Roads</b> to allow implementation when the capacity is required.</li> </ul>                                                                                                                                                                                                                                                                                                                                                             | SM                 |
| <ul style="list-style-type: none"> <li>Consider amendment of the Koelenhof <b>urban edge</b> to include Farm 74/35 to facilitate implementation of the green and blue network elements and to consolidate the development area up to Elsenburg Road. Exclude Farm 66/2 east of Nooitgedacht Estate as this is to remain as vineyards. The portions of Farms 74/12 &amp; 74/32 that will be located to the north of the future southern bypass road could with implementation of the roadway be considered for inclusion in future.</li> </ul> | SM                 |

**Prepared for:**

**Koelenhof Development Forum**

Consisting of

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## ANNEXURE A

### ENVIRONMENTAL SUMMARY

## Environmental Overview of the Koelenhof Area

**Compiled for:** The Koelenhof Development Forum  
**Compiled by:** Adél Groenewald  
**Date:** 01 October 2025

### 1. Geology and Topography

The Koelenhof area lies within the Cape Winelands, north of Stellenbosch. The landscape is characterised by gently undulating low hills and flat valley-bottom plains, underlain by:

- Malmesbury Group shales, giving rise to fertile but heavy clay soils.
- Cape Granite intrusions, producing coarse sandy to loamy soils with better drainage.
- Alluvial deposits along the Eerste and Plankenbrug river systems, which have shaped natural wetlands.

This mosaic of parent materials creates diverse soil and habitat conditions. However, duplex soils prone to shallow depth, clay hardpans, and seasonal waterlogging are widespread.

### 2. Climate

The area has a Mediterranean-type climate, with cool, wet winters and hot, dry summers.

- Mean Annual Precipitation (MAP): ±430 mm (range 270–670 mm), with 70–80% falling in winter.
- Evapotranspiration: 1200–1800 mm annually, creating summer water deficits.
- Temperature range: Summer maxima often >36 °C; winter minima typically 3–4 °C but frost-free.
- Wind regime: Southeasterly in summer; northwesterly in winter.

The combination of low rainfall, high evaporation, and waterlogged soils strongly influences agricultural viability and freshwater ecosystem dynamics.

### 3. Vegetation and Terrestrial Biodiversity

#### 3.1. Vegetation Types

Historically, the Koelenhof area supported two nationally threatened ecosystems listed on the SANBI Red List of Ecosystems<sup>1</sup>:

- Swartland Shale Renosterveld – Critically Endangered (CR)
- Swartland Granite Renosterveld – Endangered (EN), downgraded from CR in the 2018 National Biodiversity Assessment.

Both ecosystems have been extensively transformed (>90% loss), largely due to viticulture, pastures, infrastructure development, and quarrying.



<sup>1</sup> SANBI (2021) South Africa's Terrestrial Red List of Ecosystems (RLE): Technical report on the revision of the "List of terrestrial ecosystems that are threatened and in need of protection". Report 7639. South African National Biodiversity Institute, Pretoria, South Africa. <http://hdl.handle.net/20.500.12143/7639>

### 3.2. Current Condition

- Natural vegetation has been almost entirely lost, with only scattered, degraded fragments remaining.
- The landscape is now dominated by alien invasive trees (Acacia, Eucalyptus, Pine, Hakea) and pasture grasses (kikuyu, ryegrass).
- Remnant patches persist mainly along road verges, riparian corridors, wetland fringes, and ecotonal transitions between shale and granite soils. These remnants are typically degraded and invaded, but still support pioneer indigenous species such as *Elytropappus rhinocerotis*, *Osteospermum moniliferum* and *Searsia tomentosa*. Although ecological integrity is low, these remnants retain conservation and restoration value, contributing to landscape connectivity, indigenous refugia, and rehabilitation potential.

### 3.3. Conservation Context

- The 2017 Western Cape Biodiversity Spatial Plan (WCBSP) identified extensive Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) within the Koelenhof landscape, particularly linked to river corridors and wetland systems. These areas are critical for species dispersal, ecosystem processes and ecological infrastructure, even where valley-floor habitats are highly degraded.
- The WCBSP was updated in 2023<sup>2</sup>, refining biodiversity priorities. Under the revised plan, Swartland Shale Renosterveld is mapped as a CBA: Terrestrial and a CBA: Threatened Ecosystem, in a natural condition. These CBAs are required to meet provincial biodiversity targets for species, ecosystems, and ecological processes.
- The management objective for these ecosystems is to maintain them in a natural or near-natural state, with no further loss of natural habitat permitted. Where degradation has occurred, rehabilitation is encouraged, and only low-impact, biodiversity-sensitive land uses are considered appropriate in order to safeguard ecological integrity.

## 4. Aquatic Biodiversity

### 4.1. Catchment Setting

Koelenhof falls within the Berg–Olifants Water Management Area (WMA 18), specifically the Eerste River catchment. Runoff drains into the Plankenbrug River, which flows into the Eerste River and ultimately into False Bay.

### 4.2. Rivers and Wetlands

- **Plankenbrug River:** Once a naturally meandering watercourse, the river is now heavily channelised, with riparian zones dominated by alien reeds (e.g. *Phragmites australis*, *Typha capensis*) and invasive trees (Acacia, Eucalyptus).
- **Wetlands:** The area contains seasonal valley-bottom wetlands, as well as artificial dams and quarry seepage wetlands. Although degraded, these systems continue to provide important ecosystem services, including flood attenuation, sediment trapping, nutrient cycling and limited water purification.

- **Ecological State:** Rivers and wetlands in the area are assessed as Class C–D under the national Present Ecological State (PES) categories, indicating they are moderately to largely modified. While habitat condition and water quality have been significantly altered by human activity, key ecological processes such as hydrological regulation, sediment trapping, and nutrient cycling remain partially functional. Targeted rehabilitation would enhance both their ecological condition and their ability to provide essential ecosystem services.

### 4.3. Water Quality

The broader Eerste River system is impacted by wastewater treatment works discharges, urban runoff, and agricultural inputs, resulting in elevated nutrient levels (phosphorus, ammonia), reduced dissolved oxygen concentrations, and generally poor ecological health downstream, particularly closer to its False Bay estuary.

## 5. Agricultural Potential

### 5.1. Soils and Land Capability

- Soils are predominantly duplex types with poor drainage and seasonal wetness.
- Suitability ratings show most of the area as “not recommended” or “marginally suitable” for intensive crop production.
- Irrigation potential is limited by absence of water rights and unsuitable groundwater quality.

### 5.2. Agricultural Viability

- Viticulture dominates the landscape but faces constraints on marginal soils. Productive blocks occur mainly on better-drained granite ridges.
- Dryland cropping (e.g. winter grains) is limited by soil wetness and shallow profiles.
- Grazing potential is very low (≈36 ha per large stock unit), restricting livestock viability.
- Long-term agricultural economics in the valley floor are weak, with many areas converted to alternative land uses.

## 6. Visual and Cultural Landscape

### 6.1. Scenic Resources

The Koelenhof landscape is defined by:

- Mountain backdrops (Simonsberg, Bottelary Hills, Hottentots Holland).
- Vineyards and estates, creating a strong sense of place.
- Historic churches, schools, and farm werfs, contributing to cultural identity.

### 6.2. Visual Quality

- High scenic value from vineyards and mountain views.
- Degrading features include quarries, brickworks, and alien thickets, which contrast with the agricultural setting.
- Tree clusters, dams, and windbreaks enhance the visual absorption capacity of the landscape.

<sup>2</sup> CapeNature (2024). 2023 Western Cape Biodiversity Spatial Plan and Guidelines. Biodiversity Capabilities, CapeNature. Link: <https://www.capenature.co.za/western-cape-biodiversity-spatial-plan>

### 6.3. Cultural Landscape

- Koelenhof forms part of the Cape Winelands cultural landscape, recognised as a continuing vernacular landscape with medium–high heritage significance.
- Centuries of viticulture and associated built fabric (farmsteads, wine cellars, avenues, churches) underpin this heritage value.
- The South African Heritage Resources Agency (SAHRA) has highlighted its vulnerability to cumulative transformation from new developments.

## 7. Heritage and Archaeology

### 7.1. Historical Evolution

- Area originally used by Khoekhoen pastoralists, later transformed during colonial farming expansion.
- Farms such as Nootgedacht and Koelenhof were established in the 17<sup>th</sup>–18<sup>th</sup> centuries.
- The area was used as a remount camp during the Anglo-Boer War, adding military historical significance.

### 7.2. Built Heritage

- Wine estate werfs and the Catholic church and school precinct are key landmarks.
- Many structures older than 60 years qualify under Section 34 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

### 7.3. Archaeological Resources

- Artefacts (stone tools, early ceramics, historical material) have been recorded in the wider area, but extensive agricultural disturbance has reduced site integrity.
- Surveys classify most finds as Not Conservation Worthy, though monitoring during earthworks is recommended.

## 8. Key Environmental Sensitivities

- **Critically Endangered Renosterveld:** Largely lost, but regional remnants require strict conservation.
- **Aquatic ecosystems:** Degraded but ecologically functional; key for flood regulation and biodiversity support.
- **Agricultural soils:** Generally low potential; viticulture remains viable only on selected ridges.
- **Cultural landscape:** High heritage significance as part of the Cape Winelands, but vulnerable to incremental urbanisation.
- **Visual sensitivity:** Views from wine estates towards Table Mountain and Simonsberg are highly sensitive.

## 9. Overall Summary

The Koelenhof area is an ecologically and culturally significant part of the Cape Winelands landscape, combining:

- A rich geological and soil mosaic, though with limited modern agricultural potential.
- Highly transformed vegetation, with remnants of Critically Endangered Renosterveld ecosystems.
- Degraded but important freshwater ecosystems, contributing to hydrological services.
- A scenic and historic cultural landscape, shaped by centuries of viticulture and now under pressure from peri-urban expansion.

Future planning in the Koelenhof area must therefore balance heritage conservation, biodiversity restoration, water resource management, and landscape character with the realities of agricultural decline and development pressures.



## DESKTOP ENVIRONMENTAL OVERVIEW

Compiled for: The Koelenhof Development Forum  
Compiled by: Adélt Groenewald  
Date: 27 September 2024

### Devonbosch Phase 1

Location: Portion 43 of Farm No. 65 Nootgedacht

### Freshwater Impact Assessment

**Report:** Freshwater Assessment Report for the Development of a Mixed-Use Precinct at Devonbosch, Portion 43 of Farm No. 65 Nootgedacht, in Stellenbosch

**Date:** November 2018

**Specialist:** Toni Belcher

#### Overview

The aquatic habitat within the proposed development site consists of two branches of a tributary of the Plankenbrug River, itself a tributary of the Eerste River. While the site is not located within a Freshwater Ecosystem Priority Area (FEPA) sub-catchment, several small, seasonal wetlands occur in shallow depressions and along drainage features. Additionally, the site contains a number of dams and quarries, both within and adjacent to its boundaries, which are classified as artificial FEPA wetlands.

Much of the study area has been mapped as an Aquatic Ecosystem Support Area associated with the original channel of the Plankenbrug tributary. A few wetland patches within the site have been identified as aquatic Critical Biodiversity Areas (CBA), emphasizing their significance for conservation despite the degraded condition of the wetlands.

#### Habitat Condition

Both the southern and northern branches of the Plankenbrug tributary have been assessed as seriously to critically modified. These tributaries are considered to have low ecological importance and sensitivity due to extensive past disturbances. Similarly, the wetland habitat within the site has been classified as largely to seriously modified, further reducing its ecological importance and sensitivity. The fragmentation and degradation of the wetland areas have led to a limited capacity for these ecosystems to provide substantial goods and services.

The original wetland habitats have largely been lost due to historical land-use changes, including vegetation clearing and the draining of the area. The topography has been significantly altered to facilitate land drainage, resulting in the loss of the site's natural wetland functions. However, some of the more recent wetland areas have developed within shallow depressions that allow for seasonal inundation during winter. These seasonal wetlands support aquatic vegetation characteristic of the Swartland Shale Renosterveld wetlands that historically occurred on the site.

Despite their degraded condition, these remnants of the original wetland habitat hold some ecological value. The aquatic vegetation they support serves as a reminder of the area's historical biodiversity, though the wetlands' capacity for ecosystem services and species support has been substantially diminished.

### Key Environmental Informants

1. Tributary of the Plankenbrug River
  - o Two branches of the tributary traverse the site, which is part of the larger Plankenbrug River system, a tributary of the Eerste River.
  - o These branches are seriously to critically modified, with low ecological importance and sensitivity.
2. Seasonal Wetlands
  - o Small, seasonal wetland areas occur in shallow depressions and along drainage features.
  - o Wetlands are highly modified and fragmented, with low ecological importance and sensitivity.
3. Dams and Quarries
  - o Several artificial FEPA wetlands exist within and adjacent to the site, stemming from dams and quarries.
4. Aquatic Ecosystem Support Area
  - o Much of the site is mapped as an Aquatic Ecosystem Support Area associated with the original channel of the Plankenbrug tributary.
5. Aquatic Critical Biodiversity Areas (CBA)
  - o A few patches of wetland habitat within the site are mapped as aquatic Critical Biodiversity Areas, indicating areas of higher conservation significance.
6. Vegetation Remnants
  - o Remnant aquatic vegetation from the Swartland Shale Renosterveld wetlands persists in degraded wetland areas, indicating historical ecological value despite significant disturbance.
7. Altered Topography
  - o The topography has been altered to promote drainage, reducing the capacity of wetlands to function as they originally did.

### Recommendations

- The current wetland areas, while degraded, should be incorporated into the development plan with buffer zones to mitigate further impact.
- Restoration efforts should focus on improving wetland functionality, particularly in areas where seasonal inundation still occurs.

- Invasive species removal and habitat rehabilitation could help enhance the ecological value of the fragmented wetlands.
- Coordination with local authorities and environmental agencies, such as CapeNature, is recommended to determine appropriate measures for wetland conservation, particularly concerning the aquatic Critical Biodiversity Areas (CBA).

## Devonbosch Phase 2

Location: Farms 65/9, 65/20, 65/43, 66/10, 66/3 and 1059, Devonbosch, Stellenbosch

### Botany

#### Specialist Assessment

**Report:** Botanical Assessment for a Proposed Mixed Use Development on Farms 65/9, 65/20, 65/43, 66/10, 66/3 and 1059, Devonbosch, Stellenbosch

**Date:** August 2013 (updated in February/April 2014)

**Specialist:** Paul Emms in association with Dr David McDonald

#### Overview

The study area, encompassing Farms 65/9, 65/20, 65/43, 66/10, 66/3, and 1059, spans approximately 85 ha and is located 7.5 km northwest of Stellenbosch, along the R304. Historically functioning as a brickworks site, the area has been significantly transformed, containing a large dam (approximately 5 ha), numerous roads, and an active brick production facility. A quarry exists to the north but falls outside the study area. The land use includes disturbed drylands, vineyards, dumping areas for reject bricks, and inundated flats.

#### Vegetation and Biodiversity

The study area features two dominant vegetation types: Swartland Shale Renosterveld and Swartland Granite Renosterveld. Both ecosystems are listed as critically endangered (Government Gazette, 2011) due to habitat loss and the presence of threatened species.

Nearly 50% of the area has been classified as a Critical Biodiversity Area (CBA) under the Western Cape Biodiversity Spatial Plan (2017), mainly due to the presence of critically endangered natural vegetation. Additionally, an Ecological Support Area (ESA) runs along the southern boundary, serving as a river buffer.

Significant disturbances from agricultural and brick-making activities have altered the ecological condition of the area. Despite this, patches of renosterbos-dominated habitat and artificial wetlands remain, offering restoration potential. The critically endangered *Babiana regia* is found in seasonal wetland pools, adding significant conservation value.

### Aquatic Biodiversity

#### Specialist Assessment

**Report:** Basic Assessment Report on the implications of a proposed mixed use development ("Winelands Park") for freshwater ecosystems

**Date:** July 2014

**Specialist:** Liz Day

#### Overview

The study area is within the Klippies River subcatchment, contributing to the Eerste River. The National Freshwater Ecosystem Priority Areas (NFEPA) classify the area as Class D (largely modified), reflecting degradation from human activity. Notable features include:

1. Artificial Quarry Wetlands: Dominated by *Typha capensis* and *Phragmites australis*, with seasonally inundated areas supporting wetland sedges like *Juncus kraussii* and *Eleocharis limosa*.
2. Artificial Drainage Trenches: Permanent saturation with high contamination risks, filtering pollutants via wetland vegetation.
3. Wetland Flats: Highly disturbed but retain remnant species, including critically endangered species like *Babiana regia*.

#### Assessment of Ecological Importance

- Artificial Quarry Water Body: Low ecological sensitivity but requires water quality management.
- Wetland Mosaic Areas: Highly significant due to the presence of endangered species, despite edge impacts and fragmentation.
- Seasonal Wetland Pools: Moderate to high ecological importance, especially due to the presence of *Babiana regia*.

#### Key Environmental Informants

1. Watercourses:
  - The site includes artificial wetlands and drainage trenches, contributing to the Klippies River subcatchment, which feeds the Eerste River.
  - Wetland habitats, although highly modified, support important plant communities and serve as ecological buffers.
2. Vegetation:
  - Swartland Shale Renosterveld and Swartland Granite Renosterveld are the dominant vegetation types, both classified as critically endangered.
  - Transitional ecotones between these vegetation types increase the conservation value of the site.
  - Significant ecological disturbance has occurred from farming and brick-making activities. Despite this, restoration potential exists in remnant renosterveld patches and artificial wetlands.
  - *Babiana regia* (CRITICALLY ENDANGERED) is present in seasonal wetland pools, giving the area significant conservation value.
  - Other key species include *Lampranthus glaucus* (VULNERABLE) and various wetland species.
3. Conservation:
  - Nearly 50% of the site is classified as a CBA due to the presence of critically endangered vegetation.

- An Ecological Support Area (ESA) acts as a river buffer along the southern boundary.

#### Recommendations

- Focus on in-situ conservation of *Babiana regia* and restoration of renosterveld and wetland areas.
- Minimize habitat disruption through careful planning of development.

Areas (CBA) and Ecological Support Areas (ESA), underscoring their importance for maintaining ecosystem services and biodiversity corridors.

#### Geomorphology and Ecological Services

The unnamed tributary has been straightened and its natural hydrology modified, causing a reduction in riparian habitat and altered sediment retention. Despite this, it provides essential ecosystem services like erosion control and water quality enhancement. The tributary's role as a biodiversity corridor in a disturbed landscape makes it ecologically significant, even in its modified state.

#### Conclusion

The desktop environmental scan identifies key water courses and vegetation areas, notably the critically endangered Renosterveld wetland vegetation and the tributaries within the area. While the direct impact on Klippias and Botterlary Rivers is minimal, the unnamed tributary of the Plankenburg River and associated wetlands must be considered carefully in further assessments, particularly in relation to land use changes, stormwater management, and the maintenance of ecosystem services.

#### Key Environmental Informants

##### 1. Watercourses:

- The unnamed tributary of the Plankenburg River flows along the eastern boundary of the study area, with associated wetlands and artificial impoundments scattered across the site.
- No natural wetlands were identified in the immediate pipeline area, but man-made wetland systems, such as unchanneled and channelled valley bottom wetlands, were found.

##### 2. Vegetation Types:

- The property contains Swartland Shale Renosterveld and Swartland Granite Renosterveld, both of which are classified as Critically Endangered or Endangered.
- Wetland vegetation types in the area, such as West Coast Shale Renosterveld and West Coast Granite Renosterveld, are also critically endangered.
- Alien species, such as black wattle and port jackson, are prevalent, particularly along the watercourse, contributing to fire and ecological risks.

##### 3. Conservation

- Parts of the site are mapped as CBAs and ESAs due to the presence of wetlands and tributaries.

#### Recommendations

- **Watercourse Protection and Rehabilitation:**
  - The eastern watercourse requires buffering and rehabilitation, including alien species removal and stormwater management to enhance its ecological condition.
- **Stormwater Management:**
  - Implement stormwater treatment prior to discharge into the watercourse to prevent degradation.
- **Vegetation Management:**
  - Introduce waterwise, indigenous species to improve site biodiversity and support ecosystem services.
- **Wetland and Watercourse Conservation:**
  - Given the ecological importance of the unnamed tributary and associated wetlands, further assessment should focus on mitigating impacts from land use changes and maintaining the area's ecological functionality.

## Malanshoop

Location: Farm Malanshoop No. 1060, Stellenbosch

### Terrestrial Biodiversity & Botany

#### Specialist Assessment

**Report:** Biodiversity Statement: Farm Malanshoop 1060, Stellenbosch

**Date:** November 2021

**Specialist:** Mark Berry Environmental Consultants

#### Overview

Malanshoop is a 27-hectare property located approximately 6 km northwest of Stellenbosch, featuring agricultural fields, a school, sport fields, and dwellings. The site is characterized by pastures, vineyards, farm dams, and a watercourse along the eastern boundary near a railway line. It is also impacted by significant alien vegetation, primarily pines and gums, planted around dams and pastures.

#### Vegetation and Biodiversity

The property is mapped within two vegetation types: Swartland Shale Renosterveld and Swartland Granite Renosterveld. These vegetation types are listed as Critically Endangered and Endangered, respectively, due to extensive transformation from past agricultural activities. Despite this, the current site survey revealed a completely transformed landscape dominated by kikuyu and pasture grasses, with few indigenous pioneer species observed near water bodies. Alien species, including black wattle, port jackson, and castor-oil plant, are prevalent and pose both ecological and fire risks.

Given the extensive transformation, the site's terrestrial biodiversity is of low sensitivity, with no recorded presence of threatened or protected species. Vegetation improvement is unlikely without significant intervention.

#### Conservation Considerations

Although the site forms part of the broader Stellenbosch biodiversity network, its highly transformed state undermines its value for terrestrial biodiversity conservation. The watercourse remains the primary environmental constraint, requiring protection and rehabilitation. A suitable buffer zone and the clearing of invasive species are essential to improving the ecological condition of the watercourse.

## Freshwater Assessment

#### Specialist Assessment

**Report:** Freshwater Assessment for the Proposed Residential Development on Farm 1060 Malanshoop and Proposed Water Pipeline, Stellenbosch, Western Cape Province

**Date:** July 2024

**Specialist:** FEN Consulting

#### Overview

The study area is located within a sub-quaternary catchment not prioritized as a freshwater ecological area according to the National Freshwater Ecosystem Priority Areas (NFEPA) database (2011). There are no natural wetlands identified within the pipeline footprint or investigation area. However, several artificial wetland features—such as unchanneled valley bottom (UCVB) wetlands, channelled valley bottom (CVB) wetlands, and seep and flat wetlands—are present and are in a critically modified state (Class Z). These artificial features were confirmed to be man-made impoundments without significant natural freshwater ecosystem links.

#### Vegetation

The majority of the area falls within the West Coast Shale Renosterveld Wetland Vegetation Type, with a smaller portion in the West Coast Granite Renosterveld Wetland Type. Both are critically endangered (CR). These vegetation types, alongside the man-made wetland systems, represent significant biodiversity concerns within the study area.

#### Watercourses

There are no rivers within the immediate study area, although the Klippiess River (0.6 km southeast) and Botterlary River (5 km west) are nearby. Both rivers are in modified states (Class D and Class C respectively) and play important roles in aquatic biodiversity, hosting invertebrate species tolerant to water quality degradation and species of conservation significance.

#### Freshwater Ecosystems Identified

- An unnamed tributary of the Plankenburg River flows along the eastern boundary of the study area, moving under the Kromme Rhee Road and merging with the Plankenburg River ~500 m south.
- An ephemeral drainage line (EDL) was found ~750 m north of the study area, converging with the unnamed tributary.
- Artificial impoundments linked to agricultural activities (cultivation and animal farming) are scattered throughout the study area.
- A naturalized seep wetland, resulting from landform changes, lies in the investigation area. The proposed pipeline intersects this wetland minimally.

#### Conservation Importance

According to the NBA 2018 database, neither Klippiess nor Botterlary Rivers hold significant protection status (Ecosystem Protection Level: Not Protected). However, they are both classified as Critically Endangered (CE) under the Ecosystem Threat Status (ETS). The Western Cape Biodiversity Spatial Plan (WCBSP) indicates portions of the study area as Critical Biodiversity



### 3. Conservation:

- o The site falls under ESA2, which emphasizes its role in broader ecological processes, although natural habitat has been significantly altered.

### Recommendations

- River and Wetland Protection:
  - o Ensure the Plankenbrug River and associated wetland areas are protected with adequate buffers.
  - o Restoration of the wetland and riparian areas should include indigenous vegetation and management of invasive alien species.

## Lindelani / Siyakhathala CYCC

Location: Portion 29 of Farm No. 74, Nooitgedacht, Stellenbosch

### Aquatic Biodiversity

#### Specialist Assessment

**Report:** Aquatic Biodiversity Assessment for the Proposed Child and Youth Care Centre (CYCC): Upgrade, Additions & Refurbishment Near Stellenbosch in the Western Cape

**Date:** December 2022

**Specialist:** Toni Belcher

#### Overview

The study area is situated near Koelenhof, in the upper to middle reaches of the Plankenbrug River, a tributary of the Eerste River Catchment. The landscape has been heavily transformed by agricultural activity, with invasive alien vegetation dominating the watercourse and margins. Indigenous vegetation is largely absent, replaced by species like *Phragmites australis* (common reed) and *Typha capensis* (bulrush), while invasive species such as *Acacia saligna* (Port Jackson willow) and *Eucalyptus* trees are common. Wetland formation is evident in the area, with perched systems forming in the poorly drained, shallow soils typical of the floodplain.

#### Conservation Status and Value:

- The Plankenbrug River is not classified as a Freshwater Ecosystem Priority Area (FEPA), but adjacent wastewater ponds and artificial wetlands are mapped as FEPA wetlands.
- Portions of the floodplain are classified as aquatic Ecological Support Areas (ESA2), where restoration could support broader ecosystem functions.
- From a biodiversity perspective, the site has moderate to low ecological importance and sensitivity, primarily due to its altered state.

#### Key Environmental Informants:

##### 1. Watercourses:

The Plankenbrug River and adjacent wetlands are key aquatic features. The river has been heavily modified by agriculture and infrastructure, with flow diverted and vegetation removed. The floodplain supports a degraded wetland habitat that contributes to flood attenuation, sediment trapping, and nutrient removal.

##### 2. Vegetation Areas:

The natural vegetation in the region, once part of Swartland Shale/Granite Renosterveld, has been significantly altered. What remains is mostly alien vegetation such as kikuyu grass (*Pennisetum clandestinum*) and *Acacia* species, with limited indigenous flora along the wetland areas.

## Koelenhof Mixed Use Development

Location: Portion 23 of Farm No. 74, Nooitgedacht, Stellenbosch

### Terrestrial Biodiversity & Botany

#### Specialist Assessment

**Report:** Terrestrial Biodiversity Assessment for the Proposed Mixed Use Development on Portion 23 of Farm No. 74, Nooitgedacht, Stellenbosch  
**Date:** 15 November 2022  
**Specialist:** Johlene Krige

#### Biodiversity Importance in a Landscape Context

- The site is mostly mapped as ESA2 (Ecological Support Area 2), indicating its importance for ecological processes but with severe degradation and a lack of natural vegetation.
- Some small patches of aquatic Critical Biodiversity Areas (CBAs) correspond with the presence of watercourses and wetland habitats on site. Minor terrestrial CBAs exist along the fringes.

#### Vegetation Types and Ecosystem Threat Status

- Historically, the site consisted of Swartland Shale Renosterveld, a critically endangered ecosystem.
- This ecosystem has experienced a loss of 90% of its habitat since 1750 and is listed as critically endangered under the National Environmental Management Biodiversity Act (NEMBA) and the revised list of ecosystems (2021).

#### Current Habitat Condition

- The site has been cultivated, and the current vegetation is dominated by weeds and grasses, with minimal plant diversity. There is no remaining representation of the original Renosterveld ecosystem.
- Alien vegetation dominates, including species such as *Acacia mearnsii* and *Eucalyptus camaldulensis* in watercourses, and *Lolium* species in terrestrial areas.

#### Biodiversity Significance

- Terrestrial biodiversity is of low significance. The natural plant diversity is minimal, and no plant species of conservation concern were recorded.
- Restoration potential is considered low due to ongoing alien species competition and degraded habitat conditions.

#### Sensitive/No-Go Areas

- No sensitive or no-go areas from a terrestrial biodiversity perspective were identified within the site. The focus should be on aquatic biodiversity for potential sensitive areas.

## Aquatic Biodiversity

#### Specialist Assessment

**Report:** Aquatic Biodiversity Assessment for the Proposed Koelenhof Estate near Stellenbosch in the Western Cape  
**Date:** December 2022  
**Specialist:** Toni Belcher

#### Overview

The site lies within the upper to middle reaches of the Plankenbrug River, a tributary of the Eerste River, and includes areas of aquatic biodiversity significance.

#### Habitat Condition

- The riparian and aquatic habitats have been heavily modified through past agricultural practices, including flow diversions, alien vegetation invasion, and channel straightening.
- Dominant vegetation in the aquatic zones includes *Phragmites australis* and *Typha capensis*. Indigenous vegetation is largely absent, with invasive species such as *Acacia saligna* and *Eucalyptus* present in riparian areas.

#### Wetland Delineation and Integrity

- The wetland is classified as a channelled valley bottom wetland with seasonal hydrology. Wetland integrity is largely modified, reducing its ecological function.
- The wetland provides some ecosystem services, such as sediment trapping and flood attenuation, but these services are limited due to degradation.

#### Ecological Importance and Sensitivity (EIS)

- The Plankenbrug River and associated wetland are considered of moderate to low sensitivity but still provide important ecosystem services, such as acting as a corridor for flora and fauna in a transformed landscape.

### Key Environmental Informants

#### 1. Watercourses:

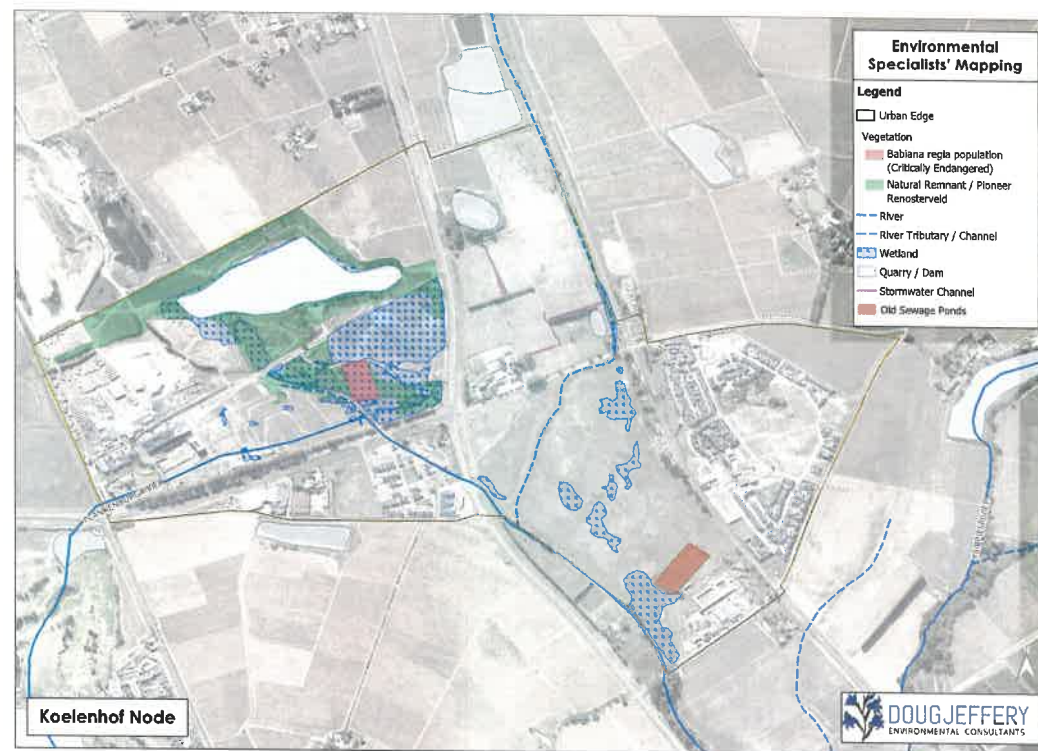
- The Plankenbrug River and associated floodplain wetland are key features. The river has been heavily modified, but it still supports essential ecosystem functions.

#### 2. Vegetation:

- The site historically supported Swartland Shale Renosterveld, but the vegetation has been entirely transformed, with no remaining representation of the original ecosystem.
- Invasive species such as Port Jackson and Black Wattle dominate riparian zones, requiring management and control.

## Recommendations

The site's aquatic and wetland habitats are heavily modified and impacted by historical agricultural practices and the introduction of alien species. Restoration and careful management will be key in mitigating further degradation during future development. Implementing the recommended mitigation measures will help ensure that the aquatic ecosystem's integrity is maintained.



DRAFT FOR COMMENT

**ANNEXURE B**  
**HERITAGE SUMMARY**

**KOELENHOF URBAN DEVELOPMENT FRAMEWORK**  
**HERITAGE CONSIDERATIONS**



**Prepared by Lize Malan**

January 2025



## 1. INTRODUCTION

The Stellenbosch Municipality has required that landowners in the Koelenhof development node prepare a combined framework for development, that will inter alia guide development proposals and assist the Municipality in assessing development applications. The framework should consider all aspects that could be material to the formulation of the framework, such as ecological resources, traffic and transport planning as well as heritage considerations. This report sets out the heritage considerations that will inform the framework.

## 2. STUDY AREA

The study area is defined by the urban edge delineated in the Stellenbosch SDF and includes properties around the intersection of the R304 and the Bottelary/Kromme Rhee Roads. It includes:

- The clay quarry/brick making site and the Devonbosch mixed-use development to the north-west.
- The Noolgedacht Village development to the east (including an existing vineyard on the eastern edge).
- The Holy Spirit Catholic Church and schools complex to the north-east of the intersection.
- The vacant land to the north and south of the Kromme Rhee Road, to the east of the R304.
- The Lindelani & Siyakathala Child and Youth Care Centre to the south-east.
- The disfunctional Koelenhof railway station to the west of Noolgedacht Village, with several houses related to the station.
- The service station and retail outlets to the south-west of the intersection, with the Koelenbosch development "behind" and industrial sites to the west of Koelenbosch.
- A mix of residential and semi-industrial buildings to the immediate south-west of the intersection – commonly referred to as the Basil Williams site.



**Photograph 1: Bird's Eye view of the Devonbosch Estate and brickmaking plant – the line of Eucalyptus tree on the southern boundary of the site is visible to the right (Source: Google Streetview, 2025)**



**Figure 1: Study area**



**Photograph 2: Noolgedacht village seen from the Kromme Rhee Road with the vacant land to the south-east of the intersection in the foreground.**





**Photograph 3: The Holy Spirit Church precinct including the schools, seen from “behind” – from the R304. The church is located to the left.**



**Photograph 4: The Holy Spirit Church at Koelenhof**



**Photograph 6: St Vincent Convent adjacent to the primary school**



**Photograph 7: Pre-school at the intersection of the R304 and the Kromme Rhee Road**



**Photograph 5: The St Vincent Primary School – part of the RC Church precinct**



**Photograph 8: The Lindelani & Siyakathala Child and Youth Care Centre**





**Photograph 9: The Koelenhof station as viewed from the Kromme Rhee Road railway crossing**



**Photograph 10: The service station and commercial development to the south-west of the intersection (Sonop farm is visible against the hill behind)**



**Photograph 11: The Koelenbosch development situated "behind" the fuel station, as viewed from the Bottelary Road – Simonsberg is visible in the background to the left.**



**Photograph 12: Industrial development, to the west of Koelenbosch, as viewed from the Bottelary Road**



**Photograph 13: the Basil Williams site at the intersection of the R304 and Bottelary Road (Source: Google Streetview)**

### 3. PREVIOUS STUDIES

As alluded to above, there are a number of proposed developments in the pipeline for the Koelenhof node, for which applications for environmental and planning approval have already been prepared and/or submitted. The following heritage studies, done for sites in the node were reviewed as part of the site:

- A heritage impact assessment prepared by Arcon Architectural and Heritage Consultants, for the site known as Malanshoop (Farm 1060, Stellenbosch) dated March 2023.
- A heritage impact assessment prepared by Kathy Dumbrell, for a portion of the Killamey Brickfields, now known as Devonbosch (Portions 9 and 20 of Farm Nootgedacht No. 65, Portion 3 of Farm 66 and Remainder of Farm 1095, Stellenbosch) dated October 2014.
- A heritage impact assessment for Portion 23 of the Farm Nootgedacht No. 74, Stellenbosch, prepared by Claire Abrahamse for CTS Heritage dated April 2023.
- A notification of intent to development for the Lindelani & Siyakathala Child and Youth Care Centre (Portion 29 of Farm Nootgedacht No. 74, Stellenbosch), prepared by CTS Heritage dated November 2022.

#### 4. HISTORICAL BACKGROUND

Evidence of the first inhabitants of the broader Stellenbosch landscape date to the early stone age, between 700 000 and 300 000 years ago. Artefacts such as hand axes, cleavers and choppers dating to this time, have been found in various locations in the landscape, where they have been brought to the surface by disturbances of the soil. About 2000 years ago, the subsistence strategy, mostly based on marine resources, changed with the arrival of the herders in the area. As the name suggests, these inhabitants kept livestock and moved around in pursuit of grazing for their animals. This nomadic lifestyle was dictated by the seasons and involved groups or clans regularly moving between the same sites during the course of a year. Europeans started arriving at the Cape regularly from the late fifteenth century onwards, but it was only when the Dutch East India Company set up a refreshment station at the Cape in 1652, that the process of displacement of the inhabitants, known as the Khoes, was started. The Dutch needed meat and wood to supply their ships and settlement and this led to conflicts regarding land in particular, which was exacerbated when the Dutch started granting land to free burghers to farm. The colonial footprint gradually started spreading outward from the settlement at the Cape, and by 1657 an outpost was established at Clapmuts, that included grazing of livestock and grain farming (Malan, 2016: 7-18).

In 1692, a number of farms were granted to free burghers along the Plankenbrug River, including Nooitgedacht to Matthijs Greeff (later owned by the Cloete family, also owners of Constantia at one time). In 1694, Koelenhof to the north of Nooitgedacht was granted to Simon de Groot. Most of the properties in the study area have their origins in these two farms, that were later enlarged with quitrent grants (Guelke, 1987).

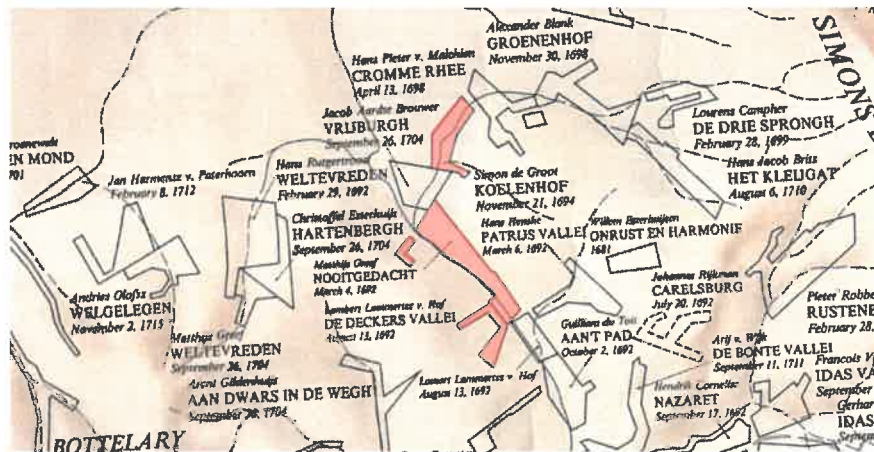


**Figure 2: The early freehold grants of Noolgedacht and Koelenhof – extract from the map produced by Guelke, 1987.**

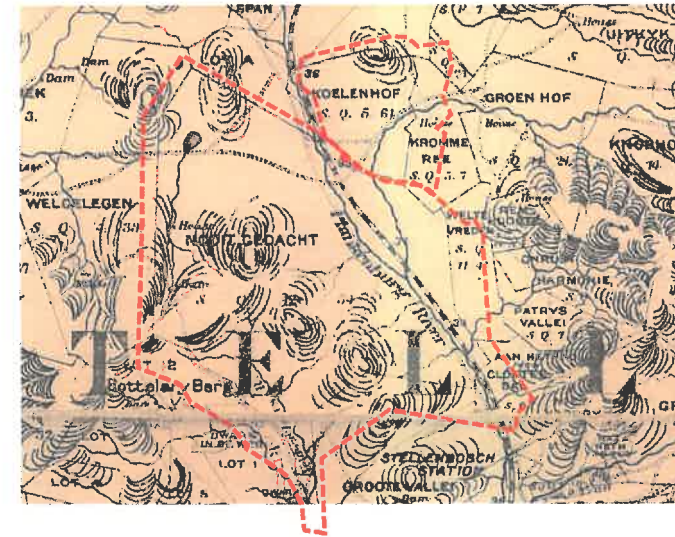


**Figure 3: The extent of Noolitgedacht and Koelenhof, circa 1900 (Surveys and Mapping)**

These farms were eventually acquired by the Rhodes Trust in 1899, in the wake of the phylloxera plague in the late 19<sup>th</sup> Century. Rhodes leased these farms to the British Army during the Anglo-Boer War as a remounting base camp and thousands of horses passed through these farms, as well as the farm Sonop, to the south-west of the study area (Abrahamse, 2023: 5).

After the war the properties were farmed again. The Holy Spirit Catholic Church founded by the Catholic Order of the Oblate Sisters of St Frances de Sales was blessed and opened 1935, and by 1938 the school and some other buildings were constructed.

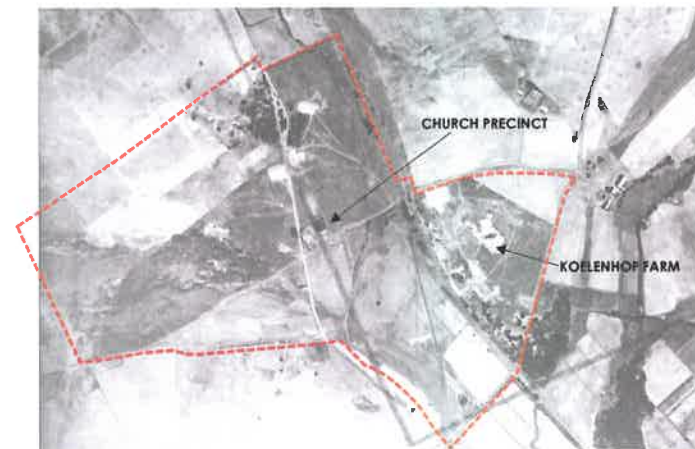


**Figure 4: Extract from the 1938 aerial photograph (Photo 12200, Strip 079, Job 126) (Source: National Geospatial Information)**



There is some evidence that clay quarrying was already happening in the study area by 1938 on the Malanshoop site and the Koelenhof farm to the east of the railway line (i.e. site of current Nootgedacht Village). Mining of the current Devonbosch site was initiated by 1944, and a first building to the immediate south-west of the intersection is visible.



**Figure 5: Extract from the 1944 aerial photograph (Photo 00807, Strip 015, Job 61) (Source: National Geospatial Information)**

By 1959 a prison was built on the site that is now known as the Lindelani & Siyakathala Child and Youth Care Centre. Quarrying is still evident on the Koelenhof farm (now Nootgedacht Village), on the Devonbosch site and also Malanshoop. Larger buildings are visible to the immediate south-west of the intersection is visible (now referred to as the ' )



**Figure 6: Extract from the 1959 aerial photograph (Photo 07637, Strip 017, Job 454) (Source: National Geospatial Information)**

By 1972, the Devonvale Golf course was constructed, and the brickfields had expanded substantially in the north-west (Devonbosch site) and east (Koelenhof farm) of the study area. In the late 1990s and early 2000s, urban development started to emerge in the node, with the industrial buildings to the south-west being constructed and the expansion of buildings on the Bl. Williams site noted.



**Figure 7: Extract from the 1983 aerial photograph (Photo 00319, Strip 188, Job 498) (Source: National Geospatial Information)**

By 2009 the first incarnation of the fuel station was constructed and in the 2010 SDF for Stellenbosch, Koelenhof is identified as urban node. By 2013, construction of Nootgedacht Village had started. By 2016, Koelenbosch village was under construction and by 2019, the first new building on the Devonbosch site was being built.



**Figure 8: Extract from 2016 aerial photograph, with Nootgedacht Village partially developed and Koelebosch initiated (Source: National Geospatial Information)**

## 5. HERITAGE RESOURCES

The Stellenbosch Heritage Survey of 2016 has not only mapped resources/sites of heritage significance in the municipality but has also classified the rural landscapes that constitute the bulk of the municipal area according to heritage value.



**Figure 9: Extract from the online Stellenbosch Heritage Survey (2016) showing heritage resources and landscape units.**

As a result of the historic mining and subsequent degradation of the landscape around the Koelenhof node, almost half of the node is not graded (i.e. not worthy of grading). Only the strip of land to the east of the R304 is graded. This landscape unit (A08) has a grade IIIC grading, and its main value is noted as being social due to the strong association and relationship that local communities have with places such as Koelenhof Catholic Church and the two schools. The survey notes the landmark quality of the Catholic Church, the historic significance of the site especially related to the British remounting camp and ecological role of the wetland in the node. The landscape itself is described as largely fallow fields with a few breaks. Guidelines for future development are fairly generic, but in essence the survey calls for the retention of the rural character of the area, and views towards the mountains and across open green spaces. Despite the inclusion in the urban edge, the guidelines note various urban uses as inappropriate such as suburban development and gated residential estates.

The areas around the site have IIIB gradings and the scenic route which borders the eastern portion of the site has a grade IIIA grading. No resources have been identified in the node itself. Despite the importance of the Catholic Church, it is not graded. The following resources have been identified in the immediate vicinity of the site:

- Simonsig werf to the north-east of the node – grade IIIC. The site is described as a modest early 20<sup>th</sup> werf, with magnificent views onto Simonsberg (i.e. away from the Koelenhof node).



- Sonop werf to the south-west of the node – grade IIIC. This site described as representative of the early-20th century building in the area and its historical significance as the site of an acclimatisation camp for English troops during the South African (Anglo-Boer) War is also noted.
- Nembwe Fish Farm to the west of the node – grade IIIC. The historic wetland is described as having landscape and scenic, as well as ecological significance.

Other resources such as the historic Kromme Rhee, Elsenburg and Nootgedacht werfs further from the node, are of high significance but not visible from the node and too far away to be a consideration in the proposals for the node.

As noted, a number of heritage studies have been undertaken for various sites in the node. Below follows a short summary of the resources and their significance identified by the authors of these reports:

**Malanshoop (Arcon, 2023):**

- Low to moderate scenic significance, with a cluster of tall pine trees on the western boundary of moderate to high significance that should be retained.
- Low historical significance (despite the interesting early 20<sup>th</sup> century history of the area the connection to this site is tenuous).
- No other aspects of heritage significance of consequence were identified.
- Note that the lines of beefwoods on the site, are not considered of high importance and could be replaced by similar planting on the site of other species.

**Devonbosch (Kathy Dumbrell, 2014):**

- Contextual significance as being located in the Winelands cultural landscape (graded IIIC)
- Views from the Simonsberg werf towards Table Mountain (graded IIIB). NOTE: this view is not identified in the Malanshoop HIA, which borders on Simonsig. Also, as the name implies Simonsig faces the Simonsberg.
- Trees along the site boundary to the south (graded IIIB).

**Portion 23 of the Farm Nootgedacht No. 74, Koelenhof, Stellenbosch (Claire Abrahamse, 2023):**

- The site plays a gateway role along the R304.
- The site offers vistas towards Simonsberg and Jonkershoek with a secondary vista towards Bottelary (it is assumed the reference is to the Bottelary hills).
- Trees on the RC Church site and tree lines in the surrounding area (i.e. not on the site).
- The desire line that cuts across the north-western corner of the site.



Figure 10: Identified heritage resources

This study as well as the Malanshoop study also recognizes the importance of RC Church and its tree setting as an important landmark for the node. No heritage resources were identified for the Lindelani & Siyakathala Child and Youth Care Centre (CTS Heritage, 2022).

Following on the above it is clear that, apart from the importance of the RC Church site as a landmark in the node and the social significance of this precinct, there are no particular heritage resources both within the node and the broader context that would be of major consequence to the urban framework. The insistence of the Stellenbosch Heritage Survey guidelines that the node should retain a rural character, seems to be debatable as the node has been earmarked for urban development and one could argue that it would be more important to ensure the optimal use of the land for development. Low density development is inefficient and in fact a threat to the cultural landscape.

Figure 10 above illustrates the heritage resources in the node and its immediate surrounds.

## 6. HERITAGE INDICATORS

Despite the relatively low heritage significance of the node itself and its components, the HIAs did include extensive heritage indicators to guide development of the individual sites. Below follows a summary of these indicators. The contextual indicators and the response to the context is clearly of more relevance to this development framework than the architectural and landscaping indicators, which are normally relevant at the individual site scale.

### 6.1 Contextual indicators

- The landmark nature of the church complex must be enhanced and responded to as a prominent civic node within the wider context (Abrahamse, 2023).
- The railway station is an important potential civic asset and should be acknowledged as a higher-order element in the proposed development of the site (Abrahamse, 2023).
- The mature trees on and around the node are landmark elements within this environment that help to structure the space and provide some visual screening and should be retained (Abrahamse, 2023).
- The proposed development must not disrupt signature backdrops including landmarks characterising scenic outlooks– this includes for instance vistas from within the node onto the RC Church, and from the R304 onto the mountains to the east (Jacobs, 2023).

### 6.2 Developmental response to the context

- Development should address the varying edge conditions of the sites within the node, e.g. for the Malanshoop site, development along the northern and eastern edges should consider that interface with vineyards in terms of scale – this includes restricting building heights to single storey along the edges of the development (Jacobs, 2023) whereas as Abrahamse allows for double storey buildings across the site (2023).
- The site to the south of the RC Church precinct should remain an open green space, that should protect the foreground of vistas from the intersection framed with mixed-use/retail development (Abrahamse, 2023).

- The desire line across the Portion 23 of Farm 74, should be reflected in the structure of the development and the river course should be retained as a natural corridor (Abrahamse, 2023).
- Avoid curvilinear streets that could result in a suburban environment. The street grid should be as efficient and minimal as possible (Abrahamse, 2023).

### 6.3 Architectural indicators

- Buildings should, wherever possible, be configured with 'double pitch' and 'lean-to' envelopes to break up larger building masses and lower eaves lines, the purpose being to reduce visual impacts wherever possible and break up roof surfaces, particularly for structures adjacent to the boundaries of the property (Jacobs, 2023).
- Architecture that copies an earlier style or introduce a foreign style, such as at Nooitgedacht Village should be avoided. New buildings must be sympathetic to the architectural character of the area but should also be of their own time. New buildings should be of a walled architectural type and rectilinear in form (Abrahamse, 2023).
- Street-facing stoeps are a common feature of the buildings in the area, often with planted gardens in front. New residential development must include these elements (Abrahamse, 2023).
- Building materials should be compatible with traditional materials in terms of scale, colour and texture. New structures should be painted a muted colour. Joinery and woodwork should be painted, preferably using darker shades in combination with white/light walls. Corrugated roofs should be darker colours. Unsuitable materials include decorative thatching, cement tiles, clay tiles, fibre cement roof sheets, IBR sheeting, face brick, unplastered concrete blocks, gum poles, natural or artificial stone, slate, precast concrete fences, exposed concrete of any kind (Abrahamse, 2023).

### 6.4 Landscaping

- Additional planting should be introduced to provide visual screening and absorption within the foreground environment which will reinforce rural (rather than urban) character even though the property falls within the urban edge. The windbreaks in the wider context set up a landscape structure that can be extended into the node (Jacobs, 2023 & Abrahamse, 2023).
- Verges and pavements should preferably be grassed, hard-packed soil or brick paving, and planted with fairly mature trees. Brickwork and laterite surfacing should be preferred to tarmac (Abrahamse, 2023).
- High and solid walls should not be permitted, as well as pre-cast concrete fencing, exposed blockwork, and facebrick walling. Historic boundary elements such as fences and hedges must be preferred as far as possible (Abrahamse, 2023).
- Lighting is to be designed, and advertising located in a manner that does not distract from the rural agricultural quality of the surrounding landscape (Jacobs, 2023).

## 7. HERITAGE CONSIDERATIONS FOR THE KOELENHOF URBAN DEVELOPMENT FRAMEWORK

When considering the HIAs for the individual sites it would seem that the distinction between the management/protection of heritage resources and urban design principles can be somewhat blurry. At the heart of the issue lies the idea that the Koelenhof urban node should have a rural character as per the Stellenbosch Heritage Survey of 2016.

Nootgedacht Village is often cited as an example of inappropriate urban development within a rural setting. And certainly, the foreign architectural language is unfortunate. The question to pose is, if the architecture was reflective of the Cape vernacular (without being pastiche), would this high-density development have been acceptable?

The sharp contrast between built-up areas and the cultivated landscape of the Nootgedacht development, that is characteristic of parts of rural Italy for example, has not found a foothold in the Cape Winelands to date. Generally, the interface between urban and rural is more nuanced with screen planting, lower building heights and a more informal/fragmented built footprint at this interface. This is also usually the result of organic development over time.



**Photograph 14: The sharp transition between high density housing and agricultural uses on the eastern boundary of Nootgedacht Village.**



**Photograph 15: Northern edge of Tulbagh – new development, kept low and screened with planting (Source: Google Streetview)**

In the case of the Koelenhof node, we are dealing with the creation of a new settlement that will more or less be completely developed in its first iteration, and that must cater for the needs and demands of the market, which includes for instance security. It is this author's view that it would be difficult to achieve a rural character or village at this node, given the high order of the R304 and Bottelary Roads, that prohibits the functional integration of the four quadrants and the creation of an activity street (with a typical main road character of a town, lined with commercial development) Except, if the R304 is realigned to bypass the node, but it is unlikely that the merit of creating a small town in this already compromised landscape would warrant the cost of such a bypass.

Following on the above, and if we accept that it is imperative to achieve rural character for the node the following is suggested:

- Ensure that edges to the development are planted to soften the transition between urban and rural and, as noted by Jacobs, tree planting within the settlement will be also important to soften the visual impact. In this regard it may be useful to coordinate the landscaping frameworks for the various developments, in order to agree on tree appropriate species, and canopies, as well as succession planting for trees on public land (for instance, the gumtrees along the Devonbosch site). Where possible and practical existing trees should be retained, but plantings could also be replaced in more practical positions and with more appropriate species.
- With regard to built form, the visual impact of sameness should be avoided through varying roof shapes, colours and massing throughout the node (also for each site).
- With regard to building height, it would seem appropriate that more height could be achieved towards the centre of the node (or each site), but in general heights should be restricted to what can be screened effectively with trees and may also require restriction in relation to the RC Church. So in particular in the eastern portions of the node, building heights should be restricted to two to three storeys, with lower heights at the interface with R304 and Kromme Rhee Road.
- It is noted that a more "urban" character has already been established on the Devonbosch site, with relatively large multi-storey buildings. The same lowering of building heights towards the boundaries and screening with planting should however still apply to this site, if the idea of establishing a rural character for the settlement is to be pursued.
- Endeavour to retain and improve access to the RC Church precinct, as a possible social centre to the new settlement.

## ANNEXURE C

### SERVICES SUMMARY

**DRAFT**

## KOELENHOF HAMLET - URBAN DEVELOPMENT FRAMEWORK

### REPORT ON THE PROVISION OF CIVIL ENGINEERING SERVICES

#### 1. INTRODUCTION

The Koelenhof Hamlet outside Stellenbosch is experiencing significant interest from property developers with a number of land use applications in process. Stellenbosch Municipality requested synchronizing of the different development proposals into an Urban Development Framework for the hamlet.

This report focuses on the provision of the basic civil engineering services namely potable water supply, sewerage and solid waste removal for a 10-year development roll-out period, as well as a high-level discussion on the expected ultimate development roll-out.

Stormwater management is not discussed, as it is accepted that each development will be responsible for its own stormwater management in line with Council policy. Traffic engineering is discussed by ITS Traffic Consultants in a separate report.

#### 2. HAMLET LOCATION AND DESCRIPTION

The locality of the Koelenhof Hamlet is approximately 6 km outside Stellenbosch as shown on the Locality Plan, included as Annexure A.

The hamlet is located around the R304 (Koelenhof Road) and the Bottelary / Kromme Rhee Roads. The hamlet is divided by the major roads into four quadrants as indicated on the Urban Development Plan. The current urban edge of the hamlet is included as Annexure B.

The area has a natural slope towards the southeast with the Plankenbrug River the natural drainage channel of the area.



### 3. PROJECTED URBAN DEVELOPMENT FRAMEWORK

The projected **total urban development** for Koelenhof is set out in the table below:

| ZONE                                        | Residential Units | Retail (m <sup>2</sup> ) | Office (m <sup>2</sup> ) | Industry (m <sup>2</sup> ) | Institutional (m <sup>2</sup> ) | Other (m <sup>2</sup> ) |
|---------------------------------------------|-------------------|--------------------------|--------------------------|----------------------------|---------------------------------|-------------------------|
| Quadrant 1: North-East - Malanshoop Estate  | 450               | 0                        | 0                        | 0                          | 6 000                           | 2 200                   |
| Quadrant 2: South-East - Koelenhof Estate   | 1 520             | 10 605                   | 0                        | 0                          | 20 800                          | 1 000                   |
| Quadrant 3: South-West - Koelenbosch Estate | 74                | 9 002                    | 0                        | 23 920                     | 0                               | 190                     |
| Quadrant 4: North West - Devonbosch Estate  | 3 085             | 81 950                   | 313 930                  | 71 456                     | 31 520                          | 34 690                  |
| <b>TOTAL</b>                                | <b>5 129</b>      | <b>101 557</b>           | <b>313 930</b>           | <b>95 376</b>              | <b>58 320</b>                   | <b>38 080</b>           |
| <b>GRAND TOTAL</b>                          | <b>5 129</b>      |                          |                          |                            |                                 | <b>607 264</b>          |

The projected **10-year development roll-out** is as follows:

| Year of Occupation | Residential (Units) | Retail (Floor Hamlet - m <sup>2</sup> ) | Office (Floor Hamlet - m <sup>2</sup> ) | Warehouse/Industrial (Floor Hamlet - m <sup>2</sup> ) | Institutional (Floor Hamlet - m <sup>2</sup> ) | Other (Floor Hamlet - m <sup>2</sup> ) |
|--------------------|---------------------|-----------------------------------------|-----------------------------------------|-------------------------------------------------------|------------------------------------------------|----------------------------------------|
| 2026               |                     | 128                                     |                                         |                                                       |                                                | 1206                                   |
| 2027               | 17                  | 2738                                    | 18926                                   |                                                       | 8750                                           |                                        |
| 2028               | 226                 | 3343                                    | 11000                                   |                                                       |                                                |                                        |
| 2029               | 290                 | 10605                                   | 8000                                    | 1008                                                  | 2500                                           |                                        |
| 2030               | 310                 | 20000                                   | 10800                                   |                                                       |                                                | 12334                                  |
| 2031               | 150                 | 5000                                    | 10000                                   |                                                       |                                                | 2200                                   |
| 2032               | 250                 | 2000                                    | 10000                                   |                                                       |                                                |                                        |
| 2035               | 324                 | 1736                                    | 16329                                   |                                                       |                                                |                                        |
| <b>TOTAL</b>       | <b>1567</b>         | <b>45550</b>                            | <b>85055</b>                            | <b>1008</b>                                           | <b>11250</b>                                   | <b>15740</b>                           |

The Urban Development Framework Plan with the four development quadrants is included as Annexure B.

### 4. WATER SUPPLY

#### 4.1 Demand:

The demand for potable water for the projected **total urban development** is estimated at 4 393 kl/day.

The demand for potable water for the **10-year development roll-out** is estimated at 1 324 kl/day.

The estimations for the water demand are included as Annexure C.

#### 4.2 Bulk Supply:

The bulk water supply to the Koelenhof Hamlet was evaluated against the current demand on the system and not against the existing water allocations from the historic Koelenhof Rural Water Scheme. Some of these allocations are significant and provides a warped picture of the current state of the bulk water supply. It is however acknowledged that the existing theoretical shortage due to the historic allocations should over time be reduced by the Municipality.

Based on the above and the water demand from the 10-year roll-out, it is evident that **Water Master Plan Item RKW B6a (4143m x 560mm Ø bulk watermain)** needs to be implemented by 2027 to accommodate the demand from the expected 10-year roll-out. Implementation of Item RKW B6a will add 1267 kl/day for development to the system.

The next trigger for bulk water upgrade is at 1 267 kl/day when **Water Master Plan Item RKW 2.2 (1201m x 315mm Ø bulk watermain)** should be implemented. Implementation of Item RKW 2.2 will add 100 kl/day for development to the system.

In summary, the bulk water main upgrades and related estimated costs required to accommodate the 10-year roll-out are as follows:

- RKW B6a 4 143m x 560mm Ø bulk watermain R 30.0m
- RKW 2.2 1 201m x 315mm Ø bulk watermain R 6.0m

#### 4.3 Storage:

The current water storage for the Koelenhof Hamlet is at the Sonop and Devon Valley Reservoirs. The Water Master Plan indicates a third reservoir (4 MI) to be implemented over time at Farm Kriekbult.

Communication with GLS revealed that physical spare capacity of 1224 kl/day for development was still available in the existing reservoirs. Based on the water demand from the projected 10-year development roll-out, the trigger for the proposed Kriekbult Reservoir is approximately 2035. It is however acknowledged that the theoretical reservoir spare capacity due to the historic allocations is significantly less than 1224 kl/day, which will increase the urgency for the said master plan item to be implemented should some of the allocations be taken up before 2035.

### 5. SEWERAGE

#### 5.1 Run-off:

Sewage run-off from the projected **total urban development** is estimated at 4 137 kl/day of Peak Day Dry Weather Flow.

Sewage run-off from the **10-year development roll-out** is estimated at 1 208 kl/day of Peak Day Dry Weather Flow.

The estimations for the sewage run-off are included as Annexure C.

#### 5.2 Drainage:

Sewage from the Koelenhof Hamlet drains towards Cloetesville, Stellenbosch via the 300mm Ø bulk sewer and thereafter via the bulk sewer through the Plankenbrug Industrial Area that has recently been upgraded. Communication with GLS confirmed that the 300mm Ø bulk sewer has sufficient spare capacity to accommodate the 10-year development roll-out from the Koelenhof Hamlet.



Sewage run-off from the projected total urban development will need to be analysed by GLS through their master planning to establish the capacity constraints and upgrades required. The current Sewer Master Plan is included as Annexure E.

### 5.3 Treatment :

Sewage from the Koelenhof Hamlet is treated at the Stellenbosch Municipality's Waste Water Treatment Works in Devon Valley. The treatment capacity of the WWTW has recently been increased through a major upgrade, and it has been confirmed by the Municipality that sufficient spare capacity exists to accommodate the 10-year roll-out from the Koelenhof Hamlet.

## 6. SOLID WASTE REMOVAL

Solid waste generated by the projected **total urban development** is estimated at 320 ton/week.

Solid waste generated by the **10-year development roll-out** is estimated at 90 ton/week.

Solid waste will be removed by the Stellenbosch Municipality's waste removal service, alternatively the developments will make use of a private contractor for this basic service.

## 7. DEVELOPMENT CONTRIBUTIONS (DCs)

Development contributions from the projected **total urban development** are estimated at ±R680m with ±R600m available for bulk services upgrades.

Development contributions from the **10-year development roll-out** are estimated at ±R220m with ±R191m available for bulk services upgrades. The development contributions from the **10-year development roll-out** related to Water Supply and Sewerage is estimate at ± R73m, which is adequate to fund the minimum water and sewerage master plan items identified for this period.

The estimations for the development contributions are included as Annexure F.

## 8. CONCLUSION

This report concludes that:

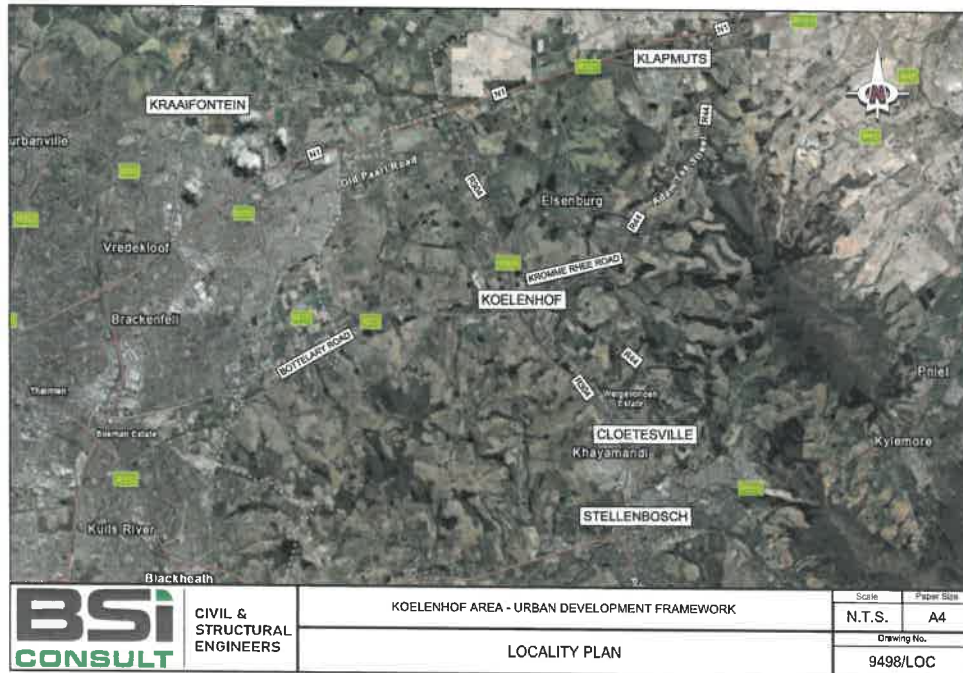
1. The water upgrades identified for the projected 10-year development roll-out can be accommodated within the DCs payable for the same period.
2. The water upgrades required for the projected total Koelenhof urban development should be prioritised with the next updating of the Municipality's Water Master Plan.
3. No bulk sewer upgrade is required for the projected 10-year development roll-out.
4. The bulk sewer upgrades required for the projected total Koelenhof urban development should be identified and prioritised with the next updating of the Municipality's Sewer Master Plan.
5. Solid waste will be removed by the Municipality and any capacity constraints will be similar as for Stellenbosch Town.

On behalf of BSI CONSULT

  
L J Louw Pr. Eng.

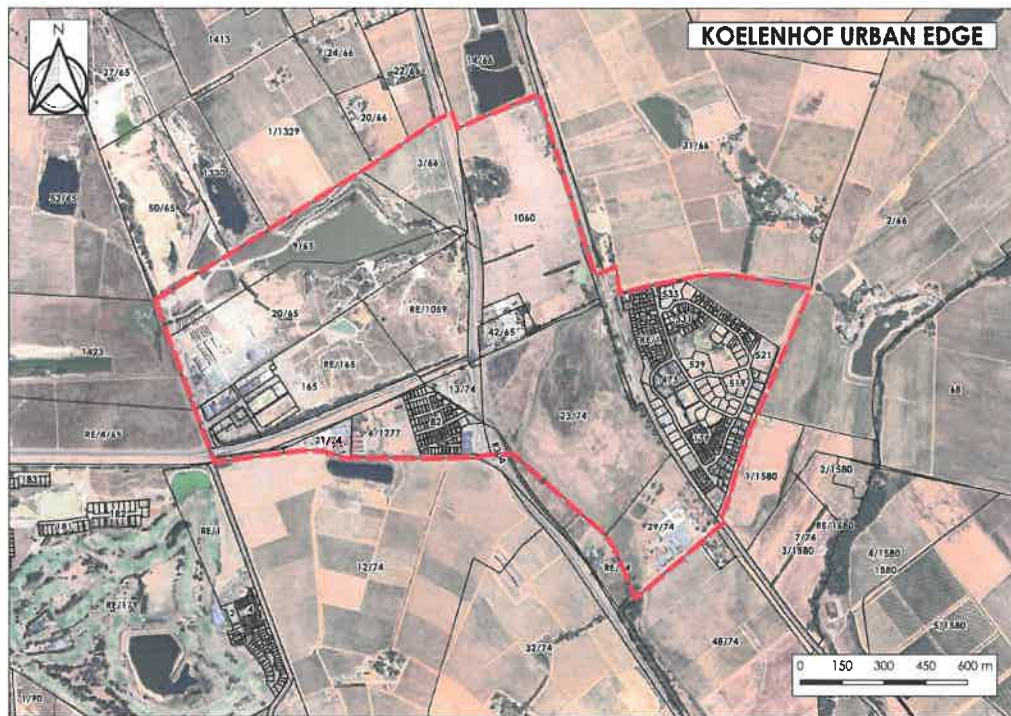
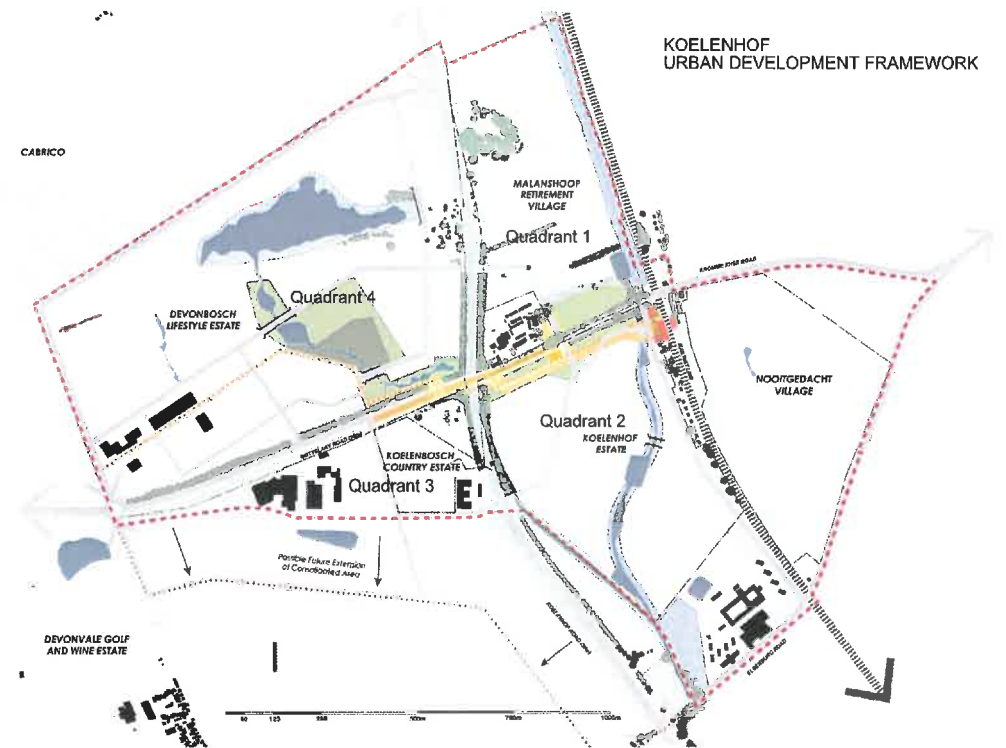
**ANNEXURE A**

**LOCALITY PLAN**



## ANNEXURE B

### URBAN DEVELOPMENT PLAN



## ANNEXURE C

WATER DEMAND AND SEWAGE RUN-OFF  
ESTIMATESKOELENHOF URBAN DEVELOPMENT FRAMEWORK  
TOTAL SCENARIO - WATER SUPPLY AND SEWERAGE - HIGH LEVEL ESTIMATE

| ZONE                                        | Residential<br>Units | Retail (m²)    | Office (m²)    | Industry<br>(m²) | Institutional<br>(m²) | Other<br>(m²) |              |
|---------------------------------------------|----------------------|----------------|----------------|------------------|-----------------------|---------------|--------------|
| Quadrant 1: North-East - Malanshoop Estate  | 450                  | 0              | 0              | 0                | 6 000                 | 2 200         |              |
| Quadrant 2: South-East - Koelenhof Estate   | 1 520                | 10 605         | 0              | 0                | 20 800                | 1 000         |              |
| Quadrant 3: South-West - Koelenbosch Estate | 74                   | 9 002          | 0              | 23 920           | 0                     | 190           |              |
| Quadrant 4: North West - Devonbosch Estate  | 3 085                | 81 950         | 313 930        | 71 456           | 31 520                | 34 690        |              |
| <b>TOTAL</b>                                | <b>5 129</b>         | <b>101 557</b> | <b>313 930</b> | <b>95 376</b>    | <b>58 320</b>         | <b>38 080</b> |              |
| Water Unit Rate                             | 0,5                  | 0,32           | 0,32           | 0,2              | 0,32                  | 0,32          |              |
| Water Demand                                | 2 565                | 325            | 1 005          | 191              | 187                   | 122           | 4 393 kl/day |
| Sewage Unit Rate                            | 0,45                 | 0,32           | 0,32           | 0,2              | 0,32                  | 0,32          |              |
| Sewage Run-off                              | 2 308                | 325            | 1 005          | 191              | 187                   | 122           | 4 137 kl/day |

## KOELENHOF UDF (10-year horizon)

REVISION

1

DATE

15-Jul-25

## Water Supply &amp; Sewage Run-off

| YEAR | Land Use               | GLA / No | Water Unit rate | Water Demand | Water Comm. | Bulk Water Triggers | Sewage Unit rate | Sewage Demand | Sewage Comm. | Bulk Sewer Triggers |
|------|------------------------|----------|-----------------|--------------|-------------|---------------------|------------------|---------------|--------------|---------------------|
| 2026 | Residential Apartments |          | 0.45            |              |             |                     | 0.40             |               |              |                     |
|      | Residential Erven      |          | 0.60            |              |             |                     | 0.50             |               |              |                     |
|      | Retail                 | 128      | 0.32            | 0.41         |             |                     | 0.32             | 0.41          |              |                     |
|      | Office                 |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      | Warehouse / Industrial |          | 0.20            |              |             |                     | 0.20             |               |              |                     |
|      | Institutional          |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
| 2027 | Other                  | 1206     | 0.32            | 3.86         |             |                     | 0.32             | 3.86          |              |                     |
|      |                        |          |                 | 4.27         | 4.27        | NONE                |                  | 4.27          | 4.27         | NONE                |
|      | Residential Apartments | 9        | 0.45            | 4.05         |             |                     | 0.40             | 3.60          |              |                     |
|      | Residential Erven      | 8        | 0.60            | 4.80         |             |                     | 0.50             | 4.00          |              |                     |
|      | Retail                 | 2736     | 0.32            | 8.76         |             |                     | 0.32             | 8.76          |              |                     |
|      | Office                 | 18926    | 0.32            | 60.56        |             |                     | 0.32             | 60.56         |              |                     |
| 2028 | Warehouse / Industrial |          | 0.20            |              |             |                     | 0.20             |               |              |                     |
|      | Institutional          | 8750     | 0.32            | 28.00        |             |                     | 0.32             | 28.00         |              |                     |
|      | Other                  |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      |                        |          |                 | 106.17       | 110.44      | RKW B62             |                  | 104.92        | 109.19       | NONE                |
|      | Residential Apartments | 120      | 0.45            | 54.00        |             |                     | 0.40             | 48.00         |              |                     |
|      | Residential Erven      | 105      | 0.60            | 63.60        |             |                     | 0.50             | 54.00         |              |                     |
| 2029 | Retail                 | 3343     | 0.32            | 10.70        |             |                     | 0.32             | 10.70         |              |                     |
|      | Office                 | 11000    | 0.32            | 35.20        |             |                     | 0.32             | 35.20         |              |                     |
|      | Warehouse / Industrial |          | 0.20            |              |             |                     | 0.20             |               |              |                     |
|      | Institutional          |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      | Other                  |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      |                        |          |                 | 168.90       | 273.94      | NONE                |                  | 148.90        | 218.89       | NONE                |
| 2030 | Residential Apartments | 150      | 0.45            | 67.50        |             |                     | 0.40             | 60.00         |              |                     |
|      | Residential Erven      | 140      | 0.60            | 84.00        |             |                     | 0.50             | 70.00         |              |                     |
|      | Retail                 | 10605    | 0.32            | 33.94        |             |                     | 0.32             | 33.94         |              |                     |
|      | Office                 | 8000     | 0.32            | 25.60        |             |                     | 0.32             | 25.60         |              |                     |
|      | Warehouse / Industrial | 1008     | 0.20            | 2.02         |             |                     | 0.20             | 2.02          |              |                     |
|      | Institutional          | 2500     | 0.32            | 8.00         |             |                     | 0.32             | 8.00          |              |                     |
| 2031 | Other                  |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      |                        |          |                 | 221.05       | 494.99      | NONE                |                  | 198.55        | 455.64       | NONE                |
|      | Residential Apartments | 160      | 0.45            | 72.00        |             |                     | 0.40             | 64.00         |              |                     |
|      | Residential Erven      | 150      | 0.60            | 90.00        |             |                     | 0.50             | 75.00         |              |                     |
|      | Retail                 | 20900    | 0.32            | 64.00        |             |                     | 0.32             | 64.00         |              |                     |
|      | Office                 | 10900    | 0.32            | 34.56        |             |                     | 0.32             | 34.56         |              |                     |
| 2032 | Warehouse / Industrial |          | 0.20            |              |             |                     | 0.20             |               |              |                     |
|      | Institutional          |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      | Other                  | 12334    | 0.32            | 39.47        |             |                     | 0.32             | 39.47         |              |                     |
|      |                        |          |                 | 300.03       | 795.02      | NONE                |                  | 277.03        | 732.67       | NONE                |
|      | Residential Apartments | 80       | 0.45            | 36.00        |             |                     | 0.40             | 32.00         |              |                     |
|      | Residential Erven      | 70       | 0.60            | 42.00        |             |                     | 0.50             | 35.00         |              |                     |
| 2033 | Retail                 | 5000     | 0.32            | 16.00        |             |                     | 0.32             | 16.00         |              |                     |
|      | Office                 | 10000    | 0.32            | 32.00        |             |                     | 0.32             | 32.00         |              |                     |
|      | Warehouse / Industrial |          | 0.20            |              |             |                     | 0.20             |               |              |                     |
|      | Institutional          |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      | Other                  | 2200     | 0.32            | 7.04         |             |                     | 0.32             | 7.04          |              |                     |
|      |                        |          |                 | 133.04       | 928.06      | NONE                |                  | 122.04        | 854.71       | NONE                |
| 2034 | Residential Apartments | 130      | 0.45            | 58.50        |             |                     | 0.40             | 52.00         |              |                     |
|      | Residential Erven      | 120      | 0.60            | 72.00        |             |                     | 0.50             | 60.00         |              |                     |
|      | Retail                 | 2000     | 0.32            | 6.40         |             |                     | 0.32             | 6.40          |              |                     |
|      | Office                 | 10000    | 0.32            | 32.00        |             |                     | 0.32             | 32.00         |              |                     |
|      | Warehouse / Industrial |          | 0.20            |              |             |                     | 0.20             |               |              |                     |
|      | Institutional          |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
| 2035 | Other                  |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      |                        |          |                 | 168.90       | 1096.96     | NONE                |                  | 150.40        | 1005.11      | NONE                |
|      | Residential Apartments | 169      | 0.45            | 76.95        |             |                     | 0.40             | 67.60         |              |                     |
|      | Residential Erven      | 155      | 0.60            | 93.00        |             |                     | 0.50             | 77.50         |              |                     |
|      | Retail                 | 1736     | 0.32            | 5.56         |             |                     | 0.32             | 5.56          |              |                     |
|      | Office                 | 16329    | 0.32            | 52.25        |             |                     | 0.32             | 52.25         |              |                     |
| 2036 | Warehouse / Industrial |          | 0.20            |              |             |                     | 0.20             |               |              |                     |
|      | Institutional          |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      | Other                  |          | 0.32            |              |             |                     | 0.32             |               |              |                     |
|      |                        |          |                 | 226.88       | 1323.82     | RKW 2.2             |                  | 207.91        | 1208.02      | NONE                |
|      | TOTAL :                |          |                 | 1323.82      |             |                     | TOTAL :          | 1208.02       |              |                     |

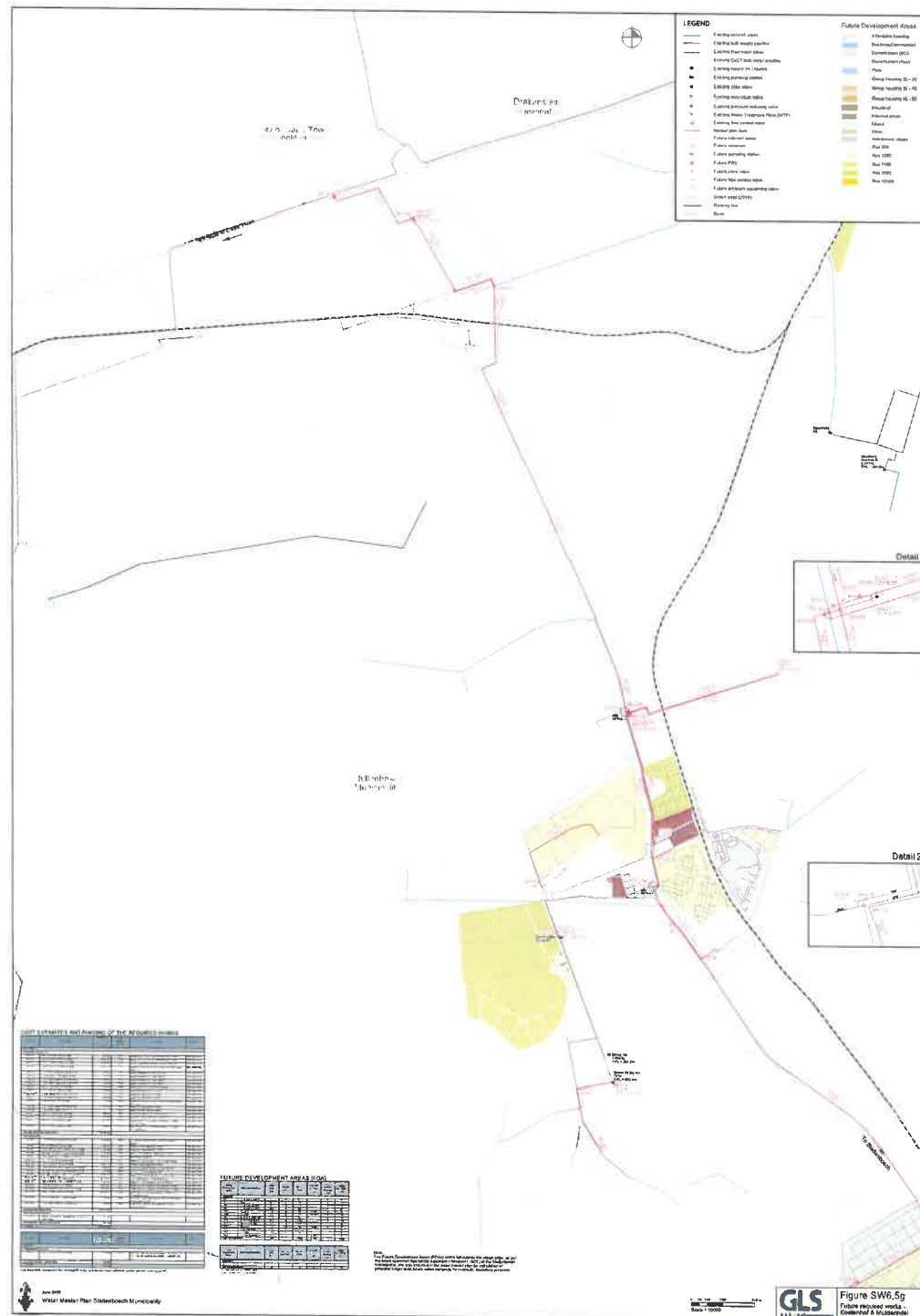
ANNEXURE D

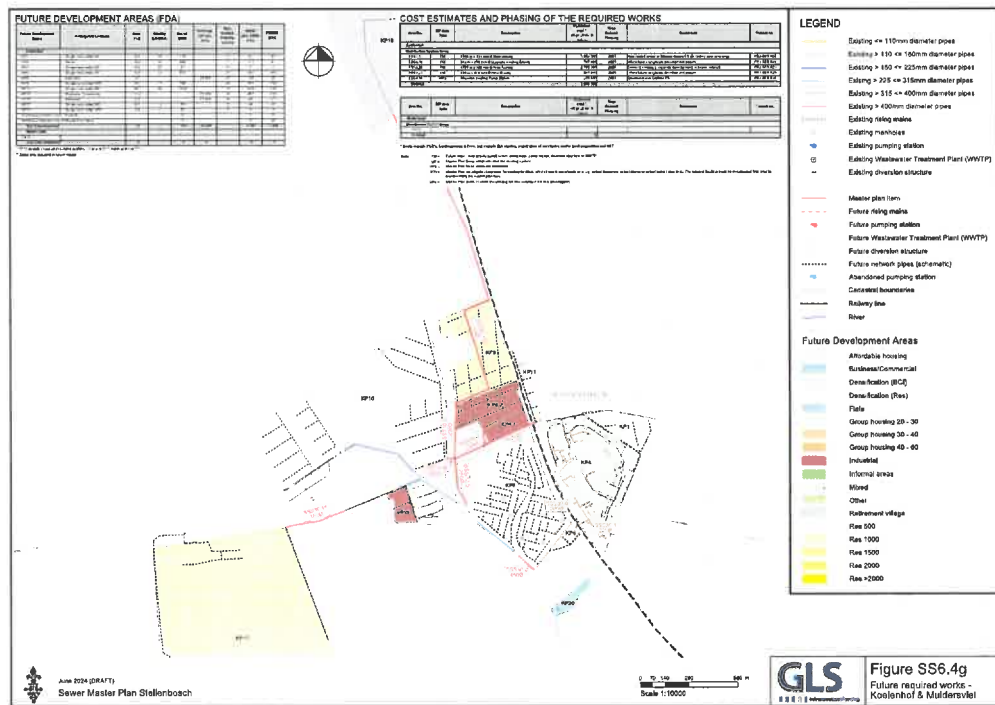
WATER MASTER PLAN - GLS



## ANNEXURE E

## SEWERAGE MASTER PLAN - GLS





## ANNEXURE F

## DEVELOPMENT CONTRIBUTIONS (DCs) ESTIMATES

**KOELENHOF URBAN DEVELOPMENT FRAMEWORK**  
**TOTAL SCENARIO - DCs HIGH LEVEL ESTIMATE**

| ZONE                                        | Residential Units | Retail (m²)   | Office (m²)    | Industry (m²) | Institutional (m²) | Other (m²)    |
|---------------------------------------------|-------------------|---------------|----------------|---------------|--------------------|---------------|
| Quadrant 1: North-East - Malanshoop Estate  | 450               | 0             | 0              | 0             | 0                  | 2 200         |
| Quadrant 2: South-East - Koelenhof Estate   | 1 020             | 10 605        | 0              | 0             | 2 500              | 1 000         |
| Quadrant 3: South-West - Koelenbosch Estate | 0                 | 6 722         | 0              | 23 920        | 0                  | 190           |
| Quadrant 4: North West - Devonbosch Estate  | 3 085             | 81 950        | 313 930        | 71 456        | 31 520             | 34 690        |
| <b>TOTAL</b>                                | <b>4 555</b>      | <b>99 277</b> | <b>313 930</b> | <b>95 376</b> | <b>34 020</b>      | <b>38 080</b> |

|         |         |        |      |      |      |      |
|---------|---------|--------|------|------|------|------|
| DC Rate | R62 000 | R1 137 | R634 | R432 | R650 | R600 |
|---------|---------|--------|------|------|------|------|

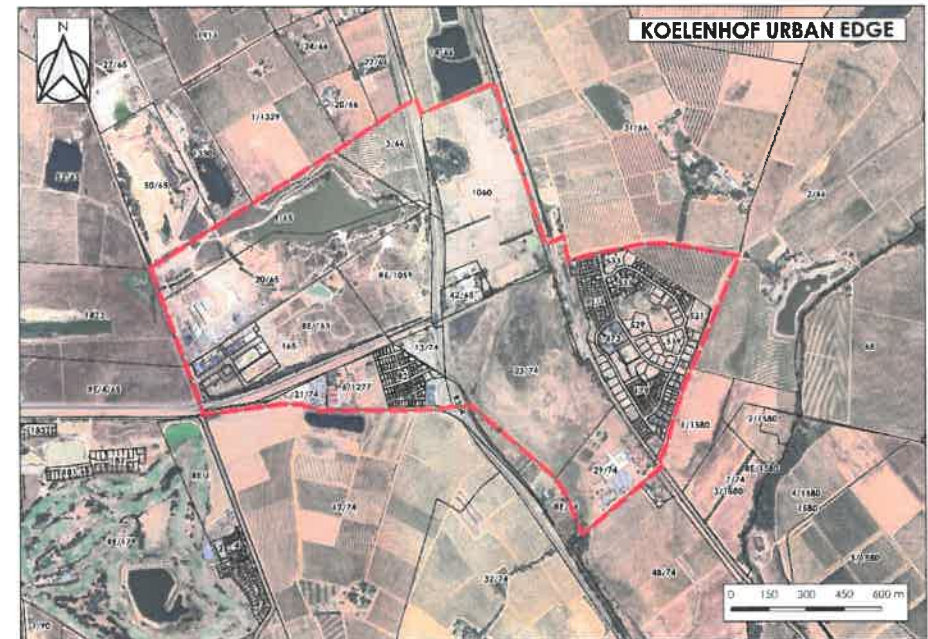
|          |              |              |              |             |             |             |              |
|----------|--------------|--------------|--------------|-------------|-------------|-------------|--------------|
| DC Total | R282 410 000 | R112 866 533 | R199 050 456 | R41 249 340 | R22 113 000 | R22 848 000 | R680 537 328 |
|----------|--------------|--------------|--------------|-------------|-------------|-------------|--------------|

[illegible]

NOTE: PRICES BASED ON 2003/2004 ICE RATES  
ALL PRICES ARE VAT EXCLUSIVE

**ANNEXURE D**  
**ELECTRICAL SUMMARY**

**ELECTRICAL SERVICES REPORT FOR  
KOELENHOF URBAN MASTERPLAN**



**AUGUST 2025 : REVISION 0**

Submitted By: **Wessel Badenhorst**  
**De Villiers & Moore (Pty) Ltd**  
(021) 976 3087  
Project No: R5290Z  
Reference No. : 0868



**de villiers & moore**  
Consulting Engineers  
Electrical, Mechanical, Fire





## ELECTRICAL SERVICES REPORT FOR KOELENHOF URBAN MASTERPLAN

### 1. SERVICES REPORT

This report must be read in conjunction with the proposed developments for the Koelenhof node (see figure 1). The properties are situated in Stellenbosch municipal area.



Figure 1: Proposed Development

#### 1.1 Purpose of this report

- Consolidate the principles, concepts and specific requirements of the client
- Provide the basic information parameters of existing electrical services
- Confirm availability of services for the proposed developments

### 2. AREA ELECTRICAL SUPPLY

The Electrical Supply Authority for the area is Eskom.

The area is fed via various farm-feeders from the existing Koelenhof substation, along Elsenburg road. This substation is on the edge of the Koelenhof Urban node.



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We met with Eskom re the existing capacity of the Koelenhof substation. It is fitted with a 12,5MVA 66/11kV transformer, that peaked on a load of 7,4MVA in 2024.

### 3. PRESENT UPGRADES

Due to several projects that will commence in the near future (all included in this masterplan report), Eskom noted the anticipated shortage and limitations in the supply for this area.

Eskom confirmed that they already started a project to upgrade the Koelenhof substation to a 20MVA capacity, with spare space for a second 20MVA transformer, which will ensure a firm 20MVA distribution substation. This project is in the design and design-approval stages, and construction on site will commence early 2026.

The existing 66kV-overhead lines feeding the Koelenhof substation, is sufficient in size to cater for this planned upgrade.

### 4. KOELENHOF URBAN MASTERPLAN – ELECTRICAL REQUIREMENT

As contained in this masterplan for the Koelenhof development node, several new areas are being developed, and will require substantial electricity infrastructure to be provided.

The anticipated electricity requirement for the areas in the four quadrants, are as follows :

| QUADRANT 1: MALANSHOOP |                           |                         |                   |                          |                          |                              |                                 | TOTAL (kVA)             |
|------------------------|---------------------------|-------------------------|-------------------|--------------------------|--------------------------|------------------------------|---------------------------------|-------------------------|
| Project Name           | Erf Area - m <sup>2</sup> | Potential Land use      | Residential Units | Retail (m <sup>2</sup> ) | Office (m <sup>2</sup> ) | Industrial (m <sup>2</sup> ) | Institutional (m <sup>2</sup> ) | Other (m <sup>2</sup> ) |
| Malanshoop             | 256753                    | Retirement              | 450               |                          |                          |                              |                                 | 2200                    |
|                        | 28851                     | Church & Primary School |                   |                          |                          |                              | 6000                            |                         |
|                        | 285604                    |                         | 450               | 0                        | 0                        | 0                            | 6000                            | 2200                    |
|                        |                           |                         |                   |                          |                          |                              |                                 | 2 538,00                |

| QUADRANT 2: KOELENHOF ESTATE - NOOITGEDACHT |                           |                             |                   |                          |                          |                              |                                 | TOTAL (kVA)             |
|---------------------------------------------|---------------------------|-----------------------------|-------------------|--------------------------|--------------------------|------------------------------|---------------------------------|-------------------------|
| Project Name                                | Erf Area - m <sup>2</sup> | Potential Land use          | Residential Units | Retail (m <sup>2</sup> ) | Office (m <sup>2</sup> ) | Industrial (m <sup>2</sup> ) | Institutional (m <sup>2</sup> ) | Other (m <sup>2</sup> ) |
| Koelenhof Estate                            | 313251                    | Residential, Retail, ECD    | 508               | 10605                    |                          |                              | 2500                            |                         |
|                                             | 100612                    | Youth care facility         | 10                |                          |                          |                              | 18300                           |                         |
|                                             | 31466                     | station                     |                   |                          |                          |                              |                                 | 1000                    |
|                                             | 887                       | ?                           | 1                 |                          |                          |                              |                                 |                         |
| Nooitgedacht                                | 248752                    | Residential with facilities | 1000              |                          |                          |                              |                                 |                         |
|                                             | 53944                     | No additions for this study |                   |                          |                          |                              |                                 |                         |
|                                             | 3580                      | ?                           | 1                 |                          |                          |                              |                                 |                         |
|                                             | 752492                    |                             | 1520              | 10605                    | 0                        | 0                            | 20800                           | 1000                    |
|                                             |                           |                             |                   |                          |                          |                              |                                 | 9 984,40                |

| QUADRANT 3 - KOELENBOSCH |                           |                    |                   |                          |                          |                              |                                 | TOTAL (kVA)             |
|--------------------------|---------------------------|--------------------|-------------------|--------------------------|--------------------------|------------------------------|---------------------------------|-------------------------|
| Project Name             | Erf Area - m <sup>2</sup> | Potential Land use | Residential Units | Retail (m <sup>2</sup> ) | Office (m <sup>2</sup> ) | Industrial (m <sup>2</sup> ) | Institutional (m <sup>2</sup> ) | Other (m <sup>2</sup> ) |
|                          | 17575                     | Retail             |                   | 6722                     |                          |                              |                                 |                         |
| Koelenbosch              | 39853                     | Residential Estate | 74                |                          |                          |                              |                                 |                         |
|                          | 979                       | Fibre Exchange     |                   |                          |                          |                              |                                 | 190                     |
|                          | 10218                     | Retail             |                   | 2280                     |                          |                              |                                 |                         |
|                          | 41997                     | Industrial         |                   |                          |                          | 16064                        |                                 |                         |
|                          | 20540                     | Industrial         |                   |                          |                          | 7857                         |                                 |                         |
|                          | 131162                    |                    | 74                | 9002                     | 0                        | 23920                        | 0                               | 190                     |
|                          |                           |                    |                   |                          |                          |                              |                                 | 2 380,84                |

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| QUADRANT 4 - DEVONBOSCH |                           |                    |                   |                          |                          |                                        |                                 | TOTAL (kVA)             |
|-------------------------|---------------------------|--------------------|-------------------|--------------------------|--------------------------|----------------------------------------|---------------------------------|-------------------------|
| Project Name            | Erf Area - m <sup>2</sup> | Potential Land use | Residential Units | Retail (m <sup>2</sup> ) | Office (m <sup>2</sup> ) | Industrial/Warehouse (m <sup>2</sup> ) | Institutional (m <sup>2</sup> ) | Other (m <sup>2</sup> ) |
| Devonbosch              | 186148                    | Mixed-use          | 610               | 35000                    | 85100                    | 1010                                   | 8750                            | 13540                   |
|                         | 115310                    |                    |                   |                          |                          |                                        |                                 |                         |
|                         | 214935                    |                    |                   |                          |                          |                                        |                                 |                         |
|                         | 184741                    | Mixed-use          | 2475              | 46950                    | 228830                   | 70446                                  | 22770                           | 21150                   |
|                         | 1240                      |                    |                   |                          |                          |                                        |                                 |                         |
|                         | 82415                     |                    |                   |                          |                          |                                        |                                 |                         |
|                         | 784789                    |                    | 3085              | 81950                    | 313930                   | 71456                                  | 31520                           | 34690                   |
|                         |                           |                    |                   |                          |                          |                                        |                                 | 71 712,35               |

If all this development-rights are obtained and developed, the electrical infrastructure needs to provide approximately 90MVA for the Koelenhof node.

## 5. PROPOSED ELECTRICAL INFRASTRUCTURE UPGRADES

Discussions with Eskom confirmed that this total electricity requirement can not be supplied with the existing infrastructure at Koelenhof substation. The total future load for Koelenhof will require a 2<sup>nd</sup> step-down substation to be planned and commissioned. The exact position needs to be determined after a network and load analysis of the surrounding Eskom networks.

The existing 66kV-line from Stellenbosch to Koelenhof substation is constraint with capacity due to the tap-off towards Helshoogte and Elsenburg. If the 90MVA is to be supplied from this existing line, several overhead line upgrades will be required in Stellenbosch (at Stellenbosch substation), and a portion of the line from Helshoogte to Koelenhof.



Stellenbosch Substation, Vredenburg road, Stellenbosch.

Due to logistical and practical limitations on this 66kV-line of Eskom, they proposed to also consider a new 132kV-feeder into the Koelenhof area, fed from the existing Muldersvlei transmission substation adjacent to the N1-highway. At present, there is sufficient capacity at Muldersvlei substation to cater for the total anticipated load of Koelenhof area.

4



Muldersvlei Substation adjacent to the N1, in Klappmuts.

An existing 132kV-overhead line from Muldersvlei towards Stikland substation is located to the west of the Koelenhof area. This line became semi-redundant recently when Eskom completed other upgrades and new substations in their distribution area towards Cape Town.

Eskom also mentioned that an option will be to tee-off from this line with a new 132kV-overhead feeder into the Koelenhof area, where a new stepdown substation will be located. The process to determine this line route and design of the line and stepdown substation, is lengthy and very Eskom process-driven, and will take between 6 and 10 years to implement up to commissioning. This process will only start once the existing capacity in the area is nearing depletion and additional capacity is required.

A third option is to extend an existing 132kV-feeder from Elsenburg area to the proposed new stepdown substation in the Koelenhof area. Due to several route constraints and loads anticipated in the Klappmuts development area, this option appears to be the least favoured one by Eskom.

## 6. LOAD-GROWTH

The initial developments moving forward, will be supplied from the upgraded Koelenhof substation (project already in motion by Eskom).

Since a new stepdown substation require huge financial commitment, and timeous planning due to the Eskom processes, this will be planned according to the anticipated load-growth as more developments are approved and constructed.

The anticipated load growth for the first 10 years is shown in the table below :

| Combined Devonbosch, Malanshoop, Koelenhof Estate - Loads in kVA |                     |                                       |                                       |                                                     |                                              |                                      | TOTAL kVA        |
|------------------------------------------------------------------|---------------------|---------------------------------------|---------------------------------------|-----------------------------------------------------|----------------------------------------------|--------------------------------------|------------------|
| Year of Occupation                                               | Residential (Units) | Retail (Floor Area - m <sup>2</sup> ) | Office (Floor Area - m <sup>2</sup> ) | Warehouse/Industrial (Floor Area - m <sup>2</sup> ) | Institutional (Floor Area - m <sup>2</sup> ) | Other (Floor Area - m <sup>2</sup> ) |                  |
| 2026                                                             |                     | 128                                   |                                       |                                                     |                                              | 1206                                 | 105,81           |
| 2027                                                             | 17                  | 2738                                  | 18926                                 |                                                     | 8750                                         |                                      | 3 718,36         |
| 2028                                                             | 226                 | 3343                                  | 11000                                 |                                                     |                                              |                                      | 2 634,20         |
| 2029                                                             | 290                 | 10605                                 | 8000                                  | 1008                                                | 2500                                         |                                      | 3 779,80         |
| 2030                                                             | 310                 | 20000                                 | 10800                                 |                                                     |                                              | 12334                                | 5 873,45         |
| 2031                                                             | 150                 | 5000                                  | 10000                                 |                                                     |                                              | 2200                                 | 2 571,00         |
| 2032                                                             | 250                 | 2000                                  | 10000                                 |                                                     |                                              |                                      | 2 450,00         |
| 2035                                                             | 324                 | 1736                                  | 16329                                 |                                                     |                                              |                                      | 3 476,76         |
| <b>TOTAL kVA</b>                                                 | <b>1567</b>         | <b>45550</b>                          | <b>85055</b>                          | <b>1008</b>                                         | <b>11250</b>                                 | <b>15740</b>                         | <b>24 609,38</b> |

.../4

.../5

Since Koelenhof substation is upgraded at present, to be fitted with 2 x 20MVA transformers, it will be sufficient to cater for the developments from 2026 – 2029.

The developments planned for 2029 – 2035 can be supplied with electricity capacity from :

- Eskom to allow the operation of Koelenhof substation as a non-firm supply, thus utilising both 20MVA transformers as load supply, instead of one spare for a firm supply (unlikely that Eskom will consider/approve this in the initial design stages).

or

- Upgrade Koelenhof substation again to a 40mVA transformer, subject to line capacity and fault-level control in the substation

or

- Start the process of the new 132kV-supply and stepdown substation as soon as possible, to ensure some infrastructure being in place by 2031 to cater for the anticipated additional loads (also beyond 2035).

## 7. CONCLUSION

Evident from the above, it is clear that capacity is available from Eskom for the projected growth of the Koelenhof development node.



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## ANNEXURE E TRANSPORT MASTER PLAN





## SUMMARY SHEET

|                  |                                                                                                                            |
|------------------|----------------------------------------------------------------------------------------------------------------------------|
| Report Type      | Transport Impact Assessment                                                                                                |
| Title            | Koelenhof Transport Master Plan                                                                                            |
| Location         | Koelenhof                                                                                                                  |
| Client           | Koelenhof Development Forum                                                                                                |
| Reference Number | ITS 4677                                                                                                                   |
| Project Team     | Johan Brink<br>Inge van Tonder                                                                                             |
| Contact Details  | Tel: 021 914 6211                                                                                                          |
| Date             | 01 September 2025                                                                                                          |
| Report Status    | First Draft                                                                                                                |
| File Name        | G:\4677 Koelenhof Roads Master Plan\12 Reports\Issued\4677<br>Koelenhof Roads Master Plan Draft Report_IVT_2025-09-01.docx |

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## 1 INTRODUCTION

Innovative Transport Solutions (Pty) Ltd (ITS) was appointed to do a transport master plan for the Koelenhof area. This document reports the outcomes of the transport approach for the Koelenhof area.

### 1.1 Locality

Koelenhof is situated about 4 km north of Stellenbosch, at the intersection of the R304 (MR174), Bottelary Road (MR187) and Kromme Rhee Road (DR1085). The R304 connects the area to the N1 freeway, while Bottelary Road links it to Kuilsrivier and the R300 to the west, and to the R44 towards Klapmuts in the east. A railway line, which runs parallel to the R304, also passes through the area. Refer to **Figure 1** for the locality plan of the study area.

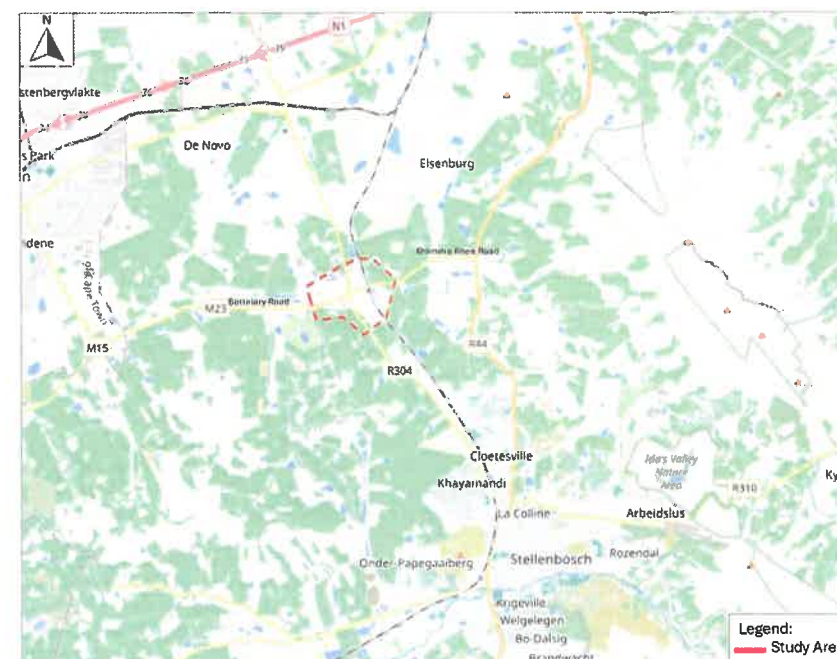


Figure 1: Locality Plan

### 1.2 Problem Statement

Numerous development applications have been submitted to the Stellenbosch Municipality, highlighting the Koelenhof node as an area undergoing rapid urban expansion. While individual transport impact assessments (TIAs) have been prepared for each development, these assessments have been conducted to some extent, in isolation, without consideration of the cumulative impacts on the broader transport network. This conventional approach to traffic analysis risks producing an uncoordinated assessment of the total transport impact. In response, the proposed Transport Master Plan will adopt a holistic and integrated planning framework, evaluating all developments within the Koelenhof area. This



approach aims to inform the design of a future-proof transport system that supports coordinated growth with the Koelenhof node and efficient regional connectivity.

### 1.3 Objectives

The following objectives have been identified for the Koelenhof Roads Master Plan:

- **Objective 1:** Preserve the mobility function of the R304 (MR174)
- **Objective 2:** Reduce overall trip generation and dependence on arterial roads
- **Objective 3:** Develop safe and continuous walking and cycling infrastructure
- **Objective 4:** Divert through traffic away from the Koelenhof centre
- **Objective 5:** Implement a practical funding and phased expenditure approach

## 2 STATUS QUO

### 2.1 Roadways

The Koelenhof node consists of four roads connecting at the R304 (MR174) / Bottelary Road (MR187) / Kromme Rhee Road (DR1085) intersection. Refer to **Figure 2** for a zoomed-in view of these roads within the study area.



Figure 2: Zoomed-in view of the Koelenhof node and the study roads

The following roadways are within the vicinity of the Koelenhof area:

- **Koelenhof Road or MR174 (R304)** – This is a Class 2 Main Road within the Western Cape Government Road network. It has single lanes in each direction, with paved shoulders and no sidewalks. The speed limit is 100km/h and reduces to 80km/h closer to intersections. Refer to **Figure 3** for the existing cross-section of the R304.



Figure 3: R304 Northbound

- **Bottelary Road (MR187)** – This is a Class 2 Main Road of the Western Cape Government Road network. It's a single lane in each direction, with paved shoulders and no sidewalks. The speed limit is 80km/h. Refer to **Figure 4** for the existing cross-section of Bottelary Road.



Figure 4: Bottelary Road Eastbound

- **Kromme Rhee Road (DR1085)** - This is a Class 4 Divisional Road on the Western Cape Government Road network. It has a single lane per direction with a narrow gravel shoulder on the southern side of the road and a raised paved sidewalk on the northern side. The speed limit is 80 km/h. Current planning includes the possibility of reclassifying this road to Class 3. However, the reasoning for this could be reconsidered given the nature of this road through the winelands and rural character of its surroundings. The required capacity in future must be evaluated with the proposed capacity improvements along the R304 and whether this road will attract significant high traffic volumes in future that would warrant the reclassification. Refer to **Figure 5** for the existing cross-section of Kromme Rhee Road.



Figure 5: Kromme Rhee Road Eastbound

- **Blumberg Drive** - This is a Class 5 Local street with a speed limit of 60 km/h. There are no walking or cycling transport facilities along this road. This road provides mainly access to farms and the Devonvale Golf course. Refer to **Figure 6** for the existing cross-section of Blumberg Drive.



Figure 6: Blumberg Drive Northbound

## 2.2 Traffic Volumes

### 2.2.1 Daily Traffic Volumes

The available daily volumes on the RNIS for the counting stations provided in **Figure 7** were obtained and represent 2022 two-way traffic volumes. The hourly volumes for north and south of the R304/Bottelary Road intersection are provided in **Figure 8** and **Figure 9**, respectively.



Figure 7: RNIS Count Stations Location

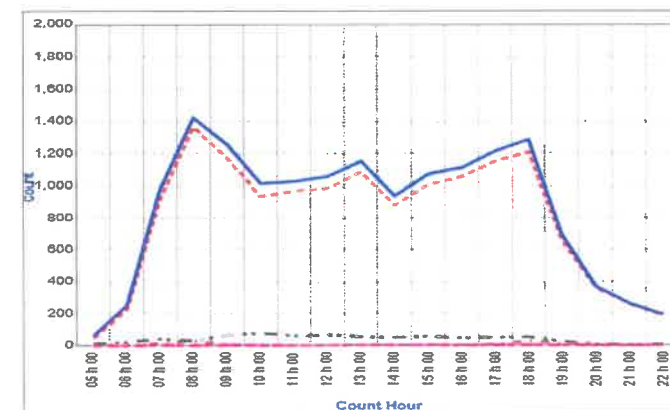


Figure 8: Hourly volumes along R304 north of the R304/Bottelary Road Intersection

The daily traffic pattern provided in **Figure 8** represents the typical morning and afternoon peaks, with the typical off-peak period presenting lower volumes.

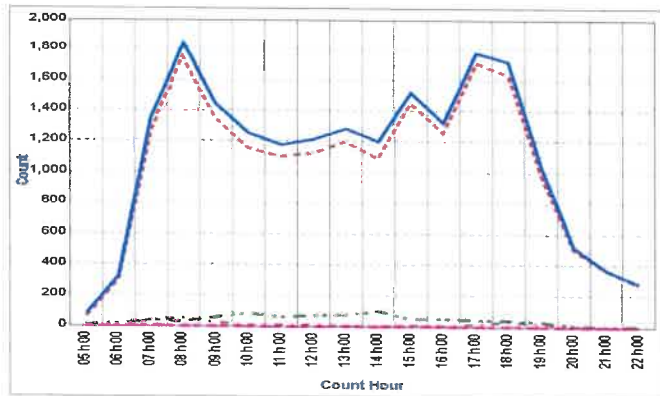


Figure 9: Hourly volumes along the R304 south of the R304/Elsenburg Road intersection

Comparing the daily traffic pattern in **Figure 8** and **Figure 9**, the morning peak south of the R304/Elsenburg Road intersection is ~200 veh/h higher than north of the R304/Bottellary Road intersection. The difference in the morning peak hour volumes for the above graphs indicates that ~10% of vehicles travelling north of the R304 from Stellenbosch turn either onto Bottellary Road or Kromme Rhee Road. These vehicles most likely travel towards Kuilsrivier, as there are not many attractions along Kromme Rhee Road and it is mostly residential developments.

The hourly two-way volumes for 2022 along Bottellary Road are provided in **Figure 10**. The morning peak period shows significantly higher volumes compared to the afternoon peak period.

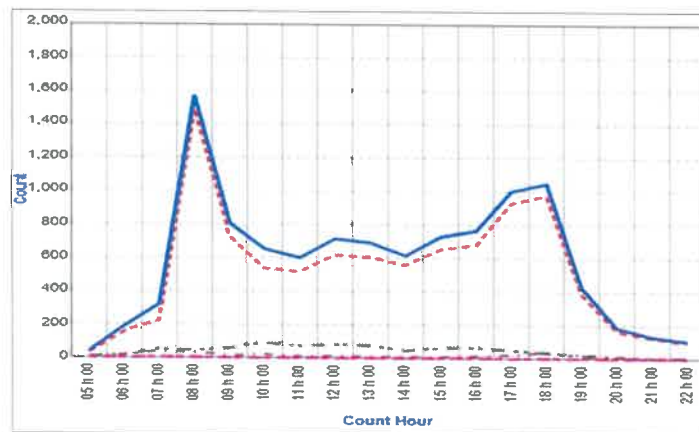


Figure 10: Hourly volumes along Bottellary Road west of the R304/Bottellary Road intersection

The hourly two-way volumes for 2022 along Kromme Rhee Road are provided in **Figure 11**. The volumes along Kromme Rhee Road are ~50% less than the typical hourly volumes along the R304 and Bottellary Road during the morning peak hour.

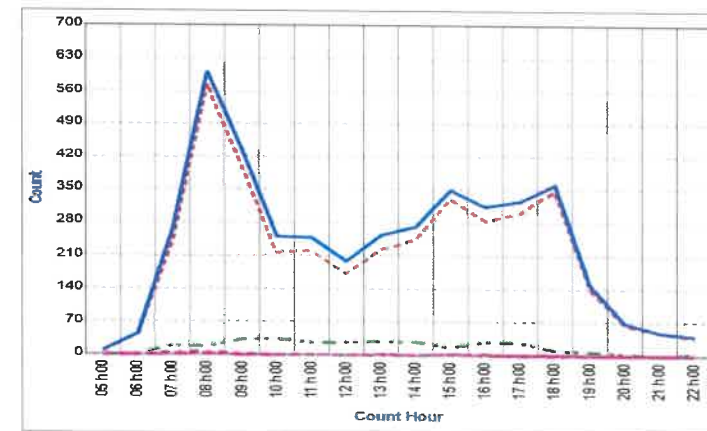


Figure 11: Hourly volumes along Kromme Rhee Road west of the R304/Bottellary Road intersection

The 2022 RNIS data shows typical morning and afternoon traffic peaks along the R304, Bottellary Road, and Kromme Rhee Road, with lower volumes during off-peak periods. Morning peak volumes south of the R304/Elsenburg Road intersection are about 200 veh/h higher than those north of the R304/Bottellary Road intersection, suggesting that around 10% of northbound vehicles from Stellenbosch divert via Bottellary or Kromme Rhee Road—likely towards Kuilsrivier. Bottellary Road have a higher morning peak than afternoon peak, while Kromme Rhee Road carries roughly 50% lower peak-hour volumes compared to the R304 and Bottellary Road during the morning peak.

## 2.2.2 Annual Average Daily Traffic and Growth

Historical traffic data along the R304 and Bottellary Road were obtained from the RNIS to further understand the traffic growth over the years. The location where the station data was collected is at km distance of 53.19 km along the R304 and km distance of 14.71 km along Bottellary Road. Refer to **Figure 7** for the location of the count stations along the R304 and Bottellary Road.

The Annual Average Daily Traffic (AADT) data for the latest 3 years were obtained from the RNIS website, and the growth rate for each road was determined based on the years 2016, 2018 and 2022. Refer to **Table 1** for these growth rates. The growth rates below will be applied in the transport model to represent the growth in regional traffic through the study area.

Table 1: Regional traffic growth rate along the study section

| Road Name    | 2022 AADT                               | AADT Growth Rate |
|--------------|-----------------------------------------|------------------|
| R304 (MR174) | 14 725 (north of MR174/Bottellary Road) | 1.64%            |
|              | 10 359 (north of MR174/Bottellary Road) |                  |



## Bottelary Road (M23)

9 839

1.00%



Figure 12: Regional Growth along R304 and Bottelary Road

Based on RNIS data, an average annual growth rate of 1.64% was determined for the R304 and 1.00% for Bottelary Road. These rates will be applied in the transport model to represent regional traffic growth through the study area.

### 2.2.3 Intersections Counts

Traffic counts were conducted on 31 January 2024 during the morning and afternoon peak periods. The following peak periods were surveyed:

- morning peak period: 06:00-09:00
- afternoon peak period: 16:00-19:00

The study intersections and controls are provided in **Table 2** below, and the locations of the intersections are provided in **Figure 13**.

Table 2: Study Intersections

| Number | Street names                         | Configuration    |
|--------|--------------------------------------|------------------|
| 1      | Bottelary Road/Blumberg Drive        | Roundabout       |
| 2      | R304/Bottelary Road/Kromme Rhee Road | Traffic Signal   |
| 3      | Kromme Rhee Road/Merlot Street       | Priority Control |

4

R304/Caltex Access

Priority Control

Note: All roadways provided above are undivided with one lane per direction with no on-street parking. Some intersections have local widening to accommodate turning lanes and/or additional through lanes.



Figure 13: Traffic Count Locations

The peak hours that were analysed included the following:

- morning peak hour: 06:30-07:30
- afternoon peak hour: 16:15-17:15

The existing lane configurations for the study intersections are provided in **Figure 14**. The existing morning and afternoon peak hour volumes and operations for the study intersections are also provided in **Figure 15**.

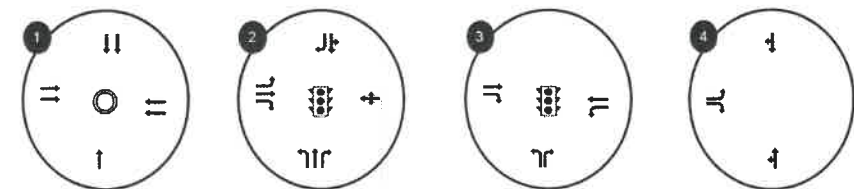


Figure 14: Existing Intersection Configurations and Controls

The critical intersection (R304/Bottelary Road) is experiencing delays during both peak periods, as observed during site visits. The dominant movement for this intersection is the eastbound right turn during the morning peak period and the northbound left turn during the afternoon peak period. Approximately 50% of the traffic travelling eastbound along Bottelary Road during the morning peak hour

turns right towards Stellenbosch, and 25% towards the N1 and the R44 respectively. During the afternoon peak hour, approximately 40% of the traffic travelling from Stellenbosch turns left onto Bottellary Road.

Overall, most of the intersections are currently operating at acceptable conditions except for the R304/Bottellary Road intersection during the morning peak hour.

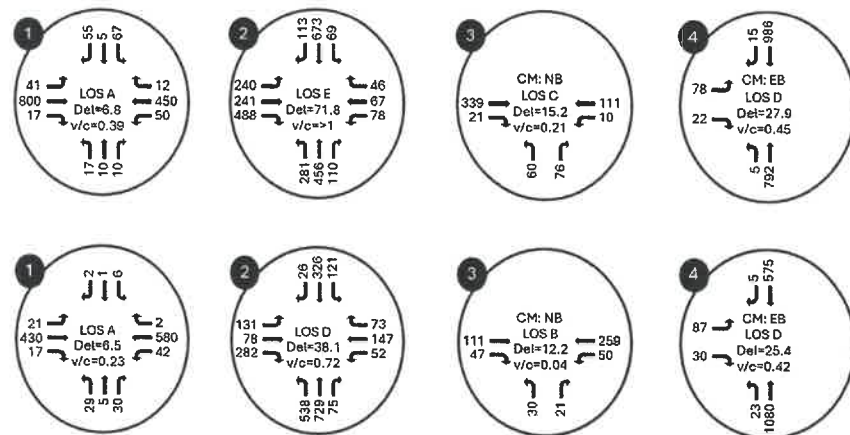


Figure 15: Existing morning and afternoon peak hour volumes and operations

It is noted that the total two-way traffic along the R304 to the north and south of Bottellary Road is approximately 1500 and 2100 vph respectively, and 1 500 vph along Bottellary. This is verified by the RNIS hourly volumes provided in **Figure 8** to **Figure 11**.

## 2.2.4 Public Transport

The Passenger Rail Agency of South Africa (PRASA) provides Metrorail services within the Cape Metropolitan area, including Stellenbosch Municipality (SM), which is served by a branch of the Northern Line. This line includes seven stations within the Stellenbosch Municipality: Lynedoch, Vlorentburg, Stellenbosch (CBD), Du Toit, Koelenhof, Muldersvlei, and Klapmuts, spanning approximately 18 km. Refer to **Figure 16** for the Cape Metro rail map showing this section.



Figure 16: Cape Town Metro Rail Network (Source: PRASA, 2025)

The Koelenhof rail station is located to the west of the Nootgedacht Village development and east of the future Koelenhof Estate. All the future developments within the Koelenhof node are located within a 1.4 km radius of the station.

PRASA classifies its rail lines into three categories—A, B, and C—based on strategic importance and passenger volumes, with Category A lines receiving the highest priority. The Stellenbosch branch is classified as Category C (Stellenbosch Municipality, 2022).

It should be noted that no recent data is available on rail operations or ridership for Stellenbosch. The most recent rail census dates to 2012 and is considered outdated due to the significant decline in Metrorail services in the region. The dualling of the Northern Line through Stellenbosch remains a priority project in PRASA's planning agenda (Stellenbosch Municipality, 2022).

Minibus-taxi (MBT) movements were also surveyed along the study roads. The MBT volumes for the surveyed peak periods for both morning and afternoon peak periods are provided in **Figure 17**. High volumes of MBTs were observed along Bottellary Road and R304 for the eastbound right turn movement and northbound left-turn and through movements.

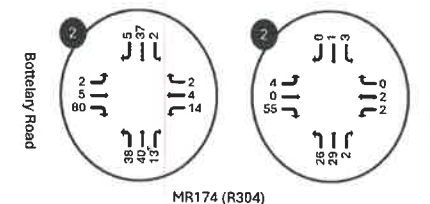


Figure 17: MBT volumes during the morning (left) and afternoon (right) peak hours at the intersection of R304/Bottellary Road/Kromme Rhee Road



## 2.3 Traffic Distribution

The existing developments in the Koelenhof area (Devonbosch and Nootgedacht Village) are two primary land uses that have developed over time. Devonbosch consists mainly of offices (at this stage), and Nootgedacht Village mainly of residential. The current travel patterns of these land uses provide a better understanding of the future travel patterns and how they can change over time if this node develops.

Probe data was utilised to determine the existing traffic distribution within the study area. This data, derived from anonymised GPS and mobile device tracking, provides detailed insights into actual travel patterns and directional flows. By analysing probe data, a more accurate representation of current traffic behaviour across the network was obtained, which forms a critical input for calibrating the base-year transport model.

### 2.3.1 Koelenhof Area

Probe data was obtained for the larger Koelenhof area as well as the existing Devonbosch and Nootgedacht Village development. The Devonbosch probe data represents office trips (attraction trips), and the Nootgedacht Village probe data represents residential trips (production trips). Refer to **Figure 18** for these development areas and the larger Koelenhof area that was used to obtain probe data.



Figure 18: Koelenhof Probe Data Areas

The samples that were obtained from the probe data are provided in **Table 3** and **Table 4**. The data in these tables represent the number of vehicles that were departing and arriving from the identified area. The data was obtained for a whole month and represents all the trips to and from the area during the day.

Table 3: Probe Data for Nootgedacht Village (February 2024)

| To/From      | Departing from Nootgedacht Village | Arriving at Nootgedacht Village | Total        | %           |
|--------------|------------------------------------|---------------------------------|--------------|-------------|
| Bottelary    | 100                                | 125                             | 225          | 11%         |
| R304 (north) | 199                                | 126                             | 325          | 16%         |
| Kromme Rhee  | 505 (402*)                         | 504 (389*)                      | 1 009 (791*) | 49% (39%*)  |
| R304 (south) | 235                                | 252                             | 487          | 24%         |
| <b>Total</b> | <b>1 039</b>                       | <b>1 007</b>                    | <b>2 046</b> | <b>100%</b> |

\* Number of trips to/from Stellenbosch via R44

From the above table, it is evident that the majority of residents use the R44 to travel to/from Stellenbosch. It must be noted that the congestion of the R304 at Kayamandi and Adam Tas Road increases the demand along the R44. Refer to **Figure 19** for the distribution of residential land uses represented on a map.

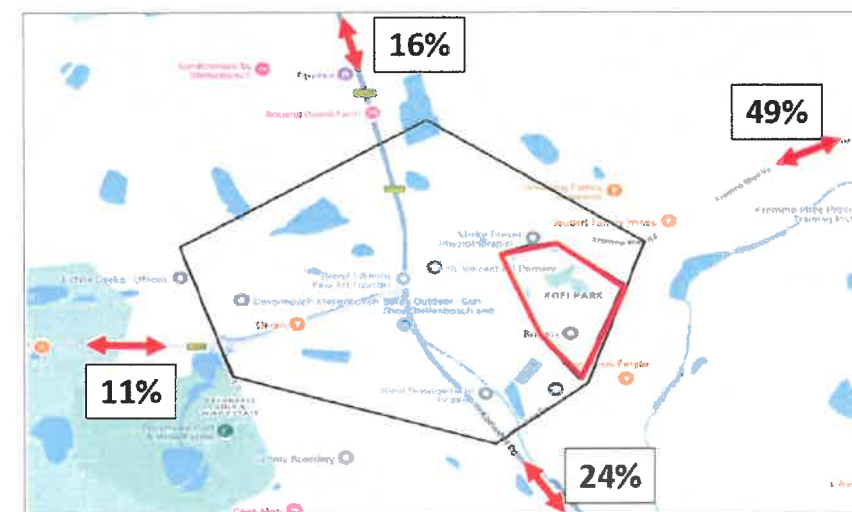


Figure 19: Existing trip distribution for residential land use

The probe data for Devonbosch is provided in **Table 4** and provides the traffic distributions for trips to and from Devonbosch.

Table 4: Probe Data for Devonbosch (February 2020)

| To/From      | Departing from Devonbosch | Arriving at Devonbosch | Total        | %           |
|--------------|---------------------------|------------------------|--------------|-------------|
| Bottelary    | 289                       | 298                    | 587          | 46%         |
| R304 (north) | 148                       | 116                    | 264          | 21%         |
| Kromme Rhee  | 23 (6*)                   | 30 (7*)                | 53 (13*)     | 4% (1%*)    |
| R304 (south) | 168                       | 191                    | 359          | 28%         |
| <b>Total</b> | <b>628</b>                | <b>635</b>             | <b>1 263</b> | <b>100%</b> |

\* Number of trips to/from Stellenbosch via R44

The majority of workers travel from/to Kuilsriver along Bottelary Road. Approximately 1% of trips to/from Devonbosch travel along Kromme Rhee Road towards Stellenbosch. Approximately 28% travel to/from Stellenbosch using the R304. Refer to **Figure 20** for the trip distribution of office land uses represented on a map.

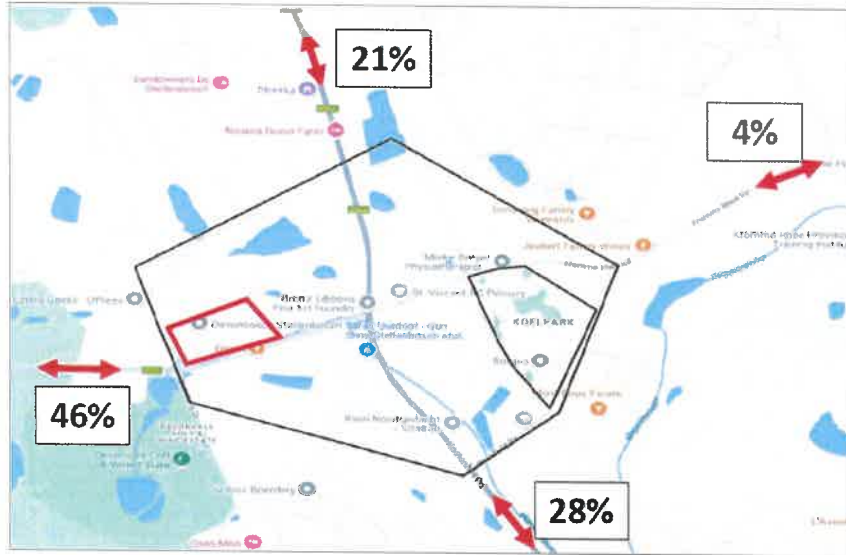


Figure 20: Existing trip distribution for commercial land use

The probe data for the wider Koelenhof area are provided in **Table 5** and provides the traffic distributions for trips to and from the Koelenhof area. This distribution considers a combination of all the different land uses in the Koelenhof area.

Table 5: Probe Data for Koelenhof Area (February 2024)

| To/From      | Departing from Koelenhof Area | Arriving at Koelenhof Area | Total          | %           |
|--------------|-------------------------------|----------------------------|----------------|-------------|
| Bottelary    | 1 068                         | 1 120                      | 2 188          | 21%         |
| R304 (north) | 1 604                         | 1 117                      | 2 721          | 27%         |
| Kromme Rhee  | 771 (511*)                    | 844 (510*)                 | 1 615 (1 021*) | 16% (10%*)  |
| R304 (south) | 1 633                         | 2 062                      | 3 695          | 36%         |
| <b>Total</b> | <b>5 076</b>                  | <b>5 143</b>               | <b>10 219</b>  | <b>100%</b> |

\* Number of trips to/from Stellenbosch via R44

Refer to **Figure 21** for the trip distribution of existing land uses in the larger Koelenhof area. Approximately 48% of trips to/from the Koelenhof area are split between Kuilsriver and the N1 freeway direction.

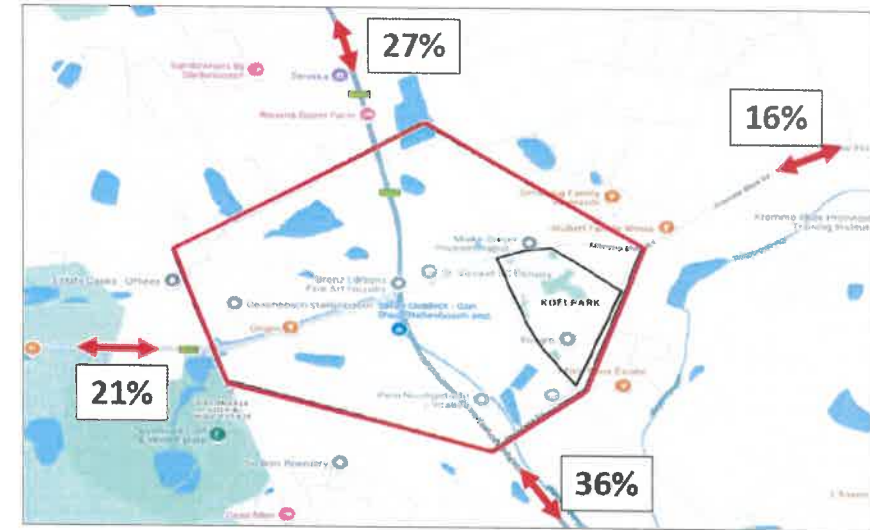


Figure 21: Existing trip distribution for the larger Koelenhof area

### 3 FUTURE DEVELOPMENTS

#### 3.1 Future Road Network

All the study roads are currently one lane per direction. It is planned to dual MR174 (R304) and is currently in the concept design phase, which is undertaken by SMEC. It is ideal that the outcome of this transport master plan study will provide insight into the future cross-section for the MR174 going through the Koelenhof area.

The WCG also indicated the upgrade of Kromme Rhee Road in the near future. It is also suggested to reclassify Kromme Rhee Road to a Class 3. However, this decision should be reconsidered given the assessment of the road network and development proposals presented in this master plan.

#### 3.2 Future Land Uses

The Koelenhof area has experienced significant development activity in recent years, contributing to increased pressure on the surrounding transport network, and Koelenhof was identified by the Stellenbosch Municipality as a high development node. The following key developments include:

- Devonbosch, a large-scale mixed-use precinct comprising residential, commercial, and light industrial components, is positioned to become a major node in the region.
- Koelenbosch is an established residential development offering a mix of housing typologies.
- Koelenhof Estate is a mixed-use development comprising residential, retail and institutional developments.
- Malanshoop, located to the north, will develop into a retirement village.
- Nooitgedacht, located closer to Stellenbosch, is a well-established residential and lifestyle estate that continues to expand with new phases.

Collectively, these developments reflect the transition of the Koelenhof area from predominantly rural land uses to urbanised land use. Refer to **Figure 22** for future developments in the Koelenhof area and the land use extents expected for each precinct of the Koelenhof area. These land uses include the existing school adjacent to Malanshoop and the existing residential/retail adjacent to the Koelenbosch residential development.



Figure 22: Future Land Uses (including existing)

Each development was assessed individually in previous traffic impact assessments, with little consideration given to the potential interaction between land uses across the different quadrants/precincts. The previous assessments assumed that each development would generate internal traffic travelling out of the Koelenhof area and attract traffic from outside the Koelenhof area.

Once the individual assessments were submitted to the Stellenbosch municipality, it was decided that greater integration between land uses could improve overall efficiency and reduce the expected trips that can be generated. For example, if residents could walk to nearby shops or work within the same area, the need for external trips would be reduced. The previous assessments did not account for the various land uses to complement each other. Therefore, the need for a transport master plan was identified.

To further illustrate the need for the various quadrants to complement each other, the attractions and productions per land use and quadrant are summarised in **Figure 23**.

This figure illustrates that quadrants 1 and 2 will generate trips, and quadrants 3 and 4 will attract more trips during the peak hours. This will create the need for travel between the quadrants across the R304, Bottellary Road and Kromme Rhee Road.



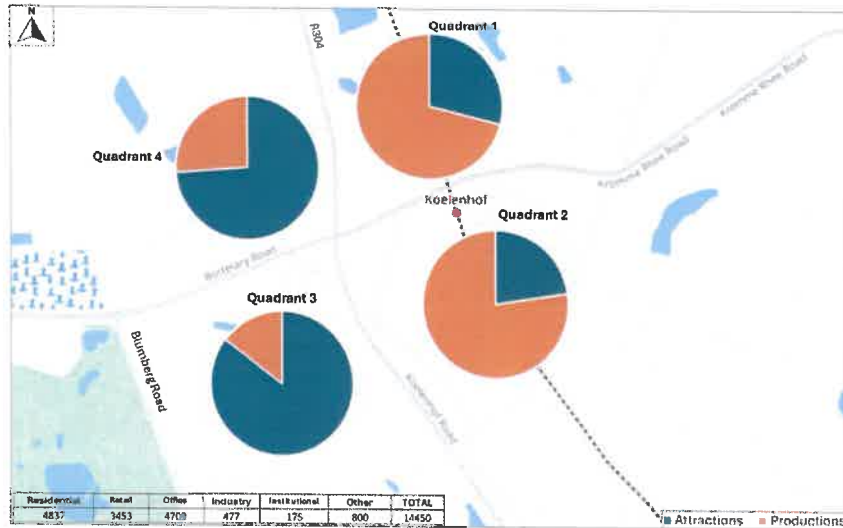


Figure 23: Trip attractions and productions per quadrant for the future Koelenhof Area

### 3.3 Trip Generation

Taking the total land uses per quadrant (provided in **Figure 22**) into account and applying the trip rates as indicated for each land use in the TMH 17, the following trips are expected to be generated by each land use and quadrant for a typical afternoon peak hour:

Table 6: Expected Total Trips for Future Koelenhof Area

| Land Use                        | Extent  | Unit           | Typical Trip Rate | Unit                    | Expected Trips |
|---------------------------------|---------|----------------|-------------------|-------------------------|----------------|
| Residential (units)             | 5 129   | Units          | 0.85-1.00         | per unit                | 4 837          |
| Retail (m <sup>2</sup> )        | 101 557 | m <sup>2</sup> | 3.40              | 100 m <sup>2</sup> /GLA | 3 453          |
| Office (m <sup>2</sup> )        | 313 930 | m <sup>2</sup> | 1.50              | 100 m <sup>2</sup> /GLA | 4 709          |
| Industry (m <sup>2</sup> )      | 95 376  | m <sup>2</sup> | 0.5               | 100 m <sup>2</sup> /GLA | 477            |
| Institutional (m <sup>2</sup> ) | 58 320  | m <sup>2</sup> | 0.3               | 100 m <sup>2</sup> /GLA | 175            |
| Other (m <sup>2</sup> )         | 38 080  | m <sup>2</sup> | 2.10              | 100 m <sup>2</sup> /GLA | 800            |
| TOTAL TRIPS                     |         |                |                   |                         | 14 450         |

The total conventional trips expected for the future Koelenhof Area are 14 450 afternoon peak hour trips. Applying the trip distribution, for the existing land uses as discussed in Section 2.3, it is expected that the total trips distributed along the existing road network will be the following:

Table 7: Expected Trip Distribution with Conventional Methods

|                             | % Distribution for Residential | Total Residential Peak Hour Trips | % Distribution for Commercial/ Other | Total Commercial/ Other Peak Hour Trips | TOTAL |
|-----------------------------|--------------------------------|-----------------------------------|--------------------------------------|-----------------------------------------|-------|
| R304 (Towards N1)           | 16%                            | 774                               | 21%                                  | 2 019                                   | 2 793 |
| R304 (towards Stellenbosch) | 24%                            | 1 161                             | 28%                                  | 2 692                                   | 3 853 |
| Kromme Rhee                 | 49%                            | 2 370                             | 5%                                   | 481                                     | 2 851 |
| Bottelary Road              | 11%                            | 532                               | 46%                                  | 4 422                                   | 4 954 |

The total future trips provided in **Table 7** represent the existing travel patterns for the Koelenhof area, along with the expected future trips that will be distributed along the study roads. It is important to note that the above table represents only the additional trips and doesn't account for the existing trips or regional growth.

According to the FHWA (2017), the typical capacity of a single carriageway is approximately 1,200 vehicles per hour per lane. When placing the projected additional trips into context, it becomes evident that accommodating future demand would require 3 to 4 lanes per direction along the study roads. This is not only impractical from an infrastructure and land-use perspective, but it would also effectively divide the future town into four disconnected quadrants, significantly limiting integration and connectivity between them.

The Koelenhof node will accommodate various land uses in the future and should therefore be analysed as an integrated urban node, rather than as isolated developments with no interaction between land uses. Based on the traffic volumes presented in the previous tables and the expected transport infrastructure required to accommodate these volumes, it is anticipated that this could result in abortive infrastructure. To better understand what a typical trip generation for an urban node would look like, Stellenbosch town was used as a case study.

### 3.4 Stellenbosch Case Study

To gain a better understanding of the typical traffic generated by a town, traffic volumes and patterns for Stellenbosch were analysed. The objective was to observe the typical externally generated traffic volumes during the morning peak hour and to assess how this traffic is distributed across the main access routes into the town of Stellenbosch. The most recent available traffic count data (2024), along with probe data, were utilised to provide greater insight into Stellenbosch's prevailing traffic volumes, route choices, and overall travel patterns. Thereafter, to compare these findings to the expected traffic and travel patterns for the Koelenhof node.

#### 3.4.1 Traffic Volumes

The major transport corridors serving inbound and outbound traffic to and from Stellenbosch were identified for the analysis. The latest available traffic count data was used to assess peak hour traffic volumes along these key routes. The following primary corridors were identified:

- R304 towards Koelenhof
- R44 North towards Klapmuts

- R44 South towards Somerset West
- R310 (Devonvalley)
- R310 (Helshoogte Road)

Refer to **Figure 24** for the location of these counts along the identified corridors.



Figure 24: Traffic count locations for Stellenbosch

Both the morning and afternoon peak hours were analysed, and the volumes for the peak hours are provided in **Table 8**.

Table 8: Peak Hour Volumes In and out of Stellenbosch

| Corridor                   | AM Peak Hour |              | PM Peak Hour |              |
|----------------------------|--------------|--------------|--------------|--------------|
|                            | IN           | OUT          | IN           | OUT          |
| R304                       | 1 368        | 657          | 642          | 1 085        |
| R44 North                  | 1 305        | 679          | 993          | 983          |
| Helshoogte                 | 572          | 653          | 486          | 822          |
| R44 South                  | 1 199        | 1 276        | 1 254        | 1 307        |
| Baden Powell               | 1 325        | 883          | 1 056        | 972          |
| <b>Total</b>               | <b>5 769</b> | <b>4 148</b> | <b>4 431</b> | <b>4 169</b> |
| <b>TOTAL per peak hour</b> | <b>9 917</b> |              | <b>9 600</b> |              |

The above table indicates that approximately 9 900 veh/h are travelling in and out of Stellenbosch during the morning peak hour and 9 600 veh/h in and out during the afternoon peak hour. It is important to note

that the queues into Stellenbosch extend to over an hour, and the above figures are only representative of the hour with the highest volumes into and out of Stellenbosch. It therefore also may not include actual demand due to congested conditions. Refer to the following figures showing the morning and afternoon peak periods indicating that the demand is spread over a 2-hour period. The locations of these counts are at the intersection of R44/R310 representing the northern side of Stellenbosch and the R44/Dorp Street representing the southern side of Stellenbosch.

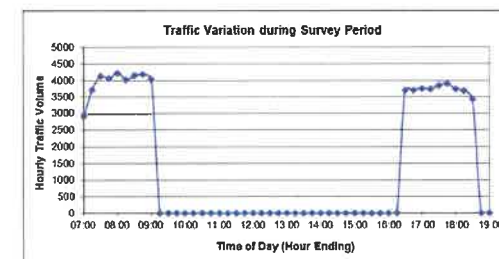


Figure 25: Intersection of R44/R310 Hourly Volumes (February 2024)

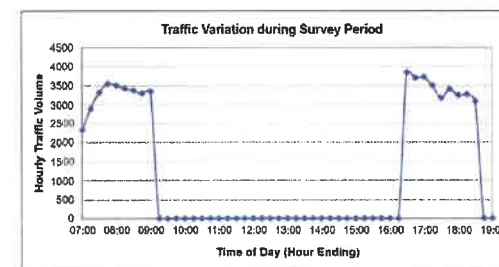


Figure 26: Intersection R44/Dorp Street Hourly Volumes (February 2024)

Comparing the ~9 600 veh/h for Stellenbosch during the afternoon peak hour to the future expected trips for the Koelenhof area, it is expected that Koelenhof will produce more trips during the afternoon peak hour than the town of Stellenbosch. This clearly indicates that one cannot apply the conventional TMH trip generation rates without applying reduction factors and make allowance for internal trips associated with integrated land uses inside the Koelenhof area.

If conventional trip generation methods are applied to the Koelenhof node, they predict a disproportionately high volume of external trips, surpassing those expected for Stellenbosch. This highlights a potential overestimation in applying standard methodologies to the development of an urban node like Koelenhof, where internal trip generation and integration between land uses are likely to be much higher which reduces the external trip generation.



### 3.4.2 Probe Data

Probe data was collected for Stellenbosch town to understand the distribution of trips going in and out of Stellenbosch during the morning and afternoon peak periods. The following times were used for the peak periods:

- Morning Peak Period: 06:00-09:00
- Afternoon Peak Period: 16:00-19:00

Refer to **Figure 27** and **Figure 28** for the trip distribution for Stellenbosch during the morning and afternoon peak periods, respectively.



Figure 27: Probe Data Trip Distribution for Stellenbosch: AM Peak Period Inbound

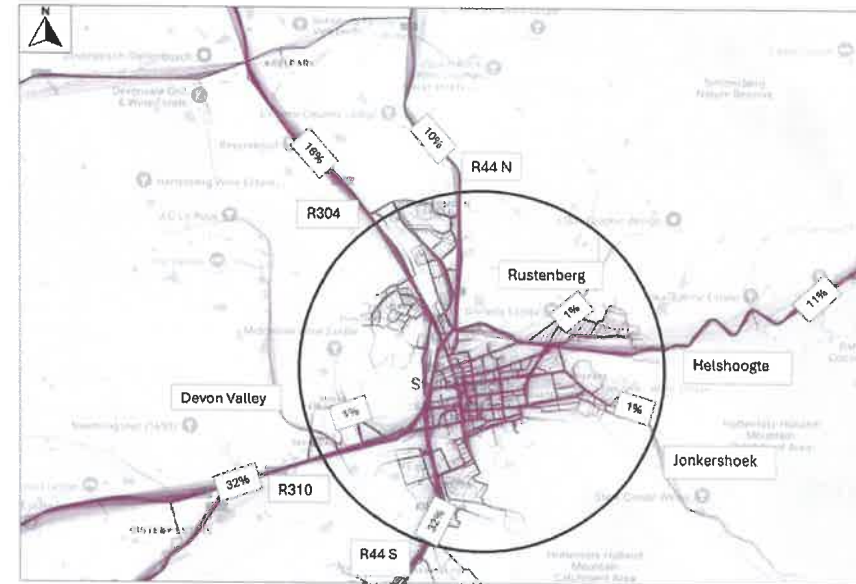


Figure 28: Probe Data Trip Distribution for Stellenbosch: PM Peak Period Inbound

### 3.5 Trip Reduction

Based on the preceding discussion regarding expected future development trips and the comparison with trips generated by Stellenbosch, there is clear justification for applying trip reduction factors to the Koelenhof node. This approach accounts for the likely integration of land uses and internal trip capture, which conventional trip generation methods may otherwise overestimate.

The following trip reduction factors will be discussed and motivated:

- Mixed-use
- Public Transport

#### 3.5.1 Mixed-use reduction

The mixed-use reduction factor accounts for the interaction between different land uses within a development or area that reduces the overall number of external trips. In mixed-use environments—where residential, commercial, institutional, and recreational uses are located in close proximity—many trips can be made internally, either by walking, cycling, or short internal vehicle trips, thereby reducing the reliance on external road networks.

The following can be applied to the Koelenhof area:

- **Intra-Precinct Trip Reduction:** At intra-precinct level, the reduction factor is applied within a single development or node (e.g., Koelenhof or Devonbosch). This assumes a high level of internal trip production and attraction due to the spatial integration of land uses. For example,

residents may live, work, shop, and access services within the same precinct, eliminating the need for external vehicle trips. Trip generation calculations can therefore be adjusted downward by applying mixed-use reduction factors to the trip rates based on the mix and balance of land uses. Refer to **Figure 29** for the graphical representation of intra-precinct connectivity.



Figure 29: Graphical representation of intra-precinct connectivity (Jakupa, 2025)

- **Inter-Precinct Trip Reduction:** At inter-precinct level, the reduction factor can be extended to neighbouring or adjacent precincts where strong functional relationships and connectivity exist. For example, if Koelenhof Estate is designed to complement surrounding precincts through well-connected local streets, shared facilities, and coordinated land use planning, it is reasonable to assume that some trips will be absorbed within this broader network rather than placed on regional roads. This justifies further reductions in projected external trips. Refer to **Figure 30** for the graphical representation of inter-precinct connectivity.



Figure 30: Graphical representation of inter-precinct connectivity (Jakupa, 2025)

In both cases, the successful application of mixed-use reduction factors depends on land use mix, density, connectivity, and transport infrastructure, and should be supported by a contextual assessment rather than rigid application of standard trip generation rates. Refer to **Table 9** for the illustration of the mixed-use reduction factor.

*Table 9: Expected trips with mixed-use reduction factor*

|                                                | Attractions  | Productions  | Total         | % Intra | Reduced       | % Inter | Reduced       |
|------------------------------------------------|--------------|--------------|---------------|---------|---------------|---------|---------------|
| Quadrant 1: North-East<br>- Malanshoop Estate  | 64           | 158          | 222           |         | 188           |         | 160           |
| Quadrant 2: South-East<br>- Koelenhof Estate   | 444          | 1 520        | 1 964         |         | 1 669         |         | 1 419         |
| Quadrant 3: South-West<br>- Koelenbosch Estate | 430          | 74           | 504           | ~15%    | 430           | ~15%    | 365           |
| Quadrant 4: North-West<br>- Devonbosch Estate  | 8 676        | 3 085        | 11 761        |         | 9 996         |         | 8 497         |
| <b>Total</b>                                   | <b>9 613</b> | <b>4 837</b> | <b>14 450</b> |         | <b>12 284</b> |         | <b>10 441</b> |

Balancing trip attractions and productions across the various quadrants indicates that the applied 15% mixed-use reduction factor is a conservative estimate. In reality, a higher proportion of intra-precinct trips is expected once the Koelenhof area is fully developed, due to the proximity and integration of complementary land uses. However, to maintain a conservative approach, a 15% reduction was applied to both intra-precinct and inter-precinct trips. This ensures that trip generation remains conservative while still acknowledging the benefits of a mixed-use, integrated development. Applying these mixed-use factors reduces the expected future trips to ~10 500 veh/h, which is significantly less than the original expected peak hour trips of 14 450 veh/h.

### 3.5.2 Public transport reduction

The public transport reduction factor accounts for the anticipated shift of trips from private vehicles to public transport modes, thereby reducing the projected vehicle trips generated by a development. This factor is especially relevant in areas served by established or planned public transport infrastructure, where residents and commuters have viable alternatives to private car use.

Within the Stellenbosch Municipality, the Passenger Rail Agency of South Africa (PRASA) provides Metrorail services as part of the Cape Metropolitan rail network. The Northern Line branch serving Stellenbosch includes seven stations across approximately 18 km: Lynedoch, Vlorentburg, Stellenbosch (CBD), Du Toit, Koelenhof, Muldersvlei, and Klapmuts (see **Figure 16**). The Koelenhof rail station, located strategically between the Nootgedacht Village development and the future Koelenhof Estate, places all planned developments within the Koelenhof node within a 1.4 km radius of a rail station.

In addition to rail, minibus taxi movements along key study roads such as Bottelary Road and the R304 show substantial usage during peak periods. High volumes were particularly observed on eastbound right-turn and northbound left-turn and through movements, highlighting the importance of this informal yet critical public transport mode in the local travel network (see **Figure 17**).

Given these factors, a public transport reduction factor can be reasonably applied to the trip generation estimates for the Koelenhof node and Stellenbosch urban area. While the availability of rail provides viable alternatives to private car use.

It is important to note that discussions have been held with PRASA, who is aware of the developments surrounding the Koelenhof station and has expressed interest in upgrading the facility to better accommodate future demand in the Koelenhof area.

Based on the potential of rail facilities in the Koelenhof area in the future applying a 15% reduction factor for public transport to the future expected trips provides a total of ~8 900 veh/h for the peak hour after the reduction factor was applied. Refer to **Table 10** for the expected peak hour trips after the reduction factors have been applied.

Table 10: Expected trips with public transport reduction factor included

|                                                      | Attractions  | Productions  | Total         | % Intra | Reduced       | % Inter | Reduced       | % PT | Reduced      |
|------------------------------------------------------|--------------|--------------|---------------|---------|---------------|---------|---------------|------|--------------|
| Quadrant 1:<br>North-East -<br>Malanshoop<br>Estate  | 64           | 158          | 222           | 15%     | 188           | 15%     | 160           | 15%  | 136          |
| Quadrant 2:<br>South-East -<br>Koelenhof<br>Estate   | 444          | 1 520        | 1 964         |         | 1 669         |         | 1 419         |      | 1 206        |
| Quadrant 3:<br>South-West -<br>Koelenbosch<br>Estate | 430          | 74           | 504           |         | 430           |         | 365           |      | 310          |
| Quadrant 4:<br>Northwest -<br>Devonbosch<br>Estate   | 8 676        | 3 085        | 11 761        |         | 9 996         |         | 8 497         |      | 7 222        |
| <b>Total</b>                                         | <b>9 613</b> | <b>4 837</b> | <b>14 450</b> |         | <b>12 284</b> |         | <b>10 441</b> |      | <b>8 875</b> |

Trip reduction factors were applied to account for the integration of land uses within the Koelenhof node and the availability of public transport, both of which are expected to lower external vehicle trip demand compared to conventional estimates. A 15% mixed-use reduction was applied at both intra- and inter-precinct levels to reflect internal trip capture between complementary land uses, reducing the original peak hour trip estimate from 14 450 veh/h to approximately 10 500 veh/h. An additional 15% public transport reduction was applied to account for the proximity of developments to the Koelenhof rail station, planned upgrades to rail facilities, and significant existing minibus taxi usage, further reducing peak hour trips to roughly 8 900 veh/h. These reductions provide a more realistic estimate of future external traffic demand.



## 4 TRANSPORT RESPONSE FOR KOELENHOF

### 4.1 Historical Solution

In response to increasing development pressures and growing traffic demand within the Koelenhof node, a historical solution was previously proposed to address future congestion and protect the long-term mobility function of the MR174 (R304). This solution involved the dualling of the MR174, upgrading the current single carriageway to a dual carriageway, to increase capacity and accommodate the anticipated regional traffic growth. The MR174 serves as a key arterial route linking Stellenbosch to the N1 freeway and surrounding areas, and its continued mobility function was considered a critical design objective.

To mitigate delays at the intersection of R304 (MR174), Bottelary Road (M23), and Kromme Rhee Road, identified as the critical node, an interchange was proposed. This would allow MR174 through traffic to pass uninterrupted above the intersection via a newly constructed bridge. In this concept, all intersecting traffic movements would be routed through an at-grade, roundabout positioned below the elevated MR174. This roundabout would facilitate local circulation and manage access to and from the MR174 via directional ramps. The separation of regional through-traffic from local access traffic was aimed at reducing conflict points, improving safety, and maintaining mobility movement along MR174. Refer to **Figure 31** for the concept of the historical approach to the R304 (MR174)/Bottelary Road intersection.



Figure 31: Historical solution to increase in traffic volumes along the R304 (MR174)

While the proposed infrastructure effectively addressed vehicle throughput along the R304 (MR174), the solution focused heavily on car-based transport and assumed conventional traffic generation patterns, with minimal consideration for future shifts toward public transport or non-motorised modes. It also did not integrate with the now-surrounding land use vision of the Koelenhof area. Given the current emphasis

on public transport investment, shuttle services, and land use integration in the Koelenhof area, this historical solution is now being re-examined. Alternative approaches that support mixed-use trip reduction, rail accessibility, and reduced dependency on private vehicles may prove more contextually appropriate and cost-effective in the long term.

### 4.2 Alternative approach

The Koelenhof node is expected to undergo significant transformation, driven by a combination of existing developments and large-scale future land use applications. In response to the pressures this growth will place on the transport system, a coordinated and holistic transport response is essential. This chapter sets out a forward-thinking strategy aimed at ensuring the long-term sustainability and efficiency of mobility in the Koelenhof area while also maintaining the “hamlet” feel of the Koelenhof area.

The transport response is informed by the cumulative development footprint, expected trip generation patterns, and lessons drawn from comparable towns, such as Stellenbosch. It presents a series of strategic interventions to reduce external trip demand, manage congestion, and improve internal connectivity. Central to this approach is the application of realistic trip reduction factors—such as mixed-use integration and public transport availability—based on the unique characteristics of Koelenhof’s land use and transport context.

This chapter further outlines, on a high level, the proposed upgrades to the road network, enhanced public transport integration (including plans for the Koelenhof Station), and non-motorised transport infrastructure. It aims to balance local access needs with regional mobility objectives while preserving the liveability and connectivity of the future Koelenhof urban node.

The transport response to the objectives for the Koelenhof Transport Master Plan are as follows:

- **Objective 1:** Preserve the mobility function of the R304 (MR174)  
Ensure that this key regional arterial route continues to serve as a high-capacity mobility corridor by limiting interruptions and managing access appropriately.
- **Objective 2:** Reduce overall trip generation and dependence on arterial roads  
Promote the use of alternative modes of transport, particularly rail, by improving accessibility to public transport facilities, thereby reducing private vehicle usage. This is a key objective and all efforts to implement transport solutions pro-actively to support behavioural change must be prioritized.
- **Objective 3:** Develop safe and continuous non-motorised transport (NMT) infrastructure  
Provide dedicated walking and cycling facilities throughout the Koelenhof area to support sustainable and inclusive mobility options. This intervention must also be prioritised to improve the integration between land uses and reduce external trips.
- **Objective 4:** Divert through-traffic away from the Koelenhof centre  
Alleviate congestion within the core development area by re-routing regional and non-local traffic via alternative alignments or bypasses.
- **Objective 5:** Implement a practical funding and phased expenditure approach  
Prioritise spending of Development Contributions (DCs) on municipal and public transport infrastructure first, thereby enhancing sustainable transport options early. Delay capacity upgrades on provincial roads where possible. Encourage developers to contribute by creating

integrated road networks and offering alternative travel choices that align with sustainable transport objectives.

The following sections will explore each objective in detail, outlining the planned strategies to achieve them. This discussion will ultimately lead to the development of a comprehensive alternative proposal for the Koelenhof area.

#### 4.2.1 Objective 1

To preserve the R304's function as a key regional mobility corridor, several important measures must be implemented to prevent future congestion and maintain its long-term efficiency. One important step is to limit direct access along the R304 by restricting the number of intersections. This approach reduces conflict points between vehicles and helps maintain traffic flow.

Another priority is the implementation of bypass roads designed to divert traffic away from the central Koelenhof node. These bypass routes are expected to decrease current traffic volumes on the R304 by about 40%. Moreover, they will intercept approximately 30% of the additional traffic generated by new developments. As a result, this intervention is estimated to reduce vehicle volumes at the critical R304 and Bottelary Road intersection by around 5 000 vehicles during peak hours, significantly improving capacity and reducing delays. Refer to **Figure 32** for the critical ring roads to be constructed to improve capacity through the critical node.

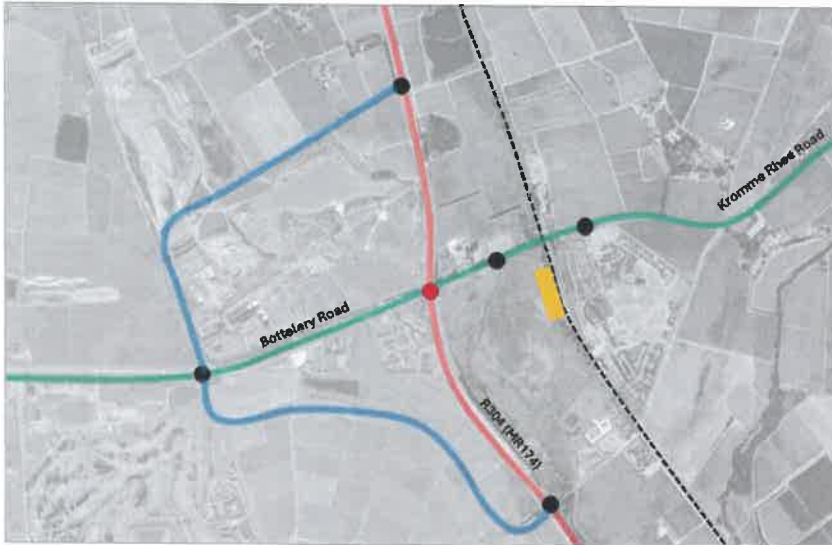


Figure 32: Transport Response 1: Introduce ring roads

#### 4.2.2 Objective 2

Reducing trip generation and dependence on private cars is a crucial strategy for alleviating pressure on the regional road network. This can be achieved by actively encouraging a shift away from private vehicle use towards alternative transport modes.

To counter car dominance, it is essential to promote public and non-motorised transport options. This requires integrated planning and targeted investment in infrastructure that supports these modes, making them more attractive and accessible for everyday travel.

Upgrading and integrating the Koelenhof rail station is a key component of this strategy. By transforming the station into a multimodal hub, it can be better connected to nearby residential, commercial, and institutional areas, facilitating smooth and convenient transfers between different transport modes.

Investing in station accessibility and improving last-mile connectivity is equally important. Enhancements should include better non-motorised transport infrastructure and feeder routes that improve access to both the Koelenhof and Stellenbosch rail stations. Introducing a shuttle service within the Koelenhof area developments will further increase convenience and reliability for rail users. Refer to **Figure 33** for the location of the rail station in relation to the surrounding developments and the important locations where connection to the rail is vital.



Figure 33: Transport Response 2: Improve connection between rail station and quadrants

Given that over 40% of the development-related traffic is destined to or originate from Stellenbosch, improving rail services and accessibility has the potential to significantly reduce road traffic. If only half of these trips were to shift from private cars to rail, it could result in a reduction of approximately 2 500 vehicles per hour at the critical R304/Bottelary intersection during peak periods.



### 4.2.3 Objective 3

Prioritising pedestrian infrastructure and internal mobility is essential to promote a walkable and transit-oriented development in Koelenhof. This approach supports sustainable travel and enhances the overall accessibility of the area.

Seamless pedestrian access between different land uses must be ensured by providing continuous, safe, and direct routes connecting residential, commercial, institutional, and transport nodes within and across precincts. Such connectivity encourages walking as a convenient mode of travel for short trips within the community. Improving pedestrian connectivity to the Koelenhof rail station is also a key priority. This involves creating well-designed pedestrian pathways and safe crossings that allow commuters to access the station comfortably and directly, promoting the use of public transport.



Figure 34: Transport Response 3: NMT infrastructure connecting the developments to the rail station

Minimising at-grade level crossings along the R304 (MR174) corridor is critical for safety and mobility. Implementing grade separations where possible reduces conflicts between pedestrians, vehicles, and trains, thereby preserving the corridor's role as a key regional arterial route. Refer to **Figure 35** for an example of an underpass that is 7-10m wide. This proposal is to reduce the cross-section of Bottelary to create a walkable environment, should the R304 be grade-separated over Bottelary Road.



Figure 35: Example of a 7-10m wide underpass (Source: Transport NSW, June 2023)

Introducing a local shuttle service within the precinct will further support last-mile connectivity. This shuttle can link residents and visitors to the rail station and other important nodes, reducing reliance on private cars for short trips and improving overall transit convenience. In fact, the development extent of the node would justify a full public transport system that can serve local trips and trips to external nodes.

Encouraging modal shifts, traffic volumes on arterial roads such as Bottelary Road and the R304 will decrease significantly. This reduction will delay the need to dual Bottelary Road and enable a more compact, context-sensitive road design that better fits the local environment.

### 4.2.4 Objective 4

To protect the mobility function of the R304 (MR174) and accommodate future traffic demand, a phased approach is proposed to divert through-traffic and upgrade intersections. This strategy balances immediate needs with long-term infrastructure planning to maintain efficient traffic flow.

Grade separation, involving the construction of overpasses or underpasses, is planned as a final phase of this approach. Such infrastructure will only be necessary if improvements in public transport—such as enhanced rail and shuttle services—do not sufficiently shift travel demand away from private vehicles. By implementing grade separation of the R304 over Bottelary Road, the option to introduce two additional traffic signals is created. However, the addition of signalised intersections along the R304 could compromise Objective 1, the mobility along the R304, and would be counterintuitive to spend capital costs on a bridge.

The necessity for grade separation will be evaluated based on the success of public transport upgrades. If the rail station improvements and shuttle services effectively capture a large portion of trips to and from Stellenbosch, grade separation may become unnecessary, thereby avoiding costly capital expenditures.

The phasing plan must be designed in such a way that it does not preclude or restrict the implementation of any future transport solutions. This ensures that interim interventions remain flexible and adaptable, allowing for the integration of long-term infrastructure upgrades—such as grade separation, public transport enhancements, or additional capacity improvements—should they become necessary over time.

Furthermore, the completion of a double ring road network, system of bypass routes, will reduce traffic volumes on both the R304 and Bottelary Road by about 1,000 vehicles per hour. This reduction will mitigate congestion at the critical intersection and throughout the Koelenhof area, contributing to safer traffic conditions and less delays along the R304. Refer to **Figure 36** for the schematic of the internal ring road that will further reduce the vehicles along the R304. It is recommended that these new intersections be either priority- controlled or left-in/left-out to sustain the mobility of the R304.

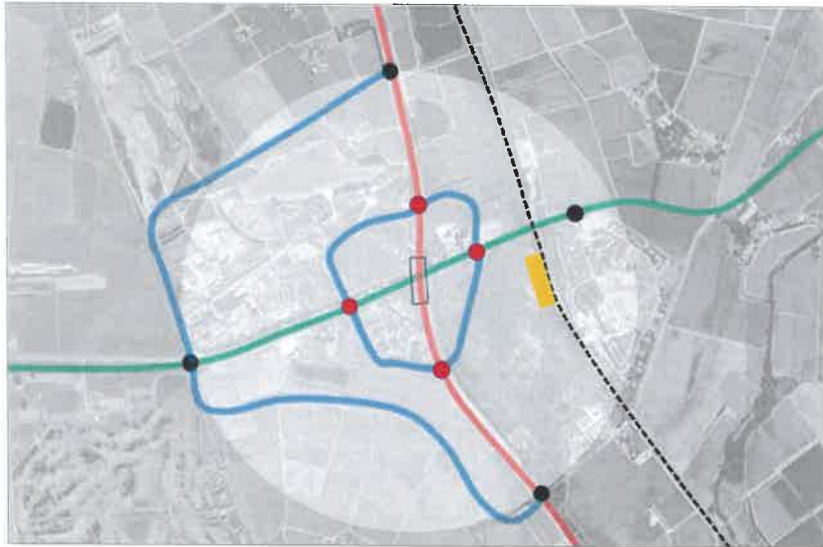


Figure 36: Transport Response 5 - Schematic for the internal ring road system

#### 4.2.5 Objective 5

A strategic and phased approach to funding is crucial to optimising the use of available resources and achieving long-term transport goals. Prioritising Development Charges (DCs) for investment in municipal and public transport infrastructure, such as upgrading local roads, enhancing the Koelenhof rail station, improving non-motorised transport (NMT) facilities, and implementing shuttle services, ensures that initial funds deliver immediate benefits within the local transport network. This approach encourages a modal shift away from private vehicles towards more sustainable travel options. This is an essential approach to the achieve the objectives of the transport master plan.

Delaying major capacity upgrades on provincial roads, such as widening arterials, prevents premature expenditure on costly infrastructure that may induce additional traffic demand. Instead, focusing first on enhancing public transport and active travel infrastructure makes transport investments more cost-effective and sustainable.

In addition, requiring developers to contribute to the creation of an integrated internal road network, designed to support diverse and alternative travel modes, further strengthens connectivity and accessibility within Koelenhof. This coordinated investment and planning framework reduces traffic

congestion on key regional routes like the R304 and Bottelary Road, supports a reduction in car dependency, and fosters a safer, more inclusive mobility environment.

## 5 TRANSPORT PROJECT PHASING AND COSTS

### 5.1 Estimated Construction Costs

The construction costs for all major transport-related infrastructure projects have been estimated based on unit rates (i.e. high-level calculations). The costs include professional fees and exclude VAT. A summary of the projects and cost estimates is presented in **Table 11**.

Table 11: Cost Estimates

| Trigger | Upgrade                                         | AUTHORITY | Construction Cost    |
|---------|-------------------------------------------------|-----------|----------------------|
| 1       | EA LT and RT lanes                              | WCG       | R 2 350 000          |
| 2       | NA through + Acceptance lanes                   | WCG       | R 4 380 000          |
| 3       | Upgrade rail station (Koelenhof & Stellenbosch) | PRASA PPP | R 10 000 000         |
| 4       | NMT network                                     | SM        | R 5 000 000          |
| 5       | Implement Southern By-pass                      | SM        | R 66 734 728         |
| 6       | Implement northern by-pass                      | SM        | R 111 168 574        |
| 7       | Dedicate RT lane EA                             | WCG       | R 2 000 000          |
| 8       | Dedicate RT lane SA                             | WCG       | R 2 000 000          |
| 9       | Roundabout at Koelenhof Estate                  | Dev       | R 10 000 000         |
| 10      | Traffic Signal At Nooitgedacht                  | Dev       | R 5 000 000          |
| 11      | Traffic signal at Devonvale Roundabout          | WCG       | R 5 000 000          |
|         |                                                 |           | <b>R 223 633 303</b> |

Not all projects are within the jurisdiction of the Stellenbosch Municipality. Table YY summarises the apportionment of transport project costs for various authorities.

Table 12: Estimate of Transport Project Costs for Various Authorities

| Authority                 | Estimated Costs      | %   |
|---------------------------|----------------------|-----|
| Developers                | R 15 000 000         | 7%  |
| PRASA PPP                 | R 10 000 000         | 4%  |
| Stellenbosch Municipality | R 182 903 303        | 82% |
| Western Cape Government   | R 15 730 000         | 7%  |
| <b>Grand Total</b>        | <b>R 223 633 303</b> |     |

It is clear from the table that more than 80% of the transport-related projects are municipal and can be constructed from Development Charge funding.

### 5.2 Development Charges (DCs)

An estimation of the DCs was done based on the provided future land uses (refer to **Table 6**). The DCs are calculated on 2025/26 tariffs and exclude VAT. The DCs, as summarised in **Table 13**, are for the Roads and Stormwater engineering components only.

Table 13: Development Charges per Development

| Development             | Development Charges |
|-------------------------|---------------------|
| <b>Malanshoop</b>       | <b>R 8 105 850</b>  |
| <b>Koelenhof Estate</b> | <b>R 26 290 019</b> |

|                     |                      |
|---------------------|----------------------|
| <b>Nooitgedacht</b> | <b>R 18 013 000</b>  |
| <b>Koelenbosch</b>  | <b>R 1 008 728</b>   |
| <b>Devonbosch</b>   | <b>R 313 684 629</b> |

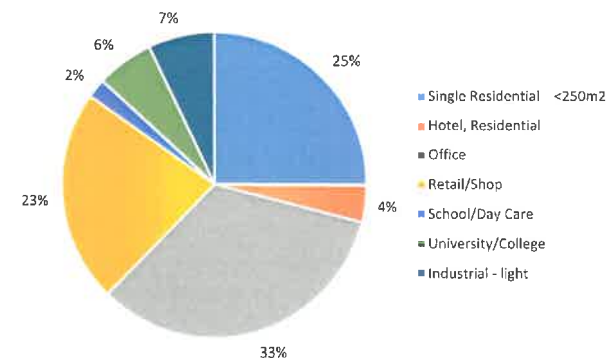


Figure 37: Summary of Land Uses DCs are based on

A total of approximately R367 million of DCs is estimated to be generated by the proposed developments. The Devonbosch development will generate more than 85% of the total expected DCs, refer to **Figure 38**.

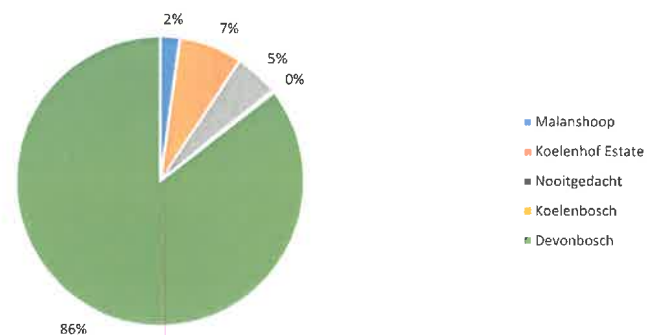


Figure 38: Development Charges Contribution by Development

It is concluded that the estimated DCs exceed the estimated construction value of all projects, excluding any grade-separation.



### 5.3 Phasing Recommendations

The implementation of transport infrastructure in the Koelenhof area is structured into 11 phases, each linked to cumulative trip thresholds. This phased approach ensures that capacity upgrades and modal interventions are aligned with actual development-generated demand. The phasing is selected with the following objectives in mind:

- Invest in NMT and public transport initiatives first to reduce overall external travel demands,
- Invest in NMT and integration between land uses to reduce overall external travel demands,
- Start to plan, design and implement the by-pass routes as soon as possible to limit any abortive upgrades of the R304/Bottelary intersection,
- Upgrade the R304/Bottelary intersection with upgrades that will not be abortive once the by-pass routes are constructed,
- Monitor the trip generation of the node to confirm assumptions of integration and external reductions.

#### 5.3.1 Methodology

The total expected construction values were divided by the total expected peak hour trips for the full development to calculate a unit rate (R/trip). The cost of each transport project was divided by the unit rate to determine the number of trips to be generated to establish triggers.

Refer to the table below for the proposed upgrades/phasing along with the proposed construction costs and total trips that will trigger the upgrades.

Table 14: Proposed Phasing/Upgrades

| Trigger | Upgrade                                                         | AUTHORITY | Construction Cost | Trips | Trigger Cumm. Trips |
|---------|-----------------------------------------------------------------|-----------|-------------------|-------|---------------------|
| 1       | EA LT and RT lanes (included in Devonbosch approval)            | WCG       | R 2 350 000       | 200   | 200                 |
| 2       | NA through + Acceptance lanes (included in Devonbosch approval) | WCG       | R 4 380 000       | 300   | 500                 |
| 3       | Upgrade rail station (Koelenhof & Stellenbosch)                 | PRASA PPP | R 10 000 000.00   | 250   | 750                 |
| 4       | NMT network                                                     | SM        | R 4 400 000       | 300   | 1050                |
| 5       | Implement Southern By-pass                                      | SM        | R 66 734 728      | 4500  | 5550                |
| 6       | Implement Northern by-pass                                      | SM        | R 111 168 574     | 7450  | 13000               |
| 7       | Dedicate RT lane EA                                             | WCG       | R 2 000 000       | 150   | 13150               |
| 8       | Dedicate RT lane SA                                             | WCG       | R 2 000 000       | 150   | 13300               |
| 9       | Roundabout at Koelenhof Estate                                  | Dev       | R 10 000 000      | 700   | 14000               |
| 10      | Traffic Signal At Nooitgedacht                                  | Dev       | R 5 000 000       | 350   | 14350               |
| 11      | Traffic signal at Devonvale Roundabout                          | WCG       | R 5 000 000       | 350   | 14700               |
|         |                                                                 |           | R 223 633 303     |       |                     |

Triggers 9 to 11 will be development dependent and could be triggered earlier. The sequence of triggers must be monitored and can be amended as developments within the node progress.

#### 5.3.2 Proposed 10-year roll-out

The first 10-year development programme for the Koelenhof area (2026–2035) is expected to generate approximately 5 600 peak-hour trips, representing around 38% of the ultimate build-out demand. Refer to **Table 15** for the proposed 10-year rollout.

Table 15: Proposed 10-year roll-out that includes Combined Devonbosch Precinct A, Malanshoop, Koelenhof Estate

| Year of Occupation | Residential<br>(Units) | Retail<br>(Floor Area - m <sup>2</sup> ) | Office<br>(Floor Area - m <sup>2</sup> ) | Warehouse/<br>Industrial<br>(Floor Area - m <sup>2</sup> ) | Institutional<br>(Floor Area - m <sup>2</sup> ) | Other<br>(Floor Area - m <sup>2</sup> ) | Peak Hour Trips | Cumm. Peak Hour Trips |
|--------------------|------------------------|------------------------------------------|------------------------------------------|------------------------------------------------------------|-------------------------------------------------|-----------------------------------------|-----------------|-----------------------|
| 2026               |                        | 128                                      |                                          |                                                            |                                                 | 1206                                    | 30              | 30                    |
| 2027               | 17                     | 2738                                     | 18926                                    |                                                            | 8750                                            |                                         | 1094            | 1124                  |
| 2028               | 226                    | 3343                                     | 11000                                    |                                                            |                                                 |                                         | 505             | 1628                  |
| 2029               | 290                    | 10605                                    | 8000                                     | 1008                                                       | 2500                                            |                                         | 976             | 2604                  |
| 2030               | 310                    | 20000                                    | 10800                                    |                                                            |                                                 | 12334                                   | 1411            | 4015                  |
| 2031               | 150                    | 5000                                     | 10000                                    |                                                            |                                                 | 2200                                    | 516             | 4531                  |
| 2032               | 250                    | 2000                                     | 10000                                    |                                                            |                                                 |                                         | 468             | 4999                  |
| 2035               | 324                    | 1736                                     | 16329                                    |                                                            |                                                 |                                         | 628             | 5627                  |
| <b>TOTAL</b>       | <b>1587</b>            | <b>45550</b>                             | <b>85055</b>                             | <b>1008</b>                                                | <b>11250</b>                                    | <b>15740</b>                            | <b>5627</b>     |                       |

It will be difficult to accurately estimate the horizon years when the full Koelenhof node will be developed and the exact lane configurations at each signalised intersection. It is therefore recommended that the first 10-year horizon be assessed to guide capacity improvements. The TIA must be updated accordingly over time to establish or confirm the next roll-out of infrastructure.

The transport triggers outlined in Section 5.3.1. are therefore aligned with these trip thresholds to ensure capacity and accessibility are provided as required:

- 2026 – 2027 (±1 130 trips): Development is minimal, with only limited retail and other uses. No major road upgrades are required at this stage, and the existing network can accommodate the demand. Implement triggers 1 and 2, which are already conditions of approval of the current phases of Devonbosch.
- 2028–2029 (±2 600 cumulative trips): Residential and office development continues, with further increases in trip generation. At this stage, the demand approaches the threshold for Trigger 3, which includes upgrades to the Koelenhof and Stellenbosch rail stations (PRASA), and Trigger 4, which involves the roll-out of a local NMT network by Stellenbosch Municipality. These interventions encourage modal shift, reduce private vehicle reliance, and support sustainable travel patterns.
- 2030 (±4 000 cumulative trips): Significant residential, retail, and office development occurs, driving an increase in traffic volumes. At this point, the combined demand exceeds 4 000 trips, meaning both the rail and NMT interventions must already be in place. Planning should also commence for the Trigger 5 Southern Bypass, as it is triggered at ±5 500 trips, which is expected within the following five years.

- 2031–2032 (±5 000 cumulative trips): Moderate growth continues, reinforcing the need for operational improvements already delivered in Phases 1–4. The network remains functional but under increasing strain, confirming the importance of proceeding with bypass planning.
- 2035 (±5 600 cumulative trips): The cumulative trips surpass the 5 500 threshold, triggering the implementation of the Southern Bypass (Trigger 5) by Stellenbosch Municipality. This marks the first major reconfiguration of the road network, diverting through-traffic from the Koelenhof node and preserving local accessibility.
- The northern by-pass will be constructed with the development of Devonbosch over time.
- The order of the transport projects can and should be changed in accordance with actual development applications.

## 6 CONCLUSIONS

### 6.1 Summary

The transport response for Koelenhof must evolve beyond the traditional car-centric solutions of the past to effectively manage the transport pressures of significant future growth. While the historical proposal of dualling the MR174 and constructing a grade-separated interchange addressed capacity and safety concerns at the critical node, it did not sufficiently consider sustainable mobility principles or the integration of public transport and non-motorised modes. It also did not consider the future urban development of the Koelenhof node.

The alternative approach presented in this report offers a more holistic and forward-looking strategy. By preserving the R304's role as a regional mobility corridor through managed access and bypasses, promoting modal shift through rail station upgrades and shuttle services, and enhancing pedestrian and cycling connectivity, the plan supports a sustainable, transit-oriented development model. Managing vehicle speeds and diverting through traffic via phased infrastructure improvements through the developments further contributes to safer and more efficient road operations.

Importantly, this approach is flexible, allowing for future infrastructure interventions like grade separation only if public transport initiatives do not achieve the intended trip reductions. The integration of land use and transport planning ensures that Koelenhof can grow in a way that balances regional mobility needs with local liveability and accessibility. Refer to **Figure 39** for the development framework for the Koelenhof Node.

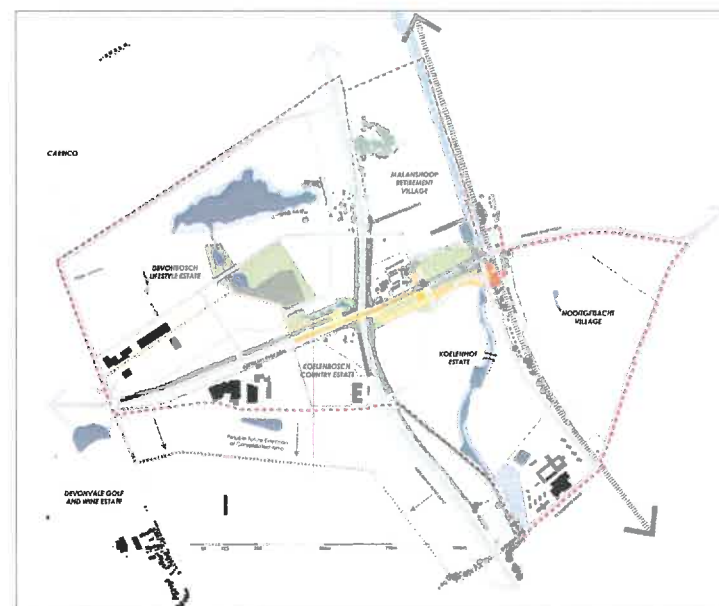


Figure 39: Future Koelenhof node with ring roads, and connectivity between precincts (Jakupa, 2025)



The proposed transport strategy for Koelenhof is structured around five key objectives that aim to balance regional mobility needs with local accessibility, sustainability, and safety. Each objective is supported by targeted interventions that respond to the area's unique development pressures and transport context. The table below provides a summary of these objectives and outlines how each is addressed through the proposed measures:

Table 16: Summary of objectives, how the objectives are planned to be achieved and the results of each objective

| OBJECTIVE                                                                 | HOW IT IS MET                                                                                                                                                                                                                                                                                                         | RESULT                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Preserve the mobility function of the R304 (MR174)</b>              | By limiting direct access to the R304, the main arterial function is maintained. The construction of bypass roads diverts significant traffic volumes away from the central node, preserving capacity and reducing congestion.                                                                                        | The proposed bypass routes are expected to accommodate approximately 5 000 vehicles per hour, effectively extending the capacity of the critical intersection and alleviating congestion along the R304 corridor.                                                                   |
| <b>2. Reduce overall trip generation and dependence on arterial roads</b> | Investments in the Koelenhof and Stellenbosch rail stations, introduction of public transport services, and improved accessibility promote a shift from private vehicle use to public transport. This reduces car dependency and alleviates pressure on the arterial network, particularly at critical intersections. | A shift from private vehicle use to rail transport, with more than 2 500 vehicles per hour anticipated to be accommodated by rail during peak hours towards Stellenbosch will significantly reduce traffic volumes at the critical R304/Bottelary Road intersection.                |
| <b>3. Develop safe and continuous NMT infrastructure</b>                  | Dedicated pedestrian and cycling routes connect land uses and transport nodes, enabling safe non-motorised travel. Pedestrian access to the rail station and minimised at-grade crossings along the R304 enhance walkability and reduce conflicts with vehicles.                                                      | The result is a measurable change in travel behaviour, with more commuters opting for public transport, particularly rail, instead of private vehicles, leading to reduced congestion, improved network efficiency, and a more sustainable transport system for the Koelenhof area. |
| <b>5. Divert through traffic away from the Koelenhof centre</b>           | A phased bypass and double ring road network divert regional traffic from the town centre. This not only reduces congestion but also supports local access and pedestrian activity. Grade separation remains a long-term option, should public transport not shift sufficient volumes off the road.                   | Traffic volumes within Koelenhof's central area will decrease significantly, improving local access and pedestrian safety. The reduced congestion enhances the liveability of the town centre while maintaining the flow of regional traffic on alternative routes.                 |
| <b>6. Implement a practical funding and phased expenditure approach</b>   | Prioritise the use of Development Charges (DCs) to fund municipal and public transport infrastructure improvements first—such as upgrading local roads, enhancing rail stations,                                                                                                                                      | This phased funding strategy optimises resource allocation, delivers immediate benefits in local mobility and accessibility, and delays costly road expansions. It                                                                                                                  |

|                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| developing NMT facilities, and implementing shuttle services—before committing resources to major provincial road capacity upgrades. Developers contribute to the creation of an integrated internal road network and support infrastructure encouraging alternative travel modes. | reduces induced demand, lowers overall transport costs, and supports a sustainable, integrated transport system that aligns with long-term growth and liveability goals for Koelenhof. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

It is also concluded that the DCs will exceed the total construction value of the transport projects. Therefore, the development over time and the associated trip generation will be able to fund the preferred option of transport projects.

**If the reduction in the estimated trip generation does not realise through the investment in rail and NMT infrastructure, the future grade separation of the R304/Bottelary intersection can still be implemented with minimal abortive costs over time. Both the proposal of only grade-separating the R304 over Bottelary Road without any ramps or the initial roundabout interchange can be implemented in future.**

## 6.2 Recommendations

The conclusions of this study indicate that accommodating the forecasted growth in Koelenhof requires a transport approach that integrates land use planning with multimodal mobility solutions, rather than relying solely on conventional road capacity expansion. The recommendations outlined below are informed by an assessment of current and projected traffic volumes, anticipated development patterns, and the operational constraints of the regional network. They are designed to preserve the R304's strategic mobility function, facilitate modal shift through targeted public transport and NMT investments, and phase infrastructure delivery in a manner that avoids abortive expenditure. Collectively, these measures provide a framework for guiding infrastructure planning, funding allocation, and implementation sequencing in support of Koelenhof's long-term mobility and urban development objectives. The following are recommended:

- **Utilise Development Charges on public transport and non-motorised transport infrastructure:** Leverage Development Charges to fund municipal and public transport improvements. Ensure that developers contribute to an integrated road and transport network that supports alternative modes, reducing long-term reliance on expensive provincial road projects.
- **Preserve the R304's Regional Mobility Function:** Implement strict access management on the R304 to maintain its primary arterial role. Construct bypass roads to divert through traffic. This will protect corridor capacity and reduce congestion at the Koelenhof node.
- **Promote a Shift from Private Vehicles to Public Transport:** Invest in upgrading Koelenhof and Stellenbosch rail stations, enhance service reliability, and introduce feeder/shuttle services to

connect residential areas to public transport hubs. These measures should aim to capture significant peak-hour demand, particularly for trips towards Stellenbosch.

- **Develop Safe and Continuous NMT Infrastructure:** Prioritise dedicated pedestrian and cycling facilities that link residential, commercial, and public transport areas. Improve pedestrian access to rail stations, and ensure infrastructure design supports safety, accessibility, and year-round usability.
- **Monitor and Adjust the Strategy Over Time:** Establish a monitoring framework to track public transport uptake, traffic patterns, and land use integration outcomes. Use this data to adjust phasing, funding priorities, and project designs to ensure alignment with Koelenhof's growth, mobility, and liveability objectives.

It is further recommended that the following approach for implementation of transport projects be adopted:

- Invest in NMT and public transport initiatives first to reduce overall external travel demands,
- Invest in NMT and integration between land uses to reduce overall external travel demands,
- Start to plan, design and implement the by-pass routes as soon as possible to limit any abortive upgrades of the R304/Bottelary intersection,
- Upgrade the R304/Bottelary intersection with upgrades that will not be abortive once the by-pass routes are constructed,
- Monitor the trip generation of the node to confirm assumptions of integration and external reductions,
- Road authorities agree to the financing options for the implementation of the recommended transport projects.

The following transport projects must be implemented over time to accommodate the growth of the Koelenhof node:

- East Approach: Left turn and right turn lanes (included in Devonbosch approval)
- North Approach: Through Lanes and Acceptance lanes (included in Devonbosch approval)
- Upgrade rail station (Koelenhof & Stellenbosch)
- Non-motorised network
- Implement Southern By-pass
- Implement Northern By-pass
- East Approach: Dedicate the right turn lane
- South Approach: Dedicate right turn lane
- Roundabout at Koelenhof Estate
- Traffic Signal At Nooitgedacht
- Traffic signal at Devonsvale Roundabout

## 7 REFERENCES

1. Stellenbosch Municipality Roads Master Plan, WSP, October 2022
2. Pedestrian Underpass Design Guideline, Transport for NSW, June 2023

## **ANNEXURE F**

### **URBAN DESIGN FRAMEWORK**





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# KOELENHOF

## Stellenbosch Farms

### DEVELOPMENT FRAMEWORK REPORT

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25/06/2025

# the team

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## CONCLUSION

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## INTRODUCTION AND OUR BRIEF

Koelenhof is an emerging neighbourhood and activity node located along primary arterial roads in the Stellenbosch farmlands. The node is currently undergoing significant pressure to develop.

A number of development proposals have therefore been submitted to the municipality for approval. Many of these have been put on hold. Jakupa was appointed to provide urban design services to establish a coherent urban design vision for the whole neighbourhood. The process endeavours to unpack the neighbourhood's character and development potential that could produce a coherent neighbourhood with great spatial quality and performance.

The extent of the study area is defined as the neighbourhood known as Koelenhof, straddling the intersection of Koelenhof Road (R304) and Bottellary Road. The future development will be largely residential in character, including retail and offices. The area includes a church and primary school, a garage and train station.

The nature of the developments under consideration tends to replicate the status quo and it is the ambition of this report to shift the pattern of development and bring spatial coherence across the divergent development parcels.

Through the identification of contextually appropriate design principles and guidelines, the Urban Design Framework Document intends ultimately to put good urban design principles into practice, making evident the Stellenbosch Municipality's intentions of making great places in an evolving built environment.

A context analysis will be undertaken to critically examine the site and its surroundings in order to uncover informants that will be used later to establish a set of design principles and guidelines in response. This analysis will also be used to formulate a series of Design Strategies for the area as a whole as well as various parts of the site.

The analysis will aid us in constructing a contextually appropriate structure plan that responds strategically to the needs of the site and the client with development that supports the genius loci of this context and the creation of a sustainable neighbourhood.



figure 1  
Location of Koelenhof in relationship to Cape Town and Stellenbosch

## INTRODUCTION

### METHODOLOGY

#### BIAS FOR A DESIGN BASED METHOD

Design and, more so, urban design is an iterative design led process. Requiring the testing of urban design principles and ideals against often competing, pragmatic and feasibility constraints. As such, a process of negotiation, where principles, trade-offs and mitigation drives the final outcome, is necessary and ultimately desirable. Jakupa values a collaborative approach. This work has evolved from a process of ongoing collegial collaboration and cooperation.

Our method is a structured planning approach opposed to a master planning approach. The intent of which is to ensure that the minimum amount of strategic interventions are identified to unlock the maximum amount of benefits and opportunities on any given site.

#### OUR PROCESS

The foundation of our methodology is to produce active documents that results in developable actions. Key to the ability to influence development decisions is the view that we are not the final decision maker in the making of rich and vibrant environments. Meaningful public environments have to be layered by many hands over time as economic and socio-political changes shape the making of cities.

Iteration of refining the making of public space over time by many people has the potential to produce places that reflect the culture of its people that are layered and nuanced and where the immediate outcomes may not be predictable but has a great potential of becoming a vibrant and exciting place that reflects its context in time and place.



Figure 2  
Map of Koelenhof and Road network throughout Stellenbosch Farms.

## INTRODUCTION

### PURPOSE

#### PURPOSE OF THIS DOCUMENT

The primary role of this document is to record a set of design principles that largely emerged from a series of design charrettes. The neighbourhood design problem is interpreted as the attempt to find the balance between compact and vibrant urban environments and the pragmatic demands of the context and what is feasible to aid development.

#### The purpose of this document is to:

- develop a spatial set of principles and a rationale for the way in which the neighbourhood could transform over time;
- be used as a tool to negotiate and guide the various actors in the development process as the various proposals are processed by the Municipality, property owners, their professional teams and development partners that responds to the generally accepted urban design principles;
- be used as a tool for the authorities to measure the development proposals

The document also intends to support the making of memorable places that reflects the culture and identity of its people, place and time. It supports a positive and legible urban structure that is integrated into the neighbourhood's "found potential". It argues for an improved spatial quality of the public realm and promotes the creation of safe and vibrant places. It makes room for social and economic opportunities that are accessible and diverse.

To this end we've negotiated the enclosed set of principles and guides which was developed through a series of design charrettes with the developers currently proposing developments in the neighbourhood. Through consultation and negotiation, the proposals were analysed and developed to produce adjusted proposals.

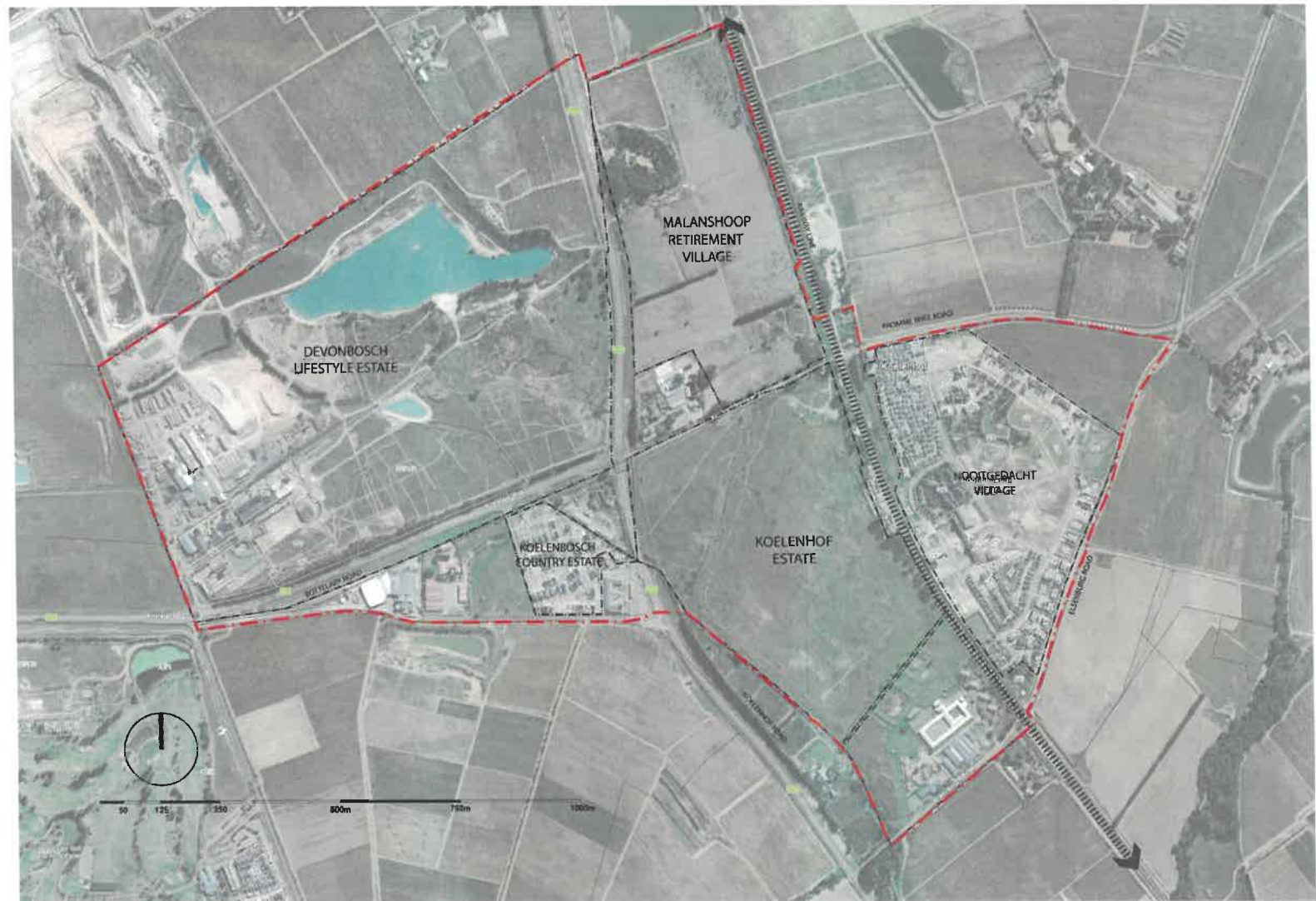


Figure 3  
Koelenhof greater extent and boundaries around Devonbosch Lifestyle Estate, Malanshoop and Koelenhof Estate.

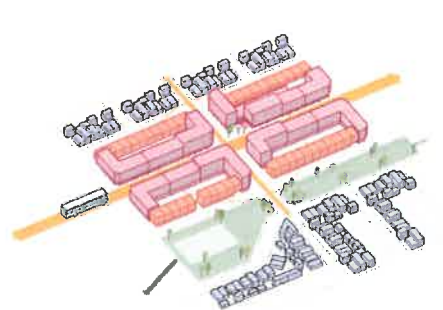


## INTRODUCTION

### DESIGN PHILOSOPHY

#### BIAS FOR A DESIGN BASED METHOD

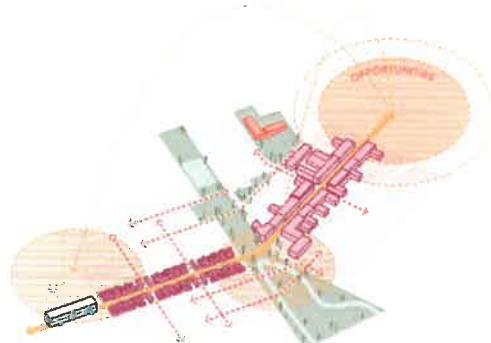
Our approach is governed by humanistic ideals translated into pragmatic solutions. The key high-level principles that guide our approach are:



Place matters most  
Positive public realm

#### 1 Places Matter Most

Places are much more important than singular elements in the built environment. We will create attractive and interesting places that are shaped by the qualitative and functional organisation of the site. We hope to enliven the physical experience of the precincts by identifying informants in order to develop a robust framework for the area. The rich cultural landscape and its broader context provide key qualitative principles from which to draw inference.



Intensity, diversity and  
adaptability

#### 2 Responsiveness

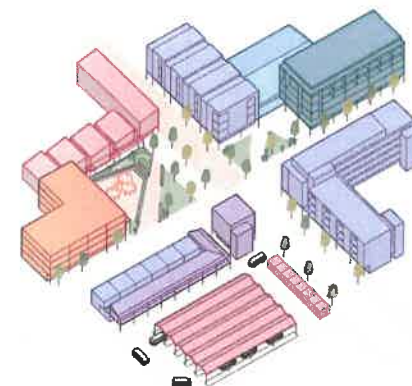
The framework needs to be responsive to the complexities and nuances of the site. We pay attention to the grain and texture of the urban form. These elements must be complemented by the crafting of the making of space and place. All too often commercial and industrial developments are associated with crass built forms shaped by reductive technocratic solutions. We will seek site informants that will aid to steer the design decisions to an informed and appropriate outcome.



Interface

#### 3 People and Space Integration

We will encourage a positive relationship with the existing morphology and integrate the development to suit the context on the urban periphery. The sense of place includes the relationship with farmlands, the natural systems, people, their activities and cultural practices. It is important we understand how each of these elements occur on site and in its context before we can propose an appropriate design response.



Safe and secure  
communities

#### 4 Community over Time

Phasing and incremental development will allow opportunity for the development to shape its form and character over time. Sustainability [social, economic, environmental, resource management] is to be treated as a matter of course. We argue that the development should allow for flexibility in accommodating a changing program that may be influenced by changing needs over time. By looking at the dynamic and fast changing context we, will be able to uncover cues that will allow us to tap into their rhythm and manipulate positive change.

Figure 4

1. (UD Policy, 2023, 2.2 The "whole" above the "parts")
2. (UD Policy, 2023, 2.4 Integration and spatial transformation)
3. (UD Policy, 2023, 2.3 Identity, Context and Place making)
4. (UD Policy, 2023, 2.6 Intensity, Diversity and Adaptability)



## Introduction

*The nature of the urban design proposal argues for making a place that is deeply rooted in great city-building traditions. Some of these robust urban design principles include:*

## INTRODUCTION

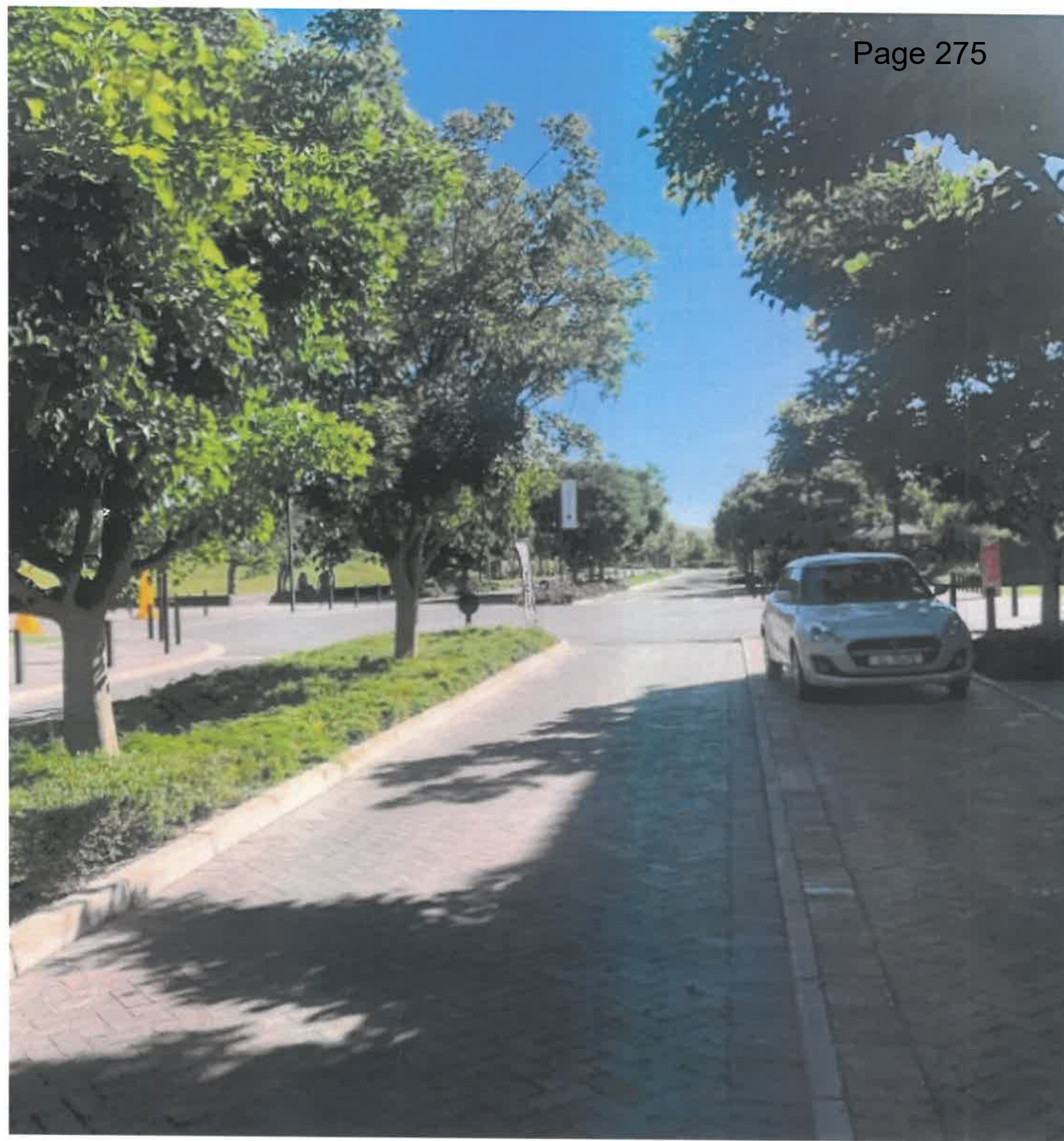
### URBAN DESIGN PRINCIPLES

#### 01 THE GREATER PUBLIC GOOD

These development guidelines work towards reconciling a long-standing problem posed by rapid and disparate development by creating and linking places of existing amenity value where people can come together to enjoy the shared benefits of living in a close-knit community.

It is proposed that this is achieved through a balanced mix of residential, retail and office uses and complimented by a local transit system and amenities such as schools and sport facilities. The development is imagined as primarily having a rural-urban interface through an open space system that supports and connects existing ecological corridors into a coherent system, which in turn links into the ecological systems of the surrounding landscape to initiate a broader suburb-wide spatial system.

The project has the enormous benefit of creating vibrant social and economic opportunities in an otherwise underdeveloped neighbourhood. The set of development guidelines has the potential to transform the site into a busy and thriving community.



## INTRODUCTION

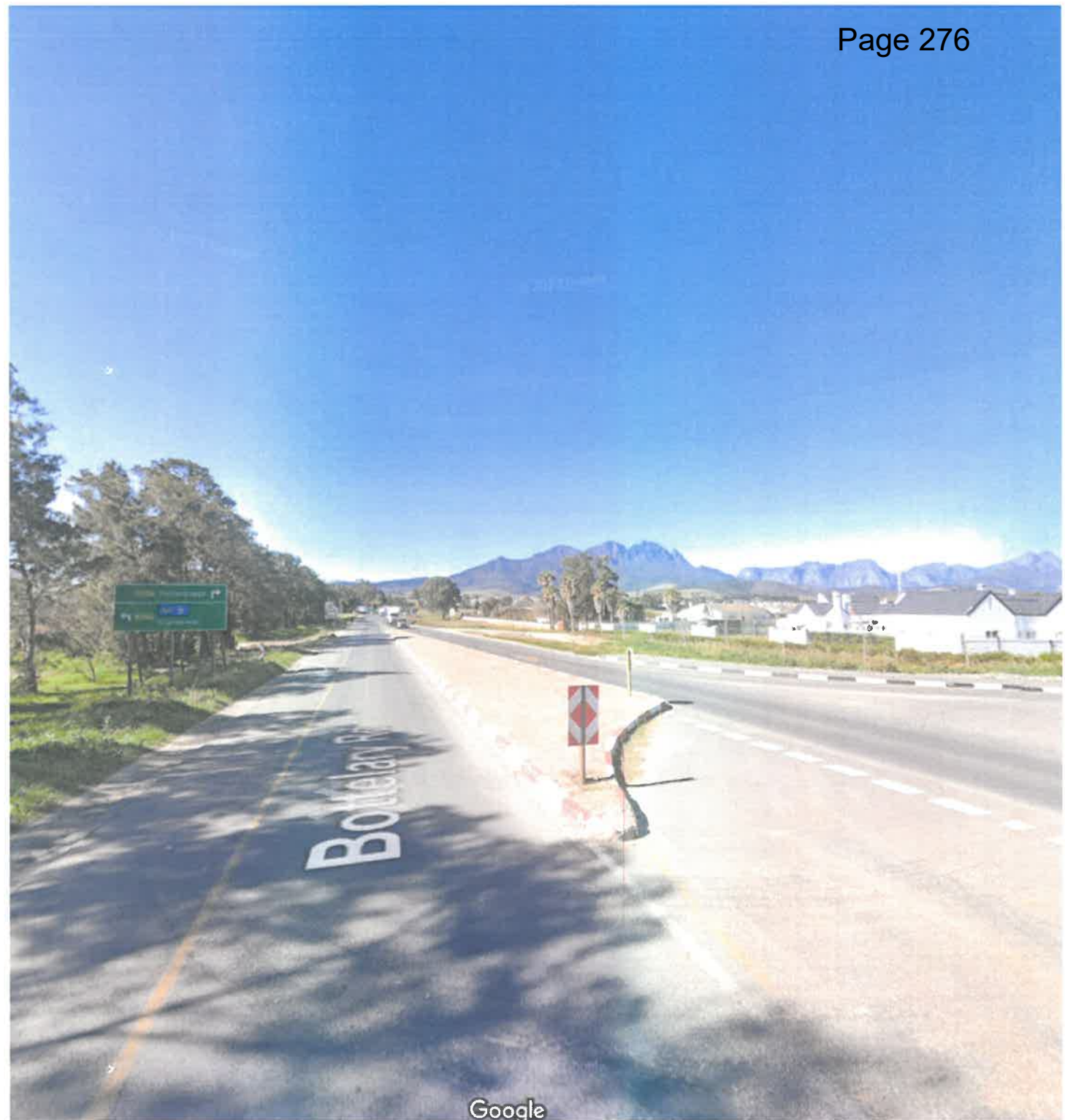
### URBAN DESIGN PRINCIPLES

#### 02 THE WHOLE ABOVE THE PARTS

The foundation of the urban design rationale is that instead of following the existing model of fragmented development that threatens to consume the landscape which could otherwise be used for economic growth and agricultural productivity, that the proposed new development model consolidate development into a coherent spatial system that enforces a stronger link between developments and reinforces the identity of the local area.

The proposal recommends a myriad of improvements to the existing precinct. This includes traffic flow/ vehicular movement improvements, pedestrian oriented spatial systems, NMT and public amenity upgrading and a range of uses that have the potential to transform the site's identity into a memorable place that will be part of the greater Stellenbosch farm and wineland experience.

The proposal undertakes to improve the environmental performance of the consolidated area with integrated and holistically sustainable networks that offer connection between developments as well as amenity to residents and visitors.





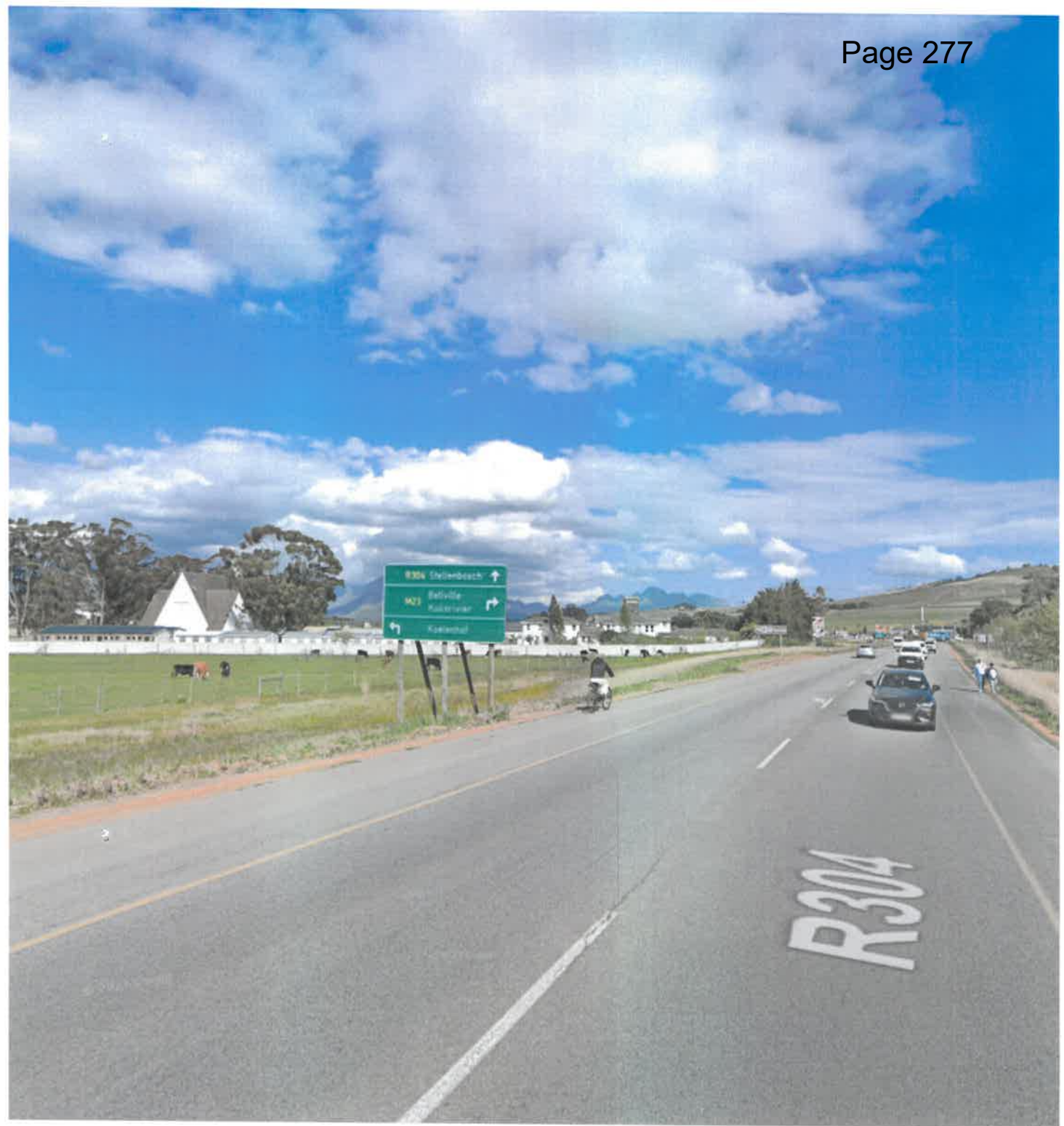
## INTRODUCTION

### URBAN DESIGN PRINCIPLES

#### 03 IDENTITY, CONTEXT + PLACE MAKING

The proposal makes considerable effort in extracting the found potential on site and making it evident to bolster its representation in its genius loci. All these benefit from a sustained urban relationship which goes beyond the constraints of individual developments.

The rural-urban identity is one that reflects the local character and identity of Stellenbosch of farms and winelands, through making places that are relevant to locals and one that's rooted in its time and context. It is also argued that a place of deeper meaning will emerge through time as it settles into its skin once it becomes inhabited and the community and businesses reflect their identity through placemaking. The development will fundamentally alter the existing character of the place for the better: creating a vibrant, people oriented and safe space.



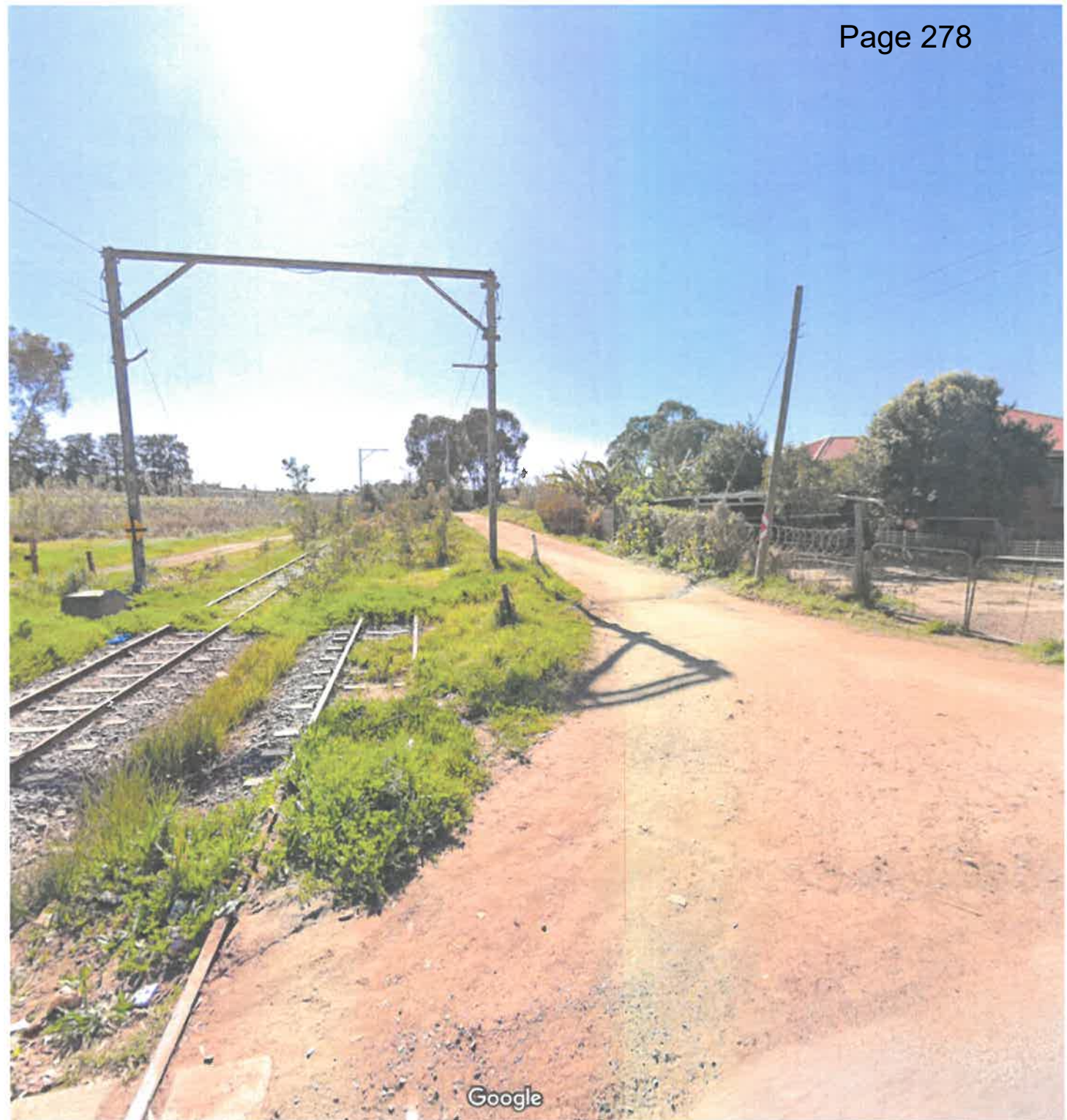
## INTRODUCTION

### URBAN DESIGN PRINCIPLES

#### 04 A TRANSITION BETWEEN URBAN PERIPHERAL AND RURAL

As cities have developed, they can no longer be understood solely as singular urban units, but as complex structures with edges that morph in response to the changing needs and development patterns of our complex modern conditions. Today, it is the edges of the city that reveals its social, political, technological and environmental dynamics, through the development that takes place on the edges of its boundaries. While peri-urban areas are peripheral, these dynamics indicate that they can and already do play a major role in the overall functioning of cities.

The site serves as a transitional space between the urban periphery and the agricultural/rural landscape towards Stellenbosch. Therefore, it is apt that the urban design proposal reflects this very distinct characteristic at the local level. Rather than a forced juxtaposition of conditions, the framework sets up a language of threshold and mediation.





## INTRODUCTION

### URBAN DESIGN PRINCIPLES

#### 05 FUTURE PROOFING, ADAPTATION AND RESILIENCE

Climate proofing cities for drought, flood, fire, food, water and soil security are part of the design challenge. In order to respond in a way that drives resilience, a holistic approach to these factors is paramount. This will be a process of considerations and negotiations to find the most sustainable outcomes whilst still meeting developmental goals.

This can arguably be considered one of the biggest challenges of our future cities. Changing weather patterns and extreme climate threats need to be accounted for in our design responses. It has become evident that our former urban practices that prioritized development over the environment are unsustainable and undesirable. We need to prepare our cities for future climate challenges and acknowledge our responsibility to attempt to mitigate these challenges where possible.

The city's Municipal Spatial Development Framework begins by acknowledging the city's vulnerability to draught and a day-zero, among other climate related challenges. This together with the consolidation of Spatial Development Frameworks with Environmental Management Frameworks demonstrates the importance of this thinking in the current South African socio-political climate.

Globally, the development of Landscape Urbanism practices has been employed in an attempt to mitigate these challenges. Landscape urbanism, to explain simplistically, is a school of thought in urban practice whereby we aim to create cities that are flexible and adaptable with the ability to accommodate the dynamic nature of the environment. Thus, ensuring resilience and longevity of our cities. "In a landscape urbanism strategy, the site becomes the controlling instrument of the interface between culture and nature; site phenomena are generative devices for new forms and programmes (Shannon & Manawadu; 2007)."

Landscape urbanism encompasses a variety of strategies to be employed on a site-by-site basis. Understanding the ecology and cultural landscape of a site prior to design is the first step in developing a sustainable design proposal. Green and blue systems of the preexisting landscape are to be respected, utilized and enhanced as much as possible and used to guide urban form. Existing data on weather patterns needs to be continuously consulted in order to create adaptability within design solutions.

In order to provide sustainable solutions that would be beneficial to all parties, we need to align our current economic and social desires with our environmental and ecological requirements.





# read-ings

## READINGS READING THE LANDSCAPE

### WHAT IS 'READING THE LANDSCAPE'

Beyond simply describing the context, which tends to be reductive and repetitive, we have opted to "read" the context. Through reading the landscape we conceptualize our understanding of what exists and interpret its characteristics.

Contextual analysis is the study of Spatial ecology through understanding its layering of systems that combine to create the spirit of a place (its *genius loci*). It is responsible for how we experience the site. The Ecological systems and landscape form the base of the site. Layers of urbanity and human manipulation then get worked into these systems. Transit and movement routes inform our journey through the site, while urban forms shape our experience through visual cues that allow us to locate ourselves in relation to the site and the city.

A drawback in the normative method of 'contextual analysis' or analysing a site and its context through its layers is that this method does not recognize or acknowledge change, transition and social or cultural practices that are too nuanced. When developing a critical understanding of the environment in which we are acting, it is pivotal to develop an argument for a meaningful intervention towards appropriate development by understanding the qualitative characteristics of the site as well.

### SPATIAL UNDERSTANDING

We will conceptualise the spatial challenges of the area through a reading of the site to establish a base set of issues that relate to the inherent nature of the place [the *genius loci*]. When coupling this with the interpretation of relevant municipal frameworks and policies as well as current global thought on urban design and development goals, we can create more informed and appropriate decisions that consider the surrounding urban context, including the rural-urban, urban morphology, spatial systems, movement, spatial patterns and ecological systems.

Our work should ideally be read in conjunction with analyses by the rest of the professional team. This could include studies by the town planner, environmental experts [especially establishing the extents of water courses and water bodies] and those of the traffic engineer and civil engineer to establish the various constraints and opportunities on site.

ECOLOGY



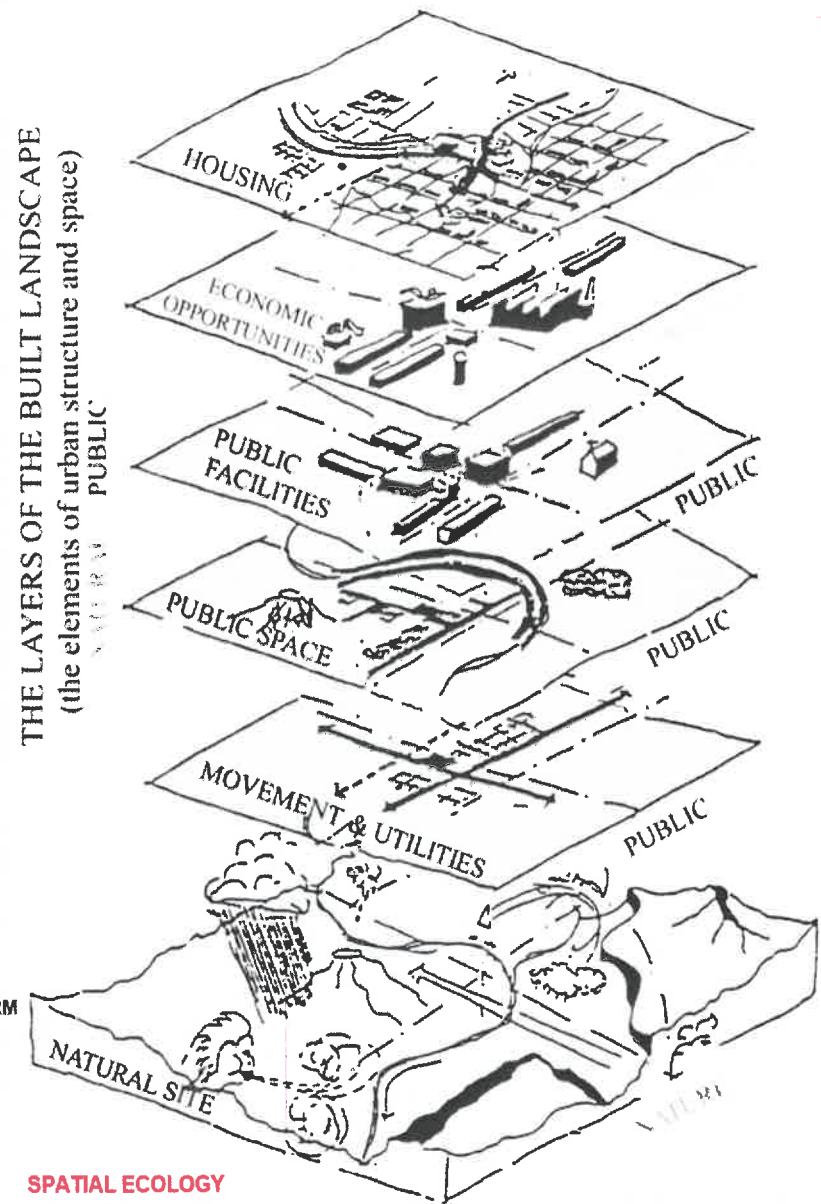
TRANSIT



URBAN FORM



THE LAYERS OF THE BUILT LANDSCAPE  
(the elements of urban structure and space)



SPATIAL ECOLOGY

Figure 5

The layers of the built landscape with which we analyse a site and its context.

Source: CoCT, "Urban Design Policy", September 2013, pp. 12,10,9,13

## READINGS

### CHARACTER ZONES

#### 3 CHARACTER ZONE STUDIES

The following 3 conditions are typically characteristic of the subdistrict in and around Koelenhof and concomitantly indicative of urban sprawl:



#### THE PERIPHERAL CONDITION

The periphery serves as a collector of the amalgamation of uses that are pushed towards the edges of the city and becomes an eclectic landscape. When considering the location of residential development, the periphery often buckles to developmental pressures and to the needs of a growing city looking to place residential estates in areas that are accessible, but do not pose as a conflicting use. For feasibility reasons, these uses are located in areas of lower land value and in green or brownfield sites on the outskirts, rather than closer to the city.

As this 'natural' progression is inevitable it is our responsibility to pay attention to the interplay between these boundaries and land-uses and promote appropriate transitional spaces.



#### THE TRANSITIONAL LANDSCAPE

The area of Koelenhof can be considered a place in flux of continual and increasing development. The predominant land uses include industrial/offices, rural and residential. These uses take form over the area through both formal and informal drivers meaning the future of the area is currently being negotiated.

Another pattern that is emerging is the decrease in the agricultural landscape. This can possibly be attributed both to the decline in financial viability of farming in general or the decrease in agricultural potential of the land. Either way decommissioning of agricultural fields for residential uses is escalating.

Figure 1

Photograph taken from the Railway.

Figure 2

Photograph taken of the entrance of Devonbosch.

Figure 3

Photograph taken of the entrance of Nooitgedacht Village.



#### THE SPATIAL SACRIFICE FOR SECURITY

Large gated housing estates, single private residences with high walls and secured industrial parks make for safe internal spaces. The consequence of this is the harsh juxtaposition with the outside or in-between spaces not enclosed and therefore not considered. These public roads, streets or parks are consequently separated from one another, void of foot-traffic (in a vehicular existence), and therefore unsafe and undesirable areas.

Pressures to develop in this way are very real and as long as each new development endeavors to only look out for itself this pattern will continue.



## READINGS

### DEVELOPMENT IN ISOLATION

Analysis of the consolidated plan.

The three developments are Devonbosch Lifestyle Estate, Malanshoop Retirement Village and Koelenhof Estate.

 **Ecological Systems**

 **Movement + Access**

 **Barriers + Grain**



*Figure 9*  
Koelenhof greater extent and boundaries around Devonbosch Lifestyle Estate, Malanshoop and Koelenhof Estate.

## READINGS

### DEVELOPMENT IN ISOLATION



#### ECOLOGICAL SYSTEMS

Blue and green elements and spaces within all three developments have been studied and respectfully included in each of the development's plans. The ecological systems are not cohesive or congruent across the precinct with no collective plan straddling the proposed developments. The waterscape, ecological systems and the congruent agricultural landscape is the overwhelming experience of the place and key to the success in maintaining the character of place is the protection, completion and engagement with the various ecological systems on site.



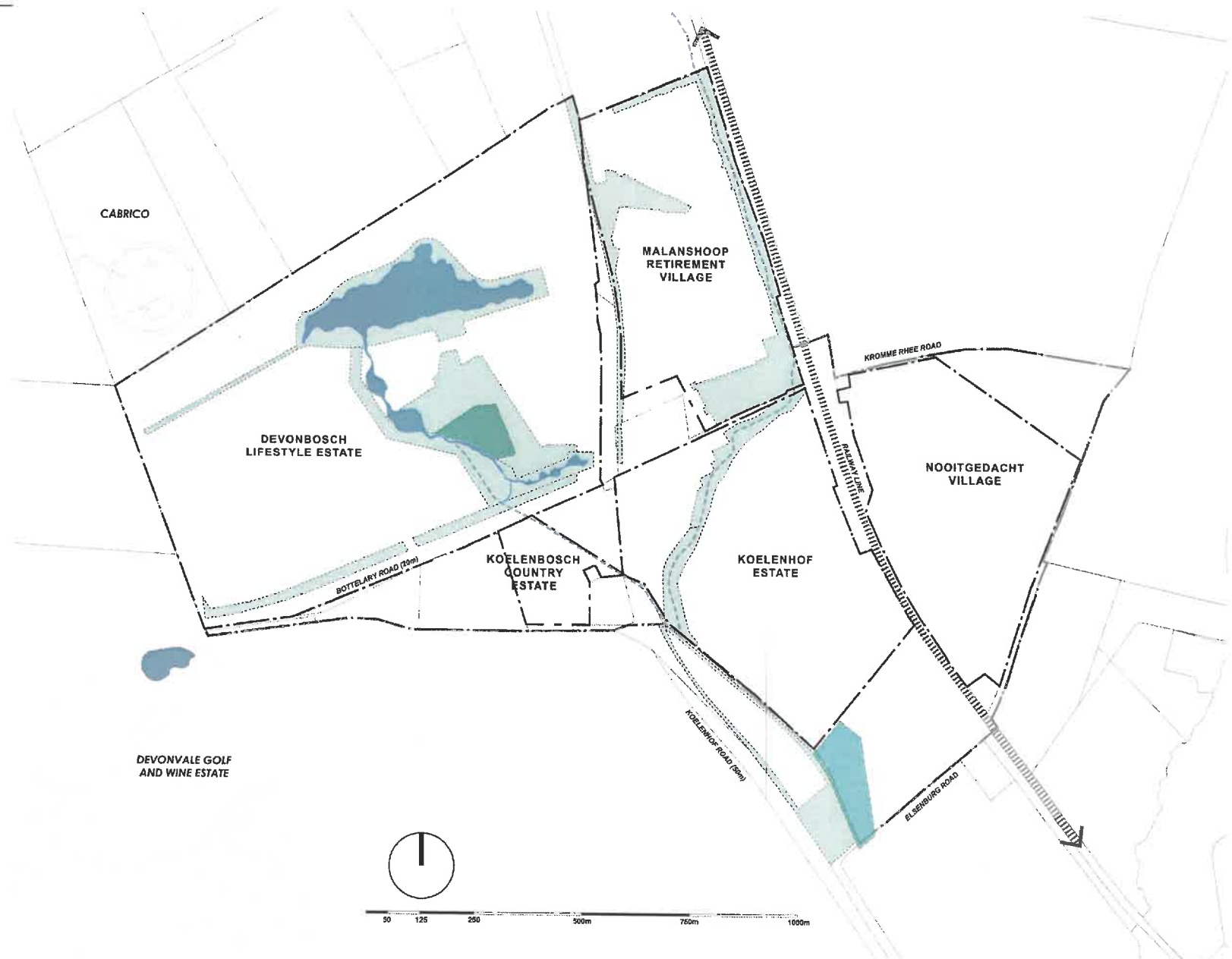
figure 10

Visual representation highlighting the functional ecological corridors and the green network on site



figure 11

Visual representation highlighting the functional ecological corridors and the green network on site





## READINGS

### DEVELOPMENT IN ISOLATION



#### MOVEMENT + ACCESS

There is evident disconnect between the movement system of each of the individual developments. Any development at an intersection of a class 2 road is prone to poor accessibility. Access to each development is restrictive as well as access/connectivity between developments is made impossible.

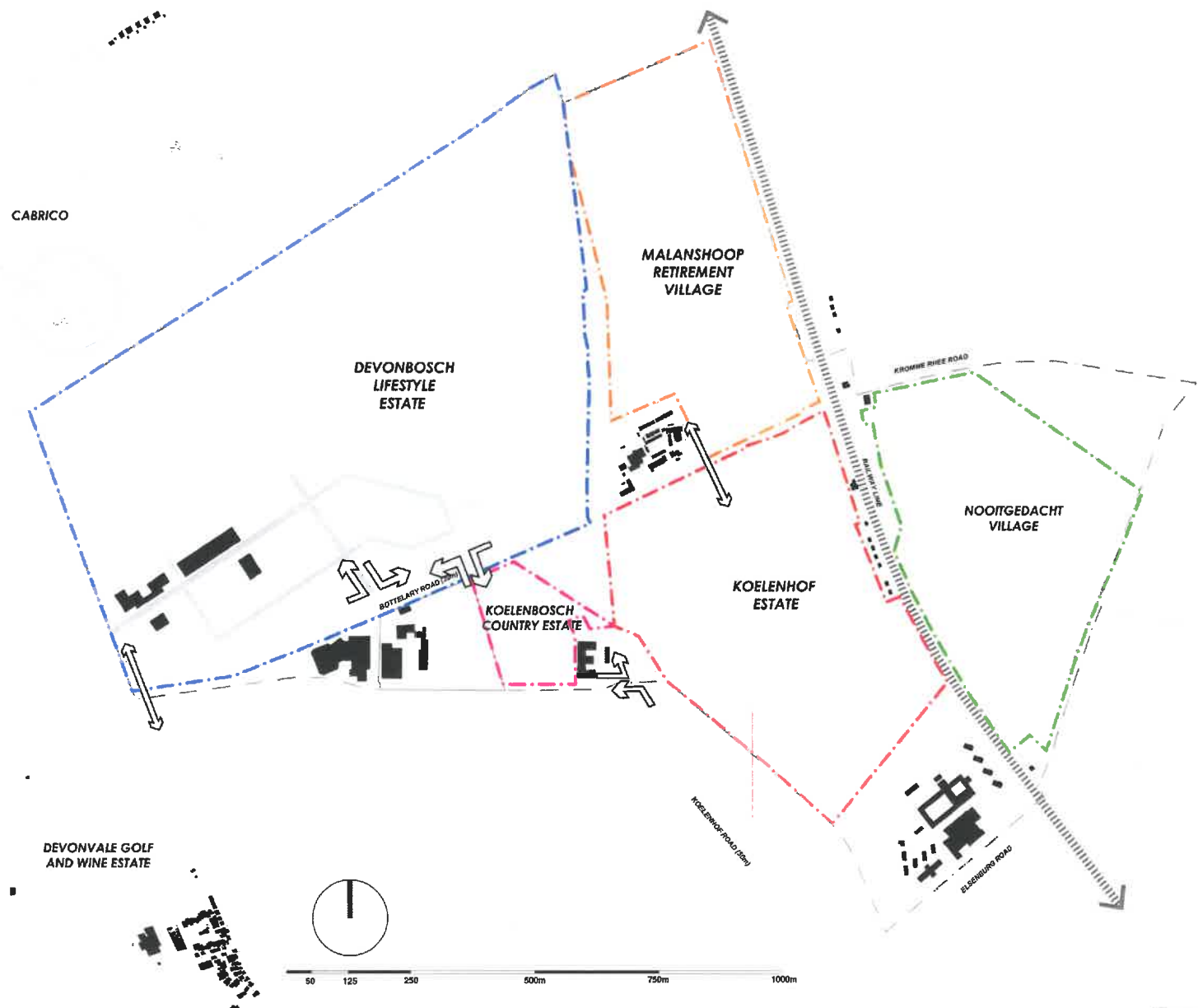
All access points within 540m of the Koelenhof and Bottelary Road Intersection are restricted to a left in and left out access route. Devonbosch has full, signalized intersections onto Koelenhof and Bottelary Road. However, these intersections fail to create connectivity between developments.



Figure 12  
Visual representation highlighting the access points and network on site



Figure 13  
Visual representation highlighting the internal and pedestrianised access within the site





## READINGS

### DEVELOPMENT IN ISOLATION



#### BARRIERS + GRAIN

Nooitgedacht Village and Koelenbosch Country Estate are gated, middle-to-high-income residential developments. These developments currently predominate in the landscape with their monotonous architecture. These estates act like isolated islands in the landscape.

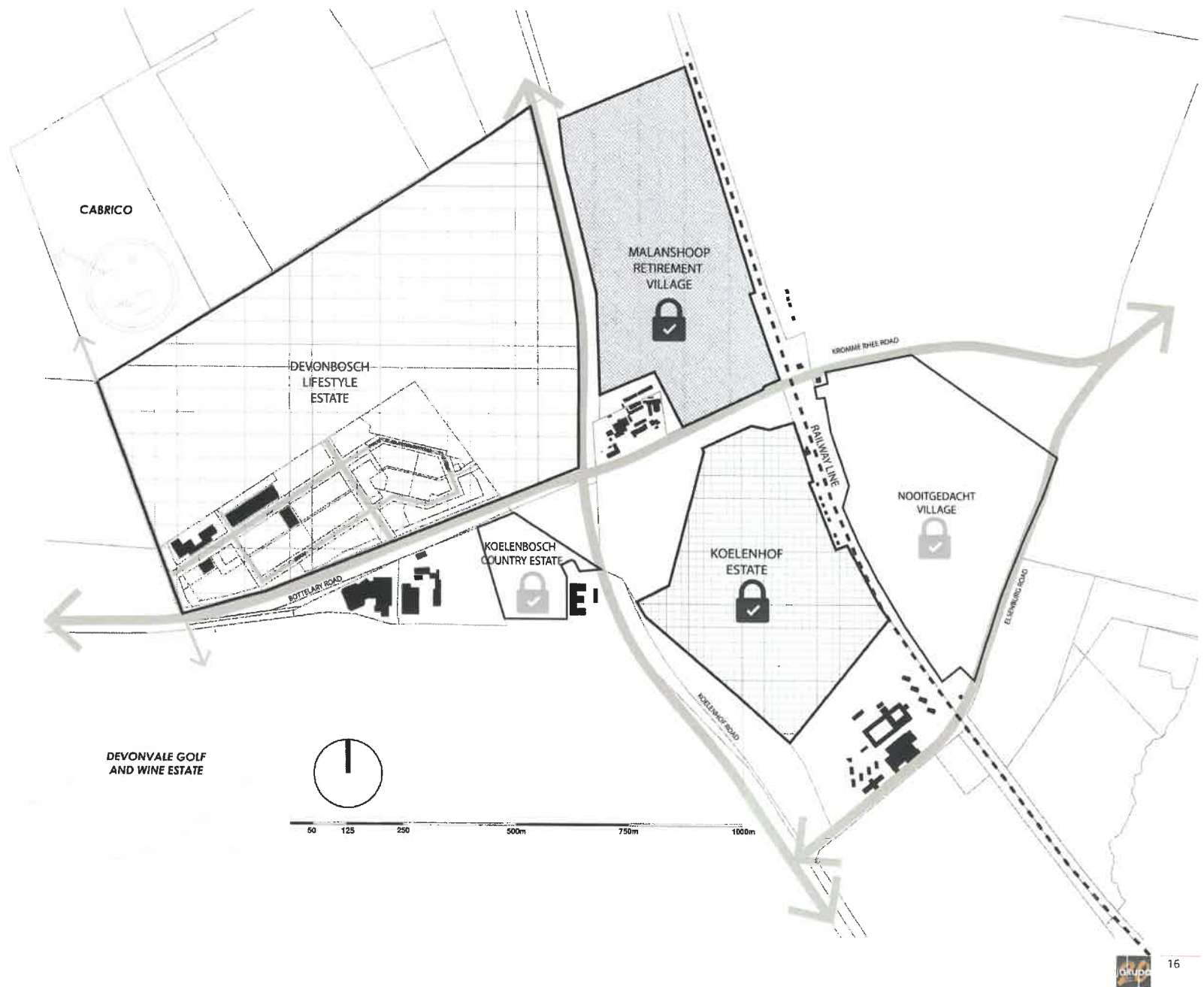
The proposed developments are at risk of replicating this phenomenon. The dangers of a predominantly gated urban landscape are that it has poor relationships with the surrounding landscape and one another, making the in-between space all the more unfriendly, unsafe, and vehicular dependent.



Figure 14  
Photograph of the Nooitgedacht Village, Stellenbosch Farms



Figure 15  
Realistic Render of Devonbosch Lifestyle Estate, Stellenbosch Farms



## READINGS

### DEVELOPMENT IN ISOLATION



#### FORM AND PUBLIC INTERFACE

The analysis of existing spatial morphology (form) with a focus on its formation, transformation (over time), scale and physical characteristics informs appropriate urban interventions that, in turn, promotes sustainable urban development.

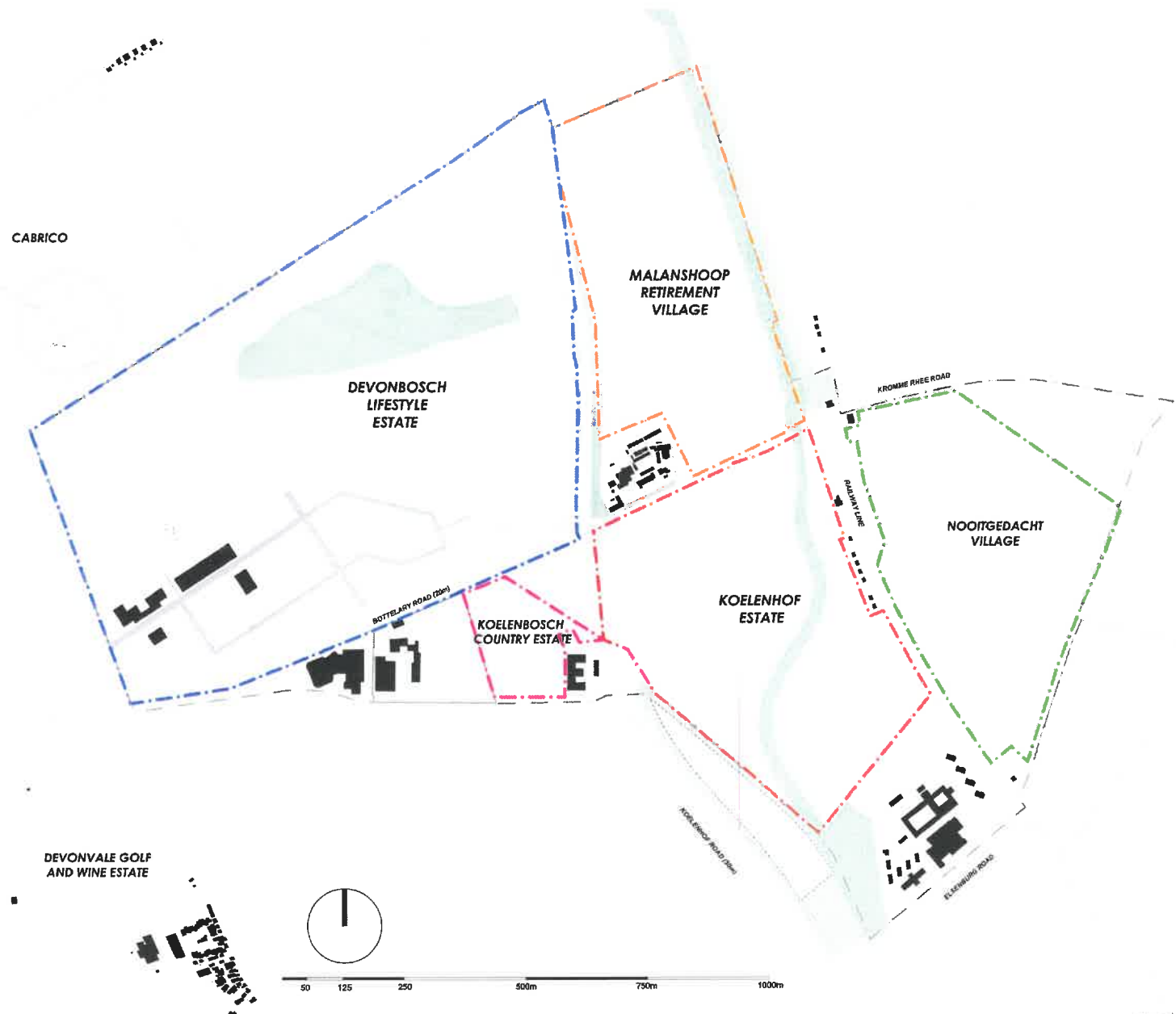
The existing urban morphology of Devonbosch Lifestyle Estate promotes a vibrant mix of building uses and typologies that respond to the rural-urban condition present within the area.



figure 16  
Photograph of the Devonbosch Lifestyle Estate building form, Stellenbosch



figure 17  
Photograph of the Devonbosch Lifestyle Estate street morphology, Stellenbosch Farms





## Readings

## READINGS - FIXES

### LOCATING SPATIAL CHARACTERS

#### LANDSCAPE IN TRANSFORMATION

Meaning in the built environment is conveyed by physical elements. These physical elements, through the use of urban and architectural order and form, can project specific messages into the spatial realm. The relationship between physical and social space establishes the precondition for the experience of a site, a sense of place and identity of the area.

The ever-growing expansion of the city, the location on the urban edge, and the comparatively abundant and cheap land on the periphery of the city have collectively given rise to a number of spatial forms in the area characteristic of urban sprawl.

The existing built and spatial form of the area is diverse and dynamic in character. The varying uses of the land - agricultural, industrial, low- to medium-income residential - have resulted in a grain that varies from superfine (such as the informal settlements) to extensive (industrial and commercial warehousing). These differences are juxtaposed and stand in stark contrast with each other often producing a hostile and segregated spatial form.

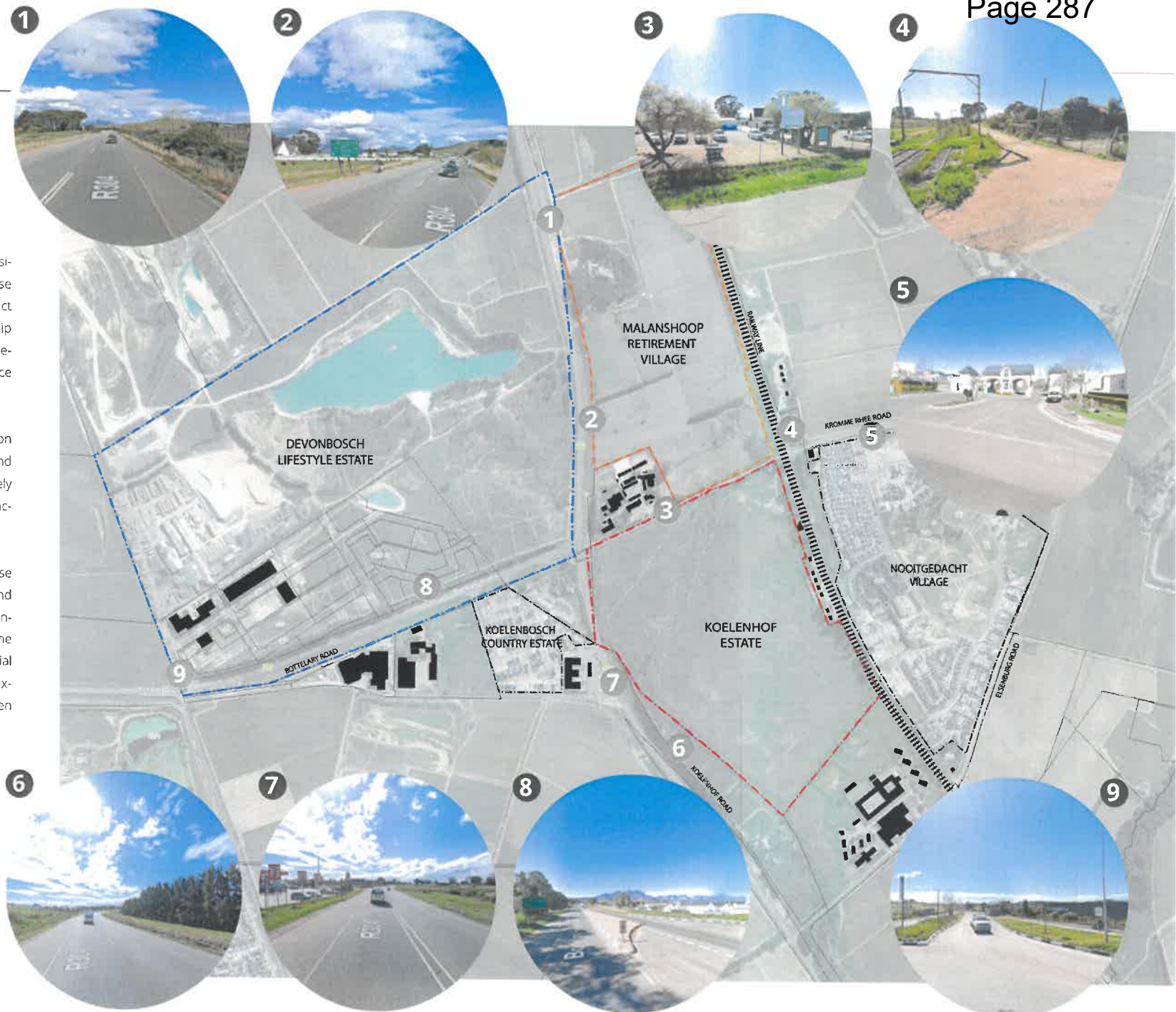


Figure 11  
Koelenhof greater extent and boundaries around Devonbosch, Malanshoop and Koelenhof Estate.

## IDENTIFYING FIXES

### THREE LENSES = 3 FIXES

#### OUR APPROACH

Broadly speaking, the intention of a contextual analysis is to provide informants that can aid in setting up guidelines and ensuring feasibility of a proposed design, by identifying or establishing fixes which will help to inform decisions that respond best to the environmental and built form of the site.

The following categories have been identified for their potential to provide a comprehensive lens through which, when viewed holistically, "fixes" can be identified to inform a proposed design of the spatial structure.

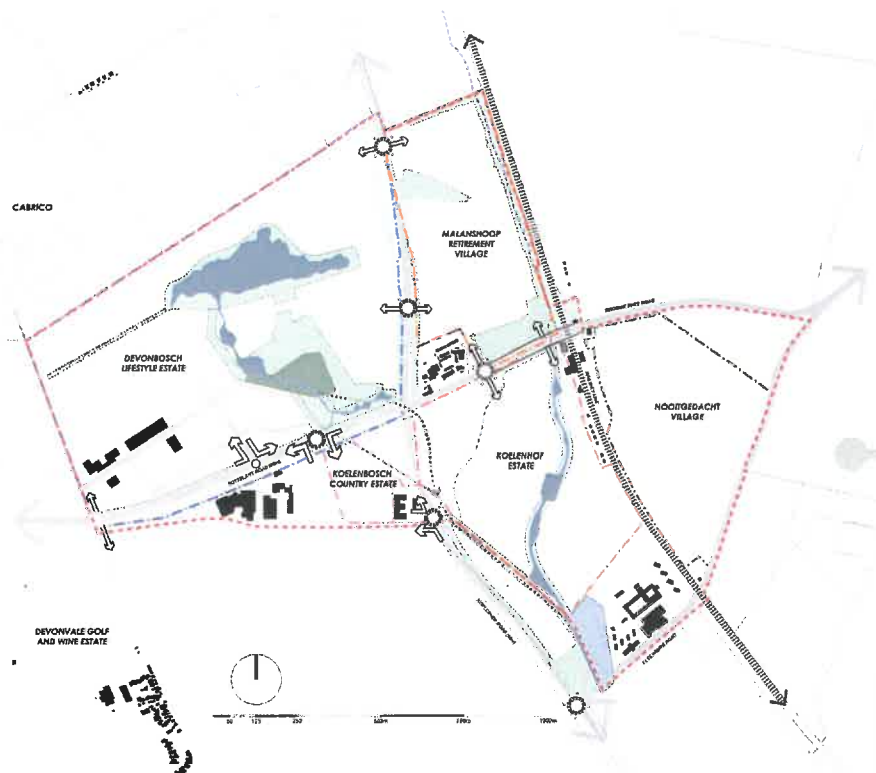
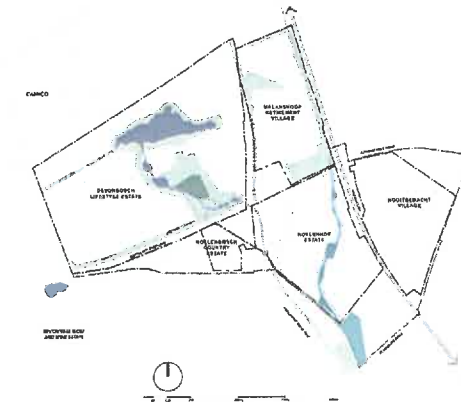


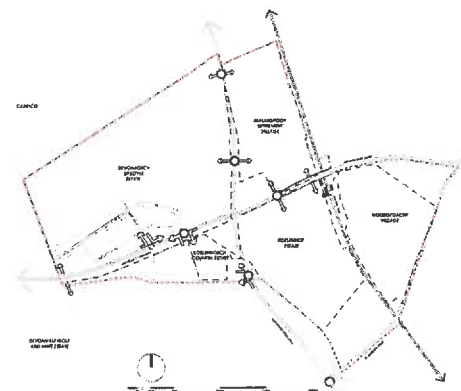
figure 18  
Diagram of the layers that combine to show the evolving landscape



Through an analysis of the existing ecological processes and the relationships of human as well as non-human organisms within the site and context, our aim is to promote connected and integrated ecological systems, in order to create resilient, sustainable and quality spaces and places.

#### CONNECTIVITY AND MOVEMENT

Through an analysis of existing and proposed transport infrastructure, we promote dense, functionally mixed and walkable areas around transit nodes.



#### FORM AND PUBLIC INTERFACE

Form and Public Interface presents an analysis of the existing spatial morphology (form) with a focus on its formation, transformation (over time), scale and physical characteristics. This informs appropriate urban interventions that, in turn, promotes sustainable urban development.





## ELABORATION - FIXES ECOLOGY AND WATER



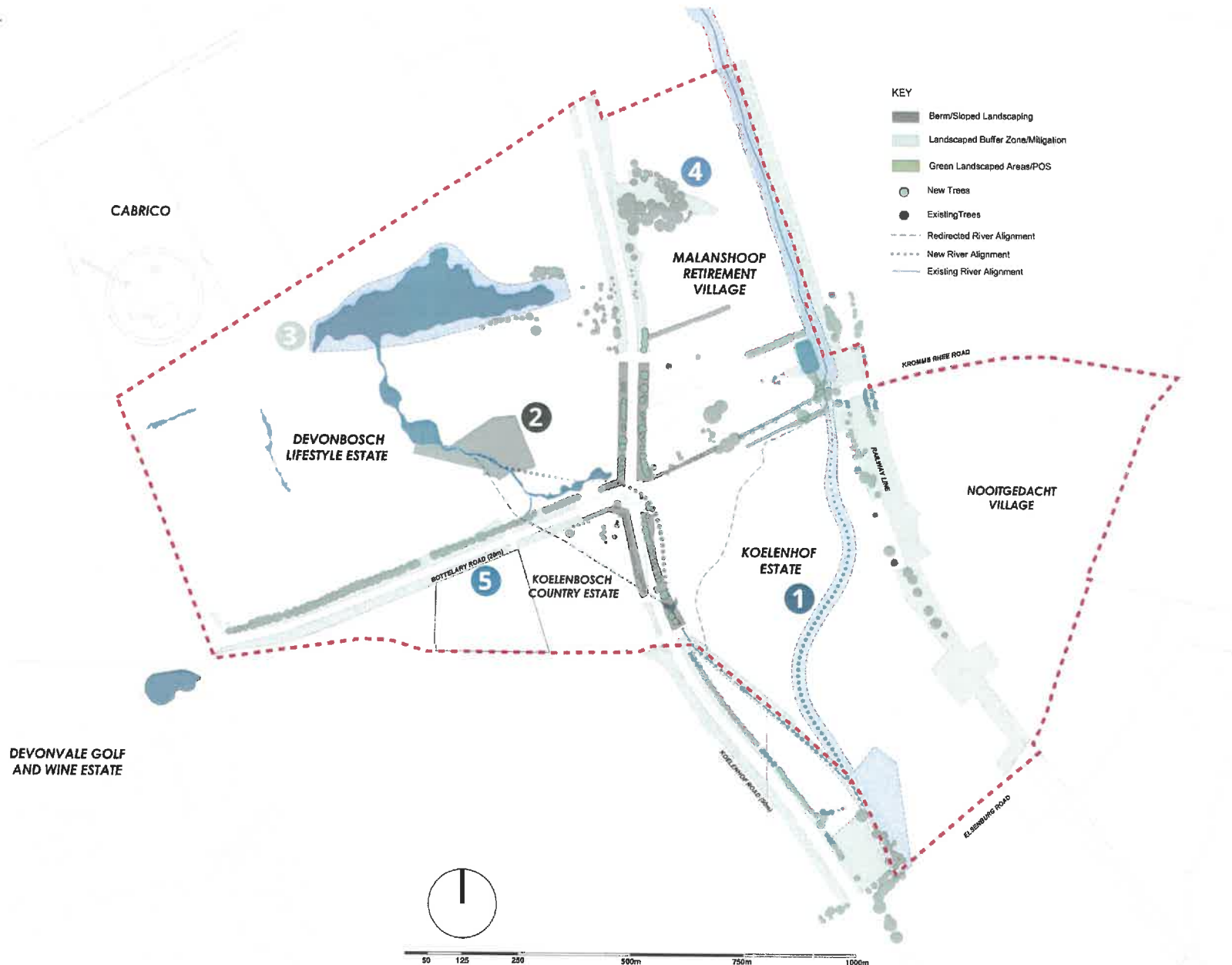
### TOPOGRAPHY, WATER AND ECOLOGICAL PRESERVATION

The following ecological fixes have been identified and agreed upon, following collaboration with the developers and the consulting team.

#### ECOLOGICAL FIXES

- 1 All Rivers and their respective buffers
  - Realignment of the river passing through Koelenhof Estate to follow its previous path.
  - Two ecological corridors, running north to south through the site.
- 2 The recreational area (in green) in Devonbosch.
- 3 Existing agricultural water retention ponds that, in some cases, form part of the existing storm-water management system.
- 4 Mature tree lines and clusters on site.
- 5 Landscaped buffer of 20m either side of Koelenhof Road and Bottelary Road.

DEVONVALE GOLF  
AND WINE ESTATE



## ELABORATION - FIXES CONNECTIVITY AND MOVEMENT

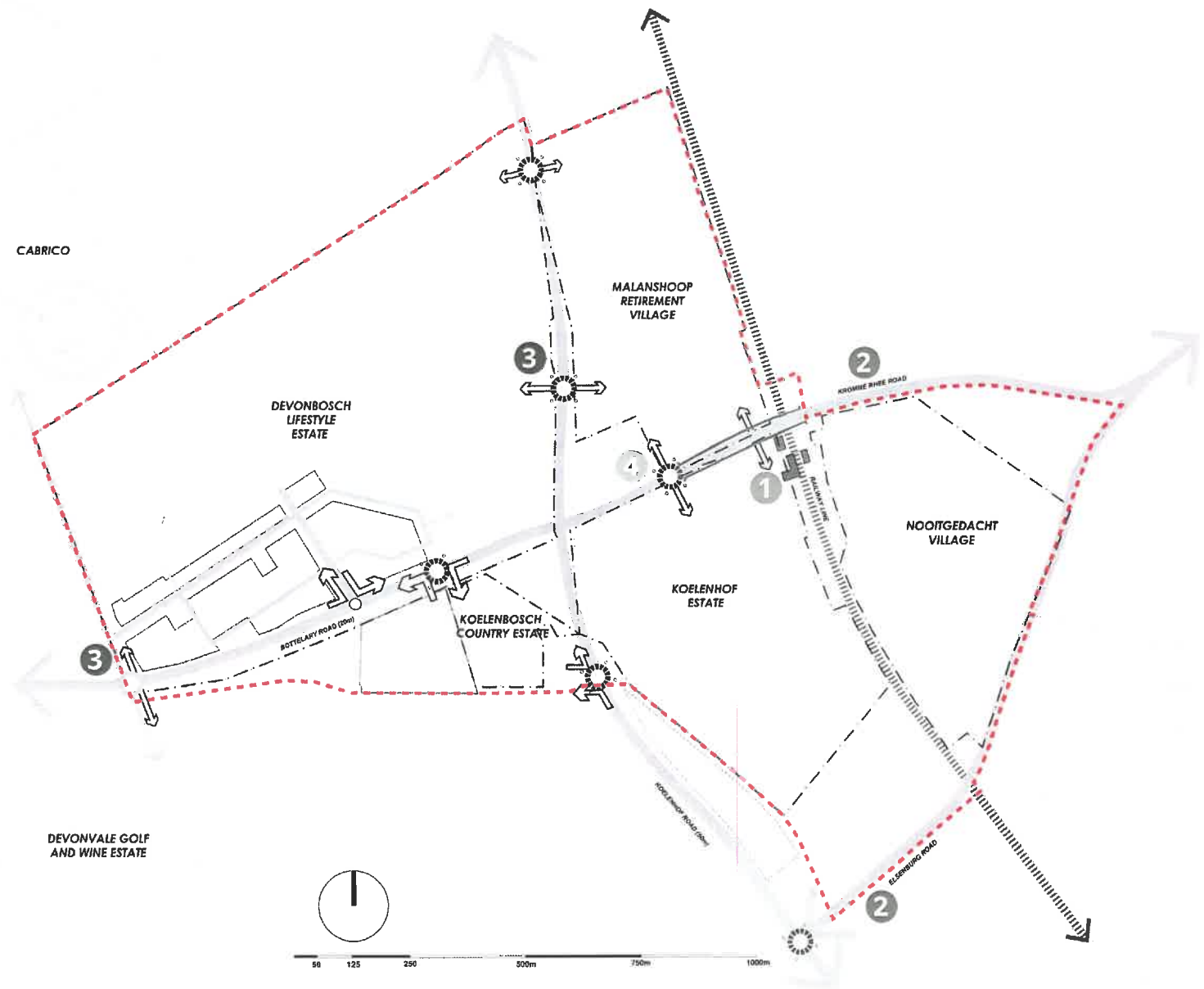
### RE-ORGANISATION AND RE-ALIGNMENT ACCOMODATING FUTURE GROWTH

The following movement and connectivity fixes have been identified and agreed-upon following collaboration with the developers and the consulting team.

#### CONNECTIVITY FIXES

- 1 • Rehabilitation of the train station and potential NMT/public transit/shuttle system functioning off the station  
• Future widening of both Koelenhof Road and Bottelary Road
- 2 Upgrading of both Elsenburg and Kromme Rhee Road including an above grade intersection(bridge) with the railway line
- 3 Signalized intersections to access Malanshoop and Devonbosch off Koelenhof Road  
Non-signalized Intersection to Devonbosch off Bottelary Road
- 4 Signalized intersection to access Malanshoop and Koelenhof Estate to pass under bridge alongside railway

Landscaped buffer of 20m either side of Koelenhof Road and Bottelary Road



## ELABORATION - FIXES FORM AND PUBLIC INTERFACE

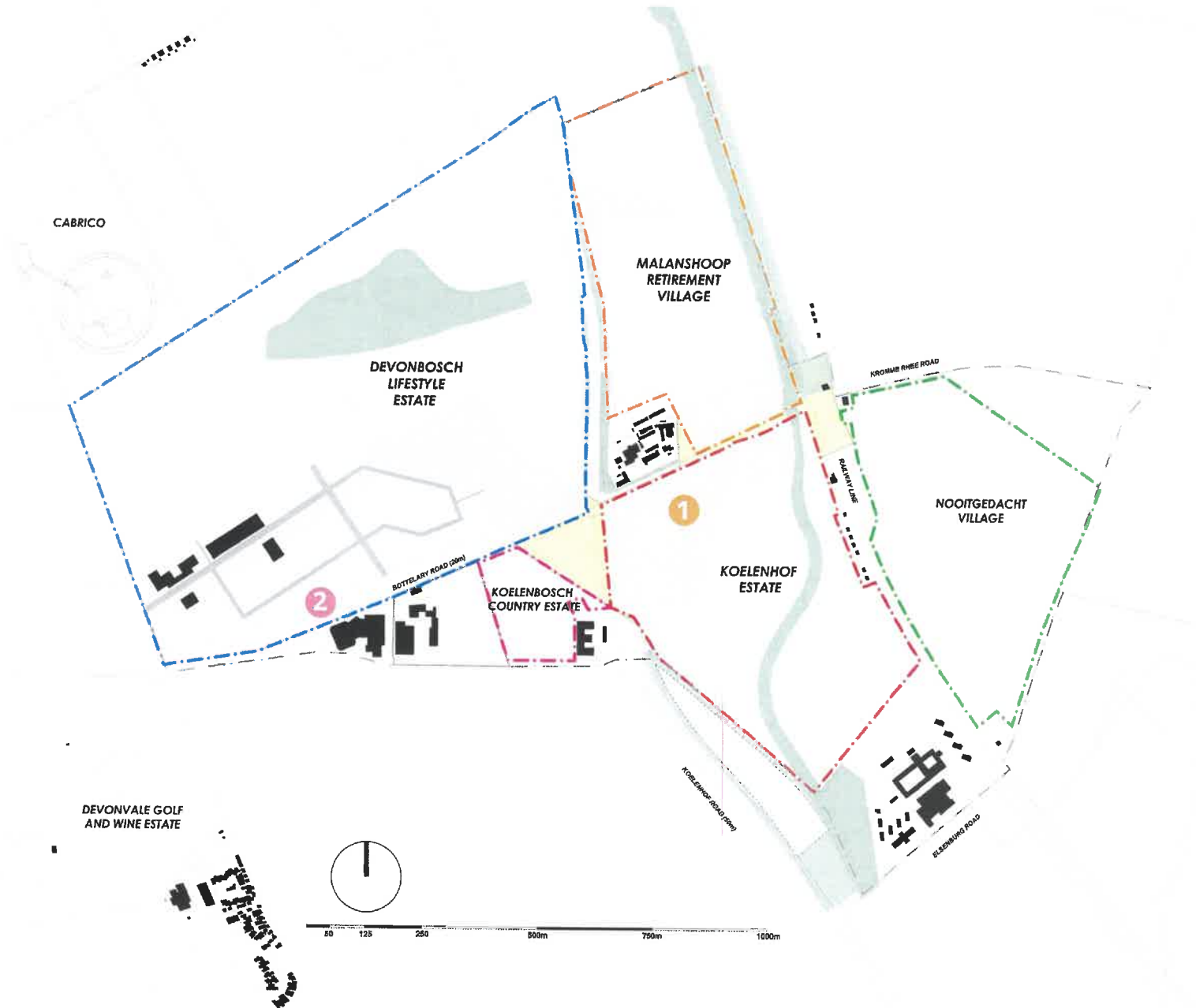


### URBAN INTERSECTION | SACRIFICE FOR SECURITY

The following urban guides and fixes have been identified and agreed-upon following collaboration with the developers and the consulting team.

#### 'URBAN' GUIDES AND FIXES

- 1 The public realm as a spatial fix was informed through the built grain, surrounding land uses and social context as an urban guide and edge connector of all three developments, which would facilitate and host a variety of uses and enable a high quality pedestrianised urban interface to complement the rural character of the surrounding area.
- 2 A development setback line along Bottelary Road facilitates the continuation of the public realm as expressed through a connected landscape buffer on either side of the road.



## ELABORATION - FIXES

### ALL SITE FIXES

The following set of identified fixes are drawn from the site analysis and informed through previous discussion with the respective developers, Clients and the consulting team:



#### ECOLOGICAL FIXES

- Rivers and their respective buffers
- The recreational area (in dark green) in Devonbosch
- Existing agricultural water retention ponds that, in some cases, form part of the existing storm-water management system
- Mature tree lines and clusters on site
- Two ecological corridors, running north to south through the site
- Landscaped buffer of 20m either side of Koelenhof Road and Bottelary Road



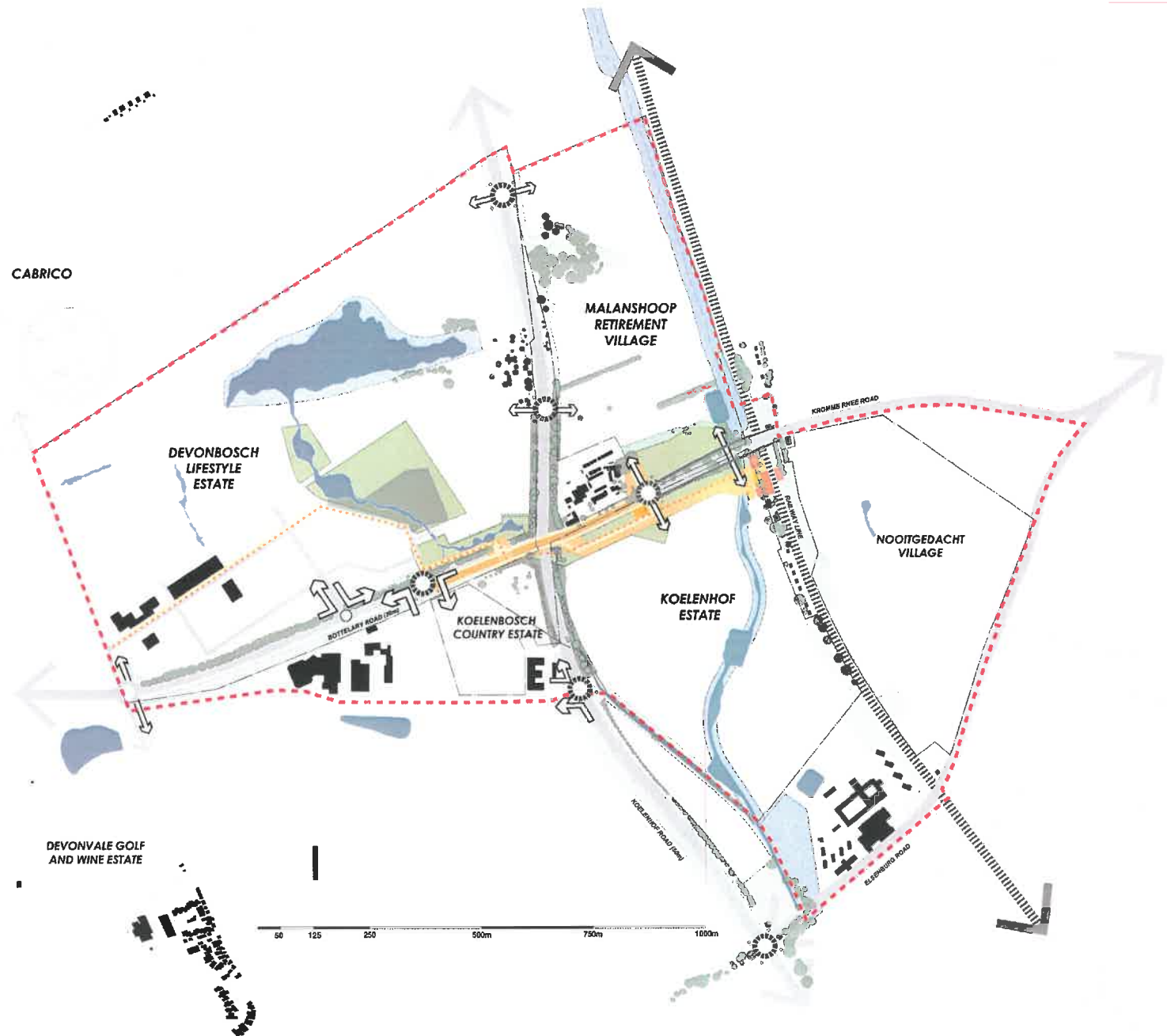
#### CONNECTIVITY FIXES

- Rehabilitation of the train station and potential NMT/public transit/shuttle system functioning off the station
- Future widening of both Koelenhof Road and Bottelary Roads
- Upgrading of both Elsenburg and Kromme Rhee Road including an above grade intersection (bridge) over the railway line
- Signalized intersections to access Malanshoop and Devonbosh off Koelenhof Road and Devonbosh off Bottelary Road
- Signalized intersection to access Malanshoop and Koelenhof Estate to pass under the bridge alongside railway



#### 'URBAN' GUIDES AND FIXES

- The public realm as a spatial fix was informed through the built grain, surrounding land uses and social context as an urban guide and edge connector of all three developments, which would facilitate and host a variety of uses and enable a high quality pedestrianised urban interface to complement the rural character of the surrounding area.
- A development setback line along Bottelary Road facilitates the continuation of the public realm as expressed through a connected landscape buffer on either side of the road.





# design strategy

The following section discusses the design strategies used to formulate the proposed framework plan.

## DESIGN STRATEGY METROPOLITAN SCALE STRATEGY

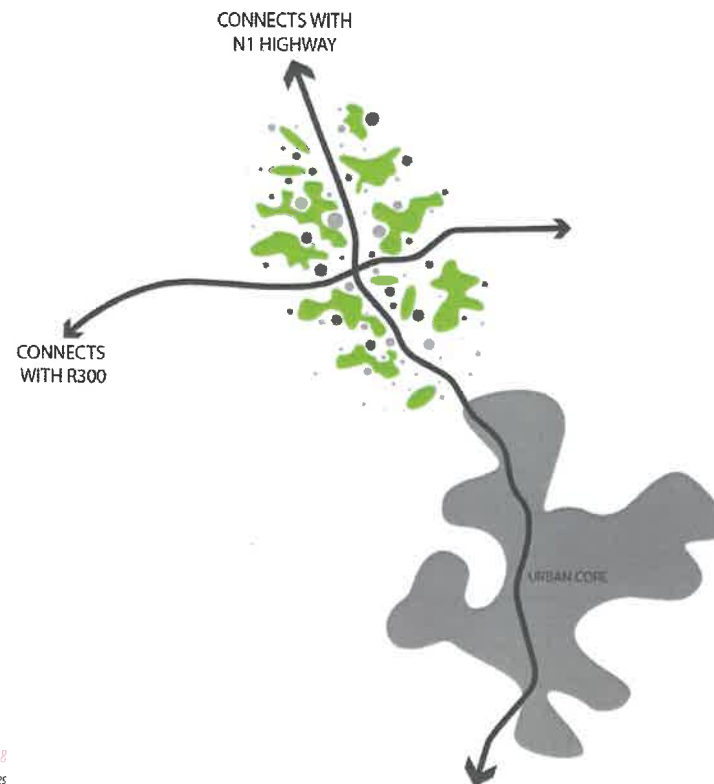
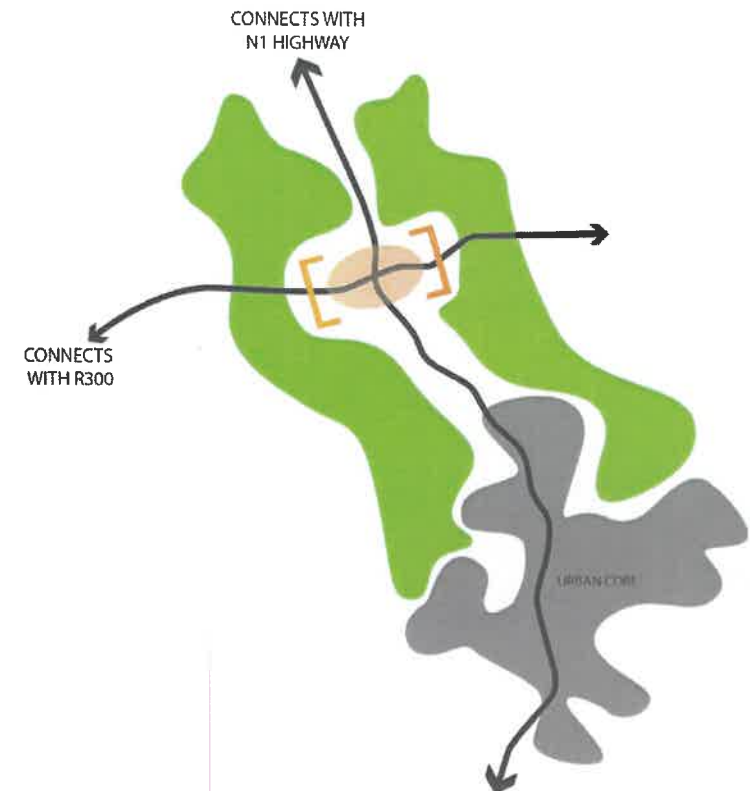


figure 18

Diagrams showing the current and proposed Metropolitan scale strategies

### CURRENT SITUATION

At the metropolitan scale, the current development model follows a fragmented spatial logic which leads to the conversion of valuable farmland with adverse environmental, social and financial impacts.



### PROPOSED SITUATION

We propose a strategic vision for the Koelenhof area where the developments are consolidated into one framework plan with a rural-urban interface that recognise and reinforce the local spatial identity of the area, freeing up the landscape to promote agricultural productivity, economic growth, connectivity and social networks to be established.

design strategy

# design strategy

## DESIGN STRATEGY INTEGRATED AND CONSOLIDATED PLAN



Reinforcing existing ecological systems across all developments as a linking device.



Strengthening and creating movement links between the developments, bridging barriers and encouraging integration.



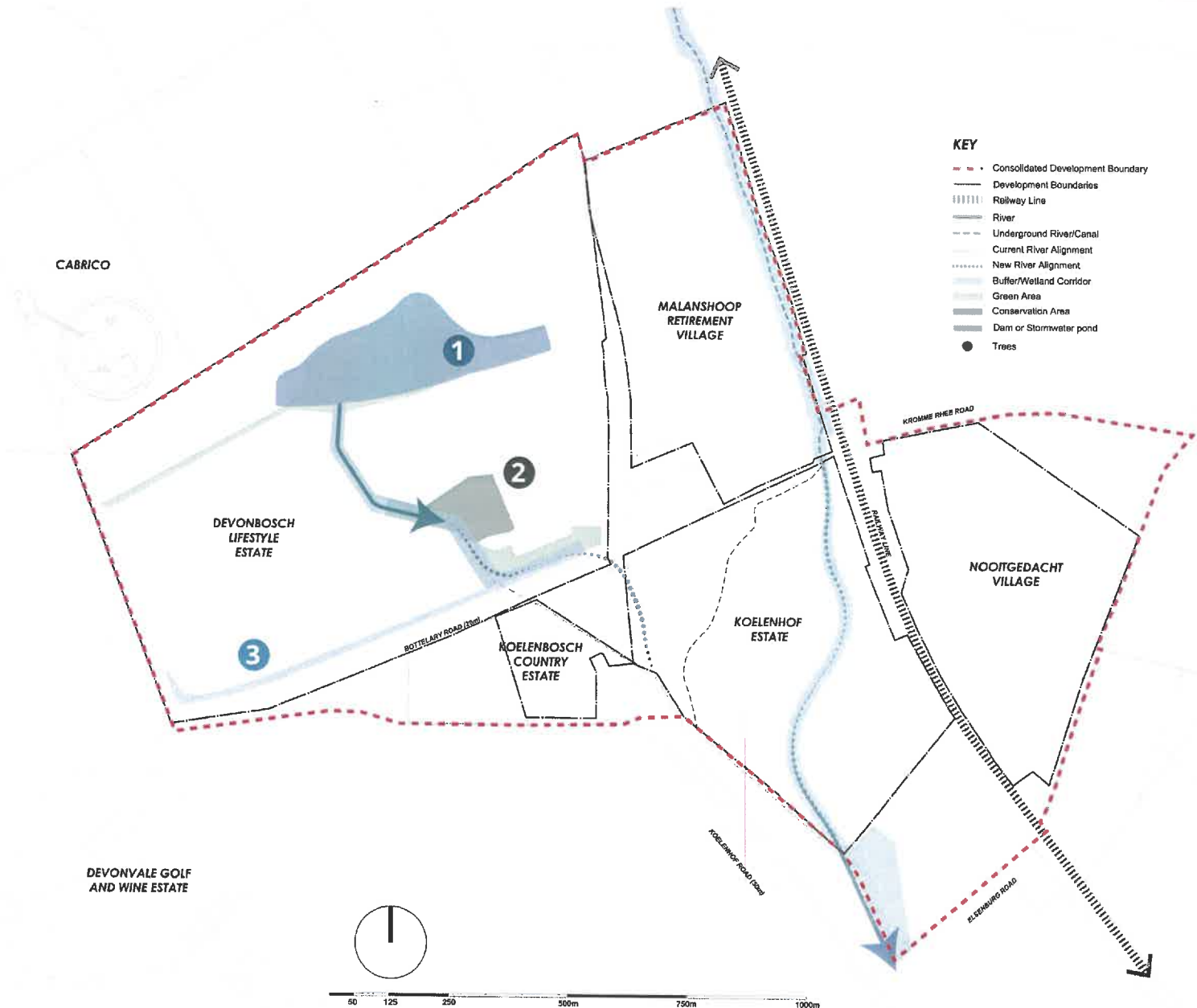
Consolidating and enhancing the built environment with public space activation.



figure 19

Koelenhof greater extent and boundaries around Devonbosch, Malanshoop and Koelenhof Estate.

- 1 Retain and enhance the natural shape of the large dam. Surrounding development to make use of this visual and recreational asset.
- 2 The area demarcated in green has been identified as a recreational area and development within this area is restricted. This area has the potential to become a large recreational park with footpaths and pocket parks/rest spaces.
- 3 This blue strip along Bottelary Road has been demarcated as a protected wet buffer. This piece of land is covered in treelines that provide a screen for Devonbosch from the future class 2 road.





## DESIGN STRATEGY

### GREEN & BLUE NETWORK STRATEGIES



#### GREEN AND BLUE SYSTEM STRATEGY

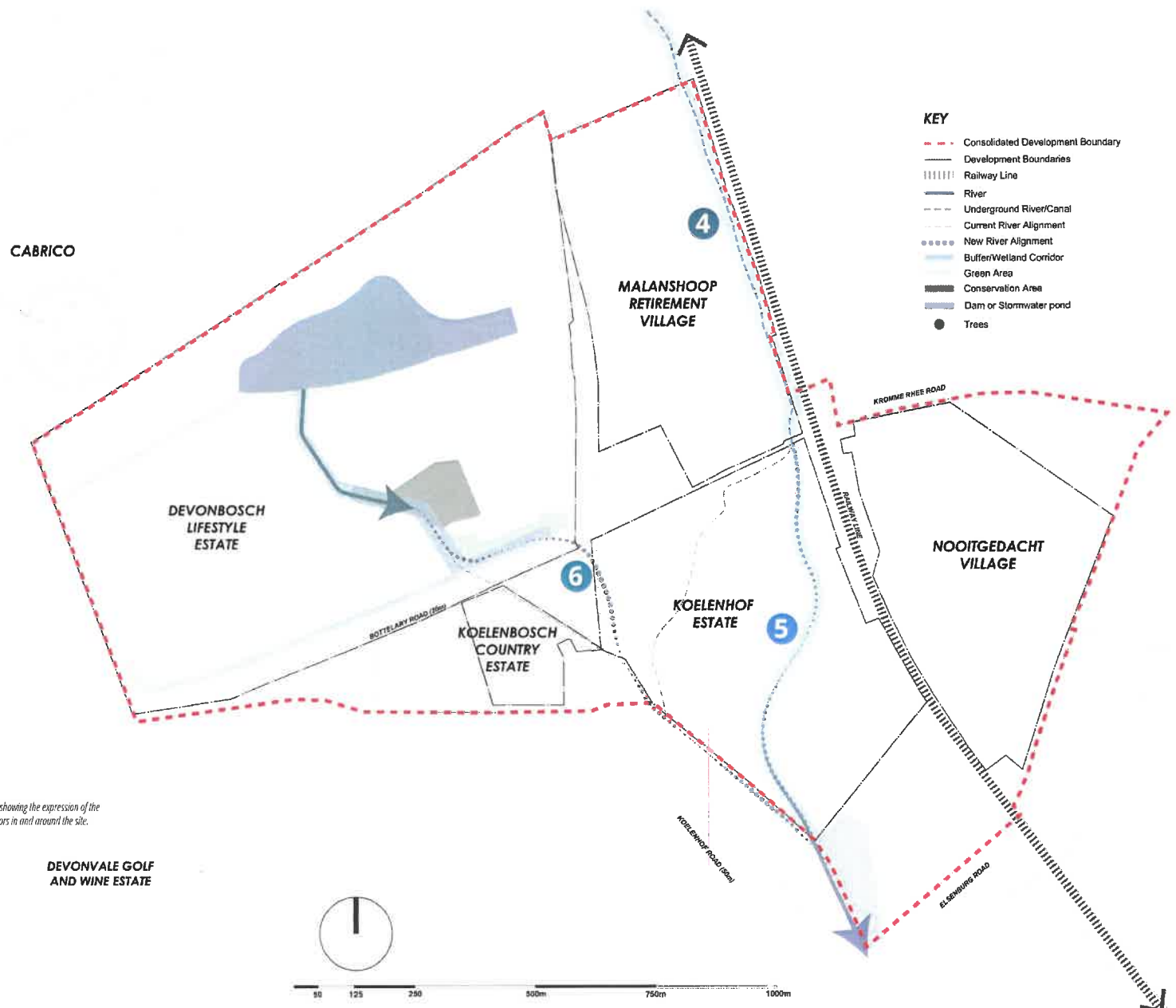
- 4 This river and wetland corridor along the eastern boundary of Malanshoop is to be maintained. Residential units on this eastern bank need to face onto this area to activate it. The boundary fence along this corridor needs to be transparent as to not create any visual obstruction as well as prevent contributing to unsafe spaces along the railway.
- 5 It is proposed that the river running through Koelenhof Estate is rerouted back to what was its previous/original path directly through the center of the property. The river has a 15m buffer either side and will be revived. This river corridor can become a potential asset to properties adjacent and facing onto it.
- 6 Water movement down the slope between Devonbosch and Koelenhof estate has been canalized and redirected into pipes underground. The proposal is to bring this water back to the surface and reroute this water movement to pass through the intersection.



Figure 22  
Visual representation showing the expression of the green and blue corridors in and around the site.



Figure 23  
Visual representation showing the expression of the green and blue corridors in and around the site.



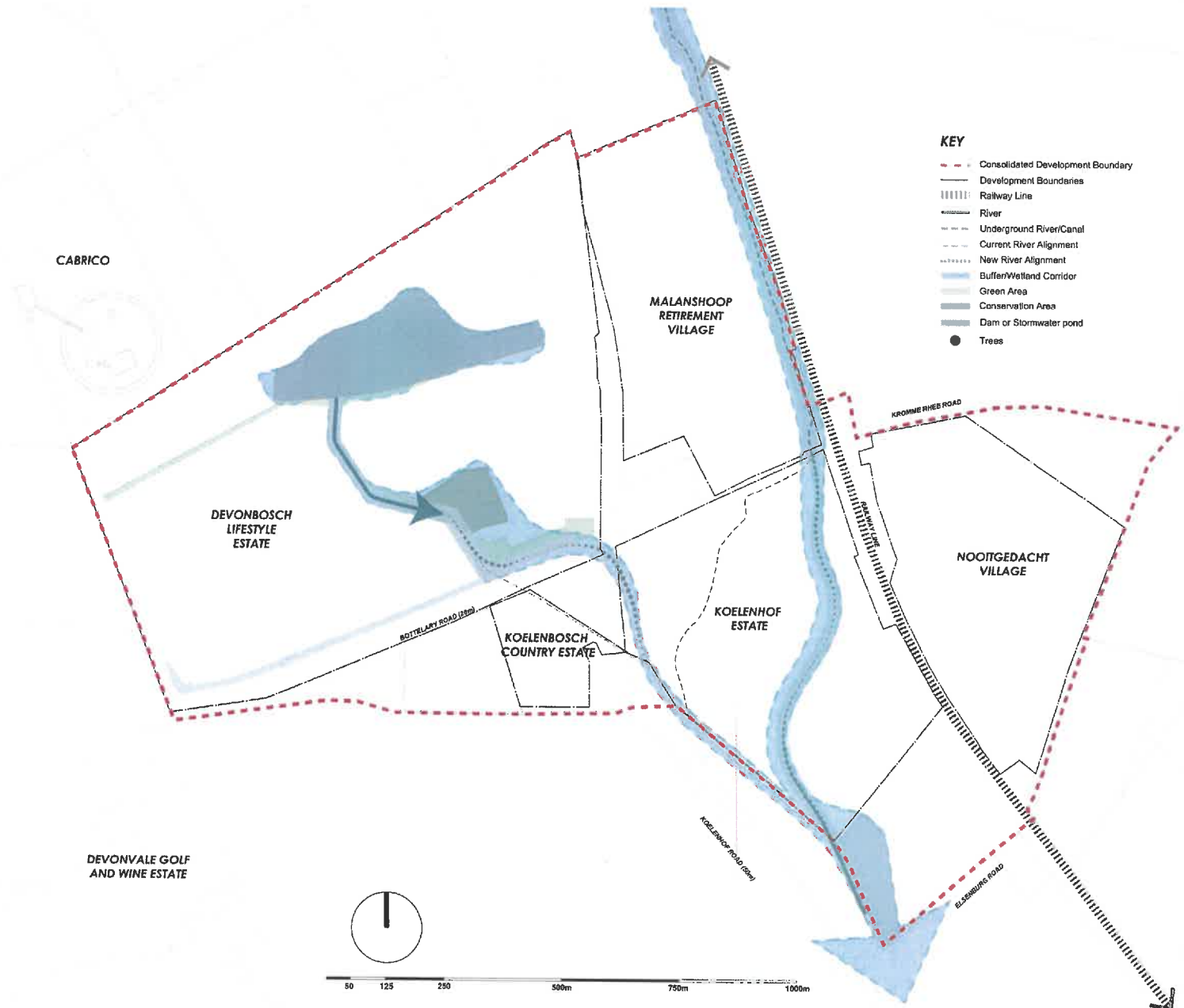


## DESIGN STRATEGY GREEN & BLUE NETWORK STRATEGIES



### ECOLOGICAL CORRIDOR / SYSTEMS AS A WHOLE

Reinforcing existing ecological systems across all developments as a linking device. A designed landscaped interface that meets the requirements of an ecological corridor, is proposed. This space can also incorporate pedestrian movement, recreational as well as stormwater management functions.



## DESIGN STRATEGY GREEN & BLUE NETWORK STRATEGIES



### BLUE NETWORKS AND STORMWATER

7

A stormwater pond is proposed for this location. It will hold water at the base of the slope.

8

Stormwater management along these streets in Devonbosch needs to be dealt with laterally in the form of SUDS integrated into the streets and sidewalks.

9

Stormwater runoff in this area will also require a stormwater pond at the lowest point on site. Run off to this point can be caught along the eastern boundary to be brought to this point.

10

Stormwater can be dealt with in small ponds along the river rather than one large pond. These ponds provide opportunity for recreational pocket parks and walkways.



Figure 24  
Visual representation showing the expression of the blue networks and stormwater runoff.



Figure 25  
Visual representation showing the expression of the blue networks and stormwater runoff.

CABRICO

DEVONBOSCH  
LIFESTYLE  
ESTATE

7

BOTTLARY ROAD (2000)

KOELENBOSCH  
COUNTRY  
ESTATE

MALANSHOOP  
RETIREMENT  
VILLAGE

9

KOELENHOF  
ESTATE

10

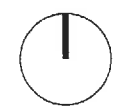
KOELENHOF ROAD (2000)

#### KEY

- Consolidated Development Boundary
- Development Boundaries
- Railway Line
- River
- Underground River/Canal
- Current River Alignment
- New River Alignment
- Buffer/Wetland Corridor
- Green Area
- Conservation Area
- Dam or Stormwater pond
- Trees

NOOITGEDACHT  
VILLAGE

KROMME RHEE ROAD



0 125 250 500m 750m 1000m

DEVONVALE GOLF  
AND WINE ESTATE

## DESIGN STRATEGY

### GREEN & BLUE NETWORK STRATEGIES



#### LANDSCAPE BUFFER

- 11** Dense existing treelines that provide a green buffer for Devonbosch from the future class 2 road. An equivalent buffer will be provided for on the other side of the road.
- 12** Where possible trees and treelines should be retained. The tree clusters in Malanshoop create an opportunity for a green neighbourhood park. Additionally, a 20m landscape buffer is proposed for either side of Koelenhof Road.
- 13** The landscape buffer is to be extended up to the intersection to act as a screen for pedestrians from the Class 2 road.



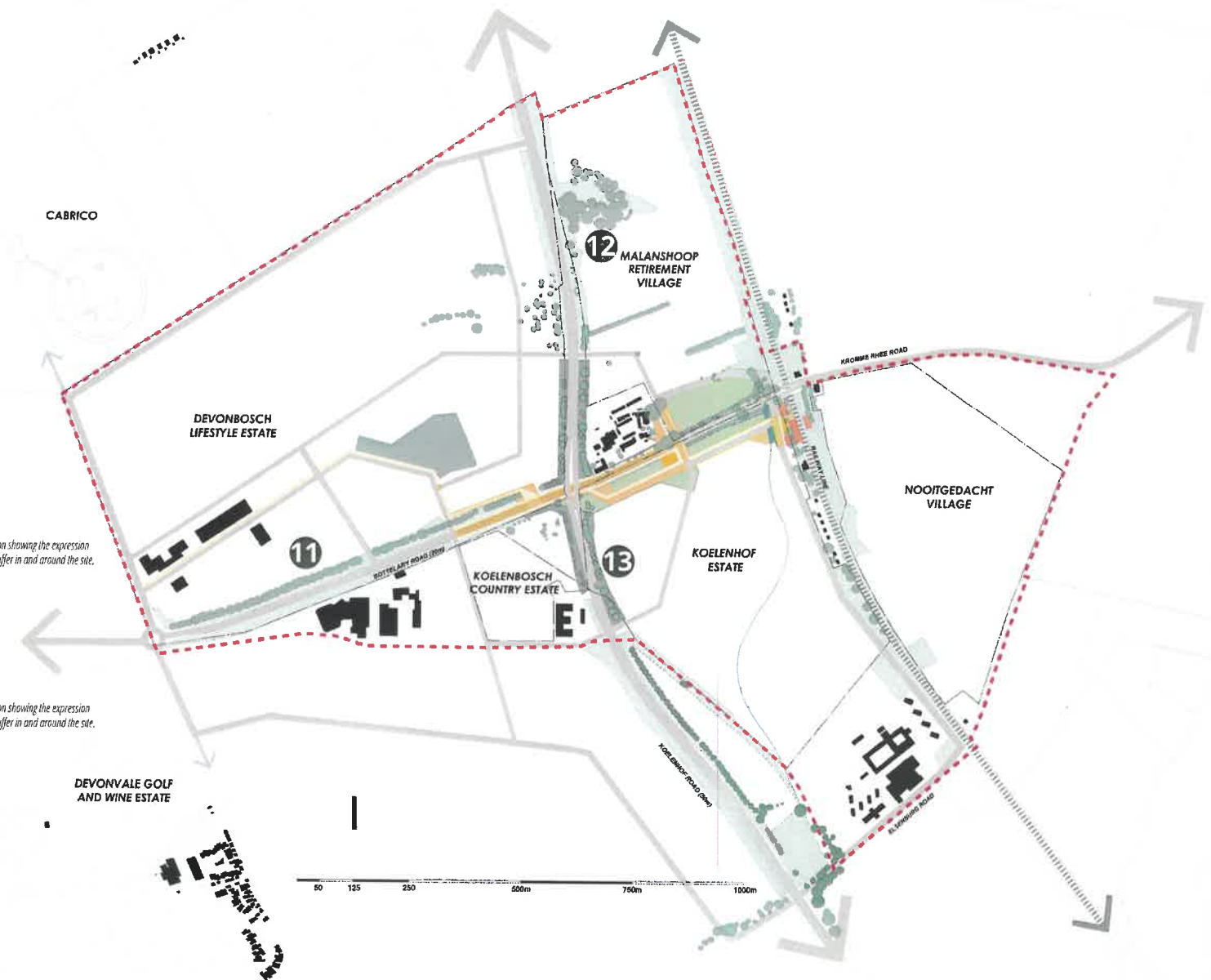
Figure 36  
Visual representation showing the expression of the landscape buffer in and around the site.



Figure 37  
Visual representation showing the expression of the landscape buffer in and around the site.



Figure 38  
Visual representation showing the expression of the landscape buffer in and around the site.





## DESIGN STRATEGY BLUE NETWORK STRATEGIES



### SUSTAINABLE DRAINAGE SYSTEMS

These strategies slow down the water drainage out of the site, allowing for filtration and recharging of ground water sources. Additionally it allows for ecological systems to thrive and provides a presence of water on the site that is visible to the user. It also provides an alternative to hard engineering solutions whilst creating a desirable environment for the users.

1

Soft engineering system that filters runoff from streets and roofs.

2

Permeable surfacing to allow water infiltration where possible. In select areas with no assigned sidewalks and hard surfacing, the streets double as pedestrian spaces that allow vehicular traffic.

3

Swale

4

Planted verges with indigenous water sensitive planting. Without hard surfacing, water is free to seep slowly into the ground.

5

Collect rainwater from roofs in water storage tanks to be used for landscaping irrigation.

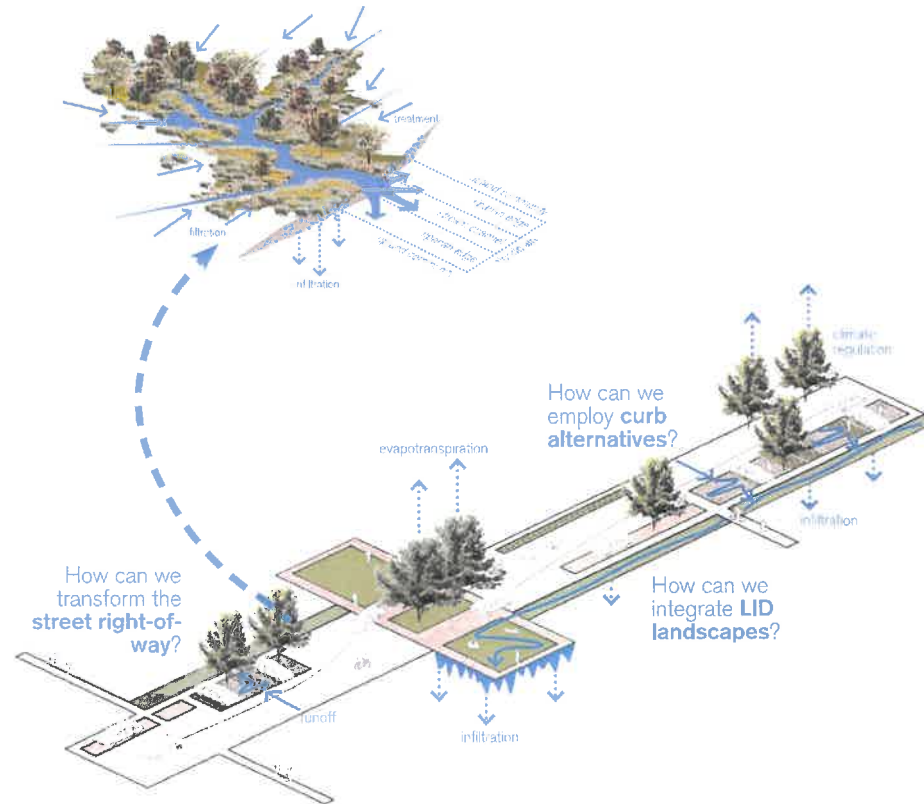


Figure 2

A SUDS System. Source: Low Impact Development: A Design Manual for Urban Areas, AUCDC, 2010

Figure 3

Picture 1. Good practice example of green stormwater infrastructure in Seattle, WA, <https://nacto.org/publication/urban-street-stormwater-guide/streets-are-ecosystems/sustainable-stormwater-management-matters/>

Figure 2B

Picture 2. Permeable paving in Missouri Botanical Garden parking lot allows water to reach tree roots. <https://www.gardenotaoz.com/what's-up/ensemble-weekly-editions/early-winter/what's-up-168-water-a-pot-seed-for-mild-wed-lawn/permeable-paving-grid/>

Figure 3

Picture 3. Sourced photograph of a bioswale along a pathway through a park. Project unknown, <https://i.pinimg.com/originals/32/51/93/325193a69205edae1e131084d2a2b971.jpg>

Figure 4

Picture 4. Sourced photograph of a bioswale along a road in Seattle <https://nacto.org/publication/urban-street-design-guide/street-design-elements/stormwater-management/bioswales/>

Figure 5

Picture 5. Green street systems in Portland, Oregon, <https://www.opb.org/news/article/portland-oregon-environmental-agency-audit-green-streets/>

1

2

3

4





## DESIGN STRATEGY BLUE NETWORK STRATEGIES



### STORMWATER BIO-RETENTION PONDS

The bio-retention pond areas are to be workshoped and integrated into the landscape strategy. The design team will consider their interfaces with the surrounding landscape and built form.

Retention of water is to occur at multifunctional green spaces such as the road buffer zones. They can be shaped along areas to create linear strips that accentuate the presence of water and biodiversity along roadways or to be integrated with the riparian edge. Retention areas need to be well-considered and designed as delineated features integrated into and complementing the space in which they are located.

At more formal urban interfaces, retention areas need to be well-considered and designed as delineated features integrated and complementing the space in which it is located.

Large existing agricultural ponds are to be made functional for stormwater retention. This allows for ecological systems to thrive and provides a presence of water on the site to be enjoyed as recreational space for the user.

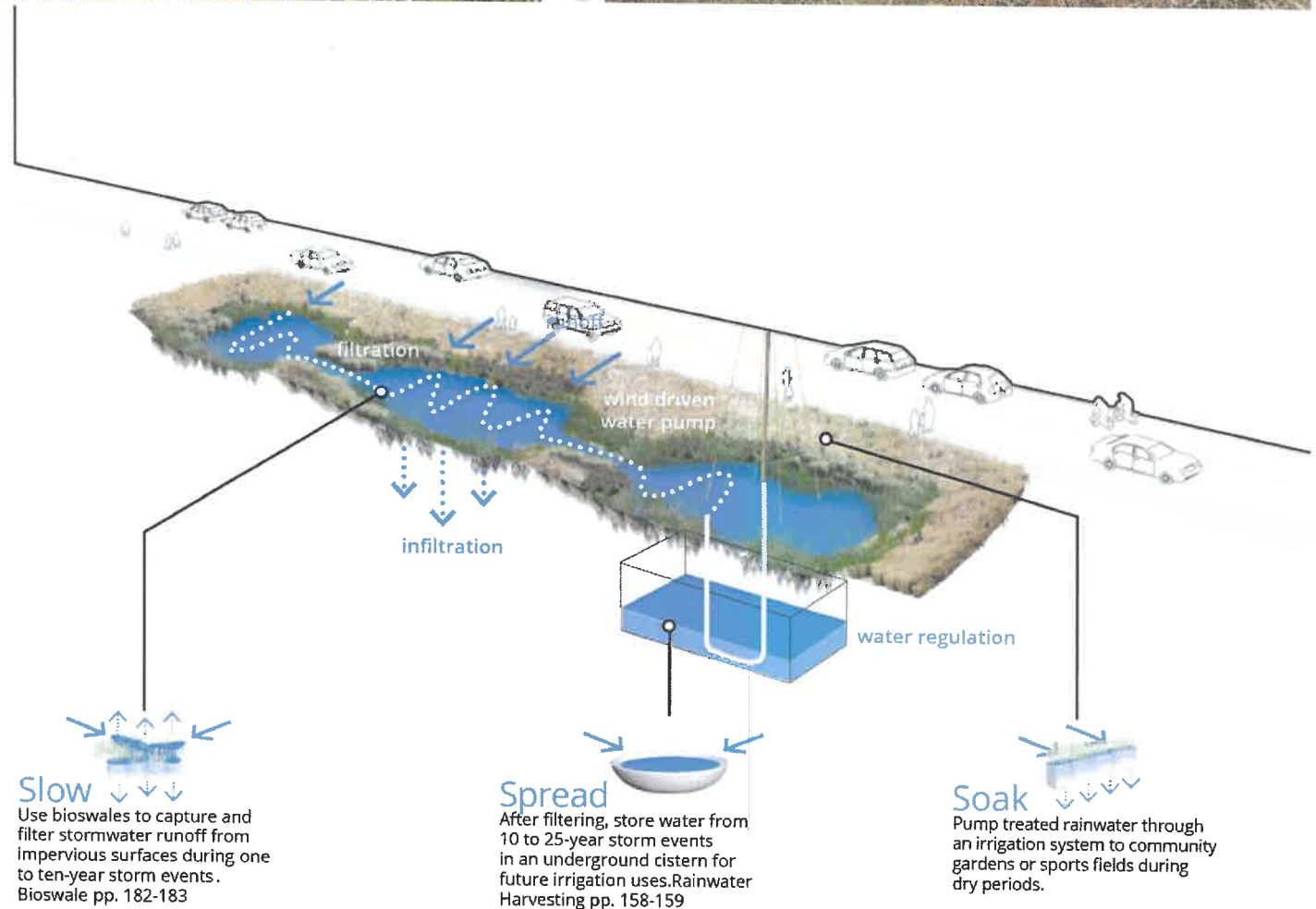


Figure 33

Picture 1. Intaka Island / Century City, <https://www.capetownwithkids.com/intaka-island-century-city/>.

Figure 34

Picture 2. An existing agricultural pond on site.

Figure 35

A SUDS System. Source: *Low Impact Development: A Design Manual for Urban Areas*, AUCDC, 2010

## DESIGN STRATEGY MOVEMENT AND ACCESS



### REDISTRIBUTING AND DISPERSING TRAFFIC YIELD

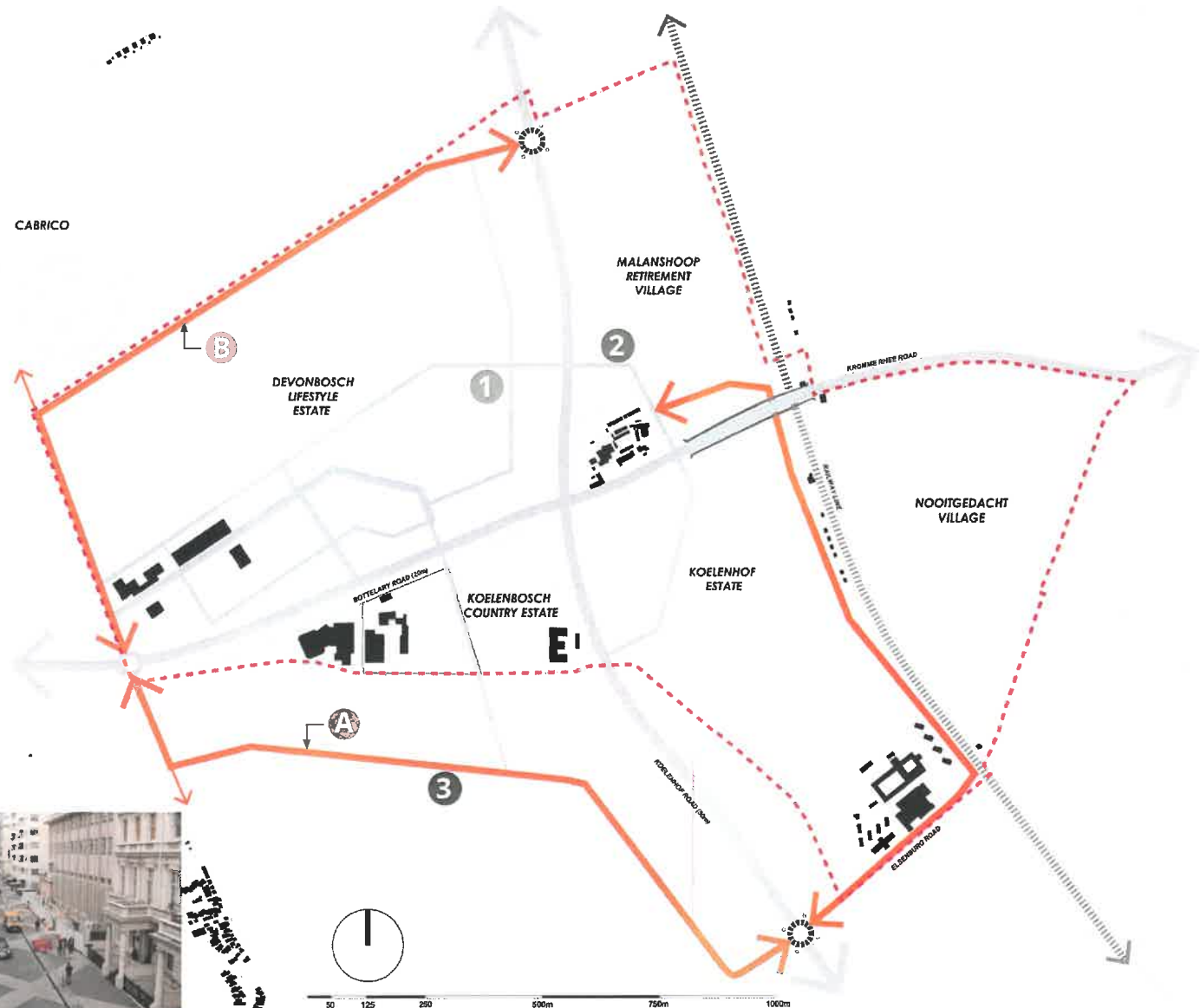
- 1 Traffic demands in the area that will be created by Devonbosch alone will require significant upgrading of the roads and whole intersection. To take some additional pressure off the intersection a secondary road will be required cutting through Devonbosch and joining Bottelary and Koelenhof Road at over 570m away from the intersection.
- 2 The upgrading of Bottelary and Kromme Rhee to class 2 roads will further segregate the three developments from one another. It is proposed that this secondary internal ring road network provides an opportunity to connect all three new developments and also alleviate additional vehicular traffic.
- 3 A bypass to the south of the intersection creating a direct link between Elsenburg Road, (intersecting Koelenhof Road) and Bottelary Road will further ease the centralized traffic yield in the area. These roads A & B are classed as quarter link roads.



Figure 39  
Visual representation showing the expression of the dispersion of traffic.



Figure 40  
Visual representation showing the expression of the dispersion of traffic.



## DESIGN STRATEGY MOVEMENT AND ACCESS



### TRAFFIC CALMING

1 Road and traffic calming measures are implemented within the Koelenhof Consolidated and Integrated Plan area. From the boundary edges of the site, the existing Koelenhof road that connects to the N1 Highway will have signalised intersections, A & C, as one enters the consolidated area, which will signal traffic to slow down upon entering the area. Along the road, there are two other signalised intersections where internal roads cross the main road, further slowing traffic through the site.

Along Bottelary Road, speed is regulated starting with the roundabout at B, with signalised intersections along the road between B & D, facilitating the calming of traffic along this road.



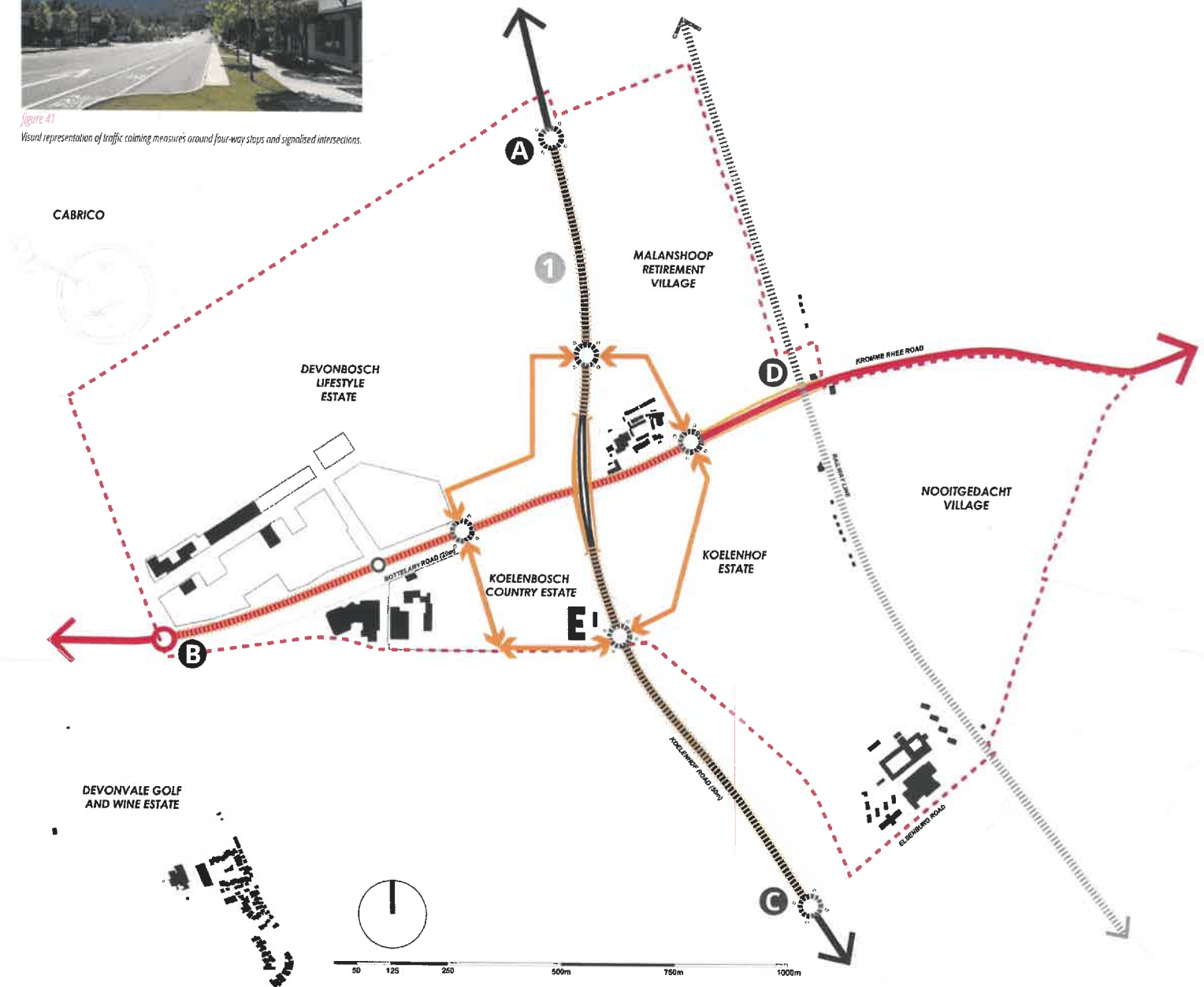
Figure 42  
Visual representation of traffic calming measures through landscaping and pavements.



Figure 43  
Visual representation of traffic calming measures with parking and an active pedestrian interface.



Figure 41  
Visual representation of traffic calming measures around four-way stops and signalised intersections.





## DESIGN STRATEGY MOVEMENT AND ACCESS



### ELEVATED CIRCLE INTERSECTION

**4a** Where Koelenhof road and Bottelary road meet, it is proposed the Koelenhof road be elevated above the crossing in the form of a bridge over, with Bottelary road sunk beneath the elevated intersection.

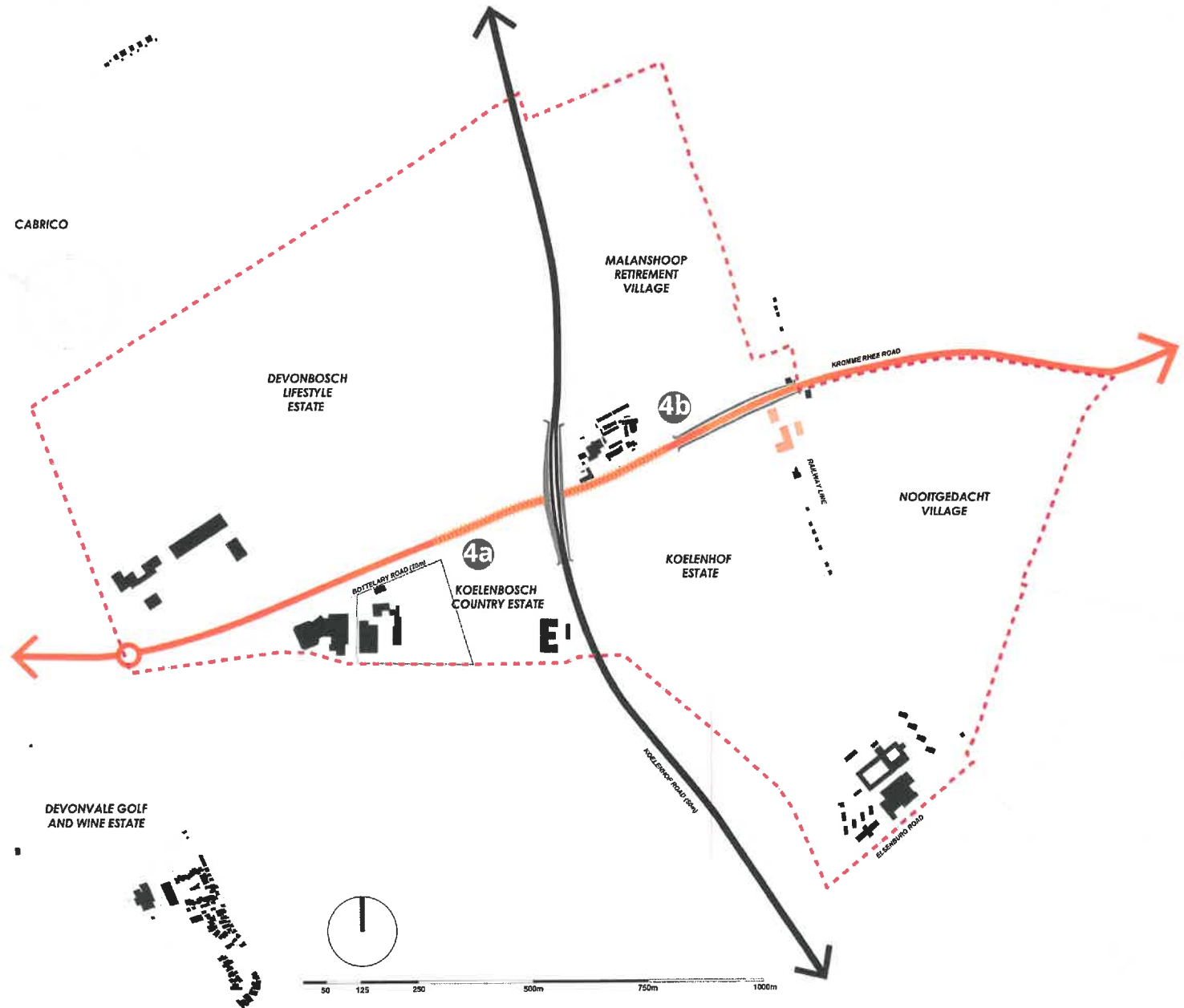
This would allow the connectivity of Malanshoop and Koelenhof Estate on ground level and support more direct access to the train station.

It is further proposed that the lanes of the bridge be split to let light in in-between. A wishbone bridge as shown in the image below will also help foster a feeling of spatial continuity between the developments.

The link formed between 4a and 4b is imagined to serve as the primary pedestrian link/corridor through a green public open space system that would further reinforce the connectivity between the developments to the north and south of the site.



An elevated intersection with pedestrian access underneath





## DESIGN STRATEGY MOVEMENT AND ACCESS

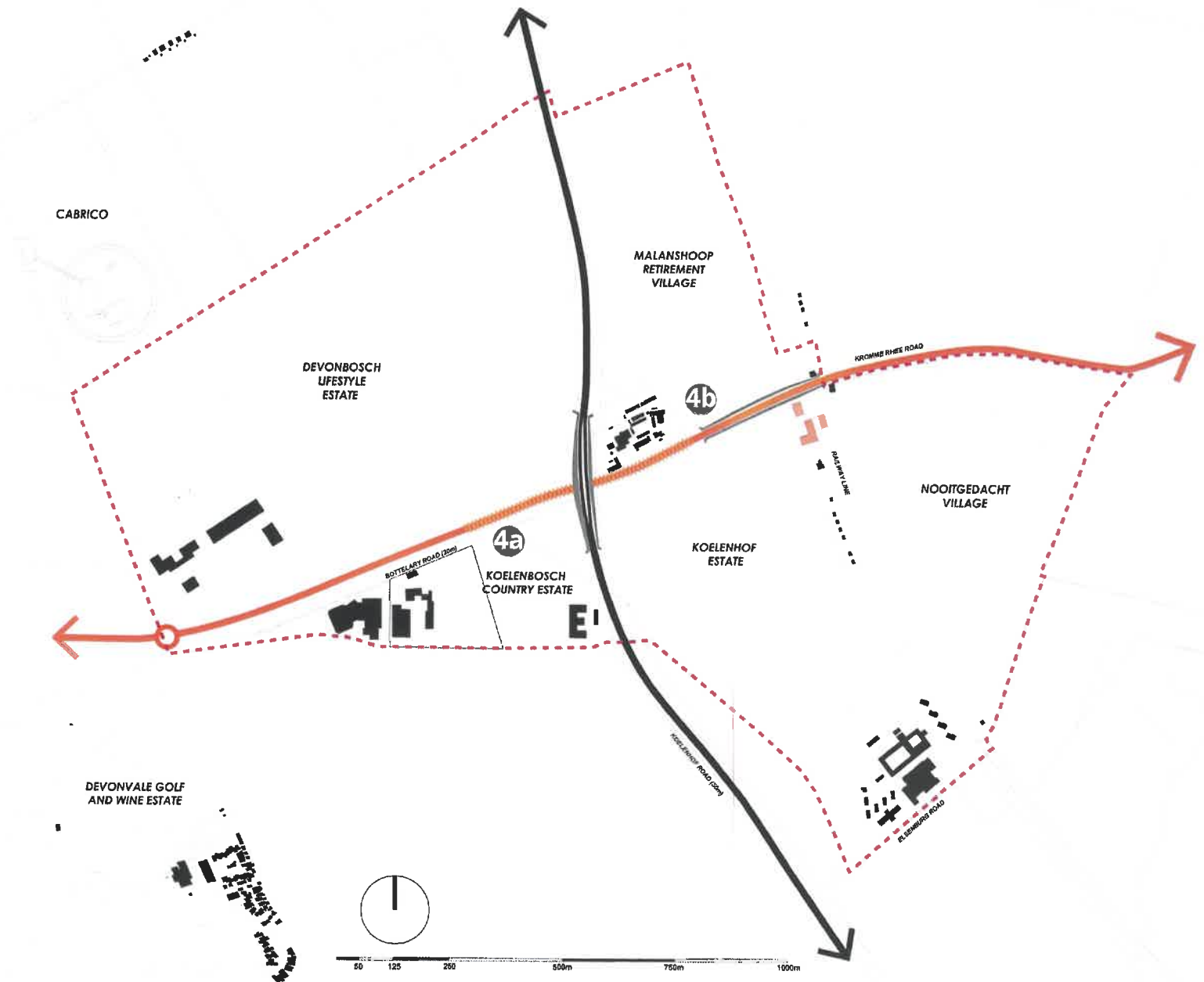


### BRIDGE

4b

The upgrading of Bottelary Road and Kromme Rhee Roads to a class 2 road will impact the intersection.

With this upgrade, the road passing over the railway line will need to be formalized and made into a bridge crossing to ensure continuity of access.



## DESIGN STRATEGY MOVEMENT AND ACCESS



### INTERNAL MOVEMENT NETWORK AND LINKS

5

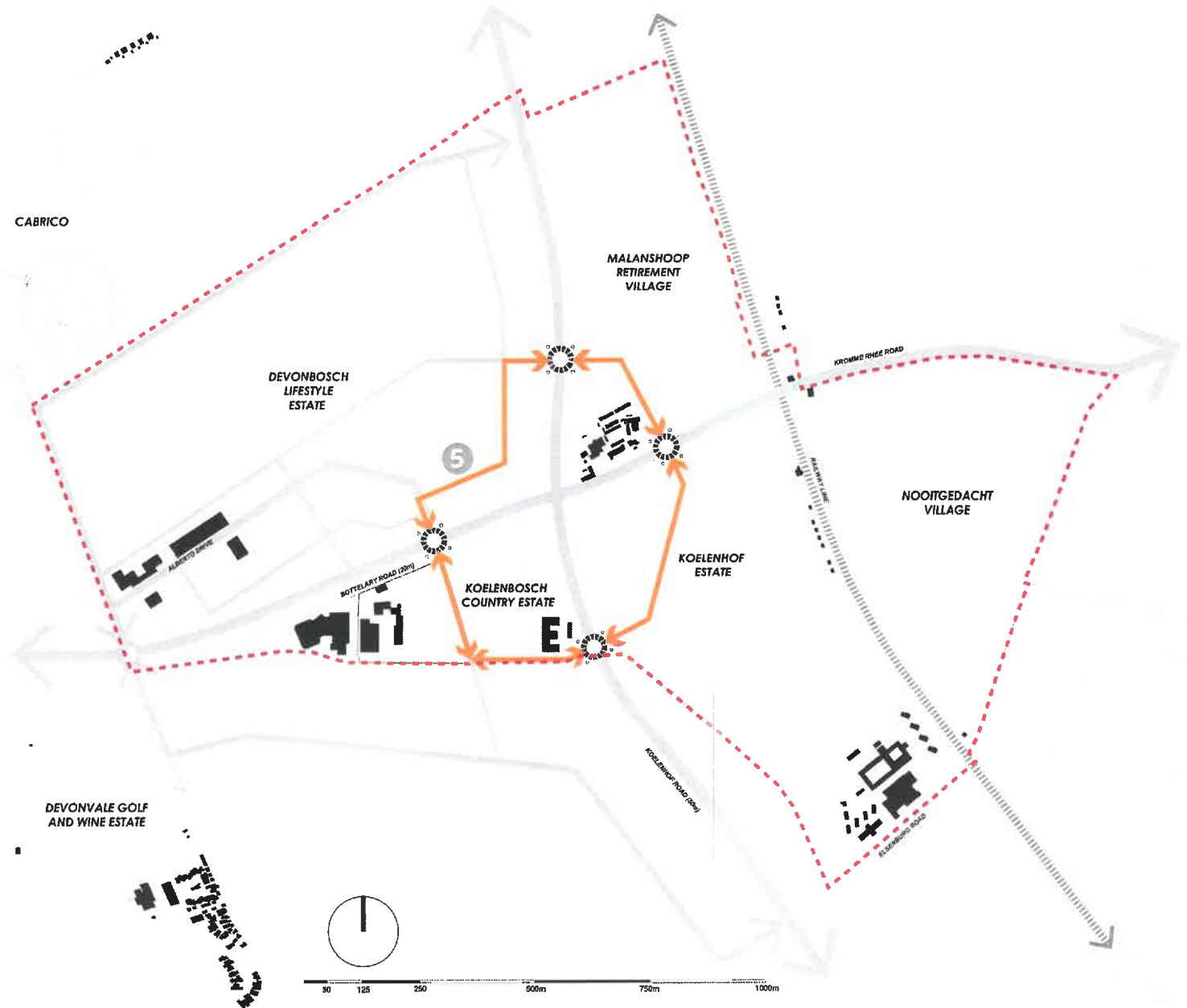
A tertiary road network is proposed as the internal movement system within the developments alongside pedestrian pathways. The extension of Alberto Drive within Devonbosch to the circle will serve as the entrance to a network of public people-centered streets.



Figure 45  
An illustration of pedestrian-oriented street design.



Figure 46  
An illustration of pedestrian-oriented street design.



## DESIGN STRATEGY MOVEMENT AND ACCESS

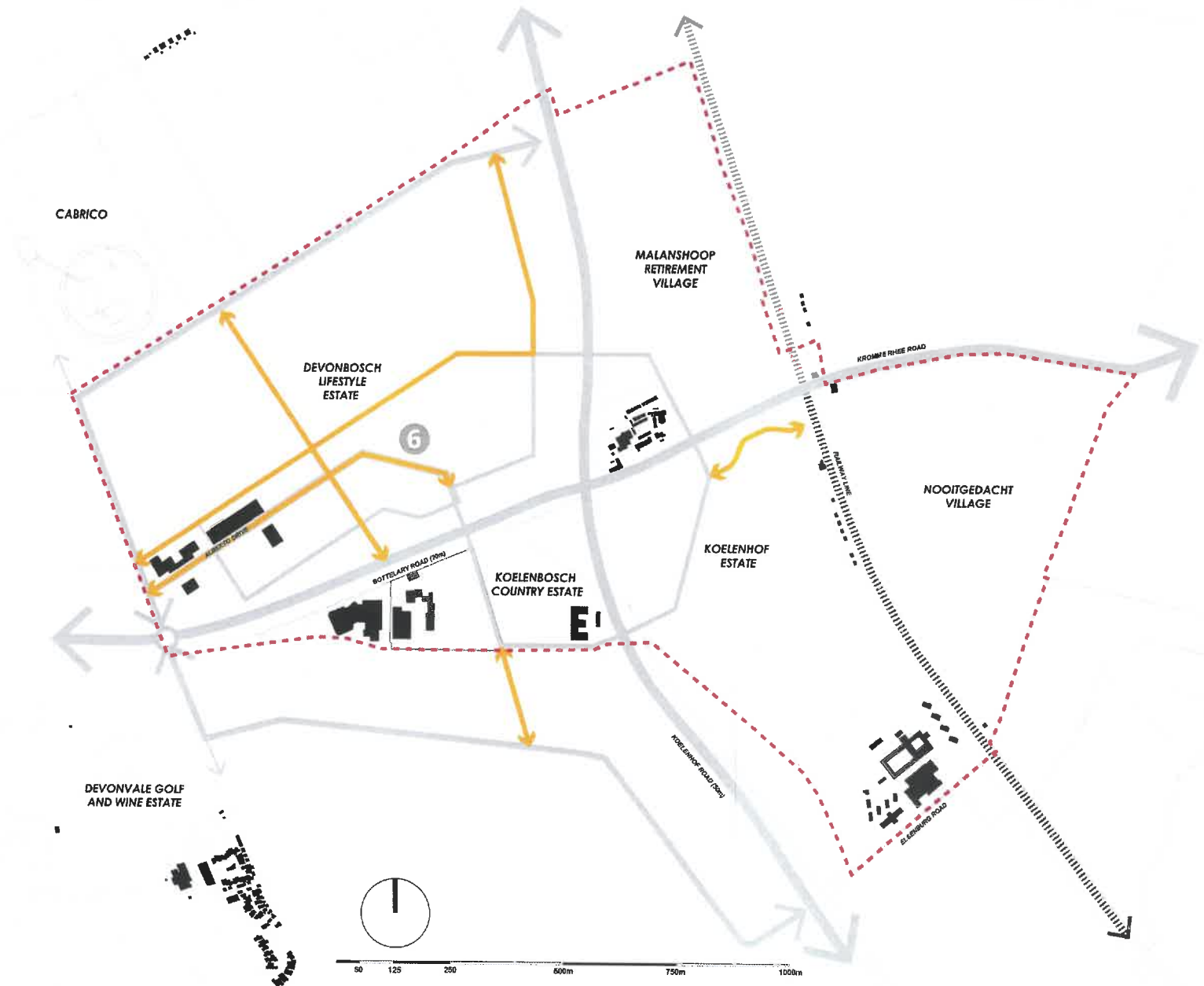


### INTERNAL MOVEMENT NETWORK AND LINKS

- 6 The internal streets across all the developments can take precedent from Alberto Drive in Devonbosch. These streets are public (yet secure) and have active edges such as retail, front of houses, spill-out spaces, NMT networks, pedestrian pathways and street furniture.



figure 47  
A visual representation of shared street design.



## DESIGN STRATEGY MOVEMENT AND ACCESS



### MOVEMENT AS A STRUCTURING ELEMENT

6

Strengthening and creating movement links between the developments, bridging barriers, encouraging integration and ensuring continuity.

#### KEY

- Road - 40m RR Dual Carriageway
- Road - 40m RR Dual Carriageway
- Road - 24m Single Carriageway
- Road - 16m RR Single Carriageway
- ||||| Railway Line
- Small Loop Road - Single Carriageway
- Pedestrian/NMT Movement System
- Proposed connector Street - Single Carriageway
- ⊙ Signalised Intersections
- ⊙ Traffic Circle
- Bridge

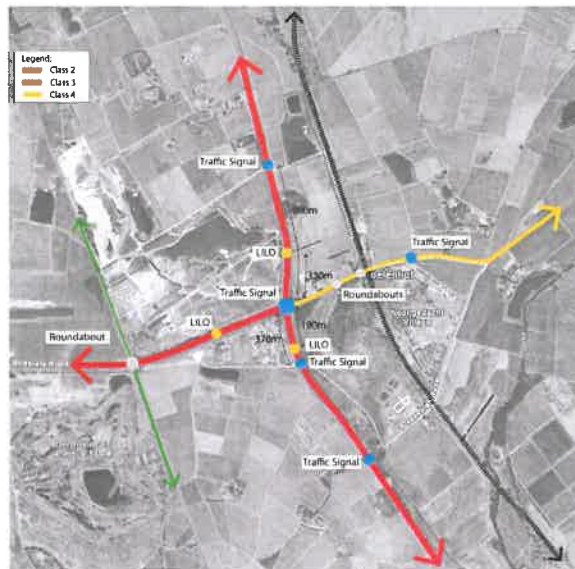
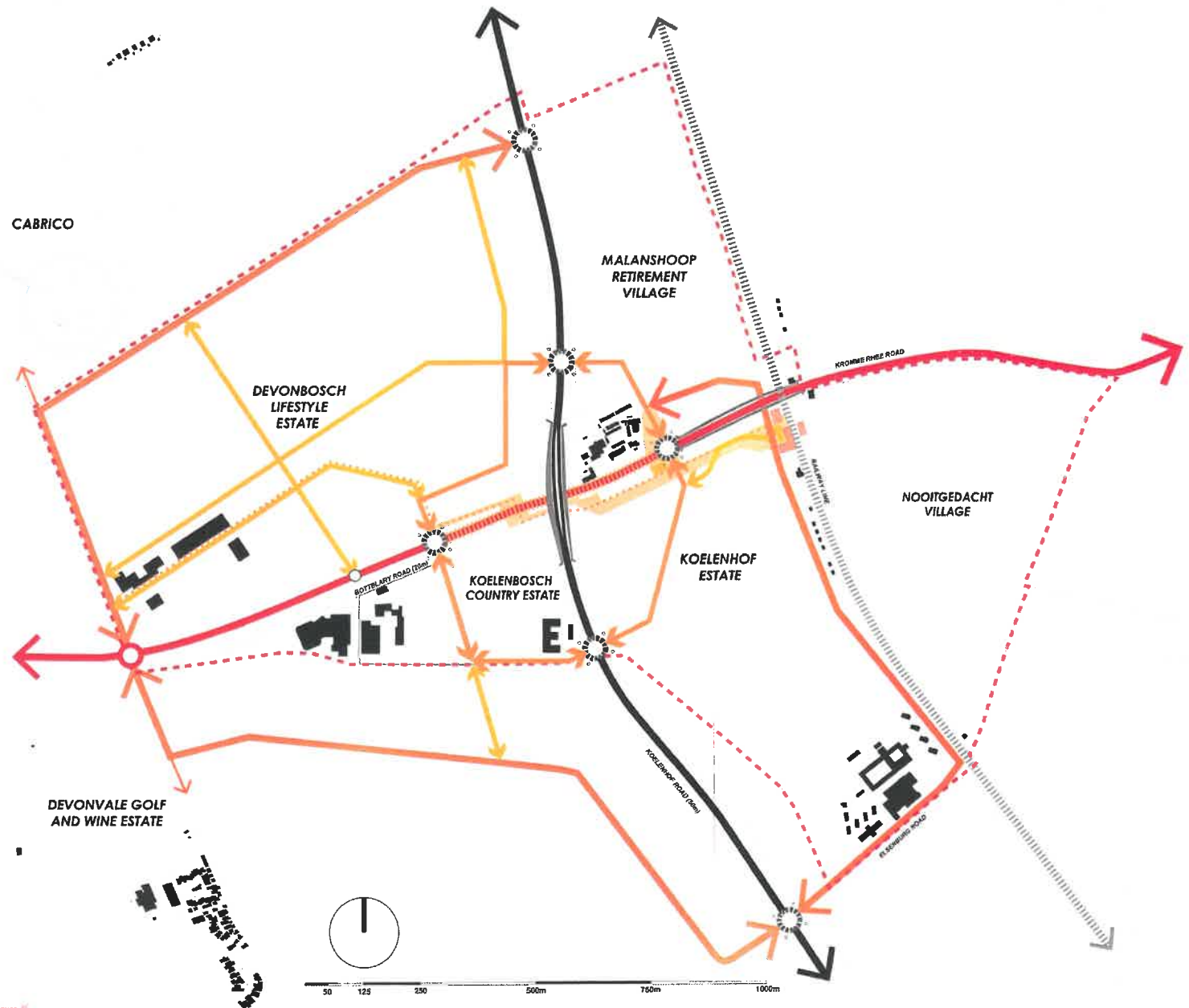


figure 45  
ITS Traffic Analysis



## DESIGN STRATEGY MOVEMENT AND ACCESS



### NMT NETWORK

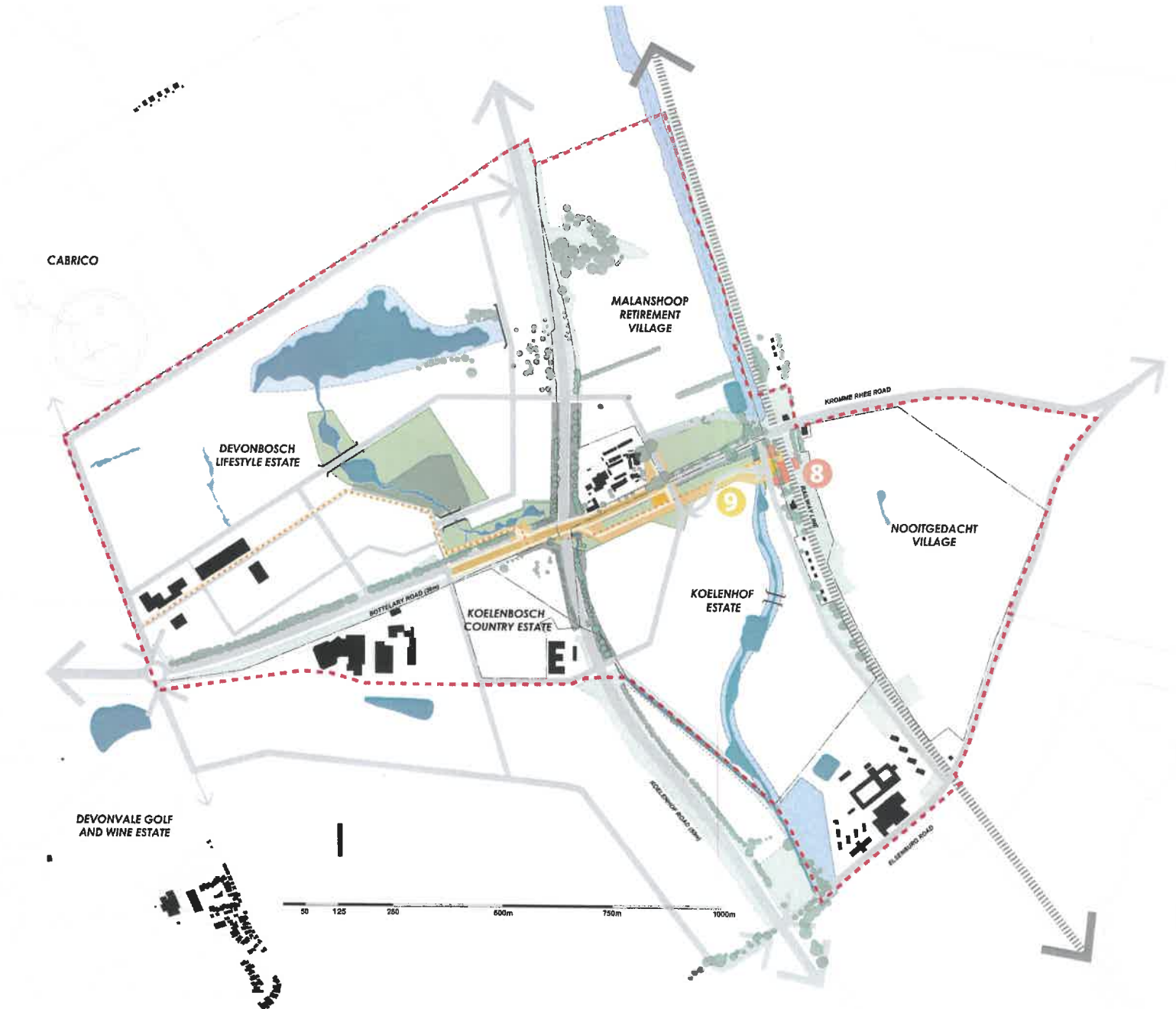
- 8** The rehabilitation of the train station will assist transit for residents, visitors and workers in and out of Koelenhof. It forms the center of the NMT system which further endeavors to connect all the developments.
- 9** NMT and pedestrian walkways tie into the train station and provide access throughout the developments. Walkways and green and blue systems are interlinked and will form the backbone of the whole development.



Figure 49  
MyCiti bus network.



Figure 50  
Transport (NMT) Interchange.



## DESIGN STRATEGY INTERFACE

### URBAN SQUARE

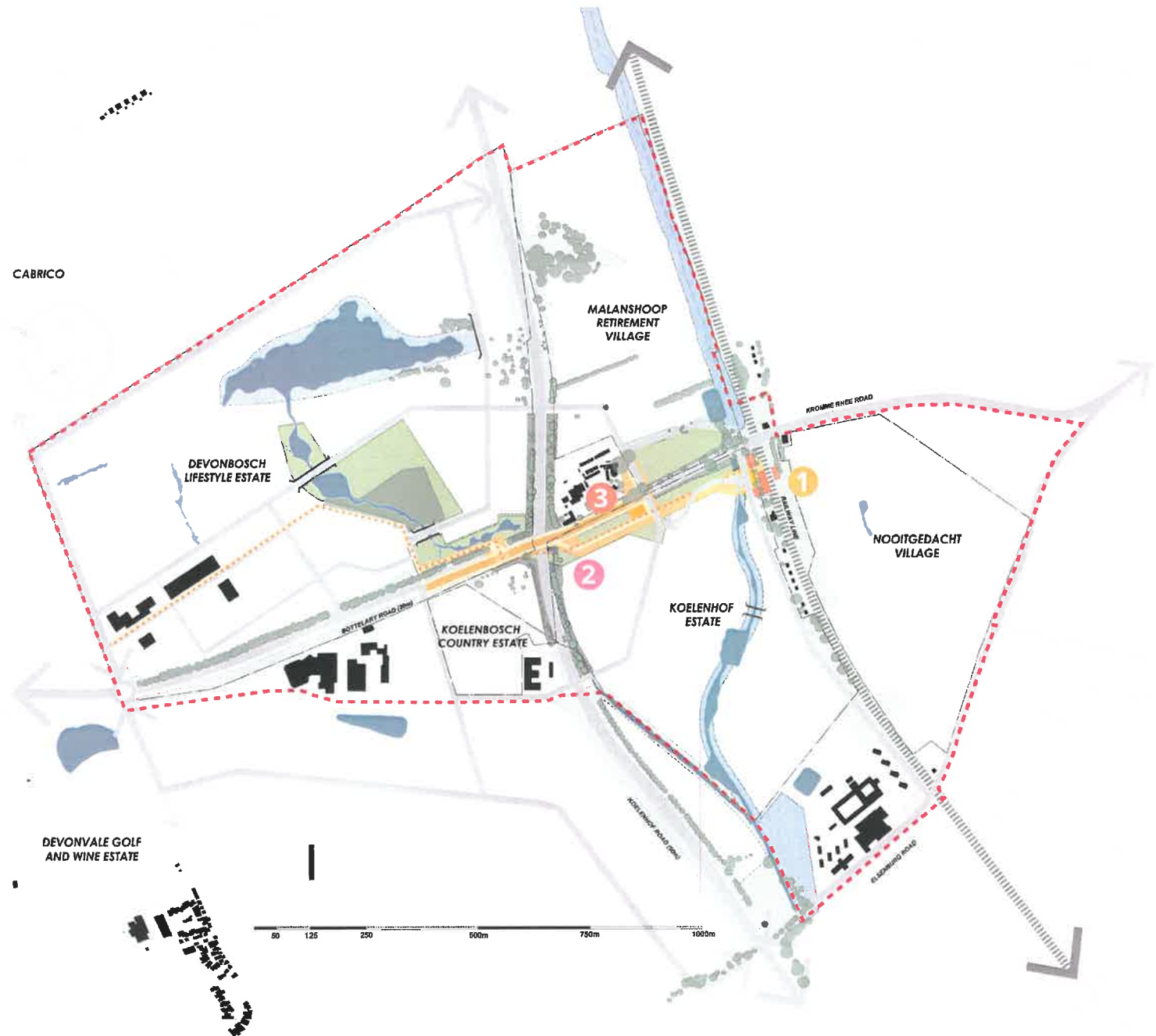
Consolidating and enhancing the built environment with public space activation.

- 1 The train station will be supported by a transit orientated hub.
- 2 This public space can be populated with retail and recreational activity. The proposed mall on the North-western Corner of Koelenhof Estate can help contribute to the public realm.
- 3 An urban public forecourt (in yellow) serves to connect all three developments to one another and to the major transit routes



Figure 51

Green systems tied into pedestrianised and NMT networks.



## DESIGN STRATEGY INTERFACE

### URBAN INTERFACE



Figure 54  
A visual representation of the expression of urban squares.

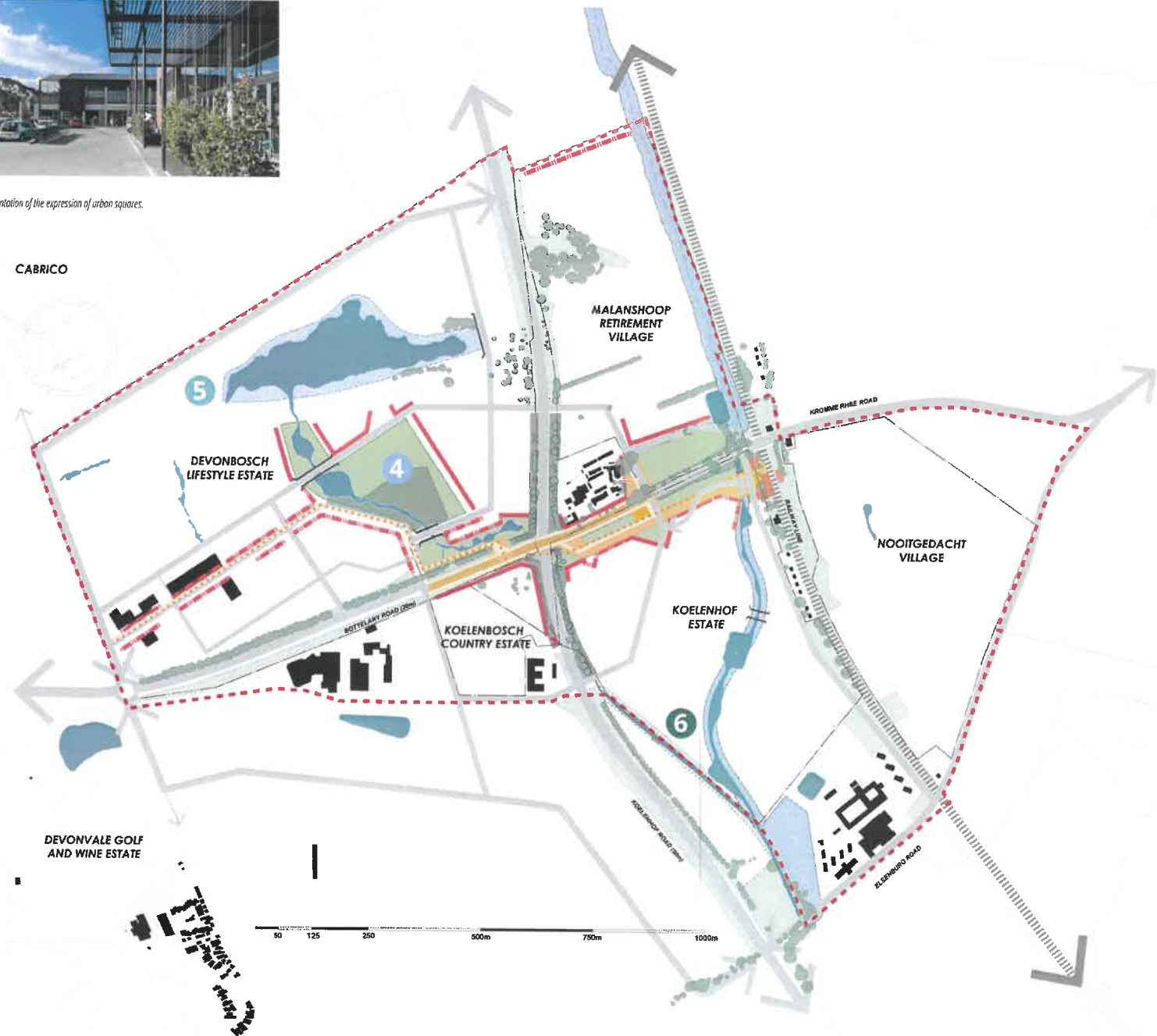
- 4 Green spaces such as the recreation area in Devonbosch will be activated with street and building interfaces that look onto the space. Pedestrian walkways will follow and cut through the green and blue system.
- 5 A section of the large dam in Devonbosch will have public access and is a prime spot for recreational amenities.
- 6 Interfaces along the river in Koelenhof Estate consist of residential frontages and pedestrian walkways and rest spaces.



Figure 52  
A visual representation of the urban interface with the built fabric.



Figure 53  
A visual representation of the expression of urban squares.





## DESIGN STRATEGY INTERFACE



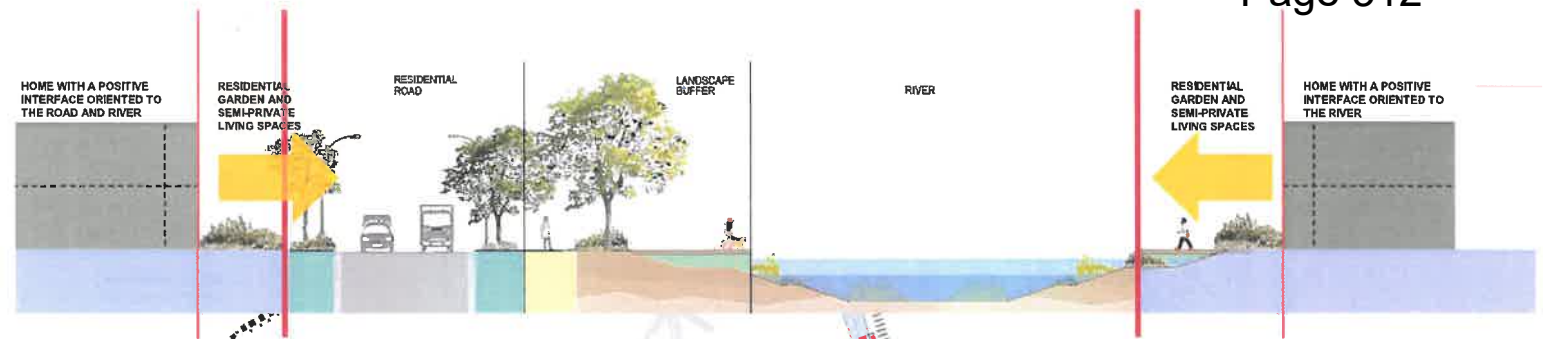
### NATURAL INTERFACE

- 6 Interfaces along the river in Koelenhof Estate consist of residential frontages and pedestrian walkways and rest spaces.

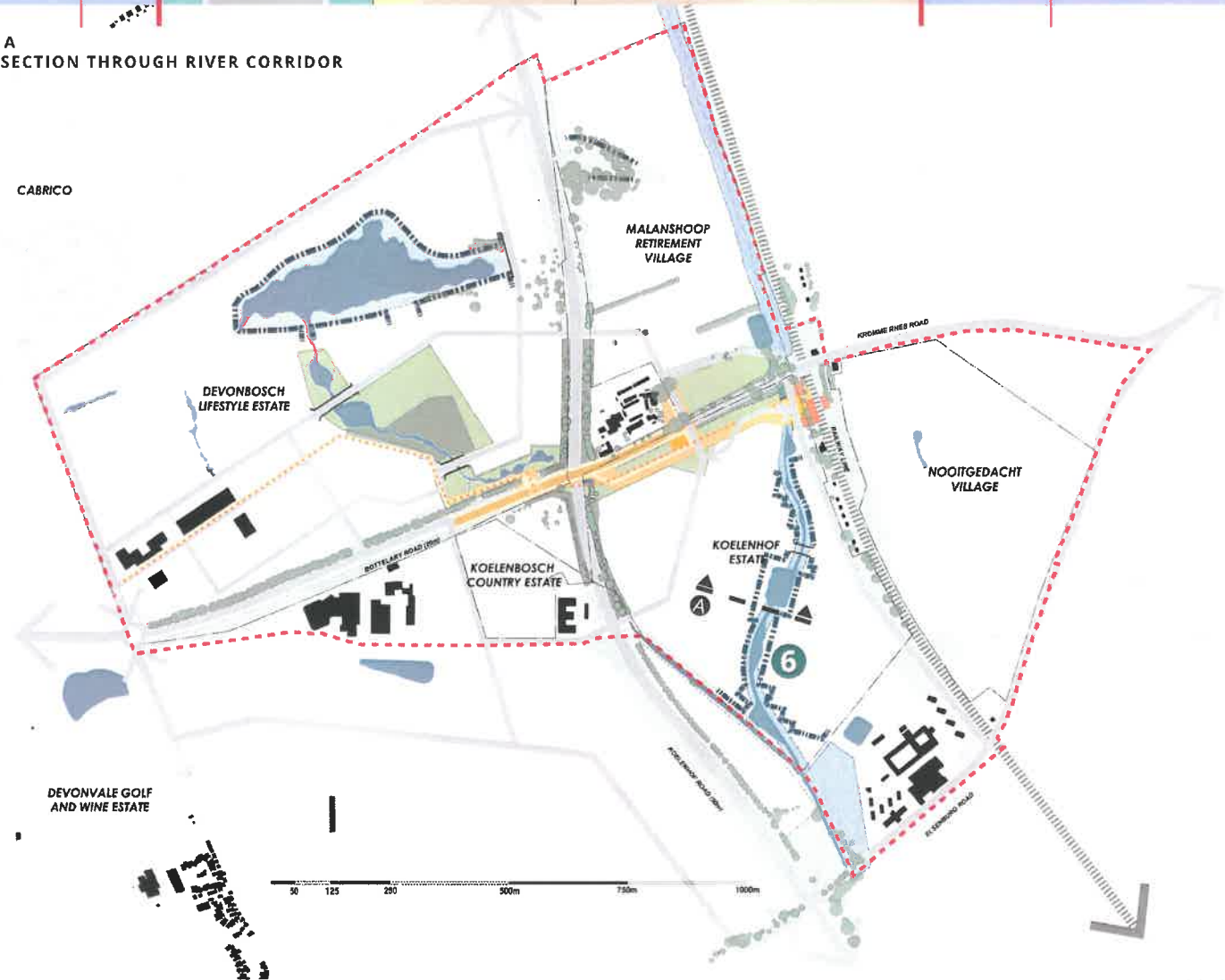
The principle is to establish positive interfaces with the river corridor. Here we encourage a principle of 70% positive interface to maintain continuity of the relationship between active, people-oriented uses to 30% non-people-oriented uses.

Built in the integration of internal movement systems with the river, such as pedestrian walkways and strategic spaces, are made publicly accessible for people living within the development.

Promote the ecological functioning of the river to encourage birdlife, maintain clean water, and support its natural water ecosystems. Locate stormwater detention ponds adjacent to the river corridor and integrate ecological systems with SUDS systems into the stormwater plan.



SECTION A  
TYPICAL SECTION THROUGH RIVER CORRIDOR

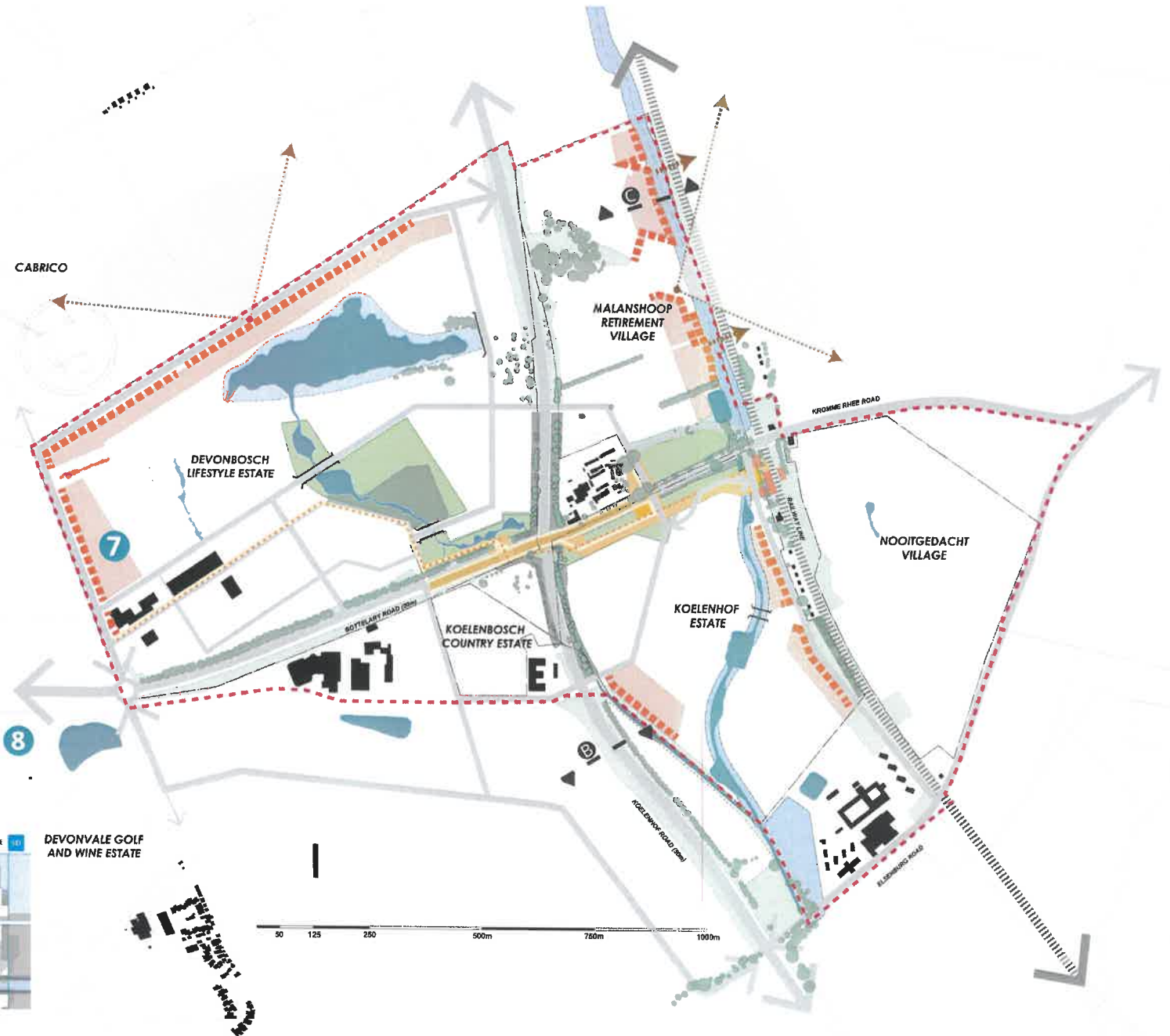




## URBAN-RURAL INTERFACE

- 

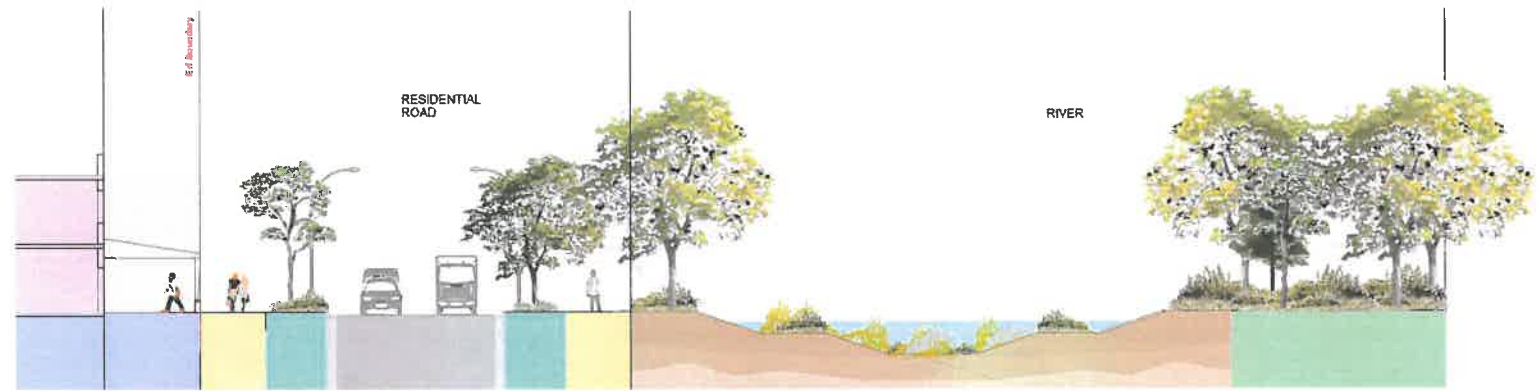
**DEVONVALE GOLF  
AND WINE ESTATE**



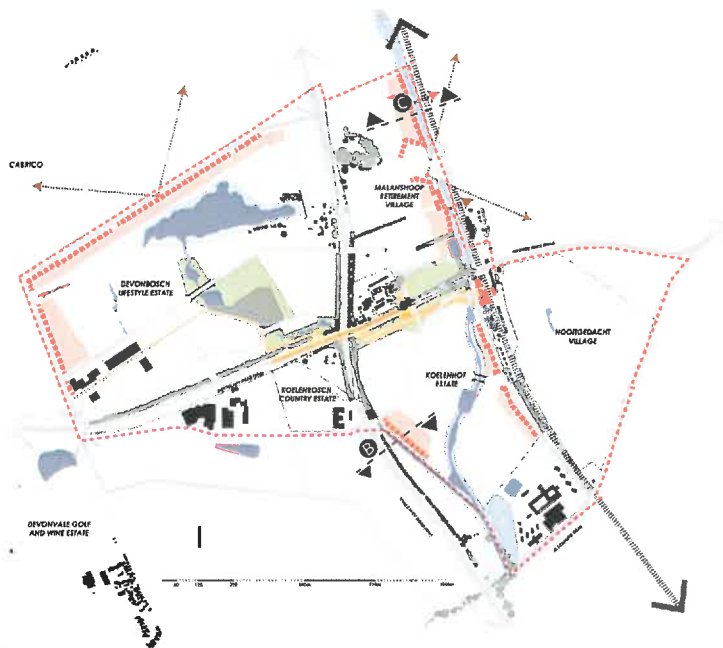
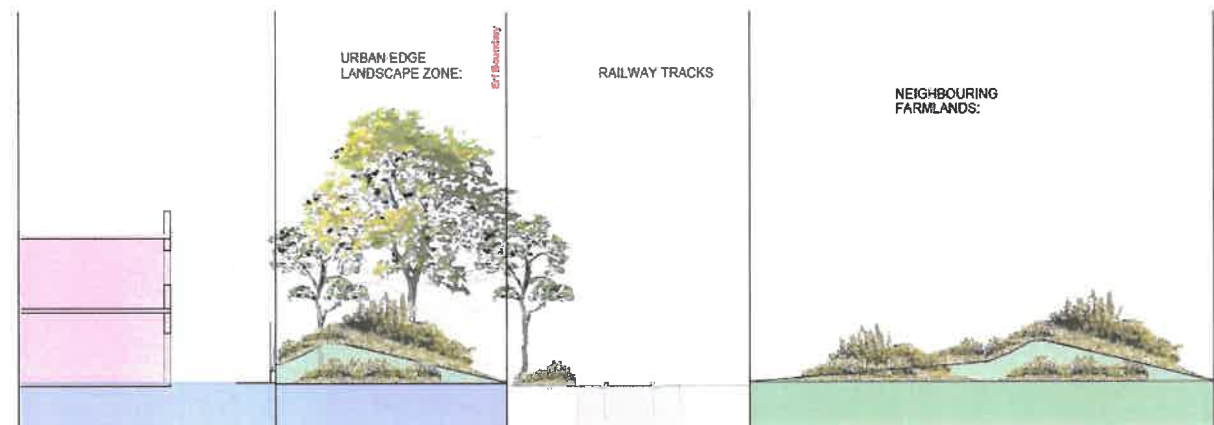
## DESIGN STRATEGY INTERFACE

### URBAN-RURAL INTERFACE

- B** Section B: Development needs to respond in two directions. Externally to the landscape as well as internally to the neighbourhood or residential street.
- C** Section C: Responsive to the agricultural landscape adjacent through the use of landscape buffers as well as positive interfaces such as frontages and visually permeable edges.



SECTION B



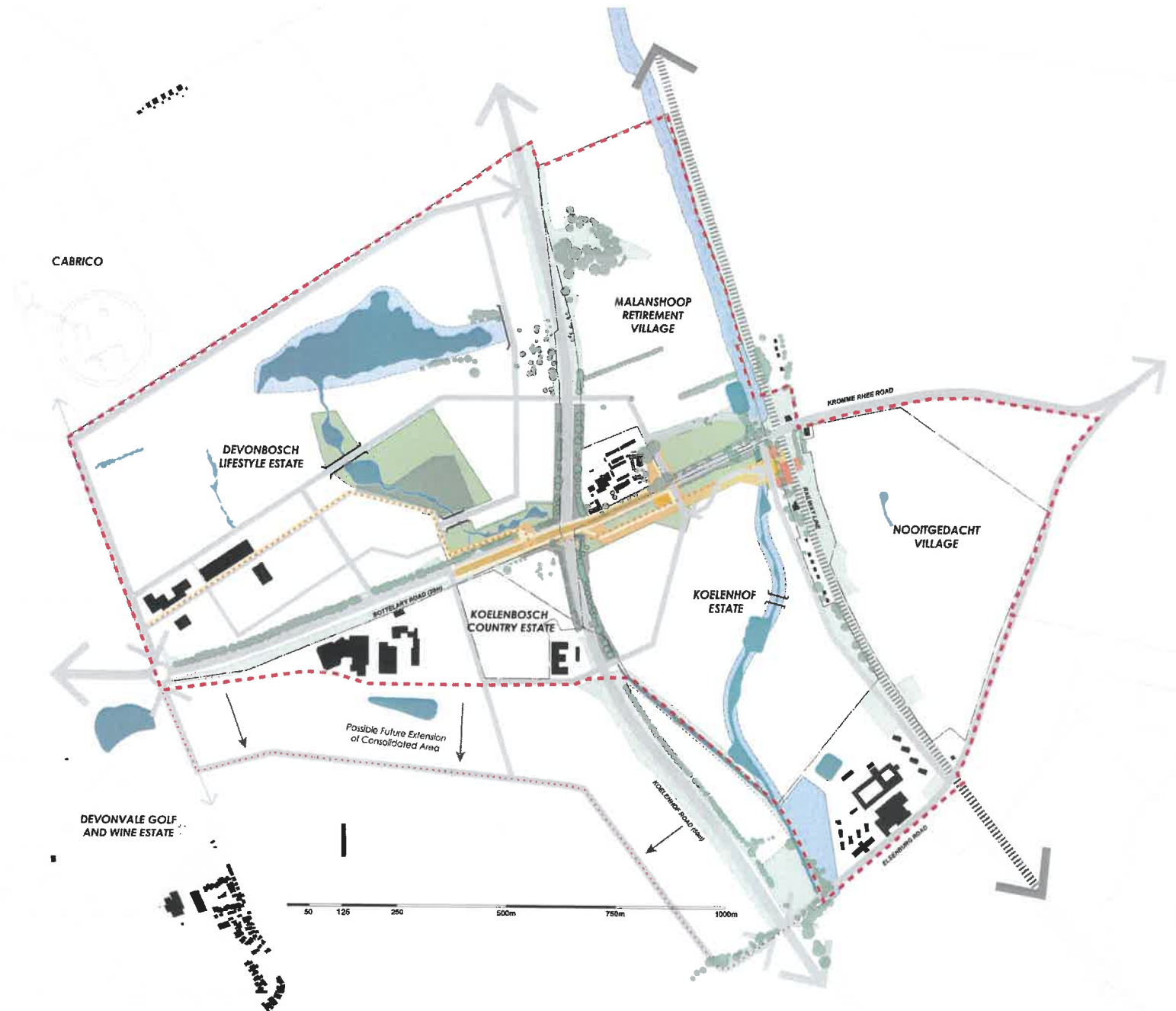
SECTION C

## DESIGN STRATEGY

### COMPOSITE FRAMEWORK PLAN

The composite plan is shaped by three key principles that offer the developments coherence.

- 1 Consolidate scattered and fragmented development into a coherent and compact footprint that supports a collective identity. This is achieved primarily through shared public space systems and must be viewed as a continuum with the adjacent rural landscape. Build continuity in the ecological systems across the site and ensure a positive interface with it through adding people-oriented activities and building positive interfaces between buildings and these systems.
- 2 Connect the developments with the primary public transport system and node, which is the train station. All mobility systems are then shaped to support this connection, including an NMT system. Over and above the need to provide access to the development parcels, the road network is adjusted to support the lower order of movement. It is grade-separated, and the class of roads is downgraded. This is a key strategy to integrate the development parcels and will function as the heart of the town.
- 3 The town will be implemented incrementally, and its landscape will transform over time, allowing a high-quality town to emerge. The quality of the environment will be a key driver of the town's success. Quality will emerge when the public realm experience is coherent, contiguous, and supports an experiential place for pedestrians.

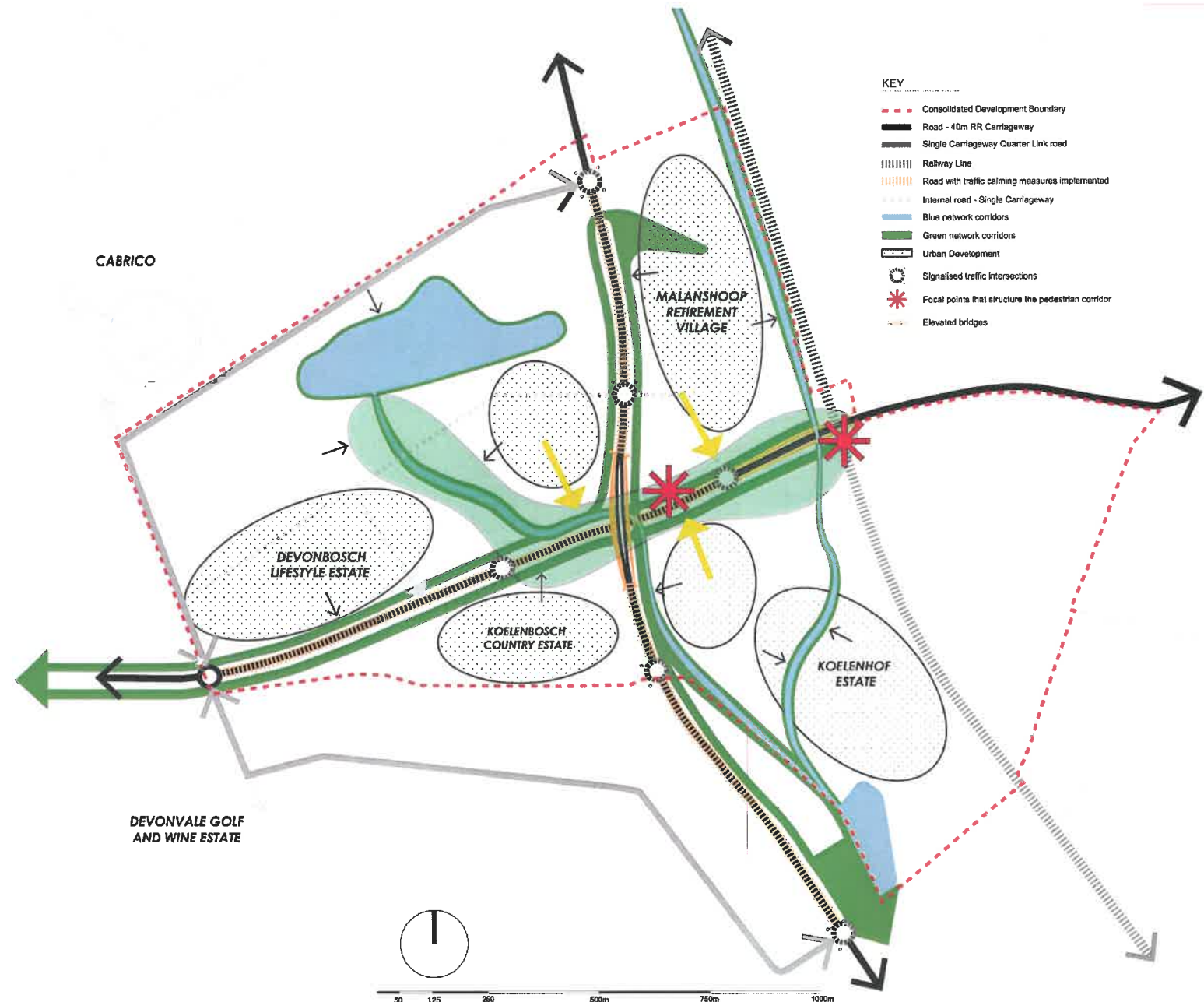




## DESIGN STRATEGY COMPOSITE FRAMEWORK DIAGRAM

Translating these key elements spatially implies the following minimum responses:

- 1** Fix the public realm by making ecological systems contiguous.
- 2** Transform the road into a pedestrian-oriented heart of the new town with a church complex and rail station at its heart. Shape this to act and function as a pedestrian-oriented environment with a focus on landscaping elements.
- 3** Shape building interfaces to orient to these two systems.
- 4** Limit the extent of the new town and consolidate development opportunities through density and diversity of uses. Grade the scale and intensity of development towards the edges of the town and orient development towards it to create a positive interface with the rural.





# conclu- sion

## CONCLUSION PROCESS AND THE WAY FORWARD

This report is imagined to be describing a portion of the process of establishing a set of design guidelines that can be acted on by those implementing the ideas set out herein. It does however only spell out a set of principles, guides and controls without offering resolution of the building brief [function, viability, circulation, etc]. These controls were established through a series of site visits, the application of our urban design sensibilities and a series of design charrettes with the client and developers and the professional consultant team.

The result described in this document does not necessarily offer an idealised urban design response but is a product of a process of iteration. The expectation is that the professional teams, led by the architects, interpret these into viable architectural propositions using this report to substantiate arguments.

The principles established for this neighbourhood has already enormously benefitted from undergoing an iterative process. In return, developers will adjust their proposals. It is expected that developers will re-submit their applications to the Stellenbosch Municipality for approval and undertake the necessary statutory processes that may arise from complying to these guidelines.



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# **APPENDIX 2**

## Draft LOCAL AREA OVERLAY ZONE: KOELENHOF

### Zone name and designation on map

- The Koelenhof Local Overlay Area is indicated on Map LAO... and the parameters in this subsection will apply as indicated.

### Purpose of the zone and incorporation of land

- The purpose of the Koelenhof Overlay zone is to facilitate development in a manner which:
  - Enables the implementation of the Koelenhof Local Spatial Development Framework to achieve its spatial strategies and implementation actions,
  - Facilitates a pro-active partnership, shared responsibility and a clear differentiation of roles between landowners, government, and other stakeholders, and
  - Allows a clear development process with speedy decision-making.
- The Municipality may demarcate new Local Area Overlay areas or amend existing areas by amending the Scheme in terms of Planning Law, and land can be rezoned by an owner for incorporation into this overlay zone if such land forms part of the Koelenhof urban edge.

### Specific Provisions

- 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 Koelenhof Local Area Overlay zone as depicted on map LAO...
- The Municipality's overall intent for the Koelenhof Overlay Zone Area is stated in the Koelenhof 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.
- Core components of the Koelenhof Local Spatial Development Framework which inform the development parameters in this Chapter, its extent and distribution across the area, take-up, phasing, and form, are the:
  - Design Philosophy
  - Design Strategy
  - Development Framework Elements
  - Implementation Strategy
  - Implementation Actions.
- 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.
- The indicative land uses allocated to the four quadrants of the Koelenhof Overlay Area are set out in the table below:

| Table1: Koelenhof Overlay Zone Area: Potential Basket of Rights  |                   |                |                |               |                    |                |
|------------------------------------------------------------------|-------------------|----------------|----------------|---------------|--------------------|----------------|
| ZONE                                                             | Residential Units | Retail (m²)    | Office (m²)    | Industry (m²) | Institutional (m²) | Other (m²)     |
| <b>Quadrant 1: North-East</b><br>(Incl. Malanshoop)              | 450               | 0              | 0              | 0             | 6 000              | 2 200          |
| <b>Quadrant 2: South-East</b><br>(Incl. Koelenhof, Nooitgedacht) | 1 520             | 10 605         | 0              | 0             | 20 800             | 1 000          |
| <b>Quadrant 3: South-West</b><br>(Incl. Koelenbosch)             | 74                | 9 002          | 0              | 23 920        | 0                  | 190            |
| <b>Quadrant 4: North-West</b><br>(Incl. Devonbosch)              | 3 085             | 81 950         | 313 930        | 71 456        | 31 520             | 34 690         |
| <b>TOTAL</b>                                                     | <b>5 129</b>      | <b>101 557</b> | <b>313 930</b> | <b>95 376</b> | <b>58 320</b>      | <b>38 080</b>  |
| <b>GRAND TOTAL</b>                                               | <b>5 129</b>      |                |                |               |                    | <b>607 264</b> |



- Development Framework and Precinct Plans prepared for each development project within the Koelenhof Development Area will determine the permitted land uses and extent of such development rights and qualifications thereof to be implemented for each project area. The development rights will be established and may be implemented by means of any required subdivisions and the approval of site development plans for the respective land units, which site development plan must be aligned and in compliance with the approved precinct plan. All pursuant building plan applications must be aligned with and in compliance with the associated approved site development plan.
- With cognisance to the general purpose of a specific building or structure, its 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 Koelenhof Overlay Area shall exceed a height of six (6) storeys.
- The following land uses are permitted as primary land uses within the Koelenhof Overlay Area:

Primary Land Uses:

- |                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| • Apartment/flat                              | • Occasional use                         |
| • Authority use                               | • Office                                 |
| • Backpacker establishment                    | • Old age home                           |
| • Builder's yard                              | • Outdoor sport                          |
| • Business premises                           | • Parking bay/parking garage             |
| • Church                                      | • Place of assembly                      |
| • Clinic                                      | • Place of education                     |
| • Clubhouse                                   | • Place of entertainment                 |
| • Commercial gymnasium                        | • place of worship                       |
| • Commercial services                         | • Plant nursery                          |
| • Commune                                     | • Postal agency                          |
| • Community residential building              | • Private outdoor space                  |
| • Conference facility                         | • Private road                           |
| • Data Centre                                 | • Proclaimed road                        |
| • Day care centre                             | • Professional service                   |
| • Employee housing                            | • Public institution                     |
| • Extramural facility                         | • Public and private open space          |
| • Filling station/service station             | • Public parking area                    |
| • Freestanding base telecommunication station | • Public place                           |
| • Function venue                              | • Public road                            |
| • Funeral parlour                             | • Railway use                            |
| • Gambling place                              | • Renewable energy installation          |
| • Helicopter landing pad                      | • Restaurant                             |
| • Hospital                                    | • Rooftop base telecommunication station |
| • Hostel                                      | • Service trade                          |
| • Hotel                                       | • Shop                                   |
| • Indoor sport                                | • Shopping centre                        |
| • Industry                                    | • Tertiary educational institution       |
| • Liquor store                                | • Training centre                        |
| • Market                                      | • Transport purposes (goods)             |
| • Medical consulting rooms                    | • Transport purposes (passengers)        |
| • Motor vehicle fitment centre                | • Tourist facilities                     |
| • Motor vehicle repair centre                 | • Utility installation                   |
| • Motor showroom                              | • Warehouse                              |
| • Museum                                      | • Wellness centre                        |
| • Natural environment/ Nature area            | • Welfare institution                    |

- The Municipality will follow a package of plans approach as the basis for approvals in respect of the Koelenhof Overlay Zone.
-

- The package of plans consists of the following components, listed in a hierarchy from higher - order to lower-order plans:
  - Contextual Framework.
  - Development Framework.
  - Precinct Plan.
  - Subdivision Plans.
  - Site Development Plans.
  - Building Plans.
- The Municipality will issue detailed specifications related to the focus, subject matter, and format of components of the package of plans for the Koelenhof Overlay Area from time to time.
- General provisions of the package of plans are that:
  - Lower-order plans must follow higher-order plans.
  - The Municipality may deem the description of the Koelenhof Overlay Area contained in the approved Municipal Spatial Development Framework as the Contextual Framework for the area.
  - The Municipality may deem the description and associated development parameters of the Koelenhof Overlay Area contained in the approved Koelenhof Local Spatial Development Framework as the area-wide Development Framework for the area.
  - A project-specific Development Framework may be used to demonstrate the interpretation of the development framework elements and design philosophy as set out area-wide Local Spatial Development Framework.
  - Bulk allocated to a Precinct Plan area remains "floating" across the precinct - within the overall over-all intent for the Koelenhof Overlay Area as stated in the Koelenhof Local Spatial Development Framework - and shall be allocated to a specific development area through the mechanism of a Site Development Plan.
  - Unless otherwise stated in this Chapter, no development may commence on a site unless the necessary hierarchy of plans have been submitted and approved by the Municipality.
  - A specific plan - at any level in the hierarchy - shall only lapsed if replaced by a new approved plan.
  - 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.
- Upon approval of a Precinct Plan for each of the precincts constituting the Koelenhof Overlay Area, and with cognisance to the development guidelines contained in the Koelenhof Local Spatial Development, the Municipality shall impose conditions of approval which will specify additional development parameters for the precinct, including, but not limited to:
  - Site coverage, height, and massing of buildings.
  - Public space activation.
  - The relationship between buildings, streets, and spaces.
  - The management of environmental resources.
  - The provision of Inclusionary Housing.
  - The general response to cultural and heritage informants.
  - Movement Infrastructure and roads
  - Public Transport
  - Non-motorised Transport (NMT) systems
  - Parking and access.
  - Engineering services provision.
- The application and calculation of Development Charges (DCs) for the enhanced rights for these developments, will be subject to the Stellenbosch Municipality's DC Policy and DC Tariffs, as approved annually by Council.
- Development projects need to adhere and give effect to the design philosophy and design strategy of the Koelenhof Local Spatial Development Framework. Development Applications need to demonstrate how Precinct Plans fit with the spatial structure, coherence and quality of the Koelenhof Local Spatial Development Framework. Where the size of a project requires a site to include more than one Precinct Plan, a project Development Framework should

demonstrate the overall adherence to the spatial structure proposed in the Local Spatial Development Framework. The design strategy is based on the following:

- Reinforcing the existing ecological systems across all developments as a linking device.
- Strengthening and creating movement links between the developments, bridging barriers and encouraging integration.
- Consolidating and enhancing the built environment with public space activation.
- The traffic impact assessment prepared for each development project needs to demonstrate how the movement network is strengthened through the incorporation of non-motorized transport, pedestrian walkways, cycle routes and public transport routes which enhance the Koelenhof movement system. Proposed road reserve widths, determined in conjunction with the Municipality's Infrastructure Services in collaboration with the Planning Department need to be sufficient to accommodate the various movement elements.
- Non-motorized transport (NMT) and public transport must be promoted to achieve the reduction in private transport reliance and activation of the public environment as set out in the Local Spatial Development Framework.
- The proposed Public Transport Zone 1 (PT1 area) off-street parking requirements as set out in the Stellenbosch Municipality Draft Zoning Scheme Bylaw 2025 are to be implemented within the Koelenhof Area to promote the use of public transport. Once the Municipality considers the provision of public transport and the foundation of the area-wide NMT system to be adequate (e.g. upgrade of Koelenhof station and NMT link between Devonbosch and the Koelenhof Station) the requirements of the PT2 area will be implemented.
- The Minimum Off-Street Parking requirements are:

| Use                                                                                                                             |                          | PT1 Areas                                                      | PT2 Areas                                                     |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------|---------------------------------------------------------------|
| Dwelling house                                                                                                                  |                          | 1 bay per dwelling                                             | 1 bay per dwelling                                            |
| Group housing/Town Housing                                                                                                      |                          | 1 bay per dwelling unit<br>0.25 bays/unit for visitors         | 1 bay per dwelling unit<br>0.25 bays/unit for visitors        |
| Retirement resort                                                                                                               | Dwelling unit            | 1 bay per dwelling<br>0.25 bays/unit for visitors              | 1 bay per dwelling<br>0.25 bays/unit for visitors             |
|                                                                                                                                 | Home for the aged        | 0,3 bays per bedroom                                           | 0,2 bays per bedroom                                          |
|                                                                                                                                 | Frail Care               | 0,3 bays per bed                                               | 0,2 bays per bed                                              |
| Orphanage                                                                                                                       |                          | 0,3 bays per bedroom                                           | 0,2 bays per bedroom                                          |
| Flats                                                                                                                           | Up to 1-bedroom Units    | 0.75 bays per dwelling<br>0.25 bays/unit for visitors          | 0.5 bays per dwelling<br>0.25 bays/unit for visitors          |
|                                                                                                                                 | 2 Bedroom Units          | 1 bay per dwelling<br>0.25 bays/unit for visitors              | 0.75 bays per dwelling<br>0.25 bays/unit for visitors         |
|                                                                                                                                 | 3 Bedroom Units          | 1.25 bay per dwelling<br>0.25 bays/unit for visitors           | 1 bay per dwelling<br>0.25 bays/unit for visitors             |
|                                                                                                                                 | 4 and more bedroom Units | 1.5 bays per dwelling<br>0.25 bays/unit for visitors           | 1.25 bay per dwelling<br>0.25 bays/unit for visitors          |
| Second dwelling                                                                                                                 |                          | 1 additional bay                                               | Nil                                                           |
| Commune, student home, Home Lodging, Boarding house/ Guest House/ Guest Lodge/ Bed and Breakfast Establishment, Boarding Hostel |                          | 0,75 bay per bedroom                                           | 0,5 bay per bedroom                                           |
| Home care facility                                                                                                              |                          | 1 bay / 2 beds or part thereof<br>(e.g. 2 bays per 3 beds)     | 1 bay / 2 beds or part thereof<br>(e.g. 2 bays per 3 beds)    |
| Backpackers Lodge                                                                                                               |                          | 1 bay per 3 beds                                               | 0,5 bay per 3 beds                                            |
| Hotel (excluding other facilities, specific ratios apply to each use)                                                           |                          | 1 bay per bedroom                                              | 0.75 bays per bedroom                                         |
| Hospital (general and private)                                                                                                  |                          | 1 bay per bed<br>2 bays per consulting room                    | 1 bay per bed<br>1 bay / consulting room                      |
| Frail care facility                                                                                                             |                          | 1 bay per bed                                                  | 0,5 bay per bed                                               |
| Clinic/Medical consulting rooms                                                                                                 |                          | 3 bays per consulting room                                     | 2 bays per consulting room                                    |
| Funeral parlour                                                                                                                 |                          | 0,75 bay per 4 seats<br>2 bays / 100 m <sup>2</sup> office GLA | 0,5 bays per 4 seats<br>1 bay / 100 m <sup>2</sup> office GLA |

| Use                                                                                                |                                                        | PT1 Areas                                                                       | PT2 Areas                                                                       |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Shops / Liquor store / Restaurant / Supermarket                                                    | Neighbourhood shop                                     | 2 bays per 100 m <sup>2</sup> GLA                                               | 1 bay per 100 m <sup>2</sup> GLA                                                |
|                                                                                                    | High intensity area e.g.: CBD, corridors, supermarket, | 4 bays per 100 m <sup>2</sup> GLA                                               | 2 bays per 100 m <sup>2</sup> GLA                                               |
| Big box retail / Shopping centres                                                                  |                                                        | 5/100m <sup>2</sup> as determined by Council                                    | 4/100m <sup>2</sup> as determined by Council                                    |
| Offices                                                                                            |                                                        | 3 bays per 100 m <sup>2</sup> GLA                                               | 2 bays per 100 m <sup>2</sup> GLA                                               |
| Home occupation                                                                                    |                                                        | 2 bays per 60 m <sup>2</sup> GLA                                                | 2 bays per 60 m <sup>2</sup> GLA                                                |
| House shop / tavern/bar                                                                            |                                                        | 1 bay per 25 m <sup>2</sup> GLA                                                 | 1 bay per 25 m <sup>2</sup> GLA                                                 |
| Industry / Light industry / Warehouse / Scrap yard/ Builder's yard / Noxious trade / Risk activity |                                                        | 1.5 bays per 100 m <sup>2</sup> GLA                                             | 1 bay per 100 m <sup>2</sup> GLA                                                |
| Industrial hive / Service trade                                                                    |                                                        | 3 bays per 100 m <sup>2</sup> GLA                                               | 1.5 bays per 100 m <sup>2</sup> GLA                                             |
| Storage facility                                                                                   |                                                        | 1 bay per 100m <sup>2</sup> GLA                                                 | 1 bay per 100m <sup>2</sup> GLA                                                 |
| Service station/ Motor repair garage/ Motor vehicle sales or Vehicle hire premises                 |                                                        | 3 per repair bay<br>Minimum of 6 bays<br>Plus 3 bays per 100 m <sup>2</sup> GLA | 2 per repair bay<br>Minimum of 4 bays<br>Plus 2 bays per 100 m <sup>2</sup> GLA |
| Open air motor vehicle sales                                                                       |                                                        | 3 bays per 100 m <sup>2</sup> GLA                                               | 2 bays per 100 m <sup>2</sup> GLA                                               |
| Place of assembly/Place of worship/ Place of Entertainment/ Place of leisure/Gambling place        |                                                        | 1 bay per 8 seats                                                               | 1 bay per 15 seats                                                              |
| Motor fitment centre                                                                               |                                                        | 2 bays per service bay                                                          | 1 bay per service bay                                                           |
| Sport stadium                                                                                      |                                                        | 0.75 bays per 4 seats or persons                                                | 0,5 bays per 4 seats or persons                                                 |
| Gymnasium, health club (not part of a shopping centre)                                             |                                                        | 8 bays per 100m <sup>2</sup> GLA                                                | 6 bays per 100m <sup>2</sup> GLA                                                |
| Schools                                                                                            |                                                        | 1.25 bays per classroom/ office plus stop & drop facility                       | 1 bay 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                               |
| Library, Museum                                                                                    |                                                        | 1,5 bays per 100m <sup>2</sup> GLA                                              | 1,25 bays per 100m <sup>2</sup> GLA                                             |
| Place of instruction (other than schools/day care centre/ crèche)                                  |                                                        | 1.25 bay / classroom/office<br>1 per 10 students                                | 1 bay classroom/office<br>per 20 students                                       |
| Conference facility                                                                                |                                                        | 6 bays per 10 seats                                                             | 4 bays per 10 seats                                                             |
| Indoor and Outdoor Sport Facility & Sport and Recreation Centre                                    |                                                        | As determined and approved in SDP                                               | As determined and approved in SDP                                               |

- The provision of Inclusionary Housing needs to adhere to the proposals and requirements of the Stellenbosch Municipal Policy on Inclusionary Housing for a Priority Development Area.
- With cognisance to the development intent expressed in the Koelenhof Local Spatial Development Framework, it is anticipated that a Koelenhof Development Association (KDA) is established as a formal vehicle to jointly plan, design, procure and deliver bulk Infrastructure Upgrades of Civil Engineering Services, Roads and Stormwater within the Koelenhof node — namely water, sewer, roads, stormwater, and communications—to ensure that infrastructure capacity is available in step with development demand and municipal approvals. It should be a requirement that all new land owners. All developers must become members of the KDA.
- It is anticipated that a City Improvement District (CID) is to be established for the area to allow co-ordination and shared co-operation in the management of the area to the benefit of all roleplayers. The term CID refers to a specific geographical area, approved by Council in terms of the Municipal Property Rates Act, Section 22 (Special Rates Area [SRA]), and the SRA bylaw, in which complementary services are provided in addition to those rendered by the Municipality and the South African Police Services. The areas in which a CID can offer such top-up services are: urban management, safety and security, and social development. A special rates area can be established for the CID. A CID functions as a non-profit organisation, with its own board of directors and liaises across both the public and private sectors, working together with each to manage the area in an integrated manner. It should be a requirement that all new land owners and owners associations must become members of the CID.



- The following areas of co-operation can be addressed by means of the CID (amongst others) :
  - Landscaping of public roads
  - Cleaning and maintenance of public spaces
  - Safety and security
  - Stormwater management
  - River corridor management and coordination
  - Public transport services
- The Municipality, landowners, and other stakeholders will enter into the creation of formal agreements from time to time to further inform the manner in which the overall development intent for the Koelenhof Overlay Area is to be achieved and to affirm the varied commitments and responsibilities of landowners and stakeholders. These agreements may include inter alia:
  - Shared responsibility for the formation and operation of institutional arrangements established in support of the Koelenhof Overlay Area and support for the Municipality in exercising its responsibility in managing the uptake and implementation of development parameters envisaged in the Koelenhof Local Spatial Development Framework.
  - Landowner and shared responsibility related to the provision of inclusionary housing.
  - Shared responsibility related to undertaking environmental remediation work.
  - Shared responsibility related to the provision and operation of public facilities.
- The Institutional mechanisms referred to above will be established within three (3) months after the proclamation of the Koelenhof Overlay Zone and according to a structure with Terms of Reference as approved by Council.
- The purpose, composition and functioning of the Institutional Mechanisms will be described in the Terms of Reference as approved by Council and as may be amended from time to time.
- Public participation related to the Koelenhof Overlay Area as contemplated in the Stellenbosch Municipality Land Use Planning Bylaw, 2023 shall occur:
  - Prior to the adoption of the Koelenhof Local Spatial Development Framework and establishment of Koelenhof Local Area Overlay zone.
  - At the review of the Koelenhof Local Spatial Development Framework (and resultant- if demanded through the review- amendment of the Overlay zone).
  - When a departure from the provisions of the Koelenhof Local Area Overlay zone is applied for.
- 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 Koelenhof Overlay Area.
- 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.
- As it is expected that development of the Koelenhof 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.
- In considering interim uses other than that permitted in terms of the base zoning of the Koelenhof Overlay Area, the Municipality may require submission of a Site Development Plan for approval.
- To address issues of nuisance and safety the following restrictions apply to the Koelenhof Overlay Area:
  - 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.
  - 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 Koelenhof Overlay Area.
  - 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.
  - The storage of explosives shall not be permitted in the Koelenhof Overlay Area.

# **APPENDIX 3**



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KOELENHOF LSDF PROCESS PLAN FOR 2026

P = Phase, SE = Stakeholder Engagement/Public Participation, ME = Monitoring and Evaluation

| ACTIVITY / TASK |                                                                                                                                                                                                                                            | LEGISLATIVE REQUIREMENTS                                                     | TIMEFRAMES | TARGET DATES     | RESPONSIBLE OFFICIAL/INDIVIDUAL                                  |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------|------------------|------------------------------------------------------------------|
| NO              | DESCRIPTION                                                                                                                                                                                                                                |                                                                              |            |                  |                                                                  |
| P.1             | The formulation of the local spatial development framework policy and overlay zone.                                                                                                                                                        |                                                                              | MONTH 1    |                  |                                                                  |
| SE.1.1          | Establish a Project Management Team [PMT] (includes the Municipality, landowners' collective and their consulting team/specialist) and Project Steering Committee [PSC] (includes external affected parties, i.e. provincial departments). | NA                                                                           | MONTH 1    | 28 February 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| SE.1.2          | Draft and prepare the Council agenda item to notify Council of the formulation of the LSDF and overlay zone.                                                                                                                               | SMLUPB (2023) - section 17(3) and MSA (Act No. 32 of 2000) - section 12 & 13 |            | 28 February 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| SE.1.3          | Conduct first PMT meeting to discuss project progress and programme.                                                                                                                                                                       | NA                                                                           |            | 28 February 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| SE.1.4          | Design, formulate and table the Public Participation Process Plan for approval at the Council meeting.                                                                                                                                     | SMLUPB (2023) - section 10(1)                                                |            | 28 February 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| ME.1.1          | Ensure alignment and consensus on the project objectives, outcomes of the Koelenhof LSDF and the analysis of the biophysical, socio-economic and built context.                                                                            | SMLUPB(2023) - section 9.(2)                                                 |            | 28 February 2026 | PMT                                                              |

| ACTIVITY / TASK |                                                                                                                                | LEGISLATIVE REQUIREMENTS                                             | TIMEFRAMES | TARGET DATES              | RESPONSIBLE OFFICIAL/INDIVIDUAL                                  |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|------------|---------------------------|------------------------------------------------------------------|
| NO              | DESCRIPTION                                                                                                                    |                                                                      |            |                           |                                                                  |
| P.2             | Conduct public participation/stakeholder engagement.                                                                           |                                                                      | MONTHS 2-3 | 28 February - 15 May 2026 |                                                                  |
| SE.2.1          | Obtain approval and publish the intent to establish the draft LSDF document, overlay zone and public participation plan.       | SMLUPB (2023) - section 17(3), MSA (Act No. 32 of 2000) - section 12 | MONTHS 2-3 | 28 February 2026          | Senior Manager: Development Planning / Manager: Spatial Planning |
| SE.2.2          | Advertise the draft LSDF document and overlay zone (60 days).                                                                  | MSA (Act No. 32 of 2000) - section 12 & 13                           |            | 5 March 2026 - 5 May 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| SE.2.3          | Identify and conduct sector-based focus group meetings for engagements, ensuring key agreements on critical and joint aspects. |                                                                      |            | 5 March 2026 - 5 May 2026 | PMT                                                              |
| SE.2.4          | Conduct first PSC meeting to present and endorse findings.                                                                     |                                                                      |            | 11 - 15 May 2026          | Senior Manager: Development Planning / Manager: Spatial Planning |



| ACTIVITY / TASK |                                                                                                                                                                                                 | LEGISLATIVE REQUIREMENTS                                             | TIMEFRAMES | TARGET DATES | RESPONSIBLE OFFICIAL/INDIVIDUAL                                  |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|------------|--------------|------------------------------------------------------------------|
| NO              | DESCRIPTION                                                                                                                                                                                     |                                                                      |            |              |                                                                  |
| P.3.1           | Update draft version as compiled in P.1 and formulate final version (if required).                                                                                                              |                                                                      | MONTH 4    | 31 May 2026  | PMT                                                              |
| P.3.2           | Formulation of the implementation framework.                                                                                                                                                    |                                                                      | MONTH 4    | 31 May 2026  | PMT                                                              |
| SE.3.1          | Conduct second PMT meeting.                                                                                                                                                                     |                                                                      | MONTH 4    | 01 June 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| SE.3.2          | Conduct second PSC meeting.                                                                                                                                                                     |                                                                      |            | 02 June 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| P.4             | Formation and advertising of the final approved LSDF document and overlay zone.                                                                                                                 |                                                                      | MONTH 5    | 30 June 2026 | PMT                                                              |
| SE.4.1          | Submission and tabling of the final LSDF document and overlay zone at the Council meeting for approval.                                                                                         |                                                                      | MONTH 5    | 30 June 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| SE.4.2          | Advertising of the notice of the decision for approval of the LSDF document and overlay zone in the media and the <i>Provincial Gazette</i> [Within 21 days after approval].                    | SMLUPB (2023) - section 10(2), MSA (Act No. 32 of 2000) - section 13 |            | 30 June 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |
| ME.4.1          | Construction of a monitoring and evaluation process to measure the performance of the plan for future monitoring and evaluation, including inputs into the Capital Expenditure Framework (CEF). |                                                                      |            | 30 June 2026 | Senior Manager: Development Planning / Manager: Spatial Planning |

# **APPENDIX 4**



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## Spatial Planning

**To : Senior Manager: Development Planning**  
**From : Manager: Spatial Planning**  
**Reference : Koelenhof LSDF & Overlay Zone**  
**Date : 4 February 2026**  
**Re : Draft Public Participation Process for Koelenhof Local Spatial Development Framework and Overlay Zone**

### 1. Introduction

Koelenhof is identified as an emerging node in the MSDF with key preconditions necessary highlighted to transform this node and to categorize it as a priority development area ("PDA"), which will achieve and align to all the spatial imperatives of the MSDF. The municipality have in this instance proactively engaged with the private property developers, and key provincial stakeholders to enable the development of the emerging node and to proceed with work to detail the broader development plan and implementation programme. This detailed work culminated into a draft Koelenhof Local Development Framework and Overlay Zone which aims to support and allow the alignment of municipal infrastructure (including provincial infrastructure) and social services planning to support the development of Koelenhof into an inclusive, appropriately serviced community, negotiated through formalised public and non-motorised transport ("NMT") networks, with a positive relationship with the surrounding natural and agricultural land.

### 2. Discussion

The development of the Koelenhof Local Spatial Development Framework ("LSDF") and Overlay Zone will impact on communities and particularly on land within the Koelenhof node. As most of the land is owned by private individuals and companies the development of these spatial policy instruments will entail a partnership approach. Considering this partnership approach, it is strongly suggested that any Public Participation Process ("PPP") should involve the potential landowners also and should their input and requirements of such a process be considered.

Based on the aforementioned and the relevant legislative prescripts the following PPP method is proposed:

- a) A public advertisement in the local press, municipal website, social media, and notice boards inviting people to access the documents and provide

comments and/or inputs<sup>1</sup>. The minimum requirement for the PPP is thirty (30) days, however it is recommended that the process should be sixty (60) days to ensure sufficient public participation is held.

- b) Focus group meeting with the directly affected land owners within the demarcated Koelenhof node to be held in person. The session will provide access to the information and will follow a presentation and discussion format. Comments and representations will be formally captured at the session.
- c) Focus group meeting with the Councillors to be held virtually using the MTeams platform. The session will invite all municipal councillors including the affected ward committees. The session will provide access to the information and will follow a presentation and discussion format. Comments and representations will be formally captured at the session.
- d) Focus group meetings with the technical groups consisting of internal and external sector participants (e.g. Provincial Roads Section) with particular reference to transport and engineering services related aspects. The sessions will be held in-person and comments and representations will be formally captured at the sessions.
- e) To further enable the public to obtain the correct information a presentation will be made during the IDP and Budget Public Participation Open days scheduled for April 2026.
- f) The documentation will be made available at the NPK Building, and satellite offices in Koelenhof where the public can see the documentation in person and where officials can assist in providing clarity on issues that might be of interest to the public.
- g) A public notice of the decision to adopt the LSDF and Overlay Zone<sup>2</sup>.

Based on the above options available to the municipality it is suggested that the public participation process plan be implemented in the plan illustrated below.

| Method                            | Where                                                                                                                             | When                 | Format                                                                                                 |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------|
| Public advertisement              | <ul style="list-style-type: none"> <li>• Newspapers</li> <li>• Website</li> <li>• Social media</li> <li>• Notice Board</li> </ul> | 5 March 2026         | <ul style="list-style-type: none"> <li>• Advertisements</li> <li>• Documents made available</li> </ul> |
| Social Media                      | Throughout the period of advertisement                                                                                            | 5 March – 5 May 2026 | <ul style="list-style-type: none"> <li>• Twitter</li> <li>• Facebook</li> <li>• Website</li> </ul>     |
| Focus Group Meeting – Land Owners | Venue to be confirmed                                                                                                             | 16 – 27 March        | In-person session with presentation and discussion.                                                    |
| Focus Group Meeting – Councillors | MSTeams                                                                                                                           | 16 – 27 March        | Virtual meeting with presentation and discussion.                                                      |

<sup>1</sup> Section 10.(1) of the Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023

<sup>2</sup> Section 10.(2) of the Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023



|                                                 |                                                                                              |                  |                                                                       |
|-------------------------------------------------|----------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------|
| Focus Group Meeting - #1<br>Technical Workgroup | Venue to be confirmed                                                                        | 16 – 27<br>March | Internal and external sector engagement on transport related aspects. |
| Focus Group Meeting - #2<br>Technical Workgroup | Venue to be confirmed                                                                        | 16 – 27<br>March | Internal and external sector engagement on service related aspects.   |
| Meeting with IDP stakeholders                   | Venue to be confirmed                                                                        | 15 April 2026    | Presentation and discussion                                           |
| Public notice                                   | <ul style="list-style-type: none"> <li>• Provincial Gazette</li> <li>• Newspapers</li> </ul> | July 2026        | Advertisement                                                         |

The above process plan is a guideline as to what can be done and is subject to changes depending on the availability of venues and stakeholders. It should also be noted that the process may include more opportunities of methods of public participation or exclude certain steps proposed based on the feedback we may receive from strategic stakeholders.

The above process should suffice to inform all stake holders as well as the public as to what the plan involves and should put them in a position to submit meaningful input into the proposed plan.



**BJG de la Bat**  
**MANAGER : SPATIAL PLANNING**

|       |                                                                                                                                             |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 7.8.4 | <b>APPROVAL TO RE-ADVERTISE THE DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING &amp; SIGNAGE BY-LAW, 2025 FOR PUBLIC PARTICIPATION</b> |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No:

801206

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

18 February 2026

**1. SUBJECT: APPROVAL TO RE-ADVERTISE THE DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING & SIGNAGE BY-LAW, 2025 FOR PUBLIC PARTICIPATION**

**2. PURPOSE**

To request Council approval to re-advertise the Draft Stellenbosch Municipality Outdoor Advertising and Signage By-law 2025 for public participation.

**3. DELEGATED AUTHORITY**

MAYCO & Council

**4. EXECUTIVE SUMMARY**

Council adopted the Outdoor Advertising and Signage Bylaw on 24 May 2023, promulgated in Provincial Gazette No. 8785 dated 30 June 2023. A high court application was launched against the bylaw by Out of Home Media South Africa NPC based on the previous public participation process in 2018 and 2021. Although the process was correctly followed, the advertisement referred to the bylaw as the Draft Poster Bylaw. The applicants stated that due to the incorrect reference in the advertisement, they did not comment on the by-law.

The legal advice received was that the bylaw must be re-advertised through a new public participation process, and Council approved this decision. The draft Outdoor Advertising and Signage Bylaw 2023 was advertised on 2 November 2023 in the Paarl Post and the Eikestadnuus. The closing date was the 4<sup>th</sup> of December 2023. Six comments were received, summarized, and discussed with the legal firm appointed by the Municipal Legal Department to assist the Municipality with responding to these comments.

The Draft Outdoor Advertising By-law 2024 was finalized and re-advertised on 6 March 2025 (**APPENDIX 1**) with a closing date of 6 April 2025. Several comments were received, along with a request that the municipality meet with the Advertising Companies to discuss the By-law. A public meeting was held on 22 September 2025 (**APPENDIX 2**).

All the comments received before the public meeting and those that were recorded during the public meeting have been taken into consideration in the Draft Outdoor Advertising and Signage Bylaw 2025 (**APPENDIX 3**). The Municipal Legal Services has advised that this latest draft is to be re-advertised for public participation before it can be approved by the Council and promulgated, as there have been substantial changes (**APPENDIX 4**) as per Sections 12 and 13 of the Municipal Systems Act (Act 32 of 2000) (MSA).

Any comments received from the public will be considered, and if there are no further substantial changes, then the Outdoor Advertising and Signage By-law will be returned to the Council for approval and then promulgated.

## 5. RECOMMENDATION

that Council **approves** the request to re-advertise the Draft Stellenbosch Municipality Outdoor Advertising By-law, 2025.

## 6. DISCUSSION / CONTENTS

### 6.1 BACKGROUND

At the 28<sup>th</sup> Council Meeting dated 29 January 2025, Council resolved that the draft Outdoor Advertising and Signage By-law 2024 be advertised for public comment.

The draft Outdoor Advertising and Signage By-law 2024 was advertised in the local newspapers on 6 March 2025. Furthermore, upon public request, the municipality held a public meeting to discuss the draft document.

All the comments received before the public meeting and those that were recorded during the public meeting have been taken into consideration in the Draft Outdoor Advertising and Signage Bylaw 2025. The Municipal Legal Services has advised that this latest draft is to be re-advertised for public participation before it can be approved by the Council and promulgated, as there have been substantial changes. Any comments received from the public will be considered, and if there are no further substantial changes, then the Outdoor Advertising and Signage By-law will be returned to the Council for approval and then promulgated.

### 6.2 DISCUSSION:

An Outdoor Advertising and Signage Policy were developed several years ago. However, it serves only as a guideline and does not have regulatory force. As a result, a number of illegal billboards have been erected within and around the Stellenbosch Municipal area. Currently, the policy allows officials only to issue letters to billboard owners requesting that they submit applications to obtain approval for their signage. Enforcement action is limited, as removal can only be pursued where a physical structure has been erected to support the signage, in which case a building inspector may be requested to issue a notice of removal in terms of the National Building Regulations.

Once approved and promulgated, the Outdoor Advertising and Signage By-law will enable more effective regulation of outdoor advertising and signage. The draft By-law has undergone several revisions, which have attracted opposition. In response, the Municipality convened a public meeting on 22 September 2025 to afford affected and opposing parties an opportunity to submit comments and to engage on the merits of the draft By-law.

The Outdoor Advertising and Signage By-law, 2025 incorporates and addresses all objections and comments received. As the By-law has been substantially amended, Municipal Legal Services has recommended that the latest draft be re-advertised for further public participation.

Current Arrangements in respect of Managing and Regulating Signage in lieu of a promulgated By-law.

Before the commencement of the subject by-law, which came into effect on 30 June 2023, outdoor advertising and signage were dealt with in terms of the Zoning Scheme. Therefore, measures in terms of the zoning scheme are in place to handle the function until the by-law can be reconsidered and promulgated.

### **6.3 FINANCIAL IMPLICATIONS**

There will be no financial implications.

### **6.4 LEGAL IMPLICATIONS**

The recommendation in this report complies with the legal advice received and with the requirements of the legislation on public participation.

### **6.5 STAFF IMPLICATIONS**

No additional staff implications. Enforcement of Bylaws is dealt with within the approved budgeted posts.

### **6.6 PREVIOUS / RELEVANT COUNCIL RESOLUTIONS**

- 14TH COUNCIL MEETING: 2023-05-24: ITEM 11.8.2  
RESOLVED (nem con)  
(a) that Council approve the Final Draft Stellenbosch Municipality Outdoor Advertising and Signage, attached as APPENDIX 1, in terms of Section 13 of the Municipal Systems Act, Act 32 of 2000;  
(b) (c) (d) that Council approves the submission of the Admission of Guilt Fines, attached as APPENDIX 2 for submission to the relevant court for endorsement; that Council approves the amendment of the System of Delegations in respect of the said by-law, attached as APPENDIX 3 to this report; and that Council authorise the Department: Development Planning in consultation with the Legal Services to promulgate the said by-law in the Provincial Gazette.
- 28TH COUNCIL MEETING: 2025-01-29: ITEM 8.3  
RESOLVED (nem con) that Council take note of the report and more specifically the assessment and forecasts contained in the report, that Council take note that an Adjustments Budget will be tabled to Council as a result of the following:
  - the appropriation of additional allocations received and increased realistically anticipated revenue during the financial year;
  - the reprioritization of projects in line with being completed by the communicated cut-off dates to facilitate year- end preparation;
 that Council note the performance of the Municipality against the set objectives contained in APPENDIX 1 - Section 2; and that the Accounting Officer attend to ensuring that Directors put the necessary corrective measures in place to ensure that projects are managed proactively in a bid to ensure that Council meet its strategic objectives contained in the Service Delivery and Budget Implementation Plan and to report on same at the end of quarter

### **6.7 RISK IMPLICATIONS**

The risks are addressed in the item content.



**APPENDIX**

- Appendix 1: Notices placed in the Eikestadnuus dated 6 March 2025  
Appendix 2: Comments and minutes of public meeting held 22 September 2025.  
Appendix 3: Draft Outdoor Advertising By-law 2025  
Appendix 4: Summary of changes made.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                      |
|------------------------|------------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <b>Katherine Robinson</b>                                                                            |
| <b>POSITION</b>        | <b>Senior Heritage Planner</b>                                                                       |
| <b>DIRECTORATE</b>     | <b>Planning and Economic Development</b>                                                             |
| <b>CONTACT NUMBERS</b> | <b>021 808 8608</b>                                                                                  |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Katherine.Robinson@ Stellenbosch.gov.za">Katherine.Robinson@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | <b>04 February 2026</b>                                                                              |

# **APPENDIX 1**



# STELLENBOSCH

STELLENBOSCH • PNIËL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## PUBLIC NOTICE: 24/2025

### CALL FOR PUBLIC COMMENT ON DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING AND SIGNAGE BY-LAW, 2024

Notice is hereby given that the Council intends to adopt the Draft Stellenbosch Municipality Outdoor Advertising and Signage By-law, 2024. Interested and affected parties are invited to submit written comments during the 30-day advertising period.

You are hereby invited to submit written comments in connection with the Draft Stellenbosch Municipality Outdoor Advertising and Signage By-law, 2024, by electronic mail to the Department of Development Planning at [Viola.Anthony@stellenbosch.gov.za](mailto:Viola.Anthony@stellenbosch.gov.za) on or before 6 April 2025.

The Draft Stellenbosch Municipality Outdoor Advertising and Signage By-law, 2024, is available on the Stellenbosch Municipality's website ([www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)), and hard copies will be available at the local libraries and satellite offices as reflected in the table below.

| Area             | Place                                                                                                                                         |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Stellenbosch CBD | PMU Building (Mark Street), Ward 7: Jan Marais Eco Centre                                                                                     |
| Franschhoek      | Ward Office: Ward 1 (Mooiwater Building)<br>Ward Office: Ward 2 (Groendal Community Hall)                                                     |
| Kylemore         | Kylemore Ward Office                                                                                                                          |
| Pniël            | Library, Main Road, Pniël, Pniël Ward Office                                                                                                  |
| Wemmershoek      | Ward 3: Wemmershoek Ward Office (Community Hall)                                                                                              |
| Jamestown        | Jamestown Library, Jamestown Ward Office                                                                                                      |
| Cloeteville      | Cloeteville Ward Offices (Ward 16 and 17) Library, Vredelust Street, Cloeteville, Stellenbosch                                                |
| Ida's Valley     | Ward Office: Ward 5 (Ida's Valley Sport Ground)<br>Ward Office: Ward 6 (Library, Rustenburg Rd.)<br>Library, Sonnebloem Street, Ida's Valley. |
| Kayamandi        | Kayamandi Ward Offices (Kayamandi Corridor)<br>Library, Masithandane Street, Kayamandi, Stellenbosch                                          |
| Vlottenburg      | Vlottenburg Ward Office (Vlottenburg Primary School)                                                                                          |
| Klapmuts         | Klapmuts Ward Office (Klapmuts Multi-Purpose Centre)                                                                                          |
| Ward 19          | De Novo Ward Office (Primary School in De Novo)                                                                                               |

Enquiries or requests for more information on the process may be directed to Section: Heritage Resource Management, Katherine Robinson Tel: (021) 808-8608 or E-mail: [Katherine.Robinson@stellenbosch.gov.za](mailto:Katherine.Robinson@stellenbosch.gov.za) during normal office hours.

**Ms Geraldine Mettler**  
Municipal Manager  
Stellenbosch Municipality

## PUBLIEKE KENNISGEWING: 24/2025

### OPROEP OM OPENBARE KOMMENTAAR OP KONSEP STELLENBOSCH MUNISIPALITEIT BUITELUGREKLAME EN NAAMBORDVERORDENING, 2024

Kennis word hiermee gegee dat die Raad van voorneme is om die Konsep Stellenbosch Munisipaliteit Buitelugreklame en Naambordverordening, 2024 aan te neem. Belanghebbende partye word hiermee genooi om hul kommentaar op skrif binne die volgende 30 dae periode in te dien.

U word genooi om skriftelike kommentaar in verband met die Konsep Stellenbosch Munisipaliteit Buitelugreklame en Naambordverordening, 2024 per e-pos aan die Departement: Ontwikkelingsbeplanning by [Viola.Anthony@stellenbosch.gov.za](mailto:Viola.Anthony@stellenbosch.gov.za) voor of op 6 April 2025 te stuur.

Die konsep Buitelugreklame en Naambordverordening, 2024 vir die Stellenbosch Munisipaliteit is beskikbaar op die webtuiste vir Stellenbosch Munisipaliteit ([www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)) en afskrifte sal beskikbaar wees by plaaslike biblioteke en satelliet kantore gelys hieronder.

| Gebied                         | Plek                                                                                                                                                |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Stellenbosch Sentrale Sakekern | PMU Gebou (Mark Straat), Wyk 7: Jan Marais Ekosentrum                                                                                               |
| Franschhoek                    | Wyk Kantoor: Wyk 1 (Mooiwater Gebou)<br>Wyk Kantoor: Wyk 2 (Groendal Gemeenskap Saal)                                                               |
| Kylemore                       | Kylemore Wyk Kantoor                                                                                                                                |
| Pniël                          | Biblioteek, Hoofstraat, Pniël, Pniël Wyk Kantoor                                                                                                    |
| Wemmershoek                    | Wyk 3: Wemmershoek Wyk Kantoor (Gemeenskap Saal)                                                                                                    |
| Jamestown                      | Jamestown Biblioteek, Jamestown Wyk Kantoor                                                                                                         |
| Cloeteville                    | Cloeteville Wyk Kantoor (Wyk 16 en 17), Biblioteek, Vredelust Straat, Cloeteville, Stellenbosch                                                     |
| Ida's Vallei                   | Wyk Kantoor: Wyk 5 (Ida's Vallei Sport Grond)<br>Wyk Kantoor: Wyk 6 (Biblioteek, Rustenburg Straat)<br>Biblioteek, Sonnebloem Straat, Ida's Vallei, |
| Kayamandi                      | Kayamandi Wyk Kantoor (Kayamandi Korridor)<br>Biblioteek, Masithandane Straat, Kayamandi, Stellenbosch                                              |
| Vlottenburg                    | Vlottenburg Wyk Kantoor (Vlottenburg Laerskool)                                                                                                     |
| Klapmuts                       | Klapmuts Wyk Kantoor (Klapmuts Veeldoeninge Sentrum)                                                                                                |
| Wyk 19                         | De Novo Wyk Kantoor (Laerskool in De Novo)                                                                                                          |

Navrae en versoeke vir meer inligting oor die proses kan gerig word aan die Afdeling Erfenis Hulpbronnebestuur, te Katherine Robinson Tel: (021) 808-8608 of per Epos: [Katherine.Robinson@stellenbosch.gov.za](mailto:Katherine.Robinson@stellenbosch.gov.za) tydens normale kantoor ure.

**Ms Geraldine Mettler**  
Munisipale Bestuurder  
Stellenbosch Munisipaliteit

# **APPENDIX 2**



## MINUTES OF THE PUBLIC MEETING ON THE SIGNAGE BYLAW

**Date:** 22 September 2025

**Venue:** Franschoek Civic Hall & MS Teams (Hybrid)

**Chairperson:** Bernabe de la Bat

**Recording:** Session recorded for minute-taking and record-keeping purposes.

### 1. WELCOME AND OPENING

- **Bernabe de la Bat** welcomed attendees and initiated introductions.
- Attendees were asked to state their name, organization, and whether they wished to speak during the meeting.

### 2. ATTENDANCE

#### **In-Person Attendees:**

- Bernabe de la Bat – Manager: Spatial Planning, Stellenbosch Municipality
- Jeremy Benjamin – Senior Manager: Development Planning, Stellenbosch Municipality
- Mervin Williams – Chief Legal Advisor, Stellenbosch Municipality
- Carlin Sinclair – Pro Advantage
- Michael Brits – Tractor Outdoor
- Jean Paulsen – Jinja Outdoor
- Martin Raubenheimer – Jinja Outdoor
- Bradley Simpson – Primedia Outdoor
- Angelo Tandy – Chairperson, OHMSA
- Kestel Serfontein – Urban IQ
- Edward Voster – Jinja Outdoor
- Beven Zettler – Zettler and Sons
- Ian Katzeff – S Zettler and Sons / Iningi Investments
- Stuart McDonald – Punch Media
- Rick Furtus –
- Piet van der Merve – Corpman Media
- Pier Besson – Gorilla Media

- Mark Thomis – Gottcha Media
- Matthew Bremmner – HSG Attorneys
- Fuad Davids – HSG Attorneys
- Harvey Steenkamp
- Stiaan Casterns – Senior Manager: Development Management
- Kaizer Makati – Heritage Planner
- Katherine Robinson – Senior Heritage Planner

#### **Online Attendees (MS Teams):**

- Michael Christophers – MD, Relative Media
- Anthony Allen – Epic Outdoor Benefit
- Berta Hayes – Stellenbosch Heritage Foundation (SHF)
- Lauren Nelson – Head of Legal, Provence Agent Outdoor Network
- Gary Zinn – Adlogic
- Katherine Sima – Primedia
- Vanessa Kuzwayo – Lovelight Media
- JC de Klerk
- Renay – Director, Outdoor
- Dhlamini Madoda
- Renee Higley – Director, Epic Arto

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### **3. MEETING PURPOSE**

- The meeting was convened to discuss the **Outdoor Advertising and Signage Bylaw**, which was advertised from **6 March to 6 April 2025 (the latest public participation)**.
  - The Municipality received numerous comments and requests for a public engagement session.
  - This meeting serves as a response to those requests and provides a final opportunity for stakeholders to voice concerns.
- 

### **4. PRESENTATION**

- **Katherine Robinson** explained the rationale for the Bylaw:

- The existing advertising policy aligned with the zoning scheme lacked enforceability.
- The new Bylaw aims to strengthen regulations and enforcement mechanisms.

---

## 5. MEETING GUIDELINES

- **Bernabe de la Bat:** The Chairperson provided an overview of the meeting's purpose and structure:
  - The draft outdoor advertising and signage by-law were advertised via newspapers and the municipal website from 6 March to 6 April 2025.
  - A significant number of comments were received during the public participation period.
  - Some submissions included requests for direct engagement with the Municipality.
  - Although this is not standard procedure, the Municipality, in consultation with the Legal Department, agreed to host this meeting to hear stakeholders' concerns.
  - The meeting was initially advertised to take place on 14 August 2025 and is now being held as scheduled.

### Engagement Guidelines:

- The meeting is not a debate or workshop.
- Stakeholders may clarify or expand on previously submitted comments and may raise new arguments.
- All comments will be recorded and considered in the review process.
- If comments are deemed valid, appropriate amendments will be made to the draft By-Law.
- Material changes may require re-advertisement; otherwise, the document will proceed to Council for approval.

### Speaking Protocol:

- Each speaker is allocated 10 minutes to present their input.
- A second round of 10-minute slots will be available for additional contributions if time permits.
- Attendees were requested to be brief, concise, and focused in their comments.

**Presenter:** Katherine Robinson (KR)

- The presenter provided a brief explanation of the need for the proposed Signage By-Law:
    - The Municipality has been operating under an advertising policy aligned with the zoning scheme.
    - However, the existing policy lacked sufficient enforceability.
    - The introduction of a formal By-Law is intended to strengthen the rules and regulations governing signage and advertising.
    - The By-Law will provide a more robust legal framework for implementation and compliance.
- 

#### **6. SPEAKER: MARTIN RAUBINHEIMER (JINJA OUTDOOR)**

- Martin requested clarity on whether stakeholders would receive an updated version of the outdoor advertising and signage by-law after their comments have been considered.
- He noted that if such a version were to be circulated, it would allow stakeholders to avoid unnecessary discussion on items that may already be resolved.
- He emphasized that having sight of the revised document would enable stakeholders to respond in a more structured and appropriate manner, potentially reducing debate and duplication.
- Martin asked for confirmation on what to expect going forward in terms of document circulation and further comment opportunities.

#### **Response: Bernabe de la Bat**

- The Chairperson confirmed that there have been various opportunities to comment and this is the final opportunity to submit any comments.
- 

#### **7. SPEAKER: ANGELO THANDI (OHMSA)**

- Angela requested clarity on whether stakeholders would be given access to the final version of the outdoor advertising and signage by-law before it is promulgated.
- She emphasized the importance of having sight of the document that will be submitted to Council, even if no further debate or comment is invited.



**Response:** Bernabe de la Bat

- The Chairperson confirmed that once the document is submitted to Council, it becomes a public document.
- Stakeholders will be able to access the document via the Council agenda, which is made publicly available.
- However, this does not form part of a formal process for additional comments or input.
- Bernabe offered to share the link to the agenda when the document is published.

**Angelo Thandi:**

- Confirmed that the response provided sufficient clarity and thanked the Chairperson.

#### **8. SPEAKER: BERTA HAYES**

- Bertha wanted to confirm whether the document provided (the draft by-law) was the same document previously circulated for public comment.

**Response:** Bernabe de la Bat

- The Chairperson confirmed that it is the same document and that the by-law will be amended with due consideration to the comments and oral representations provided.

#### **9. SPEAKER: DHLAMINI MADODA**

- Dhlamini requested clarification on the following points:
  1. The identity of the Chairperson, noting that he had not been introduced.
  2. Whether the current meeting forms part of the official Council process or is an accommodative engagement for specific individuals.
  3. The official steps the Municipality will follow from this point onward in terms of promulgating the outdoor advertising and signage by-law.
  4. Whether stakeholders will have access to the final version of the document before it is submitted to Council.

- He emphasized the importance of an inclusive and transparent process, particularly for stakeholders invested in the signage industry, and cautioned against any suppression of ideas.

**Response: Bernabe de la Bat (Chairperson)**

- Bernabe reintroduced himself as the Manager for Spatial Planning at Stellenbosch Municipality.
- He confirmed that the meeting was convened in response to multiple requests received during the public participation process.
- The meeting was publicly advertised in newspapers and is open to all interested parties, not limited to those who requested it.
- He clarified that:
  - This meeting represents the final opportunity for stakeholders to submit comments.
  - There will be no additional comment period following this meeting.
  - The final version of the By-Law will be included in the Council agenda, which is a public document accessible via the municipal website.
  - Stakeholders may view the document prior to the Council meeting but will not be invited to submit further comments at that stage.
- All comments received throughout the process, including those from this meeting, will be considered in full.
- If any material changes arise from the input, the Municipality will initiate a new public participation process. Minor changes will be incorporated and submitted directly to Council.

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**10. SPEAKER: MARTIN RAUBENHEIMER – JINJA OUTDOOR**

- Martin thanked the Chairperson for the opportunity to speak and requested that the Municipality respond to key questions before stakeholders proceed with further comments.
- He noted that the industry has submitted comments since 2023 but has not received any formal response from the Municipality regarding its position on those inputs.
- He raised constitutional concerns, emphasizing that:
  - The Constitution is the supreme law of the country.

- Case law dictates that Municipalities are agents of the Constitution and have a higher duty to uphold its principles.
  - The Municipality did not oppose a High Court application brought by OHMSA, instead offering costs without addressing the constitutional issues raised.
- Martin requested that the Municipality:
  - Clarify its position on the constitutional matters raised.
  - Confirm whether legal opinions have been obtained on these issues.
- He cited specific concerns with the definition of “advertisement” in the draft By-Law, arguing that it is overly broad and could lead to unreasonable restrictions on public expression. S4(1) and 13(3) – (10) of the by-law, as examples, also too broad.
- He provided examples of everyday items (e.g., branded shoes, shopping bags, beverage containers) that could be interpreted as advertisements under the current definition, questioning the practicality and legality of such an approach.
- Martin emphasized the importance of public engagement and the Municipality’s duty under the Municipal Systems Act to consult meaningfully with stakeholders.
- He requested that the updated version of the By-Law be shared with the industry before submission to Council, to ensure that constitutional concerns are properly addressed and to avoid unnecessary debate.
- He expressed support for a balanced approach that protects heritage and cultural areas while also enabling commercial opportunities and economic development.
- Martin highlighted Stellenbosch’s significance as a major economic hub and stressed the need for collaborative efforts to promote growth and job creation.
- He warned against over-regulation, which could lead to unconstitutional restrictions on land use and expression.
- He urged the Municipality to ensure that the By-Law aligns with the Spatial Planning and Land Use Management Act (SPLUMA) and the Constitution, cautioning that any conflict would render the By-Law invalid. Further reiterates the Municipality’s duties in terms of the Municipal Systems Act.

- He concluded by reiterating the industry's willingness to engage constructively and contribute to a well-balanced, inclusive regulatory framework that supports both public interest and economic vitality.
- The Municipality operates as an Outdoor landlord, utilizing public spaces for outdoor advertising purposes.
- This creates a competitive conflict with private industry stakeholders and other landlords.
- He highlighted potential Competition Commission issues arising from this arrangement that needs to be addressed.
- He expressed concern over the broad discretionary powers granted to municipal officials in the draft By-Law, especially in a context where the Municipality is both regulator and competitor.
- Martin also briefly mentioned the need for transitional provisions in the By-Law and deferred that topic to another speaker.
- He concluded by requesting a formal response from the Municipality on the constitutional and legal issues raised.

**Response:** Bernabe de la Bat (Chairperson)

- Bernabe reiterated that the meeting is intended for engagement, not debate.
- He acknowledged the legal sensitivities raised and assured attendees that the final version of the By-Law will be scrutinized by legal experts.
- He then invited the next speaker to proceed, noting that other stakeholders also wished to contribute.

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#### **11. SPEAKER: IAN KATZEFF – S ZETTLER AND SONS**

- Ian expressed serious concerns about the validity and fairness of the public participation process, questioning whether it is a genuine engagement or a box-ticking exercise.
- He emphasized the need for meaningful and material changes to result from stakeholder input, warning that failure to do so could lead to legal challenges, embarrassment for the Municipality, and unnecessary public expenditure.

- He cautioned that internal legal reviews may simply reiterate existing positions, increasing the risk of litigation.

#### **General Observations:**

- The draft By-Law is overly broad, potentially ultra vires, and infringes on property ownership rights.
- The consultation process has not adequately addressed concerns raised over an extended period, including previous litigation.
- The bylaw is unreasonably arbitrary in the manner it sweeps across rights. Council needs to assess whether such a sweeping bylaw is necessary. We are entitled to just public administration and the bylaw in its current form is not a just form of public administration.
- The By-Law may violate the principle of just public administration, which should not trample existing rights.

#### **Specific Provisions of Concern:**

##### **1. Section 17 – Entry and Inspections:**

- Grants municipal officials the right to enter private property without prior consent.
- Ian argued this violates privacy and property rights, noting that even SAPS requires probable cause or a warrant.

##### **2. Section 19(9) – Property Rates Adjustment:**

- Allows the Municipality to adjust property rates based on perceived contraventions.
- Ian described this as unfair and punitive, lacking due process. This is not a just public administrative measure to apply.

##### **3. Section 26 – Transitional Provisions:**

- Noted a missing subsection (3).
- Subsection (4) requires removal of any previous advertisement (prior to bylaw) deemed unlawful within 90 days, even if longstanding.
- Ian argued this is unreasonable and negatively impacts commercial viability.

##### **4. Schedule 2 – Billboard Placement:**



- Restricts billboards within:
  - 5 meters of residential boundaries.
  - 50 meters of signalised intersections if unilluminated.
  - 80 meters if illuminated.
- Ian stated these restrictions would render many existing signs unlawful, requiring removal at the owner's expense, and unfairly dictate property usage.
- There has to be a balance between Municipality's obligation to manage and the individual or entities rights to use their property for their own residential or commercial purpose.

#### **5. Schedule 3 – Freestanding and Composite Advertisements:**

- Limits signage to businesses set back 15 meters or more from the road.
- Ian argued this infringes on free speech and the ability of businesses to attract customers, especially those located directly on road boundaries.
- He warned of unequal treatment, where the Municipality may selectively waive restrictions, undermining equality before the law.

#### **Economic and Social Impact:**

- The By-Law could restrict advertising activity, harming the local economy and leading to job losses.
- It may disproportionately affect individuals without internet access, reducing visibility for businesses reliant on foot traffic.
- Ian urged the Municipality to reconsider the draft, suggesting a return to the drawing board to ensure the By-Law is balanced, fair, and economically sustainable.

#### **Conclusion:**

- Ian reiterated the importance of constitutional compliance, fair administration, and inclusive engagement.
  - He thanked the Municipality for the opportunity to speak and urged careful reconsideration of the draft By-Law
-

## 12. SPEAKER: KESTEL SERFONTEIN – PLANNING PROFESSIONAL

- Kestel introduced himself as a planning professional who assists media owners in interpreting regulatory frameworks, speaking from a spatial planning perspective.

### Key Points Raised:

#### 1. Balance Between Control and Enablement:

- The By-Law should not only serve as a mechanism of control, but also as a tool to enable and unlock opportunities, in line with enabling legislation such as SPLUMA.
- While the By-Law claims to aim for balance, it appears to excessively control and limit opportunities through restrictions on sizes, spacing, and placement.
- This limits the outdoor media industry's ability to respond creatively and appropriately through innovation, design, and contextual responsiveness.

#### 2. Missing Mechanisms – Overlay Zones:

- The urban and rural conservation overlay zones and scenic route overlays are described as turnkey mechanisms, but are absent from the current draft. There also has not been opportunity to review it.
- These mechanisms are essential for determining whether a location qualifies for advertising opportunities and must be included in the By-Law for proper review and comment.

#### 3. Metaphorical Illustration:

- Advertising infrastructure was likened to transport infrastructure, both serving as conduits for movement—of people and messages.
- Just as roads are essential for economic connectivity, advertising opportunities are vital for economic visibility and growth.

#### 4. Long-Term Impact:

- The By-Law will shape the regulatory environment for years to come, potentially beyond the current administration's tenure.
- It is essential that the objective of balance be clearly reflected in the final document.

#### 5. 60-Day Finalization Period:

- Kestel commended the Municipality's commitment to a 60-day finalization period, which provides a reasonable timeframe for stakeholders to expect feedback and fair evaluation.

#### **6. Section 21 Liaison Forums:**

- The draft mentions liaison forums, but it is unclear how these committees will be composed.
- Kestel emphasized the need for specific industry representation within these forums to ensure sectoral input is considered.

#### **7. Definition of Public Space:**

- He raised concerns that the definition of public space may exceed constitutional intent and the mandate provided for regulating advertising in public places.

#### **8. Environmental Impact Assessments (EIAs):**

- The By-Law references EIAs, which are not applicable to signage under national legislation.
- Kestel suggested replacing this with more appropriate terms such as advertising impact assessments, as used in other municipalities.

#### **9. Waiver Mechanisms and Flexibility:**

- While the By-Law includes case-specific flexibility under sections 6, 16, and 24, Kestel questioned why the By-Law isn't proactively designed to promote balance, rather than relying on waiver applications.

#### **10. Electronic Signage Restrictions:**

- The By-Law limits electronic signage to 2.1 meters and prohibits visibility from Class 2 and 3 roads.
- Kestel argued this excludes most viable locations, leaving only Class 4 roads, which are typically residential or minor collector roads.
- He described this as unreasonable and overly restrictive, undermining the potential for appropriate electronic advertising

#### **11. Spacing Standards:**

- Notes that this is similar to the Bylaw of City of Cape Town.
- Many of the spacing standards is not qualified and informed. There needs to be a rationale intent behind the standards.

#### **12. Area Control Matrix:**

- The matrix follows a similar standard to the Bylaw of the City of Cape Town.
- Once again emphasises the need for a more balanced matrix.

#### **13. Billboards:**

- Notes that the bylaw, when it deals with billboards, adopts a one size fits all approach.
- Suggests that the Municipality looks at smaller sizes in partial control areas as a mechanism to speak to shopping nodes or mixed-used nodes.

#### **14. Flat Signs:**

- Limited to 5m and too overly restrictive, but when it comes to the Municipality's own signs there is no limitation.

#### **15. Schedule 17:**

- Very important mechanism to enable NPO's.
- Many media owners would like to assist in social and community benefit opportunities, but size is too restrictive and does not allow for this opportunity

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#### **13. SPEAKER: BERTA HAYES – STELLENBOSCH HERITAGE FOUNDATION (SHF)**

- Berta noted that Patricia, another SHF representative, was unable to join the meeting due to technical issues.
- She confirmed that most of SHF's concerns were submitted in their April 2025 written comments, and requested that those be reviewed and considered.

#### **Key Concerns Raised:**

##### **1. Billboard Placement on Scenic Routes:**

- SHF is concerned about billboards along the R304 between Stellenbosch and the N1, particularly those advertising motor vehicles, which are considered inappropriate for heritage-sensitive routes.

**2. Digital Screens on Residential Buildings:**

- Concern was raised about large rotating digital screens attached to residential buildings, such as those in Bird Street.
- Berta warned that widespread installation of such screens would negatively affect the historic character of Stellenbosch and may deter tourism.

**3. Comment Period Duration:**

- SHF proposed that the comment period be extended from 21 business days to 30 calendar days, aligning it with land use application procedures.

**4. Guidance for Scenic Routes and Cultural Landscapes:**

- Berta emphasized the need for clear guidelines for advertising along scenic routes and within graded cultural landscapes.

**5. Shop Window Advertising in Heritage Areas:**

- SHF is concerned about shop windows in the historical core being completely covered with advertisements, which detracts from the visual integrity of heritage buildings.

**Closing Note:**

Berta reiterated that SHF's full concerns were submitted in April and requested that those comments be reviewed and considered in the finalization of the By-Law.

**14. SPEAKER: BRADLEY SIMPSON – PRIMEDIA OUTDOOR**

- Bradley raised concerns regarding the absence of overlay zones in the new draft zoning scheme By-Law issued by Stellenbosch Municipality.
- He noted that while the draft Outdoor advertising and Signage By-Law refers to overlay zones and conservation zones, these are not included in the new zoning scheme By-Law.



- He questioned whether the Municipality intends to update or include these zones and whether a map of areas of control will be made available, similar to practices in other municipalities such as Cape Town.
- Bradley emphasized that the lack of clarity leaves stakeholders in a grey area regarding their rights and permissible locations for advertising projects.

Response: Stiaan Carstens

- It was clarified that the 2019 overlay zones referenced in the By-Law are included in the new proposed zoning scheme By-Law.
- These zones are located at the back of the document and have not been changed.
- The overlay zones continue to group operations and remain part of the regulatory framework.

#### **15. SPEAKER: MARTIN RAUBENHEIMER - JINJA OUTDOOR**

- Raised concern about the transitional provisions in the draft By-Law, which regulate the shift from the current regime to the new one.
- Noted that the provisions rely on regulatory realities that are not fully established.
- Stressed that the current wording may result in deprivation of property, which constitutionally requires compensation.
- Stated that the 90-day removal clause appears to collapse into legal uncertainty, potentially rendering it unconstitutional.
- Urged the Municipality to carefully review and revise this section.

Response: Bernabe de la Bat (Chairperson)

- Acknowledged the concern and stated that constitutional and legal matters will be reviewed both internally and externally to ensure compliance.
- Confirmed that the Municipality is committed to ensuring the By-Law is legally sound.

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**16. IAN KATZEFF – S ZETTLER AND SONS**

- Highlighted that retrospective application of new rules is generally discouraged in law.
  - Argued that the transitional clause requiring billboard removal within 90 days is arbitrary and unfair, especially when applied to existing lawful structures.
  - Stated that such provisions violate principles of natural justice and impose unreasonable burdens on property owners.
- 

**17. SPEAKER: BRADLEY – PRIMEDIA OUTDOOR**

- Referenced the land use planning approval process, noting that the transition from Scheme 8 to the new zoning scheme By-Law was handled well.
  - Suggested that the outdoor advertising and signage by-law should adopt a similar approach regarding the status of previous approvals.
- 

**18. SPEAKER: KESTEL SERFONTEIN – PLANNING PROFESSIONAL**

- Proposed a performance-based approach to signage regulation, similar to planning principles used for height and coverage.
  - Suggested that contextual design and impact mitigation could allow for customized waivers, as practiced in Cape Town.
  - Argued that a blanket prohibition may not be appropriate and that flexibility based on context could help achieve a balanced regulatory framework
- 

**19. SPEAKER: ANGELO THANDI (OHMSA)**

- Emphasized that this approach is unfair, overly broad, and may violate legal norms.
- Expressed the view that it would be prudent and constructive for the Municipality to share the final draft of the By-Law with stakeholders prior to promulgation.
- Highlighted ongoing disparities and unresolved issues in the current draft that could be clarified through further engagement.

- Referenced practices in other municipalities across South Africa, where collaborative partnerships are being formed to co-develop regulatory frameworks.
- Emphasized the desire to work with the Municipality, rather than face potential legal disputes, and reiterated the request for early access to the final draft for review.
- Again, requested that the Municipality share the final draft bylaw with the industry before submitting it to Council.

**Response: Bernabe De La Bat - Chairperson**

- Confirmed that the Municipality will review all constitutional and legal concerns, both internally and externally.
- Once again emphasised that should there be material changes the Municipality will consider re-circulating it.

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**20. SPEAKER: JEAN POLSON – JINJA OUTDOOR**

- Jean summarized key concerns raised by stakeholders, stating that the existing draft By-Law lacks constitutional alignment, and fails to strike a balance between economic development and regulatory oversight.
- He described the draft as overly restrictive, and emphasized that stakeholders are seeking collaborative engagement, not one-way consultation.

**Key Points Raised:**

1. Legal Framework and Section 62 of Municipal Systems Act:
  - Cited Section 62 of the Municipal Systems Act, noting that courts have held it to be an inappropriate remedy in certain contexts.
  - Requested that the Municipality revisit its reliance on this section.
2. Engagement Process:
  - Asked for clarity on whether the Municipality views engagement as a one-way process, where stakeholders submit comments but are not given the opportunity to respond to the Municipality's decisions.

- Advocated for a workshop-style meeting to allow for interactive dialogue and resolution of outstanding issues.

### 3. Regulatory Confusion:

- Expressed confusion over the legal framework currently in effect, referencing mentions of policy, zoning By-Laws, and the draft outdoor advertising and signage By-Law.
- Requested clarification on which framework stakeholders are expected to be applied and complied with.

### 4. Retrospective Application:

- Asserted that retrospective enforcement of the By-Law would be unlawful, referencing existing court rulings.
- Urged the Municipality to avoid retroactive measures that could lead to legal challenges.

### 5. Discretion and Exemptions:

- Raised concern about the wide discretionary powers granted in the draft, particularly regarding exemptions.
- Requested clarity on the guardrails that will be implemented to prevent arbitrary administrative action, which could result in further litigation.
- Emphasized the Municipality's constitutional duty to avoid unnecessary legal disputes.

### 6. Call for Further Public Participation:

- Recommended additional public engagement, ideally in the form of workshops, to avoid economic harm and ensure market-informed regulation.
- Highlighted the importance of consultation in understanding what advertisers need for Stellenbosch's economic development.

### Closing Request:

- Asked for confirmation on two points:
  1. Whether the engagement process is one-way, with no feedback on the second draft.

## 2. What legal framework stakeholders are currently expected to comply with.

Response: Bernabe de la Bat – Chairperson

### Engagement and Process:

- Bernabe reiterated that the current engagement is not a one-way process, and the Municipality has convened this meeting to listen to stakeholder concerns. It is also not an open process that can go on forever.
- Bernabe acknowledged that the Municipality has received substantial comments from two distinct stakeholder groups:
- Billboard advertising agencies, advocating for commercial visibility.
- Heritage and conservation stakeholders, focused on preserving Stellenbosch's cultural and visual landscape.
- He emphasized the Municipality's responsibility to strike a balance between these opposing interests. It is a difficult balance to strike.
- However, he cautioned that if legal and professional review finds no material issues, the Municipality will not re-advertise the By-Law.
- The final draft will be made available before submission to Council, but not for further public comment, unless material changes are identified.

### Contextual Background:

- Stellenbosch is considered one of South Africa's most visually and culturally significant municipalities, with a rich heritage inventory and declared conservation areas.
- The Municipality has undertaken various studies, including:
  - A rural and economic strategy developed in collaboration with the university.
  - Professional input on overlay conservation zones, rural conservation zones, and scenic routes.
- These studies inform the draft By-Law and are not arbitrary decisions, but part of a structured process.

### Current Legal Framework:

- The Municipality currently operates under:



- Previously there was an older signage policy, which was restrictive and focused on the historical core.
- A policy document that outlines Council's position on signage, but lacks enforceability.
- Zoning scheme regulations, which require signage applications and permissions.
- There is no active signage By-Law, but signage is still regulated through zoning provisions, especially in urban conservation zones and scenic routes.

#### Legislative Intent and Challenges:

- The draft By-Law aims to consolidate previous fragmented regulations, including:
  - Poster By-Laws
  - Signage By-Laws
  - Election-related signage controls
- Bernabe acknowledged past confusion due to overlapping regulations and confirmed that all stakeholder comments, including those submitted to the courts, are being considered.
- He concluded by stating the Municipality's intent to finalize the By-Law before upcoming elections, ensuring a clear and enforceable framework is in place.

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#### **21. SPEAKER: MARTIN RAUBENHEIMER – JINJA OUTDOOR**

- Requested that the final updated version of the draft By-Law be made available to stakeholders before promulgation.
- Committed to providing a response within 14 days, ensuring the process does not become prolonged.
- Emphasized that reviewing the final draft is essential to ensure constitutional compliance and responsible legislation.
- If the Municipality is unwilling to share the final draft, the speaker requested the opportunity to address the relevant portfolio committee when the draft is considered by Council.

Response: Mervin Williams – Legal Advisor, Stellenbosch Municipality

- Confirmed that the current meeting forms part of the consultation process, aimed at gathering stakeholder input for Council's consideration.
- Reiterated that if material changes arise from the comments received, the draft will be re-advertised for further public input.
- If there are no material changes, the By-Law will be finalized based on the input received, and the final document can be circulated to stakeholders, but not for further comment.
- Regarding the request to address the portfolio committee, Mervin noted that he would need to review the rules of order to determine whether such participation is permitted.
- Acknowledged that there may be precedent for such engagement and committed to checking and confirming whether stakeholders can formally present to Council during the By-Law approval process.

Response: Martin and Angelo:

- Confirms that the Municipal Systems and Structures Act does allow for stakeholders to address portfolio committee.

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## **22. SPEAKER: EDWARD FORSTER – JINJA OUTDOOR**

- Thanked the Municipality for the opportunity to engage.
- Noted that it is clear from the meeting that:
  1. The Municipality has not yet fully considered the industry's submitted inputs.
  2. If material changes result from the review, the Municipality will share the updated draft with stakeholders.
- Requested that, regardless of whether material changes occur:
  - The Municipality share the date when the draft will be submitted to Council.
  - Clarification be provided on the anticipated timeline for reviewing all comments and finalizing the draft.
- Emphasized the industry's interest in resolving the matter sooner rather than later, and in having certainty before the draft is taken to Council.

Response: Bernabe de la Bat – Chairperson

- Confirmed that while many comments have been reviewed, the Municipality has not yet completed the full assessment due to overlapping issues.
- Reiterated that if no material changes are made, the final draft will not be circulated for comment, but will be made available via a link once it is included in the Council agenda.
- Clarified that the Municipality is not waiting for the next election to finalize the By-Law, but aims to complete the process as soon as possible.
- Indicated that the target date for Council submission is November, ideally before the close of offices for the year.
- Noted that October is no longer feasible, and December typically has limited Council activity, making November the most realistic window to go to Council.

Question: Martin:

- How do you anticipate getting everything or everyone around the table and who will assist with assessment with comments received? Will you get outside legal Counsel? Will this all be done before close of business in December? This will inform on attitude of Municipality

Response: Bernabe De La Bat – Chairperson

- November is only the aim, it is no to say we will have all of it done by then. We will try and get it done as soon as possible. (Mervin Williams reiterates).

### **23. SPEAKER: MICHAEL BRITS (TRACTOR OUTDOOR)**

- Raised a query regarding the potential adoption of the City of Cape Town by-law for signage.
- Noted that Cape Town has recently completed a lengthy process resulting in a workable framework.
- Acknowledged that while regional differences exist, customization is possible.
- Highlighted that Cape Town's signage size specifications appear more practical than current proposals.

- Mentioned that the question had been submitted previously in feedback but had not received a response.

**Speaker:** Bernabe De La Bat - Chairperson

- Confirmed that various cities and towns were reviewed during the process.
- Emphasized the distinct differences between urban cities and rural towns (e.g., Stellenbosch), particularly in terms of mechanisms and procedures.
- Acknowledged that lessons can be learned from Cape Town's approach and that further review is possible.
- Explained that the initial signage framework was based on a model that was found to be feasible, followed by a review of a more probated version, which influenced the current proposal.
- Reiterated that cities and towns require different approaches, but the feedback is noted.

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#### **24. SPEAKER: BERTA HAYES – STELLENBOSCH HERITAGE FOUNDATION (SHF)**

- Expressed appreciation for the ongoing process but emphasized the urgency of finalizing it.
- Noted a significant increase in inappropriate advertisements over recent years, which detract from the architectural landscape and natural beauty of the town and surrounding countryside.

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#### **25. SPEAKER: IAN KATZEFF – S ZETTLER AND SONS**

- Raised a concern regarding the uniform regulation of advertising across both the town and its rural surroundings.
- Argued that rural areas should be treated differently due to:
  1. Larger geographical area;
  2. Distinct needs; and
  3. Unique tourism dynamics
- Highlighted that rural zones experience higher passing traffic, which benefits from informative signage.

- Asserted that current rural advertising is not cluttered, not unmanaged, and does not detract from the landscape.
- Described existing rural advertising as effective and appropriate, invoking the principle: *“Why fix what is not broken?”*

Response: Bernabe De La Bat Chairperson

- Chose not to engage in detail, stating only that there are differing views on the matter.
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## **26. SPEAKER: JEREMY BENJAMIN – STELLENBOSCH MUNICIPALITY**

- Reiterated that the process is not a tick-box exercise; stakeholders are encouraged to express their views.
- Emphasized the importance of compliance with legislation, including the MFMA, MSA, and other relevant systems.
- Stressed the need to avoid litigation, especially since public funds are being used.
- Invited stakeholders to highlight any unconstitutional elements to prevent unnecessary legal disputes.
- Acknowledged the dual responsibility to stakeholders and residents of Stellenbosch, the second oldest town in South Africa, with significant tourism value.
- Noted his role in economic development, advocating for sustainable growth that supports tourism, particularly in Franschhoek, where tourism comprises 90% of the local economy.
- Addressed the issue of retrospective application of laws, stating that while most laws are not applied retrospectively, illegal billboards without approval must still be dealt with.
- Explained that some billboards may require building plans due to safety concerns, such as wind damage and liability risks.
- Advocated for a balanced approach to billboard regulation, aligning with the municipality's IDP vision of innovation.
- Welcomed electronic and innovative signage, but cited a case where an illuminated sign caused visibility issues at an intersection, prompting public complaints.



- Called for collaboration to find workable solutions, acknowledging the complexity of balancing diverse interests.
  - Requested stakeholders to share relevant case law, especially if applicable to the Western Cape, to help avoid legal missteps.
  - Highlighted the cost implications of repeated advertisement processes (approx. R50,000 per instance), and the need to avoid wasteful expenditure while remaining inclusive.
- 

## **27. SPEAKER: MERVIN WILLIAMS – STELLENBOSCH MUNICIPALITY**

- Addressed the legal status of the Building Act, referencing Jinja's earlier comments.
  - Clarified that while parts of the Act were challenged, it has not been declared unconstitutional in full.
  - Noted that only a specific section was found unconstitutional in the Overbeek judgment.
  - Emphasized the need to consider both the Building Act and SPLUMA, as each serves a distinct legal purpose.
  - Asserted that the municipality cannot disregard legislation based solely on certain views or interpretations from state entities.
  - Reinforced the importance of applying existing laws unless formally repealed or declared unconstitutional.
- 

## **28. CHAIRPERSON'S CLOSING REMARKS**

Speaker: Bernabe De La Bat - Chairperson

- Expressed gratitude to all present for:
  - Their effort to attend;
  - Their interest in the process; and
  - Their valuable advice and contributions.

5 April 2025

The Municipal Manager  
Stellenbosch Local Municipality  
PO Box 17  
Stellenbosch  
7599



FOR ATTENTION: Viola Anthony

**RE: COMMENTS ON THE DRAFT STELLENBOSCH  
MUNICIPALITY OUTDOOR ADVERTISING AND SIGNAGE BY-  
LAW, 2024**

## > (A) INTRODUCTION:

The latest version of the Draft Stellenbosch Municipality Outdoor Advertising and Signage By-law, 2024, follows previous iterations and has been released for public comment, with submissions due by 6 April 2025. Urban IQ previously submitted formal comments in December 2023, drawing on over three decades of urban planning expertise and a deep understanding of the Out-of-Home (OOH) advertising sector across various municipal jurisdictions in South Africa. As a planning professional specialising in this field, my comments — both then and now — seek to provide constructive input that ensures regulatory frameworks remain relevant, adaptable, and supportive of evolving media formats, designs, and technologies.

Notably, this latest draft appears to be largely a reproduction of the 2023 version, with no substantive amendments to its structure, regulatory standards, or intent. The most significant change is the expanded role and regulatory connection between the Advertising By-law and the proposed **Urban and Rural Conservation Overlay Zone** and **Scenic Routes Overlay Zone**, which are yet to be published for comments. These overlay zones will ultimately determine where outdoor advertising is permitted and specify the types of signage allowed or prohibited in each area. However, in the absence of an officially enacted overlay control scheme, the By-law lacks practical enforceability. Until these zones are formally established, the By-law effectively **freezes administrative decision-making**, creating regulatory uncertainty that inhibits private sector response and investment. This delay not only adds unnecessary bureaucratic complexity but also undermines constitutional rights related to commercial free speech, as businesses cannot operate within a legal framework that remains undefined.

Regrettably, the structural impediments related to **sign sizing, spacing standards, and broad area control and implied locational prohibitions** persist unchanged in this draft, reflecting yet another missed opportunity to modernise the regulatory framework. The administration has essentially restated the same set of restrictive provisions without meaningful consideration of how the OOH industry could constructively contribute to Stellenbosch's local economy.

A fundamental flaw of this By-law, as with its predecessors, is its **lack of industry consultation**. The OOH media sector plays a critical role in responding to urban development and transportation patterns, serving as an integral component of the local economy. This sector has evolved significantly, particularly with the integration of digital technologies, fostering more innovative, adaptable, and sustainable advertising practices. The industry operates on well-established and internationally recognised typologies, size formats, and spacing principles, which provide a balance between commercial viability and urban aesthetics. However, by disregarding these principles, the municipality risks **disrupting economic equilibrium** and diminishing the role of OOH advertising as a legitimate form of commercial expression.



While I as an industry professional fully appreciate and support the protection of Stellenbosch's cultural and scenic heritage, this By-law still takes an excessively restrictive stance. Instead of recognising how thoughtful design and responsible media integration can enhance public spaces, it defaults to an outdated **prohibition-heavy approach** — shrinking signage dimensions to ineffective levels and severely limiting viable locations.

Internationally, progressive urban environments have demonstrated how **creatively integrated OOH advertising can minimise visual impact** while contributing to vibrant cityscapes. Unfortunately, the regulatory stance in Stellenbosch remains rooted in an antiquated philosophy that fails to harness the potential of smart, well-designed outdoor media to complement urban character.

The following sections will critically examine key aspects of the By-law and propose pragmatic, industry-informed recommendations to help shape a more **inclusive, responsive, and effective** regulatory framework for outdoor advertising in Stellenbosch.

## **(B) GENERAL COMMENTS:**

### **Objectives of the By-law:**

The repositioning of Section 2 from the previous By-law (previously titled *Principles*) under the new heading "*Object of the By-law*" appears to acknowledge the importance of **balancing regulatory control** by the facilitation of free speech and economic activity ostensibly in harmony with the conservation of Stellenbosch's visual, tourism, environmental, and heritage assets, as well as traffic safety. However, a closer assessment of the regulatory framework reveals that this balance is not meaningfully achieved. Instead, the By-law leans disproportionately towards **preserving character and visual aspects**, potentially overshadowing the critical role that outdoor advertising plays in sustaining the local economy.

The **Spatial Development Principles** outlined in the Spatial Planning and Land Use Management Act (SPLUMA) — particularly the principle of **efficiency** — underscore the necessity of integrating economic imperatives into regulatory decision-making. The By-law, however, fails to optimise land use efficiencies by allowing for additional economic layering through regulated outdoor advertising. Instead, its restrictive approach nullifies this potential, raising concerns about its alignment with the municipality's broader economic growth objectives. Moreover, by **failing to promote inclusive and transformative economic participation**, the By-law is at odds with national development priorities such as spatial justice and economic inclusion.

As it stands, the By-law in its current format disproportionately favours existing economic interests, effectively entrenching an **exclusionary and restrictive** advertising environment. This directly contradicts its own stated objective of striking a balance, as outlined in Section 2. Without a more progressive and accommodating economic approach, the By-law risks functioning as a **barrier to equitable economic opportunities**, rather than a framework for responsible and sustainable advertising regulation.

### **Mandatory Finalisation of Applications & Liaison Forums**

The retention of the **60-day mandatory finalisation period** for complete applications is commendable, as it enhances efficiency, predictability, and investor confidence in Stellenbosch's Outdoor Advertising regulatory process. However, while this provision is a positive step toward administrative certainty, other structural barriers in the By-law still create unnecessary regulatory complexity and potential delays in decision-making.



Additionally, the provision for the establishment of **liaison forums (Section 21)** is a welcome mechanism to ensure broader representation and incorporate a variety of stakeholder perspectives. However, the composition and inclusivity of such forums remain unclear. It is uncertain to what extent affected and interested parties will be represented, particularly whether the **Out-of-Home (OOH) Media sector** — as a key stakeholder — will be formally included. Given the lack of meaningful engagement with the industry to date, there is a risk that these forums may exclude critical industry voices, ultimately undermining their intended purpose.

For the forums to be effective, the By-law should explicitly ensure that the OOH sector is directly represented in their constitution. This would facilitate a more balanced and informed regulatory process, ensuring that economic, spatial, and aesthetic considerations are **equitably weighed**.

### **“Public Place” definition**

The revised By-law appears to **extend its regulatory scope** beyond the Constitutional mandate set out in Part B of Schedule 5 of the Constitution, which explicitly confines local government competence in this area to *“Billboards and the display of advertisements in public places.”*

Not only does the By-law extend its authority beyond this constitutional limitation by seeking to regulate signs outside public spaces merely because they are visible from public areas, but it also broadens the definition of “public place” to include **privately owned areas** that are simply accessible to the public or **utilised by the public**. This expansion has far-reaching implications:

- It unlawfully restricts the exercise of **vested zoning rights** on private properties by imposing **municipal control** over advertising beyond **legally permitted jurisdiction**.
- It infringes on **fundamental constitutional rights**, including Section 16 (freedom of expression), Section 22 (freedom of trade, occupation, and profession), and Section 25 (property rights), by introducing **unjustified prohibitions** on how property owners may lawfully exercise their rights.
- It **creates regulatory overreach**, effectively allowing the municipality to assume **self-imposed authority** over spaces it does not own, manage, or control.

To align with constitutional mandates, any definition of **“Public Place”** should be strictly confined to areas that are owned, controlled, and vested within the municipality’s custodianship. The **inclusion of private spaces** — simply because they are accessible to the public — amounts to an **overextension of regulatory power**, which should be rectified in the final version of the By-law.

### **Environmental Impact Assessment**

The new By-law grants discretionary powers to officials to compel applicants to submit Environmental Impact Assessments (EIAs) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998). However, this requirement is misaligned with the legal framework, as billboards and advertising signs are not listed activities under any of the Act’s Regulations. Consequently, applicants cannot be forced to undertake costly EIAs where such assessments are unnecessary or inappropriate.

It appears that the By-law has been modelled on Cape Town’s Outdoor Advertising By-law. However, even the Cape Town By-law avoids the term **“Environmental Impact Assessment”** and instead references a **“Signage Impact Assessment”** — a more contextually appropriate and industry-specific assessment. Other municipalities similarly use the term “Advertising Impact Assessment,” which aligns with the nature of advertising-related impacts.



While specialist impact assessments may be necessary in certain cases — particularly to assess cumulative impacts — the requirement should be tailored to the specific concerns associated with advertising. Unlike greenfield developments, which fundamentally alter land use and warrant environmental studies, advertising structures are typically installed on already developed sites, resulting in limited environmental consequences. The primary impacts of advertising relate to traffic safety, visual amenity, heritage considerations, economic factors, and alignment with policy objectives, rather than traditional environmental concerns.

### **Exemptions**

The inclusion of exemption provisions under Sections 6(16) and 24 is a positive step, as it introduces **flexibility** and allows for **case-specific considerations**. However, the By-law remains unclear on the procedural aspects of granting exemptions. It is particularly uncertain whether applications for exemptions will fall within the delegated authority of officials responsible for general evaluations or whether a dedicated committee — such as a steering committee or the municipal manager — will oversee such decisions. Establishing a structured and transparent decision-making process is crucial to prevent misuse of these provisions.

Furthermore, the necessity for frequent exemptions is a symptom of the overly restrictive nature of the By-law itself. By adopting more **realistic and balanced regulations** concerning sign sizes, spacing, and area prohibitions, the demand for exemptions could be significantly reduced. Predictability and regulatory certainty would benefit both municipal administration and applicants by minimising the need for ad hoc deviations from rigid standards.

### **Unrealistic size limitation for electronic signs**

The By-law retains the restriction of electronic signs to a maximum size of 2.1m<sup>2</sup> under Section 9(3)(a), despite previous comments highlighting its impracticality. This **excessive restriction** is inconsistent with contemporary advancements in the out-of-home (OOH) media sector and contradicts the city's broader commitment to technological progress, entrepreneurship, and innovation — exemplified by the presence of Stellenbosch's Technopark & University of Stellenbosch.

Digital media is not merely an advertising tool but a **key driver** of economic development and urban modernisation. The imposed size restriction disregards the inherent benefits of digital advertising, including sustainability, energy-efficient illumination, and real-time adaptability. The trend in the OOH industry is increasingly digital, offering advertisers the ability to engage audiences with dynamic, contextually relevant content. Overly restrictive limitations such as this risk **stifling innovation and economic opportunities**.

Additionally, the impact of digital signs on visual comfort and readability must be considered. At 2.1m<sup>2</sup>, digital advertisements become so small that readability is compromised, forcing viewers to focus for longer periods to decipher content. This counteracts the very purpose of outdoor advertising, which relies on quick and effective message transmission.

Another concern is the By-law's restriction of digital signs to only partial and minimum control areas. This exclusion of maximum control areas is unwarranted, particularly where existing ambient lighting — such as streetlights — is already present. Instead of blanket prohibitions, a more appropriate regulatory approach would be to link digital signage permissions for example to the **presence or absence of existing illumination** in the area.





### Locational prohibition of electronic signs

Section 10(2) of the By-law imposes broad restrictions on electronic signs, prohibiting them from being visible from **Class 2 or 3 roads**, gateway routes, or scenic routes unless expressly approved in writing by the Municipality. However, this prohibition is fundamentally flawed and impractical. Class 2 and 3 roads are precisely the types of routes where electronic signs are typically located in metropolitan areas, secondary cities, and large towns such as Stellenbosch. Given the substantial capital investment required for electronic signs, their viability is directly linked to high-traffic routes that maximise exposure to audiences. A general prohibition on such routes is, therefore, unjustified and represents a legislative overreach.

Illumination concerns — often cited as the basis for such prohibitions — can be effectively mitigated through **well-established regulatory controls**, such as maximum brightness standards, automatic dimming at night, and other impact-reduction measures. A blanket ban ignores these technical solutions and instead imposes an arbitrary restriction that lacks nuanced consideration of actual impacts. A more rational and predictable regulatory framework should allow electronic signage on such routes while enforcing appropriate illumination and placement standards to manage potential concerns objectively.

Moreover, prohibiting electronic signage along these key routes undermines urban modernisation efforts. A progressive locale such as Stellenbosch would benefit far more from **well-designed, high-quality electronic signage** than from outdated paper-pasted or PVC banner signs, which are environmentally unsustainable and visually unappealing. Electronic signs offer superior design flexibility, improved environmental responsibility, and advanced impact mitigation strategies that are simply unattainable with traditional static signage formats. Instead of restricting innovation, the Municipality should rather embrace digital signage as part of its urban landscape while implementing balanced and reasonable control measures.

### Over-restrictive spacing standards

The general spacing requirements outlined in Table 1 under Section 10 (Road Traffic Safety Requirements) remain unchanged from the previous draft, despite previous comments highlighting their excessively restrictive nature. These standards are at least **200–300% more restrictive** than those applied in other major South African cities. While they appear to align with Cape Town's notably stringent by-law, there is no clear or objective justification for such an extreme approach.

The overly restrictive spacing requirements raise significant concerns about their impact on economic activity and advertising viability. Excessive spacing limitations constrain investment in advertising infrastructure, reducing opportunities for businesses to market effectively and diminishing the economic contribution of the out-of-home (OOH) advertising sector. A regulatory framework that **unduly limits economic opportunities** without demonstrable public benefit should be reconsidered.

Furthermore, these spacing standards create unnecessary **administrative burdens** by triggering additional impact assessments solely due to their unusually stringent nature. If Stellenbosch were to adopt more balanced spacing standards — aligned with national industry norms — it would significantly reduce the need for costly and time-consuming waiver applications while maintaining orderly urban aesthetics and ensuring responsible traffic safety management.

A well-calibrated approach should seek to balance urban design considerations with economic vitality. Instead of imposing unjustified restrictions that far exceed what is considered reasonable in comparable municipalities, Stellenbosch should adopt a more pragmatic, evidence-based approach that aligns with national best practices.



### (C) DETAIL COMMENTS (SCHEDULES)

The following detailed comments highlight concerns regarding various Schedules that significantly impact third-party advertising.

#### Schedule 1: Area of Control

The Area of Control matrix remains largely unchanged, mirroring Cape Town's highly restrictive approach, which severely limits billboard opportunities. While the regulatory intent behind these constraints may be understandable in certain contexts, the classification of core economic zones — including central business districts, commercial nodes, and activity corridors — as **Partial Control Areas** raises substantial concerns.

Notably, the only areas explicitly **designated as Minimum Control Areas** — which are the only zones where billboards are permissible — are industrial areas. Other potential billboard-friendly areas are left subject to future designation on a discretionary basis. Furthermore, the term **“heritage insensitive areas”** is left undefined, allowing for subjective interpretation and decision-making by municipal officials.

When read alongside the blanket prohibition of electronic billboards along Class 2 and 3 roads, as well as restrictive spacing requirements, the cumulative effect of these provisions is to render billboard placement **virtually impossible** under the new By-law. This, in practice, amounts to a **de facto ban**, which raises serious concerns regarding regulatory overreach.

This restrictive categorisation also appears to **contradict the principles** outlined in the South African Manual for Outdoor Advertising Control (**SAMOAC**). The failure to permit billboard advertising within **commercial, mixed-use, or business areas** directly conflicts with the city's broader spatial policy framework, which aims to promote economic activity in these very zones. This misalignment risks undermining strategic economic objectives and stifling investment in advertising infrastructure that could otherwise contribute to urban vitality and growth.

Additionally, the intended **overlay zones** — which have yet to be promulgated — could further **erode any remaining billboard opportunities**. These overlay zones appear poised to function as a discretionary tool for municipal officials to arbitrarily determine, where billboards are deemed permissible. The concern here is that such decision-making will be **heavily weighted toward visual, heritage, or special sensitivity considerations**, without adequately factoring in the economic support needs of existing business nodes and linear activity spines.

To ensure a **balanced, predictable, and fair regulatory framework**, the By-law should:

- Expand **Minimum Control Area** classification to include **commercial and mixed-use zones**, allowing for strategic placement of billboards in line with economic activity.
- Define **“heritage insensitive areas”** in clear, objective terms to avoid discretionary decision-making.
- Align billboard opportunities with **the city's spatial planning policies**, ensuring that restrictions do not contradict designated commercial growth areas.
- Implement a **more transparent overlay zone system**, part and parcel of the Advertising By-law, ensuring that economic considerations are weighed alongside visual and heritage factors.



## **Schedule 2: Billboards**

Despite previous concerns raised, this section remains **rigidly restrictive**, prioritising aesthetic considerations over balanced regulatory outcomes. The framework confines billboards almost exclusively to **industrial and transportation zones** — effectively prohibiting them in commercial, retail, and mixed-use areas, which are precisely the locations where businesses require visibility.

While limiting billboard proliferation in a city like Stellenbosch has merit, the **outright ban on smaller billboards (up to 18 sqm) within commercial hubs** is an unnecessary restriction. Shopping centres and high-footfall commercial districts depend on effective advertising visibility for economic vibrancy. A more rational approach would be to:

- Permit **smaller billboards (up to 18 sqm) in Partial Control Areas** within these key commercial zones.
- Introduce **context-sensitive design controls** to ensure that billboards in such areas contribute positively to urban character without compromising aesthetics.

Furthermore, the **blanket 18 sqm size limitation** remains **excessively stringent** for a medium-sized city like Stellenbosch. A more differentiated approach would allow:

- **Larger formats (up to 36 sqm) in Minimum Control Areas**, particularly within industrial and transportation zones where impact concerns are lower.
- **Case-by-case exceptions** where larger billboards can be accommodated without negatively affecting urban character, heritage, or traffic safety.

Stellenbosch has an opportunity to **embrace innovation in billboard design**, integrating advertising structures more seamlessly into the built environment. The By-law should:

- Allow for **design-led exemptions**, where size, height, and spacing restrictions could be waived for billboards that incorporate aesthetic and functional enhancements.
- Encourage **dual-purpose billboards**, such as those integrating public information displays, city branding elements, lighting, or urban greening elements, aligning advertising with broader urban improvement goals.

A **more flexible, design-conscious regulatory framework** would balance urban aesthetics with economic sustainability, ensuring that Stellenbosch remains competitive while maintaining its unique character.

## **Schedule 4: Flat Signs**

The By-law's continued imposition of a rigid **5 sqm size limitation** on Flat Signs remains unduly restrictive and unrealistic. While a waiver provision exists, this arbitrary constraint significantly limits economically viable advertising opportunities and unduly curtails effective advertising exposure. Notably, most municipal By-laws in South Africa do not enforce such an inflexible size limit, allowing for greater creative expression and façade customisation.

A more balanced approach should allow for larger Flat Signs, provided they are **thoughtfully designed** and integrated with the building's architectural character. Large, well-executed Flat Signs can transform otherwise monotonous façades into visually engaging facades, contributing positively to the built environment. By maintaining a stringent blanket restriction, the By-law stifles innovative advertising solutions that could enhance the urban fabric rather than detract from it.



The regulatory framework should instead adopt a **performance-based approach**, permitting larger Flat Signs where design excellence, aesthetic integration, and contextual appropriateness are demonstrated. This would align with the city's commitment to fostering a vibrant, aesthetically pleasing urban environment without unnecessarily hindering economic opportunities.

#### **Schedule 16: Advertising on Municipal Land or Buildings**

The provisions governing advertising on municipal land and buildings introduce a fundamental imbalance, granting the municipality an unjustifiable **commercial advantage**. Specifically, paragraph 2(a) of this Schedule allows for a broad discretionary approach to advertising on municipal property, even omitting any explicit size limitations. This stands in stark contrast to the highly restrictive regulations imposed on private property, particularly under Schedules 2 and 4.

Such an approach creates an **inequitable regulatory framework**, where private property owners face excessive constraints while the municipality is afforded undue latitude to monetize advertising on its own land. This contradicts the principles of fair competition and market parity.

To ensure consistency and equitable treatment, the By-law should either:

- Extend the same commercial advertising opportunities to private landowners under a balanced, performance-based framework, or
- Apply the same restrictions to municipal property as currently imposed on private properties.

A fair and transparent regulatory environment is imperative to prevent **undue municipal advantage** and ensure a level playing field for all stakeholders in the outdoor advertising sector.

#### **Schedule 17: Signs erected by or for the Benefit of Non-Profit Organisations**

The retaining of the provisions allowing billboards for the benefit of non-profit entities — such as schools, sports clubs, and community organisations — is a commendable recognition of the financial challenges these groups often face. However, the rigid application of an 18 sqm maximum size limitation, mirroring Cape Town's approach, may significantly **curtail the fundraising potential** of these organisations.

In reality, experience has shown that overly restrictive size limitations severely limit the financial viability of such signs. In low-risk environments — such as large land parcels or along major transportation routes — larger sign sizes could be permitted without causing undue visual or environmental impact.

A more **flexible and context-sensitive approach** is warranted, ensuring that non-profit organizations can fully leverage advertising opportunities to support their vital community programs. The By-law should incorporate a provision allowing for case-by-case consideration of larger sign sizes where appropriate, subject to location-specific impact assessments. This would maximize the potential benefits of this initiative while maintaining responsible urban design principles.



## (D) CONCLUSION

The **Stellenbosch Municipality Outdoor Advertising and Signage By-law, 2024** establishes a structured yet incomplete regulatory framework for outdoor advertising. A more detailed analysis further reveals persistent issues that require urgent reconsideration. While the By-law seeks to balance visual integrity with economic advancement, its rigid approach — particularly in the imposition of restrictive size limitations and area control — fails to accommodate economic realities, urban design innovation, and fair competition.

Key concerns include:

- **Excessively restrictive size limitations**, particularly for Flat Signs and Billboards, which unnecessarily constrain effectual branding and creative integration with building façades, while also limiting advertising effectiveness of billboards in low-risk areas.
- **Inconsistent regulatory treatment** between municipal and private land, creating an unfair commercial advantage for the Municipality while excessively restricting private sector advertising rights.
- **A lack of flexibility for non-profit organisations**, where rigid size constraints on signage may undermine their ability to maximise financial sustainability.
- **Regulatory uncertainty** due to the expanded role of the Urban and Rural Conservation Overlay Zone and Scenic Routes Overlay Zone, which have yet to be formalised. This expanded regulatory connection effectively freezes administrative decision-making and stalls approvals. The lack of clarity on how these overlays will enable or prohibit advertising sites creates uncertainty, delays, and unnecessary bureaucratic complexity, potentially undermining economic activation.
- **Potential constitutional concerns** arising from overbroad and ambiguous definitions, particularly regarding “public spaces.” The expansive interpretation of what constitutes a public space, coupled with the implied need for additional regulatory compliance, may infringe on constitutional rights related to freedom of expression and property ownership. Any By-law that restricts commercial expression in a manner that is disproportionate or inconsistent with constitutional rights risks legal challenge.

Furthermore, without a **clear visualisation of the area control limitations** to be set out in the overlay zones, it remains unclear whether the regulatory intent aligns with broader spatial development policies. The absence of these overlay components prevents an objective assessment of whether the new By-law supports or stifles economic growth, urban transformation, and efforts to address spatial injustices.

To achieve a balanced and future-proof regulatory framework, it is essential that the Municipality:

- **Adopts a more flexible**, context-sensitive approach to size and spacing limitations.
- **Ensures regulatory parity** between municipal and private land to uphold fair competition.
- **Formally integrates the Overlay Zones** into the Advertising By-law, ensuring that advertising decisions are not left in limbo due to unclear or incomplete regulatory frameworks.
- **Re-evaluates the definition and restrictions of “public spaces”** to ensure alignment with constitutional principles, safeguarding fundamental rights such as freedom of expression and equitable economic opportunity.
- **Clearly aligns the By-law with spatial and economic development** objectives to foster growth in key commercial areas.
- **Engages meaningfully with industry stakeholders** to accommodate modern advertising trends while maintaining urban quality.





By addressing these regulatory inconsistencies and adopting a **more forward-thinking, design-conscious, and economically viable approach**, Stellenbosch Municipality can establish a leading regulatory framework that preserves visual integrity while also fostering investment, creative expression, and constitutional compliance — without compromising the cultural landscape.

Your consideration in this regard is highly appreciated.

**YOURS SINCERELY**

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal line.

**KESTELL SERFONTEIN   Pr. Pln A/1095/1999**  
**MANAGING HEAD: URBAN IQ**



6 April 2025

TO: **Stellenbosch Municipality**  
**Department of Development and Planning**  
**Viola.Anthony@ Stellenbosch.gov.za**

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## ADREACH (PTY) LIMITED

### COMMENTS REGARDING THE NEW PROPOSED CITY OF STELLENBOSCH DRAFT OUTDOOR ADVERTISING BY LAW

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#### INTRODUCTION

1. These comments are submitted in terms of the public participation process required by the Stellenbosch Municipality in terms of section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
2. By way of introduction Adreach is directly affected by the proposed by-laws as they are engaged in the business of outdoor advertising and in particular permanent street pole advertising. Our comments/concerns are based on the proposed by-law infringing specifically our, as well as the broader municipal constituencies –





- 2.1. constitutional rights,
- 2.2. rights to economic participation,
- 2.3. rights to fair regulatory practice, and
- 2.4. rights to local governance accountability.

### **THE EXCLUSION OF COMMERCIAL STREET POLE ADVERTISING**

- 3. We reiterate that Adreach specialises in permanent street pole advertising which is accepted, both globally and locally, as a recognised, manageable, and legitimate form of outdoor advertising that is –
  - 3.1. easily regulated for size, height, content, and spacing,
  - 3.2. capable of being environmentally sensitive,
  - 3.3. a significant contributor to the local economy; and
  - 3.4. a significant revenue generator for the Municipality.
- 4. Despite the above factual realities, and whilst specifically catering for other forms of outdoor advertising, permanent street pole advertising has, in contravention of Section 16(1) of the Constitution of the Republic, been unfairly, arbitrarily and inconsistently singled out and is prohibited in terms of the proposed by-law.





5. In terms of this blanket prohibition our amplified comments are set out below.

6. Firstly

6.1. Section 16(1) of the Constitution protects the right to freedom of expression, which includes:

6.1.1. commercial expression, such as advertisements; and

6.1.2. artistic, cultural, and community messaging.

6.2. To the extent that the Municipality would want to limit these rights Section 36 of the Constitution would need to be considered. This section, also known as the “limitations clause” provides that any law or action that limits a right in the Bill of Rights must be reasonable and justifiable in an open and democratic society. Specifically, the limitation must take into account:

-

6.2.1. the nature of the right;

6.2.2. the importance of the purpose of the limitation;

6.2.3. the nature and extent of the limitation;

6.2.4. the relationship between the limitation and its purpose; and

6.2.5. whether less restrictive means could achieve the same purpose.



- 6.3. The blanket prohibition of street pole advertising must therefore be assessed against this framework. Having done so it is submitted that an outright prohibition on street pole advertising, without offering less restrictive measures to achieve urban management goals, fails to meet this constitutional standard of justification. Additionally, the Municipality must show that no less restrictive alternative exists, which in this case, clearly do exist in the form of appropriately considered regulations which are proposed in respect of other forms of advertising.
- 6.4. We reiterate that as other forms of advertising (including temporary street pole signs) are allowed under and in terms of a regulated framework then the same approach should be applied to permanent street pole advertising.

## 7. Secondly

- 7.1. The proposed by-laws fail to balance competing Constitutional imperatives in that by imposing an outright ban on street pole advertising they fail to uphold the constitutional duty to:

- 7.1.1. promote local economic development (section 152(1)(c) of the Constitution) as the prohibition undermines local entrepreneurship, especially for small businesses who rely on affordable, local visibility. Street pole advertising is one of the most accessible, cost-effective advertising tools for small businesses. By prohibiting it, the proposed by-law favors large





corporations that can afford more expensive formats, thereby widening the inequality gap;

7.1.2. support public access to information and services (which street pole advertising facilitates);

7.1.3. enable inclusive public participation in the urban landscape.

7.2. Conversely, the by-law over prioritises visual and aesthetic control, to the detriment of commercial fairness and small business visibility.

## 8. Thirdly

8.1. The draft by-law fails to present any evidence of adverse environmental, heritage, or traffic-related impacts that justify such a blanket prohibition. The by-law refers generally to safety, heritage, and aesthetic concerns (see Preamble, Section 2), but no empirical support (such as traffic studies, environmental reports, or comparative municipal benchmarking) is provided to support this extreme measure.

8.2. The reason for this being that these do not exist which highlights the arbitrary and unacceptable nature of this decision.

## 9. Fourthly

From a procedural perspective we have not been able to determine that affected industry players, civil society, or local business forums were consulted before the draft by-law was compiled.



This omission undermines the participatory objectives aims of the Municipal Systems Act and opens the by-law to procedural challenge.

10. Fifthly

- 10.1. Environmental considerations have in this instance been misapplied as permanent infrastructure (such as reusable pole ads) are environmentally preferable to repeated temporary posting, which generates waste. With proper materials and maintenance, permanent formats can be fully sustainable.

11. Sixthly

The prohibition is likely to result in a proliferation of illegal advertising as against a regulated, licensed permanent system would be far more enforceable and beneficial.

12. Seventhly

- 12.1. The principle of proportionality is a cornerstone of South African constitutional and administrative law. It requires that any limitation of rights or imposition of burdens by the state must be suitable to achieve a legitimate objective, necessary in that no less restrictive measure would achieve the objective, and reasonable in balancing the public interest against individual or commercial rights.





12.2. The by-law's total prohibition of permanent third-party street pole advertising does not meet this standard. It is:

12.2.1. overbroad – capturing all forms of permanent pole-based commercial speech without nuance.

12.2.2. unnecessary – as less invasive, targeted restrictions (e.g., by zone, format, or content type) could be implemented to protect visual and public safety objectives.

12.2.3. disproportionate in effect – as the economic and communicative harm to advertisers, community groups, and the public far outweighs any marginal benefit in visual uniformity or traffic safety.

### 13. Eighthly

Permanent third-party street pole advertising could be a regulated source of sustainable municipal revenue. The current proposed by-law sacrifices economic potential in favour of over-regulation without measurable public gain.

### 14. Recommendations

14.1. Rather than a total prohibition, the Municipality should adopt a regulatory framework for street pole advertising that includes:

14.1.1. permit-based systems with reasonable fees;





- 14.1.2. content control provisions (e.g., no hate speech or inappropriate content);
  - 14.1.3. duration and location limitations;
  - 14.1.4. clear responsibilities for maintenance and removal;
  - 14.1.5. access to the street poles for community, cultural, educational, and local economic development uses.
- 14.2. As a final point we mention that Adreach has since its inception championed the Adopt-A-Project business model which is focused on integrating maintenance and community development goals with the business of street pole advertising. We would propose that the Municipality consider allowing permanent street pole advertising which is linked to funding community development goals, such as requiring advertisers to maintain poles and the upliftment of disadvantaged communities as this would ensure that upliftment and growth of the Municipality as a whole. We would be more than willing to meet with the Municipality to discuss this further.

## VAGUE AND OVERBROAD DEFINITIONS

15. The by-law's definition of "third-party advertising" lacks clarity and could be interpreted to include non-commercial sponsorships or event co-branding. This ambiguity leads to legal uncertainty and risks selective enforcement when it comes to-



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- 15.1. brand urbanization (corporate-supported urban identity projects);
  - 15.2. public art,
  - 15.3. cultural sponsorship,
16. By way of example a pole-wrap saying “Proudly Sponsored by Brand X” next to a community clean-up message could be banned under this definition even if only 10% of the surface area features a logo. Without a clear exemption for “non-commercial aesthetic contributions”, this type of branding risks being labelled as illegal advertising. This undermines efforts to beautify, brand, and unify public spaces.
17. We would propose that the by-laws contain and include a dedicated definition for civic branding, public art, or community messaging with specifically allowable branding thresholds (e.g., 20% for logos/sponsors on community-facing messaging).

### **OVERREACH OF ENFORCEMENT POWERS**

18. Section 19 of the by-law allows the Municipality to remove signage without affording a hearing, which is a breach of procedural fairness as required by section 33 of the Constitution and the Promotion of Administrative Justice Act (PAJA).





**EXCESSIVE PENALTIES AND COST RECOVERY MECHANISMS**

19. The by-law allows the Municipality to charge for the removal, storage, and disposal of signage, even when the underlying basis for such removal may be disputed. These powers are overly broad and need judicial oversight.

**CONCLUSION**

20. These comments are submitted with the aim of contributing constructively to a by-law that is legally sound, economically inclusive, environmentally balanced, and administratively fair. A collaborative and modern approach to urban signage and street-level advertising can serve all these goals. The current draft falls short and should be substantially revised before adoption.
21. We are available for consultation, hearings, or written submissions should the Municipality require further input.

Yours sincerely

**GAYé ROBBERTSE****GENERAL MANAGER**



**Stellenbosch Municipality**

**Att:** Viola Anthony

Email: [Viola.Anthony@ Stellenbosch.gov.za](mailto:Viola.Anthony@ Stellenbosch.gov.za)

**4 April 2025**

**COMMENTARY ON DRAFT STELLENBOSCH OUTDOOR ADVERTISING AND SIGNAGE BY-LAW, 2024, IN TERMS OF A PUBLIC NOTICE DATED 6 MARCH 2025**

1. Your notice calling for comment on the draft outdoor advertising by-law dated 6 March 2025 bears reference.
2. We have now had the opportunity to consider the revised draft By Law, 2024 "Draft Outdoor By-law" circulated for comment. Naturally, we reconsidered the comments submitted during the first round of public participation by various stakeholders that are attached to the Mayco Agenda dated 21 November 2024, in particular the comprehensive commentary to be found at p 817 thereof.
3. It is most unfortunate that some of the critical aspects therein have not been addressed in the revised version of the Draft Outdoor Advertising Bylaw, particularly, given the detailed and compelling submissions received.
4. More pertinently, the generous invitation by Jinja Outdoor to facilitate (sponsor) a workshop-style stakeholder engagement meeting, during which the detailed comments, concerns, and suggestions made by all could be properly ventilated, discussed, and clarified. To the best of our knowledge, such a meeting has not been arranged. We do not doubt that a further focused stakeholder engagement may resolve these concerns for the benefit of all stakeholders including the Municipality and its residents. The benefit of such a meeting will be immense. In this regard, you are reminded of the obligations imposed upon the Municipality in terms of the Municipal Systems Act, which emphasizes proper stakeholder participation in transparent law-making processes. We therefore strongly support further proper engagement with stakeholders by way of a workshop and trust that you will accede to such a request.
5. We do notice that the Draft Outdoor By-law envisages further public participation in respect of the Scenic Route and Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone, such public participation is essential for the following reasons hereunder.



- 5.1. The draft zoning scheme by-law, for which general public participation strangely preceded the approval of the Draft Outdoor By-law, despite its critical role, fundamental and material bearing on the geographical restrictions imposed by the Draft Outdoor By-law. We trust that approval and submission of the draft zoning by-law before the Draft Outdoor By-Law was not by design or a strategy to avoid proper public and stakeholder engagement about the regulatory framework for outdoor advertising. We trust **that the draft zoning by-law will be re-advertised for public participation insofar as it pertains to the regulation and supervision of outdoor advertising.**
  
- 5.2. To avoid the invalidity of the Draft Outdoor By-law due to a lack of proper public participation arising from the most fundamental restriction contained therein, namely the demarcation of control areas, **we point out that the draft zoning by-law still does not clearly designate areas of control as envisaged in clause 6 of the Draft Outdoor By-law.** This inconsistency renders the entire Draft Outdoor By-law defective and void for vagueness. No ordinary man on the street can determine, having regard to both draft by-laws which area constitutes an area of minimum, partial, or maximum control. It is vague and uncertain.
  
- 5.3. Concerning the definition of minimum control areas, the practical application thereof **translates to a complete prohibition of the economic viability of outdoor advertising.**
  
6. We also wish to briefly draw your attention to some **specific overly restrictive provisions and remaining serious concerns that have not been addressed, namely, the stringent restriction of Billboard to 18m<sup>2</sup> in size and digital advertising signs to 2.1m<sup>2</sup> and several height restrictions, which come to mind.** Such stringent restrictions are not in keeping with international trends and the emergence of large-format outdoor advertising and spectacular advertising structures in other foreign and local jurisdictions. This requires serious reconsideration and amounts to an unfair unjustifiable unreasonable limitation of freedom of speech, not to mention that numerous other provisions, also previously comprehensively commented on, violate property rights, freedom of trade, and in general hinder economic growth and undermine investment in the advertising sector. It appears that previous comments in this regard have simply been ignored, more specifically provisions and comments that has been highlighted to arbitrarily deprive advertising rights that was previously obtained when indeed no valid regulatory provisions were in place.



7. **The provisions of the Draft Outdoor By-law are further not aligned with the objectives and provisions of the Spatial Planning and Land Use Management Act**, or even its own stated objectives, in that the restrictions imposed by it hinder economic development and do not consider the changing needs (economic and otherwise) of the Stellenbosch community and its stakeholders.
8. The offensive provisions concerning the Municipality's wide and unfettered discretions have not been rectified, whilst these provisions were previously highlighted by stakeholders to reflect bias, promote arbitrary decision-making, and lack independent appeal procedures.
9. Essentially, the Municipality remains the judge in its own matters, is not an independent appeal authority, and acts as an enforcement agent, all whilst it is also a major role player in the outdoor advertising industry. **This is the most glaring example of an unavoidable conflict of interest in violation of various provisions of the constitutional dispensation of South Africa.** Such provisions are objectively invalid and may in the future be declared by the courts as such. In this regard, you are reminded of the matter involving the City of Johannesburg that resulted in their by-laws being declared invalid and the dire consequences that followed from an unregulated environment.
10. **The Draft Outdoor By-law intends to operate under a presumption of guilt for advertisers, landowners, and event organizers. This will be a violation of international human rights, if approved**
11. **The general overbroad nature of certain definitions and wide discretions afforded to officials within the Municipality is concerning and excessive to the extent that the Municipality may be acting beyond its constitutional powers,** and in turn, casts doubt as to the overall legality of the Draft Outdoor By-law and ultimately, its enforceability, without stimulating excessive litigation against the Municipality.
12. The unilateral and arbitrary determination of the illegality of advertisements by the Municipality, without such dispute having been independently determined by courts, **usurps the functions of the courts** and essentially thereby also our constitutional dispensation. The power attributed to the Municipality to impose penalty rates without recourse to a determination by courts serves as an example of such a provision. All enforcement provisions require careful reconsideration and debate.



13. Because the Municipality is a major role player and landowner in the outdoor advertising market in Stellenbosch, certain provisions of the Draft Outdoor By-law that remain **may simply be declared to be contrary the South African Competition laws** in that it embodies restrictive horizontal practices that limit fair competition amongst the various role players.

## CONCLUSION

14. Given only that which has been highlighted above, we urge the Municipality, the Council, and Mayco, to seriously embark on a mindful reconsideration of the provisions of the Draft Outdoor By-law and the Zoning Scheme By-law given the comprehensive commentary solicited by its earlier drafts and need not be repeated herein. No doubt, further comments will be received in respect of this Draft Outdoor By-law and must be diligently considered, before merely rubberstamping same through the formalities of the law-making process.

15. We trust that our comments and those of other stakeholders who raised specific meritorious concerns previously and that remain unresolved will form the subject matter of further stakeholder engagement, as suggested above, to

- resolve the inconsistencies and offensive provisions highlighted; and
- the overall detrimental effect that the mere promulgation of the Draft Outdoor By-law would have on the local economy and its national participants.

16. We invite you to rectify your conduct and further engage with us in this regard.

Kind Regards

A handwritten signature in black ink, appearing to read 'Piet Van der Merwe', is written over a horizontal line.

per Piet Van der Merwe





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Brentwood Park Agricultural Holdings  
Kempton Park  
1619  
Registration No: 2013/170738/07  
VAT No: 4490285113

5 April 2025

Stellenbosch Municipality  
Department of Development Planning  
Attention: Viola Anthony  
By email: [Viola.Anthony@stellenbosch.gov.za](mailto:Viola.Anthony@stellenbosch.gov.za)

To Whom It May Concern;

**THE DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR  
ADVERTISING & SIGNAGE BY-LAW, 2024 FOR PUBLIC COMMENT**

Please find attached my comments with regard to the Stellenbosch Municipality Draft Outdoor Advertising and Signage Bylaw, 2024 published for comment in the Eikestad Newspaper and which further formed part of a notification via email on 6 March 2025.

I trust that due consideration will be given to the comments contained herein and that the Municipality will give the industry the necessary opportunity to engage with the Council in a meaningful and open manner that will result in a workable bylaw that will still live up to the objectives of the SPLUMA Act, adopt a more nationally accepted outdoor advertising standard, with particular reference to advertising sign sizes and responsible and justifiable placement and also, promote the Municipality's own goals of ensuring a set of regulations that protect the Heritage and natural environment of Stellenbosch.

However, having said this it should be stated that it is disappointing to note that large sections of the previous, and now defunct by law, still remain in place in the current draft being circulated for comment, in particular the overly restrictive and nationally unaligned provisions within the proposed by-law dealing with **sign sizing, spacing standards, and the broad area control and implied locational prohibitions, as well as other physical aspects that are vitally important to the Out-of-Home industry as a whole.**

**This, even after the initial and unlawfully implemented** round of public participation, which would have seen numerous comments raised by the industry with particular reference to the physical characteristics of outdoor advertising mentioned above.

What seems to be lacking is the founding principle that local authorities are tasked with balancing the needs and interests of both the public and the industries operating within their jurisdiction. While their primary responsibility is to protect the public good,

this must be done in a way that fosters a healthy, collaborative relationship with business.

Striking this balance is essential to ensure that authorities do not overstep their regulatory role, becoming overly forceful or obstructive.

Instead, they should aim to be partners with the industries they regulate, working together to create an environment that promotes sustainable growth, innovation, and compliance without stifling economic development.

This approach enables both public welfare and industry success to coexist, benefiting the broader community in the long term.

## **BY-LAWS CREATING A BLANKET BAN ON OUTDOOR ADVERTISING**

One of the most concerning aspects of the draft bylaw is the overly restrictive and, in many cases, potentially unconstitutional provisions it contains. The municipality appears to be moving toward creating regulations that would effectively prevent the out-of-home advertising industry from exercising its constitutional rights within the municipality's boundaries. By severely limiting the areas where billboards can be developed, and introducing vague and arbitrary restrictions, the bylaw stifles the industry's ability to operate and could be seen as an infringement on the industry's right to conduct business and operate within the constitutional values enshrined in the Constitution of South Africa, and highlighted in more detail below.

### **Fundamental Constitutional Rights affected by the 2024 Draft Bylaw**

It is important to point out which fundamental rights, as enshrined under the Constitution of the Republic of South Africa, 1996 ("*the Constitution*"), are affected by the provisions of the 2024 Draft Bylaw.

The Bill of Rights in the Constitution (Chapter 2) is a cornerstone of our democracy and **guarantees** inter alia the following fundamental rights:

1. **the right of freedom of expression**, including commercial speech, as provided for in section 16 of the Bill of Rights, which includes freedom of the press and other media. It means that the press (newspapers, TV, radio, online media) and other forms of media (outdoor advertising, social media, blogs, etc.) have the right to operate freely without government censorship or interference. **A person has the right to promote his, her or its product or services to the public, expressed in a way and format which originate from a person's own unique and creative thinking, compliant with society's norms and standards, and a consumer on the other hand, has the right to be informed about available products and services in a creative manner by being exposed to advertisements.** A Municipality is not allowed to unfairly, unjustly, or disproportionately limit this freedom of expression, other than in terms of section 36 of the Constitution;
2. **the right to freedom of trade** under section 22 of the Constitution, meaning that every citizen has the right to decide what trade, occupation, or profession they want to pursue; and

3. **the right to property** under section 25 of the Constitution, meaning that no one may be deprived of property except in terms of law of general application and the deprivation thereof, must not be arbitrary.

These excessive restrictions not only limit economic opportunities but also raise significant concerns about the fairness and legality of such regulatory measures.

**It could thus, be concluded that the 2024 Draft Bylaw introduces a blanket ban on billboards** by severely restricting the areas where billboards can be erected, resulting in minimal viable opportunities for billboard development within the jurisdiction of the Municipality.

The bylaw outlines several restricted areas, including heritage-sensitive locations, transportation terminals (which do not yet exist), limited use zones, and conservation areas, among others. These areas are either vague or non-existent at the time of the by law's promulgation, making it uncertain where billboards could be legally placed.

Key concerns include the arbitrary designation of areas by the Municipality, which could be classified as minimum controlled areas without public participation, undermining transparency and fairness. The bylaw also conflicts with existing zoning laws, such as the Limited Use Zones, where billboards cannot be developed.

Additionally, the restrictions on Gateway and Scenic Routes further limit available spaces for billboard development.

The overall effect is that the bylaw sterilizes the opportunity for billboard construction, rendering it practically impossible to develop billboards within the Municipality. This over-regulation may be unconstitutional, as it imposes excessive restrictions on billboards, effectively banning them and not providing reasonable opportunities for businesses to operate in this space.

**Schedule 1 (Area of Control Matrix)** lacks any form of realistic and fair application and highlights the Municipality's stance with regard to Outdoor Advertising, one of complete distaste, with a view to enforce a cleverly constructed ban on any opportunities for the industry.

The Area of Control matrix in the draft bylaw mirrors Cape Town's restrictive approach, significantly limiting billboard opportunities. The classification of core economic zones, like central business districts and commercial nodes, as Partial Control Areas raises major concerns. The only explicit Minimum Control Areas where billboards are allowed are industrial zones, with other potential areas subject to future discretionary designation. The term "heritage insensitive areas" is undefined, leaving room for subjective interpretation by municipal officials.

The by law's blanket ban on electronic billboards along Class 2 and 3 roads, combined with restrictive spacing rules, effectively creates a ban on billboards. This approach contradicts the South African Manual for Outdoor Advertising Control

(SAMOAC) and conflicts with the city's spatial policy, which seeks to promote economic activity in commercial zones.

Having made the above statement, it could be further expanded upon in the fact that the 2024 Draft Outdoor By law provides under schedule 1 the following in respect of minimum controlled areas:

**“Specific areas or sites designated as minimum control by way of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as contained in the Stellenbosch Municipality Zoning Scheme Bylaw prepared by the Municipality”**

However, there is no reference to any “specific areas or sites designated as minimum control by way of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone” in the yet to be promulgated “Zoning Scheme Bylaw”. This could be further regarded as a smoke screen, and a scenario in which the Council cannot keep on placing itself.

Further concern, besides the above factors, is the overreach the Municipality has provided for itself in the Zoning Scheme by law, which is accepted as not being part of this public participation process, yet, ideally should be, given the impacts and **unaligned** relationship that exists between the two pieces of legislation:

- (8) 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.

The overreach in this instance arises due to the fact that the Municipality has placed itself in the position as being the final decision maker in any dispute that may result in the determination of an area of control and as such, if the area of control is disputed, it can significantly impact a person's property rights, particularly if it limits or restricts the use of their property, such as for billboard placement. The imposition of such restrictions without clear, objective criteria or the **possibility of an appeal can lead to:**

1. **Devaluation of Property:** If an area is classified under stringent control, it could lower the property's market value, particularly if the restrictions prevent profitable activities like advertising or development.
2. **Loss of Economic Opportunity:** Property owners may be unable to utilize their land as they see fit, especially in the case of commercial properties that could benefit from billboards or other uses typically allowed in less-restricted zones.
3. **Uncertainty and Legal Challenges:** Disputed areas of control may lead to legal challenges, creating uncertainty about the permissible uses of the property and the enforcement of regulations. This can discourage investment or lead to prolonged legal proceedings.

Regarding whether the council should be the final determiner of the extent of the area of control, there are several **concerns**:

1. **Lack of Transparency:** If the council has the sole discretion to determine the extent of these areas, it can lead to arbitrary decision-making. Without clear, objective guidelines or a public participation process, such decisions could be seen as unfair or biased.
2. **Potential Abuse of Power:** Concentrating decision-making authority in the council could lead to the misuse of regulatory powers, such as disproportionately restricting certain areas to the benefit of select interests, without consideration of broader economic or community needs.
3. **Inconsistent Application:** Local councils may not always apply the rules consistently, leading to legal disputes and further uncertainty for property owners.

In a fair and balanced system, it would be preferable for the extent of areas of control to be determined based on clear, transparent criteria and to allow for an independent appeals process. This ensures that property owners have a way to challenge decisions that they feel unjustly restrict their rights, and that regulations are applied consistently and equitably. Ultimately, while the council may have a role in setting these areas, oversight mechanisms and public consultation should be in place to protect property rights and ensure fairness.

It should also be noted that in the determination of a scenic route overlay and those proposed, the Council has made very broad strokes in determining these scenic routes overlays- one can be quite sure that the entire stretch of the R44 is not a scenic route, nor for that matter the entire stretch of the N1 on its approach to Klapmuts.

It seems far easier for the responsible officials to sit in their office with a highlighter as opposed to making these maps relevant to the actual physical conditions that exist out in the field.

As already mentioned above, the intended overlay zones could further limit billboard opportunities, as municipal officials would have the discretion to determine where billboards are permitted, prioritizing visual and heritage factors over economic considerations.

These areas are yet to be defined, and as a result leaves the proposed Outdoor Advertising by law in a position of limbo- with no reference to the areas of control as set out in the schedule.

To create a fairer and more predictable regulatory framework, the bylaw should:

- Expand Minimum Control Areas to include commercial and mixed-use zones.
- Define “heritage insensitive areas” clearly to avoid arbitrary decision-making.
- Align billboard regulations with the city’s spatial planning policies to support economic growth.



- Implement a transparent overlay zone system that balances economic needs with visual and heritage factors.

## **UNREALISTIC SIZE LIMITATIONS**

We also wish to briefly draw your attention to some **specific overly restrictive provisions and remaining serious concerns that have not been addressed, namely, the stringent restriction of Billboards to 18m<sup>2</sup> in size and digital advertising signs to 2.1m<sup>2</sup> (where the impact of digital signs on visual comfort and readability must be considered. At 2.1m<sup>2</sup>, digital advertisements become so small that readability is compromised, forcing viewers to focus for longer periods to decipher content. This counteracts the very purpose of outdoor advertising, which relies on quick and effective message transmission), and several height restrictions (set in place but without due consideration to the actual lay of the land, position and slope).**

Such stringent restrictions are not in keeping with international trends and the emergence of large-format outdoor advertising and spectacular advertising structures in other foreign and local jurisdictions.

This requires serious reconsideration and amounts to an unfair unjustifiable unreasonable limitation of freedom of speech, not to mention that numerous other provisions, also previously comprehensively commented on, violate property rights, freedom of trade, and in general hinder economic growth and undermine investment in the advertising sector.

It appears that previous comments in this regard have simply been ignored, more specifically provisions and comments that has been highlighted to arbitrarily deprive advertising rights that was previously obtained when indeed no valid regulatory provisions were in place.

## **APPEAL**

The appeal process as outlined in the proposed Outdoor Advertising by laws poses a serious threat to the actual rights of a person seeking an objective and unbiased appeal process.

A person whose rights are affected by a decision in terms of a delegated power may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the Municipal Manager within twenty-one (21) days of the date of the notification of the decision.

### **Internal appeals process lacks impartiality**

The New By-Laws allows for a single employee (the City Manager), who is in a close relationship with the City (and who wants to protect the interests of the City), to handle internal appeals.

In the SAPOA matter the High Court has found that *"the COJ generates advertising income from its own property, and property under its control. To be a regulator in one's own business interest is a clear conflict of interest and has the potential of causing a conflict of interest which will inevitably create potential for bias. It is vital that the 2018 by-laws acknowledge and address this risk. In the case of Glencore Operations South Africa Proprietary Limited Coal Division v Minister of Mineral Resources and Others [2016] JOL 35181 (LC) the learned Venter AJ at paragraph [85] stated that;*

*'The requirement that administrative action must be free from bias is part of the common-law rule against bias, namely, nemo iudex in sua causa.' ("no one may be a judge of his or her own cause"). Impartiality is an essential requirement of an officer tasked with exercising a power entrusted to them to make decisions which would affect the rights of others".*

In the circumstances, the adjudicatory function of the City in terms of the New By-Laws in respect of applications and appeals should be divested to an impartial decision-making body and not to any particular City official. Appeals must be handled as provided for in SPLUMA.

## **PRESUMPTIONS**

Section 18 of the proposed by law deals with the presumptions and specifically, any person charged with an offence in terms of this Bylaw who is-

- (b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed;

The rule of Law is violated by these presumptions as they all violate the presumption of innocence as protected by section 35(3)(h) of the Constitution. The presumption of innocence is an established principle of South African law which places the burden of proof squarely on the prosecution.

An advertiser which concludes a contract in respect of the advertising of his or her advertisements on signs will not have any ability to control the legality of the signs on which its adverts are displayed. It cannot be held liable unless it is directly implicated in the offence, or is a co-conspirator or an accessory after the fact, he or she has no connection or relationship to the offence.

All exercise of public power must comply with the Constitution and the principle of legality, which is part of the rule of Law. Accordingly, the conduct of the City, in creating presumptions that hold innocent parties responsible for the transgressions of

others, must be rationally related to the purpose sought to be achieved by the exercise of it. If there is no rational basis, then such conduct is arbitrary and falls to be set aside as a violation of the principle of legality.

## TRANSITIONAL ARRANGEMENTS

- (1) Anything done before the promulgation of this Bylaw, which was not done in terms of a provision repealed in this Bylaw and was unlawful, shall in the event of such act or sign still not complying with the provisions of this Bylaw, be unlawful and the Municipality in such case may take the necessary action in terms of section 19 hereof.

The Bylaw's transitional provisions are not aligned with the reality that the City did not have bylaws before. These provisions must be amended to reflect to the correct status quo.

Contrary to the provisions of 25 (2), "All legal signs that exist at the date of publication of this Bylaw, must in all respects comply with the stipulations in this bylaw within a period of six (6) months from the date of publication. Any sign that fails to comply after the initial six (6) months will be removed." We contend that the transitional provisions must provide for billboards lawfully erected prior to the promulgation date of the New By-Laws, but not in terms of the existing bylaws, to be approved in terms of the New By-Laws.

## CONCLUSION

In this submission to the Municipality, the following should be noted, and on the acceptance that we do acknowledge the fact that the Draft Outdoor By-law envisages further public participation in respect of the Scenic Route and Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone, such public participation is essential for the following reasons hereunder.

- The draft zoning scheme by-law, for which general public participation strangely preceded the approval of the Draft Outdoor By-law, despite its critical role, fundamental and material bearing on the geographical restrictions imposed by the Draft Outdoor By-law. **We trust that approval and submission of the draft zoning by-law before the Draft Outdoor By-Law was not by design or a strategy to avoid proper public and stakeholder engagement about the regulatory framework for outdoor advertising.** We trust that the draft zoning by-law will be re-advertised for public participation insofar as it pertains to the regulation and supervision of outdoor advertising.

In conclusion, it has come to our attention that Jinja Outdoor's generous offer to sponsor a workshop-style stakeholder engagement meeting, where concerns and suggestions could be fully discussed and clarified, remains an option and one that I would encourage the Municipality to embrace.

Such a meeting could be immensely beneficial, resolving concerns for all stakeholders, including the Municipality, the Out-of-Home Industry and its residents. This aligns with the Municipality's obligations under the Municipal Systems Act, which emphasizes the importance of transparent stakeholder participation in the law-making process.

We strongly support further engagement and trust the Municipality will consider this request for a focused, collaborative meeting.

Yours sincerely,

Mark Thomas

082 497 5750



4<sup>th</sup> of April 2025

To: **Department Development Planning**

Stellenbosch Municipality

Attention: Viola Anthony

Delivery by Email: [Viola.Anthony@ Stellenbosch.gov.za](mailto:Viola.Anthony@ Stellenbosch.gov.za)

In re: **Comments to proposed new Draft Stellenbosch Municipality Outdoor Advertising and Signage Bylaw, 2024 ("the 2024 Draft Bylaw")**

## Introduction

We submit herewith our further and updated comments to the 2024 Draft Bylaw in our endeavours to ensure that the Municipality's regulations in dealing with the municipal function of regulating billboards and the display of advertising signs in public places, strike a healthy balance between the importance of preserving the cultural landscape and heritage values of Stellenbosch, on the one hand, and the constitutional right to Freedom of Expression (which includes the right to freedom of the press and other media) of the Municipality's residents and communities and the broader business sector, on the other. It is beyond any doubt that the Stellenbosch community is a powerful and strategic economic subject within the South African Economy. Overregulation of advertisements will not only harm the local business community but will have a hampering effect on the entire South African Economy. It is therefore essential to adopt a regulatory framework that respects both objectives without unduly favouring one over the other.

There exists a plethora of options that can effectively mitigate any risks associated with outdoor advertising while fostering safe and creative solutions that enhances local and national economic activity.

As will be evident below, we again call upon the Municipality to engage with us, as well as the outdoor industry, to truly explore mutually beneficial solutions that not only preserve the cultural landscape but also contribute to the economic infrastructure supporting the local economy and enhance the place identity of the Municipality. We reiterate that Jinja is a responsible Outdoor Advertising Company and envision sustainable outdoor advertising by

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unlocking unique and economically viable outdoor advertising opportunities, with due regard for the known externalities associated with poorly regulated Outdoor Advertising.

The general conclusion we come to unfortunately, after studying the new 2024 Draft Bylaw, is that it embraces an overly restrictive regulatory framework, which sterilises almost all opportunities for responsible outdoor advertising investment into the jurisdictional area of the Municipality, contains provisions that are objectively speaking constitutionally invalid and seriously hinders the Municipality's ability to provide fair and just consideration to all development guidelines as prescribed and mandated by the Spatial Planning and Land Use Management Act, No. 16 of 2013 (**"the SPLUMA Act"**).

We urge the Municipality to carefully study and consider our comments and to adopt a balanced and nuanced approach that fosters collaboration between stakeholders and leverages the potential benefits of outdoor advertising, naturally while safeguarding the Municipality's unique cultural heritage and need for regulatory intervention.

Good, fair and balanced regulation is critical for an industry to economically strive and grow. If the outdoor advertising industry strives and grows within the Municipality's jurisdictional area, then and in such event, the Municipality is fulfilling its constitutional and statutory duties, which it is duty bound to do.

### **Call for active engagement as provided for in the Systems Act**

The Municipality invited the public to submit comments to its draft Outdoor Advertising and Signage Bylaw, 2023 (**"the 2023 Draft Bylaw"**) on the 2<sup>nd</sup> of November 2023.

In response thereto, we submitted our comments to the Municipality on the 4<sup>th</sup> of December 2023 and requested on the same day, by means of an email addressed to the Municipality, "an opportunity to engage with the Municipality in person in respect of the proposed New Bylaws." We followed up our aforesaid request in writing on the 4<sup>th</sup> of March 2024 and the 1<sup>st</sup> of November 2024, but we were unsuccessful to arrange any engagement. The officials have simply refused to engage in person or to respond to us in respect of our comments regarding the 2023 Draft Bylaw, notwithstanding the fact that we are a large outdoor advertising operator within the Municipality's jurisdictional area.

This approach on the part of the Municipality's officials is not only unfortunate, but contrary to the provisions of the Local Government: Municipal Systems Act 32 of 2000 (**"the Systems Act"**). The latter Act specifically acknowledges and records that a fundamental aspect of our local government system is the active engagement of

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communities in the affairs of municipalities of which they are an integral part, and in particular in planning, service delivery and performance management.

In terms of section 5(1)(b) of the Systems Act, we as members of the Municipality's local community have the right *"to prompt responses to their (our) written or oral communications, including complaints, to the municipal council or to another political structure or a political office bearer or the administration of the municipality."* [our insertion]

We have also called upon the Municipality in writing during the 2023 Draft Bylaw public participation process to provide us with the updated and amended draft of the 2023 Draft Bylaw, once the officials have taken our comments into consideration and before submitting the new version to the Council for approval. Once more, the officials did not respond to our request and simply proceeded to submit their new version of the 2023 Draft Bylaw to the Council for approval in principle as the new 2024 Draft Bylaw.

We have also specifically called upon the Municipality to make sure that it has a full understanding of the constitutional issues, without trying to suggest that it is not the case. We requested an opportunity, as part of the public participation process in respect of the old 2023 Draft Bylaw, to facilitate a workshop with the Municipality, including its legal and planning departments, regarding the legal framework, planning and constitutional issues regulating billboards. We even went so far to offer to pay for the cost and expenses associated with the engagement legal, constitutional and industry experts. This offer, like all other requests for engagement, was simply turned down. It was not even acknowledged by the officials as a positive gesture.

The failure and neglect on the part of the officials to have responded to our requests for an opportunity to engage, for an copy of the updated version, for a workshop and respond to our comments in respect of the 2023 Draft Bylaw, causes the officials to be in transgression of the provisions of section 5(1)(b) of the Systems Act. This is a very unfortunate situation considering that the public participation process is an important pillar of our constitutional state.

In the meantime, we have progressed to the point that the Municipality has abandoned the 2023 Draft Bylaw process unilaterally and the Council has now adopted in principle on the 29<sup>th</sup> of January 2025 the new 2024 Draft Bylaw, which is now the subject matter of new public participation process.

In the circumstances, we call upon the Municipality again:

- a) for an opportunity to actively engage in person regarding our comments to the new 2024 Draft Bylaw as provided for in the Systems Act. We have, over the past 20 years made a comprehensive study of the outdoor advertising regulatory regime in South Africa and have assisted many local authorities to ensure

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that their outdoor advertising bylaws comply with the South African legislative and constitutional framework. We have inhouse lawyers and a town planner with expert knowledge of the outdoor advertising, who can be of great assistance to the Municipality, however our *bona fide* attempt to constructively engage with the Municipality is bluntly ignored or turned down;

- b) to submit to us the updated and amended draft of the new 2024 Draft Bylaw once the Municipality has taken all comments into consideration (including our comments) and before submitting the new version to the Council for final approval. By you providing us with your updated and amended new 2024 Bylaw, after considering all the comments you have received from the public and the industry (including our own), you will put us in a position to determine and evaluate to what extent you have taken our comments to the 2024 Draft Bylaw into consideration. Should you proceed to promulgate the 2024 Draft Bylaw, without providing us first with your amended version and an opportunity to finally comment thereto, you will effectively prevent the public participation process from being fully and properly concluded, rendering it to be flawed in our view and reducing the function thereof to a hollow formality in a law-making process as opposed to seeking genuine solutions regulatory challenges. Engagement is a two-way process and cannot be arbitrarily terminated by the Municipality by proceeding to get it approved by Council, without first informing us what amendments you have made, and granting us an opportunity to consider same and to respond thereto by raising concerns and final comments, should any exist. An enhanced level of transparency is especially required, considering that the Municipality is involved in the outdoor advertising industry itself, as a landlord, which places the Municipality in a conflicting and competing position of bias within the outdoor industry, where the Municipality is acting both as player and referee, as opposed to an independent regulator. In addition, various constitutional issues are raised under this comment, which need to be resolved before the Municipality proceeds to approve and promulgate the New Bylaw. In these circumstances, we believe it is only fair and just that the Municipality provides us with an updated version and allow us an opportunity to provide final comments to the updated version. We have no doubt that the Municipality is desirous to promulgate a New Bylaw which is constitutionally compliant; and
- c) to facilitate a workshop with the industry, which is attended by legal and planning experts regarding the legal framework, planning and constitutional issues regulating billboards. We therefore repeat our offer that we will pay the cost and expenses associated with these experts.





## Fundamental Constitutional Rights affected by the 2024 Draft Bylaw

Before dealing with the specific provisions of the 2024 Draft Bylaw, it is important to point out which fundamental rights, as enshrined under the Constitution of the Republic of South Africa, 1996 ("**the Constitution**"), are affected by the provisions of the 2024 Draft Bylaw.

The Bill of Rights in the Constitution (Chapter 2) is a cornerstone of our democracy and **guarantees** inter alia the following fundamental rights:

1. **the right of freedom of expression**, including commercial speech, as provided for in section 16 of the Bill of Rights, which includes freedom of the press and other media. It means that the press (newspapers, TV, radio, online media) and other forms of media (outdoor advertising, social media, blogs, etc.) have the right to operate freely without government censorship or interference. **A person has the right to promote his, her or its product or services to the public, expressed in a way and format which originate from a person's own unique and creative thinking, compliant with society's norms and standards, and a consumer on the other hand, has the right to be informed about available products and services in a creative manner by being exposed to advertisements.** A Municipality is not allowed to unfairly, unjustly, or disproportionately limit this freedom of expression, other than in terms of section 36 of the Constitution;
2. **the right to freedom of trade** under section 22 of the Constitution, meaning that every citizen has the right to decide what trade, occupation, or profession they want to pursue; and
3. **the right to property** under section 25 of the Constitution, meaning that no one may be deprived of property except in terms of law of general application and the deprivation thereof, must not be arbitrary.

All the aforesaid fundamental rights are affected by the 2024 Draft Bylaw and it must be remembered that these rights vest automatically in a person under the provisions of the Constitution. A person does not have to apply under the 2024 Draft Bylaw to obtain these rights, they exist in every human being. The activities for instance of erecting a billboard, creating an advertisement for a billboard, displaying an advertisement on a billboard, operating a billboard business or the action taken by a property owner to allow a billboard to be erected on his or her immovable property are fundamental rights a person holds automatically in terms of our Bill of Rights. Put differently, a person does not accrue these right only once the Municipality's approval has been obtained, the question remains is the regulatory oversight lawful, just and in terms of our Constitution.

These rights may however be limited in terms of section 36 of the Constitution by means of law of general application to the extent that the limitation is reasonable and justifiable. Consequently, the Municipality may limit the aforesaid fundamental rights by means of promulgating the 2024 Draft Bylaw, but the limitations imposed by





the said Bylaw must be reasonable and justifiable. Our view is that the present Draft Bylaw unjustifiably infringes upon the constitutional rights referred above.

Furthermore, it must be kept in mind that the Municipality is obligated as a responsible Constitutional citizen in terms of section 7(2) of the Constitution, **to respect, protect, promote, and fulfil** the rights in the Bill of Rights. It also has an obligation to ensure that all its bylaws, policies, and actions are consistent with the Constitution. If the 2024 Draft Bylaw contains provisions that are inconsistent with the Constitution, it must take immediate steps to address the inconsistency by removing it from the draft bylaw.

Lastly, in terms of section 8(1) of the Constitution, the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state, including the Municipality.

In the premises, the Municipality must respect, protect and promote its residents and community's fundamental rights affected by the 2024 Draft Bylaw and it **must** not unfairly limit or expropriate them.

#### **The National Building Regulations and Building Standards Act, No. 103 of 1977 ("the *Buildings Act*")**

The Municipality has original and independent legislative power in respect of '*building regulations*'. South African municipalities are therefore directly empowered by the Constitution to make Bylaws concerning '*building regulations*', which powers they may exercise '*fully and effectively*'.<sup>1</sup> The Buildings Act entirely relates to the regulation of buildings situated within the jurisdictional areas of municipalities in South Africa, and falls squarely within the ambit of the functional area of building regulations, hence the reason for the name of the said Act incorporating the words like '*national building regulations and building standards*'

The Constitutional Court ("CC") has pointed out in the Overbeek Judgement handed down by the CC on the 23<sup>rd</sup> of June 2023 ("**the Overbeek Judgement**") the following:

"[12] *The High Court reasoned that, although Parliament may legislate on "building regulations" because it is a Schedule 4 functional area,*<sup>2</sup> *these powers are limited in nature and cannot be interpreted as concurrent*

<sup>1</sup> *Johannesburg Metropolitan Municipality v Gauteng Development Tribunal and Others* 2010 (6) SA 182 (CC) ('*Gauteng Development Tribunal*') para 49. Schedules 4 and 5 of the Constitution must be interpreted purposively and '*in a manner that will allow the spheres of government to exercise their powers "fully and effectively"*'

<sup>2</sup> Section 44(1)(a)(ii) of the Constitution reads: "*The national legislative authority as vested in Parliament confers on the National Assembly the power to pass legislation with regard to any matter, including a matter within a functional area listed in Schedule 4, but excluding, subject to subsection (2), a matter within a functional area listed in Schedule 5*".







*with municipal legislative powers. The national government may only regulate a municipality's executive authority, not its legislative authority. It held that the national government's powers are limited, in relation to municipalities, to a "monitoring, supervising and support function".*

The court a quo in the Overbeek matter made the following fundamental constitutional findings in its judgment:

*[16] Similarly, a municipality has the "right to administer" any local-government matter listed in Schedules 4B and 5B. **One of the functional areas in Schedule 4B in respect of which a municipality has original and independent legislative power is in respect of the building regulations.*** [our underlining]

*[23] This is precisely why constitutionally, national or a provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions (like building regulations)* [our insertion]

*[24] This autonomy must inform any and all interpretation of municipal powers. **To stipulate that municipalities are obliged to obtain ministerial approval for Bylaws relating to the erection of buildings which they are empowered to make independently, most certainly compromises and impedes a municipality's ability and right to exercise its powers and perform its functions.***" [Emphasis added]

There is one significant consequence of the finding by the court a quo in the Overbeek matter: it is not just that the impugned section of the Buildings Act (section 29(8)) was found to be invalid, but based on the rationale of the finding of the court a quo, it must follow that the entire Buildings Act is in fact constitutionally invalid as the Buildings Act, in its entirety, constitutes building regulations which regulates buildings in municipal areas. Based upon the legal rationale confirmed by the CC in the Overbeek matter the entire Buildings Act may in future be declared to be constitutionally invalid.

The Buildings Act was assented to on the 22<sup>nd</sup> of June 1977 and became effective on the 1<sup>st</sup> of September 1985. It is old order legislation and consequently, it is not surprising that the Minister of Trade, Industry, and Competition has conceded in the Overbeek matter that the Buildings Act is to be replaced soon due to its constitutional insufficiencies. The Minister's legal representatives made these admissions during the hearing of the Overbeek matter at the CC on the 3<sup>rd</sup> of November 2022 which writer has attended in person.

The Buildings Act is national legislation regarding the erection of buildings in municipal areas and is in violation of Part B of Schedule 4 which provides for "FUNCTIONAL AREAS OF CONCURRENT NATIONAL AND PROVINCIAL LEGISLATIVE COMPETENCE" but only to the extent set out in section 155(6)(a) and (7) of the Constitution.





"Building regulations" fall under Schedule 4 Part B. We submit this because section 155(7) of the Constitution only allows national legislation to legislate the executive authority of municipalities and not its legislative powers.<sup>3</sup>

The structure of the Buildings Act is such that it confers the executive function of the Buildings Act to municipalities, but it has various provisions that are clearly legislative in nature that usurp the legislative power conferred on municipalities in terms of Schedule 4 Part B. As its objective is to set standards, those standards are made in the form of building regulations by the Minister, equally usurping the legislative power of municipalities. The Buildings Act is unconstitutional because it infringes on the legislative autonomy of municipalities, as it impedes a municipality's ability and right to exercise the legislative powers assigned to it in Schedule 4 Part B relating to building regulations.

In summary, Parliament has no authority to make a law about building regulations that concerns anything beyond creating norms and guidelines for the supervision, monitoring, and support of municipalities' executive powers. The Buildings Act unfortunately far exceeds this competence of Parliament and is thus constitutionally invalid. A regime similarly to that provided by the SPLUMA Act is required to be put in place in respect of building regulations.

A municipality is duty bound to have its own bylaws regulating building regulations and Parliament is only entitled to promulgate framework legislation in respect of building regulations, like the SPLUMA Act is for municipal planning.

It is clear, the entire Buildings Act is riddled with unconstitutional provisions, which is largely caused by its old order legislative nature. This reality though causes the entire Buildings Act to be constitutionally invalid in terms of the doctrine of objective constitutional invalidity with effect as from the date the Constitution came into operation on the 4<sup>th</sup> of February 1997. The doctrine of objective constitutional invalidity was confirmed in the Overbeek Judgement.

In the circumstances, the Municipality should not rely exclusively on the Buildings Act, which is constitutionally invalid, but instead it must promulgate its own building regulations because it has the legislative authority to do so in terms of the Constitution. The Municipality cannot rely on an invalid Act, like the Buildings Act, to govern its affairs. It is against the principle of legality. Put differently, the Municipality did not avail itself to the opportunity to address the specific building requirements pertaining to outdoor advertising structures, in the Draft Bylaw, or otherwise, instead it relies on the outdated and inadequate Buildings Act to regulate advertising structures.

<sup>3</sup> Municipality of Johannesburg Metropolitan Municipality v Chairman of the National Building Regulations Review Board and Others 2018 (5) SA 1 (CC) par 34





Considering the aforesaid, it appears that the Municipality agrees with our interpretation and view, because it has removed section 6(1) of the old 2023 Draft Bylaw from the new 2024 Draft Bylaw. Section 6(1) of the old 2023 Draft Bylaw determined:

*"6. Standard conditions for approval*

- (1) All signs and advertising structures must be properly erected and constructed of the requisite strength and must be secure and must comply with the requirements pertaining thereto of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977)."*

The aforesaid provisions do not appear in the new 2024 Draft Bylaw, although section 11 of the 2024 Draft Bylaw provides as follows:

*"11. Legal requirements*

*All advertisements to be erected or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this Bylaw, comply with all other applicable legislation, including but not limited to the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and any applicable By-law promulgated thereunder, the Stellenbosch Municipality Zoning Scheme Bylaw or condition of approval or any departure from the Stellenbosch Municipality Zoning Scheme Bylaw adopted by the Municipality.*

The fact that the Municipality has taken out the clear reference to the Buildings Act in the new 2024 Draft Bylaw creates the impression that the Municipality does not regulate signs and advertising structures under the provisions of the Buildings Act, but on the other hand, section 11 contains a general 'catch it all' provision, which may include reference to the Buildings Act. It is simply unclear what standards and approval processes are to be complied with pertaining to advertising structures.

The Municipality must clarify this uncertainty in the new 2024 Draft Bylaw so that there is no confusion. The 2024 Draft Bylaw must clearly state that the Buildings Act is not applicable to the development of large billboards and advertising signs, alternatively lawfully introduce specific relevant fair buildings standards and regulations for the various kinds of advertising structures

Furthermore, the Municipality cannot rely on the Buildings Act to regulate buildings within its jurisdictional area, because it is constitutionally invalid. The Municipality must urgently rectify this *lacuna*, because it carries a higher





standard of diligence when it comes to unconstitutional matters and issues pertaining to its legislative duties. The following dicta from the *Merafong City Local Municipality v AngloGold Ashanti Limited*<sup>4</sup> is on point:

*"it pointed out, as our courts have done repeatedly in the past, that a much higher standard is required of Organs of State. On this aspect it cited the following dictum in MEC for Health, Eastern Cape and another v Kirland Investments (Pty) Ltd t/a Eye and Laser Institute.*

*"[T]here is a higher duty on the State to respect the law, to fulfil procedural requirements and to tread respectfully when dealing with rights. Government is not an indigent or bewildered litigant, adrift on a sea of litigious uncertainty, to whom the courts must extend a procedure-circumventing lifeline. It is the Constitution's primary agent. It must do right, and it must do it properly."*

## The SPLUMA Act

The provisions of the SPLUMA Act must be taken into consideration in relation to the 2024 Draft Bylaw because the activity of 'land development', which is defined and regulated under the SPLUMA Act, involves *inter alia* the erection of a structure, like a billboard or large advertising structures, on land.

The scope and application of the SPLUMA Act are set out under section 2 of the SPLUMA Act, which determines:

### *"Application of Act*

2. (1) *This Act applies to the entire area of the Republic and is legislation enacted in terms of—*

- (a) section 155(7) of the Constitution insofar as it regulates municipal planning; and*
- (b) section 44(2) of the Constitution insofar as it regulates provincial planning.*

*(2) Except as provided for in this Act, no legislation not repealed by this Act may prescribe an alternative or parallel mechanism, measure, institution or system on spatial planning, land use, land use management and land development in a manner inconsistent with the provisions of this Act."*

<sup>4</sup> *Merafong City Local Municipality v AngloGold Ashanti Limited* [2016] JOL 36772 (CC)





“**Land development**” is defined in the SPLUMA Act to mean the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme.

In addition, “**land use**” is defined in the SPLUMA Act to mean the purpose for which land is or may be used lawfully in terms of a land use scheme, existing scheme or in terms of any other authorisation, permit or consent issued by a competent authority, and includes any conditions related to such land use purposes. The permit which the Municipality issues to a landowner to erect a billboard on his, her or its private land fall squarely within the ambit of the definition of “land use”. Furthermore, “**land use management system**” is defined to mean the system of regulating and managing land use and conferring land use rights through the use of schemes and land development procedures.

In terms of section 2(2) of the SPLUMA Act, the Municipality is not allowed to prescribe in terms of its 2024 Draft Bylaw an alternative or a parallel mechanism, measure, institution or systems on spatial planning, land use, land use management and land development in a manner inconsistent with the provisions of the SPLUMA Act. Any such inconsistencies will be invalid, not only in terms of the provisions of the SPLUMA Act, but also in terms sections 156 and 151(3) of the Constitution. Consequently, the 2024 Draft Bylaw must comply with the provisions of the SPLUMA Act and must not set an alternative or a parallel system which is inconsistent with the provisions of the SPLUMA Act. It is envisaged that some of the provisions contained in the Buildings Act, albeit indirectly through incorporation by reference, impinges upon this legal principle.

The objects of the SPLUMA Act are set out in section 3 thereof, which determines:

*“Objects of the Act*

*3. The objects of this Act are to—*

- (a) provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;*
- (b) ensure that the system of spatial planning and land use management promotes social and economic inclusion;*
- (c) provide for development principles and norms and standards;*
- (d) provide for the sustainable and efficient use of land;*







- (e) provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and
- (f) redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems."

The purpose of the SPLUMA Act is as follows:

*"To provide a framework for spatial planning and land use management in the Republic; ..... to provide for the inclusive, developmental, equitable and efficient spatial planning at the different spheres of government; ..... to promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications; to provide for the establishment, functions and operations of Municipal Planning Tribunals; to provide for the facilitation and enforcement of land use and development measures; and to provide for matters connected therewith."*

Section 6 of the SPLUMA Act sets out the scope of application of the development principles provided for in the SPLUMA Act:

*"Application of development principles*

- 6. (1) **The general principles set out in this Chapter apply to all organs of state and other authorities responsible for the implementation of legislation regulating the use and development of land, and guide -**
  - (a) the preparation, adoption and implementation of any spatial development framework, policy or **Bylaw concerning spatial planning and the development or use of land;**
  - (b) the compilation, implementation and administration of any land use scheme or other regulatory mechanism for the management of the use of land;
  - (c) the sustainable use and development of land;
  - (d) the consideration by a competent authority of any application that impacts or may impact upon the use and development of land; and
  - (e) the performance of any function in terms of this Act or any other law regulating spatial planning and land use management.





- (2) *Notwithstanding the categorisation of principles in this section, all principles contained in this Act apply to all aspects of spatial development planning, land development and land use management.*

Pursuant to the provisions of section 6 of the SPLUMA Act, and because the 2024 Draft Bylaw deal with land development and land use, the Municipality must comply with the development principles, set out in section 7 of the SPLUMA Act, read in conjunction with section 6 thereof, in respect of the development of billboards and advertising signs within the jurisdictional area of the Municipality. Section 7 sets out *inter alia* the following development principles to which the Municipality must adhere to:

- > the principle of efficiency, whereby (a) land development optimizes the use of existing resources and infrastructure. (b) decision making procedures must be designed to minimize negative financial, social, economic or environmental impacts; and (c) the development application procedures are efficient and streamlined and timeframes are adhered to by all parties;
- > the principle of good administration, whereby (a) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in the SPLUMA Act, (b) the requirements of any law relating to land development and land use are met timeously, (c) the preparation and amendment of spatial plans, policies, land use schemes, as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and (d) policies, legislation and procedures must be clearly set in order to inform and empower members of the public. (Emphasis Added)

In terms of section 12 of the SPLUMA Act, the Municipality must have a Spatial Development Framework, which *inter alia* interpret and represent the spatial development vision of the Municipality in respect of land development and land use. In addition, the Framework must provide clear and accessible information to the public and private sector and provide direction for investment purposes. This Framework must deal with the spatial development vision of the Municipality in respect of advertising signs situated within its jurisdictional area. The 2024 Draft Bylaw must refer, provide for and deal with this Framework, because the 2024 Draft Bylaw and the Municipality's Spatial Development Framework are integrated with each other and cannot co-exist independently and separately from each other, if they are in fact dependent on each other.

It is important that the Municipality's Spatial Development Framework provides a clear and indicative context with regards to the principles and guidelines applicable to the development, erection and operation of advertising signs





situated within its jurisdictional area, because the Municipal Planning Tribunal may not make a decision which is inconsistent with the Municipality's Spatial Development Framework (see section 22 of the SPLUMA Act).

Considering:

- > that no legislation may prescribe an alternative or parallel mechanism, measure, institution or system on spatial planning, land use, land use management and land development in a manner inconsistent with the provisions of the SPLUMA Act (section 2(2)); and
- > the national importance of the SPLUMA Act; and
- > the fact that the 2024 Draft Bylaw falls squarely within the ambit of the provisions of the SPLUMA Act; and
- > considering that the SPLUMA Act has at its core the purpose "*to promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications*"; and
- > the Municipality must have a Spatial Development Framework, which must deal with issues raised by the Municipality in its 2024 Draft Bylaw and vice versa, the 2024 Draft Bylaw must give effect to the Spatial Development Framework by outlining a supplementary framework of the scope, scale, frequency, impact management and local economic development support in respect of the development of advertising signs within its jurisdictional area it wishes to achieve;
- > the fact that the Municipality is obliged to adhere to the development principles of good administration, as prescribed by the SPLUMA Act, which require *inter alia* from the Municipality to development and set clear policies, legislation, and procedures in order to inform and empower members of the public, specifically pertaining to the development of advertising structures,

then it is suggested that it is of paramount importance that the 2024 Draft Bylaw clearly states that the provisions of the SPLUMA Act apply to the 2024 Draft Bylaw and that in the event of a conflict, the provisions of the SPLUMA Act will prevail considering the provisions of section 2(2) of the SPLUMA Act, and sections 156(3) and 151(3) of the Constitution.





The 2024 Draft Bylaw must explain, inform, and alert any member of the public of the application, objects, development principles and other legislative requirements prescribed by the SPLUMA Act, which directly have a material influence on the provisions of the proposed 2024 Draft Bylaw.

The 2024 Draft Bylaw, unfortunately, materially fails to not entrench the crucial imperatives envisioned by the SPLUMA Act. The 2024 Draft Bylaw does not include, reference, sets out or provide for the norms, guidelines, standards and principles embodied in the SPLUMA Act insofar as it relates to outdoor advertising, causing it to conflict with the SPLUMA Act, rendering the 2024 Draft Bylaw to be invalid in terms of the provisions of section 2(2) of the SPLUMA Act and section 156(3) and 151(3) of the Constitution.

A person applying for an approval under the 2024 Draft Bylaw is simply not guided or protected in any manner whatsoever by the guardrails provided by the SPLUMA Act or that it is applicable to his, her or its rights and application. Furthermore, the 2024 Draft Bylaw materially fails to set out any clear procedure by means of which it informs and empowers members of the public in so far as their rights are concerned relating to land use and development involving outdoor advertising, as prescribed by section 7 of the SPLUMA Act.

### Stellenbosch Spatial Development Framework

Section 12 of the SPLUMA Act determines, *inter alia* the Municipality **must prepare** spatial development frameworks that guide the Municipality in taking any decision relating to spatial planning and land use management system. For instance, in terms of said section 12, the Spatial Development Framework must:

1. provide guidelines when the Municipality makes decisions regarding the development of advertising structures;
2. provide clear and accessible information to the public and private sector and provide direction for investment purposes in respect of the development of advertising structures;
3. address historical spatial imbalances in the development of outdoor advertising opportunities;
4. identify the long-term risks of particular spatial patterns of growth and development and the policies and strategies necessary to mitigate those risks in respect of the development of outdoor advertising opportunities;
5. provide direction for strategic developments, infrastructure investment, promote efficient, sustainable and planned investments by all sectors and indicate priority areas for investment in land development involving outdoor advertising;
6. promote a rational and predictable land development environment to create trust and stimulate investment in the outdoor advertising land development sector; [etc]





The sad state of affairs is that the Stellenbosch Spatial Development Framework does not deal with outdoor advertising as a spatial planning, land use or development activity at all. The Municipality ignores the outdoor advertising industry in its entirety in its Spatial Development Framework, although the Municipality is duty-bound to do so in terms of the provisions of the SPLUMA Act, instead it seeks to enforce a blanket ban on outdoor advertising by formulating the Draft By-law in such a manner that it makes it impossible for any outdoor company to unlock economically viable advertising opportunities within its jurisdiction. This neglect happens in the midst of the outdoor advertising industry being a significant contributor to the increase of business activities, job creation and economic growth within the jurisdictional area of the Municipality and cannot be simply ignored and amounts to a dereliction of its duty to foster economic growth, not limited to only media owners within the municipal area, but also national and international business that seeks to advertise their business within the municipal area.

In terms of the SPLUMA Act, the 2024 Draft Bylaw must refer to and be aligned with the Municipality's Spatial Development Framework, but no such alignment can exist, because the Stellenbosch Spatial Development Framework fails to recognize or provide any guidance to the Municipality in taking any decision relating to spatial planning and land use management system involving outdoor advertising structures. This failure on the part of the Municipality constitutes a serious dereliction of duty and must immediately be rectified.

The 2024 Draft Bylaw stands on its own island and prescribes an alternative or parallel mechanism on spatial planning, land use, land use management and land development which is inconsistent with the provisions of the SPLUMA Act, causing it to be unlawful and invalid in terms of section 2(2) of the SPLUMA Act. If the promulgation thereof is proceeded with, the Municipality will be exposed to unnecessary litigation, which it is duty-bound to avoid in terms of its obligations prescribed by the Systems Act.

At its core, the SPLUMA Act *inter alia* establishes a set of principles aimed at transforming the exclusionary spatial logic of Apartheid-era planning. It introduces a new integrative rationale for development that prioritises sustainability, efficiency, and the removal of spatial inequalities, with spatial justice as a key objective. It is very unfortunate that the Municipality fails to implement these transforming principles insofar as it relates to the outdoor industry. Instead of dealing with this transformation in its Spatial Development Framework and the 2024 Draft Bylaw, the Municipality elects to rather ignore same in its entirety. This type of action, with all due respect, is totally unfounded and irresponsible as a constitutional citizen with a heightened constitutional obligation.

The key question is whether the 2024 Draft Bylaw perpetuates the historic protective and exclusionary logic, or if it sufficiently aligns with SPLUMA's transformative objectives. The principle of spatial efficiency requires that outdoor advertising should not be unfairly discriminated against, given its role as an integral part of the Municipality's







economic activity. A vibrant economic fabric is essential to addressing broader social challenges, particularly in contexts like Stellenbosch, where sensitive locales require a balanced approach.

Unfortunately, by excluding outdoor advertising from the Spatial Development Framework, the Municipality is discriminating against the outdoor advertising industry. Such conduct causes a failure to strike a reasonable balance between environmental, social, and economic considerations in pursuit of SPLUMA's principles.

One of SPLUMA's objectives is to *"advance economic development and employment opportunities for all people,"* and to *"promote economic inclusivity."* By excluding the Outdoor Advertising Industry, the Municipality is contravening this principle, as it fails to recognize the economic importance of this sector, which provides employment and contributes to local economic growth.

Furthermore, SPLUMA mandates that land-use management decisions should be based on sound planning principles, and that all economic activities that are constitutionally recognized should be considered as part of land use and development planning. The exclusion of Outdoor Advertising is seen as an improper or incomplete application of these principles, failing to account for the sector's role in the local economy.

Outdoor advertising is a significant contributor to the South African economy. It supports a range of businesses, from large multinational corporations to small local enterprises, and provides job opportunities in areas such as design, manufacturing, installation, printing, lighting and maintenance. It also facilitates the promotion of products and services, which, in turn, supports economic growth and development within communities.

Excluding this industry from the Spatial Development Framework undermines its potential to contribute to local economic activity. By failing to recognize Outdoor Advertising as a legitimate industry, the Municipality is missing out on opportunities for economic diversification and growth, particularly in a region like Stellenbosch, which is known for both tourism, education and agriculture.

This exclusion could also prevent local businesses from taking full advantage of advertising opportunities, stifling entrepreneurship and economic development.

The Spatial Development Framework serves as a guide for private investment and spatial development, setting a clear framework for land use and infrastructure development. Responsible outdoor advertising, when properly regulated, can be integrated into urban spaces without negatively impacting the surrounding environment. Properly planned and strategically placed outdoor advertisements can in fact complement the overall design of a city or town, making use of existing infrastructure such as roads, bridges, and public spaces.

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By excluding Outdoor Advertising, the Municipality is failing to ensure the efficient and optimal use of its infrastructure. This could result in a missed opportunity to generate additional revenue through advertising, which could, in turn, be reinvested into municipal infrastructure or community development projects.

The Constitution guarantees the right to economic freedom, including the right to participate in economic activities. Outdoor advertising is recognized as an economic activity, and by not including it within the Spatial Development Framework, the Municipality is infringing upon this constitutional right. This exclusion could be seen as an arbitrary decision that disregards the principles of equality and fairness, which are enshrined in the Constitution.

Furthermore, South Africa's Constitution promotes participatory governance, which includes ensuring that all stakeholders, including the Outdoor Advertising Industry, are consulted in matters that impact their activities. The exclusion of this sector from the Spatial Development Framework may be seen as a failure to adequately consult and include the relevant stakeholders in the planning process, violating the principles of public participation and inclusivity.

The exclusion of Outdoor Advertising from the Spatial Development Framework will have long-term implications for the economic inclusivity of the Stellenbosch region. Economic activity is driven by a variety of sectors, and Outdoor Advertising has the potential to generate significant economic benefits, particularly in a region like Stellenbosch, where tourism and local businesses are central to the economy.

By not recognizing the industry, the municipality may inadvertently be limiting opportunities for local businesses to advertise and grow their brands, which could harm the local economy. This exclusion could also lead to missed opportunities for the Municipality to capitalize on the advertising revenue that could be generated through a more inclusive and well-regulated advertising environment.

Lastly, the Draft Bylaw if read and considered in its entirety does not and cannot on any application thereof achieve the stated objectives for the Draft Bylaw in Section 2 thereof. The operative provisions of the Bylaw should be aligned with the objective, with due regard to the practicalities and fairness considerations arising from a stakeholder perspective having to comply therewith.

### **Unconstitutional provisions of the 2024 Draft Bylaw**

The 2024 Draft Bylaw contains many provisions that are inconsistent with those of the Constitution. If the 2024 Draft Bylaw is going to be promulgated containing these constitutional deficiencies, those applicable provisions of

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the 2024 Draft Bylaw (or even the entire 2024 Draft Bylaw) will also render the Draft Bylaw constitutionally invalid in terms of the provisions of the doctrine of objective constitutional invalidity and not only subject the Municipality to unnecessary litigation arising from constitutional challenges, but may eventually be declared invalid. This latter reality has recently been confirmed by the CC in the Overbeek Judgement.

It is therefore of paramount importance that the Municipality makes sure that its 2024 Draft Bylaw does not contain provisions that are objectively unconstitutional. As pointed out above "[T]here is a higher duty on the State to respect the law, to fulfil procedural requirements and to tread respectfully when dealing with rights.... It is the Constitution's primary agent. It must do right, and it must do it properly."

It is also for this reason why we have offered to sponsor a stakeholder workshop between the Municipality, the industry and constitutional and legal experts to ensure that the 2024 Draft Bylaw does not contain unconstitutional provisions that will be invalid due to its inconsistency.

The following comments serve to demonstrate that which is stated above and amongst others, mere examples of our concerns and objections and should not be considered to be an exhaustive list of issues that require rectification. We therefore implore upon you to afford us and the industry with an opportunity in the form of a stakeholder workshop in order to expedite the law making process and ultimately enhance the fairness of the 2024 Draft Bylaw

#### **Blanket ban on Billboards - Minimum Controlled Areas**

A billboard is only allowed to be erected and displayed in a minimum controlled area and subject to a Traffic Impact Assessment and Visual Impact Assessment (which may be extended to include also an Environmental Impact Assessment and a Heritage Impact Assessment). See Schedule 2 – Billboards and section 4(6) of the 2024 Draft Bylaw in this regard.

The areas allocated for the development of billboards under Schedule 1 (minimum controlled) is of such nature that there are almost no viable opportunities to be taken within such designated areas, especially if one looks at the underlying legal restrictions pertaining to the areas which are considered to be minimum controlled. The following areas are deemed to be minimum controlled and available for the development of billboards:

- a) **In Heritage in sensitive areas.** This term is not defined and is very subjectively vague and therefore uncertain. It is impossible for the reasonable man to determine which areas situated within the Municipality's jurisdictional area fall under this classification. These areas for all





practical purposes do not exist. This area of classification needs clarification, definition, guardrails, and detail. As it stands it will lead to arbitrary application.

- b) **Designated transportation terminals unless historical conservation area or graded building or site.** *'Transportation terminals'* are defined in the 2024 Draft Bylaw to mean "any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designed railway stations, official taxi terminals, and bus terminals." It is clear from the provisions of the said definition and Schedule 1 of the 2024 Draft Bylaw, that no such terminals will exist on the date of promulgation of the new 2024 Draft Bylaw, but that these minimum control areas will only come into play once they are designated as such by the Municipality. The word *'designated'* implies that the Municipality is going to determine where these terminals are. As a billboard media owner, we have no idea where these designated terminals are, and it is only going to be determined in the future. These areas for all practical purposes do not exist. The Municipality can arbitrarily decide which transportation terminals are classified or designated as minimum control areas. The public will have no say in the process, thereby circumventing stakeholder input and engagement, causing it to be unconstitutional. Furthermore, these types of terminals are normally owned by an Organ of the State and there are only a few transportation terminals within the jurisdictional area of the Municipality. With the State as the landlord, a person will only be able to obtain a billboard lease agreement from the State to operate a billboard via a formal tender process. Consequently, for all practical purposes this type of area, once designated, is only available when the State decides to issue a tender and if you are successful in the tender. It may never materialize.
- c) **Designated areas within limited use zones unless within a conservation area.** Once again, these areas will not exist on the date of promulgation of the new 2024 Draft Bylaw, but that these minimum control areas will only come into play once they are designated as such by the Municipality. The word *'designated'* implies that the Municipality is going to determine where these areas are. This is uncertain. As a billboard media owner, we have no idea where these designated areas are, and it is only going to be determined in the future. These areas for all practical purposes do not exist. The Municipality can arbitrarily decide which areas within a limited use zone are classified or designated as minimum a control area. The public will have no say in the process, thereby circumventing stakeholder input and engagement, causing it to be unconstitutional. Furthermore, the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (as amended), makes provision for Limited Use Zones, but specifically prescribes under section 230(1) thereof as follows:

*"The purpose of this zone (limited use) is to make provision for the following:*





- (a) *a transitional mechanism to provide an appropriate zone for properties previously zoned 'undetermined' or other abolished zones in previous schemes.*
- (b) *to allow existing nonconforming land uses which do not fit into a zone in this Scheme to continue within the approved parameters, without granting significant other rights which may be inappropriate in the particular area.*
- (c) *for existing lawful land uses to continue, **provided that no new land uses (other than the right to build a dwelling house) shall be permitted** and properties shall be rezoned to the appropriate use zone in order to permit new land uses."* [our insertion, emphasis and underlining]

This means that a person is **not** entitled to develop a billboard on land situated within a Limited Use Zone. You are only entitled to build a dwelling house within a Limited Use Zone. Listing areas within Limited Use Zones as being minimum controlled areas available for the development of a billboard is in contradiction to the Zoning Scheme Bylaw, 2019. For all practical purposes a person is not allowed to erect a billboard in areas within limited use zones. To aggravate matters, limited use zones are also falling under partially controlled areas, which areas do not allow for the development of billboards.

- d) **Specific areas or sites designated as minimum control by way of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as contained in the Stellenbosch Municipality Zoning Scheme Bylaw prepared by the Municipality.** No specific areas or sites are designated to be minimum control on the Urban and Rural Conservation Overlay Zones and the Scenic Routes Overlay Zones. Although these areas do not exist, the 2024 Draft Bylaw creates the impression they do and that these 'non-areas' qualify as minimum controlled. All roads situated within an urban conservation overlay area is deemed to be maximum controlled, which area does not allow for the development of billboards. Furthermore, Scenic Routes in rural areas are maximum controlled, which excludes billboards. Lastly, Scenic Routes within urban areas fall under urban conservation overlay areas, which is maximum controlled. On close investigation and for all practical purposes a person is not allowed to erect a billboard within this category. This also demonstrates the deficient manner in which stakeholder participation was curtailed by a decision to piecemeal law-making processes and the incorporation of forgone opportunities for public participation by reference in subsequent draft legislation. This process adopted is inherently unfair.
- e) **Industrial zones.** Industrial zones are areas allocated for industries, warehouses, abattoir, brickworks, builders' yards, and scrap yards in accordance with the provisions of the Stellenbosch Municipality







Zoning Scheme Bylaw. These are typically areas where an advertiser **doesn't** want to advertise, because it does not represent a cross section of the general audience that an advertiser normally like to target.

If one considers the severe extent of the restrictions imposed under the aforesaid area classification, then the following additional restrictions imposed by the Municipality in terms of the 2024 Draft Bylaw, makes it impossible to develop a billboard within the jurisdictional area of the Municipality, namely:

1. Under clause 2 of Schedule 2 of the 2024 Draft Bylaw, no billboards are permitted on a designated Gateway Route. All the roads situated within the jurisdictional area of the Municipality which carries sufficient traffic to justify the development of a billboard qualifies to be designed as Gateway Routes in terms of the Zoning Scheme Bylaw. The Municipality can arbitrarily designate a prominent route to be a Gateway Route in which case that road is not available for the development of a billboard. Such arbitrary legislative provisions are constitutionally invalid.
2. Furthermore, the Municipality may designate routes to be scenic routes on its Scenic Route Overlay Zone maps. The Municipality can once more unilaterally and arbitrarily designate a route to be a scenic route and by doing so, it sterilizes such route for the development of billboards, without public participation. This is vague and uncertain.
3. The Municipality's central business district ("**CBD**") is classified to be partially controlled, which means that no billboards are allowed within the CBD area; and
4. In terms of section 5(2)(a) of the 2024 Draft Bylaw, the Municipality is entitled to determine in which area a site falls if a sign falls into more than one area of control or if a proposed site in one area of control may impact on an adjacent area of control. If a billboard situated on a minimum controlled area is visible from a partially controlled area, an official of the Municipality can unilaterally determine which area of control is applicable. This opens the floodgates for arbitrary decision-making and unjust administrative action that will ultimately result in unnecessary litigation.
5. Those areas which may be available under the minimum control classification, which is just about nothing (if anything), is lastly further reduced if such areas fall under an urban or rural conservation overlay area or scenic routes overlay zones areas.

It is apparent from the aforesaid evaluation, that there are effectively no minimum control areas available in terms of the provisions of the 2024 Draft Bylaw, within the jurisdictional area of the Municipality, for the development of billboards. Schedule 1 therefore introduces a blanket ban against billboards by limiting the areas available for the development of billboards to almost a non-event. The 2024 Draft Bylaw simply sterilizes the development of





billboards. The Municipality will be acting inconsistent with the provisions of the Constitution if it does not amend its areas of control to allow a person to develop a billboard within its jurisdictional area. The provisions of and the effect of Schedule 1 amount to over regulation and implement a blanket ban on billboards, rendering Schedule 1 to be constitutionally invalid due to its inconsistency with the provisions of the Constitution.

### **Failing to Create Economic Opportunities**

One of the main objectives of the Municipality set out in the 2024 Draft Bylaw is to *"p(P)romotes freedom of responsible commercial speech by striking a balance between advertising opportunities and economic development on the one hand, and the conservation of the visual, tourism, environmental and heritage characteristics and traffic safety on the other hand."*<sup>5</sup>.

The Municipality has extensive portions of land under its direct control which can be used to unlock significant economic opportunities within the outdoor advertising industry. The Municipality can be a substantial contributor as a landlord towards efforts to create jobs and can earn in the process much required revenue (landlord rental), which the Municipality can use to create suitable infrastructure for a fast-growing urban precinct.

These developments can be done in a manner where outdoor advertising can co-exist in a harmonious manner with traffic safety and the unique tourist, environmental and heritage characteristics of the Municipality.

There is no evidence in the 2024 Draft Bylaw that the Municipality is making any attempt to create economic opportunities within the outdoor advertising environment, although many such opportunities exist. The Municipality is unfortunately, with all due respect, seriously failing its residents in this regard.

The restrictions introduced regarding the areas within which billboards may be erected, for instance, are so severe that it constitutes a blanket ban and effectively sterilises the development of billboards within the jurisdictional area of the Municipality. This type of restrictive municipal legislation is in direct conflict of with provisions of the SPLUMA Act, SAMOAC, the National Development Plan (NDP 2011) and the National Spatial Development Framework (NSDF 2023).

### **Stellenbosch Zoning Scheme Bylaw and Overlay Zones**

<sup>5</sup> Section 2.1(b) of the 2024 Draft Bylaw





The 2024 Draft Bylaw purports to regulate advertising in accordance with different "area(s) of control", which is defined in the 2024 Draft Bylaw to mean:

*“‘Area of Control’ refers to the degree of advertising control to be applied in a specific area (i.e. Maximum, Partial or Minimum Control) in accordance with the visual sensitivity of the area and traffic conditions, which areas are set out in Schedule 1 of this By-Law; and which may be modified or amended by the Stellenbosch Municipality in accordance with the requirements as set out in Section 12(3)(b) of the Municipal Systems Act, 2000 (Act 32 of 2000), which amendments and modifications will be in accordance with the Stellenbosch Municipality's Zoning Scheme By-Law and shall be graphically depicted in the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as prepared and promulgated by the Stellenbosch Municipality”*

The areas of control form the backbone of the entire regulatory regime of outdoor advertising, which is set out in Schedule 1, but the areas or sites referred to in Schedule 1 may be designated in overlay zones regulated under the Stellenbosch Municipality Zoning Scheme Bylaw. The determination and designation of sites and areas on different overlay zones are a crucial element and part of the 2024 Draft Bylaw, which is neither open for comment, nor part of the public participation process of the 2024 Draft Bylaw, because it is intended to be regulated under a different Bylaw. This failure renders the 2024 Draft Bylaw to be seriously defective and contrary to the provisions of section 12(3)(b) of the Systems Act. The failure to allow the public an opportunity to make representations with regard to the proposed sites and areas on the overlay zones impacts significantly on the constitutionality of the 2024 Draft Bylaw.

The designated areas and sites form a crucial part of the 2024 Draft Bylaw for the following reasons:

- a) One of the peremptory factors that the Municipality must take into account when considering an application for approval is the area of control and accompanying schedule of conditions. If one considers the other factors to be taken into account in the absence of the designated sites and areas, they are vague and meaningless. It creates uncertainty and is unduly cumbersome.
- b) This is largely because the designated areas and sites are an important factor on the list in section 10(13) of the Bylaw which pertains to the *spacing* of the sign. The other factors relate to the type of sign, the effect of the sign and other consents required etc. The Municipality would be unable lawfully to consider an application under the 2024 Draft Bylaw without considering the areas of control and the spacing of the signage in question, which is determined to a large extent with reference to the designated areas and sites on the overlay zones.





- c) In addition, in the absence of the designated sites and areas on the overlay zones, the official who is charged with the approval or rejection of an application for an approval is left without any guidance as to how to exercise his or her wide discretion and what factors should be taken into account when evaluating the application.

### **Decision-Making Power (Referee, Judge and Player)**

The Municipality, as defined, is the authority to consider an application submitted in terms of the provisions of the 2024 Draft Bylaw. From the definition of the term '*Municipality*' it is evident that an advertising sign application can be considered and adjudicated by an employee of the Municipality, holding the required delegated authority.

This reality is unfair and unreasonable, considering that the Municipality is a player in the outdoor industry as landlord and also the referee, as regulator. The Municipality is plainly conflicted and consequently, the decision-making authority must be independent, impartial, and a fair decision-making process is of paramount importance. An employee of the Municipality can never be objective when adjudicating an advertising sign application, considering that the Municipality also operates within the outdoor advertising industry and because of his or her employee-employer relationship. The 2024 Draft Bylaw is marred by a problematic employee-employer relationship and no adequate mechanisms have been put in place to combat the influence that the Municipality, as employer, would have on its employees tasked with assessing and approving applications under the 2024 Draft Bylaw.

The 2024 Draft Bylaw should provide for a steering committee which considers and processes all applications before a final decision is arrived at, however, no provision is made therefore in the 2024 Draft Bylaw for the powers or functions of this steering committee, and it appears all the decision-making falls upon an employee. The power dynamics of the employee-employer relationships coupled with the failure to diffuse the power over a larger group of decision-makers creates a clear structural vulnerability to bias and arbitrary decision-making in the circumstances. See the High Court judgement in the matter between The South African Property Owners Association and others vs. The City of Johannesburg Metropolitan Municipality in this regard<sup>6</sup>.

In the circumstances, the 2024 Draft Bylaw must impose the required guardrails to prevent a compromise of these basis requirements of natural justice. Matters in terms of the 2024 Draft Bylaw, should in the circumstances in our view, be adjudicated by the Municipal Planning Tribunal, operating under the provisions of the SPLUMA Act.

<sup>6</sup> In the High Court of South Africa (Gauteng Local Division, Johannesburg) under Case Number: 19656/2018





### **Violation of Section 16(1) of the Constitution**

Section 4(1) of the 2024 Draft Bylaw determines:

*"4(1) Other than those advertisements referred to in section 13(3) to 13(10) of this Bylaw, no person may display any advertisement or erect or use any advertisement for advertising purposes without the Municipality's approval in terms of this Bylaw and any other applicable legislation."*

Consequently, the 2024 Draft Bylaw outlaws the display of any advertisement, or the erection or use of any advertisement for advertising purposes without the Municipality's approval in terms of the 2024 Draft Bylaw.

An "advertisement" is defined extremely broadly as:

*"“Advertisement” means any:*

- (a) visible or audible representation of a -*
  - i. Word or any abbreviation thereof;*
  - ii. Name or any abbreviation thereof;*
  - iii. Letter;*
  - iv. Figure; or*
  - v. Object*
- (b) sign or symbol; or*
- (c) light which is not solely used as a warning against danger,*







*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.”*

This means that each individual advertisement visible from any public place is subject to the prior approval of the Municipality. This amounts to censorship. A person for instance walking in the streets of Stellenbosch with a shirt reflecting a brand on his or her shirt, is not allowed to do so unless he or she has obtained the approval of the Municipality under the 2024 Draft Bylaw. This is absurd, with all due respect, unfair and unjustifiable.

To add insult to injury, section 4(2) of the 2024 Draft Bylaw prohibits not only the display of new advertisement but also the alterations or additions to existing approved advertisements. This limitation is likewise unjustifiable, and not precisely formulated to be a constitutional limitation. Furthermore, there are no advertisements listed under section 13 of the 2024 Draft Bylaw, which does not fall under the harsh provisions of section 4(1).

The following sections have similar prohibitions but in more specific terms relating is to specific circumstances:

- a) section 5(1);
- b) section 10(2);
- c) section 10(6);
- d) section 12(2); and
- e) section 12(4).

The aforesaid prohibitions in general but the one in section 4(1) of the 2024 Draft Bylaw in particular, act as a form of prior restraint and is an unjustifiable infringement of the right to freedom of expression, more particularly commercial free speech. Billboard advertising is part of the right to free speech and is accordingly protected by section 16(1) of the Constitution.

The approach of the 2024 Draft Bylaw, as set out in section 4(1) and its related provisions is to place a near total and blanket prohibition on commercial free speech, unless authorised in the wide discretion of the Municipality's officials.

Not only is the proprietary right to advertise expropriated but the exercising of it is criminalised. This is unjust.

The blanket prohibition in section 4(1) of the 2024 Draft Bylaw on advertising signage without the prior written approval of the Municipality is overbroad in the light of the definitions of “advertisement” and “display”.





It is plain to see that the general prohibition on advertising is overbroad since it reaches well beyond the intended competence of advertising regulation as provided for in Schedule 5B of the Constitution.

The Municipality in formulating the 2024 Draft Bylaw has singularly failed or refused to consider whether the all-embracing restrictions are actually necessary or constitute a greater limitation than needed or that allows for economically viable outdoor advertising.

In acting disproportionately, the 2024 Draft Bylaw fails to strike an appropriate balance between respecting free speech and promoting legitimate governmental objectives, such as traffic and environmental considerations.

The ban is overbroad since it makes few if any, exceptions for third-party advertisements that would not otherwise implicate any legitimate public concern. The 2024 Draft Bylaw chills third-party advertising because it outlaws all such advertising, even where such advertisements do not remotely implicate any of the warranted regulatory and legislative concerns of the Municipality.

Advertisers face considerable sanction unless they go to the substantial time and expense of preparing applications and paying high application fees to have their applications considered. Many small businesses cannot afford the expense and fees, only to find that the application is rejected based on a discretionary application of the 2024 Draft Bylaw and other applicable legislation that the Municipality seeks to rely on. This creates an unnecessary barrier to entry into the Outdoor Advertising market by smaller businesses and unduly hampers and effectively stifles one of the fundamental economic processes that belies well-functioning markets, namely the advertisement of goods and services and the communication of market information.

The 2024 Draft Bylaw in compelling virtually all third-party advertisers to apply for permission to advertise and pay high fees, even where it is clear that the advertisements in question do not implicate any legitimate public concern, discloses an attempt on the part of the Municipality to limit third-party advertising and to generate considerable fees from rejected applications made pursuant to an imprecise, uncertain and unduly limiting regulatory framework, that constitutes a form of unjustified (and in fact illegal) enrichment. We make this assertion because in such circumstances the unnecessary application and payment of fees is immoral and contrary to public policy or interest.

The overbroad prohibition of and unjustifiable impingement of commercial free speech renders the 2024 Draft Bylaw unconstitutional because it regulates substantially more speech than is permissible under s 16(1) and it is submitted that such invalidity is not saved by section 36 of the Constitution. In particular:

- i. the nature of the right to freedom of is of fundamental importance in an open and democratic society based on human dignity, equality and freedom;





- ii. no legitimate purpose can be served in such extreme limitation, certainly it is not apparent that any other fundamental right is being protected insofar as the purpose of the limitation appears to be primarily aesthetics;
- iii. the nature and extent of the limitation is an absolute one, subject solely to the discretion of the Municipality and its officials;
- iv. the relationship between the extent of the limitation and its purpose is completely disproportionate; and
- v. there are clearly less restrictive means to achieve the same purpose.

In the circumstances the following provisions of the 2024 Draft Bylaw are unconstitutional and invalid:

- a) section 5(1);
- b) section 10(2);
- c) section 10(6);
- d) section 12(2); and
- e) section 12(4).

### **Ultra Vires to Part B of Schedule 5 of the Constitution**

In terms of s 156(1)(a), read with Part B of Schedule 5 of the Constitution, the Municipality may only regulate billboards and the display of advertisements "in public places".

The definitions of "*advertisement*" and "*public place*" in section 1 of the 2024 Draft Bylaw, is so wide that it even includes any and all privately-owned spaces, both outdoors and indoors, to which the public has access, or simply is able to view.

Virtually all commercial properties, such as shopping centres, big and small, are implicated since the public generally has access to such properties. This would cover any footway, walkway, corridor and space, both indoors and outdoors on private property to which the public has access and in respect of which any advertising is displayed.





As mentioned above in our challenge under section 16(1) of the Constitution, the 2024 Draft Bylaw engages in overreach on a grand scale to prohibit virtually all third-party advertising. This forces such advertisers, including small businesses, to engage in the lengthy and expensive process of securing prior approvals; even where the advertisement does not implicate any legitimate governmental or regulatory concern. Such overbreadth is not only likely to encourage mass defiance of the 2024 Draft Bylaw but will result in unnecessary legal and constitutional challenges.

The overbroad prohibition on commercial free speech renders the 2024 Draft Bylaw unconstitutional because it regulates substantially more speech than is authorised by Part B of Schedule 5 of the Constitution. It is submitted that it could never have been within the contemplation of the framers of the said Schedule to introduce 'nanny state' type control over every private property to which the public has sight or access; and which does not impact on traffic and the environment.

It must also be kept in mind that the Constitution refers to the "*display of advertisements in public places*", while the definition of 'advertisement' in the 2024 Draft Bylaw (which definition is the main building block of the said bylaw) refers to advertisements "*which is visible from any public place.*" The Municipality is going much wider with its 2024 Draft Bylaw than the Constitution permits.

In so doing, the Municipality has stepped well outside the bounds of Part B of Schedule 5 of the Constitution and acted *ultra vires* its powers as granted by the Constitution.

### **Right to freedom of trade, occupation & profession under section 22 of the Constitution**

The cumulative effect of the constitutional violations mentioned herein, together with failure to adhere to constitutional standards, has very serious implications for the outdoor advertising industry, their employees and those they represent, as well as for advertisers and private property owners.

The 2024 Draft Bylaw will have a deleterious impact on the businesses of owners of advertising structures located on private property, as well as on the private property owners themselves. To make matters worse, the 2024 Draft By Law retrospectively outlaws advertisements that are deemed "illegal" at the sole discretion of the Municipality, without any due process to establish to determine such alleged illegality. These provisions infringe the right to access to courts.

The Municipality, as the State at local government level, has an obligation to refrain from interfering with both the civil and political rights, as well as the social and economic rights of citizens.

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The right to freedom of trade enshrined in section 22 of the Constitution protects the right to choose a trade, occupation or profession freely. The 2024 Draft Bylaw infringes upon those rights and such infringement is not saved in terms of section 36 of the Constitution for all the reasons addressed herein.

Section 22 of the Constitution applies to both natural and juristic persons. This is the case when read with section 8(4) of the Constitution, which entitles juristic persons to the rights in the Bill of Rights to the extent required.

In the circumstances, the 2024 Draft Bylaw violates the rights of all participants of the outdoor advertising industry, private property owners as well those of working people in the advertising industry in respect of freedom of trade, occupation and profession.

### **Violation of the right to property under section 25 of the Constitution**

The cumulative effect of all the unconstitutional provisions contained in the 2024 Draft Bylaw, as pointed out herein, also impacts on the rights of the public to private property.

The overbroad reach of the 2024 Draft Bylaw which in effect unduly prohibits, without Municipal approval, all third-party advertising signs on private property to which the public have access or which can be seen by the public, regardless of their impact on any legitimate governmental considerations. This forces such advertisers to spend significant time and money to seek approvals. In some cases, such costs are prohibitive.

Additional factors include the intrusive and wide discretionary and punitive powers the 2024 Draft Bylaw affords the Municipality's officials, as described above.

The 2024 Draft Bylaw accordingly unjustifiably interferes with the use and enjoyment of property or private property owners.

Such interferences constitute deprivations of property.

We submit that such deprivations are egregious since they impact directly on the personal autonomy and livelihoods of private property owners. There is no rational basis for the Municipality's scheme. The means employed are not rationally connected to any legitimate government purpose, which contributes to the arbitrariness of the deprivation.

A lawful deprivation is one that is properly authorised and fairly imposed on the use, enjoyment, exploitation or disposal of property. In this matter, since Part B of Schedule 5 of the Constitution does not contemplate such regulatory overreach, as described above, the deprivations are not authorised by law nor are they fairly imposed.

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The approach of the 2024 Draft Bylaw impairs livelihoods and the full enjoyment of property of private property owners who wish to flight third-party advertising on their property. Private property owners are accordingly expected to bear an undue burden for the benefit of the Municipality. Such a policy or approach is disproportionate because it imposes an unequal and unfair burden on such property owners.

In the circumstances such deprivations are arbitrary for purpose of section 25(1) of the Constitution.

#### **Ad Preamble of the 2024 Draft Bylaw**

The preamble must recognise that the 2024 Draft Bylaw falls under the scope of the SPLUMA Act and that the Municipality encourages and embraces all the norms, standards and principles entrenched under the SPLUMA Act insofar as it relates to the development of advertising signs are concerned within its jurisdictional area.

#### **Section 4(6) of the 2024 Draft Bylaw – Impact Assessments**

The submission of any or all the various impact studies listed under section 4(6) of the 2024 Draft Bylaw vests with the exclusive discretion of an official of the Municipality and can be demanded by the Municipality in respect of any advertising sign application, irrespective how small it may be. An application for a small advertising sign the size of 1 square meters, for instance, may require that the applicant must incur the costs of obtaining an Environmental Impact Assessment, a Heritage Impact Assessment, a Visual Impact Assessment and a Traffic Impact Assessment. All these impact studies must be conducted by professionally registered practitioners, causing them to be very expensive.

It is totally unreasonable, with all due respect, to allow a provision in the 2024 Draft Bylaw which is so wide, vague and erroneous, causing it to be overbroad and constitutionally invalid.

#### **Section 6(5) of the 2024 Draft Bylaw**

The inclusion of this section and the formulation thereof clearly anticipates that the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone must specifically be subjected to public participation within the context of the 2024 Draft Bylaw. It highlights the deficiencies associated with piece-meal process in subjecting the Zoning scheme Bylaw for public participation before the 2024 Draft Bylaw and in isolation. Our requests for engagement and confirmation that Zoning Scheme Bylaw will be readvertised for Public participation following these provisions have thus far been ignored and already constitute a transgression by the Municipality of the 2024 Draft Bylaw.

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### **Section 6(6)(d)**

This section must provide that the notice contemplated in subsection 6(5)(b) must also be published in two national newspapers that are circulated across South Africa, because there are many outdoor advertising companies operating in Stellenbosch which have offices outside of the jurisdictional area of the Stellenbosch Municipality.

The 2024 Draft Bylaw must also provide that the aforesaid notice must also be forwarded to the major trade originations representing the outdoor advertising industry in South Africa, because it can lead to confusion in the public domain, when comments are called for regarding amendments to the Zoning Scheme Bylaw, which have a material effect on the 2024 Draft Bylaw which regulate advertising signs.

The name of the particular bylaw to be used by the Municipality in the public notice can also be very misleading and may cause that internet search engines do not pick it up. All notices to be published regarding amendments to the Zoning Scheme Bylaw must indicate and mention that the proposed amendments may also influence the 2024 Draft Bylaw.

### **Section 6(7)**

The Municipality **must** call for a public meeting, but thus far refused similar requests for such stakeholder engagement.

### **Section 7(2) – Joint Liability of Municipality**

This section makes both the applicant to whom approval has been granted and the owner of the property or building to which it is attached, jointly and severally liable for the maintenance thereof and must undertake at least one inspection per year thereof with a view to satisfying themselves as to the safety thereof.

The Municipality must make sure that it puts in place the necessary internal processes and insurance to provide for and cover this liability because the Municipality will be jointly liable for the maintenance and annual inspections of all signs erected on municipal property.

### **Sections 9(3)(a) and 10(2) and (3) – Electronic advertisements must be less than 2.1 m2**





Section 9(3)(a) does not allow electronic advertisements to be developed which are larger than 2.1 m<sup>2</sup>. It is a very restrictive provision and is out of touch with national and international tendencies. A sign less than 2.1 m<sup>2</sup> will hardly be visible from any road and will increase road safety risks rather than reducing same. We request the Municipality to share with us the scientific studies conducted by the Municipality to justify this strict regulation. We are of the view that such a size restriction unduly limits the economically viable digital out-of-home advertising opportunities. It supports the contention that the Municipality seeks to enforce a complete prohibition of outdoor advertising.

With all due respect, it is totally overbroad and effectively imposes a blanket ban on electronic advertisements. The 2024 Draft Bylaws does also not specifically provide for a waiver or exemption of the size of an electronic advertisement.

The Municipality is the most significant landlord within its jurisdictional area. It can be a major contributor to the outdoor advertising industry as landlord, allowing the industry to compete with international social media companies, who hardly pay any taxes to the South African Government. By not granting outdoor advertising opportunities to local outdoor advertising companies, the Municipality forces local advertisers to spend their advertising budgets on social media belonging to international companies, because of a lack of availability of outdoor advertising signs within the jurisdictional area of the Municipality. This conduct does not only jeopardize the local economy, but also the national economic activity.

The Municipality is effectively suffocating and undermining the local outdoor advertising industry to benefit international companies, which do not make any real contributions to the local economy of Stellenbosch.

Section 10(2) determines:

*"Electronic advertisements may not be permitted if they are visible from class 2 or 3 roads, gateway route or a scenic route unless expressly approved in writing by the Municipality."*

Put bluntly, developing an electronic advertisement which is less than 2.1 m<sup>2</sup>, as prescribed by section 9(3)(a), alongside a class 2 or 3 roads, or a gateway or scenic routes, will be a waste of money and will rather contribute adversely to road traffic safety. There can be no scientific justification for imposing these restrictions.

In terms of national and provincial legislation, the Municipality is duty-bound to create job opportunities. Larger electronic advertisements can easily be developed that operate in harmony with the Municipality's special environment and heritage. By imposing a blanket ban, the Municipality shuts its doors to the outdoor advertising industry. This regulatory result places the Municipality in breach of its constitutional duties.





Section 10(3) disallow advertising on bridges, towers, telecommunication masts, pylons, or street poles. Street poles for instance are structures which can be used by the Municipality to generate substantial additional revenue which can be used to develop much needed infrastructure.

### **Section 10(11) – Spacing of Billboards**

Section 10(11) dictates:

*“All advertisements larger than 4.5m<sup>2</sup> erected adjacent to a public road or in a railway reserve intended to advertise to persons using class 2 and 3 roads must be spaced a minimum specified distance away from any other lawful advertisement or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with the measurements set out in Table 1 below:”*

By setting the size of the advertisement to be larger than 4.5m<sup>2</sup> means that it refers to a billboard. A billboard may only be developed within a minimum controlled area. Reference to “a railway reserve” under this provision is out of line, because a billboard is not allowed to be developed in a railway reserve because these areas are classified to be partially controlled.

The Municipality must not impose long distances between signs, because such action will be contrary to the norms, standards, and principles set out under the SPLUMA Act. Healthy competition within the outdoor industry is good and should be encouraged by the Municipality. The market will not support billboards that are developed too close to each other. The quality of the display is very important for an advertiser. The appropriate distances between advertisements must be left to the market to determine same and not the Municipality which has no scientific knowledge regarding the matter. Overregulating outdoors is not in the interest of an open and competitive free market. A distance of 300 meters away from each other is too far and excessive in our view. The Municipality must limit its intervention in the market to the maximum. A maximum distance of 200m is more appropriate in our view.

We also request the Municipality to share with us their scientific studies and reports conducted in support of spacing limitations contained in the 2024 Draft Bylaw. Considering the significant impact these spacing limitations have on the outdoor advertising industry it is expected from the Municipality to do proper research to find the correct and appropriate balance.

### **Section 11 – Legal Requirements**





This provision must clearly state what other legislation is considered to be applicable for the sake of legal certainty and in order to avoid vagueness.

The 2024 Draft Bylaw must explain, inform, and alert any member of the public of the application, objects, development principles and other legislative requirements prescribed by the SPLUMA Act, which directly have a material influence on the provisions of the proposed 2024 Draft Bylaw. In addition, the 2024 Draft Bylaw must refer to and be aligned with the Municipality's Spatial Development Framework.

The 2024 Draft Bylaw must also provide for what happens if there is a conflict between the provisions of the 2024 Draft Bylaw and the Municipality's Zoning Scheme Bylaw and Spatial Development Framework.

### **Section 12(1)**

Section 12(1) allows for the Municipality to impose *"a condition that the owner of any advertisement or billboard on the land or building on which it is erected or displayed, or both such owners or the person whose product or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such advertisement."*

The person holding the approval to display an advertisement must indemnify the Municipality against any consequences, involving the owner of the land and the advertiser, is overbroad and lacks specificity.

### **Section 12(2)(b) – remains unused for more than 90 consecutive days**

Considering that a billboard is a structure that costs a lot of money to erect, it is nonsensical that the Municipality would be entitled to arbitrarily and unilaterally withdraw approval. This provision is very harsh, and vague and requires further clear guardrails. It amounts to severe over-regulation.

### **Section 12(5) – Additional Information**

In terms of section 12(5), the Municipality is duty-bound to decide within certain periods, commencing on a date when a completed application was received or after receipt of additional information as required by the Municipality. This type of protocol is inclined to encourage officials to request additional information to gain additional time instead of attending to the application.

### **Section 13 – Appeal (Conflicted position of Appeal Authority)**







A person whose rights are affected by a decision in terms of the 2024 Draft Bylaw is granted the right to appeal the decision to the Municipal Manager in terms of section 62 of the Systems Act.

Considering that the administrative decision under appeal was taken by a staff member of the Municipality, other than the municipal manager, the municipal manager is the appeal authority, under the provisions of section 62(4)(a) of the Systems Act.

The Municipality is compromised, because it is not only a regulator of billboards, but also a landlord upon which billboards are erected and operated, from which the Municipality benefits financially. Consequently, the Municipality finds itself in a conflicted position, where it is the referee, judge jury, executioner, and player.

Granting a person, the right to appeal to the Municipality Manager, in these circumstances, where the Municipality Manager is a player and a referee, will mean that the Municipality considers an appeal of an administrative decision taken by the Municipality itself. Such a situation is unfair, bias and will be prejudicial to an appellant. If one considers the issues raised below, it becomes clear that an independent, impartial, and fair appeal-process is of paramount importance.

Our concerns are confirmed by a dictum made by the Constitutional Court in the matter of the Municipality of Johannesburg Metropolitan Municipality v Chairman of the National Building Regulations Review Board and Others (CCT186/17) [2018] ZACC 15; 2018 (8) BCLR 881 (CC); 2018 (5) SA 1 (CC) (7 June 2018). In the latter matter, section 9 of the Buildings Act was declared unconstitutional, which provided that a person may appeal to the Review Board (which was an authority outside of a municipality), against a decision of a municipality to refuse a building plan application. The appeal-process to the Review Board collapsed because section 9 was declared constitutionally invalid. In the circumstances, the Constitutional Court was considering alternative appeal-processes. The following dictum by the honourable Constitutional Court Judge in the aforesaid matter is on point (paragraph 41):

*"However, I do not think that these appeals must be processed in terms of section 62 of the Systems Act. This section is simply not suitable. Decisions to which section 9 of the Act applied are those which were taken by a municipality. Under section 62(4) of the Systems Act, a municipal council is the highest appeal authority. Therefore, if section 62 were to apply, a municipality would sit on appeal against its own decision. This would be an untenable situation."*

We fully concur with the concerns expressed by the Constitutional Court above. The Municipality will sit on an appeal against its own decision.





The activity of erecting a structure, like a billboard, on land is defined to mean 'land development' in the SPLUMA Act. The SPLUMA Act governs 'land development', which means that the SPLUMA Act is applicable to the activity of erecting a billboard on land. Many municipalities in South Africa implement this reality. Consequently, the 2024 Draft Bylaw, which regulates the activity of erecting a billboard, must comply with the provisions of the SPLUMA Act. In these circumstances, the appeal authority should not be the Municipal Manager, with all respect, but a Tribunal duly constituted in terms of the SPLUMA Act.

### **Section 18 of the 2024 Draft Bylaw - Presumptions**

The presumptions in section 18 of the 2024 Draft Bylaw are a violation of section 35(3) of the Constitution and the Rule of Law.

Section 18 of the Outdoor Advertising By-law provides as follows:

*"Any person charged with an offence in terms of this Bylaw who is—*

- (a) alone or jointly with any other person responsible for organising, or in control of any meeting, function or event, to which an advertisement or poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful advertisement or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;*
- (b) the person whose name appears on an unlawful advertisement or whose product or services are advertised on such advertisement, shall be deemed, until the contrary is proved, to have displayed such advertisement, or to have caused or allowed it to be displayed;*
- (c) the owner of any land or building on which any unlawful advertisement was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such advertisement, or caused or allowed it to be displayed."*

The Rule of Law is violated by these presumptions as they all violate the presumption of innocence as protected by section 35(3)(h) of the Constitution. The presumption of innocence is an established principle of South African law which places the burden of proof squarely on the prosecution.

Section 18(a) holds organisers of events to be liable for the unlawful display of advertisements even if they had nothing to do with the legality and unless they are able to demonstrate their innocence.





Section 18(b) holds the person whose name appears on an unlawful advertisement or whose products or services are advertised on such advertisement liable for alleged illegalities conducted by the owner of the advertisement.

Section 18(c) provides that whatever contravention is committed by the owner of the advertisement or presumably the advertiser, such contravention is similarly or automatically committed by the private property owner, thereby holding the latter liable for the offences of the former even in circumstances where the property owner may be entirely oblivious of the transgression and has no connection with the offence, aside from the fact that it may have taken place on his or her property.

Similarly, an advertiser or the person whose name appear on the advertisement may be entirely oblivious to the fact that the advertisement displayed contravenes the 2024 Draft Bylaw.

Further even though the advertisement may be contrary to the provisions of the 2024 Draft Bylaw, but this does not mean that the owner of the advertisement should be held responsible.

These presumptions are offensive to the Rule of Law.

A property owner who rents space to the owner of an advertisement or advertising structure is in a position analogous to a landlord and tenant. Similarly, the owner of an advertising structure who rents out space on his or her advertising structure to an advertiser is in the position akin to that of a landlord. A landlord may not be held liable for criminal offences committed by tenants on his or her property, merely because the offence was committed on his or her property. Unless the landlord is directly implicated in the offence, or is a co-conspirator or an accessory after the fact, he or she has no connection or relationship to the offence.

Similarly, an advertiser which concludes a contract in respect of the advertising of his advertisements on an advertising structure will not have any ability to control the legality of the structures on which its adverts are displayed. It cannot be held liable unless it is directly implicated in the offence, or is a co-conspirator or an accessory after the fact, he or she has no connection or relationship to the offence.

All exercise of public power must comply with the Constitution and the principle of legality, which is part of the Rule of Law. Accordingly, the conduct of the Municipality, in creating presumptions that hold innocent parties responsible for the transgressions of others, must be rationally related to the purpose sought to be achieved by the exercise of it. If there is no rational basis then such conduct is arbitrary and falls to be set aside as a violation of the principle of legality.

The presumptions are not rationally related to the purpose of the 2024 Draft Bylaw, namely the administration of outdoor advertising in public places. The practice of penalising one party for the errancy of another is a most





extraordinary step to take in a constitutional democracy. Such a practice is entirely inconsistent with the normative standards of the Constitution.

The presumptions will again have a chilling effect on commerce and freedom of expression, including commercial free speech.

The Rule of Law does not countenance such irrationality, nor does it permit the imposing of a penalty or punishment on such a basis. In short, penalizing or burdening a person for the wrongs committed by others cannot be rationally related to the objective of the 2024 Draft Bylaw.

The 2024 Draft Bylaw is accordingly a violation of the Rule of Law and is unconstitutional.

It follows that any action taken against any person relying on these presumptions will also be in violation of the Rule of Law.

### **Sections 19 of the 2024 Draft Bylaw**

Section 19 of the 2024 Draft Bylaw affords the Municipality wide coercive powers to:

- a) in terms of section 19(1), if any advertisement is displayed in contravention of the 2024 Draft Bylaw, the Municipality may without prejudice to or in addition to the right to take legal steps or prosecute, serve a notice on the owner of the property on whose land the advertisement is erected or displayed or the owner of the advertisement, calling upon such person to demolish or remove such unauthorised advertisement or carry out such alteration thereto, or to rehabilitate the land to its original form or to do such work as may be specified in such request or notice, within a time frame specified therein - and if the party receiving such notice does not act accordingly such party will be guilty of an offence in terms of sections 22(1) and 22(2)(c) of the 2024 Draft Bylaw;
- b) in terms of section 19(3)(a), the Municipality is entitled without any prior legal notice to the owner of private property, to enter onto a private property to remove or cover an advertisement without a court order. Furthermore, in terms of this section the Municipality grants itself the authority to remove or cover an advertisement without prior legal notice or a court order if in the opinion of an official the advertisement is for instance unsafe or constitutes a threat or danger to any person, property or the public;
- c) section 19(6) purports to create a lien in favour of the Municipality for costs incurred by it in removing any unlawful or dangerous advertisement and for payment of the costs incurred in respect of the storage of such advertisement;





- d) section 19(7) purports to provide for *parate executie*;
- e) section 19(8) provides that the remedies provided for in the 2024 Draft Bylaw are in addition to any other statutory, common law, criminal or civil remedies that a Municipality may have at its disposal; and
- f) in addition to all the aforesaid remedies, the Municipality allows it the right to implement a property rates adjustment in accordance with the use of the property where it has arbitrarily and unliterally confirmed contravention of the 2024 Draft Bylaw (see section 19(9) in this regard), thereby usurping the functions of our courts and in violation of the constitutionally entrenched right to access to courts.

The powers set out above amount to the taking of intrusive and coercive steps, even on private property, which constitute regulatory self-help. This is impermissible in law and shall lead to unnecessary litigation. Such powers violate:

- i. section 34 of the Constitution which guarantees the right to have a dispute decided in a fair public hearing before a court or independent and impartial tribunal or forum; and
- ii. section 33 of the Constitution which guarantees the right to administrative action that is lawful, reasonable and procedurally fair; and
- iii. section 25 of the Constitution in that the exercise of such powers will interfere with the use and enjoyment of property, which in the abovementioned circumstances will constitute an arbitrary deprivation of property.

It is a fundamental principle of our law that a person may not take the law into his own hands and a statute should be so interpreted that it interferes as little as possible with this principle.

Persons, including organs of state are not entitled to take the law into their own hands to enforce their rights or to simply proceed with enforcing rights that is objectively inconsistent with the Constitution. There is a legal process by which the enforcement of rights is carried out. Normally speaking, it is carried out as a result of an order of Court being put into effect through the proper officers of the law such as the Sheriff, deputy sheriff, messenger of the magistrate's Court or his deputies, reinforced if necessary, by the aid of the police or some such authority; in most civilised countries there exists the same principle that no person enforces his legal rights himself. If any person, including a Municipality wants to enforce a right it must get the officers of the law to assist it in the attainment of its rights.

This principle is consistent with the Rule of Law and the doctrine of separation of powers.







In effect, the impugned provisions of the 2024 Draft Bylaw purport to allow the Municipality' officials to make determinations with far-reaching impact, without the input of the affected parties and then execute the chosen penalty.

The broad reach of these powers is further exacerbated by the definition of "*public place*" which includes:

- 1) national and provincial roads, which means that Municipal officials can execute the 2024 Draft Bylaw to public places over which they have no jurisdiction; and
- 2) enclosed spaces where the public has a right of access, even if it is private property.

Such authority deprives the public of the necessary checks and balances to restrain the abuse of coercive public power.

Section 19 of the 2024 Draft Bylaw is accordingly unconstitutional and unlawful and falls to be set aside.

#### **Section 24 of the 2024 Draft Bylaw - Exemptions (Referee and Player)**

Section 24 of the 2024 Draft Bylaw provides for an exemption from the provisions of the 2024 Draft Bylaw to be granted by the Municipality. The concept that members of the public can be exempted from law by executive decision is contrary to the principle of the Rule of Law.

The Municipality's intention to compete in the outdoor advertising space and profit from the outdoor advertising industry is evident from the provisions of section 10(6) which authorizes the Municipality the approve advertising signs on their own property.

The fact that the Municipality has commercial interests in the outdoor advertising industry while retaining an adjudicatory role to approve or reject applications creates a conflict of interest and the risk of bias and abuse: it is both judge and jury in its own cause.

As pointed out above, the 2024 Bylaw is also marred by a problematic employee-employer relationship and lacks adequate mechanisms to combat the influence that the Municipality, as employer, would have on its employees tasked with assessing and approving applications. The power dynamics of the employee-employer relationship, coupled with the failure to diffuse the power over a larger group of decision-makers creates a clear vulnerability to bias and fails to adequately address the Municipality's conflict of interest in acting both as regulator and as market participant.





The the 2024 Bylaw therefore cannot be regarded as constitutional.

## Section 25 – Repeal of Bylaw

In the written Agenda of the 17<sup>th</sup> Meeting of the Council of the Municipality, held on the 25<sup>th</sup> of October 2023, the Directorate: Planning and Economic Development reported to and informed the Councillors of the Municipality as follows:

*"Council adopted the Outdoor advertising and signage bylaw on 24 May 2023 and it was promulgated in the Provincial Gazette No. 8785 dated 30 June 2023. A high court application was launched against the bylaw by Out of Home Media South Africa NPC based on the previous public participation process in 2018 and 2021. Although the process was correctly followed the advertisement referred to the bylaw as the Draft Poster Bylaw. Although the subject line was rectified during the final decision-making process, which is reflected in the Council decision of 2023 in respect of the intention of the by-law, the applicants avow that due to the incorrect reference in the advertisement they did not comment on the bylaw.*

*The legal advice we received was that the bylaw must go through a new public participation process and when Council approves a new bylaw the current promulgated one will be repealed and replaced with the new bylaw. In the interim the municipality will not enforce the current promulgated bylaw.*

The aforesaid Directorate informed the Councillors further under the heading 'Arrangements in respect of Managing and Regulating Signage' as follows:

*"It is noted that prior to the commencement of the subject by-law, which commencement date was 30 June 2023, outdoor advertising and signage was dealt with in terms of Stellenbosch Municipality Zoning Scheme By-law, 2019 and the associated Council Policy adopted at the 24th Council Meeting dated 06 May 2010. Therefore, measures are in place to deal with the function until such time as the by-law can be reconsidered and promulgated following the new public participation process."*

The said Directorate's report is somewhat vague with the facts. Although the Municipality adopted the Outdoor Advertising and Signage By-Law, 2023 on the 24<sup>th</sup> of May 2023 and promulgated same in the Provincial Gazette Extraordinary 8785 on the 30<sup>th</sup> of June 2023, it was however interdicted by order of the High Court dated 31 July 2023<sup>7</sup>, to implement or otherwise seek to enforce the Outdoor Advertising and Signage By-Law, 2023, because the

<sup>7</sup> OHMSA vs Stellenbosch Municipality and Others Case No 11080/23 Samela J





Municipality unlawfully promulgated same without following a due and proper public participation process, as prescribed by the Systems Act.

Consequently, there is presently only one Outdoor Advertising Bylaw in place within the jurisdictional area of the Municipality and that is the Outdoor Advertising and Signage By-Law, 2023, but the Municipality is interdicted to implement or otherwise seek to enforce same.

In the meantime, as per the aforesaid Directorate's advice above to the Councillors, the Municipality is continuing to regulate outdoor advertising and signage *"in terms of Stellenbosch Municipality Zoning Scheme By-law, 2019 and the associated Council Policy adopted at the 24th Council Meeting dated 06 May 2010."*

As per the aforesaid Directorate's report there are two bylaws involved in the regulation of outdoor advertising and signage i.e. the Outdoor Advertising and Signage By-Law, 2023 and Stellenbosch Municipality Zoning Scheme By-law, 2019.

The proposed section 25 of the 2024 Draft Bylaw determines as follows:

*"All prior bylaws of the municipality, including those of any abolished municipality now part of the present municipality, are hereby repealed to the extent that they cover matters specifically provided for in this bylaw."*

Considering the aforesaid, all the applicable prior bylaws repealed by the new 2024 Draft Bylaw must be called by their specific names under clause 25 to prevent any confusion. As it reads now, it will lead to serious legal uncertainty.

## **Section 26 - Transitional Provisions**

At the outset it is important to point out that the transitional provisions must provide that the advertisements and advertising signs which were lawfully erected prior to the promulgation date of the 2024 Draft Bylaw are deemed approved in terms of the 2024 Draft Bylaw. Section 26 must be amended accordingly.

Since the inception of our Constitution in 1996, the Municipality never had any legislation dealing with outdoor advertising and signage, other than the Outdoor Advertising and Signage By-Law, 2023, which the Municipality is not allowed to implement by order of the High Court of South Africa. The Outdoor Advertising and Signage By-Law, 2023 is constitutionally invalid, hence the reason that the High Court of South Africa (Western Cape Division, Cape Town) under case number 11080/23 has ordered the Municipality not to implement same.





The 2024 Draft Bylaw will be the first piece of legally enforceable legislation regulating advertising signs within the jurisdictional area of the Municipality. Any attempt by the Municipality to regulate retrospectively by means of the 2024 Draft Bylaw is going to create many unreasonable, unjust and unfair results and consequences.

If the Municipality wishes to deprive a person from any proprietary rights a person holds in an advertising sign prior to the promulgation of the 2024 Draft Bylaw, in terms of the 2024 Draft Bylaw, then and in such event the Municipality is duty bound to compensate such person because the 2024 Draft Bylaw will amount to expropriation. If the Municipality refuses to pay compensation, it will be in conflict of the provisions of section 25 of the Constitution.

Section 26(1) determines:

*"26(1) Within 60 (sixty) days of the promulgation of this By-Law and the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone, whichever occurs later, the Municipality must publish a notice in two local newspapers circulating within its area of jurisdiction, calling for compliance with the provisions of this By-law."*

Publication must not only take place in two local newspapers but also in the Provincial Gazette to comply with the provisions of section 13 of the Systems Act. Because of the piecemeal law-making process adopted by the Municipality, a layperson is unable to establish, particularly given the provisions of sections 6(6) and 6(7), when the public participation process requirements have been met.

Section 26(2) states:

*"26(2) Where an advertisement has been erected or displayed before the date of commencement of this By-law, which advertisement was previously approved by the Municipality or other competent authority, then the owner of the property on which the advertisement has been erected must apply to the Municipality, for approval of the advertisement in terms of this By-law, within 180 (one-hundred and eighty) days from the date of commencement of this By-law, failing which the previous authorisation shall lapse and the advertisement will be regarded as unlawful and must be removed immediately."*

The reference to an "advertisement (which) was previously approved by the Municipality or other competent authority" [our insertion] is confusing, misleading and false. The Municipality endeavors to create the impression that there was previously a valid Bylaw, which is not the case. The only Bylaw the Municipality has promulgated in respect of its functional authority granted under Part B of Schedule 5 of the Constitution is the Outdoor Advertising





and Signage By-Law, 2023, which the Municipality is not allowed to implement by order of the High Court of South Africa. Consequently, no approval can exist that was legally issued before the date of commencement of the 2024 Draft Bylaw. This entire sub-section is consequently a non-event.

Furthermore, reference to *"previous authorisation shall lapse and the advertisement will be regarded as unlawful and must be removed immediately"* is also totally misleading and false, because no previous authorisation can exist, as pointed out above. Something cannot lapse if it does not exist.

If existing signs must be removed because it is not complying with the provisions of the 2024 Draft Bylaw, the Municipality will have to compensate the applicable owner as provided for in section 25 of the Constitution.

This may be a substantial amount of compensation the Municipality will have to pay, hence the reason for suggestion that it may be more appropriate that the 2024 Draft Bylaw determines that all existing signs (old order signs) as on date of promulgation of the 2024 Draft Bylaw must be deemed approved under the 2024 Draft Bylaw, even if they may not be fully compliant under the provisions of the 2024 Draft Bylaw. The 2024 Draft Bylaw should provide for these old order signs which are fully legal.

Section 26(4) dictates:

*"26(4) Every person, on whose property an advertisement had been erected prior to the promulgation of this By-law, which advertisement is prohibited by this By-Law and which advertisement had not been approved by the Municipality or other competent authority, will be regarded as unlawful and must be removed within 90 (ninety) days of the commencement of this By-law."*

This entire clause is riddled with provisions which is in direct conflict with the provisions of sections 25 and 34 of the Constitution, rendering same to be invalid. The Municipality allows itself to take the law in its own hands, without following due legal process, which conduct amounts to self-help. These provisions are very alarming considering that there was no prior Outdoor Advertising and Signage Bylaw in place and the Municipality acts as a competitor to the industry and as its regulator.

The 2024 Draft Bylaw operates retrospectively to impose burdens and punitive consequences on all advertisers, owners of advertisements and advertising structures, and property owners where such advertisements are displayed or advertising structures erected prior to the commencement of the 2024 Draft Bylaw, which was not unlawful at the time. This is impermissible in law.







The retroactive effect can be described as 'strong retrospectivity' since it changes the law from what it was at a date in the past. It is a generally accepted principle of the Rule of Law that people should be able to regularize their affairs secure in the knowledge that they are at liberty to perform any action that has not been proscribed by law. Retrospective legislation is inconsistent with the Rule of Law because it makes it impossible for citizens to regularise their affairs in this manner.

The penalties for a contravention of any provision of the 2024 Draft Bylaw is potentially severe as indicated by section 22. These punitive aspects are inconsistent with s 35(3)(l) of the Constitution, which provides that an *"accused person is not to be convicted for an act or omission that was not an offence under either national or international law at the time it was committed or omitted"*.

In opening the door to retrospective application, the 2024 Draft Bylaw falls foul of the Rule of Law because:

1. of the severe penal consequences provided for in section 22 of the 2024 Draft Bylaw;
2. no provision is made to allow advertisers, outdoor advertising companies or entities and private property owners sufficient time to regularise their affairs before they are criminalized.

## **Schedule 2 – Billboards**

Billboards must not be limited to minimum controlled areas. It should also be allowed in partially controlled areas, because there is no scientific evidence that billboards create adverse circumstances that lead to unsafe driving conditions.

In terms of clause (6) billboards must not exceed a maximum total size of 18m<sup>2</sup> provided that on any V-shaped structure, two such billboards may be permitted. A billboard of this size is hardly visible from class 2 or 3 roads. If a billboard is too small, it increases traffic risks, because a person needs to take extra action and time to see the billboard. An 18-square-meter sign is acceptable on roads where the speed limit is 60 km/h. However, on roads with higher speed limits larger sizes must be allowed to become visible, like for instance 81 square meter billboards. In certain instances, spectacular sites warrant the development of much larger signs, without offending the objectives stipulated in the 2024 Draft Bylaw, this is not catered for and deprives property owners of exploiting such opportunities. This lacuna require rectification.

Clause (7) dictates that billboards must be displayed between the angles of 90° and 60° to the direction of oncoming traffic. This provision amounts to over-regulation and is unduly burdensome and each site has its unique angle to be visible to oncoming traffic.





Clause (11) prescribes that billboards must have a minimum letter or number height of 285mm. This provision is vague, amounts to over-regulation and no scientific study has been conducted to justify this requirement. It is arbitrarily imposed by the Municipality and should be deleted.

The insertion of the new clause (12) allowing the Municipality to depart from any of the requirements set under Schedule 2, if site-specific circumstances justify it, is recommended, but increases the risk of arbitrary administrative decisions, without recourse to an independent appeal authority.

#### **Schedule 4 – Flat Signs**

Clause 5 provides that the size restriction on a flat sign may be waived on condition that only graphics designed and created by a suitably qualified consultant be displayed on such sign. This provision requires more explanation as it is unclear what the Municipality wishes to achieve with this provision.

Furthermore, it is proposed that this Schedule 4 also includes a provisions similar to that of clause (12) of Schedule 2, namely that the Municipality may depart from strict compliance, if site specific circumstances justify such departure.

#### **Restrictive Horizontal Practice - Competition Act**

The arrangement imposed by the Municipality, as a firm as envisaged in the Competition Act, No. 89 of 1998 (*“the Competition Act”*), in terms of the provisions of the 2024 Draft Bylaw, upon the outdoor advertising industry operating within the jurisdictional area of the Municipality, constitutes a prohibited restrictive horizontal practice in terms of section 4 of the Competition Act.

By means of the 2024 Draft Bylaw, the Municipality is imposing the following arrangement upon the outdoor advertising industry, namely:

1. the Municipality exclusively regulates outdoor advertising and signage within the Municipality’s jurisdictional area;
2. nobody is entitled to erect or develop an advertising sign without the Municipality’s approval, while the Municipality itself is entitled to erect advertising signs on land under its control and only needs an approval from itself. The Municipality is therefore free to develop advertising signs as it wishes;
3. the Municipality is by far the largest owner of land upon which advertising signs can be developed within the jurisdictional area of the Municipality. The Municipality holds a dominant position, as a landlord, when it competes with private landlords within its jurisdictional area;





4. once the Municipality erects or develops an advertising sign on its land, it absorbs a portion of the advertising spend available within the jurisdictional area of the Municipality. The more advertising signs are erected on the Municipality's land, the more revenue the Municipality generates as landlord, the less advertising spend is available to the outdoor advertising industry itself, and the less landlord rental private owners earns, with whom the Municipality competes;
5. the Municipality does not impose any guardrails within which its officials, who works for the Municipality, must exercise their wide discretion;
6. the enforcement of the 2024 Draft Bylaw is also left to the Municipality, who police itself, as well private landlords;
7. should a private landowner wish to appeal the decision taken by an official of the Municipality, the appeal is considered by another official i.e. the Municipal Manager.

The aforesaid complaints are not necessarily exhaustive, but it is clear that the aforesaid arrangement, which the Municipality intends to put in place by means of its 2024 Draft Bylaw, in respect of outdoor advertising within its jurisdictional area, will have the effect of substantially preventing or lessening competition in the outdoor advertising market. Such conduct on the part of the Municipality constitutes a restrictive horizontal practice, which is prohibited in terms of the Competition Act. The Municipality must ensure that it complies with the Competition Act.

#### **Development of the Outdoor Advertising Industry in Stellenbosch and Loss of Advertising Revenue**

The 2024 Draft Bylaw can only be successfully implemented and enforced by a local authority if it partners with the outdoor industry. A Bylaw must not become an instrument to implement an almost total ban on outdoor advertising. If the Municipality is going to enforce an outdoor advertising bylaw that is not aligned with the realities on the ground, as experienced by all South Africans, such bylaw will not be sustainable. Outdoor advertising is an essential medium to create jobs, generate economic growth, activate business activities, and facilitate economic empowerment. These goals can be achieved without compromising heritage or the environment. These components can co-exist harmoniously.

The Stellenbosch Municipality is not utilizing their available infrastructure to generate additional revenue for its residents, as it is obliged to do. The Municipality's restrictive approach towards outdoor advertising means that the Municipality is not acting in the interest of its residents.

This approach by the Stellenbosch Municipality affects media owners, persons that want to advertise, landlords, production houses, creative agencies, flighting crews, electricians, engineers, steel contractors, banking





institutions, insurers, and many more. A whole industry, acknowledged by the Constitution, will be undermined unnecessarily if the 2024 Draft Bylaw is approved and promulgated.

### **Out of Home vs On-line Advertising**

A PWC study showed that online advertising revenues rose from R 452m to R 566m, and search internet advertising revenues hit R 865m in 2014, according to the Interactive Advertising Bureau (IAB) South Africa Internet Advertising Revenue Report. Since 2014 it has grown exponentially. As an example, Google billed R 1bn in advertising sales generated in South Africa in 2019.

The sad truth is that all these big on-line companies are foreign companies. All profits made by them in South Africa are moved out of South Africa. Within the Stellenbosch scenario this outflow of currency could be slowed should the Stellenbosch's 2024 Draft Bylaw be less restrictive. This is the type of conduct expected from South African local authorities, standing up to protect local companies and communities.

### **Conclusion**

It is apparent from the comments set out above, which is not intended to be exhaustive (and we reserve our rights to amplify or extend these comments, if necessary), that the 2024 Draft Bylaw, if promulgated, will fail in many instances to comply with the principals of legality and the provisions of the Constitution.

We trust that you will consider our comments favourably to ensure that the Municipality provides a clear regulatory framework which is constitutionally compliant, indicating with reasonable certainty to those who are bound by it what is required of them so that they may regulate their conduct accordingly.<sup>8</sup>

We implore you to reconsider your regulatory and lawmaking approach and accede to our request for a stakeholder workshop where the aforesaid issues can be distilled, revisited, clarified, and resolved without the need for legal challenge and unduly burdened stakeholders to protect their constitutional rights.

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<sup>8</sup> This constitutional principle was entrenched into our Law in the matter of *Affordable Medicines Trust and Others v Minister of Health and Another* (CCT27/04) [2005] ZACC 3; 2006 (3) SA 247 (CC); 2005 (6) BCLR 529 (CC) (11 March 2005)





As requested above, please advise when you are available to engage in person regarding our comments and regarding our suggestion to facilitate a workshop with the industry and experts to ensure quality regulation.

We are keen to make further investments and exploit existing commercial arrangements within the jurisdictional area of the Municipality in order to develop outdoor advertising in co-operation with the Municipality in a manner where outdoor advertising can co-exist within a balanced environment. We trust that the Municipality will not merely adopt a steamroller approach to promulgating the 2024 Draft Bylaw that is materially deficient as set out herein.

In the circumstances, we await to hear from you and let us know, should there be any queries or uncertainties.

Yours faithfully

A handwritten signature in black ink, appearing to read "Martin Raubenheimer".

**Martin Raubenheimer**

Per: Managing Director





## COMMENT ON THE STELLENBOSCH MUNICIPALITY BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE

Stellenbosch Municipality is fortunate to have within its boundaries some of the finest heritage environments in the Western Cape. This draft by-law relating to outdoor advertising and signage is welcomed, as visual clutter through intrusive signage can seriously degrade the character of both urban and rural heritage environments. Rural landscapes, in particular, are vulnerable to visual degradation through inappropriate signage, which can sometimes form an "urban intrusion" into the landscape.

The by-law is therefore broadly supported, but the following detailed comments are suggested in order to strengthen the protection of heritage environments within the municipality against inappropriate signage:

- A) Schedule 1: It is proposed that minimum signage control should occur in transport and industrial zones. However, in Stellenbosch in particular, the station area, as well as the industrial zone between the Krom River and Papagaaiberg, constitutes a heritage environment that has many fine buildings. The station itself is a graded heritage building. In these instances (and numerous others like them, for instance Franschoek's old railway station or the old Rhodes Fruit Farm factory buildings at the intersection of the R45 and the R310), the minimum control of signage could be highly detrimental to the environment.

It is suggested that a clause be included here that applies a higher degree of control for industrial areas and transport structures that have been identified as heritage resources, or which are part of a conservation area/heritage protection overlay zone/heritage area.

In addition, some of the industrial and transport buildings in the Municipality are older than 60 years, and if any proposed sign impacts or alters building fabric older than 60 years, application to HWC under Section 34 of the National Heritage Resources Act would be required. While the by-law does refer to other applicable legislation and the possible requirement of a Heritage Impact Assessment, it is important that these requirements are more explicitly described in the document.

- B) In a similar vein, for "Section 23: Signs for which the Municipality's approval is not required", what about signs on structures older than 60 years? If the sign impacts or alters building fabric older than 60 years, application to HWC under Section 34 of the National Heritage Resources Act would be required.
- C) Section 21: Liaison forums in the Community. While this section states that the Municipality **may** request community forums to give their input, it should require that registered heritage bodies provide comment on any proposed signage applications within heritage areas (both those areas incorporated in the Zoning Scheme, and those heritage areas endorsed by Heritage Western Cape).
- D) Schedule 4: signs attached to walls of buildings: flat and projecting signs; (5): signs shall not exceed 54m<sup>2</sup> in total area...  
Given the maximum limitations on signs within the rest of the by-law, surely this clause intends to limit the signage attached to walls of buildings to 5.4m<sup>2</sup> maximum, and not 54m<sup>2</sup>? Signs affixed directly to buildings could impact many

historic buildings and townscapes in the Municipality, and there are no areas within the towns and villages of the municipality where a 54m<sup>2</sup> sign could be deemed to be appropriate.

- E) Schedule 7: signs on a verandah, balcony, canopy, supporting columns, pillars and posts. In Stellenbosch, many of the above elements form part of building fabric older than 60 years, and often of historic environments. If a sign impacts or alters building fabric older than 60 years, application to HWC under Section 34 of the National Heritage Resources Act would be required, and comment on the proposed sign from the local heritage bodies would be appropriate. A clause making this explicit would be appropriate here.
- F) Schedule 18: Standard free standing and composite signs for the conservation area. While this schedule is welcomed, and the points within it supported, it is felt that more control needs to be prescribed for signage in conservation areas. In addition to clearly explaining the responsibilities to make various applications to HWC and to the Municipality in terms of the HPOZ, it is suggested that the following points be included:
  - Applications for proposed new signs within conservation areas should engage with and receive the comment of any registered conservation bodies within those areas.
  - Signs should, wherever possible, be compatible with traditional materials and in terms of scale, colour and texture. Historical architectural features and/or natural features should not be damaged, concealed, obscured or otherwise altered by proposed signage, and signs that copy an historic style should be avoided (for instance signage in relief plaster on historic building). Rather, the underpinning principle should be that new signs must be sympathetic to the architectural and/or landscape character of the Special Area, but should also be of their own time.
  - Signs within conservation areas should be understated, modern (they should not be pseudo-historical) and neutral in colour and form.
  - Illuminated signs should only employ white light – coloured lighting should not be permitted.
  - Historic signage on buildings and within the conservation areas should be retained as far as possible.

The municipality has a conservation team that is in the process of finalising a CMP for the whole area. It would be prudent to workshop this section of the by-law with them, to ensure that adequate control of signage in historic environments is provided.

Claire Abrahamse



## Belangegroep Stellenbosch Interest Group

HM/CB/0815/32

[interestgroupstellenbosch@gmail.com](mailto:interestgroupstellenbosch@gmail.com)

06-04-2025

### **Comment by the Stellenbosch Interest Group (SIG) on the *The Draft Stellenbosch Municipality Outdoor Advertising and Signage Bylaw 2024***

Claire Abrahams' comment and recommendations is relevant and must be taken into consideration as part of SIG's comment. (See attached). Abrahamse was a member of the team that compiled the Stellenbosch Municipal Conservation and Management Plan. She was also co-author of the Stellenbosch University Heritage Register. She therefore has invaluable knowledge of the significance of the architecture of Stellenbosch and understands the factors that contributes to the erosion thereof. The SIG supports her recommendations and requests that it be taken in consideration by the Municipality in the revision of this Bylaw.

#### **With reference to the Draft Bylaw the following comments:**

The name of the Bylaw is not clear. The Document's heading is *The Stellenbosch Municipality Outdoor Advertising and Signage Bylaw* and the individual pages refer to *The Draft Stellenbosch Municipality Outdoor Advertising By-law 2024*

The former one includes Signage and is preferable.

Signage should replace advertisement. It is essential that Stellenbosch Municipality use the same wording throughout their many Bylaws, in particular when there are cross references as occurs with the Stellenbosch Municipality Draft Zoning Scheme Bylaw 2024 and Draft Stellenbosch Municipality Outdoor Advertising and Signage By-law 2024.

The **Zoning Bylaw** refers to signs and signage and defines sign under definitions:

**"sign"** means:

- (a) any visible or audible representation of a sign, symbol, signwriting, 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.

The Outdoor Advertising Bylaw refers to advertisements and defines them

**"Advertisement"** means any:

- (a) visible or audible representation of a-
  - i. Word or any abbreviation thereof;

- ii. Name or any abbreviation thereof;
  - iii. Letter; or
  - iv. Figure; or
  - v. Object
- (b) sign or symbol; or
- (c) light which is not solely used as a warning against danger,

The SIG prefers the use of signage throughout the Draft Stellenbosch Municipality Outdoor Advertising and Signage By-law 2024 as it has a wider meaning than advertisement. The alternative is to add sign whenever advertisement is used in the text.

Here is a reference to signage in **the Zoning Bylaw**,

Stellenbosch Municipality – Draft Zoning Scheme Bylaw 2024 – V1 July 2024

#### SCHEDULE 2

#### LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS

##### **“Renewable energy infrastructure”**

(G) Appurtenant structures

(i) **Signage and advertising P.117**

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.

#### 1. DEFINITIONS

The following definitions need attention. Yellow highlights show errors and additional information to be added:

In this Bylaw, unless inconsistent with the context-

**“Advertisement”** means any:

- (a) visible or audible representation of a-
  - i. Word or any abbreviation thereof;
  - ii. Name or any abbreviation thereof;
  - iii. Letter;
  - iv. Figure/ (add:) Number;
  - v. Object

**Official** an employee of the Stellenbosch Municipality or any other person who is appointed or authorised thereto to perform any act, function or duty related to the provisions of this By-Law or exercise any power in terms of this By-Law.

Move to correct alphabetic position

**“Public Notice”** – should be listed before **“Public Place”**

Balcony is not defined. The following definition could be used:

**“Balcony”** is a platform on the outside of a building, above ground level, with a wall or railing around it.

**The definition for Billboard is not logical:**

**Billboard** means any sign, screen, board, hoarding, fence, wall or free-standing structure used or intended to be used for the purpose of displaying an advertisement which is larger than 4.5m<sup>2</sup> in total surface area;

Replace with:

**“Billboard”** means *a large board exceeding 4.5m<sup>2</sup>, on which advertisements are shown, especially at the side of a road.*

**The following definition for Graphic is not correct:**

**“Graphic”** includes but is not limited to any component which contributes to the visual appearance or aesthetics of an advertisement, including its background;

Replace with:

**“Graphic”** is a *visual images or designs on some surface, such as a wall, canvas, screen, paper, or stone, to inform, illustrate, or entertain.*

**Sign: Definition of sign and signage is missing. See above where reference is made to the definition in the zoning bylaw.**

**“Street Name Advertisements”** means pole-mounted, double-sided ~~internally illuminated or un-illuminated~~ advertisements displayed in combination with names of streets, not exceeding one (1) m<sup>2</sup>.

Add: “These advertisements must be limited to names showing direction only e.g. Guest House name, tourist office.”

Move the definition to correct alphabetic position – after “street furniture.”

~~**“Veranda”** includes a roofed or open platform along the outside of a building cantilever canopy and sunblind;~~

Replace with

**“Veranda”** is a roofed, open-air structure, attached on the ground floor to the outside of a building. A veranda is often partly enclosed by a railing.

Please note that verandah and veranda are both used in this document. Verandah should be used throughout.

## CHAPTER 1

## 4 SUBMISSION OF APPLICATION

(7) Change 21 days to 30 days for public comment (this is the current time allowed for all other applications put out for public comment.)

(8) (d) Notify all IAPs for comment. (Refer Claire Abrahamse comment)

(10) Change 21 days to 30 days for public comment as in the case of Land Use Applications

## 6. FACTORS RELATING TO AREAS OF CONTROL, SPECIFIC ADVERTISEMENTS, AND COMMERCIAL-SPONSORED ADVERTISEMENTS

Suggestion: Delete subsections



The Draft Bylaw relating to outdoor advertising and signage refers to the Urban and Rural and Conservation Overlay Zone and the Scenic Routes Overlay Zone as if they are to be adopted sometime in the future, in fact the Zoning Scheme By-Law of 2019 under which the overlay zones fall, was published for public comment, adopted by Stellenbosch Municipal Council on 29 May 2019 and in the Government Gazette on Friday, 27 September 2019.

The By Law approved included maps showing the boundaries of the overlay zoning areas and came into effect on 1 November 2019. Therefore:

Remove subsections (5) to (12)

Subsections (5) to (12) are not relevant in this By-law, they relate to requirements for the Municipality's Zoning Scheme By-law

## CHAPTER 2

### 14. ADVERTISEMENTS FOR WHICH MUNICIPALITY'S APPROVAL (insert:) IS NOT REQUIRED

Correction to be made:

#### (6) Window Advertisements:

replace or by of:

. . . . (Not more than 50% of window and not more than total surface area ~~or~~ of 4m<sup>2</sup>)

### 24. EXEMPTIONS

Add cultural considerations.

Notwithstanding the provisions of this Bylaw, the Municipality may, on written application, exempt any person or class of persons from any or all of the requirements of this Bylaw, provided that such exemption is fully motivated and supported by expert studies which confirm that such exemption will not have any detrimental consequences to any environmental, visual, heritage, cultural or traffic considerations. In considering such exemption the Municipality may impose any reasonable conditions or requirements it deems necessary in order to promote the objectives of this By-law or any other applicable legislation.

### 26. TRANSITIONAL ARRANGEMENTS

Enter correct name of Bylaw containing the overlay zones

- (1) Within ~~60 (sixty)~~ (30) days of the promulgation of this By-Law ~~and the Zoning scheme By law 2024 in which the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone appears, , whichever occurs later,~~ the Municipality must publish a notice in two local newspapers circulating within its area of jurisdiction, calling for compliance with the provisions of this By-law.

- (2) Where an advertisement has been erected or displayed before the date of commencement of this By-law, which advertisement was previously approved by the Municipality or other competent authority, then the owner of the property on which the advertisement has been erected must apply to the Municipality, for approval of the advertisement in terms of this By-

law, within ~~180 (one hundred and eighty)~~ 90 (ninety days) from the date of commencement of this By-law, failing which the previous authorisation shall lapse and the advertisement will be regarded as unlawful and must be removed immediately.

[90 days is sufficient, keep time for applications the same as in subsection (4) to avoid confusion]

### SCHEDULE 3: LOCALITY BOUND FREESTANDING AND COMPOSITE ADVERTISEMENTS

**Delete subsection 5 which refers to Schedule 18 because this form of advertising cannot be the only or primary way of advertising in conservation and single residential areas:**

[According to (5) "In conservation areas and single residential zones **only** standard locality bound, free standing and composite advertisements shall be allowed as prescribed in Schedule18."

According to Schedule 18:

"Subject to approval and in accordance with this By-Law, the erection and display of standard free standing and composite advertisements will be the **primary** way of advertising in conservation areas and in areas of single residential zoning.]

### SUBSECTIONS (3) EN (4) PLA: SERVICE STATIONS

### SCHEDULE 4: ADVERTISEMENTS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING ADVERTISEMENTS

**Two subsections should be added:**

- Names and numbers but no other advertisements may be attached to walls of graded buildings.
- Historic signs on buildings may not be removed without municipal approval.

Additional suggestions:

(1) not be allowed within 1 meter of the edge of a roadway nor may it extend to within 1 meter of the edge of a roadway.

(2) not project in front of a wall more than ~~1,5~~ 1 meters in the case of an advertisement which has a clear height of more than 7,5 meters or more than 1 meter in the case of any lesser clear height.

[According to the CSIR manual *Roads: Geometric design and layout Planning, Chapter 7 Vol II* which is in general use in *South Africa*:

7.18 States that the typical width of Footway (sidewalk) width is 1.5m – 2.0m

The projection must be reduced, if the width of the pavement is 1.5m. High vehicles parking will damage the sign. The maximum must be 1m.]

- (5) Remove 'This size restriction may be waived . . . :
- (5) not exceed 5m<sup>2</sup> in total surface area and may not exceed 20% (in areas of maximum control), 30% (in areas of minimum and partial control) or one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser. This size restriction may be waived on condition that:
  - (a) an Environmental Impact Assessment be submitted to the Municipality indicating no detrimental environmental impact is envisaged; and

- (b) a Heritage Impact Assessment be submitted to the Municipality indicating no detrimental heritage impact is envisaged; and
- (c) A Visual Impact Assessment be submitted to the Municipality indicating that no detrimental visual impact is envisaged; and
- (d) A Traffic Impact Assessment be submitted to the Municipality indicating that no detrimental traffic impact is envisaged.

Insert highlighted text:

- (8) Apart from 'For sale', 'Sold' and 'To let' advertisements (that may be attached to the walls or fences of residential buildings and flats) no advertisements may be attached to walls or fences of any residential buildings including flats, commercial parking areas, sports fields, or schools and hostels.

#### SCHEDULE 5: SKY ADVERTISEMENTS

#### SCHEDULE 6: ROOF ADVERTISEMENTS

The SIG does not support schedules 5 and 6, They are not desirable within the urban or rural areas of the Winelands. **Suggested that they be removed**

#### ~~SCHEDULE 7: ADVERTISEMENTS ON A VERANDA, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS~~

Replace with:

#### SCHEDULE 7: ADVERTISEMENTS ON VERANDAHS, STOEPS, COVERED WALKWAYS AND PARAPETS

Subject to approval in terms of this By-Law ~~and subsection 11 below~~, the erection or display of advertisements on a veranda or parapet ~~balcony, canopy, supporting columns, pillars and posts~~ may only be permitted in areas of partial and minimum control on the condition that they also comply with the following:

- (1) No advertisements may be attached to Historical Buildings.
- (2) No such advertisements will be allowed on or over other architectural features of buildings.
- (3) Such advertisements may be affixed flat onto or painted on a parapet wall, ~~balustrade or railing of a veranda or balcony, and~~ or beam or fascia of a veranda ~~or balcony~~.
- (4) The advertisement may not exceed 1m ~~????~~ in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250mm in front of the surface to which it is affixed or project over a roadway or within ~~0,6 meters~~ 1 meter of the edge of the roadway.
- (5) ~~Such advertisements may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard . . .~~
- (6) ~~Only one advertisement per column, pillar or post will be allowed.~~ Column, pillar and post are architectural features that should not be used for advertising purposes.
- (7) Such advertisements suspended below the roof of a veranda, ~~canopy or the floor of a balcony~~ may not exceed ~~1,8 meters~~ 1 meter in length ~~or~~ and 600mm in height.
- (8) ~~Every such advertisement~~ Any advertisements suspended below the roof of a veranda must be at right angles to the building line.
- (9) No advertisements suspended under a ~~canopy~~ veranda may extend beyond the external edge of the ~~canopy or~~ veranda to which it is attached.
- (10) All suspended advertisements must have a clear height of at least 2,4 meters.

~~(11) Such advertisements on the roof of a veranda, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding individual, cut-out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a veranda or balcony}}~~

~~(12) No such advertisement shall be allowed in a conservation area within a single residential zone unless a Heritage Impact Assessment is submitted which confirms that no negative impact would be made on any heritage resources.~~

(13) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement

#### **SCHEDULE 8: ADVERTISEMENTS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS**

- (1) In urban areas of maximum and partial control, the Municipality may approve an application to affix a locality bound advertisement against a boundary wall only if the advertisement is indented into the wall or composed of individual, un-illuminated cutout letters or symbols fixed flat on such wall not projecting more than 50mm from the surface of such wall.
- (2) In areas of minimum control, the Municipality may approve, subject to a Visual Impact Assessment —
  - (a) an application to affix a locality bound advertisement flat onto a boundary wall only if it does not project more than 50mm from the face of such wall; ~~and~~
  - (b) ~~an application to affix a locality bound flat advertisement with a maximum size of 0.5m<sup>2</sup> onto the permanent fence of property.~~

#### **SCHEDULE 11: TEMPORARY POSTERS, TEAR-DROP BANNERS, BANNERS AND FLAGS ON PUBLIC ROADS AND PUBLIC PLACES**

(8) Only one poster or flag per organisation may be erected on every second streetlight pole. (add highlighted text)

#### **SCHEDULE 12: ESTATE AGENT ADVERTISEMENTS**

Additional regulation is required allowing no more than six agents' For Sale and To Let advertisements to be permitted in total per house, plot or block of flats

#### **SCHEDULE 16: ADVERTISEMENTS ON MUNICIPAL LAND OR BUILDINGS**

(a) Commercial advertisements other than those in section 14 (10).  
Incorrect reference 11 (10) perhaps?

(b) Sponsored advertisements

(iv) the maximum size of any such advertisement will be 6m x 3m; provided in the event of a V-shaped advertisement where the size may not exceed two panels of 6m x 3m each.

Add:

For Municipal Buildings situated within areas of maximum control, all conditions applicable to maximum control areas apply.

# ORGANISATIONS SCHEDULE 17: ADVERTISEMENTS ERECTED BY OR FOR THE BENEFIT OF NONPROFIT ORGANISATIONS

(5) In addition, the following conditions will apply:

This list (a) to (h) is redundant as all the conditions of this Bylaw will apply to the Nonprofit organisation

# SCHEDULE 18: STANDARD FREE STANDING AND COMPOSITE ADVERTISEMENTS ~~IN~~ CONSERVATION AREAS

Delete:

~~"Subject to approval and in accordance with this By Law, the erection and display of standard free standing and composite advertisements will be the primary way of advertising in conservation areas and in areas of single residential zoning."~~

[This cannot be the primary way of advertising in conservation areas and in areas of single residential zoning.]

Dictionary definitions for Free standing and Composite advertisements are:

**"Freestanding Advertisement"** means any advertisement or group of advertisements contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising.

**"Composite Advertisement"** means a single freestanding advertising structure or a wall or any other surface for the display of more than one advertisement]

Ronnie Donaldson  
Chairperson



# **APPENDIX 3**

## **STELLENBOSCH MUNICIPALITY**

### **OUTDOOR ADVERTISING AND SIGNAGE BY-LAW**

**To provide for the regulation and management of outdoor advertising and signage within the area of the Stellenbosch Municipality; to ensure public health and safety and the protection of the natural and built environment; to create offences and penalties; to repeal previous laws relating to outdoor advertising; and to provide procedures, mechanisms and policies for the effective administration of this function.**

#### **PREAMBLE**

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

**AND WHEREAS** Part B of Schedule 5 lists billboards and the display of advertising in public places as a matter falling within the functional area of local government;

**AND WHEREAS** sections 156(2) and 156(5) of the Constitution empower municipalities to make and administer by-laws for the effective administration of matters which they have the right to administer and to exercise any power reasonably necessary for, or incidental to, the effective performance of their functions;

**AND WHEREAS** the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 13 of 2014) require municipalities to ensure that land-use management and development control are consistent with sound spatial-planning principles;

**AND WHEREAS** the Stellenbosch Municipality recognises the need to ensure transparency, public participation and community involvement in the regulation of outdoor advertising and signage;

**AND WHEREAS** this By-law limits certain rights to freedom of expression and economic activity only to the extent that such limitation is reasonable and justifiable in an open and democratic society in terms of section 36 of the Constitution, in order to ensure road safety, protect heritage and environmental resources, and maintain public amenity;

**NOW THEREFORE**, the Municipal Council of Stellenbosch, acting in terms of section 156 of the Constitution, read with Part B of Schedule 5 and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), adopts and promulgates this By-law.

## **1. DEFINITIONS**

In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the Western Cape Land Use Planning Act, 2014 (Act 13 of 2014), or the Stellenbosch Municipality Land Use Planning By-law, 2023, has the meaning so assigned, and—

**“Advertising”** means the act, process or practice of displaying, publishing or communicating on a sign, in any manner visible or audible from a public place, and includes the commissioning, placement or projection of such display by any person or entity for reward, commercial advantage or professional gain.

**“Advertising Structure”** means the physical structure of a permanent or temporary in nature, designed, used or intended to display a sign for advertising purposes and, includes its supporting framework, backing, braces and associated fittings.

**“Aerial Advertising”** means advertising that is displayed or performed in the air, including but not limited to balloons, blimps and similar devices visible from within the municipal area.

**“Approval”** means approval granted by the Municipality in terms of this By-law, and “approve” has a corresponding meaning.

**“Area of Control”** means an area demarcated by the Municipality as an area of maximum, partial or minimum control in accordance with SAMOAC and the spatial demarcations shown in the Zoning Scheme Overlay Zones, within which specific categories of advertising may be permitted or prohibited.

**“Authorised Official”** means an employee of the Municipality or any other person authorised in writing to perform a function or exercise a power in terms of this By-law.

**“Balcony”** means a floor or platform projecting from the external wall of a building at a level higher than the ground floor, enclosed only by a low wall, balustrade or railing, and which may include a roof or covering but is not enclosed by walls on more than two sides.

**“Banner”** means any material upon which advertising is displayed so as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaff’s projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excluding banners carried as part of a procession. A flag that is not displayed on an approved flagpole is, for purposes of this By-law, deemed to be a banner.

**“Billboard”** means a free-standing or building-mounted sign used or intended to be used to display third-party advertising with a total surface area typically not less than four comma five square metres (4,5 m<sup>2</sup>), as further regulated under the billboard sign class.

**“Clear Height”** means the vertical distance between the lowest edge of an advertising structure and the natural level of the surrounding ground, footway or roadway immediately below the advertising structure.

**“Composite Advertising”** means a single freestanding advertising structure displaying more than one sign, whether locality-bound or non-locality-bound, for the same or different occupiers, on a single advertising structure.

**“Council”** means the Municipal Council of the Stellenbosch Municipality.

**“Display”** means to erect or exhibit advertising visible to the public view by any method whatsoever, and “displayed” has a corresponding meaning.

**“Electronic Advertising”** means advertising with an electronically controlled illuminated display surface, including light-emitting diode, liquid crystal displays or other digital display technologies, that allow all or a portion of the content to be changed or illuminated in different ways.

**“Environmental Impact Assessment” (EIA)** means a written assessment of the potential environmental effects of advertising, prepared in accordance with the National Environmental Management Act, 1998 (Act 107 of 1998) by a registered environmental assessment practitioner.



**“Flat Advertising”** means advertising affixed to, or painted directly onto, a wall of a building but not onto or over windows, doors or architectural articulations and projecting no more than two hundred and fifty millimetres (250mm) in front of such wall.

**“Freestanding Advertising”** means advertising contained or displayed on one freestanding structure not attached to a building or to a structure or object not intended primarily for advertising.

**“Gateway Route”** means a prominent route providing an entrance to or exit from a specific part of the municipal area, consisting of man-made or natural features that create a strong sense of arrival or departure, and designated as such in the Zoning Scheme Overlay Zones.

**“Graphic”** means any visual image, illustration, symbol, design or pattern applied to or displayed on a surface, including a wall, screen, fabric, or similar medium, for the purpose of decoration, illustration, information or communication, whether or not forming part of any advertising.

**“Heritage Impact Assessment” (HIA)** means a written assessment of the impact that any proposed advertising may have on cultural heritage resources, prepared in accordance with the National Heritage Resources Act, 1999 (Act 25 of 1999) by a suitably qualified and experienced heritage practitioner or other registered professional.

**“Locality-Bound”** means any advertising displayed on a specific property, premises or building (including municipal land adjacent to or abutting that property) which refers to an activity, product, service or attraction located, rendered or provided on or from that property, premises or building.

**“Municipality”** means the Municipality of Stellenbosch established by Provincial Notice 479 of 22 December 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes—

- (a) the Council;
- (b) a political structure or office bearer authorised or delegated to perform a function or exercise a power in terms of this By-law;
- (c) the Municipal Planning Tribunal;
- (d) the Municipal Manager; and
- (e) any employee of the Municipality acting under delegated or sub-delegated authority.

**“Non-locality-bound”** means any advertising that does not comply with the definition of “Locality-Bound”, including any advertising promoting a product, service, activity or event not located or provided on the property on which the advertising is displayed.

**“Owner”** includes any person who is the registered owner of land or a building, the lawful occupier or tenant thereof, or a person acting under a valid mandate from such owner and includes a body corporate, trust, or similar juristic person.

**“Overlay Zone”** means a mapped spatial layer superimposed on a base zoning in terms of the Stellenbosch Zoning Scheme, which imposes additional or alternative land use controls, development parameters or environmental restrictions to protect heritage, scenic, or conservation areas, and within which the level of advertising control (maximum, partial or minimum) is determined.

**“Public Notice”** means a notice issued by or on behalf of the Municipality in terms of this By-law or any applicable law, for the purpose of informing the public of an application, decision, intention or regulatory action, and which—

- (a) is published in a manner prescribed by this By-law or, where no manner is prescribed, in at least one local newspaper circulating within the municipal area;
- (b) may include display on the official municipal website, notice boards, or by written or electronic communication to affected parties; and
- (c) must contain sufficient information to enable any interested or affected person to understand the nature and purpose of the matter to which it relates and to make representations within the prescribed period.

**“Public Place”** means any land, street, road, thoroughfare, sidewalk, square, park or open space—

- (a) that is owned, controlled or managed by the Municipality or another organ of state, and to which the public has lawful physical access; or
- (b) that the public may lawfully enter or use as of right in terms of any law or servitude, and includes any place from which advertising on private property are visible to members of the public.

**“Public Road”** means a public road as defined in the National Road Traffic Act, 1996 (Act 93 of 1996).

**“Road Reserve”** means the designated area of land containing a public street or private road (including the road and associated verge) defined by cadastral boundaries.

**“Roadway”** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act, 1996 (Act 93 of 1996).

**“Roof Advertising”** means advertising affixed to the roof of a building where the top edge of any part of that advertising does not exceed the height of the roof plane to which it is affixed.

**“Rural Area”** means an area outside the urban edge.

**“SAMOAC”** means the South African Manual for Outdoor Advertising Control, 2011, as may be amended, which is hereby adopted as a technical reference for this By-law.

**“Scenic Route”** means a road designated as such on the Scenic Routes Overlay Zone Map, from which landscapes or features of aesthetic or cultural significance can be seen or viewed.

**“Security Advertising”** means an outdoor advertising for neighbourhood watch and similar schemes, or advertising containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the advertising is displayed.

**“Sign”** means any physical or structural device, board, banner, poster, flag, screen, or surface, whether permanent, temporary, stationary or mobile, used or intended to display or support advertising and used for advertising purposes and which is visible from a public place, and includes the framework, support, foundation, bracket, cable, anchor or other apparatus associated with its display but excludes a Traffic Sign or Traffic Signal.

**“Signage”** means any coordinated system, arrangement or display of one or more signs on a site, building or structure forming part of a single development, property or enterprise, and includes the design, layout, materials, illumination and maintenance of such signs as a collective scheme.

**“Surface Area”** means the total area of the smallest geometric shape or combination of regular shapes that completely encloses the outer limits of the sign, excluding any advertising structure, framework, or bracing.

**“Street Furniture”** means public facilities and structures not intended primarily for advertising, including seating benches, planters, bins, pole-mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, electricity boxes, post boxes and telephone booths, but excluding road traffic signs, traffic signals, street lights or other road-related structures.

**“Street-pole Advertising”** means advertising attached to a street-light pole, lamppost or similar municipal infrastructure within the road reserve, used for the display of locality-bound or third-party advertising.

**“Third-Party Advertising”** means advertising of goods or services that are not made, procured, sold or delivered from the property on which the advertising is fixed or placed, and includes Non-locality-bound advertising.

**“Traffic Impact Assessment” (TIA)** means a written assessment prepared by a professionally registered traffic or transportation engineer, to determine—

- (a) the potential effects of proposed advertising, sign or advertising structure on vehicular, pedestrian and cyclist movement, road safety, visibility of official traffic signs, and traffic operations; and
- (b) any mitigation measures necessary to ensure that the proposed advertising, sign or advertising structure does not adversely affect public safety or traffic efficiency.

**“Transit Advertising”** means advertising displayed on, within, or attached to a vehicle, vessel, aircraft, trailer, or public transport facility, including buses, taxis, trains, or shelters, and which is visible from a public road or place, whether stationary or in motion, and includes advertising within public transport terminal or on associated structures, but excludes ordinary markings identifying the name or service of the vehicle operator.

**“Urban Area”** means an area within the urban edge of a town.

**“Urban Edge”** means the boundary delineating the limit of urban development as shown on the Zoning Scheme Map or Urban and Rural Conservation Overlay Zone.



**“Veranda”** means a covered platform, walkway or open gallery attached to the exterior of a building and projecting over part of the frontage, enclosed on not more than two sides by the building’s external walls, and usually covered by the main roof or a separate roof supported by columns or posts.

**“Visible from a public road”** means visible, whether directly or indirectly, to a driver of a vehicle travelling on a public road at any point within five hundred metres (500m) of the advertising or sign, under normal daylight or night-time conditions.

**“Visual Impact Assessment” (VIA)** means a written assessment prepared by a registered professional with demonstrable expertise in landscape or visual assessment, such as a professional landscape architect or architectural technologist, undertaken in accordance with the Stellenbosch Zoning Scheme 2024, SAMOAC (2011) and any municipal guidelines, to determine—

- (a) the visual character and sensitivity of the receiving environment;
- (b) the degree of visibility and potential cumulative visual impact of the proposed advertising or sign from public viewpoints; and
- (c) measures to mitigate or manage adverse visual effects on the built or natural landscape.

**“Window Advertising”** means advertising which is temporarily or permanently painted on, attached to, or otherwise affixed to the window glass of a building.

## 2. OBJECTS OF BY-LAW

- (1) The objects of this By-law are to regulate outdoor advertising and signage within the area of the Municipality in a manner that—

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- (a) promotes the protection, conservation and sustainable management of the Municipality's environmental, cultural, heritage and aesthetic resources;
- (b) upholds the constitutional right to freedom of expression, including commercial expression, by providing for responsible advertising that balances economic development opportunities with the protection of the Municipality's visual, tourism, environmental and heritage character and the promotion of traffic safety;
- (c) ensures that advertising contributes positively to the urban and rural landscape and promotes the responsible use of the Municipality's natural, cultural and heritage environment;
- (d) promotes a safe, healthy and visually attractive environment for residents and visitors;
- (e) recognises and accommodates the technical and locational differences between various types of advertising, having regard to their potential impact on specific environments;
- (f) provides clear, fair and transparent procedures for the approval, control and enforcement of advertising; and
- (g) ensures that only advertising which complies with the provisions of this By-law, the Zoning Scheme and applicable legislation are permitted within the Municipality.

### **3. APPLICATION OF BY-LAW**

- (1) This By-law applies to all advertising—
  - (a) displayed, erected, fixed, projected, performed or exhibited on land, buildings, or any structure within the area of jurisdiction of the Stellenbosch Municipality;
  - (b) situated on public or private property, or within or above any public place or road reserve; and
  - (c) visible, whether directly or indirectly, from any public place or public road within the municipal area, including advertising or signs located outside the municipal boundary but visible from within it.

- (2) This By-law also applies to—
- (a) mobile, transit, aerial, electronic, digital or projected advertising or signs that are visible from a public place; and
  - (b) any advertising structure used or intended to be used for the display of advertising, irrespective of whether any advertising is currently displayed thereon.
- (3) This By-law must be read with the Stellenbosch Municipality Land Use Planning By-law, 2023, and the Stellenbosch Zoning Scheme By-law, 2024, including any adopted Overlay Zones or Outdoor Advertising Control Map, and applies in addition to, and not in substitution for, any requirement of those instruments.

Nothing in this By-law derogates from the powers of the Municipality or any other competent authority in terms of national or provincial legislation, including but not limited to the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the National Heritage Resources Act, 1999 (Act 25 of 1999), and the National Environmental Management Act, 1998 (Act 107 of 1998).

## CHAPTER 1

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### 4. SUBMISSION OF APPLICATIONS

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- (1) Except for advertising exempted in terms of this By-law, no person may display, erect, alter, or use any advertising without the prior written approval of the Municipality granted in terms of this By-law and any other applicable legislation.
- (2) Any person intending to display a new advertising, alter or add to an existing approved advertising, or include advertising in any land development application must apply in writing to the Municipality for its written approval.
- (3) Any application submitted in terms of this section, is deemed to be a land development application for purposes of procedural administration and must be submitted in accordance with the procedures set out in Chapter IV of the Stellenbosch Municipality Land Use Planning By-law, 2023, and does not confer any additional development rights.
- (4) In addition to the above, every application must be accompanied by the following information, submitted in duplicate unless otherwise determined by the Municipality:
  - (a) A full written motivation that describes the proposed advertising and its proposed location, explains how the proposal complies with this By-law and any related planning or zoning provisions, shows that it will not negatively affect road safety, heritage, the environment, or the visual character of the area and provides reasons why the Municipality should approve the application;
  - (b) A certified copy of the title deeds of the property upon which the proposed advertising is proposed to be erected and/or displayed;
  - (c) A certified copy of the Surveyor General Diagram for the property upon which the proposed advertising is proposed to be erected and/or displayed;
  - (d) A Visual Impact Assessment;
  - (e) A site plan drawn to a scale of not less than 1:200 showing—
    - i. the property on which the proposed advertising is to be erected and/or displayed;
    - ii. the position of the advertising in relation to all buildings, boundaries, and abutting streets;

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- iii. all existing buildings and other existing advertising on the property;  
and
  - iv. existing and proposed landscaping, traffic signals, and road traffic signs.
- (f) A detailed design drawing of sufficient detail to enable the Municipality to assess the design, appearance, dimensions, elevation profiles, materials, colours, construction, and method of illumination of the advertising and its advertising structure. Detailed design drawings must be to a scale of not less than 1:20;
- (g) The full technical details of the electronic system and illumination levels must be submitted, if the advertising is electronic;
- (h) Where the advertising is to be attached to a wall or façade, the Municipality may require an additional drawing to a scale of not less than 1:100 showing—
- i. a coloured elevation of the building;
  - ii. the position and details of the proposed advertising;
  - iii. the details and position of all existing advertising on the building;  
and
  - iv. The Municipality may require a colour print, artist's impression, or computer-generated image showing the advertising superimposed on the building to scale.
- (i) If the applicant is not the registered owner of the land or building on which the advertising is to be displayed, the written consent of the registered owner must accompany the application;
- (j) A signage master plan for any proposed application involving multiple advertising or the rationalisation of existing advertising to ensure a consistent and coordinated design prior to consideration of individual advertising;
- (k) Proof that any assessment or authorisation required by any other legislation has been obtained, or to demonstrate that the relevant competent authority has confirmed that no such assessment is required. Without limiting the generality of the foregoing, the Municipality may require—

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- (i) confirmation from the competent environmental authority in terms of the National Environmental Management Act, 1998, regarding the need for or outcome of an Environmental Impact Assessment;
  - (ii) confirmation from Heritage Western Cape or other competent heritage authority in terms of sections 34 or 38 of the National Heritage Resources Act, 1999 (Act 25 of 1999), regarding the need for or outcome of a Heritage Impact Assessment, where the proposed advertising or sign is situated within or affecting any structure older than sixty (60) years, or is located within a declared heritage site, heritage protection overlay zone or conservation area;
  - (iii) confirmation from the relevant roads or transport authority regarding the need for or outcome of a Traffic Impact Assessment, as determined in accordance with section 10(2) of this By-law.
- (5) Where the Municipality considers that a proposed advertising may materially affect the amenity of an area or the rights or interests of the public or any person, it may, at the applicant's cost, require the applicant to give public notice of the application and to invite comments or objections within thirty (30) business days from the date of publication or display of the notice and incorporate the findings of such public participation, as part of its application submission.
- (6) The public notice contemplated in subsection (5) above, must include—
  - (a) the full name of the applicant and, where applicable, the capacity in which the applicant acts;
  - (b) the property description and location of the proposed advertising;
  - (c) a brief summary of the proposal and the type of advertising applied for;
  - (d) the name, address and contact details of the person with whom comments or objections must be lodged;
  - (e) the closing date for comments or objections, being thirty (30) days from the latest date of delivery, publication or display of the notice; and
  - (f) the place and hours during which the application may be inspected.
- (7) The Municipality may require one or more of the following methods of publication—



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- (a) delivery or service of a notice on adjoining owners, affected persons and the ward councillor;
  - (b) display of a site notice of at least A3 size on all street frontages of the affected property in the form prescribed by the Municipality;
  - (c) publication of a notice once in two local newspapers circulating in the area, in the language of each newspaper, with the date of the last publication deemed to be the date of publication; and
  - (d) any additional means of notification required by the Municipality, which may include publication on the municipal website, community notice boards, or electronic media.
- (8) Within thirty (30) business days from the date of submission of the application or payment of the prescribed application fee, whichever is later, the Municipality must notify the applicant of any additional information or documentation required to determine the application.
- (9) The Municipality must retain a copy of every document submitted as part of an application and any decision made thereon.
- (10) The Municipality may require a written notice from the applicant or owner confirming that approved advertising has been erected and/or displayed in accordance with the approved plans and conditions attached to any approval granted pursuant to this By-law.

## **5. FEES AND GENERAL FACTORS IN CONSIDERING APPROVAL OF APPLICATIONS, AMENDMENTS AND CONDITIONS**

- (1) Every person who applies to the Municipality for approval in terms of this By-law must, on submission of the application, pay to the Municipality the prescribed application fee as determined by the Municipality in terms of section 75A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (2) No advertising may be erected, displayed or altered until the required approval has been granted and all prescribed fees have been paid in full.
- (3) In considering an application for approval, amendment, or the imposition of conditions in terms of this By-law, the Municipality must have due regard to the following factors—

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- (a) Overlay Zones and Areas of control: The Overlay Zones as well as the Areas of Control in which the proposed advertising is to be erected and/or displayed, as set out in Schedule 1 of this By-law, provided that where advertising falls within or affects more than one area of control, or where a site in one area of control may impact on an adjacent area of control, the stricter (higher) control classification must apply;
- (b) Locality and cumulative impact: the characteristics of the surrounding locality, including the landscape context, existing and proposed advertising opportunities in that area, and the number, type and size of advertising already displayed or approved on the property and within its vicinity;
- (c) Technical Assessments: the findings and recommendations of any Traffic Impact Assessment and of any Environmental, Visual or Heritage Impact Assessment required in terms of this By-law or other legislation;
- (d) Public participation: any written comments, objections or representations received during the public participation process conducted in accordance with this By-law;
- (e) Locality-bound advertising: whether any proposed Locality-Bound advertising relates directly to the lawful land use of the property concerned, provided that no such advertising may be affixed to or placed on residential premises other than as permitted for home industries or lawful temporary uses; and
- (f) Public safety, design quality and amenity: that no advertising may be designed, constructed or displayed in a manner that—
  - (i) creates a hazard or danger to any person, property or public place;
  - (ii) displays material or graphics that contravene any law in South Africa;
  - (iii) is detrimental to the environmental quality, visual amenity or character of the neighbourhood by reason of its size, illumination, frequency of display, colour, design, materials or location;
  - (iv) obscures or interferes with any official road traffic sign, signal or other approved advertising; or
  - (v) adversely affects the natural, cultural or built environment.

- (4) Subject to compliance with this By-law and any other applicable legislation, all new advertising approved under this By-law, may remain lawfully displayed provided they remain structurally sound and comply with all safety and maintenance requirements of this By-law.

## **6. AREAS OF CONTROL AND RELATIONSHIP WITH OVERLAY ZONES**

- (1) For the purposes of regulating outdoor advertising, the Municipality recognises the following areas of control, namely-
  - (a) Maximum control;
  - (b) Partial control; and
  - (c) Minimum control.
- (2) The Municipality may, by resolution of Council, adopt an Outdoor Advertising Control Map classifying all or part of its area of jurisdiction into areas of maximum, partial or minimum control, after taking into account—
  - (a) the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone established under the Stellenbosch Land Use Planning By-law, 2023;
  - (b) the zoning of land in terms of the Municipality's zoning scheme;
  - (c) the Municipal Spatial Development Framework; and
  - (d) the environmental, visual and heritage sensitivity of the area.
- (3) For the purposes of this By-law, all land, buildings or properties situated within the Urban and Rural Conservation Overlay Zone or the Scenic Routes Overlay Zone as depicted in the Stellenbosch Zoning Scheme By-law, 2024, are deemed to be areas of maximum control, notwithstanding any lesser classification that may appear on a Control Map provided that where an amendment to an Overlay Zone is formally adopted through the Land Use Planning By-law process, such amendment shall automatically adjust the corresponding area of control under this By-law. In the event of conflict between a Control Map and an Overlay Zone, the Overlay Zone shall prevail.
- (4) The Municipality may, from time to time, review or amend the Outdoor Advertising Control Map following a process of public participation consistent with section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

- (5) Before adopting or amending a Control Map, the Municipality must—
  - (a) publish a notice in at least two local newspapers or one local and one community newspaper, stating—
    - (i) the purpose and effect of the proposed Control Map;
    - ii) where it may be inspected; and
    - iii) that written comments or objections may be submitted within not less than thirty (30) days of publication; and
  - (b) consider all comments and objections before adoption by Council.
- (6) The adoption, amendment or withdrawal of a Control Map must be approved by the Municipal Council and may not be delegated in terms of section 59 of the Municipal Systems Act.
- (7) Upon adoption, the Municipality must publish a notice in the Provincial Gazette and the local press—
  - (a) confirming the adoption and commencement date of the Control Map; and
  - (b) indicating where it may be inspected.
- (8) Nothing in this section prevents the Municipality from applying the provisions of this By-law without a Control Map, in which case the relevant Overlay Zones and the zoning scheme shall be used to determine the appropriate area of control.

## **CHAPTER 2**

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### **7. STANDARD CONDITIONS FOR APPROVAL**

- (1) All signs and advertising structures must be designed, erected and maintained so as to be structurally sound, safe, and constructed of materials of suitable strength and durability and comply with all laws within South Africa.
- (2) The Municipality may require that any application for the erection of a freestanding, elevated, or wind-exposed sign or advertising structure exceeding three square metres (3 m<sup>2</sup>) in total area, or any structure intended to support an electronic or internally illuminated sign, be accompanied by a certificate of structural adequacy issued by a registered professional structural engineer. Such certificate must confirm that the advertising structure—

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- (a) has been designed, constructed, and erected in accordance with the all lawful and applicable standards for structural and wind loading;
  - (b) is capable of withstanding all wind and weather loads reasonably expected at its location; and
  - (c) is safe for its intended purpose and design life.
- (3) The owner and the holder of an approval are jointly and severally responsible for the proper maintenance, safety and appearance of every sign or advertising structure. They must—
  - (a) At least once every twelve (12) months, inspect or cause the sign and advertising structure to be inspected by a registered engineer, technologist, or other suitably qualified person to ensure structural soundness and safety; and
  - (b) retain a written record of such inspection, available for submission to the Municipality on request.
- (4) Where a sign or advertising structure becomes damaged, vandalised, torn, corroded, unsafe or dilapidated, the owner or approval holder must, within fourteen (14) business days of written notice by the Municipality, repair or remove the sign and advertising structure. The Municipality may require that a new certificate of structural adequacy be submitted following such repair.
- (5) All materials used in advertising, signs and advertising structures must be incombustible, weather-resistant and corrosion-resistant, appropriate to the function, size and intended lifespan of the sign.
- (6) Any glass incorporated into advertising, sign or advertising structures must comply with the applicable and lawful standards for safety glazing, and each glass panel must be securely fixed independently of adjacent panels.
- (7) No advertising, sign or advertising structure may obstruct or interfere with any window, door, stairway, escape route, ventilation opening, or fire-access provision, or otherwise compromise the safety or usability of a building or public place.

- (8) No advertising, sign or advertising structure may be located closer to overhead or underground electrical equipment than the minimum clearance distances prescribed in terms of the Occupational Health and Safety Act, 1993 and any other applicable laws. The Municipality may require written confirmation from the relevant service authority that the required clearance is achieved.

## **8. ELECTRICAL REQUIREMENTS**

- (1) Any advertising, sign or advertising structure requiring an electrical supply must—
- (a) be connected to the existing lawful and metered electrical installation on the property wherever reasonably practicable; and
  - (b) where a separate connection is required, be supplied through a metered and authorised point of supply approved by the relevant electricity supply authority in accordance with the Municipality's Electricity Supply By-law.
- (2) All electrical installations associated with advertising must—
- (a) comply with the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), the Electrical Installation Regulations, 2009, and SANS 10142-1:2020 or any successor standard;
  - (b) be carried out and certified by a registered person as defined in Regulation 1 of the Electrical Installation Regulations, 2009; and
  - (c) be covered by a valid Certificate of Compliance issued in terms of regulation 9 of those Regulations, a copy of which must be submitted to the Municipality prior to energising the installation.
- (3) All wiring, conduits and power cables associated with advertising must be—
- (a) securely fixed, properly insulated, and protected from weather, corrosion, or mechanical damage;
  - (b) concealed from public view as far as practicable; and
  - (c) inaccessible to unauthorised persons and protected against accidental contact, vandalism, and interference by animals.



- (4) Any illuminated advertising that incorporates high-voltage or unattended electrical equipment, including window displays and external flood-lighting, must be fitted with an accessible and clearly labelled emergency isolator (fireman's switch) positioned and installed in accordance with SANS 10142-1:2020 and approved by the Municipality's Electrical Engineering Department.
- (5) All electrical equipment used for illumination of any advertising must be of an approved type, incorporating suitable power-factor correction or other measures necessary to prevent electromagnetic interference with radio, telecommunication, or television reception.

## **9. ILLUMINATION REQUIREMENTS**

- (1) The Municipality may approve illuminated advertising provided that the provisions of this By-law are complied with and that such illumination does not constitute a risk to road traffic safety or cause undue light spillage.
- (2) Advertising may not be illuminated if no advertising content is displayed.
- (3) Internally illuminated and electronic advertising must comply with the following requirements—
  - (a) they may be permitted only in areas of partial or minimum control, subject to the Municipality's consent in accordance with the relevant sign class;
  - (b) the size, height and positioning of such signs must comply with the applicable SAMOAC sign class and performance standards, taking account of the surrounding landscape and cumulative visual impact;
  - (c) illumination must be constant, static and not exceed luminance levels prescribed by the Municipality or the South African Bureau of Standards;
  - (d) no intermittent, flashing, scrolling or subliminal effects are permitted;
  - (e) Before granting approval, the Municipality may request a Traffic Impact Assessment where the scale, illumination, movement and/or location of the proposed advertising or sign meets any of the objective thresholds specified in section 10(2), or is otherwise likely to have a material effect on road safety. The Municipality must record its reasons in writing when requiring or waiving such studies and may not duplicate assessments that have already been undertaken in terms of other legislation; and

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- (f) the Municipality may, where necessary, require post-installation monitoring to ensure that illumination and traffic-safety conditions remain acceptable.
- (4) Requirements for external illumination:
  - (a) the light source emanating from external illumination must not be visible to traffic traveling in either direction;
  - (b) external illumination must not be positioned so as to create any undue light spillage beyond the surface area of the sign; and
  - (c) in respect of Municipal owned property, approved wayleaves must be obtained from the Director: Infrastructure Services or his/her nominee prior to any excavations for the installation of such advertising or signs. This also applies for advertising or signs to be erected in the vicinity of overhead powerlines.
- (5) Electricity Power sources may be applied for as per the conditions of the Electricity Services By-law .

**10. ROAD TRAFFIC SAFETY REQUIREMENTS**

- (1) Advertising or signs may not be erected and/or displayed in an area where they would pose a risk to road traffic safety.
- (2) A Traffic Impact Assessment (TIA) is required whenever advertising or any sign is proposed in circumstances that may, in the opinion of the Municipality, reasonably affect road safety or traffic operation, as determined by the following objective criteria derived from the South African Manual for Outdoor Advertising Control (2011) and the Road Traffic Management Corporation's Outdoor Advertising Safety Engineering Manual (2020):
  - (a) Electronic or internally illuminated advertising or signs visible from public roads with a posted speed limit exceeding sixty kilometres per hour (60 km/hr), or located within two hundred and fifty metres (250m) of a signalised intersection;
  - (b) Any billboard or freestanding advertising or signs exceeding nine square metres (9m<sup>2</sup>) in surface area or four comma five metres (4,5m) in height, visible from any public road;

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- (c) Any advertising or sign located within eighty metres (80m) of a signalised intersection or within forty metres (40m) of any road traffic sign, measured parallel to the centre line of the nearest roadway;
  - (d) Any advertising or sign visible from a Class 1, 2 or 3 road, including national or provincial routes, as defined in SAMOAC;
  - (e) Any application proposing to reduce or exceed the illumination limits prescribed in section 9 or reduce or exceed the minimum spacing limits prescribed Table 1 in section 10 of this By-law; and
  - (f) Any advertising or sign located along a scenic route, gateway route, or in a visually complex environment identified in a Control Map or Overlay Zone, where background clutter or curves in road alignment may distract motorists.
- (3) A Traffic Impact Assessment must be prepared by a professionally registered traffic engineer and must assess, in accordance with SAMOAC and RTMC procedures—
- (a) driver sight distance and decision zones;
  - (b) possible distraction and luminance effects;
  - (c) compliance with prescribed spacing and clearance standards; and
  - (d) any cumulative impacts of nearby advertising or signs.
- (4) A Traffic Impact Assessment is not required for—
- (a) locality-bound advertising or signs smaller than four comma five square metres (4,5 m<sup>2</sup>) that are not illuminated;
  - (b) advertising or signs situated more than one hundred metres (100m) from any public road and not visible to the travelling public; or
- (5) Electronic or internally illuminated advertising or signs visible from Class 2 or Class 3 roads, Gateway Routes or Scenic Routes may only be approved if supported by a Traffic Impact Assessment and a Visual Impact Assessment demonstrating that the advertising or sign will not create a risk to road traffic-safety.
- (6) Electronic or illuminated advertising or signs are prohibited within Gateway Routes, Scenic Routes or areas of maximum control unless the Municipality, based on a Traffic Impact Assessment, determines that the advertising or sign will not create a risk to road traffic-safety.

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- (7) Advertising on bridges, towers, telecommunication masts, pylons or street poles shall not be permitted, unless the Municipality, based on a Traffic Impact Assessment, determines that the advertising or sign will not create a risk to road traffic-safety.
- (8) The graphic content of any advertising or sign must not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:
  - (a) any stylised or pictorial presentation of a road traffic sign or traffic signal;
  - (b) any word, symbol, logo or other device used on a road traffic sign;
  - (c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion; and
  - (d) any reflector paint or material.
- (9) Advertising or signs may not be attached to or obscure a road traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual or applicable legislation.
- (10) Advertising or signs may not be erected within the road reserve of any public road unless expressly approved by the Municipality.
- (11) Static, non-illuminated advertising or signs may be permitted within eighty metres (80m), but no closer than fifty metres (50m), of a signalised traffic intersection, provided that—
  - (a) red, yellow, or green are not the predominant colours;
  - (b) the advertising or sign does not obscure or interfere with any traffic signal, road sign, or driver visibility; and
  - (c) the Municipality is satisfied, supported by a Traffic Impact Assessment prepared by a professionally registered traffic engineer, that no distraction or confusion to motorists will occur.
- (12) No internally illuminated or electronic advertising or signs shall be permitted within 80 metres (80m) of a signalised traffic intersection.
- (13) Electronic advertising or signs visible from a public road—
  - (a) shall not display flashing, running, intermittent, or animated content;
  - (b) shall not include transition effects such as fading, scrolling, dissolving, or any other form of movement between messages; and

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- (c) shall display each complete static message for a minimum duration of—
  - i. six (6) seconds when visible from a signalised traffic intersection;  
and
  - ii. three (3) seconds at all other locations.
- (14) Electronic and internally illuminated advertising or signs shall not be permitted within heritage, scenic or other areas of maximum control, or along roads carrying high traffic volumes or complex traffic movements, particularly where their illumination or movement could distract motorists, especially at night.
- (15) All advertising or signs exceeding four comma five square metres (4,5 m<sup>2</sup>) in surface area and visible from a Class 2 or Class 3 road, including any advertising or sign erected adjacent to a public road or within a railway reserve, shall be spaced a minimum linear distance from any other lawful advertising or road traffic sign, measured parallel to the centre line of the roadway, as set out in Table 1 below:

**TABLE 1: LINEAR SPACING BETWEEN SIGNS**

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| Instance                                         | Spacing required when visible for traffic on road with a speed of: |             |         |
|--------------------------------------------------|--------------------------------------------------------------------|-------------|---------|
|                                                  | ≤ 60 km/h (In the Rural Areas and the Scenic Routes)               | 61 – 80km/h | ≥80km/h |
| Where advertising or a sign follows a road sign  | 120m                                                               | 200m        | 300m    |
| Where advertising or a sign follows another sign | 250m                                                               | 250m        | 300m    |
| Where advertising or a sign precedes a road sign | 40m                                                                | 70m         | 100m    |

- (16) The Municipality may reduce the spacing distances specified in Table 1 only where a Traffic Impact Assessment prepared by a registered traffic engineer demonstrates, to the Municipality's satisfaction, that the reduction will not compromise road-traffic safety.
- (17) The Municipality may, by public notice, identify minimum-control areas or corridors where these spacing standards do not apply, provided such exemption is supported by a Traffic Impact Assessment.

## 11. LEGAL REQUIREMENTS

All advertising or signs to be erected and/or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-law, comply with all other applicable legislation, including but not limited to the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and any applicable By-law promulgated thereunder, the Stellenbosch Municipality Zoning Scheme By-law or any condition of approval or any departure from the Stellenbosch Municipality Zoning Scheme By-law adopted by the Municipality.

## 12. APPROVAL



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- (1) When considering an application in terms of this By-law, the Municipality may—
  - (a) approve the application;
  - (b) approve it subject to lawful, reasonable, and relevant conditions necessary to ensure compliance with this By-law, the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the Stellenbosch Land Use Planning By-law, 2023, and any other applicable law, including conditions relating to the design, erection, maintenance, safety, visual impact, or environmental compatibility of the advertising or sign; or
  - (c) refuse the application, stating in writing the reasons for such refusal.
- (2) The Municipality may require as a condition of approval that the owner of the sign, or the person on which such advertising or sign is erected, indemnify and hold the Municipality harmless against any claim, loss, damage, or injury arising directly from the erection, display, or structural failure of such advertising or sign, excluding loss or damage caused by the Municipality's own negligence or unlawful conduct.
- (3) The Municipality may, at any time, withdraw an approval granted in terms of this By-law or amend any condition or impose a further condition in respect of such approval, if advertising , a sign or advertising structure:
  - (a) is in the Municipality's opinion, in a state of disrepair and/or dilapidation;
  - (b) remains vacant or displays no advertising for a continuous period exceeding six (6) months, unless the owner has been granted an extension in writing by the Municipality, after demonstrating reasonable commercial or operational grounds for the temporary non-use;
  - (c) becomes redundant or obsolete in that it advertises a business, product, or event that has permanently ceased operation, and the advertising is not replaced or updated within sixty (60) days after becoming redundant;
  - (d) no longer complies with any provision of this By-law or any other law; or
  - (e) is substantially altered from the original approved application by way of either structure or graphic content.

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- (4) In such circumstances described in section 12(3) above, the Municipality must, before taking enforcement action, issue a written notice to the owner calling upon them to remedy the situation within thirty (30) days, failing which approval may be withdrawn and removal required at the owner's cost.
- (5) Should approved advertising not be erected and/or displayed within twelve (12) months from the date of approval or within such other time as is specified in the approval decision/notice, such approval shall lapse, unless that period is extended in writing by the Municipality prior to such lapse having occurred.
- (6) In the event that the advertising structure is intentionally demolished before the expiry of the approval period, the approval shall lapse and no further advertising, sign or advertising structure may be erected or re-erected without the prior Municipality's approval in terms of this by-law.
- (7) The Municipality must decide any application submitted in terms of this By-law within sixty (60) calendar days from the date on which—
  - (a) it confirms receipt of a complete application; or
  - (b) where additional information has been requested, the date on which such information is received; or
  - (c) any oral hearing is held.
- (8) Every decision of the Municipality must be in writing and must—
  - (a) state the outcome of the application and the reasons for the decision; and
  - (b) be communicated in writing to the applicant and any interested or affected party within thirty (30) days after the decision has been made.
- (9) The written notification of the municipality's decision must also inform the applicant and any interested or affected party of their right to appeal the decision in terms of this By-law.

**CHAPTER 3: GENERAL PROVISIONS**

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**13. APPEAL**

- (1) Any person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal that decision in accordance with section 51 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read together with Chapter VII (sections 79 to 81) of the Stellenbosch Land Use Planning By-law, 2023.
- (2) The appeal must be—
  - (a) lodged in writing with the Appeal Authority designated under the Stellenbosch Land Use Planning By-law;
  - (b) submitted within twenty-one (21) days from the date of notification of the decision; and
  - (c) accompanied by the grounds and reasons for the appeal.
- (3) The appeal must be processed and determined in accordance with the procedures and timeframes prescribed in the Stellenbosch Land Use Planning By-law, 2023.
- (4) The lodging of an appeal in terms of this section suspends the operation of the decision appealed against until the Appeal Authority has made a final determination, unless the Appeal Authority directs otherwise.

**14. ADVERTISING FOR WHICH MUNICIPALITY'S APPROVAL NOT REQUIRED**

- (1) Should advertising not comply with the conditions relative to each advertising type listed in this section, an application in terms of section 4 will be required.
- (2) Subject to compliance with the conditions relative to each advertising type provided for in this section and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this By-law in respect of the advertising provided for in this section.
- (3) Development Boards

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- (a) Development boards shall be removed forthwith when the building operations are complete or if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the advertising relates has ceased.
- (b) The Municipality may order the removal of any such development boards if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such development boards may thereupon be forthwith removed but no later than five (5) days after the date of the order for removal thereof.
- (c) If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board may be displayed, and such development board may not exceed 3m<sup>2</sup> in total surface area.
- (d) If the premises are not to be used wholly for residential purposes, no more than two development boards may be displayed, and the aggregate area of both development boards may not exceed 5m<sup>2</sup> in total surface area;
- (e) If the development boards, whether on freestanding boards, or flexible building covering material, include any other form of third-party advertising, such development board must then comply with the provisions of Schedule 8 hereto and approval for the display thereof must first be obtained in terms of this By-law.

(4) To Let/For Sale Signs

To Let/For Sale Signs, must comply with the following conditions:

- (a) They may not exceed four hundred millimetres (400mm) x five hundred millimetres (500mm) or zero comma two square metres (0,2m<sup>2</sup>) in total surface area;

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- (b) They must be erected and/or displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building; and
- (c) They must be removed within two (2) weeks from date of issue of the occupation certificate or conclusion of a contract.

(5) On Premises Business Advertising

- (a) A single wall-mounted sign may be displayed for each lawful business, profession, trade, or industry conducted on the premises, provided that—
  - i. It is not illuminated;
  - ii. It does not project over any public road or road reserve;
  - iii. the total surface area does not exceed zero comma two square metres (0,2m<sup>2</sup>); and
  - iv. the content is limited to the following information only:
    - (aa) the name of the lawful occupant or business;
    - (bb) the nature or type of activity carried on;
    - (cc) the street address and telephone number of the premises;
    - and
    - (dd) the business hours of operation, if applicable.
  - v. No more than one such sign per lawful occupant may be displayed, unless specifically approved by the municipality on application.

(6) Window Advertising

- (a) These include Locality-Bound advertising which is temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent advertising which is displayed within two meters (2m) of any window or external opening through which it can be seen from the outside of such a building.
- (b) In an area of maximum control, window advertising may not—
  - i. exceed four square metres (4 m<sup>2</sup>) in total area; or

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- ii. cover more than fifty percent (50%) of the total surface area of any single window pane or glazed panel,
- whichever is the smaller of the two areas.

(7) Advertising incorporated in the face of a building

- (a) Advertising that forms an integral architectural or structural part of a building, excluding any painted advertising sign affixed onto the surface of the building, provided that—
  - i. the advertising or sign does not exceed zero comma two square metres (0,2 m<sup>2</sup>) in total surface area;
  - ii. it is not internally illuminated or externally floodlit; and
  - iii. it is compatible with the design, scale, and materials of the building façade.

(8) Security Advertising

Security Advertising not projecting over any public road and not exceeding zero comma two square metres (0,2m<sup>2</sup>) in total surface area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the advertising may be displayed, on condition that—

- (a) only one such sign is displayed on any public road or each street frontage of such premises; and
- (b) the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the advertising or sign is displayed.

(9) Sponsored, Community and Non-Profit Body Advertising: less than 4.5m<sup>2</sup>.

- (a) Advertising erected and/or displayed by, on behalf of, or in association with a non-profit organisation, community body, or public institution may be permitted, provided that—



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- i. the total surface area does not exceed four and a half square metres (4,5 m<sup>2</sup>);
  - ii. any sponsor identification or third-party advertising occupies no more than five percent (5%) of the total surface area;
  - iii. it is not illuminated; and
  - iv. no more than one such sign is displayed per property or erf.
- (b) Where such an advertising or sign is to be erected and/or displayed on municipal land, it may only be erected and/or displayed in terms of a written agreement with the Municipality specifying the location, duration, maintenance obligations, and extent of community or public benefit.
- (c) All sponsored advertising or signs exceeding four and a half square metres (4,5 m<sup>2</sup>), or otherwise not complying with subsection (a), must be assessed and controlled in accordance with Schedules 16 and 17 of this By-law.
- (d) These provisions apply subject to the area-of-control classifications and any other applicable requirements of SAMOAC and this By-law.

(10) Advertising or signs on Vehicles

Advertising or signs painted or affixed directly onto the body of a motorised vehicle that is not used for the sole purpose of advertising, unless such advertising constitutes Transit Advertising.

**15. PROTECTION OF PROPERTY AND ENVIRONMENT**

- (1) No person may write, paint, affix, display, or otherwise exhibit any advertising, sign, symbol, letter, numeral, or mark that defaces, damages, harms, or disfigures—
- (a) any façade, wall, fence, building, structure, or roof;
  - (b) any road surface, road traffic sign, street furniture, pavement, kerb, or other municipal installation; or
  - (c) any tree, rock, or other natural or landscape feature.

- (2) No person may, whether during construction or at any other time, damage or alter the frontage of any property or structure in the course of displaying, erecting, or maintaining advertising or a sign, except as authorised by the Municipality.
- (3) No person may deface, obscure, or damage advertising or a sign lawfully displayed in terms of this By-law.

## **16. ENTRY AND INSPECTIONS**

- (1) The Municipality may, through an authorised official, enter upon any land or building at a reasonable time for the purpose of—
  - (a) carrying out any inspection necessary to administer or enforce this By-law; or
  - (b) verifying compliance with any condition of approval or notice issued in terms of this By-law.
- (2) Entry onto private property may not take place without-
  - (a) the consent of the owner or lawful occupier of the property in question; or
  - (b) an order of court.
- (3) If the owner or lawful occupier refuses entry, the Municipality may apply to a competent court for an order authorising the municipality or its authorised official to enter upon and inspect the land or building for the purposes of administering or enforcing this By-law, subject to any conditions set out in the order.
- (4) When conducting an inspection in terms of this section, the authorised official must produce written identification and a copy of the court order upon request.
- (5) Any inspection conducted in terms of this section must be carried out with due regard to the rights to privacy, property, and administrative justice guaranteed in the Constitution.

**17. ENFORCEMENT AND REMOVAL OF ADVERTISING**

- (1) The erection, display, or maintenance of advertising, a sign or advertising structure in contravention of this By-law constitutes an unlawful land use as contemplated in section 85 of the Stellenbosch Land Use Planning By-law, 2023, read with section 58 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).
- (2) Where the Municipality reasonably believes that advertising, a sign or advertising structure has been erected, displayed, or maintained in contravention of this By-law or where immediate action is reasonably necessary to prevent or mitigate an imminent and serious danger to any person or property, traffic safety, public safety, or the environment, it may issue a written compliance notice calling upon the owner or occupier of the land, or to the owner or operator of the advertising, the sign or advertising structure, to, within fourteen (14) days of that notice—
  - (a) remove, alter, or regularise the advertising, the sign and/or advertising structure;
  - (b) rehabilitate any affected land or structure to its previous condition; and
  - (c) cease the unlawful use within a period specified in the notice.
- (3) The Municipality may withdraw or amend a compliance notice by written notice at any time.
- (4) Where a person fails to comply with a compliance notice, the Municipality may institute enforcement proceedings in terms of section 86 of the Stellenbosch Land Use Planning By-law, 2023, or any other applicable law.
- (5) The imposition of any penalty or remedial action in terms of this section does not preclude the Municipality from exercising any other statutory, civil, or criminal remedy available to it.
- (6) The remedies provided in this Chapter are in addition to and not in substitution for any remedy provided by this By-law, the Stellenbosch Land Use Planning By-law, 2023, SPLUMA, or any other applicable legislation.

**18. SERVING OF NOTICES**

- (1) A notice, order or any other document issued by the Municipality in terms of this By-law is deemed to be duly issued if an authorised official of the Municipality, formally delegated, signed it.
- (2) Any notice or other document that is served on a person in terms of this By-law is regarded as having been duly served—
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen (16) years;
  - (c) when it has been posted by registered or certified mail to that person's known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the premises of the body corporate; or
  - (g) when it has been delivered, at the request of that person, to his/her/its nominated e-mail address.
- (3) Serving of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, holder of the property or right in question, and it is not necessary to name that person.

**19. LIAISON FORUMS IN THE COMMUNITY**

- (1) The Municipality may, by public notice or Council resolution, establish one or more liaison forums to facilitate structured participation in the implementation of this By-law, including its review, enforcement priorities and the management of outdoor advertising within the municipal area.
- (2) The purpose of such forums is to—
  - (a) promote transparent engagement between the Municipality, affected communities, the outdoor advertising industry, and other interested and affected parties;
  - (b) advance the conservation of the Municipality's visual, heritage, tourism and environmental assets; and
  - (c) promote local economic development through fair and responsible regulation of advertising activities.
- (3) Despite subsection (2), where an application made in terms of this By-law relates to land, buildings or areas—
  - (a) located within a heritage protection overlay zone, urban conservation area, or declared heritage site; or
  - (b) identified by Heritage Western Cape or the Municipality as containing graded heritage resources,

the applicant must circulate the application to all registered heritage bodies recognised under section 25 of the National Heritage Resources Act, 1999 (Act 25 of 1999), for written comment within thirty (30) days of receipt thereof.
- (4) Comments received in terms of subsection (3) must be considered before a decision is made on the application, and the Municipality must record its reasons in writing where it departs from any recommendation of a registered heritage body.
- (5) Each liaison forum must, as far as reasonably practicable, include balanced representation from—
  - (a) Authorised officials designated by the Municipality;
  - (b) at least one councillor nominated by the relevant Council committee;
  - (c) representatives of the outdoor advertising and media industry, including out-of-home advertising operators;

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- (d) representatives of business and tourism associations within the municipal area;
  - (e) community or residents' associations representing affected neighbourhoods; and
  - (f) heritage, environmental or cultural interest groups recognised by the Municipality.
- (6) The Municipality must invite nominations for forum membership by public notice and may appoint members for a defined term not exceeding three (3) years, which may be renewed.
- (7) A liaison forum—
- (a) functions in an advisory capacity only and has no decision-making powers;
  - (b) may, on its own initiative or at the Municipality's request, make recommendations or provide technical or community input on any matter arising from this By-law; and
  - (c) must keep written records of all meetings and submit them to the Director responsible for outdoor advertising for consideration.
- (8) The Municipality must consider, but is not bound by, any recommendations made by a forum established under this section, and must record its reasons in writing where it departs from such recommendations.

**20. OFFENCES AND PENALTIES**

- (1) Any person who contravenes any provision or fails to comply with any provision of this By-law, or fails to comply with a notice issued in terms of this By-law, commits an offence and shall upon conviction be liable to—
- (a) a fine imposed by a court of competent jurisdiction, or, in default of payment, to imprisonment for a period not exceeding six (6) months, or to both such fine and imprisonment;
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and



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- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.
- (2) A person commits an offence if he or she—
  - (a) threatens, resists, hinders, obstructs or otherwise interferes with, or who uses foul or abusive language towards or at an employee or contractor of the Municipality in the exercise of any powers or performance of any duty or function in terms of this By-law; or
  - (b) impersonates an employee or contractor of the Municipality;
  - (c) fails to comply with any notice issued by the Municipality in terms of this By-law.

**21. CONFLICT WITH OTHER LEGISLATION**

- (1) In the event of any conflict between any provision of this By-law and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail subject to section 151(3) and 156(4) of the Constitution.
- (2) In the event of an inconsistency between the different texts the English text shall prevail.

**22. REPEAL OF BY-LAW**

- (1) The Stellenbosch Municipality Outdoor Advertising and Signage By-law (2023), together with any provisions in earlier by-laws of the Municipality or of any former municipality now incorporated within the jurisdiction of the Stellenbosch Municipality, that regulate or purport to regulate outdoor advertising or signage, are hereby repealed.
- (2) Despite subsection 22(1)—

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- (a) any approval, consent, exemption, notice, directive or other administrative act lawfully issued in terms of a repealed by-law and still valid immediately before the commencement of this By-law remains in force as if issued in terms of this By-law, until amended, replaced or withdrawn by the Municipality in accordance with this By-law; and
  - (b) any application lawfully submitted in terms of a repealed by-law and not yet decided at the commencement of this By-law must be finalised in accordance with this By-law, unless the Municipality determines otherwise for good cause.
- (3) This repeal and saving clause is enacted in terms of sections 12(2) and 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), read with section 156(2) of the Constitution of the Republic of South Africa, 1996.

**23. TRANSITIONAL ARRANGEMENTS**

- (1) All advertising, signs or advertising structures that existed before the commencement of this By-law and which were not authorised in terms of a municipal by-law or approval process, are not automatically deemed unlawful solely for the historical period prior to commencement, but must be registered and regularised with the Municipality in accordance with this By-law within twelve (12) months.
- (2) The owner of any property on which existing advertising or a sign is displayed must, within twelve (12) months of the commencement of this By-law—
  - (a) submit to the Municipality the particulars of the advertising, the sign or the advertising structure, including its location, size, construction and content; and
  - (b) apply for approval in terms of this By-law, supported by any technical information required under section 4.
- (3) On receipt of an application, the Municipality may—
  - (a) approve the continued display of the advertising, the sign and/or the advertising structure, subject to reasonable conditions to ensure compliance with this By-law; or

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- (b) direct the modification or removal of the advertising, the sign or the advertising structure, after giving the owner written notice and a reasonable opportunity to make representations.
- (4) All advertising, signs or advertising structures that are structurally unsafe, pose a traffic or environmental hazard, or are situated within an area of maximum control, may be ordered to be removed in accordance with section 17.
- (5) If, after the expiry of the period referred to in subsection (2), advertising, a sign or an advertising structure remains unregularised and non-compliant in terms of this By-law, the Municipality may institute enforcement proceedings under section 17.
- (6) The Municipality may, on written request and for good cause shown, extend the period contemplated in subsection (2).
- (7) Nothing in this section affects the Municipality's power to withdraw or amend any approval granted in terms of this By-law.

**24. SHORT TITLE AND COMMENCEMENT**

This By-law shall be known as the Stellenbosch Municipality Outdoor Advertising and Signage By-law, and comes into operation on the date of promulgation in the Provincial Gazette or as otherwise indicated in the publication notice.

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**SCHEDULE 1: AREAS OF CONTROL**

| CONTROL CATEGORY             | TYPICAL ENVIRONMENTAL AND LAND-USE CONTEXT                                                                                                  | APPLICABLE ZONING OR OVERLAY REFERENCES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | PERMISSIBILITY AND INTENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MAXIMUM CONTROL AREAS</b> | Environments of high environmental, scenic, heritage or cultural sensitivity where advertising should be severely restricted or prohibited. | <ul style="list-style-type: none"> <li>Urban and Rural Conservation Overlay Zone (Stellenbosch Zoning Scheme By-law 2024).</li> <li>Scenic Routes Overlay Zone (Stellenbosch Zoning Scheme By-law 2024).</li> <li>Open Space Zone 2 – Nature Reserve and Open Space Zone 3 – Private Open Space.</li> <li>Agricultural Zone 1 – Agriculture and Zone 2 – Rural Smallholding within scenic or conservation overlays.</li> <li>Heritage Protection Overlay and Urban Conservation Overlay precincts.</li> <li>Declared heritage sites or graded buildings under the National Heritage Resources Act 25 of 1999.</li> </ul> | <p>Advertising may be approved subject to:</p> <ul style="list-style-type: none"> <li>supported by a Traffic Impact Assessment if required in terms of Section 10(2), a Visual Impact Assessment, Environmental Impact Assessment and Heritage Impact Assessment or proof from the relevant authority that such assessments are not required;</li> <li>It is locality-bound, does not exceed 2 m<sup>2</sup> in total surface area, is non-illuminated, and is designed and constructed from durable materials compatible with the architectural character or natural setting of the site;</li> <li>It does not detract from the heritage, scenic or environmental character;</li> <li>Third-party, non-Locality-Bound and electronic advertising is prohibited.</li> </ul>                                                                                                                                                                                                                                                                                |
| <b>PARTIAL CONTROL AREAS</b> | Areas of moderate visual sensitivity where limited, context-responsive advertising may be permitted.                                        | <ul style="list-style-type: none"> <li>Mixed Use Zone 1 – Central Business District, Zone 2 – Activity Corridor, and Business Zone 1 – Local Business.</li> <li>Institutional Zone 1 – Education, Open Space Zone 1 – Public Open Space and Zone 3 – Private Open Space within the urban edge.</li> <li>Transport Zone 1 – Road Reserve and Transport Zone 2 – Rail Reserve (excluding heritage or scenic overlays).</li> <li>Neighborhood business streets adjoining maximum-control precincts.</li> </ul>                                                                                                              | <p>Advertising may be approved subject to:</p> <ul style="list-style-type: none"> <li>supported by a Traffic Impact Assessment if required in terms of Section 10(2), a Visual Impact Assessment, Environmental Impact Assessment and Heritage Impact Assessment or proof from the relevant authority that such assessments are not required;</li> <li>Compliance with the size, spacing and illumination limits provided for in this By-law;</li> <li>Design integration with building form and streetscape;</li> <li>Restriction of electronic or internally illuminated signs to a maximum of 2.1 m<sup>2</sup> per sign surface where located on or adjacent to streets with posted speeds of 60 km/h or less, unless otherwise authorised by the Municipality on the basis of a professional Traffic Impact Assessment and Visual Impact Assessment confirming that a larger sign will not create material safety or amenity impacts;</li> <li>Municipal discretion to impose stricter conditions where adjacent to maximum-control areas.</li> </ul> |
| <b>MINIMUM CONTROL AREAS</b> | Environments of low visual sensitivity where larger or third-party advertising may be considered, subject to safety and design control.     | <ul style="list-style-type: none"> <li>Industrial Zone 1 – General Industry and Industrial Zone 2 – Service Industry.</li> <li>Utility, Transport or Authority Use Zones used for infrastructure, public-service or municipal functions.</li> <li>Logistics precincts, transport interchanges, park-and-ride facilities and railway yards outside heritage or scenic overlays.</li> <li>Any area not designated as maximum or partial control through an Overlay Zone adopted under the Land Use Planning By-law 2023.</li> </ul>                                                                                        | <p>Advertising may be approved subject to:</p> <ul style="list-style-type: none"> <li>supported by a Traffic Impact Assessment if required in terms of Section 10(2), a Visual Impact Assessment, Environmental Impact Assessment and Heritage Impact Assessment or proof from the relevant authority that such assessments are not required;</li> <li>Compliance with structural, illumination and spacing standards in sections 7–10 and Schedule 2;</li> <li>Prohibition only where public-safety or traffic impacts are demonstrated.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

**Interpretation note:**

- (1) The control category, not the descriptive area type, determines the permissibility of advertising.
- (2) Where a site falls within, is directly adjacent to or abuts more than one control category, the stricter (higher) control level applies.
- (3) In the absence of an adopted Control Map, the Overlay Zones referred to in section 6(3) of this By-law are deemed to determine the applicable control category.
- (4) This Schedule must be read together with the Stellenbosch Zoning Scheme By-law 2024 and the Municipal Spatial Development Framework to confirm spatial extent.
- (5) Industrial or transport precincts containing graded heritage resources or forming part of a heritage protection overlay zone are deemed to be subject to at least partial control and may, where necessary to safeguard architectural or cultural significance, be managed as maximum control areas at the discretion of the Municipality in consultation with Heritage Western Cape.

## **SCHEDULE 2: BILLBOARDS**

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Subject to approval in terms of this By-law, the erection and/or display of a Billboard, whether custom-made or of standard design, is permitted only in areas of minimum control outside the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone referred to in section 6(8) of this By-law. Furthermore:

- (1) If a billboard is visible from a class 2 or class 3 road, the billboard may not be placed less than five meters (5m) from the boundary line of the property on which it is proposed to be erected and/or displayed, subject to compliance with Section 10(11) of this By-law;
- (2) No billboard will be permitted on a designated Gateway Route;
- (3) A Billboard must comply with the standard conditions of approval set out in this By-Law;
- (4) A Billboard must not encroach over the boundary line of the property on which it is erected and/or displayed, whether such encroachment is aerial or on ground level;
- (5) A Billboard must have a minimum clear height of two comma four metres (2,4m) and a structure which does not exceed a maximum height of seven and a half metres (7,5m) above natural ground level;
- (6) The maximum total surface area of a billboard must correspond to the posted speed of the nearest roadway as follows:
  - (a) on roads with a posted speed of less than or equal to sixty kilometres per hour ( $\leq 60$  km/hr), the advertising or sign surface may not exceed eighteen square metres (18 m<sup>2</sup>);
  - (b) on roads with a posted speed of sixty-one to eighty kilometres per hour (61–80 km/hr), the advertising or sign surface area may not exceed twenty-seven square metres (27 m<sup>2</sup>);
  - (c) on roads with a posted speed in excess of eighty kilometres per hour ( $> 80$  km/hr), the advertising or sign surface may not exceed thirty-six square metres (36 m<sup>2</sup>);

provided that—



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- i. no billboard structure may exceed a total height of seven comma five metres (7,5 m) above natural ground level;
  - ii. V-shaped or back-to-back structures may contain two surfaces not exceeding the above limits respectively; and
  - iii. illumination, spacing and positioning must comply with section 10.
  - iv. A billboard must be displayed at an angle of not less than sixty degrees (60°) and not more than ninety degrees (90°) to the direction of oncoming traffic to ensure adequate legibility and to prevent driver distraction or glare, consistent with recognised road-safety engineering standards.
- (7) A Billboard must be spaced the minimum distance apart as specified in section 10 of this By-Law;
- (8) If erected and/or displayed along the right-hand side of a section of road, such that its graphics are visible to a driver traveling on the left-hand side of the road, then such billboard shall be deemed to have replaced the advertising opportunity that existed on the left-hand side of the road;
- (9) Where a billboard is visible to vehicular traffic, the minimum height of any letter or numeral forming part of the principal advertising message must be not less than two hundred and eighty-five millimetres (285mm), measured vertically.
- (10) The Municipality may permit reduced character heights for billboards where:
- a. The Billboard is directed solely at pedestrians and is not visible to vehicular traffic; or
  - b. The Billboard is situated on public roads with design speeds of less than or equal to sixty kilometres per hour ( $\leq 60$  km/hr) provided a Traffic Impact Assessment demonstrates no adverse road traffic-safety risk.
- (11) The approval number as well as the name of the advertising company or owner of such billboard, must be displayed in a visible area on the billboard.
- (12) The Municipality may, in exceptional circumstances, approve a limited deviation from the dimensional, spacing or height requirements in this Schedule, provided that—

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- (a) the applicant demonstrates, by means of a Traffic Impact Assessment meeting the criteria in section 10(2), and a Visual Impact Assessment and Structural Safety Report where applicable, that the proposed deviation will not compromise road-traffic safety, structural integrity or visual amenity;
- (b) the deviation is required owing to objective site-specific conditions, such as topography, existing built form, or service-infrastructure constraints, and not merely for commercial advantage;
- (c) the application and supporting documentation are made available for public comment where the deviation exceeds ten percent (10%) of a prescribed standard; and
- (d) the decision and reasons for approval are recorded in writing and form part of the permanent municipal register of outdoor-advertising approvals.

### **SCHEDULE 3: LOCALITY-BOUND FREESTANDING AND COMPOSITE ADVERTISING**

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Subject to approval in terms of this By-law and subsection 5 of this Schedule, the erection and/or display of on-premise (locality-bound) freestanding or composite advertisings is permitted in urban areas of partial and minimum control, and in maximum-control areas only where supported by a Traffic Impact Assessment, a Visual Impact Assessment and, where applicable, an Environmental Impact Assessment and a Heritage Impact Assessment, demonstrating no material adverse impact on visual amenity, environmental or cultural significance.

- (1) Locality-Bound Freestanding and Composite Advertising may be permitted only—
  - (a) where the business premises are set back fifteen metres (15m) or more from the road-reserve boundary, or such lesser distance as approved by the Municipality upon demonstration that compliance is impracticable and road traffic safety is not compromised;
  - (b) where it is not reasonably practicable to affix advertising to the building;
  - (c) where such advertising or sign is required to identify the lawful entrance to the premises; or
  - (d) where a single composite sign will reduce the proliferation of multiple smaller signs.
- (2) Freestanding or composite signs may not exceed four comma five metres (4,5 m) in height and four comma five square metres (4,5 m<sup>2</sup>) in total surface area, but the Municipality may permit an increase up to six metres (6m) in height and nine square metres (9 m<sup>2</sup>) in total surface area if supported by a Visual Impact Assessment, confirming that the deviation will not result in any material adverse visual impacts.
- (3) Service-station pylons must be locality-bound and limited to one per street frontage, not exceeding seven comma five metres (7,5m) in height or eight (8) panels of four comma five square metres (4,5 m<sup>2</sup>) per surface, and in maximum-control areas to four comma five metres (4,5 m) in height and seven square metres (7 m<sup>2</sup>) per surface.

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- (4) Within conservation areas or single-residential zones, only the standard forms prescribed in Schedule 18 are permitted.

#### **SCHEDULE 4: ADVERTISING ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS**

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Subject to approval in terms of this By-law and subsection 5 of this Schedule, the erection and/or display of advertising attached to walls of buildings and flat and projecting signs is permitted in urban areas of partial and minimum control, and in maximum-control areas only where supported by a Visual Impact Assessment and, where applicable, an Environmental Impact Assessment and a Heritage Impact Assessment demonstrating no material adverse impact on the environment or visual amenity, architectural integrity, or heritage significance, and further subject to a Traffic Impact Assessment where required.

- (1) A flat or projecting sign-
  - (a) may not be erected within one (1) metre of the edge of a roadway or project over a public road or road reserve;
  - (b) may not project more than—
    - (i) One comma five metres (1,5m) in the case of a sign with a clear height exceeding seven comma five metres (7,5m); or
    - (ii) One metre (1 m) where the clear height is less than seven comma five metres (7,5m);
  - (c) may not project more than two hundred and fifty millimetres (250mm) over a footway unless its lowest edge has a minimum clear height of two comma four metres (2,4m);
  - (d) may not obstruct or interfere with any window, door, ventilation opening or other building feature necessary for access, lighting, or safety; and
  - (e) may not obscure any road traffic sign or signal.
- (2) The total surface area of a flat or projecting sign must not exceed five square metres (5 m<sup>2</sup>) and may not cover more than—
  - (a) Twenty percent (20%) of the façade to which it is affixed in an area of maximum control;
  - (b) Thirty percent (30%) in areas of partial or minimum control;

whichever is the lesser.

- (3) The Municipality may, upon written motivation, permit an increase in sign area up to a maximum of nine square metres (9 m<sup>2</sup>), provided that—
  - (a) a Traffic Impact Assessment and a Visual Impact Assessment, objectively demonstrate, to the satisfaction of the Municipality, that—
    - (i) the proposed increase will not reduce driver attention or reaction time below industry acceptable standards or otherwise cause a road traffic safety concern;
    - (ii) the proposed sign's luminance, legibility distance, and placement comply with the sight-distance, spacing and distraction parameters applicable to its road class; and
    - (iii) the visual exposure analysis indicates no material intrusion in an area classified as Maximum or Partial Control or into any area within the Overlay zones.
- (3) Signs displayed on blank or common boundary façades of non-residential buildings may be approved where—
  - (a) It forms an integral part of the façade design; and
  - (b) its scale, materials and illumination are compatible with the architectural character of the building and surrounding area.
- (4) Where a sign appears on a public façade—
  - (a) it must be so designed and positioned as to form an architectural component of the building; and
  - (b) any third-party advertising must be custom-designed for that façade and comply with subsection (2) above.
- (5) No flat or projecting sign may be attached to the walls or fences of residential buildings, except for small on-premise signs lawfully permitted under section 14(5) of this By-law (e.g. home enterprises or professional practices).
- (6) Every such sign must display, in a visible area, the Municipal approval reference number, together with the name of the advertising company or owner responsible for its maintenance.



**SCHEDULE 5: SKY ADVERTISING**

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- (1) Subject to approval in terms of this By-Law, the erection and/or display of sky advertising whether custom made or of standard design, is permitted in areas of minimum control only.
- (2) In addition, sky advertising must:
  - (a) be limited to a maximum total surface area of four comma five square metres (4,5m<sup>2</sup>);
  - (b) not obstruct the view of or affect the amenity of any other building;
  - (c) be securely and properly anchored to the building where it will be erected, ensuring that all structural loads are safely distributed to the building's structural members without the need for additional guys, stays, or restraining devices;
  - (d) be constructed entirely from non-combustible materials approved by the Municipality. If illuminated, it cannot be positioned on or over the roof of any buildings unless both the sign and the entire roof construction are made of non-combustible materials as specified by the Municipality;
  - (e) be accompanied by an engineer's certificate, which certificate must be submitted to the Municipality within five (5) days of its completion;
  - (f) be positioned to avoid obstructing the run-off of rainwater from the building's roof and to prevent interference with any building feature, element, or component that requires direct exposure to solar radiation for proper functioning.
- (3) Sky advertising along the top edge of the roof of cultural, historic or architecturally significant buildings will not be allowed.
- (4) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

**SCHEDULE 6: ROOF ADVERTISING**

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Subject to approval in terms of this By-Law, the erection and/or display of roof advertising is permitted only in areas of minimum control and must comply with the following:

- (1) The total surface area of any roof advertising affixed flush onto or painted onto a roof of a building may not exceed one-quarter of the overall area of the roof to which it is affixed or painted.
- (2) When attached to the bottom edge of a roof or vertically midway on the roof of a building, it may not exceed five hundred millimetres (500mm) in height and its total surface area may not exceed twenty five percent (25%) of the roof area to which it is affixed.
- (3) May not obstruct the view of or affect the amenity from any other building.
- (4) Must be securely and properly anchored to the building where it will be erected and/or displayed, ensuring that all structural loads are safely distributed to the building's structural members without the need for additional guys, stays, or restraining devices.
- (5) Must be constructed entirely from non-combustible materials approved by the Municipality and where illuminated, it cannot be positioned on the roof of any buildings unless both the advertising, the sign and the advertising structure as well as the entire roof construction are made of non-combustible materials as specified by the Municipality.
- (6) Must be positioned to avoid obstructing the run-off of rainwater from the building's roof and to prevent interference with any building feature, element, or component that requires direct exposure to solar radiation for proper functioning.
- (7) It shall be permissible to affix a roof advertising along the edge of a roof of a building, if such advertising is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed three comma six square metres (3,6m<sup>2</sup>) in total surface area, with a maximum height of five hundred millimetres (500mm).

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- (8) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

## **SCHEDULE 7: ADVERTISING ON A VERANDA, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS**

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Subject to approval in terms of this By-Law and subsection 11 below, the erection and/or display of advertising on a veranda, balcony, canopy, supporting columns, pillars and posts may only be permitted in areas of partial and minimum control on the condition that they also comply with the following:

- (1) May not be attached to Historical Buildings.
- (2) May not be allowed on or over architectural features of buildings.
- (3) May be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, beam or fascia of a veranda or balcony.
- (4) May not exceed one metre (1m) in height or project above or below or beyond either end of the surface to which it is affixed, or project more than two hundred and fifty millimetres (250mm) in front of the surface to which it is affixed or project over a roadway or within zero comma six meters (0,6m) of the edge of the roadway.
- (5) May be affixed flat onto or painted on supporting columns, pillars and posts, and may project more than fifty millimetres (50mm) in front of the surface to which it is affixed but may not extend beyond any of the extremities of such column, pillar or post. If affixed flat onto non-rectangular advertising structures, the sign must be curved to fit the form of such structure.
- (6) Only one sign per column, pillar or post will be allowed.
- (7) Any advertising or sign suspended below the roof of a veranda, canopy or the floor of a balcony may not exceed one comma eight meters (1,8m) in length or six hundred millimetres (600mm) in height.
- (8) Any advertising or sign suspended below the roof of a veranda must be at right angles to the building line.
- (9) No advertising or sign suspended under a veranda or canopy may extend beyond the external edge of the canopy or veranda to which it is attached.
- (10) All suspended advertising or signs must have a clear height of at least two comma four meters (2,4m).

- (11) Such advertising or signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding individual, cut- out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a veranda or balcony.
- (12) No such advertising or sign shall be allowed in a conservation area within a single residential zone unless a Heritage Impact Assessment is submitted which confirms that no negative impact would be made on any heritage resources.
- (13) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

## **SCHEDULE 8: ADVERTISING ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS**

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Subject to approval in terms of this By-Law, the erection and/or display of advertising on boundary walls and fences is permitted only for Locality-Bound advertising in urban areas of maximum, minimum or partial control and in addition:

- (1) In urban areas of maximum and partial control, the Municipality may approve an application to affix Locality-Bound advertising against a boundary wall only if the advertising or sign is indented into the wall or composed of individual, un-illuminated cut-out letters or symbols fixed flat on such wall not projecting more than fifty millimetres (50mm) from the surface of such wall.
- (2) In areas of minimum control, the Municipality may approve, subject to a Visual Impact Assessment—
  - (a) an application to affix Locality-Bound advertising flat onto a boundary wall only if it does not project more than fifty millimetres (50mm) from the surface of such wall; and
  - (b) an application to affix Locality-Bound flat advertising with a maximum size of zero comma five square metres (0,5m<sup>2</sup>) onto the permanent fence of property.
- (3) Third party and Locality-Bound advertising on construction site hoardings and fences must comply with the following conditions:
  - (a) Any such advertising or sign may not exceed a vertical dimension of three meters (3m) and total surface area of eighteen square metres (18m<sup>2</sup>) and in the case of construction site cladding, the graphic must comply with the requirements of the Advertising Standards Authority of South Africa.
  - (b) Any such advertising may not project more than one hundred millimetres (100mm) in front of the hoarding or fence to which it is affixed;
  - (c) Any such advertising may not be illuminated in areas of maximum and partial control; and
  - (d) Any such advertising will not be allowed on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.



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- (4) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

## **SCHEDULE 9: HEADLINE POSTERS**

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Subject to approval in terms of this By-Law, the erection and/or display of headline posters is permitted in all areas of control except for areas within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone . In addition:

- (1) Headline posters may not exceed zero comma nine metres (0,9m) x zero comma six metres (0,6m) in area.
- (2) The commercial content of the poster may not exceed twenty percent (20%) of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster.
- (3) Headline posters may be attached to Municipal electrical light poles only where approved by the Municipality for the express purposes of these posters.
- (4) Headline posters may not be affixed to traffic sign poles, or other poles which carry road traffic signs, or poles erected for any other purpose except as provided for in item 5 below, or any other street furniture, walls, fences, trees, rocks or other natural features.
- (5) Headline posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose.
- (6) Only one headline poster per pole, regardless of which newspaper group it is, will be permitted, and must be at a uniform height of approximately two metres meters (2m).
- (7) The number of headline posters as well as the designated areas for the display of headline posters as approved by the Municipality must be strictly adhered to.
- (8) All “special events” posters are to comply with the following:
  - (a) the name of the newspaper group, the “special event” and the date of the “special event” must appear on the posters in letters not less than fifty millimetres (50mm) in height;
  - (b) the “special event” posters may not be displayed more than fourteen (14) days before the date of the event and they must be removed within forty-eight (48) hours after the date of the event shown on the poster.

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- (9)     Headline posters and fastenings are to be removed on a daily basis failing which the posters will be removed, at the newspaper group's expense, in accordance with the standard charges for removal of posters.
- (10)    The Municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the person responsible for the display of such posters or the newspaper group concerned.
- (11)    The Municipality may remove any poster displayed in contravention of the abovementioned conditions.
- (12)    Any poster not removed on a daily basis or a poster relating to a "special event" by due date referred to in item 8(b) above may be removed by the Municipality.
- (13)    The display of unauthorised posters is illegal, and the Municipality may also remove such posters.
- (14)    The Municipality may determine the costs involved for the removal of unauthorised posters.
- (15)    Application must be made on an annual basis by each newspaper group for permission to display such posters subject to an annual fee per newspaper group.
- (16)    A deposit per newspaper group who wishes to display posters must be paid annually against which a charge for the removal of any poster which contravenes the By-Law will be levied. In the event of the above deposit being exhausted, permission to display such poster may be withdrawn until a further deposit is submitted to the Municipality.

**SCHEDULE 10: POSTERS, BANNERS, TEAR-DROP BANNERS, FLAGS AND BALLOONS**

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Subject to approval in terms of this By-Law, the erection and/or display of posters, banners, tear-drop banners and flags other than those referred to in Schedule 11, or balloons, is permitted in all areas of control, except for areas of maximum control or areas situated within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. Only to be displayed within or adjacent to property associated with such advertising. In addition:

- (1) The display of posters, banners, tear-drop banners, flags and balloons is prohibited on any bridge or across any public road, and along any road designated by the Municipality, unless consent has been obtained from the Municipality.
- (2) Posters, banners, tear-drop banners, flags and balloons may not be attached in any manner which may interfere with or constitute a danger to passing pedestrians or vehicular traffic.
- (3) Flags or banner-type displays exceeding five square metres (5m<sup>2</sup>) are prohibited, with individual flags not to exceed two square metres (2m<sup>2</sup>). Additionally, flagpoles must adhere to property zoning height restrictions, with a maximum allowable height of eight meters (8m) above natural ground level, measured vertically from the base of the pole to its highest point.
- (4) No poster, banner, tear-drop banner, flag, or balloon may be displayed within thirty meters (30m) of any road traffic signs or traffic signal. Permission may be granted by the Municipality to relax this requirement, but this is subject to a Traffic Impact Assessment and Visual Impact Assessment confirming that this will not cause any adverse road traffic safety risk.
- (5) Posters, banners, flags, or balloons may not be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock features, other natural features, street furniture or other Municipal property.
- (6) Posters, banners, tear-drop banners, flags, or balloons may not be affixed in such a way that they unfairly prejudice other businesses or organisations or obscure any approved existing advertising.

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- (7) Only one (1) banner per premises will be permitted unless the Municipality's written permission is obtained for more than one.
- (8) A maximum of five (5) flagpoles bearing national flags may be erected and/or displayed on the premises of an accommodation facility on a single residential property.
- (9) Subject to the conditions laid down in paragraph 4 of this schedule, a maximum of two tear-drop banners or flags displaying the name, corporate symbol or nature of the business on the premises on which it is displayed, may be allowed.
- (10) Posters, banners, tear-drop banners, flags, and balloons must be maintained in a clean and undamaged condition while displayed. If notified in writing by the Municipality, any materials found to be in disrepair or unclean, must be promptly removed from display.
- (1) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

## **SCHEDULE 11: TEMPORARY POSTERS, TEAR-DROP BANNERS, BANNERS AND FLAGS ON PUBLIC ROADS AND PUBLIC PLACES**

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Subject to approval in terms of this By-Law, the erection and/or display of posters, banners, tear-drop banners and flags in public roads or public places, for the purpose of advertising specific events, is permitted in all areas of control except for areas within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone.

In addition —

- (1) Approval for third party advertising on posters, banners, tear-drop banners, flags and balloons may only be granted for a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or for a function or event relating to a Municipal, Provincial or Parliamentary election or referendum.
- (2) The name of the host organisation, the date and venue must appear on the material in letters not less than fifty millimetres (50mm) in height.
- (3) Posters, banners tear-drop banners and flags may only be erected and/or displayed to advertise the event and the name or emblem of a sponsor may not cover more than twenty percent (20%) of the surface of the material.
- (4) The Municipality may levy a tariff to cover the cost for the removal of material which has been erected and/or displayed without the approval of the Municipality given under the hand of an authorised official.
- (5) Posters, banners, tear-drop banners and flags may be displayed for a maximum period of fourteen (14) days prior to the event and must be removed within two (2) days from the date of the event or the last day thereof as applicable.
- (6) Posters with a maximum measurement of eighty centimetres (80 cm) x fifty centimetres (50 cm) must be mounted on a board and affixed securely with stout string or plastic fastening without damage caused to the poles. No securing material with a metal content is permitted.
- (7) Posters, banners, tear-drop banners and flags, excluding election posters and flags, may only be erected alongside the roads, or places as indicated by the Municipality and may not be erected and/or displayed in residential areas or on bridges.



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- (8) Political banners, posters or flags may be displayed only—
- i. during an election period, and in accordance with the Electoral Act, 1998 (Act 73 of 1998), any regulations or codes of conduct issued thereunder, and any written directives of the Electoral Commission;
  - ii. for a period not exceeding one (1) month before the date of an election, by-election, or referendum, and such banners, posters or flags must be removed within seven (7) days after that election or event;
  - iii. only in positions approved by the Municipality, and in compliance with all safety, spacing and illumination provisions of this By-law; and
  - iv. at the cost of the political party or candidate concerned, failing which the Municipality may remove them and recover its costs in accordance with section 17.
- (9) Only one poster or flag per organisation may be erected and/or displayed on every second streetlight pole.
- (10) Posters and flags must be erected and/or displayed at a uniform height of approximately two meters (2m) measured from natural ground level.
- (11) No posters, banners, tear-drop banners or flags may be affixed to trees, traffic signs, traffic signals, central ridges, existing advertising or any municipal buildings or over hydrant identification.
- (12) No posters, banners, tear-drop banners and flags may be displayed within thirty meters (30m) of any road traffic sign or traffic signal.
- (13) All materials used to affix the posters must be removed together with the posters.
- (14) The Municipality may order the removal of any indecent or torn posters, banners, tear-drop banners or flags, or any similar advertising which creates a road traffic safety concern in the opinion of the Municipality.
- (15) The Municipality is exempted from claims that may be instituted against the Municipality as a result of the display of posters, banners, tear-drop banners and flags.
- (16) The display of posters, banners, tear-drop banners and flags purely for commercial advertising is not permitted, provided that any poster, banner or flag which relates to a sport, the arts, or a cultural event may be permitted,

despite such posters, banners, tear-drop banners or flags containing commercial elements. The commercial element may not exceed twenty percent (20%) of the extent of the poster, banner, tear-drop banner or flag.

- (17) Organisations or persons who obtained approval to display posters or flags must pay a deposit as determined by the Municipality, which shall entitle that person to display the said poster or flag for a maximum period of fourteen (14) days, or such time as stipulated by the Municipality. No poster or flag may be displayed without such deposit having been paid.
- (18) The Municipality may remove or request the applicant to remove all posters, banners, tear-drop banners or flags should any of the above conditions not be complied with.
- (19) Posters, banners, tear-drop banners or flags that are not removed by the due date may be removed by the Municipality in which case the deposit paid in terms of item 15 will be forfeited to the Municipality.
- (20) Banners will be erected and/or removed by the Municipality at a rate as approved from time to time and the banner must comply with the specifications as laid down by the Municipality.
- (21) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

**SCHEDULE 12: ESTATE AGENT ADVERTISING**

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Subject to approval in terms of this By-Law, the erection or display of estate agent advertising is permitted in all areas of control except for areas within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. Only estate agents registered and licenced with the Property Practitioners Regulatory Authority will be allowed to erect and/or display Estate Agent Advertising. Proof of registration must accompany the application. In addition, Estate Agent Advertising will be subject to the following conditions:

- (1) Estate Agencies must apply annually for permission to display advertising and approval may be subject to payment of an annual fee in accordance with the Municipality's by-law and policy on tariffs.
- (2) A deposit may be required by the Municipality against which a charge for the removal of any advertising which contravenes this By-law will be levied. In the event of the above deposit being exhausted, permission to display such advertising may be withdrawn until a further deposit is paid to the Municipality.
- (3) Any Estate Agent advertising unlawfully erected and/or displayed, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality; in the event of the said advertising not being removed, photographic evidence of the unlawful advertising may be obtained by the Municipality prior to levying the said charge.
- (4) "For sale", "Sold" and "To let" advertising signs shall be fixed flat to the surface of the boundary fence or wall of the property.
- (5) "Sold" advertising signs may be displayed, fixed flat to the surface of the boundary fence or wall of the property, for a maximum period of two weeks.
- (6) No Estate Agent Advertising may be erected and/or displayed in such a way that any part of it is closer than one comma five metres (1,5m) from a road verge.
- (7) No Estate Agent Advertising may be erected and/or displayed on a centre island of any public road.
- (8) No Estate Agent Advertising may obscure a road traffic signs or traffic signal.
- (9) No Estate Agent Advertising may be erected and/or displayed on any tarred area of pavements.

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- (10) Estate Agent Advertising signs may not exceed zero comma three square metres (0,3m<sup>2</sup>) in total surface area.
- (11) “Show House” signs may be displayed only from 12h00 on Fridays to 20h00 on Sundays.
- (12) “Show House” signs may not be affixed to trees, traffic signals, street poles or other poles which carry road traffic signs, walls, fences, rocks, other natural features or landscaped areas, street furniture, or other Municipal property, unless such other display is authorised by the Municipality in writing.
- (13) Estate Agent Advertising, may only contain the wording “On Show”, “Show House”, “Show Flat” or “Show Plot” with the Agency’s name, estate agents picture, contact details and a directional arrow.
- (14) Show house advertising may be displayed on stakes making use of a design approved by the Municipality. Estate Agent advertising may not be displayed on concrete, tarred or paved surfaces. It is not permissible for stakes to penetrate the ground deeper than fifteen centimetres (15cm).
- (15) Not more than six estate agents’ directional signs will be permitted in total per show house, show plot or block of flats in which a show flat is on display. The definition of one sign will include the display of two advertising boards only when such boards are sandwiched back to back around an electric light pole.
- (16) Show houses advertising may not be displayed along Scenic Routes or on any bridge, public park or public open space.
- (17) Directional advertising may be displayed along main routes only, being the shortest route from a main road to the property.
- (18) Only one directional advertising sign per show house/flat/plot may be displayed along class 2 or 3 roads, excluding roads referred to in item 7 above.

**SCHEDULE 13: LOOSE PORTABLE ADVERTISING**

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Subject to approval in terms of this By-Law, the erection and/or display of loose portable advertising is permitted in areas of minimum and partial control except for areas situated within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. In addition:

- (1) Loose portable advertising may not be placed in a road reserve, on municipal property or in public open spaces without the written permission of the Municipality.
- (2) The Municipality may remove and impound loose portable advertising placed without permission in a road reserve, on Municipal property or in public open spaces. Owners can recover their advertising on payment of the prescribed fee as determined the Municipality which will be used to defray the cost of removal, storage and transportation.
- (3) The following criteria will apply in respect of an application in terms of item 1:
  - (a) that it does not pose a public safety hazard;
  - (b) that it does not obstruct or cause inconvenience to the public either by its physical size or location;
  - (c) that it does not unfairly prejudice other traders;
  - (d) that the loose portable advertising does not detract from the amenity of the local streetscape or local environment;
  - (e) that it is intended solely to advertise the name of the business, goods or services for sale from the advertiser's premises;
  - (f) that the maximum dimensions of the proposed loose portable advertising must be one comma two metres (1,2m) in height x zero comma six metres (0,6m) in width;
  - (g) that it may be placed directly in front of the advertiser's premises, provided that the above criteria are met; and
  - (h) that a minimum clear footway width of one comma eight metres (1,8m) must remain clear and two comma five metres (2,5m) in the central business district and sidewalks with high pedestrian volumes.

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- (4) The Municipality may demarcate areas within the road reserve or on municipal property where, during normal trading hours, applicants may then place the approved loose portable advertising . The said advertising must be removed outside normal trading hours and stored away from public view.
- (5) The Municipality may levy tariffs for displaying the loose portable advertising, which tariffs shall be payable in advance for a maximum period of six months.
- (6) Applicants will be required to indemnify the Municipality against any claims from third parties that may arise, due to the placement of loose portable advertising within the road reserve or on municipal property.
- (7) Notwithstanding the above, the Municipality may cause the removal or impoundment of the advertising should the applicant contravene any of the above conditions.



**SCHEDULE 14: AERIAL ADVERTISING**

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Subject to approval in terms of this By-Law, the erection and/or display of aerial advertising is permitted only in urban areas of minimum control except for areas situated within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. In addition:

- (1) No aerial advertising affixed to any building or structure may be flown at a height of more than forty-five meters (45m) from the surface measured from ground level;
- (2) Aerial advertising may not be flown above a public road;
- (3) Any written application for the display of an aerial advertising must be accompanied by the following, where applicable:
  - (a) An engineer certificate confirming that the structure and tethering is suitable for display of the aerial advertising;
  - (b) all details regarding the content and dimensions of the aerial advertising that will be used for display.;
  - (c) particulars of the materials used and method of construction and anchorage;
  - (d) particulars of the intended location with a description of the property, premises or structure to which the aerial advertising will be anchored or tethered and details of electricity and telephone poles and cables and any other structures within thirty metres (30m) from the point of anchorage of the aerial advertising or the length of tether, whichever is the greater;
  - (e) the name and address of the person/s or contractor/s displaying the aerial advertising and the name and address of the approved competent person in attendance of the aerial advertising and its owner/s;
  - (f) the period and times of intended display of the aerial advertising;
  - (g) Where the applicant is not the owner of the property to which the aerial advertising is to be anchored or tethered, written consent from the property owner must be obtained for anchoring purposes;
  - (h) proof of the provision of an automatic deflation device;
  - (i) public liability insurance cover to the Municipality's satisfaction;

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- (j) approval by the national Civil Aviation Authority for the display of the aerial advertising;
- (4) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed at the anchor or tethering point of the aerial advertising.

**SCHEDULE 15: TRANSIT ADVERTISING**

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Subject to approval in terms of this By-Law, the erection and/or display of transit advertising is permitted only in urban areas of minimum control. In addition:

- (1) The parking of a transit advertising which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this By-Law as well as the Streets By-Law.
- (2) Transit advertising parked on private property for the purpose of storage must be positioned in such a manner as not to be visible from a street or public place.
- (3) The advertising panel or portion of the vehicle used for transit advertising may not have a total surface area exceeding eighteen square metres (18m<sup>2</sup>).
- (4) The Municipality may designate sites in areas of minimum control for transit advertising and may publish notices indicating such sites.
- (5) Notwithstanding any provisions of this By-Law, the Municipality may, without prior notice, remove any unauthorised transit advertising from municipal property, and, in the case of unauthorised transit advertising on private property, the Municipality may serve a notice ordering the removal thereof in terms of this By-Law.
- (6) Transit advertising must be properly fixed to the ground at the parking location.
- (7) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on the advertising or the advertising structure.

**SCHEDULE 16: ADVERTISING ON MUNICIPAL LAND OR BUILDINGS**

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- (1) No advertising may be erected and/or displayed on municipal land or buildings without the written permission of the Municipality.
- (2) The following specific conditions and criteria will apply to advertising mentioned in items (a) to (c) below:
  - (a) Commercial advertising

Notwithstanding the area of control within which it is proposed to erect and/or display a commercial advertising on Municipal land or buildings, and subject to compliance with all other provisions of this By-Law, the Municipality may consider commercial advertising for approval, subject to the following:

    - (i) Public or community needs or goals must be identified or adopted by the Municipality and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection and/or display of commercial advertising, the Municipality may call for public input on such public or community needs or goals and the related advertising opportunity;
    - (ii) In order to identify such public or community needs or goals, the Municipality and other interested authorities must consult prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising;
    - (iii) The Municipality's Supply Chain Management Policy will apply;
    - (iv) that any proposal be evaluated on the following factors:
      - (aa) the adherence to the principles of this By-law;
      - (bb) the design contribution;
      - (cc) the best community benefit offered;
      - (dd) the creativity and public safety;
      - (ee) the permanence of the contribution to the community goals or needs; and
      - (ff) the recovery cost over the period of the erection of the advertising as opposed to the largest advertising opportunity or financial gain.

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- (v) When contributions in kind are to be recovered by the Municipality, a conversion thereof to a monetary contribution to the Municipality's income base will be assessed;
  - (vi) the Municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect shall not be regarded decision by the Municipality to proceed with the erection of advertising in respect of a specific site;
  - (vii) Once accepted, any advertising to be erected and/or displayed in terms of this schedule must be the subject matter of a written agreement between the Municipality as landowner and the person responsible for the erection or display of the advertising.
- (b) Sponsored advertising
- Notwithstanding the area of control within which it is proposed to erect and/or display such advertising on Municipal owned land or buildings and subject to compliance with all other provisions of this By-Law, the Municipality may consider a sponsored advertising for approval on condition that:
- (i) For municipal buildings situated within areas of maximum control, all conditions applicable to maximum control areas apply;
  - (ii) written detail must be provided which clearly indicates the recognised community goals which will be promoted by the erection and/or display of the proposed advertising;
  - (iii) advertising with a political content will not be permitted;
  - (iv) no more than five percent (5%) of the total surface area of the advertising or sign is used for third party advertising;
  - (v) the maximum size of any such advertising or sign will be six metres (6m) x three metres (3m); provided in the event of a V-shaped sign where the size may not exceed two panels of six metres (6m) x three metres (3m).

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- (vi) applications for billboards to be erected and/or displayed in terms of this section must comply with the requirements as set out in Schedule 2;
- (vii) no advertising erected and/or displayed in terms of this clause be located within five meters (5m) of a property's boundary line.

(c) Non-profit body advertising

Notwithstanding the area of control within which it is proposed to erect and/or display advertising, and subject to compliance with all other provisions of this By-Law, the Municipality may consider the erection and/or display of advertising by or for the benefit of a non-profit body subject to compliance to a Visual Impact Assessment and with the requirements set out in Schedule 17.



**SCHEDULE 17: ADVERTISING ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT ORGANISATIONS**

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Notwithstanding the area of control within which it is proposed to erect and/or display advertising by or for the benefit of a non-profit organisation, and subject to compliance with all other provisions of this By-Law, the Municipality may consider such advertising for approval subject to the following:

- (1) written details from the host non-profit organisation regarding the nature and extent of the support to be received from the erection and/or display of the advertising must be delivered to the Municipality together with the other information set out in Section 4 of this By-Law;
- (2) the extent of involvement of previously disadvantaged communities, small businesses, job creation and empowerment will be considered in any proposal;
- (3) any proposal will be evaluated on the following factors;
  - (a) the adherence to the principles or provisions of this By-Law;
  - (b) the design contribution;
  - (c) the best community benefit offered;
  - (d) the creativity and public safety; and
  - (e) the permanence of the contribution to the community goals or needs as opposed to the largest advertising opportunity or financial gain.
- (4) in the event of it being proposed that the said advertising will be erected and/or displayed on municipal property:
  - (a) the Municipality must evaluate the proposal;
  - (b) the Municipality as landowner reserves the right not to proceed with any proposal prior to final approval thereof; and
  - (c) if accepted, a written agreement between the Municipality, the person responsible for the erection and/or display of the advertising and the non-profit body must be entered into.

## **SCHEDULE 18: LOCALITY-BOUND STANDARD FREESTANDING AND COMPOSITE ADVERTISING IN CONSERVATION AREAS AND AREAS OF SINGLE-RESIDENTIAL ZONING**

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Subject to approval and in accordance with this By-law, the erection and/or display of on-premise (Locality-Bound) standard free-standing and composite advertising may be allowed in conservation areas and in areas of single-residential zoning, subject to the following conditions:

- (1) For the purposes of this Schedule, “*Conservation Area*” includes land designated under Chapters 25–26 of the Stellenbosch Zoning Scheme 2024;
- (2) Only one standard advertising sign, designed according to municipal requirements, is permitted per property.
- (3) A composite advertising sign of not more than two panels, each not exceeding one comma eight square metres (1,8 m<sup>2</sup>) in area, showing only the name of the business and its principal activity, may be permitted.
- (4) In the case of a business centre, more than one advertising sign per structure may be permitted, provided that the centre’s name and the names of the businesses in the centre are displayed in a coordinated format.
- (5) The advertising sign must—
  - (a) not be displayed within a road reserve; and
  - (b) where located on or adjacent to a structure older than sixty (60) years, or within a heritage overlay zone, be referred to Heritage Western Cape for comment.

**SCHEDULE 19: STREET-POLE ADVERTISING**

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Subject to approval in terms of this By-law, the erection and/or display of street-pole advertising is permitted within urban areas of *partial* and *minimum control*, in accordance with the following provisions—

- (1) No street-pole advertising may exceed zero comma nine metres (0,9m) in height and zero comma six metres (0,6m) in width with a total surface area not exceeding zero comma fifty-four square metres (0,54 m<sup>2</sup>).
- (2) Each panel must be fixed securely and vertically, at a uniform height of approximately two comma one metres (2,1m) above natural ground level to the lower edge of the panel.
- (3) Only one street-pole advertising sign may be displayed per street-pole, and may not be double-stacked.
- (4) The Municipality must approve the design, material, and fixing method to ensure structural safety and aesthetic compatibility with the streetscape.
- (5) The content of each street-pole advertising sign may not display any content deemed offensive, misleading, or inconsistent with the objectives of this By-law or any other applicable law.
- (6) Street-pole advertising signs must be spaced at least thirty metres (30m) apart measured along the kerb line.
- (7) No street-pole advertising sign may be placed within thirty metres (30m) of a signalised intersection or twenty metres (20m) of a pedestrian crossing.
- (8) No street-pole advertising sign may obscure any road traffic sign, signal, or other approved advertising sign.
- (9) Street-pole advertising signs may be erected and/or displayed only under a written concession, licence or agreement concluded with the Municipality.
- (10) Each approval is valid for a maximum period of three (3) months per approval, renewable upon written application and payment of the prescribed fee.
- (11) The Municipality may, at any time and on reasonable written notice, require the removal or relocation of a street-pole advertising sign for operational, safety, or aesthetic reasons.

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- (12) The owner of the street pole advertising sign as well as any contractor employed for the purposes of erecting and/or displaying same, are jointly responsible for the upkeep, cleanliness and safety of each street pole advertising sign.
- (13) Every street-pole advertising sign must display, in a visible area, the Municipal approval reference number and the name of the advertising company or owner.
- (14) No illuminated, electronic, or animated street-pole advertising signs are permitted.
- (15) No street-pole advertising sign may be affixed to traffic signal poles, trees, electrical distribution boxes, or any structure other than a designated municipal street-light pole.
- (16) Any unauthorised or non-compliant street-pole advertising sign may be removed by the Municipality without prior notice, and all associated removal and storage costs may be recovered from the person responsible for the display thereof.

# **APPENDIX 4**

**Date:** 30 October Draft version 2025

**To:** Stellenbosch Municipality

**From:** HSG Attorneys Inc

**Re:** Changes made between Draft Outdoor Advertising and Signage By-law  
– 2024 version vs. 2025 version

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## 1. **SECTION 1: DEFINITIONS**

The October draft consolidates and clarifies key terms that created enforcement gaps in the March version. Material changes are the introduction of standalone, modern definitions for Advertising, Advertisement, Advertising Structure, Visible from a public road, Visual Impact Assessment, and Window Advertising, and the functional reframing of Billboard to align with third-party advertising classes.

These address stakeholder concerns from SIG, Corpman and Urban IQ that the March text used inconsistent terminology, omitted exclusions for art and government notices, and misclassified smaller or non-locality formats, which weakened enforceability.

The October wording aligns with the Zoning Scheme by-law, the overlay zones and SAMOAC sign classes, closes size-threshold loopholes, and standardises who may prepare VIA and related studies. Core concepts such as the Municipality's approval requirement and the general meaning of "display" remain unchanged to preserve continuity.

### 1.1. **"Advertising"**

- a. **Draft version 2024:** Only a cross-reference to "advertising" in the Draft version 2024 version(e.g. "*Advertising shall have a similar meaning*").



- b. **Draft version 2025:** Substantive standalone definition covering “*the act, process or practice*” of display, including commissioning/placement for reward or professional gain.
- c. **Why it changed / concern addressed:** Closes a drafting gap that left “*advertising*” undefined and improves enforceability by clearly capturing both the content and the act (including commissioning). It also aligns terminology with planning statutes up-front (the October definitions clause incorporates SPLUMA/LUPA/2023 LUP By-law cross-references). The change responds to SIG’s point that terminology around “advertisement/signage/advertising” was inconsistent and too narrow in the March text.

## 1.2. “**Advertisement**”

- a. **Draft version 2024:** A narrow, enumerated list (words, names, letters, figures, objects; sign/symbol; light) visible from a public place to promote news, business, product, etc. However, no exclusions were provided.
- b. **Draft version 2025:** Broader formulation “*visual, written, graphic or illuminated representation... intended to promote/publicise/identify...*” with express exclusions for decorative architecture, lawful notices by organs of state, inherent branding on goods/clothing/vehicles not separately displayed, and non-commercial public art/ornamentation.
- c. **Why it changed / concern addressed:** Eliminates over-breadth by carving out non-advertising expressions (architecture/art/government notices), improving proportionality under section 36 analysis and reducing risk to non-commercial speech. Responds to concern that March’s definition was too rigid and out of step with “sign/signage” usage in the Zoning Scheme. October version widens coverage while managing it via specific exclusions for clarity.

## 1.3. “**Advertising Structure**”

- a. **Draft version 2024:** Any structure “*designed to host an advertisement*” but only if greater than 4.5 m<sup>2</sup>.

- b. **Draft version 2025:** Any physical structure, permanent or temporary, designed/used/intended to display an advertisement or sign; includes supporting framework; no size threshold.
- c. **Why it changed / concern addressed:** Removes an arbitrary 4.5 m<sup>2</sup> cut-off that created enforcement gaps (smaller yet permanent structures fell outside “structure” in March). Clarifies that both advertising and “sign” displays are covered, improving alignment with the Scheme’s “signage” terminology highlighted by SIG.

#### 1.4. “Aerial Advertisement”

- a. **Draft version 2024:** Balloons and blimps viewable from within the municipal area.
- b. **Draft version 2025:** Adds “similar devices,” standardises the territorial phrasing (“visible from within the municipal area”).
- c. **Why it changed / concern addressed:** Terminology clean-up to avoid loopholes and to standardise spatial scope.

#### 1.5. “Approval”

- a. **Draft version 2024:** “*Approval by the Stellenbosch Municipality*” with a corresponding meaning.
- b. **Draft version 2025:** “*Approval granted by the Municipality in terms of this By-law,*” with “*approve*” corresponding.
- c. **Why it changed / concern addressed:** Tightens the legal hook to this By-law specifically, aiding interpretation and delegation practice.

#### 1.6. “Area of Control”

- a. **Draft version 2024:** Degree of control (Maximum/Partial/Minimum) with reference to Schedule 1; modifiable under the Systems Act; to be depicted in the Urban & Rural Conservation Overlay Zone and Scenic Routes Overlay Zone.
- b. **Draft version 2025:** “*Area demarcated by the Municipality*” per SAMOAC and the Zoning Scheme Overlay Zones, specifying permissibility framework.

- c. **Why it changed / concern addressed:** Shifts from a largely descriptive concept to an instrument expressly anchored in SAMOAC and formally demarcated via overlay zones, improving spatial certainty and enforceability. This addresses practitioner feedback that without clear overlay demarcations the March text was hard to apply. Cross-references elsewhere in October further operationalise overlays and control maps.

#### 1.7. ***“Official / Authorised Official.”***

- a. **Draft version 2024:** “Official” definition mid-list; generic authority phrasing.
- b. **Draft version 2025:** “*Authorised Official*” means an employee or “any other person authorised in writing” to perform functions or exercise powers under the By-law.
- c. **Why it changed / concern addressed:** Clarifies written delegation and improves alphabetic/location consistency, addressing drafting note to fix placement and clarity.

#### 1.9. ***“Balcony” (added and defined)***

- a. **Draft version 2024:** Not defined; SIG noted the absence and proposed a definition.
- b. **Draft version 2025:** Added, with a precise architectural definition.
- c. **Why it changed / concern addressed:** Closes an architectural terminology gap relevant to building-mounted signage and heritage contexts, responding to SIG’s drafting request.

#### 1.10. ***“Banner” (refined)***

- a. **Draft version 2024:** Defined; flag on a non-approved flagpole deemed a banner.
- b. **Draft version 2025:** Restated in crisper, plain language, preserving the “flag deemed a banner” rule.
- c. **Why it changed / concern addressed:** Editorial clarity and readability; no policy shift.

1.11. **“Billboard” (substantively reframed)**

- a. **Draft version 2024:** Any structure *“used... to display an advertisement”* larger than 4.5 m<sup>2</sup>.
- b. **Draft version 2025:** A free-standing or building-mounted advertisement/sign used to display third-party advertising, *“typically not less than 4,5 m<sup>2</sup>,”* tied to a billboard sign class.
- c. **Why it changed / concern addressed:**
  - i. Shifts from a rigid size trigger to a functional definition (third-party advertising) consistent with SAMOAC typologies and class-based regulation.
  - ii. Avoids misclassifying smaller formats; improves enforcement and classification logic that stakeholders queried in March. SIG called the earlier billboard definition *“not logical.”*

1.12. **“Display” (minor language updates)**

- a. **Draft version 2024:** *“To erect or exhibit an advertisement visible to the public view...”*
- b. **Draft version 2025:** Similar substance; tightened wording.
- c. **Why it changed / concern addressed:** Editorial alignment; no change of intent.

1.13. **“Electronic Advertisement” (terminology modernised)**

- a. **Draft version 2024:** *“Electronically controlled, illuminated display surface... changed or illuminated in different ways.”*
- b. **Draft version 2025:** Updates examples of technologies (LED, LCD, digital) and keeps variable content concept.
- c. **Why it changed / concern addressed:** Technical clarity; supports subsequent luminance/dwell-time control elsewhere in the By-law. Retained to align with traffic-safety methodology in the RTMC Manual.

1.14. **“Environmental Impact Assessment” (clarified)**

- a. **Draft version 2024:** Required “*in accordance with NEMA... by a registered professional environmental assessment practitioner.*”
- b. **Draft version 2025:** Tightens that it is a “*written assessment... prepared in accordance with NEMA... by a registered environmental assessment practitioner.*”
- c. **Why it changed / concern addressed:** Drafting precision; no policy shift.

1.15. **“Visible from a public road” (new)**

- a. **Draft version 2024:** No dedicated definition.
- b. **Draft version 2025:** Introduces a measurable rule: visibility to a driver within 500 m under day/night conditions.
- c. **Why it changed / concern addressed:** Creates a clear, objective visibility threshold that interfaces with safety spacing/dwell-time controls, improving predictability and reducing dispute over what is “*visible from a road.*” Supports RTMC-based safety assessment elsewhere in the text.

1.16. **“Visual Impact Assessment” (scope expanded)**

- a. **Draft version 2024:** Addressed generically in assessment factors; expertise not clearly broadened.
- b. **Draft version 2025:** Dedicated definition; allows a “*registered professional with demonstrable expertise in landscape or visual assessment (e.g., landscape architect/architectural technologist)*” and lists method references (Zoning Scheme 2024, SAMOAC, municipal guidelines).
- c. **Why it changed / concern addressed:** Implements heritage/visual expertise recommendations and clarifies the technical basis for VIA in sensitive areas, responding to heritage submissions calling for more explicit professional/heritage processes.

1.17. **“Window Advertising” (new)**

- a. **Draft version 2024:** Not defined.
- b. **Draft version 2025:** Defined as advertising painted on/affixed to window glass, temporary or permanent.
- c. **Why it changed / concern addressed:** Closes a practical gap for shopfront control and enforcement.

## 2. **SECTION 2: OBJECTS**

- 2.1. Section 2 of the Stellenbosch Outdoor Advertising and Signage By-law was slightly adjusted to respond to stakeholder submissions from OHMSA, Adreach, Jinja Outdoor, Urban IQ, and Corpman, which criticised the March draft as over-restrictive, economically exclusionary, and weakly grounded in higher-order legislation. By explicitly referencing SPLUMA 2013, LUPA 2014, the
- 2.2. Municipal Systems Act 2000, the Stellenbosch Zoning Scheme 2024, SAMOAC 2011, and the RTMC 2020 Engineering Manual, the October text situates the By-law within the national planning and safety hierarchy.
- 2.3. A new clause on balancing constitutional rights ensures that regulation of commercial expression is reasonable and justifiable, while the insertion of participatory-governance language satisfies the Systems Act's public-involvement duties.
- 2.4. Overall, the redraft modernises Section 2 to be legally defensible, spatially enforceable, and procedurally fair, addressing industry, heritage, and constitutional concerns raised during the Draft version 2024 consultation round.

## 3. **SECTION 3 – APPLICATION**

- 3.1. Section 3 was substantially rewritten between the Draft version 2024 and Draft version 2025 drafts to clarify where, to whom, and under what circumstances the By-law applies.



- 3.2. The March text was brief and generic, stating only that the By-law applied within the municipal area and to all forms of outdoor advertising visible from a public place. That wording created uncertainty about the status of advertisements on private land, municipal property, and roads under provincial or national jurisdiction, and failed to reference the Zoning Scheme or overlay zones that give the By-law its spatial effect.
- 3.3. The Draft version 2025 revision resolves these ambiguities by expressly providing that the By-law applies to (a) all land, buildings, and properties within the municipal boundaries; (b) any sign or advertisement visible from a public road or place, whether on public or private land; and (c) all municipal property and road reserves under the Municipality's control, except where national or provincial legislation provides otherwise.
- 3.4. It further adds two interpretive sub-clauses: one establishing that in the event of inconsistency with another municipal instrument the stricter provision prevails, and another confirming that the By-law does not supersede approvals granted under heritage, environmental, or land-use legislation.

#### 4. **SECTION 4 – ADMINISTRATION OF BY-LAW**

- 4.1. Section 4 of the Draft version 2025 draft was completely rewritten to address concerns raised by OHMSA, Adreach, Jinja Outdoor, Corpman, and Urban IQ who argued that the process for applying for permission was unclear, while Abrahamse and SIG asked for heritage and environmental checks to be included.
- 4.2. The new section now spells out a proper process. The most significant change is that all applications are now treated as land-development applications under the 2023 Land Use Planning By-law.
- 4.3. The new section details what supporting documents are required, including plans, visual-impact studies, owner consent, and proof of other statutory approvals.

- 4.4. It also expands on the public-participation steps, fixed time frames, and clear record-keeping and compliance rules.
- 4.5. These additions link the By-law to the planning, heritage, environmental, and road-safety laws that apply to signage.
- 4.6. In short, Section 4 now provides a transparent, consistent, and legally sound procedure that closes the gaps identified in the Draft version 2024 draft and answers every major concern raised during public comment.

5. **SECTION 5: FEES AND GENERAL FACTORS IN CONSIDERING APPROVAL OF APPLICATIONS, AMENDMENTS AND CONDITIONS**

- 5.1. Section 5 was adjusted slightly to align with some of the other changes made to the by-law.

6. **SECTION 6: AREAS OF CONTROL AND RELATIONSHIP WITH OVERLAY ZONES**

- 6.1. Section 6 was rewritten to make the system of advertising control clear, mapped, and legally enforceable.
- 6.2. The Draft version 2024 version only listed the three SAMOAC categories: maximum, partial, and minimum control, without saying how they applied or how maps would be approved.
- 6.3. The Draft version 2025 version now clarifies the relationship between the Urban and Rural Conservation and Scenic Route Overlay Zones, zoning, and environmental or heritage sensitivity.
- 6.4. Importantly, it automatically treats land in those overlay zones as maximum control areas. It also allows the By-law to operate using the overlay zones until such time as Council decides whether or not to adopt control maps.
- 6.5. These updates fix earlier gaps noted by Corpman, Urban IQ, and Abrahamse, who said the control areas were vague and unenforceable. The new section

links the control system directly to the 2024 Zoning Scheme and heritage overlays, creating a transparent, legally sound, and spatially integrated way to manage where and how outdoor advertising is allowed.

- 6.6. Given that overlay zones are integral to determining the permissible advertising locations and were adopted under a separate process preceding this By-law, there is a material risk of some stakeholders alleging prejudice regarding the process.

## **7. SECTION 7: STANDARD CONDITIONS FOR APPROVAL**

- 7.1. Section 7 was expanded to set clear safety and maintenance standards for all signs and advertising structures.
- 7.2. These updates fix earlier gaps and bring the By-law in line with engineering and safety laws such as the Occupational Health and Safety Act and the RTMC 2020 Engineering Manual.
- 7.3. The new section ensures every advertisement is properly designed, maintained, and safe for the public.

## **8. SECTION 8: ELECTRICAL REQUIREMENTS**

- 8.1. Section 8 was expanded to set proper safety rules for all electrically powered or illuminated signs.
- 8.2. The Draft version 2025 version now requires that every powered sign be connected through a legal, metered supply and approved by the electricity authority. All wiring must follow the Occupational Health and Safety Act, Electrical Installation Regulations, and SANS 10142-1, be done by a registered electrician, and have a valid Certificate of Compliance before being switched on.
- 8.3. Cables must be secured, insulated, and hidden where possible; high-voltage or unattended systems need an emergency isolator; and equipment must not cause electrical or radio interference.

- 8.4. These updates close safety gaps and ensure all illuminated and electronic advertisements meet national electrical and municipal standards.

9. **SECTION 9: ILLUMINATION REQUIREMENTS**

- 9.1. Section 9 was rewritten to give clear, measurable rules for illuminated and electronic signs.
- 9.2. The Draft version 2025 version now allows illumination only if it is safe, static, and within approved brightness levels. Flashing, scrolling, or moving lights are banned.
- 9.3. Electronic and internally lit signs are allowed only in partial or minimum control areas and must meet SAMOAC size and design standards as opposed to the rigid and indefensible maximum limit of 2.1m<sup>2</sup> that was contained in the Draft version 2024 version. The Municipality can ask for a Traffic Impact Assessment if a sign's brightness or movement might affect road safety and can require monitoring after installation.
- 9.4. External lighting must shine only on the sign, not into traffic, and any work near municipal power lines needs approval.
- 9.5. These updates close safety gaps, follow RTMC and SAMOAC standards, and replace vague rules with clear limits that balance safety, visual quality, and fair use of illuminated advertising.

10. **SECTION 10: ROAD TRAFFIC SAFETY**

- 10.1. Section 10 was completely rewritten to create a clear, measurable framework for protecting road traffic safety.
- 10.2. The Draft version 2025 version now sets out exactly when and how safety impacts must be tested. It requires a Traffic Impact Assessment (TIA) whenever a sign could affect visibility or driver concentration. The By-law lists

objective triggers for when a TIA is needed, such as illuminated or electronic signs near intersections, large billboards, signs visible from high-speed or scenic routes, or any proposal that changes brightness or spacing limits. Every TIA must be prepared by a registered traffic engineer in accordance with SAMOAC 2011 and the RTMC 2020 Engineering Manual, and must assess sight distance, driver distraction, illumination levels, spacing, and cumulative impacts.

- 10.3. The section also introduces exemptions for small non-illuminated locality-bound signs and describes when electronic, illuminated, or bridge-mounted signs may be approved, but only if supported by professional studies showing no safety risk. It prohibits flashing or moving images, reflective materials, and colours that could resemble traffic signals. It also introduces clear spacing rules between advertisements and road signs based on vehicle speed, as shown in Table 1, and allows any deviation only if justified by a professional TIA.
- 10.4. These revisions fix the vague and unenforceable wording of the Draft version 2024 draft. They respond to concerns raised by Adreach, Urban IQ, OHMSA, and the RTMC safety review, all of which called for objective road-safety criteria.
- 10.5. The new Section 10 provides a technical, transparent, and defensible system that protects motorists while still allowing responsible advertising.

## 11. **SECTION 12**

- 11.1. Section 12 was rewritten to give a clear, lawful process for how the Municipality grants, conditions, withdraws, or refuses approvals.
- 11.2. The Draft version 2025 version now sets out a complete decision-making framework. It allows the Municipality to approve, conditionally approve, or refuse an application but requires all decisions and reasons to be in writing.

- 11.3. Conditions must be lawful and relevant, ensuring compliance with SPLUMA 2013, the Stellenbosch Land Use Planning By-law 2023, and other legislation.
- 11.4. The section also introduces a standard indemnity clause protecting the Municipality from claims arising from the display or structural failure of signs.
- 11.5. For the first time, the By-law allows the Municipality to withdraw or amend an approval if a sign becomes unsafe, damaged, vacant for more than six months, advertises defunct content, or no longer complies with the By-law. Before doing so, the Municipality must issue a written notice giving the owner thirty days to fix the problem.
- 11.6. These changes close the procedural gaps identified by OHMSA, Urban IQ, and Corpman, who argued that the old version gave officials unchecked discretion and no obligation to give reasons.
- 11.7. The new section aligns with the Promotion of Administrative Justice Act and SPLUMA by requiring written decisions, timelines, and the right to appeal. In simple terms, Section 12 now makes the approval process transparent, time-bound, and legally defensible while giving both applicants and the Municipality clear duties and protections.

## 12. **SECTION 13: APPEAL**

- 12.1. Section 13 was rewritten to give a clear and lawful appeal process that is consistent with national and municipal planning legislation.
- 12.2. The Draft version 2024 version only said that a person aggrieved by a municipal decision could appeal to the Municipality in terms of the Municipal Systems Act.
- 12.3. The Draft version 2025 version now ties the process directly to section 51 of SPLUMA (2013) and Chapter VII of the Stellenbosch Land Use Planning By-law (2023), ensuring that appeals follow the same system used for land-use applications, which responds to concerns that the By-law



- 12.4. It requires appeals to be made in writing to the designated Appeal Authority, within 21 days of notification, and accompanied by full reasons and grounds.
- 12.5. It also confirms that appeals must be processed according to the procedures and timeframes in the 2023 By-law. Importantly, it provides that filing an appeal automatically suspends the municipal decision until the Appeal Authority gives a final ruling, unless the Authority decides otherwise.
- 12.6. These changes fix the uncertainty in the March draft and align the By-law with existing municipal appeal procedures. They respond to legal advice and stakeholder comments, especially from OHMSA and Corpman, who stressed the need for an integrated and fair appeal mechanism consistent with planning law.
- 12.7. The new section now ensures that all applicants and affected parties have a clear, structured, and fair way to challenge municipal decisions.

### 13. **SECTION 14**

- 13.1. Section 14 was rewritten to clearly list which types of small or low-impact advertisements can be displayed without formal municipal approval.
- 13.2. The Draft version 2025 version now provides a structured and detailed list of exemptions, setting clear limits for each category. It confirms that any sign that does not meet these limits must go through the normal application process under Section 4.
- 13.3. The additions make the rules simple, transparent, and enforceable. They respond to public and industry complaints that the Draft version 2024 draft was vague and inconsistent with the SAMOAC 2011 classification of exempt signs.

- 13.4. The new section gives applicants and enforcement officers clear thresholds for when approval is required and ensures small, temporary, or locality-bound advertisements can operate without unnecessary red tape.

14. **SECTION 16**

- 14.1. Section 16 was rewritten to clearly set out when and how municipal officials may enter and inspect private property while respecting constitutional rights.
- 14.2. The Draft version 2024 version only said that the Municipality “*may inspect premises*” to enforce the By-law and gave no conditions for consent, timing, or legal authority. This raised serious constitutional and administrative concerns about privacy and due process.
- 14.3. The Draft version 2025 version now introduces proper safeguards.
- 14.4. It allows authorised officials to enter land or buildings only at reasonable times and strictly for inspection or compliance purposes. It requires owner or occupier consent before entry, or alternatively a court order, ensuring lawful authority at all times.
- 14.5. Officials must carry and show written identification and a copy of any court order on request. The section also states that all inspections must respect the constitutional rights to privacy, property, and administrative justice.
- 14.6. These updates fix the overbroad enforcement power in the earlier draft and bring the By-law into line with the Constitution, the Municipal Systems Act, and case law on administrative fairness. The result is a balanced provision that allows effective enforcement while protecting residents from unlawful or intrusive entry.

15. **SECTION 17 – ENFORCEMENT**

- 15.1. Section 17, 18 and 19 were consolidated to create a clear, lawful process for enforcing the By-law and removing illegal advertisements.

- 15.2. The Draft version 2025 version now links enforcement directly to the Stellenbosch Land Use Planning By-law (2023) and SPLUMA (2013), treating any illegal sign as an unlawful land use.
- 15.3. It sets out a defined procedure: when the Municipality finds a contravention or an immediate safety risk, it must issue a written compliance notice giving the owner or operator 14 days to remove, alter, or legalise the sign and to restore the site.
- 15.4. The Municipality may later withdraw or amend this notice, and if the person still fails to comply, formal enforcement proceedings can be started under the Land Use Planning By-law or other laws.
- 15.5. The section also clarifies that these enforcement powers exist in addition to other civil or criminal remedies, such as prosecution or cost recovery.
- 15.6. These updates fix the vague and heavy-handed language in the earlier draft and ensure the Municipality follows due process before removing signs. They also align the By-law with national planning and land-use laws, closing a major legal gap raised by Corpman, OHMSA, and Urban IQ, who had criticised the March draft for lacking proper enforcement authority and procedural fairness.
- 15.7. The new section provides a lawful, transparent, and defensible framework for compliance and removal actions.

## 16. **SECTION 18 – NOTICES**

- 16.1. Section 18 was rewritten to completely remove the unlawful presumptions that were contained within the Draft version 2024 version and instead to provide a clear and legally valid methods for serving notices and documents issued under the By-law.

- 16.2. The Draft version 2025 version now sets out a detailed and legally sound procedure. It confirms that a notice is valid once signed by an authorised official and lists all acceptable methods of service.
- 16.3. These include personal delivery, leaving the notice with someone over sixteen at the person's residence or business, sending it by registered mail, serving it on an authorised agent, posting it conspicuously on the property if no address is known, delivering it to a body corporate's registered office, or emailing it to a nominated address.
- 16.4. It also clarifies that serving a copy counts as serving the original and that it is sufficient to describe the recipient as "owner," "occupier," or "holder," without naming them.
- 16.5. These additions fix procedural gaps from the earlier draft and align the By-law with standard local-government practice under the Municipal Systems Act and national administrative-law principles. They ensure that notices are issued, delivered, and recorded in a consistent and legally defensible manner, protecting both the Municipality and affected parties from disputes about proper service.

## 17. **SECTION 20: OFFENCES AND PENALTIES**

- 17.1. Section 20 was strengthened to give real consequences for breaking the By-law and to support enforcement.
- 17.2. The Draft version 2024 version was brief and unclear about penalties and cost recovery.
- 17.3. The Draft version 2025 version now spells out that any contravention, failure to comply with a notice, or interference with officials is an offence. On conviction a court may impose a fine, up to six months' imprisonment, or both. For a continuing offence, extra daily penalties may be added. Courts can also order repayment of the Municipality's actual costs, such as removal or

rehabilitation costs. It creates specific offences for threatening, obstructing, or impersonating municipal staff and for ignoring a lawful notice.

- 17.4. These changes close gaps in deterrence and procedure, align with the Adjustment of Fines Act and municipal practice, and give the Municipality a clear, lawful basis to secure compliance and recover costs.

## 18. **SECTION 22: REPEAL**

- 18.1. Section 22 was rewritten to cleanly repeal the previous signage by-law and to protect lawful existing rights through a savings clause.
- 18.2. The Draft version 2024 version only mentioned repeal in passing and did not spell out how existing approvals or pending applications would be handled.
- 18.3. The Draft version 2025 version now expressly repeals the 2023 by-law and any older provisions that regulate outdoor advertising. It preserves continuity by keeping all lawful approvals, consents, exemptions, notices, and directives in force until amended, replaced, or withdrawn under the new By-law. It also confirms that pending applications must be finalised under the new By-law unless the Municipality decides otherwise for good cause. Finally, it cites the legal authority for repeal and savings under sections 12 and 13 of the Municipal Systems Act, read with section 156 of the Constitution.
- 18.4. These changes prevent gaps in regulation, avoid prejudice to existing rights, and ensure a smooth transition to the new framework with clear statutory footing

## 19. **SECTION 23: TRANSITIONAL PROVISIONS**

- 19.1. Section 23 was adjusted to manage the shift from the old system to the new rules in a fair and enforceable way.
- 19.2. The Draft version 2024 draft had little guidance on what to do with existing, unauthorised signs, which risked either blanket illegality or uncertainty.
- 19.3. The Draft version 2025 version fixes this by creating a clear regularisation window. Existing advertisements that were not previously authorised are not treated as unlawful for the past, but they must be registered and brought into compliance within 12 months.
- 19.4. Owners must file particulars and apply under Section 4 with the necessary technical information.
- 19.5. The Municipality may approve continued display with conditions, or require modification or removal after giving written notice and a chance to be heard.
- 19.6. Unsafe signs, hazards, or those in maximum control areas can be ordered removed under Section 17.
- 19.7. If owners do nothing after the 12-month period, the Municipality may start enforcement. There is also a limited extension on written request for good cause, and nothing here limits the Municipality's power to withdraw or amend approvals.
- 19.8. This approach avoids retrospective punishment, provides a practical pathway to compliance, and gives the Municipality a lawful timeline and process to resolve legacy signage.

## 20. **SCHEDULE 1: AREAS OF CONTROL**

- 20.1. Schedule 1 was rebuilt to turn the three SAMOAC control categories into a mapped, decision-ready matrix that aligns with the Zoning Scheme 2024 and the overlay system.



- 20.2. The Draft version 2024 version listed Maximum, Partial, and Minimum Control in general terms, without clear land-use references, measurable limits, or a statement of what is usually permitted.
- 20.3. The Draft version 2025 Schedule now specifies the typical context for each category, ties each to precise zoning and overlay references, and states the default permissibility and intent for applications.
- 20.4. In Maximum Control, the Schedule links directly to Urban and Rural Conservation and Scenic Routes overlays, heritage sites, and sensitive open space and agriculture, then allows only small, non-illuminated, locality-bound signs and prohibits third-party and electronic formats.
- 20.5. In Partial Control, it identifies mixed use, business, institutional and transport contexts within the urban edge, requires compliance with size, spacing and illumination limits, and restricts electronic or internally illuminated signs to modest sizes on slower streets unless supported by professional TIA and VIA.
- 20.6. In Minimum Control, it pinpoints industrial and utility areas and logistics precincts and allows larger or third-party formats if all structural, illumination and spacing standards are met and safety is demonstrated.
- 20.7. These changes answer earlier concerns that the categories were vague and unenforceable, that heritage and scenic areas were not adequately protected, and that there were no predictable outcomes for applicants.
- 20.8. The new Schedule gives case officers and applicants a clear, spatially integrated rule set that links control intensity to mapped overlays, sets typical use cases and limits, and anchors safety and amenity tests in the By-law's technical sections.

## 21. **SCHEDULE 2: BILLBOARDS**

- 21.1. The October text replaces the March version's broad billboard provisions with a calibrated, safety-led standard that is limited to minimum-control areas outside the Urban and Rural Conservation and Scenic Routes overlays.

- 21.2. Material changes include a posted-speed sizing matrix ( $\leq 60$  km/h up to  $18 \text{ m}^2$ ,  $61\text{--}80$  km/h up to  $27 \text{ m}^2$ ,  $>80$  km/h up to  $36 \text{ m}^2$ ), a clear height of at least 2.4 m with an overall height cap of 7.5 m, a mandatory viewing angle between 60 and 90 degrees to approaching traffic, a prohibition on Gateway Routes, spacing by reference to the Section 10 table, and a minimum principal character height of 285 mm with a narrow pedestrian-area relaxation on a Traffic Impact Assessment.
- 21.3. The above changes align directly with SAMOAC and the RTMC and are defensible limits based on expert evidence.
- 21.4. The clause also clarifies that a right-side installation replaces the left-side opportunity to prevent visual doubling, requires on-structure display of the approval reference, and creates a tightly controlled deviation path that needs a Traffic Impact Assessment, Visual Impact Assessment, structural proof, public comment where the deviation exceeds 10 percent, and written reasons recorded on the municipal register.
- 21.5. These changes were made to answer industry submissions that the March caps and siting rules were not linked to legibility distance, decision zones or driver workload, and therefore were difficult to defend; the new limits are aligned with SAMOAC's sign-class practice and the RTMC safety engineering method so they are predictable and enforceable.
- 21.6. What stays the same is that billboards still require prior approval, must comply with the standard conditions of this By-law and the spacing and illumination controls in Section 10, and remain prohibited in sensitive overlay areas; these elements are retained to protect heritage, scenic character and public safety while allowing limited large-format advertising in appropriate locations.

22. **SCHEDULE 3: LOCALITY BOUND FREESTANDING AND COMPOSITE ADVERTISEMENTS**

- 22.1. Schedule 3 was rewritten to set clear, locality-bound rules for freestanding and composite on-premise signs, tied to the overlay system and technical assessments.
- 22.2. The Draft version 2024 version treated these signs broadly and did not link permissions to mapped sensitivities, setback practicality, or clutter reduction.
- 22.3. The Draft version 2025 schedule now permits them in partial and minimum control areas, and only in maximum control areas if a Visual Impact Assessment, and where applicable an Environmental and Heritage Impact Assessment, show no material harm, with a Traffic Impact Assessment where required.
- 22.4. It limits use to specific cases such as long building setbacks, when building attachment is impracticable, for identifying lawful entrances, or when a single composite sign will replace multiple smaller signs to cut visual clutter.
- 22.5. It introduces measurable caps of 4.5 m height and 4.5 m<sup>2</sup> area, with a possible increase to 6 m and 9 m<sup>2</sup> if a VIA confirms no adverse visual impact.
- 22.6. It regulates service-station pylons as locality-bound, one per frontage, with defined height and panel limits, and tighter limits in maximum control areas.
- 22.7. It also confines conservation and single-residential zones to the standard forms in Schedule 18.
- 22.8. These changes respond to complaints about proliferation and inconsistent sizing, protect sensitive precincts through overlay alignment and professional studies, and give applicants predictable, enforceable thresholds that balance site identification with safety and amenity.
- 23. **SCHEDULE 4: ADVERTISEMENTS ATTACHED TO WALLS OF BUILDINGS AND PROJECTING ADVERTISEMENTS**

- 23.1. Schedule 4 was rewritten to give clear, measurable rules for flat and projecting wall signs and to tie approvals to heritage, environmental, and traffic tests where needed.
- 23.2. The Draft version 2024 text treated wall-mounted formats broadly and did not set consistent projection limits, facade coverage caps, or overlay safeguards.
- 23.3. The Draft version 2025 schedule now permits these signs in partial and minimum control areas, and only in maximum control areas if a Visual Impact Assessment, and where applicable an Environmental and Heritage Impact Assessment, show no material harm, with a Traffic Impact Assessment where required.
- 23.4. It fixes siting rules: no siting within 1 m of the roadway edge, no projection over the road reserve, tight projection limits that scale with clear height, minimum 2.4 m pedestrian clearance if over a footway, and a prohibition on obscuring windows, doors, vents, or any traffic signs.
- 23.5. It caps size at 5 m<sup>2</sup> and facade coverage at 20 percent in maximum control and 30 percent in partial or minimum control, with a possible increase to 9 m<sup>2</sup> only if TIA and VIA show no road-safety or amenity impact and placement complies with sight distance, spacing, and luminance parameters.
- 23.6. It allows ads on blank side walls of non-residential buildings only when integrated into the facade design and compatible with local character, requires custom design for third-party ads on public facades, and forbids attachment to residential walls except for small on-premises signs allowed under section 14(5).
- 23.7. Every approved sign must display the municipal approval reference and the responsible owner or company. These changes replace vague discretion with objective siting and size rules, protect heritage and streetscape quality, and align wall signage with the By-law's safety and overlay framework.

24. **SCHEDULE 11: TEMPORARY POSTERS, TEAR DROP BANNERS, FLAGS ON PUBLIC ROADS AND PUBLIC PLACES**

- 24.1. The October text replaces the March version's inconsistent wording with a clear, event-focused regime that is defensible on road-safety and heritage grounds.
- 24.2. Material changes include aligning the permission areas to the Overlay Zones by excluding Urban and Rural Conservation and Scenic Routes overlays; introducing objective controls that reduce clutter and distraction (30 m from traffic signs and signals, one item per organisation on every second street-light pole, uniform mounting about 2 m to the lower edge); tightening time limits (display up to 14 days before an event, removal within 2 days after), standardising size and sponsor identification (poster board 80 cm by 50 cm, sponsor content capped at 20 percent), and adding a deposits, tariffs and cost-recovery mechanism with explicit removal powers.
- 24.3. Election material is now expressly governed by the Electoral Act, with display limited to one month before the poll and removal within seven days after, addressing fairness and compliance concerns raised during participation.
- 24.4. These adjustments respond to stakeholder submissions about road-traffic safety, visual clutter and administrative burden, and are supported by SAMOAC's small-format practice and the RTMC engineering emphasis on keeping the driver's cone of vision around intersections free of competing stimuli, which the March draft did not translate into measurable distances.
- 24.5. What remains the same is that these devices are temporary, event-related, non-commercial in substance, may not be fixed to trees or traffic-control equipment, and are prohibited in sensitive overlay areas; those elements are retained to protect heritage character and public amenity while allowing limited community event communication.

25. **SCHEDULE 17: ADVERTISEMENTS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT ORGANISATIONS**

- 25.1. The October draft removes a bundle of prescriptive, NPO-only size and content rules and replaces them with a clear, principles-based test that requires NPO proposals to meet the same technical safety, heritage and amenity standards as all other signs.
- 25.2. The categorical ban on “political content” has been deleted to avoid unconstitutional, content-based regulation; road-safety, spacing and illumination limits still govern through the main by-law and sign-type schedules.
- 25.3. What remains are the core public-benefit and empowerment criteria, and the requirement for a written agreement where municipal land is used. This resolves duplication, improves constitutional defensibility, and keeps community benefit central without weakening safety or heritage protections.
- 26. **SCHEDULE 18: LOCALITY-BOUND STANDARD FREESTANDING AND COMPOSITE ADVERTISEMENTS IN CONSERVATION AREAS AND AREAS OF SINGLE-RESIDENTIAL ZONING**
- 26.1. The October amendment to Schedule 18 introduces a clear, standardised template for small on-premise identification in sensitive areas: one sign per property, with an option for a coordinated two-panel composite (each up to 1.8 m<sup>2</sup>), business-centre consolidation, a ban within the road reserve, and mandatory referral to Heritage Western Cape where fabric is older than 60 years or within a heritage overlay.
- 26.2. This is a material shift from March, which did not provide a dedicated, uniform format for these contexts and left size and coordination to case-by-case discretion.
- 26.3. The change was made to answer concerns about visual clutter and uncoordinated proliferation, while also addressing small-business submissions that some modest on-premise identification should be possible.



- 26.4. The 1.8 m<sup>2</sup> composite ceiling and the “one-per-property” rule align with SAMOAC’s low-impact, pedestrian-scale classes for sensitive precincts and with the RTMC emphasis on limiting distraction where streets are narrow or visually complex; they replace the March approach that was not easily defensible because it lacked consistent thresholds.
- 26.5. What remains the same is the core policy of maximum protection for conservation and heritage areas: signs must be locality-bound, may not intrude into the road reserve, and heritage referral applies—these elements are retained to safeguard character, integrate with the Zoning Scheme overlay regime, and ensure any allowance does not compromise heritage fabric or public safety.

27. **SCHEDULE 19: STREET-POLE ADVERTISING**

- 27.1. The October re-draft of schedule 19 replaces the largely discretionary March regime with clear, measurable standards for small-format street-pole panels in urban areas of partial and minimum control.
- 27.2. It fixes panel size at 0.9 m by 0.6 m (0.54 m<sup>2</sup>), requires a uniform mounting height of about 2.1 m to the lower edge, limits one panel per pole, and introduces spacing and proximity controls of 30 m between panels, 30 m from signalised intersections and 20 m from pedestrian crossings.
- 27.3. It also prohibits illuminated, electronic or animated formats, confine displays to designated municipal street-light poles under a licence or concession with a maximum three-month approval period, and clarifies joint maintenance responsibility, mandatory display of the municipal approval reference, and summary removal powers for non-compliance.
- 27.4. These changes were made to answer safety and clutter concerns raised in public participation by converting subjective “street clutter” judgments into defensible thresholds that align with SAMOAC’s low-impact street furniture

practice and the RTMC road-safety emphasis on driver decision zones near intersections.

- 27.5. What remains the same is that street-pole advertising is not permitted in maximum-control or sensitive overlay areas, municipal discretion to remove in the public interest is preserved, and content is still governed by the ARB Code. Retaining these elements protects amenity and heritage while the new numbers make day-to-day approvals and enforcement predictable and defensible.

**DATED AT WESTVILLE ON THIS THE 30<sup>th</sup> OF DRAFT VERSION 2025**

|            |                                              |
|------------|----------------------------------------------|
| <b>7.9</b> | <b>RURAL MANAGEMENT: (PC: CLLR C MANUEL)</b> |
|------------|----------------------------------------------|

NONE

|             |                          |
|-------------|--------------------------|
| <b>7.10</b> | <b>MUNICIPAL MANAGER</b> |
|-------------|--------------------------|

NONE

|           |                                                 |
|-----------|-------------------------------------------------|
| <b>8.</b> | <b>REPORTS SUBMITTED BY THE EXECUTIVE MAYOR</b> |
|-----------|-------------------------------------------------|

NONE

|           |                       |
|-----------|-----------------------|
| <b>9.</b> | <b>URGENT MATTERS</b> |
|-----------|-----------------------|

NONE

|            |                                              |
|------------|----------------------------------------------|
| <b>10.</b> | <b>MATTERS TO BE CONSIDERED IN-COMMITTEE</b> |
|------------|----------------------------------------------|

SEE PINK DOCUMENTATION