



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref: 3/4/3/5/2/4

2016-02-12

MINUTES

PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE MEETING

2016-02-02

MINUTES
PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE MEETING

2016-02-02

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MINUTES OF THE PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH ON TUESDAY, 2016-02-02 AT 14:00

PRESENT Councillor JP Serdyn (Ms) [Chairperson: Planning and Land-Use Management, Building Control, Air Pollution, Spatial Planning/Environmental Heritage and Cultural Management]
 Councillor SJ Louw (Ms) [Portfolio: Agriculture, LED and Tourism]
 Councillor AR Frazenburg [Portfolio: Community Services]

Alderman DC Botha

Councillors F Adams
 S Jooste (Ms)
 EL Maree (Ms)
 N Ntsunguzi (Ms)

Also present Councillor CP Jooste

Officials Acting Director: Planning and Economic Development (W Moses)
 Manager: Community Development (Ms M Aalbers)
 Senior Legal Advisor (M Williams)
 Head: Committee Services (EJ Potts)
 Committee Clerk (Ms B Mgcushe)

1. APPLICATION FOR LEAVE OF ABSENCE (3/4/3/3)

None

ABSENT

JA Davids

2.1 COMMUNICATION BY THE CHAIRPERSON (3/4/3/6)

The Chairperson welcomed everyone present, and expressed the hope that everyone is geared to deal successfully with the challenges of 2016.

(-)

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

**5. REPORTS FROM OFFICIALS: PLANNING AND LAND USE
MANAGEMENT, BUILDING CONTROL, AIR POLLUTION, SPATIAL
PLANNING/ ENVIRONMENTAL HERITAGE AND CULTURAL
MANAGEMENT**

5.1 NON-DELEGATED MATTERS

NONE

5.2 DELEGATED MATTERS

**5.2.1 BUILDING DEVELOPMENT MANAGEMENT: MONTHLY REPORT:
NOVEMBER 2015**

File number : 8/1/4/2/5

Compiled by : *Manager: Building Development*

Report by : *Director: Planning, Economic and Community
Development*

Delegated Authority : *Planning, Economic and Community Development
Committee*

Strategic intent of item

<i>Preferred investment destination</i>	<input type="checkbox"/>
<i>Greenest municipality</i>	<input type="checkbox"/>
<i>Safest valley</i>	<input type="checkbox"/>
<i>Dignified Living</i>	<input checked="" type="checkbox"/>
<i>Good Governance</i>	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To provide monthly feedback on the activities of the Department Building Development Management.

2. BACKGROUND

The Department Building Development Management consist of 9 staff members.

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

3. DISCUSSION

Statistics of the department for the month of November 2015 can be noted in the attached Monthly Report (**APPENDIX 1**).

4. LEGAL IMPLICATION

None

5. FINANCIAL IMPLICATION

None

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

None requested

RECOMMENDED

that the Monthly Report of Building Development Management for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 5.2.1**

RESOLVED (nem con)

that the Monthly Report of Building Development Management for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

**5.2.2 SPATIAL PLANNING, HERITAGE AND ENVIRONMENT: MONTHLY
REPORT: NOVEMBER 2015**

File number : 8/1/4/2/5

Compiled by : *Manager: Spatial Planning, Heritage & Environment*

Report by : *Director: Planning, Economic and Community Development*

Delegated Authority : *Planning, Economic and Community Development Committee*

Strategic intent of item

<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	X
<i>Safest valley</i>	X
<i>Dignified Living</i>	X
<i>Good Governance</i>	X

1. PURPOSE OF REPORT

To provide monthly feedback on the activities of the Department Spatial Planning, Heritage & Environment.

2. BACKGROUND

The Department Spatial Planning, Heritage & Environment consist of 5 staff members.

3. DISCUSSION

Statistics of the department for the month of November 2015 can be noted in the attached monthly report (**APPENDIX 1**).

4. LEGAL IMPLICATION

None

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

5. FINANCIAL IMPLICATION

None

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

None requested

RECOMMENDED

that the Monthly Report of Spatial Planning, Heritage and Environment for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 5.2.2**

RESOLVED (nem con)

that the Monthly Report of Spatial Planning, Heritage and Environment for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

**5.2.3 CUSTOMER INTERFACE AND ADMINISTRATION MONTHLY REPORT:
NOVEMBER 2015**

File number : 8/1/4/2/5

Compiled by : Head: Customer Interface and Administration

Report by : Director: Planning, Economic and Community
Development

Delegated Authority : Planning, Economic and Community Development
Committee

Strategic intent of item

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance

1. PURPOSE OF REPORT

To provide monthly feedback on the activities of the Customer Interface and Administration department.

2. BACKGROUND

The Customer Interface and Administration department is a support department that aligns its processes and procedures to best suit and comply with the legislative requirements that govern Land Use Planning and Building Development Management. It is responsible for the efficient and effective administration of all matters relating to Land Use Planning and Building Development Management, as well as the archiving and management of decentralized records within the Directorate: Planning and Economic Development. This department consist of 13 staff members, who function in one of the three specialist Sections namely the Decentralized Registry, Land Use Administration and Building Development Administration.

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

3. DISCUSSION

Activities of the department for the month of October 2015 can be noted in the attached Monthly Report (**APPENDIX 1**).

4. LEGAL IMPLICATIONS

None

5. FINANCIAL IMPLICATIONS

None

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

None requested

RECOMMENDED

that the Monthly Report of Customer Interface and Administration for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 5.2.3**

RESOLVED (nem con)

that the Monthly Report of Customer Interface and Administration for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

5.2.4 LAND USE MANAGEMENT: MONTHLY REPORT: NOVEMBER 2015

File number : 8/1/4/2/5

Compiled by : *Manager: Land Use Management*

Report by : *Director: Planning, Economic and Community
Development*

Delegated Authority : *Planning, Economic and Community Development
Committee*

Strategic intent of item

<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	X
<i>Safest valley</i>	X
<i>Dignified Living</i>	X
<i>Good Governance</i>	X

1. PURPOSE OF REPORT

To provide monthly feedback on the activities of the Department: Land Use Management.

2. BACKGROUND

The Department: Land Use Management consists of 10 staff members.

3. DISCUSSION

Statistics of the Department for the month of November 2015 can be noted in the attached Monthly Report (**APPENDIX 1**).

4. LEGAL IMPLICATION

None

5. FINANCIAL IMPLICATION

None

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

None requested

RECOMMENDED

that the Monthly Report of Land Use Management for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 5.2.4**

RESOLVED (nem con)

that the Monthly Report of Land Use Management for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

5.2.5 APPLICATION FOR REZONING ON ERF 13190, STELLENBOSCH

File number : 13190

Compiled by : Senior Town Planner (R Fooy)

Report by : Director: Planning, Economic and Community
Development

Delegated Authority : Planning, Economic and Community Development
Committee

Strategic intent of item

<i>Preferred investment destination</i>	<input checked="" type="checkbox"/>
<i>Greenest municipality</i>	<input checked="" type="checkbox"/>
<i>Safest valley</i>	<input checked="" type="checkbox"/>
<i>Dignified Living</i>	<input checked="" type="checkbox"/>
<i>Good Governance</i>	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To enable the Planning and Economic Development Committee to make a decision on the abovementioned application. The application is **recommended for approval**.

2. BACKGROUND

The existing building on Erf 13190, Stellenbosch (in Market Street) is currently used by the Zest Fruit Company as offices. The property is zoned for *Single Residential purposes* but Council has approved a temporary departure to facilitate the use of the property for offices. This approval is valid for 5 years. The application under consideration is to permanently establish offices on the subject property. The proposal consists of the redevelopment of the existing building on the property and the addition of a two storey addition with roof garden behind the existing building.

3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for the rezoning of Erf 13190 from

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

Single Residential to Specific Business for offices purposes. A locality plan is attached as **APPENDIX 2**.

4. PROPERTY INFORMATION

Erf number	13190
Location	Market Street, Stellenbosch (see APPENDIX 2)
Zoning/Zoning Scheme	Single Residential / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Current Land Use	Offices
Unauthorized land use/building work / date when notice served	No
Property size	1707m ²
Applicant	TV3 Architects & Town Planners (Power of Attorney attached as APPENDIX 6)
NHRA Applicable	No
Title deed conditions	No

5. DISCUSSION

5.1 Legal requirements and Public Participation

The application for rezoning was submitted in terms of Section 17 of the Land Use Planning Ordinance 15 of 1985. The application has been advertised by Council in the press and registered letters were sent to the surrounding affected property owners and associations for comment in terms of Council's Public Participation Policy for the Land Use Management section.

The application was also circulated to the relevant internal departments of Council for comment and the proposal is supported by the internal departments of Council, excluding the Department Spatial Heritage and Environment. This department did not support the proposal as they felt that the subject property was being over developed and would have a negative impact on the adjoining historical building (Leerlooiersplein Huise). This comment is noted and will be addressed in the assessment of the proposal.

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

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]**5.2 Summary of objections and comments received**

Refer to APPENDIX 4

Issues raised	No of objec= tors	Applicant's comments	Departmental response
An office land use will degrade the town's historic character	2	The feedback received from the heritage authorities tasked with protecting the town's historic core (namely Heritage Western Cape and the Stellenbosch Municipality's heritage department) has been positive as they have both approved the proposed office building.	The subject property is located in an area where a number of properties have been specifically rezoned to accommodate office use. The proposed use of the property would thus not be out of character with its surroundings. The existing building located on the property is already being used for office purposes without having any negative impact on its surroundings. The proposal under consideration is the formalization of the existing use of the property
An office land use will oppose the municipal Spatial Development Framework's (SDF) principles	2	The SDF forms part of the Stellenbosch Municipality's Integrated Development Plan (IDP), which is the guiding document for the future planning, budgeting, management and decision making of the Stellenbosch Municipality. The proposed development can be regarded as being consistent with a number of the goals included in the IDP, namely: Create an environment that is conducive to the reduction of unemployment.	The Spatial Development Principals mentioned by the objectors are broad principles pertaining to the effective use of existing land within the urban edge. The subject property is located within the Historical Core of Stellenbosch and also forms part of the CBD area. The proposed use is thus in line with its surroundings and the proposal has taken its surroundings into consideration. The area in which the subject property is located already has a mixed use and currently the property

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		<p>Increase economic and business opportunities.</p> <p>Increase investment in the local economy.</p> <p>Introduce urban renewal programmes and initiatives</p>	<p>is underutilized. The proposal under consideration will optimize the use of the property.</p>
<p>Most of the surrounding erven are zoned for residential purposes.</p>	2	<p>From the attached land use plan it is clear that commercial and business activities are a dominant land use within this area.</p>	<p>This statement is not correct as a number of properties located in this area and street have been specifically rezoned for office purposes within the last few years.</p> <p>The surrounding residential use is mainly high density developments consisting of flats. These buildings are in most cases 2 storey buildings and thus the height of the proposed building is not out of character with its surroundings.</p>
<p>Research has shown that an office land use (in lieu of a residential land use) in a town's CBD, leads to serious urban decay. For this reason Council has opposed offices in the CBD in order to prevent urban decay. Consequently mixed land uses (commercial and residential) are supported by Council</p>	2	<p>We are unsure to which research the objector is referring. However, it is our experience that in the Stellenbosch CBD the opposite is true. Streets with offices are neat and tidy, and the gardens maintained to create a good impression and a beautiful streetscape (e.g. Herold Street and Papegaai Street). The streets in the CBD with residential properties are unfortunately many times untidy, the buildings needing paint and the gardens unkempt (e.g. Weidenhof Street and Louw Street). This is confirmed by recent</p>	<p>This statement is not totally correct as can be seen by the approvals granted by Council in this area over the last few years.</p> <p>The mainly reason is due to the fact that a large number of the buildings within this area are heritage worthy and have been retained by the land owners and are currently used for office purposes.</p> <p>In a number of cases the existing front gardens have been retained and thus the residential character of the buildings has been preserved notwithstanding</p>

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Environmental Heritage and Cultural Management]

		Council approvals where residential properties were converted into offices to the benefit of the streetscape (e.g. Erven 732 and 734 in Krige Street and Erf 15696 in Papegaa Street). The offices have led to the beautification of the streetscape – and not to urban decay as claimed by the objector	the fact that the properties are used for office purposes
If the office zoning is approved, then the land owner can in future enlarge the office building as per the Zoning Scheme's development parameters for offices	2	This statement is incorrect. Any planning approval will be linked to the site development plan (SDP); i.e. the development will be limited to the SDP. Any deviation from the SDP will require a new planning application.	Should an approval be granted by Council it will be subject to the implementation of the Site Development Plan which forms part of the application. Should the owner want to redevelop the property in future then they would have to reapply to Council to amend the approval granted and the revised proposal would have to be re considered by Council prior to any approval being granted.
A temporary approval for an office land use (as granted by Council) may not serve as motivation to permit a long term office land use	2	A temporary departure can act as a barometer (or a test run) to determine if a specific land use is compatible with the surrounding area. The current office land use has shown that it did not cause a nuisance or disturb the surrounding land owners and it is therefore clear that an office land use is compatible with the environment. It is also important to note that no surrounding land	The fact that approval was granted by Council for a temporary departure to use the existing building on the property for office purpose indicates that the existing and proposed use of the property for office purposes is not seen to be out of character with its surroundings.

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[Portfolio: Planning and Land Use
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		owner objected to the proposed development. It can therefore be accepted that the persons affected by this land use supports it.	
The fact that Heritage Western Cape (HWC) has approved the proposed office building may not serve as motivation to rezone the erf. It is not the function of HWC to make zoning decisions.	2	This statement is incorrect. Section 38(1) of the National Heritage Resources Act, 1999 makes the rezoning of a property (or a change in land use) also a function of HWC. By approving the building plans HWC has supported the office land use.	The fact that Heritage Western Cape support the architectural style of the building and the proposed land use does not imply that Council must approve the proposal as all comments received on the application must be considered as part of the decision making process. It must be noted that the existing use of the property is already for office purposes and the proposal under consideration is to expand and formalize the existing office use already located on the subject property.
The economic benefits that the proposed office building will create are not linked to this erf.	2	The economic benefits for the town are maybe not linked to this erf, but it is linked to the Zest Fruit company. If they cannot establish their head office on this erf, then they will have to find a suitable alternative site maybe in Paarl or Somerset West. Then the economic benefits will be lost for Stellenbosch.	The economic benefits would not be limited to the Stellenbosch municipal area but would have a positive impact on the economy of the country in general, but the local economy would benefit in terms of the short term work created during the construction phase of the project. The approval of the application would result long term benefits as the use of the property for office purposes would enable established companies to establish head offices in the Stellenbosch area thus creating long term

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

			<p>employment opportunities.</p> <p>The redevelopment of the subject property will also inspire similar project in the area thus making optimal use of the existing land and services within the urban edge.</p>
This property should rather be developed for residential purposes or as a tourist attraction	2	It is the prerogative of a land owner to apply for a required land use, and it is the responsibility of Council to approve a desired land use. It is not for an objector to dictate to a private land owner or Council which land uses should be allocated to which even	The subject property is located in an area which has a mixed land use and thus the owner could have applied to develop it for residential purposes. Due to the fact that the property is currently owned by a company requiring additional office space, the owners have opted to redevelop the property to accommodate their needs
This proposed development entails the over development of the site.	2	The proposed building will be limited to two storeys with a coverage of only 42%. It will be significantly smaller than the abutting Bast Molen apartment building on Erf 269 which consists of four storeys.	The proposed building has taken the surrounding developments into consideration as the additions to the existing building are located behind the existing building out of view of the street and the design of the building is such that it does not compete with the adjoining historical building.
Offices always have a shortage of parking. This will lead to parking on surrounding open spaces.	2	<p>Sufficient parking will be provided on site and the public areas will not be used by Zest Fruit.</p> <p>The <i>Looiersplein</i> (in front of the application area) is occasionally used by the general public as a parking area. It is however not used by Zest Fruit's employees. In fact, business owners in Market Street are</p>	The proposal has made provision for adequate onsite parking as required by the Stellenbosch Zoning Scheme. The proposed onsite parking ratio has been endorsed by the Engineers Department of Council.

[Chairperson: Councillor JP Serdyn (Ms)]

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		currently in discussion with the Stellenbosch Municipality's property department to upgrade and develop the <i>Looiersplein</i> into a more active and better landscaped open space – devoid of parking. Our client supports this proposal as it will be to their benefit as well as the greater Stellenbosch	
Offices create deserted area after hours which will create a security risk.	2	Market Street has mixed land uses consisting of mainly of offices and flats. These land uses complement each other by having "life" and activities present – to deter criminal activities – during both office hours and after hours.	The surrounding properties are developed with mixed land uses which complement each other as during the day the residential components are for the most part vacant/ deserted due to the fact that the tenants of the residential components are working and the same can be said for the properties developed with offices.
The employment opportunities that will be created by this development will be for persons not living in Stellenbosch.	2	Economic growth is dependent on the creation of new employment opportunities. The address of an employee should not come into consideration when new employment opportunities are created.	It must be noted that the Land Use Management Section of Council only manages land use issues and thus the fact that a company may or may not be employing persons whom live in the Stellenbosch area is not a factor that can be controlled by Council. The land use application is evaluated in terms of section 36 of the Land Use Planning Ordinance 15 of 1985, which does not take these factors into consideration.

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
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Environmental Heritage and Cultural Management]

5.3 Site Description and Assessment

The existing building on Erf 13190, Stellenbosch (in Market Street) is currently used by the Zest Fruit Company for offices. The property is zoned *Single Residential* but has a temporary departure approval for offices. The application under consideration is for the formalization of the use of the property for office purposes. The proposal will also facilitate the redevelopment of the existing building on the property and the addition of a two storey extension with roof garden behind the existing building. The current owners are Zest Fruit whom would like to permanently establish their head office on the subject property.

The subject property is located on the periphery of the central business district and within the Heritage Area of Stellenbosch. The subject property is located in an area with mixed land uses comprised of residential and office building. The application under consideration is to convert the existing temporary land use right to a permanent land use right and to facilitate the enlargement of the existing building to accommodate the head office of Zest Fruit.

There are numerous examples of similar infill and redevelopment projects in the Stellenbosch historic core, such as the Slee & Co building in Dorp Street, the RMB Private Bank building in Louw Street, the Black Horse Centre on the corner of Dorp and Market Streets, the Coopmanshuis in Church Street, etc.

The proposed redevelopment of the property is supported by Heritage Western Cape and the Stellenbosch Municipality's Planning Advisory Committee from a heritage perspective. The Department Spatial Heritage and Environment does not support the proposal as they are of the opinion that the proposed three storey building will have a negative impact on the surrounding area due to the proposed use of the building for office purposes. The building as proposed consists of the conversion of the existing building into offices and the addition of a two storey addition with roof garden. The proposed addition is only a two storey addition and the proposed roof garden is seen to be an architectural feature. (Refer to the Site Development Plan attached as **APPENDIX 3** and **APPENDIX 5** for comment received from the internal departments of Council).

The proposed conversion and additions to the existing building complies with the recommendations of the Kruger Roos report in that the building with addition is seen to be a background building as it is setback from the road. The addition is located behind the existing building and does not try to imitate the existing or adjoining historical buildings architectural style. The existing building with addition will not compete with the adjoining historical building (Leerlooiersplein Huise)

[Chairperson: Councillor JP Serdyn (Ms)]

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Management, Building Control, Air Pollution, Spatial Planning/
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as it is screened from the road by this building. The proposal has been endorsed by the Stellenbosch Advisory Committee and Heritage Western Cape.

The proposal has made provision for adequate onsite parking and has provided Council with a traffic impact statement as supporting documentation (**Attached in APPENDIX 5**). The proposed use of the property is not foreign within this area as noted above and should provide a number of short and long term work opportunities within Stellenbosch.

Cognisance is taken of the comments received from the Spatial Planning, Heritage & Environment Department in which they do not support the proposal due to the fact that the property is to be used for office purposes only. This department's main concern is the fact that they feel that this use is inappropriate for the area as the property will not be occupied after working hours and the proposal is an over development of the subject property. This fact is noted but a number of office developments have been approved within this street and the surrounding area. The proposal under consideration complies with the prescribed development parameters of the Stellenbosch Zoning Scheme applicable to Specific Business Zoned properties. The scale of the development would have been similar had the property been redeveloped for residential purposes and onsite parking would still have to be provided. The fact that the property is located within a mixed use area of Stellenbosch provides the owner with the option of developing a residential development or an office park as similar developments have been approved in the street and surrounding area.

The applicant has also provided Council, with a Traffic Impact Statement which confirms that the parking provided onsite is adequate for the proposed use (refer to **APPENDIX 5**). In light of the above, the application is supported from a town planning point of view as the proposed use of the property is not seen to be out of keeping with its surroundings.

RECOMMENDED

that **approval be granted** in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for the rezoning of Erf 13190 from Single Residential to Specific Business for office purposes, subject to the conditions of approval attached as **APPENDIX 1**.

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

REASONS FOR RECOMMENDATION

The proposed use of the property is not out of character with its surroundings and adheres to the principles set out in the Kruger Roos report. The proposal will also generate short and long term employment opportunities and will facilitate the establishment of the Head Office of an established company within Stellenbosch.

APPENDICES

- Appendix 1 : Conditions of Approval
- Appendix 2 : Locality Map
- Appendix 3 : Site Development Plan
- Appendix 4 : Comment on objections and objections received
- Appendix 5 : Comments received from Internal and External Departments

(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02: ITEM 5.2.5

RESOLVED (majority vote)

that **approval be granted** in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for the rezoning of Erf 13190 from Single Residential to Specific Business for office purposes, subject to the conditions of approval attached as **APPENDIX 1**.

Councillor F Adams requested that his vote of dissent be minuted.

(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)

[Chairperson: Councillor JP Serdyn (Ms)]
[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

APPENDIX 1**FILE NO: 13190**

in this approval document:

"Council" means the Stellenbosch Municipality

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

"the site " means **ERF 13190 STELLENBOSCH**

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL: Rezoning of Erf 13190 from Single Residential to Specific Business for office purposes.

CONDITIONS IMPOSED: Rezoning Conditions

CONDITIONS IMPOSED IN TERMS OF THE SPECIAL DEVELOPMENT

1. The approval applies only to the rezoning as applied for and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the rezoning shall automatically lapse in the event of the rezoning not being acted upon within 2 years from the date of this approval;
3. That the use of the property shall be limited to office purposes only;
4. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
5. That the building plans submitted may not deviate substantially from the approved site development plan attached as **APPENDIX 3** of this report;
6. That formal application be submitted for the erection of advertising signs for approval and that all signage to be erected on the property comply with Councils Signage Policy;
7. That the parking area be provided with a permanent surface and be clearly demarcated and accessible and that the construction of the parking area be to the satisfaction of Council;

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

8. That the developer submits a landscape plan for approval with the building plans and that the landscaping be undertaken prior to an occupation certificate being granted for the building;
9. That the conditions imposed by the Directorate Engineering Services as attached as **APPENDIX 5** of this report be adhered to;
10. That the building work be done in accordance with the building plans approved by Heritage Western Cape;
11. That the property owner of the subject property upgrade and develop the Looiersplein into a more active and better landscaped open space at his cost;
12. That a landscape plan be submitted with the building plans for approval by the relevant department;
13. That this Council reserves the right to impose further conditions if deemed necessary.

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

5.2.6 APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 11375, PARADYSKLOOF ROAD, STELLENBOSCH

File number : 11375

Compiled by : Senior Town Planner (R Fooy)

Report by : Director: Planning, Economic and Community Development

Delegated Authority : Planning, Economic and Community Development Committee

Strategic intent of item

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input checked="" type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

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

2. BACKGROUND

Council has supported a number of deviations from this By-law along this road over the last two years due to the fact that the properties located along this road do not gain access off this road and the Paradyskloof Road is seen to be a main collector road which has high traffic volumes.

3. DISCUSSION

3.1 Application for consideration

Application is made in terms of Clause 13 of the bylaw relating to the control of boundary walls and fences (Provincial Gazette 6671,

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

30 October 2009) in order to construct a 2.1m high solid street boundary wall on Erf 11375, Paradyskloof Road, Stellenbosch, as indicated on the attached Drawing No. 2014/92/01, dated October 2014, drawn by D Lakey, attached as **APPENDIX 3**.

3.2 Property Information

Erf number	11375
Location	Paradyskloof Road, Stellenbosch. APPENDIX 2
Zoning/Zoning Scheme	Single Residential / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Property size	434m ²
Owner	Mr L & R H van Huyssteen
Applicant	Mr L & R H van Huyssteen
Unauthorized land use/building work / date when notice served	No unauthorized building work has taken place.

3.3 Site Description and immediate environs

The subject property is located on the Paradyskloof Road, in Paradyskloof, a residential area of Stellenbosch. Access to the property is gained from Akker Street, which is a cul de sac. The subject property has two street fronts namely Akker Street and Paradyskloof Road. The proposed boundary wall is to be constructed on the Paradyskloof Street side of the property. A number of properties on Paradyskloof also have solid 2.1m high boundary walls due to the high traffic volumes on this road.

3.4 Legal requirements

Applicable laws and ordinances:

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

3.5 Public participation

Advertising took place in terms of Council's Advertising and Public Participation Policy and the owner obtained the written consent from the surrounding affected property owners.

3.6 Comments from internal and external departments

The Manager: Spatial Planning, Heritage and Environment has indicated that the applicant was required to also apply for an

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
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Environmental Heritage and Cultural Management]

amendment of approval conditions as the existing hedge located on the Paradyskloof Road boundary of the property is to be retained as previously approved, due to the fact that it was a condition of approval. The existing hedge is not in a good state and is also not located on the boundary of the subject property.(±1.2m in from property boundary). A condition will be imposed requiring the owner to re-establish the hedge on the road side of the proposed solid boundary wall and thus the owner will still be complying with the original condition of approval.

3.7 Planning Assessment

The owner is applying to construct a 2.1m high solid boundary wall on the Paradyskloof Road boundary of his property. The main reason for applying to construct a solid boundary wall is due to the fact that the subject property has two street fronts and the area of the property located on the Paradyskloof Road side is seen as the rear / backyard area of the property. Paradyskloof road is a main collector / distributor road and thus a palisade wall would not provide any privacy or reduce the noise generated by the passing vehicles.

Due to the size of the property and the fact that the hedge is located on the inside of the erf boundary, the rear of the property is very small as the total area of the property is 434m². To improve on this the owner is proposing to remove the existing hedge and replace it with a solid boundary wall. The property owner can still comply with the original approval conditions by re-establishing the hedge on the road side of the new boundary wall. The replanted hedge will overtime screen the wall from the road and aid in reducing any negative impact it could have on its surroundings.

Conclusion

Given the above discussion the proposed deviation is considered to have merit and the deviation from the By-law is therefore recommended for approval by the Land Use Planning Department.

4. LEGAL IMPLICATIONS

Section 13 of the By-Law permits a deviation from the conditions of the By-Law.

Extract of Section 13 of the By-law

Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific sites topographical conditions are such that the granting of a waiver will not result in the erection of a wall or

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
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fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

5. FINANCIAL IMPLICATIONS

No Financial implication.

RECOMMENDATION

that **approval be granted** for the application for deviation from the By-law Relating to the Control of Boundary Walls and Fences in order to construct a 2,1m high solid street boundary wall on Erf 11375, Paradyskloof Road, Stellenbosch, as indicated on the attached Drawing No. 2014/92/01, dated October 2014, drawn by D Lakey, attached as **APPENDIX 3**, subject to the conditions contained in **APPENDIX 1**.

APPENDICES

Appendix 1 : Conditions of Approval
Appendix 2 : Locality Plan
Appendix 3 : Plan
Appendix 4 : Comments from Internal Departments of Council
Appendix 5 : Extract from By-law

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 5.2.6**

RESOLVED (nem con)

that **approval be granted** for the application for deviation from the By-law Relating to the Control of Boundary Walls and Fences in order to construct a 2,1m high solid street boundary wall on Erf 11375, Paradyskloof Road, Stellenbosch, as indicated on the attached Drawing No. 2014/92/01, dated October 2014, drawn by D Lakey, attached as **APPENDIX 3**, subject to the conditions contained in **APPENDIX 1**.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

APPENDIX 1

FILE NO: 11375

In this approval document:

"Council" means the Stellenbosch Municipality

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

"the site" means **ERF 11375 STELLENBOSCH**

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL: Deviation from the Bylaw Relating to the Control of Boundary Walls and Fences in order to construct a 2,1m high solid street boundary wall on Erf 11375, Paradyskloof Road, Stellenbosch, as indicated on the attached Drawing No. 2014/92/01, dated October 2014, drawn by D Lakey, attached as **APPENDIX 3**

CONDITIONS IMPOSED:

1. The approval applies only to the application for the waiver from the subject By-law in question and shall not be construed as authority to depart from any other legal prescription or requirements of Council;
2. The building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
3. The boundary wall is to be plastered and painted white on the street side of the wall;
4. The existing hedge is to be replanted on the Paradyskloof Street side of the new boundary wall to the satisfaction of Council;
5. The owner of the subject property is responsible for the upkeep of the hedge;
6. This Council reserves the right to impose further conditions, if deemed necessary.

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

5.2.7 APPLICATION FOR REZONING AND DEPARTURE ON ERF 735, STELLENBOSCH

File number : 735

Compiled by : Senior Town Planner (R Fooy)

Report by : Director: Planning, Economic and Community Development

Delegated Authority : Planning, Economic and Community Development Committee

Strategic intent of item

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance

1. PURPOSE OF REPORT

To enable the Planning and Development Committee to make a decision on the abovementioned application. The application is **recommended for approval**.

2. BACKGROUND

The existing building on Erf 735, Stellenbosch (at 7 Krige Street) is used for residential purposes. The property is zoned *Single Residential*. The application under consideration is the conversion of the existing dwelling into offices.

3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for the rezoning of Erf 735, Krige Street, Stellenbosch, from Single Residential to Specific Business for Offices in order to convert the existing dwelling into offices as indicated on the Site Development Plan attached as **APPENDIX 3** of this report;

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

Application is made in terms of Section 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for a building line departure to relax the 3.0m lateral building line to 0m adjoining Erf 734, in order to accommodate the existing building on the property in terms of the Specific Business Zoning, as indicated on the Site Development Plan attached as **APPENDIX 3** of this report.

4. PROPERTY INFORMATION

Erf number	735
Location	7 Krige Street, Stellenbosch (see APPENDIX 2)
Zoning/Zoning Scheme	Single Residential / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Current Land Use	Residential
Unauthorized land use/building work / date when notice served	No
Property size	592m ²
Applicant	TV3 architects and town planners (Power of Attorney attached as APPENDIX 6)
NHRA Applicable	No
Title deed conditions	No

5. DISCUSSION

5.1 Legal requirements and Public Participation

The application for rezoning and departure was submitted in terms of Sections 17 and 15 of the Land Use Planning Ordinance 15 of 1985. The application has been advertised by Council in the press and registered letters were sent to the surrounding affected property owners and associations for comment in terms of Council's Public Participation Policy for the Land Use Management section. The application was also circulated to the relevant internal departments of Council for comment and is supported with standard conditions. One letter of objection was received from the Stellenbosch Interest Group. (Refer to **APPENDIX 4**).

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]**5.2 Summary of objections and comments received**

Refer to APPENDIX 4

Issues raised	No of objections	Applicant's comments	Departmental response
The residential building on Erf 734 is a historic home. However it is not only the house that must be protected, but also the character of the area.	1	The proposed office land use will reflect Krige Street's character – which consists predominantly of offices. As the proposed office land use will reflect the existing character of Krige Street it is protecting the street's character.	The character of the area has been changed from residential to commercial due to the development of offices located on the General Business Zoned property Erf 16043 and a number of the residential properties located in Krige Street have been rezoned to accommodate offices within the existing residential buildings.
Krige Street is located in the town's historic core (as per the Kruger Roos report) and heritage overlay zone (as per the draft Integrated Zoning Scheme).	1	Noted. For this reason the property's historic building has been restored and the proposed offices will be located within this historic building.	The proposal under consideration does not require a new building to be constructed but only the internal conversion of the existing house to offices.
Public parking is proposed on the side walk. This is unacceptable.	1	Based on the site development plan submitted to the Municipality as part of the land use planning application, no public or private parking is proposed in front of the Erf as claimed by the SIG.	The applicant has provided onsite parking which is located behind the existing dwelling unit and thus it will not be visible from the street as it is screened by the existing dwelling. The front garden area will be landscaped by the owners to retain the character of the area.
The Stellenbosch Municipality's parking ratio for offices are outdated.	1	On-site parking will be provided in line with the requirements of the Stellenbosch Municipality's Zoning Scheme Regulations	The onsite parking bays provided are in line with the Stellenbosch Zoning Scheme Regulations and the application was

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
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Consequently the on-site parking will not be insufficient.		(1996). We will however abide by the municipal traffic engineer's conditions of approval.	circulated to the traffic engineers of Council for comment and the proposal is supported by the Engineers Department.
Approval of this application will create a precedent for similar applications.		<p>This claim is misleading as numerous similar applications have recently been approved where single residential dwellings (in Krige Street) have been converted into offices; such as:</p> <p>In 2012 the Minister of Local Government, Environmental Affairs and Development Planning approved the development of offices on Erf 776 (6 Krige Street).</p> <p>In 2014 the Stellenbosch Municipality approved the rezoning of Erf 732 (15 Krige Street) to offices.</p> <p>In 2015 the Stellenbosch Municipality approved the rezoning of Erf 734 (9 Krige Street) to offices.</p> <p>This rezoning application of Erf 735 to offices is similar to the abovementioned approved developments.</p>	The proposal under consideration will not set a precedent due to the fact that a number of properties within this street have approval for office use and are being used as such. A number of these properties have also been rezoned to specific business for offices.
Stellenbosch does not have a shortage of offices, but of dwelling houses. The use of this property should therefore be retained as a dwelling house, as it offers a sought after address which is within walking distance of town.	1	The application area is located in the town's CBD area and is surrounded by (primarily) office uses. Most of the erven in Krige Street have already been converted into offices and to now retain Erf 735 as a single residential dwelling for a family does not make planning sense.	<p>The character of the area has changed over the last few years due to the redevelopment of Erf 16043, into offices. The redevelopment of this property has had a big impact on its surroundings as a large number of vehicles are now drawn into this street by business that occupy this building.</p> <p>On street parking has also been demarcated within the street to accommodate</p>

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Management, Building Control, Air Pollution, Spatial Planning/
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			<p>the additional vehicles draw into this street by the tenants of this building.</p> <p>Due to this the residential character of the street has been lost. As noted by the applicant a number of properties within this street have obtained approval from Council to be used for offices.</p>
<p>Offices are only used for 50 hours a week. The rest of the time it is empty and deserted, and an area that people should rather avoid.</p>	1	<p>The application area forms part of the town's CBD and similar to the other offices and shops in the CBD will trade during normal office hours. The SIG – by claiming this area should be avoided after hours – is being alarmist. In Krige Street, just as in the rest of the town's CBD, there are also commercial enterprises that operate after hours, such as the Stellenbosch Club (pub / tavern) which is located on Erf 740 and the BP Service Station and Pick n Pay shop located on Erf 3390. These businesses will ensure that the area is not deserted after business hours.</p>	<p>The conversion of this property from residential to offices is not seen to be out of character with its surroundings as the proposed use is the norm within this street.</p> <p>The fact that the property will not be occupied after business hours is a given. It must also be noted that this street is used after hours by the general public to park their vehicles as there are a number of popular eating establishments within walking distance of Krige Street.</p>

5.3 Site Description and Assessment

The application under consideration is to convert the existing dwelling located on the subject property into offices.

The subject property is located within the central business area of Stellenbosch and is surrounded by similar land uses. A number of properties within Krige Street have been successful in obtaining approval to convert the existing dwelling units into offices over the last number of years.

- In 2012 the Minister of Local Government, Environmental Affairs and Development Planning approved the development of offices on Erf 776 (6 Krige Street).

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

- In 2013 the building plans for the redevelopment of consolidated Erf 16043, Krige Street, into an office block were approved by Council due to the fact that this property already had a General Business Zoning.
- In November 2014 the Stellenbosch Municipality approved the rezoning of Erf 732 (15 Krige Street) to offices, due to the fact that the above approval had significantly changed the character of the area from single residential to business (Approval granted on appeal);
- In February 2015 the Stellenbosch Municipality approved the rezoning of Erf 734 (9 Krige Street) to offices for the same reason as noted above.(Approval was also granted on appeal.)

As the subject property is located within the town's CBD area, the proposed use of the property for office purposes will not be foreign to the area as a number of the properties in Krige Street are already used for office purposes as approved by Council. Erf 775 (8 Krige Street) is the only property on the eastern side of Krige Street that is still zoned and used for single residential purposes and there are only three properties located on the western side of Krige Street (excluding the application area), that are still also still zoned and used for single residential purposes.

It is notable that the properties used for business purposes within Krige Street are well maintained while a number of the remaining residential properties are not. This trend is also noticeable in other mixed land use areas within the CBD area of Stellenbosch (Herold and Papegaai Street). The character of Krige Street has already changed from predominantly residential to a more commercial / offices environment. The proposed development is only the natural evolution of Krige Street (which will continue). Krige Street's residential character is also impacted on by the pedestrian bridge over the Eerste River, which links the northern and southern river banks. Due to this there is a high volume of pedestrian traffic within Krige Street, which negates this vision of a quiet residential street. For this reason alternative land uses have over time been established in Krige Street.

The approval of the proposed land use should have no impact on the existing character of the street as the existing dwelling will be retained. The approval will also have a positive impact on the town's economy by creating new employment opportunities.

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

In light of the above the concerns of the objector are noted but the application is supported from a town planning point of view.

RECOMMENDED

- (a) that **approval be granted** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for the rezoning of Erf 735, Krige Street, Stellenbosch, from Single Residential to Specific Business for Offices in order to convert the existing dwelling into offices as indicated on the Site Development Plan attached as **APPENDIX 3**, subject to the conditions of approval attached as **APPENDIX 1**;
- (b) that **approval be granted** in terms of Section 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for a building line departure to relax the 3.0m lateral building line to 0m adjoining Erf 734, in order to accommodate the existing building on the property in terms of the Specific Business Zoning, as indicated on the Site Development Plan attached as **APPENDIX 3**, subject to the conditions of approval attached as **APPENDIX 1**.

REASONS FOR RECOMMENDATION

The use is desirable as it constitutes infill development of underutilised land within the urban edge of Stellenbosch. The redevelopment of the subject property will have no impact on its surroundings as the majority of the surrounding properties are already being used for office purposes. The proposed use will have a positive impact on the local economy and should broaden the municipal tax base.

APPENDICES

- Appendix 1 : Conditions of Approval.
Appendix 2 : Locality Map.
Appendix 3 : Site Development Plan.
Appendix 4 : Comment on objections and objections received.
Appendix 5 : Comments received from Internal and External Departments

(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 5.2.7**

RESOLVED (majority vote)

- (a) that **approval be granted** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for the rezoning of Erf 735, Krige Street, Stellenbosch, from Single Residential to Specific Business for Offices in order to convert the existing dwelling into offices as indicated on the Site Development Plan attached as **APPENDIX 3**, subject to the conditions of approval attached as **APPENDIX 1**;
- (b) that **approval be granted** in terms of Section 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for a building line departure to relax the 3.0m lateral building line to 0m adjoining Erf 734, in order to accommodate the existing building on the property in terms of the Specific Business Zoning, as indicated on the Site Development Plan attached as **APPENDIX 3**, subject to the conditions of approval attached as **APPENDIX 1**; and
- (c) that condition 5 of the conditions imposed in terms of the rezoning (refer above) be amended to read as follows: The parking area be provided with a permanent permeable surface and be clearly demarcated and accessible and that the construction of the parking area be to the satisfaction of Council.

Councillor F Adams requested that his vote of dissent be minuted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

APPENDIX 1

FILE NO: 735

in this approval document:

"Council" means the Stellenbosch Municipality

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

"the site " means **ERF 735 STELLENBOSCH**

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL:

Rezoning of Erf 735, Krige Street, Stellenbosch, from Single Residential to Specific Business for Offices in order to convert the existing dwelling into offices as indicated on the Site Development Plan attached as **APPENDIX 3**;

Building line departure to relax the 3.0m lateral building line to 0m adjoining Erf 734, in order to accommodate the existing building on the property in terms of the Specific Business Zoning, as indicated on the Site Development Plan attached as **APPENDIX 3**.

CONDITIONS IMPOSED:

Rezoning and Departure Conditions.

CONDITIONS IMPOSED IN TERMS OF THE REZONING

1. The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. The rezoning shall automatically lapse in the event of the rezoning not being acted upon within 2 years from the date of this approval;
3. The rezoning shall be limited to offices only;
4. Building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
5. The parking area be provided with a permeable surface and be clearly demarcated and accessible and that the construction of the parking area be to the satisfaction of Council;

[Chairperson: Councillor JP Serdyn (Ms)]

[Portfolio: Planning and Land Use
Management, Building Control, Air Pollution, Spatial Planning/
Environmental Heritage and Cultural Management]

6. The developer submits a landscape plan for approval with the building plans and that the landscaping be undertaken prior to an occupation certificate being granted for the building;
7. The conditions imposed by the Directorate Engineering Services attached as **APPENDIX 5** of this report be adhered to;
8. The building work be done in accordance with the building plans approved by Heritage Western Cape;
9. This Council reserves the right to impose further conditions if deemed necessary.

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

6. REPORTS FROM OFFICIALS: COMMUNITY DEVELOPMENT**6.1 NON-DELEGATED MATTERS****6.1.1 2015/16 GRANT-IN-AID ALLOCATIONS***File number* : 5/15*Compiled by* : Manager: Community Development*Report by* : Director: Planning, Economic and Community
Development*Delegated Authority* : Council***Strategic intent of item***Preferred investment destination Greenest municipality Safest valley Dignified Living Good Governance **1. PURPOSE OF REPORT**

To present Grants-in-aid applications to Council for approval.

2. BACKGROUND

Council approved Grant-in-Aid budget of R 2 400 000,00 and Grant-in-Aid donations to the amount of R 1 223 132,00 donations (**APPENDIX 1**) at the 30th Council Meeting on 27 May 2015. This resulted in under spending and R 1 176 868,00 still available on vote 1/7802/3600 COUNCIL DONATIONS: GRANT-IN-AID SUNDRY.

All approved donations have been paid to the successful applicants after signing of the MOA's.

3. DISCUSSION

The reason for the under spending was due to the alignment of the budget to IDP priorities. This was explained to the organizations at the compulsory briefing workshop in February 2015 along with the change to the public comment period to align with the budget approval process. As this was the first year the Grant-in-Aid cycle

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was aligned to the budget approval cycle very few organizations realized that although they complied with the policy requirements for the donation, they would not receive funding as the need they address with their programmes was not identified as priority needs within the wards they deliver services in and they missed the period for public comment during April 2015.

The department concluded the process of 2015-16 Grant-in-Aid Donations with the signing of the Memorandum of Agreements with successful applicants after the approval of the budget. During this period, many organizations became aware of the signing of the agreements and the payments made to successful applicants. It was only then that organizations started to complain about the fact that their application was deemed unsuccessful due to the fact that they do not address identified ward needs within the IDP. Complaints varied from the municipality being unfair and that they did not understand what was communicated to them during the briefing session. They also indicated that the new process created confusion.

Fifteen organizations (**APPENDIX 2**) complied with all requirements of the Grant-in-Aid policy, but were not successful due to the alignment with ward priorities. The total amount that these organizations are eligible for is R 592 751.15.

Ward priorities identified during the October 2015 IDP needs assessments is indicative of developmental support needed by communities. It ranges from social crime, substance abuse, and access to information on bursaries and many more. The realization that many ward needs often goes unaddressed due to the fact that it is not deemed a municipal function, confirms the need for the municipality to align all possible resources (including Grant-in-Aid) and community partners to address ward needs. The department will thus include all identified ward needs in the compulsory briefing session for future Grant-in-Aid cycles.

4. **LEGAL IMPLICATION**

Input requested with due date: 8/12. None received.

5. **FINANCIAL IMPLICATION**

Sufficient funds available on approved 2015-16 budget on vote 1/7802/3600 COUNCIL DONATIONS: GRANT-IN-AID SUNDRY to allow for donations to the value of R 592 751.15.

6. **COMMENTS FROM OTHER RELEVANT DEPARTMENTS**

Finance: Finance support the item – response emailed on 25/11/2015

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

Legal: Input requested with due date: 8/12. None received.

RECOMMENDED

- (a) that Council approve donations as listed in **APPENDIX 2** for the 2015/2016 financial year; and
- (b) that the Department ensure compliance with the Policy by ensuring the signing of the MOA, confirmation of receipt of feedback reports and completion of the financial management workshop prior to affecting payments.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 6.1.1**

RECOMMENDED

- (a) that Council approve donations as listed in **APPENDIX 2** for the 2015/2016 financial year; and
- (b) that the Department ensure compliance with the Policy by ensuring the signing of the MOA, confirmation of receipt of feedback reports and completion of the financial management workshop prior to effecting payments.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

6.1.2 GRANT-IN-AID POLICY

File number : 5/P/5

Compiled by : Manager: Community Development

Report by : Director: Planning, Economic and Community Development

Delegated Authority : Council

Strategic intent of item

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain Council approval for the Grant-in-Aid Policy with financial implications for 2016-2017.

2. BACKGROUND

The Grant-in-Aid Policy aims to provide a framework for Grants-In-Aid to non-governmental organisations (NGO's), community-based organisations (CBO's) or non-profit organisations (NPO's) and bodies that are used by government as an agency to serve the poor, marginalised or otherwise vulnerable as envisaged by Sections 12 and 67 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

The purpose of the Grants-in-Aid Policy is to complement the goals, objectives, programmes and actions of the Stellenbosch Municipality's IDP, in order to create a sustainable, credible and caring municipality by empowering and building communities and enhancing growth and sharing through partnerships.

3. DISCUSSION

Stellenbosch Municipality through the Public Participation unit of the IDP department has over the years been successful in obtaining ward needs and prioritization of those needs. It has also become apparent

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[Portfolio: Community Development]

that many of the needs identified through this process are of a social nature and that the municipality struggles to address these needs to the satisfaction of the community.

Stellenbosch Municipality has a responsibility to be responsive to the needs of the different wards and to align all available resources to be in line with that of the IDP. The changes to the Grant-in-Aid policy has thus been made to ensure that the donations given to organizations is also aligned to the IDP thereby giving effect to the purpose of the policy and to ensure that partnerships with civil society is built to collectively address the needs as expressed by the communities.

Summary of changes:

- (a) The current policy stipulates that a maximum amount per organization of R 40 000,00 can be donated per annum. This still reflects in the policy to ensure that we can also deliver on the constitutional mandate of childcare facilities. The right of council to donate more than this amount is however added to clause 3.3 under the restriction that the proposal address specific ward priorities identified and specified in the IDP and that the applicant organization must be able to provide audited financial statements.
- (b) The current policy indicates the need to align proposal to the IDP and more specifically to the strategic objective of the municipality. Alignment has been made more specific by adding the ward priorities as a measure to indicate alignment with the strategic objectives of the IDP.

With the above changes in the Grant-in-Aid Policy (**APPENDIX 1**), Council will be able to create and support partnership with local NGO's to address the needs identified by the community during the IDP process. It will also assist with better accountability and report back to communities on funding directed specifically to the needs they have identified.

4. LEGAL IMPLICATION

Legal: Request for legal input with due date of 27 November 2015 submitted to legal services. None received.

5. FINANCIAL IMPLICATION

The changes to the policy does not lead to an increase in the budget, but aims to ensure alignment of all the municipality's resources with the IDP needs.

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

- 6.1 IDP: Comments from the IDP department was incorporated into the policy, application and MOA documents.
Manager IDP: *"This is a very good initiative to align our efforts and confirming to our communities that 'we have heard them.'"*
- 6.2 Finance: Request submitted for comment with due date of 27 November 2015. None received.

RECOMMENDED

- (a) that Council adopt the Grant-In-Aid Policy as a draft, in principle; and
- (b) that the said Policy be advertised for public comment, whereafter same be resubmitted for final adoption.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 6.1.2**

RECOMMENDED

- (a) that Council adopt the Grant-In-Aid Policy as a draft, in principle; and
- (b) that the said Policy be advertised for public comment, whereafter same be resubmitted for final adoption.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

6.1.3 MUNICIPAL NIGHT SHELTER

File number : 7/1/1/2

Compiled by : Manager: Community Development

Report by : Director: Planning, Economic and Community Development

Delegated Authority : Council

Strategic intent of item

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain council approval for the signing of a Service Level Agreement with Stellenbosch Night Shelter (NPO) in order to regulate the operational expenditure for the Municipal Night Shelter.

2. BACKGROUND

Council approved capital funding (**APPENDIX 1**) for the building of a Municipal Night Shelter on a servitude (**APPENDIX 2**) registered in its favour on land donated to the Stellenbosch Night Shelter NPO on condition that an agreement is reached with this organization.

3. DISCUSSION

In terms of the above mentioned council decision a Memorandum of Agreement (**APPENDIX 3**) and subsequent Service Level Agreement (**APPENDIX 4**) was entered into with Stellenbosch Night Shelter. Stellenbosch Municipality has a financial responsibility towards the monthly maintenance, operational and administrative cost relating to the Municipal Night Shelter. This responsibility stems from:

1. the servitude (**APPENDIX 2**) where Council will forfeit the asset built on the registered servitude should the municipality stop its financial responsibility towards the facility; and

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[Portfolio: Community Development]

2. an agreement reached indicating that the municipality takes financial responsibility toward the running and maintenance of the facility (**APPENDIX 3**).

It is prudent to note that the property in question (Erf 8887) was donated to Stellenbosch Night Shelter (NPO) and is registered in their name. Stellenbosch Municipality has no right of ownership on this property as it was donated to Stellenbosch Night Shelter (NPO) in 1991. (**APPENDIX 5**) Therefore the ultimate decision on what happens on this property remains with the registered owner of the property.

At present the SLA has expired and a new SLA has not been finalized due to the current legal opinion indicating that running a night shelter is not the function of local government and therefore cannot be budgeted for. This opinion however does not take into account the legal and binding agreement between the parties and the fact that the current occupancy rate of the municipal shelter averages 80%. Should the municipality unilaterally stop funding for this purpose, it would in effect be responsible for leaving 28 persons per night without a roof over their head as the Stellenbosch Night Shelter (NPO) has made it clear that they would not be able to carry the cost of the Municipal Shelter. (**APPENDIX 6**)

Legal Implications:

Internal (**See comments from legal department included in this item**) and external (**APPENDIX 7**) legal opinions were obtained.

- Council has no right of ownership on said property.
- The function of a Night Shelter is not listed in Schedule 4B and 5B of the Constitution as a mandate of local government.
- By ceasing to take financial responsibility for the operations of the Municipal Night Shelter, council will lose all rights to the capital asset and investment made through the building of the facility. Continuation of the financial responsibility will however necessitate compliance with section 33 of the MFMA as it constitutes contracts having future budgetary implications for a period exceeding three years.
- Council cannot rely on Section 67 of the Municipal Finance Management Act (MFMA) and donate funds as it does not amount to a donation.
- Section 53 of the Constitution requires that budgeting processes must prioritise the basic needs of the community, but ALSO promote social and economic development.

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[Portfolio: Community Development]

- Performing this function which falls outside the mandate of local government impinges upon the lawfulness of the municipality's budgets, although this expenditure is not necessarily illegal.
- No sphere of government may interfere with the functions of another sphere of government.
- An Agency Agreement (Currently known as a Transfer Payment Agreement) should be investigated.
- Council has criminalized poverty through the Bylaw for the Control of Certain Offences in Public Open Spaces.
- That by turning the Municipal Night Shelter into a rehabilitation centre for youth tik abusers, that the municipality will be able to align the budget with Schedule 4 and 5B under Child Care Facilities, Municipal Health Services or local amenities.

Financial Implications:

- Current budget for the administration and operation of the Municipal Night Shelter amounts to an average of R 45 000,00 per month and thus approximately R 540 000,00 per annum.
- A transfer Payment Agreement between Provincial Social Development and the Stellenbosch Night Shelter has been investigated and is currently not possible due to multi-year agreements already in place and budget cuts at Provincial Government. (APPENDIX 8)
- According to Dr D Fourie (CEO: SANCA Western Cape) the cost relating to the operation of a 28 day rehabilitation programme is estimated at R 20 000 per person. For a 35 bed facility, this will amount to R 700 000,00 monthly and R 8 400 000,00 per annum excluding the cost of sessional services of the doctors, psychologist and psychiatrist. In order to register as a medical detox facility a further cost of R 100 000,00 is required. The above cost include permanent appointments of 4 social workers, 5 nursing staff, 1 supervisor and 1 facility manager, cleaners and kitchen staff currently not on the municipal organogram. The above cost is further incurred with an average of 90% relapse among patients.

Budgeting for functions other than those listed in Schedule 4 and 5 B of the Constitution of SA is not prohibited as long as the municipality ensures that it is able to deliver on the basic needs of the community. Budget approval for the purpose of a night shelter can be seen as no

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different as supplying emergency and temporary housing during times of disaster. Through the night shelter, the municipality is addressing the need of temporary shelter for a portion of our population who cannot support themselves. In fact Stellenbosch Municipality has agreements with provincial government and to this effect has approved organizational structures to deliver on New Housing and Informal Settlements projects.

Establishing and funding of substance abuse rehabilitation centres is the function of provincial government. Aiming to turn the night shelter to a rehabilitation centre will not address the issue of budgeting for and delivering on unfunded mandates for Stellenbosch Municipality.

Further to the above, as the facility in question is built on land belonging to the Stellenbosch Night Shelter, the final approval of changing the use of the facility rests with the land owner and not council. Asking them to change the function of the facility will be the same as asking them to contradict the agreement with council relating to the original donation of the land for the sole purpose of a night shelter. The Stellenbosch Night Shelter has expressed very clearly that they will not agree to a change of usage of the Municipal Shelter (**APPENDIX 9**).

In summary:

- a) Stellenbosch Municipality donated erf 8887 to Stellenbosch Nightshelter (NPO) for the purpose of operating it as a shelter for homeless persons. The municipality has no right of ownership on this land.
- b) Stellenbosch Municipality promulgated a bylaw that made it illegal to sleep in public open spaces. This necessitated the need to provide alternative accommodation for the homeless.
- c) A servitude in favour of the municipality has been registered on erf 8887 and Council approved capital expenditure to build a second shelter on this land to provide free access without needing to be sober for homeless persons on property belonging to Stellenbosch Nightshelter (NPO).
- d) An agreement was signed with Stellenbosch Nightshelter (NPO) to administer the second shelter at a monthly cost and for Stellenbosch Municipality to take financial responsibility for the operational expenses of this shelter. To this effect a SLA was signed to regulate monthly payments.
- e) Due to the opinion that night shelters are not a function of local government, further SLA's have not been entered into despite the fact that there is a legal binding document

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[Portfolio: Community Development]

between the parties indicating Council's responsibility for monthly operational expenditure.

- f) Legal and financial opinion confirmed the fact that a night shelter is not a function of local government and suggested an Agency Agreement (Transfer Payment Agreement) or changing the shelter to a TIK rehabilitation centre for youth as a possible solution.
- g) A transfer payment is not possible for the 2015/16 financial year and might not be possible for the foreseeable future due to multi-year agreements with service providers and budget cuts at provincial government.
- h) A rehabilitation centre is also not a competency of local government and further to this the owner of the property indicated that they are not willing to allow such a function on their property.
- i) In terms of the agreement, council will cease all rights to the shelter built on the servitude should it stop payment of monthly expenses to keep the shelter that currently runs at 80% operational capacity.
- j) Stellenbosch Night Shelter (NPO) does not have the financial capacity to keep the second shelter operational.
- k) An average of 28 persons per night will be without a place to sleep and food to eat should the second shelter stop operating as they do not fit the requirements of the Stellenbosch Shelter.
- l) The current rules (free access and being allowed to be under the influence of a substance) at the second shelter does not contribute to the development or re-integration of persons living on the street.

4. COMMENTS FROM OTHER DEPARTMENTS

Legal:

EA Williams: The property has been transferred to the Stellenbosch Night Shelter and the municipality has no right of ownership. Should the property no longer be utilized as a night shelter, the municipality can according to clause A2 of the Deed of Transport exercise its right to sell the property.

It is prudent to note that unfunded mandate arises from the division of powers between three levels of government. This leads to concurrency of powers and functions, which causes an element of

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[Portfolio: Community Development]

confusion about who does what. An unfunded mandate can only be understood in the context of the constitutional and legislative framework for allocating and transferring powers and functions.

Constitutional and legislative framework for local government:

The Constitutional objectives for local government are enshrined in section 152 of the *Constitution of the Republic of South Africa, 1996* (hereafter referred to as the *Constitution*). Local government must be developmental in purpose and pursue the following objectives:

- a) To provide democratic and accountable government for local communities
- b) To ensure the provision of services to communities in a sustainable manner
- c) To promote social and economic development
- d) To promote a safe and healthy environment, and
- e) To encourage the involvement of communities and community organisations in the matter of local government.

In line with the section 152 of the Constitution mandate the main objective of local government is the provision of basic services to communities. Section 153 of the Constitution requires that budgeting processes must prioritise the basic needs of the community eg: water, sanitation, etc. The Municipality may only budget for non-core functions such as crèches, sport fields, etc. if:

- The function is listed in Schedule 4B and 5B of the Constitution;
- The function is assigned to the municipality in terms of national or provincial legislation;
- The municipality has prioritised the provision of basic services; and
- It does not jeopardise the financial viability of the municipality.

No sphere may interfere with the functions of another sphere of government as was held by the Constitutional Court in *Fedsure Life Assurance Ltd and Others v Greater Johannesburg Transitional Metropolitan Council and Others 1998 (12) BCLR 1458 (CC)*. Central to the conception of our constitutional order that the legislature and executive in every sphere are constrained by the principle that *they may exercise no power and perform no function beyond the conferred upon the By-law*.

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[Portfolio: Community Development]

The municipality does not have the legal basis to perform this function and cannot rely on Section 67 of the Municipal Finance Management Act (MFMA) and donate funds as it does not amount to a donation.

Furthermore, performing this function which falls outside the mandate of local government impinges upon the lawfulness of the municipality's budgets, although this expenditure is not necessarily illegal.

It is therefore advisable that an Agency Agreement be entered into with Department of Social Development regarding the matter.

Finance:

Finance is in agreement with the Legal Input.

Stellenbosch Night Shelter:

*The relationship between the Stellenbosch Night Shelter and the Municipality is governed by the legally binding Memorandum of Agreement. Our committee will not agree to a change of usage of the Municipal Shelter. The following reasons are listed (**APPENDICES 8 and 9**):*

- a) A Tik rehabilitation centre would be a misfit and a recipe for disaster situated next to the Stellenbosch Night Shelter.
- b) Operating a rehabilitation centre is not the expertise of the committee of the Stellenbosch Night Shelter.
- c) The Municipal Shelter is filled to the brim with vagrants and fulfils an important need in our society. It would simply be inhumane to withdraw this service.
- d) At present the SLA states that clients may be inebriated and that they need not pay for admission. This contributes to non-development and when considering the future running of the Municipal Shelter and new SLA, we need to look at the terms of admission, amongst other payment of an admission fee, for the purpose of rehabilitation.
- e) The Stellenbosch Night Shelter is not in a position to take on the responsibility of finding funds to fund the Municipal Shelter.

The Stellenbosch Night Shelter (NPO) further indicated in a formal response (**APPENDIX 10**):

- a) That they would be willing to receive the building on account of the fact that they spend R 75 000,00 in 2008 to extend the

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[Portfolio: Community Development]

shelter and that they would take on the responsibility of the maintenance of the building;

- b) That they would continue to run the Municipal Shelter on condition that the municipality honour the agreement in place relating to the operational and administrative cost;
- c) That they agree that the By-law should be reconsidered; and
- d) That the current set of rules applicable regarding admission to the Municipal Night Shelter should be revised.

RECOMMENDED

- (a) that the Municipality investigate the constitutionality of the By-law “for the Control of Certain Offences in Public Places” of 2003 and report back to Council with a draft revision of said By-law;
- (b) that Council transfer the Municipal Shelter to the owner of erf 8887 for the purpose to run as a shelter for homeless persons whereafter the owner of the property will take responsibility (financial and otherwise) to maintain the physical building;
- (c) that Council take cognisance of the fact that funding and budgeting for a shelter is not a local government competency, but acknowledge the fact that there is a legal responsibility towards Stellenbosch Night Shelter and continue to fund the administration and operational cost related to this facility through a Service Level Agreement for a period of three years;
- (d) that Council approve the successful completion and submission of a MFMA Section 33 report to allow financial support for a period longer than three years; and
- (e) that the Department Community Development, together with Stellenbosch Night Shelter, investigate a new Admission Policy for the Municipal Shelter to contribute to the development of persons living on the street and that such Policy be implemented by the Night Shelter.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 6.1.3**

RESOLVED (nem con)

- (a) that this item be referred back to allow the Administration to submit a full report on the nature and operations of the municipal shelter, as well as to propose a way forward; and
- (b) that the Committee do a site visit to see the state of the building and the condition of the shelter.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

6.2 DELEGATED MATTERS**6.2.1 COMMUNITY DEVELOPMENT MONTHLY REPORT: NOVEMBER 2015***File number* : 8/1/4/2/5*Compiled by* : *Manager: Community Development**Report by* : *Director: Planning, Economic and Community Development**Delegated Authority* : *Planning, Economic and Community Development Committee****Strategic intent of item***Preferred investment destination Greenest municipality Safest valley Dignified Living Good Governance **1. PURPOSE OF REPORT**

To provide monthly feedback on the activities of the Department Community Development.

2. BACKGROUND

The Department Community Development consists of 4 staff members and serves the following vulnerable groups: Youth, women, children, disabled, people living on the street and the elderly.

3. DISCUSSIONActivities of the Department for the month of November 2015 can be noted in the attached Monthly Report (**APPENDIX 1**).**4. LEGAL IMPLICATION**

None

5. FINANCIAL IMPLICATION

None

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

None requested.

RECOMMENDED

that the Monthly Report of Community Development for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 6.2.1**

RESOLVED (nem con)

that the Monthly Report of Community Development for November 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

6.2.2 COMMUNITY DEVELOPMENT MONTHLY REPORT: DECEMBER 2015

File number : 8/1/4/2/5

Compiled by : Manager: Community Development

Report by : Director: Planning, Economic and Community Development

Delegated Authority : Planning, Economic and Community Development Committee

Strategic intent of item

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To provide monthly feedback on the activities of the Department Community Development.

2. BACKGROUND

The Department Community Development consists of 4 staff members and serves the following vulnerable groups: Youth, women, children, disabled, people living on the street and the elderly.

3. DISCUSSION

Activities of the Department for the month of December 2015 can be noted in the attached Monthly Report (**APPENDIX 1**).

4. LEGAL IMPLICATION

None

5. FINANCIAL IMPLICATION

None

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

None requested.

RECOMMENDED

that the Monthly Report of Community Development for December 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 6.2.2**

RESOLVED (nem con)

that the Monthly Report of Community Development for December 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

7. REPORTS FROM OFFICIALS: AGRICULTURE, LED AND TOURISM**7.1 NON-DELEGATED MATTERS**

NONE

7.2 DELEGATED MATTERS**7.2.1 LOCAL ECONOMIC DEVELOPMENT MONTHLY REPORT:
DECEMBER 2015***File number* : 8/1/4/2/5*Compiled by* : Manager: Local Economic Development*Report by* : Director: Planning, Economic and Community
Development*Delegated Authority* : Planning, Economic and Community
Development Committee***Strategic intent of item***Preferred investment destination Greenest municipality Safest valley Dignified Living Good Governance **1. PURPOSE OF REPORT**

To provide feedback on the activities of the Department Local Economic Development Department.

2. BACKGROUND

The Department Local Economic Development consists of 3 staff members which are responsible for the implementation of all the activities related to Local Economic Development in the Stellenbosch Municipal area.

The post of the Senior Officer: Rural Development is currently vacant due to the fact that incumbent accepted a position externally.

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

3. DISCUSSION

Activities of the department for the month of December 2015 can be noted in the attached monthly report (**APPENDIX 1**).

A separate report dealing with the performance of the Expanded Public Works Programme in terms of job creation and expenditure is attached as **APPENDIX 2**.

4. LEGAL IMPLICATION

None

5. FINANCIAL IMPLICATION

None

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

None requested

RECOMMENDED

that the Monthly Report of Local Economic Development for December 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02:
ITEM 7.2.1**

RESOLVED (nem con)

that the Monthly Report of Local Economic Development for December 2015, be noted.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE TO ACTION)**

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

8. **REPORTS SUBMITTED BY THE MUNICIPAL MANAGER**

NONE

9. **NOTICES OF MOTIONS AND NOTICES OF QUESTIONS RECEIVED BY
THE MUNICIPAL MANAGER**

NONE

10. **MOTIONS OF EXIGENCY**

NONE

11. **MATTERS TO BE CONSIDERED IN-COMMITTEE**

NONE

Meeting adjourned at 16:35.

CONFIRMED

CHAIRPERSON

(Signature & date)