

5.3.10	<b>PLANNING AND DEVELOPMENT OF THE PARADYSKLOOF SPECIAL DEVELOPMENT AREA</b>
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**1. PURPOSE OF REPORT**

To obtain Council's permission to proceed with establishing land development parameters, commence with land disposal processes and to implement the previous decisions and recommendations regarding the special development area (SDA).

**2. EXECUTIVE SUMMARY**

The Directorate was tasked with the planning of the Paradyskloof SDA as per **35<sup>TH</sup> COUNCIL MEETING: 2015-10-28: ITEM 7.3 RESOLVED** (majority vote):

*“(a) that approval be granted for the investigation of the innovation projects as listed herein, with specific reference to the broad project proposals as set out in the item above:*

- *Klapmuts Special Economic Zone / Industrial Area*
- *2016 Triennale*
- *Ida's Valley Dam Sustainable Utilisation Plan*
- *Sustainable Utilisation Plan of The Berg River Dam*
- *Paradyskloof Special Development Area*
- *Stellenbosch CBD parking*

*(b) that Council secure the implementation of BBBEE on all these projects to advance Local Economic Transformation, Land Reform and entrepreneurial development in partnership with any local Black Stakeholder as joint facilitators;*

*(c) that the Project Manager for each project report back to Council on progress made in the investigation of the decisions and that no authorisation processes may commence unless approved by Council; and*

*(d) that the Municipal Manager be authorised to conduct public participation processes in order to establish whether the broad project proposals are supported by communities.*

**(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)”**

Stellenbosch town area must accommodate internal growth and redevelopment to provide a wider range of settlement products. The approved MSDP (February 2013) of the Stellenbosch Municipality indicates that growth must occur along transport lines, cognisant of the environmental factors and features, primarily through infill development.

This implies denser residential development inside of the outer boundaries of the urban area, taking up virtually all available vacant and underutilised land and requiring the redevelopment of older neighbourhoods. Denser residential development and growth requires

additional complementary community and educational facilities, for which there will be hardly any space left, unless essential open spaces are used or residential areas are redeveloped. This creates a unique need for balanced development and spatial restructuring.

The approved Stellenbosch development strategy and spatial framework does not allow for any significant expansion or growth of tourist related attractions and large enterprises that generate economic growth, education facilities and major related attractions, amongst others the University of Stellenbosch on its current campus. Moreover, the only vacant or developable land (Van Der Stel Sportsgrounds and surrounding area) and the campus are located in the heart of the town, i.e. further enterprise growth in this central area would exacerbate the congestion experienced daily.

Less than 50% of the students of the University reside in Stellenbosch and any major tourist attraction and enterprise development would further create traffic flows due to limited tourist and residential accommodation in the town. The majority of students, daily workers and visitors have to travel into town and this phenomenon will probably become more obvious as the demographic composition of the University's student and generally the skilled employee population changes. Same applies to any major attraction being developed inside of the town, e.g. conference centre, retail development or other educational facilities attracting employees and visitors.

One of the highest potential attractions of Stellenbosch (tourism related – see footnote<sup>1</sup>) is a proposal to develop a very high level conferencing and training facility where international events could be offered. It is therefore imperative to implement a development plan for increasing the land availability and implementing the various planning initiatives that have been undertaken in and around Stellenbosch since 2009. Amongst others this includes the use of the Paradyskloof land as a long term economic growth contributor, rather than as a once-off residential development.

The proposal with this report recommends for the establishment of a mixed use conferencing and educational village, together with significant tourist accommodation infrastructure in the form of hotels, lodges and related retail activities in the Paradyskloof SDA. It is a very broad proposal at this stage, as it is for purposes of calling for proposals from potential developers and operators and to allow for further detailed planning.

### **3. DISCUSSION**

#### **3.1 Land holdings**

The Remainder Stellenbosch Farm 369 is the subject property, but the two lease areas, namely 369 P and C form the core development area as proposed. The use of last mentioned will however depend on the detailed planning.

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<sup>1</sup> MERO 2016: *Tourism: Having shed itself of the unnecessary encumbrances of onerous visa regulations, the tourism industry in Cape Metro area, benefitting from favourable exchange rates and increased air access, looks set to prosper. This is also in part due to Cape Metro area's growing reputation as a must-visit global destination, with Cape Town being ranked 11th (the highest African destination) in the US News and World Report's Best Places to visit list, as well as being voted the top Food Travel Destination by Conde Naste.*

The majority of the land is leased to the KWV for agricultural purposes, whereas the smaller portion is leased to the abutting land owner for educational / institutional purposes.

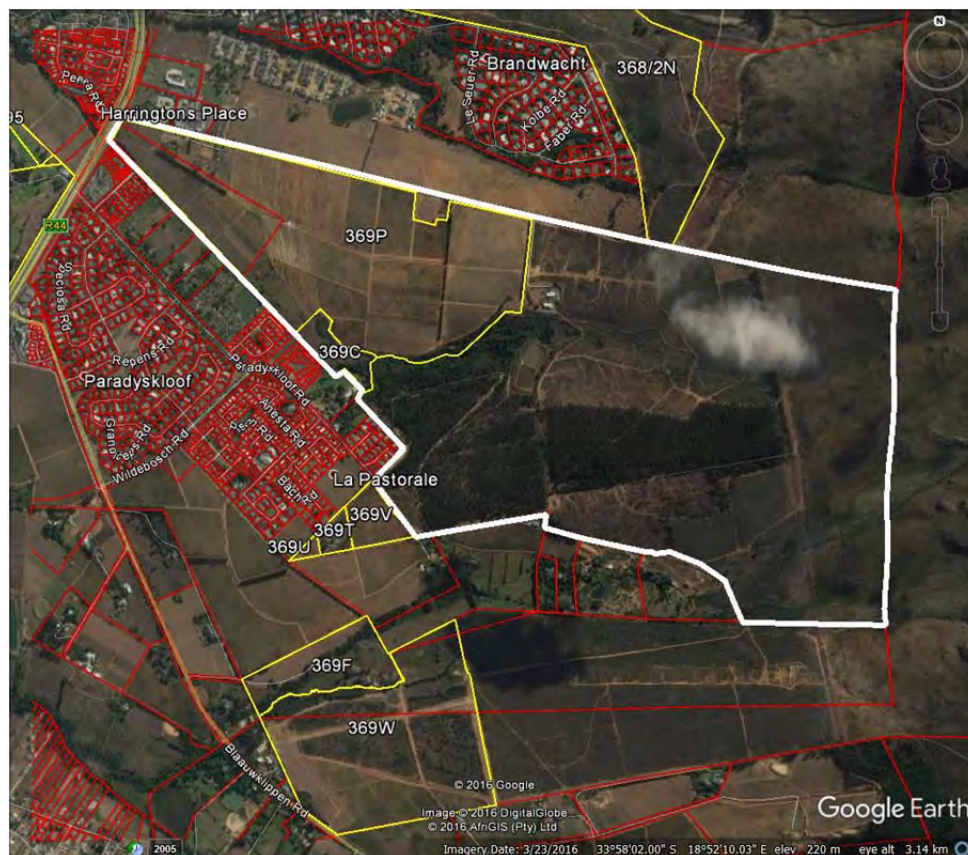


Figure 1: Paradyskloof SDA area

### 3.2 Statutory and other processes

Ideally the land should be planned and authorisations should be given for certain land use rights, to make a competitive bidding process for a development possible. Not only that, but when calling for proposals, the bidders know exactly what rights have established on the land. This takes away the uncertainty from the bidder's perspective and allows for a more precise financial proposal.

In this instance however, there is clarity on the desired outcome for the land, but the municipality does not have the resources to gain the necessary authorisations and do the necessary planning and design prior to a call for proposals.

The planning and authorisation process for the proposed SDA development is roughly a three year process, of which the first Phase has been concluded, leading to this item.

The following is a broad sequential project process diagram:

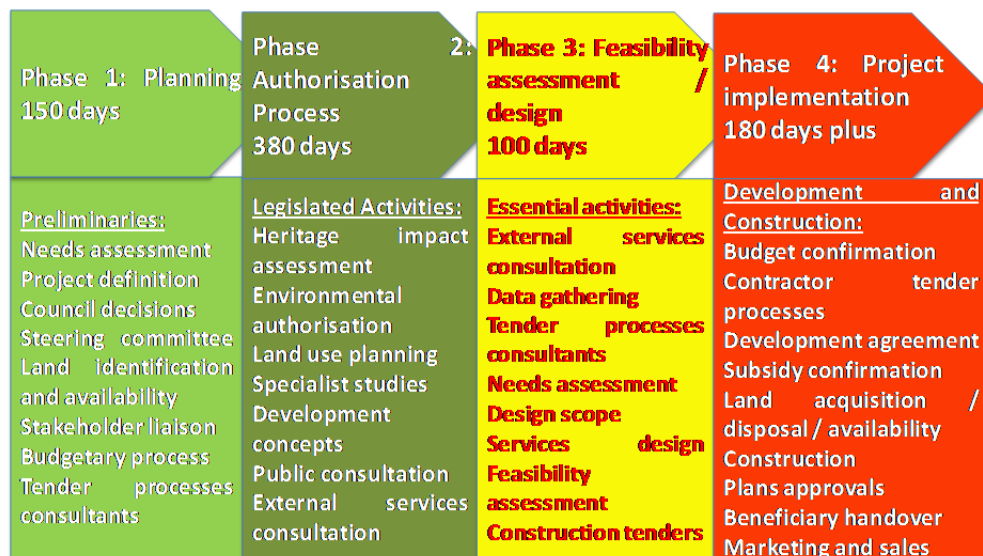


Figure 2: Generic Paradyskloof SDA project flow diagram

The first stage of the investigation has been concluded, leading to the broad proposals as attached hereto in **APPENDIX 1**. The investigation was undertaken by an independent team of specialists, and with the relevant stakeholders. During the investigation it became evident that two different forms of development would be essential for the success of the larger development, namely:

- o the development of a typical structured campus, containing the conferencing facilities, tourist accommodation in hotels and related facilities at the highest point of the proposed development area, set in the most natural environment possible to enhance its attraction; and
- o development of the lower reaches of the land (on the farm known as Grondves), the majority of which is leased to the KWV, for affordable residential accommodation in medium to high density form to provide housing for potential staff and workers as well as longer term visitor accommodation relevant to the major attraction.

However, consensus could not be reached on extending the urban edge through the amendment of the Stellenbosch Municipal SDF, 2013, therefore the second component, namely that of residential development is excluded for purpose of consideration of this item. Residential development could again be considered at a later stage, should the property be incorporated into the urban edge.

It is obvious that the development is of such unique characteristics that the broad concept can be considered and if approved by Council, then the process can immediately proceed to the phase where the Municipality calls for proposals for its development. Should a successful bidder be identified through this process, the bidder would provide the design details for the facilities, which the municipality would then take the process of authorisation in terms of all the relevant legislation. Phases 2 and 3 are thus effectively swapped to allow for very specific consideration of development proposals according to the design of the most appropriate.

Council also needs to confirm that the portions of the municipal owned property (Farm 370 and the Lease area Farm 369P, a portion of Farm 369, Stellenbosch) are not needed to provide the minimum level of basic municipal services in terms of Section 14(2)(a) of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003 (MFMA).

The Municipal Manager (Director: Planning and Economic Development in consultation with the other Directors) must simultaneously be authorised to proceed with the necessary processes to achieve the objectives set for the development of the municipal land and all external services identified as necessary to achieve the objective of creating an unique attraction to benefit the local economy, i.e. the establishment of a conference facility and related accommodation establishments.

The Municipal Manager (as accounting officer) must conduct a public participation process to facilitate the determinations made by Council in terms of Section 14(2)(a) and (b) of the MFMA. Amongst others the public must be notified of the intent to dispose of the property for development purposes and the process to be followed to achieve the objective of establishing an unique attraction. Note that the legislation does not differentiate between long term leases and outright sales in the definition of disposal. When referring to disposal in this instance it is for lease purposes for the major part of the property and proposed attractions.

Unrelated to the above, the Municipality must consider the full development of the land as an infill development opportunity in the process of creating a new spatial development framework for the Stellenbosch municipal area, to be considered by Council together with the IDP from March to June 2018. The aforementioned conference facilities and related tourism accommodation establishments need not fall inside of an urban edge, given the examples of Spier, Boschendal, and numerous others in the Cape Winelands.

### 3.3 Broad proposal

Various parties have for some time been exploring the future space needs of the University in order to grow and adjust to a changing context and the feasibility of a unique conferencing and hotel complex and at attracting international business. Amongst others these studies and investigations have shown that the Stellenbosch “brand” and world-wide appeal could best be grown by providing a full range of attractions in the Stellenbosch area. As a result, the Municipality commissioned the feasibility study (decision of the 35<sup>th</sup> Council meeting) to explore the various needs and opportunities to take Stellenbosch into the future.

The first stage feasibility study considered the long term costs and benefits of different locations and high order use scenarios for the site. It is believed that a compelling argument could be made for using the site as proposed in **APPENDIX 1**. The concept layout envisaged in the high order study indicated a development comprising:

- o A linear strip of residential development (in a west-east orientation) north of Trumali Road (the existing access road to the municipal water works and Brandwacht-Aan-Rivier), “rounding-off” the existing residential developments of Dalsig, Bo-Dalsig and Brandwacht. This land (Remainder Farm 1049, Stellenbosch) is privately owned.

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However, due to it not being included in the urban edge, this component of the development will not be considered favourably at this stage.

- The “experience” envisaged is that of a long access road, flanked by the typical agricultural setting (vineyard), leading to a grouping comprising anchor uses and spaces – both public and private – in the form of a village or “werf” typical of the Stellenbosch area.
- A contained “village” comprising a conference facility / an institutional anchor use and supporting activities on the “hill” at the end of the access road, more or less in line with the Paradyskloof Water Works.
- The conferencing facility can be an anchor building (or buildings) in the village.
- Other activities, for example coffee shops, daytime restaurants, wine tasting facilities, craft shops and management offices can be fit into the village in small pockets.
- A hotel complex that complements the conference centre, but can also operate independently from it, can complete the village.
- Continued use of the area south of Trumali Road (Lease area 369 P) as vineyard until the KWV agree to relocate its viticultural / nursery activities).
- Protection of the lower mountain area east of the proposed village as a nature area (more or less at the 250m contour, as the existing Brandwacht reservoir is at roughly 280m above mean sea level), also containing mountain biking, cycling and hiking trails linking the site to the Stellenbosch CBD and University.

The above concept will be used as an input into the 2018 SDF process, as the area cannot be considered for any urban development purposes given the current approved SDF, which excludes this area from the urban edge.

It is however not essential for a conference facility and hotels to be located within the urban edge, as is obvious from similar developments at Devon Vale, Leeu Collection (Franschhoek), Boschendal and Spier, to name but four and thus this component of the proposal could be considered without any amendment of the SDF.

Initial urban planning and management investigations for the Paradyskloof site revealed a preference for a development scenario where the whole site is not developed. Rather, a substantial part of the site is to remain largely as nature or agricultural area (e.g. for bee-keeping and use of natural vegetation as attraction and indigenous use nursery), with new development sympathetically placed to “round-off” existing adjacent development areas or make use of distinguishing site features.

In addition thereto, walkways and pathways for light vehicles need to be developed using existing contour paths and forestry roads to create the shortest possible link between the town, University sports complex and the proposed tourist facilities as part of the larger development model.

The attraction of these are obviously higher in a natural setting than along the R44 or other major roads.

### **3.4 Benefit and cost**

As briefly discussed above, the need for the development of a unique attraction for Stellenbosch is obvious. There is limited new investment and development in Stellenbosch and the need for additional employment creators is highlighted in the Municipal Economic Review Outlook 2016 (MERO). Stellenbosch has the slowest growing economy in the Cape Winelands.

It is also in the public interest, in particular the poor, to develop the land at the lowest possible cost, in order to provide for maximum development investment and to leave scope for negotiated employment trade-offs.

The long-term effect of the decision on the Municipality might in some instances be described as negative, e.g. for those who oppose any form of development outside of the urban area for fear of negatively affecting the tourist attraction of Stellenbosch, albeit focused on tourism. Others might argue that it could be better used for affordable residential development to create more affordable housing opportunities and others that the highest and best value use should be permitted to generate the maximum capital once-off through the sale of the land. However, it is in the interest of all parties to develop further attractions to the town and the municipality in general to ensure a continued growth in investment and in economic activity. As stated above, the indications are that, regardless of increased visitor numbers to the Western Cape, the growth of the Stellenbosch economy has declined significantly.

### **3.5 Call for proposals**

The Municipality does not have sufficient knowledge and detail about the envisaged primary uses to undertake a development planning process without the input of a specific developer. Thus, the following need to be done in various combinations or as separate activities:

- A process of calling for proposals for developers specifically for the broad uses as indicated above must immediately commence to allow for the municipality to interact with a development partner in the process.
- The municipality will not be responsible for the gaining of authorisations and approvals required for the proposed development on all relevant land.
- The municipality must only facilitate and consider the development rights based on the input of the development partner and not undertake final layout planning, as the detailed design and layout often has an effect on the development cost.
- A valuation of the property as an agricultural unit needs to be undertaken to allow for acquisition and disposal processes.

The basis of a Call for Proposal (CFP) must be that the municipal land must eventually be made available to one or more successful bidder through long term lease and/or Land Availability Agreement and/or direct sale. The criteria according to which Bidders will be selected are broadly as follows:

- Technical proposals containing responses to conceptual design or performance specifications, which are subject to commercial clarifications, technical clarifications and/or adjustments, to be followed by amended bidding documents and the submission of final technical proposals and priced bids in the second stage. During the first stage preferred bidders are shortlisted for participation in the second stage.
  - Previous experience in the development and maintenance of conference facilities and/or in the development of compact developments;
  - Previous experience in the development and operation of tourism accommodation establishments relevant to the proposed scale;
  - Knowledge and expertise in the establishment of Meetings, Incentives, Conventions and Exhibitions (MICE) centres and facilities in a natural environment;
  - Proven experience in international MICE activities;
  - Evidence of financial resources available for the relevant proposed development;
  - Most appropriate integrated development proposal for medium to high density tourist accommodation that includes non-residential uses such as education facilities, neighbourhood scale commercial attractions and facilities, integrated road and infrastructure networks, non-motorised and public transport facilities and infrastructure; and
  - Preference for local businesses and organisations.
- The second stage is designed to price the first stage proposals. For such a large complex project, only those bidders who are identified as most likely to provide responsive and cost-effective tenders, and are most likely to perform in terms of the envisaged contractual obligations, are then invited to tender. The second stage is thus limited to a “reasonable” number of bidders to avoid evaluation of unqualified bidders, e.g. bidders who do not have the expertise or financial resources as set out above.

The CFP will thus ask of prospective bidders to tender their proposals to achieve the stated objectives for the development of conferencing facilities together with major tourism accommodation establishments in a campus set in a natural environment to be enhanced by the bidders and to be maintained as a public attraction similar to but not necessary at the scale of a natural botanical garden. Only those with proven experience and financial capacity and then acceptable proposals, will be asked to make proposals in the second stage.

### **3.6 Development model**

The Municipality has an obligation to ensure that its small, medium and micro enterprises benefit from all development in and around the municipal area. It is one of the set targets in the 2017/18 IDP to establish a model whereby SMME's can be linked to established enterprises in order to improve networking and business opportunities.



The proposed development could further contribute to such opportunities by amongst others giving exclusive rights to local SMMEs for the following:

- The provision of dedicated transport services between the proposed facility and the town.
- Maintenance of the natural environment.
- Maintenance of buildings, infrastructure and services.
- The provision of a variety of services relevant to the proposed development, e.g. catering, printing services, guiding and security services, travel arrangements, et cetera.
- Marketing and entertainment.

This aspect is appropriately covered in the above-mentioned criteria for the assessment of a call for proposals and will carry an appropriate weighting for the evaluation of submissions.

### **3.7 Public participation**

The Municipality included the proposals into the current spatial development framework amendment, after consultation with a variety of specific interest groups as indicated in **APPENDIX 3**:

- Consultation occurred with the University of Stellenbosch to determine whether, or not, the proposed institutional and conference facilities would affect future plans for amongst others the Stellenbosch Business School and participation in the establishment of a virtual conferencing hub in Stellenbosch as per the Stellenbosch 360 strategy. The response was that the University supports the proposal.
- Consultation occurred with environmental interest groups given the previous golf course debacle. The interest groups would like to see the specific plans prior to any development, as it, rather than the broad land use, would determine the impacts. In principal there was no objection to the use of selected portions of the land.
- The existing tenant on the land, the KWV, was consulted. The consultation indicated support for the broad proposal.
- Various participants in the virtual conferencing program were consulted all of whom indicated a need and support for the proposed institutional and conferencing hub.

## **4 FINANCIAL IMPLICATIONS**

The implementation of the proposals will probably have substantial long-term beneficial financial implications for the Municipality through the creation of additional attractions and the creation of additional employment opportunities.

Should a development partner not be selected at this stage, then the Municipality would have to incur all costs related to the conceptual design, planning and authorisation processes, including that for the required external services. The estimated budget for this is R5,4 million, which amount is not available in the immediate future budgets.

On the other hand, the cost of seeking and selecting preferred development partners, inclusive of the site and feasibility assessment, is below R1 million.

## **5 LEGAL COMMENT**

For full legal comment, refer **APPENDIX 2**.

*The request to the Municipal Council, which we understand as being the main purpose of the Planning Report, must therefore comply with the requirements of Regulation 5(3)(b) (of the Municipal Asset Transfer Regulations).*

*We therefore advise the Director to carefully consider the contents of Regulation 5(3)(b) and ensure that a detailed and complete information statement, as prescribed in Regulation 5(3)(b), accompanied the Planning Report.*

*Specific reference is made to Regulation 5(3)(b)(i), (iv) and (v). The information statement will have to contain sufficient information as far as the aforementioned requirements are concerned.*

## **6 COMMENTS FROM OTHER RELEVANT DEPARTMENTS**

### **6.1 FINANCIAL SERVICES**

Finance did not support the Item and believed that sufficient information was not provided for Council to make an informed decision.

The main clarification that was required was whether the proposed development represents the optimal utilization of this prime municipal owned property. It must be considered that this proposed developed is part of more 200 Ha prime municipal land and the risk is that by proceeding with this development any other more optimal usages might be compromised.

In conclusion, the financial sustainability of the Municipal also relies on the optimal utilization of its resources including land and such should be properly motivated and substantiated against various development scenarios for the larger municipal land of more than 200 Ha before this proposal can be supported.

### **6.2 ENGINEERING SERVICES**

Engineering Services supports the comments from the CFO, Mr Marius Wust (attached hereto).

Furthermore, Infrastructure capacity must also be taken in consideration before a development decision can be taken.

The Directorate: Engineering Services' proposal is that as an alternative the municipal land adjacent to Technopark be considered for such a development.

## **7 FURTHER COMMENT BY DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

This comment is in response to the comments submitted by the CFO and Acting Director Engineering Services as reflected above. It should

be read together with the draft IDP and SDF being approved as draft for public consultation by Council in March 2017, the continued investigation and preparation for Stellenbosch as a conferencing hub by amongst others Stellenbosch 360 as one of the major role players in local economic development and tourism, and the recent Wesgro Development Conference held at Spier (March 2017).

Finance did not support the item as it is believed that sufficient information is not provided for Council to make an informed decision. However, the Municipality does not have the budget or the internal resources available to the detailed analyses and planning as in the case of the Cemetery Study or the Northern Extension. Moreover, this land and the opportunities it presents have been studied in depth with the previous golf estate planning. The clarification required by the Finance Directorate is confirmation that the proposed development does not represent the optimal utilisation of the municipal owned property, but rather serves as catalyst for future optimal use. The proposed development is the first part of more than 200 ha municipal land to be developed over time, commencing with a proven catalytic development, namely a conference centre linked to hotels and tourism related attractions. It will set the trend for future high value development that can similarly contribute to the tourism attraction of the area.

The Urban Development Strategy does not go to the level of detail required by the Finance Directorate. It focuses on the general developmental strategies, amongst others potential growth sectors, e.g. MICE related development to increase the economic attraction of the area, but it does not identify specific sites and forms of development.

The financial sustainability of the municipality ultimately relies on the optimal utilisation of its resources for sustained long term economic growth, not a once-off capital inflow.

## **8 CONCLUSION**

The site offers unique opportunities for development that has significant economic potential and can add to the Stellenbosch economy.

It needs to be confirmed by Council that the Paradyskloof municipal owned properties are not needed to provide the minimum level of basic municipal services in terms of Section 14(2)(a) of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003 (MFMA), but that the land is required for the establishment of unique academic and economic development opportunities and more specifically, an international academy and conferencing centre together with high-capacity hotels and tourist accommodation and that this may be developed through a competitive bidding process (call for proposals).

Once Council authorises the call for proposals and disposal process, then the required steps will follow, e.g. advertising of the intent to dispose of the land, then a report to Council to agree to the evaluation criteria and market value of the land. The Municipal Manager (as accounting officer) must conduct a public participation process to facilitate the determinations made by Council in terms of Section 14(2)(a) and (b) of the MFMA. This process requires at least six months, where after the actual call for proposals can follow.

The planning and authorisation process that will follow on the awarding of a bid to the successful bidder in the call for proposals is roughly a two year process. Agreement on a time frame for the conclusion of the planning and authorisation process will be added to the call for proposals, to allow the Municipality to terminate any award if the successful bidder does not actively pursue the development and procrastinates for whatever reason.

### RECOMMENDED

- (a) that Council confirms that the development planning process may proceed in order to achieve the aim of an unique tourism related economic attraction comprising a conference centre, complementary facilities and uses including hotels and educational uses covering an area of approximately 60 ha in the study area together with a large remaining conservation area for nature sport and recreational activities;
- (b) that Council confirms in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003, that the land, unregistered Lease Portions C and P and the Remainder of Stellenbosch Farm No. 369, are not required for the provision of essential services;
- (c) that the Municipal Manager be authorised to conduct the required public participation and other processes for the disposal and development of the site, consisting of Lease Portions C and P and the Remainder of Stellenbosch Farm No. 369 in keeping with recommendation (a) above; and
- (d) that the Municipal Manager oversee the management of the project and that quarterly feedback on progress is given to Council.

<b>Meeting:</b>	Mayco:2017-10-11	<b>Submitted by Directorate:</b>	Economic Development & Planning Services
<b>Ref No:</b>	15/3/12/1 & 7/2/2/1/15	<b>Author:</b>	Director: Planning & Economic Development
<b>Collab:</b>		<b>Referred from:</b>	

# APPENDIX 1



# PARADYSKLOOF

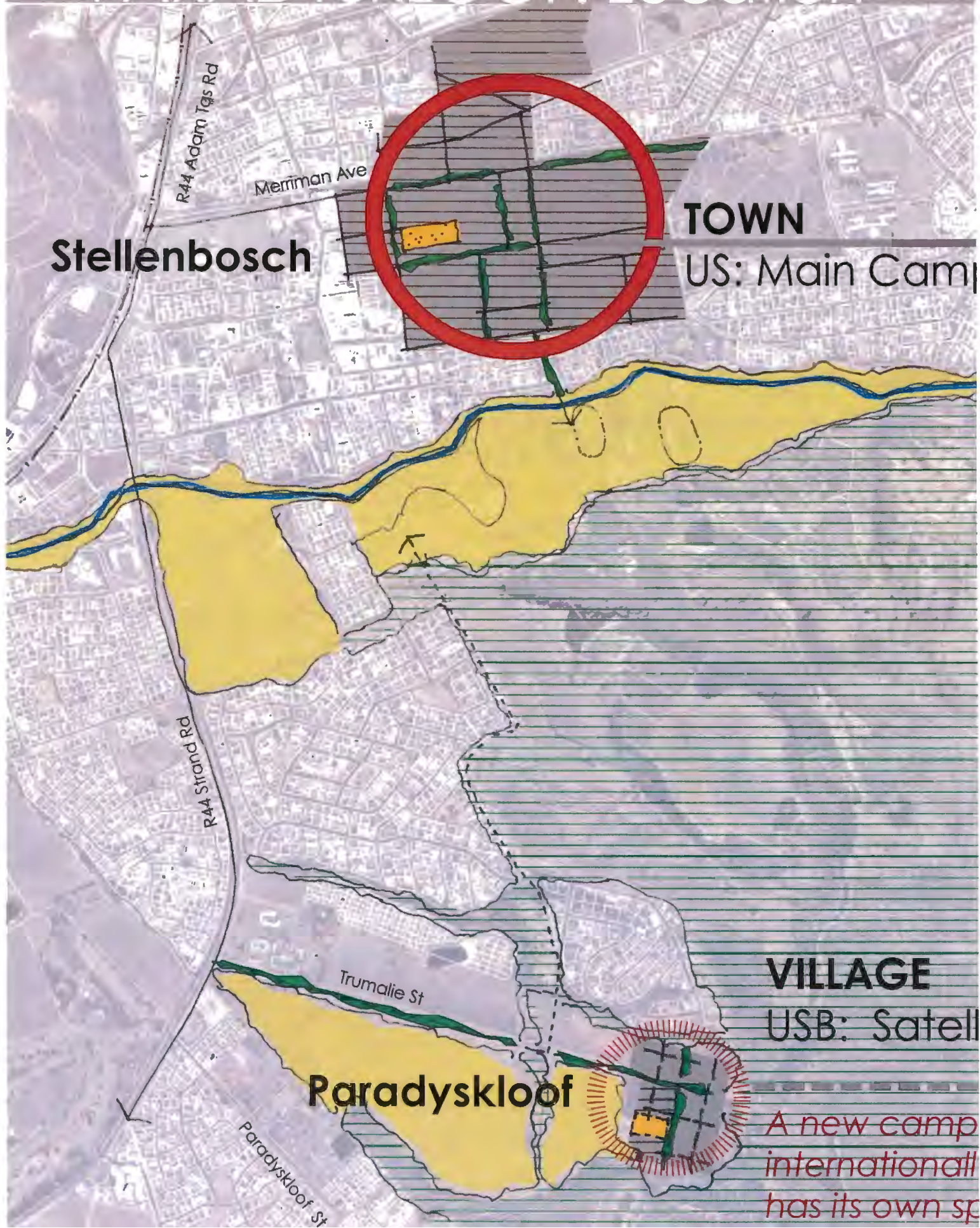
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Development Proposal for the Pc

*14 September 2016*



# PARADYSKLOOF: Location



**Stellenbosch**

**TOWN**  
US: Main Camp

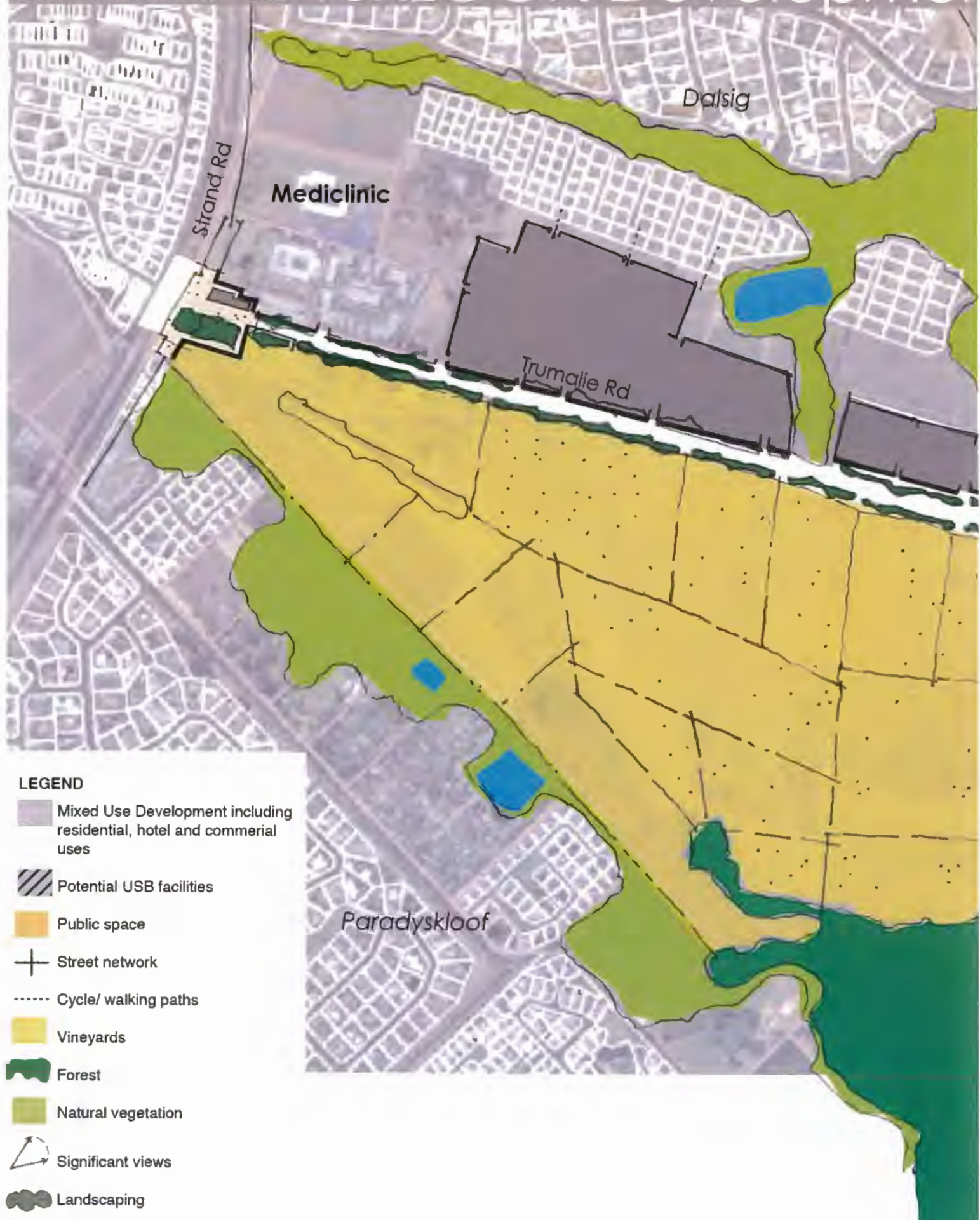
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USB: Satell

**Paradyskloof**

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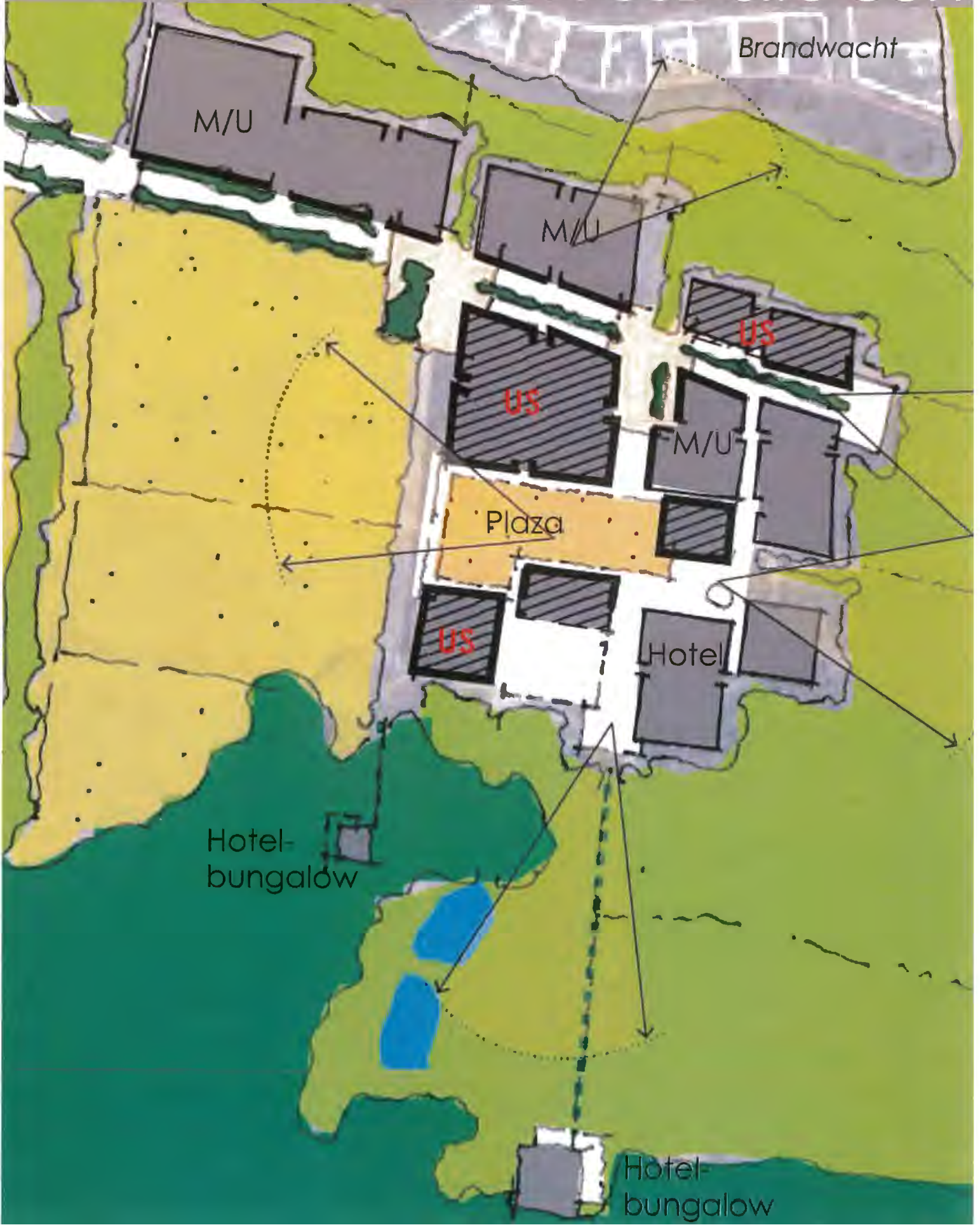


# PARADYSKLOOF: Development





# PARADYSKLOOF: USB-Site cond





# Precedent



# APPENDIX 2

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**DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

Stellenbosch Municipality  
 STELLENBOSCH

**Your Ref:**

**Our Ref:** AHS/S582-28230

**Date:** 26 January 2017

Dear Sirs,

**RE: PARADYSKLOOF SPECIAL DEVELOPMENT AREA : PLANNING AND DEVELOPMENT**

1. The Stellenbosch Municipality (the Municipality) has requested us to provide external legal comments on a draft report prepared by the Director: Planning and Economic Development (the Director).
2. On 28 October 2015 (Item 7.3), Council *inter alia* resolved as follows:
  - (a) *that approval be granted for the investigation of the innovation projects as listed herein, with specific reference to the broad project proposals as set out in the item above:*
    - \* *Klapmuts Special Economic Zone / Industrial Area*
    - \* *2016 Treinnale*
    - \* *Ida's Valley Dam Sustainable Utilisation Plan*
    - \* *Sustainable Utilisation Plan of The Berg River Dam*
    - \* *Paradyskloof Special Development Area*
    - \* *Stellenbosch CBD parking*
  - (b) *that Council secure the implementation of BBBEE on all these projects to advance Local Economic Transformation, Land Reform and entrepreneurial development in partnership with any local Black Stakeholder as joint facilitators;*
  - (c) *that the Project Manager for each project report back to Council on progress made in the investigation of the decisions and that no authorisation processes may commence unless approved by Council; and*
  - (d) *that the Municipal Manager be authorised to conduct public participation processes in order to establish whether the broad project proposals are supported by communities.'*
3. It appears that the Municipality does not currently have the required financial resources to obtain the required statutory approvals or to undertake detailed planning and design of the development of the Paradyskloof Special Development Area (PSDA) for tender purposes.
4. The Municipality has undertaken a 'first stage' investigation which led to the framing of broad development proposals contained in Annexure 1 to the Planning Report.

**Attorneys Notaries & Conveyancers**

**Directors:** Jonathan Steytler (Managing) | Stoffel Ackermann | Martin Bey | Jacques Bignaut | Darren Brander | Luthfeya Cassim | Tim Chase | Melanie Coetzee | Thabisile Dlamini | Refqah Fataar Ho-Yee | Niel Grundlingh | Warren Hamer | Bev l'Ons-Raeburn | Gerhard Kotze | Belinda Lewis | Robert Mathare | Corlene Mostert | Hennie Mouton | Martine Newman | James Philipson | Cris Riego de Dios | Martin Sheard | Roshana Solomon | Nicole Stevens | Philip Steyn | Lauren Sullivan | Marlize Swart | Dumisani Tabata | June Theron | Annetjie van Rooyen | Percy van Staden | Ferdinand Verryn | Shereen Volks | Allan White

**Senior Associates:** M Botha | D Du Plessis | H Dyssel | H Ferreira | J Foxcroft | N Hayes | V W Jooste | D Starkey | A Voges | A Wiese

**Associates:** G Barends | S Chettiar | J Greyling | J Hamers | L Mace | N Mentoor | B Mostert | G Potgieter | K Richards | H Scudamore | T Smit | A Van Vuuren | L Verbeek | T Wainwright | M Williams

**Executive Consultants:** Peter Arnot | Kevin Daniel | Harry Friedland | Lizelle Kilbourn | Graham Liebenberg | Andy McPherson | Andre Swart | Colin Traub | Richard Volks

**Financial Manager:** Cullen Penny

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5. Two different forms of development are envisaged in the PSDA.
6. In broad terms the proposed development will comprise two components, namely:
  - 6.1 A structured campus for Stellenbosch University.
  - 6.2 Affordable residential accommodation.
7. The Municipality is of intent to 'dispose' of the PSDA on the following basis as recorded in the Planning Report:
 

*'When referring to disposal in this instance it is for lease purposes for the major part of the property and proposed attractions. Only if a minor portion is developed for affordable accommodation for people who would typically work in the proposed development, will outright sale be considered.'*
8. In relation to the aforementioned, the following is stated in the Planning Report, namely:
 

*'The basis for a Call for Proposals (CFP) must be that the municipal land must eventually be made available to one or more successful bidder through long term lease and/or Land Availability Agreement and/or direct sale.'*
9. In view of the large scale and complexity of the proposed development, the Municipality is of intent to follow a so-called two-stage bidding process.
10. The two-stage bidding process is described in paragraphs 4.19.2 and 4.19.3 of the Supply Chain Management Policy (2015/2016) of the Municipality as follows:
 

*'4.19.2 In the first stage technical proposals on conceptual design or performance specifications should be invited, subject to technical as well as commercial clarifications and adjustments.'*

*4.19.3 In the second stage final technical proposals and priced bids should be invited.'*
11. The bidding process will include the conceptual design, planning and all required authorisation processes.

## STATUTORY REQUIREMENTS

12. The Municipality therefor intends to deal with the PSDA in two possible manners, namely:
  - 12.1 The larger portion of the PSDA will be made available to one or more successful bidders through long term lease agreements and/or land availability agreements.
  - 12.2 The affordable accommodation component of the PSDA will be disposed of by means of outright sale of the subdivisions of such area.
13. The aforementioned manners of disposal therefore include the disposal of capital assets as envisaged in terms of Section 14(1) and (2) of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA), read with Chapter 2 of the Municipal Asset Transfer Regulations published under GNR 878 of 22 August 2008 (the ATR). Section 14(1) and (2) states as follows:
 

*"14(1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*

*(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—*



- (a) *has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and*
- (b) *has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.”*
14. The granting of rights to use, control or manage municipal capital assets is envisaged in terms of Chapter 2 of the ATR.
15. Specific reference is made to Regulation 33(3) of the ATR which provides as follows:
- “33(3) The granting by a municipality or municipal entity of a right to use, control or manage a capital asset must for the purposes of these Regulations be dealt with in terms of Chapter 2 or 3 as if such granting of a right is a transfer within the meaning of that Chapter, if the right—*
- (a) *is granted for an indefinite or undetermined period;*
- (b) *is granted for a period which exceeds—*
- (i) *the useful life of the capital asset; or*
- (ii) *the economic usefulness of the capital asset and which would require the asset, in order to remain economically useful, to be substantially upgraded, altered or replaced during the period for which the right is granted; or*
- (c) *confers on the person to whom the right is granted—*
- (i) *an option to buy or acquire ownership in the capital asset; or*
- (ii) *the power to use, control or manage the capital asset as if that person is the beneficial (but not legal) owner of the asset.”*
16. From the Planning Report and the papers in our possession, it appears that the kind of lease agreements and/or land availability agreements are of the kind as envisaged in terms of Regulation 33(3)(c)(ii).
17. These comments are therefore based on the assumption that the aforementioned proposition is correct. Should we be incorrect in our assumption, we request the Director to inform us accordingly, in which event we will revisit and revise our comments.
18. In this matter it therefore appears that Chapter 2 of the ATR will find application in respect of both kinds of disposal. The purpose of Chapter 2 is recorded in Regulation 4(1) in the following terms:
- “4(1) The purpose of this Chapter is to regulate the transfer and permanent disposal of non-exempted capital assets by municipalities and municipal entities in order to facilitate the enforcement and administration of section 14 (2) and 90 (2) of the Act.”*
19. Our understanding of the Planning Report is that the purpose of the Public Participation Process followed to date was merely to establish whether the broad project proposals are supported by the affected communities. We refer to Paragraph 2(d) quoted above.
20. In the Planning Report it is now recommended that the statutory process in terms of Section 14 of the MFMA read with Chapters 2 and 4 of the ATR, now be officially authorised by the Council of the Municipality. This seems to be the main purpose of the Planning Report.
21. Regulation 5(3)(a) and (b) of the ATR provides as follows:
- “5(3)(a) Only the municipal council may authorise the public participation process referred to in subregulation (1)(a).*

- (b) A request to the municipal council for authorisation of a public participation process must be accompanied by an information statement stating
- (i) *the valuation of the capital asset to be transferred or disposed of and the method of valuation used to determine that valuation;*
  - (ii) *the reasons for the proposal to transfer or dispose of the capital asset;*
  - (iii) *any expected benefits to the municipality that may result from the transfer or disposal;*
  - (iv) *any expected proceeds to be received by the municipality from the transfer or disposal; and*
  - (v) *any expected gain or loss that will be realised or incurred by the municipality arising from the transfer or disposal.”*

22. The request to the Municipal Council, which we understand as being the main purpose of the Planning Report, must therefore comply with the requirements of Regulation 5(3)(b).
23. We therefore advise the Director to carefully consider the contents of Regulation 5(3)(b) and ensure that a detailed and complete information statement, as prescribed in Regulation 5(3)(b), accompanied the Planning Report.
24. Specific reference is made to Regulation 5(3)(b)(i), (iv) and (v). The information statement will have to contain sufficient information as far as the aforementioned requirements are concerned.

We advise accordingly.

Yours faithfully

**ANDRE SWART**  
**STBB | Smith Tabata Buchanan Boyes**

# APPENDIX 3



**Nomie Tshefu**

**From:** Tania Bene <benet@kwv.co.za>  
**Sent:** 06 October 2016 09:14 AM  
**To:** Andrew Crouzer; Nomie Tshefu; Dupre Lombaard; Hedre Dednam  
**Cc:** Planning Pa (Nicole Petersen); Marina Lubbe  
**Subject:** Re: Meeting; Andre van der Veen

Goeiemore

Hiermee die besprekingspunte vir die vergadering, soos gereël vir 20 Oktober 2016 @ 10:00:

- Status van onbenutte huurgrond op Grondves eiendom (Plaas 369/0 Stellenbosch Munisipaliteit - KWV Vineyards)
- Munisipaliteit se planne gegewe sekuriteitsrisiko
- Munisipaliteit se groter ontwikkelingsplan

Vriendelike groete

**TANIA BENE**

PA TO ANDRE VAN DER VEEN  
 (CEO KWV HOLDINGS LIMITED & NIVEUS  
 INVESTMENTS LIMITED)

TEL: +27 21 807 5139

CELL: +27 82 700 1979

EMAIL: [benet@kwv.co.za](mailto:benet@kwv.co.za)

PA TO NURIEL LOFTIE-BEATON  
 (CFO NIVEUS INVESTMENTS LIMITED)

**From:** Andrew Crouzer <Andrew.Crouzer@stellenbosch.gov.za>  
**Date:** Monday 03 October 2016 at 3:01 PM  
**To:** Nomie Tshefu <Nomie.Tshefu@stellenbosch.gov.za>, Dupre Lombaard  
 <Dupre.Lombaard@stellenbosch.gov.za>, Hedre Dednam <Hedre.Dednam@stellenbosch.gov.za>, Tania  
 Bene <benet@kwv.co.za>, Andre Van der Veen <avanderveen@kwv.co.za>  
**Cc:** "Planning Pa (Nicole Petersen)" <Planning.Pa@stellenbosch.gov.za>, Marina Lubbe  
 <Marina.Lubbe@stellenbosch.gov.za>  
**Subject:** RE: Meeting; Andre van der Veen

Please provide me with the points of discussion for preparation

Kind regards,

**Andrew Crouzer**

Manager : Building Development Management  
 Planning & Economic Development

Email: [andrew.crouzer@stellenbosch.gov.za](mailto:andrew.crouzer@stellenbosch.gov.za) | Tel: +27 21 808 8664 | Fax: +27 21 8866899 | Website: [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)  
 Physical Address: Plein Street, Stellenbosch, 7600 | Postal Address: PO Box 17, Stellenbosch, 7599



-----Original Appointment-----

**From:** Nomie Tshetu

**Sent:** 03 October 2016 02:45 PM

**To:** Dupre Lombaard; Andrew Crouzer; Hedre Dednam; Tania Bene (benet@kwv.co.za); avanderveen@kwv.co.za

**Cc:** Planning Pa (Nicole Petersen); Marina Lubbe

**Subject:** Meeting: Andre van der Veen

**When:** 20 October 2016 10:00 AM-11:00 AM (UTC+02:00) Harare, Pretoria.

**Where:** Office of the Director Planning and Economic Development, 1st Floor (Room 101A), Main Building, Plein Street, Stellenbosch Municipality

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Nomie Tshefu

From: Tania Bene <benet@kwv.co.za>  
Sent: 24 July 2015 03:21 PM  
To: Dupre Lombaard  
Subject: KWV property

Dear Mr Lombaard

I trust that this email finds you well.

André van der Veen would like to thank you for the meeting and your time yesterday.

We look forward to a follow-up meeting and further information in due course.

Kind regards



**TANIA BENE**

PA TO ANDRE VAN DER VEEN  
(CEO KWV HOLDINGS LIMITED & NIVEUS  
INVESTMENTS LIMITED)

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CELL: +27 82 700 1979  
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PA TO MURIEL LOFTIE-EATON  
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**Nomie Tshefu**

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**From:** Robin Koopman <robink@bepsa.co.za>  
**Sent:** 13 September 2016 12:46 AM  
**To:** Dupre Lombaard  
**Cc:** Hedre Dednam  
**Subject:** FW: Afspraak met Mnre Baren Smit en Stephen

**Importance:** High

Hi Dupré

My apologies for the change of meeting dates and times earlier today. As per my confirmation last Friday, the meeting with the Dean and the professional (Baren Smit) investigating the viability of moving the Business School is scheduled for 15:30 on Wednesday, 14 September 2016 (at the Dean's Office, Room 701, Schumann building 613, 7th Floor).

The proposed meeting agenda follows:

- Purpose and events since Dean's request: Baren (5-10 min)
- Paradyskloof appointment (intent/ process): Stephen (5-10min)
- Accommodating the USB and supporting users on the site: Jac/ GAP (10-15 min)
- Municipal response: Dupre Lombaard (5 min)
- A possible way ahead: Baren (5-10 min)

You are welcome to advise if any further information or input is required in this regard.

Kind regards,

Robin Koopman

**From:** Stephen Boshof [mailto:stephenb@bepsa.co.za]  
**Sent:** Friday, September 9, 2016 12:42 PM  
**To:** Baren Smit <baren@40knots.co.za>; Daniels, Lesinda, Mev <lesinda@sun.ac.za> <lesinda@sun.ac.za>  
**Cc:** Robin Koopman <robink@bepsa.co.za>  
**Subject:** Re: Afspraak met Mnre Baren Smit en Stephen

Baie dankie .. almal beskikbaar vir 14 September om 15.30, insluitend Dupre Lombaard van die munisipaliteit.

Groete

Stephen

On 9/9/2016 11:46 AM, Baren Smit wrote:

Ek is beskikbaar.

Stephen, laat weet of jy, Robin en Du Preez beskikbaar is asb.

Groete

**BAREN SMIT**

40Knots (South Africa) (Pty) Ltd  
68 Paradise Rd, Simon's Town  
PO Box 379, Simon's Town, 7995, Cape Town, South Africa  
T +27 21 786 1052 | M +27 83 283 5527 | 40knots.co.za

F O R T Y K N O T S



On 9 Sep 2016, at 11:41, Daniels, Lesinda, Mev <[lesinda@sun.ac.za](mailto:lesinda@sun.ac.za)>  
<[lesinda@sun.ac.za](mailto:lesinda@sun.ac.za)> wrote:

Beste Baren, Stephen en Robin

Jammer sien dat daar het 'n vergadering opgeduik. Ek moes nou die vergadering verander na 14 September om 15:30.

Ek hoop nie dit plaas enige ongerief op julle nie.

*Vriendelike groete/Kind regards*

*Lesinda Daniels*

*Sekretaresse vir Dekaansekantoor: Fakulteit Ekonomiese en Bestuurswetenskappe  
Secretary to the Dean's Office: Faculty of Economic and Management Sciences*

**From:** Baren Smit [<mailto:baren@40knots.co.za>]

**Sent:** 09 September 2016 08:45

**To:** Stephen Boshoff <[stephenb@bepsa.co.za](mailto:stephenb@bepsa.co.za)>

**Cc:** Robin Koopman <[robink@bepsa.co.za](mailto:robink@bepsa.co.za)>; Daniels, Lesinda, Mev <[lesinda@sun.ac.za](mailto:lesinda@sun.ac.za)> <[lesinda@sun.ac.za](mailto:lesinda@sun.ac.za)>

**Subject:** Re: Afspraak met Mnre Baren Smit en Stephen

Hi julle,

Volgens my kalender is dit 15H30 tot 16H15

Groete

**BAREN SMIT**

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68 Paradise Rd, Simon's Town  
PO Box 379, Simon's Town, 7995, Cape Town, South Africa  
T +27 21 786 1052 | M +27 83 283 5527 | 40knots.co.za

**Nomie Tshefu**

---

**From:** Baren Smit <baren@40knots.co.za>  
**Sent:** 04 May 2016 08:53 AM  
**To:** Michaels, ES, Mev <esm@sun.ac.za>  
**Cc:** Swart, Francois <fcswart@sun.ac.za>; Dupre Lombaard  
**Subject:** Re: US Bestuurskool: moontlike vestiging in Stellenbosch

Dag julle,

Ek is ongelukkig nie beskikbaar vir die voorgestelde tyd nie. Ek is wel Vrydag beskikbaar enige ander tyd voor 12pm, of Maandag 9 Mei na 12pm.

Ek hoop ons kan die afspraak skuif?

Groete

**BAREN SMIT**

40Knots (South Africa) (Pty) Ltd  
68 Paradise Rd, Simon's Town  
PO Box 379, Simon's Town, 7995, Cape Town, South Africa  
T +27 21 786 1052 | M +27 83 283 5527 | 40knots.co.za

FORTY KNOTS



On 4 May 2016, at 08:12, Michaels, ES, Mev <[esm@sun.ac.za](mailto:esm@sun.ac.za)> <[esm@sun.ac.za](mailto:esm@sun.ac.za)> wrote:

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<Mail Attachment.ics>

**Nomie Tshetu**

**From:** Alfie Schneeberger <aes@iafrica.com>  
**Sent:** 02 November 2016 09:02 AM  
**To:** Dupre Lombaard  
**Subject:** [EXTERNAL] RE: PARADYSKLOOF VOORLOPIGE VOORLEGGING

Geagte Mnr Lombaard

Baie dankie vir die dokument wat u vir my gestuur het.

Ons is reeds besig om dit deur te werk en sal binnekort na u toe terugkom met ons versoeke.

Groete

Alfie Schneeberger



**Schneeberger Associates (Pty) Ltd**

Mobile : +27 (0)82 576 7887  
 Fax: + 27 (0)866 176 734  
 E-mail: [aes@iafrica.com](mailto:aes@iafrica.com)  
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**From:** Dupre Lombaard [mailto:[Dupre.Lombaard@stellenbosch.gov.za](mailto:Dupre.Lombaard@stellenbosch.gov.za)]  
**Sent:** 01 November 2016 03:44 PM  
**To:** 'aes@iafrica.com'  
**Subject:** PARADYSKLOOF VOORLOPIGE VOORLEGGING

Mnr Schneeberger

Hiermee die voorlopige voorlegging wat ek nou moet wysig soos bespreek.

Groete

**Dupré Lombaard**

Director: Planning and Economic Development / Direkteur: Beplanning en Ekonomiese Ontwikkeling  
 Email: [Dupre.Lombaard@stellenbosch.gov.za](mailto:Dupre.Lombaard@stellenbosch.gov.za) | Cell: +27 82 895 6362 | Tel: +27 21 808 8676 | Fax: +27 21 886 6899 | Website:  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

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**Nomie Tshefu**

---

**From:** THUMAKELE GOSA <thumakele@hotmail.com>  
**Sent:** 19 November 2014 07:51 AM  
**To:** Rozanne Pietersen  
**Cc:** Martin Smuts; Piet Smit; Patrick Oliver; Lester Vanstavel; Collaborator File Cabinet; Dupre Lombaard; Michelle Aalbers; thumakeleg@gmail.com; Paul Roviss Khambule  
**Subject:** RE: IMBADU RESPONSE

Dear Rozanne,

Many thanks for the responses received. At times it seems as if the Stellenbosch Municipality decision makers still underestimate the knowledge and ability of local communities when it comes to their rights, planning, and application of the same legislative framework it quotes so often. Municipality is within its rights to transfer its property to another state organ provided this is done correctly, like transferring erf62 Old Admin to Provincial Health Department.

We know that local municipality is sitting upon or with urban renewal plans for Khayamandi that were done by Dennis Moss Partnerships, and Khayamandi Khorido, Stadium, and Old Administration building were later earmarked as part of such development plans. In those plans erf62 is linked through smart bridge channel as a twin part of Khayamandi Khorido and Thusong Centre. There are numerous plans that the Municipality has not executed or brought to the attention of Khayamandi people including the redevelopment of public transport, taxi rank and hostels which are now dilapidated and regarded as shaeks as Mr Piet Smit refers to them.

Everybody agrees and knows that Khayamandi is growing exponentially, but local municipality planning for Khayamandi is still an apartheid approach and rhetorically there is a generally consensus that needs to be changed. In practice it does not happen. It remains unclear as to what informed the decision of municipality to identify Old Khayamandi Administration building to be converted into a health care facility when Khayamandi expansion is to the north. Local municipality has no right to unilaterally decide to convert that disgraced precinct into a clinic without having had public consultation with the very people who are going to use its services.

In terms of strategic thinking and holistic planning, how does converting erf62 into a health care facility enhance and complements sustainable development of Stellenbosch. In my view converting the Old Khayamandi Administration building (erf62) is really not a well thought through decision at all. It is an unfortunate decision and it be could challenged successfully.

It is important to treat the people of Khayamandi with similar respect that local municipality accord respected communities of Greater Stellenbosch. No municipality can wake up and tell people of Dieboord, Cloetesville or Paradyskloof that a particular public property is going to be transferred to the provincial department of health to convert it into a health care facility without talking and engaging with that community first. You all know very well that cannot be accepted in Dieboord, Cloetesville or Paradyskloof and in many other areas in Stellenbosch, why do you do it in Khayamandi? Why still treat it differently? Respect Khayamandi people as well. There is still profound poverty of humanity, courage and willingness to build integrated Stellenbosch.

Kindly note that I am raising these issues with great appreciation of complex challenges the local municipality faces on daily basis to serve varying needs of Greater Stellenbosch area. In essence I sincerely appreciate your responses, and believe that Stellenbosch Municipality does not do enough to its public into confidence, communication wise and purposeful engagements beyond its superficial integrated development plans (IDPs) to only tick done and compliance legislative and policy requirements that many people do not



even attend to do holistic plans.

**Ndiyabulela. Shalom.**

**Thumakele Gosa**

**IMBADU Board of directors chairperson  
Green development practitioner and researcher**

**Cell: 083 338 4695**

---

**From:** Rozanne.Pietersen@ Stellenbosch.gov.za  
**To:** thumakele@hotmail.com  
**CC:** Martin.Smuts@ Stellenbosch.gov.za; Piet.Smit@ Stellenbosch.gov.za;  
Patrick.Oliver@ Stellenbosch.gov.za; Lester.Vanstavel@ Stellenbosch.gov.za;  
Collaborator.FileCabinet@ Stellenbosch.gov.za  
**Subject:** IMBADU RESPONSE  
**Date:** Mon, 17 Nov 2014 09:37:01 +0000

Dear Mr Gosa

Attached please find feedback from the Municipality as requested.

Kind regards  
Rozanne Pietersen  
Senior Administratiewe Beampte / Senior Administrative Official  
Kantoor van die Munisipale Bestuurder / Office of the Municipal Manager

Email: rozanne.pietersen@ Stellenbosch.gov.za    Tel: +27 21 808 8049 / Fax: 021 886 6749  
Website: [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)  
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Stellenbosch, 7599

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**Nomie Tshefu**

---

**From:** Renier Koegelenberg <renier@cddc.co.za>  
**Sent:** 03 November 2015 11:30 AM  
**To:** Dupre Lombaard  
**Subject:** RE: PARADYSKLOOF SDA

Dupré,  
 Dit is ongelooflike goeie nuus – dat ons kan begin met prosesse.

Vraag: moet die “fasiliteerder” in Stellenbosch woon of werk; mag hy aan ons gekoppel wees? My senior program bestuurder vir ons “Community Leadership Academy”, Dr Sipho Mahokoto, is waarskynlik die beste persoon wat ek ken (Xhosa, Afrikaans, Engels – by US gestudeer en gepromoveer) ; maar ek wil geen konflik van belange skep wat voorstelle kan benaadeel nie.

Groete,

Renier Koegelenberg

EFSA INSTITUTE

**NRASD SECRETARIAT**

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E-mail: [renier@cddc.co.za](mailto:renier@cddc.co.za)

Website: [www.efsa-institute.org.za](http://www.efsa-institute.org.za)

Website: [www.nrasd.org.za](http://www.nrasd.org.za)

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**From:** Dupre Lombaard [mailto:[Dupre.Lombaard@stellenbosch.gov.za](mailto:Dupre.Lombaard@stellenbosch.gov.za)]  
**Sent:** 03 November 2015 10:31 AM  
**To:** Renier Koegelenberg <renier@cddc.co.za>  
**Cc:** Hedre Dednam <[Hedre.Dednam@stellenbosch.gov.za](mailto:Hedre.Dednam@stellenbosch.gov.za)>; Nomie Tshefu <[Nomie.Tshefu@stellenbosch.gov.za](mailto:Nomie.Tshefu@stellenbosch.gov.za)>; Welile Mazamisa <[mazamisa@cddc.co.za](mailto:mazamisa@cddc.co.za)>  
**Subject:** PARADYSKLOOF SDA

Renier

Uiteindelik het die Raad die “Innovation Capital” projekte goedgekeur. Hedré Dednam is die projekteier op die Paradyskloof SDA en ek wil haar graag aan jou en Welile bekendstel, sodat sy die potensiaal van die area en die moontlike ontwikkeling kan verstaan. Onder andere moet elke projekteier ook ‘n plaaslike swart fasiliteerder aanstel om bystand te verleen met publieke deelname, beplanning, konsepontwikkeling en verslagdoening. Die Raad se kommentaar was dat ons nie die area te beperk moet laat ontwikkel nie – dit het baie potensiaal en die potensiaal

moet maksimaal benut word. Indien moontlik wil ons sommer al by die eerste rondte ook ons konsultant van voorkeur saambring.

Indien Welile ons kan help met 'n toepaslike persoon of instansie sal dit baie help.

Nomie sal skakel vir 'n afspraak vanaf volgende week, verkieslik laatmiddag of selfs na-ure, omdat my dagboek absoluut oorvol is. Hedré moet kinders karwei, dus wil ek haar nie te vas maak met laatmiddae nie, maar ek laat dit in Nomie se bekwame hande en Hedré se oordeel.

Groete

**Dupré Lombaard**

Acting Municipal Manager / Waarnemende Munisipale Bestuurder

Email: [Dupre.Lombaard@ Stellenbosch.gov.za](mailto:Dupre.Lombaard@ Stellenbosch.gov.za) | Cell: +27 82 895 6362 | Tel: +27 21 808 8676 | Fax: +27 21 886 6899 | Website:

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**Nomie Tshefu**

---

**From:** Nutriplus (Pty) Ltd <info@nutriplus.co.za>  
**Sent:** 12 October 2015 11:39 PM  
**To:** Dupre Lombaard; mm  
**Cc:** Hannelie Lategan; Melissa Nel; brad@nutriplus.co.ca  
**Subject:** STELLENBOSCH MUNICIPALITY CLEANING & PARADYSKLOOF ENVIRONS & TRAFFIC

Dear Mr Lombaard

Hannelie Lategan has kindly given me your email address, that I may make an appeal to you regarding the state of Paradyskloof sidewalks, parks and curbs. I am going out on a limb so please bear with me as I try and condense 13 long years of appeals and pleading into one letter, for the implimention and application of the responsibilities of the Stellenbosch Municipality towards rendering its services to its ratepayer.

***My impassioned appeal to you is with regard to Paradyskloof environs and traffic. Paradyskloof is in an absolutely disgrace state and to the utter shame of the Stellenbosch Municipality with its lack of service delivery to the rate-payer. Paradyskloof Park is in a wild and shocking state. The traffic rules are being disregared in Paradyskloof. The people of Paradyskloof have had more than enough.***

Paradyskloof has battled through erratic and insufficient cleaning services for many years now, but my more recent and impassioned appeals, for well over 2 years, have been mostly met with a stuttering display of mostly half-hearted, inefficent and erratic attempts giving the words “cleaning and maintenace and ‘house-keeping’” completely new meanings, while mostly leaving a state of disarray and poor workmanship in the extreme. The few good service times with regard to cleaning in Paradyskloof have been under the tenure of Thys Serfontein and more recently, Melissa Nel.

Currently, the state of Paradyskloof is the worst it has ever been in the 19 years we have lived here. The grass verges are in a shocking state and horribly overgrown, paths walked onto and across all the verges, unkempt (papers and rubbish lying around), dirty and an embarrassment to its residents – and thus to Stellenbosch and any visitors. As a rate-payer, I have appealed to the Stellenbosch Municipality over and over (Hannelie Lategan will confirm this and with photographs) to attend to our suburb where even the public rubbish bins regularly overflow, in Blaauwklippen Road and up to the Mountain Reserve (where at present piles of bags stand uncleared behind the pole enclosure and have not been emptied for weeks).

Surely the rate-payers, whether in Paradyskloof or Ida’s Valley, Die Boord or Cloetesville, deserve better than this? Does the SM Cleaning and Parks and Gardens Department have a planned maintenance programme to follow? Is there leadership and direction in that department? Where is the grass-cutting tractor and where are the mowers and motivated team working in a structured way from point A to point B? To complete the whole area? 99% of the time a small area of Paradyskloof may get a ‘sort-of’ mow and clean up and the other areas waiting for another 6-8 weeks for same. With the result that most of Paradyskloof is unkempt and overgrown, most of the time. It’s as though the SM can never catch up as it goes around in circles! Surely there is nothing more simple than setting tasks for a well-trained team to take care of the cleaning in a routined, regimented and *thorough* way, say at least once every 6 weeks and which would leave the areas looking like work had actually been undertaken there?

Last week a motley team (clearly lacking leadership, motivation and direction) spent a part of a day flaying about here and there with weed-eaters. What a hap-hazard mess left behind and what a display of people not knowing what they were supposed to be doing and leaving Paradyskloof with shocking ‘bad-hair-day, like the coat of a mangy dog. This exercise has left Paradyskloof looking worse than before they arrived. And all in a part of one day – and gone the next! Staggering! I watched as I drove past a number of times on that day as some worked here, others

worked there, while others slowly moved from place to place. It was quite something to watch. I wish you could have seen the pace, lack of direction, lack of a systematic approach, inefficient attempts and a total lack of leadership or management of the task in hand. I cannot help thinking of what some good enthusiastic and energetic training would do for the drive, dignity and motivation of the workers!

What is happening in the Stellenbosch Municipality and in the Cleaning Department. The DA is running the Stellenbosch Municipality, is it not? Why is the DA failing and allowing Stellenbosch and its environs to deteriorate and begin to fall into the sorry state it was in, when the ANC ran the Stellenbosch Municipality? It is obviously failing in its duties to its delegated body and thus to its ratepayers, allowing the SM to lose its drive (respect) and responsibility towards its rate-payers *and its employees/workers*. Where the planning, discipline, work-ethic, tasking, teams, scheduling, systems and the *order*?

When the DA first took over, Stellenbosch moved from its dirty (in places, filthy), unkempt, rat-infested (yes I saw them almost as big as cats in the drains in the restaurant areas of Church and Andringa Streets) state to an almost spotless, clean, pretty and well-kept town and beautified road verges (R44, etc). Something has slowly and stealthily gone terribly wrong over these few years. The sidewalks and curbs are either overgrown or (in town) full of cigarette butts, unswept, dirty and in places, smelly. It is obvious that all of this points to a failing Cleaning Department. But then there is the old adage that says, "A ship is as good as its captain". It is not a secret that the previous incumbent of your office has been suspended and under investigation, but that surely does not mean that the functioning of the Municipal Departments must go into a decline, surely?

1. Past work in Paradyskloof:

For your interest, after my many appeals, Melissa Nel from the cleaning department, kindly erected 5 NO DUMPING signs in Blaauwklippen, Wildebosch and Paradyskloof Roads. She was co-operative and supportive and efficient. *But*, where is the follow up? The *same* residents have been stacking building rubble and dumping garden cuttings on the *same* heaps for years – and they *continue to do so, despite the No Dumping Signs*. (Please ask Hannelie to show you my many photographs over the past 2 years). May I suggest that you task someone to call on the residents of Grandiceps Street (starting with Numbers 18, 20 perhaps) to establish who is blatantly laughing at the SM as they continue to *defy the bye-law* regarding illegal dumping.

2. Traffic in Paradyskloof:

I have for the past year addressed Mr Royi in the Traffic Department regarding the 3 totally ignored (inadequate) circles in Blaauwklippen/Wildebosch/Paradyskloof Roads. Vehicles continue to be driven straight over these grossly ineffective circles. The signs at the circle in Blaauwklippen Road have been knocked over *8 times* (again ask Hannelie to show you photographs). Another issue addressed to Traffic is the fact that 4x4's are ramping the sidewalk *on the Wildebosch Road side* of these Grandiceps residences to access entrance to these Grandiceps properties. *This is against the Traffic Laws for Wildebosch Road. There is no entrance to any property (but for the entrance to Lieberheim Town House Complex) from off Wildebosch Road*, but vehicles visiting No 20 Grandiceps (plastic housed swimming pool) are gaining illegal access to this property by beating an illegal (vehicle) path (by ramping the curb) to the back gate of No 20 Grandiceps. Now even brazenly demarcated with two large pot plants and a stone chip entrance – to invite access this house from off Wildebosch. Illegally. Perhaps a painting of a thin red line and No Parking signs will do the necessary here?

3. Three Fountains Development disgrace:

And I haven't even started on the disgraceful and shameful 13 year-long debacle of the Three Fountains property. I saw this evening that *at last* the heaps of black refuse bags piled outside the entrance to an unoccupied property "scrapyard" have been removed, after my year-long appeal to the SM *regarding the presence of these same bags*. Thank you. I read an article in Saturday Argus this week, on the warnings regarding snakes this spring. When you see the huge heaps of old bricks and other rubble on 3 Fountains Property, you will be *horrified*, but will see how we (just above Three Fountains) and another resident in Le Montier (just below Three Fountains), had a metre-long Cape Cobra (I have photographs) in our front lounge (our home is in a gated and walled complex in upper Paradyskloof Road) that has unnerved me beyond measure. On another years-long matter, I took a photograph of the entrance fountain (at Three Fountains) late this afternoon, that is full of algae and mosquito larva – a fact that I have addressed to the SM Health

Dept for many years (Cedric Thorpe who still has not responded to my email in this regard sent him in January 2015) and which fountain, my husband has on numerous occasions has gone down with HTH to deal with the mosquito menace. We cannot access the inside fountains as we would be trespassing if we did.

4. Kabouterland Safety (Crash) Barrier:

For years I appealed for a safety barrier to be installed to protect the small playground on the Blaauwklippen Road of this pre-primary school. It was ultimately installed – but unfortunately inadequate, being too short and not covering the full extent of the property on that sharp corner. Recently a warning sign was knocked down right there. I have appealed to the Traffic Department for well over a year to *extend this crash barrier*, before a tragedy takes place on that playground. There are little lives at stake – and my Stellenbosch Municipality Folder on my laptop has all the records of this and other appeals to SM in this regard. I will not hesitate to use this information should an accident occur at Kabouterland and involving little children.

5. Robot at Blaauwklippen/R44

I don't think it would tak a rocket scientist to know that the traffic congestion at this robot – with Super Spar on one side and Engine Garage and Woolworths on the other is *utterly chaotic*. You don't want to experience this congestion at any time of day, but especially between 12:30-2pm and 5-6pm. I have personally spoken to Mr Royi on a number of occasions regarding the vehicles and trucks that “shoot” the red robot at this juncture. I have furnished him with Number Plates of vehicles jumping this robot – just at the times I have been at the robot, so you can imagine how many vehicles are being driven in this way. I noticed that the timing of this robot has been slightly changed to try and improve safety here. But frankly, it is not working at all, as vehicles are still driving through the red. It is an extremely dangerous crossing because of the speed and the disobedience of traffic rules. I also have these appeals in my records.

So with the dangers and disregard for traffic rules in Paradyskloof and roads abutting the suburb – and with the shockingly deteriorated and overgrown state of Paradyskloof and surrounds, the dirty sidewalks, curbs, over-flowing bins, uncleared bin area outside the forest reserve fence, dumping and general erratic and unsatisfactory cleaning and maintenance of Paradyskloof, we have problems in Paradyskloof.

I am considering appealing to the DA leadership as well as a letter to the newspaper regarding these matters. Hannelie will confirm that I am desperate, frustrated and extremely disappointed in the SM with its disregarding of my reasonable (but serious) appeals over a long time. My appeals are the facts afterall. I have admitted to Hannelie that I am exhausted with it all, but I cannot and will not accept the current state of this place. I have also appealed to the SM regarding the state of Cloetesville (where people smile and accept beyond what they should have to bear) and especially the most shocking state of the so-called (by your office), “slab-people” who live in a watery-bog (in winter) under the Kayamandi bridge.

And now I must appeal to you Mr Lombard, in the desperate hope that you will be the ‘new broom that sweeps clean’, the ‘agent of change’ in this situation.

All it would require is simple, logical and administrative planning. But of course, all the best planning in the world is worth nothing, *if it is not implemented*.

I wish you well Mr Lombaard. And trust that your tenure in the highest office at the SM sees a good legacy left behind when you leave one day. Please start with Paradyskloof. My exhaustive appeal has been for too long now, I am sure you will agree. Thank you for your patient attention.

Kind regards  
Shan Bradbury  
083 640 7770

**Nomie Tshefu**

---

**From:** Lize-Mari Visser  
**Sent:** 30 May 2016 02:25 PM  
**To:** Dupre Lombaard  
**Cc:** Nomie Tshefu; Nigell Winter  
**Subject:** FW: Paradyskloof SDA Development Support  
**Attachments:** RE: Paradyskloof SDA Development Support

Dupré,

Additional input received from Nigel Winter:

“The consultants must also look at the Stormwater Catchment Area of the proposed study area and impact of the additional stormwater run-off on the existing downstream stormwater network.”

**From:** Lize-Mari Visser  
**Sent:** 30 May 2016 08:16 AM  
**To:** Dupre Lombaard  
**Cc:** Marius Wust; Nomie Tshefu; Dries Vantaak; Johannes Coetzee; Nigell Winter; Saliem Haider; Willem Pretorius  
**Subject:** FW: Paradyskloof SDA Development Support

Good morning Dupré,

Input received from Willem Pretorius for your records.

**From:** Willem Pretorius  
**Sent:** 27 May 2016 01:50 PM  
**To:** Lize-Mari Visser; Dries Vantaak; Nigell Winter; Saliem Haider  
**Cc:** Marius Wust  
**Subject:** RE: Paradyskloof SDA Development Support

Good day all

I am happy with the proposal but also would like to emphasize the continuous interaction with the Engineering Directorate from the start of the project.

Kind Regards

**Willem Pretorius (Pr Eng, PMP)**  
*Manager Development Services and Project Management*  
*Engineering Services Directorate*

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**Enquiries**  
 T: 021 808 8111



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**From:** Lize-Mari Visser  
**Sent:** 27 May 2016 11:55 AM  
**To:** Dries Vantaak; Nigell Winter; Saliem Haider; Willem Pretorius  
**Subject:** FW: Paradyskloof SDA Development Support

Reminder

**From:** Lize-Mari Visser  
**Sent:** 23 May 2016 11:38 AM  
**To:** Dries Vantaak; Johannes Coetzee; Nigell Winter; Saliem Haider; Willem Pretorius  
**Subject:** FW: Paradyskloof SDA Development Support

Good day,

Please submit comments/input on the attached.

**From:** Dupre Lombaard  
**Sent:** 23 May 2016 11:31 AM  
**To:** Directors Group  
**Cc:** Directors PAs; Nomie Tshefu; Andrew Crouzer; Bernabe De La Bat; Hedre Dednam; Ilze Couvaras; Michelle Aalbers; Widmark Moses  
**Subject:** FW: Paradyskloof SDA Development Support

Colleagues

Herewith the terms of reference, program and budget for the Paradyskloof SDA planning.

Please submit any comment to me by latest Monday, 30 May 2016 to allow us to proceed or adjust the appointment.

Regards

**Dupré Lombaard**

Director: Planning and Economic Development / Direkteur: Beplanning en Ekonomiese Ontwikkeling  
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**From:** Herman Potgieter [<mailto:herman@jsa-architects.co.za>]  
**Sent:** 23 May 2016 10:28  
**To:** Dupre Lombaard; Hedre Dednam  
**Cc:** Robin Koopman; 'Stephen Boshoff'; Jac Snyman  
**Subject:** Paradyskloof SDA Development Support

Dear Hedre

Please find attached our updated inception report. We include Annexure 1 and 3 separately. We would like to propose a meeting with you this coming Thursday. Kindly indicate your availability.



Kind regards

Herman Potgieter  
Pr Eng 950318  
JSA Architects and Urban Designers  
021-7881421

**Nomie Tshefu**

---

**From:** Nigell Winter  
**Sent:** 30 May 2016 01:56 PM  
**To:** Lize-Mari Visser; Dries Vantaak; Saliem Haider; Willem Pretorius  
**Subject:** RE: Paradyskloof SDA Development Support

Hi Lize-Mari, the consultants must also look at the Stormwater Catchment Area of the proposed study area and impact of the additional stormwater run-off on the existing downstream stormwater network.

Kind regards,

**Nigell Winter**  
*Acting Manager: Transport, Roads and Stormwater*  
*Head: Traffic Engineering*  
*Engineering Services*

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**From:** Lize-Mari Visser  
**Sent:** 27 May 2016 11:55 AM  
**To:** Dries Vantaak; Nigell Winter; Saliem Haider; Willem Pretorius  
**Subject:** FW: Paradyskloof SDA Development Support

Reminder

**From:** Lize-Mari Visser  
**Sent:** 23 May 2016 11:38 AM  
**To:** Dries Vantaak; Johannes Coetzee; Nigell Winter; Saliem Haider; Willem Pretorius  
**Subject:** FW: Paradyskloof SDA Development Support

Good day,

Please submit comments/input on the attached.

**From:** Dupre Lombaard  
**Sent:** 23 May 2016 11:31 AM  
**To:** Directors Group  
**Cc:** Directors PAs; Nomie Tshefu; Andrew Crouzer; Bernabe De La Bat; Hedre Dednam; Ilze Couvaras; Michelle Aalbers; Widmark Moses  
**Subject:** FW: Paradyskloof SDA Development Support

Colleagues

Herewith the terms of reference, program and budget for the Paradyskloof SDA planning.

Please submit any comment to me by latest Monday, 30 May 2016 to allow us to proceed or adjust the appointment.

Regards

**Dupré Lombaard**

Director: Planning and Economic Development / Direkteur: Beplanning en Ekonomiese Ontwikkeling

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**From:** Herman Potgieter [<mailto:herman@jsa-architects.co.za>]

**Sent:** 23 May 2016 10:28

**To:** Dupre Lombaard; Hedre Dednam

**Cc:** Robin Koopman; 'Stephen Boshoff'; Jac Snyman

**Subject:** Paradyskloof SDA Development Support

Dear Hedre

Please find attached our updated inception report. We include Annexure 1 and 3 separately. We would like to propose a meeting with you this coming Thursday. Kindly indicate your availability.

Kind regards

Herman Potgieter

Pr Eng 950318

JSA Architects and Urban Designers

021-7881421

**Nomie Tshefu**

---

**From:** Herman Potgieter <herman@jsa-architects.co.za>  
**Sent:** 07 June 2016 04:56 PM  
**To:** Dupre Lombaard  
**Subject:** Meeting Forward Notification: Paradyskloof

**Your meeting was forwarded**

Herman Potgieter has forwarded your meeting request to additional people.

**Meeting**

Paradyskloof

**Meeting Time**

09 June 2016 11:00 AM - 09 June 2016 12:00 PM

**Recipients**

Robin Koopman (robink@bepsa.co.za),stephenb@bepsa.co.za,Evan Arendse,Jac Snyman

All times listed are in the following time zone: (UTC+02:00) Harare, Pretoria

**Nomie Tshefu**

---

**From:** Dupre Lombaard  
**Sent:** 24 August 2015 10:23 AM  
**To:** 'Emma Algotsson'  
**Cc:** Directors Group; Saliem Haider; Neville Langenhoven; Ilze Couvaras  
**Subject:** RE: Paradyskloof Nature Area

Emma

The Stellenbosch Municipality cannot give any guarantees or undertakings in regard to the future of the forest and the public land abutting the development. The management plans are being revised and at the same time there are proposals to better utilise the land from a socio-economic perspective. The future of the land will be determined through statutory processes and that includes public consultation, i.e. you will be aware of what the future holds for the land if you become the owner or register as an interested or affected party.

Regards

**Dupré Lombaard**

Director: Planning and Economic Development / Direkteur: Beplanning en Ekonomiese Ontwikkeling  
 Email: [Dupre.Lombaard@stellenbosch.gov.za](mailto:Dupre.Lombaard@stellenbosch.gov.za) | Cell: +27 82 895 6362 | Tel: +27 21 808 8676 | Fax: +27 21 886 6899 | Website: [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)  
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-----Original Message-----

**From:** Emma Algotsson [mailto:[emmaa@mweb.co.za](mailto:emmaa@mweb.co.za)]  
**Sent:** 24 August 2015 09:41  
**To:** Dupre Lombaard  
**Subject:** Paradyskloof Nature Area

Dear Mr Lombaard,

I have been referred to you by your colleague Piet Smit. I am looking into purchasing the last empty plot at Valle Lustre a small gated estate that borders Paradyskloof Nature Area. Before I make an offer on the property I would like to confirm that there are no developments planned for the forested area in front of the property and also what is the management plan for the nature area in the short and long term. I think you can appreciate the value of the forest for the property and my reluctance to make an offer should there be plans to develop the area. I appreciate your assistance in this regard,

Kind regards,

Emma Algotsson  
 082-8228415  
[emmaa@mweb.co.za](mailto:emmaa@mweb.co.za)

**Nomie Tshefu**

---

**From:** Hans Eggers <eggers@physics.sun.ac.za>  
**Sent:** 22 July 2015 12:09 PM  
**To:** Dupre Lombaard  
**Cc:** elmaree@mweb.co.za; Johanna Serdyn; Martin Smuts  
**Subject:** RE: Paradyskloof SDA

Beste Dupre,

dit is 'n goeie sameloop van omstandighede, want ek is sedert Maandag uiteindelik besig om 'n ordentlike memorandum hieromtrent op te stel onder die naam van FSM (Friends of Stellenbosch Mountain). Ek wou dit lankal doen maar het nie tyd gehad nie.

Dankie vir die moeite van die lang verduideliking; ek kan glo dat jy baie baie eposse het om in te werk.

Ek verstaan dat die proses lank gaan duur en dat ons op 'n vroe"e stadium is. Jy het seker ook gehoor dat daar op 26 Junie 'n gesprek met Schalk en Hedre asook Grechard P en Portia B van Groendienste was, waarvoor ek baie dankbaar is. Ek het van Schalk min of meer dieselfde boodskap gekry.

Wat my egter frustreer is dat daar steeds geen sprake van die finalisering van die natuurareas se regstatus is nie. Sedert die Appelhof uitspraak van 2010 is ons nou al vyf jaar in limbo. Ons was baie geduldig sodat die prosesse en spesifiek die SDF afgehandel sou kon word. Eintlik sou dit wel goed wees om die status van die natuurareas binne geïntegreerde beplanning te finaliseer; maar moet ons nou nog drie of meer jaar wag voordat die regstatus en 'n bestuursplan met doelwitte ens in plek kom? Terwyl die aandag eintlik op heel ander aspekte val binne die innovasie-paradigma? Die onsekerheid is nie goed vir die areas nie; hulle gaan steeds agteruit en kan ons byvoorbeeld nie fondse werf as potensiele donateurs geen sekerheid het nie.

Wat ek nou sal doen is om die "Paradyskloof SDA area kaart" soos in Item 5.1.1 van Mayco- asook Beplanningsvergaderinge van Junie uit ons konsep memo te verwyder. Die oorblywende gedeeltes van die memo is hopelik nogtans nuttig. Ek hoop om nog hierdie week of vroeg volgende week hierdie memo aan julle te stuur na goedkeuring deur die FSM bestuurskomitee.

Ek verstaan dit is nie so dringend nie, maar ek het geleer om betyds die huiswerk te doen. En soos bo -- dalk moet natuurdinge 'n slag dringend raak.

Groete en dankie dat ek openhartig kan wees,

Hans

On Wed, 22 Jul 2015, Dupre Lombaard wrote:

> Hans

> Jou navrae hieronder verwys.

> Die areas wat op die aanhangsels vir al die projekte getoon word is  
 > baie breë aanduidings vir baie groot areas, veral waar buite stedelike  
 > gebiede, net om die algemene omgewing te toon. Die doel is nie om  
 > enige spesifieke plek of posisie te toon vir 'n produk nie, maar om 'n  
 > studie-area te toon vir die projek. Die rede is eenvoudig dat ons



- > graag in 'n omgewing iets wil sien gebeur, maar dat daar sowat drie
- > jaar se studies en magtigingsaansoeke is wat enige aktiwiteit sal
- > voorafgaan.
  
- > Die Paradyskloof SDA is tipies een van die areas waar ons weet ons kan
- > met 'n hoë mate van sukses iets doen as unieke ekonomiese bydraer to
- > die dorp. Die vrae is egter wat presies gedoen moet word en dan wat
- > die beste ligging daarvoor sou wees. As die gebruik 'n winkelsentrum
- > is, dan sekerlik so naby aan die paaie en infrastruktuur as moontlik
- > en met groot dekkingsarea. As dit 'n kabelspoor is, dan sekerlik so
- > naby as moontlik aan die berg en met heelwat kleiner dekkingsarea. As
- > dit 'n botaniese tuin is, dan waar die terrein dit sal toelaat en met
- > groot dekkingsarea maar amper sonder impak. Hierdie aspekte moet
- > alles ondersoek word en eers as die raad tevrede is met die produk wat
- > voorgestel word, sal die volgende fase van magtigings afgeskop word.
- > Sodra magtigings bestaan sal die tenders gevra word en dan eers die
- > detail ontwerpe.
- > Ons wil net begin met die prosesse en wil hê dat die groter omgewing
- > bekend is aan die raad en die publiek en dan, soos die proses vorder,
- > sal die presiese ligging bepaal word en sodoende word 'n sirkel om 'n
- > area afgebring na 'n punt op 'n plan.

> Groete

> Dupré Lombaard

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**Nomie Tshefu**

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**From:** Hans Eggers <eggers@physics.sun.ac.za>  
**Sent:** 31 July 2015 06:36 PM  
**To:** Dupre Lombaard  
**Cc:** Schalk Van der Merwe; Hedre Dednam; Bernabe De La Bat; Portia Bolton; Leon Lourens; Grechard Petersen  
**Subject:** FSM Memorandum oor Innovation Capital re Paradyskloof Area  
**Attachments:** FSM-MemoInnovationCapital31July2015.pdf; FSM-MemoInnovationCapital31July2015Fig1.png

Geagte Mnr Lombaard,

dankie weereens vir die vergadering van 30 Maart 2015: vir my was dit goed en insiggewend. Ek waardeer ook dat Schalk en Hedre asook Portia en Grechard tyd gemaak het vir ons vergadering op 26 Junie.

Aangehegte memorandum van Friends of Stellenbosch Mountain (ek is sekretaris) is die resultaat van sowel di'e gesprekke asook die inligting wat in die munisipale vergaderingstukke beskikbaar geword het. Soos u genoem het is daardie inligting meer bre"e aanduidings en het ons gepoog om eerder die gees as die letter daarvan op te neem.

Die inhoud van die memo weerspie"el min of meer wat op 26 Junie gese is, behalwe dat die alternatiewe moontlikheid van ontwikkeling suid van Coetzenburg nou ook deel van die "grand picture" van opsies geraak het. Die FSM komitee het ook daarna gekyk.

Soos aangedui is ek en is FSM gelukkig om ontwikkeling te steun as dit maar net sinvol munisipale inkomste kruis-subsidieer en natuurlik die innovasie gedagte letterlik opneem en deurvoer.

Hoogste op ons agenda is soos altyd die dringende versoek dat die natuurareas asseblief nie aan die agterspeen moet suig nie maar dat die limbo nou gestalte kry. Die geleentheid is goed!

Ek is in Duitsland vanaf 16 Augustus tot einde Desember, sal egter wel epos op my normale eposadres kan hanteer. FSM as sulks sal aanhou om baie aktief op die terrein teenwoordig te wees.

Ek sal die memo natuurlik ook aan raadslede stuur wat by die saak betrokke is. Die kaart het ek ook as los PNG file ingesluit.

Groete en voorspoed,

Hans Eggers

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# FRIENDS OF STELLENBOSCH MOUNTAIN



Public Benefit Organisation No. 930049434

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## Memorandum on Innovation Capital Initiative and Integrated Planning

31 July 2015

The Friends of Stellenbosch Mountain (FSM) have been active in Stellenbosch since 2008. FSM is part of the WESSA affiliate network and is a SARS-accredited Public Benefit Organisation.

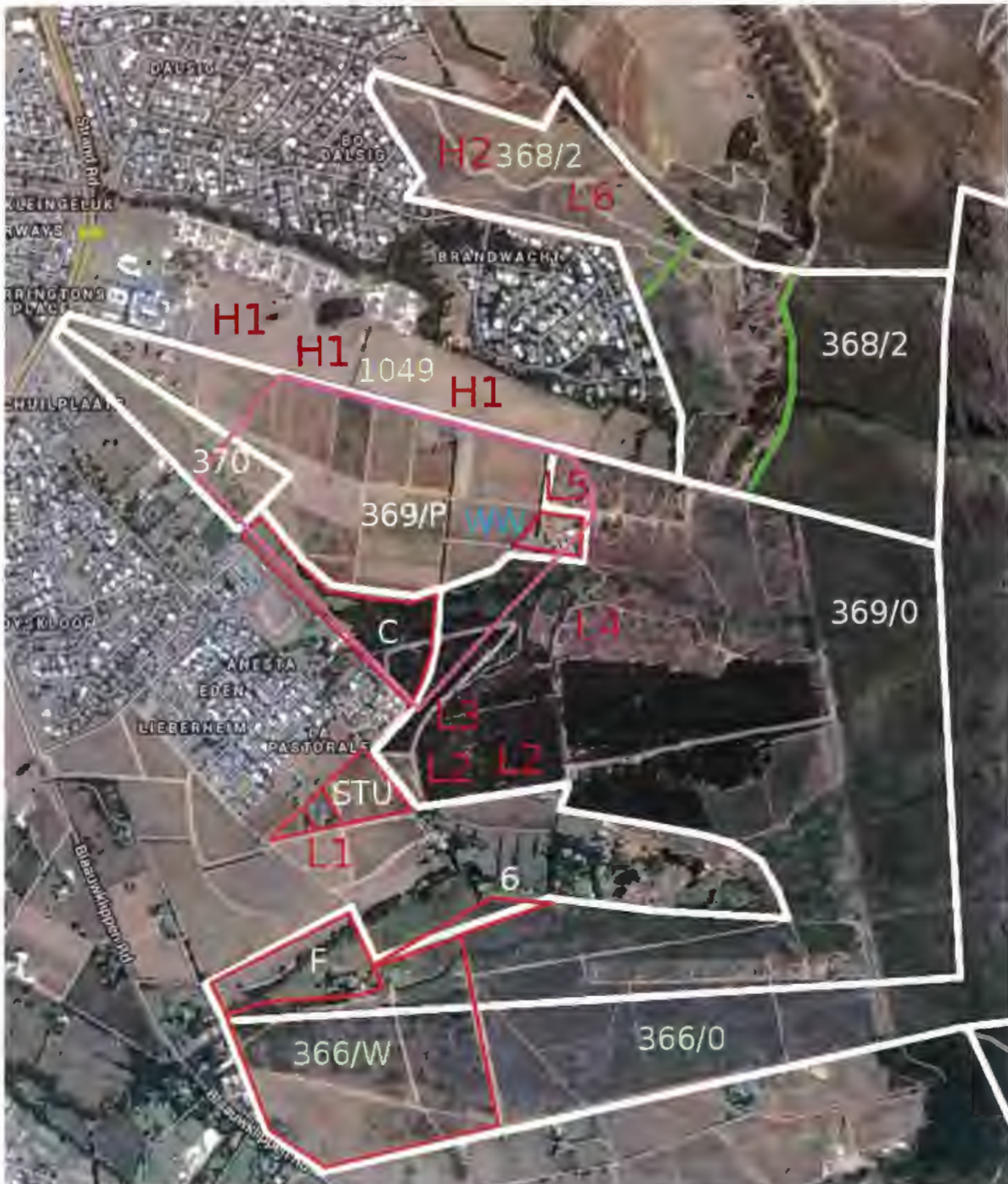
### 1 Context

- 1.1 **Innovation Capital:** The May and June agendas of the Planning and Economic Development Portfolio Committee meetings as well as the June Mayco meeting contained a preliminary report on the Stellenbosch *Innovation Capital Initiative* (ICI), see Item 5.1.1. Mayco on 2015-06-17 resolved for Council to hold a workshop held on the matter in August 2015; see Appendix A below for the relevant text.
- 1.2 **Purpose of this memorandum:** FSM supports the Innovation Capital Initiative as a good way to be proactive in development matters rather than being merely reactive. Much of the ICI is still unclear and at an early stage. The purpose of this memorandum is to provide important background information and to make pertinent requests at this early stage so as to improve the initiative and eliminate potential problems.
- 1.3 **Clarification of basic parameters:** The areas demarcated for possible development within the ICI in the appendices of those agendas as well as the respective development thoughts in the report are explicitly preliminary in nature and should not be taken literally. Given the scale of the ICI, this is understandable. However, given the uncertainty regarding the exact areas involved as set out below, it seems premature to start a process of municipal land disposal in terms of the MFMA (see Appendix A below). In any case, there probably cannot be a single MFMA process applying to all areas together.

Accordingly, the August 2015 workshop needs to clarify the basic parameters: What areas exactly are being discussed? What kind of development or change is envisaged?

### 2 Points in brief

- 2.1 We now focus on the **western slopes of Stellenbosch Mountain**; a colour map of the area is shown in **Figure 1**, while some details of the properties involved are listed in **Table 1**. Detailed consideration of issues similar to those set out below should of course be applied to all other areas, in particular to the other nature areas mentioned in the IC Report such as Berg River Dam, Idas Valley and Jan Marais Park.



**Figure 1: Map of western slopes of Stellenbosch Mountain**

- White lines and numbers: Municipal properties and cadastral numbers  
 Pink lines: Outline of Paradyskloof Special Development Area as published in item 5.1.1 of June 2015 Mayco and Planning Committee meetings  
 Red lines: Portions of municipal properties  
 Blue **WW** letters: Municipal waterworks  
 Red letters: **L** denotes possible location of special 1.2ha project; **H** denotes possible location of housing project



- 2.2 Outlined in pink on Figure 1 is the area identified as a **Paradyskloof Special Development Area (SDA)** on Page 24 of the agenda for the Planning and Economic Development Portfolio Committee meeting of 2015–06–02. As stated, this outline is schematic and should not be taken literally. It overlaps with parts of municipally-owned Farms 370, 369/P (KWV lease), the waterworks (marked as WW), a small part of Farm 369/0 and portion 369/C.
- 2.3 **Municipal properties on Stellenbosch Mountain slopes:** An extract from the *Innovation Capital Report*, Item 5.1.1 in the same 2015–06–02, is appended as Appendix B below. Two core thoughts emerge: Firstly, the report raises the possibility of a 1.2 hectare “*special development which will generate direct foreign investment*”. Secondly, an area of 60 hectares is linked to the 1.2 ha development with “*the remainder being conserved as a natural attraction*”.
- 2.4 The *Innovation Capital Initiative* is of course not primarily concerned with the nature areas owned by the municipality. However, given the emphasis on integrated planning in legislation, we strongly recommend **integrated planning of the entire area** so that a good balance between housing, special developments, agriculture, nature areas etc is achieved. Making decisions about some areas only would pre-empt the overall final development footprint. Bioregional planning as required by the SDF necessarily encompasses all areas.
- We hence propose that **the area to be considered by Council be expanded to include ALL of the land units outlined in Figure 1 by white and red lines**, including all municipal land plus possibly the remainder of Farm 1049 which is privately owned and possibly university-owned land too. This expanded area should replace the original pink-line area.
- 2.5 The status of the nature areas has been in limbo ever since the Court of Appeal in 2010 ended the Golf Resort proposal. This limbo makes it impossible to put in place appropriate management plans and do fundraising. **FSM therefore urgently requests that the legal status of the nature areas be finalised as soon as possible, and certainly not later than the ICI.** A starting point would be to rezone the areas as *Natural Environment Zones*, followed by the more drawn-out *Protected Areas Act* process.
- 2.6 In Sections 3 and 4, we set out in detail some proposals regarding locations of a *special development* as well as possible housing etc. These proposals could well include private land of Farms 1049/0 or parts of 306/0 shown in Table 1. In Section 5, we conclude with remarks and requests pertaining to the wider scope of the initiative.

### 3 Outline of a Paradyskloof/Brandwacht integrated plan

Based on detailed knowledge of the area stretching over nearly twenty years and ongoing FSM nature management activities in the area, we here outline a possible **guide to an integrated plan for future land use**, taking into account the Innovation Capital report and various previous incarnations of the SDF. Please refer again to Figure 1. Details on the locations etc are discussed in Section 4.

#### 3.1 Special development of 1.2 hectare

Firstly, we propose that the 1.2 hectare *unique development opportunity* envisaged by the ICI report be located preferably at either location **L1** being portion 369/T, currently used as tennis courts, or at **L2** near the Paradyskloof plantation main gate.

If non-municipal land is considered, then the eucalyptus plantation above Coetzenburg on part of University-owned **Farm 306/0** would be an excellent choice; see Section 4.

Possible but less desirable locations would be (in decreasing order of preference): **L3** close to **L2**, **L6** on Farm 368/2 and **L5** immediately north of the water works.

Location **L4** near the waterworks dams is not well suited as it is far outside the urban edge and would disrupt the entire Schuilplaats river valley. The nearby sludge dams are also unsuited for human use.

Unit	Size (ha)	Location and description	Land Use or Leased to
<b>Municipal properties</b>			
366/0	313.1	Western slope of Stellenbosch Mountain above Paradyskloof and Brandwacht, abutting the Hottentotsholland Nature Reserve, plus a long thin "finger" towards Blaauwklippen Rd	Nature Area: mountain fynbos and renosterveld
368/2	90.9	Immediately north and east of Brandwacht suburb	fynbos, eucalyptus, fallow, renosterveld
369/0	290.1	Mountain fynbos, pine plantations partly burnt or logged, three rivers converging into wetlands, renosterveld	plantation and nature area, recreation
369/C	3.5	below F369/0, Schuilplaats river	?
369/P	62.7	Grondves: vineyard and Schuilplaats river basin	KWV
370	10.6	Grondves: vineyard and Schuilplaats river basin	KWV / Mediclinic
369/W	38.1	lower part of main F369/0, abutting Blaauwklippen Rd, 50% renosterveld and rest ploughed	Vriesenhof
369/6	2.1	Land sliver alongside 369/0; river banks?	?
369/S	3.6	Vineyard	Vriesenhof
369/T	1.2	Tennis courts	Tennis Club
369/U	0.3	Vineyard	Vriesenhof
<b>Privately owned properties</b>			
1049/0	30.0	Brandwacht Land Development (Pty) Ltd	fallow, neglected
306/0	41.6	University, above Coetzenburg	eucalyptus plantation
368/0	82.1	University, between 368/2 and Coetzenburg	agriculture, eucalyptus, fynbos

Table 1: Relevant properties on western slopes of Stellenbosch Mountain.

### 3.2 Protected Area

We propose that the following existing nature areas be incorporated into a Protected Area: Farms 366, 368/2 upper part, 369/0 (except possibly for a part to be used for the above 1.2 ha special development) plus portions 369/C, 369/W and 369/6. A preliminary step would be to rezone all these as *Natural Environment Zones*, followed by the more drawn-out Protected Areas process. This would go a long way towards fulfilling the stated goals of national, provincial and Stellenbosch municipal legislation and commitments regarding nature areas.

Management of this Protected Area should eventually be integrated with adjacent areas such as the Hottentotsholland Nature Reserve as well as the upper parts of Farms 368/0 (University), 308/0 (University), 306/0 (University), 367 (University) and on into the Jonkershoek Valley.

### 3.3 KWV lease on 369/P

Based on further proposals below related to housing, we suggest that the **lease of Farm 369/P to KWV be continued** or replaced by a similar agricultural land use, notwithstanding that the lower part has recently been advertised for a Mediclinic Hospital.

### 3.4 Housing component (see also Item 4.2)

While not mentioned in the planning report, the idea has been raised that some land be developed as high-income housing in order to cross-subsidise low-income and gap housing as well as the management of nearby nature areas.

Given the very high visibility of **Farm 369/P (Grondves, KWV lease)**, we cannot support development of any kind on it.

A far better alternative would be further housing development on the remainder of the adjacent privately-owned **Farm 1049 Brandwacht** since it is located lower down.

A third alternative location for housing development would be the lower part of the municipally-owned **Farm 368/2** in the corner between Dalsig and Brandwacht suburbs.

### 3.5 Cross-subsidisation

Given the continued explosion of ever more high-income housing developments, FSM finds it hard to support yet more of the same. If, however, the economics of cross-subsidisation become imperative, we would go along with limited housing development in the area but only on condition that this cross-subsidisation is written into the relevant rezoning contracts, planning approvals and title deeds. A once-off cross-subsidy amount (up to twenty percent of the land valued in terms of erven) can be written into the conditions for rezoning, while a perpetual levy of a few percent on the price in subsequent property resales can be written as endorsements into the housing title deeds.

### 3.6 Longlands judgement is not a problem

The 2007 Longlands court judgement does not preclude or prohibit conditions from being attached to development proposals on private land. What happened in the 2007 Longlands case was that DEADP made two cardinal errors firstly in changing conditions of approval after the appeal, and secondly in trying to impose development conditions on an environmental impact process. The court case was lost on those errors, not on the existence of preconditions *per se*.

## 4 Detailed discussion of some locations

### 4.1 Special development of 1.2 hectares

We discuss locations below in decreasing order of preference.

- (a) **Location L1:** Farm 369/T is a small area on a flat koppie with a spectacular view of Stellenbosch Mountain. It is immediately adjacent to the existing Urban Edge above Paradyskloof. For this reason, it would represent the preferred location for a small special development. Access would be via Paradyskloof Road. The disadvantage of this location is that the area is quite small, unless portions 369/S and 369/U, which are currently leased out, are also used.
- (b) **Farm 308/0 above Coetzenburg:** The advantage of this site is that it would have an immediate high-profile clientele in the sports community. It is also much closer to the town centre. The eucalyptus plantation currently covering the site must in any case be removed and rehabilitation will be expensive. This site would provide a great opportunity for collaboration between the university as landowner and the municipality.
- (c) **Location L2:** Near the main gate to the Paradyskloof ("Eden") pine plantation on Farm 369/0. Advantage: is is also immediately adjacent to the current Urban Edge. Depending on the size of the project, it could be expanded along the southern edge of the current plantation; it also offers a spectacular view of the entire Cape Peninsula. Access through Paradyskloof. Development should be limited to the area below the old shooting range.
- (d) **Location L3:** Immediately north of L2 but well away from the Schuilplaats River (see **L6** below); currently still under plantation. Close to current Urban Edge. Disadvantages: some parts of this area are under fynbos/renosterveld. A water pipeline servitude from the Theewaterskloof tunnel to the waterworks traverses the area. Also a pipeline from the waterworks to Jamestown will also run through this area.



- (e) **Location L5:** Site immediately north of the waterworks on fairly flat ground. Access would be via Trumali Road. Two major preconditions for this site to be acceptable are:
  - (i) The area is identified as very rare renosterveld in the botanical studies. Development could go ahead only if an updated botanical study finds that the remnants are not worth saving and
  - (ii) it would be close to the Urban Edge only if a housing component were sited on adjacent Farm 1049/0 (see Item 4.2a).
- (f) **Location L6:** This lower part of Farm 368/2 abuts Brandwacht and Dalsig suburbs. As this is the same location as **H2**, it is discussed more fully below.
- (g) **Location L4:** This is sited immediately above the water sludge dams of the municipal waterworks. FSM finds little to recommend this area for development: it is far from any Urban Edge, the dams offer little attraction and the noise from the nearby waterworks is substantial. Also, development at **L4** would disrupt the Schuilplaats River basin and detract from its high recreation and ecotourism potential. The location is best left intact as part of the larger nature area.

#### 4.2 Possible locations for housing

While the *Innovation Capital Initiative* does not concern itself with housing developments, we do discuss it here since such housing has been raised for cross-subsidisation purposes, and because planning should be integrated rather than piecemeal. As stated in Section 2, FSM could support new housing only if it were set up to cross-subsidise other projects in the municipality.

We again discuss possible locations in order of decreasing preference.

##### (a) Farm 1049/0 Brandwacht

This area lies south of Brandwacht suburb. About 13 ha of the lower part of this farm was developed into *Brandwacht On River* recently; the remaining 30 hectares are currently fallow. It is clear that the private landowner has no intentions of resuming farming. FSM has little sympathy for the private landowner *Brandwacht Land Development (Pty) Ltd*, but nevertheless considers the area as the best possible location for housing in the vicinity.

- i. A disadvantage of this location is that, once again, high-potential agricultural soil is lost. There would also be a visual impact on parts of the existing Brandwacht suburb. High-potential agricultural land will, however, be lost in almost all cases considered here.
- ii. The advantages are clear: this area is now almost inside the Urban Edge and it is unobtrusive compared to 369/P located above it. Given the total absence of any farming effort, our guess is that the landowner is in any case waiting for an opportunity to develop this area, so that proactive initiation of this project by the municipality may be the better than waiting for an uncontrolled private proposal.
- iii. To ensure that a housing development on private land fulfils the goal of cross-subsidisation of municipal projects, the municipality should fix the necessary preconditions as early as possible in contract form but not later than the rezoning approval. Such preconditions would include the once-off cross-subsidy amount (up to twenty percent of the land valued in terms of erven) on first sale, while a perpetual levy of a few percent on the price in subsequent property resales can be written as endorsements into the housing title deeds. As stated, the Longlands judgement does not prevent such conditions from being set as long as they are set early, preferably by a pre-rezoning contract between the municipality and the landowner.

##### (b) Farm 368/2

- i. This area is located in the corner between Dalsig and Brandwacht suburbs. It is currently lying fallow and is deteriorating continuously. Many illegal mountain bike tracks have been built here and security is a concern.

- ii. The advantages of developing this area are that it is on the current Urban Edge, offers good views and can rely on existing infrastructure. Compared to the above Farm 1049 proposal, Farm 368/2 is municipal-owned and so the full benefits of land sales would accrue to the municipality.
  - iii. The disadvantage once again is that it would have an impact on adjacent suburbs.
- (c) **Farm 369/0 near Paradyskloof plantation main gate**  
This is identical to location L2 on Figure 1. The area would support some hectares of housing development if necessary.
- (d) **Farm 369/P Grondves**  
This is the area proposed by the ICI Report as outlined in pink in Figure 1. FSM cannot see any advantages in a housing development at this location compared to those above. There are, however, big disadvantages, the main ones being that, being on a prominent mountain spur, it would have a high visual impact in all directions. As part of the KWV Proefplaas, it would also imply the destruction of an important scientific operation.

## 5 General remarks

- 5.1 FSM supports the Innovation Capital Initiative as a coherent and positive action to promote economic development and build on the town's strengths. Innovation must include proper recognition of the foundational role that nature areas play in human society. In the long run, no innovation or other development initiative will survive without them. The requirements and needs of nature areas should be integrated into the planning and written into the documents from the start. **We therefore request that environmental experts be included in the Innovation Capital steering committee and that relevant experts in town be consulted.** These include world authorities on water, fire, fynbos management.
- 5.2 To restate the obvious: As all proposals, every Innovation Capital Initiatives project must carry out an Environmental Impact Assessment (EIA) as required by law. As required by NEMA, **any assessment must be based on the TRIPLE bottom line, not just economic criteria.** We are glad to see that the present initiative proposes to first carry out the relevant EIAs before the rezoning process is begun.
- 5.3 The nature areas mentioned in this memorandum have been in limbo for decades, which makes it impossible to attract long-term funding and put in place appropriate management measures. The process involved are comparatively simple: *rezone the areas to Natural Environment Zones*, then start the longer Protected Areas process. **There is no reason to wait. There are many reasons to act.**
- 5.4 It will meanwhile be necessary, if not optimal, to approve and fund **interim management plans** for these areas. This is all the more important since there is considerable pressure from the mountain bike community to finalise routes and rights. We repeat statements from our November 2014 memorandum that bikers should of course be accommodated, but that management plans must be compiled starting with the scientific facts on the ground.
- 5.5 FSM notes that the **Berg River Dam and Idas Valley nature areas** have also been included in the ICI. Much of what is proposed or noted in this memorandum should be applied and considered in the case of these other areas too.
- 5.6 The concept of innovation should be understood not only in terms of high technology companies. There is a huge opportunity for Innovation Capital to take the lead in **low-tech sustainable development** green building methods, water savings, local water gathering and storage, novel food production techniques, recycling etc. If any of the abovementioned housing projects do come to pass, these approaches should be implemented there.

**Appendix A: Item 5.1.1 of Mayco meeting**

The following text from the Item 5.1.1 of the Minutes of the Mayco meeting of 2015-06-17 pertains:

**RECOMMENDED**

(a) that approval be granted for the implementation of the innovation projects as listed herein:

- Klapmuts Special Economic Zone / Industrial Area
- 2016 Triennale
- Idas Valley Dam Sustainable Utilisation Plan
- Sustainable Utilisation Plan Of The Berg River Dam
- Paradyskloof Special Development Area
- Stellenbosch CBD parking

(b) that Council confirm that the municipal owned properties that form part of the projects are not needed to provide the minimum level of basic municipal services in terms of Section 14(2)(a) of the Local Government: Municipal Finance Management Act, 56 of 2003, but that the land is required for the development of innovation projects;

(c) that the Municipal Manager be authorised to proceed with processes to secure the requisite land use rights, approvals and authorisations for all the listed projects;

(d) that the Municipal Manager be authorised to proceed with the disposal process of municipal land for innovation project development purposes;

(e) that the Municipal Manager be authorised to conduct a public participation process to facilitate the determinations made by Council in terms of Section 14(2)(a) and (b) of the MFMA;

(f) that the Municipal Manager be authorised to dispose of the municipal land in accordance with the Stellenbosch disposal management system at a value to be determined by the Municipal Manager considering the benefit to be derived for the community; and

(g) that the Department: Planning and Economic Development arrange a workshop for all Councillors regarding the item.

**RESOLVED (nem con)**

that this matter be referred back to allow the Administration to arrange a workshop for all Councillors regarding the item whereafter same be resubmitted via the Standing Committee to Council.

## Appendix B: Extract from Innovation Capital Report

The following text from the Item 5.1.1 of the Minutes of the Planning and Economic Development Portfolio meeting of 2015-06-02 pertains to the Paradyskloof area:

### **Paradyskloof Special Development Area**

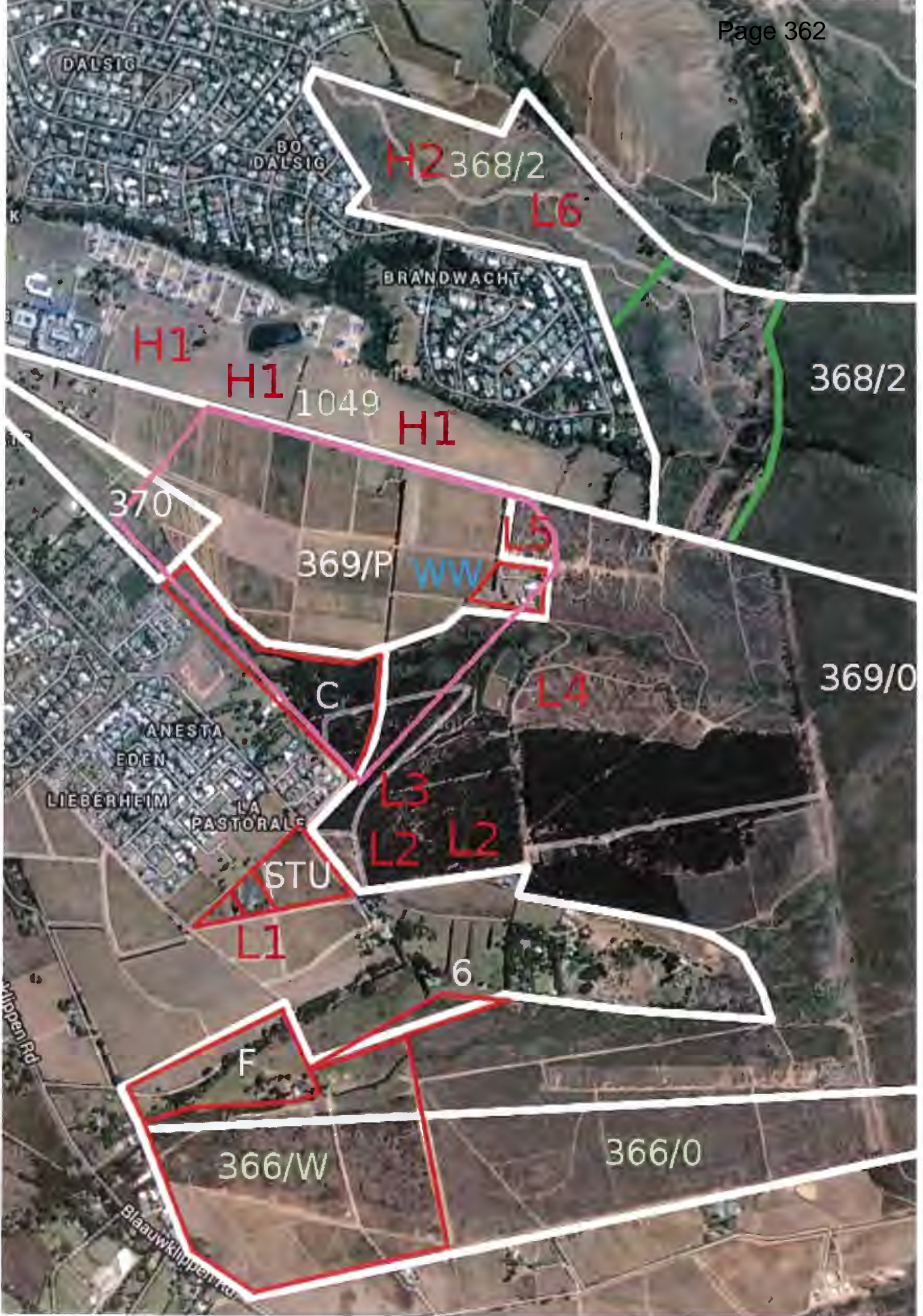
**Purpose:** To establish a unique attraction and economic use that does not exist in the WC024 yet. The Paradyskloof area is well known for its attraction to property and other developers. The area has a unique opportunity to create a very special kind of development that can serve as a long-term, on-going attraction for Stellenbosch and will have real direct benefits for the municipality and the community at large. A normal residential development in this area will not hold this type of benefit and therefore it must be investigated and presented as a unique development opportunity for a unique land development proposal that will generate direct foreign investment (foreign investment referring to investment from outside of the Western Cape) and where land ownership is retained by the Stellenbosch Municipality.

**Location:** Roughly 60 ha of land around the dam located between the Paradyskloof pine forest and the water treatment works, taking access from the R44 past the Medi Clinic headquarters. The actual development footprint should not exceed 1,2 ha, with the remainder being conserved as a natural attraction. See Annexure 5 for a graphic indication of the locality.

**Project manager:** The Project Manager for this project will be Mrs Hedré Dednam, Manager: Land Use Management.

**Project program:** The project can only commence and progress after approval of the project by Council.





DALSIG

BO DALSIG

H2 368/2

L6

BRANDWACHT

H1

H1

1049

H1

368/2

370

369/P

WW

L5

369/0

C

L4

ANESTA

EDEN

LIEBERHEIM

PASTORALE

L3

L2

L2

STU

L1

6

F

366/W

366/0

Wijlpen Rd

Blaauwklippenku