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Appeal

against Environmental Authorisation 16/3/1/1/B4/45/1005/13

issued on 29 March 2018, regarding

Proposed Improvements to the R44 between Somerset West and Stellenbosch

HC Eggers

21 May 2018

This document contains the Grounds for Appeal requested in Section D of the 2010 NEMA Appeal Form. Sections A, B and C of the said Appeal Form have been completed, and the Appeal Form is submitted in addition to the present Grounds for Appeal. Copies of Sections A, B, C and various appeal-process-related documents can be found in the appendices.

Summary

As an Interested and Affected Party, I hereby appeal against the Environmental Authorisation (EA). I request the Minister to set aside or vary the EA as set out in Section 3 to move away from the narrowly-focused and misdirected R44 upgrade process towards a legally compliant, integrated and future-oriented process driven the principles and parameters set by national and provincial legislation and policy and the municipal IDP, MSDF and CITP.

This document and supporting material is available for a limited time at

www.physics.sun.ac.za/~eggers/fsm/docs18

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Acronyms

BAR	Basic Assessment Report, required in terms of NEMA Regulations, used as abbreviation for RFBAR in this appeal
CCAEC	CCA Environmental, the Environmental Assessment Practitioner who compiled the various BAR versions
CITP	Stellenbosch Comprehensive Integrated Transport Plan (2016)
DEADP	Western Cape Department of Environmental Affairs and Development Planning
DST	Densification and Sustainable Transport (including Public Transport and Non-motorised Transport): the highly interrelated and interdependent joint policy of promoting both
DTPW	Western Cape Department of Transport and Public Works; the Applicant
EA	Environmental Authorisation in terms of NEMA Regulations
EAP	Environmental Assessment Practitioner in terms of NEMA
IAP	Interested and Affected Party
IDP	Integrated Development Plan, in terms of the MSA
ITS	Intelligent Transport Systems
MOA	Memorandum of Agreement
MSA	Municipal Systems Act
MSDF	Municipal Spatial Development Framework
MTREF	(Municipal) Medium Term Revenue and Expenditure Framework
NEMA	National Environmental Management Act of 1998
NLTA	National Land Transport Act (2009)
NLTSE	National Land Transport Strategic Framework (2017)
NMT	Non-Motorised Transport (mainly pedestrians and cyclists)
PAJA	Promotion of Administrative Justice Act
PSDF	Provincial Spatial Development Framework (2014)
PLTF	Provincial Land Transport Framework 2011–2016, Update of 2013
PSTP	Provincial Sustainable Transport Programme, formerly known as Provincial Public Transport Institutional Framework (PPTIF)
PT	Public Transport, both governmental and private enterprise, including rail, buses, minitaxis and excluding motorised vehicles
RDBAR	the Revised Draft Basic Assessment Report of 2016
RFBAR	the Revised Final Basic Assessment Report of November 2017, submitted by CCA Environmental to DEADP
RMP	Roads Master Plan (2012), a municipal “sectoral plan” subordinate to the MSDF and IDP
ROD	Record of Decision in terms of NEMA Regulations
SRPV	Sprawl, Roads, Private Vehicles: the attitude and goal that we should be avoiding and counteracting. The solution is DST
SEMF	Stellenbosch Environmental Management Framework (Draft 2014)
SM	Stellenbosch Municipality
TOD	Transit-Oriented Development, the modern view of sustainable town planning and development
WCIF	Western Cape Infrastructure Framework (2013)
WCTI	Western Cape Transport Infrastructure Act (2013)

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Section D of the 2010 NEMA Appeal Form

Sections A, B and C of the 2010 DEADP Appeal Form are submitted separately; a copy can be found in Appendix A. *Italic text* below captures the wording of Section D of the DEADP Appeal Form. My answers are provided in plain text. Item numbers are those of the Appeal Form.

Appeal Form Section D: GROUNDS FOR APPEAL

13. *Provide a statement setting out the grounds of your appeal.*

I believe that the proposals and the environmental authorisation are incompatible with the NEMA Principles as well as all the legislation and policy pertinent to town planning and land transport. Please see the remainder of this document, including the appendices.

14. *Is your appeal based on factors associated with the process that was followed by the applicant/Environmental Assessment Practitioner/the Department in reaching the decision? **Yes and No** (Circle the appropriate response). Please provide details.*

The appeal is based both on process and on content issues. See the remainder of this document.

15. *Is your appeal based on factors associated with matters of unacceptable environmental impacts/extenuating circumstances not taken into account by the competent authority **Yes and No** (Circle the appropriate response). Please provide details.*

In my view, the strictly environmental or biophysical factors play a role subordinate to the much bigger factors of legal compliance and bias. See Section 2.4.3 on the strictly environmental and biophysical factors and the rest of this document on the other factors.

16. *Have your appeal issues been raised previously in the public participation process? **Yes and No** (Circle the appropriate response). Please provide details.*

Many issues have been raised, both by myself and other IAPs as well as the Municipality itself. Other issues and documents are new or were discovered only recently.

17. *Are you fundamentally opposed to the decision (i.e. to any development activity on the site)? **Yes and No** / *Not applicable* (Circle the appropriate response). Please provide details.*

I am fundamentally opposed to only those parts of the proposal which in my view are not compliant with legislation, policy and the NEMA Principles, including the Principle of Sustainability. I would support some parts of the proposal such as some safety measures and road widening in some cases, but only after these have been properly considered within an integrated assessment. See Section 3 for more details.

18. *Are you in favour of the decision of the Department if your concerns can be remedied by rectifying the process or by mitigating or eliminating the impacts of the activity? **Yes / No***

/ Not applicable (Circle the appropriate response). Please provide details.

The process itself is fundamentally flawed in that, as set out in detail in Section 2, it has never been compliant with pertinent legislation and policy on all three levels of government. As such, it should ideally be set aside altogether. As set out in Section 3, however, I would under strict conditions accept that parts of the present authorisation be implemented. The details appear in Section 3.

19. *Please indicate what measures you propose to have your concerns remedied.*

My proposals and the conditions thereof appear in Section 3 below.

20. *Does your appeal contain any new information that was not submitted to the Environmental Assessment Practitioner (EAP) / or registered I&AP's/ or the Department prior to the Department's decision? Yes / No (Circle the appropriate response). If the answer above is "Yes" please explain what this information is and why it should be considered by Provincial Minister and why it was not made available to the EAP/ or I&AP/ or the Department prior to the decision. (Please ensure that the new information is attached hereto.)*

Yes, there is substantial new information; please see for example the documents provided in the Appendices. Some of these were not provided to the IAP or DEADP prior to the decision because they have come to my attention only after the deadline for the BAR comments passed. The Minister would be well advised to consider these new documents as they shed some light on the perceived bias and noncompliance which has mystified IAPs from the beginning.

21. *Please clearly list your appeal issues.*

The appeal issues are set out in the remainder of this document. See Section 2 and the Table of Contents for a summary.

22. *Please provide an explanation of why you listed each issue in section 21 above.*

Please read the remainder of this document, including its appendices.

23. *Please provide details of how you will be or have been affected by each issue listed under 21 above.*

I am an Interested and Affected Party and have locus standi in the following ways:

- i. I have been actively involved in traffic and transport issues in Stellenbosch since 1998.
- ii. I was a member of the municipal "Stellenbosch Traffic Task Team" and participated in the report and recommendations drafted in 2000. The Traffic Task Team was disbanded by the municipality and the report never completed, yet the issues raised then are the same issues on the table today.
- iii. I would be negatively affected economically, socially and environmentally by the sheer cost, size and inappropriateness of the proposed R44 upgrades and their nefarious consequences. The financial wastage would waste my tax; the unsustainability of the proposed "solutions" would negatively impact my life for decades to come; the social consequences of not doing the right thing would negatively impact my well-being and security.
- iv. The same negative impacts will be suffered by almost all other Stellenbosch citizens, but most of all the poor, those who cannot afford to own and operate a private vehicle. The only benefits from this inappropriate spend of money will accrue to contractors, land sales, consultancy fees etc. I doubt that motorists will benefit in the long run.
- v. On the constitutional level, Sections 24 and 33 of the Bill of Rights are being violated by the proposals and the environmental authorisation. The process followed in the larger context of Stellenbosch traffic/transport planning and the biased and secretive actions and communications fall foul of the constitutional principle of transparency and thereby also violate the rights of myself and Stellenbosch citizens in general.

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Detailed reasons for appeal

2.1 Process issues

Summary of this section: The Revised Final Basic Assessment Report (RFBAR, abbreviated to BAR in this appeal) submitted by CCA Environmental to DEADP for authorisation has omitted key legislation and policy documents, and it has in part misrepresented those which it did include. The BAR and Environmental Authorisation are therefore unlawful on procedural grounds and are reviewable. Secondly, critically important alternatives were never investigated. Thirdly, large portions of the BAR address and evaluate issues of spatial and mobility planning which are governed by other legislation. In doing so, the BAR and the Environmental Authorisation interfere and pre-empt proper processes in terms of that other legislation.

2.1.1 Omission of key legislation and policy

- (a) Normally, Environmental Assessments and Environmental Authorisations within the NEMA relate mostly to environmental impacts, while social and economic ones are also considered. The present R44 proposal is unusual in that it focuses strongly on issues informed by the **Sprawl, Roads and Private Vehicles (SRPV)** mindset and approach. In keeping with this focus, this Appeal will also focus on SRPV and on its counterpart, **Densification and Sustainable Transport (DST)** which includes Public and Non-Motorised Transport, without denying the importance of biophysical impacts and issues. The R44 proposal stands and falls on the basis not of environmental matters, but on its merits with respect to SRPV and DST.
- (b) As set out elsewhere in this Appeal and specifically in Section 2.2 below, I believe that the R44 Proposal is incompatible with key legislation, policy and strategy pertaining to the future of mobility and specifically the conflict between SRPV on the one hand and DST on the other.
- (c) In its Section 5.3 as reproduced in Appendix F below, the Revised Final Basic Assessment Report (BAR) makes a half-hearted and in parts clearly misleading attempt to summarise key legislation and policy pertaining to SRPV and DST.
- (d) The BAR has taken selective and half-hearted note of:
 - i. Provincial Spatial Development Framework (PSDF) (2014)
 - ii. Western Cape Infrastructure Framework (WCIF) (2013)
 - iii. Western Cape Government: Department Of Transport And Public Works Strategic Plan 2015/16 – 2019/20 (DTPW Strategic Plan, Version February 2015)
 - iv. City of Cape Town Scenic Drive Network Management Plan (2003)
 - v. City of Cape Town Integrated Development Plan (2012 - 2017)

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- vi. City of Cape Town Spatial Development Framework (2012)
 - vii. City of Cape Town Integrated Transport Plan (2013 - 2018)
 - viii. City of Cape Town Environmental Management Framework (2012)
 - ix. Cape Winelands District Municipality Integrated Development Plan (2015/16) and Spatial Development Framework (2009/2010)
 - x. Cape Winelands District Municipality Environmental Management Framework (2011)
 - xi. Stellenbosch Municipality Integrated Development Plan (2015/16)
 - xii. Stellenbosch Municipality Spatial Development Framework (2013)
 - xiii. Stellenbosch Municipality Comprehensive Integrated Transport Plan (2011)
 - xiv. Draft Stellenbosch Municipality Environmental Management Framework (2014)
 - xv. Draft Stellenbosch Revised Zoning Scheme (2012)
- (e) Of those, we can ignore for present purposes the five City of Cape Town documents. They are of only marginal interest as most of the proposal sites fall into the Stellenbosch municipal area. Regarding DST, the two Winelands documents do not contain much and can also be disregarded in that respect.
- (f) The Draft Stellenbosch Revised Zoning Scheme (2012) is long outdated. Its import is Land Use Management, not SRPV or DST and it can also be ignored for present purposes. The SEMF (2014) does not speak to DST and can also be ignored for present purposes.
- (g) No mention at all is made of the Western Cape Transport Infrastructure Act (2013) (WCTI). Those provincial policies covered by the BAR, namely the PSDF (2014), the WCIF (2013) and the DTPW Strategic Plan(2015/16–2019/20) will be dealt with below.
- (h) Those three relevant ones which were actually covered by the BAR are outdated. The current situation is as follows:
- i. The Stellenbosch IDP (2015/16) used by the BAR is outdated; the current version 2016/17 differs substantially from the 2015/16 one. A draft 2018 version is also being circulated.
 - ii. The Stellenbosch MSDF (2013) used by the BAR is long outdated. The 2016/17 MSDF differs strongly from the 2013 one.
 - iii. The Stellenbosch CTIP (2011) used by the BAR is long outdated. The 2016 one differs substantially from the 2011 one.
- (i) In summary, **of the 15 policy documents considered in Section 5.3 of the BAR, only the three provincial ones are up to date and relevant to DST, while the Stellenbosch IDP, MSDF and CITP documents used are outdated.** The BAR assessment itself is therefore outdated through its own fault. All three of the up-to-date documents were publicly available when the BAR was compiled and published in November 2017, so there is no excuse.
- (j) Those pieces of legislation and policy which the BAR did cover, were covered selectively and in some cases downright mendaciously. See Section 2.2.4 for more details regarding the selective and factually incorrect summary of legislation and policy by the BAR.
- (k) Even worse, the BAR has **omitted the following critical legislation and policy documents altogether:**
- i. the National Land Transport Act of 2009 (NLTA) and pertinent regulations,
 - ii. the National Land Transport Strategic Framework (2017–2022) (NLTLSF),
 - iii. the Provincial Land Transport Framework (2011/12–2015/16) (PLTF),

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- iv. the current Stellenbosch Integrated Development Plan(s) (2016/17),
 - v. the current Stellenbosch Municipal Spatial Development Framework (MSDF)
 - vi. any mention of the resulting programme of pro-DST interventions, the Provincial Sustainable Transport Programme (PSTP).

- (l) No one will dispute that the R44 proposals must be informed, indeed governed, by the above documents. Indeed, the NEMA regulations explicitly specify that (GNR982 of 2014)

The objective of the basic assessment process is to, through a consultative process – (a) determine the policy and legislative context within which the proposed activity is located and how the activity complies with and responds to the policy and legislative context;

In omitting the above documents entirely, the BAR has not “determined the policy and legislative context within which the proposed activity is located”. As shown below, the activities contained in the “preferred alternative” do not “comply with and respond to the policy and legislative context” either.

- (m) Despite the above glaring omissions and errors, DEADP issued an Environmental Authorisation. Normally, one would assume that the competent authority was indeed competent to properly adjudicate impact assessments, but the EA reveals this not to have been the case. Indeed, as shown in Appendix Y, large parts of Section 3 of the EA were plagiarised, sometimes word for word, from the BAR which the EA was supposed to verify and adjudicate.
- (n) The EA also failed to pick up the omissions from the list of relevant legislation and policy. This is inexcusable.
- (o) In summary: An Environmental Authorisation based on outdated, incomplete and selective facts, whether legal or physical, cannot claim to have reached an unbiased conclusion. The omission of critical policy and legislative requirements, the use of superceded policy documents and the selective representation of those that were covered all seem to me valid grounds for review in the Cape High Court. At a minimum, the process followed violates the principles set out in PAJA.

2.1.2 No proper consideration of alternatives

As set out in Sections 2.2 and 2.3 below, the BAR and its earlier draft versions have consistently refused to consider real alternatives to the SRPV-mindset “preferred alternative”, despite many complaints and suggestions by IAPs and authorities. In not fully scoping exactly those alternatives to the “preferred alternative”, the BAR and Environmental Authorisation are noncompliant with NEMA and thereby make themselves vulnerable to high court review.

2.1.3 Lending unwarranted legitimacy

Finally, it must be pointed out that the purpose of environmental assessments is to consider and compare **impacts only**. Neither the BAR nor the Environmental Authorisation is empowered to prescribe solutions to traffic and transport issues treated by the relevant spatial planning, traffic and transport legislation. As such, the conclusions of CCA Environmental and the authorisation issued by DEADP may seem irrelevant to the spatial/traffic/transport processes. Not so. By cloaking incorrect and unlawful measures as a “preferred alternative”, they provide that alternative with an unwarranted cloak of legitimacy which can be misused within those spatial/traffic/transport processes and are thereby *ultra vires*.

At best, the pseudo-legitimacy bestowed on the limited R44 upgrade would be used to argue in favour of more general SRPV proposals such as the Western Bypass within the IDP, MSDF and other decisionmaking processes (as shown explicitly in Appendix O, the R44 upgrade and the Western Bypass are closely linked). At worst, approval of the proposed R44 upgrades also siphons off scarce financial resources in provincial and municipal budgets from the more deserving and legally compliant future-oriented alternatives envisaged by the transport legislation and policy. See also Section 3.

2.2 Legislation and policy: principles and specifics

Summary of this section: If those key documents and policy which the BAR has omitted and the Environmental Authorisation neglected to consider had been included, considered and taken seriously, different criteria would have been applied, different conclusions would have been reached and a very different “preferred alternative” would have emerged. In this section, we sketch the policy-preferred alternative as opposed to the BAR-preferred alternative.

2.2.1 Integrated planning

Social integration, integrated planning and integrated allocation of resources are at the heart of the approach to development in modern South African law and policy. Integration is required on a number of levels:

- integration between different relevant authorities (national, provincial, municipal),
- integration of spatial development and transport, e.g. public transport needs densification, densification needs public transport;
- integration of traffic and transport “modes” (private vehicles, public transport, NMT) on all levels, including spatial (eg share roads, lanes), operational (traffic authorities, joint ticketing), security etc.,
- integration of public and private transport (cars) into one overall concept, and
- social integration, including spatial justice.

All legislation, all policy, all regulations agree that integration is imperative. The requirement of integrated planning has been emphasised time and again by myself and others; see for example Appendix J. It is impossible to quote as extensively as would be necessary from the relevant legislation. I can below highlight only a few pertinent examples.

(a) National legislation and policy

- i. The **National Land Transport Act (NLTA)** of 2009 requires integrated transport plans (Section 36(1)) to be compiled. In Section 31 it states explicitly that

Land transport planning must be integrated with the land development and land use planning processes, and the integrated transport plans required by this Act are designed to give structure to the function of municipal planning mentioned in Part B of Schedule 4 to the Constitution, and must be accommodated in and form an essential part of integrated development plans, [...]

- ii. The **National Land Transport Strategic Framework (NLTSF)** of 2017 is clear on the matter of integration. From the Executive Summary:

The purpose of the NLTSF is ... To serve as a five year framework for integrated land use transport planning ... To provide the guiding principles that integrates various modes of land transport. ... The NLTSF is a framework for

Transport Planning effectively for all spheres of Government and sets the overarching goals, vision, and objectives for each element of the transport system which would be reflected in the Provincial Land Transport Frameworks (PLTFs) and Integrated Transport Plans (ITPs).

See also NLTSP Sections 3.2.3 and 5.1.

- iii. The **National Environmental Management Act (NEMA)** is based on principle of sustainable development, which itself is defined in terms of integration:

“sustainable development” means the integration of social, economic and environmental factors into planning, decision-making so as to ensure that development serves present and future generations.

(b) **Provincial legislation and policy**

- i. From the **Provincial Spatial Development Framework (PSDF)** Section 1.2.2 (Content Requirements): *In terms of new spatial planning legislation a PSDF must cover the following aspects: . . . vi. a coordinated and integrated spatial reflection of the plans of Provincial departments;*

ii. **Provincial Land Transport Framework (PLTF)**

The PLTF is tasked to interpret the NLTSP and as such is the principal planning instrument for mobility in the Western Cape. Its entire Chapter 4 is devoted to the issue of an *Integrated Transport Plan*, while its Chapter 5 considers the *Integrated Development Framework*.

(c) **Municipal legislation and policy**

- i. **Municipal Integrated Development Plan (IDP):** By law and specifically the Municipal Systems Act, the Stellenbosch Municipal IDPs over the years are the principal policy and strategic frameworks for development altogether. An IDP carries the noun *Integration* in its title.
- ii. **Municipal Spatial Development Framework (MSDF):** The MSDF is likewise prescribed by legislation. The currently valid one (approved in May 2017) and its predecessors from 2013 to 2017 place heavy emphasis on integration of spatial planning.
- iii. **Municipal Comprehensive Integrated Transport Plan:** Again, the integration is so crucial as to be carried in the title itself.

2.2.2 The BAR and EA have failed to integrate

- (a) By contrast, the R44 proposal is suffused with silo thinking, the antithesis of integration. It almost exclusively considers only safety (mostly of motorists), only narrow engineering and layout alternatives, only motor vehicles, only traffic and congestion, while the bigger integrated picture is almost entirely absent. As an instrument for decisionmaking, the BAR is therefore of no use.
- (b) Moreover, all alternatives proposed by IAPs (some very sensible, some nonsensical) are put down by various arguments ranging from incomplete to downright incorrect. See Table 3.3 of the BAR as reproduced in Appendix F.
- (c) The BAR is only too happy to ignore the valid comments and opposition expressed by the Municipality of Stellenbosch in the 2014 and April 2016 letters (see Appendices O and P), following the inexplicable reversal of the Municipality’s position on the matter as detailed in the letters of 15/23 November 2016 and January 2017.

2.2.3 Legislation and policy overwhelmingly favour public transport and NMT

(a) National Policy: the NLTSF

By example, Sections 3.2.3 and 4.3 of the NLTSF make it abundantly clear that the NLTSF wants to prioritise DST (densification, public transport, NMT) over SRPV (urban sprawl, roads, private vehicles):

4.3 NLSTF Overarching Goals

A number of objectives or overarching goals were classified to support the wider of sustainability described above. The objectives support each other, for example, promoting better integration between land use planning and transport planning to encourage densification will create high volumes of travel to justify certain large public transport investments. These overarching goals for transport are:

- *incremental development with a “back to basics” approach*
- *integrate land use and transport planning*
- *promote social inclusion and accessibility*
- *improve safety and security*
- *reduce transport impact on the environment*
- *promote sustainable transport modes*

See also its Section 5.2. The NLTSF is of course aware of the need to do road maintenance; its Section 5.8 states that

Although the regulatory framework prioritises public transport over private transport implying decreasing investment and disincentives for private cars, it is imperative to understand that an efficient and effective transport system depends on a primary road and rail network that is proactively managed and maintained.

Note that the emphasis is on **management and maintenance** of existing infrastructure.

(b) Provincial legislation and policy: PSDF

- i. The PSDF has little to say about roads, except that they should be properly maintained. While there are multiple references to shifting road use for personal and freight use from roads to public transport, **there is not a single sentence in the PSDF which can be read as supporting large-scale upgrading of existing roads** such as the present R44 upgrade proposal.
- ii. By contrast, **the PSDF is vocal and explicit on the necessary shift away from SRPV to DST**. Here are a few examples. From Policy R4 (see Appendix G for the full page):

*8. Support initiatives that promote a **shift from private to public transport and from road freight to rail**, and reduce the need to travel (i.e. locate households closer to their place of work).*

*9. Introduce **non-motorised transport**, energy efficiency, demand management and renewable energy.*

and in Policy E1:

*4. **Integrate** the spatial component of bulk infrastructure master plans, public transport plans and housing/human settlement plans into one SDF prepared at the appropriate scale (i.e. regional, district or local municipal).*

*6. **Prioritise** developing the required bulk **infrastructure** capacity to **serve the connection and compaction of existing human settlements**, over developing bulk infrastructure to serve the outward growth of settlements.*

8. ...target the leading towns within the Cape Metro functional region (e.g. Paarl and **Stellenbosch**) ...for the next phase of the **roll-out of urban public transport** systems. Synchronise public transport investment with complementary investment in non-motorised transport.

Policy E3:

1. Priority to be given to building the national competitive advantages and innovation of the Western Cape's established and emerging regional economic centres through **appropriate** infrastructure, facility, amenity, and social service investment (i.e. **public and non-motorised transport**, ...

Policy S2:

3. Improve **intermodal integration** and regional linkages of all public transport based services through linking localised public transport between villages and towns with regional multi-modal transport hubs.

5. Rank, **prioritise and develop fully Integrated Rapid Public Transport Networks (IRPTN)** in the regional urban centres ...

6. Develop **Integrated Public Transport Networks (IPTN)** in the rural regions of the Province that are connected to regional centres.

See also the ACCESS section in the PSDF Table 11.

(c) Provincial legislation and policy: PLTF

- i. The PLTF is the principal planning instrument for land transport in the Western Cape. It was not even mentioned in the BAR, and the EA did not pick up that glaring omission.
- ii. The PLTF makes no mention of new roads and road construction except to quote passages from the Stellenbosch CITP (see below).
- iii. Rather, the PLTF places emphasis on all the PSDF goals and priorities already mentioned. It goes on to introduce **Intelligent Transport Systems (ITS)** as one part of the solution, for example on page 9–7:

[ITS] ...will enable local, regional and national governments in developed countries to improve already established infrastructures. It will also allow those in developing nations to leap-frog over the previous-generation networks already in place elsewhere by providing solutions which are smarter and more eco-friendly than building new road infrastructure.

- iv. The PLTF also mentions the road network only in the context of maintenance (page 2–7). Even so, the PLTF goes on to say that

Furthermore, the road and street network of the province will allow for appropriate densification within settlements, as well as facilitate pedestrian-friendly and NMT urban design methods and urban development. The car-dominated urban development and design of the past will be retrofitted and rezoned to allow for the interaction between urban environment and the road and street networks. The road network will support a multi-modal movement pattern, accommodating all modes of road-based transport — including pedestrians, cyclists, bus, as well as private motor vehicles.

(d) Provincial legislation and policy: WCIF

The Western Cape Infrastructure Framework of 2013 is equally clear that there needs to be a shift from what it calls the BAU (Business As Usual) approach to planning and investment of infrastructure.

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- i. One of the three “key transitions” envisaged is to *Invest in public transport and non-motorised transport (nMT) infrastructure, particularly in larger urban centres*. (Section 4.2.3).
 - ii. It also foresees only *limited expansion of the provincial road system*, while for municipal roads the WCIF advocates *an 80% reduction on this component* (Table 7).
 - iii. The WCIF heavily prioritises investment in rail infrastructure.
 - iv. The BAU scenario is considered unsustainable.
 - v. The *WCIF Implementation Guide* has a model for project prioritisation. This includes recommendations on aligning sectoral infrastructure planning and capital budgeting with national, provincial and local planning.

(e) **Provincial legislation and policy: DTPW Strategic Plan**

- i. Like all other policy, the Strategic Plan advocates integrated public transport *with the aim to decrease the use of private vehicles* (page 22).
- ii. The Strategic Plan places emphasis on maintenance of existing roads, not large upgrades of the kind now being proposed. In its prioritised list of deliverables, the Strategic Plan lists four major upgrade projects (Elim, N1/N7, Borchers Quarry and Durban Road) and a new road to Saldanha. It does not mention the R44 upgrade at all.
- iii. In strongly advocating the R44 upgrade, the DTPW is thereby at odds with its own Strategic Plan and of course all the other legislation. Clearly, there needs to be some introspection and perhaps a shake-up of DTPW structures and processes.

(f) **Municipal Integrated Development Plan**

- i. Again: Stellenbosch Municipal IDPs over the years are, by law, the principal policy and strategic frameworks for development overall.
- ii. There is very little reference to roads in the IDP except in terms of maintenance. The upgrading of the R44 is not mentioned at all.
- iii. The Stellenbosch IDP and MSDF documents have nowhere ever expressed a desire for the type and scale of road upgrades which the R44 upgrade proposal envisages, not to mention the Western Bypass, the “Eastern Link Road” and similar projects.
- iv. On the contrary, the Stellenbosch IDP is fully behind the vision and goal to move away from private car use. In its Section 6.1 on *Spatial Development Framework*, the IDP states

Strategic Perspective 2: Car Free Living

Congestion has increased significantly in recent years, and most of the vehicles on the road are from within the municipal area as opposed to those from outside. To reduce the number of cars on the road, a combination of non-motorised transport and public transport facilities is suggested. Adequate pedestrian and cycling infrastructure and appropriate development policies should ensure that at least 50% of activities found in an urban area are within 1 km of residential areas, making it easier for people to live without private cars. Focusing on settlement densities that are adequate to ensure the financial viability of public transport facilities should also encourage a shift away from ever-increasing dependence on private cars.

To give effect to these principles the SDF proposes a municipal spatial configuration and structure comprising a system of interconnected, nodal, tightly constrained settlements that have only minimal outward expansion and relatively dense internal plans, and that are linked with other settlements by high

speed voice and data communications and road and rail public transport services. In terms of implementation, priority should be given to the development of settlement locations on the rail routes first, and road routes second.

(g) Municipal Spatial Development Framework

- i. Again: The Stellenbosch IDP and MSDF documents have nowhere ever expressed a desire for the type and scale of upgrades which the upgrade proposal envisages.
- ii. The MSDF 2016/17 repeats the above IDP viewpoints almost verbatim but more explicitly. See Appendix E for some pertinent extracts from the 2017 MSDF.
- iii. Earlier versions of the MSDF, including that referred to by the BAR, do not differ on the principles espoused in the 2017 version.
- iv. The proposed R44 upgrade would, if anywhere, find its place under the **Roads Master Plan** (RMP). The RMP is a sectoral plan under the MSDF, cannot be in conflict with the MSDF, and certainly cannot prescribe or overrule the IDP and MSDF. No copy of the 2012 RMP has been made available to the public. Apparently, a new RMP is being compiled, but it is not available either. Any reference to the RMP in the BAR or EA is therefore outdated and irrelevant.

(h) Municipal Comprehensive Integrated Transport Plan

- i. The Comprehensive Integrated Transport Plan of 2016 is also a sectoral plan under the IDP and MSDF. It was preceded by two plans, one in 2010 and a second version in 2013. The 2016 CITP was compiled by Royal Haskoning.
- ii. The CITP was adopted by Council on 30 March 2016. It was subsequently submitted to the MEC Transport and Public Works for approval.
This was preceded by a public participation process and resulted in comments and responses by the municipal transport officials as detailed in Appendix 2 of the Agenda of Council of 2016–03–30. Detailed comments were submitted by, among others, the Western Cape Government.
- iii. The CITP is of course aware of the increased congestion on Stellenbosch roads. Unlike the BAR and EA, it suggests that solutions should be found not in isolation but within the integrated DST picture. Traffic Demand Management, intelligent future-oriented solutions, behavioural changes etc all form part of the integrated picture.

2.2.4 The BAR and EA ignore and distort legislation and policy

In spite of the above overwhelming evidence, **the BAR manages to ignore these principles altogether where it can, and to distort them by selective highlighting and misrepresentation, all to further its unprincipled agenda. And the EA either fails to pick this up or chooses to ignore the fact.**

- (a) The consultant firm CCA Environmental is aware of the importance of integration, as it should be. It has nevertheless consciously decided to ignore and sidestep this issue; see for example the reply to a 2013 comment of IAP Izak Fourie in Appendix K.
- (b) Here are some examples of the omissions and distortions as practised by the BAR on the Provincial Spatial Development Framework:
 - i. It quotes Policy R5, which relates only to scenic assets, which criterion the BAR manages to ignore anyway when it sets out to reject the inputs of Heritage Western Cape.
 - ii. The BAR misappropriates Policy E1 to state that (Quote from BAR)

Those projects that aim to shift from private transport to public transport or those that reduce travelling time instead of increasing it should thus receive priority.

so as to motivate faster travel times for private motor vehicles, while the actual PSDF Policy wording is

7. Limit new urban transport investment to spatial developments that reduce average travel times, as opposed to extending them.

so as to ensure that transport investment is kept sane in not subsidising transport to far-off low-density developments. Note the term *average* in the policy wording, meaning that the PSDF intention is to reduce travel times through appropriate spatial (high-density) settlement patterns rather than advocating high-speed private vehicle travel.

- iii. With regards to Policy S2, the BAR in its Section 5.3.1 comes close to lying in purporting the PSDF to say:

Road networks can be instrumental in ensuring easy and safe access to economic centres for all and should be designed in a way that will not perpetuate spatial barriers formed by the apartheid regime. One of the provincial spatial policies within this theme (S2) stresses the need to enhance intermodal integration and regional linkages between towns and settlements that also provide for safe public transport connections. The R44 would be considered an important connecting route between settlements in terms of this policy, even though it is not specifically mentioned in this regard in the PSDF.

The actual S2 policy item reads

1. Built environment investment programmes to focus on compacting and connecting urban development (especially along public transport routes), and clustering public facilities along these connections.

See also page 14 above and Appendix G for the full PSDF page covering Policy S2.

- iv. Likewise, when it comes to citing the WCIF, the BAR is highly selective. The WCIF itself emphasises the necessity to move to public transport and NMT and to maintain *existing* roads; the BAR distorts that to its opposite in writing *The proposed improvement of the R44 would contribute to the maintenance of existing infrastructure*. It does not, of course contribute to the “maintenance of existing infrastructure” but creates new infrastructure at high cost.
- v. The question arises why the BAR, which is supposed to be an independent, unbiased assessment of the merits of a proposal, is so selective and biased in its use of the PSDF. Is there a perhaps pre-determined agenda here? Who pays the piper?

2.3 Legislation, policy and principles are not being applied

2.3.1 On the nature of principles

- (a) As sketched in Section 2.2, the pertinent legislation and the policies all enunciate principles, strategies and goals. These were crafted by experts, formulated by lawyers, put through public participation and approved by the respective statutory bodies. Laws and policies “know what they are doing”; they are not to be taken lightly.
- (b) Given the high status of principles and goals, they cannot be ignored or simply overridden. **They should be applied. Principles and goals without application are useless.**
- (c) By their nature, principles and strategies are general and cannot speak to every specific situation which may arise. While deviations and variations in their application are therefore

possible and sometimes necessary, the cost of deviation should be high. To repeat: by default, principles should be applied and goals should be pursued, and variation or deviation should be the exception rather than the rule. **In any variation or deviation from principles, the onus rests on the deviation or variation to prove its necessity and motivate its noncompliance.** Every effort must be made to apply principles, strategies and specific policy goals.

- (d) At worst, violation and deviation become a culture. In the resulting **culture of lawlessness**, ignorance and disdain for the law reigns, and decisions are taken on the basis of ad hoc arguments, personal prejudices and predilections of the decisionmakers and venal goals.
- (e) Violation and deviation can also result from a **culture of ignorance**. It would appear that many, if not most, roleplayers have not read the pertinent legislation and policy, even while voicing opinions on the matter at hand. Ignorance, of course, has never been an excuse; the laws and policies are known to be important, and they are freely available.
- (f) Once a culture of lawlessness or of ignorance has taken hold, principles, strategies and goals are bandied about in conversations and displayed in powerpoint presentations, only to be repeatedly ignored or explicitly violated without proper motivation and without consequences. We appear to be in that situation now: see the next sections.
- (g) Typical of the culture of ignorance or lawlessness is the raising of ad hoc and narrowly-focused arguments. The chief arguments in favour of the R44 upgrade, namely **safety** and **congestion**, are exactly of this kind. They will be treated in Section 2.4.2, but only after we have considered the real issues.

2.3.2 How the statutory authorities have failed

We have already seen in Section 2.2.4 how the principles, strategies and policy goals set out in Sections 2.2.1–2.2.3 were not applied by the BAR and the environmental authorisation. In the sections below, I shall detail a partial wider history and the current situation from the wider viewpoint of the statutory authorities involved. First, an overview of the generic failures:

- (a) It would have been the task of the **Department of Transport and Public Works**, DTPW, as the initiator of the R44 upgrade proposals, to ensure that these proposals were compatible with legislative principles and strategies from the start. The DTPW has clearly failed to do so, issuing narrow Terms of Reference, repeatedly ignoring well-grounded opposition from other bodies and the public, and even threatening to take away budgeted grants if the proposal was not approved.
- (b) Having been provided with deficient Terms of Reference by DTPW, it would have been the statutory task of the **Environmental Assessment Practitioner** (CCA Environmental) appointed by DTPW to fully and independently research these principles and attempt to apply them. CCA Environmental has failed to do so as already demonstrated.
- (c) It would have been the statutory task of **Stellenbosch Municipality**, to ensure that the principles and goals of its own Integrated Development Plan and Spatial Development Framework were applied to the proposals. In 2014 and April 2016, the Municipality indeed did apply them, yet from August 2016 and ever since then, the Municipality has inexplicably reneged on that position and has ever since promoted road upgrading and construction while inhibiting public transport and NMT.
- (d) It would have been the statutory obligation of the **Department of Environmental Affairs and Development Planning**, DEADP, to assess the BAR from the point of view of these

principles and goals. DEADP has so far failed to do so. Parts of the Environmental Authorisation are plagiarised from the BAR, and DEADP did not pick up that critical legislation was missing from the BAR. Much of the remaining Environmental Authorisation uncritically follows the deficient line and viewpoint taken by the BAR. This plagiarism and inattentiveness show that DEADP has not applied its mind to the task in issuing the authorisation and has failed in its duty to act as watchdog for, and enforcer of, the pertinent legislation and policy. That should now be rectified.

- (e) Where DTPW, CCA Environmental and the Municipality have all failed to fulfil their respective statutory obligations, the matter now again rests with DEADP. If DEADP again fails, this would have to be rectified by the **Intergovernmental Steering Committee**. We await with interest the position taken by the IGSC in subsequent processes as well as the position of the Municipality when it comes to rezoning and the position of Province regarding purchase or even possible expropriation of private land.

2.3.3 A short history of the turnaround

In this section, I attempt to sketch the unfolding picture of principle violation by the DTPW and the Municipality as evidenced by the systematic promotion of Sprawl, Roads and Private Vehicles (SRPV) in conjunction with systematic and systemic inhibition and underresourcing of Densification and Sustainable Transport (DST).

- (a) The original proposal originated from within DTPW, who appointed engineer consulting firm Kantey & Templer in 2012 who in turn appointed environmental assessment practitioner CCA Environmental in **January 2013**. The sequence in itself is remarkable: an engineering firm with no track record in DST but clear expertise in SRPV is put in charge. Not surprisingly, the focus was exclusively on roads and private vehicles with no regard for the bigger picture.
- (b) The various stages of the CCA environmental assessment process lasting from 2013 to 2016 focused almost exclusively on the SRPV aspects and specifically “safety” and “economics” which I shall treat in Section 2.4 below. Comments by various IAPs (including my own of April 2014 and the later version of April 2016 attached in Appendix J) were dutifully tabulated and then ignored. In all cases, the pattern was to either put down valid alternatives in a few lines without any details or to claim that the issue (such as public transport) was beyond the scope of the assessment.
- (c) The **2013 responses by Stellenbosch Municipality** exhibit the inconsistency of the institution even then. As reproduced in Appendix K, one Aubrey Stevens (an engineer for the provincial road agency function) echoed the silo thinking and narrow focus on motorist safety prevalent in the DTPW, Kantey & Templer and CCA. On the other hand **Councillor Izak Fourie** took the correct line by insisting that integration and adherence to principles and goals in legislation and policy was not optional.
- (d) Following release of the Draft Basic Assessment Report by CCA in April 2014, a letter dated **28 April 2014** reiterates on 12 pages of detailed comment (see Appendix L) that

It is our considered view that the proposed circles are inappropriate for the area, not in line with integrated planning principles and not the best utilisation of resources for our area. The impact of the proposal will also, in our view, damage the unique cultural landscape and harm the well-developed tourism economy of the area. The long term function of the road on a regional and local context needs to be agreed upon before the proposed solutions can be evaluated. The economic viability and impact of public transport on the functionality of the R44 needs to be investigated as a potential long term solution.

The present appeal could follow almost exactly the line taken in that letter. Sections 3 and 5 of the municipal letter remain almost literally true today as they were in 2014.

- (e) Two years later, CCA released the Revised Draft Basic Assessment Report in February 2016. Stellenbosch Municipality responded in a second shorter letter dated **12 April 2016** (see Appendix M) that

It is our considered view that the content of our letter dated 28 May 2014 is still appropriate. The proposed improvement scheme is not supported by the Municipality. It is our considered view that the proposed upgrades are inappropriate for the area, not in line with integrated planning principles and do not consider the priority transport problem in our area.

- (f) In their tabulated response, reproduced in Appendix Q, CCA Environmental states that

Subsequently the MEC for Transport, Mr Donald Grant, met with the Stellenbosch Municipality where one of the agenda items that was discussed was the proposed improvements of the R44.

As a result, a further meeting was facilitated with some of the technical municipal officials in order to discuss any questions or concerns in connection with the project. Thus a representative of the applicant and the design engineer subsequently met with Messrs Willem Pretorious, Marius Wust, Dupre Lombaard, Nigell Winter and Ms Janine Waldis of Stellenbosch Municipality on 16 August 2016. The design engineer reported that positive constructive discussions were held. Following this meeting, Stellenbosch Municipality responded that they would submit a formal updated submission on the Revised Draft BAR.

In other words, the process was in mid-2016 driven by design engineers, not the planners. The CCA comments continue by referring to the meeting of November 2016 which is the subject of the next two municipal letters below.

- (g) In August 2016, local government by-elections were held and a new Stellenbosch Council was constituted shortly thereafter.
- (h) As documented in the letters by the Municipality to DTPW dated 15 November 2016 and a corrected version of 23 November (see Appendices N and O) a top-level meeting was held on **15 November 2016** between DTPW and the Municipality of Stellenbosch, including the provincial MEC, provincial Head of Department, Stellenbosch Mayor, Stellenbosch Infrastructure Portfolio Councillor and Acting Municipal Manager and Director Infrastructure. The stated motive for the meeting was *that common ground be found on this matter in order for Province to move positively forward in implementing their plans on the R44*. The letter reiterates the narrow narrative of accidents and safety with no mention at all of the requirements of transport legislation and policy. According to the letters (my boldfacing),

*The original “non-support” of the BAR for the R44 was based on these [accident] figures and through the meeting and discussion of the broader planning principles it was realised that **the support of the BAR of the R44 could indeed be connected to the possible solution to the regional problem in the form of the Western by-pass that will allow for the 40% through traffic to not enter the congested situation within Stellenbosch and reduce the risk of accidents.** We are still of the opinion that to achieve optimal solutions in this particular case a combination of interventions would be far more beneficial and **allow maximum financial gain.** Province indicated that they do not have the Western Bypass as an option on their priorities and challenged the Municipality to investigate the possibility and provide them with a workable solution.*

The letter continues

*Stellenbosch adhered to the challenge in determining the route for this Western bypass and appointed a consulting team to do the preliminary feasibility and layout of this crucial route. A **proposed route layout** and planning principles were tabled at the meeting and it was agreed that it would definitely influence the final decision on the R44 safety initiatives from Province and the request was for the municipality to involve province in the planning stage in order for them to effectively take over at a point in time to finalise the detail design of the road. The “**shifting**” of the **Annandale intersection with the R44 towards Stellenbosch also needed a relook after the concept of the Western Bypass indicated that the entire road network in that vicinity would benefit from this move.***

The letter is ended by the astonishing about-turn by Stellenbosch Municipality on its position taken in 2014 and April 2016:

*Based on the **positive discussions around the Western Bypass** and how this road would alleviate various traffic problems on the R44 in and around Stellenbosch the Municipality decided to **recall their initial non-support of the BAR** and commit themselves to working together with Province in achieving a functional and safe road network in and around Stellenbosch.*

- (i) The November 2016 meeting was followed up by a letter in January 2017 (see Appendix P) by Head of Planning to CCA Environmental. This letter does not mention the relevant principles and goals either, but at least recognises that a full Environmental Impact Assessment (EIA) should be done rather than a Basic Assessment. The letter unsuccessfully tries to force CCA to include explicit mention of the Western Bypass in the BAR, which CCA has been studiously avoiding.
- (j) According to the tabulated response by CCA Environmental (see Appendix R), there was a further meeting of engineers and planners in February 2017 discussing both projects. It was emphasised that the functions of the two upgrades were rather different, and the two projects were separated at least in terms of the formal processes.
- (k) The 15 November 2016 meeting and the resulting about-turn are highly significant and illuminate the subsequent attitude and actions of roleplayers.
 - i. Before that date, the Municipality adhered to proper planning principles and was on record in that respect.
 - ii. Between April and November 2016, a group of engineers and officials from Province and Municipality met and prepared a joint R44-Bypass proposal, either oblivious or disdainful of the transport legislation and policy principles, and concentrating solely on the SPRV approaches.
 - iii. It is well known that by far the largest proportion of funding for major infrastructure is carried by Province, not the Municipality. The Municipality is therefore dependent on DTPW for goodwill and money.
 - iv. It is hard to avoid the conclusion from the 15 and 23 November letters that DTPW had and still has a strong interest in gaining the support of the Municipality for the R44 proposals. By 2016, the proposal had languished for three years with no end in sight, and perhaps Performance Targets were or are in danger of not being met. For a list of performance targets, see the DTPW Annual Reports.
 - v. The Municipality in turn seems to have recognised the DTPW interest in roadbuilding as an opportunity to latch a second project, the Western Bypass, onto the R44. Again,

the relevant train of thought seems to have been oblivious or disdainful of the relevant transport and spatial legislation and policy.

- vi. The letter appears to indicate that the mutually beneficial calculation was that DTPW and Municipality would make a pact whereby the Municipality would support the non-sustainable and unprincipled R44 upgrade and as reward later receive support and financing for a later unsustainable and unprincipled Western Bypass construction. At this point, this is speculation, of course, but the subsequent actions at least do not disprove this hypothesis.

2.3.4 A pattern of one-sidedness

- (a) Whatever the motivation, the radical about-turn of November 2016 has had lasting consequences. While knowledge of and adherence to transport legislation and policy had never been a strong point in Stellenbosch, the subsequent events and actions document a pattern of support for the R44 upgrade and roadbuilding in general, coupled to a pattern of neglect and even suppression of every initiative and action aiming to conform and implement sustainable solutions to the traffic and transport issues confronting Stellenbosch.
- (b) At first sight, the above statement seems to be blatantly untrue. Almost to the day of the above DTPW–Municipality roads meeting, on 16 November 2016, Mayco had considered and approved an item entitled *Planning of an integrated public transport service network and the provincial public transport institutional framework*, see Appendix H; one week later, Council considered and approved the same item.
- (c) This Mayco/Council item and resolution sets out in some detail the motivation and necessary steps for the implementation — at last — of some steps towards sustainable and principle-driven solutions. The item included the tabling and approval of the **Memorandum of Agreement** which is reproduced in Appendix I and treated in more detail below. It also initiated a so-called Section 78 process whereby DTPW would assist with the implementation and financing. Earlier that year, the 2016 version of the Comprehensive Integrated Transport Plan (CITP) had been approved.
- (d) What, then is the problem? The problem appears to be that, while plans, presentations, funding and implementation of roads-driven projects has since then forged ahead, while very little has been happening regarding Sustainable transport in all its aspects.
- (e) Here are some examples:
 - i. Inexplicably, the IDP/MSDF Process plan of August 2017 started showing strong focus on road construction, see Appendix T.
 - ii. At both the August 2017 IDP public participation process and the November 2017 MSDF process, prominent coverage was given to the Western Bypass, even though it had not gone through any of the necessary processes.
 - iii. The municipal MTREF budget of May 2017 again reflected the decades-long bias towards spending on roads while public transport is written off as “not part of our mandate”, see Appendix U. At the same time, a puzzling large increase of about R100 million was granted to “Police Forces, Traffic and Street Parking Control” while other major budget items were halved.
 - iv. A map of so-called Development Contributions was also approved in May 2017, see Appendix V. The level of detail and the extent of new roads apparently already being set out is astonishing. Very few of the roads appearing on this map have ever been discussed, not to speak of any link to transport legislation.

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- v. By contrast, a sensible proposal by consultant Royal Haskoning dating back to 2014 to finally make a start at solving the chief traffic problem in the town centre has been languishing for four years.
 - vi. Very little of the CITP 2016 has been implemented. Very little effort has been made on obtaining the necessary funding and approvals.
 - vii. The so-called **Provincial Sustainable Transport Programme** (PSTP) is a provincially initiated programme by the Transport Operations Directorate of the Department of Transport and Public Works partnering with local municipalities. The overall objective of the PSTP is to provide planning support, capacity and funding for the adoption of sustainable transport solutions through progressive stages of rollout with a strong focus on public transport, non-motorised transport improvements and travel demand management interventions.
 - viii. The DTPW had previously adopted the “Provincial Public Transport Framework” (PPTIF; this was later renamed to the *Provincial Sustainable Transport Programme*, PSTP). In the MOA, the DTPW has . . . *made a commitment to partner with selected priority municipalities to jointly achieve the objectives of the PPTIF and to plan, implement and manage sustainable transport initiatives, including incremental improvements to public and non-motorised transport.* (page 2 of MOA)
 - ix. The abovementioned Memorandum of Agreement (see Appendix I) was signed with the PSTP in mind, yet has received very little attention. Some minor projects within the Provincial Sustainable Transport Programme (PSTP) have been carried out, but its potential has not been realised at all. The first major task of the PSTP beyond the context setting and status quo work would be to develop a Sustainable Transport Plan for the Municipality, which is critical to guide subsequent activities.
 - x. The DTPW and Municipality committed to investigate mechanisms (in terms of Section 78 of the Municipal Systems Act) to “provide a service” in this case sustainable transport and NMT. According to the Council Meeting Agenda of 24 January 2018, the so-called Section 78 process has been completed.
Very little, if anything, of the S78 process seems to have been done in the past two years, even as plans and even layouts for road construction forge ahead. Why has so little been done?

2.4 Other issues

2.4.1 Poverty, roads, and subsidising the rich

In this section, I briefly consider the strong correlation between personal income, choice of mode (NMT, public transport, private vehicle) and the implications for the present R44 upgrade proposal. In line with the current focus on the R44, I will use what data I have been able to obtain on specifically the mobility patterns along the southern approaches to Stellenbosch. The conclusions will of course apply more generally.

- (a) There is consensus among experts worldwide that there is a **strong correlation between income level and Private Vehicle (PV) use: the higher the income, the higher the percentage of PV use.** Put plainly, **poor people walk, cycle and use minibus taxis** and, where possible, **trains and buses**, while those who can afford to use a PV do so due to the convenience and time savings.
- (b) All legislation since 1994, from the National Development Plan downwards, has emphasised the principles of sustainability and specifically reducing poverty; see for example Section 4.3.6 of the NLTSF and, by example, in its Executive Summary,

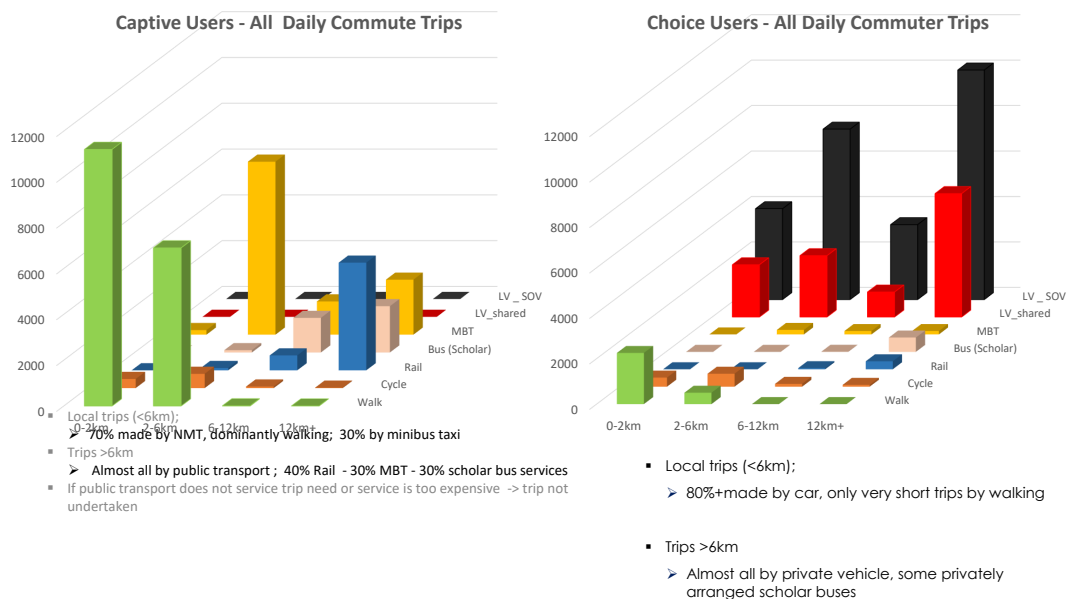
*Proper monitoring and review of the KPIs (Key Performance Indicators) will ensure a balanced view at the national, regional and local levels of **the critical role of transport services in reducing poverty**, facilitating growth and contributing to achievement of key development targets and sustainability.*

and in its Section 3.2.1

The low income people in South Africa spend about 40% of their income on transport. The big cost of mobility and the constraint it places on the lower income earners limits their ability to access healthcare, social and economic opportunities (Statistics South Africa 2013). Mobility has a profound effect on poverty where incidence of low mobility and unaffordable public transport would restrict entire households from economic opportunities.

- (c) The correlation between income and PV use is apparent in the mobility figures for commuter trips into and within Stellenbosch. The following figure is taken from a presentation by Transport Futures consultants; see Appendix W for a full-size version. On the one axis is the length of the trip, on the other the type of transport used (“modal split”). Heights represent the number of users. Green=walking, Brown=cycling, Blue=rail, Khaki=schoolbus, Yellow=minibus taxis, Red=car sharing, Black=cars, MBT= Minibus taxis.

Mode Split for Commuting Trips into and within Stellenbosch Town



It is clear that low-income so-called “captive users” overwhelmingly rely on NMT and public transport, while the more well-off “choice users” overwhelmingly use private vehicles.

- (d) According to Transport Futures, ninety five percent (95%) of the physical asphalt space taken up on roads is taken up by private vehicles during peak hours. **Congestion is therefore the consequence of private vehicle use and low occupancy ratios** (the average number of persons per PV).
- (e) Likewise, the problem of **safety and accidents** addressed in Section 2.4.2 which plays such a central role in the motivation for the R44 upgrades is created by high-income private vehicle users, not the few minibus taxis and buses which also use the roads. The perceived threat

to convenience and time savings by congestion is the major driver behind the (high-income) public's support for road upgrades and new roads. **The problem which the DTPW proposal and the R44 upgrades therefore try to solve is created by high-income commuters and their insistence on convenience.** Appropriately, *high-income* is here defined as those income brackets which are able to own and operate a private vehicle.

- (f) Let us do a back-of-the-envelope **calculation of the net subsidy which the R44 upgrades would provide to high-income commuters** actually using the R44.
- i. As already set out, the problem of safety, while clearly a problem, does not warrant the spending of hundreds of millions of Rands by itself, given that the safety and health of the lower income groups and NMT users were entirely disregarded in the safety assessment. The real reason why the DTPW proposed the R44 upgrades would appear to be the problem of congestion (as perceived by high-income earners, of course). Congestion occurs during the weekday morning and afternoon peak periods; at other times, there is no congestion problem. We can therefore focus on private vehicle users during peak periods only.
 - ii. Transport Futures 2016 data for the morning 3-hour morning peak period along the R44 indicate a total of approximately 5000 vehicles, of which 97.5% are private vehicles conveying 7200 persons and 2.5% are buses and taxis conveying about 1800 persons along the R44. I therefore estimate the daily peak-period numbers (morning plus afternoon) as $2 \times 7200 = 14400$ high-income persons as counted in 2016. As already stated, the 1800 persons in public transport take up no space at all. They are not part of the income segment being subsidised.
 - iii. Table 6-3 of Appendix E6 estimates a total capital cost of R284 million at 2014 prices for the proposed upgrades. Escalating these costs at 6 percent per annum and ignoring possible overruns and delays (ie treating them as “overnight costs”), we therefore estimate the 2019 overnight capital costs of the grade-separated “solution” at $R284\text{million} \times (1.06)^5 = R380\text{million}$ in 2019 Rands.
 - iv. Taking the BAR figure of 4% annual growth in peak hour traffic, we escalate the total of 14400 peak-hour PV users by an annual factor of 1.04 high-income users who would benefit from the upgrades, so that the starting figure of benefactors is $14400 \times (1.04)^3 = 16200$ in 2019.
 - v. According to the BAR itself, the “solution” provided by the R44 upgrades has a “lifetime” of 10–15 years, after which additional capital investments would be due. We consider therefore the benefit period 2020–2029.
 - vi. A rough estimate of the subsidy S per high-income person using the R44 during peak hours in the period 2019–2029 is therefore the capital cost of $C = R380\text{million}$ in 2019 Rands, divided by the total number of high-income beneficiaries $B = \sum_y B_y$ over the ten-year lifetime of the project,

$$S = \frac{C}{B} = \frac{380 \text{ million Rand}}{\sum_{y=2020}^{2029} B_y} = \frac{380 \text{ million Rand}}{\sum_{y=2020}^{2029} 16200 \times (1.04)^{y-2019}} = \frac{R 380 \text{ million}}{202254}$$

- (g) The above calculation works out to **approximately R1878 or almost Two Thousand Rand per year per subsidised high-income peak-hour trip using the R44** or a total of $2 \times 10 \times 1878 = R37,560$ per person using the R44 over those ten years mornings and evenings (all in 2019 Rands of course).
- (h) We can reduce the above figures by pointing out that there will continue to be benefits to commuters also after the expiry of the ten-year lifetime. That is true in part. As pointed

out, however, new capital costs will arise at that time, and the above calculation would have to be repeated on those new costs also.

Whichever way one tries to do the calculations, the R44 upgrade would clearly heavily subsidise those income segments of the population who least need subsidies, while taking away the available spend from principle- and goal-driven public transport and NMT investments which would benefit the lower income groups.

- (i) Naturally, solving the problem by throwing hundreds of millions of Rands at pacifying the demands of the high-income group is in conflict with the stated goals and legislation of South Africa, from the Constitution down to the Stellenbosch MSDF.
- (j) Curiously, the BAR and the EA are silent on the entire issue of high-income earner subsidies.
- (k) One could of course try to apply the valid principle of *user pays* to those benefitting. The appropriate solution under this principle would then be to toll the R44 between Somerset West and Stellenbosch (starting tolling only during peak hours which led to the upgrades) to recover the R380million over the appropriate 10-year period. The tolls to be levied from each PV would then be of the order of R380million/202254 divided by 200 work days per year to end up at a toll of approximately R10 per trip for PVs while public transport passes untolled. Seen from a different viewpoint, **the R44 upgrade without tolling would subsidise every PV peak-hour passenger by about R10, trip after trip, year after year.**
- (l) Since specialist report E6 in the BAR ignores completely the economics of low-income groups, focusing only on the cost-benefit analysis of the high-income PV users, we cannot take that economic analysis or its conclusions seriously.
- (m) It is a fair bet to assume that an investment of R380 million into principle-driven public transport infrastructure would yield a better return on equity than the current proposals. The BAR economic studies are silent on this also.

2.4.2 Safety is a red herring

The BAR, the EA and the specialist studies focus almost exclusively on what they call *safety issues*. In this section, we consider the assumptions and consequences of that unduly narrow focus, and we come to the conclusion that the issue is a red herring, or in other words, a distraction from the real issues. Whether that distraction is the result of ignorance and silo thinking or intentional concealment by those who do know better remains a moot point.

- (a) Of course safety is an issue, and of course the loss of life and damage to property during car accidents is of concern. But I must insist that the approach to safety should be as integrated and as principle- and strategy-centered as the entire consideration of spatial and transport planning.
- (b) Firstly, safety pertains not just to motorists and car accidents, to which the BAR knowingly (and thereby mendaciously) or unknowingly (and thereby incompetently) limits itself. There is almost no consideration of safety issues of pedestrians and cyclists in the BAR.
- (c) It seems that deliberate concealment is at work, because there is some evidence of awareness; alternatively, the consultants really do appear to think that the safety of NMT users is unimportant. Consider:
 - i. Section 1.1.10 of the traffic and safety report by Kantey & Templer (Appendix E of the BAR) states that

There are significant numbers of pedestrians and bicyclists along the route, more predominantly at the Stellenbosch end where provision for pedestrians and bicycling is adequate from Van Rhee de Road to Paradyskloof.

meaning that the issue does seem to have crossed their minds.¹ Yet no numbers are provided, and the matter is just dropped.

- ii. Later, the study makes the observation that *Crossing of the MR27 (R44) is only really safe at the signalized intersections where pedestrian phasing is present* without pursuing this critical issue for rural NMT users in any way.
- iii. On accidents, the study has tables and studies for vehicle accidents, but again is not interested in accident statistics for any other road users and pedestrians trying to cross a four-lane highway:

The accident statistics show that a number of pedestrian and bicycle accidents have occurred at intersections with incidents involving pedestrian and bicycle fatalities and a number of persons sustaining serious injury.

The consultant study and the BAR did not bother to obtain quantitative statistics or even estimates for accidents involving pedestrians or cyclists.

- iv. The safety of pedestrians, bicycle users and public transport is mentioned only indirectly in the safety rating schedule. Pedestrians and NMT user issues in general are rated only as “Important” i.e. at a scale of 3 out of 5, compared to “Critical” and “Very important” ratings given to private vehicle-related issues; see Appendix X below containing Kantey & Templer’s “Rating Schedule”. The topics considered important are *Road alignment and cross section, Auxiliary Lanes, Intersections, Interchanges and Streets and Lighting* — all of them focused on private vehicle issues.
 - v. On page 38 of the Kantey & Templer study, pedestrian walkways and cyclepaths come in as the last of five suggestions for “appurtenant works”. K&T really does not care about NMT users at all.
 - vi. There are of course international studies on the danger posed by roads to children in particular, starting with the groundbreaking work of Mayer Hillman, John Adams and John Whitelegg of 1990.
- (d) In summary, **considerations of safety in the BAR have ignored NMT users and thereby predominantly low-income commuters. No one, including DEADP, seems to have noticed.**
- (e) We now turn to the main motivation for the entire upgrade project, the *safety of private vehicle users*.

- i. The basis of the DTPW process, the BAR and its specialist studies is the insistence that the R44 should be a high-speed mobility route between Somerset West and Stellenbosch. That very assumption has long become baseless, because over the years the 20km stretch between the two towns has become dotted with traffic lights inserted on an ad hoc basis. Even after eliminating the traffic light at Annandale Road, only about ten kilometres of the initial 20km length of the R44 would qualify as a high-speed route. This truism has two consequences, namely (a) that the time savings benefits, and thereby purported economic savings, have progressively eroded to a minute or two in saved time,² and (b) the wholesale dismissal of many IAP and expert proposals to lower the speed limit from 100 km/h to 80 km/h is revealed as of no import.

¹As a regular cyclist along that route, I strongly dispute that the *provision for pedestrians and bicycling is adequate* between Paradyskloof and Van Rhee de. The conditions along the sidewalk are dangerous at all times and atrocious after dark and during bad weather. The mere passing of a single pedestrian is often an adventure.

²The economic specialist’s study figure of R919million is pure fiction; see my comments in Appendix J.

-
- ii. **There is no way around the historically-grown present reality: The R44 is no longer a high-speed mobility route and will never again become one. No amount of upgrading or concern for safety will change that.**
- iii. These conclusions are supported by the traffic modelling results of consultants ITS Engineers. They conclude from their modelling that

... the design life of any interchange solution (elevated roundabout or other) in the middle section of the R44 is actually dependent on the bottlenecks or constraints on either side, i.e. in Stellenbosch and/or at the Main Road intersection in Somerset West. The current spare capacity of the R44 entering/exiting Stellenbosch is less than 10 percent. Hence, there is little design life left if measured against the capacity of the overall system.

and then proceed to use this as a motivation to suggest the construction of the Western Bypass, thereby completing the logical circular argument where bad policy and silo thinking are motivated by bad actions and vice versa.

- iv. Once the delusion of a high-speed mobility route has been dispensed with, the resultant arguments also fall away as follows.
- v. **Closing all median openings**

The use of cross-median access to rural R44-abutting farms and erven is the result of bad planning and decisionmaking ranging over decades. There is no doubt that some of these access points should be closed. Yet the BAR itself states that the majority of accidents occur at the signalised intersections anyway. As suggested repeatedly by many IAPs and experts, the sensible intermediate solution (before the benefits of proper investment in public transport and NMT kick in) would be

- to **lower the speed limit on the entire R44** between Somerset West and Stellenbosch,
- to **enforce that speed limit by investing in ASOD and conventional law enforcement,**
- to **close the more dangerous median openings but leave a few ones open,**
- to **provide short-range service road access** to those median openings and the proper intersections for those properties whose median openings are closed,
- and — to repeat the obvious — to **finally start serious work on the long-term solutions of lowering private vehicle usage, raising occupancy ratios, implementing intelligent transport systems etc.**

- vi. Of course, these obvious solutions would require some change of mindset of DTPW and of the other proponents of the current pseudo-solutions. Here are two examples of the outdated and unprincipled mindset which still governs the present process:

- The EA states at the top of Page 23 that *Closing the median openings would improve safety aspects by eliminating right turns across oncoming traffic, dangerous deceleration, U-turn movements and reducing the number of conflict points.* That is no doubt true in the narrow sense. However, the following sentence is simply untrue: *The proposed improvements would further increase safety along the R44 for all road users* because as demonstrated the safety of NMT users was never taken seriously, and any afterthought safety measures for NMT users would not justify the unprincipled spending on SRPV.
- **Speed limits:** Page 3–8 and Table 3.3 of the BAR comes up with the astonishing conclusion

As mentioned previously, the R44 is a Class 2 road with mobility as its primary function. While reducing the speed limit to 60 km/h would allow adjacent landowners easier access similar to a residential suburb, this would

have a negative impact on the function of the road and the daily commuters. The road has a posted speed of 100 km/h and reductions in speed to 60 km/h for such a long length of dual carriageway road are not seen by DTPW as being feasible.

leaving one to wonder what the “feasibility” of the high-speed alternative was in first place.

vii. **Grade-separated roundabouts**

We shall not deal much with grade-separated roundabouts as other appellants will no doubt do so at length. Due to delays at both ends, no roundabouts of any design on the open 10km stretch will save commuters much time or reverse the irreversible change of the R44 from a high-speed mobility road to a low-speed major connector between two towns. Roundabouts are also unnecessary once the above sensible suggestions are implemented.

2.4.3 Biophysical impacts

As already mentioned, biophysical impacts are always important, and especially the health and long-term sustainability of rivers must be considered. Compared to the planning, mobility and social impacts, however, the biophysical impacts of the present R44 proposal are insignificant. We therefore only note that the Environmental Authorisation makes reference to the *general duty of care* and the *principles of sustainability* as set out in Section 2 of the NEMA only in reference to the Maintenance Management Plan. Why is the *principle of sustainability* not applied where it should be, namely in questioning the narrow silo-thinking and clearly socially and economically unsustainable basis of the entire application?

2.4.4 Heritage impacts

We shall not comment much on the heritage aspect, leaving that also to other appellants, whose standpoints on this matter we support. We note that Heritage Western Cape has consistently condemned the proposed upgrades. Characteristically, the BAR and EA responded to Heritage Western Cape objections by merely reiterating the silo-thinking positions regarding the various engineering options without ever considering the obvious PT/NMT alternatives prioritised by legislation and policy and set out elsewhere by IAPs and in this Appeal which would leave the heritage, scenic and touristic benefits of the present R44 configuration largely intact.

3

Proposed remedies and measures

In this section, I set out in more detail the proposed remedies and measures listed in short in answer to item 21. of Section D of the Appeal Form included as Section 1 above.

- (a) Overview: I first sketch the **ideal path**, namely that the EA and the entire current process should be set aside in its entirety, followed by an integrated legislation- and principle-driven process. Given the urgency of some measures, however, I would acquiesce if the EA and process were not stopped entirely and some **emergency measures** were implemented in the near future. Such acquiescence would be conditional on the strong procedural prerequisites and limitations set out below in item (c) below.
- (b) First **the ideal remedy**:
 - i. **Ideally**, the entire proposal, the BAR and its Environmental Authorisation should be set aside in its entirety, and a new integrated process should be initiated, not by DTPW alone, but by the Intergovernmental Steering Committee.
 - ii. That ideal process would have to ensure that the relevant parties and roleplayers, including the provincial DTPW, the provincial DEADP, Stellenbosch Municipality, and the ensuing public participation process, take as point of departure and basis the principles, goals and strategies of the pertinent legislation, including the NLTSF, the provincial PSDF, PLTF, the municipal IDP, MSDF and CITP.
 - iii. Within that ideal process, any deviation or variation from the principles, goals and strategies of this legislation and policy would have to be treated as a very well motivated exception. No proposal which ignores them altogether should even be tabled, never mind considered. The onus falls squarely on the proponent of such deviation or variation to explain, in full and quantitatively, how the deviation or variation would further the long-term realisation of legislation and policy.
 - iv. Full consideration of alternatives within the above constraints and integrated picture should be non-negotiable.
- (c) An **acceptable emergency option** for rescuing the EA would look as follows:
 - i. Critically, such emergency measures would be acceptable only if the EA is varied radically — following a renewed notice-and-comment period — to state explicitly in a revised EA
 - that the process to date has had to be varied based on the noncompliance of the BAR and March 2018 EA with the NEMA process and with the pertaining legislation and policy,
 - that the ideal process would have included the approach and elements set out in item (b) above,

-
- that, unfortunately and with apologies to the citizens of Stellenbosch, the urgency of some interventions necessitated a one-off and exceptional emergency approach with emergency measures,
 - that those remaining measures to be implemented within this flawed process were to be seen as **exceptional emergency** measures and could not in future be instrumentalised to motivate similar noncompliant processes or measures.
 - that the specific emergency-acceptable measures below focus on the R44 corridor only because the BAR and EA do and should not prejudice consideration of the wider spatial picture.
- ii. If, and only if, a varied EA set out these procedural details in full, then the nonideal emergency route would be acceptable for this one instance.
 - iii. Within the R44 corridor, the following would not be acceptable even within the reduced emergency process:
 - roundabouts of any sort,
 - pre-planning and pre-layouts to accommodate further road construction such as the bypass proposals.
 - iv. Within the R44 corridor, the following would presumably be compatible with a better DST-supporting set of measures and therefore acceptable,
 - (aa) a mandatory **reduction in the speed limit for the entire route**,
 - (bb) Upgrading of infrastructure and personnel for **law enforcement** along the R44 to enforce the speed limits and lower the accident rate,
 - (cc) a high-quality and spatially extensive **upgrading of segregated NMT facilities**
 - rurally, at those places where significant pedestrian crossings occur,
 - high-quality thick-basis asphalt reserved lanes at least 2 metres wide for bicycles and pedestrians along the entire length of the R44 from Jamestown to Van Rheeede (or ideally all the way to the Merriman Road or even Bird Street intersections),
 - grade-separated over- or underpasses for NMT use at high-volume or high-risk crossings (eg at Annandale, Van Rheeede and the Pedestrian Crossing from the train station, ideally also Merriman/Dorp/Adam Tas, Bird)
 - (dd) providing an additional lane in each direction on the R44 between Jamestown and Dorp Street, with **the additional lane reserved for public transport and emergency vehicles**,
 - (ee) **closing most median crossings** but leaving some open whose turning lanes and tapers are improved,
 - (ff) **short service roads** for those properties whose median crossings were closed to the nearest point of access to the R44,
 - (gg) **U-Turn facilities** at Steynsrust, Annandale and Jamestown intersections,
 - (hh) Improvements to the Technopark and Van Rheeede **intersections** especially with respect to NMT aspects (eg an NMT over- or underpass at Van Rheeede)
 - (ii) A serious start to **travel demand management**,
 - (jj) A serious start to **public education campaigns** regarding the inevitability and necessity of migration from SRPV to DST,
 - (kk) reservation, acquisition and if necessary expropriation of **critical land** in the immediate vicinity of the R44 for future purposes of densified settlements integrated with NMT facilities and modal interchanges (taxi and bus stops, bicycle racks and security, park-and-ride land).

APPENDICES

A Sections A, B, C of the DEADP Appeal Form



MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING

APPEAL FORM (2010 NEMA)

(A digital copy of this form may be obtained from the Department's website at <http://www.capegateway.gov.za/eadp>).
(Note: Please consult the Department's **Guideline on Appeals**, August 2010, which is available on the Department's website)

A. DECISION BEING APPEALED

1. Departmental Reference Number of the Decision being appealed: : **16/3/1/1/B4/45/1005/13**
2. Type of Decision being appealed (please circle the appropriate option):

Environmental Authorisation or refusal	Amendment of Environmental Authorisation	Amendment of Environmental Management Programme	Suspension of Environmental Authorisation	Exemption Notice	Waste Management Licence	Atmospheric Emission Licence
--	--	---	---	------------------	--------------------------	------------------------------

3. Brief Description of the Decision: _

Proposed Improvements to the R44 between Somerset West and Stellenbosch

4. Date of the decision being appeal (i.e. date on which the decision was made): **_29 March 2018_**

B. APPELLANT'S INFORMATION

5. Appellant's information (PLEASE PRINT):

Name: **Prof HC Eggers**

Address: **Department of Physics, Stellenbosch University, 7602 Matieland (work)_
PO Box 3218, 7602 Matieland (private)**

Tel. **021-808-3523 (w)** _____ Cell. **_072-146-0274_**

Fax. **None** _____ Email. **eggers@physics.sun.ac.za** _____

C. APPEAL NOTICE INFORMATION

6. Please indicate the date you were notified of the Department's decision. **_3 April 2018**
7. Have you lodged a Notice of Intention to Appeal within 20 days after the date of the decision taken by the Department? **Yes** (If "Yes", attach a copy herewith.)
8. Please indicate the date your Notice of Intention to Appeal was lodged. **_16 April 2018**

9. Has a copy of the Notice of Intention to Appeal been served on the Applicant/all Registered I&AP's?
Yes
10. Please indicate the date on which a copy of the Notice of Intent to Appeal was served on the Applicant/all Registered I&APs. _
24 April 2018, by registered email, see Appendix C of attached document
-

Note: Proof of the fact that a copy of the Notice of Intention to Appeal was served on the registered I&APs/applicant, must be attached to this appeal submission (e.g. a list of the registered mail sent or a copy of the facsimile report or a copy of the electronic mail sent).

11. Did the Notice indicate where and for what period the appeal submission will be available for inspection? **Yes**
12. Please indicate where and for what period the appeal submission has been made available for inspection by the Applicant/all Registered Interested and Affected Parties.
Stellenbosch Public Library, Plein Street, Stellenbosch
From 21 May 2018 to 20 July 2018
-

D. GROUNDS FOR APPEAL

See separate Appeal PDF document which contains answers to all items and questions of this Section D as well as the detailed grounds for appeal.

E. SUBMISSION ADDRESS

This appeal submission: must reach the Provincial Minister at the address listed below within 30 days after the lapsing of the 20 days after the date of the decision being appealed (i.e. within 50 days after the date of the decision):

By post: Attention: Jaap de Villiers
Western Cape Minister of Local Government, Environmental Affairs & Development
Planning
Private Bag X9186, Cape Town, 8000 or

By facsimile: (021) 483 4174 or

By hand: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

email jaap.deVilliers@westerncape.gov.za

Note: Appeal notices not submitted to the above address will not be regarded as valid.

F. SIGNATURE OF THE APPELLANT



Appellant signature

21 May 2018

Date

B Notice to DEADP of Intention to Appeal and Acknowledgement

From Jaap.DeVilliers@westerncape.gov.za Mon Apr 16 14:28:02 2018
Date: Mon, 16 Apr 2018 12:29:00 +0000
From: Jaap de Villiers <Jaap.DeVilliers@westerncape.gov.za>
To: Hans Eggers <eggers@physics.sun.ac.za>
Subject: RE: Notice of intention to appeal, 16/3/1/1/B4/45/1005/13

Dear Mr Eggers

On behalf of Mr Anton Bredell, Western Cape Minister of Local Government, Environmental Affairs and Development Planning, I acknowledge receipt of your Notice of Intention to Appeal, of today's date.

Kindly be advised that the due date for the lodging of the Notice of Intention to Appeal form is 20 April 2018.

Please be advised that the appellant must, in terms of regulation 60(3)(a) and (b) of the Regulations of the National Environmental Management Act, 1998, published in June 2010, provide the applicant (NOT the environmental assessment practitioner (consultant), within 10 days of having lodged a notice of intention to appeal with the Minister with ;-

(a) a copy of the notice lodged with the Minister and

(b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

The appeal must reach this office by not later than 22 May 2018 and it must, in terms of regulation 61.(2)(b)(i)(ii) and (iii) of the said Regulations, be accompanied by -

(i) a statement setting out the grounds of appeal;

(ii) supporting documentation which is referred to in the appeal and which is not in the possession of the Minister;

(iii) a statement by you (the appellant) that regulation 60(3) has been complied with, together with copies of the notices referred to in that regulation.

Kindly note in order for your appeal to be considered, it must comply with the above-mentioned regulations. You are welcome to contact me should you need any assistance regarding the appeal process.

Yours faithfully

Jaap de Villiers
16 April 2018
Tel - 021 483 3721

-----Original Message-----

From: Hans Eggers [mailto:eggers@physics.sun.ac.za]
Sent: 16 April 2018 02:01 PM
To: Jaap de Villiers <Jaap.DeVilliers@westerncape.gov.za>
Subject: Notice of intention to appeal, 16/3/1/1/B4/45/1005/13

Dear Mr de Villiers

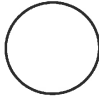
I hereby wish to provide notice of intention to appeal.

Thank you
HC Eggers

Department of Physics, Stellenbosch University, P/Bag X1, 7602 Matieland, SOUTH AFRICA
Tel. (+27) (21)808-3523, eggers@physics.sun.ac.za, <http://www.physics.sun.ac.za/~eggers>

C Notices to Applicant

Certificate of Posting of an Insured Parcel
Inleweringbewys van 'n Versekerde Pakket

Insured value: Versekerde waarde: R <u>Matieland</u> c	Addressee/Geadresseerde: <u>WC Dept Limpopu</u> <u>an valet</u> <u>301 3003</u> <u>Cape Town</u>	Date-stamp	
Insurance fee: Versekeringsgeld: R _____ c			
Postage: Posgeld: <u>24-04-2018</u> c			Datumstempel
Mass: Massa: <u>Folio 1</u> c			701269
Received by: Ontvang deur: <u>7002</u> c			

No compensation will be considered unless enquiry regarding this postal article is made within one year after the date of posting.
Geen vergoeding word oorweeg nie tensy navraag ivm hierdie posstuk binne een jaar na die posdatum gedoen word.

Shereno Printers 011 894 4150

MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING



NOTICE OF INTENTION TO APPEAL FORM

(A digital copy of this form may be obtained from the Department's website at <http://www.capegateway.gov.za/eadp>).

(Note: Please consult the Department's **Guideline on Appeals**, August 2010, which is available on the Department's website)

A. DECISION BEING APPEALED

1. Departmental Reference Number of the Decision being appealed:

16/3/1/1/B4/45/1005/13

2. Brief Description of the Decision:

Proposed "improvements" to the R44 road
between Somerset West and Stellenbosch

3. Date of the decision being appeal (i.e. date on which the decision was made):

29 March 2018

4. Please indicate how and when you were notified of the decision and attach a copy of the notice you received.

By email, CCA Environmental, Notice dated 3 April 2018

B. APPELLANT'S INFORMATION (PLEASE PRINT)

Name: Prof HC EGGERS

Address: Department of Physics, Stellenbosch University,

Private Bag X1, 7602 Matieland

Postal address: PO Box 3218,

7602 Matieland

1/3

Tel. 021-808-3523 Cell. 072-146-0274
Fax. / Email. egggers@physics.sun.ac.za

I, as the Appellant, am: (Please tick the appropriate box below)

the applicant	a registered interested and affected party <input checked="" type="checkbox"/>	other (please specify)
---------------	--	------------------------

Where will the appeal submission be available for inspection?:

Stellenbosch Public Library, Plein Str, Stellenbosch
(Physical address - NOT Ministry)

Period that submission will be available for inspection:

From: 21 May 2018
To: 20 July 2018

C. APPEAL NOTICE INFORMATION

If the appellant is the applicant, the appellant must provide each registered I&AP, or if appellant is a person other than the applicant, the appellant must provide the applicant:

- with a copy of the Notice of Intent to Appeal as well as
- a notice indicating that a copy of the appeal submission will be made available for inspection for a 30-day period starting on the day of lodging the appeal submission with the Provincial Minister (i.e. the notice to the registered I&APs must reach the registered I&APs within 10 days of having submitted the Notice of Intent to Appeal with the Provincial Minister).

Proof of the fact that the appeal submission was made available for inspection by the other parties (applicant/registered I&APs) for a 30-day period from the date of lodging the appeal submission with the Provincial Minister, as well as of the indication to the other parties when exactly the appeal submission will be/was lodged with the Provincial Minister (e.g. a list of the registered mail sent or a copy of the facsimile report or a copy of the electronic mail sent), together with copies of the relevant notices, must be submitted to the Provincial Minister either together with the appeal submission or within 10 days of the submission of the appeal submission to the Provincial Minister.

D. SUBMISSION ADDRESSED

This notice must reach the Provincial Minister at the address listed below within 20 days after the date of the decision being appealed:

By post: Attention: Jaap de Villiers
Western Cape Ministry of Local Government, Environmental Affairs & Development Planning
Private Bag X9186, Cape Town, 8000 or
By facsimile: (021) 483 4174 or
By hand: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 809 , 8th Floor Utilitas Building, 1 Dorp Street, Cape Town,
By e-mail: Jaap.deVilliers@westerncape.gov.za

Note: Appeal notices not submitted to the above address will not be regarded as valid.

2/3

E. SIGNATURE OF THE APPELLANT



Appellant signature

24 April 2018
Date

NOTE :

A separate Notice of Intention to Appeal was sent by email to Mr. Jaap de Villiers of DEADP on 16 April 2018 and receipt was acknowledged on the same day; see attached printout.



Attachments:

- 1 Notice email of 16/4/2018
- 2 CCA Environmental Notice

From Jaap.DeVilliers@westerncape.gov.za Mon Apr 16 14:28:02 2018
Date: Mon, 16 Apr 2018 12:29:00 +0000
From: Jaap de Villiers <Jaap.DeVilliers@westerncape.gov.za>
To: Hans Eggers <eggers@physics.sun.ac.za>
Subject: RE: Notice of intention to appeal, 16/3/1/1/B4/45/1005/13

Dear Mr Eggers

On behalf of Mr Anton Bredell, Western Cape Minister of Local Government, Environmental Affairs and Development Planning, I acknowledge receipt of your Notice of Intention to Appeal, of today's date.

Kindly be advised that the due date for the lodging of the Notice of Intention to Appeal form is 20 April 2018.

Please be advised that the appellant must, in terms of regulation 60(3)(a) and (b) of the Regulations of the National Environmental Management Act, 1998, published in June 2010, provide the applicant (NOT the environmental assessment practitioner (consultant), within 10 days of having lodged a notice of intention to appeal with the Minister with ;-

(a) a copy of the notice lodged with the Minister and

(b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

The appeal must reach this office by not later than 22 May 2018 and it must, in terms of regulation 61.(2)(b)(i)(ii) and (iii) of the said Regulations, be accompanied by -

(i) a statement setting out the grounds of appeal;

(ii) supporting documentation which is referred to in the appeal and which is not in the possession of the Minister;

(iii) a statement by you (the appellant) that regulation 60(3) has been complied with, together with copies of the notices referred to in that regulation.

Kindly note in order for your appeal to be considered, it must comply with the above-mentioned regulations. You are welcome to contact me should you need any assistance regarding the appeal process.

Yours faithfully

Jaap de Villiers
16 April 2018
Tel - 021 483 3721

-----Original Message-----

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Subject: Notice of intention to appeal, 16/3/1/1/B4/45/1005/13

Dear Mr de Villiers

I hereby wish to provide notice of intention to appeal.

Thank you
HC Eggers

Department of Physics, Stellenbosch University, P/Bag X1, 7602 Matieland, SOUTH AFRICA
Tel. (+27) (21) 808-3523, eggers@physics.sun.ac.za, <http://www.physics.sun.ac.za/~eggers>



Project Reference: 7TS.11023.00004

File Ref.: Let – EA notification

3 April 2018

Dear Sir/Madam

PROPOSED IMPROVEMENTS TO THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH: (DEA&DP REF. NO.: 16/3/1/1/B4/45/1005/13): NOTIFICATION OF ENVIRONMENTAL AUTHORISATION

Our previous correspondence of 22 November 2017 regarding the above-mentioned proposed project has reference. This letter serves to notify you of an Environmental Authorisation (EA) issued for the above-mentioned project and the associated appeal process.

On behalf of the Western Cape Government: Department of Transport and Public Works (DTPW), notice is hereby given that the Department of Environmental Affairs and Development Planning (DEA&DP) made a decision and issued an EA for the above-mentioned project in terms of the National Environmental Management Act, 1998 (No. 107 of 1998), as amended, on **29 March 2018**.

The EA authorises DTPW to undertake the following Listed Activities in respect to the proposed improvement of the R44 between Somerset West and Stellenbosch:

<i>EIA Regulations 2010, Listed Activities</i>	<i>EIA Regulations 2014, Listed Activities</i>
Government Notice (GN) No. R544 – Listing Notice 1 of 18 June 2010:	GN No. R327 – Listing Notice 1 of 7 April 2017:
Activity number: 11 <i>The construction of ... (iii) bridges, (xi) infrastructure or structures covering 50 m² or more, where such construction occurs within a watercourse or within 32 m of a watercourse, measured at the edge of the watercourse, excluding where such construction will occur behind the development setback line.</i>	Activity number: 12 <i>The development of ... (ii) infrastructure or structures with a physical footprint of 100 m² or more; where such construction occurs – (a) within a watercourse ...</i>
Activity number: 18 <i>The infilling or depositing of any material of more than 5 m³ into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 m³ from (i) a watercourse ...</i>	Activity number: 19 <i>The infilling or depositing of any material of more than 10 m³ into, or the dredging, excavation, removal or moving of soil, sand, pebbles ... or rock of more than 10 m³ from a watercourse ...</i>
Activity number: 39 <i>The expansion of ... (iii) bridges ... within a watercourse or within 32 m of a watercourse, measured from the edge of a watercourse ...</i>	Activity number: 48 <i>The expansion of – (i) infrastructure or structures where the physical footprint is expanded by 100 m² or more; ... where such expansion occurs – (a) within a watercourse; excluding – ... (ee) where such expansion occurs within existing roads or road reserves.</i>
Activity number: 47 <i>The widening of a road by more than 6 m, or the lengthening of a road by more than 1 km (i) where the existing reserve is wider than 13.5 m; or (ii) where no reserve exists, where the existing road is wider than 8 m, excluding widening or lengthening occurring inside urban areas.</i>	Activity number: 56 <i>The widening of a road by more than 6 m, or the lengthening of a road by more than 1 km – (i) where the existing reserve is wider than 13.5 m; or (ii) where no reserve exists, where the existing road is wider than 8 m; excluding widening or lengthening occurring inside urban areas.</i>

2/...

CCA Environmental Proprietary Limited (part of the SLR Group)

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Government Notice (GN) No. R546 – Listing Notice 3 of 2010	Government Notice (GN) No. R546 – Listing Notice 3 of 2010
<p>Activity number: 19 The widening of a road by more than 4 m or the lengthening of a road by more than 1 km. (d) In Western Cape (ii) All areas outside urban areas.</p>	<p>Activity number: 18 The widening of a road by more than 4 m, or the lengthening of a road by more than 1 km. (i) In Western Cape: (i) All areas outside urban areas: (aa) Areas containing indigenous vegetation ...</p>
<p>Activity number: 24 The expansion of: ... (d) Infrastructure where the infrastructure will be expanded by 10 m² or more, where such construction occurs within a watercourse or within 32 m from a watercourse, measured from the edge of watercourse, excluding where such construction will occur behind the development setback line. (d) In Western Cape (ii) Outside urban areas, in: (gg) Areas within 10 km from national parks or world heritage sites or 5 km from any other protected areas identified in terms of NEMPAA or from the core area of a biosphere reserve ...</p>	<p>This listed activity is not similarly listed in terms of the EIA Regulation 2014 (as amended) for the proposal as the applicable geographical areas are not triggered.</p>

The EA authorises DTPW to undertake the following alternatives related to the listed activities:

The project scheme consisting of the following:

- Closing all median openings along the R44 between Steynsrust Road and Webersvallei Road;
- Providing a grade-separated U-turn facility at Steynsrust Bridge;
- Providing a left in/left out access to Bredell Road;
- Providing above-ground grade-separated turning facilities at Winery Road and Annandale Road;
- Providing a turning facility close to Jamestown by accommodating U-turn movements at the Webersvallei Road signalised intersection;
- Improving at-grade signalised intersections within the Stellenbosch municipal area between Webersvallei Road and the end of the project at Van Rhee de Street. This would entail road widening to provide turning lanes and three through lanes in each direction at the following five intersections:
 - Webersvallei Road (km 29.6);
 - Techno Park Road (km 30.3);
 - Blaauwklippen Road (km 31.2);
 - Trumali Road (km 32.0); and
 - Van Rhee de Road (km 32.9); and
- Additional safety measures:
 - Implementing average speed over distance (ASOD) control; and
 - Accommodating pedestrian and cycling facilities in the interchange design.

The EA outlines, amongst others, the decision, activities authorised, conditions of authorisation and “Reasons for the Decision” (see enclosed Annexure 1). A full copy of the EA is available from CCA Environmental (Pty) Ltd (CCA) on request (see contact details below) or can be downloaded from the CCA website (<http://www.ccaenvironmental.co.za/docs-for-comment>).

Your attention is drawn to your right to lodge a formal appeal with the Minister. Any person who wishes to appeal against the EA issued for the proposed project must submit a “Notice of Intention to Appeal” to the Minister within **twenty (20) calendar days** of the date of the decision (29 March 2018), and submit the appeal within **thirty (30) days** after the lapsing of the twenty (20) days provided for the lodging of the “Notice of Intention to Appeal”.

3/...

The prescribed "Notice of Intention to Appeal" and Appeal forms as well as assistance regarding the appeal processes can be obtained from the office of the Minister (Attention: Mr Jaap de Villiers) at: Tel. (021) 483 3721; E-mail Jaap.DeVilliers@westerncape.gov.za; or URL: <http://www.westerncape.gov.za/eadp>.

All "Notice of Intention to Appeal" and Appeal forms must be submitted in hard copy by one of the following methods:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN, 8000;
By facsimile: (021) 483 4174; or
By hand: Attention: Mr J. de Villiers (Tel: 021-483 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, CAPE TOWN, 8001.

Please note: No appeal, responding and answering statement may be lodged by e-mail.

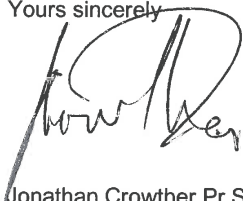
Should you wish to appeal, please note that the appellant must serve on the applicant, within ten (10) days of having submitted the "Notice of Intention to Appeal" with the Minister, a copy of the "Notice of Intention to Appeal" Form, as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

The applicant's contact details are as follows:

The Head of Department
Western Cape Government: Department of Transport and Public Works
Attention: Mr Malcolm Watters
PO Box 2603
CAPE TOWN, 8000
Tel: (021) 483 2203; Fax: (021) 483 2261

We thank you for your interest in this matter. Should you have any queries on the above, or require any further information, please do not hesitate to contact our Ena de Villiers (ena@ccaenvironmental.co.za) or the undersigned.

Yours sincerely



Jonathan Crowther Pr.Sci.Nat., CEAPSA
CCA ENVIRONMENTAL (PTY) LTD

c.c. Mr Malcolm Watters – Department of Transport and Public Works
Mr Roy Tyndall – Kantey & Templer Consulting Engineers (Pty) Ltd

K&T12R44\Cor\DEA&DP\3.FBAR\Let - EA Notification - 3 April 2018

D Proof of public access at Stellenbosch Library

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Department of Physics	P.O. Box 3218
Stellenbosch University	7602 Matieland
Private Bag X1	
7602 Matieland	
(w) 021-808-3523	(c) 072-146-0274
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http://www.physics.sun.ac.za/~eggerts	

Appeal

against Environmental Authorisation 16/3/1/1/B4/45/1005/13
issued on 29 March 2018, regarding
Proposed Improvements to the R44 between Somerset West and Stellenbosch


HC Eggers

21 May 2018

This document contains the Grounds for Appeal requested in Section D of the 2010 NEMA Appeal Form. Sections A, B and C of the said Appeal Form have been completed, and the Appeal Form is submitted in addition to the present Grounds for Appeal. Copies of Sections A, B, C and various appeal-process-related documents can be found in the appendices.

Summary

As an Interested and Affected Party, I hereby appeal against the Environmental Authorisation (EA). I request the Minister to set aside or vary the EA as set out in Section 3 to move away from the narrowly-focused and misdirected R44 upgrade process towards a legally compliant, integrated and future-oriented process driven the principles and parameters set by national and provincial legislation and policy and the municipal IDP, MSDF and CITP.

 21-05-18

E Municipal Spatial Development Framework 2016/17: extracts

- (a) Approved 31 May 2017
- (b) The last of the 3rd generation SDFs.
- (c) The same text as in the IDP appears:

Car-Free Living

Congestion has increased significantly in recent years, and most of the vehicles on the road are from within the municipality as opposed to those from outside. To reduce the number of cars on the road, a combination of non-motorized transport and public transport facilities is suggested. Adequate pedestrian and cycling infrastructure and appropriate development policies should ensure that at least 50% of activities found in an urban area are within 1km of residential areas, making it easier to live without private cars. Ensuring that settlement densities are adequate to ensure the financial viability of public transport facilities should also encourage a shift away from ever-increasing dependence on private cars.

- (d) Strategic Focus Area **INTERCONNECTED NODES** (page 12ff)

New suburbs in far flung portions of the municipality are dependent almost entirely on private motor vehicles, and this has negative consequences in terms of congestion, pollution and costs of commuting. An alternative approach is to focus on the development of nodes located at strategic intersections of road and rail networks, or intensify the development of existing nodes at these points as an alternative to uncontrolled, low density sprawl.

Instead of converting valuable farmland into new suburbs, a high density nodal development pattern based on strategic transport intersections has a much smaller impact on the landscape and arable land, and allows rural, agricultural, hydrological and ecological systems much more freedom to function successfully. Stellenbosch Municipality's development nodes and their interconnecting transport systems are illustrated on the following page:

PRINCIPLES (page 14)

- i. The municipality should be developed as a system of inter-connected, nodal, tightly constrained settlements that have minimal outward expansion, have relatively dense internal plans, and are linked to other settlements by road, rail and high speed voice and data telecommunications.
- ii. The development of settlement locations should be prioritized firstly on rail routes, then secondly on road routes. Acquisition or not of land for development should be informed by this priority.
- iii. Internal average gross densities should vary between approximately 15 du/ha for small settlements and approximately 25 du/ha for large ones, particularly where traffic congestion is prevalent.
- iv. Urban design frameworks should be developed for each settlement, recognizing their unique characteristics and potential.
- v. The principles of walking distance, functional integration, socio-economic integration, appropriate densification and the urban edge should inform settlement design.
- vi. In order to prevent urban sprawl and protect natural environments and farmland, settlements should define and maintain a strict urban edge, outside of which development should not be permitted.
- vii. Instead of focusing development on the urban periphery (like a doughnut shape), efforts should be made to ensure that the settlement centre is the most dense, with densities diminishing toward the urban edge (like a cupcake shape).

- viii. The usage of land should be based on its highest and best long term sustainable use as opposed to its best long term financial return.
- ix. A balanced supply of low, middle and high income housing should be ensured in each settlement node so as to promote integration and minimize the need for travel.
- x. Developments on private land must include at least social and gap housing components - if not also an RDP component - particularly if such projects involve upgrading of land rights.

New development applications should be encouraged to focus on locations within existing settlement nodes rather than greenfields land.

(e) Strategic Focus area **CAR-FREE TRANSPORT** (pp15–16)

Traffic congestion has increased significantly in recent years due to Stellenbosch's economic growth, an increase in private vehicle ownership and reduced restrictions on car use by students in central Stellenbosch. The 2004 Transport Master Plan for Stellenbosch (currently being updated for 2012) found high levels of congestion on the arterials between settlements, and that only 10.1%–11.3% of this traffic is from outside the municipality. Large volumes of vehicles leave the municipality each day, and many of those that move within it have Stellenbosch town as their final destination. The university is a significant generator of traffic.

To reduce the number of cars on the road, a combination of non-motorised transport (NMT) and public transport facilities should be used so that residents commute without needing a private car. The municipality is served by a number of railway lines, as well as bus and taxi routes along the major arterial routes. Residents from further afield can use park-and-ride facilities to reduce the distance travelled by car, but focusing development around transport thoroughfares will help to reduce the need for this. A non-motorised transport (NMT) strategy was prepared for the municipality in 2009 to encourage commuting on foot and by bicycle. This requires the demarcation and construction of dedicated lanes for cyclists, and the development and linking of pedestrian-friendly zones. Where vehicle traffic acts as a barrier to NMT, road intersections need to be made safer for pedestrians, cyclists and the disabled to cross. Paving and landscaping can be used to attract pedestrians to public spaces, and help to improve the quality and functionality of urban spaces.

The proposed vision of a Sustainable Transit-Oriented Development (STOD) approach is one framing of development which succeeds in transcending the tension that Stellenbosch faces between heritage and sprawl perspectives. This does not mean to say that alternative or complementary approaches to development are ignored; rather, infrastructure and spatial planning will prioritize integrated public transport-oriented and infrastructure-led development. Together these interconnected and complementary components serve to reinforce a framing of development for this municipality which makes ecologically sustainable growth and inclusive economic prosperity possible.

PRINCIPLES

- i. Settlement form should lessen rather than increase the demand for private motor vehicle travel.
- ii. The primary measure of access is appropriate walking distance. At least 50% of activities found within the urban area (e.g. employment, shopping, public transport, social & recreational) should be within 1km of where people live.
- iii. Within urban settlements, pedestrian movement should be prioritized in the circulation pattern of streets and the design of street cross-sections.

- iv. All regional roads should facilitate non-motorized transport (particularly cycling) by ensuring that shoulders are available and demarcated as cycling ways. These can be used on an emergency basis for breakdowns, but cyclists should receive priority.
- v. The possibility of constructing more stations on the Lynedoch - Klapmuts rail line should be investigated, along with the option of the municipality or a service provider operating a commuter shuttle along this line. Similarly, consideration should be given to re-opening the rail link to Franschhoek.
- vi. Development approvals should be guided by the need to achieve the settlement densities needed to make the public transport system financially and operationally viable.
- vii. Intensification, integration and mixed use development around primary station precincts that recognizes: (a) the primary and overarching TOD approach with prioritization of development around a set of carefully designed, ecologically sustainable high density nodes built around integrated public transport services along the Klapmuts-Lynedoch railway spine;
- viii. Building an integrated mobility network to ensure that all communities have access to a comprehensive range of preferably public as well as private transport options.

F Extract from Revised Final Basic Assessment Report: Table 3.3 excluding alternatives

Proposed Improvements of the R44 between Somerset West and Stellenbosch

Table 3.3 Options proposed by I&APs and DTPW's response for not considering them further

Suggested alternative	Rationale for not further for considering alternative
Stellenbosch bypass	<p>The Stellenbosch bypass project was initially raised many years ago. It is not seen as an viable alternative to the proposed project for the following reasons:</p> <ul style="list-style-type: none"> • A bypass would not resolve the safety and LOS issues along the R44 for motorists travelling between Somerset West and Stellenbosch. It would simply remove traffic from the northern section of the R44 that is destined for locations beyond Stellenbosch. With an estimated 90 % of R44 traffic destined for Stellenbosch (from Somerset West) there would only be a small reduction of traffic volume on the R44; and • A bypass would be of a similar scale of road as the R44 and would have very high impacts in terms of loss of agricultural land, biophysical and visual impacts. • A grade-separated interchange would be required to link a proposed bypass to the existing R44, thus not addressing the current concern of an above-ground interchange.
An additional new road closer to the mountain foothills	<p>In essence this proposal would entail a second road of a similar scale to the R44 between Somerset West and Stellenbosch. The scale of this suggested solution is substantial as it would require up to 70 ha of land. It would thus have substantial biophysical and environmental impacts, including a substantial effect on current land use. There is likely to be a very strong reaction from landowners where substantial portions of highly intensive farm land would have to be acquired. The implications of an additional new road would thus far outweigh the proposed improvements to the R44. In addition, such a new road would still require appropriate link roads with the existing R44, which would in all likelihood have to be via the main link roads with an interchange as has been proposed.</p>
Public transport – train system	<p>Trains in South Africa are the responsibility of PRASA. It cannot be considered part of a proposed project by DTPW.</p> <p>Currently there is a metro train line running between Somerset West and Stellenbosch. However, many commuters still prefer the convenience of a motor vehicle rather than using a train. Thus unless people are forced onto trains, they will continue to use more convenient private vehicles.</p> <p>The merit of considering a public transport option was further considered in the traffic analysis study (see Appendix E8). The traffic specialist (ITS) explained that the implementation of public transport initiatives could contribute to a reduction in traffic initially, but that it would not address safety and LOS issues along the R44 and would need to be supplemented by other interventions.</p>
Public transport – bus lanes	<p>Implementation of a bus system, whether it functions within the median of the R44 (Bus Rapid Transit [BRT]), along the R44 (normal bus systems) or on a parallel route would be the responsibility of the local municipalities (in this case Stellenbosch Municipality and City of Cape Town).</p> <p>Bus services are currently available between Somerset West and Stellenbosch but as mentioned above commuters still prefer the convenience of using their own vehicles. This might change should a BRT system be implemented as is currently being undertaken in the Cape Town metropolitan area (e.g. My City). The development of such a system would, however, take many more years before it could be fully functional. In the meantime the unsafe conditions on the R44 would persist. A BRT system is often equated with replacing the commuting motor vehicle. However, in reality a system such as the BRT simply reduces the growth of motor vehicle use rather than actually reducing vehicle numbers. Most big cities in the world have highly developed bus, train and underground transport systems, yet their roads continue to remain extremely busy.</p>
Reducing speed to 60 km/h	<p>As mentioned previously, the R44 is a Class 2 road with mobility as its primary function.</p> <p>While reducing the speed limit to 60 km/h would allow adjacent landowners easier access similar to a residential suburb, this would have a negative impact on the function of the road and the daily commuters. The road has a posted speed of 100 km/h and reductions in speed to 60 km/h for such a long length of dual carriageway road are not seen by DTPW as being feasible.</p>

Suggested alternative	Rationale for not further for considering alternative
Turbo roundabout (roundabout with preselected lanes)	While this type of roundabout has many advantages, it is not considered feasible for the type of road and mobility function of the R44. Such roundabouts are also not well known in South Africa and would likely cause their own traffic problems. In an area where many tourist attractions rely on drive-by clientele, confusion regarding the use of such a roundabout may lead to tourists not being able to reach their destination.
Cycle paths along the length of the R44	A significant number of people use bicycles on sections of the R44 between Somerset West and Stellenbosch, whether for commuting to work or for recreation or training. A shared pedestrian and cycle facility is currently being put in place at the northern end of the project study area by Stellenbosch Municipality. DTPW has agreed in principle that the facility can be extended to Jamestown. The issue of extending the cycle path further southwards may be considered by DTPW. However, this is not a specific requirement to meet the main aims of this project. It should be noted that cyclists using the road for training are more likely to use the shoulder of the road than cycle paths. Observations in February prior to the Argus Cycle Tour confirm that training takes place in the relative safety of the shoulder lane.
Construct an additional entrance to Techno Park	<p>A high traffic volume enters Techno Park during the peak traffic hours. Currently there is only one entrance into the park which causes heavy congestion along the R44 and within Stellenbosch.</p> <p>The construction of an additional entrance to Techno Park would be the responsibility of the Techno Park Owners Association and not DTPW. Separate agreements would have to be reached with either the Stellenbosch Municipality and / or DPTW should assistance in this regard be required.</p> <p>This solution would, however, not solve the current problem along the R44 and thus does not form part of the proposed project.</p>
Lowering the existing road level of the R44 to reduce the visual impact of the grade-separated roundabout.	<p>To lower the grade separated roundabout to ground level, would require the vertical realignment of the R44 over an approximate distance of 1.4 km. Construction would necessarily require the closing of lanes leading to the unavailability of one lane in each direction for the duration of the construction period. Watercourses crossing the R44 near the Annandale Road Intersection would also need to be realigned or diverted for a considerable distance. Significant infrastructure would also be required to ensure adequate drainage from the R44 to a lower point downstream. The anticipated cost for this alternative would be significantly greater than proposed. Due to the extensive works that would need to be undertaken and the costs involved this alternative is not considered feasible.</p> <p>In reconsidering the project scope to address visual and heritage impacts of a raised roundabout, DTPW is now considering, as an alternative, keeping the R44 at the current level and placing Winery and Annandale Roads below the R44 in the form of a diamond interchange. This is described in more detail in Section 3.2.4 below.</p>

3.2.3 PROJECT SCHEME PROPOSALS AND ALTERNATIVES INCLUDED IN THE DRAFT BAR

During the initial interaction period, various suggestions were also raised as alternatives to the proposed grade-separated roundabouts. This resulted in the consideration of two alternatives that would provide at-grade U-turn opportunities being included for assessment in the Draft BAR. Thus three alternatives were assessed in the Draft BAR for both the Winery Road and Annandale Road Intersections, namely:

- signalised intersections;
- at-grade two-lane roundabouts (traffic circles); and
- grade-separated roundabouts.

During the BID comment period the issue was raised of formally assessing the overall scheme and various alternatives in terms of a cost benefit analysis. This was supported by DTPW and a specialist economic assessment was commissioned to assess the overall economic efficiency of the project by means of conducting a cost benefit analysis (CBA).

G Provincial Spatial Development Framework (PSDF) Selected Policies

3.2.2.3 PROVINCIAL SPATIAL POLICIES

POLICY E1: USE REGIONAL INFRASTRUCTURE INVESTMENT TO LEVERAGE ECONOMIC GROWTH

1. Consolidate and align the various regional economic infrastructure investment proposals (i.e. SIPs, SOEs, National or Provincial Departments) in integrated regional SDFs for the Cape Metro, greater Saldanha Bay/Vredenburg, and Mossel Bay/George regions.
2. Use Regional or District SDFs as basis for addressing and reconciling competing and overlapping demands for regional economic infrastructure (e.g. regional airport).
3. Evaluate investment alternatives on the basis of holistic cost/benefit models that factor in capital and operating costs over the lifecycle of the investment. Use the WCIF prioritisation model to prioritise and programme alternative regional infrastructure investment proposals. Align and synchronise bulk infrastructure, transport and housing investment programmes.
4. Integrate the spatial component of bulk infrastructure master plans, public transport plans and housing/human settlement plans into one SDF prepared at the appropriate scale (i.e. regional, district or local municipal).
5. Provide spatial planning input and support to the sector plans of Provincial departments.
6. Prioritise developing the required bulk infrastructure capacity to serve the connection and compaction of existing human settlements, over developing bulk infrastructure to serve the outward growth of settlements.
7. Limit new urban transport investment to spatial developments that reduce average travel times, as opposed to extending them.
8. After the City of Cape Town and George, target the leading towns within the Cape Metro functional region (e.g. Paarl and Stellenbosch) and the emerging regional economic growth centres (i.e. Saldanha Bay/Vredenburg and Mossel Bay) for the next phase of the roll-out of urban public transport systems. Synchronise public transport investment with complementary investment in non-motorised transport.
9. Employ off-grid infrastructure technologies to serve new development outside the urban edge. Align public transport planning with spatial planning (i.e. complementary plans for settlement intensification along designated public transport corridors). Use off-grid technologies when the upgrading of infrastructure is required in small towns with no apparent growth potential.
10. Prioritise remote rural areas, small towns and low income urban areas for the roll-out of broadband.
11. Assess biodiversity, heritage, scenic landscape and agricultural considerations in evaluating the suitability of sites for bulk infrastructure projects.

energy efficiency, demand management and renewable energy. The focus areas for adaptation are:

- i. Water conservation and demand management
- ii. Built environment adaptation
- iii. Ecosystem based adaptation
- iv. Food security
- v. Social resilience
- vi. Sustainable public transport systems

The climate change implications of the food-energy-water nexus are currently under investigation, as are the integration of adaptation and mitigation approaches. Changing mindsets regarding the reality of climate change and an appreciation of its implications remains a fundamental challenge.

3.1.6.2 PROVINCIAL SPATIAL POLICIES

POLICY R4: RECYCLE AND RECOVER WASTE, DELIVER CLEAN SOURCES OF ENERGY TO URBAN CONSUMERS, SHIFT FROM PRIVATE TO PUBLIC TRANSPORT, AND ADAPT TO AND MITIGATE AGAINST CLIMATE CHANGE

WASTE

1. Learning lessons from the City of Cape Town's recycling programme, mainstream recycling and recovery of waste in the high waste generation areas of the Province to unlock economic opportunities and increase the lifecycle of current waste disposal sites. Apply the principles of 'reduce, reuse, recycle'.

2. Close down illegal sites and locate new regional waste sites adjacent to rail facilities to decrease operational costs and energy requirements associated with the need for road freight.

AIR QUALITY

3. Provide low income areas with access to electricity and/or off grid renewable energy sources, and systematically upgrade informal settlements.
4. Promote a shift from private to public transport modes, as well as from road to rail freight.
5. Avoid developing new residential areas in proximity to agricultural areas that utilise crop spraying.

ENERGY

6. Pursue energy diversification and energy efficiency in order for the Western Cape to transition to a low carbon, sustainable energy future, and delink economic growth from energy use.
7. Support emergent Independent Power Producers (IPPs) and sustainable energy producers (wind, solar, biomass and waste conversion initiatives) in suitable rural locations (as per recommendations of the Strategic Environmental Assessments for wind energy (DEADP) and renewable energy (DEA)).
8. Support initiatives that promote a shift from private to public transport and from road freight to rail, and reduce the need to travel (i.e. locate households closer to their place of work).
9. Introduce non-motorised transport

infrastructure (informed by urban design principles) in all settlements to complement other transport modes.

10. Investigate and develop the West Coast gas opportunity, with a focus on imported Liquid Natural Gas (LNG).

CLIMATE CHANGE ADAPTATION

11. Mainstream water conservation and demand management in settlement making and upgrading.
12. Retrofit infrastructure to accommodate extreme weather events (e.g. flooding) in settlements where vulnerable communities cannot be relocated.
13. Apply ecosystems based adaptation measures.
14. Protect agricultural land that holds long term food security value from urban encroachment.

CLIMATE CHANGE MITIGATION

15. Address climate change mitigation measures in Municipal SDFs, and mainstream energy efficiency and demand-side management in settlement making and upgrading.
16. Encourage and support renewable energy generation at scale.
17. Drive the development of innovative and sustainable (energy resilient) public transport systems.

3.3.3.3 PROVINCIAL SPATIAL POLICIES

POLICY S2: IMPROVE INTER AND INTRA-REGIONAL ACCESSIBILITY

1. Built environment investment programmes to focus on compacting and connecting urban development (especially along public transport routes), and clustering public facilities along these connections.
2. Curtail new settlement formation that increases average travel times.
3. Improve intermodal integration and regional linkages of all public transport based services through linking localised public transport between villages and towns with regional multi-modal transport hubs.
4. Strengthen functional linkages between settlements and larger towns, with specific attention given to introducing rural transport systems. Promote the upgrading of existing rail infrastructure to offer higher levels of service while developing combined road and rail transport corridors to provide a real alternative to road transport for passengers and freight.
5. Rank, prioritise and develop fully Integrated Rapid Public Transport Networks (IRPTN) in the regional urban centres of the Province such as the Cape Town Metro (including Paarl and Stellenbosch), Knysna/George/Mossel Bay and Saldanha Bay/Vredenburg.
6. Develop Integrated Public Transport Networks (IPTN) in the rural regions of the Province that are connected to regional centres.

"The envisaged end state is an integrated system consisting of different modes of transport with different levels of coverage, but which serves the needs of commuters and special purpose trips alike, whilst reducing the impact on the environment" (SOER 2013)

7. Direct public funding to unlocking well-located land within cities and towns to reduce the operating costs of public transport (as per PLTF).
8. Develop a safe public transport system, while emphasising densification and opportunities for the poor to achieve adequate thresholds along all public transport routes and corridors.
9. Roll-out The Western Cape Government's Green Economy and broadband programmes, particularly related to building and services applications. New technologies offer the prospects of making living in and working out of rural towns and villages more attractive.

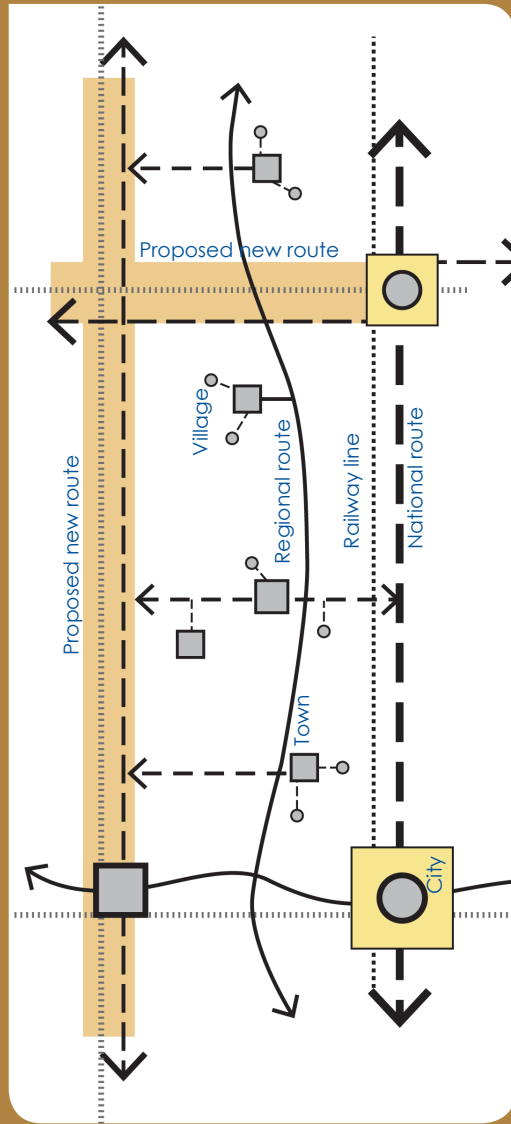


FIG.47 DESIRED HIERARCHIES OF ACCESS AT A PROVINCIAL SCALE

H Municipality Mayco Agenda Item of 2016–11–16

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AGENDA

MAYORAL COMMITTEE MEETING

2016-11-16

5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
5.6.1	PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL PUBLIC TRANSPORT INSTITUTIONAL FRAMEWORK

1. PURPOSE OF REPORT

To inform Council of the signing of a memorandum of agreement with the Western Cape Department of Transport and Public Works.

2. BACKGROUND

The Stellenbosch Municipality compiled a Comprehensive Integrated Transport Plan (CITP) which was approved by Council on 30 March 2016 (**APPENDIX 1**). The document was submitted to the MEC for approval as required in terms of the National Land Transport Act (**APPENDIX 2**). The CITP in Chapter 6 refers to the preparation of an Integrated Public Transport Network Plan (IPTN) and recommends the municipality apply for a Public Transport Network Grant (**APPENDIX 3**). The municipality has engaged with the Department of Transport and Integrated Planning in this regard and a Memorandum of Agreement (**APPENDIX 4**) was signed to guide and direct future engagement in support of its application for the Public Transport Network Grant.

The Province will through its Provincial Public Transport Institutional Framework assist the municipality with the development of an IPTN.

3. DISCUSSION

The purpose of the Provincial Public Transport Institutional Framework is to:

- Assist municipalities in accessing finance and technical resources for the Development and implementation of the Public Transport Network.
- Ensure a uniform approach of addressing public transport issues throughout the province.
- Address capacity constraints at municipal level.

The Stellenbosch municipal CBD is experiencing severe traffic congestion as a result of the limited space for widening of roads and provision of additional parking. Almost 50% of the trips attracted to the Stellenbosch CBD come from outside of Stellenbosch, resulting in the abnormal congested situation. The Western Cape Government acknowledged this reality and prioritised Stellenbosch as the first town in the Western Cape to assist under the PPTIF with the implementation of the Public Transport Network. The signing of a memorandum of agreement is the first step in the process to have access to this financial and institutional support from Province. This signed Memorandum of Agreement will pave the way for the implementation of the recommendations of the approved CITP.

AGENDA

MAYORAL COMMITTEE MEETING

4. FINANCIAL IMPLICATIONS

The entire funding for the planning design and implementation will be provided by Province. In subsequent years, Stellenbosch Municipality may budget for items in the process which might not be covered or included in Province's funding.

5. COMMENTS FROM DIRECTORATES

5.1 Director: Public Safety & Community Services

The Directorate: Public Safety and Community Services supports the cooperation agreement between Stellenbosch Municipality and the Provincial Government Western Cape's Department of Transport and Public Works.

5.2 Director: Planning & Economic Development

The Directorate Planning & Economic Development supports the cooperation agreement between Stellenbosch Municipality and Provincial Government Western Cape's Department of Transport and Public Works.

5.3 Director: Strategic & Corporate Services (Legal Services – Ms E Rhoda)

Supported. The CITP was already approved by Council on 30/3/2016 which supports the development of the Integrated Public Transport Network (IPTN).

5.4 Director: Financial Services

The Directorate: Financial Services supports the cooperation agreement between Stellenbosch Municipality and Provincial Government Western Cape's Department of Transport and Public Works.

RECOMMENDED

that the attached signed Memorandum of Agreement (**APPENDIX 4**) for Stellenbosch Municipality's participation in the PPTIF and the subsequent development of the IPTN, as it is aligned with the approved Comprehensive Integrated Transport Plan, **be noted**.

Meeting: Ref No:	<i>Mayco: 2016-11-16 8/1Engineering</i>	Submitted by Directorate: Author: Referred from:	<i>Infrastructure W Pretorius</i>
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Appendix 1:

8. CONSIDERATION OF MATTERS REFERRED TO COUNCIL VIA THE MAYORAL COMMITTEE MEETING/S

8.1 DEVELOPMENT OF A COMPREHENSIVE INTEGRATED TRANSPORT PLAN (CITP) FOR THE MUNICIPAL AREA

File number : 17/9/2/2
Report by : Acting Director: Engineering Services
Compiled by : Acting Head: Transport Planning and Public Transport
Delegated authority : Council

Strategic intent of item

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

1. PURPOSE OF REPORT

To obtain endorsement of the Comprehensive Integrated Transport Plan from Council for submission of the plan to the Department of Transport and Public Works. Attached as **APPENDIX 1** is the executive summary and table of contents of the CITP.

2. BACKGROUND

In terms of the Government Notice No R 1119 a Type 1 Planning Authority is required to prepare a Comprehensive Integrated Transport (CITP). This Plan must be prepared with due regard to the relevant Integrated Development Plan and land development objectives set in terms of the Development Facilitation Act.

The CITP for Stellenbosch Municipality will consist of the following chapters as specified in the Government Notice:

1. Introduction
2. Transport Vision & Objectives
3. Transport Register

4. Spatial Development Framework
5. Transport Needs Assessment
6. Public Transport Operational Strategy
7. Transport Infrastructure Strategy
8. Travel Demand Measures
9. Freight Logistics Strategy
10. Other Transport Related Strategies
11. Funding Strategy of Proposals and Programmes

The attached executive summary briefly outlines each of the above chapters and the table of contents shows the headings dealt with under each.

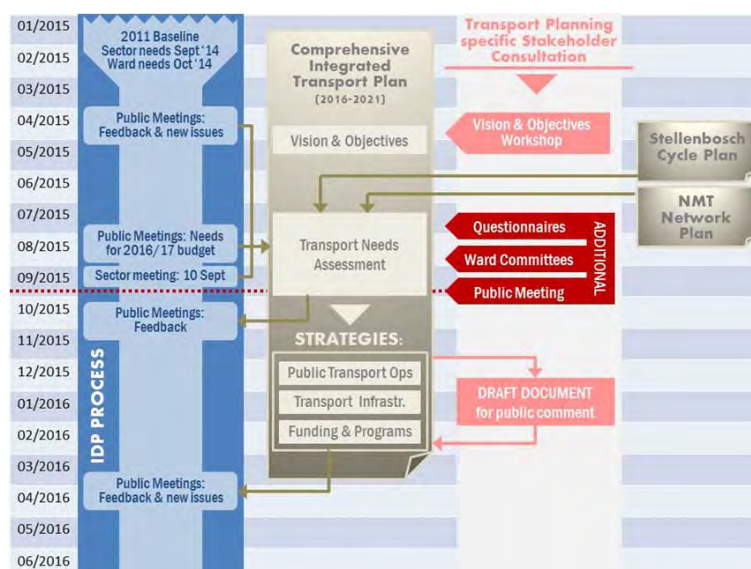
3. DISCUSSION

The Purpose of the CITP is to:

- Giving structure to the function of municipal planning mentioned in Part B of Schedule 4 of the Constitution.
- Fostering integration between land development and land use planning.
- Forming an essential part of the Integrated Development Plan of the Municipality
- Giving effect to national and provincial transport strategies and policies.
- Providing plans and strategies for the improvement of transport infrastructure and systems to foster economic and social growth and to improve the quality of life of the residents in the Municipality.

3.1 PUBLIC PARTICIPATION

Public Participation is essential to the successful development of the CITP. The diagram below shows an outline of the public participation process that was followed:



As shown above, an extensive effort to obtain wide participation was followed. It included:

- Collaboration with the IDP process to ensure that inputs received during the IDP's public participation also flow through into the CITP.
- Stakeholder organisations such as the Chamber of Commerce and the Disability Association and others were involved through the Transport Working Group who held a special CITP Vision and Mission Workshop, and received progress at their quarterly meetings.
- Ward Committees were briefed at their meeting on 28 July 2015.
- A public meeting specifically on Transport Planning was widely advertised in various newspapers and was held on 15 October 2015 in the Town Hall.
- Snap Surveys was distributed throughout the Municipal Area. Ward committees assisted with this effort. Interviewers were also sent to wards to ensure that all communities had an opportunity to participate. A total of 512 responses were received.
- A workshop on the key issues of the CITP was held with Council on 23 November 2015.
- Following the above efforts, those members of the public who indicated their interest in participating in the CITP process by attending the public meeting on 15 October 2015 as well as the organisations involved through the Transport Working

Group had an opportunity to comment on the draft CITP before it was finalised for the Portfolio Committee, MAYCO and Council. The input received and the Project teams response is tabled in **APPENDIX 2**.

The snap surveys identified the following three CITP focus areas:

- Implement a local scheduled public transport service (52.5%)
- Build new roads to provide alternative routes and relieve congestion (45.7%)
- Create more parking in the Stellenbosch CBD (39.8%)

3.2 KEY ISSUES

The CITP's key principles are:

- Promote development and growth to create jobs
- Link communities to social and economic nodes
- Economic and environmental sustainability

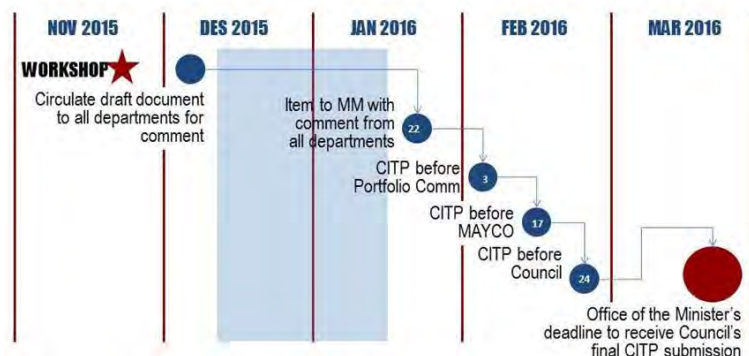
The following priorities are highlighted in the CITP document:

- The provision of a high quality, sustainable public transport network
- Improved accessibility to transport for learners and persons with disabilities
- The improvement of facilities for pedestrians and non-motorised transport in Stellenbosch as well as the surrounding, smaller settlements and rural areas
- The need to improve mobility on the major road network by reducing congestion and the provision of alternative routes and corridors
- The need to identify and source additional funding to implement projects included in the CITP.

3.3 WAY FORWARD

With regards to public Transport, the Integrated Public Transport Network (IPTN) - a separate legislative requirement – will be completed by June 2016 and will provide more detail on the way forward for public transport in the municipal area.

The diagram below shows the timeline for submitting the CITP to the Western Cape Department of Transport and Public Works by their deadline at the end of the provincial financial year in March 2016.



4. FINANCIAL IMPLICATIONS

Various projects with budgets are identified in the CITP as expounded in Section 12 of the document. These projects and budgets will be used as inputs in the municipal budgeting process during the next 5 years.

5. COMMENTS FROM DIRECTORATES

5.1 Director: Public Safety & Community Services

No comments received

5.2 Director: Planning & Economic Development

No comments received

5.3 Director: Strategic & Corporate Services (Legal Services)

No comments received

5.4 Director: Financial Services

Finance supports the Item. Implementation will be budget dependent. Public Private Partnerships could possibly also be explored to implement; finance and management some of the projects

5.5 Director: Housing & Property Management

No comments received.

RECOMMENDED

that the Comprehensive Integrated Transport Plan (CITP) be endorsed for submission to the MEC of Transport for approval.

(ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)

**ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE
MEETING: 2016-03-02: ITEM 6.1.2**

RESOLVED (nem con)

that the Manager: Transport and Roads & Stormwater provides the required additional information with regard to the Transport Plan for submission to the Mayoral Committee and Council.

RECOMMENDED

that the Comprehensive Integrated Transport Plan (CITP) be endorsed for submission to the MEC of Transport for approval.

(ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)

**& FURTHER COMMENTS BY THE MANAGER: TRANSPORT AND ROADS
STORMWATER**

The Comprehensive Integrated Transport Plan (CITP) does not specifically mention the lack of a fence along the railway line from du Toit Station to Koelenhof Station through the urban area as a concern. It is proposed that the section on Public Transport Safety and Security in the CITP be expanded to include this need.

The CITP was compiled with the 2013 Spatial Development Framework (SDF) as basis, and therefore does not specifically cater for the Northern Extension Project. The CITP does however address the need for a Transit-Orientated Development (TOD) node at Kayamandi, the Western bypass feasibility and the upgrade of the R304. All these projects will be triggered and supported by the Northern Extension Project.

FOR CONSIDERATION

MAYORAL COMMITTEE MEETING: 2016-03-23: ITEM 5.1.4

The following comments from the various Directorates were received:

Director: Planning & Economic Development

The item as well as the Comprehensive Integrated Transport Plan are supported.

Director: Strategic & Corporate Services (Legal Services)

The item is supported. The complete CITP is to be made available for Council scheduled for 2016-03-30.

Director Public Safety and Community Services

The item as well as the Comprehensive Integrated Transport Plan are supported. The Directorate was instrumental in compiling the Intergrated Transport Plan which includes all comments, views and future Traffic Law Enforcement strategies for the Greater Stellenbosch.

Director: Housing & Property Management

1. Taxi Rank in Kayamandi

Although the Bergzicht Taxi Rank does provide for taxi's from Kayamandi, there are no formal, dedicated taxi rank in Kayamandi. It is critical that a formal taxi rank(s) be constructed in Kayamandi.

2. Taxi permits: Travel between Franschoek and Stellenbosch

At the moment the taxi permits does not take note of the new municipal area, i.e. travel between Franschoek and Stellenbosch. For this reason people must travel to Pniel, then move over to another taxi to take them to Stellenbosch.

No formal taxi rank "transfer station" is provided in Pniel. Taxi permits should be reconsidered to cater for a non-stop service between Franschoek and Stellenbosch.

3. Obligation on housing projects to cater for upgrade of road infrastructure

When low-cost housing projects are planned, it is expected from housing projects to attend to upgrade of road infrastructure, at the cost of the municipality. This puts extra pressure on the municipality/project.

Seeing that housing is a provincial function, the provincial government should take more responsibility in the upgrade of roads infrastructure when it comes to low cost housing projects (e.g Longlands development delayed for almost 5 years due to access issues).

RECOMMENDED BY THE EXECUTIVE MAYOR

- (a) that the Comprehensive Integrated Transport Plan (CITP) be endorsed for submission to the MEC of Transport for approval;
- (b) that the section on Public Transport Safety and Security in the Comprehensive Integrated Transport Plan include the need to address the safety considerations for residents living along the railway line between du Toit Station and Koelenhof Station; and
- (c) that cognisance be taken of the matter relating to School Street, Jamestown, and that further engagement on said matter take place with the MEC for Local Government.

(ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)

39TH COUNCIL MEETING: 2016-03-30: ITEM 8.1

RESOLVED (nem con)

- (a) that the Comprehensive Integrated Transport Plan (CITP) be endorsed for submission to the MEC of Transport for approval;
- (b) that the section on Public Transport Safety and Security in the Comprehensive Integrated Transport Plan include the need to address the safety considerations for residents living along the railway line between du Toit Station and Koelenhof Station and that high level engagement be embarked upon with the Rail Safety Agency; and
- (c) that cognisance be taken of the matter relating to School Street, Jamestown, and that further high level engagement on said matter take place with the MEC for Local Government.

(ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)

Appendix 2 :



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



Ons Verw/Our Ref: 17/9/2/2

31 May 2016

Minister Donald Grant
MEC for Transport & Public Works
9 Dorp Street
CAPE TOWN
8000

Dear Minister Grant

STELLENBOSCH MUNICIPALITY COMPREHENSIVE INTEGRATED TRANSPORT PLAN - 2016

Attached herewith please find a copy of the recently completed CITP - revision 12 February 2016.

At its 39th Council Meeting on 2016-03-30 under Item 8.1, Stellenbosch Municipal Council has taken the following decision regarding the attached CITP document:

- a) That the Comprehensive Integrated Transport Plan (CITP) be endorsed for submission to the MEC of Transport for approval;
- b) That the section on Public Safety and Security in the Comprehensive Integrated Transport Plan include the need to address the safety considerations for residents living along the railway line between du Toit Station and Koelenhof Station and that high level engagement be embarked upon with the Rail Safety Agency; and
- c) That cognisance be taken of the matter relating to School Street, Jamestown, and that further high level engagement on said matter take place with the MEC for Local Government.

You are hereby requested to consider this document for approval. Please liaise with the Acting Director Engineering Services, Mr Marius Wüst, should you have any queries or wish to propose amendments to this document.

You are thanked for your input in this document and we commit to work with your Department to successfully implement this plan.

Yours faithfully

Conrad Sidego
EXECUTIVE MAYOR

Richard Bosman
ACTING MUNICIPAL MANAGER

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Head of Department
Office of the Head of Department
Jacqui.Gooch@westerncape.gov.za
tel: +27 21 483 2826 fax: +27 21 483 5068

Ref: TPW 20/R

Mr EJ Wentzel
Manager: Transport, Roads and Stormwater
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Dear Mr Wentzel

PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL PUBLIC TRANSPORT INSTITUTIONAL FRAMEWORK

Your letter 17/9/1/2 dated 26 April 2016 has reference.

Many thanks for your letter, the content of which is noted. The Department of Transport and Public Works (DTPW) is pleased to hear about the intentions of the Stellenbosch Municipality in the improvement of mobility in the municipality through the formulation and implementation of an Integrated Public Transport Service Network (PTSN). We note the milestones for the first phase of the project as follows:

- Approval by the Stellenbosch Municipality of the initial system concept and principles as set out in the CITP;
- Preparation of demand forecasts, a proposed route network and operational parameters;
- Development of an initial Operations and Business Plan for submission to the Department of Transport for approval of funding through the PTN Grant;
- Stakeholder consultation; and
- The submission of an application to the DOT for grant funding.

Your reference to the Provincial Public Transport Institutional Framework (PPTIF) is also noted, and your statement that Stellenbosch Municipality has been identified as a priority municipality for implementation of the PPTIF is correct.

The DTPW has developed the PPTIF with the primary aim of addressing the key constraints to improving both public and non-motorised transport in the non-Metro areas of the Western Cape, through the development of a refined strategic approach for achieving progress. The PPTIF has identified the following key constraints to improvement in public and non-motorised transport in the province:

- Capacity constraints at the municipal level;
- The lack of dedicated funding streams for local public and non-motorised transport improvement;
- The lack of well-defined or developed approaches to public and non-motorised transport in non-metropolitan contexts; and
- The complexity of industry transition.

In response to these constraints, the PPTIF has developed an Incremental Approach to public transport improvement characterised by the following principles:

Impact	Description
Demonstrable improvement to public transport user experience	The Incremental Approach focusses on the “low hanging fruit” first in achieving rapid and demonstrable improvement in the transport experience of public transport users. Thus real improvements are achieved in the short term, whilst moving towards a broader, fully integrated network solution over the longer term.
Limits the capacity burden on government	Incremental implementation of improvement initiatives over time provides government with the time to progressively increase capacity and learn through experience, rather than being required to take on full responsibility for managing an IPTN all at once.
Lowers the cost of improvement	The Incremental Approach does not advocate for the rapid and full scale formalisation of public transport. Rather, the focus is on improving the condition for NMT, limited formalization on priority public transport routes, with the network being built up over time as and when the necessary resources become available. In addition, the phased approach aims to limit the need for costly compensation of public transport operators, contributing toward an overall reduction in the cost of system improvement.

Reduces the risk of transformation to the public transport industry	The Incremental Approach lowers the risk to the public transport industry by reducing the risk of each step in the process. The industry's business model is gradually adjusted over time, rather than being fully subsumed. This process inherently lowers risk and enhances the potential of successful engagement and transformation.
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The Incremental Approach includes three stages. It provides a framework which can be applied to different contexts and adapted accordingly, and it provides strategic guidance on what aspects of the transport system should be addressed or improved at what stage.

The PPTIF also includes proposed institutional arrangements for the implementation of the Incremental Approach at both provincial and municipal levels, and identifies priority municipalities for the implementation of the PPTIF.

The Department is in the process of submitting the PPTIF for cabinet approval.

Within this context, the Department would like to initiate a discussion with the Stellenbosch Municipality towards the implementation of the PPTIF in the municipality. We note your reference to national grant funding through the PTNG for your PTSN, and highlight that the Department secured PTNG funding for the George Integrated Public Transport Network, and that a core element of the PPTIF is securing funding for PPTIF implementation projects, including through joint applications to the DOT.

Our PPTIF programme manager, who is also my Chief Director of Public Transport, Ms Deidre Ribbonaar, will be in touch with yourselves to initiate the engagements. We look forward to forging a successful working relationship towards the implementation of the PPTIF and the improvement of public and non-motorised transport in the Stellenbosch Municipality.


JACQUELINE GOOCH
HEAD OF DEPARTMENT
DATE: 25/5/2016



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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



Our Ref/Ons Verw: 175/12
Your Ref/U Verw:

25 April 2016

Department of Transport and Integrated Planning
Western Cape Government
140 Loop Street
CAPE TOWN
8001

Attention: Me Deidre Ribbonaar

STELLENBOSCH MUNICIPALITY: COMPREHENSIVE INTEGRATED TRANSPORT PLAN – PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK

The Stellenbosch Municipality, Comprehensive Integrated Transport Plan (CITP) was approved by the Stellenbosch Council on 30 March 2016 and was submitted to the MEC on 06 April 2016. The CITP proposes that the existing, un-coordinated, conventional bus and minibus-type public transport services operating in the Stellenbosch municipal area be transformed into a quality Public Transport Service Network (PTSN) based on a reformed business model, including adherence to all standards and requirements set out in the National Land Transport Act and other applicable legislation and includes the requirement to upgrade existing services to be fully universally accessible over a reasonable period of time.

The purpose of this letter is to inform you of the scope of the planning and implementation of the initial pilot phase of the proposed public transport service network and to request the participation and assistance of the Western Cape Government in this process.

As stated in the CITP, the guiding principles for the PTSN are as follows:

- The PTSN will be planned and developed in compliance with the “Guidelines and Requirements: Public Transport Network Grant: 2015/2016, for Business Plan preparation underpinning Budget Proposals for MTEF 2016/17 to 2018/19” of the Department of Transport dated 30 May 2015, with the intention of the Stellenbosch Municipality submitting an application to secure grant funding.
- The PTSN will be planned and developed in consideration of and parallel to the transformation, empowerment and upliftment of the local Stellenbosch public transport industry.

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- The objective of the PTSN will be to improve public transport service levels and the quality of life of the residents in the Stellenbosch Municipal area.
- The PTSN will be developed in phases with the ultimate goal of the introduction of an Integrated Public Transport Network in accordance with the National Transport Policy and the National Land Transport Act.
- The PTSN will be planned with the objective of achieving financial sustainability.

In the “Guidelines and Requirements: Public Transport Network Grant: 2015/2016, for Business Plan preparation underpinning Budget Proposals for MTEF 2016/17 to 2018/19”, the Department of Transport sets out the various project types that qualify for investments from the national Public Transport Network (PTN) Grant. These include, not only Bus Rapid Transit systems with dedicated priority infrastructure more appropriate for large cities, but includes support for improved conventional bus and minibus services (a quality Public Transport Service Network) in smaller cities and towns provided that certain requirements, such as the transformation of the business and operational model, compliance with universal accessibility and operational improvements are introduced.

In the case of the Stellenbosch Municipality, neither the resources nor the space in the historical part of the town of Stellenbosch are available for consideration of a “full” BRT system. It is thus proposed that the latter option be pursued and that a PTSN be planned and implemented, in stages, with the focus on transformation of the existing bus and minibus system, the implementation of an initial pilot phase and an overall phased approach.

The proposed process for the development of the PTSN is indicated in the Annexure hereto and is in compliance with the Department of Transport Guidelines and Requirements for funding from the PTN Grant as well as a parallel process with a strong focus on the transformation of the existing public transport industry. The following key milestones set the framework for the first phase of the project:

- Approval by the Stellenbosch Municipality of the initial system concept and principles as set out in the CIP
- Preparation of demand forecasts, a proposed route network and operational parameters
- Development of an initial Operations and Business Plan for submission to the Department of Transport for approval of funding through the PTN Grant
- Stakeholder consultation

- The submission of an application to the DOT for grant funding

The consultation phase will include the establishment of a consultative forum or steering committee. Town Councillors should be delegated to participate in this process in order to provide political support.

Other important role-players that must be included in the consultation and planning process are educational institutions. The University of Stellenbosch has an important role to play as it is a high trip generator and it has already proposed a public transport system to serve the University.

During the process of the preparation of the CITP, the Project Team was informed of the initiative of the Western Cape Government to develop a Provincial Public Transport Institutional Framework (PPTIF) with the primary aim of addressing the key constraints to improving both public and non-motorised transport in the non-metropolitan areas of the Western Cape and to incorporate lessons learnt through the implementation of public transport improvement initiatives in South Africa, particularly in George and Cape Town by developing a flexible and context specific approach to public and non-motorised transport improvement, the development of enhanced institutional and organisational models and the development of a cost model and funding strategy.

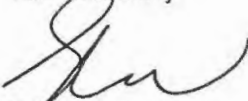
It was indicated that the Stellenbosch Municipality has been identified as one of the priority areas to benefit from this programme over the next five years.

I trust that the above explanation captures the intentions of the Stellenbosch Municipality with regard to improving mobility through enhanced public transport services. The success of this process will depend on the participation of the key role-players, of which the support of the Western Cape Government is paramount. A vital aspect of the support required is the proposed application to the Department of Transport for financial assistance through the Public Transport Network Grant. Your timely advice on formulation a successful grant application would be appreciated.

We look forward to your inputs at meetings of the Transport Committee that has been established at Council level and at meeting of the technical project team.

Please advise if there are issues which require further clarity.

Yours faithfully



Mr EJ Wentzel
Manager: Transport, Roads and Stormwater

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I Memorandum of Agreement between DTPW and Stellenbosch Municipality

Page 173

MEMORANDUM OF AGREEMENT

Entered into by and between

THE WESTERN CAPE GOVERNMENT VIA ITS DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

(Herein represented by **Ms Jacqui Gooch** in her capacity as the **Head of Department** of the Department of Transport and Public Works, and duly authorised thereto)

(Hereinafter referred to as "the Department")

and

THE STELLENBOSCH MUNICIPALITY

A Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, Act 117 of 1998

(Herein represented by **Mr Richard Bosman** in his capacity as the **Acting Municipal Manager**, and duly authorised thereto)

(Hereinafter referred to as "the Municipality")

(Collectively hereinafter referred to as "the Parties")

INTRODUCTION

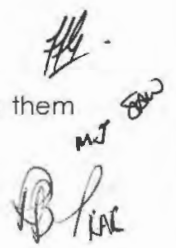
- A. **WHEREAS** the Department has adopted the Provincial Public Transport Institutional Framework ("PPTIF"), which is the Province's renewed approach to developing sustainable transport systems and improving and transforming public and non-motorised transport in the Western Cape.
- B. **AND WHEREAS** as part of the PPTIF implementation programme, the Western Cape Government has made a commitment to partner with selected priority municipalities to jointly achieve the objectives of the PPTIF and to plan, implement and manage sustainable transport initiatives, including incremental improvements to public and non-motorised transport.
- C. **AND WHEREAS** the Incremental Approach is intended to be implemented over three stages, which are expanded upon in this Agreement.
- D. **AND WHEREAS** the Municipality has been identified as a priority municipality for implementation of the PPTIF.
- E. **AND WHEREAS** the Parties acknowledge that the Municipality may need to conduct an investigation in terms of Section 78 of the Municipal Systems Act, Act 32 of 2000 ("the Systems Act").
- F. **AND WHEREAS** the Parties acknowledge that the Department will assist and provide support to the Municipality in order for it complete the aforementioned Section 78 investigation.
- G. **NOW THEREFORE** the Parties wish to enter into this Agreement in order to ensure a co-ordinated exercise of powers and to regulate their relationship with respect to the planning and implementation of the PPTIF.

THE PARTIES RECORD THEIR AGREEMENT IN WRITING AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

- 1.1 In this Agreement the following expressions bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

PPTIF



- 1.1.1 **"Agreement"** means this Memorandum of Agreement between the Parties, together with all annexures hereto, whether included in this Agreement at the date of signature or at any later date in terms of this Agreement.
- 1.1.2 **"Business day"** in reference to any time limit prescribed herein shall include Monday, Tuesday, Wednesday, Thursday and Friday, except if any of the aforesaid days is a public holiday in the Republic of South Africa.
- 1.1.3 **"Incremental Approach"** means a step-wise approach to improving public and non-motorised transport as contemplated by the PPTIF;
- 1.1.4 **"Municipal Area"** means the jurisdictional area of the Municipality; and
- 1.1.5 **"Signature Date"** means the date on which the last signing Party signs this Agreement (and any of the related annexures hereto).
- 1.2 Words and expressions defined in any clause shall, for the purpose of that clause, bear the meaning assigned to such words and expressions in that clause.
- 1.3 The headings of the clauses are for the purpose of convenience and reference only and shall not aid in the interpretation of, nor modify the provisions of, the Agreement or any clause thereof.
- 1.4 In this Agreement, unless the context indicates a contrary intention, a word or expression which denotes –
 - 1.4.1 any one sex or gender includes the other sex or gender, as the case may be;
 - 1.4.2 the singular includes the plural and vice versa; and
 - 1.4.3 natural persons includes juristic persons and vice versa.
- 1.5 When any number of days is prescribed such number shall exclude the first day and include the last day unless the last day falls on a Saturday, Sunday or public holiday in the Republic of South Africa, in which case the last day shall be the next

Handwritten initials and signatures: "W.S.", "B", "P", "R", "HAR", and a signature that appears to be "HAR".

succeeding day which is not a Saturday, Sunday or a public holiday in the Republic of South Africa.

2. COMMENCEMENT, DURATION AND TERMINATION OF THE AGREEMENT

- 2.1 This Agreement shall come into effect on the Signature Date and shall continue for 24 (twenty four) months or until this Agreement is terminated by either one of the Parties, subject to clause 2.2 below.
- 2.2 Either Party may terminate this Agreement by giving written notice to the other Party.
- 2.3 After the initial 24 (twenty four) month period, set out in clause 2.1 above, the Parties may extend the Agreement on a month to month basis provided that both Parties agree to such an extension.
- 2.4 In executing the Agreement between the Parties, the Parties should be mindful of the Incremental Approach adopted in the PPTIF, which includes the following stages:

2.4.1 Stage 1 includes the following:

- Develop a sustainable transport plan;
- Strong focus on non-motorised transport;
- Basic public transport infrastructure improvements;
- Improve public transport facilities management;
- Improved regulation, enforcement and training of existing public transport operators, and
- Strengthened industry engagement.

2.4.2 Stage 2 includes the following:

- Continuation of Stage 1 initiatives;
- Provision of business advisory and fleet renewal support to operators;
- Introduction of small subsidised service contracts with existing operators for the provision of higher quality public transport services;
- Introduction of selected commercial public transport service contracts;

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- Introduction of low-cost Intelligent Ticketing System (ITS) and Automated Fare Collection (AFC) systems; and
- Development of basic bus stop infrastructure.

2.4.3 Stage 3 includes the following:

- Continuation of Stage 1 and 2 initiatives;
- Progressive expansion of subsidised public transport in a context-appropriate and financially sustainable manner, including the development of a hybrid-type system.
- Development of infrastructure required to support these services.
- Development of Advanced Public Transport Management System (APTMS) and Integrated Fare Management (IFM).

3. ROLES AND RESPONSIBILITIES OF THE PARTIES

3.1 The Department shall be responsible for the following:

- 3.1.1 Undertaking all necessary planning required for the PPTIF after consultation with the Municipality;
- 3.1.2 Carrying out all the data collection work that will be required for the PPTIF in the Municipal Area;
- 3.1.3 Developing the particular Incremental Approach for the Municipality, which will be prepared after consultation with the Municipality;
- 3.1.4 Assisting the Municipality to create the necessary budgets from the Municipality's own revenue and grants for the implementation and management of the PPTIF in the Municipal area;
- 3.1.5 Identifying and sourcing additional sources of funding for the PPTIF, including donor funding;
- 3.1.6 Procuring all necessary and appropriate service providers for the planning and scoping phases of the PPTIF in the Municipality's Area; and

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3.1.7 Supporting the Municipality to complete an investigation in terms of Section 78 of the Systems Act, if required, including the feasibility study and service delivery agreements.

3.2 The Municipality shall be responsible for the following:

3.2.1 Supporting all necessary planning for the PPTIF and providing input to these plans through the PPTIF Planning Committee;

3.2.2 The Municipality shall assist and cooperate with the Department to create a budget, from its own revenue or grants, for the implementation and management of the PPTIF in the Municipal Area. This includes:

3.2.2.1 Supporting the Department's assessment of the Municipality's operating and capital budget and relevant conditional grant income; and

3.2.2.2 Supporting the Department's efforts to source additional funding for the PPTIF, including donor funding.

3.2.3 Conduct an investigation required in terms of Section 78 of the Systems Act in order to review and decide on the appropriate mechanism to provide public transport and related services in the Municipal Area, which assessment and review will be done with the support and assistance of the Department.

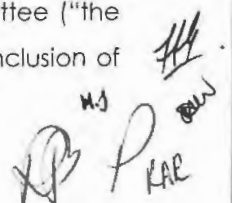
3.3 Both Parties shall be responsible for the following:

3.3.1 Establishing the PPTIF Planning Committee, as detailed in clause 5 below;

3.3.2 Appointing the appropriate and designated officials to the PPTIF Planning Committee;

3.3.3 Upon conclusion of the Section 78 investigation, the Parties may consider to refer the report on of that investigation to the Negotiating Committee ("the Negotiating Committee"), which will consider the need for the conclusion of

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any further agreements and/or recommendations to be considered by the Parties thereafter;

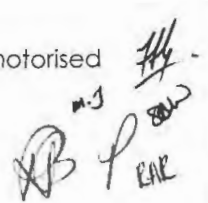
- 3.3.4 Appointing the appropriate and designated officials to the Negotiating Committee;
- 3.3.5 Ensuring that the members of the Negotiating Committee participate as set out and detailed in Clause 4 below;
- 3.3.6 Discuss and agree to identifying and designing the appropriate priority interventions for non-motorised transport and public transport infrastructure required in the Municipal Area; and
- 3.3.7 Within the initial 24 (twenty four) month period after the signature of this Agreement and subject to the availability of funding, agree to an implementation plan for any priority interventions, as per clause 3.3.6.

4. THE NEGOTIATING COMMITTEE

- 4.1 Following the findings of the Section 78 investigation, the Parties may need to establish the Negotiating Committee in order to negotiate further agreements between the Parties, which will provide for, *inter alia*, the institutional and financial arrangements between the Parties, and set out and allocate the roles and responsibilities of the Parties.
- 4.2 The Negotiating Committee will be authorised to negotiate, but not to conclude, the terms and conditions of such further agreements between the Parties.
- 4.3 The Parties shall appoint the following designated officials to the Negotiating Committee:

From the Municipality:

- 4.3.1 The Municipal Manager and/or his/her nominated representative;
- 4.3.2 The Director of the Department responsible for public and non-motorised transport and/or his/her nominated representative;



- 4.3.3 The Director of the Department responsible for Finance and/or his/her nominated representative;
- 4.3.4 The Director of the Department responsible for Spatial Planning and/or his/her nominated representative;
- 4.3.5 The Director of the Department responsible for Legal Services and/or Corporate Services and/or his/her nominated representative;
- 4.3.6 The Director of the Department responsible for Safety and Security and/or Law Enforcement and/or his/her nominated representative;

From the Department:

- 4.3.7 The Chief Director of Transport Operations and/or his/her nominated representative;
 - 4.3.8 The Director responsible for Land Transport Integration and Oversight and/or his/her nominated representative; and
 - 4.3.9 Deputy Director responsible for Cape Winelands and Central Karoo and/or his/her nominated representative.
- 4.4 Additionally, the Parties agree that a facilitator, which may be one or more individuals from the technical team, shall be appointed to the Negotiating Committee to facilitate all meetings of the committee, and that this appointment shall be made by the Department.
- 4.5 The designated officials in the Negotiating Committee will at its first meeting agree to a meeting schedule for the committee and shall participate in all negotiations and discussions in the spirit of cooperative governance and do so in good faith.
- 4.6 The Terms of Reference and meeting schedule shall be decided upon at the first meeting of the Negotiating Committee.



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5. THE PPTIF PLANNING COMMITTEE

5.1 The Parties will establish the PPTIF Planning Committee in order for the Municipality to be kept informed and provide input to the planning process referred to in clause 3.1.1; 3.1.2 and 3.1.3 above.

5.2 The Parties shall appoint the following designated officials to the PPTIF Planning Committee:

From the Municipality:

5.2.1 The Director of and/or the official from the Department responsible for public transport and/or his/her nominated representative;

5.2.2 The Director of and/or the official from the Department responsible for Spatial Planning and/or his/her nominated representative;

5.2.3 The Director of the Department responsible for Safety and Security and/or Law Enforcement and/or his/her nominated representative;

From the Department:

5.2.4 The Chief Director of Transport Operations and/or his/her nominated representative;

5.2.5 The Director responsible for Land Transport Integration and Oversight and/or his/her nominated representative; and

5.2.6 Deputy Director responsible for Cape Winelands and Central Karoo and/or his/her nominated representative.

5.3 The PPTIF Planning Committee shall meet quarterly.

5.4 The designated officials in the PPTIF Planning Committee will at its first meeting agree to a schedule of the quarterly meetings for the committee and shall participate in all discussions in the spirit of cooperative governance and do so in good faith.

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6. CO-OPERATIVE GOVERNANCE

6.1 The Parties will adhere to the principles of co-operative governance as reflected in sections 40 and 41 of Chapter 3 of the Constitution and sections 4 and 5 of the Intergovernmental Relations Framework Act, Act 13 of 2005, ("the IGRF Act").

6.2 The Parties will agree to:

6.2.1 Co-operate with one another in mutual trust and good faith by:

6.2.1.1 fostering friendly relations;

6.2.1.2 assisting and supporting one another;

6.2.1.3 informing one another of and consulting with one another on matters of common interest related to the Project;

6.2.1.4 adhering to agreed procedures and principles;

6.2.1.5 conducting actions and process in terms of the IGRF Act;

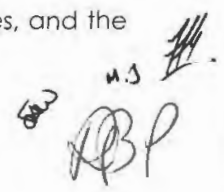
6.2.1.6 diligently fulfilling all their undertakings and obligations as set out in this Agreement to ensure that the required outcomes are met;

6.2.1.7 respecting each other's roles, responsibilities and obligations and not acting in a manner that encroaches or impinges on the institutional integrity of the other Party; and

6.2.1.8 always acting in the best interests of each other when any decisions are to be made or when any action is to be taken.

7. DISPUTE RESOLUTION

7.1 This Agreement shall be governed by and constructed in accordance with the laws of the Republic of South Africa. The Parties have a duty to avoid disputes, and the Parties must make every reasonable effort –



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- (a) to avoid a dispute when exercising their statutory powers; or
- (b) to settle a dispute without resorting to judicial proceedings.

7.2 In the event of a dispute arising from this Agreement, the Parties shall make every effort to settle such dispute amicably. If the dispute is not capable of being settled between the Parties amicably, such dispute shall be elevated to the Senior Management / Executive or their duly assigned representatives for mediation purposes.

7.3 Should the dispute not be resolved through mediation within 30 days of being referred by either Party to mediation, either Party may declare such dispute a formal intergovernmental dispute by notifying the other Party of such declaration in writing, as intended and provided for in section 41 of the IGRF Act, in which event the Parties will follow the procedure as outlined in section 42 of the IGRF Act.

8. NO CESSION/TRANSFER

No rights or obligations which any Party may have in terms of this Agreement shall be capable of cession or transfer without the prior written consent of the other Party, which consent shall not be unreasonably withheld.

9. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties as to the subject matter hereof and no agreement, representations or warranties between the Parties other than those set out herein are binding on the Parties.

10. BREACH

Subject to clauses 6 and 7 above, should a Party breach any or all of the terms and conditions of this Agreement, and remain in such breach 10 (ten) Business days after receipt of a written notice calling upon it to remedy such breach, then the Party who served such notice shall be entitled, in addition to any remedy which it may have in law, to cancel this Agreement, or to remedy the breach itself.

11. NOTICES AND DOMICILIA

11.1 The Parties choose as their *domiciled citandi et executandi* their respective addresses as set out in Clause 11.2 for all purposes arising out of or in connection with this Agreement at which addresses all processes and notices arising out of or in connection with this Agreement, its breach or termination, may validly be served upon or delivered to the Parties.

11.2 For purpose of this Agreement the Parties respective addresses shall be:

The Department:

The Head of Department
Western Cape Government: Department of Transport and Public Works
9 Dorp Street
Cape Town

The Municipality:

The Municipal Manager
Town House Complex
Plein Street
Stellenbosch

11.3 Each of the Parties shall be entitled; from time to time by written notice to the other to vary its *domicillium* to any other address within the Western Cape Department of the Republic of South Africa is not a Post Office Box or *Poste Restante*.

11.3.1 if delivered by hand, be deemed to have been duly received by the addressee on the date of delivery; or

11.3.2 if forwarded by pre-paid registered post, be deemed to have been received by the addressee 4 (four) business days after the date of postage.

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- 11.4 Notwithstanding anything to the contrary contained in this Agreement, a written notice or communication actually received by one of the Parties from the other Party shall be adequate written notice of communication to such Party.

12. WARRANTY OF AUTHORITY

Each Party warrants to each of the other Parties that it has the power, authority and legal right to sign and perform this Agreement and that this Agreement has been duly authorised by necessary actions of its officials or structures, if required, and binding obligations on it in accordance with the terms of this Agreement.

13. GENERAL TERMS AND CONDITIONS

13.1 *Interpretation of the Agreement*

The law of the Republic of South Africa shall govern the interpretation of the Agreement. If any change in the law renders any material provision of the Agreement illegal or void, either Party may terminate the Agreement immediately.

13.2 *Variation*

No amendment, alteration, addition or suspension of any provision of the Agreement shall be of any force, unless reduced to writing and signed by both Parties.

13.3 *Waiver*

No waiver of any right in terms of the Agreement shall be binding for any purpose unless expressed in writing and signed by the Party concerned and such waiver shall be effective only in the specific instance and for the purpose given. No failure or delay on the part of either Party in exercising any right precludes any other or further exercise thereof or the exercise of any other right.

13.4 *Cession and Invalid Provisions*

A Party may not cede any right or obligation in terms of the Agreement to another person without the other Party's written consent.

14. SEVERABILITY

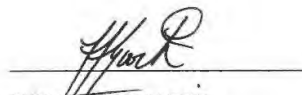
If any provision of the Agreement is or becomes invalid or unenforceable, such provision shall be divisible and be regarded as *pro non scripto* and the remainder of the Agreement shall be regarded as valid and binding unless materially affected.

15. RELATIONSHIP

15.1 This Agreement does not create an employment relationship, partnership, joint venture or agency between the Parties and neither Party shall be liable for the debts of the other Party, howsoever incurred.

15.2 The Municipality has no authority or right to bind the Department to any third party and it shall be liable for any act purporting to so bind the Department.


SIGNED AT CAPE TOWN ON THIS 21 DAY OF JULY 2016

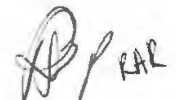


THE DEPARTMENT

(Herein represented by **Ms Jacqui Gooch** in her capacity as **Head of Department**, duly authorised hereto)

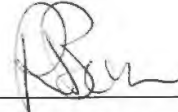
AS WITNESSES:

1.  _____
2. SENS-OWIER



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SIGNED AT Stellenbosch ON THIS 8th DAY OF JULY 2016



THE MUNICIPALITY

(Herein represented by **Mr Richard Bosman** in his capacity as **Acting Municipal Manager**, duly authorised hereto)

AS WITNESSES

1.  _____
2.  _____



J Comments by HC Eggers on RDBAR, April 2016

Proposed improvements on the R44 between Somerset West and Stellenbosch

Comment

on the Revised Basic Assessment Report by CCA Environmental

HC Eggers

11 April 2016

1 Additional Comments

- 1.1 The Revised DBAR is totally inadequate as it has failed to address the issue raised by myself, by informed traffic experts, by the Stellenbosch Municipality itself. For that reason, I resubmit the comments of 2014 below almost verbatim. They remain valid and have **not** been adequately addressed in Appendix F10 of the RDBAR.
- 1.2 Activity 18 of LN2 does not explicitly say that only **new** roads have environmental impacts. Upgrades to **existing** roads do fall under “**design of associated physical infrastructure**” as defined in Activity 18.
- 1.3 Specifically: the response to item 2.10 of said Appendix F10 and to my comments in item 2.14 regarding **integrated planning** is inadequate or worse. Having pointed out that Province is supposed to follow its own policies and those of the municipality regarding integrated planning, the response that the RDBAR merely addresses **safety issues** is (a) incorrect, (b) mendacious in that it explicitly sidesteps the actual issue of integration and integrated planning, (c) once again narrows down the discussion from the start to one small aspect.
- 1.4 **Safety is not the only issue. The real issue is integrated planning, of which safety is a small part. The RDBAR does not address the real issues.**
- 1.5 The response of the RDBAR in item 2.14 Appendix F10 is clearly incorrect. The project proposals are **NOT** compatible with the policy frameworks. They fly in the face of all the principles and best practice of integrated transport planning.
- 1.6 As pointed out many times, the viability of public transport is a function of integrated planning, which includes hardware but also traffic management, human behavioural changes, . The RDBAR’s narrow focus on engineering issues is exactly the reason why public transport cannot become viable. Single use of motor cars is only “viable” because engineering solutions like the one proposed make them so. Once again the RDBAR fails to acknowledge that issues are integrated.
- 1.7 The RDBAR makes strange statements like “The project in no ways precludes the implementation of public transport initiatives to alleviate congestion on the route.” That is incorrect. It **does** preclude the implementation of public transport initiatives, for example because hundreds of millions of Rands which would be spent on roads could be spent on public transport etc.
- 1.8 According to the RDBAR, it is the “DTPW’s responsibility to manage and maintain the existing provincial road network”. Management and maintenance are indisputably necessary. Why does the RDBAR make the illogical jump from that self-evident duty to a purported responsibility to engineer large and expensive upgrades? Why not acknowledge that with the growth of traffic, responsibility is not just to the traditional functions but to the broader and more future-oriented public transport solutions?
- 1.9 If the DTPW refuses to adapt to changed times and circumstances, it may be time for a management overhaul or restructuring of this and related provincial departments. The function of top

management is not to cling to outdated concepts and models of transportation, but to embrace and implement policy documents as a whole.

- 1.10 The response to item 3.6 (also item 3.4) as set out in App F10 regarding a simple reduction of speed limit to 80 km/h is similarly inadequate. The RDBAR merely points out that 100 km/h is “recommended”. No facts are provided; no substantive reply is made to the reasonable and simple solution to the safety issue of speed reduction. **As pointed out, a reduction to 80 km/h basically solves all the safety issues. It also results in a minimal increase in commuter time, given that the major delays occur at the intersections.**
- 1.11 To repeat: the comments below were submitted in 2014 and have not been addressed by the Revised RDBAR.

2 Environmental Impact Assessment rather than Basic Assessment

- 2.1 The Environmental Assessment Practitioner (EAP) claims that only a Basic Assessment is needed in terms of Listing Notices 1 and 3 (NEMA Regulations R544 and R546).
- 2.2 Item 1.6 of the IAP comments (Appendix F5 of the DBAR) refers. In this item, attorney Kim Schreuder comments that Activity 18 of Listing Notice 2 (Regulation R545) requiring Scoping and Environmental Impact Assessment rather than a Basic Assessment does apply.
- 2.3 The reply by the EAP to the effect that it does not is based solely on “discussions with DEA&DP and DEA” is inadequate. Activity 18 of LN2 states clearly and unambiguously that

“The route determination and design of associated physical infrastructure . . . if (ii) it is a road administered by a provincial authority”.

This wording clearly applies to the proposed activity of upgrading of the R44 itself; whether it applies to any associated secondary roads or not is irrelevant.

- 2.4 Neither the Environmental Assessment Practitioner (EAP) nor the provincial DEA&DP nor the national DEA has the authority to alter the above wording nor the authority to decide whether it applies to the R44 project or not. Interpretation of the law is the privilege of the judiciary, not of the executive. If there is an existing court judgement ruling on the applicability of Activity 18, the EAP should provide a full reference. If the EAP does not do so, I seriously doubt the veracity of the EAP claim that only a Basic Assessment is needed, and I believe that such claim should be reviewed in the courts.

3 Focus of the DBAR is far too narrow

3.1 Integrated transport planning and management

- (a) **Integrated means INTEGRATED:** The Integrated Transport Plans both of the City of Cape Town and of Stellenbosch Municipality are available and are even cited by the DBAR. Both these plans are unambiguous about the absolute necessity that planning should be **INTEGRATED**. The word **INTEGRATED** is understood by most people as “doing the planning together, not separate”.
- (b) **Terms of Reference are far too narrow:** Rather than heeding the explicit goals and principles of these planning documents, the DBAR and its clients focus solely on a single aspect of the problem, viz. the upgrading of the road by means of large expensive engineering interventions. The very Terms of Reference eliminate all possibility of an integrated study. For example, the Economic Specialist Study starts out with

Other proposals that might improve the free flow of traffic, such as public transport initiatives, have not been considered in this report. These initiatives do possibly have merit but are outside the Scope of Work for this report.

Crucial elements of an integrated approach would include considerations of **public transport, non-motorised transport, spatial planning and encouraging or enforcing changes in commuter behaviour.**

- (c) By excluding these crucial elements, the Specialist Study — and all conclusions based on it — put themselves beyond the explicit goals principles of the national, provincial and local transport planning documents.
- (d) It is understood that such an integrated plan would exceed the capacity of CCA Environmental or the consultant engineers. Yet that is no excuse:
- At the very least, eliminating crucial elements and variables from the study implies that its conclusions are worthless, simply because the alternative (of public transport etc) is not even considered.
 - A simple thought illustrates the idea: Why has the client (the Western Cape Government) not commissioned an alternative study wherein the budget for the estimated costs of R300million to R500million is allocated to a massively expanded public transport system on the route? How can the present conclusions be believed if such alternatives have not been studied?
 - Worse still, should this plan and project, focused as it is solely on roads and motorised traffic, be implemented, it would prejudice and pre-empt proper solutions over years or decades.
 - It is well known, for example, that public transport will become economically viable only if the personal cost of current convenient but unsustainable behaviour of single-occupancy vehicular traffic is raised beyond the perceived cost of using public transport. People have to be PUSHED away from motor cars and PULLED towards public transport. **The proposed intersection and road upgrades would sabotage the necessary PUSH-AND-PULL dynamics for years.**
- (e) Moreover, to be comparable to the present DBAR, the corresponding public transport, NMT, spatial planning etc aspects **should also be extrapolated over the next 30 years** as the DBAR unsuccessfully tries to do. Long-term planning is essential, of course, but it makes sense to plan only for eventualities or cases that are reasonably probable. Likely eventualities include population growth, scarcity in natural resources, better communication technology etc. Economic growth at constant rate over the next 30 years is **not** likely. The evolution over 30 years of most variables is highly uncertain.

The high probability of population growth and scarcity of resources is precisely the reason why planning for public transport should take precedence above coping with the latest traffic jams and accident statistics.

3.2 Speed limit option

- (a) As set out above, I strongly disagree with the inappropriately narrow scope of the DBAR. However, it unfortunately has eliminated viable traffic management options even from that narrow scope. In Section 4.5 (page ix) of the DBAR Executive Summary, we read the astonishing sentences:

Various options were considered early in the conceptual design phase and identified by I&APs and were subsequently discarded as not feasible or reasonable to meet the project requirements and were thus not considered further. These include: ... Reducing speed on the R44 to 60 km/h.

- (b) There are no arguments motivating this and other eliminations from the study and no numbers to back them up. This means that the NEMA competent authority (in this case

the DEA&DP) cannot realistically compare the present recommendations to an alternative based on an overall reduction in speed limit to 80 km/h, as proposed by myself and various other IAPs in previous rounds.

- (c) While the DBAR does propose Average Speed Over Distance (ASOD) measures, these are not the same as the above proposal. The DBAR implies that ASOD will be implemented on an average speed of 100 km/h or even 120 km/h. The ASOD recommendations in the DBAR therefore do not address the above criticism.

4 The economic specialist study (Appendix E6)

- 4.1 As already set out, the economic specialist study starts off with the wrong Terms of Reference and should be dismissed for that reason alone. All the numbers and its conclusions — which form the chief motivation for the main DBAR’s conclusion — are based on the incorrect premise of ignoring crucial policy requirements and eliminating viable alternatives.
- 4.2 It is easy to calculate huge cost benefits due to **Cost of Time** factors. Taking a simple figure such as R156.39 over 30 years rather naively assumes, once again, that important factors would remain constant over 30 years.
- 4.3 The conclusions of the DBAR that grade-separated roundabouts (GSR) are the best options are based on the best BCR score achieved by GSRs. This best score is in turn based on a huge figure of R919.1 million (nine hundred and nineteen million Rand) of purported Cost of Time savings over 30 years. As Table 6-3 in Appendix E6 shows, it is this single R919.1m figure that dominates the conclusions of the economic analysis and hence the conclusions of the entire DBAR. **The entire “best case” made out for grade-separated roundabouts is based on a single very large and very uncertain calculation of Cost of Time benefits extrapolated over 30 years.**
- 4.4 The assumption of 4% traffic growth per year over 30 years is absurd: $1.04^{30} = 3.24$, meaning that this assumption predicts $3.24 \times 33,000 = 107,000$ vehicles per day on the R44 in 2044. That alone should prove that building your way out of trouble is simply not feasible in the long term. But in any case the constant 4% growth assumption itself is dependent on many unwarranted and unprovable underlying assumption e.g.
- that people will continue to use family-owned vehicles at an occupancy rate of 1.77 persons,
 - that the economy will continue to grow at a rate which will support more and more vehicles on the road,
 - that the fuel price will remain constant rather than rising to a level which renders daily commuter journeys between Somerset West and Stellenbosch in low-occupancy vehicles economically unviable,
 - that no one will switch from cars to public transport,
 - that the percentage of people working from home via ADSL or such will remain the same,
 - that population growth will continue at the same percentage as in 2014, etc etc etc.

The specialist study itself shows that **the Sensitivity Analysis in Section 6.4.3.4 shows that the economic benefit of GSRs shrinks to 0.6 if you take away the unwarranted 4% growth assumption.**

- 4.5 The fact that an average 4% growth rate has been observed in the past is **not** a proof that it will continue in the future.
- 4.6 The absurdity of the specialist study conclusions can be seen from the following viewpoint: the grade-separated roundabout (GSR) option will increase traffic and this in turn will increase the economic value of the GSR option. This is just a convoluted way of rephrasing what has long

been known, namely that increasing road capacity and increased traffic create a vicious circle, which in the present study is – absurdly – termed a good thing because of the increased BCR.

- 4.7 The traffic growth sensitivity analysis should have looked at a traffic **reduction** case also. Traffic **reduction** is the aim and solution when proper integrated transport is implemented. When public transport works, we shall not need the expensive roundabouts.

K Ignoring Integration: 2013 reply to Izak Fourie's comments

Corridor Study on R44 and Bredell Road Upgrade

NO.	ISSUE	NAME	METHOD	COMMENT	RESPONSE
5.5		Aubrey Stevens – Stellenbosch Municipality	2013.03.22 ✚	<p>Past solutions I have been a professional civil engineer for nearly 20 years and was also involved the past 16 years (as part of our Municipalities provincial road agency function for Province) with input from various technical role players (all with very good solutions) and all well received by the adjacent property owners and the public and politicians. These solutions varied from signalisation intersections on this section of the R44 that warranted signalisation, road safety awareness campaigns that included increased law enforcement, relocating/upgrading private accesses when evaluating new applications for change in land use, etc. Unfortunately, the reality the past 16 years was that the traffic safety impacts of all of these solutions were short term, therefore only bringing temporary relief.</p> <p>To address the dangerous traffic movements at the many farm median crossings present on a permanent basis, the engineering solution that was presented is to my knowledge the only one available without affecting the existing rights of the property owners regarding access and business.</p> <p>The responsibility of the Road Authority and political office bearers are therefore to ensure that the voices (and rights) of the current 30 000 daily road users and future (fast growing) road users are also heard and protected not forgetting to try and minimise any negative impact on the environment during construction and after completion of the proposed farm median crossing interventions.</p>	<p>Note that the proposed project takes into account future planning for a 30 year horizon.</p> <p>Alternatives were considered not only in terms of the impact on road users but also in terms of the impact on adjacent directly affected landowners.</p>
5.6	Traffic planning	Izak Fourie - Stellenbosch Municipality Councillor Ward11	2013.02.27 ✚	<p>It is a fatal flaw that the project is planned in isolation and not as an integral part of the complete traffic plan in and around Stellenbosch. That makes it unaffordable.</p> <p>From the answers provided it is clear that the persons who provided the answers have no knowledge of the rest of the traffic planning.</p>	<p>While government departments aim to have co-operative governance between the various departments, it is not always a reality and practically implementable. The DTPW is proposing to undertake the improvements along the R44 which falls under their jurisdiction. Urban roads in and around Stellenbosch falls under the jurisdiction of the Stellenbosch Municipality. Government funding is available for the proposed project. However, no funding has been applied for or provided for additional measures under municipal jurisdiction. The Stellenbosch Municipality are being involved in the proposed project – as such this project should inform future municipal planning.</p> <p>Traffic planning is being undertaken at a level appropriate to the proposed project. This project can unfortunately not take into account traffic of the greater Stellenbosch and Somerset West areas.</p>

CCA Environmental (Pty) Ltd

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Comments Report - BID

L Letter by Municipality to CCAE, 2014-05-28



STELLENBOSCH MUNICIPALITY STELLENBOSCH·PNIEL·FRANSCHHOEK

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Date/Datum: 28 May 2014

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Attention: Elizabeth Dudley

PROPOSED IMPROVEMENTS TO THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH: (DEA&DP REF. NO.: 16/3/1/1/B4//45/1005/13): COMMENTS ON PROPOSED IMPROVEMENTS OF THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH

1. EXECUTIVE SUMMARY

The proposed improvements to the R44 between Somerset West and Stellenbosch, as per project proposal DEA&DP REF. NO.: 16/3/1/1/B4//45/1005/13 and the basis of this response, are not supported by the Stellenbosch Municipality. It is our considered view that the proposed circles are inappropriate for the area, not in line with integrated planning principles and not the best utilisation of resources for our area. The impact of the proposal will also, in our view, damage the unique cultural landscape and harm the well-developed tourism economy of the area. The long term function of the road on a regional and local context needs to be agreed upon before the proposed solutions can be evaluated. The economic viability and impact of public transport on the functionality of the R44 needs to be investigated as a potential long term solution.

It is hereby requested that this project be postponed until integrated transport planning has been done for the functional area and that solutions for the median crossing problem be evaluated with the long term vision as a basis. We make ourselves available for discussion in this regard and would recommend that the City of Cape Town be part of the discussion group.

2. INTRODUCTION

The Western Cape Government (WCG): Department of Transport and Public Works (DTPW) has initiated the planning of a project for the improvement of safety conditions on the R44 from Somerset West to Stellenbosch, by considering farm access median crossing interventions. As part of the consultative EIA (BAR) process, comments and inputs have been requested from interested and affected parties and role-players. The Municipality of Stellenbosch, as local municipality responsible for “municipal planning” in the WC024 area, as contemplated in Schedule 4B of the Constitution of South Africa, 1996 and primary role-player in the provincial context, provides input in this regard as set out below.

As stated in the BAR, the Western Cape Government (WCG): Department of Transport and Public Works (DTPW) is proposing safety and Level of Service (LOS) improvements along Main Road 27 (R44) between Somerset West and Stellenbosch. The project study area extends from Steynsrust Road (Km 20.15) in Somerset West to Van Rheeede Street (Km 33.00) in Stellenbosch.

In the *Background* to the Proposed Project, it is stated inter alia that:

- 2.1 The R44 is predominantly a high speed mobility corridor that forms a strategic link between Somerset West and Stellenbosch at a regional transport planning level.
- 2.2 The road is a dual carriageway that has a number of intersections where side roads join via un-signalised or signalised intersections. Private properties abutting the R44 have direct access onto the R44. There are also many median openings which provide access between the two carriageways of the R44.
- 2.3 Traffic volumes have increased significantly resulting in congestion along the R44, and increase in delays, queuing and a decrease in level of service. Road safety is a major concern to commuters as there are a significant number of accidents taking place on the route.
- 2.4 The numerous median openings and accesses, as well as right turns and the frequently observed U-turns across heavy opposing traffic volumes are posing an increasing risk. The access spacing of most of the driveways and corresponding median openings are deemed to be substandard in terms of the Provincial Road Access Guidelines.
- 2.5 Development pressure along the R44 and in the adjacent areas has resulted in many new developments being approved and developed over time. Traffic associated with these land uses contribute to an increase in traffic and dangers associated with the use of substandard accesses and median openings.
- 2.6 The approach to deal with safety problems was undertaken in a piecemeal way in the past whilst a holistic approach to the problem is required. The main intersections along the R44 where secondary roads including Winery, Eikendal, Annandale and Techno Park intersect with the R44, were dealt with in isolation and did not consider the overarching implications on the R44.

3. STATEMENT OF PRINCIPAL POSITION:

The Municipality of Stellenbosch, as its principal viewpoint, provides comment and input as follows:

- 3.1 There is no long-term integrated strategic plan available regarding the transport planning approach and transportation issues directly related to the broader area. Various plans, policies and documents refer to broader principles, including a focus on public transport and non-motorised transport, rural development criteria, etc., but there is no resultant implementation plan regarding this corridor.
- 3.2 This fact as stated above, is reflected in one of the basic assumptions of the study (see point 1 in the Background to the Proposed Project section above), where the premise is that *“The R44 is predominantly a high speed mobility corridor that forms a strategic link between Somerset West and Stellenbosch at a regional transport planning level”*. This premise is contested by the municipality and is discussed in more detail later.
- 3.3 The scale and context of the proposed intervention is considered to be inappropriate. It is the view that this opinion will be borne out in a long-term strategic planning intervention for the greater area. This will be discussed further in relation to the environmental and economical impacts.
- 3.4 Within this context, the proposals are deemed to result in the inefficient application of financial resources, due to the inappropriate scale but also due to the sub-optimal timing of the project and proposed expenditure.
- 3.5 Within the regional context, the proposed project is not considered as the highest priority, especially given the potential financial scale and the limited availability of funding, and the view is held that the resources can be applied more strategically in relation to transport needs for the area, with better long-term benefits.
- 3.6 The improvements will have a negative impact on the traffic in Stellenbosch. This impact needs to be investigated and solutions found.
- 3.7 The proposed interventions will have a negative impact on the environmental quality of the area and will harm the economy of the area that is heavily dependent on farming and tourism.
- 3.8 The Provincial Spatial Development Framework and the Municipality’s CIP advocate the need to improve public transport to make towns and cities more efficient and to reduce transport problems. The roll-out of public transport from Somerset West to Stellenbosch should be investigated and incorporated in this project.
- 3.9 The proposals are not in line with current Provincial and Municipal policy.
- 3.10 While extensive comment is provided below, the Municipality requests to discuss these inputs in depth with the relevant authorities and project teams, in relation to the wider impacts and need for strategic planning.

4. BACKGROUND

- 4.1 The current situation and proposed remedy as suggested by WCG is based on the resolution of safety issues relating to the proliferation of level crossings and farm access points on the R44, which is a 4 lane dual-carriageway construction.
- 4.2 The proposal for grade-separated roundabouts originated from the need to provide opportunities for road-users to cross one of the carriageways on the R44 to access the lanes in the opposite direction, due to the elimination of level-crossing accesses. The safety situation is also exacerbated by the potential for high prevailing speeds on the road.
- 4.3 There is a need for a *mobility* focused route in the area, to promote ease of commuting, efficient delivery of goods and addressing medium- to long-distance travel needs on the provincial network.
- 4.4 There is also a need for a local distributor route, focused on *access* to farms, tourism facilities and transport of a localised nature.
- 4.5 The situation on the R44 South is a direct symptom of the clash between the above-mentioned two core needs, which are being provided for (attempted to) on one shared roadway.
- 4.6 Any proposals to deal with the symptomatic situation should be done with due consideration of, and inputs from, the wider transport planning needs assessment.
- 4.7 Stellenbosch municipality is the local municipality responsible for planning and managing the WC024 municipal area in which the study area falls. A number of provincial roads dissect the municipal areas such as the R44, R304, R310, R101 and M12. Without exception all these Provincial Roads pass through Stellenbosch Town and culminates in a single road in the form of Adam Tas Road. All traffic to, from and through the town of Stellenbosch passes through this narrow corridor which is essentially a double carriageway with two lanes in both directions.
- 4.8 The Western Cape Government (WCG): Department of Transport and Public Works (DTPW) has progressed substantially in investigating and preparing Arterial Management Plans (AMPs) for each of the roads. The proposals for all of the roads follow the same pattern where the road is upgraded to the same standard as the R44
- 4.9 While the AMPs and upgrades of the arterials are planned, no consideration was given to the impact into and through the town, despite these routes being provincial roads. The management of these provincial routes impacts heavily on Stellenbosch and its transport operations, as well as on the overall environment.

5. MOTIVATION

The following motivation is provided in support of the statements made in the Principal Position. These arguments are not exhaustive and further input can be provided in the requested detail discussions.

5.1. Planning Principles

- 5.1.1 Should the R44 and other provincial roads be classified as regional roads with a much wider service area than WC024, it flows logically that mobility along the roads will be of paramount importance. However, in order to maintain good mobility along the routes, the planning and functioning of the towns through which these roads go will be impacted on severely as the roads in essence cut the towns in halves, thirds or quarters, leading to a dysfunctional, segregated and a structurally flawed urban form.

Seemingly therefore, despite the declared intention of the authors of the report to look at the planning of the road holistically, the piecemeal approach to the problem is inadvertently continued with by only investigating a portion of the road between Somerset-West and Stellenbosch. Ironically it therefore fails to look at the role and functioning of the road holistically.

- 5.1.2 In light of the above, it is argued that the planning of the road impacts on the competency of the local municipality responsible for “municipal planning” as contemplated in Schedule 4B of the Constitution of South Africa, 1996. This argument is based on the fact that the road planned by the DTPW has a direct impact on the planning, functioning and servicing of the local municipal area which cannot but align to the regional road.

- 5.1.3 The Provincial Spatial Development Framework (PSDF) was approved by Cabinet on 9 May 2014 and reflects the broad development pattern and development strategies of the Western Cape including the Winelands area. This policy document took into account the long term vision for transport in the Western Cape as explained in the Western Cape Provincial Land Transport Framework (PLTF) (2013).

- 5.1.4 The PLTF sets out a long term vision for transport in the Western Cape. The PLTF's targets are inter alia that by 2050 the transport system in the Western Cape will have:

- i. Fully Integrated Rapid Public Transport Networks (IRPTN) in the higher order urban centres of the Province;
- ii. Fully Integrated Public Transport Networks (IPTN) in the rural regions of the Province;
- iii. A safe public transport system;
- iv. A well maintained road network; and
- v. A sustainable, efficient, high speed, long distance rail network (public and freight transport) with links to the Northern Cape, Gauteng and the Eastern Cape.

- 5.1.5 The PSDF further applies a number of important guiding principles relevant to this report, one of which is the principle of accessibility. This principle of accessibility is explained in the PSDF (paragraph 1.5.4 page 22) as follows:

Improving access to services, facilities, employment, training and recreation, and safe and efficient transport modes is essential to achieving the stated settlement transitions of the NDP and OneCape 2040. Accessibility is also defined by convenient and dignified access to private and public spaces for people with impaired mobility. Good and equitable access systems must prioritise the pedestrian, as well as provide routes for bicycles, prams, wheelchairs and public transport. An accessible system will offer a choice of routes supporting these modes and safe connections between places and communities. Visual access implies direct sight lines or unfolding views, signs or other visual cues, and being able to see other people - all of which help in negotiating places.

- 5.1.6 The PSDF also builds on ONCAPE 2014's vision of "a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society". Relevant to this vision are the themes of:

- i. Working Cape: There are livelihood prospects available to urban and rural residents, and opportunities for them to find employment and develop enterprises in these markets.
- ii. Connecting Cape: Urban and rural communities are inclusive, integrated, connected and collaborate.
- iii. Living Cape: Living and working environments are healthy, safe, enabling and accessible, and all have access to the region's unique lifestyle offering.

- 5.1.7 More importantly, the spatial logic underpinning the PSDF (Table 8 page 34) calls for improving connectedness between rural and urban land uses with a view to broaden opportunities and widen access to the economy and other social infrastructure.

- 5.1.8 The PSDF is otherwise silent on the role and function of the R44. It does not identify the provincial roads within the WC024 as regional connectors/distributor roads. The focus was rather placed on a significant investment in public transport and NMT and not in roads.

- 5.1.9 It is a common understanding that a much greater focus be put on, not only the development of public transport and Non-Motorised Transport (NMT) in urban but also in rural areas. Due to a fairly large dependency on manual labour a large number of pedestrians make use of the verges of the provincial roads such as the R44.

- 5.1.10 In addition, cycling as a sport has grown tremendously over the last 10 years. The R44 is one of the main routes used by cyclist for recreation and exercise. A growing number of commuters are also reverting to cycling between Somerset-West and Stellenbosch. The effort by DTPW would be vastly more effective and affordable by investing in a proper NMT network that improves the safety of pedestrians and cyclists along the route.

It would also have the benefit that it will complement the cultural landscape, connect rural residents with the towns and improve tourism.

- 5.1.11 Farming along the R44 is almost exclusively dedicated to vineyards. During harvesting season a large number of slow moving farm vehicles use the road contributing to the conflict between slow moving local traffic and fast moving commuter traffic. By improving mobility and traffic flow to an even greater speed, conflict will increase unless separate service roads are developed on both sides of the R44. Although this alternative would address the problem, the visual impact of such additional roads together with the existing double carriageway, would be disastrous for the aesthetic appeal of the landscape and ultimately damage the economy of the region.
- 5.1.12 The PSDF accepted as a policy that, after the cities of Cape Town and George, that Paarl and Stellenbosch are targeted for the next phase for the role-out of urban public transport systems.
- 5.1.13 From an economic perspective the PSDFG recognizes the importance, significance and sensitivity of the cultural landscape of the Winelands and particularly this part of WC024. Due to the scenic beauty of the area the principle to protect scenic routes within this area was recognised. The R44 between Somerset-West and Stellenbosch and the Baden Powel Road were identified as primary scenic routes to be recognised and hence protected.
- 5.1.14 The Municipal Spatial Development Framework (MSDF) and the Draft Integrated Zoning Scheme Regulations highlights the Provincial Roads in the WC024 area, including the R44, as scenic routes that warrants special protection and particularly limits development of structures within a 100 meters area from the road reserve.
- 5.1.15 The contribution of the Winelands to tourism in the WC024 area and the Western Cape cannot be ignored. Much of the attractiveness of the Winelands stems from the scenic beauty of the area. The Cape Winelands is internationally recognised as an area of exceptional attractiveness and environmental importance as is evident with the officially declare UNESCO Winelands Biosphere Reserve. In addition, the Winelands was preliminary declared an UNESCO Cultural Landscape which application is proceeding with a hope to officially obtain a UNESCO declaration for the area. The construction of inappropriately scaled structures as proposed will not assist the application that is currently being prepared.
- 5.1.16 Despite the mitigating measures proposed by the report, the impact on the quality of the environment is still unacceptable and will have a detrimental effect on tourism and thus the economy. Any attempt to pursue the declaration of the Winelands as a cultural landscape in the event that the upgrading proceeds will be scuppered. This will have a severe dampening effect on the economy by eroding the competitive advantage of the area and in the long run, the economy.

5.2. Transport Principles

- 5.2.1 Should the section of the R44 between Somerset-West and Stellenbosch function as a strategic link at a regional transport planning level the proposed upgrading of the

intersections at key intersections along the R44 (Study area) will not have any effect on mobility on a regional scale unless the portion of the provincial roads within Stellenbosch Town is significantly upgraded. Congestion along the R44 will simply relocate to Stellenbosch town. Mobility along a transport corridor is determined by the LOS of all the intersections. By ignoring the section through Stellenbosch Town, the regional mobility of the routes is severely constrained.

- 5.2.2 The above observation brings into question the function of the R44 as a regional distributor vis-a-vis a municipal distributor that functions as a road that mainly services the WC024 municipal that includes the urban built up areas such as Stellenbosch, Koelenhof, Vlottenburg, Lynedoch, Jamestown etc. as well as rural properties and active farms.
- 5.2.3 Not only does the R44 form an integral part of the road network that services all the properties, farms and development adjacent to it, it is the only infrastructure available to do so. The view is held that the road was originally mistakenly designed at a much higher standard than required which resulted in conflicts amongst the different road users and pedestrians originating from the farms along the route. In light of the increase in vehicle traffic as well as the normal development of the rural area together with farming practises, the risk to road users have increased substantially. The response required to address the risk should however be appropriate for the functioning of the road as in context of its use.
- 5.2.4 The apparent view of DTPW that the R44 acts as a regional distributor can only be substantiated if alignment and planning of the provincial roads that function as regional distributor, which passes through the WC024 area, is evaluated holistically. In this regard such a route would essentially connect the N2 with the N1, possibly further to the north. The functioning of such a route would be restricted to a high speed mobility route connecting regional sub centres and not as a local distributor.

The CITP completed by the municipality in 2010 recognised that mobility along such a route is important and proposed a by-pass to the west of Stellenbosch connecting the N2 with the N1 and excluding the urban area of Stellenbosch town. Admittedly, the impact and planning of such a route is an expensive and long process but will assist in deciding the functioning and future LOS of roads such as the R44. This argument in the CITP strengthens the municipality's principal view as stated at the start of this document.

- 5.2.5 The view is held that the proposed grade separated roundabouts pre-empt the need to improve the mobility and the conflicts that are experienced on the R44, particularly at the important intersections. Should a regional road network that functions as a regional distributor and not as a local distributor be envisaged, the proposed improvements could be viewed as an unnecessary and an exceptionally costly intervention.
- 5.2.6 From other studies and proposals that DTPW is currently involved in, it is clear that the grade separated intervention proposed in this study is also proposed elsewhere on provincial roads within the WC024 area pointing to a general acceptance that the current local distribution network is planned as an exclusive regional distributor.

- 5.2.7 The original design of the R44 South, i.e. as 4-lane dual-carriageway, is considered to have been excessive, i.e. this contributed to the perception that this is a high speed road, similar to a freeway, with little local functionality. The BAR indeed refers to the road as a “predominantly a high speed mobility corridor”. This perception has been strengthened over the years and the current approaches focuses on solutions to promote or protect this overly accentuated mobility role.
- 5.2.8 This design “flaw” is a main contributing factor to the current situation, i.e. that the local traffic and the current road use are incompatible, leading to safety issues. This is considered as a core issue in this debate. The safety issue is a symptom of the core-issue.
- 5.2.9 As stated above, there is a direct clash due to the differing needs of mobility vs. access, with their different traffic flow-characteristics.
- 5.2.10 The aim of the proposed intervention, i.e. to eliminate this conflict as at the multiple level-crossing access points, is supported.
- 5.2.11 The proposed solutions, i.e. grade-separated roundabouts, in conjunction with the closing of median crossings, are aimed at addressing the symptoms as discussed above and are not viewed as addressing the core-problem. The focus of remedying the safety situation originating from the level-crossings does not address the need for a mobility-route which is not in conflict with an access-route. Provincial policy advocates the promotion of accessibility as opposed to a mobility-focus.
- 5.2.12 It is believed that the core solution to the problem is the establishment of a provincial/regional mobility-focused link to accommodate regional traffic.
- 5.2.13 This will reduce the functioning of the existing route to a local distributor with an access focus, which will operate at lower speeds.
- 5.2.14 These two routes can then operate independently and mutual access can be provided at controlled points.
- 5.2.15 This system is widely used nationally and internationally, and even in the immediate vicinity.
- 5.2.16 There is an urgent need to plan and provide the provincial road as referred to, which is not currently provided for on any budgets. Any work done now, to directly address the symptoms as discussed, will to a great extent be wasteful in the long run, and not contributing to the overall solution.

Irrespective and in addition to any inputs provided above, further inputs relating to the specific design elements as considered, are as follows:

- 5.2.17 The apparent scale of the proposals at the Annandale Road intersection of the R44 is considered inappropriate. It is also our contention that the illustration of the interventions is not entirely correct and does not give a true indication of reality.
- 5.2.18 While the merits of the proposals, when considered purely in terms of its ability to provide opportunity for turning movements to enable the objectives of the Access Management Plan is understood, the overall scope and extent of the proposals are considered to be entirely inappropriate.
- 5.2.19 Design elements do not only have to address technicalities and engineering related factors, but has to consider impacts in terms of the environment, economy, heritage, spatial factors, etc. Cost implications have to consider total life-cycle costs, which has to include economic impacts, etc.
- 5.2.20 It is contended that such life-cycle costing should include the long-term costing in terms of the overall transport solution (see previous points), the real threat of the negative impact on tourism and agriculture, the potential destruction in terms of the environment, the visual impact (natural beauty and sense-of-place), etc.
- 5.2.21 While this project focuses on the situation as described above, there is a need for wider consideration of the broader transport environment, which has a direct and negative impact on the traffic/transport situation in the functional area of Stellenbosch.
- 5.2.22 It is the considered view, which has been communicated before, that the provincial road network needs to be improved to include a regional/provincial link between the N1 en N2 to the eastern perimeter of the metropolitan impact area, i.e. in the vicinity of Stellenbosch, in response to the mobility needs.
- 5.2.23 Any interventions planned should be assessed in relation to the Provincial Integrated Transport Plan, Provincial Transport Policy and local Comprehensive Integrated Transport Plan and Spatial Planning Frameworks.
- 5.2.24 While private road-based transport and freight transport will always be required, the provincial goals of improved public transport for example, will have the effect of reducing this need. While the assessment states that these policies and documents have been considered, these elements are seemingly not being considered adequately in this proposal, and no discussion is provided into the broader context.
- 5.2.25 The Municipality of Stellenbosch is of the view that the comments on the current project proposals can only be considered in relation to this broader transport and planning context within the area and therefore the discussions and inputs that follow is provided in this context.

6. ALTERNATIVES

- 6.1 The view is held that not sufficient attention has been paid in discussing potential and appropriate alternatives.

- 6.2 Only localised alternatives seem to have been considered, e.g. a normal at-grade roundabout and signalised intersections. Broader alternatives were not considered adequately. Reference is made in the Executive Summary to alternatives considered and rejected, but there is no discussion of the reasons for the rejection. The view is held that these alternatives must be more fully considered, and that the cost-benefit analysis should be done with due consideration of long term life-cycle costs and impacts.
- 6.3 While it is not the role of this municipality or any external role-players to provide solutions, it is felt that other alternatives could have been considered. These include mechanisms to reduce the volume and speed of existing traffic (public transport options, localised rail provision), completion of the provincial mobility network to refocus the current roadway to an access function, service roads, etc.
- 6.4 Even if a purely engineering driven solution is to be found, there is no requirement for a turning facility to have to be within an existing intersection. Roundabouts could be considered at less sensitive loose-standing positions. Even semi-circular turning facilities (i.e. one direction only at a time) could have been considered with a much smaller footprint and in geographically beneficial positions. These ideas are not put forward as solutions; it is only to show that other concepts are available for consideration.
- 6.5 In the view of this municipality, the preferred solution lies in the establishment of an appropriate network addressing the mobility need as well as the access need, preferably separately. The best way to make use of the existing dual carriageway infrastructure should be considered in unison with a planned extended provincial mobility network and by providing parallel access-based infrastructure. This must be done with due consideration to environmental, spatial and heritage parameters.
- 6.6 Given the potential scale and cost of proposals, and given that there is a serious and identified need for a broader approach, alternatives should be an investment into the best long-term solution.

7. CONCLUSIONS

- 7.1 The current high traffic volume along the R44 is not disputed. Nor is the risk imposed by conflict between local traffic, commuter traffic, pedestrians and cyclists.
- 7.2 What is disputed however is the view that the R44 (and other provincial roads such as the R304) forms the backbone of a regional transport network necessitating the investment on drastic interventions such as are proposed in the report. It is this authority's view that such a decision cannot be made as it will be interpreted as a piecemeal approach to transport planning unless a comprehensive study is undertaken to distinguish between local roads serving the rural community and regional roads aiming at providing a high level of mobility. Such a study was not undertaken yet and would be well worth the while to consider.
- 7.3 It is also argued that the proposed grade separated roundabouts is an inappropriate intervention that will have a detrimental impact on the scenic quality of the area and cultural landscape ultimately hurting the local economy significantly.

- 7.4 This municipality also holds the view that a significant investment in public transport and NMT is not only a more sustainable alternative but is official policy of the Provincial Administration.
- 7.5 Stellenbosch Municipality, in its capacity as Planning Authority, partner in managing the road networks, major provincial destination and tourism capital, objects to the proposals on the grounds of the inappropriate scale of the proposals and the potential negative impacts on wide range of functions.
- 7.6 The view is held that a comprehensive solution regarding transport issues, within the terms of reference of the Provincial and Local IDPs and sector plans, and in terms of exemplary co-operative governance, should be found.
- 7.7 To this end, it is requested that an opportunity be created for direct discussion on the highest level, in this regard.

We are confident that you will entertain our arguments in order to facilitate an integrated solution that will best suit the Stellenbosch community for the next 50 years.

Yours faithfully



Martin Smuts, Executive Deputy Mayor
Written as Chair of the Transport Working Group

Copies to:

1. Minister of Provincial Transport
2. Minister of Provincial Tourism
3. Minister of Provincial Finance
4. Minister of Provincial Agriculture
5. Head of Department - Ms Jacqui Gooch
6. Transport for Cape Town - Ms Melissa Whitehead

M Letter by Municipality to CCAE, 2016-04-12



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Our Ref/Ons Verw: 16/3/42
Your Ref/U Verw:

Date/Datum: 12 April 2016

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Attention: Jonathan Crowther
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PROPOSED IMPROVEMENTS TO THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH: (DEA&DP REF. NO.: 16/3/1/1/B4//45/1005/13): COMMENTS ON REVISED BASIC ASSESMENT REPORT

Your letter dated 26 February 2016 refers.

1. EXECUTIVE SUMMARY

The Stellenbosch Municipality considered your revised Basic Assessment Report. It is our view that the content of our letter dated 28 May 2014 is still appropriate. The proposed improvement scheme is not supported by the Municipality. It is our considered view that the proposed upgrades are inappropriate for the area, not in line with integrated planning principles and do not consider the priority transport problem in our area.

The impact of the proposal will also, in our view, damage the unique cultural landscape and harm the well-developed tourism economy of the area. The long term function of the road on a regional and local context needs to be agreed upon before the proposed project can be considered.

It is again hereby requested that this project be postponed until integrated transport planning has been done for the functional area and that solutions for the median crossing problem be evaluated with the long term vision as a basis.

2. STATEMENT OF PRINCIPAL POSITION:

The Municipality of Stellenbosch in its letter dated 28 May 2014 stated the following viewpoint and would like to reiterate that view:

- 2.1 There is no long-term integrated strategic plan available regarding the transport planning approach and transportation issues directly related to the broader area. Various plans, policies and documents refer to broader principles, including a focus on public transport and non-motorised transport, rural development criteria, etc., but there is no resultant implementation plan regarding this corridor.
- 2.2 This fact as stated above, is reflected in one of the basic assumptions of the study (see point 1 in the Background to the Proposed Project section above), where the premise is that *"The R44 is predominantly a high speed mobility corridor that forms a strategic link between Somerset West and Stellenbosch at a regional transport planning level"*. This premise is contested by the municipality.
- 2.3 The scale and context of the proposed intervention is considered to be inappropriate. It is the view that this opinion will be borne out in a long-term strategic planning intervention for the greater area.
- 2.4 Within this context, the proposals are deemed to result in the inefficient application of financial resources, due to the inappropriate scale but also due to the sub-optimal phasing of the project and proposed expenditure.
- 2.5 Within the regional context, the proposed project is not considered as the highest priority, especially given the potential financial scale and the limited availability of funding, and the view is held that the resources can be applied more strategically in relation to transport needs for the area, with significantly higher long-term benefits.
- 2.6 The improvements will have a negative impact on the already congested traffic flows in Stellenbosch. Only by conducting an integrated investigation on a broad basis can potential solutions to the area wide issues be identified and evaluated on their merits.
- 2.7 The proposed interventions will have a negative impact on the environmental quality of the area and will harm the economy of the area that is heavily dependent on farming and tourism.
- 2.8 The Provincial Spatial Development Framework and the Municipality's CIP advocate the need to improve public transport to make towns and cities more efficient and to reduce transport problems. The roll-out of public transport from Somerset West to Stellenbosch should be investigated and incorporated in this project.
- 2.9 The proposals are in direct contravention of current Provincial and Municipal policy.

You are requested to consider these principles in relation to the motivation that was provided in our 28 May 2014 letter.

3. CONCLUSIONS

- 3.1. Regional priorities must be considered as part of the overall approach with an emphasis on the consideration of the current traffic situation within Stellenbosch and its surrounds. This should be done as part of the shift towards sustainable transport as is required in terms of National, Provincial and Municipal policies, strategies and frameworks. This will require Public and Non-motorised Transport forming an integral part of any project planning and implementation process.
- 3.2. Any upgrade to this section of the R44 should thus be incorporated in the development of an integrated approach to transport planning including a comprehensive public transport service serving the broader Stellenbosch area and surrounds.
- 3.3. Full consideration should also be given to appropriate Non-motorised Transport facilities. This must recognise the multifaceted nature of NMT in the area, especially regarding cycling with its many profiles – commuter, recreational (including tourism) and sports which may require differing facilities.
- 3.4. Given the above, the Basic Assessment is inadequate for a project such as this which has major regional implications not only from a sustainable and safe transport perspective but also socioeconomic and environmental perspectives.
- 3.5. This scheme as currently envisaged is not supported.

4. RECOMMENDATIONS

- 4.1. The overall strategy to these upgrades should be reconsidered in conformance with policy and legislation as part of an integrated planning approach for Stellenbosch Municipality and its surrounds.
- 4.2. Consideration be given to immediate interim measures focussed on improving safety along the route. This should include high visibility, continuous and active enforcement. In this regard the proposal for “Speed over Distance” enforcement should be implemented with immediate effect.
- 4.3. The overall strategy must include an alternative second access to Jamestown and make provision for public transport pick up points to create linkage between rural and urban communities and opportunities.

We look forward to being able to contribute in any way to ensuring that the appropriate studies are conducted and concepts and designs are considered.

Please liaise with our Acting Director: Engineering Services, Mr Marius Wust, should you require more detail or to set up an engagement.

Yours faithfully



RICHARD BOSMAN
ACTING MUNICIPAL MANAGER

Copy to:

1. Minister of Transport
2. Head of Department - Ms Jacqui Gooch
3. The Commissioner, Transport for Cape Town - Ms Melissa Whitehead

N Letter by Municipality to DTPW, 2016–11–15



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Our Ref/Ons Verw: 16/3/4/2
Your Ref/U Verw:

15 November 2016

Department of Transport and Public Works
Western Cape Government
Private Bag X9185
CAPE TOWN
8001

Attention: Mr Len Fourie

Dear Sir

PROPOSED IMPROVEMENTS TO THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH: REVISED STELLENBOSCH MUNICIPALITY'S POSITION

The meeting of 15 November 2016 between the Western Cape Government, represented by Minister Donald Grant and HOD Len Fourie and the Municipality of Stellenbosch represented by Executive Mayor Gesie van Deventer, Mayco councillor Jan de Villiers, Acting Municipal Manager Dupre Lombaard and Acting Director Infrastructure Willem Pretorius on issues pertaining the interaction between the two entities has reference. Due to the current standing of the municipality's reaction to the BAR of the R44 safety improvements it was crucial that common ground be found on this matter in order for Province to move positively forward in implementing their plans on the R44.

Background

Over the last few years since 2011, a total of **1469** accidents occurred on the roads between Somerset West and access to Welgevonden on both the R44 and the R304 west of Welgevonden. Of these accidents, 436 (29%) occurred on the rural section between Stellenbosch and Somerset West. The balance of the accidents on the provincial road system through Stellenbosch (71%) occurred in the built up area of Stellenbosch. It therefore remains a challenge for Stellenbosch to reduce the traffic congestion and high accident rates on provincial roads within Stellenbosch. If the number of accidents is expressed per km travelled in the urban and rural sections of the provincial roads, the figures are 39 accidents/km on R44 south of Stellenbosch and 115 accidents/km on the R44 provincial road in Stellenbosch. It is thus clear that the accident situation on the provincial roads within Stellenbosch is three times worse than on the R44 south of Stellenbosch. The Stellenbosch municipality would therefore support any assistance in addressing this serious road safety situation. The original "non-support" of the BAR for the R44 was based on these figures and through the meeting and discussion of the broader planning principles it was realised that the support of the BAR of the R44 could indeed be connected to the possible solution to the regional problem in the form of the Western by-pass that will allow for the 40% through traffic to not enter the congested situation within Stellenbosch and reduce the risk of accidents.

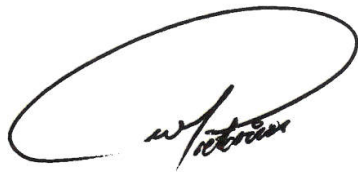
Western Bypass concept

Stellenbosch adhered to the challenge in determining the route for this Western bypass and appointed a consulting team to do the preliminary feasibility and layout of this crucial route. A proposed route layout and planning principles were tabled at the meeting and it was agreed that it would definitely influence the final decision on the R44 safety initiatives from Province and the request was for the municipality to involve province in the planning stage in order for them to effectively take over at a point in time to finalise the design of the road. The "shifting" of the Annandale intersection with the R44 towards Stellenbosch also needed a relook after the concept of the Western Bypass indicated that the entire road network in that vicinity would benefit from this move.

Based on the positive discussions around the Western Bypass and how this road would alleviate various traffic problems on the R44 in and around Stellenbosch the Municipality decided to recall their initial non-support of the BAR and commit themselves to working together with Province in achieving a functional and safe road network in and around Stellenbosch

Please do not hesitate to contact the undersigned should you require any further information.

Kind Regards



Willem Pretorius (Pr Eng, PMP)
Acting Director: Engineering Services

H:\Correspondence - 20160902 Letter Proposed Improvements to the R44

O Letter by Municipality to DTPW, 2016–11–23



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Our Ref/Ons Verw: 16/342
Your Ref/U Verw:

23 November 2016

Department of Transport and Public Works
Western Cape Government
Private Bag X9185
CAPE TOWN
8001

Attention: Mr Lenn Fourie

Dear Sir

PROPOSED IMPROVEMENTS TO THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH: REVISED STELLENBOSCH MUNICIPALITY'S POSITION

The meeting of 15 November 2016 between the Western Cape Government, represented by Minister Donald Grant and HOD Lenn Fourie and the Municipality of Stellenbosch represented by Executive Mayor Gesie van Deventer, Mayco councillor Jan de Villiers, Acting Municipal Manager Dupre Lombaard and Acting Director Infrastructure Willem Pretorius on issues pertaining the interaction between the two entities has reference. Due to the current standing of the municipality's reaction to the BAR of the R44 safety improvements it was crucial that common ground be found on this matter in order for Province to move positively forward in implementing their plans on the R44.

Background

Over the last few years since 2011, a total of **1469** accidents occurred on the roads between Somerset West and access to Welgevonden on both the R44 and the R304 west of Welgevonden. Of these accidents, 436 (29%) occurred on the rural section between Stellenbosch and Somerset West. The balance of the accidents on the provincial road system through Stellenbosch (71%) occurred in the built up area of Stellenbosch. It therefore remains a challenge for Stellenbosch to reduce the traffic congestion and high accident rates on provincial roads within Stellenbosch. If the number of accidents is expressed per km travelled in the urban and rural sections of the provincial roads, the figures are 39 accidents/km on R44 south of Stellenbosch and 115 accidents/km on the R44 provincial road in Stellenbosch. It is thus clear that the accident situation on the provincial roads within Stellenbosch is three times worse than on the R44 south of Stellenbosch. The Stellenbosch municipality would therefore support any assistance in addressing this serious road safety situation. The original "non-support" of the BAR for the R44 was based on these figures and through the meeting and discussion of the broader planning principles it was realised that the support of the BAR of the R44 could indeed be connected to the possible solution to the regional problem in the form of the Western by-pass that will allow for the 40% through traffic to not enter the congested situation within Stellenbosch and reduce the risk of accidents. We are still of the opinion that to achieve optimal solutions in this particular case a combination of interventions would be far more beneficial and

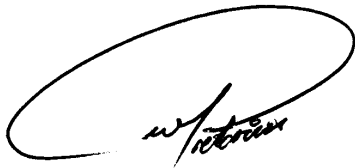
allow maximum financial gain. Province indicated that they do not have the Western Bypass as an option on their priorities and challenged the Municipality to investigate the possibility and provide them with a workable solution.

Stellenbosch adhered to the challenge in determining the route for this Western bypass and appointed a consulting team to do the preliminary feasibility and layout of this crucial route. A proposed route layout and planning principles were tabled at the meeting and it was agreed that it would definitely influence the final decision on the R44 safety initiatives from Province and the request was for the municipality to involve province in the planning stage in order for them to effectively take over at a point in time to finalise the detail design of the road. The “shifting” of the Annandale intersection with the R44 towards Stellenbosch also needed a relook after the concept of the Western Bypass indicated that the entire road network in that vicinity would benefit from this move.

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Please do not hesitate to contact the undersigned should you require any further information.

Kind Regards



Willem Pretorius (Pr Eng, PMP)
Acting Director: Engineering Services

P Letter by Municipality to CCAE, 2017-01-30



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Planning and Economic Development

30 January 2017

Our Ref: 16/3/4/2

Ena de Villiers (ena@ccaenvironmental.co.za)
CCA Environmental
PO Box 10145
CALEDON SQUARE
7905

Dear Madam

PROPOSED IMPROVEMENTS TO THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH: (DEA&DP REF. NO.: 16/3/1/1/B4//45/1005/13): NOTIFICATION OF AVAILABILITY OF FINAL BASIC ASSESSMENT REPORT FOR REVIEW AND COMMENT

This is the response from the Stellenbosch Municipality to the notice of the availability of the final basic assessment report (BAR) dated 12 December 2016, focusing mainly on the following:

- the purpose of the proposed project;
- assessment of related and downstream impacts; and
- need for joint planning and design between the relevant authorities/spheres of government.

The municipality addressed a letter to the Department of Transport and Public Works on 15 November 2016, a copy of which is attached hereto as further background to this letter of comment on the final BAR.

The basic assessment report indicates that the project rationale is to improve the mobility function of the R44 between Somerset West and Stellenbosch. The Municipality is of the view that this is a very short section of the R44 and that an improvement on mobility on this section of roughly 12 km is immaterial. In addition thereto, the BAR does not give appropriate consideration to the nature of activities developed along this section of the road with approval of the roads authorities over years, if not decades. The need for mobility (through Stellenbosch town) necessitates the development of the Stellenbosch Western Bypass, as approved in the Stellenbosch roads Master Plan 2012 to 2017, with the approval of the relevant roads authority. The Western Bypass would have significant effect on the Annandale intersection and the remainder of the study area, being the section of the route between Annandale and Van Rheede. This matter is noted in paragraph 3.4 on page viii of the BAR, but it is then not addressed in detail in the BAR.

The Western Bypass is of such importance that it should feature in the BAR, or then at least in a larger study, i.e. the BAR might not be the appropriate study to address the real issue, namely mobility between Somerset West / the N2 and Klipmuts / the N1. The basic assessment report only assesses one sector of roughly 12 km of the mobility route between two major urban areas causing obstructions in the longer route. This seems to be a

contradiction in terms, as mobility is not being improved through these areas of obstruction, but only between them.

The BAR refers to, but is silent on the extent and cost of the stated significant lowering of the level of service on roads and intersections inside of Stellenbosch town. Moreover, none of these impacts are addressed in the proposed mitigation measures (paragraph 8 from page xxviii and further), which leads to the assumption that none of the cost/impacts which are mentioned and acknowledged were assessed. Instead, the basic assessment report narrowly focuses on the construction, visual, biophysical and related impacts and not on the cost, safety and traffic level of service impacts in Stellenbosch as a result of the proposed upgrading of the section between Somerset West and Stellenbosch. At least that part of the BAR that deals with the relevant section of the route, namely from Annandale to Van Rheede that overlaps with the proposed and acknowledged Western Bypass, should have included last mentioned as an alternative and assessed the relevant impacts, costs and benefits and made appropriate recommendations in the mitigation chapter.

In conclusion, the Municipality is of the opinion that the basic assessment report is inappropriate for the evaluation of the proposed upgrading and that a full environmental impact assessment considering all the related and downstream impacts should be undertaken.

The relevant authorities should jointly plan the mobility route to ensure maximum benefit is derived along the entire route from the N2 to the N1, failing which it should remain an activity corridor as it has developed over time with authority approval.

Yours faithfully



Dupré Lombaard

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

Q CCAE Comments on Letters, Part One

NO.	ISSUE	COMMENT	RESPONSE
		This department however <u>supports</u> the proposed R44 improvements along the Steynsrust Road Intersection and requests input into the proposed landscape plans to mitigate the possible impacts along this route within the Somerset West area and considers the points above.	
1.7	Environmental and Heritage Management:	Heritage: Philip Smith	
1.7.1	Potential heritage impacts	From a heritage perspective, the Environmental and Heritage Management Branch (Heritage Section) noted that the portion of this project which falls within the City of Cape Town boundary is centered on the Steynsrust Road intersection. As correctly identified in the HIA, there are no heritage resources in the Steynsrust intersection vicinity and as a result the impact of the newly proposed U-turn bridge is of very low significance and thus acceptable from a heritage point of view.	These comments regarding the potential heritage impacts in the vicinity of the Steynsrust Bridge Intersection have been noted.
1.8	Environmental and Heritage Management:	Environment: Lauren King	
1.8.1	Environmental concerns	The Environmental and Heritage Branch (Environmental Section) has reviewed the Revised DBAR and Draft BAR Comments and Response Report 1 and is satisfied that all environmental concerns have been addressed in the Revised Draft BAR.	These comments confirming that environmental concerns have been addressed to the satisfaction of the CoCT have been noted.
1.8.2	Mitigation of potential visual impact	It should, however, be noted that the R44 is designated as a Scenic Route with a S1 status, which possesses significant visual quality. The mitigation measures, as per the Visual Impact Assessment, for the proposed work around the Steynsrust Intersection must be adhered to in order to mitigate the visual impact of the proposed work on this important scenic route.	These comments have been noted. As stated in Responses 1.6.5 and 1.6.6 above, the implementation of these mitigation measures have been included in the recommendations of the Final BAR.
1.9	Conclusion		
1.9.1	Conclusion	Having reviewed the application and circulated it to the relevant departments/branches for comment, the Environmental Resource Management Department cannot deem the application desirable at this stage. Final comments can only be provided once the concerns raised above have been addressed. It is recommended that the applicant meet with the Integrated Transport Planning Department in order to address and resolve the concerns raised by this Department. The outcome of this meeting should be included in the Final BAR. The conditions as recommended by certain Departments (as mentioned above) should also be accommodated in the Final BAR	As stated in Responses 1.1.2, 1.2 and 1.3 above, the applicant and the design engineers have met with TCT in order to resolve the concerns of the Integrated Transport Planning Department. Subsequent comment has been received from the Transport department.
2	COMMENTS FROM STELLENBOSCH MUNICIPALITY		
2.1	Initial comment dated 14 April 2016		
2.1.1	Initial comments, including reference to letter dated 28 May 2014	Attached hereto please find for your further attention and handling. Your letter dated 26 February 2016 refers. 1. EXECUTIVE SUMMARY The Stellenbosch Municipality considered your revised Basic Assessment Report. It is our view that the content of our letter dated 28 May 2014 is still appropriate. The proposed improvement scheme is not supported by the Municipality. It is our considered view that the proposed upgrades are inappropriate	These comments are noted. Subsequently the MEC for Transport, Mr Donald Grant, met with the Stellenbosch Municipality where one of the agenda items that was discussed was the proposed improvements of the R44. As a result, a further meeting was facilitated with some of the technical municipal officials in order to discuss any questions or concerns in connection with the project. Thus a representative of the applicant and the design engineer subsequently met

NO.	ISSUE	COMMENT	RESPONSE
		<p>for the area, not in line with integrated planning principles and do not consider the priority transport problem in our area.</p> <p>The impact of the proposal will also, in our view, damage the unique cultural landscape and harm the well-developed tourism economy of the area. The long term function of the road on a regional and local context needs to be agreed upon before the proposed project can be considered.</p> <p>It is again hereby requested that this project be postponed until integrated transport planning has been done for the functional area and that solutions for the median crossing problem be evaluated with the long term vision as a basis.</p> <p>2. STATEMENT OF PRINCIPAL POSITION: The Municipality of Stellenbosch in its letter dated 28 May 2014 stated the following viewpoint and would like to reiterate that view:</p> <p>2.1 There is no long-term integrated strategic plan available regarding the transport planning approach and transportation issues directly related to the broader area. Various plans, policies and documents refer to broader principles, including a focus on public transport and non-motorised transport, rural development criteria, etc., but there is no resultant implementation plan regarding this corridor.</p> <p>2.2 This fact as stated above, is reflected in one of the basic assumptions of the study (see point 1 in the Background to the Proposed Project section above), where the premise is that "The R44 is predominantly a high speed mobility corridor that forms a strategic link between Somerset West and Stellenbosch at a regional transport planning level". This premise is contested by the municipality.</p> <p>2.3 The scale and context of the proposed intervention is considered to be inappropriate. It is the view that this opinion will be borne out in a long-term strategic planning intervention for the greater area.</p> <p>2.4 Within this context, the proposals are deemed to result in the inefficient application of financial resources, due to the inappropriate scale but also due to the sub-optimal phasing of the project and proposed expenditure.</p> <p>2.5 Within the regional context, the proposed project is not considered as the highest priority, especially given the potential financial scale and the limited availability of funding, and the view is held that the resources can be applied more strategically in relation to transport needs for the area, with significantly higher long-term benefits.</p> <p>2.6 The improvements will have a negative impact on the already congested traffic flows in Stellenbosch. Only by conducting an integrated investigation on a broad basis can potential solutions to the area wide issues be identified and evaluated on their merits.</p> <p>2.7 The proposed interventions will have a negative impact on the environmental quality of the area and will harm the economy of the area that is heavily dependent on farming and tourism.</p>	<p>with Messrs Willem Pretorius, Marius Wust, Dupre Lombaard, Nigell Winter and Ms Janine Waldis of Stellenbosch Municipality on 16 August 2016. The design engineer reported that positive constructive discussions were held. Following this meeting, Stellenbosch Municipality responded that they would submit a formal updated submission on the Revised Draft BAR.</p> <p>A further meeting to discuss the R44 project was held on 15 November 2016 which was attended by the Provincial Minister for Transport, the Stellenbosch Executive Mayor, a Stellenbosch Councillor and various senior officials. Stellenbosch Municipality subsequently sent a letter to DTPW (dated 23 November 2016) in which Stellenbosch Municipality indicates its decision to recall the initial non-support of the BAR and to commit themselves to working together with DTPW. The comments in the above-mentioned letter dated 23 November 2016 are included as Comment 2.2 of this report and responses are provided below.</p> <p>In the light of these further developments it is not deemed necessary to respond in detail to the comments contained in the initial letter of 14 April 2016. Please refer to the Draft BAR Comments and Responses Report 1 – Authorities (see Appendix F9) for responses previously provided to comments of the Stellenbosch Municipality in their letter of 28 May 2014, to which reference is made in the initial comments.</p>

NO.	ISSUE	COMMENT	RESPONSE
	<p>2.8 The Provincial Spatial Development Framework and the Municipality's CTP advocate the need to improve public transport to make towns and cities more efficient and to reduce transport problems. The roll-out of public transport from Somerset West to Stellenbosch should be investigated and incorporated in this project.</p> <p>2.9 The proposals are in direct contravention of current Provincial and Municipal policy. You are requested to consider these principles in relation to the motivation that was provided in our 28 May 2014 letter.</p> <p>3. CONCLUSIONS</p> <p>3.1 Regional priorities must be considered as part of the overall approach with an emphasis on the consideration of the current traffic situation within Stellenbosch and its surrounds. This should be done as part of the shift towards sustainable transport as is required in terms of National, Provincial and Municipal policies, strategies and frameworks. This will require Public and Non-motorised Transport forming an integral part of any project planning and implementation process.</p> <p>3.2 Any upgrade to this section of the R44 should thus be incorporated in the development of an integrated approach to transport planning including a comprehensive public transport service serving the broader Stellenbosch area and surrounds.</p> <p>3.3 Full consideration should also be given to appropriate Non-motorised Transport facilities. This must recognise the multifaceted nature of NMT in the area, especially regarding cycling with its many profiles - commuter, recreational (including tourism) and sports which may require differing facilities.</p> <p>3.4 Given the above, the Basic Assessment is inadequate for a project such as this which has major regional implications not only from a sustainable and safe transport perspective but also socioeconomic and environmental perspectives.</p> <p>3.5 This scheme as currently envisaged is not supported.</p> <p>4. RECOMMENDATIONS</p> <p>4.1 The overall strategy to these upgrades should be reconsidered in conformance with policy and legislation as part of an integrated planning approach for Stellenbosch Municipality and its surrounds.</p> <p>4.2 Consideration be given to immediate interim measures focused on improving safety along the route. This should include high visibility, continuous and active enforcement. In this regard the proposal for "Speed over Distance" enforcement should be implemented with immediate effect.</p> <p>4.3 The overall strategy must include an alternative second access to Jamestown and make provision for public transport pick up points to create linkage between rural and urban communities and opportunities.</p> <p>We look forward to being able to contribute in any way to ensuring that the appropriate studies are conducted and concepts and designs are considered. Please liaise with our Acting Director:</p>		

NO.	ISSUE	COMMENT	RESPONSE
2.2	Revised comments dated 23 November 2016 Meeting	<p>Engineering Services, Mr Marius Wüst, should you require more detail or to set up an engagement.</p> <p>PROPOSED IMPROVEMENTS TO THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH: REVISED STELLENBOSCH MUNICIPALITY'S POSITION</p> <p>The meeting of 15 November 2016 between the Western Cape Government, represented by Minister Donald Grant and Head of Department HOD Lenn Fourie and the Municipality of Stellenbosch represented by Executive Mayor Gesie van Deventer, Mayo councillor Jan de Villiers, Acting Municipal Manager Dupre Lombaard and Acting Director Infrastructure Willem Pretorius on issues pertaining [to] the interaction between the two entities has reference. Due to the current standing of the municipality's reaction to the BAR of the R44 safety improvements it was crucial that common ground be found on this matter in order for Province to move positively forward in implementing their plans on the R44.</p> <p>Background</p> <p>Over the last few years since 2011, a total of 1 469 accidents occurred on the roads between Somerset West and access to Welgevonden on both the R44 and the R304 west of Welgevonden. Of these accidents, 436 (29%) occurred on the rural section between Stellenbosch and Somerset West. The balance of the accidents on the provincial road system through Stellenbosch (71%) occurred in the built up area of Stellenbosch. It therefore remains a challenge for Stellenbosch to reduce the traffic congestion and high accident rates on provincial roads within Stellenbosch. If the number of accidents is expressed per km travelled in the urban and rural sections of the provincial roads, the figures are 39 accidents/km on R44 south of Stellenbosch and 115 accidents/km on the R44 provincial road in Stellenbosch. It is thus clear that the accident situation on the provincial roads within Stellenbosch is three times worse than on the R44 south of Stellenbosch. The Stellenbosch Municipality would therefore support any assistance in addressing this serious road safety situation. The original "non-support" of the BAR for the R44 was based on these figures and through the meeting and discussion of the broader planning principles it was realised that the support of the BAR of the R44 could indeed be connected to the possible solution to the regional problem in the form of the Western by-pass that will allow for the 40% through traffic to not enter the congested situation within Stellenbosch and reduce the risk of accidents. We are still of the opinion that to achieve optimal solutions in this particular case a combination of interventions would be far more beneficial and allow maximum financial gain. Province indicated that they do not have the Western Bypass as an option on their priorities and challenged the Municipality to investigate the possibility and provide them with a workable solution.</p> <p>Stellenbosch adhered to the challenge in determining the route for this Western bypass and appointed a consulting team to do the preliminary feasibility and layout of this crucial route. A proposed route layout and planning principles were tabled at the meeting and it was agreed that it would definitely influence the final decision on the R44 safety initiatives from Province and the request was for the municipality to involve province in the planning stage in order for them to effectively take over at a point in time to finalise the detail design of the road. The "shifting" of the Annandale intersection with the R44 towards Stellenbosch also needed a rethink after the concept of the Western Bypass indicated that the entire road network in that vicinity would benefit from this move.</p>	<p>It was noted that the most recent meeting between the Western Cape Government and Stellenbosch Municipality served to find common ground regarding the proposed safety improvements to the R44 between Somerset West and Stellenbosch. As a result, Stellenbosch Municipality decided to recall their initial non-support of the BAR for the proposed project.</p> <p>The accident figures provided in the comments underlines the urgent need to improve safety conditions on the R44.</p> <p>DTPW has indicated that it will provide assistance to Stellenbosch to identifying a solution. It can further be confirmed that DTPW will take over the feasibility study into addressing the proposed "western bypass". This study will inter alia serve to provide clarity on possible alternative route alignments and link points for a bypass road.</p> <p>In 2017 DTPW will commence with a R 100 million upgrade of Annandale Road along the existing alignment. The construction contract of two years is due to commence in January 2017. This confirms, by implication, that DTPW will not be considering any changes to the Annandale Road alignment and its intersection with the R44 intersection anytime in the future. Any future development of a bypass would thus have to link into the existing intersection location..</p>

NO.	ISSUE	COMMENT	RESPONSE
		<p>Based on the positive discussions around the Western Bypass and how this road would alleviate various traffic problems on the R44 in and around Stellenbosch the Municipality decided to recall their initial non-support of the BAR and commit themselves to working together with Province in achieving a functional and safe road network in and around Stellenbosch</p> <p>Please do not hesitate to contact the undersigned should you require any further information.</p>	
3.		COMMENTS FROM CAPE NATURE	
3.1	General	<p>Please find attached comment from CapeNature on the Revised Draft Basic Assessment Report for the Proposed Improvements to the R44 between Somerset West and Stellenbosch.</p> <p>CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>These general comments have been noted.</p>
3.2	Draft BAR comments	<p>CapeNature commented previously on the Draft Basic Assessment Report (BAR) in which we did not indicate any objection and supported the findings of the specialist studies and the implementation of relevant mitigation measures. We are satisfied that our comments on the Draft BAR have been adequately addressed in the comments and response report.</p>	<p>These comments confirming CapeNature's satisfaction that previous comments have been adequately addressed, have been noted.</p>
3.3	Potential botanical impacts	<p>The project proposal has been revised based on concerns raised in the process and further studies that have been undertaken, however these concerns do not relate to biodiversity. Addendums have been compiled for both the botanical and freshwater specialist studies. The botanical specialist addendum has indicated that the revised proposal will have much the same impact as the original proposal, whereby the areas affected by the upgrades are transformed and will result in impacts of a low significance.</p> <p>It is noted that the one additional area affected at the proposed Jamestown Cemetery U-turn contains pioneer (i.e. regenerated following disturbance) renosterveld. We do not differ from the findings of the botanical specialist that this vegetation is of low conservation value and therefore does not have to be avoided. However, it does indicate that renosterveld can return to the road reserves following construction although it is unlikely to return to the state and conservation value of renosterveld that has never been disturbed, particularly in terms of species diversity. CapeNature does however support the proposed rehabilitation of the road reserve as contained in the environmental management plan.</p>	<p>CapeNature's endorsement of the findings of the botanical specialist and support for the proposed rehabilitation of the road reserve as contained in the Construction EMP has been noted.</p>
3.4	Potential freshwater impacts	<p>The freshwater specialist study also indicated that the revised proposal would have much the same impact as the original proposal, with minimal impacts on the freshwater environment, and only highly impacted, minor watercourses being affected. There are however seasonal/temporary wetland areas identified to the west of the proposed Jamestown Cemetery U-Turn. Based on the design diagrams</p>	<p>Relevant mitigation measures regarding the potential impact of stormwater management along the road on the freshwater environment during the construction and operational phases have been included in the Final BAR as well as in the Construction EMP.</p>

R CCAE Comments on Letters, Part Two

Proposed Improvements to the R44 between Somerset West and Stellenbosch

Table 2: Summary table of comments received on the Final BAR, with responses from CCA and the project technical team, as appropriate

NO.	ISSUE	NAME	DATE	COMMENT	RESPONSE
COMMENTS FROM CAPEINATURE					
1	General	CapeNature - Rhett Smart	2017.01.30	Please find attached comment from CapeNature on the Final Basic Assessment Report for the Proposed Improvements to the R44 between Somerset West and Stellenbosch. CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.	These comments have been noted.
1.2	Overall project comment	CapeNature - Rhett Smart	2017.01.30	There have not been any changes to the project proposal since the Revised Basic Assessment Report (BAR) for which we did not indicate any objection and supported the findings of the specialist studies and the implementation of relevant mitigation measures. Therefore our previous comments remain relevant and should be referred to for more detail.	These comments have been noted.
1.3	Future transport planning	CapeNature - Rhett Smart	2017.01.30	We have noted the concerns raised regarding addressing traffic issues at a regional level and recommend that biodiversity constraints should be taken into account during the planning phase for which the provincial biodiversity spatial plan should be the primary informant.	These comments have been noted.
COMMENTS FROM STELLENBOSCH MUNICIPALITY					
2.1	Comments in response to Final BAR	Stellenbosch Municipality - Dupré Lombard	2017.01.31	Herewith the comment from Stellenbosch Municipality. This is the response from the Stellenbosch Municipality to the notice of the availability of the final basic assessment report (BAR) dated 12 December 2016, focusing mainly on the following: <ul style="list-style-type: none"> the purpose of the proposed project; assessment of related and downstream impacts; and need for joint planning and design between the relevant authorities/spheres of government. The municipality addressed a letter to the Department of Transport and Public Works on 15 November 2016, a copy of which is attached hereto as further background to this letter of comment on the final BAR. [Note: The full text of the above-mentioned letter is included as Comment 2.2 below.] The basic assessment report indicates that the project rationale is to improve the mobility function of the R44 between Somerset West and Stellenbosch. The Municipality is of the view that this is a very short section of the R44 and that an improvement on mobility on this section of roughly 12 km is immaterial. In addition	Subsequent to submission of the comment, a representative of the applicant (DTPW) and the design engineer (Kantley & Tempier Consulting Engineers (Pty) Ltd (K&T)) met with Stellenbosch Municipality in February 2017. The implications of the DTPW undertaking to assist with investigations into the development of a Stellenbosch Western Bypass for the proposed improvements of the R44 were discussed (also refer to item 2.2 below). DTPW reiterated its position that the Stellenbosch Bypass is not considered as an alternative to the proposed project. The reason is that the proposed project aims to alleviate safety concerns along the R44 between Somerset West and Stellenbosch while retaining the current Level of Service. This aim has to be achieved within the context of the R44 as a mobility route in the wider context of the provincial road network. The Stellenbosch Bypass, on the other hand, has the specific aim of diverting through traffic away from the town. Whilst the R44 as a mobility route will have to be taken into consideration in a feasibility study regarding the proposed Stellenbosch Bypass, safety improvements to the affected section of the R44 does not form part of and is not dependent on the outcome of such a study.

Proposed Improvements to the R44 between Somerset West and Stellenbosch

NO.	ISSUE	NAME	DATE	COMMENT	RESPONSE
				<p>thereto, the BAR does not give appropriate consideration to the nature of activities developed along this section of the road with approval of the roads authorities over years, if not decades. The need for mobility (through Stellenbosch town) necessitates the development of the Stellenbosch Western Bypass, as approved in the Stellenbosch roads Master Plan 2012 to 2017, with the approval of the relevant roads authority. The Western Bypass would have significant effect on the Ammandale intersection and the remainder of the study area, being the section of the route between Ammandale and Van Rheede. This matter is noted in paragraph 3.4 on page viii of the BAR, but it is then not addressed in detail in the BAR.</p> <p>The Western Bypass is of such importance that it should feature in the BAR, or then at least in a larger study, i.e. the BAR might not be the appropriate study to address the real issue, namely mobility between Somerset West / the N2 and Klipmuts / the N1. The basic assessment report only assesses one sector of roughly 12 km of the mobility route between two major urban areas causing obstructions in the longer route. This seems to be a contradiction in terms, as mobility is not being improved through these areas of obstruction, but only between them.</p> <p>The BAR refers to, but is silent on the extent and cost of the stated significant lowering of the level of service on roads and intersections inside of Stellenbosch town. Moreover, none of these impacts are addressed in the proposed mitigation measures (paragraph 8 from page xxviii and further), which leads to the assumption that none of the cost/impacts which are mentioned and acknowledged were assessed. Instead, the basic assessment report narrowly focuses on the construction, visual, biophysical and related impacts and not on the cost, safety and traffic level of service impacts in Stellenbosch as a result of the proposed upgrading of the section between Somerset West and Stellenbosch. At least that part of the BAR that deals with the relevant section of the route, namely from Ammandale to Van Rheede that overlaps with the proposed and acknowledged Western Bypass, should have included last mentioned as an alternative and assessed the relevant impacts, costs and benefits and made appropriate recommendations in the mitigation chapter.</p> <p>In conclusion, the Municipality is of the opinion that the basic assessment report is inappropriate for the evaluation of the proposed upgrading and that a full environmental impact assessment considering all the related and downstream impacts should be undertaken.</p> <p>The relevant authorities should jointly plan the mobility route to ensure maximum benefit is derived along the entire route from the N2 to the N1, failing which it should remain an activity corridor as it has developed over time with authority approval.</p>	<p>An additional further request from Stellenbosch Municipality was that DTPW provide them with visual video imagery of the Ammandale and Winery Road proposed grade-separated interchanges for their better understanding of the proposals. This has been made available to Stellenbosch Municipality and DTPW awaits any additional response from them. The DTPW project manager further confirmed that there was ongoing interaction between his Department and the Stellenbosch Municipality in the process of endeavouring to resolve the issues raised in conflicting comments in responses to the Revised Draft BAR and the Final BAR.</p> <p>In respect to the effect of the Western Bypass on the Ammandale Intersection: This issue was raised in the previous comment round and the response provided remains valid – please refer to item 2.2 below for detail in this regard.</p> <p>Against the above background, it is appropriate that the Final BAR focuses on the specific road section included in the project scope, i.e. from Steynrust Road Bridge in Somerset West to Van Rheede Street in Stellenbosch.</p>
2.2	Previous comments in	Stellenbosch Municipality –	2016.11.15	[Note: The full text of the letter referred to in paragraph 2 of Comment 1.1 above is represented as Comment 2.2 for easy reference.]	The letter attached to the submission on the Final BAR was dated 15 November 2016, and differed slightly from the version dated

Proposed Improvements to the R44 between Somerset West and Stellenbosch

NO.	ISSUE	NAME	DATE	COMMENT	RESPONSE
	response to Revised Draft BAR	Willem Pretorius		<p>PROPOSED IMPROVEMENTS TO THE R44 BETWEEN SOMERSET WEST AND STELLENBOSCH: REVISED STELLENBOSCH MUNICIPALITY'S POSITION</p> <p>The meeting of 15 November 2016 between the Western Cape Government, represented by Minister Donald Grant and [Head of Department] HOD Lenn Fournie and the Municipality of Stellenbosch represented by Executive Mayor Gesie van Deventer, Mayo councillor Jan de Villiers, Acting Municipal Manager Dupre Lombaard and Acting Director Infrastructure Willem Pretorius on issues pertaining [to] the interaction between the two entities has reference. Due to the current standing of the municipality's reaction to the BAR of the R44 safety improvements it was crucial that common ground be found on this matter in order for Province to move positively forward in implementing their plans on the R44.</p> <p>Background</p> <p>Over the last few years since 2011, a total of 1 469 accidents occurred on the roads between Somerset West and access to Welgevonden on both the R44 and the R304 west of Welgevonden. Of these accidents, 436 (29%) occurred on the rural section between Stellenbosch and Somerset West. The balance of the accidents on the provincial road system through Stellenbosch (71%) occurred in the built up area of Stellenbosch. It therefore remains a challenge for Stellenbosch to reduce the traffic congestion and high accident rates on provincial roads within Stellenbosch. If the number of accidents is expressed per km travelled in the urban and rural sections of the provincial roads, the figures are 39 accidents/km on R44 south of Stellenbosch and 115 accidents/km on the R44 provincial road in Stellenbosch. It is thus clear that the accident situation on the provincial roads within Stellenbosch is three times worse than on the R44 south of Stellenbosch. The Stellenbosch Municipality would therefore support any assistance in addressing this serious road safety situation. The original "non-support" of the BAR for the R44 was based on these figures and through the meeting and discussion of the broader planning principles it was realised that the support of the BAR of the R44 could indeed be connected to the possible solution to the regional problem in the form of the Western by-pass that will allow for the 40% through traffic to not enter the congested situation within Stellenbosch and reduce the risk of accidents. We are still of the opinion that to achieve optimal solutions in this particular case a combination of interventions would be far more beneficial and allow maximum financial gain. Province indicated that they do not have the Western Bypass as an option on their priorities and challenged the Municipality to investigate the possibility and provide them with a workable solution. [NOTE: This highlighted section was included in the letter dated 23 Nov 2016 submitted in response to the Revised Draft BAR; however, it was not included in the letter dated 15 Nov 2016 which was attached to the Final BAR submission.]</p> <p>Stellenbosch adhered to the challenge in determining the route for this Western bypass and appointed a consulting team to do the preliminary feasibility and layout of this crucial</p>	<p>23 November 2016, which was submitted in response to the Revised Draft BAR. The full text of the attached version of the letter is included as Comment 2 in the Comment column, and the previous response is included below for easy reference (Item 2.2 of Revised Draft BAR Comments and Responses Report 2 – Appendix F12):</p> <p>It was noted that the most recent meeting between the Western Cape Government and Stellenbosch Municipality served to find common ground regarding the proposed safety improvements to the R44 between Somerset West and Stellenbosch. As a result, Stellenbosch Municipality decided to recall their initial non-support of the BAR for the proposed project.</p> <p>The accident figures provided in the comments underlines the urgent need to improve safety conditions on the R44.</p> <p>DTPW has indicated that it will provide assistance to Stellenbosch to identify a solution. It can further be confirmed that DTPW will take over the feasibility study into addressing the proposed "western bypass". This study will inter alia serve to provide clarity on possible alternative route alignments and link points for a bypass road.</p> <p>In 2017 DTPW will commence with a R 100 million upgrade of Annandale Road along the existing alignment. The construction contract of two years is due to commence in January 2017. This confirms, by implication, that DTPW will not be considering any changes to the Annandale Road alignment and its intersection with the R44 Intersection anytime in the future. Any future development of a bypass would thus have to link into the existing intersection location.</p>

Proposed Improvements to the R44 between Somerset West and Stellenbosch

NO.	ISSUE	NAME	DATE	COMMENT	RESPONSE
				<p>route. A proposed route layout and planning principles were tabled at the meeting and it was agreed that it would definitely influence the final decision on the R44 safety initiatives from Province and the request was for the municipality to involve province in the planning stage in order for them to effectively take over at a point in time to finalise the detail design of the road. The "shifting" of the Annandale intersection with the R44 towards Stellenbosch also needed a relink after the concept of the Western Bypass indicated that the entire road network in that vicinity would benefit from this move.</p> <p>Based on the positive discussions around the Western Bypass and how this road would alleviate various traffic problems on the R44 in and around Stellenbosch the Municipality decided to recall their initial non-support of the BAR and commit themselves to working together with Province in achieving a functional and safe road network in and around Stellenbosch</p> <p>Please do not hesitate to contact the undersigned should you require any further information.</p>	
COMMENTS FROM HERITAGE WESTERN CAPE					
3.1	Covering email	Andrew September	2017.02.22	See attached for the above-mentioned Final Comment for the above-mentioned case. The attached file is incorrect in saying it is an Interim Comment as it is in fact a Final Comment. I do apologise for the delayed response.	This correction that the comment is in fact a Final Comment is noted.
3.2	Final Comment	Mxolisi Dlamuka	2017.02.17	<p>HERITAGE IMPACT ASSESSMENT: PROPOSED R44 UPGRADE BETWEEN SOMERSET WEST AND STELLENBOSCH, CAPE WINELANDS, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)</p> <p>CASE NUMBER: 14070316AS0714D</p> <p>The matter above has reference.</p> <p>Heritage Western Cape is in receipt of your application for the above matter received on 12 January 2017. This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 8 February 2017.</p> <p>The Committee noted that:</p> <ul style="list-style-type: none"> The Committee acknowledged the high traffic volumes experienced on the R44 and the DTPW's mandate to explore improvements and enhance safety. HWC however confines itself to the protection of heritage resources and this comment is purely based on heritage considerations. The Committee agreed with the Second HIA Addendum in its assessment of cultural landscape and R44 as a scenic drive, as well as the gradings assigned by the consultant. These include a general grading of grade III for R44 scenic drive. 	<p>The comments and recommendations of the HWC IACom as stated in the submission have been noted, and specifically the second bullet point noting that the comment confines itself to heritage considerations. Thus the HWC Final Comment endorses the heritage specialist study, which concluded that the project in its current form and all alternatives that have been considered should not be developed.</p> <p>However, as stated in the Final BAR conclusions, this should be considered within the context of the R44 as a dual carriageway which has existed since the 1970s. When the four-lane dual carriageway replaced the existing single lane road, this could be regarded as when the major change to the cultural landscape actually occurred. The safety and LOS improvements that are now being proposed would largely take place within the confines of the existing road reserve (except at the two interchanges) and should be considered in this context. The proposed project scheme is based on the premise that the safety issue can only be addressed by closing the median openings as DTPW has proposed. Thus, although recognising the cultural heritage value of these openings, their closure is the key component of the project rationale. Should the median openings not be closed, the safety concerns associated with vehicles using the openings would continue – with the safety risk</p>

S Extract from the Council Agenda of 2018–01–24

COUNCIL RESOLUTIONS IN PROGRESS JANUARY 2018

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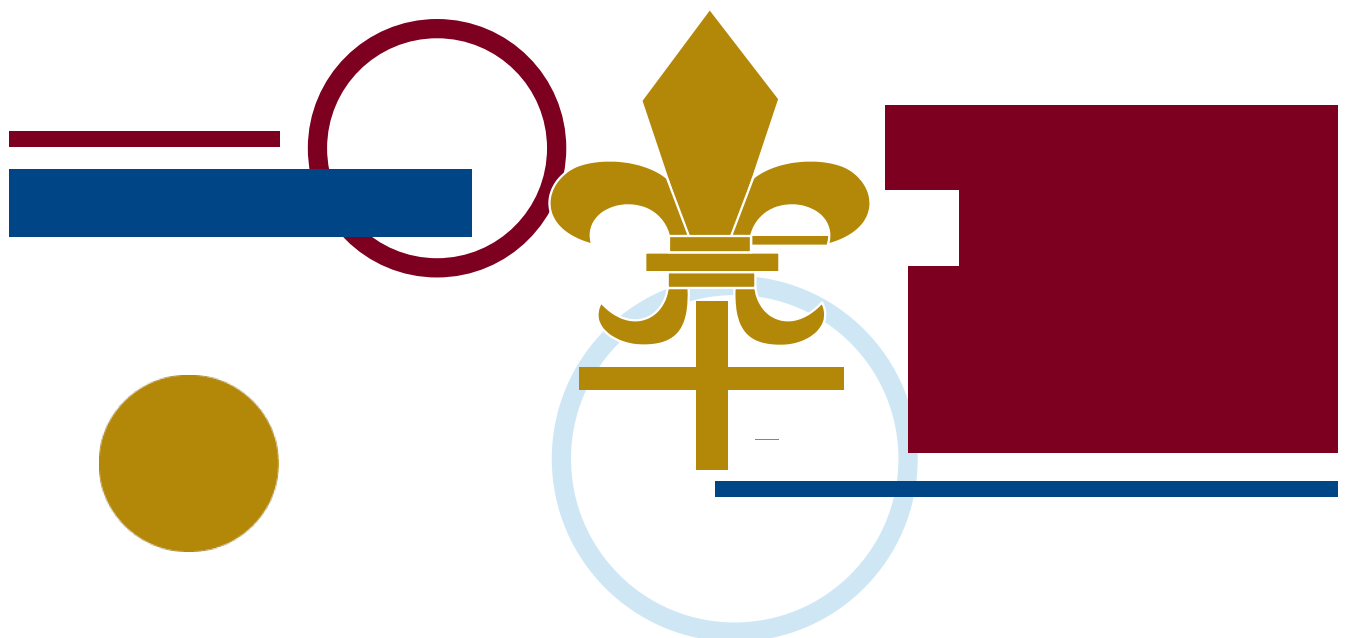
		Franschoek 9 R 58 747 Klapmuts 9 R 67 782 (b) that the "Community Facilities" Development Charges not be applicable to developments approved before 2017/18. Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted. (DIRECTOR: ENGINEERING SERVICES TO ACTION)				
559597	PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT	7.6.5 PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT 14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.5 In terms of Rule 28 of the Rules of Order By-law, Cllr F Adams submitted a written apology to the Speaker for his behavior earlier during the meeting. The Speaker read the apology and accepted Cllr F Adams's apology. Cllr F Adams was allowed to re-join the meeting again (at 14.30). RESOLVED (nem con) (a) that the content of this report be noted; (b) that the Memorandum of Agreement (MOA) be noted; (c) that approval be given to the Municipal Manager to negotiate a final version of the Memorandum of Agreement (MOA); and (d) that Council considers the approval of the final Memorandum of Agreement (MOA) at a future Council Meeting. (DIRECTOR: ENGINEERING SERVICES TO ACTION)	2017-11-29	NOMBULELO M	90.00	Take over on hold. Progress report submitted to Council for November meeting. Council approved pro forma agreement and delegated the negotiation of a final agreement plus the signing thereof to the MM. First meeting with Drakenstein to be held in January 2018
559598	PROGRESS WITH THE PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL SUSTAINABLE TRANSPORT SYSTEM	7.6.4 PROGRESS WITH THE PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL SUSTAINABLE TRANSPORT SYSTEM 14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.4 After two warnings during deliberations on the matter, the Speaker ordered Cllr F Adams to leave the Council Chamber (at 14:20) for violating Rule 27 of the Rules of Order By-law. RESOLVED (majority vote with abstentions) (a) that Council takes note of the Operational Business Plan for the proposed Integrated Public Transport Service Network (IPTN) as recommended in the Comprehensive	2017-11-29	HEADT	50.00	The evaluation of Section 78 process is completed and will be tabled to Council



IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE)

to guide the planning, drafting, adoption and review of the

**1st Revision of the 4th Generation
Integrated Development Plan
(2017/18 - 2021/22)**



August 2017

ACTIVITY	DEADLINES and TIME FRAMES	NOTES
ANALYSIS PHASE		
Preparation of IDP/Budget/SDF Process Plan (Time Schedule)	July – August 2017	IDP, Budget and SDF Office
Rural Area Strategy Meeting	02 August 2017	
3 rd Intergovernmental Steering Committee Meeting	04 August 2017	
Workshops: Ward Projects Planning sessions with Ward Councillors	August 2017	Budget Office (and Community Development)
Strategic Session: MM & Directors	14 & 15 August 2017	
MAYCO Meeting	08 August 2017	Approval of IDP/Budget/SDF Time schedule (Process plan)
COUNCIL meeting	23 August 2017	Approval of IDP/Budget/SDF Time schedule (Process plan)
Submission of Un-audited Annual Report to Provincial Government and Auditor-General	31 August 2017	
Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	07 – 08 September 2017	
Provincial IDP Manager's Forum	September 2017	Venue to be confirmed
Road – 2 nd Project Management Meeting	September 2017	Week of 11 September 2017
Drafting of Heritage Inventory database and report	29 September 2017	Submit to HWC
Updating of Ward Plans	October 2017	Commence with updating of Ward Plans
Joint Planning Initiatives & IDP Indaba I Process with PGWC	October 2017	
Project Planning: Ward Capital Projects	October 2017	Budget Office (Community Development)
Budget Preparation: Submit signed commitment forms of Ward Councillors	18 October 2017	Signed commitment forms for Capital Ward Projects
Budget Steering Committee meeting	26 October 2017	
Directorate complete template for 2018 - 2021 Capital and Operational Budget	27 October 2017	Internal Process
Complete tariff setting exercise for 2018/19	27 October 2017	Internal Process
Review of budget related Policies & development of new Policies	27 October 2017	Section 21(1)(a) MFMA Reg 7(1) MBRR
Generate U-Key numbers for all Ward Projects	31 October 2017	U-key numbers should be completed by end October 2017
4 th Intergovernmental Steering Committee meeting	October 2017	1 st week of October 2017
MAYCO meeting	11 October 2017	
COUNCIL meeting	25 October 2017	
First Quarterly Performance Review – Informal Review of Directors	October – November 2017	SDBIP Q1 report to WCPG
First Quarterly Performance Review – Informal Review of Managers and Heads/staff reporting to Managers	October – November 2017	Report assessment results to the Municipal Manager

ACTIVITY	DEADLINES and TIME FRAMES	NOTES
IDP/BUDGET/SDF Public Engagements	October - November 2017	IDP/Budget/SDF engagements with all 22 Wards
Finalize all IDP inputs (Chapters) and distribute to all Departments for input and amendments	October - December 2017	Internal Process
Sector Engagement(s)	October – December 2017	Provincial Government, Cape Winelands District Municipality & local sector groups within WCO24
STRATEGY		
Roads – 3rd Project Management Meeting	November 2017	Week of 06 November 2017
UDS Strategy Formulation	November 2017	Commenced in April 2017
Draft and submit Urban Development Strategy (UDS) / Municipal Spatial Development Framework (MSDF)	November 2017	
Public Participation (Areas 1 – 4)	November 2017	
MSDF Advertisements	17 November 2017 - 02 Feb 2018	11 Weeks (including December holiday)
MAYCO meeting	15 November 2017	Tabling of Quarterly SDBIP
COUNCIL meeting	29 November 2017	Tabling of Quarterly SDBIP
Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	November 2017 - January 2018	MM, Mayco, Mayor & Directors – exact dates to be confirmed
Annual Performance Review – Formal review of Directors for 2016/17	November 2017 - February 2018	
Preparation for Mid-year review and Performance Assessment	December 2017 - January 2018	Section 72 MFMA
Budget Steering Committee meeting	30 November 2017	
Compilation of Draft Operational and Capital Budget	November - December 2017	Section 21(1)(a) MFMA
Compilation of Draft Tariff Listing	November - December 2017	Section 21(1) (a) MFMA
Receive requests for Adjustment Budget	December 2017	Internal Process
Provincial IDP Manager's Forum	December 2017	Venue to be confirmed
PREPARATION OF THE DRAFT IDP, BUDGET, SDBIP & DRAFT AMENDMENTS TO SDF		
Roads – 4 th Project Management Meeting	January 2018	Week of 15 January 2018
MAYCO meeting	10 January 2018	Tabling of Annual Report, Adjustment Budget
COUNCIL meeting	24 January 2018	Tabling of Annual Report, Adjustment Budget
Mid-year Budget and Performance assessment signed by Mayor	25 January 2018	
Table Annual Report before Council	January 2018	
Bi-Annual review of SDBIP	January 2018	MFMA Circular 13 Section 40 MSA
Updating and Compilation of IDP document and SDF amendment	January - March 2018	
2nd Quarterly Performance Review - Formal Review – Directors	January - March 2018	Results to reach MEC within 14 days upon completion
2nd Quarterly Performance Review - Formal Review of Managers and	January - March 2018	Results to be reported to the Municipal Manager

U Stellenbosch Medium Term Revenue and Expenditure Framework 2017–2020 (approved May 2017)

Functional Classification Description	Ref	2013/14	2014/15	2015/16	Current Year 2016/17			2017/18 Medium Term Revenue & Expenditure Framework		
		Audited Outcome	Audited Outcome	Audited Outcome	Original Budget	Adjusted Budget	Full Year Forecast	Budget Year 2017/18	Budget Year +1 2018/19	Budget Year +2 2019/20
Expenditure - Functional	1									
<i>Municipal governance and administration</i>		131 092	235 669	202 972	233 912	244 543	244 543	277 678	290 505	303 644
Executive and council		51 338	40 106	52 836	40 519	40 519	40 519	60 547	64 475	68 698
<i>Mayor and Council</i>		49 890	38 561	51 083	33 187	33 187	33 187	31 789	33 495	35 303
<i>Municipal Manager, Town Secretary and Chief Executive</i>		1 449	1 545	1 753	7 332	7 332	7 332	28 758	30 981	33 395
Finance and administration		79 754	195 563	150 135	193 392	204 023	204 023	204 996	213 188	221 347
<i>Administrative and Corporate Support</i>		27 632			74 192	79 742	79 742	9 835	10 643	11 524
<i>Asset Management</i>										
<i>Budget and Treasury Office</i>								84 629	88 728	92 463
<i>Finance</i>		27 126	162 065	115 977	64 625	65 845	65 845	2 414	2 615	2 833
<i>Fleet Management</i>										
<i>Human Resources</i>		3 468	4 796	5 087	10 109	12 139	12 139	34 371	33 446	32 495
<i>Information Technology</i>		3 407	3 725	4 768	10 265	11 596	11 596	23 055	24 297	25 622
<i>Legal Services</i>								10 047	10 678	11 357
<i>Marketing, Customer Relations, Publicity and Media Co-ordination</i>								3 574	3 799	4 040
<i>Property Services</i>		18 121	24 976	24 303	34 200	34 700	34 700	35 369	37 161	39 065
<i>Risk Management</i>								573	596	620
<i>Security Services</i>										
<i>Supply Chain Management</i>								1 129	1 224	1 329
<i>Valuation Service</i>										
Internal audit		-	-	-	-	-	-	12 134	12 842	13 599
<i>Governance Function</i>								12 134	12 842	13 599
<i>Community and public safety</i>		199 604	196 219	199 261	216 559	284 070	284 070	177 749	191 004	205 389
Community and social services		19 924	22 419	26 377	35 692	43 425	43 425	23 357	25 205	27 214
<i>Aged Care</i>										
<i>Agricultural</i>										
<i>Animal Care and Diseases</i>										
<i>Cemeteries, Funeral Parlours and Crematoriums</i>		2 465	2 980	3 059	4 261	4 261	4 261	4 657	4 999	5 368
<i>Child Care Facilities</i>										
<i>Community Halls and Facilities</i>		2 784	2 857	3 314	3 593	3 579	3 579	5 130	5 571	6 052
<i>Consumer Protection</i>										
<i>Cultural Matters</i>										
<i>Disaster Management</i>		4 867	5 224	7 590	14 543	22 290	22 290	3 836	4 061	4 301
<i>Education</i>										
<i>Indigenous and Customary Law</i>										
<i>Industrial Promotion</i>										
<i>Language Policy</i>										
<i>Libraries and Archives</i>		9 625	11 218	12 212	13 209	13 209	13 209	9 733	10 574	11 493
<i>Literacy Programmes</i>										
<i>Media Services</i>										
<i>Museums and Art Galleries</i>		184	140	202	86	86	86			
<i>Population Development</i>										
<i>Provincial Cultural Matters</i>										
<i>Theatres</i>										
<i>Zoo's</i>										
Sport and recreation		29 339	31 971	31 353	33 374	33 374	33 374	41 173	43 894	46 832
<i>Beaches and Jetties</i>										
<i>Casinos, Racing, Gambling, Wagering</i>										
<i>Recreational Facilities</i>		5 868	6 394	6 271	6 675	6 675	6 675	28 435	30 350	32 416
<i>Sports Grounds and Stadiums</i>		23 471	25 577	25 082	26 700	26 700	26 700	12 737	13 544	14 416
<i>Public safety</i>										
Public safety		87 267	107 883	96 045	112 308	144 917	144 917	78 807	84 994	91 720
<i>Civil Defence</i>		60 746	66 098	57 024	67 656	98 074	98 074	49 225	52 803	56 679
<i>Cleansing</i>										
<i>Fencing and Fences</i>		6 562	20 159	14 435	17 867	19 597	19 597			
<i>Fire Fighting and Protection</i>		19 960	21 626	24 587	26 785	27 246	27 246	29 582	32 191	35 041
<i>Licensing and Control of Animals</i>										
Housing		62 922	30 639	45 463	35 061	62 229	62 229	34 412	36 912	39 623
<i>Housing</i>		62 922	30 639	45 463	35 061	62 229	62 229	23 878	25 489	27 231
<i>Informal Settlements</i>								10 535	11 423	12 391
Health		151	3 307	22	125	125	125			
<i>Ambulance</i>										
<i>Health Services</i>		52	55	22	58	58	58			
<i>Laboratory Services</i>										
<i>Food Control</i>										
<i>Health Surveillance and Prevention of Communicable Diseases</i>										
<i>Vector Control</i>										
<i>Chemical Safety</i>		99	3 252		67	67	67			
<i>Economic and environmental services</i>		81 536	97 965	103 900	119 231	122 896	122 896	277 583	295 015	313 769
Planning and development		19 653	33 508	33 351	42 532	45 607	45 607	64 714	69 639	74 984
<i>Billboards</i>										
<i>Corporate Wide Strategic Planning (IDPs, LEDs)</i>								6 901	7 387	7 914
<i>Central City Improvement District</i>										
<i>Development Facilitation</i>										
<i>Economic Development/Planning</i>		19 653	33 508	33 351	42 532	45 607	45 607	32 323	34 751	37 381
<i>Regional Planning and Development</i>										
<i>Town Planning, Building Regulations and Enforcement, and City</i>								25 490	27 501	29 689
<i>Project Management Unit</i>										
<i>Provincial Planning</i>										
<i>Support to Local Municipalities</i>										
Road transport		59 511	61 447	67 417	72 528	72 928	72 928	192 577	203 482	215 152
<i>Police Forces, Traffic and Street Parking Control</i>		4 717	4 736	5 526	7 405	7 405	7 405	119 712	127 314	135 452
<i>Pounds</i>										
<i>Public Transport</i>								5 740	6 265	6 839
<i>Roads</i>		54 794	56 712	61 891	65 123	65 523	65 523	67 124	69 902	72 860

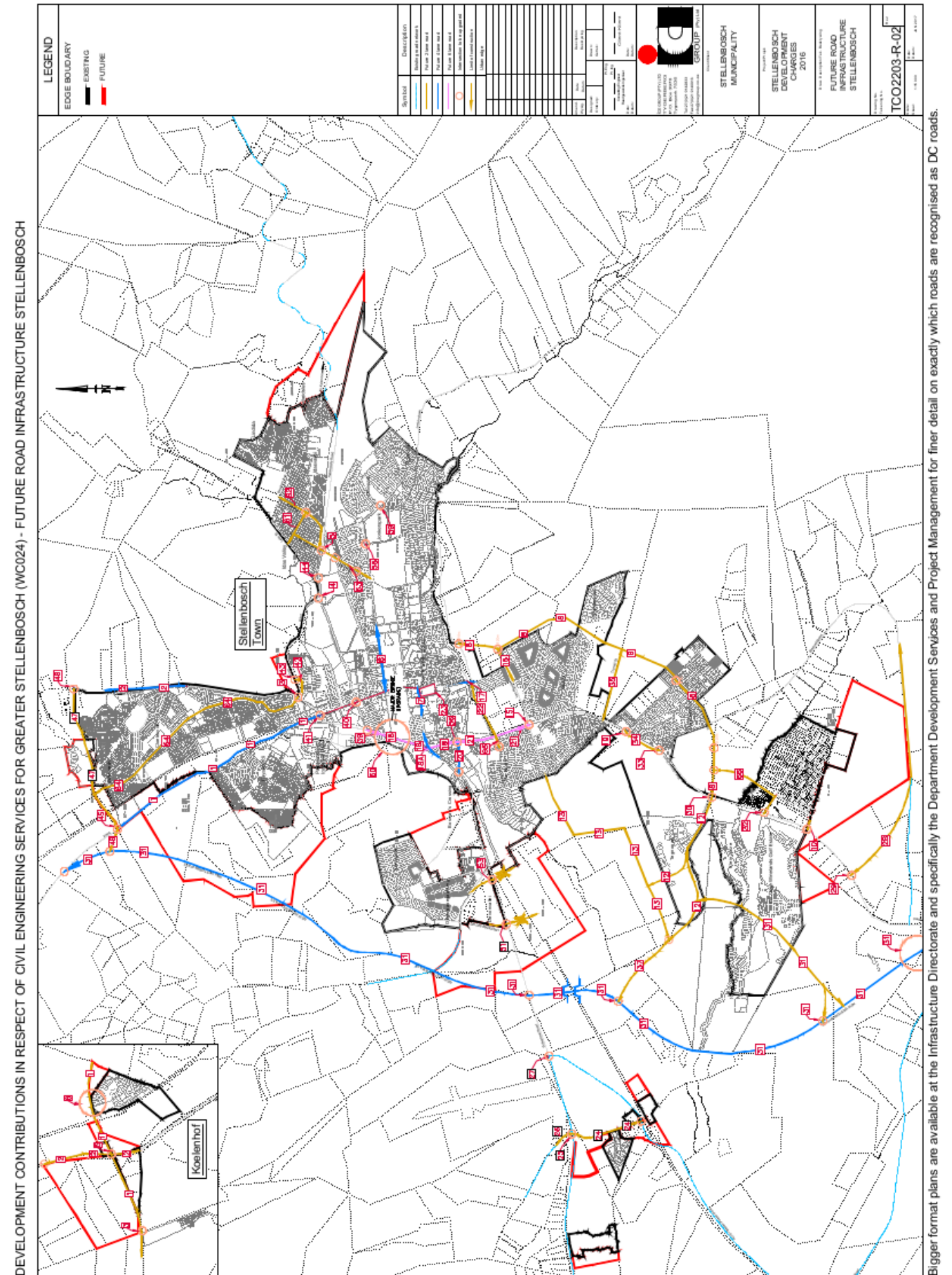
Functional Classification Description	Ref	2013/14	2014/15	2015/16	Current Year 2016/17			2017/18 Medium Term Revenue & Expenditure Framework		
		Audited Outcome	Audited Outcome	Audited Outcome	Original Budget	Adjusted Budget	Full Year Forecast	Budget Year 2017/18	Budget Year +1 2018/19	Budget Year +2 2019/20
<i>Taxi Ranks</i>								-	-	-
<i>Environmental protection</i>								-	-	-
Environmental protection		2 372	3 010	3 131	4 172	4 361	4 361	20 293	21 894	23 633
<i>Biodiversity and Landscape</i>		2 372	3 010	3 130	4 171	4 361	4 361	19 126	20 639	22 282
<i>Coastal Protection</i>								-	-	-
<i>Indigenous Forests</i>								-	-	-
<i>Nature Conservation</i>								1 167	1 255	1 351
<i>Pollution Control</i>				1	1	1	1	-	-	-
<i>Soil Conservation</i>								-	-	-
<i>Trading services</i>		631 267	598 745	747 631	805 542	794 442	794 442	753 665	806 632	852 040
Energy sources		381 918	348 538	450 637	484 464	477 790	477 790	430 599	454 668	480 211
<i>Electricity</i>		381 918	348 538	450 637	484 464	477 790	477 790	430 599	454 668	480 211
<i>Street Lighting and Signal Systems</i>								-	-	-
<i>Nonelectric Energy</i>								-	-	-
Water management		102 915	102 482	112 230	116 795	117 228	117 228	108 719	114 407	120 485
<i>Water Treatment</i>								14 372	15 197	16 082
<i>Water Distribution</i>		83 080	79 583	88 655	93 403	93 836	93 836	81 881	86 179	90 773
<i>Water Storage</i>		19 835	22 899	23 575	23 391	23 391	23 391	12 466	13 031	13 629
Waste water management		82 547	85 927	115 801	127 587	122 491	122 491	129 674	148 374	157 350
<i>Public Toilets</i>		2 290	4 851	8 114	7 696	7 696	7 696	-	-	-
<i>Sewerage</i>		62 179	62 958	89 938	102 192	97 095	97 095	64 678	79 423	84 137
<i>Storm Water Management</i>		18 078	18 118	17 749	17 700	17 700	17 700	20 906	21 932	23 032
<i>Waste Water Treatment</i>								44 090	47 019	50 181
Waste management		63 886	61 799	68 964	76 697	76 934	76 934	84 673	89 184	93 994
<i>Recycling</i>								-	-	-
<i>Solid Waste Disposal (Landfill Sites)</i>		63 886	61 799	68 964	76 697	76 934	76 934	27 718	28 840	30 009
<i>Solid Waste Removal</i>								32 586	34 537	36 635
<i>Street Cleaning</i>								24 368	25 808	27 350
<i>Other</i>		5 470	3 454	7 732	4 894	4 894	4 894	-	-	-
Abattoirs								-	-	-
Air Transport								-	-	-
Forestry		4 826	2 764	7 683	4 119	4 119	4 119	-	-	-
Licensing and Regulation		644	690	49	776	776	776	-	-	-
Markets								-	-	-
Tourism								-	-	-
Total Expenditure - Functional	3	1 048 969	1 132 053	1 261 496	1 380 139	1 450 845	1 450 845	1 486 676	1 583 156	1 674 841
Surplus/(Deficit) for the year		154 864	24 513	149 671	56 498	39 650	39 650	1 407	8 861	12 129

References

1. Government Finance Statistics Functions and Sub-functions are standardised to assist national and international accounts and comparis.
2. Total Revenue by Functional Classification must reconcile to total operating revenue shown in Financial Performance (revenue and expenditure).
3. Total Expenditure by Functional Classification must reconcile to total operating expenditure shown in Financial Performance (revenue and expenditure).
4. All amounts must be classified under a Functional classification. The GFS function 'Other' is only for Abattoirs, Air Transport, Forestry, Licensing and Regulation, Markets and Tourism - and if used must be supported by footnotes. Nothing else may be placed under 'Other'. Assign associate share to relevant classification

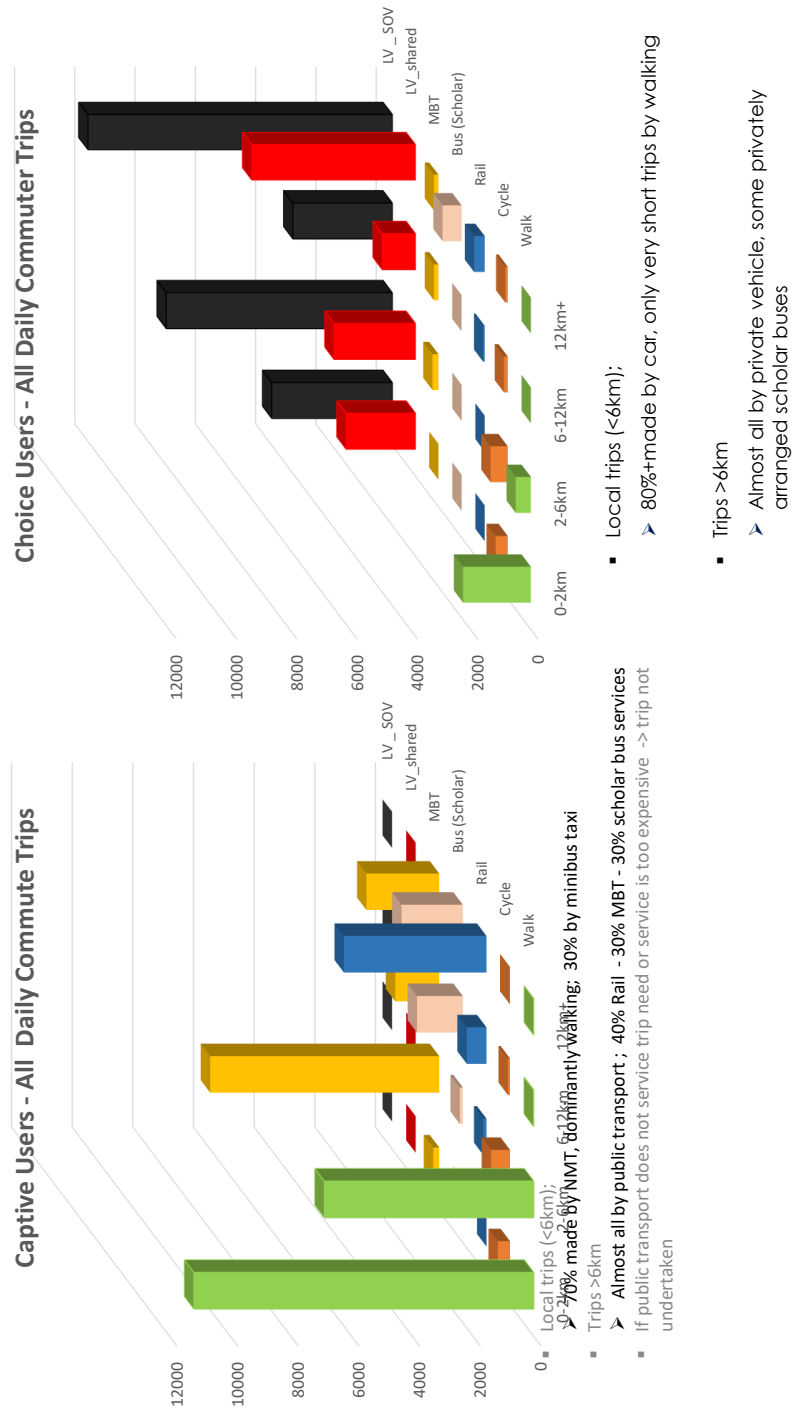
check oprev balance	-	-	-	-	-6	-6	-	-	-	0
check opexp balance	-	-	-	0	1	1	-	-	-	-

V “Development contribution” map, approved in May 2017



W Modal split of daily commuters Stellenbosch (Transport Futures)

Mode Split for Commuting Trips into and within Stellenbosch Town



X The traffic consultant's idea of safety

Existing Road Audit : Rating Schedule – Appendix H

Road Function, Classification, Environment	Rating	Code
Road Alignment and Cross Section		
1. Visibility, sight distance	Rating 5 = Critical	5
2. Design speed	Rating 4 = Very Important	4
3. Speed limit/speed zoning	Rating 4 = Very Important	4
4. Passing	Rating 3 = Important	3
5. 'Readability' (perception) of the alignment by drivers	Rating 2 = Slightly Important	2
6. Human factors	Rating 3 = Important	3
7. Widths	Rating 2 = Slightly Important	2
8. Shoulders	Rating 4 = Very Important	4
9. Cross slopes	Rating 4 = Very Important	4
10. Side slopes	Rating 2 = Slightly Important	2
11. Drains	Rating 2 = Slightly Important	2
12. Combinations of features	Rating 3 = Important	3
Auxiliary Lanes		
1. Tapers	Rating 1 = Unimportant	1
2. Shoulders	Rating 3 = Important	3
3. Signs and markings	Rating 2 = Slightly Important	2
4. Turning traffic	Rating 2 = Slightly Important	2
Intersections		
1. Location	Rating 4 = Very Important	4
2. Visibility, sight distance	Rating 5 = Critical	5
3. Signing and marking	Rating 4 = Very Important	4
4. Layout and 'readability' (perception) by drivers	Rating 3 = Important	3
5. Pedestrians, bicyclists	Rating 3 = Important	3
6. Lighting	Rating 4 = Very Important	4
Interchanges		
1. Visibility, sight distance	Rating 3 = Important	3
2. Lanes, shoulders	Rating 4 = Very Important	4
3. Signing, marking, delineation	Rating 3 = Important	3
4. Pedestrians, bicyclists	Rating 3 = Important	3
5. Lighting	Rating 4 = Very Important	4
Signs and Lighting		
1. Lighting	Rating 3 = Important	3
2. General signs issues	Rating 3 = Important	3
3. Sign legibility	Rating 2 = Slightly Important	2
4. Sign supports	Rating 1 = Unimportant	1
Marking and Delineation		
1. General issues	Rating 2 = Slightly Important	2
2. Centerlines, edgelines, lane lines	Rating 1 = Unimportant	1
3. Guideposts and reflectors	Rating 1 = Unimportant	1
4. Curve warning and delineation	Rating 1 = Unimportant	1
Barriers and Clear Zones		
1. Clear zones	Rating 2 = Slightly Important	2
2. Barriers	Rating 2 = Slightly Important	2
3. End treatments /Crash cushions	Rating 2 = Slightly Important	2
4. Pedestrian railing	Rating 2 = Slightly Important	2
5. Visibility of barriers and fences	Rating 2 = Slightly Important	2

Traffic Signals		
1. Operations	Rating 3 = Important	3
2. Visibility	Rating 3 = Important	3
3. Placement of signal heads	Rating 3 = Important	3
Pedestrians and Bicyclists		
1. General issues	Rating 3 = Important	3
2. Pedestrians	Rating 3 = Important	3
3. Bicyclists	Rating 3 = Important	3
4. Public transport	Rating 3 = Important	3
Older Drivers		
1. Turning operations (receiving lane widths, radii)	Rating 2 = Slightly Important	2
2. Channelization, opposing left turn lanes	Rating 2 = Slightly Important	2
3. Sight triangles	Rating 2 = Slightly Important	2
4. Signing, marking and delineation	Rating 2 = Slightly Important	2
5. Traffic signals	Rating 2 = Slightly Important	2
Bridges and Culverts		
1. Design features	Rating 1 = Unimportant	1
2. Barriers	Rating 1 = Unimportant	1
3. Pedestrian and recreational facilities, delineation	Rating 1 = Unimportant	1
Pavement		
1. Pavement defects	Rating 1 = Unimportant	1
2. Skid resistance	Rating 1 = Unimportant	1
3. Ponding/icing/snow accumulation	Rating 1 = Unimportant	1
4. Loose stones/material	Rating 1 = Unimportant	1
5. Manholes	Rating 1 = Unimportant	1
Provision For Heavy Vehicles		
1. Design issues	Rating 1 = Unimportant	1
2. Pavement/shoulder quality	Rating 1 = Unimportant	1
Floodways and Causeways		
1. Ponding and flooding	Rating 1 = Unimportant	1
2. Safety of devices	Rating 1 = Unimportant	1
Other Safety Issues		
1. Landscaping	Rating 2 = Slightly Important	2
2. Temporary works	Rating 2 = Slightly Important	2
3. Headlight glare	Rating 1 = Unimportant	1
4. Roadside activities	Rating 2 = Slightly Important	2
5. Signs of possible problems (pavement, roadside)	Rating 1 = Unimportant	1
6. Rest areas	Rating 1 = Unimportant	1
7. Environment	Rating 1 = Unimportant	1
8. Median curbing	Rating 2 = Slightly Important	2

Y Plagiarism by the Environmental Authorisation of the Basic Assessment Report

Most of Section 3 of the Environmental Authorisation appears to be a copy or closely related to the equivalent sections in the Revised Final BAR. Below, a few sentences taken from the BAR are listed on the left which are reproduced verbatim or, in some cases, with various modifications, by the EA on the pages indicated on the right hand side.

<p>CCA page 3-1 The R44 was developed in its current form in the 1970s to provide a regional link between Somerset West and Stellenbosch and as part of the larger provincial route between Kleinmond and Malmesbury via Wellington.</p>	<p>DEADP EA page 15</p>
<p>CCA page 3-1 Historically the R44 was situated in a largely rural context with mainly medium to large production farms involved in the wine industry located along the road.</p>	<p>DEADP EA page 15</p>
<p>CCA page 3-5 the Stellenbosch Spatial Development Framework indicates that in the long term there is likely to be further development adjacent to the R44 that would continue to add traffic to the existing road network.</p>	<p>DEADP EA page 15</p>
<p>CCA page 3-5 The successful economic growth of Stellenbosch and the surrounding area is the main contributor to the traffic growth that has been experienced over the last few years on the R44 and into Stellenbosch.</p>	<p>DEADP EA page 15</p>
<p>CCA page 3-1 This is evidenced by growth in traffic volumes from an average daily traffic volume of approximately 2 000 vehicles in 1980 to approximately 30 000 vehicles presently.</p>	<p>DEADP EA page 15 The error of 30 0000 rather than the correct 30 000 was copied by DEADP from the BAR.</p>
<p>CCA page 3-1 As the urban environment of greater Cape Town and the surrounding Winelands areas developed over time, the character and functions of the R44 have also changed.</p>	<p>DEADP EA page 15</p>
<p>CCA page 9 The overarching safety issue is due to the large number of median openings and the traffic turning movements associated with these openings.</p>	<p>DEADP EA page 15</p>

<p>CCA page vii</p> <p>Additionally, with the substantial increase in traffic volumes over the last few years, the LOS has also reduced and the route is no longer effectively catering for the substantial volumes of traffic that use the R44 on a daily basis.</p>	<p>DEADP EA page 16</p>
<p>CCA page 3-1</p> <p>Various development trends have contributed to the traffic growth. While agricultural activities remain predominant in the area, other business and especially tourism related activities have developed, with numerous farms converting to tourist-orientated businesses such as farm stalls, restaurants and tourist accommodation. Educational institutions have grown, e.g. many students commute daily to the University of Stellenbosch due to limited student accommodation within the town. The area is also sought after for residential purposes due to its rural atmosphere within relative close proximity to the urban context of the two large towns as well as the City of Cape Town. Some farms have been subdivided into residential smallholdings and numerous housing developments close to Stellenbosch have taken place. The development of businesses, business and office parks and shopping centres has further contributed to increased local traffic demand along the R44.</p>	<p>DEADP EA page 16</p>
<p>CCA page 3-1</p> <p>The R44 thus has an important local function, serving agriculture, business and the local tourism industry, in addition to providing a daily commuter route between Somerset West and Stellenbosch to and from work, schools and the university.</p>	<p>DEADP EA page 16</p>
<p>CCA page viii, 3-12</p> <p>A micro-simulation model of the R44 corridor was created to test the traffic-related impacts associated with various alternatives and combinations. The modelling process included the evaluation of the R44 travel times, overall average network speed and trip times between major destinations as well as the future capacity constraints of the network.</p>	<p>DEADP EA page 16</p>

<p>CCA page xiii</p> <p>It is proposed to close all 22 median openings between Steynsrust Road and Webersvallei Road. The result would be that all public and private roads as well as private accesses along this section of the R44 would have only left in/left out access from and to the R44. U-turn facilities would be provided at both ends of the road section as well as at Winery and Annandale Roads in order to limit the addition travel distance to access properties along the R44.</p>	<p>DEADP EA page 17</p>
<p>CCA page xiii</p> <p>A grade-separated U-turn bridge in the form of a horseshoe is proposed adjacent to the existing Steynsrust Road Interchange bridge structure. The purpose of this facility would be to provide southbound traffic wishing to go north with the opportunity to make a U-turn without accessing the local road network. Thus traffic generated by the median closures along the R44 would not affect the surrounding municipal road network.</p>	<p>DEADP EA page 17</p>
<p>CCA page xiii</p> <p>It is proposed to close the existing median openings to Bredell Road and the Klein Helderberg Road and to provide left / left out access to both roads. Improvements at the Bredell Road Intersection would entail the provision of a deceleration turning lane and an acceleration entry lane as well as a triangular splitter island at the exit / entry point.</p>	<p>DEADP EA page 18</p>