

Mayoral Committee Meeting

23 May 2024

Addendum 1:

SECTION 6: PLANNING AND DEVELOPMENT			
ITEM NO	SUBJECT	FIL REF	PG
C/6/139/05/24	APPLICATION TO LEASE ERF 13769 AND ERF 13568 - NOUTHESIA MINISTRIES AND FIRST STEP EDUCARE CENTRE	17/6/3/4	3
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SECTION 6

PLANNING AND DEVELOPMENT

Section 6: Planning & Development

ITEM C/6/139/05/24

APPLICATION TO LEASE ERF 13769 AND ERF 13568 - NOUTHESIA MINISTRIES AND FIRST STEP EDUCARE CENTRE

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 17/6/3/4
Demarcation: Ward 4
Delegation: Council

Attachments: Annexure A: Request for Land Application

Report from: Director: Planning and Development

Author: Officer Economic Development |Planning

Date: 22 May 2024

PURPOSE OF THE REPORT

The purpose is to request Council to approve the letting of municipal land situated on Portion 20 of Hill View 437, Hillview Plettenberg Bay. The property under discussion is indicated as Erf 13769 and Erf 13568, Plettenberg Bay on the draft General Plan submitted to the Surveyor General. The lease is for a period of 9 years and 11 months to Nouthesia Ministries and First Step Educare Centre respectively.

BACKGROUND /DISCUSSION

Nouthesia Ministries was established was 2005 as non-profit organization and is a well-known Gospel Ministry. The Ministry is involved in fighting crime, substance, and drug abuse, safety of the kids and empowering people through counselling.

First step Educare Centre was established in 2017 as a non-profit organization. The objective of the organization is to provide early childhood education and care for children and help them develop a range of skills that make them ready to learn when they start school.

EXECUTIVE SUMMARY:

For the Ministry to meet its requirements they need a building to continue serving the community.

They also work with young members of society struggling with their identity and oversee programmes for single parents raising teenagers.

The objective of the organization is to provide early childhood education and care for children and help them develop a range of skills that make them ready to learn when they start school.

Section 6: Planning & Development

Section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) deals with disposal of capital assets of municipalities and reads as follows:

“14. Disposal of capital assets:

- (1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*
- (2) A municipality may transfer or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public –*
 - (a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and*
 - (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.*
- (3) A decision by a municipal council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset has been sold, transferred or otherwise disposed of.*
- (4) A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection 2(a) and (b) in respect of movable capital assets below a value determined by the council.*
- (5) Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111...”*

It is submitted that the property in question (Erf 13769 and Erf 13658, Plettenberg Bay) is earmarked for Worship Purposes and Early Childhood Development respectively.

Both organizations (Nouthesia Ministries and First Step Educare Centre) have requested that a nominal rental be determined as they are non- profit organizations rendering services to the poor and most vulnerable of our communities.

Regulation 40(2)(c) of the Municipal supply Chain Management Regulations provides as follows:

..... (i) immovable property is let at market related rates except when the public interest or the plight of the poor demands otherwise.....

It is recommended that a nominal rental be determined for both organizations.

FINANCIAL IMPLICATION

Nominal rental will be charged and raised as revenue.

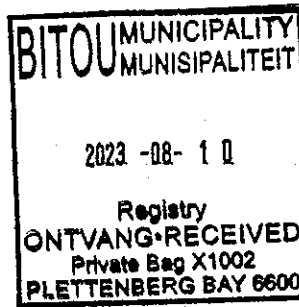
Section 6: Planning & Development

RELEVANT LEGISLATION

Constitution of the Republic of South Africa, 1996
Bitou Municipality
MFMA
Municipal Supply Chain Management Regulations

RECOMMENDED BY THE ACTING MUNICIPAL MANAGER

1. That the report on the application for a lease of Erf 13769 and Erf 13568, Plettenberg Bay be noted.
2. That in terms of Section 14(2)(a) of the Local Government: Municipal Finance Management Act, 2003, and on reasonable grounds, the Municipal Council hereby confirms that Portion 20 of the Farm Hillview No 437; Erf 13769 and Erf 13568, is deemed not needed to provide the minimum level of basic Municipal Services.
3. That the lease of Erf 13769 and Erf 13568, Plettenberg, to Nouthesia Ministries and First Step Educare Centre for a nominal rental of R100 per annum for a period of 9 years and 11 months be approved respectively.
4. That the Acting Municipal Manager be authorised to sign and conclude the lease agreements.
5. That a copy of the signed lease agreements be submitted to Council for noting at its next meeting.



THE WARD COUNCILLOR
COUNCILLOR C. TERBLANCHE
BITOU MUNICIPALITY
PLETTENBERG BAY
6600

CC: THE MUNICIPAL MANAGER
MR. MBULELO MEMANI

TOWN PLANNING
MR. LRUDOLPH GERICKE

THE DIRECTOR COMMUNITY SERVICES
MS. MELONY PAULSEN

COLL NO:	
SCAN NO:	
FILE NO:	17/6/3/10

WARD 4 COUNCILLOR
CLLR. CLAUDE TERBLANCHE

8/02/2023

RE: APPLICATION FOR LAND IN EBENHEAZER TO ERECT CHURCH BUILDING

I hope I find you in best of your health right now.

Nouthesia Ministries is well known to you and was establish in 2005, we have grown over the years and is instrumental in the fight against the challenges faced by our community.

With this letter we would like to apply for land at Ebeneazer portion 20 erven 13769 which is earmarked for places of worship to build our Church that will also serve as a community center that runs programmes that focus on the following social challenges.

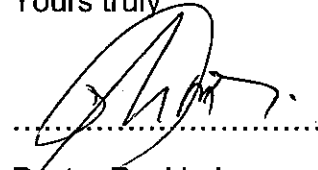
1. Youth & Woman Development
2. Substance Abuse
3. Family Values
4. Spiritual Growth

We have proven ourselves over the years and have facilitated numerous session that impacts the lives of our people.

We see us as spiritual partner of government to strengthen the efforts of the local municipality.

We hope to rely on your continued support.

Yours truly

A handwritten signature in black ink, appearing to read 'Paul Lukas', is written over a horizontal dotted line.

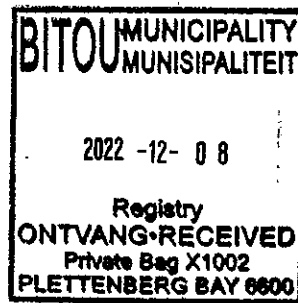
Pastor Paul Lukas

Cell: 079 533 7217

Email: pdlukas70@gmail.com



THE WARD COUNCILLOR
NEW HORIZONS - WARD 4
COUNCILLOR C. TERBLANCHE
BITU MUNICIPALITY



09 November 2022

RE: APPLICATION FOR LAND IN EBENNEZER- TO BUILD A CRECHE

Dear Councillor Terblanche I started First Step Educare Centre 7 years ago without any support or funding from the government. I have tried several times to get land from the municipality but to no avail.

We are renting space at a local church. We foresee that the church will need their space very soon. It will place us in a very awkward situation.

That is why I am turning to you with the Ebenezer Development that is on hands.

With this letter I would like to formally apply for suitable land for my creche. I am short listed by the Department of Education for funding due to the amount of kids that I have and the high level of commitment that I have shown in the last 7 years.

~~We hope to rely on your continued support and awaits a response at your earliest convenience.~~

Yours truly

Esmeldia Jonas
Founder

071 753 9482

CDR

(PLETTENBERG BAY ALLOTMENT AREA)

GENERAL PLAN NO. / 2023

of

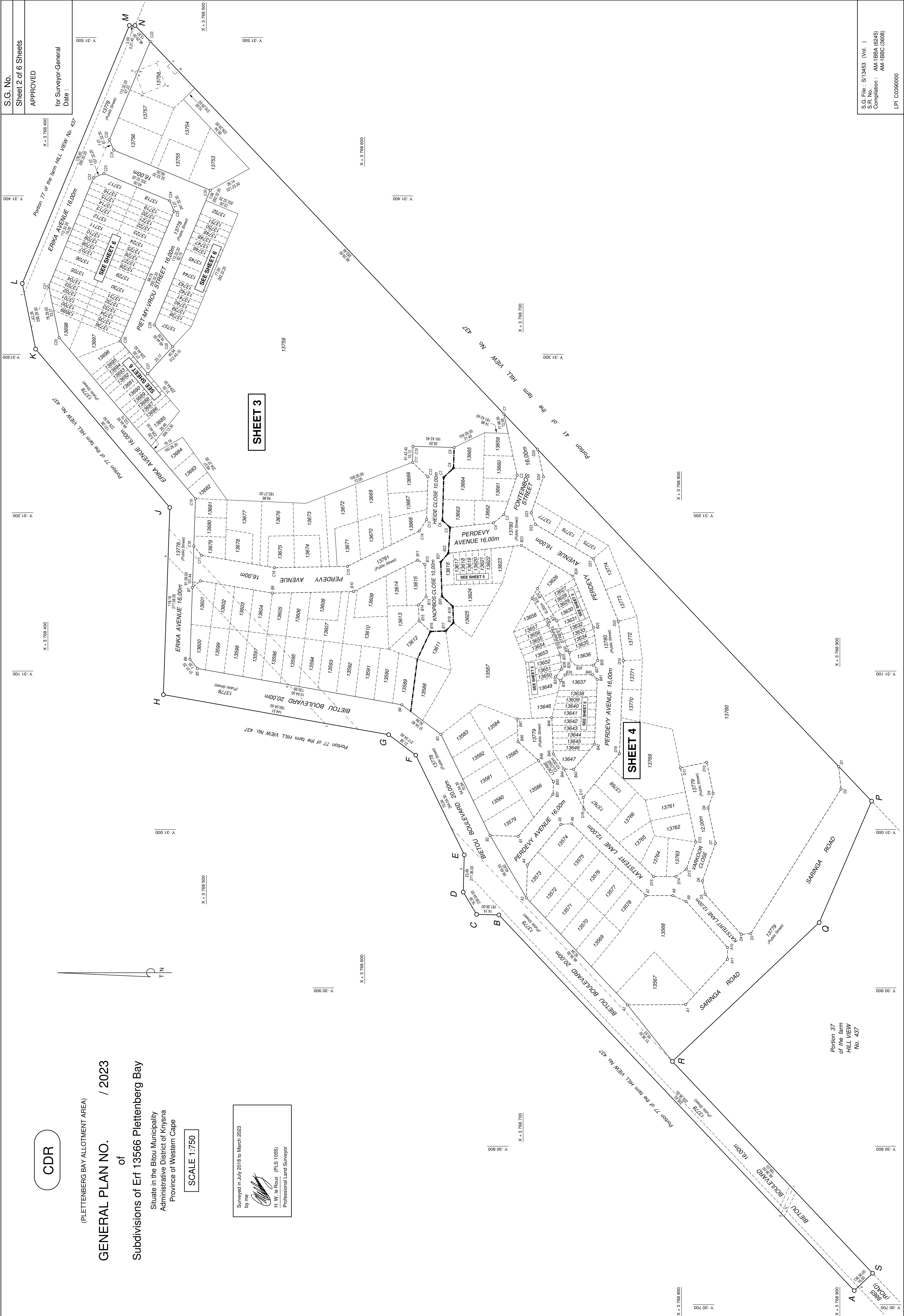
Subdivisions of Erf 13566 Plettenberg Bay

Situate in the Bitou Municipality
Administrative District of Knysna
Province of Western Cape

SCALE 1:750

Surveyed in July 2018 to March 2023
by me

H. W. le Roux (PLS 1055)
Professional Land Surveyor



S.G. File : S13453 (Vol.)
S.R. No. : AM-1BBA (6245)
Compilation : AM-1BBC (9658)
LPI : C0390000

Section 6: Planning and Development

ITEM C/6/140/05/24

TREKKER ROAD (OP07207): PROPOSED DEPROCLAMATION

Portfolio Comm: Strategic Services and Office of the MM **Demarcation:** Ward 7
File Ref: 9/1/3/5/2 **Delegation:** Council

Attachments: Annexure “A” – Locality Plan
 Annexure “B” – Layout Plan
 Annexure “C” - Provincial letter dated 14/11/2023.
 Annexure “D” – Municipal letter dated 18/12/2023.

Report from: Acting Director: Planning & Development

Author: Manager: Planning & Building Control

Date: 22 May 2024

PURPOSE OF THE REPORT

To recommend that application be made for the deproclamation of a portion of Trekker Street to allow this Provincial Road to become a Municipal Street under the jurisdiction of the Municipality.

EXECUTIVE SUMMARY

Trekker Street is a Provincial Road. The Provincial Department of Transport and Public Works is solely responsible for the maintenance of this road. As a result of a proposed development on Portion 9 of Farm 432 that is proposed to take place along this road the Provincial Department of Transport and Public Works requires that the Municipality makes application for the de-proclamation thereof before the development can be proceeded with.

Once de-proclamation occurs the Municipality will become the Roads Authority and be responsible for the maintenance (and re-construction, if required) thereof. This will have negative future financial implications. On the other hand, de-proclamation will facilitate much needed future developments, which in turn will have positive financial implications.

As the Municipality has already committed itself to ‘take over’ the road it is recommended that a formal decision in this regard be adopted.

BACKGROUND /DISCUSSION

It can in broad terms be said that the status of a road (and the concomitant maintenance and related responsibilities) should be determined by the surrounding land uses. If these uses are urban in nature it should in principle be a municipal road, and if they are rural in nature it should be a Provincial Road. In

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case where the surrounding uses change from ‘rural’ to ‘urban’ the road should be de-proclaimed as a Provincial Road (under the jurisdiction of the Provincial Department of Transport and Public Works) to become a municipal street (under the jurisdiction of the Municipality).

Minor Road OP7207 (better known as Trekker Road), which is the access road leading from the ‘Airport Road’ to Kranshoek, is a proclaimed Provincial Road (from the intersection with the ‘Airport Road’ to the ‘entrance’ to Kranshoek), as shown by the red line on the attached Annexure ‘A’.

This has two important implications:

1. First, the Provincial Department of Transport and Public Works is solely responsible for the maintenance of Trekker Street.
2. Second, any development along or impacting on Trekker Street has to obtain the prior approval from the Provincial Department of Transport and Public Works.

As can be seen on Annexure ‘A’ Portion 9 of Farm 432 directly abuts Trekker Street.

A development application has been submitted (and approved) on Portion 9 of Farm 432. A copy of the Layout Plan is attached as Annexure ‘B’. Access to this development (Stella Drive) is proposed directly from Trekker Street, and therefore required approval from the Provincial Department of Transport and Public Works.

The Provincial Department of Transport and Public Works originally objected to the proposal, but in a letter dated 14 November 2023 (attached as Annexure ‘C’) confirmed that the objection is withdrawn, subject to certain conditions. One of those conditions is that the Municipality must commence with a formal application for the de-proclamation of “*the affected portion*” of Trekker Street so that it will in future become a municipal street (see paragraph 4 of Annexure ‘C’). What it means in practice is that the Department requires that at least the section of Trekker Street from the northern boundary of Portion 9 of Farm 432 (i.e. opposite the school) be de-proclaimed.

As township development has already taken place along the western side of the portion of Trekker Street this, and as further urban development will not take place along the eastern side, this request is only reasonable.

However, as a direct result of the proposed development of Portion 9 of Farm 432 certain upgrading of Trekker Road needs to be undertaken. The Provincial Department of Transport and Public Works has indicated in their letter that the “Bitou Municipality must ensure that the developer covers all the costs towards this proposed development with no costs from this Branch” (see paragraph 4.9 of Annexure ‘C’).

FINANCIAL IMPLICATION

Once the relevant portion of Trekker Road becomes a Municipal Road all future maintenance (and reconstruction, if applicable) costs would become the responsibility of the Municipality.

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RELEVANT LEGISLATION

MFMA
Roads Ordinance, 1976

Comments: Director Financial Services

There is no information currently available in respect of the annual maintenance, operational or future refurbishment cost etcetera, I can therefore not comment appropriately on the impact on the municipal budget, tariffs, and tax implications as per Section 19 of the MFMA.

Comments: Director Engineering Services

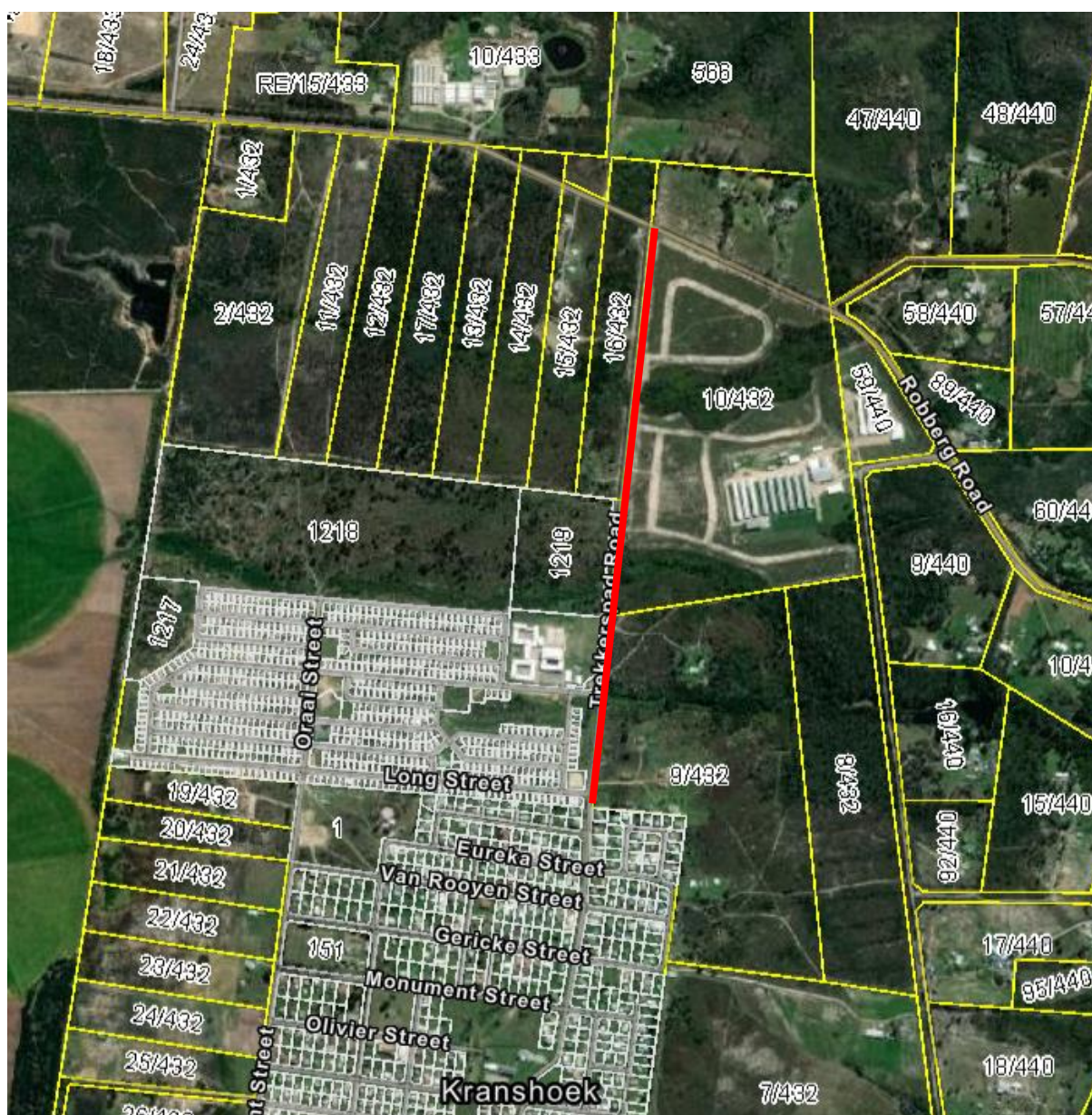
That the developer/s become responsible for augmentation contributions, development costs, connection fees and associated administrative costs once the de-proclamation process is finalized.

That the Bitou Local Municipality, Engineering Department encourage the Western Cape Province, Roads Department to continue supporting programs and future committed budget for the portion of road to be de-proclaimed.

The annual anticipated repair and maintenance cost for the section of road to be de-proclaimed amounts to approximately R95 000.

RECOMMENDED BY THE ACTING MUNICIPAL MANAGER

1. That the content of the letter from the Provincial Department of Transport and Public Works dated 14 November 2023, be noted.
2. That in view of the above the Municipal Manager be authorised to make application in terms of the provisions of the Roads Ordinance, 1976 (Ord. 19 of 1976) for the Municipality to become the Roads Authority for the portion of Provincial Road OP07207 (Trekker Street) along the boundary of Portion 9 of the Farm Kranshoek No. 432.
3. That it be recorded that it is the responsibility of the developer of Portion 9 of the Farm Kranshoek No. 432 to undertake the required upgrading of the portion of Trekker Road necessitated by the proposed development.





Ref: DOI/CFS/RP/LUD/REZ/SUB-22/153 (Job 30465)

The Municipal Manager
Bitou Municipality
Private Bag X1002
PLETTENBERG BAY
6600

Attention: Ms A Stander

Dear Madam

**ACT 21 OF 1940: SUBDIVISION, REZONING AND DEPARTURE: PORTION 9 OF FARM KRANSHOEK
432, BITOU MUNICIPALITY**

1. The following refer:
 - 1.1 This Branch's letter 16/9/6/1-14/09 (Job 22322) dated 14 July 2014 to Bitou Municipality. Find a copy attached to this letter.
 - 1.2 Bitou Municipality's land use planning application form signed on behalf of Metroplan by Mr LA del Monte on 25 September 2018. Received by this Branch via an e-mail from Metroplan on 9 November 2023.
 - 1.3 Bitou Municipality's letter 18/9/432 dated 24 October 2018 to this Branch.
 - 1.4 This Branch's letter 16/9/6/1-14/09 (Job 22322) dated 8 January 2019 to Bitou Municipality. Find a copy attached to this letter.
 - 1.5 Bitou Municipality's letter 16/2/5 dated 30 May 2019 to this Branch.
 - 1.6 This Branch's letter 16/9/6/6/2-2/01 (Job 23868) dated 15 October 2019 to Bitou Municipality. Find a copy attached to this letter.
 - 1.7 This Branch's letter 16/9/6/1-14/09 (Job 22322) dated 26 November 2019 to Sharples Environmental Services. Find a copy attached to this letter.

- 1.8 This Branch's letter 16/9/6/1-14/09 (Job 22322) dated 9 October 2020 to Sharples Environmental Services. Find a copy attached to this letter.
- 1.9 Metroplan's motivational application PLE/1708 Rev 0.2 dated January 2021. Received by this Branch via an e-mail from Metroplan on 9 November 2023.
- 1.10 The Department of Environmental Affairs and Development Planning's environmental authorisation 16/3/3/2/D1/13/0001/20 dated 3 May 2021 to Status Homes Property Developers. Received by this Branch via an e-mail from Metroplan on 9 November 2023.
- 1.11 Bitou Municipality's letter 18/9/432 dated 23 November 2021 to Metroplan. Received by this Branch via an e-mail from Metroplan on 9 November 2023.
- 1.12 Engineering Advice and Services' traffic impact assessment update Version 1 dated February 2023.
- 1.13 Bitou Municipality's approved development drawing stamped and dated 9 February 2023. Received by this Branch via an e-mail from Metroplan on 9 November 2023.
2. Minor Road 7207 (OP07207; Trekker Road), classified a class 5 road for which this Branch is the Road Authority, is affected by this application. The affected section of OP07207, with an already posted 60km/h speed limit along the proposed development area, traverses through (what is accepted to become) a suburban node. This Branch, during the environmental process, mentioned that OP07202 ceased to function as a rural provincial road and functions as a municipal street, which is why Bitou Municipality is required to accept its responsibilities as a road authority of such a street and has to upgrade and maintain it according to municipal standards.
3. Although the proposed accesses off OP07207 do not comply to this Branch's minimum access spacings (in terms of this Branch's Access Management Guidelines, 2020), this Branch acknowledge that the proposed accesses are dictated by the position of the wetland and the buffer zones, and accepts that the reduced access spacings are in accordance with the standards accepted by Bitou Municipality.
4. This Branch herewith withdraws its objection to this proposed development in full. This Branch, the Controlling Authority in terms of Act 21 of 1940, approves the proposed subdivision and offers no further objection to this proposed development, provided that Bitou Municipality commences (and ensures to complete) with an application to this Branch (via Garden Route District Municipality's Roads Directorate) to close (deproclaim) OP07202 (or at least the affected portion thereof) as a provincial road, so that OP07202 (or at least the affected portion thereof) can continue to exist as a municipal street under the jurisdiction of Bitou Municipality. Until the closure of OP07202 is completed in full Bitou Municipality remains to comply to the following:

- 4.1 Bitou Municipality must ensure that its streetlight system carries the approval of this Branch's Chief Design Directorate (Attention: Mr M Hendrickse; e-mail: Michael.Hendrickse2@westerncape.gov.za) before applying, as per this Branch's letter of 15 October 2019, to this Chief Planning Directorate to obtain the required wayleave approval (Attention: Mr E Burger; e-mail: Evan.Burger@westerncape.gov.za).
- 4.2 Bitou Municipality must recommend to this Branch to approve in terms of Roads Ordinance 19 of 1976 - whilst still applicable, the following:
 - 4.2.1 The proposed accesses off OP07202 at \pm km0.92 LHS (Proposed Access 1 – Winifred Lane) and \pm km1.07 LHS (Proposed Access 2 – Stella Road).
 - 4.2.2 All the required road improvements within and along the OP07202 road reserve. The minimum design standards must be agreed with this Branch's Chief Directorate: Road Design before designing and submitting such requests for approval.
 - 4.2.3 All the required services within (across and along) both the road reserve of OP07202 and the adjacent 5m Building Line - in terms of Roads Ordinance 19 of 1976.
- 4.3 Bitou Municipality must ensure that, except for the two abovementioned accesses (paragraph 4.2.1), no other access, due to this development being supported by this Branch, off OP07202 will either be created or continue to exist.
- 4.4 Bitou Municipality must ensure not to approve any access off either proposed Winifred Lane or proposed Stella Road at a distance less than this Branch's accepted minimum access spacing (in accordance with this Branch's Access Management Guidelines, 2020) measured from OP07202.
- 4.5 Bitou Municipality must ensure that the 5m Building Line (in terms of Roads Ordinance 19 of 1976) adjacent to OP07202 remains unaffected and available.
- 4.6 Bitou Municipality must ensure that adequate permanent road reserve boundary walls are proposed and submitted to this Branch for approval before construction thereof may commence.
- 4.7 Bitou Municipality must ensure that no advertisement, which do not carry Bitou Municipality's approval in terms of its approved advertising By-Law, will be visible off the OP07202 road reserve.
- 4.8 Bitou Municipality must ensure that refuse will be collected off the OP07202 road reserve.

- 4.9 Bitou Municipality must ensure that the developer covers all the costs towards this proposed development, with no contributions from this Branch.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 14 NOVEMBER 2023

ENDORSEMENTS

1. Bitou Municipality
Attention: Ms A Stander (e-mail: astander@plett.gov.za)
2. Metroplan
Attention: Mr LA Del Monte (e-mail: lance@mplan.co.za)
3. FRAME
Attention: Mr A de Villiers (abri.devilliers@framegroup.co.za)
4. Garden Route District Municipality
Attention: Mr JD Daniels (e-mail)
5. District Roads Engineer
Oudtshoorn
6. Mr SW Carstens (e-mail)
7. Mr E Burger (e-mail)
8. Mr J van der Merwe (e-mail)