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FRIENDS OF STELLENBOSCH MOUNTAIN

FSM Comments and Recommendations: 2023/24 IDP, CITP, Budgets

4 October 2023

1. FSM submitted comprehensive and well-researched comments on Draft 2 of the proposed 2022-2027 Comprehensive Integrated Transport Plan (CITP) on 12 May 2023. As required, we sent our comments not to Stellenbosch Municipality (SM) but to the CITP consultant AECOM. We attach the complete version as a separate PDF file; it is also available on the FSM website at <https://fsmountain.org/dfsm/230512-fsm-citp-comments.pdf>
2. We now submit these comments and criticism also to SM within the current 2023/2024 IDP and budget process because they are highly relevant to present and future budgets and funding priorities.
3. We did a joint analysis of both municipal and provincial budgets on infrastructure projects related to moving people and goods. We classified 86 projects listed in the MRTEF plus 11 projects listed in Votes 8 and 10 of the Western Cape Government MTEF into one of four categories: *New Road/Car*, *Road Maintenance*, *Mobility and Transport* plus *Undetermined*. The time horizon for these is 3 years. We also analysed the projects listed in Annexure C of the CITP which have a time horizon of 10 years. See Appendix A below for details, which is the same as Appendix I of our 12 May 2023 comments.
4. We repeat our main conclusions here. Of the R1.173 billion jointly budgeted for the next three years by Western Cape Government MTEF and Stellenbosch Municipality MTREF for mobility infrastructure, 95% is allocated to roads and road-related projects. Only R43m (4%) is budgeted for true mobility and transport infrastructure spending:

Infrastructure Spending Type	3-year budgets	Percent
New roads and car-related	R355,329,950	30
Road maintenance	R761,617,000	65
Transport, NMT & Mobility	R43,050,000	4
Undetermined	R13,050,000	1
Total	R1,173,046,950	100

Of the R859m in mobility infrastructure projects budgeted for the next 10 years, Stellenbosch Municipality intends to spend 65% of its own money on new roads and a further 20% on road maintenance, i.e. 85% on roads. The 10 % (R84m) to be spent on public transport is dominated by NMT (R31m) and the Khayamandi footbridge (R26m), leaving only R27m for proper transport projects in the next 10 years:

Infrastructure Spending Type	10-year horizon	Percent
New roads and car-related	R561,879,950	65
Road maintenance	R170,650,000	20
Transport, NMT & Mobility	R84,050,000	10
Undetermined	R42,550,000	5
Total	R859,129,950	100

5. The crucial **Adam Tas Corridor** project, the centrepiece of sustainable Stellenbosch town and mobility restructuring, gets only R2million (0.18% of the budget) for a “Transport Study” and nothing for any actual infrastructure, even though the ATC is prioritised by the MSDF and IDP.
6. This means that **all the public transport projects set out in Chapters 1-6 and Chapters 8-9 of the 2023 draft CITP will not be funded**. They appear only for show. Actual spending will go towards the road- and car-related infrastructure set out in Chapter 7 and Appendix C of the CITP. Stellenbosch is not serious about transport and mobility but is instead pushing only a road-building agenda.
7. By law, the CITP and MTREF must align its priorities with the MSDF and IDP goals. However, most of the projects listed in the MTREF and CITP come directly from the *Roads Master Plan* (RMP). As explained five years ago, the RMP has no status in law; see Appendix B and <https://fsmountain.org/mn/mob/181019-eggert-rmp.pdf>
The CITP and MTREF budgets are therefore incorrect from the start.
8. SM wants to fund many of the projects using “*CRR – Own Funding*” (*Capital Replacement Reserve*). In other words, SM wants to use its capital reserves to fund projects which are contrary to national and provincial transport legislation and strategy. SM must stop projects earmarked for CRR funding and continue only if they have long-term merit in terms of the legislated criteria.
9. In summary, **the Stellenbosch public transport infrastructure situation is catastrophic**. Unless drastic changes are made to the municipal budgets, this situation will remain for years to come.
10. Section 7 of the 12 May 2023 FSM comments sketch what SM and Western Cape Government could still achieve if they act now. Some of our recommendations are:
 - Cancel the draft CITP and begin a new CITP process.
 - Drastically reduce new road building.
 - Revise draft 2023/24 MTREF to reflect these realities.
 - Give budget priority to funding sustainable infrastructure such as the Adam Tas Corridor, public transport, NMT, the railway station, bringing the taxi industry into the fold etc.
 - Stellenbosch must get serious about Travel Demand Management, i.e. changing people’s behaviour and mindset.
 - Future transport/mobility budgets must be aligned with SPLUMA and the MSDF in pushing for **densification** rather than opening up rural land for further **road-driven urban sprawl**.
11. Also, Western Cape Government grants allocated to Stellenbosch should be re-aligned to reflect stated provincial and national transport priorities; see Appendix C below.
12. The new CITP and revised MTREF must comply with the following sections of the National Land Transport Act not only as tickbox but in terms of actual funding:
 - section 11(1)(c)(xi) on promotion of public transport
 - section 11(1)(c)(xvi) on traffic management techniques aimed at improving road traffic movement;
 - section 11(1)(c)(xxii) on applying travel demand management.

A Budget Analysis: Roads and Nonroad Infrastructure Spending

2023 Stellenbosch Draft CITP Appendix C: Budgeted Projects over three and over ten years (2023 to 2033)																	
Also including provincial grants which were forgotten in the CITP																	
Date: May 2023	Author: Friends of Stellenbosch Mountain																
Project Name	Funding Source	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028 to 2033	2023 to 2033	New Road/Car	3-year Maintenance Road/Car	3-year Mobility and Transport	3-year Undetermined	10-year New Road/Car	10-year Maintenance Road/Car	10-year Mobility and Transport	10-year Undetermined
Department Roads and Stormwater																	
Capital Projects																	
Adam Tas Intersection Upgrades	CRR (own funds)							12 000 000	12 000 000					12 000 000			
Bridge Construction	IUDG	15 000 000	5 000 000					6 000 000	11 000 000	5 000 000				11 000 000			
Devon Valley Rd	CRR (own funds)	2 700 000															
Drp Street West dualling	CRR (own funds)																
Klappus Transport Network	CRR (own funds)		600 000					1 000 000	1 600 000			600 000				1 600 000	
Lanquedeo Access Road and Bridge	DC-Roads		5 000 000	12 000 000	15 000 000				32 000 000	32 000 000							
Parking Area Upgrades - Franschoek	CRR (own funds)			3 000 000					3 000 000								
R304/West Kayamandi Intersection Construction	DC-Parking	711 442															
Stormwater Drainage - Kayamandi and Enkanini	DC	800 000															
Wildlebosch Extension to Techno Park (Eastern link)	DC-Stormwater	1 000 000	1 500 000	1 500 000	3 000 000	7 000 000	7 000 000	20 000 000	17 000 000	6 000 000							
	CRR (own funds)					1 500 000		15 500 000	17 000 000								
Planning Maintenance Operations																	
Ad hoc Minor Upgrading of Roads (WC024)	CRR (own funds)				700 000			1 400 000	2 100 000								
Ad hoc Reconstruction of Roads (WC024)	IUDG	3 000 000	3 000 000	3 000 000	5 000 000	5 000 000	7 000 000	35 000 000	58 000 000	700 000				2 100 000			
Furniture, Tools and Equipment	CRR (own funds)	827 249	400 000	400 000	400 000	400 000	400 000	2 000 000	4 000 000								
Gravel Roads Devon Valley - Safety Improvements Structural Repairs	CRR (own funds)		400 000	500 000	300 000				800 000								
Gravel Roads Devon Valley - Surveying	CRR (own funds)		1 250 000					1 500 000	4 250 000								
Reseal Roads - Klappus and Surrounding	CRR (own funds)	1 500 000			1 500 000			3 000 000	4 500 000								
Reseal Roads - Klymore and Surrounding	CRR (own funds)	4 200 000	5 000 000	5 000 000	7 000 000	7 000 000	8 000 000	40 000 000	72 000 000					16 500 000			
Reseal Roads - Franschoek and Surrounding	CRR (own funds)		2 000 000		2 000 000	2 000 000	2 000 000	2 000 000	6 000 000					72 000 000			
River Rehabilitation Implementation	CRR (own funds)		1 000 000			1 000 000	1 000 000	1 000 000	3 000 000					6 000 000			
Rivers Rehabilitation Planning and Design	CRR (own funds)	500 000				500 000	500 000	500 000	1 000 000					1 000 000			
Specialised Vehicle: Heavy Duty Roads	CRR (own funds)		2 500 000	2 000 000	2 500 000			8 000 000	15 000 000					15 000 000			
Specialised Vehicle: Jet Machine Blockages	CRR (own funds)			3 000 000		5 000 000		6 000 000	6 000 000					5 000 000			
Upgrade Stormwater Retention Facilities	CRR (own funds)		1 000 000	1 500 000		1 500 000	1 500 000	1 500 000	4 500 000					3 000 000			
Update Pavement Management System	CRR (own funds)		1 000 000					2 000 000	400 000					1 000 000			
Update Stormwater System	CRR (own funds)	36 500				200 000	200 000	3 000 000	3 000 000					3 000 000			
Vehicle Replacement: Light Vehicles (LDV)	CRR (own funds)	30 675 191	28 250 000	31 900 000	35 400 000	27 100 000	27 900 000	123 100 000	273 650 000					97 100 000			
TOTAL as per CITP		30 675 191	28 250 000	31 900 000	35 400 000	27 100 000	27 900 000	138 100 000	288 650 000	46 700 000	41 550 000	600 000	6 700 000	97 100 000	168 650 000	2 600 000	21 900 000
														289 650 000			
Department Traffic Engineering																	
Capital Projects																	
Bird Street Dualling - Adam Tas to Kayamandi	CRR (own funds)	150 000	500 000	5 000 000	10 000 000	15 000 000		30 500 000	30 500 000	15 500 000				30 500 000			
Ender and Martinson Street Intersection Upgrade	CRR (own funds)	1 000 000															
Jamestown Transport Network	CRR (own funds)	1 000 000	3 000 000	2 000 000				5 000 000	5 000 000					5 000 000			
Planning Maintenance Operations																	
Ad hoc Intersection Improvements	CRR (own funds)			2 000 000				2 000 000	4 000 000					4 000 000			
Furniture, Tools and Equipment: Traffic Engineering	CRR (own funds)	150 000	150 000	150 000	150 000	150 000	150 000	600 000	1 350 000					450 000			
Heavy Duty Vehicle (Truck)	CRR (own funds)							3 000 000	3 000 000								
Main Road Intersection Improvements: Franschoek	CRR (own funds)	1 000 000	10 000 000					11 500 000	21 500 000	10 000 000				21 500 000			
Main Road Intersection Improvements: Franschoek	IUDG			2 129 950				750 000	2 879 950	2 129 950				2 879 950			
Main Road Intersection Improvements: Heshoogte/La Colline	CRR (own funds)	434 696	3 000 000					3 000 000	3 000 000	3 000 000				3 000 000			
Main Road Intersection Improvements: Heshoogte/La Colline	DC-Roads	1 000 000															
Main Road Intersection Improvements: R44/Meriman	CRR (own funds)			4 000 000		1 000 000	10 000 000	50 000 000	65 000 000	4 000 000				65 000 000			
Main Road Intersection Improvements: Stellenbosch	DC-Roads	1 000 000						16 500 000	16 500 000					16 500 000			
Main Road Intersection Improvements: Strand/Alexander	DC-Roads	1 000 000		4 000 000	5 000 000	10 000 000	20 000 000	39 000 000	9 000 000					39 000 000			
Optic Fibre Traffic Signal Remote Management System	CRR (own funds)	300 000	500 000					500 000	500 000					500 000			
Pedestrian Crossing Implementation	CRR (own funds)	300 000	300 000			300 000		600 000	1 800 000					600 000			
Raised Intersection Implementation	CRR (own funds)	600 000		60 000		600 000		1 000 000	1 500 000					1 500 000			
Roads and Signs Maintenance	CRR (own funds)	1 000 000												500 000			
Road Upgrades School Precincts	CRR (own funds)	1 000 000															
Road Safety Improvements	CRR (own funds)	500 000		500 000				500 000	500 000					500 000			
Specialised Equipment: Roadmarking Machine + Trailer	CRR (own funds)	500 000						1 100 000	1 100 000					1 100 000			
Traffic Calming Projects: Implementation	CRR (own funds)	300 000	300 000					800 000	1 500 000					700 000			
Traffic Management Improvement Programme	CRR (own funds)	1 042 030	1 000 000			100 000		1 100 000	1 100 000					1 000 000			

B Article on the Roads Master Plan

Why the Roads Master Plan has no status in law

HC Eggers
16 October 2018

The draft Roads Master Plan (RMP) presented at the Mobility Forum in September complies with none of the legislation and should hence be withdrawn. At best, it can serve as partial input into a new Roads Sectoral Plan.

The reasons for this claim requires some legal context. South African legislation is hierarchically structured in two ways:

The first hierarchy pertains to the sphere of government: national, provincial and municipal (local) government. Theoretically district government also exists but it does not play a large role. National laws govern provincial ones, and both in turn govern municipal ones. The lowest level of the hierarchy are so-called Sectoral Plans.

The second hierarchy pertains to the type of law. Acts at the top of the hierarchy often result in subordinate Frameworks. Acts and Frameworks together govern Regulations, Policies and Plans, and all together determine so-called Standard Operating Procedures and implementation.

The hierarchical structure is crucial: instances higher up in the hierarchy are mandatory for those lower down. A low-level Plan which contradicts a high-level Act or Regulation thereby becomes unlawful.

Where, then, does the Roads Master Plan appear in the hierarchy? The diagram sets out the relevant legislation. At the peak, we have the Constitution. The main national acts, shown in green, are SPLUMA (Spatial Land Use and Management Act), MSA (Municipal Systems Act), NLTA (National Land Transport Act), NEMA (National Environmental Management Act) and NHRA (National Heritage Resources Act). Relevant on national level are also the NLTSF (National Land Transport Strategic Framework) and MR16 (Minimum Requirements for drawing up an integrated transport plan).

On provincial level, LUPA (Land Use Planning Act) and PSDF (Provincial Spatial Development Framework) shown in green are directly relevant because they are required by SPLUMA. Similarly, the PLTF (Provincial Land Transport Framework) is required by the national NLTA.

The chief planning instrument on local-government level is the IDP (Integrated Development Plan) as required by the national MSA. The key municipal spatial planning instrument is the MSDF (Municipal Spatial Development Framework). It is required and governed both by spatial planning (SPLUMA, LUPA, PSDF, LUPB) and by transport planning (NLTSF), and of course the IDP. On the transport side, the key municipal planning instrument is the Comprehensive Integrated Transport Plan (CITP); it is mandatory in terms of the NLTSF, and the MR16 sets out in detail the type of contents of a CITP.

No Roads Master Plan is even mentioned in this hierarchy. It therefore cannot exist on its own; it is either illegal or it must have an optional place within these hierarchies. There is no doubt that the only lawful place for an RMP is that of a Sectoral Plan at the lowest level of the hierarchy. It is governed by all of the higher legislation and should therefore be called a Roads Slave Plan.

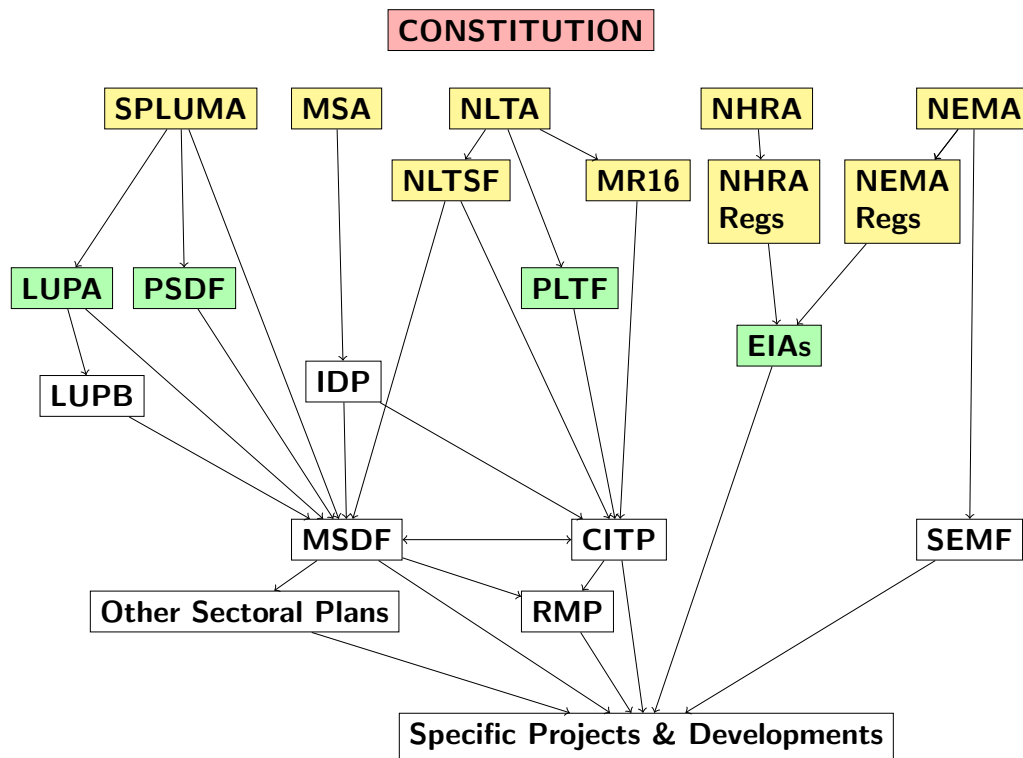
By contrast, the CITP is mandatory under the NLTA, and the MSDF is mandatory under multiple pieces of legislation. The principles and strategies of higher-order legislation, including the CITP and MSDF are binding on any RMP. The CITP and MSDF determine what a

RMP should contain and not vice versa. Naturally, funding priorities are also set not by the RMP itself.

Specific projects are at the very bottom of the hierarchy. Any and all new road construction must be considered within the parameters set by all of the above. A Roads Slave Plan has no freedom to pick and choose specific projects.

What type of projects does the legislation prefer? **The entire hierarchy of legislation is unambiguous that the future lies not in construction of more and wider roads but in densification and public transport.** By law, public transport and NMT must hence form the focus of the MSDF and CITP Project Teams and the Intergovernmental Steering Committees while road construction should be perpetually on the back burner. Any Roads Slave Plan should be an afterthought or not appear at all.

Traffic congestion by itself is not a valid ground for new road construction. All of the above legislation is well aware of congestion but nevertheless is unanimous and strident in requiring densification, public transport and NMT rather than road construction.



C Some quotes from recent provincial documents

From the *Western Cape Government Department of Infrastructure Vote 10: Strategic Plan for the fiscal years 2023/24 – 2027/28*, published on 8 March 2023:

- *Vision Inspired Priority 4: Mobility and Spatial Transformation*

[Environments] are strategically linked to each other through an efficient public transport network.

*The [National Development Plan] suggests four key interventions to address spatial transformation. These actions broadly include **densification**, better-located human settlements, **improved public transport**, efficient location of jobs and people, improved spatial development frameworks, and a refreshed and diverse range of housing subsidies and grants.*

- Vote 10 has a strong emphasis on *climate change*.
- Maintenance of existing roads: MTEF budget is not enough:

Outcome 3: Leveraging infrastructure to bring about fundamental spatial transformation.

The DOI will support TOD with densification, to improve sustainable settlements, while enabling equal access to social and economic opportunities in cities and rural areas, bringing government services closer to the people and creating new opportunities for them to move to more central locations.