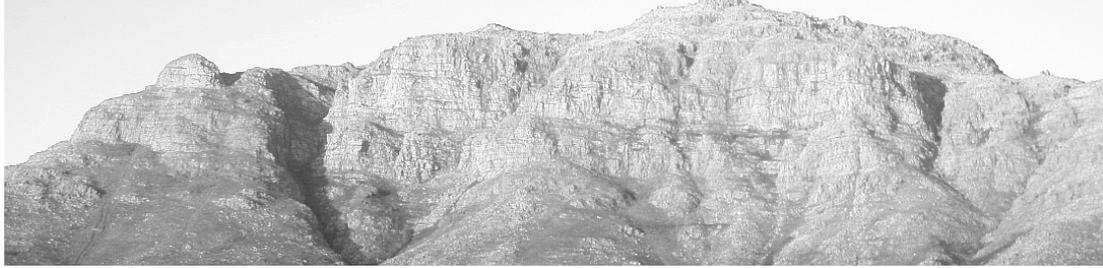


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# FRIENDS OF STELLENBOSCH MOUNTAIN



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## Memorandum on the 2017/2018 IDP/MSDF

25 April 2017

To:

Alderman G van Deventer, Executive Mayor, Stellenbosch Municipality  
Advocate G Mettler, Municipal Manager, Stellenbosch Municipality  
Alderman J Serdyn, Chairperson: Planning and Land Use Management  
Alderman D Joubert, Speaker and all Councillors  
Mr D Lombaard, Director: Planning and Economic Development  
Dept of Environmental Affairs and Development Planning, Western Cape Provincial Government

### In a nutshell

- Delete the entire Section 6.1 of the Draft 4th Generation IDP and replace it by the principles set out Section 6.1 of the 2016 IDP.
- Delete Appendix 4 of the Draft 4th Generation IDP.
- Delete all 12 proposed Urban Edge maps from the April 2017 revision of the 3rd Generation MSDF.
- Investigate allegations of possibly unlawful actions pertinent to arterial road projects as detailed in Appendices A, B and Sections 2.3 and 2.4.
- Revoke the system of delegations with regard to planning decisions.

This memorandum also serves as official FSM comments submitted within the April 2017 IDP process. However, the issues raised go beyond the immediate IDP process and should serve, for example, as preliminary input to the 2018 processes.

Section 1 below captures the main points and requests of this memorandum. Subsequent sections represent an incomplete attempt to provide background, context and further comments. Documents referred to in the text are available on the municipal website and, for a while, on the website <http://www.physics.sun.ac.za/~eggers/fsm> under Documents.

## 1 Comments, issues and requests in short

- 1.1. Under the new SPLUMA/LUPA legislation, the contents of the MSDF must be aligned with the priorities and principles of the IDP: the MSDF must follow where the IDP leads. Since the

priorities and principles in the Fourth-Generation IDP, to be considered by Council in May 2017, are only now being tabled and discussed, there may not be specific spatial proposals in the SDF Chapter of the IDP but only the principles.

- 1.2. The SDF principles set out in pages 104–108 and 114 of the old 2016 IDP were approved by Council. Any changes to principles or subordination of principles to specific spatial proposals need to await the specialist and public input for the 4th Generation MSDF for consideration one year later in May 2018. Contrary to this truism, Section 6.1 of the Draft IDP has deleted these principles or reduced them to one-liners and interspersed them with specific spatial proposals. **The specific spatial proposals in Section 6.1 of the Draft IDP pre-empt the long process of specialist input and public participation which must follow approval of the Draft IDP.** It is not the function of the IDP but of the subsequent 4th generation MSDF to come up with specific spatial proposals.

**Section 6.1 of the Draft Fourth Generation IDP should therefore be deleted and replaced by the principles and guidelines of pages 104–108 and part of page 114 of the corresponding Section 6.1 of the current Third Generation IDP as approved by Council in 2016.** The spatial specifics set out in the Third Generation IDP Section 6.1 should have no place in the Draft Fourth Generation either.

- 1.3. For the same reason, **the entire Appendix 4 of the Draft Fourth Generation IDP should be deleted.** This Appendix contains a detailed list of cadastral units for inclusion or exclusion of a revised Urban Edge, along with the same Urban Edge maps surreptitiously inserted into the Third Generation MSDF (see below). Approval in May 2017 of this detailed list of revisions to the Urban Edge would also pre-empt the long and involved process (which starts *after* May 2017) of specialist input, intergovernmental alignment and public participation which will eventually result in a revised Urban Edge.
- 1.4. Council is tasked to consider in May 2017 only the current **Third Generation MSDF** entitled *Stellenbosch Municipal Spatial Development Framework November 2012, Revised addition April 2017* [sic]; the new Fourth Generation “new” MSDF will follow only once the Fourth Generation IDP is in place. The Third Generation MSDF currently under consideration may therefore contain only minor amendments. The Department of Planning has, however, inserted 12 new Urban Edge maps which are not “amendments” but drastic changes. DEA&DP documentation and the Council resolution of 2016–10–25 are clear that changes made should be only amendments. **All thirteen “Proposed Urban Edge” maps forming part of this document should therefore be deleted from the draft Third Generation MSDF.** The maps to be removed are on pages 38 (Stellenbosch), 42 (Franschhoek), 45 (La Motte, shown twice), 48 (Groot Drakenstein), 52 (Pniel, Lanquedoc, Kylemore), 52 again (Klapmuts) 56 (Muldersvlei), 60 (Koelenhof), 61 (Jamestown) 65 (Vlottenburg) 71 (Lyndoch [sic]) and 75 (Raithby).
- 1.5. **Align the principles with the legislation:** There is no rational reason why the principles and strategies already approved by Council in the 2016 IDP and set out in the 2014 in the Quo Vadis and Shaping Stellenbosch Reports should be arbitrarily altered, omitted or simply ignored in the specific proposals, as they have been. Merely stating that the Shaping Stellenbosch report “does not comply with the statutory requirements” (as stated in Item 6.1.4, Planning Committee Minutes of 2016–05–31) is an inadequate reason for simply dropping well-considered plans and strategies which contain a great deal of public input and cost a lot of money. By their nature, principles are long-lasting and should be changed only after intense workshopping and public participation. **The so-called principles currently appearing in Section 6.1 of the Draft IDP are incompatible both with earlier IDP principles and the Provincial Spatial Development Framework.**

- 1.6. Once the specific changes currently inserted into the Draft IDP and 2017 Revision of the Third Generation MSDF are removed and Section 6.1 of the 2016 IDP are re-inserted, Council should therefore pass a resolution that these along with the original principles and strategies as enunciated for example in the **2016 IDP Section 6.1**, the **2014 Strategic Framework for Integrated Spatial Planning** (the *Stellenbosch Quo Vadis* report) as well as **Sections 4 and 5 of the Shaping Stellenbosch Report** should form the point of departure for the 2017/2018 process leading to the compilation of the 4th Generation MSDF.
- 1.7. The **April 2017 Public Participation Process** (PPP) presentations were highly misleading. The major changes set out above were hardly mentioned. For example, at every ward meeting, only one single Urban Edge map was shown for about ten seconds while the other 11 maps were not shown at all; neither was it even mentioned that changes for the status of dozens of cadastral units were inserted into the Fourth Generation Appendix 4. Likewise, mention was made of a Roads Master Plan without reference to the Comprehensive Integrated Transport Plan (CITP) which should actually govern and inform the Roads Master Plan. **This PPP and the arbitrary departure from the Council-approved 2016 development principles and strategies thereby violates the right to administrative action that is lawful, reasonable and administratively fair**, as set out in the Promotion of Administrative Justice Act (Act 3 of 2000).
- 1.8. The specific Fourth Generation MSDF should of course be subject to an **extended public participation process** later in 2017 and early in 2018. It is not enough to flash a few Powerpoint slides before the public in a 30-minute talk in April 2018. Documents have to be made available well before the public meetings.
- 1.9. **Roads before Public Transport?** While the public participation presentations chose to ignore the CITP, even worse things were happening on the sidelines. On 2 March 2017, an article was placed in Eikestadnuus by persons unknown with detailed information on the quick advancement of planning and implementation of Western Bypass and Eastern Bypass arterial roads; see Appendix B. These would be drastic changes to the urban architecture and run counter to the stated principles set out in Section 6.5.1 of the IDP and MSDF, the provincial SDF and . **The background to the premature publication in Eikestadnuus of detailed arterial road construction proposals without any basis in the current planning documents should be investigated,**
- 1.10. **Allegations regarding the proposed bypass roads made by Professor Mark Swilling in the newspaper article reproduced in Appendix A below must be investigated.** If true, they would represent pre-emption and usurpation of the powers of the legally mandated structures (such as the Intergovernmental Steering Committee), and processes (such as the public participation processes) and hence contraventions of the relevant legislation such as SPLUMA (2013), the Land Use Planning Act (2014) and the Stellenbosch Municipal Land Use Planning By-Law (2015).
- 1.11. Since May 2016, planning processes and land use decisions have become utterly opaque: no information has been made public since May 2016. The Municipality cannot afford a culture of arbitrary changes of principles, pre-emption and secrecy. We request that **the system of delegations of planning decisions to the Planning Directorate be withdrawn**, that **the activities of the Municipal Planning Portfolio Committee and the Municipal Planning Tribunal should commence as a matter of urgency.**
- 1.12. We request that all agendas and minutes of all Mayco and Council meetings and of all municipal portfolio committees be made available timeously for public scrutiny. Currently, it sometimes takes months for such to become available on the internet, and some are never published at all.

## 2 Some details and background

The sections below contain a few details and explanations, without claim to completeness.

### 2.1 4th Generation IDP must precede 4th Generation MSDF while 3rd Generation MSDF may contain amendments only

2.1.1. Following the enactment of the national SPLUMA Act (2013), the Western Cape provincial Land Use Planning Act (LUPA , 2014) and the municipal Land Use Planning By-Law (LUPB 2015), the Municipality is required to compile a SPLUMA/LUPA/LUPB compliant IDP and MSDF. The entire process must hence be based on two documents to be considered in May 2017, namely a Draft Fourth Generation IDP and a draft of a revised Third Generation MSDF (with the Fourth Generation MSDF to follow in May 2018). By law, the Fourth Generation MSDF is closely tied to the IDP, so that all specific spatial proposals of the new MSDF may be considered only after May 2017.

2.1.2. There is hence a crucial difference between the 2017 and the 2018 MSDF's: the 2017 Third Generation MSDF is an incremental amendment of the old plans, while the Fourth Generation will contain larger changes.

2.1.3. Following legal opinion obtained, **Council in October 2016 resolved to follow a dual process in which the Third-Generation IDP/MSDF is to be AMENDED with minor adjustments**, while the process for “new” Fourth-Generation IDP and MSDF is started concurrently. The Third-Generation IDP/MSDF is to be approved by Council in May 2017, while the Fourth Generation IDP/MSDF will be enacted one year later in 2018. We quote from the Minutes of the 2016–08–25 Special Council Meeting (Item 4, page 11) when the IDP/MSDF Process Plan was adopted:

*A municipal SDF (new and/or amended) has to follow a timeline set out in a process plan similar to the IDP process plan. Moreover, the SDF and IDP processes need to be aligned. To this end, the attached process plan incorporates two aspects of the municipal SDF, namely a timeline for **amendment** of the current SDF, approved in February 2013 (one year process) and for drafting of a new SDF (two year period).*

2.1.4. This is based on clear directions provided by the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP). While this was never done explicitly, the Municipality has, through the above resolution, implicitly chosen to follow DEA&DP “Option 3, Submitting Amended or only Parts of Existing SDFs”.

2.1.5. It is also quite clear that Council approved only an amendment process in October 2016 rather than immediate large-scale restructuring. In Item 7.4.4 of the Council Minutes of 2016–10–05, page 77, we read

*RESOLVED (majority vote) that Council authorises the Municipal Manager to [...]*

*(f) proceed with the amendment of the current approved MSDF to be aligned with the 2017/18 IDP; and*

*(g) both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.*

## 2.2 Urban Edge proposals

2.2.1. Contrary to the the clear DEA&DP directive and the above Council decisions, the draft Third Generation MSDF entitled *Stellenbosch Municipal Spatial Development Framework November 2012, Revised addition [sic] April 2017* has seen drastic changes in that, while much of the text remains the same as in 2016, thirteen new maps pertaining to “Proposed Urban Edges” have been inserted, to be found in that document on page 38 (Stellenbosch), 42 (Franschhoek), 45 (La Motte), 48 (Groot Drakenstein), 52 (Pniel, Lanquedoc, Kylemore), 52 again (Klapmuts) 56 (Muldersvlei), 60 (Koelenhof), 61 (Jamestown) 65 (Vlottenburg) 71 (Lyndoch [sic]) and 75 (Raithby).

2.2.2. The 12 new Urban Edge maps and the cadastral list in Appendix 4 also go far beyond the mandate given by Council in item 7.3.2 of the Council meeting of 2017–02–22. While the literal meaning of the resolution

*RESOLVED (majority vote) ... (b) that Council supports investigating the extension of the current urban edge to be considered by the public during the April 2017 IDP/budget/SDF process.*

can be interpreted as applying to Urban Edges everywhere, item 7.3.2 is concerned exclusively with the northern extension of Kayamandi onto Farm 183, and the above resolution can hardly be construed to mandate the 12 new proposals entered into the IDP and MSDF.

2.2.3. In addition, the process which led to the compilation of these maps is murky and contentious. Apparently, they were first shown at a meeting of the Intergovernmental Steering Committee (IGSC) in March 2017 only a few weeks ago, while they are now being presented as “part of the IDP”. At the ward-based public meetings held in April 2017, the whole set of 12 maps was never shown together; rather, the presenters chose to show but one or two to each ward, thereby obscuring the full extent and impact of the proposed changes. This is not reasonable or administratively fair.

2.2.4. **Both the draft Urban Edges presented in the current IDP PPP and the plans for a so-called Western Bypass and an Eastern Bypass (the old North-South Road) cannot be construed as minor amendments, and as such cannot form part of the Third Generation IDP/MSDF cycle or the Fourth Generation IDP.**

## 2.3 Integrated Transport Planning and the bias towards motor cars

2.3.1. The Draft Fourth Generation IDP and the April 2017 revision of the 2013 MSDF being presented to the public and Council both pay lip service to the principle of integrated transport planning and “Transit Oriented Development” (TOD). However, unlike the original documents (*Quo Vadis, Shaping Stellenbosch*, 2016 IDP, 2013 MSDF), these new drafts then proceed to violate these same principles in multiple ways. Here are two examples:

### 2.3.2. **Example 1: Budget allocations**

While the principles in all of the above documents as well as the approved Comprehensive Integrated Transport Plan (CITP) make clear that the only sustainable solution to traffic congestion lies not in funding more car-friendly projects such as roads, intersections, parking etc, but rather in strong support for public transport and non-motorised transport (NMT). The budget, however, in no way reflects these stated priorities. The present and all future municipal capital budgets should allocate funds on a Rand for Rand basis to public transport and NMT: For every Rand spent on car-related projects, another Rand should be spent on public transport and NMT. Not doing so merely perpetuates the decades-old bias against sustainable solutions.

As Example 2 below illustrates, municipal and provincial roads authorities seem to be in a world of their own in which roads projects costing R800 million are considered while allocating even R50 million to NMT is considered unaffordable.

### 2.3.3. Example 2: Comprehensive Integrated Transport Plan and Roads

Recent events reflect the utter bias of the current planning process towards road construction rather than implementing the CITP. On 2 March 2017, an article was published in the Eikestadnuus entitled “*Nuwe verbypad kan verkeersdruk verlig*”. The accompanying map (see below) showed both a “Conceptual Western Bypass” as well as an unmarked new arterial road from the Western Bypass via Technopark, Paradyskloof, Brandwacht and Dalsig to van Reede Road and beyond which bears a strong resemblance to the North-South Road proposed around 1990. The accompanying article relates detailed information such as

*Die verbypad, met twee dubbelbane in elke rigting, oor ’n afstand van sowat 13km en teen ’n beraamde koste van meer as R800 miljoen, sal baie daartoe bydra dat die verkeersdruk in en om die dorp verlig word.*

*Die korridor waarbinne die beplande westelike verbypad belyn gaan word, is onlangs bepaal en aanvanklike onderhandelinge met grondeienaars en belanghebbendes is begin.*

Jan Janse van Rensburg of TV3 Consultants is quoted as saying *Tot dusver is goeie samewerking gekry en die deelnameproses duur voort.*

The extended version of the old contentious North-South Road between Blaauwklippen and van Reede Road is not discussed in the article.

### 2.3.4. This newspaper article raises many questions. Here are a few:

- 2.3.1. Who placed this article in the Eikestadnuus? When asked during the PPP, municipal officials said they did not know. If it was not placed by municipal officials then it can only have been placed by consultant TV3.
- 2.3.2. Was the placement of the article by TV3 authorised by the municipal Department of Planning? If it was, on what legal basis and on whose authority? If not, how is it possible that a private consultant can place an article in a public newspaper about a major planning issue without municipal authorisation?
- 2.3.3. What *deelnameproses* is TV3 talking about? No public participation process was advertised.
- 2.3.4. What is the legal standing of this *deelnameproses*? Who initiated it? Who was invited or permitted to take part? Who did take part?
- 2.3.5. Was this *deelnameproses* approved by the Department of Planning? If so, as part of which statutory process (application for development, MSDF, etc)? The map and the related plans were not shown during the current IDP/MSDF PPP; only a “Roads Master Plan” was mentioned in passing.
- 2.3.6. A pillar of planning principles is that development should not happen in silos but be integrated. The roads network forms part of the wider issue of Integrated Transport Planning. and roads form a small part of that CITP. How is it possible that someone or some group is apparently strongly pushing the advancement of the Roads Master Plan and especially the Bypass roads — to the extent that specific costs have been calculated, road alignments worked out and some nonstatutory *deelnameproses* has been conducted — while the major principles and goals of the CITP are being neglected?

## 2.4 Allegations regarding arterial road projects

- 2.4.1. In an article published on 27 March 2017, Professor Mark Swilling, co-author of the *Shaping Stellenbosch* report, made serious allegations regarding the process and motives of these bypasses. The full text is reproduced below. The allegations made in the article that, for example, “*a powerful coalition has formed to promote the construction of the western bypass*” and “*Supported by politically well connected major white property owners, who have agreed to contribute to the costs of the road because they stand to make a fortune by subdividing their farms, ...*” are highly serious and must be investigated. If true, they would represent an attempt to pre-empt and circumvent the mandatory processes set out in the Municipal Systems Act and other legislation.
- 2.4.2. Similar questions must, of course, also be asked with respect to the proposed Eastern Bypass (North-South Road).
- 2.4.3. Rather than dismissing such allegations out of hand, it behoves the Municipality to get to the bottom of this quickly because they will otherwise overshadow the entire IDP and MSDF processes in future.

## Appendix A: Eikestadnuus article of 27 March 2017

<http://www.netwerk24.com/ZA/Eikestadnuus/Nuus/bypass-a-money-making-scheme-20170322-2>

### Bypass a money making scheme

Deur Prof Mark Swilling 27 Maart 2017 06:02

As urban leaders from around the world strive to implement the New Urban Agenda (NUA) approved by the Habitat III Summit in Quito, Ecuador, Stellenbosch Municipality (SM), supported by the roads department of the Western Cape government, has redoubled its efforts to achieve the opposite.

At the core of the NUA is a commitment to stop car-based urban sprawl by densifying urban centres around mass transit nodes (Transit-Oriented Development — TOD). This is the core idea at the heart of the Western Cape Provincial Spatial Development Framework, the Integrated Urban Development Framework (IUDF) and the Spatial Planning and Land Use Management Act.

Instead, a powerful coalition has formed to promote the construction of the western bypass. Based on the erroneous assumption this will decongest Stellenbosch, the bypass could cost around R1,5 billion.

Supported by politically well connected major white property owners, who have agreed to contribute to the costs of the road because they stand to make a fortune by subdividing their farms, this bypass will effectively mean driving all future development away from the poorest areas and from the vibrant urban core. The fortunes that property owners stand to make will have been facilitated by public investments, called rent seeking, but it is not economic development.

The bypass will drive suburban sprawl, just imagine “Bellville-in-the-Winelands” and you get the picture. Suburban sprawl is car-based mobility in low density environments.

There is an alternative that has been thoroughly researched and consulted and presented publicly to the Stellenbosch council on 22 April 2016. Based on more than 200 ideas submitted by over 100 stakeholders and thorough research, the draft document presented at this meeting, called “Shaping Stellenbosch”, proposed that all future development should be centred on the horseshoe of stations extending from Lynedoch Station, around through Stellenbosch and Du Toit stations, and up through to Klapmuts. Not a single submission proposed suburban sprawl westwards. The costs would be similar to the bypass, but economically more viable and socially more inclusive. A coalition is needed to stop suburban sprawl, which will forever entrench the social divisions inherited by apartheid. It is time for Stellenbosch to implement the NUA.

Prof Mark Swilling is a professor of Sustainable Development at the Centre for Complex Systems in Transition, Stellenbosch University.

## Appendix B: Bypass routes as published in Eikestadnuus on 2 March 2017

Link:

<http://www.netwerk24.com/ZA/Eikestadnuus/Nuus/nuwe-verbypad-kan-verkeersdruk-verlig-20170301-2>

