

4.	MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
4.1	CONFIRMATION OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK IN RESPONSE TO THE COUNCIL DECISION OF 2 AUGUST 2019

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Urgent Council: 11 November 2019

1. SUBJECT: CONFIRMATION OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK IN RESPONSE TO THE COUNCIL DECISION OF 2 AUGUST 2019

2. PURPOSE

To obtain Council's confirmation of the maps contained in the *mSDF* after the final approval of the *mSDF* on 2 August 2019.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

After submission of the *mSDF* to the province, we received a letter dated 4 November 2019 (see **ANNEXURE 1**) requesting Council to confirm the urban edge maps, in particular figure 28 (see page 70 of the *mSDF*) in line with the Council resolution w.r.t. the *mSDF* adoption dated 2 August 2019. This is due to Council's request to exclude erf 1049/3, i.e. Brandwacht, from the urban edge. On the basis of the Council resolution taken on 2 August 2019, it is required that Council confirm the maps, in particular figure 28 in line with the Council decision.

The letter from the provincial government also indicated an error with the urban edge in the northern extension regarding the farm 81/33 which should be included within the urban edge.

Once Council has had an opportunity to confirm the 2019 *mSDF* with the urban edges, the *mSDF* together with the related IDP Amendment which takes the new *mSDF* into account, will be submitted to Minister Anton Bredell (Minister of Local Government, Environmental Affairs and Development Planning) in accordance with section 14 of the Western Cape Land Use Planning Act, 2014 (LUPA).

5. RECOMMENDATIONS

- (a) that the corrected maps aligned with the approved IDP Amendment as contained in the *mSDF* attached as **ANNEXURE 2** be approved and confirmed as the final maps outlining the urban edge, as per Council decision of 2 August 2019; and
- (b) that the approved *mSDF* and IDP Amendment be submitted within 10 working days to the Minister of Local Government, Environmental Affairs and

Development Planning, as required in accordance with section 14 of the Western Cape Land Use Planning Act, 2014 (LUPA).

6. LEGAL CONTEXT

In terms of section 6(4) of the Stellenbosch Municipal Land Use Planning By-law, 2015 read together with Section 20(3) of the Spatial Planning and Land Use Planning Act, No. 16 of 2013 (SPLUMA) Council must give permission for the draft Municipal Spatial Development Framework to be advertised for public input.

According to section 14 of the Western Cape Land Use Planning Act of 2014, a Municipal Manager must, "within the period contemplated in section 32(1) of the Municipal Systems Act, submit the following to the Provincial Minister:

(a) a written notice of the decision to adopt or amend a municipal spatial development framework, together with the reasons for the decision;

(b) the adopted or amended municipal spatial development framework; and

(c) a report setting out the response of the municipality to the comments submitted in terms of section 12(4) or 13(2).

7. DISCUSSION / CONTENTS

7.1 BACKGROUND

In terms of the Stellenbosch Municipality Planning By-law the municipality must advertise the draft *mSDF* for public comment before making a final decision. The first Draft *mSDF* was advertised early in March 2019 for public comment. Based on the comments received and further work done, the draft *mSDF* was amended and re-advertised in May 2019 for a second time. Thereafter the report was amended. Due to material changes effected to the report it was decided, on advice from the Department of Environmental Affairs & Development Planning (DEA&DP), to re-advertise the report again during June 2019 where after the *mSDF* was submitted and approved by Council on 2 August 2019.

7.2 DISCUSSION

Council resolved at the meeting of 2 August to exclude approximately 2 ha of the farm Brandwacht from the urban edge and requested that the Municipal Manager investigate why this portion of the farm was included in the first place. A separate report will be submitted to Council in this regard at a later stage to provide feedback w.r.t. the investigation.

On submission of the *mSDF* to the MEC, it was pointed out that the exclusion of the farm 81/33 previously included in the urban edge and advertised as such during the final round of public participation did not align with the maps in the IDP Amendment and should be corrected to align. This misalignment has specific reference to the Northern Extension.

The updated *mSDF* maps, together with the approved IDP Amendment must, once confirmed by Council, be submitted to the Minister of Local Government, Environmental Affairs and Development Planning, as required in accordance with section 14 of the Western Cape Land Use Planning Act, 2014 (LUPA).

This process was discussed and agreed on with the MEC as indicated in his letter dated 4 November 2019 addressed to the Municipal Manager and attached as **ANNEXURE 1** to the report.

7.3 FINANCIAL IMPLICATIONS

The report has no direct financial implications.

7.4 LEGAL IMPLICATIONS

The development, process and alignment of the *mSDF* is prescribed by various pieces of legislation, including the Municipal Systems Act, the Spatial Land Use and Management Act, the WC Land Use and Planning Act and the municipal planning by-law.

The *mSDF* is compliant with the prescribed laws and regulations listed.

7.5 STAFF IMPLICATIONS

None.

7.6 PREVIOUS RELEVANT COUNCIL RESOLUTIONS

At an urgent Council meeting: 2019-08-02: ITEM 4.1 it was resolved as follows:

- a. that Council notes input and comments received on the Draft Municipal Spatial Development Framework attached as ANNEXURE 1 of the agenda;
- b. that Council approves the final draft *mSDF* as attached as ANNEXURE 1 to the agenda item; with the exclusion of Erf 1049/3 from the urban edge, as this is currently zoned agriculture;
- c. that the final draft Municipal Spatial Development Framework be included in the 2019/20 Integrated Development Plan (IDP); and
- d. that the Municipal Manager be mandated to investigate the approvals of Brandwacht Hotel outside the urban edge and how this proposal was now included in the Brandwacht urban edge.

7.7 RISK IMPLICATIONS

The *mSDF* was approved as part of the IDP Amendment during August 2019. However, the matter of a slight misalignment between the *mSDF* and IDP Amendment was pointed out and has to be addressed in order to reduce the risk for Council.

7.8 COMMENTS FROM SENIOR MANAGEMENT

The planning process was undertaken with the knowledge and participation of senior management. The draft concept underpinning the *mSDF* was presented to management and received their full support.

ANNEXURES

Annexure 1: Letter from DEA&DP with regard to the adoption of the *mSDF*

Annexure 2: Stellenbosch Spatial Development Framework (will be distributed under separate cover)

FOR FURTHER DETAILS CONTACT:

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