

7.4.4	<b>AMENDMENT OF 2013 APPROVED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK AND COMMENCEMENT OF A MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT 32 OF 2000) FOR STELLENBOSCH MUNICIPALITY WC024 IN LINE WITH THE NEW PLANNING DISPENSATION WHICH INCLUDE THE LAND USE PLANNING BY-LAW (2015), THE WESTERN CAPE LAND USE PLANNING ACT (ACT 3 OF 2014) AND THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)</b>
-------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 1. PURPOSE OF REPORT

- (a) To obtain approval from Council to commence with the drafting of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) in line with the Municipal Systems Act (2000) read together with the new planning dispensation which includes the Municipal Land Use Planning By-Law (2015), the Western Cape Land Use Planning Act No 3 of 2014 and the Spatial Planning and Land Use Planning Act, No 16 of 2013; and
- (b) To obtain approval from Council to commence with the amendment of the current Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) approved in February 2013 that forms part of the current 3<sup>rd</sup> generation Integrated Development Plan (IDP).

## 2. BACKGROUND

With the enactment of the new planning dispensation which include the Municipal Land Use Planning By-Law, 2015 (By-law), the Western Cape Land Use Planning Act, No 3 of 2014 (LUPA) and the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) Council must adopt a Municipal Spatial Development Framework (MSDF) within five years of implementation.

Stellenbosch Municipality implemented the above new planning dispensation on the 1<sup>st</sup> of December 2015 through Provincial Gazette Notice, number 7539 by repealing the Land Use Planning Ordinance of 1985 (LUPO). All applications thus submitted since 01 December 2015 have to be submitted in terms of the By-law which is line with the new land use and spatial planning requirements as set out in LUPA and SPLUMA.

Stellenbosch Municipality's current MSDF was approved by Council on 28 February 2013, Item 7.7. The current MSDF however need to be aligned with the requirements of the new planning dispensation and must also be brought in line with the new products currently being developed at this stage to form part of the MSDF process for the entire WC024.

The products that are currently being developed parallel to this process include:

- 2.1 Strategic Environmental Management Framework (SEMF)
- 2.2 Rural Area Plan (RAP)
- 2.3 Urban Development Strategy (UDS)
- 2.4 Heritage Resources Inventory

- 2.5 Integrated Human Settlement Plan
- 2.6 Klapmuts Local Spatial Development Framework (LSDF)
- 2.7 Stellenbosch (Town) LSDF
- 2.8 Jonkershoek LSDF

It is imperative that the above-mentioned products be strategically integrated in the development of an updated MSDF for WC024 by aligning the different projects and applicable policies to be approved by Council for the development of the first draft for Council approval obligated in terms of the Municipal Systems Act, No 32 of 2000 (MSA).

As the current MSDF was approved in terms of the MSA as part of the current IDP and will form part of the 2017/18 IDP minor amendments to rectify existing and known anomalies to the current MSDF is possible and desirable through the current IDP process culminating in the approval of the last cycle of the 3<sup>rd</sup> generation IDP in 2017.

Despite the amendment of the current MSDF as set out above the alignment of the MSDF with the new legislative environment remains a longer term legislative requirement. The following section will deal with the legal requirements to design and setup such a process for Council's consideration and approval.

#### **2<sup>ND</sup> COUNCIL MEETING: 2016-10-05: ITEM 7.4.4**

##### **RESOLVED** (majority vote)

that Council authorises the Municipal Manager to:

- (a) proceed with the development of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) (MSDF);
- (b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;
- (c) establish a project committee;
- (d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and
- (e) use the MSDF as a platform to consider and align the following:
  - (i) Strategic Environmental Management Framework (SEMF)
  - (ii) Rural Area Plan (RAP)
  - (iii) Urban Development Strategy leading to a Stellenbosch WCO24 SDF
  - (iv) Heritage Resources Inventory
  - (v) Integrated Human Settlement Plan
  - (vi) Klapmuts Local Spatial Development Framework (LSDF)
  - (vii) Stellenbosch LSDF amendment to be compliant with SPLUMA
  - (viii) Jonkershoek LSDF amendment to be compliant with SPLUMA

- 
- (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.

*The following Councillors requested that their votes of dissent be minuted:*

*Councillors F Adams; GN Bakubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); FT Bangani-Menziwa (Ms); N Mananga-Gugushe (Ms); LM Maqeba; RS Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and P Sitshoti (Ms).*

<b>Meeting: Ref No:</b>	<i>Council: 2016-10-05 15/10</i>	<b>Submitted by Directorate: Author: Referred from:</b>	<i>Economic Development &amp; Planning Manager: Spatial, Heritage &amp; Environment: B De la Bat Council: 2016-08-25</i>
-----------------------------	--------------------------------------	-----------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------