

7.4.4	<p><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></p>
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## 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)

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- 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.

### 3. DISCUSSION

This implies that Council must resolve to commission the drafting of a MSDF and authorise the establishment of a project committee to compile its municipal spatial development framework.

In terms of the Land Use Planning By-law read together with LUPA the above-mentioned project committee must consist of:

- (a) the Municipal Manager or a municipal employee designated by the municipal manager; and
- (b) municipal employees appointed by the Municipal Manager from least the following municipal departments:
  - (i) the integrated development planning office;
  - (ii) the spatial planning department;
  - (iii) the engineering department;
  - (iv) the local economic development department; and
  - (i) the housing department.

The above-mentioned intergovernmental steering committee will be responsible, amongst other, to oversee the compilation of the municipal spatial development framework for adoption by the Council by providing technical knowledge and expertise to the Council and the project Committee.

Further legal input regarding the commencement or amendment of a MSDF was communicated by the Director: Planning and Economic Development on 16 August 2016 herewith attached as **APPENDIX 1**.

The Administration thus seeks Council approval to (i) commence the drafting of a MSDF for Stellenbosch Municipality (WC024) and (ii) initiate the amendment of the current approved 2013 MSDF by through authorising the Administration to initiate the compilation of a MSDF process as required by legislation.

It should be noted that the MSDF is a primary and essential sectoral plan of the IDP in terms of the MSA and represent the spatial reflection of the IDP. The alignment and integration of the MSDF with all other sectoral plans in the IDP is therefore essential. The process of drafting a MSDF was thus planned to be aligned with the Integrated Development Planning Process of Stellenbosch Municipality.

#### 5. LEGAL IMPLICATIONS

This item is legally compliant. The legal opinion obtained from Messrs Smith Tabata Buchanan Boyes (STBB) is attached as **APPENDIX 5**.

#### 6. FINANCIAL IMPLICATIONS

Process has been budgeted in the 2016/17 approved budget and the following MTREF period.

#### RECOMMENDED

that Council authorise 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 adopt and align:
  - (i) Strategic Environmental Management Framework (SEMF)
  - (ii) Rural Area Plan (RAP)
  - (iii) Urban Development Strategy
  - (iv) Heritage Resources Inventory
  - (v) Integrated Human Settlement Plan
  - (vi) Klapmuts Local Spatial Development Framework (LSDF)
  - (vii) Stellenbosch LSDF
  - (viii) Jonkershoek LSDF
- (f) Proceed with the amendment of the current approved MSDF; and

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

**MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.8**

The Executive Mayor **RULED**

that the Administration obtain clarity from the provincial Department of Environmental Affairs and Development Planning on any possible legal implications pertaining to this matter, and that the relevant information be brought to Council's attention when deliberating on this item.

**ADDITIONAL COMMENTS BY MANAGER SPATIAL DEVELOPMENT,  
HERITAGE AND ENVIRONMENT**

The Directorate adhered to the Mayor's ruling and submitted written proof to the Mayor by hand on 2016-08-23 as is evidenced below.

In order to assess the risk to Council should the directorate proceed with the drafting of the Municipal Spatial Development Framework in the absence of the legal opinion requested by the Department Environmental Affairs and Development Planning (DEA&DP) as referred to in paragraph 6 of the circular attached as part of the internal memo regarding the integration of SDF's and IDP's (**APPENDIX 1**) a response was requested from DEA&DP. The directorate's enquiry is attached as **APPENDIX 2** and the response received from DEA&DP is attached as **APPENDIX 3** to this report. Included in the response was a draft circular that attempts to address the issue at hand. The draft circular is attached as **APPENDIX 4**.

A similar request for a risk assessment was submitted to the external legal representatives of Council Messrs. Smith Tabata Buchanan Boyes (STBB). The reply from STBB is attached as **APPENDIX 5**.

From both responses received it is clear that the risk involved in coordinating the preparation of the MSDF and the IDP is minimal. The risk of not coordinating the drafting of the two documents is far greater. According to DEA&DP it is not critical that the process of drafting the SDF runs simultaneously with the IDP drafting process, but it is critical that the content of these two documents speak to each other and that the process requirements for the various pieces of relevant legislation are met. In light of the minimum risk DEA&DP was of the opinion that it is not necessary to wait with the process until such a time that the legal opinion referred to in its letter (**APPENDIX 1**) was received. Neither is there any guarantee that such an opinion (which remains an opinion) will be received soon. Concern was expressed with the limited time available to coordinate the MSDF and 4<sup>th</sup> generation IDP with a view to finalize both documents in an approved IDP by June 2018. However, this does not impact the legality of the process in any way and should not deter Council from initiating the process.

The IDP process plan is to continue as planned and culminating in an approved IDP by June 2017 as a prerequisite for the approval of the budget. Postponing the process of drafting the MSDF much longer may well result in the municipality's inability to fully integrate the MSDF process with that of the IDP process. In pointing out some of the risks should the process to delay the decision to proceed with the MSDF writer has pointed out some risks to Council

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in a memo attached as **APPENDIX 6**. As is evident from the memo such a decision will have budget implications.

Subsequent to the Special Council meeting held on 2016-08-25, a workshop was held on 21 September 2016 to discuss the content of the agenda item with a reference to the process that is to be followed. From the process prescribed by SPLUMA and the Municipal By-law it was confirmed that the drafting of the Urban Development Strategy/Municipal Spatial Development Framework extensive public participation must be followed by at least advertising the draft status quo reports and draft MSDF in the local press. The By-law further requires the registration of interested and affected parties to participate in the process.

Irrespective of the formal advertisements, the MSDF will be drafted in conjunction with the IDP and will also be included in the IDP public participation process in order to integrate the process. In flowing standard practice, all of the individual projects will include, over and above the IDP process and formal advertisements, extensive public participation to obtain the input of the community and community organizations and to workshop various plans, proposals and products to ensure that the community was consulted properly.

In light of the above additional information it is:

### **RECOMMENDED**

that Council authorise 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

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- (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.

<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>
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**7.4.4**

**FURTHER LEGAL INPUT SUBMITTED BY THE DIRECTOR:  
PLANNING AND ECONOMIC DEVELOPMENT**

**APPENDIX 1**



**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Planning and Economic Development



## MEMORANDUM

**TO**

- (1) Municipal Manager
- (2) Director: Strategic & Corporate Services
- (3) Acting Director: Engineering Services
- (4) Chief Financial Officer
- (5) Manager: Spatial Planning, Heritage and Environment
- (6) Manager: Integrated Development Planning and Performance Management

**FROM** : Director - Planning and Economic Development

**DATE** : 2016-08-16

**SUBJECT** : Legal Compliance in the preparation and adoption of a Municipal Spatial Development Framework aligned to the Land Use planning By-Law (2015), SPLUMA (2013) and LUPA (2014)

**FILE REF** : 1/1/1/40

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### PURPOSE

The purpose of this memorandum is to communicate the legal requirements in the drafting of a new or amendment of a Municipal Spatial Development Framework (MSDF) aligned with the Integrated Development Planning Framework (IDP).

### BACKGROUND

Since the enactment of the Spatial Planning Land Use Management Act, 2013 (SPLUMA) in July 2015, municipalities must adopt a Spatial Development Framework in



accordance with the Municipal Systems Act 2000 (MSA) in line with new planning legislation which includes the SPLUMA, the Western Cape Land Use Planning Act (2014) and Stellenbosch Municipal Land Use Planning By-law (2015) within five years from date of announcement.

This memorandum highlights the most important aspects a MSDF should address as well as the processes that should be followed in line with the Integrated Development Planning (IDP) timeframes over a 5 year period to draft/develop or amend a MSDF.

## DISCUSSION

A different suite of products are currently developed for Stellenbosch Municipality which includes an Urban Development Strategy (UDS), local area spatial development framework (LSDF) for Klapmuts as well as an Integrated Zoning Scheme By-law (IZS) as well as various sectorial policies and plans.

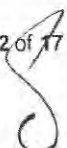
It should be noted however that one MSDF should be adopted as a policy covering the entire WC024 area. More detailed studies can supplement a MSDF through by adopting policies and plans which include an urban development strategy a LSDF for a specific geographic area etc.

On 01 December 2015 all older order legislation was repealed which included LUPO (Land Use Planning Ordinance of 1985) and ROR (Removal of Title Deed Restrictions Act of 1967), etc. The new planning law reform requires much more detail as what was previously acceptable as the process as such has changed considerably with regards to legal and content requirements.

The different legal provisions have been extracted starting with the Stellenbosch Municipal Planning By-law (2015), the Western Cape Land Use Planning Act (2014) and lastly the Spatial Planning and Land Use Management Act (2013) outlining the process when a municipality wants to adopt a new or amend its existing MSDF which must be included in the MSA process (see table 1 below).

At the recent Municipal Planning Heads meeting (12 August 2016) the Provincial Government (Environmental Affairs and Development Planning) communicated to municipalities that all SDF's in the Western Cape requires a 2016 IDP approval through the MSA process.

- A. It was stated that a MSDF (old or new) needs to adopted through the current 5 year IDP cycle whether it is SPLUMA compliant or not by initiating one of the three options listed below:
  - Option 1: Adopting a New SDF
  - Option 2: Adopting the Existing SDF or
  - Option 3: Amending or partial amendment to the SDF
- B. It the forum it was also communicated in the event the municipality adopts its current SDF (which is NOT SPLUMA compliant) it must mention it and attached a process plan indication when and how the MSDF will be brought in line with SPLUMA and its legislative requirements. A copy of such a plan is herewith attached as **ANNEXURE A** to serve as an example.



C. Furthermore it was also mentioned that a framework be drawn up how and when the municipality will consider amendments to the MSDF aligned to the IDP planning cycle.

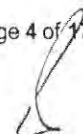
The Western Cape Government indicated that a circular with more detail and requirements imposed on municipalities will be issued in due course regarding the process that needs to be followed in adopting or amending a MSDF in line with the IDP process.

Below please find from a planning legislative framework requirements to adopt or amend a MSDF from a Municipal Land Use Planning By-law, LUPA and SPLUMA in Table 1 below.

**Table 1: Legislative requirements for the amendment or approval of a MSDF / LSDF**

<b>A. Requirements in terms Chapter II of the Stellenbosch Municipal Land Use Planning By-law (2015):</b>	
<b>Section 3. Compilation or amendment of municipal spatial development framework</b>	<b>Key Actions</b>
<p>(1) When the Council <b>compiles or amends</b> its municipal spatial development framework in accordance with the Municipal Systems Act, the <b>Council must</b>, as contemplated in <b>Section 11 of the Land Use Planning Act—</b></p> <p><i>(a) establish an intergovernmental steering committee</i> to compile or amend its municipal spatial development framework; or</p> <p><i>(b) refer its draft municipal spatial development framework or draft amendment of its municipal spatial development framework to the Provincial Minister for comment.</i></p> <p><b>(2) The Municipality must—</b></p> <p><i>(a) publish a notice in two of the official languages of the Province most spoken in the area in two newspapers circulating in the area concerned of—</i></p> <p><i>(i) the intention to compile or amend the municipal spatial development framework; and</i></p> <p><i>(ii) the process to be followed, in accordance with section 28(3) and 29 of the Municipal Systems Act;</i></p> <p><i>(b) inform the Provincial Minister in writing of—</i></p> <p><i>(i) the intention to compile or amend the municipal spatial development framework;</i></p> <p><i>(ii) its decision in terms of subsection (1)(a) or (b); and</i></p> <p><i>(iii) the process to be followed to compile or amend the municipal spatial development framework, including the process contemplated in subsection (2)(a)(ii); and</i></p> <p><i>(c) register relevant stakeholders, who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process contemplated in subsection (2)(a)(ii).</i></p>	<ul style="list-style-type: none"> <li>• Council to establish an IGSC</li> <li>• Submit the draft to MEC</li> <li>• Publish Notice in newspaper &amp; inform MEC with content (i &amp; ii)</li> <li>• Register I&amp;AP and give opportunity to comment</li> </ul>

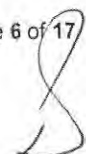
Section 4. Establishment of project committee	Key Actions
<p>(1) The Municipality must establish a project committee to compile or amend its municipal spatial development framework.</p> <p>(2) The project committee must consist of—</p> <p>(a) the <b>Municipal Manager or a municipal employee designated by the municipal manager</b>; and</p> <p>(b) <b>municipal employees appointed by the Municipal Manager</b> from at least the following municipal departments:</p> <p>(i) the <b>integrated development planning office</b>;</p> <p>(ii) the <b>spatial planning department</b>;</p> <p>(iii) the <b>engineering department</b>;</p> <p>(iv) the <b>local economic development department</b>; and</p> <p>(v) the <b>housing department</b>.</p>	<ul style="list-style-type: none"> <li>• Council Item to recommend the appointment of a Project Committee</li> <li>• MM to authorise the appointment of the Project Committee consisting of Municipal Officials as set out in the By-law</li> </ul>
Section 5. Establishment of intergovernmental steering committee	Key Actions
<p>If the Council establishes an intergovernmental steering committee, the Municipality must, in writing, invite written nominations for representatives to serve on the intergovernmental steering committee from the following persons or organs of state:</p> <p>(a) the <b>head of the provincial department</b> responsible for land use planning;</p> <p>(b) the <b>head of the provincial department</b> responsible for environmental affairs; and</p> <p>(c) <b>other relevant organs of state</b>.</p>	<ul style="list-style-type: none"> <li>• Council Item to obtain delegation.</li> <li>• When approved, Administration to proceed with invitational letters to HOD LUMS and HOD ENV as a minimum</li> </ul>
Section 6. Procedure with intergovernmental steering committee	Key Actions
<p>(1) If the Council establishes an intergovernmental steering committee, the <b>project committee must compile a draft status quo report</b> setting out an assessment of the existing levels of development and development challenges in the municipal area and <b>must submit it to the intergovernmental steering committee for comment</b>.</p> <p>(2) After consideration of the comments of the intergovernmental steering committee, <b>the project committee must finalise the status quo report and submit it to the Council for adoption</b>.</p> <p>(3) After finalising the <i>status quo</i> report the <b>project committee must compile a first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment</b>.</p> <p>(4) After consideration of the comments of the intergovernmental steering committee, the project committee <b>must finalise the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment</b> in accordance with the process adopted in terms of sections 28 and 29 of the Municipal Systems Act.</p> <p>(5) After consideration of the comments and representations received by virtue of the publication contemplated in subsection (4), the project</p>	<ul style="list-style-type: none"> <li>• Project Steering Committee key actions and interactions with the IGSC and Council as set out in section 6</li> <li>• Council must approve</li> <li>• Submit comments to IFSC after item considered by Council.</li> <li>• IGSC must finalise the first draft to Council for public comment ito MSA Section 28 and 29</li> <li>• Project Committee</li> </ul>



<p>committee must compile a final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment.</p> <p>(6) After consideration of the comments of the intergovernmental steering committee contemplated in subsection (5), the project committee must finalise the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework and submit it to the Council for adoption.</p> <p>(7) If the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (6) is materially different to what was published in terms of subsection (4), the Municipality must in accordance with subsections (4), (5) and (6), read with the necessary changes, follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.</p> <p>(8) The Council or the project committee may at any time in the process of compiling a municipal spatial development framework or drafting an amendment of the municipal spatial development framework request comments from the intergovernmental steering committee.</p> <p>(9) The Council must adopt the final draft municipal spatial development framework or final draft amendment of the municipal spatial development framework, with or without amendments and must within 14 days of its decision give notice of its decision in the media and the Provincial Gazette.</p>	<p>to take all comments into account and submit final draft to IGSC for comment.</p> <ul style="list-style-type: none"> <li>• After IGSC comment, take to Council for adoption.</li> <li>• If the final draft changed considerably then the Municipality must seek public participation again.</li> <li>• Council or the PC may at any time request comments from the IGSC.</li> <li>• Council must adopt the final draft of the MSDF or amendment of the MSDF within 14 days and publish decisions in the media and Provincial Gazette.</li> </ul>
<p><b>Section 7. Procedure without intergovernmental steering committee</b></p>	<p><b>Key Actions</b></p>
<p>NA</p>	
<p><b>Section 8. Functions and duties</b></p>	<p><b>Key Actions</b></p>
<p>(1) The members of the project committee must, in accordance with the directions of the executive committee/executive mayor/committee of councillors—</p> <p>(a) oversee the compilation of the municipal spatial development framework or drafting of an amendment of the municipal spatial development framework for adoption by the Council;</p> <p>(b) provide technical knowledge and expertise to the Council;</p> <p>(c) ensure that the compilation of the municipal spatial development framework or drafting of the amendment of the municipal spatial development framework is progressing according to the process contemplated in section 3(2)(a)(ii);</p>	<ul style="list-style-type: none"> <li>• Information contained in section 8 should be incorporated into the Council Item delegating the Administration to establish and invite persons to serve as IGSC members.</li> </ul>



<p>(d) <b>guide the public participation process</b> and ensure that the <b>registered stakeholders remain informed</b>;</p> <p>(e) <b>oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment of the municipal spatial development framework based on the consideration of the comments received during the process</b> of drafting thereof;</p> <p>(f) oversee the drafting of—</p> <p>(i) <b>a report in terms of section 14 of the Land Use Planning Act</b> setting out the response of the Municipality to the provincial comments issued in terms of section 12(4) or 13(2) of that Act; and</p> <p>(ii) <b>a statement</b> setting out—</p> <p>(aa) whether the Municipality has implemented the policies and objectives issued by the national minister responsible for spatial planning and land use management and if so, how and to what extent the Municipality has implemented it; or</p> <p>(bb) if the Municipality has not implemented the policies and objectives, the reasons for not implementing it.</p> <p>(g) <b>ensure alignment</b> of the municipal spatial development framework with the development plans and strategies of other affected municipalities and other organs of state as contemplated in section 24(1) of the Municipal Systems Act;</p> <p>(h) <b>facilitate the integration of other sector plans</b> into the municipal spatial development framework; and</p> <p>(i) if the Council establishes an intergovernmental steering committee—</p> <p>(i) <b>assist the Council</b> in establishing the intergovernmental steering committee and adhering to timeframes; and</p> <p>(ii) <b>ensure the flow of information between the project committee and the intergovernmental steering committee.</b></p> <p>(2) <b>The members of the intergovernmental steering committee must—</b></p> <p>(a) provide the intergovernmental steering committee with the following:</p> <p>(i) technical knowledge and expertise;</p> <p>(ii) input on outstanding information that is required to compile the municipal spatial development framework or draft an amendment thereof;</p> <p>(iii) information on budgetary allocations;</p> <p>(iv) information on and the locality of any current or planned projects that have an impact on the municipal area; and</p> <p>(v) written comments in terms of section 6; and</p> <p>(b) <b>provide the project committee with written comments</b> in terms of section 6.</p>	
<p><b>Section 9. Local spatial development frameworks</b></p>	<p><b>Key Actions</b></p>
<p>(1) The Municipality <b>may adopt</b> a local spatial development framework <b>for a specific geographical area in a part of the municipal area.</b></p> <p>(2) <b>The purpose</b> of a local spatial development framework is to, for a specific geographical area—</p> <p>(a) provide <b>detailed spatial planning guidelines</b>;</p>	<ul style="list-style-type: none"> <li>• More detail and linked to the MSDF.</li> <li>• Thus a blue print plan and aligned to Land Use</li> </ul>

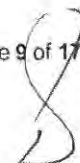


<p>(b) provide more detail in respect of a proposal provided for in the municipal spatial development framework;</p> <p>(c) meet specific land use planning needs;</p> <p>(d) provide detailed policy and development parameters for land use planning;</p> <p>(e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; and</p> <p>(f) guide decision-making on land use applications.</p>	Management
<p><b>Section 10. Compilation, adoption, amendment or review of local spatial development frameworks</b></p>	Key Actions
<p>(1) If the Municipality <b>compiles, amends or reviews</b> a local spatial development framework, it <b>must adopt a process plan</b>, including the <b>public participation processes</b> to be followed for the compilation, amendment, review or adoption of a local spatial development framework.</p> <p>(2) The Municipality must, within 21 days of adopting a local spatial development framework or an amendment of a local spatial development framework, publish a notice of the decision in the media and the <i>Provincial Gazette</i>.</p>	<ul style="list-style-type: none"> <li>• Item to Council delegating the administration to adopt a process plan and public participation process</li> <li>• After 21 days the municipality must publish the adoption of a LSDF or amendment thereof</li> </ul>
<p><b>Section 11. Status of local spatial development frameworks</b></p>	Key Actions
<p>(1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in section 10(2).</p> <p>(2) A local spatial development framework guides and informs decisions made by the Municipality relating to land development, <b>but it does not confer or take away rights.</b></p>	<ul style="list-style-type: none"> <li>• Only effective after publication in the media</li> </ul>
<p><b>Section 12. Structure plans</b></p>	Key Actions
<p>(1) If the Municipality intends to convert a structure plan to a local spatial development framework, the Municipality must comply with sections 9 to 11 and must—</p> <p>(a) review that structure plan and make it consistent with the purpose of a local spatial development framework contemplated in section 9(2); and</p> <p>(b) incorporate the provisions of the structure plan that are consistent with that purpose in the local spatial development framework.</p> <p>(2) The Municipality must, in terms of section 16(4) of the Land Use Planning Act, withdraw the relevant structure plan by notice in the <i>Provincial Gazette</i> when it adopts a local spatial development framework contemplated in subsection (1).</p>	

<b>B. Requirements in terms of the Land Use Planning Act (2014)</b>	
<b>Part 3: Section 10. Municipal Spatial Development Frameworks</b>	<b>Key Actions</b>
<p>(1) A municipality must comply with section 11 when it adopts or amends its municipal spatial development framework in terms of the Municipal Systems Act.</p> <p>(2) A municipal spatial development framework must at least—</p> <p>(a) <b>comply</b> with other applicable legislation;</p> <p>(b) <b>promote predictability</b> in the utilisation of land;</p> <p>(c) <b>address development priorities</b>;</p> <p>(d) where relevant, <b>provide for specific spatial focus areas</b>, including towns, other nodes, sensitive areas, or areas experiencing specific development pressure; and</p> <p>(e) <b>consist of a report and maps covering the whole municipal area</b>, reflecting municipal planning and the following structuring elements:</p> <p>(i) transportation routes;</p> <p>(ii) open space systems and ecological corridors;</p> <p>(iii) proposed major projects of organs of state with substantial spatial implications;</p> <p>(iv) outer limits to lateral expansion; and</p> <p>(v) densification of urban areas.</p> <p>(3) A <b>municipal spatial development framework must be aligned with the provincial development plans</b> and strategies and must complement those development plans and strategies by including a map identifying at least the following in the municipal area:</p> <p>(a) the provincial road and traffic network;</p> <p>(b) the provincial public transport network;</p> <p>(c) existing and planned provincial health and education facilities;</p> <p>(d) heritage, agricultural and tourism resources of provincial importance; and</p> <p>(e) where relevant, areas of recognised provincial ecological value, including—</p> <p>(i) nature conservation areas;</p> <p>(ii) areas of high biodiversity value;</p> <p>(iii) areas requiring dedicated soil conservation;</p> <p>(iv) areas requiring a dedicated pollution-control regime; and</p> <p>(v) areas requiring dedicated strategies to adapt to climate change and mitigate the impact of climate change.</p>	<ul style="list-style-type: none"> <li>• Council Item must comply with Section 11</li>   <li>• Provide more detailed maps (LSDF)</li>   <li>• MSDF covering entire WC024</li>   <li>• MSDF must be aligned with the PSDF</li> </ul>
<b>Section 11. Adoption or amendment of municipal spatial development frameworks</b>	<b>Key Actions</b>
<p>The process <b>adopted by a municipality in terms of section 28 of the Municipal Systems Act</b> relating to the <b>adoption or amendment</b> of its municipal spatial development framework must make provision for—</p> <p>(a) the <b>establishment of an intergovernmental steering committee</b> to compile a draft municipal spatial development framework or a draft amendment of a municipal spatial development framework; or</p> <p>(b) a <b>procedure that complies with section 13.</b></p>	<ul style="list-style-type: none"> <li>• MSDF is adopted or amended to Section 28 of the MSA</li>   <li>• Linked to IDP process</li>   <li>• Must establish an IGSC</li> </ul>

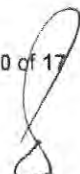


	<ul style="list-style-type: none"> <li>• If not, follow section 13</li> </ul>
<b>Section 12. Intergovernmental steering committee</b>	<b>Key Actions</b>
<p>(1) If a municipality establishes an intergovernmental steering committee referred to in section 11(a), the <b>committee must consist of at least—</b></p> <p>(a) the <b>municipal manager, or a municipal employee</b> designated by the municipal manager; and</p> <p>(b) representatives of—</p> <p>(i) the <b>municipality, nominated by the municipal manager;</b></p> <p>(ii) the <b>Department, nominated by the Head of Department;</b> and</p> <p>(iii) the provincial department responsible for <b>environmental affairs</b>, nominated by the head of that department.</p> <p>(2) The members of the intergovernmental steering committee must be persons <b>appointed by virtue of their qualifications and experience in, and knowledge of, land use planning or environmental management.</b></p> <p>(3) The intergovernmental steering committee—</p> <p>(a) is <b>chaired by the municipal manager or the municipal employee</b> designated by the municipal manager in terms of subsection(1)(a), as the case may be;</p> <p>(b) <b>determines its own procedures, which must make provision for at least a quorum and decision-making; and</b></p> <p>(c) <b>may appoint subcommittees</b> and assign tasks to such subcommittees.</p> <p>(4) The members contemplated in subsection (1)(b)(ii) and (iii) must submit <b>written provincial comments to the municipality on a draft municipal spatial development framework or draft amendment of a municipal spatial development framework during the compilation process thereof.</b></p>	<ul style="list-style-type: none"> <li>• Council Item when establishing an IGSC</li> <li>• Other state departments and persons nominated should have relevant qualifications and appropriate experience in land use or environmental planning</li> <li>• IGSC members must provide comments in writing on the draft MSDF</li> </ul>
<b>Section 13. Procedure without intergovernmental steering committee</b>	<b>Key Actions</b>
<p>(1) If an intergovernmental steering committee contemplated in section 12 is not established, the municipality—</p> <p>(a) must submit a draft municipal spatial development framework or draft amendment of a municipal spatial development framework to the Provincial Minister for written comment; and</p> <p>(b) may not adopt its municipal spatial development framework or approve an amendment thereof until—</p> <p>(i) the municipality has received and considered the comments referred to in subsection (2); or</p> <p>(ii) the end of the period referred to in subsection (2) and if no comments were received from the Provincial Minister during that period.</p> <p>(2) The Provincial Minister must, within 60 days of receiving a draft municipal spatial development framework or draft amendment of a municipal spatial development framework in terms of subsection (1)(a), submit written comments thereon to the municipality.</p> <p>(3) The period referred to in subsection (2) may be extended with the concurrence of the municipality.</p>	<p>Not advisable to follow this route</p>





Section 14. Submission of municipal spatial development frameworks	Key Actions
<p>A municipal manager must, within the period contemplated in section 32(1) of the Municipal Systems Act, submit the following to the Provincial Minister:</p> <p>(a) a written notice of the decision to adopt or amend a municipal spatial development framework, together with the reasons for the decision;</p> <p>(b) the adopted or amended municipal spatial development framework; and</p> <p>(c) a report setting out the response of the municipality to the comments submitted in terms of section 12(4) or 13(2).</p>	<ul style="list-style-type: none"> <li>The MM must within a specified period comply by submitting to Province the decision, reason for decision and public participation report.</li> </ul>
Section 15. Consistency between municipal spatial development frameworks	Key Actions
<p>(1) Municipal spatial development frameworks of local municipalities and the relevant district municipality must be consistent with one another.</p> <p>(2) The procedures adopted by a district municipality in terms of section 27 of the Municipal Systems Act must include a process for resolution of disputes regarding consistency between municipal spatial development frameworks adopted by the local municipalities in its district municipal area and its municipal spatial development framework, respectively.</p> <p>(3) The process for resolution of disputes must contain a procedure for the Provincial Minister to be notified of a dispute.</p>	<ul style="list-style-type: none"> <li>MSDF must be in line with the District MSDF</li> </ul>
Section 16. Structure Plans	Key Actions
<p>(1) Despite the repeal of the Ordinance by section 77—</p> <p>(a) the structure plan approved in terms of section 4(6) of the Ordinance and published under Provincial Notice 236/2009 in <i>Provincial Gazette</i> 6641 of 10 July 2009, or any amendment or replacement thereof before the commencement of this Act, remains in force and is regarded as the provincial spatial development framework adopted in terms of section 4(1); and (b) subject to subsection (2), any other structure plan approved in terms of section 4(6) or 4(10) of the Ordinance and in existence immediately before the commencement of this Act remains in force.</p> <p>(2) Despite subsection (1)(b), the General Structure Plan referred to in Circular LDC 9 of 8 December 1988, approved in terms of section 4(6) of the Ordinance and all amendments thereof are withdrawn at the commencement of this Act.</p> <p>(3) A structure plan referred to in subsection (1)(b) lapses two years after the date of commencement of this Act.</p> <p>(4) A municipality may, before a structure plan lapses, by notice in the <i>Provincial Gazette</i> withdraw the application thereof in its municipal area.</p>	<p>Only if applicable</p>
Section 17. Continuation of spatial development frameworks	Key Actions
<p>If land situated in the municipal area of a municipality is incorporated into the municipal area of another municipality, a municipal spatial development framework in respect of that land remains applicable to the municipal area</p>	<p>N/A</p>



to which it applied before the incorporation until amended by the receiving municipality in accordance with this Chapter.	
<b>Section 18. Publication of spatial development frameworks</b>	<b>Key Action</b>
<p>(1) A municipality must, after the adoption or amendment of its municipal spatial development framework, publish a notice of its decision in the Provincial Gazette.</p> <p>(2) If a municipal spatial development framework is amended as a result of a decision of an ad hoc committee contemplated in section 33 of the Municipal Systems Act, a notice of the amendment must be published in accordance with subsection (1).</p>	<ul style="list-style-type: none"> <li>• Must publish the decision of an adoption or amendment in the Provincial Gazette</li> <li>• Ad hoc decisions must also be published</li> </ul>
<b>Section 19. Compliance or consistency with, and deviation from, spatial development frameworks or structure plans</b>	<b>Key Actions</b>
<p>(1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is <u>regarded as complying</u> with that spatial development framework or structure plan.</p> <p>(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as <u>being consistent</u> with that spatial development framework or structure plan.</p> <p>(3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.</p>	<ul style="list-style-type: none"> <li>• Complies</li> <li>• Consistent</li> <li>• Application does not comply and is not consistent</li> </ul>
<b>Section 20. Records of spatial development frameworks</b>	<b>Key Actions</b>
<p>(1) The relevant competent authority must keep its spatial development framework updated and make the updated spatial development framework accessible to the public.</p> <p>(2) An updated spatial development framework must show a record of—</p> <p>(a) in the case of a provincial spatial development framework or provincial regional spatial development framework, approved land development applications that deviate as contemplated in section 19(3) from that spatial development framework;</p> <p>(b) in the case of a municipal spatial development framework, approved land use applications that deviate as contemplated in section 19(3) from the municipal spatial development framework; and</p> <p>(c) amendments of the spatial development framework.</p>	<ul style="list-style-type: none"> <li>• Municipality must keep the SDF updated and maintain a record to section 19(3) relating to all developments as well as amendments</li> </ul>

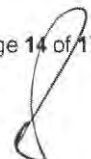


<b>Section 21. Integration of other plans, policy or frameworks</b>	<b>Key Actions</b>
When the Provincial Government or a municipality is required to approve in terms of other legislation a plan, policy or framework affecting land use planning, the Provincial Minister or municipality may integrate that plan, policy or framework or an amendment thereof, with a relevant spatial development framework if— (a) all applicable legislation has been complied with; and (b) the spatial development framework specifies the relevant legislation in terms of which it is approved and any authority that approved it.	<ul style="list-style-type: none"> <li>• As and when required</li> </ul>
<b>C. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (2013)</b>	
<b>Section 4. Spatial planning system</b>	<b>Key Actions</b>
The spatial planning system in the Republic consists of the following components: (a) <b>Spatial development frameworks to be prepared and adopted by national, provincial and municipal spheres of government;</b> (b) <b>development principles, norms and standards that must guide spatial planning, land use management and land development;</b>	<ul style="list-style-type: none"> <li>• WC024 must have a MSDF</li> </ul>
<b>Section 5. Categories of spatial planning</b>	<b>Key Actions</b>
(1) <b>Municipal planning</b> , for the purposes of this Act, consists of the following elements: (a) <b>The compilation, approval and review of integrated development plans;</b> (b) the compilation, approval and review of the components of an integrated development plan prescribed by legislation and falling within the competence of a municipality, <b>including a spatial development framework and a land use scheme;</b> and (c) <b>the control and regulation of the use of land within the municipal area where the nature, scale and intensity of the land use do not affect the provincial planning mandate of provincial government or the national interest.</b>	<ul style="list-style-type: none"> <li>• Municipal Planning integrated with the IDP, SDF and Land Use Scheme</li> </ul>
<b>Section 6. Application of development principles</b>	<b>Key Actions</b>
(1) The general principles set out in this Chapter apply to all organs of state and other authorities responsible for the implementation of legislation regulating the use and development of land, and guide— (a) <b>the preparation, adoption and implementation of any spatial development framework, policy or by-law concerning spatial planning and the development or use of land;</b> (b) the compilation, implementation and administration of any land use scheme or other regulatory mechanism for the management of the use of land; (c) <b>the sustainable use and development of land;</b> (d) the consideration by a competent authority of any application that impacts or may impact upon the use and development of land; and (e) the performance of any function in terms of this Act or any other law regulating spatial planning and land use management.	<ul style="list-style-type: none"> <li>• Spatial, land use development planning and land use management to comply with the overarching provisions.</li> </ul>

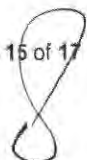


(2) Notwithstanding the categorisation of principles in this section, all principles contained in this Act apply to all aspects of spatial development planning, land development and land use management.	
<b>Section 7. Development principles</b>	<b>Key Actions</b>
<p>The following principles apply to spatial planning, land development and land use management:</p> <p>(a) The principle of <b>spatial justice</b>...</p> <p>(b) the principle of <b>spatial sustainability</b>...</p> <p>(c) the principle of <b>efficiency</b>...</p> <p>(d) the principle of <b>spatial resilience</b>...</p> <p>(e) the principle of <b>good administration</b>...</p>	<ul style="list-style-type: none"> <li>• The SDF must comply with the development principles</li> </ul>
<p><b>CHAPTER 4</b>  <b>SPATIAL DEVELOPMENT FRAMEWORKS</b>  <b>Part A</b>  <b>Section 12. Preparation of spatial development frameworks</b></p>	<b>Key Actions</b>
<p>(1) The national and provincial spheres of government and each municipality must prepare spatial development frameworks that—</p> <p>(a) interpret and represent the spatial development vision of the responsible sphere of government and competent authority;</p> <p>(b) are informed by a long-term spatial development vision statement and plan;</p> <p>(c) represent the integration and trade-off of all relevant sector policies and plans;</p> <p>(d) guide planning and development decisions across all sectors of government;</p> <p>(e) guide a provincial department or municipality in taking any decision or exercising any discretion in terms of this Act or any other law relating to spatial planning and land use management systems;</p> <p>(f) contribute to a coherent, planned approach to spatial development in the national, provincial and municipal spheres;</p> <p>(g) provide clear and accessible information to the public and private sector and provide direction for investment purposes;</p> <p>(h) include previously disadvantaged areas, areas under traditional leadership, rural areas, informal settlements, slums and land holdings of state-owned enterprises and government agencies and address their inclusion and integration into the spatial, economic, social and environmental objectives of the relevant sphere;</p> <p>(i) address historical spatial imbalances in development;</p> <p>(j) identify the long-term risks of particular spatial patterns of growth and development and the policies and strategies necessary to mitigate those risks;</p> <p>(k) provide direction for strategic developments, infrastructure investment, promote efficient, sustainable and planned investments by all sectors and indicate priority areas for investment in land development;</p>	<p>The MSDF must be prepared to include the elements contained in this section.</p>

<p>(l) promote a rational and predictable land development environment to create trust and stimulate investment;</p> <p>(m) take cognisance of any environmental management instrument adopted by the relevant environmental management authority;</p> <p>(n) give effect to national legislation and policies on mineral resources and sustainable utilisation and protection of agricultural resources; and</p> <p>(o) consider and, where necessary, incorporate the outcomes of substantial public engagement, including direct participation in the process through public meetings, public exhibitions, public debates and discourses in the media and any other forum or mechanisms that promote such direct involvement.</p> <p>(2) (a) The national government, a provincial government and a municipality must participate in the spatial planning and land use management processes that impact on each other to ensure that the plans and programmes are coordinated, consistent and in harmony with each other.</p> <p>(b) A spatial development framework adopted in terms of this Act must guide and inform the exercise of any discretion or of any decision taken in terms of this Act or any other law relating to land use and development of land by that sphere of government.</p> <p>(3) The national spatial development framework must contribute to and give spatial expression to national development policy and plans as well as integrate and give spatial expression to policies and plans emanating from the various sectors of national government, and may include any regional spatial development framework.</p> <p>(4) A provincial spatial development framework must contribute to and express provincial development policy as well as integrate and spatially express policies and plans emanating from the various sectors of the provincial and national spheres of government as they apply at the geographic scale of the province.</p> <p>(5) A municipal spatial development framework must assist in integrating, coordinating, aligning and expressing development policies and plans emanating from the various sectors of the spheres of government as they apply within the municipal area.</p> <p>(6) Spatial development frameworks must outline specific arrangements for prioritising, mobilising, sequencing and implementing public and private infrastructural and land development investment in the priority spatial structuring areas identified in spatial development frameworks.</p>	
<p><b>Part E</b>  <b>20. Section Preparation of Municipal Spatial Development Framework</b></p>	<p><b>Key Actions</b></p>
<p>(1) The Municipal Council of a municipality must by notice in the <i>Provincial Gazette</i> adopt a municipal spatial development framework for the municipality.</p>	<p>Important steps to be followed when preparing a MSDF:</p>



<p>(2) The municipal spatial development framework must be prepared as part of a municipality's integrated development plan in accordance with the provisions of the <b>Municipal Systems Act</b>.</p> <p>(3) <b>Before adopting</b> the municipal spatial development framework contemplated in subsection (1) and any proposed amendments to the municipal spatial development framework, the <b>Municipal Council must—</b></p> <p>(a) <b>give notice of the proposed municipal spatial development framework in the Gazette and the media;</b></p> <p>(b) <b>invite the public to submit written representations</b> in respect of the proposed municipal spatial development framework to the Municipal Council <b>within 60 days after the publication</b> of the notice referred to in paragraph (a); and</p> <p>(c) <b>consider all representations</b> received in respect of the proposed municipal spatial development framework.</p>	<ul style="list-style-type: none"> <li>- Council Resolution to prepare;</li> <li>- Give notice in the press and Provincial Gazette</li> <li>- Be prepared as part of the IDP</li> <li>- Before adopting the MSDF or amendments give notice in the Press and Gazette</li> <li>- Invite Public Participation</li> <li>- Consider the representations and comments received</li> </ul>
<b>Section 21. Content of municipal spatial development framework</b>	<b>Key Actions</b>
<p>(a) give effect to the <b>development principles</b> and applicable norms and standards set out in Chapter 2;</p> <p>(b) include a <b>written and spatial representation of a five-year spatial development plan for the spatial form of the municipality;</b></p> <p>(c) include a <b>longer term spatial development vision statement</b> for the municipal area which indicates a <b>desired spatial growth and development pattern</b> for the <b>next 10 to 20 years;</b></p> <p>(d) <b>identify current and future significant structuring and restructuring elements</b> of the spatial form of the municipality, including development corridors, activity spines and economic nodes where public and private investment will be prioritised and facilitated;</p> <p>(e) <b>include population growth estimates for the next five years;</b></p> <p>(f) include <b>estimates of the demand for housing units</b> across different socioeconomic categories and the planned location and density of future housing developments;</p> <p>(g) include <b>estimates of economic activity and employment trends</b> and locations in the municipal area for the next five years;</p> <p>(h) <b>identify, quantify and provide location requirements of engineering infrastructure and services provision</b> for existing and future development needs for the next five years;</p> <p>(i) <b>identify the designated areas</b> where a national or provincial <b>inclusionary housing policy may be applicable;</b></p> <p>(j) include a <b>strategic assessment of the environmental pressures</b> and opportunities within the municipal area, including the spatial location of <b>environmental sensitivities, high potential agricultural land</b> and coastal access strips, where applicable;</p> <p>(k) identify the designation of areas in the municipality where <b>incremental</b></p>	<p>The MSDF must be prepared to include the following elements as contained in this section as well as section 12 of SPLUMA</p>



<p>upgrading approaches to development and regulation will be applicable;</p> <p>(l) identify the designation of areas in which—</p> <ul style="list-style-type: none"> <li>(i) <b>more detailed local plans must be developed</b>; and</li> <li>(ii) <b>shortened land use development procedures</b> may be applicable and land use schemes may be so amended;</li> </ul> <p>(m) provide the <b>spatial expression of the coordination, alignment and integration of sectoral policies of all municipal departments</b>;</p> <p>(n) <b>determine a capital expenditure framework</b> for the municipality's development programmes, <b>depicted spatially</b>;</p> <p>(o) determine the purpose, <b>desired impact and structure of the land use management scheme</b> to apply in that municipal area; and</p> <p>(p) include an implementation plan comprising of—</p> <ul style="list-style-type: none"> <li>(i) sectoral requirements, <b>including budgets and resources for implementation</b>;</li> <li>(ii) <b>necessary amendments to a land use scheme</b>;</li> <li>(iii) specification of <b>institutional arrangements necessary for implementation</b>;</li> <li>(iv) specification of <b>implementation targets, including dates and monitoring indicators</b>; and</li> <li>(v) specification, where necessary, of <b>any arrangements for partnerships in the implementation process</b>.</li> </ul>	
<p><b>Section 22. Status of spatial development frameworks</b></p>	<p><b>Key Actions</b></p>
<p>(1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, <b>may not make a decision which is inconsistent with a municipal spatial development framework</b>.</p> <p>(2) Subject to section 42, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework.</p> <p>(3) Where a provincial spatial development framework is inconsistent with a municipal spatial development framework, the Premier must, in accordance with the Intergovernmental Relations Framework Act, take the necessary steps, including the provision of technical assistance, to support the revision of those spatial development frameworks in order to ensure consistency between the two.</p>	<p>Elements to take note of once the MSDF have been adopted.</p>

**WAY FORWARD:**

It is clear from the above legislative requirements that the compilation or amendments of an MSDF are integrated with the IDP process of the municipality.

Thus the compilation of a MSDF and Local SDFs must comply with the provisions of the law including the content of EADP Circular 0011/2016 linkage between SDFs and IDPs (herewith attached as **ANNEXURE B**).

To guide the relevant department responsible for the compilation and or amendment of the MSDF / LSDF kindly use the provisions of the table set out above and use resources as per attached **ANNEXURE C** as a reference.

**(1) Compiled by:**



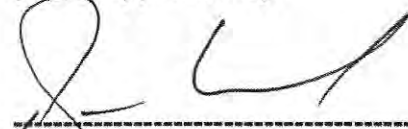
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**Jacques Jansen van Rensburg**  
**Snr Town Planner: SPLUMA Compliance**

**(2) Supported By:**



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**Hedre Dednam**  
**Manager: Land Use Management**

**(3) Approved By:**



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**Dupre Lombaard**  
**Director: Planning and Economic Development**



**7.4.4**

**DIRECTORATE'S ENQUIRY TO DEA&DP**

**APPENDIX 2**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

INNOVATION CAPITAL • ISIXEKO ESIZA NENGUQU • INNOVASIESTAD

My Ref: Erf 15/10 (BJG de la Bat Tel 021 808 8652)

Your Ref: 15/2

22 August 2016

For attention: Mr Kobus Munro  
 Head of Department  
 Department Environmental Affairs and Development Planning  
**CAPE TOWN**  
 8001

Attention: Mr. Kobus Munro

**CIRCULAR EADP 0011/2016: COMPILATION OF MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS (MSDFs) AND INTERGRATED DEVELOPMENT PLANS (IDPs)**

Dear Sir

I refer to your circular EADP0011/2016 dated 25 July 2016 regarding your interpretation of the relationship between SDFs and IDPs in light of the new legislation that guides these processes and specifically paragraph 6 of the circular.

This directorate submitted an agenda item to Council requesting authorization to proceed with the development/amendment of a MSDF for Stellenbosch Municipality (WC024) and to establish an intergovernmental steering committee to assist with this task. The approval is required in order to proceed with the administrative process of advertising the intention of drafting a MSDF and setting out the process plan as is required by the By-law. It was recommended to Council to integrate the processes of drafting and adopting the MSDF and IDP in order to adhere to legislation as is currently interpreted.

However, with reference to the legal opinion paragraph 6 of your circular refers to Council requested clarity on the risks involved in the process of coordinating the preparation of both the MSDF and IDP as suggested in the circular. Alternatively Council enquired if the authorization for the drafting of the MSDF should be rather be withheld until such a time that the legal opinion your circular refers to, provide the necessary clarity.

The agenda item was therefore referred to the full Council which will meet on Thursday 25 August 2015 in the expectation that this uncertainty will be resolved before that time.

In light of the request by Council to determine the risk in authorising the preparation of the MSDF and IDP jointly, your written comment will be required and appreciated.

I am well aware of time limitations to the request but trust that you will be able to provide sufficient clarity so that council can determine the process to be followed.

Yours faithfully

**BJG DE LA BAT**

**MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT**



**7.4.4**

**RESPONSE FROM DEA&DP**

**APPENDIX 3**



Environmental Affairs and Development Planning  
 Directorate: Spatial Planning  
 Kobus Munro

**Mr Bernabe de la Bat**  
**Manager: Spatial Planning, Heritage and Environment**  
**Stellenbosch Municipality**  
**P.O. Box 17**  
**Stellenbosch**  
**7600**

**Our ref: 15/4/3/BS2**

#### **REQUEST FOR CLARITY ON THE CONTENTS OF CIRCULAR EADP 0011/2016**

Your letter dated the 22<sup>nd</sup> of August 2016 requesting clarity on circular EADP 0011/2016, has reference.

In this letter two questions were put to us, which we have attempted to answer below:

Question 1: The risks involved in the process of co-ordinating the preparation of the MSDF and the IDP

The risks involved in co-ordinating the preparation of the MSDF and the IDP are minimal. The risks of not co-ordinating the preparation of the two documents is far greater. It is not critical that the process of drafting the SDF runs simultaneously with the IDP drafting process, but it is critical that the content of these two documents speak to each other and that the process requirements for the various pieces of relevant legislation are met. Historically the drafting of an SDF takes much longer than the drafting of an IDP. In the instance of Stellenbosch therefore, both the SDF and the IDP drafting processes can start now. The completed IDP will be finished in time for Council approval at the end of June 2017, however it is unlikely that the SDF will be completed at this stage. Therefore, once the revised SDF is completed, it can either be approved as part of the annual IDP review process or it can be approved by the Council during the course of the year. Both instances will involve an amendment to the IDP, the process for which is set out in the Municipal Systems Act: Local Government Municipal Planning and Performance Management Regulations of 2001.

Question 2: Should the authorization for the drafting of the MSDF be withheld, until such time as the legal opinion provides clarity on the IDP / SDF relationship?

No, there is no reason why the authorisation for the drafting of the SDF should not be granted by the Council. Stellenbosch Municipality is entirely within its rights to begin the drafting / review of its SDF, and the Council can grant this authorisation accordingly. The legal opinion

that we are requesting is on several peripheral IDP/ SDF related issues, and will not speak to the authorization for the drafting of an SDF.

Should you require any further clarification regarding the above, please do not hesitate to contact Mr Kobus Munro on 021483 4796 or [Kobus.munro@westerncape.gov.za](mailto:Kobus.munro@westerncape.gov.za) , or Ms Tania de Waal on 021 4834360 or [tania.dewaal@westerncape.gov.za](mailto:tania.dewaal@westerncape.gov.za)

Kind regards

A handwritten signature in black ink, appearing to read 'Kobus Munro', with a stylized flourish at the end.

**Kobus Munro**

**Director: Spatial Planning**

**Date: 23/8/2016**

**7.4.4**

**DRAFT CIRCULAR**

**APPENDIX 4**

## 1.0 Introduction

## 2.0 Integrating the Municipal Spatial Development Framework (MSDF) with the IDP

### 2.1 The MSDF as Core Component of the IDP

In Circular EADP: 0011/2016 dated 25 July 2016, distributed by the Department of Environmental Affairs and Development Planning to all municipalities, the relationship between the MSDF and IDP is clearly set out. The circular emphasizes that the legislation explicitly makes the MSDF part of the IDP and most importantly that the legislation does not allow for the MSDF to be drafted, adopted or amended in isolation or separately from the IDP. A MSDF must therefore be drafted, adopted or amended as part of the municipal IDP drafting, adoption and amendment process. A copy of the circular is attached hereto for ease of reference as Annexure A.

As all the municipalities in the country are embarking on the next generation IDP's over the next few months, the WCG herewith provide some guidance on the integration of the MSDF's into the municipal IDP process. Subsequent to the adoption of the current IDPs several changes have been made to the laws governing the planning sector which will have significant implications on the way MSDF's in particular have to be dealt with in the IDP process. In the Western Cape three new planning laws have been introduced which specifically regulate SDF's and which will have to be taken into consideration when municipalities introduce their SDF's into the IDP process. (Refer to Annexure A for a reference to the relevant laws).

Municipalities are therefore encouraged to ensure that whilst following the IDP process in terms of the Municipal Systems Act, to also comply with the other legal requirements applicable to SDF's.

### 2.2 Transitional Measures for integrating SDF's into the IDP's

Considering the above-mentioned legislation, the ideal scenario would have been if all municipalities were in a position to introduce a new or reviewed MSDF simultaneously with the next generation IDP's to ensure that the IDP and MSDF are fully synchronised for the term of the IDP. In reality only a small number of municipalities in the Western Cape are ready at this stage to adopt a new or revised MSDF as part of the IDP process. The rest of the municipalities have approved MSDF's which were approved at various stages during the previous IDP term.

The current situation therefore leaves municipalities with several options to comply with the legal requirements at the start of the new generation IDP's.

#### (a) *Option 1: Fully Synchronised SDF's*

The few municipalities that are in a position to introduce their new or reviewed SDF's into the procedure of the IDP adoption process in the months following the election is in the fortunate position that the SDF and IDP five year terms will be synchronised going forward.

Municipalities must ensure that whilst following the MSA procedure for the adoption of the IDP, they should also comply with the three new planning laws in the Western Cape as outlined in Annexure A (both procedural and content requirements).

**(b) Option 2: Introducing Existing SDF's without any amendments**

The majority of the municipalities in the Western Cape have MSDF's which were approved during the previous five years and which will be revised only after the next generation IDP's have been adopted. For municipalities in this situation, we recommend that the existing SDF as approved previously, be introduced into the IDP process in its current format for adoption. In following this approach municipalities should take cognisance of the following:

- (i) Municipalities must ensure that whilst following the MSA procedure for the adoption of the IDP, they should also comply with the three new planning laws in the Western Cape as outlined in Annexure A (both procedural and content requirements).
- (ii) Municipalities should consider the impacts of Section 22 of SPLUMA which determines that a Municipal Planning Tribunal may not take planning decisions which are inconsistent with the provisions of the adopted MSDF's.
- (iii) • Should MSDF's that are outdated or contain elements which may cause unintended consequences as a result of the effects of SPLUMA, should consider amending their SDF's. (Refer Option 3).

**(c) Option 3: Submitting Amended or only Parts of Existing SDF's**

If a municipality is not in a position to submit a completely revised or new MSDF to coincide with the new generation IDP as outlined in Option 1 nor is it in a position to adopt the existing SDF in full as outlined in Option 2, the municipality may have to consider amending the existing MSDF in the process of adopting the new generation IDP. Municipalities in this position may for instance only submit strategic thrusts of their existing MSDF's and omit detailed provisions which may be outdated. In following this approach municipalities should take cognisance of the following:

- (i) Municipalities must ensure that whilst following the MSA procedure for the adoption of the IDP, they should also comply with the three new planning laws in the Western Cape as outlined in Annexure A, specifically the provisions regulating amendments to existing SDF's (both procedural and content requirements).
- (ii) The WCG is fully aware that municipalities are going to struggle to meet all the procedural and specifically the content requirements of all the relevant laws governing MSDF's and IDP's. It is imperative therefore that municipalities indicate in the process plans of the IDP's when the shortcomings in this transitional phase will be addressed and the processes which will be followed needs to be highlighted.



### 2.3 SDF Reviews Subsequent to the Adoption of the New Generation IDP's

As noted above the majority of municipalities in the Western Cape have planned to revise their MSDF's only after the IDP's have been adopted. This means that the IDP will be amended at that stage to incorporate a new or revised MSDF. As indicated above, municipalities must at this stage anticipate when this review and IDP amendment will be done and include these plans in the process plans of the IDP.

Municipalities should also consider if the review of the MSDF and IDP amendment process will coincide with the annual IDP review process, which is legislated and coordinated with other spheres of government or whether an *ad hoc* amendment process will be followed. Generally MSDF's require a longer time period to be reviewed or compiled afresh than the period available for an IDP adoption process and municipalities will have to consider very carefully whether to align the two processes.

As with the IDP process that will be followed to adopt the next generation IDP's in the following few months, the process to be followed when amending the IDP to introduce a revised MSDF includes many procedural and content requirements that must be carefully considered.

### 2.4 Ad Hoc Amendments

Whilst the legislation makes provision for an annual review process of the IDP / MSDF which in certain circumstances may lead to amendments to the IDP / MSDF, municipalities should also consider how to deal with *ad hoc* amendments. These *ad hoc* amendments may arise as a result of changed circumstances affecting the MSDF or as a result of a development application which the existing MSDF does not cater for. Due to the effect of Section 22 of SPLUMA the MPT may not approve such an application which may result in a request being made to the Council by a developer or even the municipality itself to process an IDP / MSDF amendment.

It is imperative to indicate at this stage in the process plans of the IDP's how your municipality intends dealing with such requests for *ad hoc* amendments. As an example some municipalities have already indicated that they would not entertain requests for *ad hoc* amendments outside of the annual review process. Irrespective of the decision or approach by the municipality it is important that this be incorporated into the process plans of the IDP's.

### 2.5 WCG Assistance

Whilst the above guidance is very compliance orientated, the underlying aim is still to achieve greater levels of integration in the planning between the various spheres of government. The WCG through the Department of Environmental Affairs and Development Planning, Directorate Spatial Planning is supporting municipalities to achieve greater levels of integration through various initiatives, such as:

- Municipal support with MSDF's – financial where possible as well as capacity and advisory services.

- Integrated Spatial and Infrastructure Planning Services – through this programme the Department is liaising with other Provincial Departments to align and integrate other sector plans into the MSDF's (Human Settlement Plans, Infrastructure and Growth Plans, Integrated Transportation Plans).
- Provincial Spatial Planning Performance – mainly aimed at the Provincial budgeting process the department is striving to ensure spatial alignment of Provincial spending with the PSDF as well as MSDF's.
- The Department is also exploring various avenues available in current legislation to develop more enabling MSDF's that incentivise developments in desirable locations. The use of tools available in other legislation such as National Environmental Act and the Subdivision of Agricultural Land Act in combination with MSDF's are investigated and will be shared with municipalities.

Municipalities are therefore encouraged to make contact with the Directorate Spatial Planning for assistance during this period to ensure optimal integration of the MSDF's with the IDP process.

The following members of the Directorate Spatial Planning can be contacted for assistance in the above regard:

- Region 1 (West Coast):  
Marek Kedzieja at [Marek.Kedzieja@westerncape.gov.za](mailto:Marek.Kedzieja@westerncape.gov.za) or 021 483 4525.
- Region 2 (Overberg and Cape Wine lands)  
Tania De Waal at [Tania.DeWaal@westerncape.gov.za](mailto:Tania.DeWaal@westerncape.gov.za) or 021 483 4360.
- Region 3 (Central Karoo and Eden)  
Allan Rhodes [Allan.Rhodes@westerncape.gov.za](mailto:Allan.Rhodes@westerncape.gov.za) or 021 483 0764.

**7.4.4**

**REPLY FROM STBB**

**APPENDIX 5**

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Cnr R44 & School Rd Stellenbosch, 7600

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DX 15 Somerset West Stellenbosch

andres@stbb.co.za | www.stbb.co.za

**DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT**Stellenbosch Municipality  
STELLENBOSCH**Your Ref:****Our Ref:** AHS/CVDL/**Date:** 07 September 2016

Dear Sir,

**RE: STELLENBOSCH MUNICIPALITY MUNICIPAL SPATIAL DEVELOPMENT  
FRAMEWORK: COMPILATION OF NEW AND AMENDED MUNICIPAL SPATIAL  
DEVELOPMENT FRAMEWORK**

1. We act in this matter on behalf of the Stellenbosch Municipality (the Municipality). The Municipality intends to amend the current Municipal Spatial Development Framework (MSDF) as part of the adoption process of the Fourth Generation Integrated Development Plan (IDP) of the Municipality.
2. The Municipality has briefed us with relevant correspondence exchanged between the Municipality and the Department of Environmental Affairs and Development Planning as well as a draft report of the Director: Planning and Economic Development which will serve before Council when the following recommendations are to be considered by Council:

*'That Council authorise 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 adopt and align:*

**Attorneys Notaries & Conveyancers****Directors:** Jonathan Steytler (Managing) | Stoffel Ackermann | Martin Bey | Jacques Bignaut | Darren Brander | Luthfeya Cassim | Tim Chase | Melanie Coetzee | Thabisile Dlamini | Refqah Fataar Ho-Yeel

Niel Grundlingh | Warren Hamer | Bev l'Ons-Raeburn | Gerhard Kotze | Belinda Lewis | Robert Mathare | Corlene Mostert | Hennie Mouton | Martine Newman | James Phillipson | Cris Riego de Dios | Martin Sheard | Roshana Solomon | Nicole Stevens | Philip Steyn | Lauren Sullivan | Marilize Swart | Dumisani Tabata | June Theron | Annetjie van Rooyen | Percy van Staden | Ferdinand Verryn | Shereen Volks | Allan White

**Senior Associates:** M Botha | D Du Plessis | H Dyssel | H Ferreira | J Foxcroft | N Hayes | V W Jooste | D Starkey | A Voges | A Wiese**Associates:** G Barends | S Chettiar | J Greyling | J Hamers | L Mace | N Menteor | B Mostert | G Potgieter | K Richards | H Scudamore | T Smit | A Van Vuuren | I. Verbeek | T Wainwright | M Williams**Executive Consultants:** Peter Arnot | Kevin Daniel | Harry Friedland | Lizelle Kilbourn | Graham Liebenberg | Andy McPherson | Andre Swart | Colin Traub | Richard Volks**Financial Manager:** Cullen Penny

Cape Town: 021 406 9100 | Bedfordview: 011 453 0577 | Centurion: 012 001 1546 | Claremont: 021 673 4700 | Fish Hoek: 021 784 1580 | Illovo: 011 219 6200 | Menlyn: 012 348 1682 | Somerset Mall: 021 850 6400 | Stellenbosch: 021 001 1170 | Table View: 021 521 4000 | Tyger Valley: 021 943 3800

Registration No: 1992/003316/21

VAT Reg No: 4670133877

- (i) *Strategic Environmental Management Framework (SEMF)*
  - (ii) *Rural Area Plan (RAP)*
  - (iii) *Urban Development Strategy*
  - (iv) *Heritage Resources Inventory*
  - (v) *Integrated Human Settlement Plan*
  - (vi) *Klapmuts Local Spatial Development Framework (LSDF)*
  - (vii) *Stellenbosch LSDF*
  - (viii) *Jonkershoek LSDF*
- (f) *Proceed with the amendment of the current approved MSDF.*
- (g) *That both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.'*
3. We have been requested by the Municipality to provide external legal comments regarding the processing of the amendment to the current IDP (including the SDF) and the compilation of a new SDF in terms of the applicable provision of the Systems Act.
4. In terms of Section 26(e) of the Systems Act, the SDF forms a core component of the IDP.
5. It is of importance to note that the Systems Act does not provide for a separate process for the compilation, adoption or amendment of a SDF independently from the IDP. Any proposed compilation or amendment of the SDF must form an integral part of the process prescribed by the Systems Act and the Local Government: Municipal Planning and Performance Management Regulations, 2001.
6. In the Report of the Director, the proposed course of action as far as the amendment of the current SDF and the compilation of a new SDF is described in the following terms:
- '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 requirements.'*
7. It is evident that the Municipality intends to compile a new SDF, but faces the challenge that such process will realistically not be completed within the statutory time frame for the adoption of the New Generation IDP.
8. We are in agreement that the aforementioned challenge can be addressed by the Municipality in the following manner:
- 8.1 The said minor amendments to the SDF can be effected as part of the adoption process of the new IDP.

- 8.2 The preparation of a comprehensively revised SDP, in compliance with the legislation referred to in paragraph 10 below, can now be mandated by Council and such process can commence. It appears unlikely that this process will be completed when the New Generation IDP is adopted by Council at the end of June 2017. The new SDF can however be approved by Council as part of a future review of the IDP or separately.
9. As remarked above, the Systems Act does not provide for an independent approval or amendment of an SDF.
10. If the abovementioned understanding of our instructions is correct, we record our agreement with the abovementioned recommendations, subject to compliance with the following statutory requirements as far as the procedure to be followed as well as the contents of the SDF is concerned:
- 10.1 Chapter 5 of the Systems Act.
  - 10.2 Sections 20 and 21 of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA).
  - 10.3 Chapter III Part III of the Land Use Planning Act 3 of 2014 (LUPA).
  - 10.4 Chapter III of the Stellenbosch Municipality Land Use Planning By-Law.
11. It is anticipated that the Municipality may find itself under constraints to strictly comply with the aforementioned statutory provisions as far as the amendment of the current SDF and IDP is concerned. It is therefore important that the process plan of the IDP identifies any possible shortcomings as far as procedural requirements as well as the prescribed contents of the IDP is concerned and clearly describes the programme for compliance as far as the transitional phase is concerned.

Yours faithfully

**ANDRE SWART**  
**STBB | Smith Tabata Buchanan Boyes**

**7.4.4**

**MEMO FROM THE DEPARTMENT**

**APPENDIX 6**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT



## MEMORANDUM

**TO: EXECUTIVE MAYOR: ALDERMAN G VAN DEVENTER AND ACTING MUNICIPAL MANAGER: R BOSMAN**

**CC: MAYCO; SPEAKER; DIRECTORS**

**FROM: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

**DATE: 02 SEPTEMBER 2016**

**ENQUIRIES: B.J.G DE LA BAT**

**RE: SPATIAL DEVELOPMENT FRAMEWORK**

**REF: 15/10**

The agenda item that was removed from council's agenda regarding this directorate's request for permission from Council to proceed with the drafting of a Municipal Spatial Development Framework (MSDF) on 25 August 2016 refers.

This is a request for urgent action to remedy the situation and to allow Council to consider the proposed SDF process plan. The decision not to consider the agenda item and SDF process plan has wide implications for the municipality. Some of these are:

### 1. Process Plan Implications

The SDF forms an important and critical part of the Integrated Development Plan (IDP) prescribed by the Local Government: Municipal Systems Act 2002, Act 32 of 2000 (MSA). The intention of the various pieces of legislation that govern the drafting of the SDF (there are 7 Acts with prerequisites) are for a municipality to achieve real integrated planning. For this reason the process plan of the SDF was integrated with that of the IDP with a view of producing a new credible SDF and IDP by June 2018. In the meantime the approved 2013 MSDF needs to be considered with or without amendments to ensure that this council's IDP and SDF are aligned (refer comment from Western Cape Provincial Government on 2016/17 IDP). By delaying the commencement of the planning process for the SDF, taking into account that the public participation policy and provisions do not allow the advertisement of such actions over the holiday period, and further taking into account that the advertising periods for comment are prescribed by law, the process will be held up to such an extent that it will have serious implications on the planning program. There is a real risk that the Municipality will not be able to meet the deliverables as planned and as prescribed in SPLUMA (Spatial Planning and Land Use Management Act, 2013, Act 16 of 2013).



Unless the process plan is approved and the SDF projects can proceed by latest 01 October 2016, the integration of the SDF and IDP will be jeopardized and may only be achieved a year later by June 2019.

## 2. Budgetary Implications

The hold-up to proceed with the planning process as prescribed in the Stellenbosch Municipal Land Use Planning By-law read together with SPLUMA will almost certainly have an impact on the budget. Without the permission and instruction from Council, the legislative requirements for the commencement of the planning process (advertisement of intention, process plan and establishment of the Intergovernmental Steering Committee) are not in place and this Directorate cannot proceed with the projects that were budgeted for this and the following two financial years.

## 3. Involvement of Consultants

Various consultants were appointed over the last year to proceed with various planning projects in order to execute Council decisions and/or to be prepared for the SDF process e.g. the Rural Area Plan, Heritage Resources Inventory, Stellenbosch MSDP and UDS, Klapmuts SDF, the Stellenbosch Environmental Management Framework, Integrated Zoning Scheme etc. There is a great deal of synergy amongst these plans that will all form part of the eventual SDF, or at the very least, will have implications for the SDF that need to be incorporated for integration purposes. These projects are active and are dependent on approved budgets and budget cycles and more importantly, approved time frames.

Delaying the commencement of the SDF planning process has a risk in that these projects will have to be completed without integrating it with other projects, or that these may be postponed with the obvious financial and process implications.

## 4. Ad Hoc Planning

The new legislative environment, primarily SPLUMA, that governs planning has at its core, the vision to achieve integration in all planning aspects of the municipality across directorates with a view to obtaining a clear picture of the future development of the municipal area. It is also prescriptive to some extent in that it requires a change in planning to transform the typical spatially segregated town and to integrate communities. Sustainability, equity, efficiency, spatial justice, resilience etc. are some of the norms and standard that guide SDFs. These norms and standards will require tough decisions to be made and must guide the budget and implementation through decision-making in the Municipal Planning Tribunal (MPT) and by the authorised official. Keep in mind that all new applications for land development with significant impacts are decided by the MPT, which may only decide in line with the approved SDF to ensure implementation of council's policy and strategic direction.

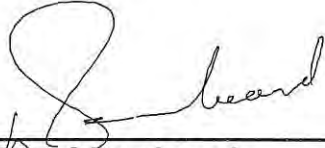
If approval of the process plan is delayed and the SDF processes not completed, it will imply that *ad hoc* decisions are the order of the day, poor guidance will be provided to the Municipal Planning Tribunal and it will be very much a case of "business as usual".

Considering that the municipality recently obtained the Novus budgetary tool to assist with integrating the various projects and budgets to obtain the biggest return on investment and to align implementation to the strategic objectives of Council, achieving this will be improbable without an approved SDF.

**5. Performance agreements**

The delay will have an impact on the performance agreements of all relevant staff in the directorate. There is a real risk that the staff will not be able to deliver what is expected from them in their performance agreements.

Having pointed out some of the immediate risks involved and implications to the planning program in the delay of obtaining Council's approval, it is requested that steps be taken to resolve this matter urgently.



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**Dupré Lombaard**  
**Director: Planning and Economic Development**