

# 5. THE CURRENT STATUS OF SPATIAL POLICY PLANNING IN THE WESTERN CAPE

## 5.1 INTRODUCTION

Spatial policy planning in the Western Cape is currently in a state of flux. As with many laws and the regulations governing their implementation, it reflects, in a rather untidy fashion, changes from the previous apartheid regime to the current democratic dispensation.

Three levels can be identified with respect to spatial planning, namely:

- i. Overarching policy and legislation
- ii. Spatial development frameworks and structure plans
- iii. Zoning schemes

In general higher levels of planning policy and legislation give form to the strategic direction that development should take spatially with less emphasis on the detail of implementation, while lower levels stress implementation more and strategic direction far less.

### 5.1.1 Overarching policy and legislation

Prior to the late-Eighties, overarching policy and legislation, in addition to having indicated and dealt with general spatial issues regarding environmental protection and economic development, was also preoccupied with implementing and maintaining apartheid. The latter was one of the concerns of the Physical Planning Act, 1967 (Act 88 of 1967), see Figure 5.1.1 Spatial Development Strategy for the Western Cape 1980. (source: Minister of Environmental Planning and Energy, Spatial Development Strategy for the Western Cape (1980))

The Physical Planning Act, 1991 (Act 125 of 1991) has been repealed (except for a sunset clause maintaining the old guide plans until individually replaced - the reason for this being the holding-action value that especially the nature-area and government-land designations of those plans had and still have), and national policy is being given weight through the National Spatial Development Perspective (NSDP) and the Development Facilitation Act, 1995 (Act 67 of 1995- DFA). However, new policies and legislation reflecting the new desired strategic changes are much less developed.

In some cases new planning laws have been promulgated, but not implemented, for example, the Western Cape Planning and Development Act, 1999 (Act 7 of 1999 - PDA), and in other cases, laws have been repealed but their regulations remain in force, for example, the Black Communities Development Act, 1984 (Act 4 of 1984) and the Black Administrations Act, 1927 (Act 38 of 1927). There are also cases where national legislation has only been partially adopted in the Western Cape. For example, only the principles of the DFA have been adopted and contained in the PDA. The remainder of the PDA contains legislation that is unique to the Western Cape although it addresses issues of common national concern.

### 5.1.2 Guide plans and structure plans

The guide plans remain as the only statutorily approved plans in the Province with other than a couple of structure plans.

In many instances development continues to be guided by provisions in documents approved under the former Physical Planning Act, 1967 (Act 88 of 1967) for example, the Guide Plans, notwithstanding their apartheid era roots, see Figure 5.2 Guide Plans in the Western Cape.

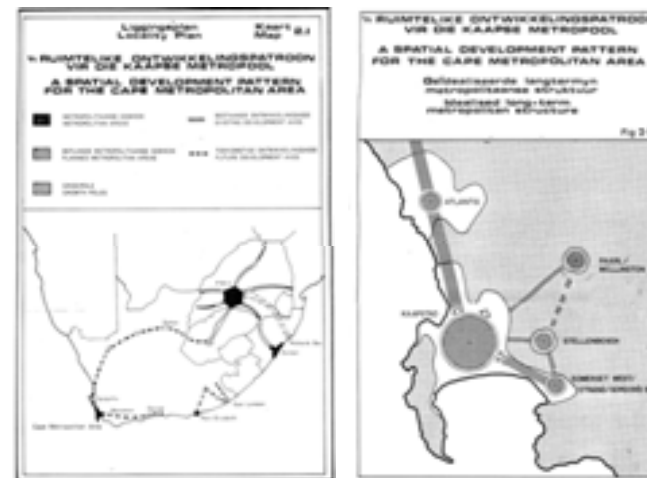


Figure 5.1.2 Guide Plans in the Western Cape

For instance, the Guide Plans have stipulations relating to densities that differ according to race groups (Whites 8du/ha gross, Coloured 15du/ha gross, Africans 22du/ha gross). Many of their other provisions are also no longer relevant or appropriate in today's urban and rural context, for example, the approach taken to the delimitation of Urban Edges. This was to delineate Urban Edges so that they would allow 20 years development at the densities mentioned above. There are some proposals in Guide Plans that remain relevant – in many instances environmentally sensitive no-go areas have been correctly identified. There are also instances where Guide Plan provisions have been misused. For example, sensitive land zoned for agriculture but designated in the Guide Plan for urban purposes intended for low income housing has been subsequently used for up market housing and golf course estates.

There have been a number of initiatives to replace these guide plans but these have not yet been approved for various reasons. For example, some district municipalities have produced spatial development frameworks but these have remained at the level of guidelines as they do not have statutory force. As a consequence they tend to be used expediently, referred to when their provisions are supportive of a development proposal, but dismissed as unapproved when they do not.

This situation continues with structure plans approved under Sections 4(6) and 4 (10) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985 - LUPO) where the intention has been to replace these with Spatial Development Frameworks (SDFs) as part of Integrated Development Plans (IDPs) and approved in terms of the Municipal Systems Act, 2000 (Act 32 of 2000 - MSA). However, at the time of writing, if they are separated from the IDP process and statutory status is required, these plans must be approved in terms of LUPO.

### 5.1.3 Zoning schemes

The most detailed level of planning guidance occurs with zoning schemes that are promulgated in terms of LUPO. This is where real rights are conferred that impact significantly on the value of properties as a result of it stipulating what activities are allowed on them. In many instances zoning schemes reflect an outdated vision of how settlements should develop rooted in the late 1940s and early 1950s, for example, the City of Cape Town zoning scheme was first promulgated in 1948. This vision has become

increasingly redundant as problems associated with modernism reflected in the isolated pavilion approach to urban form (one building sited in the middle of the plot), the unconstrained use of the motor car and the sensitivity of environmental and heritage factors have come to the fore. LUPO did make an effort to address this contradiction through Section 14(2)(a) (zoning rights revert to the current use) but this clause has never been enacted.

There are currently a number of municipalities in the process of rationalising their zoning schemes including the City of Cape Town, Stellenbosch Municipality, Knysna Municipality. The Province has also produced a set of Model Scheme Regulations for use by municipalities should they require them. These are generally not attempting to rationalise or impact existing rights but rather standardise different designations for the same use. Where possible, these scheme revisions are also trying to address current issues that have become apparent since the original zoning schemes were promulgated, particularly with respect to the environment and heritage.

## 5.2 RELEVANT PROPOSALS CONTAINED IN DISTRICT SDFS

Although it is beyond the brief of this PSDF to review proposals contained in all current and proposed SDFs, particularly at the local municipal level, it is important that the PSDF is informed by relevant proposals that are contained in those SDFs that have been completed. Conversely the PSDF once approved will have the effect that measures in current SDFs that are not consistent with the PSDF, will no longer be valid and will have to be brought into line with the PSDF (except where it can be shown in cases of inconsistency that the SDF measures concerned are more in the Provincial interest than the particular PSDF measures - then the PSDF will be amended in those respects).

The following are examples of relevant measures in District municipal SDFs that have informed the PSDF:

### 5.2.1 Eden

The Eden District Municipal SDF proposes the following visions underpinned by a number of objectives to direct its natural environment, human-made

environment, economic sectors, community development and district management:

- Acknowledge wilderness areas and protect as the “pinnacle of the conservation hierarchy” representing a benchmark of “naturalness”;
- Consolidate conservation-worthy natural areas into one continuous tract of conservation land, protecting natural biodiversity and providing community supporting ecosystem services;
- Acknowledge and conserve natural resources as the fundamental requirements for sustainable development;
- Acknowledge and protect cultural resources as the fundamental link with the historical past as a basis for planning and shaping of future urban and rural environments;
- The infrastructure and services that are essential for the development of rural communities created in an environmentally sustainable manner,;
- Establish a safe, healthy and aesthetically pleasing urban environment, with the architectural and spatial character depicting the historical and cultural background of the habitant communities;
- Develop tourism as a sustainable industry, supporting or enhancing marginal industries and contributing significantly to the improvement of the quality of life of all the communities;
- Develop agriculture as an optimally efficient and economically viable market-directed sector representing a socio-economic 'pivot';
- Retain forestry as a sustainable market-directed sector utilising the available resources of the EDM, including the indigenous forests and existing commercial plantations, as a basis for socio-economic development;
- Develop fishing as a sustainable economic sector utilizing the available resources of the district;
- Develop the manufacturing sector into a competitive economic sector, which builds on the comparative economic advantages of the EDM, and operates in accordance with the highest standards for environmental management;
- Establish an optimally developed and empowered society in harmony with its environment; and,
- Managed the EDM in a manner supportive of sustainable development, namely promoting environmental integrity, economic efficiency, and human wellbeing in a balanced manner.

The spatial proposals appear to be very broad and do not provide for evaluation of the economic investment options of the various towns in the region.

Plan 2 (Land Use Classification) and Plan 4 (System of Protected Nature Areas and 2 year Conservation Vision) appear to be in contradiction of each other. Areas identified as core sites or clusters of core sites on Plan 4 are not accordingly identified on Plan 2 and visa versa. In this regard the awareness regarding endangered and intensive agricultural areas need to be confirmed and appropriate management options provided. The extent of the ecological corridors is not defined and is also not shown on Plan 4.

The Tourism Development Areas and tourism routes are not specifically referred to.

The SDF does not provide a final (single) plan that serves as the spatial vision for the District.

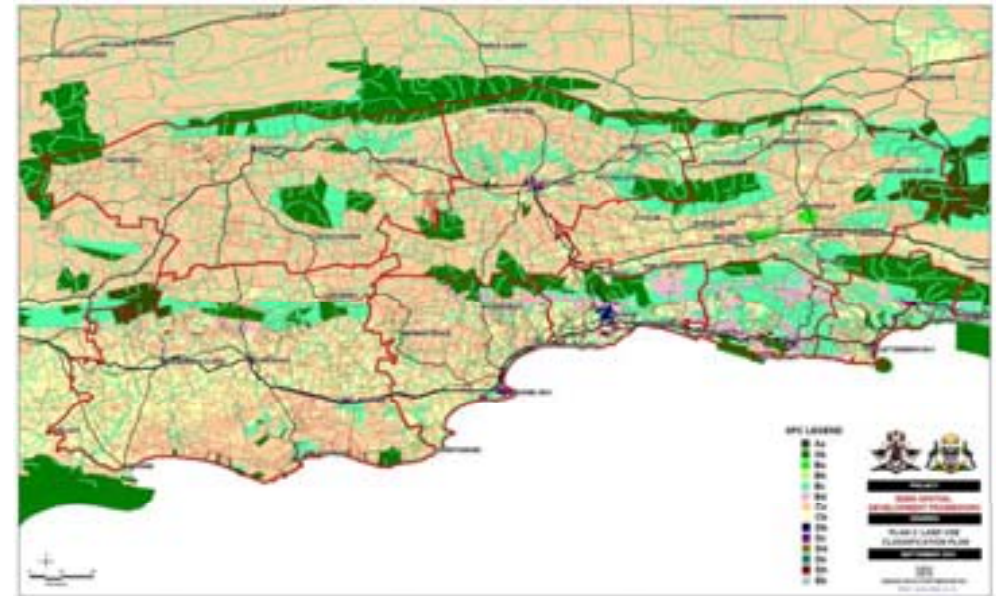


Figure 5.2.1 Eden SDF

### 5.2.2 Overberg

The Overberg District Municipal SDF proposes the following objectives and strategies:

Institute place-specific town planning as a fundamental requirement of all urban development to safeguard the cultural, social and aesthetic qualities of the urban environment by regulating the urban environment, ensuring sustainable development of the urban edges, and improving public participation and awareness.

To achieve the above it proposes to :

- Prepare a sectoral plan (Spatial Development Plan (SDP)) for urban development as part of the urban development strategy;
- Determine the unique characteristics of each settlement;
- Determine site specific guidelines for each settlement;
- Conduct an urban edge study;
- Identify areas that need special attention;
- Formulate sustainable development objectives; and,
- Institute educational programmes to increase awareness.

The Overberg District Municipal SDF proposes the following visions underpinned a number of objectives to direct its natural environment, human-made environment, economic sectors, community development and district management:

- Protect nature areas and consolidate conservation-worthy natural areas into one continuous tract of conservation land protecting natural biodiversity and providing community supporting ecosystem services;
- Acknowledge and conserve natural resources as the fundamental requirements for sustainable development;
- Acknowledge and protect cultural resources as the fundamental link with the historical past as a basis for planning and shaping of future urban and rural environments;
- Create in an environmentally sustainable manner, the infrastructure and services that are essential for the development of the rural communities;
- Establish a safe, healthy and aesthetically pleasing urban environment, with the architectural and spatial character depicting the historical and cultural background of the inhabitant communities;

- Develop tourism as a sustainable industry, supporting or enhancing marginal industries and contributing significantly to the improvement of the quality of life of all the communities;
- Develop agriculture as an optimally efficient and economically viable market-directed sector representing a socio-economic 'pivot';
- Retain forestry as a sustainable market-directed sector utilising the available resources of the ODM, including the indigenous forests and existing commercial plantations, as a basis for socio-economic development;
- Develop fishing as a sustainable economic sector utilizing the available resources of the district;
- Develop the manufacturing sector into a competitive economic sector, which builds on the comparative economic advantages of the ODM, and operates in accordance with the highest standards for environmental management;
- Establish an optimally developed and empowered society in harmony with its environment; and,
- Manage the ODM in a manner supportive of sustainable development, namely promoting environmental integrity, economic efficiency, and human wellbeing in a balanced manner.

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The Tourism Development Areas and tourism routes are not specifically referred to.

The SDF proposes the upgrading of a number of roads some of which are of Provincial importance for sectors such as tourism. One of these routes

identified for upgrading that could improve tourism in the area is the road between Hermanus and Caledon (via Hemel and Aarde).

The SDF does not provide a final (single) plan that serves as the spatial vision for the District.

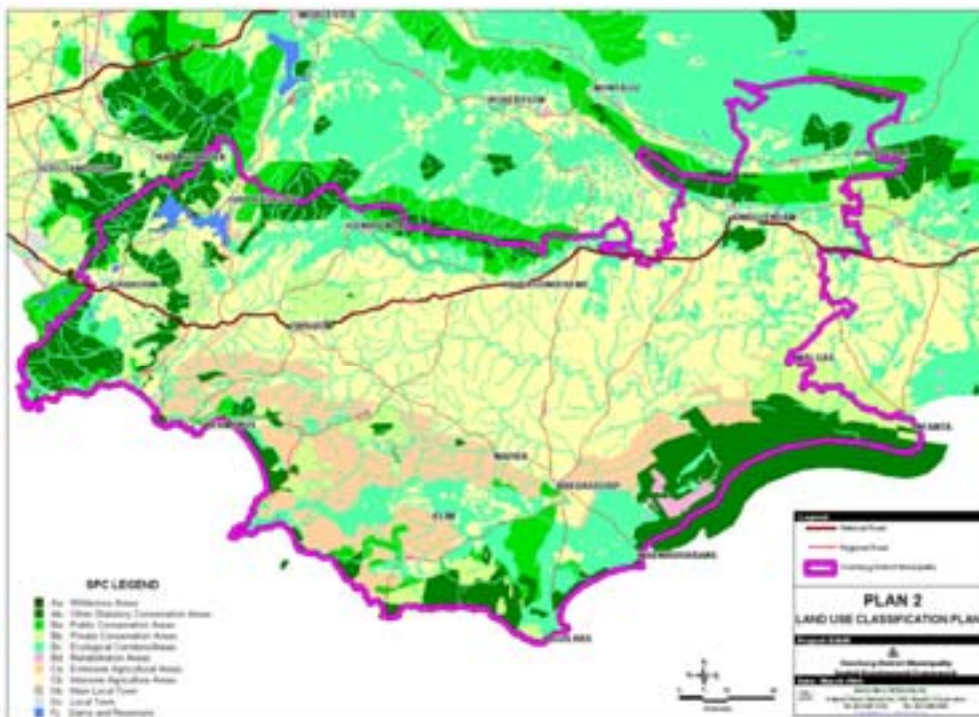


Figure 5.2.2 Overberg SDF

### 5.2.3 West Coast

The West Coast District Municipal Spatial Plan lists the following spatial proposals as it relates to urban and rural development:

- Upgrading of a number of rural roads including the West Coast Road (rural development);
- Integrating urban and rural planning (by aligning these with bioregional planning), containing urban sprawl and restoration and maintenance of the specific character of the area; and,

- It also proposes “to ensure effective management of all municipal functions and facets to ensure equitable and affordable services and amenities and a safe and aesthetically pleasing urban environment....”.

The spatial proposals appear to be very broad and do not provide for evaluation of the economic investment options of the various towns in the region.

A number of visions underpin the spatial plan:

- Wilderness acknowledged and protected as the “pinnacle of the conservation hierarchy” representing a benchmark for “naturalness”.
- All natural areas consolidated into one continuous tract of conservation land conserving natural biodiversity and providing community supporting ecosystem services.
- Natural resources acknowledged and conserved as the fundamental requirements of sustainable development in the study area.
- Cultural resources acknowledged and protected as the fundamental link with the historical past and a basis for planning and shaping of future urban and rural environments.
- An environmentally sustainable process creating the infrastructure and services that are essential for the development of the rural communities.
- A safe, healthy and aesthetically pleasing urban environment, with the architectural and spatial character depicting the historical and cultural background of the habitat community.
- A sustainable and financially viable industry replacing marginal industries and contributing significantly to the improvement of the quality of life of all the communities.
- An optimally efficient and economically viable market-directed sector representing a socio-economic “pivot” of the West Coast District.
- An optimally developed society in harmony with its environment.
- An effective legislative and institutional framework ensuring a safe and sustainable environment for all the people.

The Tourism Development Areas and tourism routes are not specifically referred to.



**Figure 5.2.3 West Coast SDF**

## 5.2.4 Cape Winelands

Based on its interpretation of national and Provincial policies, the Cape Winelands District Municipal SDF concludes that controlled development needs to be encouraged in the following south eastern areas, namely Prince Alfred Hamlet, Ceres, Op-die-Berg, Worcester, De Doorns, Rawsonville, Robertson, Ashton, Montagu, Bonnievale, McGregor, Stellenbosch, and Franschhoek and surrounds.

The key spatial proposals deal with:

- Intensive Agricultural Zones;
- River Corridors referred to as "Blueways";
- Conservancies and Wilderness Areas, referred to as "Greenways";
- Urban Edges and Urban Settlements;
- Different types of settlements based on a defined typology of settlements;
- Social Infrastructure; and,
- Economic Framework.

The District SDF (CWDSDF) has a typology of settlements and classifies different settlements under each typology as follows:

- Core / Primary Settlements: Paarl, Stellenbosch and Worcester;
- Regional Settlements: Wolseley, Ceres, Wellington, Rawsonville, Franschhoek, De Doorns, Robertson;
- Rural Towns (agricultural and support centres, plus role to regional town in settlement cluster): Gouda, Saron, Tulbagh are regarded as rural towns around Wolseley; and,
- Hamlets: Hermon, Voëlvlei Dam and Tulbagh Way.

The CWDSDF proposes that proposed low and middle income subsidy housing are located in housing focus areas. These housing focus areas are composed of Core and Regional Settlements.

Different types of facilities are proposed for different types of settlements in accordance with the principles of the National Spatial Development Perspective. In addition, it also proposes that Capital Infrastructure Investment take place in Focus Areas (Core and Regional Settlements) and that Social Spending be focused on Rural Towns and Hamlets to have service clusters (e.g. education and health programs.)

The CWDSDF also proposes an investment network based on a hierarchy of investment nodes and investment corridors.

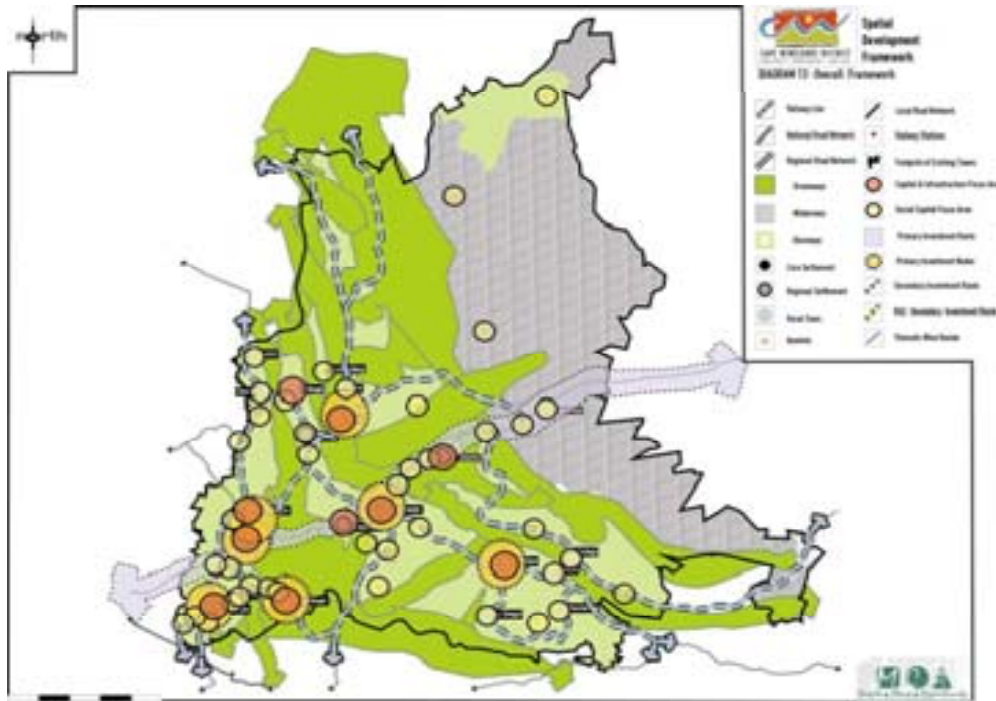


Figure 5.2.4 Cape Winelands SDF

### 5.2.5 Central Karoo

The vision of the Central Karoo SDF is to arrange, support and expand the inherent development potential of the Sentral Karoo on a sustainable ways through the integrated management that will ensure the economic advancement of the area to the benefit of the people.

Five development objectives are proposed that are summarised as follows:

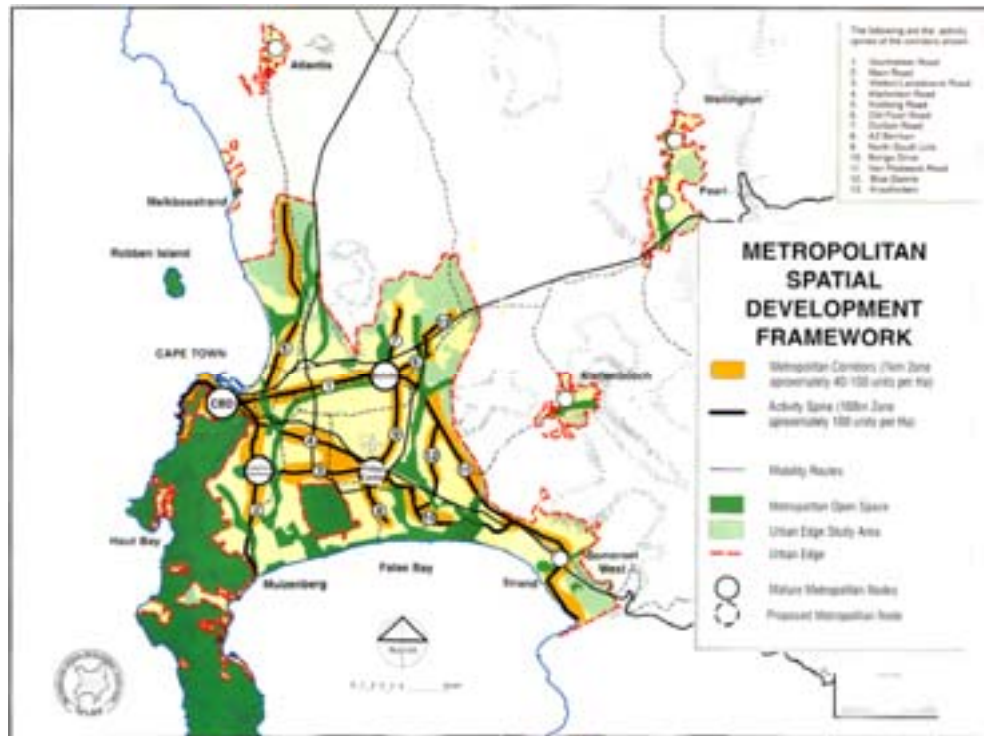
- Sustainable resource use through the delineation and regulated



Figure 5.2.5 Central Karoo SDF (source: Steyn Larsen Pillay)

## 5.2.6 City of Cape Town

The only overarching plan for the City of Cape Town is the Metropolitan Spatial Development Framework (MSDF) of 1996 and its accompanying handbook (CMC 2000). The MSDF proposed a restructuring of the metropolitan by intensifying of the metropolitan by intensifying development according to an overarching framework comprising existing and proposed (incipient) urban development corridors and a Metropolitan Open Space System.



**Figure 5.2.6 MSDF**

Although the framework was based on sound urban development precedent that saw this approach successfully implemented in cities like Bogotá, Curitiba and Copenhagen a number of preconditions for its successful implementation were not met. In particular, it had insufficient

broad based political support and was never statutorily promulgated. As a consequence its proposals were often selectively employed, used to back up development applications that appeared to support its proposals and discarded as not having statutory force when the opportunity applied. The MSDF was also heavily dependent on an effective road and rail based public transport system based on the conditions which failed to materialise, increasing the City's dependence on private motor vehicles and leading to ever increasing levels of congestion.

Aspects of the MSDF that were implemented included the delineation of an Urban Edge which has had some policy impact and the development of the Metropolitan Open Space System which continues to receive considerable attention both with respect to recreation and biodiversity conservation.

During the local government transitional period the metropolitan area comprised six separate local municipalities which drew up their own separate municipal spatial development frameworks. While these were certain infrastructural common points such as the metropolitan road and rail system that could not be ignored there were also notable differences between these six plans as well as with the MSDF.

The City of Cape Town is currently drawing up a new Metropolitan Spatial Development Framework.

## 5.2.7 Summary

- There is a lack of clear management guidelines as district SDF's pertain to ecological corridors. Requirements to secure these corridors and convert them to core conservation areas are also not clear;
- While the district SDF's acknowledge bioregional planning principles and are sensitive to biodiversity issues they do not always clearly distinguish between land use categories such as Endangered, Vulnerable, and Least Threatened areas of biodiversity and Extensive Agriculture, etc. These categories are useful for determining where development can be permitted with biodiversity or agricultural offsets;
- Some SDFs do not clearly present a spatial reflection of their proposals (including IDP proposals);

- Some SDFs do not give a sense of the economic realities of the towns and do not provide an investment path (direction in terms of investment);
- The SDP proposals need to be brought in line with the principles of the National Spatial Development Perspective as it relates to investments in space on land, to develop people. In this regard the Growth Potential Study of Towns in the Western Cape should also be used as baseline information that assists in providing direction for investment in space on land, to develop people;
- There is generally a lack of focus on social investment and tourism development areas;
- In general the SDF's have embraced bio-regional planning principles, identified a settled hierarchy and provided a broad land-use management plans; and
- Little or no mention is made of the following and how they can be assisted or even of their implications for municipalities
  - Land reform;
  - Social and urban integration;
  - Spatially redressing apartheid legacies;
  - Urban sprawl; and,
  - The need for densification as a tool to achieve sustainable development.

### 5.3 OTHER PROVINCIAL ISSUES PERTAINING TO SPATIAL PLANNING

#### Issues

- Duplication of planning and environmental legislation that delay development is a problem in that it protracts applications and duplicates procedures;
- The need to lodge three appeals through the Environmental Conservation Act, 1989 (Act 73 of 1989), the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and the Municipal Systems Act, 2000 (Act 32 of 2000) often causes lengthy and unnecessary delays in the processing of development applications;
- Regulations promulgated in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) that compel almost all applications to obtain Heritage Authorisation. This is exacerbated by the fact that the

Provincial authority is understaffed, causing major delays in the processing of development applications;

- The need to consolidate and integrate different zoning schemes to facilitate certainty when making development choices;
- Lack of character and sense of place of newer developments that causes sterile and even hostile environments;
- Lack of political will to ensure urban integration and densification; and,
- Control is required for areas with the greatest potential for urban settlement and management is required for stagnating and declining areas (DEA&DP 2003).

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