

9. OVERSTRAND: SPATIAL DEVELOPMENT FRAMEWORK AND SECTORAL PLANS: OVERSTRAND MUNICIPALITY

15/1/3/10/4

R Kuchar

(028) 313 8900

Hermanus Administration

31 May 2017

1. Executive Summary

This item serves to recommend for approval, the Overstrand Spatial Development Framework (SDF) and Sectoral Plans as part of the Integrated Development Plan.

2. Service Delivery and Budget Implementation Plan - IGNITE

Public Services; Plan no 22; Page no 20
Town Planning / Spatial Development

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism and economic development

4. Delegated Authority

None

5. Legal Requirements

Section 16 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013)

Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)

Overstrand Municipality By-Law on Municipal Land Use Planning, 2015

6. Background/Discussion/Evaluation/Conclusion

Background

The SDF has been approved by Council on 27 October 2006. Post the approval of the SDF in 2006 various additions have been made to the SDF. These additions include the following sector plans:

- Overstrand Growth Management Framework, 2010
- Integrated Development Framework, 2014
- Hermanus CBD Regeneration Framework, 2016
- Danger Point Precinct Development Plan, 2014
- Baardskeerdersbos Precinct Plan, 2015

- Kleinbaai Nodal Development Study, 2016

The Council approved the adoption of the SDF and above-mentioned precinct plans as sectoral plans as part of the Integrated Development Plan during the Mayoral Committee meeting, dated 27 March 2017, subject to the following conditions:

- that the SDF, and Sectoral Plans be advertised in terms of the procedures stipulated in the Local Government: Municipal Systems Act, Act 32 of 2000;

that it be noted that the SDF and the Sectoral Plans, with inputs from the public and other stakeholders are to be considered for approval at the meeting of Council during May 2017.

The advertisement was placed on 6 April 2017 in all the local newspapers applicable in the Overstrand jurisdiction area. Comments were received from various stakeholders in will be dealt under Discussion:

Discussion

The following comments were received form Department of Environmental Affairs and Development Planning, Cape Nature and Kleinbaai Ratepayers Association and will be dealt with accordingly:

Department of Environmental Affairs and Development Planning (attached see Annexure A)

The main comments are as follows:

Points 1 - 8 are noted

Point 1.9: It is unclear if funding is available.

Response:

Funding is available in the budget for Town Planning under the Professional vote for the SDF review in the 2017/18 financial year.

Points 1.10 - 1.13: noted

Point 1.14: The seven sectoral plans be adopted as independed plans.

Response:

The reason for adopting the sectoral plans as part of the SDF document is to ensure that the refinement of the proposals of the SDF and Growth Management Documents are implemented to guide development for the specific areas on a finer scale.

Cape Nature (attached see Annexure B)

The main comments are as follows:

Spatial Development Framework, 2006:

The SDF predates any biodiversity planning products. The biodiversity categories have changed over the years and changes are not reflected in the SDF.

Response:

It is correct that the categories in 2006 may be outdated, however during the preparation of the Environmental Management Framework (EMF), 2014 (EMF), which is an outflow of the SDF, Cape Nature did comment. Relevant comments were included. Thus comments with reference to the categories in the SDF were addressed in the EMF, which is a sectoral plan of the SDF and IDP. The notation that nothing has been done in terms of the biodiversity categories is thus incorrect.

The Review of the SDF should take due cognisance of the recently published Western Cape Biodiversity Spatial Plan, dated March 2017.

Response: Noted

Overstrand Municipal Spatial Growth Management Strategy:

The densification of urban development is supported.

Response:

Noted

Hermanus CBD Regeneration Framework:

Strategies should be implemented to alleviate traffic within the CBD in order to minimize the requirement for a provincial road by-pass which will impact on the biodiversity of Fernkloof.

Response:

Noted, the by-pass is a mandate of the Department of Transport.

Baardskeerdersbos Precinct Plan:

The biodiversity has been addressed in the precinct plan and no significant conflict is noted.

Response:

Noted

Kleinbaai Nodal Development Study:

The study focuses on urban development and does not have any significant implications for biodiversity.

Response:

Noted

Kleinbaai Rate Payers and Home Owners (see attached as Annexure C)

The comments during the Kleinbaai Nodal Development Study should be considered.

Response:

All the responses were taken into consideration during the approval process by Council. It should be noted that the document is a live document and issues as they may arise will be addressed. No new issues were raised during the present process.

The conditions as were stipulated on 27 March 2017 have been complied with.

7. Financial Implications

Not applicable

8. Staff Implications

Not applicable

9. Comments from other Departments, Divisions and Administrations

See attached annexures A – C.

10. Annexures

Annexure A: Comments: Department of Environmental Affairs and Development Planning
 Annexure B: Comments: Cape Nature
 Annexure C: Comments: Kleinbaai Home Owners Association

RECOMMENDATION TO THE COUNCIL:

that the Spatial Development Framework, 2006 and the Sectoral Plans **be incorporated** as a Sectoral Plan to the Integrated Development Plan in terms of Section 34(a) of the Local Government: Municipal Systems Act No.32 of 2000.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****1 JUNE 2017**



Western Cape
Government

MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING

REFERENCE: 3/6/8 (2017/65)

Mr C Groenewald
Municipal Manager
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

Dear Mr. C Groenewald

REQUEST FOR COMMENT ON THE RE-ADOPTION OF THE 2006 OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK; THE OVERSTRAND MUNICIPAL SPATIAL GROWTH MANAGEMENT STRATEGY 2009; THE OVERSTRAND MUNICIPAL INTEGRATED DEVELOPMENT FRAMEWORK 2014; THE BAARDSCHEERDERS BOS PRECINCT PLAN; THE DANGER POINT PRECINCT PLAN; THE KLEINBAAI NODAL PLAN; AND THE HERMANUS CBD REVITALISATION PLAN

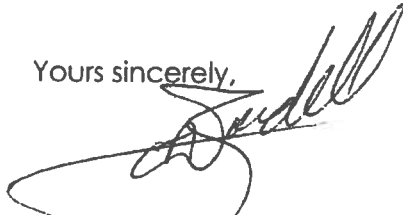
- 1.1. In line with Section 34(a) of the Municipal Systems Act, 2000 (Act 32 of 2000), read with Section 13(1) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), and Section 5 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, the Overstrand Municipality published an invitation to comment on the re-adoption of the above mentioned plans.
- 1.2. The Department of Environmental Affairs and Development Planning, henceforth referred to as "the Department", received the above mentioned request via email on 1 March 2017. This letter responds to the abovementioned request with the following comments.
- 1.3. From the start, the request for comment is ambiguous. The title implies that the seven abovementioned sector plans will be re-adopted independently but then goes on to imply that the six sector plans will be included as part of the 2006 MSDF.
- 1.4. It is our understanding that the documents mentioned above were adopted by your Council on the following dates:
 - 1.4.1. Overstrand Spatial Development Framework, 2006 adopted on 27 October 2006

- 1.4.2. Overstrand Municipal Growth Management Strategy, 2009 adopted in January 2011
 - 1.4.3. Overstrand Municipal Integrated Development Framework, 2014 adopted as part of the Municipal Integrated Development Plan on 25 June 2014
 - 1.4.4. Baardscheerders BOS Precinct Plan in 2015;
 - 1.4.5. Danger Point Precinct Plan in 2014;
 - 1.4.6. Kleinbaai Nodal Plan in January 2016; and
 - 1.4.7. Hermanus CBD Revitalisation Plan in 2016.
- 1.5. As mentioned above, it is our understanding that the Overstrand Municipal Integrated Development Framework, 2014 (IDF) was adopted as part of the Municipal Integrated Development Plan on 25 June 2014.
 - 1.6. The IDF is not a statutory requirement and as such does not have to comply with either content or process requirements set out in legislation. Comments emanating from my Department on the Draft IDF, dated 11 February 2014, noted our understanding that the MSDF would be reviewed and that the strategic guidance included in the IDF would feed into the reviewed MSDF.
 - 1.7. As with the IDF mentioned above, the Overstrand Municipal Growth Management Strategy was also intended to inform the next review of the MSDF.
 - 1.8. It is clear that the MSDF review is yet to take place.
 - 1.9. The Overstrand Draft Integrated Development Plan notes that your Municipality plans to review the Overstrand MSDF in 2017/2018. However, it is not clear from the draft budget whether or not the necessary finances have been set aside for this revision to occur.
 - 1.10. The Department welcomes the move to review the Overstrand MSDF. It is hoped that through this review process, all municipal sector plans with a spatial component will be incorporated into one concise MSDF.
 - 1.11. The process to be followed when undertaking a revision of a MSDF must comply with the follow pieces of legislation:

- 1.11.1. Sections 21, 28, 29, and 32 of the Municipal Systems Act, 2000;
 - 1.11.2. Sections 11, 12, 13, and 14 of the LUPA;
 - 1.11.3. Sections 20 of the SPLUMA; and
 - 1.11.4. The relevant sections of the Overstrand Municipality Bylaw on Municipal Land Use Planning, 2015.
- 1.12. Given that your MSDF was drafted prior to the implementation of both the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) it is acknowledged that it would be unreasonable to expect the current Overstrand MSDF to comply with the aforementioned pieces of legislation.
- 1.13. When the Overstrand MSDF is revised, guidance on the document's content can be obtained from the following sections of legislation:
- 1.13.1. Section 8, 12 and 21 of the SPLUMA;
 - 1.13.2. Section 26 of the Municipal Systems Act, 2000 (Act 32 of 2000) (MSA);
 - 1.13.3. Section 2(4) of the MSA: Municipal Planning and Performance Management Regulations, 2001;
 - 1.13.4. Section 10 of the LUPA; and
 - 1.13.5. The relevant sections of the Overstrand Municipality Bylaw on Municipal Land Use Planning, 2015.
- 1.14. In the interim, and until such time that the MSDF is reviewed, the Department recommends that the seven sector plans are adopted as independent plans of this 4th Generation IDP.
- 1.15. Doing so will eliminate any concerns raised, under items 1.5 and 1.6, with regards to the IDF. But it will also minimise the impact of Section 22(1) of SPLUMA will have on land use decision making as the Precinct Plans will not be approved as part of the MSDF.

1.16. Thank you for the opportunity to comment on the re-adoption of the 2006 Overstrand MSDF. My Department looks forward to working with your officials in revising the MSDF in the near future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anton Bredell', written over a large, loopy flourish.

Anton Bredell

MINISTER

Date: 9/3/2017



SCIENTIFIC SERVICES

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reference SSD14/2/6/1/7/2/SDF adopt etc_Overstrand
date 25 April 2017

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

Attention: Hanneen van der Stoep
 By email: hvdstoep@overstrand.gov.za

Dear Hanneen

Overstrand Municipal Integrated Development Framework, 2014
Overstrand Spatial Growth Management Strategy, 2010
Overstrand Municipal Spatial Development Framework, 2006
Hermanus CBD Regeneration Framework, 2016
Danger Point Precinct Development Plan, 2015
Baardskeerdersbos Precinct Plan, 2015
Kleinbaai Nodal Development Study, 2016

CapeNature would like to thank you for the opportunity to comment on the above-mentioned documents and would like to make the following comments:

The Overstrand Municipality has provided an invitation for comments on the seven documents listed above. Several of these have already been subjected to public participation and stakeholder engagement. CapeNature has previously commented on the following documents and will not provide further comment:

- Overstrand Municipal Integrated Development Framework (IDF)
- Danger Point Precinct Development Plan.

Overstrand Municipal Spatial Development Framework (SDF)

The Overstrand Spatial Development Framework (SDF) that has been provided for comment was compiled in 2006. The proposal is that the already approved SDF (2006) is adopted for the Integrated Development Plan (IDP) for the municipality for 2017/18.

As a general introductory comment, which also serves as a general overall comment on the SDF, is that the SDF is over 10 years old and is therefore outdated. The SDF should be updated to reflect development trends that may have changed over the last 10 years and to reflect new approaches in spatial planning. In particular, with regards to CapeNature's mandate in terms of biodiversity, there have been significant developments within the sphere of biodiversity planning which have occurred since the compilation of the SDF.

With reference to the above, the SDF predates any biodiversity planning products that have been produced at a local or provincial (or national) scale. Outside of the City of Cape Town, the first biodiversity planning products in the province were the CAPE Fine Scale Planning Project which started in 2007. The first plan relevant to the Overstrand Municipality was the Overberg Conservation Plan in 2010, which was also incorporated into the Western Cape

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Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack, Prof Kamilla Swart-Arries

TP - 2 MAI 2017

Biodiversity Framework (2010). A new province-wide plan has been developed, provisionally termed the Western Cape Biodiversity Spatial Plan (WCBSP), which was finalized in March 2017. The intention is that the WCBSP will be the standard informant for biodiversity for any spatial planning product within the province.

While the SDF is outdated, it has incorporated key principles related to biodiversity planning that were relevant at the time of its inception. The references referred to in terms of biodiversity planning were the most appropriate in 2006. Chapter 4 refers to the bioregional planning model, which relates to the same principle incorporated within the WCBSP. Figure 9 within Chapter 4 refers to the key Spatial Planning Categories (SPCs) within the bio-regional approach, namely core conservation, buffer, agriculture, urban and agricultural settlements. This aligns relatively closely with the provincial SDF (refer to Table 1 below).

The SPCs that the municipality adopted in the SDF have been adapted from this approach. The primary rural SPCs are Conservation 1, Conservation 2, Conservation-Agriculture Buffer and Core Agriculture. Conservation 1 is reserved for formally protected areas, while Conservation 2 are for areas of natural vegetation with a Critically Endangered or Endangered ecosystem status and declared Private Mountain Catchment Areas. Conservation-Agriculture Buffer is for natural vegetation with a Vulnerable or Least Threatened ecosystem status.

CapeNature has compiled a Handbook¹ to accompany the WCBSP, in which we have explained the proposed implementation of the product. In terms of informing SDFs, CapeNature has compiled the following table (Table 1), which recommends alignment between the SPCs and the different categories of the WCBSP, namely Protected Area, Critical Biodiversity Area (CBA), Ecological Support Area (ESA), Other Natural Area (ONA) and No Natural Remaining (NNR). The SPCs are aligned with the provincial SDF and the table has been workshopped with the Department of Environmental Affairs and Development Planning Spatial Planning section.

Table 1: Categories on the Biodiversity Spatial Plan Map and their recommended corresponding Spatial Planning Category

BSP Category SPC	Protected Areas	CBA 1	CBA 2	ESA 1	ESA 2	ONA	NNR
Core 1							
Core 2							
Buffer 1							
Buffer 2							
Intensive Agriculture							
Settlement							
Industry & Existing Mining							

There are differences between the definitions of the SPCs above and those contained in the Overstrand SDF. Core 1 above includes CBAs, not only Protected Areas. The Conservation-Agriculture Buffer can be interpreted to correspond to Buffer. One of the major differences between the two is that the Overstrand SDF has only used the threat status of the vegetation remnants to identify areas of conservation value outside of protected areas. The WCBSP has used a number of variables (including vegetation type threat status) as inputs to a systematic conservation planning approach to identifying conservation priorities, and can therefore be considered a much more accurate representation of the areas of high

¹ Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. 2017. *The Western Cape Biodiversity Spatial Plan Handbook*. Stellenbosch: CapeNature.

biodiversity value, also incorporating principles of ecological resilience and ecosystem services e.g. protection of water sources.

It should further be noted that the vegetation type threat statuses have changed since 2006 and that the National List of Ecosystems that are Threatened and in Need of Protection was gazetted in terms of NEM:BA in 2011. Two vegetation types which occur extensively within the municipality, namely Kogelberg Sandstone Fynbos and Overberg Sandstone Fynbos are listed as Critically Endangered according to the NEM:BA listing (previously Least Threatened), based on D1 criterion (threatened species associations). CapeNature has additionally undertaken vegetation type threat status updates in 2014 and 2016, however there have not been changes within the Overstrand Municipality.

If the SDF were to use the same criteria with the updated ecosystem threat status, Conservation 2 would be much more extensive. We do however still strongly advocate that use of WCBSP would be a much more robust and accurate depiction of the areas of biodiversity value within the municipality than the approach used for the 2006 SDF. The above discussion regarding ecosystem threat status was mainly to illustrate that the information contained within the SDF is outdated.

We will not engage in comments on the mapping of the categories of the SDF across the municipality as this would be more appropriate once the SDF is finally updated, particularly at a finer scale.

Overstrand Municipal Spatial Growth Management Strategy

The Overstrand Municipal Spatial Growth Management Strategy is aimed at limiting the expansion of current settlement within the municipality through strategies such as densification. CapeNature will not comment in detail on the strategy, as this falls outside of our mandate, however we strongly support the implementation of such a strategy.

The Overstrand Municipality contains exceptional biodiversity, which to highlight an example, includes the Kogelberg, which is recognised as the highest diversity local hotspot within the Cape Floristic Region global biodiversity hotspot (the most diverse non-tropical hotspot globally). As such expansion of the existing settlements will impact on areas of high biodiversity value, and in general, there are severe spatial constraints to expansion of settlements within the municipality.

Therefore implementation of a strategy to allow development to occur while limiting the spatial expansion of settlements is strongly supported from a biodiversity perspective.

Hermanus CBD Regeneration Framework

The Hermanus CBD Regeneration Framework focuses on a primarily urban environment and therefore there are few biodiversity constraints present. However, we do wish to note that strategies should be implemented to assist with alleviating traffic within the CBD, so as to minimize the requirement for a provincial road by-pass which will impact on biodiversity within the Fernkloof Nature Reserve.

Baardskeedersbos Precinct Plan

The Baardskeedersbos Precinct Plan should use the WCBSP as described above (under the comments on the municipal SDF) to inform the biodiversity constraints to the settlement.

With reference to the WCBSP, there do not appear to be significant conflicts between the biodiversity constraints and the proposals within the Baardskeedersbos Precinct Plan. The only CBAs present are in the northern section of the village adjacent to the Boskloof River. It should be noted that there has been a reduction in the CBAs in the northern section of the

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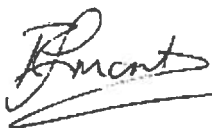
village compared to the Overberg Conservation Plan (2010) as a result of the refinement of the criteria.

Kleinbaai Nodal Development Study

The Kleinbaai Nodal Development Study is focused mainly on the urban environment, and therefore does not have any significant implications for biodiversity. White milkwood (*Sideroxylon inerme*) thickets should be retained where possible and future plans for the surrounding area should attempt to retain an open space corridor between Danger Point and the Franskraal Mountains.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



Rhett Smart
For: Manager (Scientific Services)

cc. Ruida Stanvliet, CapeNature
Genevieve Pence, CapeNature
Steve Gildenhuys, CapeNature

KLEINBAAI BELASTINGBETALERS- EN INWONERSVERENIGING

Steenbokstraat 46
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Kleinbaai
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Die Munisipale Bestuurder
Overstrand Munisipaliteit
Posbus 20
Hermanus
7200



6 April 2017

Geagte Meneer

KLEINBAAI NODALE PLAN

Die kennisgewing in die Gansbaai Courant gedateer 30 Maart 2017 waarin die publiek uitgenooi word om ten opsigte van die Kleinbaai Nodale Ontwikkelingstudie, 2016, vertoë te rig en skriftelike kommentaar in te dien, verwys.

Die Kleinbaai Belastingbetalers en Inwonersvereniging (KBBV) het in verskeie skrywes kommentare en insette met betrekking tot die Kleinbaai Nodale Plan gelewer. Die KBBV wil hiermee 'n beroep doen dat al hul vorige besware in ag geneem moet word.

Vir u verdere optrede.

Die uwe


.....
VOORSITTER

Johan Wiese
Sel 084 680 1269