



Date: 28 September 2015

To: Directors, manager and EESP staff

CIRCULAR 5 / 2015

SUGGESTED CHANGES TO THE CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (CTMSDF)

Circular 3/2015 (dated 30 June 2015) dealt with assessing CT MSDF consistency and the site-specific circumstances which may provide grounds for a development application deviating from the Cape Town Municipal Spatial Development Framework (CT MSDF). All land use applications should address whether the application is consistent with the CT MSDF (see section 9 of the Municipal Planning By-law). This should be discussed during pre-application consultations and should form part of the land-use application to be submitted by the applicant. Where inconsistencies with the CT MSDF exist, a detailed submission is required in terms of subsection 9 (3) of the Municipal Planning By-law.

Should the administration's assessment of the application find that it conflicts with the CT MSDF and no site-specific circumstances exist to justify deviation, a negative recommendation must be made to the Municipal Planning Tribunal.

The withdrawal of the CTMSDF (as it was known then) as a LUPO structure plan (gazetted on 5 August 2014) resulted in it no longer being a statutory plan. This implies there is no longer any formal planning application process to amend a 'non-existent' structure plan. The CT MSDF however remains in place as Council policy and is the spatial component of the IDP as envisaged in section 26(e) of the Municipal Systems Act, No 31/2000. The annual review process and amendment of the IDP and all of its core components are set out in section 34 of this act. Any suggested change to the CT MSDF is therefore a proposal to change Council policy and not a type of application as it was seen under section 4(7) of LUPO.

In view of this, any suggested changes to the CT MSDF by interested external parties (i.e. to change Council policy), should become inputs to the annual IDP review process, in respect of which the IDP Office will ensure public notification in the press with deadlines and the address for submissions.

Yours faithfully

Japie Hugo

Executive Director: Energy, Environmental and Spatial Planning