



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

URBAN DEVELOPMENT AND COASTAL EDGE REPORT

Review principles, process and proposal
2019-2022 Review period

Attached to Council Approval of MSDF

Accompanies the MSDF 2022 approval

Ver 23 Oct 2022 [notated with amendments made at Council on 26 January 2023 Decision C13/01/23](#)

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1. Introduction

Since the early 2000s the protection of valuable natural resources and a compact form of urban growth have been advocated for, to put Cape Town on a more sustainable spatial growth path. These strategies make more effective and efficient use of the City's resources and land. To achieve these goals, the management of urban growth needs has had to become a deliberate act, rather than the outcome of uncoordinated planning and budgeting. More than 20 years ago, the Urban Development Edge (UDE) and Coastal Edge (CE) mechanisms were identified to support these strategies.

This report contains a summary of the background of the UDE and CE lines as urban growth monitoring tools, in the City of Cape Town. The content includes the background and historical application of the edges, a summary of the purpose and recommendations of this report, as well as a high level summary of the methodology and approach to the UDE delineation.

2. Summary notes from the Report

- a. The UDE and CE as reflected on Map 1 of this report, corresponds with Map 5d in the MSDF 2022 Volume 1 and is the amended UDE and CE for 2022;
- b. It include notations of certain decisions Council has taken on 26 January 2023 regarding urban development edge amendments (refer Map 3) and maps in each table;
- c. Attachment A to this report (Record of Deviations) is considered to be the record in terms of Sub Section 22(2) of the MPB-L and should be read with similar records published during the MPB-L Amendment process;
- d. It includes Attachment C which is the Urban Area line (to be added once clarity received from DEA&D);
- e. This report supplements the requirements of Sub Section 10 (1) (a)-(d) of the MPB-L reflecting the records, reasons and comments received during the review process and should be read together the annexures to the Public Participation Report;
- f. The delineation criteria for the UDE as reflected in the Section 8 below (Methodology) should be reviewed every 5 years prior to the review of the new term of office IDP;
- g. Land owners or their professional teams, will follow the MPB-L processes if land development applications are considered on land located outside the delineated UDE;
- h. The UDE in this report and the MSDF 2022 does not add or take away development rights;
- i. The Coastal Edge as reflected in the MSDF & DSDFs are taken as input from the Coastal Management Department; and
- j. Specialist departments such as the Western Cape Department of Agriculture and the Western Cape Department of Environmental Affairs and Development Planning can still demand due procedures to be followed as legislated under NEMA or LUPA or Act 70 of 70 which provides for technical information to be generated aiding any decision making processes outside that governed by the City of Cape Town under its MPB-L.

3. Background

Around the year 2000, the Metropolitan Spatial Development Framework (MSDF) for Cape Town¹ already proposed that an Urban Edge be delineated. At that time more detailed Urban Edge policies were contained in a number of policy documents and essentially consisted of four geographically-specific reports that were prepared for different areas² of the city.

¹ Approved in 1998 and reviewed in 2001

² These were the Peninsula, Northern Metro, Helderberg, and Melkbosstrand Urban Edge Reports. In 2008, Urban Edges were also delineated around settlements on the City's rural periphery (Atlantis, Pella, Philadelphia, Mamre and
Page | 5 [Incorporated changes from Council Meeting C 13/01/23](#)

In 2009 the Provincial Spatial Development Framework (PSDF) was approved and took legal precedence over all the aforementioned policies. The PSDF stated that municipalities must delineate a "medium term Urban Edge"³ as part of a Spatial Development Framework approved in terms of Section 4(6) of the Land Use Planning Ordinance (LUPO) (No 15 of 1985).

In 2011 a consolidated Development Edges Policy aligned to the Spatial Development Frameworks (SDFs) was approved by Council. The objective was to provide an overarching, consistent policy framework to give clear directives to decision-making concerning the delineation/demarcation of the Urban and Coastal Edge lines, processes for amending the lines and the management of land uses on either side of the lines. This enabled the sustainable growth of urban Cape Town and assisted in achieving a more compact, efficient urban form. At that time, the Development Edges policy formed part of the City's Spatial Development Framework's proposed Growth Management Strategy. This strategy included a number of complimentary/supporting strategies and tools e.g. the Densification Strategy, the promotion of a greater mix of people and land uses, as well as the implementation of a policy-driven Land Use Management System.

The 2012 Cape Town (Metropolitan) Spatial Development Framework as well as the 8 District Plans both formally delineated UDEs. The amendment processes of the UDE was split between Provincial and City government, each with their own legislated processes, which were deployed sequentially by first obtaining an in principle UDE amendment from Province, under the Land Use Planning Ordinance of 1985, and thereafter applying for the land use rights under the City's Zoning Scheme processes. The approval of the City of Cape Town Municipal Planning By-Law (MPB-L) (2015 as amended) consolidated municipal planning into a single entity.

The last UDE map and cumulative records of UDE amendment decisions was taken to Council in May 2016 as part of the Annual IDP update. It contained retrospective amendments of the UDE as approved by authorised structures in the City during 2012-2016, summarised in [Annexure G of the CT SDF 2012](#). The amendments which were approved in some cases contradicted/deviated or altered the spatial planning policy and strategy. Certain litigation processes followed and evolved due to these Council decisions, specifically criticizing the City's approval of large urban development initiatives within the Koeberg Emergency Planning Zone, on sensitive and protection worthy agricultural land and for massively scaled developments far from the existing built up footprint of the city (Wescape/ Milkwood). These approvals raised questions of financial feasibility regarding bulk infrastructure provision. A major change in the government's financing system of government sponsored housing programmes meant that large tracts of land for state subsidized housing projects were unlikely to be funded, although envisaged as key components of two growth corridors in a northerly direction, namely the north-east and north-western growth corridors.

Therefore in the next MSDF review round in 2018, significant attention was given to principles of infrastructure led spatial strategies (considering the extent of available bulk engineering services networks) (refer to Map 2 below for 2022 network extents), considering the extent of Koeberg's emergency planning zones, spatially depicting agricultural and biodiversity resources worthy of protection, focussing on Transit Orientated Development as a fundamental principle, and ensuring that residential and employment areas are in closer proximity. **This resulted in a significant change in the spatial policy direction, to focus on inward growth and land optimisation.**

A key input into this decision was the Medium Term Infrastructure Investment Framework (2017), which compared the full financial operational and capital expenditure implications of four future spatial strategies (2012- 2032) and estimated the potential financial implications to the City, its residents and all levels of government. **It became clear that the City of Cape Town and its future**

Klipheuwel). An Urban Edge Guidelines Manual was approved in 2004 with the aim of supporting decision-makers in Urban Edge related applications. This manual was further supported by the Veldfire Related Planning Guidelines (2004) that dealt specifically with measures to limit the spread of fire on the periphery of the city.

³ In the absence of a medium term Urban Edge an interim Urban Edge was delineated around the existing urban development.

residents could not afford to grow horizontally faster than vertically, in to emergency zones, over agricultural and biodiversity resources and locating dormitory residential development far from job concentrations.

Council approved the MSDF 2018, which established the investment rationale focused on inward growth and financial sustainability, services efficiency enhancements and spatial integration of land uses and users. SPLUMA stipulates the requirement for SDFs to reflect Spatial Transformational objectives and strategies aimed at the integration of land uses and residents from different income groups. The Urban Inner Core (blue) and the Incremental Growth and Consolidation Areas (orange) of the Spatial Transformation Map 5d of the Council-approved 2018 MSDF, followed the delineated UDE of May 2016, and translated that last cadastrally delineated UDE into a 4 ha grid cell system. Despite the benefits of the investment focused spatial transformation areas, the clarity that the UDE and the CE brought over the preceding decades, were applauded and missed. This led to a decision during the early phases of the DSDFs review process 2019-2022, that the UDE would be brought back on both the MSDF and DSDF maps. Hence as departure point, the 2022 UDE edge should honour the investment principles of 2018 but reflect stylistically similar to the May 2016 version (i.e. a line rather than a 4 ha grid pattern).

Unfortunately, even though efforts have gone into the consolidation of planning law since 2015, and even in the context of the new Municipal Planning By-Laws and the Spatial Planning & Land Use Management Act (SPLUMA, 2013), **an applicant still has to apply and receive four independent approvals for an UDE amendment**, either obtained in sequence or in parallel. Normally after completing an Environmental Impact Assessment (under NEMA), a land development application (under LUPA) and a subdivision of agricultural land (under Act 70 of 70), the MPB-L process proceeds. The pro-active consolidation of information to inform the above processes became an important component informing the 2019-2022 Municipal and District level SDFs.

Similar to the UDE, the Coastal Edge (CE) has a long history. In the late 2000s, the City identified a Coastal Protection Zone and formulated coastal management guidelines for the different coastal areas. The City of Cape Town's Coastal Management Line (CML) has been gazetted in the Western Cape Provincial Gazette⁴ in March 2021, but was already visible on the MSDF map in 2016, 2018 and more recently in the MSDF and DSDFs 2022. The CML is pivotal in protecting Cape Town's unique coastline against the impact of climate change, while at the same time, promoting appropriate economic activities and development.

4. Purpose of Development Edges

The City uses Development Edges, such as the UDE and the CE, to manage urban development in a way that:

- protects and conserves natural, agricultural and historical resources, while managing these resources in a sustainable manner. These ecosystems provide a vital service to human settlements and their sustainability must therefore be protected;
- prevents urban sprawl, and curtails the pattern of low-density, haphazard and discontinuous development;
- promotes a more efficient, safe, equitable and accessible urban structure through containing and intensifying urban development;
- supports the development of a viable public transport system and improves levels of access, especially by the poor, to the city's resources and amenities;
- enables an efficient transport system that is critical to a resilient city of the future with respect to climate change (low carbon);

⁴ In terms of the Integrated Coastal Management Act (ICMA), South Africa's principle coastal legislation, all coastal municipalities in South Africa are required to establish a CML. The City was proactive and delineated its CML in 2007 prior to the commencement of ICMA, and also had it formally approved as the 'coastal edge' within the City's Spatial Development Framework of 2012 and 2018.

- rationalises infrastructure and service delivery to designated and consolidated urban areas; and
- provides landowners and property investors with certainty regarding where urban development is and where it is not envisaged.

5. Purpose of this Report

One of the key objectives of this report is to document and report on the latest principles, criteria and methodology used in the UDE review. This report also reflects the position proposed by Council as communicated in June 2022's draft distributed for the public commenting process; the subsequent response by residents, land owners and their consultants; and the subsequent revised UDE and CE which can accommodate urban growth for the next 10 years. These revised edges are recommended as the final 2022 development edges. This report therefore contains a record of the adjustments made based on the inputs from the public processes. **Council made two significant changes in the final approval stages of the MSDF and notations were added to this report reflecting the decisions.**

This report intends to reflect and serves as a record of the submissions received during the MSDF and DSDF consultation processes, as well as outcomes of discussions with the Western Cape Government Department of Agriculture, who are the owners of the Areas of Agricultural Significance data appearing in Map 5c of the MSDF.

Every land parcel for which there was a submission or motivation made by the land owner or their representative is acknowledged. Some technical corrections since the last cadastrally delineated line (dated May 2016), have also been listed for transparency purposes.

In 2018, the cover report containing the recommendations to amend the 2012 TSDF and replace it with the 2018 MSDF had an Urban Edge report attached. The purpose was to provide transparency of visions, ideas and interests received, and a summary of how these fit in with the principles and vision as approved by the Council under the reviews MSDF. This report, namely the 2022 UDE report, will serve the same purpose.

Every land parcel referred to below, and the UDE in the vicinity, is more clearly visible on the MSDF Map 5d as well as in each of the 8 DSDF maps.

The MSDF maps 2018 and draft 2022 are also visible on the internal and external viewers of the City of Cape Town. There is also a MSDF Map Guide available. Once Council approves the 2022 MSDF, the viewers will be updated and the public informed.

[City of Cape Town Map Viewer](https://citymaps.capetown.gov.za/EGISViewer/) or <https://citymaps.capetown.gov.za/EGISViewer/>



Although the Coastal Edge (CE)/ Coastal Management Line (CML), appears on the MSDF and DSDFs, the review is undertaken separately to the MSDF & DSDF review processes by the Coastal Management Department. Such process is undertaken under other legislation than the MPB-L and legislative context for the UDE as reflected in the MSDF and DSDFs. Therefore this report only

contains highlighted areas, towards the end of the report, where the CE/ CML will have to be considered for adjustment within the context of the recommendations in the MSDF and DSDFs.

6. Requirements of the UDE review process

The historical plethora of policy documents made policy interpretation difficult, as it tends to be confusing and laden with information. While there will always be a need for detailed geographically-specific interpretations of the policy, the original core policy principles and recommendations were amalgamated into a single policy document, namely the Development Edge Policy (2011) as incorporated in the Council's 2012 CTSDF and District Plans. It provided a consolidated policy framework that gave clear guidance to decision-making regarding the delineation and amendment of the City's Development Edges namely, the Urban Development Edge and Coastal Edge.

The 2018 MSDF did not challenge the 2012 core principles and methodology, but effectively contracted the edge and reflected it conceptually instead of cadastrally.

Since the commencement of the DSDF and MSDF review processes in 2019/2020, the purpose, principles and methodology for UDE delineation as per the Urban Edge Policy (2011) were retained, but reviewed and refreshed.

The MPB-L Sub Section 10 stipulates that:

- (1) During the review of the MSDF and the IDP, the City must consider at least –
- (a) the record of deviations from the municipal spatial development framework and the reasons for the deviations;
 - (b) the requirements of provincial and national legislation relating to the municipal spatial development framework;
 - (c) relevant provisions of strategies adopted by the Municipal Council; and
 - (d) comments received in the review process.

The MPB-L Sub Section 22 stipulates that:

- (2) A record of decisions of applications that deviate from the municipal spatial development framework must be kept with the municipal spatial development framework.

7. Criteria used in the UDE review process

The determination of the Urban Development and Coastal Edges was based on a range of generic and specific criteria, which were themselves informed by a number of broad informants or themes. Some of the key factors that have and should in the future guide the delineation of the Development Edges are:

INFORMANTS	FACTORS TO BE TAKEN INTO CONSIDERATION Note: the use of the term exclude means located outside the urban edge
Prominent landform and character areas	Exclude prominent landform and character areas including mountains, hills & ridges. Consider slope, undisturbed natural conditions, indigenous vegetation, scenic and aesthetic worth. The proportion of development up the slope of a prominent hill or mountain should not degrade its aesthetic/ visual value. Where appropriate use contour lines.
Valuable soils and agricultural areas and high intensity agricultural areas/	Exclude areas that have high, unique or significant agricultural value based on the following criteria: soil potential, slope, water availability, access to markets, the retention of a critical mass of agricultural activity and the homogeneity of the area. Exclude existing high intensity agricultural use areas and areas that have good access to water

Areas of Agricultural Significance	and are potentially suited to high intensity agriculture in the longer term. Use the precautionary principle when dealing with this natural resource. Refer Map 5c MDSF.
Urban agriculture and small scale farming	Areas used for urban agriculture and small scale (<2ha) farming should be included inside the UDE. But exclude smaller farms, sometimes known as small holdings which fulfil the role of rural residential, low density residential and which have rural or agricultural land uses which are not typically urban by nature. In 2022, the Western Cape Department of Agriculture supported this position, but in this particular review, the UDE was kept excluding so-called small holding areas, to allow for the continuation of rural and semi-agricultural land uses. Although it is very difficult to refrain from approving space extensive urban uses (such as retreat centres, long distance truck stops, storage and these kind of applications which many small holding owners pursue in attempt of optimising their larger tracks of land). The implication of excluding those small holding is a lot of irregular land uses. Whilst including it would make the conventional urban development jump straight to the UDE absorbing all the small holdings into mini security estates, industrial estates, low density storage areas. Hence it was decided to keep the small holdings outside of the UDE.
Mining resources	Exclude areas with high priority/ scarce mineral deposits, if available and known.
Hydrology (surface, coastal and ground water features)	Exclude, where appropriate, surface and ground water resources that could be used to supplement the bulk supply of potable water. Where appropriate use river watersheds as boundaries. Urban development needs to be setback to protect hydrological processes. Refer Map 5c MDSF.
Coastal zone	Use the Coastal Edge to protect natural processes of erosion and accretion, dune migration and beach sediment dynamics. Exclude undeveloped areas that could be affected by a rise in sea levels as a result of climate change. Refer Map 5c MDSF.
Biodiversity	Exclude core biodiversity 1 land parcels and buffer areas as well as all other areas with statutory or related protection agreements.
Services infrastructure (barrier effect)	Exclude areas that are incompatible with urban development because they are noxious, noisy and/or are a noise and health and safety risk. Make use of the barrier effect of high voltage transmission power lines, railway lines, inaccessible and higher order roads (freeways and elevated roads), waste water treatment works, water reservoirs and solid waste disposal sites. Refer Map 5a MDSF.
Services infrastructure (capacity and reach)	Exclude areas that will not be cost effective to provide bulk infrastructure to within a 10 - 15 year time frame. Map 2 in this report for extent of current bulk and reticulation networks. Maps in Chapter 6 of the MSDf provides updates on future engineering projects.
Cadastral boundaries of adjoining land units	Make use of cadastral boundaries to delineate the UDE where a more accurate form of delineation cannot be identified. In cases where the outer boundary of the cadastral unit is too large, a notional line can be drawn with a clear reflection in the DSDf Sub District Guidelines and references in the UDE record sheets. Snatch the UDE as close as possible to the fully developed urban area and accept some latent unutilised rights in the form of existing zoning could exist outside the UDE, although there may not be enough technical detail available to move the UDE proactively and it may not be the preferred option (considering multiple factors). Accept that some land parcels outside the UDE may have zoning rights which could generally be considered as an urban use, such as a training institution located on the fringe of the City, but that it might be better to exclude the facility from the UDE because the land parcel is too large and no land use intensification is envisaged over the short term.
Growth requirements over predetermined period	Use 10-15 year growth projections when undertaking proactive reviews of the Development Edges. Growth projections must be based primarily on accommodating densification of the existing urban area and not on expansion of the urban edge. Refer to Chapter 3 and Technical Supplement B & F of the MSDf.
Existing planning and growth management	City-led forward planning and growth management strategies should be taken into consideration when delineating the UDE. Refer to Chapter 3 and Technical Supplement B & F of the MSDf.
Density policy for residential developments	The delineation of the UDE should help Cape Town attain an average gross-base density of more than 25 dwelling units a hectare (du/ha) in the medium to long-term.
Visual impact	Take the unique visual character of an area and valuable vistas into consideration. Valuable rural landscapes should, where appropriate be kept outside the UDE.
Cultural/heritage resources areas	Use the Development Edges to protect and conserve cultural and heritage resource as far as possible in their authentic state.

Rural land not productively utilised	Tracts of land that are not productively utilized, in areas zoned for agricultural and rural use, should not be included in the UDE if they do not align with the growth phasing strategy outlined in the MSDF and DSDFs.
Litigation cases and inter-governmental dispute relating to Koeberg nuclear safety zones	The 2011/12 north western growth corridor and other potential urban development nodes as previously reflected in the 2011/12 CT SDF and the District Plans, were contracted in the 2018 MSDF as approved by Council. This was based on several litigation cases, developing plans to renew and expand Koeberg as the only Nuclear Power Plant on the African continent, and an ongoing Inter-governmental Dispute between the City and the Minister of Mineral Resources and Energy as well as the National Nuclear Regulator concerning the location, scale, density and speed of urban growth in the 0-20km zone surrounding the Koeberg Nuclear Power Plant. The 0-16km zone is especially sensitive to increases in permanent and transient population and employees. Section 158 of the DMS/ MPB-L regulates application processes.

8. Approaches to UDE review process

When and under which circumstances will amendment of the development edge be considered?

8.1 Proactive review and adjustments of the UDE based on future planning

In line with the Development Edges Policy (Council approved 2011), a **proactive review of the Urban or Coastal Edge** is essentially City-led and should be undertaken as often as the City deems necessary, but likely not exceed a 5 year cycle because of the dependency on results from long term urbanisation scenario planning (called the Land Use Model)⁵. Proactive reviews of portions of the edge should be undertaken as part of the mandatory 10-year review of MSDF and DSDF (last done in 2012 and now again in 2022).

At that time (2012) it was recommended that reviews of **portions of the UDE** also take place every 5 years or as often as the City deems necessary within the 'growth' edge areas. Such a process was undertaken in 2015-2018 where portions of the UDE were reviewed and inputs from the public and land owners were consolidated in a report attached to the Recommendation Report for Council approval of the Amended MSDF 2018 (C/09/04/18). The new term of office IDP processes generally allows for large urban development visions to be shared from the public or different government sectors and then compared with the City's long term financial plan, infrastructure master plans and urban growth scenarios (land use models). This approach ensures that the UDE remains sensitive to development dynamics and new information that has become available. It saves developers the high costs and risks associated with reactive reviews of the UDE.

Proactive reviews are guided by the delineation criteria for development edges (Table in Section 7 above) and principles listed in Section 9 below, the City's urban growth management strategies (refer Technical Supplement F, Vol II of the MSDF 2022), development trends, availability of infrastructure, new information related to, for example, natural resources and the take-up of land within the UDE.

8.2 Reactive review and adjustments of the UDE based on completed processes and technical corrections

The City is legally obliged to consider and follow legal and Council defined processes for all land development and land use applications received, that require an amendment to the UDE and CE. Reactive reviews of the UDE and CE are therefore essentially developer-driven. This type of reactive review would occur under the following circumstances:

- a. When the City of Cape Town receives a development application that proposes, as part of its application, an amendment of the UDE or CE and for which site specific reasons have been provided as motivation for a deviation from the MSDF (as required by SPLUMA 2013 and the prescribes of the MPB-L 2015); or

⁵ Last versions 2019/20 (for 2040); 2013/25 (for 2032); 2011/12 (for 2021/22)

- b. When the City of Cape Town receives a development application that proposes land use changes which are not consistent with the UDE or CE management guidelines, and therefore by implication require an amendment of the edge.

Reactive reviews of the Development Edges will be guided by the generic delineation criteria for development edges (Section 7 above) and the principles listed in Section 9 below. In terms of the CE, reviews are undertaken as per the City of Cape Town Coastal By Law (2020)⁶.

9. Summary of key phrases used in this report to classify UDE adjustments

In the tables below, reference is made to

- Proactive Adjustments which include:
 - City-led adjustments to accommodate specific urban growth pressures on certain segments of the UDE;
 - Enquiries/ requests from land owners or their consultants (received via the 10 year public consultation process for the review of the MSDF and DSDF);
- Reactive Adjustments which include:
 - Technical corrections & information updates (City-led correction in mapping errors, cadastral errors or other technical errors picked up from previous processes or where new information became available);
 - Deviation records (Where official decision making processes under MPB-L led to an amendment of the UDE or the CE).

10. Principles

10.1 For managing development edges

- a. The over-riding management consideration should be that no urban development should be permitted beyond the UDE line. It should be noted that the term urban development includes golf estates, eco estates, vineyard estates and equestrian estates with a residential component, rural living estates, gated communities, regional shopping centres, schools and office blocks. In cases where schools were utilizing previously agriculturally used buildings, spot zonings could be considered.
- b. To avoid the negative impacts associated with piecemeal decision making (or multiple stand alone site-specific motivated deviations from the MSDF & DSDF considered by the MPT/ Appeals Authority), the UDE amendments should ideally be done in forward planning or the 5-yearly reviews. The opportunity which exists to plan and co-ordinate development outside the UDE in these processes should not be compromised by incremental amendments which potentially sterilize future growth areas with inappropriate land uses or which distract from densification and intensification initiatives related to land optimization for services efficiency. The 5-yearly review sequential with the Land Use Model (20 year future estimates), already forms part of the infrastructure master and sector plan reviews. Hence honors and promotes the infrastructure led spatial strategy, the MSDF & DSDFs are founded on.
- c. Management of land use and building plan applications and processes adjacent to or straddling the UDE and CE, should be in terms of Municipal Planning By-Law (2015) and the Coastal By-Law (2020).

10.2 For guiding the 5-year UDE review

- a. The following principles should guide all proactive and reactive amendments to the UDE:
- b. A City-led, proactive review of portions of the UDE line must take place a minimum of every 5 years or more frequently if the City deems it necessary. Amendments must be guided by the generic delineation criteria for development edges. They must also be guided by the City's urban growth management strategies, development trends, the availability of bulk infrastructure inside and outside the UDE, new

⁶ Coastal By-Law, 2020 Approved by Council: 27 May 2020 C16/05/20 promulgated 11 Aug 2020 PG 8301; LA 20353
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information related to, for example, natural and cultural and heritage resources and the take-up of land inside the UDE.

- c. The UDE is as tool to manage uncontrolled horizontal spatial growth for increased effectiveness in the use of undeveloped and partially developed land as well as existing infrastructure within the existing UDE and built up area. Decision-making must therefore be consistent with achieving a more compact metropolitan urban form whilst noting the land and zoning limitations within the current urban footprint coupled with the need to address the complexities of the less formal areas and urbanization within the city as well as the various environmentally sensitive areas within the existing footprint that limit internal expansion. Amendments should be a logical extension of the UDE and based on the City's forward planning imperatives.
- d. As a general guideline, where the UDE line has been accurately delineated to protect natural resources (core biodiversity spatial planning categories and selected development in buffer areas), it should not be amended.
- e. The CE has made provision for development opportunities at strategically located new coastal nodes such as Silwerstroomstrand, Strandfontein, Mnandi and Monwabisi. Provision is made for the refinement of the CE in these areas once feasibility studies have been undertaken, by allowing a limited 'margin of leeway' guided by the Coastal By-Law.
- f. Valuable view corridors, undeveloped ridge lines, heritage assets and existing vistas should not be compromised by any development proposal or cumulative impact of development proposals. These open spaces are documented on the Green Infrastructure Network (GINet) and graded in terms of its importance to ecological sustainability. Being classified on the GINet does not inhibit any development but it may require mitigation, adaptation or amendment of the original development ideas, hence early consultation is beneficial. The proportion of urban development up the slope of a prominent hill or mountain should not degrade its aesthetic/ visual value.
- g. The existence of soils with a low agricultural potential is not a sufficient condition to consider amending the UDE.
- h. Development application's alignment with the areas identified as potentially suitable for urban development in the historical (2011/12) Cape Town's growth corridors, does not automatically affirm support for an UDE amendment. This is particularly applicable in the Blaauwberg North-Western Corridor which has been contracted based on litigation cases and the ongoing Inter-governmental Dispute between the City, the Ministry of Mineral Resources and Energy and the National Nuclear Regulator, regarding urban growth location, scale, growth speed, and management in nuclear emergency zones.
- i. Reactive amendments to the UDE requiring bulk infrastructure investment not forming part of the City's infrastructure investment plans cannot be approved without absolute clarity as to both the cost of installing the infrastructure (to all parties including the developer and the City) and the future operational cost impact of the development (both for the local government being responsible for network asset maintenance, and the cost to the resident). It should however also be noted that the availability of bulk infrastructure or the ability to provide infrastructure by a private developer does not automatically affirm support for an UDE adjustments.
- j. New developments aimed at offering a complete off the grid network for basic services such as water, sewer and electricity to residents, is not sufficient to consider amending the UDE because the City's engineering departments do not encourage such systems in the City's supply area since off-grid systems in urban energy, urban waste water and water systems are inefficient, expensive, and don't enable the management of diverse energy/ water/ waste supplies and demands.
- k. The cumulative impact of all known proposed developments should be considered together within the context of the City's overall infrastructure plans to ensure that bulk infrastructure capacity available for developments within the UDE is not allocated to developments outside the UDE.
- l. The UDE line should not be compromised whilst development opportunities for similar property markets still exist within the immediate surrounding urban areas (approximately a 5 km radius).
- m. Given the popularity of Cape Town as an area of immigration coupled with the scale and nature of the demand for government subsidised housing (and the shortage and cost of land available for this type of housing), the City recognises that, where it is a logical extension to existing urban development in terms of the MSDF & DSDFs, IDP and 15-20 year growth management plan/ land use model (LUM), a proactive amendment of the UDE may be required to accommodate the needs of this market. It also recognises that feasible development applications, that propose that at least 50% of the net residential area is targeted at households qualifying for the National Department of Human Settlement's housing subsidies as well as housing serving the gap market, re a logical extension to existing urban development in the growth paths in terms of the MSDF & DSDFs, IDP and LUM), merit support and justify an amendment to the UDE. In this instance the approval of the project should be linked to a signed written agreement between the developer in question and the City's Housing Department regarding: (i) the number of households that will qualify for the housing subsidy and the number of houses to be built for the gap market; (ii) the provisions made for the proposed subsidised units on the City's 3 year capital budget; and (iii) the requisite infrastructure and funding implications for all parties be clear prior to approval of the MPB-L decision.

- n. The desired long-term urban form and land uses in the future growth path of the City must be taken into account in current decision-making.
- o. Precedent will not be used as a criterion for development application assessment.
- p. The unique character of an area must be retained where an amendment to the UDE is proposed.
- q. Neighbouring municipalities should be consulted and allowed to provide comment and input on the proactive suggests for UDE amendments as well as consulted on details once applications go through the EIA under NEMA, the LUPA applications and the MPB-L applications.
- r. Some communities typically reside in "un-serviceable" areas (encumbered land) such as on contested land, privately-owned land, within 50-yr floodlines, in wetlands, on waste dumps or land reserved for infrastructure (e.g. road, rail and powerline reserves and servitudes). But there is a growing legal and moral obligation which often pushes the City's engineering departments to electrify these communities and provide them with access to running water and (often off the grid) sewer systems. And although the City does a great deal to address energy/ water/ waste removal poverty within these communities, it should be accepted that cumulative service delivery in areas which remain unhealthy, unsafe, and risky for long term permanent occupancy, is not a strong enough reason for automatic UDE amendment to authorize permanent settlement.

11. Guidelines for land use management: Supplementary to Table 4.3 in the MSDF document

11.1. Outside of the UDE (Discouraged Growth Areas of the MSDF)

- a. The consistency/ compliance Table in Technical Supplement A of the MSDF 2022, Vol I can be used during early decision making.
- b. All applications for development rights outside the UDE will consider the guidelines in Table 4.2 & 4.3 of the MSDF Vol I, as supported by the Policy and Implementation Intent Policies consolidated in Table 5.2 (Managing Urban Growth). Focus on the part relating to the DGA (Discouraged Growth Area).
- c. The City of Cape Town's Development Management Scheme should be used when determining the specifics regarding the proposed land use in terms of its compliance with existing land use rights and permissible land use rights for rural and agricultural zoned land.
- d. Western Cape Government's Manual on Rural and Land Use Planning, Guidelines for resort development (excluding the provisions for 'Resort 2 resorts' as prescribed in circular 14/2009), Guidelines for Urban Edges and Guidelines for Golf Courses, Golf Estates, Polo Fields and Polo Estates will also be used to guide land use decision making.
- e. Resort development outside the Urban Edge should not include individually alienable units (full title or sectional title) and should be subject to norms to be determined by Provincial Policy.
- f. The location of dwelling units and other buildings should not be spread evenly across the landscape but should rather be clustered on the areas that are not of great biodiversity and agricultural value (both for recreational as well as farm related land uses).
- g. While existing rights outside the UDE cannot be taken away, upgrading of rights for residential estates e.g. vineyard estate, retirement estates, eco estates may not be permitted.
- h. Provide for active and passive recreation activities at suitable rural or the closest urban nodes.
- i. Do not establish any more smallholding areas outside the UDE. Maintain the character of smallholding areas and only allow sub-divisions that are in line with the area specific sub-division policies and the City's forward planning.
- j. Mitigate the negative impacts of urban development on farmlands, biodiversity assets and rural and cultural landscapes by, for example, establishing buffers and green corridors and lowering the intensity of land uses on the area immediately inside of the UDE.
- k. Consider a transitional/ buffer zone with neighbouring Municipalities and do not allow urban development up to the municipal boundary.
- l. Eradicate alien vegetation infestation and establish fire breaks. All land use applications outside the UDE should take the principles provided by the Veld Fire Related Planning Guidelines (under review) into consideration and note the implications of concentrations of urban development in the Discouraged Growth Area and the complexity this creates with regards to fire fighting services.
- m. Manage access to and through conservation areas.
- n. Considered land uses applications adjacent to or outside the UDE, also within a wider regional context such as water catchment areas and larger functional areas. Consult with neighbouring municipalities even though the land uses in the catchment are not all located in the same municipal boundary. Progress such discussions with the assistance of the Provincial Department of Environmental Affairs and Development Planning.

- o. Protect rural, agricultural and natural landscapes outside the UDE from urban encroachment and give specific attention to visual impact assessments in the Environmental Authorization process acknowledging scenic routes of municipal and regional importance.
- p. Ensure that any land based activities associated with aquaculture are subject to coastal guidelines and guidelines for managing land uses in rural areas.
- q. Establish public/private partnerships for monitoring of non-conforming lands uses and services provision.
- r. Seriously reconsider if multiple applications for (supposedly temporary) consent uses on rural or agricultural zonings, which are in fact urban land uses, should be permitted, even if the owners are trying to regularize illegal land uses which were subject to administrative penalties.
- s. Subdivision of agricultural land should be discouraged and require specific applications in line with the MPB-L, LUPA & Act 70 of 70, with certain minimum requirements in terms of processes, consultation and advertising.
- t. Infrastructure investments such as bulk electricity generation through sun or wind farms should consider the visual impact on tourism assets and scenic routes as well as on the view of the Civil Aviation Authority regarding impact on airspace use.
- u. Any subdivision of farmland or land use changes in the Koeberg Emergency Planning Zones (0-20km) should be carefully considered considering the intention to keep the number of permanent and transient population and land uses to a minimum – acknowledging that the evacuation and resettling responsibility remains the Municipality's long term responsibility and all associated costs will remain local.

11.2 Inside of the UDE (Incremental Growth and Consolidation Areas MSDF)

- a. The consistency/ compliance Table in Technical Supplement A of the MSDF 2022, Vol I can be used during early decision making.
- b. All applications for development rights inside the UDE will consider the guidelines in Table 4.2 & 4.3 of the MSDF Vol I as supported by the Policy and Implementation Intent Policies consolidated in Table 5.1 (Plan for employment and improve access to economic opportunities). Focus on the part relating to the (Incremental Growth and Consolidation Areas).
- c. The City of Cape Town's Development Management Scheme should be used when determining the specifics regarding the proposed land use in terms of its compliance with existing land use rights and permissible land use rights for rural and agricultural zoned land.
- d. Link local open space systems with the rural environment.
- e. Focus access from urban areas to the rural hinterland on defined routes and cater for all transport modes – especially those on foot.
- f. Prioritise infrastructure provision for the development of vacant and under-utilized land within existing urban areas, before catering for phased outward growth.
- g. Ensure that settlement forms in urban expansion areas respond to the local landscape.
- h. Mitigate the negative impacts of urban development by providing for low-intensity land uses/ low density residential development on the slopes of prominent hills and mountains and where the edge is adjacent to valuable biodiversity and agricultural areas and intensive farming areas e.g. chicken farms.
- i. Ensure densities are in line with the City's densification tables in the MSDF and Sub District Guidelines in the DSDFs.
- j. Provide continuous urban open space systems along riverine corridors as ecological corridors linking catchments and the coast.
- k. Create positive UDE interfaces by introducing building, fencing, landscaping and access regulations for properties along the edge.
- l. Maintain the character of smallholding areas and only allow sub-divisions that are in line with the Sub District Guidelines in the DSDF.

12. Guidelines for land use management relating to the Coastal Edge

As it relates to proposals for future development and/or changes in land use applications that may either be wholly or partially seaward of the Coastal Edge (CE) /Coastal Management Line(CML), the following guidelines are applicable:

- a. The purpose of the CE/CML is to ensure proper and appropriate environmental processes, risk assessments, due diligence and appropriate/compatible land uses and development typologies are identified before any proposal is formally approved. This is due mainly to the 'high stakes' of making decisions in an area (seaward of the coastal edge) which can be exposed to coastal processes and the margin for error in this space is very little.
- b. The CE/CML was delineated based on a multiple informants. One such informant was the presence of

- c. development rights. Properties containing such rights were excluded (fall landward) of the CE/ CML. Thus the CE /CML does not impact existing land use and/or development rights in Cape Town.
- d. Provision for nodal development areas along Cape Town's coastline have been made through the spatial demarcation and delineation of these nodes as reflected in the position of the CE /CML. This is particularly evident along the False Bay coastline.
- e. The CE /CML does not prohibit future proposals for coastal nodal development provided that such development is in alignment with the requirements, provisions and principles contained in ICMA.

12.1 Regulatory requirements

Any development proposal/change in land use and application for enhanced rights falling fully or partially seaward of the CE/CML will require that a rigorous governance approach is undertaken to ensure that risk aversion, environmental sensitivity, coastal access and social redress are mainstays of any application assessment/consideration. In this respect any development proposal or change in land use application that falls either partially or completely seaward of the CE/CML must:

- a. Align with the principles and provisions contained in the ICMA. Specifically this includes Section 49(2)(iv) to "equitably designate zones as contemplated in section 56(1)(a)(i) for the purposes of mixed cost housing and taking into account the needs of previously disadvantaged individuals";
- b. Enhance and/or retain the public recreational and amenity value of the coastal zone; and
- c. Ensure that, as per Section 20 of the ICMA, the public's right of access to Coastal Public Property is ensured and protected in perpetuity.

Where an environmental authorisation is necessary in terms of Chapter 5 of the National Environmental Management Act, the following will be required:

- d. That the competent authority give due consideration to the relevant factors as per Section 63(1)(a-k) as well as Section 63(5) of the ICMA as part of determining an environmental authorisation.
- e. That the proposed activity is consistent with, or is not antithetical to, the purpose of the Coastal Protection Zone as per Section 17 of the ICMA.
- f. That various specialist studies are undertaken as part of the process of obtaining an environmental authorisation. These may include, but are not limited to:
 - Coastal engineering risk assessments
 - Hydrology assessments
 - Biodiversity impact assessments
 - Visual impact assessments
 - Coastal dynamic process/geomorphic impact assessments
 - Social impact assessments
 - Coastal access impacts
- g. All necessary authorisations will be required prior to the final approval of any development and or land use change that is either wholly or partially seaward of the CE /CML.
- h. The above requirements are intended to ensure the following:
 - Any development is risk averse and environmentally sensitive
 - Development is socially responsible and sustainable
 - Ensure a level of due diligence and the application of the precautionary principal is applied as the minimum governance requirements expected to manage the area seaward of CE/ CML as a highly sensitive, dynamic and risk area.
- i. To ensure compliance with the ICMA and NEMA

12.2 CE/ CML review

Certain land use proposals, or natural urban development or urban encroachment has occurred since the CE/ CML was first delineated. The MSDF and DSDFs in some cases have accepted or provided for such development and hence a process of review of the CE/ CML will be undertaken separately using the input reflected towards the end of this report.

13. Methodology used in the 2022 UDE review

Considering the procedures and principles as highlighted in Section 8 and 9 above, this technical review of the delineation process followed similar steps as historical reviews. In the years coinciding and preceding with the new term of office IDP, extensive engagement took place between the District Spatial Planning and Metro Spatial Planning branches. Input from the Development Management Department, which are the processing authority for land use change and building plan application processes straddling or adjacent to the UDE and the CE, was also a key informant.

The previous council-approved UDE was taken as a departure point and supplemented with any of the deviations (if any) approved in the preceding period by the Delegated Authority, the Municipal Planning Tribunal, or the Appeals Authority. Consideration of recent enquiries made by owners or their consultants in the period since the previous review were also considered. Engagements were also held with the Western Cape Department of Agriculture, neighbouring municipalities, Provincial Spatial Planning counterparts and the Environmental Affairs and Development Planning Directorate to determine where the pressures on the UDE and the CE were most vivid. Engagements with the City's Engineering Departments were also undertaken at District level.

These multiple rounds of discussions evaluated deviations approved, enquiries for possible future applications, ongoing applications for land use or environmental authorisations in process, as well as significant comparisons of land absorption trends, government housing programmes (completed and in the pipeline) and market demand for residential and other land uses as consolidated in the Land Use Model Scenarios (refer Technical Supplement Vol II of the MSDF). The urban growth trends considered are detailed in Technical Supplement F and reflect as the drivers of urban change in the City of Cape Town.

As the District Plans were out for public comment between April and June 2021, before the MSDF UDE process begun, early feedback received from the District Planning review process were fed into the MSDF and UDE review process from the start. The DSDFs were available for internal circulation to line departments, who commented on the UDE from their specific perspective. This specifically included Environmental and Heritage Management as well as Development Management and Human Settlements departments.

This close collaboration between the MSDF and DSDF teams lead to draft recommendations on UDE and CE adjustments which were first discussed internally, further evaluated based on the principles in Section 9 above, and classified according to Section 8 above (proactive or reactive). Once agreement was reached the draft UDE and CE were published for public comment for almost 90 days (6 June to 30 Aug 2022) and invitations were widely distributed to evaluate the UDE and the CE and provide written comment into the process.

The submissions received during the public consultation process generally included submissions by land owners, prospective developers, sector-specific institutions such as lobby groups e.g. for agricultural protection or the SA Council of Planners or the SA Association of Consulting Professional (urban and regional) Planners, and government departments such as the National and Provincial Department of Agriculture, and Provincial Department of Environmental Affairs and Development Planning. The submissions received during the more than 60 day public commenting period on the draft MSDF UDE and CE line, are summarised in the attachment to the Public Participation Report.

Multiple internal departments of the City have also been involved in the evaluation of the requests and submissions made throughout the MSDF and DSDF public commenting periods. All information gathered through the 2020 public consultation process of the 8 draft DSDF Baseline and Analysis Reports, was also fed into the UDE and CE review process. Hence the responses and recommendations as reflected below also constitute the views of the following City departments: Metropolitan Spatial Planning & Urban Growth Management, District Spatial Planning & Mechanism, Environmental Management which includes Environmental & Heritage

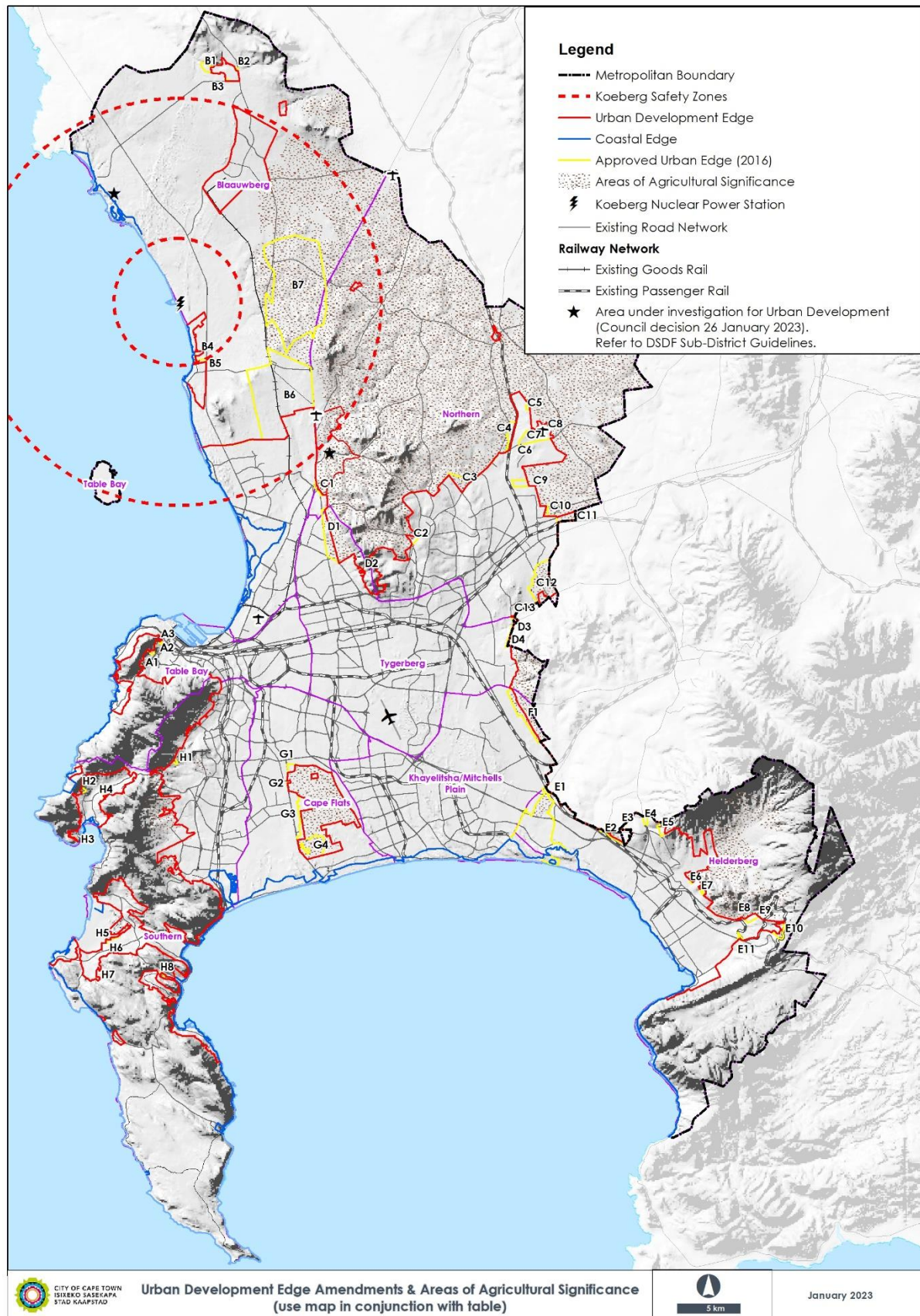
Management, Biodiversity Management, Coastal Management, and Environmental Compliance. The Provincial Departments have also submitted comments on the UDE and the CE as well as neighbouring municipalities.

14. How to read the record of submissions below

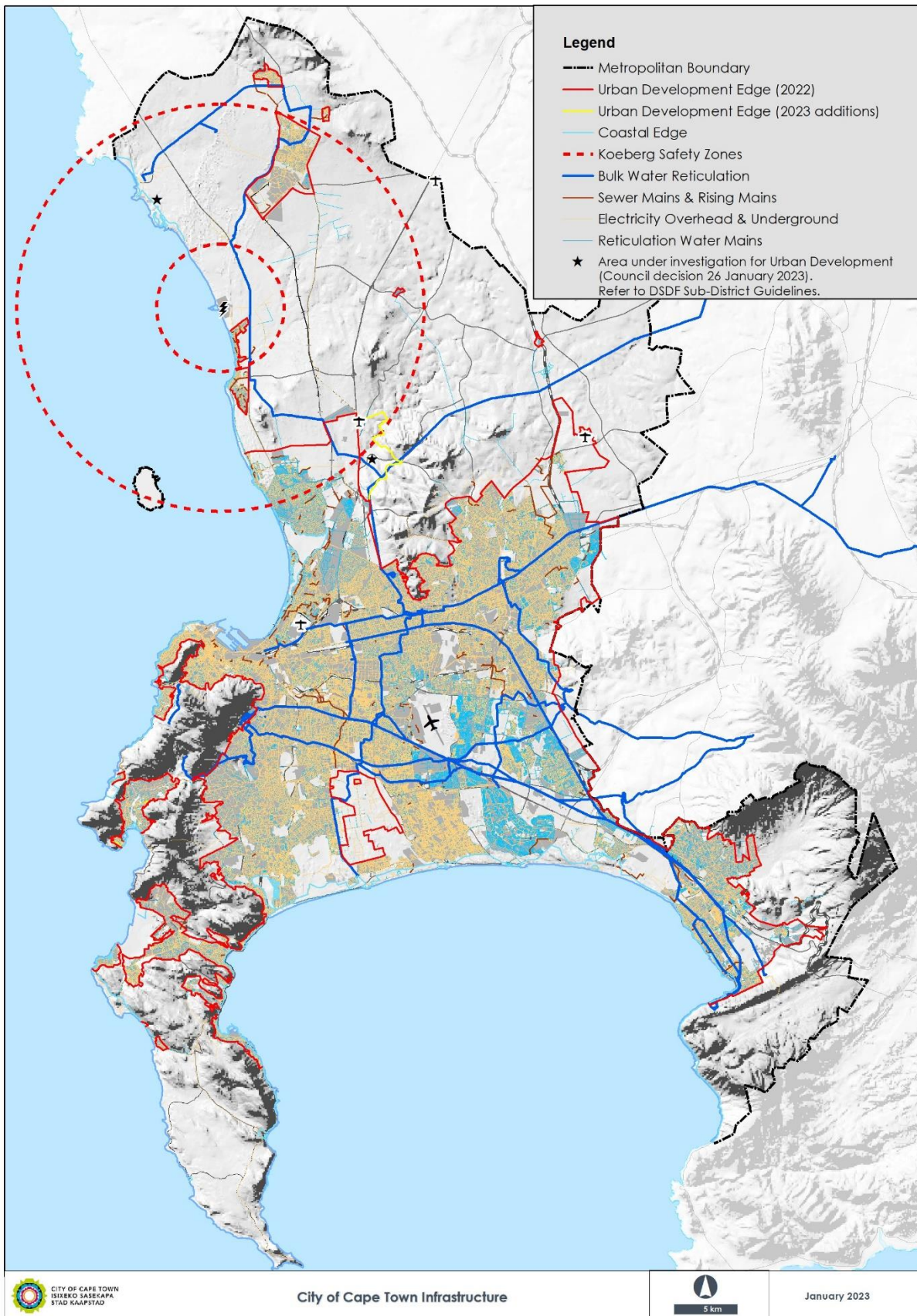
- a. There are 2 parts to the next section: 1) Urban Development Edges adjustments; and 2) Coastal Edge adjustments.
- b. Each row reflects a submission made. The submission could be an enquiry, application for amendment, or general submission.
- c. Map 1 below has a submission reference number at the location of each submission. Map 2 reflects the same land parcels under discussion against the backdrop of engineering services networks as available at present.
- d. There is a classification in Column 1 reflecting Section 9 above.
- e. The second column includes a high level summary of the reason the land pocket was included as well as a response. "Comment" refers to a submission from an external party to the City, "Argument" refers to a submission received from an internal line department of the City.
- f. Two maps are included. On the left hand side the 2018 approved MSDF and the right hand side the 2022 draft MSDF as recommended for approval (and may in some cases include correction or improvements which were made after the draft document's publication in 2022 and the final MSDF as recommended to Council.) *A third map was included with blue text only in cases where the final Council decision was contrary to the draft after public consultations, therefore the third map indicates the approval by Council on 26 January 2023 (Decision C13/01/23).*
- g. Areas of Agricultural significance, where applicable, reflects in 2018 and 2022 maps with a hatching, the May 2016 UDE (last cadastral version approved by Council) is in yellow. The MSDF 2018's UDE consisted of a notational line following the 4 ha grid cells. The maps on the right, show the recommended 2022 UDE (in red) which will be officially approved and only reviewed in 5 years time.
- h. Although every effort was made to ensure that the City of Cape Town and the Western Cape Department of Agriculture (WCDoA) are on the same page regarding certain UDE adjustments, the WCDoA reserves the right to revise their inputs and opinions. These inputs also do not act as exemption of official comment from the WCDoA in any way, but rather serves as indication of the cooperative nature of analysis between the City of Cape Town and the WCDoA. Differences in opinion between the City of Cape Town and the WCDoA have been highlighted, if and where relevant in this report.
- i. Personal details and site owners and their consultants details have been withheld due to the POPI Act.
- j. In instances where more than one comment or input was received for the same area or site, a summary of all submission is used (see point below).
- k. Adjustments, Comments and Recommendations are summarised for practicality reasons and do not contain the entire/ comprehensive argument or comment received.
- l. Certain Area or Site Names are given by the City of Cape Town for easy reference and do not necessarily correlate with the original name of an area or site (figures are attached for reference).

Legend	
	Metropolitan Boundary
	Urban Development Edge
	Urban Edge (2016)
	Urban Coastal Edge
	Koeberg Safety Zones
	Areas of Agricultural Significance
	Request / Enquiry
	Land Parcel
	Existing Road Network
Spatial Transformation Areas	
Zones	
	Urban Inner Core
	Incremental Growth and Consolidation Area
	Discouraged Growth Area
	Critical Natural Asset

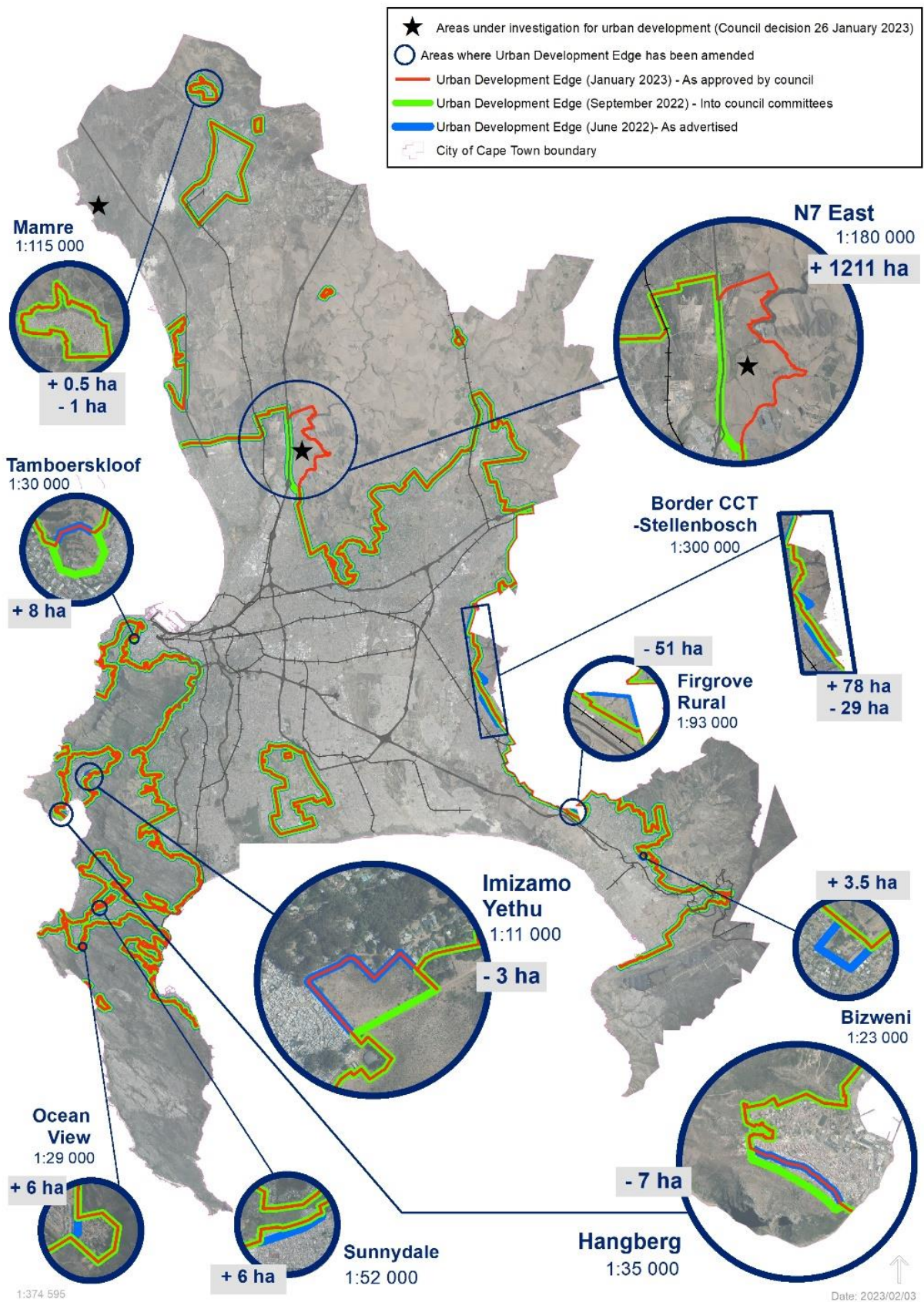
Map 1: UDE adjustments referenced in table below (2022) as amended at Council (Jan 2023)



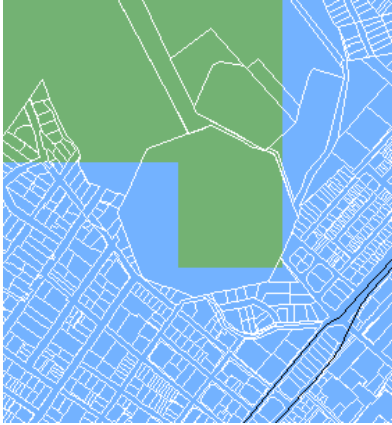
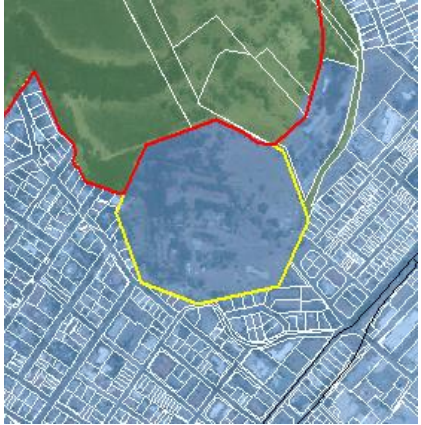
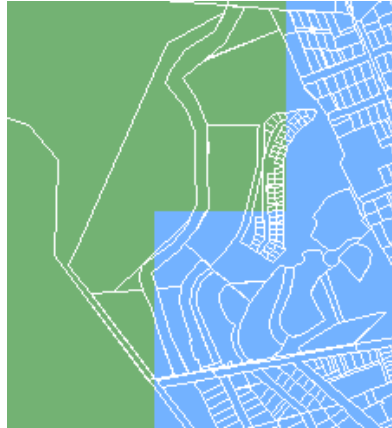

Map 2: Extent of water, sanitation & electricity networks (2022) against UDE (2023)

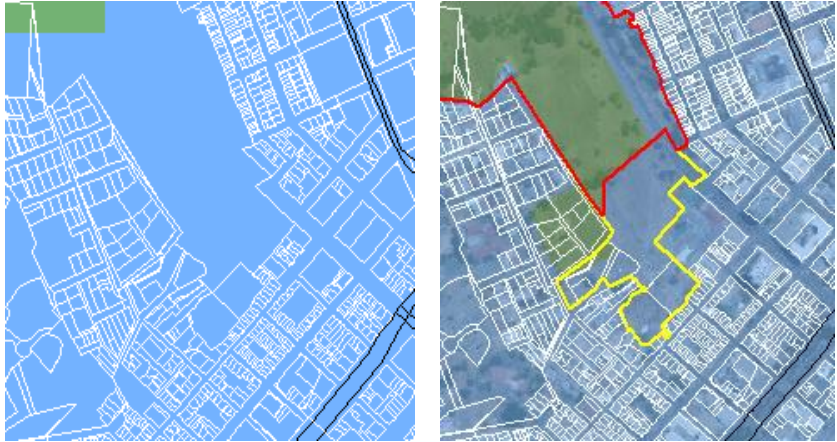
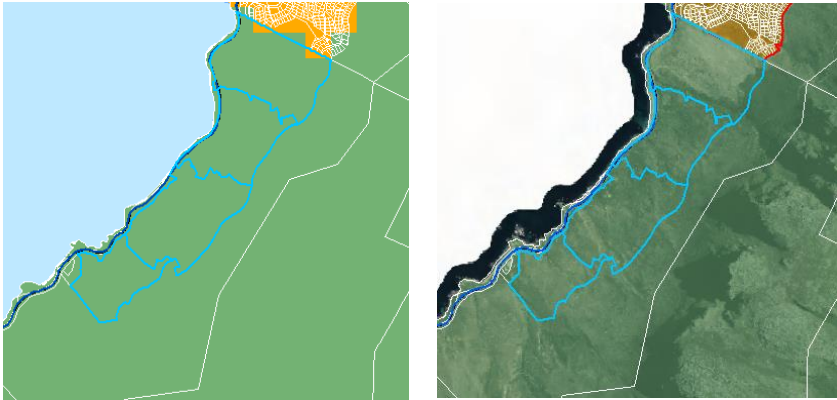


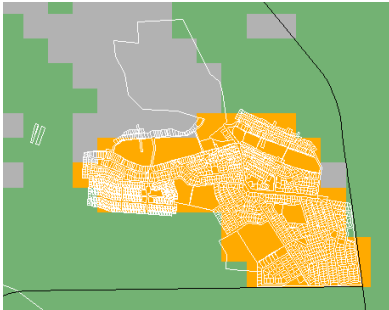
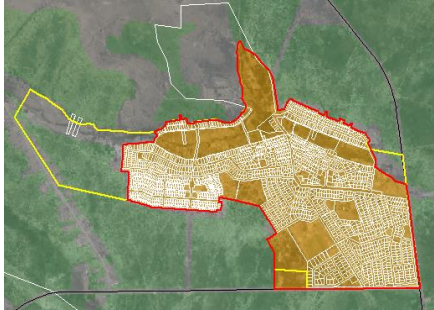
Map 3: UDE versions between 2022-2023



1) Urban Development Edges adjustments

District A – Table Bay District			
Area (Name)	Arguments, Comments and Responses	MSDF Map 5d (2018)	MSDF Map 5d (2022)
<p>Tamboerskloof – Magazine Site</p> <p>Map reference: A1</p> <p>City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team</p>	<p>Argument: Erf 81 (Magazine Site) was motivated for development in the 2012 Table Bay District Plan and still has development potential. It is not part of the urban park and has a built footprint. As a key public land parcel it should be considered for inclusion as it has potential to include projects for public benefit. SANParks does not have an interest in including the site into the national park. Therefore this site can in be included inside of the Urban Development Edge and be earmarked for urban development.</p> <p>Response: Erf 81 included in the UDE but relevant specialist processes may still be required such as NEMA, LUPA or Act 70 of 70.</p>		
<p>Schotschekloof</p> <p>Map reference: A2</p> <p>City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team</p>	<p>Argument: The 1998 Heads of Agreement between SANParks and City of Cape Town provided for transfer of staff, infrastructure, facilities and land to SANParks for establishment of the TMNP. Regarding transfer of the land it needs to be clarified that to date, only management of the land and not transfer in title to SANParks has been effected.</p> <p>Response: The UDE was adjusted but relevant specialist processes may still be required such as NEMA, LUPA or Act 70 of 70.</p>		

<p>3, Strand Street Quarry</p> <p>Map reference: A3</p> <p>City-led Proactive Adjustment is recommended by the MSDF & DSD Technical Team</p>	<p>Argument: To allow for active edges and appropriate development to enable the preservation and enhancement of the heritage sites and improve safety and useability. Similar land issues to RE 983- SANPARKS indicate the quarry area is under City management and they consider it urban. Was also motivated for inclusion in urban edge as part of the District Plan in 2012 and in dire need of investment. Urban edge to include the Strand Street, wash house and prayer quarries which all need urban management and/or development.</p> <p>Response: The UDE was adjusted but relevant specialist processes may still be required such as NEMA, LUPA or Act 70 of 70.</p>	
<p>Oudekraal: Castle Estate Agency (Erf 2082 at Camps Bay, Remainder of the farm Oudekraal 902; and Portions 4, 5 and 6 of the farm Oudekraal)</p> <p>No Map reference as no proactive UDE adjustment recommended Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSD Technical Team</p>	<p>Comment: Erf 2802 and parts of Oudekraal should at the very least be designated for full development and as an incremental growth and consolidation area by the Spatial Review.</p> <p>Response: Extending the UDE beyond the current urban edge line of the southern end of Camps Bay / Bakoven, or to change the District SDF or MSDF by marking any of the Oudekraal sites beyond the current urban edge, as orange 'Incremental Growth and Consolidation Areas', is not supported by the City for the reasons as recorded at the end of this report. Refer to Annexure B for extensive arguments.</p>	

District B – Blaauwberg District			
Area (Name)	Arguments, Comments and Responses	MSDF Map 5d (2018)	MSDF Map 5d (2022)
<p>Mamre</p> <p>Map reference: B1, B2 and B3</p> <p>Technical corrections & information</p>	<p>Argument: Urban Development Edge reductions should be made in an attempt to reduce the urban footprint of Mamre as set out in the Metropolitan Spatial Development Framework (2018), avoid core biodiversity and river corridors and provide some expansion area for tourism and housing.</p> <p>Response: The UDE was adjusted but relevant specialist processes may still be required such as NEMA, LUPA or Act 70 of 70. This was done to contain urban sprawl and associated issues (pollution and environmental degradation along the river).</p> <p>The north western area contracted included core biodiversity and a river. The north eastern corner contraction now excludes the northern side of the river and the river corridor. The southern expansion of the UDE 'rounds out' the edge to provide additional contiguous land for residential development which was requested by the community in the Mamre LSDF drafting process. Although of critical biodiversity the expanded area would have been a dislocated piece of biodiversity surrounded by road/ urban area on 3 sides and small in comparison to overall core biodiversity area. In addition, there was no uptake of the identified industrial area and this has consequently been earmarked for residential development.</p>		

Silwerstroom Strand

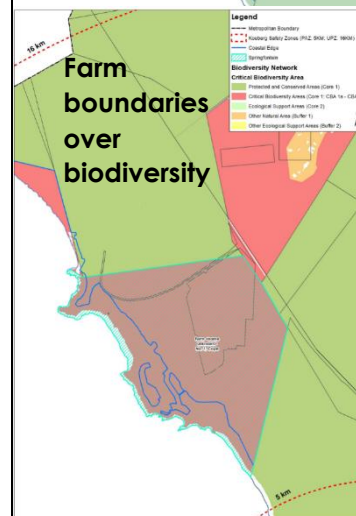
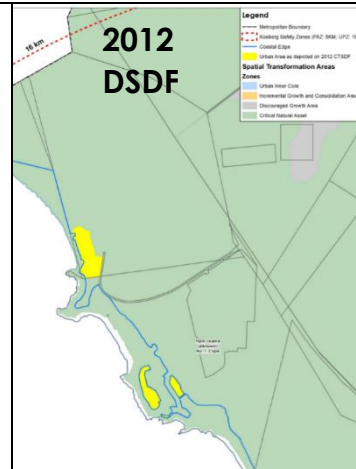
Originally no Map reference as no UDE adjustment recommended (2022)

Enquiries/ Requests from Land Owners, Consultants or other Entities (refer to item below) as Proactive Adjustment was not recommended by the MSDF & DSDf Technical Team

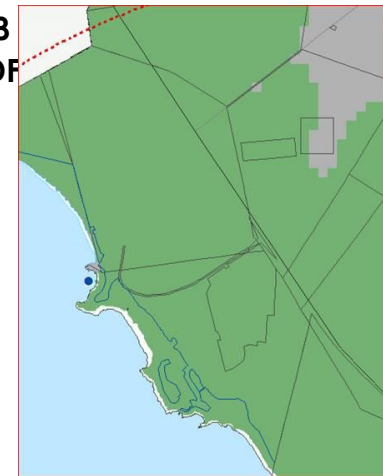
Comment: No requests or considerations were submitted for Silwerstroom Strand Resort during the 2019-2022 consultation process.
For Farm Springfontein, the owners requested for the 2012 DSDf nodal pattern to be replaced in the 2022 DSDf and MSDF.

Response: The UDE was not proactively adjusted in 2022 because the nature and scope of the coastal node on the Springfontein farm was not confirmed and not available from any official EIA in process. The whole farm is located halfway between the 5 and 16km emergency planning zones surrounding Koeberg Nuclear Power Station.

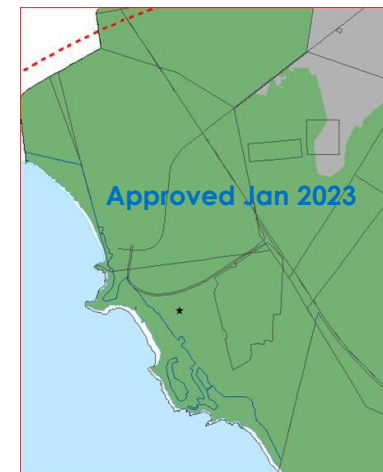
NOTE: At the Council meeting of 26 January 2023, the technical recommendation of 2022 (no proactive UDE amendment), was changed. Post the Council decision, considering a lack of any urban areas in close vicinity, a precise or notional UDE 2023 could still not be delineated (no EIA processes or draft maps available and the whole farm is located on Core 1 Biodiversity and within the Koeberg Emergency Planning zone). A notional star symbol was used, located in between the previous Springfontein farm node and the Silwerstroomstrand resort, as indicative of some limited scale of coastal urban node on the farm and a second node located at the resort. Refer to District Plan Sub-district Guidelines. Delineation ultimately will be a response to NEMA, LUPA, MPB-L, Act 70 of 70 and nuclear emergency planning and evacuation processes.



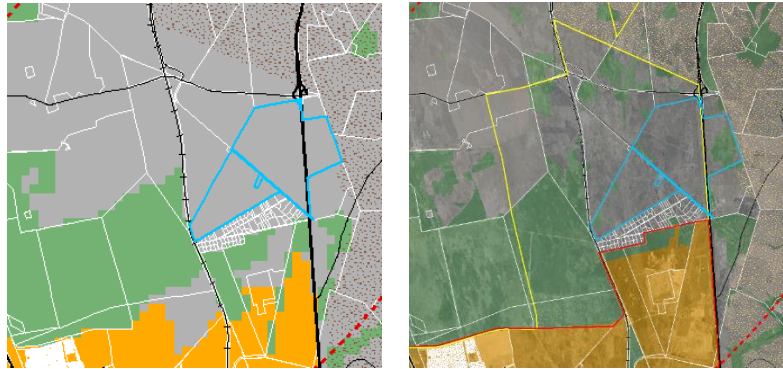


2018 MSDF

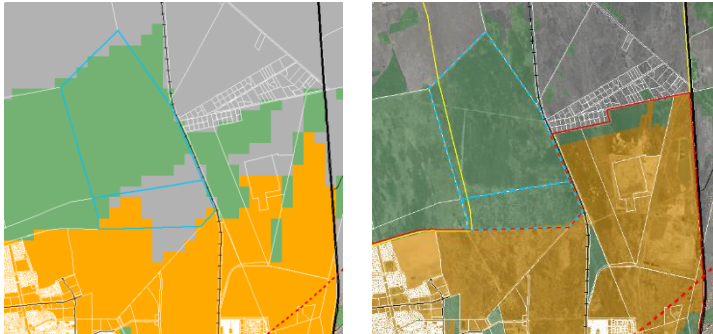


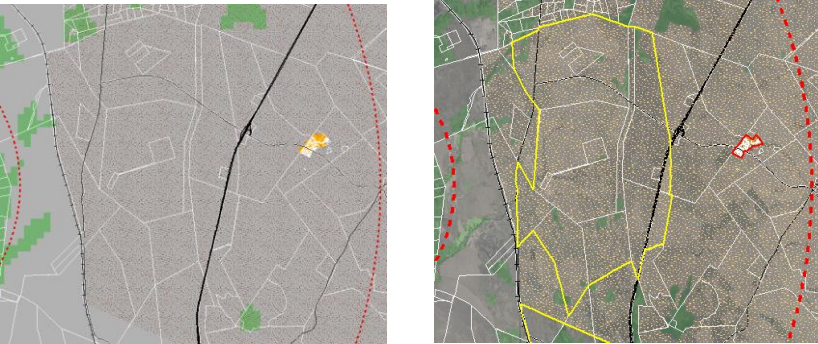
2023 MSDF



<p>Ou Skip Camping Site</p> <p>Map reference: B4</p> <p>Technical corrections & information</p>	<p>Argument: The Ou Skip Camping site has been in existence for many years. The land uses are permanent and there's connections to the infrastructure networks.</p> <p>Response: The UDE was adjusted but relevant specialist processes may still be required such as NEMA, LUPA or Act 70 of 70 if the site is to be developed for urban development.</p>	
<p>Melkbos Conservation Corridor</p> <p>Map reference: B5</p> <p>Technical corrections & information</p>	<p>Argument: The UDE should be outside the Koeberg 0-5km Safety Zone and exclude the new conservation corridor (Melkbos Conservation Corridor) as well as be located above the 1:100 flood line.</p> <p>Response: The UDE was adjusted to exclude the Melkbos Conservation Corridor and run along a cadastral line south (outside) the 0-5km Safety Zone.</p>	
<p>Farm 141/5 - Morning Star</p> <p>No Map reference as no UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not</p>	<p>Comment: The spatial designation of Farm 141/5 Morning Star (light blue lined farm pieces) and direct surrounds should be reviewed and amended from predominantly "Discouraged Growth Area", and small bits of "Core Biodiversity"/ "Structuring Open Spaces", to predominantly "New Development Areas", and some "Biodiversity & Open Space Network" east of N7. The UDE should be realigned in accordance with its 2012 alignment (the red line should be on the yellow line) and the area incorporated into the urban spatial proposals of the Blaauwberg SDF accordingly – according to the owners. Emphasis land suitability due to almost no Core biodiversity, not in Agricultural Areas, long history of growth corridor in spatial plans, need to accommodate workers of coming industrial dev at Frankendale and Rivergate.</p>	

<p>recommended by the MSDF & DSDF Technical Team</p>	<p>Response: The UDE was adjusted in 2022 to refine the notional urban edge as reflected in the 2018 Council Approved MSDF (red line on right map reflects orange blocks on left hand side map) and acknowledged approvals in place for Frankendale.</p> <p><u>Contraction of the UDE in 2018:</u> The 2011/12 north-western growth corridor as reflected in the 2012 CT SDF and District Plans, was contracted in the 2018 MSDF. As well as the investment-led, compact city rationale, this was based on several litigation cases and an ongoing Inter-governmental Dispute between the City and the Minister of Mineral Resources and Energy as well as the National Nuclear Regulator concerning the location, scale, density and speed of urban growth in the 0-20km zone surrounding the Koeberg Nuclear Power Plant. The 0-16km zone is especially sensitive to increases in permanent and transient population and employees. This led the City to accept that the north-western growth corridor needed to be contracted.</p> <p><u>Contracted 2018 notional UDE delineation:</u> was informed by the extent of a macro environmental authorisation (Record of decision) and the Macro Traffic Impact Assessment (2017) as completed by the 2 major land owners of the land immediately abutting the existing built up urban area at the time. The Macro TIA contained their vision and timeframes of development roll out. The timeframe to 2035 was used to inform the 2018 MSDF. Morningstar Farm 141/5 was far beyond the geographical area expected to be developed by 2035.</p> <p><u>The straight line UDE (2022)</u> is a refinement of 2018 UDE, following the existing environmental authorisation, railway & cadastral boundaries.</p> <p>The land owner's request is not accepted based on the land being located in the nuclear safety zones and the associated legal cases, and ongoing inter-governmental dispute. If the owners would like to pursue urban development on the property, separate application processes would have to be followed, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70 and extensive engagement with Eskom and the National Nuclear Regulator.</p>	
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<p>Garden Cities holdings - Blaauwberg</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: The land owners of the turquoise land parcels (right hand side map), raised a concern regarding the designation of a substantial portion of landholdings as 'Critical Natural Assets' (CNA) whilst these land parcels were earmarked as part of the north-western urban growth corridor in 2012 MSDF and DSDF, and as 'speculative growth area' in the 2017 draft MSDF. A request was made for the land parcels to rather be marked DGA (Discouraged Growth Area) instead of CNA, as that would potentially make it easier to motivate for the 2012 vision of urban development, and start the preliminary planning processes required to prepare land for a 10yr pipeline. Motivation includes long history of growth corridor in spatial plans and reference to conditions in the Blaauwberg Conservation Area land Agreement of Sale.</p> <p>Response: <u>Regarding contraction of the UDE:</u> Refer to the response of Farm 141/5 Morning Star above. <u>Regarding designation as Critical Natural Assets:</u> The land has been identified as Core biodiversity (defined as SANBI Critical Biodiversity Areas 1 & 2) since the 2012 CT SDF and District Plans, despite the overall spatial position identifying that area as an urban growth corridor in the SDF Plan. It was not shown on the 2017 draft MSDF as CNA because the green layer in the draft only included Declared/ Gazetted/ Formally protected 'Protected Areas' as referred in the legend item. In the 2018 MSDF version "Critical natural assets" were shown as green instead. This definition is: "Protected and Conservation Areas; irreplaceable Core 1 Critical Biodiversity Areas found outside of designated New Development Areas; Philippi Horticultural Area; land seaward of the Coastal Edge; and mountainous areas performing an agriculturally-significant, biodiversity or catchment function." Due to the land no longer being inside the designated UDE and still being a Core 1 Critical Biodiversity Area, it is a critical natural asset as per the definition.</p> <p>The land owner's request is not accepted based on the methodology used to define critical natural assets, and taking into account the land being located in the nuclear safety zones and the associated legal cases and ongoing inter-governmental dispute.</p>	
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	<p>If the owners would like to pursue urban development on the property, separate application processes would have to be followed, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70 and extensive engagement with Eskom and the National Nuclear Regulator.</p>	
<p>Old Mamre Road – Cape Farms</p> <p>Wescape/ Milkwood</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: This location (inside the yellow line on the right hand side) was historically known as Wescape and then Milkwood since 2018/19. It is a proposal for a large new city north of Cape Town. The owners of the land inside the yellow line argued that the land parcels should be inside the UDE and that the 2022 UDE (red line) must be on the 2016 UDE (yellow line).</p> <p>Response: No proactive delineation of the UDE has been allowed for in the 2022 MSDF (refer no red line on the right hand side map).</p> <p>2014 – 2016: The City recommended the requested urban edge approval to accommodate Wescape to the Provincial Government. The amendment was challenged by Eskom and the National Nuclear Regulator, and the amendment recommendation was set aside in the courts. In addition, there is an ongoing Inter-governmental Dispute (declared in 2017) between the City and the Minister of Mineral Resources and Energy as well as the National Nuclear Regulator concerning the location, scale, density and speed of urban growth in the 0-20km zone surrounding the Koeberg Nuclear Power Plant. The 0-16km zone is especially sensitive to increases in permanent and transient population and employees. This lead the City to accept that the north-western growth corridor needed to be contracted.</p> <p>2018 MSDF: As a result, the 2016 UDE (yellow) was completely erased in the MSDF 2018 with no indication of possible urban development (refer no orange 4 ha blocks on left hand side</p>	

maps) in the future, excluding the existing settlement of Philadelphia (the small red area on the right hand side map).

The 2022 MSDF recommends, in line with 2018, that no further urban development be considered in this immediate vicinity. The land owner's request is not accepted based on the land being located in the nuclear safety zones and the associated legal cases, and ongoing inter-governmental dispute. If the owners would like to pursue urban development on the property, separate application processes would have to be followed, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70 and extensive engagement with ESKOM and the National Nuclear Regulator.

The 2011/12 north-western growth corridor as reflected in the 2012 CT SDF and District Plans, was contracted in the 2018 MSDF. This was based on the investment-led, compact city rationale, several ongoing litigation cases and an ongoing Inter-governmental Dispute between the City and the Minister of Mineral Resources and Energy (MMRE) as well as the National Nuclear Regulator concerning the location, scale, density and speed of urban growth in the 0-20km zone surrounding the Koeberg Nuclear Power Plant. The 0-16km zone is especially sensitive to increases in permanent and transient population and employees. This lead the City to accept that the north-western growth corridor needed to be contracted.

The City remains responsible to provide adequate evidence to the MMRE, the NNR, ESKOM and other national disaster management agencies, that evacuation of residents can be facilitated in case of a serious nuclear emergency. Disaster Risk Management is a Local Authority responsibility and the City is constraining itself in the context of risk.

Groote Springfontein Farm 1

No Map reference as no proactive UDE adjustment recommended

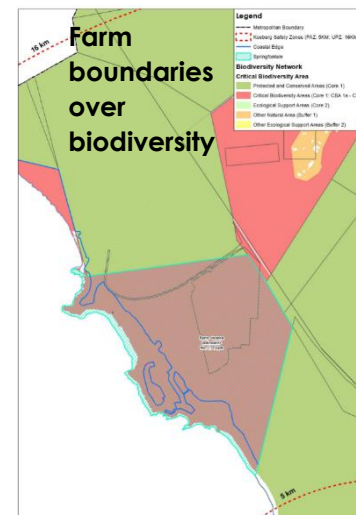
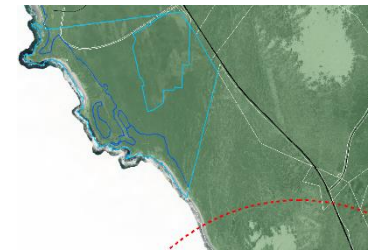
Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment was not recommended by the MSDF & DSDf Technical Team

Comment: Farm owners requested for the UDE and the CE to include the Springfontein coastal node which was available on the 2012 DSDF to allow a small portion of development to cross subsidise managing the land.

Response:
It is in the 0 – 16 Koeberg emergency planning zone, significantly dislocated from the urban area and far away from any municipal services making it a burden on state resources or likely extremely expensive for the developer, to service this private development. The land is pristine critical biodiversity which should be preserved. (Refer to maps under [Silwerstroomstrand Resort above](#))

Taking the several litigation cases and an ongoing Inter-governmental Dispute regarding development in the 0-16km zone into account, as well as the criteria, approach, principles and methodology (referenced in the report above), the request of the owners cannot be accommodated with a proactive adjustment of the UDE. The owners will have to note the emergency evacuation constraints in the area and the site location in the 5 -16km emergency planning zone. Separate application processes could be pursued with site specific recommendations, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70 and extensive engagement with ESKOM and the National Nuclear Regulator.

NOTE: At the Council meeting of 26 January 2023, the technical recommendation of 2022 (no proactive UDE amendment), was changed. Post the Council decision, considering a lack of any urban areas in close vicinity, a precise or notional UDE 2023 could still not be delineated (no EIA processes or draft maps available and the whole farm is located on Core 1 Biodiversity and within the Koeberg Emergency Planning zone, more or less in the middle between the 5 and 16km lines). A notional star symbol was used, located in between the previous Springfontein farm node and the Silwerstroomstrand resort, as indicative of some limited scale of coastal urban node on the farm and a second node located at the resort. Refer to District Plan Sub-district Guidelines. Delineation ultimately will be a response to NEMA, LUPA, MPB-L, Act 70 of 70 and nuclear emergency planning and evacuation processes.



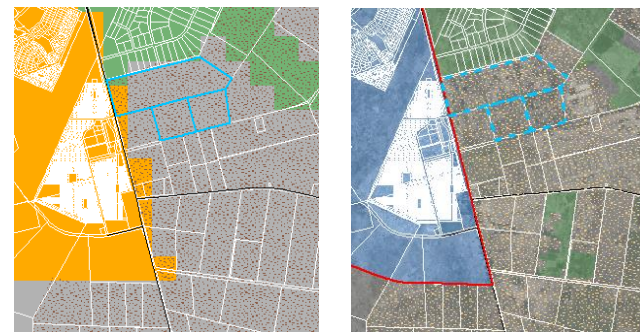
Denne-Dreef Farm 20 – Portions 67, 18 and 24 (Atlantis)

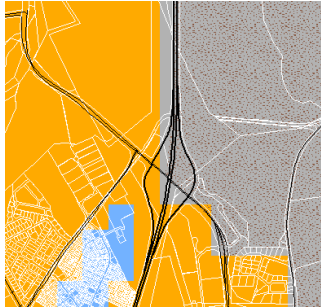
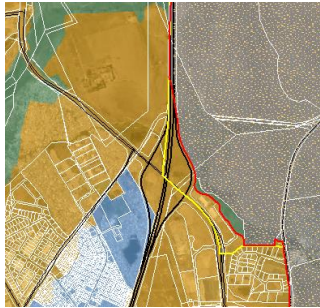

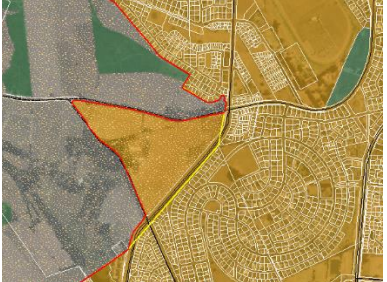
No Map reference as no proactive UDE adjustment recommended

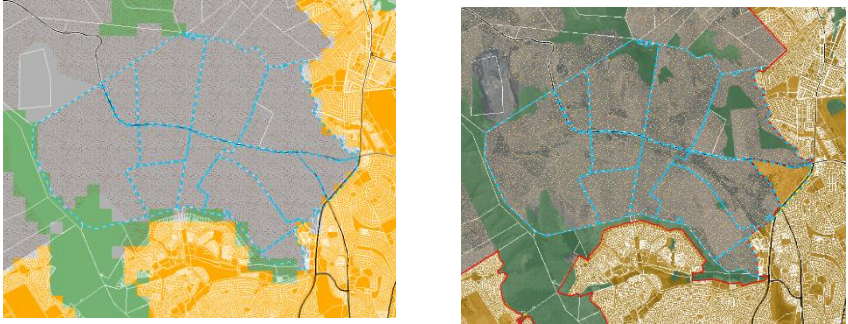
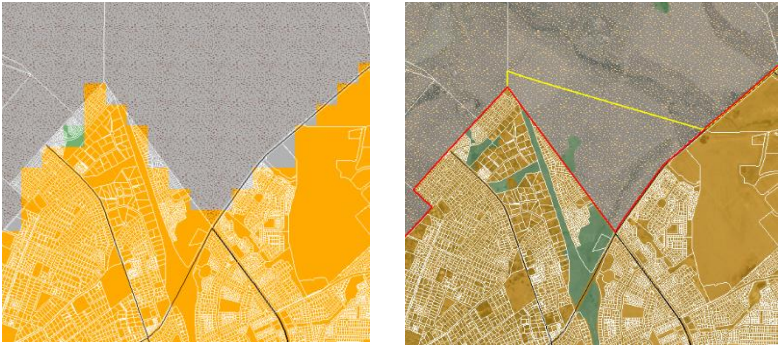
Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team

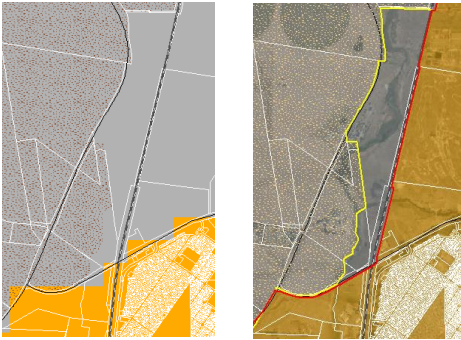

Comment: The owners of the turquoise marked land parcels requested for it to be included into the UDE of Atlantis so that economic development can be made possible to the area of Atlantis and surrounds.


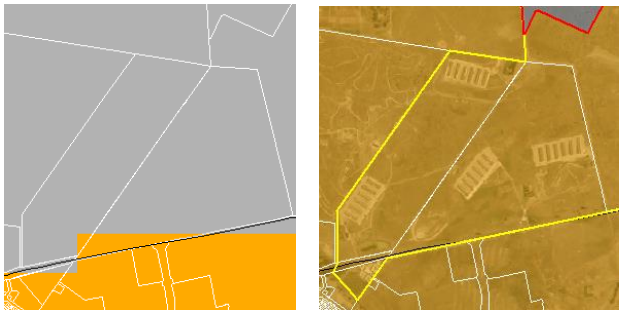

Response: This area falls within the Areas of Agricultural Significance. The Western Cape Department of Agriculture (WCDoA) is in agreement that this should remain agriculture. Mixed use vacant land was included in the UDE to the south of Witsand, in the 2012 DSDF and was reconfirmed in the 20220 MSDF and DSDF.



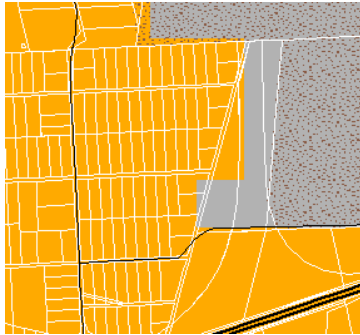






District C – Northern District			
Area (Name)	Arguments, Comments and Recommendations	MSDF Map 5d (2018)	MSDF Map 5d (2022)
<p>Atlantic Hills</p> <p>Map reference: C1</p> <p>Technical Corrections</p>	<p>Argument: Several portions have been included inside of the Urban Development Edge due to approved developments on these portions.</p> <p>Response: The UDE has been amended to include the relevant sites in Atlantic Hills.</p>		
<p>Altydgedacht - Portion 17 of Farm Altydgedacht no 276</p> <p>Map reference: C2</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: Based on the request from the farm owner, this farm portion should be available for urban development.</p> <p>The WCDoA does not support urban development other than primary agricultural use as it is of high agricultural value. Therefore, the WCDoA does not support the inclusion of Portion 17 of Farm Altydgedacht No. 276 in the UDE of the CoCT.</p> <p>Response: The City is of the opinion this this Portion has been fragmented and is thus suitable for incremental development and has as such been included as a New Development Area (NDA) in the Northern DSDF (2022) and has been included inside of the UDE.</p>		

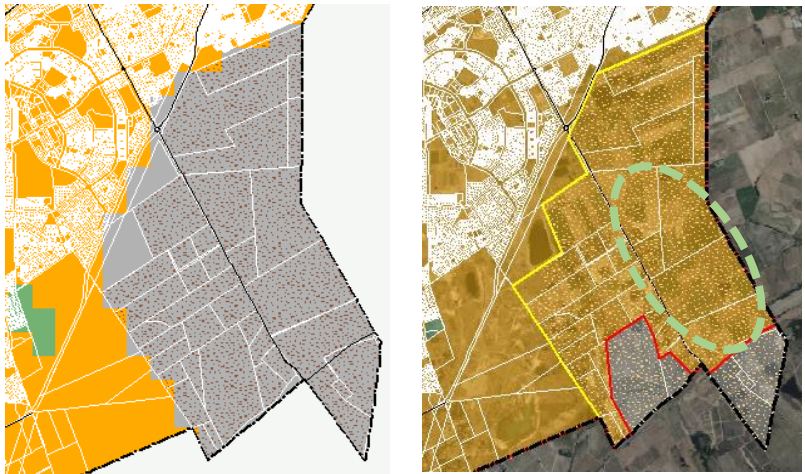

<p>Durbanville Inner Valley</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: Based on the request from the a large group of farm owners making up the Durban Inner Valley development (as submitted in 2016/17 as well), some portions of some of the farms should be available for urban development. Various members of the Durbanville Inner Valley company wishes to register their objections to the fact that their input has not been incorporated in the Northern District Plan / DSDF.</p> <p>The WCDoA does not support urban development land uses other than primary agricultural land uses as it is of high agricultural value. Therefore, the WCDoA does not support the inclusion of any portions of the DIV development proposals in the UDE of the CoCT.</p> <p>Response: It should be noted that principles in terms of the City's strategic growth direction has not changed and remains focused on inward growth. In addition to this, the position in relation to DIV's proposal has remained consistent since 2017 i.e. the 2018 MSDF review process as well as the draft 2021 DSDF engagement process. No new information has been provided to date. The Durbanville Inner Valley will thus remain outside of the UDE at this point in time. Separate application processes with site specific motivations to argue deviation risks would have to be pursued, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70.</p>	
<p>Portion of Farm 1165 – Groot Phesantekraal</p> <p>Map reference: C3</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: The owners/ consultant requested that portion of Farm 1165 (Groot Phesantekraal) should be inside the UDE.</p> <p>The WCDoA argues that it was earmarked as Areas of Agricultural Significance in 2018 and 2022 and outside the UDE and should remain like that in 2022.</p> <p>Response: The UDE of 2022 remains similar to 2018 and is a contraction from 2016 and 2012. The WCDoA is of opinion that the farm is still classified as AoAS in 2022 similar to 2018.</p>	

<p>CA 1446-0; Portion of CA 173-0-RE; and Portion of CA 1740-0 (Floodline East of Bella Riva)</p> <p>Map reference: C4</p> <p>Technical corrections & information</p>	<p>Argument: CA 1446-0; Portion of CA 173-0-RE; and Portion of CA 1740-0 has been excluded from the UDE due to these land parcels being located inside of the 1:100 floodline of the Mosselbank River and are not suitable for urban development.</p> <p>Response: The UDE has been adjusted to exclude the portions under the floodline which cannot be developed.</p>	
<p>CA 123-2-RE (North-eastern portion of Bella Riva)</p> <p>Map reference: C5</p> <p>Technical corrections & information</p>	<p>Argument: Bella Riva's land use approval into the previous Ordinance was already approved as a result of an Environmental Approval. The 70 of 70 application was approved. However at the previous MSDF 2018 review process, validity extension for all approval were not available and the City strongly advocated for a reduction of the growth corridors. However, urban edge amendment approvals taken during this era cannot lapse and has subsequently been validated and extended. The 2018 MSDF (left side map) did not envisage the development to realise in 5-10 years and hence did not have any orange 4 ha grid cells indicating Incremental Growth and Consolidation Area. However, the 2022 MSDF accepted that the development will eventually proceed and a small portion of land was excluded from the 2016 UDE (yellow line right map), is now included to align with the larger approval already in place.</p> <p>Response: The UDE has been amended to include CA 123-2-RE based on all approvals in place.</p>	

<p>Erf 1248 – Fisantekraal High School</p> <p>Map reference: C6</p> <p>Acknowledgement of Technical Information</p>	<p>Argument: The UDE needs to be amended as this site has already been developed (Fisantekraal High School).</p> <p>Response: the UDE has been amended to include Erf 1248.</p>	
<p>PA 724-9 and CA 175-2 - Chicken Farm west of Cape Winelands Airfield</p> <p>Map reference: C7</p> <p>City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team based on accommodating urban growth trends</p>	<p>Argument: This property has been included inside of the UDE due to the positioning of the cadastral lines of the surrounding properties (Bella Riva has all its approvals and the Winelands Airport also had regularised approvals). This land parcel was centrally located (and surrounded by potential urban land use approvals) and it made no sense to keep it outside the UDE considering that it has chicken farm buildings on it – which eventually will not be able to continue to exist if urban development is creeping up so close to its boundaries and if it is eventually surrounded by urban uses.</p> <p>Response: The UDE has been amended to include PA 724-9 and CA 175-2.</p>	
<p>PA 724-10 and PA 474-4 – Cape Winelands Airport</p> <p>Map reference: C8</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is recommended by</p>	<p>Comment: The owners of the Cape Winelands Airport argued that the current zoning determines that the land parcels be included inside the UDE due to the existing zoning being TR 1, which is an urban land use.</p> <p>Response: The UDE has been amended to include PA 724-10 and PA 474-4. The yellow line of 2016 is now replaced by the red line (UDE 2022) based on the boundaries of the Winelands Airport. More requests for inclusion of land parcels to the north will not be accommodated now because there is a lack of technical information relating to noise impacts. Separate application processes would have to be pursued, acknowledging the</p>	

<p>the MSDF & DSDF Technical Team</p>	<p>above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70.</p>		
<p>PA 725-23 – North of Joostenbergvlakte</p> <p>Map reference: C9</p> <p>Acknowledgement of Technical Information</p>	<p>Argument: The UDE needs to be amended in this area so as to include PA 725-23.</p> <p>WCDoA does not deem PA 725-23 to be of High Potential Agricultural Land and this area was already part of the Incremental Growth and Consolidation Area (IGCA) at depicted in the MSDF (2018) (left side map).</p> <p>Response: The UDE 2016 has been adjusted so that the UDE 2022 is in line with the MSDF 2018.</p>		
<p>PA 728-373; PA 728-372; and PA 728-6 – East of Joostenbergvlakte</p> <p>Map reference: C10</p> <p>Acknowledgement of Technical Information</p>	<p>Argument: The delineation of 2016 (which were located on the outside of a long term road reserve) overlaps with the Area of Agricultural Significance (2018 and 2022) and the WCDoA is of the opinion that it should not be urban development.</p> <p>Response: The UDE 2016 has been reduced to be more closely aligned with the grid cells (left hand side map). Hence the 2022 UDE (red line right hand side), is now the corrected version.</p>		
<p>Farm 4/728 Nooitgedacht</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as</p>	<p>Comment: Landowners/ consultants requested for inclusion into Incremental Growth and Consolidation Areas and is about to embark on a development application for major space extensive land uses, east of the current Joostenberg Smallholding area (i.e. Farm 4/728, Nooitgedacht). Argument is made to include this farm into the UDE for Space Extensive Land Uses (SELU) – Industrial.</p> <p>WCDoA view the land as Agricultural Significant.</p> <p>Response: The response on the original submission as received in the DSDF public participation process, remains applicable.</p>		

<p>Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Potential land invasions and contraventions of the 'zoning scheme' (Joostenbervlakte smallholdings) do not serve as reasons/ motivation for inclusion of the property in the UDE. The proposed development cannot be viewed as TOD development, also in view of the fact that the creation of employment opportunities will not occur in close proximity to a 'work force'. The Joostenberg smallholdings are to be preserved for smallholding purposes in the interim and will eventually be changed to conventional urban development uses.</p>	
<p>Kraaifontein Industrial Extension</p> <p>Map reference: C11</p> <p>City-Led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team based on accommodating urban growth trends</p>	<p>Argument: There is a dire need for employment rich land uses to support the rapid growth in the Wallacedene/ Scotsdene area. The DSDF delineate this area as a New Development Area (NDA) (Extension of Kraaifontein Industrial). This was considered based on the regional context of development in neighbouring municipalities.</p> <p>WCDoA view the land as Agricultural Significant. Stellenbosch Municipality also opposed this proposed UDE reaching up to the municipal boundary</p> <p>Response: Notwithstanding the proactive UDE adjustment recommended by the City, separate application processes would still have to be pursued, acknowledging the above listed risks (WCDoA), inclusive of EIAs under NEMA, LUPA, Act 70 of 70.</p>	

<p>Botfontein Smallholdings</p> <p>Map reference: C12</p> <p>City-Led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team based on accommodating urban growth trends</p>	<p>Argument: There is a dire need for employment rich land uses as well as land for residential development to support the rapid growth in the Wallacedene/ Scotsdene area. Illegal Occupation of land/ Land invasions have eliminated the possible sites historically earmarked for state-sponsored human settlement projects. The informal settlements have encroached over the municipal boundary with Stellenbosch. The owners of the land offered it to Council to buy for Human Settlements. The DSDF delineate this area as a New Development Area (NDA) with the purpose of extension for residential and employment land uses</p> <p>WCDoA view the land as Agricultural Significant and does not support the development east of the Botfontein road (marked in green oval). West of Botfontein road already has land uses on industrial nature and would be best suited for development. Stellenbosch Municipality also opposed this proposed UDE reaching up to the municipal boundary.</p> <p>Response: Separate application processes would have to be pursued acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70. Sub district guidelines in the DSDF are clear on phasing and land use focus.</p>	
<p>ST 222-0-RE – Bottelary Smallholdings 1</p> <p>Map reference: C13</p> <p>Acknowledgement of Technical Information</p>	<p>Argument: Technical corrections of the UDE according to the underlying cadastral line. This was deemed to be a cadastral error during the previous delineation process.</p> <p>Response: The UDE 2022 is corrected to follow the cadastral rather than the municipal boundary.</p>	

**Mikpunt
Smallholdings**

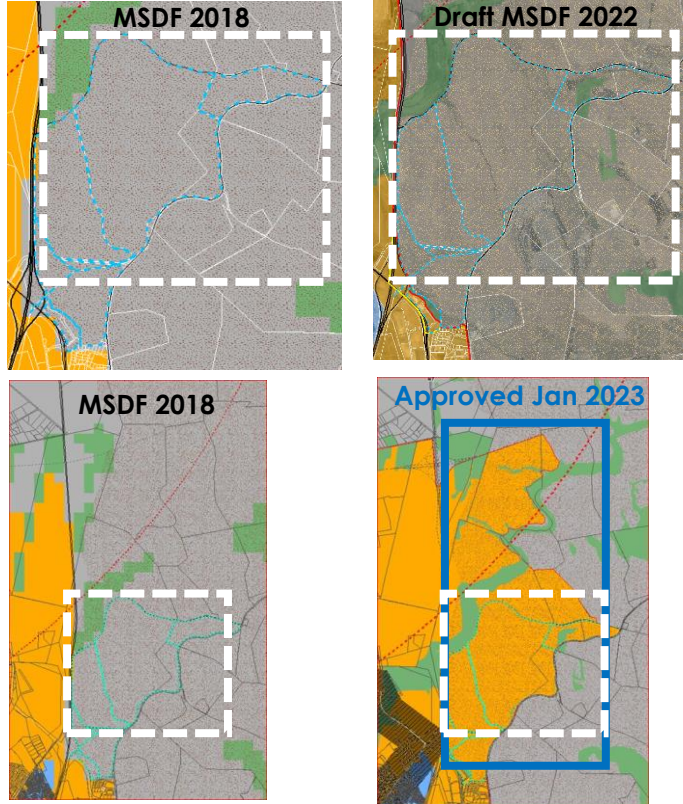
No Map reference
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UDE adjustment
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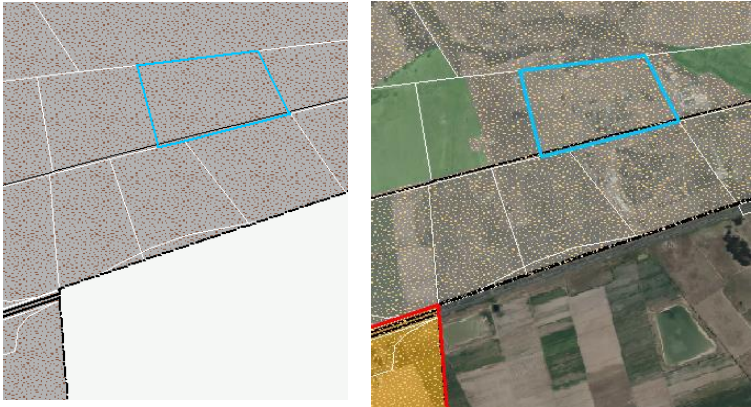
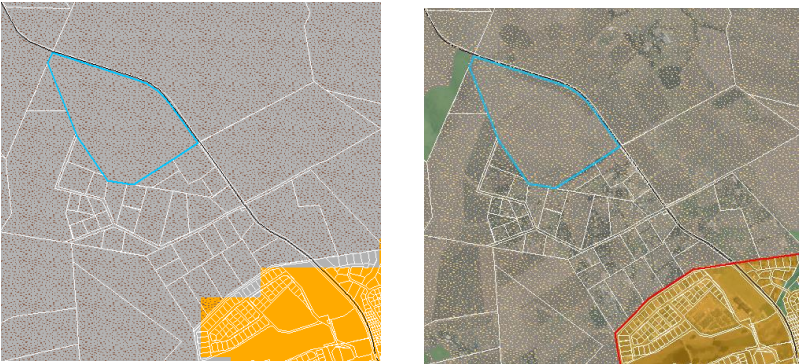
Proactive
Adjustment as
recommended by
WCDOA is not
recommended by
the MSDF & DSDF
Technical Team

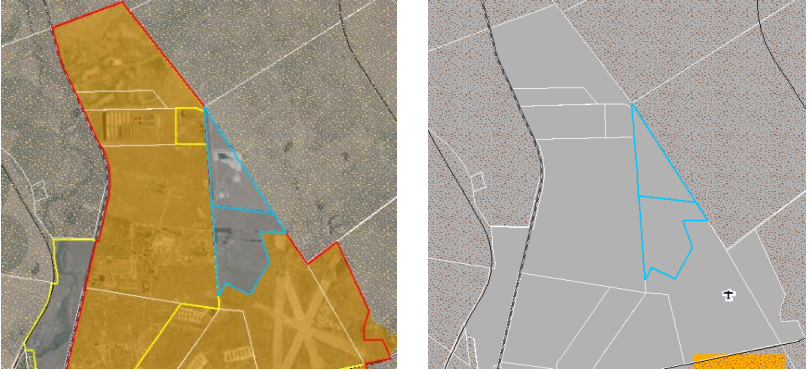
Argument: WCDoA argued that the smallholdings called Mikpunt be included inside the UDE.

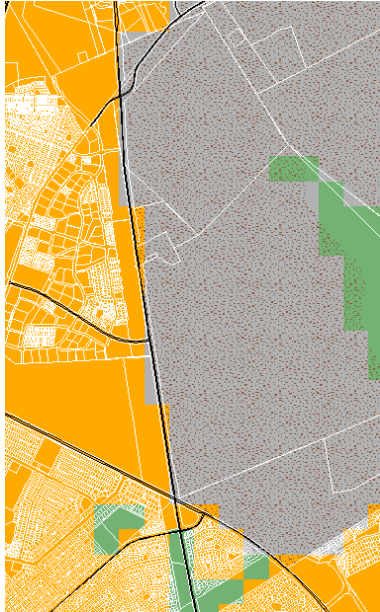
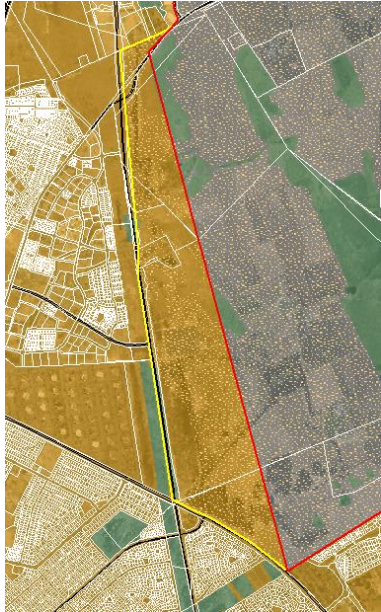
Response: Smallholdings will not be included inside the UDE as these smallholdings fall within the Areas of Agricultural Significance and including it inside the UDE will imply that these smallholdings will have latent urban development right and potential request for certain standards of engineering services, dependent on the availability of bulk, link and reticulation network services. The City's engineering departments cannot commit to that level of service provision at the moment.

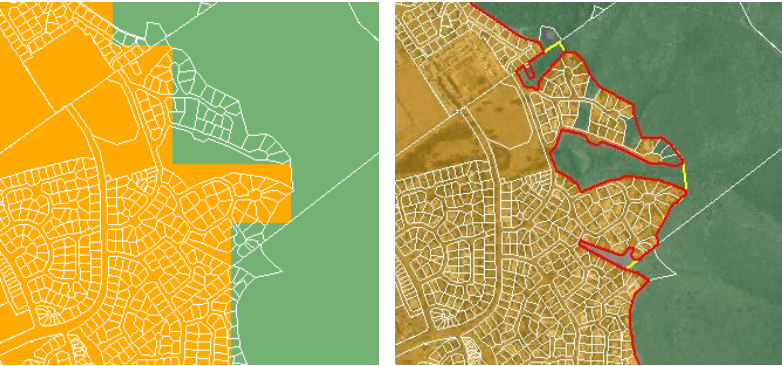




<p>N7 East Corridor</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment, were not recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: The land owners of the land parcels in turquoise requested to be included in the UDE due to the strategic location, infrastructure and limited constraints the development area (N7 Eastern Corridor) offers, and the fact that the current development void is a result of past apartheid era spatial planning. It was recommended to be listed as an Incremental Growth Area.</p> <p>WCDoA view the land as Agricultural Significant and does not support the development vision by the combination of owners. Refer to hatching over both the 2018 map (top left) and 2022 (top right) draft MSDF map.</p> <p>Response: Separate application processes would have to be pursued, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70.</p> <p>NOTE: At the Council meeting of 26 January 2023, the technical recommendation for no proactive UDE amendment was changed. The UDE 2023 was amended to include a land portion estimated at about 1 250 ha into the UDE (bottom right hand side map). This is about double in size than what was originally submitted in the DSDF and MSDF consultation processes. Similarly the northern part is located inside the 16km Koeberg emergency planning zone (red dotted line). A new UDE was drawn as a notional line based on the map submission accepted by Council (bottom right map) and the land parcels were included as Incremental Growth and Consolidation Areas (as per the Council instruction in the minutes C13/02/23)). Full NEMA, LUPA, Act 70 or 70 and MPB-L processes will still be required and the northern land parcels will be subject to Koeberg procedures.</p>	
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<p>PA 727-22 – Old Apostolic Church</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: The owners of the Old Apostolic Church Farm PA727/22, Joostenbergvlakte argued that it is located strategically adjacent to the N1 and near to the R300 which provides easy access from the N2. Investigations are in progress, as are required and for due diligence, in view of the relevant applications to be tabled for further development of this property. The abovementioned property falls just outside of the UDE. Owners confirmed that they do not currently object to the proposed review of the City's SDF/ DSDF.</p> <p>Response: Comments are noted. This site will remain excluded from the UDE at this point in time. This area also falls within the Areas of Agricultural Significance.</p>	
<p>Farm 159 Portion 42 – Westerdale</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: Motivations included that the farm portion Farm 159 Portion 42 should be included into the Westerdale smallholdings and that will be a logical extension which could stimulate the development of the area as a tourism node and will make a positive contribution to the creation of a northern gateway that will prevent future lateral expansion northwards as it will strengthen the ridgeline as a non-negotiable green edge.</p> <p>WCDoA view the land as Agricultural Significant and does not support the development vision.</p> <p>Response: The extent of the property, i.e. 48ha, is viewed by the City as an agricultural unit. The relevant zoning is Agriculture, and it forms part of the Agricultural Areas of Significance. The objective is to preserve these from urban development. Historical intentions do not serve as reason/ motivation for inclusion of a property in a smallholding area. Application may still, in terms of the provisions of the DMS (Development</p>	

	<p>Management Scheme), be made for tourist related land uses on Agriculturally zoned land. There is no objective in City's spatial policy to expand smallholding areas.</p>	
<p>Farm 724 Joostenberg Vlakte Cape Winelands Airport</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: Land owners of the adjacent Wineland Airport requested for the proactive for inclusion of the land parcels in turquoise between the existing airport and Bella Riva (farm portions, the Remainder of Farm Joostenberg Vlakte 724 and Portion 23 of Farm 724 Joostenberg Vlakte), to be included in the UDE.</p> <p>Although WCDoA did not view the land as Agricultural Significant, due process is recommended. Noise contour estimates based on various future use quantum and intensities will determine the land uses surrounding the airport. No noise contour information is available for current or future airport functions.</p> <p>Response: Separate application processes would have to be pursued, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70.</p>	

District D – Tygerberg District			
Area (Name)	Arguments, Comments and Recommendations	MSDF Map 5d (2018)	MSDF Map 5d (2022)
<p>De Grendel Farm</p> <p>Map reference: D1</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is recommended by the MSDF & DSDF Technical Team (not to the extent the owners requested), but based on accommodating urban growth trends</p>	<p>Comment: An extensive set of specialists reports were already available in 2017/2018 when the previous UDE was reviewed, but because it was not formally submitted into the NEMA processes the MSDF 2018 only highlighted the potential in the separate UDE report and not on the map (left side map). During the 2021 and 2022 public processes of the DSDF and MSDF, the applicants viewed the notional red line (right side map), which is the proposed 2022 MSDF & DSDF UDE as an expansion of the 2016 (yellow line). The owners motivated for the UDE to go up to the nature reserve (green on right side map). The DSDF's sub-district guidelines explain that the exact boundary of the UDE is not available as the specialist studies and the negotiations with the WCDoA have not been completed. In response to this proposed line, the owners/ consultants proposed that a wide UDE line be drawn as it will provide for a greater and more inclusive scope for planning exercises for the developable portions of De Grendel land holdings. The owners supported the previous correspondence by the City that this line provides guidance for future planning of the land holdings and that eventual defining of the detailed UDE will be the result of integrated urban design, environmental, heritage planning, engineering and agricultural studies, but the current proposed urban development edge line is too limiting as it restricts a wider holistic planning consideration and approach of the overall opportunities on the land holdings and their related connections with the future developable areas, even if they are to remain agriculture, conservation or tourism related at the conclusion of the planning process. Also, in order to support the necessary bulk infrastructure expenditure required to unlock the mixed-use development precinct at this location, more developable areas need to be included within the UDE area – again, the current alignment is too restricted in this regard.</p> <p>Response: The area is identified as a Site of Co-incident meaning that even though the area is earmarked as a New Development Area in the DSDF, the relevant specialist studies (in view of agricultural potential, biodiversity presence and cultural/ heritage landscape) and application process outcomes (EIA & MPB-L LUMS) will eventually determine the</p>		

	<p>exact delineation of the UDE. Therefore, the urban UDE at De Grendel farm has been indicated as a notional line to be further refined through the relevant specialist studies as indicated above. This has also been done in consultation with the Department of Agriculture. Furthermore the current delineation considered Giel Basson Drive (future IRT route) & Platteklouf Road where lower intensity mixed use development can be supported along these route, with medium density residential development inwards. The UDE also does not mean that the owners cannot undertake an integrated planning exercise for their land holdings stretching up to the nature reserve/ area. However, complimentary land uses such as tourism, conservations etc can be accommodated outside the UDE on the agricultural hinterland. It needs to be noted that the motivation does not clarify or provide additional information for amending the UDE delineation at this location. Separate application processes would have to be pursued, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70.</p>	
<p>Platteklouf Open Spaces – Tygerberg Nature Reserve</p> <p>Map reference: D2</p> <p>Acknowledgement of Technical Information</p>	<p>Argument: The 2016 UDE unnecessarily included valleys of the protected nature reserve in Tygerberg which will never be developed for urban land uses (see yellow line right side cutting across the nature reserve).</p> <p>Response: The UDE 2022 (red line right side map), follows the built up area more closely.</p>	

<p>ST 222-20-RE; ST 222-114; ST 222-35; ST 222-8-RE; and ST 222-59 - Bottelary Smallholdings</p> <p>Map reference: D3</p> <p>Acknowledgement of Technical Information</p>	<p>Argument: Roughly 1 of the 4 small farm portions already accommodated a private school approved in 2019/21.</p> <p>Response: The MSDF 2018 indicated the area as Incremental Growth and Consolidation area (orange 4 ha grid cells) up to the municipal boundary. The 2016 UDE (yellow right side map) just had to be expanded and aligned to the MSDF 2018, therefore the yellow line is replaced with red line (UDE 2022) on the right side map.</p>	
<p>25945; ST222-109; ST222-112; ST222-99; and ST222-105 – Haasendal</p> <p>Map reference: D4</p> <p>Acknowledgement of Technical Information</p>	<p>Arguments: The municipal boundary has been amended in this area. A development application is in process which will now include the additional portion of land within the City boundary. The UDE will be realigned to include this additional portion.</p> <p>Response: The MSDF 2018 indicated the area as Incremental Growth and Consolidation area (orange 4 ha grid cells) up to the municipal boundary. The 2016 UDE just had to be expanded and aligned to the MSDF 2018 and the municipal boundary a bit more east of the maps 2018, therefore the yellow line is replaced with red line (UDE 2022) on the right maps. The new UDE is up to the municipal boundary in 2022.</p>	

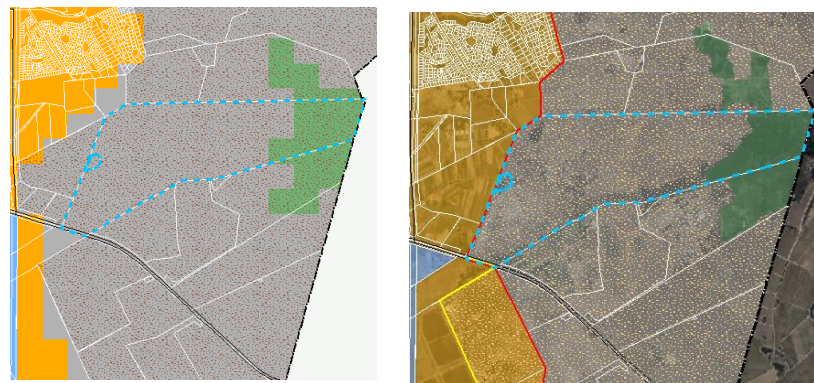
Saxenburg Farms

No Map reference as no proactive UDE adjustment recommended

Enquiries/ Requests from Land Owners, Consultants or other Entities as Proactive Adjustment is not recommended by the MSDF & DSDF Technical Team

Comments: Specific to Ptn 64/Farm 419; Ptn 65/Farm 419 & Re Farm 245 (Saxenburg Farm). The land owners proposed that the "Area of Agricultural Significance" spatial designation of the lower lying inherently unproductive agricultural land portion of the Saxenburg Farm and its direct surrounds, be reviewed and removed and also that the land parcels be put inside the UDE with an Incremental Growth and Urban Consolidation Areas description (MSDF). It is also requested that the land then be incorporated into the spatial proposals of the Tygerberg District Plan as "Potential Low Density Residential Development". There has been a failure to establish a sustainable long-term urban edge, in response to the realities and challenges of the urban rural interface along this edge between the developed area and agricultural rural environs. Because of the inherently poor soil quality and low productivity of the lower lying land portions, there are plethora of serious ongoing land use management related problems being experienced by the farms located directly adjacent to the built-up urban environs, as there has been no provision for a transition of land use and intensity of development in a sustainable manner.

Response: The UDE have been redrawn taken cognisance of the existing urban development applications and approvals just east of Zevenwacht Link Road. Furthermore the Department of Agriculture notes that the turquoise marked farming unit comprises both low and high potential agricultural land and although certain low potential land is not always viable for cultivation, it can be used for many complimentary land uses related to the farming operations. These would include tourist related and conservation activities permitted on agriculture zoning which could be used to create a transition into the agricultural rural environs and in the case of Saxenburg celebrate the functioning as a key gateway to the Stellenbosch wine route. Various areas such as the new infill areas along Zevenwacht Link road, Annadale/Haasendal, Jacobsdal and Stellendale have been identified in Kuilsriver and environs for urban expansion/infill development. The areas along the Link Road road would create the transition into the agricultural rural environment.



East of Zevenwacht Link Road

Map reference: PENDING

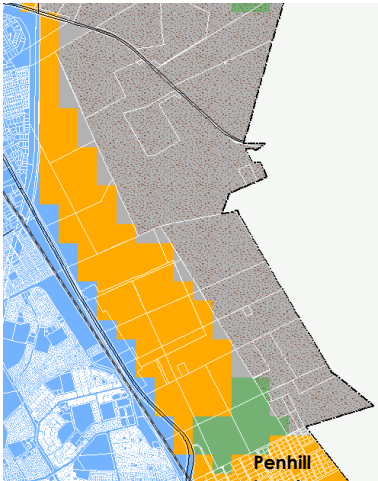
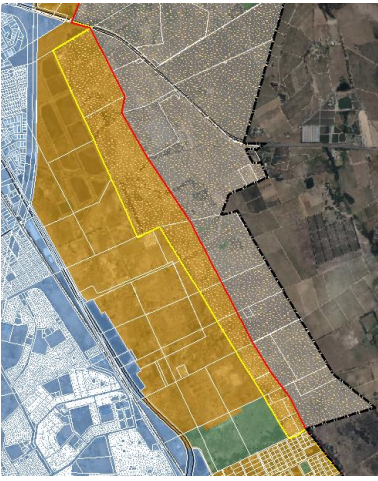
Acknowledgement of Technical Information

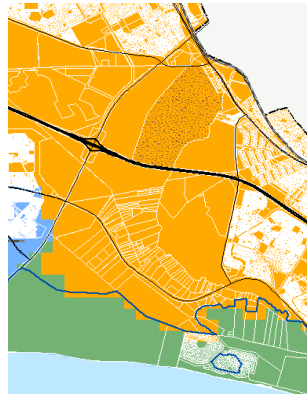
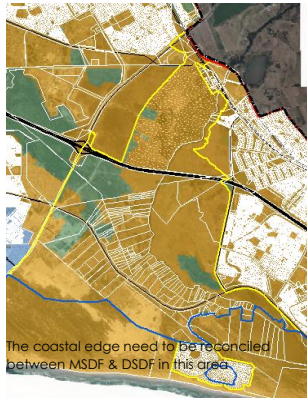

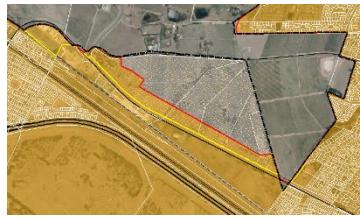
Argument: The eastern corner of the Zevenwacht Link Road as it exist from Polkadraai Road as well as the farms immediately east of that (pink dotted area), has received City approval for urban development in 2019-2022. It was based on the DSDF 2012 which already indicated that the land will be available for urban development. The MSDF 2018, was incorrect and not aligned with the 2012 DSDF.

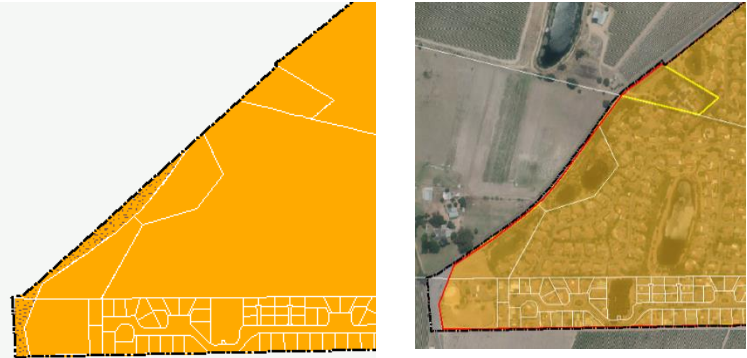
Response: Therefore the UDE 2022 (right hand side red line) has been adjusted in line with recent land development approvals which offered site specific reasons based on the 2012 DSDF. The MSDF 2018 did not adequately reflect the local sub district guidelines which were available since 2012. This is a post approval technical correction of the UDE.



District F – Khayelitsha/ Mitchell's Plain District

Area (Name)	Arguments, Comments and Recommendations	MSDF Map 5d (2018)	MSDF Map 5d (2022)
<p>Jacobsdal Site</p> <p>Map reference: F1</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities and City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical but based on accommodating urban growth trends</p>	<p>Comment: The land parcels just north east of Penhill provincial Housing project and adjacent to Stellenbosch Municipal area on the Polkadraai road from Stellenbosch to Kuils River, is known as Jacobsdal. The land owners argue that due to the potential influx of large number of new families, there will be pressure and demand for more economic and employment generating land uses in the area. Further, it is argued that a new set of land uses need to be created between the productive farms on the eastern side of the municipal boundary (black dotted line) and the main road between Eerste River and Kuils River. The MSDF 2018 (left side map) already followed the 2016 UDE (yellow line right side map). But the land owners / consultants have requested that all land parcels up to Polkadraai and up to the municipal boundary (dotted black) be included in the UDE.</p> <p>WCDoA did acknowledge a submitted soil study, and have agreed to use of the 80-100m contour line as a cut off. Similarly Stellenbosch Municipality completely disagreed with the City's suggested UDE in the Jun 2022 version of the MSDF & DSDF. Stellenbosch wants the City to preserve a 10km buffer zone and do not want urban development to continue up to the municipal boundary</p> <p>Response: After multiple deliberations, the MSDF & DSDF teams together with WCDoA agreed that a notional line will be redrawn and correctly reflected in the DSDF with NDAs for the potion of land inside then 2022 UDE (red line), assuming that specialist studies will still be required to ensure that development is respecting and enhancing the view lines on Table Mountain from the Polkadraai Road as tourist and visitors use Polkadraai as scenic and tourist route. Similarly, specialists agricultural studies will have to be submitted to WCDoA to determine the exact alignment of the UDE in the area of the UDE 2022 (red line). Separate application processes would have to be pursued, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70.</p>	 <p>Penhill housing project</p>	

District E – Helderberg District			
Area (Name)	Arguments, Comments and Recommendations	MSDF Map 5d (2018)	MSDF Map 5d (2022)
<p>Vergenoegd Farm and Surrounds</p> <p>Map reference: E1</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities Proactive Adjustment is recommended by the MSDF & DSDF Technical Team</p>	<p>Comment: Vergenoegd farm is seen to be of High Potential Agricultural Land Value and are currently under irrigated wine grapes. This is a large area used for primary agriculture although wedged between developments. This area should be preserved for agriculture and not be included for urban development according to the WCDoA.</p> <p>However in 2018, the MSDF already indicated that over the very long term the land will eventually be used for urban development, although it is preferred to be retained for purposes of a working farm in the short to medium term as the farm as significantly to the recreational and tourism range of activities.</p> <p>The yellow 2016 UDE has already been stretched up to the municipal boundary (dotted black line) as visible from the left side map (the MSDF 2018).</p> <p>Response: The AoAs will be retained over the farm as an indication to the view of the WCDoA. But over the long term this area will likely be developed for all developable land outside the floodlines. Separate application processes would have to be pursued, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70 because most land parcels in this area is still no the Farm Register.</p>		 <p>The coastal edge need to be reconciled between MSDF & DSDF in this area.</p>
<p>Land adjacent to Firgrove Station</p> <p>Map reference: E2</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities Proactive</p>	<p>Argument: The 2018 MSDF indicated the whole triangle piece of land as urban development but the WCDoA does not support the inclusion of the entire Remainder of Farms 728, 780/1, 779/5 and 779/1 into the UDE. These farms are considered High Value Agricultural Land are mostly planted with irrigated wine grapes. Any development of this area will put additional pressure on agriculture, the abutting farms (RE/696 and RE/772) and threaten the right to farm any of these abutting farms. As a compromise, the WCDoA will consider development along a restricted buffer along the</p>		

<p>Adjustment is not recommended by the MSDF & DSDF Technical Team</p>	<p>Main Road and will support the UDE being set back along the Main Road (visible in red on right hand side map). The land parcels are of visual importance and cultural landscape value especially when travelling on the N2 in the direction of Grabouw.</p> <p>Stellenbosch Municipality also opposed the draft MSDF 2022 and the MSDF 2018's position and supported the WCDoA that urban development should not be allowed over the visual sensitive hill and up to the municipal boundary.</p> <p>Response: A notional UDE has been suggested to accommodate the strong opposition received in the 2022 consultation process. There is also now applications in processes by any of the land owners at the moment. Separate application processes would have to be pursued, acknowledging the above listed risks, inclusive of EIAs under NEMA, LUPA, Act 70 of 70. This is a notional line and will have to be finalised via specialist studies and it will be better if all land owners in this triangle consider the development cumulatively with a common masterplan for engineering services network extensions which will be required.</p>	
<p>ST 692-9 – Bredell Road Residence</p> <p>Map reference: E3</p> <p>Acknowledgement of Technical Information</p>	<p>Argument: This site has already been developed for residential purposes and should thus be included inside the UDE</p> <p>Response: The MSDF 2018 already indicated the land as Incremental Growth & Consolidation areas (orange 4ha grid cells up to the municipal boundary left side map). The UDE of 2016 (yellow line right side map) has now been technically adjusted to follow the information on the left side map (MSDF 2018) and the red line (UDE 2022) was adjusted.</p> <p>Separate application processes would have to be pursued if the land parcel wants to be developed, inclusive of quick EIA scan under NEMA, LUPA, Act 70 of 70 (if required).</p>	

226; 234; 228-RE; 219-RE; and Portion of 242 - Lynn's View (East of R44 Road)

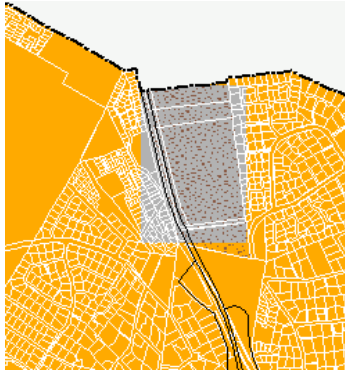
Map reference: E4

City- and WCDoA led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team

Argument: During the 2018 MSDF the WCDoA indicated that protection of the AoAs would be preferred. However, in the 2022 UDE review it was indicated that considering the pressure on the land, and in exchange of the protection of larger farms outside the municipal boundary, this Areas of Agricultural Significance can be sacrificed.

Response: The UDE 2022 (red line right side map) now follows municipal boundary and is a recommended city-led adjustment from the 2018 MSDF.

Separate application processes would have to be pursued if the land parcel is to be developed, inclusive of quick EIA scan under NEMA, LUPA, Act 70 of 70 (if required).



ST 757-0; and ST 758-0-RE – Helderberg College Site

Map reference: E5

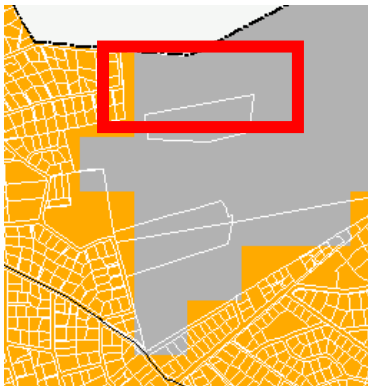
Enquiries/ Requests from Land Owners, Consultants or other Entities Proactive Adjustment is recommended by the MSDF & DSDF Technical Team (but not to the extent as requested by the owners, i.e. a line even more east than the red line on the right hand side map)





Comment: Helderberg College's land has had Community Zone 1 and 2 zonings outside the UDE which included a plantation and pockets used for agriculture. A significant application process with an associated Master Plan was generated between 2017 and 2021 where further urban development has been approved to the north of this site (red box). This approval was granted and the application motivated for the UDE to follow a north-south route (red line right hand side map). The college campus buildings with associated agricultural pastures, still exist and there is not yet an application for full scale urban development to the south of the previous application, but it is indicated as IGCA.


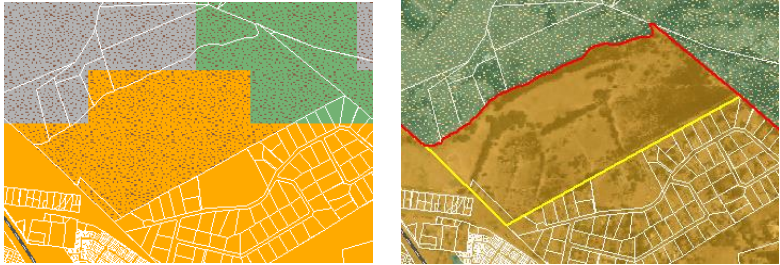
The WCDoA, together with the City has agreed that the rezoning of the eastern portions (east of the red line right side map) should be undertaken to Public Open Space and Agriculture and should thus not be included for urban development. Note the AoAS hatching.

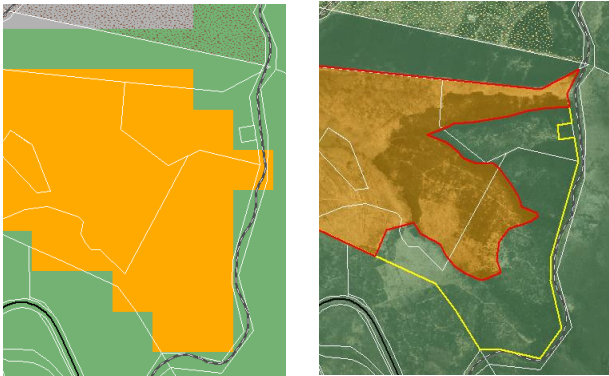

Response: Western Portion of Erf (up until Annandale Street) should be included in the 2022 UDE (red line) so that urban development can be considered. The eastern portion of the site should remain agriculture and remain outside of the UDE.

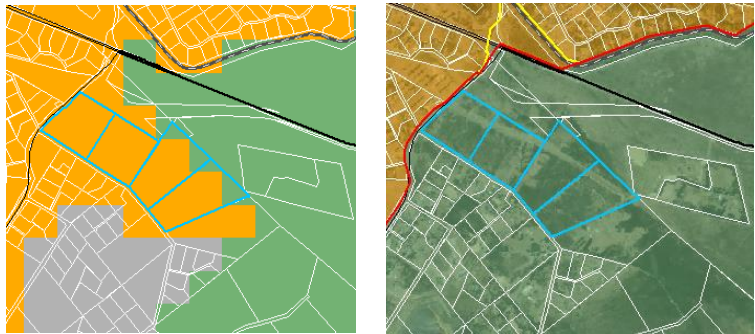
Separate application processes will have to be pursued, if the parcels now included in the UDE 2022 would want to be



	<p>developed for conventional urban development, acknowledging the existing zoning limitations therefore requiring EIAs under NEMA, as well as the MPB-L application.</p>		
<p>6765 – Bizweni Residential</p> <p>Map reference: E6</p> <p>Proactive City-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information</p>	<p>Argument: Erf 6765 has a General Residential 2 (GR2) zoning and should thus be included inside of the UDE as an existing zoning trumps a policy position.</p> <p>Response: The UDE and the Areas of Agricultural Significance has been adjusted so that erf 6765 is inside the UDE.</p> <p>Separate application processes would have to be pursued if the land parcel is to be developed, inclusive of quick EIA scan under NEMA, LUPA, Act 70 of 70 (if required).</p>		
<p>Boskloof Eco Estate</p> <p>Map reference: E7</p> <p>Proactive City-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information</p>	<p>Argument: The 2018 MSDF was a computer generated indication of the Incremental Growth & Consolidation Areas (in orange 4 ha grid cell symbology). Ultimately the Boskloof Eco Estate cannot be included to be completely inside the UDE as then a few large parcels of the privately held nature reserves would be inside the UDE.</p> <p>Response: The UDE has been adjusted to only include the relevant portions of the Boskloof Eco Estate, The expanded UDE (red line) still includes the privately held land parcels in the estate which are of biodiversity and conservation value. This simplification of the UDE in this region does not imply the pockets of land included can be developed.</p>		

<p>Portion of ST 1354 Old Sir Lowry's Pass Road</p> <p>Map reference: E8</p> <p>Technical Corrections</p>	<p>Argument: The UDE should be rounded off/ extended, due to urban development already being established on a portion of ST 1354.</p> <p>Response: The UDE is adjusted accordingly and relevant portions of ST 1354 has been included.</p>	
<p>Erf 845 Helderberg Farm 845 Sri Lowry's</p> <p>Map reference: E9</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities & Proactive City-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information and based on accommodating urban growth trends</p>	<p>Comment: The MSDF 2018 already included a large part of the farm as urban development but the Areas of Agricultural Significance was retained until further studies were available. A more recent EIA process 2019-2021 progressed on a soil study forwarded also to the WCDoA in which enough evidence was found that that land parcels are not farmed, and has very low agricultural potential. The EIA completion is in process.</p> <p>WCDoA agreed that this site be removed from the Areas of Agricultural Significance layer based on technical information that are available.</p> <p>Response: The UDE 2022 (red line) reflects that above decision and is only a cadastral delineation of the MSDF 2018 as approved. Therefore the 2016 yellow line is adjusted to UDE 2022 (red line).</p>	

<p>Casa Maris</p> <p>Map reference: E10</p> <p>Technical Corrections</p>	<p>Argument: The original application for the UDE amendment was approved in 2015/16 by the City and hence the UDE 2016 (yellow line right side map) and the MSDF 2018 aligned. However when the application approval was reconsidered it was clear that the 2016 UDE followed the cadastral boundary and not the approve UDE as per the approval documents. This technical information determined that the yellow line be reduced to the red line (MSDF UDE 2022) in acknowledgement of the technical information from the official approval.</p> <p>Response: The UDE is adjusted to be in line with official approval and is a technical correction, reflecting the intended conservation area/ private nature reserve outside of the UDE 2022 (red line) up to the erf / farm boundary.</p>	
<p>Railway Reserve – East of Blue Rock</p> <p>Map reference: E11</p> <p>City-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information and community engagement processes.</p>	<p>Argument: The original area outside the 2016 UDE (yellow line) mostly consisted of Railway Reserve and is not suitable for urban development. For simplicity reasons and UDE 2022 includes the land parcel between red and yellow no into the UDE.</p> <p>Response: UDE adjusted considering that this arrival point will be immensely important for visitors arriving with the N2 at Cape Town's boundary.</p> <p>Separate application processes would have to be pursued if the land parcel is to be developed, inclusive of quick EIA scan under NEMA, LUPA, Act 70 of 70 (if required).</p>	

<p>Sweetwaters Farms/ Smallholdings</p> <p>No Map reference as no proactive UDE adjustment recommended</p> <p>Enquiries/ Requests from Land Owners, Consultants or other Entities is not accommodated & City-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information and community engagement processes.</p>	<p>Comment & Adjustment: The owners/ group of consultants argues that the UDE should be closer to the MSDF 2018 (orange 4ha grid cells left side map) so that the existing low density residential agri-estate with rural character on Portions 16, 17, 41 & 42 of Farm 959 Firlands, can be redeveloped. The intentions are to establish a rural-environmental transition zone with a mix of residential and agricultural land uses.</p> <p>Response: However, the detailed review of the Helderberg DSDF considered the MSDF 2018 and disagreed with the previous position. Hence the UDE 2022 (red line right side map) was delineated in the public process following the 2012 and 2016 UDE. This was based on the local vision for the area, as described in the sub-district guidelines in the Helderberg District Spatial Development Framework (2022). The DSDF highlights the protections of the low density smaller farms, the visual and natural characteristics of the area, the visual sensitivity of the arrival point of the N2 into Cape Town and the sensitivities of these land parcels against the mountainous backdrop.</p> <p>The UDE 2022 is therefore supported by recently reviewed District level guidelines and the MSDF 2022 is adjusted reflecting this as an adjusted UDE based on technical information.</p> <p>Separate application processes with site specific motivations for deviation from the MSDF and DSDF would have to be pursued if the land parcels are to be developed, inclusive of EIA scan under NEMA, LUPA, Act 70 of 70 (if required).</p>	
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Heathersage Farms

No Map reference as no proactive UDE adjustment recommended

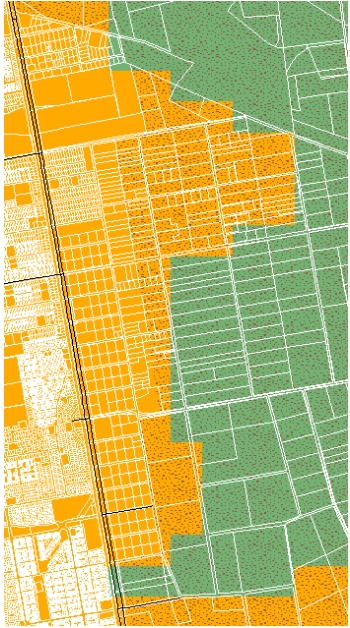



Enquiries/ Requests from Land Owners, Consultants or other Entities for Proactive City-led Adjustment is not recommended by the MSDF & DSDF Technical Team

Comment: The land parcels are in EIA processes and the City's various departments have commented. The land parcels as submitted by the owner/ consultants are not only in the WCDoAs layer of Areas of Agricultural Significance but also part of a gazetted conservation area.

Response: The request and comment from land owners/ consultants to request for the inclusion of the turquoise land parcels in the UDE 2022, is not accepted as detailed planning processes are ongoing.

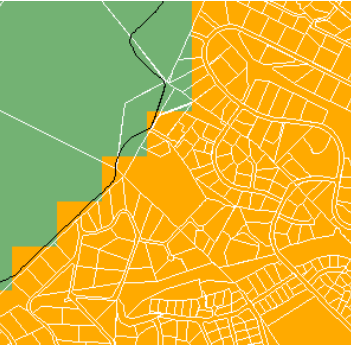
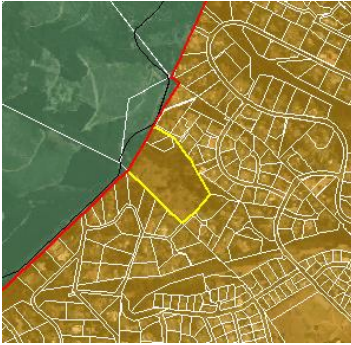
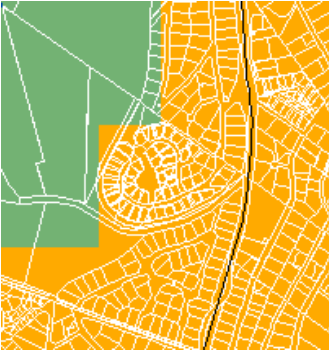



District G – Cape Flats District			
Area (Name)	Arguments, Comments and Recommendations	MSDF Map 5d (2018)	MSDF Map 5d (2022)
<p>PHA - Lotus R Area</p> <p>Map reference: G1</p> <p>City-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information</p>	<p>Argument: This area has been earmarked for urban development in the MSDF 2018 (orange 4 ha grid cells on left side map). Therefore the 2016 UDE (yellow line) on right side map needs to be adjusted to follow the UDE 2022 (red line).</p> <p>WCDoA acknowledges that the land parcels are not on the layer of Agricultural Significance anymore.</p> <p>Response: The UDE 2022 now corresponds with MSDF 2018</p>		
<p>PHA - Ottery Strip</p> <p>Map reference: G2</p> <p>City-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information</p>	<p>Argument: This area has been earmarked for urban development in the MSDF 2018 (orange 4 ha grid cells on left side map). Therefore the 2016 UDE (yellow line) on right side map needs to be adjusted to be the UDE 2022 (red line).</p> <p>WCDoA acknowledges that the land parcels are not on the layer of Agricultural Significance anymore.</p> <p>Response: UDE 2022 now corresponds with MSDF 2018. The surrounding area however is still earmarked as Areas of Agricultural Significance. The UDE 2022 follows more closely the 2012 UDE, and is a result of the alignment of the UDE 2022 to the Schaapkraal Study that obtained subcouncil approval and remains relevant and the best local policy position available. Noting that the 4ha grid cells appear in a proportionately large on the left side map do the zoomed in scale of the map.</p>		

<p>PHA – Schaapkraal</p> <p>Map reference: G3</p> <p>City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information and based on accommodating urban growth trends but within historically approved collaboration processes between residents and the City</p>	<p>Argument: The MSDF 2018 indicated the potential location of the UDE through an indicative location of the Incremental Growth & Consolidation Areas (orange 4 ha grid cells) as well as the Areas of Agricultural Significance (a layer generated by the Provincial Department of Agriculture).</p> <p>However the Cape Flats DSDF incorporated the latest approval from public processes related to the Sub Council approved Schaapkraal study and therefore recommended that the yellow 2016 line be adjusted to the 2022 UDE (red line right side map) which is in line with the Schaapkraal study</p> <p>This led to a correction of the Areas of Agricultural Significance by the WCDoAs.</p> <p>Response: The UDE 2022 echoes technical information which were obtained during the Schaapkraal Study.</p>		
<p>PHA – Uvest Area (south western corner of PHA)</p> <p>Map reference: G4</p> <p>City-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement</p>	<p>Comment: During the 2018 MSDF the land parcels were heavily disputed in the court. The MSDF acknowledged the court gases and highlighted the Council's view that, notwithstanding previous ideas to develop the land for human settlements, the Council accepted that the farming should continue in the south-western corner of the PHA. The MSDF 2018 (p.147) highlighted that it should ideally be CNA and should the court set aside the decision on the land use application the area should be considered as included into the Philippi Farming Area and not earmarked for urban development.</p> <p>The MSDF 2018 was clear in the text that the continuation of the Uvest land parcels as part of the UDE, will be subject to the</p>		

<p>of Technical Information</p>	<p>decisions by the courts even though the 4 ha grid cells indicated the approval by Council prior to the 2018 MSDF to accommodate the human settlements projects. Subsequently the decision has been reversed and the UDE 2022 was drawn back to the original position before the retrospective amendment illustrated by the 2016 yellow line.</p> <p>WCDoA maintains that the land parcels should be in the layer called Areas of Agricultural Significance and not be earmarked for urban development.</p> <p>Response: The UDE 2022 (red line) corresponds with the position highlighted in the MSDF 2018 text and considered the outcome of court cases.</p>		
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District H – Southern District

Area (Name)	Arguments, Comments and Recommendations	MSDF Map 5d (2018)	MSDF Map 5d (2022)
<p>Erf 123-rem, Rhodes Drive, Constantia</p> <p>Map reference: H1</p> <p>Proactive city-led Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information</p>	<p>Argument: Remainder Erf 123 Constantia was excluded outside the UDE line in the Peninsula Urban Edge policy approved in 2001. The approved 2012 Southern District Plan remained with this UDE status quo, excluding the erf outside the UDE. There has, however, in recent years been pre-application discussions about proposed consolidation of erf 123-re with other adjacent (vacant) erven (801, 802, and 803) and subsequent sub-division to permit a 'residential smallholdings estate' of erven of approximately 4000m². This included the initiation of an EIA in 2014. This has since not (yet) proceeded to a land use application. Notwithstanding this, erf 123-re remained an anomaly in the area, being the only erf east of Rhodes Drive that was outside the UDE. Current review of the District Plan considered the UDE issue in this area and concluded by proposing that the UDE in this area be adjusted to include erf 123-re inside the UDE.</p> <p>Response: UDE 2022 (red line) should replace UDE 2016 (yellow line) based on approvals and being in line with MSDF 2018.</p>		
<p>Houtbay Residential Estate, erven 2060, 2061 and 7771</p> <p>Map reference: H2</p> <p>City-led Reactive Adjustment is recommended by the MSDF & DSDF Technical Team based on the acknowledgement of Technical Information (approvals granted already).</p>	<p>Argument: This is an approved development and the UDE must therefore be adjusted to include this area.</p> <p>Response: The UDE has been adjusted accordingly and the residential estate is now included inside of the UDE.</p>		

Hout Bay, Hangberg, portions of erf 1510 and un-numbered erf to its east

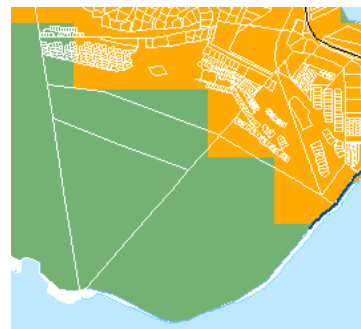
Map reference: H3

City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team based on accommodating urban growth trends

Argument: To delimit (and thereafter sustainably manage) the southern extent of Hangberg, along the alignment of an adjusted UDE, given recent informal settlement (illegal) encroachment southwards up the mountain. This follows liaison between relevant City departments and also SANParks, where it was agreed this land area was no longer wanted by SANParks and is effectively now settlement area, and is also possible for the City to service.

Response: 2016 UDE (yellow line right side map), replaced by the 2022 UDE (red line) which is a bit wider than envisaged in 2018 MSDF, but a direct response to operational needs on the ground. Exact delineation to be determined through a subsequent formal sub-division application which may have to follow other legislated processes if required like EIA in NEMA, LUPA and 70 of 70.

NOTE: At the Council meeting of 26 January 2023, the technical recommendation (for the red line), was not accepted and hence the UDE is still as in 2016 (yellow delineation) See map.



Hout Bay, Imizamo Yethu, upper Hughendon estate area, erf 2286 and portion of erf 2054-rem

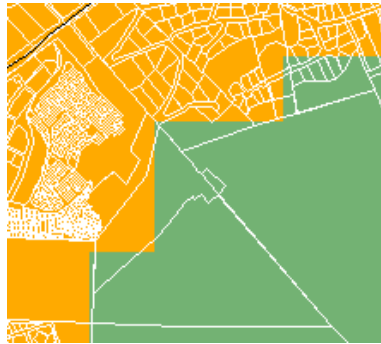
Map reference: H4

City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team based on accommodating urban growth trends

Argument: Imizamo Yethu's growth has exceeded previously provided land and has led to massively over-crowded living areas, informal settlement growth, and unauthorised land occupation. SANParks and most City Departments agree that the UDE be moved to incorporate erf 2286 and portion of erf 2054-rem inside an adjusted UDE to provide overflow residential area directly adjacent to Imizamo Yethu

Response: 2016 UDE (yellow line right side map), replaced by the 2022 UDE (red line) which is a bit wider than envisaged in 2018 MSDF but a direct response to operational needs on the ground. Exact delineation to be determined through a subsequent formal sub-division application, which may have to follow other legislated processes if required like EIA in NEMA, LUPA and 70 of 70.

NOTE: At the Council meeting of 26 January 2023, the technical recommendation (for the red line), was not accepted and hence the UDE is still as in 2016 (yellow delineation).



Far South, Masiphumelele erf 5131-rem

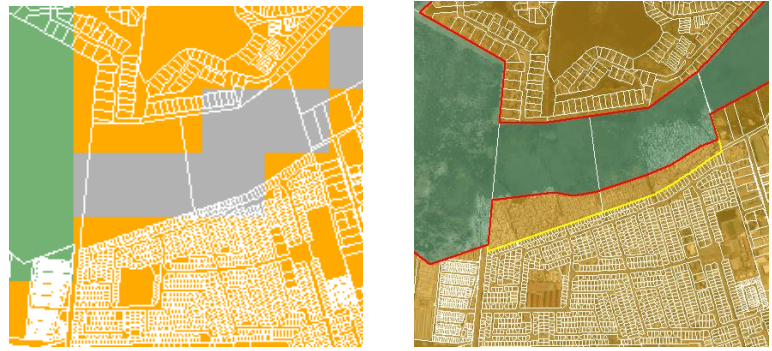

Map reference: H5

City-led Reactive Adjustment is recommended by the MSDF & DSDF Technical Team based on approvals granted already.

Argument: Application for residential development on remainder erf 5131 was approved in 2021. Application due to massive need for additional area for housing in Masiphumelele.

Response: 2016 UDE (yellow line right side map), replaced by the 2022 UDE (red line) which is a bit wider than envisaged in 2018 MSDF but a direct response to operational needs on the ground.



<p>Masiphumelele</p> <p>Map reference: H6</p> <p>City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team based on accommodating urban growth trends</p>	<p>Argument: Hoemoed Avenue Phase 2 extension is to relieve traffic flows along Kommetjie Road. It will however also be utilised as an urban edge line to clearly delimit (and manage) the northern extent of Masiphumelele, which has for many years been subject to incremental northward encroachment into the wetlands area. The (current informal development) area between the proposed new road and the current northern-most extent of formal Masiphumelele will be utilised as integrated medium density housing area. The UDE should thus be adjusted to include this proposed road alignment and associated proposed formal urban development expansion.</p> <p>Response: The 2016 UDE (yellow line right side map), should be replaced by the 2022 UDE (red line) which is a bit wider than envisaged in 2018 MSDF but a direct response to operational needs on the ground. Exact delineation to be determined through a subsequent formal sub-division application, which may have to follow other legislated processes if required like EIA in NEMA, LUPA and 70 of 70.</p>	
<p>Portion of CA 948-9 – Ocean View</p> <p>Map reference: H7</p> <p>City-led Proactive Adjustment is recommended by the MSDF & DSDF Technical Team based on accommodating urban growth trends</p>	<p>Argument: To delimit (and thereafter sustainably manage) the current outer extent of the 'Rasta' camp, given its initial origination on this site outside the UDE prior to the 2001's approval of the Peninsula Urban Edge line. This follows liaison between relevant City departments and also SANParks, where it was agreed this land area was no longer wanted by SANParks and is effectively now a settlement area, and it is also possible for the City to service.</p> <p>Response: Portion of CA 948-9 2016 to be included. UDE (yellow line right side map), to be replaced by the 2022 UDE (red line) which is a bit wider than envisaged in 2018 MSDF but a direct response to operational needs on the ground and a long history stretching > 20 years. Exact delineation to be determined through a subsequent formal sub-division application, which may have to follow other legislated processes if required like EIA in NEMA, LUPA and 70 of 70.</p>	

**Portion of Erf 5949 –
Glencairn**

Map reference: H8

City-led Reactive Adjustment is recommended by the MSDF & DSDF Technical Team based on Technical corrections & information

Argument: Application for a retirement village was approved in 2015. An extension of Validity of Approval has since been granted for a Portion of Erf 5949 (formerly portion of erf 61) and this portion should therefore be included inside of the UDE (if not already so).

Response: The UDE has been adjusted accordingly and a Portion of Erf 5949 has now been included inside of the UDE in line with the approvals.



Hout Bay, Hangberg, Bay View Road: Portion of erf 3477

No Map reference as no UDE adjustment recommended

Enquiries/ Requests from Land Owners, Consultants or other Entities

Comment: In the 2001 Peninsula urban edge policy the UDE was indicated to be (temporary and to be) finalised through a development application process. Approval was granted for subdivision of a portion of erf 3477 into 10 erven. Application is currently underway for minor amendment of the extent of this portion to permit a higher density development.

Response: The UDE as currently delineated will not be adjusted unless / until such time as approval of the current application has been granted. Suffice to say Spatial Planning supports the proposed amendment in the current application.



**Noordhoek
Smallholdings –
Adjacent to
southern urban
and coastal edges**

No Map reference
as no UDE
adjustment
recommended

Enquiries/ Requests
from Land Owners,
Consultants or
other Entities for
Proactive City-led
Adjustment is not
recommended by
the MSDF & DSDF
Technical Team

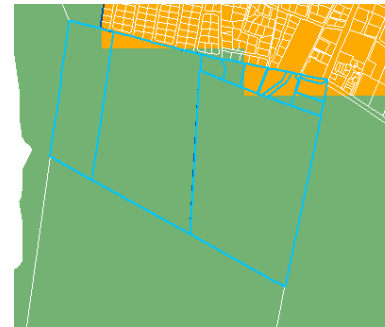
Comment: Public comment / request (was received in the 2021 DSDF advertising period) for outwards adjustment of the UDE (and also coastal edge) in southern Noordhoek between Birch Road to the west to the intersection of Katzellenbogen Road with Noordhoek Main Road in the east. This would be to permit some development on erven outside the edge in a rational way, as well as facilitate the conditions for greater consolidation of open space and associated public linkage/s.

Response:

The 2001 Peninsula Edge policy indicated the edge line along the proposed new Katzellenbogen Road alignment (as per that requested in the comment submitted in 2021 advertising period), but that this would be reviewed if it was decided that this road not be built (ie. removed from 'proposed'). In 2008 City's Planning Committee (PEPCO) approved re-alignment of (a more restrictive) edge along the existing section of Katzellenbogen Rd & Cactus Rd alignment (as the new road was not to be built).


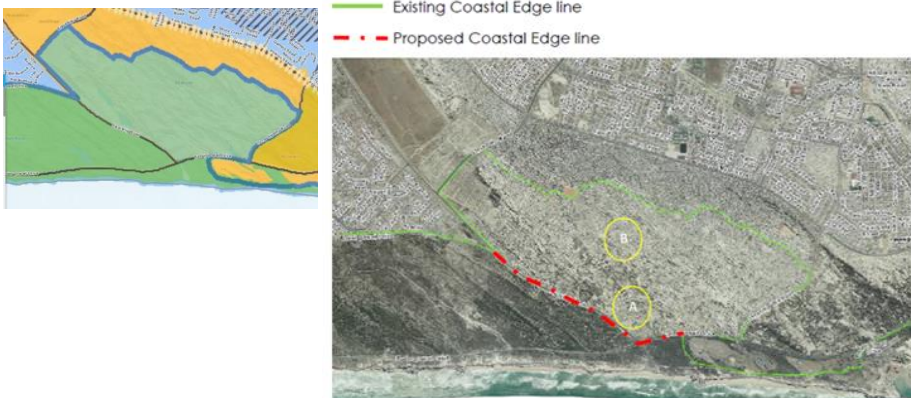
Accordingly it is proposed that the UDE remains unchanged in this area. However, as per guidance in the District Plan (for Sub-District 5) possible enhancement of development rights in certain special circumstances (e.g. in currently zoned LU areas) could be considered if this included substantial positive trade-off/s in the 'public good' (e.g. ceding of majority of the remaining area to TMNP). In such instances, it would be most beneficial if any possible development outside the UDE occurred adjacent to the UDE and within the original proposed new Katzellenbogen Road alignment. This in any event also the highest ground re- wetland area etc.

Response: No urban development will be considered beyond the UDE.



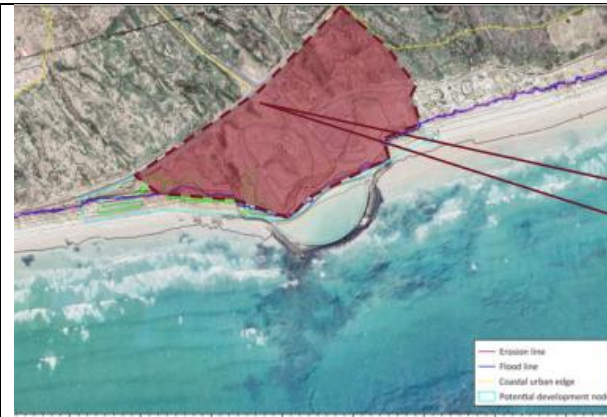
2) Coastal Edges adjustments

The following areas will need to be reviewed in association with the Coastal Management Department, but changes have been accommodated in the MSDF and the DSDFs.

<p>Macassar dunes and historical development</p>	<p>The DSDF proposes a new CE /CML in this area (right side map). A process should be set up between Coastal Management Department and Spatial Planning & Environment, to align the gazetted CE/ CML with the proposal of the DSDFs & MSDF. The MSDF was adjusted proactively, but once the gazetted CE is available, the MSDF will be retrospectively adjusted again based on the outcome of technical processes.</p>	 <p>Figure 3: Macassar mining area</p>
<p>Khayelitsha dune area/ Monwabisi</p>	<p>The DSDF proposes a new CE /CML in this area (right side map) A process should be set up between Coastal Management Department and Spatial Planning & Environment, to align the gazetted CE/ CML with the proposal of the DSDFs and MSDF.</p> <p>Due to the fact that the unauthorised land occupation has already taken place, and a land use application is undertaken by the City's Human Settlement Department, the CE in the MSDF and DSDF has been adjusted here.</p>	

Strandfontein

The DSDF proposes a new CE /CML in this area. A process should be set up between Coastal Management Department and Spatial Planning & Environment, to align the gazetted CE/ CML with the proposal of the DSDFs and the proactively adjusted MSDF. The MSDF will then be retrospectively adjusted again, once the gazetted CE is available, as more information will become available



Erosion and flooding hazard lines for the 10-year event (top) and 100-year event (bottom): 2078 (50 years after construction).

GLOSSARY OF TERMS

Proactive review	A City-initiated review of portions of the Urban Development and Coastal Edge which is guided by City-initiated forward planning.
Reactive review	A review of a portion of the Urban or Coastal Edge that results from the approval of a development application submitted in terms of the Land Use Planning Ordinances (Act 15 of 1985), a deviation on site-specific grounds as processed through the Municipal Planning By-Law (2015 as amended), or other approvals which may have occurred prior to or after the promulgation of MPB-L 2015..
Inside the urban edge	The urban side of the Urban Development Edge
Outside the urban edge	The rural side of the Urban Development Edge
Areas of Agricultural Significance	Refer to definitions in the MSDF 2022
Critical mass of agriculture land	A self-sustaining/ viable extent of agricultural land
Cultural landscape	Sites and landscapes of historical significance, areas of scenic beauty and places of spiritual and cultural importance

ATTACHMENT A: Record of deviations from the MSDF

MSA DECISIONS > March 2018		
Reference Number	Property Description	Details of amendment
	Technical correction	Technical corrections as per UDE and CE Report which accompanied the MSDF 2022 Council approval. The Report to which this annexure is attached,
70504849 Decision maker- MPT	30 Upper Road, Table Mountain, Cape Town	New terminus for the Jammie Shuttle bus service at the northern end of the UCT upper campus. Amendment included the following applications: <ul style="list-style-type: none"> Rezoning of a portion of erf 30332, from Open Space Zone 2 to Community Zone 2 Departures, relating to common Boundary setback Council's approval for the height of a retaining wall on erven 30332 & 30349. The application was inconsistent with the Municipal Spatial Development Framework (MSDF) as the site is designated in the main spatial concept plan as a 'critical natural area'
70471600 Decision-maker – Appeal Authority	31 Brakkefontein Road, Cape Town	Application included <ul style="list-style-type: none"> Rezoning of a portion of the farm from Agricultural Zoning to Transport Zoning 1 (approx 6.64ha) Consent use to allow an airport (private airfield) Consent use for an additional dwelling Units City approval to allow development within the Koeberg Overlay Zone (0-5km) Permanent departure to allow 3 dwelling Units at 3.5m in lieu of 30m building line. The application was inconsistent with the Municipal Spatial Development Framework (MSDF) as the property is located within the 'discouraged growth areas' (CTMSDF) and sub-district 5 (BDP).
70473634 Decision-maker – Appeal Authority	31 Brakkefontein Road, Cape Farms	Application Included: <ul style="list-style-type: none"> A consent use in the Agricultural Zone (AG) to permit sand mining. City approval to allow for development within the Koeberg Density Overlay (PAZ; 0-5km), Property is located within the Discouraged Growth Area STA (Spatial Transformation Area), in which the MSDF calls for the continuation of the status quo with preferred zonings. <p>The subject property does not fall within an area of agricultural significance although it does fall over an aquifer and within the Koeberg Precautionary Action Zone (PAZ).</p> <p>The application for prospecting rights for sand mining in its location within the PAZ was thus inconsistent with the MSDF.</p>
	185 Tygerberg Valley Road, Nieuw Maastricht (Nitida)	Amendments Included : <p>Subdivision of Remainder Erf 11649 into Portion 1 (8 685 m²) and the Remainder;</p> <p>Permanent departures from the common boundary lines applicable to an Agricultural Zone;</p> <ul style="list-style-type: none"> The northern common boundary line to be 2.24 m in lieu of 15.00 m; The eastern common boundary line to be 3.69 m in lieu of 15.00 m; The south-eastern common boundary line to be 0.00 m in lieu of 15 m. <p>The property is earmarked as 'Areas of Agricultural Significance as well as is outside of the City's development edge line in the MSDF.</p> <p>Decision-maker – Appeal Authority</p>
70541440 Decision-maker – MPT	Lourensford Wine Estate	Conversion of existing fruit packsheds and cold storage buildings into a boutique filming studio. Application included: <ul style="list-style-type: none"> Spot rezoning of a portion of Stellenbosch Farm 741 from Agriculture to General Business Zone 1 to permit a Film Studio and Visitors Centre; Occasional Use for Stellenbosch Farm 741 to permit filming to take place on four backlot sites; Amendment of the approved SDP for the Tourism Precinct on Stellenbosch Farm 741 to include the Film Studios and Visitors Centre and for additions to the existing Tourism Precinct; Amendment of condition 19 of the Consent Use approval for Stellenbosch Farm 741. Site-specific deviation from the Metropolitan Spatial Development Framework (MSDF) to permit a general business node to be developed on a portion of Stellenbosch Farm 741. <p>The property is designated as an "Agricultural Area of Significance" and "Critical Natural Area."</p>

Reference Number	Date of amendment decision		Property Description	Details of amendment
	Municipal Systems Act	LUPO 4(7)		
MSA DECISIONS June 2011 - March 2014				
	Not required	Not required	SE corner of PHA. Erven 579-582, 587-591, 637-641, 652-654, 657-658, Rem erven 651, and Ptn of Rem 648, 650 Schaapkraal Rapicorp.	Amendment to Guide Plan
		Not required	Farm 940-7 Dassenberg	Amendment to Guide Plan
		Not required	5131 Masiphumelele	Amendment to Guide Plan
		Not required	Ptns 1-5,7 & 8 Farm 10373 Glen Dirk, Southern	Amendment to Guide Plan on 12 June 2012. Agriculture to urban development
		28-Nov-12	Garden Cities: 7, 8 15,19 Farm 168 Joosentenberg Vlake and Ptns 3 &4 Paarl Farm 724	Amendment to Guide Plan. Agriculture to urban development
	07-Feb-12	28-Jan-13	Erf 5541 Eersterivier	Amendment to urban edge and SPC to urban development
	05-Dec-12	14-Jan	Wescape	Amendments to urban edge and SPC: Core 1 and Buffer 2 to urban development (subject to conditions)
	13-Feb	24-Jan-14	Erf 1160, Ptn 1 of erf 1153 and ptn 1 of CF 1160 Sarepta, Bellville	Amendment to SPC: Urban development to industrial
	13-Feb	20-Feb-14	35069 & 3418 Kaymor, Cilmore Str, Bellville.	Amendment to SPC: Urban development to industrial
	29/ 30 May 2013	21-Nov-13	466, 467 and 468 Philippi	Amendment to SPC: Industrial to urban development
	29 May 2013	28-Oct-13	Rem farm 1511 Baronetcy Estate, Parow	Amendment to urban edge and SPC to urban development
	30 May 2013	20-Dec-13	Technical amendments to CTSDf	Various published earlier
	31-Jul-13	Refused by DEA&DP. January 2014	38 erven in SW corner of PHA: 539, 541-545, 554-558, 572, 574,575, 578, 605-607, 609-617, 622,626, 628, 630, 632, 634, 662, 664, 1932 and 1933 Philippi / Schaapkraal (one application) MSP	PGWC refused LUPO application. Note that both MSA and LUPO approvals are required to go ahead. (Stand alone and therefore amendments to General structure plan do not refer)
	31-Jul-13	Not required by DEA&DP in terms of amendments to General Structure Plan provisions - letter dated 18 Feb 2014.	Ptn of erf 39170 D'Aria (refers to approx 4.4 ha to be subdivided off)	Amendments to urban edge and SPC: High potential and unique agricultural land to urban development. Composite application (subdivision and rezoning)
	28-Aug-13	Not required	21977, 21985-21988 Khayelitsha	Amendment to SPC: Industrial to urban development

MSA DECISIONS April 2013 - March 2015				
Reference Number	Date of amendment decision		Property Description	Details of amendment
	Municipal Systems Act	LUPO 4(7):		
	24-Apr-14	Not required	Ptns 18 Farm Uitkamp 189, Vissershok rd, Durbanville	Amendment to SPC: From High Potential and Unique Agricultural land to Urban Development. Amendment of the urban edge.
	23-Jul-14	Not required	Ptn 1 of Farm 241, Langverwacht (Galencia)	Spatial Planning Category designation change from Core 1 to Urban Development.
	25 July 2012 approved by Council. 12 November 2014 SPELUM approval for rezoning to subdivisional area and consent uses.	Not required	Rem Cape Farm Lighteburg 175, Ptn 1 of Farm Lichtenburg 175, Rem Farm 123 Eikenhof, Rem of ptn 1 of Cape Farm Louwenhof 123 (Famika), Rem ptn 2 of Cape Farm 123, Cape Farm 1446 (Bella Riva)	Amendment to SPC: From Buffer 2 to Urban Development. Amendment of the urban edge.
	25-Sep-14	Not required	Ptn 15 of Stellenbosch Farm 653, Faure (Vergenoegd)	Amendment to SPC: From Core 1 and Buffer 2 to Urban Development and Core 1. Amendment of the urban edge.
	28-Jan-15	Not required	Erf 182 Skaapkraal	Amendment to SPC: From Rural to Urban Development. Amendment of the urban edge.
	na	na	The Biodiversity Network information has been updated in Jan 2015.	
	na	na	Coastal Edge amendments included the Zandvlei and Rietvlei estuaries as part of the coastal zone.	
			Section 25(1)(a)(i) – (iii) of the ICM Act states that: An MEC must in regulations published in the Gazette -	
			(a) Establish or change coastal set-back lines – I. to protect coastal public property, private property and public safety; II. to protect the coastal protection zone; and III. to preserve the aesthetic values of the coastal zone. Using this section, the Provincial authorities indicated to the City that estuaries are included in the above descriptions.	
			Based on Provinces request, the Environmental Resource Management Department amended the line accordingly to include the Zandvlei and Rietvlei.	
MSA DECISIONS April 2013 - March 2016 Including earlier omissions				
Reference Number	Date of amendment decision		Property Description	Details of amendment
	Municipal Systems Act	LUPO 4(7):		
	23-Jul-14	Not required	Erf 5144 Ocean View	Amendment to SPC: From Core 2 to Urban Development. Amendment of the urban edge.
	31-Jul-13	Not required	38 erven in SW corner of PHA: 539, 541-545, 554-558, 572, 574, 575, 578, 605-607, 609-617, 622, 626, 628, 630, 632, 634, 662,	Provincial government obtained legal clarity confirming that the MSA decision now sufficient to result in amendment urban edge and SPC: from Agricultural Area of Significant Value to Urban Development.

			664, 1932 and 1933 Philippi / Schaapkraal (one application) MSP	
	20-Aug-14	12-Feb-12	Erf 10373 Constantia Glen Dirk Farm	Technical correction to update SDF in terms of earlier decision. Amendment to SPC: from Agriculture to Urban Development.
	29-Jul-15	Not required	10905 Tokai	Amendment to SPC: From High Potential and Unique Agricultural land to Urban Development. Amendment of the Urban Edge
MSA DECISIONS July 2013 - March 2018 Including earlier Omissions				
Reference Number	Date of amendment decision		Property Description	Details of amendment
	Municipal Systems Act	LUPO 4(7):		
	26-Oct-17	Not required	Remainder Stellenbosch farms 839,843,862, 1052, 1100 and 1369 (Proposed Casa Maris Eco-Estate)	Amendment to SPC: From Core 1 and Buffer 2 to Urban Development and Open Space. Amendment of the urban edge to include 253.16 ha of land.
	26-Oct-16	Not required	Remainder erf 61, Simon's Town, Glen Road, Glencairn	Amendment to SPC: From Rural to Urban Development. Amendment of the Urban Edge
	24-Oct-17	Not required	Erf 6851 Eerste River and Stellenbosch Farms 643, 644 & 644/1	Amendment to the SPC: From Industrial to Urban Development. Through the motivation for a deviation from the CTSDf based on site specific circumstances to permit residential, mixed and community uses in lieu of industrial.
	26-Oct-16	Not required	The Remainder of Portion 7 of Farm 664, Zandvliet, Main Road, Firgrove	Amendment to SPC: From Agriculture to industrial. Amendment of the Urban Edge.
	03-Dec-14	01-Mar-13	Erf 3447 Hout Bay, Bayview Road	Technical Correction Rezoning from Rural to Subdivisional area for the purposes of 9 single residential, 1 general residential and 1 open space erven.
	18-May-12	21-Jul-14	Port 5 of Cape Farm 1387, Chapman's Peak Noordhoek	Technical Correction from Core to Urban Development. At the time of the application to Urban Development, the Provincial Government was still administrating the final policy amendments of the CTSDf under Sec 4(6)
	na	na	Erf 1526 Tamboerskloof	Technical Correction from Core 1 to Urban Development. The property had a GR2 Zoning implying that the designated land use should be urban development. However, a Core 1 Bionet designation signalled the possible availability of conservation worthy vegetation. Two Environmental Authorisations were received early 2018 and the Core 1 biodiversity designation can now be removed subject to conditions of EA.
	26-Oct-16	Not required	Portion 33 of CF 29 Driefontein at Honeyvale Rd, Dassenberg	Amendment to Policy on the minimum subdivision size in smallholding areas. Departure from erf size of 20 Ha to permit erf less than 7 Ha as per the Klein Dassenberg Small holding Area Development Framework.
	23-Jul-13	Not required	Erf 1502 Pella	Pro-active amendment to urban edge as part of negotiated purchase for conservation of Atlantis fynbos.

ATTACHMENT B: Reasons for exclusion of Oudekraal from UDE

- 1. Developing the site would go against the court judgement delivered in 2009:** In terms of the 2009 Judgement delivered in the case between Oudekraal Estates (Pty) Ltd versus The City of Cape Town and others (25/08) [2009] AZSCA 85 (3 September 2009), "Having regard to the environmental importance of portion 7, in its undeveloped state, the High Court concluded that it was without doubt conservation-worthy, not only for South Africans but for all humanity" (my underlining). Van Reenen, J concluded that "the proposed development would indeed severely devalue Table Mountain as a heritage resource."
- 2. The 1954 township layout was set aside:** The previous township road and subdivision layout on Portion 7 of these sites, the one closest to Camps Bay, which was attempted to be developed in 1996, and now numbered as Erf 2802 Oudekraal / Camps Bay, was therefore set aside in the above court judgement, owing to the lack of consultation with Muslim groups for whom the site has great social / spiritual significance, prior to its determination as a township in 1954. Please see attached Judgement delivered 3 Sept 2009. The judgement regards the decision of the Administrator to approve subdivisions and land uses for a township "in criminal disregard for the graves and kramats. It would be impossible to avoid desecration or violation if one were to make a road over a grave site or to build over it."
"Portion 7 and areas around it are referred to by the Muslim community as 'Belsfontein'. This area and the mountainside as a whole are regarded as sacred and a proper place for spiritual reflection and meditation." Moreover, the entire area is regarded as sacred by a formerly marginalised section of South African society (parag 79 of the Judgement, Case 25/08).

- 3. Heritage status:** In addition to World Heritage Site status of the site, please see the National Heritage Site Status and Grade IIIA status of these identified sites within the overall site. Nevertheless, the whole site is in need of further investigation for its cultural heritage significance given the history of slaves having fled to this area, and there being more than 70 graves of significant Muslim spiritual leaders located in this area whereby the whole site is regarded as sacred by the Muslim community and in need of protection as a Provincial Heritage Site. In the 2009 Judgement, it states, "The court took into consideration the right to freedom of religion and culture of members of the Muslim community, as well as the right of the broader community to have a heritage and environmental area of high significance preserved. In this regard ss 15, 24 and 31 of the Bill of Rights are of importance. Against the historical and religious background referred to above, Van Reenen J considered the decision by the Administrator to approve the Township without reference to these sensibilities to be egregious (my underlining)." ... "that graves sites are sacred to Muslims and that the Muslim faith abhors exhumation." "An additional consideration was that the Muslim community considered the entire area to be sacred."

The 2009 judgement notes the following:

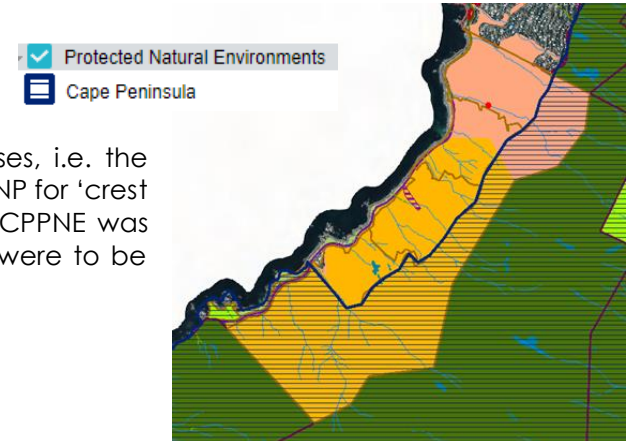
"Furthermore, parts of the land around Table Mountain, particularly the ravines below the Twelve Apostle peaks, are of great historical, cultural and religious significance. From the turn of the 18th century, the land was used as a refuge by slaves who had escaped from their masters and the colonial authorities. Among them were Muslim spiritual leaders who had led uprisings against slavery in the Dutch East Indies and who had been captured and brought to the Cape. These leaders taught their disciples in the seclusion and safety of these



ravines and in this way fostered and kept Islam alive at the Cape. Prominent leaders who attained spiritual levels equivalent to Christian saints were buried there, these burial places being known as kramats. The kramats are visited regularly by members of the Muslim community who regard that area as sacred. A large number of Muslim graves are also to be found in these parts.

The judgement advises that although all other physical features of the land were set out in the application for the township, the existence of two kramats and of many other graves on the land was not disclosed in the application for the establishment of the Oudekraal Township in 1954.

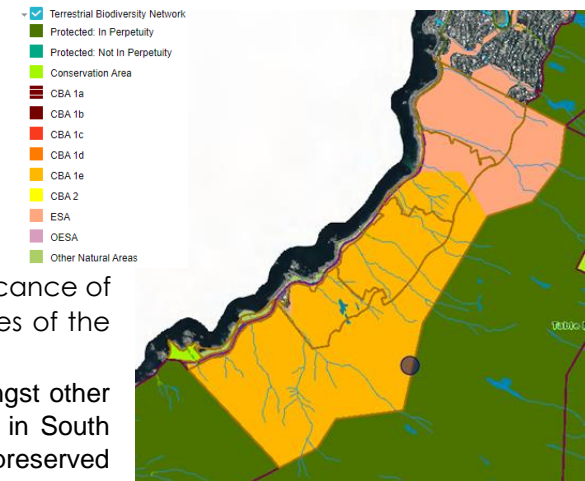
4. **CPPNE:** The upper portions of the sites are included within the Cape Peninsula Protected Natural Environment, and the other areas outside the CPPNE of conservation significance were intended, in terms of the Heads of Agreement between SANParks and the City of Cape Town, to be incorporated into the Table Mountain National Park (TMNP) for conservation purposes, i.e. the intention is that the complete set of Oudekraal properties were to be incorporated into the TMNP for 'crest to coast' conservation purposes. See hatched area outlined in navy blue for CPPNE. The CPPNE was regarded as the Primary conservation entity to which other conservation worthy properties were to be added.



5. **Biodiversity Network:** In terms of the BioNet, the Oudekraal properties are identified as a critical biodiversity area 1e and as an Ecological Support Area. See Terrestrial Biodiversity Network below:

It is of interest to note that the site within the ecological support area is also the Portion 7 which has a large number of graves on it, and is accessed by groups visiting the graves, in addition to other kramats where formal access structures exist. Hence, Portion 7 / erf 2802 which has lesser Biodiversity status, is a portion that has great cultural heritage significance. The biodiversity significance of the site would also require further ground-truthing through botanical studies done at various times of the year and the establishment of camera traps to determine the wildlife using the area.

The Judgement of 2009 notes in Sections 6 & 7: "The floral vegetation of portion 7 consists of (amongst other species) Coastal Renosterveld, which has been identified as the most critically endangered ecosystem in South Africa." And "The farm Oudekraal represents one of the few instances in the Peninsula where there is a preserved connection between high altitude zones and the coastline – in conservation terms this is known as 'coast to crest



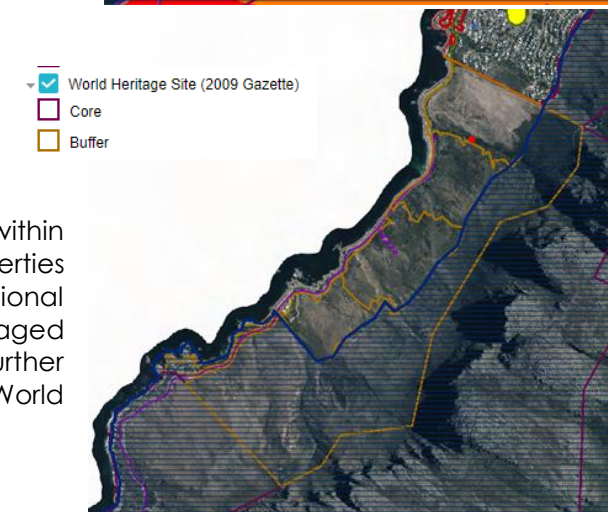
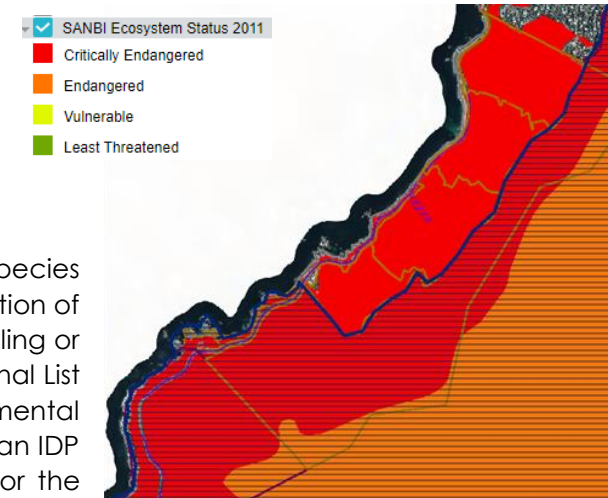
conservation'. This is important not only for aesthetic reasons, but also because it provides protection for the complete set of what are referred to as eco-tonal and habitat changes which occur along steep gradients.”

6. **NEM:BA: Threatened Ecosystem status:** The Oudekraal sites are indicated as a critically endangered peninsula granite fynbos ecosystem type, in terms of the National Environmental Management: Biodiversity Act (10/2004): National List of Ecosystems that are threatened and in need of protection:

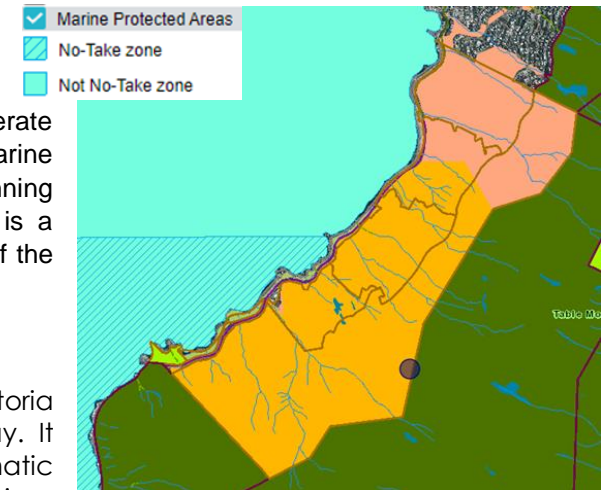
The purpose of listing threatened ecosystems is primarily to reduce the rate of ecosystem and species extinction, including preventing further degradation and loss of structure, function and composition of threatened ecosystems, preserving witness sites of exceptionally high conservation value, enabling or facilitating proactive management of these ecosystems. In terms of section 3.1.1. of the National List of Ecosystems that are Threatened and in need of protection, when preparing an environmental management plan / framework, in terms of Chapter 3 of NEMA, municipalities, when adopting an IDP in terms of the Municipal Systems Act (No. 32 of 2000), must take into account the need for the protection of listed ecosystems.

Section 38 of the NEM:BA: National List of ecosystems that are threatened and in need of protection identifies the ecosystem type as Peninsula Granite Fynbos, and not “Coastal Renosterveld,” which the 2009 Judgement describes it as being.

7. **World Heritage Site status:** The site (being the 5 portions of Oudekraal properties) are all included within the Cape Floral Region World Heritage Site, including those portions of the Oudekraal properties outside the Cape Peninsula Protected Natural Environment and outside the Table Mountain National Park (Protected Area) . See maroon and brown lines showing core and buffer areas. It is envisaged that as further land is consolidated into the TMNP, these properties can at a later stage, when a further extension of the WHS is contemplated, be incorporated into the TMNP WHS core area. The CFR World Heritage Site status currently extends to the coast.



8. **Marine Protected Area:** The Marine Protected Area extends along the full coastal extent of the properties, and the 'no-take zone' extends from Portion 5 (of Cape Farm CA902-) southwards. The 2009 judgement notes that, "Opposite Oudekraal is a deep reef environment which is the breeding ground and habitat of rock lobster and a fish species called Cape Hottentot. Both species are under moderate threat of over-exploitation. There is also a contiguous marine reserve, approved as such, in terms of the Marine Living Resources Act 80 of 1988. The reserve stretches from portion 4 of Oudekraal, which marks the beginning of the CPPNE. At present the portion of coast immediately opposite portion 7 is a buffer zone. It is a conservational imperative to have a buffer zone at the edges of a fully protected nature area because of the natural movement of species."



9. **Scenic Drive:** The site has an S1 scenic route extending along the coastal edge of the site, i.e. Victoria Road scenic drive. This is a scenic drive with no intersections between Llandudno and Camps Bay. It is of outstanding scenic amenity due to the natural state and 'integrity of scenery' of the dramatic topography extending from 'mountain crest to sea', and 'comparable to the most exquisite drives anywhere in the world', and 'found in such close proximity to a major metropolitan area' where 'it's aesthetic value heightens its value for tourism', the court judgement noted.

10. **The land is zoned Agricultural.** The primary uses for this land use zone include agriculture, intensive horticulture, dwelling house, environmental conservation use, and environmental facilities, amongst others. None of these land uses would be permitted to be executed as of right, due to being circumscribed by the NEMA EIA Regulations which would require the clearance of more than 300m² of vegetation to first obtain an environmental authorisation from the Department of Environment Affairs & Development Planning (DEA&DP) in terms of the NEMA EIA Regulations. For example, a building plan could not be approved on the site without a Basic Assessment Report having already been done and an environmental authorisation having been granted. Consequently, the land is currently undevelopable in terms of its existing rights which are circumscribed by NEMA.

11. The City itself and two other respondents (SAHRA and SANParks) launched review proceeding in the Cape High Court in September 2004, in terms of which they sought an order setting aside the Administrator's approval (of the township layout) and actions consequent thereon. It would therefore seem contradictory if the City were now to seek to facilitate development on a sacred site for which they had applied to have the township subdivision set aside. The City was aware that a total of 57 graves were located on portion 7 (erf 2802).

12. **Public sentiment and opposition to development of the site:** In 1996, When Oudekraal Estates announced to the media that it intended developing a township on portion 7 of Oudekraal (erf 2802), that provoked a public outcry (Section 17 of the 2009 Judgement). Section 18 reads as follows:

The announcement led to the formation in early September 1996, at a public meeting attended by approximately 2 000 people, of a coalition called the 'Environmental and Mazaar Action Committee'. The coalition included members of the Save the Mountain Campaign, the Wildlife and Environmental Society of South Africa, the Muslim Judicial Council, the Islamic Council of South Africa, the Islamic Unity Convention, the Cape Mazaar Society^[1] and other organisations. At a rally held on 15 September 1996, speakers from the Muslim Community and environmental groups appealed for united action against the development of portion 7 on religious, cultural and environmental grounds. Thus commenced the journey that led to protracted litigation culminating in the present appeal.

Given the scenic, cultural heritage and biodiversity value of the site being of national and international significance, the predominant function of the site should remain conservation and tourism, in line with the MSDF and District SDP.

^[1] The Cape Mazaar Society was founded in 1982 to protect and preserve kramats and Muslim graves in the Western Cape.

ATTACHMENT C: Urban Areas as delineated and approved by DEA&DP