

CHAPTER 2: POLICY AND LEGISLATIVE CONTEXT

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The purpose of this chapter is to briefly provide a summary of the policy and legislative landscape that has a bearing on the Spatial Development Framework for Prince Albert.

2.1 RELEVANT NATIONAL AND PROVINCIAL POLICY AND LEGISLATION

The following are relevant national and provincial policy and legislation which the Prince Albert MSDF must align SDF should progressively seek to comply with the process and content requirements for MSDFs as prescribed. For the purposes of user efficiency, an elaboration of these is not provided, unless highly relevant and can instead be found within the newly adopted Central Karoo District Municipal Spatial Development Framework.

2.1.1 The Draft National Spatial Development Framework 2020

The foundation for the National SDF consists of five frames. These emanate from the NDP 2030 priorities, the National Spatial Development Vision and Logic as well as development issues identified through the analysis process. The five frames formed the foundation for the formulation of a National Spatial Development Framework. The five frames are listed below:

Frame One: Urban Regions, Clusters and Development Corridors as the engines of national transformation and economic growth:

To focus and sustain national economic growth, drive inclusive economic development and derive maximum transformative benefit from urbanisation and urban living;

Frame Two: Productive Rural Regions and Regional Development Anchors as the foundation of national transformation: To ensure national food security, rural transformation and rural enterprise development and quality of life in rural South Africa through a set of strong urban-rural development anchors in functional regional-rural economies;

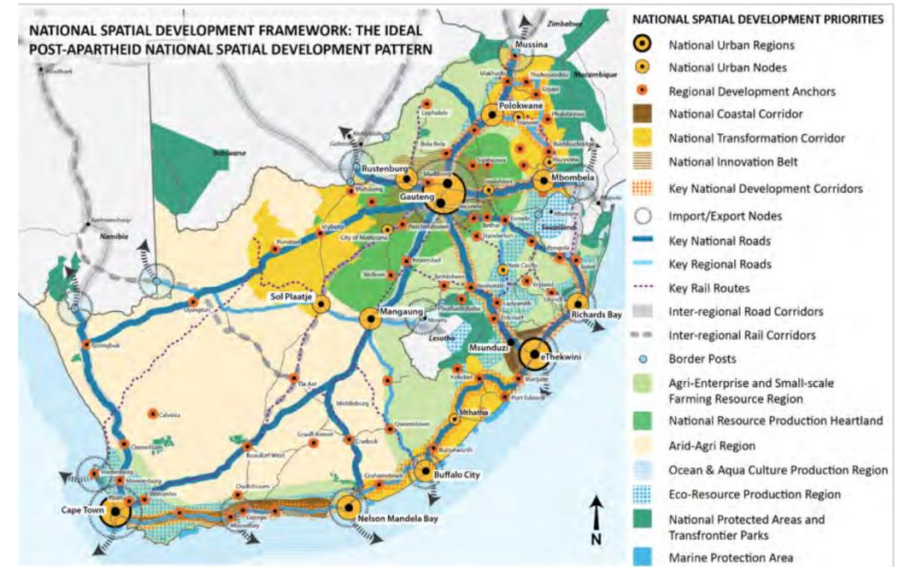


Figure 2.1: Draft National Spatial Development Framework Proposal

Frame Three: National Ecological Infrastructure System as enabler for a shared and sustainable resource foundation: To protect and enable sustainable and just access to water and other national resources for quality livelihoods of current and future generations;

Frame Four: National Connectivity and Economic Infrastructure Networks as enabler for a shared, sustainable and inclusive economy: To develop, expand and maintain a transport, trade and communication network in support of national, regional and local economic development; and

Frame Five: National Social Service and Settlement Infrastructure Network in support of national well-being: To ensure effective access to the benefits of high-quality basic, social and economic services in a well-located system of vibrant rural service towns, acting as urban-rural anchors and rural-rural connectors

2.1.2 The National Development Plan 2030

The National Development Plan, 2030, is the supreme and overarching plan for South Africa that sets out the most crucial objectives and actions that need to be undertaken in the republic of South Africa in order to eliminate poverty and reduce inequality by 2030.

The following sets out some of the key interventions that the NDP seeks to achieve:

- Significantly reduce unemployment and increase the size of the economy through a range of actions;
- Invest in economic infrastructure, such as electricity, water, public transport and broadband networks;
- Enhance environmental sustainability and resilience;
- Develop an inclusive rural economy through agro processing and agriculture, tenure security, land reform
- Increase trade within Southern Africa;
- Transform our human settlements, by co-locating places of work and human settlements, densifying our settlements and improving public transport.
- Improve education, training and innovation at all levels of the education system;
- Improve the health outcomes of the country;
- Enhance and ensure social protection and build safer communities;
- Build a capable state;
- Fight corruption; and
- Promote nation building.

Of course, the NDP is an extensive plan with a significant amount of detail, however SDFs are local tools through which the NDP should be implemented.

2.1.3 Integrated Urban Development Framework (IUDF)

The IUDF's core objective is spatial transformation, drawing its mandate from the NDP and the realisation that urbanisation is an increasing challenge and indeed opportunity in South Africa. The IUDF essentially proposes a growth model for all urban areas in South African that promotes compaction,

connectedness and coordinated growth in respect of land, transport, housing and job creation. The end goal is to create efficient urban spaces by reducing the travel costs and improving public transport, aligning land use and transport planning, increasing densities and promoting mixed land uses so that people and live and work in the same places and spaces.

CORE ELEMENTS OF THE IUDF

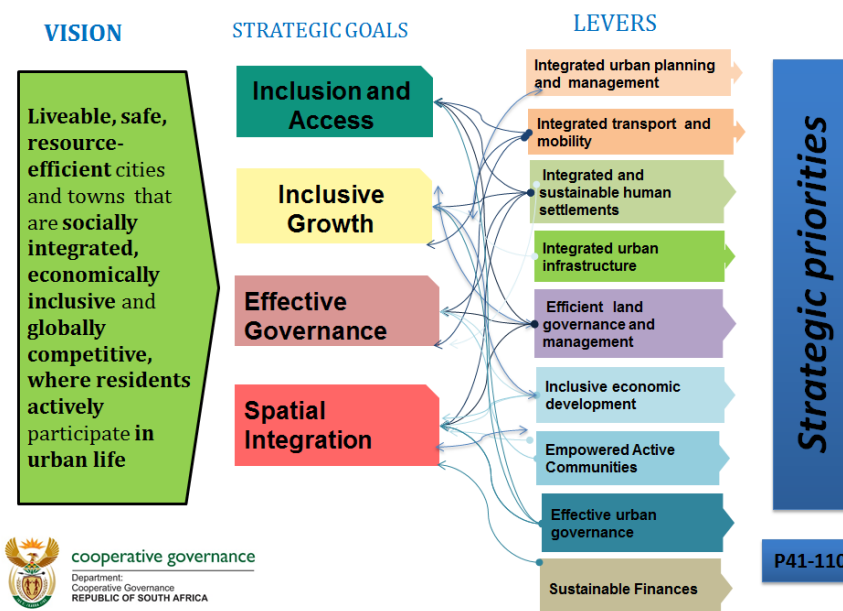


Figure 2.1: The Vision, Strategic Goals and Levers in the Integrated Urban Development Framework (COGTA, 2016)

2.1.3 The Spatial Planning and Land Use Management Act, 2013 (act 16 of 2013)

SPLUMA sets out the process to develop an SDF, as well as the minimum content requirements of an SDF. Some of the notable outcomes that an SDF must achieve are:

- Set out and be informed of a longer-term spatial vision;
- Guide all planning of all spheres of government;

- Identify risks associated with particular developments;
- Identify and quantify engineering infrastructure needed for future growth;
- Provide the spatial expression of the coordination, alignment and integration of all sector plans.

SPLUMA also includes a set of 5 development principles which must guide the preparation, adoption and implementation of any SDF, policy and/or by-law concerning spatial planning and the development or use of land. These principles are set out below:

Spatial Justice refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities.

Spatial Sustainability essentially refers to a sustainable form of development. A part of this means promoting less resource consumptive development typologies that promote compaction, pedestrianisation and mixed use urban environments which allow for the development of a functional public transport system and space economy. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land. Inherent in this statement is the need to promote densification and urban (as opposed to suburban) development typologies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic or environmental impacts.

Spatial Resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). The spatial plans, policies and land use management

systems should enable the communities to be able to resist, absorb and accommodate shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009).

Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Furthermore, it is critical that decisions made in terms of land use planning seek to minimise the negative financial, social, economic and environmental impacts of a development. Furthermore, 'good administration' in the context of land use planning, refers to a system which is efficient, well run and where the timeframe requirements are adhered to. Key message: spatial planning in a normative (value driven) process that must be underpinned by 5 principles and seek to jointly guide all actors in delivery of infrastructure and services in space.

2.1.4 Municipal Systems Act, 2000 (ACT 32 OF 2000)

Section 24 of the MSA notes that planning undertaken by a municipality must be aligned with, and complement, the development plans and strategies of other affected municipalities and organs of state so as to give effect to the principles of co-operative governance contained in Section 41 of the Constitution. It further notes that municipalities must participate in national and provincial development programmes as required in section 153(b) of the Constitution, and it requires municipal planning to reflect this as well.

Key message: Planning must be joint, integrated and aligned and express all spheres of government development plans and programmes within the municipal space.

2.1.5 The Local Government: Municipal Planning and Performance Management Regulations, 2001 (LG: MP&PM REGULATIONS)

Chapter 2 of the LG:MP&PM regulations, published in terms of the Municipal Systems Act, 2000 (Act 32 of 2000), provides some detail as to what SDFs should seek to achieve. In brief, it is articulated that SDFs must set out the desired spatial form on the municipality, contain strategies and policies of how these will be met, and set out basic guidelines for the land use

management system, amongst other things. It should be noted that SPLUMA provides greater detail to these requirements.

2.1.6 Implications for Prince Albert Municipality

National legislation and policy make it very clear that SDFs should seek to redress past imbalances, be transformational, whilst facilitating private sector development and confidence. It is indeed a balancing act, however at the heart of the matter is to create more resilient, integrated and dense urban settlements that provide higher quality urban environments than is currently the case and that provide healthy, happy and inspiring environments in which people, the economy and the natural environment can flourish.

2.2 RELEVANT PROVINCIAL AND DISTRICT POLICY AND LEGISLATION

2.2.1 The Western Cape Provincial Spatial Development Framework PSDF (2014)

Shown in Figure 2.2. above, the logic underpinning the PSDF's spatial strategy is to:

- Capitalise and build on the Western Cape's comparative strengths (e.g. gateway status, knowledge economy, lifestyle offering) and leverage the sustainable use of its unique spatial assets;
- Consolidate existing and emerging regional economic nodes as they offer the best prospects to generate jobs and stimulate innovation;
- Connect urban and rural markets and consumers, fragmented settlements and critical biodiversity areas (i.e. freight logistics, public transport, broadband, priority climate change ecological corridors, etc.); and
- Cluster economic infrastructure and facilities along public transport routes (to maximise the coverage of these public investments and respond to unique regional identities within the Western Cape).

The PSDF includes four spatial themes namely; Resources, Space Economy, Settlement and Spatial Governance. The first three themes, which have a spatial component, resulted in the development of 13 spatial policies. The fourth theme, spatial governance, explored the governance structure required in order to implement the PSDF.

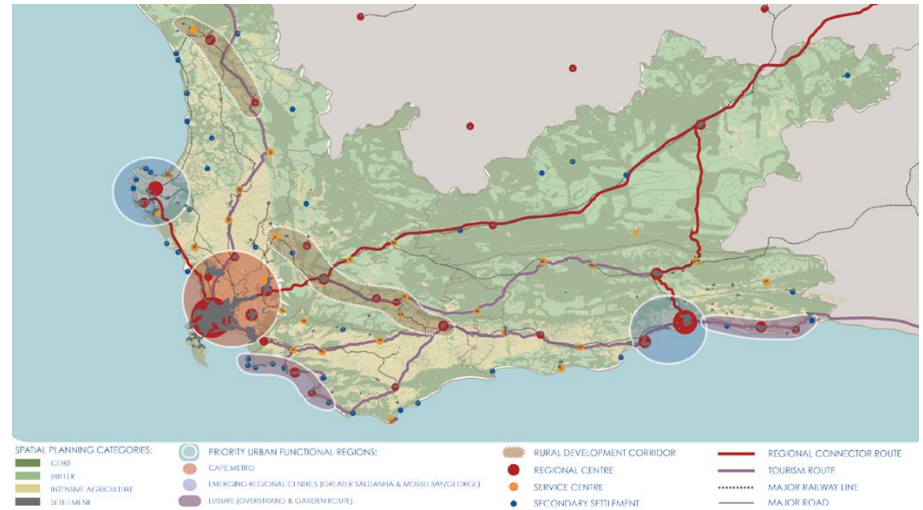


Figure 2.2: The PSDF Composite Map

The key spatial policies in respect of Prince Albert Municipality are:

- **POLICY R1:** Protect Biodiversity and Ecosystem Services
- **POLICY R2:** Safeguard Inland and Coastal Water Resources, and Manage the Sustainable Use of Water
- **POLICY R3:** Safeguard the Western Cape's agricultural and mineral resources, and manage their sustainable and productive use;
- **POLICY R4:** Recycle and recover waste, deliver clean sources of energy to urban households, shift from private to public transport, and adapt to and mitigate against climate change;
- **POLICY R5:** Protect and manage provincial landscape and scenic assets;
- **POLICY E1:** Use regional infrastructure investment to leverage economic growth;
- **POLICY E2:** Diversify and Strengthen the Rural Economy
- **POLICY E3:** Revitalise and strengthen urban space-economies as the engine of growth;
- **POLICY S1:** Protect, manage and enhance the provincial sense of place, heritage and cultural landscapes;
- **POLICY S2:** Improve provincial, inter- and intra-regional accessibility;

- **POLICY S3:** Ensure compact, balanced and strategically aligned activities and land uses;
- **POLICY S4:** Ensure balanced and coordinated delivery of facilities and social services;
- **POLICY S5:** Ensure sustainable, integrated and inclusive housing planning and implementation;

The PSDF composite map (see Figure 2.2) graphically portrays the Western Cape’s spatial agenda. In line with the provincial spatial policies, the map shows what land use activities are suitable in different landscapes and highlights where efforts should be focused to grow the provincial economy.

2.2.1 The Western Cape Land Use Planning ACT, 2014 (ACT NO. 3 OF 2014)

The Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) echoes much of what SPLUMA seeks to achieve from a spatial planning perspective, adding some detail in terms of the process that may be used to develop a Spatial Development Framework, content requirements of SDFs, as well as setting out the functions of municipalities and provincial government. In brief, LUPA allows municipalities to follow 2 different processes in developing SDF's – one with an Intergovernmental Steering Committee and one without. The Oudtshoorn Municipality has decided to establish not to establish an intergovernmental Steering Committee and as such, will allow for a 60-day public participation period in which all stakeholders will be invited to comment on the draft document.

2.2.2 Central Karoo District Spatial Development Framework (CKDM) 2020

The Central Karoo District SDF identifies the Groot Swartberg Nature Reserve as a Core Area (SPC Category A.b). Consequently, the area, which forms the northern extent of the study area is delineated as a statutory conservation area. Alignment requirements include:

- Ensure that the conservation of the biodiversity of the area;
- Provide for eco-tourism opportunities;
- Provide planned and controlled outdoor recreation opportunities.

Several policies and guidelines were adopted as part of the CKDM, which the Prince Albert SDF will align itself to. Focus also includes the exclusion areas for Phase 1 exploration of Shale Gas Extraction as per the 2017 CSIR Strategic Environmental Assessment and shown in the CKDM Composite map below.

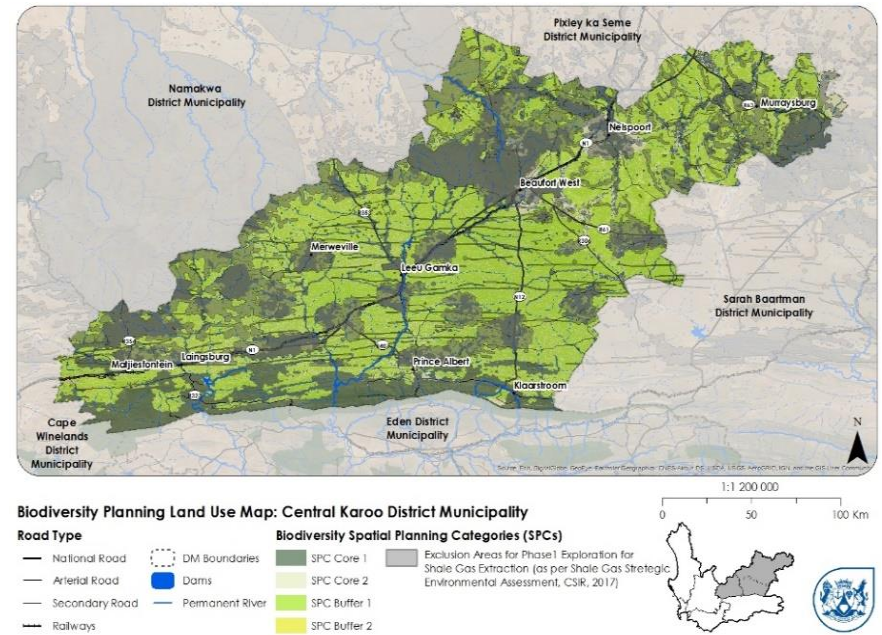


Figure 2.4: Central Karoo District Spatial Development Framework Composite Map

2.2.3 Prince Albert Municipality SDF 2014

The Prince Albert Municipal SDF was last revised during 2014 and subsequently adopted as a core component of the new generation IDP without any updates and/or amendments. As previously indicated, this SDF is new compilation of the Prince Albert SDF. In broad terms, the 2014 Prince Albert SDF encouraged diversification and intensification of tourism based land uses i.e. agri and eco-tourism and focuses on the implementation of Bioregional Planning Principles. Alignment Requirements: Conservation of

the Groot Swartberg Nature Reserve and the Tourism potential of Swartberg Pass, Die Hel and Meiringspoort.

2.3.4 Prince Albert Municipality IDP

The 2017-2022 IDP for Prince Albert clearly sets out the vision for the 5-year period, being to create an area characterised by a high quality of living and service delivery. The development Strategy in terms of the IUDF is to ensure the sustainable development of Prince Albert, where all sectoral plans are aligned for the betterment and benefit of the municipal area as a whole. It further seeks to create an enabling environment for the inhabitants of Prince Albert where job opportunities are created and livelihoods are improved.

The municipality has also identified seven Strategic Objectives (SO), being:

SO 1 - To promote sustainable integrated development through social and spatial integration that eradicates the apartheid legacy.

SO 2 - To stimulate, strengthen and improve the economy for sustainable growth.

SO 3 - To improve the general standards of living

SO 4 - To provide quality, affordable and sustainable services on an equitable basis

SO 5 - To maintain financial viability & sustainability through prudent expenditure, and sound financial systems.

SO 6 - To commit to improvement in human skills development and effective services delivery.

SO 7- To enhance participatory democracy.

The above are critical informants to the SDF review for the municipality, as it assists in framing the spatial vision and priority action areas.

2.3.5 Prince Albert Land Use Planning By-law, 2015

The By-law sets out the process for the compilation, adoption, amendment or review of municipal spatial development frameworks, amongst other things.

2.3.6 Implications for the Prince Albert Municipality

Similarly, with relevant National and Provincial policies and legislation, the revised, updated and amended Spatial Development Framework for Prince Albert will be aligned with these policies. The SDF spatial proposals will be informed by all relevant National, Provincial and Local planning policies.

As required in terms of the Municipal Systems Act, 2000 (Act 32 of 2000), the SDF will be adopted as a core component of the Municipal 5th generation IDP.

Since this is not a complete review, the spatial proposals contained in the 2014 Prince Albert SDF document are considered and where necessary adjustments will be made.

This document will further seek to progressively comply, as far as possible, with the prescribed requirements as contained in the applicable planning legislation.

2.2 ADJACENT MUNICIPAL & REGIONAL INFORMANTS

2.3.1 Garden Route District SDF 2019



Figure 2.5: Garden Route District SDF 2019

A review of the Garden Route Spatial Development Framework (SDF) has been undertaken to align the Garden Route District SDF and Integrated Development Plan (IDP) and to ensure compliance of the SDF with the Spatial Planning and Land Use Management Act of 2013 (SPLUMA), the Western Cape Land Use Planning Act of 2014 (LUPA) and the Western Cape Provincial SDF. Figure 2.3 below sets out the broad structuring elements of the Garden Route SDF. It highlights the critical transport routes along which Oudtshoorn sits. Of notable importance is the Swartberg Pass and N12 corridor.

2.3.1 Adjacent municipal SDF informants include:

- Beaufort West SDF (north)
- Laingsburg SDF (West)
- Kannaland SDF (South West)
- Greater Oudtshoorn SDF (south)
- Baviaans SDF (east) – Eastern Cape

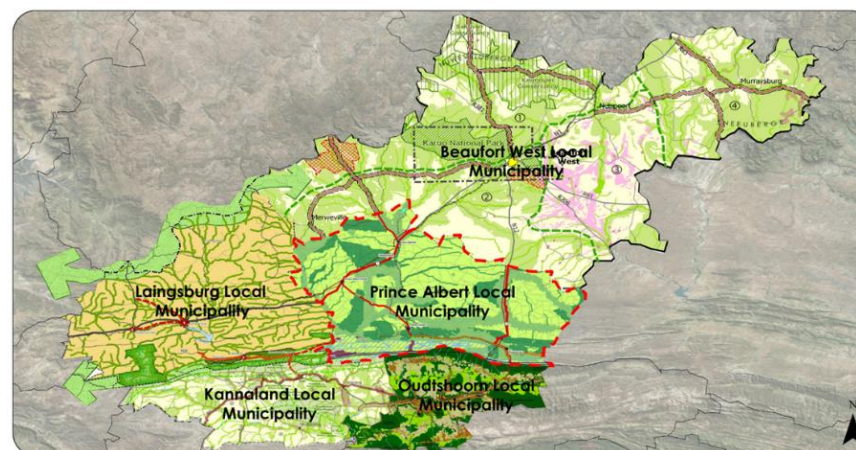


Figure 2.6: Prince Albert SDF Alignment

A composite of all the surrounding local municipal SDF's is shown in Figure illustrates the following:

- The need for continuity in the 'green network' of ecological corridors is important at the landscape scale;
- Mountain passes and scenic routes contribute to the competitive advantage of the region;
- Riverine corridors contribute to ecological and biodiversity connectivity to core critical biodiversity areas;
- The critical importance of the N1 highway to connect the region to the rest of South Africa and other regional connector roads, such as the N12 connecting the region to the Southern Cape; and
- The need to ensure that the carrying capacity of the land is respected in agricultural grazing practices to prevent degradation of the land and potential desertification. The Prince Albert Municipal MSDf must seek to align with the adjacent municipal spatial development framework proposals and address matters of regional interest.

As illustrated in Figure 2.6, Prince Albert SDF is not in conflict with the spatial development proposals of the adjacent municipalities.