



Director: Environmental & Spatial Planning
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TO ALL MAYORS, MUNICIPAL MANAGERS AND CHIEF TOWN PLANNERS

1. EXTENSION OF VALIDITY OF STRUCTURE PLANS APPROVED IN TERMS OF SECTION 4(6) OF THE LAND USE PLANNING ORDINANCE, 1985 (ORDONANCE 15 OF 1985)
2. EXTENSION AND RECONSIDERATION OF GENERAL STRUCTURE PLAN
3. WITHDRAWAL OF URBAN AND REGIONAL STRUCTURE PLANS (FORMER GUIDE PLANS)

1 This Department recently followed a public participation process in order to consider the possible extension of the validity period of the more than 150 Structure Plans, including the General Structure Plan, approved in terms of Section 4(6) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)(LUPO) in July 2002. Simultaneously the withdrawal of the remaining seven (7) Urban and Regional Structure Plans (Former Guide Plans) were considered in the light of the Knysna, Wilderness and Plettenberg Bay Guide Plan having been declared unconstitutional by the High Court earlier this year. All these aspects are addressed below.

2 Extension of validity of Structure Plans approved in terms of Section 4(6) of the LUPO

2.1 During 2011 and 2012 the Department engaged with all municipalities regarding the lapsing/renewal of structure plans which were valid until 5 July 2012. Three circulars in this regard were distributed:

- a) Circular 14/2011, dated 21 October 2011;
- b) Circular 3/2012, dated 23 February 2012, and
- c) Circular 10/2012, dated 4 June 2012 (this circular was accompanied by a notice in the press as well as in the Provincial Gazette).

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2.2 Based on the assessment from the different municipalities, as well as the Department's evaluation of these structure plans, the Minister of Local Government, Environmental Affairs and Development Planning, on 4 July 2012, approved the extension of the expiry period of the following structure plans with a further period of 5 years in terms of Section 4(8) of the LUPO:

- a) Western Cape Government
General Structure Plan (applicable to all the municipalities within the Western Cape)
- b) Langeberg Municipality
Montagu Structure Plan
- c) Breede Valley Municipality
Brandwacht and Environs Local Structure Plan
Brandvlei / Kwaggaskloof Structure Plan
- d) George Municipality
George CBD Structure Plan
Wilderness Local Structure Plan
- e) City of Cape Town
Simon's Town Structure Plan
- f) Kannaland Municipality
Calitzdorp Urban Structure Plan

2.3 All other structure plans, which were approved prior to 5 July 2002, in terms of Section 4(6) of the LUPO, of which the expiry period was extended in 2002 by means of Circular 12/2002, have thus lapsed on 5 July 2012 and are no longer in force.

2.4 It should be noted that the structure plans referred to under paragraph 2.2 have been renewed for a period of five (5) years only. Municipalities are encouraged to incorporate the provisions of these structure plans where appropriate, into the Spatial Development Frameworks (SDF) of the relevant municipalities as soon as possible.

3 General Structure Plan

3.1 The validity of the General Structure Plan, referred to in paragraph 2.1 has been extended without amendment to ensure that the delegations to municipalities to rezone land remains in place.

3.2 Although the General Structure Plan was also renewed for a period 5 years, such a step should be considered of temporary nature only. In this regard it should be noted

that the Department is in the process of amending the General Structure Plan in accordance with the constitutional division of powers between provincial and municipal spheres of government. A public participation process will commence shortly, inviting comment on the suggested amendments to the General Structure Plan.

4 Withdrawal of Urban and Regional Structure Plans (Former Guide Plans)

- 4.1 On 15 May 2012 the Minister approved a procedure for the amendment or withdrawal of the remaining regional and urban structure plans which were originally approved as guide plans in terms of the Physical Planning Act, 1967 (Act 88 of 1967):
- a) Atlantis and Environs (1981)
 - b) George and Environs (1982)
 - c) Oudtshoorn and Environs (1985)
 - d) Cape Metropole Volume 2: Stellenbosch (1988)
 - e) Worcester and Environs (1990)
 - f) Cape Metropole Volume 4: Paarl / Wellington (1991)
 - g) Mossel Bay / Riversdale (1994)
- 4.2 The proposed amendment or withdrawal was advertised as follows:
- a) Circular 9/2012 was sent to all mayors, municipal managers and chief town planners at all the municipalities in the province, as well as to all professionals on the departmental database which are involved with planning and environmental matters.
 - b) A notice was published in the Provincial Gazette, P.N. 6997 of 25 May 2012.
 - c) A notice was published in all regional and local newspapers where these plans were applicable.
- 4.3 After the due processes were followed, the Minister of Local Government, Environmental Affairs and Development Planning, on 4 July 2012 approved the withdrawal of all regional and urban structure plans (former guide plans) listed in paragraph 4.1 above, approved in terms of both the Physical Planning Act, 1991 (Act 125 of 1991) and LUPO. In this regard it should be noted that the Knysna, Wilderness Plettenberg Bay Guide Plan was declared unconstitutional by the High Court earlier in this year and is therefore not applicable anymore. Furthermore, the Minister when approving the SDF of the City of Cape Town withdrew the Guide Plans for Cape Town and the Hottentots Holland area and the relevant portion of the Atlantis Plan which fell in the jurisdiction area of the City of Cape Town.
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- 4.4 The fact that these urban or regional structure plans have now been withdrawn has the following implications:
- a) No new applications for amendments will be accepted by the Department.
 - b) All pending applications for amendments will not be processed any further by the Department and the applicants will be informed accordingly. Applicants can therefore proceed with the subsequent stages in the development process as the case may be.
 - c) Despite the fact that these plans are no longer in force, municipalities during the preparation of their own SDFs, must consider whether any of the relevant principles of the plans should be incorporated in their SDFs.
- 4.5 Cognisance should also be taken of the implications of the withdrawal of the urban or regional structure plans on areas subject to the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970). Under the urban or regional structure plans areas earmarked for purposes other than agriculture were excluded from the definition of "agricultural land" and therefore were exempted from the provisions of the Act 70 of 1970. This exemption no longer applies with the withdrawal of these plans and approvals in terms of Act 70 of 1970 will again be required for newly created land portions in areas defined as "agricultural land" in terms of Act 70 of 1970.
- 5 Any queries with regard to these arrangements can be directed to Chris Rabie at 021-483 4796.

for HEAD OF DEPARTMENT

Date: 01 August 2012

Postscript: The previous Circular 13/2012: SPATIAL PLANNING AND LAND USE MANAGEMENT BILL [B14-2012], was sent out to all Mayors, Municipal Managers and Chief Town Planners.

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1. BRIEFING

The Overstrand Municipality has requested that an impartial study of the retail market within the area be made, to assess the amount of new retail space that can be warranted over the next ten to fifteen years to satisfy consumer demand with minimum negative impact on the existing businesses within the municipal area and particularly the central business district of Hermanus

As experts in this field, Douglas Parker Associates (DPA) was appointed to carry out the study and outline an appropriate retail development strategy.

2. PURPOSE OF THE RESEARCH

The purpose of the research was to determine the optimum development potential for a new shopping centre in the Overstrand Municipality over the next ten to fifteen years, and to make recommendations accordingly.



3. RESEARCH METHODOLOGY

In order to provide an accurate assessment of the need for additional retail facilities and the potential for a major shopping centre within the Overstrand municipality, it was considered necessary to obtain measurements of both the Demand for and Supply of retail space within the Overstrand Municipal area as well as adjacent municipal areas that could be affected by such development. This entailed primary as well as secondary research within three of the four municipalities that make up the Overberg District Municipality, ie; Overstrand, Theewaterskloof and Agulhas. (See map on the following page)

The following modules of research were conducted:

3.1 Household Survey

A study area was determined including the whole Overstrand area, as well as the adjacent municipal areas of Theewaterskloof and Agulhas. From this a sample of 360 households was drawn, and the householders interviewed in depth to obtain a comprehensive picture of their present shopping patterns for food and groceries, clothing and footwear, furniture and appliances, recreation and entertainment and other goods and services.

Particular focus was placed on shopping outside their own areas, in Hermanus, and over the mountain: the reasons for doing so, and the extent to which this may be curtailed should the retail infrastructure in Hermanus be increased. The questionnaire also sought opinions on additional stores required at the proposed new centre.

Interviewing was carried out by telephone, except in low income areas such as Zwelihle where it was necessary to conduct interviews face to face because of the low incidence of landline telephones in the area.