

THE PROPOSED N21 (R300) CAPE  
TOWN RING ROAD / TOLL  
PROJECT

ENVIRONMENTAL IMPACT  
ASSESSMENT

TOWN AND REGIONAL PLANNING  
ASSESSMENT

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## EXECUTIVE SUMMARY

### 1.0 INTRODUCTION

#### 1.1 Introductory Comments

The purpose of this document is to provide a synopsis of the key findings and recommendations in respect of the Town Planning assessment, which was structured to include the following:-

- Political Context
- Statutory and Legislative Context and Assessment
- Forward Planning Context and Assessment
- Land Usage Context

### 2.0 POLITICAL CONTEXT

#### 2.1 Administrative and Jurisdictional Overview

Until recently, Metropolitan Cape Town was made up of seven different Local Authorities or Administrations. All of these Administrations have now amalgamated into a single political entity or Uni-City, being the City of Cape Town. From a practical point of view however, the City continues to be managed by these seven different administrations.

The proposed Toll Road traverses areas administered by the Blaauwberg Administration, City of Tygerberg Administration, City of Cape Town Administration and South Peninsula Administration. The Oostenberg Administration lies adjacent (to the east) of the existing R300. As a result of this continued fragmentation, the administrative, and jurisdictional processes, associated with the implementation of the proposed Toll Road, will be complex.

As can be noted from the evaluation of the other key issues, this fragmentation and complexity is repeated in the areas of legislation and forward planning.

The Uni-City has furthermore recently established a number of Sub Councils, and is again undergoing further restructuring. In time, each of these Sub Councils will have the capacity and powers to make decisions and recommendations on planning matters. It is therefore imperative that a project of this scale be handled at a Uni-City or Metropolitan Level, to ensure integration.

Cognizance will thus have been given to this fragmentation and evolving political context, as the project moves into future phases.

It is accordingly recommended that the proponent interface with the Key Officials and Politicians early on in the process, to address this issue.

### 3.0 STATUTORY AND LEGISLATIVE CONTEXT AND ASSESSMENT

#### 3.1 National Legislation

The legislative assessment has been limited to planning based or planning relevant Acts only, and has taken on a town planning, rather than a legal, perspective.

In summary, the following key legislation and associated implications has been reported on:

***The South African National Roads Agency and National Roads Act, No 7 of 1998:***

This Act is considered to be the most significant piece of national legislation, as it provides the framework for the project. As a National Act, it also confers significant powers, which streamline the planning process.

***Land Use Management Bill*** : If the Land Use Management Bill is enacted prior to the implementation of the proposed Toll Road, it should be reviewed for possible implications.

***Physical Planning Act No 88 of 1967*** : The Guide Plan is to be withdrawn and superseded by the MSDF. This process will therefore need to be monitored, and the necessary action taken, depending on which policy / plan is applicable at the time of implementation.

***The Development Facilitation Act No 67 of 1995 (DFA)*** : There are no specific implications for the Proposed Ring Road arising from the DFA.

***Advertising on Roads and Ribbon Development Act No 21 of 1940*** : In terms of the above act certain structures, such as Toll Plaza's and advertising boards, may require approval in terms of the Act, in such instances where SANRAL is not empowered to undertake such activities in terms of the provisions of the South African Roads Agency Limited and National Roads Act No 7 of 1998.

***Subdivision of Agricultural Land Act No 70 of 1970*** : As the Ring Road will vest in the National Roads Agency, it is assumed that, as this is a state organization, that the road will be exempt from the provisions of this Act. If this is not the case, applications may be required in terms of this Act.

***Removal of Restrictions Act*** : The Title Deeds of all properties to be acquired or utilized for the road will need to be checked for Restrictive Conditions. Where such conditions exist, which are in conflict with the proposed road, a legal assessment will be required, to determine whether these can be overridden by the National Act (No 7 of 1998), or whether in certain specific instances, an application for the upliftment thereof will be required.

***Servitudes and Restrictions denoted on Diagrams*** : The Surveyor General's Diagrams for all component properties should be checked for restrictions. Where such restrictions are found, it is recommended that these be reviewed by a legal specialist to determine whether these are of force given the powers of the National Act (No 7 of 1998), or whether specific initiatives will be required.

**Municipal Systems Act** : There are no direct implications arising from the Act, impacting on the Ring Road, however cognizance must be taken of the decision making process required in terms of the Act. (Due Administrative Process, etc)

### 3.2 Provincial Acts and Legislation

**The Land Use Planning Ordinance No. 15 of 1985 (LUPO)** : The Land Use Planning Ordinance provides the mechanisms for Rezoning and Subdivision. Where the Toll Road is to be proclaimed a National Road, in terms of the National Act (No 7 of 1998) such rights will be conferred by way of declaration. Consequently applications will not be required in terms of LUPO, unless portions of the Road are created / retained as non National Routes.

**The Western Cape Planning and Development Act (PDA)** : If or when this Act comes into effect, LUPO will be superceded. If the WCPDA comes into operation prior to the implementation of the Toll Road, certain applications / processes may be required where the appropriate rights are not granted in terms of the National Act (No 7 of 1998),

### 3.3 Local Level Legislation

#### *3.3.1 Zoning Schemes*

**Regional Services Council Scheme (RSC / CMC Scheme)** : In the Blaauwberg Administrative area, the entire Road Reserve is currently zoned for Agricultural Use, and a new appropriate zoning should therefore be attached, to bring the Zoning in line with the future road use.

**Durbanville Zoning Scheme** : The Ring Road follows the existing Road Reserve through the Durbanville Scheme Area. The zoning for the Road Reserve will need to be altered.

**Bellville Zoning Scheme** : The road reserve to the north of the N1 and a small section occupying the existing R300, in the southern extent of the Belville Scheme area will require that an appropriate zoning be attached

**Belhar Zoning Scheme** : The existing R300 Road is Unzoned and should therefore have an appropriate zoning attached.

**Delft Proper / Delft South Zoning Schemes** : The existing R300 Road Reserve should have an appropriate zoning attached.

**Mfuleni Zoning Scheme** : The existing R300 Road Reserve should have an appropriate zoning attached.

**Brackenfell Zoning Scheme** : The existing R300 Road Reserve and the road reserve north of the N1 will require an appropriate zoning to be attached.

**Kuilsriver Zoning Scheme** : The existing R300 Road Reserve will require an appropriate zoning to be attached.

**Proclamation 1048/1988 Zoning Scheme area** : The existing R300 Road Reserve will require an appropriate zoning be attached.

**City of Cape Town Zoning Scheme** : The Rural Areas of the Philippi Horticultural Area, which are affected by the Philippi link, and the Southern Arm of the road, will require a Street Purpose Zoning to be attached.

### 3.4 General

Given the complexity of the associated legislation and implications for the proposal, it is recommended that an independent legal expert review the assessment and associated recommendations.

In order to determine the exact implications of the legislation on the affected portions, it is further recommended that a detailed property register be established.

## **4.0 THE FORWARD PLANNING CONTEXT**

The key forward planning documents and associated implications are as follows:

### 4.1 National Planning

**Guide Plan (In terms of the Physical Planning Act)** : It is intended that the Guide Plan be withdrawn and replaced by the MSDF, however if the Guide Plan is not withdrawn, application may need to be made to amend the plan.

### 4.2 Provincial Policies and Plans

**The Coastal Zone Policy for the Western Cape (Draft)** : The detailed road proposals should give cognizance to the principles set out in this policy, and mitigating measures may need to be explored in the Conservation Areas identified in the policy.

**The Provincial Spatial Development Framework** : The Provincial Spatial Development Framework, which is under preparation, is to be monitored, and any implications arising therefrom assessed.

**The Bio-Regional Planning and Management Principles** : The proposals for the road should be tested with the relevant authorities with regard to the impact on, and the compatibility of the road with, the various components of the Bioregions, particularly the Natural "Core" areas of Blaauwberg and the Zeekoevlei / Strandfontein area.

### 4.3 Metropolitan Policies And Plans

- **The MSDF** : The proposed Ring Road is not advocated or planned for in the MSDF, but the framework exists for the road, provided that it meets the necessary criteria regarding public transport. High Mobility Routes are accepted components of the City as they complement and are necessary for the functioning of Activity

Corridors. The route could also play a vital role in reducing the historic disjuncture between the outlying poor mono-functional dormitory residential areas, and places of employment / opportunities, by reducing commuting time, etc.

Due to the impact, which the road will have on Metropolitan Form and Function, it will be necessary to undertake a detailed assessment of the road in terms of these policies. Such assessment must include not only the impact of the road itself on urban structure, but also give cognizance to the impact the road may have on the key urban structuring elements, such as the urban edge and urban sprawl.

Ultimately it would be appropriate for the MSDF to be amended to include the proposed road, if endorsed by the relevant authorities.

- **Rural Management Framework** : In terms of this policy, the primary concern regarding the Ring Road is its intrusion into the rural hinterland, and its potential to act as a catalyst for Urban sprawl.

A more detailed assessment of the impact of the specific sectors on the Philippi and Durbanville / Phesantekraal areas needs to be performed, once the detailed design proposals have advanced.

Mitigation measures may need to be put in place to prevent urban sprawl being encouraged as a result of the construction of the road.

- **Scenic Drive Management** : Specialist studies should be undertaken into the possibility of optimizing the Scenic Drive qualities of the proposed road, where appropriate.

#### 4.4 Local Area Policies and Plans

##### 4.4.1 Blaauwberg Administration

- **Blaauwberg Conservation Area, Development and Management Plan** : As the proposed road will conform to the alignment of the proposed east-west arterial denoted in this policy / plan, it would seem that the creation of the toll road in this position, is congruent with the objectives of this policy. However, issues such as accessibility and aesthetic treatment should be workshopped with the authorities.
- **Blaauwberg Spatial Development Framework (BSDF)** : Although following the same alignment as the east-west Arterial, the proposed extension of the R300 will fulfill a significantly different role and function to that envisaged in this policy, in that it will take the form of a high mobility limited access route. Consequently, the proposed new road will need to be further assessed for its impact on the functioning of the envisaged road network and planning framework.

Furthermore the impact of the proposed Toll Road on the development of the Blaauwberg area needs to be investigated, due to the potential of the road as a possible catalyst for further outward development.

- **Blaauwberg Vlei Sub Regional Plan** : For the reasons described above, the nature of the proposed Toll Road (i.e., high mobility, limited access) may be inconsistent with the nature of the envisioned east-west arterial. Negotiation will therefore be required with the authorities, to determine the acceptability of the nature of the road, as proposed by Penway

#### 4.4.2 City of Tygerberg Administration

- **Tygerberg Spatial Development Framework (TSDF)** : The TSDF acknowledges the proposed road, although the section north of Durbanville is not seen as necessary at this juncture, and this is an issue which will need to be resolved with the authorities.
- **East Spatial Development Framework (ESDF)** : As the northwards extension of the R300 is proposed in the plan, investigations can be limited to mitigatory measures and detailed design explorations
- **North Spatial Development Framework (NSDF)** : In terms of the NSDF;
- Specific design proposals will be required to ensure the protection of the Kuils River MOSS.
- Consideration must be given to the timing of the Durbanville leg of the proposed road, and
- The extension of the R300 northwards needs to be linked to mitigatory planning interventions, which will restrict the erosion of the Urban Edge.
- **The Southern Service Area Spatial Development Framework** : In terms of this policy, a study of the proposed Erica Drive extension across the R300 will be required, and pedestrian crossings, as well as landscaping / buffer proposals, need to be explored.
- **Kuils River Metropolitan Open Space System**: Detailed proposals need to be drawn up to ensure that the integrity of the Kuils River MOSS is not compromised, and that the principles set out in this policy document are incorporated into the planning and design of the road.

#### 4.4.3 City of Cape Town Administration

- **Municipal Spatial Development Framework** : The proposed Philippi Link is in conflict with the recommendations contained within this muni SDF, and this issue will therefore need to be workshopped with the Cape Town Administration, with the view to mitigating against the concerns raised in this regard.

The impact of the proposed road, being a high mobility, restricted access route, on the Corridor / Nodal proposals needs to be investigated, and workshopped with the Cape Town Administration.

The Southfield railway line and its relationship with the proposed road needs to be investigated.

The impact of the road on the Wetton Lansdowne Corridor needs to be investigated.

Sector One of the road needs to be workshopped with the Local Authority in terms of its implications for the Municipal Spatial Development Framework.

- **Wetton Lansdowne Corridor** : The proposed Toll Road will have to give cognizance to the key recommendations of this policy viz:
  - Nodal development at the R300 / Stock Road Interchange
  - Improved opportunity for east-west links
  - Improved access to north south links

The impact of the R300 on the Wetton Lansdowne Corridor will therefore need to be fully investigated.

- **Greening the City** : More detailed investigations into the impact that the proposed road will have on the Coast-to-Coast Greenway, needs to be undertaken, and mitigatory measures explored which will minimize the impact of the road. Consideration should also be given to the provision of linkages, landscaping etc.
- **Management Plan for the Philippi Horticultural Area** : There is an inherent conflict in this document, between the desire to promote improved movement, while at the same time protecting the integrity and viability of the area.

Ways of reducing this disjuncture will need to be explored in the formulation of the Toll Road proposals and allied interventions.

#### 4.4.4 Oostenberg Administration

- **Municipal Spatial Development Framework** : The OSDF recommends that the tolling of the road be studied in the future.
- **Greater Kuils River Strategic Spatial Planning Overview** : Investigations will need to be undertaken to determine the final location of the Bottelary Road / R300 Intersection.

#### 4.4.5 South Peninsula Administration

- **South Peninsula Spatial Development Framework (SPSDF)** : Detailed investigations need to be carried out for the section of proposed road between Zeekoevlei and the Strandfontein Waste Treatment Plan, due to the environmental sensitivity of the area.

Further liaison will be required with the authorities, to determine the viability of Sector 1 proceeding.

- **False Bay Ecological Park (FBEP)** : The recommendations and concerns contained in the Coastal Park document will need to be addressed in the formulation of the detailed proposals. Mitigation measures will need to be implemented, in order to minimize impacts on the Coastal Park.
- **Muizenberg to Pelican Park: Growth Management Strategy** : The Plan identifies the proposed R300 extension as requiring further investigation, due to environmental constraints. The plan however acknowledges that the R300 extension from Vanguard Drive to Prince George Drive will provide the study area with a high order east-west mobility route. A number of new roads and extensions form part of the strategy.

The recommendations and concerns will need to be addressed in the formulation of detailed proposals. In particular, more detailed investigations into the viability of Sector 1, particularly from an environmental perspective, will be required.

- **Peninsula Urban Edge Study** : The proposal falls inside the defined Urban Edge and is therefore in compliance with the policy.

#### 4.5 Recommendations

It is recommended that the team interfaces with the various Administrations, to address the applicable policies, particularly with a view to:

- Determining a programme and process aimed at resolving the key issues,
- Attending to the formal amendment of statutory plans, if applicable,
- The amendment of informal policies, or variances therefrom,
- To agree on interventions / mitigations arising from the various policies, and
- The adoption of new policies or amendments to existing policies to protect perceived negative impacts that could arise from the implementation of the road proposals (e.g. Urban Sprawl).

### 5.0 LAND USE ANALYSIS

The key issues arising from this analysis are:

- The impact of the road on established agricultural areas, and in particular the potential of the road to fuel Urban sprawl in areas of improved accessibility, and the associated undermining of the integrity of these areas.

- In urban / built environments, attention will need to be paid to the impact by the proposed road on the communities, particularly where the road abuts residential areas.
- Attention needs to be paid to the impact of the road on commercial and industrial areas, particularly where access may be affected by either road closures or tolling.

In the above cases, attention will need to be given to mitigatory inventions geared to guard against or minimize such impacts.

Recommendations are made, dealing with both the adoption of suitable mitigating measures, in consultation with the other professionals (i.e. an issues such as noise abatement in residential areas, restoring pedestrian connectivity between split communities, etc), and for the creation of suitable policy / statutory controls to deal with forward planning concerns (i.e. erosion of the Urban Edge, change of Land Use facilitated by the road, etc).

## **6.0 CONCLUSION**

The main issues identified in this study are:

- Complexities arising from the current political, administrative and jurisdictional circumstances
- compatibility with National, Provincial and Local Legislation,
- compatibility with Metropolitan and Local area Forward Planning Policies and Plans, and,
- the impact of the road on land usage in both the broader and local context.

The key impacts and implications can be categorized according to matters of process, and issues of substance. Process and procedural interventions are required to address political, administrative and statutory requirements.

Substantive issues arise out of Forward Planning Policies and Vision, and from the Land Use assessment. This component is seen as more critical at this juncture as specific mitigations may be required, which could impact on the design proposals, and the viability of the Scheme.

Finally, in terms of prioritization, given the potential that these substantive issues could have on the detailed road proposals, it is recommended that these issues receive priority, with the procedural components taking on a subsequential role.

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## SECTION A: INTRODUCTION

### CHAPTER ONE: INTRODUCTORY COMMENTS

#### 1.1 Background

The Cape Town Metropolitan Area is currently serviced by three National Routes, these being the N1, N2, and N7. The N1 and N2 routes radiate outwards from the Cape Town Central Business District, and the N7 which leads from the City to the North / West Coast.

Currently, there is no high mobility route bisecting these outward radiating national routes, linking the West Coast / Melkbosstrand area, and the Southern Peninsula (Muizenberg)

The absence of such an "outer ring" route, (which exists in most of the other main South African cities), makes efficient movement between the northern, eastern and southern sectors of the City difficult and timeous.

The state however, does not have the resources to construct such a route, and it was in response to these circumstances and perceived need, that a private sector consortium, *The Peninsula Expressway Consortium or "Penway"*, submitted an unsolicited proposal in this regard to the relevant roads authorities, being the South African National Roads Agency Limited (SANRAL). Penway were subsequently awarded Scheme Developer status, in January 2000.

As part of the initial phase of the Scheme Development, this Consortium was required to undertake, *inter alia*:

- An Environmental Scoping Study, to identify key issues for assessment
- Topographic Surveys and Materials Investigation to undertake preliminary Engineering Designs
- A detailed traffic and tolling study, and
- Complete the engineering design to enable SANRAL to proclaim the road and acquire land for road reserve purposes.

Pursuant to this, Consulting independent environmental practitioners, *Messrs Chand-Ecosense Joint Venture*, were appointed by Penway / SANRAL, to undertake an Environmental Impact Assessment on the proposed project, the first stage of which involved a Scoping process.

This Environmental Scoping Process has now been completed and (Refer to the background information document attached as Annexure 1) the Scoping Report, in its conclusion, recommended that a number of specialist studies be undertaken during the next stage of the Environmental evaluation process. One of the areas identified as needing such specialist input, was "Planning / Legal". (Refer to the Scoping Report for more details in this regard).

In order to fulfill this requirement, Consulting Urban and Regional Planners, *Jonathan Holtmann and Associates*, have been appointed to execute a specialist study on the

associated Planning and Legally orientated Planning issues, which are affected by, or which may impact on, the proposed new Toll Road.

### 1.2 Purpose of this Report

The purpose of this document is to set out the findings in respect of the "Planning / Legal" assessment, undertaken by the Specialist Town Planning Team.

### 1.3 The Brief and Scope of this Investigation

The Environmental Scoping Report identified the need for a specialist Planning Consultant to explore the following key issues:

- Verification of information on aspects of planning in the study area, including the current status and relevance to documents, etc.
- Providing comment on whether the proposed road would lie outside town planning schemes or not.
- Comment on the implications of the Metropolitan Spatial Development Framework and the Unicity.

Subsequent to the completion of the Scoping Report, the Environmental Consultants expanded the scope of this assessment to include a somewhat broader review of these issues.

The specialist planning team has also, in reviewing the Scoping Report and associated information, further expanded on these components, to include a number of additional issues, which are seen to be central to this assessment.

The refined Scope of Work following under the 'Planning / Legal Assessment', has thus now been structured to consider and report on the following issues:

(a) Statutory and Legislative Context and Assessment

- National Laws
- Provincial Planning legislation
- Statutory Plans
- Zoning Schemes
- Possible Restrictions applicable to specific or key properties

(b) Forward Planning Context and Assessment

- National, Provincial and Sub-Regional Policies
- Metropolitan Policies
- Broader Scale Forward Planning Initiatives
- Local Area Spatial Development Frameworks and Policy Plans
- Specific area and issue specific plans

(c) Land Usage Context

- Metropolitan Land Use Context
- Local Area Land Use and Built Form Review

(d) Political Context

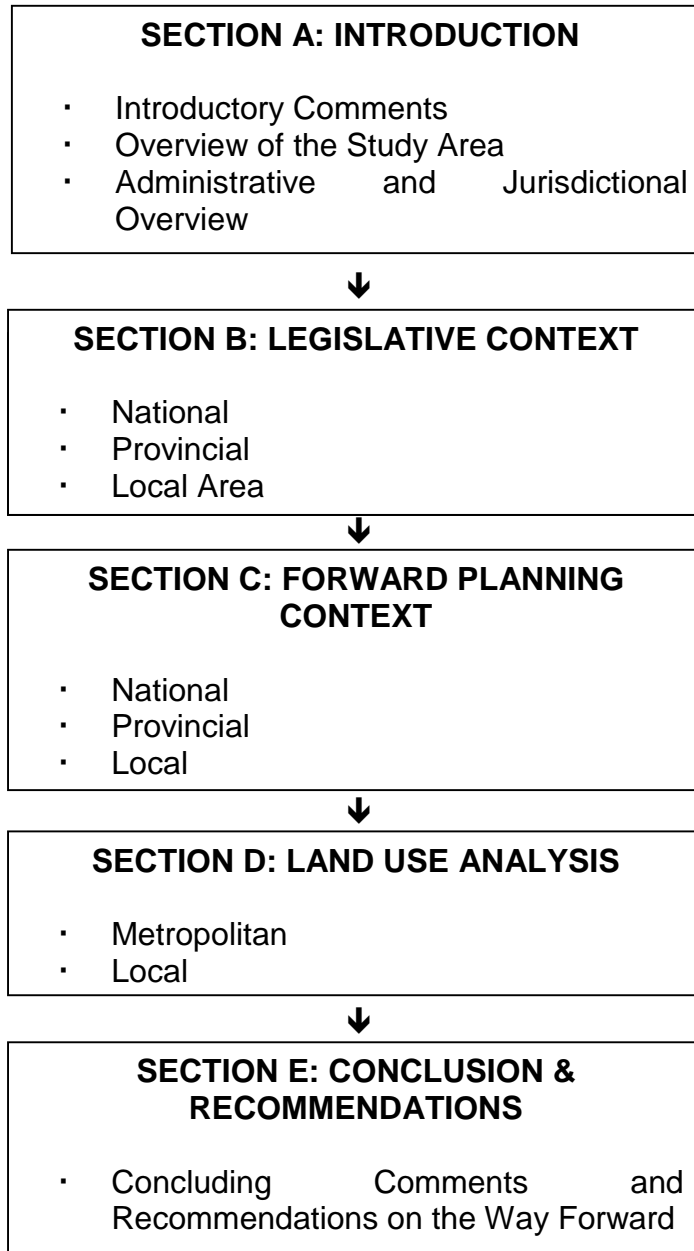
- Provincial Government Planning Context
- Local Government Planning Context and the implications for the Uni-City
- Other Planning / Development issues, which may be pertinent, or have an impact on this proposal.

The full Brief and Scope of Work is included under the Annexures (Refer Annexure 2).

#### 1.4 Structure of this Report

In order to coherently report on the evaluation of the aforementioned issues, this report has been structured as follows:

**TABLE 1: REPORT STRUCTURE**



In line with the above, the proceeding chapter provides an overview of the study area, which sets the context for the legislative and forward planning evaluations.

## **CHAPTER TWO: OVERVIEW OF THE STUDY AREA**

### 2.1 Introduction

The study area runs from Otto du Plessis Drive between Melkbosstrand and Blaauwberg, eastwards to Durbanville, to link up with existing R300 at the N1 (Stellenberg Interchange). The study area then follows the route of the existing R300 between the N1 and N2 freeways and on to Vanguard Drive. From Vanguard Drive the Study area branches into two legs. The northern leg runs through Philippi in a westerly direction to meet up with the M5. The southern leg runs through the southern portions of the Philippi Horticultural area, and then between Zeekoevlei and the Strandfontein Waste Treatment Plant, to join up with the Main Road. The study area then terminates at the Westlake Interchange. (Refer to the attached plans, which shows the proposed alignment of the route in more detail).

### 2.2 Proposed Sectors, Alignment and Alternatives

As per the proposal prepared by Penway, the route, as described in this report, has been divided into five Sectors, these being:

**SECTOR 1:** This sector runs between the Westlake Interchange and the start of the existing R300 on Vanguard Drive.

The route follows the existing Steenberg Road from the Westlake Interchange to Main Road (M4). The route then follows the approved alignment between Steenberg and Lakeside, across Prince George Drive (M5) to Zeekoevlei where it passes between Zeekoevlei and the Strandfontein Waste Treatment Works. The road then crosses Strandfontein Road (M17) and runs along the northern edge of Strandfontein. The road then curves to the north and runs a short distance inside of the eastern edge of the Philippi Horticultural Area, to link up with the existing R300.

**SECTOR 2:** This sector comprises the existing R300, which runs between Vanguard Drive and the N1. The road runs between Philippi and Mitchell's Plain, then crosses the N2, running between Oostenberg and the City of Tygerberg until it terminates at the N1 (Stellenberg Interchange)

**SECTOR 3:** This sector runs from the Stellenberg Interchange (N1) along the existing Road Reserve north of the N1 to the northern extent of urbanized Durbanville. From Durbanville, the road arches to the north and west through rural lands, crossing the Diep River, N7, West Coast Road, and terminating with Otto du Plessis Drive in close proximity to the Atlantic Ocean.

**SECTOR 4:** This sector is approximately two kilometers in length, and runs along the N1 to the east and west of the Stellenberg Interchange.

**SECTOR 5:** Known as the Philippi Link, this section of road runs from the Vanguard Drive / R300 Interchange westwards across the Philippi Horticultural Area to cross

Strandfontein Road. From Strandfontein Road the road runs westwards along the alignment of an existing road reserve to terminate with Prince George Drive (M5).

### 2.3 Defining the Study Area

For the purpose of this evaluation, it is necessary to define the study area at various levels.

From a legal and planning point of view, the proposed road influences, and will be influenced by, both macro and micro legislation and planning policies, ranging from the National level down to local level laws and policies. Consequently, the sphere of influence used in this assessment, must reflect these various levels.

Likewise, from a spatial point of view, the study area must be assessed at various levels.

At the Metropolitan level, the study area is defined as the broad band along which the proposed route will run, whilst the more localized level, the road itself and immediately abutting areas is used as the basis for the evaluation.

## **CHAPTER THREE: ADMINISTRATIVE AND JURISDICTIONAL OVERVIEW**

### 3.1 Introduction

The Cape Town Metropolitan area has a history of division and fragmentation, from a jurisdictional and management point of view.

This historic division is reflected across a range of planning sectors, from political decision making, to forward planning, and to the implementation and management of Zoning Schemes.

Given that the proposed road spans the entire Metropolitan Region, it too is effected by this historical legacy of fragmentation.

### 3.2 Uni-City Integration and the Seven Administrations

Until recently, Metropolitan Cape Town was made up of seven different Local Authorities or Administrations, these being:

- The Cape Metropolitan Council
- The Old City of Cape Town
- Tygerberg Municipality
- Oostenberg Municipality
- Helderberg Municipality
- Blaauwberg Municipality
- South Peninsula Municipality

All of these Administrations have now amalgamated into a single political entity or Uni-City, being the City of Cape Town.

From a practical point of view however, the City continues to be managed by these seven different administrations.

The proposed Toll Road traverses areas administered by the Blaauwberg Administration, City of Tygerberg Administration, City of Cape Town Administration and South Peninsula Administration. The Oostenberg Administration lies adjacent (to the east) of the existing R300. The road does not directly affect the Helderberg Administration. (Refer to the attached plans)

As a result of this administrative fragmentation within the Uni-City as well as the size of the study area, the proposal will be complex from an administrative and jurisdictional point of view.

Likewise, as can be noted from subsequent sections, this fragmentation and complexity is repeated in the areas of legislature and forward planning.

### 3.3 New Structures

Although substantial progress has been made on the integration of the City, this historical legacy will be felt for some time.

Even with integration, new political structures are evolving. The City has now also established a number of Sub Councils. In time, each of these Sub Councils will have the capacity and powers to make decisions and recommendations on planning matters.

It thus remains feasible (and possible) that planning processes associated with the Toll Road are likely to be fragmented, with the possibility of divergent approaches and viewpoints being taken by the various metropolitan planning decision makers.

Ultimately however, developments and projects of this scale will have to be handled and coordinated at a Metropolitan or Uni-City level, rather than by the component Sub Councils.

### 3.4 Comment

The issue of fragmentation in the administrative and jurisdictional processes is likely to be of central importance in the planning and associated political processes associated with the Toll Road. Cognizance will therefore need to be given to ensuring the integration of these processes, given the complex myriad of planning role players and decision makers in the Uni-City.

It is accordingly recommended that the proponents interface with both the Key Officials and the Key Political Decision Making Bodies at Council level early on in the process, to identify key issues and procedural approaches, and in order to ensure a timeous and efficient process, once the necessary procedural aspects are undertaken.

## **SECTION B: THE LEGISLATIVE CONTEXT**

### **CHAPTER FOUR: NATIONAL LEGISLATION**

#### 4.1 Introduction

There are a wide range of national acts and legislation, which are considered of relevance to this project.

For the purpose of this assessment however, the consideration and evaluation has been limited only to those acts and legislation, which are central to Town Planning matters only (for example, this assessment does not include an evaluation of NEMA or the ECA, which are Environmental Acts, relevant to the Toll Road). Consequently, the assessment is neither exhaustive nor conclusive and must be read in conjunction with the legally orientated input obtained from other supporting disciplines on the project team.

Furthermore, it must be noted that the Specialist Town Planning Team, and **not** a legal team have undertaken this review of planning related legislation.

As such, the review does not purport to be exhaustive, and it is recommended that a specialist legal review be undertaken by a suitably qualified and experienced legal consultant.

A brief comment is made on each of the other relevant National Acts, with the implications for the proposed Toll Road project, highlighted at the end of each section.

#### 4.2 South African National Roads Agency Limited and National Roads Act, No 7 of 1998

Probably of most significant piece of National legislation, is the South African National Roads Agency Limited and National Roads Act, No 7 of 1998, as this sets the legal context for the establishment and development of National Roads.

Whilst this Act does not have a specific planning focus, it nevertheless confers certain powers, which are central to the issue of planning.

Most notably, the Act enables the declaration of a National Road, which confers the automatic rezoning of land as a public (National) Road. Consequently as a National Act, this overrides the requirement of Local Authorities and other the requirements of other subordinate legislation, with regard to land use procedures. Thus the normal requirements of rezoning, subdivision etc, which arise from Provincial level legislation, are not applicable in the cases where National Roads are proclaimed / declared.

Therefore, if it is assumed that all of the sectors of the proposed Toll Road are to be declared a National Road, then the associated land use procedures will be streamlined. If however, any portion of the road (for example a lower order component) is not declared a National Road, then the relevant local level legislation would be applicable in such instance.

**The South African National Roads Agency Limited and National Roads Act No 7 of 1998, constitutes the most important piece of National Legislation, as it provides the legal framework for the Toll Road, and affords powers to grant the necessary planning permissions in an expedient manner.**

#### 4.3 Land Use Management Bill

The Land Use Management Bill is a piece of National Legislation, which is yet to be enacted. The broader principles of the Bill are to guide Spatial Planning, Land Use Management and Land Development in the Republic. The general principle underpinning the Bill is that Spatial Planning and Land Use Management and Land Development must be: -

- a) Sustainable
- b) Equal
- c) Efficient
- d) Integrated, and,
- e) Based on fair and good governance

While this document does not have “on the ground” implications for the proposed Ring Road, it does require that certain land use procedures, will have to be met, for example, by making applications for the changes of land use. These requirements may entail the lodging of Applications with the Metropolitan Municipality, and Land Use Tribunals, which are to be established in terms of the Act.

**If the Land Use Management Bill is enacted prior to the implementation of the proposed Toll Road, it should be reviewed for possible implications.**

#### 4.4 Physical Planning Act No 88 of 1967

The purpose of the Physical Planning act is *inter alia*,

*“to promote coordinated environmental planning and the utilization of the Republics resources, and to cause to be prepared, Guide Plans which restrict and control the use of land”.*

The Guide Plan for the City of Cape Town which flows from this legislation, has been in effect since 1988. The proposed Ring Road is not consistent with the provisions of this Plan, in that no provision was made for such a road, when the Guide Plan was adopted. The implications arising from this lack of consistency are dealt with in subsequent sections of this report, under the Forward Planning Review. The Guide Plan is however due to be withdrawn and superceded by the Metropolitan Spatial Development Framework (MSDF). This however, is someway off, in that the MSDF has run into a number of statutory problems, and still has to undergo a further review process, and the Guide Plan will not be withdrawn until this has been done.

Consequently, either the Guide Plan will need to be amended, or the MSDF, depending on which document is in force at the time.

**The Guide Plan is to be withdrawn and superceded by the MSDF. This process will therefore need to be monitored, and the necessary action taken, depending on which policy / plan is applicable at the time of implementation.**

#### 4.5 The Development Facilitation Act No 67 of 1995 (DFA)

The DFA has not been adopted by the Western Cape legislature and therefore holds no legal status in the Province. However, the development principles have gained some credos and have filtered down into legislation such as the proposed Western Cape Planning and Development Act, and Policies such as the MSDF. These principles are therefore considered of relevance in the review of the proposed Toll Road.

It should however be noted that the DFA is due to be repealed, with the enactment of the Land Use Management Bill, which will be applicable to the Western Cape.

**There are no specific implications for the Proposed Ring Road arising from the DFA.**

#### 4.6 Advertising on Roads and Ribbon Development Act No 21 of 1940

The purpose of this Act is to regulate *inter alia*,

*"the display of advertisements outside certain urban areas at places visible from Public Roads and the erection, construction or laying of structures and other things near certain public roads".*

**In terms of the above act certain structures, such as Toll Plaza's and advertising boards, may require approval in terms of the Act, in such instances where SANRAL is not empowered to undertake such activities in terms of the provisions of the South African Roads Agency Limited and National Roads Act No 7 of 1998.**

#### 4.7 Subdivision of Agricultural Land Act No 70 of 1970

The purpose of this Act is the control of the subdivision and, the use of, agricultural land.

Actions, which are excluded from the application of the Act, are *"any subdivision of land for the purpose of transferring a portion thereof to the state..."*

**As the Ring Road will vest in the National Roads Agency, it is assumed that, as this is a state organization, that the road will be exempt from the provisions of this Act. If this is not the case, applications may be required in terms of this Act.**

#### 4.8 Other

##### *4.8.1 Comment*

In addition to the above Key Acts, there are a number of other pieces of Legislation, which may be of relevance to the Ring Road. Mostly, these Acts refer to administrative processes

involving various bodies to which applications should be referred to for input, as well as public participation and appeal systems.

Some brief comments are made on this legislation, as follows.

#### *4.8.2 Removal of Restrictions Act*

The Removal of Restrictions Act has reference insofar as a number of properties, which will need to be acquired for the proposal, may contain restrictive conditions of title, which would inhibit the construction of the road. Such conditions could include, by way of example, prohibitions on subdivision, and limitation on land usage. This Act provides the necessary mechanisms for the removal of such conditions, and in such cases, application will need to be made, to have such onerous conditions expunged.

**The Title Deeds of all properties to be acquired or utilized for the road will need to be checked for Restrictive Conditions. Where such conditions exist, which are in conflict with the proposed road, a legal assessment will be required, to determine whether these can be overridden by the National Act (No 7 of 1998), or whether in certain specific instances, an application for the upliftment thereof will be required.**

#### *4.8.3 Servitudes and Restrictions denoted on Diagrams*

Additional restrictions may have been placed on properties to be used for the proposed road, by way of servitude denotation on the Surveyor Generals Diagrams.

Such restrictions could involve for example, rights of public or private passage across the area to be used for the road.

Where such incompatibility is found, again it is recommended that if advised by the legal specialist, that the necessary steps be taken to have such servitudes closed / removed.

**The Surveyor General's Diagrams for all component properties should be checked for restrictions. Where such restrictions are found, it is recommended that these be reviewed by a legal specialist to determine whether these are of force given the powers of the National Act (No 7 of 1998), or whether specific initiatives will be required.**

#### *4.8.4 Municipal Systems Act*

This Act provides for revisions to the Structure and Powers of Local Government. The mechanisms, processes and procedures for Public Participation and the manner in which municipalities have to involve communities in the planning and implementation of development, is clearly set out in this Act. The principles of Integrated Development Planning as well as the definitions, meaning and mechanisms to achieve the planning process form part of the act.

**There are no direct implications arising from the Act, impacting on the Ring Road, however cognizance must be taken of the decision making process required in terms of the Act. (Due Administrative Process, etc)**

4.9 Comment

Thus as can be seen above, there are a number of Planning orientated National Acts and Legislature, which are of relevance to the proposed Toll Road.

Due cognizance will have to be given to these requirements as the project moves into a more detailed planning phase.

## CHAPTER FIVE: PROVINCIAL ACTS AND LEGISLATION

### 5.1 Introduction

There are relatively few Acts and Legislation at a Provincial level, which have a direct impact on the proposal, from a town planning point of view.

Moreover, given that these are sub-ordinate to the National Acts, particularly the South African National Roads Agency Limited and National Roads Act, there are few implications for the Toll Road.

For the sake of completeness however, a brief comment on each of these is provided below.

### 5.2 The Land Use Planning Ordinance No. 15 of 1985

The Land Use Planning Ordinance (LUPO) is the legislation responsible for Land Use Administration in the Western Cape Province, including the preparation of Structure Plans, Zoning Schemes. This Act also provides the mechanism to rezone and subdivide property, as well as to depart from the Zoning Scheme Regulations.

**The Land Use Planning Ordinance provides the mechanisms for Rezoning and Subdivision. Where the Toll Road is to be proclaimed a National Road, in terms of the National Act (No 7 of 1998) such rights will be conferred by way of declaration. Consequently applications will not be required in terms of LUPO, unless portions of the Road are created / retained as non National Routes.**

### 5.3 The Western Cape Planning and Development Act (PDA)

The PDA has been signed by the Premier but has not yet been adopted into usage. It is envisaged that the PDA will replace LUPO, in its role of providing the mechanism for the establishment of Structure Plans (now referred to as Development Frameworks) and providing for the Rezoning and Subdivision of Land, Departures, etc.

In addition to this the PDA provides for the Removal of Restrictive Conditions of Title, previously only able to be expunged through the Removal of Restrictions Act.

**If or when this Act comes into effect, LUPO will be superceded. If the WCPDA comes into operation prior to the implementation of the Toll Road, certain applications / processes may be required where the appropriate rights are not granted in terms of the National Act (No 7 of 1998),**

### 5.4 Comment

Although the Applicable Provincial Planning Legislation is limited, the LUPO and PDA are considered important.

Consequently, in terms of Provincial legislation, it will be necessary to establish whether the entire route and all the components are to be handled by way of declaration in terms of the National Act, No 7 of 1998. If not, it may be necessary in certain instances to undertake the relevant procedures set out in LUPO / the WCPDA.

## **CHAPTER SIX: LOCAL LEVEL LEGISLATION**

### 6.1 Introduction

At the local level, the key legislative structure is provided by the applicable Zoning Schemes, which are administered on the Local (Administrative) Level.

As a result of the historical administrative and jurisdictional fragmentation of the City, the area wherein the proposed route falls, is governed by a myriad of Zoning Schemes, with Eleven (11) different schemes being applicable along the full length of the proposed route.

### 6.2 Zoning Schemes

A synopsis of each of the different Zoning Schemes applicable in the study area is set out below.

In summary, some of the Zoning Schemes indicate the proposed Ring Road with an appropriate street or Road Zoning, while other schemes denote the land to be occupied by the road for other purposes. A map showing the jurisdiction of the various Schemes and the relationship of the toll road to these is included under the annexures for ease of reference. Where proposed roads are not consistent with the applicable Zoning Schemes, the necessary steps need to be taken to rezone the appropriate areas. Again the point is made that the attachment of an appropriate Street Purpose / Public Road Zoning, will either be by way of declaration of the National Road as provided for in the National Act No 7 of 1998, or by application in terms of LUPO / the WCPDA, in instances where the road is not declared a National Road, if applicable.

A more detailed review of each of the applicable schemes, and the implications arising there from are provided below.

#### *6.2.1 Regional Services Council Scheme (RSC / CMC Scheme)*

The RSC (or now referred to as the CMC) Zoning Scheme has applicability across the widest area in the Metropole. The RSC Scheme areas are situated in the South Peninsula Area and the road will run along the existing road alignment from the M3 / Steenberg Intersection through to the east. This alignment has also been zoned for Street Purposes. The existing road reserve terminates at Prince George Drive, the road then runs past Strandfontein Road and then into the City of Cape Town Administrative area. The RSC Scheme also applies to the area of the alignment in the Blaauwberg Administration from Otto Du Plessis Drive Intersection eastwards toward the City of Tygerberg Administrative area. (Refer to the attached plans for more details in this regard).

<p><b>In the Blaauwberg Administrative area, the entire Road Reserve is currently zoned for Agricultural Use, and a new appropriate zoning should therefore be attached, to bring the Zoning in line with the future road use.</b></p>
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### 6.2.2 Durbanville

The Durbanville Scheme applies to that area which used to be known as the Durbanville Municipality. The area occupies both Rural and Urbanized areas. The Durbanville Scheme area stretches from the N7 in the west, to Phesantekraal in the east and from the Southern Boundary of Durbanville to the Northern extent of Durbanville. The proposed road is indicated on the zoning maps from the N1, Stellenberg interchange to the North. This land is however merely reserved but has not been zoned for road purposes. In some areas the road is zoned for Single Residential and Undetermined Use Zones.

**The Ring Road follows the existing Road Reserve through the Durbanville Scheme Area. The zoning for the Road Reserve will need to be altered.**

### 6.2.3 Bellville Scheme

The Bellville Scheme area covers the area of the previous Bellville Municipality, which lies to the south of Eversdal Road along the west of the proposed alignment, to the South of Sacks Circle. The reserve for the further section of road from the Stellenberg Intersection to Eversdal Road has not been designated a Zoning, and falls between the Oostenberg and Tygerberg areas. With the exception of a small section of the southern extent of the Bellville Scheme area the R300 south of the Stellenberg Interchange falls inside of the adjacent Brackenfell and Kuilsriver Scheme areas.

**The road reserve north of the N1 and the small section occupying the existing R300, in the southern extent of the Belville Scheme area will require that an appropriate zoning be attached**

### 6.2.4 Belhar

The existing R300 falls within the Belhar Scheme area between Sacks Circle and the Stellenbosch Arterial. The existing Road Reserve does not display a specific zoning. Adjacent zonings include, Education, Public Open Space, Residential and Undetermined.

**The existing R300 Road Reserve is Unzoned and should therefore have an appropriate zoning attached.**

### 6.2.5 Delft Proper / Delft South

The Delft Zoning Scheme applies to the area to the west of the Existing R300, between the Stellenbosch (M12) Road and the N2 Freeway. The existing R300 reserve runs across the southeast corner of the Delft Proper Scheme Area, the road reserve area has not been assigned a zoning. Zonings adjacent to the road reserve include Open Space, Institution and Residential.

**The existing R300 Road Reserve should have an appropriate zoning attached.**

#### 6.2.6 Mfuleni

The Mfuleni Scheme area is situated on the Eastern side of the existing R300 freeway, between Hindle Road and the N2 Freeway. The existing R300 road reserve runs within the western edge of the Mfuleni Scheme area. Zoning adjacent to the road includes Undetermined, Rural and Government.

**The existing R300 Road Reserve should have an appropriate zoning attached.**

#### 6.2.7 Khayelitsha

The Khayelitsha Scheme Areas is in effect in a small area to the South of the N2 and to the east of the existing R300. This Zoning Scheme does not affect the Road Reserve of the existing R300. Land adjacent to the road is designated for mostly Residential usage, with a number of portions of Undetermined Land, and some small areas for Public Open Space.

**The existing R300 Road Reserve falls outside of the proclaimed scheme area.**

#### 6.2.8 Brackenfell

In the Oostenberg Administrative area, the Brackenfell Scheme Area affects the majority of the Study Area. The Section of the proposed alignment North of the Stellenberg interchange falls within the Brackenfell Scheme area. The existing section of the R300 south of the N1 similarly falls within part of this Zoning Scheme area. No zoning has been assigned to the road reserve north of the N1 or the existing R300 south of the N1. Zonings adjacent to the proposed alignment to the north of the Stellenberg Interchange are, *inter alia*, residential, General Residential and Open Space. To the south of the Stellenberg Interchange, Zonings such as Single Residential and Light Industry are found.

**The existing R300 Road Reserve and the road reserve north of the N1 will require an appropriate zoning to be attached.**

#### 6.2.9 Kuilsriver

The Kuilsriver Zoning Scheme Area extends on the eastern side of the existing R300 from Bottelary Road to the Stellenbosch Arterial. The Road Reserve of the existing R300 Freeway cuts across this Zoning Scheme, however no zoning has been attached to the road reserve. Use zones such as Single Residential, Education and Private Open Space are found adjacent to the R300 Freeway.

**The existing R300 Road Reserve will require an appropriate zoning to be attached.**

#### 6.2.10 Proclamation 1048/1988

A small area between Hindle Road and the Stellenbosch Arterial, to the east of the existing R300 freeway fall under these regulations. The existing R300 Road Reserve falls within this Scheme area, although no zoning has been assigned to the reserve.

**The existing R300 Road Reserve will require an appropriate zoning to be attached.**

#### *6.2.11 City of Cape Town*

The existing R300 south of the Swartklip Interchange falls under a number of schemes, in the old City of Cape Town Administrative Area. All the schemes are now administered under the Uni-City of Cape Town. The predominant scheme is that of the Municipality of the City of Cape Town's Zoning Scheme where the Ring Road follows the existing R300 until Weltevreden Road. The Reserve is zoned for Street Purposes. However, once the road travels south through the Philippi Horticultural area, it moves through areas zoned for Rural Purposes. Likewise the Sector 5 (Philippi link) also crosses the Rural Zoned Philippi Horticultural area.

Where the road travels east to west, north of the Strandfontein Residential Area, the land is zoned for Rural Purposes.

Eastwards of Strandfontein Road, the road enters the South Peninsula Administration where it traverses zones such as Undetermined and Municipal, towards Prince George Drive. To the east of Prince George Drive the proposed Ring Road follows the existing land reserved for the road, which has been zoned for Street Purposes.

**The Rural Areas of the Philippi Horticultural Area, which are affected by the Philippi link, and the Southern Arm of the road, will require a Street Purpose Zoning to be attached.**

#### 6.3 Comment

The Zoning implications for the Proposed Ring Road are such that a significant number of properties, which will form part of the new Road System, are not appropriately zoned. In order to regularize this situation, appropriate Street Purpose Zonings should be attached, either by way of declaration in terms of the National Act (No. 7 of 1998) or in terms of the LUPO / the WCPDA.

#### 6.4 Recommendations

Thus as can be noted above there are a number of statutory and legislative controls and guidelines, which have relevance to the proposed Toll Road. These will have to, where relevant, be given due cognizance as the project evolves.

Given the complexity of the legal process, it is recommended that a legal practitioner with specialist planning experience be requested to review this assessment, and confirm the processes required, as well as identifying any other issues, which may be of relevance. The legal review should also confirm where mechanisms exist to streamline processes.

Furthermore, in order to determine the status of Applications to be made, it is recommended that a comprehensive property register be established for all sites forming part of the road.

This will enable a comprehensive assessment of all procedural and administrative aspects to be dealt with in an efficient and coordinated manner.

Having set the legislative context, the following section provides an overview of the applicable forward planning policies and frameworks.

## SECTION C : THE FORWARD PLANNING CONTEXT

### CHAPTER SEVEN : THE PLANNING FRAMEWORK

#### 7.1 Introduction

The forward planning framework affecting the Cape Metropolitan Area is based on a multi-layered framework of forward planning documents. These start at the National Level, which are limited in detail, and which proceed to more detailed planning on the Provincial level, with the highest levels of detail at the Metropolitan level. Some areas also have highly detailed local area plans.

For the purpose of this report, National and Provincial Plans are considered to be of secondary importance to Metropolitan and Local Plans, due to the low levels of detail and applicability of these plans. The principles of National and Provincial Plans are however briefly considered below.

#### 7.2 National

The only applicable forward planning document which has its origins at the National level, (from the Physical Planning Act), is the Guide Plan, known as The Cape Metropolitan Area: Peninsula Urban Structure Plan (1988).

The proposed road is not consistent with Provisions of the Guide Plan, in that the proposed road alignment is not shown on the plan. This is a function of the age of the plan, rather than because of any inherent inconsistency or conflict. (Refer to Annexure 3 for an extract of the Guide Plan).

The Guide Plan is however in the process of being withdrawn, and the MSDF is intended to replace the Guide Plan.

Given that the Guide Plan is to be superceded, amendment thereof should not be necessary. However, should the road proposals be finalized prior to this, it may be necessary to apply for an amendment.

**There are therefore no implications for the road. However if the Guide Plan is not withdrawn, this plan may need to be amended.**

#### 7.3 Provincial Policies and Plans

##### *7.3.1 Introduction*

There are a limited number of Provincial Policies and Plans, which are applicable to the Toll Road, namely the Provincial Spatial Development Framework, the Coastal Zoning Policy and the Bio Regional Planning and Management Principles. The implications in respect of each of these are expanded on below.

### 7.3.2 The Coastal Zone Policy for the Western Cape (Draft)

The Coastal Zone Policy for the Western Cape encompasses the entire Provincial Coastal Zone. This zone is inclusive of the coastal plain from the primary watershed to the coastline and the marine environment. The study area is entirely contained within the Policy Area of the Coastal Zone. (Refer to Annexure 4 for an extract of the Policy Plan).

The Coastal Zone Policy designates spatial categories, which have associated implications for the proposed road. The proposed road traverses the following areas specified in the plan:

- Sandvlei Ecological Corridor
- Conservation areas of Zeekoevlei, Strandfontein, at the R300 / N2 intersection
- Kuilsriver Ecological Corridor
- Numerous conservation areas between Durbanville and Blaauwberg

The key policies applicable to roads within these zones are as follows:

- a) Roads must be treated as visual corridors and should be aligned to flow with the topography and not across slopes, so as to avoid scarring (refer to the figure below).

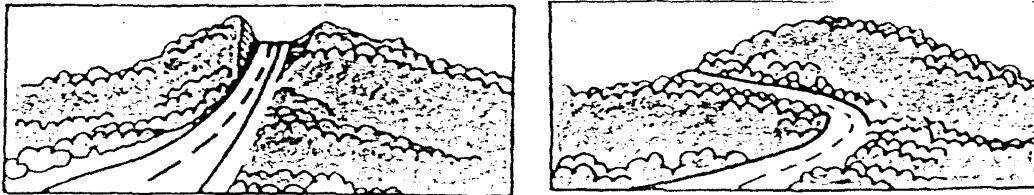


Figure 15: Roads should fit into the topography.

- b) Roads providing access to coastal development nodes or recreation areas should preferably be located at right angles to the coastline.
- c) As few new roads as possible should be established within a given resort development.
- d) Public roads that run parallel to the coastline and cross Category A (Core) or B (Buffer) areas, in terms of the Bioregional Planning Principles, should be de-proclaimed if possible. In such cases, the public must be offered suitable alternative routes to reach their destination.

**The detailed proposals should thus give cognizance to these principles, and mitigating measures may need to be explored in the Conservation Areas mentioned above.**

### 7.3.3 The Provincial Spatial Development Framework

The Provincial Spatial Development Framework is currently under preparation. No drafts are yet available, and the status of plan will have to be monitored, as it may have implications for the Proposed Road.

<p><b>The progress of the Provincial Spatial Development Framework is to be monitored, and any implications arising there from assessed.</b></p>
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### 7.3.4 The Bio-Regional Planning and Management Principles

A recent draft study commissioned by the Provincial Government of the Western Cape (PGWC), addresses the application of bioregional planning principles within the Province. The case is made that bioregional planning principles and the implementation thereof, should be achieved through the Integrated Development Plan (IDP) process. In order to promote sustainable development practices as will be required in terms of the Western Cape Planning and Development Act, (1999), it is necessary to promote a management system that facilitates a balance between planning for development purposes and conservation management.

Thus, the Provincial Authorities are promoting a bioregional planning approach, which acknowledges biodiversity conservation and the maintenance of environmental integrity. The Provincial Cabinet has resolved that the implementation of bioregional planning principles is to be supported and promoted on both provincial and local government levels.

Bioregional planning is defined by PGWC as

*“an organized process that enables people to work together. think carefully about potential problems of their region, set goals and objectives, define activities, implement projects, take action agreed upon by the communities, evaluate progress and refine their approach”.*

This definition is not dissimilar to that of the spatial forward planning process. However, bioregional planning attempts to emphasize the concept that development policies and strategies should facilitate sustainable development, where sustainable development is generally defined as *‘development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.’* Bioregional planning is thus a management system that promotes sustainable development practices.

The following guidelines provided by PGWC, are to be followed as part of the bioregional planning process:

- *Treat each region as an integrated system taking into account the interactions among land, air, water, organism and human activities;*
- *Recognize that each system influences and is influenced by larger and smaller systems;*

- *Consider people as the central element In the system and evaluate the social, economic, technical and political factors which will influence the way they use natural resources;*
- *Relate economic policy to environmental carrying capacity;*
- *Promote technologies which help people to use resources more effectively;*
- *Ensure that users of resources pay the full social price of the benefits they enjoy, and*
- *Ensure that the planning of the region is always considered in the context of the whole.*

A bioregional planning approach is based on a clustered system of biosphere reserves comprising core conservation areas, buffer zones and transition zones within which sustainable land use practices are employed.

**Core Zone:** Areas developed for long-term protection, according to conservation objectives of the biosphere reserve. This zone is formally protected as a nature reserve.

**Buffer Zone:** Areas clearly identified and surrounding or contiguous to the core area, where only activities compatible with the conservation objectives can take place e.g. conservation orientated resort development.

**Transitional Zone:** An outer transition area, where sustainable practices are promoted and developed such as agricultural uses or low-density urban development.

Portions of the road fall into the Cape Metro Bioregion as well as the Blaauwberg Bioregion.

**The proposals for the road will need to be tested with the relevant authorities with regard to the impact on, and the compatibility of the road on the various components of the Bioregions, particularly the Natural "Core" areas of Blaauwberg and the Zeekoevlei / Strandfontein Areas.**

## 7.4 Metropolitan Policies and Plans

### *7.4.1 Introduction*

The following policies and plans are applicable to the Proposed Cape Town Ring Road. Such policies and plans are broader frameworks, informing Macro decision making and providing the framework for sub-metro planning.

### *7.4.2 The Metropolitan Spatial Development Framework (MSDF)*

The MSDF is widely regarded as the overarching planning document for the Metropolis. The six key principles forming the basis of the MSDF are as follows:-

- Sustainability
- Containing Sprawl
- Denser Urban Structures
- Urban Integration
- Redressing Imbalances
- Creating Quality Urban Environments

The primary defining elements of the MSDF are Activity Corridors (such as Main Road and Voortrekker Road), Nodes (Cape Town, Bellville and Claremont CBD's), Metropolitan Open Space Systems and Urban Edges. The Metropolitan Transport System is not considered to be a primary defining element, but rather as a complementary structuring element, to reinforce Activity Corridors and the aforementioned principles. (Refer to Annexure 5 for an extract of the MSDF).

The MSDF does not make reference to the proposed Ring Road, as the focus of the MSDF is not orientated toward High Mobility Routes.

The MSDF advocates a priority of Public over Private Transport, but does not restrict high mobility routes.

There are a number of references contained in the MSDF regarding transport routes, which are considered pertinent, as follows:-

- The MSDF does not advocate an emphasis on Private Transport as it results in "Costly Low Density Sprawl and the Separation of Activities and Facilities".
- The main requirements of a Metropolitan Transport System include:
  - a) Integrating land use and transport planning under the auspices of a metropolitan planning authority;
  - b) Improving the coordination, safety and affordability of public transport;
  - c) Maximizing the developmental opportunity represented by movement flows; and
  - d) Managing demand for travel, including use of public transport, and discouraging unnecessary use of private transport (e.g. for journeys to work).
- The priority focus is on public transport because:
  - e) A transport system based on private transport is inherently unsustainable as it promotes low residential densities. Furthermore, roads are costly to maintain and require large amounts of urban space to accommodate them and the associated parking spaces (especially in the main centres);
  - f) A large proportion of the population is too poor to afford private vehicles and is dependent on public transport; and
  - g) The transport system must work for the poor and public transport is central to this. If the public transport system is

dramatically improved, it will be to the benefit of all and the region as a whole.

- In terms of roads, two secondary systems support, and form part of, the activity corridors:
  - h) Activity streets and district distributors that link neighbourhoods and cater for short trips.
  - i) The freeway / arterial system, which generally provides mobility and serves the essential longer distance trips both within the metropolitan region and to and from the region. The responsibility for funding this system has rested with the Provincial Administration, the Department of Transport and local authorities and much of it is already in place.
- It will be necessary to extend the capability of the system in the future. How this is achieved must be carefully considered to ensure a sustainable system is developed. Routes such as Vanguard Drive have a vital multi-purpose role in the CMR in this regard.

The Philippi link (Sector 5) is identified in the MSDF as a possible freeway, however no criteria, assessment or description besides the plan are given (Refer Annexure 6) MSDF Transport System).

**In terms of the MSDF, the proposed Ring Road is not advocated or planned for, but the framework exists for the road, provided that it meets the necessary criteria regarding public transport. High Mobility Routes are accepted components of the City as they complement and are necessary for the functioning of Activity Corridors. The route could also play a vital role in reducing the historic disjuncture between the outlying poor mono-functional dormitory residential areas, and places of employment / opportunities, by reducing commuting time, etc.**

**Due to the impact, which the road will have on Metropolitan Form and Function, it would be preferable to undertake a detailed assessment of the road in terms of these policies. Such assessment should include not only the impact of the road itself as an urban structure, but also give cognizance to the impact the road may have on the key urban structuring elements, such as the urban edge and urban sprawl.**

**Ultimately it would be appropriate for the MSDF to be amended to include the proposed road, if endorsed by the relevant authorities.**

#### 7.4.3 Rural Management Framework

The Rural Management Framework states that, the rural areas in and around Metropolitan Cape Town are under threat from various quarters. Examples of these threats include:

- *Urban sprawl that brings with it receding rural landscapes, the loss of productive farmland and disruption of ecological systems;*
- *Ad hoc rural subdivision and settlement intensification which erodes those cultural and scenic qualities which tourists find attractive;*
- *The intrusion of urban activities into the rural environment giving rise to no clear distinction between town and country; and*
- *Declining levels of security and poor service delivery to rural households.*

The Rural Management Framework aims to create a consistent and sustainable basis for managing the CMA's rural areas. (Refer to Annexure 7 for an extract of the plan).

The spatial strategy put forward for the conservation and development of Cape Town's rural areas involves:

- Accommodation of all urban development pressures inside the Urban Edge and strict prevention of urban intrusion into the rural hinterland.
- The containment of rural settlement growth within existing settlement boundaries.
- Rehabilitation and protection of Cape Town's unique rural environmental qualities (i.e. ecological, cultural and scenic) and the spatial integration of conservation areas so as to establish an overall 'green structure' to serve as a long-term building block of a regional city.
- Protection of the established and emerging farming areas in and around the city, and the opening up of opportunities for new and emergent farmers.
- Diversification and intensification of rural activities and land uses (e.g. eco and agro tourism ventures).
- Development of rural gateways into the city.

**In terms of the above, the primary concern regarding the Ring Road is its intrusion into the rural hinterland, and its potential to act as a catalyst for Urban sprawl.**

**A more detailed assessment of the impact of the specific sectors on the Philippi and Durbanville / Phesantekraal areas need to be performed once the detailed design proposals have advanced.**

**Mitigation measures may need to be put in place to prevent urban sprawl being encouraged as a result of the construction of the road.**

#### *7.4.4 Scenic Drive Management*

The existing section of the R300 is not classified as a scenic drive. There are therefore no proposals contained in this document affecting this section of the road.

There are no provisions of the Scenic Drive Management Plans, which restrict the construction of the new sectors of the road or the associated work on the existing section of the R300.

Certain sectors of the Ring Road may well however warrant treatment and classification as scenic drives, and should therefore where appropriate, be designed for the purpose of enhancing the scenic drive network. Such measures recommended in this policy document, include:

- Ensuring appropriate proposals for land uses adjacent to the road,
- Mitigation against poorly performing environments,
- Identify and enhance opportunities,
- Reduce environmental impact of land use, road and infrastructural interventions,
- Specialized road signage, road verge / maintenance and road infrastructure design elements (Gabions / guard rails).

**Specialist studies should be undertaken into the possibility of optimizing the Scenic Drive qualities of the proposed road, where appropriate.**

#### 7.4.5 *Comment*

In terms of the Metropolitan Policies and Plans, a number of issues will need to be addressed, particularly regarding the MSDF.

### 7.5 Local Area Policies and Plans

#### 7.5.1 *Introduction*

Local Area Policies and Plans include Municipal Spatial Development Frameworks, Corridor Plans and local specialized policies and plans.

These plans, due to their detailed nature, tend to be more closely linked to the proposals for the Ring Road.

Because most of these plans were prepared by the old Municipalities their planning areas are linked to these old administrative divisions. For ease of reference then, these are reported on, in a clustered basis, by these areas.

#### 7.5.2 *Blaauwberg Administration*

##### 7.5.2.1 *Blaauwberg Conservation Area, Development and Management Plan*

The Blaauwberg Conservation Area is situated in the Blaauwberg Administration of the City of Cape Town, and is located between Melkbosstrand to the north and Blouberg Strand to the south. The Blaauwberg Conservation Area is considered to be an important natural and cultural area. The primary objectives of the Blaauwberg Conservation Area Development and Management Plan are:

- *To ensure that the integrity of the natural and cultural environment is maintained in the long term;*

- *To analyze the characteristics of the study area in terms of its sensitivities and identify possible nodes and zones that would promote appropriate development, consistent with the broad aims of conservation;*
- *To guide future conservation actions, development and management; and*
- *To establish a base for the generation of funds for capital and operational expenditure.*

A proposed east-west arterial is shown as part of the Blaauwberg Conservation Area. (Refer to Annexure 8 for an illustration of the Concept Plan). This arterial coincides with the alignment of the proposed Ring Road. The road forms an interface between the Primary Conservation Zone and the Conservation Interface Zone. The east-west arterial is intended to link up with Vissershoeek Road.

**As the proposed road will conform to the alignment of the proposed east-west arterial denoted in this policy / plan, it is concluded that the creation of the road in this position, is congruent with the objectives of this policy. However, issues such as accessibility and aesthetic treatment should be workshopped with the authorities.**

#### *7.5.2.2 Blaauwberg Spatial Development Framework (BSDF)*

The BSDF is concerned with the entire area of the Blaauwberg Administration; the proposed road will therefore cut through the area of effect of this Framework.

The main aims of this urban development strategy are:

- *To provide an integrated urban structure, based on the MSDF principles of corridors and nodes, clustering around centres that provide access to local employment, retail and community facilities;*
- *To ensure quality urban environments consisting of an active street interface, where buildings line the street and improve personal safety through increased surveillance and activity;*
- *To provide a variety of housing types to cater for the diverse housing needs and income levels of the community, at densities that can ultimately support local services;*
- *To facilitate development that supports public transport systems and thus reduce the reliance on private vehicles; and*
- *To facilitate fine grain mixed use development, both vertically and horizontally, that caters for a wide range of living, employment and leisure opportunities.*

With regard to traffic and roads, the BSDF states that the Northern and Central areas of Blaauwberg have lesser-developed, coarser road networks. A number of traffic problems are identified in the BSDF namely:

- *High levels of congestion on internal routes and linkages with the Metropolitan Transport System*

- *Large scale commuter movements out of the study area, coupled with ongoing development will lead to further congestion*
- *There is no direct public transport from areas such as Mitchell's Plain to Montague Gardens*
- *Blaauwberg has a number of discontinuous east-west linkages, caused by the Diep River, N7 Freeway, large tracts of industrial land and the Atlantis Railway Line*
- *The lack of east-west routes cause considerable additional pressure on north-south routes*
- *The rapidly developing areas, north of the Diep River are placing increased demand on the existing system and "there is a need to provide additional capacity on the transport network".*
- *"The lack of a direct east-west link to the N7 is a major stumbling block to the development of land holdings in the area, along the railway line".*

In terms of the BSDF, the proposed east-west Arterial is to function as a bypass for the east-west Activity Street, which is to run  $\pm 1200\text{m}$  south of the east-west Arterial. The Arterial will intersect with the M12 and interchange with the N7 Freeway. The arterial forms the boundary of the Blaauwberg Conservation Area, up to the intersection with the extension of Koeberg Road. (Refer to Annexure 9 for an illustration of the Blaauwberg Spatial Plan).

The BSDF further states *"At a metropolitan level, the R300, the alignment of which is still to be finalized, will provide an important connection to the rest of the CMA"*.

Although the envisaged east-west Arterial most closely resembles the alignment of the R300, the proposed R300 as described by the BSDF is proposed to form an interchange with the N27 to the North of Melkbosstrand. The BSDF states that the final alignment of the R300 will need to be the subject of a more detailed study.

**Although following the same alignment as the east-west Arterial, the proposed extension to the R300 will fulfill a significantly different role and function to that envisaged in this policy, in that it will take the form of a high mobility limited access route. Consequently, the proposed new road will need to be further assessed for its impact on the functioning of the envisaged road network and planning framework.**

**Furthermore the impact of the proposed Toll Road on the development of the Blaauwberg area needs to be investigated, due to the potential of the road as a possible catalyst for further outward development.**

#### *7.5.2.3 Blaauwberg Vlei Sub Regional Plan*

The study area of the Blaauwberg Vlei Sub Regional Plan extends from the southern boundary of Table View to a short distance north of Melkbosstrand, and between the N7 to the east and the Atlantic Ocean to the west. The primary aims of the Bloubergsvlei Sub-regional Plan are the following:

- *To promote the orderly development of the sub-region, in order to most effectively meet the needs of all affected communities and encourage economic growth, whilst ensuring that the natural environment is adequately protected*
- *To provide a framework for decision-making based upon clear long-term goals*
- *To manage change in an orderly fashion. Whilst accepting that change (i.e. development) is inevitable due to population pressure (from population growth as well as in-migration from rural areas), cognizance must be taken of the desires and aspirations of the communities currently resident in the area, as well as of those who are likely to populate the area in the future.*

The sub-regional plan is intended to function as a flexible framework that must be periodically updated as circumstances change (say every 5 years). The precise time framework for the proposals cannot be accurately determined due to uncertainties regarding the rate of development likely in the area. A 20 to 25 year framework would be a reasonable point of departure. It is important to note that the plan will not give or take away rights to land, so as to allow for flexibility to accommodate future amendments.

The east-west Arterial, as described in the BSDF, is incorporated into the Bloubergsvlei Sub Regional Plan. The east-west link is viewed as a long-term priority project, to be implemented between 10 – 15 years. (Refer to Annexure 10 for an illustration of the Bloubergsvlei Sub Regional Plan).

**For the reasons described above, the nature of the proposed Toll Road (ie, high mobility, limited access) may be inconsistent with the nature of the envisioned east-west arterial.**

**It is therefore recommended that the nature of the road be workshopped with the authorities.**

### 7.5.3 City of Tygerberg Administration

#### 7.5.3.1 Tygerberg Spatial Development Framework (TSDF)

The TSDF is a broad level spatial framework, which includes the entire City of Tygerberg Administration, roughly described as the area falling between the False Bay coast to the south and the Durbanville Rural areas to the north, and between Vanguard Drive to the west and the R300 to the east

The TSDF envisages a system of nodes and corridors, with each element displaying its own hierarchy and linkages to the metropolitan system. The TSDF reflects Council's vision and policy for development in the area, over the next 15 to 20 years. (Refer to Annexure 11 for a copy of the TSDF plan.

Key aspects of the TSDF are the Open Space System and the Main Road Network, as expanded on below.

1. *The Open Space System*

Within the TSDF, the Kuils River is a key component of the Open Space System. The plan further acknowledges that:

*"The extension of the R300 northwards towards Durbanville is clearly going to affect the role of the river as part of the Open Space System within the Urban Area."*

As access to the river will be restricted to the western side only as a result of the location of the proposed Toll Road, these will have an impact on the Open Space System. Consequently, this is an issue, which will need to be addressed in detail during the design of the R300 extension.

The development of integrated Catchment Management Plans and Metropolitan Open Space System for the Kuilsriver is in progress, these plans may impact on the proposed road in terms of access to the Open Space System and the ecology of the water bodies.

2. *The Main Road Network*

The TSDF states that:

*"The R300 extension to Durbanville is supported and will assist in the development of available land between Durbanville and Kraaifontein. The further extension of the R300 (north of Durbanville) is not justified in the medium term in view of current modeling".*

With respect to the alignment of the R300 north of Durbanville, the following must be considered:

- *The original objective with the R300 was to serve as a link between Mitchell's Plain and Atlantis. The Department of Transport also required an outer Ring Road, between the N1 and the N2 (to the east of Kuils River), which was referred to as the N7. The South African Roads Board eventually decided that the R300 should become the N7. The original N7 National Road proposal (further east) has now been replaced by a proposed Class II road.*
- *The current planned alignment for the R300 northwards to just west of Atlantis may encourage development alongside the road between Durbanville and Atlantis and defeat the objective of restricting the urban edge in that area. It is, however, foreseen that such development can be prohibited through planning and other controls, in a similar way that development along the N1 (eastwards towards Paarl) is currently prohibited.*
- *The toll proposal from Tolcon suggests that the R300 be aligned more to the west (Melkbosstrand). Although the Western Cape Cabinet received this proposal positively, the Provincial Roads Authority will only consider it once an Environmental Impact Assessment has been completed. It has to be acknowledged that the application of the toll concept on one freeway in the metropole, while others are toll-free, will be met with opposition from many quarters, although this principle has been accepted in other parts of the country.*
- *The development of MR 174 (Durbanville to Malmesbury) to freeway standard is unlikely in the next 20 years. It is proposed that it be developed as a second*

*order route and that provision be made for a high standard interchange with the R300. Free-flowing ramps (parclo-loops or directionals) can be considered for the south to north-east (and opposite) movements.*

**The TSDF has thus acknowledged the proposed road, although the section north of Durbanville is not seen as necessary at this juncture, and this is an issue, which will need to be workshopped with the authorities.**

#### *7.5.3.2 East Spatial Development Framework (ESDF)*

The ESDF is a localized framework, applicable to a sub-region of the City of Tygerberg. The proposals and vision of the TSDF are carried through into the ESDF and implemented on the local level.

The study area of the ESDF is situated to the west of the existing R300, extending south of De Bron Road to the M12, Stellenbosch arterial. (Refer to Annexure 12 for the overall proposal of the ESDF).

Important aspects included in the ESDF, which have relevance to the proposed extension to the R300, include:

- *The Kuils River Metropolitan Open Space System, which is to be the subject of an integrated Catchments Management Plan and form part of the Metropolitan Open Space System.*
- *The extension of the R300 north of the N1 to Durbanville and beyond is proposed.*
- *The impact of the R300 extension on the Kuils River MOSS, due to its affect on accessibility of the MOSS.*

**As the northwards extension of the R300 is proposed in the plan, investigations can be limited to mitigatory measures and detailed design investigations**

#### *7.5.3.3 North Spatial Development Framework (NSDF)*

As per the ESDF, the NSDF is a local study of a sub-region of the City of Tygerberg. The proposals and policies of the TSDF are to be implemented at a service area level, via the NSDF.

The study area of the NSDF extends north of De Bron / Eversdal Roads and includes the Urban Areas of Durbanville.

Important aspects of the NSDF are as follows:

- *Protection of the Kuils River MOSS*
- *The extension of the R300 northwards is supported as it will assist in the development of available vacant land between Durbanville and Phesantekraal*
- *The further extension of the R300 north of Durbanville is not justified in the medium term*

- *There is concern that development could be encouraged along the R300, north of Durbanville into an area which would undermine the Urban Edge*
- *The Provincial Roads Engineer will only consider the proposed tolling of the road once an EIA has been completed.*

(Refer to Annexure 13 for the relevant plan of the NSDF).

**In terms of the NSDF;**

- **Specific design proposals will be required to ensure the protection of the Kuils River MOSS.**
- **Consideration must be given to the timing of the Durbanville leg of the proposed road, and**
- **The extension of the R300 northwards needs to be linked to mitigatory planning interventions, which will restrict the erosion of the Urban Edge.**

*7.5.3.4 The Southern Service Area Spatial Development Framework*

The Southern Service Area Spatial Development Framework follows on from the TSDF, which serves to implement the TSDF Policies and principles on the local level.

The Study area includes the areas of Belhar, Delft, Driftsands and Mfuleni. (Mfuleni is not applicable to the Ring Road).

The following aspects of the Southern Service Area S.D.F. are of relevance to the Ring Road.

- *An east-west link north of the Stellenbosch arterial, and extending eastwards from Erica Way, across the R300 is proposed.*
- *Pedestrian crossings over the R300 are required in the Driftsands area, at Silversands Road and Erica Drive.*
- *Reservation of public open space and road reserve along the R300*
- *The R300 divides communities*
- *Buffer development along the R300 comprising indigenous planting and berms*

Refer to Annexure 14 for Proposed Movement Systems in terms of the SSASDF.

**In terms of the above requirements, a study of the proposed Erica Drive extension across the R300 will be required, and pedestrian crossings, and landscaping / buffer proposals need to be explored.**

*7.5.3.5 Kuils River Metropolitan Open Space System*

The Kuils River MOSS runs in a corridor with the Kuils River being the focus, from north of Durbanville along the R300, into the Oostenberg Administration where it runs parallel to the east of the R300, The MOSS then re-enters the Tygerberg Administration, running south to

the coast, through Khayelitsha and Macassar. (Refer to Annexure 15, which refers to the course of the Kuils River and associated Conservation and Natural Areas).

The Kuils River MOSS provides proposals in respect of:

- *Flooding*
- *Water quality*
- *Ecology*
- *Land Use*

For the purpose of this report, the assessment is limited only to the planning related aspects, viz, land use matters.

Those portions of the Kuils River MOSS, which are applicable to the Proposed Ring Road, are the sections north of the N1 adjacent to the proposed road, and the Bellville section of the existing R300, where the road runs adjacent to the Open Space System.

The policy recommends that an EIA be conducted in respect of Land Use proposals applicable to the extension of the R300 to the north of Frans Conradie Drive referring to, in particular, noise and air pollution, visual impact, land use zones and property values.

The section of the Kuils River MOSS adjacent to the R300 between Frans Conradie and Bottelary Roads, is divided into two sub-sectors being Frans Conradie to Old Paarl, and Old Paarl to Bottelary.

The following Land Use Proposals would be applicable to the Ring Road, for the sections situated between Frans Conradie Drive and Old Paarl Road.

- *A landscaping plan be prepared to identify methods to improve public access and surveillance, and for the construction of pedestrian and bicycle routes.*
- *Investigate methods to gain pedestrian access from the east, across the R300 into the River Corridor.*

The sector between Old Paarl Road and Bottelary Road is subject to the following proposals, which impact on the Ring Road,

- *Investigate the potential of this section as an urban park*
- *All new road, rail and pipe bridges to incorporate pedestrian and bicycle access ways*
- *The floodplain adjacent to the R300 should be landscaped with low maintenance Public Open Space.*

**Detailed proposals therefore need to be drawn up to ensure that the integrity of the Kuils River MOSS is not compromised, and that the principles set out in this policy document are incorporated in the Planning and Design of the road.**

#### *7.5.4 City of Cape Town Administration*

##### *7.5.4.1 Municipal Spatial Development Framework*

The Municipal Spatial Development Framework applies to the entire area of the City of Cape Town Administration, the section of the road south of the N2 / R300 interchange to the western edge of the Philippi Horticultural Area including both sectors one and five falls under the Municipal Spatial Development Framework.

With reference to Sector Five of the proposed Toll Road, The Municipal Spatial Development Framework makes specific reference to the Proposed Philippi Link component of the proposed R300 extension, as follows:

- The document reports that the Cape Metropolitan Council (CMC) transport division has proposed an extension of the R300 across the Philippi horticultural area to connect into the southern suburbs road network.
- However, this policy argues that Lansdowne Road is a central part of the corridor proposals of the Metropolitan Spatial Development Framework, and that attempts are currently being made to promote this route as an activity corridor, and this is where movement should be promoted. The geometric profile of this route (three lanes in both directions, separated by a median) however, significantly mitigates against it performing properly as an activity corridor. It is too wide for the two sides of the road to operate as one system.
- The document further refers to proposals geared towards the facilitation of the movement of freight traffic. In particular, the Provincial Roads Engineer is recommending that Sheffield Road be upgraded and extended, to have three lanes in both directions. The barrier effect of the Sheffield Road extension is further compounded by the rail reserve for the Southfield line that parallels this route. In effect, therefore, there are three roads and a railway line performing similar functions. From a broader planning perspective (as opposed to simply a traffic argument) this is not supported in the Municipal Spatial Development Framework document.

In light of the above, the following actions, among others, are proposed in this policy:

- That the R300 extension proposal be scrapped as there are a number of core problems with this proposal. It is very expensive and its construction would be in direct conflict with the future construction of the Southfield railway line. It would have a negative effect on the Philippi horticultural area. Over time, pollution will negatively affect vegetable production. It will reinforce historical patterns of accessibility, at a time when both the MSDF and this Muni-SDF are attempting to establish new patterns of opportunity
- That a connection be made between the existing R300 and Sheffield Road. This is a much cheaper option than the R300 extension and leaves all future options open.

The policy further advocates the protection of the Philippi Horticultural Area as the only existing example of an Urban Agricultural complex. It is therefore of significant importance in the CMA as:

- A sustainable source of food
- Income generation

The Philippi Horticultural Area is also seen as an important component of the "Green Web".

No mention is made in the Municipal Spatial Development Framework regarding Sector one of the road. However the realignment of Baden Powell Drive to north of the dune system is recommended due to the pressure put on the road as an east west link.

Consequently, these issues will have to be taken up and addressed.

**The proposed Philippi Link is in conflict with the recommendations contained within this muni SDF, and this issue will therefore need to be workshopped with the Cape Town Administration, with the view to mitigating against the concerns raised above.**

**The impact of the proposed road, being a high mobility, restricted access route, on the Corridor / Nodal proposals needs to be investigated, and work-shopped with the Cape Town Administration.**

**The Southfield railway line and its relationship with the proposed road needs to be investigated.**

**The impact of the road on the Wetton Lansdowne Corridor needs to be investigated.**

**Sector One of the road needs to be work shopped with the Local Authority in terms of its implications for the Municipal Spatial Development Framework.**

#### *7.5.4.2 Wetton Lansdowne Corridor*

The Wetton-Lansdowne Corridor includes Wetton and Lansdowne Roads as well as the suburbs adjacent to this route. The Corridor stretches from Wynberg in the west to the existing R300 Freeway in the east.

The key recommendations contained within the Wetton Lansdowne Corridor study and which are applicable to the Ring Road, are as follows:

- Nodes rather than corridor development, is the most effective form of intervention. The R300 / Stock Road intersection has been identified for Nodal Development.
- East-west links must be improved, in particular the link between Guguletu and Mannenberg. The completion of the Sheffield link from Delft to the M5 is thus seen as important

- Better access to the North / South links from Lansdowne Road must be provided.

Metropolitan and sub-Metropolitan Proposals call for the development of a New Metro Node at Philippi. This has impacts on the Proposed Ring Road due to its proximity and its reliance on the R300 and N2 as the primary access routes.

The development of a link between New Eisleben road and the R300 is a long-term proposal, which is seen as an important contributor to the success of the New Philippi Node. (Refer to Annexure 16 for the Overall Spatial Plan proposals).

**The proposed Toll Road should give cognizance to the key recommendations of this policy viz:**

- **Nodal development at the R300 / Stock Road Interchange**
- **Improved opportunity for east-west links**
- **Improved access to north south links**

**The impact of the R300 on the Wetton Lansdowne Corridor will need to be fully investigated.**

#### *7.5.4.3 Greening the City*

The Greening the City Plan seeks to improve the environmental quality of the city through a "Greening" strategy, which involves the large-scale improvement of major regional parks and landscaping of major routes, to the small-scale development of neighborhood Open Spaces and Streets.

The main thrust of the plan is towards a cohesive pattern of Open Space. The tying together of parks and the concept of linkages, are important aspect of this plan. To meet these objectives, the policy recommends landscaping along arterial roads, key approach, and scenic routes, etc.

A major component of the Plan is the Coast-to-Coast Greenway comprising a continuous green space from Table Bay to False Bay, originating and terminating with a major regional park. The False Bay Park is the largest component within the City, and a major leisure attraction. (Refer to Annexure 17, which illustrates the Greening the City and Concept Plan.

The section of R300 between Main Road / Steenberg Road and Zeekoevlei is indicated on the plan, however the link across the Strandfontein waste water plant is not shown, and this area is a primary focus of the Coast to Coast Greenway.

While the policy does not make any specific reference to the extension of the R300, some of the key principles contained in this policy, are nevertheless considered relevant to the proposed Ring Road, namely the:

- Linkage and Continuity of Open Space
- Visibility and Accessibility of Open Space

**More detailed investigations into the impact that the proposed road will have on the Coast to Coast Greenway, needs to be undertaken, and mitigatory measures explored which will minimize the impact of the road. Consideration should also be given to the provision of linkages, landscaping etc...**

#### *7.5.4.4 Management Plan for the Philippi Horticultural Area*

The Management Plan for the Philippi horticultural area undertakes to:

- *Assist with the identification of short-term management actions required.*
- *Establish the basis (i.e. a local management tool) for the longer-term sustainable management of the PHA as a unique "rural area" within the Unicity.*
- *Serve a preparatory and information role for the Unicity through informing, familiarizing and sensitizing both Councillors and officials regarding:*
  - *The significance of the PHA and the need to protect this metropolitan area and resource.*
  - *Local management issues.*
  - *Areas of intervention in order to address management aspects requiring attention.*
  - *The urgency for appropriate management attention.*
- *To identify structures and mechanisms to implement and enforce the PHA Management Plan.*
- *To identify actions to carry the management plan forward.*

Concerns are raised in this document, regarding the impact of the Sheffield Road / R300 extensions may have on existing communities and the integrity of the agricultural area. Concerns have also been raised as to the possible additional impact as a result of possible through traffic resulting from such proposals (i.e. Toll avoidance). The report states that the discontinuity of roads in the central areas of the PHA results in greater security in these areas in which cultivation predominates. The absence of through routes should be maintained in order to ensure that the PHA remains horticultural.

The PHA is an integral part of the Citywide Green Space System.

The Management Plan acknowledges the proposal to construct sectors One and five of the proposed Toll Road. The Management Plan states that these roads will:

- Reduce through traffic by attracting volumes of local routes
- Serve as an edge or barrier to encroaching uses

The following impacts have been associated with the proposals:

- 12 hectares of land in the PHA could be lost to the sector five-road reserve.
- Wetlands near Vanguard Drive would be affected by the freeway interchange.
- Agricultural land along the southern edge of the PHA will be lost as a result of the sector five-road reserve.

The Management Plan calls for the Development of alternative Metropolitan Routes (eg. Sheffield Road, R300, Ring Road) to reduce through traffic. The plan states that impact of the R300 route (sector five) will be minimized in the event of it being a limited access arterial. The plan further states that through traffic in the PHA is to be avoided.

**There is inherent conflict in this document, between the desire to promote improved movement, while at the same time protecting the integrity and viability of the area.**

**Ways of reducing this disjuncture will need to be explored in the formulation of the detailed Toll Road proposals and allied interventions.**

#### *7.5.4.5 Mitchell's Plein Spatial Development Framework*

The Mitchell's Plein Spatial Development Framework acknowledges the R300 Ring Road, although the proposed road falls outside of the Spatial Planning Area associated with this framework. The road will however improve access to Mitchell's Plain, and will serve to enhance the functioning of the area.

**There are thus no implications for the Toll Road arising from this policy.**

#### *7.5.5 Oostenberg Administration*

##### *7.5.5.1 Municipal Spatial Development Framework*

Due to the fact that the R300 has already been built along the area, which abuts the Oostenberg Administrative Area, there are no direct proposals affecting the Road, contained within this framework. (Refer to Annexure 18 for an extract of the Oostenberg Spatial Development Framework).

The OSDF acknowledges the possibility of the R300 being tolled, and recommends that this aspect be studied in the future.

**There are thus no implications for the Toll Road arising from this policy.**

##### *7.5.5.2 Greater Kuils River Strategic Spatial Planning Overview*

The Policy applies to the area bounded by the R300 to the west and the Bottelary Hills to the east, and by the Stellenbosch Arterial to the south and Bottelary Road to the north. The only aspect of relevance to the proposed R300 Ring Road contained within this policy, are the final location of the Bottelary Road / R300 intersection, and the status / functioning and location of the proposed N7, which has now been replaced by the R300 Ring Road. This will have lower order implications on Forward Planning of the area.

**Investigations will need to be undertaken to determine the final location of the Bottelary Road / R300 Intersection.**

### 7.5.5 South Peninsula Administration

#### 7.5.5.1 South Peninsula Spatial Development Framework (SPSDF)

The SPSDF covers the area of the South Peninsula Administration, the section of Sector One of the road from the Westlake Interchange to Strandfontein road area lies within the area of the SPSDF. The key pertinent aspects of this framework, which have a direct bearing on the proposed Toll Road, are as follows.

The SPSDF acknowledges that high levels of congestion are experienced in the South Peninsula, both during commuter peak times and recreational peaks.

According to Wesgro: 1995, one of the five important infrastructural challenges facing SPA in this regard is the construction of a rapid transport link between Retreat and the Airport (the R300 extension). The SPSDF further states that the R300 linkage, (meaning Sector 5 of the Proposed Ring Road / the Philippi Link), needs to be improved at both the Metropolitan and local level.

The Sector 1 portion of the R300 is referred to as the False Bay Arterial in the SPSDF. This eastern link between the Princess Vlei Parkway and Vanguard Drive is **not supported** in the framework, due to the environmental sensitivity of the area across which it will traverse. As a result, the SPSDF suggests that the upgraded Baden Powell Drive, assume a greater significance in ensuring adequate east-west accessibility.

The framework does envisage a proposed link from the Steenberg / Main Road intersection extending eastwards to a new north-south link between Prince George Drive and Baden Powell Drive. This link does however not extend through the Strandfontein waste treatment plant. (Refer to Annexure 19 for an illustration of the SPSDF proposals).

The R300 from Retreat (Sector 5) is however considered to be a critical link between the SPA and the remainder of the CMA.

The integrity of the MOSS particularly the Wetlands of Zeekoevlei and the associated hydrological systems are to be maintained in terms of this policy.

**Detailed investigations need to be carried out for the section of proposed road between Zeekoevlei and the Strandfontein Waste Treatment Plan, due to the environmental sensitivity of the area.**

**Further liaison will be required with the authorities, to address the issues pertaining to Sector 1.**

#### 7.5.5.2 False Bay Ecological Park (FBEP)

The FBEP was borne out of the Greening of the City Plan. The Park has traditionally been known as the False Bay Coastal Park.

The park is yet to be proclaimed, and this final proclamation has been suspended, pending the resolution of the Toll Road proposals. A management team has been established which is currently involved in various aspects associated with the park.

This plan describes a development and action plan that will enable the City of Cape Town: South Peninsula Administration to promote, manage and develop the park.

The proposed R300 Ring Road is identified by the document as an intervention, which could potentially and severely damage the integrity of the park.

The two east-west linkages proposed as part of the Toll Road project, will have different impacts on the proposed Park, as summarized below.

Sector 1, through centre of Park:

- **Management:** the division of the Park into two will affect the efficiency with which officials will be able to control access, respond to fires and illegal activities etc.
- **Biophysical Environment:** The construction of the road represents a potential danger of pollution especially during construction. The road will present a barrier impeding the movement of fauna in the area, while habitat of certain species of plants may be reduced.
- **Storm water:** In the medium and long term, storm water runoff containing heavy metals and hydrocarbons from the road is likely to present water quality problems, particularly after prolonged dry periods.
- **Visual Impact:** This will be significant, especially in conservation and overnight accommodation areas.
- **Noise:** Development proposals such as overnight accommodation and campsites will be negatively affected by noise from the traffic.
- **Light pollution:** Particularly if the road has streetlights, as well as from vehicle headlights will considerably reduce the quality of the outdoor experience at night.

Sector 5, the proposed R300 Freeway extension:

- Is criticized for being too far north from the South Peninsula transportation activity, therefore representing an indirect link between east and west.
- However, it could be equally well argued that this link is better located for Constantia, Plumstead, Diep River and Wynberg residents who will not want to travel too far south before making an east west link, and will therefore continue to contribute to congestion in the north.
- The lack of a road reserve in the Philippi Horticultural Area will necessitate the acquisition of land, a potentially costly option, and the loss of valuable agricultural land is of concern.
- Is the most desirable from the study area's point of view as it will have no impact in terms of management, bio-physical, environment, storm water, visual impact, noise and light pollution.

**The above recommendations and concerns will need to be addressed in the formulation of the detailed proposals. Mitigation measures will need to be implemented, in order to minimize impacts on the Coastal Park.**

#### *7.5.5.3 Muizenberg to Pelican Park: Growth Management Strategy*

The study area of the Muizenberg to Pelican Park: Growth Management Strategy extends along the coastline from Muizenberg in the west to Pelican Park in the east, a distance of some seven kilometers. The study area extends inland for some five kilometers and includes the water bodies of Sandvlei, Rondevlei, Zeekoevlei and the Strandfontein Water Treatment Works.

The above plan specifies the anticipated road improvements in the area, as being the upgrading of be the Prince George Drive Network around Westlake, Strandfontein Road, and the Steenberg Road extension. (Refer to Annexure 20 in this regard).

The Plan identifies the proposed R300 extension as requiring further investigation, due to environmental constraints. This section of the road is seen as having the potential to conflict with environmental assets.

The plan however acknowledges that the R300 extension from Vanguard Drive to Prince George Drive will provide the study area with a high order east-west mobility route.

The goals and objections included in this plan, pertaining to Transport and Traffic include, *inter alia*:

- Improve east-west transport linkages
- Promote good access to development opportunities and balance mobility along important parts of the road network
- Achieve census on contentious road plans

The following Roads Proposals are included in the Plan:

- Extend Steenberg Road to Prince George Drive (short term)
- Cape Flats Freeway (Sector 5) (Vanguard to Kromboom Parkway) (medium term)
- Further extension of False Bay Coastal arterial to meet Princessvlei Parkway running north-south from CAFDA corner to Baden Powel Drive (long term)

It is noted in the Plan that the "completion of the False Bay Coastal Arterial to Strandfontein Road is not indicated, even in the long term beyond 10 years". It is not anticipated that this road is warranted, and that ideally it will be removed from the Metropolitan Road Plan, due to its high environmental impact (severing the False Bay Coastal Park) and its "replacement" by other east-west arterial systems.

**These recommendations and concerns will need to be addressed in the formulation of detailed proposals and, in particular, more detailed investigations into the viability of Sector 1, particularly from an environmental perspective, will be required.**

#### *7.5.5.4 Peninsula Urban Edge Study*

The Peninsula Urban Edge Study has its origins in the MSDF, which defined the approximate situation of the Urban Edge.

The purpose of the Urban Edge is to prevent Urban Sprawl through containing the city.

The integrity of the Peninsula Urban Edge will not be affected by the road proposal, as the defined Urban Edge lies to the west of the proposed road, which is planned to proceed eastward into other areas.

**The proposal falls inside the defined Urban Edge and is therefore in compliance with the policy.**

#### 7.6 Comment

Given the vast area which the road will traverse, and the multiplicity of forward planning policies, attention will have to be paid to the range of forward planning issues which are either affected by, or have implications for, the proposed Toll Road.

In light of the plethora of policies which affect the road, some of which are informal and others which have an approved status, it is recommended that the following action be taken on the issue of Forward Planning and Policy.

- A series of workshops be set up with the key planning heads of the different Administrations, to discuss the compatibility of the road with the Policies in each area, and the associated implications. Again, given the spatial applicability of the Policies, it is recommended that this be done on the basis of the current Administrations,
- That such consultation include the determination of a suitable programme of action aimed at resolving all of the key issues, including the amendment of formally approved policies, where applicable.
- That an agreement on process to amend or vary from informal policies where applicable, be agreed to, particularly where it may be necessary, or desirable, to amend or adopt new policies to mitigate against the impact of the Toll Road. (For example, given the concerns raised around the potential of the road to undermine rural land and fuel urban sprawl, it is recommended that detailed mitigatory / policy measures be specifically formulated to address these planning concerns), and,
- Where policies contain recommendations that have direct implications for the road, these should be highlighted and given cognizance where possible, in the design process.

Consequently, the nature of the mitigation / interventions dealing with Forward Planning issues, should be informed by this process.

The subsequent sections of the report explain in broad terms, the land use implications associated with the proposed road.

## SECTION D: LAND USE ANALYSIS

### CHAPTER EIGHT: LAND USE

#### 8.1 Introduction

The existing Land Use Pattern as well as the identification of Land Use Areas, which may be affected, are addressed in this chapter.

For the purposes of this review, the Land Uses are investigated on a sector-by-sector basis using a broad-brush approach, concentrating on overall patterns rather than Site Specific Uses.

#### 8.2 Metropolitan Land Use Pattern

The key Land Uses of Metropolitan importance affected by the Road are from north to south, the rural areas between the Atlantic Coast Line and Durbanville, and the Urban Area from Durbanville to the Philippi horticultural Area, the Philippi Horticultural Area itself, the Zeekoevlei / Strandfontein "wetlands" and, the Urban Area west of the wetlands, to the M3 Freeway.

On a Metropolitan level, the proposed road may impact on the integrity of the rural areas to the north of Durbanville, due to the potential encouragement of Urban Development along the route, given the enhanced accessibility and proximity to the rest of the Metropole. This may contribute to the phenomenon of Urban Sprawl as well as eroding valuable Rural / Agricultural Land.

The impact of a high order road through the Urban Areas between Durbanville and Retreat, (excluding the Philippi horticultural area), will affect the land use pattern as a result of the following factors, which will vary from area to area, depending on local conditions.

- Improved access
- Decreased access
- Isolation and separation of communities
- Noise
- Aesthetics
- Loss of Open Space
- Loss of environmental quantity
- Erosion of Property Values

Although limited access freeways do not generally result in changes in land usage on a small scale, as they do not offer improved direct access (and hence thresholds), larger developments of a metropolitan scale, may establish themselves due to improved citywide or macro accessibility. As previously inaccessible areas become accessible, larger strategic tracts of land could become attractive for development.

Typically, residential areas adjacent to Freeways are unlikely to be under pressure for Land Use changes, and the freeway will not make these areas more suited to commercial or other usage, due to the limited access role of the freeway.

The Philippi Horticultural Area may experience pressure for land use change due to Sector One of the proposal passing along the southern boundary of the area, and the Sector Five cutting through the northern extent of the area. Due to the significance of the Philippi Horticultural Area as a metropolitan agricultural resource and green lung, the erosion of the agricultural character is likely to be a key concern.

Furthermore, Sector Five of the road may isolate the northern portion of the Philippi Horticultural Area, making this area too small to sustain a viable agricultural threshold.

**Key issues for the Toll Road at the Metropolitan level would thus include:**

- **The impact on established agricultural areas, and in particular the potential catalyst for Urban sprawl in areas of improved accessibility, and the undermining of the integrity of these areas.**
- **In urban / built environments, attention will need to be paid to the impact by the proposed road on the communities, particularly in adjacent residential areas.**
- **Attention needs to be paid to the impact of the road on non residential uses, particularly where access may be affected by either road closures or tolling.**

**In the above cases, attention will need to be given to mitigatory inventions geared to guard against, or minimize such impacts.**

### 8.3 Local Area Land Use Pattern

The Land Use Pattern on the local area level, may be affected by various primary and secondary affects associated with the new road. Primary effects will be created as a direct result of the road being implemented, whereas secondary impacts will be generated by spin-offs from the proposed road, for example, by reducing access on certain roads, diverting traffic onto new routes with linkages to the Toll Road, etc.

#### *8.3.1 Sector 1: Land Use Pattern*

Sector One is further divided into ;

- (a) the section between the Simon van der Stel Freeway and the proposed Prince George Drive Intersection,
- (b) the section between the proposed Prince George Drive Intersection and Strandfontein Road,
- (c) the section north of Strandfontein, and
- (d) the section from Strandfontein to the existing R300.

Some general observations are made on each of these sectors.

- (a) This section of road follows the existing alignment along Steenberg Road to Main Road. The road runs adjacent to the Westlake Golf Course and existing Residential areas, Commercial uses mainly associated with the motor trade are found at the Main Road Intersection.

The road between Main Road and the proposed Prince George Drive Intersection is not in existence. It is proposed to run south of, the existing residential area, Frogmore Estate and Coniston Park. Further to the east the road travels to the north of Marina da Gama and Sandvlei and to the south of Lavender Hill.

**Where the road abuts the residential areas, this will have an impact on these zones. However since no access is envisaged, it is unlikely that these properties will be under pressure for land use change.**

**It is likely that the increased traffic will place pressure on the more accessible properties around the Main Road / Steenberg Road intersection, and these properties could become more desirable for higher order uses (i.e. Commercial). This land use change needs to be managed. The large areas of vacant land between Main Road and the Prince George Drive Intersection may experience pressure for development due to improved access to these areas.**

- (b) From the Prince George Drive Intersection to Strandfontein Road, the proposed Ring Road will travel across non-urban land, comprising vacant land and the Strandfontein Waste Treatment Works.

**No change to land use is anticipated in the Zeekoevlei / Strandfontein Waste Treatment Plant Area due to the environmental sensitivity of these areas. The non-sensitive vacant land may experience pressure for development. Pressure for land use change in the Philippi Horticultural Area will need to be controlled and managed.**

- (c) Where the road turns north at Strandfontein, it proceeds between the established Residential area of Strandfontein and the Philippi Horticultural Area. A significant part of the Philippi Horticultural Area is used for sand mining to the north of the proposed road.

**The Strandfontein Residential Area will need to be carefully considered in terms of impacts associated with the Ring Road. The Philippi Horticultural Area needs to be protected from Land Use change, which may undermine the integrity of the area.**

- (d) From Strandfontein to the start of the existing R300, the road cuts through the southern portions of the Philippi Horticultural Area, which are used for sand mining. This area is heavily disturbed. The road then turns northward

along the eastern edge of the Philippi Horticultural Area and the western edge of Mitchell's Plain. The road is located  $\pm$  200m from Mitchell's Plain, within the Philippi Horticultural Area.

**The integrity of the Philippi Horticultural Area will need to be protected from undesirable land use changes.**

### 8.3.2 Sector 2: Land Use Pattern

Sector Two includes the existing N21 / R300 which travels through the existing Residential Areas of northern Mitchell's Plain, and south of the Philippi Industrial Area. The road then travels through Delft and Driftsands low cost housing areas. Further to the north, the road travels adjacent to Belhar, Bellville Industrial and the Kuilsriver Residential Areas. North of Kuilsriver, the R300 cuts through the Stikland Industrial Area. South of the N1 the road travels between the Residential areas of Bellville to the west, and Brackenfell to the east.

**Due to the R300 being an existing High Mobility Route and part of an established road network, additional or new impacts on land use in the area are not anticipated.**

**Given the existence of this portion of the road, the adjacent areas have historically enjoyed good access, albeit controlled and limited. It is not anticipated that the improved linkages to the North and South will encourage either major development or land use change.**

### 8.3.3 Section 3: Land Use Pattern

Section Three falls between Otto Du Plessis Road and the Stellenberg Interchange. For the first 8km of this section the road, to the north of the N1, the route travels through the Medium Density Residential areas of Durbanville and adjacent to a number of new "cluster home" schemes to the north of Wellington Road. To the north of this, the proposed Ring Road travels through Rural Farmland comprising vineyards to the east and grazing land to the west. The road travels through a small area of natural vegetation to the east of Otto Du Plessis Drive.

**The land in the vicinity of this Sector of the road is most likely to experience pressure for land use change, especially in the vicinity of Otto Du Plessis Drive, as this area is currently experiencing significant development pressure. The establishment of a High Mobility east-west link will make the area increasingly accessible and more viable as a development area.**

**The area north of Durbanville is also likely to experience significant pressure for development, as Durbanville is currently experiencing rapid growth and development, especially in the residential sector.**

**Maintenance of the integrity of the rural areas and protection against Urban Sprawl are key issues, which need to be addressed in this Sector.**

#### 8.3.4 Sector 4: Land Use Pattern

Sector Four is the Highway section of the N1 / Stellenberg Interchange, which is to be lowered and revised to accommodate the proposed road, which will travel over the N1. This section is only  $\pm 1800\text{m}$  in length. This sector is surrounded by mainly Residential Areas, and includes the Kuilsriver Public Open Space.

**Due to the small area and character of the N1 interchange, no pressure for change in land use is anticipated in this area.**

#### 8.3.5 Sector 5: Land Use Pattern

Sector Five is the Philippi link between Prince George Drive and the start of the existing R300. The Land Use between Prince George Drive and Strandfontein Road is predominantly Residential with small pockets of Vacant Land, with a number of schools situated along the road reserve.

East of Strandfontein Road, the road traverses the Philippi Horticultural Area, which in this area, is purely agricultural in nature.

**The integrity of the Philippi Horticultural Area needs to be protected. Pressure for land use change may be experienced in this sector, particularly to the north of the proposed road, towards Lansdowne Road.**

**Mechanisms may need to be put in place to ensure that undesirable land use changes are not encouraged as a result of the development of the Toll Road.**

### 8.4 Road Network

The proposed Toll Road will need to be investigated in terms of the impact it will have on traffic movements in the metropolitan road network. The proposed road can be expected to result in an increase in traffic along some routes while others may experience a decline in traffic volumes. There are a number of associated impacts, which will result due the changes in traffic movements, such as businesses and commercial centres, which may experience a reduction in trade due to reduced accessibility or reduced traffic volumes. Some areas may experience pressure for non-residential development as a result of increased traffic.

**Certain roads may be closed, upgraded or downgraded as a result of the Toll Road and hence experience a change in character. The impacts associated with these changes needs to be thoroughly assessed.**

### 8.5 Comment

The proposed Toll Road will have an impact on the land use pattern in the metropolis. At a macro scale the newly 'opened up', more accessible areas will face increasing pressure for development, and this will need to be controlled and guided in accordance with the forward planning vision for the CMA.

The impact of the road on established and viable agricultural areas is likely to be a major concern, as will the potential of the road to act as a catalyst for 'urban sprawl'.

Where the road passes through established urban environments careful attention will have to be paid as to the impact that the road will have on these environments. Where possible and feasible, mitigatory measures which reduce such impacts, should be explored.

In light of the above, it is recommended that once the detailed proposals are known, that:

- A more finely detailed assessment is explored with appropriate mitigation. For the most part these interventions are likely to be covered by other disciplines, (*viz* noise, visual impact, sound, etc). Such interventions should be aimed at restoring the 'pre-road' conditions in so far as possible, with future uses being governed by forward planning.
- That consideration be given to the formulation of policies / controls that would mitigate against the negative planning impacts, such as undermining rural areas, fuelling urban sprawl, etc.

## **SECTION E: CONCLUSION AND RECOMMENDATIONS**

### **CHAPTER NINE: CONCLUSION**

#### 9.1 Concluding Remarks

This investigation undertaken into the Town Planning related aspects associated with the proposed N21 (R300) Ring Toll Road, has investigated Legislation and Policy on a National, Regional and Local Level, as well as Forward Planning, Jurisdictional and Land Use matters.

The implications, which have arisen from these studies, have indicated that there are a number of key issues, which require resolution prior to the approval for the road being granted.

The main points raised deal with the issues of:

- The diverse and fragmented nature of the relevant political structures under which the proposed road will fall,
- compatibility with National, Provincial and Local Legislation.
- compatibility with Metropolitan and Local area Forward Planning Policies and Plans, and,
- the impact of the road on Land Usage in both the broader and local context.

In summary, these key issues and impacts arising can be categorized into matters of process, and matters of substance.

Matters of process arise where certain action will be required as a result of Political / Administrative processes, and in order to satisfy Statutory and Legislative requirements.

These are matters which will guide the processes required for the road, but which will not in and of themselves, have any impact on the design of the road itself. In such cases the intervention measures required are procedural in nature. In contrast, matters of substance arise from the analysis associated with Forward Planning and Land Usage. These issues will need to be taken up as a matter of priority, as these may require specific interventions, or mitigations, which could influence the design, location and nature of the road.

These issues will need to be taken up, addressed and resolved in the proceeding phase of the project, and a route forward to this effect is sketched in the final chapter of this report.

## **CHAPTER TEN: RECOMMENDATIONS ON THE WAY FORWARD**

In order to attend to the various issues raised in this report, the following actions are recommended.

### 10.1 Political Context

It is recommended that a meeting be convened with Key Officials of the Uni-City to discuss the current status of the Administrative structure, any future proposals, and to identify an appropriate route forward for the Toll Road, from an Administrative point of view.

It is further recommended that the proponent interface with the Key Political decision makers early on in the process, to gauge support and to identify key issues to be resolved, in order to secure the future political endorsement of the various processes.

### 10.2 Statutory and Legislative Context and Assessment

Given the complexity of the legal process, it is recommended that a legal practitioner with specialist planning experience be requested to review this component of this report, and confirm the processes required, as well as identifying any other issues, which may be of relevance.

In particular, the legal review should also confirm the powers and capacity granted by the relevant National Legislation, particularly the South African National Roads Agency Limited and National Roads Act, and identify under what instances or circumstances, parallel National Legislation or Sub-Ordinate Provincial / Municipal legislation may still be of force, and require intervention.

It is further recommended that, to aid the above, that a detailed land register be established for all properties affected by / forming part of the roads in order to identify all requirements.

This will enable the streamlining and coordination of the processes required.

### 10.3 Forward Planning Context

Given the plethora of policies, which affect the road, some of which are informal and others, which have an approved status, it is recommended that the following action be taken on the issue of Forward Planning and Policy;

- A series of workshops be set up with the key planning heads of the different Administrations, to discuss the compatibility of the Road Proposals with the Policies in each area, and the associated implications. Again, given the spatial applicability of the Policies, it is recommended that this be done on the basis of the current Administrations.
- That such consultation include the determination of a suitable programme of action aimed resolving all of the key issues, including the amendment of formally approved policies, where applicable.

- That an agreement on process to amend or vary from informal policies, where applicable, be agreed to, particularly where it may be necessary or desirable to amend or adopt new policies to mitigate against the impact of the Toll Road. (For example: given the concerns raised around the potential of the road to undermine rural land and fuel urban sprawl, it is recommended that detailed mitigatory / policy measures be specifically formulated to address these planning concerns), and,
- Where policies contain recommendations that have direct implications for the road, these should be highlighted and given cognisance where possible, in the design process.

Consequently, the nature of the mitigations / interventions, will be determined by this process.

#### 10.4 Land Usage

Once the more detailed proposals are confirmed, it is recommended that ;

- A more finely detailed assessment is explored with appropriate mitigation. For the most part these interventions are likely to be covered by other disciplines, *viz* noise, visual impact, sound etc). Such interventions should be aimed at restoring the 'pre-road' conditions in so far as possible, with future uses being governed by forward planning.
- That consideration be given to the formulation of policies / controls that would mitigate against possible negative planning impacts, such as undermining the integrity of rural areas, fuelling urban sprawl, etc.

These actions and recommended process forward, are diagrammatically shown on the attached diagram.

#### 10.5 Prioritization of Tasks

At this stage, the matters of substance (dealing with Forward Planning and Land Usage) are deemed to be of the highest priority, as these have the potential to impact on the design, location and nature of the road itself.

The matters dealing with process can follow, assuming that the substantive issues have (or can be) adequately resolved.

For this reason, it is recommended that priority be given to the issues of Forward Planning and Land Usage.

**JPH 22.11.02**