



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



BACKGROUND INFORMATION DOCUMENT:

ADOPTION OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) URBAN AREA FOR CAPE TOWN

July 2025

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1. Introduction and purpose of this Background Information Document

The City of Cape Town (the City) requested the Western Cape Government's Department of Environmental Affairs and Development Planning (DEA&DP), as the competent authority, to adopt the area within the City's approved Urban Development Edge as a **NEMA Urban Area** with respect to the National Environmental Management Act (NEMA), Act 107 of 1998.

This background information document (BID) explains what the NEMA Urban Area is, its purpose and why the City has proposed its formal adoption by DEA&DP.

Adoption of a NEMA Urban Area requires that the public be given the opportunity to comment on it. The commenting process was completed by DEA&DP in 2024 and 2025. This BID provides the information needed to understand the NEMA Urban Area proposal.

It is very important to note that the DEA&DP commenting process did not invite comment on the City of Cape Town's Urban Development Edge, which was approved by the City Council in January 2023 (See Appendix 2).

The City's Urban Development Edge demarcates the boundary of the outer edge of the future city and includes farms and rural areas not yet developed. It reflects an estimate of the land that is likely to be required for new urban development over the next 5-20 years. The demarcation assumes that the land will be developed for conventional urban uses such as residential, business, industrial and community uses.

The Urban Development Edge therefore includes areas which are at present located outside of the current built-up area. The Urban Development Edge is contained in the City's Municipal Spatial Development Framework (MSDF) and the associated eight District Spatial Development and Environmental Management Frameworks (DSDFs-EMFs, or District Plans for short). The MSDF was approved by the City Council on 26 January 2023 (see Council minutes, item C 13/01/23, in Appendix 2).

The adoption of the area within the **Urban Development Edge** as a **NEMA Urban Area** is proposed, to simplify and align policy and legislation.

Note: There are some areas where the Urban Development Edge appears to penetrate into areas depicted as being within the Table Mountain National Park (TMNP) boundaries. This will be corrected during the next MSDF and SDF-EMF review process. **Areas within the Urban Development Edge that lie within the TMNP will not be adopted as NEMA Urban Areas.**

2. What you need to know about the NEMA Urban Area for Cape Town

2.1 What is a NEMA Urban Area?

2.1.1. The legislative provision for an adopted NEMA Urban Area

A NEMA Urban Area may include land use which includes certain Listed Activities, as contained in the National Environmental Management Act (NEMA) Environmental Impact Assessment (EIA) Regulations (2014, as amended), which are defined activities that require environmental authorisation before being implemented.

This authorisation process requires that either a Basic Assessment or full scoping Environmental Impact Assessment be done to inform the competent authority (DEA&DP in most cases) of the impacts of the proposed activity and how they are to be prevented or mitigated.

The information contained in the Environmental Impact Assessment informs the decision on whether the proposed activity may take place or not, and under what conditions.

Some of the Listed Activities have an exclusion provision: i.e. they do not require an environmental authorisation if they are to take place within an urban area. See Appendix 1 for a list of the Listed Activities that have an exclusion provision.

The primary intent behind this exclusion provision is to facilitate development in urban areas.

Urban areas are defined in the EIA Regulations (2014, as amended) as:

'Areas situated within the urban edge (as defined or adopted by the Competent Authority), or in instances where no urban edge or boundary has been defined or adopted, it refers to areas situated within the edge of built-up areas'.

The interpretation of this definition implies that the urban area includes only the built-up part of the city and not certain demarcated farms adjacent to the built-up areas that are earmarked for future development in the City's 3-10 year development horizon. Land parcels like farms and rural areas adjacent to the built-up area which have been discussed and agreed to during the MSDf and DSDf-EMF processes would not gain the benefits of being located within a NEMA Urban Area.

However, the purpose of the adoption of the Urban Development Edge by the competent authority and thus a NEMA Urban Area within it, is to ensure that large groups of land parcels, which are outside the existing built-up area, could be developed without an environmental authorisation requirement, **if it is clear that no other Listed Activities trigger the requirement for an environmental authorisation.**

At present, the competent authority (DEA&DP) makes a decision on whether an area is to be considered an 'urban area' or not, based on the location of the listed activity 'within the edge of built-up areas'.

This approach works in most cases, but not all. Situations arise where there are differing interpretations of what is inside or outside the 'built-up area'.

To avoid confusion, it was thus proposed that the City's Urban Development Edge be adopted as the boundary of the NEMA Urban Area. This would result in the area within the Urban Development Edge becoming a NEMA Urban Area. This will help to clarify where the Listed Activity exclusion provisions will apply and where they will not apply.

2.1.2 What is the area proposed to be adopted as a NEMA Urban Area?

As the City has an approved MSDf and eight District Plans, within which there is an approved Urban Development Edge, it was proposed that the City's Urban Development Edge form the boundary of the NEMA Urban Area i.e. the NEMA Urban Area would include all areas within the City's Urban Development Edge.

This proposal will simplify decision-making regarding what is inside or outside the NEMA Urban Area. Now that DEA&DP has adopted the City's Urban Development Edge, the area within it becomes a NEMA Urban Area.

The City's approved Urban Development Edge has a separate report explaining the decisions relating to certain land parcels along the edge. Read the Urban Development Edge report [here](#).

Note that the City Council decided to change the proposed Urban Development Edge on 26 January 2023, when the MSDf and DSDf-EMFs came before Council for approval. The

Council minutes noting the changes can be viewed [here](#), or refer to Appendix 2 of this document.

2.1.3 Does having an adopted NEMA Urban Area mean that all areas within the NEMA Urban Area will be developed in some way?

No, an adopted NEMA Urban Area does not necessarily mean all the land inside the Urban Area is meant for, or is suitable for conventional urban development, or that there is proposed development. It also does not mean that all the land parcels within the Urban Area will be fully developed within the lifespan of the MSDFs and DSDFs-EMFs; or that all the land parcels will be residential, non-residential or for any community use. Some land parcels may be retained for open spaces or biodiversity protection.

However, if development of some kind is desirable, and there are no other NEMA Listed Activities going to take place (i.e. those which do not have the exclusion provision), development may be possible without having to apply for a NEMA environmental authorisation.

The above point is extremely important: Only if there are **no NEMA Listed Activities**, can development take place without a NEMA environmental authorisation process.

All the land parcels with agricultural and rural zoning will still have to go through normal Municipal Planning By-law processes, where the current zoning of agriculture, rural or undetermined, will have to be rezoned to the subdivisional category and then further to land uses such as residential, community use, business or industrial.

2.1.4 Does having an adopted NEMA Urban Area mean that all areas within the NEMA Urban Area will be exempted without any requirement for any form of environmental authorisation?

No, only if there are no NEMA Listed Activities taking place at the site, and none of the other Specific Environmental Management Acts (SEMAs), for example the National Water Act or the National Waste Act are applicable, would environmental authorisation not be required.

2.2 Why should the City of Cape Town have an adopted NEMA Urban Area?

If the entire area located within the City's approved Urban Development Edge is adopted by the competent authority as a NEMA Urban Area, there will be no inconsistencies regarding decision-making as to what is inside, or outside, the Urban Area.

This should make it easier for DEA&DP as the competent authority (as well as property owners, residents and Environmental Assessment professionals) to determine whether Listed Activities are triggered or not, particularly in areas where this kind of decision may have been difficult prior to the Urban Development Edge adoption.

Typically, such areas are located where there is remaining agricultural or undeveloped land in or on the edge of developed areas. These areas often do not have bulk services, or not at the capacity needed. Being mostly agricultural, they rarely have any remaining environmental features or habitats which would trigger the requirement for an environmental authorisation. In such areas, the Urban Area exclusion provision may enable delivery of services without having to undertake an Environmental Impact Assessment (although the Municipal Planning By-law (MPBL) and Development Management Scheme's required Land Use Development application would still be applicable).

If, however, there are features such as a river, stream, wetland, core biodiversity area or area of agricultural significance, it is likely that other legislative requirements will come into force,

e.g. Water Use Licences or General Authorisations in terms of the National Water Act, or other requirements in relation to the City's policies and/or by-laws.

The exclusion provision can result in a situation where no environmental authorisation is required. This can shorten the preparatory phases of project development, facilitate service delivery and reduce costs. It also allows preparatory studies to be focused where most needed.

2.3 What will happen to the NEMA Urban Area if the Urban Development Edge changes?

The NEMA Urban Area line will be re-advertised in cycles of approximately five (5) years, along with the process to update or adjust the MSDF and DSDFs-EMFs in which the Urban Development Edge line is also reviewed.

Any ad hoc deviations from the Council-approved Urban Development Edge line in terms of the relevant planning legislation will be regarded as void for the NEMA Urban Area line adopted/defined in terms of the NEMA and the EIA Regulations, 2014 (as amended) i.e. Listed Activities with the NEMA Urban Area exclusion provisions would not apply in any areas where ad hoc changes are made to the Urban Development Edge before the 5 year formal review process.

3. Invitation to comment is completed, and resulted in this adoption

The formal adoption by the competent authority of the City's Urban Development Edge as the boundary for an adopted NEMA Urban Area will result in easier, faster and more consistent decision-making in terms of applicable Listed Activities, particularly in areas where the City's Urban Development Edge has expanded outwards.

The Urban Area exclusion provision reduces the number of environmental authorisations required and facilitates service delivery, particularly in new areas included within the City's approved Urban Development Edge – reflecting the horizontal growth estimated to take place within the lifespan of the MSDF and DSDFs-EMFs.

In Appendix 1, there is a list of the activities that are excluded from requiring authorisation when located within a NEMA Urban Area. Please note that only those Listed Activities that have an Urban Area exclusion provision are listed in the Appendix.

Comment on the proposed adoption by the competent authority of a NEMA Urban Area, as defined by the City's Urban Development Edge boundary, was completed by DEA&DP ([Western Cape Government Gazette No. 9104](#), dated 15 July 2025).

The Gazette notice on advertisement is now followed by the Gazette notice of adoption.

APPENDIX 1

EXTRACTS FROM EIA REGULATIONS (2014, as amended) LISTING NOTICES 1, 2 AND 3

Please Note: The Listed Activities noted below have been extracted from Listing Notices 1, 2 and 3. The full set of Listed Activities is not given, *only those that have a NEMA Urban Area provision*. Reference must be made to the full set of Listed Activities to determine if Listed Activities are applicable to a proposed development.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

Annotated LISTING NOTICE 1 LIST OF ACTIVITIES WHERE THERE:

A) Is an Urban Area Exclusion, as highlighted below in pink.

B) Are different thresholds for Activities inside or outside the Urban Area, as highlighted below in blue.

Activity no.	ACTIVITY DESCRIPTION
1	The development of facilities or infrastructure for the generation of electricity from a renewable resource where – (i) the electricity output is more than 10 MW but less than 20 MW; or (ii) the output is 10 MW or less but the total extent of the facility covers an area in excess of 1 ha; excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs – (a) within an urban area ; or (b) on existing infrastructure.
5	The development and related operation of facilities or infrastructure for the concentration of – (i) more than 1,000 poultry per facility situated within an urban area, excluding chicks younger than 20 days; (ii) more than 5,000 poultry per facility situated outside an urban area, excluding chicks younger than 20 days; (iii) more than 5,000 chicks younger than 20 days per facility situated within an urban area; or (iv) more than 25,000 chicks younger than 20 days per facility situated outside an urban area.
9	The development of infrastructure exceeding 1,000 m in length for the bulk transportation of water or storm water – (i) with an internal diameter of 0.36 m or more; or (ii) with a peak throughput of 120 l/s or more; excluding where – (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area .
10	The development and related operation of infrastructure exceeding 1,000 m in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes – (i) with an internal diameter of 0.36 m or more; or (ii) with a peak throughput of 120 l/s or more; excluding where – (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area .

Activity no.	ACTIVITY DESCRIPTION
11	The development of facilities or infrastructure for the transmission and distribution of electricity – (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kV; or (ii) inside urban areas or industrial complexes with a capacity of 275 kV or more; excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is – (a) temporarily required to allow for maintenance of existing infrastructure; (b) 2 km or shorter in length; (c) within an existing transmission line servitude; and (d) will be removed within 18 months of the commencement of development.
12	The development of – (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 m²; or (ii) infrastructure or structures with a physical footprint of 100 m² or more; where such development occurs – (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 m of a watercourse, measured from the edge of a watercourse – excluding – (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of the development and where indigenous vegetation will not be cleared.
17	Development – (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 m inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of – (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 m² or more – but excluding – (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or (dd) where such development occurs within an urban area.
24	The development of a road – (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13.5 m, or where no reserve exists where the road is wider than 8 m; but excluding a road – (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; or (b) where the entire road falls within an urban area; or (c) which is 1 km or shorter.

Activity no.	ACTIVITY DESCRIPTION
28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 ha; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 ha; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.
36	The expansion of facilities or structures for the generation of electricity from a renewable resource where – (i) the electricity output will be increased by 10 MW or more, excluding where such expansion takes place on the original development footprint; or (ii) regardless the increased output of the facility, the development footprint will be expanded by 1 ha or more; excluding where such expansion of facilities or structures is for photovoltaic installations and occurs – (a) within an urban area; or (b) on existing infrastructure.
40	The expansion and related operation of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by – (i) more than 1,000 poultry where the facility is situated within an urban area; or (ii) more than 5,000 poultry per facility situated outside an urban area.
46	The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes where the existing infrastructure – (i) has an internal diameter of 0.36 m or more; or (ii) has a peak throughput of 120 l/s or more; and (a) where the facility or infrastructure is expanded by more than 1,000 m in length; or (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more; excluding where such expansion— (aa) relates to <u>the bulk</u> transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes within a road reserve <u>or railway line reserve</u>; or (bb) will occur within an urban area.
48	The expansion of – (i) infrastructure or structures where the physical footprint is expanded by 100 m² or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 m² or more; where such expansion occurs – (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 m of a watercourse, measured from the edge of a watercourse; Excluding – (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads or road reserves or railway line reserves.

Activity no.	ACTIVITY DESCRIPTION
54	The expansion of facilities – (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 m inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of – (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures where the development footprint is expanded by 50 m² or more, but excluding – (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or (bb) where such expansion occurs within an urban area.
56	The widening of a road by more than 6m, or the lengthening of a road by more than 1 km – (i) where the existing reserve is wider than 13.5 m; or (ii) where no reserve exists, where the existing road is wider than 8 m; excluding where widening or lengthening occur inside urban areas.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)
ANNOTATED LISTING NOTICE 2:
LIST OF ACTIVITIES WHICH HAVE AN URBAN AREA PROVISION

Note: Only two Listed Activities in Listing Notice 2 have an Urban Area exclusion provision.

Activity no.	ACTIVITY DESCRIPTION
1	The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 MW or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs – (a) within an urban area ; or (b) <u>on existing infrastructure</u> .
27	The development of a road – (i) <i>(excised)</i> (ii) <i>(excised)</i> (iii) with a reserve wider than 30 m; or (iv) catering for more than one lane of traffic in both directions; but excluding a road – (a) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010, in which case activity 24 in Listing Notice 1 of 2014 applies; (b) <u>which is 1 km or shorter; or</u> (c) <u>where the entire road falls within an urban area.</u>

Appendix 1 continues on the next page.

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)**

ANNOTATED LISTING NOTICE 3: LIST OF ACTIVITIES, WHICH EITHER:

**A) ONLY APPLY OUTSIDE AN URBAN AREA, as highlighted in orange
overleaf.**

OR

**B) HAVE A SPECIFIC DESIGNATION OR CRITERION INSIDE OR OUTSIDE AN
URBAN AREA, as highlighted in green overleaf.**

Activity No.	ACTIVITY DESCRIPTION	GEOGRAPHICAL AREAS BASED ON ENVIRONMENTAL ATTRIBUTES
1	The development of billboards exceeding 18 m ² in size outside urban areas, mining areas or industrial complexes	i. Western Cape: i. All areas <u>outside urban areas</u> , mining areas or industrial complexes.
2	The development of reservoirs , excluding dams, with a capacity of more than 250 m ³	i. Western Cape i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. In areas containing indigenous vegetation; or iii. <u>Inside urban areas:</u> (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.
3	The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower – (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 m in height – but excluding attachments to existing buildings and masts on rooftops	a. Western Cape i. All areas <u>outside urban areas</u> ; ii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, <u>within urban areas</u> ; or iii. Areas zoned for use as public open space or equivalent zoning <u>within urban areas</u> .
4	The development of a road wider than 4 m with a reserve less than 13.5 m	i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas <u>outside urban areas</u> : (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. <u>Inside urban areas:</u> (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.
6	The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.	i. Western Cape i. Inside a protected area identified in terms of NEMPAA; ii. <u>Outside urban areas:</u> (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Within 5 km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; – excluding the conversion of existing buildings where the development footprint will not be increased.
7	The development of aircraft landing strips and runways 1.4 km and shorter.	i. Western Cape i. All areas <u>outside urban areas</u> .
8	The development and related operation of above ground cableways and funiculars	i. Western Cape i. All areas <u>outside urban areas</u> .
10	The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good , where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 m ³	i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. All areas <u>outside urban areas</u> ; or iii. <u>Inside urban areas:</u> (aa) Areas seawards of the development setback line or within 200 m from the high-water mark of the sea if no such development setback line is determined;

Activity No.	ACTIVITY DESCRIPTION	GEOGRAPHICAL AREAS BASED ON ENVIRONMENTAL ATTRIBUTES
		(bb) Areas on the watercourse side of the development setback line or within 100 m from the edge of a watercourse where no such setback line has been determined; or (cc) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.
14	The development of — (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 m²; or (ii) infrastructure or structures with a physical footprint of 10 m² or more; where such development occurs — (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback has been adopted, within 32 m of a watercourse, measured from the edge of a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour	i. Western Cape i. <u>Outside urban areas:</u> (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas listed in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.
15	The transformation of land bigger than 1,000 m² in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010	f. Western Cape i. <u>Outside urban areas</u>, or ii. <u>Inside urban areas:</u> (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010; (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.
16	The expansion of reservoirs, excluding dams, where the capacity will be increased by more than 250 m³	i. Western Cape i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. In areas containing indigenous vegetation; or iii. <u>Inside urban areas:</u> (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, including residential areas.
17	The expansion of a resort, lodge, hotel, tourism or hospitality facilities where the development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more.	i. Western Cape i. Inside a protected area identified in terms of NEMPAA; ii. <u>Outside urban areas:</u> (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Within 5 km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - excluding the conversion of existing buildings where the development footprint will not be increased.
18	The widening of a road by more than 4 m, or the lengthening of a road by more than 1 km	i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. All areas <u>outside urban areas:</u> (aa) Areas containing indigenous vegetation;

Activity No.	ACTIVITY DESCRIPTION	GEOGRAPHICAL AREAS BASED ON ENVIRONMENTAL ATTRIBUTES
		(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. <u>Inside urban areas:</u> (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.
19	The expansion of runways or aircraft landing strips where the expanded runways or aircraft landing strips will be longer than 1.4 km in length	i. Western Cape i. All areas <u>outside urban areas</u>.
20	The expansion and related operation of above ground cableways and funiculars where the development footprint will be increased	i. Western Cape i. All areas <u>outside urban areas</u>;
21	The expansion of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles, where the development footprint will be expanded	i. Western Cape i. Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; ii. Seawards of the development setback line or within 200 m from the high water mark of the sea if no such development setback line is determined; or iii. Areas of indigenous vegetation <u>outside urban areas</u>.
22	The expansion and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good , where such storage facilities or infrastructure will be expanded by 30 m ³ or more but no more than 80 m ³	i. Western Cape i. Areas zoned for use as public open space, conservation or an equivalent zoning; ii. All areas <u>outside urban areas</u>; or iii. Areas <u>inside urban areas</u>: (aa) Areas seawards of the development setback line or within 200 m from the high-water mark of the sea if no such development setback line is determined; (bb) Areas on the watercourse side of the development setback line or within 100 m from the edge of a watercourse where no such setback line has been determined; or (cc) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.

Activity No.	ACTIVITY DESCRIPTION	GEOGRAPHICAL AREAS BASED ON ENVIRONMENTAL ATTRIBUTES
23	The expansion of— (i) dams or weirs where the dam or weir is expanded by 10 m² or more; or (ii) infrastructure or structures where the physical footprint is expanded by 10 m² or more; where such expansion occurs— (a) within a watercourse; (b) in front of a development setback adopted in the prescribed manner; or (c) if no development setback has been adopted, within 32 m of a watercourse, measured from the edge of a watercourse; excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour	i. Western Cape i. <u>Outside urban areas:</u> (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas listed in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.

APPENDIX 2

COPY OF 'SECTION C 13/01/23' OF COUNCIL MINUTES OF 26 JANUARY 2023

NOTE: The sections of the minutes that are relevant to NEMA Urban Edge changes have been **highlighted in blue.**

C 13/01/23

REQUEST FOR THE EIGHT 2012 DISTRICT SPATIAL DEVELOPMENT FRAMEWORKS (DSDFs) AND ENVIRONMENTAL MANAGEMENT FRAMEWORKS (EMFs) BE REPLACED WITH THE REVIEWED 2022 INTEGRATED DISTRICT SPATIAL DEVELOPMENT FRAMEWORKS (DSDFs) AND ENVIRONMENTAL MANAGEMENT FRAMEWORKS (EMFs)

Ald A Andrews (DA), seconded by Cllr A Cassiem (DA), proposed the following amendment to the recommendations in Volume 2 of the Council agenda on page 1251:

"that subsection (3) – The Area surrounding Joostenbergvlakte and Farm Nooitgedacht (4/728) as follows, be deleted:

(1) Area surrounding Joostenbergvlakte and Farm Nooitgedacht (4/728):

- Incorporate the farm Nooitgedacht (4/728) into the Incremental growth and consolidation area as shown on the map and amend the urban development edge accordingly.

- In terms of the draft Northern District Plan, amend the district plan to accommodate the Joostenbergvlakte area as a new mixed use in accordance to the original policy proposals for the area.

- Commence with the development on an integrated development and services plan for the area to provide certainty to the future role of this area.

Additionally, recommendation (I) in Volume 2 of the Council agenda on page 1250 as follows, be deleted:

(I) The first review of the MSDF Urban Development Edge module include the review of specifically 3 areas: 1) Land needs in the Du Noon area to accommodate urban growth on farm land to the north; 2) Land development opportunities in the N1 Corridor around Joostenbergvlakte farms considering the potential SANRAL road improvements; and 3) Springfontein Farm (west of Atlantis to enhance biodiversity conservation as quid pro quo to residential development)."

The amendments to the recommendation were duly supported by a majority vote.

The amended recommendation was therefore carried.

RESOLVED that:

(a) Council approve the adoption of the following list of Integrated District Spatial Development Frameworks (DSDFs) 2022 (District Plans):

Volumes 1 to 4 (attached as Annexure 1 to the report on the agenda), in terms of Sub Sections 11, 13, 14, 17 and 18 of the Municipal Planning By-law;

1.1 Table Bay District Plan;

1.2 Blaauwberg District Plan;

1.3 Northern District Plan;

- 1.4 Tygerberg District Plan;
- 1.5 Helderberg District Plan;
- 1.6 Khayelitsha Mitchells Plan and Greater Blue Downs District Plan;
- 1.7 Cape Flats District Plan; and
- 1.8 Southern District Plan.

Subject to the amendments as set in the preamble above, where applicable;

(b) The District Plans be submitted to the National Minister of Forestry, Fisheries and the Environment or the MEC of Environmental Affairs and Development Planning, in concurrence with the National Minister, for approval as Environmental Management Frameworks (EMFs) in terms of the Environmental Management Frameworks Regulations promulgated in terms of the National Environmental Management Act, 1998 (Act No. Act 107 of 1998);

(c) The combined Metropolitan Spatial Development Framework and District Plans Public Participation Report (PPR) (attached as Annexure 3 to the report on the agenda), containing the public comments and related responses in terms of Sub Section 4(2) (c) and 13 (3) (a)-(d) of the Municipal Planning By-law be noted, the responses be accepted and the alternative comments be dismissed;

(d) The combined MSDF and District Plans Urban Development Edge Report (attached as Annexure 4 to the report on the agenda), in terms of Subsection 3 (3) and 11 (2) of the Municipal Planning By-law and the Urban Development Edge line contained within the report be noted; the responses be accepted and the alternative comments be dismissed;

(e) The Urban Development Edge delineation be submitted to the Department of Environmental Affairs & Development Planning for the delineation of the Urban Areas for approval in terms of the Amended Environmental Impact Assessment Regulations 2014 promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

(f) The proposals to amend to the Coastal Edge (Coastal Management Line) be submitted to the Minister National Minister of Forestry, Fisheries and the Environment to be processed for approval in

(g) It be noted that, to further assist with awareness making and the promotion of the MSDF and the District Plans, that the following programmes will be initiated:

- (i) Training programmes for councillors, ward committee members and Identified civic leaders; and

- (ii) A programme of continuous community interaction that promotes area based spatial planners to develop and support local implementation plans, as prioritized, that would in turn promote, amongst others, community interaction in spatial planning and the attainment of more effective spatial plans.

(h) It be noted that the initiation of a programme to review the MSDF and District Plans (Sections 10 and 17 of the Municipal Planning By-law) that considers shorter term (more regular) and longer term reviews that will incorporate updates of any newly developed City policies and implementation plans;

(i) Council noted, in accordance with Subsections 7, 8, 15 and 18 of the Municipal Planning By-law, the requirements to:

(i) Submit a written notice of the adoption of the Amended MSDF to the Provincial Minister responsible for local government;

(ii) Publish a notice of the decision of the adoption the MSDF and District Plans;

(iii) Give notice to the public of amended documents, withdrawn documents and publicize a summary of the MSDF.

(j) The Executive Director: Spatial Planning and Environment submits a review framework for the frequent review of the MSDF, indicating alignment to the IDP, other corporate processes and legislative requirements by May 2023 to the Spatial Planning and Environment Portfolio Committee and Mayco.

(k) It be noted that the proposed MSDF review framework specifically addresses the annual review of infrastructure capacity information and proposed infrastructure projects to support the spatial development framework of the City, contributing to the improved alignment of sector plans, infrastructure budget and projects in the MSDF/DSDFs.

(l) Council approved further amendments to the Metropolitan Spatial Development Framework and District Plans, as follows:

(i) The definition of Affordable Housing to reflect as follows where it appears Metropolitan Spatial Development Framework and/or District Plans:

Traditionally, affordable housing refers to housing with prices or values below the overall open market value, and which targets below-average incomes. This is a function of context and, in well-located areas of the City; unit prices are significantly higher than elsewhere, thus increasing the affordability threshold. The Provincial Inclusionary Housing Policy Framework points out that the affordability gap – the mismatch between what most households can afford versus the price most properties are available for – may differ across towns. Affordable housing should be primarily targeted at households earning between R3,500 a month and the upper threshold of the Financial Sector Code Affordable Housing Standards, currently R27 200 in 2023 (in 2018, these were households typically earning R22,000 or more). The 2021 Financial Sector Code Affordable Housing Standards define the affordable housing target market as households earning an upper income limit of R26,100 (rounded) (BASA, 2021). Any housing provision that complies with the definition of the Financial Services Sector, annually updated by using the midpoint between the Consumer Price Index and Building Cost Index, is considered as Affordable Housing in terms of the MSDF. With contributions from the State – in subsidies, land, or other development incentives – the National Department of Human Settlements' upper threshold of R22,000 can be applied and a deeper reach into the lower income bands of the affordable housing market can be achieved.

(ii) With regards to Erf 1117 in the Blaauwberg district, wherever applicable and when describing proposed land uses can the housing typology be described as mixed income households instead of subsidized, low income or affordable housing.

(iii) Urban Development Area [UDA] amendments for the two (2) sites -

(1) Area East of N7:

- Incorporate the area as shown on the map as an Incremental Growth and Consolidation Area in the draft Metropolitan Spatial Development Framework, amend the Urban Development Edge accordingly and identify the area as a new mixed-use area in the draft Blaauwberg District Plan.

- Commence in association with the stakeholders the development of an integrated plan for this area

(2) Silwerstroomstrand and the farm Springfontein:

- Incorporate the area as shown on the map as an Incremental Growth and Consolidation Area in terms of the draft Metropolitan Spatial Development Framework and as a new development area in terms of the draft Blaauwberg District Plan.

- Ensure compliance with all statutory processes but specifically compliance with the Koeberg Evacuation Plan.

(iv) Additional Urban Development Area [UDA] amendments -

To not amend the Urban Development Area (UDA) for Imizamo Yethu (IY) and Hangberg.

(m) an annual report on the implementation of the MSDFs/DSDFs be submitted to the Spatial Planning and Environment Portfolio Committee including spatial trends and decisions related to the development application system (such as land use applications and building plans).

(n) a quarterly report be submitted to the Spatial Planning and Environment Portfolio Committee on progress made on implementing the MSDFs and DSDFs through Land Use and Building Plan decisions.

(o) the late comments received after the public participation closure date of 30 August 2022, although included in the public participation report be noted and considered in the next review round.

[The AJ, ARA, CCC and EFF (3) recorded their votes against the above decision.] [GOOD supported the decision with concern.]