

Monday, October 21, 2019

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16th Floor Civic Centre,
12 Hertzog Boulevard,
Sub-Council 16
The City of Cape Town

Please find the Observatory Civic Association Public Open Letter regarding the Two Rivers Park LSDF and Heritage Impact Assessment adverts by the City of Cape Town.

For Attention :

Mayor of City of Cape Town, Dan Plato, mayor.mayor@capetown.gov.za
Deputy Mayor of City of Cape Town, Ian Neilson, ian.neilson@capetown.gov.za
Mayoral Committee Member: Spatial Planning and Environment, Marian Nieuwoudt,
marian.nieuwoudt@capetown.gov.za

SubCouncil 16 Chair : Matthew Kempthorne, Matthew.Kempthorne@capetown.gov.za



Dear Sirs / Madams

The Observatory Civic Association would like to place on record while bringing the following two aspects relating to the advert, "Notice is hereby given in terms of Section 17 of the Local Government Municipal Systems Act that the City of Cape Town Council which intends to adopt the Draft Two Rivers LSDF in terms of Section 12(1) of the City of Cape Town Municipal Planning By-Law, 2015"

1. Name Change

According to the advert, the name of the Two Rivers Urban Park has been changed to Two Rivers as stated in the advert:

'The City of Cape Town is in the process of finalising its Draft Two Rivers Local Spatial Development Framework (LSDF) The Draft Two Rivers LSDF provides direction for short medium- and long-term spatial and investment planning in the Two Rivers Local Area, previously called Two Rivers Urban Park (TRUP). This area extends from Hartleyvale and Malta sportsfields to Alexandra Road and includes Ndabeni Triangle and Pinelands Station"

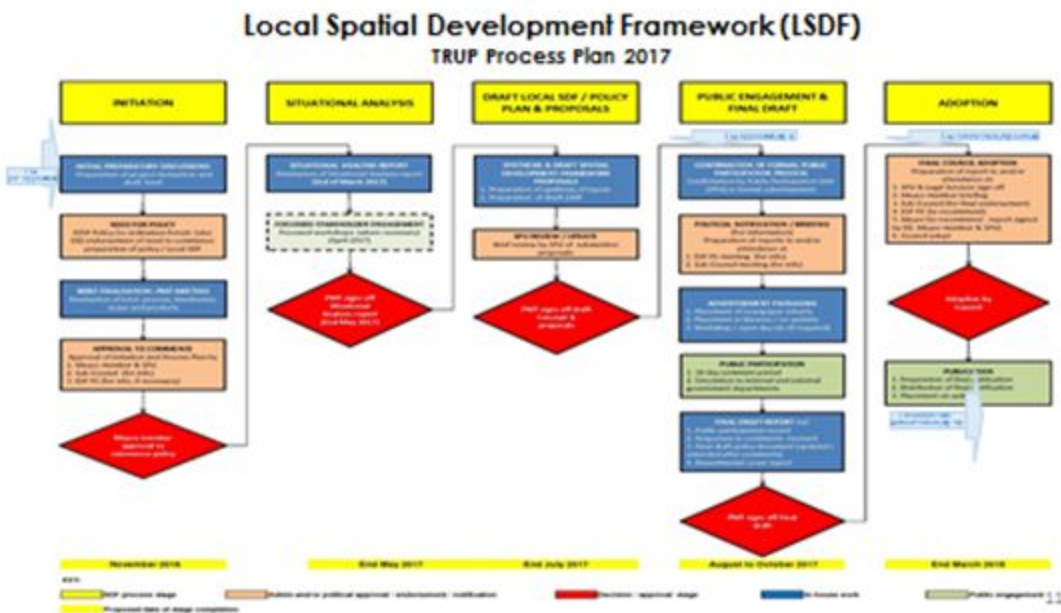
The words "Urban Park" have been removed from Two Rivers Urban Park. Please can you explain how this name change has come about? Has there been any public consultation in the process? The OCA reminds the City of Cape Town of the 2003 Two Rivers Urban Park Framework. This is a framework which was developed with the City of Cape Town and which the City signed. How is it possible that the name of the area can be unilaterally altered without a consultative process? Deviating from an agreed process, co-created with local communities, by unilaterally changing the name of the precinct, appears to be prima facie in violation of Chapter 4 of the Municipal Services Act, section 7(e)(iv) of the Spatial Planning & Land Use Management Act 16 of 2013 (SPLUMA), as well as provisions of the National Environmental Management Act NEMA).

2. The City has failed to follow its own commitments previously made regarding the TRUP LSDF

The City has produced a draft LSDF without any consultation with local stakeholders. Yet, in February 2017, the City was part of a stakeholder engagement which took the form of a series Co-design workshops. A conclusion of that process was a clear map for how to take forward the co-design process, involving a number of further steps (see diagram below). These steps included engaging stakeholders over the Situational Analysis (Column 2) in focussed workshops. However, 34 months later this draft LSDF report has been produced without any engagement with the stakeholders, with no regard for the previous co-design process and no



recognition of the contextual reports and analysis that should underpin a Draft LSDF. How is it possible that the City could agree to a consultative process in Feb 2017, ignore this agreement, leapfrog over steps the City agreed to, and come up with a draft LSDF for which stakeholders are given less than 60 days for comment? Is this really consistent with the Public Participation Unit's view of how meaningful consultation should happen in the City? The fact that the City could agree to one process in 2017 and then simply ignore what it agreed to makes a mockery of Public Consultation.



3. The City has failed to meet its own advertising policies

We would like to place our strong objection to the advertised public engagement to be held on Wednesday 23 October at Oude Molen. We received the notice from the CoCT on Friday 18 October. This is less than one week's notice. In order to properly view and assess the documents and give worthy contributions to the public consultative process, as well as, to clear schedules, community members must be given enough time for our community to respond. The public meetings appear to be organised to suit the timelines of the City to rush this plan through, rather than taking stock of what it takes to inform community members and enable proper engagement. We do not believe the current timelines are consistent with the prescripts of the Municipal Systems Act, which place an obligation on the City to "encourage, and create conditions for, the local community to participate in the affairs of the municipality."

We refer to the following :

NOTIFICATION OPERATIONAL POLICY FOR LAND USE DEVELOPMENT APPLICATIONS
Planning and Building Development Management Department (July 2015)

5 METHODS OF ADVERTISING

The method of advertising must comply with the requirements prescribed in this section.

5.1 Notice to person whose rights or legitimate expectations may potentially be materially and adversely affected

5.1.1 Categories

Notices to a person may be sent or delivered to:

- a) a person whose rights or legitimate expectations are materially and adversely affected if the application is approved (for example: abutting property owners, which include diagonally adjoining properties and properties directly opposite the street of the subject property, who may be adversely affected by a proposal or have an interest in the matter) (it is important that the case officer applies his or her mind thoroughly on who may potentially be adversely affected); b) The local ward councillor for the area; c) The residents and ratepayers in an area via their representative local ratepayer's association, geographically based civic organisations or other interested community based organisations (generally referred to as community organisations) as registered with Council or Sub-Council;
- d) Where there is a sectional title development constituted under the Sectional Titles Act, notification to the Body Corporate concerned is deemed to be notification to all owners in that sectional title development. e) Whenever objections and/or comments during advertising are received by Council in the form of a petition, such petition must conform to the requirements in section 91 of the MPBL.

5.1.2 Requirements

- (a) Notices of no objection may be served in certain application types in accordance with section 81 of the MPBL.
- (b) A person who has been invited to comment or object, or any person in response to a public invitation to comment or object, may object to, comment on or make representations about the application in accordance with section 90 of the MPBL.

6 GENERAL REQUIREMENTS

6.1 Time permitted for commenting/objecting

6.1.1 The time permitted for comments / objections will be specified in the advertisement and/or notice. Persons who are notified must be given at least 30 days, while the Provincial Government or an organ of state must be given at least 60 days to comment or object.

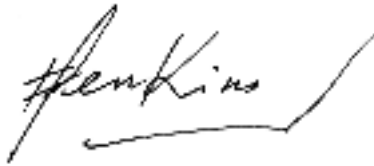
6.3 Circulation to internal branches & departments

6.3.1 Applications must be circulated to relevant internal service departments and branches for technical and relevant comments. In cases where the relevant Land Use Management Office circulates applications to other service departments for comment, such office co-ordinates the circulation and assesses the application after the comments have been considered.

Your immediate response to these urgent concerns are appreciated.

Kindest Regards

On behalf of the Observatory Civic Association:



Tauriq Jenkins
Chair : Observatory Civic Association
chair@obs.org.za
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