

MINUTES

**OF A MEETING OF THE SPATIAL PLANNING AND ENVIRONMENT PORTFOLIO
COMMITTEE HELD IN COMMITTEE ROOM D, 5TH FLOOR, PODIUM BLOCK, CIVIC
CENTRE, CAPE TOWN ON THURSDAY, 2 NOVEMBER 2023 AT 10:00**

PRESENT:

COMMITTEE MEMBERS

DEMOCRATIC ALLIANCE (DA)

Cllr A Cassiem (Chairperson)
Cllr R C Cameron
Cllr C V Franklin
Cllr E Jansen
Cllr F Lombard
Cllr MJ Marr
Cllr N W McFarlane
Cllr J Solomon
Cllr B van der Merwe

AFRICAN NATIONAL CONGRESS (ANC)

Cllr L Mbiza
Cllr N Makasi

ECONOMIC FREEDOM FIGHTERS (EFF)

Cllr P Booi

GOOD

None

AFRICAN CHRISTIAN DEMOCRATIC PARTY

Cllr G Haskin

CAPE COLOURED CONGRESS

Cllr N Satarien



COMMITTEE MEMBERS ABSENT

Ald M Nieuwoudt (with apology)
Cllr A Gabuza (with apology)

MAYCO MEMBER

Ald E Andrews

Note: Some of the officials were present in the venue while others linked in via Skype.

OFFICIALS

R McGaffin	-	ED: Spatial Planning and Environment
A A Lott	-	Student
A Maxwell	-	Manager: Support Services
B Mnisi	-	Manager: Environmental Planning & Sustainability
C Basson	-	Senior Professional Officer
C Dorse	-	Head: CSU
C Walters	-	Director: Development Management
D Georgeades	-	Manager: District Environmental & Heritage Service
D Daniels	-	Committee Support Officer
D Evans	-	Chief Environmental Control Officer
E Foot	-	Manager: Biodiversity
E Naude	-	Director: UPD
E Daniels	-	Manager: Finance
F Cumming	-	Director: UCI
H Dhansay	-	Professional Officer: DAMS
J Scott	-	Senior Environmental Professional
J Wood	-	Manager: Biodiversity Management
J Joubert	-	Manager: City Improvements Districts
L Buirski	-	Head: Environmental Capacity Building
L Kroese	-	HR Business Partner (SPE)
L von Molendorff	-	Executive Committee Officer
J van der Westhuizen	-	Manager: Development, Policy and Processes
L Mathieson	-	Executive Support Officer: Corporate Services
L Gerrans	-	Director: Environmental Management
M Ballim	-	Manager: Project Management Office
M Rebel	-	Senior Professional Officer: CMB
P Godsiff-Williams	-	Principal ERP Analyst
R Hope	-	Head: SAP-ERP Real Estate
S Saungweme	-	Senior Professional Officer
S Ismail	-	Support Assistant
M van Zyl	-	Executive Personal Assistant
O Asmal	-	Community Liaison Officer
X Peter	-	Manager: Business Systems

SPE 01/11/23 OPENING / PRAYER

The Chairperson, Cllr A Cassiem welcomed the members and officials present at the meeting, whereupon Cllr Haskin opened the meeting with prayer.

SPE 02/11/23 APOLOGIES / LEAVE OF ABSENCE

Councillors

Ald M Nieuwoudt (with apology)
Cllr A Gabuza (with apology)

RESOLVED that the applications for leave of absence received for this meeting, **BE NOTED**.

SPE 03/11/23 CHAIRPERSON'S REPORT

The chairperson addressed the portfolio committee.

NOTED

SPE 04/11/23 CONFIRMATION OF MINUTES OF THE SPATIAL PLANNING AND ENVIRONMENT PORTFOLIO COMMITTEE MEETING HELD ON 5 OCTOBER 2023

The confirmation of minutes were proposed by Cllr E Jansen and seconded by Cllr B van der Merwe.

RESOLVED that the minutes of the Spatial Planning and Environment Portfolio Committee held on 5 October 2023, **BE CONFIRMED**.

SPE 05/11/23 MATTERS RECEIVING ATTENTION

1. GATEWAY PRECINCT MASTERPLAN PROGRESS STATUS

Mr. F Cumming gave the following verbal report back regarding progress with respect to the Gateway Precinct:

- UCI and Urban Mobility facilitated an application to amend the Lower Buitengracht Road Scheme, which was approved by the Provincial Cabinet and Gazetted on 20 January 2023.
- The Amended Lower Buitengracht Road Reserve provides opportunities for the development of seven new city blocks (i.e. Blocks 25 - 31). The status of the land packaging on these seven blocks was summarised as follows: -

Blocks 25, 26 and 27:

- Situated within the Bo Kaap LSDF, project packaging was delayed pending the approval of the Bo Kaap LSDF, which was adopted by Council on 31 May 2023. Subject to funding, these three blocks are ready for project packaging to commence, and address the urgent housing need and gentrification in the Bo Kaap.

Block 28, 30 and 31: Progress on Project Packaging by UCI:

- Block 28: The submission of Block 28 is planned in November 2023. The HIA will be considered by HWC: IACOM on 15 November 2023, after which the application will be submitted to Development Management for consideration.
- Block 30 (Fireman's Arms Pub) the lessee of the City land was n s intent to submit the relevant statutory applications for Block 30 on 29 August 2023. The land use application for Block 30 to Development Management is anticipated during Q3 2023/ 24.
- Block 31: The first submission of Block 31 took place on 13 December 2022 (Case ID 70636385), but had to be re-advertised due to a problem in the DAMS system where all relevant parties were not notified of the application. The re-submission of Block 31 took place on 31 October 2023 (same case number) and will be re-advertised during November 2023.

WCG acquisition of Block 29:

- The Gateway Masterplan proposed the consolidation of Blocks 29 and 18 to ensure marriage value between the WCG Provincial Pavement Testing Laboratory (PPTL) site and City-owned Block 29 of Buitengracht Road Scheme. The WCG s application for acquisition of the land from the City was submitted to Property Management on 31 August 2022 and an initial market valuation was obtained on 31 March 2023. Property Management provided WCG with a power of attorney to undertake the project packaging of the consolidated site. The preferred development option will be decided on during November 2023.



A comprehensive progress report will be provided by UCI at the next SPE PC meeting during February 2024.

RESOLVED that the verbal status report by Mr. F Cumming be noted and that the portfolio committee received a comprehensive progress report during the portfolio committee meeting scheduled for February 2024.

ACTION: R MCGAFFIN

**2. ESTABLISHMENT OF AN URBANISATION TASK TEAM
CONSISTING OUT OF MEMBERS OF THE SPATIAL
PLANNING AND ENVIRONMENT PORTFOLIO COMMITTEE**

Ald Andrews commented that clarity needs to be provided to the Spatial Planning and Environment Portfolio Committee that the Human Settlements Directorate is already looking at the impact of informality with the Spatial Planning Department's performing a support role. He proposed that it should be considered if the SPE PC would instead of establishing an Urbanisation Task Team not rather request reports on the informality status from the Human Settlements Directorate on a quarterly basis.

The Chairperson, Cllr Cassiem requested that this item stands over until the next meeting for Ald Nieuwoudt's comment.

RESOLVED that consideration of this item stands over until the next meeting for the portfolio committee to resolve on whether there is a need to establish an Urbanisation Task Team.

ACTION: ALD M NIEUWOUDT

**3. SPATIAL PLANNING AND ENVIRONMENT PORTFOLIO
COMMITTEE ACTIVITY DAY ON ROLES AND FUNCTIONS OF
RELEVANT OUTSIDE BODIES THAT REQUIRE COUNCIL
REPRESENTATION**

RESOLVED

- a) That it be noted that the tentative date of 23 February 2024 will be confirmed once the new Calendar of Council Meetings has been approved by Council.
- b) That the members of the portfolio committee forward names of further organisations with Council representation to be added to the list for presentation on 23 February 2023.

ACTION: R MCGAFFIN



3. DEVELOPMENT APPLICATION MANAGEMENT SYSTEM (DAMS) UPDATE

The ED reported that the completion of the items have been finalised and that the deadline has been met.

Ms X Peter and Mr H Dhansay gave a presentation on the evolution and current status of the DAMS 2 system

- Background:
 - April 2014: 1st release of DAMS was implemented
 - Manual electronic submission and storage of building plan and land use applications
 - May 2016: 2nd release of DAMS was implemented
 - Online electronic submissions via the e-Services portal
 - July 2016: 3rd release of DAMS was implemented
 - Business intelligence operational reporting
 - November 2016: 4th release of DAMS implementation
 - Mobile solution rolled out to all building and enforcement inspectors where data can be captured while doing inspections as well as looking at building plans electronically
 - March 2023: 2nd version of DAMS
 - DAMS application reengineering project to further enhance and streamline business and system processes with the aim to improve internal and external user experience
 - The recent DAMS upgrade consisted of 4 projects that went live at the same time, not just one
 - PN00583: eService portal enhancements
 - PN00624: Business process reengineering: Building Plans & Land Use Management
 - PN00625: Mobile Solution Upgrade
 - PN00628: Business Intelligence Reporting and Dashboard Enhancements

RESOLVED that a presentation and the demonstration on the Development Application Management System (DAMS) **BE NOTED**, with questions and clarifications.

ACTION: J VAN DER WESTHUIZEN, C WALTERS; R McGAFFIN



4. QUARTERLY REPORT - ACTION ITEMS EMANATING FROM FEEDBACK REPORT ON THE INTERNATIONAL TRIP UNDERTAKEN BY TWO CITY OFFICIALS FROM 10-23 OCTOBER 2022 TO ACCOMPANY THE EXECUTIVE DEPUTY MAYOR TO ATTEND THE INTERNATIONAL UNION FOR CONSERVATION OF NATURES LEADERS FORUM IN SOUTH KOREA AND THE C40 MAYORS SUMMIT IN ARGENTINA

The portfolio committee noted the status updates in respect of the action items as attached to the list of MRA's, and agreed that all the items have been concluded and can be removed from the list of Matters Receiving Attention.

RESOLVED that the subject matter be removed from the MRA Schedule.

ACTION: COMMITTEE SERVICES

5. TASK TEAM - DRAFT ZANDVLEI ESTUARY MANAGEMENT PLAN FOR PUBLIC COMMENT

Cllr Lombard provided a status update on the Public Participation Process.

RESOLVED that the feedback be noted.

ACTION: CLLR LOMBARD

6. REPORT ON PROCESS FLOW IN RESPECT OF THE APPROVAL OF BUILDING PLAN APPLICATIONS AT EACH PLANNING DISTRICT

The portfolio committee was of the view that the process flow in respect of submission and approval of building plan applications has been explained at length during the DAMS presentation and concluded that this item can be removed from the MRA list.

RESOLVED that this item be removed from the list of MRA's.

SPE 06/11/23

PRESENTATION ON STORM EVENT: 16 SEPTEMBER 2023

A presentation was made by Mr. M Rebel Wood from Coastal Management which highlighted the following:



- General Coastal Flooding
- General Met ocean Conditions
- 16 Sep 2023 - Waves
- 16 Sep 2023 - Water Levels
- Tidal Levels
- Storm Surge
- Damage along CCT Coastline Following 16 September Storm Event

Mr. Rebel adequately responded to individual questions for clarification.

RESOLVED that the content of the presentation on the Storm Event: 16 September 2023 be noted with comments and appreciation.

ACTION: M REBEL

SPE 07/11/23

PRESENTATION: BIODIVERSITY AND CONSERVATION IN THE CITY OF CAPE TOWN

A presentation was made by Ms. L Gerrans of the Environmental Management Department which highlighted Cape Town's biodiversity in context:

Most biodiverse city in the world (United Nations, Thomas Elmqvist)

- 1 of 36 global biodiversity hotspots recognised by Conservation International
- 20 vegetation types in Cape Town
 - 11 Critically Endangered and 7 Endangered
 - 7 endemic to Cape Town (5 CR)
- Over 3 000 plant species
- 6th of South Africa's plants in <0,1% of the country's surface area
- 190 plant species locally endemic to Cape Town
- Of 660 Red List plant taxa, 405 threatened with extinction
- Already lost 49 plant species; including 14 globally extinct
- Rich small mammal, frog, reptile and invertebrate faunas
- 1 RAMSAR Site and RAMSAR City status, 3 World Heritage Sites and 3 Biosphere Reserves

RESOLVED that the content of the presentation on the Biodiversity and Conservation in the City of Cape Town be noted, with appreciation.

ACTION: L GERRANS



SPE 08/11/23 SPATIAL PLANNING AND ENVIRONMENT (SPE): FINANCIAL DASHBOARD REPORT

Ms. E Daniels gave introductory remarks to the report and explained that the purpose of the report is to provide feedback to the Spatial Planning and Environment Portfolio Committee regarding the financial performance of the SPE Directorate for the first quarter of the 2023/24 financial year ending 30 September 2023. The portfolio committee noted the report.

RESOLVED that the contents of the report on the financial performance of the SPE Directorate for the first quarter of the 2023/24 financial year ending 30 September 2023, be noted.

ACTION: E DANIELS

SPE 09/11/23 PHILIPPI OPPORTUNITY AREA (POA) LOCAL SPATIAL DEVELOPMENT FRAMEWORK: RECOMMENDATION FOR APPROVAL

RECOMMENDED

It is recommended that the Spatial Planning and Environment Portfolio Committee; and the Executive Mayor together with Mayco, recommend for onward submission to Council for approval:

- a) the Public Participation Report, attached as Annexure B, containing the consultation process, comments received and responses as per subsection 13(3) of the Municipal Planning By-law, be noted and that the responses be accepted;
- b) the Philippi Opportunity Area Local Spatial Development Framework, attached as Annexure A, in terms of Sections 12, 13 and 14 of the Municipal Planning By-law, be adopted.

ACTION: F CUMMING

At this stage, the time being 13H25, the Chairperson announced that the meeting would adjourn for a comfort break. The meeting reconvened at 13H50.



**SPE 10/11/23 BELLVILLE CENTRAL BUSINESS DISTRICT LOCAL SPATIAL
DEVELOPMENT FRAMEWORK: RECOMMENDATION FOR
APPROVAL**

RECOMMENDED

- a) That Sub-council 6, the Spatial Planning and Environment Portfolio Committee, and the Executive Mayor together with Mayco recommend as follows, for onward submission to Council for approval:
- i. the Public Participation Report, attached as Annexure B, containing the consultation process, comments received and responses as per sub-section 13(3) of the Municipal Planning By-law, be noted and that the responses be accepted;
 - ii. the adoption of the Bellville CBD Local Spatial Development Framework, attached as Annexure A, in terms of sections 12, 13 and 14 of the Municipal Planning By-law.
- b) That the objection received not be upheld.

ACTION: L ROBERTSON

SPE 11/11/23 OUTDOOR ADVERTISING BYLAW

Mr. Georgeades presented to the portfolio committee the rationale for a new by-law, the public engagement process, guiding principles, regulatory relief, impactful amendments, and reception by the industry/public as well as explained the way ahead. It was noted that the by-law would serve before Council on 7 December 2023 for adoption.

Cllr van der Merwe pointed out that there is a lack of policing of the by-law and said that uniformed law enforcement officers do not respond to incidents of illegal advertising. The portfolio committee was of the view that ongoing sustained policing is needed for the by-law to be enforced successfully and requested a report on enforcement of illegal signage to which Ms Gerrans informed that enforcement of the by-law could be addressed in the Annual Report due for submission to the portfolio committee during August 2024.



RESOLVED

That enforcement of the Outdoor Advertising By-law be addressed in the Annual Report due for submission to the portfolio committee during August 2024. – **ACTION: L GERRANS**

RECOMMENDED

a) The Executive Mayor together with the Members of the Mayoral Committee:

- i. Supports the responses to the objections and comments received during the public participation process as contained in Annexure B.
- ii. Supports the Outdoor Advertising Bylaw for onwards submission to Council for adoption.

b) Council:

- i. Considers the objections and comments received during the public participation process as contained in Annexure B and based on the responses thereto, the objections not be upheld
- ii. Adopts the Outdoor Advertising Bylaw

ACTION: D GEORGEADES; L GERRANS

SPE 12/11/23

DEVELOPMENT MANAGEMENT: TARIFFS AND CHARGES FOR THE 2024/2025 FINANCIAL YEAR

Cllr Haskin was of the view that vulnerable groups such as places of education, places of worship and vulnerable communities should be clustered together and be fully exempted from development fees as these categories contribute greatly to social good.

Ald Andrews informed that it is currently being explored to have a separate category as well as a separate tariff with a larger budget for the abovementioned vulnerable groups.

Mr. J van der Westhuizen, in response suggested that authority be given to the Director to grant exemption to qualifying vulnerable groups in certain instances. He further clarified that exemptions would mostly apply to groups within the private sector.

The portfolio committee was in agreement with the above proposal and supported the following recommendations:



RECOMMENDED

Not delegated: for decision by Council

- a) That the tariffs for the 2024/2025 financial year, as outlined in annexure A and B be supported for submission to the Executive Mayor together with the Mayoral Committee and approval by Council.
- b) That the proposed business rules for the 2024/2025 financial year, as outlined in Annexure C and D be noted.
- c) That the following be added to the exemption list for building plan fees: The Director: Development Management may grant or refuse applications for exemption of all the applicable building development application fees for building plans submitted by a welfare organisation that operates educational facilities, early childhood development centres, places of worship and social health care facilities that is registered as a section 21 non-profit organisation in terms of the Non-profit Organisations Act, 1997. Such applications must be properly motivated and the necessary evidence of registration and financial position of the organisation must be included in the application.

**ACTION: E DANIELS; J VAN DER WESTHUIZEN;
C WALTERS**

SPE 13/11/23

**SPATIAL PLANNING AND ENVIRONMENT: 2023/24 FIRST
QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND
DEPARTMENT'S PERFORMANCE**

The Spatial Planning and Environment Portfolio Committee noted the following areas of concern and responses thereto:

- The CID toolkit has not yet been completed due to a number of supply chain challenges for which service level agreements have been put in place; the project is now in the back-end stage.



- Employment Equity Targets is dependent on the occurrence of vacancies becoming available.
- The challenge in terms of Internal Audit (E-Signage) has been addressed in terms of an escalation process that has been put in place.
- Occupational Health and Safety: Investigations in terms of the MURP space and within Environmental Management are ongoing and are being addressed through the SAP process flow.
- Operating Expenditure: Tied in with the above filling of vacancies and is dependent on when vacancies become available.
- Capital Expenditure: Dependent on the demand plan and when tenders become available. There has been challenges with Tender 27Q as it has gone on appeal. An alternative tender would be used in this instance.
- Build Plan Application Approval Process: This process is dependent on the finalisation of the DAMS project.
- Average time to finalise business licenses: The department is engaging National Treasury in respect of the wording as the City does not sign off on business licenses.
- Heritage exemption areas: This item is being addressed.
- Delay in approval of Environmental Strategy: It is to be noted that the public participation process has now commenced.
- Loss of Biodiversity Areas: Ongoing matter dependant on of de-proclamation of Drift sands.

RECOMMENDED

- a) It is recommended that the Executive Mayor together with the Mayoral Committee evaluate and review the 2023/2024 first quarters progress report and submit the report to Council for noting;
- b) It is recommended that Council note the 2023/24 first quarter's progress report.

ACTION: C BASSON

SPE 14/11/23

WORLD BANK'S TECHNICAL DEEP DIVE ON PROPERTY TAX AND LAND BASED FINANCING FROM 11 TO 15 SEPTEMBER 2023, IN TOKYO AND YOKOHAMA, JAPAN

RESOLVED

That the feedback report on the trip *WORLD BANK'S TECHNICAL DEEP FIVE ON PROPERTY TAX AND LAND BASED FINANCING FROM 11 TO 15 SEPTEMBER 2023, IN TOKYO AND YOKOHAMA, JAPAN* undertaken by Executive Director Spatial Planning and



Environment, Robert McGaffin on 11 to 15 September 2023 be considered and noted.

ACTION: R MCGAFFIN

**SPE 15/11/23 OUTCOME OF THE PUBLIC PARTICIPATION PROCESS (PPP)
FOR THE EXPERIENTIAL EDUCATION GARDENS (EEG) KHOI
EDUCATION AND EXHIBITION MATERIALS BETWEEN MARCH
AND AUGUST 2023**

Ms Buirski gave a synopsis on the report.

RESOLVED that the contents of the report as well as the Public Participation Process be noted with support.

ACTION: L BUIRSKI

**SPE 16/11/23 PRESENTATION: QUARTERLY REPORT TO SPE PC (TENDER
013S/2020/21**

Ms E Foot presented to the portfolio committee the quarterly report, speaking to Tender 013S/2020/21. The following tender details were highlighted during the presentation:

- Tender 013S/2020/21: Provision of a service provider for visitor and staff safety management within natural systems and nature areas by providing rangers in the operational area of the City of Cape Town
- Value of tender: R 168,425,991.35 (initial)
- Section 33 process followed and tender approved for six (6) years
- Awarded on the 90/10 principal
- In accordance with Section 33 , quarterly feedback will be provided to this committee

RESOLVED that the contents of the presentation on the quarterly report be noted with appreciation.

ACTION: E FOOT



SPE 17/11/23 2023/2024 QUARTERLY PROGRESS REPORT ON CORPORATE PERFORMANCE

RECOMMENDED

- a) It is recommended that the Executive Mayor together with the Mayoral Committee evaluate and review the 2023/2024 quarterly progress report on Corporate Performance and submit the report to Council for noting;
- b) It is recommended that Council note the 2023/2024 quarterly progress report on Corporate Performance.

ACTION: S SAUNGWEME

SPE 18/11/23 IDENTIFICATION OF CATEGORIES OF CONTRAVENTIONS TO WHICH SECTIONS 130(2) AND (3) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) DO NOT APPLY

The Spatial Planning and Environment Portfolio committee supported the recommendation in terms of the identification of categories of contraventions to which Sections 130(2) and (3) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) do not apply, **with the following amendment** to Annexure A, par. 2 of C: Further provisions.

C: Further provisions:

2. *For categories A:5, A:6 and A:7: **Once the city support is available** and the owner is served with a notice of non-compliance, the owner will have a period of 12 months to submit the required land use rectification application/s. If the owner does not submit the necessary application/s within 12 months after been served with a notice, the exemption from the administrative penalty will be withdrawn for the contraventions in the notice.*

RECOMMENDED

It is recommended that:

- a) the Executive Mayor together with the Mayoral Committee support and recommend to Council that the categories of contraventions contained in Annexure A, *as amended above* (read together with the map as per Annexure B) be prescribed as contraventions to which the provisions of section 130(2) and (3) of the City of Cape Town Municipal Planning By-law, 2015 do not apply.



- b) the Executive Mayor together with the Mayoral Committee support and recommend that Council not uphold the objections contained in Annexure G, for the reasons stated in this report.
- c) the Executive Mayor together with the Mayoral Committee note the additional areas having been added to the map after the public participation process.

For decision by Council:

- a) That the categories of contraventions contained in Annexure A, as *amended above* (read together with the map as per Annexure B) be prescribed as contraventions to which the provisions of section 130(2) and (3) of the City of Cape Town Municipal Planning By-law, 2015 do not apply.
- b) That the objections contained in Annexure G not be upheld, for the reasons stated in this report.
- c) That Council note the additional areas having been added to the map after the public participation process.

ACTION: S DE JAGER

THE MEETING ENDED AT 14:45


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CHAIRPERSON

01/02/24
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DATE