



DATE:

**REPORT TO: PORTFOLIO COMMITTEE: SPATIAL PLANNING AND ENVIRONMENT  
SUBCOUNCIL 16**

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1. **ITEM NUMBER** 16 SUB 10/05/2022

2. **SUBJECT**

**DISTRICT SIX LOCAL SPATIAL DEVELOPMENT FRAMEWORK:  
RECOMMENDATION FOR APPROVAL**

**ONDERWERP**

**PLAASLIKERUIMTELIKEONTWIKKELINGSRAAMWERK VIR DISTRIK SES:  
AANBEVELING VIR GOEDKEURING**

**ISIHLOKO**

**ISAKHEKO SOPHUCULO LWAMABALA ENDAWO SASEDISTRICT SIX:  
ISINDULULO SOKUBA SIPHUNYEZWE**

3. **DELEGATED AUTHORITY**

**Portfolio Committee:**

In terms of the **System of Delegations** adopted on **18 November 2021**, resolution **C11/11/21**:

Part 7, Section (3) "To develop and review policy, and recommend the same to Council."

This report is FOR COMMENT AND SUPPORT BY

- Committee name** : Spatial Planning and Environment
- The Executive Mayor together with the Mayoral Committee (MAYCO)
- Council

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## **Subcouncil 16:**

In terms of the **System of Delegations adopted on 18 November 2021, resolution C11/11/21**

Part 25, section 5:

*“(1) To comment on by-laws and policies of Council within the timeframes advertised and submit comments and objections to the Executive Mayor together with the Mayoral Committee for submission to Council.”*

Part 25, section 8A:

*“(2) To recommend to Council the adoption of a draft district spatial development framework, draft local spatial development framework or amendment thereof, in terms of section 14.”*

This report is FOR COMMENT AND SUPPORT BY

- Committee name :
- The Executive Mayor together with the Mayoral Committee (MAYCO)
- Subcouncil

## **4. DISCUSSION**

### **4.1 Purpose of the Report**

This report is to inform the Portfolio Committee and Subcouncil of the finalisation of the District Six Local Spatial Development Framework (Local SDF) and to obtain comment and support so that these proposals can be used to guide development decision making going forward. The report is also to obtain support for the responses to the comments obtained during the Public comment period and to request that the District Six LSDF be recommended for decision by Council.

### **4.2 Background**

District Six remains a landscape , scarred by forced removals and bulldozing that took place in the 1960’s under the apartheid regime. Planning for the restoration of District Six has been underway since restitution claims were made in terms of the Restitution of Land Rights Act 1994. A Contextual framework was prepared in 2003, followed by a Development Framework in 2012. A pilot restitution took place in 2012 of 136 units. In 2019 an Implementation plan was prepared to guide restitution for claimants remaining

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from the claimant group who lodged claims in 1998. Since then an additional 108 homes have been built. The next 954 units are planned to be built over the next three years.

The City does not have an approved local framework to provide policy direction on the nature and form of development in District Six and to guide land use decision making and public and private investment.

On 4 June 2020 the Executive Mayor, undertook to gain authorisation from the minister of the Department of Agriculture, Rural Development and Land Reform (DARDL) to use the 2012 Framework as the basis for an updated LSDF that could be approved in terms of the Municipal Planning By-Law. The Minister approved this on the 23 July 2020 on condition that social justice and restitution be a foremost concern and that:

“The site (District 6 remaining land restitution parcels) should neither be speculated upon nor encouraged to be gentrified as may ordinarily be the case had restitution not formed the basis of its redevelopment imperative. An integrated approach is therefore undertaken that includes a range of social, environmental and economic concerns relevant to district 6 and the Cape Town CBD. The approach be strongly informed by the history and memory of the site as the subject of forced removals more than 40 years ago.”

The City has limited influence over the housing delivery process, which is led by the National Department Agriculture Rural Development and Land Reform. However the City has a larger role in:

- The provision and allocation of public spaces, sites of memory and the location of public facilities;
- The movement network and transit;
- The nature and form of development, through the land use approval policy and the application of spatial planning policy.

To support the City’s role in District Six this LSDF presents a framework document guiding the location of land uses, types and character or roads, density of buildings and location of public spaces. The document heavily references the earlier 2012 Development Framework, which was generally supported by the majority of District Six stakeholders and which has guided subsequent planning of housing by National government.

The District Six LSDF has had significant contributions and input from the National Department of Agriculture, Rural Development and Land Reform, who are currently directing the housing delivery for the 954 claimants in District Six. The LSDF aims to

enable and give clarity to the City's contributions in the restitution process and role in the future of District Six.

A parallel Public Realm strategy has informed the District Six LSDF and efforts have been taken to ensure the broad frameworks are aligned. The Public Realm process is concluding the public workshop and stakeholder participation phase and is in the process of concluding guidelines and working towards an investment framework and implementation plan for actions that are under the City's mandate related to public spaces in District Six.

### **4.3 Process for drafting the District Six Local SDF**

The 2022 District Six LSDF report has been prepared by the District Planning and Mechanisms branch. It has been informed by previous planning work in District Six.

A baseline analysis report allowed for consideration of the changing trends since the 2012 Development Framework was prepared and provided detail that could be used to update the spatial plan.

The 2012 Development Framework prepared by Nisa Mammon and associates on behalf of National Government and 2019 "Towards Implementation" Framework prepared by CNDP on behalf of National Government were used as sources in the preparation of the LSDF.

Inputs were invited from City line departments through a Project Management Team composed of the following line functions:

- Community Services and Health
- Parks and Recreation
- Urban Sustainability
- Urban Design
- Development Management
- Environmental Management
- Development Management
- Urban Sustainability
- Policy and Strategy
- Human Settlements
- Infrastructure
- Transport/Mobility
- Stormwater Management
- Resilience

The City's involvement in the District Six intergovernmental working committee further informed the preparation of the report.

One-on-one meetings and workshops with various line departments further supplemented these engagements

A public participation process, described in Annexure 2 was undertaken to solicit input to the LSDF.

#### **4.4 Contents of the District Local SDF**

Annexure 1 Presents the District Six LSDF report.

##### **4.5.1 Vision**

The Vision for District Six stems from the 2012 Development Framework and was supported in the public process. The vision centres restitution and in addition gives consideration to building an integrated community for returning residents. It further makes reference to the outsized role District Six plays as a symbol of the cruelty of apartheid and what restoration will symbolise as a signifier of post-apartheid South Africa. The emphasis of the LSDF is therefore in restoring the qualities of an urban place in District Six that is both seamlessly integrated into the surrounding areas, but provides opportunity to memorialise the past injustices. The vision is therefore:

'to provide restitution for those removed from District Six, through an integrated redevelopment which will result in a vibrant multicultural community whose dignity has been restored in a developmental environment, grounded in, and meeting the social and economic needs of the claimants and the broader community that will contribute towards the building of a new nation'.

##### **4.5.2 Spatial Strategies and Focus Areas**

The District Six Local SDF spatial concept is supported by the following three main strategies and related focus areas

- *Spatial strategy 1:* Build an inclusive, integrated, vibrant city. The redevelopment of District Six supports transformation of the apartheid spatial geography, bringing those forcibly removed back into an area of economic opportunity. The LSDF aims to encourage integrated settlement patterns by ensuring good mobility, adequate

provision of green space and space for recreation and provision of public facilities in association with housing delivery. Proposals aim to accommodate at least 5926 households in an integrated urban area providing opportunities for claimants and a number of market units and social housing units.

- *Spatial strategy 2:* Manage urban growth, and create a balance between urban development and environmental protection. The LSDF supports a more compact form of development as well as efficient use of non-renewable resources, in particular water and stormwater.
- *Spatial Strategy 3* Plan for employment, and improve access to economic opportunities. The restoration of District Six brings residents back to an area of employment in the City and allows them access to tertiary skills development institutions (CPUT) and the most economically active area of the City, in addition 14,250m<sup>2</sup> of retail space is accommodated within the restitution scheme layout.

#### **4.5.3 Fundamental Design Principles**

In addition to the strategies and focus areas the LSDF is guided by the following fundamental design principles referenced from the 2012 LSDF and supported by I&AP's:

- Reinststate the historic street grid and fine grain character of old District Six;
- Enhance the setting of the remaining historic buildings as unique and distinctive places within the urban fabric;
- Safeguard important vistas and protected views;
- New Hanover Street as an activity corridor and the primary element of urban structure, in a reconfigured form;
- Protect and improve natural, green linkages through the site, particularly mountain to sea links;
- Create a clear and permeable network of routes and opens spaces;
- Urban form to be of a human scale and responsive to the micro climate and local topographical conditions:
- Improve linkages with the surrounding urban areas:

- Provide a variety of typologies of public spaces and associated activities / buildings;
- A clear definition of precincts/ neighbourhoods;
- Ensure the adequate provision of public facilities and that these are associated with key elements of the public space structure;
- Consider the location and functioning of existing utility services in the proposals for development and location of public spaces and facilities; and
- Have a major public open space as a celebratory/healing space in a highly accessible location, so it is sheltered from the south easter, and gets good northern sun.

#### **4.5 Policy Alignment: Alignment of the District Six Local SDF proposals with the CTMSDF and Table Bay District SDF**

The CTMSDF adapted the previous Cape Town SDF (CTSDF) and the Built Environment Performance Plan (BEPP) spatial logic and in so doing established an Urban Inner Core (UIC). The District Six local area is located within the UIC, an area that represents the priority development and investment focus for the City at a metropolitan scale. Where infrastructure needs to be upgraded and prioritised to support intensification efforts in support of spatial transformation, budget will be prioritised here. The proposed Local SDF is therefore aligned or consistent with the CTMSDF.

The Table Bay District SDF specifically supports the restitution of District Six and guides towards a higher density, integrated urban environment. The proposed LSDF is aligned with the Table Bay District SDF.

#### **4.6 Process Considerations**

The development of proposals for the District Six area have been prepared with consideration for the lengthy and much debated processes that have occurred since the mid-late 1990's.

Following the Restitution Act coming into operation, some 2760 claims were lodged. Of these 1380 verified claimants opted for financial compensation and have received that compensation. 1216 claimants opted for land restitution in the District 6 area. Starting from the year 2000, National government departments have been undertaking to deliver on this. To date 247 homes have been delivered.

Representatives of the claimant groups have been collaborating in the manner of delivery of the units for at least the past 12 years. Development plans have resulted from this collaboration. Over time there have been contests over who represents the claimant community and who should be in charge of delivery. These delays culminated in a court declaration (Kollapen 2019) compelling the National Department of Agriculture, Rural Development and Land Reform to undertake a programme to deliver the outstanding homes without delay.

While there are a number of interested groups in District Six who have participated in the process, the National department is ultimately considering the verified claimants as their clients. The verified claimants are steadfast in their determination to return to an urban environment similar to what they were forcibly evicted from.

The LSDF thus defers to these processes given the complexity of reaching this point where delivery of the 954 units has been programmed. Therefore the document “Towards the Implementation of District Six” prepared in response to the Kollapen judgement, has been heavily referenced in the preparation of the LSDF.

An additional 749 claimants lodged claims when the land claims process was reopened in terms of the Restitution of Land Rights appeal act 2014, however a constitutional court interdict resulted in the 2014 Amendment Act being repealed and uncertainty as to the processing of these claims. (LAMOSA judgement and subsequent rulings have reference)

The LSDF has assumed the future settling of these claims are to be considered, however there is substantial uncertainty as to how and when these will be delivered.

An additional process consideration is that while land in the District Six area has the City as the registered owner, the use of that land must be adjudicated through the Land Claims Commission, though the LSDF assists in bringing arguments to that commission as to how the land uses will avoid prejudicing the settling of verified claims or claims made in terms of the as yet unresolved 2014 (repealed) Amendment Act process.

The District Six Local SDF was prepared taking into consideration the Restitution of Land Rights processes described above.

In this context of uncertainty and a litigious environment, a Local Spatial Development Framework adopted in terms of Section 3 (3), 11(2), 12 and 13 of the Municipal Planning By-Law can assist in organising the City and investment effort towards the development of District Six and allowing for further coordination with National Government and Claimant groups, in moving towards restitution.

## 4.7 Public Consultation

Annexure 2 contains a list of the engagements conducted in the finalization phase; the comments received and the responses thereto. Support is sought through this report for the responses to the comments received.

### **(a) Process followed**

The public engagement process for the preparation of the District Plan included the following invitations:

- The Public were invited in August 2020 via ads in newspaper and online to register via email to [Districtsix.lsd@captown.gov.za](mailto:Districtsix.lsd@captown.gov.za). Registered participants were captured on a database to be informed of upcoming meetings.
- An introductory meeting took place on 22 September 2020.
- A follow up hybrid meeting took place on the 22 October 2020 in 4 venues and online
- On the 26 November 2020 a meeting on the Vision and Social Charter took place
- The Draft document was advertised on the 31 August 2021 and public were invited to comment over a 60 day period.
- 27 October 2021 a hybrid meeting took place to inform people of the draft document contents
- The comment period was extended to December 15<sup>th</sup> 2021 to ensure stakeholders were given further opportunity to comment- this went beyond the statutory comment period.
- The LSDF was further presented for review at an Open Day held at City Hall from the 9-11 December 2021.

A website capturing all related communications, presentations and documents was set up to make information available <http://bit.ly/CCT-DistrictSix>.

### **(b) Comments received and related responses**

Annexure 2 captures the comments received, most of which were made in person and captured as meeting notes. 14 written comments were received to the public process. The process considers the inputs to the parallel Public Realm Strategy and this is captured in the report.

The inputs that were received were considered by the drafting team, and the project management team as required. Those inputs considered appropriate were incorporated into the Local SDF and results in revisions and improvements to proposals. Other comments that were not deemed appropriate were not incorporated or were referred to

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the National department. A full discussion and detailed responses to the comments are contained in Annexure 2 that indicates the comments that were agreed to and used in the revised Local SDF and those that were deferred to the National Department. There were no formal objections to the LSDF submitted during the public participation process.

- 4.9. **Financial Implications**     None     Opex     Capex  
 Capex: New Projects  
 Capex: Existing projects requiring additional funding  
 Capex: Existing projects with no additional funding requirements

- 4.10. **Policy and Strategy**            N/A

Legislative Vetting and Policy and Strategy resolved that local SDFs do not enter into the City's policy process and nor do they require legislative vetting which is part of the policy process, as they implement existing larger level spatial planning instruments/policy (District plans and MSDF) that are required to go through the vetting process.

- Legislative Vetting**     N/A

Legislative Vetting and Policy and Strategy resolved that local SDFs do not enter into the City's policy process and nor do they require legislative vetting which is part of the policy process, as they implement existing larger level spatial planning instruments/policy (District plans and MSDF) that are required to go through the vetting process.

- 4.11. **Legal Compliance**     Yes

- 4.12. **Staff Implications**     No

- 4.13. **Risk Implications**     No

- 4.14 **POIA compliance**     Yes It is confirmed that this report has been checked and considered for POPIA compliance.

## 5. RECOMMENDATIONS

### **For consideration by Subcouncil 16 and Spatial Planning and Environment Portfolio Committee:**

It is recommended that:

- a) Notes the comments received from the external public consultation that was conducted from September 2020 to 15 December 2021 and supports the responses provided by District Planning and Mechanisms, as set out in this report and more fully explained in Annexure 2;
- b) The District Six Local Spatial Development Framework proposals be noted and supported;
- c) Support that the District Six Local Spatial Development Framework be presented for recommendation for approval to Council.

## **AANBEVELING**

### **Vir oorweging deur subraad 16 en die portefeuljekomitee oor ruimtelike beplanning en die omgewing:**

Daar word AANBEVEEL dat:

- a) daar kennis geneem word van die kommentaar ontvang van die eksterne openbare konsultasie wat van September 2020 tot 15 Desember 2021 gedoen is en steun verleen word aan die antwoorde wat deur distriksbeplanning en -meganismes verskaf is, soos in hierdie verslag uiteengesit en meer volledig in bylae 2 verduidelik word;
- b) Daar van die voorstelle vir die plaaslikeruimtelikeontwikkelingsraamwerk vir Distrik Ses kennis geneem word en gesteun word;
- c) Daaraan steun verleen word dat die plaaslikeruimtelikeontwikkelingsraamwerk vir Distrik Ses voorgelê word vir aanbeveling vir goedkeuring by die Raad.

## IZINDULULO

### **ZeZokuba zithathelwe ingqalelo liBhungana16 neKomiti yeSebe lezoCwangciso lwamaBala nokuSingqongileyo:**

Kundululwe ukuba:

- a) Kuqwalaselwe izimvo ezifunyenwe kucetyiswano noluntu langaphandle elathi laqhutywe ukususela ngeyoMsintsi 2020 ukuya kowe15 kweyoMnga 2021 kwaye kuxhaswe iimpendulo ezinikezelwe ngabezoCwangciso lweSithili neNdlela ezithile njengoko kuqulunqwe kule ngxelo kwaye nangokucaciswe ngokupheleleyo kwisihlomelo2;
- b) Makuqwalaselwe kwaye kuxhaswe iziphakamiso ezingeSakheko soPhuhliso lwamaBala eNdawo saseDistrict Six;
- c) Kuxhaswe iSakheko soPhuhliso lwamaBala eNdawo saseDistrict Six ukuba kunikezelwe ingxelonkcaza ngaso ukuze kwenziwe isindululo ukuba siphunyezwe liBhunga.

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## **ANNEXURES**

- Annexure 1: District Six Local Spatial Development Framework Guidelines v2 2022
- Annexure 2: Draft District Six Local Spatial Development Framework Public Participation Report
- Annexure 3: Letter to National Government From executive to initiate LSDF process and Response from National Government to CoCT to proceed with Local SDF
- Annexure 4: District Six LSDF Baseline Analysis Report

**FOR FURTHER DETAILS CONTACT**

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**LEGAL COMPLIANCE**

- REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.
- NON-COMPLIANT

NAME		COMMENT:
DATE		<div style="border: 1px solid black; padding: 5px;"><p>Certified as legally compliant based on the contents of the report.</p><p>Note: The latest version of the System of Delegations is dated 21 March 2022.</p></div>
SIGNATURE	<div style="border: 1px solid black; width: 270px; height: 50px;"></div>	

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