



REPORT TO ALL SUBCOUNCILS

1. ITEM NUMBER: 15SUB15/03/21

2. SUBJECT

PUBLIC PARTICIPATION PROCESS TO OBTAIN COMMENTS AND SUGGESTIONS TO BE TAKEN INTO ACCOUNT IN THE REVIEW PROCESS OF THE CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

ONDERWERP

OPENBAREDEELNAMEPROSES OM KOMMENTAAR EN VOORSTELLE TE VERKRY WAT IN REKENING GEBRING MOET WORD IN DIE HERSIENINGSPROSES VAN DIE STAD KAAPSTAD SE ONTWIKKELINGBESTUURSKEMA

ISIHLOKO

INKQUBO ENGENTATHONXAXHEBA YOLUNTU UKUZE KUFUNYANWE IZIMVO NEZIPHAKAMISO UKUZE ZITHATHELWE INGQALELO KWINKQUBO ENGOPHENGULULO LWENKQUBO YOLAWULO LOPHUHLISO YESIXEKO SASEKAPA

[LSU: M2881]

3. PURPOSE

The purpose of this report is to:

- notify all subcouncils of the current public participation process to obtain comments and suggestions to be taken into account in the review process of the City of Cape Town Development Management Scheme; and
- to invite any comments or suggestions from subcouncils, to be taken into account in the review process.

4. FOR DECISION BY

In terms of the System of Delegations: Part 24: Sub-councils ; 5. Public Participation ; (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.

5. EXECUTIVE SUMMARY

The City of Cape Town Municipal Planning By-law, 2015 (MPBL) (as amended), which is inclusive of the City of Cape Town Development Management Scheme (DMS) as schedule 3, has been adopted and implemented in the City of Cape Town since 1 July 2015.

Section 27 of the MPBL states at least every five years after the commencement of the MPBL, the Development Management Scheme must be reviewed. The MPBL commenced on 1 July 2015 and this review is now required. The five-year DMS review process will also include a review of the MPBL.

Public participation is currently conducted (from 22 February 2021 to 23 April 2021) to obtain comments or suggestions to be taken into account in this review process.

6. RECOMMENDATIONS

It is recommended that:

- a) the subcouncil note the current public participation process to obtain comments or suggestions to be taken into account in the review process of the City of Cape Town Development Management Scheme;
- b) the subcouncil submit any comment or suggestions to be taken into account in the review process of the City of Cape Town Development Management Scheme within the timeframes and methods advertised.

AANBEVELINGS

Daar word aanbeveel dat:

- a) die subraad kennis neem van die openbaredeelnameproses om kommentaar en voorstelle te verkry wat in rekening gebring moet word in die hersieningsproses van die Stad Kaapstad se ontwikkelingbestuurskema;
- b) die subraad enige kommentaar of voorstelle wat in rekening gebring moet word in die hersieningsproses van die Stad Kaapstad se ontwikkelingbestuurskema binne die tydsraamwerke en metodes wat geadverteer is, voorlê.

IZINDULULO

Kundululwe ukuba:

- a) IBhungana maliqwalasele inkqubo yakalokunje yentathonxaxheba yoluntu engokufunyanwa kwezimvo neziphakamiso aphi ziyakuthi zithathelwe ingqalelo kwinkqubo engophengululo IweNkqubo yoLawulo loPhuhliso yeSixeko saseKapa;

- b) IBhungana malingenise naluphina ulovo okanye iziphakamiso apho ziayakuthi zithathelwe ingqalelo kwinkqubo engophengululo IweNkqubo engoLawulo IoPhuhliso yeSixeko saseKapa, kumaxesha okufezekisa amiselweyo nangeendlela ezibhengziweyo koonondaba.

[LSU: M2881]

7. DISCUSSION/CONTENTS

The City of Cape Town Municipal Planning By-law, 2015 (MPBL) (as amended), which is inclusive of the City of Cape Town Development Management Scheme (DMS) as schedule 3, has been adopted and implemented in the City of Cape Town since 1 July 2015.

Section 27 of the MPBL states that the City Manager must, at least every five years after the commencement of the MPBL, review the Development Management Scheme. The MPBL commenced on 1 July 2015 and this review is now required. The five-year review process will also include a review of the MPBL.

Section 27 of the MPBL sets out the process that must be followed, which include as a first step, that the City Manager must give notice in the media in accordance with section 21 of the Municipal Systems Act, Act 32 of 2000, of the City's intention to review the development management scheme. This notice has been published and is attached as Annexure A. The commenting period is 22 February 2021 to 23 April 2021.

For the current public participation process the City is not putting out a proposed set of amendments, but is publically requesting any comments and suggestions to be taken into account in the review process of the DMS.

The process after the above has been concluded will, *inter alia*, include:

- to review and evaluate all comments and suggestions received,
- to submit a review report to Council setting out, amongst other things, the responses to comments and suggestions received and to recommend which proposals should be taken forward;
- Council will then make a recommendation on which of those comments and suggestions will be formally taken forward and a further public participation process will be conducted once a draft amendment by-law has been prepared.

7.1. Constitutional and Policy Implications

None

7.2. Sustainability implications

Does the activity in this report have any sustainability implications for the City?

No

Yes

7.3. Legal Implications

None

7.4. Staff Implications

Does your report impact on staff resources or result in any additional staffing resources being required?

No

Yes

ANNEXURES

Annexure A: Current adverts

FOR FURTHER DETAILS CONTACT:

NAME	Schalk de Jager
CONTACT NUMBERS	021 400 7580
E-MAIL ADDRESS	schalk.dejager@capetown.gov.za
DIRECTORATE	Spatial Planning and Environment
FILE REF No	1/1/3/2/65 / Vol 5

Osman Asmal  Digitally signed by Osman Asmal
Date: 2021.03.02 10:38:44 +02'00'

Comment:

EXECUTIVE DIRECTOR

Osman Asmal

NAME

DATE

Joan-Mari Holt  Digitally signed by Joan-Mari Holt
Date: 2021.03.04 09:55:29 +02'00'

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

LEGAL COMPLIANCE

NON-COMPLIANT

NAME

Comment:

TEL

Certified as legally compliant based on the contents of the report.

DATE



HAVE YOUR SAY!

OPPORTUNITY TO PROVIDE COMMENTS OR SUGGESTIONS ON THE REVIEW OF THE CITY OF CAPE TOWN'S DEVELOPMENT MANAGEMENT SCHEME

The City of Cape Town's Development Management Scheme (DMS), which is a schedule to the City of Cape Town's Municipal Planning By-law, 2015 (MPBL), applies to all land within the geographical area of the City, including land owned by the state.

Each land unit in the City has a zoning. The DMS states, amongst other things, the land uses and development rules for all zonings, meaning the purpose for which land is or may be used lawfully and the provisions, restrictions and/or conditions that sets out the permissible extent of the land use in terms of a zoning. It also provides the applicable definitions, interpretations, general provisions and overlay zonings.

Section 27 of the MPBL states that at least every five years after the commencement of the MPBL, the DMS must be reviewed. The City intends to now review the DMS in terms of this section and review the MPBL at the same time.

In terms of section 17 of the Local Government: Municipal Systems Act, Act 32 of 2000, the public and interested parties or groups are given the opportunity to submit comments or suggestions to be taken into account in the review process from 22 February to 23 April 2021.

Comments or suggestions on the review process should align to approved Council policies, plans, strategies and the Integrated Development Plan. For more information: www.capetown.gov.za/policies. The review process cannot change the zoning of any land unit in the City, but may consider, amongst other things, amendments to applicable development rules.

After all comments and suggestions have been reviewed and evaluated, a review report will be submitted to Council setting out, amongst other things, the responses to comments and suggestions received. Council will then make a recommendation on which of those comments and suggestions will be formally taken forward and a further public participation process will be conducted once a draft amendment by-law has been prepared.

Comments or suggestions to be taken into account in the review process may be submitted to Schalk de Jager by:

Email: lums@capetown.gov.za

Website: www.capetown.gov.za/haveyoursay

The City's Public Participation Unit will assist people who cannot read or write, people living with disabilities and people from disadvantaged groups who are unable to submit comments or suggestions, to have their comments or suggestions recorded and submitted to the City.

Contact Frederick Venter on 021 400 1768 or frederick.venter@capetown.gov.za for general public participation enquiries and for disadvantaged groups.

Contact Schalk de Jager on schalk.dejager@capetown.gov.za for further enquiries on the DMS review process or view www.capetown.gov.za/haveyoursay.

LUNGELO MBANDAZAYO
CITY MANAGER
CTA13/2021



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



SÊ JOU SÊ! GELEENTHEID VIR KOMMENTAAR OF VOORSTELLE OOR DIE HERSIENING VANDIE STAD KAAPSTAD SE ONTWIKKELINGBESTUURSKEMA

Die Stad Kaapstad se ontwikkelingbestuurskema (DMS), wat 'n bylae by die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 (MPBL) is, is van toepassing op alle grond binne die geografiese gebied van die Stad, insluitende grond in staatsbesit.

Elke grondeenheid in die Stad het 'n sonering. Die DMS bepaal, onder ander, die grondgebruiken en ontwikkelingsreëls vir alle sonerings, met ander woorde die doel waarvoor grond regtens gebruik word of mag word en die bepalings, beperkings en/of voorwaarde wat die toelaatbare grootte van die grondgebruik ten opsigte van 'n sonering bepaal. Dit bepaal ook die toepaslike omskrywings, vertolkings, algemene bepalings en oorlegsonerings.

Artikel 27 van die MPBL bepaal dat die DMS minstens elke vyf jaar na die aanvang van die MPBL hersien moet word. Die Stad is van voorneme om die DMS nou ingevolge hierdie artikel te hersien en terselfdertyd die MPBL te hersien.

Ingevolge artikel 17 van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000, word die publiek en belangstellende groepe of partye die geleentheid gebied om van 22 Februarie tot 23 April 2021 kommentaar of voorstelle in te dien wat tydens die hersieningsproses in ag geneem sal word.

Kommentaar of voorstelle oor die hersieningsproses moet ooreenstem met goedgekeurde Raadsbeleide, -planne, -strategieë en die geïntegreerde ontwikkelingsplan. Vir nog inligting: www.capetown.gov.za/policies. Die hersieningsproses kan nie die sonering van enige grondeenheid in die Stad verander nie, maar kan, onder ander, wysigings aan toepaslike ontwikkelingsreëls.

Na alle kommentaar en voorstelle hersien en geëvalueer is, sal 'n hersieningsverslag aan die Raad voorgelê word waarin, onder ander, die reaksies op kommentaar en voorstelle wat ontvang is, uiteengesit word. Die Raad sal dan 'n aanbeveling maak oor watter van daardie kommentaar en voorstelle formeel verder gevoer sal word, en 'n verdere openbaredeelnameproses sal onderneem word sodra 'n konsepwysigingsverordening opgestel is.

Kommentaar en voorstelle wat tydens die hersieningsproses in ag geneem sal word, kan gerig word aan Schalk de Jager by:

E-pos: lums@capetown.gov.za

Webwerf: www.capetown.gov.za/haveyoursay

Die Stad se eenheid vir openbare deelname sal mense wat nie kan lees of skryf nie, mense wat met gestremdhede leef en mense uit benadeelde groepe wat nie skriftelike kommentaar of voorstelle kan indien nie, help om hul kommentaar of voorstelle aan te teken en by die Stad in te dien.

Kontak Frederick Venter by 021 400 1768 of frederick.venter@capetown.gov.za vir navrae oor algemene openbare deelname en vir benadeelde groepe.

Kontak Schalk de Jager by schalk.dejager@capetown.gov.za vir verdere navrae oor die DMS-hersieningsproses of gaan na www.capetown.gov.za/haveyoursay.

LUNGELO MBANDAZAYO
STADSBESTUURDER
CTA13/2021



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



VAKALISA ULUVO LWAKHO! ITHUBA LOKUNIKA IZIMVO OKANYE IINGCEBISO KUPHONONONGO LWENKQUBO YOLAWULO LOPHUHLISO YESIXEKO SASEKAPA

INKqubo yoLawulo loPhuhliso yeSixeko saseKapa (iDMS), neyinkqubo yoMthetho kaMasipala woCwangciso lukaMasipala weSixeko saseKapa, wango-2015 (iMPBL), isebenza kuwo wonke umhlaba okwingingqi yeSixeko, kuquka nomhlaba olawulwa ngurhulumente.

Icandelo ngalinye lomhlaba kwiSixeko linomhlaba ocandiweyo. IDMS ichaza, phakathi kwezinye izinto, ngokusetyenziswa komhlaba kunye nemigaqo yophuhliso yayo yonke imihlaba ecandiweyo, okuthetha injongo yokuba umhlaba usetyenzisewa ntoni okanye unokusetyenziswa ngokusemhethweni kwaye imigaqo, izithintelo kunye / okanye imiqathango echaza ubungakanani obuvumelekileyo bokusetyenziswa komhlaba ngokwemigaqo yocando. Ikwanikezela ngeenkcazele ezifanelekileyo, ukutolikwa, imigaqo gabalala kunye nokucandwa komhlaba.

Icandelo 27 leMPBL lichaza ukuba ubuncinane rhoqho kwiminyaka emihlanu emva kokuqalisu kweMPBL, iDMS kufuneka iphononongwe. ISixeko ngoku siceba ukuphonononga iDMS ngokweli candelo kwaye siphonononge neMPBL kwangaxeshanye.

Ngokwecandelo 17 loMthetho wobuRhulumente boMmandla ongeeNkqubo zikaMasipala, uMthetho 32 ka-2000, uluntu kwakunye namaqela anomdlia anikwa ithuba lokungenisa izimvo okanye iingcebiso eziza kuthathelwa ingqalelo kwinkqubo yophononongo ukususela ngowama-22 kweyoMdumba ukuya kowama-23 kuTshaziimpuzi 2021.

Izimvo okanye iingcebiso ngenkqubo yophononongo kufuneka zihambelane nemigaqonkqubo yeBhunga ephunyeziweyo, izicwangciso,izicwangciso buchule kunye nesiCwangciso soPhuhliso esiHlanganisiweyo. Ngengcacio engenye: www.capetown.gov.za/policies. Inkqubo yophononongo ayinakho ukuguqula ukucandwa kwayo nayiphi na iyunithi yomhlaba kwiSixeko, kodwa inokuthi ithathele ingqalelo, phakathi kwezinye izinto, izilungiso kwimigaqo yophuhliso esebenzayo.

Emva kokuba zonke izimvo neengcebiso ziwalaselwe zaze zavavanywa, ingxelo yophononongo iya kungeniswa kwiBunga iqualathe, phakathi kwezinye izinto, iimpendulo kwizimvo neengcebiso ezifunyenweyo. IBhunga liya kuthi emva koko lenze isindululo sokuba zeziphi na kwezo zimvo kunye neengcebiso eziza kuthi zidluliswe ngokusesikweni kwaye kuza kuqhutywa inkqubo engenye yokuthatha inxaxheba koluntu emva kokuba kulungiselelwu umthetho kamasipala olungiswayo oluyilo.

Izimvo kunye neengcebiso eziza kuthathelwa ingqalelo kwinkqubo yophononongo zingangeniswa ku Schalk de Jager:

Ngeimeyle: lums@capetown.gov.za

Kwiwebhusayithi: www.capetown.gov.za/haveyoursay

IYunithi yeSixeko yeNtatho-nxaxheba yoLuntu iyakuthi incidisane nabo bantu bangenakho ukufunda okanye ukubhala, abo bakhubazekileyo nabo baphuma kumaqela angathathintweni abangenakho ukungenisa izimvo okanye iingcebiso ezibaliweyo ukuba babhalelwu izimvo zabo kwaye zingeniswe kwiSixeko.

Qhagamshelana noFrederick Venter ku-021 400 1768 okanye
frederick.venter@capetown.gov.za ngemibuzo gabalala engentatho-nxaxhebe yoluntu
nangamaqela angathathintweni.

Qhagamshelana no Schalk de Jager ku schalk.dejager@capetown.gov.za
ngemibuzo engeminje engenkqubo yophononongo lweDMS okanye ungene
ku www.capetown.gov.za/haveyoursay.

LUNGELO MBANDAZAYO
UMPHATHI WESIXEKO
CTA13/2021



CITY OF CAPE TOWN
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