

GREATER TABLE VIEW ACTION FORUM

(Non-Profit Organisation No. APP-16/244140)

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Tuesday, April 26, 2022

GTAF Objection Case ID 70576807 Erven 3757 and 3758

We would like to object to application Case ID 70576807.

We would comment on the poor quality of this application which at times reads like a work of fiction rather than a credible land use application. We note that poor standard of work coming from Pienaar Road this application should never have been approved in its current state.

- 1. In section B) 1. THE APPLICATION** d) the applicant make the claim that they are applying for what is described as
'Consent use in terms of section 42(i) of the City of Cape Town Municipal planning By-Law, 2015, for utility service to allow for a package plant'

In so doing the applicant has misled the City and the Senior Planning Officer has shown a lack of competence and understanding of the law around package plants. The Senior Planning Officer has over reached their authority and stepped outside the law.

The City does not have the legal right to approve package plants. This is a national government competency we can give the correct department and contact person should the applicant should they wish to comply to their legal requirement. The applicant cannot apply for approval of a package plant to the City of Cape Town as the City of Cape Town does not have the legal right to approve such a plant. It is our opinion that National Government should first approve the package plant before the applicant applies for this plant to be added to this application.

- 2. F) 3. IMPACT ON EXTERNAL ENGINEERING SERVICES**

The applicant writes the following:

The proposed expansion of the land use approval will have additional impact on the external engineering services. The capacity of the Potsdam WWTW is a constraint for development in the entire Table View area until the planned upgrading of the facility is complete. The owner is willing to install a Temporary Packaging Plant in order to treat sewerage on site until the upgrade is finalised and the development can climb back onto the City's sewer system. An area has been identified on the Site Development Plan for the proposed location of the Temporary Packaging plant. An Engineering Services Report was prepared by Neil Lyners and Associates (Pty) Ltd regarding the specific requirements of the proposed development. The document concluded the following: Project management - Town planning - Development Application for Regulation Departure, SDP approval, Amendment of Conditions of Approval and Consent Use: Erven 3757 and 3758, Table View 19 "Bulk services for water, storm water, electricity, roads and solid waste are available for the development or can be readily provided. Capacity for Treatment of Sewage at Potsdam WWTW is constrained and as such on-site treatment of sewage is proposed which will discharge into the City of Cape Town storm water system and ultimately the

Rietvlei. This will require approvals of the City and a Water Use License Lyners are therefore satisfied that there are no unsurmountable services constraints to the development and the site is suitable for the intended development from a civil and electrical engineering point of view.”

Please refer to the attached Engineering Services Report for a more detailed outline of the impact on each of the engineering services.

- a) This application is not complete. In that the applicant makes the claim that the services report is attached to this application. This was a false and misleading statement as the applicant omitted this report from the application.
- b) We have requested that the planning office at Pienaar Road supply this report as well as the preapplication minutes however at time of writing these document were not sent to rate payers and residents.
- c) In omitting these documents the applicants omits vital information from rate payers and residents making it impossible for rate payers and residents to form a full opinion on the application and prepare a full objection. In so doing the applicant and the City of Cape Town knowingly denies the rights of rate payers and residents.

3. **MPBL Section 99 Criteria for deciding application:** Reads

(3) The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable – (a) economic impact; (b) social impact; (c) scale of the capital investment; (d) compatibility with surrounding uses; (e) impact on the external engineering services; (f) impact on safety, health and wellbeing of the surrounding community; (g) impact on heritage; (h) **impact on the biophysical environment**; (i) traffic impacts, parking, access and other transport related considerations; and (j) whether the imposition of conditions can mitigate an adverse impact of the proposed land use

Current Potsdam Waste Water Treatment Plant is under upgrade this application cannot be allowed to continue until it is completed and sufficient capacity is installed to cater for this development

4. **Impact on external Engineering Services F) 3.**

We object to the inclusion of a private waste water treatment plant. These plants have no place in a residential area and pose a great risk to the environment and the health and well-being of other residents.

- a) This is no provision for electrical outages such as load shedding. To allow a generator in this area would cause disturbance to residents in the area.
- b) These plants need specialist management which would need to be onsite to deal with technical issues and breakdown. This has not been catered for
- c) These plants emit odors which the applicant has omitted from this application.
- d) The applicant alludes at Annexure A which it claim to be a report from Water & Sanitation. The applicant has omitted this in this application. In so doing the application contravenes the MPBL and has submitted an incomplete application
- e) The Applicant misleads the City in section E(1) by making the following statement
E) 1. NATIONAL ENVIRONMENTAL MANAGEMENT ACT NR. 107 of 1998 The proposed development does not trigger the need for an Environmental Authorization.

- This again contravenes the MPBL and is simply not true. In its current form the application would damage the environment as there is not capacity to deal with the waste water at Potsdam. The inclusion of a waste water treatment plant would need to be passed by nation government who would consider its possible damage to the environment. Whilst the City has no objection to a private waste water treatment plant The City is not the correct authorizing body.
- f) The decision maker be it the City, MPT or the appeal body has not right to sanction a waste water treatment plant. This is a national government competency. The applicant has misled the City or the City has attempted to misled rate payers and objectors in saying the City Wastewater treatment plant will not be opposed. Whilst they might not oppose the waste water treatment plant they have no right to sanction it.
 - g) It must be noted that the City of Cape Town has failed in its constitutional obligations to provide an environment that will not harm its residents and rate payers. In so doing has showed contempt for the rule of law. The adherence to the rule of law is the most basic function of a municipality.
 - h) The same authority being the City of Cape who are responsible for the lack of investment in our waste water treatment infrastructure and the destruction of our environment are the same people who now do not object to these private waste water treatment plant. If they cannot manage the plants for which they responsibility and have a legal obligation to run. How can they approve or not comment on a private plants when they do not have the legal or ethical right to do so.
 - i) There is not data given in the flawed and incomplete application as to the type of waste water treatment plant to be installed. However our information is that a temporary plant which is the only details given in this flawed and incomplete application would produce effluent to a level that would not be able to be pumped into a protected area or river.
5. **Adherence to Policy:** The applicant makes several claims as to adherence to policy and the current realities that the residents face. The comments made in this application are contrary to the District plan and City Policy's which the Senior Planning Officer should be aware of and should have corrected these misleading claims before the application as advertised. This should have been done as part of the pre application meeting and many interactions the applicant and the City have in order for residents and rates payers to be presented with a truthful and credible document. This level of service from the public servants working at Pienaar Road is just not acceptable
- a) CITY OF CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK: 2018
The following is taken from the Blaauwberg District Plan 2012 and sums up the misery of the lived reality for residents and rate payers.

Although large-scale development has taken place, the creation of permanent employment opportunities (other than significant construction related employment opportunities) within the new development areas has largely been limited to retail and some commercial opportunities. This has implications for unemployment in the district, but also requires people to commute to work opportunities within the city centre (CBD) and Bellville.

Whilst the MyCity bus service has helped the transport in the area. This cannot be described as well serviced by public transport. The application site is serviced by a failing MyCity that has not been implemented as promised by the City. The City has failed to keep this service working in its current route structure. The City has failed to implement routes to employment areas such as Epping and Bellville forcing people into using private transport.

b) TRANSIT ORIENTED DEVELOPMENT STRATEGY FRAMEWORK (2016)

Again the applicant makes the claim which is disproven in the City's own words is the Blaauwberg District plan that the area is well serviced by public transport. It is also disproven in the application as the applicant has deemed it necessary to apply for 44 parking bays. TOD policy requires that the use of private vehicles be discouraged. Given that the public transport in the area is poor and that people cannot use public transport for many of the areas within the City that offer work opportunities. People will have to travel long distances probably in private vehicles. These trips costing a large part of their earnings just to get to work and back. This is nothing more than a perpetuation of apartheid spatial planning thinking that puts people away from work opportunities. This application is against the TOD policy.

c) SOCIAL DEVELOPMENT STRATEGY

The applicant makes several unsubstantiated and ludicrous claims:

The Social Development Strategy sets the following objectives:

- Maximize income generating opportunities for people who are excluded or at risk of exclusion.
- Build and promote safe households and communities. completed. Project management - Town
- Support the most vulnerable through enhancing access to infrastructure and services • Promote and foster social integration
- Mobilise resources for social development

Again taken from the City's own assessment of the area from the Blaauwberg District Plan 2012

Although large-scale development has taken place, the creation of permanent employment opportunities (other than significant construction related employment opportunities) within the new development areas has largely been limited to retail and some commercial opportunities. This has implications for unemployment in the district, but also requires people to commute to work opportunities within the city centre (CBD) and Bellville.

Thus in the City's own opinion the large scale development that has taken place has not satisfied the objectives of the Social Development Strategy. It is the City's own opinion that all the development in the area has done it to create short term employment for construction workers. It is clear that this development will not satisfy the requirements of the Social Development Strategy.

d) DENSIFICATION POLICY

The applicant makes the claim.

Proximity to places of employment, services and facilities – The property is located right next to Bayside Mall. The Table View shopping Centre, Flamingo Square and most of Blaauwberg Road are high intensity business areas that also provide access to services and facilities. A

number of schools, religious facilities and other amenities are also located within close proximity to the subject property. It is thus located within close proximity to a variety of employment opportunities, services and facilities.

Again we must remind the City and the City of Cape Town Planning department of their own words found in the Blaauwberg District Plan.

Although large-scale development has taken place, the creation of permanent employment opportunities (other than significant construction related employment opportunities) within the new development areas has largely been limited to retail and some commercial opportunities. This has implications for unemployment in the district, but also requires people to commute to work opportunities within the city centre (CBD) and Bellville.

Whilst the applicant makes claims of employment opportunities in the Table View area the City has stated that this is not the case. In the same document the City goes onto describe another current reality for the area

The Blaauwberg district is one of the least populated areas of the City, but the fastest growing, and as a result has not benefitted from the historical provision of metropolitan scale facilities. There are therefore a limited number of higher order public facilities to service the growing population and people are forced to travel far distances to access this scale of public facility. e.g. people from Atlantis access tertiary health facilities at Somerset Hospital in Green Point, a journey of approximately 50km with costly public transport opportunities

The area that the applicant describes is simply a figment of the applicants imagination. The City of Cape Town sets out clearly the lived reality for the area that is an area of high unemployment, little work opportunities and those that are available limited to service sector employment, poor public transport with residents having to take long costly journeys to work opportunities and area that has little in the way of public services. This application will do little to change this lived reality and will not satisfy the City's economic growth policy

6. Motivation

a) 1. SOCIO-ECONOMIC IMPACT

This application will do little to stimulate economic activity. We will only see short term construction jobs as well as a few domestic position.

b) 2. COMPATIBILITY WITH SURROUNDING LAND USES

The applicant highlights in the report that the proposed building is totally out of place in this area with all surrounding land used either SR1 or single story commercial. The proposed building will be totally out of keeping for the area.

The application would be contrary to the PSDF, MSDF and Blaauwberg District plan. It is clear that the area is not well serviced with public services such as schools, hospitals etc.

Our position is supported by the City of Cape Town and the Blaauwberg District Plan.

c) 3. IMPACT ON EXTERNAL ENGINEERING SERVICES

This application is not complete as the applicant has not included the relevant reports around services and the type of waste water treatment plant to be installed. This application is illegal as the required permissions have not been sought from national governments. The

discharge of waste water into our storm water system presents a huge risk to our environment.

- d) 4. IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY
Clearly a new building with an unsafe waste water treatment plant that is not managed, discharges waste water into storm water drains poses a great risk to the well-being of the surrounding community. The applicant has omitted this fact.
- e) 6. IMPACT ON THE BIO-PHYSICAL ENVIRONMENT
The applicant clearly does not understand the definition of the Bio-physical Environment. This does not only refer to the applicant site. The definition of the Bio-physical environment is: the natural biological factors (such as wild animals and plants or bacteria) that affect human life (as in a particular place or period). The proposal to discharge a waste water effluent into the storm water system poses a huge threat to the bio-physical environment.
- f) 7. TRAFFIC IMPACT, PARKING ACCESS, OTHER TRANSPORT RELATED CONSIDERATIONS
The requirement for Briza Road for GR2 is 8m the road currently is less than 7m which means this site is not suitable.

Conclusion

We cannot support this application with a waste water treatment plant. The applicant has presented an incomplete application with the correct and required permissions for a plant if this type. This application of contrary to the PSDF, MSDF, TOD and Blaauwberg District. The application paints a picture of Table View around the applicant site that is just not true. A truer picture is found in the Blaauwberg District plan which describes the lived reality that residents have to endure. Table View is an area with limited employment opportunities, limited services, a poorly implemented and lacking MyCiti and thus poor public transport. This application would see more and sustained reliance on private vehicles on already crowded roads. The proposed building would be totally out of keeping with the surrounding area and present a threat to the well-being of the local community. We ask the City to reject this application.

David Ayres

Greater Table View Action Forum (Planning & Biodiversity)

Non-Profit Organization No. 16/244140-NPO

