

GREATER TABLE VIEW ACTION FORUM

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

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Saturday, July 30, 2022

Please find our (GTAF) appeal to application 70494419.

1. Flawed Procedure.

- a) The City of Cape Town continues to use post office to serve notice to a person. This method has been described by Emil Schnackenberg Manager: Land Development Areas 1 & 2 Development Management Department Spatial Planning and Environment Directorate as '*a very poor medium for notification*'. The City is obliged to serve notice to a person the City is aware that it uses a failed state enterprise for this purpose. It has failed to serve notice in terms of this obligation. This is contrary to the claims made by the City of Cape Town at the MPT hearing that advertising of this application was in order and every application is flawed in terms of advertising.
- b) This meeting should have been held in public due to the public interest in this matter. Whilst it is understood that the work of the MPT must continue during load shedding and periods such as COVID. The COVID restrictions have been lifted and the rights of the more vulnerable in our communities have been ignored. The Chairman of the MPT should have insisted that the City make available the facilities to hold this meeting in public. The City should have acted in the public interest and made available a facility to allow a public meeting.
 - (i) In holding this meeting online the meeting was only accessible to those privileged enough to have access to the expensive equipment required to access an online meeting.
 - (ii) This action is contrary to the vulnerable persons policy, old persons act and the City of Cape Town's policy statements IDP pillars and transformation priorities to create a caring City and to create an inclusive City.
 - (iii) This action by the chairman and the City of Cape Town has excluded the aged, poor and vulnerable and was against the public interest.
- c) The MPT report was not complete and flawed. The application site is within a nationally recognised wetland. This was not included by the report writer and as such was not considered by the MPT. As part of the report writing process the report writer should have done the correct due diligence to check the status of this land. This is unacceptable incompetence.
 - (i) The report writer should have been aware of the wetland status of the area and should have included this in the MPT report for consideration.
 - (ii) Building cannot take place on a wetland.

2. Policy

- a) TOD policy page 14 states 'As a government institution the City is under immense pressure to act swiftly on development decisions such as housing in order to address the short term needs of the poor, which tends to conflict with the principles of sustainable development and TOD' principals. This is what we see with in this application. It must be noted that the planning office at Pienaar Road felt the previous MPT report for this

application was complete. A report that was withdrawn due to glaring errors and bias by the planning officials. This shows the rush that planning officials are in to get these applications passed. In so doing they ignore policy, by laws and the law. What we see is officials working with applicants from the pre application meeting to make policy fit the application and ignoring major section of relevant policy.

- b) It is accepted legal practice that documents be communicated in the language stated. Legal practice does not allow for either side to redefine or rewrite the language of communication. The language used for this application and during the MPT hearing was English.
 - (i) The applicant and the city describe the site as being 'within' the urban inner core.. The definition of within in the English language is **'it is inside it or surrounded by it'**.
 - (ii) In an attempt to justify this application they manipulate the English language to make this this application policy compliant. The City has sent mail upon mail trying to grab at straws for the benefit of the applicant.
 - (iii) To any reasonable person the application site is not within the urban inner core the boundary of the urban inner core cuts through the application site. It is clear that in terms of the definition of within this site is neither inside or surrounded.
 - (iv) Neither the City or the applicant have the right to change the English language. They have a legal obligation to communicate and use the definitions as understood by a reason person and that are generally used in the English language.
 - (v) City of Cape Town Policy must use the recognized definition for its policy's. It cannot simply make up definitions to suit an application.
- c) The applicant supported by the MPT report writer make the claim that the application site is within walking distance of the nearest BRT station. The actual distance is 486m from the site of the **proposed entrance**. The standard set for in the TOD policy is that a development should me within 500m walk from a rail or major BRT stations. 500m is considered a short walk.
 - (i) The policy directive is 500m radius around rail and BRT stations again within the 500m walking distance. In the case of this application only the entrance would be within the 500m of the major BRT station.
 - (ii) Resident in the flats and houses would have to walk more than 500m to access a high level transport facility.
 - (iii) TOD policy clearly indicates that densification should only be supported where proposed residents can walk less than 500m. The reason for this standard must be considered as critical as it is deemed the point that people will choose to use their private vehicles over the transportation systems.
- d) It is noted that applicant conveniently benefits from the suspension of the PT2 parking policy. The applicant claims this application encourages use of public transport and yet it has included 337 parking bays.
 - (i) TOD policy is clear in its policy statements to discourage the use of private vehicles. Despite the applicants claims that this application will not increase the

current congestion those who have experienced the area know that this claim are complete nonsense.

- (ii) The City has failed in the implementation of the MyCiti bus system. The claim by the applicant that there is good public transport is rejected. The public transport experienced by residents of the area is a substandard systems that has never been correctly implemented running to limited destinations on aging buses.
 - (iii) The City has not implemented the promised routes to employment centers such as Bellville and Epping forcing people to use their vehicles to these areas.
- e) TOD policy confirms that the running of the Myciti bus system is not financially sustainable. Unless, development is encouraged around the city center and near work opportunities. This application would add to the current financial strain on the current MyCiti bus service. By encouraging the use of private vehicles, by forcing longer travel times from Table View to the CBD, and by allowing development that is on the very edge of the City which will not facilitate bi – directional trips.
- (i) TOD policy states that in order to reduce cost to the MyCity systems developments need to be encouraged towards the inner City and near work opportunities. This is in order facilitate bi directional trips. In this case of this development being at the very edge of the City those residents using the Myciti bus will travel to work. Probably in the morning and from work in the evening. There will be very few people traveling in the other direction. This means buses will be empty. This adds to the financial strain as stated and recognized in the TOD policy.
 - (ii) This development is not within the Urban Inner core, it is not within 500m of a major BRT station and importantly it is not near job opportunities. The MSDF policy states that major job opportunities are found in the CBD, Epping and Bellville.
 - (iii) This development is not policy compliant and will increase the use of private vehicles, emissions, increase journeys to and from work for residents, increase travel cost to and from work for residents and make the MyCity bus system less financially sustainable.

3. Infrastructure.

- a) The applicant makes the claim. In their application. That the proposed application is situated in an area well served by schools. The true picture can be found various City documents including the Blaauwberg District Plan and is confirmed by an objection by the Western Cape Education department. The truth is outlined by the Western Cape Education Department is they simply do not has school places to cope with this size of development. There are already not enough places for the current level of densification.
- (i) The applicant has misled the city in its application. As their application was compiled by a member of the MPT panel and a property professional. This must be viewed as knowingly misleading the City. The applicant must be sanctioned in line with the provisions of the MPBL.
 - (ii) The true intensions of the applicant is then clear in the applicants comment in the MPT report. Where the applicant claims that this application could not be denied due to the lack of school places. In this statement the applicant puts

profit over the constitutional right of our children to an education. It is clear that the applicant is happy to sell their property's to family's who will then not be able to find schooling for their children.

- (iii) This highlights how this application fails to meet the most basic requirements of City policy. The MSDF is clear that development and densification should only be supported in areas with good provision of services and infrastructure.
 - (iv) The lack of school places will force parents to use private transport to gain school places out of the area. Adding to travel time to and from school and work, adding to travel costs. This is against TOD and MSDF policy.
- b) The Blaauwberg District Plan states the Table View is lacking in basic services such as state hospitals, clinic's, courts and as we have stated schools.
- (i) The application the applicant knowing misleads the City. In their application. In their application they applicant claims that the area is well served by public services. As their application was compiled by a member of the MPT panel and a property professional. This must be viewed as knowingly misleading the City. The applicant must be sanctioned in line with the provisions of the MPBL.

c) Water & Sanitation

It is now well documented that the Potsdam Waste Water Treatment Plant is over capacity. Yet for the last ten years in the full knowledge that this plant needed an upgrade City officials from the water & sanitation have happily signed off development after development. The actions of these City officials have resulted in the total destruction of the Diep River, Milnerton Lagoon, Table Bay Nature Reserve and the coast line where we regularly see sewage spills.

- (i) We now see the MPT suggesting that these same officials be allowed to oversee the provisions of the temporary waste water treatment plant. This is reckless. If these officials cannot successfully run their own waste water treatment plant how can they be placed in charge of a private unit?
- (ii) Table View's waste water and storm water systems are aging and maintained poorly. In a recent presentation to the Table Bay Nature Reserve PAAC water and sanitation admitted that they were unaware of an overflow system from the sewage system running into the storm water system. They only became aware of this system design fault after 40 years of maintaining this system and once the rate payers and residents reported raw sewage spilling into the streets of Table View. This shows not only are the City officials not maintaining the storm water and sewage systems but shows a lack of understanding of these systems. These officials cannot be given additional responsibility until they have proven they are competent at the responsibilities they already have.
- (iii) The results of the consistent failures of Water & Sanitation will probably never be calculated, the possibility of failure of the proposed waste water treatment plant will be equally as damaging, We will deal with the environmental risks later. But due to polluted natures reserves and their closure, the sewage leaks onto our beaches and rivers. Businesses have seen massive losses those most effected are businesses such as tourism, leisure activities etc.

- (iv) The biggest attraction to the City of Cape Town is its Bio Diversity. This is stated City policy. It would seem that The City is ignoring this policy directive and putting the profits of the development industry ahead of our critically endangered bio diversity and the jobs this sector can bring.
- (v) Whilst the City is always supportive of the development industry and has a very close relationship with this industry. This is seen by the MPT Chairman and the sitting Mayor allegedly appearing as key note speakers at the annual Western Cape Developers Forum Annual Event. City policy states that the Environment is the biggest driver the Cape Town Economy. The City ignores the losses caused by over development and the pollution it causes. The City must to adhere to its own policy and put the environment as the major driver of our economy and consider other sectors such as tourism. This application is a major threat to the environment and the economy and a threat to jobs growth.

4. Environment

- a) We have touched on the environment in section (3) we state again that City Policy is that the environment is the main driver of the Cape Town Economy. The economy and the environment are interlinked. If the City continues to recklessly approve environmentally unsustainable development. Development that coupled with chronic under investment in infrastructure. The City's valuable bio diversity will never recover. The damage the City has already caused and is causing economic hardship with closures of the Lagoon and the Table Bay Nature Reserve. Nema is clear development has to be sustainable. The MPBL is clear the City has to consider the bio physical environment.
- b) The provision of the waste water treatment plant is a clear threat to our environment. This view is supported by the objection to this application by the City's own Environmental Department. In these comments they highlight the real threat this and any temporary waste water treatment plant poses. The MPT report writer erred when he ignores these comments from Environmental management. Not only did the report writer ignore these comments they make comments supporting waste water treatment plant and belittle the real threat to the environment. The officials of the planning department do not have the qualifications and the knowledge to make these comments.. This is a case of official over reach.
- c) Whilst the Developer will be responsible for the running of the wastewater treatment plant. Will they have the financial stability to fund a spill?
- d) The City in its Diep River Estuarine Management Plan outlines the problems with this area. What this plan avoids to mention is that the City itself is responsible for this pollution and has failed to hold anyone to account. We have outlined how for years Water & Sanitation department aided by the City of Cape Town Planning Department have supported development after development that were not environmentally sustainable. City officials supported development after development whilst being aware of the limitations at the Potsdam waste water treatment plant. It is stated in City policy for over a decade that this plant was reaching its capacity. It is also stated that in order for the City to reach its densification goals an upgrade is needed. And yet The City and

its officials continued to pass development increase the population without the required increase in capacity. This is incompetence and an act of environmental terrorism.

- e) The Diep River Estuarine Management Plan to confirms this. We cannot trust these professionals to make an unbiased decision in this case. It is these very same official, the same City that has created this pollution that warrants the Diep River Estuarine Management Plan. The action of the City officials and the City that jeopardizes the economy and the health and well-being of rate payers and residents. As we have stated earlier they cannot be left to oversee a private waste water treatment plant if they cannot run their own plants.
- f) It seems the silo thinking perpetuates within the City. This is apparent with this decision. Whilst Environmental Management wants to spend rate payer money on cleaning up the City's pollution. The Planning department wants more of the same and seeks to risk polluting the same river that Environmental Planning are busy cleaning.
- g) The Diep River Estuarine Management Plan does not take into account in its rate payer funded plan the risk of multiple access points that the introduction of private waste water treatment plant represents. They seem unaware of the recently released application procedure for private waste water treatment plants. It is clear that the City's left hand is completely unaware of what the right hand is doing. However in the consideration of the appeal the Mayor must be made aware that one spill from a private waste water treatment plant could undo the efforts of cleaning up the Diep River something the Mayor has committed to do and is obligated to carry out in terms of the 'Green Scorpions' directive. If he and the City officials who are happy to sign off on this development it will be the Mayor, the City officials and the developer who will be held liable for any clean up.

5. Conclusion

The policy directive are clear Spatial strategy 1: Build **an inclusive, integrated, vibrant city**. Spatial strategy 2: Manage urban growth, and create a balance between urban development **and environmental protection**. Spatial strategy 3: Plan for **employment**, and improve access to **economic opportunities**.

- The application represents a threat to the environment. Confirmed by Environment Management
- The application site is not near the City's employment centers and economic opportunities
- The application site is not served by schools or basic services excluding residents from these services
- The application site is on the very edge of the Inner Urban Core and would increase private vehicle usage.
- The application site will force residents to walk over 500m to the nearest major BRT station. Encouraging the use of private vehicles.
- The use of private vehicles will increase congestion, increase travel costs, increase travel times and the misery of local residents. All against City policy.

The Mayor must reject the decision by the MPT and uphold the appeal against this application.

David Ayres



Greater Table View Action Forum (Planning & Biodiversity)
Non-Profit Organization No. 16/244140-NPO

