

APPENDIX G				Version	2016/02/26
CUMULATIVE RECORD OF AMENDMENTS					
Reference Number	Date of amendment decision		Property Description	Details of amendment	
	Municipal Systems Act	LUPO 4(7)			
MSA DECISIONS June 2011 - March 2014					
	Not required	Not required	SE corner of PHA, Erven 579-582, 587-591, 637-641, 652-654, 657-658, Rem erven 651, and Ptn of Rem 648, 650 Schaapkraal Rapicorp.	Amendment to Guide Plan	
		Not required	Farm 940-7 Dassenberg	Amendment to Guide Plan	
		Not required	5131 Masiphumelele	Amendment to Guide Plan	
		Not required	Ptns 1-5,7 & 8 Farm 10373 Glen Dirk, Southern	Amendment to Guide Plan on 12 June 2012. Agriculture to urban development	
		28-Nov-12	Garden Cities: 7, 8 15,19 Farm 168 Joosentenberg Vlake and Ptns 3 & 4 Paarl Farm 724	Amendment to Guide Plan. Agriculture to urban development	
	07-Feb-12	28-Jan-13	Erf 5541 Eersterivier	Amendment to urban edge and SPC to urban development	
	05-Dec-12	Jan-14	Wescap	Amendments to urban edge and SPC: Core 1 and Buffer 2 to urban development (refer to conditions listed below)	
	Feb-13	24-Jan-14	Erf 1160, Ptn 1 of erf 1153 and ptn 1 of CF 1160 Sarepta, Bellville	Amendment to SPC: Urban development to industrial	
	Feb-13	20-Feb-14	35069 & 3418 Kaymor, Cilmore Str, Bellville.	Amendment to SPC: Urban development to industrial	
	29/ 30 May 2013	21-Nov-13	466, 467 and 468 Philippi	Amendment to SPC: Industrial to urban development	
	29 May 2013	28-Oct-13	Rem farm 1511 Baronetcy Estate, Parow	Amendment to urban edge and SPC to urban development	
	30 May 2013	20-Dec-13	Technical amendments to CTSDf	Various published earlier	
	31-Jul-13	Refused by DEA&DP. January 2014	38 erven in SW corner of PHA: 539, 541-545, 554-558, 572, 574,575, 578, 605-607, 609-617, 622,626, 628, 630, 632, 634, 662, 664, 1932 and 1933 Philippi / Schaapkraal (one application) MSP	PGWC refused LUPo application. Note that both MSA and LUPo approvals are required to go ahead. (Stand alone and therefore amendments to General structure plan do not refer)	
	31-Jul-13	Not required by DEA&DP in terms of amendments to General Structure Plan provisions - letter dated 18 Feb 2014.	Ptn of erf 39170 D'Aria (refers to approx 4.4 ha to be subdivided off)	Amendments to urban edge and SPC: High potential and unique agricultural land to urban development. Composite application (subdivision and rezoning)	
	28-Aug-13	Not required	21977, 21985-21988 Khayelitsha	Amendment to SPC: Industrial to urban development	
MSA DECISIONS April 2013 - March 2015					
Reference Number	Date of amendment decision		Property Description	Details of amendment	
	Municipal Systems Act	LUPO 4(7):	On 22 July 2014, the Western Cape Department of Environmental Affairs & Development Planning (DEA&DP) informed the City that the CTSDf had been withdrawn as a structure plan in terms of LUPO and that its LUPO status has fallen away.		
1	24-Apr-14	Not required	Ptns 18 Farm Uitkamp 189, Viessershok rd, Durbanville	Amendment to SPC: From High Potential and Unique Agricultural land to Urban Development. Amendment of the urban edge.	
2	23-Jul-14	Not required	Ptn 1 of Farm 241, Langverwacht (Galencia)	Spatial Planning Category designation change from Core 1 to Urban Development.	
3	25 July 2012 approved by Council. 12 November 2014 SPeLUM approval for rezoning to subdivisonal area and concert uses.	Not required	Rem Cape Farm Lighteburg 175, Ptn 1 of Farm Lichtenburg 175, Rem Farm 123 Eikenhof, Rem of ptn 1 of Cape Farm Louwenhof 123 (Farmika), Rem ptn 2 of Cape Farm 123, Cape Farm 1446 (Bella Riva)	Amendment to SPC: From Buffer 2 to Urban Development. Amendment of the urban edge.	
4	25-Sep-14	Not required	Ptn 15 of Stellenbosch Farm 653, Faure (Vergenoegd)	Amendment to SPC: From Core 1 and Buffer 2 to Urban Development and Core 1. Amendment of the urban edge.	
5	28-Jan-15	Not required	Erf 182 Skaapkraal	Amendment to SPC: From Rural to Urban Development. Amendment of the urban edge.	
6	na	na	The Biodiversity Network information has been updated in Jan 2015.		
7	na	na	Coastal Edge amendments included the Zandvlei and Rietvlei estuaries as part of the coastal zone. Section 25(1)(a)(i) – (iii) of the ICM Act states that: An MEC must in regulations published in the Gazette - (a) Establish or change coastal set-back lines – I. to protect coastal public property, private property and public safety; II. to protect the coastal protection zone; and III. to preserve the aesthetic values of the coastal zone. Using this section, the Provincial authorities indicated to the City that estuaries are included in the above descriptions. Based on Provinces request, the Environmental Resource Management Department amended the line accordingly to include the Zandvlei and Rietvlei.		
MSA DECISIONS April 2013 - March 2016 Including earlier omissions					
Reference Number	Date of amendment decision		Property Description	Details of amendment	
	Municipal Systems Act	LUPO 4(7):	On 22 July 2014, the Western Cape Department of Environmental Affairs & Development Planning (DEA&DP) informed the City that		
	23-Jul-14	Not required	Erf 5144 Ocean View	Amendment to SPC: From Core 2 to Urban Development. Amendment of the urban edge.	
	31-Jul-13	Not required	38 erven in SW corner of PHA: 539, 541-545, 554-558, 572, 574,575, 578, 605-607, 609-617, 622,626, 628, 630, 632, 634, 662, 664, 1932 and 1933 Philippi / Schaapkraal (one application) MSP	Provincial government obtained legal clarity confirming that the MSA decision now sufficient to result in amendment urban edge and SPC: from Agricultural Area of Significant Value to Urban Development.	
	20-Aug-14	12-Feb-12	Erf 10373 Constantia Glen Dirk Farm	Technical correction to update SDF in terms of earlier decision. Amendment to SPC: from Agriculture to Urban Development.	
	29-Jul-15	Not required	10905 Tokai	Amendment to SPC: From High Potential and Unique Agricultural land to Urban Development. Amendment of the Urban Edge	

WESCAPE RECOMMENDATIONS:

1. Recognising local governments have the power to make in principle decisions as per the Municipal Systems Act as regards the first decision before us, and understanding the second decision before us is a recommendation to the MEC in terms of LUPO and that there exists the ability to advise on conditions for decisions to be taken by the MEC, we recommend to the Executive Mayor and Council, that:

2(a) recognising the City of Cape Town cannot approve an amendment to a structure plan, the CTSDP, as this is an in principle decision, EESP PC recommends that the amendment of the CTSDP be positively considered by Council on condition that more information be acquired (prior to the in-principle decision) for the Executive Mayor and Council on condition that more information be acquired for the Executive Mayor and Council on the operational viability, regarding the next stages necessary for the intended stated development:

(b) the applicant be requested to submit a sub-division and comprehensive rezoning application so all existing concerns may be addressed with officials on a HOW TO based approach to the Item's stated intent - and not simply a set of recommendations as to why the proposal is allegedly not possible (which has been the case until now).

(c) following extensive deliberations across several directorates, the EESP PC thus receives favourably, in the above context, the intent to develop, subject to the role of inclusive development always be affirmed and facilitated in line with our policies; i) that when policies and legislation do not meet existing goals of socioeconomic development targets (as per the IDP), they be amended to create an enabling environment; ii) that all legislative amendments must take place in line with the IDP, 5 pillars and existing budgetary commitments approved under the current administration.

3. In line with point 2 above, the Executive Mayor and Council proceed on this item considering:

(a) a legal confirmation that the above process is in order;

(b) a plan to limit the effect on existing capacity given service delivery backlogs in the existing built footprint of the city and the need to upgrade existing infrastructure.

(c) the Executive Mayor requests the Utilities Portfolio Committee's comments on the proposed plan given bulk infrastructure has proven to be a crucial issue;

(d) the development fulfil the needs and priorities identified in the IDP and that officials identify how this can be achieved through private development, in this instance Wescape's stated intent; Assess if:

(e) landowners and developers within the edge in the north-western corridor who have acted in alignment with Council policy, with legitimate expectations of obtaining services from the City will be negatively affected (if Out of sequence development of Wescape will increase the infrastructure costs for these developers);

(f) development recognising the Koeberg Evacuation Zone and extent of disaster management planning;

(g) a comprehension of the long-term nature of the supporting services i.e. Utility Services, an assessment if the earliest bulk water could be available for transfer to Wescape is in approximately 2019/20 or earlier;

(h) adequate provision for transport costs associated with commuting to places of employment and other public services and amenities;

(i) consideration of a future airport be extensively undertaken;

(j) adequate provision to ensure commercial activity and job opportunities are part of the Wescape development to minimise costs;

(k) a signed written agreement committing the applicant (and its successors in title) to the planning, design, construction and full upfront financing of the following all bulk infrastructure external to the site, in addition to development contribution requirements: This includes, but is not limited to bulk water (Voelvlei pipeline), waste water treatment works and Sterrekus substation;

(l) any changes to the terms and conditions of this agreement (including the signatories) would need Council approval;

(m) the officials recognise the recommended approval of this item and conduct an assessment of the operational costs and any other 'hidden costs' of the proposed development to the City and whether these will be retrieved in full by rates and tariff charges based on an understanding of the proportion of landowners within the development that will be liable for such charges;

(n) confirmation of the prioritisation of the upgrade of the Atlantis railway line and confirmation that budgets are available and planning has commenced, by Council / PRASA / Metrorail. This refers to the railway line up to at least to the northern edge of the site. Should budget prioritisation of the upgrade not be forthcoming from public funds, this cost is to be covered by the developer and formalised in an agreement to that effect. In both scenarios the passenger rail service must be operational at the time that occupation is taken of the first residential units! activity that generates employment;

(o) Council approval of a new West Coast IRT corridor (including associated distribution services) in addition to the existing R27 corridor. Council approval of capital and operating funds for this additional corridor / service or else a written agreement between Council and the applicant that commits the applicant to undertake planning, design, financing, construction and operation and maintenance of this corridor, where infrastructure is required over and above what is currently planned. In both scenarios the service must be operational at the time that occupation is taken of the first residential units/ activity that generates employment;

(p) inclusion of land (portions of Rem Cape Farm 1491 and 84 and Cape Farm 35-1 and 35-2 - descriptions to be checked) between the Atlantis railway line and the existing Wescape site, so as to enable more continuous contiguity to the Atlantis railway line, and at least 2 to 4 stations (from City's Head: Transport Planning and Policy Development) within walking distance of the Wescape site;

(q) compliance with the Koeberg Nuclear Emergency Plan (including quantitative modelling) as required by the National Nuclear Regulator and Eskom: Koeberg Nuclear Power Station; compliance of which is also to be to the City's Disaster Risk Management Centre's satisfaction in line with our current standing with the regulatory authority;

(r) employment opportunities must be secured in the development before the construction of housing. Subsidies obtained for the development of housing should not be used to fund link infrastructure to market housing. Entering into a signed, written proxy or agreement with the City's Human Settlements Directorate to ensure that 50000 Subsidy and 50000 GAP houses (this numbers amounting to 50 % of the total number of houses) are built on the site. This agreement should specify: (i) the number of houses that will qualify for the housing subsidy, and the number of houses to be built for the GAP market, (ii) the provisions made for the proposed subsidised units on the City's three year capital budget; and (iii) the requisite infrastructure. (as per CTSDP Table 5.6) The GAP market is defined as households earning more than R3,500 and less than R15,000 in the year 2012. (iv) assumptions on subsidies (infrastructure, land and top structure) to be received from the City and discounted development contributions should also be documented;

(s) developer commitment to the construction and operation of the full extent of social facilities required by the development, including confirmation on the timing of construction and the period that the social facilities will be operated at the expense of the developer;

(t) the Executive Mayor recognises the role of potential low-cost private schooling and its success, which has become the subject of considerable research and investment interest in South Africa, given the current education needs (Centre for Development and Enterprise). An exploration of current private sector solutions to education and social facilities is possible under the proposed development.