



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

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For urgent attention:

The Honourable Ms Thembu Nkadimeng
Minister of Cooperative Governance and Traditional Affairs
Per email: Petronella@coyta.gov.za

And to:

Mr Mbulelo Tshangana
The Director-General: Ministry of COGTA
Per email: zandilez@coyta.gov.za

Copy to:

The Honourable Minister of Human Settlements
Ms Mmamoloko Kubayi
Per email: Zoleka.Ndudane@dhs.gov.za

Copy to:

Ms Sindiswe Ngxongo
The Director-General of Human Settlements
Per email: Sindiswe.Ngxongo@dhs.gov.za

Dear Minister Nkadimeng,

RE: CORRESPONDENCE FROM MINISTER KUBAYI RE PRASA'S CENTRAL LINE RELOCATION PROJECT, DATED 07 AUGUST 2023

1. I trust this finds you well. I write to you regarding the above correspondence I am informed was sent to your office by Minister Kubayi recently, and so as to correct certain material inaccuracies therein as to both the law and the facts.
2. The City was somewhat shocked to learn of this correspondence to you, which was only brought to our attention via journalists calling for our comment thereon last week, Minister Kubayi having elected not to copy the City in on her correspondence to you in this regard.
3. I do not intend to engage in the detail of the Central Line Occupation and Relocation Project which led us to this point, i.e. the initial occupation of PRASA's central line by many hundreds of occupants, the decision by PRASA to appoint the HDA as its implementing agent in an eviction and relocation of such occupants to

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CAPE TOWN CIVIC CENTRE, 12 HERTZOG BOULEVARD, CAPE TOWN, 8001
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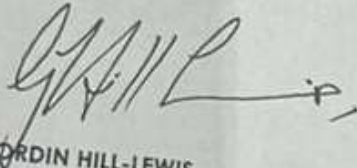
vacant land so as to ensure the rail function on that line can be restored, the terms of the eviction court order agreed by PRASA in terms of which it undertook to implement the relocation of such occupants on certain terms including the supply of alternative accommodation and the need to purchase or acquire land so as to achieve this.

4. The City is neither the land owner, the applicant in the eviction, nor were we the appointed agent for PRASA in its proposed relocation housing development. The City's role in this matter remains that of the statutory regulator in respect of any planning, rezoning and associated approvals which will be required in order for PRASA to implement its relocation project, and which role is indeed supplemented in terms of our intergovernmental obligations of co-operation as are contained in the signed Implementation Protocol referred to by Minister Kubayi.
5. However, and contrary to the assertion made by Minister Kubayi in her address to you, the City has done everything required of it to date, i.e. In light of its regulatory role and despite us being neither the implementing agent, the applicant nor the landowner.
6. Patently in order for the City to play any role at all in this project, a land use application has to first be submitted to the City for its determination. Such a submission is a sine qua non for the City to be able to comply with clause 12 of the Protocol; but after months of waiting for same, it was only earlier this month that PRASA and the HDA submitted an application for the first time.
7. This was done after months of detailed engagement by our planning officials with both the HDA and PRASA's appointed planning consultants, aimed at facilitating the smooth processing of the application once made and, in so doing, ensure the City complies with its Intergovernmental Protocol obligations regarding PRASA, but cognizant, too, of our statutory role and within the context of the ±600 densely populated informal settlements which the City is dealing with, too, which also require additional land.
8. Accordingly, the allegations and implications made by Minister Kubayi in her correspondence to your office now that:
 - The City has in any way breached its obligations to any party under the Implementation Protocol;
 - Her office can correctly assume that any undertaking made by the City in the Implementation Protocol entitles or obliges the City to act contrary to its statutory municipal planning mandate, as contained in the City of Cape Town's Planning Bylaw;
 - Her office or her officials, or those of the HDA or PRASA, have to date either formulated or declared a dispute with the City as defined in the Intergovernmental Relations Framework Act ; or
 - The application of section 41(2) of that Act finds any lawful application to the current facts.

are incorrect and denied by the City.

9. Neither Minister Kubayi, nor the officials in her department, nor PRASA, nor the HDA, have to date either intimated or declared a dispute with the City over its conduct on this matter to date, for the purposes of the application of the IGRF Act, for the simple reason that the City's actions have given no cause to do so.
10. On the contrary, the City's planning and human settlements officials have repeatedly met with both the HDA and PRASA and their external planning consultants over the past few months, so as to provide every assistance to them to ensure any Land Use/Planning/ Building applications which are required from them will be procedurally compliant, and the processing thereof by the City can be initiated and completed expeditiously.
11. In the circumstances, I confirm that, in our view, there is no basis, in law or in fact, for your office to take any action under section 41 (2) of the IGFA, as proposed by Minister Kubayi; but should you have any concerns over the correctness of our position in this regard, please feel free to reach out to my office for further information in this regard.

Yours faithfully,



GEORDIN HILL-LEWIS
EXECUTIVE MAYOR

DATE: 28/08/2023