



MEDIA STATEMENT FOR IMMEDIATE RELEASE

Setting the record straight regarding the Central Line Relocation Project in Cape Town, Langa

28 November 2022

In order to create space for the rail infrastructure and the central line to be repaired and made operational, certain occupants who erected informal settlements structures along the railway line will need to be relocated to an alternative accommodation.

PRASA obtained a court order from the Western Cape High Court for the lawful relocation of affected communities. The deadline for relocation as provided by the Western Cape High Court is 30 November 2022.

The following parties signed an Implementation Protocol (IP): Department of Transport, Department of Human Settlements, Department of Public Works and Infrastructure, Western Cape Provincial Department of Human Settlements, Western Cape Provincial Department of Transport and Public Works, City of Cape Town metropolitan Municipality (City), Passenger Rail Agency of South Africa (PRASA), and the Housing Development Agency (HDA), to attend to the relocation of informal settlements that have illegally occupied sections of the central line so that it can be rendered functional again. The roles and responsibilities of each of the



abovementioned parties are outlined in the signed IP, which is the governing

agreement in terms of the project and also sets the deadlines that each party must adhere to. A Project Management Committee (PMC) and a Project Steering Committee (PSC), which consist of the representatives of the above-mentioned parties were established to oversee the implementation for this project.

It is against this background that the HDA seeks to set the record straight by providing the public with accurate information, particularly where livelihoods of the commuters who utilise rail as a mode of transport are concerned.

In order to expedite the relocation process, the PMC, which the City of Cape Town Municipality is part of, took a resolution to adopt a two-pronged approach, i) lodging of the Section 68 Application and ii) normal rezoning application. The Section 68 application envisages the relocation of persons affected by disasters, on a temporary emergency basis; and suspends compliance with the otherwise strict planning and zoning requirements of the by-law so as to enable such relocations on a temporary basis only, up to a maximum of 180 days.

With the full understanding of the requirements of Section 68, the City as part of the PMC advised Section 68 process should be applied, which should be followed by the rezoning application that will kick in once the Section 68 Application has been approved according the municipal bylaws. It is important to clarify that Section 2.3.1 of the Housing Code defines the various emergency housing circumstances, in particular, Section 2.3.1 (d) specifically focusses on exceptional housing circumstance where persons are affected owing to situation such as those living “in the way of engineering services or proposed services such as those for water, sewerage, power, roads or **railways**, or in reserves established for any such purposes and who require emergency assistance.”

As per the IP, the City is required to “Expediently consider all land use and related applications to the programme implementation on the basis of urgency and exceptional emergency circumstances occasioned by this programme.” As per the City of Cape Town processes for the application, it would have to undergo approval of the commencement process by Council prior to resumption of the emergency relocation process.

On 1 June 2022, the HDA, acting on behalf of the IP Steering Committee, compiled and submitted a **Request** for the City of Cape Town to lodge Section 68 for approval by the City’s Council. It is important to note that the Section 68 application cannot be lodged by an external stakeholder/party, only by the City, hence the **request**.

The City of Cape Town then communicated that the application would be tabled at the City’ Council meeting scheduled for **18 August 2022**; where the commencement process was to be considered. No official communication was received from the City of Cape Town on the status of the application between 18 August 2022 and 13 October 2022. This occurred approximately two months

later (and already four months after the application was lodged). This is a rather worrisome response to a process tabled as an emergency.

After missing this deadline, the City reported that the Council of 22 September will consider the Section 68 Application. To date, there has been no formal communication from the Council.

On 13 October at 7th Project Management Committee meeting, (which is **four**

months after the initial Section 68 Application Request was submitted to the City for consideration); the City of Cape Town reported that they would be seeking a legal opinion on the use of the provisions of Section 68.

On 21 October 2022, the City of Cape Town sent an official communication to the HDA regarding the outcome of their legal opinion on the Section 68 Application. The City indicated that due to the outcome of the legal opinion sourced (dated 7 October 2022), the proposed development does not qualify for consideration for a declaration under Section 68 of the Bylaw – which is contrary to the resolution of the PMC, which the City of Cape Town is part of.

Lastly, we wish to dispel the incorrect narrative purported in various media statements that the role of the City is that of “the planning authority, only”. In terms of the signed Implementation Protocol, under **clause 12.2.** of the roles and responsibilities of the City of Cape Town, among other many roles, the City’s role is to “Ensure the rendering and provision of basic services required for the programme.” The City of Cape Town is primarily responsible for provision of housing services to its people.

As a caring government institution, established to develop sustainable human settlements for the poor, the HDA is working tirelessly to ensure that the process is fast-tracked in order to assist government to create space for the rail infrastructure in the central line to be repaired and made operational while restoring the dignity of the affected beneficiaries by providing decent accommodation for both temporary and long term.

The Central Line Relocation project is intergovernmental in nature, which requires that all the signatories of the IP carry out, fully, their responsibilities as outlined in the IP and secondly, adhere to the resolutions of the joint management structures that were established to ensure the smooth running of the project.

//End//

Best regards,

Katlego Moselakgomo

Communication and Marketing Officer