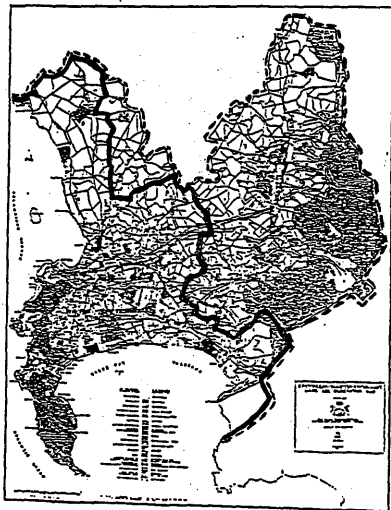


LOCAL GOVERNMENT DEMARCATION BOARD FOR THE WESTERN CAPE

REPORT NO 1 :

OUTER BOUNDARY FOR THE PROPOSED CAPE TRANSITIONAL METROPOLITAN COUNCIL



AUGUST 1994

OUTER BOUNDARY FOR THE PROPOSED
CAPE TRANSITIONAL METROPOLITAN COUNCIL

THE FORMER ADMINISTRATOR REQUESTED THE DEMARCATION BOARD TO INVESTIGATE AND SUBMIT RECOMMENDATIONS TO HIM REGARDING THE POSSIBLE BOUNDARY OF THE CAPE METROPOLIS.

THE BOARD HAS CARRIED OUT ITS MANDATE AND WISH TO SUBMIT THE FOLLOWING REPORT AND RECOMMENDATIONS.



SECRETARY :
WESTERN CAPE DEMARCATION BOARD

OUTER BOUNDARY FOR THE PROPOSED
CAPE TRANSITIONAL METROPOLITAN COUNCIL

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Board could not achieve consensus on this report amongst its members. Both the majority and minority views are therefore set out here.

PART 1

S1. MAJORITY BOUNDARY RECOMMENDATION

S1.1 The majority of the board recommends that the outer boundary of the Metropolitan Negotiating Forum and the pre-interim Transitional Metropolitan Council include Atlantis and Mamre in the north and the Fisantekraal area north of Durbanville, but exclude the agricultural land to the north east of Bellville and Durbanville around the areas of Philadelphia and Klipheuwel, also excluding the areas and towns of a part of Joostenbergvlakte as well as Klapmuts, Paarl, Wellington, Franschoek and Stellenbosch; include Kuils River magisterial district, Kleinvlei, Blue Downs, Khayelitsha, Macassar, a portion of the Stellenbosch magisterial district and the whole of the Helderberg Basin as well as the False Bay coastline up to and including Kogel Bay (the magisterial districts of Somerset West and Strand); excluding Hangklip Municipality and the remaining edge east of the False Bay coastline (see Annexures 14 and 15 for detailed description and map).

S2. MAJORITY FINDINGS:

S2.1 Fringe areas were each assessed on their own merits because they obviously cannot comply collectively with all the elements of the definition of a metropolitan area and to the criteria contained in Schedules 2 and 6 of the Local Government Transition Act, 1993. In the end the Board had to assess the cumulative effect of all the statutory and other prescriptions and guidelines on its recommended boundaries in each separate fringe area (section 11). After a thorough assessment of all these considerations, the Board is satisfied that the boundary proposed by it for the Transitional Metropolitan Council substantially complies with the requirements of the Act, while the current Western Cape Regional Services Council area, in the opinion of the Board, does not substantially comply with these requirements (par 10.4.5). In the opinion of the Board, large tracts of rural and agricultural land which fall within the current Western Cape Regional Services Council region, but outside of municipal boundaries, are not sufficiently developed or urbanised, do not have a sufficiently intense movement of people, goods and services in the area concerned or between the area and the core metropolitan area, and do not

have a sufficiently high interdependent economy with the core metropolitan area, to fall within the definition of a metropolitan area as contemplated in the Act. (par 10.3)

S2.2 Similarly, the Western Cape Regional Services Council region as a whole does not conform to the requirements for a single forum area, in that some of the disputed fringe areas do not form a single economically and historically bound unit with the core metropole, or have sufficiently high degrees of commercial and industrial linkages, daily commuting patterns or joint services with the inner metropolitan area. (par 10.11.8 - 10)

S2.3 Whilst the Board cannot judge as to how representative views put to it are of the views of the entire community, the majority of such views submitted to the Board by institutions and individuals from the disputed fringe areas were opposed to inclusion into the proposed metropolitan authority area. One of the main arguments put forward by the fringe towns was the perceived view that inclusion into the Transitional Metropolitan Council area will bring about a loss of autonomy to their communities and that they will be worse off under such a government structure than is the case in the current system. (par 10.8)

S2.4 It is clear to the Board that many residents in the disputed fringe areas never accepted the original political decision which led to the establishment of the current Western Cape Regional Services Council boundary, and that they still prefer to fall outside the new Transitional Metropolitan Council boundary. The Board, however, is of the opinion that it is unfortunate that the municipalities in the disputed fringe areas consistently refused to participate in discussions with the Cape Metropolitan Negotiating Forum about a future Transitional Metropolitan Council boundary. The Board is of the opinion that this refusal is contrary to the spirit of the Act.

S2.5 The minimum potential powers and functions which the proposed Transitional Metropolitan Council will have under the Act, is very comprehensive. It was argued by the proponents of the larger metropolitan area, that the powers actually exercised by the Transitional Metropolitan Council will be limited and will not impinge on that of the substructures. The proponents of the smaller area argued that the powers are there for the taking and nobody can give any assurance as to the extent to which it will be exercised. The Board considers it a pity that this question of the extent to which powers will be taken up by the Transitional Metropolitan Council could not be clarified beforehand. Had that been the case the boundary decisions would have been simplified to a great extent. Reasonable doubts exist in the Board as to the economic functionality, effective span of control and efficiency of service provision of such a body if it should decide, after its establishment, to exercise full control over all its statutory functions. Recently the Metropolitan Negotiating Forum tried to establish control over the staff of primary local authorities participating in the Forum. It also started negotiations on additional functions, supplementing those contained in schedule 2. These danger signs strengthen the Board's resolve that the metropolitan area should not be too big (par 10.6.9).

- S2.6 The disruption of current services in the transitional period should be minimised by retaining existing boundaries, structures, staff and functions as far as possible, but only if the retention of such existing boundaries, organisations or functions are clearly appropriate for, consistent with, or will promote the implementation of, the new local government system. Transitional arrangements should be negotiated amongst all parties concerned.
- S2.7 Another complicating factor which made the task of the Board that much more difficult was the absence of any clear policy or guidelines on the governmental structure and functions intended for rural land outside of municipal areas. The Board wishes to urge the authorities to give urgent attention to this matter because it will be especially of critical importance in the remaining part of the Province outside the Metropolitan Area. (par 10.3.5)
- S2.8 Although not specified as a criterion in the Act, the Board is of the opinion that democratic participation of the inhabitants and accountability to them should be considered alongside the economy of scale argument. Too wide an area may lead to government being too remote from the people resulting in a lack of responsiveness and accountability. (par 10.9)
- S2.9 The Board decided that watershed boundaries should as far as practical be used as administrative boundaries, unless they prove to be inconsistent with or contradictory to other demarcation criteria. (par 10.6.11)
- S2.10 The Board also decided that land which is included in the metropolitan authority area should only be land -
- S2.10.1 which could be functionally useful to the Transitional Metropolitan Council within its sphere of competence,
 - S2.10.2 which must be included for purposes of effective service delivery, or
 - S2.10.3 for which no feasible alternative to its inclusion into the Transitional Metropolitan Council exists.
- S2.11 The definition of a metropolitan authority area contained in the Act is interpreted in the context of the general internationally accepted use of the term, and is distinguished from a metropolitan statistical region. The statistical area may be the metropolitan functional area, or an even bigger area which is identified purely for purposes of statistical planning and analysis for effective policy evaluation (eg the current development planning sub-regions).
- S2.12 The Board is further of the opinion that, firstly, the core metropolitan area bordered by the urban edge as described in Section 5 conforms to all the statutory requirements of the Act as discussed in Section 6 and should be

accepted as the core of the new metropolitan jurisdictional area. This core area is apparently not disputed, but generally accepted. The isolation of the nature areas and less densely populated southernmost parts of the Peninsula (surrounding Simon's Town and down to Cape Point), and the clear absence of a feasible alternative to inclusion, makes its incorporation into the metropolitan jurisdiction area inevitable. (section 5)

S2.13 The Board is of the opinion that, secondly, the south eastern part of the peninsula, and specifically the Helderberg Basin also substantially conforms to the requirements of the Act and should form part of the Transitional Metropolitan Council area as proposed. (section 6)

S2.13.1 The Helderberg Basin area is substantially more developed and urbanised. It is nearly contiguous with the core metropolitan area with strong population expansion pressures on it. It constitutes a natural development axis for the metropole which has already been accepted as such in the Helderberg Guide Plan. It has a more intense movement of people, goods and services between the area concerned and the core metropolitan area, and has a relatively high interdependent economy with the core metropolitan area.

The abolition of apartheid restrictions on the settlement and movement of people as well as the extensive urban development schemes already in advanced stages of implementation and planning further reinforces the future growth of an even more interdependent economy with the core area. In the opinion of the Board it substantially complies with the definition of a metropolitan area contemplated in the Act and should, therefore, be included in the metropolitan area.

S2.13.2 The Board is of the opinion that the area concerned is not largely dependent on an agro-economy but has much greater economic interdependence with the metropolitan core.

S2.13.3 The existence of a strong transport corridor, adjacent to land suitable for urban development, between the metropolitan inner edge and the Helderberg Basin further supports its inclusion into the metropolitan area.

S2.13.4 The Board is further strongly of the opinion that the False Bay ecological system is sufficiently sensitive and fragile to justify its management as far as possible by a single local government body. This objective, in conjunction with other considerations justifies in the opinion of the Board the inclusion of the Helderberg Basin including the southern part of the Strand magisterial district in the Transitional Metropolitan Council area.

S2.13.5 Public opinion in the Helderberg Basin is apparently more divided on the topic of possible inclusion into the metropolitan area than is the situation in the other fringe areas. It is also clear to the Board that the population composition of the Basin is more diverse and has therefore more metropolitan characteristics than any of the other fringe towns.

S2.14 In the opinion of the Board, thirdly, the Stellenbosch region does not substantially qualify for inclusion into the Metropolitan area at this stage. (section 7)

S2.14.1 Good transport links with the metropole exist, but according to the limited available data it has not as yet led to a sufficiently large degree of commuting or the creation of a development corridor.

S2.14.2 The Board is further of the opinion that there is a degree of economic interdependence with the metropole but a serious lack of comparable reliable data in this regard led the Board to resolve that this economic interdependence is currently not high enough to warrant inclusion into the metropolitan area.

S2.14.3 The exclusion of Stellenbosch from the metropolitan area will not seriously fragment the financial base of the metropolitan authority (10.6.22), while all local authorities will have access to funds from higher levels of government to cover the budgeting shortfalls which are expected (10.6.21).

S2.14.4 The Eerste River catchment does appear to qualify to be included into the metropolitan area, purely on grounds of stormwater management and pollution control. Expert evidence presented to the Board by Prof Fuggle of the University of Cape Town, however, questioned the degree of water pollution from this region compared to that of other regions within the metropole. The Board eventually decided that this area should receive the benefit of the doubt about its suitability for inclusion, but it is felt that measures should be taken to ensure that the same standards of pollution control as may be applicable in the metropolitan area, be applicable in the Stellenbosch area. Mechanisms for the management of stormwater run off into the lower Kuils River and Eerste River areas should also be established.

S2.14.5 Land for development in this area can largely only be set aside mainly at the expense of good agricultural land. This will also inevitably limit urban expansion in this area. The large tracts of agricultural land in this area do not comply with the statutory requirements that the metro area should be extensively developed or urbanised.

- S2.14.6 If the good agricultural land is to be preserved, the potential for urban development in Stellenbosch is limited.
- S2.14.7 Submissions to the Board were divided on whether the Stellenbosch region should be included into the metro area.
- S2.14.8 On a balance of considerations the Board found that at this stage the Stellenbosch region does not comply with the requirements for inclusion into the proposed metropolitan area.
- S2.14.9 The position of the Stellenbosch region should, however, be reassessed if sufficient increases in its economic interdependency and commuting patterns with the metropole can be substantiated.
- S2.15 In the opinion of the Board, fourthly, the towns of Franschhoek, Paarl and Wellington and their environs should not be included in the metropolitan area as they do not substantially comply with the criteria for inclusion set out in the Act (section 8).
- S2.15.1 The river catchment area for this western area does not interact with the metropole except for a relatively small area in the south west.
- S2.15.2 The large tracts of high potential agricultural land around these towns further do not comply with the statutory requirement that the metropolitan area should be extensively developed or urbanised.
- S2.15.3 Again in this case there is a certain economic interdependence with the core metropole but, not to an extent that justifies its inclusion into the metropole, given the available data.
- S2.15.4 As is the case with the Stellenbosch region, the exclusion of this area will probably not materially affect the financial base of the metropolitan area.
- S2.15.5 As is the case in Stellenbosch, good transport links exist with the core metropole but in this case it is even less utilised for commuting purposes than in the case of Stellenbosch.
- S2.15.6 Submissions to the Board from these areas are unanimously opposed to inclusion in the metropolitan area.
- S2.15.7 The Board gave special consideration to the Klappmuts vicinity because of some development pressures existing in the area and because of decentralisation initiatives from Paarl and Stellenbosch. The Board decided to support the Regional Services Council structure plan in discouraging urban development at this stage in this area.

S2.15.8 Part of the area adjoining Kraaifontein is recommended for inclusion because it is considered to be a natural and inevitable area for urban expansion, also taking into account the lower agricultural potential of much of this land.

2.16 In the opinion of the Board, fifthly, the north western part of the current Western Cape Regional Services Council area approximately between the N7 main road and the coast up to and including Atlantis and Mamre as well as Fisantekraal and environs, should be included in the Transitional Metropolitan Council jurisdictional area. The Board recommends, however, that the agricultural land to the North East of the metropole (approximately east of the N7 main road, including Philadelphia and Klipheuwel), should be excluded because these areas are not sufficiently functional for metropolitan purposes (section 9).

S2.16.1 The north western area recommended for inclusion, includes an area between the outer urban edge of Bloubergstrand and Mamre which comprises sparsely populated and in many respects low quality, underutilised rural land which is not in itself extensively developed or urbanised, does not have an intense movement of people, goods and services in the area concerned or between the area concerned and the core metropolitan area, and does not have a high interdependent economy with the inner metropolitan area.

S2.16.2 Despite this situation, it is generally accepted in all development and guide plans that this area is the metropolitan hinterland and that outwards expansion of the metropole has to be steered in this direction. Linked to the very large scale historic and economic dependence of Atlantis on the core metropolitan area, the Board is satisfied that the inclusion of this north western region substantially complies with the statutory requirements for a viable metropolitan area with sufficient development potential for the future. It should therefore be included in the Transitional Metropolitan Council area of jurisdiction.

S2.16.3 The area has good transport links with the core metropolitan area and opportunities exist for further development in this area. A very high commuting pattern with the core area exists, indicating the strong interdependence with this area.

S2.16.4 The water catchment area drains into the core metropolitan area and therefore reinforces the decision to include it.

S3. ADDITIONAL MAJORITY RECOMMENDATIONS

S3.1 The Board decided to supplement its boundary recommendation with several additional recommendations.

S3.2 The proposed boundary should be reviewed at the end of the interim phase or even earlier, if it becomes clearly inappropriate due to changing circumstances or needs. (par 10.3.9)

S3.3 The fact that the metropolitan area includes agricultural land should not be interpreted as if this is a green light for urban development on this land. In fact the Board feels very strongly that the current system of statutory protection of agricultural land against unauthorised changes in land use should be improved urgently by :

S3.3.1 amending the Subdivision of Agricultural Land Act, 1970 (Act no 70 of 1970) in order to require the approval of the Provincial Minister of Agriculture for any land use change which is requested for agricultural land located within the jurisdictional area of the Transitional Metropolitan Council or any other local authority;

S3.3.2 strengthening the enforcement of Act 70 of 1970 in cases of unauthorised land use practices, including establishing more and increasing penalties for such contraventions; and

S3.3.3 the formulation of structure plans in terms of the Physical Planning Act, 1991 (Act 125 of 1991) for the future use of agricultural land. (Par 10.3.7)

S3.4 Substructure local authorities should be fully-fledged local authorities. Contradictory legal opinions were expressed by representatives of the fringe municipalities on the one hand and those of the Cape Metropolitan Negotiating Forum, the Western Cape Regional Services Council and Cape Town City Council on the other, but the Board is satisfied that substructure authorities should have the same legal status as other local authorities (paragraph 10.8).

S3.5 All new local authorities should have important service provision responsibilities within their new jurisdictional areas, while the metropolitan authority should also fulfil this task at supra local level. It should supplement this primary task of substructure local authorities in its jurisdiction, especially in respect of financially assisting local authorities with the establishment and maintenance of large scale capital intensive services and facilities. (par 10.8)

S3.6 The metropolitan authority's functions should be restricted to macro policy-making and planning, co-ordination and selected direct service provision in those functional fields where it can provide the most effective and efficient services as a result of economy of scale considerations. The implementation of metropolitan policies should as a rule be undertaken by its substructure local authorities. (par 10.8)

S3.7 Economy of scale considerations must be reconciled with the promotion of accountable local government as close as possible to the community; ease of

citizen access to local decision-making processes and democratic, open, responsive and participatory policy making. (par 10.9)

- S3.8 Where a need is evident for the provision of regional co-ordination of policy planning and implementation in certain fields like transport, sewage disposal, solid waste disposal and stormwater drainage across and outside the boundary of the Transitional Metropolitan Council, it is recommended that a local government body in the form of either a rural, services or district council as provided for in the Act or a regional municipality or other body should be available to provide such a service or co-ordination. Details of how such bodies will operate must be planned and formulated in legislation as soon as possible. (par 10.6.11)
- S3.9 Consideration should be given to the establishment of effective metropolitan substructures as well as effective non-racial, democratically constituted ward councils as provided for in Section 175(6) of the Interim Constitution, on request of community sectors within the Transitional Metropolitan Council area, if those substructures or ward councils can potentially contribute to reducing resistance in those community sectors against incorporation in the Transitional Metropolitan Council area. (par 10.8)
- S3.10 Many current administrative boundaries are outdated as units for statistical purposes (eg. magisterial districts and development planning regions). They should be adapted to coincide with new local authority boundaries in order to facilitate effective future data gathering for purposes of local government policy evaluation.
- S3.11 It is also recommended that the reports of the Demarcation Board should as a matter of policy be released as public documents.

PART 2

S4. MINORITY FINDINGS AND RECOMMENDATIONS

S4.1 MINORITY BOUNDARY RECOMMENDATIONS:

- S4.1.1 A minority of Board members recommends that the boundary for the Cape Metropolitan Negotiating Forum and the Transitional Metropolitan Council should conform to the current boundary of the Western Cape Regional Services Council, with a minor extension to include Steenbras Dam in the metropolitan area.

S4.2 SUMMARY OF MINORITY CONCLUSIONS:

- S4.2.1 We have concluded that the boundary of the current Western Cape Regional Services Council, with the inclusion of the Steenbras Dam area, would be the most appropriate boundary for the Cape Metropolitan Negotiating Forum and the Transitional Metropolitan Council. Our analysis shows that:

- this boundary follows watersheds except in a few minor instances,
- it encompasses the area impacted by metropolitan population growth, allowing for effective growth management,
- certain metropolitan services and financing will be disrupted if the boundary does not follow that of the Western Cape Regional Services Council,
- the area represents the 'best fit' for the provision of key metropolitan services and ensures the long-term financial viability of the metropolitan council,
- this area represents the area of the integrated metropolitan economy.

S4.2.2 We understand the purpose of the Act to be to promote the restructuring of local government, in order to create non-racial, democratic, viable, efficient and effective structures at local level. The Act's purpose in creating metropolitan government is to provide, in large urban agglomerations, the following functions at an over-arching level:

- overall co-ordination, including the management of metropolitan growth and the provision of metropolitan-scale services and facilities, and
- the pooling of a portion of local revenues for reallocation on the basis of need.

S4.2.3 The purpose of defining a metropolitan area in the Act is to distinguish such areas from other forms of urban settlement, such as a stand-alone town. The Definition is not intended to be definitive for the purposes of demarcation. However, the Definition should be borne in mind when applying the criteria set out in Schedule 6 to the Act.

S4.2.4 We cannot find adequate justification in the Act, in the Majority Report or elsewhere for weighting the criteria *a priori*. We have therefore treated the criteria as being of equal weight in our analysis.

S4.2.5 Although the Definition should be taken into account in demarcating the metropolitan boundary, we feel that aspects which are not referred to in Schedule 6 should not be given significant weight. We agree that additional concerns raised in submissions to the Board must receive consideration, but if they do not conform to the requirements of the Act, we would argue that they cannot be given an inordinate degree of importance.

S4.2.6 Conclusions drawn from the application of Criterion 1: Topographical and physical characteristics of the area concerned;

- S4.2.6.1 The submission of the Council for the Environment stressed the need to take watersheds into account when demarcating boundaries. We believe that this is the most significant aspect of this criterion, and have therefore concluded that where possible boundaries should follow watersheds. Inevitably, this will lead to the inclusion of non-urban land in certain instances.
- S4.2.7 Conclusions drawn from the application of Criterion 2: Population distribution within the area concerned:
- S4.2.7.1 Urbanisation is a fact of life in modern cities. Large urban agglomerations such as metropolitan areas tend to suffer from higher growth rates than other forms of settlement. This is particularly so in developing countries like South Africa.
- S4.2.7.2 It would therefore be reasonable to look not only at distribution of population but also at population growth trends and concluded that the metropolitan boundary should include all satellite towns and areas currently impacted by metropolitan population growth.
- S4.2.8 Conclusions drawn from the application of Criterion 3: Existing demarcation of local government areas:
- S4.2.8.1 In general, existing boundaries cannot be seen as sacrosanct. However, the Act includes this criterion to allow for the fact that certain existing boundaries may have merit and should therefore be taken into account. In applying this criterion, one must therefore have regard to the positive and negative consequences which are likely to arise if existing boundaries are amended or retained.
- S4.2.8.2 We do not believe that the boundaries of regional services boundaries can be likened to the boundaries of so-called 'independent homelands', as the former do not have a racial character. We believe that significant negative consequences will arise from dismantling the current Western Cape Regional Services Council administration. We found no cogent reasons for amending the boundary of the current Western Cape Regional Services Council.
- S4.2.9 Conclusions drawn from the application of part 1 of Criterion 4: Existing and potential land usage, town and transport planning, including industrial, business, commercial and residential usage and planning.
- S4.2.9.1 This part of Criterion 4 is essentially descriptive. It is of little use on its own, telling us nothing more than that the Western

Cape Regional Services Council area currently contains a large variety of urban and rural land uses.

- S4.2.9.2 The Majority Report assumes, correctly in our view, that the intention of the Act was to refer to urban as opposed to rural land uses. The Majority Report also argues that "the legislature did not contemplate the inclusion of large tracts of agricultural or rural land in the metropolitan area" (para 10.3.6).
- S4.2.9.3 The Act fails to address rural local government in any meaningful sense. There are a number of options regarding the future of rural local government under consideration at present. One of the key options is the so-called 'regional municipality', where all rural and agricultural land would be included in the jurisdiction of the nearest urban local authority.
- S4.2.9.4 If this option were to be adopted by the legislature, the conclusion drawn in the Majority Report would be invalidated, since all urban local government areas would have to include surrounding agricultural and rural land. This would apply to metropolitan substructures, because they are the equivalent of primary local authorities. However, it would not apply to the Transitional Metropolitan Council, being the upper tier of local government, similar to the concept of rural district council which can include urban and rural areas.
- S4.2.9.5 We believe that, until this question is resolved by the legislature, it would not be proper to accord any weight to this reading of this criterion.
- S4.2.10 Conclusions drawn from the application of Criterion 5: Economy, functionality, efficiency and financial viability with regard to administration and rendering of services.
- S4.2.10.1 We believe it is correct to interpret the definition of metropolitan area in the Act as referring to the metropolitan functional area. In this, we differ with the Majority Report, which distinguishes the area of metropolitan government from a metropolitan functional area and a metropolitan statistical region (para S2.11), citing the internationally accepted use of the term. We would argue that this international usage is descriptive, not prescriptive, and reflects the unfortunate tendency for metropolitan jurisdictions to lag behind actual metropolitan expansion in most metropolitan areas in the world. This results in huge problems of co-ordination which we would like to avoid creating in the Cape metropolitan area.

- S4.2.10.2 We believe that the Act envisages a two-tier structure of local government in metropolitan areas, allocating 'metropolitan' functions to the upper tier (see Schedule 2 in Annexure 16). Metropolitan functions are normal local government functions which cannot effectively be provided by the lower-tier councils in a metropolitan area, because they are metropolitan in scale. Metropolitan transport is an example.
- S4.2.10.3 We see certain Schedule 2 powers and duties as critical to the demarcation of the metropolitan boundary, because they cannot be undertaken effectively by another body, be it second-tier government, a single-purpose authority or a voluntary association between local structures. These are as follows:
- (4) metropolitan co-ordination, land use and transport planning
 - (5) metropolitan stormwater drainage
 - (19) metropolitan environmental conservation
 - (23) the power to levy (and reallocate) regional services levies and a proportion of local government revenue.
- S4.2.10.4 To undertake the metropolitan functions contained in Schedule 2 effectively, it is essential that the Transitional Metropolitan Council has jurisdiction over the area within which these functions need to be performed. It is in this sense that we understand the term 'metropolitan functional area' discussed above.
- S4.2.10.5 We argue that the current boundary of the Western Cape Regional Services Council would allow the effective performance of the key metropolitan functions and services contemplated in Schedule 2, with the proviso that this boundary be amended slightly to include Steenbras Dam.
- S4.2.10.6 We believe the Majority Report has failed to take account of evidence submitted to the Board, to the effect that certain specific functions and services require the wider boundary (ie. the boundary of the Western Cape Regional Services Council). We believe that this evidence is more useful than general assertions in this regard.
- S4.2.11 Conclusions drawn from the application of part 2 of Criterion 4, potential land usage, town and transport planning, and Criterion 6: Development potential in relation to the availability of sufficient land for a reasonably foreseeable period to meet the spatial needs of existing and potential residents:

- S4.2.11.1 The Cape metropolitan area is a sprawling, low density area which is subject to severe growth pressures. These have, up to now, been very poorly managed, resulting in high servicing and transport costs, the rapid loss of high value agricultural land and the progressive destruction of the historical character of older areas. In order to prevent further inefficiencies, further loss of high value agricultural land, and destruction of historical character in the towns on the eastern fringe, it is critical that this growth is effectively managed in the future. The period which we view as being 'a reasonably foreseeable period' is 10 - 15 years, being the period for which growth projections are currently undertaken by organisations such as Wesgro.
- S4.2.11.2 Growth management needs to be undertaken by using a number of mechanisms in conjunction with one another. One important mechanism is local government jurisdiction. There is considerable international evidence to show that urban growth in a metropolitan area cannot be effectively managed by within fragmented jurisdictions. Most metropolitan areas in the United States of America suffer from this problem. Effective management of metropolitan growth requires that the entire area affected by such growth must be under the jurisdiction of a single planning and servicing authority, ideally the metropolitan authority. This authority is likely to have a much greater interest than satellite towns in effective growth management for two reasons: firstly, it must bear the brunt of the costs of sprawl, and secondly, it is subject far less than fringe local authorities to the financial pressures for development.
- S4.2.11.3 We wholeheartedly agree with the Majority Report's concern to protect agricultural land from urban encroachment, but strongly disagree with the comment that "This cannot be achieved by local government boundary demarcation but should be done by other means" (para 10.3.8). We hold the opposite view, that the only effective means of protecting such land is through effective growth management with a single jurisdiction.
- S4.2.11.4 We strongly support the Majority Report's finding and recommendation that "The fact that the metropolitan area includes agriculture should not be interpreted as if this is a green light for urban development on this land. In fact the majority of the Board feels very strongly that the current system of statutory protection of agricultural land....should be improved urgently...." (para S3.3).
- S4.2.12 Conclusions drawn from the application of Criterion 7: Interdependence of and community of interest between residents:

- S4.2.12.1 Commuting figures between the inner metropolitan area and the remoter parts of the metropolitan periphery are not significant at present. However, within the time horizon which we are addressing this situation could change significantly. Representatives of the Cape Metropolitan Transport Advisory Board argued, persuasively in our view, that significant problems regarding transport planning, co-ordination and financing have arisen in the past through the exclusion of such areas from their area of jurisdiction.
- S4.2.12.2 Perceptions are notoriously inconsistent. Currently, feelings have polarised in the satellite towns on the eastern periphery of the metropolitan area, deriving to some extent from an incorrect understanding of the nature of the Transitional Metropolitan Council and from the poor performance of the Western Cape Regional Services Council in the past. At the same time, certain non-statutory organisations in the eastern fringe voiced fears about not having an effective voice in local government if their areas are excluded from the metropolitan area.
- S4.2.12.3 Local negotiations are central to the process of local government restructuring, primarily because of the need for all affected parties to meet and thrash out their differences. In this way, fears and concerns can be properly addressed. We endorse the Majority Report's censuring of the Fringe Municipalities for their stance on participation in metropolitan negotiations (para S2.4).
- S4.2.12.4 Analysis in terms of this criterion does not appear to offer conclusive evidence for inclusion or exclusion of the satellite towns on the eastern fringe. As regards both aspects of this criterion, it would appear that the case for inclusion of the Helderberg and Stellenbosch areas is stronger than that of the Paarl/Wellington area.
- S4.2.13 Conclusions drawn from the application of Criterion 8: The integrated urban economy:
- S4.2.13.1 We found the arguments of the Economic Policy Research Project, Wesgro, the Western Cape Economic Development Forum and the Cape Town City Council to be persuasive on this issue. We feel that there is adequate evidence to show that the satellite towns on the eastern fringe are increasingly becoming an integral part of the metropolitan area from the point of view of economic interlinkages. There are of course variations in the degree of interlinkage between the different towns.
- S4.2.14 Conclusions regarding the issue of democratic participation:

S4.2.14.1 Although we strongly support the creation of democratic local government, we do not believe that in this instance, the drawing of a 'narrower' or 'wider' boundary will have significant impact on the nature and quality of democratic representation. Effective democratic participation in government is dependent in the main on the system of representation and on the strength of civil society, not on the area of jurisdiction of an authority. Upper-tier structures are by nature more remote than the primary tier. The inclusion of satellite towns on the eastern fringe of the metropolitan area will not affect the remoteness of the Transitional Metropolitan Council.

S4.3 MINORITY RECOMMENDATIONS

S4.3.1 We therefore believe that the area of the current Western Cape Regional Services Council conforms to the majority of criteria in Schedule 6 of the Act, with a minor extension to include Steenbras Dam. We recommend that this area be demarcated as the area of the Cape Metropolitan Negotiating Forum and of the Transitional Metropolitan Council.

REPORT ON THE OUTER BOUNDARY FOR THE PROPOSED
CAPE TRANSITIONAL METROPOLITAN COUNCIL

PART 1 : MAJORITY REPORT

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PART 2 : MINORITY REPORT

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PREFACE

- (i) The Board's findings and recommendations are summarised in the summary at the front of this report in order to facilitate reading. The rest of the text contains an explanation of the composition of the Board, its origins and terms of reference, the procedures it followed during this investigation, a summary of selected oral and written submissions to the Board, the application of statutory demarcation prescriptions to different areas by the Board and the Board's conclusions about the outer boundary for the proposed metropolitan authority.
- (ii) The Board received the request to investigate the metropolitan outer boundary from the former Administrator of the Cape. Subsequently he was succeeded by the current Premier of the Western Cape, to whom this report is to be submitted. For the sake of uniformity, however, the wording of the Local Government Transition Act will consistently be referred to in this report, even if it refers to the Premier of the Western Cape.
- (iii) Severe time constraints on the completion of this report prevented the Board from refining the structure and coherence of the different sections of the report in order to obtain a more uniform style of presentation.
- (iv) As a result of the time constraints for completion of the report, only the most important arguments, which were in the opinion of the Board submitted to it, will be dealt with.
- (v) The Chairperson and members of the Demarcation Board wish to extend their sincere gratitude to Mr John Marshall and Dr Robert Cameron for the initial analyses of submissions and the compilation of the working documents which eventually culminated in the text of this report.
- (vi) The Board also wants to express its appreciation for the administrative support by the Board's Secretary, Mr Pieter Colombo and his staff, as well as that of the Cape Provincial Administration's Chief Director Planning and the Office of the Surveyor General of the Cape for their assistance with the drawing of maps and formal descriptions of the proposed boundary.
- (vii) Mr Adrian Sayers did not participate in most of the Board's discussions and decisions on this report.

1. APPOINTMENT OF DEMARCATION BOARD

- 1.1 The Local Government Demarcation Board for the Western Cape (hereafter "the Board"), was appointed on 1 April 1994 by the former Administrator of the Cape in terms of Section 11 of the Local Government Transition Act, 1993 (Act 209 of 1993, hereafter "the Act").
- 1.2 Section 11(2) stipulates that the Board must be appointed in accordance with the following criteria contained in Schedule 5 to the Act :
 - "1. The chairperson shall be a person with extensive experience in law or matters relating to local government.

2. The other members of the Board shall jointly have knowledge of -
 - (a) rural, town and regional planning;
 - (b) development economics, including development needs of local communities;
 - (c) municipal finance;
 - (d) municipal services and administration; and
 - (e) other disciplines and skills as may be necessary.

3. The membership of the Board shall be structured in such a manner as to be balanced, representative, non-racial and gender inclusive."

1.3 The Board consists of the following 16 persons:

NAME	PROFESSION AND EXPERTISE
Prof. G S Cloete (Chairperson)	Advocate and Local Government Policy Analyst in Department of Public & Development Management, University of Stellenbosch
Mr B C Davidson (Vice-chairperson)	Town and Regional Planner
Mr H Bailey	Rural Foundation; Head-Public Relations Services
Dr R G Cameron	Senior Lecturer in Public Administration, Department of Political Studies, University of Cape Town
Dr P E Claassen	Senior Lecturer , Department of Town and Regional Planning, University of Stellenbosch
Mr J A H Coetzee	Mayor, Attorney Vredendal
Mr D C H De La Cruz	Chairman, Management Committee, Kuils River
Mr J Gelderblom	Chairman, Klein Karoo Regional Services Council
Rev F F S Gqiba	IDT - Manager Process Support
Ms N Holderness	Town Councillor - Simon's Town
Mr J Marshall	Ex-city Engineer and Town Clerk - Bellville
Ms T Ngwevela	Community Development Adviser
Mr F E Prins	Ex-mayor Worcester, Deputy Chairman - Breede River Regional Services Council
Mr A Sayers	Trade Unionist and Economic Historian
Adv W J Wagenaar	Former Town Clerk - Paarl
Ms A Younge	Assistant Director of Planning for the Cape Town City Council

2. TERMS OF REFERENCE

2.1 On 5 May 1994 the Board received the following request from the former Administrator of the Cape, arising from a decision taken at a meeting held on 28 March 1994 (document quoted verbatim):

2.2 "DETERMINATION OF THE BOUNDARY OF THE CAPE METROPOLIS TERMS OF REFERENCE TO THE LOCAL GOVERNMENT DEMARICATION BOARD FOR THE WESTERN CAPE

Background

A forum has been established for the Cape Metropolis in terms of a Founding Document (Annexure A). From part 3 of the Founding Document it will be seen that the outer boundary of the Cape Metropolis has provisionally been fixed as the boundary of the Western Cape Regional Services Council. A map showing the boundary of the Regional Services Council is attached (Annexure B).

It will also be seen from the attachment to the Founding Document that not all the local government bodies within the Regional Services Council's region are members of the forum.

The local government bodies not involved as members of the Forum are:

<u>Municipality</u>	<u>Black Local Authority</u>	<u>Management Committee</u>
Gordon's Bay	Kaya Mandi	Wellington
Franschhoek	Lwandle	Paarl East
Paarl	Mbekweni	Ida's Valley/Somerset
Somerset West		Cloeteville
Stellenbosch		Sir Lowry's Pass Village
Strand		Maccassar
Wellington		Temperance Town

Some of these bodies have strongly objected to their inclusion in the Metropolis.

On the evidence before him the Administrator was of the opinion that there was uncertainty about whether the proposed forum area was economically and historically bound, particularly as some of the municipalities listed above have presented evidence to the contrary to the forum.

The Administrator with the concurrence of the Provincial Committee passed the following resolutions:

- "1. That the application by the Cape Metropolitan Negotiating Forum be NOT CONFIRMED.

2. That the Administrator in terms of Schedule 1 to Act 209 of 1993 determines the forum area for the Cape Metropolis as the Division of the Cape and those parts of the Division of Stellenbosch which include Brackenfell, Kuils River, Kraaifontein, Mfuleni, Blue Downs, Delft, Melton Rose, Lingelethu West and the non-status area of Khayelitsha.
3. That as a first stage, recognition be given in terms of Section 6 of Act 209 of 1993 to the area referred to in 2 above as this area includes the bodies referred to in the Founding Document as members of the Cape Metropolitan Negotiating Forum.
4. That the Administrator require the Demarcation Board as a matter of urgency in terms of Section 11(6) of the Act, to investigate and make written recommendations to the Administrator with respect to whether the metropolitan boundary should comprise the Western Cape Regional Services Council area, followed by an investigation into such amendments as may be necessary to substructure boundaries.
5. That specific terms of reference to the Demarcation board, in terms of Section 11(6) of the Act, to give effect to 3 above be formulated and submitted to the next Western Cape Provincial Joint Meeting to be held on 11 April 1994.
6. That the Administrator allow the Cape Metropolitan Negotiating Forum an extended period until 2 July 1994 in terms of Section 7(1) of the Local Government Transition Act, 1993."

A copy of a map outlining the area determined in terms of resolution 2 above is attached as Annexure 16.

Terms of Reference

The Administrator in terms of section 11 (6) of the Local Government Transition Act, 1993 (Act 209 of 1993) requests the Local Government Demarcation Board for the Western Cape Province to investigate and make recommendations to him in writing in regard to the following demarcations, re-demarcations and the withdrawal of demarcations of areas pertaining to local government affairs in respect of -

- (a) the region delimited in the Province of the Cape of Good Hope Official Gazette, Provincial Notice 4/1987 dated 9 January 1987, comprising the area of jurisdiction of the regional services council established therein, being an area pertaining to local government affairs, in regard to the establishment of a forum area with a view to the potential establishment of a transitional metropolitan council for a metropolitan area of local government; and

- (b) the boundaries of the local government bodies falling within the area referred to in (a) above so as to ensure as far as possible that all such substructures shall be democratic, non-racial and viable local authorities capable of efficiently serving their populations,

and in connection with the above-mentioned matters the Board is further enjoined subject to the provisions of the Commissions Act, 1947 (Act 8 of 1947) :

- "(i) to take into account the criteria stated in paragraph 1 (1) and (2) of Schedule 1 and the whole of Schedule 6 to Act 209 of 1993;
- (ii) to obtain the consensus of the Administrator with the concurrence of the Provincial Committee for the Western Cape for any additional criteria or operational guide-lines or principles it may develop which are not inconsistent with Act 209 of 1993 and to make all such approved criteria, guide-lines or principles publicly known before the Board commences its investigation;
- (iii) to grant all interested parties the opportunity to submit written representations;
- (iv) to hold public hearings to give any interested person, body or institution the opportunity of making oral representations where the Board in its discretion is of the opinion that such a hearing is feasible in terms of Act 8 of 1947;
- (v) to collect, examine and analyze all existing documentation produced for and on behalf of the Forum in regard to boundary issues relating to the Cape Metropolis or by any person, body or institution which has such documentation;
- (vi) to seek consensus on its findings and failing such consensus to record minority points of view;
- (vii) to submit interim reports from time to time and to revise such interim reports where the circumstances indicate this to be necessary ; and
- (viii) to submit as soon as possible a report on the boundary of the Cape Metropolis but without denying any person, body or institution having a substantial and proven interest therein an opportunity of submitting written evidence or in the case of oral representations in the manner contemplated in paragraph (iv) above; and
- (ix) to submit a progress report to the Administrator within one month."

2.3 The Board interpreted the above mentioned terms of reference in the following way:

- 2.4 The Administrator-in-Executive-Committee and with the concurrence of the Provincial Committee for Local Government for the Western Cape, has for purposes of allowing the negotiations process in the Cape Metropolitan Negotiation Forum to proceed without undue delays, informally agreed that at least the former Cape Divisional Council jurisdictional area and some parts of the former Stellenbosch and Paarl Divisional Council areas should form part of the Cape Metropolitan Negotiating Forum, and eventually also of the proposed Cape Transitional Metropolitan Council. This informal approval allows the Cape Metropolitan Negotiating Forum to proceed with further negotiations about the other aspects required of it in terms of the Act.
- 2.5 The Board is requested to, firstly, investigate the feasibility of using the current boundary of the Western Cape Regional Services Council as an appropriate final boundary for the establishment of a Transitional Metropolitan Council by the Cape Metropolitan Negotiating Forum. It is assumed that the recommended boundary should in the first instance be used as the final boundary for the Cape Metropolitan Negotiating Forum, as well as the initial Transitional Metropolitan Council area until such time as the Transitional Metropolitan Council has been established and decided to recommend to the Administrator the confirmation or change of this boundary for purposes of local government elections in the interim phase of transformation (Sect 8 of the Act).
- 2.6 If the Board should find the current Western Cape Regional Services Council boundary inappropriate for these purposes, it will recommend either a wider or narrower outer boundary.
- 2.7 The Board considered the possibility of recommending a different boundary for the Metropolitan Forum (possibly the whole Western Cape Regional Services Council area) than for the proposed Metropolitan Council (possibly a smaller area). It decided against it in the end, because of legal and practical considerations (see: 10.11.9 and 10.11.10): Firstly, the Western Cape Regional Services area does not conform to the statutory requirements for a metropolitan area, as explained in the report. The Western Cape Regional Services Council area also does not constitute a historically bound forum area. The objective to hold elections as soon as possible further implies that insufficient time is available to re-open negotiations on a large scale with many new participants, while the life spans of both forums and pre-interim transitional councils are very short. In terms of section 8 of the Act formal demarcation must occur in any case in the short term. Adaptions to the outer boundary can then be considered.
- 2.8 Following the investigation into the proposed outer boundary of the Transitional Metropolitan Council, the Board should investigate the so-called inner boundaries of the constituent Transitional Metropolitan Sub-structures contemplated within the Transitional Metropolitan Council area approved by the Premier for purposes of the pre-interim period.

- 2.9 The investigation into the inner boundaries can, therefore, not be finalised before the Administrator's decision about the outer boundary is known.

3. PROCEDURES FOLLOWED

- 3.1 The Board constituted on 21 April 1994 and immediately proceeded to formulate internal operational guidelines for itself to interpret and apply the statutory criteria contained in the Act, as instructed in the terms of reference. Annexure 1 contains the guidelines in question.
- 3.2 The Board also adopted a series of ethical guidelines relating to potential conflicts of interest between Board members's professional activities and their Board membership (see Annexure 2). The Board also agreed that its internal discussions are confidential and that they should not be disclosed to non-Board members. It was further agreed that only the chairperson should make press statements on behalf of the Board.
- 3.3 A background resource base was established, comprising comparative and analytical documentation relating to boundary issues. Annexure 3 contains a list of the current resource base, which will be supplemented on a continuous basis.
- 3.4 It was further decided to divide the Board into two task teams in order to attend simultaneously to metropolitan and non-metropolitan demarcation issues, for purposes of preparing working documents and formulating proposals for discussion and consideration by the full Board.
- 3.5 The Board published general particulars about its terms of reference and invitations for written submissions on the question of the outer metropolitan boundary within 21 days from 16 April 1994 in the Argus, Die Burger, South, Paarl Post, District Mail (Somerset West) and Eikestad Nuus (Stellenbosch). Similar direct invitations were also sent to the various local authorities and discussion or negotiation forums within the Western Cape Regional Services Council area. Annexure 4 contains the texts of the notices and correspondence concerned.
- 3.6 The activities of the Board were also publicised by means of different radio interviews by the Chairperson and one of the Board members in English, Afrikaans and Xhosa respectively.
- 3.7 A series of public hearings was held after expiry of the 21 days notice period at Paarl (9 June), Bellville (10 June), Cape Town (13, 14 and 27 June), Stellenbosch (15, 23 and 24 June and Strand (17 June 1994), for oral summaries of written arguments. Annexure 5 contains details of the attendance at those meetings and of the oral submissions to the Board.

- 3.8 During the public meetings various views were presented to the Board, and Board members clarified outstanding questions from witnesses. The proceedings during the public hearings were recorded for record purposes on audio tape, but were not transcribed.
- 3.9 The deadline for final written closing arguments or rebuttals (4 July 1994), was scheduled 7 days after the last public hearing which the Board held on 27 June 1994. A list of all written submissions received, as well as copies of written supplements of oral submissions, are marked as Annexure 6.
- 3.10 The Board also solicited additional specialised opinions and information from the persons and bodies listed in Annexure 7.
- 3.11 On 24 June 1994 the Board received a request from the Member of the Executive Council responsible for Local Government in the Western Cape to have a completed report on the outer boundaries of the metropolitan area available by 15 July 1994. This was not possible in view of the foregoing time schedules which had to be kept to.
- 3.12 In all, the Board held nine full meetings, four other internal deliberations by smaller work groups, and also inspected a large part of the proposed boundary before this report was finalised.

4. SUBMISSIONS TO THE BOARD

- 4.1 The Board received 100 written submissions in addition to the oral submissions, as appears from Annexure 6. As mentioned in the previous section, the proceedings of public hearings were audio taped for record purposes. In view of the severe time constraints under which the Board had to complete this report, it was decided not to summarise all the submissions in this report, but only to highlight those aspects which seemed to be the most significant for purposes of the Board's recommendations. The Board's response to views submitted to it, is dealt with in sections 5 - 11.

HEARING AT PAARL - 9 JUNE 1994

- 4.2 Three persons from the Wellington Discussion Forum, claiming to represent the entire community inclusively, put the case of Wellington's opposition to inclusion in the Metropolitan Area. Their arguments were mainly:
 - 4.2.1 According to their interpretation of the definition of a metropole the metropolitan area ends at Kraaifontein.
 - 4.2.2 The Local Council is capable of administering the town and its rural area ie. the magisterial district and being close to the people can do it best.

- 4.2.3 In a Metro set-up the priorities of Wellington will rank low because of much bigger problems in the inner metropole.
 - 4.2.4 In a Metro Wellington will have very little say in its own affairs because of domination by large authorities.
 - 4.2.5 Wellington is a rural-agricultural area of a distinctly different character from the metropole.
 - 4.2.6 The people of Wellington know one another and work together in the common interest of all sections of the community.
 - 4.2.7 The Council is in close contact with its people and can be held accountable. Its actions are also transparent.
- 4.3 In addition the Wellington delegation submit that a Metropolitan Council will:
- 4.3.1 Be far removed and difficult to get interested in local problems.
 - 4.3.2 Not be as pliable and transparent as their local council.
 - 4.3.3 Remove the execution of local functions from their midst to Cape Town.
 - 4.3.4 Not be accountable to the local people.
 - 4.3.5 Constitute government from a distance.
 - 4.3.6 Make provision for such a low degree of representation for them that it will in practise not be of any use.
 - 4.3.7 Wellington is committed to the upliftment of all its peoples but questions by the Board revealed that they expect funds to come from either the Provincial or Central Government.
 - 4.3.8 Control measures inside and outside of their area should be instituted and executed by the Provincial Government.
- 4.4 The Paarl Municipality and Management Committee as well as Paarl Belastingbetalersvereniging, Paarl Civics, National Party, Paarl Rural Council and Paarl ANC presented the case for Paarl to stay outside the Metropolitan Area. Their main arguments were:
- 4.4.1 According to the definition of metropolitan area in the Act, Paarl does not qualify as such.
 - 4.4.2 Paarl is a rural agricultural area and not metropolitan.

- 4.4.3 They prefer government closer to the people and are of the opinion that the Metropolitan Council will rob them of this privilege - it will be government from a distance.
- 4.4.4 Some preferred the area of jurisdiction to be that of a non-racial the Paarl Municipality, whilst the Paarl Ratepayers thought that rural areas should be represented somewhere.
- 4.4.5 Their local government body must be focused on the needs of the community and in their view the Metropolitan Authority will not be able to do so.
- 4.4.6 There is a commonality in the community which is not there with the metropole.
- 4.4.7 They will be inadequately represented in a Metropolitan Council, therefore powerless to look after their own interests.
- 4.4.8 The Metro area, if proclaimed to be the same as the Regional Services Council area will be the largest in the world and its span of management will be too wide to control.
- 4.4.9 Conflict can only be handled in a smaller local area.
- 4.4.10 The power must be with the people therefore government must be close to them.
- 4.4.11 A Rural area will be discriminated against in a Metro Council simply because they are rural.
- 4.4.12 The Metro Council will be expensive to run and because of its remoteness not be adequately under control.
- 4.4.13 Tourism is important to them and if Paarl becomes Metropolitan their tourism attraction will be detrimentally affected. They consider, however, that co-operation with the metropole to be necessary in this respect.
- 4.4.14 They are of the opinion that the Regional Services Council levies raised in their area are sufficient to meet their needs for upliftment. At the moment they are of the opinion that there is an outflow of Regional Services Council funds from their area.
- 4.4.15 The Ratepayers Association made the point that they are prepared to pay for improvements within the Paarl area.
- 4.4.16 A proposal was made that Main Road no. 8 should be the metropolitan boundary. [Now R304]

4.5 FRANSCHHOEK MUNICIPAL FORUM (Written)

- 4.5.1 They do not wish to be in the Transitional Metropolitan Council.
- 4.5.2 There is no place for separate urban and rural government. Therefore Regional Services Council must be discontinued and rural area included into municipal area.
- 4.5.3 Franschhoek is predominantly agricultural in character with a major tourist industry.
- 4.5.4 The town functions independently and does not require any services from any other authority.
- 4.5.5 The seat of power of a Transitional Metropolitan Council ie. Cape Town will be far removed from them and will not understand the needs of a small rural community as their own municipality does.
- 4.5.6 Franschhoek is geographically, socially and economically separate from the primary area.
- 4.5.7 Health services are rendered from Paarl.

HEARING AT BELLVILLE- 10TH JUNE 1994

4.6 BELLVILLE CITY COUNCIL

- 4.6.1 The view was advanced on behalf of the City Council of Bellville that the Regional Services Council area should be the forum area and the area for the pre-interim council. However, the elected interim council should only include the core metropolitan area with a boundary including -Kuils River and Kraaifontein. It was also clear that Bellville has no strong preference either way.
- 4.6.2 The reason for the bigger forum area is that they believe consultation should be as wide as possible. The wider boundary for the pre-interim phase is to ensure a minimum disturbance in the administrative set-up and to allow time for the demise of the Regional Services Council without too much disruption in service delivery.
- 4.6.3 It is envisaged that the interim metropolitan council should be elected for the core metropolitan area only, perhaps extended to include the Somerset West - Strand area. This area is more homogenous in population density and their problems are the same whereas a sparsely populated rural area has different problems.

4.7 UNIVERSITY OF THE WESTERN CAPE - ECONOMIC POLICY RESEARCH PROJECT

- 4.7.1 The representative of this organisation was in favour of the Regional Services Council boundary because he argued that rapid growth in population places enormous demands on urban management. A single metropolitan-wide tier of local government is essential to address the problems successfully. The core tasks of such a metropolitan government would be:
- 4.7.2 To ensure effective and fair distribution of local government resources.
- 4.7.3 To enable effective management of overall spatial development. Towns outside but within easy commuting distance will be prime inducement to sprawl.
- 4.7.4 To tap economies of scale in delivery of certain services. Primary local authorities can be responsible for actual delivery of services but wider metropolitan authority required to determine most appropriate policies and accept responsibility.
- 4.7.5 The use of the existing Regional Services Council boundary for the transitional metropolitan authority would maintain a measure of administrative continuity during period of change.
- 4.7.6 A poorly functioning Cape Metropolitan Authority will impact negatively on the fringe area because social and economic problems will spill over the boundaries. Primary local authorities should have as much autonomy as possible.

4.8 DEPARTMENT OF HEALTH (written) prefer the Regional Services Council boundary because:

- 4.8.1 The area forms a geographic unit within which common interests can best be served in respect of services.
- 4.8.2 The area is also considered to be a functional unit for health services.
- 4.8.3 The communities in the area are interdependent.
- 4.8.4 Pollution control, especially water and air, can best be co-ordinated on this wide basis.

4.9 ESKOM

- 4.9.1 On behalf of Eskom the view was put that the position of the boundary of the metropolitan area would not have any effect on Eskom's service delivery.

4.10 IOOSTENBERGVLAKTE- AKSIEKOMITEE

- 4.10.1 On behalf of the Committee it was stated that they preferred to be incorporated into Paarl, that they are not an urban area, that they get no service from the Regional Services Council and would rather be part of a smaller authority.
- 4.10.2 Their development should be guided by a structure plan from Paarl.
- 4.10.3 The Committee was of the opinion that the very high cost of the smallholdings will in itself deter urban development of the area.

4.11 REGIONAL SERVICES COUNCIL

- 4.11.1 If the delegation was understood correctly it was contended that the present Regional Services Council boundary should apply, that the political composition of the Regional Services Council should change but that the Administration should be left intact because restructuring it would be complicated and a long drawn out affair.
- 4.11.2 The contention is that the administration provides the ideal vehicle to collect Metro levies and that it will be very difficult to break it up into sections or arrange for another body to fulfil the function.
- 4.11.3 It was also contended that the Regional Services Council has, during its existence collected and distributed large sums of money for improvement of infrastructure and thereby substantially promoted development in both the core and fringe areas.
- 4.11.4 A question from the Board solicited the answer that agricultural areas were better off under the old Divisional Council system because of being specifically excluded under Regional Services Council legislation.
- 4.11.5 It considers the Regional Services Council boundary to coincide closely with the metropolitan functional area and is of the opinion that the Act requires the metropolitan area to be the functional area.

4.12 PHILADELPHIA FORUM (written)

- 4.12.1 Opposed to inclusion in metropole because they can look after themselves and Cape Metropolitan Authority can offer them no services except Fire protection.
- 4.12.2 The area is sparsely populated and rural in character. The wheat farming community traditionally use the business areas of Malmesbury and Durbanville. The smallholding community work and do business in the metropolitan area.

4.13 URBAN PROBLEMS RESEARCH UNIT (written - UCT)

- 4.13.1 Favours a body coinciding broadly with present Regional Services Council boundary but Franschoek may be excluded because it falls somewhat outside the functioning metropolitan area.
- 4.13.2 Planning should be attuned to conditions of rapid growth and limited administrative capacity and must be focused on human development and environmental sustainability. It is essential that the entire functional metropolitan area should be dealt with.
- 4.13.3 Spatial marginalisation of the poor, inadequate transport and services, the need to define the urban edge and to halt spread beyond it with corresponding compaction and densification inside the urban area requires a stronger metropolitan authority.
- 4.13.4 The urban edge is not a line but in parts become a series of corridors. The metropolitan authority is required to counteract the aggressive urbanisation policies followed by the smaller local authorities on the fringe.
- 4.13.5 Population growth will not be able to be catered for inside the inner metropolitan area and timely identification of suitable land and servicing is necessary.
- 4.13.6 The provision of services and the planning for that becomes impossible in a fragmented metropolitan area.
- 4.13.7 The uneven pattern of development for low income and higher income groups demand a broad umbrella authority to even out matters.
- 4.13.8 The optimisation of the valuable resources in the area demand not only sophisticated marketing and servicing but also strict controls. A number of competing small authorities could be disastrous for the economic future of the environmentally sensitive area.

4.14 COUNCIL FOR THE ENVIRONMENT(written)

- 4.14.1 Jurisdictional boundaries should facilitate and not complicate environmental management. The total environment, including economic, social, legal and political environments, affects the living environment which consists of:
 - 4.14.1.1 Efficient and effective service infrastructure.
 - 4.14.1.2 Services better provided by individual local authorities include local roads, water, sewers, refuse collection, small parks and recreation facilities.

4.14.1.3 Services better provided by a metropolitan authority include Metro land-use control, major roads and stormwater, electricity distribution, bulk water supply, transport, fire services, wastewater purification and solid waste management.

4.14.2 Environmental considerations when fixing boundaries, should include:

4.14.2.1 Boundaries should follow watersheds, not rivers.

4.14.2.2 Cultural groupings must be respected.

4.14.2.3 A cohesive economic core.

4.14.2.4 Quality of life requirements for different economic strata.

4.14.2.5 Land use to be compatible with national and regional policies.

4.15 ANONYMOUS FROM KUILS RIVER (written)

4.15.1 Too small an area means that the interaction between the core metropole and its surroundings cannot be handled. Too large an area can detrimentally affect the focus of the metropole on its real problems.

4.15.2 Because it adjoins and because of commuter patterns with very insignificant agricultural areas in between the Metro and Blue Downs, Eerste River, Macassar, Somerset West, Strand and Gordon's Bay they should be in the Metro area.

4.15.3 Stellenbosch although separated from the metro core by a distinct agricultural area should provisionally be included in the metro because of a high percentage of commuting and its sharing of the False Bay catchment area.

4.15.4 Atlantis is a specially created satellite town with no independent economy and should be included in the metro.

4.15.5 Paarl/Wellington is more independent in many ways and further away. It should therefore not be included with the exception of an area in its south-west corner adjoining Kraaifontein.

HEARING IN STRAND - 17TH JUNE 1994

4.16 MACASSAR MANAGEMENT COMMITTEE

4.16.1 A Cape Metropolitan Authority will be too large and decision taking too complicated. The multiplicity of problems coupled with the aforesaid will give them a weakened negotiating power and long delays before decisions are taken.

4.16.2 All the people in the Management Committee area work in the Helderberg Basin with the exception of approximately 30%

4.17 SOMERSET WEST NON-STATUTORY GROUP

4.17.1 Historically, natural surroundings and the sea make them unique. Although there is considerable competition amongst them it serves to unite them as one community. They do not wish to be part of a metropole but want true representation in their local government.

4.18 NATIONAL PARTY AND FEDHASA

4.18.1 They contend that the Helderberg basin has got a character of its own which differs widely from that of the metropole. Exclusion from the metropole will give the non-statutory groups a much bigger say in local affairs than would be the case in a Cape Metropolitan Authority. Inhabitants are to a very large extent Afrikaans speaking.

4.18.2 They consider their area to be a prime tourist area and would like to be able to promote it themselves because the general promotion normally favours Cape Town.

4.19 GORDON'S BAY BUSINESS ASSOCIATION AND GORDON'S BAY RATEPAYERS' ASSOCIATION

4.19.1 Local government should be close to the people and should not be removed and given to a Cape Metropolitan Authority which they would consider to be an unwieldy monster. The emotions of the local people cannot be catered for in a Cape Metropolitan Authority.

4.20 SIR LOWRY'S PASS DEVELOPMENT COMMITTEE

4.20.1 According to them the definition of a metropolitan area does not apply to them because they are an agriculturally based community and less than 2% of the population work in the metropole.

4.20.2 The entire community shares in decision making at present which they will not be able to do in a Cape Metropolitan Authority.

4.20.3 Over the last two years they have provided a lot of services for themselves. (It appeared that the Regional Services Council provided the services with a grant of R1½million and a loan of R4½million interest free for the first two or three years and thereafter at an interest rate of 2% and 5%).

4.20.4 The community is experiencing a considerable inflow of population.

4.21 TOWN PLANNERS ON BEHALF OF STRAND, GORDON'S BAY AND MACASSAR, GORDON'S BAY AND SOMERSET WEST MUNICIPALITIES

- 4.21.1 The four planners explained that the three towns have gone through the process of public consultation and have structure plans in place. Further, that the necessary consultation and co-ordination between them did take place. They consider that control of the execution of the structure plans is necessary but should be done on provincial rather than metropolitan level.
- 4.21.2 As far as pollution control in respect of False Bay is concerned, they considered the Helderberg Basin is better equipped to look after their own affairs.
- 4.21.3 The urbanisation rate is higher here than in the rural areas further on and approximately 30% of the population are retired. They do not consider that the percentage of the population commuting to the metropole constitutes a high percentage of movement. They were not clear as to who should control the area between their towns and inner urban area.

4.22 TOWN COUNCILS OF GORDON'S BAY, SOMERSET WEST AND STRAND

- 4.22.1 The residents prefer the rural characteristics of their area. Government is close to the people and they are involved. The residents have a sense of local identity and pride. They will have very little say in the Cape Metropolitan Authority and conflict between Provincial Government and the Cape Metropolitan Authority will add to its clumsiness. The tendency in the country is towards greater local control. They provide all their own services and are prepared to contribute towards outside services.
- 4.22.2 The area is growing faster than the normal rural area because people prefer it due to its natural assets.
- 4.22.3 On behalf of Gordon's Bay it was indicated that this Council would prefer to be on its own and not in a Helderberg Basin Authority. They would not be prepared to be part of a metro area irrespective of the powers and functions of a metro council.

4.23 NON-STATUTORY GROUP OF HELDERBERG

- 4.23.1 This group was emphatically in favour of the Helderberg basin becoming part of the Cape Metropolitan Authority. They were of the opinion that this was not an area with rural characteristics at all and

quoted the thesis of a Mr Reynecke who found that 86% of people in Somerset West and 94% of people in Strand were following non-agricultural occupations.

4.23.2 They also stress the high percentage of workers working in the metropole to contradict the statement that the Helderberg has an independent economy. They are also clearly of the opinion that there is an unwillingness with the powers that be to deal with the infrastructural problems of their constituency.

4.23.3 The disadvantaged communities suffer from severe set backs such as plus minus 400 houses built below flood level. The cost of upgrading services is very high eg. Regional Services Council spent R20 million in capital works and subsidised current account with R5 million last year. Total Regional Services Council levy income for Helderberg is R7 million. They are therefore of the opinion that the inhabitants can't pay and neither can the greater Helderberg basin pay for what is required. Furthermore there is a squatter settlement in the area and the Helderberg cannot pay for improvements.

4.23.4 Environmentally the Macassar area is under threat by the flooding of the Kuils River due to development higher up and only a Cape Metropolitan Authority can deal with the problem in its entirety. The working of the dune next to Khayelitsha by Hippo Quarries also poses an environmental threat.

4.24 RICHARD C. HURD (written)

4.24.1 Boundaries which are imposed upon communities but lack support within the area do not work.

4.24.2 Size is not equated with efficiency or economy. A large local support and hands-on administration works best.

4.24.3 Squatter problems can best be dealt with by utilising potential in the camps and this can only be done by organisations close to them.

4.25 MR K M SAAYMAN

4.25.1 As an inhabitant he is against the inclusion into the Cape Metropolitan Authority because it will be against the policy of decentralisation. Diverse interests should be looked after on ward basis and metropolitan planning done by the Provincial Government.

4.26 MR T DE LA FONTAINE

- 4.26.1 A local developer who is of the opinion that the only reason why the Cape Metropolitan Authority wants to include their area is because it wants to increase its capital base. He does not consider that to be in the interest of the area but thinks that there should be healthy competition.

4.27 SOMERSET WEST CBD ASSOCIATION

- 4.27.1 On their behalf it was contended that not sufficient evidence was available to convince them either way. They think that co-ordinated planning is necessary metro wide but that government should be localised. According to their view negotiations between all concerned should have taken place before demarcation is done.

CAPE TOWN - 13, 14 AND 27 JUNE 1994

4.28 CAPE TOWN CITY COUNCIL

The case was put for the present Regional Services Council boundary plus the Atlantis functional area in the northwest, plus a portion of the Diep River's catchment north of Fisantekraal plus an area up to the Strand Magisterial district and along the coastline from the Steenbras river-mouth to Betty's Bay. Main points made were:

- 4.28.1 Such a boundary conforms with the requirements of the Local Government Transition Act of 1993.
- 4.28.2 The proposed boundary satisfies the criteria stipulated in the definition of a metropolitan area as well as that in Schedule 6 of the Act.
- 4.28.3 The powers and functions of the Transitional Metropolitan Council in the Act range from actual operational delivery of services itself to the other extreme where all actual delivery of services is done by agents on behalf of the Transition Metropolitan Council or it may choose not to assume responsibility for a particular service.
- 4.28.4 Should the Transitional Metropolitan Council wish to undertake the delivery of services themselves it would involve a major re-organisation of local government resources throughout the metropolitan area. This would cause major disruption in service delivery and will be counter productive.
- 4.28.5 Should the Transitional Metropolitan Council choose not to assume its powers and duties it will be avoiding the issues for which it has been created.

- 4.28.6 The Transitional Metropolitan Council must find an effective manner in which it can start functioning immediately which will be to let all functionaries continue to operate and then to phase in change after re-organisation has been properly planned and implemented.
- 4.28.7 It is anticipated that such re-organisation will not include the Transitional Metropolitan Council involving itself in local matters best addressed by sub-structures.
- 4.28.8 The economic destiny of the Fringe Towns is inextricably linked to that of the Core Metropolitan Area.
- 4.28.9 Fringe Areas (note - not necessarily the towns themselves) are dependant upon a range of services currently provided by the Western Cape Regional Services Council and Cape City Council.
- 4.28.10 The economy of the fringe contributes to the whole but conversely the metropole also sustains the fringe.
- 4.28.11 Holistic management is essential for optimal management of natural systems. Therefore a single authority should be responsible for the management of entire systems.
- 4.28.12 One of the strengths of the Western Cape is its diversified economic structure including a strong agricultural sector.
- 4.28.13 Increasingly agriculture is relying on advanced technological equipment and for maintenance relies on the metropole because it is beyond the competence of rural service.
- 4.28.14 Markets cause rural towns to have close ties with metropole.
- 4.28.15 Labour force from fringe is drawn into labour pool in metropole.
- 4.28.16 Agreement that there is a need to contain expansion in order to maximise existing investment in infrastructure and to protect valuable agricultural land. Successful implementation of such a policy depends on planning control of the land on the other side of the boundary.
- 4.28.17 Population growth in abutting satellite towns takes place at a faster rate than metropolitan core itself. A single authority is therefore necessary to ensure that demographic change and movement is properly co-ordinated.
- 4.28.18 Bulk water supply is presently managed for the larger area by the City of Cape Town but no other authority or community is represented in

the management resulting also in a lack of authority to enforce desirable restriction of prohibitions.

- 4.28.19 Passenger transport operates throughout the area but there is no single plan or a single body responsible for its co-ordination. There is also a severe shortage of capital to provide new infrastructure.
- 4.28.20 Several river catchments traverse the boundaries of more than one local authority and there is a lack of a proper flood control policy and control.
- 4.28.21 The availability of land, its existing and potential usage and the proper planning and control of development thereof can best be done on an overall level to promote balanced development and contain urban sprawl.
- 4.28.22 The larger authority would have more financial muscle. (see also the World Bank view that the larger authority would provide better capital base).
- 4.28.23 There is an urgent need to commence a capital works programme for upgrading and extension of services.
- 4.28.24 Economy of scale is achieved in terms of output and not in terms of space covered.
- 4.28.25 The interest of the whole metropole should be stressed and not the interest of any individual group.
- 4.28.26 Fringe municipalities state that, in terms of upliftment of communities, they both want to and are able to fulfil their obligations. This statement was disputed.
- 4.28.27 Figures of Regional Services Council levies used are deceptive because that is not the only source of income the Regional Services Council have.
- 4.28.28 The interest of all authorities who become part of the metro provides the guarantee against the Transitional Metropolitan Council usurping all powers.
- 4.28.29 The Transitional Metropolitan Council would play a most important redistributive role and not the Financial and Fiscal Commission or Provincial Government.
- 4.28.30 Metropolitan areas are complex social organisms. The whole is more than the sum of its parts. It can therefore not be analyzed easily.

- 4.28.31 The span of the powers to be exercised by the Transitional Metropolitan Council must be negotiated in the forum with the participation of the fringe areas.
- 4.28.32 Reading section 174(3) of the Constitution of the Republic of South Africa Act with Section 16(1) of the Local Government Transition Act it must be concluded that a metropolitan sub-structure must be an autonomous local authority.
- 4.28.33 The fringe area is not a single unified block but has varying degrees of dependence on the metropole. Every individual local authority will be represented in the metropolitan authority and if its interests are disregarded appeals to the provincial authorities would be available.
- 4.28.34 There is definite provision in the Act for re-demarcation of boundaries.
- 4.28.35 Section 175 of the Constitution guarantees autonomy of local authorities.
- 4.28.36 Boundaries can be revisited at any time.

4.29 CAPE METROPOLITAN NEGOTIATING FORUM

The following organisations participated in the forum :

City Councils/Municipalities

Bellville	Kraaifontein
Brackenfell	Milnerton
Cape Town	Kuils River
Durbanville	Parow
Fish Hoek	Pinelands
Goodwood	Simon's Town
Western Cape Regional Services Council	

Management Committees

Atlantis	Bellville (Proteaville)
Belhar	Durbanville (Morningstar)
Cravenby	Mitchell's Plain
Elsies River	Retreat
Grassy Park	Wittebome/Wynberg
Matroosfontein	Strandfontein
Melton Rose	Kensington
Ocean View	Schotsche Kloof
Kuils River	Woodstock/Walmer/Salt River
Ravensmead	Kraaifontein
Scottsdale	Rylands
Athlone and District	

Local Councils

Bloubergstrand	Atlantis Industrial Area
Constantia	Ottery East
Kommetjie	Scarborough
Llandudno	Noordhoek
Melkbosstrand	Cape Rural Council

Black Local Authorities

Mfuleni	Lingelethu West
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Political Parties/Community-Based Organisations/Labour Unions

Democratic Party	Inkatha Freedom Party
Labour Party	National Party
Freedom Front	African National Congress
Pan African Congress	Azanian People's Organisation
Hout Bay Forum	South African Communist Party
Good Hope Alliance	Islamic Party of South Africa
African Christian Democratic Party	
Congress of South African Trade Unions	
South African National Civics Organisation	
Western Cape Community Organisation	
Western Cape United Squatters Association	
Cape Areas Housing Action Committee	

Participating Observers

Western Cape Provincial Government
Private Sector Co-Ordinating Committee
Development Bank of South Africa
Atlantis Development Forum
Cape Metropolitan Health Care Forum
Eskom
Fedsal

The forum proposes that the boundary of the Western Cape Regional Services Council be adopted for the following reasons : (Many of the arguments of the Negotiating Forum were similar to those of the Cape Town City Council and are not repeated here)

- 4.29.1 The area proposed comply with the definition of a metropolitan area and with the criteria in Schedules 1 and 6 of the Local Government Transition Act.
- 4.29.2 It will facilitate reconstruction and development in the interim period and thus contribute to regional and national growth. The Cape metropolitan area contributes 11% to the Gross National Product.

- 4.29.3 The proposed boundary will:
- a) promote national socio-economic development
 - b) facilitate meeting the demand for basic needs
 - c) facilitate metropolitan growth management, land use, transportation, economic development and environmental control.
 - d) facilitate the financing of Transition Metropolitan Council development.
- 4.29.4 It will facilitate the planning of population growth. There has been an explosion of population growth in the fringe since 1980 and international precedent and the current context in the metropolitan area strongly suggest that a metropolitan strategy is required in order to address the problems.
- 4.29.5 It will facilitate economic development. The Cape metropolitan area's economy is well-integrated through sharing of roads and infrastructure and the planning and development thereof is essential to maintain and improve economic growth.
- 4.29.6 It will facilitate the restoration, maintenance and extension of infrastructural services by utilising existing capacities, co-ordinating all efforts and creating uniformity in tariffs.
- 4.29.7 It will facilitate the redistribution of finance to areas most urgently in need. Fringe towns should benefit from this because the Transitional Metropolitan Council will have a large revenue base and therefore access to national and international funds which individual fringe towns can never hope for.
- 4.29.8 It will facilitate environmental management and conservation of resources.
- 4.29.9 It will facilitate the management of metropolitan growth and land use planning. All development challenges cannot be addressed by sectoral programmes but must be linked in order to develop an efficiently functioning metropole.
- 4.29.10 A smaller boundary than that proposed will create the need for new structures to co-ordinate between the metropole and the fringe with resulting loss in efficiency and even effectiveness.
- 4.29.11 There is interdependence and community of interest between residents in respect of residency, work, commuting and recreation although the full extent of this is not yet visible due to apartheid policies of the past.

4.29.12 No debate was possible with the fringe municipalities because they have decided not to engage in debate as a deliberate strategy. If this was not so, many misconceptions could have been removed.

4.29.13 The loss of autonomy foreseen by fringe towns will not happen because all primary local areas in the metropole will strongly resist this.

4.29.14 The Provincial Authority is not considered a suitable alternative for carrying out the functions of the metropolitan authority.

4.30 URBAN FOUNDATION (written)

The world economy is an urban one. Major cities will need to compete to survive. Metropolitan areas therefore need to function well and be profitable.

Therefore, all existing local authorities that are affected by the urbanisation process, international trade and metropolitan transport, as a result of interdependency in the Greater Cape Town should be included within the boundaries of such a metropolitan area.

4.31 ANC (written)

4.31.1 The organisation supports the Cape Metropolitan Negotiating Forum proposals.

4.31.2 Development options should not be closed off by selecting too narrow a boundary.

4.31.3 By choosing the Western Cape Regional Services Council boundary a Transitional Metropolitan Council can be established in the shortest possible time.

4.31.4 The correct boundary is a critical starting point for the Reconstruction and Development Programme.

4.32 SANCO (written)

The Regional Services Council boundary is considered the most appropriate to facilitate the Reconstruction and Development Programme.

4.33 JUNAID AHMED (WORLD BANK)

4.33.1 Mr Ahmed addressed the Board in his personal capacity.

- 4.33.2 Worldwide competition is city against city not country against country. Economic concentration is in cities.
- 4.33.3 Small local authorities will not be able to compete for funds in the market.
- 4.33.4 Four scenarios are possible:
- a) No change
 - b) Twinning of Cities
 - c) Metro Twinning of Cities
 - d) Metropolitan Authority
- 4.33.5 It is unfortunate that provinces received such extensive powers in the Interim Constitution, because this may benefit rural areas disproportionately more than urban areas which are the main generators of growth.
- 4.33.6 Because of the importance of cities as engines of growth, the proposed metropolitan authority's fiscal base should not be fragmented by excluding potential income sources in areas on the metropolitan fringe. This could also lead to wealthier individuals and companies relocating outside the metropolitan area's boundary to escape higher metro taxes and fees.
- 4.33.7 The metropolitan authority should function as a banker and should not become excessively involved in service delivery. Primary local authorities and special purpose bodies should deliver services as a rule.

STELLENBOSCH- 15, 23 AND 24 JUNE 1994

4.34 COMBINED VIEWS ON BEHALF OF THE FRINGE MUNICIPALITIES
(Written and Oral)

- 4.34.1 The Fringe Municipalities' consultants argued that the core and fringe areas have different topographical and physical characteristics. The main physical difference between the core and fringe areas is that the former is primarily a transformed urban cultural landscape and the latter is primarily a rural agricultural natural landscape.
- 4.34.2 The core area is characterised by high urban density while the fringe areas comprises large areas of non-urban land. The population of the core area is growing much faster than the population of the fringe area. This difference in growth rates is a indicator of the difference in population character of the two areas.

- 4.34.3 The fringe towns are rural in character and have historically evolved as independent towns, significant for their agro-industries, tourist attractions and their market/service centres for the surrounding farms. Each of the fringe area towns therefore forms a historically and economically bound area on its own in conjunction with its rural environment.
- 4.34.4 In contrast to the urban sub areas of the core area, fringe towns do not form a contiguous urban complex and are independent with respect to the provision of a wide range of urban services and employment opportunities. The relative independence of the fringe towns is indicated by the fact that whereas most people in the core area live and work in different parts of the city, the majority of people in the fringe area live and work in the same local area.
- 4.34.5 The fringe towns municipalities argued that economies of scale could not be improved by the Transitional Metropolitan Council taking over a number of their existing functions.
- 4.34.6 The problems of financial viability should not be viewed from an urban or provincial level only, but also in relation to the total intergovernmental fiscal transfer system between regions and the different levels of government. In terms of the constitution, funds from a national or provincial level can be channelled directly to local governments.
- 4.34.7 It is not necessary to redress resource generation in local areas of the Fringe area to the degree that it is necessary to redistribute resources between the various urban complexes of the core area. If some of the fringe areas' financial resources are used to fund development in the core area, the economic development potential of the fringe area could be undermined.
- 4.34.8 Sufficient land having low resource value and few environmental constraints to development, exists within the core area to accommodate its projected increase in population until the year 2010.
- 4.34.9 Land for urban development needs of the core area should not encompass the fertile agricultural land of the fringe areas.
- 4.34.10 Only 20% of the inhabitants of the fringe area associates themselves positively with the core area and thus regard themselves as being an integrated part of the core area community.
- 4.34.11 There are marked differences in terms of language, economic activities and personal income between the core and fringe areas.
- 4.34.12 The degree of commuter patterns from the fringe to the core area is

sufficiently low to indicate there is limited economic interdependence between the two areas.

- 4.34.13 The average linkage intensity for inputs and outputs between the core and fringe area is not significantly high which indicates a low level of economic interaction.
- 4.34.14 One must distinguish between three different meanings of metropolitan, viz a planning region, statistical region and government area. It was argued that in terms of international experience, a metropolitan area as a planning or statistical region is larger than a metropolitan government area.
- 4.34.15 In terms of both the internationally accepted definition of a metropolitan government area and the metropolitan criteria listed in section 1(v)(ii) and Schedule 6 of the Act, the fringe towns do not warrant being included in the primary area.
- 4.34.16 More specifically, in terms of criterion 1 in section 6, it was argued that there were differences between the topographical and physical characteristics of the core and fringe areas. It was submitted that the core area, unlike the fringe was not extensively urbanised or developed.
- 4.34.17 In terms of criterion no 2, 'population distribution within the area concerned', it was argued that the fringe area were not densely populated. The population of the core area was 2 004 000, while that of the fringe area was 404 000. Furthermore, the density of the core area was that of 2 812 per km², while that of the fringe area was 144 per km². The considered density of the core and fringe areas amounted to 560 per km², which was substantially less than other metropolitan areas cited in this paper.
- 4.34.18 In terms of criterion no 6, 'interdependency and community of interest between residents in respect of residency, work, community and recreation', it was argued that there was not an intense movement of people goods and services between the core and fringe towns. A survey had shown only 19,7% of workers commuted to the core.
- 4.34.19 The integration of the fringe towns into the Cape metropolitan core area will lead to a loss of economic democracy because consumer sovereignty works best when there is a decision-making body close to the individuals concerned and who pay for services.
- 4.34.20 A loss of autonomy is feared, seeing that the specific needs preferences and interests of the inhabitants of the Fringe area differ from those of the primary area.

4.34.21 Local government should not be a redistribution instrument. This is the primary responsibility of national and provincial government. Local authorities should be service-producing bodies who sell their services at a price to those who can afford them.

4.35 ANC - STELLENBOSCH BRANCH (Written and Oral)

The ANC Stellenbosch, supported by Jamestown Area Committee, Kaya Mandi Ratepayers and Resident Organisation and Johannesdal Civic Organisation, feels that Stellenbosch should become part of the Cape Transitional Metropolitan Council. The reasons for this are :

- 4.35.1 They strongly feel that they should be part of upliftment and the development of the previously neglected areas and this can only be done in a structured way by a bigger body co-ordinating it and spreading funds properly.
- 4.35.2 They feel it will be to their benefit to be part of the Transitional Metropolitan Council for the easy implementation of the Reconstruction and Development Plan.
- 4.35.3 To change the Western Cape Regional Services Council boundary will slow down the whole process of democratising local authorities.
- 4.35.4 Stellenbosch Town Council is not responsive to the needs of the disadvantaged.

4.36 UNIVERSITY OF STELLENBOSCH (Written and Oral)

4.36.1 The University was opposed to the incorporation of Stellenbosch into the Transitional Metropolitan Council because it would :

- a) lead to centralisation of decision making
- b) greater inefficiency
- c) loss of Stellenbosch's unique character and
- d) more expensive services which would ultimately lead to increased academic fees for students

4.36.2 It was also argued that 25km was the maximum distance for control by a local authority before diseconomies of scale started occurring. Finally, it was stated that the University, in terms of its student base, had just as strong links with the Northern Cape and Eastern Cape than with the Cape Metropolitan area.

4.37 CLOETESVILLE/IDASVALLEY MANAGEMENT COMMITTEE

(Written and Oral)

- 4.37.1 This Management Committee supports the submission by the Stellenbosch Town Council that Stellenbosch be excluded from the Cape Metropolitan Forum. All the participants of the Stellenbosch Forum initially supported the exclusion of Stellenbosch from the Transitional Metropolitan Council.

4.38 THE ALLIANCE ORGANISATION ON THE NON-STATUTORY SIDE

(Written although the PAC gave an oral presentation)

This organisation comprising SANCO, Stellenbosch Housing Action, PAC, Kylemore Ratepayers Association and Pniel ANC Interim Committee are opposed to inclusion in the Transitional Metropolitan Council.

The reasons are :

- 4.38.1 A Transitional Metropolitan Council could impose its will upon substructures because of Stellenbosch's limited representation on such a body.
- 4.38.2 It is government policy to bring government to the people. The Transitional Metropolitan Council, if implemented, will not be able to satisfy the needs and wishes at local government level.
- 4.38.3 The Transitional Metropolitan Council will be recognised as a third tier government and as a result the substructures will become advisory bodies. Such bodies in the past have brought about a great deal of dissatisfaction and distrust.

4.39 SUBMISSIONS ON MATTERS OF LEGAL INTERPRETATION BY THE FRINGE MUNICIPALITIES (Written and Oral)

ADVOCATE SCHOLTZ (Written and Oral)

- 4.39.1 It was argued that the constitution of the Republic of South Africa Act 200 of 1993 and the Local Government Transition Act, Act 209 of 1993 was the relevant legislation that the Demarcation Board had to take into account when demarcating boundaries.
- 4.39.2 It was submitted that the argument of the Cape Town City Council that because the fringe contributed only 11% of the Cape Provinces income it would remain behind in terms of grants and development, was fallacious. Fiscal Planning and powers are co-ordinated and may result in local government being funded from a national or provincial level where the situation merits such fundings.

4.39.3 It was argued that future metropolitan substructures are not autonomous bodies and in fact the only autonomous local authority in a metropolitan area would be the metropolitan body itself.

4.40 STELLENBOSCH AGRICULTURAL SOCIETY (Written and Oral)

This organisation is opposed to inclusion in the Forum. The reasons were :

4.40.1 The interests of rural inhabitants are different to those of city dwellers;

4.40.2 Agriculture would not be protected by a Transitional Metropolitan Council which could well rezone such land for urban development.

4.41 STELLENBOSCH RURAL COUNCIL (Written and Oral)

The Stellenbosch Rural Council is opposed to the inclusion of Stellenbosch in the Transitional Metropolitan Council. The interests of rural inhabitants would not be best served in such a body. It supported the report of the consultants in this regard and preferred a Divisional Council type of representation.

4.42 PAARL RURAL COUNCIL (Written and Oral)

The Paarl Rural Council is opposed to the inclusion of Paarl in the Transitional Metropolitan Council. The interests of the rural inhabitants would not be best served in such a body. It supported the report of the consultants in this regard. It felt they had received little in the way of Regional Services Council levies they had contributed.

4.43 CAPE RURAL COUNCIL (Written and Oral)

The Cape Rural Council felt that the large boundary would not serve the interests of rural inhabitants. The Cape Rural Council areas had hardly received any Regional Services Council levies.

4.44 STELLENBOSCH BUSINESS CHAMBER (Oral)

It was argued that Stellenbosch to a large extent was not economically interdependent with the fringe areas and largely self-contained when it comes to the production of the wine industry.

4.45 RURAL FOUNDATION (Oral)

It was argued that there was greater interaction between rural areas and the fringe towns than between the fringe towns and the metropolitan core.

4.46 LABOUR LEADER (Oral)

He claimed to represent 7 000 workers who wanted a single non-racial Stellenbosch Municipality and not a Transitional Metropolitan Council to run the area.

4.47 RATEPAYERS ASSOCIATION (Oral)

The Ratepayers Association was opposed to Stellenbosch's inclusion in the Transitional Metropolitan Council.

4.48 KWV STELLENBOSCH (Oral)

The Regional Director of the KWV was opposed to Stellenbosch's inclusion in the Transitional Metropolitan Council. He argued that the wine industry was self-contained and had greater links with France and Australia than Cape Town.

4.49 STELLENBOSCH CHAMBER OF COMMERCE

The Stellenbosch Chamber of Commerce was opposed to Stellenbosch's inclusion in the Transitional Metropolitan Council.

After due consideration of all submissions, the Board decided that it would be impossible to address all the arguments submitted to it in this report. It will therefore deal only with what it considered to be the most important aspects. The Board's assessment of the application of some of the statutory prescriptions is summarised separately for the different parts of the fringe area in sections 5 - 9. Other statutory prescriptions which the Board have to apply, are of a more general nature and are applicable to the disputed fringe areas as a whole. They will be discussed in section 10 below. The Board's conclusions about the application of all the statutory prescriptions are then summarised in section 11, followed by its recommendations in section 12.

5. **CORE METROPOLITAN AREA : BETWEEN THE SOUTHERN BOUNDARY AND URBAN EDGE**

5.1 There appears to be no disagreement between parties as to what constitutes the core metropolitan area although no specific evidence was led in this respect.

5.2 In the east this consists of the eastern boundary of the Mitchell's Plain magisterial district continuing northwards along the eastern boundary of the Kuils River magisterial district and then further northwards along the eastern

boundary of the Bellville magisterial district up to the northern boundary of the Kraaifontein Municipality. The northern boundary roughly follows the municipal boundaries of Kraaifontein, Durbanville, Bellville, Parow and Milnerton to the coastline. The coastline forms the remaining boundary back to the starting point at Mitchell's Plain.

- 5.3 After due consideration, the Board concluded that the area described above complies with all the statutory prescriptions in the Act, and that it can be safely assumed to be the Core Metropolitan area.

6. SOUTH EASTERN FRINGE AREA UP TO AND INCLUDING THE HELDERBERG BASIN

- 6.1 DEFINITION of "Metropolitan Area". This aspect is discussed in section 10 below.

6.2 PRESCRIPTION FOR FORUM AREA:

- 6.2.1 It shall be economically bound. The degree of economic interdependence with the metropole is also highlighted in section 10 below.

- 6.2.2 It shall be historically bound:

The Helderberg Basin municipalities stressed the fact that they are historically not part of the metropolitan area but that each of the municipalities has an identity and history of its own. The Board accepts this, but changing circumstances and other factors must be weighed up together with this conclusion. The question how to deal with community opinions is addressed in section 10 below

- 6.2.3 Commercial and industrial linkages and daily commuting patterns, provision of services and jurisdiction of local government bodies are all discussed in detail in section 10.

6.3 STATUTORY CRITERIA AS LISTED IN SCHEDULE 6 OF THE ACT

- 6.3.1 Topographical and Physical Characteristics

6.3.1.1 River Catchments:

The entire Helderberg Basin is part of the Lourens River catchment with a smaller sub-catchment area to the east, serviced by the Sir Lowry's Pass River (see Annexure 8). Both rivers discharge into False Bay. The control of

pollution in False Bay, which Bay is considered by many to be one of the main tourist attractions in the metropolitan area, has been highlighted to the Board as an issue of prime importance.

The Cape City Council petitioned in favour of a boundary extending to beyond Hangklip on the coast for this reason, but it is a fact that the space between the mountain and the sea is so limited that any development there can not be of major importance. Nevertheless, the coastline up to and including Kogel Bay does form an important part of the catchment area of the Steenbras River which also discharges into False Bay.

Westwards along the coastline the existing township of Macassar together with some undeveloped land forms part of a very marshy area in the lower reaches of the Kuils River and Eerste River. The Kuils River eventually, after meandering backwards and forwards between the marshes, discharges into the Eerste River. The latter has no discharge into the sea but disappears into the coastal dunes.

6.3.1.2 Physical Development Potential:

Inside the greater Helderberg Basin area considerable informal settlement has taken place and resettlement and upgrading is in progress. Fairly large areas of apparently not very high agricultural potential land is still available for development. Higher up towards the mountains farms of good agricultural potential are still being farmed, but it appears as if urban development is already encroaching.

The area along the coast in the direction of Macassar, Khayelitsha and Mitchell's Plain is practically fully planned for low cost housing with the exception of a few smaller areas still available for infill, and some marshland.

This area, because of the nature of the land and lack of drainage, is subject to flooding. Development along the upper reaches of the Kuils River and its tributary the Bottelary River, in Durbanville, Bellville, Brackenfell and Kuils River town has increased the inflow into the area considerably. The contribution from Eerste River catchment will be dealt with when dealing with the Stellenbosch area (see 2.14.4 of summary).

If it should at any stage be decided to make some of this land available for housing purposes, due consideration will have to be given to conservation and drainage aspects.

In the direction of the core metropolitan area along the high accessibility corridor a lot of peri-urban development has taken place and potential for urban development is good. Agricultural potential, judging by the use the land is being put to, is not high.

- 6.3.1.3 The Board is of the opinion that special emphasis should be placed on the importance of vesting control over as large a part of the False Bay coastline as possible in one body.

6.4 POPULATION DISTRIBUTION

- 6.4.1 Between Kuils River and Somerset West there is a fairly densely developed residential area to the south of the railway line, and from Firgrove onwards south of the N2, practically in one continuous sprawl including townships like Blue Downs, Macassar and Kleinvlei. Further south and nearer to the coast is the township of Khayelitsha. Next to the railway line there exists small settlements at Eerste River, Faure and Firgrove. Between Kuils River and Eerste River the flat land to the north of the railway line up to the hills has been acquired for housing purposes and the first signs of development are appearing on site. The towns of Somerset West, Strand and Gordon's Bay are developed with a medium to higher density. Further north, closer to the N2 and even north of the N2 considerable informal settlements have taken place. A figure of 20 000 has been mentioned by the representative of the Sir Lowry's Pass Village Development Committee. It is foreseen that the growth in population will largely take place on this flat land between existing developments near the coastline and the railway line to Sir Lowry's Pass. Being mostly low cost development, it is doubtful whether the Helderberg Basin municipalities will have the financial base to be able to handle this without additional financial assistance.

6.5 ADMINISTRATIVE BOUNDARIES:

This criterion is discussed in section 10 below.

6.6 EXISTING LAND USE AND POTENTIAL FOR DEVELOPMENT

6.6.1 Future Scenarios:

It appears to be imminent that the low cost housing development south of the railway line will jump the rail and road and occupy the land to the north as far as the hills in the immediate fringe. Nearer the coast the Macassar and Kleinvlei townships are likely to spread across land

where liveable conditions can be created until it is contiguous with Strand.

The infilling on the flat land between the coast and the railway line to Sir Lowry's Pass and Strand and the mountain range is likely to continue.

6.6.2 Existing Land Use and Development Needs:

The presence of a large number of informal settlers in the Helderberg Basin area as well as in Khayelitsha indicates a need for further housing in this vicinity. Overcrowding and unsatisfactory living conditions in other areas stress the need for a positive urbanisation policy in this area. Most of the land discussed above has already been earmarked for development. In the case of the lower Kuils River marshes, which partly is a nature conservation area, a decision will have to be taken as to the extent to which development is going to be allowed in the area. On the inner fringe area and in the Helderberg Basin a decision will have to be taken as to how far development is going to be permitted toward the good agricultural land.

6.7 ECONOMIC FUNCTIONALITY, EFFICIENCY AND FINANCIAL VIABILITY

This criterion is discussed in section 10 below. The objective is to improve or achieve optimal financial viability and functionality of delivery systems and administration.

6.8 DEGREE OF INTEGRATION OF URBAN ECONOMY INDICATED BY COMMERCIAL, INDUSTRIAL AND RESIDENTIAL LINKAGES

6.8.1 Transport Infrastructure

A good railway connection exists between the core metro area and Somerset West, Strand and Gordon's Bay (see Annexure 9). A goods and passenger service is operated on this line according to the present needs and there is no doubt that it can be improved upon as demand increases. A branch line from the Strand Line to Khayelitsha is in an advanced stage of planning.

The N2 National Road provides a high standard Freeway from the heart of Cape Town to the Helderberg Basin and a parallel main road, the continuation of Voortrekker Road in the northern municipalities, provides another good road link with the core metropolitan area.

These facilities are also available to the area between the core metropolitan area and the Helderberg Basin up to the hills above Kuils River, Eerste River and Faure.

This results in a high degree of mobility between the Helderberg Basin area and the core metropolitan area.

6.8.2 Commuting Patterns

Evidence has been led of surveys indicating commuting patterns of the working population commuting to the metropole in the order of 34 % from Somerset West, 30% from Macassar and slightly less from Strand and Gordon's Bay. There is also a large degree of commuting from Macassar to work opportunities in Strand/Somerset West, but this has not been evaluated. A further important point to bear in mind is the opinion of experts that these commuting percentages to the metropole will grow as fast as work opportunities in the metropole become more freely available. Commuting times are not unduly long in terms of accepted standards. There is also considerable traffic to the Strand and Gordons Bay from within the metropolitan area to the beaches and recreation facilities.

If the standard of service on all modes of public transport was higher it may have considerable affect on the number of people commuting, especially in view of the fact that some informal settlers in this area apparently fled the violence in townships in the core area, but are still dependent on employment in the core area.

6.8.3 Buying and Spending Patterns

These towns claim to be self-sufficient but it is also a fact that fairly large support has been given by shoppers from this area to shopping centres like Tygervalley. The level of industrial development is also of such a nature that it depends largely on the metropole for more sophisticated or complicated services.

A new development is the building of large shopping centres in this fringe thereby providing a service, not only to the more inland areas but also to the fringes of the metropole and to the holidaying visitors to the area. Other forms of capital investment like Erinvale and the industrial complex on the Gant site reinforces the conclusion that a stronger interdependence exists with the core area.

In Macassar, Blue Downs and Kleinvlei as well as Khayelitsha the business infrastructure is poorly developed and the population is dependent on either the Helderberg Basin facilities or the facilities in the metropole.

6.9 COMMUNITY OPINIONS

Very strong opinions were expressed to the Board in favour of the area not becoming part of the metropolitan area. Equally strong sentiments in favour of inclusion in the metropolitan area were, however, also expressed.

FINDINGS:

- 6.10 In considering all the factors discussed above, including the issues assessed in section 10 and the representations submitted, together with some additional expert advice obtained, the Board came to the conclusion that on the overall weight of evidence, the Helderberg Basin area and the land between it and the core area is part of the metropolitan area and substantially complies with the statutory prescriptions in the Act for such an area.

7. EASTERN FRINGE AREA BETWEEN KUILS RIVER UP TO AND INCLUDING STELLENBOSCH

7.1 DEFINITION OF METROPOLITAN AREA:

This is dealt with in section 10 below .

7.2 PRESCRIPTION FOR FORUM AREA.

7.2.1 Economically Bound:

The degree of economic unity is discussed in section 10 below.

7.2.2 Historically Bound:

The Stellenbosch Municipality advanced strong arguments proving its individuality as a town from as far back as 300 years. Nevertheless this fact alone does not mean that its environment could not have changed to such an extent that it could not be part of a metropolitan area where it can still have a special historical significance.

- 7.2.3 Commercial and Industrial linkages, daily commuting patterns, provision of services and jurisdiction of local government bodies area all discussed in section 10 below.

7.3 STATUTORY CRITERIA AS LISTED IN SCHEDULE 6 OF THE ACT

7.3.1 Topographical and Physical Characteristics

7.3.1.1 River Catchments:

The entire area of the Stellenbosch magisterial district falls within the catchment of the Eerste River with the exception of a corner in the

north near Klapmuts which drains towards the Diep River. Most of the catchment is purely agricultural land (vine culture) but some pollution from Stellenbosch and Khaya Mandi Municipalities and the Stellenbosch sewage disposal works as well as effluent from wineries and woodworking industries is possible. The contribution of this catchment area to the flooding in the Macassar area is a matter for concern (see 2.14.4 of summary).

Expert evidence led before the Board indicated no major pollution threat from the catchment area.

7.3.1.2 Physical Development Potential:

The area is practically entirely made up of good quality agricultural land. If this is to be preserved, urban development should be restricted.

7.4 POPULATION DISTRIBUTION

The area outside the town of Stellenbosch and other settlements are occupied by farms densely populated for a rural area, but not as dense as normally required for metropolitan areas. Exceptions include the farm of Zevenwacht near Kuils River, where a degree of expensive townhouse development has taken place coupled with some commercial activity. Other urban developments include the Technopark between Stellenbosch and Khayelitsha, and a recreational development near Koelenhof.

7.5 ADMINISTRATIVE BOUNDARIES

This issue is discussed in section 10 below.

7.6 EXISTING LAND USE AND POTENTIAL DEVELOPMENT:

7.6.1 Future Scenarios:

If the good agricultural land is to be preserved, this area does not present much potential for development. Around Stellenbosch the needs of the existing community must be met even if expansion is frozen. Densification seems to be required.

Attention will also have to be given to the Zevenwacht farm cottage type of development. Other farms are already involved in similar types of development initiatives which seems to indicate the beginning of urbanisation.

7.6.2 Existing Land Use and Development Needs:

There appears to be a specific need in and around Stellenbosch itself, but being surrounded by good agricultural land the need is problematical to satisfy.

7.7 ECONOMIC FUNCTIONALITY, EFFICIENCY AND FINANCIAL VIABILITY

The objective of this criterion is to achieve optimal financial viability and functionality as discussed in section 10 below.

7.8 DEGREE OF INTEGRATION OF URBAN ECONOMY INDICATED BY COMMERCIAL, INDUSTRIAL AND RESIDENTIAL LINKAGES

7.8.1 Transport Infrastructure

A rail link between this area and the core metropole exists, splitting off from the main line out of Cape Town to the Helderberg at Eerste River. This line carries both passengers and goods. Main road links also exist. In the south there is a link with the main road to Strand and in the north a link with the N1 at Muldersvlei. Both roads are of regional road standard. On both roads the travelling distance from the edge of the inner metropole is approximately 20 kilometres.

The road structure and even the time factor is such that a good bus service could easily develop if the demand should be there.

Movement from the metropolitan area into the winelands and Wine Estates by tourists is also to be noted. No figure has been put to it.

7.8.2 Commuting Patterns

Commuting between Stellenbosch and the metropole is fairly easy and comfortable and a figure of 17,6% of the local population doing so has been quoted to the Board. This is lower than the comparable figure for the Helderberg Basin. It has also been stated that due to a restrictive land development policy in Stellenbosch as well as housing costs, a fair percentage of people working in Stellenbosch live outside in the Helderberg Basin, Kuils River, Bellville and Durbanville.

A fair degree of commuting between the Tygerberg and Stellenbosch University also exists. At one stage the university stated that a large percentage of its students come from the Tygerberg. Therefore, they considered the need for a satellite campus in Bellville. This project has now been shelved.

7.8.3 Buying and Spending Patterns

It was argued that Stellenbosch is commercially fully self-sufficient. It is, however, not provided with very large shopping centres and the residents and farming community frequent the nearby shopping centres in the Metro as well as in the Helderberg Basin. The more sophisticated industrial needs, especially high-tech orientated needs can only be met in the metropolitan area.

7.9 COMMUNITY OPINION

As stated in section 10 below, a large number of the submissions to the Board favours very strongly not becoming part of the metropolitan area. An opposite view was also expressed but the Board cannot decide how representative either view is.

FINDINGS:

7.10 On the basis of these considerations as well as those discussed in section 10 below, the Board is of the opinion that on a balance of evidence, the major portion of the Stellenbosch Magisterial district should not be part of the Metropolitan Area. A section in the vicinity of Kraaifontein, Kuils River and Faure should be included in the Metropole to facilitate development taking place in that vicinity.

8. NORTH EASTERN FRINGE FROM KRAAIFONTEIN UP TO AND INCLUDING PAARL, WELLINGTON AND FRANSCHHOEK

8.1 DEFINITION See section 10 below

8.2 PRESCRIPTION FOR FORUM AREA

8.2.1 Economically Bound See section 10 below

8.2.2 Historically Bound Paarl is historically not part of the metropolitan area but has a history of its own. The same applies to Wellington and Franschhoek.

8.3 STATUTORY CRITERIA AS LISTED IN SCHEDULE 6 OF THE ACT

8.3.1.1 Topographical and Physical Characteristics

8.3.1.2 River Catchments:

The entire area of the magisterial districts of Paarl and Wellington is part of the Berg River catchment area with the exception of a relatively small portion in the south west corner near Klappmuts which drains towards the Diep River. The Diep River enters the core metropole at Milnerton but the Berg River flows west and into the sea much further north.

8.3.1.3 Physical Development Potential:

The areas outside of the urban area are made up mostly of land of good agricultural value being actively cultivated. Around Paarl and Wellington some industrial activities exist. However, if the good agricultural land is to

be reserved for that purpose encroachment of urban and industrial uses will have to be curbed. This is especially so in the south west corner near Kraaifontein, Joostenbergvlakte and Klapmuts where pressures for urbanisation exist.

8.4 POPULATION DISTRIBUTION

8.4.1 The agricultural smallholdings on the Joostenbergvlakte are mainly sparsely populated, although compared to other rural areas it may be considered densely populated. Considerable informal settlement has taken place between the railway line and the Old Paarl Road at Bloekombos and continues towards Scottsdene where it links up with the existing Kraaifontein.

Small settlements exist at Muldersvlei and Klapmuts. The remaining part of the rural area consists mainly of farms.

The towns of Paarl and Wellington have a more concentrated urban development with a considerable work force accommodated in the area between the towns, causing them to be virtually contiguous. An influx of workers in the township of Mbekweni has caused a lack of inadequate infrastructure and unsatisfactory living conditions. Franschoek has also experienced informal settlement lately.

8.5 ADMINISTRATIVE BOUNDARIES are dealt with in section 10 below, with a view to achieving more functional and effective administrative boundaries.

8.6 EXISTING LAND USE AND POTENTIAL DEVELOPMENT

8.6.1 Future Scenarios:

It appears as if a degree of urban expansion into the Joostenbergvlakte area is inevitable in the near future. In accordance with the Structure Plan prepared for the area by the Regional Services Council it is envisaged that this should be curbed in the north east direction and rather encouraged into the north west direction towards Fisantekraal.

Some pressure for a development node around Klapmuts exists but according to the Structure Plan mentioned above, this should not be permitted. Development of Paarl and Wellington towns should be carefully planned and controlled if valuable agricultural land is to be preserved.

8.6.2 Existing Land Use and Development Needs:

The land is, according to expert opinion expressed to the Board, of a quality suitable only for annual crops. Presently it is apparently under utilised because of lack of a sufficiently steady water supply.

The rapid informal urbanisation at Bloekombos and surrounding area indicates a need for more urban land for housing and work opportunities.

8.7 ECONOMIC FUNCTIONALITY, EFFICIENCY AND FINANCIAL VIABILITY

See section 10 below. The objective is optimal financial viability and functionality is.

8.8 DEGREE OF INTEGRATION OF URBAN ECONOMY

8.8.1 Transport Infrastructure

The main railway line from Cape Town to the north gives access to Paarl and Wellington and the N1 National Route provides a high standard of road link to Paarl with good roads of regional standards to Wellington and Franschoek. Paarl is approximately 35km from Kraaifontein with Wellington approximately a further 15km and Franschoek approximately 50km.

8.8.2 Commuting Patterns

Although commuting is fairly easy from the Paarl area, a low figure of only 6.9% of the population doing so has been quoted to the Board. In the case of Wellington the figure quoted is 4.9%. These figures were not disputed. No figures were obtained for Franschoek. It must however, be accepted that if the population grows without corresponding growth in work opportunities there may be a drastic increase in commuting patterns.

The entire sub-region also gets a fair number of tourists from the metropolitan area.

8.8.3 Buying and Spending Patterns

It is also claimed that Paarl and Wellington are commercially self sufficient. This can clearly be so only to a certain degree as explained for Stellenbosch. A few large factories in Paarl also provide a degree of interaction with the metropolitan market.

8.9 COMMUNITY OPINION

All submissions received from Paarl, Wellington and Franschoek seem to be unified in their desire not to be part of the Metropole.

FINDINGS:

- 8.10 Considering all criteria the preponderance of facts indicates to the Board that Paarl, Wellington and Franschoek should not be part of the metropole but that the

western corner of the Paarl magisterial district comprising a portion of the Joostenbergvlakte, should be included.

9. NORTHERN FRINGE UP TO AND INCLUDING ATLANTIS AND MAMRE

9.1 DEFINITION See section 10 below

9.2 PRESCRIPTION FOR FORUM AREA

9.2.1 Economically Bound See section 10 below

9.2.2 Historically Bound This is mainly a farming community with historic bonds with Malmesbury and Durbanville. Mamre and Atlantis are stand alone towns with inter-action between them.

9.3 STATUTORY CRITERIA AS LISTED IN SCHEDULE 6 OF THE ACT

9.3.1 Topographical and Physical Characteristics

9.3.1.2 River Catchments:

The major portion of this land is rather flat and forms part of the Diep River catchment area. The northern Regional Services Council boundary directly north of Bellville is on the watershed so that part of a sub-catchment is beyond the said boundary. A portion in the north west forms a separate catchment with rivers like the Sout and Klein Springfontein draining directly to sea.

9.3.1.3 Physical Development Potential:

This land being flat and on a transport corridor is easily accessible for development. With the exception of Atlantis in the north the overwhelming impression is that of a good wheat farming area actively cultivated. An exception to this is the vicinity of Fisantekraal where some industrial activities and brick making impinge on the agricultural character of the land. The presence of the Koeberg Nuclear Power Station near Melkbosstrand with its limitations on habitation within certain ranges is another important factor to consider.

Another characteristic of the area is that most of the land between the West Coast Road and the sea is apparently of low agricultural potential and covered in Port Jackson bush. Taken together with the other factors this would seem to lend it to urban development.

9.4 POPULATION DISTRIBUTION

9.4.1 North of Milnerton are the holiday settlements of Bloubergstrand and Melkbosstrand as well as a block of staff housing for the Koeberg Power Station. All settlements have proper urban infrastructure. Further inland the fairly large complex of Atlantis has been developed as an industrial node and close to it exists the old missionary town of Mamre. Still further inland quite a number of very small settlements exist such as Philadelphia, Kalbaskraal, Klipheuwel, Fisantekraal. The remainder of the area is occupied by wheat farmers and their work force.

The presence of Atlantis in the far north of this area poses a problem. It is a specially created town with a fairly large industrial area. The latter cannot provide sufficient work opportunities and large scale commuting to the metropole is the order of the day. The town does not seem to have an economic base of its own and whilst there is room for expansion it is doubtful whether this could solve its problems.

9.5 ADMINISTRATIVE BOUNDARIES See discussion under section 10 below.

9.6 EXISTING LAND USE AND POTENTIAL DEVELOPMENT

9.6.1 Future Scenarios

The northward push of urban development along the coast coupled with the existence of a good transport corridor seems to indicate a growth in this direction even if it should be limited to less good agricultural land west of the West Coast Road.

It is an open question as to whether further development of Atlantis will take place at this place in time or whether it will only proceed once development has become contiguous with the metropole. Developments around Fisantekraal seems to indicate that a degree of business and industrial activity here is inevitable. It is also provided for in a Durbanville Structure plan.

9.6.2 Existing Land Use and Development Needs:

North of Bloubergstrand, west of the West Coast Road, the land does not seem to have a very high agricultural potential and should therefore not be too expensive. The remaining portion seems to be fairly valuable agricultural land and acquiring it for urban use may be costly. Around Fisantekraal where land has been scarred by brick making this may not present such a problem.

The existence of the Montague Gardens Industrial area without any housing for a labour force in the vicinity indicates a need. Due to shortage

of land elsewhere and the good present and future transport links the need for settlement in this area is evident.

Being fairly flat land, reasonably well drained, the capital needs for development may not be as great as in other areas.

The possibility also exists to create more work opportunities in this area.

9.7 ECONOMIC FUNCTIONALITY, EFFICIENCY AND FINANCIAL VIABILITY

See 10 below.

9.8 DEGREE OF INTEGRATION OF URBAN ECONOMY

9.8.1 Transport Infrastructure

Good road links with the inner metropolitan area exist in the form of the West Coast Road, a road of regional standard, and the N7 further inland. A rail link with Atlantis in the north exists, but does not yet provide a passenger service. A fairly active bus service operates between Atlantis and Milnerton. The distance from Atlantis to Milnerton is approximately 35km.

The strong transport infrastructure northwards from Milnerton is mentioned above. On the east there is the strong infrastructure to Paarl but although some roads do exist the cross connection between the two is totally inadequate if the area is to be developed. The only route directly north in the centre is the old Malmesbury Road from Durbanville, which is rather inadequate..

A railway line branching off the main line at Kraaifontein and running via Fisantekraal and Klipheuwel in the Malmesbury direction could serve to open up the area if improved and provided with a passenger service.

9.8.2 Commuting Patterns

It has been mentioned that up to 87% of the Atlantis working population commutes to the metropolitan area. It is a rather long commuting distance of approximately 35km to the Milnerton boundary.

For the remaining portion there is no known fixed pattern of movement except for holiday traffic to Blouberg and Melkbosstrand and the Koeberg staff movements.

9.8.3 Buying and Spending Patterns

Very limited shopping facilities in the area makes it evident that they are

largely dependant on facilities in the metropolitan area. This also applies to industrial services.

9.8.4 Commuting Patterns is largely focused internally in and between the towns of Paarl and Wellington.

9.9 COMMUNITY OPINION

The Cape Rural Council on behalf of farmers expressed the opinion that they have no interests in the metropole and so did the few residents of Philadelphia. No direct representations were received from farm workers or from the residents of Atlantis. Mamre residents want to be outside the metropole, but mainly work in Atlantis. The Atlantis Development Forum, however, is already participating in the Cape Metropolitan Negotiating Forum.

FINDINGS:

- 9.10 On the balance of all criteria and considerations the Board is of the opinion that the land immediately north of Durbanville including the Fisantekraal area should be in the metropole and so should the land west of the N7 up to the present Regional Services Council boundary. All other areas should remain outside.
- 9.11 These preliminary conclusions are reinforced by the Board's findings about the definition of a metropolitan area, and the other criteria summarised in the following section.
- ## 10. GENERAL APPLICATION OF STATUTORY PRESCRIPTIONS TO DISPUTED FRINGE AREAS
- 10.1 A "metropolitan area" is defined in the Act as follows :
- "a) comprising the areas of jurisdiction of multiple local governments;
 - b) which is densely populated and has an intense movement of people, goods and services within the area;
 - c) which is extensively developed or urbanized and has more than one central business district, industrial area and concentration of employment; and
 - d) which, economically, forms a functional unit comprising various smaller units which are interdependent economically and in respect of services".
- 10.1.1 This definition means firstly an area : "a) comprising the area of jurisdiction of multiple local governments."

This component is intended to distinguish between metropolitan areas and stand-alone towns. The aim is to ensure that the Transitional Metropolitan Council should not exclude any towns which are part of the greater metropole. Proponents of the larger boundary argued that such a jurisdiction would prevent the Transitional Metropolitan Council from operating only in a sub-metropolitan area (Western Cape Regional Services Council, p. 4).

- 10.1.2 The submissions from both the Cape Metropolitan Negotiating Forum (p. 7) and the Western Cape Regional Services Council (p. 4) used the fact that there are a large number of local governing bodies (67 in total) as a justification for large boundaries. However, to examine this component of the definition in isolation is misleading. The exclusion of some, or even all, of the fringe towns would still mean that there would be multiple local government jurisdictions within the smaller boundary.

FINDING:

- 10.1.3 This component of the definition does not lead to a definite conclusion one way or another.
- 10.2 The second element of the definition relates to an area : "b) which is densely populated and has an intense movement of people, goods and services within the area."
- 10.2.1 An analysis of this component of the definition must occur in conjunction with criterion no. 7 : "Interdependence of any community of interest between residents in respect of residency, work, commuting and recreation."
- 10.2.2 The argument of the Cape Metropolitan Negotiating Forum was that while density levels and intensity of movement may vary considerably within the existing Western Cape Regional Services Council boundary, the fringe areas and core metropolitan area exhibit a high degree of interactive movement with respect to commuting patterns, sharing of markets and metropolitan facilities and services (p. 7). To justify this argument, reference was made to a survey of commuter patterns which showed that approximately 20% of the working population in the fringe towns works in the inner metropolitan areas (pp. 14-15, 27) (Annexure 10).
- 10.2.3 The Western Cape Regional Services Council argued that this norm clearly could not imply a uniform density of population and intensity of movement, as only a super-city of sprawling urban development with no concomitant open, peri-urban and rural land would qualify. The intention seems to require a Transitional Metropolitan Council for an area with different population concentrations which interact spatially, inclusive of open,

peri-urban and rural areas that are clearly part of the functional unit. In the light of this, it was argued that the Western Cape Regional Services Council's area was multi-nodal in nature, including the fringe towns with intense interaction between its parts. This was illustrated by the shared use of bulk water and transport infrastructure across the Regional Services Council's area of jurisdiction. It was also argued that the core metropolitan area serves as a major market destination for a wide range of produce from the fringe areas (pp.4-5).

- 10.2.4 The fringe municipalities argued that the fringe areas are not densely populated or populated in a manner that generates an intense movement of people, goods and services within the area. Firstly, the population density of the core area is about nine times greater than the population density of the fringe area (Annexures 11 and 12).
- 10.2.5 Secondly, only 18% of the formally employed people living in the fringe area commute to the core area in order to work. This reflects a percentage that is approximately half the 30-35% work journey threshold required for the inclusion of peripheral urban areas into a standard metropolitan statistical region as defined in the USA. For a metropolitan government area in the USA it was alleged that a threshold of at least 50% is required.
- 10.2.6 Furthermore, it was argued that the definition of a metropolitan area should be characterised by an intense movement of people, goods and services. It was argued that a 20% threshold could not possibly be considered as reflecting an intense movement of people (pp. 26-27).

FINDINGS:

- 10.2.7 Given the large tracts of rural/agricultural land in the Franschhoek, Paarl/Wellington and Stellenbosch areas, the Board did not feel that the towns and their environs currently fulfilled the criterion of being densely populated in a metropolitan sense. Large tracts of agricultural land could not possibly be construed as being densely populated in the way contemplated in the Act for a metropolitan area. This situation may change dramatically if urban development increases on the Kraaifontein - Paarl axis and in the Stellenbosch area.
- 10.2.8 The Board also came to the conclusion that Apartheid policies had led to extremely limited road and rail transportation facilities. It could be argued that such limited facilities had acted as an impediment to greater movement of workers between the fringe and core areas. Furthermore, the Board felt that the use of the average commuting figures for the fringe towns as a whole was misleading. The commuting figures from the Paarl/Wellington region were relatively low (6,9% and 4,9% respectively) while that of the Strand/Somerset West region were progressively higher

(27,9% and 34,6% respectively), (Annexure 12). No figures for Franschoek were available to the Board.

- 10.2.9 On balance, the Board found that the Helderberg Basin fulfilled the criteria for this component of the definition. There is virtually contiguous development between the core metropolitan area and the Basin, with the exception of a small portion of vacant land which is largely earmarked for future development. It is also found that the degree of commuter integration and interdependence of community interests between the Basin and the core metropolitan context was sufficient, given the lack of transport infrastructure, to warrant inclusion. The growing urbanisation of the Basin is likely to increase this interaction significantly in the foreseeable future.
- 10.2.10 On the other hand, the Board felt that the commuter integration between Paarl/Wellington was currently of a relatively limited degree as would probably also be the case for Franschoek. The percentage of commuters from Stellenbosch, however, was higher (17,6%), probably because of a greater interaction of students and employees living outside Stellenbosch but working there.
- 10.2.11 The Board is satisfied that the degree of interaction of the town of Stellenbosch and its environs currently does not equal that of the Helderberg Basin.
- 10.2.12 For this first metropolitan demarcation the Board feels that only the Helderberg basin should fall within the metro area on the basis of these criteria. If the interaction of Paarl/Wellington and Stellenbosch with the core area should increase in future, the position of these areas, vis-a-vis the metropole, should be reassessed.

10.3 The third component of the metropolitan definition refers to an area :

"c) which is extensively developed or urbanised and has more than one central business district, industrial area and concentration of employment."

- 10.3.1 The Cape Metropolitan Negotiating Forum argued that the first part of the definition appears to make provision for incorporating extensively developed agricultural areas where desirable (p. 7).
- 10.3.2 The Western Cape Regional Services Council argued that this component of the definition must be interpreted in such a way as to indicate sufficient concentration of resources to enable a financially viable Transitional Metropolitan Council. The Western Cape Regional Services Council boundary fits this criterion. Furthermore, it was argued that "extensively developed and urbanised" should not be confused with contiguous urban development. The functions performed by a metropolitan area impact upon urban as well as non-urban areas (p. 5).

- 10.3.3 The fringe municipalities argued that they are not extensively urbanised (see Annexures 11 and 12). Although the fringe areas has more than one central business district and industrial area, these are located in different towns which do not form a contiguous urban complex with the core metropolitan area (p. 28).
- 10.3.4 The second component of the definition, "and has more than one central business district, industrial area and concentration of employment", tells one nothing if looked at in isolation. It could refer to a wide permutation of areas within the wider cape metropolitan area. The crucial issue is the interpretation of the first part of the definition.

FINDINGS:

- 10.3.5 The constitution distinguishes between metropolitan, urban and rural local governments (section 174(1)). While there is not yet clarity about its form and nature, the principle of rural local government has been established in the form of rural services or district councils. Large portions of the Franschhoek, Paarl/Wellington and Stellenbosch environs can be classified as being more urban or rural than metropolitan in nature, and should, therefore, according to the Act, not be included in the metropolitan area.
- 10.3.6 The Board interprets "extensively developed or urbanised" as not primarily referring to rural or agricultural land. It was satisfied that the definition of a metropolitan area in the Act conforms to the international usage of the term. The words urbanised and developed are therefore interpreted as synonyms, which means that the legislature did not contemplate the inclusion of large tracts of agricultural or rural land in the metropolitan area, except as provided for in paragraph 11.11. The dominant characteristic of the area should therefore be its urbanised character. It was therefore decided to include the Helderberg Basin and exclude the Franschhoek, Paarl/Wellington and Stellenbosch areas on the basis of this criterion.
- 10.3.7 The contiguous urban development between the core area and the Basin including the Kuils River flood plain on the one hand and the residential zone between Macassar and Khayelitsha and the industrial zone belonging to AECI on the other, in the Board's opinion substantially complies with this criterion. In contrast, the large tracts of rural and agricultural land direct to the East, surrounding Stellenbosch and Franschhoek, the north east and the north, in the Philadelphia and Klipheuwel regions, do not in the Board's opinion comply with this component of the definition of a metro area.
- 10.3.8 It is also clear to the Board that urban encroachment into agriculture must be better regulated and that amendments of laws are needed to ensure this outcome. It is clear to the Board that the population explosion in the

metropolitan core and the fringe area as a result of increasing urbanisation, places tremendous pressures on agricultural areas (eg. to the north east of Kraaifontein, east of Blue Downs and Khayelitsha and also in Paarl, Stellenbosch and the Helderberg basin). Expert evidence solicited by the Board from the Department of Agriculture and the Chief Planner of the Cape Provincial Administration confirmed the Board's suspicions that current defects in existing legislation to effectively protect agricultural land from urban encroachment should urgently be remedied. This cannot be achieved by local government boundary demarcation but should be done by other means. Detailed recommendations are formulated at the end of this report.

- 10.3.9 This component should, however, not be interpreted too literally. It has to be examined in conjunction with criteria 4 and 6 in Schedule 6: Existing and potential land use, and development potential in relation to the availability of sufficient land for a reasonably foreseeable period to meet the spatial needs of the existing and potential residents of the proposed area. These criteria imply that the boundaries of the Transitional Metropolitan Council cannot be too tightly drawn around the urban edge.
- 10.3.10 The Board accepts the principle that administrative boundaries are dynamic phenomena subject to change in accordance with changing needs and demands in society. In the current fluid situation in South Africa where society is subject to severe structural changes, boundaries will probably also not remain static for a long period. The Board therefore decided to recommend a boundary which should be able to accommodate metropolitan development and growth for the next 3 - 5 years, whereafter the recommended boundary should be reviewed. It would, however, be ill-advised to attempt to plan ahead for longer than the end of the interim period. It is even possible that revision is necessary before that deadline expires.
- 10.3.11 Criterion No. 6 implies the availability of sufficient land for effective metropolitan growth management planning. The Board ensured that the boundary which it recommended includes sufficient land for this purpose without threatening substantial portions of good agricultural land. The Board finds it regrettable that housing is not classified as a metropolitan function in the Act. Despite this defect, it is clear that metropolitan planning and development functions must include urban growth management as a critically important component.
- 10.3.12 The Board would, however, like to emphasise that if rural or agricultural land is included in the metro area this does not necessarily imply that it is intended for urban development. Guidelines for the decision to include land in the metro urban area for development are formulated in paragraph 11.11, while the protection of agricultural land is dealt with in par 12.3

- 10.4 The fourth element of the metropolitan definition refers to an area : "d) which economically forms a functional unit comprising various smaller units which are interdependent economically and in respect of services."
- 10.4.1 The Cape Town City Council and the Cape Metropolitan Negotiating Forum argued that this component of the definition contains very strong grounds for adopting the Western Cape Regional Services Council boundary. They attested that the economic destiny of the fringe towns, including abutting rural areas, and the core metropolitan area is inextricably linked. This is a reality recognised *inter alia* by the World Bank, WESGRO and the Western Cape Economic Development Forum. Secondly, it was stated that the fringe areas are dependent upon a range of services currently provided by the Western Cape Regional Services Council and Cape City Council (pp. 7-8).
- 10.4.2 The Western Cape Regional Services Council argued that its current area generates sufficient thresholds for the performance of powers and duties identified in Schedule 2 of the Act. The Regional Services Council area approximates the metropolitan functional area, and as such forms a functional economic unit comprising interdependent smaller units. It also has substantial revenue capacity to support the operation of a Transitional Metropolitan Council and to continue high levels of service delivery (p. 5).
- 10.4.3 Neither the World Bank's nor WESGRO's presentation argued unequivocally that economic interdependence alone warrants demarcating the wider boundary. The World Bank argued that the exclusion of the fringe towns might with time weaken the fiscal base of the metropolitan area (p.11).
- 10.4.4 The fringe municipalities disputed the alleged economic interdependence between the fringe towns and core area by arguing that the fringe area is dependent on the core area for only 13% of manufacturing inputs. The fringe area is also dependent on the market of the core area for the sale of only 20% of its outputs. It was argued that the commercial and industrial linkages between the fringe area and the core area are far less than those between the fringe area and the other localities further afield (p. 28). This was in turn disputed by the Cape Town City Council.

FINDINGS:

- 10.4.5 The Board was of the opinion that the Western Cape Regional Services Council area does not conform to this requirement for a metropolitan area. Furthermore, while the exclusion of all the fringe towns may arguably weaken the tax base of the Transitional Metropolitan Council, the financial contribution of the fringe towns to the Western Cape Regional Services Council budget is relatively small. Their inclusion could also quite substantially increase expenditure levels. In fact, it could be argued that the inclusion of the fringe towns could reduce the economic pie available for upgrading in the core metropolitan area.

- 10.4.6 Although the Board accepted that there is some economic interdependence between core and fringe areas, the Board was of the opinion that it was not sufficient in the case of Franschhoek, Paarl/Wellington and Stellenbosch, to warrant inclusion. The overwhelming agricultural economy of Franschhoek and Paarl/Wellington makes it more independent from the core area. This is also the case in Stellenbosch, although the University, Technopark and Rupert International's activities increase that area's interdependency with the metropolitan core.
- 10.4.7 In the case of the Helderberg Basin, the Board found that this area is less dependent on agro-economy as the former areas has a regional economy and therefore greater economic interdependence with the Core metropolitan area.
- 10.4.8 The absence of reliable comparable data on the economics of the various fringe areas, makes this criterion a difficult one to apply.
- 10.5 **CRITERION NO. 3: "Existing demarcation of areas pertaining to local government affairs and services, including existing areas of local government bodies and areas existing before 1971 as areas of such local government bodies (if any) as well as areas of Regional Services Councils and Joint Service Boards."**
- 10.5.1 The Cape Metropolitan Negotiating Forum argued that the boundaries of existing local authorities, around which services are provided, should as far as possible remain intact during the pre-interim phase. More specifically, it was argued that the Western Cape Regional Services Council boundary and the limits of the Cape Town Water Undertaking should remain intact because:
- (a) A number of important local and metropolitan services are provided across the Western Cape Regional Services Council area of jurisdiction, which includes the Paarl and Stellenbosch areas where there are Western Cape Regional Services Council branch offices (pp. 10-11). This would be disrupted if the boundary was changed.

The Western Cape Regional Services Council in turn argued that changes to this area would entail administrative and service-delivery restructuring, and associated delays (pp. 9-10).
 - (b) The Western Cape Regional Services Council collects and distributes Regional Services Council levies, which are expected to be one of the major sources of finance for the Transitional Metropolitan Council. By splitting the Western Cape Regional Services Council the main revenue base for the Transitional Metropolitan Council will have to be divided in the pre-interim phase.
 - (c) The Cape Town Water Undertaking currently distributes water to virtually all the fringe towns.

- 10.5.2 The Western Cape Regional Services Council also stated that no current legislative boundary other than its existing boundary should be contemplated, because it is the only metropolitan-scale jurisdiction area which operates as an existing service system and administrative entity (p. 10).
- 10.5.3 The fringe municipalities argued that the fringe areas are rural in character and are almost completely surrounded by agricultural land. These towns have evolved historically as independent, significant for their agro-industries, tourist attractions and as market/service centres for the surrounding farms. These towns, founded over centuries, therefore have a spirit of independence, as is reflected in their character and make-up. Each of these fringe area towns, therefore, forms an historically and economically bound area on its own, in conjunction with its rural environment (p. 34).
- 10.5.4 The fringe municipalities also argued that during the 1986 demarcation hearings for the boundary of the Western Cape Regional Services Council, there were strongly motivated proposals that two or even three Regional Services Council's should cover the Cape metropolitan area. The then Demarcation Board recommended two regional services council areas, one for the core area and one for the fringe area, but was later overruled by the Cape Provincial Administration.

FINDINGS:

- 10.5.5 Although the Board used the current Western Cape Regional Services Council boundary as a departure point it needs to be recognised that this boundary is recent and was established under controversial circumstances. It therefore has little meaning to the people of the Cape area (pp. 35-36).
- 10.5.6 The Board also came to the conclusion that it should not let pragmatic considerations, such as rationalisation of staff and assets as well as the disruption of service delivery and revenue collection, influence its decision disproportionately. Indeed, if pragmatic considerations were to have achieved a higher priority at a regional level, the so-called independent homelands would still exist as separate administrative entities (see par 11.7).
- 10.5.7 The Board felt that it further could not accept the argument about the need for the limits of the Cape Town Water Undertaking remaining intact during the pre-interim phase. Cape Town supplies water to a number of independent local authorities on an agency basis. There is no reason why Cape Town or the Transitional Metropolitan Council could not provide water on a similar basis to Fringe Towns if they remain outside the metropole.

10.6 **CRITERION NO. 5: "Economy, functionality, efficiency and financial viability with regard to the administration and rendering of services within the area concerned."**

10.6.1 This criterion necessitated the consideration not only of a physical boundary, but also of the powers and functioning of the proposed metropolitan authority. This is a complex task which is impossible to complete in depth in the restricted time available. Nevertheless, the Board assessed this issue to the best of its ability and concluded that certain conditions must exist for the proposed Transitional Metropolitan Council to operate at optimal effectiveness and efficiency, and that the Board must make a few recommendations in this regard to conform to this demarcation requirement in the Act.

10.6.2 This argument was reinforced by the fact that the present Western Cape Regional Services Council boundary does not appear to have been demarcated on any scientific basis; rather, it was an artificially-created structure of the previous era. There was therefore no compelling reason to retain the present Western Cape Regional Services Council boundary. It is also true to say that there is no compelling reason, when looking at this criterion, why one should go for the smaller boundary either. The central point is that other criteria are more important than this one, and one should not let existing boundaries be an impediment in this regard.

"Economy, Functionality and Efficiency"

10.6.3 The Western Cape Regional Services Council argued that a stronger coordinating and management role would require a larger jurisdictional area to be more effective. The Regional Services Council area of jurisdiction includes a wide enough spatial context for the effective performance of metropolitan government (p.13) and a substantially narrower option would be totally insufficient. If the Western Cape Regional Services Council area were to be reduced, economies of scale would be lost. Such economies of scale exist for both personnel and service systems. The level of service delivery would be jeopardised through fragmentation, duplication and cost escalation. If the Regional Services Council's functional service area is fragmented, it will cause lower levels of service delivery in the fringe area since these areas cannot sustain the necessary thresholds for service-delivery on their own (p. 23).

10.6.4 The fringe municipalities acknowledge that certain functions can be performed more effectively at a higher level than by providing them on a local basis. However, they claimed there is much uncertainty about the optimum size of a metropolitan area for efficient service provision, with different services generally achieving their optimum scales of provision at different levels. Their report included a detailed discussion of a number of potential Transitional Metropolitan Council functions, in which they argued that economies of scale could not be improved by the metro taking over these functions (p. 39-46).

Arguments were put forward by the fringe municipalities that inter alia the following functions will not benefit from metropolitan involvement :

10.6.4.1 Water

The geographical area from which the Cape metropolitan area's water is drawn extends far beyond the boundaries of the Western Cape Regional Services Council. It can therefore be argued that the responsibility for overall planning and coordination of the bulk water supply should be done on a regional rather than metropolitan basis.

10.6.4.2 Electricity

The organisations which in future will be responsible for the generation, transmission and distribution of electricity are currently being debated at national level. Potential rationalisation advantages and disadvantages at a metropolitan level are therefore difficult to assess at this stage.

Separate electricity networks supply the fringe and primary area. There are distinct diseconomies of scale that could result from a single network, such as the duplication of services, with a resultant increase in costs.

10.6.4.3 River and Stormwater Management

The existing Western Cape Regional Services Council boundary does not correspond with watersheds. Since overall river management cannot be controlled by an authority whose area of jurisdiction does not cover the total catchment area, it would not be feasible for the proposed metropolitan authority to manage or control river catchment areas.

10.6.4.4 Sewage Disposal

Data was produced that indicated most of the fringe area municipalities managed their own independent sewage reticulation and treatment operations efficiently, and that it would be highly unlikely that these could be improved upon if this function were to be included in an area of jurisdiction of metropolitan government.

10.6.4.5 Waste Management

Although local authorities currently manage and maintain their own waste disposal sites, the Departments of National Health and Water Affairs ensure that they manage and maintain their disposal sites to an acceptable standard.

10.6.4.6 Transportation

It is recognised that an over-arching authority is required for coordinating the connection of the various towns of the fringe area and the core area by means of arterial roads and various passenger transportation modes. However, a metropolitan authority is not necessarily required for this purpose; a sub-regional authority or a special purpose body could be responsible for this function (pp.40-44).

10.6.4.7 Administrative Efficiency

Statistics were produced to support the argument that the *per capita* annual income and expenditure of the core and fringe areas compared favourably. The *per capita* income of municipalities in the core area is R817 while that of the fringe area is R891. It was also argued by the fringe municipalities that the *per capita* expenditure of municipalities on personnel is lower in the fringe area than in the core area. The *per capita* cost on salaries, wages and allowances of municipalities in the fringe area is R254 and R277 in the core area. According to these and other statistics, fringe municipalities claim the administrative and institutional capacity to govern themselves at local level (pp.23-25).

10.6.5 The Cape Metropolitan Negotiating Forum disputes some of these arguments and statistics in its submission, arguing that it is difficult:

10.6.5.1 to compare the *per capita* expenditure on salaries, wages and allowances in the fringe areas and core metropolitan area without any consideration of possible differences in levels and types of services provided in each;

10.6.5.2 to compare existing tariffs for the provision of certain services between white local authorities without recognising that the incorporation of the adjacent black local authorities within the fringe areas could impact significantly upon, and require new, tariff structures in these areas (p.14).

10.6.6 The Cape Town City Council, in its submission in reply to the diseconomies of scale argument of the fringe municipalities, argued that two categories of measurement are being confused: that is economics of scale in metropolitan terms relate to quantity of output, not the space over which such output is delivered (p.8). The Cape City Council went on to argue that the fringe municipalities' statement, that the proposed metropolitan area of 4 300 km² is disproportionately large according to world standards, is incorrect. The sizes of seven metropolitan areas were quoted in this regard, to substantiate the argument that the Western Cape Regional Services Council of 4 300 km² was not very large by world standards

(p. 8-9). The figures were also cited in an earlier Cape Metropolitan Negotiating Forum draft which was not submitted to the Demarcation Board.

FINDINGS:

- 10.6.7 At least four of the seven international metropolitan areas referred to by the Cape Town City Council and Cape Metropolitan Negotiating Forum have multiple local government jurisdictions and not metropolitan governments. Furthermore, in the case of Toronto, the area referred to is a functional metropolitan area which is a larger area than the Toronto metropolitan government area.
- 10.6.8 Furthermore, the Cape Town City Council's distinction between the quantity of output and space components of the metropolitan government is problematical. The problem that a future Transitional Metropolitan Council with a larger boundary and 22 possible functions would have in ensuring optimal service-delivery, is inextricably linked to the potential large size of such a jurisdiction. The Board felt that a wide boundary could well lead to problems of quantity and, indeed, quality of output. Even taking into account the solid Cape Metropolitan Negotiating Forum argument that existing service provision levels of fringe towns, in many cases, does not include services to Black areas, the Board was not convinced about the likely increased efficiency of a larger boundary. Written and oral evidence to the Board has suggested that the Western Cape Regional Services Council with its limited regional functions already experiences severe diseconomies of scale problems. This problem will be aggravated in the case of a Transitional Metropolitan Council with far more functions.
- 10.6.9 When it comes to waste disposal where, because of the scarcity of available land, which will comply with the standards laid down by the Water Act, there is a need for overall management and co-ordination across the metropolitan functional area. Besides that, there is little conclusive evidence to suggest that the larger boundary would lead to a more effective and efficient service provision. The Board was also guided by international experience which suggests that there is no conclusive evidence that larger jurisdictions are more efficient than smaller ones. Larger units may in fact lead to bureaucratic rigidity, centralisation and increased costs.
- 10.6.10 In response to the argument that the Transitional Metropolitan Council could lead to increased bureaucratization it was argued amongst others by the Cape Town City Council that the Transitional Metropolitan Council should play a policy making and co-ordinating role, and that the implementation should be left to the substructures. However, there is no guarantee that this position will prevail. There is always a chance that the

Transitional Metropolitan Council may be over-bureaucratised, not responsive to the disparate needs of substructures, and accordingly inefficient.

- 10.6.11 Nevertheless, the Board was also of the opinion that possible boundaries should coincide with watersheds where possible. In response to the Western Cape Regional Services Council concern about the fragmentation of the metropolitan functional area, the Board is of the opinion that functional overflows between governmental structures occur routinely at all levels. The reason for this is the fact that each function or service has its own optimal area. Jurisdictional boundaries should therefore reflect the greatest common denominator among these different boundaries. In order to deal with this phenomenon in the most effective way, there was a need for a rural, services or district council or other body to provide local government services in areas outside the jurisdiction of the Transitional Metropolitan Council.
- 10.6.12 For pragmatic considerations the Board has not recommended another or differing boundary for a metropolitan forum. However, the mechanisms for ensuring proper planning and co-ordination between the metropolitan authority and the local authorities on its edge and affecting it by way for example of managing transport systems, catchment areas etc. must be negotiated and agreed upon in some formal and binding process within the interim period and before final boundaries for the metropolitan area are drawn.
- 10.6.13 The Board considered the argument that the larger the transitional metropolitan area, the greater the capacity to deliver services. It also considered the 1986 Cape Town City Council argument to the then Demarcation Board, that the wider the area, the greater the costs of providing services which could lead to diseconomies of scale. The Board felt that the Cape Town City Council's 1986 arguments are still valid, and that the Paarl/Wellington and Stellenbosch areas should therefore be excluded from the transitional metropolitan council on the basis of this criterion. By excluding these areas the size of the Transitional Metropolitan Council area is considerably reduced.
- 10.6.14 In the case of the Helderberg Basin, it was felt that the economies of scale criterion was outweighed by other considerations (which were largely not evident in the case of the former two areas), such as greater degrees of urbanisation/development, greater economic interdependence with the metropolitan area, and the need for effective integrated management of as much as possible of False Bay and the Peninsula coastline.
- 10.6.15 The Board is extremely concerned about existing and potential pollution risks in False Bay and on the Peninsula coastline north of Table Bay. This region is a national asset. It constitutes one of the most important and beautiful nature areas in the country, with tremendous tourism potential,

which is not yet realised. It sustains a very fragile ecology which can be destabilised easily as the recent oil spill off Dassen Island proved. The Board feels very strongly about the urgent need to establish an effective single controlling body over as much of this area as is feasible, in order to maximise the protection and potential of this region. Despite the additional natural areas which are implied, the Board decided to recommend that the south eastern boundary of the metropole should include Kogel Bay, while Hangklip municipality should fall outside this area. Hangklip fits in more appropriately into an Overberg region, while the deviation from the watershed which this brings about this is not regarded as serious enough to include Hangklip.

- 10.6.16 These arguments also apply to the mountain ranges at Stellenbosch, Franschhoek and Wellington/Paarl, but other negative considerations weighed heavier in the opinion of the Board.

Financial Viability

- 10.6.17 The Board believes that financial viability is one of the most important criteria. Many of the current local government problems emanate from the establishment of black local authorities in the 1980's without sufficient sources of income.

- 10.6.18 The Cape Metropolitan Negotiating Forum believes that the restoration of services to areas of greatest need is a priority in both the core metropolitan area and the fringe towns. There is the concern that the fringe towns would not be able to make the same level of contribution as the core metropolitan area to the upgrading of black townships. It is implied that the fringe towns' tax base is too small to upgrade their black townships, and if they were part of the core metropolitan area they could have access to more funds for this purpose (pp. 13-14).

- 10.6.19 The Western Cape Regional Services Council quoted the 1994 World Bank report *Financing the Metropolitan Areas of South Africa*, which stressed the importance of a financial strategy which would prevent the fragmentation of the fiscal base of the metropolitan area (p. 13). This supports the idea of maintaining the current Regional Services Council boundary as a minimum option for the Transitional Metropolitan Council, since it includes a large portion of the regional fiscal base.

- 10.6.20 The fringe municipalities argued that the problem of financial viability should not be viewed from an urban or provincial level only, but also in relation to the total intergovernmental fiscal transfer system between the different levels of government. In terms of the constitution, funds from a national or provincial level can be channelled directly to local governments. This particularly applies to local governments which do not have the funds available for the supply of basic services.

- 10.6.21 The fringe municipalities argued that they have balanced economic bases and it is not necessary to redress resource generation in local areas of the fringe area to the degree that it is necessary to redistribute resources between the various urban complexes of the core area. If some of the fringe areas' financial resources are used to fund development in the core area, the economic development potential of the fringe area could be undermined, and thus also its potential to contribute financially to second tier government through taxation and fiscal structures, and the ability of the area to implement the Reconstruction and Development Plan at local level. The ANC in Stellenbosch and the Helderberg Basin Non-statutory Group, however, argued the opposite.
- 10.6.22 Finally, the fringe municipalities argued that if they are included in a metropolitan government's area of jurisdiction, the increased size of the bureaucracy at the metropolitan level may undermine administrative efficiency and impose a further drain on public resources (pp. 46-47 and *Submissions on Matters of Interpretation on behalf of the Fringe Town Councils*).

FINDINGS:

- 10.6.23 One of the major problems that the Board had when trying to assess the issue of financial viability, was the lack of available financial statistics. Many of the submissions in favour of a larger boundary argued that the fringe towns' poorer areas would be worse off if they were excluded from the metropole. Conversely, the fringe towns argued that they were able to finance themselves adequately enough, and in fact paid more in Regional Services Council levies that they received in expenditure in their areas. However, it was impossible to ascertain if this was correct because many businesses paid levies from their head offices in Cape Town and did not distinguish between the contributions paid by the Paarl and Stellenbosch offices. In any event, Regional Services Council funds by legislation have to be applied "where the greatest need exists". This means that there does not have to be a parity between levies paid and expenditure.
- 10.6.24 The Board in its deliberation was also hamstrung by the absence of a comprehensive needs analysis survey. However, the Board agreed with the fringe municipalities' position that, theoretically, all local authorities are able to receive central and provincial grants.
- 10.6.25 The World Bank's argument, that the need to prevent the fragmentation of the fiscal basis of the metropolitan area as a reason for the larger boundary, is not applicable. The Board felt that the Western Cape Regional Services Council area resulted purely from a political decision, and is not the optimal basis for a metropolitan jurisdictional area. In addition it was already mentioned earlier that development needs in the fringe areas may cause a drain on metropolitan reserves rather than make more finances

available (see the discussion of component (d) of the metropolitan definition above).

10.6.26 A final financial consideration was the argument by the University of the Western Cape Economic Policy Research Project that a narrow boundary could lead to wealthier individuals and businesses locating beyond its taxing jurisdiction yet still able to benefit from its resources and facilities. This will lead to "spillovers" where metropolitan facilities benefit towns lying just outside the metro boundaries without those towns contributing to their financing (pp.2-6). This argument may be valid in the absence of a rural regional body in those areas, although, given the high costs and distance involved, the Board doubts whether there would be relocation of businesses from the Core metropolitan areas to the fringe areas purely on these grounds.

10.6.27 In the light of this and the uncertain financial status of both the core and the fringe areas, the Board came to the conclusion that insufficient hard evidence exists to persuade the Board that the proposed metropolitan authority's finances and therefore its financial viability will be seriously diminished if some fringe areas are excluded from its area of jurisdiction.

OTHER CONSIDERATIONS:

10.7 COMMUNITY OPINIONS:

10.7.1 The Act does not make specific provision for public opinion to be a consideration in demarcation of boundaries. The Board, however, as part of its operating guidelines, decided to take cognisance of the different opinions in the community concerned, provided that such opinions do not contravene any of the statutory criteria.

10.7.2 The Board was also guided by constitutional principle XVII in this regard. "At each level of government there shall be democratic representation." It was felt that it would possibly be contrary to the spirit of the constitution to demarcate boundaries without at least taking public opinion into account as a secondary consideration.

10.7.3 In the case of the Paarl/Wellington area, there was unanimous support for their exclusion from the Transitional Metropolitan Council (by both the statutory and non-statutory delegations). In the Stellenbosch area, the statutory delegation was opposed to inclusion in the Transitional Metropolitan Council, while the non-statutory delegation was split in this regard. In the Helderberg Basin, the statutory delegation supported exclusion from the metropole, while most of the non-statutory delegation supported inclusion.

10.7.4 The wishes of the various communities in fact reinforce other criteria. Paarl/Wellington, where there was strongest opposition to the Transitional Metropolitan Council, has the strongest case for exclusion in terms of the other criteria. Stellenbosch, where there was unanimous support from the statutory delegation and mixed support from the non-statutory delegation, on the balance of the evidence should not be in the Transitional Metropolitan Council. In the Helderberg Basin, where there was the strongest support for inclusion from the Transitional Metropolitan Council by the non-statutory delegation, most of the evidence suggest that its area should form part of the Transitional Metropolitan Council.

10.7.5 The Board also took note of remarks by several non-statutory delegations that fringe municipalities apparently spent lavish sums of public money on consultants to prepare arguments against inclusion in the metropolitan area while virtually no assistance was given by these bodies to the respective non-statutory groups who differed from them. The Board trusts that this situation will be remedied in future.

10.8 LOSS OF AUTONOMY

10.8.1 Although loss of autonomy is not a specific criterion, it was a constant theme in the submission of the fringe municipalities. As such, the Board deemed it necessary to respond to this concern.

10.8.2 The major concern was that citizens of the fringe area will have weak representation on a metropolitan government having jurisdiction over the fringe and core areas, since the fringe area represents only 20% of the total population of the two areas. Therefore, even if the people of the fringe area were to reach 100% consensus on a budgetary matter, they would technically have no influence in opposing a decision of the metropolitan government if the latter took an opposing view on a particular issue.

10.8.3 It was also claimed by the fringe municipalities that in the metropolitan area, autonomy vests in the Transitional Metropolitan Council and not in Transitional Metropolitan Substructures. The Transitional Metropolitan Council will also have the power to levy and claim tariffs from Transitional Metropolitan Substructures and will also control the allocation and distribution of intergovernmental grants to Transitional Metropolitan Substructures. Therefore if the fringe areas are incorporated in the Transitional Metropolitan Council they would not be able to influence development priorities significantly.

10.8.4 It was argued further that the aim of the Act would be defeated if the fringe area were to be placed under the Transitional Metropolitan Council. The centralisation of many local authority powers, duties and functions in a metropolitan authority would undermine the responsiveness of local

government to the specific character, social and economic development needs of the fringe area as well as local value systems and priorities (p. 45 and *Submission on Matters of Interpretation on behalf of the Town Councils*).

FINDINGS:

- 10.8.5 The Board is firstly of the opinion that Transitional Metropolitan Substructures should be fully fledged local authorities. This interpretation was supported by those of the Western Cape Regional Services Council, the Cape Town City Council and 2 Senior Counsel.
- 10.8.6 Secondly, although existing local authorities will lose certain policy-making powers in respect of certain functions to the Transitional Metropolitan Council, this will apply across the board. In other words, local authorities the core metropolitan area and the fringe towns will be subject to the same loss of functions. Furthermore, all other local authorities in the Transitional Metropolitan Council will also be minorities and there is no reason to think that the Primary Area local authorities (who have often been in conflict with each other) will constantly gang up against the fringe towns when it comes to deciding priorities. There is, therefore, no compelling reason why the Board should give substantial weight to this issue.
- 10.8.7 Consideration should be given to the establishment of effective metropolitan substructures as well as effective non-racial, democratically constituted ward councils as provided for in Section 175(6) of the Interim Constitution, on request of community sectors within the Transitional Metropolitan Council area, if those substructures or ward councils can potentially contribute to reducing resistance in those community sectors against incorporation in the Transitional Metropolitan Council area. (par 10.8)

10.9 DEMOCRATIC PARTICIPATION

- 10.9.1 This factor is not prescribed by the Act, but the Board did take into account the impact of a larger boundary upon democratic participation considerations. The motivation for this decision was the same as the preceding section; that is, democratic participation is underpinned by the constitution.
- 10.9.2 The Board felt that economy of scale considerations need to be reconciled with democratic open, responsive and participatory policy planning. It is a commonly held view that there is a trade-off between efficiency and democracy. Larger units can provide services more efficiently than fragmented local authorities, but at the expense of reduced opportunities

for local office-holding and access to decision-making. Larger units, in particular metropolitan governments, have been accused of being too remote from the person in the street and, as a corollary, unresponsive to the citizen demands.

- 10.9.3 This efficiency/democracy distinction is sometimes oversimplified. For example, it could be argued that the creation of larger local units prevents greater centralisation. The establishment of larger units with sufficient financial and human resources and infrastructure often pre-empts the need for central or provincial government to intervene in local government affairs. In this regard, the need for a larger Transitional Metropolitan Council boundary to prevent the provinces intervening in local matters because the smaller jurisdiction would not be able to solve metropolitan problems effectively was argued by some of the proponents of the wider boundary. However, the Board felt that this scenario was no less likely than a Transitional Metropolitan Council with a larger boundary ending up being inefficient and remote.
- 10.9.4 Furthermore, as discussed earlier, the economies of scale of larger units have never been proved satisfactorily. The Board received little conclusive evidence to suggest that a Transitional Metropolitan Council with a larger boundary will be more effective or efficient than a smaller area of jurisdiction. The opposite, however, occurred in that the Board received consistent complaints that the current Western Cape Regional Council is too unresponsive and remote (see also discussion under criterion 5). The Board, however, cannot make a specific finding in this respect.
- 10.9.5 The Board is, however, of the opinion that the creation of too wide a boundary could lead to problems of democratic participation. As stated before, there is no guarantee that the Transitional Metropolitan Council will play a policy-making and coordinating role only. If a situation arises where there is a strong Transitional Metropolitan Council and weak Transitional Metropolitan Substructures, then the loss of democratic participation will be very pronounced.
- 10.9.6 In this regard the Board is guided by international experience which can be summarised as an increasingly important acknowledgement of the fact that the loss in the democratic (participative) quality of local government is usually too high a price to pay, whatever may be the promises of larger size councils. The latter type of council makes the imposition of central control on local government easier and so undermines local autonomy and activism. This is a very important consideration as the potential contribution of local government is premised on the promotion of local enthusiasm and activism.
- 10.9.7 A similar point is that smaller local units generally facilitate greater accountability. It is argued that decision-makers are responsive to local voters; viz. voters hold decision-makers responsible for their actions. This is easier in smaller units where councillors, because of the greater

closeness to their voters, are generally likely to have greater knowledge of the needs and conditions of their respective units.

10.9.8 On this point the Board felt that the fringe municipalities submitted contradictory evidence. It has already been pointed out that they argued that smaller local governments would be responsive to the specific needs of the fringe communities (p. 45). However, financial accountability is best enhanced when councillors are answerable to the local electorate as to how they have spent the taxes they have raised from them. A heavy reliance on intergovernmental grants (as proposed by the fringe municipalities) undermines financial accountability, because higher tiers of government and not the local electorate will be responsible for most of the local revenue.

10.9.9 Despite this contradiction, the Board felt that a smaller boundary would generally facilitate greater accountability. It was hoped that sufficient financial taxing sources would be made available to local authorities and that grants would play a topping-up role, rather than *vice versa*. In this way, local accountability could be promoted.

10.10 THE IMPLEMENTATION OF LARGE-SCALE PROJECTS

10.10.1 The Western Cape Regional Services Council argued that the Cape Metropolitan Authority is facing many large-scale projects which will have metropolitan impact. Implementation of large housing programmes, the Reconstruction and Development programme and the Olympic bid will require clear and integrated policy, co-ordination and financing strategies. The success of large projects such as those planned in the Cape Metropolitan Authority will depend upon the existence of integrated management structures (p.20).

FINDINGS:

10.10.2 The Board was of the opinion that local authorities will receive money for housing and Reconstruction and Development Programme upliftment from the central government. Whether fringe towns were included or excluded from the Transitional Metropolitan Council did not seem to be a major issue. When it comes to the Olympic Games (which was also used by the Cape City Council in its argument for a large boundary) the Board could not take into account the hypothetical situation of Cape Town receiving those games. In any event, the Games was a one-off situation and can not possibly be a boundary demarcation consideration.

10.10.3 Similarly, arguments were put to the Board to include Klapmuts in the metropolitan area *inter alia* as a result of initiatives to establish an export processing zone in the area. This project proved to have been in a very early stage, while there are strong indications that it may not go ahead.

10.10.4 The Board is of the opinion that such speculative projects should not influence the drawing of boundaries.

10.11 SCHEDULE 1 OF THE ACT

10.11.1 Provision is also made in Schedule 1 of the Act for certain principles and procedures when it comes to the area of the forum.

10.11.2 Section 1(1) of the Schedule states that: Subject to the provisions of this Act, a forum shall be established for each economically and historically bound area, ranging from a stand-alone town with or without satellites to a complex metropolis.

10.11.3 Against the background of the discussion in par 10.5.4 about the "artificiality" of the Western Cape Regional Services Council boundary, the Board felt that this region does not comply within the criterion of a "historically bound" area.

10.11.4 The fringe towns, developed over centuries, each have their unique characteristics. Each of these towns forms a historical and economic bound area on its own, in conjunction with its rural environment, and therefore cannot be classified as part of the Cape metropolitan area (p. 34).

10.11.5 While this argument is not without substance, it should also not be overstated. The uniqueness referred to has generally been of a whites-only character, a point mentioned by the Helderberg non-statutory group. However, even if one takes the "historically bound area" into serious consideration, it is outweighed by the "economically bound area" component of 1(1) (and, indeed, most of 1(2), which will be discussed in the next section).

10.11.6 Section 1(2) states that criteria for the establishment of a forum include commercial and industrial linkage, daily commuting patterns, provision of services within the area, and the areas of jurisdiction of local government bodies, including areas of jurisdiction of such local government bodies, if any.

10.11.7 The arguments have been exhausted elsewhere in the report (see component (b) of the definition, which states that a metropolitan area is an area which is densely populated and has an intense movement of people, goods and services within the area; and (d), which says that a metropolitan area is an area which economically forms a functional unit comprising various smaller units and which are interdependent economically and in respect of services; Criterion No. 3, Existing demarcation of areas pertaining to local government affairs and services, including existing areas of local government bodies and areas existing before 1971; Criterion No. 7,

Interdependence of any community of interest between residents in respect of residency, work, commuting and recreation).

- 10.11.8 In conclusion, the Board weighed the evidence for historic and economic interdependence and came to the conclusion that the Helderberg Basin should be part of the Cape Metropolitan Negotiating Forum. Conversely, on the balance of evidence it was found that the Franschoek, Paarl/Wellington and Stellenbosch areas were not sufficiently historically and economically bound with the core area to justify inclusion in the Cape Metropolitan Negotiating Forum.
- 10.11.9 After deliberation, the Board decided not to recommend a separate bigger forum and possibly a smaller Transitional Metropolitan Council boundary in view of the need to hold local government elections as soon as possible. This necessitates the establishment of functioning pre-interim transitional councils as soon as possible in order to consider their proposals for ward delimitation. A separate bigger forum boundary would open up negotiations right from the start in such enlarged forum. This will seriously delay agreements on the structures and functions of a Transitional Metropolitan Council and its substructures in that forum.
- 10.11.10 The Board decided to recommend only one boundary for purposes of both a forum and a Transitional Metropolitan Council for the pre-interim phase, to start off the process of local government restructuring. The Act stipulates (section 8(2)) that the Board and Transitional Metropolitan Council concerned must advise the Administrator about any boundary which will be used for election purposes in the interim phase. This implies that the to be established Transitional Metropolitan Council and the Board will probably very soon address the issue again. Any urgent change to the outer boundary can then be considered. The Board therefore felt that its proposals comprise a feasible and practical starting point which does not foreclose other options even in the short and medium terms.

11. SUMMARY OF FINDINGS AND CONCLUSIONS

- 11.1 Fringe areas were each assessed on its own merits because they obviously cannot comply collectively with all the elements of the definition of a metropolitan area and to the criteria contained in Schedules 2 and 6 of the Local Government Transition Act, 1993. In the end the Board had to assess the cumulative effect of all the statutory and other prescriptions and guidelines on its recommended boundaries in each separate fringe area. (section 11)
- 11.2 After a thorough assessment of all these considerations, the Board is satisfied that the boundary proposed by it for the Transitional Metropolitan Council substantially complies with the requirements of the Act, while the current Western Cape Regional Services Council area, in the opinion of the Board, does not substantially

comply with these requirements. (par 10.4.5) In the opinion of the Board, large tracts of rural and agricultural land which fall within the current Western Cape Regional Services Council region, but outside of municipal boundaries, are not sufficiently developed or urbanised, do not have a sufficiently intense movement of people, goods and services in the area concerned or between the area and the core metropolitan area, and do not have a sufficiently high interdependent economy with the core metropolitan area, to fall within the definition of a metropolitan area as contemplated in the Act. (par 10.3)

- 11.3 Similarly, the Western Cape Regional Services Council region as a whole does not conform to the requirements for a single forum area, in that some of the disputed fringe areas do not form a single economically and historically bound unit with the core metropole, or have sufficiently high degrees of commercial and industrial linkages, daily commuting patterns or joint services with the inner metropolitan area. (par 11.8 - 10)
- 11.4 Whilst the Board cannot judge as to how representative views put to it are of the views of the entire community, the majority of such views submitted to the Board by institutions and individuals from the disputed fringe areas were opposed to inclusion into the proposed metropolitan authority area. One of the main arguments put forward by the fringe towns was the perceived view that inclusion into the Transitional Metropolitan Council area will bring about a loss of autonomy to their communities and that they will be worse off under such a government structure than is the case in the current system. (par 10.8)
- 11.5 It is clear to the Board that many residents in the disputed fringe areas never accepted the original political decision which lead to the establishment of the current Western Cape Regional Services Council boundary, and that they still prefer to fall outside the new Transitional Metropolitan Council boundary. The Board, however, is of the opinion that it is unfortunate that the municipalities in the disputed fringe areas consistently refused to participate in discussions with the Cape Metropolitan Negotiating Forum about a future Transitional Metropolitan Council boundary.

The Board is of the opinion that this refusal is contrary to the spirit of the Act.

- 11.6 The minimum potential powers and functions which the proposed Transitional Metropolitan Council will have under the Act, is very comprehensive. It was argued by the proponents of the larger metropolitan area, that the powers actually exercised by the Transitional Metropolitan Council will be limited and will not impinge on that of the substructures. The proponents of the smaller area argued that the powers are there for the taking and nobody can give any assurance as to the extent to which it will be exercised. The Board considers it a pity that this question of the extent to which powers will be taken up by the Transitional Metropolitan Council could not be clarified beforehand. Had that been the case the boundary decisions would have been simplified to a great extent. Reasonable doubts exist in the Board as to the economic functionality, effective span of control and efficiency of service provision of such a body if it should decide, after

its establishment, to exercise full control over all its statutory functions. Recently the Metropolitan Negotiating Forum tried to establish control over the staff of primary local authorities participating in the Forum. It also started negotiations on additional functions, supplementing those contained in schedule 2. These query signs strengthen the Board's resolve that the metropolitan area should not be too big. (par 10.6.9).

- 11.7 The disruption of current services in the transitional period should be minimised by retaining existing boundaries, structures, staff and functions as far as possible, but only if the retention of such existing boundaries, organisations or functions are clearly appropriate for, consistent with, or will promote the implementation of, the new local government system. Transitional arrangements should be negotiated amongst all parties concerned.
- 11.8 Another complicating factor which made the task of the Board that much more difficult was the absence of any clear policy or guidelines on the governmental structure and functions intended for rural land outside of municipal areas. The Board wishes to urge the authorities to give urgent attention to this matter because it will be especially of critical importance in the remaining part of the Province outside the Metropolitan Area. (par 10.3.5)
- 11.9 Although not specified as a criterion in the Act, the Board is of the opinion that democratic participation of the inhabitants and accountability to them should be considered alongside the economy of scale argument. Too wide an area may lead to government being too remote from the people resulting in a lack of responsiveness and accountability. (par 10.9)
- 11.10 The Board decided that watershed boundaries should as far as practical be used as administrative boundaries, unless they prove to be inconsistent with or contradictory to other demarcation criteria. (par 10.6.11)
- 11.11 The Board also decided that land which is included in the metropolitan authority area should only be land -
 - 11.11.1 which could be functionally useful to the Transitional Metropolitan Council within its sphere of competence,
 - 11.11.2 which must be included for purposes of effective service delivery, or
 - 11.11.3 for which no feasible alternative to its inclusion into the Transitional Metropolitan Council exists.
- 11.12 The definition of a metropolitan authority area contained in the Act is interpreted in the context of the general internationally accepted use of the term, and is distinguished from a metropolitan statistical region. The statistical area may be the metropolitan functional area, or an even bigger area which is identified purely for purposes of statistical planning and analysis for effective policy evaluation (eg the current development planning sub-regions).

11.13 The Board is further of the opinion that, firstly, the core metropolitan area bordered by the urban edge as described in Section 5, conforms to all the statutory requirements of the Act as discussed in Section 6 and should be accepted as the core of the new metropolitan jurisdictional area. This core area is apparently not disputed, but generally accepted. The isolation of the nature areas and less densely populated southernmost parts of the Peninsula (surrounding Simon's Town and down to Cape Point), and the clear absence of a feasible alternative to inclusion, makes its incorporation into the metropolitan jurisdiction area inevitable. (section 5)

11.14 The Board is of the opinion that, secondly, the south eastern part of the peninsula, and specifically the Helderberg Basin also substantially conforms to the requirements of the Act and should form part of the Transitional Metropolitan Council area as proposed. (section 6)

11.14.1 The Helderberg Basin area is substantially more developed and urbanised. It is nearly contiguous with the core metropolitan area with strong population expansion pressures on it. It constitutes a natural development axis for the metropole which has already been accepted as such in the Helderberg Guide Plan. It has a more intense movement of people, goods and services between the area concerned and the core metropolitan area, and has a relatively high interdependent economy with the core metropolitan area.

The abolition of apartheid restrictions on the settlement and movement of people as well as the extensive urban development schemes already in advanced stages of implementation and planning further reinforces the future growth of an even more interdependent economy with the core area. In the opinion of the Board it substantially complies with the definition of a metropolitan area contemplated in the Act and should, therefore, be included in the metropolitan area.

11.14.2 The Board is of the opinion that the area concerned is not largely dependent on an agro-economy but has much greater economic interdependence with the metropolitan core.

11.14.3 The existence of a strong transport corridor, adjacent to land suitable for urban development, between the metropolitan inner edge and the Helderberg Basin further supports its inclusion into the metropolitan area.

11.14.4 The Board is further strongly of the opinion that the False Bay ecological system is sufficiently sensitive and fragile to justify its management as far as possible by a single local government body. This objective, in conjunction with other considerations justifies in the opinion of the Board the inclusion of the Helderberg Basin including the southern part of the Strand magisterial district in the Transitional Metropolitan Council area.

11.14.5 Public opinion in the Helderberg Basin is apparently more divided on the topic of possible inclusion into the metropolitan area than is the situation

in the other fringe areas. It is also clear to the Board that the population composition of the Basin is more diverse and has therefore more metropolitan characteristics than any of the other fringe towns.

- 11.15 In the opinion of the Board, thirdly, the Stellenbosch region does not substantially qualify for inclusion into the Metropolitan area at this stage (section 7).
- 11.15.1 Good transport links with the metropole exist, but according to the limited available data it has not as yet led to a sufficiently large degree of commuting or the creation of a development corridor.
- 11.15.2 The Board is further of the opinion that there is a degree of economic interdependence with the metropole but a serious lack of comparable reliable data in this regard led the Board to resolve that this economic interdependence is currently not high enough to warrant inclusion into the metropolitan area.
- 11.15.3 The exclusion of Stellenbosch from the metropolitan area will not seriously fragment the financial base of the metropolitan authority (10.6.22), while all local authorities will have access to funds from higher levels of government to cover the budgeting shortfalls which are expected (10.6.21).
- 11.15.4 The Eerste River catchment does appear to qualify to be included into the metropolitan area, purely on grounds of stormwater management and pollution control. Expert evidence presented to the Board by Prof Fuggle of the University of Cape Town, however, questioned the degree of water pollution from this region compared to that of other regions within the metropole. The Board eventually decided that this area should receive the benefit of the doubt about its suitability for inclusion, but it is felt that measures should be taken to ensure that the same standards of pollution control as may be applicable in the metropolitan area, be applicable in the Stellenbosch area. Mechanisms for the management of stormwater run off into the lower Kuils River and Eerste River areas should also be established.
- 11.15.5 Land for development in this area can largely only be set aside mainly at the expense of good agricultural land. This will also inevitably limit urban expansion in this area. The large tracts of agricultural land in this area do not comply with the statutory requirements that the metro area should be extensively developed or urbanised.
- 11.15.6 If the good agricultural land is to be preserved, the potential for urban development in Stellenbosch is limited.
- 11.15.7 Submissions to the Board were divided on whether the Stellenbosch region should be included into the metro area.

- 11.15.8 On a balance of considerations the Board found that at this stage the Stellenbosch region does not comply with the requirements for inclusion into the proposed metropolitan area.
- 11.15.9 The position of the Stellenbosch region should, however, be reassessed if sufficient increases in its economic interdependency and commuting patterns with the metropole can be substantiated.
- 11.16 In the opinion of the Board, fourthly, the towns of Franschhoek, Paarl and Wellington and their environs should not be included in the metropolitan area as they do not substantially comply with the criteria for inclusion set out in the Act (section 8).
- 11.16.1 The river catchment area for this western area does not interact with the metropole except for a relatively small area in the south west.
- 11.16.2 The large tracts of high potential agricultural land around these towns further do not comply with the statutory requirement that the metropolitan area should be extensively developed or urbanised.
- 11.16.3 Again in this case there is a certain economic interdependence with the core metropole but, not to an extent that justifies its inclusion into the metropole, given the available data.
- 11.16.4 As is the case with the Stellenbosch region, the exclusion of this area will probably not materially affect the financial base of the metropolitan area.
- 11.16.5 As is the case in Stellenbosch, good transport links exist with the core metropole but in this case it is even less utilised for commuting purposes than in the case of Stellenbosch.
- 11.16.6 Submissions to the Board from these areas are unanimously opposed to inclusion in the metropolitan area.
- 11.16.7 The Board gave special consideration to the Klappmuts vicinity because of some development pressures existing in the area and because of decentralisation initiatives from Paarl and Stellenbosch. The Board decided to support the Regional Services Council structure plan in discouraging urban development at this stage in this area.
- 11.16.8 Part of the area adjoining Kraaifontein is recommended for inclusion because it is considered to be a natural and inevitable area for urban expansion, also taking into account the lower agricultural potential of much of this land.
- 11.17 In the opinion of the Board, fifthly, the north western part of the current Western Cape Regional Services Council area approximately between the N7 main

road and the coast up to and including Atlantis and Mamre as well as Fisantekraal and environs, should be included in the Transitional Metropolitan Council jurisdictional area. The Board recommends, however, that the agricultural land to the North East of the metropole (approximately east of the N7 main road, including Philadelphia and Klipheuwel), should be excluded because these areas are not sufficiently functional for metropolitan purposes (section 9).

- 11.17.1 The north western area recommended for inclusion, includes an area between the outer urban edge of Bloubergstrand and Mamre which comprises sparsely populated and in many respects low quality, underutilised rural land which is not in itself extensively developed or urbanised, does not have an intense movement of people, goods and services in the area concerned or between the area concerned and the inner metropolitan area, and does not have a high interdependent economy with the inner metropolitan area.
- 11.17.2 Despite this situation, it is generally accepted in all development and guide plans that this area is the metropolitan hinterland and that outwards expansion of the metropole has to be steered in this direction. Linked to the very large scale historic and economic dependence of Atlantis on the core metropolitan area, the Board is satisfied that the inclusion of this north western region substantially complies with the statutory requirements for a viable metropolitan area with sufficient development potential for the future. It should therefore be included in the Transitional Metropolitan Council area of jurisdiction.
- 11.17.3 The area has good transport links with the core metropolitan area and opportunities exist for further development in this area. A very high commuting pattern with the core area exists, indicating the strong interdependence with this area.
- 11.17.4 The water catchment area drains into the core metropolitan area and therefore reinforces the decision to include it.

12. RECOMMENDATIONS:

- 12.1 The Board recommends that the outer boundary of the Metropolitan Negotiating Forum and the pre-interim Transitional Metropolitan Council include Atlantis and Mamre in the north and the Fisantekraal area north of Durbanville, but exclude the agricultural land to the north east of Bellville and Durbanville around the areas of Philadelphia and Klipheuwel, also excluding the areas and towns of a part of Joostenbergvlakte as well as Klapmuts, Paarl, Wellington, Franschoek and Stellenbosch; include Kuils River magisterial district, Kleinvlei, Blue Downs, Khayelitsha, Macassar, a portion of the Stellenbosch magisterial district and the whole of the Helderberg Basin as well as the False Bay coastline up to and including Kogel Bay (the magisterial districts of Somerset West and Strand); excluding Hangklip Municipality and the remaining edge east of the False Bay coastline (see Annexures 14 and 15 for a verbal description and map).

- 12.2 The proposed boundary should be reviewed at the end of the interim phase or even earlier, if it becomes clearly inappropriate due to changing circumstances or needs (par 10.3.9).
- 12.3 The fact that the metropolitan area includes agricultural land should not be interpreted as if this is a green light for urban development on this land. In fact the Board feels very strongly that the current system of statutory protection of agricultural land against unauthorised changes in land use should be improved urgently by :
- 12.3.1 amending the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) in order to require the approval of the Provincial Minister of Agriculture for any land use change which is requested for agricultural land located within the jurisdictional area of the Transitional Metropolitan Council or any other local authority;
- 12.3.2 strengthening the enforcement of Act 70 of 1970 in cases of unauthorised land use practices, including establishing more and increasing penalties for such contraventions; and
- 12.3.4 the formulation of structure plans in terms of the Physical Planning Act, 1991 (Act 125 of 1991) for the future use of agricultural land (Par 10.3.7).
- 12.4 Substructure local authorities should be fully-fledged local authorities. Contradictory legal opinions were expressed by representatives of the fringe municipalities on the one hand and those of the Cape Metropolitan Negotiating Forum, the Western Cape Regional Services Council and Cape Town City Council on the other, but the Board is satisfied that substructure authorities should have the same legal status as other local authorities (par 10.8).
- 12.5 All new local authorities should have important service provision responsibilities within their new jurisdictional areas, while the metropolitan authority should also fulfil this task at supra local level. It should supplement this primary task of substructure local authorities in its jurisdiction, especially in respect of financially assisting local authorities with the establishment and maintenance of large scale capital intensive services and facilities (par 10.8).
- 12.6 The metropolitan authority's functions should be restricted to macro policy-making and planning, co-ordination and selected direct service provision in those functional fields where it can provide the most effective and efficient services as a result of economy of scale considerations. The implementation of metropolitan policies should as a rule be undertaken by its substructure local authorities (par 10.8).
- 12.7 Economy of scale considerations must be reconciled with the promotion of accountable local government as close as possible to the community; ease of citizen access to local decision-making processes and democratic, open, responsive and participatory policy making (par 10.9).

- 12.8 Where a need is evident for the provision of regional co-ordination of policy planning and implementation in certain fields like transport, sewage disposal, solid waste disposal and stormwater drainage across and outside the boundary of the Transitional Metropolitan Council, it is recommended that a local government body in the form of either a rural, services or district council as provided for in the Act or a regional municipality or other body should be available to provide such a service or co-ordination. Details of how such bodies will operate must be planned and formulated in legislation as soon as possible (par 10.6.11).
- 12.9 Consideration should be given to the establishment of effective metropolitan substructures as well as effective non-racial, democratically constituted ward councils as provided for in section 175(6) of the Interim Constitution, on request of community sectors within the Transitional Metropolitan Council area, if those substructures or ward councils can potentially contribute to reducing resistance in those community sectors against incorporation in the Transitional Metropolitan Council area (par 10.8).
- 12.10 Many current administrative boundaries are outdated as units for statistical purposes (eg. magisterial districts and development planning regions). They should be adapted to coincide with new local authority boundaries in order to facilitate effective future data gathering for purposes of local government policy evaluation.
- 12.11 It is also recommended that the reports of the Demarcation Board should as a matter of policy be released as public documents.



PROF GS CLOETE
CHAIRPERSON

9-8-94
DATE

PART 2 :

MINORITY REPORT

13. INTRODUCTION

- 13.1 This report reflects the views of those members of the Local Government Demarcation Board for the Western Cape ('the Board') who disagree with certain findings in the Majority Report of the Board ('Majority Report'). The signatories to this report are indicated on page 116.
- 13.2 We would like to stress that our differences with other members of the Board derive entirely from differences in approach. We value the cordial and open relationship which we enjoy at present with the Chairman and the rest of the Board.
- 13.3 As this is a Minority Report, we have not repeated the factual material contained in the Majority Report, but have restricted ourselves to spelling out our alternative to the approach and findings contained in the Majority Report.
- 13.4 Our assessment was hampered, in many instances, by the inadequacy of information available to the Board. In addition, we heard many technical experts (often from the same disciplines) differ in their assessment of trends and implications. These factors negatively affected attempts to be scientifically rigorous in certain instances.
- 13.5 Regrettably, this process of demarcation has been seriously compromised by certain decisions taken by the Administrator in the past. We believe that the coupling together of the demarcation of boundaries for the Forum and the Transitional Metropolitan Council was a mistake, because it pre-empted the work of the Forum and has led to further problems in the process. It has also made the task of the Board much more difficult and subjected it to severe constraints of time.
- 13.6 This report addresses both the Forum boundary and the outer boundary of the appointed Transitional Metropolitan Council (see 14.4 below).
- 13.7 The Act provides identical criteria for demarcation of the boundary of the Transitional Metropolitan Council in the 'pre-interim' and the 'interim' phases. In spite of the necessity to revisit the demarcation of the metropolitan area prior to local elections, we have interpreted the phrase "a reasonably foreseeable period" in the Act (Schedule 6, clause 6) as being 10 - 15 years at the least. This is therefore the period for which our demarcation is intended.

14. APPROACH TO UNDERTAKING METROPOLITAN DEMARCATION

14.1 Criteria in the Act

14.1.1. To assist a Demarcation Board in its work, the Local Government Transition Act (Act no. 209 of 1993) ('the Act') provides certain criteria and specifies that, when the Board makes recommendations, "it shall do so within a reasonable period of time ... and [shall] take into account the criteria listed in Schedule 6." (clause 11(6)(b)) (emphasis added). These criteria are as follows:

- "1. Topographical and physical characteristics of the area concerned.
2. Population distribution within the area concerned.
3. Existing demarcation of areas pertaining to local government affairs and services, including existing areas of local government bodies and areas existing before 1971 as areas of such local existing areas of local government bodies (if any) as well as areas of regional services councils and joint services boards.
4. Existing and potential land usage, town and transport planning, including industrial, business, commercial and residential usage and planning.
5. Economy, functionality, efficiency and financial viability with regard to the administration and rendering of services within the area concerned.
6. Development potential in relation to the availability of sufficient land for a reasonably foreseeable period to meet the spatial needs of the existing and potential residents of the proposed area for their residential, business, recreational and amenity use.
7. Interdependence of and community of interest between residents in respect of residency, work, commuting and recreation.
8. The integrated urban economy as dictated by commercial, industrial and residential linkages."

14.2 Weighting the Criteria

14.2.1 The Act does not assign a weighting to the criteria. It is fair to assume that the Board should be guided in this question by referring to the purpose of the Act, and in this instance, to the concept of metropolitan government contained in the Act.

- 14.2.2 We understand the purpose of the Act to be *to promote the restructuring of local government, in order to create non-racial, democratic, viable, efficient and effective structures at local level*. The Act's purpose in creating metropolitan government is to provide, in large urban agglomerations, the following functions at an over-arching level:
- overall co-ordination, including the management of metropolitan growth and the provision of metropolitan-scale services and facilities, and
 - the pooling of a portion of local revenues for reallocation on the basis of need.
- 14.2.3 This concept of the role of metropolitan government is demonstrated in Schedule 2 of the Act which sets out the minimum powers of metropolitan government (see Annexure 17).
- 14.2.4 The criteria in Schedule 6 are general criteria which must be applied in all demarcations. They are not specific to metropolitan areas. In demarcating the outer boundary of the metropolitan area, we believe that these criteria must be used in the light of the purpose of metropolitan government, as outlined above.
- 14.2.5 Each criterion offers a different perspective. Taken together, they provide adequate guidance to the demarcation of the metropolitan boundary.
- 14.2.6 We cannot find adequate justification in the Act, in the Majority Report or elsewhere for weighting the Schedule 6 Criteria *a priori*. We have therefore treated the criteria as being of equal weight in our analysis.
- 14.2.7 In certain instances, the findings from applying one criterion may conflict with those of another. This will call for an evaluation regarding the appropriate conclusion to be reached. This does not imply *a priori* weighting of the criteria.

14.3 Use of the Definition

- 14.3.1 The Act defines a metropolitan area as follows:
- "(definition) "metropolitan area" means any area
- (a) comprising the areas of jurisdiction of multiple local governments;
 - (b) which is densely populated and has an intense movement of people, goods and services within the area;

- (c) which is extensively developed or urbanised and has more than one central business district, industrial area and concentration of employment; and
- (d) which, economically, forms a functional unit comprising various smaller units which are interdependent economically and in respect of services."

14.3.2 In demarcating a metropolitan boundary, it is important to address the Definition as well as the criteria contained in Schedule 6. Many aspects of the Definition overlap with the Schedule 6 Criteria. However, there are certain aspects which are not specified in the criteria. These are as follows (emphasis added):

- the areas of jurisdiction of multiple local governments;
- densely populated
- extensively developed or urbanised and has more than one central business district, industrial area and concentration of employment.

14.3.3 The purpose of defining a metropolitan area in the Act is to distinguish such areas from other forms of urban settlement, such as a stand-alone town. The Definition is not intended to be definitive for the purposes of demarcation. However, the Definition should be borne in mind when applying the criteria.

14.4 Forum Boundary

14.4.1 This report addresses both the Forum boundary and the outer boundary of the appointed Transitional Metropolitan Council. The Act sets out criteria (Schedule 1, clauses 1.(1) and (2)) to be used when determining the Forum boundary. These criteria are substantially the same as the criteria in Schedule 6. The arguments addressed in this report thus apply equally to the Forum boundary and the Boundary of the Transitional Metropolitan Council. We therefore believe that the boundary which we have recommended for the Forum should also serve as the boundary of the Transitional Metropolitan Council. In addition, to prevent further delays, we feel that both should be demarcated at the same time.

14.5 Approach of the Majority Report to Demarcation

14.5.1 The Majority Report sets out its approach to demarcating the metropolitan boundary in its Summary and Recommendations, paragraph 2.1, as follows:

"2.1 Fringe areas were each assessed on their own merits because they obviously cannot comply collectively with all the elements of the Definition of a metropolitan area and to the criteria contained in Schedules 2 and 6 of the Local Government Transition Act, 1993. In the end the Board had to assess the cumulative effect of all the statutory and other prescriptions and guidelines on its recommended boundaries in each separate fringe area (section 11). After a thorough assessment of all these considerations, the Board is satisfied that the boundary proposed by it for the Transitional Metropolitan Council substantially complies with the requirements of the Act, while the current Western Cape Regional Services Council area, in the opinion of the Board, does not substantially comply with these requirements (par 10.4.5). In the opinion of the Board, large tracts of rural and agricultural land which fall within the current Western Cape Regional Services Council region, but outside of municipal boundaries, are not sufficiently developed or urbanised, do not have a sufficiently intense movement of people, goods and services in the area concerned or between the area and the core metropolitan area, and do not have a sufficiently high interdependent economy with the core metropolitan area, to fall within the definition of a metropolitan area as contemplated in the Act." (Emphasis added).

- 14.5.2 The method of analysis in the Majority Report is to address all aspects of the Definition together with Schedule 6 Criteria and certain additional criteria which are not found in the Act. It would appear that three Schedule 6 Criteria are not addressed explicitly in the Majority Report, viz. Criterion 1 (Topographical and Physical Characteristics), Criterion 2 (Population Distribution) and Criterion 8 (Integrated Urban Economy)(see below).
- 14.5.3 Implicitly and in some instances explicitly, the Majority Report assigns weights to the Criteria and to certain aspects of Definition of metropolitan area. This is shown in Tables 1 - 3 below:

Table 1 : Weight Assigned to Schedule 6 Criteria in Majority Report

Schedule 6 Criterion	Weight Assigned in Majority Report
1. Topographical and physical characteristics	Not addressed as such in the Majority Report (although watersheds are included in the relation to Criterion 5, to do with service areas in paragraph 10.6.11).
2. Population distribution	Not addressed as such in the Majority Report (although whether an area is densely populated or not is discussed in terms of part (b) of the Definition, in paragraph 10.2).
3. Existing demarcation of local government areas	No explicit weighting given. However, it seems this criterion has a low weight, as implied in the statement that the Board "should not let pragmatic considerationsinfluence its decision disproportionately" (para 10.5.6).
4. Existing and potential land usage, town and transport planning	No explicit weight given. Discussed in conjunction with Criterion 6 and part (c) of the Definition (para 10.3.9 and 10.3.10).
5. Economy, functionality, efficiency and financial viability with regard to administration and services	The Report states "Other criteria are more important than this one..." (para 10.6.2), but this comment may in fact refer to Criterion 3. Financial viability is considered "one of the most important" criteria (para 10.6.17). The Report does not take service areas of Schedule 2 functions, other than stormwater management (watersheds), into account in its determination. However, it does address waste disposal, which is not a Schedule 2 function (para 10.6.9).
6. Development potential - availability of sufficient land for foreseeable period	No explicit weighting. Discussed in conjunction with Criterion 4 and part (c) of the Definition (para 10.3.9 and 10.3.10).
7. Interdependence and community of interest	No explicit weighting. Discussed in conjunction with part (b) of the Definition (para 10.2).
8. The integrated urban economy	Not addressed as such in the Report. However, economic interdependence is addressed in the discussion on part (d) of the Definition (para 10.4.).

Table 2 : Weight Assigned to Aspects of the Definition in the Majority Report

Aspect of the Definition of Metropolitan Area	Weight Given in Majority Report
(a) areas of jurisdiction of multiple local governments	The Report states: "to examine this component of the definition in isolation is misleading." (para 10.1.2).
(b) densely populated and has an intense movement of people, goods and services	No explicit weight given, but the Report appears to give significant weight to both aspects of this factor in its analysis and findings (para 10.2.7 -10.2.12). Second aspect discussed in conjunction with Criterion 7.
(c) extensively developed or urbanised and has more than one central business district etc.	The Report argues that the first part this factor implies that large tracts of agricultural land should not be included in the metropolitan area, and appears to give this factor heavy weighting in its findings (para 10.3.5. -10.3.7). First part discussed in conjunction with Criteria 4 and 6. The Report argues that the second part of this factor "tells one nothing if looked at in isolation" (para 10.3.4.).
(d) economically forms a functional unit etc	No explicit weight given.

Table 3 : Weight Assigned to Additional Criteria in the Majority Report.

Additional Criteria	Weight Given in Majority Report
1. Community opinions	No explicit weight given.
2. Loss of autonomy	No explicit weight given.
3. Democratic Participation	No explicit weighting but given serious consideration in the findings: "the Board felt that a smaller boundary would generally facilitate greater accountability" (10.9.9).
4. Implementation of large-scale projects	Weighting appears to be slight : "The Board is of the opinion that such speculative projects should not influence the drawing of longer-term boundaries" (para 10.10.4).

- 14.5.4 In summary, it would appear that the Majority Report gives significant weight to certain criteria and fails to address others. In certain instances, the Majority Report gives significant weight to aspects referred to in the Definition but not included in the criteria, in particular, in excluding land which is not "extensively developed or urbanised" from the metropolitan area. Finally, the Report appears to give significant weight to at least one criterion not included in the Act at all (democratic participation).
- 14.5.5 We believe that the Board should address all criteria explicitly in reaching a *finding*. Secondly, although the Definition should be taken into account in demarcating the metropolitan boundary, aspects which are not referred to in Schedule 6 should not be given significant weight. Finally, we agree that additional concerns raised in submissions to the Board must receive consideration, but if they do not conform to the requirements of the Act, we would argue that they cannot be given an inordinate degree of importance.

15. APPLICATION OF THE CRITERIA

15.1 Criterion 1: Topographical and physical characteristics of the area concerned

- 15.1.1 The submission of the Council for the Environment stressed the need to take watersheds into account when demarcating boundaries. We believe that this is the most significant aspect of this criterion, and have therefore concluded that where possible boundaries should follow watersheds. Inevitably, this will lead to the inclusion of non-urban land in certain instances.
- 15.1.2 **Conclusions:** Boundaries should, wherever possible, follow watersheds.

15.2 Criterion 2: Population distribution within the area concerned

- 15.2.1 Urbanisation is a fact of life in modern cities. Large urban agglomerations such as metropolitan areas tend to suffer from higher growth rates than other forms of settlement. This is particularly so in developing countries like South Africa. In applying this criterion to the delimitation of the outer boundary of the Cape Metropolitan area, this must be borne in mind.
- 15.2.2 Unfortunately, this criterion as it stands does not give sufficient guidance and needs to be interpreted. We agree with the Majority Report that an aspect of part (b) of the Definition, which requires a metropolitan area to be "densely populated" should be taken into account here. In addition, in the light of our comments in 15.6.2, we felt that it would be reasonable

to look not only at distribution of population but also at population growth trends.

15.2.3 The inner metropolitan area (the area demarcated by the Administrator for the Cape Metropolitan Negotiating Forum earlier this year) is a contiguous urban area where population distribution is fairly even and relatively dense. Population distribution in the fringe areas surrounding the inner area tends to be concentrated into small satellite towns. In the agricultural areas surrounding both these towns and parts of the inner metropolitan area, population is relatively thinly spread.

15.2.4 Trends in population growth differ in different parts of the area concerned. The rates of growth of the inner metropolitan area are similar to those of the satellite towns (evidence of Cape Metropolitan Negotiating Forum, para 26.2). The satellite towns in the fringe areas have growth rates which are significantly higher than towns beyond the fringe. This can be attributed to the proximity of satellite towns to the inner metropolitan area. In other words, a significant proportion of growth in the satellite towns derives from their relationship with the inner metropolitan area. This growth must therefore be considered to be 'metropolitan' growth.

15.2.5 **Conclusions:** The metropolitan boundary should include all satellite towns and areas currently impacted by metropolitan population growth.

15.3 Criterion 3: Existing demarcation of areas pertaining to local government affairs and services, including ... areas of regional services councils ... :

15.3.1 As outlined earlier, the purpose of the Act is to promote the restructuring of local government. In general, existing boundaries cannot be seen as sacrosanct. However, the Act includes this criterion to allow for the fact that certain existing boundaries may have merit and should therefore be taken into account. In applying this criterion, one must therefore have regard to the positive and negative consequences which are likely to arise if existing boundaries are amended or retained.

15.3.2 The Board heard evidence that a significant amendment of the boundary of the Western Cape Regional Services Council (as proposed by the Majority Report) would have negative impacts on service delivery in the short term, and would be a costly and time-consuming process. We believe that such amendment should therefore only be undertaken if restructuring objectives would be thwarted by retaining the current boundary.

15.3.3 The Majority Report argues that "it should not let pragmatic considerations, such as rationalisation of staff and assets as well as the disruption of service delivery and revenue collection, influence its

decision disproportionately. Indeed if pragmatic considerations were to have achieved a higher priority at a regional level, the so-called independent homelands would still exist as separate administrative entities." (para 10.5.6). No further arguments were presented in the Majority Report in support of its finding on this criterion.

15.3.4 We do not believe that the boundaries of the "so-called independent homelands" can be compared in any respect with the current boundary of the Western Cape Regional Services Council. Unlike the boundaries of these "homelands" and those of Black Local Authorities, the Western Cape Regional Services Council boundary was not determined on racial lines. Amending this boundary would therefore be irrelevant to the Act's purpose of creating non-racial structures of local government.

15.3.5 **Conclusions:** No cogent reasons have been found for amending the boundary of the current Western Cape Regional Services Council. Instead there are significant reasons in favour of retaining this boundary. On the other hand, we felt that there would be significant negative consequences, in terms of servicing, administration and finances, to proposals which would result in significant departures from this boundary.

15.4 Criterion 4: Existing and potential land usage, town and transport planning, including industrial, business, commercial and residential usage and planning

15.4.1 There are two parts to this criterion. The first addresses existing patterns of land use, while the second deals with potential future land use.

15.4.2 The first part of the criterion is addressed in conjunction with part (c) of the Definition ("which is extensively developed or urbanised and has more than one central business district, industrial area and concentration of employment").

15.4.3 This part of Criterion 4 is essentially descriptive. It is of little use on its own, telling us nothing more than that the Western Cape Regional Services Council area currently contains a large variety of urban and rural land uses.

15.4.4 The Majority Report assumes, correctly in our view, that the intention of the Act was to refer to urban as opposed to rural land uses. The Majority Report also argues that "the legislature did not contemplate the inclusion of large tracts of agricultural or rural land in the metropolitan area" (para 10.3.6, where it addresses the relevant part of the Definition).

15.4.5 The Act fails to address rural local government in any meaningful sense. There are a number of options regarding the future of rural local government under consideration at present. One of the key options is the

so-called 'regional municipality', where all rural and agricultural land would be included in the jurisdiction of the nearest urban local authority.

- 15.4.6 If this option were to be adopted by the legislature, the conclusion drawn in the Majority Report would be invalidated, since all urban local government areas would have to include surrounding agricultural and rural land. This would apply to metropolitan substructures, because they are the equivalent of primary local authorities. However, it would not apply to the Transitional Metropolitan Council, being the upper tier of local government, similar to the concept of rural district council which can include urban and rural areas.
- 15.4.7 In the light of this, the argument in the Majority Report cannot be accepted as valid until the legislature has reached a decision. We believe that, until this question is resolved, it would not be proper to accord any weight to this reading of this criterion.
- 15.4.8 The second part of Criterion 4 is related to Criterion 6 (Development Potential) and will be addressed together with that criterion in 15.6 below. The issue of the inclusion of high value agricultural land within the metropolitan boundary is given further attention in that discussion.
- 15.4.9 **Conclusions:** No meaningful conclusion can be drawn on the basis of the first part of Criterion 4; the application of part (c) of the definition should not be given significant weight at this stage.

15.5 Criterion 5: Economy, functionality efficiency and financial viability with regard to the administration and rendering of services within the area concerned:

- 15.5.1 This criterion is addressed in conjunction with part (d) of the Definition, in particular that aspect dealing with interdependence of services.
- 15.5.2 As discussed earlier in this report, the creation of efficient, effective and financially viable structures, both at local and metropolitan levels, is a key objective of the Act. This criterion is therefore of great importance in achieving the Act's restructuring purposes.
- 15.5.3 We must establish here our understanding of the term 'metropolitan area'. We believe it is correct to interpret the definition of metropolitan area in the Act as referring to the metropolitan functional area. In this, we differ with the Majority Report, which distinguishes the area of metropolitan government from a metropolitan functional area and a metropolitan statistical region (para S2.11), citing the internationally accepted use of the term. We would argue that this international usage is descriptive, not prescriptive, and reflects the unfortunate tendency for metropolitan jurisdictions to lag behind actual metropolitan expansion in most metropolitan areas in the world. This results in huge problems of

co-ordination which we would like to avoid creating in the Cape metropolitan area.

- 15.5.4 To undertake the metropolitan functions contained in Schedule 2 effectively, it is therefore essential that the Transitional Metropolitan Council has jurisdiction over the area within which these functions need to be performed. It is in this sense that we understand the term 'metropolitan functional area' discussed above. It is common cause between ourselves and the Majority Report that if the metropolitan boundary excludes important parts of the functional metropolitan area, key metropolitan functions would not be effectively performed by the metropolitan council (see 15.5.8 below). This would result in another body or bodies undertaking this task, leading to duplication and fragmentation of local government. It is precisely because of the need to eliminate current duplication and fragmentation that the Act contains this criterion. In addition, because such a boundary would result in the Transitional Metropolitan Council being unable to perform the functions for which it was created, it would tend to become a relatively redundant level of government, as has occurred in all metropolitan areas where the functional metropolitan area extends beyond the jurisdiction of the metropolitan authority.
- 15.5.5 It is important to establish here which model of metropolitan government is envisaged in the Act. The consultants for the municipalities of Paarl, Stellenbosch, Wellington, Strand, Somerset West and Gordon's Bay ('the Fringe Municipalities') have argued that the Act implies a single tier Metropolitan Council with relatively powerless substructures similar to ward councils. We agree with the Majority Report that the Act views metropolitan substructures as fully fledged local authorities.
- 15.5.6 We believe that the Act envisages a two-tier structure of local government in metropolitan areas, allocating 'metropolitan' functions to the upper tier (see Schedule 2 in Annexure 16). Metropolitan functions are normal local government functions which cannot effectively be provided by the lower-tier councils in a metropolitan area, because they are metropolitan in scale. Metropolitan transport is an example.
- 15.5.7 We see certain Schedule 2 powers and duties as critical to the demarcation of the metropolitan boundary, because they cannot be undertaken effectively by another body, be it second-tier government, a single-purpose authority, a primary local authority or a voluntary association between local structures. These are as follows:
- (4) metropolitan co-ordination, land use and transport planning
 - (5) metropolitan stormwater drainage
 - (19) metropolitan environmental conservation

(23) the power to levy (and reallocate) regional services levies and a proportion of local government revenue.

15.5.8 In this, we differ from the approach of the Majority Report. Conceding that certain Schedule 2 functions such as transport and catchment management cannot be effectively managed using its own proposed boundary, the Majority Report proposes that mechanisms for ensuring planning and co-ordination between the inner metropolitan area and satellite towns with regard to these functions should be "negotiated and agreed upon" between the metropolitan council and abutting local government structures (para 10.6.12). At another point, it states that where a such mechanisms are required, "it is recommended that a local government body in the form of either a rural, services or district council as provided for in the Act or a regional municipality or other body [such as a single purpose authority] should be available to provide such a service or co-ordination. Details of how such bodies will operate must be planned and formulated in legislation as soon as possible." (para S3.8).

15.5.9 We do not believe that the creation of single-purpose authorities or of another body to undertake Schedule 2 functions is consistent with the Act. In addition, we do not feel that the Act envisages that metropolitan scale functions should be the responsibility of second tier government, as was argued by the consultants for the Fringe Municipalities.

15.5.10 Analysis of key functions to determine optimal metropolitan boundary:

15.5.10.1 Metropolitan co-ordination, land use and transport planning:
The functional area here would be determined by finding the area :

- (a) impacted by metropolitan population growth and within which metropolitan-scale activities are located, since the task here is to co-ordinate and manage such growth. We would therefore argue that all satellite towns whose growth can be attributed in part to 'metropolitan urbanisation' must be included in the jurisdiction of the metropolitan council. This position is argued in greater detail in relation to the discussion on Criterion 6 below;
- (b) which is required for effective metropolitan transport planning. The Board heard evidence from representatives of the Metropolitan Transport Advisory Board that past experience of working within a boundary which excludes Paarl, Wellington, Stellenbosch, Somerset West, Strand, Gordons Bay and Atlantis has significantly impaired their ability to undertake metropolitan transport planning and co-ordinating effectively.

- 15.5.10.2 Metropolitan stormwater drainage: It is common cause that boundaries should follow watersheds, since this facilitates *inter alia* the effective management of stormwater. We are also in agreement with the Board's feelings that "the False Bay ecological system is sufficiently sensitive and fragile to justify its management as far as possible by a single local government body" (para S2.13.4) but do not agree with their findings that the Eerste River catchment should be excluded from the metropolitan area as we feel this is likely to lead to significant problems of enforcement. On the other hand, we agree with the Majority Report that the Steenbras Dam area should be included in the metropolitan area.
- 15.5.10.3 Metropolitan environment conservation: We are in agreement with the submission by the Council for the Environment which argued that the effective management of environmental systems is a priority. This management is best undertaken by ensuring that boundaries follow watersheds, so that entire catchments can be managed holistically. Further, we believe that effective environmental management of areas under threat from metropolitan urban expansion can only be undertaken if those areas are included within the jurisdiction of the metropolitan council. This argument is elaborated further in relation to Criterion 6 (see 15.6 below). We agree with the feelings of the Majority Report that there is an "urgent need to establish an effective single controlling body over as much of this area [False Bay and the coastline north of Table Bay] as is feasible, in order to maximise the protection and potential of this region" (para 10.6.15). We believe that the metropolitan council is the most appropriate body to perform this function.
- 15.5.10.4 Pooling and reallocation of a proportion of metropolitan revenues: This is a key element of the restructuring of local government envisaged by the Act, and is essential to the process of reconstruction and development. In this we are in agreement with the Majority Report (para 10.6.17). The process of reconstruction and development has a long term character, and cannot be achieved in the short term. We do not feel that it would be correct to establish metropolitan government whose financial viability would be limited to the short term. It would appear from the available data that the Transitional Metropolitan Council would benefit in the short-term by the exclusion of the satellite towns on the eastern fringe from its area of jurisdiction. However, evidence submitted to the Board by the Economic Policy Research Project of the University of the Western Cape and Junaid Ahmed of the World Bank suggests strongly that this short-

term effect would soon be reversed. They argue on the basis of international evidence that a process of business, industrial and wealthy residential relocation to evade local taxation would in the longer term undermine the financial viability of metropolitan government. We found this argument persuasive.

- 15.5.11 Evidence was submitted to the Board by current service providers that certain services such as bulk water and health services would best be provided if the metropolitan boundary were to follow the current boundary of the Western Cape Regional Services Council, although the Fringe Municipalities felt that water could as easily be provided by a regional authority. Both services are an essential prerequisite for economic development and we believe that it would be unwise to disrupt existing provision without good reason.
- 15.5.12 The Majority Report depends heavily for its findings on the belief that "a wide boundary could well lead to problems of quantity and, indeed, quality of output" (para 10.6.8). We believe that although this statement may in general be valid, the Majority Report has failed to take account of evidence submitted to the Board, to the effect that certain specific functions and services require the wider boundary (i.e. the boundary of the Western Cape Regional Services Council). We believe that this evidence is more useful than general assertions in this regard.
- 15.5.13 The Majority Report states in support of its argument that the current Western Cape Regional Services Council "with its limited regional functions already experiences severe diseconomies of scale." (para 10.6.8). We believe that the problems experienced by the Western Cape Regional Services Council arise principally from the fact that they perform a number of local functions, not from the size of their area of jurisdiction.
- 15.5.14 **Conclusions:** We would therefore argue that the current boundary of the Western Cape Regional Services Council would allow the effective performance of the key metropolitan functions and services contemplated in Schedule 2, (with the proviso that this boundary be amended slightly to include Steenbras Dam), and would ensure the long-term financial viability of the metropolitan council.
- 15.6 **Criterion 6: Development potential in relation to the availability of sufficient land for a reasonably foreseeable period to meet the spatial needs of existing and potential residents of the proposed area for their residential, business, recreational and amenity use:**
- 15.6.1 This criterion is evaluated in conjunction with the second part of Criterion 4, potential land use and transport planning.

- 15.6.2 The Cape metropolitan area is a sprawling, low density area which is subject to severe growth pressures. These pressures have, up to now, been very poorly managed, resulting in high servicing pressures and transport costs, the rapid loss of high value agricultural land and the progressive destruction of the historical character of older areas. In order to prevent further inefficiencies, further loss of high value agricultural land, and destruction of historical character in the towns on the eastern fringe, it is critical that this growth is effectively managed in the future.
- 15.6.2 As mentioned earlier, the period which we view as being 'a reasonably foreseeable period' is 10 - 15 years, being the period for which growth projections are currently undertaken by organisations such as Wesgro.
- 15.6.3 Urban growth takes a number of forms. The two principal forms affecting this area are planned and unplanned development, primarily residential. The planned development includes both high and low income settlements, while the unplanned development takes the form of land invasions.
- 15.6.4 Growth management needs to be undertaken by using a number of mechanisms in conjunction with one another. One important mechanism is local government jurisdiction. There is considerable international evidence to show that urban growth in a metropolitan area cannot be effectively managed by a number of authorities i.e. within fragmented jurisdictions. Most metropolitan areas in the United States of America suffer from this problem. Effective management of metropolitan growth requires that the entire area affected by such growth must be under the jurisdiction of a single planning and servicing authority, ideally the metropolitan authority. This authority is likely to have a much greater interest than satellite towns in effective growth management for two reasons: firstly, it must bear the brunt of the costs of sprawl, and secondly, it is subject far less than fringe local authorities to the financial pressures for development. We felt that the arguments presented in submissions to the Board by the Urban Problems Research Unit of the University of Cape Town and Councillor Van Wyk of Cape Town City Council were persuasive in this regard.
- 15.6.5 We heard evidence of pressure for urban expansion currently being experience in the area between Somerset West and Stellenbosch, the Bottelary Hills, the Klappmuts area and even for residential development on parts of wine farms in the Stellenbosch area. We are very concerned that a co-ordinated growth management policy and strategy should be adopted and enforced across the functional metropolitan area as a whole. This would best be done by the Transitional Metropolitan Council. We wholeheartedly agree with the Majority Report's concern to protect agricultural land from urban encroachment, but strongly disagree with the

comment that "This cannot be achieved by local government boundary demarcation but should be done by other means" (para 10.3.8). We hold the opposite view, that the only effective means of protecting such land is through effective growth management within a single jurisdiction.

15.6.6 We strongly support the Majority Report's finding and recommendation that "The fact that the metropolitan area includes agriculture should not be interpreted as if this is a green light for urban development on this land. In fact the majority of the Board feels very strongly that the current system of statutory protection of agricultural land....should be improved urgently...." (para S3.3).

15.6.7 **Conclusions:** Our focus in interpreting these criteria taken together is therefore not on allowing sufficient land for metropolitan growth when demarcating the metropolitan boundary, but on including within that boundary all land affected by such growth. We believe that the inner metropolitan area and the satellite towns are all subject to this pressure for growth, albeit to differing degrees, and should therefore be included within the metropolitan boundary.

15.7 Criterion 7: Interdependence and community of interests between residents in respect of residency, work, commuting and recreation:

15.7.1 This criterion is addressed in conjunction with the second aspect of part (b) of the definition, dealing with the degree of movement of people, goods and services within the area.

15.7.2 This criterion addresses two issues: commuting and perceptions. With regard to commuting, we agree with the Majority Report that commuting figures between the inner metropolitan area and certain parts of the metropolitan periphery are not significant at present. However, within the time horizon which we are addressing this situation is likely to change significantly. As mentioned earlier, representatives of the Cape Metropolitan Transport Advisory Board argued, persuasively in our view, that significant problems regarding planning, co-ordination and financing of metropolitan transport have arisen in the past through the exclusion of such areas from their area of jurisdiction.

15.7.3 The second issue is whether people see themselves as being part of the metropolitan area, or as being part of the metropolitan 'community of interests'. Perceptions are notoriously inconsistent. In the current situation, feelings have polarised in the satellite towns on the eastern periphery of the metropolitan area, deriving to some extent from an incorrect understanding of the nature of the Transitional Metropolitan Council and from the poor performance of the Western Cape Regional Services Council in the past. At the same time, certain non-statutory organisations in the eastern fringe voiced fears about not having an

effective voice in local government if their areas are excluded from the metropolitan area.

15.7.4 Local negotiations are central to the process of local government restructuring, primarily because of the need for all affected parties to meet and thrash out their differences. In this way, fears and concerns can be properly addressed. We endorse the Majority Report's censuring of the Fringe Municipalities for their stance on participation in metropolitan negotiations (para S2.4).

15.7.5 There is a reasonable perception on the part of residents of certain parts of the metropolitan periphery that they do not form part of the metropolitan area. This is particularly the case with small towns and villages in the periphery (such as Philadelphia, Sir Lowry's Pass Village and Franschoek) whose destiny is being overtaken by metropolitan growth. Unfortunately, this growth is a reality which will not go away by excluding these areas from the metropolitan area. In fact, as argued in relation to Criterion 6, the impact of such growth on these areas is likely to be better managed if they fall within the metropolitan boundary.

15.7.6 **Conclusions:** The analysis in terms of this criterion does not offer conclusive evidence for inclusion or exclusion of the satellite towns on the eastern fringe. As regards both aspects of this criterion, it would appear that the case for inclusion of the Helderberg and Stellenbosch areas is stronger than that of the Paarl/Wellington area.

15.8 Criterion 8: The integrated urban economy as dictated by commercial, industrial and residential linkages:

15.8.1 This criterion is dealt with in conjunction with part (d) of the Definition, particularly with regard to economic interdependence.

15.8.2 Substantial evidence was submitted to the Board indicating that the current area of jurisdiction of the Western Cape Regional Services council is economically interlinked in the sense intended in the Act. This evidence is noted in the Majority Report in its discussion on part (d) of the Definition, and discounted (para 10.4.5), the grounds having more to do, it would appear, with the fiscal base of local government than with economic interlinkages in the metropolitan area. (As noted earlier, the Majority Report does not address this criterion as such in its report.)

15.8.3 The economic base of certain satellite towns depends to an extent on processing of agricultural produce, as does the inner metropolitan area itself. This does not mean that these towns are not interdependent with the inner metropolitan area in other ways.

- 15.8.4 **Conclusions:** We found the arguments of the Economic Policy Research Project, Wesgro, the Western Cape Economic Development Forum and the Cape Town City Council to be persuasive on this issue. We therefore disagree with the Majority Report and feel that there is adequate evidence to show that the satellite towns on the eastern fringe are increasingly becoming an integral part of the metropolitan area from the point of view of economic interlinkages.

15.9 Additional Considerations Addressed

- 15.9.1 As mentioned earlier, the Majority Report addresses considerations not found in the Act (para 10.7 - 10.10). However, it does not appear to accord significant weight to these, other than to the issue of "Democratic Participation". For this reason, we believe that it is important for our contrary findings on this issue to be noted.
- 15.9.2 Although we strongly support the creation of democratic local government, we do not believe that in this instance, the drawing of a 'narrower' or 'wider' boundary will have significant impact on the nature and quality of democratic representation. Effective democratic participation in government is dependent in the main on the system of representation and on the strength of civil society, not on the area of jurisdiction of an authority. It is only at the primary tier that size can affect the effectiveness of democratic participation. Upper-tier structures are by nature more remote than the primary tier. The inclusion of satellite towns on the eastern fringe of the metropolitan area will not affect the remoteness of the Transitional Metropolitan Council.

16. CONCLUSIONS AND RECOMMENDATIONS

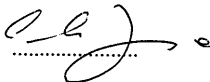
- 16.1 From the above argument, we have concluded that the boundary of the current Western Cape Regional Services Council, with the inclusion of the Steenbras Dam area, would be the most appropriate boundary for the Cape Metropolitan Negotiating Forum and the Transitional Metropolitan Council. We believe that:

- this boundary follows watersheds except in a few minor instances,
- it encompasses the area impacted by metropolitan population growth, allowing for effective growth management,
- certain metropolitan services and financing will be disrupted if the boundary does not follow that of the Western Cape Regional Services Council,
- the area represents the 'best fit' for the provision of key metropolitan services and ensures the long-term financial viability of the metropolitan council,
- this area represents the area of the integrated metropolitan economy.

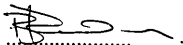
16.2 In the light of the above, the signatories to this report, being a minority of Board members, recommend that the boundary for the Cape Metropolitan Negotiating Forum and the Transitional Metropolitan Council should conform to the current boundary of the Western Cape Regional Services Council, with a minor extension to include Steenbras Dam in the metropolitan area.

17. SIGNATORIES TO THIS REPORT

The following Board members support the findings in this Minority Report:



Amanda Younge



Basil Davidson



Rev FFS Gqiba

ANNEXURES

- Annexure 1 : Internal operational guidelines for implementation of demarcation criteria
- Annexure 2 : Guidelines on conflict of interests
- Annexure 3 : Index of Resource Base
- Annexure 4 : Notices about public hearings
- Annexure 5 : Attendance at public hearings and hearing agendas
- Annexure 6 : Written submissions received
- Annexure 7 : Additional expert oral submissions solicited
- Annexure 8 : Surface water catchment areas
- Annexure 9 : Transport infrastructure
- Annexure 10 A & B : Commuting patterns
- Annexure 11 : Population growth and urbanization
- Annexure 12 : Population distribution in Western Cape Regional Services Council area
- Annexure 13 : Interaction of fringe area with core metropole
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- Annexure 15 : Map of majority proposal for proposed outer metropolitan boundary
- Annexure 16 : Western Cape Regional Services Council boundary
- Annexure 17 : Local Government Transition Act - Schedule 2

OPERATIONAL GUIDELINES**1 TOPOGRAPHICAL AND PHYSICAL NATURE OF AREA**

Objective: to identify coherent and functional administrative entities

- 1.1 Roads, railway lines, river basin/catchment area, ridges
- 1.2 Watersheds, physical development potential
- 1.3 Functionality of distances between communities
- 1.4 Role of peri-urban, rural and agricultural land
- 1.5 Natural resources

2. POPULATION DISTRIBUTION

Objective: to achieve a viable, non-racial population distribution

- 2.1 Current and projected demographic developments
- 2.2 Population composition and distribution

3. ADMINISTRATIVE BOUNDARIES

Objective: to draw functional and effective local government boundaries

- 3.1 Reduction of number of local government bodies
- 3.2 Origin and history of community
- 3.3 Pre-1960 (group areas) boundaries
- 3.4 Current local, RSC and other boundaries, including Cape Divisional boundaries
- 3.5 Potential of post election ward councils to assign specified functions
- 3.6 Viable alternatives for excluded areas (other local, regional or services bodies)

4 & 6 EXISTING LAND USAGE, TOWN AND TRANSPORT PLANNING, INCLUDING INDUSTRIAL, BUSINESS, COMMERCIAL AND RESIDENTIAL USAGE AND PLANNING

AND

DEVELOPMENT POTENTIAL IN RELATION TO THE AVAILABILITY OF SUFFICIENT LAND FOR A REASONABLY FORESEEABLE PERIOD TO MEET THE SPATIAL NEED OF THE EXISTING AND POTENTIAL RESIDENTS OF THE PROPOSED AREA FOR THEIR RESIDENTIAL, BUSINESS, RECREATIONAL AND AMENITY USE.

Objective: to promote a balanced development potential in the area in the medium term, aimed at eradicating development backlogs and sustainable raising the quality of life of all communities

- 4.1 Future development scenarios for area (eg. development trends: Industrial, tourism, commercial, housing, agricultural, nature conservation etc.)
- 4.2 Development needs and budgets (esp short and medium term)
- 4.3 Existing land and possibility of rezoning

5. **ECONOMIC FUNCTIONALITY, EFFICIENCY AND FINANCIAL VIABILITY OF SERVICE PROVISION**

Objective: to improve or achieve optimal financial viability and functionality of delivery systems and administration

- 5.1 Minimum and maximum grading for local authorities
- 5.2 Self-sufficiency of vs access to resources
- 5.3 Economics of scale and rationalisation of service delivery where needed
- 5.4 Effective span of management and control over area and organisational capacity
- 5.5 Current service networks (water, sewerage, electricity, etc)
- 5.6 Projected income and expenditure patterns in budgets
- 5.7 National, provincial and regional support
- 5.8 Effect on personnel

7. **DEGREE OF COMMON INTERESTS AMONG RESIDENTS ON BASIS OF RESIDENCY, WORK, COMMUTING AND RECREATION**

Objective: to establish the degree of joint interests among residents

- 7.1 Character and identity of community (origin, history, language, culture, life style, class, race)

- 7.2 Positive or negative intra-community relationships
- 7.3 Degree of common or separate organisational life
- 7.4 Commuting patterns

8. **DEGREE OF INTEGRATION OF URBAN ECONOMY INDICATED BY
COMMERCIAL, INDUSTRIAL AND RESIDENTIAL LINKAGES**

Objective: to maximise the cohesiveness of the local economy in the area

- 8.1 Transport infra-structure (roads, railway lines, bus services)
- 8.2 Commuting patterns (work, residential, social and recreational)
- 8.3 Buying and spending patterns

WESTERN CAPE LOCAL GOVERNMENT DEMARCATION BOARD

SUGGESTED CONFLICT OF INTEREST GUIDELINES

- 1 The Demarcation Board is regarded in Administrative law as an administrative tribunal whose procedures and actions should conform to legal requirements for such bodies. These requirements include *inter alia* that of impartial and fair proceedings where all relevant views should be heard before decisions on the merits or demerits of issues are made. They are also known as the so-called "rules of natural justice". These rules contain various technical requirements pertaining to board proceedings, including the important proviso that the Board or individual Board members should not consider themselves bound by any policy position of any body or organisation except those laws applicable to the Board.
- 2 Board members have also in terms of the Local Government Transition Act been appointed on the basis of their expertise in local government related activities. It is therefore accepted that some individuals may in the past have been very active in local government, or may have voiced certain personal or organisational opinions on boundary issues before their appointments.
- 3 Appointment to the Board unfortunately must bring about a change in this situation. It is clearly untenable that Board members participate actively in Board activities as well as in those local government activities which may bring about a conflict of interests with the board and which may cast a cloud of suspicion over the integrity and impartiality of Board members. This will negatively affect the activities and recommendations of the Board and also reflect negatively on other Board members.
- 4 The past, however, is in the past: Actions taken and views expressed in the past on issues which are relevant to Board activities are not necessarily detrimental to the image of impartiality which is important for Board members to nurture.
- 5 It is, however, important that Board members in future refrain from expressing any public preference on such issues, but publicly state their intention to keep an open, impartial and pragmatic mind in this regard and that they are willing to change their views on the basis of solid evidence and arguments.
- 6 In addition, it is suggested that Board members seriously reconsider their current membership of bodies and organisations which may create a conflict of interest with board activities. The most serious and urgent short term cases in point are local community negotiating forums. These bodies are short-lived mechanisms to establish nominated transitional local and metropolitan councils for the next 12 to 18 months. They are directly linked to the Board in the sense that their decisions and actions are the direct causes of Board mandates, as will be those of future local and metropolitan councils in the medium to longer term.

7 It is therefore impossible to be an impartial but active member of both the Board and such a body whose decisions are referred to the Board for review. Two possible options can be considered:

- 7.1 The first option is to resign with immediate effect from one of the conflicting bodies. This the preferable option, because it establishes clear dividing lines which are easy to adhere to.
- 7.2 It can also be argued that a second possible option may be to recuse oneself from discussions and decisions relating to the issue in question in either the Board or the body concerned, as soon as such conflict becomes a potential or a real conflict of interests.

This option may be viable in cases like local forums where expertise may be scarce and where it may not always be clear which issues will be referred to the Board. It is, however, difficult to imagine a Board member actively participating in discussions and decisions on an issue which is not necessarily a potential focus of the Board, but which he/she knows may become such type of issue.

The presence of a Board member at boundary related forum discussions will in any event affect those discussions. It may either inhibit free and frank exchange of views or create a temptation to try to influence such Board member's opinions on the issue concerned. Prudence would in such cases probably require that a person should withdraw from all such discussions, which amounts either to formal resignation or at least temporary suspension of membership or formal recusal until the danger of a conflict of interests is past. This, however, is tantamount to resignation and is in any case impractical in the metropolitan situation where a major part of Board discussions will be centred on metropolitan developments.

This option therefore seems to be only a putative option which does not differ substantially in and results from the more preferable resignation option.

8 An important precedent in this regard has been established by the Western Cape Provincial Committee on Local Government, whose members who were active in the Cape Metropolitan Forum also resigned from that body after their appointment to the Provincial Committee. Although it can probably be argued that the Board is not really a decision making body but only a technical advisory panel, there seems to be no real difference which necessitates another approach than the one utilised by the Cape Provincial Committee.

9 In view of the above conclusions, it is strongly suggested that Board members choose between an active career in a local negotiation forum or in the Board.

- 10 Membership of other local bodies like local councils or RSC's do not at present constitute a direct conflict of interests with the Board, unless this overlapping membership leads to membership of a local negotiating forum. It is, however, conceivable that future TLC members may experience this conflict of interests if for example the demarcation of that TLC boundary or wards in the TLC is referred to the Board. If this should happen, these guidelines will have to be reviewed again, given the fact that many local councillors receive compensation for their services in this regard.

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- 48.1 PLAN NO TP CD 30/5. Local Authorities within the W.C.R.S.C.

- 48.2 SCALE 1:100 000 CATCHMENT AREAS.
- 48.3 COMMUTER (TRANSPORT) PATTERNS
- 48.4 URBAN EDGE
- 48.5 JURISDICTIONAL AND STATISTICAL BOUNDARIES
- 48.6 MR I.D. SPEED Metropolitan Transport Planning
- 48.7 AGRICULTURAL POTENTIAL OF SOILS- PERENNIAL CROPS
- 48.8 AGRICULTURAL POTENTIAL OF SOILS- ANNUAL CROPS

LOCAL GOVERNMENT DEMARCATION BOARD
of the
PROVINCE OF THE WESTERN CAPE

INVESTIGATION INTO CAPE METROPOLITAN FORUM AREA AND BOUNDARY

NOTICE IS HEREBY GIVEN that the Administrator, in terms of Section 11 (6) of the Local Government Transition Act, 1993 (Act 209 of 1993) requested the Local Government Demarcation Board for the Province of the Western Cape to investigate and make recommendations to him, in writing, in regard to the following demarcations, re-demarcations and the withdrawal of demarcations of areas pertaining to the local government affairs in respect of:

- (a) the region delimited in the Province of the Cape of Good Hope Official Gazette, Provincial Notice 4/1987, dated 9 January 1987, comprising the area of jurisdiction of the Regional Services Council established therein, being an area pertaining to local government affairs, in regard to the establishment of a forum area with a view to the potential establishment of a transitional metropolitan council for a metropolitan area of local government; and
- (b) the boundaries of the local government bodies falling within the area referred to in (a) above so as to ensure as far as possible that all such sub-structures shall be democratic, non-racial and viable local authorities capable of efficiently serving their populations.

Interested persons or organisations may submit, by not later than 2 June 1994, written comments, proposals and recommendations for consideration by the Board on the question as to whether or not, in regard to (a) above, the current boundary of the Western Cape Regional Services Council, or any other boundary should be the boundary of the Cape Metropolitan Council with a view to establishing a potential Transitional Metropolitan Council for the Cape Peninsula.

It must be indicated in the submissions whether or not deponents would like an opportunity to summarise their main arguments orally before the Board and if so indicate the length of time required for such presentations.

Submissions must be concise and based, inter alia, on the criteria set out in Section 1(1) of Schedule 1 and Schedule 6 of the Local Government Transition Act, 1993.

The Board will also take into consideration the following description of a metropolitan area which is contained in the Act:

"Metropolitan area" means any area - (1) comprising the areas of jurisdiction of multiple local governments; (2) which is densely populated and has an intense movement of people, goods and services within the area; (3) which is extensively developed and urbanised and has more than one central business district, industrial area and concentration of employment; and (4) which, economically, forms a functional unit comprising various smaller units which are interdependent economically and is in respect of services.

Written submissions must be accompanied by an executive summary of not more than two pages, and must be directed to the Secretary, Demarcation Board for the Province of the Western Cape, Private X9083, Cape Town, 8000 or delivered to Room 22-18, Provincial Building, Wale Street, Cape Town during normal office hours.

The Board intends to have the following public hearings, at the places mentioned hereunder, to receive oral presentations:

- | | |
|---------------------|--|
| PAARL | Drakenstein Room, First Floor, Civic Centre,
Bergrivier Boulevard, Paarl |
| | 9 June 1994 commencing at 10h00 |
| BELLVILLE | Bloemhof Centre (Old Eskom Building),
Bloemhof Street, Oakdale, Bellville |
| | 10 June 1994 commencing at 10h00 |
| CAPE TOWN | Cafeteria, Concourse level, Civic Centre,
Cape Town |
| | 13 and 14 June 1994 commencing at 10h00 |
| STELLENBOSCH | Council Chamber, Municipal Offices,
Plein Street, Stellenbosch |
| | 15 June 1994 commencing at 10h00 |
| STRAND | Council Chamber, Civic Centre, Strand |
| | 17 June 1994 commencing at 10h00 |

Further information can be obtained by phoning the Secretary, at (021) 483-4127.

P. F. COLOMBO
SECRETARY
LOCAL GOVERNMENT
DEMARCATIION BOARD
WESTERN CAPE

PUBLICATION:

OFFICIAL LEGAL COLUMNS

DIE BURGER	16 MAY 1994
THE ARGUS	16 MAY 1994
DISTRIKPOS	19 MAY 1994
PAARL POST	19 MAY 1994
EIKESTADNUUS	20 MAY 1994
SOUTH	19 MAY 1994
OFFICIAL GAZETTE	20 MAY 1994

PUBLIC ATTENDANCE AT HEARINGS:

<u>PLACE</u>	<u>DATE</u>	<u>ORAL SUBMISSIONS</u>	<u>PUBLIC ATTENDANCE</u>
Paarl	09-06-1994	11	33
Bellville	10-06-1994	7	29
Cape Town	13-06-1994	3	17
Cape Town	14-06-1994	4	32
Stellenbosch	15-06-1994	10	39
Strand	17-06-1994	18	37
Stellenbosch	23-06-1994	3	30
Stellenbosch	24-06-1994	6	42
Cape Town	27-06-1994	9	16
TOTAL ATTENDANCE		71	275

WRITTEN SUBMISSIONS RECEIVED

NO	PERSON/ORGANISATION	VERBAL SUBMISSIONS MADE
1	Mr E Petrie	
2	Mr R C Haw	
3	National Party Wellington	
4	Pinelands Municipality	
5	The Boland Chamber of Commerce	
6	City of Bellville	X
7	Brackenfell Municipality	
8	Mfuleni Town Committee	
9	Wellington Municipality	
10	A E de Kock	
11	D J K Pieters	
12a	Wellington Municipality	
12b	Wellington Municipality	
13	Milnerton Municipality	
14	Cape Rural Council	
15	Stellenbosch Rural Council	
16	Paarl Rural Council	X
17	Department of National Health and Population Development	
18	National Party Strand	X
19	Philadelphia Forum	
20	John Ivor-Pullin	
21	Prof. J P Smuts	
22	Franschhoek Municipal Forum	
23	Melkbosstrand Local Council	
24	South African Communist Party	
25	Gordon's Bay Municipality	
26	Urban Problems Research Unit	
27	Prof. C T Welch	

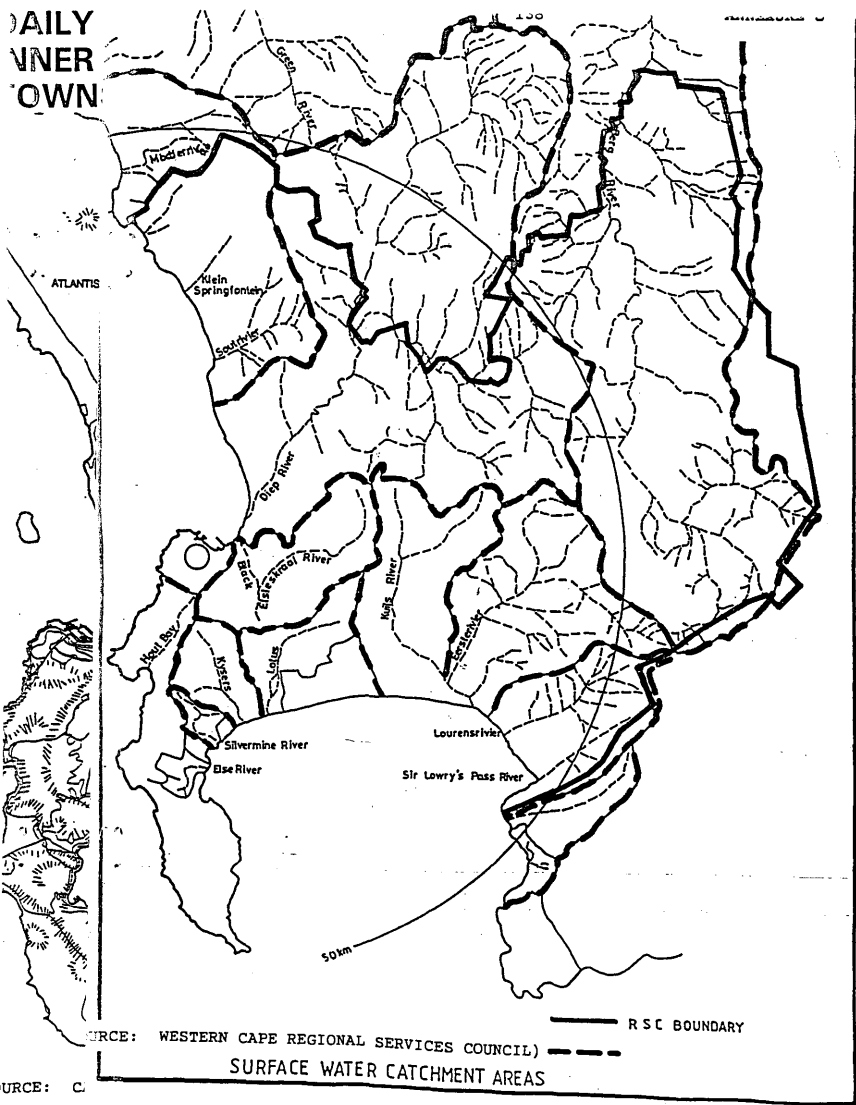
NO	PERSON/ORGANISATION	VERBAL SUBMISSIONS MADE
28a	Stellenbosch Agricultural Society	
28b	Stellenbosch Agricultural Society	
29	Joostenbergvlakte Action Committee	X
30a	Helderberg Ratepayers' Association	
30b	Helderberg Ratepayers' Association	
31	Durbanville-Boerevereniging	
32	Cluver Markotter	X
33	Local Council of Bloubergstrand	
34	Sir Lowry's Pass Development Committee	X
35	Prof. H C Viljoen	X
36	Gordon's Bay Business Association	X
37	University of the Western Cape Philip van Ryneveld	X
38	National Party Helderberg Area	X
39	Strand Municipality	X
40	Non-statutory Group Helderberg Area	X
41	City of Cape Town	X
42	Paarl Ratepayers' Association	X
43	Paarl Civic Association	X
44	Mbekweni Town Committee	
45	National Party Cape Province	
46	Paarl Local Government Negotiating Forum	
47	The Boland Chamber of Commerce	
48	Paarl Business Forum	X
49	J P S Pitzen and Other	
50	C S Botha	
51	B S & C A Dinham	
52	D J de Villiers	
53	Municipality of Paarl	X
54	Paarl East Election Committee	X

NO	PERSON/ORGANISATION	VERBAL SUBMISSIONS MADE
55	Athlone and District Management Committee	
56	Mitchells Plain Management Committee	
57	Management Committee Cape Town City Council	
58	South African National Civic Organisation	
59	Stellenbosch Farmers Winery	
60	ANC Western Cape	
61	FEDHASA	
62	Somerset West Landowners Association	
63	Cape Metropolitan Negotiating Forum	X
64	The Urban Foundation	
65	ANC Mbekweni Branch Paarl	X
66	ANC Stellenbosch Branch	X
67	Franschhoek Farmers Association	
68	ANC Franschhoek Branch	
69	NP Franschhoek Branch	
70	Franschhoek Ratepayers Association	
71	Anonymous - 70 Manatoka Avenue, Kuilsriver 7580	
72	Kuilsriver Municipality	
73	Non-statutory Organisations - Stellenbosch Forum	
74	Management Committee for Cloetesville and Idas Valley	
75	Die Wynlandse Streekontwikkelingsvereniging	
76	Macassar Management Committee	X
77	Paarl Publicity	
78	Western Cape RSC	X
79	Garden Village Workshop	
80	Wellington Ratepayers' Association	
81	Council for the Environment	
82	Franschhoek Municipality	

NO	PERSON/ORGANISATION	VERBAL SUBMISSIONS MADE
83	D du Preez and other	
84	South Peninsula Initiative	
85	Harbour Island	
86	Cape Metropolitan Negotiating Forum	X
87	Winelands Development Association	
88	J D K Saayman	
89	PAC Hottentots Holland Branch	
90	ANC Albert Luthuli Branch	
91	Ottery East Local Council	
92	ANC Durbanville Branch	
93	Bainskloof Home Owners Association	
94	Philadelphia Property Owners Association	
95	Mamre Board of Management	
96	Housewives League of South Africa	
97	Eskom	X
98	F Theunissen	
COMMENTS RECEIVED BETWEEN 28 JUNE 1994 AND 4 JULY 1994		
1	City of Cape Town	
2	Cluver Markotter	

ORAL PRESENTATIONS BY EXPERTS IN THEIR FIELDS

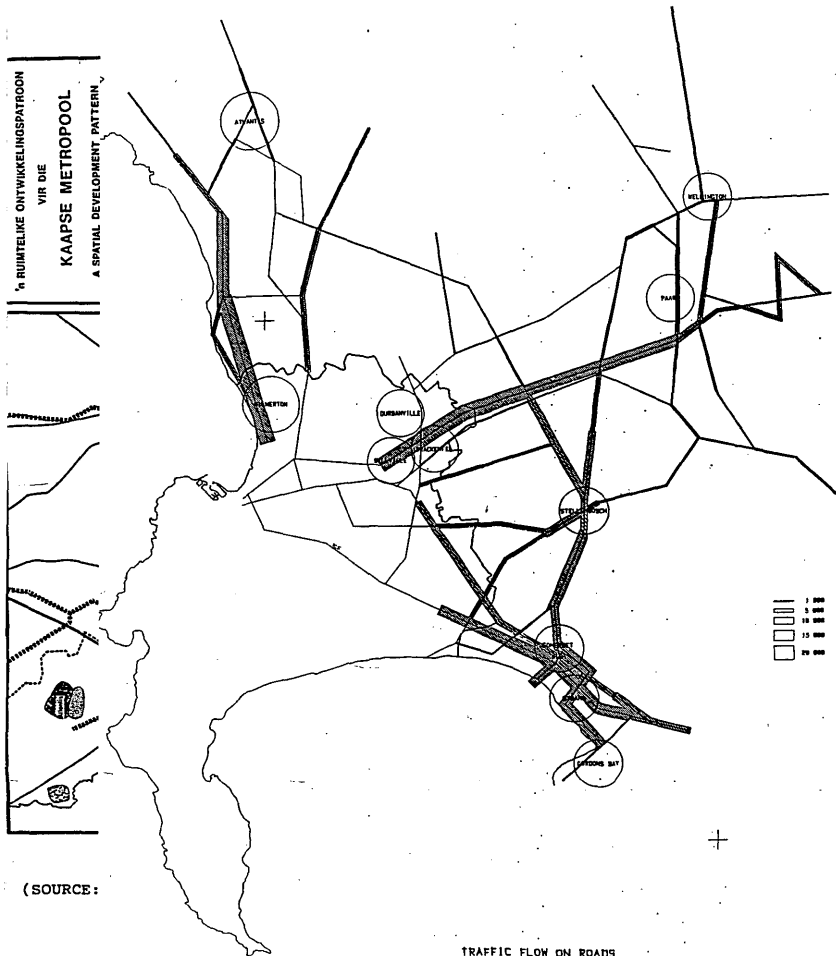
Prof R Fuggle	Department of Environmental & Geographical Science, U.C.T.
Mr P A L Mann	Liebenberg & Stander Consulting Engineers
Mr W Crous	Metropolitan Transport Planning
Mr M Haiden	Metropolitan Transport Planning Branch City of Cape Town
Mr J van Zyl	Department of Agriculture, Elsenburg
Mr B Louw	Chief Directorate of Development Management, CPA
Mr C Rabie	Chief Directorate of Development Management, CPA
Dr D Bridgeman	Wesgro



SOURCE: WESTERN CAPE REGIONAL SERVICES COUNCIL)

SURFACE WATER CATCHMENT AREAS

RUIMTELIKE ONTWIKKELINGSPATROON
VIR DIE
KAAPSE METROPOOL
A SPATIAL DEVELOPMENT PATTERN



(SOURCE:

TRAFFIC FLOW ON ROADS

SOURCE: MR P. MANN; LIEBENBERG & STANDER CONSULTING ENGINEERS)

POPULATION GROWTH AND URBANIZATION LEVEL

DISTRICT	% Growth		% Urbanisation (1991)
	1970 - 91	1980 - 91	
Bellville	89,9 %	28,6 %	93,8 %
Goodwood	36,8 %	11,4 %	100,0 %
Cape	-22,6 %	-14,8 %	99,7 %
Kuils River	457,4 %	175,9 %	96,5 %
Simon's Town	80,2 %	29,4 %	97,5 %
Wynberg	116,2 %	47,4 %	99,9 %
Metropole	77,3 %	34,0 % (2 003 000)	98,8 %
Paarl	62,5 %	19,3 %	69,7 %
Somerset-West	105,7 %	30,7 %	86,0 %
Stellenbosch	37,4 %	16,3 %	73,0 %
Strand	44,9 %	28,3 %	97,1 %
Wellington	49,0 %	25,7 %	71,0 %
Fringe	58,3 %	22,1 % (348 000)	76,5 %
TOTAL	74,2 %	32,1 % (2 350 000)	95,5 %

ESTIMATED TOTAL POPULATION AND INDIVIDUAL AREAS WITHIN
THE WESTERN CAPE RSC AREA: AS AT END DECEMBER 1993

TOWN/AREA NAME	1991		1993		
	ADJUSTED CENSUS	ESTIMATE REG PLAN	ESTIMATE RSC-HEALTH	ESTIMATE LOCAL AUTH	REG PLAN ASSESSMENT
MUNICIPALITY					
Bellville	78 820	97 000	109 000	117 500	109 000
Brackenfell	14 600	16 200		19 800	19 800
Cape Town	854 880	993 330		1 014 870	1 014 870
Crossroads	Incl. In Ikapa	52 500	48 000	90 000	48 000
Durbanville	22 380	24 010	26 300	26 540	26 300
Fish Hoek	11 530	13 880	14 300	14 300	14 300
Franschhoek	3 970	3 350	3 970	4 370	4 370
Goodwood	37 560	39 800	42 520	41 290	41 290
Gordon's Bay	4 320	4 500		5 000	5 000
Ikapa	*181 280	234 560	420 752	N/A	420 750
Kayamandi	6 710	12 000		8 000	8 000
Kraaifontein	32 680	43 140		45 000	45 000
Kuilsrivier	26 180	27 550		31 000	31 000
Lingelethu West	189 590	204 890	235 500	302 000	235 500
Lwandle	1 390	5 000	6 000	4 500	6 000
Mbekweni	15 570	20 000		N/A	25 000
Mfuleni	3 760	10 200	15 000	33 000	15 000
Milnerton	39 930	52 000	53 290	61 630	61 630
Paarl	73 410	73 810		93 940	93 940
Parow	68 080	73 200	76 730	77 010	76 730
Pinelands	10 860	11 700	11 370	11 370	11 370
Simon's Town	4 100	5 120	7 110	8 000	7 110
Somerset West	26 430	25 200		29 150	29 150
Stellenbosch	43 180	45 300		51 000	51 000
Strand	33 220	35 000		34 840	34 840
Wellington	26 590	29 390		30 240	30 240
SUB-TOTAL	1 811 020	2 152 630			2 465 190
RSC - STELL					
Blackheath	40	220		N/A	
Blue Downs	69 200	111 040	100 000	N/A	100 000
Faure-Croyden	180	550	300	N/A	300
Penhill	660	490	690	N/A	690
Rustdal	930	1 040	1 400	N/A	1 400
Scottsdale	21 900	34 230	30 000	N/A	30 000
Macassar	22 210	29 160	25 253	N/A	25 250
Raithby	430	660	460	N/A	460
Sir Lowry's Pass	2 380	3 850	3 656	N/A	3 660
Kylemore	2 290	2 390	2 762	N/A	2 760
Webersvallei	1 700	2 200	1 872	N/A	1 870
Wallacedene		4 550	11 335	N/A	11 340
Waterkloof		9 100	8 000	N/A	8 000
Rural Areas	34 170	48 790	34 500	N/A	34 500
SUB-TOTAL	156 090	248 370			220 230

* Ikapa figure includes the local authority of Crossroads.

OPRODATA\PEOPLE\POPFIG2.W01 14 JUNE 1994

(SOURCE: WESTERN CAPE REGIONAL SERVICES COUNCIL)

TOWN/AREA NAME	1991		1993		REG PLAN ASSESSMENT
	ADJUSTED CENSUS	ESTIMATE REG. PLAN. 9	ESTIMATE RSC-HEALTH	ESTIMATE LOCAL AUTH	
RSC - CAPE					
Mamre	5 410	5 000	5 000	N/A	5 000
Ruyterwacht	6 210	8 740	6 480	N/A	6 480
Bloubergstrand	1 010	1 680	1 750	N/A	1 750
Melkbosstrand	5 340	7 520	5 140	N/A	5 140
Philadelphia	310	290	270	N/A	270
Atlantis	45 180	66 910	53 310	N/A	53 310
RURAL NORTH	24 770	15 870	14 700	N/A	14 700
Eisies River	68 250	97 680	81 720	N/A	81 720
Uitsig	10 650	14 300	13 480	N/A	13 480
Cravenby	3 140	4 430	4 380	N/A	4 380
Matroosfontein	4 780	8 720	5 170	N/A	5 170
Bishop Lavis	28 020	38 370	33 510	N/A	33 510
Nooitgedacht	4 730	5 850	5 400	N/A	5 400
Belhar	39 130	50 000	50 100	N/A	50 100
Grassy Park	52 670	54 300	57 130	N/A	57 130
Colorado	1 340	1 700	1 200	N/A	1 200
Mandalay	5 150	5 620	5 330	N/A	5 330
Wetevreden Valley	4 420	5 880	6 000	N/A	6 000
Ottery East	1 360	1 380	1 630	N/A	1 630
Wetton	180	270	320	N/A	320
Lansdowne	incl R Central	incl R Central	10	N/A	10
RURAL CENTRAL	15 140	21 700	17 990	N/A	17 990
Zeekoevlei	1 360	2 390	1 530	N/A	1 530
Constantia	27 720	25 580	22 940	N/A	22 940
Hout Bay	9 470	12 120	12 740	N/A	12 740
Hout Bay Harbour	4 650	5 850	4 750	N/A	4 750
Llandudno	800	1 370	930	N/A	930
Noordhoek	3 230	3 300	2 390	N/A	2 390
Sunnydale	970	1 780	3 490	N/A	3 490
Kommetjie	1 670	2 000	2 100	N/A	2 100
Scarborough	330	380	620	N/A	620
Ocean View	12 250	14 500	14 880	N/A	14 880
RURAL SOUTH	2 250	5 320	4 340	N/A	4 340
SUB-TOTAL	391 890	490 800			440 730
PAARL RSC					
Bainskloof			8	N/A	10
Bloekombos		6 720	7 500	N/A	7 500
Klapmuts		660	920	N/A	920
Johannesdal		520	315	N/A	320
Pniel	1 900	1 590	1 650	N/A	1 650
Hermon		210	incl.in Rural	N/A	incl.in Rural
Joostenbergvlakte	860	710	incl.in Rural	N/A	incl.in Rural
Rural	52 110	68 900	56 000	N/A	56 000
SUB-TOTAL	54 870	79 310			66 400
TOTAL	2 413 870	2 971 110			3 192 550

GPRODATA\PEOPLE\POPP1993.W01 14 JUNE 1994

(SOURCE: WESTERN CAPE REGIONAL SERVICES COUNCIL)

INTERACTION OF FRINGE AREA WITH CORE METROPOLE

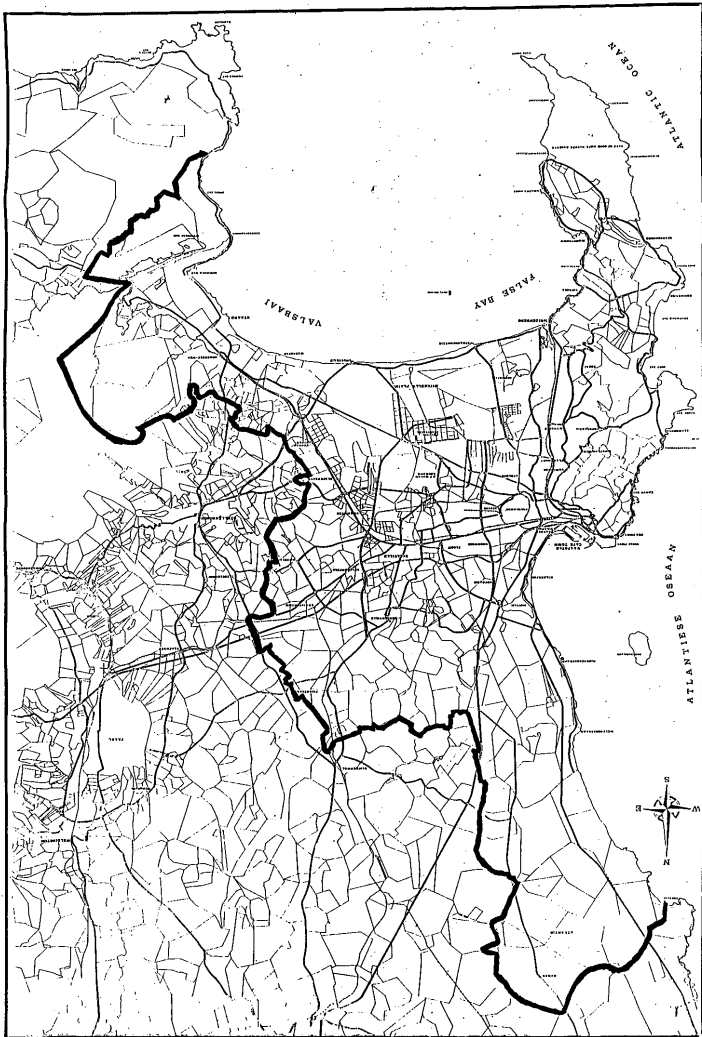
District	Worker Commuting Patterns	Shopping Patterns	Number of Cases
Somerset West	34,6%	9,7%	179
Strand	27,9%	8,8%	68
Stellenbosch	17,6%	13,4%	170
Paarl	6,9%	7,9%	131
Wellington	4,9%	10,5%	81
TOTAL	19,7%	10,3%	629

/028.BVH

DESCRIPTION OF MAJORITY PROPOSAL FOR PROPOSED OUTER METROPOLITAN BOUNDARY

SCHEDULE

Beginning at the point where the southward prolongation of the western boundary of Farm 979, Administrative District of Malmesbury, meets the high-water mark of the Atlantic Ocean; thence northwards along the said prolongation and the boundaries of the following properties so as to include them in this area : the said Farm 979, Buffels Rivier 980, Cruywagenskraal 977, Farm 978, Laaste Stulver 976, Groene Kloof 971, Farm 14, Administrative District of Cape, Farm 12, Farm 11, Farm 9, Pella Annexe 10, Farm 8, Erf 2756 Westfleur, Farm 31, Portions 8, 3 and 2 of Farm 1065, to the point where the eastward prolongation of the northern boundary of the last mentioned portion intersects the southwestern boundary of Portion 14 of the farm Vogelvlei 21; thence southeastwards along the said southwestern boundary of Portion 14 of the farm Vogelvlei 21 so as to exclude it from this area, to the northwestern beacon of Portion 24 of the farm Driefonteinen 29; thence southeastwards along the boundaries of the following properties so as to include them in this area : the said Portion 24 of the farm Driefonteinen 29, Portions 23, 22, 21, 20, 19, 18, 17, 16, 7 (Remainder Road), 35, 11, 57, 58, 72 and 73 of the said farm Driefonteinen 29, Lange Rug 36, Brakkekuyf 38, Farm 78, Baas Ariesfontein Outspan 77, Morning Star 141, Road Station 140, Platterug 139, Welvergenoege 137, Welvergenoege 138, Kuypers Kraal 133, Rondekuilt 113, Zondags Fontein 114, Rondeboschjes Heuvel 116, Portion 1 of the farm Rondeboschesberg 119, Eensgezind Annex 60, Erf 165 Kipheuvl, Erven 164, 163, 162, 161, 57, 160, Erf 1 (Remainder Road 9,45 m), 151, 141, the said Erf 1 (Remainder Road 9,45 m), 120, 108, the said Erf 1 (Remainder Road), 75, 69, 68, the said Erf 1 (Remainder Road), 209, 206, the said Erf 1 (Remainder Road 9,45 m), 176, 203, 205, 181, 8, 213, the said Erf 1 (Remainder Road 9,45 m), 184, 185, 187, 189, 190, 191, 192, 193, 194, the farm Excelsior 58, Portion 1 of the farm Mosselbank 120, Portion 1 of the Farm 123, Joostenbergs Vlake 724, Administrative District of Paarl, Portion 4 of Farm 474, Portions 3 and 4 of the said Joostenbergs Vlake 724, Matjeskult 733, Portion 2 of the farm Waarburgh 722, Farm 1369, the said Matjeskult 733, Portion 24 of the farm Joostenbergs Vlake 727, Portions 43, 348 (National Road N1) and 355 (National Road N1) of the farm Joostenbergs Vlake 728, Portion 34 of the said farm Joostenbergs Vlake 727, Aldeburgh 1355, Sandringham 1356, Farm 1371, Portions 17 and 16 of the said farm Joostenbergs Vlake 727, the said Farm 1371, the said Farm Sandringham 1356, Portion 2 of the said farm Joostenbergs Vlake 727, Portions 24, 23 and 18 of Farm 729, the said Farm 729, Portion 17 of Farm 20, Administrative District of Stellenbosch, Portion 40 of the said Farm 20, the said Portion 17 of the Farm 20, Portion 2 of the farm Draal Hoek 26, Farm 24, Ruytershove 25, Portions 16, 22, 9 and 11 of the farm Welgelegen 211, Farm 212, Koopmans Kloof Noord 216, Koopmans Kloof 215, Welgevonden 218, Good Hope 220, Farm 250, Portions 2 and 8 of the farm Langverwacht 245, to the southern beacon of the last mentioned portion; thence southeastwards along the southwestern boundary of Farm 1279, so as to exclude it from this area, to the southeastern beacon of the said farm Langverwacht 245; thence southwestwards along the boundaries of the following properties so as to include them in this area : Saxenburg 419, Farm 417, Jacobsdal 410, Portion 1 of Farm 1114, Portion 2 of the farm Veelverjaagt Annex 408, Farm 1113, Portion 6 of the said farm Veelverjaagt Annex 408, Almaura 1143, the said Jacobsdal 410, Portion 1 of Farm 470, Welmoed Estate 468, Farm 640, Farm 638, E.R. Rail 637, Farm 636, D.C. Road Station 635, Portion 3 of the farm Meerlust 1081, Compagnies Drift 626, Farm 1287, Farm 1288, Portion 1 of Farm 618, Farm 1268, Farm 1153, Erven 164 and 140 Rathby, Farm 691, Portion 3 of Farm 693, Farm 1149, Farm 699, Portion 3 of Farm 1047, Farm 701, Portion 2 of Farm 703, Erf 219 Rathby, Erf 1428 Bakkershoogte, Erf 138 Bakkershoogte (T.P. 757), Farm 757, Erven 4704, 4703, 4702, 4711, 6749, 7589, 4697, 7062 Somerset West to the southeastern beacon of Portion 7 of the farm Parel Vallei 753; thence northwards along the boundary of the said Portion 7 and Portions 172 and 6 of the said farm Parel Vallei 753 so as to exclude them from this area, to the westernmost beacon of the last mentioned portion; thence eastwards along the boundaries of the following properties so as to include them in this area : Erven 7100, 7101, 2785, 2216, 2597, 2695 Somerset West, Helfor 721, Driksberg 717, Nootgedacht Annex 718, Drie Wagte 1325, Groen Rivier Annex 720, the said farm Helfor 721, Lourensford Annex 730, to the easternmost beacon of the last mentioned farm; then southeastwards in a straight line across the farm Bang Jonker 155, to the northern beacon of the farm Laaste Wensch 835; thence southeastwards along the boundaries of the following properties so as to include them in this area : the said farm Laaste Wensch 835, Ridge 836, Farm 852, Portion 1 of the farm Firlind 923, Farm 305, Administrative District of Caledon, Steenbrasems River 309, Steenbras Catchment Area Annex 310, Steenbras Catchment Area 307, Kogel Baal 308 and high water mark of Atlantic Ocean to the point where the southward prolongation of the western boundary of Farm 979, Administrative District of Malmesbury, meets the high water mark of the Atlantic Ocean, the point of beginning.



MAP OF MAJORITY PROPOSAL FOR PROPOSED OUTER METROPOLITAN BOUNDARY

LOCAL GOVERNMENT TRANSITION ACT

SCHEDULE 2

1. Bulk supply of water.
2. Bulk supply of electricity.
3. Bulk sewerage purification works and main sewerage disposal pipelines for the metropolitan area.
4. Metropolitan co-ordination, land usage and transport planning.
5. Arterial metropolitan roads and stormwater drainage.
6. Passenger transport services.
7. Traffic matters.
8. Abattoirs.
9. Fresh produce markets.
10. Refuse dumps.
11. Cemeteries and crematoriums.
12. Ambulance and fire brigade services.
13. Hospital services.
14. Airports.
15. Civil protection.
16. Metropolitan libraries.
17. Metropolitan museums.
18. Metropolitan recreation facilities.
19. Metropolitan environment conservation.
20. Metropolitan promotion of tourism.
21. Metropolitan promotion of economic development and job creation.
22. The establishment, improvement and maintenance of other metropolitan infrastructural services and facilities.
23. The power to levy and claim-
 - (a) the regional services levy and the regional establishment levy referred to in section 12(1)(a) of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), or section 16(1)(a) of the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990), as the case may be;
 - (b) levies or tariffs from any transitional metropolitan substructure in respect of any function or service referred to in items 1-22; and
 - (c) an equitable contribution from any transitional metropolitan substructure based on the gross or rates income of such transitional metropolitan substructure.
24. The receipt, allocation and distribution of intergovernmental grants.
25. The power to borrow or lend money, with the prior approval of the Administrator, for the purposes of or in connection with the exercise or performance of any power or duty.