

## Comment on the proposed changes to the recreational use of the Sea Point Promenade

Public Participation Reference: 720 033 4254

Submission Date: April 5<sup>th</sup> 2022

### For Attention:

Executive Director, Urban Mobility Directorate, City of Cape Town

Mayoral Committee Member for Urban Mobility, Roberto Quintas

Urban Mobility Portfolio Committee Chairperson Mikhail Manuel

Ward 54 Councillor, Nicola Jowel

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Please accept this formal submission as one of two efforts that will be submitted from Open Streets Cape Town. This first submission was emailed to the Public Participation Unit and Urban Mobility Mayco on 31<sup>st</sup> March 2022 and focuses primarily on public participation procedure. Our second submission shall address more technical urban design concerns and design solutions for shared mobility spaces. This will be emailed separately.

With regards to the public participation process and procedure followed to garner public opinion regarding the use of the Sea Point Promenade, we would like to formally object, and **request that this process is discontinued and rendered procedurally flawed, based on the following points:**

1. The recommendation being put forward (to which respondents are being asked to agree or disagree with via a rather binary yes/no "tick box") requests that the public agree to actions that are currently illegal according to the National Road Traffic Act (93 of 1996). The recommendation put forward for agreement that cyclists, skateboarders and roller-skaters use the Beach Road sidewalk is asking people to condone something which at present is an illegal act. This is underscored by the recent City of Cape Town Law Enforcement operations on Beach Road where cyclists were warned/fined for doing exactly this. When we approached a City Transport official about this issue of legality of the space at the Open House, they responded that they will go through the steps to make this legal "in time", however this has not been formally communicated and has not been costed or discussed in a way that has been made clear or obvious to those being asked to comment. There is no apparent timeline, no plan for scrutiny of this upgrade to legal status, or understanding what these changes will involve in the "making legal" of sidewalk use.

**How can the City of Cape Town ask residents to condone or comment on a suggested illegal action/recommendation?**

2. The "combined recommendation" put forward has been selected from 10 options outlined in the technical report (now available online). For the City of Cape Town not to make reference to those 10 options in order that there can be sufficient dialogue looks to be that just one has been selected, further underscored by the use of the tickbox yes/no option presented to the public. This is further made clear by the use of the conjunction "**and**" between the suggested actions in this single recommendation. The Subcouncil 16 meeting held that addresses this topic (minutes attached for public comment) states that 3 options will be presented for public participation.

**To present a single recommendation of 3 parts rather than 3 distinctive and varying options to initiate dialogue appears disingenuous, and not what was agreed upon at the meeting which triggered a participation effort.**

3. The technical documentation is, in our opinion, flawed and does not adequately assess the issues at hand. The initial motion presented (and still the topic/header of the proposal) was an investigation into the EXTENSION of shared non-motorised transport access from the Waterfront to Camps Bay. It is not clear how this participation process and recommendation answers that question and the motion put forward by the councillor in January 2020. Should the question not be: "Do you support an extension of walking, cycling and mobility infrastructure along the Atlantic Seaboard?" The question of safety is absolutely critical, and a key component in any NMT project, but in the almost 90 page technical report, it does not outline the spatial location of incidents, refer to any incident reports or undertake detailed investigations of specific safety issues. It could very well be that all the incidents in question (we are not sure of the number) may have happened at a single location. It could be that these issues happened at night where there was a lack of public space lighting.

A lack of data and clear understanding of how to address safety in specific and successful ways is lacking in addition to the original motion not being addressed. What is mentioned in conversation however is an overwhelming number of complaints to the Ward Councillor.

**Is this a response to safety incidents (which should then be specifically investigated) or complaints of inconvenience that gave rise to the expensive and time consuming technical report not addressing the original the motion?**

4. Furthermore it is important to note that the technical report and Subcouncil minutes to which this process refer were not made available to the public until after the participation process had begun. We formally objected to this lack of transparency, and requested that these documents be made available online. This was done after the process had begun and may well bring into question the responses made prior to the public availability of these documents. These requested documents were also not available for scrutiny at any of the public "open house sessions" which underscores this concern, and begs the question of what the impact will be of this lack of information available on which comments will be based.

**Is it a feasible and fair process if all the available information was not made available from the outset, and at clearly accessible at each public meeting?**

5. It is worth noting, that the "Beach Road Sidewalk" portion of the recommendation is not only **illegal** as mentioned above, but is also outside of the scope of the technical report that is quoted. The report does not account for how busy this sidewalk stretch is, it does not address or acknowledge how many collision incidents may have occurred here in the past, or indeed what potential hazards are involved. The report clearly states that this area is out of scope, as well as stating unequivocally that the use of this space is not recommended from a transport planning, safety and engineering point of view.

**How can the City put forward a recommendation that is illegal, not researched, and stated by transport experts in the report as out of scope and unsafe?**

6. And finally, it is not clear in any of the documentation, or any of the processes that we have been involved in, how a decision to move forward will be taken. What is of concern is that the Urban Mobility Directorate is seemingly managing a process on land under the care of Parks and Recreation (as it is zoned Public Open Space). There does not seem to be a clear or transparent agreement as to how decisions will be taken, or what the factors are that will be considered in the resolution and compilation of comments. Will comments and suggestions favour by-laws and usage relating to parks and the recreational nature of the space, or will the used of wheeled devices be subject to transportation by-laws and policy? It is not clear, nor is it transparent to those who are being asked to comment. **Therefore, without sufficient understanding of how comments will be received and scrutinised, who the relevant department is, and what by-laws will apply, how can the public make an informed decision or put forward alternative suggestions?**

**With these critical points in mind, we request that this participation process and the study to which it refers be set aside in its entirety.**

We suggest a comprehensive stakeholder meeting is convened to set up the terms of reference for a study which centres the EXTENSION of the NMT route as originally requested that centres specifically on safety and transparency by using data, incident reports and best practice to retain and improve this strategic asset.

Please contact me should you have any questions with regards to this objection. We suggest that this objection be taken in the goodwill and robust spirit of innovation and progress in which Open Streets Cape Town has served the people of our city with for the past 10 years. We value the creation of safe places for people where sharing, mobility and social cohesion are proven to build a stronger and more connected city.

Regards

Kirsten Wilkins  
Managing Director and Urban Designer  
BAS(UCT) MCPUD(UCT)

