

# INTERMODAL PLANNING COMMITTEE TERMS OF REFERENCE

City of Cape Town

Adopted by the IPC

13 April 2018



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD



**TDA**  
CAPE TOWN

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## Purpose of the Intermodal Planning Committee (IPC)

The purpose of the IPC is to enable the participation of appropriate integrated transport and urban development stakeholders on matters relating to integrated transport (and specifically the coordination of public transport between the modes) and urban development (and specifically transit oriented development). This enablement of participation will facilitate a broader perspective on achieving the City's vision and intent to reverse the effects of apartheid and in so doing bring about the social, economic and spatial transformation of the built environment in Cape Town.

## 1. Definitions

In these Terms of Reference, unless the context indicates otherwise:

**"By-Law"** means the Constitution of Transport and Urban Development Authority for Cape Town Amendment By-Law, 2017;

**"City"** means the municipality established by the City of Cape Town Establishment Notice, No 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, No 117 of 1998 or any structure or employee of that municipality acting in terms of delegated authority;

**"Commissioner"** means the Commissioner of TDA (as defined in the By-law);

**"Comprehensive Integrated Transport Plan" or "CITP"** means the comprehensive integrated transport plan from time to time for the City as contemplated in section 36 of the NLTA;

**"Constitution"** means the Constitution of the Republic of South Africa, 1996;

**"Core IPC Member"** means all of the following:

- (a) the Commissioner;
- (b) all TDA portfolio managers from time to time;
- (c) all Sub Committee Chairs from time to time;
- (d) a senior official of the National Department of Transport (where the matters to be considered require representation of the national sphere to promote transition, integration or co-ordination), as determined by the National Department of Transport;
- (e) one senior official of Province (where the matters to be considered require representation of the provincial sphere to promote transition, integration or co-ordination); as determined by Province;
- (f) one senior representative from PRASA, as determined by PRASA;
- (g) one senior representative from Transnet Limited or other rail operators, as determined by Transnet or such rail operators; and
- (h) one senior representative from Metrorail Western Cape, as determined by Metrorail Western Cape;

**"Functional Area"** means the area of the City together with the areas of such other Municipalities with whom the City has a transport planning relationship;

**"Integrated Public Transport Network" or "IPTN"** means the integrated public transport network (for both road and rail) for the City as referred to in the NLTA;

**"Intermodal Planning Committee" or "IPC"** means the intermodal planning committee for the City established in terms of section 15 of the NLTA and the By-Law;

**"IPC Chair"** means the Commissioner;

**"IPC Member"** means a member of the IPC in terms of section 3(1);

**"Land Transport Advisory Board"** means the TDA land transport advisory board established in terms of section 16 of the NLTA and the By-Law;

**"Meeting"** means a meeting of the IPC;

**"Minutes"** means the minutes of the Meetings;

**"Municipality"** includes all types of municipalities contemplated in section 155 of the Constitution;

**"NLTA"** means the National Land Transport Act, No 5 of 2009;

**"Operator Association"** means any operator association in relation to any on demand or scheduled public transport service operating in the City;

**"PRASA"** means the Passenger Rail Agency of South Africa established in terms of section 23 of the Legal Succession to the South African Transport Services Act, No 9 of 1989;

**"Province"** means the Government of the Western Cape;

**"Relevant IPC Member"** means the IPC Member from the same organisation or body as a proposed or approved new Sub Committee Member;

**"Resolution"** means a resolution of the Meeting referred to in section 8(2);

**"Sub Committee"** has the meaning given to it in section 14(1);

**"Sub Committee Chair"** means the relevant person appointed to be chair of a Sub Committee in terms of section 16(1);

**"Sub Committee Meeting"** means a meeting of a Sub Committee;

**"Sub Committee Member"** means a member of a Sub Committee;

**"Sub Committee Report"** means a report of the Sub Committee Meeting referred to in section 21(1);

**"Sub Committee's Terms of Reference"** means the terms of reference for a Sub Committee referred to in section 15(1);

**"TDA"** means TDA Cape Town, the City's Transport and Urban Development Authority; and

**"Working Day"** means a day other than a Saturday, Sunday or public holiday in South Africa.

## 2. Functions Of The IPC

- (1) The IPC shall be responsible for co-ordinating public transport between the modes in order to achieve the objects of the NLTA (as referred to in section 15 of the NLTA) and in particular (but without limitation) for co-ordinating input and direction into the holistic integration, in accordance with the IPTN, of:
  - (a) rail passenger services in the Functional Area with road based public transport services;
  - (b) scheduled services, minibus taxi-type services and unscheduled services in the Functional Area with each other and with other public transport (including rail) modes;
  - (c) all aspects of the CIP so as to ensure that the optimal use of infrastructure and services within the system and optimal utilisation and prioritisation of funds, including freight transport and non-motorised transport, is achieved;
  - (d) the City's vision and intent to reverse the effects of apartheid and in so doing bring about the social, economic and spatial transformation of the built environment in Cape Town; and
  - (e) the roles, responsibilities and interrelationships of all relevant integrated transport and urban development stakeholders.
- (2) The IPC shall be responsible for reporting to, and regularly consulting with the Land Transport Advisory Board.

- (3) The IPC shall undertake such investigations, consultations and/or studies in relation to transport and land matters as requested from time to time by the chair of the Land Transport Advisory Board and so as to further the objects of the By-law.
- (4) The IPC shall take into account (but shall not be bound by) any Sub Committee Report duly submitted to it by any Sub Committee in accordance with these Terms of Reference and the relevant Sub Committee's Terms of Reference.
- (5) The IPC shall comply with any regulations made from time to time by the Minister responsible for transport in the national sphere of government (or as delegated by such Minister from time to time) pursuant to section 15(1) of the NLTA whereupon the IPC shall make appropriate amendments to these Terms of Reference.
- (6) The operation of the provisions of these Terms of Reference (including those in relation to the inclusion of stakeholders relating to urban development on the IPC and the consideration of issues relating to urban development by the IPC as contemplated by the By-law) shall be to the extent permitted by law only.

### 3. Membership of the IPC

- (1) The IPC shall comprise the following:
  - (a) the Core IPC Members; and
  - (b) persons co-opted under section 3(2).
- (2) The IPC may co-opt one or more senior representatives of the following as IPC Members (for such duration and on such terms as the IPC Chair deems fit) to address specific issues:
  - (a) Operator Associations;
  - (b) recognised public transport user groups;
  - (c) municipalities in the Functional Area (and such representative shall be a senior technical official of the Municipality in question);
  - (d) recognised business representative bodies in the Functional Area;
  - (e) recognised sustainable mobility representative bodies; or
  - (f) recognised universal access representative bodies.

### 4. Quorum for Meetings

- (1) A Meeting shall not be quorate if the IPC Chair is not present (unless the IPC Chair shall determine otherwise and notifies the Core IPC Members to this effect).
- (2) Subject to section 4(1), the quorum for Meetings may be fixed from time to time by a decision of the Core IPC Members, but it must never be less than 50% of the Core IPC Members (including the chair).

## 5. Chairing of Meetings

- (1) The IPC Chair shall chair all Meetings.
- (2) The Core IPC Members shall elect a deputy chairperson to act if (subject to section 4(1)) the IPC Chair is unable to chair a Meeting.

## 6. Agenda for Meetings

- (1) Any Core IPC Member may place items on the agenda of a Meeting. Written notice of such items must be submitted to the Commissioner at least ten Working Days before the Meeting.
- (2) An item of business may not be considered at a Meeting unless either:
  - (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by the Core IPC Members; or
  - (b) by reason of special circumstances, the IPC Chair is of the opinion that the item should be considered at the Meeting as a matter of urgency.
- (3) Agenda items which are not considered at a Meeting will be carried forward for consideration at the next Meeting.

## 7. Distribution of papers for Meetings

- (1) Agendas and papers may be distributed using email where appropriate and shall be distributed no less than three Working Days before the Meeting by or on behalf of the IPC Chair.
- (2) The agenda and papers for a Meeting, including those sent by email, shall be deemed to have been received on the Working Day following the day they were sent.

## 8. Decisions of the IPC

- (1) At any Meeting, decisions must be taken by common consent of the majority of the Core IPC Members present. If a majority decision cannot be determined, the IPC Chair shall have a casting vote.
- (2) Decisions must take the form of a Resolution (including the reasons for such Resolution) and shall be contained in the Minutes for that Meeting.
- (3) The IPC Chair shall ensure that, within 15 Working Days after the Meeting, a copy of the Resolution is sent to the Land Transport Advisory Board.

## 9. Minutes

- (1) Minutes shall be kept of all Meetings.
- (2) The Minutes shall include the name of all IPC Members present at the Meeting.
- (3) The draft minutes of Meetings will be circulated to all IPC Members 15 Working Days after the Meeting to which they relate.
- (4) The IPC Chair shall sign copies of all Minutes.
- (5) Copies of the Minutes shall be retained (together with all background papers) for a period of three years beginning with the date of the Meeting to which they relate.

## 10. Frequency of Meetings

The IPC shall meet often enough to achieve the objectives of section 15(2) of the NLTA and the By-Law, and in any event not less than once per quarter. The schedule of Meetings shall be set on an annual basis.

## 11. Termination of IPC Members' and Sub Committee Members' appointments

- (1) A person ceases to be an IPC Member or a Sub Committee Member as soon as:
  - (a) that person no longer holds the office that entitles him to be an IPC Member or a Sub Committee Member (as the case may be);
  - (b) that person is prohibited from being an IPC Member or a Sub Committee Member (as the case may be) by law;
  - (c) a registered medical practitioner who is treating that person gives a written opinion to the IPC or Sub Committee (as the case may be) stating that that person has become physically or mentally incapable of acting as an IPC Member or Sub Committee Member (as the case may be) and may remain so for more than three months;
  - (d) by reason of that person's mental health, a court makes an order which wholly or partly prevents that person from personally exercising any powers or rights which that person would otherwise have; or
  - (e) notification is received by the IPC or the Sub Committee (as the case may be) from the IPC Member or the Sub Committee Member in question that the IPC Member or that Sub Committee Member is resigning from office, and such resignation has taken effect in accordance with its terms.

## 12. No remuneration of IPC Members

- (1) An IPC Member may undertake any services for the IPC that the IPC Members decide.
- (2) IPC Members shall not be entitled to any remuneration for:
  - (a) their services to the IPC as an IPC Member; or
  - (b) any other service which they undertake for the IPC.

## 13. Conflicts of interest for IPC Members

- (1) If a proposed decision of the IPC is concerned with an actual or proposed transaction or arrangement in which an IPC Member is interested, that IPC Member is not to be counted as participating in the decision making process for quorum or voting purposes.
- (2) At each Meeting, each IPC Member shall complete a declaration of interest form and such declaration of interest form shall be retained together with the Minutes for such Meeting.



## 14. Establishment of Sub Committees

- (1) The IPC Chair shall be responsible for establishing sub committees of the IPC, which shall comprise:
  - (a) a rail steering sub committee;
  - (b) a Functional Area sub committee;
  - (c) a land transport enforcement sub committee,
  - (d) a minibus taxi sub committee;
  - (e) a land use sub committee;
  - (f) a stakeholder management sub committee;
  - (g) a port sub committee;
  - (h) a sustainability mobility sub committee;

and any other sub committees as the IPC Chair deems fit from time to time (each **"a Sub Committee"** and together **"the Sub Committees"**).

- (2) The IPC Chair shall be entitled to abolish any Sub Committee as he deems fit from time to time.

## 15. Function of Sub Committees

- (1) Each Sub Committee's Terms of Reference shall be subject to the prior approval of the IPC (in terms of section 16) and shall in particular (but without limitation):
  - (a) be project based; and
  - (b) require each such Sub Committee to provide written reports on the progress of the projects for which such Sub Committee is responsible and on any other issues that might affect any IPC Member or any of its stakeholders.
- (2) Notwithstanding section 15(1), overall responsibility for the functions delegated to each Sub Committee shall remain with the IPC.

## 16. Membership of the Sub Committees

- (1) The IPC Chair shall appoint the chair of each Sub Committee.
- (2) Within three months after such appointment, each Sub Committee Chair shall propose to the IPC:
  - (a) the organisations and/or bodies that should be represented on that Sub Committee; and
  - (b) the proposed Sub Committee's Terms of Reference, which shall not be inconsistent with these Terms of Reference.

- (3) The IPC shall:
  - (a) confirm to the Sub Committee Chair the organisations and/or bodies to be represented on that Sub Committee or propose alternative or additional organisations and/or bodies;
  - (b) propose to the Sub Committee Chair the individuals from the relevant organisations and/or bodies who should become Sub Committee Members; and
  - (c) confirm to the Sub Committee Chair that the proposed Sub Committee's Terms of Reference for that Sub Committee are approved, or propose amendments to them.
- (4) Following approval of such proposed Sub Committee Members by the relevant Sub Committee, the IPC Chair shall:
  - (a) notify each new Sub Committee Member and the Relevant IPC Member, that such new Sub Committee Member has been appointed;
  - (b) provide the new Sub Committee Member and the Relevant IPC Member with the Sub Committee's Terms of Reference; and
  - (c) request the Relevant IPC Member to notify the IPC if at any time the Sub Committee Member from his organisation or body is no longer able to be a Sub Committee Member or if the Relevant IPC Member wishes to replace him.
- (5) If the Relevant IPC Member notifies the IPC at any time that the Sub Committee Member from his organisation or body is no longer able to be a Sub Committee Member or if the Relevant IPC Member wishes to replace him, then the IPC shall propose to the Sub Committee Chair an alternative individual from the relevant organisation and/or body who should become a Sub Committee Member instead.

## 17. Quorum for Sub Committee Meetings

The quorum for Sub Committee Meetings may be fixed from time to time by a decision of such Sub Committee Members, but it must never be less than 50% of such Sub Committee Members (including the Sub Committee Chair).

## 18. Chairing of Sub Committee Meetings

Each Sub Committee Chair appointed in terms of section 16(1) shall chair all the Sub Committee Meetings for that Sub Committee.

## 19. Agenda for Sub Committee Meetings

- (1) Any Sub Committee Member may place items on the agenda of a Sub Committee Meeting. Written notice of such items must be submitted to the Sub Committee Chair at least five Working Days before the Sub Committee Meeting.
- (2) An item of business may not be considered at a Sub Committee Meeting unless either:
  - (a) a copy of the item is open to inspection by the Sub Committee Members; or
  - (b) by reason of special circumstances, the Sub Committee Chair is of the opinion that the item should be considered at the Sub Committee Meeting as a matter of urgency.
- (3) Agenda items which are not considered at a Sub Committee Meeting will be carried forward for consideration at the next Sub Committee Meeting.

## 20. Distribution of papers for Sub Committee Meetings

- (1) Agendas and papers may be distributed using email where appropriate and shall be distributed no less than three Working Days before the Sub Committee Meeting by or on behalf of the Sub Committee Chair.
- (2) The agenda and papers for a Sub Committee Meeting, including those sent by email, will be deemed to have been received on the Working Day following the day they were sent.

## 21. Sub Committee Reports

- (1) At any Sub Committee Meeting, the Sub Committee Members present shall agree on the form of and contents of a Sub Committee Report to be submitted to the IPC in accordance with such Sub Committee's Terms of Reference.
- (2) The Sub Committee Chair shall ensure that a copy of the completed Sub Committee Report (duly signed by him) is sent to the IPC Chair for his approval no later than 15 Working Days before the next scheduled Meeting, or as otherwise required by the IPC Chair.
- (3) The IPC Chair shall approve or otherwise suggest amendments to the Sub Committee Report within five Working Days after its receipt from the Sub Committee Chair.
- (4) Following approval of the Sub Committee Report by the IPC Chair, the Sub Committee Chair shall present approved the Sub Committee Report to the IPC Members no later than seven Working Days before the next scheduled Meeting, or as otherwise required by the IPC Chair.
- (5) Copies of the approved Sub Committee Reports shall be retained (together with all background papers) for a period of three years beginning with the date of the Sub Committee Meeting to which they relate.

## 22. Frequency of Sub Committee Meetings

Each Sub Committee shall meet not less than quarterly.

## 23. No remuneration of Sub Committee Members

- (1) A Sub Committee Member may undertake any services for his Sub Committee that the Sub Committee Members decide.
- (2) Sub Committee Members shall not be entitled to any remuneration for:
  - (a) their services to their Sub Committee as a Sub Committee Member; or
  - (b) any other service which they undertake for their Sub Committee.

## 24. Conflicts of interest for Sub Committee Members

- (1) If a proposed decision of a Sub Committee is concerned with an actual or proposed transaction or arrangement in which a Sub Committee Member is interested, that Sub Committee Member is not to be counted as participating in the decision making process for quorum or voting purposes.
- (2) At each Sub Committee Meeting, each Sub Committee Member shall complete a declaration of interest form and such declaration of interest form shall be retained for a period of three years beginning with the date of the Sub Committee Meeting to which they relate.