

River Club development in limbo

By [WESLEY FORD](#) · November 28, 2019

Members of the Observatory community, Observatory Civic Association and Two Rivers Urban Park Association demonstrated outside the Heritage Western Cape office on Greenmarket Square where the Ministerial Independent tribunal took place.

City and Province's fight to strip provisional heritage protection from Observatory's Two Rivers Urban Park – to clear the way for a multi-billion rand development – will continue into the new year.

On Thursday November 21, the Department of Cultural Affairs' ministerial independent tribunal, which is hearing their appeal against the decision by Heritage Western Cape (HWC), postponed proceedings until early February.

The City; the provincial departments of Transport and Public Works, Environmental Affairs and Development Planning, and the Liesbeek Leisure Properties Trust (LLPT) are challenging the HWC's decision to grant provisional protection to the Two Rivers Urban Park (TRUP).

The tribunal chair, Ashraf Mahomed, ruled the HWC had failed to comply with a directive the tribunal had handed down in January in that it had not engaged adequately with the appellants and interested and affected parties.

The tribunal instructed the HWC to do that by January 29 and submit a report by January 31, demonstrating it had followed the directive. The HWC needed to show how heritage resources on the property would be protected.

The HWC gave the Two Rivers Urban Park provisional protection in March 2018, halting plans by LLPT, the owners of the River Club, for a R4.5 billion, 15 hectare mixed-use development.

The Observatory Civic Association (OCA), the Two Rivers Urban Park Association

(TRUPA) and some first-nations indigenous groups are opposing the development.

The provisional protection expires at the end of March 2020.

Nicholas Smith, an attorney for LLPT, said they had sought the postponement because of HWC's "substantive non-compliance" with the tribunal's January directive.

"HWC was required to meaningfully engage, consult and negotiate with the City, the Province, the developer and interested and affected persons to reconsider the merits of the provisional protection order," he said.

But some of the interested and affected parties believe the postponement is just delaying justice.

OCA executive member Edwin Angless said: "The real threat to heritage protection justifies moving forward to consider the substantive matters motivating this protection order."

TRUPA chairman Mark Turok accused those appealing the HWC's decision of "stonewalling". He said the site "needs to be permanently protected in terms of heritage".

But Chief Zenzile Khoisan, of the Gorinhaiqua Cultural Council, felt the postponement was "necessary" to avoid undue haste in finalising the matter.

"Sometimes in our rush to conclude things we may drag everyone over the cliff," he said.

The site, he said, had a deep indigenous significance, and he wanted the HWC to approach the tribe and give it more information.

He said he had met with the developer and was prepared to meet with all the appellants.

LLPT's Jody Aufrichtig said the development would have positive economic spin-offs, including the creation of thousands of jobs subsidised housing, a school and a cultural centre to educate the public about the first-nations people.

The actual development would be on 35% of the land they own, he said.

The high commissioner of Goringhaicona Khoi Khoi Indigenous Traditional Council, Tauriq Jenkins, said they did not agree with anyone who supported the proposed development.

“Trust has been broken because we believe the proposed development poses an urgent and serious threat to our environment, spiritual sanctity, and intangible heritage,” he said.

HWC did not respond to questions by the time this edition went to print.

WESLEY FORD
