

Western Cape government's sale of Sea Point school property under legal scrutiny

By Suné Payne • 26 November 2019

BECOME A



(https://www.daily
utm_source=DM_)

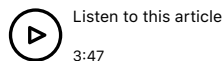


Archive Photo: A group of Reclaim the City supporters march through Sea Point in protest against evictions in the area on November 30, 2...

Subscribe 116k

19 Reactions

Did the Western Cape Provincial government flout certain necessary co-operative laws when trying to sell the disused Tafelberg property in Sea Point? A court case brought by housing activists Reclaim The City and Ndifuna Ukwazi Law Centre got underway in the Western Cape High Court to challenge the sale of the property, set on prime province-owned land.



Listen to this article

3:47

A case brought by two activist organisations this week could set a precedent for how the Western Cape and City of Cape Town governments plan to redress apartheid-era spatial planning within the Cape Town CBD. **Overnight news and latest Daily Maverick features by Sam Totterd. Totally free.**

The Western Cape High Court is hearing arguments on whether the provincial government complied with the necessary regulations in the selling of the former Tafelberg school property in Sea Point to the Phyllis Jovell Jewish Day School for R135-million in 2017.

Signup here

The sale, completed under former premier Helen Zille, caused controversy. Activists wanted the property of just over 1.7ha to be used for social housing, but the province wanted to dispose of it for an additional source of income. This led to the court application by Ndifuna Ukwazi and Reclaim The City and other

AddThis (https://www.addthis.com/website-tools/overview?)

St



(https://www.daily
payne/)

DISPLAY ADVEF





📷 Archive Photo: Reclaim the City supporters protest in April 2016 against the sale of the Tafelberg property in Sea Point. (Photo: Nail Mian/GroundUp)

Legal representatives for Ndifuna Ukwazi and Reclaim The City began the proceedings on Monday by questioning if the Western Cape government, had in the past 25 years created social or affordable housing in the Cape Town CBD. Advocate Pete Hathorn SC, acting for applicants Ndifuna Ukwazi and Reclaim The City, told the court that the province, along with the City of Cape Town, had failed to attempt to redress apartheid-era spatial planning by not using prime land located in 20 suburbs close to the CBD for affordable or social housing.

Hathorn asked why there had been no provision of affordable housing for those who want to live and work in the CBD when it “contributes more than a quarter” of the city’s Gross Domestic Product and provided almost 30% of the employment in the metro. 🗨️

“I think we can safely assume that since 1994, there has been no social housing completed, and this needs to be looked at,” said Hathorn. 🗨️

Affordable housing, Hathorn told the court, could be done through mechanisms such as social housing managed by a rental agency. It was an “uncomfortable truth”, Hathorn said, that neither the City nor province had built affordable housing within the Cape Town CBD since 1994.

“Both levers (of government) acknowledge shortcomings to address apartheid spatial planning,” he said.

Ndifuna Ukwazi wants the court to declare that the province and City have failed to fulfil their obligations in terms of the Constitution and other laws to redress spatial apartheid planning in central Cape Town. In addition, Ndifuna Ukwazi wants the court to set aside the decision to sell Tafelberg and make a declaratory order to both the City and province to state what steps they have taken to comply with their constitutional and statutory obligations.

The National Department of Human Settlements has also joined the case. Lawyer for the department Ismail Jaime SC said the department joined the case as it alleges that the province did not properly consult it on the decision to sell the Tafelberg property, with plans for a private school to be established on the property.

Jaime stressed that “all spheres must work together” in the case. He said the national department found out about the sale “in the press”.

“You don’t treat other spheres of government in the way the national government was treated here,” Jaime said.

The case continues until Thursday, as lawyers representing the Western Cape government, the Social Housing Regulatory Authority, the City of Cape Town and the Phyllis Jowell Jewish Day School will argue before Judges Patrick Gamble and Monde Samela. **DM**

- The headline on this article was updated for accuracy.

SIGN UP TO C

Daily Maverick is 10 years old. Here are 10 reasons to become a Maverick Insider

1. Ace Magashule, Julius Malema, The Guptas and Helen Zille hate us.
2. Members support our mission to Defend Truth
3. Investigations take a lot of time and money to produce. Without members' support, we couldn't do the work that we do.
4. Maverick Insiders help keep all our work free, so we don't have to put a paywall and our work can reach many more citizens
5. Members engage regularly with journalists and editors in events and webinars and callouts for editorial support.
6. Uber will give you R100 in vouchers every month if you sign up for R150 pm.
7. Our climate crisis investigations and analysis features are funded and supported by our members. This kind of journalism is critical in helping to speed up policy change in a race against time.
8. South African journalism has shed half its workforce in the last decade. Members help us stop the rot.
9. Enjoy our behind-the-scenes newsletters where we share what's happening at DM and how they can get involved.
10. Experience the business class of website browsing, add-free and the ability to comment on our articles.

For whatever amount you choose , you can support DM and it only takes a minute.

Support Daily Maverick→



Alan Winde (https://www.dailymaverick.co.za/article_tag/alan-winde/)

Helen Zille (https://www.dailymaverick.co.za/article_tag/helen-zille/)

Nfiduna Ukwazi (https://www.dailymaverick.co.za/article_tag/nfiduna-ukwazi/)

social housing (https://www.dailymaverick.co.za/article_tag/social-housing/)

Tafelberg (https://www.dailymaverick.co.za/article_tag/tafelberg/)

Western Cape (https://www.dailymaverick.co.za/article_tag/western-cape/)

Comments - share your knowledge and experience

Please note you must be a Maverick Insider (/insider/?

utm_source=DM_Website&utm_medium=Comments) to comment. Sign up here (/insider/?

utm_source=DM_Website&utm_medium=Comments) or sign in if you are already an Insider.

Comments

Comments are currently closed on this article. Articles are open for comment for one week after the date of publication.

ONLY MAVERICK INSIDERS CAN
COMMENT. BECOME AN INSIDER

All Comments 3

Carola Meyer 1 week ago

Re: "Affordable housing [...] done through mechanisms such as social housing managed by a rental agency": Some countries, like the UK, have social housing units owned by ordinary people, with the Queen/Crown as the long-term tenant who then sub-lets, guaranteeing rental income and management of the assets. If this were done here, with some competent body doing the management, many small investors would be happy to buy such a unit, thereby promoting the development of social housing without it costing the City the earth. As things stand now, the PIE Act, by protecting illegal occupiers at the (very costly) expense of the landlords, discourages property owners like myself from keeping existing rental properties.

Carsten Rasch 1 week ago

Great idea. A city like Amsterdam also utilises and manages privately owned units for rentals. Problem lies with "competent body" - just cant trust the authorities. Its a crying shame...

Jon Quirk 1 week ago

Utter madness; the mad rabble are the definition of the tail wagging the dog.