

<b>City Media Release</b>	<b>Our Response</b>
<p>Hartleyvale is regarded as a sporting precinct and its current sports fields are used for sporting codes, such as soccer, hockey and cricket at adjacent fields, which draw players from schools and clubs from across the city. These activities have been limited due to current restrictions but are due to return with the expected further easing of lockdown levels in the coming months. While the maintenance of the fields was a challenge recently, with limits on irrigation and overplaying, which in turn necessitated a reduction in the number of playing hours, the fields are in a recovery stage,</p>	<p>The Hartleyvale precinct is a recognised sports precinct but zoned as CO1 (Community Use) under the City's Zoning regulations. Unlike Malta Park, which is zoned Open Space 2, CO1 is not a zoning applicable for open sports fields. However, it has become customary for the land to be used for sports purposes as described.</p>
<p>... but these and club buildings are now being threatened by illegal activities ...</p>	<p>The media statement refers to the land that previously housed the South African National Circus School. It is unclear how the activities at the property are threatening club buildings next door or restricting sports code activities next door. No evidence is presented to support such a claim, nor is it stated what illegal activities are responsible for such a situation.</p>
<p>... illegal activities seemingly supported by the Observatory Civic Association ...</p>	<p>The OCA has not supported any illegal activities. The OCA received a project proposal from the Willow St Arts Collective (WAC) and was supportive of the principles proposed in the project, particularly related to urban agriculture and heritage uses. We requested further details from the WAC so as to come to an informed position the proposal. It is unclear why that would constitute an illegal activity.</p> <p>Note that both urban agriculture and heritage uses are permitted under the property's current zoning, the heritage use as a primary use and urban agriculture as a consent use.</p>

	<p>The statement that the OCA is in support of illegal activity is therefore unfortunate and misinformed. We note that it was prefaced by 'seemingly' in the press release but at no stage was the OCA approached to clarify its position or actions before this press release was made.</p>
<p>The land in contention is zoned as Public Open Space and the parcel forms part of the sports precinct and is zoned for sporting purposes</p>	<p>This is not correct. The land in question is zoned for Community use as CO1. The entire Hartleyvale precinct is CO1. Only the last erf along the precinct involving the Swimming Pool contains an Open Space 2 zoning. It is Open Space 2 that is the correct zoning for sports fields. Malta Park, for example, is zoned OS2. It is therefore incorrect to state that the land in question is zoned for sports purposes. In any event, OS2 also carried urban agriculture as a consent use.</p>
<p>It is common knowledge that this land previously housed the South African National Circus School. Unfortunately, the previous lease holder sublet the clubhouse illegally to a number of individuals.</p>	<p>This is correct. The illegal actions were taken by the former landlord who should never have moved people into the property. We are not aware of any action that the City or SAPS is taking against the former lease holder who broke the terms of the lease. However, the current description of the tenants as behaving illegally can only be determined by a court of law.</p>
<p>This group has since grown ...</p>	<p>This is true and it is a concern shared by the OCA. However, the best way to have controlled this problem would have been to work with the existing residents to limit such expansion based upon a meaningful engagement to resolve the problem.</p>
<p>... their activities have damaged the integrity of the land at this sporting space and has consequently impacted on the potential use of this space for years to come.</p>	<p>It is unclear why growing vegetables on a flood plain should be damaging to future utilisation of the land for any other purposes. We draw attention to the fact that the City has permitted the laying down of AstroTurf on fields across both Hartleyvale and Malta Park, which may have substantial environmental impacts, and may similarly, if not moreso, constrain future use of the land for other purposes. It is unclear why an urban vegetable garden should, for example, damage the land such as to prevent or constrain the construction</p>

	of an aquatic centre, if that is the objective of the City in the long-term.
It is located next to the Liesbeeck River and because it is situated within a floodplain it is not suitable for residential purposes, and it would be irresponsible of the City to condone the building of homes on this site.	We agree with the City on this point, though it is clear that the City's own draft Local Spatial Development Framework for the Two Rivers area has suggested the construction of affordable housing in the park, if not on the Circus School site, then certainly across the road on the City-owned land that used to be a bowling green in Willow Rd.
The site was considered as an extension of the sports precinct, and possibly the development of the aquatic centre at the adjacent municipal pool.	In 2019 we wrote to our ward council to ask for information as to what was planned for the site in the long-term. We were refused this information on the basis that this information was sub-judice. A further application later that year to the City under PAIA for this information was also declined. It now appears that the City does have plans for the site and it would be appropriate for the City to be transparent about these plans. It seems there is no sub-judice obstacle to releasing information about what it plans any longer since this has now been stated in a public media statement. We asked again to meet with Councillor Badroodien to learn what is planned as we requested last year but this has again been refused on grounds that are based on hearsay, not fact.
As it is, membership to sporting clubs had to be restricted due to limited space to exercise their sport therefore depriving communities from sporting activities and living healthy lifestyles.	While it may be true that there is a shortage of sporting field for different sports codes, it begs the question of why the City handed over a large part of the Malta Park fields to a single private sports company to monopolise, thereby excluding other sports codes from accessing public sports fields. Pointing to the circus presence as a possible obstacle to the expansion of access to sporting facilities would only make sense if the City had not, without any public consultation, handed over existing sports fields to one selected private entity at Malta Park. In any event, it is our understanding that the current site would need to be rezoned to OS2 to support a sporting activity.

<p>There is a need to extend the sports facility, which would not be possible if it is rezoned and repurposed.</p>	<p>If the City is intending to expand the sports fields in Southward direction, it would be helpful if the City were transparent about these plans. In any event, to our understanding, the CO1 zoning would require amending to accommodate a sports field use.</p>
<p>The ... intended purpose is being hindered by the ongoing eviction process and the repeated refusal of the occupiers of the derelict clubhouse to take up alternative forms of accommodation offered to them</p>	<p>In order to evict someone living in a habitation, the City needs to comply with the legal process. Part of the legal process involves the city offering the residents alternative accommodation. We cannot comment on whether the residents have refused such accommodation and, if so, why they have done so. But we have been told that it was only in recent weeks that the City have offered the residents alternative accommodation which is contrary to the claim of 'repeated refusal ... to take up alternatives forms of accommodation offered to them.' This will clearly be a matter for the courts to adjudicate.</p>
<p>I acknowledge that there is a dire lack of housing opportunities, but we cannot sacrifice all open land for this need alone.</p>	<p>We agree there is a dire need for housing opportunities. But this is not a project proposing housing opportunities but a combined multi-use centre for heritage, arts, recreation and sustainable living.</p>
<p>All communities need open spaces, sports facilities, places of worship and green belts in keeping with the district spatial plans which has taken into consideration the needs as identified by the community.</p>	<p>We agree.</p>
<p>The difficult task is to find ways to balance all of these requirements, without sacrificing existing facilities or constricting current sports and other activities.</p>	<p>We agree it is a difficult task and we are more than willing to work with the City and other stakeholders and partners to find possible solutions.</p>
<p>The site is of high ecological, cultural and heritage value and it is incumbent upon the City to build on this so that present and future generations may benefit.</p>	<p>We agree with this view. But it is unclear how laying down of astroturf would be a better realisation of this vision than implementing an organic urban agriculture project or memorialising the rich Khoi history of the precinct.</p>
<p>The city is committed to ongoing engagements with the occupiers at the facility to ensure that they have access to alternative accommodation and that the</p>	<p>It seems that the City has already decided that the site must be for sporting use. However, the current zoning of the site as a CO1 designation is for community use. The</p>

<p>facility is integrated into the existing sporting space so that any future investments and expansions may benefit all communities from across the city</p>	<p>Municipal Planning By law describes the zoning category of community use as <i>“intended for social uses directed at community needs, such as educational, religious, welfare or health services. ... There are two community zonings, with CO1 <u>serving predominantly local community needs</u>, and CO2, which caters for a wider community and potentially a greater intensity of development.”</i></p> <p>The further elaboration of the CO1 zoning includes as primary use, amongst others, the use as a place of instruction (which may include use as a museum of heritage centre), and, as consent use, urban agriculture.</p> <p>It is our understanding that what Councillor Badroodien is describing as planning to “benefit all communities from across the city” is contained under a different zoning category of CO2.</p> <p>None of the properties along the Malta Park or Hartleyvale precincts actually carry the CO2 zoning designation.</p>
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The OCA approached our Ward Councillor to arrange a meeting with Councillor Badroodien to make our position clear and to understand the City’s position. We have been refused a meeting because it is said we are in support of the illegal occupiers. This is not based on fact but appears to be based on

- a) A misinterpretation of the deposition of the Willow Rd residents, in which the Willow Rd collective indicate they will approach the OCA to solicit our support for their project. Nowhere does it state that we support their occupation and nowhere are we named as parties to the matter. Nowhere does it state we have committed to supporting the project either. Or else it seems the City is aggrieved we applied under PAIA for information as to what the City’s plans are for the site, since that is the only other mention of the OCA in the entire deposition.
- b) Claims by Councillor Chapple that he has “detailed messages with dates and times and Obs Civic minutes from previous OCA Executive members that were sent to Councillor Badroodien.” Since we have not seen such messages, we have no idea how they can possibly explain how the OCA is in support of the illegal occupiers when we know for a fact that we have not taken a position to support any illegal

occupation. It is for the courts to decide if the residents are in illegal occupation and that is in process.

The only position we have taken as the OCA is, after receiving the Willow Arts Collective proposal, to indicate in principle support for the elements of the project that would make the site attractive as a community project, particularly the urban agriculture and cultural centre. We requested more information from the Willow Arts Collective and will consider it further once we have such information. Unfortunately, the information which we had hoped to receive from the City is being denied to us on the flimsiest of pretexts because we are said to be supporting an illegal occupation.

As soon as we are in a better position to come to a fair and considered assessment about the project, we will be able to consult the community from an informed perspective.

It is a great pity that our City representatives are misrepresenting the OCA, playing politics and trying to divide the community. I can only appeal to OCA members and to the public to separate facts from innuendo and misrepresentation.