



PHA Food & Farming Campaign

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PBO No. 930065455

**The PHA Campaign supports The Observatory Civic Association's struggle to stop the Two Rivers Urban Park development**

**Concerns about River Club Development in Observatory 2021**

The PHA Food & Farming Campaign has a longstanding history of defending agricultural land and the Cape Flats Aquifer from inappropriate development, and note the irregular and disappointing conclusion by authorities to approve the development and rezoning of part of the Two Rivers Urban Park in Observatory in 2021.

The Observatory Civic Association in many ways struggle the very same elements The PHA-FFC came up against to preserve the PHA foodlands. It's an abuse of power in favour of "economic development" which undermine our natural resources, nor any awareness of how this has led to the current climate change crisis.

**We note the following concerns:**

**PRASA land sale legality**

Had this irregular sale of state land not gone ahead, there would have been no land made available for developers to commodify into a commercially profitable project. The very foundation of this proposal is based on an unlawful manoeuvre – the financial benefit to whom is obscure and difficult to unpack. The PHA Campaign themselves were subject to the same unlawful machinations which took place behind closed doors, with the community finding out long after the fact, that such a transaction took place. Such a land use sale and subsequent change was supposed to include public participation by those so effected by such a decision. In this case – no such participation was sought nor undertaken.

**DEADP conflict of interest**

The WC Department of Environmental Affairs and Development Planning set – up front – a dire conflict of interest in appealing (alongside the developer) the original Provisional Protection Order for the land initiated by HWC in 2018. In so doing they both expressed the fact that they had no intention of adjudicating the EIA fairly (they would dismiss the SAHRA-based comment function of HWC as they clearly did not agree with them), and violated the constitution.

S40 and 41 of the South African Constitution detail co-operative governance, requiring that “all spheres of government co-operate with one another in mutual trust and good faith...” (S41(h)) . It also requires that DEADP “respect the constitutional status, institutions, powers and functions of government in other spheres” (S41(f)).

As such, no part of the significant (and one would argue CENTRAL CORE OF THE LAND VALUE) assessment made in terms of SAHRA was allowed to stand, once relegated to a “comment function” of equal standing to all other elements of the EIA. To “heritage” was delegated a mitigatory “museum” – a building which cannot replace the battlefield value of such a site, but simply in its existence, destroys it.

## Cynical Use of Concilience

When an EIA divides up the factors affected by a development, affords each fraction equal significance, assigns each some mitigation mechanisms and then falsely – via the cynical use of the concept of concilience – concludes that “the evidence” allows such a development to go ahead as its impact will all be mitigated.

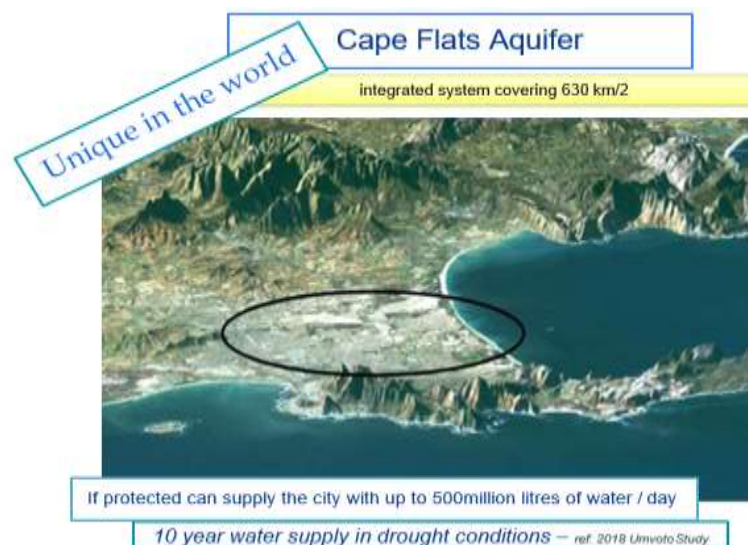
However, in the case of the Two Rivers Development, the WHOLE AREA OF LAND in and of itself is of a clearly identified heritage significance (see the heritage rulings). These rulings essentially state that the area IS hallowed ground, consecrated by the blood of those who fought, suffered, and died there. It is our responsibility—both moral and ethical—to **preserve** that ground for future generations. If it is preserved, it is not built over.

Due to the current regulations allowing DEADP to reduce the SARHA recommendations on the land to a “comment function” – the entire standing of the land is subsumed by several other environmental elements. This is done deliberately, subject to the already expressed political machinations of DEADP – thus giving the central value of the land NO CHANCE of ever standing on its own merits.

This is unconstitutional (as expressed above).

## Climate Change Assessment

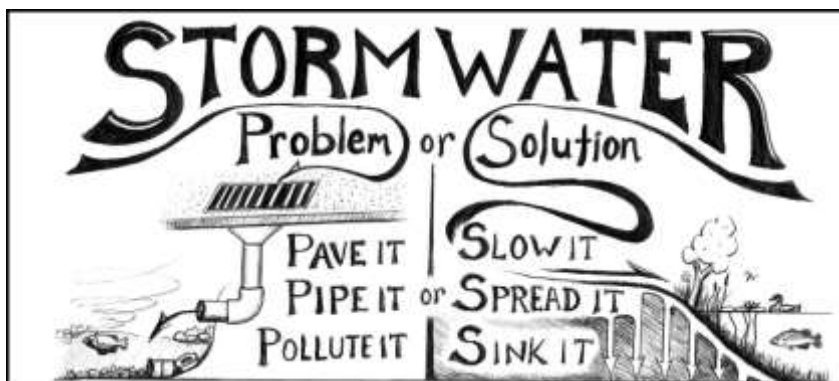
In our opinion the EIA has not sufficiently taken into account the newly established significance of climate change, the Cape Flats Aquifer and water scarcity.



The City of Cape Town is now at an advanced stage of extracting water from the aquifer in its Managed Aquifer Recharge Program, to augment and diversify the city's potable water supply. This has come about during the 2016 - 2018 water crisis where the city came perilously close to running out of water when the five dams supplying the city ran dry.

1. Is there an assessment of the impact of the Two River Development on the Cape Flats Aquifer, in particular the city's future water supply from it?
2. Has a climate change assessment, in particular wrt increased severity of localised flooding, been done of the impact of infilling of the floodplain by the development on neighbouring properties - homes, a hospital, PRASA land, commercial properties and offices -, and the critical roads feeding the city in the area- M5, NI and Liesbeek Avenue?
3. New information is relevant in this matter: the February 2020 PHA Food & Farming Campaign vs MEC Anton Bredell, the 2018 drought and the CoCT/DWS Cape Flats Managed Aquifer Recharge Program.
4. Can a sufficient and effective mitigation be planned or actualised given the lack of information on 1, 2, 3 above?

Due to climate change and accompanying extreme weather events, flood plains perform a higher role in managing storm water. Its impossible to mitigate a flood plain- an existing and free ecosystem service. Indeed, decolonising and re-engineering our storm water infrastructure (on the principles of slow, spread and sink) is urgently needed to manage recharge in light of the 22 000 and climbing boreholes and well-points in the city extracting from the Cape Flats Aquifer.



**We wish Observatory Civic Association and all its volunteers the very best** in their efforts to defend this crucial land as a highly significant cultural landscape and ecologically sensitive natural resource.

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