



OBSERVATORY
Civic Association

For Immediate Release | 10 July 2022

RIVER CLUB DEVELOPER SERVED WITH CONTEMPT OF COURT PAPERS

LLPT is ignoring High Court order and continuing its destructive work

On Friday 8th July, the Goringhaicona Khoi Khoi Indigenous Traditional Council and the Observatory Civic Association served the Liesbeek Leisure Property Trust (LLPT) and its 5 Trustees with Contempt of Court papers as a result of the LLPT's defiance of [Judge Goliath's interdict order issued on 18th March 2022](#). Her groundbreaking order, which noted that economic benefits can never override the fundamental rights of First Nations Peoples, expressly interdicted the LLPT "from undertaking any further construction, earthworks or other works on erf 151832, Observatory, Western Cape to implement the River Club development" until the High Court reviews the relevant approval decisions. We have asked that the case be heard as a matter of urgency given the LLPT's determination to get as much concrete onto the site as possible before they have to answer to the High Court. We expect our application to be heard on Tuesday 12th July.

The LLPT's rationale for disregarding the interdict is not plausible. They have argued that because they have submitted an appeal to the Supreme Court on 31st May 2022, the fact that they have appealed automatically suspends the interdict. This argument is incorrect, since the section 18.1 of the [Superior Courts Act](#) on which they rely applies only to final orders (meaning an order that brings a case to finality). It does not apply to interim orders and the interdict issued by Judge Goliath is clearly an interim order. Section 18.2 expressly notes that interim orders are not appealable. The LLPT and other respondents applied for leave to appeal on the same basis that they claimed the interim interdict was effectively a final order but the High Court [rejected that argument on the 5th May 2022](#). In other words, they have tried that argument twice already and on both occasions, the courts have found it baseless.

This means that there is no court that has agreed with the developers that the 18th March interdict is of final effect, nor that the interdict is subject to the provisions of the Superior Courts Act regarding appealability.

Despite that, the developers have decided, again at their own risk, that they can interpret the law to suit themselves and decide that the interdict is now suspended. On the 27 June, [the LLPT announced](#) that they were resuming construction on site and flaunted the fact that they believed their appeal suspended the interdict.

Like the Dutch East India company, 365 years ago, the LLPT believe the law exists for private benefit.

But they will wake up to the fact that South Africa is a Constitutional Democracy, where respect for fundamental human rights and dignity cannot be traded off for economic gains. This is particularly so where such gains give private entities like the LLPT a 9% return on investment on a R4.5 billion development, where public land is being deployed by our City authorities to enable their profiteering to proceed and where the City has redirected the project's development levy away from urgently needed upgrades to basic sewerage infrastructure to pay for a road without which this development cannot be implemented.

The LLPT will learn that this site is not their playground to do as they wish. It is a ground zero site that is sacred to indigenous people and should be a heritage park that recognises it as a cultural landscape of infinite possibility from which reconciliation and restitution should flow, along with the preservation of green corridors in an increasingly urbanised environment.

The restarting of construction at the River Club continues to enact irreparable harms that, in our view, constitute a heritage crime for which the developer must take responsibility.

We also ask the [City of Cape Town, the Provincial Government of the Western Cape and Amazon](#) if they support the LLPT's defiance of the law? If so, it would appear that they are aiding and abetting lawlessness on a grand scale. If not, they must clearly condemn what is contempt of court in defiance of the law and call out the LLPT for their disregard of the interdict.

We believe that the LLPT will be found in Contempt of Court. We look forward to the High Court reviewing the authorisations decisions for the River Club development without fear or favour, and without the LLPT attempting to pre-empt its decisions.

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Protest action taking place 11 & 12 July outside the River Club site

Time: 6.45am to 9am

Meet at the TRUP Mound opposite Hartleyvale, corner of Liesbeek Parkway & Observatory Road