

Chairperson's report: OCA AGM Dec 7th 2021

We arrive at our AGM in 2021 at a bit of a crossroad. A huge citizen-versus-Goliath campaign looms for us, with the River Club development steaming ahead, despite our best efforts to get an interdict and High Court review in place. At the same time, COVID-19 continues to dominate how we live, how we socialise, even how we hold our AGM. Businesses in Observatory are struggling. And despite all of that, there are still the day-to-day local community challenges we need to address – social issues, building applications, comments on liquor license applications, running the car park and how we use our public spaces. So, let's hope our OCA can be strengthened going forward. Without strong community support, we cannot do all the things we wish for our beloved suburb.

I am therefore pleased to deliver this Chair's report, reflecting on the past year. We enter the AGM with (at the time of drafting this report) 55 paid up members. Last year, we had 131 members at the time of our AGM. By the time we reach our AGM, the numbers may have increased somewhat.

I want to thank the outgoing committee for a year of very hard work. Work conducted under difficult circumstances. Last year, I started the chair's report with the big picture – COVID-19, the River Club.

This year, I want to report it the other way around. Let's start with what we did and what we achieved.

1. Architecture and Heritage

Naomi Roux took on the difficult job of coordinating the A&H committee for the OCA. Because Observatory is both in an HPOZ and a very attractive site for new developments and for renovations of old houses, that committee is kept extremely busy and I want to thank Naomi for a lot of hard work holding those processes together. The committee handled approximately 40 applications, including comments for HWC, and on planning applications and departures for the City. The Committee has a good relationship with the City of Cape Town's Environmental and Heritage Management department and with Heritage Western Cape, which has been particularly useful in assisting the framing of comments and objections. While not all decisions have necessarily gone our way, we have been able to navigate the City and Province's heritage management systems well and efficiently to ensure that the community voice is noted when decisions are being taken.

Illegal building work remains an ongoing problem. In some cases, we have been able to intervene to get illegal works halted and repaired. However, this is a difficult and complex process and does not always have the outcomes we would hope for. In many cases it seems that residents undertake work on the advice of estate agents or builders without having the full information about what is actually required – we strongly encourage residents to contact HWC or the City of Cape Town's EH&M regional offices before embarking on any construction or alterations, in order to ensure they are in line with legal requirements.

The push for large-scale buildings for micro-apartments and student housing seems to have slowed a little this year in the wake of the pandemic, although a small number of large development proposals and projects are still underway along Main Road and parts of Lower Observatory. We have been diligent about commenting on such proposals and ensuring that affected residents are aware and have the information they need to submit comments in addition to those submitted by the OCA.

While in general, the approach of developers has been to maximise the bulk they can from a site, which has tended to result in conflictual situation where the City is seen always to oppose these developments, we do have developments which can potentially be win-win situations. For example, the Cape Town Drug Counselling Service are planning to demolish and redevelop their building on Main Road and replace it with a large mixed-use building that will house both the drug service on the lower floors, but have rental apartments on the other floors to provide sustainable income for the organisation. Since the Counselling Centre is a public service for community benefit rather than a private entity seeking to maximise private

gain, we have tried meet the CTDC half way by offering our support in exchange for having an input into the design and development a partnership which we hope will help us deal with the problem of substance abuse on the streets of Observatory. We hope this model will be a success and a signal of how we can engage in a constructive way with developments in our area.

2. Communications

Edwin has done a super job of producing excellent newsletter for the OCA membership as well as Liesbeek Action Campaign communications. Thirty newsletters in a year is about one every 10 days, which is a really impressive achievement. And the quality of the newsletter is really noted by our readership. The newsletters have included diverse information ranging from information about start up community businesses, to how people can best offer help for people living on the street not to mention updates about COVID-19. Comms has also boosted the number of posts on both our Facebook pages and shared the newsletter to many of the local Whatsapp groups. Both the Facebook and Mailchimp analytics show that there has been an increase in both the number of engagements and the time spent on these engagements with the newsletters and the Facebook posts. Edwin also introduced an OCA's YouTube channel on the OCA website has also increased the OCA's public "footprint" as well as making "relevant-to-Obs" information more accessible to the OCA's members as well as the general public. Comms has also assisted in the set up of a new website for the Liesbeek Action Campaign: <https://www.liesbeek.org/>. In this work, Edwin had support from JP who has now become too busy to assist OCA and has handed that baton to Indiana Laurie. More recently, many of you will know that OCA, through Edwin, initiated and ran an online four town hall meetings with candidates in the recent local government elections to give the community in Ward 57 opportunity to put questions to candidates as part of civic-led public engagement process. The zoom meetings were attended by roughly 50 people each and the Facebook broadcasts were watched by over 100 people each and this was a great success thanks to Edwin's efforts.

Useful information on refuse and recycling arrangements, heritage management guideline from the City, COVID19 info, how to lodge a complaint with the City Ombud, FOL river clean ups, library reopening hours, greening Observatory, warnings about scams doing the rounds, adverts to participate in research (volunteer for a rooibos study), City media releases,

3. Social Issues

Kiki, aka Kimon Bisogno, took over the Social Issues portfolio two years ago and has transformed it into a dynamic engagement that has put people at the centre of what we do. During the COVID-19 epidemic, Kiki has coordinated an amazing effort, with the Obs CAN and OBSID, to provide nutritious meals to people living on the street in Observatory. As the lockdown has been gradually eased, the number of meals provided has been slowly but back and the last daily breakfast and dinner was provided in the last week of October. Weekend and Wed evening meals continue while other meals are now covered by the Youth Solutions hall feeding scheme.

Dec 2020 workshop on Healing, Resilience and Empowerment

Kiki, along with Carolyn Neville and others, galvanised a community response following the September hijacking of a vehicle in Bishop Rd in which a baby was in the stolen car. Luckily the baby was reunited with mum unharmed but it has led to the re-establishment of the Obs Neighbourhood Watch following two well-attended community meetings. The ONW has now elected a rep to attend OCA meetings and will pursue the vision of a stress- and violence free society. We are really pleased with the development as the OCA.

Kiki also led a successful fundraising drive to keep the Obs Rainbow house going as a micro-shelter for persons moving off the streets in Obs. After the looming prospect of the closure of Rainbow House, it has now found an entity to manage the project in the form of the Rehoming Collective and Carlos Mequita with

plans to open a homeless hub at the YMCA in lower Observatory. Kiki also initiated our Obs Car boot sale, of which the second happened at the Streetopia weekend.

Within the Social Issues portfolio there is also an active Liquor License and Noise disturbance group, coordinated by Carolyn Neville and with input from Sheila Barsel and other members. The group regularly comments on license applications and tries to support community responses where establishments are in violation of the license conditions, creating noise or disturbance. It's not an easy task and requires quite a lot of relationship building with the Woostock Liquor Officer. Some important victories – the Liquor Appeal Tribunal overturned a license granted after the OCA submitted detailed appeal in November last year. But unsuccessful objection to Stones' extension of trading hours.

The OCA is also a subscriber to the South African Alcohol Policy Alliance which has campaigned for alcohol-legislation that minimises the social and health harms related to alcohol and we have been part of a number of policy submissions, petitions and protest actions organised by SAAPA.

We have taken to advertising small businesses and entrepreneurs in our Newsletter, for example, the Koena Art Institute has held a number of cultural and art events which were advertised in the newsletter.

4. Engagement with groups living in marginal circumstances in Observatory

In 2020 and at our AGM, we had a strong engagement with and from residents at Singabalapha. We agreed to see if the Improvement Districts and/or UCT residence might be able to assist Singabalapha with access to basic services. This is still on the agenda but OCA members involved have not been able to follow through.

With regard to the Willow Rd resident who are under threat of eviction by the City, there are a lot of activity early in 2021. We held an SGM in January which voted to agree to be an amicus curiae in the matter of the Willow Rd eviction. We were subsequently asked to become an applicant in the matter on the side of the WAC and were going to hold a SGM over the issue but because of the shifting courts dates, that SGM did not take place. Since then, the case has not been to court and we have not been asked to act any further. The WAC proposal for a mixed cultural, urban agriculture and leisure project, which would enable residents to stay on the property is still pending.

5. The Car Park

We could think of the Car Park as a social enterprise run by the OCA. For a number of years, it was an example of a successful community initiative which generated a modest surplus which the OCA could use to support community activities. Unfortunately, just as DeVos Rabie managed to get the City to waive an unreasonable bill for over-valuing the car park, the COVID-19 epidemic arrived and severely impacted on the utilisation of the car park. Last year, we reported that DeVos' sterling work had turned around the Pepper Square parking lot from a huge gaping financial loss for the OCA into a small running deficit. Unfortunately, COVID has meant the small running deficit has persisted through the year – as a result, OCA has essentially drained any surplus it had accumulated. While we were hoping that utilisation of the car park will improve, the 4th wave and Omnicron and whatever new variants will follow mean that we cannot rely on a post-COVID return to normal. In other words, the likelihood of us giving up the lease on the Car park unless SPAR reinstate the subsidy of parking tenants is high. We have asked UCT Knowledge Coop to find students to help design a business plan to make the car park sustainable but and if we do not get a solution in the next few months, the Man Comm has resolved to end its role managing the car park. If anyone in the audience wants to leap forward to help find a sustainable solution, please alert us. We know that Obs resident car about the park and the people that work there because many were very generous in donating to help us avoid retrenching staff during COVID lockdown. But if we do not find a solution in the next few month, that will be the reality.

6. Arts, Culture and Sports

The COVID-19 epidemic has severely constrained a number of activities planned indoors. Nonetheless, we had a very successful Heritage Day event at the Liesbeek plus a number of small music events at Khoena gallery advertised. The Telling the Observatory Story project commissioned by OBSID is ongoing with two OCA members on the committee. The project has invited community input and will continue to do so. Efforts to remobilise Observatory artists are ongoing. Part of the fundraising for the River Club campaign is expected to include various cultural events.

7. Partner organisations

We also have a number of portfolios for participation by sister organisations, including TRUPA, ONW, OBSID and the Business Forum. OBSID attends OCA meetings every second month and TRUPA has a regular rep. Both the ONW and the Business Forum were inactive for a few years but the ONW is reviving and we hope to see the BF revived thanks to local enthusiasm. We have a candidate for the OCA Man Comm, Akhona Simelela, who hopes to revive the Business Forum, which we are very pleased to hear. Once organisations are established, they will nominate a rep to the OCA.

Regarding the Two Rivers Urban Park precinct, there are developments other than the River Club which I should report on. Firstly, the fields at Hartleyvale and Malta Park remain a matter of non-transparent decision making by the City. Cape Town City FC retain their lease on fields which other amateur clubs were kicked off, not to mention community members excluded – yet the lease has expired and the City has no shame in bending its rule to allow CTC FC to carry on as if it is business as usual. Our request for an inclusive co-design precinct plan remains stonewalled. CTC FC have erected at least one container structure on the fields, seemingly without any development application or approvals. Despite asking how this was permitted, no response was obtained from the relevant officials.

At Oude Molen, the Department of Public Works and Transport (DPWT) has initiated a process to develop a Local Spatial Development Plan (LSDP), somehow again decoupled from our application for heritage status for the TRUP. It seems there is a feeding frenzy planned for the TRUP once the River Club matter is settled and we have a very real risk that the TRUP will be dismembered and handed over to private entrepreneurs by the same department who joined the developers in appealing heritage protection for the area.

The Civic Action for Public Participation (CAPP) network has been quiescent during COVID and there has been no progress on forwarding the bylaw proposed for Public Participation. We did, however, help to facilitate the Masters research of a UCT student, Ms Dahlia Patsika, on community participation at Civic level and she has finalised her thesis, which will be made available to us when it is through examination.

We also need to anticipate restoring the OCA and community's relationship with the Observatory Community Centre. We reached a point in early 2020 where the OCC was about to have an AGM (after a long lapse) which would have re-established community representation on its board and in its operations. But then COVID19 closed everything down. This process is thus pending and should be picked up at some point going forward.

8. The relationship with the City of Cape Town

The relationship with the City has been rather fraught. Some officials are very open and honest in how they engage, but other departments less so - particularly in Building and Development approvals and in the attitude of the Mayor's office.

This is perhaps illustrated in the community service awards which the City advertised in June. Two nominations were made of myself for the Community Leadership award and of Tauriq Jenkins for the Community Bravery award. Both nominations were supported by the independent panel adjudicating nominations. Tauriq and I were both hugely surprised but appreciative when we were told we had received

these awards, not simply for our benefit but because it was recognition for the work of the OCA and the Liesbeek Action Campaign. When Edwin and I arrived at the venue to meet Tauriq with the idea that we would film the awards, Tauriq told me that just as he was travelling in to receive the award, he was phoned and told it was a mistake. We checked with Councillor Kempthorne who looked at the list which confirmed Tauriq's name on the list. He dismissed it as merely an administrative error that Tauriq had been phoned by mistake. We both then were given our awards. However, afterwards Tauriq was quietly taken off the list as confirmed in a document provided to Cape Talk when they asked for the list of recipients. We know the mystery call retracting Tauriq's award came from the Mayor's office so I believe it was the Mayor's office who meddled in the matter and that politicians were able to interfere with the independent panel's decision. It's the same pattern elsewhere - certain voices are recognised by the politicians in the City while other voices are suppressed if what they say makes our politicians uncomfortable.

Unaccountability is also rife in the Building Development environment. In 2020, the Building Inspector for the Observatory area gave the owner of 289 Lower Main Rd permission to occupy a new development before a certificate of occupational was issued. This is unusual. We asked for documentation to confirm why this was done but were refused and told to apply for the information under the Promotion of Access to Information Act (PAIA). We applied in 2020 under PAIA but the same building official who had told us to apply under PAIA simply ignored the request by the City's information office to provide the documents. He did so over the course of 6 months. If the PAIA request is not responded to in 6 months, it is deemed refused. We appealed the decision and, on appeal, won our right to the documents, but had to wait a further 6 months to receive the documents. The documents indicated that on the eve of COVID-19 lockdown, the owners of 289 had been granted permission to move tenants onto the property. In total, it took us about 15 months to establish that the City had departed from their own rules without any real motivation.

The building is also currently being used in violation of conditions agreed at the Municipal Planning Tribunal. It is meant to be a backpackers but is currently used and advertised as an apartment building. Despite lodging a building regulations violation in 2021, we were consistently obstructed by senior officials at the City who pretended there was no zoning problem, when were not disputing the zoning but the misuse of the property contrary to the MPT conditions. We finally had to appeal to the City Ombud who ruled in our favour. Even now, the matter has still not been finalised even though we have been informed that it is now with legal services. It's taken two years and endless emails and attention to hold officials accountable to do what they should be doing.

Consistent with this unwillingness of public officials to accept they are accountable to communities, our relationship with the previous Ward Councillor remained poor in 2021. Despite a resolution at our 2020 AGM to pursue a process to restore our relationship and communicating the OCA's openness to such a process, this was not reciprocated by the Ward Councillor. In fact, he continued to bad mouth the OCA on his WhatsApp groups, without basis. For example, in mid-year, he bizarrely alleged that the OCA was responsible for making deliveries of boxes of alcohol to the Singabhalapa settlement at night, with a black SUV. When confronted about such false claims, he simply said he couldn't remember what I was talking about because he is on so many WhatsApp groups. We don't believe the former Ward Councillor was behaving consistently with the Code of Conduct for Ward Councillors under the Municipal Systems Act. We certainly hope that the next Ward Councillor will have a more inclusive approach to engaging with the community and we can establish a relationship from a clean slate going forward. We note the Mayor's announcement on 24th November indicating that Capetonians should hold their councillors accountable post elections.

9. Comments on Public Policies

In terms of comments on public policies, the OCA has made the following inputs:

- In May 2021, responding to the MPBL review, we submitted comments to the City;
- In June 2021 we submitted our comments on the Table Bay Planning District LSDF to the City;
- In May 2021, we attended a presentation by consultants involved in a DPWT funded LSDF for Oude Molen and submitted comments.
- In November, OCA submitted comments to the WCLA on the advisability of issuing any liquor license for the off-premises sale of alcohol at petrol garage-linked convenience stores.

In February, we nominated Mathew Gray for the MPT based on recommendations from the Fish Hoek Civic and his record as an architect.

10. And so to the matter of the River Club ...

Everyone should know that we were about to go to court on November 24 and 25th to interdict the construction on the River Club site, when Judge Goliath was taken ill and the matter was postponed. We are still in the dark as to the date for the Interdict, which will hopefully pause the construction so that a full hearing in the High Court can consider the merits of the decision under PAJA. We have undertaken a massive fundraising effort to fund our court action, have a strong legal case and legal team, and now just need someone to get the Judge President Hlope to do his job and run the High Court as it should be run – exhibiting urgency when there is an urgent interdict.

Our case rests on the facts that the approvals were incorrect and no reasonable person should have approved the EA and rezoning based on the facts presented. We have Advocate Tembeka Ngcukaitobi as our silk and a strong team.

Supporting the court case, we have a strong advocacy campaign. This has

- Established a Liesbeek Action Campaign with a number of volunteers driving the campaign; we commissioned some graphics which you will see on our T-shirt (for sale), emails, notices, placards, etc.
- Established a website for the LAC at www.liesbeek.org and a fundraising platform
- Maintained our petition site which now stands at over 57 700 signatures
- Made many newspaper and other media interviews and presentations
- Presented to meetings of multiple groups – faith-based organisations, academics platforms, advocacy events, etc.
- Made links with international groups campaigning on the environment and on issues to do with Amazon
- Contracted fundraising and organising capacity to help with the campaign
- Applied for and raised at least one grant with more to come
- Held a number of events to mobilise the community in partnership with allies in the Khoi community, neighbouring civics and support NGOs. These include the 27 April Freedom Walk; June 16 Walk of Resistance; COP26 protest 12 Nov and a Make Amazon Pay protest 26 Nov.

We still need more support from the community to help us – for example, we started a discussion with the Yes Men (now handed over to the Fixers) about a performance piece highlighting the campaign but need more volunteers and energy. Similarly, we have some great ideas for short videos, but need people with skills to animate, draw, design. And even if you have no high end media skills, you can still come paint a banner or stick a placard onto a banner when we prepare a protest event.

The second legal challenge we have was our appeal of the Water Use License required for the development to infill the Liesbeek River and change the flood plain. Our appeal automatically suspended the license but the developers then applied to the former Minister, Minister Sisulu, to uplift the suspension, a power she has under the law, but one which is intended to be used as an exception. Within a week, she uplifted the suspension. She has not provided reasons for the uplifting other than 2 lines of the most banal text. There

were also circumstances that appear to be irregular regarding the upliftment and we will be pursuing this. In amidst this, we were threatened in a lawyer's letter with a defamation suit based on an article in the Mail and Guardian in September. Needless to say, the accusation is without foundation and part of a broader effort to harass opponents of the development.

The South African Heritage Resources Agency (SAHRA) has currently started a process to evaluate the TRUP for national heritage status following the referral by Heritage Western Cape in July and our application in Feb 2020. SAHRA are also considering a provisional protection order given the ongoing destruction of intangible heritage at the site by the ongoing construction.

We have also applied under PAIA for copies of the approved building plans but are getting little joy from the City. A building regulations violations complaint we lodged saying that we believe building is progressing without building plan approval was met with a response from the City's legal department (no less) saying that what is being constructed presently has approval. A very legalese answer.

So, we are digging in for a long haul. This is a huge campaign for which we need stamina and your support.

Conclusion

Most importantly, the OCA needs a strong base in our community. We are definitely minnows in a big sea of corporate influence and ruthless predation. To coin a boxing metaphor, loathe as I am to normalise physical violence, we are punching far above our weight, where the New York Times interviews us to run a story on Amazon, the richest company in the world whose turnover exceeds the GDP of many nations. But the reason we are punching is because there is justice to be served and injustice to be exposed. And if the Observatory Civic is profiled for that, it's because we are committed to a just future, both here in Observatory and for our country and the world and we won't compromise on that.

But unless we are grounded in our community, we will risk being cut off at the knees, which is why our AGM is so important to be held properly and fairly, so as to elect a strong Management committee to take our work forward - not just the River Club, but to make sure we don't neglect making our public spaces safer and greener and happier, our community more inclusive and less unequal, our built infrastructure consistent with the type of environment we want to live in.

I thank you for attending this AGM and thank the outgoing Man Comm for its hard work in 2021.

Leslie London, 2nd December 2021