

## OUR FUTURE IS IN THE BALANCE – THE FACTS

### VERY GOOD REASONS WHY YOU SHOULD DONATE TO THE COSTS OF LEGAL ACTION

#### Protecting our own interests for the future

You need to defend and protect your own interests for the future. This matter is about **the entire Far South** not only about the development of Riverside Extn in Kommetjie.

#### Developments planned for the Far South

Do you know how much development is planned for the Far South?

- 4500 units!! Only 1125 of these units are for much-needed low cost housing.

#### Approvals by the City of Cape Town

- The City of Cape Town is approving developments without there being a comprehensive **Sub-Regional Traffic Impact Assessment** in place for the Far south as a whole as required in its own District Plan. A comprehensive assessment is crucial to all planning decisions made. The current flawed *Gibbs Traffic Impact Assessment (TIA)* was established with a limited study area which did not include the Far south as a whole or the 3 access roads into the Far South.
- Currently there are three Kommetjie developments on appeal with the Department of the Environment (DEA&DP): Protea Ridge (within a Heritage buffer zone), Wireless Road 1 and Wireless Road 2, Kommetjie. These total 275 units. Nevertheless, City Planning is taking these 3 developments forward for approval on 13 July 2016, regardless of the appeal process not being completed, and without a comprehensive (and promised) **Sub-Regional Traffic Impact Assessment** in place.
- The City of Cape Town Spatial Planning, Environment and Land Use Management Committee (SPELUM) refused the Riverside Extn application in September 2015. But their decision was overturned and approved by the Mayoral Executive Committee (MAYCO) in October 2015.
- The City of Cape Town must adhere to their own planning policies when considering developments for approval.
- The City of Cape Town is compromising heritage buffer zones through inappropriate approvals
- The City of Cape Town needs to engage with civil society on their legitimate concerns raised.

## **GATVOL Petition**

The FSPCF launched a petition to the Mayor in April 2016 against over development and the consequences within our communities. There were **4000 signatures** to this petition. The FSPCF held a public meeting in Fish Hoek on 18 April 2016 attended by over 400 people including the media. It was agreed that the issues raised at the meeting be submitted to the Mayor. **This was done on 3 June 2016** asking her to meet with a delegation from the FSPCF during June 2016 to hand over the petition. To date there has been no formal response from the Mayor. Are 4000 signatures not enough for a response?

## **Why take Legal Action?**

- The Right to Appeal the Riverside Glen Extn approval was denied by the City of Cape Town.
- Applications, such as Riverside Glen based on flawed TIAs do not meet the requirements of the City's own **District Plan**. This requires that all major new developments require a traffic impact assessment and that the assessment should take into account traffic impacts in the whole Far South area as well as key access routes out of the valley, particularly Ou Kaapse Weg.
- If this approval is not challenged in the courts it will set a dangerous precedent for development applications to be approved on flawed TIAs and in the absence of an assessment of the cumulative impact of development approvals on bulk infrastructure. This will open the floodgates to further developments.
- If the legal challenge succeeds it will set a positive precedent for the Far South to hold the City of Cape Town accountable for future irresponsible and irrational approvals of developments and force the City to give more weight to input from civil society.
- The FSPCF has obtained a legal opinion to establish whether there is a fair chance of winning the case to overturn the approval of Riverside Extn. Senior Legal Counsel and a well known environmental and planning lawyer (resident in the Far South) are both of the opinion that there are reasonable prospects of success with this case. But funds are needed: an estimated R350 000.

**The clock is ticking so please offer your support by donating to legal costs to force the City to base its approvals on realistic infrastructural data. This Riverside Extn challenge will set the precedent for our future!**