
Development Action Group (DAG)



SUBMISSION TO THE CITY OF CAPE TOWN RE THE PROPOSED GRANTING OF RIGHTS TO USE, CONTROL OR MANAGE, VARIOUS PORTIONS OF ERVEN IN KLIPFONTEIN ROAD, SYBRAND PARK, MOWBRAY, KNOWN AS RONDEBOSCH GOLF COURSE.

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THE DEVELOPMENT ACTION GROUP

Established in 1986, Development Action Group (DAG) is a leading non-profit, nongovernmental organisation working throughout South Africa to fight poverty and inequality, and promote integrated urban environments.

DAG supports communities in need of adequate housing to lead, and engage with, their own development by enhancing their capacity and resourcefulness. DAG's strategies support pro-poor urban development practice using community-based development to foster social cohesion and strengthen citizenship and democracy.

DAG influences state policy and practice through four functional areas: research, advocacy and lobbying, partnerships and demonstration (projects). Critical partnerships with government, through a combination of policy advocacy and demonstration projects are central to DAG's strategies.

OUR VISION

The creation of human settlements through development processes which enable human rights, dignity and equity.

OUR MISSION

To create, implement and support opportunities for community-centred settlement development and to advocate for and foster a pro-poor policy environment which addresses economic, social and spatial imbalances.

OUR STRATEGIC OBJECTIVE

To demonstrate how working in partnership with citizens and other groups who share a pro-poor agenda can lead to creative and sustainable solutions that redress social, economic and spatial inequalities.

INTRODUCTION

In March 2019, the City of Cape Town (CoCT) published its intention to renew the granting of rights to use, control or manage various portions of erven in Klipfontein Road, Sybrand Park, Mowbray, known as the Rondebosch Golf Course and invited interested parties to make submissions – as part of the public participation process – in relation to the matter. The proposed granting of rights concerns 45.99 ha of publicly-owned land that is worth more than R10 million, leased for a ten-year period at the CoCT's set rental tariff base (R1 058 per annum). The Development Action Group (DAG) herewith presents its submission to the CoCT on its proposed renewal of the long-term lease for the Rondebosch Golf Club.

The spatial geography of South African cities is marked by urban sprawl, deep-seated segregation and unequal access to the urban inner core for the majority of urban residents. Nowhere is this more starkly illustrated than in the City of Cape Town (CoCT) where exclusionary property markets, exorbitant housing prices, high inner city rentals, land speculation, etc. left many with no choice but to access precarious housing on the outskirts of the city, far removed from social amenities that could assist in advancing their socio-economic position. This context underscores the desperate need for well-located land within the urban core where low to middle income households can access affordable housing. Such land, according to the CoCT however, is finite and very hard to come by given exceptionally high inner city land prices. Yet our analysis indicates that the CoCT owns vast tracts of well-located public land, including parking lots, vacant buildings, bowling grounds and golf courses – of which the Rondebosch Golf Course is but one – which DAG will argue, in this submission, the City has a Constitutional responsibility to strategically utilise for the purposes of affordable housing development.

OBJECTIVE

The purpose of this submission is to present the DAG's stance on the proposed renewal of the lease agreement of the Rondebosch Golf Course. As an organisation dedicated to the pursuit of integrated, inclusive and socially just urban spaces and human settlements, we oppose the renewal of the long-term lease agreement of this significant piece of public land to a private entity. We advance the following arguments in respect of our opposition.

1. The CoCT, by failing to illustrate how the Rondebosch Golf Course forms part of a long term strategic land use (including land banking) strategy failed to demonstrate that its decision to lock it up in a long term lease – in the face of a desperate need for well-located land for affordable housing – is rational and justifiable. The land in question is only one of several pieces of well-located city-owned land that is not put to its most productive use and in the public interest (as many as possible and the most vulnerable residents of the city).
2. How well-located public land, especially that in urban centres, are used is paramount. The CoCT has not demonstrated that the use of the land in question is indeed its best and most productive use vis-à-vis other uses. There are several other options (i.e. mixed-market model) available, which the CoCT has yet to explore and seriously consider.

In the section below, we discuss in detail key concerns to advance our opposition to the intended lease renewal.

AN INTEGRATED LAND STRATEGY ESSENTIAL FOR INCLUSIVE DEVELOPMENT

The failure to transform urban spaces into more just and equitable localities has much to do with the inability of government to effectively manage urban land. Effective management of urban land requires that different levels of government – but given its centrality to delivery at the local level and its role in developing local planning documents (Integrated Development Plan's (IDP), Built Environment Performance Plan's (BEPP's) and SDF's) – local government in particular have a clear, detailed, **long term strategy** that reflects the CoCT's plans not only in relation to the Rondebosch Golf Course – but in relation to every other piece of city-owned land.

In 2016, the CoCT reported that it is in the process of consolidating golf courses located on public land, across the City. Speaking at an information session hosted by the South African Institute of Black Property Practitioners (SAIBPP), Deputy Mayor, Ian Neilson stated that some rationalisation in terms of golf courses are needed and that the CoCT must consider its options with a longer term perspective in mind. In accordance with our sentiments, Neilson further stated that all these golf courses are not needed, and that “[t]he issue is not one of focusing only on golf courses. It is essential that more intensive land use takes place within the urban core area, rather than ongoing expansion of the city footprint due to expansion at the edges of the city...Thus we [the CoCT] are looking with greater focus at all of the City-owned land within the core area as to its potential for redevelopment.”

At the time and apparently still so, given the CoCT's justification noted in its public participation notice to renew the lease agreement, the Rondebosch Golf Course was considered inappropriate for housing development given that half of the land is below a 1:50 year flood line – which according to the City presents limitations in relation its development and lease potential. The land, the City noted, would always carry these constraints prohibiting any proposed development.

Notwithstanding the above, as it relates to the current proposal to renew the lease of the Rondebosch Golf Course, it remains unclear whether this site is part of the CoCT's long term land banking strategy or whether it simply is deemed inappropriate for housing development, in perpetuity. Statements and reports made by high-level CoCT representatives in various platforms indicate that the former may also be a possibility. Either way, the CoCT has a responsibility to clearly outline what its long term strategy is for this city-owned land in particular, and all of the other various pieces of well-located public land across the city. More so, the CoCT must explain to the public what other options it has in terms of well-located land that can be made available for use in the public interest, should this site become unavailable for the use of affordable housing construction, among other options, if the lease agreement is to be renewed.

Evidently, there is a need for much more transparency around the CoCT's long term plans in relation to well-located publicly-owned land: its intentions, associated budgets and programmes – with significantly more detail about how this important public resource will be used than what is covered in the CoCT's five-year Spatial Development Framework (SDF). Such transparency and accountable governance will require that the CoCT, in the absence of same, develop a strategic plan that clearly details its land banking, acquisition and disposal, pipeline and release strategy, and how the plan will be implemented over the short, medium and long term taking cognizance of the growing urbanisation patterns and population growth. Of particular concern in this regard are the potential impacts of a local government withholding land in the face of a growing unaffordable housing crisis within its jurisdiction. Specifically, the implications and potential negative impacts of the

CoCT holding well-located land back from the market, on affordable housing developments in other areas, those residing in informal settlements, and poor and marginalised urban residents who are in desperate need of affordable housing in the inner city/on well-located land, are legion. Given this, it is crucial that the public – as this land is a public good – are able to meaningfully participate in debates and discussions on how the land must be managed and used over time. If the CoCT indeed has a long term land strategy and is keeping strategic well-located land parcels such as the golf courses in a land bank, the logic, rationale and future plans in relation to the land must be made public. This level of transparency would inspire confidence in the CoCT, that it is indeed a caring city, and importantly, it would provide the public with the critical information required to hold the local government accountable.

Finally, an efficient and effective land use management system must enable the CoCT to redress the consequences of historical unjust and unequal land and housing policies, and to fundamentally transform the unequal spatial structure of South Africa's urban milieu. The CoCT's lack of transparency around the use of well-located public land and its failure to utilise this land to benefit the most vulnerable sectors of society translates into a distinct dereliction of its Constitutional responsibilities towards citizens.

USING WELL-LOCATED LAND IN THE PUBLIC INTEREST

Well-located land in cities, as mentioned earlier, is a finite public good that is difficult to acquire and use for the construction of affordable housing given its high prices. It is therefore paramount that whatever land the CoCT does own is used to the maximum benefit of as many people as possible, i.e. in the public interest. The extent to which the CoCT is able to ensure that the land housing the Rondebosch Golf Course, and all other bowling greens, golf courses, and vacant land and buildings are put to its best and most productive use is therefore crucial, much more so when the municipality is faced with many urban residents in dire need of affordable inner city housing.

One is therefore compelled to question whether use of 45.99 hectares of public land as a golf vis-à-vis any other use of the land, potentially for the purposes of affordable housing but also other uses, is indeed ensuring that the land is put to its best and most productive use. This question is especially relevant given that public golf courses have been losing membership, playing rounds and income, while costs are rising and they are having challenges such as access to irrigation water, *inter alia*. Former public golf club members, the evidence shows, have instead been opting to purchase homes in luxury (golf estates) where having access to a course on a private golf estate is a benefit of the purchase. In addition, considering that the rates and taxes for those living on luxury (golf) estates tend to be significantly higher, one could argue that even financially, it would serve the CoCT and consequently, its citizens better if they were to follow the trend towards estate living rather than subsidising flailing golf clubs to continue to exist.

The question then arises who exactly is the "public" purportedly serviced by this and other golf courses, as indicated in the CoCT's proposed lease renewal documents and is it fair and just to prioritise their rights over those living in abysmal conditions in informal settlements and other forms of precarious and vulnerable housing options. The South African Constitutional court and the Constitution prescribes that the state prioritise the needs of the most vulnerable and marginalised in society. Using this piece of public land as a golf course as opposed to the various other uses it could potentially be put to seems irrational and decidedly unfair and unjust when considering declining need for its use as a golf course. Moreover, is the CoCT using public land to benefit a few (those who can afford

paying R15,000-R 17,000 per annum for golf membership) who are already significantly better off at the expense of a large majority who could benefit from the land being used for a mixed-market model – meaning in addition to affordable housing, also several other public uses. The fact that the golf club pays only a nominal tariff (R1,058 per annum) for the use of the land to the benefit of an elite few underscores this point.

As noted, the CoCT as the custodian of public land has a responsibility to ensure that all the land is put to its best and most productive use, and that the “public interest” is paramount in decision-making around land use. Critical questions the CoCT must therefore be able to answer include,

1. What are more socially just and efficient yet economically viable alternative uses of the land vis-à-vis its current use?
2. Could the CoCT for instance consider leasing/selling the land or parts thereof to a Social Housing Institution (SHI) or a private developer who can use the land more productively and simultaneously assist the CoCT to address its housing backlog?

The analysis above indicates that government intervention – in the public interest – in the property market will be key to ensure more just spatial outcomes and to eradicate persistent unequal spatial distribution. The basis of decisive and bold state intervention in land markets must be unlocking access to publicly-owned land, with the aim of availing such land for the purposes of affordable housing development, among other options, in the urban core.