Objection to City of Cape Town’s Proposal to Grant Long-Term Lease of Various Erven at Klipfontein Road to Rondebosch Gold Club

Socio-Economic Rights Institute of South Africa
(SERI)

March 2020

Contact details:

Alana Potter
Director of Research and Advocacy
Tel: 011 356-5869
Email: alana@seri-sa.org
# Contents

1. Introduction
2. The Socio-Economic Rights Institute of South Africa (SERI)
3. Comments on the proposed lease
5. Conclusion
1. Introduction

On 29 January 2020, the City of Cape Town (the City) invited interested parties to submit comments or objections on their plans to renew the lease of 45.99 hectares owned by the City to the Rondebosch Golf Club. The proposed lease would be for a period of ten years at a cost of R1,058 per year. The City proposes the lease to allow the land to maintain its sport and social use. The City states that the existence of the golf club would provide significant benefit to the community as well as rental income, profits from tourism and the creation of jobs through substantial investment into resort developments.

The Socio-Economic Rights Institute of South Africa (SERI) submits comment on the proposal in accordance with the invitation to submit written comments.

2. The Socio-Economic Rights Institute (SERI)

SERI is a registered non-profit organisation and public interest law clinic that provides professional, dedicated and expert socio-economic rights assistance to individuals, communities, community-based organisations (CBOs) and social movements in South Africa. SERI conducts applied legal research, litigates in the public interest, facilitates civil society mobilisation and coordination, and conducts popular education and training. SERI’s core work relates to the advancement and protection of access to socio-economic rights in socio-economically marginalised (poor) communities.

One of SERI’s primary thematic focus areas is “Securing a Home”, which includes protecting and fulfilling the right of access to adequate housing; challenging unlawful evictions; promoting greater tenure security for the urban poor; informal settlement upgrading; advocating for spatial justice; and defending and promoting access to basic services such as water, sanitation and electricity, particularly in informal settlements.¹

Over the last ten years SERI has been involved in legal, research and advocacy work around evictions, relocations, affordable rental housing, allocation of state-subsidised houses, and informal settlement upgrading. We have published several resource guides, research reports and working papers, including the following:

- Our Place to Belong: Marikana Informal Settlement (April 2019)
- Left Behind: Siyanda Informal Settlement (April 2019)
- The Promised Land: Ratanang Informal Settlement (April 2019)
- Inner City Federation: Fighting for Decent Housing in Inner-City Johannesburg (November 2018).
- Edged Out: Spatial Mismatch and Spatial Justice in South Africa’s Main Urban Centres (December 2016).
- ‘Jumping the Queue’, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa (April 2013).

¹ For more on SERI visit the SERI website: https://www.seri-sa.org.
SERI has also been involved in a series of important court cases dealing with land occupations, evictions, the provision of alternative accommodation, and informal settlement upgrading. These include:

- Fischer and City of Cape Town v Ramahlele and 46 Others
- Thubakgale and Others v Ekurhuleni Metropolitan Municipality and Others
- Abahlali baseMjondolo and 30 Others v eThekwini Municipality and Others
- Dladla and the Further Residents of Ekuthuleni Shelter v City of Johannesburg and MES
- Blue Moonlight Properties 39 (Pty) Ltd v Occupiers of Saratoga Avenue and Another
- Dzai and Others v Ekurhuleni Metropolitan Municipality and Others
- Lyton Props and Robert Ross v Occupiers of isiQalo and City of Cape Town
- Melani and the Further Residents of Slovo Park Informal Settlement v City of Johannesburg and Others
- Mzimela and Others v eThekwini Municipality and Others
- Pheko and Others v Ekurhuleni Metropolitan Municipality
- Schubart Park Residents Association and Others v City of Tshwane Metropolitan Municipality and Others
- Zulu and 389 Others v eThekwini Municipality and Others

Much of SERI’s work involves the right to access adequate housing enshrined in section 26 of the Constitution. In this respect, there is considerable overlap between SERI’s work in our “Securing a Home” thematic area and ensuring that well-located land in urban areas is allocated to the production of affordable housing. It is in this respect that SERI submits written comments.

3. **Response to the proposed lease of well-located land to Rondebosch Golf Club**

Cape Town faces a chronic shortage of affordable housing which has partly been attributed to a shortage of land in the city.\(^2\) The parcel of land proposed for lease renewal to the Rondebosch Golf Club could be used to provide access to housing, including affordable housing, instead of being leased for use by a social club which limits access to the land to an extremely limited sub-set of people living in Cape Town.

The use of any state-owned land must be highly scrutinized to ensure that it meets a clear social purpose. Cape Town has an abundance of golf courses and driving ranges. Ten of the 24 golf courses and driving ranges, and 26 of the 35 bowling greens in the City are located on public land. In fact, the parcel of land for lease is adjacent to the King David Mowbray Golf Club, thereby negating the need to have another golf club, on public land, in the same area. The need for well-located housing far outweighs the need for another golf club.

The City should take into account whether the land could be used for the socio-economic development initiatives of government, including urban land reform. It is our contention that this land can, and should be used to these ends.

Cape Town has systematically failed to redistribute land. Cape Town is still characterized by severe spatial mismatch which refers to a disconnect between the location of low-income households’ homes and job opportunities.\(^3\) In contemporary Cape Town, the white and wealthy tend to live close to nodes of economic production and the social life which characterises cities, while the black and poor are confined to isolated settlements on the Cape

---


Flats. An estimated 21.8% or 261,144 people in the Cape Metro area live in informal dwellings.\(^4\)

The spatial mismatch hypothesis suggests that distance from jobs decrease prospects of finding employment, while in Cape Town social and public amenities are overwhelmingly concentrated in core wealthy areas, to the detriment of people living on the periphery.\(^5\) The Cape Flats experiences extremely high rates of violent crime but receives proportionally few police officers, and basic infrastructure such as sanitation and street lights is often lacking.\(^6\) The spatial form of South Africa’s cities is both a poverty and an inequality issue, as lack of opportunities and amenities on the periphery entrench poverty for the poor while concentration of jobs and services in the core allow for greater opportunities for advancement for the rich.

The Rondebosch site represents an opportunity for the City to disrupt this inequitable pattern of development, by providing affordable housing so that poor and working class people can take advantage of the benefits of economically and socially well-located land. The land in question is 45.99 hectares in extent, or an area the size of 45 full-sized soccer fields. It is located in close proximity to public hospitals, schools and is only 10 minutes away from the city centre. According to research conducted by activist organisation and law centre, Ndifuna Ukwazi, the parcel proposed for lease could yield 165,000 m\(^2\) of floor space with around 2,500 new homes.\(^7\) Of these 2,500 units, 1,433 could be cross-subsidised affordable housing, providing homes to roughly 2,400 people who could otherwise not afford to live close to economic opportunities and decent social amenities.

Renewing the lease of this parcel of land to the Rondebosch Golf Club will entrench prevailing patterns of ownership and advantage which contradicts the City’s constitutional obligation under section 25(5) to “take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.” The City should evaluate the use of the land on which Rondebosch Golf Club sits and scrutinize whether it is being put to its best use in light of the staggering need for land for housing.

The City of Cape Town has consistently blamed its failure to address spatial injustice on a lack of available well-located land that could be used for affordable housing, choosing instead to push for state-subsidised housing on the outskirts of urban areas, where land is cheaper. Publicly owned well-located land, like the 45.99 hectares proposed for lease, offers a unique opportunity for the City to help break this poverty trap, and it should not be squandered.

4. Conclusion

Well-located publicly held land is an economic and social asset which must be protected. SERI urges the City of Cape Town to reconsider the proposal to lease this property to a private golf club and to use the parcel of land for affordable rental accommodation for the city’s poor and working class residents.


\(^7\) Ndifuna Ukwazi, 2019. *City Leases: Cape Town’s Failure to Redistribute Land*, p.11.