

Comments for Correction of the Western Cape Province's 2018 PHA Study

We respectfully submit these comments on the recent study on Cape Town's Philippi Horticultural Area ("PHA") commissioned by the Western Cape Department of Agriculture and prepared by Indego Consulting entitled "Building the City of Cape Town's Resilience and Adding to Regional Competitiveness - Philippi Horticultural Area: Socio-Economic Agricultural Plan" (published 23 April, 2018) (hereinafter referred to as the "Study"). In presenting the Study to stakeholders and the public, Provincial officials have indicated that the public now has the opportunity to comment on, and in the case of errors or omissions, seek to correct the Study prior to its finalisation.

The Study, which is commendable in many respects, contains several important errors and omissions described below that the undersigned believe must be corrected before it is finalised. We respectfully offer the proposed changes below.

1. The Study Incorrectly Concludes that the City's Policy With Respect to the PHA Is Consistent With the Study's Findings Regarding the Requisite Protection for the PHA

The Study's findings are incontrovertible with respect to the agricultural and hydrological value of the PHA. Among its findings, the Study states:

- "The Indego Study has confirmed the findings of a number of previous studies that the PHA is an area of agricultural, environmental and heritage significance that should be retained for its original intended land uses -- horticulture and sand mining." Study at p. 8.
- "The significance of the PHA as an agricultural area relates to its unique combination of climate, water and soil." Study at p. 8.
- "The PHA growing conditions are not replicable within a 120-kilometre radius of Cape Town and have made the PHA more drought-resilient than other areas, according to both market and producer feedback." Study at p. 9.
- "The agricultural activity within the PHA has broader socio-economic significance as a contributor to:
 - The CCT and Western Cape's climate change resilience;
 - Sustainable and inclusive urban development;
 - CCT, regional and national food security and positive food price regulation; and
 - Regional economic competitiveness.Study at p. 9.

The Study furthermore identifies the southern portion of the PHA as the most agriculturally and hydrologically important area of the PHA:

- “Farmers have indicated that there are water quality differences spatially and seasonally in the PHA, with the southern part of the PHA having the best water quality and greatest water availability throughout the year.” Study at p. 42.
- “The southern portion of the PHA is regarded as the most productive land.” Study at p. 68.
- “The PHA provides an ecological link within the Cape Flats District to the False Bay coast via the Strandfontein and Weltevreden Expressway. . . . The PHA comprises several features which are integral to the various components of the district and city-wide ‘green space’, namely . . . it contains dune thicket in the southern portion . . .” Study at p. 50.

The study acknowledges the threat urban/suburban development has on the PHA, as well as the City’s role in undermining the integrity of the PHA, particularly the southern portion.

- “In recent years, the policy certainty around the land uses of the PHA has been further eroded by . . . precedent-setting land development applications in the southern quadrants of the PHA; and, amendments to the City of Cape Town’s SDF and urban edge in 2011 and 2014.” Study at p. 8.
- “The loss of this land in the South-East quadrant through recent planning decisions regarding the Oaklands Development and the possible loss of the South-West quadrant through the UVEST development application will remove high potential agricultural land from the PHA. It will also threaten the underlying aquifer and destroy a large portion of the natural recharge area through paving it over with impermeable concrete.” Study at p. 57.
- “The risks associated with the loss of the PHA agricultural footprint . . . through unchecked land use transformation . . . and formal conversion to non-agricultural use . . . include the following: Potential loss of irreplaceable areas of significant/unique agricultural land, including the southern portion, which is highly productive, all-year round soft-leaf vegetable growing area because of its favourable micro-climate and adequate groundwater resource quality and quantity.” Study at p. 68.
- “The map illustrates that all relevant public transport corridors and human settlements projects are planned to the north and northeast of the PHA. This raises a strong concern over planned private sector development in the southern portion of the PHA as they appear to fall outside of the City’s spatial investment targets and are located far from any planned public transport infrastructure.” Study at p. 76.

However, notwithstanding the contradiction between the Study’s findings regarding the PHA and its acknowledgment of the City’s role in undermining the integrity of the PHA, the Study concludes that the City’s spatial plans are consistent with its findings:

- “There is substantial stakeholder consensus that the PHA needs to be retained for horticultural purposes. This is translated into provincial and CCT spatial plans and development frameworks. The latest draft of the Metro SDF identifies the PHA as a “Critical Natural Area” owing to its agricultural and heritage significance and broader contribution to metropolitan food security that must be protected.” Study at p. 10.
- “The protection of the PHA for horticultural and sand mining purposes is consistent with the spatial development plans of the CCT and the WCG. As stated earlier in this report the PHA is included in the MSDF (2017) as a Critical Natural Area. This affords policy certainty regarding government as a whole’s approach to competing development within the PHA and affords it a high level of protection.” Study at p. 70.

We believe that the study’s findings with respect to the agricultural, hydrological, environmental, and socio-economic importance of the PHA are accurate in light of the methodology and care taken by the Study’s consultant, Indego, and further supported by the findings’ alignment with many other recent studies undertaken to evaluate the value of the PHA. Accordingly, it is not the accuracy of these findings that we challenge. Instead, we find the Study’s deference to the City’s recent strategy with respect to the PHA to be inconsistent and irreconcilable with the findings of the Study.

The risk of leaving this error uncorrected is the precedent it will set in allowing the City to argue that its actions are completely consistent with the Study’s findings. Far from being aligned with the Study’s findings, the City must change course drastically in order to protect the PHA. This includes revoking previously (and irregularly) granted land use decisions, reincorporating the entire PHA as outside of the urban edge, implementing new zoning, land use, and building regulations over the entire PHA (including the southern portion, Areas 2 and 6), and withdrawing from pending litigation against community groups who are challenging urban/suburban development of the PHA. The City could, but has not, examined further courses of action to mitigate its poor planning decisions with regard to the PHA’s southern portions.

Indeed, the City’s most recent Spatial Development Framework amendments double down on its mistakes of the past, while at the same time stating that the Study “may influence future recommendations and revisions to this Unique Cases classification and associated SPC categorization.” City of Cape Town, Municipal Spatial Development Framework (25 Apr. 2018), at p. 147. Rather than providing impetus to make corrective actions, however, the Study provides the City with cover to maintain the status quo. This is inconsistent with the Study’s overall findings and should be corrected in order to preserve the integrity of its findings.

To correct this error in the Study, we propose that the Study be amended to make clear that the City must realign its policies with respect to PHA in order to support the Study’s findings and the Province’s policy position with respect to the PHA. We suggest, at a minimum, inserting the following language: “In order to align its policies regarding the PHA with the findings of the study, and to provide policy certainty between and within the spheres of government, the

CCT must take further steps to secure the spatial boundaries of the PHA, including re-designated agriculturally valuable southern portions (Areas 2 and 6) as outside of planned urban/suburban development.”

2. The Study’s Designation of Area 6 as a Proposed PHA “Buffer” Areas Is Inconsistent with the Study’s Findings and Allows for Continued Urban Encroachment on the PHA’s Agricultural Lands

As demonstrated above, the Study’s findings with respect to the southern PHA’s agricultural and hydrological importance are incontrovertible. See above, Section 1. See also Study, p.17, Figure 3; p. 41, Figure 18. Indeed, the Study’s findings leads its author to conclude, correctly, that Area 2 (covering the proposed UVEST development area) should be re-incorporated into the protected “core” of the PHA. See Study at p. 84. However, the Study incorrectly fails to make this same policy recommendation with respect to Area 6, which covers the proposed Oaklands City development. See *ibid.*¹

This distinction between the two areas is not made based on the findings of the Study itself, which find that both of these areas contain the best agricultural potential as well as the best aquifer recharge locations in the entire metropolitan region. Rather, presentations by the Study’s authors indicate that this distinction has been made exclusively on the basis of the City’s prior land use decisions. These are the very same land use decisions that the Study itself finds has “further eroded” the policy certainty surrounding the PHA and will result in the loss of “irreplaceable areas of significant/unique agricultural land” as well as threatening “the underlying aquifer and . . . a large portion of the natural recharge area”. Study at pp. 8, 57, 68. To conclude exclusively on the basis of the City’s poor land use decisions that Area 6 should be re-designated outside of the PHA’s “core” agricultural area is inconsistent with the Study’s findings and in error.

Furthermore, designating Area 6 as “buffer” area is not adequate to protect this area from urban/suburban development that will undermine its agricultural and hydrological value. The proposal put forward by Rabicorp for the Oaklands City development is clearly inconsistent with uses that are “complementary” to the PHA’s core agricultural use. The Study’s definition of complementary uses that should be permitted in “buffer” areas is problematically vague and allows for virtually any development, “including business, residential, community facilities . . . home industry . . . and non-noxious light and general industry.” Study at p. 85. The City’s previous track record of approved developments in and around the PHA provides further evidence of its inability to recognise and distinguish sound peri-urban agricultural land use. Accordingly, designation of Area 6 as “buffer” area under the Study’s plan provides inadequate protection for this area, which currently includes the largest natural and undeveloped areas in the PHA.²

¹ The Study’s plan also appears to encroach on other previously protected areas of the PHA, particularly within its western portion.

² Other areas designated as “buffer” areas under the Study’s plan are similarly at risk of urban/suburban

To remedy this inconsistency, we propose that the Study's plan re-incorporate Area 6 back into the "core" of the PHA, as has been done with Area 2. Doing so will provide far more policy certainty than designating it a "buffer" area, as has been done under the current plan. The Study's plan should furthermore clarify uses within buffer areas that are consistent with land uses that are "complementary" to the core PHA uses. This could include prohibitions on subdivisions or suburban developments that fragment agricultural lands, or that clearly do not entail farming or agriculturally related activities as their primary use.³

The Study marks an excellent opportunity to re-align governmental policy with respect to the PHA. While we commend the Provincial Department of Agriculture on taking this step, and its consultant Indego for an otherwise admirable Study, we caution that the errors detailed above in sections 1 and 2 could undermine this effort. We therefore respectfully offer the proposed changes detailed above, and welcome any opportunity to discuss them with you further. Replies may be submitted to christian@clbalexander.com.

Submitted this 5th day of May, 2018 on behalf of the following graduates of the University of Cape Town's Bachelor Honours and/or Masters in City and Regional Planning Program in their individual capacity:

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encroachment, and therefore should be subject to more stringent protections, including being considered part of the PHA and outside of the urban edge. Area 6's unique agricultural and hydrological significance requires an even further level of protection.

³At the very least, the Study should make clear why the Study's findings do not justify designation of Area 6 as part of the "core" PHA. We submit that no justification can be found within the Study's findings.