



The Philippi Horticultural Area

The Uniqueness of the PHA

The PHA is in the middle of the Cape Flats and has been farmed for over 130 years. Proclaimed a horticultural area in 1968, the PHA is a unique ecosystem – situated above a natural aquifer that provides water to the farmlands, which in turn protects and recharges the aquifer, allowing water to filter down into the underground system. The PHA is the green lungs of the city and Cape Town’s “spens”. Blessed with an unrivalled micro-climate, productive soils and abundant water, the PHA’s value is irreplaceable.

- It is the **most productive horticultural area** in the country, producing up to five harvests of some crops per year, and drought proof – over the past three years, production in the PHA increased, whereas the rest of the Western Cape agricultural production decreased by 20%.
- It comprises 3000 hectares of farmland that **produces 200 000 tonnes of vegetables** per year and **employs 6000 people**, mainly women and youth.
- It is the **primary recharge zone of the Cape Flats Aquifer** and could potentially (with a proper aquifer management plan) provide one third of Cape Town’s potable water.

A fully agro-ecologically farmed PHA could sink up to one third of the city’s carbon emissions and provide employment opportunities to 55 000 people in farming and associated jobs. Just one-third of the PHA could assist the Western Cape to reach its 2030 land reform target.

The PHA Campaign

The PHA Campaign was born out of the need **to protect the PHA and to promote food and water security, and agro-ecological farming**. All energies are directed towards opposing the development proposals and creating awareness about the PHA’s value for the consumers in the city. For over a decade, the PHA Campaign has fought to protect the PHA from being paved over and eliminated by urban creep. Despite participating in all municipal processes and making submissions after submission, we have been left with no option but to go to court.

In addition to filing the High Court case, the PHA Campaign continues to participate in ongoing heritage and rezoning processes. We are continually on the backfoot because of the huge imbalance of resources (developers come to hearings with two advocates and other experts, whereas the PHA Campaign is represented by a farmer and an optometrist). Furthermore, the Western Cape government engaged in a concerted “intergovernmental engagement” on the PHA that actively excluded the PHA Campaign.

The Court Case

The PHA Campaign has filed a huge High Court review of 12 development permissions, ranging from rezones, EIAs to urban edge shift challenges and, finally, whether or not Act No. 70 of 1970 applies to our agriculture-zoned area – the City declares that they are the final authority.

- Both the City and DEADP are opposing us.
- Our papers have 12 respondents, including DCOG.
- We have had no response from any department except for DAFF, who have chosen to abide, much to our dismay. The city has dismissed (having initially hid) the protections provided by the Subdivision of Agricultural Land Act (SALA), despite two letters from DAFF turning down urban edge shifts into the PHA (for two developments demarcated in blue and red in the map below). DAFF’s appeal of the EIA was dismissed, and yet they are not joining us in the review of that decision – even though their paperwork on the EIA is key.

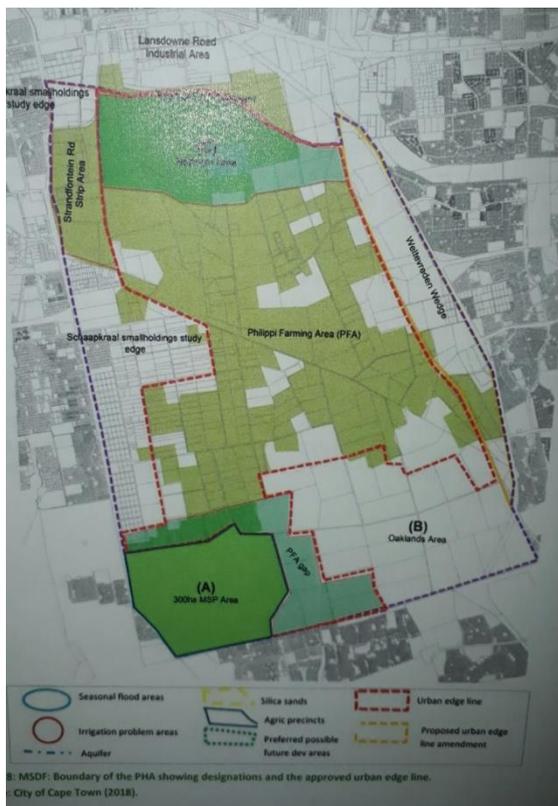
Our problem, legally, is that the planning law environment is fluid, with changes in law and devolutions of power. Development applications were made long before SPLUMA or LUPA came into existence, meaning that the city is granting developers permissions to build on agriculture-zoned land without the congruent protections for agricultural land, as provided in the newer act.

Our primary prayer in the case is a declaratory order that the PHA falls under SALA.

Taking the 2018 MSDF Under Review

Ignoring the 10 studies that recommended the PHA be managed and protected, in April 2018, the City of Cape Town adopted a new Municipal Spatial Development Framework (MSDF) that has deleted nearly half of the PHA. It is the latest in the City's efforts to push PHA development approvals through, skipping deviations and exceptions by simply deleting the urban edge – the PHA's designation has changed from rural, agriculture-zoned land to a "consolidated area"; yet this concept exists nowhere in law.

The previous SDF (in 2011), in which we participated as a civic, had a full urban edge and protections for the PHA. The new MSDF is itself a total deviation and exception – and did not take into account any comments from either the PHA Campaign or other civic organisations who support our campaign.



- The PHA is a rural area and has a water table that is too high for low-cost housing.
- There are 11 000 hectares of urban land elsewhere in Cape Town identified by the city itself as developable.
- The city owns extensive tracts of suburban land, which they could swap with the developers and sell the PHA land to land reform.

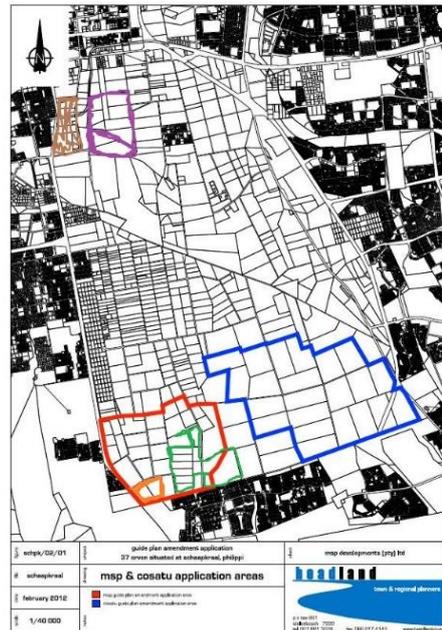
(The MSDF included a similar "urban edge disappearance" in the north, over the Koeberg exclusion zone, about which Eskom made comments.)

The new 2018 MSDF makes a mockery of a full Heritage Protection Overlay Zone which has sat on the mayor's desk for the last five years, as well as the gazetted Environmental Management Framework for the area. Only 1669 hectares of the PHA would remain, which makes it unviable as a horticultural area. And with the developments in the south over the primary aquifer recharge zone, the water supply is going to dry up anyway.

Unless Urgent Action is Taken, the PHA will DISAPPEAR

Currently developers/speculators own **ONE THIRD** of what remains of the PHA – the southern part is where the best soil is found and the Cape Aquifer’s main recharge area.

- The green lines demarcate 100 hectares of land that is worth R20-million as agricultural land – the City of Cape Town offered to pay the developer R52.6-million for the land if they got their rezone.
- The blue lines delimit land that was bought for R36-million and then valued at R890-million in 2011 following an “urban edge shift” – despite the shift being turned down by a full city council.
- The purple area is an open-cast Consol Glass sand mine that has been approved, despite the impact it will have on the Cape Flats Aquifer and the neighbouring Ramsar sites in the Cape Nature reserves over the next 10–15 years.



Despite 10 years of participating in all government processes, first as the Schaapkraal Civic and Environmental Association and then as the PHA Campaign, we have been unable to prevent the progressive deletion of the City’s breadbasket.



Figure 5 Reduction of the PHA Core owing to a Sequence of Planning Decisions

The Fight to Protect the PHA Raises Many Constitutional Questions

- Does local govt have the right to delete our S25 and S27 rights because they are “the final authority”?
- Can a mayoral committee act as the decision-making body AND the appeal body?
- Are the mandates within national acts then moot?
- When is an administrative decision, a decision – or can a city ignore it?
- What are “parallel permissions”, and can one arena influence and steer another arena which is supposed to come to their own conclusions under their own Act?

For example, last month the DEADP appealed a provincial provisional heritage protection in the PHA, alongside developers, issuing instructions to Heritage Western Cape to withdraw the provisional protection. Heritage is the only body managing to protect the PHA at the moment, and we feel that the DEADP actions is dire over-reach and unconstitutional.

DEADP manages, informs or has negotiated ALL five decision-making streams: the parallel processes of SALA, urban edge shift, EIA, heritage and rezoning. In a setting where prime agricultural land is irreplaceable, this situation is untenable.