

NEWS YOU'RE NOT SUPPOSED TO KNOW

R39⁶⁰
(including VAT)

noseweek

Goodbye Mr Postman!

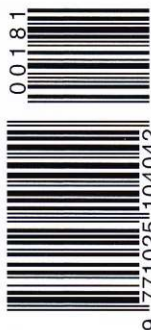
Dis-Chem on its high horse

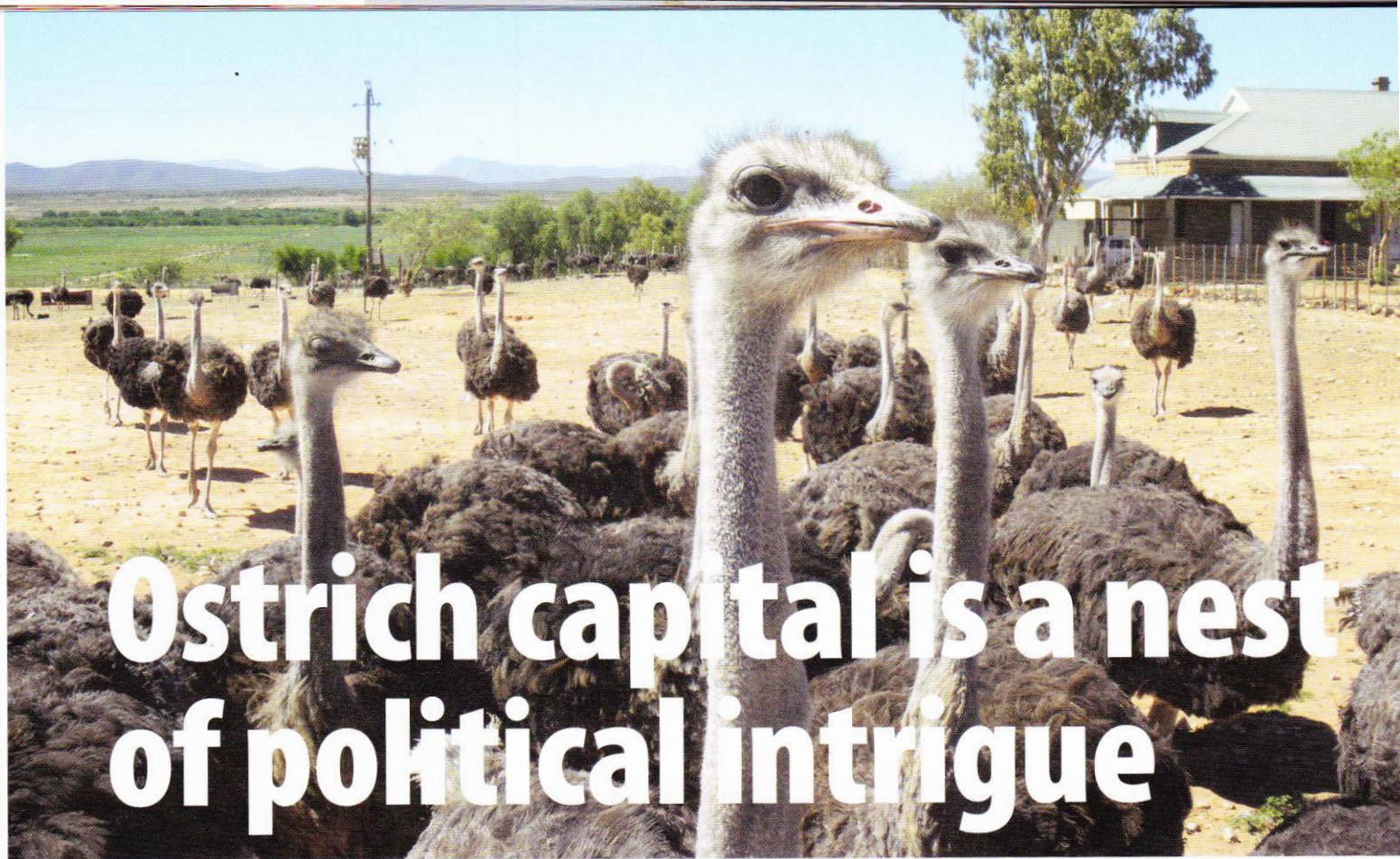
The postman is just a Western colonial thing



Mugabe's new best friend

181 NOVEMBER 2014





Ostrich capital is a nest of political intrigue

Modernity threatens the bucolic peace of the Klein Karoo. By Koos Koekemoer

OUDTSHOORN, A SLEEPY LITTLE TOWN of 100,000 souls in the Klein Karoo, is best known for its ostriches, the nearby Cango Caves and the Klein Karoo Nasionale Kunstefees, an arts festival that shatters the peace and quiet for a few days every year. But the locals fear their tranquility will be destroyed permanently by a proposed mall.

To be called the Kango Mall, it will cover 13,000m², will have 500 parking bays, two anchor tenants and all-important fast-food outlets. It is to be built in the sought-after suburb of Wesbank, which has both primary and high schools. Locals describe Wesbank as an idyllic place to live, with little traffic, little crime, and where children still walk to school. Like the old days.

On 14 December 2011 (when a good many residents were away) a notice appeared in a local paper, *Die Herrie*, advising the burghers about plans for a mall beside the primary school, and that objections could be filed at the municipal offices.

Reynhardt Brittnell, an engineer

and guest-house owner, put in an objection on 2 February 2012. It was acknowledged on 7 February by the municipal head of planning and development, Jaco Eastes, who assured Brittnell that his objection would be put before the decision-makers and would appear in the Town Planner's report to the provincial authorities.

Brittnell's objection covered a lot of ground: the mall will kill the CBD; Wesbank property prices will plummet; the mall will destroy the tranquility of the suburb and adversely affect those who live there – what with Sunday trading; 24-hour fast-food outlets; an influx of people (not all of them desirable); a rise in crime; trucks making late-night deliveries; drivers sleeping in their trucks and a taxi rank with no provision for public toilets.

It's small-town stuff, with sub-texts – as Brittnell said in one document about the taxi rank without toilets: "We are all fully aware of the likely problems with a facility like that." And, as he said in a letter to a local paper: restaurant patrons who drink will

use the back roads to avoid the law... the traffic ought to relax a bit on Sundays but there is no guarantee that church services will ever be the same (*Noseweek's* translation).

So far, so good: an application for a development was made, it was advertised for public comment and at least one objection was lodged. But what happened after that is the subject of some debate. One account is that the (then ANC-run) Oudtshoorn council turned the proposal down, saying further investigation was required, especially since there was a second application for a different mall in the pipeline. Another version is that the council simply didn't consider the proposal at all. Either way, at some stage the planning and development chappie, Jaco Eastes, sent the application to the provincial authorities, the Western Cape Department of Environmental Affairs and Development Planning (DEADP).

But on what basis did he send it? Was it as an appeal against a rejection by the Oudtshoorn council? Or did he (as he claimed in a newspaper inter-

view) send it on because the council had failed to make a decision within the prescribed term? That would have been very odd because, in his submission to the province, Eastes did say the council supported the application.

It is not easy to establish exactly what went on because Oudtshoorn is one of those dysfunctional municipalities: although run by the ANC at the time, it is now run by a coalition of the ANC, Icosa (Independent Civic Organisation of SA) and the National People's Party, yet the DA contends it should have control as a result of a by-election win.

On 14 September this year, it was reported that the DA was threatening to ask the Western Cape Government to put the municipality under administration. Confusion reigns.

On 14 March last year DEADP minister Anton Bredell approved the application, which must have upset Brittnell, who told Bredell the mall would kill the town; that it was absurd for such a decision to be made when the Spatial Development document for the region had not yet been completed. Brittnell also pointed out that Eastes had falsely represented that the council had approved the application, and had falsely stated that no legitimate objection had been lodged.

Bredell gave Brittnell short shrift. Although Bredell conceded that the

to Western Cape Premier Helen Zille to say he was unhappy with Bredell's decision, it was the "*doodskoot*" (death knell) for Oudtshoorn. He also did what people invariably do when they approach Zille, he argued that the residents of Oudtshoorn were unhappy and would "undoubtedly let this be known in the next national and municipal elections".

Zille eventually responded on 1 April this year, basically telling Brittnell if she, Zille, has to do her shopping in soulless places like Cavendish Square and Canal Walk, there's no reason why the people of Oudtshoorn can't do malls too. Actually a legal advisor, Fiona Stewart, answered on Zille's behalf – in a very lawyerly fashion.

Stewart repeated Bredell's claims that this was a provincial, not a municipal, decision and that Eastes was seemingly ignorant of the law.

She conceded Bredell had believed the council supported the application, but that it didn't matter because "that alleged support was in no way relied upon" for his decision. and that it wasn't the end of the road, as the council still had to approve a detailed site development plan.

"In the event of the council not having supported this proposed development as you assert, it would be legitimately entitled to deal with that aspect at that stage."

matters raised in this article, as well as a claim that he was consultant for the mall developer, Klein Karoo Landbou Kooperasie, while he was on suspension. Eastes didn't get back to us.

As things stand the mall is going ahead. But is this really a bad thing, after all only one resident seems to have raised objections?

Brittnell maintains that many support his stance but are too scared to go public because the owner of the land, who is also the developer, Klein Karoo Landbou Kooperasie, is the big employer in the town. The way Brittnell tells it, just about every family has some connection with the Kooperasie. And even businesses don't want to speak out because of the Kooperasie's purchasing clout.

Brittnell says the head of the primary school told him he hoped Brittnell wouldn't object to the mall because the developer "gives my school a lot of money".

Noseweek asked the school principal to comment but he hadn't done so by deadline.

Brittnell also claims that various DA members of the Oudtshoorn council have close ties to the Kooperasie.

Frustrated by his lack of success, Brittnell took his complaint to Afriforum, a body that claims on its website to protect the rights of minorities, with a focus on the rights of Afrikan-

Residents hesitate to challenge powerful developer's shopping mall

reasons for Eastes's referral were unclear, he said it didn't really matter because a municipal council did not have the authority to decide an application for rezoning to business outside the CBD. So, said Bredell, the application had to come to him anyway. And don't think you can go over my head on this: "Due to the fact that I am also the appeal authority, there is no right of appeal in this matter." Bredell did, however, go on to say he was concerned about the allegations of misrepresentations made by Eastes, and promised to investigate.

Brittnell then went to Auntie Helen. On 13 September last year he wrote

But Stewart conceded that Eastes's actions were troubling; his claim about no decision within the seven-month time frame was both "implausible and in any event patently legally incorrect"; and that there seemed to be "a degree of ambiguity" as to the validity of Eastes's "assertion that the development was lawfully fully supported at the time Bredell took his decision". She suggested he had been uncooperative in his communications with officials.

Noseweek asked Eastes – who was reportedly suspended by the council for some time, but is now back in the saddle – for comment on the various

ers. Brittnell asked Afriforum to seek a court order stopping the development. But Afriforum has done nothing. Could it be, asks Brittnell, that even though the people most affected by the mall are Afrikaners, those who stand to gain from it and making the decisions are Afrikaners with more financial clout? Is it possible that Afriforum would have acted differently if the developer had been a black company, or if the province had been ANC-run?

Afriforum's head, Kallie Kriel, simply said that Afriforum does not tell its branches how to respond on issues and that "it seems the community is not opposed to the development". ■