

Judge dismisses leave to appeal on River Club interdict

Judge Patricia Goliath has dismissed with costs the applications by the Liesbeek Leisure Property Trust (LLPT), the City of Cape Town, the Department of Environmental Affairs and Development Planning and the First Nations Collective for leave to appeal her 18 March judgment interdicting any further construction at the River Club pending conclusion of the High Court review.



Proposed River Club redevelopment project. Source: www.theriverclubct.co.za

In her judgment, Goliath reaffirmed the legal argument that “the protection of the constitutional rights of indigenous groups was a crucial consideration in my finding that the interim interdict was appropriate in the circumstances. I am accordingly satisfied that the intrusion imposed by the interim interdict is mandated by the Constitution itself.”

The Liesbeek Action Campaign, The Goringhaicona Khoi Khoi Indigenous Traditional Council and the Observatory Civic Association are pleased with the outcome. "Government authorities are not above the law and cannot make decisions without public consultation processes that are meaningful, particularly where they impact permanently on the rights of indigenous people," they said in a statement issued this morning.



Activists head to High Court to halt R4.6bn River Club development

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"The environmental, heritage and planning considerations will now be fully examined in the High Court under PAJA without the threat of the developers building themselves literally into an impregnable position with concrete upon concrete on a sacred floodplain," the statement continued.

The LLPT has expressed its obvious disappointment at the outcome of the ruling and has announced it will approach the Supreme Court of Appeal in Bloemfontein to appeal Goliath's judgment.

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