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CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

REPORT TO: **MUNICIPAL PLANNING TRIBUNAL**

ITEM NO MPTNW 60920

WARD 57: APPLICATION FOR REZONING, APPROVAL OF COUNCIL AND DEVIATIONS FROM CITY POLICIES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 151832, 6 LIESBEECK PARKWAY (BOUNDED BY LIEBEECK PARKWAY AND OBSERVATORY ROADS), OBSERVATORY

| | |
|---------------------------|-----------------------------|
| Case ID | 70396369 |
| Case Officer | JOY SAN GIORGIO |
| Case Officer phone number | 021 444 9538 |
| District | TABLE BAY |
| Ward | 57 |
| Ward Councillor | PADDY CHAPPLE |
| Report date | SEPTEMBER 2020 |
| Acceptance date | 27-03-2018 |
| Applicable legislation | Pre-Feb 2020 MPBL amendment |

1. EXECUTIVE SUMMARY

| | |
|--------------------------------------|--|
| Property description | Erf No 151832, Observatory |
| Property address | 6 Liesbeeck Parkway (bounded by Liesbeeck Parkway and Observatory Roads) |
| Application components / description | <p>It is proposed to redevelop the property to accommodate a mixed use development of 150 000m² comprising</p> <ul style="list-style-type: none"> • Shops and Restaurants (retail uses), • Offices, • Dwelling units (approximately 20% of the total floor space will be residential and of that approximately 20% will be allotted to inclusionary housing), • a Hotel and Places of Instruction (and associated uses). <p>The proposal will entail the construction of retaining structures so that roads and habitable spaces are raised above the 1:100 year flood plain.</p> |

| | | | | | |
|--------------------------------------|--|---------|--|------------------------------------|--|
| Application components / description | <p>It is intended for buildings to range in height from 15.39m to 45.56m above base level.</p> <p>The initial phase of the development proposal will entail partial construction of the Berkley Road extension, which in future phases will be further extended to provide access from Berkley Road to Malta Road/Leisbeek Parkway.</p> <p>The Liesbeek Canal on the eastern boundary of the site will be rehabilitated into a river course, while the 'old' Liesbeek River Channel on the western boundary of the site will largely be filled, landscaped and accommodate a vegetated stormwater swale.</p> | | | | |
| Site extent | 14.843ha | | | | |
| Current zoning | Open Space 3: Private Open Space | | | | |
| Current land use | <ul style="list-style-type: none"> • Open Space (comprising a golf course with ancillary uses such as a driving range and golf shop), • Conference Facilities • Restaurants • Occasional use – this will be applied for on an ad hoc basis | | | | |
| Overlay zone applicable | None | | | | |
| PHRA or SAHRA heritage | None | | | | |
| Public participation outcome summary | The application was advertised and 180 objections were received. The objections are summarised in 4.1 below. | | | | |
| Recommended decision | | | | | |
| Approval | ✓ | Refusal | | Approval in part & Refusal in part | |

2. BACKGROUND FACTS

2.1. The property has been used for recreational purposes for a number of decades. It was previously owned by South African Rail Commuter Corporation/TRANSNET Limited and was used as a recreation club for their staff. Subsequent thereto, the property was leased to Liesbeek Leisure Properties (Pty) Ltd from 2000 for a period of 75 years. The lease at the time permitted the use for recreational purposes to continue or any commercial activity as approved by the City of Cape Town.

The company was subsequently sold while the land was still in the ownership of TRANSNET. TRANSNET later sold the land to the Liesbeek Leisure Properties Pty Ltd, (later became Liesbeek Leisure Properties Trust).

2.2. In 1999 an application was submitted in which it was requested that certain land uses considered to be non-conforming be confirmed. The following land uses were confirmed as non-conforming, having existed on the property since the 1930's

ANNEXURE B

SUMMARY TABLE OF CONFIRMED USE RIGHTS

| Category of use | Prior to 1950 (see Table 1 of application) | Current (see Table 3 of application) | Proposed Non-conforming use rights to be confirmed (see Table 4 of application) |
|---|---|---|---|
| | Total area | Total Area | Total Area |
| 1 Places of Assembly (non-residential club) Ancillary Facilities Function Room Meeting Hall Pool Room Snooker/Billiard Room | 810 | 899 | 845 |
| 2 Shops** | - | 96 | 0** |
| 3 Ancillary Store Areas & Kitchens | 111 | 220 | 220 |
| 4 Bar Areas | 175 | 335 | 335 |
| 5 Restaurant Dining Rooms | 120 | 88 | 90 |
| 6 Administration Offices | 26 | 106 | 105 |
| 7 Corridors Verandas | 589 | 334 | 334 |
| 8 Toilets Change Rooms Cloak Rooms | 174 | 170 | 170 |
| 9 Residential*** | 110 | - | 0*** |
| 10 Golf driving range and associated infrastructure (previously sports grounds and associated infrastructure) | 59550 | 36939 | 36939 |
| Total sports area (m ²) | 59550 | 36939 | 36939 |
| Total Developed Area (m ²) | 2114 | 2248 | 2099 |

Note: ** 96 m² shop was approved as a temporary departure on plan 433005 on 1999-09-23
 *** The residential component is not located in the main building

- 2.3 The golf driving range was supported with the provision of a mashie (9-hole golf course). An application was submitted and eventually approved to accommodate the latter mentioned golf course. A golf shop also exists on the property as an appurtenant use to the golf course. While an application was submitted and approved to extend the golf course to an 18-hole golf course, that application lapsed as it was not acted on. However, the 9-hole golf course is used as an 18-hole course by double up play.
- 2.4 Although events have been hosted occasionally on the property, each event that is not permitted as of right, required a separate land use permission. An application was later submitted and approved in 2011 to host events for a temporary period of 5 years. That permission has since lapsed

While the property continues to host events, each application requires land use approval to accommodate each event, hence the ad hoc submission and approval of Occasional use applications for specific events.

- 2.5 Although the MPBL amendments came into effect on the 03 February 2020, the transitional arrangements make provision for an application that was accepted prior to the commencement date of the now amended MPBL to be processed and considered in accordance with the MPBL that pre-dated 03 February 2020. It is for this reason that this application refers to base level as the datum from which height is determined.
- 2.6 After the application was circulated to branches for comment, certain clarification was requested from the applicant and the applicant subsequently provided further information regarding building designs, treatment of facades etc., which was not material to warrant re-advertising the application. The information submitted by the applicant in response to comments received from commenting branches is attached as Annexure G1 and forms part of the applicant's response to comments/objections received.
- 2.7 The application is subject to a EIA process and an Environmental Authorisation that is attached as Annexure C11 was issued on 20 August 2020.

3. SUMMARY OF APPLICANT'S MOTIVATION

- 3.1. The applicant's motivation of the proposed development (see Annexure C) may be summarised as follows:
 - Historically the use of the site has been limited.
 - The property is positioned in a floodplain.
 - Various studies have now been undertaken to establish the feasibility of developing the site.
 - The property is strategically located.
 - The property is located close to employment opportunities, amenities and social facilities.
 - The redevelopment of the site is an opportunity address some of the socio-economic disparities that exist.
 - The development will not be an exclusive enclave but must provide opportunities across the socio-economic spectrum.
 - There is an opportunity to provide inclusionary housing on-site
 - Developing the site as knuckle can reinforce surrounding corridors.
 - The property is located close to public transport routes.
 - For this reason, land use intensification of the site should be encouraged.
 - Development of the site will result in opportunities for rehabilitation of sensitive ecological areas and therefore the functions that it serves.
 - The proposal places great emphasis on the rehabilitation of portions of the site.
 - The development will also promote the ecological connectivity of the site which will allow it to remain connected to the wider open space system.



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- The canalisation of the river has negative implications for the environmental sustainability, heritage significance and public amenity.
- The best way to celebrate the Liesbeek River is to ensure that it is rehabilitated.
- While the site often floods, redevelopment thereof will have an insignificant impact in the vicinity of the property.
- The developer will incur the cost of the construction of a portion of the Berkley Road extension which will be off-set against the development levy.
- The construction of Berkley Road extension will have a significant benefit to the area.
- The abutting erf 26423 will be redeveloped and compliment to the proposed River Club development.
- The property is presently isolated given barriers that abut onto the property.
- The proposal is to make the site commercially viable.
- The proposal will make the site a destination place.
- The development will result in the site being a gateway into the Two Rivers Urban Park (TRUP).
- The proposal will be an asset to the area.
- The development complies with the principles of the MPBL in that it will result in:
 - Increased densities;
 - Reduced travel distances and is close to public transport;
 - Rehabilitation of ecosystems;
 - Enhance the heritage value of the site;
 - Generate employment and access to economic opportunities;
 - Diversification of housing types;
 - Optimal use of the service infrastructure;
 - Becoming a destination place.
- The proposal largely complies with various provincial and city policies.

Comment on City policy

- Deviations are being sought from certain policies.
- Permission is being sought to
 - obstruct the free flow of the 20-year flood line,
 - permit development within the 50 year flood plain,
 - permit stormwater flows for 20 year and 50 year intervals for a development of greater than 50 000m² not be reduced as required.

Surface water hydrology

- The proposal will not have an impact on flood levels.
- The proposal will incorporate a system of swales to attenuate and treat the flow of stormwater.
- Additionally, it must be noted that large storm event result in runoff from the property well in advance of peak flows of the Black River during those instances.
- Despite the negligible impact on the development on flood levels, the deviation from the policy as mentioned is required.



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- The Hydrology Study included understanding the impact of changes to the Liesbeek Canal – as far possible any changes to have minimal impact on wetlands.
- Additionally, PRASA should not be permitted to close any overland flooding routes that accommodate overflow.
- The bridge extension to Berkley Road should be designed to have limited to no impact on water levels.

Biodiversity

- The proposed development is acceptable from an ecological perspective as it addresses key concerns.
- Terrestrial ecosystems have been highly altered and natural ecosystems are degraded given the long history of manipulation including channelization, diversion, etc.
- Findings of the Biodiversity impacts report indicate that the filling of the site will have a minimal impact on the Raapenberg wetland flood level.
- The canalized Liesbeek River will be rehabilitated.
- The rehabilitation thereof will create an unlined vegetated channel, and the river will function as a natural river to support the biodiversity and general aquatic ecosystem.
- The rehabilitation of the canalized river will see the creation of vegetated swales and is considered suitable for the colonization thereof by the western leopard toad.
- This an acceptable use of this space with little negative biodiversity and ecological impacts.

Visual implications

- The visibility of the site is dependent on the point from which the site is viewed.
- In some instances, obstructions impede views to the site.
- Existing suburbs and denseness of development in those suburbs will also determine the likelihood of viewing the site from various perspectives.
- Those likely to view the site/development will include residents, passers-by such as motorists/pedestrians and visitors to surrounding properties.
- The distance to the property will also determine the visiblens of the site/development.
- It is accepted that the site will be highly visible from various points given the magnitude of the development.
- The proposal is consistent with development in the surrounding area and cityscape.
- The proposal can be argued to be sensitive to the surrounding degraded environment given the rehabilitation that will occur as a consequence.
- It is accepted that the degree of visual intrusion that will occur during the construction phase will be of medium significance – some mitigating measures may reduce this impact.
- The operational phase of the site will result in an altered sense of place.
- Views of Devils Peak from the M5 and surrounding vantage points will be impacted on given the scale of buildings proposed.
- Views of the site will change given the proposed development.



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- Various mitigating measures will be imposed to reduce the impact of visual intrusion.
- Development that has occurred around the site created an island effect given the open space nature of the site.
- The development will result in a dense development of the site and an opportunity to transform a smaller extent of the site to private open space for the general public.
- The cumulative impact is considered to be of medium impact.
- While mitigating measures cover various phases of the development, it is accepted that the development will have a significant visual impact upon completion.
- The impact will essentially result from the fact the site is presently an open space within the cityscape.
- The visual impacts will therefore be pronounced; the experience of which will be subjective.

Heritage

- The site has a complex history.
- Early inhabitants to the property used it for farming.
- The arrival of European brought about conflict that resulted in the local people being excluded from the use of the land.
- A series of land transfers saw part of the uses across the area change to include a reformatory, hospital, continued farming in parts and the eventual transfer to permit parts to be used for sporting purposes.
- The property was used by the South African rail services as a recreational club which is now the River Club.
- Marshlands existed at the confluence of the rivers and the Royal Observatory occupied space on higher land.
- The Liesbeek River is a significant cultural symbolic and historical feature.
- An informal crossing existed across the property going into the hinterland – no trace of this road exists any longer.
- The site is a green open (recreational) space which is experienced by the Black-Liesbeek River corridor.
- The South African Astronomical Observatory (SAAO) has some historic significance in the area.
- Visibility to the SAAO is obstructed by a row of trees and other development in the surrounds that obstruct views.
- The Two Rivers Urban Park (TRUP) comprises a number of historic elements.
- TRUP covers a large extent with ranging uses and areas of significance.
- The property is regarded by some to be environmentally, ecologically, historical and topographical significance.
- Two developments will transform perceptions of the floodplain i.e. the development of Erf 26423 and the Berkley Road extension each abut onto the site.
- A number of design related interventions must occur:
 - The Liesbeek Canal should be rehabilitated so that it can be experienced as part of the river floodplain.
 - Development should respond to the low hill along the edge of the site with the SAAO.



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- The pre-1952 river course is neither desirable nor is it possible, however its presence should be reflected in any future development.
- A substantial setback must be provided from the river to enable one to imagine a river crossing along the west bank of the Black River should be incorporated into the development. A feature must be incorporated which supports the celebration of the pre-colonial status thereof.
- Certain guidelines have been offered in respect of the design indicators to inform the form of development on the site.
- Views from the SAAO to Signal Hill are almost non-existent and therefore not considered necessary to retain.
- Archaeological monitoring will occur during the construction phase of development.
- The buildings on-site have no heritage significance.
- The loss of these structures will have little to no impact on heritage.
- The sense of place experienced in the area will be radically transformed by the proposal and other development in the surrounds.
- The northern end of the River Club site is the likely location of a pre-colonial river crossing and where future commemorative installations can occur.
- The site has limited aspects of heritage significance.
- The Liesbeek River corridor is one heritage feature that will be enhanced.
- A riverine pedestrian friendly buffer positioned along the old and new river courses will enhance the space and views to other features on and around the site.
- At the confluence of the Black and Liesbeek Rivers a green/open space zone could be created as this is also the point where a commemorative area can be created.

Socio-economic

- The development will offer a number of key socio-economic benefits which include increase in investment, employment, state revenue and housing.
- Property values will also be enhanced as a consequence of the development.
- Assuming that the development will increase attractiveness to investors, the development may result in gentrification.
- The development may act as catalyst for the development of the Two Rivers Urban Park.
- Development in the surrounding area, comprising mixed use, dense development will occur in the vicinity regardless of the proposal.
- The nature of the impact of the proposal will largely be dependent on the quality of life surrounding residents experience/have.
- The socio-economic benefits of the development to the local and wider area may outweigh the impacts.

Urban Design Indicators/Recommendation

- A number of factors will inform the urban design indicators for the site.
- These include scale, height, gateways, connectivity spatial systems, heritage significance and will inform the built form across the site.



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- Spatial recommendations seek to retain the site's sense of place, enhance views across the site each of which will contribute toward a coherent urban form.
- Emphasis will be placed on public spaces.
- Pedestrian access to rivers and through the site will be maintained.
- Commercial and other activities will enhance safety across the site.
- Urban design, heritage and environmental perspectives encourage the removal of the concrete canal structures along the Liesbeek River.
- The reintroduction of planted banks and widening the river course will create a natural river like environment.
- The built form will therefore be important in preserving the historic value of the reinstated river.
- The ecology of the area will be greatly improved.
- Special places will be created along the river course for pedestrians/the public.
- The heritage and cultural significance of the Liesbeek River must be respected.

Development proposal

- Approximately 150 000m² of mixed use development is proposed.
- The proposal will comprise two precincts of 65 000m² and 85 000m² in extent.
- Building heights in each precinct is proposed to vary from 16m – 45m above base level in one precinct and 27m – 46m in height above base level in the other.
- In each instance basement parking will be provided in superbasements.
- The existing site access will be retained.
- Additional accesses will be created via Liesbeek Parkway and Berkley Road.
- The riverine habitat will be reinstated and will include a buffer of approximately 25 – 40m in extent.
- The riverine buffer will extend along the Liesbeek River to merge with the confluence of the Black River.
- The old Liesbeek River channel on the western boundary of the site will be filled to create a vegetated stormwater swale.
- The development of the site will be phased.
- Precinct 1 and 2 will comprise consecutive phases of development.
- Phase 1 will also comprise the construction of a portion of the Berkley Road extension.
- Phase 3 will comprise the remainder of the Berkley Road extension.
- The proposal includes the rezoning of the property to Subdivisional Area.
- The subdivisional area will comprise General Business zoned portions comprising GB3 and GB7 sub-zones.
- Portions of the site will also be zoned for OS3 purposes.
- An open space system will be retained across the site.
- High quality landscaping will also be introduced.
- NMT paths will meander through the site.
- Various uses will be accommodated within the development comprising Shops, Offices, Restaurants, Hotels, conference facilities, Places of Instruction and residential uses.
- Various road upgrades will occur in the vicinity of the property.

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- The built form on the site will likely mimic the built form found in the area.
- Buildings will have varied form but harmonious.
- Building forms and facades will be varied, articulated and of differing scales.
- The buildings will be centred around a pedestrian access.
- Buildings of varying heights and landscaped spaces will emphasize gateways and significant locations.
- Parking for each of the precincts will be provided on two levels.
- Limited excavation will occur.
- Parking is designed to enable conversion thereof at a later stage.
- Rehabilitated river edges and connectivity will be used to enhance public access and amenity in relation to the water features, the canal and Raapenberg Wetlands.
- Irrigation and soft landscaping will be installed on common areas.
- Alternate sources of irrigation will be incorporated in the development.
- An EIA has that is accompanied by various specialist studies was undertaken and its outcome will inform the development on the property.

Engineering services

- The site is situated within an urban area.
- Any connections to the bulk service infrastructure will be to the developers account.
- Water
 - No upgrades to the service infrastructure is required.
 - It appears that sufficient capacity exists.
 - Detailed modelling will confirm at the time when flow demand to buildings is clarified.
 - Various measures will be introduced and explored to ensure water re-use across the site.
 - Abstraction and grey-water recycling is being considered.
 - Water demand and management will be required to ensure efficient use of this resource.
 - Alternate sources of water will be used for irrigation.
- Sewage
 - The property catchment is connected to the Raapenberg Pump Station that in turn is connected to the Athlone Waste Water Treatment Works.
 - It is anticipated that a new direct connection will be required as the existing connection does not have sufficient capacity.
 - Link connections will have to be installed to supply the site.
- Electricity
 - Various interventions will be employed to ensure a sustainable supply of energy to the site.
 - A bulk mains supply will be provided on-site.
 - Solar panels will also be used.
 - Sufficient capacity exists in the City's demand supply to accommodate the development.

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- Stormwater
 - A detailed stormwater management plan will be required.
 - The site has no known connection to the municipal stormwater network; rather water drains overland into the canal and rivers.
 - Swales will treat water before entering the river and provide additional storage capacity as well as improve the quality of waterways downstream.
 - Based on City policy relating to Floodplain and River Management no development can occur below the 1:20 floodplain which affects much of the site.
 - Finished floor levels will be situated above 1:100 year flood levels.
 - Stormwater flows will be managed with an egress on eastern portion of the site to reduce impact of flooding.
 - In addition to swales, the stormwater system will also be supported by the provision of a piped drainage network.
 - Bioretention swales provide a process of filtration and slowing down of stormwater runoff.
 - Ponds will be accommodated across the site to reduce the eroding effects of stormwater.
 - As far as possible, the velocity of stormwater flow will be reduced to avoid the corrosive effect of stormwater run-off.
 - Sustainable urban drainage systems will be used to reduce the impact of new and existing developments in respect of existing surface water drainage discharge.

- Transport
 - Primary access and egress point into and from the property will be via Berkley Road extension and Liesbeek Parkway.
 - The existing access is taken across an abutting property, Erf 26483.
 - The right of way across that property will be retained.
 - Various modelling scenarios were employed to understand likely traffic patterns.
 - In the modelling scenarios other prospective developments in the vicinity were also taken into consideration.
 - The conclusion was that the road network has sufficient carrying capacity to accommodate the proposed development.
 - Anticipated increased use of public transport is believed will result in very similar traffic patterns to that experienced presently.
 - Various upgrades to existing intersections and link roads will need to be constructed to accommodate the development.
 - Public transport services available in the immediate area will need to be enhanced and possibly new services introduced.
 - NMT facilities leading to public transport should be provided.
 - Golden Arrow Bus Service (GABS) routes existing along Liesbeek Parkway albeit that no stops are accommodated.
 - Station Road accommodates GABS and stops.
 - No MyCiti stops exist along Liesbeek Parkway.
 - The closest MyCiti busstop is more than 1km, too far to consider acceptable for the development.

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- Improving access of each GABS and MyCiti routes to the site must be explored and these may be developed in accordance with the needs of each precinct as it is developed.
- NMT routes to and on the site will need to be improved given the increased pedestrian traffic that will traverse the site.
- Approximately 4800 parking bays will be provided on the property.
- The minimum parking requirements were applied.
- There will be a shortfall of 1048 parking bays, given the number of parking bays that will be provided.
- Travel Demand Measures should be employed to minimize reliance on private motor vehicles.
- Use of private motor vehicles should also be monitored.

Motivation for the development of the site

- The site is strategically located given its proximity to the CBD, Paarden Eiland and its accessibility to the metro south-east.
- The location of the site relative to the Main Road corridor, Voortrekker Road corridor and Klipfontein Road corridor means it can be a generator of people economic activity.
- The property is therefore located at a point of high accessibility.
- Development on the property will therefore not be dependent on the support of the local community only.
- The convergence of various access points at this location makes the site ideal for the development proposal.
- International precedent exists to show that corridors such as this could integrate cities.
- The site is also well located in relation to the public transport network.

- The degraded nature of the property presents the opportunity for rehabilitation of the ecological functioning thereof.
- Despite the proposed development, the site will remain connected to the wider open space system.
- From a biodiversity and aquatic ecosystems perspective, the proposal will have a positive impact.

- Flooding of the site has occurred frequently as a result of inadequate drainage system which have not been maintained or has failed structurally.
- Impacts that result from filling is negligible.

- Berkley Road extension will remove spatial barriers that impede physical linkages between western and eastern portions of TRUP.
- The new road will enhance access to the site.
- The development of the site could be catalytic and could become a destination place as well as a gateway into TRUP.
- The site is strategically located in relation to employment opportunities and social amenities amongst others.
- It is intended that at least 20% (about 30 000m²) of the floor space will be used for housing, while 20% (about 6000m²) of that will be inclusionary housing.
- The development of the site therefore may not be an exclusive enclave.



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The proposal

- The proposal will see the property rezoned to subdivisional area comprising General Business and Open Space 3. Additionally, the ground level will be raised by 5.7m and 5.9m in precincts 1 and 2 respectively.
- The proposal also includes deviations from City policy.
- The proposal is the first range of applications that are submitted.
- The development will be phased.
- SDPs will include details relating to land uses, floor space, parking, floor space, etc.

Motivation for approval

- The proposal is policy compliant.
- It satisfies the requirements of the MPBL.
- The proposal will have no impact on the public at large and will minimally impact on the SAAO.
- The proposal will deliver significant socio-economic benefits.
- The mixed use development will promote the vision of live, work, play.
- Given the location, mixed use development in this location is considered appropriate.
- The proposal will not have adverse impacts on engineering services.
- The development will see increased surveillance introduced on the site.
- Contrary to general perception, flooding on the site will not lead to added flooding in the immediate surrounds.
- The changes to the canalized river will enhance awareness of the experience of the river.
- The findings of the EIA revealed that the development is acceptable
- Traffic impacts will be minimized as a consequence of the road upgrades that will occur.
- Conditions will be imposed that will help to manage the process of development of the site.
- The requirements of SPLUMA and LUPA are complied with.
- For reasons stated the proposal has considerable merit and should be approved.

4. PUBLIC PARTICIPATION

| | | Applicable | Dates / Comments |
|-------------|--|------------|---|
| Advertising | Notice in the media (s81) | ✓ | 14-09-2018 |
| | Notice to a person (s82) | ✓ | 10-09-2018 |
| | Notice to Community organization (s83) | ✓ | 10-09-2018 |
| | Notice to Ward Councillor (s83) | ✓ | 10-09-2018 |
| | Notice of no objection (s84) | | |
| | Notice to Provincial Government (s86) | | |
| | Notice to an Organ of State (s87) | | |
| | Public meeting | | |
| | On-site display | ✓ | 13-09-2018 |
| Outcome | Objections | ✓ | 166 objections, 18 late objections (17 late objections (submitted 16 – 18 October 2018 have been |

| | | | |
|--|--------------------------|---|---|
| | | | condoned. 1 late objection submitted 5 January 2019 has not been condoned.) |
| | Objection petition | | |
| | Support / No objection | ✓ | 1 letter of no objection |
| | Comments | | |
| | Ward Councillor response | | |

Summary of objections / comments/ support received

4.1 Objections / comments that were received and the applicant's response are contained in Annexures E1/2 and G1/2 respectively. The main issues that were raised as part of the objections to the development include:

- Process/Legal
- Ownership details
- Site context
- Non-compliance with policy
- Heritage Impacts
- Traffic and Transport related impacts (including parking, access and NMT)
- Visual impact
- Ecological impacts/impacts on biodiversity
- Impact on sense of place
- Impact on service infrastructure
- Impact on flooding
- Construction impacts
- Air pollution
- Noise pollution
- Waste pollution
- Property values
- Loss of open space/public space
- Food security
- Socio-economic impacts
- Impact on tourism
- Issues of public good
- Provision of social/affordable/inclusionary housing
- Other developments in the area

Summary of applicant's response to public participation

4.2 Objections / comments received and the applicant's response thereto in respect of the application are summarised in the table below.

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| ISSUE / CONCERN | APPLICANT'S RESPONSE | DEPARTMENT COMMENT |
|--|--|--|
| A. PROCESS / LEGAL | | |
| B. | | |
| 1. The proposal for development is devoid of sufficient detail for an informed decision to be made (the notification does not contain any of the key documents referred to in the motivation). | It is not Council's responsibility to distribute copies of the application documents to I&APs. Rather, the notice distributed to I&APs clearly stated that the full application was available for inspection at the District Manager's office. The application documents submitted to Council are comprehensive and provide sufficient information for an informed decision to be made. | The letter of notification, sent by registered post, limits the volume of information that can be dispatched. The letter of notification affords parties the opportunity to view the application documentation in full, if so desired. This method of notification is standard practice and applies to all applications advertised. The letter of notification directed interested where they could view the application in full. |
| 2. The notification appears to be a motivation for the development rather than a report for decision making. | The case officer requested that the applicant prepare a brief summary document outlining the application submitted / development proposal / motivating factors, which was duly supplied. It is our understanding that this document was distributed to I&APs as part of the notification so as to provide further information on the development proposal. It appears as though some I&APs have misconstrued the document distributed as part of the notification as being prepared by the CoCT case officer. That document was not prepared by the case officer, nor does it represent the report for decision making (as claimed). | The application, when advertised, usually contains information submitted by the applicant for perusal during the advertising period. That information includes the applicant's motivation. In this instance a significantly abbreviated version of the motivation was furnished given the voluminous nature of the motivation supplied by the applicant. The information contained in the notice was therefore intended to provide interested and affected parties to comment on the proposal and make a decision to go and view the full application. |
| 3. It is not clear on what basis the City of Cape Town is proposing a deviation from the Table Bay District Plan. | The CoCT is not proposing the deviation from the Table Bay District Plan. Rather, the applicant has applied for (and motivated) the deviation as part of a composite planning | The deviation from the Table Bay District Plan is one of the submissions made in this application. |

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| | | application to be assessed by the CoCT. Refer also to item D.3.1. | |
| 4. | <p>Application for rezoning of the River Club site is considered premature for <i>inter alia</i> the following reasons:</p> <ul style="list-style-type: none"> Heritage Western Cape are conducting a separate, heritage-based, assessment of the site. Until that assessment is complete, the CoCT will be unable to conduct a proper assessment of the development proposal. HWC has placed the site under provisional protection in terms of section 29 of the NHRA. Any decision on the land use application for the River Club should be contingent on the outcome of this process. A Basic Assessment is required in terms of NEMA. Any decision on the land use application for the River Club should be contingent on the outcome of this process. | <p>There is no statutory impediment to submitting a land use application prior to the NHRA and NEMA processes commencing. Delays in the NEMA process beyond the control of the applicant have resulted in the land use application being submitted first. Each process runs parallel and each have different criteria to consider. The one is not altogether dependent on the other, but all decision and conditions have to be complied with before a development can proceed. The CoCT internal heritage and environmental departments make their own assessment and impose their own conditions, in addition to those of other authorities, including HWC and DEA&DP.</p> | <p>No impediment exists in the Municipal Planning By-Law that requires the submission of a land use application after the submission and or conclusion of a Heritage and/or Environmental Impact Assessment. While it is acknowledged that the outcome of either impact assessment may impact on the land use submission nothing in law prohibits the Municipal Planning Tribunal from making a decision on the application even if Heritage Western Cape and the Department of Environment and Development Planning have not made a decision on the two mentioned impact assessments.</p> <p>In this instance the applicant elected to pend the land use application until there is an outcome on the application for environmental authorisation of which a decision was issued on 20 August 2020.</p> |
| 5. | <p>Making a decision on the land use planning application prior to the submission and/or assessment of other required statutory procedures (e.g. in terms of NEMA, NHRA) will mean that the decision will be taken prematurely and will therefore be open to review under the Promotion of Administrative Justice Act (PAJA)</p> | <p>It is up to the CoCT whether or not to make a decision on the application prior to the assessment of the other required statutory procedures, taking into account the requirement of PAJA and due process and public participation. Each government sphere must make its own decision in its sphere of authority. A decision of one authority and the conditions it imposes may differ from another authority's decision (the owner / developer is required to comply with all)</p> | <p>See point 4 above.</p> |

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| 6. | The land use planning application process (in terms of the MPBL) limits citizenry participation and therefore pursuing a decision on the application will be in contravention of section 4 of the Municipal Services Act. | Public participation in relation to land use planning applications (including the one submitted in connection with the River Club) is conducted by the CoCT in accordance with the provisions of the MPBL. The public participation process outlined in the MPBL meets the requirements of public participation, as outlined in the Municipal Systems Act (the objector incorrectly references the Municipal Services Act), and in compliance with PAJA and the Constitution. | Public participation must comply with the provisions of the Municipal Planning By-Law. In this instances the minimum requirements of advertising i.e. advertising in the newspaper, by the serving of notices and the display of on-site notices, have all been fulfilled. Any additional advertising, such as notices placed in community newspapers, are additional measures that are not a legal requirement. |
| 7. | Developments of this scale should have far greater levels of public engagement (e.g. an exhibition of the of the vision; interactive engagements to work through the issues of NIMBY's etc.) | Refer to item A.6 above. | See comment in 6 above. |
| 8. | From the proposal it would appear that all previous objections in the parallel public processes have fallen an deaf ears. The developers have ignored all of the constructive comments regarding appropriate development in the area that would benefit the wider community. | The comments emanating from the public processes associated with the NHRA and NEMA statutory procedures were noted and considered. The project team believes that the proposal presented presents the most suitable development solution for the site having gone through adaptations and revisions to its plans over the course the last 4 years, taking into consideration a number of the comments made.. | Comments on the application made during the advertising of the EIA and HIA were directed to those authorities for input in those processes. |
| 9. | Why is this proposal not being considered in relation to the guidelines emanating from the TRUP LSDF process? This development should not be considered in isolation from that process. | Despite the fact that the River Club is located within TRUP, the River Club planning application has been submitted prior to the TRUP LSDF being finalised. There are two primary reasons for this: <ul style="list-style-type: none"> • the time frame for the TRUP LSDF is uncertain; and • as a private development initiative on privately owned land, the proponent is permitted to | The LSDF being generated as a consequence of the review of the TRUP Contextual Framework, is a separate process to this application. While the property forms part of the TRUP area, the LSDF is still in draft and therefore has no status. Additionally, the Section 99(5) of the MPBL: No decision required to be made in terms of this By-Law may be delayed pending the creation of a policy to guide decision-making on the matter". |

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| | | <p>submit a planning application in terms of the legislation.</p> <p>The comment submitted by CoCT TDA Urban Planning & Mechanisms confirms this stance: <i>"As the River Club site is privately owned, the developer was not obliged to wait for the completion of the TRUP LSDF (March 2019) "</i></p> | |
| 10. | <p>Why is the timing of the rezoning commenting period only until 15 October 2018 when the outcome of the NHRA appeal tribunal regarding HWC's decision to provisionally protect the River Club as a Grade II heritage site will only be known on 18 October 2018? More time is required to comment on this development proposal.</p> | <p>The HWC process in relation to section 29 of the NHRA and the MBPL application process are separate processes with separate public participation / commenting periods. These statutory processes are not required, by law, to be run simultaneously, nor do they need to be complementary in any way.</p> <p>The outcome of the NHRA appeal tribunal to HWC's decision to provisionally protect the site was not concluded at the hearing on 18 October 2018, but was finally heard on 27 November 2018 and a site visit by the Tribunal took place on 5 December 2018, where after the tribunal will consider the matter and make it finding known to the MEC, who will then make a final decision as to whether the appeal is to succeed or not. This appeal process in no way impacts on the rezoning process. IA&P were provided time to <u>independently participate in both processes.</u></p> | <p>The two applications are subject to different legislation firstly and secondly, as stated in 4 above, a decision can be made on the LUMS application even if there is no outcome on the EIA and HIA.</p> |
| 11. | <p>The development proposal requires subverting a number of developmental, water, floodplain and river basin agreements, but it will also most likely violate a number of other national and international principles, including the following sections of the Constitution:</p> | <p>The application identifies all applicable legislation and/or policy (at least in relation to the MPBL), and where applicable motivation has been made for deviations to occur.</p> <p>It is not clear what "national and international" principles have been "violated"</p> | <p>The Department concurs with the applicant's response</p> |

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| | <ul style="list-style-type: none"> • Section 152; • Section 24; • Section 25. <p>The proposal also appears to be in conflict with section 4 of the National Water Act.</p> | <p>as none are specified. However, with specific reference to the sections of the Constitution:</p> <ul style="list-style-type: none"> • <u>Section 152:</u> Section 152 contemplates the promotion of social and economic development and encourages the involvement of local communities in matters. The development proposal and the public participation process is compliant with the provisions of the MPBL. • <u>Section 24:</u> Section 24 contemplates impacts relating to the environment. There is a full NEMA process underway. • <u>Section 25:</u> Section 25 deals with property rights. The site is private property and the applicants are lawfully dealing with their property in accordance with legislation and the Constitution. <p>With regards the National Water Act, application has been made in compliance with Section 40 of the National Water Act for the appropriate water use licences (based on the water uses identified by the environmental consultants on the project team).</p> | |
| 12. | <p>To allow the natural floodplain to remain in extant as a protected heritage area is the constitutional right of the citizens of this country.</p> | <p>The application addresses the requirements of the applicable legislation contemplated by the Constitution (specifically Section 24). The Constitution is not specific with regards to "natural floodplains remaining in extant as a</p> | <p>The Department concurs with the applicant's response.</p> |

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| | | protected heritage area". Rather, the Constitution balances the right of development and environmental protection. Section 24 speaks of environmental protection through reasonable legislative and other measures that "secure ecological and sustainable development and use of natural resources, while promoting justifiable economic and social development". The NEMA process to be undertaken will test adherence to the balancing of these rights. | |
| 13. | When will the EIA currently being undertaken be made available for further comment? | The Draft Basic Assessment Report (DBAR) cannot be submitted to DEA&DP until HWC have provided comment on the Draft HIA (whilst HWC has stated that it is competent to comment, notwithstanding the pending Section 29 NHR A appeal, it has not responded to DEA&DP's request that it is willing to do so until such time as the section 29 NHR A appeal process has been concluded). Assuming that HWC submit final comment on the HIA in the first quarter 2019, the environmental consultants on the project team (SRK) can submit the application for Environmental Authorisation immediately thereafter, which means the public commenting period on the NEMA process may occur in April / May 2019 (provisional). | That question is not material for the purpose of considering the land use application. |
| 14. | The proposal is inconsistent with the principles of SPLUMA, particularly the principle of 'spatial justice'. | This statement is refuted. Refer to sub-section 12.3.2 of the motivation report. | The application is assessed in terms of the SPLUMA principles in point 6, of this report below. |
| 15. | The display notice erected to inform the public refers to an Observatory erf and not a Cape Town erf. This error requires re- | The display notice read as follows: | The notice referred to the official allotment i.e. Cape Town, while also referencing Observatory being the properly suburb. The on-site notice |




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| | <p>advertising of the application in fact deals with the subject property, as the public may be deemed to be misinformed. If the application is not re-advertised the application could be taken on legal review.</p> | <p><i>Erf 151832 Observatory, 6 Liesbeek Parkway (bounded by Liesbeek Parkway and Observatory Roads), Cape Town</i></p> <p>This is considered an adequate description of the subject property and in no way misleads the public. Moreover, the display notice was erected in 3 positions in relation to the subject property.</p> <p>The description, along with the positioning of the display notices, left no doubt as to which property was being referred to.</p> | <p>correctly identifies the property by referring to the Erf number and physical address as listed in the advert.</p> |
| <p>C. OWNERSHIP</p> | | | |
| <p>1.</p> | <p>The Liesbeek Leisure Property Trust is in receipt of public land previously owned by the Transnet Pension Fund, and the 2014 sale of the land should be questioned by government. This is a highly sensitive area environmentally, culturally and historically and should not be privately held. The morality of the proposed development is therefore questionable.</p> | <p>This statement is refuted. The transaction to purchase the land from Transnet is legal and remains valid.</p> | <p>The Department concurs with the applicant's response.</p> |
| <p>D. SITE CONTEXT</p> | | | |

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| 1. | The River Club site falls within an identified floodplain and any proposed development should be handled carefully (and limited where necessary). | Noted and agreed. An integrated planning and design approach has been followed for this project. An experienced, multi-disciplinary project team consisting of specialists in a variety of fields (including stormwater hydrology and freshwater ecology) has been engaged in on-going work on the development proposal over a significant period of time. Regular meetings were convened between members of the project team during the design process so that information from their respective specialist studies could inform the design of the development proposal. The result was an iterative design process whereby the development proposal was reviewed and refined before arriving at the final proposal presented in the planning application. | Various studies have been undertaken and where necessary, their findings have been made conditions of approval for the environmental authorisation. Furthermore, relevant Council department were consulted and recommended conditions to mitigate the impact of the development. |
| 2. | Any development on the site should be: a. respectful of the significant cultural history of the site; b. protect the natural environment associated with the site; and c. preserve the site's important sense of place.. | It is believed that the application has taken these aspects into account and it is contended that the proposal submitted represents a sustainable balance between environmental needs, heritage needs and optimal urban development. | The proposal included the submission of a HIA and EIA that had to address the requirements of the NHRA and NEMA. The environmental authorisation that was issued has adequate conditions to deal with these issues. |
| 3. | The site forms part of the Two Rivers Urban Park (TRUP), which has great potential to facilitate "social inclusivity and cultural recognition". | The River Club site is but a fraction of TRUP. TRUP is approximately 300 ha in extent, whereas the River Club site measures 14.8 ha, which translates to 0.05% of the total extent of TRUP. Thus, it is important to maintain a sense of perspective. The proposed development cannot solve all of TRUP's issues, nor will it be compliant with all of the objectives of the TRUP initiative. However, it is believed that the development | |



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| | | <p>will add significant value to TRUP in the following ways:</p> <ul style="list-style-type: none">• the land will be publicly accessible, including recreation spaces associated with the rehabilitated riverine edges and 'eco-corridor', which in turn will connect into the wider TRUP;• 'inclusionary housing' is proposed, which will serve to integrate the development to the wider community (refer to responses contained under item G below);• the Draft HIA recommends the setting aside of a portion of land as a place of remembrance / celebration, where local heritage on this land can be recognised and memorialised;• the site is the western gateway into TRUP and the development will assist to establish TRUP as a place of metropolitan significance;• the development will assist to cross-subsidise the Berkley Road extension, which is regarded by the CoCT as a key road network upgrade, and which will also assist to integrate the eastern and western precincts within TRUP (i.e. reduce the barrier effect of the Black River);• the development will assist with the implementation / upgrade of civil engineering services, which will increase services capacity (and in turn assist with further development within TRUP); and• the development will result in substantial income for the CoCT in the form of rates and taxes, which can be used to | |
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| | | implement other development projects within TRUP. | |
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| 4. | The site is part of an important green corridor formed by the Liesbeek River that stretches from Kirstenbosch Gardens to the confluence of the Black River. Development of this land will destroy the contiguous green character of the area. | At a conceptual level the site forms part of an extensive open space system that stretches from Table Bay to Faise Bay (north to south) and Devil's Peak to Stellenbosch Farms (west to east). In reality, however, the site forms part of an open space system that is much more localised, extending from the River Club, at the most northern point, southwards, where it terminates at the King David Mowbray Golf Course (this localised open space system is essentially the TRUP). This localised green open space system contains campus style development (e.g. Observatory and Valkenberg). These institutions illustrate that development can be accommodated within TRUP, provided that pockets of green space and ecological connectivity are retained (as per the development proposal). | While the site will be developed, part of the development includes open space. The continuity of the open space system therefore will not be lost. |
| 5. | The fact that a site is located in close proximity to major transport routes and facilities is not a reason in itself for the land to be rezoned and developed. If the same reasoning is applied, the Rondebosch Common may as well be developed. | The location of the site in relation to public transport facilities is not the only motivating factor contained in the motivation report (refer to section 9 of the motivation report). However, given the CoCT's promotion of TOD (e.g. MSDP, Transit Oriented Development Strategic Framework) it is a major factor in relation to this site. The CoCT's Urban Mechanisms & Planning Branch has confirmed this by commenting: "The River Club proposal is an excellent means of facilitating and contextualising the | Criteria are presented in various City policies that promote development of land. However, this must be weighed against a number of factors that all comprise criteria that determine whether or not a proposal such as this can be supported. The location of the site in relation to public transport is not the only criterion that will determine the appropriateness of the development, but it is still an important consideration. |

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| | | <p><i>principles and strategies identified in the CoCT Transit Oriented Development (TOD) Strategic Framework (2016)."</i></p> <p>The example of Rondebosch Common is not contextually appropriate for the following reasons:</p> <ul style="list-style-type: none"> • it is publicly owned land (the River Club is privately owned); • it is identified as "Protected and Conserved Areas (Core 1)" on the CoCT's Biodiversity Network plan, as contained in the MSDP (refer to Annexure A) (the River Club site is not identified as having any biodiversity / conservation features); and • it is not located in close proximity to public transport facilities. | |
| 6. | <p>The River Club site is a significant open space and "green lung" and natural floodplain within a densifying city, and it should be preserved for enjoyment as public open space for future generations as the suburbs around it density.</p> | <p>It is recognised that the site is currently part of a larger open space system. This open space system plays an important role as:</p> <ul style="list-style-type: none"> • a structuring element of the city (whereby it forms part of the "green open space" system); and • a floodplain of the Black River and old Liesbeek River. <p>Notwithstanding the site's current role in the open space system, it does not necessarily mean to say that development of the site should be precluded, with motivating factors for development provided in section 9 of the motivation report.</p> | <p>The site is part of an open space system and portions of the site will be retained as open space.</p> |
| 7. | <p>The scale of the proposed commercial development is out of proportion with the residential character and public land use</p> | <p>The scale of the development represents an urban vision for the site that is consistent with the strategies, guidelines and principles</p> | <p>The scale of the proposed development is contextually appropriate and the surrounding</p> |

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| | <p>of the surrounding area (including Valkenberg Hospital, SAAC, Hartleyvale etc.).</p> | <p>contained in the MSDF and TOD Strategic Framework (2014).</p> <p>While the relationship of SAAC, Valkenberg Hospital and Hartleyvale with the surrounding landscape may be slightly altered following the introduction of the development, the surrounding public institutions will remain intact and will no doubt adapt to the change in character of the landscape (it is even believed that these institutions will become more celebrated as a result of the development).</p> | <p>developments can hardly be described as "residential".</p> |
| <p>8.</p> | <p>This site (in particular its relationship with the broader TRUP area) offers an opportunity for a use more sensitive to that proposed.</p> | <p>Refer to item C.3 above.</p> | |

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| <p>9.</p> | <p>There is a presumption that the Berkley Road extension and the proposed SKA developments will be built. Both of these proposals have yet to be evaluated and cannot be used as arguments for further development on this site.</p> | <p>It is acknowledged that the implementation of these interventions is based on assumptions. The assumption of the Berkley Road extension being implemented is made with a relative degree of confidence because this road link has long been on the CoCT's road network plan (refer to sub-section 6.5.2 of the motivation report). Officials from CoCT's road network planning department (e.g. Messrs Tony Vieira and Mark Pinder) have confirmed in correspondence that this road link is indeed a key project in the CoCT's road network plan and will be implemented should the necessary funding become available.</p> <p>The situation with the SKA development on Rem. Erf 26423 Cape Town has, however, changed slightly since the submission of the application. The application, as well as the Draft HIA, included the SKA development as an assumption on the basis of the public tender for the proposed development of an 3-4 storey building. However, this tender was not pursued and as a result the final HIA (that is to be submitted) has been revised to take this into account. Nevertheless, as development was previously contemplated for the SAAO site it is not unreasonable to argue that it is still a possibility in the future</p> | <p>The Department concurs with the applicant's response.</p> |
| <p>10.</p> | <p>The lower ground in this part of the sub-metro area remains undeveloped. These undeveloped 'river valleys' are essential for maintaining a sense of openness, for celebrating the history of the sites within them, as a recreational open space, and</p> | <p>The applicant acknowledges that this site falls within the floodplain on land that has, in relatively recent history, been used as open space for private recreation purposes. Nevertheless, the application puts forward a different vision for the site and the onus is now</p> | <p>The site is part of an open space system and portions of the site will be retained as open space and the issues related to storm water management will be addressed through conditions that will be imposed.</p> |

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| | as part of the broader flooding and stormwater resilience of this part of the city. Development of any scale would severely harm this character. Development of the scale proposed would destroy it. | on the CoCT (and other decision-making authorities) to decide, in the context of current planning policy and with the assistance of independent specialist studies, as to what future development, if any, can occur on the site. | |
| E. NON-COMPLIANCE WITH POLICY | | | |
| D.1 General | | | |
| 1. | The development proposal is entirely devoid of details pertaining to City of Cape Town policy. | This is incorrect. Comprehensive details of how the development proposal complies with CoCT / WCPG policies is provided in section 3 of the motivation report. | The Department concurs with the applicant's response. |
| 2. | It is concerning that this development requires so many deviations from CoCT policies. Why would these deviations be considered by the CoCT knowing that these policies were produced after much research and careful planning by highly qualified professionals? To overrule these policies would be retrogressive. These policies were in place when the developer purchased the land and they must work within the existing regulations if they wish to develop their property. | Land use / development related policies are created for the purpose of providing generic guidance on how and where development can and cannot occur. However, deviations from policy can be obtained on a site-by-site basis should sufficient motivation be provided for such deviations. Indeed, certain deviations from policy are required in order to achieve development of the River Club site as proposed, and in each instance sufficient motivation for the deviations has been provided. | The "PROPOSAL ASSESSMENT" section of this report explains the reasons for the recommendation to support the proposals including the reasons for deviating from the relevant policies. |
| D.2 Municipal Spatial Development Framework | | | |
| 1. | The application generally goes against the principles of the MSDF. | This is incorrect. The development proposal is generally compliant with the principles, strategies and policies contained in the MSDF, as demonstrated in sub-section 3.4 of the motivation report. | This is a sweeping statement and no details are provided regarding the MSDF principles in question. |

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| <p>2.</p> | <p>The MSDF map entitled "precautionary areas reflecting natural and man-made potential development constraints" reinforces that the site is within the flood line. Policy 21.1 states that "existing developments in these area may require mitigation measures and limits on further enhancement of development rights." A substantial amount of land is being raised to flood-proof the proposed development, but the concern is that in terms of the justifiable precautionary approach, this may not be appropriate given the site's valley bottom, floodplain characteristics.</p> | <p>It is acknowledged that the site falls within the 1:100-year flood line shown in the "precautionary areas reflecting natural and man-made potential development constraints" map contained in the MSDF. Notwithstanding, the following should be noted:</p> <ul style="list-style-type: none"> • The site is not identified as a "flood prone area" on the "precautionary areas reflecting natural and man-made potential development constraints" map contained in the MSDF (refer to Annexure A of the applicant's response); • The surface water hydrology report (Annexure H attached to the motivation report) demonstrates that raising the level of the site above the 1:100 floodplain will not have any detrimental effect on flood levels impacting on neighbouring properties; and • Application has been submitted to deviate from the CoCT Floodplain and River Corridor Management Policy in order to permit development within the floodplain. | <p>While it is acknowledged that the site falls within a floodplain, further lower level policies elucidate this issue. Having said this, it must be noted that development within a flood prone area is not precluded entirely, provided that mitigating measures are put in place. The Department's view is that the proposed conditions of approval are adequate to deal with this concern.</p> |
| <p>3.</p> | <p>The MSDF gives guidance to appropriate development within the inner urban core, including along transport corridors. Not in a flood plain or inside a heritage park.</p> | <p>The following maps contained in the MSDF do not preclude development on this site:</p> <ul style="list-style-type: none"> • the consolidated spatial plan concept; • areas of high agricultural significance; • biodiversity network; • precautionary areas reflecting natural and man-made potential development constraints; | <p>The MSDF identifies the property as being located within the urban inner core. Other guidance is offered with respect to the location of the site and principles that should be taken into consideration when assessing the appropriateness of development within the urban inner core. This will be discussed further in the assessment of the application in point 6 below.</p> |

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| | | <ul style="list-style-type: none"> • heritage resources (the site is only earmarked as a "proposed heritage area"). <p>Refer to the various maps contained in Annexure A attached hereto.</p> | |
| D.3 Table Bay District Plan | | | |
| 1. | <p>The proposal is contrary to the Table Bay District Plan. To deviate from the District Plan is extremely irregular and should not be taken lightly. What justifies this deviation?</p> | <p>The role of the site as an "open space" and "buffer area", as identified in the Table Bay District Plan, is a consequence of 3 interrelated factors, viz.:</p> <ul style="list-style-type: none"> • Over the past 80 years or so, the site has been utilised as a place of recreation (initially by the South African Railways & Harbours (SAR&H) as the Liesbeeck Park Recreation Club; and more recently as a golfing facility, "The River Club"); • It forms part of the floodplain of the Black River and old Liesbeeck River; and • It forms part of the TRUP, which is earmarked as park of metropolitan significance in Cape Town, displaying features of cultural, heritage and ecological quality. <p>Notwithstanding, the proposed development represents a paradigm shift in the way development of the site is considered. Whereas the Table Bay District Plan does not consider the site developable, the project team believes that the site is indeed developable, with the major motivating factors being:</p> <ul style="list-style-type: none"> • Raising the level of the site above the 1:100 floodplain will not have any detrimental | <p>Even though the site is shown in the District Plan as part of the City's open space system, the site is also located in the area designated in the MSDP as "urban inner core" where intensification of development is encouraged. The District Plan precedes the MSDP and where there is inconsistency between the District Plan and the MSDP, the MSDP takes precedence.</p> |

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| | | <p>effect on flood levels impacting on neighbouring properties (as demonstrated in the surface water hydrology report, attached as Annexure H to the motivation report):</p> <ul style="list-style-type: none">• The CoCT's desire to develop the Berkley Road extension, which will in turn provide enhanced access opportunities onto the site.• The desire for TRUP to become a dense, mixed use and mixed tenure environment. <p>As outlined in sub-section 3.5 of the motivation report, despite the need to deviate from the Table Bay District Plan, it should be noted that the MSDF identifies the land as "urban inner core" and therefore <u>supersedes</u> the Table Bay District Plan according to the "consistency principles and post-2012 amendments" as contained in <i>Technical Supplement D: Regulatory Requirements and Informants</i> of the MSDF.</p> | |
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| <p>2.</p> | <p>If the local area Spatial Development Plan (e.g. the Table Bay District Plan) is out of date or requires updating, the City of Cape Town is at liberty to initiate a process to revise such plans (and in doing so involve a range of stakeholders as part of a public participation process). The revision of such plans would be preferable rather than allowing a deviation in order to accommodate a single development.</p> | <p>It is our understanding that the CoCT has embarked on a process of updating the various District Plans, including the Table Bay District Plan. This process is currently in the early stages. Further, the TRUP LSDF, run in tandem by the WCG and the CoCT, is currently being undertaken and will result in new development initiatives and planning guidelines for the TRUP local area.</p> <p>Notwithstanding, it should be noted that the owner of the River Club (or indeed any owner of privately-owned land) is not compelled to patiently wait for updated spatial planning policies to be promulgated prior to submitting the required statutory applications to realise development scheme proposals. Therefore, the correct procedure in this instance is to apply for a deviation from the Table Bay District Plan.</p> | <p>Section 99(5) of the MPBL states that "No decision required to be made in terms of this By-Law may be delayed pending the creation of a policy to guide decision-making on the matter".</p> |
| <p>3.</p> | <p>The motivation report argues that the implementation of Berkley Road is reason for deviating from the open space designation in the District Plan. However, the District Plan has always shown the Berkley Road extension, therefore it cannot necessarily be deduced that its implementation will change the designation from open space.</p> | <p>The potential introduction of Berkley Road is just one of the motivating factors put forward for the proposed deviation; there are various motivating factors that need to be considered (refer to sub-section 12.2.3(a), as well as section 9, of the motivation report).</p> | <p>The Department concurs with the applicant's response.</p> |

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| 4. | The motivation report argues that the implementation of the SKA development is reason for deviating from the open space designation in the District Plan. However, the SKA should be seen to be part of the governmental cluster of users of this node. Further, the scale of the SKA development (8 000 m ²) versus the River Club (150 000 m ²) is not comparable. | The proposed SKA development is just one of the motivating factors put forward for the proposed deviation; there are various motivating factors that need to be considered (refer to sub-section 12.2.3(a), as well as section 9, of the motivation report). | The Department concurs with the applicant's response. |
| 5. | This specific area is identified in the District Plan as "open space" and should be kept as such. This kind of policy is required to ensure that exploitative developers do not place profits above the future benefits of the environment and community as a whole. | Refer to item D.3.1 above. | Even though the site is shown in the District Plan as part of the City's open space system, the site is also located in the area designated in the MSDF as "urban inner core" where intensification of development is encouraged. The District Plan precedes the MSDF and where there is inconsistency between the District Plan and the MSDF, the MSDF takes precedence. |
| 6. | The "open space", "Core 2" and "buffer" status in the District Plan implies that development on this site should be avoided. The proposed development is therefore directly contravening the CoCT's own spatial vision and approved development intent. | Refer to item D.3.1 above. | Refer to D.5 above |

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| 7. | TRUP is a declared park and the "open space" categorisation in the Table Bay District plan was set in place to preserve this park. Only minor deviations from this categorisation should be considered for the sake of preserving this park and making it more sustainable. Deviations that are destructive to the park cannot be supported. | Refer to item D.3.1 above. | |
| B | The designations of "Core 2" and "Buffer 1" were introduced as protection measures for flood water management and biodiversity. | <p>The areas designated "Core 2" are associated with the rivers. These areas will not be developed (as per the proposed river buffer setbacks), but will instead be rehabilitated.</p> <p>The area designated "Buffer 1" falls adjacent to the proposed Berkley Road extension. It is submitted that this designation is inaccurate as this area shows no signs of any remnant natural vegetation.</p> | The Department concurs with the applicant's response. |
| D.4 Tall Building Policy | | | |

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| <p>1.</p> | <p>The plans show a lack of understanding of the surrounding environment and do not conform with the CoCT's own guidelines that new buildings should be of a similar scale to the surrounding buildings that are characteristic of the heritage of the area.</p> | <p>An analysis of the development in relation to the Tall Building Policy is provided in subsection 3.12 of the motivation report. The following aspects should be noted:</p> <ul style="list-style-type: none"> • The surrounding tall buildings (e.g. Black River Parkway, PRASA warehouses and Premier Food buildings and silos) are identified as contextual informants for development of the River Club. • Despite the current site character (e.g. open space), a number of factors point to this piece of land being more urban in character, including the following: <ul style="list-style-type: none"> - terrestrial and natural ecosystems associated with the site are considered degraded; - development on the site would have an insignificant effect on flooding in the vicinity of the site; - residual heritage and visual impacts can be reduced to tolerable levels through effective implementation of detailed design and the stipulated mitigation measures; - development of the site as proposed will result in significant social, economic and ecological benefits; and - the COCT's Urban Investment & Development: Urban Integration Department regards this site as the Western Gateway into the broader TRUP area. • The impact on the "heritage" should not be overstated in this context. While the | <p>How the proposed development contextually relates to the built form in the immediate environs is just but one consideration when determining the desirability of the proposed development. The applicant has adequately motivated why the development is desirable.</p> |
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| | | area is historic, the heritage significance that derives from that history has no manifestation on site: there is no archaeology present, no pre-colonial shell middens and no evidence of the VOC barricades and defences, or of historic agricultural activities. The heritage value of the place (site) is the knowledge we have about it. | |
| D.5 MPBL | | | |
| 1. | The primary uses for the Open Space 3: Special Open Space zone are "open space, private road and environmental conservation use". The potential consent uses are, for example, "plant nursery, cemetery, urban agriculture, cultural and social ceremonies etc.". The land is clearly and specifically earmarked and intended for relatively low-key and low-impact activities and uses. These uses are also in line with the spatial vision for this land. | <p>The proposed development represents a paradigm shift in the way development of the site is considered. Whereas the current zoning does not convey any development rights, the project team believes that the site is indeed developable. Refer to Item D.3.1 above, as well as section 9 of the motivation report.</p> <p>The development proposal includes a significant area of land (± 5 ha) that will remain zoned Open Space 3: Special Open Space (and therefore undevelopable).</p> | Even though the site has an Open Space 3 Zoning, the fact that the MPBL makes provision for land to be rezoned from one zone to another means that the zoning of a particular piece of land is never intended to limit in perpetuity the development rights to what is indicated in the Development Management Scheme. The site is also located in the area designated in the MSDP as "urban inner core" where intensification of development is encouraged. |
| 2. | The additional zoning rights will not be compatible with the adjacent environmentally sensitive land. | It is proposed that the edges of the site (e.g. adjacent to the rivers) will remain zoned Open Space 3: Special Open Space and will therefore be undevelopable. These areas of the site will allow for ecological connectivity beyond the site boundaries. | The development proposal is contextually appropriate and desirable and the proposed conditions are adequate to mitigate any negative impact. |

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| 3 | The development will negatively impact on the existing rights of the public and is undesirable. It therefore does not meet the adjudication criteria set out in section 99 of the MPBL. | The applicant believes that the development proposal does meet the adjudication criteria set out in section 99 of the MPBL, as demonstrated in sub-section 12.2 of the motivation report. | The "PROPOSAL ASSESSMENT" addresses the application in relation to the Section 99 criteria. |
| D.6 Management of Urban Stormwater Impacts Policy | | | |
| 1. | The applicant should be making public its arguments as to why this policy (as well as the Floodplain and River Corridor Management Policy) does not apply before making an application to rezone. | <p>The arguments pertaining to why the deviations from the Management of Urban Stormwater Impacts Policy and Floodplain and River Corridor Management Policy are contained in the motivation report, which was available for inspection at the District Manager's office during the public participation period.</p> <p>Further motivation for deviations from these policies is provided in the response to comments received from CoCT department's / branches. It is trusted that this response document will be made available to the public when the application goes to the Municipal Planning Tribunal for decision.</p> | The applicant's motivation is considered sufficient |
| 2. | <p>The Management of Urban Stormwater Impacts Policy states:</p> <p><i>"The deleterious impacts of urbanisation on receiving waters, that is rivers, streams, wetlands, groundwater and coastal waters, are a worldwide phenomenon. Such impacts include:</i></p> <ul style="list-style-type: none"> • Declining water quality; • Diminishing groundwater recharge and quality; • Degradation of stream channels; • Increased overbank flooding; • Floodplain expansion; | The Management of Urban Stormwater Impacts policy is intended to minimise the undesirable impacts of stormwater runoff from developed areas by introducing Water Sensitive Urban Design (WSUD) principles to urban planning and stormwater management. To this end the proposed development will manage water quality and quantity. The development has requested a deviation from the policy's requirement to attenuate runoff from large R1 storm events such as the 1:100-year Recurrence Interval event. | The condition calling for the development and approval of a storm water management plan will adequately address this concern. |

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| | <ul style="list-style-type: none"> • Loss of ecosystem integrity and function; • Loss of biodiversity " <p>These impacts and losses mentioned above will be the price paid for the sake of developer's profit.</p> | <p>The surface water hydrology report (refer to Annexure H of the motivation report) finds that the impact of the development will be negligible on flooding, but notes that the City will need to deviate from its "Floodplain and River Corridor Management Policy" which is a policy that applies rules based on "typical" development scenarios (which, for a variety of hydraulic and hydrological reasons, this proposed development may be considered an exception).</p> | |
| 3. | <p>The CoCT SUDS requirement is not explained or shown in the application.</p> | <p>Sustainable urban drainage systems (SUDS) and water sensitive urban design (WSUD) are mechanisms used to reduce the potential impact of new and existing developments with respect to surface water drainage discharges.</p> <p>The entire development makes use of SUDS and WSUD principles. Some interventions that are earmarked for implementation include:</p> <ul style="list-style-type: none"> • Protecting and improving the water quality of water draining from the proposed development through the use of bioswales; • Attempting to restore the urban water balance by maximising the reuse of stormwater, recycled water and grey water; • Integrating stormwater treatment into the landscaping component so that it offers multiple beneficial uses such as water quality treatment and wildlife habitat (e.g. birds); and | <p>Refer to D.6.2 above and the section of this report dealing with "PROPOSAL ASSESSMENT".</p> |

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| | | <ul style="list-style-type: none"> Reducing peak flows and runoff simultaneously providing for infiltration and groundwater recharge | |
| 4. | Cannot support the requested deviation from the "24-hour extended detention of the 1-year recurrence interval, 24 h storm event in a greenfield development greater than 50 000 m ³ ". This deviation is not satisfactorily motivated. It could potentially cause major flooding further downstream. | Agreed. There is no intention to deviate from the policy in relation to the 1-year Recurrence Interval, 24 h storm event. | |
| 5. | Cannot support the requested deviation from the "24-hour extended detention of the 10-year recurrence interval, 24 h storm event in a greenfield development greater than 50 000 m ³ ". This deviation is not satisfactorily motivated. It could potentially cause major flooding further downstream. | Flooding is likely to occur – regardless of the proposed development – for any Recurrence Interval flood greater than the 1:2 event-years. Attenuating on site will have no advantage in reducing flooding and no impact on flooding downstream. It would be better to discharge the runoff sooner as it rather than attenuating on site (the latter could increase flooding downstream, although this impact would also be negligible). | |
| 6. | Cannot support the requested deviation from the "24-hour extended detention of the 50-year recurrence interval, 24 h storm event in a greenfield development greater than 50 000 m ³ ". This deviation is not satisfactorily motivated. It could potentially cause major flooding further downstream. | | |
| D.7 Floodplain and River Corridor Management Policy | | | |
| 1. | To rezone this land requires too many deviations from accepted standards for building in a floodplain. This indicates enormous risk to surrounding properties and the safety of citizens. | The hydrology and hydraulics for the current situation with or without a proposed River Club development has been studied in detail by the independent surface water hydrology specialist (refer to Annexure H of the motivation report). | Refer to D.6.2 above and the section of this report dealing with "PROPOSAL ASSESSMENT". |

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| | | <p>The CoCT Stormwater Management & Catchment Planning department has accepted that, given the current situation, the proposed development will not significantly increase local flood risk, and as such an application to deviate from the CoCT Floodplain and River Corridor Management Policy cannot be opposed by the CoCT Stormwater Management & Catchment Planning.</p> | |
| 2 | <p>How can a deviation from the Floodplain and River Corridor Management Policy be justified if only based on the claimed need for development in what is clearly an inappropriate location?</p> | <p>The River Club site is considered an appropriate location for development for the following reasons:</p> <ul style="list-style-type: none"> • It is a highly accessible site located within close proximity to agglomerated places of work such as the CBD and Paarden Eiland, and also has relatively good accessibility to the metropolitan south-east. • The location of the River Club at the knuckle of the Main Road corridor, the Voortrekker Road corridor and the Klipfontein Road corridor means that it can be a generator of people and economic activity that supports and reinforces these corridors (in particular the Voortrekker Road corridor). • The site is well located in relation to public transport services, and is therefore an excellent means of facilitating and contextualising the principles and strategies identified in the CoCT Transit Oriented Development (TOD) Strategic Framework (2014). | <p>Refer to D.4.2 above and the section of this report dealing with "PROPOSAL ASSESSMENT".</p> |

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| | | <ul style="list-style-type: none"> It is located at the western gateway into the TRUP. A 'gateway' in planning / urban design terms is an important entry point into a place, and they can play a key role in identifying distinct areas (e.g. TRUP). In the case of the River Club, the gateway symbolises a "live, work, play" urban environment. | |
| 3. | It is not certain what is meant by "develop / obstruct the 'free of' water within the 20-year floodplain and infill within the 50-year floodplain"? What exactly does this mean and what are the implications? | <p>The notice distributed to I&APs contained an error and should have read:</p> <p><i>"Deviation from the Floodplain and River Corridor Management Policy (2009) seeking permission to develop/ obstruct the free <u>flow</u> of water within the 20-year floodplain and infill within the 50-year floodplain "</i></p> <p>The policy, in principle, does not normally make provision for filling / developing within the 1:20-year floodplain. However, there are examples of where it has been allowed based on studies like the one undertaken for this proposed development (i.e. the surface water hydrology report attached as Annexure H to the motivation report).</p> | Refer to D.6.2 above and the section of this report dealing with "PROPOSAL ASSESSMENT". |
| 4. | Filling in the 1:50 year floodplain goes against policy and should not be allowed. | <p>The policy, in principle, does not normally make provision for filling / developing within the 1:20-year floodplain. However, there are examples of where it has been allowed based on studies like the one undertaken for this proposed development (i.e. the surface water hydrology report attached as Annexure H to the motivation report).</p> <p>The deviation should be considered together with the associated benefits which:</p> | Refer to D.6.2 above and the section of this report dealing with "PROPOSAL ASSESSMENT". |

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| | | <ul style="list-style-type: none"> rehabilitation of the Liesbeeck Canal; treatment of municipal stormwater discharging into the old Liesbeeck River channel, which will be converted into a vegetated stormwater swale system; the numerous other development benefits which are noted elsewhere in the response (e.g. refer to item D.5.2 below). | |
| D.8 Urban Design Policy | | | |
| 1. | The Urban Design Policy requires environmental resources, green open space systems and ecologically sensitive areas to be protected and enhanced. The built form of the proposal does not sufficiently acknowledge the unique characteristics of the context and therefore does not comply with this policy statement. | <p>A conceptual illustration and explanation of how the green open spaces on the site will link into TRUP and the surrounding spaces is provided in sub-section 9.4 of the motivation report.</p> <p>More detail relating to the system of hard and soft spaces on the site can be more fully detailed in subsequent applications (e.g. approval of future Precinct Plans, Character Plans and SDPs).</p> <p>Also refer to item D.4.1 above.</p> | A response to the built form is offered in the PROPOSAL ASSESSMENT below. It must also be noted that the detail associated with interface conditions with open spaces with buildings will be provided at a later stage of the process of developing the site. |
| D.9 TRUP Contextual Framework and Phase 1 Environmental Management Plan (2003) | | | |
| 1. | The Contextual Framework and Phase 1 Environmental Management Plan (2003) was put in place to guide the implementation of TRUP in partnership with the CoCT. Many years of consultation went into formulating the Development Framework. All this work threatens to be wasted. | It is acknowledged that the current development proposal for the River Club is not consistent with a number of the principles and guidelines outlined in the TRUPCF. Notwithstanding, it should be noted that the TRUP LSDF, run in tandem by the WCG and the CoCT, is expected to be completed in March 2019 and will result in new development initiatives and planning guidelines for the TRUP area (including the River Club site). | The TRUP LSDF is still a draft and cannot be taken into account when assessing the development proposal. |
| D.10 TRUP Local Spatial Development Framework (2018) | | | |

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| 1. | The development is contrary to the current TRUP policy and vision that stakeholders aim to achieve. The proposal ignores the Draft Manifesto and the upgraded guide to the future of TRUP. | The TRUP LSDF has not yet been finalised by the CoCT and currently has no statutory status. | The TRUP LSDF is still a draft and cannot be taken into account when assessing the development proposal. |
| 2. | Stakeholders in the TRUP LSDF process have explored an alternative vision for the River Club site, which shows less development on the site than what is proposed. | Refer to item D.10.1 above. The owner of the River Club site is a stakeholder in the TRUP LSDF process, and yet they have not been afforded the opportunity to either comment on the alternative vision for the site, nor have they been given the opportunity to motivate why the site should be developed as proposed (at least in the LSDF process). As such, the term 'stakeholders' should be considered with caution in this context. | The Department concurs with the applicant's response. |

F. COMMENTS RELATING TO POTENTIAL IMPACT**E.1 General**

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| 1. | This development is substantial and will affect many communities in this area, especially Observatory and Hartleyvale | A development of this scale will naturally result in change to surrounding areas and may result in negative impacts on the communities currently living there. However, development of this site is considered appropriate (refer to item D.7.2 above). | It is acknowledged that the development will impact on the recipient community. This is addressed in further detail in the "PROPOSAL ASSESSMENT". |
| 2. | The proposed rezoning and development represents a significant and a dramatic deviation from the original intention for this land. This is considered highly undesirable and an eroding of the rights of the surrounding residents of Observatory who always had legitimate expectations of what may and may not be developed on the site. | Cities are dynamic. Changes occur in line with complex spatial developments. In particular, the pace of urbanization has posed significant challenges to a city such as Cape Town, including the increasing demands of rising populations in terms of access to land, housing and urban services. In addition, citizens are demanding more walkable and transit-friendly neighbourhoods | The Department concurs with the applicant's response. |

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| | | <p>and in general are looking for higher quality urban places in which to live, work, and play.</p> <p>The recent introduction of policies such as the Densification Policy, Urban Design Policy and TOD Strategic Framework indicates that the CoCT recognises the need to make Cape Town a more urban, liveable city for its citizens.</p> <p>The River Club development embraces an urban model of development whereby mixed use, high density development is combined with enhanced access to public transport services, economic opportunities and natural spaces.</p> | |
| 3. | <p>The proposed land uses, layout, bulk and scale of the development is markedly out of keeping with the receiving environment and it will have a highly negative impact on the urban functionality.</p> | <p>Impacts on the receiving environment will be assessed in the Basic Assessment Report (BAR), which will be assessed by DEA&DP during the statutory NEMA process.</p> | <p>The property is separated from immediate surrounding properties by Liesbeek Parkway, land zoned for open space purposes and (unconstructed) roads reserve and rivers.</p> <p>Properties nearby are used for either residential (single and high density residential) and non-residential (business, industry, educational) development.</p> <p>The built form in the vicinity is also varied. Properties in the vicinity of the subject property are zoned for Open Space, Mixed Use, General Residential and Community Zone purposes.</p> <p>The fact that the development proposal differs in height to some extent from buildings in the vicinity does not make it undesirable. The specialist studies that were undertaken, including a visual impact assessment and the proposed conditions</p> |

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| | | | informed by the specialist studies will mitigate the impact of the development on the receiving environment. |
| 4. | The long-term loss and cost to the general public, as well as the damage to the open space system, far outweighs any benefit that the developer / applicant has tried to motivate. | <p>The impact of a loss of open space to society will be considered in the statutory NEMA process.</p> <p>However, the following should be noted:</p> <ul style="list-style-type: none"> • The majority of the site is not currently freely accessible to the public (i.e. the right of admission is reserved, and trespassers can be prosecuted); • it is currently understood that lawned areas of the site are transformed from an ecological perspective (although may still have value to faunal species, notably the WLT); • Although open, the site landscape is of a modified natural character surrounded by a built-up urban environment; • The proponent proposes to implement ecological setbacks at the interfaces with freshwater environments and the site, and rehabilitate these areas; and • Publicly accessible open spaces (including the set-backs) are included in the development proposal. | The property has long since had controlled access (i.e. limited access) to the general public. Much of the land has accommodated a driving range with other appurtenant uses and conference facilities, amongst others. While it also accommodates bird hides, it the property has always had not have unfettered public access |
| 5. | Ad hoc development in Observatory is already having negative impacts on people and the environment and these need to be addressed before more development is improved or else the situation will worsen. | Other development in Observatory is not the concern of the owner / developer of the River Club. | This development proposal must be assessed on its merits. |
| D.2 Heritage Impact | | | |

| HIA / Process | | | |
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| 1. | The River Club site is rich in heritage resources, not all of which have been adequately captured in the HIA reports conducted thus far. In particular, there is a lack of attention given to the history of First Nations People who resided in the area. | This is disputed. The Draft HIA covers a wide range of heritage related aspects, including a substantial section on the pre-colonial history of the site. | Issues dealing with heritage are addressed in the "PROPOSAL ASSESSMENT" and conditions imposed when the environmental authorisation was issued. |
| 2. | The HIA is in contrast with the TRUP Baseline Heritage Study compiled by Melanie Atwell (prepared for N&M Associates on behalf of Provincial Government of the Western Cape). | <p>The two studies do not contrast. They merely regard the heritage significance of this site in a different light (heritage studies are subjective).</p> <p>While the area is historic, the heritage significance that derives from that history has no manifestation on site: there is no archaeology present, no pre-colonial shell middens and no evidence of the VOC barricades and defences, or of historic agricultural activities. The heritage value of the place (site) is the knowledge we have about it.</p> <p>Nevertheless, the site and its immediate context is assessed to be historically significant in the Draft HIA: the Liesbeek River and floodplain are of some ecological importance, and the topography of the area remains, and it is acknowledged that people experience cultural value from the character, history, and awareness of the historical importance of the site, as well as the ecology of the lower reaches of the Liesbeek River.</p> <p>The character of the site will be transformed by the development. This transformation is of</p> | The Department concurs with the applicant's response. |

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| | | significant visual impact but is assessed by the heritage consultants to be of relatively low heritage significance; whether the site is developed or otherwise, it will always have a history, which in the case of the River Club is intangible, not manifested on the ground, and cannot be destroyed by physical changes. Furthermore, the site is located in a significantly transformed floodplain, is degraded and will be further transformed by the future development of the Berkley Road extension. | |
| 3. | A HIA is required in terms of section 38 of the NHRA. | Noted. The Draft HIA has been prepared for the purpose of the section 38(8) application in terms of the NHRA (the Draft HIA was issued for public comment on 25 January 2018 as part of NHRA section 38 process). However, the report has not yet been submitted to HWC on the grounds that it is unclear how the section 38 process can proceed prior to the section 29 process being concluded (letters have been sent to HWC requesting guidance on the continuation of the section 38 application in parallel with the section 29 process, however no response has been forthcoming). | The Department concurs with the applicant's response. |
| Cultural Landscape | | | |
| 4. | The development will have a substantially adverse impact on the tangible (e.g. natural environment, cultural landscape) and intangible (e.g. pre-colonial history) heritage at the site. | The character of the site will be transformed by the development. This transformation is of significant visual impact but is assessed by the heritage consultants to be of relatively low heritage significance; whether the site is developed or otherwise, it will always have a history, which in the case of the River Club is intangible, not manifested on the ground, and cannot be destroyed by physical | The Department concurs with the applicant's response in so far as issues related to heritage are concerned. |

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| | | <p>changes. Furthermore, the site is located in a significantly transformed floodplain, is degraded and will be further transformed by the future development of the Berkley Road extension.</p> <p>Although the development will lead to adverse impacts on aspects of heritage (which cannot be entirely mitigated) a very considerable heritage benefit is anticipated from enhancing and restoring the Liesbeek River corridor. Ultimately the various decision-making bodies will need to consider whether to authorise the project, which brings significant social (including amenity), economic, ecological and heritage benefits, but which will lead to what the heritage specialists regard as adverse but tolerable sacrificial heritage and visual impacts.</p> <p>Refer also to items D.2.6, D.2.7, D.2.8, D.2.11 and D.2.13 below.</p> | |
| 5. | <p>This is a heritage site and commercialising it is disrespectful to our people.</p> | <p>At this stage this site does not have statutory protection as a heritage site, with the following being pertinent:</p> <ul style="list-style-type: none"> • Although HWC took the decision to provisionally protect the property as a Grade II heritage resource (in terms of section 29 of the NHRA), this decision is currently on appeal and a decision is expected in early 2019. • The "heritage resources" map contained in the MSDP identifies the site as a "proposed heritage area" (as opposed to a "heritage area"). | <p>Although the site is not protected heritage site and the provisional protection expired in April 2020, heritage issues are addressed in the "PROPOSAL ASSESSMENT" and conditions imposed when the environmental authorisation was issued.</p> |

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| | | <ul style="list-style-type: none"> The site does not fall within a deemed Heritage Protection Overlay Area, as per item 159 of the DMS. <p>Notwithstanding, an application in terms of section 38 of the NHRA is required and it is anticipated that this process will commence in early 2019.</p> <p>It must be mentioned that the site is already "commercialised" as it is used as a golf course, conference facility and restaurants (and ancillary uses).</p> | |
| 6. | The proposed development will negatively impact on the significant cultural landscape (including the adjacent SAAD – a Grade 1 heritage site – and Valkenberg Hospital). | <p>While the area is historic, the heritage significance that derives from that history has no manifestation on site: there is no archaeology present, no pre-colonial shell middens and no evidence of the VOC barricades and defences, or of historic agricultural activities. The heritage value of the place (site) is to knowledge what we know about it.</p> <p>Nevertheless, the site and its immediate context is assessed to be historically significant: the Liesbeek River and floodplain are of some ecological importance, and the topography of the area remains, and it is acknowledged that people experience cultural value from the character, history, and awareness of the historical importance of the site, as well as the ecology of the lower reaches of the Liesbeek River.</p> | Refer to D.2.5 above |
| 7. | The Liesbeek River Corridor and river confluence is a strong and discernible element in the cultural landscape, and as | The Draft HIA acknowledges the significance of the Black and Liesbeek rivers in the landscape, as well as the important of the | Refer to D.2.5 above |

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| | <p>such holds high heritage significance in its own merits.</p> | <p>confluence. However, HIA regards the site (inclusive of the floodplain and river courses) to be much degraded, to the point of wasteland. In this context, the project team, including the heritage specialists, see an opportunity to re-establish the Liesbeek River as:</p> <ul style="list-style-type: none"> • a river of significance; • a valuable ecological system; • an historical symbol; • an intrinsic component of the landscape; • a public amenity; and • a positive and symbiotic neighbour to the Raopenberg Wetland & Bird Sanctuary, as well as the SAAO hill <p>These "gains" are regarded as sufficient mitigation to outweigh any negative impact the development may have on the cultural landscape.</p> | |
| SAAO | | | |
| 8 | <p>The Draft HIA does not give adequate attention, or indeed respect, to the potential impact of development on the SAAO, which is an identified heritage resource.</p> | <p>The significance of the SAAO is outlined in detail in sub-section 6.3 of the Draft HIA, and the topography of the hill that the SAAO occupies, including natural and built components are assessed to be the only heritage indicator (i.e. criteria for decision making) of heights and scale of the development, specifically that the development steps back from the SAAO (partly achieved by rehabilitating the Liesbeek Canal), and be restricted to an appropriate height, "echoing the shape established by the banks, trees and buildings of the Observatory and lower than the height</p> | <p>Refer to D 2.5 above</p> |

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| | | <p>of the trees". According to the heritage specialists, these indicators have been achieved.</p> <p>Nevertheless, and noting the national significance of the SAAO, residual impacts of the proposed development on the historical significance are assessed in the Basic Assessment Report (BAR) to be of high significance following the implementation of mitigation. This impact will be assessed by DEA&DP during the assessment associated with the statutory NEMA process.</p> | |
| 9. | <p>The historical views for the SAAO (established in 1820 as the Royal Observatory) and its sense of history will be lost as a result of the development.</p> | <p>The SAAO campus is well screened by the fairly dense collection of trees surrounding the campus, particularly on its western side facing the River Club.</p> <p>Lions Head, Signal Hill and Devils Peak remain visible, but the view has to be sought from vantage points below the trees, and is clearly not of any importance in the day-to-day operation of the SAAO (indeed, these vistas have not been of importance for a long time, especially considering the mid-day gun on Signal Hill has been electronically triggered for most of the 20th century).</p> <p>Therefore the Draft HIA concludes that the line of sight between the SAAO and Signal Hill is of no current relevance (although it is historically interesting).</p> | <p>Refer to D.2.5 above</p> |
| 10. | <p>The proposed new buildings alongside the SAAO are higher than the historical dome on the hill, thereby undermining the heritage significance of the SAAO.</p> | <p>Refer to Item D.2.8 above.</p> | <p>Refer to D.2.5 above. Furthermore, the findings of the visual impact assessment and the proposed conditions adequately deals with this concern.</p> |

| First Nations | | | |
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| 11. | The First Nations heritage of the site needs to be upheld | <p>The significance of the site as a part of the floodplain and early landscape of pre-colonial transhumance use, colonial settlement and agriculture, and contestation is recognised and acknowledged in the HIA. However, the HIA also regards the site (inclusive of the floodplain and river courses) to be much spoiled, to the point of waste-land.</p> <p>The development is considered as an opportunity to establish a place of celebration / memorialisation for the recording early historic events, including the indigenous First Nations peoples' struggle. Indeed, the developer has committed to ensuring that a commemorative area and/or celebratory marker of the history of contestation be established on the site.</p> | Refer to D.2.5 above |
| 12. | This site is the cremation / burial ground of the early Quena (Otentofu). | <p>There is no archaeological evidence, at this stage, that the site is a burial ground (an archaeological survey shows that much of the land that makes up the site has been subject to considerable disturbance and has very little archaeological potential).</p> <p>However, should any significant archaeological materials be encountered during earthworks, these must be reported to the project team archaeologist and HWC for further investigations.</p> | The Department concurs with the applicant's response. |
| 13. | This was an important meeting place and river crossing site for the Khoi people. | Sub-section 8.3 of the Draft HIA does acknowledge the pre-colonial crossing of the Black River by the indigenous people and | Refer to D.2.5 above. |

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| | | <p>their cattle. In this respect, the Draft HIA states:</p> <p><i>"...a substantial setback from the river bank be left to enable an imagined river-crossing of the indigenous people and that this land be set aside for the siting of some form of identification and celebration of that pre-colonial history. This space should also be acknowledged in the design of the road network and in the shaping of the built-form over-looking this space."</i></p> <p>The developer has committed to ensuring that such a place be established on the site (refer also to item D.2.11 above).</p> | |
| River Club | | | |
| 15. | The River Club and surrounding grounds have been a historical landmark in Cape Town since 1939. | The site accommodates a complex of buildings built from the mid-1930s (the main building has a foundation-stone dated 1939), a number of trees, a grassed driving range and a 'mashie' course for golfers. The HIA is of the view that none of the existing fabric of the site holds enough significance to be taken into account when devising heritage-related design indicators or to be regarded as factors or criteria in decision-making. | Refer to D.2.5 above. |
| 16. | The development would destroy the landmark quality and heritage of the site. | Refer to item D.2.15 above. | Refer to D.2.5 above |
| 17. | The buildings are older than 60 years old and is a heritage building. HWC is required to give their permission for them to be demolished; something they have not yet done | Noted. A section 34 application in terms of the NHRA (i.e. to permit demolition of the existing buildings) will be submitted to HWC in due course. | The findings of the heritage specialist in the revised layout concept 2 that was submitted as part of the application for environmental indicated that the existing buildings on the site could be demolished and this is indicated in the |

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| | | | environmental authorization issued on 20 August 2020. |
| D.3 Traffic and Transport Impact | | | |
| Traffic Congestion | | | |
| 1. | The development will lead to an increase in traffic congestion and exacerbate the already congested roads around the River Club. | The future traffic operations on the surrounding road network were analysed in the TIA (refer to Annexure T of the motivation report). While traffic generated by the development will contribute to traffic congestion in the surrounding area, the TIA concluded that the development can be accommodated with the implementation or provision of the recommended infrastructure as proposed (refer to section 9 of the TIA). In addition, future improvements to public transport and non-motorised transport facilities in the area will further assist in alleviating the traffic congestion in the area. | Certain road upgrades will occur in conjunction with the development in order to accommodate the proposal. |
| 2. | The Liesbeek Parkway is not sustainable or constructed in a manner to withstand increased traffic flow, and would suffer severely by the increased infrastructure and development. | The TIA recommends that Liesbeek Parkway be upgraded in order to accommodate future traffic volumes (refer to section 9 of the TIA, which is attached as Annexure T to the motivation report). (It is important to note that the dualling of Liesbeek Parkway south of Station Road is already required with existing traffic and is not triggered by the development, but is rather considered as a "backlog upgrade" which is due even prior to development of the River Club.) | As mentioned above, certain road upgrades will be required to accommodate the development proposed. |

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| 3. | <p>On pg. 62 of the TIA it is stated:</p> <p><i>"...the transport modelling results have demonstrated that the present road capacity in the study area is unable to accommodate existing traffic demand...gives rise to prolonged congestion and ever extending peak periods."</i></p> <p>On pg. 63 it is stated Precinct 1 will have "a marginal impact of the surrounding road network". This statement is rejected and disingenuous given the TIA acknowledges on pg. 62 of the TIA that the roads can't even cope with the existing traffic.</p> | <p>The traffic model indicated that certain links on the current network with current (2017) traffic are at capacity and operating at extended (> 1 hour) peak periods. The completion of the Berkley extension with current traffic relief the traffic on certain links (Liesbeek Parkway) but increase the traffic on others (Malla Road). The model predicts that the Precinct 1 traffic added to the extended Berkley Road and upgraded Liesbeek Parkway, will not have significant higher traffic conditions than the existing traffic on the extended network without these upgrades. It must also be borne in mind that an increased public transport modal shift is predicted by the model towards 2032 which will reduce private vehicle usage.</p> | <p>According to the TIA, it is anticipated that the proposed precinct 1 only of the proposal, will have very little impact on the traffic network beyond the congestion presently experienced. This is referenced on page 63 of that report.</p> <p>Page 62 of the same report however indicates that were the in the long term to further support the development road upgrades will be required.</p> |
| 4. | <p>On pg. 62 of the TIA it is stated:</p> <p><i>"...the present road capacity in the study area is unable to accommodate existing traffic demand."</i></p> <p>This implies that any network (capacity) improvements will be taken up by the latent, metropolitan demand in the peak period. Because there are potential freeway linkages to the 'missing' Berkley Road connection, it will not be possible to dedicate this link purely to the development and its completion will have a most significant impact on surrounding areas of Observatory, Salt River etc.</p> | <p>It is true that network upgrades (such as Berkley extension or dualling of Liesbeek Parkway) will improve latent demand. However, Berkley Road extension is not dedicated purely to the development but the initial extension to the main access will be a first phase in the completion of the 'missing' Berkley link. The extension of Berkley Road through to Malla Road is considered part of 'backlog' road infrastructure and the City is keen to address this backlog but was prevented to do so in the past by funding limitations. The River Club development offers an opportunity to complete a substantial portion of certain outstanding 'backlog' road infrastructure which will prioritize City funds to complete Berkley Road extension and other upgrades required.</p> | <p>The Department concurs with the applicant's response.</p> |

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| 5. | Traffic congestion is not only restricted to the AM peak hour (as implied in the TIA). There is also severe congestion during the PM peak hour (Station Road / Liesbeek Parkway intersection in particular). | The future traffic operations on Liesbeek Parkway, specifically at the intersection of Liesbeek Parkway and Station Road, were analysed using Signalised and Unsignalised Intersection Design and Research Aid software package (SIDRA) during the AM and PM peak hours for the year 2025. The analysis showed that the intersection without the development traffic would require the intersection to be upgraded purely due to compound growth of background traffic. Refer also to item D.3.1 above. | |
| 6. | It is strange that the TIA includes no traffic analysis of the Station Road / Liesbeek Parkway Intersection. This is where the worst traffic congestion occurs. The TIA is thus flawed. | This is not true. The TIA does include an analysis of the Station Road / Liesbeek Parkway intersection. Refer to item D.3.1 above. | This is one of the key intersections in the immediate vicinity of the property which is referred to in the TIA. |
| 7. | The area already struggles to accommodate large concurrent events at the River Club and the Hartleyvale sports facilities (and these are an order of magnitude smaller than the proposed development). | Events are sporadic and are part of any urban environment. The fact is these facilities have been part of the urban fabric for decades and the occasional impact to residents is not new or unknown. Regardless, the TIA has demonstrated that the proposed development could be accommodated provided the implementation of the recommended infrastructure upgrades occurs. | As already stated, the proposal if approved, will require certain road infrastructure upgrades. |
| 8. | Calculations show that there will be approximately 4 650 people living / working in this precinct (21 buildings, 155 floors, 30 people per floor). This means there will be 4 650 motor vehicles coming and going each day. | This is an extrapolation and is not necessarily true. Regardless, the TIA has demonstrated that the proposed development could be accommodated provided the implementation of the recommended infrastructure upgrades occurs. | The Department concurs with the applicant's response. |

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| 9. | The development is described in the motivation as a "destination", which by nature generate traffic rather than reducing traffic. | <p>The term "destination place" should not be taken to imply that everyone who visits the River Club will do so by motor vehicle. The term is rather used in the context by which it is presented in the MSDP: "landmarks or locations that form a significant point or area of attraction contributing to the unique identity of Cape Town."</p> <p>Notwithstanding, it is recognised that the nature of the development and the uses proposed will generate a significant amount of peak period trips. However, these trips have been analysed in the TIA, which has concluded that the proposed development could be accommodated provided the implementation of the recommended infrastructure upgrades occurs.</p> | The Department concurs with the applicant's response. |
| 10. | A development like this should take cognisance of the realities of Black River Office Park, which generates significant additional private car traffic onto the already congested road network in Observatory. | The reality of Black River Office Park is that it is an extremely successful development. There is a misperception that traffic along Liesbeek Parkway is as a result of "too much development". However, the reality is that Liesbeek Parkway cannot currently accommodate traffic volumes because it has not been upgraded in line with existing urban development (refer to item D.3.2 above). | When undertaking a traffic study, the number of vehicle trips over a certain period on the surrounding roads was taken into consideration when formulating the TIA, having regard to proposed location of the main vehicle entrance onto the property from Liesbeek Parkway. |
| 11. | The development is predominantly made up of commercial uses, which are all high vehicle trip generating uses, which will cause major traffic congestion. | The trip generation has been analysed in the TIA, which has concluded that the proposed development could be accommodated provided the implementation of the recommended infrastructure upgrades occurs. | The Department concurs with the applicant's response. |
| Road & Infrastructure Upgrades | | | |



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| <p>12.</p> | <p>If appears that there is no real plan with respect to Berkley Road, or even a requirement that this road must be implemented as a 4-lane road (i.e. the full Berkley Road extension may or may not happen), This is not acceptable and should the MPT approve the application then it must be a condition of approval that Berkley Road extension (with 4-lanes) must be implemented prior to any development on the River Club site.</p> | <p>Berkley Road extension is an approved road scheme (refer to item C.9 above). The land vests in the CoCT, who view the extension as an important infrastructure project. The owner / developer of the River Club proposes to offset their development contributions by constructing a bridge over the Black River, and extending Berkley Road to the River Club development site, only (refer to sub-section 6.5.2 of the motivation report).</p> <p>Implementation of the Berkley Road extension (even only Phase 1 as outlined in sub-section 6.5.2 of the motivation report) is likely to have a significant positive impact on TRUP by allowing for pedestrian and vehicle movement across the Black River at a local scale. Building this portion of Berkley Road extension will also enable the redevelopment of the River Club to take place, which will be a significant generator for public transport systems located close to the site (including the proposed TRUP Public and NMT transport corridor to the south of the site on Station Road).</p> <p>The owner / developer is currently in consultation with CoCT TDA to jointly fund the full extension of Berkley Road, a major infrastructure project which the proposed development would facilitate. This extension would have a positive impact on the regional mobility by virtue of the connectivity between the Black River Parkway and M5, and Liesbeek Parkway / Malta Road and improve connectivity from Mailland to Salt River</p> | <p>The application is assessed based on the two phases of development proposed. Each phase will have different requirements / demands on the service infrastructure. The developer will be responsible for the construction of one lane of the Berkley Road extension to accommodate the development. The Development Contribution paid by the applicant will also serve to contribute toward the cost of construction of, amongst others, this road. Road improvements will have to be made as demand requires.</p> |
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| | | through to Woodstock from a new east-west link into Albert Road with additional capacity. This will result in reduced reliance on the Settlers Way interchange for access between Maitland and Salt River. | |
| 13. | Should the Berkley Road extension be considered to be both necessary and desirable, the CoCT must not enter into any cross-subsidisation of costs in exchange for the granting of development rights on the site. | Phase 1 of the Berkley Road extension (bridge over the Black River and extension to the River Club development only) will be offset by Development Contributions payable by the developer to the CoCT. At this stage it is anticipated that the funding for and construction of the remainder of the extension (including the bridge over the original course of the Liesbeek River) will be the responsibility of the CoCT. Notwithstanding, the owner / developer is currently engaging the CoCT to determine if a commitment to build this infrastructure can be achieved, and if a funding model can be agreed upon. | The Department concurs with the applicant's response. |
| 14. | The proposal to link the development with Berkley Road and the M5 is intended as a later development, which may never be built. | Refer to items D.3.12 and D.3.13 above. | A certain extent of development may be permitted initially. However in order for the development to be built in its entirety, road improvements such as the Berkley Road extension will be required. |
| 15. | The metropolitan-level, strategic approach to transportation analysis demonstrates that the completion of the Berkley Road link simply allows latent traffic demand to choose an alternative route to and from the City via Malta Road. The SIDRA traffic analysis does not consider the full impact of traffic operations on an area wide level (i.e. congestion and queues at one intersection will affect an adjacent | Apart from the SIDRA analysis, a VISIM micro simulation was modelled to confirm the queuing and intersection capacity is sufficient for the estimated traffic. The micro simulation indicated that similar peak periods as predicted by the EMME model, is expected during peak traffic conditions. Furthermore, the addition of longer turning lanes at certain intersections was also confirmed by the micro simulation. Finally, the detailed intersection upgrades are in process of finalization. | Modelling and various responses to road improvements used suggest that the proposal could be accommodated with the improvements proposed. The TIA was circulated to our Transport Department who had sight of the proposal and did not object to the development proposal. |

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| | <p>intersection and SDRA therefore cannot accurately represent the likely future traffic impact).</p> <p>Consequently, the chosen road network upgrades may neither be to the benefit of the proposed development, nor the existing land uses in the immediate proximity.</p> | <p>through a PMT-process with thorough review of the TIA parameters to ensure that the ultimate infrastructure will be sufficient for the long-term demand taking into account the expected modal shift towards public transport.</p> | |
| 16. | <p>It is disturbing to note that the TIA proposed traffic calming measures to be implemented along the internal link road (i.e. between Liesbeek Parkway and Berkley Road extension) so as to prevent "rat running" through the development. Such deterrents will prevent the distribution of vehicles and force them onto Liesbeek Parkway, which will in turn cause further congestion along this road.</p> | <p>The proposed calming measures will only be required before the extension of Berkley Road through to Malta Road. The EMME Traffic model showed that if unrestricted through road traffic will be allowed on the internal link road through the development, the road will be operating at capacity because of 'rat running' due to the latent demand for a link between the M5 and Liesbeek Parkway. Therefore, to protect access to the development, measures should be applied to a certain degree to limit through traffic on the internal link road. The EMME Model also showed that once Berkley Road is extended through to Malta Road, then only development traffic will use the internal link road and no measures to prevent through traffic will be required.</p> | <p>The Department concurs with the applicant's response.</p> |
| 17. | <p>Given the traffic congestion surrounding the site, it is critical that the surrounding road network should be upgraded, including the introduction of additional transport links and traffic lights.</p> | <p>Noted and agreed. The TIA recommends various road infrastructure upgrades be undertaken in order to accommodate future traffic volumes (refer to section 9 of the TIA, which is attached as Annexure T to the motivation report).</p> | <p>The City is aware of the need to upgrade, for example the portion of Liesbeek Parkway that merges into one lane in the vicinity of the property. Assessment of road networks and need for system upgrades is therefore an on-going process.</p> |
| 18. | <p>The upgrades recommended in the TIA are likely to be wholly inadequate to deal with the change in traffic and the impact</p> | <p>The EMME traffic model showed that the traffic conditions for the 2017 traffic and the 2032 traffic on the improved network are</p> | <p>The Department concurs with the applicant's response.</p> |

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| | on Observatory would be significant (e.g. Station road does not have much opportunity for increased capacity). The new proposed roads will do little to relieve traffic congestion, but will rather exacerbate it further. | similar with respect to peak periods and peak period congestion levels. The proposed improvements which include development of specific improvements (Improvement of certain intersections, partial extension of Berkley Road and dualling of a portion of Liesbeek Parkway) and City backlog network improvements (further extension of Berkley Road, dualling of remainder portions of Liesbeek Parkway and upgrading of intersections) will be capable of accommodating the traffic demand at acceptable service levels. The expansion of the public transport facilities will result in a modal shift with resultant reduction in private vehicles during peak periods. | |
| 19. | The proposed Malta Road – Berkley Road link may simply transfer the congestion currently experienced in Observatory / Salt River elsewhere. | It is true that road network changes could cause reduced traffic on certain links and increased traffic on other links. However, the proposed network improvements intend to accommodate the expected long-term traffic at acceptable service levels. | The Department concurs with the applicant's response. |
| 20. | Cannot support the extensive wide highways and service roads. | Berkley Road extension forms part of the CoCT's road network plan (refer to sub-section 6.5.2 of the motivation report). | The Berkley Road extension has been planned for some years and is intended to be constructed. |
| Public Transport | | | |
| 21. | It is considered necessary that a reliable and safe public transport facility such as the MyCiti bus route be extended to serve this area as an alternative to the existing rail and Golden Arrow public transport services. | The TIA investigates a future MyCiti bus route to service the development and shows that there is potential for a MyCiti feeder route extension (Route 102) from Salt River Station (Spencer Road) into Malta Road, Liesbeek Parkway, Station Road, Observatory Station and linking with Main Road (future D12 Trunk route) should demand justify this extension. This proposal has been discussed with CoCT | As the demand increases and use intensification occurs, the likelihood of introducing MyCiti buses routes increases. Threshold demand for public transport such as this is best accommodated where use intensification occurs. Given this the proposal may ultimately justify the provision of further MyCiti services. |

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| | | TDA and should be investigated further when required. (Refer to sub-section 11.1.2 of the TIA and/or sub-section 8.6.1 of the motivation report.) | |
| 22. | Concern that inadequate planning has gone into public transport servicing the site. The developer, in partnership with the CoCT, should take steps to improve the public transport links surrounding the site. | This is incorrect. The TIA has investigated potential future public transport services in relation to the site (refer to sub-section 11.1.2 of the TIA and/or sub-section 8.6.1 of the motivation report). Concrete proposals for public transport upgrades will be investigated in conjunction with CoCT TDA should approval be granted and the project proceeds further. | The Department concurs with the applicant's response. |
| 23. | There is no doubting the ability of public transport to reduce the impact of private vehicles, however there is little or no motivation for this in the TIA (i.e. there does not appear to be any dedicated bus lanes and the Berkley Road extension appears to be a private road link without any potential to carry public transport). | The TIA has investigated potential future public transport services in relation to the site (refer to sub-section 11.1.2 of the TIA and/or sub-section 8.6.1 of the motivation report). The preliminary planning of the extension of Berkley Road extension and the dualling of Liesbeek parkway north of Station Road is currently guided by a PMT-process. It is envisaged that the cross section for Berkley Road extension and Liesbeek parkway dualling will allow for feeder bus routes accommodated on priority lanes. These routes will link railway stations in the area to the larger TRUP initiative. In the short term, the routes could follow the private link road through the development but ultimately run along Berkley Road extension and Liesbeek Parkway (both public roads). | The Department concurs with the applicant's response. |

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| <p>24.</p> | <p>The nearest railway station is Observatory Station, which is so far away that few people would care to use it. Likewise, Koeberg Station is equally far and much more hazardous from a personal safety point of view.</p> | <p>Actual walking distance from Observatory Station (to the Liesbeek Road entrance of the development) is approximately 820 m, while the actual walking distance from Koeberg Station (to the Berkley Road extension entrance) is approximately 850 m. So while these distances are outside of the ideal 500 m distance, they are still regarded as being within acceptable walking distance.</p> <p>Should the proximity of the development increase ridership on the rail network, as anticipated, there is the potential that, in turn, the rail station precincts themselves will be further enhanced (i.e. an increase in passenger numbers can result in more commercial opportunities within the station precinct, which in turn can lead to rejuvenation of the station precinct). The net result is the improved liveability of the community, both for those who already live in the community and those who come to visit it for the amenities offered by the rejuvenated precinct.</p> | <p>The Department concurs with the applicant's response</p> |
| <p>25.</p> | <p>Even though the TIA concedes that there are no reasonable public transport services in the area, an assumption of 39% of all development trips are assumed to be public transport trips. This would appear to be overly optimistic without significant public encouragement, or further public transport infrastructure upgrades.</p> | <p>It is acknowledged that there will need to be a vast improvement in public transport services themselves (particularly PRASA services) should the assumed take up in public transport trips be achieved. However, this is an ideal to which the project subscribes, and the CoCT is making concerted efforts to improve the public transport network throughout the city (in line with its TOD strategy).</p> | <p>It is acknowledged that public transport provision presently is not at its best and as a consequence the uptake of public transport is not at the desirable optimal levels. Additionally, proximity to public transport at present is not within acceptable distances. The consequence of development, such as that proposed, is that it results in and will likely result in, the introduction of informal taxi routes which may have a catalytic effect. It is noted that the transport branch that</p> |

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| | | | considered the findings of the TIA had no objection to the proposal. |
| 26. | The motivation that the development will support public transport is a theoretical argument that has not been substantiated. | Refer to item D.3.25 above. The River Club development, as part of the TRUP initiative, has made provision for accessibility to public transport by incorporating public transport transfer opportunities along Berkley Road extension and along Liesbeek Parkway adjacent to the site as well as internal stopping points within the development. | The Department concurs with the applicant's response. |
| Parking | | | |
| 27. | 5 849 parking bays (as per the TIA) will take an inordinate amount of space (80 000 – 100 000 m ²). This is a lot of parking. | The parking calculations, as presented in the TIA, as preliminary and does not represent the final parking to be constructed. Nevertheless, it is anticipated that a significant amount of parking will be provided at the River Club. This parking will be in line with market norms and standards. At this stage it is anticipated that all parking will be located below new ground level in parking areas that will read as basements on the ground (not technically basements, as per the definition in the DMS). | Parking basements will accommodate parking bays. While it is acknowledged that a high number of parking bays will be provided on-site, the scale of the development will largely determine the number of parking bays that is provided. Notwithstanding the fact that the property abuts onto both a PT1 and PT2 area, the site itself requires that the standard parking ratio is applied. Were the property located in a PT1 or PT2 area either lower parking ratio would have been applied or zero parking would have been required. |
| 28. | The availability of parking will be reduced due to this development (in addition to the impact of sporting events at Hortleyvale), particularly in Cambridge Road. | The development will be sufficiently serviced by parking so as to ensure that patrons do not need to park offsite in surrounding neighbourhoods. | The shortfall of parking on the property is not significant. Additionally, shared parking is promoted. While the large majority of parking proposed will be provided for the non-residential component, the two activities are therefore able to share parking given the different parking patterns that will arise. |
| NMT | | | |

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| 29. | The developer / applicant has failed to show that the development won't severely impact cyclists using the cycle path along the Liesbeek Parkway, which is a very popular route. | The proposed transport related upgrades along Liesbeek Parkway will include upgrades to existing NMT facilities to ensure that the needs of pedestrians and cyclists are satisfied. | Any road improvements must take NMT into consideration. The existing intersections where NMT and cars meet in the vicinity of the property are signalised. This allows the issue of conflict to be addressed in part. |
| 30. | Additional traffic along Liesbeek Parkway will result in an even more unsafe environment for cyclists / pedestrians. | This is not necessarily true. Refer to item D.3.29 above. | Liesbeek Parkway close to the property has a walking and cycling path that is used often. These paths are accommodated out of the road way. Beyond this the normal rules apply in respect of cyclists. |
| 31. | The developers should do an in-depth analysis of the impact the development will have on cycle commuters, including an investigation of how cyclists will safely cross the various intersections in the vicinity of the River Club. | Noted. Upgrades to existing NMT facilities / new NMT routes will be given strong attention during the detailed design phase of the project. | Given the existing NMT routes that existing the vicinity of the property, any road improvements will have to take this into consideration. The continued provision of NMT routes/facilities therefore will have to be included in any future road improvements. |
| Access | | | |
| 32. | It is not clear why the existing access from Observatory Road will not be used. | The existing access from Observatory Road will be discontinued because the intersection spacing between this entrance and the Observatory Road / Liesbeek Parkway is insufficient to accommodate a development of the size of the River Club. | The Department concurs with the applicant's response. |
| 33. | Access to and through the development is not clarified and may at any time be changed depending on the needs of the developer. If access is to be permanently improved, then CoCT should request a subdivision and alienation of land of any road / transport routes through the development. | The proposed link road through the development will remain in private ownership for the simple reason that the road will be easier to maintain this way. Permanent access to the public across this link can be ensured through the registration of a public right of way access servitude. | The proposal indicates the intention to register a servitude right of way across the site in favour of the general public to enable the public to use the internal private road. As correctly stated by the applicant, it also enables the applicant's client to maintain the road relieving the city of the burden to do so. |
| D.4 Visual Impact | | | |

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| <p>1.</p> | <p>The mass and height of the proposed development will destroy the current visual openness and beauty that this green corridor affords</p> | <p>Visual character is descriptive and non-evaluative, which implies that it is based on defined attributes that are neither positive nor negative, and the Draft VIA (refer to Annexure J of the motivation report) reiterates that the character of the site is that of an "isolated" transition landscape.</p> <p>The Draft VIA acknowledges that the visual quality of the overall area is largely ascribable to the built-up urban environment with an island of green open space, that the rivers provide interest in the landscape thereby enhancing the visual quality, and that the remarkable views of Devils Peak in the west contribute to the visual quality of the area; but that there are elements that detract from visual quality in the study area, notably the derelict and industrial land to the north and the M5 freeway to the east. Furthermore, the VIA assesses that the sense of place of the study area is strongly influenced by the rivers, and an "island" of green open space in a highly developed and evolving urban environment of mixed land use.</p> <p>Based on a detailed assessment of the visual exposure of the site, the visual impact on sense of place and visual intrusion (i.e. views through the site) are assessed in the VIA to be local in extent. Further, and based on an assessment of the (relatively poor) visual quality of the site, (relatively high) visual absorption capacity of the surrounding environment (the cityscape), but (conservatively assumed, fairly high) sensitivity</p> | <p>However, given the proposed scale and location of the development being setback from existing roads plus the width of the existing roads contribute to softening the visual aspects of the proposed development. This issue is addressed further in "PROPOSAL ASSESSMENT".</p> |
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| | | <p>of receptors to changes in sense of place and visual intrusion, the intensity of these two impacts is assessed to be reduced to medium with the implementation of key design mitigation measures (i.e. that social functions – in this case, sense of place and views – will be significantly affected at a local scale, but will continue albeit in a modified way).</p> <p>Aspects of the development (i.e. visual and heritage mitigation) seek to retain the sense of place of the site and reduce visual intrusion by, for example, retaining visual links, and restoring the Liesbeek River corridor.</p> <p>VIAs require a large degree of professional, often subjective judgment. This is more difficult for a project such as the River Club development, which is located in the midst of a wholly transformed urban environment on land well located for development, but which has remained undeveloped and conferred a natural sense of place to surrounding (urban) receptors.</p> <p>In many respects, the visual impact is pronounced, but not inconsistent with a cityscape. However, the sense of place impact is more difficult to assess and mitigate. Receptor perceptions are important: for some, retention of the open space might be critical to retaining the sense of place; for others, the current state of the site may appear harsh and degraded, and urban development, especially if celebrated by iconic structures, may be valued.</p> | |
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| 2. | The deviation from the current height restrictions in the Observatory and surrounding suburban areas poses an enormous threat to the visual space and landscape, which will not only create visual pollution but will also directly oppose the Victorian heritage of the area. | Refer to item D.4.1 above | There is no general height restriction in Observatory, except what is provided for on specific properties which varies according to the development rights of each property. The context of the site is surrounded by land zoned for Mixed Use, Community Zone and General Residential purposes and these properties have different permissible building height. |
| 3. | The site plays a role as a place of visual relief in contrast to the surrounding higher density urban land uses. This role is threatened by the development. | Refer to item D.4.1 above. | This aspect is not completely lost as the proposed development makes provision for open space. . |
| 4. | The proposed land uses, layout, bulk and scale of the development is markedly out of keeping with the receiving environment and it will have a highly negative impact on the visual context. The plans indicate that the proposed buildings are overscaled; it will cause a visual disturbance when compared against the existing environment. | Refer to item D.4.1 above. | The scale of the proposed development is contextually appropriate and this aspect is further addressed in "PROPOSAL ASSESSMENT". |
| 5. | The proposed dualling of Liesbeek parkway will have a detrimental impact on the highly attractive existing riverine corridor along the Liesbeek River along this stretch. Only a very narrow strip of greenery will be retained along the bank of the river, and will destroy the natural ambience and general enjoyment of this river edge. | The dualling of Liesbeek Parkway is not expected to have a major visual impact on the existing riverine corridor. It is important to note that the dualling of Liesbeek Parkway south of Station Road is already required with existing traffic and is not triggered by the development, but is rather considered as a "backlog upgrade" which is due even prior to development of the River Club. | The Department concurs with the applicant's response.. |

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| 6. | The proposal to raise the building platform in the order of 3 – 5 m above existing ground level will impact on the ambience of the area, particularly on the Liesbeek River side. Observatory will become the "back end" of the development and will be cast in shadow. | Retaining structures to will constructed to a height of more between 3 m – 5 m to ensure that the habitable floor space is raised above the 1-100 year floodline. These retaining structures all relate to the outside wall of the "super basements". Earth will be compacted against these retaining structures, effectively creating a new ground level on the site. Buildings will have well-articulated, active edges and will in no way turn their back on any of the surrounding properties or adjacent neighbourhoods. This will be ensured in subsequent applications (e.g. SDP, Precinct Plans, Landscape Masterplan etc.). | The Black River Business Park is located at least 150m at its closest point to the property. The nearest Observatory enclave is located approximately 170m away. The scale and heights of buildings at this point will have a limited impact on the residential enclave referred to. Much of the residential suburb, portions of which abut onto Hartleyvale while being in excess of 150m away will still be situated a significant distance away from the development and as a consequence will have very little to no shadow impacts on the residential suburb. Buildings proposed closest to Liesbeek Parkway and Station Road will lower than those located toward the northern end of the site. |
| 7. | Buildings in this type of neighbourhood should be limited to a height of 6 storeys (or at most 8 storeys), which is 20 to 25 m. Any higher and the buildings will be out of character with the surrounding area. | The visual specialist maintains that the development would not be inconsistent with the cityscape of the surrounding built up area (including tall buildings, business/office parks and industrial type land uses), but nevertheless that significant, but acceptable, residual impacts on sense of place and visual intrusion are anticipated (as demonstrated by the visual simulations provided in the Draft VIA, refer to Annexure J of the motivation report). The visual specialist acknowledges that residual visual impacts could be further mitigated through a reduction of building heights and bulk, but that due to the minimum amount of GLA required to make the development financially viable, further mitigation of visual impacts is not possible. | The Department concurs with the applicant's response. |
| 8. | The illumination of the proposed site at night will impact on bird life and | The impact of illumination at night has been assessed in the Draft VIA (refer to sub-section | The Department concurs with the applicant's response. |

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| | drastically alter the night time sense of the space. | 6.2.3 of the report attached as Annexure J to the motivation report). The Draft VIA states: The impact of altered sense of place and visual quality caused by light pollution at night is assessed to be of medium significance and with the implementation of mitigation, is reduced to low. | |
| 9. | It is assumed that the "Lego block" type buildings shown in the motivation report are to merely indicate where the various buildings may be positioned and does not represent a perspective view of the proposed buildings. | This is correct. The buildings shown in the motivation report (refer to Figures 3, 36, 37 & 38) are indicative and are used to show potential height and massing. In no way do these buildings represent the final architectural detail. | The Department concurs with the applicant's response. |
| 10. | The urban design / heritage / visual specialists have inadequately assessed the unacceptably high visual impact on the SAAO complex. | Refer to items D.2.8 and D.2.9 above. | The specialist studies that were undertaken, including a visual impact assessment and the proposed conditions informed by the specialist studies will mitigate the impact of the development on the receiving environment. |
| 11. | The tall buildings will cut off the visual link between the SAAO Observatory and Signal Hill (this visual link has been in place for over 200 years and has was one of the primary reasons for locating the Observatory at this location). | Refer to item D.2.9 above. | Refer to D.4.10 above. |
| 12. | The development concept looks crass and will no way add to the aesthetics of the area when viewed from either Observatory or from the M5 motorway. | Refer to item D.4.9 above. | Refer to D.4.10. |
| D.5 Ecological Impact | | | |
| General | | | |
| 1. | The development will negatively impact on the natural environment. | The site is considered degraded and are of a low ecological integrity. Nevertheless it is acknowledged that various Critical Biodiversity Areas (CBAs) and Ecological | The applicants have had to undertake an EIA in compliance with the NEMA regulations and environmental authorisation with conditions was |

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| | | <p>Support Areas (ESAs) exist adjacent to the site, viz.:</p> <ul style="list-style-type: none"> • the 'old' Liesbeek River and Liesbeek Canal are identified as "Protected and Conserved Areas (Core 1)" on the City of Cape Town Biodiversity Network; • the Raopenberg Wetland is listed as a CBA; • Wellands on the banks of the 'old' Liesbeek River and Black River abutting the site are listed as Critical ESAs; and • wellands located on the PRASA bank of the 'old' Liesbeek River and on the eastern bank of the Black River are listed as Other ESAs. <p>Potential impacts of the development on CBAs and ESAs will be assessed in the Basic Assessment Report as part of the statutory NEMA process. If significant impacts on these areas are identified the analysis of ecological impacts will be expanded to an appropriate scale to consider impacts on freshwater systems regionally.</p> <p>It is emphasised that rehabilitation of the interfaces between the site and surrounding waterbodies is proposed, which is likely to enhance the ecological value of these interfaces.</p> | <p>subsequently issued. Furthermore, this aspect is addressed under "PROPOSAL ASSESSMENT".</p> |
| 2. | <p>Property developers are selfishly developing valuable open space for profit; this short-sited approach will be to the long-term detriment of the natural environment</p> | <p>The impact of a loss of open space and the environment to society will be considered in the statutory NEMA process.</p> <p>It is expected that the proposed development will have residual impacts.</p> | <p>Refer to 1 above regarding concerns about environmental impact.</p> |

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| | | <p>However, these impacts can be mitigated over time. Furthermore, development is expected to have a number of benefits, including <i>inter alia</i>:</p> <ul style="list-style-type: none"> • Rehabilitation of interfaces with freshwater systems and enhanced public access to these areas; • Enhanced aesthetic value of parts of the site; • Enhanced public access to the site (the site is not currently a public amenity) and Raopenburg Wetland & Bird Sanctuary; • The generation of employment and income; • Investment into the local economy; • Increased municipal income through rates and taxes; • Improved accessibility from the establishment of new links to existing motorised and non-motorised transport systems (e.g. Berkley Road extension); • Improved access to economic opportunities (particularly by connecting Berkley Road and Liesbeek Parkway); • Improved awareness of the heritage and cultural significance of the site by the introduction of a place of memorialisation / celebration; and • Densification close to the CBD and the generation of thresholds to support public transport and retail uses within TRUP, the nearby Main Road and Voortrekker Road corridors. | |
| <p>Water Scarcity</p> | | | |

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| 3. | Development of land situated within a floodplain will exacerbate water scarcity (by preventing seep into the groundwater network). | <p>The River Club site is not positioned over an identified aquifer (refer to an extract of the MSDF, attached as Annexure A hereto).</p> <p>Stormwater of the River Club either:</p> <ol style="list-style-type: none"> infiltrates the earth and discharges into the Liesbeek and Black River, or runs-off into the Liesbeek and Black Rivers. <p>Since there is no aquifer beneath the site and there are no known significant abstractive users downstream of the site, it is not clear how development at this location will exacerbate water scarcity.</p> | The Department concurs with the applicant's response. |
| 4. | There is an urgent need to investigate alternative and sustainable water sources for the future. To this end, we need to think about alternative ecological reserves (e.g. rivers, aquifers and wetlands) that can assist to ensure water security in the future. | <p>The surface water hydrology report assesses the opportunity cost of not using the River Club site for attenuation of runoff (refer to sub-section 4.5 of the surface water hydrology report, which is attached as Annexure H to the motivation report).</p> <p>It is apparent that the potential benefits of using the site for flood attenuation purposes would be negligible.</p> | The Department concurs with the applicant's response. |
| Climate Change | | | |
| 5. | Green areas like the River Club help to reduce temperatures (and at the same time reduce the impact of temperature increases resulting from climate change). It is a valuable 'green lung' in Cape Town. Buildings and streets, on the other hand, conserve heat that gets released much slower into the atmosphere. | <p>The "urban heat island" is a well-known phenomenon, the effects of which are known to be reduced through the establishment (or retention) of tree canopies and (to a far lesser extent) grassed areas. As the site currently consists almost entirely of grassed areas (and not trees), and approximately 40% of the site will remain "soft open space" (i.e. rehabilitated or landscaped, including the river buffers, eco corridor and parkland), the</p> | The site edges accommodated a number of trees, in particular in the vicinity closest to the conference centre. Those trees were removed a few years ago. The proposal is accompanied by a landscape master plan and will require the submission a landscape plan. |

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| | | impact of the proposed development on the "urban heat island effect" is expected to be negligible. | |
| 6. | The City of Cape Town should start complying with the United Nations' standards on climate change, environmental protection etc. | This is for consideration by CoCT. | Assessment of development proposals of this scale do take into account environmental impact as part of the response to climate change by "thinking globally and acting locally". |
| 7. | As sea level rises we will need wetland buffer capacity to soften the effect of stormwater flooding (and not more hard surfaces). | Climate change and sea level rise factors were taken into consideration in the surface water hydrology report (refer to Annexure H of the motivation report). | The Department concurs with the applicant's response. |
| Terrestrial Biodiversity | | | |
| 8. | The area is habitat to terrestrial wildlife such as birds, otters and endangered amphibians. Cape Town should be preserving spaces for these creatures, not developing them. | <p>The faunal study, which is included as part of the biodiversity assessment (refer to Annexure I of the motivation report), found:</p> <ul style="list-style-type: none"> • 29 indigenous mammal species might occur on the site. The conservation status of these species are all listed as being of Least Concern (LC), with only one species [African Clawless Otter] with a global (IUCN) and regional listing of Near Threatened (NT); • A total of 32 indigenous reptile species may occur on the River Club site. The conservation status of these reptiles are almost all listed as being of LC, except for the Cape Dwarf Chameleon, which currently is listed as Vulnerable (VU). This species has been recorded on the grounds of the adjacent SAAC, and might possibly also occur within the River Club site; | The Department concurs with the applicant's response as this issue was adequately addressed in the application for environmental authorisation. |

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| | | <ul style="list-style-type: none"> A total of 8 indigenous amphibian species may potentially occur on the River Club site and immediate surroundings. The conservation status of these amphibians are almost all listed as being of LC, with the notable exception of the Western Leopard Toad, which is Endangered (EN). The faunal specialist noted that although the presence of an endangered species on the site does not trigger a fatal flaw response in respect of the development intentions, the prevalence of WLTs in this area does call for special considerations to adequately accommodate this species on this site (during both construction and operation phases). <p>Notwithstanding the above terrestrial ecosystems on the site have been assessed in the biodiversity assessment to be highly altered and affording very low levels of habitat quality.</p> <p>Construction and operational phase site management measures for the protection of these species will be incorporated into the Environmental Management Programme (EMPr) to be submitted as part of the NEMA statutory process.</p> | |
| 9. | <p>One out four birds are endangered; one out of 4 mammals are endangered; one out of three amphibians are endangered; and six out of seven turtles are endangered.</p> | <p>This is a generic statement that does not relate to the site under investigation. Refer to item D.5.8 above.</p> | <p>The Department concurs with the applicant's response.</p> |

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| <p>10.</p> | <p>The Western Leopard Toad population will undoubtedly be directly affected, and likely lost, should this land be developed</p> | <p>The biodiversity assessment (refer to Annexure I of the motivation report) does acknowledge that the Western Leopard Toad represents the most significant faunal concern in respect of the proposed River Club development intentions. As such, various mitigation measures have been presented in the biodiversity assessment study in order to ensure the potential impacts on this species are reduced. The assessment finds that the impact on the Western Leopard Toad will be low should mitigation measures be implemented as recommended.</p> <p>Construction and operational phase site management measures for the protection of this species will be incorporated into the Environmental Management Programme (EMPr) to be submitted as part of the NEMA statutory process.</p> | <p>The Department concurs with the applicant's response as this issue was adequately addressed in the application for environmental authorisation.</p> |
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| <p>11.</p> | <p>The River Club is a valuable wildlife site and habitat (i.e. valuable indigenous flora and fauna).</p> | <p>The biodiversity assessment (refer to Annexure 1 of the motivation report) concludes the following:</p> <p><i>"...both terrestrial and natural ecosystems are considered degraded, having suffered a long history of manipulation, including (in the case of aquatic ecosystems) variously, diversion, channelization, fragmentation and canalisation. Terrestrial ecosystems have been assessed by the faunal, avifaunal and botanical specialists as highly altered and affording very low levels of habitat quality. No indigenous flora of any concern was found on the site..."</i></p> <p>The degraded nature of much of the River Club site means that its development does present opportunities for rehabilitation / remediation of ecological function, which is part of the development proposal.</p> <p>It is important to note that the proposed development is subject to a Basic Assessment process in terms of NEMA, and any negative impacts associated with the natural environment will be considered and assessed, with appropriate mitigation measures recommended if necessary.</p> | <p>The Department concurs with the applicant's response as this issue was adequately addressed in the application for environmental authorisation and a condition requiring implementation of the biodiversity impact assessment was imposed when the environmental authorisation was issued.</p> |
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| 12. | The area is identified as having important threatened terrestrial vegetation. An opportunity to rehabilitate this vegetation may not necessarily happen and also may not be successful (if it is attempted). How this rehabilitation is investigated, financed, measured and enforced should be made clear. | The terrestrial areas of the site were assessed as part of the biodiversity assessment (refer to Annexure I of the motivation report). The site was found to be highly disturbed from a botanical perspective. However, the botanical study did indicate that there is a possibility that the owner / developer of the River Club site could contribute to Renosterveld conservation by bringing fill of a shale nature onto the site. This recommendation will be assessed in the BAR and included in the EMPr if warranted. | The Department concurs with the applicant's response as this issue was adequately addressed in the application for environmental authorisation and a condition requiring implementation of the biodiversity impact assessment was imposed when the environmental authorisation was issued. |
| 13. | The proposed development, particularly the construction phase, will have significant impacts on the avifauna within the Raapenberg Bird Sanctuary. | <p>Terrestrial ecosystems have been assessed by the avifaunal specialist (as part of the biodiversity assessment, refer to Annexure I of the motivation report), and these ecosystems were found to be highly altered and affording very low levels of habitat quality ("Apart from the open water there are now few habitat patches of value for birds.")</p> <p>The avifaunal specialist reports that the birds of greatest interest, and conservation significance, are waterbirds. As such, the Raapenberg wetlands have are identified as important from an avifaunal perspective, supporting mainly waterfowl.</p> <p>Construction and operational phase site management measures for the protection of the Raapenberg wetland (including associated bird species) will be incorporated into the Environmental Management Programme (EMPr) to be submitted as part of the NEMA statutory process.</p> | The Department concurs with the applicant's response as this issue was adequately addressed in the application for environmental authorisation and a condition requiring implementation of the biodiversity impact assessment was imposed when the environmental authorisation was issued |
| Rivers & Wetlands | | | |

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