

14.	<p>The river is a functional ecological system. The natural course of the river and wetland provide valuable ecological services to create a liveable city.</p>	<p>The biodiversity assessment (refer to Annexure I of the motivation report) includes assessments of the various waterbodies surrounding the site. All of the rivers and their associated riparian wetlands that pass along the site boundaries were assessed as highly transformed from their natural condition, and associated with the following Present Ecological State (PES) (or condition) ratings:</p> <ul style="list-style-type: none"> <li>• The Black River: PES Category F, indicative of a system that has undergone extreme changes from its natural condition.</li> <li>• The 'old' Liesbeek River channel: PES Category E, indicative of a system that has undergone a serious change from its natural condition.</li> <li>• The Liesbeek Canal: PES Category F, indicative of a canalised system that has lost almost all natural stream function.</li> <li>• The Raopenberg wetlands: PES Category C, featuring renosterveld vegetation, breeding habitat to endangered Western Leopard Toads and habitat to bird species (mainly Waterfowl).</li> </ul> <p>It is evident from the biodiversity assessment that the Raopenberg wetlands (and connectivity thereto) is important from an ecological perspective. The impacts on this wetland and associated ecosystems has been carefully assessed in the biodiversity assessment (and DBAR). Construction and operational phase site management measures for the protection of the Raopenberg wetland (including associated Western Leopard Toad, vegetation and bird</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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		<p>species) will be incorporated into the Environmental Management Programme (EMPr) to be submitted as part of the NEMA statutory process.</p> <p>It is important to note that the ecology of the waterbodies surrounding the site cannot be considered in isolation when it comes to assessing ecological quality of the site as a whole. Factors such as ecological connectivity, ecosystem resilience and landscape rehabilitation need to be considered in relation to the site as a whole. In this light, it is important to emphasise the following extract from the biodiversity assessment:</p> <p><i>"...from an ecological perspective, there would however be a very clear preference for selection of Alternative 1 (i.e. proposal presented for approval). This alternative hinges on the rehabilitation of the currently canalised reaches of the lower Liesbeek River, and the planned creation of an unlined vegetated channel, that has sufficient space to function as a natural river within a broad connecting riverine corridor, to establish adequate longitudinal and lateral linkages into natural areas of the site and the adjacent Raapenberg wetlands, and which would significantly improve faunal connectivity and food migration routes across the site. Implementation of this alternative would, from a biodiversity and general aquatic ecosystems perspective, be</i></p>	
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		<i>a positive impact, and its implementation is recommended."</i>	
15.	Over the past 20 years the Friends of the Liesbeek have restored many of the ecological functions of the river, and despite a common perception that the river is polluted, it is in fact clean enough to support species as sensitive as crabs.	<p>Despite a PES rating of Category E (refer to item D.5.14 above), the biodiversity assessment (refer to Annexure I of the motivation report) acknowledges that the Liesbeek River "...has a high rehabilitation potential, at least in its uncanalised reaches and, downstream of the N2 crossing, in its reaches where riverine wetlands remain, including the Raapenberg wetlands."</p> <p>Loss and/or changes in wetland habitat quality and availability in the areas of the 'old' Liesbeek River channel is assessed in the biodiversity assessment (refer to sub-section 5.1.8 of the biodiversity assessment, attached as Annexure I to the motivation report). The significance of the impact on the 'old' Liesbeek River channel is assessed to be low following implementation of mitigation.</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.
16.	The rich and diverse biosphere is dependent on the two rivers.	<p>This site is not considered to be part of a "rich and diverse biosphere" and is in fact highly disturbed. The two rivers abutting the site are both in poor ecological condition. Refer to items D.5.8, D.5.11, D.5.12 and D.5.13 above.</p> <p>The biodiversity assessment (refer to Annexure I of the motivation report) concludes that the implementation of the development and associated landscaping / rehabilitation will from a biodiversity and general aquatic ecosystems perspective, be a positive impact, and its implementation is recommended. Refer to item D.5.14 above.</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.

17.	There will be a negative impact on the wetlands and floodplains.	This is refuted on the basis of the findings of the biodiversity assessment (refer to Annexure I of the motivation report) and surface water hydrology report (refer to Annexure H of the motivation report).  Refer to item D.5.14 above and item D.8.6 below.	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.
18.	This area contains an important remnant of what was once a major wetland.	Sub-section 2.1.1 of surface water hydrology report (refer to Annexure H of the motivation report) provides an overview of the history of the Salt River Catchment. Indeed, the Liesbeek and Black Rivers historically flowed into an extensive wetland in this part of Cape Town. However, the impact of urbanisation means that from approximately 1958 the extent of this wetland was significantly reduced. The last remnants of this wetland are now known as the 'Raapenberg Wetlands'. The site itself contains no functioning ecological wetlands.  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 for approval as part of the NEMA statutory process.	This issue was adequately addressed in the application for environmental authorisation and the recommendations the recommendations of the specialist have been included as conditions in the Environmental Authorisation and in the EMPr.
19.	The wetlands were first allowed to be destroyed by the creation of a canal to redirect the flow of the water. Historical dumping of tones of soil on the premises	Noted and agreed. The impacts of urbanisation on the wetlands associated with this site cannot be reversed. What is important is how the ecology of this area is treated in the future. The biodiversity	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

	has had further negative ecological impacts on the wetlands.	assessment concludes that the proposed development represents a positive intervention from a biodiversity and general aquatic ecosystems perspective. Refer to item D.5.14 above.	biodiversity impact assessment was imposed when the environmental authorisation was issued.
20.	The wetland area is critical for slowing down river flow and aiding and refilling the aquifer, a critical potential water resource.	It is acknowledged that the Raapenberg wetland plays an important role in the ecological functioning of the river. The impact of the proposed development on flooding in the surrounding ecosystems is analysed in sub-section 4.4 of the surface water hydrology report (refer to Annexure H of the motivation report). Effectively, the analysis indicates little to no significant change in the performance of the wetland (as long as a recent intervention to dig an artificial channel into the Raapenberg wetland is reversed).  It should be noted that there is no aquifer associated with this site (refer to item D.5.3 above).	The Department concurs with the applicant's response as this issue was adequately addressed in the application for environmental authorisation.
21.	The development will increase the concreted surface, increase the river flow, reducing the infiltration and destroying the wetland.	This is incorrect. Refer to item D.5.20 above.  It is important to emphasise that construction and operational phase site management measures for the protection of the Raapenberg wetland will be incorporated into the Environmental Management Programme (EMPr) to be submitted for approval as part of the NEMA statutory process.	This issue was adequately addressed in the application for environmental authorisation and the recommendations the recommendations of the specialist have been included as conditions in the Environmental Authorisation and in the EMPr.
22.	The developer will not undertake meaningful rehabilitation and restoration of the river courses, as proposed.	This is incorrect. Mitigation measures, including those associated with the rehabilitation of the river courses, will be included in the EMPr and conditions of	This issue was adequately addressed in the application for environmental authorisation and the recommendations the recommendations of

		Environmental Authorisation associated with the statutory NEMA process would be legally binding on the owner / developer should the project be approved.	the specialist have been included as conditions in the Environmental Authorisation and in the EMPr.
23.	The impact of infilling the 'old' Liesbeek River channel requires thorough investigation and more detail is needed.	The impact of infilling the 'old' Liesbeek River channel is assessed in sub-section 5.1.8 of the biodiversity assessment (attached as Annexure I to the motivation report). The significance of the impact on the 'old' Liesbeek River channel is assessed to be low following implementation of mitigation.	This issue was adequately addressed in the application for environmental authorisation and the recommendations of the specialist have been included as conditions in the Environmental Authorisation and in the EMPr.
24.	Cannot support the 'old' Liesbeek river being infilled. This should instead be rehabilitated into a natural ecosystem and wetland.	Refer to items D.5.14 and D.5.23 above.	This issue was adequately addressed in the application for environmental authorisation and adequate conditions were imposed when the environmental authorisation was granted.
25.	Concepts regarding the incorporation of vegetated swales into the plan are rudimentary and suggest that little thought has been put into arresting runoff and potentially contaminated surface wash into the adjacent rivers.	It is proposed to utilise a system of vegetated swales on the perimeter of the site underlain by a formalised piped drainage network. This will ensure that all stormwater runoff will be treated by the swales prior to entry into the river (refer to the civil engineering report, attached as Annexure Q to the motivation report). The detailed nature of these vegetated swales will be provided in the detailed landscape drawings to be provided in subsequent approvals required (e.g. SDP and Precinct Plans).	The Department concurs with the applicant's response.
26.	The 'old' Liesbeek River channel is protected in perpetuity, as per the CoCT's Biodiversity Network.	It is acknowledged that the 'old' Liesbeek River channel is identified as "Protected and Conserved Areas (Core 1)" on the CoCT's Biodiversity Network plan, as contained in the MSDP (refer to <b>Annexure A</b> attached hereto).  The desired land use outcome for "Critical Natural Areas" (including 'protected areas'), as contained in the 'land use guidelines'	The Department concurs with the applicant's response.

		listed in Table 9 of the MSDP, is "enhance and connect the critical natural assets that support the city and regional environment and ecology". The proposal for the site, including the proposal to infill the 'old' Liesbeek River and transform it into a vegetated stormwater swale, has been assessed by the biodiversity assessment to be positive impact from a biodiversity and general aquatic ecosystems perspective. Refer to item D.5.14 above.	
27.	No consideration has been given to the future maintenance of the rehabilitated river systems. Rehabilitation is supported, but only if done so in a sustainable way.	Requirements for maintenance of the rivers have not yet been established. However, it is expected that these requirements will be included in the EMP and conditions of Environmental Authorisation associated with the statutory NEMA process, as well as potentially in conditions of approval in any land use approvals, and these would be legally binding on the owner / developer should the project be approved.	This issue was adequately addressed in the application for environmental authorisation and the recommendations of the specialist have been included as conditions in the Environmental Authorisation and in the EMP.
28.	Rehabilitation of the Liesbeek Canal cannot be used to justify the removal of the 'old' Liesbeek River.	Three development alternatives are essentially being investigated as part of the Basic Assessment process in terms of NEMA, viz.:  <u>Alternative 1:</u>  Whereby the 'old' Liesbeek River channel to the west of the property is infilled, development is setback from the existing Liesbeek Canal, which would be rehabilitated to function as a natural watercourse.  <u>Alternative 2:</u>	This issue was adequately addressed in the application for environmental authorisation and the recommendations of the specialist have been included as conditions in the Environmental Authorisation and in the EMP.

		<p>Whereby the development is setback from the 'old' Liesbeek River channel, which is to be retained in its current state, and the Liesbeek Canal is also retained in its current state (but the setback to this river is less than proposed in Alternative 1).</p> <p><u>Alternative 3:</u></p> <p>The "No-Go Alternative" whereby commercial recreation and conferencing would continue on the property, and no rehabilitation of watercourses would take place by the developer</p> <p>Following in-depth analysis, the biodiversity assessment (refer to Annexure I of the motivation report) found Alternative 1 to be preferable from an ecological perspective.</p> <p>Further, the Draft HIA contends that the proposed rehabilitation of the canalised section of the Liesbeek River will create a "sense of river-ness" and engender conditions favourable to creating biodiversity and engendering natural qualities, and that this action will result in a powerful positive contribution to the overall commemoration of the Liesbeek River and enhance and celebrate its symbolic significance. For this reason the Draft HIA, too, favours the implementation of Alternative 1.</p>	
29.	<p>It is false to claim the 'old' Liesbeek River has been non-functional considering that for many years the connecting pipe underneath Observatory Road was blocked.</p>	<p>The biodiversity assessment (refer to Annexure I of the motivation report) acknowledges that the pipe connecting the 'old' Liesbeek River channel to the canal has been blocked for many years. This factor has been considered</p>	<p>This issue was adequately addressed in the application for environmental authorisation and the recommendations of the specialist have been included as conditions in the Environmental Authorisation and in the EMP.</p>



		in the assessment and does not change the findings, conclusions and recommendations contained in the report.	
		Refer to item D.5.14 above.	
30.	Changing the course of a river to make it flow according to how developers see fit makes a mockery of environmental best practice.	Refer to item D.5.28 above.	This issue was adequately addressed in the application for environmental authorisation and the recommendations of the specialist have been included as conditions in the Environmental Authorisation and in the EMPr.
<b>Movement Corridors</b>			
31.	Berkley Road extension (if and when built) must be raised on a long bridge to allow water and wildlife to pass freely.	Noted and agreed. The biodiversity assessment (refer to Annexure I of the motivation report) recommends the following mitigation measure with respect to the Berkley Road extension:  <i>"The section of road to be constructed must highlight, on plan, requirements to ensure adequate faunal connectivity through the structure, by allowing bridging (if over open channel) or a series of wide, high culverts, with overhead grids for lighting, to connect into the open channel downstream."</i>  Construction and operational phase site management measures, such as above, will be incorporated into the Environmental Management Programme (EMPr) to be submitted for approval as part of the NEMA statutory process.	The logistics behind how the extension of Berkley Road will be constructed will be informed by specialists who will be involved in the construction thereof at the time it takes place.
32.	The two buildings (marked bldg. 21 and bldg. 22 in Figure 40 of the motivation report) are proposed to be erected on a piece of land that should be preserved for a corridor between the subject site / river	The positioning of these buildings has not been identified as an issue in the biodiversity assessment (refer to Annexure I of the motivation report).	The development of any buildings along the water's edge or close to river will have to be buffered in some way. The position of buildings has not been finalised as yet and will have to be

	confluence and the land to the north of Berkley Road extension,	The freshwater ecosystems assessment (included as part of Annexure I of the motivation report) supports the ecological buffer of 20 m between the top of bank of the Black River and the nearest hardened development edge.  A similar buffer would be assumed for the Black River on its northern (right hand) bank, but this lies outside of the present site (i.e. is to the north of Berkley Road extension).	informed by the width of embankments to suitably buffer them from rivers.
<b>Biodiversity Impact Assessment</b>			
33.	Disagree with many of the findings of the fresh water ecologist, including: <ul style="list-style-type: none"> <li>The rivers (and other adjacent land) are not ecologically significant;</li> <li>The site is a "highly disturbed environment"; and</li> <li>The canal is a "generally sterile aquatic ecosystem".</li> </ul> <p>There is a significant body of evidence that directly attest to the variety of fauna and flora found in the area.</p>	The independent freshwater ecologist, Dr Liz Day of the Freshwater Consulting Group, has over 22 years' experience in freshwater ecosystems, specialising in urban wetlands and watercourses, particularly in the City of Cape Town. The competency of Dr Day should not come into question, and the findings contained in the biodiversity assessment relating to freshwater ecosystems are implicitly trusted.	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.
34.	There is a worrying trend of underreporting of occurrence of species in the area: <ul style="list-style-type: none"> <li><i>Lythrum salicaria</i> (Purple Loosestrife) is a Category 1a Invasive Plant Species (if bulk earthworks go ahead as proposed there is a significant risk of dispersing this dangerous species and this could have a significant risk on the water ways around the site and further afield);</li> </ul>	This is incorrect, as highlighted below: <ul style="list-style-type: none"> <li><i>Lythrum salicaria</i> (Purple Loosestrife): The biodiversity assessment (refer to Annexure I of the motivation report) acknowledges the presence of this alien species. Box 3.1 of the report (pg. 19) provides a fact sheet and control methods relating to this species. In the event of construction disturbance, however, the species would dislodge downstream into the Salt River canal and although undesirable, this</li> </ul>	Refer to 33 above.

<ul style="list-style-type: none"> <li>• <i>Sandelia capensis</i> (Cape Kurper) is an endemic fish species that occurs in the canalised section of the Liesbeek River;</li> <li>• <i>Moreaea aristata</i>, a Critically Endangered vegetation species (this is the only known flowering location in the city where this is found); and</li> <li>• A variety of bird species that occur at the Raapenberg Bird Sanctuary.</li> </ul>	<p>would not be considered a significant threat to the Liesbeek or Black River systems.</p> <ul style="list-style-type: none"> <li>• <i>Sandelia capensis</i> (Cape Kurper): Dr. Liz Day is of the opinion that it is unlikely that this fish species occurs in the canalised section of the Liesbeek River, which is not considered an important breeding habitat. In the event that it does occur in the channelised sections of the river, it would benefit from the measures proposed to rehabilitate the Liesbeek Canal into a congruent river channel as this species is not considered as sensitive to habitat change as the <i>Galaxias zebratus</i> (discussed in biodiversity assessment, refer to Annexure I of the motivation report).</li> <li>• <i>Moreaea aristata</i>: The botanical study conducted by Coastec (included as Appendix A to the biodiversity assessment) identifies this species as endemic to the adjacent SAO site (its last known location in Cape Town). The botanical study concludes that the long-term security of this species is likely assured, provided acceptable conservation measures are introduced on the SAO site. The species does not occur on the River Club site.</li> <li>• Bird species occurring at the Raapenberg Bird Sanctuary: the avifaunal study conducted by Dr A. J. Williams (included as Appendix D to the biodiversity assessment) assess the bird life in the area and the impact of the development thereon.</li> </ul>	
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<b>D.6 Impact on 'Sense of Place'</b>			
1.	The development will have a substantial adverse impact on the sense of place of the area.	<p>The following is extracted from the VIA conducted in relation to the proposed development (refer to Annexure J of the motivation report):</p> <p><i>The proposed development is located in the midst of a wholly transformed urban environment, but has remained underdeveloped, conferring a more "natural" sense of place to surrounding (urban) receptors.</i></p> <p><i>The development will change the character of the site from an underdeveloped green open space to a highly developed site. Although the River Club site is surrounded by urban development, due to the size of the proposed development, its location at the confluence of the Liesbeek River and Black River, and long-term status as a green open space, the change in character to a highly developed site may be experienced as a strong visual contrast for surrounding (urban) receptors and frequent visitors to the area.</i></p> <p><i>Loss of sense of place is expected since the development and the change in the state of the site is mostly incongruent with the current</i></p>	Although the proposal will no doubt change the sense of place experienced, the view that the change in the sense of place will be negative is subjective.

		<p>nature of the site (i.e. green open space) and use of the site (i.e. recreation).</p> <p>The VIA concludes:</p> <p><i>Receptor perceptions are also important; for some, retention of the open space might be critical to retaining the sense of place, for others, urban development, especially if celebrated by iconic structures, may be valued. The development could both alter sense of place and, at the same time, deliver a functional development with interesting structures with their own visual appeal.</i></p> <p>Residual impacts of the proposed development on the 'sense of place' are to be assessed in the Basic Assessment Report (BAR) to be of high significance and with the implementation of mitigation, is reduced to medium. This impact will be assessed by DEA&amp;DP during the assessment associated with the statutory NEMA process.</p>	
2.	<p>Turning this existing piece of land, with all of its natural and human heritage potential, into another inappropriate high-density development with a bunch of architecturally dull office and apartment blocks is without merit.</p>	<p>The statement that the development will be "architecturally dull" is misplaced. The project team architects, Vivid Architects, is an award winning architectural firm that is responsible for some of the most innovative buildings in South Africa (and Africa). Their architecture is widely considered as timeless, elegant and well proportioned. Further, Vivid Architects is committed to a sustainable built environment and encourages clients to consider achieving a minimum Green Building Council (GBCSA) 4 star or best practice rating for their buildings.</p>	<p>This statement is subjective and there is no universal agreement on what constitute architecturally acceptable development.</p>

		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.	
3.	Observatory is so loved because of the 'village' feel it offers. The development would detract wholly from the current look and feel of Observatory.	It is contended that the River Club site is sufficiently removed from the historic suburb of Observatory and will have negligible impact on the current character of that area. Rather, the conceptual layout and massing of the proposed development responds to design informants such as Black River Parkway, the PRASA yard warehouses and the forthcoming Berkley Road extension, while also responding to the historical SAAO site (the heights and massing in Precinct 1 are lower than in Precinct 2) and the surrounding rivers (green open spaces have been retained for connectivity, view corridors etc.).	The property is located on the edges of the suburb of Observatory. It is situated approximately 150 – 170m away from the nearest developed properties. The river and Liesbeek Parkway serve as buffers between the site and Observatory. The elements and components that may give it a sense of a village feel is located to the west of the Observatory railway line where a sense of "village-ness" is more prevalent.
4.	This development is enormous in scale. Like all other developments continuing to rise into the sky, no consideration is given to the historical scale of the area and is being ruined for future generations.	Cape Town is currently embracing development principles encapsulated by densification and TOD in an attempt to make the city more urban and efficient. The result is buildings of a greater scale than what are perceived as 'acceptable' to the current generation that are accustomed to a suburban living environment. Cities are dynamic and change according to complex patterns of spatial development and societal needs.  It is strongly believed that the proposed development strikes a balance between retaining the environmental / heritage	The scale of the development is contextually appropriate as explained in the "PROPOSAL ASSESSMENT" Section of this report.

		integrity of the site and development objectives.	
5.	The area and its surrounds, including the river precinct, the SAAO and the Valkenberg Hospital will be irreparably harmed by this development.	Refer to items D.2.6, D.2.7, D.2.8 and D.6.1 above.	This statement is subjective and neither evidence nor the nature of harm is explained.
6.	The amount of parking proposed will only serve to sterilise large tracts of land.	Only very limited parking will be provided around buildings at grade. The vast majority of parking will be provided in 'super basement' structures below the proposed development precincts.	Much of the parking proposed will be provided at basement level and therefore will not be visible to passers-by.
<b>D.7 Impact on Infrastructure</b>			
1.	The development will result in increased water usage, which is a scarce resource in Cape Town.	The CoCT's Water & Sanitation Department has confirmed, via an official letter, that the bulk water network has sufficient capacity to accommodate the proposed development:	The Department concurs with the applicant's response.
2.	It is noted that the existing waste water treatment capacity cannot handle the additional flow expected from the development. This must be adequately dealt with before any development commences.	The CoCT Water & Sanitation Branch have indicated that the Athlone WWTW is at capacity, however wastewater flows can be diverted to Cape Flats WWTW via Cape Flats 3 bulk sewer and therefore confirmed that sufficient bulk treatment capacity exists.  The project team civil engineer is aware of the existing constraints in connection with the CoCT sewage network. The development will therefore require a sewer storage facility and pump station on-site. This pump station will be owned and operated by the owner / developer of the River Club.	Existing capacity challenges in the network has been acknowledged by the applicant. Capacity has been accommodated within the proposal.
3.	The development will put strain on the Municipal sewerage system.	The CoCT Water & Sanitation Branch have indicated that the Athlone WWTW is at capacity, however wastewater flows can be diverted to Cape Flats WWTW via Cape Flats	The Department concurs with the applicant's response.

		<p>3 bulk sewer and therefore confirmed that sufficient bulk treatment capacity exists.</p> <p>Furthermore, the River Club development will be constructing a sewage holding tank and pump station to attenuate sewage and will only pump into the municipal system during off peak times.</p> <p>Refer also to item D.7.2 above.</p>	
4.	The development will put strain on the Municipal stormwater drainage system.	<p>Since the River Club is bounded by the Liesbeek and Black Rivers (and is in essence an "island"), the stormwater from the site will discharge directly into the Black and Liesbeek Rivers and does not enter the municipal stormwater drainage system (a Water Use Licence has been applied for in terms of the National Water Act). Therefore, the stormwater generated on the site will not put strain on the municipal system.</p> <p>The effect of the discharge of stormwater into the Black and Liesbeek Rivers has been dealt with in detail in surface water hydrology report (refer to Annexure H of the motivation report).</p>	The deviation of stormwater into the water ways will obviate this impact.
5.	Densification needs infrastructural support. There needs to be an infrastructure fund.	A Development Contribution (DC) will become payable prior to any development on this site (as with any application of this nature). The CoCT ultimately decides how the DC will be allocated in the budget, but it is expected that much of the DC will be spent on local infrastructure (i.e. within TRUP).	A condition requiring a development contribution to be payable by the applicant/developer has been recommended.
6.	The development will take away services capacity from publicly owned land in TRUP and will therefore threaten the	The provision of bulk services to the remainder of TRUP has been considered in the CoCT's assessment of spare capacity availability to	The property forms part of the TRUP precinct.






	<p>viability of future development within TRUP. As such, the CoCT should not provide any bulk services capacity to the River Club and rather require that the River Club development be self-sufficient.</p>	<p>the River Club. In addition, it is important to note that River Club is part of the TRUP development.</p> <p>Further, a significant DC (in the order of approximately R60 million) is payable by the proponent with respect to the development of the site. This payment will ensure that any upgrades to the bulk infrastructure that are required to be made by CoCT are possible and avoid bulk infrastructure constraints future to nearby developments. Refer to item D.7.5 above.</p>	<p>It is the norm that the development of a property usually feeds into bulk services. Any shortfall in capacity in bulk service provision must be addressed in the development proposal. As with any other development the developer will have to contribute toward services and service provision.</p>
<p><b>D.8 Floodwater Impact</b></p>			
<p>1.</p>	<p>The entire site falls below the 1:100-year flood line. The River Club regularly floods. This flooding cannot be engineered away, or else the flooding will just occur somewhere else.</p>	<p>The civil engineers on the project team, Aurecon, have assessed the impacts of the development on the floodplain and river courses. A detailed 2D modelling study was undertaken at the request of the CoCT's Stormwater Department. It has been concluded that the development will have negligible additional impact on flooding in the area should the River Club site be developed as proposed (refer to the stormwater hydrology report attached as Annexure H to the motivation report). The CoCT's Stormwater Management &amp; Catchment Planning have endorsed the findings of the surface water hydrology report (refer to item D.8.11 above).</p> <p>Further, it is important to note that impacts on the receiving environment will be assessed in the Basic Assessment Report (BAR), which will be assessed by DEA&amp;DP during the statutory NEMA process.</p>	<p>After consultation with the City's Catchment Management Department it was confirmed that the modelling undertaken by the applicant reveals that the level of flooding will not be significantly different to that already experienced.</p>

2.	Where are the hydrological reports motivating for this development?	A comprehensive surface water hydrology assessment was undertaken by an independent specialist. This report is attached as Annexure H to the motivation report.	Reports from Hydrology specialists were included with the proposal.
3.	The question of who bears the cost of damage to property and life (and resulting insurance claims) as a result of more intensive flooding (as a consequence of the development) needs clarifying. What are the legal implications for the CoCT / River Club developers?	<p>The 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>Legal principles would apply with regard to proving of any causal link, contributory negligence, risk mitigation and insurable risk assessments, bearing in mind that Aurecon (the project team engineers) have assessed that the development on the site would have an insignificant effect on flooding in the vicinity of the site (refer to the surface water hydrology report, attached as Annexure H to the motivation report).</p> <p>Also refer to items D2.2, D3.1 and D8.11.</p>	Technical reports and the proposal assessment address similar issues raised in the policy.
4.	Building in the floodplain would create a dangerous precedent for possible similar developments in the future. The restrictions on such developments were made not only to protect the rivers but also to prevent damage to surrounding properties.	Council is obliged to treat each application for development on its own individual merits. Moreover, precedent is not part of the criteria for deciding development applications in Cape Town (as per Section 99 of the MPBL). 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.	The Department concurs with the applicant's response.



5.	Increased flooding as a result of development will have a detrimental impact on ecology (e.g. fauna and flora).	<p>The Raapenberg Wetland was found by the biodiversity assessment (refer to Annexure I of the motivation report) to be the most sensitive ecosystem in relation to the site.</p> <p>The impact of the proposed development on flooding in the Raapenberg Wetlands is analysed in sub-section 4.4 of the surface water hydrology report (refer to Annexure H of the motivation report). The analysis indicates little to no significant change in the performance of the wetland (as long as a recent intervention to dig an artificial channel into the Raapenberg Wetland is reversed).</p>	The Department concurs with the applicant's response.
6.	The developer is only trying to protect their site from the impact of flooding and does not take into account properties further afield that are also at risk of flooding. Where is the risk analysis report?	This is incorrect. The surface water hydrology report assesses the impact of flooding on a broad area surrounding the site (approximate area between the Table Bay coastline and the Liesbeek Parkway / N2 interchange, refer to sub-section 4.2.4 of the surface water hydrology report attached as Annexure I to the motivation report).	The Department concurs with the applicant's response.
7.	No report has been done on the displacement of ground water. How is this going to affect the water table?	<p>The civil engineers on the project team, Aurecon, have assessed the impacts of the development on the floodplain and river courses. It has been concluded that the development will have negligible additional impact on flooding in the area should the River Club site be developed as proposed (refer to the stormwater hydrology report attached as Annexure H to the motivation report).</p> <p>Further, it is important to note that impacts on the receiving environment will be assessed in the Basic Assessment Report (BAR), which will</p>	The comments from the Catchment Management Department indicate that flooding events that will occur as a result of the proposed development will not be significantly different from that which is presently experienced.

		be assessed by DEA&DP during the statutory NEMA process.	
8.	Houses in this area are already prone to damp issues / structural damage as a result of the high water table. This development is going to compound the problem.	There is no evidence to suggest that this development will raise the water table to such a degree that it will impact on homes structurally.	The Department concurs with the applicant's response.
9.	The stormwater hydrology report relies on old, outdated data and statistics. It takes no account of very real climate change issues. Where is the report on the effect of climate change on weather patterns and the unpredictability of flood events going forward?	This is incorrect. The stormwater hydrology report made use of extensive modelling with both HEC-RAS and PCSWMM 2D (as well as data captured in relation to seven relevant studies) in order to determine the impact that the development will have on local flooding. In addition, climate change considerations have been taken into account (refer to sub-section 2.1.5 of the surface water hydrology report attached as Annexure H to the motivation report).	The Department concurs with the applicant's response.
10.	If the figure of 1:100-year flood is to be relied on, time wise we are due for another major flood.	This is inconsequential. The stormwater hydrology report finds that there will be negligible change in the maximum extent of inundation for the 100-year flood and 50-year flood following development (refer to sub-section 4.2.4 of the surface water hydrology report attached as Annexure H to the motivation report).	The Department concurs with the applicant's response.
11.	"Negligible" flooding impact is unlikely.	The CoCT's Stormwater Management & Catchment Planning comment on the application includes the following statement:  "The hydrology and hydraulics for the current situation with or without a proposed River Club development have been studied in detail. It is accepted that, given the current situation, the proposed development will not significantly increase local flood risk. As such	The Department concurs with the applicant's response.

		<p>an application to deviate from the CoCT Floodplain policy cannot be opposed by this office."</p> <p>This is taken as the validation and endorsement of the findings, recommendations and conclusions of the surface water hydrology report.</p>	
12.	<p>The alteration of the flooding characteristics of the river system (e.g. the flow, water levels etc.) as a result of development, and the added future impact of sea level rise, will detrimentally impact on Paarden Eiland (which is serviced by a My CITi and therefore rife for future intensification).</p>	<p>This is incorrect. The stormwater hydrology report finds that there will be negligible change in the maximum extent of inundation for the 100-year flood and 50-year flood in the Paarden Eiland area following development (refer to Figures B7 and B8 of the surface water hydrology report attached as Annexure H to the motivation report).</p>	<p>The changes proposed to the existing Liesbeek River and the decanalising of the Liesbeek River Canal are measures proposed to mitigate against flooding or the effect of flooding so that flooding is not compounded beyond that presently experienced.</p>
13.	<p>Development of this land will have a negative impact on property upstream, specifically 1 &amp; 2 Ossain road, Observatory (Figure B6 contained in Annexure H: Hydrology Report shows that this property will be flooded during a 20-year flood should the site be developed, while it will not be if the site is not developed).</p>	<p>Limited residential properties are affected in the 1:20 year event (and not in other Recurrence Intervals). The impacts on these properties can be addressed through minor adjustments to the kerb height to ensure the flooding remains in the road (Standard Major Flood flow path). This will be investigated further to determine the best means of addressing the effect on these few properties.</p>	
14.	<p>Who will keep the water ways clear to prevent flooding? (The canal was built for that express purpose, and now it is proposed to deconstruct it.)</p>	<p>It is anticipated that all maintenance associated with the green spaces on and immediately adjacent to the site (e.g. the rehabilitated Liesbeek Canal and infilled 'old' Liesbeek River), including the clearance of water ways, will be undertaken by the owner / developer of the River Club. This however will be subject to further negotiations and</p>	<p>The applicant will be required to maintain green spaces presently within the bounds of the property that may be zoned for OS3 purposes. River clearing while a requirement of the City may potentially see an agreement reached between the developer and the City to achieve this end.</p>

		potentially a service level agreement between the CoCT and the owner / developer of the River Club.	
15.	Severe winter flooding happens far more frequently than once in 100 years.	<p>This is noted in the surface water hydrology report (refer to Annexure H of the motivation report):</p> <p><i>"The recurrence interval of a storm event does not imply that it occurs on a regular basis. A five-year storm does not take place once every five years – it could happen 5 years in a row and then not again for the next 20 years."</i></p> <p>Notwithstanding, this does not change the conclusion in the surface water hydrology report: that there will be negligible additional impact on flooding in the area should the River Club site be developed as proposed.</p>	The Department concurs with the objector. However, conditions of approval are recommended in order to ensure that the proposed development does not exacerbate flooding.
16.	An independent investigation into the flooding is necessary.	The surface water hydrology report conducted is comprehensive, taking into account the findings of 7 previous studies conducted in relation to flooding in this area. Further, the CoCT's Stormwater Management & Catchment Planning have endorsed the findings of the surface water hydrology report. It is therefore considered unnecessary to conduct a further independent investigation.	The Department concurs with the applicant's response.
17.	<p>During winter downpours, certain places in Observatory are prone to flooding, namely:</p> <ul style="list-style-type: none"> <li>Station Road between the bridge and intersection.</li> </ul>	Noted and agreed. The surface water hydrology report corroborates this information. This flooding occurs currently, without any development on the River Club site. What the surface water hydrology report finds, however, is that there will be negligible	The Department concurs with the objector. However, conditions of approval are recommended in order to ensure that the proposed development does not exacerbate flooding.

	<ul style="list-style-type: none"> <li>• Ossian Street (an access road for lower Observatory);</li> <li>• Firs Street (leads to Black River Business Park);</li> <li>• Link Road (between Fir Street and Liesbeek Parkway that services Black River Business Park);</li> <li>• Liesbeek Parkway / Station Road intersection;</li> <li>• Hartelyvale Sports Grounds;</li> <li>• Maiba Park Sports Fields.</li> </ul>	<p><u>additional impact</u> on flooding in the area should the River Club site be developed as proposed.</p>	
18.	The aging sewage system in Observatory means that the ability for stormwater to drain is impacted.	Refer to item D.7.4 above.	<p>The relevant department has indicated that while capacity at the Athlone WWTW is at capacity, the Cape Flats WWTW still has capacity – the development will be diverted accordingly. Any upgrades made to the Athlone WWTW will see the necessary changes made.</p> <p>Waste water treatment facility capacity does exist. The development will be directed accordingly.</p> <p>In addition provision will also be made on-site.</p>
19.	The stormwater hydrology reports do not show how extensive infilling of the River Club site will cause vulnerabilities towards more frequent high flood levels, impacting the natural environment, use of the park and the use of existing rail and road transport.	This is refuted. The surface water hydrology report is comprehensive in its scope. Further, the CoCT's Stormwater Management & Catchment Planning have endorsed the findings of the surface water hydrology report (refer to item D.8.11 above).	The Department concurs with the applicant's response.
<b>D.9 Construction Impact</b>			
1.	There will be a huge disruption on residents during the construction period (including traffic congestion; increase in dust; increase in river silt; increase in noise pollution).	Construction will be managed in terms of an approved Construction Environmental Management Programme (CEMP) and subject to oversight by an Environmental	While the impact of construction is acknowledged, this is usually managed so that impacts are minimised as much as possible. Further any associated disruption as a consequence of the proposal is finite.

		Control Officer. Disturbance caused by construction will be temporary.	
<b>D.10 Air Pollution</b>			
1.	The development will result in an increase in air pollution as a result of increased traffic.	The proposed development is in an urban area where high levels of activity already occur.	There is no evidence indicating that whatever air pollution that will occur as a result of this development will be noticeable given that the site is located in an urban area air pollution is a reality.
2.	The loss of green space will exacerbate air pollution.	An increase in air pollution as a result of the loss of open space may have occurred were there many trees on the site and these were all removed. This is however not the case (refer to item D5.5 above).	Refer to D.10.1 above
<b>D.11 Noise Pollution</b>			
1.	The development will result in an increase in noise pollution as a result of increased traffic.	The proposed development is in an urban area where high levels of activity already occur.	The development will result in the same types of urban noises already experienced.
<b>D.12 Waste Pollution</b>			
1.	Any development adjacent to the Liesbeek River is likely to exacerbate the already acute pollution and all efforts to mitigate this situation must be a prerequisite for approval.	It is not true to say that the development will exacerbate the pollution of the surrounding water bodies. SUDS principles will be incorporated in all aspects of the development's drainage system. It is envisaged that a series of swales / bio swales will treat and attenuate runoff during frequent events. Further, it is anticipated that all maintenance associated with the green spaces on and immediately adjacent to the site (e.g. the rehabilitated Liesbeek Canal and infilled 'old' Liesbeek River) will be undertaken by the owner / developer of the River Club (it is the owner / developer's best interests to keep the natural areas free of	The Department concurs with the applicant's response.



		pollution as these elements will be a major drawback of the development).	
<b>D.13 Property Value</b>			
1.	The development will significantly change Observatory, to the point where existing residents are likely to move out of the suburb. The development will lead to a decrease in property values in Observatory as a result of various impacts (e.g. traffic congestion, noise pollution, degradation of the natural environment). It is likely that the degradation we see in Stat River will creep into Observatory.	There is no evidence that property values will be affected. Value is not necessarily a function of externalities (e.g. traffic congestion etc.), but rather a function of quality. The proposal is for high quality development (including high quality urban design / landscaping interventions) of high market value.	No evidence has been provided to support this contention. New, infill development has proven to have the opposite effect when it is located within existing established areas.
2.	Who will be responsible for the high insurance costs and increase in property insurance premiums?	Refer to item D13.1 above.	There is no evidence that there is a relationship between high insurance costs and the proposed development.
<b>D.14 Loss of Green Open Space / Public Space</b>			
1.	The development will destroy green open space that is used for recreational purposes.	The site currently plays a limited role in accommodating people seeking recreational open space. Yes, it accommodates people with an interest in golf, as well as a handful of birdwatchers. But people generally do not visit the site to run, walk, cycle or play games. Given that the site is privately owned, it is not a given that the use will be converted for other recreational use in order to accommodate the needs of TRUP or the wider community. Active use of the site for recreation is ultimately at the discretion of the owners (i.e. the right of admission is reserved).  It is argued that the development proposal will in fact <u>enhance</u> the site for recreational purposes.	While a golf course and associated activities dominate, the property is also used for conferencing and a small range of other uses. The site is therefore used by a select few. The development of the site will see a higher level of use inviting a wider range of people from various socio-economic backgrounds to the site. It must also be noted that the site is privately owned. It was previously leased for a 99 year period to a private entity, (that lease having commenced in the late 1980's/early 1990's)

2.	The proposed transformation of this land does not serve to expand public space.	<p>It is argued that the proposal does, in fact, serve to expand the open space system that is accessible to the public (when compared to the current situation), with the following factors being particularly pertinent:</p> <ul style="list-style-type: none"><li>• Currently, the River Club is an isolated tranche of land owing to barriers such as the M5 motorway, the Black River, the Liesbeek Canal and inhospitable surrounding land uses (particularly the inwardly orientated institutions of the SAO and Valkenberg Hospital to the east / south-east, as well as the PRASA railyard to the north).</li><li>• The site is privately owned and commercially operated, which further restricts access to and through the site.</li><li>• The site currently plays a limited role in accommodating people seeking recreational open space. However, the proposal will rehabilitate the surrounding water courses and make them more accessible and aesthetically pleasing for visitors to the site (there will be cycle paths and running paths along both river courses, as well as in the 'eco-corridor connecting the two river courses').</li><li>• Besides enhanced accessibility through the movement system, one of primary ways in which the River Club can become more accessible to the public is through a change in land use (i.e. the character of the development). While the existing land use at the River Club is open to the public,</li></ul>	The Department concurs with the applicant's response.
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		<p>it remains isolated both in terms of access and land use, and does not generate the number or diversity of people necessary to truly integrate the River Club into the surrounding urban environment. This means that only a limited number of people get to experience the character of the place (the rivers, the landscape, the views toward Devil's Peak etc.).</p> <ul style="list-style-type: none"> <li>As the western gateway into TRUP, the River Club should be attracting people into the area. Moreover, it should have the necessary activities and amenities to make people stay for significant periods of time so as to allow them to draw utility from the landscape and to experience the essence of the place: walk along the river, watch birds in the wetland, look at the views towards Devil's Peak. The current land uses of the site do not facilitate this desired role.</li> </ul> <p>(Refer also to sub-sections 9.4 and 9.9 of the motivation report.)</p>	
3.	The only recreational or non-commercial use of the land is now consigned to the river edges.	This is not entirely true. The 'eco-corridor' green space separating the 2 development precincts is substantial (the extent of the portion zoned OS3 will be approximately 4.9 ha) and will be appropriately landscaped to so that areas of lawn are included for recreational purposes.	The Department concurs with the applicant's response.
4.	The site forms a significant part of TRUP.	Refer to item C.3 above.	The property is one of the many properties within the Two Rivers Urban Park (TRUP). The area covers in excess of 200ha. The property comprises but a fraction of this extent.

5.	None of the great cities of the world would let this happen. They have made their river areas into parkland for communal usage and enjoyment.	The proposal is to enhance the rivers (including appropriate buffer areas) for communal usage and enjoyment. Refer to item D.14.2.	This is a sweeping statement and considerations that must be taken into account when assessing a development of this nature are outlined in SPLUMA, LUPA and the MPBL.
6.	Observatory is subject to high density development and the loss of its open spaces. The development will introduce people into the area without providing recreational space for their use.	It is acknowledged that dense urban areas need public space as spaces for refuge. It is believed that the public space provided as part of the proposal is adequate for this purpose. In addition, the site will allow for better linkages into TRUP. For example, the existing NMT infrastructure to the south of the site (i.e. along the Liesbeek River) will link into the site so as to allow for a seamless use of the entire open space system. The open space provided at the River Club, as well as the open space provided in the remainder of TRUP, is considered more than adequate to provide refuge to the growing population of the area. If these spaces do become marginally crowded in the future, then Cape Townians have the luxury of having Table Mountain National Park as an extensive publicly accessible open space for enjoyment.	The Department concurs with the applicant's response.

<p>8.</p>	<p>More information is required on the riverine corridor spaces (e.g. how these spaces function; how these spaces connect into the surrounding green network; how will these spaces be maintained). A legal commitment to maintain the riverine corridor spaces as an open, accessible, green space is required (otherwise it can be reasonably predicted that in near future fences will go up, people will be excluded and/or there will be infrastructure decay).</p>	<p>Preliminary detail of these riverine corridor spaces is provided in the sections shown in the Conceptual Landscape Masterplan submitted as part of the application (refer to Figure 43 of the motivation report). More detail will be provided in the Landscape Masterplan to be submitted as part of subsequent applications.</p> <p>With regards to maintenance of these spaces, requirements for maintenance of the rivers have not yet been established. However, is anticipated that all maintenance associated with the green spaces on and immediately adjacent to the site (e.g. the rehabilitated Liesbeek Canal and infilled 'old' Liesbeek River), including the clearance of water ways, will be undertaken by the owner / developer of the River Club. This however will be subject to further negotiations and potentially a service level agreement between the CoCT and the owner / developer of the River Club.</p> <p>It is expected that maintenance requirements of the open space areas will be included in the EMPri and conditions of Environmental Authorisation associated with the statutory NEMA process, as well as potentially in conditions of approval in any land use approvals, and these would be legally binding on the owner / developer should the project be approved.</p>	<p>Access to rivers corridors, trails/pathways will remain open to the general public. To achieve this end, a public right way will be registered.</p>
<p>9.</p>	<p>In recent months, three open spaces in the neighbourhood (Maltapark /</p>	<p>The closure of public open space in the surrounding areas is unfortunate, but is not the</p>	<p>This is not material to the proposed development.</p>

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	Hartleyvale) were closed without due consultation. This is a clear message from the CoCT that development profits for a few matters more than the residents.	concern of the owner / developer of the River Club.	
10.	This green open space should be enhanced and celebrated.	Noted and agreed. This is part of the proposal. However, since the land is under private ownership, it needs to operate commercially and the land cannot be transformed as an open space only. Development is required to make the project commercially viable.	The Department concurs with the objector and this matter will be addressed at precinct plan submission.
11.	Bldg. 21 and bldg. 22 (in Figure 40 of the motivation report) should be removed and instead built in the proposed east-west 'eco-corridor', which is in a shadow zone and can never be a viable public open space.	This is not true. This space is 65 – 75 m in width and will at no point be completely covered by shade.	The Department concurs with the applicant's response.
12.	The 'old' Liesbeek River can be reclaimed and act as a public open space, which will compensate for the loss of access to Malta Park (which has been transferred by CoCT to a private owner / long-term lessee).	Noted and agreed. This is part of the proposal.	The Department concurs with the objector and this matter will be addressed at precinct plan as well as SDP submission.
13.	Several "green" areas have been suggested in the plan. Who will maintain them?	Refer to items D.5.27 and D.B.15 above.	Green spaces which forms part of the proposal located on the property will need to be maintained by the applicant's client and future owners or owners association.
14.	Will the general public have access to the proposed "public" facilities and "public" spaces.	Yes, the open spaces at the River Club will be accessible to all. However, because this is private property, there will be security in place and conduct rules will be in place to govern behaviour (some rules that are generally imposed in relation to shared open spaces, for example no alcohol).	The Department concurs with the applicant's response.

15.	Public access to the riverine corridors is not guaranteed since much of the land is privately owned and can be regulated by the developer (unless this land is subdivided and returned to CoCT).	It is intended for the open space portions to be subdivided off from the developable portions and for these to retain a zoning of OS3. However, it is not intended to transfer this land to CoCT as it is believed that these spaces can be better managed by the owner / developer in terms of security, aesthetics and maintenance. Refer to items D.5.27, D.8.15 and D.14.14 above.	As stated previously, public right access servitudes will be registered to enable access along river corridors and paths.
16.	A preserved park with an enhanced sense of place would have great potential to heal our city and contribute greatly towards facilitating social inclusivity and cultural integration.	Refer to item D.14.10 above.	The Department concurs with the applicant's response.
<b>D.16 Food Security</b>			
1.	The area has potential to be used for farming, increasing our food security.	Farming on this land is not commercially viable and has not been considered by the owner. Moreover, the soil is highly disturbed and is not currently suitable for farming purposes.	No evidence is provided to support this statement or to show what type/scale of farming would be viable on the site.
<b>D.17 Socio-economic impact</b>			
1.	The development will further exacerbate Apartheid spatial planning through the further gentrification of Salt River, with few jobs of value being created.	Gentrification occurs as a result of complex land use economics, and is a phenomenon that is evident in countries all over the world. The socio-economic impact assessment prepared in relation to the proposed development (refer to Annexure L of the motivation report) does identify gentrification as a potential negative impact resulting from the development. However, this impact is rated as medium and is not assessed as significant in relation to the various positive impacts resulting from the development, including:	The development of the development of the site proposes the provision of housing accommodation as well as non-residential accommodation. A portion of the housing provided will comprise inclusionary housing. This will, to an extent contribute to reducing the economic divide. Business accommodated on the site will make provision for employment opportunities across the socio-economic spectrum. It is acknowledged that jobs within a certain income stream will likely dominate.

		<ul style="list-style-type: none"> <li>• rehabilitation of interfaces with freshwater systems and enhanced public access to these areas;</li> <li>• enhanced aesthetic value of parts of the site;</li> <li>• enhanced public access to the site (the site is not currently a public amenity) and Raapenburg Bird Sanctuary;</li> <li>• the generation of employment and income (project value of over R4 billion, with an estimated 5 000 jobs created during the construction phase and 630 permanent jobs created during the operational phase);</li> <li>• investment into the local economy;</li> <li>• increased municipal income;</li> <li>• improved accessibility from the establishment of new links to existing motorised and non-motorised transport systems;</li> <li>• improved access to economic opportunities (particularly by connecting Berkley Road and Liesbeek Parkway);</li> <li>• improved awareness of the heritage and cultural significance of the site by enhanced access to this land; and</li> <li>• 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.</li> </ul>	
2.	<p>If the CoCT is intent on becoming an 'inclusive city', how is this development being held to account in the ways in which it creates spaces that include and exclude people on the basis of money?</p>	<p>The River Club will be open and accessible to people from all income brackets. Refer to item G below.</p>	<p>The Department concurs with the applicant's response.</p>



3.	<p>South Africa is oversubscribed with shopping centres (we are 6<sup>th</sup> in the world when it comes to this type of development). Cape Town has the opportunity to do something worthwhile and appropriate on this land. The current proposal shows a lack of creativity.</p> <p>There is currently a great mix of businesses in the area, the majority of which are independent and no "chains". These businesses are already struggling to survive. Adding more shops and restaurants (including international brands) is going to introduce more competition and place increased pressure on existing businesses.</p>	<p>Approximately 22 000 m<sup>2</sup> of retail space is proposed, which equates to 15% of the total floor space.</p> <p>The retail component will predominantly (but not exclusively) support the requirements of the people working and residing at the River Club (e.g. food &amp; beverage and service related shops). These retail outlets will be positioned at the 'ground floor' interface to create active edges onto the streets and open spaces.</p> <p>A more niche lifestyle retail component focussing on sport will be located in Precinct 1. This will complement the envisaged recreational amenities of the development (e.g. cycling, running, outdoor sports etc).</p> <p>It is therefore evident that there will not be a shopping centre at the River Club.</p>	<p>There is no evidence to support this statement. Need is not a relevant consideration when assessing land use applications.</p>
4.	<p>The people who really need housing will not be able to afford the apartments available for rent.</p>	<p>Although the majority of residential units will be priced according to market dynamics, the proponent has committed to include a component of "inclusionary housing" in the development scheme. 20% of residential GLA will be for inclusionary housing, which equates to approximately 6 000 m<sup>2</sup> (or 140 units). All residential units will be rental units.</p> <p>Tenants in the inclusionary houses will be selected by the owner / developer on an application basis. However, at this stage it is envisaged that beneficiaries will be households of employed civil servants (e.g.</p>	<p>Although there is no indication of the rentals that will be payable for the inclusionary housing units, it is not an unreasonable assumption that it is likely that the inclusionary units will not be affordable to the lowest income earners.</p>

		teachers, nurses, policemen etc.) earning between R6 000 – R18 000/month.	
5.	The school will not be a government school, but a private one. Who does this really benefit?	There is currently a significant demand for private schooling in Cape Town and the proposed school at the River Club will assist to satisfy this demand.  The Western Cape Education Department has confirmed in their comment that "there are no plans in the foreseeable future to construct a new public school as part of the development".	Statements about who will benefit from the proposed school are speculative as there is no information to indicate the likely beneficiaries.
6.	It is not clear whether the development will create new jobs or simply relocate existing jobs from other areas.	An estimated 5 000 jobs will be created during the construction phase and 630 permanent jobs created during the operational phase. It is very difficult to say if these jobs will be relocated from elsewhere. Regardless, it is anticipated that the development will generate substantial benefit for the local economy.	The Department concurs with the applicant's response
7.	An economic study done in relation to the TRUP project revealed that the provision of office space at the River Club (as proposed) could significantly distort the current market in Cape Town and lead to significant underutilised office space in other parts of the city.	A study undertaken by Rode & associates concludes that the development at the River Club will be sustained by growing commercial and latent residential demand, and will not affect (divert) demand for existing commercial and residential properties locally.	The Department is not aware of the assumptions that underpinned the studies referred by the objector and the applicant and cannot neither refute nor concur with either the objector or the applicant. However, it is likely that the studies referred to by the applicant and the objector were done prior to COVID-19, and is likely that the properties dynamics have substantially changed since then.
8.	The developer has made it clear that a return on investment of below 8% is not viable. A return of above 8% can only be achieved at the expense of other developments (i.e. developing this land	This is the nature of the property development industry.	This issue is not a material consideration.



	will amount to a competitive advantage over other developments).		
9.	The residential component is not considered enough. The development is essentially a commercial development that will benefit the developer.	<p>The socio-economic analysis does suggest that demand for more affordable housing will be greatest in this area, and this position is understandable – Cape Town is in need of well-located affordable housing.</p> <p>A pertinent factor that needs to be noted is that the site is in private ownership and therefore any development on the site needs to be financially viable.</p> <p>The site is strategically located, but requires a very large capital investment in bulk infrastructure before any commercial structures can be constructed. This includes raising the site above the 1:100 year floodline, installing wastewater, transport and electrical infrastructure. The proponent would want to recoup these costs through development of the site, but low-return development (such as social housing) does not cover costs. Affordable housing in combination with other development is more viable. Inclusionary housing will be provided to the extent that it is commercially feasible.</p>	Although the objector neither indicate the basis on which this statement is made nor what would constitute "enough residential", this department has no basis to question the quantum of residential units proposed by the applicant.
<b>D.18 Impact on Tourism</b>			
1.	South Africa's and Cape Town's wealth is in its green areas and wildlife. A large proportion of tourists that visit Cape Town (and generate a large amount of income for the City) come here because we have natural places like TRUP and historical landmarks like the Observatory. We must	The site currently attracts a negligible number of tourists (apart from those interested in golf). The proposed development of this site will therefore have no discernible negative impact on tourism and has the potential to encourage more visitors to the area once developed.	There is no evidence to prove that the proposed development will be less of a tourist attraction compared to the existing development.

	protect these assets because they generate money for the economy.		
<b>G. THE ISSUE OF 'PUBLIC GOOD'</b>			
1.	Preference must not be given to private developers and their profits in favour of the "public good".	It is in the public interest to <i>inter alia</i> : <ul style="list-style-type: none"> <li>• provide intense, mixed use development in close proximity to public transport;</li> <li>• improve the rates base of the City;</li> <li>• rehabilitate degraded river courses;</li> <li>• improve access to open space that is currently underutilised;</li> <li>• enhance the local and regional movement network;</li> <li>• promote employment and income generation;</li> <li>• make better use of underutilised land inside the urban edge; and</li> <li>• promote socio-economic integration through the provision of social housing.</li> </ul>	This is not a relevant consideration when assessing land use applications.
2.	The size of this development seems to be motivated by the need to make it financially viable and not by the needs of the general public or by any real concern for the environment.	As with any commercial development, there is indeed a need to ensure that the development is financially viable. However, it is firmly believed that the proposal presented represents a sustainable balance between environmental needs, heritage needs and optimal urban development.	Although any commercial development will have to be financially viable, several specialist studies dealing with environmental and heritage issues were undertaken and the developer will have to comply with some of the findings of the specialist studies as per the conditions of environmental authorisation.
3.	Do not let commercial gain and greed steal the heart of our city.	Refer to item F.2 above.	Refer to G.1 above
4.	It was delightful to read about the CoCT's reversal on the proposals for Maiden's Cove. There are still CoCT officials that still want to do "the right thing". It can be done again.		Refer to G.1 above
5.	The notion that this particular area needs preservation as it is an historic spiritual site and that its perceived development is	Refer to item F.2 above.	

	fuelled by commercial interests above all other is deeply unsympathetic to cultural and intellectual values.		
6.	There is an outcry all over the city with every new proposed development wanting to change zoning in Cape Town. It is clear the people of Cape Town are opposed to every single development wanting to change the character of the city to the benefit of the rich.	People are opposed to development for all sorts of reasons, as is their prerogative in a democratic society where participation is encouraged. At the same time, developers are allowed to make rezoning applications and these applications should be considered on merit in a balanced and fair manner. The motivation report submitted in connection with the River Club provides detailed reasons as to why development on this site should be considered.	Each application must be assessed on its merits.
7.	The land should only be rezoned if there is considerable support from the surrounding and greater Cape Town community and not because of profit motive of developers who bought the land without development rights.	It is not a requirement that the general public supports the proposed development. Rather, the City of Cape Town needs to assess the proposal and decide whether or not the development has sufficient merit to be approved. This assessment takes into consideration the views and comments expressed by I&AP's in the public participation process. The development proposal has been revised and adapted over the last couple of years in an effort to achieve a balance of interests.	Each application submitted is assessed based on very specific considerations listed in the MPBL. Similarly, these considerations are taken into account by the decision-maker when deciding on an application.
8.	The proposed development represents a perfect opportunity to create an eco-friendly and sustainable development which could include a large proportion of public housing. The development could be self-sufficient, create its own electricity and collect its own rainwater. It could promote pedestrians and bicycles and have recycling facilities.	There are no "opportunities" for the development of alternatives that are not feasible to the owner / developer. Nevertheless, the proposed development includes a number of initiatives that are eco-friendly and sustainable, such as: <ul style="list-style-type: none"> <li>• Green Star ratings for individual buildings will be pursued for all office buildings;</li> <li>• Solar power generation will be used to supplement municipal supply;</li> </ul>	The proposed development was assessed against various City policies and considerations in relevant legislation and it is the view of the Department that the proposed development does taken into account the principle of sustainability as discussed in "PROPOSAL ASSESSMENT".

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		<ul style="list-style-type: none"> <li>• Sustainable storm water systems are being planned; and</li> <li>• A reduction in the reliance of private motor cars will be promoted and an emphasis will be placed on public and NMT transport.</li> </ul>	
9.	Rezoning of open space should only be considered where there are clear public benefits. In this case rezoning is sought for a private development, of principally offices and retail, for which there is no clear public benefit.	Development of the River Club will produce significant public benefit. Refer to item F.1 above.	Public benefit is not only realized through the provision of public open space, but can be realized in a number of ways that include public facilities, employment opportunities, provision of housing and upgrades to public infrastructure.
10.	The proposal includes no public facilities (including publicly accessible sports fields) or any other social facilities that will be of benefit to the majority of citizens.	It is not the role of private developers to provide public facilities. This is rather the role of government. The development will yield a substantial income for the Municipality in terms of rates to assist with the provision of public housing and service delivery in areas of need elsewhere in the city.	Whilst the objector is correct, the fact that the development proposal does not include the type of public facilities like sports field does not make it less desirable.
11.	If the developer is serious about "inclusivity" then it would be prepared to cross-subsidise an NMT bridge between Observatory and Mailland Garden Village, which would be a real improvement of bridging the divide in society.	The vast majority of the DC payable will be offset against the Berkley road extension, which has been identified by CoCT TDA as a key road infrastructure upgrade (and therefore takes precedence over other projects).	The Department concurs with the applicant's response.
12.	The development perpetuates the spatial legacy of Apartheid.	Refer to items D17.1 and G2.	The development is a mixed use which includes some inclusionary housing.
<b>General</b>			
1.	No attention is given in the development proposal to the likely inclusion of affordable housing.	This is erroneous. The proponent has committed to include a component of "inclusionary housing" in the development scheme. 20% of residential GLA will be for inclusionary housing, which equates to approximately 6 000 m <sup>2</sup> (or 140 units). All residential units will be rental units.	The application indicates the intention to accommodate inclusionary housing.

		Tenants in the inclusionary houses will be selected by the owner / developer on an application basis. However, at this stage it is envisaged that beneficiaries will be households of employed civil servants (e.g. teachers, nurses, policemen etc.) earning between R6 000 – R18 000/month.	
2	The CoCT should consider this site as a way of pursuing its objectives of overcoming Apartheid spatial planning by only providing limited rights to construct social housing and associated facilities.	<p>If the proposed development is not approved, then the following will be forgone:</p> <ul style="list-style-type: none"> <li>• 140 inclusionary housing units provided by the developer in perpetuity;</li> <li>• opportunity to rehabilitate the Liesbeek Canal into a natural river course;</li> <li>• opportunity to implement the Berkley Road extension (initially to service the River Club development, but ultimately to connect into Malta Road);</li> <li>• the opportunity creates a meaningful western gateway into TRUP;</li> <li>• significant investment into infrastructure services; and</li> <li>• opportunity to establish a place of remembrance / celebration, where local heritage such as First Nation related activities on this land can be recognised and memorialised.</li> </ul>	The property is privately owned. The proposal includes the provision of inclusionary housing.
3	There is potential to provide social housing on the site in a way that will be less damaging to the natural environment as opposed to the proposed development.	An alternative with predominantly inclusionary housing was conceptualised by the owner / developer, however this alternative was found to be not commercially viable and so it was not pursued further.	

4.	The proposed development does not appear to be serving what is most needed in Cape Town – social housing closer to the city.	The provision of social housing closer to the city centre is not the sole responsibility of the private sector. The private sector has a role to play (e.g. the River Club has committed to providing 140 inclusionary housing units), but government needs to be the sole driver of the provision of social housing.	
5.	The "inclusionary" housing amount is 20% of 20%, which translates into 4%. This is too low.	Inclusionary housing will be provided to the extent that it is commercially feasible and economically sustainable to do so.	
6.	How is it being guaranteed that "affordable housing" will be provided on this site? There is nothing currently binding the developers in this regard. Even an official agreement would be seen by many as not likely to be upheld.	The owner / developer will not renege on the commitment to supply 6 000 m <sup>2</sup> (or approximately 140 units) of inclusionary housing. The CoCT is able to entrench this commitment by including this requirement as a condition of approval in the land use approval (should it be granted), and this condition would be legally binding on the owner / developer should the project be approved.	Conditioning the application to include inclusionary housing will be important to ensure the provision thereof.
7.	There should be a mandatory inclusion of on-site affordable or social housing, calculated as a percentage of the total developable bulk (i.e. not just as a percentage of the residential component). The CoCT is busy developing an inclusionary housing policy to this effect, and challenge the CoCT to start using projects of this scale as "pilot projects" to test these principles.	As stated, the CoCT is currently working on promulgating an inclusionary housing policy, however as of this moment this policy is not in force. Notwithstanding, the owner / developer of the River Club has recognised the need for inclusionary housing in Cape Town and has voluntarily included a reasonable number of inclusionary housing units in the scheme.	The Department concurs with the applicant's response.
8.	What does the terms "inclusionary housing" mean? Who are these units intended for? The definition is too broad and will allow the developer to get	Refer to item G.1 above.	



	around providing proper social housing for those who need it most.		
9.	Towerblocks of low-income housing have proved disastrous elsewhere in the world (e.g. Pruitt-Igoe housing project in St Louis, USA).	There will be no tower blocks of "low-income" housing. Instead, the inclusionary units will be integrated into the same blocks of apartments as the market residential units. In order to achieve this, the proponent is prepared to subsidise the rental in respect of the inclusionary housing units	In order for the inclusionary housing provided in the development to be meaningful, it must be integrated with the development and with other residential units.
10.	No clarity is given to the following with respect to the "inclusionary" units: <ul style="list-style-type: none"> <li>• Size of the units;</li> <li>• Number of units;</li> <li>• Affordability;</li> <li>• Form of tenure;</li> <li>• Percentage of the total investment into the development.</li> </ul>	<p><u>Size of units:</u> Preliminary size of the inclusionary units is 35 m<sup>2</sup>.</p> <p><u>Number of units:</u> Provision has been made for approximately 140 inclusionary units.</p> <p><u>Affordability:</u> At this stage it is envisaged that beneficiaries will be households of employed civil servants (e.g. teachers, nurses, policemen etc.) earning between R6 000 – R18 000/month.</p> <p><u>Form of tenure:</u> All residential units at the River Club will be leasehold.</p> <p><u>Percentage of total investment:</u> The value of the inclusionary housing component has not yet been determined.</p>	
Ndlifuna Ukwazi			



<p>11.</p>	<p>The value of the contribution towards inclusionary housing should be based on total bulk (and not merely on the bulk of the residential component) to ensure that contributions for inclusionary housing arises from both residential and commercial development.</p>	<p>The constitutional imperative that reasonableness underlie any, and every, spatial decision taken by the State, as per sections 25 and 26 of the Constitution, was confirmed by the Constitutional Court when it noted that "reasonable conduct pursuant to s26 [and likewise section 25(5)]. of the Constitution includes reasonableness of every step taken in the provision of adequate housing."<sup>1</sup> The State must, in line with the above, be reasonable in instances wherein the State approves an application on the condition that such approval is subject to the imposition of, and compliance with, a condition. It is therefore trite to say that, under the Constitution, not only must the State be reasonable in imposing the condition, but the content of that condition must be reasonable as well.</p> <p>The reasonableness required from the State by the Constitution, in relation to approving applications, is overtly evident when one considers the LUPA, the SPLUMA and the MPBL. In terms of the LUPA "[w]hen a municipality approves a land use application subject to conditions, the conditions must be reasonable conditions."<sup>2</sup> In terms of the SPLUMA, a Municipal Planning Tribunal may "in the approval of any application, impose any reasonable conditions."<sup>3</sup> In terms of MPBL, "[t]he City, when granting an approval or</p>	<p>The Department is not aware of the basis of the objector's statement on how the quantum of inclusionary housing should be calculated.</p>
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<sup>1</sup> Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg v City of Johannesburg and Others 2008 (3) SA 208 (CC) para 17

<sup>2</sup> Section 40 of the Western Cape Land Use and Planning Act, 2014

<sup>3</sup> Section 40(7)(b) of the Spatial Planning and Land Use Management Act 16 of 2013

		<p>making a determination...[regarding an application], may impose reasonable conditions."<sup>4</sup></p> <p>The Constitution, as well as the above-mentioned legislation, make it clear that <u>reasonableness</u> must be at the forefront when the state approves applications and imposes conditions. What then must be asked is whether <u>both</u> the proposed imposition of a condition and the content of that condition is reasonable. Ndifuna Ukwazi are implying that a condition of approval be imposed whereby the contribution towards inclusionary housing at the River Club be based on 20% of the entire bulk to be developed. It is argued that in this case that such a condition would be unreasonable.</p> <p>A condition that requires more inclusionary housing units than what is financially viable for the owner / developer to uphold must comprehend its potential negative impact on the owner / developer. Any number in addition to the 140 inclusionary units to which the owner / developer has committed may cause the owner / developer to fall into debt. This may have the knock-on effect of negatively affecting the owner / developer's ability to complete the project, which in turn may negatively impact their economic ability to pay, and further retain, its employees.</p>	
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<sup>4</sup> Section 100(1) of the City of Cape Town, Municipal Planning By-Law, 2015



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		<p>A condition, the imposition of which could potentially see to a contributor of this country's economic growth and spatial development not only fall into debt and dissolve, but also lose its ability to remunerate and/or continue to employ citizens of this country, can never be regarded as being "reasonable".</p> <p>The contribution of 140 inclusionary housing units, to which the developer has committed to even prior to the submission of the application, is considered reasonable.</p>	
12.	<p>The mechanics of the inclusionary housing contribution should be scrutinised and enforced by the CoCT. An inclusionary housing contribution must be affordable, accessible by race and class, well-located and secured in perpetuity.</p>	<p><u>Affordability:</u> At this stage it is envisaged that beneficiaries will be households earning between R4 000 – R18 000 / month.</p> <p><u>Accessibility:</u> At this stage it is envisaged that beneficiaries will be households of employed civil servants (e.g. teachers, nurses, policemen etc.)</p> <p><u>Well located:</u> The River Club is extremely well located for the purposes of inclusionary housing.</p> <p><u>Secured in perpetuity</u> The intention is for the inclusionary units to be provided in perpetuity. The CoCT is encouraged to include a condition of approval to reflect this.</p>	



<b>H. SKA DEVELOPEMENT</b>			
1.	The SKA development seems to be a red herring. It is about 5% of the proposed magnitude of the River Club development and suggested as 3 – 4 storeys, which is much more in keeping with the character of the area.	The proposed SKA development is an informant to development on the River Club site. The buildings in Precinct 1 which fall adjacent to the SKA site are of similar height to the proposed SKA development (i.e. 5 storeys).	No submissions have been made for the development of the SKA site, remainder portion of Erf 26423. Given this, the ultimate vertical envelope of buildings for that site, should it be developed, cannot be confirmed.
<b>I. PERCEPTIONS / MISINFORMED COMMENTS AND OBJECTIONS</b>			
1.	Members of the TRUP group received, from CoCT lawyers, 13 individual emails containing information of appeals lodged by 2 Western Cape Government Departments (i.e. Transport & Public Works and Cultural Affairs and Sport) against HWCs protection of this site.	This comment is not relevant to the land use application submitted in terms of the MPBL. However, for the purposes of clarification, the CoCT, the WC Department Transport & Public Works and the WC Department of Environmental Affairs & Development Planning (amongst others) all submitted appeals with respect to HWCs decision to	The adjudication of the HWC decision regarding the protection order on the site, is adjudicated by a separate authority. Land use applications cannot be held in abeyance pending the outcome of decisions on other legislation.  Despite the above, the provisional protection order lapsed in April 2020.

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		provisionally protect the River Club property in terms of section 29 of the NHRA.	
2.	In depth studies need to be conducted in relation to this sensitive site before any approvals are granted to commence development.	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 has been engaged in ongoing work on the development proposal over a significant period of time. The land use application is informed by a Basic Assessment (BA) process in terms of the NEMA, as well as the associated specialist studies which accompany such a process. Many of these specialist studies were summarised in the motivation report submitted, with full copies attached for reference.	The Department concurs with the applicant's response.
3.	It is unfathomable how the EIA was passed in this instance considering the incredibly valuable ecological resource that will be destroyed.	The Basic Assessment (not EIA) has not yet been passed. Rather, this process is expected to commence in early 2019 once HWC is prepared to accept and comment on the Draft HIA (refer to item D.2.3 above).	The EIA process is adjudicated by the DEA&DP and is not subject to the MPBL.



4.	The communication regarding the EIA has been poor, with insufficient notice and advertising given in relation to the scale of the development.	<p>It is acknowledged that the NEMA process has thus far been haphazard, but this is through no fault of the owner / developer. A brief history:</p> <ul style="list-style-type: none"> <li>• At project initiation the NEMA required that a full Environmental Impact Assessment (EIA) process would be required to be submitted to DEA&amp;DP. To this end, initial notification of identified stakeholders, including Draft Scoping Report, was issued on 4 August 2016, and a revised Draft Scoping Report issued on 11 January 2017.</li> <li>• However, the EIA Regulations were amended on 7 April 2017, which meant that a Basic Assessment process became applicable. The BA process is currently being undertaken by SRK Consulting, including the associated specialist studies (including heritage).</li> <li>• Although compiled, the Draft Basic Assessment Report (DBAR) has not yet been submitted to DEA&amp;DP because a comment on the Draft HIA has not yet been received from HWC (refer to item D.2.3 above), and such a comment is a prerequisite for the NEMA legislative process to proceed.</li> <li>• Assuming that HWC accept the HIA, deliberate on, and submit final comment on the HIA in February / March 2019, SRK can submit the application for Environmental Authorisation in March 2019, and submit the Final BAR to DEA&amp;DP</li> </ul>	This is not a relevant consideration when assessing land use applications.
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		<p>by end September 2019. DEA&amp;DP must then issue a decision within 107 days of submission of the Final BAR (i.e. by mid-January 2020).</p> <p>In summary, therefore, the Basic Assessment process in terms of NEMA has not yet commenced (and consequently public participation in connection with this process has not yet taken place).</p>	
5.	It seems as though this land will not be available to free public movement and non-motorised recreation.	This incorrect. Refer to item D.14.14 above.	
6.	The river has been cleaner than ever before due to concerned citizens and Friends of the Liesbeek working on the River for the last 30 years.	While the river may be cleaner than ever before, it is still not clean. The river was rated in a recent study undertaken by Blue Science as a "Category D" in its reaches just upstream of the Black River (as measured at the Observatory Road crossing at the River Club entrance), and thus acts to dilute poor water quality in the Black River, at least downstream of its confluence. Low concentrations of dissolved oxygen primarily drove the "Category D" rating with respect to water quality, although orthophosphate concentrations have also been elevated historically in these reaches. Refer to sub-section 3.1.3 of the biodiversity assessment attached as Annexure I to the motivation report.	There is no evidence provided that the health of the river will be worse off as a direct result of this development.






7.	The practices of the CoCT regarding development and densification do not match their stated intent as these developments favour the rich and disregard the needs of the poor. Densification and development is welcomed where it supports the integration of working class families within the inner suburbs of Cape Town, whereas the TRUP proposal seeks to exclude such families in favour of upper class developments that will do nothing for social cohesion.	Firstly, the application is not a "TRUP" proposal. Secondly, the application does include an inclusionary housing component of 140 units. Given that this is a private development scheme on privately owned land, this inclusionary housing component is considered to be reasonable.	The application under consideration only relates to the redevelopment of the River Club site. The forward planning document that will inform development of the TRUP is being reviewed. Any future development of the TRUP will therefore be informed by the outcome of the LSDF when finalised.
8.	150 000 m <sup>2</sup> of exclusively rental stock will have an extremely detrimental effect on the surrounding neighbourhoods and communities.	This comment is not substantiated. The owner / developer will own the rental stock and will ensure that management of the residential component (including issues of maintenance) will be given utmost attention.	There is no evidence to support this assertion.
9.	The decision by the HWC heritage council to grant protection to the area for 2 years is illogical. Permanent immunity from development should have been granted.	HWC have taken a decision to provisionally protect the river Club site. In terms of section 29(1)(1) of the NHRA provisional protection is for a maximum of 2 years.  Notwithstanding, the decision taken by HWC to provisionally protect the site is currently on appeal.	This is not a relevant consideration when assessing land use applications.
10.	The development would destroy the established community open space that is part of the Observatory Junior School.	This is a misinformed comment. The site is not used by the Observatory Junior School in any capacity.	The River Club is not used for school open space activities.
11.	The house is currently used as a guesthouse which contributes to the value of the area and which has no negative impacts.	This is a misinformed comment. No building of the River Club is used as a guest house.	

12.	If this area is sold to a private owner there is no need for them to concern themselves with social and spatial justice.	Section 99(2)(g) of the MPBL needs to be taken into consideration when the decision maker decides whether or not to approve an application (and therefore the applicant needs to demonstrate compliance with the principles contained in LUPA and SPLUMA, which includes the principle of "spatial justice").	The property is already in private ownership.  In terms of the assessment criteria of the application, the issues associated with social and spatial justice are addressed in "PROPOSAL ASSESSMENT".
13	The area would be better used to achieve spatial restitution for people who would be forced out of the area by gentrification or who currently live in transition camps (e.g. those families living at Blikkiesdorp).	This would be the case if the land were publicly owned. However, the land is under private ownership and commercial considerations need to be taken into account.	The property is not public land therefore the land owner cannot be compelled to use the land as suggested.
14.	Mark Turok has sent out a detailed plan suggesting an alternative, nearby site on which such a development would not be deemed inappropriate.	This is irrelevant. The owner / developer of the River Club, together with the project team, has conceptualised a development proposal for the site. Since the River Club land is under private ownership, the owner / developer is permitted to submit development related applications for the site.	The proposal relates to the subject property and therefore must be assessed accordingly. The City can only have regard to the current proposal.
15.	There has been talk of the SAAO approving the proposed development. This is simply not the case; in fact the SAAO has described itself as having been "brushed aside as an irrelevant factor in considering the impact of development of the River Club".	This is all speculation and hearsay. It should be noted that the SAAO did not submit an objection to the application submitted in terms of the MPBL (refer to Table 1).	
16.	This area is meant to be a conservation area according to contextual framework.	This is incorrect. No official CoCT contextual framework identifies the River Club site for conservation purposes.	The existing approved Contextual Framework (CF) was approved in 2003. It identified the site to be used for commercialised recreation. The CF is presently being reviewed.
17.	The design of the buildings and building methods used are of low aesthetical	This is incorrect. Refer to item D.6.2 above.	The detail of building designs will be addressed at SDP submission.

	value to benefit the developer and ruin the character of Cape Town.		
18.	There is plenty of available land nearby (e.g. Wingfield) that is far more suitable and already has the required zoning rights, should there be a need for such a development as proposed.	This is irrelevant. Refer to item 1.14 above.	The proposal relates to the subject property and therefore must be assessed accordingly. The City can only have regard for the proposal before them.
19.	A substantial body of knowledge has been accumulated about the negative effects of shopping centres and other mega-developments on urban cohesion.	This comment is unsubstantiated.	
20.	There is a glut of office space and high-end commercial properties in Cape Town standing empty.	This is irrelevant. The owner / developer has undertaken extensive market research and have determined that there is significant demand for further commercial office space in this location (for example, the Black River Parkway offices have had a very low / non-existent vacancy rate for the past 10 years).	
21.	This kind of development is short sighted and unintelligent. There needs to be a long-term view taken to decide the best possible plan for this area.	<p>The CoCT and Western Cape Government are currently in the process of finalising a Local Spatial Development Framework (LSDF) for TRUP.</p> <p>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:</p> <ul style="list-style-type: none"> <li>the time frame for the TRUP LSDF is uncertain, and</li> <li>as a private development initiative on privately owned land, the proponent is permitted to submit a planning application in terms of the legislation.</li> </ul>	The submission of an application and decision of an application cannot be withheld until the outcome of City policy.




22.	Observatory and the surrounding suburbs do not need additional development (recent large and small scale residential developments have a very low occupancy)	This is speculation and hearsay. The owner / developer has undertaken extensive market research and have determined that there is significant demand for further commercial office space, retail and residential development in this location.	
23.	The development will create a major flood risk and will cause definite damage to all the private and public properties (and public infrastructure) in lower Observatory, including Valkenberg and the SAAO.	This is incorrect. The surface water hydrology report (refer to Annexure H of the motivation report) concludes that the proposed development would have an insignificant effect on flooding in the vicinity of the River Club site.	According to modelling mimicking flood events, the proposal will not result in flooding that is significantly different from what is currently experienced.
24.	Three hydrology reports could not agree on the potential outcome of the of building on the floodplain. The fourth, by the potential developers, tries to collate all the points of view, but when read carefully, contains a lot of "ifs", "buts", "maybés" and "possibly". All very inconclusive.	The stormwater hydrology report (refer to Annexure H of the motivation report) makes reference to previous studies conducted in relation to flooding in this part of Cape Town and provides an assessment of the inherent strengths and weaknesses in these studies.  The surface water hydrology report undertaken by Aurecon is comprehensive in its scope. Further, the CoCT's Stormwater Management & Catchment Planning have endorsed the findings of the surface water hydrology report (refer to item D.8.11 above).	The City's Stormwater Management Department have indicated that they accept the findings of the reports furnished.
25.	The fact that the buildings will be built on huge dykes indicates the developers are very aware of the potential danger of building on a floodplain.	The buildings will not be built on dykes. Rather retaining structures will be built to create a "basement" structure for the parking of motor vehicles. These retaining structures will have a further purpose of raising the habitable floor space on the site above the 1:100 year flood line, which is a requirement of the CoCT Floodplain and River Corridor Management Policy (2009).	The Department concurs with the applicant's response.

26.	The River Club development proposal to "design and engineer" away any water "issues" through developing relationships and aligning with the CoCT and the Netherlands speaks to a lack of commitment to investing in local water management in academia, which is at the forefront of international best practice.	This is a misinformed comment. The CoCT have indeed engaged with professionals from the Netherlands in relation to the TRUP project. However, these Dutch specialists have had no input into the River Club development proposal. Indeed, the owner / developer of the River Club did not wish to engage in workshops hosted by these specialists as it was felt participating in such workshops would represent a conflict of interest.	
27.	The developers claim to be providing affordable housing. The term "affordable" does not apply, if indeed the minimum selling price is R3 million as the developers have proposed.	This is a misinformed comment. There is no intention to sell any of the units at the River Club. Rather, all units will be leasehold, 140 of the units will be available as "inclusionary units". Refer to item D.17.5 above.	
28.	If this specific application is allowed, it will create an unacceptable precedent where developers "grab land" for commercial interests, without taking the wishes of the community (or indeed the natural environment) into consideration.	Refer to item D.8.4 above.	The property has been in private ownership for sometime, having been leased for a long lease prior to the sale thereof.
29.	A TRUP development framework, which provided a great open space for this area, was developed through public participation for many years, but is now being ignored.	The TRUP development framework referred to is the TRUP Contextual Framework and Phase 1 Environmental Management Plan (2003). Refer to item D.17.5 above.	The TRUP Contextual Framework is presently under review.
30.	There is a concern that corruption may be happening at the highest levels within the CoCT. Developments like this get approved because developers make donations to the DA, who in turn ensure people with a vested interest in	This comment is speculation and is unsubstantiated.	If the objector is aware of any incident of corruption, the matter should be referred to the relevant authorities.



	development help make important planning decisions.		
31.	It is assumed that the Malto Road – Berkley Road link is not going to be paid for by the River Club developer and so this cannot form part of the present proposal.	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. This is a common arrangement in a development of this scale where public infrastructure upgrades occur as a result of private sector development initiatives.	Part of the Berkley Road extension will be to the developers account. The cost thereof will be offset against the Development Contribution payable by the developer.
32.	The concept layout seems to be based on Modernist planning theory.	<p>This is disputed. The River Club will be a mixed-use, medium to high density development that will promote the vision of "Live, Work, Play". The development will aspire to play a role in a future denser city by:</p> <ul style="list-style-type: none"> <li>• Reducing the consumption of non-renewable fuels by lessening car dependence over the medium to long term (through the creation of a "Live, Work, Play" development in close proximity to communities the will both gain utility from the development and seek employment at the development);</li> <li>• Increasing population thresholds and mixed-use development, which will support the efficient functioning and viable provision of public transport services;</li> <li>• Promoting access to economic opportunities, public transport and open space amenities;</li> <li>• Reducing travel distances and times, as well as the associated costs;</li> </ul>	

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		<ul style="list-style-type: none"> <li>• Generating sufficient consumers to generate the development of economic opportunities, social facilities and services in important economic corridors;</li> <li>• Enabling the cost-effective provision and optimal use of services infrastructure (the site is within the urban edge and can link in with existing services infrastructure within and surrounding the site);</li> <li>• Promoting diversification and choice of housing types and tenure options; and</li> <li>• Providing an opportunity for place-making and the creation of attractive and safe urban environments, particularly in proximity to the river banks.</li> </ul>	
33.	Is it proposed that the various buildings will be sold off to separate developers to design buildings to their own taste?	<p>At this stage this is not the intention – the developer is intending to develop all buildings and remain landlord thereof. However, this may change depending on market dynamics.</p> <p>Notwithstanding, it is important to note that the development is likely to be subject to SDPs, Precinct Plans and guidelines (including architectural guidelines), which will all form part of subsequent approval processes.</p>	The submission at hand is the first level of the application process. Prior to the submission of building plans, there will be more detailed plans that include precinct plans and SDPs, that will also determine the exact footprint of all buildings.
34.	The current zoning allows for a wide range of environmental protections over the land. Once the zoning has been amended, there will be no mechanisms to protect this land.	This is not true. Firstly, the current zoning does not convey environmental protection but rather limits development. Secondly, any land use approval or Environmental Authorisation to be granted will come with a range of conditions of approval. These conditions will have statutory status and will need to be strictly adhered to in the future.	The development of the site will be subject both to the provisions of the base zone, as well as any conditions of approval stemming from this application and further applications that may be required.

35.	The rezoning will allow for the piecemeal development of the site, to the detriment of the ecology and heritage of the site, as well as the wider community.	This is incorrect. Future development of the site will be subject to compliance with an approved SDP, as well as detailed Precinct Plans.	
36.	The various studies and reports for this development are paid for by the developer and taken at face value by the CoCT. For example, a number of studies were conducted in relation to flooding. It seems the developer and CoCT have settled on a report which supports the idea of developing in the floodplain. This represents a conflict of interest.	While the specialist studies in relation to the application are indeed paid for by the developer, each specialist appointed to undertake studies in relation to the Basic Assessment in terms of NEMA has a legal requirement to remain independent in their findings.	No conflict of interest exists between the City and the applicant/developer. The fact that the developer paid for the specialist studies is the norm.
37.	The development is labelled "mixed use" however is primarily a commercial development, only 20% is residential, with the remainder retail, restaurants, hotel and office.	This statement is contradictory. The range of uses proposed constitutes a mixed use development.	The proposal submitted is to accommodate a mixed use development given the range of land uses that is being proposed.
38.	The developer (and its professional team) was not willing to fully engage / participate in the TRUP planning and participation process.	This is incorrect. Members of the River Club professional team tried to engage various parties.	
39.	If the open space alongside the river is taken away, then the opportunity to help the Liesbeek River become a healthy river again is lost.	The open space alongside the Liesbeek River is not being "taken away". Refer to item D.14 above.	
40.	The current zoning of the property is "Open Space for Conservation" (with some concessions).	This comment is misinformed. The current zoning of the property is Open Space 3: Special Open Space and not Open Space 1: Environmental Conservation.	
41.	HWC noted the River Club site to be Grade II (Provincial Heritage Site) to Grade I (same as SAAO).	HWC has made a decision to provisionally protect the River Club as a Grade II heritage site. However, this decision is currently being	The provisional protection order that was put on the River Club lapsed in April 2020.





		appealed. The site does not hold a Grade I status.	
42.	Strongly opposed to private developers intruding into the floodplain and rivers without appropriate expertise and skilled supervision. Current research on flooding has been falsely stated.	This is incorrect.	The application was circulated to the Catchment Management Department who commented on the proposal indicating that they accepted the findings of the studies relating to flooding.
43.	The notification notes the building heights as 2 to 9 storeys above 'base level'. But the architects have presented a 4 to 12 storey development. What are the facts?	The notification states that building heights will range from $\pm 16m$ to $\pm 46m$ (3 to 10 storeys) above base level. This information is still materially correct, with the latest conceptual designs indicating that the buildings will range from 16.3 m to 45.71 m (or 3 to 10 storeys in height above base level).	Building heights will be limited through a set of conditions.
44.	The confluence of the Liesbeek and Black Rivers needs to be accessible to have any spiritual and ceremonial heritage value. The proposal does not satisfy this, with Berkley Road extension cutting off the confluence.	The existing confluence of the Liesbeek and Black River is degraded, both environmentally and aesthetically; it is an inhospitable place to be. The development proposal intends to relocate the confluence to the point where the rehabilitated Liesbeek Canal meets the Black River. It is further intended to establish a place of celebration / memorialisation at this "new" confluence for the recording of the indigenous First Nations peoples' struggle.	
45.	Several elements of the EIA process have been flawed.	This is incorrect. Refer to item 1.4 above.	The NEMA process is subject to a different law and adjudicated by a different authority.
46.	No parking is shown on the development plan / layout. It is therefore assumed that parking will be positioned in the open space areas.	This is incorrect. 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).	While some surface parking will be provided, the vast majority of parking is proposed to be accommodated in a subterranean garage.
47.	It is understood that the development plan / layout is subject to change. It can only be assumed that a worst case	The development plan / layout may be subject to minor changes. However, it is anticipated that any approval for rezoning will contain a condition of approval that	The approval currently sought is the first level. The next step in the process will require greater detail. Certain principles will be established through this

	scenario will ultimately be tables and motivated.	requires any future SDP to be "generally in accordance" with the layout submitted as part of the rezoning application. Future development of the site will be subject to compliance with an approved SDP, as well as detailed Precinct Plans.	process that will inform the next level of processes
48	The area around the SAAO needs to be as dark as possible for astronomy. Dwarfing the Observatory site with nearby offices and shops will diminish the SAAO's impact and increase light pollution.	The operations manager at the SAAO, Mr. Eugene Lacky, has advised that no scientific studies are currently conducted at the SAAO. If the weather permits, the SAAO opens for educational and outreach programs. However this only occurs about twice a month and has no scientific value.	Conditions are recommended in order reduce light spillage emanating from the property.
<b>J. OTHER</b>			
1.	A feral colony of cats live at the site and is fed on a daily basis; relocating them is not an option.	It is suggested that the cats be relocated, perhaps to the SPCA.	
2.	All current ecosystem services the Liesbeek River provides should be fully listed following a community survey from all riverusers, and these must be fully described and detailed. These ecological services (including potential ecological services) should be made public so that it is obvious to everyone what will be lost should the development be allowed to go ahead.	This is not a statutory requirement (and is an unreasonable requirement). The biodiversity assessment (refer to Annexure I of the motivation report) is considered a comprehensive and accurate assessment of the biodiversity in relation to the site.	
3.	The site is home to the only remaining "mashie" golf course in Cape Town.	The loss of the mashie golf course will be an unfortunate consequence should the development go ahead. However, this golf course is currently underutilised and is not a sustainable land use on privately owned land.	
4.	Youth training of golf is losing any base. Does development come before our youth?	The loss of the golf facility will be an unfortunate consequence should the development go ahead. However, this golf	

		facility is currently underutilised and is not a sustainable land use on privately owned land.	
5.	The current owners bought the land with the current zoning rights in place and therefore their expectations should comply with this zoning. Should their intentions in purchasing the land be to develop it, they should have bought land with appropriate pre-existing zoning and not be granted permission to rezone land to prejudice citizens of Cape Town.	Refer to item D.5.1 above.	
6.	The authorities have consistently failed to act against transgressors who damage the wetlands. Local government authorities are supposed to be the protectors of our natural resources; they cannot be allowed to behave like predators in cahoots with greedy developers. The perpetrators must be prosecuted.	The owners / developers are going through all of the correct legislative procedures in respect to the proposed changes to the river courses (i.e. NEMA and the National Water Act). Any changes to be made will only be done so following the receipt of the necessary authorisations.	
7.	The willingness of CoCT to bend and disregard their own rules to benefit a private developer is completely unconscionable.	Council is obliged to treat each application for development on its own individual merits.	
8.	It is critical that an independent opinion is obtained which provides a reasonable estimate of the total profitability of any proposed scheme to the developer (perhaps under various scenarios). This should then be made public.	This is not a statutory requirement. However, should one of the decision-making authorities require such a study to be undertaken then they are welcome to the request this.	
9.	The owner's of this property have previously destroyed part of the river banks without the necessary approval and were caught doing so. What makes	The current owners did indeed undertake work on the banks of the 'old' Liesbeek River channel without the required authorisation from DE&ADP. The owner had good intentions when undertaking the work and was not	



	CoCT think that the developers won't disregard the rules again?	aware that work on the riverbank was not permissible in terms of the environmental legislation. The matter was resolved with DE&ADP and no further work has been undertaken.	
10.	There are many other brownfield areas in Cape Town that can be developed for housing purposes, including some of Cape Town's military bases with unused bungalows.	This is true, but these military sites are publicly owned land.	This department can only have regard to the proposal submitted for consideration. It is therefore required that the application is assessed on its own merit.
11.	Is the applicant / developer aware that the Liesbeek and Black Rivers are polluted and cannot be used for recreational activities?	There is no intention at this stage to undertake any recreational activities in the surrounding river courses.	
12.	The CoCT should not approve a private development simply because it provides 150 "inclusionary housing" units. There are other private sector developments that can provide social housing with far less impact on resources, open space, the environment and climate change resilience.	The development will not only provide inclusionary units, but will rather offer various other substantial benefits, including: <ul style="list-style-type: none"> <li>rehabilitation of interfaces with freshwater systems and enhanced public access to these areas;</li> <li>enhanced aesthetic value of parts of the site;</li> <li>enhanced public access to the site (the site is not currently a public amenity) and Raapenburg Bird Sanctuary;</li> <li>the generation of employment and income (project value of over R4 billion, with an estimated 5 000 jobs created during the construction phase and 630 permanent jobs created during the operational phase);</li> <li>investment into the local economy;</li> <li>increased municipal income;</li> <li>improved accessibility from the establishment of new links to existing</li> </ul>	The proposal will be assessed in totality. Similarly, decision-makers will therefore have regard to the overall impact of the application before making a decision.



		<p>motorised and non-motorised transport systems;</p> <ul style="list-style-type: none"> <li>• improved access to economic opportunities (particularly by connecting Berkley Road and Liesbeek Parkway);</li> <li>• improved awareness of the heritage and cultural significance of the site by enhanced access to this land; and</li> <li>• 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.</li> </ul>	
13.	There needs to be enhanced strategic planning and consideration of alternatives for this site (e.g. brownfield sites in Observatory, Mowbray etc.) before any new rezoning or development application is approved.	The redevelopment of existing brownfield sites in Observatory, Mowbray etc. is already occurring (this redevelopment is an established characteristic of a functioning urban land market). The development proposal for the redevelopment of the River Club seeks to re-imagine an underutilised site in a more urban Cape Town.	<p>The City is presently undertaking the revision of the existing Contextual Framework for the TRUP area. The development of any other area in Observatory and its surroundings will follow principles contained in various forward planning documents approved by the City.</p> <p>It must be noted that no application can be held in abeyance pending development and approval of a policy.</p>
14.	Improving the urban fabric through strategic planning in response to an issue such as climate change, water security, heritage and social well-being is essential to the future prosperity, adaptability and resilience of Cape Town.	Noted and agreed. It is strongly believed that the development proposal for the River Club is a strategic urban intervention that will add value to the future prosperity of Cape Town.	
<b>K. POSITIVE COMMENTS / SUPPORT</b>			
1.	In favour of the development, particularly the completion of the Berkley Road extension and rehabilitation of the Liesbeek Canal.	Noted.	



2.	The notion that the golf driving range and mashie course is a necessary green open space is rejected. The facility is only accessed by those with an interest in golf and there are already far too many golf courses in the Southern Suburbs.	Noted and agreed.	
3.	Support the Liesbeek Canal being rehabilitated into a natural river course.	Noted.	
4.	The long-delayed construction of the Malta Road - Berkley Road link must be carried out as a matter of urgency, whether the River Club development goes ahead or not.	Noted and agreed.	
5.	The extension of Berkley Road is a massive opportunity to make cycling into the CBD a viable option for many people living in Maitland, Thornton, Goodwood and beyond. As long as cycling infrastructure is considered in the design of this road, there is significant opportunity to improve access for many citizens.	Noted and agreed.	

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A. Western Cape Government: Road Network Management		
No.	Summary of Comments Received	Response
1	<p>The development of this property cannot be treated in isolation from the Two Rivers Urban Park (TRUP) proposal, of which this property forms the north-western section.</p> <p>However, as the phased development of the River Club is likely to commence before TRUP's development scope is finalised, the comment provided is only on the traffic issues to do with the River Club development (and in no way insinuates support or otherwise of the TRUP proposal).</p>	Noted. It is requested that the scope of the comment pertain to traffic and transport aspects relation to the current development proposal for the River Club, and does not include aspects relating to the wider TRUP.
2	Vehicular access to the River Club requires, <i>inter alia</i> , the upgrading of Berkley Road (PMR 149) / Black River Parkway (PTR 2/1) / Lisebeek Parkway (PMR 137), all of which must be designed so as to give access to the PRASA depot north of the River Club.	The proposed Liesbeeck Parkway / Malta Road / Berkley Road extension intersection is a 4-legged intersection to facilitate access to the PRASA depot.
3	This branch is the Road Authority for Black River Parkway (PTR 2/1) and as such will need to be involved in any and all design aspects affecting the upgrades to the Black River Parkway (PTR 2/1) / Berkley Road (PMR 149) interchange.	All planning / design aspects impacting on the Black River Parkway will be submitted to the WCPG Road Network Management for approval.
4	The CoCT is the Road Authority for all other Proclaimed Roads involved viz. Berkley Road (PMR 149), Lisebeek Parkway (PMR 137) and Settler's Way (PMR 144).	All planning / design aspects impacting on Berkley Road, Lisebeek Parkway and Settler's Way will be submitted to CoCT for approval.
3	Based upon the assumption that adequate road reserves, with their associated 5m building lines, will be available for the final dualled road cross-sections, the approval required from this branch in terms of section 17 of the Roads Ordinance (Ordinance 19 of 1976) will be a formality.	The ultimate road geometry and associated building lines are within the proposed road reserves.
4	It must be noted that no money has been budgeted by this branch for expenditure on Proclaimed Roads in this area.	It is the intention of the CoCT to complete the planning of all road upgrading required for accommodating the TRUP initiative. The programme will be planned to suit available budgets and budget requirements will be made available to the WCPG as applicable.

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5	<p>This branch offers no objection to the necessary legal processes being put in place permitting the proposed development, on condition that:</p> <ul style="list-style-type: none"> <li>a. The development of Precinct 1 does not exceed a bulk of 65 000 m<sup>2</sup> and that of Precinct 2 does not exceed 85 000 m<sup>2</sup>;</li> <li>b. That the requirements, conditions and recommendations imposed by the CoCT traffic engineering branch are adhered to;</li> <li>c. This branch's design directorate must be involved in all planning / design discussions with respect to the upgrade of the Black River Parkway (PTR 2/1) / Berkley Road (PMR 149) interchange, and the geometrics, materials and signalisation design plans of this interchange are submitted to this branch's design directorate for final approval; and</li> <li>d. The CoCT ensures that the necessary finance is available for the required phased road infrastructure upgrades, prior to approving this development and releasing the required bulk.</li> </ul>	<p>The development bulk applied for is 150 000 m<sup>2</sup>. The conditions imposed by CoCT traffic engineering branch will be part of the approval. Approval will be obtained from the WCPG for all impacts on Black River Parkway (refer to item A 4 above). Budget will be available for the necessary infrastructure upgrades prior to the release of the bulk.</p>
6	<p>This branch's comment does not take any environmental issues associated with the application (e.g. flood lines, riverine rehabilitation etc.) into account.</p>	<p>Environmental impacts associated with the proposed development are being assessed in connection with the Basic Assessment Report (BAR) to be submitted as part of the statutory NEMA process.</p>

**B. Western Cape Government: Physical Resource Planning and Property Management**

No.	Summary of Comments	Response
1	<p>From an educational provisioning perspective, this department has no objection towards the application.</p>	<p>Noted.</p>
2	<p>It is noted that the development makes provision for a "Place of Instruction". While this department is in support of the provision made for educational facilities, there are no plans in the foreseeable future to construct a new public school as part of the development, but would encourage the private uptake thereof.</p>	<p>Noted. The preliminary proposal presented in the motivation report does make provision for a "place of instruction", which will be in the form of a private school (should the owner / developer successfully conclude a deal with a private school operator). In any event, the proposed zone(s) will contain a basket of rights within which a variety of land uses are permitted.</p>

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3	It would be recommended that the proposal make provision for pre-school facilities as part of the mixed-use concept.	<p>The preliminary proposal presented in the motivation report does make provision for a "place of instruction", however this will be in the form of either a private primary school or private high school, or both (refer to item B.1 above).</p> <p>At this stage, pre-school facilities are not envisaged. However, it is conceivable that future offices located on the site will contain daycare / creche facilities for children of pre-school going age.</p>
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**C. City of Cape Town TDA: Environmental Management (Heritage Assessment)**

No.	Summary of Comments	Response
1	<p>EMD (Heritage) believes that more emphasis should be placed on the level of significance of the following two subject areas:</p> <p><u>Cultural landscape:</u></p> <p>Under "7.3 Conclusions" on pg. 50-51 of the Draft HIA regarding significances, the document states:</p> <p><i>"We regard the River Club site and its surrounds to be of very high environmental/ topographical/ecological and historical significance both as the flood plain of the Liesbeek River and as the site of the early confrontations between indigenous peoples and settlers."</i></p> <p>EMD (Heritage) agrees with the statement regarding these very high levels of significances and will similarly use it to measure the potential impacts thereon by the proposed development and related activities.</p> <p><u>The SAAO:</u></p> <p>The SAAO campus comprises heritage buildings and spaces associated with the early 19<sup>th</sup> century establishment of the Royal</p>	<p><u>Cultural landscape:</u></p> <p>Noted. Refer to item C.2 below.</p> <p><u>The SAAO:</u></p> <p>Noted. The significance of the SAAO is outlined in detail in Section 6.3 of the Draft HIA. It is therefore believed that the Draft HIA recognises the national heritage significance of the SAAO. Refer also to item C.2 below.</p>

	<p>Observatory, and has been graded a Grade I site by SAHRA. The entire SAAO site is of the highest (National) importance in terms of its heritage significance. Further, the campus is of international scientific significance and has been the subject of a UNESCO World Heritage Site report.</p>	
2	<p>Further to the Draft HIA's proposed heritage-related design indicators (criteria for decision making), EMD (Heritage) would like to see more emphasis added to:</p> <ul style="list-style-type: none"> <li>a. the three bullet points which relate to the "pre-1952 river course";</li> <li>b. design indicators intending to guide development in more prescriptive detail, including heights, scale and density; and</li> <li>c. the SAAO.</li> </ul> <p>The cultural landscape, of which the pre-1952 river course is an integral part, as well as the SAAO site, are of a very high level of heritage significance and the proposed development's heights, scale and density would certainly also impact on any relative levels of significance.</p>	<p>Noted. The Draft HIA will be revised. Notwithstanding, the following should be noted:</p> <p><u>Pre-1952 river course:</u></p> <p>South of the site, the Liesbeek River floodplain is relatively narrow, but has both ecological value and public amenity as a more natural and accessible corridor. Immediately south of the site the river has been diverted into an ecologically sterile canalised reach that flows to the east of the site. The public movement corridor along the river also terminates here. The artificial channel merges with the Black River immediately northeast of the site.</p> <p>The original course of the river is located to the west of the site, was infilled (~1952), dredged (~1990), and is now fed by backwaters of the Black River and stormwater, and is ecologically degraded. The site forms an artificial island between the old and new reaches of the Liesbeek River in a transformed landscape.</p> <p>Nevertheless, the infilled and dredged remnant of the pre-1952 course of the Liesbeek River is acknowledged to have historical significance in its currently degraded state. Indeed, the river is assessed to be the primary physical and symbolic heritage resource in proximity to the site, and that the river must be celebrated and enhanced – a key criterion for decision making.</p> <p>By rehabilitating the canalised reach of the Liesbeek River to the east of the site, providing an ecologically viable floodplain, and extending the public movement corridor along the river through the site, the riverine corridor as a historical, topographical and ecological determinant of the current urban townscape is</p>

	<p>extended, reinforced, recreated, and restored. Furthermore, the public amenity derived from the river is enhanced, and by drawing the public into this area, opportunities arise to communicate the historical significance of the river.</p> <p>The heritage impacts of the loss of the modified, but previously natural course of the river, are assessed to be completely (more than) offset by the restoration of the Liesbeek Canal.</p> <p><u>The SAAO and design indicators:</u></p> <p>The significance of the SAAO is outlined in detail in 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 restoring 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 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.</p> <p><u>The site as it forms part of a cultural landscape:</u></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>
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	<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> <p>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 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><u>Summary:</u></p> <p>In summary, although the development leads 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>
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3	<p>Comments on Alternative 1:</p> <ul style="list-style-type: none"> <li>The impact on the level of significance of the cultural landscape will be very high in terms of the level of physical and visual change on the environmental / topographical / ecological and historical significance of the area by the proposed heights, scale and density.</li> <li>This negative impact on the significance of a heritage resource will also carry over to the SAAO site for the same reasons of the suggested heights, scale and density.</li> <li>Mitigation might be in the form of reducing the proposed build heights and density as well as a reduction in hard surface areas.</li> <li>Stepping back and away from the SAAO site in terms of height and relative proximity with the aim of creating a more sensitive relationship between the two sites and establishing of historic view lines might also be implemented through development layout adoption.</li> <li>Infilling of the old Liesbeek River channel and remodelling of this channel into a vegetated stormwater swale will also impact negatively on the high level of significance of the cultural landscape.</li> <li>The old Liesbeek River channel forms an integral part of the environmental / topographical / ecological and historical significance and current status of the area. Removing the old Liesbeek River channel's ability to be perceived as a historical watercourse and thereby severing its role in the story line of the cultural landscape will surely impact negatively on the significance of that resource. This might be mitigated by the inclusion of a watercourse of sorts within the proposed 'park-like' pedestrian and cycle path 'transformed riverine corridor'.</li> </ul>	<p>The comments are noted. The project team responds as follows:</p> <p><u>Bullet point 1:</u></p> <p>The character of the site will be transformed by the development. This transformation, although of significant visual impact, is assessed by the heritage consultants to be of relatively low heritage significance in the context of the already significantly transformed floodplain, the degraded and transformed nature of the river and site, and the inevitable future development of the Berkley Road extension.</p> <p>Based on a detailed assessment of the visual exposure of the site, the visual impact on sense of place and visual intrusion are assessed to be local in extent; and based on an assessment of the visual quality of the site, visual absorption capacity of the surrounding environment, and sensitivity of receptors, the intensity of these two impacts is assessed to be reduced to "medium" with the implementation of key design mitigation measures.</p> <p>Aspects of the development (i.e. visual and heritage mitigation) seek to retain or restore 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>Alternative 1 provides green (and landscaped) open space. Currently, during parts of the year, the (western) channel of the Liesbeek River can be visually unappealing. For Alternative 1, the shift of Precinct 1 towards the western channel unlocks more open space along the eastern channel, which has the potential to become a visual and social amenity to the public if rehabilitated correctly. Furthermore, the ecological corridor for Alternative 1 is marginally wider than for Alternative 2, thereby increasing the green visual corridor across the site. Therefore, while negative visual impacts have been assessed, it is not inconceivable that aesthetic</p>
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	<p>improvements to the site will be generated by the project should Alternative 1 be approved.</p> <p><u>Bullet point 2:</u></p> <p>A significant impact on the historical character of the SAAO is assessed in the HIA and Basic Assessment Report (BAR).</p> <p><u>Bullet point 3:</u></p> <p>It is acknowledged that visual impacts could be further reduced by reducing the scale of the development, but this is not possible given considerations of commercial viability. Furthermore, the heritage specialists argue a reduction in scale of the development will not necessarily reduce the significance of heritage impacts; and, for example, that the general height of the southern precinct is immaterial to the impact on the historical, environmental or topographical significances of the site.</p> <p><u>Bullet point 4:</u></p> <p>Noting the minimum GLA required to render the development financially viable, the development is setback as far as possible from the SAAO (this was a key consideration in the evolution of the preferred development proposal).</p> <p><u>Bullet points 5 &amp; 6:</u></p> <p>Although transformed and degraded from its original state, the course of the Liesbeek River is acknowledged to have historical significance. Indeed, the river is assessed to be the primary physical and symbolic heritage resource in immediate proximity to the site.</p> <p>By rehabilitating the canalised reach of the Liesbeek River to the east of the site, and extending the public movement corridor along</p>
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		<p>the river through the site, the riverine corridor is reinforced. Furthermore, the public amenity derived from the river is enhanced, and by drawing the public into this area, opportunities arise to communicate the historical significance of the river to the public.</p> <p>The heritage impacts of the loss of the much modified, but previously natural course of the river, are assessed to be completely offset by the restoration of the Liesbeek River in the current alignment of the 1952 canal.</p>
4	<p>Comments on Alternative 2:</p> <p>Alternative 2 will have a similar level of impact as Alternative 1, except that Alternative 2 will impact less on the cultural landscape. This will be as a result of the proposed upgrading of the old Liesbeek River channel and retention of the canal as a man-made structure [i.e. the existing watercourses will remain largely unchanged].</p>	<p>While this opinion is noted, the heritage specialists do not concur as Alternative 2 does not allow for a significant setback from the SAAO (increasing the intensity of impacts on the SAAO).</p>
5	<p>Comments on Alternative 3:</p> <p>The reduction in proposed floor area (to approx. 110 000 m<sup>2</sup>) impacts less on the cultural landscape and to a lesser degree on the SAAO than do Alternatives 1 &amp; 2.</p>	<p>Found to be not financially viable by the owner / developer.</p>
6	<p>Comments on Alternative 4:</p> <p>The reduction in proposed floor area (to approx. 102 000 m<sup>2</sup>) will result in a similar impact on heritage significance as Alternative 3.</p>	<p>Found to be not financially viable by the owner / developer.</p>



7	The level of intensity of the impacts on heritage resources (as described in the Draft HIA) might be better understood through the availability of appropriate studies in the form of, for example, visual and traffic impact assessments.	The HIA has been, and will be (it is currently only in draft form), informed by a VIA. Traffic has little bearing on heritage impacts, per se.
8	A peer review of the Draft HIA, if not undertaken already, could also add value to the process (as well as the development as a whole).	The owner / developer has appointed a team of highly respected and locally experienced, independent heritage consultants to undertake the HIA. These consultants have produced an independent study, which will meet the requirements of HWC.
9	EMD (Heritage) is not opposed to redevelopment of the River Club site. However, EMD (Heritage) believes that the level of significance of, in particular, the cultural landscape and the SAAC site will be compromised or reduced by the proposed development, and that mitigating measures should be considered in order to reduce the negative impact.	Refer to Item C.2 above. Refer to item C.3 above in relation to Alternative 1.
10	<p>The following is extracted from the Draft VIA with regards to visual character of the River Club site and surrounding context (section 4.2 of the VIA):</p> <p><i>"Although most of the area surrounding the site can be described as a substantially developed landscape (highly transformed landscaped), the site and the immediate surrounds can be defined as an isolated transitional landscape associated with the interface between highly developed urban area and modified natural elements."</i></p> <p>EMD (Heritage) is not in agreement with the above statement, and believe a more appropriate description has been provided by the Cape Institute of Architects (dated 8 February 2018 in response to a presentation given by Dr. Townsend) as follows:</p> <p><i>"The site functions as an important urban threshold, characterised by the openness of the area and the network of watercourses crossing it. This character sets in contrast to the urban fabric that surrounds it, and makes, along with the extended context, a unique place within the city. Many of the buildings and uses that are already located 'between the rivers'</i></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 SRK reiterates that the character of the site is that of an "isolated" transitional landscape.</p> <p>The VIA goes on to acknowledge 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>The baseline for the site reported in the VIA is therefore not inconsistent with the description provided by the Cape Institute of Architects (which presumably also refers to the broader TRUP area -</p>



	<p>are located here precisely because of the threshold quality the area offers.</p> <p><i>The proposed development does not acknowledge the unique and symbolic "threshold role" that the site plays, both in its formal layout, scale, and in the uses that are being proposed. Having to raise the site by 3m or more to achieve an acceptable height above the flood water level further exacerbates the concern that the development would be an invasion of this significance.</i></p>	<p>"Many of the buildings... between the rivers..." and the site's "formal layout and scale".</p>
<p>11</p>	<p>The Draft VIA assesses the impact of the "altered sense of place caused by the change in character of the site" (section 6.2.1 of the Draft VIA) to be of high significance, but to be reduced to medium significance with the implementation of mitigation.</p> <p>EMD (Heritage) agrees that the impact of the proposal on the "altered sense of place caused by the change in character of the site" will be high. However, EMD (Heritage) do not believe that the impact will be reduced to medium during the operational phase, but instead will remain high (largely due to the proposed bulk and heights).</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 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 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>VIA's 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>

		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.
12	<p>The Draft VIA assesses the impact of the "visual intrusion" (section 6.2.2 of the Draft VIA) to be of high significance, but to be reduced to medium significance with the implementation of mitigation.</p> <p>EMD (Heritage) agrees that the impact of the proposal on the "visual intrusion" will be high. However, EMD (Heritage) do not believe that the impact will be reduced to medium during the operational phase, but instead will remain high (largely due to the proposed bulk and heights).</p>	Refer to item C.10 above.
13	<p>The Draft VIA assesses the impact of the "cumulative impact" (section 6.3 of the Draft VIA) to be of medium significance with the implementation of mitigation. However, EMD (Heritage) believe the cumulative impact of the proposed development to be high significance</p>	<p>It is acknowledged that the River Club development will add to the cumulative visual impact of high-density developments in the area and the related loss of green open space in the city. However, in the context of the River Club, it is an "island" of open space which is not public and is poorly utilised (i.e. is only really used by people with an interest in golf), in a highly developed and evolving urban environment.</p> <p>Noting the unavailability of suitable development sites in close proximity to the site and CBD (and therefore the anticipated limited scale of future development immediately adjacent to the site), and acknowledging the potential benefits of the transformation of currently poor quality private open space at the site to a high quality, green (albeit smaller) open space accessible the general public (which offsets impacts), the net cumulative impact of the development is conservatively assessed to be medium (negative).</p>

<p>14</p>	<p>The Draft VIA concludes:</p> <p><i>In many respects, the visual impact is pronounced, but not inconsistent with a cityscape. However, the sense of place impact is more significant and difficult to mitigate. Receptor perceptions are also important: for some, retention of the open space might be critical to retaining the sense of place; for others, urban development, especially if celebrated by iconic structures, may be valued. The development could both alter sense of place and, at the same time, deliver a functional development with interesting structures with their own visual appeal."</i></p> <p>EMD (Heritage) agrees that the visual impact is pronounced. However, EDM (Heritage) is not supportive of the conclusion that which describes the proposal as being "not inconsistent with a cityscape". EMD (Heritage) is of the opinion that the cityscape of Cape Town, as depicted in the 'before' and 'after' figures contained in the Draft VIA, clearly shows a significant and pronounced change and impact from a visual perspective. EMD (Heritage) is of the opinion that this impact can be mitigated by reducing bulk and heights.</p>	<p>The simulated views are not intended to be artistic impressions of the proposed development, but are intended to indicate the position and built mass of the development in the landscape. The simulations are of unattractive block buildings with no redeeming architectural features or vegetation and landscaping which could (would) mitigate impacts further.</p> <p>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).</p> <p>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</p>
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15	<p>EMD (Heritage) analysis of the proposal in relation to the CoCT Tall Building Policy is as follows:</p> <ul style="list-style-type: none"> <li>• P6 of the Tall Building Policy ("Assessment on merit within the building's unique context") states:</li> </ul> <p>"Approval of the height of a tall building should not be seen as a precedent for other applications in the same area. The final height that is approved will depend on the tall building's motivation towards an appropriate location, response to the context and its compliance with the Tall Building Assessment criteria."</p> <ul style="list-style-type: none"> <li>• Specifically, criteria 2 (relationship to physical context) and criteria 3 (relationship to historic and cultural context) are not met by the proposal. EMD (Heritage) considers the proposed heights to be incongruent with the significance of the historical and cultural context and that mitigation would be in the form of reduced building heights.</li> </ul>	<p>An analysis of the development in relation to the Tall Building Policy is provided in sub-section 3.12 of the motivation report. The following aspects should be noted:</p> <ul style="list-style-type: none"> <li>• The surrounding tall buildings (e.g. Black River Parkway, PRASA warehouses and Premier Food buildings and silos) are not used as precedent for tall buildings in this location, but are rather identified as contextual informants.</li> <li>• Despite the current site character (e.g. open space), a number of factors point to this piece of land being more urban in character (refer to item C.21 below).</li> <li>• The impact on the "cultural landscape" should not be overstated in this context (refer to item C.2 above).</li> </ul>
16	<p>EMD (Heritage) believes that points 6.11.1 – 6.11.4 of the Environmental Strategy for the City of Cape Town (Policy 46612) are not fully complied with by the proposal in that the full significance of the unique sense of place and cultural landscape is not acknowledged sufficiently by the current development, which impacts overly negatively on these values.</p> <p>Current mitigation is by means of reconfiguring the Liesbeek Canal and landscaped green open areas, but instead the bulk and heights of the proposed structures (and resultant built forms) should be reduced in order to present a more sensitive alignment with the cultural landscape and sense of place.</p>	<p>It is argued that residual visual and heritage impacts are anticipated as a result of <u>any</u> development on this site (i.e. cannot be prevented by reducing the scale and bulk of the development). These impacts have been mitigated and minimised to the extent possible given the minimum GLA required to render the development commercially viable.</p> <p>Furthermore, a considerable heritage benefit is anticipated from the restoration of the Liesbeek River corridor as a public, green amenity. In addition, development of the site provides an opportunity to celebrate the sites and surrounding area's history, and educate the public (e.g. The development is considered as an opportunity to establish a place of celebration / memorialisation for the recording of the indigenous First Nations peoples' struggle. Indeed, the developer has committed to ensuring that such a place be established on the site.)</p>

		<p>Although the SAAO and landscape are of high historical significance, their scenic value and tourism potential are fairly low in the current context. Nevertheless, significant residual impacts of the heritage landscape, SAAO, sense of place and views of / through the site are assessed and reported on.</p> <p>Therefore, although aspects of the development are compliant with the Environmental and Cultural Heritage Strategies, the owner / developer acknowledges that full compliance is not possible with regards to the current development proposal.</p>
17	<p>Section 8.4 of the Environmental Strategy for the City of Cape Town [Policy 46612] endorses the CoCT's Cultural Heritage Strategy (2005) as being a guide for heritage decision-making. Specifically, the following "policies of principle" (as contained in the CoCT Cultural Heritage Strategy) should be noted:</p> <ul style="list-style-type: none"> <li>• Policy 3: Authenticity;</li> <li>• Policy 5: Context and scale; and</li> <li>• Policy 7: Cultural landscapes.</li> </ul> <p>EMD (Heritage) believes that the proposed development does not conserve sufficiently the historical and cultural value and significance of the cultural landscape of the area. The importance of historic and existing spatial context are not recognised in the proposed development in its current form, which could be mitigated by a reduction in bulk and heights.</p>	<p>Refer to item C.2 above.</p>
18	<p>Provide clarity as to the meaning and implications of a "Subdivisional Area" and how such relates to when a Site Development Plan will be required by the CoCT (and the resultant request for comment by EMD).</p> <p>[Does the current motivation report constitute a conceptual layout which speaks to bulk, building heights and general layout or is the report proposing to fix bulk and height as depicted?]</p>	<p>A Subdivisional Area zoning is essentially an overlay zoning that allows for the subject property to be subdivided into smaller individual portions. A subdivision plan has not been submitted as part of the composite application, but will follow should the current application be approved.</p> <p>Once block subdivisions of various land parcels have been approved, then each individual land parcel will receive a deemed zoning in terms of the subdivision plan (e.g. certain land parcels will be zoned General Business, others will be zoned Open Space 3 etc.).</p>

		The images / plans contained in the current application do not constitute the SDP. Rather an SDP will be submitted with subsequent applications (potentially the subdivision application).
19	<p>The application is <u>not supported</u> in totality by EMD (Heritage) as the proposal does not align with current approved CoCT policy and strategies, namely CoCT Tall Building Policy, Environmental Strategy and Cultural Heritage Strategy.</p> <p>Notwithstanding, EMD (Heritage) is not opposed to the redevelopment of the River Club site and proposed layout, but is <u>not supportive of the proposed bulk or heights</u>, which should be reduced significantly in order for synthesis with and recognition of the areas recognised and valued heritage resources, cultural landscape and unique sense of place to be achieved.</p>	<p>Ultimately the various decision-making bodies will need to consider whether to authorise the project, which brings significant economic and ecological benefits, but which will lead to residual heritage and visual impacts.</p> <p>Furthermore, the heritage specialists have assessed that the restoration of the Liesbeek riverine corridor, the landscaping improvements to the old pre-1952 river course and the provision of the wide green ecological connector between these two elements of the topography will result in considerable improvements and increases in heritage significance and amenity value to the site.</p>
<b>C. City of Cape Town TDA: Environmental Management (Environmental Assessment)</b>		
<b>No.</b>	<b>Summary of Comments</b>	<b>Response</b>
20	The point of departure used by EMD (Environmental) is that the site should be developed in a way that provides for "live, work, play" (as envisaged by the applicant), but at the same time enhances the site's opportunities that are currently underutilised (e.g. recreational and ecological opportunities).	Noted and agreed. The application reflects this desire.

<p>21</p>	<p>Given that the site:</p> <ul style="list-style-type: none"> <li>a. falls within a floodplain (including the 'high hazard zone' and 'the 1:20 year flood line);</li> <li>b. is a strategic green open space linkage;</li> <li>c. falls within a sensitive cultural landscape with a unique sense of place; and</li> <li>d. the current OS3 zoning only permits very limited development rights</li> </ul> <p>EMD (Environmental) envisage the creation of a park-like environment with buildings in it, rather than the creation of building complexes with park / open spaces around it (i.e. the creation of an urban village and not an office park).</p>	<p>The owner / developer, in consultation with the project team, did consider the merits of less development on the site, which would have resulted in the majority of the site remaining open space. However, a development of higher intensity / density became preferable once it became clear that:</p> <ul style="list-style-type: none"> <li>a. terrestrial and natural ecosystems associated with the site are considered degraded;</li> <li>b. development on the site would have an insignificant effect on flooding in the vicinity of the site;</li> <li>c. residual heritage and visual impacts can be reduced to tolerable levels through effective implementation of detailed design and the stipulated mitigation measures; and</li> <li>d. development of the site as proposed will result in significant social, economic and ecological benefits;</li> <li>e. the COCT's Urban Investment &amp; Development: Urban Integration Department regards this site as the Western Gateway into the broader TRUP area.</li> </ul> <p>In light of the above factors, the project team believes that a half-hearted approach to development on this site will not be beneficial. Rather, this site should be considered for more <u>urban</u> development that will maintain a balance between urban development, environmental sustainability, the preservation / celebration of heritage resources and enhanced socio-economic benefit.</p>
<p>22</p>	<p>The applications submitted should only be supported where a good balance is reached between the extra development rights sought and the benefits accrued to the total receiving environment with regards to ecology, heritage and social benefits (housing and recreation).</p> <p>While EMD (Environment) supports the benefits to be gained from upgrading of the landscaped spaces, rehabilitation of the river courses, the provision of publicly accessible recreational areas etc., the concern remains that the scale, bulk and footprints proposed for the building component are excessive</p>	<p>Refer to item C.18 above.</p>

	within the receiving environmental context when considering that the site is zoned OS3 and is entirely within a floodplain.	
23	<p>In terms of context, the following is noted:</p> <p>a. From a freshwater ecology point of view, the interface between the site and Liesbeek Canal, Liesbeek River and Black River (including the confluence area) has ecological value and provides opportunities to rehabilitate and incorporate these ecological areas into the development.</p> <p>b. The majority of the site has no botanical value.</p> <p>c. The construction of Berkley Road extension remains critical.</p>	Noted and agreed. The application reflects these aspects.
24	As a precinct with the broader TRUP site, the development proposal should respond to spatial and environmental context of TRUP (with regards to intensity and scale of uses, infrastructure, transport, parking etc.).	The spatial and environmental context of TRUP is not monotonous and therefore different urban interventions should be applied for different contextual locations within TRUP. This site, for example, is regarded as "the Western Gateway into the broader TRUP area" that has potential to be a "catalytic and urban regeneration project within the inner-city..." (quoted from CoCT's Urban Planning & Mechanisms Branch). In other words, this site can be considered for <u>more intensive land use and development</u> .
25	<p>EMD (Environmental) supports the following aspects in relation to development of the site:</p> <p>a. The infilling and landscaping of the remnant "natural" channel of the Liesbeek River (this loss is considered ecologically acceptable).</p> <p>b. The wide vegetated landscape area associated with the reconfigured "natural" channel of the Liesbeek River.</p> <p>c. The intention to rehabilitate the Liesbeek Canal to recreate a natural river corridor. This river should have a minimum of buffer of 30m to allow for natural flooding and river functions.</p> <p>d. The creation of a cycling / pedestrian pathway alongside the river wall with a lawned buffer of at least 15m wide that serves as a recreational space.</p>	Noted and agreed. All of these features are included as part of the proposed development.



	<p>e. The development of an 'eco-corridor' to allow for east-west connectivity across the site.</p> <p>f. The provision of at least 2 culverts underneath Berkley Road extension.</p>	
26	<p>EMD (Environmental) makes the following suggestions in relation to the development proposal:</p> <p>a. Mitigation measures for rehabilitation of terrestrial renosterveld habitat on the on the site (including Berkley Road extension).</p> <p>b. A vegetated buffer be implemented along the length of the stormwater swale (i.e. the remnant "natural" channel of the Liesbeek River) be a minimum of 10m on either side of the swale.</p> <p>c. The stormwater swale must have sufficient ponding area which retain water in the summer months to support WLT breeding (there should be a minimum of 2 such ponds with diameters of a minimum of 10m).</p> <p>d. The stormwater swale should be landscaped with gently sloping sides (1:5 or less steep) and planted with appropriate indigenous wetland vegetation.</p> <p>e. Recreational and other pathways in the open space network must be separated from ecological spaces.</p> <p>f. Toad exclusion barriers must be erected to prevent toad access to high risk zones such as roads.</p> <p>g. The creation of additional green open buffer areas along the northern and southern site boundaries (minimum of 10m wide to be planted with patches of renosterveld).</p> <p>h. The 'eco-corridor' through the site should be a minimum width of 100m (varying in width).</p> <p>i. Construction should only take place in the months January to July as the WLT's breed during July - October and the toadlets leave the water and migrate until end December.</p>	<p>a. The requirement to integrate Renosterveld habitat into ecological setbacks and corridors may be included in the Environmental Management Programme (EMPr) for the proposed development.</p> <p>b. The landscaping plan proposed for the proposed stormwater swale has been developed in close consultation with the freshwater ecologist. The proposal is to setback extensively from the to-be-rehabilitated Liesbeek Canal, and a buffer from the infilled stormwater swale is not considered necessary from an ecological perspective.</p> <p>c. Noted and agreed. The application is compliant with this requirement.</p> <p>d. The landscaping plan proposed for the stormwater swale has been developed in close consultation with the freshwater ecologist. The stormwater swale will be landscaped with sloping sides of -1:4, and other than areas specifically dedicated to WLT refuge and breeding, will be mostly grassed.</p> <p>e. Although specific and detailed mitigation is proposed to reduce potential WLT mortalities in recreational areas (including pathways), the proposal is to integrate these areas as far as possible.</p> <p>f. Noted and agreed. The application is compliant with this requirement.</p> <p>g. Noted and agreed. The application is compliant with this requirement (with the exception of a single choke-point at the north-western corner of the development).</p> <p>h. The recreational buffer area separating Precinct 1 and Precinct 2 will have a minimum width of 65m, and has been assessed by the freshwater ecologist and herpetologist to serve its ecological purpose at this width. It is not possible to widen this corridor given</p>

		<p>commercial viability considerations and restrictions of the bulk and heights of buildings at the development.</p> <p>i. Detailed recommendations for construction sequencing have been recommended by the freshwater ecologist and herpetologist and have been incorporated into the EMPr for the proposed development.</p>
27	<p>Consideration must be given to the site's role in the larger open space and river system and the need for quality future open spaces. For instance, is development of the land in the best interest of the CoCT given the following:</p> <p>a. the expected increase in population into the area (an CoCT in general);</p> <p>b. the need for public space to support the densifying Voortrekker Road Corridor and CBD; and</p> <p>c. the need for public parks (including recreation and biodiversity areas) that are accessible to the general public.</p>	<p>It is recognised that the site is currently part of a larger structuring open space system. This open space system plays an important role as:</p> <ul style="list-style-type: none"> <li>• a structuring element of the city (whereby it forms part of the "green open space" system); and</li> <li>• a floodplain of the Black River and old Liesbeek River.</li> </ul> <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. Regarding the specific points raised:</p> <p>a. The site currently plays a limited role in accommodating people seeking recreational open space. Yes, it accommodates people with an interest in golf, as well as a handful of bird watchers. But people generally do not visit the site to run, walk, cycle or play games. Given that the site is privately owned, it is not a given that the use will be converted for other recreational use in order to accommodate the needs of a growing population in the future. Active use of the site for recreation is ultimately at the discretion of the owners (i.e. the right of admission is reserved).</p> <p>b. It is acknowledged that dense urban areas need public space as spaces for refuge. It is believed that the public space provided as part of the proposal is adequate for this purpose. In addition, the site will allow for better linkages into TRUP. For example, the existing NMT infrastructure to the south of the site (i.e. along the Liesbeek River) will link into the site so as to allow for a seamless use of the entire open space system. The open space provided at the River Club, as well as the open space provided in the remainder of TRUP, is considered more than</p>

		<p>adequate to provide refuge to the growing population of the area. If these spaces do become marginally crowded in the future, then Cape Townians have the luxury of having Table Mountain National Park as an extensive publicly accessible open space for enjoyment.</p> <p>c. The open spaces at the River Club will be publicly accessible. In fact, the Raapenberg Wetland &amp; Bird Sanctuary will become even more accessible following development of the site.</p>
28	<p>One cannot ignore the provisions of the Table Bay District Plan (2012) where the role of this site for 'open space' and 'buffer areas' is acknowledged.</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"> <li>• Over the past 80 years or so, the site has been utilised as a place of recreation (initially by the South African Railways &amp; Harbours (SAR&amp;H) as the Liesbeek Park Recreation Club; and more recently as a golfing facility, "The River Club");</li> <li>• It forms part of the floodplain of the Black River and old Liesbeek River; and</li> <li>• 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.</li> </ul> <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"> <li>• Raising the level of the site above the 1:100 floodplain will not have any detrimental effect on flood levels impacting on neighbouring properties (as demonstrated in the surface water hydrology report, attached as Annexure H to the motivation report);</li> <li>• The CoCT's desire to develop the Berkley Road extension, which will in turn provide enhanced access opportunities onto the site;</li> <li>• The desire for TRUP to become a dense, mixed-use and mixed tenure environment.</li> </ul>



		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 MSDP 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 Technical Supplement D: Regulatory Requirements and Informants of the MSDP.
29	The cumulative loss of Public Open Space in the wider context of TRUP must be addressed and quantified. Further, the opportunity loss of Public Open Space for the broader population must be addressed.	<p>It is important to emphasise that the River Club site does not constitute "public open space", but is rather private open space that is zoned "Open Space 3: Special Open Space. Active use of the site for recreation is therefore ultimately at the discretion of the owners (i.e. the right of admission is reserved).</p> <p>The River Club development will add to the cumulative visual impact of high-density developments in the area and the related loss of green open space in the city. However, there is an opportunity to convert the transformed private open space at the site to higher quality, more accessible (albeit smaller) open space for the general public (also refer to item C.24 above).</p>
30	Open spaces and buffers need to be accommodated in the open space web for the site, and sufficient setbacks from hard surfacing and buildings to these areas are required. Details of areas of soft and hard landscaping and built upon needs to be shown. The interface of development with these areas and the opportunities that arise from these spaces needs to be carefully spelled out.	The current application is for rezoning and deviations from certain policy (i.e. essentially to establish the 'in principle' concept of development on this site). More detailed proposals (e.g. SDP, Precinct Plans and Landscape Masterplan) will be submitted for approval as part of subsequent MPBL applications.
31	It is important that the remnant public open space area at the River Club reads as green / soft space for recreational and ecological purposes. If the site is to be filled to 7m a.m.s.l. with parking in 'basements' below, how will the green landscaping	The current application is for rezoning and deviations from certain policy (i.e. essentially to establish the 'in principle' concept of development on this site). More detailed proposals (e.g. SDP,

	and tree planting (as shown in the landscape concept for the site) be implemented? Some initial concepts for greening and landscaping and how the open spaces will be operated and maintained should be outlined.	Precinct Plans and Landscape Masterplan] will be submitted for approval as part of subsequent MPBL applications.
32	A better balance between the natural environment and the built form needs to be shown (i.e. how to enhance and integrate the green web throughout the two precincts themselves as a structuring element).	Refer to item C.31 above.
33	The open space web on this site should furthermore be planned to show how it links into TRUP and surrounding open spaces, in order to demonstrate the network / continuous system of hard and soft spaces, functional continuity and visual legibility.	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.  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) (or as per the requirements outlined in item C.36).
34	EMD (Environmental) suggests that the cumulative impacts of water flows and possible flooding stemming from future developments within the entire TRUP (including PRASA and NRF proposals) be addressed.	The Surface Water Hydrology report, prepared by Aurecon, deals in detail with the River Club and TRUP proposals.
35	It should be demonstrated how the services to be provided are sustainable (e.g. construction materials, energy, grey water use, waste etc.). Regarding implementation of green technology and creating a sustainable development, how does the current proposal respond to international best practice.	Although the proposal is for a development that will, by nature, involve consumptive use of resources, the following aspects of the development relate to sustainable land development practices and processes: <ul style="list-style-type: none"> <li>• rehabilitation of interfaces between the site and freshwater ecosystems is proposed;</li> <li>• adoption of sustainable approaches to service provision as far as possible and in line with the City and Provincial requirements, including: <ul style="list-style-type: none"> <li>- grey water re-use (where feasible);</li> <li>- solar power generation (to supplement municipal supply);</li> </ul> </li> <li>• Green Star ratings will most likely be pursued for all office buildings;</li> <li>• SUDS and sustainable storm water systems;</li> </ul>