

DRAFT FOR PUBLIC COMMENT

**A HERITAGE IMPACT ASSESSMENT
regarding
THE PROPOSED DEVELOPMENT
of
THE RIVER CLUB SITE,
OBSERVATORY, CAPE TOWN**

for consideration by

**HERITAGE WESTERN CAPE
and
THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT
PLANNING**

in terms of Section 38(8) of the National Heritage Resources Act
and
the National Environmental Management Act and Its Regulations

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and

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PhD, Cape Town
Architect, Statutory Planner, Conservationist

19 March 2019

CONTENTS OF THE SPECIALIST REPORT – CHECKLIST FOR APPENDIX 6 of GNR982

Regulation GNR 982 of 2014, Appendix 6	Section of Report
(a) details of the specialist who prepared the report; and the expertise of that specialist to compile a specialist report including a <i>curriculum vitae</i> ;	Preamble
(b) a declaration that the specialist is independent in a form as may be specified by the competent authority;	Preamble
(c) an indication of the scope of, and the purpose for which, the report was prepared;	1 Introduction
(d) the date and season of the site investigation and the relevance of the season to the outcome of the assessment;	n/a
(e) a description of the methodology adopted in preparing the report or carrying out the specialised process;	3 Method
(f) the specific identified sensitivity of the site related to the activity and its associated structures and infrastructure;	6 Identification of heritage resources
(g) an identification of any areas to be avoided, including buffers;	7 Significances
(h) a map superimposing the activity including the associated structures and infrastructure on the environmental sensitivities of the site including areas to be avoided, including buffers;	9 The proposed development
(i) a description of any assumptions made and any uncertainties or gaps in knowledge;	3 Method
(j) a description of the findings and potential implications of such findings on the impact of the proposed activity, including identified alternatives on the environment;	8 Heritage indicators
(k) any mitigation measures for inclusion in the EMPr;	11 Mitigations
(l) any conditions for inclusion in the environmental authorisation;	11 Mitigations
(m) any monitoring requirements for inclusion in the EMPr or environmental authorisation;	10 Assessment of impacts
(n) a reasoned opinion— i. as to whether the proposed activity or portions thereof should be authorised; and ii. if the opinion is that the proposed activity or portions thereof should be authorised, any avoidance, management and mitigation measures that should be included in the EMPr or Environmental Authorization, and where applicable, the closure plan;	12 Recommendations
(o) a summary and copies of any comments received during any consultation process and where applicable all responses thereto; and	Appendices
(p) any other information requested by the competent authority	Appendices

EXECUTIVE SUMMARY

The Liesbeek Leisure Properties Trust has appointed Dr Stephen Townsend and Tim Hart (ACO) to compile a Heritage Impact Assessment satisfying Section 38(8) of the National Heritage Resources Act (NHRA) in conjunction with a Basic Assessment process conducted under the National Environmental Management Act (NEMA) for the redevelopment of the River Club site, Erf 151832 and its bounding riverine banks, the construction of the abutting long-planned arterial Berkley Road Extension on Erf 15326, the widening of Liesbeek Parkway, and of the road intersections giving access to Erf 151832, Observatory, Cape Town. Although use of the River Club site has been gradually intensified over the years, Liesbeek Leisure Properties Trust have explored the possibility of developing the site as the land is under-used within this urban context close to Cape Town where land for urban densification is needed and desired. The proposal is to construct a mixed-use development on the site that will contain residential, retail, hotel, business and educational facilities.

The River Club project area is a roughly triangular site between a canal cut in 1952 to carry the waters of the Liesbeek River and a relic of the older river course, with at one point the confluence of the Liesbeek and Black Rivers. We refer to the two courses as “***the new, post-1952 canalized, Liesbeek River course***” and “***the old, pre-1952, course***” (or variations to suit the context).

The process of compiling a draft HIA and of seeking the comment of interested and affected parties (I&APs) and the public at large has been complicated both the legal framework and by a decision in March 2018 by HWC to provisionally proclaim the property to be a provincial heritage site. This current version of the HIA is devised for a second circulation to all stakeholders and I&APs to ensure that the parties are fully informed and properly engaged with.

Heritage Significance

The low-lying area at the confluence of the Liesbeek and Black Rivers and the slightly raised spine of land between the two rivers that accommodates the South African Astronomical Observatory and Valkenburg Hospital was a key site in early farming and conflicts. The lower reaches of the Liesbeek and its surrounds were the earliest sites of settler farming during the beginning years of the VOC occupation; and the loss of land which had been used for summer-grazing by KhoiSan pastoralists brought the settlers and these pastoralists into conflict .

Descriptions in Moodie (1938) and the VOC *Resolutions* indicate that the Liesbeek, for much of its length, was an early frontier and as such partially fortified.

Although there no tangible remnants of the actual events, forts, outposts or graves have been found so far, the topography and ‘place’ survive, albeit greatly transformed by the iterative changes of land-use. Wilderness and wetlands were transformed to

farm land, then for various institutional uses, and thereafter into modern suburbia. The Liesbeek and Black Rivers, their confluence, and the remnants of the Salt River estuary still exist today. Indeed, the one heritage feature of high significance that has been identified is the Liesbeek River corridor itself and the confluence. They are an important topographical element; a powerful historic symbol that takes us back to the early landscape of pre-colonial transhumance use, colonial settlement and agriculture, and contestation; and is claimed as a still living heritage site by First Peoples groups.

The site itself has no tangible traces of early historic events. The 1930s recreational club building and its extensions are of low heritage significance and the site itself contains no tangible resources that are worthy of conservation. The immediate surrounds, however, contain some highly significant heritage places and structures and the late-Victorian and early 20thC suburbs of Observatory and Maitland are nearby. They are, however, the SAAO apart, too distant from the site to be impacted on in any immediate or direct sense by the development proposed.

So, while the landscape remains, it is in a much transformed state. Also, the future development of the Berkley Road Extension will change the character of the site and its surrounds considerably as it will stretch across the River Club 'island' and the Black River to Maitland. Likewise, if the development for the Square Kilometre Array (SKA) of the SAAO occurs immediately to the south of the River Club site, the sense of place will be significantly affected.

As a consequence, the possible pre-colonial river crossing site and the Liesbeek riverine corridor and its sense of place apart, there are no heritage resources on the site that require intervention. Following this the heritage-related design indicators/criteria-for-decision-making are relatively weak in guiding the architectural and urban character of the proposed development. We argue that the role that heritage informants should play in the urban design of the site and the character of its development is relatively limited.

We do argue, however, that the heritage indicators aimed at the recovery and restoration of the Liesbeek riverine corridor and those aimed at protecting the sense of place of the river and the spur of land occupied by the Observatory (SAAO) should be the primary generators of the position, form and design of the development proposal.

In this last sense, there is little distance between our assessment of the sense of place, significance of this stretch of the Liesbeek River and the views expressed by many commentators (including the First Peoples representatives). Indeed, we concur that the Liesbeek River corridor, if recovered and restored to full ecological functioning, could be deemed to be of Grade II significance.

The development proposal

Five development scenarios have been considered. These include the no-go alternative, a preferred 'riverine corridor' alternative, an 'island concept' alternative and another two which are not financially viable. Both the preferred 'riverine corridor' alternative and the 'island concept' alternative propose a mixed-use development comprising a mixture of open space and multi-storey complexes with office space, residential, retail and hospitality components. They both provide for approximately 150 000sqm of accommodation.

The preferred 'riverine corridor' alternative offers meaningful rehabilitation of the canalised portion of the Liesbeek River on the eastern boundary of the site restoring ecological functioning, providing public access along the 40m wide buffer as part of the restored Liesbeek River as historical and topographical feature. The old pre-1952 Liesbeek course will be landscaped and retained as a part of the storm water system (as it is at present) but also connected ecologically across the property to the Liesbeek riverine corridor.

The 'island concept' alternative, offers a similar development mix but without rehabilitation or meaningful improvement of the canalised section of the river or of the old pre-1952 Liesbeek course.

Impacts

The greatest negative impact that will affect the site and surrounds for both the preferred 'riverine corridor' and 'island' alternatives is that the proposed development will result in a fundamental change in the appearance and character of the site, which has been perceived as a negative impact by many. Also, development of this site will affect the experience of the SAAO from without and within; and such change is difficult to mitigate although we regard the restoration of the Liesbeek River to have a positive overall impact on the SAAO. As a consequence, it is recommended that the visual impact of the development of the southern portion of the site closest to the SAAO be mitigated by keeping its height congruent with that of the bank of trees on the SAAO ridge and include a range of building heights, green spaces, and some variation in building form.

On the other hand, the proposed restoration of the Liesbeek riverine corridor in place of the canal, with pedestrian access to the wetlands and confluence, is a positive impact and a place-making contribution that is of benefit to both cultural and natural heritage and to the amenity of the environs more generally.

Mitigation

Mitigation measures include enhancing/restoring the Liesbeek riverine corridor and providing open public access to the corridor by doing the following:

- 1) The Liesbeek River: the currently canalised section of the Liesbeek bounding the site is to be rehabilitated so as to create the sense of a natural riverine environment and engender conditions favourable to creating biodiversity and natural qualities. This action will result in a powerful, positive contribution to the overall commemoration of this feature and enhance and celebrate its symbolic and historical significance.
- 2) The riverine buffer zone: a riverside green strip or buffer that is pedestrian-, flora- and fauna-friendly along both the old and new river courses. Wetland specialists have indicated the size and specification of the buffer. A pedestrian walk along the buffer zone will provide an enhanced view of the SAAO site, the river itself, wetlands and the bird sanctuary. Furthermore, it will enhance the quality of the area generally.
- 3) A commemorative area: space is left open for the establishing of a green zone or open area at the confluence of the Liesbeek and Black Rivers, at or near to the likely historic crossing point of the Salt River (*Varschedrift*), to serve as a commemorative and/or celebratory marker of the history of contestation.
- 4) Implement monitoring and chance-find procedures for archaeological and palaeontological material during excavations of the western bank of the Liesbeek Canal and during excavations for the construction of the Berkley Road extension (as specified in the EMPr).

Conclusions

Given the identified heritage significances and the heritage-related criteria for decision-making presented in this report, and the determination of the impacts of the development proposed on the heritage significances, mitigation measures have been identified and proposed. These are incorporated into the preferred alternative, the Riverine Corridor Alternative (the preferred alternative being the result of specialist inputs, especially ecological, heritage and urban design), which offers the best solution and will enhance the amenity- and symbolic-value of the Liesbeek River, this site and the environs from a heritage point of view.

As a consequence, on balance, we do not anticipate unacceptable impacts on heritage resources or their significances; and it is recommended that Heritage Western Cape supports the development proposed and recommends approval of the proposed alternative to the NEMA decision-maker, the provincial Department of Environmental Affairs and Development Planning.

There has been controversy regarding HWC's intention to proclaim the property as a provincial heritage site and this has delayed the assessment and decision-making process. In our view, this has been unnecessary as there is no threat, immediate or distant, to the site or its significance. In our view, a more fruitful argument could revolve around how to recover lost and damaged significance, how to ensure the realisation

of such an idea/goal, and how best to protect and enhance that significance and meaning into the future.

DETAILS OF THE SPECIALISTS

This study has been undertaken by:

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Stephen Stewart Townsend **Abbreviated CV**

Stephen Stewart Townsend (1947, Cape Town) is an architect with forty years experience (until recently a corporate member of Cape Institute for Architecture and of the South African Institute of Architects and registered with the South African Council for the Architectural Profession; now retired); and, prior to that, he worked for almost ten years as an engineering and then architectural assistant; he is a statutory planner (an associate member of the South African Planning Institute); a heritage practitioner (an accredited member of the Association of Professional Heritage Practitioners); and he was an adjunct associate professor at the University of Cape Town from 2009 till the end of 2017.

He has a B Arch from the University of Cape Town (1978), a diploma in conservation studies from the University of Rome (1985; equivalent to a Masters degree), and a Ph D from the University of Cape Town (2003; thesis title: *Development Rights and Conservation Constraints*).

His work as an architect in the late-1970s and 80s focused on conservation-oriented work: this included the infill of more than a hundred houses in the Muslim quarter or Bokaap of Cape Town, the Bokaap community centre and a range of other conservation and restoration projects. Later, from 1985 to 2004, he worked for the City of Cape Town managing the built environment, first as head of the Urban Conservation Unit (ten years) during which time he was responsible for the creation of nearly thirty conservation areas; and then as head of land use management (for nine years). During these nineteen years he became experienced in the administration of the law relating to development, in particular, those regarding planning, heritage resources, the environment and building development generally.

Between April 2006 and September 2007 he was Chief Executive Officer of Heritage Western Cape, the Western Cape provincial heritage resources authority; and in August 2010 he was appointed to the Heritage Western Cape Council and its Executive Committee for a three-year period ending in September 2013 and he chaired two of its permit committees (the Impact Assessment Committee and the Built Environment and Landscape Committee) and served (and still does) on another, the Inventories and Grading Committee.

He served on the Cape Institute for Architecture's management committee from 1987 to 2006; and, between 1988 and 1998, he chaired its Planning and Environment Committee and then its Heritage Committee; and he chaired its Heritage Committee again from 2004 to 2006; and he continues to serve on its Heritage Committee.

He was also been active in the formation of the Association of Professional Heritage Practitioners, an embryonic professional association of heritage practitioners: and he has served several periods on its

executive committee and has chaired its academic liaison and mentorship committee and served on its legislation and administration committee.

He was also a founder member and first treasurer of ICOMOS SA, the national branch of the International Council on Monuments and Sites which is an agency under the aegis of UNESCO.

He has presented papers on conservation-oriented management and on land use management and development control at both local and international conferences; and has had papers, articles and chapters published in the press, in journals and books.

He established his own architectural, planning and heritage consultancy in 2004 in which capacity he specialises in heritage resource- and land use-related advice regarding development and its regulation and administration.

As an adjunct associate professor, he taught at the University of Cape Town's School of Architecture, Planning and Geomatics, convening and teaching the Master in Philosophy in Conservation of the Built Environment degree (which he established in 2009) until the end of 2017; and he still runs continuing professional development courses in architectural and urban conservation at the University of Cape Town, which have trained nearly 400 participants in the past ten years.

January 2018

Timothy James Graham Hart

Curriculum vitae

Name:	Timothy James Graham Hart
Profession:	Archaeologist
Date of Birth:	29/07/60
Parent Firm:	ACO Associates
Position in Firm:	Director
Years with Firm:	9
Years experience:	30 years
Nationality:	South African
HDI Status:	n/a

Education: Matriculated Rondebosch Boys High, awarded degrees BA (UCT) BA Hons (UCT) MA (UCT).

Professional Qualifications: Principal Investigator ASAPA, member of Association of Heritage Professionals (APHP)

Languages: Fully literate in English, good writing skills. Conversation in Afrikaans, mediocre writing skills, good reading skills. Some knowledge of Latin.

KEY QUALIFICATIONS

- Bachelor of Arts in Archaeology and Psychology (UCT)
- BA Honours in Archaeology (UCT)
- MA in Archaeology (Southern Methodist University, USA and UCT)
- Recipient of Frank Schweitzer Memorial Prize (UCT) for student excellence
- Professional member (no 50) Association of Southern African Professional Archaeologists (ASAPA)
- Principal Investigator, cultural resources management section (ASAPA)
- Professional member in specialist and generalist categories Association of Heritage Professionals (APHP)
- Past Committee Member Heritage Western Cape, Committee Member SAHRA
- Awarded Department of Arts and Culture and Sport award for best heritage study in 2014

Relevant recent Project Experience with respect to large projects:

- Specialist consultant – Eskom’s Kudu Integration project (identifying transmission line routes across Namaqualand)
- Specialist consultant – Eskom’s Atlantis Open Cycle Gas Turbine project, upgrade and power lines
- Specialist consultant – Eskom’s Mossel Bay Open Cycle Gas Turbine project, substations and power lines
- Specialist consultant – Eskom’s proposed Omega sub-station
- Specialist consultant – Eskom’s Nuclear 1 programme
- Specialist consultant – Eskom’s PBMR programme
- Specialist consultant – Department of Water Affairs raising of Clanwilliam Dam project
- Specialist consultant to De Beers Namaqualand Mines (multiple projects since 1995)
- Specialist consultant – Saldanha Ore Handling Facility phase 2 upgrade
- Three years of involvement in Late Stone Age projects in the Central Great Karoo
- Wind Energy systems: Koekenaap, Hopefield, Darling, Vredendal, Bedford, Sutherland, Caledon
- Bantamsklip Nuclear 1 TX lines
- Koeberg Nuclear 1 TX lines
- Karoo uranium prospecting - various sites
- HIA Houses of Parliament
- Proposed Ibhubesi gas project, West Coast of South Africa.

Experience

After graduating from UCT with my honours degree I joined the Southern Methodist University (SMU Dallas Texas, USA) team undertaking Stone Age research in the Great Karoo. After working in the field for a year I registered for a Masters degree in pre-colonial archaeology at UCT with support from SMU. On completion of this degree in 1987 I commenced working for the ACO when it was based at UCT. This was the first unit of its kind in RSA.

In 1991 I took over management of the unit with David Halkett. We nursed the office through new legislation and were involved in setting up the professional association and assisting SAHRA with compiling regulations. The office developed a reputation for excellence in field skills with the result that ACO was contracted to provide field services for a number of research organisations, both local and international. Since 1987 in professional practise, I have been involved in a wide range of heritage related projects ranging from excavation of fossil and Stone Age sites to the conservation of historic buildings, places and industrial structures. To date ACO Associates cc (of which I am co-director) has completed more than 1500 projects throughout the country ranging from minor assessments to participating as a specialist in a number of substantial EIA’s as well as international research projects. Some of these projects are of more than 4 years duration.

Together with my colleague Dave Halkett I have been involved in heritage policy development, development of the CRM profession, the establishment of two professional bodies and development of professional practice standards. Notable projects I have been involved with are the development of a heritage management plan and ongoing annual mitigation for the De Beers Namaqualand Mines Division, heritage management for Namakwa Sands and other west coast and Northern Cape mining firms. Locally, I was responsible for the discovery of the “Battery Chavonnes” at the V&A Waterfront (now a conserved as a museum), the discovery of a massive paupers burial ground in Green Point (now with museum, memorial and a published book), the fossil deposit which is now the subject of a public display at the West Coast Fossil Park National Heritage Site as well as participating in the development of the Robben Island Museum World Heritage Site. I have teaching experience within a university setting and have given many public lectures on archaeology and general heritage related matters, both locally and internationally.

Academic Publications

Hart, T.J.G. 1987. Porterville survey. In Parkington, J. & Hall, M.J. eds. Papers in the Prehistory of the Western Cape, South Africa. Oxford: BAR International Series 332.

Sampson, C.G., Hart, T.J.G., Wallsmith, D.L. & Blagg, J.D. 1988. The Ceramic sequence in the upper Sea Cow Valley: Problems and implications. *South African Archaeological Bulletin* 149: 3-16.

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Hine, P., Sealy, J., Halkett, D. & Hart, T. 2010. Antiquity of stone walled fish traps on the Cape Coast of South Africa. *The South African Archaeological Bulletin*. Vol. 65, No. 191 (JUNE 2010), pp. 35-44.

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Cruz-Uribe, K., Klein, R.G., Avery, G., Avery, D.M., Halkett, D., Hart, T., Milo, R.G., Sampson, C.G. & Volman, T.P. 2003. Excavation of buried late Acheulean (mid-quaternary) land surfaces at Duinefontein 2, Western Cape province, South Africa. *Journal of Archaeological Science* 30.

Parkington, J.E., Poggenpoel, C., Halkett, D. & Hart, T. 2004. Initial observations from the Middle Stone Age coastal settlement in the Western Cape. In Conard, N. Ed. *Settlement dynamics of the Middle Paleolithic and Middle Stone Age*. Tübingen: Kerns Verlag.

Orton, J., Hart, T. & Halkett, D. 2005. Shell middens in Namaqualand: two later Stone Age sites at Rooiwalbaai, Northern Cape Province, South Africa. *South African Archaeological Bulletin*. Volume 60 No 181.

Dewar, G., Halkett, D., Hart, T., Orton, J. & J. Sealy 2006. Implications of a mass kill site of springbok (*Antidorcas marsupialis*) in South Africa: hunting practices, gender relations, and sharing in the Later Stone Age. *Journal of Archaeological Science* 33 (9), 1266-127.

Finnegan, E., Hart, T. and Halkett, D. 2011. The informal burial ground at Prestwich Street, Cape Town: Cultural and chronological indicators for the informal Cape underclass. *The South African Archaeological Bulletin* Vol. 66, No. 194 (DECEMBER 2011), pp. 136-148.

DECLARATIONS OF INDEPENDENCE

PROJECT: Proposed redevelopment of the River Club, Observatory, Cape Town

We, **Tim Hart and Stephen Townsend**, as the appointed independent specialists hereby declare that we acted as the independent specialists in this application; and that we

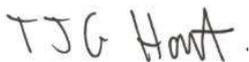
- regard the information contained in this report as it relates to our specialist input/study to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the NEMA, the Environmental Impact Assessment Regulations, 2010 and any specific environmental management Act, and in terms of the National Heritage Resources Act;
- have and will not have any vested interest in the proposed activity proceeding;
- have disclosed, to the applicant, EAP and competent authorities, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the Environmental Impact Assessment Regulations, 2010 and any specific environmental management Act, and in terms of the National Heritage Resources Act;
- are fully aware of and meet the responsibilities in terms of NEMA, the Environmental Impact Assessment Regulations, 2010 (specifically in terms of regulation 17 of GN No. R. 543) and any specific environmental management Act, and that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the specialist input/study was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments on the specialist input/study;
- have ensured that the comments of all interested and affected parties on the specialist input/study were considered, recorded and submitted to the competent authority in respect of the application;
- have ensured that the names of all interested and affected parties that participated in terms of the specialist input/study were recorded in the register of interested and affected parties who participated in the public participation process;
- have provided the competent authority with access to all information at our disposal regarding the application, whether such information is favourable to the applicant or not; and
- are aware that a false declaration is an offence in terms of regulation 71 of GN No. R. 543.

Note: The terms of reference must be attached.

Signatures of the specialists:



Stephen Townsend (Architect, Statutory Planner, Conservationist)



TJG Hart, for ACO Associates cc

Date: 14 March 2019

GLOSSARY

Archaeology: *Remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures.*

Cultural landscape: *The combined works of people and natural processes as manifested in the form of a landscape.*

Early Stone Age: *The archaeology of the Stone Age between 700 000 and 2 500 000 years ago.*

Fossil: *Mineralised bones of animals, shellfish, plants and marine animals. A trace fossil is the track or footprint of a fossil animal that is preserved in stone or consolidated sediment.*

Heritage: *That which is inherited and forms part of the National Estate (Historical places, objects, fossils as defined by the National Heritage Resources Act 25 of 1999).*

Holocene: *The most recent geological time period which commenced 10 000 years ago.*

Late Stone Age: *The archaeology of the last 20 000 years associated with fully modern people.*

National Estate: *The collective heritage assets of the Nation.*

Palaeontology: *Any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.*

SAHRA: *South African Heritage Resources Agency – the compliance authority which protects national heritage.*

Structure (historic): *Any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith. Protected structures are those which are over 60 years old.*

ACRONYMS

DEAT	Department of Environmental Affairs and Tourism
ESA	Early Stone Age
GPS	Global Positioning System
HIA	Heritage Impact Assessment
HWC	Heritage Western Cape
LSA	Late Stone Age
MSA	Middle Stone Age
NHRA	National Heritage Resources Act
SAHRA	South African Heritage Resources Agency
WEF	Wind Energy Facility
PV	Photo-voltaic (solar) array

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1 INTRODUCTION

The Liesbeek Leisure Properties Trust has appointed Dr Stephen Townsend and Tim Hart (ACO) to conduct a Heritage Impact Assessment satisfying Section 38(8) of the National Heritage Resources Act (NHRA) in conjunction with a Basic Assessment process conducted under the National Environmental Management Act (NEMA) for the redevelopment of the River Club site, Erf 151832, and its bounding riverine banks, the construction of the abutting long-planned arterial Berkley Road Extension on Erf 15326, the widening of Liesbeek Parkway, and of the road intersections giving access to Erf 151832, Observatory, Cape Town.¹ Although use of the site has been gradually intensified over the years, Liesbeek Leisure Properties Trust have explored the possibility of developing the site as the land is under-used in this urban context close to Cape Town where land for urban densification is needed and desired.

The size of the property and its proximity to protected riverine and wetland systems has triggered both an impact assessment report in terms of the NHRA and a Basic Assessment in terms of NEMA. This document is the Heritage Impact Assessment (HIA) contribution to the Basic Assessment (which includes biodiversity studies and a visual impact assessment). SRK Consulting is driving this Basic Assessment process. While this HIA is ultimately decided on under NEMA, it is devised to satisfy Section 38(8) of the NHRA and it includes the studies and information required by the provincial heritage resources authority, Heritage Western Cape (HWC); and HWC's final comments must be taken into account by the NEMA authority, the provincial Department of Environmental Affairs and Development Planning (DEA&DP).

We note that an earlier report (described as a “phase one HIA”)² was compiled on behalf of Liesbeek Leisure Properties Trust and submitted to HWC in early 2017. This report was, however, withdrawn before being considered by HWC as a consequence of two related factors. First, when considering the related Two Rivers Urban Park “base line studies”³ submitted at roughly the same time in early 2017 on behalf of the WC Provincial Government, HWC's Impact Assessment Review Committee (IAComm) was critical of what its members perceived as un-argued assumptions about the potential scale of development in the TRUP-area. Secondly, similar assumptions as mentioned in the previous factor had been included in O'Donoghue's “phase one HIA”. Following the IAComm comments, it was recognised by the owners that the development of Erf 151832, the study site of this report, provided an opportunity for a radically different alternative which could transform the Liesbeek River, a concrete-lined canal, into a restored ecological element and a historically numinous and iconic section of the Liesbeek River. As a consequence, a rather differently argued *Draft HIA* (which rebuts some assumptions of the “phase one HIA”)

¹ The land involved bounding Erf 151832 owned by the City of Cape Town is included in this process with the consent of the City; see attached as an annexure.

² O'Donoghue, Bridget, 22 February 2017, *Heritage Impact Assessment Phase One: River Club*, which had a peer review report by Nicolas Baumann attached.

³ By the heritage practitioner, Melanie Attwell, and the town planner, Nisa Mammon.

by us, Townsend and Hart, was circulated for public and interested party comment in January-March of 2018. This report at hand, the *Final HIA*, while recognising the research carried out for the “phase one HIA”, also takes account of the previous consultative steps under both NEMA and the NHRA, but deals with a rather different preferred alternative to that presumed in the “phase one HIA”.

We also note here that in late-March 2018 (shortly after the end of the period in which the *Draft HIA for Public Consultation* dated 18 January 2018 had been advertised for comment) HWC provisionally proclaimed the River Club property, Erf 151832, to be a provincial heritage site (PHS) in terms of Section 29 of the NHRA. This led to appeals against this decision by four parties including the owners (described in more detail in the following section on the Legal and Procedural Framework). This process interrupted the compilation of this draft of the *HIA* and, as a consequence, it has not been possible to complete it until the recent interim ruling of the appeal authority, the MEC’s Tribunal, released on 5 February 2019. This ruling has now enabled the integrated NEMA and NHRA processes under section 38(8) to continue. Given the time since the consultation period last January-March and given the belated engagement of the First Peoples groups in the provisional proclamation process, this HIA is being re-advertised for stakeholder, interested party and public engagement and comment is invited.

1.1 The Site and Receiving Environment

The River Club site, although at the confluence of the Liesbeek and Black Rivers, borders the Liesbeek River, a relatively short river with a long history and significant place in the early interactions between indigenous First Peoples and the VOC (*Vereenigde Oost-Indische Compagnie*) and its early 17th century settlers. Today the Liesbeek runs in a green corridor through well-developed suburbs of Cape Town. It reaches the inner-city suburb of Observatory and the River Club site at its lowest reach and at its confluence with the Black River.

More precisely, the site lies between a canal cut in 1952 to carry the waters of the Liesbeek and the older course, itself much altered by its own meanderings and early 20th century wetland infill and reclamation. Since 1952, this older course has not carried river water but serves as a component of the suburb’s stormwater system, sometimes receiving water backing up from the slow-moving Salt River below the confluence. We will refer to these two courses as “**the new, post-1952, canalized Liesbeek River course**” and “**the old, pre-1952, course**” (or variations to suit the context).

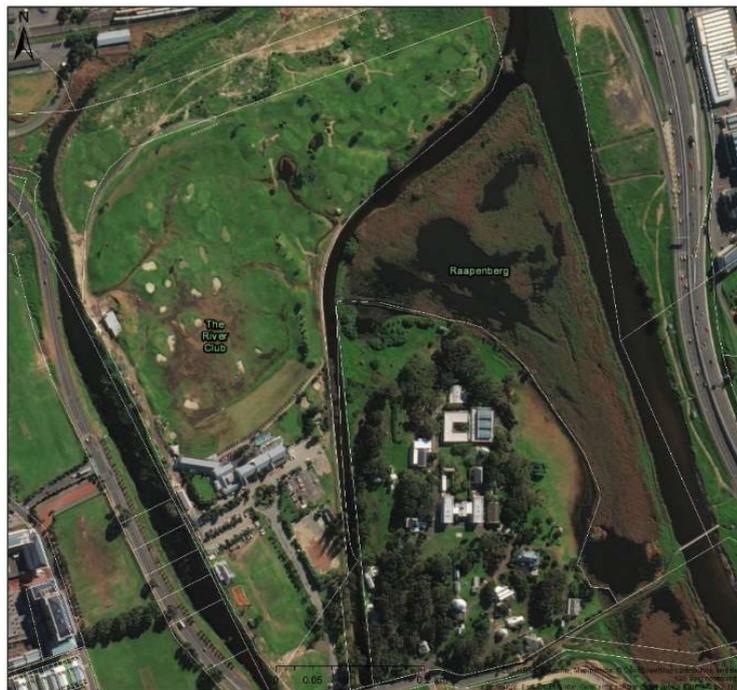
The River Club itself has its origins in the 1920s when part of the old Salt River estuary was reclaimed for the construction of shunting yards and railway sheds. as well as the development of recreational facilities for employees of South African Railways and Harbours Company. The latter became known as the Liesbeek Park Recreation Club. The main buildings which exist today were completed in 1939 after the playing fields had been in place for a few years. In 1993, the property was leased to various tenants

who let it fall into disrepair. The entity known as the River Club was established in 1993 on the basis of a long-term (75 years) development lease and has since become a popular local venue with a restaurant, conference facilities, bar, driving range, and a 'mashie' golf course (which was developed in 2002).

This site, Erf 151832, while privately owned, is within the Two Rivers Urban Park (TRUP) area. This is a wide area of 240 hectares around the confluence of the



Liesbeek and Black Rivers which includes a range of significant institutions like the SAAO, the Valkenberg Hospital, the Valkenberg homestead and hotel, the Oude Molen eco-village, and Maitland Garden Village. The TRUP was initiated in 1998 as a joint project of the major land-owners, that is, the WC Provincial Government and the Cape Town City Council;⁴ but progress to any kind of realisation has been slow;



although during 2016 the WC Provincial Government initiated the process of compiling heritage and land-use planning “baseline studies”⁵ which were submitted to HWC in early 2017.

Figure 1 The project area.

⁴ See, for example, City of Cape Town, Environmental Management Branch, August 2003, *Two Rivers Urban Park Contextual Framework and Phase 1 Environmental Management Plan: Final Report*.

⁵



Figure 2: Aerial view of the site and environs

1.2 The proposed development

The owner's appointed professional team has developed five development proposals that are assessed: these include a no-go alternative that would see the site remain as is; a preferred alternative referred to as the 'riverine corridor alternative'; and three other alternatives of varying density and use including the previously preferred alternative referred to here as the 'island alternative'. Briefly, the owners are seeking to develop a mixed-use development of approximately 150 000sqm which will be urban in character, although green space is included. The transformation of the canalsied, post-1952 Liesbeek River course into an ecologically viable riverine corridor is a key component of the preferred alternative.

1.3 The Structure of this HIA

There are several factors which make this *Final HIA* unusually complex; these include:

- the physical location of the River Club site within the Two Rivers Urban Park area;
- the similarity in the names of the two areas;
- the complexity of the legal regime (with separate and only partially integrated NHRA, NEMA and MPB-L scrutiny and decision-making processes) which has meant that interested parties have often elided concerns;

- the proposal of HWC, first, to provisionally proclaim first the TRUP area to be a PHS and then, later, its decision and the gazetting of the provisional proclamation of just the River Club site to be a PHS;
- the over-lapping and iteration of the several, even numerous, public consultation processes in respect of the NHRA, NEMA and MPB-L processes (these are detailed in section 5. Consultation and Commentary of Interested Parties of this HIA); and
- the relatively 'late arrival' of comments from the First Peoples groups during the appeal-process against the HWC decision to provisionally proclaim the River Club as a PHS despite our attempts to meet/consult them earlier in this assessment process.

Given these complications and given the rationale adopted in undertaking this heritage impact assessment, it is necessary to spell out the structure of this report, noting that we have an essential presumption. This presumption is that the underlying task of an impact assessment is to uncover and articulate heritage-related significance associated with the site in question and its surrounds, describe the heritage resources identified through this process, and analyse and assess any impacts of the development proposed on the significances of the heritage resources in question. As a consequence, this description of the structure of the report is, in effect, an account of the method of the assessment:

- immediately following this brief introduction to the primary issues addressed is a brief outline of the **legal framework** regulating development in these circumstances which explains the scrutiny and decision-making processes under the environmental, heritage and land-use planning regimes, including HWC's decision to provisionally proclaim the property in question as a PHS;
- this is followed by a brief explanation of our **sources of information** and a brief reference to the interest, input and comment received from the many parties who have shown interest in the River Club site and in the TRUP area;
- we then give a fairly detailed outline of the **history** of the site focussing on the conflict between indigenous people who occupied these flat-lands seasonally and the first settlers as farming commenced, how the Liesbeek floodplain has been used and transformed over time, and concluding with a history of the planning of the Berkley Road Extension which is to cross the floodplain linking transportation systems across the Salt River;
- following this history we then give a detailed account of the **consultation processes and of the commentaries** received in these processes and we address each of the major heritage resource-related issues, in particular in as much as these comments refer to the significances of the site and the surrounds (we do not, however, discuss comments on the development proposal in this

section but deal with those comments on and criticism of the proposal itself in the section dealing with the impacts of the proposal on the site and environs);

- then, having addressed the issues raised and the opinions articulated in these consultation processes, we then **identify the heritage resources** on and surrounding the site;
- following this identification and description of the heritage resources, we then explain **our assessments of the significances**, both the kinds of significance and the degree or intensity of each of these kinds of significance, taking into account the views of the commenting parties;
- having identified the heritage resources in play and articulated their significances, we then turn to articulating what we argue are or should be the primary **criteria for decision-making** in respect of the development proposed. These criteria are, in practice, often referred to a “heritage-related design indicators” and are, or should be, adopted by the developer and architect in designing the proposed development
- we then turn to the **descriptions of the proposal**, the alternatives, and in greatest detail, of the preferred ‘riverine corridor’ alternative;
- we conclude with an **assessment of the impacts** on the significances and, although the preferred alternative incorporates what we think is the most important ‘mitigation’ or, rather, what we argue is an improvement to the primary heritage, the Liesbeek River,
- then we recommend some mitigations; and finally
- given the argument and assessments as described, we draw conclusions and **recommend** that HWC support the preferred riverine corridor alternative and that the WC DEA&DP approve this proposal.

2 LEGAL AND PROCEDURAL FRAMEWORK

2.1 National Heritage Resources Act (NHR Act) and National Environmental Management Act (NEMA)

Section 38(1) of the National Heritage Resources Act of 1999 (“the NHR Act”) requires that “any person who intends to undertake”, *inter alia*, “any development... which will change the character of a site... exceeding 5000m² in extent” must “notify the responsible heritage resources authority and furnish it with the details... of the proposed development”. Section 38(2) requires that “if there is reason to believe that heritage resources will be affected by such development” the developer shall be required to submit “an impact assessment report” (HIA) compiled by a person approved by the responsible heritage resources authority.

The development proposed in this case will change the character of this site which exceeds 5000m². As a consequence, Heritage Western Cape was formally notified of the intended development in December 2015;⁶ and Heritage Western Cape confirmed that an HIA is required (letter dated 7 January 2016) which includes:

- “an archaeological study”; and
- “highlighting the urban design framework of the proposed development”.

This process was initiated with a “phase one HIA”; and two draft versions of this report were circulated for public comment during two phases of public consultation under the NEMA process. That work was, however, considerably revised and incorporated into a *Draft HIA Prepared for Interested Party Consultation* by ourselves, Townsend and Hart, which was circulated widely in January-March 2018 for comment. The comments received at that time are described or referred to in several sections of this report but primarily sections 5. Consultation and Commentary of Interested Parties and 9.4 Commentary of the IAPs on the Development Proposal. We note also that summaries of the comments and arguments submitted to the MEC’s Tribunal during its hearings in October, November and December of 2018 regarding the appeals against HWC’s decision to provisionally proclaim the River Club site as a Provincial Heritage Site are also included and addressed, in the main, in these sections of this report.

This *Draft for Public Comment HIA* dated 20 March 2019, devised for circulation to all stakeholders and IAPs, this for a second time, is now circulated for stakeholder, IAP and public comment in an endeavour to ensure that the parties are fully informed and properly engaged with.

Once the comments received in this current process are incorporated into this report and it is finalised, it will be submitted to HWC for its “final comment” which the decision-maker, the provincial DEA&DP, must take into account when deciding on the matter (and, thus, satisfy section 38(8) of the NHRA).

The process is designed to satisfy both the National Heritage Resources Act (NHRA) and the National Environmental Management Act (NEMA) and its regulations: Sections 24 and 44 of NEMA which make provision for the promulgation of regulations, the 2014 EIA Regulations, which identify activities (“NEMA listed activities”) that may not commence without an Environmental Authorisation (EA) issued by the competent authority (DEA&DP).

The proposed project includes activities that are listed in terms of these EIA Regulations, as confirmed by DEA&DP on 22 April 2016. At that date, the project triggered a listed activity that required a Scoping and Environmental Impact Reporting (S&EIR) process in order to inform an application for EA, and in this regard, the following notices and reports were prepared and released for public comment:

⁶ By the heritage practitioner, Bridget O’Donoghue.

- Initial notification of identified stakeholders, including release Draft Scoping Report – released on 4 August 2016.
- A Revised Draft Scoping Report - released on 11 January 2017.

However, on 7 April 2017, the EIA Regulations, 2014, were amended. An aspect of these amendments was that certain listed activities were excluded in urban areas, including the only activity that was applicable to the River Club that required a S&EIR process to inform the application for EA. Given this, the proponent/applicant is now obliged to undertake Basic Assessment (BA) process in support of the application for EA only. In this regard, a BA Report is currently being prepared and will include the final HIA.

The application for Environmental Authorisation for the development will be submitted to the DEA&DP following final comment from HWC on the *Final HIA*, thereafter the BA Report may be released for final stakeholder engagement. However, unless significant changes are required to the BA Report, it is unlikely that that report will be released for a second round of engagement before being submitted to DEA&DP for decision making.

2.2 Land Use Planning Act and the Municipal Planning By-Law:

The Land Use Planning Act and, more pertinently, the Municipal Planning By-Law (MPB-L) comprise the mechanisms for regulating land-use; and the site (Erf 151832 of 148 425 sqm) is currently zoned Open Space 3: Special Open Space in terms of the Cape Town Development Management Scheme (DMS).

According to item 104 of the DMS, the following uses are permitted on land zoned *Open Space 3*:

- (a) **Primary uses:** *open space, private road and environmental conservation use.*
- (b) **Consent uses:** *environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading and harvesting of natural resources.*

It is evident that, while a range of relatively high-intensity uses are permitted, the current zoning does not permit the urban uses proposed on the site and it is therefore necessary to rezone the land in order to permit the proposed development.

Given this, a land use planning application has been submitted in terms of the provisions of the MPB-L, including the DMS, for the approval of the following:

- a. **Deviation from the Table Bay District Plan**, to permit urban development on land designated as “open space”, “core 2” and “buffer 1”, in accordance with section 16(2)(b) of the MPB-L including:
 - Deviation from the Floodplain and River Corridor Management Policy (2009) seeking permission to:
 - develop/ obstruct the free flow of water within the 20-year floodplain; and
 - infill within the 50-year floodplain.
 - Deviation from the Management of Urban Stormwater Impacts Policy (2009) seeking permission to:
 - Deviate from the annexure table requiring 24 hour extended detention of the 1-year Recurrence Interval, 24h storm event in a greenfield development greater than 50 000sqm;
 - Deviation from the annexure table requiring up to 10-year Recurrence Interval peak flow to be reduced to pre-development level in a greenfield development greater than 50 000sqm; and
- b. **Rezoning** of the property from *Open Space Zoning 3: Special Open Space (OS3)*⁷ to *Subdivisional Area Overlay Zoning (SAO)*, in terms of section 42(a) of the MPBL.
- c. **Approval to construct retaining structures greater than 2,0m in height**, in terms of section 42(i) of the MPBL and in accordance with item 126 of the DMS.

However, as discussed in more detail in section 5.3.2 below, a revised Cape Town Municipal Spatial Development Framework (MSDF) has recently been approved by the City of Cape Town’s Council which designates these environs as part of the Urban Inner Core, a priority investment area where urban development is, in principle, supported. The implications of this are that it may not be necessary to apply to amend the District Plan because, in effect, the MSDF trumps the District Plan.

Be that as it may, as part of this application process, the City Council may require a detailed Site Development Plan and may negotiate many aspects of the proposal in detail.

The *Final HIA*, including all of the comments from the interested parties and the associated HWC Final Comment, will in due course be included with the BAR documentation for decision by DEA&DP and with the land-use planning application submitted to the City Council and serve to motivate the City Council’s consideration of the rezoning application.

⁷ Land zoned as open Space Zoning 3 may be owned by private or public bodies but does not have the status of Public Open Space which requires particular protection. In the case of the River Club, the land is privately owned and the right of admission can be reserved/limited.

2.3 The Provisional Proclamation of the River Club Site as a PHS and the MEC's Tribunal:

As a consequence of what appears to have been a growing un-ease within HWC regarding the heritage and planning “baseline studies” submitted by the provincial government for TRUP and the pending proposal for the River Club site, HWC invited comment from certain of the property owners inside the TRUP area in October of 2017 for their views on HWC’s intention to provisionally proclaim the entire TRUP area as a PHS in terms of Section 29 of the NHRA. Subsequently, notwithstanding objections from the owners of the River Club and from the provincial and local authorities, in March 2018 HWC provisionally proclaimed only the River Club property as a PHS.

This provoked appeals from four parties (the River Club owners, two provincial government departments and the Cape Town City Council) and, in turn, comments from various interested parties who supported the provisional proclamation and formal protection of the property and of the TRUP area as a whole. We note that although the various public consultative processes under both NEMA and the NHRA had provoked considerable comment, no input had yet been made by First Peoples groups (despite targeted attempts).

The MEC appointed a three-person Tribunal which met at two hearings in October and November 2018 and again at a site inspection in December 2019. At these meetings the parties (now also including representations from First Peoples groups) were heard at length and on 29 January 2019 the Tribunal released what it termed a “Directive”. It found that the HWC decision had not been properly made and required:

- that HWC must consult and negotiate with the appellants and the interested and affected parties “in an effort to find common ground on the implications of the provisional protection”;
- that HWC must invite the owners of the River Club to an oral hearing held by its Council within three months (of 29 January 2019);
- that HWC must submit a report to the Tribunal within two months of the oral hearing; and
- that the parties will then be given thirty days in which to make final submissions and the Tribunal will then hold a final hearing and finalise the appeal.

This process is underway and will take some months. However, and importantly, both HWC (in its submissions to the Tribunal) and the Tribunal (in its Directive) have conceded that the NEMA and NHRA/s.38(8) processes may continue in the interim.

3 SOURCES OF INFORMATION

3.1 Sources of Information i.r.o. the Site History

Archival information was mainly obtained from primary sources like the VOC records and archives. The most important sources consulted were the Resolutions of the Council of Policy accessed through the TANAP website⁸ (the resolutions have been transcribed and made digitally available in a searchable format) and Jan van Riebeeck's journal transcription by Moodie (1838). Moodie's publication focuses on the interactions between the Dutch and the Khoekhoe, so some degree of selection has taken place that is beyond our control. Some of the excerpts of the resolutions were also taken from Moodie as they were translated into English already. The third strand of archival research are the historical maps. These are available through the websites of the Rijksmuseum in Amsterdam, the Atlas of Mutual Heritage, where they collate maps and images from several sources, and the Brommer Atlas (2009) which provides the maps in high quality print.

Secondary sources used are Dan Sleight's publications, especially *Buiteposte (2004)*, and Raven-Hart (1967) who produced a work that describes the early encounters and observations of European mariners who called in at the Cape before it fell under Dutch rule

The environmental and archaeological study has relied on the work of Andrew Smith, a researcher of the archaeology of pastoralism, who has spent a life-time trying to understand the nature of early pastoralism at the Cape (Smith 1984). The study also draws on the work of Elphick, Giliomee (1977, 1989), T. Hart (1991) as well as the early works of Goodwin (1952).

For the more recent history there is a large body of information available about the area due to studies that have been completed on Valkenburg Hospital, Oude Molen and the TRUP project by Attwell, Baumann, Winter and O'Donoghue.

3.2 Information restrictions

It must be considered that the place names in the historic record are open to question. Before 1652, there was no formal standard by which place names were derived. Often explorers renamed places with a name of their own. Only once the Dutch settled, did standardisation of place names begin, but even so it is noted that names such as the Salt River, Liesbeek and Black Rivers tended to be used interchangeably in the early days. Thus the early historic spatial record is unsure and caution must be exercised using it. A few scholars have tried to geo-rectify early maps and had great difficulty – this has been tried by UCT's Department of Geomatics, by the City of Cape Town and by ACO with only limited success due to the massive inaccuracy and inconsistencies

⁸ <http://databases.tanap.net/cgh/>

in the drawings. Some later maps of the 19th century have been geo-rectified successfully.

Restrictions of the written archival record have been pointed out above: contemporary selection, modern selection, bias and interpretation. Records written by Europeans reflect their point of view of events which is a major factor that has to be considered continuously.

The archaeological record has restrictions which are inherent. In particular, with respect to highly mobile herding communities who seldom spent enough time in one place to leave an identifiable archaeological signature (Smith *et al.* 1991, Hart 1984).

In compiling the HIA it must be noted that the planning process for the Two Rivers Urban Park (which includes the River Club site) is partial and incomplete at this time. We have, however, taken note of the interests and views expressed by HWC and by interested parties on the draft heritage resource and land-use baseline studies submitted to and considered by HWC.

Furthermore, the final details of the long-planned major arterial connector, the Berkley Road Extension (which is to be completed in due course on the northern edge of the River Club site) are not available as yet. General specifications for the road are that it must be at a grade approximately 2m above the present ground level so as to satisfy the flood line requirements but also rising in the west to meet the Malta Road bridge and Liesbeek Parkway in a signalized T-junction and in the east to bridge over the Salt River. In addition, the proposed construction of research offices for the Square Kilometre Array (SKA) project on the abutting SAAO land (Rem Erf 26423) will, if developed, have implications for the environs and this development site. However, neither confirmation of its eventual development here, nor its appearance and specifications are available at this time.

3.3 Assumptions

This impact assessment makes the assumption that at least one of the two proposed projects (Berkley Road extension, SKA offices) abutting this site will be built in the future. This is because they have obvious implications for the both the development proposal and for the assessment of heritage impacts.

3.4 Interested Party Consultation

Numerous interested parties and the public more generally have shown considerable interest in the 'base-line studies' for the TRUP and River Club projects and the drafts of this HIA that have been circulated for public and IAP comment in the past few years. While crucial to our evaluations of several aspects, we do not include every detail of the comments made in all of the opportunities that there have been for commenting although we recognise this as a demonstration of the considerable interest shown in the TRUP as a whole and the River Club site as a significant site inside the TRUP area. We hope, however, that we have described and addressed more directly the

comments of the parties received during the consultative period advertised as a part of this HIA process (25 January- 6 March 2018) and those received by the MEC's Tribunal during the appeal against HWC's decision to provisionally proclaim the site in question as a PHS (during October, November and December 2018) in Section 5, Consultation of Interested Parties; and we include the comments and criticisms of the proposal in section 9. The Proposed Development.

4 THE HISTORY OF THE PLACE

4.1 The Historical and Geographical Context

What is clear from the historic record is that a number of the Khoekhoe groups were wealthy in terms of the number of cattle they owned: herds of several hundred to more than 1000 head were recorded. Farming and moving a herd of this size is no simple task. It requires an excellent knowledge of the land, the seasonal availability of grazing and water resources. The Khoekhoe had this knowledge. They were not "nomadic" as described in many history books but would alternate the landscapes they used according to season and grazing quality. This is known as *transhumance* – an adaptive and generally well formulated strategy used by most pastoralist groups in the more arid areas of the world. In the Cape, this deep knowledge of the landscape and seasons was the key to survival and prosperity. It were the huge herds of cattle that attracted European mariners to the Cape. The chance of bartering a few for slaughter was irresistible to the foreign travellers, who by the time they reached the Cape, were starving and disease ridden.

The early inhabitants of the Cape Peninsula farmed with cattle. Cattle need good quality soil, good grass and fresh water, therefore understanding the environmental resources that were available is a key to understanding the way indigenous people used the landscape. The geology of the Cape is as highly varied as the climate. The summers are relatively long and dry, becoming increasingly more so to the northwest. While good winter rains often create a lush landscape, in summer only the most southern areas (Southern Cape and Peninsula) get occasional rain, as once in a while South Atlantic cold fronts clip the African landmass. These weather factors played an important role in how the Khoekhoen used the land; cattle need to drink at least once a day to survive. Cycling one's movements between rainfall areas would have been important (Smith 1984).

The Cape's unique geology means that in certain areas the soils contain the necessary trace elements – copper and molybdenum - to raise cattle. While in other areas with apparent good grazing, stock gets ill over time from a lack of these trace elements (Smith 1984, Hart 1984). The Table Mountain Sandstone derived soils of the Cape are depleted and do not contain the necessary elements for the maintenance of a good herd for a long period. Farmers who keep stock in these areas today have to supplement their animals' feed. In contrast, the shale derived soils of the Swartland

and the granites of the Vredenberg Peninsula give rise to good grazing. In the past, these areas carried the abundance of game, and are now used for wheat farming (Table Mountain Sandstone-derived soils will not support more than 2-3 wheat harvests).

Smith (1984), in analysing the historic record, observed that major visits to Table Bay by powerful groups of Khoekhoe such as the Cochoqua, “the Saldanhas” took place almost exclusively in the summer months – records attest to huge herds of animals and people camping in the Salt River area. This was because if there was any rainfall at this time of year in the southwest Cape, it would fall on the Peninsula. The permanent aquifers under Table Mountain (such as the Newlands and Albion springs) supplied the Liesbeek River with pure water year round. The huge marshlands at the confluence of the Liesbeek, Salt and Black Rivers would have been extremely important for Khoekhoe herders, especially for those with large herds when they visited from the north-west on their summer visits.

2 December 1652 “In the evening we perceived the whole country covered with fires, from which, as well as from Herry, we learnt that there are thousands of people hereabouts ...” (Moodie p20).

6 December 1652 “meanwhile observed that on the ascent of Table Mountain the pasture was everywhere crowded with cattle and sheep like grass on the fields.” (Moodie p22).

7 December 1653 “The Saldaniers, who lay in thousands about Salt River with their cattle in countless numbers, having indeed grazed 2,000 sheep and cattle within half a cannon-shot of our fort.” (Moodie p22).

7 April 1654 “On advancing about 1,5 mile from the Fort, behind the mountain, saw several herds of cattle and sheep, and a little further a whole encampment of inhabitants, with women and children, about 100 in number ...their camp, which consisted of 16 tolerably large dwellings, neatly disposed in a circle and enclosed with brushwood fastened together as a breastwork, with two openings or passages, for the cattle to be driven out and in ...” (Moodie p47)

24 November 1655 “Near and beyond the Redoubt Duynhoop (Duynhoop was close to the Salt River mouth), we found the country everywhere so full of cattle and sheep, as far as the wood, where our people lie, fully 3 mylen from this, and fully ½ myl broad, that we could hardly get along the road, and the cattle required to be constantly driven out of our way by the Hottentoes, otherwise it seemed impossible to get through; not only were the numbers of cattle impossible to be counted, but the same might be said of the number of herds of cattle; and it was just the same with the people, of whom we could see at one look around us, probably 5000 or 6000, young and old, for their curiosity to see us was such that we were so enclosed by them, that we could scarcely see over them from horseback; there were also 4 to 500 houses, rather large, and pitched in circles close to each other, within which the cattle are kept at night, the

circles could scarcely be walked round in a half hour, and looked like regular camps.” (Moodie p76).

It is hypothesised that while van Riebeeck believed that these large groups came down south from Saldanha and further north, specifically to trade with the Dutch, this was not the case. It was just a leg of a seasonal round that had been practised since the Khoekhoe acquired cattle – possibly more than 1000 years ago. After fattening up their cattle on the greener pastures around the Peninsula’s permanent rivers, groups such as the Cochoqua from Saldanha would break camp after summer and return to the nutritious winter grazing of the Swartland and the Vredenberg Peninsula. These large groups of Khoekhoe had well trained riding and pack oxen, and woven mat houses (*matjieshuise*) that could be quickly taken down and packed at short notice when the community moved to the next grazing area.

Cattle, to the Khoekhoe, were not simply beef on the hoof to be traded in large volumes to the Dutch. They were a way of life; wealth, transport and milk – the key nutritional contribution that could be relied on at all times. Cattle were almost never slaughtered, apart from for serious ritual purposes – they were simply too valuable. Hence, trading away one’s cattle meant severely compromising one’s security, wealth and social status. This was something the Dutch did not understand. It was a source of great resentment to the Dutch they were unable to trade the volume of livestock they required and the Khoekhoe were not prepared to offer them their most valuable possessions.

While according to Elphic (1977, 1989), large groups of Khoekhoe lived further north in the Swartland, the Vredenberg Peninsula (Cochoqua, Namaqua) and in the South Cape (Chainoqua, Gouriqua, Hessequa), the Cape Peninsula supported its own groups of Khoekhoen. Generally, the soils of much of the Peninsula are poor for raising cattle, but there were enclaves within the Peninsula geology that would have supported small herding communities. The City Bowl and Green Point are underlain by good shales, as are parts of Observatory, Rondebosch and Wynberg. The Camps Bay slopes would also have been suitable, as were the granites of Hout Bay, which offered the additional blessing of good water in the valley. Further south, the Peninsula Mountain chain was poor and supported only mountain Fynbos and wildlife specifically adapted to live off the nutrient depleted soils.⁹

Autshumato (known as Herri to the Dutch or Harry to the British) made a good living out of serving as a trader and middleman and at the same time had alliances with the Khoekhoe (the Goringhaicona, Capemen, Peninsulars or “Strandlopers”) who made the Peninsula their home. These groups filled the Peninsula niche. Provided they circulated round the Peninsula grazing their stock in the areas where there was good bedrock, they would have been able to support a moderate herding community. Any loss of these limited good grazing areas within the Peninsula geological microcosm

⁹ This is why the current Cape Point Nature Reserve only has small herds of wild grazers

would have caused the Peninsula Khoekhoen groups considerable economic, social, and nutritional stress.

4.1 4.2 The importance of the rivers

The land's appearance in the past was very different to that of today. While the valleys of the Liesbeek and Black Rivers remain quite well defined (used as a conduit for some of Cape Town's major roads) and essentially have not changed, the rivers themselves have been straightened and canalised, in places draining what were significant areas of marshland. The river valleys on the eastern side of Table Mountain were wooded with afro-montane forests and the streams, fed by numerous prolific springs between Wynberg and Mowbray, would have flowed year round. The Salt, Liesbeek and Black Rivers had a common confluence flowing into a large lagoon and wetland that extended all the way northwards to Rietvlei. Paarden Eiland was essentially a very large sand bar and a true island. The river broke through Paarden Eiland, close to where the eastern side of Duncan Dock is today, and also further north, closer to Milnerton (and probably at other places in the height of winter). This estuary was a huge natural resource, not only for grazing cattle on grasses and young reeds but it also served as a rich fishing ground.

In the early 20th century, much of this estuary was drained to make way for the Salt River and Culemborg shunting yards and railway workshop. Previously, this estuary cut off Table Valley from the northern coastline and interior, with only one point of entry and exit via *Varschedrift*, a point of limited access which was used for the Union Rail network (circa 1870) and for the Voortrekker Road crossing into the hinterland. In prehistoric and early historic times this was the only easy access to Table Valley. The sandy dune lands known as the Cape Flats, were full of lakes and muddy dune slacks that were very difficult to cross. Hence, the Peninsula was, in effect, a geographically contained area – relatively easily fortified and almost viable as a self-contained unit. The present day wetland, at the confluence of the Liesbeek and Black Rivers, with the small area of high ground occupied by the Royal Observatory and the River Club, amount to the last surviving elements of this historical landscape. On the northern side of the Varschedrift was a large flat plain where, in the early days, the Cochoqua would lay out their kraals and people intent on entering the Peninsula would outspan and camp.

canalisation. The Salt River estuary is clearly visible. It was reclaimed in the early 20th century for railway yards.

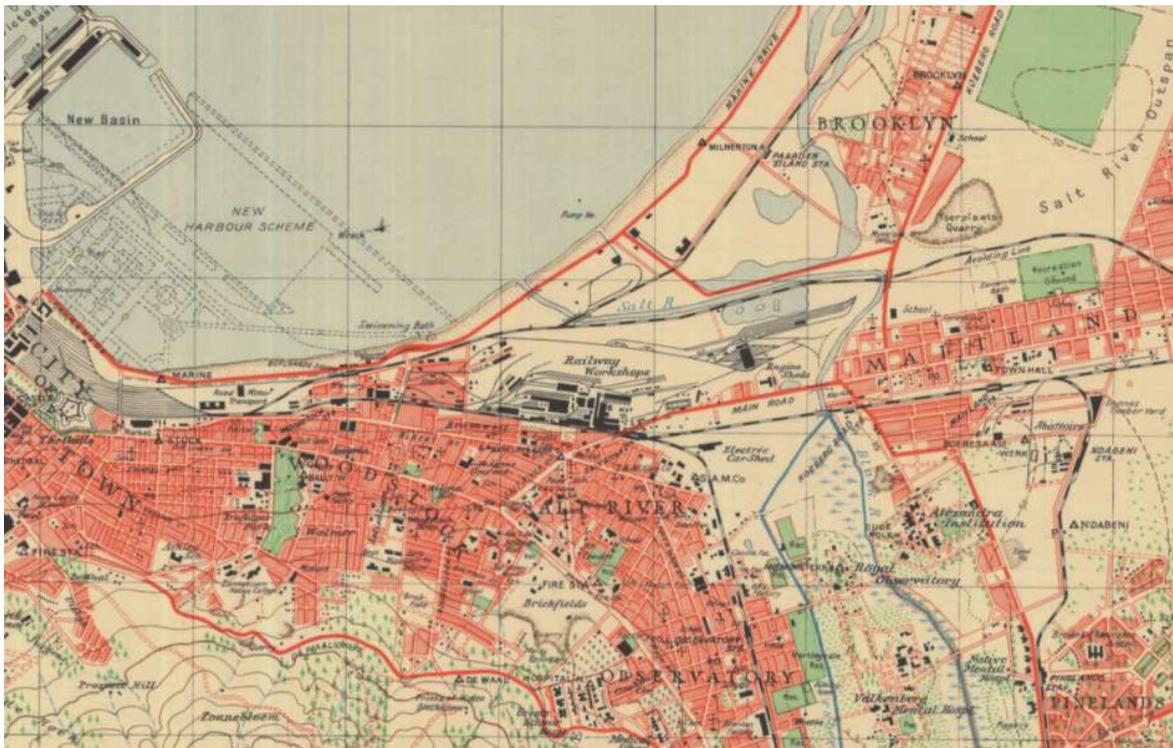


Figure 5. An excerpt from the 1935 topographic series (Chief Directorate: National Geospatial Information) which reveals that by 1935 a large portion of the Salt River estuary had been filled for railway development and the river diverted. Also, it is clear that the Liesbeek had been straightened for a significant amount of its length. The River Club site is already being used for recreation.

4.2 4.3 Roots of conflict and the commencement of farming

The relationship between the Khoekhoe and mariners from Europe was not always peaceful, although it would seem that respectful trade was generally the norm. While the balance of power rested with Khoekhoe groups, a relationship based on peaceful trade was advantageous as the Europeans needed the Cape's resources for survival, if their fleets were to reach the Indonesian archipelago. The Khoekhoe did not tolerate unfair conduct, as was demonstrated in 1510 CE. Francisco D'Almeida, the Portuguese Viceroy of India, had conducted peaceful trade with the Khoekhoe at *Saldanha Bay* (the name by which Table Bay was known at that time) but it would seem that D'Almeida overstepped the mark by sending a group of his men back on a punishment mission during which cattle were driven from the village and some children were taken as hostages. The Khoekhoe attacked and killed the Viceroy and more than fifty of his men. The account of his death indicates that the Khoekhoe made great use of their cattle as weapons of intimidation to stampede over the Portuguese, the animals being apparently highly trained and responsive to whistling of the Khoekhoe. Lightly armed and not weighed down by heavy clothes/armour, they vigorously attacked the Portuguese as they tried to flee across soft beach sand.

It is not entirely clear where this event took place – drawings of the event were done after the time and depict a location more like Buffels Bay near Cape Point (Raven-Hart

1967). Furthermore, the actual account (translated ACO 2016) indicates that the event took place at a point “behind the Cape” or after “doubling the Cape” – could this have been False Bay, or even present-day Saldanha Bay? Theories abound, however, the truth may never be known until physical evidence of this event is found. What is clearly mentioned in the account is that the conflict took place on a beach where there seems to have been an estuary (boats were moved to avoid rising water) – the Salt River Mouth being a possible candidate.¹⁰ D’Almeida and his men’s deaths did not take place within the context of a battle over land, but it does demonstrate that the Khoekhoe held their cattle and their independence in great regard. Given D’Almeida’s defeat, Portuguese mariners were thereafter wary of stopping at the Cape.

The experience of the *Haarlem* wreck survivors more than a hundred years later resulted in the reporting of more favourable circumstances to the VOC with regards to good farming and grazing land and trade opportunities (Raven-Hart 1967). This favourable news was instrumental in prompting the VOC to set up a permanent station at the Cape for the purposes of cattle trading, crop farming, and provision of water to passing ships.

When Van Riebeeck established the Fort at Table Bay in 1652, he did so on very different premises to those of the earlier mariners who landed at the Cape. At the same time, he did not understand the value of cattle to the Khoekhoe. These two elements were at the base of the inevitable clash of interests which was to follow in future years. Before 1652, ships landed occasionally at the Cape to obtain fresh provisions for themselves, whereas Van Riebeeck’s intentions and orders were to set up a provision station able to supply an entire fleet which would be scheduled to arrive on every outbound and inbound journey. His aim was to obtain a herd large enough to be able to provide for the fleet from its natural increase without having to sacrifice the ‘base stock’. On previous landings at the Cape, and during the stay of the *Haarlem* survivors, large herds of cattle were noted. While the Europeans obtained what they needed, they never appreciated the value cattle had to the Khoekhoe and that they would not be willing to part with a substantial part of their herd, no matter how much copper, beads or tobacco was offered in return.

The failure to obtain large amounts of cattle for supplying beef to ships in part motivated the Europeans to try to develop their own herds. When Van Riebeeck commenced farming within the present-day city bowl, the VOC began to infringe on the grazing resources, which until that time were occupied by the Goringhaicona and the various Peninsula groups. Autshumato had for many years maintained a balancing act serving as a middleman between the Khoekhoe and mariners from Europe. He was worldly wise, spoke two European languages and played both a mischievous and key role in the early days of the VOC at the Cape. Indications are that he and the Peninsula Khoekhoe did not enjoy entirely good relations with other

¹⁰ We note that Attwell and Jacobs, October 2017, have dealt with this question in some detail, pp51-63.

more powerful Khoekhoe groups like the Cochoqua from the north and so did not have the freedom of movement to relocate into areas under the control of those other Khoekhoe “Kapteins”. On several occasions, the Peninsula groups came to ask Van Riebeeck for protection against these larger groups, at which occasions they were permitted to bring their cattle ‘under the fort’ or move them to Green Point or Hout Bay. From the account of events in Van Riebeeck’s journal, one gets a sense that during summer time when the inland groups moved onto the Cape Flats and into the Salt River area to let their cattle graze, the local Khoekhoe avoided them by moving to the south of the peninsula (Green Point, Hout Bay, Muizenberg), areas not as accessible for large herds.

In Van Riebeeck’s journal, one recognizes his frustration at knowing of and seeing these large herds of cattle and sheep and not being able to obtain the amount he wanted. In the early years, the large groups of Khoekhoe would come in summer from inland like they had always done and barter some animals with the Europeans like they had ‘always’ done. But from 1657 onwards, the herds were no longer brought down to the river area. In a conversation with Oedasoa one of the “Kapteins”, it was explained that they thought that the Dutch were in alliance with the Peninsula groups as they “were residing here upon their land” (Moodie 1838: 172).

This points to a situation where the Peninsula Khoekhoe were caught between two fires: the Dutch on the one side and the more powerful Khoekhoe groups on the other side.

The land that Van Riebeeck identified in 1652 for farming was the best grazing land in terms of the limited resources that the Peninsula had to offer, especially for grazing cattle. At first the bartered cattle would graze near the fort, side by side with the Khoekhoe herds. But it was not long before Van Riebeeck identified the fertile strip behind Table Mountain for the expansion of agricultural activities. The Liesbeek River valley and tributaries were the best land on the Peninsula. Slowly but surely, the Peninsula Khoekhoe were shunted from the vicinity of the fort or from being too close to the VOC herd: the land could not sustain two herds and there were worries that VOC cattle would ‘by mistake’ get mingled in the Khoekhoe herd.

The uneasy relationship between the VOC and the Peninsula Khoekhoe was clear from the beginning: the Khoekhoe enjoyed the benefits of being closely associated with the VOC (protection, food, drink and tobacco) but at the same time were worried about the permanency the settlement seemed to take. As early as 19 October 1653, Autshumato and his people led the VOC cattle away while grazing at Green Point and killed the herd boy looking after them. They stayed away from the fort for a long time, but returned after the cattle had been raided by another Peninsula group. This to-ing and fro-ing continued for years and in the meantime the Dutch continued to absorb more and more of what was seen by the Khoekhoe to be communal grazing land, which given the limited resources of the Peninsula, threatened their very existence.

Van Riebeeck had to revise his strategy to build enough supplies for the fleet, rather than continue trying to trade for supplies himself. To this end, he released Company employees to farm and supply the VOC at set prices with the needed produce. The VOC was heavily involved in setting these “Freeburghers” up and belittled the concerns of the Peninsula Khoekhoe.

20 Feb 1657. “Some persons having desired their freedom, and land for cultivation, the Commander went out with them again, in order, as yesterday, to inspect the parcels which they might select, and then to agree upon the preliminary conditions. As was the case yesterday, he visited the camps of Herry and some of the Caepmans, and held with them a conversation of no particular importance, giving them tobacco and brandy etc. ... Herry and the fat Caepman with some of their chief men seeing us looking on, and hearing us talk of building houses here and there ... asked us, if we built houses, and broke up the ground there, which they observed to be our intention, where should they live? We replied that they might live under our protection, and that there was room enough everywhere for them to graze their cattle; that we were going to employ this land to grow bread and tobacco, when we would, like good friends, give them a share etc on which they expressed themselves satisfied, but it might be easily seen that it was not quite to their mind”. (Moodie 1838: 93)

The granting of farm land to *freeburghers* was a concept that was completely foreign to the Khoekhoe who viewed land as a shared resource over which the concept of ownership did not apply. Within a short while, the best and most well-watered land of the Cape Peninsula in the Liesbeek Valley was no longer available. The failure to reach an understanding with the Dutch caused tensions to rise.

The Khoekhoe stole ploughing oxen from the VOC in an attempt to halt the turning of the soil and the Dutch of course retaliated, resulting in a conflict with the Khoekhoe consisting of a few violent confrontations. Doman (also a trader and middleman with language skills) of the Goringhaicona instigated much of the action, being fully aware by this time that a process of permanent land loss had commenced. On 17 May 1659, after the Khoekhoe again stole cattle from one of the *freeburghers*, the Dutch withdrew to the Fort where they remained secure under a force of arms. In time, the frequency of Khoekhoe attacks abated and in September 1659, a small delegation came to enquire if Van Riebeeck would be prepared to talk about peace. In reality it was a one-way conversation that resulted in a peace agreement in words, but not in the hearts. The balance of power had shifted to the Dutch with the local Khoekhoe being very wary of Dutch firearms.

18 January 1660. “... the reason why they had made war upon us, was, that we everywhere broke up the best land with the plough, and they thought to prevent that by taking away the oxen with which we did it, That now, seeing that we were strengthening ourselves against their attacks, and as they consequently found it impossible to drive the Dutch from the Cape, they wished again to make peace with us, and to live as before. ... When they were asked why they wished to come to the

Cape and make peace, they said it was their birth place, and their own land, full of pure water, after which their hearts always longed, that in Saldanha Bay all was dry and brakish; and that Oedasoa would not allow them to lie on the best places and rivers, and had told them that they must arrange with us, so that they might live in peace and quiet in their own country.” (Moodie 1838: 198)

6 April 1660. *“This day peace was renewed at the Fort with the captain and chief of the Caepmans, Herry, and all the principal and oldest of the tribe; it was promised, upon both sides, no longer to molest each other, but, of the stolen cattle, there was none remaining that could be restored; They dwelt long upon our taking every day for our own use more of the land, which had belonged to them from all ages, and on which they were accustomed to depasture their cattle etc. They also asked, whether, if they were to come into Holland, they would be permitted to act in a similar manner, saying ‘what would it signify if you remained here at the Fort, but you come quite into the interior, selecting the best for yourselves, and never once asking whether we like it, or whether it will put us to any inconvenience.’ They therefore insisted very strenuously that they should be again allowed free access to the pasture.”* (Moodie 1838: 205)

Van Riebeeck decided that the best course of action was to build a physical barrier around the VOC agricultural lands. It is of interest to note that the Council of Policy Resolutions clearly reveals that the initial intent was to build a cattle-proof barrier to stop the Khoekhoe from driving away Company cattle. Parts of the Liesbeek River that were too deep or swampy to drive cattle across were also strategically identified to form a combination of physical and natural barriers. Using natural features, palisade fences and in some areas a wild almond hedge (part of which still survives in the Kirstenbosch Botanical Gardens; although Dan Sleigh argues that this surviving remnant is rather a remnant of a wild almond thicket and was not a hedge and was not ever part of these ‘defences’) a barrier was constructed to control the movement of cattle from areas under VOC hegemony. The barrier was supplemented with a series of small forts or lookout posts strategically situated on points of high ground close on either side of the Liesbeek River. Work gangs were sent out to steepen the banks of the Liesbeek, and furthermore the *freeburghers* were ordered to secure the eastern borders of their land with thorn and brushwood barriers, to prevent the movement of cattle.

4.3 4.4 The defended boundary

From the earliest occupation, the VOC had erected watch towers at strategic places along the coast, always fearing an invasion by other European nations. The exact location of these is hard to reconstruct: maps are rather inaccurate and descriptions that might have seemed detailed at the time, but with a completely transformed landscape today, are of very little help. These early outposts were an extension of the fort into the interior and a warning towards the Khoekhoe. They were later incorporated into the defensive line around the VOC and *freeburgher’s* land.

Two of these early redoubts of interest to this report are Duynhoop and Coornhoop.

Wednesday 2 October 1652. *“It has also been decided to position the traenketels (train-oil boilers) at the Salt River ... And, to protect these kettles and equipment, build a small redoubt on a certain high dune just in from the mouth / just in the mouth [as if on an island?] of said river on this side [meaning fort side] ...”* (Resolutions, C. 1, pp 22-24)

Tuesday 17 July 1657. *“They have identified a very suitable and well positioned area for the construction of the principal and strongest redoubt at about 4 to 5 hours from the fort, behind Table Mountain, on a high hill in the plain between Steven and Jan Reijniersz’ houses or buildings, where it is very well positioned to protect the Company’s planted orchard as well as the Company’s and the freeburghers’ buildings and sown land parcels. ... So that the mentioned redoubt will have a view from the beach of Table Bay over the cultivated land and the Company’s orchard all the way to the Bosheuvel which is situated in the centre of the nek between the bays, with exception of the Company’s fields situated in a valley behind another hill below the forest opposite Harmans’ brewery... . Further we thought about the name of the redoubt, which because of its location we approved to name Coorn-hoop.”* (Resolutions, C.1, pp 238-241)

Because of the skirmishes between the Dutch and the Peninsula Khoekhoe, Van Riebeeck decided to build a physical border. This is quite well documented in the archival sources.

On 4 August 1659, it is decided to build a fence: *“The commander went out accompanied as on Thursday and Saturday, and for the same purpose, and found, that from the crooked tree between the dwelling of Harman and Brinckman, to the wood of the sawyer Leendert Cornelis van Zeevenhysen, (lying close by the Kloof Pass) a wooden railing, as before described, could be very easily made, so as to prevent the Hottentoots from driving any cattle away, much better than any ditch or intrenchment”* (Moodie 1838: 186-187)

9 August 1659. *“After great trouble it has been ascertained that the Fresh River Liesbeek is so deep, and the banks so steep, from the house of Jan Reyniers to the crooked tree above that of Jan Martens of Vrielants, inclusive, if only cleared of the rushes, that no cattle can be driven through, except at three or four narrow places, which may easily be deepened, and the Hottentoots thus compelled to cross between the sea coast and Reynier’s house (a measured distance of about 500 roods) or betwixt the said crooked tree and the wood of the free sawyer Leendert Cornelis van Sevenhuysen (an estimated distance of 11 or 12000 roods) to be enclosed by embankment or otherwise. In some place the digging seemed of uncertain advantage It was at length found out ... that ... the cheapest mode would be to enclose the said distances with a fence, like the cattle markets in the Fatherland, that is to say a paling with two rails.... To stop the cattle. ... it will include no other corn land than the*

Company's, Stevens', Vredens', Boomtien's, and Jan Reyniers' – in all about 170 morgen In the line of this fence, 100 roods from the Liesbeek and Salt River, and also at the Sand Hills on the coast, it is also resolved to erect two wooden guard houses of 12 feet square, for at those spots is the best look out, and the greatest thoroughfare of the Hottentoots and Saldanhars ; a third guard house shall be placed near the crooked tree between L. Cornelis and the farmers of Vasagie's party, opposite to the Cleyheuvels and the Bosbergen, under the protection of which the greater part of the free men, and the Company may graze their ploughing oxen. It was next week discovered that the Company might save 1000 Spanish Dollars in nails etc by adopting a different plan for one portion of the line, i.e. a hedge of dead bushes, pega pega, on the 7th Nov the colonists living beyond it were ordered to make a similar fence each along his own land; along the paling was planted a hedge of "bitter almond trees". p.187 – .” (Moodie 1838: 187)

15 Sep 1659. “The Commander went out to examine the fence of dead bushes or pega pega ; some of the heaviest cattle were driven against it to test its efficiency, but they could not break through – 1150 roods had been made by 30 men in 20 days, the greatest difficulty its liability to fire, 3 persons were accordingly appointed to guard it against fire ... a third guard house was ordered to be erected and to be called Hout den bul.” (Moodie 1838: 191).

30 Sep 1659. “The Commander, after the usual round of inspection ...fixed the site of the third guard house, for which the timber was now ready, and named it Hout den Bul ; 21 men were employed scarping the banks of the river, so as to make it more difficult for Hottentoots to drive cattle over.” (Moodie 1838: 193)

25 February 1660. “This day we measured the circuit of the Cape settlement (omslag) and found that from the sea shore to the first guard house, the Kuyk Uit, round outside all the Company's and free men's arable land, and over the height of the Bosheuvell to the sawyer Leendert Cornelis, at the Bosberg, was a distance of 3673 roods, that is, from the shore to the principal projected station of the mounted guard, 1320 roods, and the other portion 2353 roods ; along this line it is intended to plough, to the breadth of one roe, for the purpose of planting and sowing, as thickly as possible, bitter almond trees, and all kinds of thorns and brambles of rapid growth ; so that no cattle nor sheep can be driven through ; like the divisions of jurisdiction betwixt the territories of some dukes and lords in Cologn and Germany, with here and there guard houses and watch towers with bars, to protect the farmers from external attacks, for which the guard houses and bars already made, will answer” (Moodie 1838: 199)

An un-transcribed map of 1661, gives some clues as to the position of parts of the early defensive line. It extended from the Salt River Mouth where the redoubts, *Keert De Koe* and *Duinhoop*, were built to keep watch over the northern cattle crossing at Varsche Drift. The term *Keert De Koe* means “Turn the Cow” a direct reference to the need to control the movement of cattle from the VOC held area. It is thought that *Keert De Koe* was built in Maitland, which makes sense because it was close to the crossing point to Table Bay. Cannon Road in Maitland may be a direct reference to the outpost.

Until just before 1900, Maitland consisted of a very large outspan (see Figure 1) that lay just beyond Varsche Drift. Outspans can have histories that go back for centuries, in this case the land use probably dates back to when Khoekhoe herdsman mustered their cattle on the outskirts of the VOC held area by the Salt River. It is of interest to note that this land now forms part of Ysterplaat Airforce Base.

The City of Cape Town has attempted to geo-rectify the 1661 map which places the outpost known as *Coornhoop* on the site of the Mowbray Maternity Hospital. Interestingly the late amateur archaeologist and historian, M. Emms, before the benefit of GIS systems and digital technology also determined that the hospital was the most likely site of *Coornhoop* (Emms n.d.). This however conflicts with a description contained in the Resolutions, as the Mowbray site does not enjoy a view of the Table Bay shoreline (obscured by Devil's Peak) nor is it on a hill (anymore). The 1661 map also makes reference to a palisade fence (*schutpaling*), possibly indicated as a faint line on the document. This is clearly placed on land between the Black and Liesbeek Rivers.

If we are to assume that the City of Cape Town and M. Emms are correct in the placing of *Coornhoop*, the next outpost in the line known as *Ruiterwacht* (Horsemen's Outpost) would have been placed on what is today, Rondebosch Common or very near to it. Dr Dan Sleight (2004) has produced a plausible map of possible locations of the early VOC forts which may be considered consistent with the balance of evidence in the historic records. He is also in agreement that *Coornhoop* was in Mowbray, *Ruiterwacht II* was on the Observatory site and *Ruiterwacht I* was further towards where Rondebosch common is today.

It is clear from the archival excerpts that the fence was intended to keep cattle in, and not primarily to keep Khoekhoe out. But nevertheless, the effect of this barrier was the exclusion of Peninsula Khoekhoe from their main grazing lands that the VOC reserved exclusively for the use of the Company and *freeburghers*. Still available to them was more marginal grazing, along the edge of the Cape Flats, the eastern edge of the Black River estuary and possibly the outskirts of Green Point and Hout Bay. As a result of the conflict, Autshumato was imprisoned on Robben Island (from which he escaped), Doman was badly injured and died in 1660. Autshumato's niece, Krotoa, alienated and isolated, succumbed to illness and addiction. Essentially, within eight years of Van Riebeeck landing at the Cape, the structure of Khoekhoe society on the Peninsula had all but collapsed. Relegated to a marginal existence on the fringes of the VOC, the Peninsula groups either broke up and joined other groups in the interior or became assimilated into an acculturated existence within the VOC hegemony.

It seems that a real and tangible fence did not demarcate the expansion of the VOC and *freeburghers* into the land beyond it. Rather, it seems that this expansion happened at quite a pace, so much so that in 1661, the *Coornhoop* redoubt was obsolete and demolished, its building material used for the construction of farm houses. The River Club site was part of the land that was first farmed by Wouter

Cornelis Mostert from 1657 in the shelter of the adjacent hill (now the SAAO). The farm was named „Den Uitwijk“. Mostert failed to grow grain and after four years of trying, and distracted by war fighting the evicted Khoikhoi, he gave the land up and built a mill known as “Mosterts Mill” in Rosebank. Jan Van Riebeek, took over “Den Uitwijk” in 1659, and with the use of the garrison was able to chase the Khoikhoi out the area. With the use of slaves, Van Riebeek managed to farm grain on the site (O’Donoghue 2017).

4.4 4.5 19th and 20th century history of the site

All of the Dutch farms along the Liesbeek River have been the subject of a complex sequence of land transfers. The character of this part of the Liesbeek River catchment remained rural until well into the 20th century (O’Donoghue 2017). Valkenberg was converted into a reformatory in the late 19th century but still functioned as a farm during this time. Shortly after this, Valkenberg Hospital was built accommodating patients newly transferred from the Robben Island infirmary (Deacon 1996). By as late as 1937, there were still extensive cultivated lands on the on the east side of the Liesbeek River. On the west side, suburban development and sports fields had encroached on previously cultivated land. It is not by accident that the very first VOC farms were located on the best land that the Cape Peninsula had to offer – good grazing and perennial water were as important to the Dutch as the local Khoekhoen. The site and its context are located within the core of this early contested landscape (O’Donoghue 2017, Hart 2016).

The general history of the Observatory area has been considered in some detail by O’Donoghue (2017) in the phase 1 HIA for the site:

“From the beginning of the 19th century, residential, commercial, and industrial development began to encroach on the agricultural landscape. Land within the vicinity of the study area was largely unaffected by these processes. Road networks grew significantly and so did the 19th century rail network. At the beginning of the 19th century there were two main routes, Main Road to the south and present day Voortrekker Road to the north. Residential subdivision, commercial and industrial development led to the development of a more complex road system but this still left the study area intact. The surrounding landscape of the Observatory between the two rivers remained distinctly agricultural – with the farm of Valkenberg as a distinctive agricultural entity. Although the study area continued to remain an agricultural entity well into the 20th century it began to take on a distinctly institutional role. In 1821 a portion of Valkenberg was sold for the establishment of the Royal Observatory. From 1881, the institutional role of the study area grew in emphasis although the agricultural character was largely retained. Valkenberg was bought by the Cape Colonial government with money from the Porter Bequest Fund for the establishment of the Cape Colony’s first reformatory. The Valkenberg manor house and outbuildings were used to house staff and young offenders. The farming activity continued at the

reformatory. Porter Reformatory strove to be largely self-sufficient with farm work as the main training emphasis of the system.

“The suburb of Observatory derives its name from the RO established in 1821. The area became increasingly built up during the last quarter of the 19th century, especially around the railway station. Its development took off at the end of the 19th century accelerated by the arrival of people leaving the Transvaal due to the outbreak of hostilities in 1899. Development occurred largely on three farms. Onderneming (once part of Coornhoop) was subdivided into two major parts. One was developed into fairly high class villa complexes. The other part became the property of JC Wrench that was developed into an area known as ‘Wrench Town’. The farm Bellevliet was subdivided in the 1880s. The lower part of Observatory, closer to the Liesbeek, was badly drained, and thus never urbanized (Fransen 2004). Observatory represents one of the largest and coherent concentrations of late ‘Victorian’ architecture and is now situated within a declared Heritage Protection Overlay Zone (HPOZ)”.

A careful examination of the topo-maps between 1930 and 1960 suggests that the lower reaches of the Liesbeek, at least below the new line of what is still called Settlers’ Way, were iteratively straightened, in-filled, moved to accommodate the arterial Liesbeek Parkway, to improve stormwater reticulation and to accommodate sports fields.

The site currently occupied by the River Club was used by the South African Railways & Harbours (SAR&H) as the Liesbeek Park Recreation Club, which was established in the late 1920s and was subsidized by SAR&H, for the benefit of its employees. The site was more recently administered by Propnet, a division of Transnet. The original facilities of the club which consisted of playing fields and some small structures were built towards the end of the 1920s, with the main building completed in 1939 (Planning Partners, 2017). The nature of the site has been transformed with the original wetland that made up much of the site being gradually reclaimed, the Liesbeek River was diverted into a new concrete-sided canal in 1952, and overburden added to the site to raise it above flood levels. Interestingly, between 1960 and 1980 the old Liesbeek course is depicted on topo-maps of the time as being fully reclaimed and filled; but later, shortly before 1990, it seems that some dredging was done to allow water to backflow from the Salt River into a deep ditch approximating the old river-course (See figures 5-9 below).

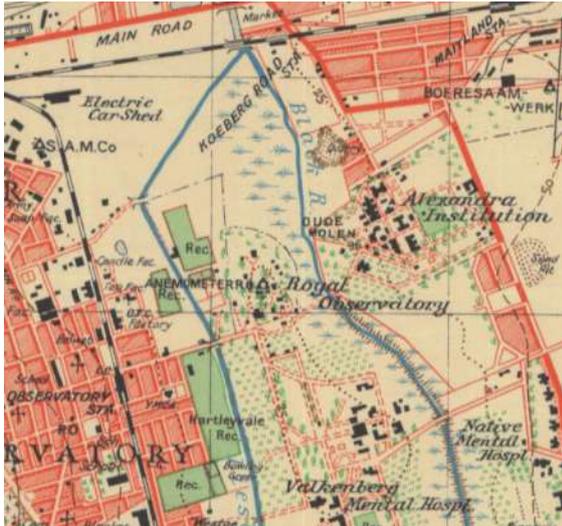


Figure 6. By 1935 recreational grounds were in place and the Liesbeek had been straightened and its confluence with the Black River moved



Figure 10. In 1980 there is no water course shown along the old Liesbeek course.

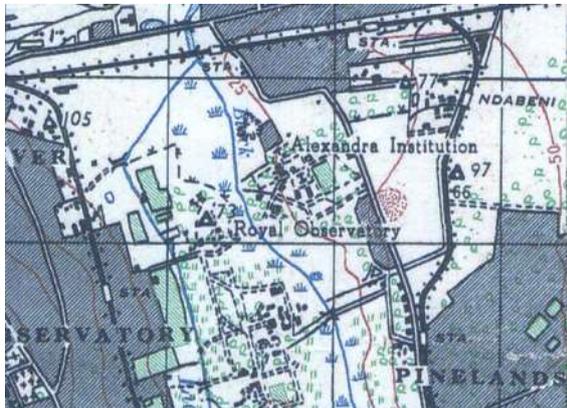
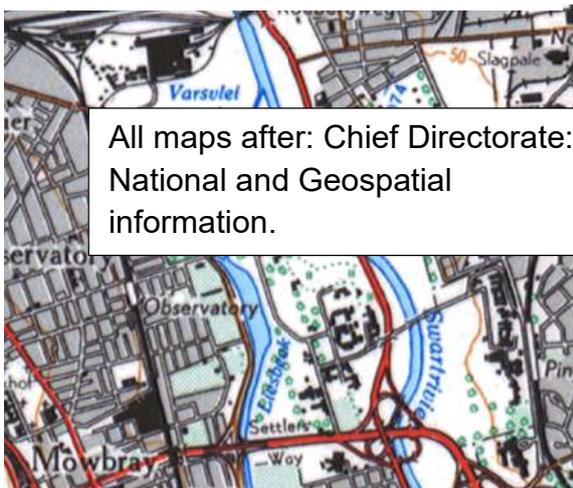


Figure 9. By 1940 the site enjoyed the same configuration.



Figure 7. By 1990 the Old Liesbeek River course had been partially restored, albeit without the straightness of the 1934 alignment.



All maps after: Chief Directorate: National and Geospatial information.

Figure 8. By 1960, the old course of the Liesbeek had been diverted and filled. A new canal was built on the east side. The River Club house is visible.



Figure 11 1941 aerial photograph showing the River Club site and the lower course of the Liesbeek effectively canalised (Lex Stewart, 1941; Townsend-Stewart Family Archive)

When Transnet activities shifted to Bellville in the 1980s, most of the staff moved to the northern suburbs, leading to a decline in patronage at the club. By November 1993 the property had been abandoned by Transnet as a sports club and had been leased to a progression of tenants who apparently neglected the buildings and fields. The River Club was established in November 1993, primarily as a golf driving range, and the entire property and building was leased by the former proprietors of the River Club, Liesbeek Leisure Club (Pty) Ltd on a long-lease of 75 years. For the initial 7 years of operation the activities for which the River Club was originally developed – the bar and restaurant, the conference venue and the golf driving range – were considered “non-conforming uses”. However, these use rights were approved by Council in May 2001 and still apply to this day. In addition, permission to build a 9-hole mashie golf course was granted in 2002 (operation commenced in 2003); and the River Club owners continue to use and improve the property.

4.5 4.6 The History of the Berkley Road Extension:

Although the topographical maps and the aerial photograph above do not show the Berkley Road Extension, it has a history that dates from the 1940s:

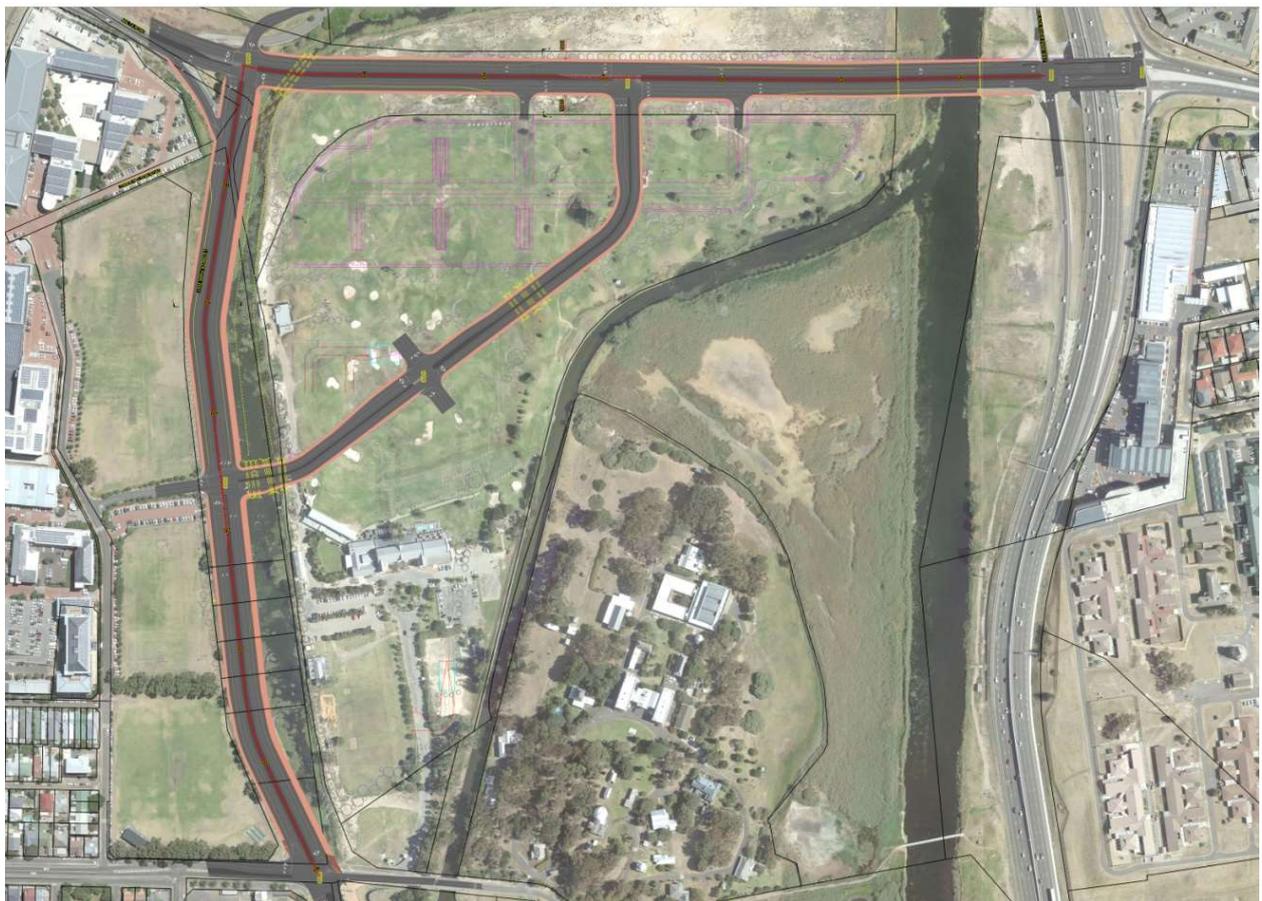
It is clear that the State had assembled land for the Berkley Road extension-connection when it subdivided a large number of properties and consolidated those pieces into Erf 15326 as early as 1945.¹¹ This very large and curiously shaped erf was

¹¹ See the Certificate of Amended Title on Consolidation, T16749/1945, and the SG Diagram of Erf 15326.

to enable a connection between the extant Albert-Malta Road axis (the Salt River area) and Berkley Road (and Maitland-Ndabeni) allowing a cloverleaf intersection for the start of the planned Liesbeek Parkway and the crossing of Salt River to an intersection with the planned Black River Parkway. It is apparent that there is no trace of the Malta Road Bridge over the railway line, the Liesbeek Parkway or the Black River Parkway in the 1941 photograph above.

Later, in 1968, this connection was gazetted as a Provincial Main Road and zoned for Street Purposes on the zoning map;¹² and in due course this erf, then minus the land for the Liesbeek Parkway cloverleaf and now called Remainder Erf 15326, was transferred to the City Council in 1989.¹³ Although the City Council has still not constructed this connecting road, it is described as a “Class 2: Proposed Major Arterial” in the City’s current *Public Right of Way Network Report* of July 2017 and the *Comprehensive Integrated Transport Plan* of 2018 also includes the road.¹⁴

The road design has not been finalised but the conceptual design is shown below:



¹² See Provincial Gazette No. 385 dated 26 Nov 1968.

¹³ See the Title Deed, 21836/1989, and the SG Diagram Rem Erf 15326.

¹⁴ See Planning Partners Report, pp118-121, for greater detail of the planning and implementation of this major arterial.

Figure 11: Proposed layout of the Berkley Road Extension and the proposed T-junction with Liesbeek Parkway (Aurecon in consultation with the City of Cape Town's TDA)

5 CONSULTATION AND COMMENTARY OF INTERESTED PARTIES

In this section, we describe several consultation and commenting processes in which interested parties have expressed views on the site as heritage and on the development proposal in as much as the development may impact on heritage resources. There have been several such processes carried out in order to satisfy different laws and we outline these briefly as follows:

- the TRUP base-line studies during 2016/2017;
- the two consultation processes in respect of the NEMA Basic Assessment process (itself complicated by a change in regulations early in this process) in respect of the River Club proposal during August-September and January-February 2016/2017;
- the consultation process in January-March 2018 regarding the NHRA HIA-process in respect of the River Club proposal;
- the consultation process in August-September 2018 regarding the MPB-L rezoning process in respect of the River Club proposal;
- the opportunity to comment on HWC's intention of provisionally proclaiming the TRUP to be a PHS in late 2017; and
- the opportunity to comment in September 2018 on the appeals against the HWC decision to provisionally proclaim the River Club and at the Tribunal hearings in this regard in October, November and December 2018.

This is an exhaustive set of processes and it is not possible (nor, given the iterations of the finite range of issues raised, is it necessary) to include every comment made in all of these processes. However, we do give emphasis to the views expressed in the two processes explicitly devised to deal with heritage resources, that is the consultation process of this HIA-process under Section 38(8) of the NHRA and the commentary submitted to the MEC's Tribunal while it was dealing with four appeals *contra* the HWC decision to provisionally proclaim the River Club property, Erf 151832, to be a PHS under Section 49 of the NHRA. The issues raised are discussed in greater or lesser detail, depending on our assessment of their relevance in this discussion. We do not claim this discussion to be exhaustive and we refer the reader to Appendix B containing, firstly, all of the comments received in the Section 38(8) process and, secondly, as much of the written comment received in the Section 49-appeal process in respect of the provisional proclamation as we have been given.

In this account, commentators are not addressed individually; but we hope that every heritage-related issue and concern raised, is discussed and addressed even if our responses are broadly phrased and do not satisfy every commentator.¹⁵ It will be

¹⁵ We note that several commentators on the *Draft HIA* have misread the quoting of other studies as though the words were ours (for example the Visual Statement and the Urban Design

apparent that we agree with certain of the concerns and criticisms raised by commentators; but that there is an essential difference of view reflected in this study regarding the Preferred Alternative which is expected by us to result in a marked improvement of this stretch of the Liesbeek River as amenity, as ecological system and as heritage resource.

We note that the commentary of the parties on the development itself is included in the section describing the proposal, 9 The Proposed Development.

5.1 The Consultation and Commenting Processes Dealt with Here:

5.1.1 Consultation process under S.38(8) of the NHRA:

As pointed out above, there have been two prior calls to register on the project stakeholder database and there have also been two separate earlier requests for interested parties to comment on the development being proposed in the NEMA-process (including opportunities for stakeholders to comment on earlier Draft Phase 1 HIAs); and, as a consequence, there is a lengthy list of parties that are formally registered as interested and affected parties (IAPs). All of these registered IAPs were sent notice of the availability of the *Draft Heritage Impact Assessment Prepared for Interested Party Consultation* dated 18 January 2018 and their comments were invited.

The period for comment from 25 January until 6 March 2018; and availability of the *Draft HIA for IAP Consultation* was advertised in the *Cape Times* on 25 January 2018. Any parties who may have an interest were invited to request that the *Draft Heritage Impact Assessment Prepared for Interested Party Consultation* be sent to them. Also, copies of the *Draft HIA* were available at four locations:

- the River Club itself;
- the Observatory Public Library;
- the Mowbray Public Library; and
- the SRK offices in Rondebosch.

Furthermore, several parties were offered presentations; and presentations were made to the following parties:

- the Cape Institute for Architecture on 8 February 2018;
- the Observatory Civic Association and TRUPA on 14 February 2018; and
- the First People's Museum Foundation on 19 February 2018.

Framework). We do not attempt to correct these mis-assigning of words or arguments; and hope that the commentators will, on a closer reading of this *Draft HIA*, recognise their mis-reading.

Twenty-five parties responded by the closing date of the commenting period; and another four were received after that date. In other words twenty-nine comments were received; and these include comments from Provincial and City Council departments. The commentators are listed in Appendix A as are the written comments themselves (see Appendix B).

All parties who commented and all of those who are listed in the project stakeholder database will be sent this *Final HIA* and advised of the date of the meeting at which we anticipate that the matter will be considered by HWC's Impact Assessment Committee so that, if they so wish, they can attend that meeting.

We did also communicate directly with and endeavoured to engage with First Peoples groups; and we met with one group and tried to set up further meetings with another. One group did ask for an extension of time to comment (which was granted) but, in the event, neither group submitted written comment.

5.1.2 Heritage resource-related comments made during the Municipal Planning By-Law rezoning process:

The City Council was responsible for the advertising process and followed the regulations contained in the Municipal Planning By-Law. Advertising took place between 14 September 2018 and 15 October 2018 using three mediums (as per the regulations), that is, notices were sent to the surrounding land owners by registered letter (to approximately 1285 I&APs), notices were published in Cape Argus and Die Burger; and notices were erected in three positions on the site.

One hundred and eighty comments were received (which are addressed in the consulting planners' formal response to the City Council). We take account of these comments here in as much as they address heritage-related concerns.

5.1.3 Commentary volunteered under the provisional proclamation appeal process:

In November 2017, HWC notified certain of the property owners in the TRUP that it intended provisionally proclaiming the whole of the TRUP to be a PHS; and two of these owners responded. Later, in March 2018, without further notice HWC provisionally proclaimed the River Club property to be a PHS; and, after appeals to the MEC who appointed a Tribunal, HWC informed a wide range of stakeholders of their proclamation and the appeals. Given this advice, a number of parties commented on this process, for the most part, supporting HWC's decision to proclaim the site as a PHS. Most of these comments reiterate comments made in the earlier processes but, importantly, representatives of First Peoples groups gave, for the first time, comment on the site as a heritage site and on the development proposal. These comments are included in the discussion of the various issues raised in the following sections.

5.1.4 Second Consultation process under S.38(8) of the NHRA:

The circulation of this *Draft for Public Comment HIA* will be described here in due course; and the comments received in this process will be integrated into the *Final HIA*.

5.2 The Over-Lapping Heritage, Environmental and Land-Use Processes:

Many of the comments received during these several processes include issues which are not heritage-related and cannot be addressed in a heritage assessment: these are engineering and ecological matters which the heritage resource authorities ordinarily cannot resolve on. However, while our analysis of the comments received concentrates on the heritage-related issues and concerns raised, we have summarised the environmental and land-use issues, if briefly, where they touch on heritage-related concerns so that the heritage resources authority, Heritage Western Cape, is aware of the issues raised.

As already pointed out, the proposed development triggers Section 38 of the NHR Act requiring an impact assessment to be compiled which, because the proposal is already the subject of a NEMA process, must be commented on by HWC and decided by the Provincial Government's Department of Environmental Affairs and Development Planning (DEA&DP). The proposed development also requires a rezoning in terms of the Municipal Planning By-Law which must be decided on by the City of Cape Town. The details of these three legislative requirements are described in more detail in section 2 Legal and Procedural Framework.

This is a complicated decision-making process, in particular because the responsibilities and criteria for commenting and for decision-making are, while related, not identical. The HWC comment must deal with heritage resource-related issues; the provincial environmental authority must take account of a much wider range of environmental matters; and the City Council must deal with issues pertaining to more ordinary land-use planning matters like use, the details of permissible built-form, regional transport, local traffic, parking, stormwater, and so forth.

The issues raised through these processes, in as much as they are heritage-related and/or must be addressed here, are as follows:

5.2.1 Higher Order Planning Issues:

Several commentators have raised a number of issues which they think are relevant in thinking about this site but which are either outside the purview of a heritage impact assessment and outside the responsibilities and powers of the provincial heritage resources authority or, in some cases, even those of the environmental and land-use authorities. These include the following:

5.2.2 Ownership/Title:

Given the history of ownership by the State, several commentators have questioned the form of tenure and the process by which it was purchased:

Erf 151832, Cape Town (the property) was registered in the name of the South African Rail Commuter Corporation Limited and subsequently vested in Transnet Limited by virtue of the Legal Succession to South African Transport Services Act 9/1989 which property was ceded and transferred to Transnet SOC Limited in June 1993 in the deeds office.

Liesbeek Leisure Properties Pty (Ltd) (LLP Pty Ltd) had a long term development lease over the property since March 2002, which lease was registered over the property in May 2005. LLP Pty Ltd had all the rights of use to the property and Transnet only retained the bare dominium in the property. In terms of the registered lease LLP Pty Ltd was granted a right of first refusal to purchase the property (bare dominium) if Transnet elected to sell. Transnet independently elected to sell the property in 2014 and Transnet valued the property at R12 million (being the bare dominium value in the property). LLP Pty Limited exercised its right of first refusal (as long term tenant) and acquired the property at the bare dominium value in May 2015. As a result of the sale and transfer of the property to the long term tenant the long term lease lapsed by operation of law.

LLP Pty Ltd in turn on-sold the River Club business and future development rights, together with the land to Liesbeek Leisure Properties Trust (LLPT) in 2015 in order to facilitate development and its funding. A purchase price for the current River Club business was paid in addition to an initial price of R12 million. Further payment is payable at market value when the development rights are established and as and when the property is developed (in phases). Since acquiring the property and business, LLPT have progressively improved the existing River Club facilities, with numerous upgrades of the buildings, parking area and grounds having taken place. The owner is currently in the process of applying for further development rights as detailed in its planning application submitted to the City in terms of the provisions of the City of Cape Town Municipal Planning Amendment By-Law (MPBL), including the Cape Town Development Management Scheme (DMS), in March 2018.¹⁶

In other words, the land is in private ownership which establishes rights and responsibilities. This current process under the NHRA and NEMA and Municipal Planning by-Law, initiated by the property owner, is the process required by the legal framework in order to develop the site.

¹⁶ Email from Michelle Couzyn-Rademeyer, Zenprop Property Holdings, dated 13/3/2018 (and as edited more recently). The LLPT trustees have appointed the Zenprop Group to manage the development.

5.2.3 Spatial Development Frameworks:

It has been argued by some commentators that it is inappropriate for the development proposal to be assessed under the heritage law (and, by implication, under the environmental law) before such development is permitted by the spatial development frameworks adopted by the City of Cape Town and enabled in terms of the Municipal Planning By-Law.

In this case, the owner recognises the risks and seeks to demonstrate the feasibility of this particular proposal and its congruity with wider metropolitan and district policies to the authorities; and declines, as is their right, to wait for the potentially lengthy local authority-led spatial framework processes to unfold.

The owner, through its town planners, Planning Partners, has applied to the City of Cape Town for a deviation from the Table Bay District Plan (as well as for the rezoning of the property and for permission to raise the ground level and implementation of retaining structures). Importantly, this composite land-use planning process will take into account the heritage and environmental assessment processes already under way.

However, a revised Cape Town Municipal Spatial Development Framework (MSDF) was approved by the City of Cape Town's Council on 25 April 2018 with an effective date of 1 July 2018. In this revised MSDF the River Club is designated as part of the Urban Inner Core. This is a priority investment area where urban development is, in principle, supported. This revised MSDF report states that "the MSDF will be implemented in accordance with the consistency principle that applies to the plans and policies of different spheres of government. In terms of the consistency principle, lower-order spatial plans and policies must be consistent with higher-order spatial plans and policies. Should the provisions of spatial plans of a lower order in the hierarchy (including district and local spatial development frameworks) be deemed to be inconsistent with the MSDF, the MSDF will take precedence".¹⁷

It is recognized that there may be local features which apply to a particular site, such as floodlines, that could influence development, but the presumption is that property inside the Urban Inner Core is a priority investment and development area.

During the transition to this new MSDF many lower order plans, such as District Spatial Development Frameworks, will be inconsistent with the new Metro Framework; and the Municipality is currently going through a process to iron out these inconsistencies. Until the applicable District Spatial Development Framework is repealed or amended, it will be necessary to motivate for a deviation and to demonstrate "circumstances" or motivations for such deviation. The test of "circumstances" justifying a deviation will

¹⁷ City of Cape Town, 25 April 2018, *Municipal Spatial Development Framework*; see Technical Supplement D, Regulatory Requirements and Informants, p173.

be rather less onerous than the test of “site specific circumstances” required for consent to deviate from the higher-order MSDF. Furthermore, planning policy is clearly shifting to prioritize development in the Urban Inner Core; and other statutory processes, such as heritage processes, will need to acknowledge this.¹⁸

5.2.4 Traffic:

A number of commentators have argued that the traffic generated by this development would result in greater congestion around the site and in the general vicinity.

Traffic is not a factor that ordinarily affects heritage resources directly; and it does not do so here. More importantly, a traffic impact assessment has been compiled and will be made available to stakeholders during the NEMA stakeholder engagement process and during the land-use planning process.

We note also that the provincial department of Road Network Management has no objection to the development proposal but emphasizes that formal comment on the TIA and any requirements will be the responsibility of the local authority which will be dealt with in the land-use planning process.

5.2.5 Planning for the Two Rivers Urban Park (TRUP):

Several commentators have complained that this application and process conflicts with the now lengthy planning and consultative processes (since 1998) intended to lead to a vision for the Two Rivers Urban Park. However, notwithstanding the disappointment that the Two Rivers Urban Park Association (TRUPA) and others may feel, individual property owners cannot be expected to submit themselves and their property to the desires and/or designs (however carefully made) of other parties. The use of land is, in the first instance, proposed by the property owner and, in the second instance, is permitted (or refused/limited) by the appropriate legally-determined authorities. This applies, of course, to all of the land in the TRUP; and the TRUPA and other interested parties are stakeholders in such processes.

We add that, in our view, the Preferred Riverine Corridor Alternative with its focus on the restoration of the Liesbeek River does, for the first time since 1998, enable a positive and realistic step towards the realisation of several of the goals of the TRUP. Indeed, in our view, the recovery and restoration of the Liesbeek proposed on the River Club site does, for the first time, suggest that the TRUP is a realistic possibility.

The River Club site is a small part of TRUP. TRUP is approximately 300 ha in extent, whereas the River Club site measures 14.8 ha, or 5 % of the TRUP. The proposed development will not be compliant with all of the objectives of the TRUP initiative. However, it is believed that the development will add significant value to TRUP in that: the land will be publicly accessible, including recreation spaces associated with the rehabilitated riverine edges and ‘eco-corridor’, which in turn will connect into the wider

¹⁸ Advice from Geoff Underwood, senior consulting planner; email dated 28/5/2018.

TRUP; a portion of land is designed to be as a place of remembrance/ celebration, where heritage on this land can be recognised and memorialised; and the site is the western gateway into TRUP and the development will assist to establish TRUP as a place of metropolitan significance.

The 'baseline studies' of Nisa Mammon and Melanie Attwell both address the TRUP as a whole but do also give commentary on the River Club site as a component of the TRUP. We do acknowledge and refer to these studies.

5.2.6 Alternatives:

A number of commentators have argued that only a much lower density development is acceptable: however, numerous alternatives (including lower density development of the site) have been investigated by the owner (a requirement of both the NHRA and of NEMA), and have been found to be not financially viable. The only feasible alternatives are those described in section 9 of this report.

5.2.7 Flooding:

A number of commentators have argued (or feared) that development of the site will lead to or exacerbate flooding:¹⁹

Flooding of the lower reaches of the Liesbeek (and the Black River) is caused by restrictions *below* the confluence of Liesbeek and Black Rivers and the flatness of the river beds themselves. Filling the floodplain will result in a negligible rise in flood levels according to the surface water hydrology assessment.

The surface water hydrology impact assessment will be made available to stakeholders for comment during the NEMA stakeholder engagement process. However, an integrated planning and design approach has been followed; and an experienced, multi-disciplinary project team consisting of specialists in a variety of fields (including stormwater, hydrology and freshwater ecology) has been engaged in ongoing work on the development proposal over a significant period of time. In particular sophisticated floodplain modelling was undertaken to identify any implications and potential threats to surrounding properties, and to mitigate these as appropriate.

5.2.8 Presumptions regarding the Intentions of the City Council and the SAAO on Abutting Land:

The *Draft HIA* dated 18 January 2018 articulated two presumptions: one, that the City Council is committed to building the Berkley Road Extension connecting Maitland/Ndabeni across the Black River to Salt River/Observatory along the northern boundary of the site (on Council-owned land zoned for Transport purposes); and, two,

¹⁹ One commentator argues that the "flood study undertaken must be subjected to independent peer review". RAMPAC, p2.

that the SAAO was committed to constructing a 8300sqm office building for the Square Kilometre Array (SKA)²⁰ on their Erf 26423 at the south end of the site.

Both of these presumptions have been questioned; so, given this and the additional information that has been provided by the SAAO subsequent to the circulation of the first *Draft HIA for Interested Party Consultation*, we amend these assumptions as follows:

First, the City of Cape Town's Transport and Urban Development Authority has indicated unequivocally that the Extension will be built to connect the parts of the arterial system separated by the Black and Liesbeek Rivers and relieve/distribute the loads on the existing system; that there are no feasible route alternatives; and that this will be done in accordance with the City's budgeting programme and from development contributions made available. The history of this intention, dating back to before 1945, has been outlined in section 4.5 above. The scale of this roadway will significantly alter the landscape irrespective of any development on the River Club site and will have a considerable visual impact. This is effectively a causeway stretching across the floodplain.

While the Extension 'causeway' will be (relatively) low and, because it spans the entire floodplain, would not be incongruent (relatively) with the sense of place, we do also see this as an un-mitigate-able imposition; and any suggestion that mitigations will or could make it less visible or make it go away²¹ is simply wrong.

We note that there has been comment about a view from the bridge which connects Malta Road with the Liesbeek Parkway of the Nieuwe Molen Mill in the Alexander Hospital site. In our opinion, this is not a significant view: Firstly, the Mill is set in a very cluttered visual field and is barely noticeable. Secondly, the Malta Road bridge will be completely reconfigured when the Berkley Road extension meets it, thus creating a very visually confusing immediate environment of traffic lights, light standards, etc and effectively obviating this already barely noticeable view.

Second, we have been advised that the tender for professional services to design the SKA building has been withdrawn and its construction must, therefore, be seen, at least, to be delayed. And even if constructed, it has been argued that the building would only be three storeys high or possibly even built elsewhere on the SAAO site rather than on Erf 26423. It has been argued that, therefore, the possibility of the SKA building being built on Erf 26423 should be ignored.²² Indeed, it is also our view that Erf 26423 is too small to accommodate a building of the volume proposed (whatever

²⁰ We accept the correction by the SAAO (comment dated 6 March 2018) that the SKA building should be called the "South African Radio Astronomy Observatory" or "SARAO"; but we will persist with the SKA-appellation because that is its more commonly-known name.

²¹ RAMPAC, p1.

²² SAAO, comment dated 6 March 2018. Our earlier presumptions regarding height and the number of storeys of the proposed SKA-building relied on tender documentation that required a building of 8300sqm (which would generate a considerable parking requirement).

its height); and we would welcome a use of the site that enabled the restoration/transformation of the canal to riverine corridor as comprehensively (and, at least, of a similar dimension and design) as proposed on the River Club site. Given this, we now hope for a rather smaller development on Erf 26423; and the architect's illustrations now show a three-storey building. However, in our view, a building on this site, unless set back in the same way the Preferred Riverine Corridor Alternative is designed to do, would negatively affect the Liesbeek; and we hope that the site is not developed or is designed to enhance the Liesbeek riverine corridor in at least as deliberate a manner as the River Club's Preferred Alternative does. Can the highlighted part be deleted?

5.4 The Landscape as Heritage:

The landscape, the riverine corridor within its wider floodplain with its historical pre-colonial and early-colonial associations, is identified in this report as the most interesting and most important heritage resource associated with the site and affected by the proposed development; and it is clear that this is the most important complex of issues. Indeed, there are several separable headings under which the wider issue is discussed; and we come to an overarching conclusion in this regard:

5.4.1 The Site as Cultural Landscape:

Some commentators have argued that the site is a part of a 'cultural landscape' and is significant as such.

This is common cause; but, as a cultural landscape, "fashioned from a natural landscape by a culture group" and/or "a tangible manifestation of human interactions and beliefs set against and within the natural landscape", this landscape is not visibly or self-evidently significant and neither is it designed or created intentionally nor organically evolved. However, notwithstanding the absence of material cultural evidence, it is an 'associative cultural landscape'²³ with definable/known historical associations of great socio-political import (these historical associations are acknowledged and described at length in Section 4: The History of the Place, pp31-48 above).

Importantly, the First Peoples groups have in their contributions²⁴ to the provisional proclamations appeal process claimed an historic sense of ownership of the TRUP area as a whole and of the site in question as heritage; and the High Commissioner of the Goringhaicona Khoi Khoi Indigenous Traditional Council quotes from the recent Two Rivers Urban Park Baseline Heritage Study, discussing the TRUP as a whole, as follows:

²³ Fowler, pp15-23, on 'the idea of cultural landscape', quoting Sauer, 1926 and Melnick, 1984.

²⁴ In, for example, Jenkins, Tauric, undated (delivered to the MEC's Tribunal, we think, on 18 September 2017), Letter from the High Commissioner of the Goringhaicona Khoi Khoi Indigenous Traditional Council on behalf of Paramount Chief Aran.

“The history of this landscape is ancient and tragic. Not only does it mark ‘the beginning of the end’ of Khoikhoi culture but it also symbolises the process and patterns whereby the indigenous inhabitants of Africa, the New World, Asia and Australia-New Zealand, succumbed to the tidal wave of colonial globalisation. Although there are no tangible remnants of the actual places of conflict, forts or outposts or graves, the topography and ‘place’ survive albeit greatly transformed by more recent layers of development. The valley of the Liesbeek, Black rivers the confluence and remnants of the Salt River estuary exist today. In the context of the history of South Africa this is an historical place. It is suggested that the Liesbeek River itself is worthy of declaration of a grade II Provincial Heritage Site along with the remaining open land, the confluence and wetlands.”²⁵

Indeed, the site is part of a cultural landscape that has considerable meaning and significance, but this significance is associative and has no clear or defined place or locus or even any physical characteristics other than being rooted here in this general location on the floodplain of the Liesbeek. There is no identified archaeology of pre-colonial settlement in the area as yet. The river itself is the only tangible visible element that survives as a resource that warrants safeguarding or, rather, given its current degraded and ambivalent identity, recovery. As argued in the following section on Significances, the Liesbeek River Canal and the old pre-1952 river course (now serving primarily as a component of the stormwater system) have confused the readings, meanings and identity of this landscape as heritage; but we do not contest the claims regarding this place as heritage. [We will come back to the suggestion regarding the declaration of a PHS later.]

Given this, the development of the River Club site is, first, an opportunity for the articulation or making public, even celebration, of the significance of the place and of its historical associations and, second, an opportunity to repair, even to restore ecological life to the Liesbeek River. These articulations, celebrations, restorations must, however, find form and life in the facts of the modern, constantly changing, constantly growing city-scape.

5.3 The Sense of Place of the Floodplain:

Several commentators have commented on the importance of the ‘openness’ in the sense of place of the floodplain, as well as on the views from within and across the floodplain. We do not disagree with these remarks as observations on the sense of place however ephemeral that sense of place may be here.

The character of the site will be transformed by the development and this transformation will be of significant visual impact. But we argue that this impact will be

²⁵ I have not been able to find this passage in Attwell’s report; but it is quoted directly from Jenkins’ letter referred in the preceding footnote. See Attwell, Melanie and Arcon, October 2016, *Two Rivers Urban Park Baseline Study*, a report commissioned by the Western Cape Provincial Government.

of relatively low heritage significance: whether the site is developed or otherwise, it will always have a history, which in the case of this site is intangible, not manifested on the ground, and cannot be destroyed by physical changes. 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. Although the development will lead to adverse visual impacts (which cannot be entirely mitigated), a very considerable heritage benefit is anticipated from enhancing and restoring the Liesbeek River corridor.

However, in our view, the comments made by some regarding views from within the site are mistaken. Firstly, the urban design study which we have relied on has recognised a view-axis along the bank of the restored river and Devil's Peak which has determined the alignment of the connecting green-space and the primary vehicular through-route (thus creating or articulating a new view-axis). Secondly, Devil's Peak is so massive and so close that it will be experienced from every part of the site as it is moved through. And, thirdly, the 40m set-back of buildings from the restored Liesbeek River ensures that the Observatory 'ridge' and the SAO campus will be visible from within the development.

Furthermore, south of the River Club site, the floodplain is already developed and used for sports facilities of some sort (with considerable visual intrusion) or has been occupied by railway- and harbour-related infrastructure (some of it bulky and tall) from some distance up the river all the way down to the sea. Given this, the floodplain as a whole does not have a clearly experienced sense of place. Rather, the reading of the sense of place of the floodplain is of low-lying land comprised of disparately-used, separated units of land without coherence. Indeed, we suspect that few currently recognise the place as a riverine floodplain; and the sense of place of these lower reaches of the Liesbeek as floodplain cannot be meaningfully re-made or recovered; and nor do we see the need for such an endeavour.

But a successful recovery of a more clearly identifiable riverine corridor as visual amenity, as ecological resource, as topographical feature, and as historically meaningful feature is, we argue, possible. We return to this later.

5.3.1 The River Club Site, Its Immediate Edges, and Its Ecology:

Several commentators have argued or implied that the ecology of the river and its associated systems, its flora and fauna, all elements of the site as heritage, will be spoiled or damaged by the proposed development of the site in question; and some commentators even suggest that the Bird Sanctuary will be adversely impacted on. None have, however, given any details supporting these claims.

On the other hand, the biodiversity impact assessment has found that the restoration of the Liesbeek canal would, for example, "dramatically improve the river habitat in this

reach of the river”²⁶ and that the proposal, with respect to the “indigenous flora” on the site, would have a “negligible” impact.²⁷ Rather, the preferred riverine 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, that ensures strong longitudinal and lateral links into natural areas of the site and the adjacent Raapenberg wetlands, and which would significantly improve faunal connectivity and toad migration routes across the site. Implementation of this alternative would, from a biodiversity and general aquatic ecosystems perspective, be a positive impact, and its implementation is recommended” (emphasis in original).²⁸ No direct impacts on the Raapenburg Wetland are anticipated.²⁹

The biodiversity impact assessment, which has informed the BA Report and this HIA, has been released for stakeholder comment as part of the land-use planning process.

5.3.2 The Pre-1952 River Course:

Some commentators have argued that the old, pre-1952 river, course is particularly significant and say, for example, that it “forms an integral part of the environmental/topographical/ecological and historical significance” and that “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”.³⁰ This argument is, effectively, to support the “Island Alternative” which we address more fully in the section on Alternatives.

This concern is met by the preferred alternative. In that alternative the shape and position/alignment of the old pre-1952 course is retained as a more useful, if visually less prominent, feature. Also, through the proposed recreation of a functional (in ecological, amenity and practical terms) and visually stronger restored riverine corridor, The Liesbeek River will be perceived again as a historical water course.

5.3.3 Conclusion regarding Commentary on the Floodplain as Heritage Resource:

Given this argument, the following conclusions are summarised:

- the site, as a component of the floodplain, is a significant heritage resource of very considerable historical and socio-political importance despite the general recognition that, in words of the ecology-specialist, “both terrestrial and natural ecosystems are considered degraded, having suffered a long history of

²⁶ Day, p80.

²⁷ Ibid. p82.

²⁸ Ibid. p123.

²⁹ Ibid.

³⁰ CoCT, EHM, p3.

manipulation, including (in the case of aquatic ecosystems) variously, diversion, channelization, fragmentation and canalisation”;³¹

- The site is a component of a neglected and much-transformed landscape with ecological and heritage significances that are potential rather than actual but which can be recovered; and
- The proposed development of this under-used and under-valued site presents a very real opportunity for ecological, environmental, and heritage recovery and for the transformation and enhancement of the Liesbeek Canal as riverine corridor.

5.4 Commentary on Heritage Resources On or Near the Site:

Several commentators have commented on heritage resources on the site and nearby:

5.4.1 The River Club Building on the Site:

Several parties have questioned our dismissing the significance of the River Club building built in 1939, implying that they think that the building is significant as a heritage resource. Put simply, we do not think that it is significant at all: it is a straightforward building of the late-1930s with little architectural pretension, its history as a sports club for employees of the SAR&H is incidental, and it fails to meet the criteria for conservation or protection.

5.4.2 The South African Observatory:

The SAAO, as a Grade I site and declared as a National Heritage Site in December 2018, is certainly the most (and only) significant heritage site near enough to the River Club to be affected by the development; and therefore requires deeper consideration.

The SAAO is a most significant site; and this significance relies on its location on the low spur or ridge between the Liesbeek and Black Rivers, its wooded setting, its architectural interest and, most importantly, on its historical and scientific *raison d'être*:

“The South African Astronomical Observatory in Cape Town has played a highly significant scientific role over time as the oldest permanent observatory in the Southern Hemisphere. The site offers an overview of the history of astronomy both locally and internationally. It is a “living site” with almost 200 years of history while still retaining its prominence in the international astronomical community.

Contributions to astronomy from the site range from some of the first accurate measurements of the distance to a star (Alpha Centauri), first catalogues of the principal southern stars, the first photographic survey of the sky, accurate measurements of the distance to the Sun (a value that became the benchmark to measure all other cosmic distance and represented a paradigm shift in astronomy), development of spectroscopy, remeasurement of Lacaille’s Arc of

³¹ Day, p123.

Meridian, establishment of the true shape of the Earth in the Southern hemisphere and the first accurate geodetic surveys of southern Africa.

Architecturally, there are several buildings of historical value which not only reflect the changing architectural styles over the nineteenth century but also have a considerable scientific value due to their contributions to the field of astronomy. Some examples are: the Main Building (a Georgian Building) – designed by the British naval architect, John Rennie, and completed in 1828; the heliograph – the oldest dome on the site and which runs on cannon balls; and the McClean Telescope Building – designed by Herbert Baker.”³²

However, the comments of the SAAO³³ notwithstanding, as pointed out by Winter,³⁴ the campus is well screened by the fairly dense collection of trees surrounding the campus, on its western side facing the River Club in particular. These trees and their screening of both the River Club and the west more generally, demonstrate the insignificance of the views to the west even if the very choice of this site depended on a view to the Castle (long hidden by taller buildings between the Castle and the Observatory) and Signal Hill (which will still be visible from the Observatory). We have argued this point in a little more detail in the section on Significances.

5.4.3 Other Nearby Heritage Resources:

A number of other relatively nearby heritage sites and resources are referred to by some commentators, but these are, notwithstanding the very considerable significance of some of them, out of sight and will not be affected by the development. These include several sites of early homesteads all but one are ‘buried’ within the urban townscape of Observatory. The exception, the Valkenberg homestead, is too distant from the site to regard it as ‘affected’ by the proposed development although we do regard its significance to be *improved* by restoring the riverine corridor.

5.5 Miscellaneous Issues Raised by Commentators:

There are a number of miscellaneous issues raised by commentators which are not regarded to be heritage-related. These include arguments about financial feasibility and sustainability, and an anxiety about the loss of the current River Club recreational facilities and, of course, those matters referred to earlier which are not ordinarily dealt with as heritage resource-related aspects.

³² SAAO Press Release, 23 January 2019, quoted from SAHRA’s Statement of Significance.

³³ SAAO, comment dated 6 March 2018.

³⁴ Winter, Sarah, September 2017, *South African Astronomical Observatory: New Office for SAEON, Heritage Impact Assessment*, a report prepared for SAAO, National Research Foundation.

6 IDENTIFICATION OF HERITAGE RESOURCES

5.6 The Site as Part of the Floodplain

While we are unlikely to ever know the exact positions of Van Riebeeck's defensive line, watch towers and redoubts, there is compelling evidence to suggest that the slightly raised spine or ridge of land between the Liesbeek and Black Rivers, which houses the Royal Observatory and Valkenburg Hospital, played an important role. The site for the Royal Observatory was chosen in 1820 on account of its key location on raised ground that placed it in line of sight of Table Bay, so that the falling of the time ball could be observed from Table Bay and the Castle. Descriptions contained in Moodie and the *Resolutions* indicate that one of the major forts of the VOC – Khoekhoe confrontation (Fort *Ruiterwacht II*) was built on the same site as its signals could be observed from the Fort and other watch towers that formed part of the system. Indications are that the defensive barrier would have extended through the grounds of Valkenburg Hospital, then southwards across Rondebosch Common before turning westwards to Kirstenbosch. The exact places where incidents and confrontations occurred can never be known, but what is evident is that the historic landscape between the Black and Liesbeek River marks the site of one of the earliest frontiers that were to eventually herald the fragmentation of the Khoekhoe nation. Although there are no tangible remnants of the actual places of conflict, forts, outposts or graves, the topography and 'place' survive, albeit greatly transformed by more recent layers of development. Wilderness and wetlands were transformed into farm land, and then again to modern suburbia. The Liesbeek and Black rivers, the confluence and remnants of the Salt River estuary, exist today. In the context of the history of South Africa this is an historic place of considerable significance.

While these early years may be historically remote in terms of issues affecting the project area, they remain relevant as the River Club site falls within this key historic landscape. In the context of the Two Rivers Urban Parks project certain groupings have emerged which identify strongly with Koekhoen culture and are intent on upholding indigenous rights to commemoration within the Liesbeek River Valley. Reference has been made to the early resistance of the Khoekhoen to de Almeida as well as the first Khoekhoen war (Attwell, Supplementary Report, 2017). The De Almeida confrontation took place just a little more than a 'league'³⁵ from the anchorage at Cape Town which would place the event in the Salt River-Black River area and, perhaps more decisive, the actual massacre took place on a beach which was, we must presume, most likely in the Salt River mouth area and certainly not in either the surrounding TRUP zone or the River Club site. Hence, we concur with findings of Attwell's detailed supplementary report³⁶ on this subject prepared for TRUP.

³⁵ A "league" has several definitions: but in 16thC Portugal it most likely meant either the distance walked in an hour, 6173m or it was a 'sea-league' measuring 5555m.

³⁶ Attwell and Jacobs, pp51-63.

The landscape of the first Khoekhoen war included the River Club site, however, and in 1659 the entire Liesbeek River Valley as far as Van Riebeeck's own farm on the Bishopscourt side of Wynberg Hill fell within this zone of contestation. Given this, the River Club is a part of this historical area, most of which is now subsumed within the suburbs from Salt River to Bishopscourt.

5.7 Early Crossing Points

The Liesbeek-Black River estuary was an important site, and remains so to this day. Indications are that there were two or more early *drifts* at this point, one of which may well have been a phase of the early Vaarshe Drift crossing point. The significance of these crossing points is that they were the only real point of entry into Cape Town from the hinterland – the combination of the Salt and Black Rivers rendered the Table Bay part of Peninsula an island of sorts. The drifts were guarded and entry into the settlement was regulated by small forts in Maitland and Salt River. This resulted in the use and establishment of a large outspan on the Ysterplaats flats where traditionally the Khoekhoen would have outspanned with their herds, and in later years VOC farmers would wait when bringing cattle to trade in the city. This land was appropriated by the government in the 20th century eventually becoming Ysterplaat Airforce base, Wingfield camp and base.

A mid-18th century map of the project area depicts the riverine system in detail. Noted is the presence of a place of execution, and the drift system. The road system in those times was undeveloped and somewhat *ad hoc* in character, however roads did converge at the river confluence where they crossed both the Liesbeek and Black River over the slightly higher ground where the River Club and Observatory land is today. This is probably because it was more viable to cross both rivers with harder ground underfoot than to brave the mudflats and wider waters below the confluence.

In later years, once bridge building had become feasible, the crossing point moved northwards to where Voortrekker Road crosses the Salt River estuary today.

Given this, we presume that the most likely pre-colonial crossing of the Black and Liesbeek Rivers took place more-or-less on the line of the Berkley Road Extension; and we, therefore, regard this site as a potential heritage resource, indeed, in our view, it is one of considerable potential.



5.8 The River Club site as a heritage resource

While the area in which the River Club is situated is historically important for the role it played in the distant past, no tangible heritage relics or resources have survived on the site. The only element on or immediately abutting the site that has been a constant through both pre-colonial and colonial periods is the Liesbeek River itself. However, although its alignment and function has been altered to the point that not much of the original course survives, the main elements and a confluence exist today. But the river is a strong symbol of past events, even if with intangible and imprecise associations; and it gives a sense of deep-time reflecting the history and significance of the area. The Liesbeek River is therefore identified as the surviving physical heritage resource that deserves significant celebration.

In the “phase one HIA” of the River Club, O’Donoghue (2017) regarded the River Club **Figure 12 One of the early crossing points (circa 1760) at the confluence. Atlas Africa.**

as part of the TRUP and argued that the heritage indicators for the River Club should be synchronised with those determined in the TRUP process. Importantly, she also argued that the site’s “island character” should be retained.³⁷ Baumann (2016), in his review of O’Donoghue’s “draft phase one report”, pointed out that the TRUP is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances; and he questioned the “island character” idea of the development.

The River Club is a privately-owned conference facility, sports club, driving range and nine-hole golf course. The site itself has very little obvious heritage significance of

³⁷ O’Donoghue, p4.

which the only apparently possible qualities are the architecture of the unremarkable Grade IIIc structures and its sense of place as a part of the Liesbeek floodplain.

We argue that the Liesbeek River is the common thread and the significant heritage resource that links the River Club, the TRUP and the environs more generally. The archaeological survey by Kaplan (in O'Donoghue 2017) shows that much of the land that makes up the site has been subject to considerable disturbance and has very little archaeological potential which we confirm. While it can be argued that the golf-course contributes to the sense of open space, it is a man-made and spoiled landscape that contributes little to the natural qualities of the confluence. We, therefore, insist that the river is the primary physical and symbolic heritage resource in proximity to the site. It is this that needs to be celebrated and enhanced. Provided this is done adequately, and the Raapenberg wetlands conserved, development of the site is justifiable.

The difficulty in articulating the heritage-sensitivity of the River Club site is that although the site is historically important in terms of the role this area played in the history of the Cape, there is no or very little physical heritage on the site – it has been transformed and reclaimed from estuary mud; and the course and nature of the Liesbeek has been dramatically altered. The heritage resources on the site are summarised thus:

- 1) The Liesbeek River and the confluence are important as a place in the landscape (its 'physicality' is too transformed, however, to be argued to be anything like it may have been during its historically important moments) and the historical and symbolic significance of the river is very high.
- 2) River Club land was possibly the site of an early crossing point where an informal route passed along and over the confluence to a point to the west (near where the bird hide is today) before continuing into the hinterland. Although this spot may be at the northern boundary of the property where the Berkley Road Extension is planned, it is also possible it may have been where the current Station Road axis crosses the Liesbeek. There is no evidence of this crossing today.
- 3) Although the River Club site is effectively a recreational area and a golf course and has a green open-space quality which is shared with the reaches of the Liesbeek corridor immediately upstream of the site, this belies its degeneration and impairment as a heritage resource.
- 4) The landscape qualities of the site are a combination of its history and context as summarised above. The context is historic and symbolic. The site has several significant heritage sites relatively nearby, but the physical properties of the site are that it contains a club house and sports-related facilities that are of low significance, a managed, landfilled and bland landscape for sporting activity but very little else which could be argued to be of significance at all.

In other words, the Liesbeek River (both the pre-1952 and the post-1952 canalised channels), the confluence, the banks, and the riverine corridor generally comprise the significant heritage resource associated with the site.

5.9 Heritage resources in the surrounding area

5.9.1 The SAAO



Figure 13 A late 19th century view of the Black River in the foreground and the SAAO from where the M5 is today, looking towards Devils Peak with Lions Head in the background (Mike Fortune collection).

The most significant heritage resource close to the project area is the South African Astronomical Observatory (SAAO) (recently declared a National Heritage Site) which is situated on a rise, what we have called the ‘spine’ or ‘spur’ between or at the confluence of the Liesbeek and Black Rivers. It is to the east of the project site across the canalised course of the Liesbeek River. The core historic structure (built in 1820) is centrally situated. It is, however, surrounded by a plethora of structures of various ages – these range from 19th century staff buildings to telescope domes, as well as some recent late-20th century structures. The area is well-treed and most structures are obscured from view by a combination of oak, eucalyptus and pine trees. In other words, the old Royal Observatory and the SAAO campus is barely visible from its surrounds, including from the River Club itself, due to the dense tree cover.

As Sarah Winter has it, “(l)ocated at the centre of TRUP, the wooded setting of the SAAO provides a protective tree canopy and visual screening element from the Black River Parkway”, it has “very high historical significance as a scientific institute dating to the early 19th century and the first permanent observatory in the southern

hemisphere”, its association “with a number of astronomical advances of international significance from the 1830s”, housing “a range of objects and instruments associated with major advances in astronomy during the 19th and 20th centuries”, and with “a number of astronomers who were pre-eminent in the field during the 19th and 20th centuries. It has considerable aesthetic significance in terms of the dispersion of a number of architecturally significant buildings and a distinctive dome typology set within a wooded landscape, between the Liesbeek and the Black Rivers, and at the centre of TRUP” and that, as “a centre of excellence, the site continues to have associational significance as one of the country’s most internationally acclaimed scientific institutions”.³⁸

The Observatory was built on this raised spine of land that was visible from the Castle (where the 12 o’clock signal gun was/is located) as well as from Table Bay where mariners could observe the fall of the time-ball for chronometer setting. These views from the Observatory to the Castle and Table Bay, which were but no longer are central to the functioning of the Observatory, are now obscured by development. Lions Head, Signal Hill and Devils Peak remain visible, but the view has to be sought from vantage points below the trees, and is clearly not of any importance in the day-to-day life of the SAAO. Furthermore, and these vistas have not been of importance since the beginning of the 20th century. The line of sight between the SAAO and Signal Hill is of no current relevance although it is historically interesting since the noon-day gun (previously at the Castle) at the Lion Battery on Signal Hill has been electronically triggered for most of the 20th century.

We note that Attwell and Jacobs, in their baseline study of the TRUP as an entity, argue that the view from the 1820 Observatory building to Signal Hill is still important and, by implication, is a heritage resource that should be protected. Given that the SAAO itself has not needed or attempted to sustain or recapture that view, we regard this view/axis as interesting but not demanding response.

³⁸ Winter, p24.



Figure 14 Views towards signal hill from the SAO are obscured by Eucalyptus trees (Tim Hart, 2017) [

5.9.2 The TRUP and nearby elements

The River Club is a large piece of privately-owned land within the proposed Two Rivers Urban Park (TRUP) and, as such, is an anomaly in the TRUP. The latter consists in large part of government-owned land within the Black–Liesbeek River corridor, and has been subject to an ongoing land-use and spatial planning process (which includes a heritage resource ‘baseline’ study) to inform a vision for the future for the area. This “urban park” also contains a variety of heritage resources of varying grades including the neighbouring SAO, the Valkenburg Hospital complex (noted for the recently restored old hospital) and its various facilities dispersed across the flat ridge, and the Valkenburg homestead site (one of the earliest VOC land grants in 1657, which later became the Porter Reformatory). Across the Black River and, although visible, a considerable distance from the River Club site is the Oude Molen component of Valkenburg Hospital, its mid-early 20th century wards set in an open environment adjacent to the broad open river corridor of the Black River (one of the ancient Oude Molen farm buildings has survived although in very poor condition). Also inside the TRUP is the Alexandra Institute and historic mill as well as Maitland Garden Village which, while visible from the River Club site, visually insignificant in this context.

The significance of the area is derived from the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers. Given this, the TRUP contains components of high significance, not only on account of its built, cultural environment and setting, but also its place in the very early history of the Cape. It is, however, also clear that the TRUP is a very large area ranging considerably in use, built-form and in significance.

While the River Club shares a geographical context with TRUP, the most significant shared heritage resource is the Liesbeek River – a linear asset that passes through much of the Southern Suburbs all the way to Upper Newlands and Kirstenbosch. Like the various precincts of TRUP which each have distinctive heritage qualities, the River Club has its own character and distinctive history and should be treated as such.

The interests of indigenous First Peoples must feature prominently in discussions with respect to the area and play a significant role in the determination of a high heritage grading for the area. It must, however, be pointed out that the land that forms the TRUP is part of a wider landscape of resistance in the mid-17th century that involved the entire Liesbeek Valley up to its source in Kirstenbosch (O'Donoghue 2017, Attwell and Jacobs 2017, Hart and Schietecatte 2017). These interests, of course, have great bearing on the River Club site.



Figure 15 The canalised Liesbeek River (built 1952) viewed from SAAO towards the River Club and to the south (Tim Hart, 2017)

6 SIGNIFICANCES

By way of an introduction to our analysis of the significances of the site and its surrounds, we repeat our differences with certain earlier studies: the significances of the River Club site and its context argued in earlier preliminary studies (a phase one HIA by O'Donoghue, a review of that study by Baumann, and Attwell and Jacobs' baseline study of the wider TRUP area) were argued in relatively broad terms and, although several commentators on our *Draft HIA Prepared for Interested Party Consultation* referred to O'Donoghue's phase one report seem to prefer those opinions, we emphasize two major differences with those opinions:

- previously no recognition has been given to the possibility of transforming the Liesbeek canal into a riverine corridor as a potentially functional ecological system and, therefore, no recognition has been given to the potential of recovered heritage significance (those views apparently preferring a “historical” course much altered through the 20th century and effectively defunct as a river course since 1952); and
- previously heritage indicators and development limitations that are not directly heritage-related were articulated (echoing preliminary views articulated in the TRUP land-use study).

The difficulty in assigning heritage-related significance to the subject site and its context demands rather more clarity; and we hope to be more precise or, at least, explicit, even if our view is one that contradicts the view held by most commentators. That said, relying on the description of the topography, the account of the historical making and layering of the site and its context above, we articulate the cultural significances of the site and surrounds as follows:

6.1 High-order cultural significances:

First, there are only two but very closely related high-order significances: one is environmental and the other is historical.

6.1.1 Environmental significances:

First, the ecological value of the Liesbeek River floodplain as a whole has been significantly degraded at the site, and therefore does not require preservation in its current state, but rather presents an opportunity for rehabilitation and enhancement.

The most obvious significance is the environmental and topographical significance which, while often seen as natural or even scientific, in this case we see these as a set of cultural values derived from the site as a flood-plain, as the lowest reach of the Liesbeek just before and as it meets the Black River, a singularly important maker and component of the topography, creating a special and strong visually understandable sense of place even if the major roadway, the Liesbeek Parkway running parallel with the river, and the strip of sports fields on the mountainside of the plain (including the old Hartleyvale football ground and the high-tech hockey field and stands) have had a transforming effect on the sense of place.

This visual sense of place also signals both faunal and floral significances which are not immediately apparent but which are intrinsically connected and associated with the old defunct and the new canalized river courses. Each of the river courses, old and new, has meaning and significance; although both courses are currently degraded and diminished.

To the east of the Liesbeek floodplain and bounding it visually is, first, a flatland at the Liesbeek-Black River confluence which is the Raapenberg bird sanctuary which then rises into a low ridge or spur occupied by the Observatory and, south of that, the Valkenberg Hospital. To the west of the floodplain is the urban development of Observatory with Devil's Peak rising sharply behind this townscape.

This floodplain of this, the lowest section of the Liesbeek before it joins the Black River floodplain, is, despite the damage and erosion of its sense of place and its ecological functioning, still a singularly important component of the Liesbeek River as landscape and topographical determinant of the historical and current urban environment/townscape.

Perhaps, in this context, most important is the presence (and potential), along the eastern boundary of the subject site, of the Liesbeek River course itself (now canalised); and, on the western boundary, although off the site, is the remnant of the earlier river course (now serving to drain stormwater): and, in our view, although diverted from its earlier course and canalised in 1952 along the immediate western edge of the low ridge or spur of land housing the Observatory, the current river course is, despite the canalisation, topographically and ecologically the most significant feature of the site and its context. The old river course bounding the western edge of the site is now part of the city's stormwater system and does also, because the land is very low-lying, receive back-flow from the Black River periodically flowing up this course. This old course, despite its own infilling and dredging history during the 20th century and particularly between 1952 and about 1990, remains an important component of the flatland-wetland ecological system of the confluence.

The floodplain, however, the narrow riverine corridor itself apart, has either been occupied by railway- and harbour-related infrastructure (some of it very bulky and tall) or is developed and used for sports facilities of some sort (with considerable visual intrusion)³⁹ from some distance up the river and all the way down to the sea. Given this, the floodplain as a whole does not have a clear consistent experience or sense of place. The sense of place of the floodplain is of low-lying land but comprised of disparately-used, separated units of land without coherence. The sense that we have of this site in this landscape is of scruffiness and un-used-ness. Furthermore, as discussed earlier, the construction of the Berkley Road Extension will have a further transforming effect on the experience of the floodplain.

In other words, while we share a view of the environmental and ecological significance of these environs with many commentators in a general sense, we see this primarily as a potential rather than as a present and current significance. In other words, while

³⁹ In this regard, we note the recent controversy regarding the intention of the City Council to permit a football club to redevelop Hartleyvale as an example of the inevitable continued intensification of use and development of the floodplain generally.

the Liesbeek's floodplain is significant as a floodplain, this significance has been changed and derogated from. But this significance can be enhanced.

6.1.2 Historical significances:

The great historical significances of this site and its context are not visible at all and have left very little obvious impact on the landscape. Indeed, the greatest historical significance is that this floodplain as a whole is one of the sites of the earliest conflict between the indigenous people and occupying intruders: the floodplain and the immediately adjacent flatlands was the land used seasonally by the Khoi/Khoekhoen herder-people and then, from 1657, occupied by settler-farmers leading to conflict and confrontation and, soon, to fortifications, fences and the relatively nearby forts of Keert de Koe and Ruitervacht II.

The historical significance of these political confrontations over the use and occupation of the land has as much symbolic and associative meaning today as it has ever had. Indeed, given the failure of the modern democratic state to deliver more than political freedom, this history and significance is perhaps experienced ever more sharply; and we must recognise that these environs are a landscape of memory, a place reverberating with current political meaning.

Directly associated with this significance is the immediately nearby presence of the land granted to these early settlers; and, although there are no relics or evidence of their occupation or use of the site itself, the nearby early homesteads of Vaarschedrift, Malta, Belleviet, Onderneming, Westoe, Coornhoop and Valkenberg are reminders/evidence, on the one hand, of the loss of land and the ultimate success of colonisation/subjugation and, on the other, of the settlement and the establishment of a new colonised outpost/homeland.

The old Royal Observatory, across the currently canalised Liesbeek River and behind its bank of trees, is without question of the highest significance (and SAHRA has recently deemed it to be Grade I). We recognise the historical and scientific significance of this neighbouring and over-looking spur of land with its complex of buildings; but this significance is not or need not, we argue, be affected by its neighbour, the River Club, because of the scale of the sites, and because of their separation (by the distance, by the River/canal and by the trees).

The early visual 'connections' with the Castle, Signal Hill and the sea, the set of topographical determinants of the selection of the Royal Observatory siting in 1820, have long been lost and no longer have meaning; and given that the sea and the Castle are now no longer visible from the Observatory site at all, and given that even the Signal Hill and time-gun site are, because the Observatory site is covered with trees, barely visible, this interest is now of a relatively low order.

6.2 Low-order cultural significances:

There are relatively low-order significances associated with a number of nearby places; and there are also higher-order significances associated with other sites/ places/complexes but their distance from the River Club site mitigates the reciprocal effects; and, as a consequence, in our view, none of these significances are of sufficient weight to have a bearing on the development of the River Club site itself.

These include: The site itself accommodates a complex of buildings built from the mid-1930s (the main building has a foundation-stone dated 1939), a number of trees, a grassed driving range and a nine-hole short-course for golfers. In our view, none of this has more than passing interest; and certainly not enough significance to be taken into account when devising heritage-related design indicators or to be regarded as factors or criteria in decision-making.

To the east of the River Club site strung along the low spur is the Observatory complex: This low spur is well-treed and screens the entire Observatory complex, rendering it, in effect, invisible and consequently, despite its very high scientific and historical significances, of relatively low *contextual* significance; but the well-treed western slopes of the Observatory ridge do contribute to the definition of the floodplain and the potential riverine corridor.

Still on this low spur but south of the Observatory is the Valkenberg Hospital complex which includes the important 1900 hospital complex. But it is screened by a banal series of late twentieth century buildings rendering it, in effect, invisible and therefore despite its high architectural and medical significances, of low contextual significance. The Valkenberg homestead complex is too distant to be taken into account here.

To the west of the River Club site are the old Liesbeek River course (though now much altered), the Liesbeek Parkway, the string of sportsfields which are within and along the Liesbeek River floodplain described above. However these elements are not of as high an environmental or visual significance and, while still a part of and within the floodplain, are ambivalently and irrecoverably so. Beyond these elements is the so-called five to seven-storey Black River Office Park; and beyond that are the railway line and the inner-city suburb of Observatory.

In other words, these other heritage-related significances and heritage resources are either of relatively low order (in the context of the River Club site) or, despite their high order significance, are screened or distant from the River Club site and have little meaningful effect on the River Club site and, in turn, have significances that will not be affected by the development of the River Club site.

6.3 Conclusions regarding significances:

We regard the River Club site and its surrounds to be of very high environmental/topographical/ecological and historical significance both as the floodplain of the Liesbeek River and as a part of the place of early confrontations between indigenous peoples and settlers. Indeed, this significance, taken as a single complex of significance and symbolic meaning, is of the highest order in the current socio-political climate.

These significances, however, while both visual and bound/tied to this land and because of both the nature of these significances and because of the scales/ distances involved, can be relatively easily protected and even enhanced by celebrating the riverine corridor and floodplain. Indeed, the nature of these significances does, in our minds, suggest obvious and direct protective/managerial measures that should be imposed in order to promote what we regard as a restorative imperative aimed at reshaping and revitalising the Liesbeek riverine corridor. In other words, the wide open flood plain does not have a meaningful sense of place, but the narrower river corridor is of conservation value.

There is, however, one likely, even certain, future intervention on land within the Liesbeek River floodplain and immediately abutting the River Club site that will transform the perception of the floodplain, the sense of place, and the significances that we have just described:

- To the immediate north of the site is a long-planned arterial road connecting the Malta Road-Liesbeek Parkway junction across the floodplain, over the Salt River-Black River-Liesbeek River confluence and to Berkley Road in Maitland: this roadway must be built at a level approximately 2m above the current levels but rising to the levels of the Malta Road railway bridge and the necessary bridge over the Salt River establishing, in effect, a 30m-wide causeway of varying height across the entire width of the floodplain. This roadway will be a very considerable imposition on the floodplain and will have a marked impact on its reading and its sense of place.⁴⁰

It is also true that the SAAO owns a piece of land abutting the River Club property which has been considered for development:

- To the immediate south of the site is the abutting SAAO-owned Remainder Erf 26423 which is bounded by the River itself, the Station Road extension leading to the Observatory complex and Valkenberg Hospital, Liesbeek Parkway, and the River Club site: the SAAO has previously proposed a bulky 8300sqm building (of several storeys) for the SKA on this site; but this process has been

⁴⁰ The CoCT's Public Right of Way –Road Network Plan, which is included in the Comprehensive Integrated Transport Plan (CITP) 2013 –2018, maps the existing and future planned road network in Cape Town, and identifies a future Class 2 road immediately adjacent to the northern boundary of the River Club site (this road is referred to throughout this report as the “Berkley Road Extension”).

stalled and it is possible that the SKA building could be built on the Grade I SAAO site. Given this, we do not assume that the SKA building will be built on Erf 26423; however, it is possible that the erf will be developed in due course. Any building in this position would have considerable impact on the floodplain and on its reading and sense of place.

However, the arterial road intervention must be taken into account because it will affect the reading and significance of the floodplain, of the surrounds and, in particular, the River Club site.

7 HERITAGE-SIGNIFICANCE RELATED DESIGN INDICATORS - CRITERIA FOR DECISION-MAKING:

First, we hold the view that all interventions on heritage resources should respect and even enhance the significance of those heritage resources rather than ignore or diminish the significance: in other words, we focus on the effects on significance rather than on the resource/object itself.

Second, given this, we argue that what are often described as “heritage-related design indicators” should be carefully devised to assist and even ensure that designers understand the significances (in kind and degree) and how those significances should be protected or enhanced. Such design advice must serve to outline criteria for decision-making by the responsible authorities. We also hope that this step-by-step methodology has assisted in the process of designing the “preferred alternative” and will serve the same purpose in the final steps of scrutiny and decision-making by the authorities.

Further, given that the cultural significances of the River Club site and its context are of the highest order but are ephemeral and without clear or obvious form or of form-giving specificity, we argue that the heritage-related design indicators (or criteria for decision-making in respect of any proposed intervention on the River Club site) must first enable a ‘concretising’ of the articulated cultural significance and may not necessarily influence the shape/form of the development. We also contend that in this kind of case, it is inappropriate to invent non-heritage-related specifics.

That said, we propose the following heritage-related design indicators-criteria for decision-making that should be met by any development proposed on this important site:

7.1 The Restored River Criterion/Indicator:

The Liesbeek River itself should be ‘rehabilitated’ and repaired, even ‘restored’, so that it is read and experienced as a river with its floodplain rather than as a canal. But

“restoration” does not imply a literal recreation or remaking in its old bed nor does it imply an intention or wish to preserve the current sense of place: in this case, “restoration” means to reform the extant river course, removing the 1952 canal-sides and bottom, giving it banks and a corridor-width at least as wide as that immediately above the canalized 1952 diversion, and a new and real sense of “river-ness”, extending a sense of river and its immediate floodplain/banks down to the confluence. This means sacrificing a broad band of the River Club site on the eastern side of the site.

The intention of this design indicator is to ensure the rendering of the lower reaches of the Liesbeek River as a properly ecologically functional and visually convincing river course with adequate banks and space to enable both the ecological systems for faunal and floral well-being and the continuation of the recreational amenity of walking and cycle-tracks that already exist upstream of the site and, most importantly, to enable a reestablishment of the Liesbeek as historical site and symbol. Indeed, recognising that the flood plain is already much transformed by urban development and recognising that its reading and sense of space will be even more radically transformed by the Berkley Road ‘causeway’, we argue that this improved/restored river course and riverine corridor must in future signal itself as the floodplain itself.

The floodplain above the 1952 diversion (and ‘legible’ as floodplain) seems to us to rely on a river-bank-to-road or to built-form dimension of about 40m; and we recommend that this be adhered to in the urban design framework and in the development proposal itself.

7.2 The Scale/Height Criterion/Indicator:

Given our argument regarding the scales, dimensions of the site, and the distances between elements in the environs, and the screening by trees, we have found it difficult to definitively quantify heights and built-form of future development of the River Club site that would not damage/impact negatively on the heritage-significances. The topography and natural and built components of the low ridge/spur that the Observatory occupies are all determining factors (in our view, the most important) and we argue simply that any new development should step back 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.

Indeed, we think that the 2-3m gradual rise from the river banks over 40m to a ‘new ground level’ will not be perceptible and we contend that a three-to-four storey height restriction above the new ground level of the southern part of the site alongside the Observatory ridge/spur (with one or two buildings rising a storey or two above this further away from the SAAO) will enable a built form that will not impact negatively on the surrounds or, most importantly, on the SAAO campus or its sense of place and its

significances. Such a restriction would also ensure that the built-form on this part of the site would be lower than the parallel Black River Office Park complex.

The northern part of the site lining the future Berkley Road Extension is both distant from the Observatory spur and campus and masking the industrial complex of the railways yards and those often large bulky buildings to the north. In our view, the pre-colonial crossing site and the Bird Sanctuary across the proposed riverine corridor apart, this part of the site is sufficiently distanced from any heritage resource whose significance could be affected; and we leave any argument about height and/or bulk to the urban design framework.

7.3 The Colonial Crossing:

The west bank of the Black River immediately below the confluence of the Liesbeek and Black Rivers at the northern-most point of the River Club site is the closest site (or river bank) to a likely siting of a crossing point of the Black River (previously thought most likely to be at the crossing of the current Voortrekker Road) by the that may have in earlier years been used by indigenous people and their cattle. Given that there is no verifiable crossing site but, given the necessity for the establishing of a site, however symbolic, we argue that a substantial setback from the river bank be left to enable an imagined river-crossing of the indigenous First People and that this land be set aside for the siting of some form of identification and celebration of that pre-colonial history. Indeed, we understand that one of the State's Heritage Legacy Projects is a First People's Legacy Project: and we suggest that space be left for such realisation in due course. This space should also be acknowledged in the design of the road network and in the shaping of the built-form over-looking this space.

7.4 The Old Pre-1952 River Course:

The river course, although straightened, regularly dredged and 'managed' throughout the 20th century, is historically interesting and, at least the section along the western edge of the River Club site, flowed along that *approximate* course from pre-colonial times until 1952. Its significance is historical though of relatively low order and, given the 1952 canalisation of the waters, the future implications the Berkley Road Extension and its intersection with the Liesbeek Parkway at the Malta Road bridge, its restoration is simply not possible. It is, however, in our view, necessary that its historical presence be reflected in future development and that it be adapted/used as a component of the eco-system.

7.5 Conclusions in respect of Design Indicators-Criteria for Decision-Making:

We note that the preliminary studies referred to earlier listed several 'design indicators' intending to guide the development of the River Club site in rather more prescriptive

detail including heights, scale, density, retention of trees, etc. We do not think that such prescriptions follow from the heritage-related cultural significances of the site (as articulated above); and we think that such direction should flow out of the urban design framework articulated by the urban designer as outlined below (and attached as an Appendix A).

Also, as noted earlier, the factors determining the position of the then Royal Observatory included sightlines to the roadstead in Table Bay, to the Castle and to Signal Hill. The views to the sea and Castle are no longer extant; but there are potential views from the Observatory to Signal Hill and the gun emplacement. However, these glimpses are only from the lower banks of the land spur which are not frequently accessed. Given this, we contend that it is unnecessary to attempt to preserve a view over the River Club site.

We note also that, the view from the Observatory to Signal Hill apart, the criteria for approval/design indicators articulated here echo the “heritage-related design informants” for this site argued by Attwell and Jacobs in their 2016 baseline study of the TRUP.⁴¹

We also reiterate an argument made earlier that many, even most commentators seem to recognise the necessity for some form of development to proceed; and we hope that those commentators will accept the design criteria articulated here as enabling and as heritage-protecting. On the other hand, we recognise that many commentators think that this site should be limited to the current uses and built-form and not be developed: while there are circumstances where development is or will be damaging to the significance of a place, we think that this development does provide an opportunity for the revitalisation or recovery of a heritage lost and hidden.

In conclusion, we regard these four design indicators to be sufficient, not only to ensure that the development of the River Club site does not damage any significant heritage resource, but to ensure that the very high significance of this place and of the Liesbeek River more generally is not just protected but enhanced. Indeed, we argue that these design indicators enable precisely what is alluded to/hoped for in the Preamble of the Act:

This legislation aims to promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy so that it may be bequeathed to future generations. Our heritage is unique and precious and it cannot be renewed. It helps us to define our cultural identity and therefore lies at the heart of our spiritual well-being and has the power to build our nation. It has the potential to affirm our diverse cultures, and in so doing shape our national character. Our heritage celebrates our achievements and contributes to redressing past inequities. It educates, it deepens our understanding of society and encourages us to empathise with the experience of others. It facilitates healing and material and

⁴¹ Attwell and Jacobs, 2016, pp82-83.

symbolic restitution and it promotes new and previously neglected research into our rich oral traditions and customs.⁴²

We add that, in our view, heritage resource management is, or should be, directed to enrich the making of our cities, recognising the significances of the places and, where applicable and possible, the necessity of shaping the place to articulate and make tangible lost or hidden cultural significance, in particular in those cases where the recognition of past iniquities can lead to symbolic restitution and healing.

8 THE PROPOSED DEVELOPMENT

8.1 The Urban Design Framework

Given the historical and environmental significances of the riverine corridors of the Liesbeek and Black Rivers and their floodplains abutting and comprising the site, the enhancement and preservation of the continuity of the ecological and open space systems and the recapturing of historical meaning is the key informant for the development of this site. The rivers and the adjacent Raapenberg Bird Sanctuary are singularly important ecological and cultural resources which should be celebrated, protected and sensitively managed.

Both the freshwater specialist (Day, 2017) and we, as the heritage practitioners responsible for guiding design, have recommended the rehabilitation of the canalized section of the Liesbeek River and the restoration of the natural riverine corridor removing the concrete canal-sides and widening the river bed and its ecological corridor to an approximate 40m which echoes the up-stream circumstances; and we note that the earlier river course to the west of the site no longer functions as a river and carries stormwater and backflow from the confluence only. An extensive flood study has been completed by the water engineers, Aurecon, which has found no negative impacts of high significance from raising the ground level to a level a little less than 6m above Mean Sea Level, a change of approximately 2-3m across the site.

The preferred and alternative development proposals designed by the architects, Vivid Architects, have had numerous complex informants including advice regarding freshwater and eco-systems from Dr Liz Day, a floodwater study by Aurecon, a first archaeological study conducted by Kaplan, initial input from the heritage practitioner, Bridget O'Donoghue, our own preliminary statement of significance and preliminary design indicators (as outlined in this *Draft HIA Prepared for IAP Consultation*), a visual impact assessment by SRK, and the *Urban Design Framework: Indicators and Recommendations* dated December 2017 by Urban Concepts.

⁴² NHRA, Preamble.

The *Urban Design Framework* is, with the heritage-related significances and design indicators, the most important of the many inputs and is described briefly here and includes:

- an overview of the broader context and contextual informants and of the site itself;
- identification of key observations and design indicators for the spatial systems of the site, the built form aspects such as scale, height and gateways, and aspects related to the connectivity of the site;
- integration of the heritage-related design indicators articulated by the heritage consultants;
- urban design recommendations for the spatial systems, built form components, connectivity and accessibility; and
- the main arguments and recommendations for the interpretation of the indicators on site. (p5)

This section, however, repeats the Recommendations which rely on and imply the numerous urban-design-related design-indicators of the *Urban Design Framework*:

8.1.1 Integration of environmental aspects and view corridors:

- Rehabilitate the canalized river course, and include the experience of this, the Raapenberg Bird Sanctuary and the Observatory complex as an integral part of a continuous public space system that already exists upstream of the River Club site;
- Enhance the physical connection with the Liesbeek River – both the earlier course and the rehabilitated canal – and the Raapenberg Sanctuary by creating and defining spaces for people;
- Maintain a substantial open green space at the heart of the site as a pedestrian and ecological link between the earlier and current to-be-restored river corridors, to celebrate the experience of Devil's Peak and maintain visual permeability and a sense of openness;
- Locate publicly accessible amenities along the edges of the central open space and the green riverine corridors; and
- Ensure a legible, integrated pedestrian movement system aligned with the NMT networks and plans for the surrounding areas and which is part of the river interface. (p.32).



Figure 16 Diagram showing the integration of environmental aspects and view corridors (Urban Concepts, p32)

8.1.2 Public Realm Continuation:

A significant publicly accessible open space system is recommended in order to welcome people into the site, maintain the site's sense of openness and continuity, and to add value to the broader urban realm to be achieved by the following:

- Providing public space along the edge of the rehabilitated canal as well as the earlier river course, for walking, cycling and leisure, as a continuation of the existing public space network south of the site by using staggered building footprints to define spaces along the rehabilitated river course
- Extending this space across the site, connecting the two river corridors, bringing people into the development. The central area has the potential to be used for public recreation, as it is less ecologically sensitive than the river edges;
- Development parcels should be visually and physically permeable to pedestrians, to help integrate the different spaces within and around the site;
- Land uses should include a combination of commercial, residential, retail, as well as public facilities. (p.33)



Figure 17 Diagram showing the public realm continuation (Urban Concepts, p33)

8.1.3 Fragmentation of building form:

A variety of building forms should be introduced to ensure varied grain and fragmentation:

- It is recommended that the larger building forms be located to the north of the site. The street grid proposed for this area of the site relates to the rectilinear grid of surrounding urban fabric. It is however important to create another level of fragmentation with a variety of roofs, at varying heights;
- A finer grain in building form is proposed to the south opposite the Observatory
- Buildings adjacent to the restored river (opposite the Observatory) are to be free-standing with small footprints. No continuous perimeter block buildings are recommended along this edge;
- Buildings along the public open space along the earlier and restored river courses and central open space to have a level of continuity in façade treatment to ensure a well-defined edge condition, enabling active edges. (p.34)

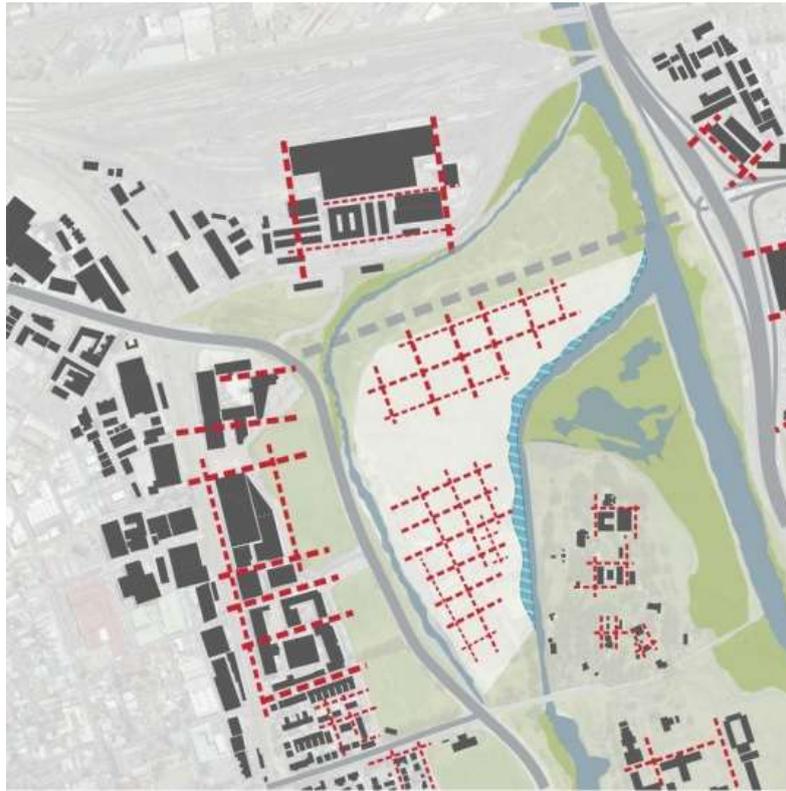


Figure 18 Diagram showing the fragmentation of building form (Urban Concepts, p34)

8.1.4 Building heights:

The recommended height envelope for the site was mainly derived from the following indicators: height and scale of buildings in immediate context (PRASA Rail Yards, Black River Park, the Observatory and its enveloping trees), as well as the significant visual and noise impacts of the M5 freeway. The height and scale of built form further away was also considered, but its impact on urban design recommendations is mainly dealt with under land uses, scale and fragmentation.

- It is recommended that the taller building forms be located to the north of the site. This will assist in defining the Berkley Road edge, and will play a role in defining public areas on what will be this exposed noisier part of the site.
- Lower buildings are recommended to the south (opposite the Observatory). The tree canopy of the Royal Observatory site is prominent, and should not be overshadowed (the Observatory itself is not visible from the site or from the west at all).
- The opportunity to include “focus buildings” (slightly taller than adjacent built form) is suggested in two key positions: the first is to signal the entrance point from Berkley Road; the second is suggested close to the entrance to the site from Liesbeek Parkway, perhaps abutting the new public park (it is recommended that this building has a mix of uses, for example retail and hotel/conferencing). (p.35)

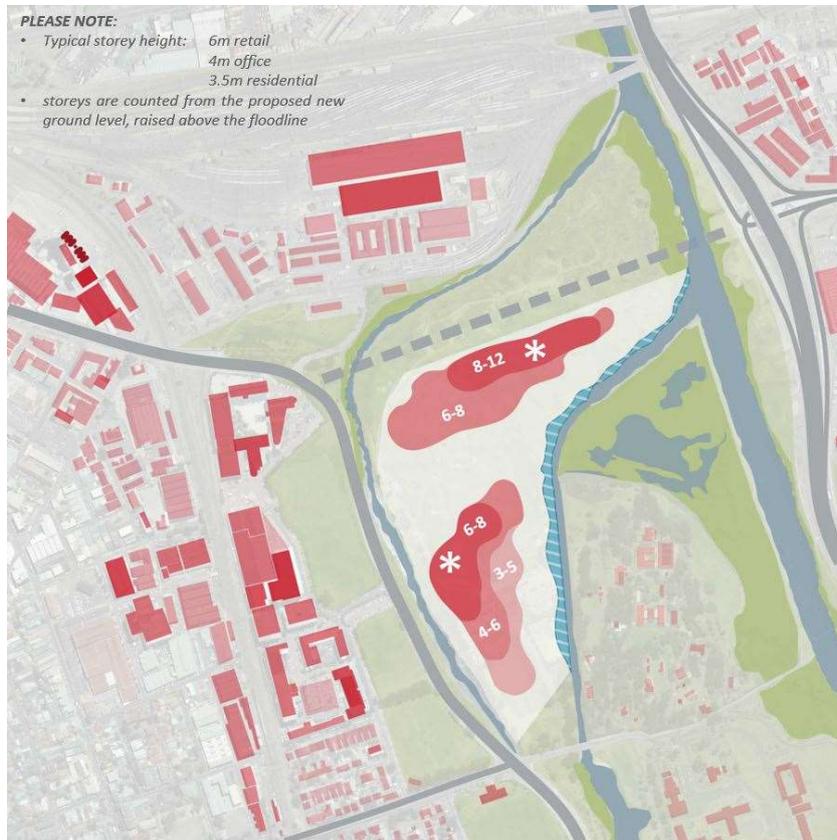


Figure 19 Diagram showing the building heights (Urban Concepts, p35)

8.1.5 Site integration and accessibility:

The diagram below identifies key routes to ensure an accessible, integrated structure (though a primary system of pedestrian routes will be necessary and will be a key component in the detail design development phase).

It is recommended that the following objectives be achieved in the design of the site's movement system:

- The ability to traverse the site, and integrate the site with surroundings, without creating a 'rat-run' for vehicles;
- Continuity of public access and pedestrian movement throughout the site
- The vehicular system to include public transport node(s) to alleviate private transport pressures;
- Access points: the proposed Berkley Road extension has been identified as a class 2 road in the transport & planning frameworks. From a planning and urban design perspective it is recommended that multiple intersections be considered into the site, as this will encourage more of an activity-type road (integrator).

Other access points include the proposed Liesbeek access, and the existing site access from the Station Rd extension. This entrance is not guaranteed as it crosses the neighbouring property, but is desirable as it integrates the site with its surroundings. (p.37)



Figure 20 Diagram showing site integration and accessibility (Urban Concepts, p37)

8.2 Urban design framework conclusions

The indicators and recommendations in this Urban Design Framework are designed to establish guidelines for the responsible development of this important site:

The spatial recommendations seek to provide a coherent urban form which relates to its surroundings while retaining the site's unique sense of place, and enhancing the views from, into, and through the site. Emphasis is placed on well-defined public space allowing pedestrians access to the rivers and through the site, with commercial and other activity considered to increase safety and vibrancy.

The most important recommendation from urban design, heritage and environmental perspectives, is the restoration and revitalization of the Liesbeek River by removing the concrete canal, reintroducing planted banks and widening its course to create natural riverine environment. This is an opportunity to improve its ecology and the surrounding ecosystems, as well as to create a special place for pedestrians to experience the river. Also, directly associated with this is the recommendation of the ecologist, Liz Day, that there be a connecting 'ecological corridor-open space' between the restored riverine corridor across the River Club site to the earlier river course.

The interpretation of heritage indicators is intended to respect and enhance the major historical and cultural significance of this resource, most notably the Liesbeek River as a riverine corridor and historic landscape element. The experience of this landscape should be made more accessible to the public, and its historical importance made legible.

In addition to the above indicators, it is suggested that space be provided for a resource or interpretation centre on the site, ideally at the confluence of the Liesbeek and Black Rivers. This could educate the public on the significance of the site and of the broader precinct, including nearby sites such as SAAO, the SKA and Valkenberg, as well as the rivers and wetlands as cultural and ecological resources (Urban Concepts, p38).

8.3 The Alternative Development Proposals

The consulting town planners, Planning Partners, have assessed five development alternatives in their report, *The River Club: Overview of Development Alternatives*, dated July 2018. This section is in large part reliant on Planning Partners' report but is heavily edited and includes a brief description of the architectural concept by Vivid Architects (cf. *The River Club- Architectural Report*). We note also that only two of the alternatives are described here, and the preferred Riverine Corridor Alternative most fully. This is because one of the five is the "do-nothing" or "existing rights" alternative which they have called the "No-Go" Alternative; and two of the alternatives are not financially viable (and are, therefore, not comparatively assessed in the NEMA process). Full details of the five alternatives can be found in Planning Partners' report, *The River Club: Overview of Development Alternatives*, dated July 2018.⁴³

The site occupied by the River Club was established by the South African Railways & Harbours (SAR&H) as the Liesbeek Park Recreation Club in the 1920s and was subsidized by SAR&H for the benefit of its employees. The site has more recently been administered by Propnet, a division of Transnet.

The original facilities of the club were built in the 1930s, with the main building completed in 1939 (this is still the main building on the property). When Transnet moved to Bellville in the 1980s, most staff moved to the northern suburbs, leading to a decline in patronage at the club; and by 1993 the property had been abandoned by Transnet as a sports club and leased to a series of tenants and the River Club was established in November 1993, primarily as a golf driving range with the main building having various uses.

⁴³ Planning Partners, July 2018, *The River Club: Overview of Development Alternatives*, a report commissioned by Liesbeek Leisure Properties Trust.

At that time, the property was zoned for Community Facilities use in terms of the City of Cape Town’s Zoning Scheme. For the first seven years of operation the activities for which the River Club was originally developed – the bar and restaurant, the conference venue and the golf driving range – were considered “non-conforming uses”. However, these use rights were approved by the City Council in May 2001 and still apply. In addition, permission to build a 9-hole mashie golf course was granted in 2002 and operation commenced in 2003.

During the last two years the facility has been improved with numerous upgrades of the buildings, the parking area and the grounds having taken place, while the golf driving range is much improved. Notwithstanding these improvements, the owners contend that the current use is not financially sustainable and is an underutilization of well-located land within the urban area. Accordingly, they have undertaken a comprehensive process over the past three years to investigate a feasible development proposal for the site.

The River Club professional team has formulated a preferred development plan following an iterative design process and input from various specialists engaged in the environmental and heritage process. However, both NEMA and the NHRA require that development alternatives are evaluated; and that the alternatives be reasonable and feasible and must include one option that does not involve the granting of new development rights.

We note that this Alternatives Report includes a detailed reprise of Urban Concepts’ *Urban Design Framework* and its indicators and recommendations.⁴⁴

The alternatives are as follows:

8.3.1 The “No-Go” Alternative:

This is the base situation, the Existing Rights Alternative, which Planning Partners have called the “No-Go” Alternative, for evaluation purposes; and it assumes that the existing activities and uses will continue in terms of existing rights, although substantial new development could occur within the new (since 2013) zoning, Open Space Zoning 2, but with consent. The existing uses on the site include:

Golf driving range (including golf retail shop)	83 000sqm	56% of site
Mashie golf course	34 000	23%
Parking	16 000	11%
Ancillary open space (including roads)	12 000	8%
Conference facility/events & banqueting/restaurant	2 800	2%

⁴⁴ Planning Partners, pp4-28.

Cycling retail shop	350	0.2%
Chiropractor	250	0.1%

The implications of this alternative, the “No-Go”, do-nothing or existing-rights alternative are as follows:

The existing buildings on Erf 151832 and existing uses will remain in place and, importantly, restoration of the Liesbeek River and its riverine corridor, edges and the connecting wetland will not occur; private sector funding for the Berkley Road extension will not materialise and implementation of this road will be delayed; and significant rates income will be lost.⁴⁵



Figure 21 The River Club site as at present: The “existing rights” or “no-go” alternative.

⁴⁵ Ibid. p29.

8.3.2 The Riverine Corridor Alternative, the preferred alternative

This alternative, the preferred alternative, proposes approximately 150 000m² of floor space be developed, including retail, office, residential (including inclusionary housing), hotel and community uses.

All developed areas of the site (including roadways) are to be raised above the 100-year flood level of approximately 6m above MSL (2-3m above the existing ground levels); and the proposal includes restoring the Liesbeek River with a wide in meters? riverine corridor along the route of the existing canal on the eastern boundary of the site, while the old Liesbeek River channel on the western edge of the site will be largely in-filled and landscaped with a vegetated stormwater swale with an 'ecological corridor'/open space crossing the site and connecting the rehabilitated riverine corridor and the storm water swale. The restored Liesbeek riverine corridor will include pedestrian and cycle paths, viewing and seating areas where the public can enjoy the amenity of the rehabilitated water course; and the Raapenberg Wetland and Bird Sanctuary and the well-treed Royal Observatory site across the river will become visible as a result of the riverine corridor upgrade.⁴⁶

This Preferred Alternative includes 41% of the site as 'soft open space' with the built-form arranged into two precincts separated by a large open parkland and bounded by extensive landscaped river corridors and areas of landscaped open space. Both precincts are intended to be mixed use; but the overall distribution of uses needs to be flexible enough to respond to the market demand at the time of development. Sustainable design principles will be incorporated where possible, including renewable energy generation, grey water harvesting, energy efficiency etc.

⁴⁶ Ibid. p31.

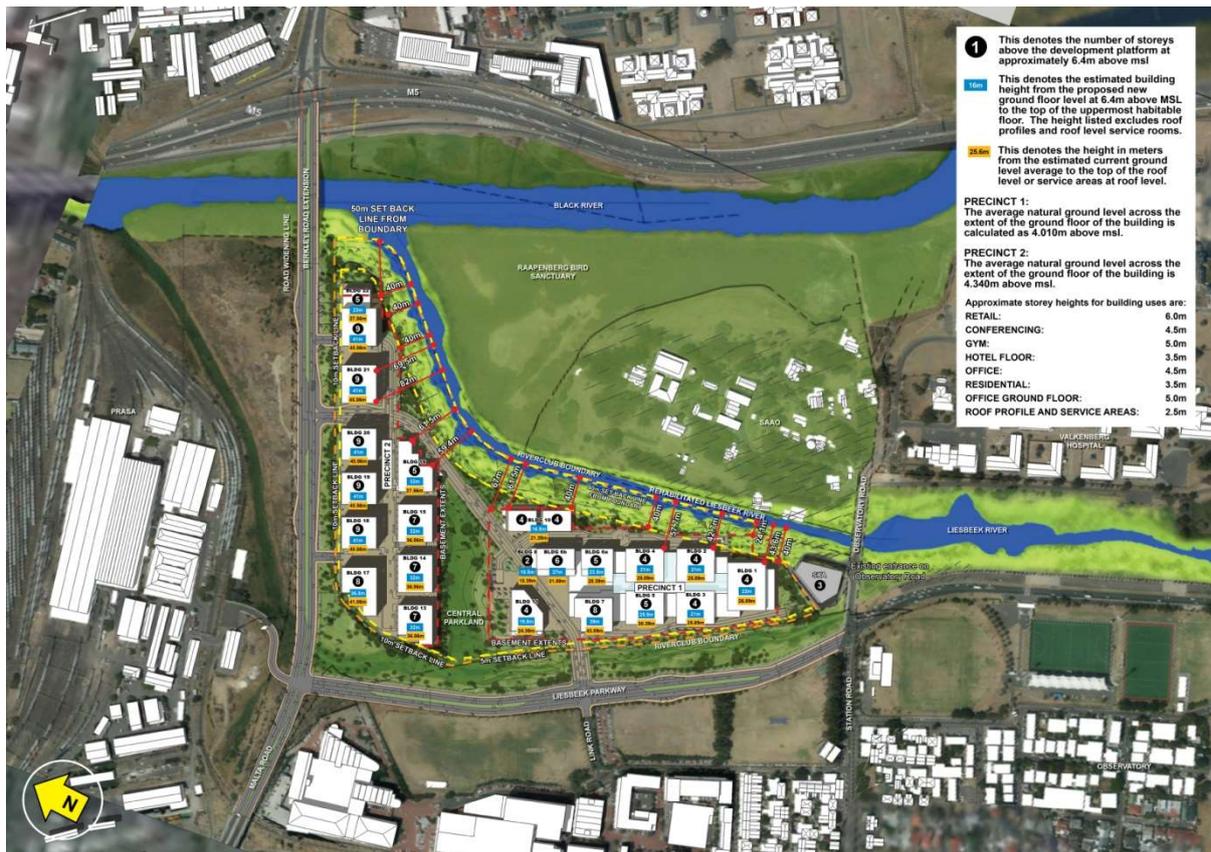


Figure 22. The preferred Riverine Corridor Alternative showing the two precincts and the restored riverine corridor (Vivid Architects)

Precinct 1

Precinct 1, with a development area of 65 000sqm, will consist of retail, shop, restaurants, offices, hotel, gym, residential apartments and associated parking; and it occupies the southern portion of the site and the proposed mix of uses where the buildings are of a lower height, generally four to five storeys, with the exception of a hotel and apartment buildings of up to eight storeys. Parking is in the form of 3 structured parking levels below buildings, comprising two levels of a basement parking and a component of podium parking. The design intention is to provide accommodation and active edges on the perimeter of the parking podium.

The design intent of Precinct 1 is to fragment the development into a collection of separate individual buildings creating a varied but harmonious streetscape. Building facades and forms will be articulated, varied in scale, form and finish in order to avoid lengthy monotonous facades. The client requirement for economically sustainable retail space suggests a relatively compact and contiguous arrangement so the proposal has positioned the majority of the retail along a pedestrianised street at the podium level with additional retail around an urban square at a level lower. Portions of the pedestrianised street will be covered by a glass roof, creating a Galleria. This is required by the client in order to create a sustainable retail trading environment all year round.

The overall design aesthetic will be contemporary. Building forms, scale and finishes will take cues from buildings surrounding the site, for example, Black River Office park.

Precinct 1 floor areas:

Retail/restaurants	25 000sqm
Residential (including hotel and inclusionary housing)	17 000
Office	15 000
Gym/conference/events/ancillary	<u>8 000</u>
	65 000sqm

Precinct 2

Precinct 2, with a development area of 85 000sqm, will consist of offices, residential, possibly a school, limited retail and associated parking and occupies the northern portion of the site where design indicators have identified the suitability of higher buildings along the proposed Berkley Road Extension. Buildings on Precinct 2 will vary in height from four to twelve storeys. Parking is provided on two levels, one level as basement structure and the second in the form of a parking podium which is intended to be screened by landscaped berms to minimize the visible extent of the parking structure.

Precinct 2 positions individual buildings either side of a central well landscaped boulevard above the parking podium level. The buildings will vary in height to emphasise gateways and significant locations with the final form of the buildings being driven by market demand. The development edge along the Berkley Road extension is important and the individual buildings will form an important streetscape. Likewise, the buildings facing onto the open parkland between the two precincts will be very visible and will be well articulated.

The buildings on Precinct 2 will, like those on Precinct 1, be contemporary although it is intended to incorporate design elements that will create continuity and similarity in the street scape. It is important that the buildings on Precincts 1 and 2 exist with a degree of harmony between one another and with the architecture of nearby built form.

Precinct 2 floor areas:

Retail	5 000sqm
Residential (including inclusionary housing)	21 500
Office	44 500
Ancillary	4 000
Private school	<u>10 000</u>
	85 000sqm



Figure 23. The preferred Riverine Corridor Alternative from the west (Vivid Architects).



Figure 24 The preferred Riverine Corridor Alternative from the south (Vivid Architects)

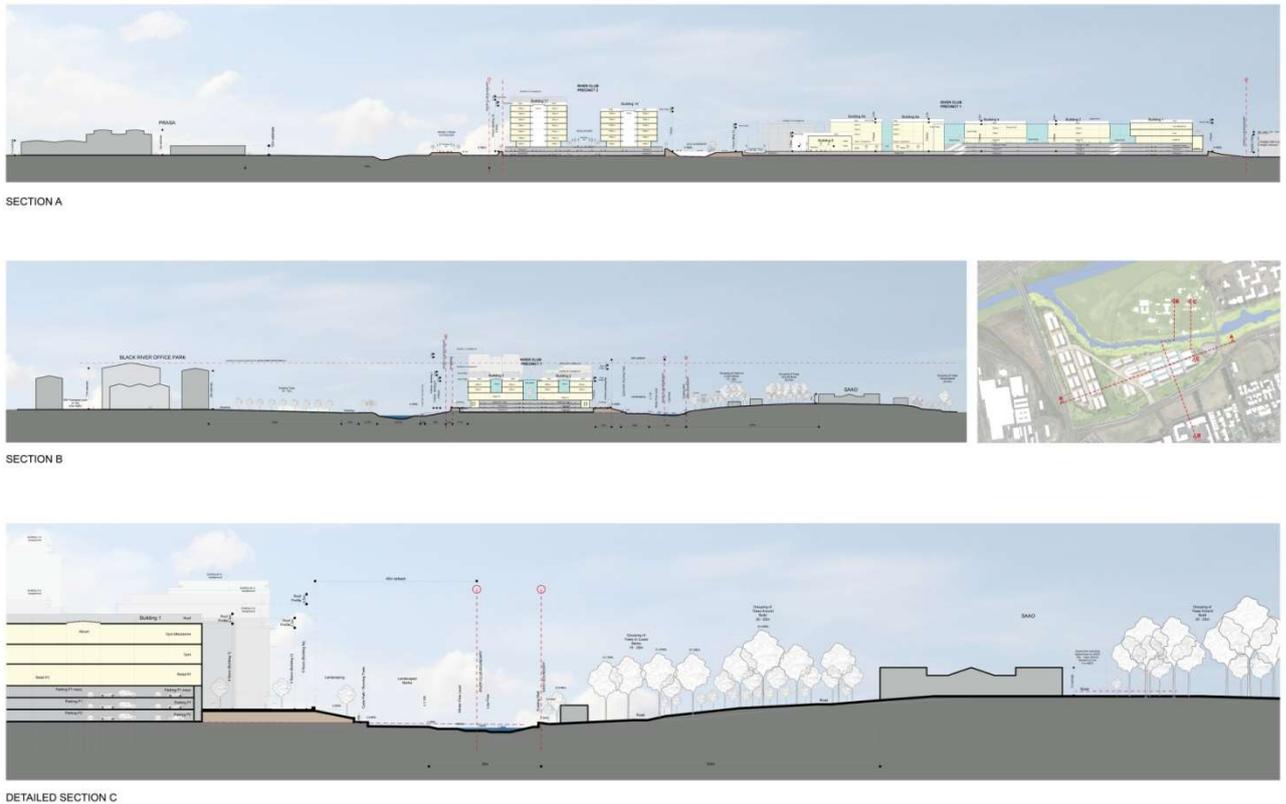


Figure 25 Sections through the intended development and associated topography.

The key characteristics of this, the Preferred Alternative, include the following:

- Construction of the Berkley Road Extension to the north of the site by the developer providing access onto the site and a key component of the wider transportation network;
- access to the site via a bridge from Liesbeek Parkway;
- a diagonal link between these two access points;
- medium/high-rise retail, hotel and residential apartment buildings (approximately 3-6 storeys) located in the southern portion of the development (Precinct 1);
- medium-rise office/residential buildings (approximately 10 storeys) located along the Berkley Road extension in the northern portion of the site (Precinct 2);
- approximately 150 000m² of floor space;
- approximately 140 inclusionary housing units;
- parking accommodated in basement structures underneath the developed portions of the site;
- restoring of the existing Liesbeek River canal into a rehabilitated riverine corridor;
- in-filling of the old Liesbeek channel and remodelling of this channel into a vegetated stormwater swale;

- a central park that functions as a public space as well as an east-west ecological corridor across the development;
- non-motorised transport to include pedestrian paths and running and cycling tracks throughout the development; and
- facilities for future MyCiTi bus and taxi services.⁴⁷

Planning Partners do, however, point out a significant discrepancy between the Urban Design Framework's design indicators and the design, that is, there is a diagonal link road between the Berkley Road extension and the new access off Liesbeek Parkway. This is, in their view, a slight contrast to the urban design recommendation for this road, which shows it at right angle to Liesbeek Parkway between Precinct 1 and Precinct 2; and they attribute this to traffic engineering reasons. The position of the road and its alignment has been determined by the City of Cape Town's road engineers. The signalised intersection on Berkley Road is in the only position possible. Also, not only does the diagonal road mean better road continuity, but the alignment means that the main access road servicing the development will not filter through Precinct 2, and in turn will reduce potential traffic related impacts, including traffic congestion in the heart of Precinct 2 and the resulting stacking into the surrounding road network (including into the Berkley Road extension, which would have a profoundly negative impact). In addition to averting negative traffic related impacts, the diagonal road will have the effect of celebrating the view to Devil's Peak by aligning the entry road axis with it.⁴⁸

The implications of the Preferred Alternative are:

- with a projected annual return of 9.01% (pre-tax), the project is considered to be financially viable;
- approximately 80 000m² (± 55%) of the site will be raised above the 100-year flood elevation to approximately 6m above MSL in order to accommodate development;
- a catalytic, mixed use development will be implemented at the western gateway into TRUP;
- densification and diversification of residential stock will occur in line with the City of Cape Town's Densification Policy
- inclusionary housing will be provided (140 units) satisfying an important social need;
- supply of retail and office space in this location will satisfy proven market demand;
- the development will assist to cross subsidize the Berkley Road extension, which has been identified by the City's Transport and Urban Development Authority's (TDA) as a key road network intervention;

⁴⁷ Ibid. p34.

⁴⁸ Ibid. p35.

- intense urban development will occur within a 500m radius from higher order public transport stations (Observatory and Koeberg train stations) in line with the City's Transit Oriented Development Strategy;
- the existing canalized Liesbeek River course will be restored and rehabilitated into a riverine corridor that will effectively allow for a continuation of the lower Liesbeek River as a visually congruent and publicly accessible riverine corridor with resulting ecological and social benefits;
- the long diverted course of the Liesbeek River to the west of the site will be converted into a landscaped storm water swale;
- an ecological corridor/parkland area will extend through the site in an east-west direction allowing for faunal movement and recreational activities; and
- the development will yield a substantial income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the city.⁴⁹

8.3.3 Alternative 2: The Island Concept Alternative:

This alternative, the Island Concept Alternative, has an architectural arrangement that is similar in scale and arrangement to that of the preferred Riverine Corridor Alternative, but proposes the upgrading and attempted reestablishment of the old pre-1952 Liesbeek River course on the western boundary of the site along Liesbeek Parkway and the retention of the current Liesbeek canal. In other words, the current watercourses adjacent to the site will remain, by and large, unchanged.

This, the Island Concept Alternative, is proposed to have similar massing and volumes, though shifted slightly closer to the extant canalized River, and similar architecture, and vehicular and pedestrian movement systems as are proposed in the Preferred Riverine Corridor Alternative and so those descriptions of the two Precincts are not reiterated here; and we outline only the rather different key characteristics and implications:

The key characteristics of this, the Island Concept Alternative, include the following:

- All of the key characteristics in respect of the funding and construction of the Berkley Road Extension, the vehicular access, parking, built form and accommodation, and the central park outlined in the Preferred Riverine Corridor Alternative are similar; however,
- the existing Liesbeek canal carrying all of its water remains but now with an approximate 10m ecological buffer;
- the earlier pre-1952 Liesbeek River course is retained and its rehabilitation is attempted with an approximate 25m buffer;
- non-motorised transport including pedestrian paths and running and cycling tracks throughout the development are provided but with rather less amenity and connection between the River Club site and the Liesbeek itself.⁵⁰

⁴⁹ Ibid. p36.

⁵⁰ Ibid. p38.



Figure 26 The Island Concept Alternative showing the two precincts, the retained canalized River, and the unrehabilitated earlier River course (Vivid Architects)

The implications of this Alternative are:

- All of the implications in respect of the financial viability, rates income, the improvements to the transportation network, the City's strategies in respect of transport, densification, provision of inclusionary housing, built form, etc remain as for the Preferred Riverine Corridor Alternative; however
- at present, the Liesbeeek River and its associated riverine corridor, is disrupted by this hard concrete edged canal and the legibility and functionality of the river is compromised, and not choosing the Riverine Corridor Alternative would forego the potential benefits of restoring/rehabilitating the canal into a riverine corridor which would have negative implications for environmental sustainability, heritage significance and public amenity; and
- the earlier pre-1950s course of the Liesbeeek River cannot be convincingly rehabilitated and will remain without true identity in the wider context ensuring the island-appearance of the River Club site and its development in the landscape.⁵¹

⁵¹ Ibid. pp41-42.

8.3.4 Alternatives 3 and 4: The Mixed-Use Affordable Alternative and the Reduced Floor Space Alternative:

As pointed out earlier, neither of these alternatives are economically feasible and are, therefore, not acceptable as alternatives under NEMA. As a consequence, we are not describing them in any detail here; but they can be seen in Planning Partners' report, *The River Club: Development Alternatives*, dated October 2017.

The Mixed-Use Affordable Alternative assumes that a large part of Precinct 1 is directed at the affordable and inclusionary housing market, with Precinct 2 accommodating a mix of office, retail and residential use. The total floor area presumed is approximately 110 000sqm.

The Reduced Floor Space Alternative includes less intense development of the site with a mix of uses of roughly the same ratio of uses as in the preferred alternative but with the floor space reduced to approximately 102 000 m² and the provision of larger areas of green open space.

In addition to being economically unfeasible, these alternatives do not enable the improvements to the Liesbeek River generated by the preferred alternative and nor can they fund the Berkley Road Extension in the way necessary.⁵²

8.4 Commentary of IAPs on the Development Proposal:

We note that although most commentators articulated strongly objecting views to the scale of the proposed development, the feasibility of the project does not enable flexibility in this regard and, as a consequence, the owner has argued that it is not possible to satisfy such objections and realise the development with its several public goods, not least the restored Liesbeek and the Berkley Road connection.

Indeed, almost all of the commentators argue that the scale of the development is simply too great; and they argue, for example, that they are not opposed to “smart and sensitive development of the area – however, the current proposal is too dense, too high, and does not sit well as a neighbour to our historic Observatory site”.⁵³ We note, however, that most commentators recognise or imply a recognition that the site could or even should be developed, they just do not like the scale proposed.

On the other hand, some commentators argue that no development is acceptable: RAMPAC argues that “there is [in the *Draft HIA*] a lack of appreciation of the importance of the topographical landscape as a fundamental heritage informant in determining the appropriateness of development on the site”,⁵⁴ that “the preferred

⁵² Ibid. pp42-47.

⁵³ SAAO,

⁵⁴ RAMPAC, p1.

Alternative concept constitutes a hugely negative visual imposition on the topographic landscape of the riverine corridor”⁵⁵ and that “development at any scale would severely harm this character. Development of the scale proposed would absolutely destroy it.”⁵⁶ Also, although this does not appear in any written submissions, when questioned directly by the chair of the MEC’s Tribunal at a hearing in November 2018, some of the representatives of the First Peoples groups were ambivalent about development of the site, while others were clear that they thought that no development should take place.

Most commentators are critical of the scale (especially the heights) of the proposed development; and they have been critical of the HIA because, they argue, inadequate guidance (through ‘design indicators’) is given in respect of scale. However, the primary heritage significances here are associational rather than visual: whether development is two, three, four or more storeys high is not a ‘heritage-issue’. We do argue, however, that the scale of the development, especially along the Liesbeek River opposite the Observatory, should not be such that it overwhelms the riverine corridor and the important Observatory ridge and SAAO campus across the river.

It is accepted that the heights of some of the components of the design presented in the *Draft Prepared for Interested Party Consultation* were not clearly presented in the illustrations; and it appears that some commentators have mis-construed the Urban Design Framework to be the proposed development. Accordingly, the architect’s drawings in this, the second *Draft for Public Comment HIA*, now show very a clear height of each ‘envelope’ and heights being applied for are described in storeys (the potential storey-heights in metres, relying on the heights required for different uses, are also given).

Second, as a consequence of the commentary, the development team has looked carefully at envelopes proposed and have amended some of these, in particular those in the southern precinct and along the riverine corridor; and some have been set back further than shown previously. The amended drawings included in this Final HIA show the proposed southern precinct to be significantly lower than the parallel Black River Park office development and set well back from the Liesbeek River enabling a more persuasive relationship between elements in the landscape. The northern precinct along the proposed Berkley Road Extension is higher and bulkier⁵⁷ but is some distance from the Liesbeek River and from the Observatory spur.

The amended proposal now more clearly advances the restoration of the riverine corridor, re-establishing the Liesbeek River as a viable ecologically functioning and historically meaningful component of the environment, establishes a locus for the memorialisation of the historical events played out in these environs at the beginnings

⁵⁵ RAMPAC, p2.

⁵⁶ RAMPAC, p4.

⁵⁷ In order to include residential (of which 20% is to be ‘inclusionary housing’) and educational uses.

of the colonial era, enables the realisation of these public goods, and contributes to the organic growth of the city.

Also, we note that the artificial raising of the apparent ground level of parts of the site will make those parts consistent with the level of the Berkley Road Extension, establishing a new if altered 'natural-looking' ground level. It must be noted too that this raising of ground level will not require the volumes of fill that some parties fear (with thousands of truckloads fill damaging and dirtying the roads) as the greater part of the raised volume will be occupied by basement parking.

9 ASSESSMENT OF IMPACTS ON SIGNIFICANCE

We have argued in an earlier section of this report that heritage-related design indicators are or should be the primary criteria for assessment of impacts on significance and, so, we need to briefly outline these criteria here:

First, the Liesbeek River (canalised in 1952) should be restored as an ecologically viable riverine corridor, establishing a meaningful sense of 'river-ness' and recreating an appropriate sense of place for this historically significant topography.

Second, the heights of the built-form on the southern portion of the site fronting or lining the restored riverine corridor should be limited, for the most part, to three-to-four storeys above the new ground level in order to acknowledge and 'respect' the significance and scale of the trees and the SAAO campus across the restored riverine corridor.

Third, the northern-most corner of the site, immediately downstream of the confluence of the Liesbeek and Black Rivers, is or is close to the likely site of a pre-colonial crossing, and, given the necessity for the establishing of a 'crossing-site', however symbolic, we argue that a substantial setback from the river bank should be left to enable a celebration of the river-crossing of the indigenous people; and we suggest that space be left for such realisation in due course.

Fourth, the shape/position of the pre-1952 river course (now much altered and *sans* river-water) should be respected/reflected in detailed design.

Fifth, although we do not regard the built-form of the proposed development in this case to affect the heritage-significances present and we do not suggest heritage-related built-form restrictions (other than the heights described), we do regard the urban design indicators devised by Urban Concepts and discussed above to be pertinent.

Sixth, given the topography and history of the site as a part of the floodplain and the significance of the floral and faunal ecosystems, we regard the advice of the water specialists and engineers regarding the increased ground levels and the extent of land (in establishing the new riverine corridor and the park connecting the new riverine corridor with the old) to be devoted to ecological functions to be both an environmental and a heritage gain.

Finally, we underline our earlier acceptance of the inevitable and soon presence of the Berkley Road Extension, effectively a causeway 2 to 3m high across the northern boundary of the site.

It must also be noted that during the course of the assessment, the designs of the development alternatives that were evaluated underwent numerous changes, largely from extensive, iterative feedback into the project by us, the heritage specialists, and by other members of the design team. To some extent, then, the development alternatives considered in the study already include a substantial level of mitigation, and the significance of the impacts considered in this section reflect this (where they are not specific to either of the viable alternatives).

Given this, we assess the potential direct impacts of the two alternatives assessed, the preferred Riverine Corridor alternative and the Island Concept alternative, under the following headings:⁵⁸

H1: Potential loss or damage to palaeontological and archaeological resources.

H2: Loss of structures on the site with heritage value.

H3: Change in environmental and historical character of the site.

H4: Change in heritage value of the Liesbeek River floodplain at the site.

H5: Changes in historical setting of the SAAO.

9.1 Potential Impact H1: Potential loss or damage to archaeological and palaeontological resources:

Given the degree of surface disturbance including the introduction of considerable volumes of fill and, more pointedly, given the absence of any known archaeological resources on the site, it is not expected that any impacts on archaeological or palaeontological resources will occur.⁵⁹ This is the view of ACO Associates and is confirmed by Jonathan Kaplan in his study.⁶⁰

⁵⁸ We note that the assessed significances here, in this draft report circulated for comment, may not match those in the BAR precisely; this is because the criteria adopted by heritage practitioners will on occasion be at variance with those adopted by environmental practitioners.

⁵⁹ We are aware that some First Peoples representatives have claimed that there are or may be burials on the site; however, these claims are not supported by any evidence. Accordingly, we must leave them aside until evidence is presented.

⁶⁰ Kaplan, Jonathan, xxxxxxxxxx

This applies to both the preferred Riverine Corridor alternative and to the Island Concept alternative.

However, in the case of the preferred Riverine Corridor alternative, although these parts of the site have been much disturbed, when the ground levels of the part of the site closest to and lining the present canal are lowered and the western wall of the Liesbeek Canal is removed and the new bank of the river is created in order to 'restore' the riverine corridor, monitoring will be necessary when these bulk earthworks are carried out.

In the case of the preferred Riverine Corridor alternative, this impact is assessed to be of **no** or **very low** (-ve) significance (especially with the implementation of mitigation).

9.2 Impact H2: Loss of Structures at the Site with Potential Heritage Value

Although the main River Club building and approach to it currently are prominent features in the overall setting of the site, the main building is very ordinary and has been much damaged by insensitive growth and change, and is of low heritage significance.

Buildings at the site could not be regarded to be of a grade higher than Grade IIIc, that is, buildings whose significance contribute to the character or significance of the environs that should only be protected if their presence were to contribute to the significance of the environs and that contribution were sufficient to warrant protective measures. We, the heritage consultants, do not believe that the buildings on the site warrant protective measures.

This applies to both the Riverine Corridor Alternative and the Island Concept Alternative. In other words, this impact is assessed to be of **no** or **very low** (-ve) significance.

9.3 Impact H3: Change in Environmental and Historical Character of the Site

The current sense of place at the site and along this section of the Liesbeek is that of a wide flat floodplain and open space but greatly transformed by the frequent changes in land-use: wetlands have been transformed to farmland, then to various institutional uses, to sporting facilities, and to modern suburbia. Nevertheless, the floodplain, Liesbeek and Black Rivers, their confluence and the remnants of the Salt River estuary still exist today.

Locally the floodplain between the spine to the east of the site (the SAAO) and the foot-slopes of Devils Peak (the suburb of Observatory) can be divided into three parallel strips:

- On the west (of the site) is a strip of sports fields interrupted by roadways, major sports facilities/structures, avenues of trees and vehicular bridges;

- The Liesbeek Parkway arterial road running through the middle of the floodplain; and
- The Liesbeek River and its immediate corridor that widens and splits into a (now defunct) natural channel and an artificially canalised section to create the River Club site.

The Liesbeek River (with the SAAO ridge) was a partially fortified early frontier and an important pre-colonial river crossing (the Vaarschedrift) was located close to or at the site; and the confluence with the Black River is thought to be the site of early confrontations that led to the eventual fragmentation of the Khoekhoe nation. The floodplain was also a key site in early farming. The site and its immediate context is therefore historically significant. However, although no tangible remnants of the actual places of conflict, forts or outposts survive, the Liesbeek River and floodplain are of ecological importance.

People experience cultural value from the character, history, and awareness of the historical import of the site, as well as the ecology of the lower reaches of the Liesbeek River.

The site, although transformed, is one of the last relatively open if spoiled remnants of the floodplain.

The sense of place will, however, be transformed by the development proposed. As described in the SRK VIA report:

“The site itself does not necessarily have an immediately recognisable sense of place although the River Club building is a distinguishable landmark on the site. 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. The dramatic views of Devils Peak and the dominant east-facing ridgeline also add to the sense of place of the study area.⁶¹

Unavoidably, the proposed development will significantly transform the site and very immediate surrounds. The visual impact may be lessened by the congruency of the proposed development with the surrounding land uses, mainly the commercial and industrial activities towards the north of the site rather than the more informal layout of the buildings to the south of the site.⁶²

In many respects, the visual impact is pronounced, but not inconsistent with a cityscape. However, the sense of place impact is more significant and

⁶¹ SRK, 2017, VIA, pp17-18.

⁶² Ibid. p32

*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.*⁶³

In other words, the sense of place, already transformed iteratively over the past 90 years, will be radically transformed by the proposed development of either the Riverine Corridor Alternative or the Island Concept Alternative. However, in the context of the already significantly transformed floodplain and the degraded nature of the site, the intensity of the impact of redeveloping the site is therefore assessed to be low, and the impact in the case of both alternatives is assessed to be of **medium to high** (-ve) significance.

9.4 Impact H4: Change in Heritage Value of the Liesbeek River Floodplain at the Site

South of the site, the Liesbeek River floodplain is relatively narrow, but has both ecological value and public amenity value as a natural and publically accessible corridor even though this stretch of the riverine corridor back to the N1 Motorway is a recovered and restored one. Immediately south of the site the river has been diverted into a visually unappealing and ecologically sterile canalised reach that flows along the eastern edge of the site. The public movement corridor along the river also terminates here. The artificially constructed channel joins with the Black River immediately northeast of the site. The original course of the river along the western boundary of the site was infilled and iteratively dredged (both from the 1930s until 1952 and *circa* 1990), and is now fed by stormwater and occasionally by backflow from the Black River; and it is ecologically degraded. The site forms an artificial island between the old and new reaches of the Liesbeek River in a transformed and degraded landscape.

The impacts of the two alternatives, the preferred Riverine Corridor Alternative and the not-preferred Island Concept Alternative, on the heritage value of the site and surrounds are very different and are, therefore, assessed separately:

9.4.1 The Riverine Corridor Alternative

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 and through the site, the riverine corridor as a historical,

⁶³ Ibid. pp36-37.

topographical and ecological determinant of the current urban townscape is extended and reinforced. Furthermore, the public amenity derived from the river is enhanced. Although the sense of place of the site will be transformed, by extending the riverine corridor to the south of the site the heritage value of the site (and corridor itself) will be enhanced in a number of ways:

- The historical significance of the river would be restored by defining and enhancing its (albeit “new”) course;
- The ecological functioning of the river would be improved; and
- The public amenity value of the river course would be extended and enhanced, and the public would be exposed to the SAAO through the trees which screen it.

The impact is assessed to be of **high** (+ve) significance and no further mitigation is necessary.

9.4.2 The Island Concept Alternative

For the Island Concept Alternative the ecological and cultural benefits of defining and enhancing the Liesbeek River Corridor will be foregone and the development will ‘feel’ or be experienced as being much closer to the low ridge with the SAAO.

The impact is assessed to be **of medium (-ve) significance**.

9.5 Impact H5: Change in Historical Setting of the SAAO Campus

The most significant heritage resource close to the site is the SAAO which has recently been declared a National Heritage Site. The SAAO is situated on a rise to the east of the site and of the Liesbeek Canal. The core historic structure at the SAAO (built 1822) is centrally situated on the site, and is surrounded by a number of structures of ages ranging from 19th century staff buildings, to telescope domes and to late 20th century structures. However, very little of this is visible from the River Club and the west because the ‘campus’ of buildings is surrounded by mature trees with a relatively dense canopy.

The SAAO was built on this raised spine of land so that it could visually signal midday to the Castle of Good Hope (where the 12 O’clock signal gun was located before 1900) and Table Bay where mariners could observe the fall of the time ball in order to set their chronometers. After 1900 when the signal gun was relocated to Signal Hill, this view-line also became functionally important. Views from the SAAO to the Castle and Table Bay, which were central to the functioning of the Observatory, are now obscured by development. Signal Hill remains visible from a limited range of vantage points at the SAAO, but this has not been of any functional importance to the operation of the SAAO since the beginning of the 20th century. The line of sight between the SAAO

and Signal Hill is therefore of no current functional value, although it is historically interesting.

Most of the structures at the SAAO are obscured from view by trees. In other words, the old Royal Observatory is not clearly visible from the River Club itself, and the best views of the SAAO complex are from across the Black River further to the east.

Indeed, as made explicit in the SAHRA declaration, it is clear that the SAAO owes its primary heritage status to its history of use (its scientific significance), and to a lesser extent to its location in the landscape and its built form. Nevertheless, it is possible that the National Research Foundation (NRF) will in the future “expose” the SAAO site to the west, and celebrate this boundary. The boundary of the site with the SAAO is therefore sensitive to development.

The impacts of the two alternatives, the preferred Riverine Corridor Alternative and the not-preferred Island Concept Alternative, on the heritage value of the SAAO are very different and are, therefore, assessed separately:

9.5.1 The Preferred Riverine Corridor Alternative

The increased setback of the development from the SAAO boundary and the restored river course was, from a heritage point-of-view, *the* key informant in the design-evolution of the Riverine Corridor Alternative. This alternative mitigates impacts on the SAAO as far as practically possible by stepping back development by 40m and rehabilitating (and therefore softening) the river course, while ensuring the financial viability of the development (by developing the minimum amount of GLA, or bulk, on the nearest part of the River Club site to the SAAO).

In the long-term, the restoration of the western bank of the Liesbeek canal (the River Club side) and the creation of the riverine corridor will create opportunities for the SAAO to rehabilitate the river course on its site consistent with what is proposed on the River Club side of the river. Nevertheless, while many commentators think that development of the River Club site will impact negatively on the SAAO, we regard the impacts of the restoration of the Liesbeek River to have a positive impact on the SAAO and the ridge or spur of trees across the river.

However, the floor of “Building 3” at the SAAO (which has a relatively low heritage value) would be inundated about once in five years to a depth of about 27 cm (about 12 cm deeper than the current depth of flooding). Although this will not affect the flood hazard rating at the SAAO, the increased depth of flooding during 1:5 year return flood events may increase the costs of occasional flood repairs. We do not regard this to affect heritage significance.

Although it has been argued that the development proposed will have a negative impact on the historical setting of the SAAO, a site is of national significance, we assess the impact of the restored and recreated Liesbeek River riverine corridor on the SAAO site to be of **high** (+ve) significance.

9.5.2 The Island Concept Alternative

This alternative allows for the rehabilitation of the eastern bank of the pre-1952 course of the Liesbeek River, which has some inherent, although much diminished, ecological value. In order to setback from this boundary and to remain financially viable, the River Club development would encroach on the SAAO side of the site to a far greater extent than is the case for the Riverine Corridor Alternative. Furthermore, the rehabilitation of the river corridor on the SAAO boundary would not take place, the canal would remain, and this would forgo any possible future improvements to the river course and/or any ecological integration between the two sites.

Although we assess that the intensity of the impact on the historical setting of the SAAO to be medium, as the site is of national heritage significance, the impact of the Island Concept Alternative is assessed to be of **medium to high** (-ve) significance and no further mitigation is possible.

9.6 Visual impacts on the significance of other nearby heritage resources

Given the distance of other heritage resources from the site, we contend that the development proposed will not have any impact on Valkenberg Hospital or the Valkenberg Homestead; and, given the presence of the Black River Park office complex and the large sports facilities on the lowest foot-slopes of the mountain below the suburb of Observatory, we contend that the development will not impact on the residential environment in heritage terms.

Furthermore, other sites to the east across the Black River and Black River Parkway are simply too distant to be regarded as affected in any way by development on the River Club site.

9.7 Ranking of Alternatives

Alternative 1, the Riverine Corridor Alternative, although transforming the sense of place, will restore the ecological and historical significances to the Liesbeek as a heritage resource and public amenity, to its confluence with the Black River, and will contribute to the wetland environmental charm of the Raapenberg Bird Sanctuary and the well-treed Royal Observatory spur or hill.

Alternative 2, the Island Concept Alternative, transforming the sense of place but without any meaningful improvements to the Liesbeek River-canal, will make positive

contributions to the old pre-1952 river course as an ecological resource, but will not contribute to the wetland environmental charm of the Raapenberg Bird Sanctuary and the well-treed Royal Observatory spur or hill.

The no-go or existing-Rights Alternative, is a poor option and will not make any of the necessary contributions to the city or to City Council strategies; and it will fail to articulate the historical significance of the place. It could cynically be regarded as a safe option in that the future of the site would be left open until the owners (current or future) explore alternatives.

9.8 Conclusions regarding Impacts on Significance

Given the assessments of the impacts of the preferred alternative, the Riverine Corridor Alternative, we argue that the essential significances of the River Club site and its immediately abutting surrounds, that is, the relatively low current significance of this part of the floodplain, the pre-1952 river course, the post-1952 canal, and the effects of that relatively low significance on its surrounds, would be considerably enhanced by the recovery and restoration of the riverine corridor as proposed; and, in our view, the overall significance of the Liesbeek and its surrounds will be increased.

The two diagrams below illustrate the changes to the significances of the environs as floodplains, confluence and the low ridge separating the two river courses: the first diagram of the current situation shows, diagrammatically, the River Club and sports facilities components of the Liesbeek floodplain to have low significance; the section of the recovered Liesbeek River above Station Road and the Black River above the confluence to have a high significance; and the two Liesbeek River courses, the old and new, and the treed surrounds of the SAO to have medium significance.



Figure 27 Diagram of current significances of the riverine topography as cultural landscape

The second diagram shows how the two development precincts on the River Club land are reduced in significance and how the significance of the Liesbeek riverine corridor is improved and, as a consequence, how the treed lower surrounds of the SAAO are also improved.



Figure 28 Diagram of future significances of the riverine topography as cultural landscape after the restoration of the Liesbeek River

This diagram suggests to us that the 40m-wide recovered riverine corridor and a deeper or wider site at the confluence could be (and, in our view, even should be) deemed to be of grade II significance. Indeed, in this circumstance (the restoration of the riverine corridor) HWC's wish to formally protect the site or, rather, the significant part of it appears to us to more meaningful **and** more likely to be achieved.

10 MITIGATIONS

In summary, the pre-colonial river crossing site and the Liesbeek riverine corridor and its sense of place apart, there are no heritage resources on the site that will require intervention. Determining the character of the site is an urban design issue; and, in this context, we argue that the role that heritage informants can play in the urban design of the site is limited due to the fact that the identified indicators are relatively weak in determining architectural and townscape character. The one heritage feature of high significance that has been identified is the Liesbeek River corridor itself and the confluence which is the singular and signal feature that runs through the project area and beyond. It is a powerful historic symbol and place-mark that refers to early

landscape of pre-colonial transhumance use, colonial settlement and agriculture, and contestation.

The Liesbeek River, currently canalised, is to be enhanced, rehabilitated, even restored, and made accessible. The primary mitigations (or off-sets) for the reduction of significance of the floodplain are as follows:

- 1) The Liesbeek River: the currently canalised section of the Liesbeek bounding the site should be rehabilitated/restored so as to create a “sense of river-ness” and engender conditions favourable to creating biodiversity and engendering natural qualities. This action will result in a powerful positive contribution to the overall commemoration of this feature and enhance and celebrate its symbolic significance.
- 2) Riverine buffer zone: a riverside green strip or buffer that is pedestrian-, flora- and fauna-friendly along both the old and new river courses. The wetland specialists are best placed to indicate the size and specification of the buffer. A pedestrian walk along the buffer zone will provide an enhanced view of the SAAO, the river, wetlands and bird sanctuary. Furthermore, it will enhance the quality of the development area.
- 3) Commemorative area: space could be given to establishing a green zone or open area at the northern-most corner of the site close to the confluence of the Liesbeek and Black Rivers, near to the likely historic crossing point of the Salt river (Varsche Drift), to serve as a commemorative and/or celebratory marker of the history of contestation.
- 4) Implement monitoring and chance-find procedures for archaeological and palaeontological material during excavations of the western bank of the Liesbeek Canal as it fronts the site and during excavations for the construction of the Berkley Road extension (as specified in the EMPr).

11 RECOMMENDATIONS

Given the significances articulated, the heritage-related criteria for decision-making argued, the analysis of the impacts of the preferred ‘riverine corridor’ alternative on the significances, and the mitigations proposed (which have been incorporated into the preferred alternative, the Riverine Corridor Alternative), we recommend, in satisfying its responsibilities under Section 38(8) of the National Heritage Resources Act, that Heritage Western Cape support the development proposed, the Riverine Corridor Alternative 1, and recommend to the NEMA decision-maker, the provincial Department of Environment and Development Planning, approve the preferred alternative.

We also, in these changed circumstances, recommend that HWC discuss the possibility of formally proclaiming the 40m-wide riverine corridor part of the site and

the deeper area at the confluence as a Provincial Heritage Site with the owners and with the many interested and affected parties.

19 March 2019

Stephen Townsend

Timothy Hart.

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APPENDIX A

List of Commentators in S.38(8), NHRA Process

- 1 Western Cape Government, Roads Network Management, (signed, Alvin Cope)
- 2 Fraser, Alexander, Resident of Observatory
- 3 Wheeler, Liz, Member of Friends of the Liesbeek and of Wildlife and Environment Society
- 4 Becker (Dieckmann), Francine, Resident of Observatory, Member of Friends of the Liesbeek
- 5 Rosebank and Mowbray Planning and Aesthetics Committee (RAMPAC), subcommittee of
Rosebank and Mowbray Civic Association (signed, Simon Birch)
- 6 Reddy, Candice
- 7 Observatory Civic Association (signed, Tauriq Jenkins)
- 8 Wheeler, Dave
- 9 Cameron, Neil, Resident of Pinelands
- 10 Leblond, Marine, Resident of Observatory
- 11 Hulme, Stephen, Resident of Rosebank, Employee at SAAO
- 12 Foley, Nina
- 13 Davids, Riad, Resident of Pinelands
- 14 South African Astronomical Observatory (SAAO) (signed, Prof. Vaisanen)
- 15 Foley, Tony
- 16 Pinelands Residents and Ratepayers Association (PRRA) (signed, Carol Clark)
- 17 Trow, Dale (copy of PRRA comment)
- 18 Clark, Carol (copy of PRRA comment)
- 19 Greenwood, Tony, Resident of Observatory
- 20 Two Rivers Urban Park Association (TRUPA)(signed, Tauriq Jenkins)
- 21 Robinson, Joy, Resident of Observatory
- 22 Reitz, Anna, Resident of Pinelands
- 23 Ramsay, Jean, Resident of SAAO, Member of TRUPA and the Western Leopard Toad
Committee
- 24 du Preez, Pierre, Resident of Pinelands
- 25 Buckley, David, Resident and employee of SAAO
- 26 Bowen, Hazel, Ex-resident of Observatory
- 27 Cape Institute for Architecture (signed, John Wilson-Harris)
- 28 City of Cape Town, TDA, Environmental Management Department (signed, Mark Bell)
- 29 City of Cape Town, TDA, Urban Planning and Mechanisms (signed, Peter van Heerden)

APPENDIX B

Written Comments, NHRA Process

Amy Hill

From: Alvin Cope <Alvin.Cope@westerncape.gov.za>
Sent: Friday, 26 January 2018 11:50 AM
To: Amy Hill
Subject: RE: Stakeholder Comment Period: Draft Heritage Impact Assessment for the Proposed Redevelopment of the River Club and Rehabilitation of Watercourses

Hi Ms AH,

1. Your e-m of 25 January 2018.
2. The comment of this Branch to do with the River Club development remains as before.

Thanx,

Regards.

A

Alvin L Cope
WCG
9 Dorp Street
P O Box 2603
Cape Town 8000
Road Network Management - Room 3-36
+27 21 483 2009 (tel)
Alvin.Cope@WesternCape.Gov.ZA



From: Amy Hill [mailto:AHill@srk.co.za]
Sent: 25 January 2018 04:35 PM
To: Amy Hill
Subject: Stakeholder Comment Period: Draft Heritage Impact Assessment for the Proposed Redevelopment of the River Club and Rehabilitation of Watercourses

Dear Stakeholder

Stakeholder Comment Period: Draft Heritage Impact Assessment for the Proposed Redevelopment of the River Club and Rehabilitation of Watercourses at Adjacent Properties in Observatory, Cape Town

The draft Heritage Impact Assessment (HIA) for the above project is available for stakeholder review and comment at the following locations from 25 January 2018 until 6 March 2018:

- The River Club in Observatory;
- The Observatory Public Library;
- The Mowbray Public Library; and
- SRK in Rondebosch, Cape Town.

The HIA can also be accessed electronically on the SRK website at the following link: <https://www.srk.co.za/en/za-river-club-hia> . Steve Townsend can be contacted for heritage-related questions at ssquared@worldonline.co.za.

Please refer to the attached letter for further details.

Kind regards

Amy Hill BSC (Hons)(Biodiversity and Ecology)
Environmental Consultant



SRK Consulting (South Africa) (Pty) Ltd.

The Administrative Building, Albion Spring, 183 Main Road, Rondebosch, 7700
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Amy Hill

From: Alexandra Fraser <alex@fraserconsulting.co.za>
Sent: Sunday, 28 January 2018 12:11 PM
To: Amy Hill
Subject: Public Comment: Heritage Impact Assessment for the Proposed Redevelopment of the River Club and the Rehabilitation of Watercourses at Adjacent Properties in Observatory, Cape Town (HWC Case No.: 15112504WD1217E, DEA&DP Ref. No.: 16/3/3/6/7/2/A7/17/3104...

Dear All

As a resident of Observatory I have gone through all of the relevant documents and have the following comments on the proposed redevelopment of the Rover Club:

1. Height of the buildings: (fig 19). No buildings within the complex should be higher than 8 stories. Buildings in Precinct 1 should be limited to 6 stories and more buildings between 1-3 stories should be incorporated. No hotel or apartment block should be higher than 8 stories.
2. Square meterage on proposed development: Decrease the overall square meterage of the development to decrease the volume of people using the space and the impact on surrounding infrastructure and existing residents. The current square meterage and proposed usage indicate that thousands more people and cars will use this space and need access. Have estimates of volumes of people and daily usage been done?
3. Traffic: A development of this size will have a massive impact on the surrounding road network and traffic volumes. Residents already have to deal with traffic congestion from Black River Park and Liesbek Parkway and this development will exacerbate existing congestion. Has impact assessment in this regard been done?
4. Water levels & folding: While you propose raising most of the site above the flood level, you are still proposing basement parking which will flood in winter. In addition, parking areas will flood, as well as surrounding roads (M5, Liesbek etc) which will cause further suggestion. I would like to know if any of the proposed development and raising the site will displace water into neighboring low lying areas causing more localized flooding e.g. at Malta Park, Hartleyvale and in the surrounding streets? What guarantee do we as residents have that our properties will not be adversely affected?
5. Parking & alternative transport routes: How quickly will the site be connected to public transport routes to minimize congestion on the roads and will parking be provided for free? The lack of free, affordable and available parking at Black River Park has been significant on the residents in surrounding streets where streets are already narrow and most houses do not have off-street parking. This has caused huge levels of frustration for residents and new office complexes within walking distance will increase this problem.
6. Aesthetic Elements: The proposed buildings should be sympathetic to the surrounding Victorian buildings and nature of the suburb. Not building huge block-like monstrosities e.g. the SKA building should be ensured. Again see point 1. Most buildings in Observatory are one or two stories and developers who have build huge developments have received objections from existing residents and organizations.
7. Short-term construction impact: When will residents have an idea of the level of impact from construction activities e.g. noise, dust, traffic congestion etc and how long it will last for?
8. Feasibility: I do not accept that lower density options or options that proposed buildings of fewer stories will make this development unfeasible. The developers stand to make significant profits not only in the short term but in the long term. If necessary this project could be done in a phased approach.

I have no commercial, personal or financial interests in this project. My address is 10 Ash Street, Observatory.

Sincerely

Alexandra Fraser



email. alex@fraserconsulting.co.za

mobile. [+27 79 881 3682](tel:+27798813682)

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twitter. @anfraser

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Amy Hill

From: Liz Wheeler <libbylizwheeler@gmail.com>
Sent: Saturday, 03 March 2018 12:40 PM
To: Amy Hill
Subject: FW: River Club H I A Project Ref. No. 478320

Amy, please acknowledge receipt of this document and forward it to the necessary people. For the good that we can do. Liz

From: Liz Wheeler [mailto:libbylizwheeler@gmail.com]
Sent: 02 March 2018 17:41
To: 'uctlive@gmail.com'
Subject: River Club H I A Project Ref. No. 478320

Amy, please acknowledge receipt of this document.

Official Reference Numbers: 1 HWC case no: 15112504WD1217E
2 DEA&DP ref: 16/3/3/6/7/2/A7/17/3104/16
3 DWS ref no: 16/2/7/G22/A/11

River Club (erf 151832) Heritage Impact Assessment
The River Club Urban Design Framework – Indicators and Recommendations – December 2017
The River Club Architectural Report

Whenever the Raapenberg wetland is referred to for clarity it should be referred to as the Raapenberg Bird Sanctuary as it is a declared bird sanctuary. Access to it needs to be controlled. Lighting at night could also be a problem and needs to be considered in the initial planning. Noise could likewise be a problem and needs to be considered too. The hides must be maintained giving people good viewing without entering the sanctuary.

The position and form of commemorative areas and the drift crossing needs to be discussed with the appropriate people.

No mention has been made of the morea aristata. The only current viable habitat is in the Observatory grounds which are part of TRUP.

The line of site of the noonday gun at the Lion Battery on Signal Hill should be preserved. The time ball building at the Waterfront has been preserved.

It is essential that the dramatic, unique and historic vistas be maintained. A feeling of openness and spaciousness needs to be conserved. The densification as shown in the documents mentioned above are more than excessive. I totally agree that the tree canopy of the Observaory should not be overshadowed.

It is not only national government and the River Club who are involved with TRUP.

Is there not a pipe under the road leading from Liesbeek Lake to the western channel of the Liesbeek which takes flood water? I was told some time back that there was one.

Has the hardening of surfaces in the catchment due to densification been considered?

If shops and basement parking are to be at ground level and flooding does occur will there be insurance cover?

Has wind been considered? High rise buildings can cause wind tunnels.

Who will be paying for the restoration of the Liesbeek and when would it be done?

What guarantee will there be that it will be done? If development is to go ahead money needs to be put aside before any construction is done.

If the current setup at the River Club is not financially viable, why did Liesbeek Leisure Properties buy the land? Where was the sale advertised?

It is vital that there are walk ways and cycle tracks along the Liesbeek on both sides of the property. Open access throughout the site is essential.

Nodes for public transport need to be given consideration.

A resource centre and signage dealing with cultural, historical and environmental matters would be most fitting. A hall attached for meetings and events should be considered.

These questions and comments are made in the interest of the environment both the natural and the built.

Mrs E Wheeler

Member of Friends of the Liesbeek and the Wildlife and Environment Society

Tel: 021-671-4553

Stakeholder Comment Period: Heritage Impact Assessment for the Proposed Redevelopment of the River Club and the Rehabilitation of Watercourses at Adjacent Properties in Observatory, Cape Town (HWC Case No.: 15112504WD1217E, DEA&DP Ref. No.: 16/3/3/6/7/2/A7/17/3104/16 and DWS Ref. No.: 16/2/7/G22/A/11)

Francine Dieckmann, Resident and Member of Friends of the Liesbeek,
francinebkk@gmail.com, 0729471930.

Document commented on: https://www.srk.co.za/sites/default/files/File/South-Africa/publicDocuments/RiverClub/River_Club_HIA_ito_S388_Draft_HIA_for_IAP_Consultation.pdf

Comment 1.

Page 4: "These are all too far from the site to be impacted on by the development proposal." *This refers to the buildings in Observatory and adjacent areas but in fact a major development on the site will definitely impact the sense of place of the older buildings in the area, rerouting of roads will impact the buildings and their occupants and the activities of the actual site infilling and subsequent building will have a huge impact on the area.*

Comment 2:

Page 4: "It is clear, however, that two future developments abutting the site will change the character of the site considerably: these are the Berkley Road extension and the proposed office development for the Square Kilometer Array (South African Astronomical Observatory). These developments will significantly change the character of the environs and of the site; and, accordingly, the River Club development is just one development that will impact the Liesbeek-Black River confluence in the foreseeable future but one, because of its relationship with the canalised Liesbeek River, can be a positive one."

This implies that the SKA building is approved and will be built at the entrance of the present River Club and that the Berkeley Road extension is also finalised. Is this the case? I have not seen any notifications and have reservations that such developments would proceed with so little public comment.

Comment 3:

Page 4: "The one heritage feature of high significance that has been identified is the Liesbeek River corridor itself and the confluence which is the common feature that runs through the project area and beyond. It is a powerful historic symbol that refers to early landscape of pre-colonial transhumance use, colonial settlement and agriculture, and contestation."

I am completely in agreement with this statement. Thank you for recognising the importance of the Liesbeek River.

Comment 4:

Page 22: "Furthermore, the details of the major arterial connector, the Berkley Road Extension, which is to be completed in due course on the northern edge of the River Club site (and, in part, funded by the River Club development) are not available now; although we understand that the road must be at a grade approximately 3m above the present ground level so as to satisfy the flood line requirements."

This is an important point to note as such a road above ground level is a huge change to the landscape, will impact flows and be very expensive to construct in an environmentally sensitive manner. I believe that the developer will be responsible for financing this road and have my

reservations about that, especially as it will be a complicated process to get the necessary authorisations. To make any decision regarding the development without the details of such an important aspect seems premature and risky.

Comment 5:

Page 22: “We note that interested parties and the public more generally have shown considerable interest in the draft TRUP and Two Rivers studies that have been circulated in the past two years. We have recognised this interest but do not refer to the details of comments made on the previous draft report or alternatives; and we hope that all parties will engage anew with our assessment of the significance of this particular site and of the new preferred alternative and its impacts.”

Why? There has been so much work done on this problem development. Why disregard it all and force everyone to do it all over again?

Comment 6:

Page 26: “The present day wetland, at the confluence of the Liesbeek and Black Rivers, with the small area of high ground occupied by the Royal Observatory and the River Club, amount to the last surviving elements of this historical landscape.”

You acknowledge that the site is the last surviving elements of a historical landscape and yet consider bisecting it with large roads and building a large number of multi-storey buildings on it acceptable?

Comment 7:

Page 46: “It is therefore asserted that the river is the primary physical and symbolic heritage resource in proximity to the site. It is this that needs to be celebrated, enhanced and if need be, proclaimed. Provided this is done adequately, and the Raapenberg wetlands conserved, development of the site is justifiable.”

Indeed this is true but this symbolic and physical heritage will be destroyed by development of the site. In the past, the Liesbeek has been used and abused by the River Club tenants and although lip service has been paid to restoring and maintaining the natural environment, the deliberate destruction of the banks of the river and the removal of the only trees has been a bitter lesson. Any promised restoration must be fully funded and these funds ring-fenced for the exclusive use for this purpose.

Comment 8:

Page 54: “An extensive flood study has been completed by the water engineers, Aurecon, which recommends raising the ground level to 6m above Mean Sea Level, a change of approximately 3m across the site to satisfy the City Council’s Floodplain and River Corridor Management Policy.”

Raising the ground level by 3m equates an enormous amount of soil. This soil has to be trucked in over the only access road. The impact of such activities will be huge in terms of traffic, noise and disturbance to the wildlife. The infilling will remove a large area potentially available for water to move into during flooding episodes. This water will go elsewhere, most probably causing upriver flooding as the bottleneck caused by the Liesbeek River canal will certainly be completely inadequate to drain large amounts of water.

2018.03.06

The CEO
SRK Consulting

Attention : Amy Hill ahill@srk.co.za

**COMMENT ON DRAFT HERITAGE IMPACT ASSESSMENT DATED 18 JANUARY 2018 RE:
DEVELOPMENT OF THE RIVER CLUB (ERF 151832), OBSERVATORY, CAPE TOWN**

- 1.1 Referring to the Executive Summary, there is a presumption that the Berkley Road extension and the proposed SKA office development will be built and the comment is made that these developments will significantly change the environs and the character of the site.
- 1.2 Both of the above development proposals have yet to be subjected to evaluation procedures and cannot be used as arguments for supporting further development within this riverine corridor. Their scale, overall visual impact and extent of change on the landscape would, in any event, be far less than that represented by the current River Club proposal.
- 2.1 The report states that “determining the quality of the site is an urban design issue; and, given that the indicators/criteria-for-decision-making are relatively weak in determining architecture and townscape character, we argue that the role that heritage informants should play in the urban design of the site is limited. The one heritage feature of high significance ... is the Liesbeek River corridor itself ... it is a powerful historic symbol that refers to the early landscape of pre-colonial transhumance use, colonial settlement and agriculture, and contestation.”
- 2.2 While highlighting the heritage significance of the Liesbeek River corridor and its confluence with the Black River, there is a lack of appreciation of the importance of the topographical landscape as a fundamental heritage informant in determining the appropriateness of development on the site. The filling-in of the riverine corridor during the 1950’s and the current proposal to lift the site level by a further 3m to prevent flooding and allow for the form of development being proposed are factors which go beyond the depiction of solely the waterways as shown in 3.3 Heritage Significance of the Urban Design Report. The riverine nature of the site and its intrinsic physical and scenic topography must be seen as a fundamental heritage informant to urban design.
- 2.3 The high heritage significances of the broader Two Rivers Urban Park has and is being articulated in the various Two Rivers Urban Park Heritage Impact Assessment Baseline Studies including most recently the Supplementary Report of October 2017 by Attwell & Associates, which we understand

has been endorsed by Heritage Western Cape. The decision of the owners of the River Club to proceed with the planning and potentially implementation of the massive redevelopment of much of the River Club site prior to further resolution of the broader TRUP planning processes is most unfortunate.

- 3.1 The River Club report furthermore states that “the strongest negative impact that will affect the site and surroundings is that the proposed development will result in a fundamental change in the appearance of the site, which is likely to be perceived a negative impact by many. This level of change is difficult to mitigate, however it has been recommended that the development includes a diversity of building heights, green spaces and some variation in building form.”
- 3.2 The **mass and excessive height** of development should have been highlighted as the most critical issues affecting the negative impact of the proposed development. This is what needs to be addressed, not just the issues mentioned above. Figure 23 depicting the preferred Alternative concept constitutes a hugely negative visual imposition on the topographic landscape of the riverine corridor which the report fails to acknowledge as the most important heritage resource. The topographic landscape (riverine corridor/valley) represents an intrinsic element of Cape Town’s historic landscape and its historic cultural memory as has been well described in the draft HIA report.
- 4 The various measures being recommended to improve the site and its usage from a heritage, environmental and recreational point of view are to be welcomed – but not at the expense of having to accept the form and scale of development being proposed. It is considered that this is a fundamental factor that the heritage report has failed to address.
- 5 Our conclusion is that the Draft HIA report to have failed in putting forward effective indicators/informants to the potential developmental usage of the site. It needs to take full cognizance of the heritage importance of the inherent nature of the riverine corridor and put forward appropriate indicators as to the development potential of the site. Ideally, this should be accompanied by appropriate environmental indicators. In this regard, the acceptance in the report of the flood study’s findings that raising the ground level 1-3m across the site will not have a significant effect on flooding in the surrounding area must be questioned. We consider the importance of this matter to be of such a magnitude that the flood study undertaken must be subjected to independent peer-review.
- 6 Referring to the Urban Design and Architectural reports, there is no attempt to relate the development indicators to the topographic landscape (valley) of the riverine corridor other than

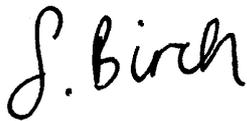
attention being given to the watercourses themselves and their immediate surroundings. Instead, their indicators have been the surrounding development (on the valley sides) and the PRASA building that lies on filled land – and even these indicators have been substantially exceeded in height as seen from the sections indicated in the Architectural Report (Annexure C)

- 6.1 We consider the development proposals to be totally out of scale and character to the site's situation at the head of a riverine corridor with important historic connotations. The mass of development being proposed would constitute a most highly negative visual impact on this sensitive landscape.
- 6.2 Until well-founded environmental and heritage indicators have been arrived at through an iterative private-public process, any attempt to portray a development proposal for this extremely sensitive site must be considered as being premature.
7. On page 18 under 'proposed development', the report indicates that "the owners are seeking to develop a mixed use development which will be *urban* in character" (our italics). We question why it should be urban in character - given the long and extensive history of the site, and its character as a last remnant of the historic Liesbeeck river corridor.
8. We must also object strongly to the rezoning of the land (as discussed on page 20) – rezoning of open space should only be considered when there are clear public benefits, and only when there are no other options to attain the desired effect. In this case rezoning is sought for a private development, of principally office and retail uses, for which there is no clear public benefit.
9. The Urban Design Report (page 15) refers to "the site currently provides a great sense of openness amidst relatively dense surroundings. Future development should maintain a sense of visual permeability through the site from either side" – yet development of the scale proposed will absolutely destroy that sense of openness. Importantly, the analysis of building heights fails to recognise that taller buildings are clustered along the rail corridor – they can in no way provide justification for tall buildings (or any for that matter) on the River Club site, which is required to provide relief from the surrounding dense development.
10. At the broader urban design scale, it is our view that the settled landscape of this area consists of the following :
 - a density of development along the railway, with a corresponding density of development on the east side of the Black River;
 - the 'island' of high ground between the two rivers is occupied by specialised, relatively low density uses of high heritage significances (i.e. the South African Astronomical Observatory, of

Grade 1 historical, technical, architectural and biodiversity significance, and Valkenberg Psychiatric Hospital and Homestead, the historical cores of both being Provincial Heritage Sites)

- the lower ground (through which the rivers flow) remains undeveloped. These undeveloped river valleys are essential for maintaining a sense of openness in contrast to the areas on either side, for celebrating the history of the sites within them, as a recreational open space resource, and as part of the broader flooding and stormwater resilience of this part of the city. Development at any scale would severely harm this character. Development of the scale proposed would absolutely destroy it.

Kind Regards,

A handwritten signature in black ink that reads "J. Birch". The letters are cursive and fluid, with a large initial "J" and a stylized "B".

Simon Birch

Chairperson, Rosebank & Mowbray Planning and Aesthetics Committee (RAMPAC)
Duly authorised Subcommittee of the Rosebank and Mowbray Civic Association (RMCA)
1 Warwick Street, Gardens, Cape Town 8001. Tel 021 423 3241

Amy Hill

From: Candice Reddy <candicereddy@hotmail.com>
Sent: Tuesday, 06 March 2018 12:57 PM
To: Amy Hill
Subject: Comment: Heritage Impact Assessment for Proposed Redevelopment - Observatory

To whom it may concern

Please see comments / concerns with regards to the above mentioned redevelopment:

- *Impact on density - already a moderately dense area, saved by the open space there currently
- *Impact on open space available to all on this green belt - impacts recreational activities for residents
- *Impact on traffic, in an already congested area - additional development will create more traffic, not less, and the area is not designed for this additional influx of cars and people

Kind regards

Candice Reddy

072 316 1930



OBSERVATORY

Civic Association

DCAS Award Winner, 2018 : Most Active Conservation Body

76 Arnold St, Observatory, Cape Town, 7925

5th March 2018

Stephen Townsend
Heritage Practitioner
River Club Development

Dear Stephen Townsend

C/o ssquared@worldonline.co.za or submit comments to email: ahill@srk.co.za 021 6593060

Feedback on the Heritage Impact Assessment (HIA) regarding the development of the River Club (Erf 151832), Observatory, Cape Town

Thank you for presenting to the OCA last month the revised Heritage Impact Assessment report on the River Club development. As requested, we provide you with the following concerns to include in the feedback for Heritage Western Cape. Although there are many more concerns about the development, we only include here matters which we believe to be directly relevant to a Heritage Impact Assessment. In these comments, we make reference to previous reports and documents well known to you.

1. **We believe that the HIA severely underplays the issue of the sense of Open Space affected.** The density of the development makes it impossible to retain **the sense of open space** as recommended in the O'Donoghue report (see page 33:

“The enhancement and preservation of the continuity of the ecological and open space systems is one of the key informants for the development of this site”; and page 34: “The proposed development will change the nature and character of the site. It is therefore vital that the buildings and spaces are designed to be in line with design indicators, ensuring the definition and activation of the significant open space system.”).

In contrast, the HIA seems to dismiss any Open Space arguments as follows: Page 43:



“Although the river club site is effectively a recreational area and a golf course, it has a park like quality (green open space) which is a quality shared by the broader Liesbeek – Black River corridor. This however belies that fact that much of the land has been subject to prior transformation” and Page 46: “While it can be argued that the golf-course contributes to the sense of open space, it is in actual fact an entirely a person-made landscape that contributes little to the natural qualities of the confluence. It is therefore asserted that the river is the primary physical and symbolic heritage resource in proximity to the site. It is this that needs to be celebrated, enhanced and if need be, proclaimed. Provided this is done adequately, and the Raapenberg wetlands conserved, development of the site is justifiable.”

We disagree fundamentally with the idea that because an open space has been degraded in the past, it would be acceptable to further denude the open space of its character as an open space. Certainly, re-developing the river is no substitute for the presence of an open space. We would like to see a more careful consideration of the nature of the area as an Open Space than currently given credence in the report.

2. Apart from a passing mentioning of ‘frogs’ made in the presentation to the OCA, which is an insufficient allusion to the endangered Leopard Toad - indigenous to the area - animal species of this kind, as well as, the vast bird life in the area were omitted. This species of toad and the plethora of migrating birds across the wetland form a crucial aspect of the ecological heritage of the area.

3. We believe the HIA has not paid sufficient attention to **the visual implications** – both in terms of the **views from the site** and **views of the site** from surrounding areas. The density of the development makes it impossible to **retain the mountains and other views** as captured in the O’Donoghue report (page 34: She notes the visual connections to Table Mountain, Lion’s Head, Signal Hill, and most notably Devil’s Peak and concludes that

“It is therefore vital that the buildings and spaces are designed to be in line with design indicators, ensuring the definition and activation of the significant open space system.”

Her diagram (pasted below) make it clear where the visual vectors lie.)

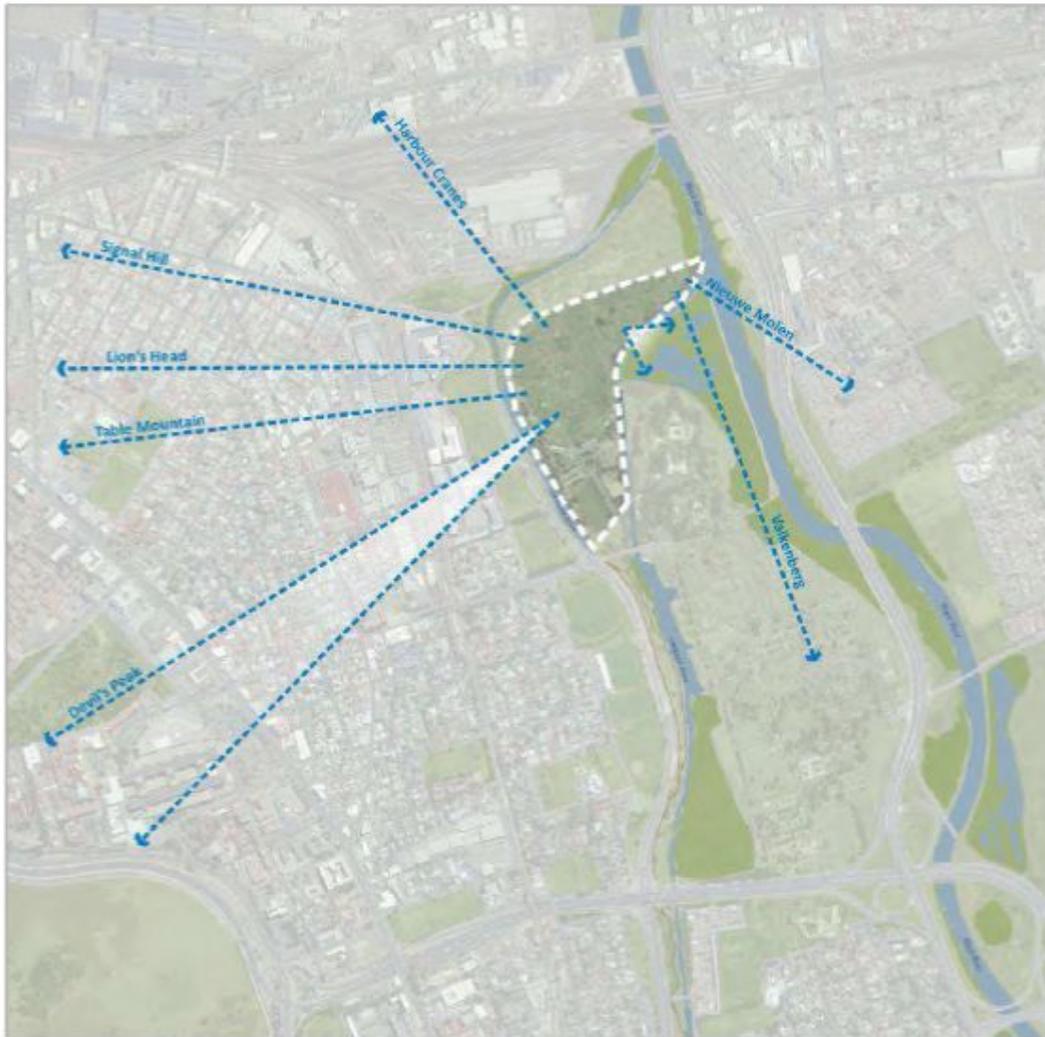


Figure 37: Dominant views from and through the site, Urban Concepts 2016(2)

While the HIA briefly refers to O'Donoghue's comments, it actually makes no follow up on those comments at all. All the HIA states is that the site will be "irrevocably" altered by the SKA building and the Berkley St extension. Neither the SKA building nor the Berkley St extension are necessarily fundamental to the River Club development. In particular, we fail to understand why both are accepted as a given when approvals for such developments have not been secured and are themselves highly problematic. The HIA report seems content to simply repeat the report commissioned by the SKA in that "It is self-evident that this sense of place will be transformed by the SKA building, the development proposed, and the Berkley Road Extension." This very closely parallels the SRK VIA which says "Unavoidably, the proposed development will significantly transform the site and very immediate surrounds."

We question how an HIA submitted to HWC can make such assertions about being self-evident and unavoidable? There are particular interests who would like these to happen and would like to believe they are a given. As a result, the HIA totally ignores the issue of the views **FROM the site** to the Mountains.

4. What the HIA does do is talk about the view **OF the site** from Observatory and he claims that

“the substantial changes on site experienced from Liesbeek Parkway, Station Road and from the sports fields and facilities will transform this sense of place; and will also be visible across the Black River from the M5; and this change will be highly perceptible to persons familiar with the area. Whether this change is perceived as negative or positive is dependent of the personal aesthetic and values of the observer.” (page 74)

This is a rather inexplicable statement. It is clear that there will be a massive visual impact and it is unacceptable that the HIA offers no opinion on this matter, which is surely so substantial a visual impact as to be material. Again, the HIA appears to resort to repeating the SRK VIA report which says (page 74 further down) that

“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.”

We do not see these comments as helpful. A HIA is meant to present evidence and not resort to creating a contestation of opinions as evidence that you can't draw a conclusion. We believe the HIA does a disservice to this key issue. An opinion, based on evidence, needs to be expressed. And we believe that the evidence points to very substantial adverse visual impacts, it is not a matter of one opinion versus another.

5. The HIA **grossly understates the cultural heritage of the area** in its statements that

“the heritage assessment of the site itself shows that there are no tangible traces of early historic events” and “The site therefore contains little that is worthy of conservation...”

In saying this, the HIA seems to focus only on physical heritage but takes little account of the confirmed and undisputed presence of indigenous people in the area and the traditional significance of that history.

The statement that

“... the river is the primary physical and symbolic heritage resource in proximity to the site”

must surely be incorrect when viewed in light of the well-recognised indigenous history of the area. It is not simply the case that all settlements alongside the river are important so therefore there is no particular importance to the River Club site, as was averred in the meeting of the 14th by Tim Hart. We would have expected that a more considered assessment must place higher value

of this 'hidden' history, which may not have a building or grave to mark it, but which has ample historical record. Furthermore, superficial historical investigative analysis only adds to an already existing narrative (perpetuated by residual ethnocide) which is being challenged by national authorities such as Iziko, and The Slave Lodge. The deliberate attempt to downscale this particular ancestral importance is out of touch and out of sync to a national and provincial recognition of First Nations.

6. We therefore are not in agreement at all with the assertion that

“to the extent that we see the site as a heritage resource, we contend that the sense of place, in that it relies on the Liesbeek riverine corridor for its significance, will be significantly enhanced by the restoration of the corridor to match the corridor upstream.”

Transforming the riverine corridor is one thing, but it cannot substitute for recognising the substantial intangible heritage resource contained in the cultural history of the area.

7. We are therefore very worried by the statement that

“the sense of place, already transformed iteratively over the past 80 years, will be radically transformed”

as the justification to overlook indigenous history. The report appears to ignore anything other than restoring the river as a way to recognise this history, which we believe to be a wholly inadequate response, as if restoring the river will recognise indigenous history. The idea of a *“possible visible symbolic pre-colonial crossing point (page 75)”* has not been caucused with the relevant descendants of those indigenous groups and is a shabby and token memorialisation of a much more significant history.

8. We also find it strange that the HIA acknowledges TRUP (rather than the River Club site) as containing

“components of high significance, not only on account of its built, cultural environment and setting, but also its place in the very early history of the Cape... (page 45).”

The HIA goes on to state that :

“The interests of indigenous rights has featured fairly prominently in discussions with respect to the TRUP and play a significant role in the determination of a high heritage grading for the area” and that “...

These interests will, of course, have great bearing on the River Club site; and will be specifically sought out and **explored in the consultation process.**” (page 46, OCA emphasis).

However, we can confirm there has been no consultation with the relevant indigenous groups on the issue so it is unclear how any assessment of the historical importance can be made – particularly since the HIA severely discounts the value given to this historical presence in the area. The fact that it glosses over the significance for traditional leaders and makes the river the

core heritage issue is potentially an insult to indigenous peoples and should not be permitted to influence a HWC until there is a proper exploration of these issues.

9. We are also puzzled over the **discounting of the existing 1930's building** as in *"The 1930s Club and its extensions is of low heritage significance."* It is unclear to us why an **attractive** 80 year old building would be of significance elsewhere but not on the Private Property of the River Club?

10. There are **four heritage houses built by Jan Van Riebeeck himself** (*listed in Wheatfields and Windmills by Jim Hislop*) and should the water, from the flooding occur, damage to these houses will be complete.

11. The assumption by the HIA of the **"two future developments abutting the site"** (the Berkley Road extension and the proposed office development for the Square Kilometer Array) as a given which **"will change the character of the site considerably"** is extremely problematic, since it colours the HIA and prevents any consideration of real alternatives. The HIA seems to accept entirely that they are a fait accompli and that the...

"...character of the environs and of the site ... will be significantly changed..."

The HIA frames it as the River Club development being ...

"...just one development that will impact the Liesbeek-Black River confluence in the foreseeable future".

We wish to point out to HWC **that** this cannot be taken as a given by a Heritage Impact Assessment which should be able to consider all options, not only the preferred option of the developer – which have been shown to be simply the option for which the most profit can be achieved.

12. We are also unclear as to how the HIA can note the previous O'Donoghue report as part of a **"phase one"** HIA, recognising that her report was circulated for public comment in a phase of public consultation under the NEMA process, yet come to such vastly different conclusions. The HIA states that the O'Donoghue report has **"been revised and included in part in this Draft HIA Prepared for Interested Party Consultation,"** but it appears more accurate to say that the O'Donoghue report has been effectively discounted in this HIA. We are puzzled, therefore, how two supposedly independent HIA consultants come to such vastly different conclusions.

It seems that, rather than 'incorporating' her work, the HIA has fundamentally departed from O'Donoghue's conclusions and recommendations. We are therefore very concerned about the HIA's approach in that regard.

13. We are also concerned that the HIA sweeps off the table a huge amount of preceding work conducted by various parties, both in civil society and amongst the authorities, which created the TRUP. In the HIA there is no recognition of the relevance of this history and the recognition of TRUP as open space in its planning decisions. What is foregrounded, in contrast, is the inevitability of Berkley road extension and the looming SKA building which are assumed to change the situation entirely – yet these are both developments that completely contradict those historically agreed planning guidelines. Even more recent engagement is effectively ignored.

For example, on page 22, the HIA states that

“We note that interested parties and the public more generally have shown considerable interest in the draft TRUP and Two Rivers studies that have been circulated in the past two years. We have recognised this interest but do not refer to the details of comments made on the previous draft report or alternatives.”

It is unclear what quality an HIA has if it ignores many previous comments.

We are therefore **very concerned** that a range of key issues have **not been considered in the HIA, or have not been adequately characterised in the HIA, particularly given the haste to accept as a given, the scale of the proposed development, the extension of Berkeley Rd across the precinct and the erection of a large building for the SKA nearby – none of which have any approval as yet.**

Little recognition of previous independent work is made in the HIA report. It would be important to respect the work of other Heritage Practitioners like Melanie Attwell’s Baseline reports and full Heritage related work of Bridgette O’Donoghue. This would also mean independent comment can be compared and questioned against that raised by A&IP’s or Stakeholders’ relating to the Townsend report.

We have studied and referenced the following contributions :

1. *The Baseline Heritage Report, by Melanie Attwell, for TRUP*
2. *The earlier Scoping Report with previous Heritage practitioner’s info on River Club and values also added by a peer review.*
3. *The report by the Heritage Practitioner on SAAO for the application on that site.*
4. *The Heritage report by Claire Abrahamson*
5. *The book ‘Wheatfields & Windmills’ by Jim Hislop.*
6. *The Aquatic & Water Specialist report on The Two Rivers with Aerial Photos*
7. *An array of various Historians.*
8. *Our own custodianship experience concerning the special Heritage Park site.*

Additional Comments

The River

There are many points that provide clear oppositional facts to the poorly conceived proposal produced for LLPT. For example, Prof Stephen Townsend provides a map that omits to show the north downstream of the Liesbeek river and based on that claims it did not exist between 1960 and 1980, yet we have very credible aerial photographs dated 1937, 1944, 1956, 1966, 2001 and 2016 and all show the river (with noted significant modifications mainly due to



harsh intrusions of major roads and railway yards, but essentially The Liesbeek River (Formally the Varsche or Soete River) is still the same river and has the same significance in history.

We acknowledge the significance of The Confluence of the two rivers that define the T R U Park area and include the Flood Plain area and the landscape as a whole. These share substantial features that are still in place since early prehistory and are to be appreciated for their unique heritage significance.

Protection of Heritage Site

We have support from stakeholders to push for HWC IACom to permanently declare the demarcated green areas and all heritage areas, a permanent National Heritage grade one site, with parts declared Provincial Heritage sites (grade two) to protect these significant Heritage areas that make up the park. The entire TRUP site including the River Club flood plain, Riverine system and river banks, the raised spine or hills of SAAO and Valkenberg as outlined but including the confluence of rivers and Varsche Drift, Oude Molen etc are all worthy of National Heritage Status.

Historical Narrative and Overview

It is an imperative to accept the unique opportunity of enabling the full story of early prehistory, precolonial and postcolonial Southern Africa which encapsulates what happened here and how that impacted and formed our current circumstances. We urge a positive ruling on this application to preserve this significant heritage and not to permit inappropriate development that may destroy this unique opportunity. Future applications for the whole of T R U Park need to be assessed within the responsibility of preserving TRUP as an integrated open space, with a natural system filled with stories of the past and the emerging hope of pluralistic cultural respect. A true sense of a heritage place preserved for the enrichment and appreciation of our inclusive identity, and our joint responsibility in treasuring this essential South African heritage, especially of the Khoi.

We inherit indicators from the past, including these footprints, in the sand of time. The distinction and meaning it provides about who we are, derived from our earliest of origins, will impact positively on our future.

This silenced precolonial history is an integral part of the place that is TRUP, including the first patriotic battle against colonial forces. This includes the RiverClub Flood plain and riverine system, however transformed over time. The reliance on early routes that skirt wetlands and cross the TRUP space, from Oude Molen crossing through to Varsche Drift, provided a dry narrow path to enter the peninsula. It offered a vantage point from the raised central spine giving a secure position overlooking all of TRUP including the view towards the mountain. This central spot also offered a safe encampment that was valued as a summer home for thousands of years, by large established First Nation's groupings, such as the Goringhaicona.

Thousands of years of settlement on a safe defensible hill that orientates to the confluence in the TRUP of the Two Rivers (The Soete (Varsche) and later Liesbeek and the Swart or Black Rivers



flowing into Soute or Salt) the ancestral hunting and grazing on the wellwatered wetland banks and flood plain that connects to the wide estuary connecting to the sea's bounty. There is ample evidence of highly developed lifestyle and achievement of local first people and the evidence of the d'Almeida attack provide some insight from outsiders who managed to survive that tragedy of history that also contains some important evidence on the large presence and precolonial presence on and around TRUP. The logical analysis of this evidence points directly to TRUP as the site that was attacked and this should not be undermined by the lack of bodies since 1510.

TRUP is the most likely obvious site and the narrow path described points clearly to the early part that crossed the Liesbeek at Varsche Drift that would have been only a trickle in midsummer.

The first farms granted by Van Riebeeck intruded on to the banks of Liesbeek inside of TRUP and the ploughing up of the ancestral grazing included on the east of Liesbeek in the flood plain land where River Club is at present.

This capture and attempt to take exclusive hold of what was open space used for grazing and keeping prized animals healthy led to retaliation and anger to steel back the cattle. This led to the exclusionary "First Frontier" and the 1659 war that decimated the largest Khoien groups in defeat. The war led to the first permanent removal of the largest groups of First Nations from the Cape as well as the destruction of their established lifestyle.

The open space and agricultural lands and the establishment of farmsteads, sprung up in the vacated space and the frontier was quickly transformed. The Royal Observatory, regarded as a grade one site and the Valkenberg Hospital became important landmarks and serious facilities in early Cape. Oude Molen and Maitland Garden Village were early satellite spaces outside of the area previously seen as secure. The historic penal colony situated in now Valkenburg and Oude Molen detained Boer Generals, as well as, political prisoners of the VOC. Figures include Zulu King Cetshwayo kaMpande, who was detained in Oude Molen, after the famous Battle of Isandlwana, in Kwa- Zulu Natal.

The later colonial 'new growth' that included road and rail bridges plus major intrusion by Railways into the flood plain and diversion of rivers started new forms of transformation but much was left untouched and remains as it was. The end of agricultural activities on the site was mainly caused by road disruption and substantial increased flooding and destruction of the environment, including sewerage and pollution of the rivers.

Apartheid, dislocation, and entrenched isolation plus the massive intrusion into TRUP with construction of the N2, Liesbeek Parkway, and the M5 caused major disruption of both the rivers and the space between these roads were isolated.

Rail workers vacated and Valkenberg became semi derelict. River Club became a golf course with and increase of alien vegetation and pollution.

Disruption of river flow and the spread of alien vegetation threatened the natural habitat.

Planning proposals were formulated to save the area with all its heritage and environmental quality followed by over 5 years of consultation with Stakeholders.

Tracking TRUP

T R U Park was officially supported and The TRUP Association was formally entrusted as custodians according to its constitution, in 2003, based at the Envirocentre.

Cape Town is excited to be the “Design Capitol of the World” and Oude Molen Ecco Village wins an award for its sustainability proposal to upgrade the property it is custodian of.

Ideas are put forward to turn the park into a concrete jungle like New York but these are put aside while real applications are received by the City to build inside the Park green space.

The City and Province respond with a revitalisation concept that is opened to intensive consultation workshops with stakeholders who are asked to formulate a “Manifesto” for the future of the park.

The Manifesto is strongly determined to preserve the character of the park as a sustainable green open park with minimal development but is open to limited development around the perimeter where that does not intrude in the quality of the park. Sensitive heritage areas are noted and are designated to be carefully preserved, together with all the green open spaces, riverine systems and the Flood Plain is declared a NO GO area for development.

The Provincial appointed Design Team proposes two scenarios (A&B) that do not adhere to the manifesto and were rejected by the stakeholders. The Stakeholders through TRUPA put forward Scenario ‘C’ that aimed to uphold the values of the Manifesto and balance the need for development with strict preservation of the heritage and park environment making numerous proposals for rehabilitating the park, the sustainability of the environment while also enabling upgrade to transport routes and major development opportunities around the entire area around the park, that we see as “the Heart of the City” and that will depend on the park to stimulate the high density well located development along transport corridors to create an efficient City that also respects essential responsibilities to protect the heritage of TRUP and the environmental standards to preserve the open green space of the park.

Purchase of Land from PRASA.

We were informed that Liesbeek Lesiure Property Trust had purchased the flood plain open space land that had been used as a golf course and driving range that had not been a compliant use and that the land bought this 14 hectare piece of land from PRASA for R13 million (the price of a upmarket 5 bedroom house.

We were contacted to respond to a Scoping Report submitted to HWC with a proposed massive development that relies on use of the flood plain that is not zoned for such development and would be totally disrespectful of the declared open space park and the heritage of the site plus the sensitivity of the riverine environment. (Stakeholders had recently declared the area a No GO area for intrusive development)

Stake holders objected to the negative impact of such a proposal on the heritage and environmental quality of the park and insisted on not changing the limitations to permit anything

other than what would be essential to ensure the sustainability of the park. We the stakeholders strongly objected to the proposal.

The Provinces Design Team included a Heritage practitioner to do a Baseline Heritage Report on the whole of TRUP (with Ndabeni triangle) and we the stakeholders also responded to that document with numerous objections.

Historical summary of previous consultative processes

The Consultation Process on the future of TRUP and Ndabeni, managed by ‘Sun Development’ on behalf of Province ended with a ‘so called’ Co-design Workshop that got as far as having presentations and questions and some comments but no actual “Co-Design” and horror was expressed that the Province appointed Design Team had doubled its proposed bulk for the site compared to the earlier rejected proposals (Scenario A and B) in terms of massive proposed additional development inside of TRUP and Ndabeni, disregarding the manifesto. TRUP is an integrated heritage site of heritage significance from thousands of years. We have shown clearly and practically that there are preferred options to routing roads around the outskirts of the park.

We support a type of development in the park (in the same vein as Kirstenbosch) which enables natural life to sustain itself as a world class attraction, and that is dedicated to an open heritage space. Local and international tourism is an important job generator and well located affordable housing and mixed use development located on existing transport corridors like Voortrekker Road would benefit hugely from the park being preserved, stimulating affordable and social housing in central areas close to job opportunities and access to meaningful vibrant recreation areas that the T R U Park will provide.

Furthermore, we reject the huge intrusion of massive roads and unimaginable development into the park. They are destructive to the character of the park. This site has the original access path to the peninsula and Hoeriqwaggo Table Mountain and Camissa and the early ‘halfway refreshment station’ and Fort settlement.

It was in The Two Rivers Urban Park, including the ancestral sacred confluence areas of the rivers around The River Club flood plain that the ‘First Frontier’ became a harsh fact of history and we see the preservation of these sacred spaces along with the preservation of the T R U Park in general, as the ‘Final Frontier’.

2. Reference should be made accessible to the list of items that should have been covered in the HIA including well formulated Heritage design indicators and clear statement and analysis honest Heritage impacts that due processes insist need to be rated. Little recognition of previous independent work is made in this revised report and questionable comment is made, even falsely stated based on unreliable evidence on one hand and on the other refusing to accept the obvious with the excuse that there is no evidence (when it suits the particular impartial point of view).

It would be important to respect the work of other Heritage Practitioners like Melanie Attwell's Baseline reports and full Heritage related work of Bridgette O'Donoghue so independent comment can be compared and also questioned against comment raised by A&IP's or Stakeholder comment and criticism of this Townsend report.

One example of this is that stakeholders view the site and a very significant heritage resource because of a huge range of reasons that have sufficient evidence to accept those as fact. We have no difficulty of accepting the translated term "Behind Saldahna" as meaning 'on the other side of or behind Table Mountain' when used by survivors of the d'Almeida tragedy, and simply reject other so called possibilities as off the wall denialism.

3. We argue that the Townsend should be responsible to give appropriate grading for Heritage Resources on site so his grading of resources can be compared to what other heritage practitioners have done, but also suggest that grading should also take into account potential of upgrading when park is invested in as a heritage park, it should not be lost under 4 meters of compacted fill lost between out of place massive buildings, stripped of the authentic Liesbeek River and crisscrossed by 40 meter wide raised highways that destroy the park and its natural riverine serenity and habitat.

Yours sincerely

On behalf of the Observatory Civic Association

Tauriq Jenkins

Chair : Observatory Civic Association

This report has been prepared by the Observatory Civic Association with assistance from the OCA subgroups:

TRUPA (Two Rivers Urban Park)

Architecture and Heritage

Large Development Group

Report is compiled by Tauriq Jenkins, Leslie London, Marc Turok, Tracy Hyde and members of the OCA



DRAFT HIA COMMENTS

P4, para 2: Development proposal - "meaningful" is vague and subjective. Replace it with a concrete verifiable term.

P4, Impacts: How will the negative impact of change be mitigated by blotting out views through a diversity of building heights both internally and externally? Do the architects and other people involved comprehend how blotting out aspects of the natural environment will deleteriously affect the psyches of people living and working in and around the area?

- Have they understood the social and psychological costs of their proposal? And how is remediation of these factored into the costs of their proposal? Social scientists and economists could provide factual input.

P5. Mitigation, para 2: Wetland specialists like architects and landscape planners, are the least qualified to indicate the size and specification of the buffer zone because they have fixed ideas developed by training and on paper. People walking on the ground will find the most natural route. They are also in the best position to determine how it should be laid out and populated.

P45. The proposed TRUP is not totally government owned land. Check or clarify your statement. See 6.4.

P46. the river is the primary physical and symbolic heritage resource in proximity to the site. It is this that needs to be celebrated, enhanced and if need be, proclaimed. Provided this is done adequately, and the Raapenberg wetlands conserved, development of the site is justifiable.

- What do "proclaimed", "done adequately" and "development of the site is justifiable" mean? What criteria apply to these vague statements? What does "justifiable" mean and what body is qualified to adjudicate this?

P47. 6.5 Proposed provisional declaration of the TRUP area. "The River Club project area has been included in a proposed provisional declaration of the TRUP area as a PHS by HWC. It is noted however that the landscape of conflict is the entire Liesbeek valley most of which, like the River Club, is private property. While this is still being discussed and is uncertain at present, we note this development with some concern if only because this could confuse the scrutiny and decision-making process of the development proposed and described here as the preferred Riverine Corridor Alternative." Given this, how can you regard the preferred Riverine Corridor Alternative which is positive and in the public interest?

P51. "we argue that this improved/restored river course and riverine corridor must in future signal itself as the floodplain itself. " What does this mean in plain English?

P54. "we note that the earlier river course to the west of the site no longer functions as a river and carries stormwater and backflow from the confluence only." The functions could be restored if the City and DEWA had the vision and the will.

"An extensive flood study has been completed by the water engineers, Aurecon, which recommends raising the ground level to 6m above Mean Sea Level, a change of approximately 3m across the site to satisfy the City Council's Floodplain and River Corridor Management Policy." Does the recommendation include approval by the relevant legislation such as the National Water Act prohibiting interference with banks of rivers?

P59. Explicit statements must be made regarding pedestrian and cyclist access.

P61, para 2. Include the old mills and associated features.

P62. The proposers must provide details of the financial sustainability of the alternatives.

- For the preferred alternatives, how will construction machinery be employed without

- disturbing the environment and stored without inconveniencing people in the area?
- How will construction materials be transported and stored? How will fuel be stored and transported safely? What is the estimated income from rates? Has permission been obtained for all developed areas of the site (including roadways) to be raised above the 100- year flood level of 6m above MSL? How will this be done? Where will the material to raise the site come from?
- How will (super)basement parking be waterproofed and how will the ingress of water be prevented? Will the school include boarding facilities? How will market demand determine the final form of buildings? Where will the bridge access from Liesbeek Parkway be sited?

What will the proposers do if the projected annual return of 9.01% pretax is not achieved?

Will they guarantee the City of Cape Town that the development will not be abandoned?

- How many sub-economic housing units will be provided and how many non-economic units? If the hard concrete edged Liesbeek canal and the legibility and functionality of the river is compromised, and the earlier pre-1950s course of the Liesbeek River cannot be convincingly rehabilitated, how will this affect the raised site? How will the provision of domestic, public and commercial lighting affect the activities of the SAAO?

P71. The impact on migratory birds and endangered species such as the leopard toad or unique plants found only in this area is not mentioned. The document lacks any consideration of living beings and so is incomplete and draws inadequate conclusions.

P72. "we do regard the urban design indicators devised by Urban Concepts and discussed above to be pertinent and, in all meaningful senses, to be satisfied" What does this jargon mean in plain English?

"Finally, we underline our earlier acceptance of the inevitable and soon presences of the Berkley Road Extension, effectively a causeway 3m high across the northern boundary of the site, and of the SKA building, a bulky 8 300sqm building with considerable parking, on the southern boundary of the site. We take these two future developments to be inescapable facts." How can they be inescapable when no approval has been applied for?

P74. "It is self-evident that this sense of place will be transformed by the SKA building, the development proposed, and the Berkley Road Extension:" "Whether this change is perceived as negative or positive is dependent of the personal aesthetic and values of the observer." The job of the architect/landscape designer is to provide a change that enhances the quality of life.

06.03.2018/dw

APPENDIX A COMMENTS

P1. "Notwithstanding these improvements, the owners of the River Club believe that the current use of the property is not financially sustainable and is an underutilization of well-located land within the Cape Town urban area." After leasing the property for 23 years, it has taken the proposers a further two years of ownership to arrive at this amazing conclusion!

P13. "Developed areas of the site (including roadways) will be raised above the 100-year flood elevation." How will this be done, what machinery will be used and where will it be stored, where will fill come from and what will be its quality? Have the relevant legislative bodies given permission for this and if not why not?

P13. Is the "inclusionary" housing 20% of the 20% allocated to residential housing adequate for the area? How permanent will this allocation be? If the two types of housing will be integrated in bot precincts, how will this be achieved and on what basis?

P16. "• Most parking accommodated in super-basement structures underneath the developed portions of the site;" Will these be kept free of water by continual pumping? How will ingress of water be prevented?

"Infilling of the old Liesbeek River channel and remodelling of this channel into a vegetated stormwater swale;" Why destroy what could be a functional tourist asset instead of using it productively as a canoeing site?

"Facilities for future MyCiTi bus and taxi services." Will these include fuel provision, overnight storage, passenger accommodation, communication and cafe facilities?

P21. What is "a substantial section of the Berkley Road extension", how wide will it be and how high above the surrounding land?

"Most parking accommodated in basement and semi-basement parking structures" how will these be waterproofed and water permanently kept out?

"Retention of the old Liesbeek River channel (with approximate 25m buffer)" hooray!

P22. "The original Liesbeek River channel will remain without true identity in the wider context, and will consolidate the island appearance of the River Club in the landscape" What do "true identity" and "consolidate the island appearance" mean in practical and non-conceptual terms?

"80 000m² (± 55%) of the site will be raised above the 100-year flood elevation to approximately 7m above mean sea level" Where will the fill come from, what quality will it be, will it provide a stable platform for more than 50 years, and how will it be distributed?

"A catalytic, mixed use development" What does "catalytic" mean?

"Inclusionary housing will be provided, thus satisfying an important social need" How is the satisfaction determined and what criteria are used to define it?

"The development will yield a substantial income for the Municipality" To what extent will this influence the municipality's decision on whether or not to approve the proposal?

"This alternative assumes that a large part of Precinct 1 is directed at the affordable and inclusionary housing market" What factors determined the split of residential housing between the precincts?

P28. " What constitutes "optimal urban development" in this context?

Alternative costings: both 1 and 2 are acceptable but 3 and 4 not because their net first year rate of return is too low. What criteria inform the level of return - are there standard factors for this or is it simply sheer avarice and what the market will bear?

06.03.2018/dw

APPENDIX B - COMMENTS

The irony of having a firm of urban designers based in Pretoria designing a semi-rural Cape Town landscape probably escapes the "professional team". The most visible and regrettably long-lasting example of this is the "new" Groote Schuur Hospital which closely resembles a static sterile faceless slab of seemingly abandoned concrete.

The promotional images reveal a predilection for crowded cubes of concrete connected by strips of tarmac, with open spaces relegated to the background. The process reports meetings, discussions and workshops - all apparently conceptual - but does not mention practical on-the-ground investigations of the environment. Why is it not "a comprehensive urban design framework"?

P9. It does however recognise "Development of the site should enhance the natural riverine environment for flora, fauna and pedestrians"

P13. ". It was found that this would not have a significant effect on flooding in the surrounding area ". What constitutes "significant" - the number of residences, roads and railway lines affected and how frequently and measures proposed to alleviate structural damage?

P14. Nowhere is the geology of the area mentioned, yet this vital to the stability and durability of any construction.

P15. The view corridor lines drawn are skeletal representations of reality and provide no accurate useful information.

How does noise from the Liesbeek Parkway, the M5 and other connector routes relate to views and visual impact?

P21, para 1. "This should facilitate ecological well-being (flora and fauna) as well as public amenity (walking and cycling)" Hooray!

P23, para3. "Development should utilize a rectilinear grid in keeping with Observatory and adjacent suburbs" This rigid approach fails to recognise the flexibility of human existence. It would be more life enhancing if development followed the lines of the natural environment such as the river.

Have wind tunnel tests been carried out on both precincts to check possible dangers?

06.03.2018/dw

APPENDIX C - COMMENTS

Words and numbers on the sectional drawings are small and become blurred when magnified. This makes detailed comment impossible.

What alternatives are proposed if the proposed Berkley Road extension does not materialise? Raising the extension well above the surrounding land and widening it to 60m will have a questionable effect on controlling the river and rain water.

The proposed road connecting Liesbeek Parkway and proposed Berkeley Road extension appears to have several drawbacks: it consumes an inordinate amount of irreplaceable central parkland; it appears overbuilt for the amount of traffic likely; it offers a tempting shortcut.

Have actual wind tunnel tests been carried out on the buildings in both precincts? Problems with the City Council Foreshore building is a prime example of deleterious wind tunnels and their effects especially on pedestrians.

06.03.2018/dw

Amy Hill

From: Cameron, Neil <nac@sun.ac.za> <NAC@sun.ac.za>
Sent: Tuesday, 06 March 2018 1:24 PM
To: Amy Hill; pinelands.ratepayers@gmail.com
Cc: ssquared@worldonline.co.za
Subject: FW: River Club development: link to the detailed Heritage Impact Assessment document

I have read fairly quickly through the document and think the proposal should be given due diligence to assess the options.

The mixed usage proposal has definite merit and should be considered by a balanced meeting of experts.

Neil Cameron
Pinelands



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Amy Hill

From: Marine Leblond <marine.leblond@gmail.com>
Sent: Tuesday, 06 March 2018 3:30 PM
To: Amy Hill
Subject: HIA River Club 2018 - comments

Dear Amy Hill

As a resident of Observatory, and as a qualified architect and urban planner, I wish to endorse the comments issued by the Observatory Civic Association, submitted as a document titled *Feedback on the Heritage Impact Assessment (HIA) regarding the development of the River Club (Erf 151832), Observatory, Cape Town*.

Please add me to the list of I&APs for this project.

Kind regards

MARINE LEBLOND

THE COLLECTIVE // EARTHLIFE BUILDING UNIT B3 // 149 UPPER CANTERBURY STREET // CAPE TOWN
073 115 2202

Amy Hill

From: Stephen Hulme <sh@saa.ac.za>
Sent: Tuesday, 06 March 2018 4:00 PM
To: Amy Hill
Subject: Comments on the River Club Heritage Impact Assessment on the proposed redevelopment of the River Club in Observatory, Cape Town , SRK Project Reference No 478320

Dear Amy Hill,

I am a worker on a Neighbouring Heritage Site, the South African Astronomical Observatory (SAAO), and a resident in the area (Liesbeek Rd, Rosebank) nearby to the proposed River Club development (SRK Project Reference No 478320). I have a personal, historical, professional interest in the SAAO and it's surrounds.

I would like to comment on record that I feel that some major issues have not been sufficiently addressed in the Heritage Impact Assessment (HIA) regarding the proposed development.

* The open space and feeling of distance currently experienced from the neighbouring SAAO (where I work), along my commute to work, and from the view of where I stay will be severely and negatively affected by the construction of the proposed buildings. The particular views that will be affected will be of the mountain (UCT, Deveil's peak, Lion's Head from south of the river confluence), the large silo in Woodstock (from south of the river confluence & Rosebank), the view of the cranes and that service the cargo ships in the harbour (from south of the confluence of the rivers). The area south of the river confluence, near to the SAAO bird hide is an area I regularly take lunch breaks and relax after work. These vistas add an amazing sense of space and connection to the city of Cape Town and play a significant role in my choice to live and work in this area.

* In addition, there is history attached to the fact that the noon day gun used to be fired, based on a pistol flash fired from the Observatory being spotted from signal hill. The South African Astronomical Observatory still maintains the contract to provide accurate time signals for the daily firing of the noon day gun. The original pistol used is on display in the SAAO museum.

* There is already heavy traffic experienced on the roads that will access the proposed development, and there isn't sufficient capacity to meet the required traffic demand. The Berkley road extension is unlikely to mitigate traffic approaching from the south, where the N2, M5, M3, and Liesbeek Parkway are all heavily congested in the mornings.

* There is no plan in place that takes into account the disruptions (noise, dust, and construction vehicles) that will be caused during the construction period, nor attempts made to mitigate these. As someone who spends a significant time walking around the SAAO and often cycling to and from work, this is a major concern to me.

* The historical and attractive main river club building (dating from the 1930s) is not of low heritage significance, as stated in the report.

* The existence of a proposal for an SKA building (which is not yet confirmed), and the current golf course, is not an excuse to further degrade the beauty or character of the area.

* The conservation of the endangered Cape Leopard Toad has not been sufficiently considered. Nor has the impact on resident and migrating birdlife.

For these reasons, I am unhappy and against the development of the River Club site as proposed.

Please contact me, Stephen Hulme by email at sh@saa.ac.za to confirm acknowledgement of my concerns and for future communications.

Regards,

Stephen Hulme
sh@sao.ac.za
073 22 00 860

ninafoley@fastmail.fm

Dear Amy Hill,

I wish to object to the proposed constructions on the River Club site.

This area between the rivers is the last remaining green lung of this part of Cape Town and should become a quality public open space.

By filling the area up with thousands of cubic metres of rubble and building the enormous constructions proposed, the topography of this heritage area will be changed irredeemably. As will the sense of place.

In this enlightened age of paying respect to the first nations people, preserving the space and sense of place between the rivers is of great significance.

The sense of place will also be ruined for the residents of Maitland Garden Village and Oude Molen who have at present a view across the two rivers toward Devils Peak and Lions Head. With this proposed construction they will look at a concrete jungle. I actually wonder if The River Club and HIA has done much to inform these people?

Species of endangered river animals and the plethora of migrating birds which rely on the wetland as a stopover point form a crucial aspect of the ecological heritage of the area.

And from this ecological point of view further building should not be contemplated.

A further reason why it should not be contemplated, is that by hardening the surfaces of a flood plain, serious rainfall (difficult as it is to imagine now), with the consequent raising of the water level, will have nowhere to go except the adjacent areas of housing. The possibility of this threat will seriously compromise the existing properties and their insurance. These include some very fine old buildings.

I would appreciate an answer as to whether the community of Maitland Garden Village have been informed about the proposals. When I talk to folk in the area nobody has heard of the proposals which will be so detrimental to them.

Regards,

Nina Foley

Amy Hill

From: Riad Davids <riad@worldonline.co.za>
Sent: Tuesday, 06 March 2018 5:32 PM
To: Amy Hill
Cc: 'Carol Clark'; 'JOHN BERRY '; 'Riad Davids'
Subject: River club

I Riad Davids hereby register my objection to the proposed development.
My reasons are tabled below.

1. Flood plain will be adversely affected.
2. Too dense in respect of its location.
3. Restricting communities from accessing the river.
4. Not suitable to be built on or alongside a river.
5. The habitat of the wildlife including the leopard toad , other frogs , etc will be destroyed.
6. Heritage will be lost.

I request the following :

1. To be kept up to date of all future communications.
2. To be present when this matter is brought before the various departments and structures within the City.
3. To be granted an interview when this matter is being discussed at the MTP and other Structures.

Kind Regards
Riad Davids
Pinelands Resident
+2782 469 1437



6 March 2018

SRK Consulting (South Africa) (Pty) Ltd
The Administrative Building
Albion Spring
183 Main Rd
Rondebosch 7700
Cape Town
South Africa

Attention: Amy Hill – Environmental Management Consultant

Comments on the Heritage Impact Assessment (HIA) for the Proposed Redevelopment of The River Club and the Rehabilitation of Watercourses at Adjacent Properties in Observatory, Cape Town (HWC Case No.: 15112504WD1217E, DEA&DP Ref. No.: 16/3/3/6/7/2/A7/17/3104/16 and DWS Ref. No.:16/2/7/G22/A/11)

The owner and operator of The River Club in Observatory, Cape Town, the Liesbeek Leisure Properties Trust, LLPT, wishes to redevelop the site for residential, commercial, institutional and associated uses.

LLPT appointed SRK Consulting (South Africa) Pty Ltd, SRK, to undertake the Scoping and Environmental Impact Reporting process and as an interested and affected party, the National Research Foundation (NRF) a statutory entity established in terms of the National Research Foundation Act (Act No. 23 of 1998) acting through its National Facility the South African Astronomical Observatory (SAAO), is required to pass comments on the HIA.

The following are comments and concerns of SAAO:

The SAAO is deeply concerned with the proposal as presented in the plan dated November 2017. As a historic Observatory established in 1820 the SAAO is a working National Research Foundation facility with over 100 staff, a residential site of half dozen households, located on the historic property directly adjacent to The River Club, it should come as no surprise that SAAO has many concerns.

The SAAO has considerable historical, scientific, aesthetic, architectural and social significance and has been graded by South African Heritage Resources Agency (SAHRA) as Grade I. The site forms an integral part of Two Rivers Urban Park (TRUP), which has been identified by Heritage Western Cape (HWC) as Grade II in terms of its pre-colonial and early colonial history, particularly regarding its associations with colonial expansion and Khoekhoe resistance during the mid-17th century.

The SAAO has very high historical significance as a scientific institute dating to the early 19th century and the first permanent observatory in the southern hemisphere. It is associated with a number of astronomical advances of international significance from the 1830s. It has considerable aesthetic significance with several architecturally significant buildings and a distinctive dome typology set within a wooded landscape at the confluence of the Liesbeek and the Black Rivers. The Main Building and McClean dome structure the central shaft of space.

The report argues (p.50) that the SAAO is of “low contextual significance” to the proposed project, since it is “rendered invisible” by the trees on-site (also pp.58,76). First of all, the statement is patently false, the SAAO is *not* invisible from the River Club. Secondly, and more importantly for the purposes of the proposal, the logic of the invisibility argument is strange: surely the point should be that the *River Club site* is very clearly visible *from the Observatory*. And indeed it will be even more so with 4 – 12 story buildings and more lights. The SAAO strongly objects to being brushed aside as an irrelevant factor in considering the impact of redevelopment of The River Club. In fact, Observatory staff regularly use the facilities offered by the River Club for official and recreational purposes and the two sites together form an integral part of the neighbourhood.

We note that the plan makes mention on several times of a proposed SKA building on a portion of Erf 26423. It is occasionally mentioned in justifying the planned redevelopment of the River Club (for example, on p.63, when discussing the no-go alternative it is argued that the proposed SKA building would be isolated and out of place without the proposed River Club development; on p.76, when mentioning that the future SKA building south of the site masks the views of the development from that direction). This is very misleading. SKA, or in fact SAAO (the South African Radio Astronomy Observatory) is a facility of the NRF since 2017, and we know very well that our mutual umbrella organisation NRF does *not* have approval from the Government to building anything, whether on our portion of land at the current entrance to the River Club, or elsewhere. It is unsure when such an approval would be given, and where SAAO would be located when that time comes. In fact, one of the options discussed internally is a location further up the Observatory hill, in between SAAO and Valkenberg Hospital, which would make more sense in many respects, and would not impact The River Club area. In another inaccuracy, p.8 of the Urban Design Framework document mentions the future SKA building to be in the region of 8 storeys, while the preliminary plans by SKA are in fact a 3 storey building.

The essential point is that the SKA (SAAO) building remains a future possibility, very far from an “inescapable fact” (p.72) or “inevitability” (p.52), that any proposal arguments could be based on. The indication of the SKA (SAAO) building on a portion of our property, Erf 26423, should therefore be excluded from any discussion of the proposed development at the River Club.

SAAO is also concerned that the raising of the level of The River Club area by several metres by necessity would cause more flooding on the lower lying SAAO areas, both on the Liesbeek and Black River sides. The proposal claims there would be no consequences, but SAAO was informed that the hydrology assessment may have been flawed. We obviously are no experts in the subject, but would wish to hear the latter concerns addressed.

Apart from the SAAO specific concerns above, the most important of our general concerns is the loss of a park-like area in a strategic region of the City, with likely rapid commercial and residential development in the coming years. The SAAO is of the opinion that the TRUP area to which the River Club belongs is precisely *that* area which should be intelligently developed into a green open area for breathing in the middle of the growing Observatory, Salt River, Maitland, and Paarden Eiland areas. We have seen other options for the usage of the River Club area much closer to the ideals we maintain, of respecting history, sense of place and space, with sight lines to the surrounding areas from our historic hill, while at the same time taking development, both commercial and residential opportunities for people working in the vicinity seriously. By no means do we oppose smart and sensitive development of the area – however, the current proposal is too dense, too high, and does not sit well, in our opinion, as a neighbour to our historic Observatory site. We appreciate the thought going into the green areas around the river banks, but, frankly, it is not open space, and that is what we as a stakeholder feel is crucial to retain in the middle of an otherwise urbanised area (highly urbanised in the future).

Finally, we list several issues which should be kept in mind during major construction of any kind at the River Club:

- Development within the TRUP should comply with development plans being put in place by the City of Cape Town and the Western Cape Government as part of their broader planning strategy.
- Building heights limited to the zoning restrictions and limited to heights not overpowering the sense of a historic Observatory on a hilltop next to it.
- Traffic congestion
 - There is already tremendous traffic congestion at the intersection of Liesbeek Parkway and Station/Observatory road during peak hours. Construction vehicles will heavily impact on the traffic flow and the road surface.
 - Access to SAAO, Valkenberg Hospital, and other businesses down the narrow Observatory Road should not be restricted.
 - A separate construction vehicle access to the River Club site should be provided elsewhere during the construction phase.
 - Access of heavy vehicles should be limited to periods outside of peak hours.

- Terrestrial Flora
 - A plant species that is unique to the area on SAAO, *Moraea Aristata* bulbs, may be negatively affected.
- Aquatic Fauna
 - The breeding pools of the threatened Western Leopard Toads, *Amietophrynus pantherinus*, in the water ways may be negatively affected. *We are concerned that no mention is made of them in the project proposal.*
- The noise and vibration levels anticipated during construction phases will negatively affect the residents and activities of the SAAO, and must be mitigated.
- If the flow of the Liesbeek River is returned to its natural course or altered in any way, it will directly impact on portion of our property on Erf 26423 resulting in erosion due to the flow dynamics of the altered course of the river. The effects must be studied prior to any such work and mitigated.
- Security concerns due to influx of various contractors must be addressed.

Sincerely,



Prof. Petri Vaisanen
SAAO Director

Amy Hill

From: Tony Foley <foleyenator@gmail.com>
Sent: Tuesday, 06 March 2018 9:24 PM
To: Amy Hill
Subject: proposed River Club construction (Erf 151832)

I wish to make an objection to the proposed River Club construction;

This area is one of the few wetland areas for wildlife around Cape Town and a welcome green space between all the buildings in the area. It also has great cultural significance for the First Nations people and heritage value. It cannot be recovered.

The infill alone will be extremely damaging, as it will involve millions of tons of rubble and earth moving; this will scare off or destroy the wildlife and be a huge disturbance for those who live and work (as I do) in the surrounding areas. Once the buildings are there the increase in traffic will completely negate any ecological value of the area.

As a wetland area it has huge value in soaking up winter rainfall and allowing the gradual release of water in spring and summer, so studies should be made about how groundwater levels will be affected. Since the recent water crisis the city must proceed with extreme caution, and only after a full ecological and groundwater impact report is made.

Vincent Pallotti has recently made a large investment in recovering and treating groundwater for use in the hospital, and they should also be consulted before changes in the groundwater levels are made.

The people of Maitland Garden Village, whom I see occasionally, deserve a right of veto on this as their livelihood depends on the nature around the area.

--

Tony Foley mobile:0725506920 work: 0215067326



Pinelands Ratepayers
& Residents Association

P.O Box 15, Howard Place 7450 • www.pinelandscomm.co.za

5 March 2018

Heritage Impact Assessment for the Proposed Redevelopment of the River Club and the Rehabilitation of Watercourses at Adjacent Properties in Observatory, Cape Town (HWC Case No.: 15112504WD1217E, DEA&DP Ref. No.:16/3/3/6/7/2/A7/17/3104/16 and DWS Ref. No.: 16/2/7/G22/A/11)

COMMENT ON THE HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED RIVER CLUB DEVELOPMENT:

1. Bulk and Massing

PRRA expresses its huge dismay and disgust that despite all the Stakeholders feedback and comment regarding the building bulk and mass during the Public Participation process that happened in 2017, - the developers have ignored it all!

*This report has been **compiled to solicit public comment** on our articulation and identification of heritage resources and their significances on and near the site, draft 'design indicators', and our recommendations in respect of the development proposal for the site.*

Will the feedback from this report be handled any differently?

- The diagrams in the documents of the Alternative 1 and 2 shows this monolithic ridiculously "out of proportion" development – intent on cramming as much as possible, as high as possible onto this land in the midst of a vital green lung in the City.
- Based on money... the alternatives that downscale the bulk and mass of the proposed development are simply dismissed on the basis on "not financially viable/ not enough profit".
*These include the no-go alternative, the preferred 'riverine corridor' alternative, the 'island concept' alternative and another **two which are not financially viable***
- What makes the profit enough for some person/companies gain?
- Viewed against the "conservative" size and number buildings of the SAAO which blend in and nestle hidden amongst a tree canopy – this modern and "contemporary" look of high rise, glassed, overbulked buildings stands so out of place as to look ridiculous and can't be mitigated by tree growth to soften the scale.
- A development of this mass, height and bulk and proposed style shows no regard or attempt to be sensitive to or blend into the TRUP Park. As the HIA states "It will be modern in character."

"The development proposed in this case will change the character of this site

2. Disastrous Effects on Raapenberg Bird Sanctuary

The proposed development is like a massive Century City built on open land – leaving a token piece of nature like Intaka Island. *“Briefly, the owners are seeking to develop a mixed use development which will be urban in character, **although green space is included**; and the rehabilitation of the canalised (since 1952) Liesbeek River course is a key component of the preferred alternative.”*

- Currently the bird sanctuary is a quiet place with minimal people interference – across the waterway is a golf course that is quiet, with just golfers during the day and at night it is dark with no lighting to interfere with the birds and breeding in the sanctuary.
- With plans to bring in megaloads of rubble and material to infill a site that is NOT suitable for such a development - this means lots of noisy trucks and lots of dust;
- then construction vehicles and construction noise for months ; and then when the proposed massive project is finished – thousands of people bringing noise, vehicles and lighting at night from glass buildings and on the ground
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The following are some of the excerpts from the HIA that indicate the numerous times that aspect vital to keeping the space less developed and as a green open space are undermined.

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*It is important to state at the outset that this impact assessment **makes the assumption** that two major projects proposed abutting this site will be built in the near future as this has considerable implications for the both the development proposal and the assessment of heritage and other impacts.*

The PRRA notes that neither of these developments is a definite yet – and cannot be assumed to take place and be used as justification or support of the River Club development.

2.Rezoning of the land and the application to raise the level of the ground

The land is currently zoned Open Space 3: Special Open Space

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*In compiling the HIA it must be noted that the planning process for the Two Rivers Urban Park (which includes the River Club site) is partial and incomplete at this time. **We have, however, taken note of the interests and views** expressed by HWC and by interested parties on the draft heritage resource and land-use baseline studies submitted to and considered by HWC.*

*We note that interested parties and the public more generally have shown considerable interest in the draft TRUP and Two Rivers studies that have been circulated in the past two years. We have **recognised this interest** but do not refer to the details of comments made on the previous draft report or alternatives; and we hope that all parties will engage anew with our assessment of the significance of this particular site and of the new preferred alternative and its impacts.*

We should note that the **comments made to date have been taken account of in a general sense**; but, given that the preferred alternative now included here was not included in previous drafts, we have not responded directly to those comments.pg 40

This is not reflected in the massive proposed design which was not supported by stakeholders during the public participation process. The preferred "option C" design provided by the stakeholders seems to have been totally ignored. Where is the "Co-design"?

4.The history of the River Club site is initially acknowledged but then downplayed so as to be just the Liesbeeck River

*The Liesbeeck and Black rivers, the confluence and remnants of the Salt River estuary, exist today. In the context of the history of South Africa **this is an historic place of considerable significance.** Pg 41*

*While these early years may be historically remote in terms of issues affecting the project area, they remain relevant as the **River Club site falls within this key historic landscape.***

*Given this, the River Club **is but a part of this historical area**, most of which is now subsumed into the suburbs from Salt River to Wynberg.*

*While the area in which the River Club is situated is **historically important for the role it played in the past,**....*

The difficulty in articulating the heritage sensitivity of the River Club site is that although the site is historically important in terms of the role this area played in the history of the Cape

5.Dismissing the importance of the green open space and sense of place

*Although the river club site is effectively a recreational area and a golf course, **is has a park like quality (green open space)** which is a quality shared by the broader Liesbeeck – Black River corridor. **This however belies that fact that much of the land has been subject to prior transformation.***

We support the restoration and reclaiming of this land and not the further degradation

6. Dismissing or underplaying the heritage value and heritage value of nearby sites

*The cultural landscape qualities of the site are a combination of its history and context as summarised above. The context is historic and symbolic. **The site is set within a situation where there are significant heritage sites nearby,** however the physical properties of the site are that it contains a club house and sports related facilities that is of moderate significance, a manicured bland landscape for sporting activity but very little else to which a high grade of significance can be offered.*

*In other words, the **Liesbeeck River** (both the early and canalised channels), the confluence and the banks and the riverine corridor **generally comprise the significant heritage resource.***

The area is well planted in that most structures are obscured from view by a combination of oak and eucalyptus and pine trees. In other words, the old Royal Observatory is not visible from its surrounds including from the River Club

*The line of sight between the SAAO and Signal Hill is **of no current relevance although it is historically interesting.***

*To the east of the River Club site strung along the low spur is the Observatory complex: **This low spur is well-treed and screens the entire Observatory complex, rendering it, in effect, invisible and consequently, despite its high scientific and historical significances, of low contextual significance.***

*In other words these other heritage-related significances and heritage resources are either of relatively low order (in the context of the River Club site) or, despite their high order significance, are screened or distant from the River Club site and have no or little **effective effect on the River Club site and, in turn, have significances that will not be effected by the development of the River Club site.***

*The SAAO across the Liesbeek River/canal is well screened within a well-treed leafy land parcel of its own and is effectively invisible; **it is difficult to argue that its significance will be affected by the development proposed.***

How can a monolithic building development not affect the other sites?

*Finally, as noted earlier, the factors determining the position of the then Royal Observatory included sightlines to the roadstead in Table Bay, to the Castle and to Signal Hill. The views to the sea and Castle are no longer extant; **but there are potential views from the Observatory to Signal Hill and the gun emplacement. However, these glimpses** are only from the lower banks of the spur and are not publicly accessible; indeed, nor are they enjoyed by occupants of the SAAO. **Given this we argue that it is unnecessary, even fruitless, to attempt to preserve a view cone or shaft of space over the River Club site.***

7. Undermining the TRUP and proposed provisional declaration of the TRUP area.

*While this is still being discussed and is uncertain at present, **we note this development with some concern** if only because this could confuse the scrutiny and decision-making process of the development proposed and described here as the preferred Riverine Corridor Alternative which **we regard as positive and in the public interest.***

Has the public given positive feedback as to whether they think this is "public interest" – as opposed to the developers financial gain?

8. Positive comments on how other building in TRUP have been restored

These statements indicate how other buildings have been appropriately restored within TRUP– and how they have been maintained in an open- park like environment

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*The greater TRUP contains a variety of heritage resources of variable grade including the neighbouring SAAO, the Valkenburg Hospital complex, **noted for the newly restored old***

hospital and its various facilities dispersed through an open park-like environment, and the Valkenburg Manor site, which stems from one of the earliest DEIC land grants in the area which became the Porter Reformatory. 45

Given this, the **TRUP clearly contains components of high significance**, not only on account of its built, cultural environment and setting, but also its place in the very early history of the Cape;

8. Undermining the floodplain, visual sense of place

This visual sense of place also signals both faunal and floral significances which are not immediately apparent but which are intrinsically connected and associated with the old defunct and new canalized river courses.

This floodplain, the last or lowest section of the Liesbeek before it joins the Black River floodplain, is, despite the damage and erosion of its sense of place and its ecological functioning, **still a singularly important component** of the Liesbeek River as landscape and topographical determinant of the historical and current urban environment/townscape.

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**. Indeed, this significance, taken as a single complex of significance and symbolic meaning, is of the highest order in the current sociopolitical climate. **However, it also seems to us** that these significances, while both visual and bound/tied to this land, **do not have obvious or direct protective or managerial measures or actions that could be invoked/imposed** other than what we regard as a restorative imperative aimed at reshaping and revitalising the Liesbeek riverine corridor as described above.

9. Dismissing aspect of the first HIA for the River Club land;

Fourth, we note that the preliminary studies referred to earlier listed several 'design indicators' intending to guide the development of the River Club site in **rather more prescriptive detail including heights, scale, density, retention of trees, etc. We do not think** that such prescriptions follow from the heritage related cultural significances of the site (as articulated above); and we think that such direction should flow out of the urban design framework articulated by the urban designer as outlined below (and attached as an Appendix).

10. Other undermining statements

While it can be argued that the **golf-course contributes to the sense of open space**, it is in actual fact an **entirely a person-made landscape that contributes little to the natural qualities of the confluence**. It is therefore asserted that the river is the primary physical and symbolic heritage resource in proximity to the site. It is this that needs to be celebrated, enhanced and if need be, proclaimed. Provided this is done adequately, and the Raapenberg wetlands conserved, **development of the site is justifiable. 46**

*The site itself accommodates a complex of buildings built from the mid-1930s (the main building has a foundation-stone dated 1939), a number of trees, a grassed driving range and a nine-hole short-course for golfers. **In our view none of this has more than passing interest; and certainly not enough significance to be taken into account** when devising heritage-related design indicators or to be regarded as factors or criteria in decision-making.*

In Conclusion:

And so with the above attitude of deeming the above factors to be minimised, important, irrelevant and unsuitable motivation as to mitigate this huge proposed development, the HIA reaches its decision that :

*In our view, Alternative 1, the Riverine Corridor Alternative, **although transforming the sense of place** (which was once strong and clear **but which we argue today has an irreparably damaged and even nondescript sense of place**),...*

*We note also that only two of the alternatives are described fully here, and the preferred Riverine Corridor Alternative most fully. This is because one of the five is the "do-nothing" or "existing rights" alternative which they have called the "No-Go" Alternative; **and two of the alternatives are not financially viable** (and are, therefore, not comparatively assessed in the NEMA process).*

.....the HIA comes to the conclusion that the monolithic mass,bulk, height and type of the proposed development in the midst of the TRUP is justifiable and appropriate.

The PRRA does not support this proposed scale and nature of development in the TRUP

Yours sincerely



Carol Clark
For PRRA

Amy Hill

From: Trow Dale <DTrow@oldmutual.com>
Sent: Tuesday, 06 March 2018 9:33 PM
To: Amy Hill
Subject: Feedback on HIA of River Club development Erf no, 151832, Observatory Cape Town
Attachments: OCA_RiverClub_HIA_Feedback.docx(1).pdf

To whom it may concern

As a home owner in Observatory I strongly object to the proposed construction of the River Club and its environs. I concur with everything laid out by the OCA in the attached document.

Regards
Dale Trow

Old Mutual is a proudly Level 2 empowerment contributor company in terms of the Financial Sector Code. Please access the link below to view our current BBBEE rating certificate. <http://www.oldmutual.co.za/about-us/transformation/black-empowerment/bee-certificates.aspx>
Please click on the following link to read the Old Mutual legal notice: <http://www.oldmutual.co.za/about-us/governance/email-policy.aspx>

15 Kingfisher Walk
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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**. Indeed, this significance, taken as a single complex of significance and symbolic meaning, is of the highest order in the current sociopolitical climate. **However, it also seems to us** that these significances, while both visual and bound/tied to this land, **do not have obvious or direct protective or managerial measures or actions that could be invoked/imposed** other than what we regard as a restorative imperative aimed at reshaping and revitalising the Liesbeek riverine corridor as described above.

9. Dismissing aspect of the first HIA for the River Club land;

Fourth, we note that the preliminary studies referred to earlier listed several 'design indicators' intending to guide the development of the River Club site in **rather more prescriptive detail including heights, scale, density, retention of trees**, etc. **We do not think** that such prescriptions follow from the heritage related cultural significances of the site (as articulated above); and we think that such direction should flow out of the urban design framework articulated by the urban designer as outlined below (and attached as an Appendix).

10. Other undermining statements

While it can be argued that the **golf-course contributes to the sense of open space**, it is in actual fact an **entirely a person-made landscape that contributes little to the natural qualities of the confluence**. It is therefore asserted that the river is the primary physical and symbolic heritage resource in proximity to the site. It is this that needs to be celebrated, enhanced and if need be, proclaimed. Provided this is done adequately, and the Raapenberg wetlands conserved, **development of the site is justifiable**. 46

The site itself accommodates a complex of buildings built from the mid-1930s (the main building has a foundation-stone dated 1939), a number of trees, a grassed driving range and a nine-hole short-course for golfers. **In our view none of this has more than passing interest; and certainly not enough significance to be taken into account** when devising heritage-related design indicators or to be regarded as factors or criteria in decision-making.

In Conclusion:

And so with the above attitude of deeming the above factors to be minimised, important, irrelevant and unsuitable motivation as to mitigate this huge proposed development, the HIA reaches its decision that :

*In our view, Alternative 1, the Riverine Corridor Alternative, **although transforming the sense of place** (which was once strong and clear **but which we argue today has an irreparably damaged and even nondescript sense of place**),...*

*We note also that only two of the alternatives are described fully here, and the preferred Riverine Corridor Alternative most fully. This is because one of the five is the "do-nothing" or "existing rights" alternative which they have called the "No-Go" Alternative; **and two of the alternatives are not financially viable** (and are, therefore, not comparatively assessed in the NEMA process).*

.....the HIA comes to the conclusion that the monolithic mass, bulk, height and type of the proposed development in the midst of the TRUP is justifiable and appropriate.

I do not support this proposed scale and nature of development in the TRUP. Any development within TRUP should be appropriate, sensitive, conservation orientated and celebrate this vital green space in the City.

Yours sincerely

Carol Clark

Amy Hill

From: Greenwood Tony <TGreenwood@oldmutual.com>
Sent: Tuesday, 06 March 2018 10:08 PM
To: Amy Hill
Subject: Fw: Thank you for your support, and please find OCA comment attached
Attachments: OCA_RiverClub_HIA_Feedback.docx(1).pdf

Good day

As a 25 year resident and home owner in Observatory, I would like to add my objection to the proposed changes to the zoning and new buildings planned for the River Club precinct.

Having heard the presentation by Steven Townsend and reading the HIA, I am stunned by his assertion that the river is the centre of this plan. As outlined by the attached document, there is so much more to the area than that.

Aside from the items listed in the attachment, and while I do not have the cool software that would allow me to produce a presentation, I can well imagine the proposed building would literally block out Table Mountain from the M5 and dwarf the (only 5 story) buildings in the vicinity.

The area is also a 'green lung' and an open space (as per its designated zoning) and to cover 60 to 70% of it with paving and buildings would be a great loss for Cape Town as a city. There are various other areas available in the area (the PRASA area next door and the [unused?] area surrounding the abattoir) which are already ruined from an environmental perspective and could do with some 'upliftment' that can be used to create the densification that CoCT is hoping for.

Tony Greenwood

Senior Developer
Emerging Markets IT
Old Mutual Life Assurance Company (SA) Limited
Licenced Financial Service Provider
Office : +27 (0) 21 504 9047
Fax : +27 (0) 21 504 6153
Location: Mutualpark, 3L
Email : tgreenwood@oldmutual.com
Website : www.oldmutual.co.za

From: OCA Chair [mailto:chairman@obs.org.za]
Sent: 06 March 2018 02:20 PM
To: info@obs.org.za
Subject: Thank you for your support, and please find OCA comment attached

This email originates from an external source. Stop and think before you click!

Dear Obs Resident / Stakeholder,

Thank you very for attending the OCA public feedback meeting last night regarding the River Club development. Many valuable comments were received and added.

As promised, please find attached the final OCA comment that went out today.

You presence last night and contribution to this comment is deeply appreciated.

Please feel free to contact me if you have any questions / assistance.

Kindest,

Tauriq Jenkins

--

Chair : Observatory Civic Association

MFA, School of Arts, Columbia University

IFP Fellow, School of International and Public Affairs, Columbia University

Cell : 0647342569

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Please click on the following link to read the Old Mutual legal notice: <http://www.oldmutual.co.za/about-us/governance/email-policy.aspx>

[Type here]



Two Rivers Urban Park
Email: 76 Arnold Street
www.trup.org.za
Observatory
https://www.facebook.com/groups/TRUPark/7925

6 March 2018

For Attention: Matthew Law, SRK Consulting Engineers

Re: TRUPA Response to the “Draft prepared for interested party consultation- Heritage Impact Assessment regarding the development of the River Club (erf 151832), Observatory, Cape Town.

Dear Mr Law

The TRUP Association (TRUPA) would like to submit the following in response to the opportunity for public comment on the River Club HIA in terms of Section 38(8) Draft Heritage Impact Assessment for Interested and Affected Parties, January 2018. This document will subsequently be referred to as “the/this Report”.

The TRUPA believe that the EIA process, including this Report, should include the formulation of an alternative that is developed in close collaboration with the TRUP Association, and form part of the higher order spatial development process already underway.

A summary of the TRUPA concerns with this Report are presented below, and detailed in Appendix A attached.

- 1. The TRUPA believe that it is impossible to meaningfully assess the site specific impacts outside of the surrounding TRUP precinct, and as such,**
- 2. The TRUPA believe that the River Club development cannot be meaningfully assessed until a higher order planning framework replace the existing framework.**
- 3. The TRUPA are concerned that several elements of this Report have not followed Impact Assessment Best Practice, as summarised below:**
 - 4.1 It is misleading to present documents which are independent, and of key significance for stakeholders, as “appendices” to a heritage impact assessment report. This needs to be remedied.
 - 4.2 The TRUPA question the replacement of the first EIA Heritage Specialist Study with a second report of entirely different authorship and findings. This should receive independent review.
 - 4.3 The TRUPA question the intentions of this Impact Assessment Report, believing that does not objectively provide all relevant information for decision-making.
 - 4.4 The TRUPA believe that a weak set of “Alternatives” have been developed primarily for meeting the requirements of the law, and not for meeting the intentions of the law.

[Type here]

4.5 The TRUPA believe the Appendix A of the Report misleads the public by presenting two “alternatives” which are subsequently dismissed in the report.

4. The TRUPA believe several arguments presented in the Report are false:

- 5.1. The need for development of the River Club is justifiable because present operations are “financially unsustainable”;
- 5.2. Because land has already been transformed (“person-made”) from its natural state, it should be developed further;
- 5.3. The open space character of the present River Club is not a factor worthy of consideration in development design.
- 5.4. The visual impacts can be ignored, because “they are unavoidable”¹ (as “concluded” by the SRK VIA Report, compiled by the consultants responsible for the EIA).
- 5.5. The heritage value of the area does not exist because there is no physical evidence in this location for it.

The TRUPA look forward to fruitful further engagement in this process, which we trust, will take place in the context of consideration for the entire TRUP precinct.

Yours sincerely,

A handwritten signature in blue ink that reads "Jenkins". The signature is written in a cursive style and is positioned above a horizontal line.

Tauriq Jenkins (TRUP Association Chair)

¹ Page 74, River Club HIA in terms of Section 38(8) Draft Heritage Impact Assessment for Interested and Affected Parties, January 2018

1. The TRUPA believe that the EIA should include the formulation of an alternative that is developed in close collaboration with the TRUP Association, and form part of the higher order spatial development process

The TRUP Association (TRUPA) was established with the mandate to implement the *Two Rivers Urban Park Contextual Framework and Phase 1 Environmental Management Plan 2003*. As such, this Association is an association of constituent organisations. The TRUPA have been in discussions with its constituencies as part of the wider TRUP Precinct development process being managed by the Western Cape Department of Environmental Affairs and Development Planning through the consultants Mammon & Associates since 2015.

The TRUPA have an ongoing development design that seeks to balance the needs of all stakeholders including the City, Province, developers and local citizens of Cape Town.

The TRUPA have attempted to engage with the River Club in co-designing a genuine “alternative”, however these efforts have not been received. The TRUPA propose that the River Club engage with the TRUPA in the creation of a meaningful “alternative” which is able to satisfy the needs of all stakeholders, and that this process forms a part of the higher order local spatial development planning process already underway.

2. The TRUPA believe it is impossible to assess the site specific impacts outside of the surrounding TRUP precinct

It has long been of concern within the field of environmental assessment that the usefulness of any EIA is undermined when it is undertaken outside of the surrounding context. It was therefore logical that the River Club’s first attempt in obtaining the necessary heritage development approvals were set aside as recorded in the IACOM minutes 8 March 2017:

“The Committee believes that the entire TRUP precinct must be looked at holistically: it is problematic to consider the specifics of this application in isolation from the broader study. ...On several occasions HWC"s has been led to believe that development issues for the entire TRUP area would be addressed prior to the development of individual pockets therein.”

Given that the broader TRUP Heritage Study has not yet been finalised, the submission of a second River Club heritage report for the public and the provincial heritage authority approval is impossible to reconcile.

[Type here]

The TRUPA support the Heritage Western Cape decision of March 2017, that no precinct-specific development decisions can be taken until heritage considerations for the entire TRUP precinct have been established.

3. The TRUPA believe that the River Club development cannot be meaningfully assessed until a higher order planning framework replace the existing framework

The entire TRUP precinct was recognized in 2003, as “one of the few urban parks that are planned for the City of Cape Town”.

Through a five year participatory process, involving the provincial administration of the Western Cape, the City of Cape Town, the Provincial Department of Health, the South African Astronomical Observatory, private landowners, social services, Non-Government and Community Based Organisations and businesses, the Two Rivers Urban Park Contextual Framework² was formally adopted by Cape Town City Council (27 August 2003).

This Contextual Framework vision (page 5) was *“to rehabilitate, protect, secure and enhance the intrinsic ecological qualities of the area, to conserve the unique cultural landscape, to encourage environmental education, to maximise opportunities for all people, and to promote sustainable development”*.

The value of the Two Rivers Urban Park for conservation and sustainable development was further entrenched in the City of Cape Town Table Bay District Plan Technical Report, Spatial Development Plan and Environmental Management Framework, which was approved as a Structure Plan in terms of section 4(10) of the Land Use Planning Ordinance, Ordinance 15 of 1985 (31 October 2012). This spatial plan identified the Two Rivers Urban Park for the intended purpose of a “Conservation Area”. As such, the kinds of developments, land uses or activities that would be undesirable (Table 5.3a of the Table Bay District Plan Technical Report) were described as “any land use or activity that will have an impact on the vegetation cover or ecological functioning of the area, including:

- Manufacturing, storage, treatment, transportation or handling of hazardous substances.
- Solid and liquid waste disposal.
- Industrial activities.
- Residential and commercial development.
- All excavation and mining related activities.
- Establishment of cemeteries.
- Abattoirs.
- Agricultural and agri-industrial activities.
- Outdoor advertising”.

The proposed River Club development requires deviation from the Table Bay District Plan, to permit urban development on land designated as “open space”, “core 2” and “buffer 1”³.

² *Two Rivers Urban Park Contextual Framework and Phase 1 Environmental Management Plan 2003*, City of Cape Town

³ Appendix A: The River Club Alternatives, page 17

[Type here]

The TRUPA believe that a higher level of spatial planning, requiring significant public participation, must precede this isolated development of 10-15% of the TRUP precinct. The River Club development alternatives (aside from the “No Go” Alternative) are in direct contradiction with the wishes of the citizens of the City of Cape Town as reflected in the existing Contextual Framework.

Further progress in a so-called “EIA process” outside of a revised local spatial development framework is meaningless.

4. The TRUPA believe that several elements in this Report have not followed Impact Assessment Best Practice

a. The TRUPA believe that it is misleading to present documents which are independent, and of key significance for stakeholders, as “appendices” to a heritage impact assessment.

“Appendix A: River Club Alternatives”, produced by Planning Partners and the River Club Professional Team Ref: 4342 (November 2017) is an independent report which should be clearly described as such. It is not connected to the specialist heritage assessment to which it is artificially linked as an “Appendix”.

It might be acceptable and logical to merge Appendix C: The River Club – Architectural Report – Preferred Alternative 1 and Alternative 2, prepared by Vivid Architects, Indigo Properties and Zenprop, with the report presented as “Appendix A”.

Appendix B: The River Club Urban Design Framework, December 2017 prepared by Urban Concepts, is also an independent document, that should be presented as such for public review.

b. The TRUPA question the replacement of the first EIA Heritage Specialist Study with a second report of entirely different authorship and findings

The draft River Club EIA originally presented to the public for review in August 2016 included a specialist consultant heritage assessment (O’Donoghue, 2015). There needs to be an enquiry as to the rationale for replacing the findings of this report, with a new set of heritage consultant findings for the same EIA.

This should especially be explored given the nature in which the second heritage report presents heritage findings far more suitable for supporting the proposed development. It might also be worthy of reporting this EIA to the International Association of Impact Assessment, Southern Africa (IAIASa), given that this brings into question the integrity of EIA as a tool to inform development in South Africa.

c. The TRUPA question the intentions of this Impact Assessment Report

[Type here]

The TRUPA are concerned that this Report was not written in order to inform decision-making, as per the intentions of an impact assessment. The TRUPA believe that **the approach and resulting HIA is not in line with Impact Assessment practice.**

The TRUPA are concerned that this Report was written in order to persuade decision-makers of a particular view.

The TRUPA are aware that the purpose of any “impact assessment” (whether EIA or HIA), is to “investigate the potential impacts, and present the decision-maker with all information necessary for consideration of these impacts”. This includes “To anticipate and avoid, minimize or offset the adverse significant biophysical, social and other relevant effects of development proposals”⁴

An impact assessment is intended to provide information to decision-makers, who then formulate conditions of development, in response to the impacts identified.

Presently the document is written with plenty of opinion, but less evidence to support the author’s opinions. Three examples follow:

- (i) *The report draws conclusions which are not based on fact, existing and/or new research*

Example 1:

The “No-Go” Alternative notes that major implications of not approving this development include:

- “The SKA development proposed on Rem. Erf 26423 will be isolated and will appear out of Context”.

This is not a fact. There is no evidence to conclude that the SKA development **will** take place on the NRF land which the River Club unsuccessfully attempted to purchase from NRF several years ago.

- “Private sector funding for the Berkley Road extension will not materialise and implementation of this road will be delayed; and Significant income for the Municipality ...will be lost”.

These are not facts. It is questionable as to why money for the City, from the developers, should be presented as a reason for approving the development.

- “Rehabilitation of the riverine edges and the wetland will not occur”.

This is not a fact. Given that the City is the landowner of the riverine edges (erf numbers 26426 and 108936), it is questionable as to why the “No-Go” Alternative would remove the City’s obligations for environmental management of the river.

Example 2:

4 http://www.swim-sustain-water.net/fileadmin/resources/EIA-Training_hands_out-English_3_.pdf

[Type here]

The authors conclude that “The site itself accommodates a complex of buildings built from the mid-1930s (the main building has a foundation-stone dated 1939...). In our view none of this has more than passing interest...”⁵

The purpose of an impact assessment is to provide reasons for “their view”. This reference to the 80 year old buildings does not provide any reasons for the decision-maker to agree/disagree with “their view”. As such, it is an entirely redundant piece of writing, and calls into question the usefulness of this information for the decision-makers.

Example 3:

The Report states that “The site therefore contains little that is worthy of conservation although the wider area contains some highly significant heritage places and structures...”⁶

The “therefore” used in the statement above refers to the absence of physical evidence, and the author’s “view” that the buildings have no heritage value. It is not based on an argument drawing on facts and existing or new research, intended to allow the reader to draw their own conclusions on the nature of the impacts.

Apparently whilst the entire area surrounding this development has high heritage value, this particular parcel of land under discussion can, for no given reason, be excluded.

How convenient for the developer that this Report implies that the site selected for development can be excluded from the rich heritage value that surrounds it on every side.

Example 4:

This Report uses as evidence, its “support” for the “findings of the visual assessment” which was produced by the EIA consultants responsible for the River Club EIA.

The production of “independent” specialist studies by the engineering consultancy responsible for the EIA has, and will always cause such specialist studies to be treated with distrust. This is especially contentious when debatable issues, such as visual impacts, are “concluded” to be in favour of the developer.

- (ii) *The Report uses two future development proposals as evidence to support their lower rating of the impacts.*

The Report states that “two future developments abutting the site will change the character of the site considerably...”⁷

5 Page 50, River Club HIA in terms of Section 38(8) Draft Heritage Impact Assessment for Interested and Affected Parties, January 2018

6 Page 3, River Club HIA in terms of Section 38(8) Draft Heritage Impact Assessment for Interested and Affected Parties, January 2018

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It is unacceptable to use the “two future developments” as evidence to support the conclusion that the impacts of the River Club development are less significant.

TRUPA communications with the SKA & INFRA SA Consortium during November 2018 (one of the “future developments” referred to above) revealed that the exact location for the building of the SKA has not been determined. Rather, the outcome of the River Club development proposal will have significant bearing on the future location of the SKA.

Justifying the River Club proposal based on a potential future development proposal that is dependent on the outcome of the development being assessed, is unacceptably misleading to decision-makers and makes a mockery of the purpose of an EIA process.

A similar argument is presented concerning the second “future development”: the Berkley Road extension. Once again, the building of this road is linked to the outcome of the development of the River Club, as the heritage impacts in the road corridor are of arguably greater import (as the confluence of the two rivers), than the heritage factors under consideration for the River Club land.

(iii) *The conclusions drawn by an author of this report does not align with the conclusions that were drawn an earlier report of his authorship.*

Tim Hart concluded in his first report linked to heritage assessment for the entire TRUP precinct, that there exists “compelling evidence” for high heritage value for all the land that forms part of the TRUP⁸. Yet this is not clearly re-iterated in this, his co-authored second report. This causes one to doubt the integrity of Tim Hart’s research.

d. *The TRUPA believe that a weak set of “Alternatives” have been developed*

The TRUPA are concerned that the development “Alternatives” as presented in Appendix A for the Report, form part of an exercise aimed at fulfilling the requirements of NEMA (ie. The generation of alternatives which are reasonable and feasible, including a “No-Go” option that does not involve the granting of new development rights). These alternatives do not present alternatives, as required by the spirit of the law.

The TRUPA might also recommend that the International Association for Impact Assessment Southern Africa examine the nature of these alternatives, and establish where these are acceptable for the purposes of submission to the relevant authorities in assisting with decision-making on the potential impacts of this development.

7 Page 4, River Club HIA in terms of Section 38(8) Draft Heritage Impact Assessment for Interested and Affected Parties, January 2018

8 Liesbet Schietecatte and Tim Hart. 2015. *The first frontier: An assessment of the pre-colonial and proto-historical significance of the Two Rivers Urban Park site, Cape Town, Western Cape Province.*

[Type here]

Alternative 1 “Riverine Corridor Alternative” (also the “preferred alternative”) and Alternative 2 “Island Concept Alternative” are, as noted by the author, “largely the same⁹”. Alternative 2 does not demonstrate any revised conceptual thinking nor landuse, nor provide any rationale for its creation as an alternative.

Alternative 3 “Mixed Use Affordable Alternative” might arguably have been developed in consideration of the arguably valid concern that the “preferred alternative” provides the wealthy citizens of Cape Town with more shops, restaurants, hotels, gyms, private schools, and high end residential accommodation.

Alternative 3 calculations result in the conclusion by the author that “this alternative is not considered financially viable for the proponent and therefore will not be assessed as a feasible development alternative¹⁰.”

The TRUPA would like to question who exactly will “not be assessing” this alternative, bearing in mind that an EIA is intended to provide information to assist *the relevant government department* in assessing the potential impacts of a development. The TRUPA therefore question the validity of a non-feasible alternative is being presented as an “alternative” for decision-making.

Alternative 4 “Reduced Floor Space Alternative” proposes “less intense development on the site... and the provision of larger areas of green open space¹¹”. Like Alternative 3, this “this alternative is not considered financially viable for the proponent and therefore will not be assessed as a feasible development alternative”. Again the TRUPA question the validity of producing an “alternative” that is, in reality, not a development alternative.

e. The TRUPA believe the EIA consultant has misled the public by presenting two “alternatives” that are not “alternatives”

The TRUPA are appalled that the second last paragraph of Appendix A to this Report note that Alternative 3 and 4, will be “screened out in the Basic Assessment Report¹²”. To suggest throughout the report that there are four “alternatives”, only to be advised in the second last paragraph of the report, that actually, there are only TWO alternatives, is misleading.

The TRUPA are concerned that this Report has not upheld impact assessment best practice.

5. The TRUPA believe several arguments presented in the Report are false

5.1. The River Club justify the need for development because present operations are “financially unsustainable”

9 Appendix A: The River Club Alternatives, page 18

10 Appendix A: The River Club Development Alternatives, Page 25.

11 Appendix A: The River Club development Alternatives, Page 25

12 Appendix A: The River Club ALtenratives, page 28

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“...the owners of the River Club believe that the current use of the property is not financially sustainable and is an underutilization of well-located land within the Cape Town urban area¹³.

It would seem reasonable to assume that the Liesbeek Leisure Properties Trust were fully aware of title restrictions when it purchased the property from Propnet in 2015 (with Erf 151382 and neighbouring erven being zoned “Community 1, Open Space 2, and Transport 2¹⁴”).

The Liesbeek Leisure Properties Trust would have been familiar with local spatial planning policy, the *Two Rivers Urban Park Contextual Framework and Phase 1 Environmental Management Plan (2003)* that guided the nature of development within the TRUP.

Purchasing a financially unviable enterprise does not provide grounds for development as presented in the preferred alternative (Alternative 1).

5.2. *Because land has already been transformed (“person-made”) from its natural state, it should be developed further¹⁵.*

- The TRUPA are concerned with the argument presented in the Report that, because the land has already been transformed, there is no reason to not develop it further in the future.

Such logic provides grounds for every piece of ground in a city to be built up.

5.3. *The open space character of the present River Club is not a factor worthy of consideration in development design.*

- The TRUPA disagree with the Report proposal that the river alone should be the primary factor informing development design. The TRUPA believe that the sense of open space is a fundamental design informant for the entire Two Rivers Urban Park area, including the River Club, along with significant heritage considerations.

5.4. *The visual impacts can be ignored, because “they are unavoidable”¹⁶ (as “concluded” by the SRK VIA Report, compiled by the consultants responsible for the EIA).*

The first heritage report produced for the EIA for the River Club by O’Donoghue in 2015¹⁷, concluded that whilst “The views and vistas to both the Observatory and the Valkenberg Buildings are not one of the key design informants to the site, yet it remains an important contextual informant to

13 Appendix A: The River Club Alternatives, page 1

14 EIA Re-development of the River Club Draft Scoping Report, Report Number 478320/1, 2016. Page 29

15 Page 4, River Club HIA in terms of Section 38(8) Draft Heritage Impact Assessment for Interested and Affected Parties, January 2018

16 Page 74, River Club HIA in terms of Section 38(8) Draft Heritage Impact Assessment for Interested and Affected Parties, January 2018

17 O’Donoghue, 2015. HERITAGE IMPACT ASSESSMENT PHASE ONE RIVER CLUB OBSERVATORY ROAD OBSERVATORY CAPE TOWN

[Type here]

the design”, and that “Future development should maintain a sense of visual permeability through the site from either side”.

The TRUPA believe that this Report has not paid sufficient attention to the visual implications – both in terms of the views from the site and views of the site from surrounding areas. This Report has not adequately taken forward the conclusions presented by O’Donoghue.

5.5. *The heritage value of the area does not exist because there is no evidence for it.*

- The TRUPA rejects the argument that the absence of physical evidence for heritage value in this precise location leads to the conclusion that heritage value does not exist.

Annexure 2, written by the author of this heritage report (Tim Hart) and another (Liesbet Schietecatte) and forming part of the Heritage Report prepared by Melanie Attwell in November 2015 investigating heritage for the entire TRUP¹⁸, concluded that “there is compelling evidence to suggest that the spine of land between the Liesbeek and Black Rivers, that now houses the Royal Observatory and Valkenburg Hospitals, played a key role.” And that whilst “The exact places where incidents and confrontations occurred can never be known, but what is evident is that the historic landscape contained within the land between the Black and Liesbeek River marks one of the most tangible and earliest historical frontiers that were to eventually herald the fragmentation of the Khoikhoi nation”¹⁹.

That Tim Hart should not draw these conclusions in this, his second report concerning heritage within a portion of the TRUP seems surprising, and should be questioned.

18 Melanie Attwell and Associates and Arcon Heritage and Design: Two Rivers Urban Park Baseline Heritage Study October 2016. DRAFT FOR DISCUSSION TWO RIVERS URBAN PARK CAPE TOWN BASELINE HERITAGE STUDY Including erven Oude Molen Erf 26439 RE Alexandra Erf 24290 RE Valkenburg Erf 26439 RE, erven 118877,160695 The Observatory erf 26423-0-1 River Club erf 151832 Ndabeni Erf 103659-0- RE

19 Liesbet Schietecatte and Tim Hart. 2015. *The first frontier: An assessment of the pre-colonial and proto-historical significance of the Two Rivers Urban Park site, Cape Town, Western Cape Province.*

Amy Hill

From: joyrrobinson@gmail.com
Sent: Tuesday, 06 March 2018 10:26 PM
To: Amy Hill; ssquared@worldonline.co.za; Waseefa.Dhansay@westerncape.gov.za; hwc.hwc@westerncape.gov.za
Subject: HIA for the River Club

Dear Mr Townsend,

I wish to strongly endorse the submission of the OCA with regard to your presentation of the revised HIA for the River Club site.

The assessment is extremely limited focusing only on the river and ignoring the many other important and vital heritage aspects relating to history, conservation, the natural environment and taking no account of the enormous amount of work regarding the heritage potential of this site that has been done by various organisations over the last several years.

The development suggested for the site is completely inappropriate given it's huge heritage and environmental value and I would urge you to broaden the scope of your assessment. As it stands it is a travesty in many aspects and extremely disrespectful to the people whose history you are ignoring or at the very least devaluing.

Thank you for your consideration of my comments.

Yours sincerely

Joy Robinson
Long standing Observatorian and OCA membe Sent from my iPad

Amy Hill

From: Martin Reitz <martinrz@mweb.co.za>
Sent: Tuesday, 06 March 2018 10:42 PM
To: Amy Hill
Subject: SRK Ref No 478320 : Proposed re-development of River Club, Observatory

Dear Amy Hill,

I would like to add my comments on the proposed re-development of the River Club.

I am not an expert in any of the fields concerned with such a major development and therefore can only give an opinion as a concerned citizen. I live quite near the area, so I am aware that the whole area of the proposed Two Rivers Urban Park has been discussed and mulled over for many years.

This may be the last big space within the city boundaries, which could become a cultural heartland as well as a living green space to provide breathing space for all who live here, and our growing number of visitors. We all know that we need to densify and uplift areas near to town and places of work - but all these people need some space to relax and get away from the traffic, the high-rise, high-pressure living conditions and general stress of big city life. Surely it would make more sense to densify and uplift areas AROUND - or perhaps ON THE PERIPHERY of the Two Rivers Urban Park ?

I think the River Club site is the only large open space within the Two Rivers Urban Park area, and I think the proposed "improved riverine corridor" along the course of the canalized Liesbeek River is in no way a substitute. To walk along such a buffer zone, between a high density, modern, built-up area and look across the possibly improved Liesbeek, at the heritage sites across the river would certainly not give one a break from the bustling, noisy, city. Imagine Rondebosch Common with a number of high-density precincts clustered across the open space !

We know money makes the world go round, but it will be very sad if the potential of the Two Rivers Urban Park has to be sacrificed for another Century City type development.

Thanks -

(Mrs) Anna Elizabeth Reitz
12 Derwent Way, Pinelands, 7405
email: martinrz@mweb.co.za

3 South African SAAO

Observatory Rd

Observatory

March 2018

SRK Consulting (South Africa) (Pty) Ltd

The Administrative Building Albion Spring

183 Main Rd Rondebosch

7700

Cape Town

South Africa

Attention: Amy Hill – Environmental Management Consultant

Comments on the Heritage Impact Assessment (HIA) for the Proposed Redevelopment of The River Club and the Rehabilitation of Watercourses at Adjacent Properties in Observatory, Cape Town (HWC Case No.: 15112504WD1217E, DEA&DP Ref. No.: 16/3/3/6/7/2/A7/17/3104/16 and DWS Ref. No.:16/2/7/G22/A/11)

Thank you for the opportunity to provide feedback and comments on the Redevelopment plans of the River Club. I am making these comments as a Resident of the South African Astronomical Observatory, a member of TRUP and the Western Leopard Toad Committee. I would be grateful for an acknowledgement of this letter.

The owner and operator of The River Club in Observatory, Cape Town, the Liesbeek Leisure Properties Trust, LLPT, wish to redevelop the site for residential, commercial, institutional and associated uses. This proposed redevelopment has been the subject of many public participation meetings and presentations over the past couple of years. The outcome of this public participation was that the overwhelming majority of the many people who attended the meetings completely

rejected the River Club development proposal. Alternative sites for development were easily identified, for example along Voortrekker road, Woodstock, Salt River and Ndabeni. In all these areas densification was felt to be appropriate and would be welcomed.

- After having actively attended and participated in all these public participation meetings and workshops, I find it appalling that this latest Heritage study chooses to ignore all the input received. One hopes that public participation is taken seriously, and indeed there are legal implications when it is not, so this attitude needs to be clearly noted. There is justifiable anger when it appears that it was basically a waste of time. Simply ignoring public opinion and pandering to a property developers' desire to make money not acceptable.
- There is an attempt to make us believe that there is no sense of history in the area and no cultural history worth preserving. Rehabilitating the river (if that in fact happens, as one option does not even do that) is seen as adequate compensation for raising the area to 6m above sea level and then building 4-12 floor buildings across the area. How anyone can argue that creating this enormous bulk of tall buildings on an area which is historically flat and green does not alter the sense of historical open space, is unbelievable. The cultural history of the area, as anyone who has studied its history will realise, is not something that can be obliterated and replaced by a rehabilitated river.
- Although it is true that the area is being used as a man-made golf course and therefore is not in its original natural form, it still remains the site of breeding ponds and a residential area for the endangered Western Leopard Toad. These toads are actively living on the grounds and breeding in the ponds, both on the golf course and in the remains of the Liesbeek River. They will not survive if the area is raised with landfill and the breeding ponds and river obliterated. This HIA completely ignores any comment about flora and fauna, despite that being an integral part of our heritage worthy of preservation.
- The visual implications of this development are mentioned in passing as far as they relate to the view from the development itself. The effect on the neighbouring historical South African Astronomical Observatory are completely ignored. Part of its cultural history includes the views of the mountains and signal hill. It is suggested that these no longer exist anyway. As a resident of the Observatory, I can assure you this is not the case. A development of this magnitude will complete and irrevocably alter views across the entire area, one of the last truly open urban green lungs close to central Cape Town.
- The report justifies the destruction of the area because the building of the SKA building and the Berkley Road extension are seen as a done deal. This is not the case at all, with the funding of the development of the SKA building not even having been approved. There are ongoing discussions about alternative places for it to be built. The most favourable alternative position is on the raised area between the SAAO and Valkenberg. This avoids the issues of building in a flood plain and received general approval as a viable alternative during public participation. Similarly the Berkley Road extension is far from a done deal, it too is hugely problematic as it goes right through a sensitive wetland and the hub of the area most significant to traditional leaders.
- The proposed development is in the flood plain and everyone living nearby has experienced what happens when the rivers rise and engulf the surrounding roads and properties. Pictures of cars bobbing around in the flooded River Club grounds are memorable. Previously, development on the River Club grounds was not considered feasible because of the flooding risk. A

hydrological study was undertaken which contradicted all previous studies and declared that by raising the level of the land to 6m above sea level, not only would the development be safe from flooding, but it would not affect the risk of flooding in the surrounding area. The latter statement left everyone totally unconvinced. At the last public meeting it was stated that there was a flaw in the model and that it would be redone. One hopes it was, but there has been no comment on the results. There is still great concern that raising the level of the land on the new development will increase the risk of flooding in the surrounding areas – areas which already battle with the influx of water after heavy rain. These areas include the SAAO, where several buildings are flooded regularly, the houses below the railway line, the railway line to the North of the site, the sports fields and the Liesbeek Parkway and M5 highways. This risk is not adequately addressed in the HIA.

In conclusion, this Heritage Impact Assessment is simplistic and its arguments are frequently fallacious. It does not adequately address the very real issues that are raised by the proposed development and the destruction that will cause to our natural and cultural heritage.

Regards

Jean Ramsay

Amy Hill

From: Pierre du Preez <dupreezp@mweb.co.za>
Sent: Tuesday, 06 March 2018 11:16 PM
To: Amy Hill
Cc: 'Clark'
Subject: Objection to Observatory development

Response in lieu of the proposed development of the Riverside Club and adjoining properties in Observatory, as well as intended rehabilitation of affected rivers and their banks in the vicinity.

Stakeholder Comment Period: Heritage Impact Assessment for the Proposed Redevelopment of the River Club and the Rehabilitation of Watercourses at Adjacent Properties in Observatory, Cape Town

(HWC Case No.: 15112504WD1217E, DEA&DP Ref. No.: 16/3/3/6/7/2/A7/17/3104/16 and DWS Ref. No.: 16/2/7/G22/A/11)

As a ratepayer of the COCT and an involved citizen in matters of heritage, culture and nature, the proposed development, etc., as set out by the professional team hired by the developer, leaves me astounded by its scope and audacity. If one considers the nature and demands of the times we live in, the envisaged changes seem wholly untoward and grossly insensitive to our finely-balanced, shared habitat. The general approach is clearly mercenary. One is confronted by trade-offs along the lines of: 'Yes, you'll lose your legs, but, don't worry, we'll get a good price for those redundant shoes...'

The overall requirement for this riverine area should be true rehabilitation to recapture as much as possible of the original natural habitat. This will ensure that we have something approximating the historic reality of what was here once upon a time. Once that has been established, the true value of the natural surroundings will become apparent and unobtrusive and integrated development can then be contemplated.

We need to undo the present historical degradation, prevent further degradation and protect and advance this priceless asset to become an attraction for the urbanised and congested habitat that the city is. All further 'development' here should be made subservient to the needs of the natural area and its rivers. Any rights to excessive profits from what is presently here – at the expense of the natural habitat – should be curtailed. This tract of land should receive the highest protective grading possible for its inherent historic and environmental potential.

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House 3
South African Astronomical Observatory
Observatory Road
Observatory 7925
Cape Town

6 March 2018

SRK Consulting (South Africa) (Pty) Ltd
The Administrative Building Albion Spring
183 Main Rd Rondebosch
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Cape Town

Attention: Amy Hill – Environmental Management Consultant

Comments on the Heritage Impact Assessment (HIA) for the Proposed Redevelopment of The River Club and the Rehabilitation of Watercourses at Adjacent Properties in Observatory, Cape Town (HWC Case No.: 15112504WD1217E, DEA&DP Ref. No.: 16/3/3/6/7/2/A7/17/3104/16 and DWS Ref. No.:16/2/7/G22/A/11)

Dear Ms Hill,

Herewith I wish to provide my objections on the Redevelopment plans of the River Club as proposed by Liesbeek Leisure Properties Trust, LLPT. I am a concerned and affected party to any such development, being a resident and employee of the South African Astronomical Observatory.

I have been aware for sometime of the proposed redevelopment of the River Club land, that has only recently been sold by PRASA (for how much exactly?) in what appears a far from transparent process. The development has been the subject of a number of public participation meetings and presentations over the past couple of years, where concerns and suggestions were provided to the developers by a number of affected parties. Much of this involved the attempts to sensitize the developers of the ecological, heritage and the park-like nature of the site that falls within the TRUP demarcation. Disavowing claims of the site being “sterile” and unimportant from a biodiversity and ecology perspective was part of this feedback. Preserving the green-space and park-like nature of the area was another.

From the latest proposal from the developers it would appear that this has entirely fallen on deaf ears. It would appear that the developers have cynically ignored all of the constructive comments regarding the appropriate development of the area that *would benefit the wider community*, rather than the well-healed and the owners of the property, who will rake in a steady income from rental of the proposed residential and commercial property.

The question of preserving the area for the benefit of the many rather than the few has not entered the developers mindset, it would seem. The fact that the current land is an integral part of an existing large green open space, TRUP, including wetland areas, has all but been ignored. The only recreational or non-commercial use of the land is now consigned to the river boundaries.

That such an important “green lung” of the city should fall under the money-driven developers grasp is something that needs serious scrutiny. 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 utterly without merit.

I am utterly disgusted with the high handed and dismissive nature of the public participation response. This has mostly ignored the feedback given to date and the developers have blithely proceeded to do what they want. It makes the whole EIA and public participation process a joke and indeed the worst example of the high-handedness which has become symptomatic of money driven developments in South Africa.

I will continue to strenuously oppose this ill-considered proposal, as I know will many others who also feel the way I do. My sincere hope is that the various safe guards that are nominally in place to protect high-handed behaviour of this nature, as exemplified by the developers, will assist reining them in for good.

Yours sincerely,

A handwritten signature in cursive script that reads "David Buckley". The signature is written in black ink and is positioned below the "Yours sincerely," text.

Dr David A. H. Buckley
SAAO
6 March 2018

Amy Hill

From: H Bowen <hbowen@telkomsa.net>
Sent: Wednesday, 07 March 2018 7:46 AM
To: ssquared@worldonline.co.za; Amy Hill
Cc: OCA Chair; Leslie London; Marc Turok; Tracy
Subject: Feedback on the Heritage Impact Assessment (HIA) regarding the development of the River Club

Importance: High

Hello

As a long-time resident of Observatory and someone who has participated in many meetings/workshops on the whole TRUP area, I attended the reportback meeting held by the Observatory Civic Association last Monday evening.

My first comment is that very little seems to have been taken into account from the previous public meeting held by the River Club. I am also concerned that the River Club owners are not taking into consideration that Heritage Western Province has recognised that the River Club is not an isolated tract of land but is very definitely part of the broader TRUP environment.

I would like to record that I fully endorse the letter which the OCA has sent to you as feedback on the last HIA submitted to the public. Much has been left out or underplayed and therefore cannot be considered as a substantive HIA for this area.

Regards

Hazel Bowen
1 Country Places
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Cifa a region of SAIA
(The South African Institute of Architects)

5th March 2018

Mr Stephen Townsend
Stephen Townsend, Conservationist
10 Faure Street
Gardens
8001

per email. ssquared@worldonline.co.za

Dear Mr. Townsend

**PRESENTATION TO THE Cifa HERITAGE REVIEW COMMITTEE ON 8 FEBRUARY 2018
PROJECT: ERF 151832, RIVER CLUB, OFF STATION ROAD, OBSERVATORY
TYPE OF DEVELOPMENT: RESIDENTIAL, RETAIL, OFFICE, INSTITUTIONAL
HERITAGE PRACTITIONER: STEPHEN TOWNSEND
ARCHITECTS: VIVID ARCHITECTS – IMRAAN HO-YEE
STATUTORY CONSULTATION PROCESS: SECTION 38(8) HIA PROCESS UNDER NEMA**

Comment

The urban legibility of Cape Town (and more specifically, its citizen's perception of those natural elements that underpin the form that the city assumes today) has been eroded over the past decades. This site is one of the few places where the relationship between the city and the river that once formed its symbolic and practical edge can still be visually and physically experienced. The River Club site should also not be seen in isolation but as a part of the greater context.

This physical aspect of the river corridor as an urban threshold is overlaid by many intangible aspects of the site and surrounding context, such as its being the site of the "Frontier War", as well as the edge of the early Liesbeeck Farm grants, defended through a network of forts and hedges. Taken together, these aspects afford the site a high degree of symbolic significance. The northern end of the site, where the bulk of the development is proposed, currently still conveys the character of the confluence of the rivers because of its visual accessibility from both east and west sides of the river corridor with no ridge of higher land between them and no buildings to confuse the interpretation of the landscape as belonging to the two river systems.

Therefore, 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 it 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" are located here precisely because of the threshold quality the area offers.

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.



Mitigating factors

The draft HIA uses the future development of the Berkley Road link and of the South African Astronomical Observatory's Square Kilometre Array (SKA) head offices as strong mitigating factors in the development of the River Club site and it is argued that these will not transform the perception of the floodplain, the sense of place and significances irrevocably.

As the Berkley Road connection will cross a river and flood plain, it is expected that the crossing should be a bridge which, although not desirable, will impact very differently on the landscape compared to buildings. A bridge by its very nature speaks to the flow of elements around it and, designed with imagination, could even enhance the public's awareness of the site's importance. There is also the possibility of the link being routed to and along the edge of the PRASA site to the north and not directly across the River Club site. The link should therefore not be used in mitigation of the River Club development.

The possible position of the SKA building near the Station Road intersection is more closely related to the urban edge than the River Club proposal and has the mitigating factors of an appropriate use, an association with an entrenched institution between the rivers and a physical background of the south/north orientated ridge which obscures the legibility of the flood plain from the southern aspect giving a far more limited impact on the reading and significance of the flood plain than the River Club proposal. The expressed concern that the proposed SKA building "will be isolated and will appear out of context" should not be a pretext for developing the River Club site to give the SKA built context. The SKA building should and will follow its own applications and design scrutinies and should not be used as a mitigating factor for the River Club proposal.

The "No-Go" Alternative

In relation to the "No-Go" alternative discussed in the draft assessment, the three concerns can be commented on as follows:

- 1) Development - It is understood that the "No-Go" alternative does not mean a moratorium on development, and indeed, it is stated that "substantial new development could still occur within the new (2013) zoning of Open Space Zoning 2", with consent.
- 2) Riverine restoration – Regarding the "restoration of the Liesbeek River and its riverine corridor" not occurring with the "No-Go" alternative, the canalised portion being referred to is not in fact the original corridor. The Liesbeek followed a more westerly course and the area proposed for development is the original flood plain. Therefore, the river will not be restored but the canalised portion will be made more riverine. It was also suggested in the presentation that the SKA development may anyway include the same remaking of the canal edges into a riverine environment when that development proceeds.
- 3) Delay in the Berkley Road extension - The "delay of the implementation of the Berkley Road extension due to the withholding of private sector funding along with significant rates income being lost" if the "No-Go" alternative is followed is considered inconsequential in comparison to the loss of significance that the River Club development envisages.

Conclusion

From the draft HIA - "We regard the River Club site and its surrounds to be of very high environmental/topographical/ecological and historical significance both as a flood plain of the Liesbeek River and as the site of the early confrontations between indigenous peoples and settlers. Indeed, this significance, taken as a single complex of significance and symbolic meaning, is of the highest order in the current socio-political climate."



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The committee is in agreement with this and acknowledge that the draft HIA is a very well written and researched document. The committee do not however agree with the preferred development proposal which it considers does not acknowledge or reflect the attributes described in the assessment of significance.

HWC's interim comment of 03.05.2017 for the Two Rivers Urban Park (TRUP) submission, which included the River Club - although with notably less development indicated on the River Club site - was that the "potential loss of open space qualities were of particular concern". The committee shares this concern for the River Club site.

The HWC IACom recommendation that the Council of HWC gives consideration to the provisional protection of the precinct, including the River Club site, is supported.

Yours sincerely

John Wilson- Harris

Pr.Arch: B.Arch (UCT), BAS (UCT), SACAP Reg. No: 5673, SAIA, CIA

Convener of the Heritage Review Committee

for and on behalf of the Cape Institute for Architecture

These comments might include statements which were not necessarily expressed at the presentation.

Disclaimer

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To: Matthew Law
Senior Environmental Management Consultant
SRK Consulting

22 February 2018

RE: DRAFT PREPARED FOR INTERESTED PARTY CONSULTATION, Heritage Impact Assessment Regarding the Development of the River Club (Erf 151832) Observatory, Cape Town. For consideration by Heritage Western Cape and the Department of Environmental Affairs and Development Planning. Prepared by Tim Hart and Stephen Townsend dated 18 January 2018.

Dear Matthew

EHM (Heritage) is commenting on the above Draft HIA (the document) in terms of Section 38(8) of the National Heritage Resources Act.

The document identifies several heritage resources to be impacted on by the proposed development and provides a detailed analysis of the level of significance of those resources. The resources identified are subsequently filtered into "High-order cultural significances" and Low-order cultural significances". EHM is in agreement with which heritage resources have been identified and determined to be impacted on by the proposed development.

EHM believe that additional emphasis should be placed on the levels of significance of the following two subject areas:

1. **The Cultural Landscape:** Under 7.3 Conclusions on pages 50 and 51 regarding significances, the document states that, "We regard the River Club site and its surrounds to be of very high environmental/topographical/ecological and historical significance both as a flood plain of the Liesbeek River and as the site of the early confrontations between indigenous peoples and settlers."

This in essence is the cultural landscape which encompasses the River Club site and surrounds. The 'old river course', albeit altered and currently disjointed over time, forms an integral part of the environmental, topographical, ecological and historical significance of this cultural landscape.

EHM 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 alternatives.

This cultural landscape is a legacy for the whole of society and reveals aspects of our country's origins and developments as well as our evolving relationships with the natural world. The ongoing care and interpretation of these sites improves our quality of life and deepens a sense of place and identity for future generations. – The Cultural Landscape Foundation.

2. **“The South African Astronomical Observatory (SAAO) campus or site, comprised of heritage buildings and spaces associated with the early nineteenth century establishment of the Royal Observatory, 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.** This is a site of outstanding cultural and scientific significance and has contributed in international terms to the science of astronomy. It is an outstanding example of a layered heritage landscape, comprising buildings of architectural significance and activities of scientific significance set within a treed campus. The campus is of international scientific significance and has been the subject of a UNESCO World Heritage Site report.” – Melanie Attwell and Associates and Arcon Heritage and Design: Two Rivers Urban Park Baseline Heritage Study October 2016.



Further to the document's **proposed heritage-related design indicators** – criteria for decision making, EHM would add more emphasis on the three 'bullet points' which relate to, the "pre-1952 river course", design indicators intending to guide development in more prescriptive detail including heights, scale, and density, and the SAAO Site.

As described above, 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 a proposed development's heights, scale and density would certainly also impact on any relative levels of heritage significance.

Alternative 1: The Riverine Corridor Alternative.

Approximately 150 000sq.m of floor space will be developed.

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 and by the proposed heights, scale, and density of this alternative. 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, as can be seen from the Masterplan Massing – Preferred Alternative 3D image provided in the Architectural Report, dated 2018-01-15 by Vivid Architects which is contained in Appendix B of the Urban Design Report.

Mitigation might be in the form of reducing the proposed build heights and density as well as a reduction of hard surface areas. 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 adaption.

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. The old Liesbeek River channel forms an integral part of the environmental/topographical/ecological and historical significance and current status of the area which can clearly be seen from Figures 2 and 21 of the document as well as from the cover photograph of The River Club: Development Alternatives, prepared by Planning Partners dated November 2017. 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'.

Alternative 2: Island Concept Alternative.

Approximately 150 000sq.m of floor space will be developed.

Alternative 1 and 2 will have a similar level of impact 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 manmade structure. The existing watercourses will remain largely unchanged.

Alternative 3: Mixed Use Affordable Alternative.

Approximately 110 000sq.m of floor space will be developed.

This reduction in proposed floor area impacts less on the cultural landscape and to a lesser degree on SAAO than do Alternatives 1 and 2.

Alternative 4: Reduced Floor Space Alternative.

Approximately 102 000sq.m of floor space will be developed. Similar impacts on levels of heritage significance as Alternative 3.

Conclusion:

The level and intensity of these impacts might be understood better through the availability of appropriate studies in the form of, or similar to, visual and traffic impact assessments for example and, in addition, a peer review of the document, if not undertaken already, could also add value to the process as well as to the development as a whole.

EHM is not opposed to the redevelopment of the River Club site. The heritage resources identified to be impacted on by the proposed development have varying degrees of proximity to the site and heritage levels of significance but, EHM believes that the levels of significance of, in particular, the cultural landscape and the SAAO site will be compromised or reduced to such an extent by the proposal, that mitigating measures should be considered in order to reduce the negative impact.

I trust that this comment is adequate for your needs.

Regards,

Mark Bell Pr Arch, Principal Heritage Professional
ENVIRONMENTAL AND HERITAGE MANAGEMENT: DISTRICT A
ENVIRONMENTAL RESOURCE MANAGEMENT DEPARTMENT

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DATE	13-03-18
TO	Mathew Law-Senior Environmental Management Consultant
ATTENTION	SRK Consulting
APP	Heritage Impact Assessment-River Club Re-Development
ERF	Erf 151832 Observatory, Cape Town

URBAN PLANNING & MECHANISMS COMMENTS ON THE APPLICATION RELATING TO THE DRAFT HERITAGE IMPACT ASSESSMENT (HIA) REGARDING THE RE-DEVELOPMENT OF THE RIVER CLUB (Erf 151832) OBSERVATORY, CAPE TOWN.

1. INTRODUCTION

The abovementioned Draft HIA, prepared by Tim Hart and Steve Townsend on behalf of the Liesbeek Leisure Properties Trust for consideration by Heritage Western Cape and the Department of Environmental Affairs and Development Planning, was circulated on 16 January 2018 to I&AP's for public comment.

The Draft HIA attempts to satisfy Section 38 (3) of the National Heritage Resources Act (NHRA) in conjunction with a Basic Assessment process conducted under the National Environmental Management Act (NEMA).

The document identifies several heritage resources to be impacted on by the proposed River Club Re-Development, provides a detailed analysis of the level of significance of these resources, identifies a set of Design Indicators, mitigating measures required and set of recommendations relating to the proposed "Riverine Corridor" Development Alternative.



Image 1 – Showing the proposed site in its context.

2. OBSERVATIONS & DISCUSSION

Urban Planning and Mechanisms take cognisance of the fact that the Document reflects an in-depth, well-researched and articulated piece of analysis by a highly professional specialist team, ties in the recommendations to the set of Urban Design parameters identified and Draft prioritised Development Proposal identified, views the River Club as a Precinct within the broader Two Rivers Urban Park (TRUP) and acknowledges the work undertaken relating to the TRUP Local Spatial Development Framework (yet to be completed).

Support is given to the fact that Heritage Resources identified within the broader TRUP Study area (of which the River Club is a Precinct), are also considered re: Valkenberg Hospital Complex, Valkenberg Minor Manor, Oude Molen, Alexander Institute and Mill and finally, the Maitland Garden Village and implication this has for the River Club Study Area.

Support is given to the assumption made in the Document that two initiatives on the site are likely to become a reality and set of spatial fixes, and are likely to have considerable implications for the River Club development proposal and assessment of heritage and other impacts, namely the Berkley Road extension on the northern portion of the site linking the Voortrekker Road Corridor to Malta Road and the CBD and the development of the Square Kilometer Array HQ (8 300sqm) on the southern portion abutting the River Club Site.

Cognisance is also taken of the fact that the City and the WCG are in the process of appointing a set of consultants to complete the TRUP LSDF as a City approved Policy Plan, including the Comparative Analysis (Synthesised Technical Report) of the set of Specialist Technical Reports pertaining to the River Club and broader TRUP Study Area and that proposals underpinning the River Club Re-Development, do not have to wait for the approval of the Policy, before River Club Proposals are submitted for scrutiny.

Urban Development and Mechanism give 'in-principle' support to the Liesbeek River as a Riverine Corridor and historic element and together with the Ecological Corridor and recommendations in the report that the Heritage Design Indicators and recommendations be incorporated into the Urban Design Indicators, which will act as contextual Guidelines for the responsible development of the Study Area.

Urban Development and Mechanisms take cognisance of the findings in the Report that state that besides the pre-colonial river crossing site and the Liesbeek Riverine Corridor, that there are no heritage resources on the site that will require intervention and that determining the character of the site remains an Urban Design issue.

The heritage feature of high significance has been identified as the Liesbeek Corridor itself acting as a powerful symbol and place-marker that refers to early landscape pre-colonial transhumance use, colonial settlement and agriculture and contestation.

Support is given to the principle of enhancing and restoring the Liesbeek River as indicated in the Riverine Corridor Development Alternative.

Finally, support is given to the Environment & Heritage Management Department (Heritage) recommendations that additional emphasis should be placed on the levels of significance of the Cultural Landscape and the South

African Astronomical Observatory (SAAO) and possibly identifying further Mitigating measures that might be required .

3. CONCLUSION

Urban Development and Mechanisms support development on Erf 151832 (River Club) as part of the broader TRUP LSDF implementation and rationalisation and furthermore give 'in-principle' support to the Liesbeek River Riverine Corridor and Ecological Corridor Alternative as identified in the abovementioned Report. Support is likewise given to the successful conclusion of the Basic Assessment process.

Peter van Heerden

for: URBAN PLANNING & MECHANISMS

with input from Pieter Wasserman

from: URBAN DESIGN

URBAN INTEGRATION