



# OBSERVATORY

Civic Association

*DCAS Award Winner, 2018 : Most Active Conservation Body*

76 Arnold St, Observatory, Cape Town, 7925

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5<sup>th</sup> March 2018

Stephen Townsend  
Heritage Practitioner  
River Club Development

Dear Stephen Townsend

C/o [ssquared@worldonline.co.za](mailto:ssquared@worldonline.co.za) or submit comments to email: [ahill@srk.co.za](mailto: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.)

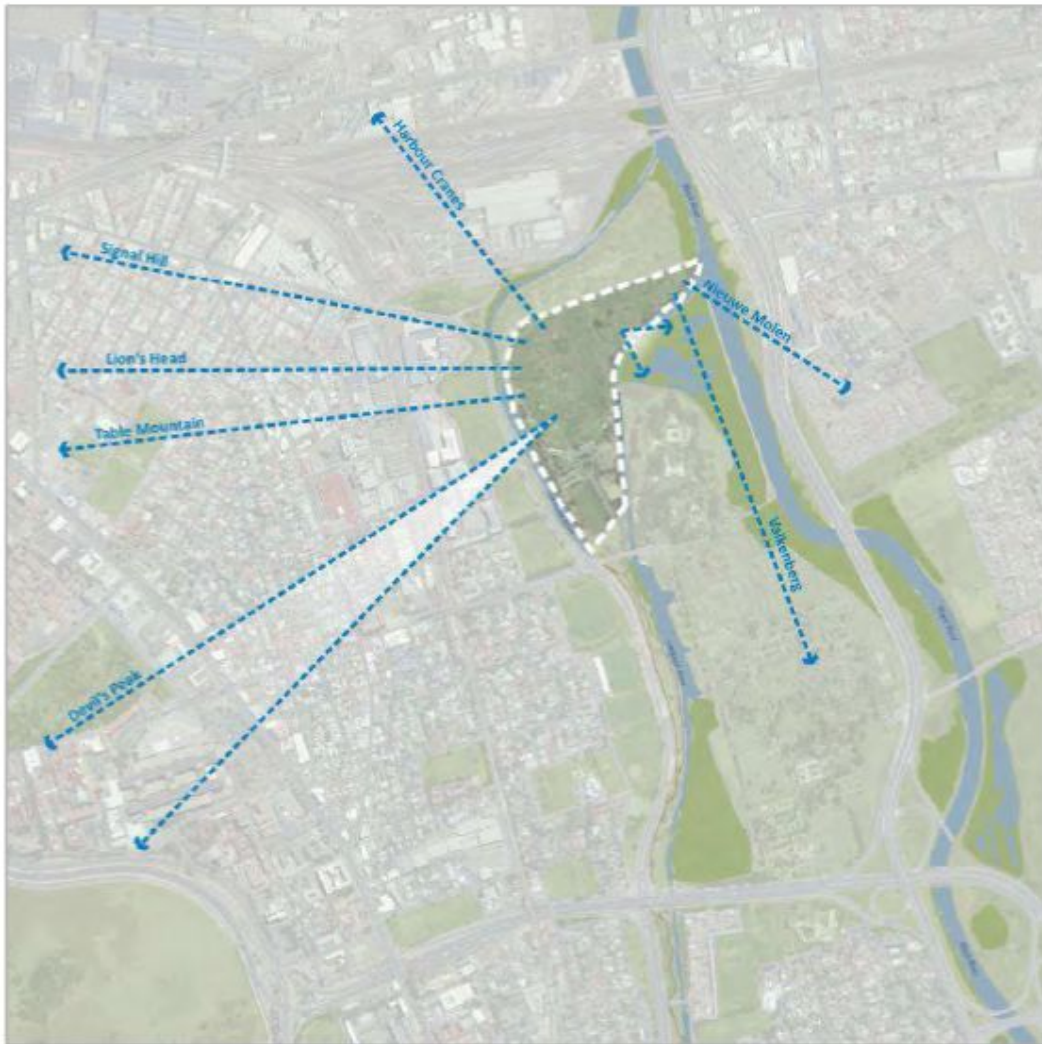


Figure 37: Dominant views from and through the site, Urban Concepts 2016(2)

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 14<sup>th</sup> 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 Liesbeeck-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*

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