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21 August 2020
478320

Dear Madam/Sir

Redevelopment of the River Club in Observatory, Cape Town: Notice of Decision on Application for Environmental Authorisation

DEA&DP Reference Number: 16/3/3/1/A7/17/3001/20

Notice is hereby given that on 20 August 2020, the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) granted Environmental Authorisation (EA) for the proposed redevelopment of the River Club in Observatory in terms of the National Environmental Management Act 107 of 1998, and the Environmental Impact Assessment Regulations, 2014 (as amended). This decision was issued to the applicant, the Liesbeek Leisure Properties Trust, on 20 August 2020.

The granting of the EA is subject to a number of conditions, which, along with the reasons for the decision, are set out in the EA attached as Appendix A and available at the following link: https://www.srk.co.za/en/za-redevelopment-river-club-observatory.

In terms of the National Appeal Regulations, 2014, and Section G of the EA, any person wishing to appeal the decision must submit an appeal to the Appeal Administrator (see below) and a copy of the appeal to all registered Interested and Affected Parties (I&APs), any Organ of State with interest in the matter and the decision maker within 20 calendar days from the date I&APs were notified of the decision (i.e. no later than 10 September 2020).

The appeal must be submitted in the prescribed appeal form to the Appeal Authority:

- By post: Attention: Marius Venter
  Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
  Private Bag X9186
  Cape Town
  8000
- By fax: (021) 483 4174; or
- By hand: Attention: Mr. M. Venter (Tel: 021 483 2659/5116)
  Room 809
  8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Partners R Armstrong, S Bartels, N Brien, JM Brown, CD Dalgliesh, BM Engelsman, R Gardiner, M Hinsch, W Jordaan, WC Joughin, DA Kilian, F Lake, JA Lake, V Maharaj, I Mahomed, HAC Meintjes, MJ Morris, DH Mossop, GP Nel, VS Reddy, PJ Shepherd, T Shepherd, MJ Sim, VM Simposya, JS Stiff, M van Huyssteen, AT van Zyl, MD Wanless, ML Wertz, A Wood

Directors AJ Barrett, CD Dalgliesh, WC Joughin, V Maharaj, VS Reddy, T Shepherd, AT van Zyl

Associate Partners PJ Aucamp, CM Bauman, LSE Coetser, SA de Villiers, M du Toit, SG Jones, L Linzer, JI Mainama, NG Macfarlane, RD O'Brien, S Reuther, D Visser, C Wessels

Consultants JR Dixon, *PrEng, PhD*, PR Labrum, *PrEng*, RRW McNeill, *PrTech Eng*, PN Rosewarne, *PrSci Nat, MSc*, PE Schmidt, *B.Comm, DipAcc, CA(SA)*, AA Smithen, *PrEng*, TR Stacey, *PrEng, DSc*, PJ Terbrugge, *PrSci Nat, MSc*, HFJ Theart, *PrSci Nat, PhD*, DJ Venter, *PrTech Eng*

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To obtain the prescribed appeal form and guidance on the submission of appeals, please contact the Appeal Authority at: Tel. (021) 483 3721, e-mail DEADP.Appeals@westerncape.gov.za or visit the website at http://www.westerncape.gov.za/eadp.

The contact details of the applicant and registered I&APs can be obtained from SRK on request for distribution of copies of the appeal, as required by the National Appeal Regulations, 2014.

Should you require further information, please contact Matthew Law of SRK at mlaw@srk.co.za; Postnet Suite #206, Private Bag X18, Rondebosch, 7701; Fax: 086 530 7003; Tel: (021) 659 3060.

Yours faithfully,

SRK Consulting (South Africa) (Pty) Ltd

SRK Consulting - Certified Electronic Signature

srk consulting

478320/44062/Letter

4012-4064-1897-LAWM-21/08/2020

This signature has been printed digitally. The Author has given permission for its use for this document. The details are stored in the SRK Signature Database

Matthew Law
Principal Environmental Consultant

Appendix A:
Environmental Authorisation

REFERENCE: 16/3/3/1/A7/17/3001/20
NEAS REFERENCE: WCP/EIA/0000719/2020
ENQUIRIES: MS. K. ADRIAANSE
DATE OF ISSUE: **20 AUGUST 2020**

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO.107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED REDEVELOPMENT OF THE RIVER CLUB FOR MIXED USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 15326 AND ERVEN 26169-26175, 26426-26427, 108936 AND 151832, OBSERVATORY.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Riverine Corridor Alternative (i.e. the Preferred Alternative), described in the Basic Assessment Report ("BAR"), dated 06 April 2020 received by the competent authority on 08 June 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
c/o Mr. J. Aufrichtig
Liesbeek Leisure Properties Trust
P.O. Box 786739
SANDTON
2146

Tel: (021) 486 5999
Email: jody@orangestreet.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):	
Activity Number: 19 Activity Description: *The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;* *but excluding where such infilling, depositing, dredging, excavation, removal or moving –* *(a) will occur behind a development setback;* *(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;* *(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;* *(d) occurs within existing ports or harbours that will not increase the development footprint of the port of harbor; or* *(e) where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.*	The proposed development will include the infilling of the unlined/natural channel of the Liesbeek River, the rehabilitation of the Liesbeek Canal, the partial infilling of the excavated channel at the Raapenberg Wetlands and associated infrastructure of more than 10m^3 of soil from a watercourse.
Activity Number: 27 Activity Description: *The clearance of an area of 1 hectares of more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –* *(i) the undertaking of a linear activity; or* *(ii) maintenance purposes undertaken in accordance with a maintenance management plan.*	The proposed development entails the clearance of an area of 1ha or more of indigenous vegetation.
Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):	
Activity Number: 15 Activity Description: *The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.* ***f. Western Cape*** *i. Outside urban areas, or*	The proposed development entails the transformation of land bigger than 1000m^2 in size to residential use where such land was zoned open space on or after 02 August 2010.

ii. Inside urban areas: *(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;* *(bb) A protected area identified in terms of NEMPAA, excluding conservancies; or* *(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.*	
Activity Number: 18 Activity Description: The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. **i. Western Cape** *i. Areas zoned for use as public open space or equivalent zoning;* *ii. All areas outside urban areas:* *(aa) Areas containing indigenous vegetation;* *(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or* *iii. Inside urban areas:* *(aa) Areas zoned for conservation use; or* *(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.*	The proposed development and widening of the road infrastructure on a portion of the Remainder of Erf 15326 and zoned as Open Space 2.

The abovementioned list is hereinafter referred to as "**the listed activities".**

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the proposed development:

The proposed development entails the redevelopment of the River Club for the establishment of a mixed-use development and associated infrastructure on the Remainder of Erf 15326, Erven 26169 – 26175, Erven 26426, 26427, 108936 and 151832, Observatory.

The proposed development will comprise of the following components:

- Retail;
- Commercial;
- Residential;
- Institutional;
- Rehabilitation of the Liesbeek River Canal and associated infrastructure;
- An ecological corridor, ecological setbacks and associated Open Spaces;
- The infilling of the unlined/natural channel of the Liesbeek River and associated stormwater infrastructure;
- Roads and Service infrastructure; and
- Associated infrastructure

The proposed development will be divided into two precincts. Precinct 1 will be developed in the south of the proposed site and Precinct 2 will be developed in the north of the proposed site. Portions of the proposed site fall below the 1:100 year floodline, which is approximately 5.81m above mean sea level. The ground level of the proposed buildings will therefore be raised to approximately 6.4m above mean sea level.

Basement parking at Precinct 1 and Precinct 2 will be developed at the current ground level to create a podium at each precinct. 20% of the development will be for residential purposes. 20% of the residential component will be for inclusionary housing opportunities. The development footprint of the buildings will be approximately 3.4ha in extent.

The following has been incorporated in the proposed development in view of the heritage significance of the site and associations to the First Nations Groups:

- An indigenous garden for medicinal plants used by the First Nations will be established at the site;
- A cultural, heritage and media centre at the location of the heritage information hub will be established;
- A heritage eco-trail around the site will be established;
- An amphitheatre for use and cultural performances will be established; and
- Commemorating the history of the First Nations in the area through establishing a gateway feature inspired symbols at the road crossing of the ecological park/corridor, incorporating symbols into the detailed design of buildings and the naming of internal roads.

More than 60% of the proposed site will be retained as open space. The open spaces will include, *inter alia,* the ecological corridor, ecological setbacks, recreational facilities such as foot and cycle paths, footbridges and service infrastructure. Ecological setbacks will be established, as the proposed development will be set back from the watercourses and the interfaces between the development and adjacent freshwater ecosystems will be rehabilitated. An ecological corridor will be included as part of the proposed development to allow faunal movement. Roads through ecological setbacks will incorporate box culverts to allow faunal movements. The bridge over the ecological corridor will span at least 15 m.

Ecological setbacks will consist of a bank with a maximum average slope of 1:5, planted with suitable wetland vegetation. Abutting this zone, a locally indigenous vegetation planted buffer strip, followed by park space with amenities such as pedestrian and cycle pathways, extensive tree planting and large lawned banks will be established. Stormwater detention and treatment facilities will also be positioned in setbacks.

Approximately 15.6 ha of open space will be provided in a number of open space areas throughout the site. These areas will include a park (the ecological corridor), open spaces adjacent to the access routes at the site and in the ecological setbacks abutting the unlined/natural channel of the Liesbeek River and the Liesbeek Canal. The development will be publicly accessible, and provision will be made available for recreational activities in open space areas.

<u>Rehabilitation work</u>

An existing channel leading to the Raapenberg Wetland, which is currently increasing the frequency of inundation and is decreasing the time that the wetland takes to drain, will be infilled. The channel is approximately 90m in length, 3m in width and 1m in depth. A berm (as recommended by the freshwater specialist) will be reinstated. The unlined channel of the Liesbeek River will be infilled to accommodate for the proposed widening of Liesbeek Parkway and for the installation of stormwater infrastructure. The stormwater infrastructure within the unlined/natural channel of the Liesbeek River will consist of vegetated swales and the creation of wetland pockets. The Liesbeek Canal will be rehabilitated in accordance with a rehabilitation/restoration plan to be developed.

<u>Roads and access to the site</u>

Access to the River Club is currently from Observatory Road and will be used to allow emergency access in the short term. Access to the proposed development will be gained off Liesbeek Parkway and Berkley Road. The access off Liesbeek Parkway will be developed adjacent to Link Road and over the unlined/natural channel of the Liesbeek River, using box culverts. The crossing will be approximately 530m in length.

A two-lane bridge of approximately 80m in length and approximately 450m in width will be developed from Berkley Road and over the Black River to provide access to the proposed development. To accommodate the potential additional traffic associated with the proposed development, Liesbeek Parkway will be widened between Station Road and Link Road. A portion of the unlined/natural channel of the Liesbeek River will be infilled to accommodate the widening of Liesbeek Parkway between Station Road and Link Road. The development footprint of the proposed roads will be approximately 1.5ha in extent.

As part of the future road upgrades on Liesbeek Parkway and Berkley Road and although not currently required for the proposed development, the following upgrades will be undertaken by the City of Cape Town:

- The widening of Liesbeek Parkway between Malta Road and Link Road. A portion of the unlined/natural channel of Liesbeek Parkway will be infilled to accommodate the widening of this section of the Liesbeek Parkway;
- The widening of the Berkley Road bridge over the Black River;
- The widening of the Berkley Road extension;
- The extension of the Berkley Road from the site entrance, over the unlined/natural channel of the Liesbeek River to connect to Malta Road and the Liesbeek Parkway.

All services for the proposed development will connect to the municipal services. Upgrades to the bulk sewer reticulation will be required and will be for the applicant's cost.

The total development footprint will be approximately 24.8ha in extent.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on the Remainder of Erf 15326 and Erven 26169-26175, 26426-26427, 108936 and 151832, Observatory, which is located off Observatory Road, Observatory and has the following co-ordinates:

Point	Latitude	Longitude
Middle	33°55'58.20" South	18°28'28.18" East

The SG 21-digit codes are:

The Remainder of Erf 15326	C01600070001532600000
Erf 26169	C01600070002616900000
Erf 26170	C01600070002617000000
Erf 26171	C01600070002617100000
Erf 26172	C01600070002617200000
Erf 26173	C01600070002617300000
Erf 26174	C01600070002617400000
Erf 26175	C01600070002617500000
Erf 26426	C01600070002642600000
Erf 26427	C01600070002642700000
Erf 108936	C01600070010893600000
Erf 151832	C01600070015183200000

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SRK Consulting (Pty) Ltd.
c/o Mr. M. Law
Postnet Suite 206
Private Bag X18
RONDEBOSCH
7701

Tel: (021) 659 3060
Fax: (021) 685 7105
Email: MLaw@srk.co.za / capetown@srk.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Riverine Corridor Alternative (i.e. the Preferred Alternative) described in the BAR dated 06 April 2020 on the site as described in Section C above.

2. The holder must **commence** with the listed activities on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.

3. The development must be **concluded** within **ten (10) years** from the date of commencement of the listed activities.

4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.

    6.1. The notice must make clear reference to the site details and EIA Reference number given above.

    6.2. The notice must also include proof of compliance with the following conditions described herein:

    Conditions: 6, 7, 9.1 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

    7.1. Notify all registered Interested and Affected Parties ("I&APs") of –

        7.1.1. the outcome of the application;

7.1.2. the reasons for the decision as included in Annexure 3;
7.1.3. the date of the decision; and
7.1.4. the date when the decision was issued.

7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;

7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and

7.4. Provide the registered I&APs with:

7.4.1. the name of the holder (entity) of this Environmental Authorisation,
7.4.2. name of the responsible person for this Environmental Authorisation,
7.4.3. postal address of the holder,
7.4.4. telephonic and fax details of the holder,
7.4.5. e-mail address, if any, of the holder,
7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") dated April 2020 and submitted as part of the application for Environmental Authorisation is hereby approved, on condition that the following amendments are made, and must be implemented.

9.1. The Stormwater Management Plan, to be compiled, must be included in the EMPr. A copy of the Stormwater Management Plan must be submitted to this Department prior to the commencement of construction for record purposes.

9.2. A rehabilitation/restoration plan for the rehabilitation of the Liesbeek Canal must be compiled in consultation with CapeNature prior to the commencement of rehabilitation work to be undertaken. A copy of the final rehabilitation/restoration plan must be submitted to this Directorate prior to the commencement of the rehabilitation work for record purposes.

9.3. The recommendations provided in the Geotechnical Report (compiled by Kantey and Templer and dated February 2016) must be included in the EMPr and must be implemented.

10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site where the listed activities will be undertaken and must be made available to any authorised official on request.

13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

    14.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the development/construction activities and submit an Environmental Audit Report to the Competent Authority upon the completion of the environmental audit.

    14.2. An Environmental Audit Report must be submitted to the Competent Authority every two years for the duration of the construction phase.

    14.3. A final Environmental Audit Report must be submitted to the Competent Authority 1 (one) month after the completion of the development/construction activities.

    14.4. The holder must, within 7 (seven) calendar days of the submission of an Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to an authorised person on request.

Specific Conditions

15. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

    16.1. The recommendations provided in the Heritage Impact Assessment (compiled by Mr. T. Hart and Mr. S. Townsend and dated 02 July 2019) and the Supplementary Report (compiled by Mr. T. Hart and Mr. S. Townsend and dated 04 December 2019), as included in the EMPr, must be implemented.

17. The recommendations provided in the Visual Impact Assessment (compiled by SRK Consulting and dated July 2019), as included in the EMPr, must be implemented.

18. The recommendations provided in the Biodiversity Impact Assessment (compiled by Freshwater Consulting cc and dated December 2019), as included in the EMPr, must be implemented.

19. The holder must at its own cost upgrade the gravity main located upstream of the Raapenberg pump station and associated sewer pipeline infrastructure for the balance of the floor space prior to the construction of the floor area relying on such additional capacity.

20. The holder must implement the recommendations of the Traffic Impact Assessment (conducted by Aurecon and 07 March 2018), as included in the EMPr, must be implemented.

21. Employment opportunities must be afforded to the local community (as far as practically possible) during all phases of the proposed development.

    21.1. Employment opportunities must be afforded to the First Nations Communities (as far as practically possible) for the operational phase of the heritage components of the proposed development.

Recommendations

22. It is recommended that the holder facilitate a discussion between the City of Cape Town and CapeNature in order to amend the current Biodiversity Agreement for those properties along the unlined/natural channel of the Liesbeek River, Black River and the Liesbeek Canal.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.

4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) must be submitted.

   Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

   Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –

   1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

   1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–

   2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

   2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal form/s must be submitted by means of one of the following methods:

   By post: Attention: Marius Venter
   Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
   Private Bag X9186
   CAPE TOWN
   8000

   By facsimile: (021) 483 4174; or

   By hand: Attention: Mr. M. Venter (Tel: 021 483 2659/5116)
   Room 809
   8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 2659/5116, E-mail DEADP.Appeals@westerncape.gov.za or URL http://www.westerncape.gov.za/eadp.

H. DISCLAIMER

The Western Cape Government, the holder, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

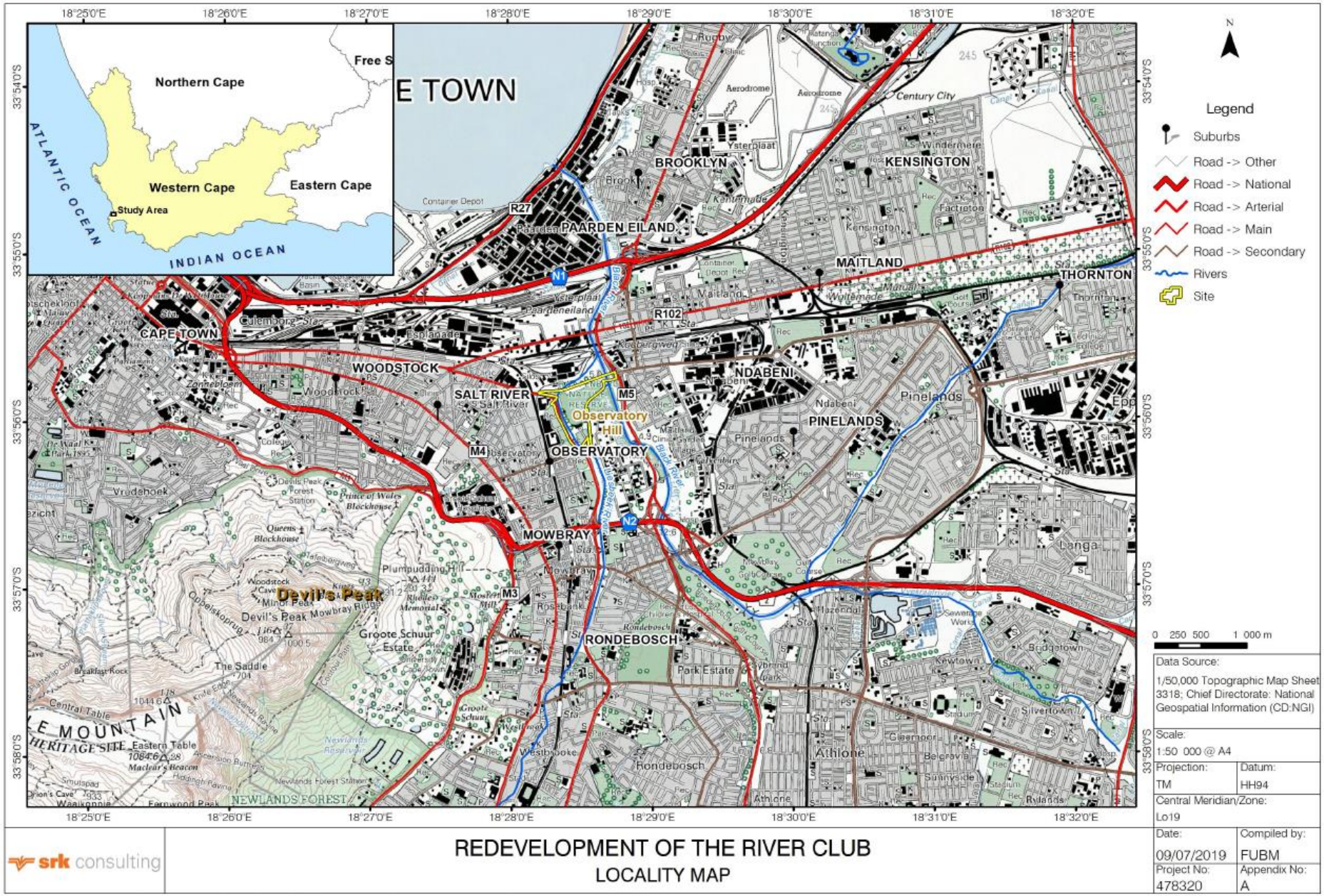
Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 20 AUGUST 2020

Copies to:	(1) Mr. M. Law (SRK Consulting)	Email: MLaw@srk.co.za
	(2) Mr. D. Georgeades (City of Cape Town: ERM)	Email: Dimitri.Georgeades@capetown.gov.za
	(3) Mr. A. Oosthuizen (DEA&DP – DDF)	Email: Andre.Oosthuizen@weserncape.gov.za
	(4) Mr. M. Dlamuka (Heritage Western Cape)	Email: Ceoheritage@westerncape.gov.za
	(5) Mr. D. Daniels (DWS)	E-mail: DanielsD@dws.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

a) The information contained in the Application Form dated 19 December 2019, the BAR received by the Competent Authority on 08 June 2020 and the EMPr received by the Competent Authority on 08 June 2020;

b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (dated March 2013);

c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

d) The comments received from I&APs and responses to these, included in the BAR dated 06 April 2020;

e) The balancing of negative and positive impacts and proposed mitigation measures; and

f) A site visit was conducted by officials of this Department on 29 August 2019.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board on the site where the listed activities is to be undertaken on 15 July 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 10 January 2020;
- the placing of a newspaper advertisement in the '*Cape Times*' and '*Tatler*' on 11 July 2019; and
- making the BAR available to I&APs for public review from 13 January 2020 to 14 February 2020.

Due to the nature and scale of the proposed development within the context of the Two Rivers Urban Park, initial public engagement commenced in 2016 with the release of the pre-application draft scoping report. Various concerns regarding the heritage of the site, potential ecological impacts, services for the proposed development and the need and desirability of the proposed development in light of the planning policies applicable to the area were received. On 7 April 2017, the EIA Regulations, 2014 were amended and the proposed development triggered listed activities in terms of Listing Notice 1 and Listing Notice 3 of the EIA Regulations, 2014 (as amended). As such, a Basic Assessment Process was required. A pre-application BAR was made available for comment between 15 July 2019 and 16 September 2019. In order to address the concerns raised by I&APs, the recommendations of the various specialist reports submitted along with the BAR (dated 06 April 2020) were incorporated into the development of the Riverine Corridor Alternative/Preferred Alternative.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments and responses thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

2. Alternatives

Various layout alternatives were identified and assessed in response to a number of aspects, including, the ecological status of the proposed site, the potential for flooding, cultural and heritage concerns, potential traffic and access concerns, the relevant planning policies applicable to the proposed site, concerns raised by I&APs and commercial and technical considerations. The layout concepts were therefore identified and screened out as follows:

The initial layout was based on the assumption that the servitude for the extension of Berkley Road could be obtained for development and that the existing buildings on the proposed site would be retained.

The revised layout concept 1 was screened out based on the fact that the servitude for the extension of Berkley Road could not be obtained for development. The revised layout concept 2 was screened out based on the fact that the findings of the heritage specialist that assessed the existing buildings on the proposed site indicated that the existing building could be demolished. A further refinement of the revised layout concept 2 included initial input from the freshwater ecologist to include ecological setbacks along the Liesbeek Canal and the unlined/natural channel of the Liesbeek River. The revised layout concept 3 was screened out based on the fact that the findings of the hydrology specialist indicated that a new water body connected the Liesbeek Canal and the unlined/natural channel of the Liesbeek River is not required to abate floodwaters. A further refinement of the revised layout concept 3 included the removal of the new water body and to reduce the number of buildings located on the northern edge of the proposed site. The revised layout concepts 4, 5 and 6 are further refined versions of each concept as the information and input from the various specialists were considered and included in the preferred layout alternative.

Alternatives with respect to the inclusion of affordable and inclusionary housing and reduced floor space were assessed. However, these alternatives were not deemed feasible from a financial perspective.

The Layout Alternatives identified and assessed in the BAR, have been informed by comments received from the I&APs and Authorities. It is further noted that the heights of buildings were reduced in order to reduce the potential visual impacts and to maintain the view sheds towards Table Mountain. Therefore. only two Layout Alternatives have been deemed reasonable and feasible.

The Riverine Corridor Alternative (i.e. the Preferred Alternative), and the Island Concept Alternative were therefore identified and assessed along with the "No-Go" alternative as part of the proposed development.

<u>The Riverine Corridor Alternative (the Preferred Alternative - herewith authorised)</u>

The Riverine Corridor Alternative entails the redevelopment of the River Club for the establishment of a mixed-use development and associated infrastructure on the Remainder of Erf 15326, Erven 26169 – 26175, Erven 26426, 26427, 108936 and 151832, Observatory.

The proposed development will comprise of the following components:

- Retail;
- Commercial;
- Residential;
- Institutional;
- Rehabilitation of the Liesbeek River Canal and associated infrastructure;
- An ecological corridor, ecological setbacks and associated Open Spaces;
- The infilling of the unlined/natural channel of the Liesbeek River and associated stormwater infrastructure;
- Roads and Service infrastructure; and

- Associated infrastructure

The proposed development will be divided into two precincts. Precinct 1 will be developed in the south of the proposed site and Precinct 2 will be developed in the north of the proposed site. Portions of the proposed site fall below the 1:100 year floodline, which is approximately 5.81m above mean sea level. The ground level of the proposed buildings will therefore be raised to approximately 6.4m above mean sea level. Basement parking at Precinct 1 and Precinct 2 will be developed at the current ground level to create a podium at each precinct. 20% of the development will be for residential purposes. 20% of the residential component will be for inclusionary housing opportunities. The development footprint of the buildings will be approximately 3.4ha in extent.

The following has been incorporated in the proposed development in view of the heritage significance of the site and associations to the First Nations Groups:

- An indigenous garden for medicinal plants used by the First Nations will be established at the site;
- A cultural, heritage and media centre at the location of the heritage information hub will be established;
- A heritage eco-trail around the site will be established;
- An amphitheatre for use and cultural performances will be established; and
- Commemorating the history of the First Nations in the area through establishing a gateway feature inspired symbols at the road crossing of the ecological park/corridor, incorporating symbols into the detailed design of buildings and the naming of internal roads.

More than 60% of the proposed site will be retained as open space. The open spaces will include, *inter alia,* the ecological corridor, ecological setbacks, recreational facilities such as foot and cycle paths, footbridges and service infrastructure. Ecological setbacks will be established, as the proposed development will be set back from the watercourses and the interfaces between the development and adjacent freshwater ecosystems will be rehabilitated. An ecological corridor will be included as part of the proposed development to allow faunal movement. Roads through ecological setbacks will incorporate box culverts to allow faunal movements. The bridge over the ecological corridor will span at least 15 m.

Ecological setbacks will consist of a bank with a maximum average slope of 1:5, planted with suitable wetland vegetation. Abutting this zone, a locally indigenous vegetation planted buffer strip, followed by park space with amenities such as pedestrian and cycle pathways, extensive tree planting and large lawned banks will be established. Stormwater detention and treatment facilities will also be positioned in setbacks.

Approximately 15.6 ha of open space will be provided in a number of open space areas throughout the site. These areas will include a park (the ecological corridor), open spaces adjacent to the access routes at the site and in the ecological setbacks abutting the unlined/natural channel of the Liesbeek River and the Liesbeek Canal. The development will be publicly accessible, and provision will be made available for recreational activities in open space areas.

<u>Rehabilitation work</u>

An existing channel leading to the Raapenberg Wetland, which is currently increasing the frequency of inundation and is decreasing the time that the wetland takes to drain, will be infilled. The channel is approximately 90m in length, 3m in width and 1m in depth. A berm (as recommended by the freshwater specialist) will be reinstated. The unlined/natural channel of the Liesbeek River will be infilled to accommodate for the proposed widening of Liesbeek Parkway and for the installation of stormwater infrastructure. The stormwater infrastructure within the unlined/natural channel of the Liesbeek River will consist of vegetated swales and the creation of wetland pockets. The Liesbeek Canal will be rehabilitated in accordance with a rehabilitation/restoration plan to be developed.

Roads and access to the site

Access to the River Club is currently from Observatory Road and will be used to allow emergency access in the short term. Access to the proposed development will be gained off Liesbeek Parkway and Berkley Road. The access off Liesbeek Parkway will be developed adjacent to Link Road and over the unlined/natural channel of the Liesbeek River, using box culverts. The crossing will be approximately 530m in length. A two-lane bridge of approximately 80m in length and approximately 450m in width will be developed from Berkley Road and over the Black River to provide access to the proposed development. To accommodate the potential additional traffic associated with the proposed development, Liesbeek Parkway will be widened between Station Road and Link Road. A portion of the unlined/natural channel of the Liesbeek River will be infilled to accommodate the widening of Liesbeek Parkway between Station Road and Link Road. The development footprint of the proposed roads will be approximately 1.5ha in extent.

As part of the future road upgrades on Liesbeek Parkway and Berkley Road and although not currently required for the proposed development, the following upgrades will be undertaken by the City of Cape Town:

- The widening of Liesbeek Parkway between Malta Road and Link Road. A portion of the unlined/natural channel of Liesbeek Parkway will be infilled to accommodate the widening of this section of the Liesbeek Parkway;
- The widening of the Berkley Road bridge over the Black River;
- The widening of the Berkley Road extension;
- The extension of the Berkley Road from the site entrance, over the unlined/natural channel of the Liesbeek River to connect to Malta Road and the Liesbeek Parkway.

All services for the proposed development will connect to the municipal services. Upgrades to the bulk sewer reticulation will be required and will be for the applicant's cost.

The total development footprint will be approximately 24.8ha in extent.

The Riverine Corridor Alternative incorporates the recommendations of all the specialist studies undertaken for the proposed development and has been designed in order to address the concerns raised by I&APs and based on the site attributes. The proposed ecological park/corridor and open space infrastructure will connect the rehabilitated Liesbeek Canal and the stormwater swales located in the unlined/natural channel of the Liesbeek River and will contain pedestrian and cycle paths, which will be a public recreational open space. The Riverine Corridor Alternative also incorporates the heritage informants into the design of the proposed development. Further, Precinct 1 is located closer to the unlined/natural channel of the Liesbeek River, which creates a larger open space along the Liesbeek Canal.

The Island Concept Alternative

This alternative is largely the same as the Riverine Corridor Alternative (i.e. the Preferred Alternative), except that the rehabilitation of the Liesbeek Canal and the ecological setback along the unlined/natural channel of the Liesbeek River will not be implemented.

Although the Island Concept Alternative is feasible from a financial perspective, this alternative is not deemed the preferred from an ecological perspective.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "*status quo*". However, since the Preferred Alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is currently zoned Open Space 3 (i.e. Erf 151832), Open Space 2 (i.e. Erven 26426, 26427 and 108936), Community 1 / Open Space 2 and Transport 2 (i.e. the Remainder of 15326) and Transport 2 (i.e. Erven 26169-26175) and will require rezoning approval in terms of the relevant planning legislation.

To evaluate the environmental impact of the proposed development, and specifically need and desirability, it is important to contextualize the environmental setting within which the application must be considered. It is essential to consider the relevant regional and local planning framework, and in this regard to evaluate and measure the development against sustainability and bioregional planning principles. According to the BAR (dated 06 April 2020), although the proposed development is in line with a number of policies contained in the Provincial Spatial Development Framework (2014), it is in conflict with other policies that relate to the protection of natural assets. According to the City of Cape Town's Municipal Spatial Development Framework ("MSDF") (2018), the proposed site is designated as 'Urban Inner Core'. The 'Urban Inner Core' represents the priority development and investment focus for the City at a metropolitan scale. The MSDF (2018) further maps the proposed site as a proposed heritage area. According to the "Consistency principles and post-2012 amendments, as contained in Technical Supplement D" of the MSDF (2018), lower order spatial plans and policies must be consistent with higher order spatial plans and policies. The MSDF identifies the land as 'Urban Inner Core" and therefore the lower order Table Bay District Plan is inconsistent with the higher order MSDF (which needs to be updated by the City of Cape Town).

The existing site is currently used as a 9-hole golf course and provides venue conferencing facilities. Limited access to the recreational open space is available to the general public. Limited to no access is currently available to allow access to the Raapenberg Wetlands area. The proposed development will provide greater public access to the open space areas. The ecological corridor would provide a social amenity that would be accessible to the public, as the proposed site is strategically located in close proximity to the Cape Town Central Business District. It is close to the Voortrekker Road activity corridor and Paarden Eiland and close to public transport networks. The aim of the proposed development is to develop the site as a "destination place" and is regarded as a gateway into the Two Rivers Urban Park, which supports the vision of 'live, work, play', while still retaining recreational and ecological aspects. The proposed development therefore promotes sustainable development based on the three pillars, namely ecological integrity, social benefit and financial viability (the triple bottom-line) as indicated in the bioregional planning for the area.

The proposed development is largely consistent with the draft Two Rivers Local Spatial Development Framework ("LSDF") (dated October 2019). The Two River LSDF identified the area as a significant area of underutilised state owned and private land. The ecological role of the river corridors and the cultural and built heritage of the area must be enhanced.

The City of Cape Town's Climate Change Policy has been considered in the need and desirability of the proposed development. The BAR (dated 06 April 2020) states that the proposed development is largely consistent with the said policy. It is imperative that the "triple bottom-line" argument is considered in a balanced manner and within its regional context. If not considered in a balanced manner and if not evaluated within its regional or strategic context, it will result in significant cumulative negative environmental impacts and in unsustainable development.

In addition, and as a broad principle, need and desirability must be consistent with the principles of sustainability as contained in Section 2 of the National Environmental Management Act, Act 107 of 1998 ("NEMA"). In this context, EIAs play an important role by evaluating the need and desirability of development proposals, appropriateness of alternatives and cumulative implications. These aspects are integrally linked and must be informed by the strategic context within which the site/ development proposal is situated. NEMA requires that decisions taken must take into account environmental, social and economic impacts of the activities applied for, including the benefits and disadvantages. The negative impacts are to be minimised and the beneficial impacts are to be maximised. In this regard the Department is satisfied that the application through the EIA process has sufficiently demonstrated that all of the above criteria have been met.

3.2. Heritage Impacts

Given that Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is triggered by the proposed development, a Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). In their response to the Notice of Intent to Develop, HWC indicated that a Heritage Impact Assessment, including an archaeological study and an urban design framework, be undertaken.

A Heritage Impact Assessment ("HIA") (compiled by Mr. T. Hart and Mr. S. Townsend and dated 02 July 2019) was undertaken to determine the potential heritage impacts associated with the proposed development. The specialists noted that a phase 1 HIA was compiled by Ms. B. O'Donoghue (and peer reviewed by Dr. N. Baumann) and submitted to HWC in 2017, but was withdrawn. Since then, the preferred alternative of the proposed development has changed in order to address the concerns relating *to inter alia*, the heritage significance of the site and the visual impacts associated with the proposed development. A draft HIA was circulated in 2018 for public consultation.
On 20 April 2018, the proposed site was provisionally proclaimed as a Provincial Heritage Site in terms of Section 29 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). A second draft HIA was released for public comment in 2019. HWC confirmed in their final comment dated 13 February 2020 "*What is noted is that a s29 provisional protection does not preclude an applicant from making an application (indeed s29(10) of the NHRA makes provision for this)*". The Section 29 Provisional Protection Declaration issued by HWC on 20 April 2018 was valid for two years and expired on 20 April 2020.

The proposed site has its origins in the 1920s. The main buildings, which exist on the proposed site today, were completed in 1939. The existing River Club development was established in 1993 and has since become a local venue with a 9-hole golf course and associated conferencing facilities. The proposed site is located within the Two Rivers Urban Park area, which is an area of approximately 240ha in extent.

The specialist indicated that the lower reaches of the Liesbeek River and its surrounds were the earliest sites of settler farming during the starting years of the Vereenigde Oost-Indische Compaginie ("VOC") occupation and the loss of land, which has been used by the Khoikhoi pastoralists. The specialist noted that no tangible remnants of the actual events have been found thus far. The Liesbeek River corridor and its confluence have been identified as a highly significant heritage feature. The specialist indicated that the Liesbeek River corridor and its confluence are powerful historical symbols of the early landscape of pre-colonial transhumance use, colonial settlement and agriculture, which is claimed as a living heritage site by the First Peoples groups.

However, no tangible traces of early pre-colonial or colonial historic events have been found on the proposed site. The existing buildings on the proposed site are of low heritage significance. The specialist noted that while the landscape remains, it is in a transformed state. Although no heritage resources that require intervention are located on the site, the specialists note that the Liesbeek River corridor should be recognised as a heritage resource if the Liesbeek River corridor is restored to its full ecological functioning.

According to the BAR, the most significant heritage resource close to the site is the South African Astronomical Observatory ("SAAO"), which has Grade I heritage status due to its scientific history. The core historic structure at the SAAO (built in 1822) is centrally situated, and is surrounded by a number of structures of ages ranging from 19th century staff buildings, telescope domes, to late 20th century structures. The setback of the development from the SAAO boundary was one of the key informants of the alternative evolution of the Riverine Corridor Alternative. This alternative mitigates impacts on the SAAO as far as practically possible by stepping back development by approximately 40m from the existing canal and rehabilitating (and therefore softening) the river course, while ensuring the financial viability of the development (i.e. developing the minimum amount of floor area, or bulk required). The potential impacts on the SAAO have been assessed as being of high negative significance, as the site is of national heritage significance. However, the current layout design is compliant with all of the urban design indicators identified in the Urban Design Indicators and recommendations produced by Urban Concepts and has taken account of local sensitivities as far as practicably possible.

The specialist further notes that the proposed development will result in a change in the appearance and character of the site, which is considered as a negative impact. Although the potential impacts are difficult to mitigate, the specialist recommended that the visual impact of the proposed development on the southern portion of the site are minimised. This has been addressed as the height of the buildings was reduced and is limited to a height of four storeys. The specialist further recommended that a range of building heights be applied and that an avenue of trees be planted along the edge of the riverine corridor. Mitigation measures with respect to the restoration of the Liesbeek River corridor and public open space corridor were recommended by the specialist. The recommendations of the specialist have been included in the Riverine Corridor Alternative (i.e. the Preferred Alternative) and in the EMPr.

HWC indicated (in their comment dated 13 September 2019) that the HIA (dated 02 July 2019) does not comply with the provisions of Section 38(8) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). HWC indicated, *inter alia,* that the identification and mapping of all heritage resources in the area affected was partially complied with, the assessment of the significance of the resources was inadequate, the assessment of the potential impacts of the proposed development was not fully identified or mapped and the failure of the consideration of alternatives. A supplementary report was therefore requested.

A Supplementary Report to the HIA (dated 02 July 2019) (compiled by Mr. T. Hart and Mr. S. Townsend and dated 04 December 2019) was therefore compiled in response to HWC correspondence dated 13 September 2019). Since the release of the HIA (dated 02 July 2019) two reports (compiled by Afmas Solutions and dated November 2019), which dealt with the views of several First Nations groupings regarding the wider Two Rivers Urban Park area and regarding the proposed site. The views of the First Nations groupings to 'indigenise' the proposed site have been incorporated into the proposed development. This includes, *inter alia,* the establishment of an indigenous garden, the establishment of a cultural, heritage and media centre, the establishment of a heritage eco trail, an amphitheatre for cultural performances and the use of symbols and names throughout the proposed development.

HWC indicated (in their final comment dated 13 February 2020) "*HWC regards the wider TRUP of which the River Club site is an integral component, as a highly significant cultural landscape in the City with a significant interplay between natural and manmade landscapes. It is this interplay that defines cultural landscapes. HWC is of the opinion that this area is of at least provincial significance if not national significance*" and that the requirements contained in HWC's comment (dated 13 September 2019) have not been met and therefore the requirements of Section 38(3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) have not been met.

According to the heritage specialists, although HWC's assessment of "National or Provincial" significance of the Two Rivers Urban Park is noted (albeit without any Section 29 investigation), it should be borne in mind that this is a planning boundary, and with the exception of the river courses (which themselves are much changed), much of the history that derives the cultural significance of the site extends over a far broader area. The heritage specialists have however indicated that they recognise that the River Club site has high historical significance, but also that this significance is not visible or apparent. The recovery of the Liesbeek riverine corridor could restore visible and apparent meaning and as a consequence of development, there is a reduction of a "sense of openness".

A meeting was held on 4 March 2020 between officials of HWC, officials of this Department, the applicant, the Environmental Assessment Practitioner and the Heritage specialists to discuss HWC's final comment dated 13 February 2020 and this Directorate's comments on the draft BAR dated 17 February 2020 (requesting that the revision of the HIA and the external; review of the VIA, in light of HWC's final comments dated 13 February 2020). It was agreed that further engagement with HWC, in the form of a meeting with the relevant HWC officials and the HWC IACOM committee and a written response to HWC's correspondence (dated 13 February 2020) was required. On 10 March 2020, the heritage practitioner and the EAP met with HWC officials and discussed the way forward. However, the scheduled HWC IACOM meeting never materialised. A written response to HWC's correspondence (dated 13 February 2020) was provided by the heritage specialists. The specialists' response (dated 31 March 2020) indicates that the proposed site creates a real and immediate opportunity, which could trigger meaningful planning of a much larger heritage site. Although the visual openness of the proposed site is highly valued, the existing development on the proposed site does not signal any heritage or cultural significance. An opportunity to commemorate and incorporate the views of the First Nations Collective exists in a space that currently displays no heritage significance. Given that significant input, research and engagement with the First Nations has been undertaken and that the views of the First Nations have been incorporated into the proposed development, the potential heritage impacts have been adequately assessed and concerns raised have been adequately responded to.

The Directorate's comments on the draft BAR dated 17 February 2020, regarding the revision of the HIA and external review of the VIA, were adequately addressed in the heritage specialists written response, dated 31 March 2020 (appended to the final BAR).

3.3. Visual Impacts

A Visual Impact Assessment (compiled by SRK Consulting and dated July 2019) was conducted to determine the potential visual impacts associated with the proposed development. The proposed site is located between the unlined/natural channel of the Liesbeek River, the Liesbeek Canal and the Black River. The proposed site is approximately 3m to 8m above mean sea level and is relatively flat. The proposed site is surrounded by residential, commercial, institutional and industrial land uses interspersed with open space for passive and recreational activities. The Passenger Rail Agency of South Africa rail yard is located north of the proposed site, the Liesbeek Parkway is located on the western boundary of the proposed site, the Raapenberg Wetlands, the Black River and the SAAO is located along the eastern border of the proposed site. The visual character of the proposed site is described by the specialist as an isolated transition landscape associated with the interface between highly developed urban areas and modified natural elements. The visual quality of the area can be experienced through the views towards Devils Peak, the views across the open, green site, the views toward the Observatory Hill, the views across the Raapenberg Wetlands and the views along Liesbeek River. According to the specialist, "*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*." The specialist analysed the visual exposure of the proposed development.

Given that buildings are located adjacent to the proposed site; the buildings will provide a visual screening of the proposed development. In terms of visibility, the specialist indicated that the visibility of the proposed development will be very high to receptors in the foreground and will reduce in the middle and background. Recommendations were therefore provided by the specialist to mitigate these impacts. These recommended mitigation measures include *inter alia*, locating larger buildings to the north of the site and providing a "green" setback along the banks of the Liesbeek River and the Black/Salt River. These mitigation measures have been incorporated in the preferred alternative and are included in the EMPr.

The specialist further indicated that the loss of sense of place is anticipated since the development will result in the change of the current nature of the site, which is green open space and used for recreation. The impact for both alternatives was assessed to be of high significance and with the implementation of mitigation, is reduced to medium. The potential visual impacts during the construction phase are anticipated to be of medium negative significance prior to the implementation of mitigation and anticipated to be of low negative significance after the implementation of mitigation measures. Mitigation measures with respect to general construction related impacts have been provided by the specialist.

The potential visual impacts during the operational phase are anticipated to be of high negative significance prior to the implementation of mitigation and anticipated to be of medium negative significance after the implementation of mitigation measures. Mitigation measures with respect to the ecological setbacks, the views towards Devils Peak and across the Raapenberg Wetlands, the use of tree planting palettes and the design of road ways have been provided by the specialist. The recommendations of the specialist have been included as conditions set in this Environmental Authorisation and in the EMPr.

The specialist indicated that although the significance rating for both layout alternatives are the same, the Riverine Corridor Alternative (i.e. the Preferred Alternative) is preferred from a visual perspective, as more green open space is accessible.

3.4. Botanical Impacts

A Botanical Impact Assessment (compiled by Coastec and dated December 2016) was undertaken to determine the potential botanical impacts associated with the proposed development. Although the proposed site contains limited indigenous vegetation, concerns regarding the botany of the site and whether the proposed development would have an impact on the terrestrial ecology of the neighbouring SAAO were highlighted by interested and affected parties.

The specialist indicated that approximately ninety-six (96) species were recorded on the SAAO site of which 9 were endemic or near endemic to wetlands. Red listed species were also recorded. The specialist indicated that most of the indigenous vegetation located on the SAAO site were located in the central west, northern and central eastern parts of the SAAO site. The Observatory Landscape Framework, 2010 designates 3 conservation areas for the SAAO, where 2 of the 3 conservation areas occur along the canal of the Liesbeek River. Three conservation actions were recommended by the specialist. The first conservation action is to consolidate and revegetate the renosterveld vegetation of the SAAO site. The second conservation action, is to establish and rehabilitate the links to the north and south along the Black River. The third conservation action is to strategically select the shale soil and overburden required for the infilling of the proposed site, which could provide additional renosterveld substrate on the proposed site and would enable the extension of these habits along the Black River. The linkage between the proposed site and the SAAO could be considered if the two sites are connected by wetland/riverine habitat. The findings of the botanical specialist were incorporated into the Biodiversity Impact Assessment (compiled by Freshwater Consulting cc and dated December 2019).

3.5. Faunal Impacts

A Baseline Faunal Report (compiled by Mr. M. Burger and dated December 2017) was compiled to determine the baseline assessment of mammals, reptiles and amphibians at the confluence of the Liesbeek and Black Rivers with specific focus on the local Western Leopard Toad. The purpose of assessing the faunal importance of each vertebrate faunal group was to obtain an appropriate impression of each group's value at a regional and national scale.

The specialist indicated that habitat variation, habitat quality and the size of a site are significant determining factors in respect of the likely faunal species composition of a site. The proposed site is surrounded by a few key environmental aspects, such as, the unlined/natural channel of the Liesbeek River (west of the proposed site), the Liesbeek Canal (east of the proposed site), the Black River, the Raapenberg Bird Sanctuary wetlands, artificial wetlands on the existing site and the adjacent wetlands located on the SAAO site. Based on the findings of a freshwater ecology baseline report (Day, 2015), the specialist noted that the unlined/natural channel of the Liesbeek River appears to be partially suited as breeding habitat for the Western Leopard Toad, the Liesbeek Canal and the Black River are not suitable as a breeding habitat for the Western Leopard Toad, the Raapenberg Bird Sanctuary Wetlands is confirmed as a breeding habitat for the Western Leopard Toad, two of the three artificial wetlands seem ideal as a breeding habitat for the Western Leopard Toad and the adjacent wetlands has a moderate to low potential as a breeding habitat for the Western Leopard Toad.

In terms of mammal species richness, the specialist anticipated that approximately twenty-nine (29) species are likely to inhabit or utilise the proposed site. None of the potential species are classified a threatened. The specialist therefore anticipated that the Faunal Importance Assessment ("FIA") score for mammals is therefore low at a regional and national scale.

In terms of reptile species richness, the specialist anticipated that approximately thirty-one (31) species are likely to inhabit or utilise the proposed site. One threatened species (i.e. *Bradypodion pumilum)* occurs within the broader study area and is classified as Vulnerable. The FIA score for reptiles is therefore moderate at a regional scale and low to moderate at a national scale.

In terms of amphibian species richness, the specialist anticipated that approximately eight (8) frog species are likely to occur on the proposed site. The Western Leopard Toad (classified as Endangered) is one of the species that utilises the proposed site. The FIA score for amphibians is therefore moderate at a regional scale and low to moderate as a national scale.

Although the FIA score is moderate at a regional scale, specific mitigation measures with respect to the Western Leopard Toad has been provided by the specialist. This includes the proposed changes to the unlined/natural channel of the Liesbeek River to serve as a potential breeding habitat, the east/west ecological corridor, which will serve as shelter/forage habitat, the incorporation of 'toad-friendly' infrastructure such as exclusion barriers and underpasses. The specialist further recommended that a Western Leopard Toad management and monitoring plan be compiled. The faunal specialist indicated (in correspondence dated 18 November 2019) remain valid. The recommendations of the specialist have been incorporated into the Biodiversity Impact Assessment (dated December 2019).

3.6. Groundwater Impacts

A comment on the underlying geohydrology of the proposed site (compiled by SRK Consulting and dated 08 November 2017) was provided to specific issues related to the groundwater hydrology of the proposed site, the degree to which the Raapenberg Bird Sanctuary Wetlands are fed by the groundwater table and to comment on the potential changes to the groundwater flow regime as a result of the proposed development.

Data from previous studies on the proposed site was used to formulate the specialist input. Based on the data obtained from four boreholes drilled at the proposed site, the groundwater levels at the proposed site measured at the deeper boreholes are higher in elevation than the water levels in the Liesbeek and Black Rivers. This indicated that the groundwater flow is toward the Liesbeek and Black Rivers. The electrical conductivity of the groundwater, wetlands and the Liesbeek and Black Rivers were measured. The data suggested that the water in the wetlands is mainly groundwater since the electrical conductivity of the groundwater and wetlands are substantially high when compared to the two rivers.

The specialist concluded that the water level and electrical conductivity indicate that the water in the Raapenberg Bird Sanctuary Wetlands is mainly groundwater and that the flow from the rivers towards the wetlands is minor.

3.7. Avifaunal Impacts

An Avifaunal Report (compiled by Dr. Williams Bird Surveys and dated July 2015) was undertaken to determine the potential avifaunal impacts associated with the proposed development. More than forty (40) bird species were recorded during the various site visits that were undertaken by the specialist. Most of the bird species recorded were water or wetland habitat related. The availability of wetland habitats in the Raapenberg Bird Sanctuary Wetlands influences the use of the area by water birds. The important areas for birds within the proposed site is the open water and abutting waters edge habitats. Although avifaunal impacts were assessed in 2015, the avifaunal specialist indicated (in correspondence dated 19 November 2019) that since no substantive bird impacting changes have occurred since the initial assessment in 2015, the Avifaunal Report (dated July 2015) remains valid. The recommendations of the specialist have been incorporated into the Biodiversity Impact Assessment (dated December 2019).

3.8. Ecological and freshwater Impacts

A Biodiversity Impact Assessment (compiled by Freshwater Consulting cc and dated December 2019) was undertaken to assess the potential ecological impacts associated with the proposed development and incorporates the findings of the aquatic ecosystems (i.e. rivers and wetlands), botanical, faunal, avifaunal and groundwater specialists. The botanical report (compiled by Coastec and dated December 2016), the baseline faunal report (compiled by Sungazer Faunal Surveys and dated December 2017), the geohydrological report (compiled by SRK Consulting and dated 08 November 2017), the avifaunal report (compiled by Dr. Williams Bird Surveys and dated July 2015) and the surface water hydrology assessment (compiled by Aurecon and dated 12 March 2018) were therefore appended to the Biodiversity Impact Assessment (dated December 2019).

The proposed site is surrounded by wetlands and rivers. The western border of the proposed site is bordered by an unlined/natural channel of the Liesbeek River. Liesbeek Parkway is located to the west of the unlined/natural channel of the Liesbeek River. The eastern border of the proposed site is bordered by the Liesbeek Canal. The Liesbeek Canal separates the proposed site and the adjacent South African Astronomical Observatory ("SAAO") and the Raapenberg Wetlands. The Black River forms the southern boundary of the proposed site, between the confluence of the Liesbeek Canal and the unlined/natural channel of the Liesbeek River. The road reserve of the proposed Berkley Road extension is located north of the proposed site. Berms are located along the western and eastern channels of the Liesbeek River.

According to the Western Cape Biodiversity Spatial Plan, 2017, the unlined/natural channel of the Liesbeek River, the Liesbeek Canal, the Black River and the Raapenberg Wetlands are mapped as a Protected Area in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

In terms of the National Freshwater Ecosystems Priority Area, 2011, the Liesbeek River (as a whole) is classified as a fish support area / fish corridor. In terms of water quality, the Black River is classified as Category F+, which is the most impacted category for river water quality, and water quality in the Liesbeek is classified as Category D. In terms of Present Ecological Status ("PES"), the Black River is classified as Category F, which indicates a system that has undergone extreme changes from its natural condition, the unlined/natural channel of the Liesbeek River is classified as Category E, and the Liesbeek Canal is classified as Category F. The Ecological Importance and Sensitivity ("EIS") ratings were determined by the freshwater specialist. The specialist indicated that the EIS for the Black River was low to moderate, the EIS for the unlined/natural channel of the Liesbeek River was moderate to high, the EIS for the Liesbeek Canal was low and the EIS for the Raapenberg Wetlands was high.

The floodplain north of the proposed site is considered of extremely low sensitivity from an ecological perspective. The channel provides a transformed and disturbed aquatic habitat, which would not be sensitive to slight changes in water quality. The specialist further noted that the unlined/channel of the Liesbeek River is partially suited as breeding habitat for the Western Leopard Toad. The unlined/natural channel of the Liesbeek River no longer receives flow from the Liesbeek River. The Liesbeek Canal is mostly canalised on both sides. Within the canalised section, habitat diversity and sensitivity is low. Hydrological connectivity from the Liesbeek Canal to the Raapenberg Wetlands is important and could potentially result in significant degradation of wetland function, should the proposed development result in a change in the hydrological connectivity. An excavated channel from the Liesbeek Canal into the Raapenberg Wetlands, which may have implications on the functioning of the wetland, was noted by the freshwater specialist.

The specialist identified and assessed the potential impacts associated with Alternative 1 (i.e. the preferred alternative / the Riverine Corridor Alternative) and Alternative 2. The proposed rehabilitation of the Liesbeek Canal into a functional river channel would result in a high positive significance prior to the implementation of mitigation. The river habitat would improve from a PES Category F to at least a PES Category D.

Although the proposed site contains limited indigenous vegetation and the potential botanical impacts are negligible prior to the implementation of mitigation, the recommendations with respect to the import of fill material to actively rehabilitate the renosterveld habitat have been provided. Faunal connectivity throughout the proposed development was assessed to be of low positive significance with the implementation of mitigation measures. The recommendations of the specialist have been included in the EMPr. The potential impacts on the Western Leopard Toad was assessed to be of high negative significance prior to the implementation of mitigation measures. In addition to the mitigation measures included in the Riverine Corridor Alternative, the specialist provided additional mitigation measures to be implemented. The potential impacts on the Western Leopard Toad are anticipated to be of low positive significance with the implementation of the specialists' recommendations. The recommendations of the specialist have been included in the EMPr.

The potential loss of wetland vegetation along the Black River was assessed to be of medium negative significance prior to the implementation of the recommended mitigation measures and very low negative significance after the implementation of the recommended mitigation measures. The mitigation measures have been included in the EMPr. The potential impacts on the unlined/natural channel of the Liesbeek River was assessed to be of medium negative significance prior to the implementation of mitigation measures. Mitigation measures with respect to the creation of additional wetland ponds, retaining and developing the banks of the unlined/natural channel of the Liesbeek River to facilitate nesting areas and the planting of vegetation have been provided by the specialist. These mitigation measures have been included in the EMPr. The potential impacts in the unlined/natural channel of the Liesbeek River are therefore anticipated to be of low negative significance post mitigation. The specialist recommended mitigation measures to be implemented during the construction phase and operational phase. The recommendations of the specialist have been included in the EMPr.

The specialist indicated that Alternative 1 (i.e. the applicant's preferred alternative / the Riverine Corridor Alternative) is preferred from a biodiversity and general aquatic ecosystems perspective since the overall impact is anticipated to be positive.

CapeNature indicated (in their correspondence dated 05 February 2020) that an existing Biodiversity Agreement exists between CapeNature and the City of Cape Town, which includes the properties along the unlined/natural channel of the Liesbeek River, the Black River and the Liesbeek Canal. The holder will facilitate a discussion between the City of Cape Town and CapeNature in order to amend the current Biodiversity Agreement.

CapeNature further indicated that they agree with the proposed rehabilitation of the Liesbeek Canal. However, CapeNature recommended that a rehabilitation/restoration plan or detailed method statement is required prior to the approval of the proposed development. This recommendation has been included as a condition set in this Environmental Authorisation and in the EMPr. The Department of Water and Sanitation has confirmed (in their correspondence dated 15 August 2019) that an application in terms of the National Water Act, 1998 (Act No. 36 of 1998) has been lodged on the Electronic Water Use Licence Application and Authorisation System. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) will be met.

3.9. Geotechnical considerations

A Geotechnical Report (compiled by Kantey and Templer and dated February 2016) was undertaken to determine the suitability of the site for the proposed development. Approximately 4 boreholes and eleven (11) trial holes were drilled. The rock encountered in the boreholes were generally slightly to unweathered very hard rock. Further, very soft rock was encountered in the borehole located within close proximity to the unlined/natural channel of the Liesbeek River and fill material was also encountered. The fill generally consisted of highly variable mixtures of refuse and rubble. Groundwater was encountered in the boreholes and trial holes at varying depths. It is therefore anticipated that dewatering may be required during the construction phase. Mitigation measures with respect to dewatering and the design of the basements have been provided by the specialist. The recommendations of the specialist have been included as conditions set in this Environmental Authorisation and in the EMPr.

3.10. Surface Water Hydrology Impacts

An investigation into the impact of the proposed redevelopment of the River Club on flooding and flood abatement in the Salt River Catchment (compiled by Aurecon and dated 12 March 2018) was undertaken.

The literature review done by the specialist indicated that the proposed site is prone to flooding events with a frequency of recurrence of once in every 2 to 5 years. The specialist further noted that there are a significant number of studies that incorporate the proposed site and that some of these studies provide contradictory results.

Approximately thirty-five (35) scenarios were modelled by the specialist. Twelve (12) key monitoring points were selected for comparison purposes. The monitoring points were selected to represent areas where any impacts of the proposed developments are most likely to be of concern.

The specialist indicated that based on the review of the available studies undertaken and the modelling results, the potential impacts on flood levels as a result of the proposed development (including the potential development of surrounding properties) is likely to have an impact on flood levels, in the order of 0.01m to 0.15m depending on the storm recurrence interval and the location.

The potential impacts on flood levels as a result of the proposed development (excluding the potential development of surrounding properties) would be of similar magnitude for all recurrence intervals, but less by approximately 0.00m to 0.03m. The potential impacts are therefore considered to be insignificant. The specialist however provided recommendations regarding, *inter alia,* the design of the Liesbeek Canal, the excavated channel into the Raapenberg Wetlands and the extension of Berkley Road to reduce the potential impacts of the proposed development. The recommendations of the specialist were considered and incorporated into the Riverine Corridor Alternative (i.e. the Preferred Alternative) in this regard.

3.11. Services / Bulk Infrastructure

3.11.1. Electrical supply

According to the Bulk Electrical Services Report (compiled by Sands Engineering Solutions and dated 15 July 2019) the proposed development will require approximately 7MVA supply. The City of Cape Town have confirmed (in their correspondence dated 16 August 2019) that sufficient, spare and unallocated electrical capacity to service the proposed development is available.

3.11.2. Potable water supply

The Civil Engineering Report (compiled by Aurecon and dated 02 March 2018) indicated that no additional bulk potable water infrastructure upgrades are required to service the proposed development. The proposed development will connect to an existing water main located within Liesbeek Parkway.

The City of Cape Town indicated (in their correspondence dated 27 June 2019) that the water network has sufficient capacity to accommodate the peak demand flow of the proposed development. The City of Cape Town further indicated (in their correspondence dated 19 December 2019) that the bulk supply system has sufficient water resource, treatment, bulk storage and conveyance capacity to service the proposed development.

3.11.3. Solid waste removal

The City of Cape Town have confirmed (in their correspondence dated 06 September 2019) that sufficient, spare and unallocated capacity to accept, collect and dispose of all types of waste is available.

3.11.4. Stormwater

The Civil Engineering Report (dated 02 March 2018) indicated that a system of vegetated swales underlain by a formalised piped drainage network will convey stormwater from the 2 precincts to various detention ponds. Stormwater infrastructure will be required as part of the proposed development.

A Stormwater Management Strategy Report (compiled by Aurecon and dated 19 December 2019) provides a strategy for the proposed stormwater infrastructure. It is proposed that stormwater be managed through the installation of dry swales, bioretention basins and constructed wetland areas. The dry swales are proposed to be located within the unlined/natural channel of the Liesbeek River and within the ecological corridor of the proposed development, the bioretention basins are proposed to be located within the Liesbeek Canal and the constructed wetland areas are proposed to be located within the unlined/natural channel of the Liesbeek River. A more detailed Stormwater Management Plan will be compiled in consultation with the City of Cape Town in this regard.

A copy of the Stormwater Management Plan will be submitted to this Directorate prior to the commencement of the construction phase.

3.11.5. Sewage treatment and disposal

The Civil Engineering Report (dated 02 March 2018) indicated that the proposed development falls within the Athlone Waste Water Treatment Works ("WWTW") catchment area and within a sub catchment that drains to the Raapenberg Pump Station, which pumps sewage to the Athlone WWTW. Given the additional flows that are expected as a result of the proposed development, the existing pipeline infrastructure will not have sufficient spare capacity to serve the proposed development. Currently, the existing bulk sewer capacity can only accommodate for 120 000 m² of the proposed development. The City of Cape Town has indicated (in their correspondence dated 27 June 2019) that for the full development to be accommodated, the 1350mm gravity main located upstream of the Raapenberg pump station must be upgraded. The BAR (dated 06 April 2020) indicates that the reticulation capacity for the balance of the floor area proposed (30 000 m²) will be created at the cost of the developer prior to the construction of the floor area relying on such additional capacity. The City of Cape Town has further indicated (in their correspondence dated 27 June 2019) that the Athlone WWTW is operating at capacity, however, wastewater can be diverted to the Cape Flats WWTW, which has sufficient unallocated treatment capacity.

3.12. Socio-Economic Impacts

A Socio-Economic Impact Assessment (compiled by SRK Consulting and dated July 2019) was undertaken to determine the potential socio-economic impacts associated with the proposed development.

The potential socio-economic impact in relation to the investment in the economy was assessed by the specialist. The specialist indicated that the construction sector provides significant employment opportunities and generated further investment in other sectors of the economy through the multiplier effect. The specialist indicated that economic growth in Cape Town has slowed since 2010 and is concerning, given the high unemployment, poverty and population growth rates. It is anticipated that the proposed development would contribute significantly to maintaining or increasing growth rates for the duration of the construction phase. The specialist therefore assessed the potential impact to be of high positive significance with the implementation of measures to further enhance the associated benefits.

The specialist indicated that approximately 5239 direct employment opportunities are anticipated during the construction phase. The potential impacts of the employment opportunities are anticipated to be of medium positive significance. To ensure that this benefit is enhanced, the specialist recommended that local labour and contractors be employed as far as practically possible. Approximately 860 direct employment opportunities are anticipated during the development phase. The potential impact is anticipated to be of medium positive significance.

The provision of inclusionary housing was also assessed by the specialist. It is anticipated that 20% of the residential component of the proposed development will be set aside for inclusionary housing opportunities. With the growing need for housing in Cape Town, the proposed development will aid in providing housing opportunities. The provision for inclusionary housing was deemed to be of low positive significance.

The loss of private open space and the creation of public open space was assessed by the specialist. The existing private open space is largely used by patrons of the River Club and public access to the site is limited.

The proposed development will include a large open space area that will be accessible to the public and will provide for public amenities such as landscaped areas, pathways, river walks. The potential impact is therefore deemed to be of medium positive significance. The potential impacts of property values were assessed to be of low positive significance since the proposed development will attract potential investment into the area.

The specialist indicated that the socio-economic benefits of the proposed development are anticipated to significantly outweigh the potential negative socio-economic impacts in this regard. The enhancement measures of the specialist have been included in the EMPr.

3.13. Traffic Impacts

A Traffic Impact Assessment (conducted by Aurecon and 07 March 2018) was undertaken to determine the potential traffic impacts associated with the proposed development.

Four (4) scenarios were considered by the specialist. This included the 2017 base year (without the proposed development), the 2017 base year (with Precinct 1 of the proposed development), the 2017 base year (with both phases of the proposed development) and the 2032 future pragmatic densification land use scenario (with the proposed development).

Nine intersections included in the study and modelled according to the four scenarios. The nine intersections were the Liesbeek Parkway/Settlers Way on and off ramps, the Liesbeek Parkway/Observatory Road/Station Road, the Observatory Road/Existing access to the site, the Liesbeek Parkway/Link Road/New access, the Liesbeek Parkway/Malta Road/Berkley Road, the M5 North/Berkley Road Ramp Terminal, the M5 South/Berkley Road Ramp Terminal and the internal intersection of Precinct 1.

Based on the modelling results for the four scenarios, the specialist indicated that although the existing road network is congested during peak hours, the status quo of the road network is currently operating at an acceptable level of service. The road upgrades associated with the development of Precinct 1 includes, *inter alia,* the upgrading of the Liesbeek Parkway/Station Road intersection, the dualling of Liesbeek Parkway between Station Road and Link Road, the provision of access on the Berkley Road extension and the extension of the Berkley Road from the M5 to the proposed development access. The recommendations of the traffic specialist have been included in the proposed development. The provision of non-motorised transport infrastructure have been included in the Riverine Corridor Alternative (i.e. the Preferred Alternative). It is anticipated that the future road network will operate at an acceptable level of service provided that the recommendations for the development of Precincts 1 and 2 are implemented. The proposed development is therefore supported from a traffic perspective.

The traffic specialist indicated (in their correspondence dated 03 April 2020) that although an update to the estimated traffic counts were provided and that the modelling results for the full development scenario have slightly changed, the specialist confirmed that the assessment of the traffic impacts (as stated in the BAR (dated 06 April 2020)) remain valid and applicable. The potential traffic impacts are anticipated to be of high negative significance prior to the implementation of the recommended mitigation measures and of medium negative significance after the implementation of the recommended mitigation measures. The mitigation measures have been included in the EMPr.

3.14. Dust and Noise Impacts

No significant dust and noise impacts are anticipated. Potential dust, noise and visual impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

The Department acknowledges that the proposed site is a valuable asset and is sensitive from an ecological, cultural, social and economic perspective. Various specialist studies were conducted to ensure that the proposed development would as far as possible satisfy the requirements of the various sectors mentioned above. Some of these studies included studies on the ecological status and functioning of the rivers within the site, botanical, faunal and avi-faunal assessments, a visual impact assessment, a heritage impact assessment, ground water, hydrological and floodline investigations. Other specialist studies included urban design guidelines, a traffic impact assessment, general services investigations and a socio-economic impact assessment. In principle, none of the specialist studies conducted have found the proposed development to be unacceptable. The specialist reports provided recommendations and/or mitigation measures to ensure that the proposed development is acceptable from an ecological, cultural and socio-economic perspective. Specialist studies were conducted and/or reviewed by independent specialists to ensure that the requirements of the NEMA EIA Regulations, 2014 (as amended) were met. In addition to taking the environmental constraints into account, the preferred alternative was influenced by the responses from First Nations Groups. Further, the BAR meets the requirements of Appendix 1 of the EIA Regulations, 2014 (as amended).

The Department is therefore satisfied that the EAP adequately identified and assessed all potential impacts both positive and negative that may be associated with the proposed development.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential impacts on heritage resources;
- Potential visual impacts;
- Loss of some open space;
- The infilling of the unlined/natural channel of the Liesbeek River;
- Potential impacts on fauna, especially the Western Leopard Toad;
- Potential traffic impacts during the construction phase; and
- Potential dust and noise impacts during the construction phase.

Positive impacts include:

- The inclusion of the heritage significance of the site and its historical associations to the First Nations Groups;
- The rehabilitation of a portion of the Liesbeek Canal;
- The creation of wetland pockets to serve as potential breeding habits for the Western Leopard Toad;
- The creation of an ecological park/corridor;
- The creation of functional public open space and associated public amenities;
- The provision of inclusionary housing opportunities;
- The improvement and upgrades to road infrastructure;
- The potential investment and economic growth into the surrounding area; and
- Employment opportunities during all phases of the proposed development.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;

- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

The Holder is reminded of the general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"

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