

Dear DEA&DP Appeals

The Department of Environmental Affairs and Development Planning in the Western Cape granted an Environmental Authorisation 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.

I am a registered Interested and Affected Party (I&AP) and write to you in response to, and in strong support of, the appeal lodged by Department of Environmental Management for the City of Cape Town with reference to the Environmental Authorisation for the re-development of the River Club, Observatory for a Mixed Use development and associated infrastructure on the remainder of Erf 15326 and Erven 26169-26175, 26426-26427, 108936 and 151832, Observatory; DEA&DP Reference Number 16/3/3/1/A7/17/3001/20.

I received the appeal sent to me by the Department of Environmental Management of the City of Cape Town.

I hereby indicate my strong support for their appeal.

In particular, I draw attention to the 13 grounds of their appeal, which include, amongst other points: insufficient consideration was given to heritage informants and the relevant heritage resources authority's comments; There was non-compliance with the NHRA; stormwater impacts, including flooding, are not sufficiently mitigated against; the EA is misleading on the matter of flooding; the City's Floodplain and River Corridor Management Policy has not been considered; Climate change impacts and resilience have not been given due consideration; failure to describe, or mitigate, the loss of open space; failure to mitigate the high negative biodiversity impact; habitat loss of a high faunal sensitivity proclaimed Protected Area; and failure to consider appropriate alternatives. I believe their grounds for appeal are all supportable in fact and reasonable grounds to set aside this decision.

Their appeal also notes that the decision to grant the EA was not compliant with S38(8) of the National Heritage Resources Act, 1999 (act 25 of 1999) (the NHRA) in that the consenting authority has not ensured that the HIA has fulfilled the requirements of the competent heritage resources authority in this matter (HWC) and has, instead, relied on the opinion of the applicant's hired consultant. I believe this to be highly irregular and will open the decision to review.

I also wish to note that contrary to the statement in the Environmental Authorisation that "All the concerns raised by I&APs were responded to and adequately addressed during the public participation process" I do not believe this to be the case. The City's Environmental Management Department had raised many of these concerns before in the process but they were not adequately addressed. They state "The City of Cape Town provided comments on both the Draft BAR (January 2019) and the Final BAR (January 2020) and the City is of the view that these issues have not been adequately addressed." From the breadth and range of appeals submitted to the EA, it should be clear that concerns raised by I&APs could not have been "responded to and adequately addressed during the public participation process".

I would therefore like it noted that I am in strong support of the appeal by the Department of Environmental Management for the City of Cape Town for the reasons outlined above.

Yours

[name, address]