



**T R U Park** is a declared Urban Park, with historical facilities and public open green space, south of the confluence of **Liesbeek & Black Rivers**.

The **Two Rivers Urban Park Association (TRUPA)** is the representative organisation that was established in 2003 after an extensive five-year public participation process between the City of Cape Town, landowners, stakeholders and affected and interested parties RE the Two Rivers Urban Park.

## **T R U P Association's Appeal against DEADP's Environmental Authorisation EA for LLPT on River Club site, Rem ERF 15326, 26169 -26175, 26426-26427, 108936 + 151832 Observatory.**

Att: **Marius Venter**, WC Ministry LG, EA&DP, CT. REF: 16/3/3/1/A7/17/3001/20 **9 Sept 2020 Rev.5**

### **1. TRUPA's Appeal Form attached #.**

### **2. TRUPA's 'Grounds for Appeal' document, against DEADP's E.A.**

**Two Rivers Urban Park Association** represents a multitude of Interested Party Stakeholders, associated either as individuals or organisations under the TRUPA Constitution, some involved for over 22 years of stakeholder participation since before T R U Park was set up in 2003. TRUP and TRUPA are guided by the TRUP Contextual Framework (LSDF) and the Environmental Management Plan of 2003 as consulted, adopted and set up, officially in August 2003 by City of Cape Town, together with 2012 Table Bay District Plan, still in place.

1. TRUPA's primary **Grounds for Appeal**, is that the EA does not question the non-compliance of the LLPT proposed development, as per the BAR and HIA. No reasons provided for disregarding the current Policy frameworks nor, why other legislation set up to protect TRUP riverine heritage environment is disregarded.

2. TRUPA's second **Grounds for Appeal**, is that the EA does not question evidence submitted from the applicant, LLPT, as conveyed in the BAR. The evidence should have been thoroughly verified by DEADP who is supposed to be a 'Competent Authority'. Numerous contested flaws remain, copied at face value! DEADP should have noted the numerous objections to the BAR, and responded with balanced assessment in the EA. It is unacceptable that DEADP did not provide reasons for its decisions and the acceptance of all this one-sided information in the BAR, as if true, without questioning has led to a position of a biased EA decision!

3. TRUPA's third **Grounds for Appeal**, is that the DEADP does not question evidence submitted from a range of specialists, who were briefed by LLPT, and in the employ of LLPT! A common problem in the EA is that its stated with no evidence of questions being asked nor reasons given for its statements and biased decisions. It is unacceptable that this faulty evidence that's strongly criticised with great concern in I&AP objections that have been noted, yet without any respect for the needed change to balance the evidence in the EA!

4. TRUPA's fourth **Grounds for Appeal**, is that the list of "**Authorised activities**" plus description of proposed development, that the "holder" is said to be 'authorised' to undertake, are based on the severely flawed HIA report that disregards the highly significant heritage of the site, including TRUP as a whole. Yet it claims items "incorporated in the development", "in view of claimed heritage significance" added, as if a few token stated items, can be reasonable explanation for disregarding HWC's researched strong evidence of Heritage.

5. TRUPA's fifth **Grounds for Appeal**, is that the EA repeats the claim in the BAR that "15.6 ha of open space will be provided in open space areas throughout the site." Since LLPT 'owns' only 14.8ha, the majority currently zoned as 'Open Space, for Conservation of the Environment', it is restricted, with no rights to be developed! LLPT's claim "to provide it" is a misrepresentation of fact when this land is actually CAPTURED!

6. TRUPA's sixth **Grounds for Appeal**, is that the EA simply repeats misleading terminology used in the BAR as commissioned by LLPT. These flawed representations give a false impression of the truth. There is no apparent attempt to question the facts, even after countless objections by I&AP's. DEADP retained a one-sided adoption of such statements, including use of terminology like to "Restore, Rehabilitate and Upgrade" when the actual act is to replace and destroy Heritage Resource! A non-option can't actually be "Preferred"!
7. TRUPA's seventh **Grounds for Appeal**, is that the EA misrepresents the Public Participation that has taken place over the last 22 years and the outcome of that is being ignored, along with the extreme historical circumstances that have been disregarded over the last 360 years of tragic history that First Nations as a whole, suffered relating to this site. This early injustice has remained unhealed and as such, an essential part of the full significance of this RC site, and the context of TRUP as a declared Park, full of Heritage significance.
8. TRUPA's eighth **Grounds for Appeal**, is that the EA turns a blind eye to the lack of any actual Alternative Proposals for the site that take existing policy guidelines and environmental constraints into account. Why does the EA not insist on at least one compliant or adequately compliant proposal to improve the site, to be considered in comparison with other 'preferred' options? How can it be acceptable for destructive options to be permitted to ruin a protected sacred place based on profit gained when no existing development rights exist? Why has the Stakeholder 'Draft Manifesto' not been followed to guide what is appropriate? Why does the EA not compare options with supported Scenario Plans that follow set policy? The EA should not state "Preferred option will not result in unacceptable environmental impact" and condone this without reason!
9. TRUPA's ninth **Grounds for Appeal**, is that the EA repeats a false interpretation of planning policy on "Provincial Spatial Development Framework (MSDF), incorrectly, referring to "Inner Core" areas. It's as if this overrules any and all factors referred to in Local and District Plans, in terms of respect for Environment, Heritage and issues like the prohibition to apply to develop inside a flood plain or to disregard Biodiversity.
10. TRUPA's tenth **Grounds for Appeal**, is that the EA not only blindly entertains numerous discredited statements, for example: "there are no heritage resources that require intervention on the site"! It also accepts the discredited 'AFMAS reports' with slanted processes of consultation (on behalf of LLPT). Its biased conclusion, put forward to rationalise the lack of heritage attention in the HIA/BAR, claiming to have "dealt with views of First Nations groupings", when its recommendations are unacceptably selective! It also claims that "the current layout is compliant with urban design indicators..." when this can't provide justification for its flaws! DEADP should not adopt these shallow, false statements in its EA, with few questions or reasons!
11. TRUPA's eleventh **Grounds for Appeal**, is that the guidelines and criticism stated by HWC in terms of the requirements of Section 38 (3 of the NHRA Act 1999) that had been stated very clearly as feedback to LLPT for its heritage practitioners regarding additional actions required, to sort the flawed HIA. These appear to have been totally disregarded and these firm requirements have also disregarded, in DEADP's EA decision!
12. TRUPA's twelfth **Grounds for Appeal**, is that the EA contains numerous statements adopted with no questions or reasons for adopting the Visual Impacts, Botanical Impacts, Faunal Impacts, Groundwater Impacts, Avifaunal Impacts that all appear compromised. TRUPA have addressed thee in its detail Appeal.
13. TRUPA's thirteenth **Grounds for Appeal**, relates to the seriously flawed issues of Ecological and Fresh Water Impacts, Geotechnical Considerations and Surface Water Hydrology, as explained in greater detail in our Appeal. These need serious independent investigation, to expose misrepresentation that appear to have been absorbed without questions and without reason by DEADP. The flawed, unsound EA must be rejected.
14. TRUPA's fourteenth **Grounds for Appeal**, relates to the serious Services/Bulk Infrastructure points with flawed deficiency that can are also be noted in the detail Appeal content in items 3.11...1,2,3,4,5 below..
15. TRUPA's fifteenth **Grounds for Appeal**, relates to faulty Socio-Economic Impacts, Transport Impacts, Dust and Noise Impacts as reported on in the EA, ignoring comments and objections made by I&AP's to LLPT's statements as recorded in the BAR, yet adopted without sign of questions or reasons in the EA's conclusions.

### **3. TRUP Association's Appeal Against DEA&DP's Environmental Authorisation with detail notes and examples as per 'NEMA' & EIA.**

Our TRUPA Appeal contains strong criticism of DEADP's lack of appropriate integrity in its one-sided process of not questioning statements in the BAR and the HIA. This also applies to its acceptance of specialist reports where little attention is given to extensive detailed criticism by I&AP objectors who have objected to that content in the BAR and HIA, yet, disregarded by DEADP in its developer- biased Environmental Authorisation.

**A.** DEADP's decision grants Authorisation without proper evaluation process, covering this with conditions!

**B.** We follow the **text of the EA document** listing numerous examples of what is not acceptable, why we are determined to Appeal the seriously flawed decisions based on seriously flawed evidence in a flawed process.

The so called: "Rehabilitation work, pg 4, includes infilling Liesbeek River, known as a protected historical Ancestral Heritage. This can't be tolerated. Replacing it with the 1956 canal to be a 'river-like' substitute for the real River! Liesbeek River was illegally interfered with by blocking the connecting pipe under Observatory Road, without consultation or approval and is not a thing to condone without reasons. It must be restored! Roads and access to R C site, with new links, from Liesbeek Parkway & Berkley Road (are about 530 m long)? The "two-lane bridge, 80 m long and strangely.... 450m in width" from Berkley Road over Black River? (#4.)

Mention is made of "future upgrades" that include Liesbeek Parkway and Berkley Road that are not currently required for the development" but "will be undertaken by the City of CT"? We reject these un-consulted proposals, not motivated by acceptable reasons and not been through any 'co-design' yet included here? The notion of "connecting" the huge non-compliant development "to the lacking municipal services" such as "sewer reticulation" is unacceptable and irresponsible when it's clearly researched to lack the capacity! (#5.)

The site of total development that LLPT are proposing changed from "approx. 5.2ha" of the 14.7 ha site as stated in the scoping report (item 3.2, pg 27, dated August 2016) to "a footprint that will be approximately 24.8 ha in extent" as stated as having Authorisation by DEADP in this doc, middle pg. 5! Does this indicate that DEADP is guilty of condoning this non-compliance? Is this '*Absolute Power*', corrupting ABSOLUTELY?

**C. Site Description and Location**, has listed erven that seem to be unacceptably proposed for development on this Sacred Site, not permitting such development, not in this form and not in a similar form that does not adhere to policy guidelines and legal constraints. There are no valid reasons given to why an Environmental Authorisation grants such non-compliant proposals! This application needs to be overturned in its entirety!

**D.** It is well known who **SRK** is, and the role they have played on behalf of the developer producing the BAR.

**E. Conditions and scope of Authorisation** stipulates the "Preferred Alternative" to become a massive development on this site, has no permit for any of it! To permit filling in of Liesbeek River Ancestral Heritage, destroying its heritage and the Cultural Landscape of the entire protected sacred Confluence area of the T R U Park? This intent was described in the BAR and was strongly objected to! How can such important points that the vast majority object to, be disregarded? See the listed points 1 to 22 (on pg 6 to 9.) None of these conditions compensate for the basic flawed 'Authorization' that does not account with any reasons why each non-compliant element should be permitted, while ignoring all the thousands of objections to them. It is very clear and precisely stated in policy guidelines with legal restrictions that do not permit this! See (# 6.)

**F. 'General Matters'**, appears to place responsibilities of the applicant ('holder'), yet the DEADP is acting without its own responsibility by permitting such inappropriate invasive activities that are not compliant!

**G. Appeals** are available to us as per "NAR 2014" with 20 days from date of receipt of the formal notice, using a specific appeal form, to be sent for attention to: Marius Venter WC Ministry of Local Gov, DEA&DP)

H. Clear disassociation of responsibility to WC Gov. for granting the E A that does not see the light of day!!! The so called 'Competent' Authority, (DEADP), can grant full rights to a developer and City of Cape Town far beyond what is appropriate and far beyond what any competent authority would be permitted to do, and is not indicated to do, as long as DEADP authority is covered by a clause that covers the not so competent authority so it can and will be free of all responsibility for granting irresponsible unentitled additional rights?

This is signed by Mr Zaahir Toefy who is Director Development Management (Region 1 WC Gov). Surely there is a conflict of interest for a senior WC Gov. with Provincial Properties in TRUP and who supported the LLPT in their appeal to put a hold on HWC's decision to grade the River Club site and other parts of TRUP? It was claimed that there is no Threat of the DEADP judging the environmental and heritage impact of the LLPT application in a Sec 38 process, without the site first being graded yet, There is no serious Heritage attention in this assessment either to grade the site or to protect it in its heritage or environment nor to even to recognise the flaws of the HIA produced for the site as commissioned by LLPT. This HIA, has been severely criticised by HWC's IACOM! Clearly it's a severe THREAT if the unsatisfactory EA is not stopped in its tracks, ruled, unsound and inadequate as it disregards responsibility and fails to prevent, protect or restrict limits to current policy as it is set. The EA is severely flawed, must be rejected in its entirety and fails to give reasons!

**The ANNEXURE 3 "REASONS FOR THE DECISION"** ...we note that DEADP suggests it is a competent Authority Reference is made to points 'a to f' and claims that DEADP took a list of items 1 to 4 into account.

**1. Public Participation.** Mention is made about consultation since 2016 but does not recognise or mention prior consultation since 1998 to 2015 on the broad TRUP area, the founding documents that remain in place to guide TRUP, nor the extensive, intense consultation post 2016 relating to the broader TRUP areas. Noting that "*In order to address concerns raised by I&AP's, recommendations of various specialist reports were incorporated into the development of the Riverine Corridor /Preferred Alternative*". We refute and totally reject this claim as fabricated and false since, from our perspective, this specialist report is badly discredited! It was incorporated while not giving attention to hundreds of valid objections to its serious deviations from established policy. This policy was consulted over years, based on research on Heritage, Environmental and good Planning. This LLPT proposal is a total deviation from being acceptable, yet all official parties support it!

*Strong objections to this non-compliant proposal are disregarded and there is a lack of recognition of the extent of disregard, other than explaining that "it is preferred for its financial returns"! It is unacceptable for DEADP to disregard that it causes huge negative impact and is not compliant! We see no attempt to give reasons why DEADP considers it appropriate to give 'Environmental Authorisation' justified by a contrived trick, by rewarding a few who have committed to support it as if that is what is required to reduce its severe negative impact! This has not done anything to reduce negative impact. It only adds discredit to corruption!*

**2. Alternatives.** This gives nothing of value or benefit to anyone! LLPT has been completely lost all along the way, refusing to take the given policy and guidelines nor public participation comments or restrictions to development of the site into account. We are totally unsatisfied with the deafness and blindness. None of these attempts have anything appropriate. It is a serious challenge they have not met. We have commented repeatedly on this total incapacity to follow guidelines of policy and they have repeatedly disregarded advice from independent Heritage Specialists and HWC's IACOM. This is totally irresponsible and incompetent! There are no reasons given by DEADP why they consider that overlooking all existing limits to development should not be rejected? The components of the now authorised proposed development are listed by DEADP, without any reference to any objections to noncompliance issues repeatedly raised by many objectors. (# 7.)

It is strange that the developer's statement is repeated in the EA, by DEADP, that falsely states that "the development footprint of the buildings will be approximately 3.4 ha in extent", yet it does not question it in relation to actual concrete footprint that is clearly much more than this. Why no questions or reasons? (# 8.)

Is there an explanation why page 3, 4 and 5 in the EA report are repeated on page 15, 16 and 17? Did they not edit this EA. We appellants see this as an indicator of lack of care and integrity in the document.

Strange that a rare critical statement about the 'Island Concept' is the same as the applicant and that that alternative "is not deemed as the preferred, from an ecological perspective" ...but provides no reasons!

They reject the "No-Go" alternative, since it's stated as retaining the "status quo" but it was not warranted since "the Preferred Alternative will not result in unacceptable environmental impacts". (# 9)

### 3. Impact assessment and Mitigation measures

**3.1 'Activity Need and Desirability'** notes the need for Re-Zoning of the site if development rights are to be granted. It notes the need to evaluate and measure *granting development rights*, compared against the need for sustainability and bioregional planning principles. The development appears to be seen by DEADP as being in line with the "Provincial Spatial development Framework" (2014), but it is not and they do not say how. They do note it is "in conflict with a number of policies, including protection of natural assets" without saying what, so yet again ignored. DEADP repeat the confused claims on the relevance of the MSDP "Urban Inner Core" to justify destruction of the environment and heritage. They repeat the misinformation that because the site has been misused to play golf on instead of for conservation it is not worth much and the development will provide more intense use than the current open space park that is underutilised. (#10)

We can agree that it is shameful that our City approved this golf course, on a sacred site reserved for conservation of the flood plain confluence that had much wetland that was known as 'Varschevlei' by the Dutch. The broadly supported Draft Manifesto for TRUP as supported by I&AP's, gives increased access to a well-used Park. That was not implying *a car park or a business park!* The latter are not permitted as indicated in the founding document for TRUP. We respect the 2003 Framework. We're against access for cars, trucks, delivering to shopping centre buildings nor towering office blocks not indicated in this heritage park! (#11)

Why would DEADP suggest that many people should have access into the Raapenberg Bird Sanctuary? (#12)

We support the "live- work- play" vision for our city but this development proposal is not it! Planning policy recommends people "live and work" near to a public transport corridor routes. We do not suggest people live and work in heritage parks in flood plains! How could DEADP disqualify its integrity to support such madness? Does DEADP also want to build shopping centres and office blocks in Kirstenbosch and on Signal Hill? I am seriously shocked that DEADP could simply copy and paste this nonsense from the self-interested LLPT developer's publicity brochures! There is simply no apparent truth in this claim that this Development "promotes sustainable development based on ecological integrity, social benefit and financial viability" (#13) TRUPA take exception against the statement that "The proposed development is largely consistent with the draft Two Rivers LSDF"! The truth is plain that it is the other way around! The Draft TRUP+Ndabeni LSDF that ignores the existing consulted 2003 Environmental Framework LSDF and the later broad consultations on the updated visions for the park, have been ignored under pressure by certain major landowners such as the City, The WC Gov and LLPT! So it is not surprising that absolute power corrupts but Civics who will not tolerate this despicable attitude any longer will not accept an imposition of destruction on our realm. (# 14.)

We cannot tolerate the LLPT's disregard for what is appropriate for this site what is not. The HIA, the BAR and this E A are all totally devoid of balance and integrity not giving regard to the negative impact that this development would have and as such must not be permitted to be approved! We have seen a serious breach in process, lack of credibility and not providing sound reasons to decisions. Stubborn loyalty to premeditated predictable orders following self- interest prejudice is totally unacceptable!

**3.2 Heritage Value:** is one of the most adversely affected, by the threatening proposed LLPT 'development'! The site is tentatively on the list of **UNESCO's World Heritage** register, and is awaiting assessment for either a Provincial or National Heritage Site Grading. The history of the area, particularly as it pertains to Khoi communities and their resistance against the incursion of colonialism, is well-documented. The Khoi groups who practiced a system of transhumance used the fertile area along the banks of the Liesbeek as summer pasturage for their stock, crossing the river near Varschedrift when needing to travel further into Table Bay. **The area is also associated with the defeat of D'Almeida, by Khoi resistors, a story very much alive in oral tradition.** The Dutch colonial settlers attempted to secure more arable land, so the site became an historic frontier, constantly kept it under surveillance, by watchtowers and forts. Colonists' desire for increasing amounts of land and stock eventually led to clashes between the Khoi and the Dutch, and this frontier became one of South Africa's first sites of forced removals, pushing the Khoi out to make way for the first Dutch freehold farms. It was also the place many of the first enslaved peoples to the country would have 'settled'. Today, it is an incredibly sacred cultural landscape - that includes both tangible and intangible heritage resources - **for the descendants of the indigenous peoples of the Cape.** It is also a vitally important place in which we can locate a deeper understanding of the story of South Africa, the story of us.

We should thus all be incredibly concerned that in order to put a rush order on the destruction of this important heritage site through development, the DEADP has had to blatantly ignore:

a) historical facts: the DEADP quite clearly illustrates its complete ignorance around the historical significance of the site, claiming that it "had its origins in the 1920s". Even the massively flawed HIA it uses to support its decision has not been able to ignore this deep history.

b) policies currently in place to protect the site: The 2003, 2012 and 2015 Spatial Development Plans, etc..

c) Heritage Western Cape (the competent body authorised to determine heritage significance of the Province's heritage resources): In 2018 a Section 29 protection order was issued by Heritage Western Cape (HWC), allowing for a two-year period in which the site's heritage significance could be thoroughly established. The HWC believes that it should be graded at a Provincial or National level. During that period the already under-resourced HWC was conveniently kept busy by legal distractions instigated by the developer. **HWC has not approved any of the HIA's thus far.**

d) a nationally-appointed Ministerial Tribunal: The Section 29 Prov. Protection order, persistently appealed by the LLPT, City and WC Provincial Departments throughout the 2 year protection, is a clear indication they suspected it could have Provincial heritage status, before they managed to turn the first sod. The ministerial tribunal dismissed all the appeal, making it clear that the argument for heritage status was compelling.

e) the National Heritage Resources Act: When the DEADP states that the heritage at the site "is not visible or apparent" it reflects a likely *disdain* or ignorance of the country's national heritage legislation, which lists tangible or archaeological remains as only one of several heritage resources, resources that include living heritage and intangible heritage. Furthermore, Section 38(3) of the act stipulates several requirements when a development proposal is located on a site with potential heritage value. These requirements include the identification and mapping of all heritage resources, a consideration of the impact of the development on these resources, and the results of consultation with communities affected by the development. The reports generated through these activities must then be assessed (and approved) by the designated heritage resources authority. As stated by HWC's IACOM and in the EA on bottom of pg 20, has noted, in the case of this site "**the requirements of Section 38(3) of the NHRA Act 1999 have not been met.**"

f) and the Khoi and San themselves: In exchange for the evidence supplied by these competent authorities, historical records and numerous widely-supported public petitions and appeals, the EA is based instead on: - a developer-funded HIA (2019) (appointed by LLPT, the developer, in collaboration with City of Cape Town and Western Cape Provincial Government). These who own most of the Heritage significant TRUP land that these parties have spent over two years appealing the perfectly reasonable and appropriate need to grade the site for an accurate Heritage Grading. They were ruled out of order by the Ministerial Appeals Tribunal in its final ruling, dismissing their combined Appeals against grading. The claimed threat, now shown to true!

This LLPT commissioned HIA was rejected by Heritage Western Cape. "Identification and mapping of all heritage resources was inadequate" It was clearly "tailored to arrive at mitigation for development." The HIA offers a rather convenient assessment of the heritage value of the site, by claiming that it can all be located in the river. This rationalisation flies in the face of globally-recognised definitions of cultural landscapes - the river, the cattle crossing points, the verdant banks, the confluence, the flood plain, the remnants of the earliest farmhouses, the SAAO Hill, the historical routes the Khoi travelled along the landscape, the historical and oral accounts of Khoi encampments and land-use, colonial surveillance structures and battles between indigenous communities and settlers would all be mapped out within an interconnected landscape (and not necessarily located in fixed places). When conserved together, they serve to tell the story of this place, and in turn assist in the protection and restoration of vulnerable cultural assets, such as language.

**It is not so surprising perhaps, that the authors of the HIA have specialisations in archaeology, monuments and architecture. Heritage practice has moved on quite considerably from these fields since they received their qualifications, and one can't help but wonder if they haven't been able to quite keep up.**

- a "First Nations Report" (2019): is a *blatantly biased, tick-box consultation process*, portrayed as an inclusive, 'collective' report, is even shoddier than the HIA detailed above, including only the voices of a small contingent of First Nations representatives who conveniently claim support for the development. This report has since been slammed by most commentators as unethical and worthless, as it does not reflect the majority First Nations view of the development and its impact on the cultural significance of the site, indeed did not even ask for it. That the DEADP can take this report seriously is astonishing. **You can liken it to a doctor utilising cancer research conducted by a tobacco company.**

In short, until the site has been adequately assessed in terms of its heritage resources and graded for heritage significance, any development cannot ethically or legally be allowed to proceed. When a competent authority, like the DEADP, is designated to make decisions that affect all of us, decisions we assume will be based on rigorous research, an impartial review of all the facts at its disposal, and an adherence to the laws of the country, when it claims it is entirely within its rights to ignore or dismiss its responsibilities, as well as the huge body of evidence running counter to its evident desires, stating brazenly that "the potential heritage impacts have been adequately assessed and concerns raised have been adequately responded to" alarm bells should sound. If we do not hold them accountable for what is either gross incompetence or deception in this instance, a dangerous precedent will have been set. The landscape tells our stories - do we want this site to illustrate how collusion and corruption continues to beset South Africa for the benefit of the few, or will we choose it to be a place that narrates our past in order to heal the present and create the better future we all desire for our descendants.

*Clearly Heritage is among the most severe, most compromised and most negatively affected by LLPT proposed mega development, glossed over by the DEADP's Environmental Authorisation!*

Reliance on the flawed HIA strongly objected to by TRUPA and many other objectors since it refused to take actual heritage factors into account. The BAR was also strongly objected to and yet this EA simply ignores

these problems. There is No sign of any independent questioning or criticism of the HIA and no reasons given in this text why it has simply repeatedly taken positions of the developer LLPT and their agents. For DEADP to repeat statements like: **“No tangible remnants of actual events have been found thus far”**, when the site has ample evidence of some of the most significant of the earliest Cape history at ‘this place’, the confluence of the two life sustaining rivers, the flood plain/ wetland topography with the earliest only route in and out of the peninsula, the crossing points such as at Varschedrift, the records and remnants of earliest first settler farms and farmhouses, the historical maps of this First Frontier, the witness accounts of earliest colonial – Khoena conflict experiences, much written down in earliest records of those times! These all reveal a full enough picture of what this place is and ample evidence attaching unique history to this place!

It is again sadly false, as stated, that a select few “First Peoples groups” claim this early landscape as (their) living heritage site” as if it is only theirs to state this! This site is known as very significant since prehistory, pre-colonial and early colonial times but this cultural landscape and its environmental heritage as a highly significant common fresh water ‘riverine heritage’ that is an essential part of early Cape history, of South African and World History. It has to be seen as criminally false, for an accredited Heritage specialist employed by the developer and repeated by DEADP without questions or reasons state that **“there are no heritage resources that require intervention located on the site”**! (Unbelievable as it is!)

These claims seems ample reason, on its own to reject the HIA and this EA. Restoration of the ecological biodiversity is an essential part of preserving the Heritage but first, all the TRUP site needs to be graded and protected from all this inappropriate ‘Development’ that threatens to destroy the entire site that must be protected and preserved as heritage! In this context, talk of ‘financial viability’ of this unique open space, zoned for conservation of environment is also somewhat misplaced as is the misrepresentation of saying that: “the current layout design is compliant with all the urban design indicators identified in the Urban Design Indicators and recommendations of Urban Concepts.” This makes no sense at all! They have not got that authority to do whatever they chose, have not consulted or gained support for disregarding the constraints for the site. All their ‘fantasies’ for the site have not respected policy or heritage environment. It’s focused urban design to achieve financial gain for LLPT. They do not have any rights to build on the site!

Talk about “minimised visual impact” is a concern featured in the existing 2003 policy but this proposal disregards that .The policy clearly refers to height of buildings permitted and the limited specific area that is limited to (focused on existing footprint and also keeps the majority of sacred areas restricted as open space not for development, yet this proposal simply ignores that, and the EA states that heights are ‘reduced’ when they are far in excess of what policy permits! DEADP does not seem to consider anything about that! Talk of planting an avenue of trees while disregarding the existing protected avenue of trees is destructive and disrespectful! What is proposed is far in excess of what is indicated as permitted in policy. The river corridor and the policy to restore the Liesbeek River are issues that have become painfully twisted, by misrepresentation in order to get permission, by claiming to “restore “the canal that was never anything other than a flood canal, but actually focused on destruction of the entire protected Liesbeek River Heritage, claim it’s no longer functioning even as approved and adopted City policy and other policy that does not permit this destruction. The truth is that the flow has been criminally blocked! The developer commissioned HIA as stated by HWC, “does not comply with the provision of Section 38(8) of NHRA 1999” and that “identification and mapping of all heritage resources was inadequate...”

The so called attempt at “dealing with a Collective”, (that is only a hand full) of ‘select representatives’ has been seriously discredited. Why has this evidence not yet been dismissed by DEADP? It has to indicate a ‘generally corrupt relationship in both the HIA and EA that needs to be investigated since that possibility



simply can't be tolerated! This sacred place cannot be offered by any small group of people to anyone, since no one is entitled to give away our common heritage and there is no basis for that in policy or law.

HWC did state that 'River Club'- Confluence flood plain area is an integral component of TRUP and noted the highly significant Heritage of this integrated Cultural Landscape. It also stated that it is of the opinion that this River Club and TRUP area, as a whole are at least Provincial significance if not National Heritage Significance. There is an urgent need to grade the site, by finalising and collating all research on the area.

The EA must be overturned as flawed! No applications should be considered prior to TRUP as a whole having been resolved. It is not satisfactory at all that DEADP refuses to listen when it states that: "according to the heritage specialists, this "heritage is not visible or apparent"! This is very disturbing nonsense! (# 15.) It is delusional for DEADP to simply conclude that: "the potential heritage impacts have been adequately assessed and concerns raised have been adequately responded to." We don't agree since this is simply not the case. There is no indication at all of any respect for heritage. This EA must be overturned and stopped!

**3.3 Visual Impacts** were examined and reported on by SRK in July 2019. It is not a reasonable statement to suggest as stated that: "this site is surrounded by residential, commercial, industrial and industrial land"! The site is within the Two Rivers Urban Park and it is surrounded by rivers, a road, sports fields, the National Heritage graded SAAO hill! Words are used to lie! The specialist who stated the site as an isolated transition landscape may be partly correct but as a transition between east and west as it was for centuries as the only crossing point in and out of the Cape Peninsula (before bridges). It is not a transition interface between "highly developed urban areas and modified natural elements"! It is a central northern natural flood plain that is the confluence of the two rivers and is a park that includes two external green spaces and the internal green space that was recently divided by the 1956 concreted canal that spoilt its integrated quality.

The site is not as described! It is a green flood plain island, inside a green open space. There are distant pockets of buildings. The immediate surrounds are TRUP open space! Nearest large buildings are far away, not adjacent! What is essential to notice is the unfortunate size of two of those buildings that negatively impact on parts of the skyline and planners who hope to work in a precious place should notice that! (# 16.) It is baseless to authorise something not permitted! Selecting between three disasters: like, strangulation, drowning or be crushed by a bus, can't have a 'best'! They should all be avoided! This is the task of DEADP who should not gratify Death of heritage or Environment! All are destructive and must not be permitted!

**3.4 Botanical Impacts** need to be seen in terms of the recent damage to the site when the golf course was extended without consideration of environmental conservation of the open space.

It is possible, and necessary in terms of national protection targets for the historical vegetation types, to restore the functioning of the wetland and natural locally indigenous vegetation types that are an integral part of the beautiful sacred space of much cultural restoration potential, that is central to providing many people with accessible points of contact with the human health benefits of a "Natural Destination". Such upgrade respecting its environmental ecosystems could be great also for inclusive community facilities!

How could DEADP support such a huge devastating development on this flood plain site when it is clear that the sites restoration potential, affecting linked ecosystems surrounding it. DEADP should respect this sacred heritage and important functional environment with its strategic landscape value. Several indigenous vegetation types exist within the Liesbeek catchment. Many indigenous vegetation types have been affected due to urbanisation and many of these vegetation types are endangered or critically endangered! The ability for the vegetation to recover is very likely, given the many long term local community restoration efforts over the last 20 years, so its current degraded status should not be a free pass to continue to degrade it

further and lose its existing value and surprising resilience. It's an asset to us all, with increased extreme weather and climate unpredictability. The river system is dynamic, and despite the Black River currently being a low grade river, largely due to sewerage overload, upgrade of such infrastructure could help the river, its vegetation and animal life to rapidly recover over time. Lower nutrient levels would also reduce invasive alien and the current grading of the Black River would improve with recovery of riverine vegetation.

A study on the catchment has shown that negative impact on riverine birds, adjacent urban development due to disturbance and the loss of riparian habitat (Rodewald & Bakermans, 2006; Rottenborn 1999; Smith & Wachob, 2006). Pollution, disturbance and urban development along the Liesbeek River, could have negative impacts on bird diversity. This may outweigh positive influences of other habitat features. This was observed in the middle, canalised sections of the river which are constricted by urban development and noted to have lowest diversity of species. Patches of remnant indigenous vegetation has influence on bird communities.

Concrete has two detrimental effects in changing the pH of the soil to alkaline, where local vegetation requires neutral or acid pH, the site as hosts to critically endangered vegetation types would be negatively impacted by the proposed development! The site is also a green lung and with all vegetation, contributing clean air, the ecological health of a wide area of people surrounding the site is affected. CO2 continues to be released by the concrete and over the next 150 years, affecting the value of the site! The report under-represents the true impacts of this development in such a place! Indigenous vegetation is not just ecological. It also provides food and medicine to city residents. Concrete poisoning removes this possibility for local food security and in an uncertain future soil and other impacts will be a widely felt detraction from the communal value of the site, besides all the other complex factors affecting our environment.

### **3.5 Faunal Impact**

The destruction by filling of the original Liesbeek on the west and along the north would be terrible

More so: The impact of masses to roads, buildings with underground parking and traffic everywhere

- Why not restore Liesbeek River in its original course?
- It has significant heritage 1) as a breeding site for Leopard Toad,
- and 2) as essential to retaining the integrity of the original cultural landscape.
- Development and a large volume of traffic onto this sacred flood plain site has far reaching impacts on the soundscape and ability for fauna to live here and most importantly, to use it as a conduit to reach other parts of the landscape, the River Club being the meeting point of several water flows which are like highways for mammals (Cape Clawless Otter), birds, fish and amphibians (Leopard Toad).
- DEADP is silent about the severe threat impact and does not address existing policy.
- The developer no rights to develop the site

**3.6 Groundwater impacts** are being ignored. It is totally against policy to extend hard surfaces, nor additional development footprint, more than present extent. This can't be seen as extreme circumstances!

**3.7 Avifaunal Impacts** are very serious if we do not restore significant areas to add more wetland along the edges of the site, rather than destruction by filling it in. Adding roads and buildings in the flood plain is illegal and very destructive! DEADP have not considered the full suite of available evidence on bird animal life and neither have specialists employed by LLPT to support this rouge development. 'Suri et al' published a paper

in 2017 about the Liesbeek River catchment, entitled “More than just a corridor: A suburban river catchment enhances bird functional diversity”, in which the river as a whole, despite its degraded state, is key to bringing biodiversity into the urban fabric of the city! Without the river in its current form, it would otherwise not survive, putting emphasis on the lower reaches of the river and how that contributes to the environmental resilience and integrity of the city. Environmental health, impacts many people living far beyond the immediate proximity of River Site in TRUP, a fact that should not be negated as evidence. The number of bird species mentioned in the avifaunal report is more than 40, whereas the ‘Suri study’ had the number of species for the lower reaches at 95, with a wider net of 120 species in nearby areas! This is a gross under-representation of the true community of bird species that are impacted by this development.

Since wetlands and rivers are dynamic systems that by their very nature fluctuate in shape and form, which give them the wonderful capacity to buffer floods and dampen droughts, and given that birds are flighty and respond very immediately to these changes, the wider estimate of birds species in the area should be considered as the appropriate measure of the birds species of the piece of land under question. It is negligent for SRK not to have brought this to the forefront of the report in the avifauna section as it is part of available scientific evidence to fully understand the ecology of the site, and key to balancing what is lost with the proposed development vs what is gained. The extent of beneficiaries of this site, are greatly enlarged by this evidence. SRK’s report is thus seen as flawed in favour of the development alternatives by the omission of this evidence and its reference to a far wider set of beneficiaries to the site even as it is or be restored.

Rivers and wetlands are vital components of urban ecological infrastructure. When heavily degraded or transformed due to inappropriate development, often chemical, physical and biological elements of the stream are altered and as a consequence these streams, often experience reduced invertebrate diversity, alteration in vegetation structure and reduced instream habitat. (Urban, Skelly, Burchsted, Price, & Lowry) This is not different for the Liesbeek River, although the Liesbeek catchment is surprisingly biodiverse for a small, highly disturbed urban river catchment. This is both in terms of species richness and functional diversity, being canalised and damaged by dumping upstream. This development threatens river function down to a lower level, robbing it of its current value. Rivers and their catchments are known to impact the functional composition of urban bird communities. In a study conducted by Suri et al a total of 95 species were observed in the lower catchment of the river, but over 120 bird species are known to occur within the 327 km<sup>2</sup> of the study area. **In comparison, at least 367 bird species occur within the greater City of Cape Town, thus, in an area of less than a sixteenth of the city’s size, the Liesbeek catchment represents almost a third of all the species which occur within the city.** All these species will be affected by any sort of development around the lower catchment of the river, posing a threat to their general existence. While this is a study only focused on bird species, the river in particular is responsible for the occurrence and persistence of other species and functional groups. Furthermore Most studies along rural-urban gradients have found that bird species richness decreases with increasing levels of urbanisation (Blair, 1996, 2004; Clergeau, Savard, Mennechez, & Falardeau, 1998) primarily due to **a decrease in vegetation cover and natural habitat** which often are a result of new buildings such as the proposed development.

**3.8 The Ecological and fresh water impacts** report is in error in terms of its focus and emphasis that misconstrue the true ecological value of the site, and it makes significant geographic mistakes, a core skill of an environmental assessor, putting into question their evaluation of the site. It states in error that “the Black River is south of the site” when it is on the east. This is a copy and paste repeat of BAR errors and brings into question the how well the assessment gathered full up-to-date evidence for this assessment. Instead of focussing on significant issues it instead it focusses on minor issues of ‘berms’ that are unauthorised

temporary intervention “on western and eastern channels of Liesbeek“. There is one Liesbeek River since earliest time and the focus of restoration. This is a huge problem with the quoted “Coastec report.” (# 17.)

The text mentions that the Western Cape Biodiversity Spatial Plan, 2017 states that these rivers and wetlands around the RC site are mapped as “a Protected Area in terms of the Natural Environmental Management : Protected Areas Act 2003 (Act No 57 of 2003).” This is part of the founding documents of TRUP as an approved Park, by City of Cape Town, August 2003 which also put in place this, in terms of that legislation that is an essential part of TRUP Association’s Constitution set in place by City of Cape Town. TRUPA is obligated by its Constitution, to make sure that this legislation is upheld, *in PERPETUITY*. DEADP is not entitled to undermine this responsibility. We have responsibility to protect the Park. TRUPA assert that, LLPT , the City and DEADP are in violation of TRUP’s founding documents as defined in TRUPA’s Constitution.

Mention is also made of the “National Freshwater Ecosystems Priority Area as listed in 2011 where the actual Liesbeek River is Classified as a fish support area/fish corridor”. Undisclosed to authorities, this pipe was recently illegally blocked. The pipe was installed to convey the typical full flow of the Liesbeek River to the north under Observatory Road. The need for improvement of this flow is contained in the approved policy, protecting this area back in 2003 since it tends to silt up. (# 18.)

How easy it may feel for a paid specialist to claim: “the Applicant’s preferred alternative is preferred from a biodiversity and general aquatic ecosystems perceptive, since the overall impact is anticipated to be positive”. Well, how is it that DEADP is silent about this, do not question what is positive and how it is derived and, what makes DEADP accept such a statement without giving its own reasons for doing so? This, knowing that the development openly disregards current policy, destroys the existing Heritage of Liesbeek River, on the west and north of the site, destroys what remains of the relatively untransformed cultural landscape. It changes capacity to hold flood water. It has negative impact on Black River wetlands! (# 19.) The fact that the EA mentions that Cape Nature “agree to the proposed ‘rehabilitation/restoration’ of the Flood Canal is somewhat misleading as to what that implies. Even back in 1998 when consultations on TRUP commenced and as can be seen in the adopted Contextual Framework (LSDF) for TRUP that City approved as policy in August 2003, and remains the current policy still in force, states, under : “The River Club & Observatory”(Item 3.3.5.3 ‘Design Concept’):” The old Liesbeek River course should be rehabilitated and some extra flow should be into the Liesbeek River course should be investigated, and “Redesigning and landscaping the banks of the canalised section to a more natural state will enhance the amenity value and the ecological functioning of the river.” This is not some new endorsement of what the developer proposes, while destroying all the other aspects of policy like ‘rehabilitating the existing actual Liesbeek River’ that has criminally, been permitted to be blocked without permission even as rectifying the flow was and is also part of current policy, at least since 2003. It is not within the mandate of Cape Nature to support criminal behaviours that undermine established conservation policy protecting Liesbeek River in Perpetuity. (# 20.)

This misleading supporting statement is made under the hand of the DEADP’s EA, which has not yet been commented on by Cape Nature. Yet the statement is made as if it is taken for granted as a condition and the authorisation is given based on that assumption being met! (Pease read all other stated points regarding River Club site under 3.3.5 which destroy all other assumptions that DEADP disregard as also needing to be conditions to asses this project on, but instead DEADP just endorse the flouting of existing policy since City of Cape Town is a self- interested party and has set up this collusion long in advance. No reasons are given for doing so, other than: “it’s in their own positive interest”!)

**3.9. Geotechnical considerations**, did disclose highly unstable variations in the ground conditions over the site. This had been disclosed previously, as having a range from very hard rock adjacent to very soft rock across a line that is like a fault line! (This sounds like a threat of a leaning tower of Pizza!) *It also reveals the criminal behaviour not yet addressed of dumping on this sacred historical heritage flood plain. This should be legally corrected, by authorities responsible to monitor and to correct such environmental/heritage crimes!* No mention is made about this need for corrective action either by DEADP or the owners of this land! They only refer to a need to “dewater” the underground water during construction! This flies in the face of policy to protect the aquifer as is stated in the existing approved City policy! Yet again DEADP’s EA raises no reasons why this is not an issue other than mitigation is needed and that is fine by them as long as it’s a condition. It is clear that following set approved policy is not a relevant condition for DEADP and as such it does not need to explain why every policy in place on preserving TRUP can be disregarded by DEADP.

**3.10. Surface Water Hydrology Impacts** have been reported on by many flood specialists commissioned by different parties who know that existing policy does not permit development in a flood plain, not even one that only floods every 100 years. This is without any construction rights, so existing policy is that one can’t even apply to build in such a flood plain even if it only floods every 100 years. This site is worse since it floods very regularly, every year, substantially every two to five years, even more substantially when there is high tide storm conditions, predicted to be more serious with climate change, rising sea levels, exponential increased hard surfaces all over the central core areas of our city (# 21.)

The Aurecon, in the employ of the LLPT developer, are reported by DEADP to mention 35 scenarios they were commissioned to explore, that may present some concerns as a result of the proposed development that interestingly they do not question as being illegal. They refer to flood levels that may be impacted due to the development and all they can suggest is that there is only in the order of 0.01 to 0.15 m impact depending on storms and location but, disregarding other potential surrounding properties, this may be less. We see no evidence here of what rain fall conditions are being referred to in these pathetic non-scientific statements, how they derive this claim that “therefore potential impacts are considered to be insignificant, while going on to suggest that maybe some efforts may be a good idea to reduce risks.

There’s no evidence here of DEADP questioning any of this report, and since it is so emphatic, no need for reasons to question or state reasons for accepting this empty specialist statement. But when you examine it, you will see that it is totally misleading to anyone who assumes that specialists would not misrepresent such a serious fact. Yet there is ample evidence on other studies on this same issue that there is a given maximum level that floods in this confluence area are likely not to rise above and that would be in a very heavy 50 to a 100 year flood level when rain fall is intense and flood build up is substantial and disruptive to everything, making road, rail and everything in the flood plain inundated by the typical extreme high flow of flood water until that maximum water level of flooding is reached when it bursts over the railway lines and floods the entire huge northern area on Voortrekker Road and Paarden Eiland. What the evidence given here is there will be a very small difference in that maximum level of catastrophic flooding in TRUP, but what they are not willing to disclose is that such levels of maximum and serious flooding will happen far more often! We are therefore requesting proof regarding undeclared facts so that people who have voiced these concerns about not respecting existing policy restrictions the prohibit building in a flood plain and do not permit filling it in, should also be extra strict to ensure that even a small leniency should not add any threat even a small addition that could be questioned in a case where a claim is made of causing catastrophic floods, far more often. Is the permitting authority and other collaborators in a position to do that? We can’t accept that since this is a very important life and death issue for people who live here, aware of what a major flood looks like.

We have knowledge of what research indicates: A 50 to 100 year maximum flood level is when the rivers flow at up to 230 m<sup>3</sup>/second for a sustained period and may not go much above a maximum level in normal circumstances but transforming the flood plain has a risk as does other drastic transformation since this research was done so permitting illegal intrusion is an extra huge risk! 10 year flood levels are said to be associated with 140 m<sup>3</sup> /second flow and typical flood, as every year or two has a flow 100 m<sup>3</sup>/second. The difference makes a significant difference since the volume to be filled in the flood plain, after illegal intrusion by filling and other changes, will behave differently, causing flood levels to rise faster to higher levels , more often when flooding rivers, rain and raised sea levels combine with reckless illegal tampered floodplains and water courses that get filled in, have raised roads and large buildings illegally added by a authorising agency that does not even give reasons for doing so other than just following orders... and referring to conditions and specialist reports that give no reliable proof or well assessed facts based on tested facts, as unpredictable as this is to do in our time of Climate Change and in totally transformed catchment feeding a totally transformed flood plain. Do they even know or consider how a bath overflows when full of sand bags and the outlet gets blocked? Are they aware that retaining walls are being proposed to block the flow over PRASA land further down-stream? All these are very serious problems that will set up unpredictable future disasters and threaten to shut down our City much more often, due to this illegal dereliction of following the existing law that prevents this. We who see our obligation to uphold the strict guidelines of the law, do not accept this EA report based on the flawed BAR application that we objected to, mostly that's been disregarded! Here again, it remains unnoticed, still uncorrected in the same form shows DEADP does not care. DEADP is not asking questions nor does it tell, by giving the reasons for its decisions.

We who are fully familiar with this issue after 22 years engaging with specialists to first contribute to the Contextual Framework, having seen the objective evidence of far more reliable reports that give clarity that flooding in TRUP is a serious matter and it is as stated likely to get much more serious. Now, we see the threat far greater than ever imagined we may face, with proposed illegal particularly huge construction and filling and massive areas of hard surfaces like LLPT is requesting (when none are permitted) and disregarding this, DEADP is simply authorising it, endorsed by participating authorities who have self-interest motives and conflict of interest issues that need to be exposed by a formal inquiry! How has DEADP arrived at its whitewash decision in the EA? How is it that they do not question such reports? What chance is this possibly due some advantage not yet clarified in full why not to question the reports since the probable positive benefits of turning a blind eye may be seen to be very interesting! There is already ample evidence to show that existing flooding threats are already far from insignificant as it gets more often, it IS MORE significant!

**3.11 Services/Bulk Infrastructure presents** a number of concerns.

**3.11.1 Electrical supply.** We regularly suffer load shedding in our area due to shortage and unreliability of power availability yet when it comes to massive non-compliant developers who have no rights to build and such developments are not sustainable or worthy at all, suddenly we see that there is "sufficient spare unallocated electrical capacity available to service this proposed development (by increasing load shedding!)

**3.11.2 Potable water supply.** Fortunately we have got filled dams now, not like two years ago but we are in a water scarce part of the world and this type of construction uses huge quantities of water and can't be taken for granted. We do not see any indications of water conservation or water collection in this unsustainable project and suggest that DEADP should be asking questions about that... nothing noted.

**3.11.3 Solid Waste removal.** One wonders if the City has sufficient capacity, available to accept, collect and dispose of all types of waste, why the rivers are so dismally full or rubbish that volunteers have to spend their weekends cleaning up. Why the railways was permitted to dump rubbish that still remains on this flood plain site, that is restricted to conservation and that is a sacred heritage place that needs to be cleaned up?

**3.11.4 Stormwater** is a serious issue not only due to pollution that is flooding down our rivers into the sea, seemingly without any controls or mitigation by authorities, it is made much more serious when flood plains are built in and storm water reticulation is already so inadequate that sewerage is bursting out of storm water pipes and sewers are totally overloaded by storm water entering the sewer systems causing sewerage to overflow into rivers, lagoons, onto beaches, fields and into streets. This indicates a huge deficiency in the local infrastructure that is both old and not designed to cope with the increase load of extra developments, plus increase in hard surfaces and lack of maintenance of blocked up pipe systems. Specialists report clearly of the need to filter storm water before it enters our rivers and to track sources of pollution yet this appears to be neglected... other than to state that “a more detailed plan will be compiled”. What about the impact of such a non-compliant huge development on our existing, already unsatisfactory system. We cannot accept the proposed destruction of Liesbeek River, a special natural system needing to be restored as heritage protected in perpetuity. Why no questions asked by DEADP regarding it becoming as a storm water swale?

**3.11.5 Sewer treatment and disposal** is an issue that is a great concern to us, as we see the pollution that is flowing down our ancestral heritage rivers, that is not getting taken seriously by our City. We have noted the reports that Athlone WWTW is overflowing and does not have capacity even to treat the existing sewerage and thus much is flowing out untreated. There are official plans that state that there is a proposal to upgrade within around six years, by 2006 or 2007 but that is not all. Pipe capacity is not sufficient and pump capacity needs to be increased. Mention is made that there is capacity available on the Cape Flats, but that seems questionable since there are so many people who need to be connected out there and so many waiting for services that have not been provided for years. The housing backlog is also huge in that area and the delay in even being able to access that is said to be a minimum of 3 years! So how is it reasonable for our City to indicate in their report that the existing bulk sewer capacity can accommodate even part of this proposed development, relying on additional capacity that evidence available suggests does not exist at present and that is why sewerage is flowing down our rivers! To suggest that the developer will need to arrange the shortfall as a condition seems irresponsible and unrealistic! It is also strange for DEADP to state that “waste water can be diverted to Cape Flats WWTW” when that is not actually available, said to take 3 years to arrange and which development only needs disposal of waste water? What about sewerage? Where is that going? This inadequately accounted report, not checked out by DEADP, not being stated with any reasons to approve such a dismal lack of facilities seems to be a gross inadequacy and can't simply be authorised until such essential services are available! The quality and quantity of waste water overflow from Athlone WWTW is already at “Unacceptable” threshold levels that present a health risk to humans and animals in this area! How can a huge project like this that has no existing development rights take precedence over other more appropriate developments that are suitable and do have existing rights, to develop on sites with rights? There are many other far more deserving cases ahead of it! This is particularly a concern as this site is not in a satisfactory place according to good sustainable planning principles and the nearby sewer facilities are inadequate and not available for many years This application should not be supported based on this flaw.

**3.12 Socio-Economic Impacts** were reported on by SRK who claim that construction provides employment through a multiplier effect, however this does motivate construction, it does not suggest that building such a poorly conceived development in such a sensitive site is negative and destructive and does not follow typical trends as appropriate development would! A good example of fake predictions of economic benefit is the construction of the World Cup Soccer Stadium in Green Point that has near bankrupt our City as was predicted at the time while some suggested there would be a multiplier effect which was totally false! This claim is also false and we will not tolerate this stupidity. Think what disaster would occur to our well positioned Local Kwikspar Supermarket in central Observatory if all Lower Observatory were to relocate their shopping to this new centre in the flood plain. They would have to drive by car because it is too far to walk,

the local shop would close down because there would be less business and as it is the local shop is battling to make a profit. The overhead costs of construction in this floodplain would cause rental costs to be unaffordable and the commercial space would remain unrented for years on end as is already the case in some poorly planned commercial facilities built about 12 years ago at OBS Square on Main Road that lacks regular passing trade and lacks the intensity of residential and commercial to make it viable yet over saturated during rush hours when it is undesirable to visit in the thick of traffic, rather than near home.

Since 2010 instead of economic stimulus we had slowed growth and increased unemployment! This development has little to no knock on impact like a domino effect as developing along a main activity corridor would have. This will destroy the heritage and environment to such a degree that people would chose to rather walk elsewhere, particularly as it would go bankrupt and not get finished, leaving a sad disaster in what should be a unique heritage park and natural destination! Making predictions about office space and shopping, plus high end apartments in a disaster area without any viability and at great expense is bad, bad, bad! Large office blocks are not part of our new normal. Nor is driving to big shopping centres! The present is working and shopping near or from home, utilising local delivery of a bicycle or on foot. This development is totally dependent on motorcars and the City should be spending large budget sums on upgrades on roads that are not needed, in this form. The need is to attend to additional load during short peak times that is very inefficient! Mention of inclusionary housing little sense since it is an irrelevant 4 % of such a first world expensive development that is not affordable. The property market has little need for this disaster illusion! Rather than creating many long term jobs, it is likely to lead to many bankruptcies in our current times! Our City officials who supported this will be totally discredited for supporting such a non-compliant travesty so why did they waste so much time and money on this rather than focusing on what is actually urgently needed ? That's well located affordable housing and long term work opportunities that are sustainable on public transport routes. This north TRUP area, zoned for conservation of open space park, has been used, inappropriately as a consent use, in the recent past for the somewhat elitist colonial sports of golf, well known as not environmentally sustainable. The need is get it transformed to serve the policy directive as conservation of Environment and as a Heritage space of great significance, providing public open space as it was intended. It should not have been permitted to be privatised even as a temporary consent use arrangement and there is no validity to that being extended any longer.

There is absolutely no legitimacy to consider such inappropriate use as is being proposed and there is no benefit in that or the claim that development of this kind is enabling public open space to be accessible! It is fake nonsense! This rejected proposal is not the winning formula of Kirstenbosch or Green Point Urban Park! The good policies set in place 22 years ago as approved and updated, remain in place, to protect TRUP. That policy is diametrically opposed to this proposal we reject as a unacceptable disaster. The CBD, Woodstock Main Road or Voortrekker Road is where development is needed, not in our sacred heritage Park! Statements like that the impact of this totally non-conforming disaster will be 'medium positive' has to be totally absurd, in the context of the real world as it is. We suggest that some real research be done before more destructive threats to TRUP are entertained! DEADP can't swallow this nonsense!

**3.13 Transport Impacts** as reported in the BAR, repeated here in this EA, these statements on massive new roads through the protected flood plain confluence area and over rivers in the park are totally unconvincing and needs to be rejected. The notion of enabling access to connect Malta with Berkley has some specific limited logic, but not in this form proposed! It has been stated repeatedly that given that Voortrekker Road and bridge already exists as a wide well positioned road that is underutilised because of lack of localised traffic design, and is easy to improve on but not explored is a serious lack of governance and shows that there is no concern at all about improving traffic flow. Similarly existing roads like M5, Alexandra Road, N2 and Raapenberg Road, are simple to upgrade to be more attainable, affordable with combined traffic flow



with support of well-located, appropriate development throughout underutilised around TRUP, rather than in the heritage flood plain! The opening up of TRUP as a **preserved Heritage and Environmentally protected Natural Destination Park is an essential, catalytic boost** for a thousand times the development potential throughout the Heart of the City along Transport Corridors and nodes, enabling thousands times the work opportunities and 10 000 times the affordable housing than is hardly a token of LLPT's River Club disaster!

This ill-conceived idea is only chasing one thing, to grab profit, while destroying the hugely significant sacred heritage confluence flood plain in north TRUP, thereby destroying this natural destination that has huge national / international benefit! What fools would propose building a highway or even a narrow road with traffic, through Kirstenbosch? Is our City to be taken to the International Court to be told to please go take a hike and do something responsible in line with its own policies that are approved and makes sense, to protect and restore this sacred place? Destructive Scenarios that are referred to in the BAR and EA, exploring nine proposed intersections that totally disregard the Contextual Framework for TRUP and the 22 years of consultation that documents all Stakeholder Vision, Scenarios that attained very high support in alignment with the well supported, ten point Draft Manifesto, that assist us all to retain a common range of shared values, in alignment with current policy, and that informed the Co-Design Process that was well documented and then disregarded unacceptably. This Traffic proposal has been totally diverted to serve other interests and with no apparent value or benefit to the public good that the TRUP environment and heritage offers and is protected to retain, Traffic proposals cant remain totally blind and deaf to all other factors as approved and as consulted and there has been no attempt to explore more appropriate alternatives that have been suggested ... nothing at all of that is shown here or previously and DEADP in not asking questions or responding to this incompetence is slave to it as it is to the preconceived notion of a destructive proposed development, with no reason shared about why it has not done any due diligence on this.

It seems baseless and illogical to simply condone negative destruction, when we are living in a new world that should be affordable and sustainable, focused on public transport as per planning policy, along major existing corridors, encouraging building along the length and at nodes, not like this in heritage parks across flood plains! We do accept improved easy access to the park, that is appropriate and integrated, sensitively designed so NMT and emergency vehicles can use such a short link but that is not a raised causeway bridge designed to destroy. It does not require specs for a 50 or 100 year flood and certainly not wider than a one way safe route... not a highway. The existing highways are available and need to be improved where suitable. Reliance on private motor cars is not to be encouraged to destroy sacred environments! It has No public benefit logic to what is being proposed. No reasons from DEADP for it to support this! (#22.)

**3.14 Dust and Noise Impacts** are here stated by the EA as zero significant noise or dust anticipated! This is not convincing at all, noting that demolition, excavation, considerable transportation of thousands of tons of filling material, building material and other will be moving in huge trucks on our public roads and onto this sensitive heritage site for many years, if madness becomes more pervasive as a new serious pandemic! DEADP discredits itself yet again by making such an implausible statement without stating its reasoning and why if small construction projects already cause substantial noise and dust over a typical 6 month period, do cause such negative problems and do not seem capable of mitigation, how could this be mitigated at all, particularly since the nature, extent and duration of this extremely negative invasive intrusive madness.

**DEADP acknowledges** (nothing)... **BUT** it points to specialist studies, conducted (by LLPT, the developer appointed and employed teams, with specific briefs, not seen and not questioned here nor responded to in any reasonable way of due-diligence by DEADP, who also fails to state its reasons for rubberstamping self-interest non-compliance supported also by City Officials hiding as bulldozers in backyards! As previously objected to for many years, these reports are not reports that state what professionals recommend, based

on existing responsible policy. Instead, they are a response of a hired gun mercenary who gets paid for the required hit or it will not be on the team. DEADP, by being part of this is collaborating in ways that is not as required of a “Competent Authority” in NEMA and EIA regulations, but if that is to be corrected, then an inquiry is needed to expose the facts, the lack of questioning with due diligence, the lack of reasons for its shallow disregard of all existing policy guidelines and objections that are from multiple concerned parties over many years being totally disregarded! The claim by DEADP, that “Specialist studies were conducted and reviewed by independent specialists is as non-convincing as DEADP’s own independence in this matter! This claim has no credibility at all until it is put under independent investigation and the long collusion of parties be exposed in serious investigation review if DEADP does not itself expose its own bias in this process! The list of “Negative and Positive impacts” is in itself a clear indicator of seriously shallow evaluation based on false assessments that lack balance one would expect of a “Competent Authority” that does not bother to check evidence presented to it in biased extensive reports that have not responded to honest critical balanced review, in the form of critical objections. Many examples of this have been only briefly referred to in our Appeal but just one to focus on here, is the FLAWED HIA widely criticised yet stubbornly retained with various totally unconvincing fabrications to retain its misrepresentation on behalf of the Developers interest together with collaborator interest, while undermining clear policy and heritage set as for Public Good. (#23)

(# 1.) The Two Rivers Urban Park is set up according to the 2003 consulted Contextual Framework (LSDF) and the Environmental Management Plan for TRUP, approved by City of CT. It is still in force as is the Open Space zoning and the broad vision of the District Plan as a ‘Natural Destination’ and the range of laws that protect the rivers and the riverine flood plain! As such none of this Proposed Development is Compliant and nor are most of the proposed so called “Authorised Activities” when they are not compliant and no valid reasons or motivation of public benefit are given to validate what can only be seen as an easy abrogation of responsibility by the party expected to uphold such controls and where in exceptional circumstances some minor leeway is seen as valid, that should take into account the specific circumstances and reasons as well as the alternatives that state the need not to permit such transgressions such as the consulted status quo being preserved or rehabilitated without total destruction being a part of that, particularly not for self- interest profiteering reasons!

(# 2.) The “incorporated items listed in the description on top of pg 4, are said to be “the view of what is the Heritage Significance of the Site” as expressed “as associations to the ‘First Nations Groups” but this is strongly contested and disputed as only the view of a hand-picked few collaborators seemingly enticed to do so. This is not the view of the vast majority of First Nations representatives who are I&AP’s nor all other I&AP’s who also have a say in the protection of what is also our Heritage (Cultural history of SA and historical Landscape) and our Heritage Riverine Environment that is a declared park and open space that is protected. Use of contrived unscientifically selected evidence of support for undermining limits to development on this site with no valid reason to do so and no valid process to simply state that its expressed as “views and associations to the First Nations Groups” is a flawed fabrication not based on factual evidence and has no basis at all. It is known to be false after 22 years of consultation regarding the TRUP that includes much factual and authentic evidence and by clear consensus in public consultations over the years. This undemocratic window dressing while not following an acceptable and valid open public participation process that should include reference to everything previously established and any proposed changes to that, within the broader context of TRUP as it is established and including a detailed precinct level Co-Design engagement to evaluate proposals that may deviate from that framework or noted qualities recognised as heritage, following the guidance of an approved and sound HIA which Heritage Authorities such as SAHRA and HWC have fully endorsed (which is not the case here!) This HIA is strongly rejected and flawed!

(# 3.) LLPT proposed development on the ill-gotten public land gained without an open disclosed process to sell off this highly significant Heritage Site that is set as open space for conservation as prescribed also in the Environmental Framework adopted by the City of Cape Town and as the Constitutional imperative of TRUP Association to preserve, is not land that is appropriate to have be secretly sold to a developer! It is totally unacceptable for this to be portrayed falsely as now being “Provided as 15.6ha of open space” when it is 95% currently open space, (even if not properly

conserved and should be restored), the LLPT only have 14.7ha in their name and the majority of that is now criminally proposed for construction as development with large buildings, underground parking, hard surfaces covering the majority of the site that policy restricts to only the existing footprint size so as not to cover and block the aquifer nor cause additional runoff nor cause negative impact to the sensitive area of TRUP, according to the Framework in place and backed up by years of well documented, broad consultation & needing to be protected by PHS grading!

(# 4.) The proposed 'activities' LLPT want to do in partnership and in the name of the City so private funding and permission can achieve what our City can't get away with because its destructive and this shift of public land and responsibility given over to self-interested private developers is not acceptable and has not been supported and is not in alignment with the city's own policy. It is not an outcome that I&AP's support and it has not been consulted as anything other than a disaster that we reject in its current form. Our objections have been disregarded. No co-design processes to find common consensus on what is proposed and no reasons have been provided to validate supporting this non-compliant proposal that we object to.

(# 5.) Ample evidence is available that the pipes and pumps that carry existing sewerage from Observatory and Woodstock outfall are already inadequate that it is not just bulk sewer "reticulation that is required to be replaced and upgraded, but that the entire Athlone WWTW is already grossly overloaded and does not have the capacity to even handle the existing load, with much raw sewerage overflowing into our Sacred Ancestral Rivers that need to be restored and conserved as stipulated in current policy. This is a great crime to our environment as pollution levels (particularly on the Black River) but also on Liesbeek and even on the fields in Lower observatory that are being flooded by sewerage even at present. This is the case also in other rivers and lagoons like Milnerton, where our 'Shitty' is not taking responsibility for sewerage upgrades before permitting additional development! City comments that AWWTW will be upgraded in 6 years and sewerage capacity could be found on the Cape Flats is a fabrication since it is not and if that takes three years to achieve then it does not exist now, and it is unacceptable for DEA&DP to simply wash their hands of it by stating this "reticulation is or will be required for the applicant's cost! *This is SHIT if ever we've heard it!*

(# 6.) These "Conditions" can be seen to simply pass the burden of responsibility onto the developer who is clear is not just the LLPT who does not have rights to do any of these so called 'development' yet destructive and broadly opposed activities, as a front for our City who is supposed to be custodian of the land and is the largest owner together with the Western Cape Government who as wishing to capitalise income for their own interests are standing by the LLPT so the developer takes the risks and the environment and heritage is simply sold down the river that is destroyed, diverted and prone to much more regular flooding while the runoff of the area has increased exponentially. Its storage capacity to hold flood water as a regular flood plain that feeds water into the aquifer is substantially diminished. The threat of flood over and north of the railway lines disrupting that downtown area of Voortrekker Road that is suitable as a public Transport route and development corridor is being neglected by this focus, instead of massive destructive invasive development and intrusive traffic into TRUP, a protected heritage Park. Our objections to this regard are being stubbornly ignored and no reasons of given for that nor for disregarding good planning policy as this LLPT/City/ WC Gov. proposal does, whatever meaningless shift of responsibility that conditions may intend. This is not method that a competent authority responsible for huge Environmental/Heritage decisions can be permitted to follow! Like a parent can't allow a child to borrow the family car and drive illegally as long as, by shift of responsibility, he or she undertakes to pay the fines or face a charge of culpable homicide! Similarly DEADP can't permit non-compliant activity, based on shift of responsibility. Broadly accepted public benefit, includes the heritage and environment, set as public commons!

(#7.) DEADP simply respond in this E A as if they are the developer, reporting on what they did not as a competent Authority reflecting on the decision making required nor the reasons they simply ticked all the boxes they were dished up, with no reflection about the seriousness of the responsibility to overrule what is permitted and grant the developer whatever they desire! DEADP are only able to repeat reasons given to them by LLPT that "alternatives were deemed not feasible from a financial perspective" No one can look at this statement as a reason given by an independent 'competent' Environmental and Heritage Authority, giving reasons for a decision on one of the most significant sites in South Africa that is under THREAT and has clear constraints in place to limit any development on this site. There is no way that a competent authority could suggest that flouting such clear guidelines that are still in place could be deemed "reasonable and feasible" without stating any motivated reason why this should be the case, to destroy everything that

is protected on that site, noted as having great significance! It is not legal! It is a sad level of ethics (like saying murder by hanging is preferred to a gunshot since they would not need to use and waste a bullet! No question at all about taking a life!) No considered reasons to destroy this Heritage and Environment ... just “The Riverine Corridor (preferred Alternative -herewith authorised”, just following orders from the developer or someone else without need for reasons!

**(# 8.)** No questions about claimed justification given by a small group of “First Nations Groups” stated support as contrived by the developer and swallowed by DEADP with true lack of Integrity and disregarding democratic processes and scientific research nor recognition that cultural historical heritage and environmental heritage does not rest with a bunch of people willing to speak undemocratically on behalf of the known world! This seems like a disgusting lack of integrity in both issues of heritage and environment concerns, and all other factors, regarding compliance!

**(# 9.)** This is not actually an alternative! It is a massive jump by DEADP , to a quick conclusion... without any reasons or evidence at all! (This is what the developer and City of Cape Town want to hear and it’s easy to simply jump to a conclusion)! They fail to provide reasons for disregarding all the hugely problematic, noncompliant issues that this development threatens. Raising these few descriptive details as if to compare the different alternatives that were rejected by the developer is not at all convincing and one has to ask, was this written by a human being and if there was a test done to check?

**(#10.)** While DEADP state that the “MSDF notes site is a proposed Heritage Area”, they repeat the developer’s Planning team’s faulty mantra that: “lower order spatial plans and policies must be consistent with higher order spatial plans and policies”, as if this has relevance in all types of cases. It does not! We have checked this with top policy planners who confirm our position, and based on that have objected many times. They are as deaf as those who will not hear. DEADP simply choses to repeat that false statement! Is it even possible that DEADP people are suggesting that when the current TB District Plans notes that TRUP is a top ‘Natural Destination’ and notes it as a flood plain, that it then changed because of the MSDF and it is now permissible to be built on because the MSDF that says it is in the Inner Core? The answer is clearly NO. This is false unprofessional nonsense and whoever repeats passing trash, over and over, does not change what it is! There is no question about the need to update policy, but planners who know the facts will explain that this higher order rules when a proposed development is *outside* the inner core regardless of how a previous local LSDF may have supported development in that place, no longer supported with new infrastructure, unless already approved. It is not as claimed here that you can build in the heritage rich environmental, a sensitive flood plain, because it is in the “inner Core”! This error is enough to totally discredit the author of this repeated misinformation and to totally reject this E Authorisation, as having no credibility whatsoever! We know people do not enjoy being hit on the head by a golf ball!

**(#11.)** We support there being greater access into TRUP but it is not a good idea for large numbers of people to enter the wetland sanctuary! We do not support multiple buildings, highways, parking lot hard surfaces, mega traffic, multiple parked cars, since this is not what TRUP is indicated to be, as in agreed and adopted policy, preventing negative impact to the heritage park environment, so how can DEADP claim it is a good idea to reduce the park to “a narrow ‘ecological corridor” just so that this disaster could be enabled as preferred option? How can it be seen to be acceptable to close this riverine corridor in, between huge buildings, to give space for delivery trucks and traffic galore? (Maybe Mr Toefy and partners should take a walk upstream along the Liesbeek in Rondebosch, to see how bad and constricted that is!) We live here and know is not acceptable! We protect this place from negative impact and have been placed in this position to prevent this exact travesty of self-interest from taking root, since invasive brutality would be devastating! More than 22 years went into researching and updating TRUPA’s position as expected under our TRUPA Constitution, in line with existing legislation. We say please! Every competent authority must follow existing policy and take rational and responsible decision making and open disclosure of such reasons, following sound principles. This cannot be made subjectively, on a whim, influenced by what a self-interest party may have requested. We need accountable well processed due diligence and we insist that existing policy guide any proposal in an accountable way, disclosing reasons behind each decision. TRUPA’s Constitution sets out our responsibility in this matter and it should also be DEADP’s responsibility to follow set legislation still in place, nothing less! Respect needs to be given to heritage as researched by credible specialists! Mr Toefy ’s motto at the end of his letter states: “Your interest in the future of our environment is appreciated”. Nobody would misinterpret that intent as referring to

compound 'interest'! We can't disregard Our T R U Park Environment! It is OUR heritage, inclusively! That is inclusive of the unique Cultural Landscapes, which are significant Heritage! Our existing planning statutes state that this unique place must be conserved! It is a "Natural Environmental Destination" It has hugely important History that tracks thousands of years of Cape Culture and covers exceptional times of transition and upheaval. It is also a place of achievement and challenge, a place of great sadness and injustice! We can't have a DEADP official ignoring all this and current policy, and in some perverted way, instead imposing a developers intent to make a buck out of the dust. It is not for an uninformed irresponsible official to simply entertain imposing their own creative opinions to benefit friends or partners! That is not the trait of a 'competent authority'! This essential standard of integrity and accountability is particularly loaded, when this place just happens to be the most highly significant heritage site in our part of the world! This TRUP Natural Destination is precious and has huge significance to us all. *It has great potential* to address long ignored injustice, healing OUR past, opening our hope for an inclusive future! Unfortunate as it is, there is nothing to indicate that this gravitas has been comprehended in this pathetic response that is full of holes and speaks of incompetence! I have to ask why there is no indication that heritage issues were appropriately dealt with since the HIA that was the baseline is full of FLAWS. LLPT was warned but ignored those warnings. We are sad that there is nothing satisfactory in DEADP's decision to grant environmental authorization this invasive development that is not compliant but is totally insensitive to the seriousness need to respect this. It's sadly too despicable to tolerate! We are disgusted and shocked and will not rest until this appeal is taken seriously. One has to ask if there is any room, for 'fine imported colonial china', in 'the room', while a blind elephant bashes around out of control, in such a precious space, stamping on shadows leopard toads, chameleons and praying mantises that retain much of the symbolic heritage that is too THREATENED with being trampled!

(#12) It is madness to refer to TRUP as strategically located in close proximity to Cape Town CBD Business District! Yes, Voortrekker Road is an activity corridor and Paarden Eiland is not near or easily accessible from TRUP by foot, bike, bus, car or train and even if it was, that is not what makes TRUP a Destination place! What makes it recognised as a significant natural environmental and heritage Destination is its unique Cultural landscape and its history and its highly precious ancestral rivers that need to be restored. It is totally false to suggest that building a shopping centre and office blocks as an invasive highly destructive non- conforming mega construction that will intrude onto the River Club site will have a **benefit** to help be a "destination place" and help to be regarded as "a gateway to the Two Rivers Urban Park"! Seriously, not wanting to be rude to anyone, this is the biggest load of trash... since wheelie bins were invented.

(#13) This statement can't just be made as a 'throwaway line' without explaining how filling in a flood plain in a heritage park and transforming it with buildings and underground garages plus traffic and masses of roads and bridges full of hard surfaces, while noting this as one of the most significant heritage sites yet filling in the actual Liesbeek River could in anyway be having ecological integrity, social benefit! In my world people should not rely on motorcars to go shopping and the old world notion of office blocks is not a part of our new world order anymore! Check out what is happening in the real world of Zoom and Gloom! I am more than disgusted by DEADP suggesting this unfortunate destructive vision is a model for the future that has any financial viability and we who treasure the park and its heritage suggest you and your friends rather play on "Minecraft" rather than destroying what is precious heritage in the real world where we need to care for heritage and environment and that includes to Restore Our Ancestral Rivers! ROAR !!!

(# 14.) Kirstenbosch Gardens and Table Mountain National Park are large areas. So is Robbin Eiland, all underutilised yet we do not expect DEADP to propose destroying those in order to be made more productive, as sites of shopping centres and office blocks! Making these statements shows a degree of lack of care in oversight that should disqualify DEADP for losing its credibility as an independent "Competent Authority" with the required capacity for environmental and heritage integrity. TRUP is not just narrow river corridors it is the entire cultural landscape, all of which need to be enhanced for its unique qualities! There is value in seeing the broader 'Heart of The City' as the context of TRUP which is the context of this RC + Confluence area. They should all also be seen in its regional context. However, this 'River Club' proposal is not in line with this reality does not follow good planning principles! All developments should be sustainable and appropriate and this is not! An essential is to protect heritage and existing park environments making it accessible to nearby appropriate development on development corridors and not building in heritage parks! This River Club site is a flood plain! It is not an accessible site as yet and is not close to public transport routes not close or suitably accessible to railway stations (more than 500 m) on foot! Filling in flood plains is unsustainable and destructive!

Building new large shopping and undesirable large stadiums are destructive and very negative, particularly dislocated as this is where it is not permitted and when existing facilities are underutilised, about to close for lack of use! The fact is that this must be appealed and be stopped! Yes HIAs and EIAs are important but not if fake and false! The false perception is used here as a false baseline!

(# 15) The 1956 concrete canal cannot be a substitute for the real Liesbeek River that is an essential to be restored as part of the authentic TRUP Cultural Landscape! While it is stated in the 2003 Framework, the concrete canal would benefit from some repairs and more natural softened edges, to add to the overall amenity feel, it is not the real Liesbeek and does not substitute for the real historical river. The flow needs to be restored after it was criminally sabotaged in order to claim it was replaced. It is the restoration and conservation of the entire TRUP site that is policy that must be attended to, while also being a great benefit and catalyst for success of our city, set to respect this unique heritage environment, accessible sustainable public good facilities for all our people. The true vision is very far from substitute “restoration of visible meaning’ that disregards policy while building megastructures, office blocks and shopping centres with underground parking and highways with lots of traffic that is all totally on an opposite track of actual policy. It is not “restoring visible meaning” if the proposal includes filling in the Liesbeek River heritage course and filling in the entire flood plain! It is strange what is being stated about “reduction of a sense of openness” but there is supported intent of introducing minor screening devices like hedges combined with low walls or planted mounds to screen distant traffic, while making sure that traffic is kept out of the sensitive area. We note great concern about the entire development application that is noted as non-compliant and does not respect the heritage and environment. As such, it should not be permitted to proceed on this highly unique sensitive site. This lack of acceptance of real limits has not been something that LLPT has capacity to hear, attempting over and over to push beyond what is permitted and beyond what they simply refused to accept, disregarding objections raised persistently throughout. This proposal fails in every category! As such, it is very strange to read that “the specialists’ response indicates that the proposed site creates a real and immediate opportunity, which could trigger meaningful planning of a much larger heritage site.” Persistent delusional perceptions that this F’N Collective may have a greater legitimate contribution, in terms of what is appropriate for this open space conservation site than others is strange. To claim that since something has been ‘incorporated’, that it may now be compliant, in some way, to achieve acceptable heritage respect, is not something that can be bought! A fee can’t somehow make it all satisfactory, to be recognised.

(# 16.) The quality can be rediscovered by not permitting destructive development intentions in line with good planning policy that do not permit this. Visual qualities are in multiple directions, the strongest is towards Devils Peak. It is false! The site does have a strong sense of space even as there are some missing elements. The neglect in control by our city to permit its use as a golf course, not restrict unauthorised unfortunate buildings added without any care, need to be rectified! That care to regain the true riverine feel and ecology of a restored real Ancestral Liesbeek River is even considered here! This unique heritage must be restored, as clearly stated 22 years ago. Instead, the river’s slow flow has been criminally further disturbed, to less flow! DEADP make no mention of this at all! We have suggested that some local screening of large buildings and traffic on Liesbeek Parkway is easy to screen. This is intended to protect the quality of open space that need to be restored and be preserved. This possible mitigation, because of the distance, is not even mentioned! What is clear is that LLPT’s proposed development, were it to be permitted, could totally destroy all the special existing qualities recognisable as a unique place of heritage, needed to conserve the space! It would also destroy the designated quality park environment, agreed as needing to be enhanced, much more so all can access to enjoy its outdoors! Why is this not noted and stated as unacceptable? No large construction should be permitted at all. As stated in broadly consulted workshops on future of TRUP. Its negative impact is not only during construction!

(# 17.) It seems foolish to hope to get rights to build in protected green parks or flood plains. Blocking ability for water to soak into the ground aquifer can’t be tolerated? One assumes no City would disregard such policy yet a total incompetence of some seems willing to ok it? DEADP can’t be one of those, since it is expected to be a ‘Competent Authority’! Yet, so far, it has not turned this down so we hope this will still get the needed care and sound reasoning!

(# 18.) All other reports of this type were also commissioned by the developer. These consultants do not answer questions as if they were asked what they recommend to restore the riverine environment to peak condition! They seem to have been briefed to give advice how to minimise the damage that this huge development will cause! It is not

satisfactory for DEADP to simply accept these reports as 'satisfactory' without question, append them to this EA as a given! The role of a Competent Authority must be to question these reports as typically biased, to providing solutions to tasks asked by clients who pay. There are numerous objections raised and they should be put to the test of "due diligence" as to reliability of processes! It is not satisfactory to simply say these reports were done by professional specialists therefore they are responsible for being professional! On this point alone, this EA must be rejected.

(# 19.) These questions have been asked many times and numerous freshwater specialists have given their opinions. Unfortunately the fact of this having been totally blocked has been blocked and ignored even after this was reported repeatedly to our City officials. It not only remains disregarded but false statements seem more believable than the truth! This north west part of the Liesbeek is repeatedly claimed as having been replaced by the flood canal in 1952 even as there is ample evidence that is a total fabrication to justify removing that part of this precious ancestral historical heritage! A point we strongly insist is unacceptable, stating that the River must be restored to full functioning flow, to also become the best fish support quality with good fish corridor water quality of the highest standard! It is totally unacceptable to destroy a river and then to claim based on false tests that it does not have a status to be preserved!!! Mention is made how Liesbeek River is important to be preserved, noting it as the remaining main breeding ground of the endangered Leopard Toad. Yet then turn that around and simply make the claim that the Liesbeek no longer receives any flow (since it was recently blocked intentionally). This criminal act must be exposed! This is part of a biased report! They mention that the concrete canal has low habitat and low sensitivity (which does not need a specialist to reveal), yet that has been known since it was built, as a flood overflow in 1956!) Why has the specialist not seen the facts that the Raapenberg wetland is kept wet by high water tables? (The exception is when there is a problem with water table levels.) Mention is made of the specialist assessing the intended development without noting policy, is to protect the Liesbeek River and to ensure that its flow is corrected. (See 2003 Environmental Management Plan of TRUP). Why does the specialist not expose the developer's illegal proposal? Why does DEADP not expose these facts as a "competent Authority"? No mention is made, at all to correct illegal activities done by blocking the Liesbeek! They only mention is regarding what can be gained by removing the concrete canal! This shows a disregarding attitude to river protection. It is not convincing to state that the indigenous vegetation that was stripped to create the canal in 1956 and the disregard for environmental conservation requirements to protect the site have been stripped by the Golf Course as permitted by the City quite recently. This can't be used as a justification to permit total destruction of the river and the flood plain! Mention is made of highly unacceptable importation of huge volumes of fill material to rehabilitate 'renosterveld' habitat and to revive faunal connectivity throughout the development area that is threatened with total destruction of this existing flood plain. The existing habitat is already under stress but no mention is made of the environmental impact of stripping such volumes of material from another site, the damage and huge cost. The unsustainable damage of transporting such huge volumes of material, destroying our roads, polluting our air, destructive in such huge unacceptable levels... rather than simply unblocking the illegally blocked existing pipe that would be free and quick, particularly using the fine imposed by the guilty party who blocked the flow of the river that was replaced to save money by using a pipe in the first place. This cannot be simply accepted at face value as being satisfactory because the specialists, without any integrity, claims it will be "high positive"! It seems totally irresponsible to report that the development will "have a medium negative significance" negative impact, loss of wetland along Black River, a low negative significance after mitigation measures! We have to protest this conclusion and ask how this has been derived since, clearly little to no awareness is part of that regarding the impact of huge quantities of fill spread over the whole site and massive construction of buildings, hard surfaces causing run off rather than feeding the aquifer and also destructive infilling of the real Liesbeek River! See also the response to issues regarding increased frequency of damaging levels of flooding that have a devastating impact on wetland! Creating additional wetlands is needed because the existing extensive wetlands were destroyed by Metrorail/RASA and the extension of the golf course! That can hardly be seen as mitigation, to restore what was previously destroyed! Similarly to destroy habitat of Liesbeek is not permissible and is not made good only by new artificial wetland habitat.

(# 20.) The main Appeal points are that: The consultants have not compiled 'whole, integrated information so, SRK, have only got a collection of parts! This does not convey the full ecological and cultural value of the site! Environmental assessments have the same problem! No doubt, pressure of being paid by the developer, must push environmental consultants to disclose the minimum as they may be required to fulfil their obligations, not too strong to offend the desires of the developer. This seems likely here illustrated by the example below: SRK's role and responsibility is to

ensure that consultants' available evidence is brought together into a comprehensive report that represents all aspects of the site and its potential impacts, as a whole. For example Avifauna and Botanical overview below:

As urban population continues to grow, conservation of biodiversity within urban environments has become increasingly necessary (Seto, Parnell, & Elmqvist, 2013). Urbanisation *in its most widely used form*, and the proposed development *in its current form* has severe impacts on biodiversity, the integrated ecology of the river and wetland, and the lifestyle practices of people who currently recreate and worship in nature, and worship nature itself. It is globally acknowledged that current development patterns and methods need to shift very quickly to nature-based solutions or the largest mass extinction since the dinosaurs, as well as ecological collapse is upon us. Recent droughts and other extreme weather events such as floods notwithstanding. Negative impacts of development *using most widely used current methods* include (however are not limited to) habitat loss and fragmentation, extinction of native species, proliferation of alien species and altered species interaction, altered nutrient and water flows. This points to a desperate and urgent need to practice very different kinds of development that provide amenities to humans with much less impact on the environment, which is globally acknowledged in the environmental field to require the use of the principles of socio-ecological integration, much like the lifestyle that embodied by the pre-colonial residents of Cape Town practiced.

The social landscape of the site in question and its surrounds is currently multicultural, as it has been for many generations, and it is possible to achieve socio-ecological integration while catering to a multitude of cultures, but this requires leaving behind copy-and-paste very modern western building styles that do not enhance the heritage of the site, nor allow the living practices of current a suitable context that fosters connection to the living - ecologically functional - landscape. While the proposed development might make marginal spaces for ecological features, it lacks the level of tribute and depth of philosophical underpinning in design to properly cater for the continuation of a socio-ecologically integrated living that the Khoi would have lived, and that the present moment within 7th great mass extinction and ecological collapse demands from every citizen in this city, and across the world. In the instance of the River Club on TRUPA land, this means a very different type of development from the two options proposed, which are in styles synonymous with colonialism and its post-colonial forms - in itself an insult to the heritage of the particular parcel of land. Because this site is a sacred Khoi site significant enough to be under review for becoming a provincial heritage site, a place of living worship and recreation, and a sensitive river and wetland site with multiple dynamic living ecological and hydrological process at play, any building design itself, as well as its integration with the landscape and its ecological functioning, needs to arise from socio-ecological principles and philosophies of the Khoi as well as socio-ecological principles, not only with decorative tokens and marginal ecological spaces added on at the end of the process of producing a modern western colonial building, but from the very beginning. The alternatives up for consideration fail to meet this standard of holistic integration of socio-ecological and socio-economic wholeness that the site requires and therefore the no-go option should be chosen until the standard of development of the site as a sensitive river and wetland, and a sacred confluence with intangible value are met. This is what the legal mandate of TRUPA - to protect the site as a green open space park in perpetuity - requires. The current wider urban ecological crisis also reinforces the importance of maintaining and investing in green spaces in urban areas, especially ones that link into the water cycle and connect with the sea. Networks of urban green spaces facilitate the persistence of species within the urban environment and foster connections between humans and nature which may otherwise be lost to urban residents (Goddard, Dougill & Benton, 2010; Kong, Yin, Nakagoshi, & Zong, 2010). Green spaces like the lower Liesbeek ensure that Cape Town is not an impermeable barrier for native biodiversity, that is to say these spaces provide "providing green fingers" through what would otherwise be urban grey (Ignatieva, Stewart, & Meurk, 2011). The current size and bulk of the proposed development is far too large, loud, dense and unintegrated into the landscape not to detract from an irreplaceable asset that the site is.

(# 21.) There are no reasons to explain how a 'positive impact' could be validated! Positive about what and to whom and how in relation to what comparison?(Maybe it is seen as positive in comparison to not having any mitigation and not receiving a fee and not obtaining an ill-advised authority to build this development because of the positive short term profits (If the negative impact is disregarded. This should not be and that is supposed to be what DEADP needs to prevent by exercising due diligence. If not this needs to be exposed for simply authorising bad stuff, based on misrepresentation of the real impact it could cause if as we see, all existing policy guidelines and protections are being



disregarded and overruled! DEADP should be held to account to show its processes of decision making on every detail being flouted as it enables bypassing of existing limits and prohibitions to prevent exactly this! We see reference to “an **existing well known agreement between Cape Nature and City**” that is being disregarded even as the City is supposed to be a responsible custodian of our TRUP that it helped to bring into being in 2003 and this precludes anything like this destructive development! It is known that our City officials are ready to backtrack on its environmental commitments if it stands to gain funds, and this is what everyone knows this is all about! People are seeing this as an attempt by a hand full of people to sell our City, Provincial and World Heritage down the river. We can’t be happy while this has not been properly investigated regarding the veracity of such claims. If the abundant indicators are as they appear, then how can DEADP simply gloss over this? We have to as representatives of multiple stakeholders ask that our appeal be heard and this EA be stopped! Giving it the go ahead, without due diligence would be a collaborating role of robbing our environment and heritage from all future generations and that is not permissible as set out in TRUPA’s Constitution! TRUPA cannot permit a few individuals to bypass true scrutiny so they can build a future nest egg for themselves, destroying such a precious heritage resource in the process!

(#22.) Why do DEADP not question this proposal and then give reasons for supporting or rejecting it? The focus should rather be on solving existing problems of traffic flow in simple straight forward affordable ways like improving congested routes and existing intersections that have easy solutions rather than to create new blockages! Building highways across flood plains and big bridges over rivers that do not need that for the sake of an unacceptable non-conforming project in a flood plain protected place is insane. Existing busy routes in and out of the City could benefit with intersection upgrades. It would also make sense to improve public transport, while removing the blockages to traffic flow some of the questionable traffic design! Use of staggering work times and rotational work from home to only commute every second day could also reduce congestion, creating incentives for people to reduce the intensity of peak, rush hour traffic (to flatten the curve). To suggest that “the road network is congested in rush hours yet is otherwise operating fine” is not being very helpful or revealing anything new! It is totally unacceptable for DEADP to state that “It is anticipated that the future road network will operate at an acceptable level of service provided that recommendations are implemented and therefore the development is supported from a traffic perspective” is just totally unacceptable! What about the current policy that does not support traffic through the protected park space? Why would our City permit such a destructive expensive proposal on the sacred heritage precinct? This intrusion of traffic inside of TRUP is as bad as traffic straight through Kirstenbosch! How can DEADP suggest it is recommended for implementation when no reasons or comparative benefits for this! Stating that “potential traffic impacts are anticipated to be of high negative significance” is strange!

**(#23.) List of so called “positives & negatives” that are totally seen by us Appellants as superficial and misleading! The standards of assessment of an Authority expected to follow a process with the required “Competence” to report on actual impact, and what is proposed in comparison with what is acceptable and compliant, without giving the applicant additional rights, that they are not entitled to (with no development rights they do not have.)**

**Ensuring no negatives are permitted is sorely missing, indicating serious dereliction of duty particularly in the context of such a Sacred Heritage site that is protected by well-considered existing policy there to prevent negative impact. Little focus to actual positive public benefit options, were explored here. It follows incorrect interpretations of legal policy. All I&AP Stakeholders’ voices must be heard, as they are essential in protecting this sacred place. (See: pg. 30 + 31 of EA for the conclusions of the EA that we reject outright in our Appeal.)**

**Marc Turok**  
**(TRUPA Chair)**

*On behalf of Two Rivers Urban Park Association and many I&AP Stakeholders who we have worked with over many years*

1. See TRUPA’s NEMA Appeal Form attached #.
2. See additional attachments, in support of this TRUPA -TRUP Stakeholder Appeal.