

### ANNEX 3: OCA's DETAILED RESPONSE TO REASONS GIVE BY MPT

NO.	REASONS FOR DECISION	OCA RESPONSE
0	GENERAL OBSERVATIONS	<p>These general observations pertain to 'errors' made in the approval letter, as potential grounds for appeal.  <a href="#">[Letter from CCT addressed to Applicant and Objectors, dated 30 September 2020.]</a></p> <p>In Item 6.4.4.2, on page 17 'The SDP shall, furthermore, include:</p> <ul style="list-style-type: none"> <li>• The two precincts mentioned in condition 6.5.2</li> </ul> <p><a href="#">[Page 17 (Item 6.4.4.2), bullet 1: The two precincts mentioned in condition 6.5.2. ....]</a></p> <p>However, on page 16, Item 5.2 has been deleted in its entirety, but when one reads item 5.2, it has nothing to do with the inclusion of two precincts. The deleted 5.2 on page 16 has to do with the management of storm water. If this letter forms the basis of implementing the conditions of an approved rezoning, surely this is confusing / incorrect!</p>
1	All applications required in terms of the MPBL have been applied for and relevant public participation processes followed.	<p>We note that the application was advertised and 180 objections were received.  <a href="#">[Reference: Report to the MPT dated September 2020, Acceptance date 27 March 2020, Page 5.]</a></p> <p>We also note that "After the application was circulated to branches for comment, certain clarification was requested from the applicant and the applicant subsequently provided further information regarding building designs, treatment of facades etc., which was not material to warrant re-advertising the application."  <a href="#">[(Reference: Report to the MPT dated September 2020, Acceptance date 27 March 2020, Page 7)]</a></p> <p>Item 4.6 on page 18 refers to a list of design criteria that are required when each precinct is designed in detail. Surely these should have been provided upfront so the public could have access to this information during the public participation period for public comments and objections?  <a href="#">[Item 4.6 on page 18]</a></p> <p>We also note that the Motivation report prepared by the Planning Partners had 4 revisions. Did the stakeholders see all 4 reports or not?  <a href="#">[Annexure C1: PP Motivation report dated September 2018 (Revision 4)]</a></p>
2	The applications are consistent with the requirements of the MSDF as the property is located	<p>How can the proposal be policy compliant if 3 key City policies were deviated from, namely the</p> <ol style="list-style-type: none"> <li>Table Bay District Plan (2012),</li> <li>Floodplain and River Corridor Management Policy (2009), and</li> <li>Management of Urban Stormwater Impacts Policy (2009)</li> </ol> <p><a href="#">[(Reference: Report to the MPT dated September 2020, Acceptance date 27 March 2020, Page 16)]</a></p>

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	<p>within the Urban Inner Core and integration zone where development of this nature is encouraged. To this extent, the deviation from the District Plan is warranted.</p> <p>The report argues that “the proposal is policy compliant.”</p>	<p>These policies inform and confirm the primary role of the RC and surrounds, as ecological. Whether located in the Urban Inner Core or not, does not detract from this role. It is for this very reason that the District Plan (TBDP) scale planning becomes important because the TBDP presents a finer planning scale understanding of what is possible from a land use and urban development perspective, in the inner core of CT. Furthermore, the District Spatial Development Plan (SDP) “identifies the areas to be targeted for land use intensification”.  <a href="#">[CCT Densification Policy (2012), page 13.]</a></p> <p>We contend that the RC proposal is not consistent with the requirements of the MSDF in so far as the MSDF promotes the Voortekker Road Corridor (VRC) Integration Zone (IZ), where the primary spatial restructuring objective is linking the Bellville CBD with the Metro South-East Corridor boundary and the Cape Town CBD.  <a href="#">[MSDF Review (2017) Council approved page 252 – see Diagram I2]</a></p> <p>In addition to the higher order nodes of Bellville and the Cape Town CBD other strategic nodal points and precincts include Maitland, Parow, Goodwood and Salt River; <b>not a new node at the River Club.</b></p> <p>The availability and increase in the supply of affordable rental stock is recognised as one of the key levers towards integration and renewal of the VRC and the VRC social housing project was submitted by the national Department of Human Settlements as one of the City’s candidate catalytic human settlements projects <i>BUT</i> within the VRC, <b>not at a new node at the RC.</b></p> <p>Important VRCIZ projects include potential urban development opportunities linked to strategic state land, including Wingfield, and old provincial hospital sites, <b>not the River Club.</b> The human settlements emphasis in the VRCIZ is focused on social housing to provide affordable rental opportunities at densities supportive of the public transport network and TOD principles. <b>The River Club is neither focused on social housing, nor is it supportive of the public transport network. In fact, it requires an entire new road i.e. the Berkley Road extension (potentially a Class 2 arterial) to provide it with access from the northern side of the property.</b></p> <p>Furthermore, the Table Bay District Plan, 2012 provides important guidance for proposed development within the inner core and integration zone.</p> <p><b>It is our view that until the new District Plans are in place, approved and aligned with the MSDF (2018), the 2012 TBDP still provides the detail necessary for planning purposes and guidance for urban development.</b>  <a href="#">[Refer to p.133 of the Table Bay District Plan (2012).]</a></p> <p><b>The Table Bay District Plan (2012) endorses the Two Rivers Urban Park Contextual Framework and Phase 1 Environmental Management Plan (2003) as the local policy plan for the TRUP of which the RC forms part. It is our understanding that until such time as the Table Bay District Plan (2012) is reviewed, participated and approved by Council and states otherwise, the Table Bay District Plan (2012) and the Two Rivers Urban Park Contextual Framework and Phase 1 Environmental Management Plan (2003) remain the guiding policy for the area. Neither of these plans support the infilling of the floodplain / RC.</b></p>

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		<p><b>Deviation from the District Plan is therefore not warranted.</b></p>
3	<p>The proposal will result in intensification and densification of the land which is supported by City policy.</p>	<p>We do not agree that the proposal will result in intensification and densification of the land / sites supported by City policy. The reason we do not agree is that the City of Cape Town densification policy that was approved by Council on 29th February 2012 had as objectives (and include policy initiatives), to support the development of a viable public transport system and improve levels of access, along existing nodes and corridors as in the case of the VCR described in Item 2 above. We disagree on the following specific terms:</p> <p>Firstly, the location of the RC is inappropriate to support a viable public transport system as it is neither an existing node, nor located along an existing corridor. Liesbeeck Parkway is a Class 3, Secondary Arterial Road and the existing Berkley Road is a Class 2 Primary Arterial Road. An urban corridor such as the VCR is classified as a Class 3 Arterial (an activity route). The reason Liesbeeck Parkway in the vicinity of the RC can never take the form of an activity route is that it is abutted by recreational land / sites such as Hartleyvale on its east and the banks of the Liesbeeck River on its west, that fall directly in the floodplain, and must remain that way to support the site's role as an ecological / conservation role.</p> <p>Secondly, according to the City's densification policy (DP1) and according to the Planning Partners Motivation report, the City aims to achieve a minimum, average gross base density of 25 du/ha in 30 years and will target higher gross base density thereafter. The density of the RC proposal is 40 du's/ha (presumably presented as gross density, not nett density). The proponents are of the view that the 40 du's/ha support the gross base density of 25 du's/ha but fail to show how their calculation was arrived at.</p> <p>Gross base density refers to the "the average number of dwelling units per hectare across large city district areas or the city as a whole, excluding land-extensive uses such as agricultural and rural land and large nature areas/reserves/parks" which the RC itself qualifies as. Gross du/ha refers to the "number of dwelling units per hectare of land calculated in a designated area on the basis of land used for residential purposes and other land uses such as industry, commerce, education, transport and parks. Excluded are land-extensive land uses such as agricultural land and nature areas/reserves/parks", which the RC itself qualifies as.</p> <p>Thirdly, the development proposal for the River Club is motivated in terms of the potential for TOD which it clearly cannot do as it is far too distant from transportation corridors and stations. See map attached. (Distances from the stations – RC states 500m from Koeberg Station – barely touches the sides of the proposed RC but in reality the distance is 900m from these two stations).</p> <p>Fourthly, in terms of policy statement DP2, although density should be promoted in all areas, higher levels of densification should be encouraged at specific locations. Such locations are particularly in areas with good public transport accessibility, at concentrations of employment, commercial development and/or social amenities and in areas of high amenity. Policy DP7 adds that the City will encourage densification in priority zones, whereby in the short term (5 years) such zones include areas adjacent to development and activity routes; activity streets; around rail and IRT stations.</p>

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		<p>Furthermore, the Densification Policy (City of Cape Town, 2012b) provides guidelines on the location of middle to higher densities and density parameters suited to different locations (see Table 1, below).  <a href="#">[Refer to Planning Partners Motivation report (page 45 – Annexure C1 dated September 2018)]</a></p> <p><b>Table 1: Density Guidelines (Source: City of Cape Town, 2012)</b></p> <table border="1" data-bbox="472 446 1696 954"> <thead> <tr> <th rowspan="2">Corridor Classification</th> <th colspan="2">Density Guideline</th> </tr> <tr> <th>Nett Density (du/ha)</th> <th>Gross Density (du/ha)*</th> </tr> </thead> <tbody> <tr> <td>Development route</td> <td>75-175</td> <td>38-88</td> </tr> <tr> <td>Activity route</td> <td>100-375</td> <td>50-188</td> </tr> <tr> <td>Activity street</td> <td>35-100</td> <td>18-50</td> </tr> <tr> <td>Rail/IRT corridors</td> <td>Location specific</td> <td>Location specific</td> </tr> <tr> <td>Metropolitan and sub-metropolitan nodes</td> <td>100-375</td> <td>50-188</td> </tr> <tr> <td>District and local urban node</td> <td>75-175</td> <td>38-88</td> </tr> </tbody> </table> <p>* Conversion factor of 0.5 applied to Nett density as per City of Cape Town Densification Policy. This conversion factor applies to the city as a whole and therefore gross densities are likely to be higher in key corridors.</p> <p>According to the Table Bay District Plan (2012) “appropriate medium density development (e.g. 2/3 storey development) along the interfaces of open spaces such as the Two Rivers Urban Park could be considered to improve passive surveillance. (p47) but it is clearly stated that it is subject to contextual informants. The City’s Densification Policy and District Plan also promotes densification and intensification around nodes and corridors which do not include the site.</p> <p>We should also note that while the site is located on the Berkley Road (inter district development route) and Liesbeek Parkway (District structuring route), neither these routes are planned to accommodate IRT routes in the future. The City goes on to confirm that there are in fact no GABs services running close to the site either. (See page 30)</p> <p>Furthermore the site is approximately 0.9 to 1km away from the closest train stations with these routes being particularly</p>	Corridor Classification	Density Guideline		Nett Density (du/ha)	Gross Density (du/ha)*	Development route	75-175	38-88	Activity route	100-375	50-188	Activity street	35-100	18-50	Rail/IRT corridors	Location specific	Location specific	Metropolitan and sub-metropolitan nodes	100-375	50-188	District and local urban node	75-175	38-88
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		<p>inappropriate in scale and form to accommodate safe pedestrian movement.</p> <p>While the proposal meets the thresholds required to support public transport (acknowledged on p191) the sites locational attributes are being overstated and the motivation for the site to accommodate the scale and bulk of development proposed, based on principles of TOD and Densification Policy (2012), are misleading.</p> <p>The City suggests that the IPTN is a document which is under “constant review” (page 190) and could be revised in future to respond to demand generated by the site. This is disingenuous and acknowledges that the City are led by private developers and not by their public policy which is participated and informed by long term social, environmental and economic goals.</p> <p><b>Question:</b> The City notes that a bias towards residential development would create seats for PT and therefore be preferable (City acknowledges this on see page 191) – would this be useful o weave into the mix????</p>
4	A diverse range of land uses will be accommodated on the property.	<p>We note that the current dominant land use of the property is Open Space (comprising a golf course with ancillary uses such as a driving range and golf shop). However, as the report to the MPT notes, the area around the site contains diverse land uses comprising residential, institutional, business, community and open space uses (p179).  <a href="#">[Reference: Report to the MPT dated September 2020, Acceptance date 27 March 2020]</a></p> <p>The site is located in a floodplain, is prone to regular flooding, and most of the property is situated below the 1:50yr, 1:20yr and 1:10yr floodlines (p184)/ It thus plays a vital role in terms of ecosystem services. As such, the argument made by the applicant and endorsed by the City and MPT, that a diverse range of land uses is appropriate on the site, is flawed. Many of the proposed uses are already available in the surrounding area.</p> <p>While the site is currently not widely accessible to the public as an open space amenity, only one-third of the site will be retained as open space in the proposal, will be privately owned and controlled, and therefore, despite a public access servitude to be registered over the open space along the formerly canalised river channel, will not be truly public open space. As such both the vital ecosystem services function of the site, and the possibility of a greater quantum of genuine public open space in a less dense form of development are forgone by the current over-bulked and over-massed proposal. Indeed, the form and intensity of this proposal, as the applicant admits, is necessitated by the requirement for “a very large capital investment in bulk infrastructure before any commercial structures can be constructed. This includes raising the site above the 1:100 year floodline, installing wastewater, transport and electrical infrastructure” (D. 9 on p116).</p> <p>Lastly, the City’s Environmental Management Department (EMD) highlights that they “envisage the creation of a park-like environment with buildings in it, rather than the creation of building complexes with park / open spaces around it (i.e. the creation of an urban village</p>

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		<p>and not an office park)". The EMD also state that "concern remains that the scale, bulk and footprints proposed for the building component are excessive within the receiving environmental context when considering that the site is zoned OS3 and is entirely within a floodplain." (C. 21 and 22 on p160).</p> <p><b>A diverse range of land uses is therefore patently not appropriate for the site.</b></p>
5	<p>Densification and intensification of land contributes toward the spatial restructuring of the City and ensures better utilization of the service infrastructure.</p>	<p>The CCT's Urban Planning and Mechanisms and Urban Design Departments give in principle support to the proposed development "and regard the proposal as the Western Gateway into the broader TRUP area, as well as a first phase implementation of the TRUP LSDF. The in principle support is given on condition that the issues relating to buildability (e.g. cultural/heritage; environment/biodiversity; fresh water/water quality; flood modelling etc.) are adequately dealt with" (D. 2 on p168). "Support is also given to the critical and strategic importance of this project as a "catalytic and urban regeneration project within the inner-city and that has a primary role in re-configuring the Apartheid City" (D. 3 on p169).</p> <p>These two arguments are used by both the applicant and the City planner who compiled the report as motivation for approval of the application, as well as the proposed bulk and massing on the site. However, both arguments are flawed as the locational attributes of the site do not support this reasoning, and both arguments post-rationalise the development proposal. As noted in point 10 below, the site is both not appropriately located in terms of current and future public transport infrastructure, and is not an established economic node or indeed located along a route that would support the level of intensification proposed, unlike the nearby Voortrekker Road Corridor, which is highly suitable in these respects.</p> <p>As such the City's labelling of the site, as a gateway to the broader TRUP area and the proposal as a "catalytic and urban regeneration project within the inner-city. that has a primary role in re-configuring the Apartheid City", are unfounded and subjective statements, that are clearly examples of post-rationalisation in favour of developing a property that is inappropriate for large scale urban development.</p> <p>In fact, the CCT's support of the proposal as the first phase implementation of the TRUP LSDF belies this post-rationalisation, and contradicts the City's own argument (D. 9 point 1 on p45) that "the TRUP LSDF is still a draft and cannot be taken into account when assessing the development proposal."</p> <p>While the site is located close to the city centre, it is not located on the main existing corridors namely Voortrekker and Main Road, nor within a node identified in the MSDf or the Table Bay District Plan. It therefore does not support the City's current focus on utilisation of existing services within strategically planned zones. Furthermore, the development demands the construction of additional new services and infrastructure such as Berkley Road extension.</p>
6	Short and long term	The applicants' view is that an estimated 5 000 jobs will be created during the construction phase and 630 permanent jobs created

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	employment opportunities will be created.	<p>during the operational phase (repeated throughout the Case Officer’s submission as an applicant response to IAP questions.)</p> <p>Construction is known to be one of the most hazardous occupations in South Africa (<a href="http://www.henryshields.co.za/construction-accidents-in-south-africa/">http://www.henryshields.co.za/construction-accidents-in-south-africa/</a> and <a href="https://www.nioh.ac.za/work-related-fatalities-in-the-south-african-construction-industry-2004-to-2006/">https://www.nioh.ac.za/work-related-fatalities-in-the-south-african-construction-industry-2004-to-2006/</a>). Some proportion of the construction time required will be additional to what would ‘normally’ be expected from such a development because of the nature of the site, being in a floodplain:</p> <ul style="list-style-type: none"> <li>• The Geotechnical Report (Annexure C11) notes in its Conclusions (section 5, overlay page 2017) that “The presence of the water table at depths of as little as about 1,50m below present ground level, coupled with the high permeabilities of the saturated soils, are perhaps the most critical factors that can affect the construction time and cost of the basement structures. Excavation below the water table will require intensive dewatering using closely spaced well-points in the sides and across the floor of the excavations. This is on account of the often sandy permeable nature of the site soils. Localised problems can be expected where the open-voided fill materials will act as water conduits with unmanageable inflows...Lowering the basement level below the water table implies that large scale dewatering will be required to facilitate, not only construction in the dry, but excavation with a trafficable surface.”</li> <li>• The Visual Impact Assessment (Annexure 9) notes (on overlay page 1887, section 6.1.1) that there will be a “high volume of trucks transporting fill material and other construction material to the site” which “will also contribute to an altered sense of place (increased visual clutter, noise). Dust generated at the site will be visually unappealing and may further detract from the visual quality of the area.”</li> <li>• However, the Transport Impact report (Annexure C10) is completely silent on the extent of increase truck traffic and dismisses any significant impact of construction vehicle traffic on the basis that “if the contractor is restricted to do hauling outside peak hours the impact will be significantly reduced.” There is no analysis of the frequency of trips.</li> <li>• The site is 147 000 square metres. The EMD note that the site will need to be raised 3m because of the flood plain. This means that approx. 440 000 cubic metres of infill will be needed. This figure is probably a conservative estimate because the full development footprint is 27 hectares or 270 000 square metres. An average construction truck (10 Ton Tipper Truck) is said to contain 10 to 18 cubic metres (<a href="https://www.truck.co.za/index.php/10m3-tipper.html">https://www.truck.co.za/index.php/10m3-tipper.html</a>). So, if one uses the upper limit of 18 cubic metres, then the requirement for 440 cubic metres to be moved in will involve 440000/18 or 24500 truck trips to deliver the infill. Larger trucks might be able to carry more infill for the earthworks so round it down to 20 000 truck trips.</li> <li>• This means that the incremental construction truck traffic is huge. This is not a task that can be reduced to “hauling outside peak hours” so that “the impact will be significantly reduced”. This will be a huge impact.</li> <li>• Every road trip with a load or not increases the risk of an accident. It is estimated that in the South African context, the rates of injury in the Construction sector are “similar to those reported in other middle-income countries, but much higher than high-income countries” and rates per annum were 36, 37 and 30 cases of injury per 100 000 workers in 2004, 2005 and 2006, <u>respectively</u>. However, while motor vehicle accidents comprised approximately 12% of construction industry accidents, (See <a href="https://docplayer.net/9319714-Construction-motor-vehicle-accidents-in-south-africa-causes-and-impact.html">https://docplayer.net/9319714-Construction-motor-vehicle-accidents-in-south-africa-causes-and-impact.html</a> for 2011 data) they were about 43% of construction-related fatalities in <u>2010</u> and 50% of all fatalities <u>in 2019</u>. This means that construction is</li> </ul>

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		<p>high risk for injury in general, but death from road traffic injury is particularly high (about four times higher than other risks in construction)</p> <ul style="list-style-type: none"> <li>• The approximately 157 170 person months of temporary construction work over a 30-month period will therefore include the additional work generated by massive earthworks required to build on a flood plain. This will involve an additional 20 000 truck trips for whom the risk of a fatal injury is approximately four times that of other risky construction activities.</li> <li>• If the same injury rates as estimated by the NIOH in 2004-2006 (median 36 per 100 000) apply on average across the proposed workforce, then the number of deaths anticipated over 30 months would be about 2 persons per year. If (a) the intensive trucking required for this development is included, and (b) assumed to contribute 40% of person time required; and (c) the fatality risk for motor vehicle accidents applied (four times the general construction accident fatality rate), the fatalities likely to arise in the construction phase will double to about 4 per annum. This means that the incremental impact of additional construction work required to build in this setting could be over the order of two fatalities per annum.</li> <li>• The ratio of fatal to non-fatal but disabling injuries in the construction industry was about 1:10 in 2019. This means that an additional 20 disabling injuries per annum. The ratio of fatal to non-disabling injuries in 2019 was about 1:125, meaning an additional 250 non-disabling injuries per annum related to the additional construction burdens.</li> <li>• FEM estimates the average cost per accident in 2019 as R 35 540, which means an additional 250 accidents will cost R 8 850 000 as a result of the additional burden.</li> <li>• And just to confirm that MVAs are a driver of constructon-related injury, a steady rise in Motor Vehicle Accidents has <u>been noted</u> in the South African construction industry since 2001. This development will require massive increases in truck traffic because of the massive earthworks required – the infill can only be delivered by truck.</li> <li>• The Climate Change impacts of such truck traffic have not been addressed since the Traffic Impact Assessment minimises the truck traffic volumes required. That would be another set of impacts missed.</li> <li>• Lastly, there are additional occupational hazards related to construction which are not accidents – dust, chemicals, etc, which are hard to quantify but which will add to the burden.</li> </ul> <p>So, essentially, we do not dispute the amounts of short-term jobs created but (a) they are in a very dangerous sector and (b) the nature of this development required more hazardous and longer exposure of workers which may generate an additional burden of 2 deaths, 20 disabling injuries and 250 non-disabling injuries per year, at a cost of R 8.8 million per annum, not to mention adverse impacts for our Climate footprint. A different construction or even the same size construction at a different site which does not require such massive earthworks will not be associated with the same quantum of additional costs and accompanying illness and injury, or climate impact.</p> <p>In the operational phase, Table 5.3 in the SEIS (overlay page 2224) suggests that 557 permanent jobs will be created, alongside 74 tenant employees. Essentially, this is a trade off for 500 permanent jobs, some short-term jobs in construction which carry some additional health risk, against the adverse impacts. We do not believe the MPT adequately considered the trade-off.</p>
7	The mixed use	We note that the land use types are similar to those in the broader area, but the isolated nature of the site, in combination with the fact

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	development is suitably located being surrounded by residential, business and industrial uses.	that it has a particular role in the broader open space network, means that these land uses are not appropriate or necessary on this site.
8	The property provides access to opportunities being located close to, and providing access to, places of employment and various services and amenities.	The site is spatially isolated from the main urban nodes and corridors as discussed in Points 3 and 5 above, which limits the potential for access to existing places of employment and various services and amenities, especially for those on foot and bicycle. It must be noted that even with a car, accessing these surrounding opportunities will be challenging, and lead to further congestion on local road network, which the applicant's report indicates is already at a low level of service (noted in the Report to the MPT on p 231).
9	Reduced parking provision ensures improved thresholds for public transport use.	The site is spatially isolated and isolated from any existing and/or planned public transport routes (see also Points 3 and 5). Basing reduced parking provision on future and therefore uncertain public transport connectivity is misguided.
10	The reduced parking ration is considered rational as the site is located within a public transport corridor.	The site is spatially isolated, and removed from any existing and/or planned public transport routes, and therefore as argued in Item 9 above, a reduced parking ratio is not rational for the proposed development. The current PT1 and PT2 zones, which don't include the site, highlight its isolation in terms of public transport accessibility. The City's TOD policy, as referred to in the report to the MPT (p188), requires that "development must be sufficiently dense to promote the use of public transport in conjunction with reduced parking ratios". As the proposed residential density is only 40du/ha (assumed gross), and the site is isolated from existing and/or planned public transport routes, the proposal does not in fact meet the requirements of the TOD policy.
11	It will result in road improvements that will offer wider connections to various parts of the city.	<p>In accordance with the City's responsibilities in terms of climate change responses and requirements to reduce carbon emissions (as highlighted in the City of Cape Town's Climate Change Strategy, among other documents and policies), the proposed road extensions and improvements will</p> <p>We can acknowledge that the Berkeley Road extension is required as a metropolitan relief system, but in light of climate change and City's responsibilities in terms of reducing carbon emissions (as highlighted in the City of Cape Town's Climate Change Strategy), the road's role is to promote public transportation and NMT, and not to structure new private development at the scale of the current River Club proposal.</p>
12	There will be no	We note that this assertion views the site in isolation (which is misguided in terms of the networked nature of service infrastructure),

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	<p>adverse impact on the service infrastructure as either sufficient capacity exists or improvements to the services infrastructure will be implemented to accommodate the proposal. In some instances, on-site provision will be made to accommodate services.</p>	<p>and that the proposed development will have current and future implications for the servicing of the broader TRUP and Metro South East as a whole (as evidence provided by the Report to the MPT and the 2019 Draft TRUP LSDF).  <a href="#">[Reference: Report to the MPT dated September 2020, Acceptance date 27 March 2020.]</a></p> <p>In terms of electrical supply capacity, the City’s Electricity Department note (on p216 of the MPT report) that “the consequent impact of the development must not compromise electrical supply to the area. This must be considered within the context of the fact that many properties that feed off the existing supply... have as yet not fully taken up existing rights – capacity must therefore be available in the event of those rights being taken up in full (p216). For this reason, “an electrical substation must be provided on-site...as the proposal will take up all existing available electrical supply” (p216).</p> <p>According to the 2019 draft TRUP LSDF (p. 77), “spare [electrical] capacity will be allocated to any developers (within or outside TRLSDF [sic – understood to mean the TRUP area] on a first come- first-serve basis” and that “the River Club proposal alone has an expected demand of 10 MVA. The spare capacity for the greater TR- LSDF development will be only 2 MVA from the Koeberg Main Station. This is wholly inadequate for any meaningful size of development on this site [understood to mean the broader TRUP area].” Therefore, any future developments (both public and private) in the broader TRUP area, that are more appropriately located in developable areas out of the floodplain as indicated in the draft LSDF (p27), will bear the brunt of the lack of supply capacity in the TRUP area and also the cost to increase this capacity to meet demand.  <a href="#">[2019 Draft TRUP LSDF]</a></p> <p>In terms of wastewater capacity, the report to the MPT states (on p 217) that “while the site should discharge to the Athlone Water Works Treatment plant, no spare capacity exists. In order to accommodate the demand generated by the proposal, the department has indicated that it is possible to provisionally connect to the Cape Flats catchment area. Upon upgrading the Athlone Water Works Treatment plant the property could then be connected there”.</p> <p>According to the 2019 draft TRUP LSDF (p. 77), “given the additional flows that are proposed [on the western edge of the TRUP area] it is anticipated that the 225mm dia. main will not have sufficient spare capacity to serve the River Club and other developments proposed and it is likely that a more direct connection to the bulk main is required. It is also reported by the CCT that the Raapenberg Pump Station experiences challenges during peak times and is at capacity during these times.”</p> <p>Therefore, as with electrical supply, any future developments (both public and private) in the broader TRUP area, that are more appropriately located in developable areas out of the floodplain as indicated in the draft LSDF, will bear the brunt of the lack of wastewater capacity in the TRUP area and also the cost to increase this capacity to meet demand, both in the TRUP area and in the broader Cape Flats catchment area. This catchment area mostly comprises the Metro South East, which is identified in various City spatial development frameworks for intensification in support of spatial restructuring, should therefore be prioritised due its greater catalytic potential.</p>

NO.	REASONS FOR DECISION	OCA RESPONSE
		<p>Lastly, the applicant proposes a large number of measures to manage and reduce the effect of stormwater flows. However, these are all necessary due to the conversion of a predominantly open space in a floodplain into a highly bulked and massed development that covers “approximately two-thirds of the site” (p196). The report notes that the City’s Catchment, Stormwater and River Management (CSRSM) Department do not support the deviation from the policy relating to the filling of the old Liesbeek River to accommodate a swale to compensate for flood waters stemming from the proposed development (p219). The report notes that the “old Liesbeek River acts as a filtration system for stormwater coming from Observatory”, but that this channel is located beyond the site boundary. “Any measures proposed off-site to respond to stormwater retention as suggested will require the permission of ... CSRSM... [who have] indicated their opposition to this proposal (p219). In addition to the arguments made in point 15 below, the future impacts of climate change and upstream development in the broader catchment on flooding, and the resultant risks to the stormwater infrastructure on the site and in the broader TRUP area are difficult to quantify. The report acknowledges (on p 218 and 219) that Liesbeek Parkway and nearby properties in Observatory already experience regular flooding, and that “flooding events are likely to increase significantly in the vicinity of the property” with the most significant impact on the South African Astronomical Observatory (SAAO)(p218).</p> <p>There is very little attention in the applicant’s report, or the report to the MPT, to the biggest challenge in the broader TRUP area, which is the river corridors’ ongoing management. Management of the old and new Liesbeek River channels is proposed by the applicant and endorsed by the City. However the previous Phase 1 Environmental Management Plan for the TRUP area (2003) relied on a combination of City and private funding and management, which has been largely unsuccessful judging by the state of the biodiversity and lack of recreational amenity value along the rivers. There is little confidence therefore that this situation will change as result of the maintenance proposals contained in the current application.</p> <p>Therefore, the lack of adverse impact on stormwater infrastructure as motivated by the applicant and endorsed by the MPT, cannot in fact be argued with any certainty. The opposite appears much more likely.</p>
13	Heritage impacts have been carefully considered and heritage components will be incorporated into the development.	<p>The MPT states that impacts have been carefully considered. The sections in the Case Officer report on pages 224 to 226 appear to be the basis for this claim. Annex 3a analyses in more detail the basis for the claim that heritage matters were ‘carefully considered.’ However, as general evidence for why heritage has not been adequately considered by the MPT, see the EM comments from Jan 23rd 2020. (Annexure F1).</p> <p>2.2.13: Environmental Management Department is of the belief that the visual impact of the current proposal to be highly negative due to the scale of the proposed buildings, footprint of the development and heights of the proposed buildings.</p> <p>2.2.16: The impact on the level of significance of the cultural landscape will be highly negative in terms of the level of physical and visual change on the environmental/ topographical/ecological and historical significance of the area and by the proposed heights, scale, and density of the current proposal. This negative impact on the significance of the heritage resources will also carry over to the SAAO site for the same reasons of the suggested heights, scale and density.</p> <p>2.2.17: Infilling of the old Liesbeek River channel and remodelling of this channel into a vegetated stormwater swale will also impact negatively on the high level of significance of the cultural landscape</p>

NO.	REASONS FOR DECISION	OCA RESPONSE
		<p>2.3.1: this Department believes that the levels of significance of, in particular, the cultural landscape and the SAAO site will still be compromised or reduced by the current proposal and that, although mitigation measures have been applied in the form of the First Nations narrative, setting back proposed buildings further from the SAAO and promoting a 'park like' eco corridor, the overall impact on the heritage resources identified, sense of place and cultural landscape is still perceived to be negative</p> <p>2.3.3: The proposed development does not acknowledge the unique and symbolic "threshold role" that the site plays, both in its formal layout, scale, and in the uses that are being proposed. Having to raise the site by 3m or more to achieve an acceptable height above the flood water level further exacerbates the concern that the development would be an invasion of this significance." Cape Institute of Architects, 8 Feb 2018.</p> <p>2.3.8: The current proposed development does not conserve sufficiently the historical and cultural value and significance of the cultural landscape of the area. The importance of historic and existing spatial context is not adequately recognised in the proposed development in its current form which could be mitigated by a further reduction in bulk and heights.</p>
14	<p>Certain landscaping and other measures are proposed to mitigate against impacts on the receiving environment.</p>	<p><b>Landscaping as referred to in the application does not compensate for the adverse impacts on the environment</b></p> <p>See EMD comments Jan 23<sup>rd</sup> 2020, para 3.2.2. See EMD EA Appeal (Annex 5), para 11.</p>
15	<p>Specialist studies sufficiently demonstrate that measures proposed will mitigate against impact of development within the floodplain. This is agreed to by the competent Department.</p>	<p>This claim is predicated on too many contingencies, assumptions and uncertainties to justify the financial, legal, ecological and flood risks that development in the flood plain, and particularly on the River Club site, may bring. This is elaborated below. [Reference: Report to the MPT dated September 2020, Acceptance date 27 March 2020.]</p> <p>Firstly, in the River Club Redevelopment Pre-Application Basic Assessment Report, Appendix G3 Surface Water IA (Aurecon, 12 March 2018) it is noted under the heading of <i>Results and Conclusions</i> (and important to be read holistically) that:</p> <p><i>Based on a review of all the available studies, the extensive modelling, and engineering judgement, it is Aurecon's opinion (as stated in Chapter 5) that:</i></p> <ul style="list-style-type: none"> <li>▪ <i>The results (magnitude of impact) appear to be relatively consistent for each study, even where study methods and elevations may differ slightly.</i></li> <li>▪ <i>The development of the River Club, along with the TRUP, PRASA and NRF sites is likely to have an impact on flood levels, in the order of 0.01m – 0.15m depending on the storm recurrence interval and location. The greatest differences in flood levels occur in the vicinity of the South African Astronomical Observatory. The impacts of these changes were deemed to be insignificant.</i></li> <li>▪ <i>Were the River Club to be developed in isolation (i.e. TRUP, NRF, PRASA were not to be developed), then the impacts on flood levels</i></li> </ul>

NO.	REASONS FOR DECISION	OCA RESPONSE
		<p>would be of a similar magnitude for all recurrence intervals, but less by approximately 0.00m – 0.03m, than the levels for the scenario where all the proposed developments went ahead. These impacts were also considered to be insignificant.</p> <ul style="list-style-type: none"> <li>– The differences between the post development scenarios are also well within the uncertainties of the modelling tools.</li> <li>– It is important to note that if any of the proposed TRUP, NRF and PRASA developments were to be undertaken in isolation, then the results must not be interpreted to mean that they would only have an impact equal to the differences between the post development scenarios for the River Club, TRUP, PRASA, and the NRF sites together, and the post development scenario for the River Club alone – as indicated in the RHDHV Study. This is because of the complexities of the hydrology and hydraulics in the vicinity of the River Club site. <ul style="list-style-type: none"> <li>▪ The design of changes to the Liesbeek Canal should aim to maintain the existing hydraulic functioning of the wetland during smaller recurrence interval events. The current proposal would have little to no effect, but further detailed design refinements – during detailed design – should be reanalysed.</li> <li>▪ It would be advisable, in consultation with the Fresh Water Consultant, to consider reversing the intervention undertaken by the TRUPA, Friends of the Liesbeek and the South African Astronomical Observatory (SAAO) – as this is likely to increase flows into the wetland.</li> </ul> </li> </ul> <p>This report alludes to the fact that there is a number of contingencies, assumptions and uncertainties related to development on surrounding land parcels (mainly the PRASA yard). This in conjunction with the uncertainties around the accuracy of hydrological modelling, given the broad scientific consensus on the difficulty of predicting the effects of climate change on flooding and therefore the effectiveness of current and future flood mitigation measures, would suggest that the precautionary principle should apply, in order to guide current and future planning for the site, the broader floodplain and the Liesbeek and Black River catchment.</p> <p>In terms of the uncertainties around flooding and the impacts of climate change on these, the Western Cape Government in the Western Cape Climate Change Response Strategy (February 2014) warns that:</p> <p><i>Already a significant portion of the ecological infrastructure which should buffer against climate-related hazards, such as coastal barrier dunes, wetlands, and flood plains is compromised. Increasing magnitude and frequency of extreme events, temperature increases, altered rainfall patterns and changes in evaporation rates, etc., will further compromise the ability of the natural environment to buffer humans and human settlements against the impacts of climate hazards.</i></p> <p>The strategy notes that climate projections for the Western Cape and Cape Town indicate an intensification of rainfall events. The document further notes that:</p> <p><i>Human settlements, in both the urban and rural context, face climate change challenges. Climate change may exacerbate the problems caused by poor urban management, e.g. increased storm intensity (expected with climate change) together with poor storm water management and urban-induced soil erosion could result in flash flooding. Cities are particularly vulnerable to climate change because they are slow to adapt to changes in the environment and they have entrenched dependencies on specific delivery mechanisms for critical</i></p>

NO.	REASONS FOR DECISION	OCA RESPONSE
		<p><i>services.</i></p> <p>The Salt River, and the broader Liesbeek and Black River floodplain and catchments have widely acknowledged past and present stormwater and flood mitigation management issues (exacerbated by the issues around the downstream infrastructure, differences in bed heights that cause reverse flow from the Salt River, and overflow from the Athlone WWTW and overflow from wastewater systems into stormwater systems), which are also noted in both the Aurecon report of 12 March 2018 (associated to the River Club BAR), the Study 1 and 2 reports available on the WCG website (<a href="https://www.westerncape.gov.za/general-publication/two-rivers-urban-park-%E2%80%93-towards-sustainable-integrated-urban-development">https://www.westerncape.gov.za/general-publication/two-rivers-urban-park-%E2%80%93-towards-sustainable-integrated-urban-development</a>) as well as the TR LSDF Civil Engineering Report by HHO, 2019 in which the McGill Report is also mentioned and which together are assumed to form the basis of the 2019 Draft TRUP (also known As TR) LSDF analysis.</p> <p><b>[2019 Draft TRUP LSDF]</b></p> <p>In fact the Study 2 Report (in full, the <i>Two Rivers Urban Park Specialist Study: Modelling of Flood Mitigation Options on The Salt River Task 2 Final Report - 22 March 2017</i>) warns that “<i>exacerbating circumstances such as the blockage of downstream bridges or the failure of upstream dams were not considered</i>” and concludes that:</p> <p><i>‘Last but not least, while useful flow data were not available for calibration of the models in this specialist study, they will be important for further consideration of interventions in the watercourses in TRUP and in other areas in the same catchment.’</i></p> <p>It should be noted that this specialist report also recommends the need for the:</p> <p><i>Reduction of Black River water volumes (with increased reuse of water at the upstream treatment works, or some similar diversion of water</i></p> <p>In the HHO Report which references the McGill (2018) study, it was recommended that “<i>further evaluation of potential attenuation in the Black River catchment is required, as well as the associated costs with such measures. Off-line storage where excess flow can be spilled and then released when capacity becomes available is the most effective means of reducing flood peaks.</i>”</p> <p>This further makes the point that additional studies are required to fully understand the impacts at the catchment scale while also emphasising that future flooding risks associated to Climate Change are not fully understood.</p> <p>The Draft TR LSDF not only carries principles and strategies in regard to the flood mitigation importance of the floodplain (both from existing policy and crafted for the Draft TR LSDF), and hence the need to severely limit development in the floodplain, particularly the</p>

NO.	REASONS FOR DECISION	OCA RESPONSE
		<p>River Club site, but also cumulatively hints at the numerous contingencies, assumptions and uncertainties in regard to any development in the floodplain, as alluded to above and which form the essence of the argument in terms of flooding risks in this comment document.</p> <p>The principles and strategies in the TR LSDF in regard to the flood mitigation importance of the floodplain, are of interest and are highlighted below.</p> <p>The Containment and Protection Spatial Strategy (p22) suggests that it is important to:</p> <p><i>Acknowledge the river corridors (Liesbeek and Black) as strategic land in support of flood mitigation, conservation, NMT support and functional and recreational space.</i></p> <p>In Section 4.4.7. Sanitation on page 77, it is stated under the “On-Site Storm-water” heading that:</p> <p><i>The existing local storm-water network drains towards the Liesbeek and Black Rivers. The existing piped system is only sized for minor storms, whereas larger storm-water runoff escapes overland into the river system. Of the six major points of entry for piped storm-water into the rivers, three of these result in occasional local flooding. Further development of the TR-LSDF may require that the existing formalised storm-water system be upgraded in places.</i></p> <p>In Section 5.2. Opportunities (p90), the report states under the heading <i>Centrality and the importance of the site within the municipal area</i> that:</p> <p><i>Although some of the proposals around the River Club include development in the flood plain.[sic], the mitigation measures to prevent flooding must be offset against the additional jobs, economic development and contribution to spatial restructuring that possible developments will bring. Any infilling of the floodplains must be accompanied by rehabilitation of the river system and restoration of habitat and indigenous vegetation.</i></p> <p>Here the TR LSDF problematically argues(an argument echoed in the applicant’s motivation for the River Club development proposal) that “<i>the mitigation measures to prevent flooding must be offset against the additional jobs, economic development and contribution so [sic] spatial restructuring that possible developments will bring.</i> This is a logically fallacious argument as this is not a dichotomous choice, given the significant and partially unknown risks that development in the floodplain can bring, and the impacts on any future infrastructure and built environment in the floodplain, as well as the concomitant health and safety risks, and possible impacts on municipal financial stability, job creation, economic development and the highly limited spatial restructuring that may flow from development on the River Club site, and the linked Berkley Road extension.</p>

NO.	REASONS FOR DECISION	OCA RESPONSE
		<p>The report then goes on to state under the heading of <i>Environmental Resilience</i> that:</p> <p><i>'By protecting the ecological corridors and investing in more sustainable energy and water supply systems the local area can strengthen the city's ability to mitigate some of the impacts of climate change, such as flooding and storm surges.'</i></p> <p>In section 7.1. Guiding Design Principles (p 116), under <i>P2 Conserve, protect and enhance natural and heritage assets</i> that:</p> <p><i>The rivers have been identified as a critical component of the work and as such, understanding how best to manage flooding and develop within a dynamic natural environment whilst also improving water quality within a spatial framework,</i></p> <ul style="list-style-type: none"> <li>• <i>Integrated river management : river edge (riparian buffers)</i></li> <li>• <i>Ecology restoration</i></li> <li>• <i>Flood mitigation and integrated management</i></li> </ul> <p>In section 7.2 Development Directives (p117), it is stated that:</p> <p><i>Accordingly, the following spatial and policy aspects should be considered in early deliberations of development proposals and in the assessment of proposals irrespective of the conceptual designations outlined in Map 7.1:</i></p> <ul style="list-style-type: none"> <li>• <i>Protected areas, wetlands;</i></li> <li>• <i>Areas of risk –safety zones / flood;</i></li> <li>• <i>Cultural and built heritage resources and aesthetic, social assets (e.g. public sports grounds, public open space, cultural/spiritual places).</i></li> </ul> <p>The linked Table 7.1 <i>Development Directives</i> notes that in Flood plains, there should be:</p> <p><i>Careful management of development to minimize development that will increase flood risk to protect the environmental integrity of aquatic resources and to ensure that permitted development enhances the aesthetics and character of the adjacent river corridors watercourses / wetlands.</i></p> <p>It is then noted that an exception to this could be <i>"mitigation upstream to prevent downstream flooding."</i></p> <p>This is once again an unacceptable contingency on which to base any proposed development in the floodplain, such as the current</p>

NO.	REASONS FOR DECISION	OCA RESPONSE
		<p>proposed River Club development. As argued earlier, the Liesbeek and Black River floodplain and catchments have widely acknowledged past and present stormwater and flood mitigation management issues (exacerbated by the issues around the downstream infrastructure, differences in bed heights cause reverse flow from the Salt River, and overflow from the Athlone WWTW). This, as well as the extreme difficulty in predicting and controlling all future development and hence stormwater runoff and flooding impacts upstream of the floodplain in the large combined Liesbeek and Black River catchments, would give significant weight of argument to applying the precautionary principle and severely limiting or avoiding all development in the floodplain.</p> <p>As such, the following claim made in the TR LSDF, (an argument echoed in the applicant’s motivation for the River Club development proposal) is clearly irresponsible:</p> <p><i>The activity / development will not materially increase flood hazards for other property owners or adversely affect flood behaviour or the stability of river channels.</i></p> <p>Figure 7.2 on page 119 of the TR LSDF, titled <i>1:20 year floodplains</i> indicates that, when combining Study 1 and 2, the River Club site lies within the boundaries of both, and as such is the only proposed development site (enabled by the draft TR LSDF) or existing built footprint in the TRUP area that falls completely within the delineated 1:20 year floodplain.</p> <p>In section 8.2. <i>Precinct A: Liesbeek River Corridor</i>, the vision for this precinct is stated as “<i>enhancing the Liesbeek River linear park amenity to become a safe, green, well maintained public space through responsible development and management</i>”, while the principles/goals of the precinct include: <i>Improve water quality, create habitat, and reduce flood impacts</i>. However, given the arguments made above, reducing flood impacts in this precinct would rely on too many contingencies, assumptions and uncertainties to allow for any certainty in terms of <i>responsible development and management</i>.</p> <p>In conclusion, the scale and extent of the proposed River Club development located wholly in the floodplain, is not only legally irresponsible in terms of the flooding, health and safety, infrastructural, financial, economic and social risks that could result given the uncertainties around climate change impacts on flooding and the numerous contingencies and assumptions on which this development would be based, it also disrespects the importance of the open space nature and heritage of the site for indigenous people, flora and fauna. This is in addition to the importance of the floodplain’s amenity for the rest of the city’s residents in terms of open space and heritage, as well as tourism potential.</p> <p>Thus, using spatial justice and restructuring as an argument for developing the site to the scale and extent proposed, is both illogical and inappropriate against the established current consensus around climate change. Given the weight of argument presented in this appeal as whole, the precautionary principle should apply and development in the floodplain should be severely limited on the River Club site.</p>

NO.	REASONS FOR DECISION	OCA RESPONSE																																
16	<p>The proposal supports the principles contained in both the LUPA and SPLUMA – the developer also offered to provide inclusionary housing in support of the spatial justice principle.</p>	<p>The MPT’s decision to approve the application is questionable as the MPT neither considered relevant information to convince itself that the principles in section 7 of SPLUMA and particularly, Section 7(a)(i) are adequately addressed; nor did the MPT insist on sufficient information being prepared by the applicant and / or the Development Management Department to satisfy itself that the principles of SPLUMA have been adequately addressed in the motivation reports and information presented to the MPT.  <a href="#">[SPLUMA, page 18]</a></p> <p>The applicant’s motivation contains limited reference to section 7 of SPLUMA and the Department’s report in accepting a mere 20% of 600 du’s nett i.e. 120 dwelling units as achieving social and spatial justice makes no sense in terms of motivating the approval towards achieving the intent of the SPLUMA principles. It is not in its own right an established fact for the MPT to have arrived at the conclusion that section 7(a)(i) of SPLUMA has been sufficiently complied with through a 20% social housing allowance. The right to densify is a function of two things: a) the role of the RC as essentially ecological and a natural floodplain worthy of conservation at the scale of the city; and b) its current Open Space zoning which immediately renders the RC contextually inappropriate for densification and transit oriented, mixed use development.</p> <p>The MTP’s supposed endorsement of the Department’s reference to compliance with the principle of <i>spatial justice</i> is not satisfactory. The need for residential accommodation in well located areas such as along existing urban corridors (e.g. the VRC) and within existing well-located nodes, is far greater among households falling in affordable housing categories than they are in the categories assumed by the proposal which in our view seeks to substantially increase the value of the subject property so that it caters pre-dominantly for high-end residential accommodation, commercial and retail land uses. Therefore, the applications applied for and policy deviations, are necessary for development rights but essentially, inappropriate.</p> <p>Viruly’s<sup>1</sup> research in the table below confirms that there is presently a housing shortage of over 400 000 units in Cape Town for those households earning below R12 801.00 a month. This research also indicates that there is an oversupply of residential accommodation in the income bracket above the monthly income of R12 801.00 a month which is the low side of the market that the RC proposal may be responding to.</p> <table border="1" data-bbox="606 1101 1810 1302"> <thead> <tr> <th colspan="3">Demand: Households</th> <th colspan="3">Supply: Residential Properties</th> <th colspan="2">Shortage/Surplus</th> </tr> <tr> <th>Income Category</th> <th>No. of Households</th> <th>% of Total</th> <th>Value Category</th> <th>No. of Properties</th> <th>% of Total</th> <th>No. of Properties</th> <th>% of Total Stock</th> </tr> </thead> <tbody> <tr> <td>R0</td> <td>146 517</td> <td>13.7%</td> <td>R0</td> <td>0</td> <td>0.0%</td> <td>-146 517</td> <td>-22.0%</td> </tr> <tr> <td>R1 - 400</td> <td>29 373</td> <td>2.8%</td> <td>R1 - R11,514</td> <td>0</td> <td>0.0%</td> <td>-29 373</td> <td>-4.4%</td> </tr> </tbody> </table>	Demand: Households			Supply: Residential Properties			Shortage/Surplus		Income Category	No. of Households	% of Total	Value Category	No. of Properties	% of Total	No. of Properties	% of Total Stock	R0	146 517	13.7%	R0	0	0.0%	-146 517	-22.0%	R1 - 400	29 373	2.8%	R1 - R11,514	0	0.0%	-29 373	-4.4%
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<sup>1</sup> Viruly Consulting for WCG: DTPW. 2016. Two Rivers Urban Park: A property market potential analysis.

NO.	REASONS FOR DECISION	OCA RESPONSE									
		R401 - R800	42 418	4.0%	R11,515 - R23,028	0	0.0%	-42 418	-6.4%		
		R801 - R1,600	113 277	10.6%	R23,029 - R46,055	0	0.0%	-113 277	-17.0%		
		R1,601 - R3,200	170 284	16.0%	R46,056 - R92,111	48 354	7.3%	-122 470	-18.4%		
		R3,201 - R6,400	154 427	14.5%	R92,112 - R184,222	52 021	7.8%	-102 406	-15.4%		
		R6,401 - R12,800	139 348	13.0%	R184,223 - R368,443	13 1106	19.7%	-8 242	-1.2%		
		R12,801 - R25,600	126 625	11.9%	R368,444 - R736,886	172 874	26.0%	46 249	7.0%		
		R25,601 - R51,200	92 860	8.7%	R736,887 - R1,473,772	160 284	24.1%	67 424	10.1%		
		R51,201 - R102,400	38 018	3.6%	R1,473,773 - R2,947,545	70 919	10.7%	32 901	5.0%		
		R102,401 - R204,800	9 748	0.9%	R2,947,546 - R5,895,089	22 880	3.4%	13 132	2.0%		
		> R204,801	5 066	0.5%	> R5,895,090	7 075	1.1%	2 009	0.3%		
		Total	1 068 501	99.9%		665 513	100.0%	-402 988	-60.6%		
		<p>In our view, the RC proposal will result in a substantial increase in the value of the subject property which in turn will have a positive impact on surrounding property values. This goes completely against the principles of SPLUMA as it further entrenches the 'past spatial and other development imbalances' that must be 'redressed through improved access to and use of land'<sup>2</sup>. Using densification as an argument to support the applications and doing so by misinterpreting the SPLUMA means that the MPT has failed to implement the intent of the SPLUMA <i>to achieve spatial justice</i>.</p> <p>The MPT's decision to approve the application is questionable as the MPT neither considered relevant information to convince itself that the principles in section 7 of SPLUMA and particularly, Section 7(a)(i) are adequately addressed; nor did the MPT insist on sufficient information being prepared by the applicant and / or the CCT's Department to satisfy itself that the principles of SPLUMA have been adequately addressed in the motivation reports and information presented to the MPT.</p>									

<sup>2</sup> Section 7(a)(i) of SPLUMA.

NO.	REASONS FOR DECISION	OCA RESPONSE
		<p>The MTP's endorsement of the Department's reference to compliance with the principle of <i>spatial justice</i> is not satisfactory. The need for residential accommodation in well located areas such as Observatory and surrounds is far greater among households falling in affordable housing categories than they are in the categories assumed by the proposal. Using densification and urban development in a floodplain on land that is zoned for Open Space purposes, as an argument to support the RC's application/s and motivation for development, and doing so by misinterpreting the SPLUMA means that the MTP has failed to implement the intent of the SPLUMA to achieve spatial justice.</p> <p>It is easy to see that densification of high end type accommodation, commercial, retail and recreation is unlikely to achieve anything other than making more property available to the better resourced consumer – which flies in the fact of a regulatory duty and city policy imperatives to promote access to accommodation by historically disadvantaged persons in areas such as the public land within the vicinity of the RC and the VRC but not the RC itself. Furthermore, the impacts on the surrounding properties' rights and roles have not been adequately considered to arrive at a decision to approve the application/s and deviations from policy.</p>
17	The permitting of GB7 with a height limitation in Precinct 2 enables flexibility to be achieved at SDP Precinct level.	<p>See Annex 2 and Annex 4</p> <p>The height limits permitted have substantial adverse impacts.</p>
18	The elevated height in Precinct 2 enables a sensitive bulk distribution where it is deemed most appropriate.	<p>See Annex 2 and Annex 4</p> <p>The distribution of bulk impacts adversely on the confluence of the two rivers, a highly sensitive and important heritage resource; the tall buildings over the amphitheatre loom over any sites where traditional rituals might be performed; view of Lion's Head, important for Khoi rituals, will be highly restricted.</p>
19	In order to develop a viable solution for potential flooding and storm water management, deviation from Council policy in this regard is required and merited in order to facilitate a	<p>The Liesbeek River channels that bookend the River Club site need to be considered in relation to the hydrological role of the Liesbeek and Black rivers, as well as their water quality. Water quality is unfortunately not something that can only be dealt with within the River Club site or TRUP area alone (or that has any history of success in the TRUP area as argued in Point 12 above), but is an issue which requires a considered strategy at the level of the catchment to tackle complex issues with long-term horizons needed for resolution.</p> <p>The vital role of the River Club site in terms of flood mitigation cannot be viewed in isolation from the broader catchment system, and the focus of the applicant's proposals for maintenance and filling of the respective Liesbeek River channels on just the site's small section of the river system are misguided as they ignore the fact these channels are part of this broader catchment area.</p>

NO.	REASONS FOR DECISION	OCA RESPONSE
	sustainable flood/stormwater management system for the development.	<p>In addition, and as argued in point 15 above, the surface water hydrology report, which forms the foundation for the current development proposal and flood mitigation measures, is itself founded on numerous contingencies and assumptions, which pose a number of serious risks, discussed in Item 15 above.</p> <p>This further makes the point that additional catchment-scale studies, at a minimum including the two golf courses and the River Club, are required to fully understand and model the impacts at the catchment scale, while also emphasising that future flooding risks associated with Climate Change are not fully understood.</p>