

HWC Issues on River Club HIA (a component of the BAR) and Project Team Responses: HWC Interim and Final Comments

Amendments made to the issues and responses report on HWC's interim comment on the HIA have been underlined and italicised for ease of reference

A. Heritage of the Site and Assessment

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
1.	<p>The site, and the wider TRUP area is of exceedingly high cultural significance (of Provincial or even National significance)</p> <p><u>HWC final comment conclusion:</u></p> <p><u>"HWC regards the wider TRUP of which the River Club site is an integral component, as a highly significant cultural landscape in the City with a significant interplay between natural and manmade landscapes. It is this interplay that defines cultural landscapes. HWC is of the opinion that this area is of at least provincial significance if not national significance"</u></p>	<p>The history of the broader area is comprehensively described in Section 4 of the HIA, and includes a history of:</p> <ul style="list-style-type: none"> • Khoekhoe groups occupation and use of the area for grazing; • The importance of the rivers to the history of the area; • Conflict between Khoekhoe groups and Europeans settlers; • The defensive line established by the Dutch; • The agricultural use of the Liesbeek River catchment by the Dutch; and • Residential, commercial, and industrial encroachment on the agricultural and riverine floodplain and landscape. <p>Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA).</p> <p>The HIA confirms that the cultural significance of the area is derived from "the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers".</p> <p>Although HWC's assessment of "National or Provincial" significance of the "TRUP" is noted (<i>albeit without any S29 investigation</i>), it should be borne in mind that this is a planning boundary, and with the exception of the river courses (which themselves are much changed), much of the history that derives the cultural significance of the site extends over a far broader area. In this regard, on 15 October 2019, the Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a "TRUP First Nations Report" (AFMAS Solutions, 2019). Following the TRUP First Nations Report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) to:</p> <ul style="list-style-type: none"> • Understand the significance of the River Club site to the First Nations by identifying indigenous intangible cultural heritage specific to the River Club; • Locate the River Club site within the indigenous narrative of the broader TRUP cultural landscape; • Identify First Nation aspirations with regard to Indigenous cultural heritage and the River Club site; and • Make recommendations for the implementation of the key recommendation of the TRUP First Nations report, specifically: 	<p><u>Paragraph 109</u></p>	<p><u>The heritage consultants have iteratively argued that much of the Liesbeek Riverine corridor has considerable politically-charged historical significance and that the TR-area is a significant part of the corridor and that the River Club site is an important, if small part, of the TR-area and of the Liesbeek corridor. They have also argued that most of the corridor has been transformed and, as such, is a cultural landscape much broken into areas of different character and other layered and different significances, for example, the neighbouring SAAO and Valkenberg sites are very large parts of the TR-area with their own considerable separate site-based historical, scientific, and architectural and/or aesthetic significances.</u></p> <p><u>The River Club site's history and usages most closely parallels the parts of the corridor adapted and used by different sporting codes but, unlike most of those pieces of land, was not a part of an early agricultural land-holding (probably because it was too low-lying and subject to flooding).</u></p> <p><u>HWC's idea of making the whole TR-area a provincial or national heritage site is, the heritage specialists think, not appropriate, and would advise the owners of the land to resist such a suggestion.</u></p> <p><u>The specialists do, however, agree that a remnant of the Liesbeek riverine corridor/cultural landscape that can be meaningfully experienced as such (for its signal historical political significance) should be declared proclaimed as a provincial or national heritage site. The specialists think that the development of the River Club site creates a real and immediate opportunity for such a declaration; and would be the trigger for the meaningful planning of a much larger heritage site.</u></p> <p><u>The heritage specialists note that the First Nations Collective concurs with this view.</u></p>

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		<p>"Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning".</p> <p>Key findings of these studies, as they relate to the River Club, are as follows:</p> <ul style="list-style-type: none"> Given that the entire TRUP project area was part of the historic indigenous landscape, each of the precincts that make up TRUP has a measure of indigenous cultural heritage; The River Club site is a small part of a much larger TRUP cultural landscape that extends to approximately 300 hectares; The extent to which the site bears testimony to its indigenous cultural heritage, is determined by the amount of indigenous cultural capital assigned to the site; First Nation informants concurred that the Two Rivers local area was the dominion of the Gorinhatqua; No cross-cutting, narrative-defining event for any of the strands of the indigenous narrative; be it, the dominion of the Gorinhatqua, Battle of Gorinhatqua, Colonial-settler 'grilagem', or resistance to 'grilagem,' can be attributed specifically to the River Club site; No tangible or intangible reference has been made to the Gorinhatqua having settled specifically on the River Club site; No specific act of resistance, battle or encounter, whether tangibly manifested or intangibly articulated, have been attributed specifically to the River Club site; Although mostly a wetland and therefore of low functional use value, the River Club site was most likely part of an early precolonial landscape from which the indigene was displaced and/or precluded from having access to; The site is not a burial ground; The site was not used as a pre-colonial river crossing; The Liesbeek River is an important heritage resource in the broader landscape, and its rehabilitation / naturalisation is supported by the First Nations Collective / would be a cultural benefit; and The First Nations narrative should be acknowledged, embraced and celebrated in design and planning for the River Club. <p>The heritage specialists on the project team therefore attest that the heritage resources identified in the HIA for the River Club site do include the broader area, and are mirrored / confirmed by the First Nations historical account / narrative.</p>		
2.	<p>The HIA has not placed the River Club site within the context of the wider TRUP in terms of its heritage significance</p>	<p>After reporting the history of the broader area, the HIA:</p> <ul style="list-style-type: none"> Confirms that "the area in which the River Club is situated is historically important for the role it played in the distant past", and Places the site "within the core of this early contested landscape" (see Section 4.5 of the HIA) and within an "associative cultural landscape" with definable/known historical associations of great socio-political import. <p>In addition, on 15 October 2019, the Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment.</p> <p>See <i>response to item 1</i>.</p>	<p><u>Paragraph 49</u></p>	<p>Also refer to responses to items 1, 9, 29 and 45</p>
3.	<p>TRUP is of at least Grade II heritage significance, if not higher</p>		<p><u>Paragraph 11</u></p>	<p>Also refer to response to item 1</p>
4.	<p>TRUP as a whole could be regarded as one of the single most historically significant sites in the Country</p>	<p>Following these studies, the heritage specialists remain of the opinion that the Two River local area is comprised of a variety of precincts of very different</p>		<p>Also refer to response to item 1</p>

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5.	As a site of conflict alone, it is queried for argument's sake, had this site had similar particular meaning and significance to other South African Cultures and Communities, such as a "Bloed Rivier", "Isandlwana", "Rourke's Drift", "Spioen Kop", or even the Battle of Blouberg site, to use a more nearby example, would there even be consideration of them being sites that could be developed at all, let alone in the manner of any of the mega project alternatives.	<p>topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious heritage significance, noting that:</p> <ul style="list-style-type: none"> • The site is entirely an infill site; and certainly reclaimed from wetlands before 1934 and iteratively reshaped since then. • The valley (or floodplain) in which the site is located, although an important component of the Liesbeek River as a landscape, has been transformed by urban development of various sorts; • The site is relatively small, comprising only 5% of the Two River local area; • No tangible heritage relics or resources occur on the site; and • No historic events are attributed to have occurred at the site. <p>The HIA does, however, find that the Liesbeek River is a tangible heritage resource that remains in this transformed landscape, is a potentially strong symbol of past events, reflects the history and significance of the area, is a common thread and the significant heritage resource that links the River Club, the Two River local area and the broader environs more generally, and is worthy of heritage protection. The HIA recommends the restoration and memorialisation of the river course and confluence.</p>		<p>Also refer to response to item 1</p> <p>The heritage specialists emphasize here, however, that the greater Liesbeek corridor and the smaller TR-area are much transformed cultural landscapes of many different significances. Certainly, in the view of the specialists, the TR-area could not be meaningfully or persuasively presented or curated as a battle site suggested by HWC; and it would be wrong to claim the River Club site was the site of a battle like the examples referred to.</p>
6.	The concept of significance is broadly underpinned by authenticity. The values attributed to the site by stakeholders have not been carried through into the report and have therefore not adequately informed the unique significance of the site and appropriate development indicators. This is a methodological problem that the HIA does not address	<p>Paragraph 61</p>	<p>The Supplementary HIA from pages 15 (bottom) to page 19 sets out an explanation by the heritage practitioners as to why this framing of the argument is incorrect and/or muddled.</p> <p>In the view of the heritage practitioners, the methodological problem is HWC's. And given the response in the Supplementary Report, it seems that the authors of HWC's Final Comment have not read the Supplementary Heritage Report.</p>	
7.	<p>The HIA has not taken the following criteria listed in Section 3(3) of the NHRA into account in considering whether the site is of heritage significance:</p> <ul style="list-style-type: none"> • Is considered to have cultural significance to the community; • Could yield information about heritage; and • Is important in exhibiting particular aesthetic characteristics valued by a cultural group. 	<p>Paragraph 58</p> <p>These opinions are noted, but contested as follows:</p> <ul style="list-style-type: none"> • The HIA acknowledges stakeholders' views on the significance of the landscape as a heritage resource but argues that but this significance is associative and has no clear or defined place or locus, or even any physical characteristics other than being rooted here in this general location on the floodplain of the Liesbeek River, and that the heritage of the area cannot be destroyed (see above, and especially response to item 53). Rather, and in this context, the HIA suggests that the development of the River Club site is an opportunity for the articulation or making public, even celebration, of the significance of the place and of its historical associations. This opinion is shared by the First Nations Collective. • No tangible elements of the history of the broader area remain at the site, and the site is either entirely or almost entirely an infill site, it is therefore unlikely that the site could yield information about heritage. Nevertheless, 	<p>The HWC Final Comment ignores the findings of the extensive engagement by the heritage team with the First Nation groups and this community assessment of significances reported on in the TRUP report and River Club Report which were considered and respected and taken into account by the River Club owner in its development proposal.</p>	

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8.	<p>The values attributed to the site by the stakeholders have not been carried through into the report and have therefore not adequately informed the unique significance of the site and appropriate development indicators</p>	<p>chance-find procedures would be implemented should construction proceed.</p> <ul style="list-style-type: none"> The HIA acknowledges that <i>certain</i> stakeholders value the 'openness' in the sense of place of the floodplain, as well as the views from within and across the floodplain, but noting that no cross-cutting, narrative-defining event, battle or encounter is attributed to have taken place at the site, and that no intangible reference to such an event having taken place at the site is made (see above, and especially response to item 53), the authors of the HIA argue that while the development may lead to a significant visual impact, is of relatively low heritage significance: "whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes". 	<p>Paragraph 56</p>	<p>While the heritage practitioners agree with stakeholders all on the significances of the TR-area and even of the River Club site, they differ on the visibility or apparentness of these significances at the various sites making up the TR-area and at the River Club site. And, more importantly, the heritage practitioners see the opportunity for the development to transform the River Club site and make these significances 'visible' and 'apparent'. As the heritage practitioners see it, the differences with the stakeholders are, in essence, not about significance but about impacts.</p>
9.	<p>The HIA has downplayed the open low-lying green riverine character of the site which contributes to the intangible heritage experience</p>	<p>The site is located in a significantly transformed floodplain between even more radically transformed land, is degraded and will be further affected by the development of the Berkeley Road extension. Nevertheless, the HIA acknowledges the role that the 'openness' of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain, but argues that while this may be a significant visual impact, is of relatively low heritage significance: "whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes". This opinion is shared by the First Nations Collective.</p> <p>The HIA suggests that the development of the River Club site is an opportunity for the articulation or making public, even celebration, of the significance of the place and of its historical associations (i.e. its intangible heritage).</p> <p>Regarding the visual impact on sense of place, it is acknowledged that although ~65% of the site will be retained as open space, due to its location at the confluence of the Liesbeek River and Black River, and long-term status of the site as a green open space, the change in character may be experienced as a strong visual contrast for surrounding (urban) receptors, and the (negative) impact of a change in sense of place will be significant.</p>	<p>Paragraph 49</p>	<p>In the view of the heritage practitioners, this is the inevitable consequence of the processes of growth and change in a living city; and they note that any development of the River Club site will transform the 'open' character of this part of the riverine corridor/landscape. In their view, this is an unending process. It is also necessary to acknowledge that a major transportation link, Berkeley Road Extension, catering for vehicles, buses and pedestrians, will in time inevitably be constructed along the northern border of the River Club site above the 1:100 year level. This will inevitably change the character of the area. The River Club site is in private ownership, and while this does not negate heritage significance it does mean that any present or future land owner will seek to obtain an economic return. A natural open space on the River Club site is therefore not a realistic scenario. It is noteworthy that there are extensive sportsfields and large areas of passive open space owned by the Municipality in close proximity, and so there are ample opportunities for the public to access and enjoy these spaces. However, the experience of the lower Liesbeek River is severely compromised because of the concrete channel and constrained access. The lower Liesbeek River will be significantly transformed for the benefit of the public and the environment if the proposed development proceeds.</p>
10.	<p>Many parties (including HWC, the Atwell, Bauman, and O'Donoghue reports, as well as that of a considerable number of public and governmental stakeholders, including the SAOO, DTPW, and the CoCT EMB) argue that the site has a positive sense of place, and these opinions carry weight in the determination of the value of the site's sense of place HWC argues that these are considered views and concerns raised by these bodies and must surely be regarded as something more than a difference of opinion. These concerns remain</p>	<p>It is assumed that people derive a positive sense of place from the site, and it is acknowledged that although ~65% of the site will be retained as open space, due to its location at the confluence of the Liesbeek River and Black River, and long-term status of the site as a green open space, the change in character may be experienced as a strong visual contrast for surrounding (urban) receptors, and the (negative) impact of a change in sense of place will be significant. It is also significant that almost all commentators, including the First Nations collective, accept that the River Club site could, even should, be developed; and any form of development will transform the sense of place referred to here.</p>	<p>Paragraph 76</p>	<p>With regard to differences of opinion and SAOO, refer to the responses to items 31, 34 and 39. Also see response to item 9.</p>

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11.	<p><u>The lack of recognition of the grounds of the River Club itself also noted by the DT&PW in its comment on the HIA, and as previously stated, the River Club building itself an integral component of the grounds and one which at least is of contributory (and historic) significance. Is contrary to the view of previous studies concluded, now deemed of no value</u></p>		<p>Paragraph 64</p>	<p><u>This opinion is noted but not shared by all of the various heritage practitioners, including the authors of the HIA who report that: it is a straight-forward building of the late-1930s with little architectural pretension and has been extensively transformed... its history as a sports club for employees of the SAR&H is incidental, and it fails to meet the criteria for conservation or protection... Other than the building the grounds are currently a practice golf course on an infill of rubble or are paved and used for parking.</u></p>
12.	<p><u>it is agreed that the current private golf course is not the ideal land use for such a significant site. However instead of the recovery of the significance and sense of place the proposal precludes it</u></p>		<p>Paragraph 78</p>	<p><u>Noted and agreed that the current use as a practice golf course is not ideal but it is a fact. FN Collective has stated that they value the opportunity presented by the development more deeply than the conservation of an open area (for golf or other recreational activities) with no tangible connection to their heritage.</u></p>
13.	<p>The statement that the impact on the site's sense of place is "dependent of the personal aesthetic and values of the observer" is not supported.</p>	<p>Most academic studies attribute sense of place to the history, values, perceptions and preferences of the observer. The VIA for the development reports the relationship to place on the following basis:</p> <ul style="list-style-type: none"> • Biographical (historical and familial); • Spiritual (emotional, intangible); • Ideological (moral and ethical); • Cognitive (based on choice and desirability); • Narrative; and • Dependent. 	<p>Paragraph 75</p>	
14.	<p>The statement that the sense of place has already been transformed iteratively over the past 80 years, does not make it acceptable to destroy what remains.</p>	<p>Although a change in sense of place is anticipated and has been assessed as a negative impact of the project, the opinion that the development will destroy the sense of place of the broader area is rejected on the following grounds:</p> <ul style="list-style-type: none"> • Whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes; • The development will include high quality open spaces (~65% of the site), and views through the site have been retained where possible; • There are very extensive open space areas in the immediate vicinity, comprising active open spaces such as sports fields and passive open spaces including parks and environmental areas; • Within the greater the Two Rivers local area there remain very large areas in public ownership which cannot be developed and (along with open spaces that have been included in the development proposal) will continue to form part of the public open space system; and • The proposal is to restore and celebrate the history of the Liesbeek River and site, and to celebrate the history of the First Nations people (enhancing the narrative sense of place to these people and the broader public). • The very sense of place referred to is degraded and the development proposed enables the restoration of the sense of place referred to, even if significantly interrupted. 	<p>Paragraph 79</p>	<p><u>In the heritage practitioners view, the low-intensity usages currently occupying the site do not provide or signal heritage or significance. However, the proposed development and the recovered riverine corridor and the remaining required by the FN Collective will change the viewer's experience of the place- in the heritage practitioners' view, for the better.</u></p>

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15.	<p>It is problematic that the character of the site is changed from a low-lying green riverine character as part of a larger, if fragmented natural system</p>	<p>Although an ecological benefit from the development is anticipated (i.e. habitat quality and connectivity in this "fragmented natural system" would be enhanced), impacts on the sense of place, and historical character of the site have been assessed in the HIA and found to be significant.</p> <p>Notwithstanding the site's current role in the open space system and anticipated change in character as assessed, it does not necessarily mean to say that development of the site should be precluded. In this regard, and relating to open space specifically, it should further be noted that:</p> <ul style="list-style-type: none"> • The heritage specialists argue that while the development may lead to significant visual impacts, transformation of the site's character is of relatively low heritage significance. • The development will be publicly accessible, ~65% of the site would be retained as open space if developed as proposed, and ~25% of the site would made available for recreational activities in open space areas - the open space provided is considered sufficient for a development of this nature. • The development would allow the public to enjoy open space vistas associated with the Raapenburg Bird Sanctuary more meaningfully. • The wider open space system of which the site forms part contains campus style development (e.g. Observatory and Valkenberg). These institutions illustrate that development can be accommodated within the Two Rivers local area, provided that pockets of green space and ecological connectivity are retained (as per the development proposal). • There are very extensive open space areas in the immediate vicinity, comprising active open spaces such as sports fields and passive open spaces including parks and environmental areas. • Within the greater the Two Rivers local area there remain very large areas in public ownership which cannot be developed and (along with open spaces that have been included in the development proposal) will continue to form part of the public open space system. • Considerable social (as well as heritage and ecological) benefits are anticipated from extending the public movement corridor along the "new" Liesbeek River corridor should the Riverine Corridor Alternative be selected for development. • Considerable heritage benefits are anticipated by memorialising the history of the First Nations people at the site. 	<p>Paragraph 92</p>	<p><i>It must be noted that the phrasing of the sentence is problematic as it quotes "a low-lying green riverine character" from O'Donoghue's report, and states "it is problematic that the character of the site is changed" - as if this is the view of O'Donoghue. This is not the case: the previous report provided a current description of the area - but did not state the change was problematic. It should also be noted that O'Donoghue's phase one report did not take account of the need to raise the ground level that would necessarily accompany any development of the site.</i></p>

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16.	<p>There is a disconnect between First Nations' understanding of heritage resources (and significance) and the applicants' understanding</p>	<p>The historical record for the broader area presented in the HIA is generally not contested, and aligns with the heritage significance of the area reported by the First Nations Collective (Section 1(I) of River Club First Nations Report):</p> <ul style="list-style-type: none"> • First Nations people resided (most unlikely on the site) in or grazed their herds in the area prior to European colonialization; and • That the broader area is a site of contestation, dispossession and resistance. <p>Based on interviews, it is evident that the First Nations Collective concur with the authors of the HIA that the entire TR area was part of the historic indigenous landscape, and that each of the precincts that make up the TR area have a measure of inherent indigenous cultural heritage, but that the heritage significance of each precinct that makes up the TR area is not universal, but is determined by the tangible and intangible cultural elements which are precinct specific, or cut across two or more precincts. In this regard, engagement with the First Nations Collective has confirmed that "no cross-cutting, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site" (Section 2(D) of River Club First Nations Report and see response to items 1 and 53), but that the Liesbeek River is an important heritage element in the broader landscape (see Section 2(G) of River Club First Nations Report).</p>		<p>According to the heritage practitioners, there is no disconnect between First Nation's understanding of heritage resources (and significance) and the applicant's understanding.</p> <p>Through an inclusive process of independent social facilitation, the First Nation groups who were the historical custodians, and who are the contemporary claimants and owners of the Indigenous Heritage Narrative, of the site and the broader TR-area were identified. This First Nations Collective concur with the applicants understanding of heritage resources and significance. This is explicit and made clear in the River Club First Nations Report.</p> <p>It is acknowledged that certain groups (which claim to represent First Nations indigenous to the area), reject the position of the First Nations collective and the development proposal. The First Nations Collective question the credentials and motivations of these groups (and claim that they may be furthering political and civic agendas by usurping the First Nation narrative and heritage.</p> <p>One First Nation group, the Western Cape Legislative Khoisan Council (WCLKSC), who objected to the development at the HWC IACOM where the River Club First Nations Report was tabled, later indicated to the independent social facilitator that Mr. Jenkins was mandated by them to participate in First Nations engagement on the River Club and TRUP, but that they had received no feedback on the matter and had not had sight of the First Nations reports. Subsequently the social facilitator presented the TRUP First Nation Report process and content, and the River Club First Nation Report process and content.</p> <p>Thereafter, the WCLKSC:</p> <ul style="list-style-type: none"> • Rejected the position taken by Mr. Jenkins; • Joined the First Nations Collective; and • Gave their unequivocal support for the proposed development as articulated in the River Club First Nations Report as a means of acknowledging and celebrating First Nation heritage.
17.	<p>There is a disjuncture between the initial acknowledgement of the historic significance of the site and wider environs and the actual identification and mapping of the heritage resources</p>	<p>After reporting the history of the broader area, the HIA:</p> <ul style="list-style-type: none"> • Confirms that "the area in which the River Club is situated is historically important for the role it played in the distant past"; and • Places the site "within the core of this early contested landscape" (see Section 4.5 of the HIA) and within an "associative cultural landscape" with definable/known historical associations of great socio-political import. <p>Nevertheless, it is the opinion of the heritage practitioners who compiled the HIA (and others) that the Two River local area is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious</p>	<p>Paragraph 45 Paragraph 54</p>	<p>Refer to responses to items 22, 58, 60, 61 and 69</p>
18.	<p>(The identification of heritage resources) and diagrams ignore the significance (of the site) already identified in previous studies, public comments, HWC, and the historical significance of the site as tabled in part 7.1.2 of the current HIA report itself</p>	<p>Nevertheless, it is the opinion of the heritage practitioners who compiled the HIA (and others) that the Two River local area is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious</p>	<p>Paragraph 6</p>	<p>The 2019 HIA did not replace O'Donoghue's 2017 phase one report: it expanded on the phase one report and included a development proposal. Though the heritage practitioners point out that the phase one report did presuppose development across the site.</p> <p>The 2019 HIA and the Supplementary Report included the work of the urban designer and, of course, development proposals and alternatives and is, therefore, significantly different from the phase one.</p>

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19.	<p>The HIA states that "River Club site and its surrounds to be of very environmental/topographical/ecological and historical significance both as the floodplain of the Liesbeek River and as a part of the place of early confrontations between indigenous peoples and settlers", and on the other hand, it states that the River Club itself is of low significance (p117).</p>	<p>tangible heritage significance, noting that (see above, and especially response to item 53):</p> <ul style="list-style-type: none"> • The site is either entirely or mostly an infill site reclaimed from wetlands; • Much of the history that derives the cultural significance of the Two Rivers local area extends over a far broader spatial scale; • The valley (or floodplain) in which the site is located, although an important component of the Liesbeek River as a landscape, has been transformed by urban development upstream and downstream of the site; • No tangible heritage relics or resources occur on the site; and • No historic events are attributed to the have occurred at the site. <p>Therefore, while the HIA acknowledges the role that the 'openness' of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain (which are comprehensively assessed in the VIA), it argues that this openness and these views are of low heritage significance: "whether the site is developed or otherwise, it will always have a history which does not manifested on the ground and cannot be destroyed by physical changes". This view is supported by the First Nations Collective: "no cross-cutting narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site" (Section 2(D) of River Club First Nations Report).</p> <p>It is on this basis that the heritage practitioners defend their assessment (and mapping) of heritage significance of the site and immediately adjacent areas (also refer to Sections 4 and 5 of the HIA Supplementary Report).</p>		
20.	<p>On p5 the HIA states that "the Liesbeek River corridor, if recovered and restored to full ecological functioning and given meaningful presence, should be recognised as a heritage resource and be declared to be a provincial heritage site." But at the same time, the HIA gives no significance to the floodplain between the rivers.</p>	<p>This is not correct – the HIA (including mapping) assigns a low heritage significance to the remaining portion of the floodplain between the two rivers. Also refer to response to item 17 regarding the assessment and mapping of heritage significance of the site, and Sections 4 and 5 of the HIA Supplementary Report.</p>		<p><i>The heritage practitioners see this 70m-wide connecting space as a significant part and characteristic of the transformed site enabling views through and to various significant landmarks near and far, and providing for a significant open space and ecological connection between the old pre-1958 river course (now part of the stormwater disposal system) and the transformed Liesbeek River (now a canal).</i></p>
21.	<p>The tangible aspects of the river are not the only heritage resources which should be mapped and identified – the rivers and the River Club site are an integral part of a much wider and highly significant system.</p>	<p>There are no tangible elements of the history of the site which remain, and therefore all heritage significance attributed to the site (with the exception of the Liesbeek River) derives from its intangible history. Also refer to response to item 17 regarding the assessment and mapping of heritage significance of the site, and Sections 4 and 5 of the HIA Supplementary Report.</p>	<p>Paragraph 48</p>	<p>Refer also to responses to items 17, 18, 60, 62, 63 and 71</p>

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22.	<p>The first mapping diagram bases significance on ecological rather than cultural values, and reduces the acknowledged and far wider cultural landscape of the valley to just the river(s)</p> <p><u>Par 113 Final Comment Conclusion</u></p> <p><u>The HIA has unfortunately reduced this significance to a set of ecological values provided for the most part to post-rationalise a wholly intrusive development model</u></p>	<p>This is not correct – the “diagram of current significances of the riverine topography as cultural landscape” takes account of the historical and cultural value of the much transformed floodplain to derive a low heritage significance to this portion of the broader landscape – also refer to response to item 17 regarding the assessment and mapping of heritage significance of the site, and Sections 4 and 5 of the HIA Supplementary Report.</p>	<p><u>Paragraph 47</u> <u>Paragraph 54</u> <u>Paragraph 63</u> <u>Paragraph 113</u></p>	<p>Refer also to responses to items 17, 18, 60, 62, 63 and 71</p> <p><u>In the view of the heritage practitioners HWC has misread or misunderstood the argument they have presented: the specialists recognise/contend that the River Club has high historical significance but that this significance is not visible. The recovery of the Liesbeek riverine corridor restores visible meaning and historical significance to the place even if there is a reduction of a “sense of openness”.</u></p>
23.	<p>Arguing that the “river itself is the only tangible visual element which survives as a resource which warrants protection”, negates in its entirety the exceedingly high historic, and symbolic significance of the site identified in all previous studies, and submitted continuously throughout the process by the relevant I&APs.</p>	<p>The high historic and symbolic significance of the broader area is not contested (refer to response to item 58), what is contested is the “heritage capital” that can and should be attributed to the River Club site itself. In this context the HIA finds that, apart from the Liesbeek River, the site itself has little obvious heritage significance, noting that:</p> <ul style="list-style-type: none"> • The site is either entirely or mostly an infill site; • Much of the history that derives the cultural significance of the Two Rivers local area extends over a far broader spatial scale; • The valley (or floodplain) in which the site is located, although an important component of the Liesbeek River as a landscape, has been transformed by urban development upstream and downstream of the site; • No tangible heritage relics or resources occur on the site; and • No historic events are attributed the have occurred at the site. <p>Therefore, while the HIA acknowledges the role that the ‘openness’ of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain (which are comprehensively assessed in the VJA), it argues that this openness and these views are of low (but not of ‘no’) heritage significance.</p>		
24.	<p>It is not just the riverine corridor, (unrehabilitated or not), but the entire TRUP valley including the riparian corridor which is noted as highly significant and is expressed in both its tangible and intangible qualities.</p>		<p><u>Paragraph 63</u></p>	
25.	<p>An example of this post-rationalization is the attempt to grade the current river corridor between the proposed two development ‘envelopes’ as IIB, as indeed is the attempt to only identify some 40-50m of the river corridors, and confluence as heritage resources. This makes no sense and is rejected as flawed.</p>			<p><u>The point is that the recovery of historical significance through the recovery of the riverine corridor (and ecological functionality) increases/adds to the significance of the River Club site and to the TR-area and to the Liesbeek River itself.</u></p>

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26.	<p>The notion that the 20th Century disturbance has resulted in a degraded site is, from a heritage point of view, is rejected</p>	<p>Noted. Similarly, the heritage practitioners argue that the development of the site will not destroy its history – to the contrary, they see the development as an opportunity to celebrate it. Engagement with the First Nations Collective has confirmed that “no cross-cutting, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site” (Section 2(D) of River Club First Nations Report), but that the Liesbeek River is an important heritage element in the broader landscape (see Section 2(G) of River Club First Nations Report). The First Nations collective further:</p> <ul style="list-style-type: none"> • Aspire towards the restoration of the Liesbeek River as an important connecting heritage element of the broader landscape; • See the development of the site is an opportunity for the articulation and celebration of the significance of the place and of its historical associations to First Nations people; and • Value this opportunity more deeply than the conservation of an open area with no tangible connection to their heritage. <p>The site is not considered sacred by the First Nations Collective.</p>	<p>Paragraph 50 Paragraph 50 – notes that the supplement any report does not depart from this standpoint</p>	<p>The River Club site is degraded, and its current use does adversely affect one's recognition of its historical significance and the canal does adversely affect the significances. The development is designed to recover significance and the awareness of significance.</p>
27.	<p>The fact that the site has been considerably disturbed in the latter half of the 20th Century, does not in any way take away the meaning of the site as a historic frontier or point of conflict, or its significance to the representatives of the First Nations to whom the site and wider area also has sacred significance</p> <p>Final Comment Conclusion, Paragraph 110:</p> <p>It is a site which is recognised as a sacred place. The open, largely undeveloped floodplain is a tangible reminder of intangible heritage</p> <p>Final Comment Conclusion, Paragraph 111:</p> <p>It is recognised through historic record, as well as Cultural memory, as being a place of conflict for 150 years. It is recognised as a place where the 1657 Colonial Settlement of South Africa truly took root with the establishment of the first settler farms along the Liesbeek valley, and a place where the Cape Indigene were truly dispossessed and excluded from access to their ancestral land</p>	<p>Paragraph 53 Paragraph 110 Paragraph 111</p>	<p>Also refer to responses to items 5 and 33.</p> <p>The current state and usage of the site does not change or remove its history, but the recovery of the riverine corridor will enable a new reading of the place and of its history.</p> <p>It seems that the FN Collective recognises the same opportunity for recovery of significance as the heritage practitioners.</p> <p>It is also apparent, notwithstanding the importance of the River Club site as land used by pre-colonial people for seasonal grazing and a part of a "frontier zone", the First Nations Collective does not recognise the site as a "sacred site".</p>	

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28.	<p>The HIA post rationalises a pre-conceived development concept</p>	<p>The proponent seeks to develop a mixed use, "live, work and play" facility at the site, and this development must be financially viable for the proponent to proceed. Nevertheless, the development proposal has been formulated in collaboration with a multi-disciplinary team that has responded to independent environmental and specialist input. In this context there have been more than 250 iterations to the development proposal / layout, and the assertion that the HIA post rationalises a pre-conceived development concept is therefore rejected.</p> <p>Development responses have included:</p> <ul style="list-style-type: none"> • Reducing the heights of building directly opposite the SAAO, and locating taller buildings to the north of the site - the visual effect will be that buildings opposite the SAAO will appear as 3 - 4 storey buildings; • Setting back from the SAAO as far as practically possible; • Splitting the development into two precincts to retain a faunal movement corridor and views through the site; • Rehabilitating the Liesbeek Canal and infilling the unlined, western course of the Liesbeek River (in line with detailed specialist design input, with associated ecological and cultural benefits); • Providing a cultural centre and memorialising the history of the First Nations People in the design of the development; • Realigning the link road between Precinct 1 and Precinct 2 to an orthogonal geometry instead of a diagonal geometry to create a better "fit" in terms of urban design and a better functioning central ecological corridor and park; • Realigning of other internal roads (to improve views from the through the site); and • The argument about "positionalising" is irrelevant (see Section 8 of the HIA Supplement) 	<p><u>Paragraph 68</u></p>	<p>Also refer to responses 29, 30 and 64</p> <p><u>The development proposal was fore-shadowed in the 2017 phase one, given more shape and form by the 2018 urban design study, then given architectural form in the late-2018 'island concept', then transformed into the 2019 'riverine corridor' concept. More recently comments regarding the heights (near to the SAAO, in particular) and input from the First Nations Collective in particular have resulted in several refinements of the proposal. HWC's interpretation of this process is mistaken.</u></p>
29.	<p>The assessment of heritage resources has ignored both the existing studies, and the wider picture, and as such has attempted to grade significance in the isolation of a much wider system. As a result, it is very difficult not to believe that the assessment of significance has been tailored to arrive at mitigation for the development rather than an assessment of significance that would assist in informing an appropriate development.</p> <p><u>Par 114 Final Comment Conclusion</u></p> <p><u>The Committee also noted that a "memorial museum" and recreational river courses are inadequate in commemorating</u></p>	<p>The history of the broader area is comprehensively described in Section 4 of the HIA and is generally not contested. Nevertheless, there is a difference in opinion as to how this heritage manifests, and should be memorialised at a precinct level, or even more local scale. The heritage practitioners have presented a well-researched and motivated opinion on the heritage significance of the site which is confirmed by the First Nations Collective, and the specialists argue that sense of place concerns of certain stakeholders, while being valid, are mostly visual in nature. It is acknowledged that this opinion is contested, the specialists reject that the assessment of significance has been tailored for any reason.</p> <p>Regarding alternatives, by developing the site predominantly for commercial, residential and retail uses, other development / activity alternatives will be foregone. However, while the proponent has considered the viability of reasonable alternatives that are identified, as the site is privately owned by the proponent, zoned for private use, and currently operated as a commercial operation, it is reasonable that the proponents only select development alternatives that are financially viable (including the No-Go Alternative – in this case the continued operation of the site as a viable golf and conference facility). In this sense, there are no opportunities for the development of alternatives that are not feasible to the proponent (see Sections 7 and 8 of the HIA Supplement).</p>	<p><u>Paragraph 26</u> <u>Paragraph 86</u> <u>Paragraph 114</u></p>	<p>Also refer to items 24, 36, 41 and 53</p> <p><u>Repeated Issues "this is in direct conflict with the advice of HWC has previously given that the RC cannot be looked at in isolation of the wider system" – Responded to – refer to items 2, 9, 46, 66 and 100</u></p>

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30.	<p><i>the significance of the site and appear to be designed to create meaning rather than attempt to enhance identified heritage significances. It is the opinion of the committee that the site is of sufficient significance within self and does not need to be imbued with meaning. The bulk and mass of the development proposed does not respond to the site as a living heritage</i></p>	<p>It is not clear how this conclusion is drawn, especially noting that the Riverine Corridor Alternative was developed in specific response to the sensitivity of the SAAO, and opportunity to restore the Liesbeek River corridor at the site as a public movement corridor of cultural and ecological value.</p>		<p>The Supplementary Report includes the heritage resource maps of the City of Cape Town, Attwell/Jacobs and of Postlethwayt, and the heritage practitioners' own commentary on them. It should be noted that the development concept was radically transformed between the phase one report of 2017 and the draft HIA, circulated for public comment in late 2018 and has been iteratively developed in several steps in response to input from various stakeholders including, most importantly, the First Nations Collective. See item 28 above.</p>
31.	<p>The HIA appears not to regard the built form of the proposed development as affecting the significant heritage resources present, neither does it recommend heritage related built form restrictions. Unlike the TRUP Baseline Study and the Phase 1 HIA for the River Club</p>	<p>This is correct – with the exception of the SAAO (for which built form indicators are necessary – mainly, setting back from this site as far as possible, and reducing building heights in the southern precinct) and Liesbeek River course, the heritage significances that have been identified and assessed for the site and immediately surrounding area are of an intangible nature – it is therefore the opinion of the heritage consultants there are no resources at the site that require protection, and that the role that heritage informants can play in the urban design of the site is limited. Nevertheless, the development proposal has responded to numerous complex informants including advice regarding freshwater and eco-systems, a floodwater study, an archaeological statement, input from various heritage practitioners including the authors of the HIA, a visual impact assessment by SRK, the Urban Design Framework: Indicators and Recommendations (included in the HIA), and more recently the Two Rivers local area First Nations Report, and a report on the role of the River Club site within the indigenous narrative of the broader TRUP cultural landscape (which is included as a supplementary report to the final HIA for the development).</p>	<p>Paragraph 72</p>	<p>See response to item 28</p>
32.	<p>The (significance of the) River Club building is downplayed as a heritage resource, previous reports having noted the structure as being of IIB, or at least contributory significance</p>	<p>This opinion is noted but not shared by various heritage practitioners, including the author of the HIA who report that: it is a straight-forward building of the late-1930s with little architectural pretension and has been extensively transformed, its history as a sports club for employees of the SAR&H is incidental, and it fails to meet the criteria for conservation or protection.</p>	<p>Paragraph 64</p>	<p>The heritage practitioners think, like many commentators to date, that the buildings on the River Club site have little if any significance of any kind. Those commentators who argue that the building should be a IIB have not given any justification for this.</p>

33. HWC repeats and summarises what it regards are the significances and hence their rationale for protecting the River Club alone.

Par 23: River Club forms part of TRUP and represents a microcosm of Cape History. It reflects the pattern of South African Social, architectural and political history spanning across the precolonial, colonial and apartheid and more recent history.

Par 24: "The Two Rivers Urban Park landscape has high cultural values of historical, social, aesthetic, architectural, scientific and environmental significance. It contributes to an understanding of the past beliefs, uses, events, person, periods, techniques and design. It has associated links with the past, persons, uses, community memory, identity and oral history. It possesses a strong sense of place."

Par 25: The Two Rivers Urban Park landscape is a complex composite of natural and cultivated and built landscape elements. It is a cultural landscape transformed by thousands of years of settlement history. The landscape expresses both artistic and innovative qualities in terms of its natural history setting, architecture and planting patterns. It also has narrative qualities possessing a rich layering of physical evidence brought alive by the oral histories of the people who lived and worked in institutions, amongst other things, the Valkenberg hospital and the South African Astronomical Observatory."

Paragraph 23
Paragraph 24
Paragraph 25
Paragraph 26
Paragraph 27

In their Final Comment, HWC refers iteratively to the statement of significance that it used in April 2018 in explaining why it was provisionally protecting the River Club Site. The heritage practitioners view of that description of significance is as follows:

1. The River Club site is within the area described as the TRUP. This, the TRUP, is an arbitrarily defined area, a development proposal (not a heritage entity or park) made up of many disparate pieces of land, much of it well developed and used for a very wide range of activities and owned by a wide range of public and private bodies with often mutually excluding interests. Indeed, it is difficult to see how many of these pieces with their uses could be meaningfully included in an 'urban park'. The very history of the endeavours to establish the 'urban park' should indicate this to all but the most myopic observer, that so much time and effort has been committed to this idea must come as a shock to any disinterested.
2. In previous studies, the Liesbeek River has been identified as the surviving heritage resource worthy of declaration as a first frontier, a shared heritage across many eras.
3. The significance of the RC is its association with the historic river system that runs between the Atlantic Ocean and Kirstenbosch Gardens. Hence, several hundred, if not thousands of eras on the Liesbeek share the very same significance and involve known heritage sites at a similar frequency (if not more than TRUP) within its catchment.
4. A declaration of the entire Liesbeek valley as a protected heritage area would be untenable in heritage management terms.
5. The significance of the entire river valley seems to have been conferred to the River Club simply because it is largely undeveloped (though it is in a similar state to much of the land used for sport).
6. With this in the background, the HWC's explanation of its provisional protection of the River Club site (much of it taken fairly directly and indiscriminately from the NHRA) about the significance of the TR-area is empty of enough detail to know what is meant. Certainly, it is difficult to guess what is being referred to both with respect to the TR-area and, in particular, with respect to the River Club site. It should be pointed out that this description could be applied to almost any piece of land almost anywhere in very many parts of the Western Cape and in South Africa more generally, if the references to Valkenberg Hospital and the SAAO were omitted, this description could be used for a description of many areas/sites almost anywhere in the country.
7. In other words, the 'reasons' for the provisional protection are couched in language so general as to be meaningless in an argument even about the TR-area, let alone the River Club site.
8. The heritage practitioners cannot see any reason in the 'reasons' that are linked in a meaningful way to the River Club as a place, and cannot see any link to any of the requirements of Section 29 of the NHRA: there is no reference to any threat or to any idea/intention of negotiation to alleviate such threat, and there is no mention of any clear or even outlined intention to investigate the significance of the River Club or its protection for of the TR-area).

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	<p>Par 26: Different historical narratives create a story of pioneering and philanthropy, social reform and identity, self-sufficiency, farming and institutionalization."</p> <p>Par 27: The Two Rivers Urban Park possesses many distinctive and interrelated precincts which clearly demonstrate or are strongly associated with its historical roles and uses as a place for indigenous hunter gatherers, grazing grounds for herders, colonial farms, scientific research, reformatory and hospitals."</p>			
34.	<p>The HIA makes no attempt to assess the significance of this as a site of conflict, that has direct relation to the trajectory of South Africa's Colonial history through to the 20th Century</p>	<p>There is no documented or oral history that suggests that the River Club site in particular was a site of conflict (see response to item 53); nevertheless, the history of the broader area is comprehensively described in Section 4 of the HIA and includes a history of conflict between Khoekhoe groups and Europeans settlers. The historical record presented in the HIA is generally not contested. Nevertheless, there is a difference in opinion as to how this heritage manifests and should be memorialised at a precinct level within the Two Rivers local area (i.e. it is the view of the heritage consultants that the entire history of TRUP and the broader area do not manifest entirely on the River Club site). This difference in opinion is noted.</p>		<p>The heritage practitioners recognise the River Club site to be at the lower reaches of the Liesbeek River (a frontier) and near to the lowest of the first grants. Similar may be said of the rest of the Liesbeek Valley all the ways to Bishopscourt where Van Riebeeck had his own farm.</p>
35.	<p>The report wholly downplays the irreversible impacts of transforming a green lung at the heart of the TRUP into a mega project.</p>	<p>Regarding open space specifically, it should be noted that:</p> <ul style="list-style-type: none"> The heritage specialists argue that while the development may lead to significant visual impacts, transformation of the site's character is of relatively low heritage significance. The development will be publicly accessible, ~65% of the site would be retained as open space if developed as proposed, and ~25% of the site would made available for recreational activities in open space areas - the open space provided is considered sufficient for a development of this nature. The development would allow the public to enjoy open space vistas associated with the Raapenberg Bird Sanctuary more meaningfully. The wider open space system of which the site forms part contains campus style development (e.g. Observatory and Valkenberg). These institutions illustrate that development can be accommodated within the Two Rivers local area, provided that pockets of green space and ecological connectivity are retained (as per the development proposal). There are very extensive open space areas in the immediate vicinity, comprising active open spaces such as sports fields and passive open spaces including parks and environmental areas. Within the greater the Two Rivers local area there remain very large areas in public ownership which cannot be developed and (along with open 	<p>Paragraph 72</p>	

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36.	<p>The HIA neither motivates for, or questions, the 150 000m² of floor space proposed (in comparison, Canal Walk at Century City is ±146 000m²), and whether this is an appropriate site for a mega project.</p>	<p>spaces that have been included in the development proposal) will continue to form part of the public open space system.</p> <ul style="list-style-type: none"> Considerable social (as well as heritage and ecological) benefits are anticipated from extending the public movement corridor along the "new" Liesbeek River corridor should the Riverine Corridor Alternative be selected for development. <p>Regarding the carbon sequestration potential of the site: Indigenous vegetation proposed in landscaped and ecological areas (~6 ha of the site) will have a significantly higher carbon sequestration potential than the current moved lawn and will offset the impact of the loss of ~12 ha of lawn at the site. Regarding the role the site plays in reducing the urban heat island effect: Lawns have a limited role in reducing the urban heat island, and the "original course" of the Liesbeek River (backwater) is unlikely to have a significant impact (cooling effect) on ambient temperatures even locally. Indigenous vegetation proposed in landscaped and ecological areas (~6 ha of the site) will promote urban cooling to a greater extent than existing lawned areas, and therefore would promote urban cooling (albeit insignificantly in a metropolitan context). It is further not clear on what basis the project has been defined as a "mega project", which the Oxford handbook describes as "large-scale, complex ventures that typically cost \$1 billion or more, take many years to develop and build, involve multiple public and private stakeholders, are transformational, and impact millions of people".</p>		
37.	<p>The HIA only assesses the preferred "Riverine Corridor" Alternative; and the "Island Concept" and simply dismisses the lower order bulk alternatives such as the "Mixed Use Affordable Alternative" (110 000m²) and the "Reduced Floor Alternative" (102 000m²), as these have been considered economically unviable by the town planner.</p>	<p>Regarding alternatives: In order to develop the site large portions must be infilled to above the 1:100 flood line, which will entail significant cost. The cost of the installation of services and of ecological restoration will also be high. The proponent, as an experienced developer of international standing, has presented two financially feasible development alternatives: The Riverine Corridor Alternative and the Island Concept Alternative (as well as the No-Go Alternative). Although alternatives identified by stakeholders must be considered in the EIA process, the proponent is afforded an opportunity to provide a reasoned explanation why an alternative was not found (through an investigation) to be reasonable and / or feasible. In this regard, the (financial) returns of the two preferred development alternatives and two other alternatives suggested by stakeholders ((1) a lower density / reduced floor-space alternative and (2) an alternative which incorporated ~20% of the GLA for affordable housing) were investigated by MLC Quantity Surveyors (MLC) on behalf of the proponents to determine the expected first year returns on investment. Noting that market capitalisation rates below 9% are not considered commercially viable to the proponent and other property developers, the investigation by MLC demonstrated that the 1) lower density / reduced floor-space alternative and 2) an alternative which incorporated ~20% of the GLA for affordable housing, are not financially viable to the proponent. In other words, noting the cost of developing the site the proponents do not view these alternatives to be (financially) reasonable or feasible and have excluded these from further analysis (and it is</p>	<p>Paragraph 102</p>	<p>A comparison between the proposal for the River Club and Canal Walk is completely inappropriate because the two developments differ fundamentally in terms of scale, form and function. While Canal Walk covers a site of ±23ha, it is a regional shopping centre in a single monolithic structure, and is a component of Century City which spans over 200ha and has ±1.2 million square metres of bulk approved. By contrast the River Club is a mixed use development on a site of only ±14ha, and the development portion of this is divided into different sites, separated by an ecological open space. The development portion of the River Club will take up only ±8.5ha, with a retail component of only ±19 000m² GLA. There is no comparison in terms of scale and impact between the proposed River Club development and Century City, and it is wrong to compare the River Club to Canal Walk because the two are so materially different.</p> <p>Also refer to response 35.</p> <p>Please note it is not the town planner as stated by HWC but the Quantity Surveyor that investigated viability. We are not sure how a development in the order of 110 00m² or even 102 000m² makes any difference to the heritage impacts and assessments – which HWC have repeatedly raised, such as raising the floodplain level, infill, heights and density – which would all change the "open sense of place" – and all occur to varying degrees – as would any form of economically viable development. Be it 150 000 or 102 000m².</p>

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38.	Consider a "tread lightly", green-dominated, recreational or educational alternative, without substantial filling in of the floodplain	reasonable that the owner of the site only consider alternatives that are financially viable, including the No-Go Alternative). The developer has further calculated that the floor area currently proposed is the minimum required to ensure financial feasibility, and as such, impacts associated with the change in character of the site cannot be avoided completely through layout or operational alternatives. In other words, residual impacts on the character of the site, the historical setting of the SAAO, and sense of place are anticipated should the development proceed. It should be noted that these residual impacts would not be completely avoided by selecting an alternative with reduced floor space.	Paragraph 103	Any form of economically viable development would require infilling and some form of bulk that would change the sense of openness of the site. A "tread lightly" proposal as espoused by HWC and other participants would only be possible with philanthropic money or funds from government. As this is a privately owned piece of land neither are possible. Private funding requires income to repay debt and rehabilitating the river corridor, subsidised inclusionary housing, eco corridors for bio-diversity, road infrastructure all require funding, which without the private development and bulk are not possible.
39.	Consider the adaptive re-use of the site and buildings as an alternative	Regarding the site as a "mega project": it is not clear on what basis the project has been defined as a "mega project", which the Oxford handbook describes as "large-scale, complex ventures that typically cost \$1 billion or more, take many years to develop and build, involve multiple public and private stakeholders, are transformational, and impact millions of people". Also refer to the response to item 34 regarding open space considerations.		The site and buildings have been adapted and used but the sustained economic viability of the current uses is very marginal, and offer no ecological, heritage or general public benefit.
40.	The HIA does not motivate for, or critically interrogate building heights	Refer to the response to item 35 regarding the consideration of lower density alternatives. Also note that: <ul style="list-style-type: none"> The UDF (which is incorporated into the HIA – see Section 9.1.4) refers specifically to building height informants; and The HIA recommends that the heights of buildings in the portion of the site closest to the SAAO are kept lower than that of the bank of trees on the SAAO ridge (and that these buildings must include a range of building heights, variation in building form, and an avenue of trees lining the development along the edge of the riverine corridor). 	Paragraph 74	Also see response to item 31.
41.	A portion allocated to the museum on the northern-most corner is inconsistent with the significance, and the bulk and mass of the development proposal does not respond to the site as a living heritage.	Memorialisation of the legacy of the First Nations groupings is being considered in direct and ongoing consultation with the First Nations Collective for the area. Memorialisation is currently proposed by including a media centre for the First Nations people, providing a place of congregation, and incorporating the First Nations narrative into the design throughout the development, by for example, including reed inspired sculptures and building finishes, and incorporating First Nations motifs in building facades (amongst others). Bold and visual memorialisation of the indigenous people's narrative is supported by the First Nations Collective.		The northern-most corner was initially thought to be a potential site at the confluence of the two rivers near to an assumed potential site of pre-colonial crossing. This has been overtaken by the interaction with the FN Collective: and several sites at the centre of the site are now proposed for various FN-supported facilities/activities. A review of the River Club First Nations Report will show that First Nation living heritage has not been relegated to the northern most corner of the site, but have, in fact, been made central and core to the entire site. And that the various strands of Indigenous living heritage will permeate all areas of the site.
42.	The HIA does not assess the impact of the development (10 storey buildings) on the proposed memorial			Now irrelevant
43.	The HIA does not assess the impact of the development (10 storey buildings) on the proposed riverine corridor	This comment is spurious: without the development (which has been conservatively assessed to have a negative impact on the sense of place of the site), the opportunity to restore the Liesbeek River corridor (which is assessed to be of significant cultural and ecological benefit) would not exist.		

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
44.	<p>The HIA fails to assess the impact of the development on the most important heritage resource: The site's open, green qualities as a remnant of landscape that has considerable intangible historic and cultural heritage significance.</p>	<p>This is not correct - impacts on the historical character of the site are assessed in Section 10.3 of the HIA – this assessment takes account of the heritage significance of the broader area, and the sites, degraded, but open characteristics. The heritage practitioners have presented a well-researched and motivated opinion on the heritage significance of the site which is confirmed by the First Nations Collective, and the specialists argue that sense of place concerns of certain stakeholders, while being valid, are mostly visual in nature. It is acknowledged that this opinion of the heritage practitioners is contested.</p>	<p>Paragraph 77</p>	<p>Also refer to responses to items 9, 10 and 34.</p> <p>“Qualities” are not a heritage resource, and, while the River Club site is relatively open and green, these qualities do not per se make the site a valuable heritage resource. Indeed, it is the history of its surrounds and of the river course itself that give the site its primary significance.</p>
45.	<p>The proposal completely destroys this remnant of the open, green of a landscape that has considerable intangible historic and cultural heritage significance (and this impact has not been assessed)</p>			<p>The heritage practitioners disagree.</p>
46.	<p>Meaningful discussion of the impact of the development on the significance of the wider TRUP cultural landscape is avoided altogether.</p>	<p>The history of the broader area is comprehensively described in Section 4 of the HIA, and is not contested, indeed, HWC has recognised the comprehensive research underpinning the HIA). Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA, and Sections 4 and 5 of the HIA Supplementary Report), and the HIA confirms that the cultural significance of the area is derived from “the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers”. In addition, on 15 October 2019, the Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a “TRUP First Nations Report” (AFMAS Solutions, 2019). Following TRUP First Nations Report, AFMAS Solutions were appointed to build on the “TRUP First Nations Report” (AFMAS Solutions, 2019).</p> <p><i>Refer to the response to item 1.</i></p> <p>Based on the findings of the HIA and this supplementary research, the heritage specialists reiterate that, other than the SAAO and Liesbeek River, other tangible historic elements in the landscape are too far from the site to be affected by the proposed development, and “no cross-cutting, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site” (Section 2(D) of River Club First Nations Report), the heritage practitioners therefore argue that the significance of the landscape that is attributed to the site is associative and has no clear or defined place or locus, or even any physical characteristics other than being rooted here in this general location on the floodplain of the Liesbeek River. The specialists therefore argue that this heritage cannot be destroyed, but rather there is an opportunity for the articulation or making public, even celebration, of the significance of the place and of its historical associations. This opinion is shared by the First Nations Collective.</p>	<p>Paragraph 49</p>	<p>Also refer to responses to items 2 and 9.</p> <p>The heritage practitioners disagree, and indicate that they have argued iteratively that the recovery of the Liesbeek riverine corridor has a positive impact on the significance of the wider TR-area and of the Liesbeek River as a whole.</p>

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final Comment	Response to HWC Final Comment
47.	HWC queries whether the proposed earthworks and infrastructure indeed constituted a greater public good.	<p>With regard to the greater public impact of the development, the project will entail so-called triple bottom line costs and benefits, i.e. social, environmental and economic costs and benefits. The triple bottom line concerns itself with environmental sustainability, social equity and economic efficiency and is typically employed by companies seeking to report on their performance. The concept serves as a useful construct to frame the evaluation of environmental impacts of the project.</p> <p>The HIA concluded that the impact of the "Island Concept Alternative" on the historical setting of the SAO would be significant, but that the impacts of the Riverine Corridor Alternative (that steps back from the SAO and restores the Liesbeek River Floodplain) on the historical setting of the SAO are tolerable. The ecological benefits of the Riverine Corridor Alternative are also significantly higher than for the Island Concept Alternative.</p> <p>The specialist team and EAPs have not identified any fatal flaws associated with the Riverine Concept Alternative and have assessed that (as well as residual impacts) there will be a number of highly significant socio-economic benefits to local communities and government, and that the immediately adjacent ecological environment will be improved.</p> <p>The LLPT is committed to ensuring that the development is operated to high standards, achieved through implementation of the recommended mitigation measures and ongoing monitoring of performance. Specialist studies and the BA Report demonstrate that, through effective implementation of detailed design and the stipulated mitigation measures, the adverse impacts can be reduced to tolerable levels, and that benefits are significant. The Riverine Corridor Alternative is therefore positively assessed for development.</p> <p>Ultimately, decision makers will need to consider whether to authorise the project, which brings significant economic and ecological benefits and is in line with the latest draft Local Spatial Development Framework for the area, but which will lead to irreversible (but acceptable) heritage and visual impacts.</p>	Paragraph 42	Also refer to 47
48.	The report repeatedly extols the benefits of "restoration" of the Liesbeek Riverine corridor (a notion considered by some as inauthentic and contrived)		Paragraph 92	The heritage practitioners (and project team) disagree - the environmental benefits have always been a primary concern to the developer and carried through from the first design concept to date. It is not clear on what basis HWC holds this view.
49.	It is clear that it is also the substantial earthworks required to artificially raise the site some 2 to 3 meters out of the 100 year floodplain and the Berkley Road extension that contribute to the high capital costs that underpin the motivation for the high bulk development scenario		Paragraph 92	<p>Regardless of whatever form development takes on the site, whether minimal or not - will require the raising of the development out of the floodplain. As the MSDP vision is to see "urban inner core development" this would be an inevitability result with any development.</p> <p>The high bulk is not only associated with the infrastructure cost of the roads and raising of the development level, the costs are also associated with the clean-up of the Liesbeek corridor, the provision of inclusionary housing, provision of First Nation infrastructure (media, heritage centre, gardens, landscaping) and the general cost of development that would be incurred (including electricity infrastructure, general earthworks, and general building costs - with any commercial project - and therefore appropriate level of bulk is required to make it viable for developer, the tenants of the development, and the City and Province).</p>
50.	Consider the no-go option as an alternative	The no-go alternative is described in Section 9.3.1 of the HIA, and the HIA concludes that this alternative is a poor option and will not make any of the necessary contributions to the city or to City Council strategies; and it will fail to articulate the historical significance of the place.	Paragraph 104	It will retain a private golf course, with polluted riverine frontages, no inclusionary housing, no memorialisation of the FN or FN infrastructure (heritage centre); no eco corridor, no safe cycle walking trails; no job creation; no improvement to the arterial grid.

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51.	<p>It is unfortunate that the engagement with First Nations groupings did not materially change the design approach in a manner which is reflective of the intangible heritage significance identified.</p>		<p>Paragraph 105</p>	<p>It is concerning that HWC appear from this comment not to be interested in the actual views and aspirations of the FN as recorded in the TRUP and RC Reports which have fed from the positive engagements between the FN Collective and the developer (through an independent social facilitator), but apparently want to use the FN engagement as an argument to support their interim comments and to justify the preconceived negative views HWC has of the proposed development.</p> <p>Through this engagement with the First Nation it has become clear that the First Nation value the development opportunity more deeply than the conservation of an open area (for golf practice or other recreational activities) with no tangible connection to their heritage.</p> <p>The assertion that there is a disconnect between First Nations' understanding of heritage resources (and significance) is therefore rejected by the specialist team.</p>
52.	<p>References throughout the IACOM comments to "various stakeholders (par 56), "broad community" (par 60); "wider public" (par 17; "representations on I&A P underscoring" (par 49); "attributed by the stakeholders" (par 61); "significant number of other stakeholders" (par 63); "wider picture" (par 66); "considerable number of public and government stakeholders" (par 76)</p>		<p>Paragraph 56 Paragraph 60 Paragraph 17 Paragraph 49 Paragraph 61 Paragraph 63 Paragraph 66 Paragraph 76</p>	

B. HIA Technical

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
A. HIA Technical				
53.	The entire TRUP precinct must be (assessed from a heritage perspective) holistically	<p>The development is in line with the provisions of the Draft Local Spatial Development Framework released by the Municipality in October 2019. Although the River Club is located within the Two Rivers local area, the River Club planning application was submitted prior to finalisation of the SDF for the following reasons:</p> <ul style="list-style-type: none"> • The River Club project team was never given any clear guidelines or information about the official status in respect of the Two Rivers local area initiative; • The time frame for the LSDF has always been uncertain; and • The River Club is a private development initiative on privately owned land, and the proponent is permitted to submit a planning application in terms of the legislation. <p>Nevertheless, the history of the broader area is comprehensively described in Section 4 of the HIA, and includes a history of:</p> <ul style="list-style-type: none"> • Khoekhoe groups occupation and use of the area for grazing; • The importance of the rivers to the history of the area; • Conflict between Khoekhoe groups and Europeans settlers; • The defensive line established by the Dutch; • The agricultural use of the Liesbeek River catchment by the Dutch; and • Residential, commercial, and industrial encroachment on the agricultural landscape. <p>Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA).</p> <p>The HIA confirms that the cultural significance of the area is derived from "the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers".</p> <p>The Phase 1 HIA for the Two River Local Area (which assessed the significance of the Two River local area as a whole) has been released, and largely confirms the findings of the HIA for the River Club development (and concludes that development is possible at the River Club), even though there is a difference in how the practitioners interpret precinct boundaries within the area - see Sections 4 and 5 of the HIA Supplementary Report.</p>	Paragraph 1	Also refer to responses to items 24 and 29
54.	The HIA has been very well researched, and the historical background is well articulated. This includes the history of planning and development as it relates to the 20th Century.	Noted.	Paragraph 44	

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
55.	The HIA requires meaningful consultation with representatives of the First Nation and Cape Indigene groups in order to better understand the significance of the site to these groups	On 15 October 2019, the Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a "TRUP First Nations Report" (AFMAS Solutions, 2019). The main findings of this report are as follows: <ul style="list-style-type: none"> The Two Rivers local area (and beyond) is the historic landscape of the indigenous First Nations; That the indigenous narrative of the Two River local area, as articulated by the First Nations Collective, is congruent with the historic record; and Acknowledgement of the First Nations narrative is the primary aspiration of the First Nations. Based on these findings, the following recommendations were made in this report: <ul style="list-style-type: none"> Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning at all scales of the Two River local area; Provide a gathering place for indigenous cultural performances; Incorporate indigenous plants - used as food, medicine and ritual purposes - into landscaping; Provide an Indigenous Peoples centre; and Rename the Two River local area as an integral part of the indigenous of the TRUP landscape. Following this report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) - <u>refer to response to item 1.</u> This report, the "River Club First Nations Report" (AFMAS, 2019a - attached as River Club First Nations Report) was informed by: <ul style="list-style-type: none"> Primary research, including key informant interviews with various First Nations representatives for the "TRUP First Nations Report" (AFMAS Solutions, 2019); Key informant interviews with First Nation knowledge keepers and traditional custodians of the Goringhaiqua, Gorachouqua, Cochoqua, Griqua Royal Council and the San House of Nlinthe to understand First Nation intangible heritage significance and indigenous "sense of place and meaning" of the River Club site; and Deconstruction of the Two Rivers local area cultural landscape through multi-layered and multi-dimensional contextualizing to locate the indigenous narrative of the River Club within this area. The heritage specialists on the project team therefore attest that: <ul style="list-style-type: none"> Meaningful consultation with representatives of the First Nation has been achieved; and The heritage resources identified in the HIA for the River Club are mirrored / confirmed by the First Nations historical account / narrative. 	This has been carried out	This has been carried out
56.	There appears to have been no meaningful engagement with the First Nation communities to either understand, or help inform, the identification of heritage resources.	Based on these findings, the following recommendations were made in this report: <ul style="list-style-type: none"> Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning at all scales of the Two River local area; Provide a gathering place for indigenous cultural performances; Incorporate indigenous plants - used as food, medicine and ritual purposes - into landscaping; Provide an Indigenous Peoples centre; and Rename the Two River local area as an integral part of the indigenous of the TRUP landscape. Following this report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) - <u>refer to response to item 1.</u> This report, the "River Club First Nations Report" (AFMAS, 2019a - attached as River Club First Nations Report) was informed by: <ul style="list-style-type: none"> Primary research, including key informant interviews with various First Nations representatives for the "TRUP First Nations Report" (AFMAS Solutions, 2019); Key informant interviews with First Nation knowledge keepers and traditional custodians of the Goringhaiqua, Gorachouqua, Cochoqua, Griqua Royal Council and the San House of Nlinthe to understand First Nation intangible heritage significance and indigenous "sense of place and meaning" of the River Club site; and Deconstruction of the Two Rivers local area cultural landscape through multi-layered and multi-dimensional contextualizing to locate the indigenous narrative of the River Club within this area. The heritage specialists on the project team therefore attest that: <ul style="list-style-type: none"> Meaningful consultation with representatives of the First Nation has been achieved; and The heritage resources identified in the HIA for the River Club are mirrored / confirmed by the First Nations historical account / narrative. 	This has been carried out	This has been carried out
57.	It is a strong recommendation that in order to correct the inherent flaws in the HIA in this regard, that the River Club enter in to a new engagement process with First Nations representatives or awaits the outcomes of (the TRUP LSDF First Nations engagement) process.	Based on these findings, the following recommendations were made in this report: <ul style="list-style-type: none"> Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning at all scales of the Two River local area; Provide a gathering place for indigenous cultural performances; Incorporate indigenous plants - used as food, medicine and ritual purposes - into landscaping; Provide an Indigenous Peoples centre; and Rename the Two River local area as an integral part of the indigenous of the TRUP landscape. Following this report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) - <u>refer to response to item 1.</u> This report, the "River Club First Nations Report" (AFMAS, 2019a - attached as River Club First Nations Report) was informed by: <ul style="list-style-type: none"> Primary research, including key informant interviews with various First Nations representatives for the "TRUP First Nations Report" (AFMAS Solutions, 2019); Key informant interviews with First Nation knowledge keepers and traditional custodians of the Goringhaiqua, Gorachouqua, Cochoqua, Griqua Royal Council and the San House of Nlinthe to understand First Nation intangible heritage significance and indigenous "sense of place and meaning" of the River Club site; and Deconstruction of the Two Rivers local area cultural landscape through multi-layered and multi-dimensional contextualizing to locate the indigenous narrative of the River Club within this area. The heritage specialists on the project team therefore attest that: <ul style="list-style-type: none"> Meaningful consultation with representatives of the First Nation has been achieved; and The heritage resources identified in the HIA for the River Club are mirrored / confirmed by the First Nations historical account / narrative. 	This has been carried out	The River Club has completed a new engagement process with First Nations groups
58.	The HIA would benefit from input from a specialist consultant, with the requisite expertise in dealing with the intangible aspects pertaining to the wider TRUP area. This input would assist in focussing on, in particular, the strong sense of place and meaning of the site pertinent to the First Nation Representatives. It is a strong recommendation that a supplementary report from an expert in this field is incorporated into the HIA.	Based on these findings, the following recommendations were made in this report: <ul style="list-style-type: none"> Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning at all scales of the Two River local area; Provide a gathering place for indigenous cultural performances; Incorporate indigenous plants - used as food, medicine and ritual purposes - into landscaping; Provide an Indigenous Peoples centre; and Rename the Two River local area as an integral part of the indigenous of the TRUP landscape. Following this report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) - <u>refer to response to item 1.</u> This report, the "River Club First Nations Report" (AFMAS, 2019a - attached as River Club First Nations Report) was informed by: <ul style="list-style-type: none"> Primary research, including key informant interviews with various First Nations representatives for the "TRUP First Nations Report" (AFMAS Solutions, 2019); Key informant interviews with First Nation knowledge keepers and traditional custodians of the Goringhaiqua, Gorachouqua, Cochoqua, Griqua Royal Council and the San House of Nlinthe to understand First Nation intangible heritage significance and indigenous "sense of place and meaning" of the River Club site; and Deconstruction of the Two Rivers local area cultural landscape through multi-layered and multi-dimensional contextualizing to locate the indigenous narrative of the River Club within this area. The heritage specialists on the project team therefore attest that: <ul style="list-style-type: none"> Meaningful consultation with representatives of the First Nation has been achieved; and The heritage resources identified in the HIA for the River Club are mirrored / confirmed by the First Nations historical account / narrative. 	This has been carried out	This has been carried out
59.	Where comment has been received (from First Nations Peoples) this comment has seemingly been dismissed as a "difference of opinion", rather than a meaningful interrogation of concerns raised	Previous submissions by First Nations groupings as part of the River Club HIA engagement process have presented an historical account that does not reconcile with the historical record for the site, or of the narrative of the First Nations Collective, and therefore a difference of opinion is understandable.	This has been carried out	This has been carried out

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
60.	<p>NHRA Section 38(3)(a) "The identification and mapping of all heritage resources in the area affected" has only been partly complied with as the identification and mapping of heritage resources is conceptually flawed (see Issues 2, 7, 9, 16, 17, 18, 21, 22, 23, 26, 27, 28, 30, 32 and 33).</p>	<p>The history of the broader area is comprehensively described in Section 4 of the HIA and is generally not contested: there is no documented or oral history that suggests that the River Club site is of particular historic significance; nevertheless, the broader area is acknowledged to be of high cultural significance. It is the opinion of the heritage practitioners who compiled the HIA (and others) that the broader area (including the Two Rivers local area) is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. It is apparent that HWC arrive at a different opinion regarding the heritage capital that is, or should be, assigned to the River Club (see responses to items, 7, 9, 16, 17, 18, 21, 22, 23, 26, 27, 28, 30, 32 and 33). Heritage resources have been identified (Section 6 of the HIA) and mapped (Section 10.8 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion relating to the heritage resources that occur at the site and immediately surrounding area, the legislative requirements of Section 38(3)(a) of the NHRA are clearly achieved in the HIA for the River Club.</p>	<p><u>Paragraph 43</u> <u>Paragraph 54</u> <u>Paragraph 69</u></p>	<p>Refer primarily to the supplementary response to item 33 Also refer to responses to items 17, 22, 60, 61 and 69.</p>
61.	<p>NHRA Section 38(3)(a) "The identification and mapping of all heritage resources in the area affected" can only be completed following meaningful engagement with First Nations Groups to identify heritage resources.</p>	<p>Refer to the responses to items 53 and 58.</p>		<p>This has been carried out. It seems that the authors of the HWC Final Comment have not read the Supplementary Report or the First Nation Report</p>
62.	<p>The identification and mapping of heritage resources is something that should be addressed in the first part of the report, and should set the tone of the report, rather than being relegated to a conclusion.</p>	<p>This opinion is noted but is not relevant to compliance with the legislative requirements of Section 38(3)(a) of the NHRA. However, the Executive Summary, the Preface and the Introduction do this.</p>	<p><u>Paragraph 45</u></p>	<p>HWC places weight on the historical significance of the overall TR-area area that they feel should be identified and mapped, and using reasons that could apply to any piece of land in the country, without providing any concrete site specific reasons linked to the River Club (Valkenberg, and SAAO have their own unique history but cannot be equated to the River Club, other than being place along the same river, together with many thousands of acres of land between the Atlantic Ocean and Kirsienbosch that share this river frontage but not included in an arbitrarily defined area. The Supplementary Report includes the mapping of heritage resources in the area suggested by the City Council, by Attwell/Jacobs and by Postlethwait with the heritage practitioners own commentary on those alternate views. It is difficult to understand how this could be "inadequate". Indeed, the heritage practitioners are at a loss to interpret this comment from HWC. Also refer to responses to items 17, 22, 61 and 69</p>

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63.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because it stands to reason that if the identification and mapping of heritage resources is flawed, the grading of significance will be flawed (as will the conclusions of the HIA).</p>	<p>The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion relating to the heritage resources that occur at the site and immediately surrounding area, and the significance thereof (see response to item 58), the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club. This simple linear argument is addressed (and contested) in section 8 of the Supplement.</p>	<p>Paragraph 57 Paragraph 58 Paragraph 59 Paragraph 70</p>	<p>The HIA and Supplementary Report deal with significance at great length. If HWC disagrees, it is for HWC to determine grading and assessments of significance of a potential heritage resource, in accordance with s8 and s27 of the NHRA and in doing so comply with s27 (8) regarding the rights of the landowners to be engaged with and to give representations before doing so. For HWC to state that it is "their opinion" that "fundamental grading of significances is wrong" misplaces and abdicates the responsibility of the HWC onto the owner. In terms of s8 and s27 HWC is responsible and must be accountable for its actions and the performance of its functions under this system of grading, and it is HWC that is responsible for identifying and the management of provisional heritage identified resources. However, since the provisional protection order was gazetted in April 2018, HWC has not taken any steps to investigate or motivate the significance of the RC as a heritage resource or any steps to justify its claims regarding grading of the RC or the overall TRUP area for that matter. Or to engage with the landowner. On the other hand, the owner of RC has furnished an extensive HIA from two respected and independent heritage practitioners that do not concur with the unsubstantiated views of HWC. HWC seems to think that it can go on insisting that the applicant should continue to submit analysis until HWC agrees with that analysis.</p>
64.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because the values attributed to the site by the stakeholders have not been carried through into the report and have therefore not adequately informed the unique significance of the site and appropriate development indicators (see especially issues 2 and 7).</p>	<p>The HIA acknowledges the statement that some stakeholders value the 'openness' in the sense of place of the floodplain, as well as the views from within and across the floodplain, but noting that no cross-cutting, narrative-defining event, battle or encounter is attributed to have taken place at the site, and that no intangible reference to such an event having taken place at the site is made, the authors of the HIA argue that while the development may lead to a significant visual impact, is of relatively low heritage significance: "whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes". It is noted that some stakeholders arrive at a difference in opinion in this regard. The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club.</p>		<p>Refer above</p>
65.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because the HIA undervalues the significance of the heritage resources associated with the site generally, or is confusing or contradictory (see issues 19 and 20)</p>	<p>It is the opinion of the heritage practitioners who compiled the HIA (and others) that the Two River local area is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious heritage significance, noting that:</p> <ul style="list-style-type: none"> The site is either entirely or mostly an infill site; Much of the history that derives the cultural significance of the Two Rivers local area extends over a far broader spatial scale; The valley (or floodplain) in which the site is located, although an important component of the Liesbeek River as a landscape, has been transformed by urban development upstream and downstream of the site; No tangible heritage relics or resources occur on the site; and No historic events are attributed to have occurred at the site. <p>Therefore, while the HIA acknowledges the role that the 'openness' of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain (which are comprehensively assessed in the</p>	<p>Paragraph 62</p>	<p>The heritage practitioners repeat: HWC seems to think that it can/should go on insisting that the applicant should continue to submit analysis until HWC agrees with that analysis. The heritage practitioners repeat: their view of the significances (in kind or quantity) of the River Club site are not significantly different from those of most commentators (including HWC); there is difference, however, over the visibility or apparentness of those significances in the landscape and, therefore, of the various components of the landscape as heritage resource(s).</p>

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66.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because the HIA post-rationalises the assessment of significance based on a pre-conceived development concept</p>	<p>VIA), it argues that this openness and these views are of low heritage significance: "whether the site is developed or otherwise, it will always have a history which does not manifested on the ground and cannot be destroyed by physical changes". Although it is acknowledged that HWC hold a different opinion in this regard, it is on this basis that the heritage practitioners defend their assessment of heritage significance of the site and immediately adjacent areas. Furthermore, this view is supported by the First Nations Collective who have confirmed that "no cross-cutting, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site" (Section 2(D) of River Club First Nations Report).</p> <p>The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club.</p> <p>The proponent seeks to develop a mixed use, "live, work and play" facility at the site, and this development must be financially viable for the proponent to proceed. Nevertheless, the development proposal has been formulated in collaboration with a multi-disciplinary team that has responded to independent environmental and specialist input. In this context there have been more than 250 iterations to the development proposal / layout (many in response to input from the heritage specialists on the project team, and the assertion that the HIA post rationalises a pre-conceived development concept is therefore rejected (also see response to item 28 regarding development responses to specialist findings).</p> <p>The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club.</p>		<p><i>The heritage practitioners repeat. HWC seems to think that it can/should go on insisting that the applicant should continue to submit analysis until HWC agrees with that analysis.</i></p>
67.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because the assessment of heritage resources has ignored both the existing studies, and the wider picture, and as such has attempted to grade significance in the isolation of a much wider system.</p> <p>That the applicant has chosen to proceed with the application, without meaningful reference to any of the previous studies is regarded as unfortunate.</p>	<p>After reporting the history of the broader area, <u>which has also been drawn from various previous research</u>, the HIA:</p> <ul style="list-style-type: none"> • Confirms that "the area in which the River Club is situated is historically important for the role it played in the distant past"; and • Places the site "within the core of this early contested landscape" (see Section 4.5 of the HIA) and within an "associative cultural landscape" with definable/known historical associations of great socio-political import. <p>Nevertheless, it is the opinion of the heritage practitioners who compiled the HIA (and others) that the Two River local area is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious heritage significance (refer to the response to item 17 regarding the absence of objects and history specifically attributed to the River Club site).</p> <p>The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club.</p>	<p>Paragraph 66</p>	<p><i>The heritage practitioners repeat. HWC seems to think that it can/should go on insisting that the applicant should continue to submit analysis until HWC agrees with that analysis.</i></p>
68.			<p>Paragraph 47</p>	<p><i>The heritage practitioners indicate that none of the "previous studies" preclude development of the River Club site. Indeed, O'Donoghue's phase one for the River Club site and Postlethway's recent phase one for the entire TR-area, in particular, anticipate development of the site in a manner not entirely inconsistent with what is proposed.</i></p> <p><i>Refer to responses in Point 33 and 69 and 71 and 75 regarding differences with other studies and drawing on them and referencing them</i></p>

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69.	<p><i>In general and in spite of HWC having previously advised that whilst individual land owners are entitled to proceed with an HIA for their own development, to ignore the existing studies and the bigger TRUP picture could be "at their own peril"</i></p>		<p>Paragraph 65</p>	<p><i>The HIA and the Supplementary Report, which deal with the River Club and its context, together answer all of HWC's questions outlined in the Interim Comment. The several other studies, both land-use planning frameworks and phase one "HIAs" (which do not include development proposals or assessments), and HWC's various comments on those studies are recognised and referred in the HIA and Supplementary Report.</i></p> <p><i>The primary difference between the HIA and Supplement and the other studies is that the heritage practitioners task is, essentially, to assess the impact of a development proposal on heritage resources; and, in our analysis, the development proposal (developed and refined with numerous significant improvements and mitigations since 2017), in our analysis, leads to significant recoveries of significance including the making visible, even tangible, of otherwise invisible intangible heritage of First Nations people, as well as other cultural significances.</i></p>
70.	<p>The HIA has barely acknowledged or interrogated the significance that HWC and previous reports have attributed to the wider valley context</p>	<p>The HIA reports the history of the broader area and has drawn from various previous research. The site is located in a significantly transformed floodplain between even more radically transformed land, is degraded and will be further affected by the future development of the Berkley Road extension. Nevertheless, the HIA acknowledges the role that the 'openness' of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain, but argues that while this may be a significant visual impact, is of relatively low heritage significance: "whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes".</p>		<p><i>The heritage practitioners have iteratively argued that the River Club is a part, a small part, of the wider Liesbeek River area with its history.</i></p>
71.	<p>NHRA Section 38(3)(c) "Assessment of the impact of the development on such heritage resources" is inadequate because it stands to reason that if the identification and mapping of heritage resources is flawed, the grading of significance will be flawed any assessment of the development on identified heritage resources must be flawed.</p>	<p>An assessment of the impact of the development on heritage resources is provided in the HIA for the River Club (Section 10 of the HIA), and notwithstanding the difference in opinion in the identification of heritage resources at the site (see response to item 58) and on the assessment of heritage significance (see response to item 63), the legislative requirements of Section 38(3)(c) of the NHRA are clearly achieved in the HIA for the River Club.</p>		<p><i>Also refer to responses to items 17, 22, 61 and 68.</i></p> <p><i>The heritage practitioners mapping of heritage resources relies on the "previous studies" and their argument regarding significance relies on taking account of significances that extend well beyond the River Club site and the TR-area. Indeed, their assessment of significance relies precisely and primarily on the greatest historical significance that extends from the sea to the head of the Liesbeek. The assessment is not "flawed" even if HWC is unpersuaded by the conclusions.</i></p>
72.	<p>If the site of the memorial is not fixed, how can the impact (benefit?) on heritage resources be assessed?</p>	<p>The purpose of memorialisation at the site is to "acknowledge, embrace and celebrate" the narrative of the First Nations groupings, and various proposals to achieve this memorialisation are currently being explored in direct and robust consultation with the First Nations Collective. Ultimately, provided that the acknowledgement and celebration of the indigenous narrative is achieved to the satisfaction of these people (and the heritage specialists on the project team), these benefits are recognised and supported in the Supplement. Greater detail in the design development of the mechanisms for the implantation of the First Nations narrative will unfold later in the process. For the moment it is sufficient that the heritage and environmental authorities approve the concept as illustrated in the architects' drawings attached.</p>		

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73.	NHRA Section 38(3)(c) "Assessment of the impact of the development on such heritage resources" is inadequate because the HIA fails to assess the impact of the development on the most important heritage resource: The site's open, green qualities as a remnant of landscape that has considerable intangible historic and cultural heritage significance.	An assessment of the impact of the development on heritage resources is provided in the HIA for the River Club (Section 10 of the HIA and Sections 4 and 5 of the HIA Supplementary Report), and notwithstanding the difference in opinion on the assessment of heritage significance (see response to item 63), the legislative requirements of Section 38(3)(c) of the NHRA are clearly achieved in the HIA for the River Club. The site is not a remnant of a green landscape, but is situated on reclaimed engineered land.	As noted previously, a quality is not a heritage resource. A quality may give significance to a place, and the practitioners do not argue that the qualities of "openness" and "greenness" are not significant qualities of this part of the Liesbeek River and what will have been low-lying wetlands. However, these qualities, while interrupted by the proposed development, will not disappear: the proposal is to transform them, providing better greenness and greater ecological functionality and a clearer, more distinctly recognisable riverine corridor. The "openness" is a quality that will be interrupted, but the topography more widely will still exist, but, like the surrounding components of the environs, will be transformed into a more useful and integral part of the urban environment.	Paragraph 55
74.	NHRA Section 38(3)(d) "Evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived" is inadequate because the impact of the development on a site which has been recognized previously by HWC as being of Provincial, if not National significance, is not acknowledged (see Issue 45).	The history of the broader area is comprehensively described in Section 4 of the HIA and is not contested. Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA), and the HIA confirms that the cultural significance of the area is derived from "the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers". Also see response to item 45 regarding the heritage significance of the site in the context of the broader area. In this context it is not clear on what basis HWC arrive at the opinion that the entire River Club property is of any specific heritage significance not associated with the broader TR area (the river course excluded). It is also not clear how Section 38(3)(d) of the NHRA is not complied with in this context.	It is misleading to state "against a site which has been recognised by HWC as being a Provincial if not national significance" – HWC merely issued a notice of intent in 2017 for public comment and this was never taken any further – so how can this preliminary action that to date has not been acted upon be regarded in any manner as HWC recognising the "TRUP" site as provincial or national significance – in fact by doing nothing one can assume they decided it was not the case	Paragraph 84
75.	It is further noted that other than acknowledgment of process followed thus far, the HIA and supplementary reports have not acknowledged or interrogated the significance that HWC and previous reports have attributed to the wider valley context		Also refer to response to item 69 and 71	Paragraph 85
76.	That the site falls within the Urban Inner Core in terms of the MSDF does not override heritage considerations	Correct. The necessary environmental and heritage approvals are required in order to develop the site notwithstanding its status in terms of the MSDF.	The heritage practitioners do not agree with this statement: the reports clearly interrogate the significances attributed to the wider valley and the site, and they disagree with this view and provide cogent reasons for their departure, where there is departure.	
77.	Noting that the proposed development is in line with the City of Cape Town's new Metropolitan Spatial Framework (MSDF), is not an evaluation of the impact of the development on heritage resources.		Correct	Paragraph 87
78.	It is noted that the revised MSDF designates the River Club and TRUP area as part of the "Urban Inner Core" and that development within the area is supported in principle		Correct	Paragraph 87

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79.	<p><i>A high level spatial planning tool which supports development in principle, does not override heritage considerations, or indeed mean that a mega project is appropriate on this particular site, in comparison with an upgrade to the Voortrekker Road Corridor for example.</i></p>	<p>Refer to the response to item 72</p> <p>Regarding reference to "mega project" – also refer to responses to items 34 and 35.</p>		
80.	<p>The HIA has ignored applicable provisions of the Table Bay Spatial District Plan (SDP) and Environmental Management Framework (EMF) 2012</p>	<p>It is not irregular to deviate from a District Plan. The District Plan is outdated. The proposed development represents a change in the way development of the site is considered. Whereas the Table Bay District Plan does not consider the site developable, it has been demonstrated from detailed technical studies that the site is indeed developable, with the major motivating factors being:</p> <ul style="list-style-type: none"> Raising the level of the site above the 1:100 floodplain will not have a significant effect on flood levels (as demonstrated in the surface water hydrology report, attached as Annexure H to the motivation report); The CoCT's desire to develop the Berkley Road extension, which will change the existing character of the site, and will provide enhanced access opportunities onto the site; and The policy objective of the authorities for the Two Rivers area to become a mixed use and mixed tenure environment. <p>Furthermore, the 2018 Municipal Spatial Development Framework states that specific and immediate implementation actions that the City must undertake include "reviewing district plans to interpret the reviewed MSDF" (pages xv and 90 of the MSDF). The Table Bay District Plan is currently under review, with the updated version to be made available for public comment in May/June 2020. This updated version should (in theory) be consistent with the MSDF</p> <p>According to the "Consistency principles and post-2012 amendments, as contained in Technical Supplement D of the 2018 MSDF, lower order spatial plans and policies must be consistent with higher order spatial plans and policies. The MSDF identifies the land as "urban inner core" and therefore the lower order Table Bay District Plan is inconsistent with the higher order MSDF (and must be updated by the City in any event).</p> <p>It is also noteworthy that the latest spatial policy plan relating to the site is the Draft Two Rivers Local Spatial Development Framework. This Framework is both a City of Cape Town and a Western Cape Provincial Government local spatial planning initiative / proposal. It is pertinent that the development is in line with this</p>		
81.	<p>It is the view of HWC that the HIA has ignored [Table Bay Spatial District Plan - SDP 2012]. The adopted spatial planning policies should take preference over proposed policies which have not yet been adopted or are still within the consultation phase</p>	<p>Paragraph 89</p> <p>The project planners do not agree with this view: the applicants remain of the view that the adopted 2012 district plan is outdated and is in process of revision through the local area spatial development framework mechanism of the MPB- L. The MSDF which supports "Urban Inner Core" development, is the overarching Framework that sets out the current vision and policy of City and Province. The draft LSDF implements this vision and policy at precinct level. If it was not the vision of the City and Province why was the MSDF amended and the LSDF drafted? If this is the policy shift and the old district plan outdated then reasonable for a developer to propose an application for rezoning in line with this, which accords with current vision and policy (in the MSDF) and the draft LSDF policy which complies with the requirement of the 2018 MSDF, which states that specific and immediate implementation actions that the City must undertake include "reviewing district plans to interpret the reviewed MSDF" (pages xv and 90 of the MSDF)</p> <p>Paragraph 88</p> <p>Also refer to responses to items 74 and 79</p>		
82.	<p>The following provisions of the Table Bay Spatial District Plan (SDP) and Environmental Management Framework (EMF) 2012 must be taken into account:</p> <ul style="list-style-type: none"> Preserve the qualities of the various areas of the City, which exhibits a range of diverse character zones; Protect the historical built fabric, scale and texture of the historical areas of the City; Maintain the interface between the City and Table Mountain, retaining view corridors and scenic vistas and avoiding monolithic 			

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83.	<p>structures that block views;</p> <ul style="list-style-type: none"> Ensure that proposed development is in keeping and appropriate to the historical nature of the City; Ensure the retention and protection of historical areas, sites and features both above and underground; <p>Ensure that construction activities within the district and specifically within heritage and conservation areas do not negatively impact on the historical character of the area or fabric;</p> <p>The Table Bay Spatial District Plan (SDP) and Environmental Management Framework (EMF) 2012 is still the most relevant planning and policy framework applicable to the site</p>	<p>framework, and the developers highlight a number of factors that suggest more intense development at this site should be considered, including:</p> <ul style="list-style-type: none"> The policy objective of the authorities for the Two Rivers local area is to become a mixed use and mixed tenure environment. The vision is for the development to be a special place for the community – a vibrant destination that provides people with quality, public spaces and the chance to interact with the river edges in a meaningful way. The site located at the western gateway into the Two Rivers local area¹. An opportunity exists to improve this gateway into the Two Rivers local area with features such as mixed-use development, public access routes, statement buildings, quality public spaces, water features and landscaping. Specialist ecological investigations have demonstrated that the site and adjacent watercourses are degraded but retain certain ecological functions; and that development at the site provides an opportunity to improve the ecological condition of the site and adjacent watercourses without leading to significant ecological impacts. Set-backs will be retained at the interfaces between the site and adjacent rivers to restore ecological function in these areas and attenuate stormwater. Moreover, these buffer areas will be designed and landscaped to accommodate pedestrians, thus encouraging more interaction between the public and the river edges here. The site is located in a strategically important position within Cape Town – it is a highly accessible site located within close proximity to agglomerated places of work such as the Central Business District (CBD) and Paarden Eiland, and also has relatively good accessibility to the metropolitan south-east. The location of the site at the knuckle of the Main Road corridor, the Voortrekker Road corridor and the Klipfontein Road corridor means that it can be a generator of people and economic activity that may support and reinforce these corridors with higher densities and supplementary mixed-use development (in particular the Voortrekker Road corridor). The site is well located in respect to the public transport network: both Observatory rail station (to the south-west) and Koeberg rail station (to the north-east) fall within a 500m radius of the site, while the Voortrekker Road corridor and Main Road corridor – both of which carry bus and mini-bus taxi routes – are located within 1 km of the site. The development can therefore further the principles and strategies identified in the CoCT Transit Oriented Development (TOD) Strategic Framework (2016). The project provides an opportunity for the CoCT to generate sufficient funds to implement critical (socially beneficial), long-planned infrastructure at this location (e.g. the extension of Berkley Road and the widening of Liesbeek Parkway), thereby reducing existing movement barriers between the west (e.g. Salt River, Observatory and Mowbray) and the east (e.g. Maitland, Ndabeni and Pinelands). Implementation of Berkley Road extension, in particular, will improve permeability between the Voortrekker and Main Road corridors, including to train stations and public facilities. More foot traffic between these 		

¹ A gateway in planning / urban design terms is an important entry point into a place, and they can play a key role in identifying distinct areas (e.g. the Two Rivers local area).

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		<p>corridors may lead to upliftment of these areas. Further, bike paths on the site will integrate with the newly implemented bike lanes along Albert Road in Salt River.</p> <ul style="list-style-type: none"> The Berkley Road extension will change the existing character of the site, and will provide enhanced access opportunities onto the site and will make the site more accessible than is currently the case. <p>These motivations for deviations from policy are included in the BAR for the development (including Planning Policy overview – Appendix K1) and are substantiated by specialist studies and have been formulated after much research and careful planning by highly qualified professionals.</p>		
84.	<p>NHRA Section 38(3)(d) "Evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived" is inadequate because the viability argument is regarded by HWC as unconvincing and inadequate (also see Issue 46).</p>	<p>As the site is privately owned, it is reasonable that a developer only consider alternatives that are financially viable to them (as well as the No-Go Alternative), and it is not clear on what basis HWC find the owner's viability argument to be unconvincing or inadequate. It is also not clear how Section 38(3)(d) of the NHRA is not complied with in this context. River Club has employed quantity surveyors and planners who job it is to assess viability in hard figures which they have done, and ranked the viability of the alternatives accordingly. Arguments against should be best informed by hard figures.</p> <p>Also see response to item 46 regarding the public impact of the development, and item 35 regarding the consideration of alternatives and viability considerations.</p>	<p><u>Paragraph 90</u> <u>Paragraph 95</u></p>	<p><u>The question of financial viability (to the proponent) is not directly related to the social and economic benefits anticipated from the project (which have been assessed by experienced, qualified specialists in the field of socio-economics).</u></p>
85.	<p><u>The Heritage significance of the site should be the primary informant of any development, and not linked to cross subsidisation opportunities</u></p>		<p><u>Paragraph 90</u></p>	<p><u>Heritage significance is one of the informants, together with environmental, and socio-economic assessments – the heritage practitioners do not agree that it is the primary informant is heritage, but rather all informants under NEMA and the NHRA must be looked at as read with s38 (3) – which the applicant has done.</u></p>
86.	<p>That there appears to be a cross subsidy of the development to help fund the City's proposed Berkley Road extension should in no way be used as mitigation to try and argue for sustainable and economic benefits.</p>	<p>Phase 1 of the Berkley Road extension (bridge over the Black River and extension to the River Club development) will be offset by Development Contributions payable by the developer to the CoCT. These contributions (costs to the developer) would factor into the cost calculations for any development proposal. Development contributions are only made if the necessary approvals for the development are secured and the development proceeds, and the City does not have the necessary funds to implement this critical infrastructure at this stage in time, and therefore the components to this infrastructure that would be paid for and implemented by the developer are considered to be benefits of the development.</p>	<p><u>Paragraph 90</u></p>	
87.	<p>NHRA Section 38(3)(e) "Results of consultation with communities affected by the proposed development and other interested parties" is inadequate because there has been a lack, or avoidance, of a meaningful consultation with the First Nation Groups (see issues 53, 54, 55 and 57).</p>	<p>Refer to the response to item 53 regarding engagement with representatives of the First Nations, Section 5 of the HIA and Section 2 of the Supplementary Report: Consultation and Commentary of Interested Parties, and River Club First Nations Report. The authors of the HIA motivate that compliance with Section 38(3)(e) is now achieved and exceeded.</p>		<p><u>It seems that HWC has not read the heritage Supplementary Report or the report by AFMAS on interactions with the FN Collective.</u></p>

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
88.	<p>NHRA Section 38(3)(f) "the consideration of alternatives" is inadequate because there is no meaningful consideration of alternatives whatsoever (see Issues 37, 38 and 49).</p> <p><i>"Therefore the committee is of the opinion that the reports demonstrate insufficient exploration and interrogation of a range of alternatives, thus the report still does not comply with Section 38 (3) (f)."</i></p>	<p>Alternative Development Proposals are discussed (Section 9.3 of the HIA and Section 7 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion relating to the heritage resources that occur at the site, or of HWCs dismissal of the proponents viability considerations (see response to item 35), the legislative requirements of Section 38(3)(f) of the NHRA are clearly achieved in the HIA for the River Club.</p>	<p><u>Paragraph 101</u> <u>Paragraph 108</u></p>	<p>Also refer to responses to items 29, 35, 39 and 82</p>
89.	<p>NHRA Section 38(3)(g) "Plans for mitigation of any adverse effects" is inadequate because mitigation ignores the broader issues pertaining to a highly significant cultural landscape.</p> <p><i>"The reports submitted do not adequately address mitigation of the impacts of this development. The reports fails to identify heritage resources adequately, which results in an inability to adequately assess the potential impact on the heritage resource. As a result it is not possible to assess mitigation measures."</i></p>	<p>Noting that there is no historical record specific to the River Club property – other than it being part of the broader historical landscape, the Liesbeek River Course excluded, the heritage practitioners have not been able to identify many heritage design informants applicable to the site, other than the restoration of the Liesbeek River Corridor, and setting back from and respecting the SAAO site (noting their opinion that objections to the development are largely visual in nature). Nevertheless, detailed engagements with representatives of the First Nations have made it possible to articulate the history of the broader landscape to these people in detailed design of the development (and, in doing so, to gain the support of these people for the development as proposed). This engagement has led to a number of new heritage design indicators that have been presented in Section 2 of the supplementary report.</p> <p>These additional indicators, as well as those presented in the HIA (Section 8) clearly achieve the legislative requirements of Section 38(3)(g) of the NHRA.</p>	<p><u>Paragraph 107</u></p>	<p>As explained, mitigations have been incorporated through design revisions since 2017.</p>
90.	<p>The Visual Impact Assessment (VIA) is inadequate in its assessment of the cultural landscape and defining the sense of place.</p>	<p>The VIA aims to present a dispassionate assessment of visual and sense of place impacts, and while the cognitive and narrative association to the site is considered when describing the existing sense of place to receptors, delegates the assessment of impacts on the cultural landscape to the heritage specialists / HIA (which is, in turn, informed by the VIA).</p>	<p><u>Paragraph 80</u></p>	
91.	<p>While the VIA finds that "a loss of sense of place is expected" (p37) and "new built structures will be visually intrusive", it simply echoes the HIA, by concluding that the judgement of visual impacts depends on "receptor perceptions". This is neither conclusive nor useful.</p>	<p>With regard to the visual impact, the VIA finds that the scale of the development will have visual impacts, and it is the location/context of the site - the surrounding built fabric and topography, visual absorption capacity, visibility, and landscape integrity - which effectively reduces such impacts to the assigned medium rating after mitigation.</p>	<p><u>Paragraph 81</u></p>	

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
92.	The photomontages provided in the VIA are too crude and inaccurate to be considered as a useful tool to assess impact.	These have been updated to reflect accurate perspectives of the current development proposal.	Paragraph 80	
93.	If HWC were the competent authority in this application it would require that the VIA either be conducted by a practitioner who HWC recognizes as having the requisite expertise for heritage related work, or should at least be conducted by an independent consultant, and not by the EAP's company.	The visual specialist is qualified, competent and experienced (and has compiled a number of VIAs to the satisfaction of HWC). The visual specialists employ at the same company as the (independent) EAP team does not compromise the specialist's independence to the developer.		The visual specialist is qualified, competent and experienced (and has VIAs to the satisfaction of HWC).
94.	HWC notes that it is only a commenting body in respect of the application and that consideration of the VIA is DE&DP's concern as the consenting body, however it is noted that HWC requires an independent practitioner who HWC recognises as having the requisite expertise for heritage related work to undertake the VIA. The VIA should establish a sense of place and landscape character and assess the development against these criteria		Paragraph 82	
95.	As indicated in the interim comment dated 13 September 2019 the assessment of the development on the significance in the HIA and VIA is flawed and thus does not comply with Section 38(3)(c).		Paragraph 83	All issues noted from Par 1 to 82 of the final comments dated 14 Feb 2020 did not need to be repeated in the Final Comment as they paraphrase the same wording stated in the Interim Comments of 13 September 2019. The Final comments do not however acknowledge any of the Responses to the prior issues raised, nor does HWC provide specialist reports to counter the LLPT specialist reports... (save to at times make vague references to "previous studies"). All the statements made in the Final Comments are based on vague "opinions" and "views" and reliance on unnamed stakeholders to defend their unsubstantiated personal views of the development. Findings of the LLPT specialist reports are either ignored or attacked without any substantial basis and the LLPT question whether the comments are rationally connected to facts or a pre-determined bias.

C. Heritage Application Process

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
B. Heritage Application Process				
96.	HWC has been led to believe that development issues for the entire TRUP area would be addressed prior to the development of individual pockets therein	Although the River Club is located within the Two Rivers local area, the River Club planning application was submitted prior to finalisation of the SDF for the following reasons: <ul style="list-style-type: none"> The River Club project team was never given any clear guidelines or information about the official status in respect of the Two Rivers local area initiative; The time frame for the LSDF has always been uncertain; and The River Club is a private development initiative on privately owned land, and the proponent is permitted to submit a planning application in terms of the legislation. 	Paragraph 8	Also refer to response to item 29 An individual private owner cannot be prejudiced by delays of the responsible statutory authorities (that could be indefinite and beyond its control). After delays independent of the River club HIA process, the Draft LSDF for the TR-area has been published which sets out City's proposed new Framework for planning and development of the entire area, including the River Club and the draft LSDF was subsequently considered by the Heritage
97.	(HWC have previously advised that) the IACOM will not prevent a separate application being submitted by any individual land owner, but that this would be at the risk of the applicant, should the broader TRUP Baseline Study not be completed	On 15 October 2019, that Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a "TRUP First Nations Report" (AFMAS Solutions, 2019). This report, and a supplementary report compiled for the River Club development (AFMAS Solutions, 2019a) confirm that the heritage resources identified in the HIA for the River Club are accurate. The Phase 1 HIA concludes that the site is developable "provided the intangible heritage is respected and appropriate provision is made for spatial opportunities for commemoration", and the development provision is largely compliant with the Draft LSDF.	Paragraph 21	Whilst HWC acknowledges that the TR-area report has still not been resubmitted, it finds fault with the River Club electing as a private owner to run its own separate application ahead of the TR-area application, assessing its own heritage resources and impacts, with independent specialist studies – which it did due to the very fact that it had no clear timeline (if ever) when the TR-area report would be finalised– and, as a private owner, could not be expected to never consider opportunities on its property until the remaining, very different parcels of land making up the whole 300 hectares of land were considered
98.	In answer to query from DT&PW representative the Committee verbally informed that it could not prevent a separate application being submitted by an individual and owner, but would be at the risk of the applicant should the broader TRUP baseline study not be completed.		Paragraph 79	This has been done- more than adequately.
99.	Notes the TRUP baseline report has not been resubmitted since 8 Nov 2017			
100.	The HIA is unlikely to comply with the provisions of s38(3) of the NHR Act until a meaningful engagement with the First Nation Groupings has taken place, both on a broader level, and more immediate one in terms of the site itself, and that furthermore is integrated with, and informed by the Baseline Study being conducted for the wider TRUP area, is unlikely to do so in the future			
101.	It is problematic to consider the specifics of the River Club application in isolation from the broader (heritage) study (for TRUP)		Paragraph 48	Also refer to the responses to items 2 and 45

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
102.	There has been no further submission of the TRUP Baseline Study, since the IACOM meeting of 8th November 2017			
103.	After previously noting the high heritage significance of TRUP, and the need to provisionally protect TRUP under Section 29 of the NHRA, a decision was taken at HWC Council in March 2018 to provisionally protect the River Club site in terms of the provisions of s29 of the NHRA (in response to news of the intent of the applicant to submit a new HIA for the redevelopment of the River Club)	Noted; however, the threat that the intent to comply with the provisions of Section 38(8) of the NHRA introduced to the site remains unclear.		
104.	<u>"given the strategic importance and high significance of the site (TRUP), it is a strong recommendation that the Council of HWC gives consideration to the provisional protection of the TRUP area under s29 of the NHRA"</u>		Paragraph 12	A notice of intention to protect the entire TRUP was published for comment in December 2017 – However despite this HWC has undertaken no further investigation or research of its own – nor did it invoke a s29 protection order for the TR-area, despite the stated intention noted more than 2 years and several months ago to determine its significance. However it invoked a s29 Protection Order over River Club in isolation, based purely on hearing about an application to develop, which order has been in place for almost the maximum period of 2 years – HWC has done nothing in terms of s29 to investigate the heritage significance it claims are under threat and has been found to have failed to comply with the NHRA on procedural grounds for invoking the order (despite directive from the MEC Tribunal to do so).
105.	<u>Throughout 2017 (GIG discussed grading of TRUP</u>		Paragraph 15	
106.	<u>Committee stands by recommendation that TRUP site should be provisionally protected so matter can be "fully investigated"</u>		Paragraph 16	
107.	<u>Committee notes - "wide" meeting held on 29 August 2017 to discuss the proposed protection of entire TRUP area</u>		Paragraph 17	
108.	<u>March 2018 Council decided to provisionally protect the River Club</u>		Paragraph 22	

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
109.	<p>Committee wanted the TRUP Baseline Study to address "the National Khoisan Legacy Project and understand the TRUP site may from part of the National Liberation and Resistance Project of Government – and this cannot be ignored"</p>		<p>Paragraph 13</p>	<p>Raised in interim comments and addressed in HIA supplementary report. The extensive engagement with the First Nation Collective and the Social Compact reached with the developer addresses the issue raised by these projects including, inter alia, a heritage trail and other initiatives set out in responses to items 51 and 56 in this document, and as detailed in the TRUP Report and follow on River Club First Nation Report which record the testimony of the First Nation Collective.</p> <p>The National Liberation and Resistance Project is an initiative of the National Heritage Council as per its website:</p> <p><u>"The Resistance and Liberation Heritage Route (RLHR) project is a national memory project aimed at commemorating, celebrating, educating, promoting, preserving, conserving and providing a durable testament of South African's road to independence.</u></p> <p><u>The project draws on heritage as testimony and depiction of South Africa's journey from the first contact with colonists to the attainment of democracy through a series of connected multi-dimensional sites at the local, provincial, national and international level. This is done in a manner that promotes the values enshrined in the South African Constitution namely: a participatory process of identification and documentation of significant sites, formal protection and management of heritage resources and the interpretation and commemoration of the liberation struggle.</u></p> <p><u>It uses an integrated approach to leverage the potential of resistance and liberation heritage to help demonstrate a shared past and shared future, and tap into the socio-economic potential of this heritage for the benefit of different communities, by harnessing multi-disciplinary strengths of diverse government and other sectors."</u></p> <p><u>The Legacy Projects are an initiative of Dept. of Arts & culture. Per its website: Legacy projects refers to Monuments, museums, plaques, outdoor art, heritage trails and other symbolic representations create visible reminders of...and commemorate the many aspects of South Africa's past. Government has initiated several national legacy projects to establish commemorative symbols of South Africa's history and celebrate its heritage.</u></p> <p><u>The legacy projects include the Women's Monument, Chief Albert Luthuli's house in KwaDukuza, KwaZulu-Natal, Battle of Blood River/Ncome Project, Samora Machel Project, Nelson Mandela Museum, Constitution Hill Project, Sarah Baartman Centre of Remembrance, Khoisan Legacy Project, Freedom Park Project, Dulcie September Legacy Project, Matola Raid Memorial Project, Bhambathe Project and Albert Luthuli Annual Memorial Lecture.</u></p> <p><u>The heritage and cultural initiatives proposed in the River Club development takes the initiatives proposed by government and actualises them on privately owned land funded by the developer not with government budget.</u></p>

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
110.	Provisional protection of the River Club site in terms of Section 29 of the NHRA does not preclude any party making a NEMA / NHRA Section 38(8) application in the interim – "What is noted is that a s29 provisional protection does not preclude an applicant from making an application (indeed s29(10) of the NHRA makes provision for this)"	Noted.		
111.	HWC claim they are confused by the contention in the HIA that the interim ruling of the MEC tribunal released on 5 Feb 2019 enabled the integrated NEMA and NHRA process to continue. They state this was never the case as HWC has always contended the s38 could proceed		Paragraph 30 Paragraph 31	This might be the case but there were differing legal opinions and until this was stated on record by the legal advisor for HWC and confirmed in the MEC Directive – it was an unresolved issue- and one of the primary reasons we understand why the DEADP became an applicant appealing the s29 provisional protection order was that it was of the view that it was wasteful and unnecessary expenditure on the part of HWC to invoke a s29 order when a comprehensive s38 process was underway – and remains of this view and wanted to ensure this action was not repeated in the future. Their concern is borne out by the fact that despite invoking s29 almost 2 years ago, HWC has taken no steps under this section to consider if there is a heritage resource that requires protection from a threat – and failed to comply with the MEC Tribunal directive to remedy the procedural flaws.
112.	Following on Point 21 re the significance of "entire TRUP valley" that " This has been recognised and assessed in previous reports considered by HWC, a significant number of other stakeholders and indeed the Iacom and HWC itself in taking steps to provisionally protect the site in terms of s29 of the NHRA		Paragraph 63	HWC repeats that it took steps to provisionally protect the site, which we assume it reference to the entire TRUP area due to HWC's own assessment of its high significance. However, other than advertising a notice on intention in 2017 to provisionally protect- it did nothing more. So one has to question its intention in the first place and what is one to make of it then not proceeding to protect, if by its own claim it was of high significance
113.	HWC state the matter was appealed. "HOWEVER" it was procedurally flawed		Paragraph 28	The sentence is grammatically incorrect. The appeal was BECAUSE it was procedurally flawed AND appealed on merits. It is noted that on 7 Feb 2020 (being the third time the appeal resumed after being part heard) HWC has after almost 2 years failed to comply with the lenient Directive that called on HWC to "rectify" its procedural flaws

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
114.	<p>HWC claims the "meaningful engagement" process has been completed. And states that the S29 order remains in place.</p>		<p>Paragraph 29</p>	<p>HWC is however fully aware that at the MEC tribunal hearing on 6/7 Feb 2020 – the applicants and I&AP continued to argue that HWC had failed to engage meaningfully and further it remained a procedurally flawed order. So the statement of IACOM that in its view the "process is completed" is not factually correct, or biased in its incompleteness. Having not been present at the first day of the resumed part heard matter, HWC legal counsel acknowledged on the following day that the order remains fatally and procedurally flawed and confirmed that regardless of this that the order lapses on 21 April 2020, if not withdrawn due to the flaw. Notably in this 2 year period HWC has failed to undertake any investigation of its own into its own claimed broadly stated Significances of the site, being the so called basis for HWC imposing the order in the first place. And yet admonishes and criticises the specialist experts of the River Club despite the RC having undertaken at its own costs meaningful engagements with the First Nation Collective and producing extensive, independent research, investigations and reports from a wide field of specialist experts. Which HWC professes to have many disparaging opinions and views and recommendations on these reports, without providing any supporting specialist studies to back these views (save for vague references and reliance on "other stakeholders, or the community at large" sharing their views). IACOM should also be aware of the MEC tribunal process and in particular the case - SHAPA versus Aniston Hotel - brought to the attention of the parties at the hearing- which is a binding judgement of the high court of the Western Cape, which despite being an important decision of the courts, was apparently not known to the legal counsel of HWC. Settling out similar facts to the s29 order on RC and finding that the actions of the Council to be fatally flawed. HWC have asked time to consider the case and will respond on 13 March 2020 when the tribunal hearing is resumed. So for IACOM to state "it is accepted that the s29 provisional order remains in place" is misleading in absence of it setting out the full facts – and one questions their agenda for doing so.</p>
115.	<p>HWC is obliged, in terms of the provisions of s38(8) of the National Heritage Resources Act, (NHRA), to give consideration as to whether the evaluation of the impact of the development on heritage resources fulfils the requirements of the relevant heritage resources authority in terms of s38(3) of the NHRA. It is the unanimous view of the IACOM, being the delegated authority to issue comment on behalf of HWC in terms of s38(8), that the HIA as tabled does not comply with the provisions of s38(8).</p>	<p>Notwithstanding the difference in opinion on the identification and assessment of heritage resources presented in the HIA for the River Club, and noting the information provided in the supplementary report, it is the opinion of the heritage specialists that the legislative requirements of Section 38(3) of the NHRA are achieved in the HIA for the River Club (refer to Section B above: HIA Technical); and, given the considerable additional research and evaluation supplied in the Supplement, we trust that HWC will now accept that all of HWC's requirements regarding the impact assessment are now satisfied.</p>		

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
116.	The HIA is unlikely to comply with the provisions of s38(3) of the NHR Act until meaningful engagement with the First Nation Groupings has taken place, both on a broader level, and more immediate one in terms of the site itself	Refer to the response to item 53 regarding consultation with representatives of the First Nations for the broader area and the site. It should also be noted that HWC has accepted that all statutorily required processes for advertising and consultation have been satisfied.		
117.	<u>The supplement to the HIA and the First Nation report has not fully unpacked the significance of the site to the broad Community that has a recognised and direct deep and sacred linkage to the site through lineage and collective memory. The findings of the supplementary report assess the significance of the as limited. The committee does not concur with this finding</u>		<u>Paragraph 60</u>	<u>The heritage practitioners do not agree with the assertion that "the First Nation Report" "has not fully unpacked the significance of the site to a broad community", or that "it is limited". The practitioners are the opinion that the reports evidence the exact opposite. Simply because HWC does not agree with what the First Nation Collective has to say does not make what they say go away. HWC has not substantiated its opinion with any evidence as to (a) who they are referring to when they claim the views of the "broader community", nor have they interrogated I&AP claims to represent such communities. Whilst the TRUP and RC FN reports record the factual oral history of the identified First Nation groups that have a valid link to the site, and the engagement and consultation with these groups individually and as a collective by the social facilitator and the owner, IAcorn refuse to acknowledge the position of the majority First Nation groups and the FN groups that are linked to the land as recorded in these reports and in turn choose to selectively rely on the unsubstantiated opinions of a few individuals, in support of their opinion without HWC having engaged with the very FN groups whose opinions and oral narrative they dismiss as "limited"</u>
118.	<u>The concept of significance is broadly underpinned by authenticity. The values attributed to the site by stakeholders have not been carried through into the reports and have therefore not adequately informed the unique significance of the site and appropriate development indicators. This is a methodological problem that the HIA does not address</u>		<u>Paragraph 61</u>	<u>We do not agree that stakeholder's comments are not "carried through". Where the heritage specialists and First Nation Collective disagree with certain stakeholders' unsubstantiated views these are noted and explained why in the HIA. The Supplementary HIA from pages 15 (bottom) to page 19 sets out an explanation by the heritage practitioners as to why this statement is incorrect. Also refer to the response to item 6.</u>
119.	<u>It is noted that the applicants conducted an engagement with First Nation Groupings which culminated in the First Nation report submitted to HWC on 4 December 2019</u>		<u>Paragraph 96</u>	<u>Correct</u>
120.	<u>There are a number of problems with this report, namely:</u>		<u>Paragraph 97</u>	

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
121.	<p>a) <u>The scope of engagement resulted in a number of groups electing not to participate</u></p>		<p>Paragraph 97</p>	<p>Also refer to response to item 16. <u>Mr. Jenkins (representing the Goringhaicona and claiming to represent the Indigenous Xarra Restorative Justice forum) elected not to participate in the research for the River Club First Nations Report (possibly because he could not reconcile his conflict of interests):</u> <u>At the time of the TRUP and the River Club First Nations Reports, Tauriq Jenkins was also the Chairperson of the Observatory Civic Association (OCA) and the Two Rivers Urban Park Association (TRUPA). The First Nations Collective produced evidence of Mr Tauriq Jenkins, as chair of OCA, actively mobilising the Observatory Civic Association and the Rosebank and Mowbray Civic Association, against First Nation interests and aspirations.</u> <u>The First Nations are in possession of minutes of OCA meetings Chaired by Tauriq Jenkins, during the time of the River Club First Nation Report, where he committed to court action against the LSDF, despite him having been part of the First Nations who agreed to the First Nation aspirations.</u></p>
122.	<p>b) <u>The research process was contested by participants in the engagement</u></p>		<p>Paragraph 97</p>	<p>Refer above and to the response to item 16.</p>
123.	<p>c) <u>The impartiality of the research questions is not clear to the committee</u></p>		<p>Paragraph 97</p>	<p><u>The RC First Nation Report sets out clearly in the preamble what the "questions" were and flow from the outcome of the TRUP FN Report, and comply with the recommendation made by HWC regarding the First Nations engagement.</u> <u>Refer to Points 55 and 56:</u> <u>"It is a strong recommendation that in order to correct the inherent flaws in the HIA in this regard, that the River Club enter into a new engagement process with First Nations representatives or awaits the outcomes of the TRUP LSDF First Nations engagement process."</u> <u>"The HIA would benefit from input from a specialist consultant, with the requisite expertise in dealing with the intangible aspects pertaining to the wider TRUP area. This input would assist in focussing on, in particular, the strong sense of place and meaning of the site pertinent to the First Nation Representatives. It is a strong recommendation that a supplementary report from an expert in this field is incorporated into the HIA."</u></p>
124.	<p>d) <u>The methodology for the engagement does not appear to follow accepted oral history interviewing protocols (for example no ethical clearance forms were supplied)</u></p>		<p>Paragraph 97</p>	<p><u>The methodology followed is accepted oral history interviewing protocols.</u> <u>Mr Jenkins, who actively participated and signed-off individually and collectively on the TRUP First Nations Report, had no concerns with the methodology, nor did anyone else.</u> <u>Informed consent around purpose and use of information was obtained from all participants, in both the TRUP and River Club First Nations Reports.</u> <u>Good ethical protocols were followed. In some instances the anonymity of informants, in terms of specific statements, had to be protected (senior elderly chiefs of the First Nations Collective have been threatened with violence for supporting the development).</u></p>

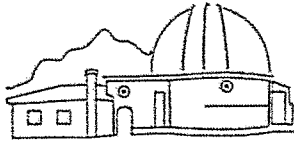
Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
125.	e) Confusion between this report and the DT&PW commissioned report bringing the ethics around the engagement into question		Paragraph 97	The TRUP First Nations report was completed and submitted in September 2019. After this date the contractual obligations between AFMAS and DT&PW was concluded. Following this date (in October 2019) AFMAS was appointed by the LLPT to build on this research for the River Club site in particular (on the recommendation of the First Nations Collective to the LLPT). It is therefore unclear a) where the confusion arises, and b) what the basis is for HWC's question of the ethics of the study.
126.	The issue of confusion with regard to the TRUP and First Nation Report was raised by DT&PW at the meeting of 28 January 2020 and a follow up letter to HWC		Paragraph 98	The LLPT have not been notified of any concern, and the statement made by the representative of DP&PW at the 28 Jan 2020 was not a concern: the LLPT saw it as a point of clarification that DP&PW only commissioned the first report and were not involved in the 2nd report.
127.	DT&PW are concerned at the conflation of what should be two separate reports and processes.		Paragraph 98	<p>The following (quoted from the interim comment dated 13 September 2019) indicates the IACoM's knowledge of DT&PW's intended engagement prior to the requirement for a First Nation Report:</p> <p>"It is noted that the DT&PW has now identified the lack of meaningful engagement with the First Nation Groups as being problematic in the wider TRUP baseline study, as has resolved to correct this, by entering into a new stakeholder process. It is the strong recommendation that in order to correct inherent flaws in the report in this regard, that the River Club does the same or awaits the outcome of that stakeholder process."</p> <p>The heritage practitioners do not agree that there is conflation, and the LLPT are not sure that DT&PW holds this view regarding conflation: the 2nd Report makes it very clear the "link" between the 2 reports and the reason therefor. Furthermore, HWC explicitly recommended (refer to point 55):</p> <p>"It is a strong recommendation that in order to correct the inherent flaws in the HIA in this regard, that the River Club enter into a new engagement process with First Nations representatives or awaits the outcomes of (the TRUP LSDF First Nations engagement) process"</p> <p>On this recommendation AFMAS was approached by the LLPT on the recommendation of some of the FN groups involved in the TRUP report to consider the outcome of their high level engagements through the TRUP process and how these could be implemented at RC site level.</p> <p>AFMAS was approached with the brief (which is outlined in the Report) as their work had been completed on the TRUP report, which was about to be made public. AFMAS was specifically approached for the very reason that, as the social facilitator, he had successfully managed to engage with the many FN groups in the TRUP process and asked to continue this engagement and take the findings of the TRUP report and see if these could be actualised on the RC site through engagement with the FN.</p> <p>It concerning that HWC has taken such an unsubstantiated negative approach to what we consider a very positive engagement process between the majority and relevant FN groups and the developer, finding common ground, which in the past was not possible. This positive step was without any assistance from HWC in any form – it appears that HWC prefer dissent to engagement for reasons unknown.</p>

Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
128.	As previously noted, the DT&PW itself has entered into a stakeholder engagement with First Nation Communities, as it recognised that the Baseline Study first tabled at IACOM on 12 April 2017 was deficient in this regard, and now seeks to rectify this. HWC queries as to what would be the point of this exercise, if the development of the most critical undeveloped land parcel is proceeding ahead of this process.		Paragraph 99	The heritage practitioners do not understand this issue raised at this stage, whilst they differ in opinion as to the RC being "the most critical undeveloped land", they nevertheless accepted the recommendation regarding further engagement with the FN. The TRUP engagement, however, has been completed and culminated in the TRUP FN Report, and so too has the RC FN Report been completed. If HWC are somehow now suggesting that the RC should wait for the further TRUP Baseline report/HIA, the specialists do not agree, nor understand why and who it benefits (not the FN). The view that HWC holds about the wider TRUP area has been responded to, and the FN issues in any event have been dealt with at overall TRUP level and now RC site level. It is noteworthy that the RC owner as a private developer has been the only party to date to take forward and implement in its design informants the desires and wishes of the FN. HWC as the heritage agency has provided no assistance in this regard and would apparently from the IACOM comments, prefer to keep the land undeveloped and without the memorialisation initiatives, which without development are not fundable.
129.	The engagement of interested and affected parties while undertaken in response to the interim comment dated 13 September 2019 still do not comply with section 38 (3)(e) of the NHR Act		Paragraph 100	The project team strongly disagree with this unsubstantiated view. Firstly, HWC has already acknowledged that in terms of the provisions of the PAJA (in so far as a formal notice and commenting procedure is concerned) that the report complies with this section. How then does the further and extensive engagement with the FN and other I&AP in the TRUP area not constitute compliance, or denigrate previous consultation to now be non-compliant. The heritage practitioners refer to the Conclusion of the supplementary report Par. 9 (e) in support of their view.
130.	HWC acknowledges that in terms of the provisions of the PAJA, (in so far as a formal notice and commenting procedure is concerned), that the report complies with this section.	Noted.		
131.	It is a place where almost all of the stages of South Africa's developmental history and policies are either embedded deep within this cultural landscape, or is viewed from		Paragraph 112	The conclusion is so vague to be without meaning and could apply to any piece of land, and simply ignores the heritage practitioners reports and the detailed Responses of the applicant, the specialist and the First Nation Collective
132.	It is a place where Cetshwayo and Langalibalele were exiled to		Paragraph 112	This history is not associated with the River Club site.
133.	The par 109 to 114 above illustrate that the HIA does not comply with the provisions of section 38(3) of the NHR Act and it is noted that until the issues as identified above are addressed the committee is not in a position to endorse the reports or the development proposal		Paragraph 115	This document and the Supplementary HIA and summarised conclusions from pages 29 to 30 sets out an explanation by the heritage practitioners as to why this conclusion of HWC is considered incorrect

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Item No.	Issues raised by HWC	Response to HWC Interim Comment contained in the HIA Supplementary Report	Reference to final comment	Response to HWC Final Comment
134.	<p><i>The committee reiterate the need for DEADP as the consenting authority to engage with HWC as the commenting Heritage authority on this matter before DEADP takes a decision on the final BAR</i></p>		<p>Paragraph 116</p>	<p>Noted</p>

"JA29"



OBSERVATORY
Civic Association

60 Trill Road
Observatory
7925
8th January 2021

The Appeal Authority
Western Cape Ministry of Local Government, Environmental Affairs and Development
Planning
Private Bag X9186
Cape Town
8000
DEADP.Appeals@westerncape.gov.za

Dear Mr Venter

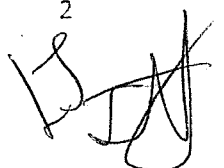
REQUEST FOR COMMENTS: APPEALS LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED FOR THE PROPOSED REDEVELOPMENT OF THE RIVER CLUB FOR MIXED USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF NO. 15326 AND ERVEN NO. 26169 – 26175, 26426 – 26427, 108936 AND 151832, OBSERVATORY

I write in response to the Minister's letter dated 10th December 2020 regarding the Observatory Civic Association appeal against the Environmental Authorisation granted to the developers of the River Club as referenced above. The Minister, as the appeal authority, wrote to all appellants to invite comment on the matter of an application by the Department of Public Works and Transport to set aside certain parts of the Ministerial Appeal Tribunal decision regarding the Provisional Protection Order issued by Heritage Western Cape in April 2018.

The Minister invited appellants in the matter of the award of the EA to be given an opportunity to make additional representations to our Appeal "in light of the new information that has come to the fore."

I wish to state the following on behalf of the Observatory Civic Association.

1. The deadline given for comments was the 8th January 2021. It is not acceptable to expect appellants to negotiate these documents over the festive season holidays. As a matter of procedural fairness, having to read lengthy court papers and prepare responses over the period when people are extremely busy, travelling or, more recently, subject to severe COVID-19 lockdown, it not consistent with fair administrative process.
2. As such, please consider this letter a provisional comment and more lengthy comment will follow later, as invited by the Minister's statement that if we are not "able to submit the representations within the stipulated period" then we "must inform the Environmental and Planning Appeals Coordinator in writing before the end of this period."
3. The concise motivation is as follows:
 - a. The communication was received in December while many businesses and operations were in the process of effecting year-end closures and were fully occupied. For example, as an academic at UCT, my students wrote their exams on the 9th December (thanks to a late academic year because of COVID-19) and I was preoccupied with marking through the next week. I was not able to review the documentation before vacation.
 - b. It is only reasonable that the public are given fair opportunity to review complex documents.
 - c. I therefore indicate that if the original communication expected four weeks for comment, that should be feasible from today, being the 5th. I will submit such comments by 31st January 2021.
4. Notwithstanding the above, my comments on behalf of the OCA are as follows:
 - a. The basis for the court challenge by the DPWT to the Heritage Appeal Directive must remain hearsay until the court makes a finding on the Directive. Until the High Court has pronounced on the matter, whatever emerged from that Tribunal and the Directive remains directly relevant to the appeal decision.
 - b. It is unclear why the Appeal Authority in the EA has now brought into question the veracity of the Tribunal directive and linked this to the court case. For that reason, I do not believe the Appeal Authority can proceed with deciding on the Appeal until that High Court matter has been decided. Should any party to the appeal dispute any finding of the Tribunal Directive and such dispute is considered by the Appeal Authority, it would seem the Appeal Authority is allowing the process to be prejudiced by parties who disagree with the findings of the Tribunal, before any court has pronounced on the matter.
 - c. This is highly irregular from a procedural point of view and would open any appeal decision to review itself.
5. I am therefore of the view that, having asked for comments, the Appeal Authority must now await the outcome of the High Court review before making a decision about the appeal.

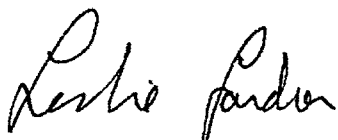
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I also draw the Appeal Authority's attention to a related matter but not to do with the DPWT application for review. I refer to the email sent from the Minister to HWC on the 26th November 2020 in which the CEO of Heritage Western Cape was asked to furnish your office with reasons why the developer's heritage impact assessment did not comply with section 38(3) of the National Heritage Resources Act 25 of 1999. The OCA considers this request to be an attempt to cure a fatal defect made by the competent authority when granting the environmental authorisation in the knowledge that the heritage impacts of the development were unknown to him / her.

This request evinces yet another reason why it will be irregular if you proceed to consider the appeal against the environmental authorisation before the review of the decision of Heritage Western Cape has run its course through our Superior Courts.

I would appreciate your confirmation of receipt of this communication.

Yours sincerely



Leslie London
OCA Chair



Nick Smith

From: Jody Aufrichtig <jody@orangestreet.co.za>
Sent: 08 January 2021 04:30 PM
To: Mathew SRK; Michelle Couzyn-Rademeyer; Nick Smith
Subject: Fwd: Request for Comment: Appeals: Environmental Authorisation: Redevelopment of the River Club, Observatory
Attachments: OCA letter in response to DPWT High Court review.pdf

----- Forwarded message -----

From: Leslie London <leslie.london@uct.ac.za>
Date: Fri, 08 Jan 2021 at 16:25
Subject: Request for Comment: Appeals: Environmental Authorisation: Redevelopment of the River Club, Observatory
To: DEADP Appeals <DEADP.Appeals@westerncape.gov.za>
Cc: Jody Aufrichtig <jody@orangestreet.co.za>, Andrew Whaley <playmakerabroad@yahoo.co.uk>, bonnieauret@telkomsa.net <bonnieauret@telkomsa.net>, Bidy Greene <fbgreene@mweb.co.za>, Ceoheritage <Ceoheritage@westerncape.gov.za>, Catherine Palmer <catpalmer@hotmail.co.uk>, edgyhart@polka.co.za <edgyhart@polka.co.za>, Keith Wiseman <Keith.Wiseman@capetown.gov.za>, ceveratt@eris.co.za <ceveratt@eris.co.za>, Colleen Hart <colleen.edgyhart@gmail.com>, Penelope E Meyer <Penelope.Meyer@westerncape.gov.za>, Kari Cousins <projects@spiritofafrica.co.za>, liziwe@mweb.co.za <liziwe@mweb.co.za>, chair@obs.org.za <chair@obs.org.za>, petri@sao.ac.za <petri@sao.ac.za>, enquiries@sao.co.za <enquiries@sao.co.za>, Sarah Driver-Jowitt <driver_jowitt@hotmail.com>, Simon Birch <simon@visser.archi>, Cape Institute for Architecture <info@cifa.org.za>, tauriqishere <tauriqishere@gmail.com>, Terna Gyuse <atsilut@gmail.com>, Tony Greenwood <TGreenwood@oldmutual.com>, Trevor Hughes <tghughes@gmail.com>, Marc Turok <marcturok@gmail.com>

Dear Mr Venter

Please find attached

Confirmation of receipt will be appreciated

Thank you

Leslie London

Observatory Civic Association

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Issues and Responses Summary: Authority and Institutional Stakeholders' Issues Summary on River Club Pre-Application BAR and Project Team Responses

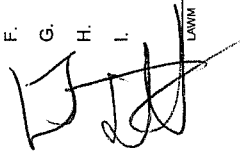
The following tables include a summary of issues that were raised by authority and institutional stakeholders (refer to Appendix F5), and project team responses to those issues.

Authorities, institutions and organisations that commented on the pre-application BAR are as follows::

1. S Bergoff – City of Cape Town (CoCT) Urban Planning and Design (UPD) – 16 September 2019
2. R Clarke – CoCT Environmental and Heritage Management (EHM) – 16 September 2019
3. B de Wet and C Bouland - CoCT Catchment, Stormwater and River Management (CSR) - 16 September 2019
4. T Faragher - CoCT Resilience Branch - 16 September 2019
5. G Adams – Department of Environmental Affairs and Development Planning (DEA&DP) Waste Directorate - 5 August 2019
6. G Swanepoel – Department of Transport and Public Works (DTPW) Road Network Management - 17 October 2019
7. N Noqhamza – Department of Water and Sanitation (DWS) - 15 August 2019
8. Z Brown – DEA&DP Pollution & Chemicals Management - 4 September 2019
9. C Clark – Pinelands Ratepayers and Residents Association (PRRA) – 15 September 2019
10. H McComb – Oude Molen Eco-Village - 15 September 2019
11. C Erlank - CoCT Solid Waste Management - 6 September 2019
12. S Birch – Rosebank & Mowbray Planning & Architectural Committee (RAMPAC) – 16 September 2019
13. T Jobson and J Eastman – Friends of the Rondebosch Common (FRC) – 16 September 2019
14. T Jenkins – Observatory Civic Association (OCA) – 16 September 2019
15. T Hughes – Friends of the Liesbeek (FOTL) – 16 September 2019
16. Prof. Vaisanen – South African Astronomical Observatory (SAAO) – 16 September 2019
17. K Adriaanse – DEA&DP Development Management – 16 September 2019
18. T Jenkins and M Turok – Two Rivers Urban Park Association (TRUPA) – 16 September 2019
19. J Jackson - Goringhataqua Cultural Council (GCC) – 20 August 2019
20. P de Almeida and B Mwasinga – South African Heritage Resources Agency (SAHRA) – 19 September 2019
21. T Jenkins - Goringhatacona Khoi Khoi Indigenous Traditional Council (GKKITC) – 1 October 2019
22. R Smart – CapeNature - 23 September 2019

Issues raised are categorised as follows:

A. Planning:	Page 3
B. Project Description:	Page 13
C. Urban Design, Design and Layout:	Page 21
D. Need and Desirability:	Page 22
E. Noise:	Page 25
F. Services and Engineering (General):	Page 25
G. Waste:	Page 26
H. Bulk Water Supply:	Page 27
I. Water Availability / Use:	Page 28



J. Sewerage:	Page 28
K. Electricity:	Page 30
L. Stormwater:	Page 30
M. Hydrology and Flooding:	Page 32
N. Climate Change:	Page 34
O. Traffic, Parking, Public Transport and NMT	Page 34
P. Construction Phase Environmental Management:	Page 37
Q. Operations Phase Environmental Management:	Page 39
R. Groundwater:	Page 39
S. Biodiversity:	Page 40
T. Socio-economic:	Page 45
U. Heritage:	Page 48
V. Visual and Sense of Place:	Page 69
W. General:	Page 73
X. Authorisations:	Page 75
Y. Public Consultation:	Page 75
Z. Reporting Technical:	Page 75



LWMM

U. Heritage

No	Issues	Stakeholder	Response
U. Heritage of the Site and Assessment			
390.	The site, and the wider TRUP area is of exceedingly high cultural significance (of Provincial or even National significance)	Waseefa Dhansay Heritage Western Cape (HWC); Impact Assessment Committee (IACom) Ben de Wet and Candice Bouland CCT Catchment, Stormwater and River Management (CSRM)	The history of the broader area is comprehensively described in Section 4 of the HIA, and includes a history of: <ul style="list-style-type: none"> • Khoekhoe groups occupation and use of the area for grazing; • The importance of the rivers to the history of the area; • Conflict between Khoekhoe groups and Europeans settlers; • The defensive line established by the Dutch; • The agricultural use of the Liesbeek River catchment by the Dutch; and • Residential, commercial, and industrial encroachment on the agricultural and riverine floodplain and landscape. Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA). The HIA confirms that the cultural significance of the area is derived from "the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers". Although HWC's assessment of "National or Provincial" significance of the "TRUP" is noted, it should be borne in mind that this is a planning boundary, and with the exception of the river courses (which themselves are much changed), much of the history that derives the cultural significance of the site extends over a far broader area. In this regard, on 15 October 2019, the Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a "TRUP First Nations Report" (AFMAS Solutions, 2019). Following the TRUP First Nations Report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) to:
391.	The open space landscape of TRUP has intangible heritage value because of its association with the pre-colonial and early colonial history of our City	Prof. Vaisanen SAAO	<ul style="list-style-type: none"> • Understand the significance of the River Club site to the First Nations by identifying indigenous intangible cultural heritage specific to the River Club; • Locate the River Club site within the indigenous narrative of the broader TRUP cultural landscape; • Identify First Nation aspirations with regard to indigenous cultural heritage and the River Club site; and • Make recommendations for the implementation of the key recommendation of the TRUP First Nations report, specifically: "Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning".
392.	There is significant intangible heritage associated with the site	Hudson McComb Oude Molen Eco-Village Prof. Vaisanen SAAO P de Almeida and B Mwasinga SAHRA	<ul style="list-style-type: none"> • Given that the entire TRUP project area was part of the historic indigenous landscape, each of the precincts that make up TRUP has a measure of indigenous cultural heritage; • The River Club site is a small part of a much larger TRUP cultural landscape that extends to approximately 300 hectares; • The extent to which the site bears testimony to its indigenous cultural heritage, is determined by the amount of indigenous cultural capital assigned to the site; • First Nation informants concurred that the Two Rivers local area was the dominion of the Goringhqua, Battle of Goringhqua, Colonial-settler 'grilegem', or resistance to grilegem, can be attributed specifically to the River Club site; • No tangible or intangible reference has been made to the Goringhqua having settled specifically on the River Club site; • No specific act of resistance, battle or encounter, whether tangibly manifested or intangibly articulated, have been attributed specifically to the River Club site; • Although mostly a wetland and therefore of low functional use value, the River Club site was most likely part of an early precolonial landscape from which the indigene was displaced and/or precluded from having access to; • The site is not a burial ground; • The site was not used as a pre-colonial river crossing; • The Liesbeek River is an important heritage resource in the broader landscape, and its rehabilitation / naturalisation is supported by the First Nations Collective / would be a cultural benefit; and • The First Nations narrative should be acknowledged, embraced and celebrated in design and planning for the River Club.
393.	Importance should be granted to the intangible heritage significance of the entire Liesbeek Corridor.	Prof. Vaisanen SAAO	The heritage specialists on the project team therefore attest that the heritage resources identified in the HIA for the River Club site do include the broader area, and are mirrored / confirmed by the First Nations historical account / narrative.
394.	Disregarding the living-heritage related to the site means that the research and assessments conducted were not holistic in their approach and therefore, partial. SAHRA therefore disagrees that the River Club site is of low heritage significance and acknowledges the site's deep and sacred connection to the First Indigenous communities	P de Almeida and B Mwasinga SAHRA	The project team are not aware of such a proposal from UNESCO.
395.	UNESCO may consider this (/ TRUP) a global heritage site	Carol Clark PRRA Hudson McComb Oude Molen Eco-Village	

No	Issues	Stakeholder	Response
396.	Just because tangible archaeological evidence of significance Khoi presence at the site has been destroyed (e.g. middens by the golf course), does not mean that the heritage significance does not remain	Tauriq Jenkins OCA T Jenkins and M Turok TRUPA	<p>Key findings of First Nations studies, as they relate to the River Club, are as follows:</p> <ul style="list-style-type: none"> Given that the entire Two Rivers local area project area was part of the historic indigenous landscape, each of the precincts that make up TRUP has a measure of indigenous cultural heritage; The River Club site is a small part of a much larger TRUP cultural landscape that extends to approximately 300 hectares; The extent to which the site bears testimony to its indigenous cultural heritage, is determined by the amount of indigenous cultural capital assigned to the site; First Nation informants concurred that the Two Rivers local area was the dominion of the Gorinhatqua; No cross-culting, narrative-defining event for any of the strands of the indigenous narrative; be it, the dominion of the Gorinhatqua, Battle of Gorinhatqua, Colonial-settler 'grilagem', or resistance to 'grilagem', can be attributed specifically to the River Club site; No tangible or intangible reference has been made to the Gorinhatqua having settled specifically on the River Club site; No specific act of resistance, battle or encounter, whether tangibly manifested or intangibly articulated, have been attributed specifically to the River Club site; Although mostly a wellland and therefore of low functional use value, the River Club site was most likely part of an early precolonial landscape from which the indigene was displaced and/or precluded from having access to; and The site is not a burial ground.

No	Issues	Stakeholder	Response
397.	The HIA has not placed the River Club site within the context of the wider TRUP in terms of its heritage significance	Waseefa Dhansay HWC: IACoM	After reporting the history of the broader area, the HIA: <ul style="list-style-type: none"> Confirms that "the area in which the River Club is situated is historically important for the role it played in the distant past", and Places the site "within the core of this early contested landscape" (see Section 4.5 of the HIA) and within an "associative cultural landscape" with definable/known historical associations of great socio-political import.
398.	The significance of the cultural landscape requires further consideration in the Heritage Impact Assessment (HIA)	Mark Bell CoCT Environmental Department (EMD)	In addition, on 15 October 2019, the Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a "TRUP First Nations Report" (AFMAS Solutions, 2019). Following TRUP First Nations Report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) to:
399.	TRUP is of at least Grade II heritage significance, if not higher	Waseefa Dhansay HWC: IACoM	<ul style="list-style-type: none"> Understand the significance of the River Club site to the First Nations by identifying indigenous intangible cultural heritage specific to the River Club; Locate the River Club site within the indigenous narrative of the broader TRUP cultural landscape;
400.	TRUP as a whole could be regarded as one of the single most historically significant sites in the Country	Waseefa Dhansay HWC: IACoM	<ul style="list-style-type: none"> Identify First Nation aspirations with regard to indigenous cultural heritage and the River Club site; and Make recommendations for the implementation of the key recommendation of the TRUP First Nations report, specifically: "Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning".
401.	The development will lead to an unacceptable impact on heritage resources	Carol Clark PRRA Hudson McComb Oude Molen Eco-Village Simon Birch RAMPAC Tauriq Jenkins OCA T. Jenkins GKKITC T. Jenkins and M Turok TRUPA Ronelle Clarke CoCT EHM – 7.1.2	<p>Key findings of these studies, as they relate to the River Club, are as follows:</p> <ul style="list-style-type: none"> Given that the entire TRUP project area was part of the historic indigenous landscape, each of the precincts that make up TRUP has a measure of indigenous cultural heritage; The River Club site is a small part of a much larger TRUP cultural landscape that extends to approximately 300 hectares; which in turn is a small portion of the landscape of the Liesbeek River Valley. The extent to which the site bears testimony to its indigenous cultural heritage, is determined by the amount of indigenous cultural capital assigned to the site; First Nation informants concurred that the Two Rivers local area was the dominion of the Gornihaiqua; No cross-cutting, narrative-defining event for any of the strands of the indigenous narrative; be it, the dominion of the Gornihaiqua, Battle of Gornihaiqua, Colonial-settler 'grilagem', or resistance to 'grilagem', can be attributed specifically to the River Club site; No tangible or intangible reference has been made to the Gornihaiqua having settled specifically on the River Club site; No specific act of resistance, battle or encounter, whether tangibly manifested or intangibly articulated, have been attributed specifically to the River Club site; Although mostly a wetland and therefore of low functional use value, the River Club site was most likely part of an early precolonial landscape from which the indigene was displaced and/or precluded from having access to; The site is not a burial ground; The site was not used as a pre-colonial river crossing; The Liesbeek River is an important heritage resource in the broader landscape, and its rehabilitation / naturalisation is supported by the First Nations Collective / would be a cultural benefit; and The First Nations narrative should be acknowledged, embraced and celebrated in design and planning for the River Club.
402.	As a site of conflict alone, it is queried for argument's sake, had this site had similar particular meaning and significance to other South African Cultures and Communities, such as a "Blood River", "Isandlwana", "Rourke's Drift", "Spioen Kop", or even the Battle of Blouberg site, to use a more nearby example, would there even be consideration of them being sites that could be developed at all, let alone in the manner of any of the mega project alternatives.	Waseefa Dhansay HWC: IACoM	<p>Following these studies, the heritage specialists remain of the opinion that the Two Rivers local area is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious heritage significance, noting that:</p> <ul style="list-style-type: none"> The site is entirely an infill site, and certainly reclaimed from wetlands before 1934 and iteratively reshaped since then. The valley (or floodplain) in which the site is located, although an important component of the Liesbeek River as a landscape, has been transformed by urban development of various sorts; The site is relatively small, comprising only 5% of the Two Rivers local area; No tangible heritage relics or resources occur on the site; and No historic events are attributed to the have occurred at the site.
403.	SAHRA disagrees that the River Club site is of low heritage significance and acknowledges the site's deep and sacred connection to the First Indigenous communities, its important 20th-century history, its Sense of Place for Cape Town communities, and ecological importance as a green lung (making the site of high heritage significance)	P de Almeida and B Mwasinga SAHRA	<p>The HIA does, however, find that the Liesbeek River is a tangible heritage resource that remains in this transformed landscape, is a potentially strong symbol of past events, reflects the history and significance of the area, is a common thread and the significant heritage resource that links the River Club, the Two Rivers local area and the broader environs more generally, and is worthy of heritage protection. The HIA recommends the restoration and memorialisation of the river course and confluence.</p>
404.	The site is of great heritage significance to people of the First Nations / the site is sacred	Tim Jobson and Joanne Easiman FRC Prof. Vaisanen SAAO T. Jenkins and M Turok TRUPA J Jackson GCC P de Almeida and B Mwasinga SAHRA	
405.	The TRUP area is of indisputable historical, cultural and spiritual significance to the Gornihaiqua and their descendants.	J Jackson GCC	

No	Issues	Stakeholder	Response
406.	The River Club is situated within this important precinct. The Goringhaqua Cultural Council supports development on the site in principle and will engage with the EIA/HIA process until finalised.	J Jackson GCC	
407.	The Confluence Flood Plain areas, known to be open space Cultural Sacred Ancestral Landscapes, simply need to be recognised for their contextual historical Heritage	T Jenkins and M Turok TRUPA	The HIA recommends the restoration and memorialisation of the river course and confluence (due to their heritage significance), and the site is not considered "sacred" to the First Nations collective. The recognition of the indigenous history of the area (including the river and confluences) forms part of the development description.
408.	Tail buildings at the confluence of the Liesbeek and Black Rivers will detract from the heritage value of this site (the confluence)	Hudson McComb Oude Molen Eco-Village Tauriq Jenkins OCA T Jenkins GK/ITC	This opinion is noted, and although considered predominantly a visual issue by the heritage practitioners, a significance impact on "the change in historical character of the site" has been assessed in the HIA and BAR, and reported as such.
409.	The HIA has not taken the following criteria listed in Section 3(3) of the NHRA into account in considering whether the site is of heritage significance: <ul style="list-style-type: none"> Is considered to have cultural significance to the community; Could yield information about heritage; and Is important in exhibiting particular aesthetic characteristics valued by a cultural group. 	Waseela Dhansay HWC: IACoM	These opinions are noted, but contested as follows: <ul style="list-style-type: none"> The HIA acknowledges stakeholders' views on the significance of the landscape as a heritage resource but argues that but this significance is associative and has no clear or defined place or focus, or even any physical characteristics other than being rooted here in this general location on the floodplain of the Liesbeek River, and that the heritage of the area cannot be destroyed (see above, and especially response to item 497). Rather, and in this context, the HIA suggests that the development of the River Club site is an opportunity for the articulation or making public, even celebration, of the significance of the place and of its historical associations. This opinion is shared by the First Nations Collective. No tangible elements of the history of the broader area remain at the site, and the site is either entirely or almost entirely an infill site, it is therefore unlikely that the site could yield information about heritage. Nevertheless, chance-find procedures would be implemented should construction proceed. The HIA acknowledges that stakeholders value the "openness" in the sense of place of the floodplain, as well as the views from within and across the floodplain, but noting that no cross-cutting, narrative-defining event, battle or encounter is attributed to have taken place at the site, and that no intangible reference to such an event having taken place at the site is made (see above, and especially response to item 497), the authors of the HIA argue that while the development may lead to a significant visual impact, is of relatively low heritage significance: "whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes".
410.	The values attributed to the site by the stakeholders have not been carried through into the report and have therefore not adequately informed the unique significance of the site and appropriate development indicators	Waseela Dhansay HWC: IACoM	
411.	SAHRA notes that the City of Cape Town's Spatial Planning & Environment Management Department comment and the TRUP have not been taken to account in concluding the assessment of the site.	P de Almeida and B Mwasinga SAHRA	
412.	There is a great opportunity to celebrate the First Nation people of South Africa on this site	Tamsin Faragher CoCT Department T Jenkins GK/ITC	The heritage specialists and First Nations Collective share this opinion and suggest that the development of the River Club site is an opportunity for the articulation or making public, even celebration, of the significance of the place and of its historical associations.
413.	The HIA has downplayed the open low-lying green riverine character of the site which contributes to the intangible heritage experience	Waseela Dhansay HWC: IACoM	The site is located in a significantly transformed floodplain between even more radically transformed land, is degraded and will be further affected by the future development of the Berkley Road extension. Nevertheless, the HIA acknowledges the role that the 'openness' of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain, but argues that while this may be a significant visual impact, is of relatively low heritage significance: "whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes".
414.	Section B2 of the BAR underreports the significance of the open valley landscape / topography	Simon Birch RAMPAC	The HIA suggests that the development of the River Club site is an opportunity for the articulation or making public, even celebration, of the significance of the place and of its historical associations (i.e. its intangible heritage). This opinion is shared by the First Nations Collective.
415.	The cultural landscape on which the site forms part is of high heritage significance because of its topography, hydrology, built environment, open space, etc. and is given insufficient recognition in the HIA / the high heritage significance of the valley of which the site forms part has been overlooked in the HIA	Mark Bell CoCT EMD Simon Birch RAMPAC Tauriq Jenkins OCA T Jenkins and M Turok TRUPA P de Almeida and B Mwasinga SAHRA	Regarding the visual impact on sense of place, it is acknowledged that although ~65% of the site will be retained as open space, due to its location at the confluence of the Liesbeek River and Black River, and long-term status of the site as a green open space, the change in character may be experienced as a strong visual contrast for surrounding (urban) receptors, and the (negative) impact of a change in sense of place will be of high significance, reduced to low with the implementation of key mitigation.
416.	The significance of the impact of the change in sense of place and cultural landscape of the site will be more severe than "low" as reported in the HIA (and BAR)	Mark Bell CoCT EMD	

No	Issues	Stakeholder	Response
417.	What has been missed or avoided by the professional team throughout this proposed development process is that the historic usage/settlement of the Peninsula (from precolonial onwards to the current day) has been determined by the topography of the area – the mountain, the valley lines and the sea.	Simon Birch RAMPAC	
418.	Developing in the valley (of heritage significance) is totally contrary to responsible planning, environmental, heritage and urban design principles	Simon Birch RAMPAC	
419.	While the valley line of the Liesbeek River is not dramatic, it is still readily identifiable in the topography of the area as a valley corridor with strong place-making associations.	Simon Birch RAMPAC	
420.	Many parties (including HWC, the Attwell, Bauman, and O'Donoghue reports, as well as that of a considerable number of public and governmental stakeholders, including the SAAO, DTPW, and the CoCT EMB) argue that the site has a positive sense of place, and these opinions carry weight in the determination of the value of the site's sense of place	Waseefa Dhansay HWC: IACOM	It is assumed that people derive a positive sense of place from the site, and it is acknowledged that although ~65% of the site will be retained as open space, due to its location at the confluence of the Liesbeek River and Black River, and long-term status of the site as a green open space, the change in character may be experienced as a strong visual contrast for surrounding (urban) receptors, and the (negative) impact of a change in sense of place will be significant. It is also significant that almost all commentators accept that the River Club site could, even should, be developed; and any form of development will transform the sense of place referred to here.
421.	SAHRA ... acknowledges the site's its Sense of Place for Cape Town communities	P de Almeida and B Mwasinga SAHRA	
422.	The statement that the impact on the site's sense of place is "dependent of the personal aesthetic and values of the observer" is not supported.	Waseefa Dhansay HWC: IACOM	Most academic studies attribute sense of place to the history, values, perceptions and preferences of the observer. The VIA for the development reports the relationship to place on the following basis: <ul style="list-style-type: none"> • Biographical (historical and familial); • Spiritual (emotional, intangible); • Ideological (moral and ethical); • Cognitive (based on choice and desirability); • Narrative; and • Dependent.
423.	The statement that the sense of place has already been transformed iteratively over the past 80 years, does not make it acceptable to destroy what remains.	Waseefa Dhansay HWC: IACOM	Although a change in sense of place is anticipated and has been assessed as a negative impact of the project, the opinion that the development will destroy the sense of place of the broader area is rejected on the following grounds: <ul style="list-style-type: none"> • Whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes; • The development will include high quality open spaces (~65% of the site), and views through the site have been retained where possible; • There are very extensive open space areas in the immediate vicinity, comprising active open spaces such as sports fields and passive open spaces including parks and environmental areas; • Within the greater the Two Rivers local area there remain very large areas in public ownership which cannot be developed and (along with open spaces that have been included in the development proposal) will continue to form part of the public open space system; and • The proposal is to restore and celebrate the history of the Liesbeek River and site, and to celebrate the history of the First Nations people (enhancing the narrative sense of place to these people and the broader public); • The very sense of place referred to is degraded and the development proposed enables the restoration of the sense of place referred to, even if significantly interrupted.

No	Issues	Stakeholder	Response
424.	It is problematic that the character of the site is changed from a low-lying green riverine character as part of a larger, if fragmented natural system	Waseela Dhansay HWC: IACoM	<p>Although an ecological benefit from the development is anticipated (i.e. habitat quality and connectivity in this "fragmented natural system" would be enhanced), impacts on the sense of place, and historical character of the site have been assessed in the HIA and found to be significant. Notwithstanding the site's current role in the open space system and anticipated change in character as assessed, it does not necessarily mean to say that development of the site should be precluded. In this regard, and relating to open space specifically, it should further be noted that:</p> <ul style="list-style-type: none"> • The heritage specialists argue that while the development may lead to significant visual impacts, transformation of the site's character is of relatively low heritage significance. • The development will be publicly accessible, ~65% of the site would be retained as open space if developed as proposed, and ~25% of the site would be made available for recreational activities in open space areas - the open space provided is considered sufficient for a development of this nature. • The development would allow the public to enjoy open space vistas associated with the Raapenburg Bird Sanctuary more meaningfully. • The wider open space system of which the site forms part contains campus style development (e.g. Observatory and Valkenberg). These institutions illustrate that development can be accommodated within the Two Rivers local area, provided that pockets of green space and ecological connectivity are retained (as per the development proposal). • There are very extensive open space areas in the immediate vicinity, comprising active open spaces such as sports fields and passive open spaces including parks and environmental areas. • Within the greater Two Rivers local area there remain very large areas in public ownership which cannot be developed and (along with open spaces that have been included in the development proposal) will continue to form part of the public open space system. • Considerable social (as well as heritage and ecological) benefits are anticipated from extending the public movement corridor along the "new" Liesbeek River corridor should the Riverine Corridor Alternative be selected for development. • Considerable heritage benefits are anticipated by memorialising the history of the First Nations people at the site.
425.	There is a disconnect between First Nations' understanding of heritage resources (and significance) and the applicants' understanding	Waseela Dhansay HWC: IACoM	<p>While a difference in opinion between First Nations groupings is noted, the historical record for the broader area presented in the HIA is generally not contested, and aligns with the heritage significance of the area reported by the First Nations Collective (Section 1(i) of River Club First Nations Report):</p> <ul style="list-style-type: none"> • First Nations people resided (most unlikely on the site) in or grazed their herds in the area prior to European colonialization; and • That the broader area is a site of contestation, dispossession and resistance.
426.	The BAR and HIA fail to recognise the heritage significance of the site as the site of the first displacement of indigenous people in South Africa	T Jenkins GKKITC	<p>Based on interviews, it is evident that the First Nations collective concur with the authors of the HIA that the entire TR area was part of the historic indigenous landscape, and that each of the precincts that make up the TR area have a measure of inherent indigenous cultural heritage, but that the heritage significance of each precinct that makes up the TR area is not universal, but is determined by the tangible and intangible cultural elements which are precinct specific, or cut across two or more precincts. In this regard, engagement with the First Nations Collective has confirmed that "no cross-culturing, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site" (Section 2(D) of River Club First Nations Report and see response to item 497), but that the Liesbeek River is an important heritage element in the broader landscape (see Section 2(G) of River Club First Nations Report).</p>
427.	The intention to construct facilities for commercial enterprise on this culturally significant site shows a gross insensitivity and disrespect to the Khoi.	T Jenkins GKKITC	<p>The First Nations collective further:</p> <ul style="list-style-type: none"> • Aspire towards the restoration of the Liesbeek River as an important connecting heritage element of the broader landscape; • See the development of the site is an opportunity for the articulation and celebration of the significance of the place and of its historical associations to First Nations people; and • Value this opportunity more deeply than the conservation of an open area (for golf or other recreational activities) with no tangible connection to their heritage. <p>The assertion that there is a disconnect between the HIA and First Nations' understanding of heritage resources (and significance) is therefore rejected by the specialist team.</p>
428.	The HIA downplays the Goringhaicona Khoi Khoi history	T Jenkins GKKITC	<p>After re-reporting the history of the broader area, the HIA:</p> <ul style="list-style-type: none"> • Confirms that "the area in which the River Club is situated is historically important for the role it played in the distant past"; and • Places the site "within the core of this early contested landscape" (see Section 4.5 of the HIA) and within an "associative cultural landscape" with definable known historical associations of great socio-political impact.
429.	There is a disjuncture between the initial acknowledgement of the historic significance of the site and wider environs and the actual identification and mapping of the heritage resources	Waseela Dhansay HWC: IACoM	<p>Nevertheless, it is the opinion of the heritage practitioners who compiled the HIA (and others) that the Two Rivers local area is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious tangible heritage significance, noting that (see above, and especially response to item 497):</p> <ul style="list-style-type: none"> • The site is either entirely or mostly an infill site reclaimed from wetlands; • Much of the history that derives the cultural significance of the Two Rivers local area extends over a far broader spatial scale; • The valley (or floodplain) in which the site is located, although an important component of the Liesbeek River as a landscape, has been transformed by urban development upstream and downstream of the site; • No tangible heritage relics or resources occur on the site; and • No historic events are attributed to the have occurred at the site.
430.	(The identification of heritage resources) and diagrams ignore the significance (of the site) already identified in previous studies, public comments, HWC, and the historical significance of the site as tabled in part 7.1.2 of the current HIA report itself	Waseela Dhansay HWC: IACoM	<p>Therefore, while the HIA acknowledges the role that the "openness" of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain (which are comprehensively assessed in the VIA), it argues that this openness and these views are of low heritage significance. "Whether the site is developed or otherwise, it will always have a history which does not manifested on the ground and cannot be destroyed by physical changes". This view is supported by the First Nations Collective: "no cross-culturing, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site" (Section 2(D) of River Club First Nations Report). It is on this basis that the heritage practitioners defend their assessment (and mapping) of heritage significance of the site and immediately adjacent areas (also refer to Sections 4 and 5 of the HIA Supplementary Report).</p>
431.	The HIA states that "River Club site and its surrounds to be of very high environmental/topographical/ecological and historical significance both as the floodplain of the Liesbeek River and as a part of the place of early confrontations between indigenous peoples and settlers", and on the other hand, it states that the River Club itself is of low significance (p117).	Waseela Dhansay HWC: IACoM	<p>This is not correct - the HIA (including mapping) assigns a low heritage significance to the remaining portion of the floodplain between the two rivers. Also refer to response to item 430 regarding the assessment and mapping of heritage significance of the site, and Sections 4 and 5 of the HIA Supplementary Report.</p>
432.	On p5 the HIA states that "the Liesbeek River corridor, if recovered and restored to full ecological functioning and given meaningful presence, should be recognised as a heritage	Waseela Dhansay HWC: IACoM	<p>This is not correct - the HIA (including mapping) assigns a low heritage significance to the remaining portion of the floodplain between the two rivers. Also refer to response to item 430 regarding the assessment and mapping of heritage significance of the site, and Sections 4 and 5 of the HIA Supplementary Report.</p>

No	Issues	Stakeholder	Response
	resource and be declared to be a provincial heritage site.* But at the same time, the HIA gives no significance to the floodplain between the rivers.		
433.	The tangible aspects of the river are not the only heritage resources which should be mapped and identified – the rivers and the River Club site are an integral part of a much wider and highly significant system.	Waseefa Dhansay HWC: IACoM	There are no tangible elements of the history of the site which remain, and therefore all heritage significance attributed to the site (with the exception of the Liesbeek River) derives from its intangible history. Also refer to response to item 430 regarding the assessment and mapping of heritage significance of the site, and Sections 4 and 5 of the HIA Supplementary Report.
434.	The first mapping diagram bases significance on ecological rather than cultural values, and reduces the acknowledged and far wider cultural landscape of the valley to just the river(s)	Waseefa Dhansay HWC: IACoM	This is not correct – the “diagram of current significances of the riverine topography as cultural landscape” takes account of the historical and cultural value of the much transformed floodplain to derive a low heritage significance to this portion of the broader landscape - also refer to response to item 430 regarding the assessment and mapping of heritage significance of the site, and Sections 4 and 5 of the HIA Supplementary Report.
435.	Arguing that the “river itself is the only tangible visual element which survives as a resource which warrants protection”, negates in its entirety the exceedingly high historic, and symbolic significance of the site identified in all previous studies, and submitted continuously throughout the process by the relevant I&APs.	Waseefa Dhansay HWC: IACoM	The high historic and symbolic significance of the broader area is not contested, what is contested is the “heritage capital” that can and should be attributed to the River Club site itself. In this context the HIA finds that, apart from the Liesbeek River, the site itself has little obvious heritage significance, noting that: <ul style="list-style-type: none"> • The site is either entirely or mostly an infill site; • Much of the history that derives the cultural significance of the Two Rivers local area extends over a far broader spatial scale; • The valley (or floodplain) in which the site is located, although an important component of the Liesbeek River as a landscape, has been transformed by urban development upstream and downstream of the site; • No tangible heritage relics or resources occur on the site; and • No historic events are attributed to have occurred at the site. Therefore, while the HIA acknowledges the role that the ‘openness’ of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain (which are comprehensively assessed in the VIA), it argues that this openness and these views are of low (but not of no) heritage significance.
436.	It is not just the riverine corridor, (unrehabilitated or not), but the entire TRUP valley including the riparian corridor which is noted as highly significant and is expressed in both its tangible and intangible qualities.	Waseefa Dhansay HWC: IACoM	
437.	An example of this post-rationalization is the attempt to grade the current river corridor between the proposed two development ‘envelopes’ as IIB, as indeed is the attempt to only identify some 40-50m of the river corridors, and confluence as heritage resources. This makes no sense and is rejected as flawed.	Waseefa Dhansay HWC: IACoM	
438.	The HIA has not taken the national estate (as defined by the NHRA) into account in the identification of heritage resources (as such there is strong evidence to suggest a deliberate downplaying and re-arrangement of the primary heritage focus toward the River)	Tauriq Jenkins OCA	Noted. Similarly, the heritage practitioners argue that the development of the site will not destroy its history – to the contrary, they see the development as an opportunity to celebrate it. Engagement with the First Nations Collective has confirmed that “no cross-cutting, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site” (Section 2(D) of River Club First Nations Report), but that the Liesbeek River is an important heritage element in the broader landscape (see Section 2(G) of River Club First Nations Report). The First Nations collective further: <ul style="list-style-type: none"> • Aspire towards the restoration of the Liesbeek River as an important connecting heritage element of the broader landscape; • See the development of the site as an opportunity for the articulation and celebration of the significance of the place and of its historical associations to First Nations people; and • Value this opportunity more deeply than the conservation of an open area with no tangible connection to their heritage. The site is not considered sacred by the First Nations Collective.
439.	The notion that the 20th Century disturbance, has resulted in a degraded site is, from a heritage point of view, is rejected	Waseefa Dhansay HWC: IACoM	
440.	The fact that the site has been considerably disturbed in the latter half of the 20th Century, does not in any way take away the meaning of the site as a historic frontier or point of conflict, or its significance to the representatives of the First Nations to whom the site and wider area also has sacred significance	Waseefa Dhansay HWC: IACoM	
441.	The intention to construct facilities for commercial enterprise on this sacred Khoi burial grounds shows a gross insensitivity and disrespect to the Khoi.	T Jenkins GKKITC	Engagement with the First Nations Collective has confirmed that “no cross-cutting, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site” (Section 2(D) of River Club First Nations Report), but that the Liesbeek River is an important heritage element in the broader landscape (see Section 2(G) of River Club First Nations Report). The First Nations collective further: <ul style="list-style-type: none"> • Aspire towards the restoration of the Liesbeek River as an important connecting heritage element of the broader landscape; • See the development of the site as an opportunity for the articulation and celebration of the significance of the place and of its historical associations to First Nations people; and • Value this opportunity more deeply than the conservation of an open area with no tangible connection to their heritage. The site is not considered sacred by the First Nations Collective.

No	Issues	Stakeholder	Response
442.	The HIA post rationalises a pre-conceived development concept	Waseefa Dhansay HWC: IACOM Simon Birch RAMPAC Tauriq Jenkins OCA T Jenkins and M Turok TRUPA	The proponent seeks to develop a mixed use, "live, work and play" facility at the site, and this development must be financially viable for the proponent to proceed. Nevertheless, the development proposal has been formulated in collaboration with a multi-disciplinary team that has responded to independent environmental and specialist input. In this context there have been more than 250 iterations to the development proposal / layout, and the assertion that the HIA post rationalises a pre-conceived development concept is therefore rejected. Development responses have included: <ul style="list-style-type: none"> Reducing the heights of building directly opposite the SAAO, and locating taller buildings to the north of the site - the visual effect will be that buildings opposite the SAAO will appear as 3 - 4 storey buildings; Settling back from the SAAO as far as practically possible; Splitting the development into two precincts to retain a faunal movement corridor and views through the site; Rehabilitating the Liesbeek Canal and infilling the unlined, western course of the Liesbeek River (in line with detailed specialist design input, with associated ecological and cultural benefits); Providing a cultural centre and memorialising the history of the First Nations People in the design of the development; Realigning the link road between Precinct 1 and Precinct 2 to an orthogonal geometry instead of a diagonal geometry to create a better "fit" in terms of urban design and a better functioning central ecological corridor and park; Realigning of other internal roads (to improve views from the through the site); and The argument about "post-rationalising" is irrelevant (see Section 8 of the HIA Supplement)
443.	The development has not minimised impacts on heritage resources "as far as possible"	Ronelle Clarke CoCT EHM - 8.5	
444.	The HIA has not sufficiently been able to distance itself from the developer's claim of what is feasible to be a really independent HIA.	Tauriq Jenkins OCA	
445.	The assessment of heritage resources has ignored both the existing studies, and the wider picture, and as such has attempted to grade significance in the isolation of a much wider system. As a result, it is very difficult not to believe that the assessment of significance has been tailored to arrive at mitigation for the development rather than an assessment of significance that would assist in informing an appropriate development.	Waseefa Dhansay HWC: IACOM	The history of the broader area is comprehensively described in Section 4 of the HIA and is generally not contested. Nevertheless, there is a difference in opinion as to how this heritage manifests, and should be memorialised at a precinct level, or even more local scale. The heritage practitioners have presented a well-researched and motivated opinion on the heritage significance of the site which is confirmed by the First Nations Collective, and the specialists argue that sense of place concerns of certain stakeholders, while being valid, are mostly visual in nature. It is acknowledged that this opinion is contested, the specialists reject that the assessment of significance has been tailored for any reason. Regarding alternatives, by developing the site predominantly for commercial, residential and retail uses, other development / activity alternatives will be foregone. However, while the proponent has considered the viability of reasonable alternatives that are identified, as the site is privately owned by the proponent, zoned for private use, and currently operated as a commercial operation, it is reasonable that the proponents only select development alternatives that are financially viable (including the No-Go Alternative - in this case the continued operation of the site as a viable golf and conference facility). In this sense, there are no opportunities for the development of alternatives that are not feasible to the proponent (see Sections 7 and 8 of the HIA Supplement).
446.	The second mapping diagram merely serves to post-rationalize a pre-conceived development concept	Waseefa Dhansay HWC: IACOM	It is not clear how this conclusion is drawn, especially noting that the Riverine Corridor Alternative was developed in specific response to the sensitivity of the SAAO, and opportunity to restore the Liesbeek River corridor at the site as a public movement corridor of cultural and ecological value.
447.	The HIA appears not to regard the built form of the proposed development as affecting the significant heritage resources present, neither does it recommend heritage related built form restrictions. Unlike the TRUP Baseline Study and the Phase 1 HIA for the River Club	Waseefa Dhansay HWC: IACOM	This is correct - with the exception of the SAAO (for which built form indicators are necessary - mainly, setting back from this site as far as possible, and reducing building heights in the southern precinct) and Liesbeek River course, the heritage significances that have been identified and assessed for the site and immediately surrounding area are of an intangible nature - it is therefore the opinion of the heritage consultants there are no resources at the site that require protection, and that the role that heritage informants can play in the urban design of the site is limited.
448.	The development footprint, bulk, form, height should be tied to heritage and urban design indicators (especially the cultural landscape and contextual setting of the SAAO, but also the topography of the area, the historic river course and floodplain)	Ronelle Clarke CoCT EHM - 15 Mark Bell CoCT EMD Simon Birch RAMPAC T Jenkins and M Turok TRUPA	Nevertheless, the development proposal has responded to numerous complex informants including advice regarding freshwater and eco-systems, a floodwater study, an archaeological statement, input from various heritage practitioners including the authors of the HIA, a visual impact assessment by SRK, the Urban Design Framework: Indicators and Recommendations (included in the HIA), and more recently the Two Rivers local area First Nations Report, and a report on the role of the River Club site within the indigenous narrative of the broader TRUP cultural landscape (which is included as a supplementary report to the final HIA for the development).
449.	Less development bulk (heights and footprints) would be required to reduce the impact on the SAAO	Ronelle Clarke CoCT EHM - 8.5	Refer above.
450.	The (significance of the) River Club building is downplayed as a heritage resource, previous reports having noted the structure as being of IIB, or at least contributory significance	Waseefa Dhansay HWC: IACOM	This opinion is noted but not shared by various heritage practitioners, including the author of the HIA who report that: it is a straight-forward building of the late-1930s with little architectural pretension and has been extensively transformed., its history as a sports club for employees of the SAR&H is incidental, and it fails to meet the criteria for conservation or protection.
451.	The HIA makes no attempt to assess the significance of this as a site of conflict, that has direct relation to the trajectory of South Africa's Colonial history through to the 20th Century	Waseefa Dhansay HWC: IACOM	There is no documented or oral history that suggests that the River Club site in particular was a site of conflict (see response to item 497); nevertheless, the history of the broader area is comprehensively described in Section 4 of the HIA and includes a history of conflict between Khoekhoe groups and Europeans settlers. The historical record presented in the HIA is generally not contested. Nevertheless, there is a difference in opinion as to how this heritage manifests and should be memorialised at a precinct level within the Two Rivers local area (i.e. it is the view of the heritage consultants that the entire history of TRUP and the broader area do not manifest entirely on the River Club site). This difference in opinion is noted.

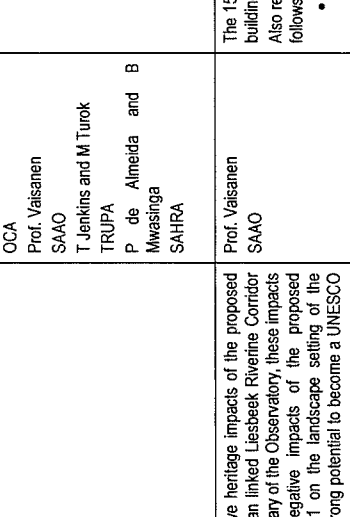
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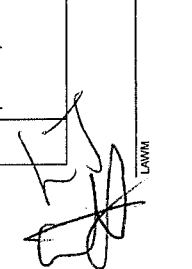
No	Issues	Stakeholder	Response
452.	The report wholly downplays the irreversible impacts of transforming a green lung at the heart of the TRUP into a mega project.	Wasefa Dhansay HWC: IACOM P de Almeida and B Mwasinga SAHRA	<p>Regarding open space specifically, it should be noted that:</p> <ul style="list-style-type: none"> The heritage specialists argue that while the development may lead to significant visual impacts, transformation of the site's character is of relatively low heritage significance. The development will be publicly accessible, ~65% of the site would be retained as open space if developed as proposed, and ~25% of the site would be made available for recreational activities in open space areas - the open space provided is considered sufficient for a development of this nature. The development would allow the public to enjoy open space vistas associated with the Raapenburg Bird Sanctuary more meaningfully. The wider open space system of which the site forms part contains campus style development (e.g. Observatory and Valkenberg). These institutions illustrate that development can be accommodated within the Two Rivers local area, provided that pockets of green space and ecological connectivity are retained (as per the development proposal). There are very extensive open space areas in the immediate vicinity, comprising active open spaces such as sports fields and passive open spaces including parks and environmental areas. Within the greater Two Rivers local area there remain very large areas in public ownership which cannot be developed and (along with open spaces that have been included in the development proposal) will continue to form part of the public open space system. Considerable social (as well as heritage and ecological) benefits are anticipated from extending the public movement corridor along the "new" Liesbeek River corridor should the Riverine Corridor Alternative be selected for development. <p>Regarding the carbon sequestration potential of the site: Indigenous vegetation proposed in landscaped and ecological areas (~6 ha of the site) will have a significantly higher carbon sequestration potential than the current mowed lawn and will offset the impact of the loss of ~12 ha of lawn at the site.</p> <p>Regarding the role the site plays in reducing the urban heat island effect: Lawns have a limited role in reducing the urban heat island, and the "unlined course" of the Liesbeek River (backwater) is unlikely to have a significant impact (cooling effect) on ambient temperatures even locally.</p> <p>Indigenous vegetation proposed in landscaped and ecological areas (~6 ha of the site) will promote urban cooling to a greater extent than existing lawned areas, and therefore would promote urban cooling (albeit insignificantly in a metropolitan context).</p> <p>It is further not clear on what basis the project has been defined as a "mega project", which the Oxford handbook describes as "large-scale, complex ventures that typically cost \$1 billion or more, take many years to develop and build, involve multiple public and private stakeholders, are transformational, and impact millions of people".</p>
453.	The development will negatively impact on / change an open space network of sub-metropolitan significance / which forms part of an associative cultural landscape	Ronelle Clarke CoCT EHM – 6.4.5 and others Mark Bell CoCT EMD Ben de Wet and Candice Bouldard CoCT CSR Tamsin Faragher CoCT Department Simon Birch RAMFAC Tim Jobson and Joanne Eastman FRC Prof. Vaisanen SAAO P de Almeida and B Mwasinga SAHRA T Jenkins GKKITC	

No.	Issues	Stakeholder	Response
454.	The HIA neither motivates for, or questions, the 150 000m ² of floor space proposed (in comparison, Canal Walk at Century City is ±146 000m ²), and whether this is an appropriate site for a mega project.	Waseera Dhansay HWC: IACom	<p>Regarding alternatives: In order to develop the site large portions must be infilled to above the 1:100 flood line, which will entail significant cost. The cost of the installation of services and of ecological restoration will also be high. The proponent, as an experienced developer of international standing, has presented two financially feasible development alternatives: The Riverine Corridor Alternative and the Island Concept Alternative (as well as the No-Go Alternative).</p> <p>Although alternatives identified by stakeholders must be considered in the EIA process, the proponent is afforded an opportunity to provide a reasoned explanation why an alternative was not found (through an investigation) to be reasonable and / or feasible. In this regard, the (financial) returns of the two preferred development alternatives and two other alternatives suggested by stakeholders ((1) a lower density / reduced floor-space alternative and (2) an alternative which incorporated ~20% of the GLA for affordable housing) were investigated by MLC Quantity Surveyors (MLC) on behalf of the proponents to determine the expected first year returns on investment.</p> <p>Noting that market capitalisation rates below 9% are not considered commercially viable to the proponent and other property developers, the investigation by MLC demonstrated that the 1) lower density / reduced floor-space alternative and 2) an alternative which incorporated ~20% of the GLA for affordable housing, are not financially viable to the proponent. In other words, noting the cost of developing the site the proponents do not view these alternatives to be (financially) reasonable or feasible and have excluded these from further analysis (and it is reasonable that the owner of the site only consider alternatives that are financially viable, including the No-Go Alternative).</p> <p>The developer has further calculated that the floor area currently proposed is the minimum required to ensure financial feasibility, and as such, impacts associated with the change in character of the site cannot be avoided completely through layout or operational alternatives. In other words, residual impacts on the character of the site, the historical setting of the SAAO, and sense of place are anticipated should the development proceed. It should be noted that these residual impacts would not be completely avoided by selecting an alternative with reduced floor space.</p> <p>Regarding the site as a "mega project": It is not clear on what basis the project has been defined as a "mega project", which the Oxford handbook describes as "large-scale, complex ventures that typically cost \$1 billion or more, take many years to develop and build, involve multiple public and private stakeholders, are transformational, and impact millions of people".</p> <p>Also refer to the response to item 453 regarding open space considerations.</p>
455.	Consider a "read lightly", green-dominated, recreational or educational alternative, without substantial filling in of the floodplain	Waseera Dhansay HWC: IACom	
456.	Consider the adaptive re-use of the site and buildings as an alternative	Waseera Dhansay HWC: IACom	
457.	There will be a negative heritage impact from infilling the original course of the Liesbeek River fronting the site	Ronelle Clarke CoCT EHM	<p>The HIA Supplementary Report demonstrates that:</p> <ul style="list-style-type: none"> • The pre-1952 river-course is not authentic and has little integrity as such; and • The lower reaches of the rivers, especially where flowing very slowly through very flat floodplains, are inclined to change their course periodically through sudden flooding, thus establishing a series of 'authentic' river-beds over time. <p>In other words, it is apparent that an 'authentic' course of the Liesbeek is uncertain, even liable and liable to displacement or change; and, given this, the current canalised bed of the Liesbeek is a legitimate and feasible course for the recovered riverine corridor. The ecological, visual-, cultural-, amenity-significance of which can be enhanced without damaging its historical or locational significance and authenticity.</p>
458.	The preferred alternative will not celebrate of the most historically and culturally significant feature of the site (as the original course of the Liesbeek River will be infilled)	Ronelle Clarke CoCT EHM – 11.3	
459.	The original course of the Liesbeek River should be retained as a heritage resource (and not infilled)	Ronelle Clarke CoCT EHM – 19.5	
460.	The proposed heritage centre is insufficient mitigation for the loss of the original course of the Liesbeek River as a heritage resource	Ronelle Clarke CoCT EHM – 8.7	<p>A heritage centre is not intended as mitigation for the infilling of the "unlined course" – see above – but is rather proposed as an opportunity to celebrate the narrative of First Nations groups that associate with the site.</p> <p>Furthermore, the heritage specialists, see an opportunity to re-establish the Liesbeek River where it fronts the site as:</p> <ul style="list-style-type: none"> • A river of cultural significance; • A valuable ecological system; • An historical symbol; • An intrinsic component of the landscape; • A public amenity; and • A positive and symbiotic neighbour to the Raapenberg Wetland & Bird Sanctuary (as well as the SAAO). <p>This intervention is assessed to be a cultural benefit (i.e. does not require mitigation as suggested by the commentator).</p> <p>The rehabilitation of the canal would extend the zone of connectivity between the "unlined course" of the Liesbeek south of the site with the confluence of the canal with the Black River, the proposed east-west corridor through the site, the proposed stormwater swale to the west and the Raapenberg Wetland, and is considered an ecological benefit (of greater significance than the alternative of retaining the canal and unlined course).</p>
461.	DCAS earmarked the area between the Black and Liesbeek Rivers as a possible National Resistance and Liberation Heritage Route (NHLHR)	Hudson McComb Oude Molen Eco-Village	<p>The development would not preclude such an initiative per se (to the contrary, there is potential that the naturalised current course of the Liesbeek through the site would be to the benefit of this project).</p>

No	Issues	Stakeholder	Response
462.	As the site is a site of the liberation heritage route the socio-cultural significance of the site should be held to be of great importance to the overall heritage significance	P de Almeida and B Mwasinga SAHRA	
463.	Insufficient detail is provided on the specificity on the proposed commemorative museum	Tauriq Jenkins OCA	The proponents commit to articulating and celebrating the significance of the place and of its historical associations to First Nations groups by: <ul style="list-style-type: none"> • Establishing an Indigenous Garden for medicinal plants used by the First Nations; • Establishing a Cultural, Heritage and Media centre at the location of the Heritage information hub; • Establishing a Heritage-Eco trail that goes around the site; • Establishing an Amphitheatre for use and cultural performances by both the First Nations and the general public; • Commemorating the history of the First Nations in the area, by: <ul style="list-style-type: none"> o Establishing a Gateway Feature inspired by symbols central to the First Nations narrative at the road crossing the eco-corridor; o Incorporating symbols central to the First Nations narrative in detailed design of buildings (e.g. pillars / supports, facades, building names, etc.); and o Naming internal roads inspired by people or symbols central to the First Nations narrative.
464.	We question how serious the developers are with regard to the proposal to include the heritage centre to preserve heritage and whether it is just a token gesture to bypass much more serious heritage concerns.	Tauriq Jenkins OCA	
465.	The heritage centre is insufficient mitigation for the impact on the heritage of the First Nations Groupings	Tauriq Jenkins OCA T Jenkins GKKITC T Jenkins and M Turok TRUPA	The First Nations collective do not see the development as an impact on their heritage, but rather that should the development proceed without design interventions prescribed that the development would be a lost opportunity to celebrate their narrative. The First Nations collective support the development, as currently articulate, and anticipate a benefit to their cultural legacy through the implementation of the project (including the naturalisation of the current course of the Liesbeek river).
466.	The heritage centre is an inappropriate to celebrate the First Nations culture ("who left no footprints") / insufficient mitigation	Tamsin Fraagher CoCT Department Resilience Hudson McComb Oude Molen Eco-Village Simon Birch RAMFAC T Jenkins and M Turok TRUPA T Jenkins GKKITC	The First Nations collective disagree with this sentiment, and seek opportunities (in the Two Rivers local area) to articulate and celebrate their heritage. "We don't oppose the development. We can't stop people building - placing one brick on top of another. The question is: Does that brick bear our name? Or, does that brick tell a part of our story? We are not against development." AFMAS, 2019: First Nations Report for River Club
467.	The Gonimiqua Cultural Council support the incorporation of the proposed Cultural Heritage Centre into the development and will actively partner with the River Club in its planning and implementation.	J Jackson GCC	Noted
468.	The HIA does not motivate for, or critically interrogate building heights	Waseefa Dhansay HWC: IACom	Refer to the response to item 455 regarding the consideration of lower density alternatives. Also note that: <ul style="list-style-type: none"> • The UDF (which is incorporated into the HIA – see Section 9.1.4) refers specifically to building height informants; and • The HIA recommends that the heights of buildings in the portion of the site closest to the SAAO are kept lower than that of the bank of trees on the SAAO ridge (and that these buildings must include a range of building heights, variation in building form, and an avenue of trees lining the development along the edge of the riverine corridor).
469.	A portion allocated to the museum on the northern-most corner is inconsistent with the significance, and the bulk and mass of the development proposal does not respond to the site as a living heritage.	Waseefa Dhansay HWC: IACom	Memorialisation of the legacy of the First Nations groupings is being considered in direct and ongoing consultation with the First Nations Collective for the area. Memorialisation is currently proposed by including a media centre for the First Nations people, providing a place of congregation, and incorporating the First Nations narrative into the design throughout the development, by for example, including red inspired sculptures and building finishes, and incorporating First Nations motifs in building facades (amongst others). Bold and visual memorialisation of the indigenous people's narrative is supported by the First Nations Collective.
470.	The HIA does not assess the impact of the development (10 storey buildings) on the proposed memorial	Waseefa Dhansay HWC: IACom	
471.	The bulk of development and Berkley Road extension at the proposed museum / commemorative area is inappropriate	Tauriq Jenkins OCA T Jenkins GKKITC T Jenkins and M Turok TRUPA	See above – this view is not shared by the First Nations collective; furthermore, the First Nations collective aspire for their legacy to be articulated and celebrated at the centre of the development and not at the periphery (either at the proposed development or elsewhere).
472.	The HIA does not assess the impact of the development (10 storey buildings) on the proposed riverine corridor	Waseefa Dhansay HWC: IACom	This comment is spurious: without the development (which has been conservatively assessed to have a negative impact on the sense of place of the site), the opportunity to restore the Liesbeek River corridor (which is assessed to be of significant cultural and ecological benefit) would not exist.

No	Issues	Stakeholder	Response
473.	The HIA fails to assess the impact of the development on the most important heritage resource: The site's open, green qualities as a remnant of landscape that has considerable intangible historic and cultural heritage significance.	Waseefa Dhansay HWC: IACoM	This is not correct - impacts on the historical character of the site are assessed in Section 10.3 of the HIA - this assessment takes account of the heritage significance of the broader area, and the sites, degraded, but open characteristics. The heritage practitioners have presented a well-researched and motivated opinion on the heritage significance of the site which is confirmed by the First Nations Collective, and the specialists argue that sense of place concerns of certain stakeholders, while being valid, are mostly visual in nature. It is acknowledged that this opinion of the heritage practitioners is contested.
474.	The proposal completely destroys this remnant of the open, green of a landscape that has considerable intangible historic and cultural heritage significance (and this impact has not been assessed)	Waseefa Dhansay HWC: IACoM	The history of the broader area is comprehensively described in Section 4 of the HIA, and is not contested, indeed, HWC has recognised the comprehensive research underpinning the HIA). Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA, and Sections 4 and 5 of the HIA Supplementary Report), and the HIA confirms that the cultural significance of the area is derived from "the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers". In addition, on 15 October 2019, the Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a "TRUP First Nations Report" (AFMAS Solutions, 2019). Following TRUP First Nations Report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) to:
475.	Meaningful discussion of the impact of the development on the significance of the wider TRUP cultural landscape is avoided altogether.	Waseefa Dhansay HWC: IACoM	<ul style="list-style-type: none"> Understand the significance of the River Club site to the First Nations by identifying indigenous intangible cultural heritage specific to the River Club; Locate the River Club site within the indigenous narrative of the broader TRUP cultural landscape; Identify First Nation aspirations with regard to indigenous cultural heritage and the River Club site; and Make recommendations for the implementation of the key recommendation of the TRUP First Nations report, specifically: "Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning". <p>Key findings of these studies, as they relate to the River Club, are as follows:</p> <ul style="list-style-type: none"> Given that the entire TRUP project area was part of the historic indigenous landscape, each of the precincts that make up TRUP has a measure of indigenous cultural heritage; The River Club site is a small part of a much larger TRUP cultural landscape that extends to approximately 300 hectares; The extent to which the site bears testimony to its indigenous cultural heritage, is determined by the amount of indigenous cultural capital assigned to the site; First Nation informants concurred that the Two Rivers local area was the domain of the Gorinthaqua, Battle of Gorinthaqua, Colonial-settler 'grilagam', or resistance to 'grilagam,' can be attributed specifically to the River Club site; No tangible or intangible reference has been made to the Gorinthaqua having settled specifically on the River Club site; No specific act of resistance, battle or encounter, whether tangibly manifested or intangibly articulated, have been attributed specifically to the River Club site; Although mostly a wetland and therefore of low functional use value, the River Club site was most likely part of an early precolonial landscape from which the Indigene was displaced and/or precluded from having access to; The site is not a burial ground; The site was not used as a pre-colonial river crossing; The Liesbeek River is an important heritage resource in the broader landscape, and its rehabilitation / naturalisation is supported by the First Nations Collective / would be a cultural benefit; and The First Nations narrative should be acknowledged, embraced and celebrated in design and planning for the River Club. <p>Based on the findings of the HIA and this supplementary research, the heritage specialists reiterate that, other than the SAAO and Liesbeek River, other tangible historic elements in the landscape are too far from the site to be affected by the proposed development, and "no cross-culling, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site" (Section 2(D) of River Club First Nations Report), the heritage practitioners therefore argue that the significance of the landscape that is attributed to the site is associative and has no clear or defined place or focus, or even any physical characteristics other than being rooted here in this general location on the floodplain of the Liesbeek River. The specialists therefore argue that this heritage cannot be destroyed, but rather there is an opportunity for the articulation or making public, even celebration, of the significance of the place and of its historical associations. This opinion is shared by the First Nations Collective.</p> <p>Based on the findings of the HIA and supplementary research, the heritage specialists reiterate that, other than the SAAO and Liesbeek River, other tangible historic elements in the landscape are too far from the site to be affected by the proposed development, and "no cross-culling, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site" (Section 2(D) of River Club First Nations Report).</p>
476.	The development will negatively impact on historic buildings of Observatory / surrounding the site	Tim Jobson and Joanne Eastman FRC T. Jenkins and M Turok TRUPA	The SAAO and its site are argued in the HIA to have very high significance, and the heritage specialists are not sure what the commentators mean by "contextual significance"; the HIA describes the significance of the SAAO iteratively and at length (see, for example, pp68-69, 76-77) and in section 7.1 on High Order Cultural Significance the HIA says: "The old Royal Observatory, across the currently canalised Liesbeek River and behind its bank of trees, is without question of the highest significance (and SAHRA has recently declared it a national heritage site). We recognise the historical and scientific significance of this neighbouring and over-looking spur of land with its complex of buildings; but this significance is not or need not, we argue, be affected by its neighbour, the River Club, because of the scale of the sites, and because of their separation by the distance, by the River/canal/proposed riverine corridor and by the trees)." (section 7.1.2, p82-3); in the instance that the HIA argues that the SAAO site is of "relatively low contextual significance", it is clear what is meant: "To the east of the River Club site strung along the low spur is the Observatory complex. This low spur is well-treed and screens the entire Observatory complex, rendering it, in effect, invisible and
477.	The SAAO site (spur) is not of low contextual significance as reported in the HIA (the entire site has been declared a National Heritage Site, not just the complex) / the SAAO site is given insufficient recognition in the HIA	Mark Bell CoCT Management Department (EMD) P. de Almeida and B Mwasinga SAHRA	The SAAO and its site are argued in the HIA to have very high significance, and the heritage specialists are not sure what the commentators mean by "contextual significance"; the HIA describes the significance of the SAAO iteratively and at length (see, for example, pp68-69, 76-77) and in section 7.1 on High Order Cultural Significance the HIA says: "The old Royal Observatory, across the currently canalised Liesbeek River and behind its bank of trees, is without question of the highest significance (and SAHRA has recently declared it a national heritage site). We recognise the historical and scientific significance of this neighbouring and over-looking spur of land with its complex of buildings; but this significance is not or need not, we argue, be affected by its neighbour, the River Club, because of the scale of the sites, and because of their separation by the distance, by the River/canal/proposed riverine corridor and by the trees)." (section 7.1.2, p82-3); in the instance that the HIA argues that the SAAO site is of "relatively low contextual significance", it is clear what is meant: "To the east of the River Club site strung along the low spur is the Observatory complex. This low spur is well-treed and screens the entire Observatory complex, rendering it, in effect, invisible and

No	Issues	Stakeholder	Response
478.	The significance of the South African Astronomical Observatory (SAAO) (and the impact thereon) requires further consideration in the HIA	Mark Bell CoCT EMD P de Almeida and B Mwasinga SAHRA	consequently, despite its very high scientific and historical significances, of relatively low contextual significance which can be mitigated; and the well-treed western slopes of the Observatory ridge do also contribute to the definition of the floodplain and the potential riverine corridor' (p83).
479.	The (outward and inward looking) visual-spatial field within which the SAAO is located is important because this is where the site derives its stand-alone qualities embedded within a matrix of green from	Prof. Vaisanen SAAO	It is not clear what the commentator is arguing: the HIA emphasises that the SAAO campus is 155m away from the nearest proposed buildings and is screened, even isolated, by its own wide belt of trees. This "stand-alone quality" will be reinforced by the restoration of the riverine corridor, effectively cutting off/isolating the spur and its trees even more markedly from the River Club site (and its development).
480.	The SAAO site is of high contextual significance and will be negatively impacted by the development / current mitigation is noteworthy, but insufficient to mitigate the impact on the SAAO / the current setback from the SAAO is noteworthy but insufficient as mitigation	Ronelle Clarke CoCT EHM --6.8 Mark Bell CoCT EMD Simon Birch RAMPAC Tauriq Jenkins OCA Prof. Vaisanen SAAO T Jenkins and M Turok TRUPA P de Almeida and B Mwasinga SAHRA	The 155m distance, a wide belt of mature trees, a river course and a riverine corridor including pedestrian paths is, in this urban context, more than adequate mitigation. Furthermore, buildings closest to the riverine corridor and the SAAO campus have been reduced in height.
481.	Notwithstanding the positive heritage impacts of the proposed rehabilitation and pedestrian linked Liesbeek Riverine Corridor forming the western boundary of the Observatory, these impacts do not outweigh the negative impacts of the proposed development in Precinct 1 on the landscape setting of the Observatory (a site with strong potential to become a UNESCO Cultural Heritage Site).	Prof. Vaisanen SAAO	The 155m distance, a wide belt of mature trees, a river course and a riverine corridor including pedestrian paths is, in this urban context, more than adequate mitigation. Furthermore, buildings closest to the riverine corridor and the SAAO campus have been reduced in height. Also refer to Figures 6, 7, 23, 26, 28, 53, 59, 67 and 72 in the revised BAR, which provides the latest perspectives from the SAAO and other viewpoints. Pertinent observations are as follows: <ul style="list-style-type: none"> The Signal Hill will remain visible from the roof of the Main Building, and will only have a limited impact on the visual spatial field here (and views from ground-level west are currently obscured).
482.	The concerning fact remains that the vertical angle at which the closer obscuring buildings will limit the visual-spatial field currently experienced from the Observatory. The effect is compounded by the 'urban wall' created by the proposed densely packed individual buildings blocking any horizontal viewing angle between adjacent buildings from any single proximity vantage point at the Observatory.	Prof. Vaisanen SAAO	
483.	Buildings in the southern precinct do not establish a positive relationship or acknowledge the SAAO (other than the separation)	Mark Bell CoCT EMD	<ul style="list-style-type: none"> Buildings have been reduced in height (Figure 67) and fragmented (Figure 72), allowing views through the southern precinct from the SAAO to Devil's Peak, and One of the key motivations for the naturalisation of the current canalised course of the Liesbeek River corridor is to establish a soft, wide but positive relationship with the SAAO at this boundary (Figure 72) – it is hoped that the SAAO can in the future open up to this new, naturalised, publicly accessible amenity, and that the history of the SAAO can too be celebrated here.
484.	Further mitigation should be investigated in how the proposed layout and form of buildings in the southern precinct can be articulated in order to achieve a sensitivity which speaks to the relationship as built form neighbours between the proposal and the significance of the SAAO (these could be in the form of reduced scale or urban design indicators and/or architectural articulation design indicators that would serve to create an obvious acknowledgement by the new of the SAAO campus presence)	Mark Bell CoCT EMD	<ul style="list-style-type: none"> Buildings have been reduced in height (Figure 67) and fragmented (Figure 72), allowing views through the southern precinct from the SAAO to Devil's Peak, and One of the key motivations for the naturalisation of the current canalised course of the Liesbeek River corridor is to establish a soft, wide but positive relationship with the SAAO at this boundary (Figure 72) – it is hoped that the SAAO can in the future open up to this new, naturalised, publicly accessible amenity, and that the history of the SAAO can too be celebrated here.



No	Issues	Stakeholder	Response
485.	Buildings in the southern precinct would dwarf the SAAO / the scale of buildings here is inappropriate	Carol Clark PRRA	Building heights in the southern precinct have been reduced with the specific purpose of preventing this from occurring (see Figures 67 and 72), and the heritage consultants do not agree with this opinion / argue that mitigation (reduced building heights, the 155m distance, a wide belt of mature trees, a river course and a riverine corridor including pedestrian paths) is adequate mitigation in this urban context.
486.	Using tree heights at the SAAO campus as a building height indicator is inappropriate	Simon Birch RAMPAC	The belt of mature trees climbing up the SAAO spur are currently the most significant component in the environs that suggest height, and they seem to be the bounding element of the SAAO property and of the campus.
487.	HWC queries whether the proposed earthworks and infrastructure indeed constituted a greater public good.	Waseefa Dhansay HWC: IACOM	With regard to the greater public impact of the development, the project will entail so-called triple bottom line costs and benefits, i.e. social, environmental and economic costs and benefits. The triple bottom line concerns itself with environmental sustainability, social equity and economic efficiency and is typically employed by companies seeking to report on their performance. The concept serves as a useful construct to frame the evaluation of environmental impacts of the project. The HIA concluded that the impact of the "Island Concept Alternative" on the historical setting of the SAAO would be significant, but that the impacts of the Riverine Corridor Alternative (that steps back from the SAAO and restores the Liesbeek River Floodplain) on the historical setting of the SAAO are tolerable. The ecological benefits of the Riverine Corridor Alternative are also significantly higher than for the Island Concept Alternative. The specialist team and EAPs have not identified any fatal flaws associated with the Riverine Concept Alternative and have assessed that (as well as residual impacts) there will be a number of highly significant socio-economic benefits to local communities and government, and that the immediately adjacent ecological environment will be improved. The LLPT is committed to ensuring that the development is operated to high standards, achieved through implementation of the recommended mitigation measures and ongoing monitoring of performance. Specialist studies and the BA Report demonstrate that, through effective implementation of detailed design and the stipulated mitigation measures, the adverse impacts can be reduced to tolerable levels, and that benefits are significant. The Riverine Corridor Alternative is therefore positively assessed for development. Ultimately, decision makers will need to consider whether to authorise the project, which brings significant economic and ecological benefits and is in line with the latest draft Local Spatial Development Framework for the area, but which will lead to irreversible (but acceptable) heritage and visual impacts.
488.	The Kaplan report is nothing like an archaeological survey but rather a two-page opinion based on a visit of less than one day.	Tauriq Jenkins OCA	The site is an infill site, and the surface has been transformed. The one-day site survey of archaeological material is therefore considered to be more than sufficient to confirm that no archaeological material occurs at the surface.
489.	There is potentially archaeological remains of the Varsche Drift at the site / area.	T. Jenkins and M Turok TRUPA	The First Nations Report for the River Club confirms that this crossing was located downstream of the confluence of the Liesbeek and Black Rivers.
490.	Indicate that there are archaeological sites within 500m of the site	Ronelle Clarke CoCT EHM	There are no known archaeological sites within 500m of the River Club site
491.	Consider the no-go option as an alternative	Waseefa Dhansay HWC: IACOM	The no-go alternative is described in Section 9.3.1 of the HIA, and the HIA concludes that this alternative is a poor option and will not make any of the necessary contributions to the city or to City Council strategies; and it will fail to articulate the historical significance of the place.
492.	This site is where the first slaves were deployed by the Dutch East India Company, on the Mostert Farms which include the site. These slaves were of Javanese, Goan, Indian, Madagascan and Mozambican descent, and predominantly Muslim which opens up another ethnocid archive of diversity which is yet to be fully explored in the area. Its international significance is nowhere to be seen. That the place has a high level of historical exchange with the Kingdoms of Portugal and Netherlands, as well as Great Britain together with the four primary sovereign Khoi groups endemic to the area, the Goringhaicona, Goringhaiqua, Coochoqua, and Gorachocqua	Tauriq Jenkins OCA	The project team are not aware of any historical record associated with slavery in South Africa associated with the River Club site.

Technical Queries, Requests and Questions

No	Issues	Stakeholder	Response
V. HIA Technical			
493.	The entire TRUP precinct must be (assessed from a heritage perspective) holistically	Waseefa Dhansay HWC: IACOM	

No	Issues	Stakeholder	Response
494.	The HIA should be integrated with the HIA for the wider TRUP area	Tauriq Jenkins OCA	<p>The development is in line with the provisions of the Draft Local Spatial Development Framework released by the Municipality in October 2019. Although the River Club is located within the Two Rivers local area, the River Club planning application was submitted prior to finalisation of the SDF for the following reasons:</p> <ul style="list-style-type: none"> • The River Club project team was never given any clear guidelines or information about the official status in respect of the Two Rivers local area initiative; • The time frame for the LSDF has always been uncertain; and • The River Club is a private development initiative on privately owned land, and the proponent is permitted to submit a planning application in terms of the legislation. Nevertheless, the history of the broader area is comprehensively described in Section 4 of the HIA, and includes a history of: <ul style="list-style-type: none"> • Khoekhoe groups occupation and use of the area for grazing; • The importance of the rivers to the history of the area; • Conflict between Khoekhoe groups and Europeans settlers; • The defensive line established by the Dutch; • The agricultural use of the Liesbeek River catchment by the Dutch; and • Residential, commercial, and industrial encroachment on the agricultural landscape. <p>Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA). The HIA confirms that the cultural significance of the area is derived from "the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers".</p> <p>The Phase 1 HIA for the Two River Local Area (which assessed the significance of the Two River local area as a whole) has been released, and largely confirms the findings of the HIA for the River Club development (and concludes that development is possible at the River Club), even though there is a difference in how the practitioners interpret precinct boundaries within the area - see Sections 4 and 5 of the HIA Supplementary Report.</p>
495.	The HIA has been very well researched, and the historical background is well articulated. This includes the history of planning and development as it relates to the 20th Century.	Waseefa Dhansay HWC: IACOM	Noted.

No	Issues	Stakeholder	Response
496.	The HIA requires meaningful consultation with representatives of the First Nation and Cape Indigene groups in order to better understand the significance of the site to these groups	Waseefa Dhansay HWC: IACOM	On 15 October 2019, the Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a "TRUP First Nations Report" (AFMAS Solutions, 2019). The main findings of this report are as follows: <ul style="list-style-type: none"> The Two Rivers local area (and beyond) is the historic landscape of the indigenous First Nations; That the indigenous narrative of the Two Rivers local area, as articulated by the First Nations Collective, is congruent with the historic record; and Acknowledgement of the First Nations narrative is the primary aspiration of the First Nations. Based on these findings, the following recommendations were made in this report: <ul style="list-style-type: none"> Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning at all scales of the Two Rivers local area; Provide a gathering place for indigenous cultural performances; Incorporate indigenous plants - used as food, medicine and ritual purposes - into landscaping; Provide an Indigenous Peoples centre; and Rename the Two Rivers local area as an integral part of the indigenizing of the TRUP landscape. Following this report, AFMAS Solutions were appointed to build on the "TRUP First Nations Report" (AFMAS Solutions, 2019) to: <ul style="list-style-type: none"> Understand the significance of the River Club site to the First Nations by identifying indigenous intangible cultural heritage specific to the River Club; Locate the River Club site within the indigenous narrative of the broader TRUP cultural landscape; Identify First Nation aspirations with regard to indigenous cultural heritage and the River Club site; and Make recommendations for the implementation of the key recommendation of the TRUP First Nations report, specifically, "Acknowledge, embrace, protect and celebrate the indigenous narrative in design and planning". This report, the "River Club First Nations Report" (AFMAS, 2019a - attached as River Club First Nations Report) was informed by: <ul style="list-style-type: none"> Primary research, including key informant interviews with various First Nations representatives for the "TRUP First Nations Report" (AFMAS Solutions, 2019); Key informant interviews with First Nation knowledge keepers and traditional custodians of the Goringhaqua, Goringhaqua, Cochoqua, Goringhaqua and the San House of Njinjhe to understand First Nation intangible heritage significance and indigenous "sense of place and meaning" of the River Club site; and Deconstruction of the Two Rivers local area cultural landscape through multi-layered and multi-dimensional contextualizing to locate the indigenous narrative of the River Club within this area. Key findings of these studies, as they relate to the River Club, are as follows: <ul style="list-style-type: none"> Given that the entire TRUP project area was part of the historic indigenous landscape, each of the precincts that make up TRUP has a measure of indigenous cultural heritage; The River Club site is a small part of a much larger TRUP cultural landscape that extends to approximately 300 hectares; The extent to which the site bears testimony to its indigenous cultural heritage, is determined by the amount of indigenous cultural capital assigned to the site; First Nation informants concurred that the Two Rivers local area was the dominion of the Goringhaqua; No cross-culturing, narrative-defining event for any of the strands of the indigenous narrative; be it, the dominion of the Goringhaqua, Battle of Goringhaqua, Colonial-settler 'gritagem', or resistance to gritagem, can be attributed specifically to the River Club site; No tangible or intangible reference has been made to the Goringhaqua having settled specifically on the River Club site; No specific act of resistance, battle or encounter, whether tangibly manifested or intangibly articulated, have been attributed specifically to the River Club site; Although mostly a wetland and therefore of low functional use value, the River Club site was most likely part of an early precolonial landscape from which the indigene was displaced and/or precluded from having access to; The site is not a burial ground; The site was not used as a pre-colonial river crossing; The Liesbeek River is an important heritage resource in the broader landscape, and its rehabilitation / naturalisation is supported by the First Nations Collective / would be a cultural benefit; and The First Nations narrative should be acknowledged, embraced and celebrated in design and planning for the River Club. The heritage specialists on the project team therefore attest that: <ul style="list-style-type: none"> Meaningful consultation with representatives of the First Nation has been achieved; and The heritage resources identified in the HIA for the River Club are mirrored / confirmed by the First Nations historical account / narrative.
497.	There appears to have been no meaningful engagement with the First Nation communities to either understand, or help inform, the identification of heritage resources.	Waseefa Dhansay HWC: IACOM Tauriq Jenkins OCA T. Jenkins and M Turok TRUPA P de Almeida and B Mwasinga SAHRA	
498.	Further emphasis should be placed on the significant intangible heritage relating to the First Nations and KhoesSan history of the site and area in the HIA	Mark Bell CoCT EMD	
499.	Intangible heritage resource relating to the First Nations and KhoesSan history of the site and area should be included in the HIA	Ronelle Clarke CoCT EHM - 11.2	
500.	It is a strong recommendation that in order to correct the inherent flaws in the HIA in this regard, that the River Club enter in to a new engagement process with First Nations representatives or awaits the outcomes of the TRUP LSDF First Nations engagement) process.	Waseefa Dhansay HWC: IACOM	
501.	The HIA would benefit from input from a specialist consultant, with the requisite expertise in dealing with the intangible aspects pertaining to the wider TRUP area. This input would assist in focussing on, in particular, the strong sense of place and meaning of the site pertinent to the First Nation Representatives. It is a strong recommendation that a supplementary report from an expert in this field is incorporated into the HIA.	Waseefa Dhansay HWC: IACOM	
502.	There is currently a study underway investigating the significance of the site to the people of the First Nations, and the application to redevelop the river club should wait the outcomes of this study	Tim Jobson and Joanne Eastman FRC	
503.	The HIA downplays the Goringhaqua Khoi Khoi history	T. Jenkins GKKITC	
504.	Acknowledgement the First Nations concerns, and wishes are inadequate and inappropriate	T. Jenkins GKKITC	
505.	The Goringhaqua Cultural Council, as the applicable registered and recognised tribal authority, has entered in a process of active consultation and engagement with the management of the River Club (and their representatives, as applicable) in its activities within the Liesbeek Valley This engagement has been ongoing since adopted by resolution taken at a meeting of our council dated 22 August 2016, and continues to the present day. The nature of the consultation relates to all legislative processes to determine future development, land use and related interventions on the site.	J Jackson GCC	Noted
506.	The recommendations put forward to investigate burials are ignored - "two impact assessments suggest this to be the case"	T. Jenkins GKKITC	The First Nations Collective has confirmed that the River Club site is not a burial site.
507.	Where comment has been received (from First Nations Peoples) this comment has seemingly been dismissed as a "difference of opinion"	Waseefa Dhansay HWC: IACOM	Previous submissions by First Nations groupings as part of the River Club HIA engagement process have presented an historical account that does not reconcile with the historical record for the site, or of the narrative of the First Nations Collective, and therefore a difference of opinion is understandable.

No	Issues	Stakeholder	Response
508.	<p>opinion", rather than a meaningful interrogation of concerns raised</p> <p>NHRA Section 38(3)(a) "The identification and mapping of all heritage resources in the area affected" has only been partly complied with as the identification and mapping of heritage resources is conceptually flawed (see issues 398, 410, 414, 426, 430, 431, 434, 435, 436, 440, 441, 443, 447, 451 and 452).</p>	<p>Waseefa Dhansay HWC: IACoM</p>	<p>The history of the broader area is comprehensively described in Section 4 of the HIA and is generally not contested; there is no documented or oral history that suggests that the River Club site is of particular historic significance; nevertheless, the broader area is acknowledged to be of high cultural significance. It is the opinion of the heritage practitioners who compiled the HIA (and others) that the broader area (including the Two Rivers local area) is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. It is apparent that HWC arrive at a different opinion regarding the heritage capital that is, or should be, assigned to the River Club (see responses to items 398, 410, 414, 426, 430, 431, 434, 435, 436, 440, 441, 443, 447, 451 and 452). Heritage resources have been identified (Section 6 of the HIA) and mapped (Section 10.8 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion relating to the heritage resources that occur at the site and immediately surrounding area, the legislative requirements of Section 38(3)(a) of the NHRA are clearly achieved in the HIA for the River Club.</p>
509.	<p>NHRA Section 38(3)(a) "The identification and mapping of all heritage resources in the area affected" can only be completed following meaningful engagement with First Nations Groups to identify heritage resources.</p>	<p>Waseefa Dhansay HWC: IACoM</p>	<p>Refer to the responses to items 497 and 509.</p>
510.	<p>The identification and mapping of heritage resources is something that should be addressed in the first part of the report, and should set the tone of the report, rather than being relegated to a conclusion.</p>	<p>Waseefa Dhansay HWC: IACoM</p>	<p>This opinion is noted but is not relevant to compliance with the legislative requirements of Section 38(3)(a) of the NHRA. However, the Executive Summary, the Preface and the Introduction do this.</p>
511.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because it stands to reason that if the identification and mapping of heritage resources is flawed, the grading of significance will be flawed (as will the conclusions of the HIA).</p>	<p>Waseefa Dhansay HWC: IACoM</p>	<p>The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion relating to the heritage resources that occur at the site and immediately surrounding area, and the significance thereof (see response to item 509), the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club. This simple linear argument is addressed (and contested) in section 8 of the Supplement.</p>
512.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because the values attributed to the site by the stakeholders have not been carried through into the report and have therefore not adequately informed the unique significance of the site and appropriate development indicators (see especially issues 398 and 410).</p>	<p>Waseefa Dhansay HWC: IACoM</p>	<p>The HIA acknowledges that stakeholders value the 'openness' in the sense of place of the floodplain, as well as the views from within and across the floodplain, but noting that no cross-cutting, narrative-defining event, battle or encounter is attributed to have taken place at the site, and that no intangible reference to such an event having taken place at the site is made, the authors of the HIA argue that while the development may lead to a significant visual impact, is of relatively low heritage significance: "whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes". It is noted that some stakeholders arrive at a difference in opinion in this regard. The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club.</p>
513.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because the HIA undervalues the significance of the heritage resources associated with the site generally, or is confusing or contradictory (see issues 432 and 433)</p>	<p>Waseefa Dhansay HWC: IACoM</p>	<p>It is the opinion of the heritage practitioners who compiled the HIA (and others) that the Two Rivers local area is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious heritage significance, noting that:</p> <ul style="list-style-type: none"> • The site is either entirely or mostly an infill site; • Much of the history that derives the cultural significance of the Two Rivers local area extends over a far broader spatial scale; • The valley (or floodplain) in which the site is located, although an important component of the Liesbeek River as a landscape, has been transformed by urban development upstream and downstream of the site; • No tangible heritage relics or resources occur on the site; and • No historic events are attributed to have occurred at the site. <p>Therefore, while the HIA acknowledges the role that the 'openness' of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain (which are comprehensively assessed in the VIA), it argues that this openness and these views are of low heritage significance: "whether the site is developed or otherwise, it will always have a history which does not manifested on the ground and cannot be destroyed by physical changes". Although it is acknowledged that HWC hold a different opinion in this regard, it is on this basis that the heritage practitioners defend their assessment of heritage significance of the site and immediately adjacent areas. Furthermore, this view is supported by the First Nations Collective who have confirmed that "no cross-cutting, narrative-defining event for any of the strands of the indigenous narrative... can be attributed specifically to the River Club site" (Section 2(D) of River Club First Nations Report).</p> <p>The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club.</p>
514.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because the HIA post-rationalises the assessment of significance based on a pre-conceived development concept</p>	<p>Waseefa Dhansay HWC: IACoM</p>	<p>The proponent seeks to develop a mixed use, "live, work and play" facility at the site, and this development must be financially viable for the proponent to proceed. Nevertheless, the development proposal has been formulated in collaboration with a multi-disciplinary team that has responded to independent environmental and specialist input. In this context there have been more than 250 iterations to the development proposal / layout (many in response to input from the heritage specialists on the project team, and the assertion that the HIA post-rationalises a pre-conceived development concept is therefore rejected (also see response to item 443 regarding development responses to specialist findings). The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club.</p>
515.	<p>NHRA Section 38(3)(b) "Assessment of the significance of such resources" is inadequate because the assessment of heritage resources has ignored both the existing studies, and the wider</p>	<p>Waseefa Dhansay HWC: IACoM</p>	<p>The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRA are clearly achieved in the HIA for the River Club.</p>

No	Issues	Stakeholder	Response
	picture, and as such has attempted to grade significance in the isolation of a much wider system.		After reporting the history of the broader area (which is not contested, and has been drawn from various previous research), the HIA:
516.	That the applicant has chosen to proceed with the application, without meaningful reference to any of the previous studies is regarded as unfortunate.	Waseefa Dhansay HWC: IACoM	<ul style="list-style-type: none"> Confirms that "the area in which the River Club is situated is historically important for the role it played in the distant past", and Places the site "within the core of this early contested landscape" (see Section 4.5 of the HIA) and within an "associative cultural landscape" with definable/known historical associations of great socio-political import. <p>Nevertheless, it is the opinion of the heritage practitioners who compiled the HIA (and others) that the Two River local area is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. In this context, the HIA finds that, apart from the Liesbeek River, the site itself has little obvious heritage significance (refer to the response to item 398 regarding the absence of objects and history specifically attributed to the River Club site). The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion in the assessment of heritage significance, the legislative requirements of Section 38(3)(b) of the NHRRA are clearly achieved in the HIA for the River Club.</p>
517.	The HIA has barely acknowledged or interrogated the significance that HWC and previous reports have attributed to the wider valley context	Waseefa Dhansay HWC: IACoM	<p>The HIA reports the history of the broader area. This record is not contested and has been drawn from various previous research.</p> <p>The site is located in a significantly transformed floodplain between even more radically transformed land, is degraded and will be further affected by the future development of the Berkley Road extension. Nevertheless, the HIA acknowledges the role that the "openness" of the site plays in determining the current sense of place, as well as the importance of views from within and across the floodplain, but argues that while this may be a significant visual impact, is of relatively low heritage significance: "whether the site is developed or otherwise, it will always have a history which not manifested on the ground and cannot be destroyed by physical changes".</p>
518.	NHRRA Section 38(3)(c) "Assessment of the impact of the development on such heritage resources" is inadequate because it stands to reason that if the identification and mapping of heritage resources is flawed, the grading of significance will be flawed any assessment of the development on identified heritage resources must be flawed.	Waseefa Dhansay HWC: IACoM	<p>An assessment of the impact of the development on heritage resources is provided in the HIA for the River Club (Section 10 of the HIA), and notwithstanding the difference in opinion in the identification of heritage resources at the site (see response to item 509) and on the assessment of heritage significance (see response to item 514), the legislative requirements of Section 38(3)(c) of the NHRRA are clearly achieved in the HIA for the River Club.</p>
519.	If the site of the memorial is not fixed, how can the impact (benefit?) on heritage resources be assessed?	Waseefa Dhansay HWC: IACoM	<p>The purpose of memorialisation at the site is to "acknowledge, embrace and celebrate" the narrative of the First Nations groupings, and various proposals to achieve this memorialisation are currently being explored in direct and robust consultation with the First Nations Collective. Ultimately, provided that the acknowledgement and celebration of the Indigenous narrative is achieved to the satisfaction of these people (and the heritage specialists on the project team), these benefits are recognised and supported in the Supplement. Greater detail in the design development of the mechanisms for the implementation of the First Nations narrative will unfold later in the process. For the moment it is sufficient that the heritage and environmental authorities approve the concept as illustrated in the architects' drawings attached.</p>
520.	NHRRA Section 38(3)(c) "Assessment of the impact of the development on such heritage resources" is inadequate because the HIA fails to assess the impact of the development on the most important heritage resource: The site's open, green qualities as a remnant of landscape that has considerable intangible historic and cultural heritage significance.	Waseefa Dhansay HWC: IACoM	<p>An assessment of the impact of the development on heritage resources is provided in the HIA for the River Club (Section 10 of the HIA and Sections 4 and 5 of the HIA Supplementary Report), and notwithstanding the difference in opinion on the assessment of heritage significance (see response to item 514), the legislative requirements of Section 38(3)(c) of the NHRRA are clearly achieved in the HIA for the River Club. The site is not a remnant of a green landscape, but is situated on reclaimed engineered land.</p>
521.	NHRRA Section 38(3)(d) "Evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived" is inadequate because the impact of the development on a site which has been recognized previously by HWC as being of Provincial, if not National significance, is not acknowledged (see issue 476).	Waseefa Dhansay HWC: IACoM	<p>The history of the broader area is comprehensively described in Section 4 of the HIA and is not contested. Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA), and the HIA confirms that the cultural significance of the area is derived from "the history of and concentration of historic elements in this landscape as well as the symbolic values of the Black and Liesbeek Rivers". Also see response to item 476 regarding the heritage significance of the site in the context of the broader area. In this context it is not clear on what basis HWC arrive at the opinion that the entire River Club property is of any specific heritage significance not associated with the broader TR area (the river course excluded). It is also not clear how Section 38(3)(d) of the NHRRA is not complied with in this context.</p>
522.	That the site falls within the Urban Inner Core in terms of the MSDF does not override heritage considerations	Waseefa Dhansay HWC: IACoM	<p>Correct. The necessary environmental and heritage approvals are required in order to develop the site notwithstanding its status in terms of the MSDF.</p>

No	Issues	Stakeholder	Response
523.	The HIA has ignored applicable provisions of the Table Bay Spatial District Plan (SDP) and Environmental Management Framework (EMF) 2012	Waseela Dhansay HWC: IACOM	It is not irregular to deviate from a District Plan. The District Plan is outdated. The proposed development represents a change in the way development of the site is considered. Whereas the Table Bay District Plan does not consider the site developable, it has been demonstrated from detailed technical studies that the site is indeed developable, with the major motivating factors being: <ul style="list-style-type: none"> Raising the level of the site above the 1:100 floodplain will not have a significant effect on flood hazard (as demonstrated in the surface water hydrology report, attached as Annexure H to the motivation report); The CoCT's desire to develop the Berkeley Road extension, which will change the existing character of the site, and will provide enhanced access opportunities onto the site; and The policy objective of the authorities for the Two Rivers area to become a mixed use and mixed tenure environment. <p>Furthermore, the 2018 Municipal Spatial Development Framework states that specific and immediate implementation actions that the City must undertake include "reviewing district plans to interpret the reviewed MSDP" (pages xv and 90 of the MSDP). The Table Bay District Plan is currently under review, with the updated version to be made available for public comment in May/June 2020. This updated version should (in theory) be consistent with the MSDP.</p> <p>According to the "Consistency principles and post-2012 amendments, as contained in Technical Supplement D of the 2018 MSDP, lower order spatial plans and policies must be consistent with higher order spatial plans and policies. The MSDP identifies the land as "urban inner core" and therefore the lower order Table Bay District Plan is inconsistent with the higher order MSDP (and must be updated by the City in any event).</p> <p>It is also noteworthy that the latest spatial policy plan relating to the site is the Draft Two Rivers Local Spatial Development Framework. This Framework is both a City of Cape Town and a Western Cape Provincial Government local spatial planning initiative / proposal. It is pertinent that the development is in line with this framework, and the developers highlight a number of factors that suggest more intense development at this site should be considered, including:</p> <ul style="list-style-type: none"> The policy objective of the authorities for the Two Rivers local area is to become a mixed use and mixed tenure environment. The vision is for the development to be a special place for the community – a vibrant destination that provides people with quality, public spaces and the chance to interact with the river edges in a meaningful way. The site located at the western gateway into the Two Rivers local area³. An opportunity exists to improve this gateway into the Two Rivers local area with features such as mixed-use development, public access routes, statement buildings, quality public spaces, water features and landscaping. Specialist ecological investigations have demonstrated that the site and adjacent watercourses are degraded but retain certain ecological functions; and that development at the site provides an opportunity to improve the ecological condition of the site and adjacent watercourses without leading to significant ecological impacts. Set-backs will be retained at the interfaces between the site and adjacent rivers to restore ecological function in these areas and attenuate stormwater. Moreover, these buffer areas will be designed and landscaped to accommodate pedestrians, thus encouraging more interaction between the public and the river edges here. The site is located in a strategically important position within Cape Town – it is a highly accessible site located within close proximity to agglomerated places of work such as the Central Business District (CBD) and Paardeën Eiland, and also has relatively good accessibility to the metropolitan south-east. The location of the site at the knuckle of the Main Road corridor, the Voortrekker Road corridor and the Klipfontein Road corridor means that it can be a generator of people and economic activity that may support and reinforce these corridors with higher densities and supplementary mixed-use development (in particular the Voortrekker Road corridor). The site is well located in respect to the public transport network: both Observatory rail station (to the south-west) and Koeberg rail station (to the north-east) fall within a 500m radius of the site, while the Voortrekker Road corridor and Main Road corridor – both of which carry bus and mini-bus tax: routes – are located within 1 km of the site. The development can therefore further the principles and strategies identified in the CoCT Transit Oriented Development (TOD) Strategic Framework (2016). The project provides an opportunity for the CoCT to generate sufficient funds to implement critical (socially beneficial), long-planned infrastructure at this location (e.g. the extension of Berkeley Road and the widening of Liesbeek Parkway), thereby reducing existing movement barriers between the west (e.g. Salt River, Observatory and Mowbray) and the east (e.g. Maitland, Ndabeni and Pinelands). Implementation of Berkeley Road extension, in particular, will improve permeability between the Voortrekker and Main Road corridors, including to train stations and public facilities. More foot traffic between these corridors may lead to upliftment of these areas. Further, bike paths on the site will integrate with the newly implemented bike lanes along Albert Road in Salt River. The Berkeley Road extension will change the existing character of the site, and will provide enhanced access opportunities onto the site and will make the site more accessible than is currently the case. <p>These motivations for deviations from policy are included in the BAR for the development (including Planning Policy overview – Appendix K1) and are substantiated by specialist studies and have been formulated after much research and careful planning by highly qualified professionals.</p>
524.	The following provisions of the Table Bay Spatial District Plan (SDP) and Environmental Management Framework (EMF) 2012 must be taken into account: <ul style="list-style-type: none"> Preserve the qualities of the various areas of the City, which exhibits a range of diverse character zones; Protect the historical built fabric, scale and texture of the historical areas of the City; Maintain the interface between the City and Table Mountain, retaining view corridors and scenic vistas and avoiding monolithic structures that block views; Ensure that proposed development is in keeping and appropriate to the historical nature of the City; Ensure the retention and protection of historical areas, sites and features both above and underground; Ensure that construction activities within the district and specifically within heritage and conservation areas do not negatively impact on the historical character of the area or fabric; 	Waseela Dhansay HWC: IACOM	
525.	The Table Bay Spatial District Plan (SDP) and Environmental Management Framework (EMF) 2012 is still the most relevant planning and policy framework applicable to the site	Waseela Dhansay HWC: IACOM	
526.	The development does not conserve the cultural landscape (as required by the District Plan) / the development will lead to an ("unacceptable" - EHM) impact on the cultural landscape	Ronelle Clarke CoCT EHM – 6.4.2 Mark Bell CoCT EMD	
527.	NHRA Section 38(3)(d) "Evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived" is inadequate because the viability argument is regarded by HWC as unconvincing and inadequate (also see issue 488).	Waseela Dhansay HWC: IACOM	As the site is privately owned, it is reasonable that a developer only consider alternatives that are financially viable to them (as well as the No-Go Alternative), and it is not clear on what basis HWC find the owner's viability argument to be unconvincing or inadequate. It is also not clear how Section 38(3)(d) of the NHRA is not complied with in this context. River Club has employed quantity surveyors and planners who job it is to assess viability in hard figures which they have done, and ranked the viability of the alternatives accordingly. Arguments against should be best informed by hard figures. <p>Also see response to item 488 regarding the public impact of the development, and item 455 regarding the consideration of alternatives and viability considerations.</p>

³ A gateway in planning / urban design terms is an important entry point into a place, and they can play a key role in identifying distinct areas (e.g. the Two Rivers local area).

No	Issues	Stakeholder	Response
528.	That there appears to be a cross subsidy of the development to help fund the City's proposed Berkley Road extension should in no way be used as mitigation to try and argue for sustainable and economic benefits.	Waseefa Dhansay HWC: IACOM	Phase 1 of the Berkley Road extension (bridge over the Black River and extension to the River Club development) will be offset by Development Contributions payable by the developer to the CoCt. These contributions (costs to the developer) would factor into the cost calculations for any development proposal. Development contributions are only made if the necessary approvals for the development are secured and the development proceeds, and the City does not have the necessary funds to implement this critical infrastructure at this stage in time, and therefore the components to this infrastructure that would be paid for and implemented by the developer are considered to be benefits of the development.
529.	NHRA Section 38(3)(e) "Results of consultation with communities affected by the proposed development and other interested parties" is inadequate because there has been a lack, or avoidance, of a meaningful consultation with the First Nation Groups (see Issues 497, 498, 501, and 508).	Waseefa Dhansay HWC: IACOM	Refer to the response to item 497 regarding engagement with representatives of the First Nations, Section 5 of the HIA and Section 2 of the Supplementary Report: Consultation and Commentary of Interested Parties, and River Club First Nations Report. The authors of the HIA motivate that compliance with Section 38(3)(e) is now achieved and exceeded.
530.	The HIA has failed to meet the statutory requirements of Section 38(3) of the NHRA and will not do so until there is meaningful engagement with the First Nation Groupings	Tauriq Jenkins OCA T. Jenkins GKKITC T. Jenkins and M. Turok TRUJPA	Alternative Development Proposals are discussed (Section 9.3 of the HIA and Section 7 of the HIA Supplementary Report) in the HIA for the River Club, and notwithstanding the difference in opinion relating to the heritage resources that occur at the site, or of HWCs dismissal of the proponents viability considerations (see response to item 455), the legislative requirements of Section 38(3)(f) of the NHRA are clearly achieved in the HIA for the River Club.
531.	NHRA Section 38(3)(f) "the consideration of alternatives" is inadequate because there is no meaningful consideration of alternatives whatsoever (see Issues 455, 456 and 492).	Waseefa Dhansay HWC: IACOM	Nothing that there is no historical record specific to the River Club property – other than it being part of the broader historical landscape, the Liesbeek River Course excluded, the heritage practitioners have not been able to identify many heritage design informants applicable to the site, other than the restoration of the Liesbeek River Corridor, and setting back from and respecting the SAAO site (noting their opinion that objections to the development are largely visual in nature). Nevertheless, detailed engagements with representatives of the First Nations have made it possible to articulate the history of the broader landscape to these people in detailed design of the development (and, in doing so, to gain the support of these people for the development as proposed). This engagement has led to a number of new heritage design indicators that have been presented in Section 2 of the supplementary report. These additional indicators, as well as those presented in the HIA (Section 8) clearly achieve the legislative requirements of Section 38(3)(g) of the NHRA.
532.	NHRA Section 38(3)(g) "Plans for mitigation of any adverse effects" is inadequate because mitigation ignores the broader issues pertaining to a highly significant cultural landscape.	Waseefa Dhansay HWC: IACOM	It is the opinion of the heritage practitioners who compiled the HIA (and others) that the broader area (including the Two Rivers local area) is comprised of a variety of precincts of very different topographies, histories of use, of development-type, each with its own qualities and a variety of potential heritage significances. It is apparent that HWC arrive at a different opinion regarding the heritage capital that is, or should be, assigned to the River Club. Regarding compliance with Section (see above):
533.	The HIA has failed to meet the statutory requirements of Section 38(3) of the NHRA	HWC P de Almeida and B Mwasinga SAHRA T. Jenkins GKKITC	<ul style="list-style-type: none"> Heritage resources have been identified (Section 6 of the HIA) and mapped (Section 10.8 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club; The significance of heritage resources has been assessed (Section 7 of the HIA and Sections 4 and 5 of the HIA Supplementary Report) in the HIA for the River Club; An assessment of the impact of the development on heritage resources is provided in the HIA for the River Club (Section 10 of the HIA); The history of the broader area is comprehensively described in Section 4 of the HIA and is not contested. Remaining heritage resources in the broader landscape are also documented (see Section 6 of the HIA); Representatives of First Nations groups have been engaged extensively; Alternative Development Proposals are discussed (Section 9.3 of the HIA and Section 7 of the HIA Supplementary Report) in the HIA for the River Club; and The HIA, and supplementary report recommends mitigation (and enhancement) for heritage impacts (and benefits). <p>Therefore, and notwithstanding the difference in opinion relating to the heritage resources that occur at the site and immediately surrounding area, and their significance (which is acknowledged), the legislative requirements of Section 38(3)(a) of the NHRA are clearly achieved in the HIA for the River Club.</p>
534.	It is noted that the Heritage Impact Assessment ("HIA") (compiled by ACO and dated 02 July 2019) does not meet the requirements of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) and that an interim comment has been issued by the Heritage Western Cape ("HWC") (dated 13 September 2019).	K Adriaanse DEA&DP	A supplementary report to the HIA, response to the heritage interim comment on the HIA, First Nations Report for the River Club and updated Appendix A to the VIA were submitted to HWC for consideration on 6 December 2019 (and released for stakeholder information on this date).
535.	The HIA (dated 02 July 2019) should be revised and submitted to HWC for consideration prior to the submission of the Application for Environmental Authorisation.	K Adriaanse DEA&DP	The VIA aims to present a dispassionate assessment of visual and sense of place impacts, and while the cognitive and narrative association to the site is considered when describing the existing sense of place to receptors, delegates the assessment of impacts on the cultural landscape to the heritage specialists / HIA (which is, in turn, informed by the VIA). With regard to the visual impacts, the VIA finds that the scale of the development will have visual impacts, and it is the location/context of the site - the surrounding built fabric and topography, visual absorption capacity, visibility, and landscape integrity - which effectively reduces such impacts to the assigned medium rating after mitigation.
536.	The Visual Impact Assessment (VIA) is inadequate in its assessment of the cultural landscape and defining the sense of place.	Waseefa Dhansay HWC: IACOM	
537.	While the VIA finds that "a loss of sense of place is expected" (p37) and "new built structures will be visually intrusive", it simply echoes the HIA, by concluding that the judgement of visual impacts depends on "receptor perceptions". This is neither conclusive nor useful.	Waseefa Dhansay HWC: IACOM	
538.	The photomontages provided in the VIA are too crude and inaccurate to be considered as a useful tool to assess impact	Waseefa Dhansay HWC: IACOM	These have been updated to reflect accurate perspectives of the current development proposal.

No	Issues	Stakeholder	Response
539.	If HWC were the competent authority in this application it would require that the VIA either be conducted by a practitioner who HWC recognizes as having the requisite expertise for heritage related work, or should at least be conducted by an independent consultant, and not by the EAP's company.	Waseefa Dhansay HWC: IACoM	The visual specialist is qualified, competent and experienced (and has compiled a number of VIAs to the satisfaction of HWC). The visual specialists employ at the same company as the (independent) EAP team does not compromise the specialist's independence to the developer.
540.	No building is proposed on the SKA site / it is a false assumption	T Jenkins GKKITC	This assumption is removed from the final HIA
541.	The HIA addresses the D'Almeida battle insufficiently (which pertains to the River Club precinct)	T Jenkins GKKITC	It has been demonstrated and confirmed that the Battle of D'Almeida did not take place at the River Club site, or in its immediate proximity.
542.	HWC has been led to believe that development issues for the entire TRUP area would be addressed prior to the development of individual pockets therein	Waseefa Dhansay HWC: IACoM	Although the River Club is located within the Two Rivers local area, the River Club planning application was submitted prior to finalisation of the SDF for the following reasons: <ul style="list-style-type: none"> The River Club project team was never given any clear guidelines or information about the official status in respect of the Two Rivers local area initiative; The time frame for the LSDF has always been uncertain; and The River Club is a private development initiative on privately owned land, and the proponent is permitted to submit a planning application in terms of the legislation.
543.	HWC have previously advised that the IACoM will not prevent a separate application being submitted by any individual land owner, but that this would be at the risk of the applicant, should the broader TRUP Baseline Study not be completed	Waseefa Dhansay HWC: IACoM	On 15 October 2019, that Draft Two Rivers Local Spatial Development Framework (LSDF) was released for public comment. This report included a Phase 1 HIA and a "TRUP First Nations Report" (AFMAS Solutions, 2019). This report, and a supplementary report compiled for the River Club development (AFMAS Solutions, 2019) confirm that the heritage resources identified in the HIA for the River Club are accurate. The Phase 1 HIA concludes that the site is developable "provided the intangible heritage is respected and appropriate provision is made for spatial opportunities for commemoration", and the development is largely compliant with the Draft LSDF.
544.	The HIA is unlikely to comply with the provisions of s38(3) of the NHR Act until a meaningful engagement with the First Nation Groupings has taken place, both on a broader level, and more immediate one in terms of the site itself, and that furthermore is integrated with, and informed by the Baseline Study being conducted for the wider TRUP area, is unlikely to do so in the future	Waseefa Dhansay HWC: IACoM	
545.	It is problematic to consider the specifics of the River Club application in isolation from the broader (heritage) study (for TRUP)	Waseefa Dhansay HWC: IACoM	
546.	The HIA should be integrated with the HIA for the wider TRUP area	Tauriq Jenkins OCA	
547.	There has been no further submission of the TRUP Baseline Study, since the IACoM meeting of 8th November 2017	Waseefa Dhansay HWC: IACoM	Noted; however, the threat that the intent to comply with the provisions of Section 38(8) of the NHR Act introduced to the site remains unclear.
548.	After previously noting the high heritage significance of TRUP, and the need to provisionally protect TRUP under Section 29 of the NHR Act, a decision was taken at HWC Council in March 2018 to provisionally protect the River Club site in terms of the provisions of s29 of the NHR Act (in response to news of the intent of the applicant to submit a new HIA for the redevelopment of the River Club)	Waseefa Dhansay HWC: IACoM	Noted.
549.	Provisional protection of the River Club site in terms of Section 29 of the NHR Act does not preclude any party making a NEMA / NHR Act Section 38(8) application in the interim - "What is noted is that a s29 provisional protection does not preclude an applicant from making an application (indeed s29(10) of the NHR Act makes provision for this)"	Waseefa Dhansay HWC: IACoM	Notwithstanding the difference in opinion on the identification and assessment of heritage resources presented in the HIA for the River Club, and noting the information provided in the supplementary report, it is the opinion of the heritage specialists that the legislative requirements of Section 38(3) of the NHR Act are achieved in the HIA for the River Club (refer to Section B above: HIA Technical), and, given the considerable additional research and evaluation supplied in the Supplement, we trust that HWC will now accept that all of HWC's requirements regarding the impact assessment are now satisfied.
550.	HWC is obliged, in terms of the provisions of s38(8) of the National Heritage Resources Act, (NHRA), to give consideration as to whether the evaluation of the impact of the development on heritage resources fulfils the requirements of the relevant heritage resources authority in terms of s38(3) of the NHRA. It is the unanimous view of the IACoM, being the delegated authority to issue comment on behalf of HWC in terms of s38(8), that the HIA as tabled does not comply with the provisions of s38(8).	Waseefa Dhansay HWC: IACoM	Refer to the response to item 497 regarding consultation with representatives of the First Nations for the broader area and the site. It should also be noted that HWC has accepted that all statutory required processes for advertising and consultation have been satisfied.
551.	The HIA is unlikely to comply with the provisions of s38(3) of the NHR Act until meaningful engagement with the First Nation	Waseefa Dhansay HWC: IACoM	

No	Issues	Stakeholder	Response
	Groupings has taken place, both on a broader level, and more immediate one in terms of the site itself		
552.	HWC acknowledges that in terms of the provisions of the PA/A, (in so far as a formal notice and commenting procedure is concerned), that the report complies with this section.	Wasefa Dhansay HWC: IACOM	Noted.
553.	The heritage specialist should not consider the merits of the ecological benefits of the canal restoration / extent to which this intervention offsets impacts (as this falls outside of his expertise)	Trevor Hughes FOTL	The ecological implications of the development as reported in the HIA are informed by the findings of the Biodiversity Impact Assessment for the development.

V. Visual and Sense of Place

No	Issues	Stakeholder	Response
W. Visual and Sense of Place			
554.	The City of Cape Town does not agree that visual and sense of place impacts are acceptable / visual and sense of place impacts are unacceptable / the development will destroy the sense of place at the site	Ronelle Clarke CoCT EHM – 7.1.2 Simon Birch RAMPAC Tim Jobson and Joanne Eastman FRC Tauriq Jenkins OCA T. Jenkins GKK/ITC T. Jenkins and M Turok TRUPA P. de Almeida and B Mwasinga SAHRA	Visual and sense of place impacts are not, by nature, purely objective, and depend to some extent on subjective judgment. It is not surprising that different stakeholders have differing opinions regarding visual impacts, especially for a site where different but related (e.g. heritage) impacts are also important. The visual quality of the area is largely determined by a built-up urban environment with an island of green open space, with rivers and Devils Peak providing interest in the landscape, and contributing to the visual quality; but that there are elements that detract from visual quality in the study area, notably the derelict and industrial land to the north, and the M5 freeway to the east. An area will have a stronger sense of place if it can easily be identified or is distinct from other places, and this is not necessarily linked to visual quality. Although the site itself does not necessarily have an immediately recognisable sense of place, the sense of place of the surrounding area is strongly influenced by the rivers, and an "island" of green open space in a highly developed and evolving urban environment of mixed land use, and people are conservatively assumed to derive a positive (cognitive or narrative) sense of place from the site and surrounding area. However, it is acknowledged that the current state of the site may appear harsh and degraded to certain receptors. Although a) there are factors which suggest that the site is appropriate for urban development (see response to item 73 regarding factors that suggest that intense development may be appropriate at this location) b) very large open areas remain in public ownership which cannot be developed and will continue to form part of the public open space system, and c) the development would include significant open space (refer to response to item 82 regarding open space considerations), the development will change the character of the site. Furthermore, because of financial viability considerations (see response to item 80 regarding alternatives and viability considerations), it is not possible to further reduce the floor space (or bulk) of the development (i.e. it is not possible to mitigate this impact further through on-site mitigation), noting that a development with less bulk would not avoid open space and visual impacts altogether. Therefore, and although the site is surrounded by urban development, due to its size, its location at the confluence of the Liesbeek River and Black River, and long-term status of the site as a green open space, the change in character may be experienced as a strong visual contrast for surrounding (urban) receptors, and that the (negative) impact of a change in sense of place will be significant. Nevertheless, receptor perceptions are important. For some, the retention of the open space might be critical to retaining the sense of place. However, for others, urban development, especially if celebrated by iconic structures and associated with quality green open spaces, may be valued.
555.	The City of Cape Town considers the impact on views and sense of place to be significant	Ronelle Clarke CoCT EHM – 10.4.2	An independent VIA was undertaken. It is correct to say that the same project in a different location may have different impacts, either higher or lower. The VIA describes and takes into account relevant contextual factors which inform the impact assessment.
556.	It is our belief that an independent VIA would recognise that the impact of buildings of the scale proposed will be fundamentally different in the location proposed than if they were to be located within the more densely developed rail corridor immediately to the west of the site.	Simon Birch RAMPAC	

Our Ref: HM/TWO RIVERS URBAN PARK/OBSERVATORY
Enquiries: Jonathan. Windvogel
E-mail: jonathan.windvogel@westerncape.gov.za
Tel 021 483 9736
Date: 30 July 2021



Mr Tauriq Jenkins
3 Duke Street
Observatory
Cape Town
7925
tauriqshare@gmail.com

"JV431"

PROPOSED PROVINCIAL HERITAGE SITE NOMINATION FOR TWO RIVERS URBAN PARK, OBSERVATORY.

The matter above has reference.

Heritage Western Cape (HWC) is in receipt of your application for the above matter. This matter was discussed at the HWC Council meeting held on 22 July 2021.

RECORD OF DECISION

Based on discussions at various meetings and documents put forward in terms of the heritage significance for the TRUP area, and notwithstanding that an application for the proposed nomination of the site for Grade I status is also currently submitted with SAHRA. HWC is of the strong opinion that the TRUP area is worthy of being further investigated for Grade I heritage status. This does not detract from the site being of very high regional significance.

Therefore, Council resolved to approve HWC notifying SAHRA of its opinion that the TRUP area should be assessed for Grade I heritage status in terms of Section 24(1)(e) of the NHRA.

- This decision is subject to an **appeal period of 21 working days**.
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date above.
- It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal.
- Appeals must be addressed to the **Minister of Cultural Affairs and Sport** and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.

Should you have any further queries, please contact the official above.

Yours faithfully

.....
Mr Michael Janse van Rensburg
Chief Executive Officer

Cc: marcturok@gmail.com; nicks@nsmithlaw.co.za; jody@orangestreet.co.za; adrian@orangestreet.co.za; roxaan@orangestreet.co.za; reception@orangestreet.co.za; aneesa.solomons@capetown.gov.za; nigel.titus@capetown.gov.za; Gerhard.Gerber@westerncape.gov.za; Jacqui.Gooch@westerncape.gov.za; rwong@colorfusion.co; greg@ovp.co.za; vc@uct.ac.za; mughtar.parker@uct.ac.za; vbaduza@sahra.org.za; dsibayi@sahra.org.za; 2011891@churchofJesusChrist.org; poshouer@gmail.com; leslie.london@uct.ac.za; rodecb@icloud.com; Nigel.Haupt@uct.ac.za; ah@obs.org.za; david.gibbs@uct.ac.za; davesue@mweb.co.za; petri@saao.ac.za; epl@saao.ac.za; Mariagrazia.Galimberti@westerncape.gov.za; hweldon@sahra.org.za; greg@ovp.co.za; adrian@orangestreet.co.za; roxaan@orangestreet.co.za; nicks@nsmithlaw.co.za; ah@aharch.co.za; Tamar.Shemtov@capetown.gov.za; Demitrios.Georgeades@capetown.gov.za; aneesa.solomons@capetown.gov.za
www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1065, Cape Town, 8000
• **Tel:** +27 (0)21 483 5959 • **E-mail:** cas@heritage.westerncape.gov.za

Straatadres: Protea Assuransiegebou, Groenemarktplein, Kaapstad, 8000 • **Posadres:** Posbus 1065, Kaapstad, 8000
• **Tel:** +27 (0)21 483 5959 • **E-pos:** cas@eritage.westerncape.gov.za

Idilesi yendawo: Kungangatho 3, kwisakhiwo iprotea Assurance, Inyangalet Square, eKapa, 8000 • **Idilesi yeposi:** Inombolo yeposi ka yeposi 1065, eKapa, 8000 • **Iinombolo zomnxeba:** +27 (0)21 483 5959 • **Idilesi ye-imeyile:** cas@heritage.westerncape.gov.za

Nick Smith

From: Jonathan Windvogel <Jonathan.Windvogel@westerncape.gov.za>
Sent: 30 July 2021 11:59 AM
To: tauriqshere@gmail.com
Cc: marcturok@gmail.com; nicks@nsmithlaw.co.za; jody@orangestreet.co.za; adrian@orangestreet.co.za; roxaan@orangestreet.co.za; reception@orangestreet.co.za; aneesa.solomons@capetown.gov.za; Nigel Titus; Gerhard Gerber; Jacqui Gooch; rwong@colorfusion.co; greg@ovp.co.za; vc@uct.ac.za; mughtar.parker@uct.ac.za; vbaduza@sahra.org.za; dsibayi@sahra.org.za; 2011891@churchofJesusChrist.org; poshouer@gmail.com; leslie.london@uct.ac.za; rodecb@icloud.com; Nigel.Haupt@uct.ac.za; ah@obs.org.za; David Gibbs; davesue@mweb.co.za; petri@saa.ac.za; epl@saa.ac.za; Mariagrazia Galimberti; Heidi Weldon; greg@ovp.co.za; adrian@orangestreet.co.za; roxaan@orangestreet.co.za; nicks@nsmithlaw.co.za; ah@aharch.co.za; Tamar.Shemtov; Demitrios.Georgeades; aneesa.solomons@capetown.gov.za
Subject: PROPOSED PROVINCIAL HERITAGE SITE NOMINATION FOR TWO RIVERS URBAN PARK, OBSERVATORY
Attachments: Provincial Heritage Site Nomination for TRUP - signed.pdf

Good day

Please find the attached.

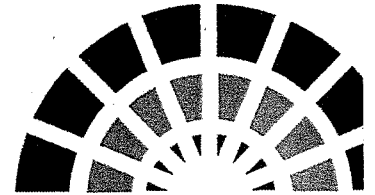
Regards

Jonathan Windvogel
Heritage Western Cape
3rd Floor, Protea Assurance Building
Green Market Square
Cape Town
8001

Email: jonathan.windvogel@westerncape.gov.za

(Please contact me via email, as I attend meetings most times of the day)

Website: <http://www.hwc.org.za>



iLifa leMveli leNtshona Kol
Erfenis Wes-Kaap
Heritage Western Cape

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise.
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IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

CASE NO. 12994/21

In the matter between:

OBSERVATORY CIVIC ASSOCIATION First Applicant

**GORINGHAICONA KHOI KHOIN INDIGENOUS
TRADITIONAL COUNCIL** Second Applicant

and

**THE TRUSTEES FOR THE TIME BEING OF
LIESBEEK LEISURE PROPERTIES TRUST** First Respondent

HERITAGE WESTERN CAPE Second Respondent

CITY OF CAPE TOWN Third Respondent

**THE DIRECTOR: DEVELOPMENT MANAGEMENT
(REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL
AFFAIRS AND DEVELOPMENT PLANNING, WESTERN
CAPE PROVINCIAL GOVERNMENT** Fourth Respondent

**THE MINISTER FOR LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT
PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT** Fifth Respondent

**CHAIRPERSON OF THE MUNICIPAL PLANNING
TRIBUNAL OF THE CITY OF CAPE TOWN** Sixth Respondent


EXECUTIVE MAYOR, CITY OF CAPE TOWN Seventh Respondent

WESTERN CAPE FIRST NATIONS COLLECTIVE Eighth Respondent

AFFIDAVIT

I, the undersigned,

GRAHAM ROBERT JOHN HALDANE

GH


do hereby make oath and declare as follows:

1. I am a duly qualified and registered quantity surveyor, with the following qualifications: MRICS, PrQS, PMAQS. The facts deposed to in this affidavit fall within my personal knowledge and belief, unless stated to the contrary or indicated by the context.
2. I am a member of the Association of South African Quantity Surveyors, a registered quantity surveyor with the South African Council of Quantity Surveyors, and a member of the Royal Institute of Chartered Surveyors.
3. I have been employed by MLC Quantity Surveyor's SA (Pty) Ltd since 1984 and I am a director of MLC Quantity Surveyors SA (Pty) Ltd. I attach a copy of my curriculum vitae, marked '**A**'.
4. In this affidavit I use the abbreviations which, so I have been advised, are employed in the answering affidavit of the first respondent (LLPT).
5. I have calculated a range of estimated costs, relevant to certain outcomes should the applicants in case no. 12994/2021, Western Cape Division of the High Court of South Africa, obtain the interim interdictory relief sought by them in part A of the proceedings. I annex a copy of my report (the report) which sets out my calculations and costings in this connection, marked '**B**'.
6. First, I calculated the work which would have been completed by 25 September 2021 as part of phase 1 on precinct 2A, that is to say the ADC precinct, on the River Club property. The LLPT's liability at that point in respect of the ADC

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precinct will amount to R349 860 780.00. Details of my calculation and workings in this regard appear in annexure A to the report summary.

7. Next, I calculated what would be due to the main contractor WBHO Construction (Pty) Ltd (WBHO) in the event of cancellation of the building contract due to a cessation of the works. WBHO has been appointed in terms of the principal building agreement of the JBCC Series 2000 (edition 4.1, code 2021, March 2005) (the JBCC contract) as amended.
8. Clause 39 of the JBCC contract deals with cancellation due to circumstances beyond the control of either party. The granting of the interim relief sought by the applicants would very probably bring clause 39 of the JBCC contract into operation.
9. Clause 39 of the JBCC contract provides that either party may cancel the agreement on cessation of the works for a continuous period of 90 calendar days or an intermittent period totalling 120 calendar days due to circumstances beyond the control of either party. Where one party considers cancelling in these circumstances 10 days notification of such intention is to be given.
10. I have calculated the standing time costs which would be payable by the LLPT in this event, based upon the 10 day notification period and the 90 day delay period contemplated by clause 39. An amount of R13 028 531.00 would be payable by the LLPT to WBHO. Details of the calculation in this regard are set out in annexure B to the report summary.

GH


11. I next calculated the value of work which will be completed as at 25 September 2021 in respect of infrastructure for the development as a whole. The amount for which the LLPT will be liable in this regard is R48 989 259.00. Details of my calculation appear in annexure C to the report summary.
12. I calculated the cost of WBHO remaining on standby to resume the works. This calculation was for a period of 18 months. The amount for which the LLPT would be liable to WBHO would be R115 067 517.00 should the works not be cancelled as set out in 10 above. Details of my calculations in this regard are set out in annexure D to the report summary.
13. I calculated the delay penalties due by LLPT to the tenant as a result of construction delays of 6 months with ADC (defined as the Tenant) then terminating in terms of clause 10.10 of the development agreement. In terms of clause 10.10 if the developer (LLPT) does not deliver the premises to the tenant by the anticipated practical completion date, the developer will owe the tenant liquidated damages equal to two days of principal rent for every day of delay until the premises is delivered to the tenant. If practical completion is not achieved within 6 months of the anticipated practical completion date, the tenant has the right to terminate the agreement (and each of the lease agreements) within 30 days of such date, on written notice.
14. The liquidated damages for which the LLPT would be liable to ADC in the event of clause 10.10 cancellation would amount to R83 011 296.00, while the cost of the construction delay would amount to R35 232 029.00. Details of how the sum of R83 011 296.00 is arrived at appear in the report summary. Details of

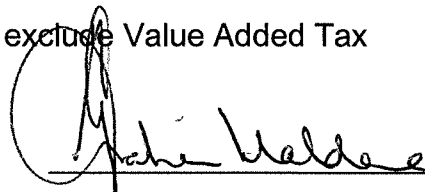
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the calculation of the cost of the construction delay are set out in annexure E to the report summary.

15. In addition, in the event of termination by ADC in terms of clause 10.10 of the development agreement, the LLPT would be liable for interest on development costs amounting to R14 415 750.00, as set out under item 5 of the report summary.

16. I made further certain cost calculations, for illustrative purposes. In respect of precinct 1, I calculated that an 18 month delay would result in an increase in the estimated construction cost of R141 634 652.00. An 18 month delay would result in an escalation of infrastructure costs amounting to R21 306 314.00. Details of my calculations in this regard are set out in items 6 and 7 of the report summary.

17. All monetary amounts stated above exclude Value Added Tax



GRAHAM ROBERT JOHN HALDANE

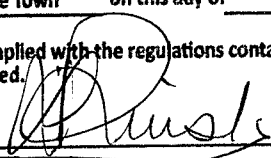
I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to at Cape Town.....on this 24...day of August.....2021..... in accordance with the provisions of Regulation R128 dated 21 July 1972, as amended by Regulation R1648 dated 19 August 1977, R1428

dated 11 July 1980 and GNR774 of 23 April 1982

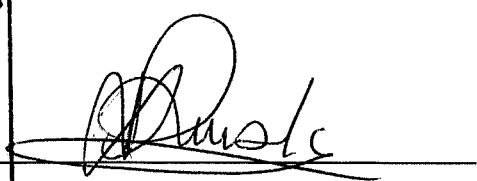
"I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me."

At: Newlands, Cape Town on this day of 24 / 8 / 20 21

administering oath complied with the regulations contained in Government Gazette No. R1258 of 21 July 1972, as amended.

Signature: 

COMMISSIONER OF OATHS
SAIT Member: Dyanette Ann Poirsloo
Ex Officio (SA)
Commissioner of Oaths (RSA)
7th floor Letterstedt House, Cnr Wain & Campgrounds Rds, Newlands, Cape Town, 7700



COMMISSIONER OF OATHS

Graham Haldane

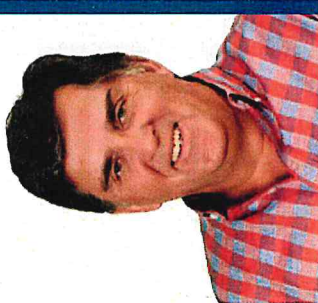
PROFESSION:
Quantity Surveyor

JOINED:
1984

CURRENT POSITION:
Director

NATIONALITY:
South African

DATE OF BIRTH:
5th August 1959



ACADEMIC QUALIFICATIONS :
MRICS, PRQS, PMAQS

PROFESSIONAL ASSOCIATIONS :

Member of the Association of South African Quantity Surveyors
Registered Quantity Surveyor with the South African Council of Quantity Surveyors
Member of Royal Institute of Chartered Surveyors

LANGUAGE:
English

APPOINTMENTS :

- 1978 - 1984: Part time training (College requirement), Ian Shaw & Partners Quantity Surveyors, Edinburgh, Scotland
- 1984 - date : Director of MLC Quantity Surveyors

CONTACT DETAILS:

Phone : +27 21 673 5800
Mobile : +27 82 880 7377
E-Mail : ghalldane@mlc-group.com



GH

KEY EXPERIENCE :

- Over forty years overall within the construction industry in the UK, China and South Africa on a variety of projects.
- Responsibilities on projects include preparation of initial budgets / conceptual cost plans, detailed estimates, viability studies, advice on procurement systems, document preparation, cost reporting, Client liaison, interim payments, final account preparation and settlement.

SELECTED RECENT RELEVANT PROJECTS :

- Demolition and redevelopment of 66,000 m² Blue Route Mall Shopping Centre, Cape Town
- 6 500m² Transport Management Centre as part of the FIFA Soccer World Cup 2010, Cape Town
- 120 000m² Canal Walk Regional Shopping Centre, Cape Town
- 30 000m² V & A W Shopping Centre Extensions, Cape Town
- 15 000m² Alterations to Bayside Shopping Mall with 24 000m² of parking decks, Cape Town
- 8 000m² Foschini Office, Parow
- 25 000m² Woodmead Office Park, Johannesburg
- 20 000m² Norwich On Main Office, Cape Town
- 10 000m² Standard Bank Core Branch, Johannesburg
- 20 000m² Piazza St John mixed use, Cape Town
- Green Point Stadium, Cape Town, 65 000 seat stadium
- 30 000m² Brackenfell Shopping Centre Refurbishment
- 463 Residential units, Langa for City of Cape Town
- 180Ha park and mixed use development, Yinchuan, China
- 120 000m² Regional Shopping Centre, Yinchuan China
- 350 Room Lagoon Beach Hotel, Cape Town
- 20 000m² Warehouse for TFG
- 40 000m² Zevenwacht Shopping Centre, Cape Town
- 65 000m² Table Bay Mall Shopping Centre, Cape Town
- 150 000m² Mixed Use Development, Cape Town
- The Westin Hotel 482 Key Soft Refurbishment, Cape Town
- 542 Key Sky Hotel Conversion from Office Cape Town
- Mobile classrooms for the Department of Transport and Public Works in the Western Cape
- 53 Villa Boutique Hotel, Seychelles

CONFIRMATION OF GOOD STANDING

Registration Category: Professional Quantity Surveyor

Registration Number: 2034

Certificate Expiry Date: 2022-03-31

The South African Council for the Quantity Surveying Profession confirms that:

Graham Robert John Haldane

- is in good standing with the South African Council for the Quantity Surveying Profession;
- registration with the South African Council for the Quantity Surveying Profession has not been suspended or cancelled and there are no proceedings pending by the SACQSP to cancel or suspend his/her registration with the SACQSP;
- In terms of section 27(3) of the Act he/she must comply with the Code of Conduct and failure to do so constitutes improper conduct.
- Please note that only a Registered Person in Good Standing will appear in the database of Registered Persons, which may be accessed on www.sacqsp.org.za.
- CPD Requirements are applicable to Registered Professional.

IMPORTANT NOTICE

1. Any fraudulently obtained Letter of Good Standing shall constitute a criminal offence and the SACQSP shall institute criminal proceedings against any perpetrator/s. It is a criminal offence to unlawfully alter or deface this letter with the intent to defraud or misrepresent facts contained herein.

2. The SACQSP reserves the right to withdraw this letter at any time should the Registered Person not be in compliance with applicable policies and guidelines.

3. The SACQSP reserves the right to withdraw the letter at its own discretion.

The South African Council for the Quantity Surveying Profession (SACQSP) is a statutory body established in terms of Section 2 of the Quantity Surveying Profession Act 49 of 2000 ("the Act") with powers, objects and authority to regulate and administer registered persons under its jurisdiction in terms of section 18 of the Act.

Ms P.N.M More
Registrar

Dr D.R Letchmiah
President

SACQSP has confirmed the above information, for digital certification and sharing by PrivySeal Limited,
at 16:38 PM (Africa/Johannesburg) on 12 May 2021



CERTIFICATE OF REGISTRATION

The South African Council for the Quantity Surveying Profession (SACQSP) certifies that:

Graham Robert John Haldane is a registered Professional Quantity Surveyor

Full Name: Graham Robert John Haldane
Designation: Professional Quantity Surveyor
Registration Number: 2034
Effective from: 1990-03-12
Valid Until: 2022-03-31

Contact Details:

Landline: 021 *85 7*72
Mobile: 082 * 807 *77
Email: gha*dan*@mlc*t.co.*a

Categories of Registration:

18. (1) The categories in which a person may register in the quantity surveying profession are -

- (a) Professional Quantity Surveyor;
- (b) Candidate Quantity Surveyor; or
- (c) specified categories prescribed by the council.

(2) A person may not practise in any of the categories contemplated in subsection (1), unless he or she is registered in that category.

(3) A person who is registered in the category of candidate must perform work in the quantity surveying profession only under the supervision and control of a professional of a category as prescribed.

Ms P.N.M More
Registrar

Dr D.R Letchmiah
President

SACQSP has confirmed the above information, for digital certification and sharing by PrivySeal Limited,
at 16:39 PM (Africa/Johannesburg) on 12 May 2021



GM 

File Ref: MLC-7020

20th August 2021

Nicholas Smith Attorney
2nd Floor
114 Bree Street
Cape Town

Dear Sirs,

RIVER CLUB DEVELOPMENT POTENTIAL DELAY DAMAGES

As requested, MLC Quantity Surveyors have prepared the attached the estimates potential delay / cancellation damages to our Client, Liesbeek Leisure Properties Trust, should the River Club Development be delayed due to Court proceedings.

The attached costs exclude Bank Services fees and cancellation costs which we believe have been provided to yourselves by our Client.

We would highlight that the monetary amounts included in the attached document are estimated costs at this stage and all values exclude VAT.

In addition to the estimated costs we have also attached some additional back up / support documentation that will be of assistance in understanding how the attached costs have been arrived at.

Should you have any queries or require any additional information please do not hesitate to contact us.

GRAHAM HALDANE
Director

DEFINING COST MANAGEMENT


MLC QUANTITY SURVEYORS SA (PTY) LTD | Registration No. 2010/010744/07

Group CEO: RS Valenti
Board Directors: GRJ Haldane, NP Matji
Group Directors: GY Bathfield, JL De Bruin, P De Wet, JR Grobbelaar, JR Hellings, SA Hughes, GJ McEwan, MM Mdlolo, TJ Reynolds, A Sacks, CDT Van Wyk
Senior Associates: Y Christodoulou, AN Isaacs, LD Power, SJ Thompson
Associates: G Benzie, B Grobler, RA Hayes, MP Lawrence, S Mahomed, KG Mooketsi, A Opperman, MG Peck, H Singh

In association with MLC Botswana | Mauritius | Dubai | Montenegro

JOHANNESBURG OFFICE: The Offices of Hyde Park, Strouthos Place, Hyde Park, Johannesburg 2196 T +27 11 283 1500 E info.jhb@mlc-group.com W www.mlc-group.com	CAPE TOWN OFFICE: 3 rd Floor, Letterstedt House, Cnr Main & Campground Rd, Newlands 7700 T +27 21 673 5800 E info.ct@mlc-group.com	DURBAN OFFICE: 1 st Floor, 76 Richefond Circle, Ridgeside, Umhlanga 4319 T +27 31 940 7783 E info.kzn@mlc-group.com
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RIVER CLUB POTENTIAL DELAY / CANCELLATION DAMAGES SUMMARY

20/08/2021

1 PRECINCT 2A PHASE 1 - WORKS COMPLETED END SEPTEMBER 2021 COMMENCEMENT OF DELAY PERIOD

Work completed on site as at 25th September 2021 - refer to Annexure A R 349,860,780
 "Work to End September 2021"

2 PRECINCT 2A PHASE 1 - CANCELLATION BY PRINCIPAL CONTRACTOR DUE TO CESSATION OF THE WORKS

Standing time in accordance with JBCC - 10 days for notification and 90 R 13,028,531
 days delay prior to cancellation - refer to Clause 39 of attached JBCC
 Contract Document - Refer to Annexure B "Cessation 3 Months Delay"

3 OVERALL DEVELOPMENT PRECINCT INFRASTRUCTURE COST AS AT END SEPTEMBER 2021

Work completed on site as at 25th September 2021 - refer to Annexure C R 48,989,259
 "Infrastructure Cost End September 2021"

4 PRECINCT 2A PHASE 1 - EXTRA OVER CANCELLATION OF WORKS DUE TO CESSATION FOR 18 MONTH STANDING TIME, ESCALATION, ETC. (FOR ILLUSTRATIVE PURPOSES ONLY)

Extra over cancellation of works due to cessation of works for 18 months R 115,067,517
 standing time, cost escalations, etc - refer to Annexure D "18 Months
 Standing Time"

5 PRECINCT 2A PHASE 1 LEASE CANCELLATION BY TENANT AFTER 6 MONTHS DELAY IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT EXCLUDES ANY COST RELATING TO CANCELLATION UNDER ANY OTHER PROVISION OF

Development Agreement extract:

10.10 Provided the Agreement has not been cancelled, if the Developer subsequently does not deliver the Premises to Tenant by the Anticipated Practical Completion Date, then unless the delay is caused by a Vis Major Event or a Covid Delay or an event caused by the Tenant or a related party, the Developer will owe the Tenant liquidated damages equal to two (2) days of Principal Rent (as defined in each of the Lease Agreements) for every day of delay until the Premises is delivered to the Tenant. If Practical Completion is not achieved within six (6) Months after the Anticipated Practical Completion Date, Tenant shall have the right to terminate the Agreement (and each Lease Agreement) within 30 (thirty) days of such date, on written notice, without prejudice to its right to claim the aforesaid liquidated damages until date of termination. In the event that the Tenant does not timeously provide the aforesaid termination notice the Agreement will not terminate notwithstanding the aforesaid delay.

Precinct 2A Phase 1 development cost R 1,106,684,400
 Lease penalty for late completion 2 x daily rental R83,002,200 / 365 x 2 = R454,806.57/day
 Lease penalty if retail development not complete 6 months after lease commencement 200,000/month or R6,575,34/day
 Interest on development costs @ 7% 212,240/day on day one then compounded
 Interest on infrastructure costs @ 7% 69,052/day on day one then compounded

Delay of 6 months equates to:
 Lease penalty of Precinct 2A - refer to above clause 10.10 extract from the R 83,011,296
 lease agreement

Interest on development costs (items 1, 2 & 3 above) @ 7% to March 2022 14,415,750
 assumed lease cancellation date

Construction delays - refer to Annexure E "Construction Delays" 35,232,029

TOTAL PRECINCT 2A PHASE 1 - LEASE CANCELLATION AFTER 6 MONTHS DELAY IN ACCORDANCE WITH LEASE AGREEMENT R 132,659,075

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6 PRECINCT 1 - 18 MONTH DELAY (ASSUMED NOT A PROBABLE EVENT)

Precinct 1 Estimated Development Cost under review based on final scope of work to be executed under Precinct 1	R	1,196,744,000
Escalation at 7.89% of contract sum per annum on contract sum with a 0.5 cash flow factor	R	141,634,652
		<hr/> <hr/>

7 INFRASTRUCTURE - 18 MONTH DELAY (ASSUMED NOT A PROBABLE EVENT)

Infrastructure, including land costs (excludes Zola portion included in Item 1 above)	R	360,056,000
Escalation at 7.89% of contract sum per annum on contract sum with a 0.5 cash flow factor		21,306,314
Interest on infrastructure delay costs @ 7% - assumed not applicable		<hr/> 0
	R	<hr/> <hr/> 21,306,314

NB All monetary amounts reflected exclude VAT

GM 



ANNEXURE A "WORK TO END SEPTEMBER 2021"

PRECINCT 2A PHASE 1 - WORKS COMPLETED END SEPTEMBER 2021 - COMMENCEMENT OF DELAY PERIOD

Work completed 25th July 2021 - refer to PPS 16 Rev 2 attached as Appendix 1		R	157,858,638
Projected additional work completion August and September 2021:			
P & G August & up to 25th September 2021 commencement of delay period			10,987,866
Fixed Costs - Refer to attached Preliminary & General Summary Sheet attached as Appendix 2	5,378,340		
Fixed Costs - Refer to attached Preliminary & General Summary Sheet (Appendix 2) credit removal of site establishment	-117,320		
Time Related P & G - 3 months of Time Related Preliminary & General Costs refer to Preliminary and General Summary Sheet, Appendix 2., (18 months Construction Period P & G = R 40 547 660, which equates to R 2 252 648/month = 3 months R 6 757 943	6,757,943		
Less P & G already included in PPS 16 Rev 2 above, Appendix 1.	-1,031,097		
Builder's Work Completed to 25th September - Refer to attached summary sheet for Builders Work Trade Values Appendix 4.			
Earthworks	14,623,942	90.00%	12,283,924
Concrete Formwork and Reinforcement	239,070,653	20.00%	47,814,131
Electrical- first fix installation	834,636	20.00%	166,927
Lightning Protection	1,129,520	75.00%	847,140
Allowance for material orders for WBHO works / order cancellation costs, etc	293,089,910	5.00%	14,654,496
WBHO Main Contract Works Price Fixing Fee	1.69%		1,465,640
Contract sum, Appendix 3.	583,110,772		
Less Price Fixing Fee, Appendix 5.	-5,741,000		
Less Provisional Sums, Appendix 3.	-237,547,274		
Value subject to price fixing	339,822,498		
Selected Sub-Contracts			
Piling, less advanced payment included in PPS 16 Rev 2	30,257,847	90.00%	22,734,062
Facades allowance for material orders placed	141,116,923	35.00%	44,892,923
Professional Fees			
Professional fees, Appendix 1 column 7.	105,282,914	60.00%	58,671,748
Less Professional Fees included in PPS 16 Rev 2, Appendix 1.			-31,430,412
General Costs			
General Costs, Appendix 1 column 7.	57,892,920	25.00%	9,975,230
Less General Costs included in PPS 16			-1,061,533
TOTAL PRECINCT 2A PHASE 1 WORK COMPLETED END SEPTEMBER 2021 EXCLUDING VAT		R	349,860,780

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ANNEXURE B "CESSATION 3 MONTHS DELAY"

PRECINCT 2A PHASE 1 - JBCC PRINCIPAL CONTRACT CLAUSE 39.0 CANCELLATION - CESSATION OF THE WORKS

Refer to attached JBCC Principal Building Agreement Edition 4.1 March 2005 Clause 39.0

39.0 CANCELLATION - CESSATION OF THE WORKS

39.1 Either party may cancel this **agreement** on the cessation of the **works** for a continuous period of ninety (90) **calendar days**, or intermittent period totalling one hundred and twenty (120) **calendar days**, due to circumstances beyond the control of either party. Where such party considers cancelling this **agreement**, notice shall be given to the other. Should the party receiving the notice not object in writing within ten (10) **working days** of the date of issue of such a notice the cancelling party may give notice of cancellation. Such cancellation shall be without prejudice to any rights that either party may have

39.2# No clause

39.2.1/3# No clause

39.3 Where either party cancels this **agreement** in terms of 39.1 or 39.2 the following shall apply:

39.3.1 The **principal agent** shall forthwith issue a **contract instruction** specifying the continuation of work and protective measures required to bring the **works** to specific points of cessation. The **contractor** may cease work should the **contractor** be prevented from carrying out such **contract instruction** due to reasons entirely beyond his control

39.3.2 Execution of the **works** shall cease. The **contractor** shall remain responsible for the **works** in terms of 8.1 until possession is relinquished to the **employer**

39.3.3 On relinquishing possession of the **works**, the **contractor** may remove from the site his temporary buildings, plant and machinery

Principal Building Agreement Page 26

ber 2020

39.3.4 The **principal agent** shall forthwith compile a report on the status of the portion of the **works** executed by the **contractor** before the cancellation of this **agreement** and shall also include all work executed in terms of 39.2.1 and shall issue such a report to the **employer** and the **contractor**

39.3.5 The **principal agent** shall timeously commence and complete a **final account**

39.3.6 The **employer** shall be liable to the **contractor** for the cost of **materials and goods** including those ordered before such cancellation where the **contractor** is bound to accept and make payment. The **contractor** shall deliver such **materials and goods** to the **employer** in good order

39.3.7 The **principal agent** shall continue to certify the value of the work executed by the **contractor** and the value of **materials and goods** for payment by the **employer**

39.3.8 The **security** in terms of 14.0 shall reduce to the value applicable after the issue of the **certificate of practical completion**

39.3.9 The **latent defects** liability period shall end in terms of 27.2.1

39.4 Neither party shall be liable to the other for any expense and loss resulting from this cancellation.

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ANNEXURE C "INFRASTRUCTURE COST END SEPTEMBER 2021"

PRECINCT 2A PHASE 1 - EXTRA OVER CESSATION OF WORKS FOR 18 MONTH STANDING TIME, ESCALATION, ETC

Work completed 25th July 2021 - refer to PPS 66 Rev 1 attached as	R	47,459,259
Allowance for professional fees due to extended time - 10% allowance		1,530,000
Provision for principal agency fees	R	150,000
Provision for town planning fees		210,000
provision for landscape architect fees		50,000
Provision for Environmental Impact Assessment fees		300,000
Provision for Search & Rescue fees		100,000
Provision for marketing fees		270,000
Provision for development planning fees (J Hugo)		300,000
Provision for AFMAS fees		150,000
External Works Ongoing Operational Expenses		13,081,000
Site security		294,000
External Roads (15% allowance to cover establishment and materials ordered)	12,750,000	
Grass cutting		27,000
Litterboom projects		10,000
Development contributions for roads, etc		0
External Works / Professional Fees		
Temporary fencing		10,000
Interest on Delay costs @ 7% - excluded		0
TOTAL PRECINCT 2A PHASE 1 - EXTRA OVER CESSATION OF WORKS FOR 18 MONTH STANDING TIME, ESCALATION, ETC	R	48,989,259



ANNEXURE D "18 MONTHS STANDING TIME"

PRECINCT 2A PHASE 1 - EXTRA OVER CESSATION OF WORKS FOR 18 MONTH STANDING TIME, ESCALATION, ETC

Standing time (18 months) - Time related Preliminary and General Costs refer to attached Preliminary & General Cost Summary attached Appendix 2	40,547,660
Allowance for professional fees due to extended time - 10% allowance	10,528,291
Allowance for General Costs due to extended time - 10% allowance	5,789,292
Allowance for Cost Escalation over 18 Month Delay (October 2021 - March 2023) on Construction Coats, Professional Fees and General Costs excluding paid at end September 2021	40,854,176

Table 2: Monthly Forecasts of the BER Building Cost Index: 2020 - 2025 (Dec 2016 = 100)

*3

MONTH	2020 INDEX	%	2021 INDEX	%	2022 INDEX	%	2023 INDEX	%	2024 INDEX	%	2025 INDEX	%
JANU	116.0	3.4	117.0	0.9	129.3	10.5	135.0	4.4	142.9	5.8	152.3	6.6
FEBR	116.1	2.6	116.7	0.5	129.6	11.1	135.2	4.3	142.5	5.4	151.6	6.4
MAR	116.0	1.9	118.9	2.5	130.2	9.5	136.0	4.4	143.5	5.5	152.5	6.3
APRI	115.8	1.3	121.1	4.6	130.8	8.0	136.8	4.6	144.5	5.6	153.4	6.1
MAY	115.6	0.6	123.4	6.7	131.4	6.5	137.6	4.7	145.5	5.7	154.2	6.0
JUNE	117.2	2.3	125.3	6.9	132.5	5.7	138.8	4.7	146.6	5.7	155.2	5.8
JULY	118.8	4.0	127.2	7.1	133.6	5.0	140.0	4.8	147.8	5.6	156.2	5.7
AUG	120.4	5.7	129.2	7.3	134.7	4.2	141.2	4.8	149.0	5.5	157.2	5.5
SEPT	119.5	4.4	129.5	8.4	134.9	4.2	141.4	4.8	149.5	5.7	157.9	5.6
OCT	118.6	3.1	129.8	9.4	135.2	4.1	141.6	4.8	150.0	5.9	158.6	5.7
NOV	117.7	1.8	130.2	10.6	135.5	4.1	141.9	4.7	150.5	6.1	159.3	5.8
DECE	117.4	1.3	129.5	10.3	135.1	4.4	142.7	5.6	152.0	6.5	160.5	5.6
YEAR	117.5	2.7	124.8	6.3	132.5	6.5	138.9	4.7	146.9	5.7	155.6	5.9

5.39%

Allowance for shortfall in BER indices due to exchange rate fluctuations, abnormal cost increases (eg steel costs, etc) - 2.5%	18,938,829
Less 3 Month Cessation Delay - Tab 2	-13,028,531
Interest on Delay costs @ 7%	11,437,801
TOTAL PRECINCT 2A PHASE 1 - EXTRA OVER CESSATION OF WORKS FOR 18 MONTH STANDING TIME, ESCALATION, ETC	115,067,517

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ANNEXURE E "18 MONTHS STANDING TIME"

Precinct 2A Phase 1

Time related P & G - refer to Appendix 2

2,253,203 per month

P & G for 6 month period
 Escalation at 7% of contract sum per annum on contract
 Increased professional fees due to excessive delay
 Increase General cost allowance - Development Fee 4.1%

R 13,519,220 potential standing time
 10,204,439 escalation projection
 10,535,700
 972,670

R 35,232,029

2.00 TIME-RELATED ITEMS

2.2	Offices and storage sheds	1,097,730.00	
2.5	Ablution and latrine Facilities	59,310.00	
2.6	Supervision	18,791,880.00	
2.7	Supervision transport / travel	2,116,890.00	
2.9	Craneage	7,206,870.00	
2.10	Tools and equipment	242,680.00	
2.11	Scaffolding	2,012,000.00	
2.12	Water supplies	249,900.00	
2.13	Electric power	1,499,400.00	
2.14	Communications	467,010.00	
2.15	Air supplies	422,560.00	
2.17	Security	1,103,640.00	
2.18	Safety	570,810.00	
2.19	Cleaning	1,597,350.00	
2.23	Other time related obligations -	3,109,630.00	
			40,547,660.00

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Our Ref : MLC-7020 Z

16 August 2021

Liesbeek Leisure Properties Trust
2nd Floor The Pavilion
Cnr Portwood & Beach Roads
V&A Waterfront

APPENDIX 1

For the Attention of Mr Pieter van Wyk

Dear Sirs,

RIVER CLUB PRECINCT 2 PROJECT ZOLA
PROJECT PAYMENT SUMMARY NO 16 Rev 2

We enclose herewith for your attention, our current Project Payment Summary, together with supporting documentation for your action in due course.

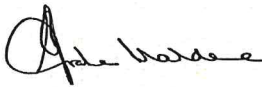
Please be aware that there is currently a spate of fraudulent activity whereby third parties are able to intercept electronic invoices and alter the bank account details on the invoice.

We recommend that your accounts department check the current banking details loaded on your systems for existing vendors and verify new vendors details as we cannot accept any liability in this regard.

Please do not hesitate to contact us should you have any queries in connection with the above.

Yours faithfully,

MLC QUANTITY SURVEYORS



G R J HALDANE
GRJH/grjh

Encls.

DEFINING COST MANAGEMENT

MLC QUANTITY SURVEYORS SA (PTY) LTD | Registration No. 2010/010744/07
Offices in South Africa: Cape Town, Durban, George, Johannesburg, Pretoria
Board Directors: GY Bathfield*, JL De Bruin, P De Wet, JR Grobbelaar, GRJ Haldane*,
SA Hughes, GJ McEwan, NP Mahanyele, A Sacks, CDT Van Wyk,
RS Valenti, MW Stricker (Group CEO)
Senior Associates: AJ Featherstone, JR Helling, AN Isaacs, LD Power*, SJ Thompson*
Associates: V Bozzonetti, Y Christodoulou, DJ Du Pisan*, BA Gordon*, B Grobler,
HD Nienaber, M Paterson, AG Ruytenberg, C Stuart*
*Resident Western Cape

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Qatar | Montenegro

CAPE TOWN OFFICE:
2nd Floor, Letterstedt House, Cnr Main & Campground Rd, Newlands, 7700
PO Box 23385, Claremont, Cape Town, 7735
T +27 21 673 5800
E info@mlcc.co.za
W www.mlccq.com





RIVER CLUB PRECINCT 2 PROJECT ZOLA
FOR
LIESBEEK LEISURE PROPERTIES TRUST

PROJECT PAYMENT SUMMARY NO. 16, Rev. 2
FOR WORK EXECUTED UP TO 25 JULY 2021

MLC-7020 Z
16 August 2021

CONTRACT / CONSULTANT	1 AMOUNT DUE UNDER THIS SUMMARY (INCLUDING VAT) (2 + 3)	2 VAT AMOUNT DUE UNDER THIS SUMMARY	3 AMOUNT DUE UNDER THIS SUMMARY (EXCLUDING VAT) (5 - 4)	4 AMOUNT PREVIOUSLY INCLUDED (EXCLUDING VAT) (EXCLUDING VAT)	5 TOTAL AMOUNT INCLUDED IN THIS SUMMARY (EXCLUDING VAT) (EXCLUDING VAT)	6 COST TO COMPLETION (EXCLUDING VAT) (7 - 5)	7 ESTIMATED FINAL COST AS PER QS REPORT NO 2
1.00 LAND							
1.01 Land Cost	R 135,965,017.50	R 17,734,567.50	R 118,230,450.00	R 0.00	R 118,230,450.00	R 342,000	R 118,572,450
TOTAL - LAND	R 135,965,017.50	R 17,734,567.50	R 118,230,450.00	R 0.00	R 118,230,450.00	R 342,000	R 118,572,450
2.00 PRINCIPAL CONTRACT							
2.01 Principal Contract	R 1,089,583.76	R 142,119.62	R 947,464.14	R 961,257.01	R 1,908,721.15	R 609,405,138	R 611,313,859
2.02 Piling Advanced Payment	R 0.00	R 0.00	R 0.00	R 4,498,000.00	R 4,498,000.00	R 0	R 4,498,000
TOTAL - PRINCIPAL CONTRACT	R 1,089,583.76	R 142,119.62	R 947,464.14	R 5,459,257.01	R 6,406,721.15	R 609,405,138	R 615,811,859
3.00 TENANT FIT OUT ALLOWANCES							
TOTAL - TENANT FIT OUT ALLOWANCES	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0	R 0
4.00 DIRECT PAYMENT / CONTRACTS							
4.01 Lifts	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 30,758,000	R 30,758,000
4.02 Site Perimeter Fencing	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 500,000	R 500,000
TOTAL - DIRECT PAYMENT / CONTRACTS	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 31,258,000	R 31,258,000
5.00 ESCALATION							
5.01 Escalation	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 23,409,000	R 23,409,000
TOTAL - ESCALATION	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 23,409,000	R 23,409,000
6.00 PROFESSIONAL FEES AND DISBURSEMENTS							
6.01 Principal Agent	R 485,300.00	R 63,300.00	R 422,000.00	R 1,467,325.00	R 1,889,325.00	R 103,393,589	R 105,282,914
6.02 Architects	R 1,191,400.00	R 155,400.00	R 1,036,000.00	R 7,275,778.00	R 8,311,778.00	R (8,311,778)	R 0
6.03 Quantity Surveyors	R 698,050.00	R 91,050.00	R 607,000.00	R 2,757,000.00	R 4,364,000.00	R (4,364,000)	R 0
6.04 Structural Engineers	R 1,087,900.00	R 141,900.00	R 946,000.00	R 5,396,000.00	R 6,342,000.00	R (6,342,000)	R 0
6.05 Civils Engineers	R 44,850.00	R 5,850.00	R 39,000.00	R 2,010,000.00	R 2,049,000.00	R (2,049,000)	R 0
6.06 Electrical & Electronic Engineers	R 0.00	R 0.00	R 0.00	R 365,935.00	R 365,935.00	R (365,935)	R 0
6.07 Mechanical Engineers	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0	R 0
6.08 West Services Engineers	R 96,485.00	R 12,585.00	R 83,900.00	R 0.00	R 83,900.00	R (83,900)	R 0
6.09 Rational Fire Design & Fire Protection	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R (150,000)	R 0
6.10 Lift Engineers	R 0.00	R 0.00	R 0.00	R 150,000.00	R 150,000.00	R 0	R 0
6.11 Landscape Architects	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0	R 0
6.12 Health & Safety Consultant	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0	R 0
6.13 Façade Engineer	R 57,500.00	R 7,500.00	R 50,000.00	R 250,000.00	R 300,000.00	R (300,000)	R 0
6.14 Sky Hotel	R 0.00	R 0.00	R 0.00	R 24,268.22	R 24,268.22	R (24,268)	R 0
6.15 Building Plan Approval	R 0.00	R 0.00	R 0.00	R 1,523,654.19	R 1,523,654.19	R (1,523,654)	R 0

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CONSTRUCTION COST CONSULTANTS
 RIVER CLUB PRECINCT 2 PROJECT ZOLA
 FOR
 LIESBEEK LEISURE PROPERTIES TRUST

PROJECT PAYMENT SUMMARY NO. 16 Rev. 2
 FOR WORK EXECUTED UP TO 25 JULY 2021

MLC-7020 Z
 16 August 2021

CONTRACT / CONSULTANT	1 AMOUNT DUE UNDER THIS SUMMARY (INCLUDING VAT) (2 + 3)	2 VAT AMOUNT DUE UNDER THIS SUMMARY	3 AMOUNT DUE UNDER THIS SUMMARY (EXCLUDING VAT) (5 - 4)	4 AMOUNT PREVIOUSLY INCLUDED (EXCLUDING VAT)	5 TOTAL AMOUNT INCLUDED IN THIS SUMMARY (EXCLUDING VAT)	6 COST TO COMPLETION (EXCLUDING VAT) (7 - 5)	7 ESTIMATED FINAL COST AS PER QS REPORT NO 2
6.16 Land Surveyor Setting Out	0.00	0.00	0.00	32,000.00	32,000.00	(32,000)	0
6.17 Legal	0.00	0.00	0.00	24,615.00	24,615.00	(24,615)	0
6.18 Environmental Management	46,000.00	6,000.00	40,000.00	34,864.00	74,864.00	(74,864)	0
6.19	0.00	0.00	0.00	0.00	0.00	0	0
6.20 Sundry consultants							
6.201 Wind Study	39,588.75	5,163.75	34,425.00	196,975.00	231,400.00	(231,400)	0
6.202 Green Consultant	96,519.50	12,589.50	83,930.00	3,167,525.00	3,251,455.00	(3,251,455)	0
6.203 BIM 360	54,855.00	7,155.00	47,700.00	597,840.00	645,540.00	(645,540)	0
6.204 BIM License	0.00	0.00	0.00	38,900.00	38,900.00	(38,900)	0
6.205 Project Governance Consultancy	511,111.11	66,666.67	444,444.44	1,333,333.32	1,777,777.76	(1,777,778)	0
TOTAL - PROFESSIONAL FEES AND DISBURSEMENTS	R 4,409,559.36	575,159.92	3,834,399.44	27,646,012.73	31,480,412.17	73,802,502	105,282,914
7.00 GENERAL COSTS							
7.01 Project Management & Co-ordination Fees	0.00	0.00	0.00	0.00	0.00	24,969,320	24,969,320
7.02 Disbursements and Plan Submission Fees	0.00	0.00	0.00	0.00	0.00	1,072,930	1,072,930
7.03 Town Planning Fees	0.00	0.00	0.00	0.00	0.00	0	0
7.04 Geo-tech and Site Survey	0.00	0.00	0.00	0.00	0.00	353,710	353,710
7.05 Project Delay Insurance	0.00	0.00	0.00	0.00	0.00	4,280,460	4,280,460
7.06 Zenprop Administration Fee	0.00	0.00	0.00	0.00	0.00	11,000,000	11,000,000
7.07 Bond Raising, Financial Institution and Service Fee	0.00	0.00	0.00	0.00	0.00	5,365,500	5,365,500
7.08 Municipal Rates and Taxes	0.00	0.00	0.00	0.00	0.00	8,970,000	8,970,000
7.09 Electrical Connection Fee	0.00	0.00	0.00	0.00	0.00	139,946	139,946
7.10 Contract All Risk Insurance Policy	2,002,212.65	261,158.17	1,741,054.48	1,741,054.48	1,741,054.48	56,151,866	57,892,920
TOTAL - GENERAL COSTS	R 2,002,212.65	261,158.17	1,741,054.48	0.00	1,741,054.48	56,151,866	57,892,920
8.00 CAPITALISED INTEREST							
8.01 Capitalised Interest	0.00	0.00	0.00	0.00	0.00	122,901,340	122,901,340
TOTAL - CAPITALISED INTEREST	R 0.00	0.00	0.00	0.00	0.00	122,901,340	122,901,340
9.00 APPROVED RECOVERIES							
9.01 Development Recoveries	0.00	0.00	0.00	0.00	0.00	0	0
9.02 Tenant Recoveries	0.00	0.00	0.00	0.00	0.00	0	0
TOTAL - APPROVED RECOVERIES	R 0.00	0.00	0.00	0.00	0.00	0	0
10.00 CONTINGENCIES							
10.01 Contingencies	0.00	0.00	0.00	0.00	0.00	58,313,727	58,313,727
TOTAL - CONTINGENCIES	R 0.00	0.00	0.00	0.00	0.00	58,313,727	58,313,727
TOTAL	R 143,466,373.27	18,713,005.21	124,753,368.06	33,105,269.74	157,858,637.80	975,583,572	1,133,442,210

COMPILED BY:

APPROVED BY:

GH
 AR



CONSTRUCTION COST CONSULTANTS
RIVER CLUB PRECINCT 2 PROJECT ZOLA
FOR
LIESBEEK LEISURE PROPERTIES TRUST

PROJECT PAYMENT SUMMARY NO. 16 Rev 2
FOR WORK EXECUTED UP TO 25 July 2021

MLC-7000 Z
16 August 2021

CONTRACT / CONSULTANT	CONTRACTOR / PAYEE	1 AMOUNT DUE UNDER THIS SUMMARY (INCLUDING VAT) (2 + 3)	2 VAT AMOUNT DUE UNDER THIS SUMMARY	3 AMOUNT DUE UNDER THIS SUMMARY (EXCLUDING VAT) (5 - 4)	4 AMOUNT PREVIOUSLY INCLUDED (EXCLUDING VAT)	5 TOTAL AMOUNT INCLUDED IN THIS SUMMARY (EXCLUDING VAT)	6 COST TO COMPLETION (EXCLUDING VAT) (7 - 5)	7 ESTIMATED FINAL COST AS PER QS REPORT NO 2
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[Signature]

MLC QUANTITY SURVEYORS

16 August 2021

DATE

[Signature]

PROJECT-MANAGER

DATE

LIESBEEK LEISURE PROPERTIES TRUST


DATE



GH OR

APPENDIX 2

P&G BREAK-DOWN The River Club		Sell	
1.00	<u>FIXED CHARGE OBLIGATIONS</u>		
1.1	Insurances	293,740.00	
1.7	Offices and storage sheds	710,860.00	
1.8	Signboard	24,000.00	
1.11	Ablution and latrine Facilities	17,260.00	
1.14	Craneage	2,297,660.00	
1.16	Tools and equipment	20,290.00	
1.18	Water supplies	352,290.00	
1.19	Electric power	1,353,870.00	
1.23	Access	123,750.00	
1.24	Security - fencing & hoardings	60,000.00	
1.28	Other fixed charge obligations	7,300.00	
1.29	Removal of Site Establishment	117,320.00	
			5,378,340.00
2.00	<u>TIME-RELATED ITEMS</u>		
2.2	Offices and storage sheds	1,097,730.00	
2.5	Ablution and latrine Facilities	59,310.00	
2.6	Supervision	18,791,880.00	
2.7	Supervision transport / travel	2,116,890.00	
2.9	Craneage	7,206,870.00	
2.10	Tools and equipment	242,680.00	
2.11	Scaffolding	2,012,000.00	
2.12	Water supplies	249,900.00	
2.13	Electric power	1,499,400.00	
2.14	Communications	467,010.00	
2.15	Air supplies	422,560.00	
2.17	Security	1,103,640.00	
2.18	Safety	570,810.00	
2.19	Cleaning	1,597,350.00	
2.23	Other time related obligations -	3,109,630.00	
			40,547,660.00
TOTAL P&G			45,926,000.00

GN 

APPENDIX 3. FINAL SUMMARY



MLC 7020
RIVER CLUB PRECINCT 2 PHASE 1
PRINCIPAL CONTRACT

Section No	<u>Final Summary</u>	Page No	Amount
3	Conditions of Contract	0	52,473,588.06
4	Builders Work	76	293,089,909.91
5	Provisional Sums	83	237,547,274.04
	Sub Total		R 583,110,772.01
	Value Added Tax (15%)		R 87,466,615.80
	Carried to Form of Tender		R 670,577,387.81

GN

APPENDIX 4. BUILDER'S WORK SUMMARY

Bill No		Page No	Amount
	Builders Work		
	SECTION SUMMARY - Builders Work		
1	Preliminaries	1	
2	Earthworks	9	14,623,941.80
3	Concrete, formwork and reinforcement	38	239,070,652.71
4	Rainwater Disposal	49	4,301,299.89
5	Precast concrete	51	1,715,120.96
6	Masonry	56	14,411,525.03
7	Waterproofing	61	2,726,701.21
8	Metalwork	65	2,412,822.47
9	Plastering	67	11,863,689.32
10	Electrical	68	834,636.00
11	Lightning Protection	75	1,129,520.52
	Carried to Final Summary		R 293,089,909.91



Our Ref : MLC-7020

16 August 2021

Liesbeek Leisure Properties Trust
2nd Floor The Pavilion
Cnr Portswood & Beach Roads
V&A Waterfront

APPENDIX 6.

For the Attention of Mr Pieter van Wyk

Dear Sirs,

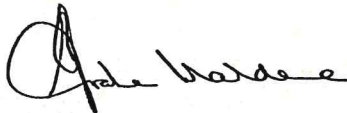
RIVER CLUB LAND COST
PROJECT PAYMENT SUMMARY NO 66 Rev 1

We enclose herewith for your attention, our current Project Payment Summary, together with supporting documentation for your action in due course.

Please do not hesitate to contact us should you have any queries in connection with the above.

Yours faithfully,

MLC QUANTITY SURVEYORS



DIRECTOR
GH/gh

CC Capex Projects - Mr S. Walls

DEFINING COST MANAGEMENT

MLC QUANTITY SURVEYORS SA (PTY) LTD | Registration No. 2010/010744/07
Offices in South Africa: Cape Town, Durban, George, Johannesburg, Pretoria

Board Directors: GY Bathfield*, JL De Bruin, P De Wet, JR Grobbelaar, GRJ Haldane*,
SA Hughes, GJ McEwan, NP Mahanyele, A Sacks, CDT Van Wyk,
RS Valenti, MW Stricker (Group CEO)

Senior Associates: AJ Featherstone, JR Hellings, AN Isaacs, LD Power*, SJ Thompson*
Associates: V Bozzonetti, Y Christodoulou, DJ Du Pisani*, BA Gordon*, B Grobler,
HD Nienaber, M Paterson, AG Ruytenberg, C Stuart*

*Resident Western Cape

In association with MLC Botswana | Swaziland | Mauritius | Dubai | Abu Dhabi
Qatar | Montenegro

CAPE TOWN OFFICE:

2nd Floor, Letterstedt House, Cnr Main & Campground Rd, Newlands, 7700
PO Box 23385, Claremont, Cape Town, 7735
T +27 21 673 5800
E info@mlcct.co.za
W www.mlcqs.com





QUANTITY SURVEYORS
RIVER CLUB LAND COST
FOR
LIESBEEK LEISURE PROPERTIES TRUST

PROJECT PAYMENT SUMMARY NO. 66 Rev. 1
FOR WORK EXECUTED UP TO 25 JULY 2021

MLC-7020
16 August 2021

CONTRACT / CONSULTANT	CONTRACTOR / PAYEE	1 AMOUNT DUE UNDER THIS SUMMARY (INCLUDING VAT)	2 VAT AMOUNT DUE UNDER THIS SUMMARY	3 AMOUNT DUE UNDER THIS SUMMARY (EXCLUDING VAT)	4 AMOUNT PREVIOUSLY INCLUDED (EXCLUDING VAT)	5 TOTAL AMOUNT INCLUDED IN THIS SUMMARY (EXCLUDING VAT)	6 COST TO COMPLETION (EXCLUDING VAT)	7 ESTIMATED FINAL COST
		(2 + 3)		(5 - 4)			(7 - 5)	
PART "A" - ENABLING WORKS / LAND COST								
		R	0.00	0.00	3,900,706.84	3,900,706.84	0.00	3,900,706.84
PART "B" - MASTER PLANNING								
MASTER PLANNING		R						
5.00								
5.01	Principal Agent	66,412.50	8,662.50	57,750.00	953,225.00	1,010,975.00	489,025	1,500,000
5.02	Architect - Town Planning	244,806.25	31,931.25	212,875.00	7,049,157.00	7,262,032.00	1,237,968	8,500,000
5.03	Town Planning	68,377.19	8,918.76	59,458.43	3,834,934.14	3,894,392.57	1,105,607	5,000,000
5.04	Landscape Architect	0.00	0.00	0.00	407,285.00	407,285.00	2,715	410,000
5.05	Bulk Services & Stormwater Management	0.00	0.00	0.00	243,912.20	243,912.20	6,088	90,000
5.06	Structural Engineer	0.00	0.00	0.00	89,400.00	89,400.00	600	600,000
5.07	Bulk Electrical Services	0.00	0.00	0.00	483,625.00	483,625.00	116,375	250,000
5.08	Traffic Engineering	0.00	0.00	0.00	213,175.00	213,175.00	36,825	250,000
5.09	Geotechnical Investigation	0.00	0.00	0.00	993,351.00	993,351.00	6,649	1,000,000
5.10	Environmental Impact Assessment	128,558.50	16,768.50	111,790.00	4,010,203.76	4,121,993.76	5,000,000	4,000,000
5.11	Hydrology Study	0.00	0.00	0.00	218,202.61	218,202.61	31,797	250,000
5.12	Quantity Surveyor	0.00	0.00	0.00	480,000.00	480,000.00	20,000	500,000
5.13	WLI Search and Rescue	48,480.00	0.00	48,480.00	98,847.00	147,327.00	2,673	150,000
5.14	Land Surveyor	0.00	0.00	0.00	172,812.50	172,812.50	27,188	200,000
5.15	Land Surveyor - Fencing	0.00	0.00	0.00	0.00	0.00	0	0
5.16	Graphics	0.00	0.00	0.00	24,000.00	24,000.00	26,000	50,000
5.17	Urban Designer	0.00	0.00	0.00	727,101.15	727,101.15	302,899	1,030,000
5.18	Archaeology & Heritage Specialists	0.00	0.00	0.00	80,046.00	80,046.00	69,954	150,000
5.19	PRASA Land Valuation	0.00	0.00	0.00	20,500.00	20,500.00	3,500	24,000
5.20	Rode Report	0.00	0.00	0.00	80,000.00	80,000.00	20,000	100,000
5.21	Concept Planning for Heritage & Cultural Centre	0.00	0.00	0.00	21,350.00	21,350.00	1,350	22,700
5.22	Hydrology Study	0.00	0.00	0.00	477,100.00	477,100.00	22,900	500,000
5.23	Environmental Law	0.00	0.00	0.00	324,010.00	324,010.00	75,990	400,000
5.24	Master Plan Architecture	0.00	0.00	0.00	428,155.90	428,155.90	1,844	430,000
5.25	Traffic Impact Assessment	0.00	0.00	0.00	377,100.00	377,100.00	22,900	400,000
5.26	Conveyancer	0.00	0.00	0.00	3,500.00	3,500.00	1,500	5,000
5.27	Environment Law	471,327.50	61,477.50	409,850.00	3,103,385.00	3,513,235.00	486,765	4,000,000
5.28	Pest Control	0.00	0.00	0.00	0.00	0.00	0	0
5.29	Marketing	113,775.00	13,900.00	100,275.00	2,160,275.00	2,260,275.00	239,725	2,500,000
5.30	Geotechnical Investigation	0.00	0.00	0.00	225,150.00	225,150.00	4,850	230,000
5.31	Town Planning	174,036.07	22,700.36	151,335.71	1,651,388.15	1,802,723.86	197,276	2,000,000
5.32	Town Planning	0.00	0.00	0.00	13,256.00	13,256.00	86,744	100,000
5.33	Wind Study	0.00	0.00	0.00	88,850.75	88,850.75	61,149	150,000
5.34	Ossian Road	0.00	0.00	0.00	4,600.00	4,600.00	5,400	10,000
5.35	Market Parameters	0.00	0.00	0.00	4,000.00	4,000.00	6,000	10,000
5.36	Geotechnical Drilling	0.00	0.00	0.00	162,795.00	162,795.00	37,205	200,000
5.37	Heritage Report	0.00	0.00	0.00	290,000.00	290,000.00	60,000	350,000

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GW



QUANTITY SURVEYORS
RIVER CLUB LAND COST
FOR
LIESBEEK LEISURE PROPERTIES TRUST

PROJECT PAYMENT SUMMARY NO. 66, Rev. 1
FOR WORK EXECUTED UP TO 25 July 2021

MLC-7020
16 August 2021

CONTRACT / CONSULTANT	CONTRACTOR / PAYEE	1		2		3		4		5		6		7	
		AMOUNT DUE UNDER THIS SUMMARY (INCLUDING VAT)	VAT AMOUNT DUE UNDER THIS SUMMARY	AMOUNT DUE UNDER THIS SUMMARY	AMOUNT DUE UNDER THIS SUMMARY (EXCLUDING VAT)	AMOUNT PREVIOUSLY INCLUDED (EXCLUDING VAT)	TOTAL AMOUNT INCLUDED IN THIS SUMMARY (EXCLUDING VAT)	COST TO COMPLETION (EXCLUDING VAT)	ESTIMATED FINAL COST						
5.38	Gideon van Lill	0.00	0.00	0.00	0.00	18,000.00	18,000.00	2,000	20,000						
5.39	AFMAS Solutions	51,750.00	0.00	45,000.00	6,750.00	735,846.29	690,846.29	764,154	1,000,000						
5.40	Basson & Petersen Attorneys	100,000.00	0.00	100,000.00	0.00	163,662.20	63,662.20	(143,662)	20,000						
5.41	Norton Rose Fulbright	0.00	0.00	0.00	0.00	32,500.00	32,500.00	17,500	50,000						
5.42	Transferred to 8.05	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.43	Inlexso	0.00	0.00	0.00	0.00	780.00	780.00	4,220	5,000						
5.44	Transferred to 8.09	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.45	Bulk Services Logging	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.46	Leasing Precinct 2B	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.47	Underground Service Detection	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.48	Sundry Site Works	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.49	External Roads Independent Tender Review	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.50	Site Temporary Fencing	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.51	Site Temporary Fencing	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.52	Cambridge Rd Sewer Independent Tender Review	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.53	Site Security	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.54	Photography	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.55	Security	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
5.56	Marketing - Signing Ceremony	0.00	0.00	0.00	0.00	31,040.00	31,040.00	3,960	35,000						
5.57	Subdivision Surveying	0.00	0.00	0.00	0.00	68,643.70	68,643.70	1,356	70,000						
	Legal Fees	0.00	0.00	0.00	0.00	0.00	0.00	75,000	75,000						
	TOTAL - MASTER PLANNING	R 1,467,523.01	170,708.87	1,296,814.14	30,419,890.35	31,716,704.49	10,041,989	36,636,700							
PART "C" - EXTERNAL WORKS															
6.00	EXTERNAL WORKS														
6.01	Construction Work	0.00	0.00	0.00	0.00	0.00	0.00	0	0						
	TOTAL - EXTERNAL WORKS	R 0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
7.00	EXTERNAL WORKS ONGOING OPERATIONAL EXPENSES														
7.01	Site Security	0.00	0.00	0.00	0.00	101,913.04	101,913.04	398,087	500,000						
7.02	Online Security Systems T/A Premier Security	0.00	0.00	0.00	0.00	1,429.01	1,429.01	18,571	20,000						
7.03	Gardening	20,700.00	0.00	18,000.00	2,700.00	9,000.00	27,000.00	473,000	500,000						
7.04	Land Rental - SAO & PRASA	0.00	0.00	0.00	0.00	47,154.31	47,154.31	202,846	250,000						
7.05	Pest Control	0.00	0.00	0.00	0.00	2,317.80	2,317.80	247,682	250,000						
7.06	Municipal Services	177,577.80	0.00	160,360.45	17,217.35	160,360.45	160,360.45	639,640	1,000,000						
7.07	Litterboom Project	10,000.00	0.00	10,000.00	0.00	10,000.00	10,000.00	90,000	100,000						
7.08	Development Contributions	4,351,984.78	567,650.19	3,784,334.59	567,650.19	3,784,334.59	3,784,334.59	1,215,665	5,000,000						
	TOTAL - EXTERNAL WORKS	R 4,560,262.58	587,567.54	3,972,695.04	161,814.16	4,134,509.20	3,485,490.80	7,620,000.00							

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QUANTITY SURVEYORS
RIVER CLUB LAND COST
FOR
LIESBEEK LEISURE PROPERTIES TRUST

PROJECT PAYMENT SUMMARY NO. 66 Rev. 1
FOR WORK EXECUTED UP TO 25 July 2021

MLC-7020
16 August 2021

CONTRACT / CONSULTANT	CONTRACTOR / PAYEE	1		2		3		4		5		6		7	
		AMOUNT DUE UNDER THIS SUMMARY (INCLUDING VAT)	VAT AMOUNT DUE UNDER THIS SUMMARY	AMOUNT DUE UNDER THIS SUMMARY	AMOUNT PREVIOUSLY INCLUDED (EXCLUDING VAT)	TOTAL AMOUNT INCLUDED IN THIS SUMMARY (EXCLUDING VAT)	COST TO COMPLETION (EXCLUDING VAT)	ESTIMATED FINAL COST							
EXTERNAL WORKS PROFESSIONAL FEES AND DISBURSEMENTS															
8.00	Principal Agent	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.01	Architect	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.02	Quantity Surveyor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.03	Landscape Architect	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.04	External Roads & Bridges	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.05	Planning Partners	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.06	Aurecon / Zutari	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.07	External Roads Independent Tender Review	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.08	Site Temporary Fencing	10,223.50	1,333.50	8,890.00	860,902.50	869,792.50	109,980.78	109,980.78	109,980.78	109,980.78	109,980.78	109,980.78	109,980.78	109,980.78	109,980.78
8.09	Site Temporary Fencing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.10	Bulk Service Logging	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.11	Underground Service Detection	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.12	Sundry Site Works	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.13	Cambridge Rd Sewer Independent Tender Review	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.14	Land Surveyor - Fencing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.14	Photography	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL - EXTERNAL WORKS FEES & DISBURSEMENTS	R 10,223.50	1,333.50	8,890.00	5,455,582.59	5,464,472.59	1,885,527.41	7,350,000.00							
	TOTAL - "C" EXTERNAL WORKS	R 4,570,466.08	588,901.04	3,981,565.04	5,617,396.75	9,598,981.79	5,371,018.21	14,970,000.00							
PART "D" - FUTURE PHASES DESIGN FEES															
FUTURE PHASES PROFESSIONAL FEES AND DISBURSEMENTS															
9.00	Architect - Precinct 1	0.00	0.00	0.00	1,704,240.99	1,704,240.99	295,759	2,000,000							
9.01	Architect - Precinct 2	0.00	0.00	0.00	288,625.02	288,625.02	711,375	1,000,000							
9.02	Leasing	0.00	0.00	0.00	250,000.00	250,000.00	50,000	300,000							
9.03															
	TOTAL - "D" FUTURE PHASE DESIGN FEES	R 0.00	0.00	0.00	2,242,866.01	2,242,866.01	1,057,133.99	3,300,000.00							

GH



QUANTITY SURVEYORS
RIVER CLUB LAND COST
FOR
LIESBEEK LEISURE PROPERTIES TRUST

PROJECT PAYMENT SUMMARY NO. 66 Rev. 1
FOR WORK EXECUTED UP TO 25 July 2021

MLC-7020
16 August 2021

CONTRACT / CONSULTANT	CONTRACTOR / PAYEE	1 AMOUNT DUE UNDER THIS SUMMARY (INCLUDING VAT) (2 + 3)	2 VAT AMOUNT DUE UNDER THIS SUMMARY	3 AMOUNT DUE UNDER THIS SUMMARY (EXCLUDING VAT) (5 - 4)	4 AMOUNT PREVIOUSLY INCLUDED (EXCLUDING VAT)	5 TOTAL AMOUNT INCLUDED IN THIS SUMMARY (EXCLUDING VAT)	6 COST TO COMPLETION (EXCLUDING VAT) (7 - 5)	7 ESTIMATED FINAL COST
TOTAL A - D		R 6,038,009.09	759,609.91	5,278,399.18	42,180,859.95	47,459,259.14	16,470,141.46	58,807,406.84

COMPILED BY:

16 August 2021

MLC QUANTITY SURVEYORS

DATE

APPROVED BY:

PROJECT MANAGER

DATE

LIESBEEK LEISURE PROPERTIES TRUST

DATE

GM