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14 February 2017

For Attention: Matthew Law, SRK Environmental Assessment Practitioner

Re: Re-development of the River Club, Revised Draft Scoping Report, January 2017

Dear Mr Law

Please accept our comments in response to the Revised Draft Scoping Report for the Re-development of the River Club (January 2017). This Revised Draft Scoping Report is referred to as the "Revised Report" throughout this letter, and The River Club as "the Site" in discussion.

In summary our main concerns regarding the Revised Draft Scoping Report are as follows:

- The EIA should develop a Terms of Reference that requires an independent specialist to assess the value and role the River Club could play in in the larger open space and natural system functioning of the City.
- The EIA should consider scale and activity alternatives, which are assessed (even if presumed by the current proponent to be economically non-viable) in order to inform decision-making.
- This EIA should include an analysis of the relationship between the proposed development and existing policy (Section 2) through a study undertaken by specialists not connected to Provincial tender s174/14 of 2015, nor the River Club proponents, due to their conflict of interests.
- The Revised Report should be edited such that a neutral presentation of the information required to inform decision-making is presented.
- Public participation for the precinct level planning, as required in the EIA for development of the River Club, should be part of the mandate for SUN Development, who are presently running the public participation process on behalf of Mammon& Associates for the TRU-Park process. Running two processes independently undermines good planning, wastes resources, and confuses all parties.
- A Terms of Reference for the public participation process for the Re-development of the River Club EIA should be developed.
- The Revised Report should explain why it is necessary for the River Club to raise itself out of the floodplain, whilst it is not necessary for the surrounding areas to be raised above the floodplain.
- The Western Leopard Toad concerns identified by the Regional Chair, Southern Africa, IUCN SSC Amphibian Specialist Group, Professor John Measey and submitted with reference to the draft Scoping Report should be re-examined and responded to accordingly.

Sincerely, Hudson McComb, (TRUP Association Chair)

Committee Members:

Hudson McComb; Edward Tilanus; Louise Badenhorst; Kyran Wright; Jean Ramsay; Pauline McConney; Patrick Chapple; John Holmes; Tauriq Jenkins; Marc Turok; Carol Thomson.  
NPO Reg. no. 28-226 NPO

## 1. Revised report not investigating the value of the River Club site in the larger open space system and natural system

Several stakeholders (from Provincial and City departments, as well as individual citizens) articulated the **need for greater consideration of the value of the River Club site in the larger open space system**. There is no evidence that this is being taken up as part of the Scope of the EIA.

In response, the Revised Report refers (Section 4.3.4, page 115) to *“the River Club project team met with members of the TRUP project team on 20 October 2016, where The River Club’s role within TRUP was debated...”* and it was found that *“the current development proposal at the River Club is largely congruent with what the TRUP project team envisage for the site”*.

The Revised Report does not detail who comprised “the River Club Project Team” and “the TRUP project team”. Unless the debate and conclusions referred to above included city and provincial representatives **who are not part of the “TRUP Professional Team and Western Cape Government and City of Cape Town” undertaking Provincial Tender s174/14<sup>1</sup>**, this “debate” and any subsequent “conclusions” are meaningless, as these two groups have been collaborating in developing the River Club proposal for many months).

The planning and development facilitation officials entrusted with good governance and sustainable resource management for the City and Province are presently providing an enabling environment for the River Club to undertake a proposal that they have assisted with in design.

As commented by the City Environmental Department, “Opportunities for a substantive park in the City are limited and if this area is re-zoned and development allowed across the entire site, a rare opportunity will be lost. The *rationale for utilising the full site for urban development must therefore be queried*. One should pick up on the Table Bay District Plan (2012) where the role of this site for open space and buffers is acknowledged and explore the role and value of the site in this context in more detail<sup>2</sup>”.

The Revised Report fails to respond adequately to the original TRUPA request for the Draft Scoping Report to develop a Terms of Reference for an environmental economics specialist study quantifying environmental goods and services to be included in the EIA.

The EIA should develop a Terms of Reference that requires an independent specialist to assess the value and role the River Club could play in in the larger open space and natural system functioning of the City. This Terms of Reference should include discussion as to the nature of this proposal with respect to the current Environmental Management Plan and Contextual Framework (EMPCF), and discussion concerning the subsequent need for a revised local spatial development framework and amendments for higher order plans, as well as the opportunities and costs associated with potential environmental goods and services in the TRUP.

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<sup>1</sup> As defined by themselves in their December 2016 TRUP Circular 1 Stakeholder Engagement Update, distributed on their behalf by Sun Development

<sup>2</sup> Section 7.3, page 5, Appendix E, Revised Scoping Report for the Re-development of the River Club

## 2. Revised report not considering Scale/Activity Alternatives

Linked to the need identified in (1) above, for this EIA to produce a Terms of Reference for an independent study that investigates the potential opportunities and value associated with the development of the River Club to support the open space system within the metropole (which would likely entail a development proposal more congruent with the existing Environmental Management Plan and Contextual Framework (EMPCF)), would be the need for the EIA to consider Alternatives of Scale or Activity.

An investigation into a scaled down version of the proposed approximately 70% built environment: 30% open space environment, should not be excluded as being “financially non-viable”, until such ideas have been explored, and subsequently assessed.

To exclude the consideration of Alternatives of Scale and Activity presents a potentially “fatal flaw” in the EIA process, as information valuable to inform decision-makers is not available.

This EIA process does not intend to include consideration of scale and activity alternatives in its plan of study. This undermines the value of the EIA process and presents a potential “fatal flaw” for decision-makers. The EIA should consider scale and activity alternatives, in order to inform decision-making.

## 3. Revised report biased through information presented by consultants, officials and proponents with a “conflict of interests” and a biased view in favour of the proponent.

- (a) The Revised Report responds to stakeholder requests to more fully consider the potential value and role of the site in terms of City planning and policy, through a response from spatial planning consultants, Planning Partners<sup>3</sup>. It also presents its discussion of spatial planning frameworks and policies (Section 2.2) by a consulting firm that stands to gain financially, should this development be approved (Planning Partners). This is a conflict of interests.

This EIA should include an analysis of the relationship between the proposed development and existing policy (Section 2) through a study undertaken by specialists not connected to Provincial tender s174/14 of 2015, nor the River Club proponents, due to their conflict of interests.

- (b) The Revised Report repeatedly draws on comments from City officials who are part of the “TRUP Professional Team and Western Cape Government and City of Cape Town” undertaking Provincial Tender s174/14 of 2015. The Revised Report presents their arguably biased information, again in favour of the proponent, as “fact”, for example stating Section 3.4(3) that the Berkley Road extension will “*open up new economic opportunities*”. The road extension provides the potential for this to happen. It cannot be concluded that it *will* happen.
- (c) The “TRUP Professional Team, Western Cape Government and City of Cape Town”, who have apparently “identified the Site as a gateway site”, and a “catalyst project for the TRUP” appear to have their own vision for the area as evidenced in Section 3.4(2). However, a “vision” accepted by a few departments within the City and Province cannot conclude discussion regarding the nature and extent of the River Club development.

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<sup>3</sup> SRK Consulting: 478320: River Club Redevelopment – Scoping Report Issues and Responses Summary, Appendix E9, Pages 25, 26.

- (d) The proponent states (at the end of the list of “paradigm shift variables”, Section 3.4), that “this is the only opportunity to mixed use development. This statement should be removed, as it is not true. As a greenfields piece of land so close to the CBD, development anywhere within the TRUP would be an “opportunity” for mixed use.

The sentence that “that few (if any) other opportunities exist this close to the CBD for a mixed-use development such as the one proposed” should be removed. Development such as proposed by the proponent could take place anywhere within the TRUP, and is not confined to the River Club precinct.

The Revised Report should be edited such that a neutral presentation of the information required to inform decision-making is presented. This was requested by the TRUPA in the previous set of comments, but has not be addressed in the Revised Report.

#### **4. Stakeholder engagement**

Whilst the TRUPA has attempted to engage with SRK, in order to facilitate more meaningful public participation (Email communications dated 18 and 19 January 2017), there has been no clear interest in the environmental consultants working with the TRUPA as part of their public participation process.

A poor communication between stakeholders and the River Club within this Scoping Process is revealed in the statement at the end of Section 3.4 “*The discontinuation of commercial activities and the conversion of the site for low intensity use, as has been suggested by a number of stakeholders, is also not financially viable to the proponent.*”

Numerous stakeholder have presented a view for the site which has been captured in Scenario C: Preserved Park, in the TRU-Park process. This describes limited development within the River Club. The details include adjusting the existing original water course, thereby reducing the area between the two rivers, but increasing the land available for development on the edge (or banks) of the rivers. This proposal does not call for “discontinuation of commercial activities”, nor “conversion to a low intensity use” described in the Revised Report.

The River Club development EIA should, by default due to its location within the TRUP geographical extent, form part of the TRU-Park process being undertaken by Mammon & Associates in response to the provincial tender s174/14 of 2015.

Public participation for the precinct level planning, as required in the EIA for development of the River Club, should be part of the mandate for SUN Development, who are presently running the public participation process on behalf of Mammon& Associates for the TRU-Park process. Running two processes independently undermines good planning, wastes resources, and confuses all parties.

## 5. An inclusive EIA public participation process

The Revised Report does not describe how it intends to ensure an inclusive public participation process. The comment that “These organisations have been added to the stakeholder database and will be consulted throughout the EIA process”<sup>4</sup> does not resolve the question.

A Terms of Reference for the public participation process for this EIA needs to be developed. The statement rather “lost” in section 3.6.1 “Buildings” describes the proponent as “engaging a “First Nations” specialist. How this person was identified, and their scope of work needs to be transparent and discussed with all interested and affected parties.

[A Terms of Reference for the public participation process for the Re-development of the River Club EIA should be developed.](#)

## 6. Raising the level of the site: Why must one piece of land in the floodplain be raised, but not the rest?

The Heritage Report<sup>5</sup>, and the Hydrological Report (Appendix B1 to the Revised Report), both acknowledge that the Site has a history of flooding. This has characterised the landscape, and the nature of activities on the Site.

The Hydrological Report conclude that the best way for the Site to avoid flooding, is to raise itself above the Black and Liesbeek River floodplains, within which it is positioned<sup>6</sup>.

The hydrological report concludes that “*this measure would not have any detrimental effects on neighbouring properties*”. If neighbouring properties are unaffected (and therefore at no greater risk than presently from flooding), why is it necessary for the River Club to raise itself above the floodplain, rather than suffer the supposedly infrequent 1:100 year flood events? Surely the mitigation techniques reported upon in the Surface Water Hydrological Study (Appendix B1) to improve existing water flow downstream of the rivers would be sufficient for the River Club as well?

[The Revised Report should explain why it is necessary for the River Club to raise itself out of the floodplain, whilst it is not necessary for the surrounding areas to be raised above the floodplain.](#)

## 7. Impact on the Western Leopard Toad

The Revised Report’s response, according to the Regional Chair, Southern Africa, IUCN SSC Amphibian Specialist Group, Professor John Measey (Email communication, 12 January 2017), failed to adequately deal with the concerns that he raised. As such, his original concerns need to be re-visited and appropriately addressed.

[The Western Leopard Toad concerns identified by the Regional Chair, Southern Africa, IUCN SSC Amphibian Specialist Group, Professor John Measey and submitted with reference to the draft Scoping Report need to be re-examined and responded to accordingly.](#)

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<sup>4</sup> SRK Consulting: 478320: River Club Redevelopment – Scoping Report Issues and Responses Summary, Appendix E9, Pages 53, 54.

<sup>5</sup> Two Rivers Urban Park Heritage Baseline Study compiled by Melanie Attwell, October 2016

<sup>6</sup> Revised Scoping Report for the Re-development of the River Club, Appendix E, Section 3.3.1, Page 34