

**COMMENTS AND RESPONSE REPORT #1**

**Basic Assessment Process for the Proposed Development of  
Residential and Recreational Facilities on Erven 242 and 212,  
Bishopscourt for the Protea Village Community Land Claim:  
Phase 1**

**DEA&DP Pre-app reference: 16/3/3/6/7/1/A6/7/2223/17**

**DEA&DP App reference: *Pending***

**Heritage Western Cape Case Number: 1712078WD1208E**

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# 1. INTRODUCTION

This document is the first Comments and Response Report, appended to post-application Draft Basic Assessment Report (BAR), for the proposed Development of Residential and Recreational Facilities on Erven 242 and 212, Bishopscourt for the Protea Village Community Land Claim: Phase 1. The Draft BAR is currently subjected to a public review period and, by virtue of being appended to the Draft BAR, this report has also been published under the review period.

All comments raised in relation to the public participation process undertaken to-date have been considered, and where appropriate, changes have been incorporated into the draft BAR, which is currently out for public review. Comments received during this review period for the draft BAR will be included in an updated and final BAR for submission to the competent authority (the Department of Environmental Affairs and Development Planning- DEA&DP) for their final decision-making.

This report describes the process used to identify and notify potential Interested and Affected Parties (I&APs) of the proposal, the public participation process to-date and future public participation. Public participation has been undertaken in accordance with the advice provided by the DEA&DP in the pre-application meeting (refer to Annexure P for minutes of the meeting with DEA&DP) as well as the approved Public Participation Plan (refer to Annexure Q for the Plan and approval thereof from the DEA&DP). Note that the plan submitted to the DEA&DP contained the full I&AP database with contact information, but the contact information is not published as part of this report in order to protect the contact information of the I&APs.

This report includes evidence of public participation to-date but does not include the evidence for the current public review period for the post-application Draft BAR. This evidence will be included in an updated report, following the public review period, and will be submitted to the DEA&DP along with the final BAR for decision-making.

## 1.1 Potential I&AP Database Compilation

A preliminary Interested and Affected Party (I&AP) database has been developed which includes previous comments from the baseline assessment done in 2004, as well as research conducted by Chand on contemporary officials and stakeholder groups which may have an interest in the area or project.

Following a pre-application meeting with the DEA&DP on 25 July 2018 and receipt of their advice on the public participation process (PPP) (refer to Annexure P for minutes of that meeting), the database of registered I&APs was updated to include advised parties.

The I&AP database has been maintained throughout the Basic Assessment process as registrations and comments have been received. Therefore, the I&AP database includes parties required in terms of Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended).

The I&AP database includes the following:

- Owners and Occupiers of the site where the activity is to be undertaken (note that the landowners are currently the City of Cape Town and Department of Transport and Public Works, who have both provided consent for the proposal, and the Applicant is a Development Company owned by the Protea Village community, who will be the owners, occupiers could include those parties who use the site for recreation and have been added to this database as they have registered in response to site notices and the Open House poster invitations);
- Owners and Occupiers of the land adjacent to the site where the activity is to be undertaken;
- The Municipal Ward Councilor;
- Organs of the State having jurisdiction in respect of any aspect of the activity;
- Relevant Civic Associations;
- Local Ratepayers' Associations; and
- Relevant environmental organisations.

Any parties who comment or register as part of the current public review period for the post-application draft BAR will also added to the I&AP database.

The registered I&AP database is included in **Annexure A**. *Note that, to protect privacy of I&APs, the contact information of these parties is not made publicly available as part of the current public review period, however these details will be included in full in the final report submitted to the DEA&DP.*

## **2. ENGAGEMENT METHODOLOGY**

### **2.1 PPP: Tasks Carried out Prior to the Submission of the Application for Environmental Authorisation**

The PPP to-date has far exceeded the minimum legislative requirements prescribed in regulation 41 of the EIA Regulations, 2014 (as amended) and has include the following activities (noting that no alternative sites have been considered in impact assessment process as the Protea Village community was returned a specific piece of land and cannot develop elsewhere):

- Compilation of a preliminary I&AP database as described in section 1.1.
- Advertisement (through site notices placed on 25 October 2018, a mail-out done on 25 October 2018 knock-and-drop to adjacent landowners carried out on 24 and 25 October 2018 and adverts in the Cape Times and Cape Argus on 25 October 2018 and 25 October 2018 respectively) of the proposed development and Basic Assessment process including the distribution of a Background Information Document (BID) (refer to Annexure B for a copy of the BID) for public comment- 26 October 2018 to 30 November 2018 (36 days were provided for the comment period) in November 2018.
- An Open House event was extensively advertised in the media as well as through the placement of notices in the surrounding areas (refer to Annexure C(g) for a map indicating notice placement, as well as a copy of the notice) and was held during the above-mentioned comment period, the Open House Event was held on 21 November 2018 (refer to Annexure C (g) for Open House Posters).
- Fixing a notice board at a place conspicuous to and accessible by the public at the boundary/ on the fence of the site on 25 October 2018 (refer to Annexure C for a map indicating site notice locations and photographs as well as the text of the site notice).
- With respect to the written notice to the owners and persons in control of the site, note that a landowners' consent has been obtained (refer to Appendix B of the BAR) and so they are aware of the proposal on the site. Also, the Protea Village CPA (who own the Development Company) will receive transfer of land in accordance with the land claim and would be the owners of the proposed development (prior to the sale of the propose freehold stands).
- Note that there are no legitimate "occupiers" on the site, but users of the site would have been able to see the site notices as well as the Open House invitation posters.
- Written notice occupiers of land adjacent to the site was provided through the knock-and-drop exercise on 24 and 25 October 2018 and notice of the availability of the Draft BAR has also been sent to all adjacent landowners (refer to Annexure C for the notification letter, Annexure C for the evidence of email of the notification letter, Annexure C for evidence of posting the notification letter and Annexure C for evidence of the knock-and-drop exercise).
- Written notice to the municipal councillor of the ward in which the site is located was done on 24 October 2018 (refer to Annexure D for evidence of the email which was sent).
- Written notice to the municipality (Local and District Municipality) which has jurisdiction in the area was done as part of the notification and BID distribution on 24 October 2018 (refer to Annexure C showing notification letters and proof of distribution).
- Written notice to any organ of state having jurisdiction in respect of any aspect of the activity was done as part of the notification and BID distribution on 25 October 2018 (refer to Annexure C showing notification letters and proof of distribution).
- Written notice to any other party as required by the Department.
- Placement of an advertisement in two local newspapers, namely the Cape Argus and Cape Times on 25 October 2018 and 25 October 2018 respectively (noting that the minimum legal requirement is for placement in one newspaper)(refer to Annexure E for the text of the advert as well as Annexure E for the proof of placement of the advert in the two newspapers).

- A Focus Group Meeting in which all registered Heritage Conservation Bodies within the metropole were invited was carried out on 8 October 2018 (prior to the general advertisement of the proposal in the media). This meeting also included members of the Fernwood residents' association who provided their input. Refer to Annexure F for record thereof.
- Formal meetings with the Bishopscourt and Fernwood Ratepayers' Associations (27 November/6 December 2017) and again, combined, in October 2018 (refer to Annexure G for the records of these meetings);
- Regular engagement with the Bishopscourt and Fernwood Ratepayers' Associations throughout the process to keep them up to speed with the latest progress thereof (refer to Appendix H for status updates);
- Focus Group Meetings were held with landowners adjacent to Erf 242 and Erf 212 on 13 and 14 November 2018 respectively (refer to Appendix I for the records of these meetings);
- A site meeting was held with the Department of Human Settlements, Water and Sanitation (DHSWS) on 16 May 2019 and a follow up meeting to discuss the technical aspects of the application was held at the DHSWS offices on 29 October 2019 (refer to Appendix J for meeting documentation).
- A Focus Group Meeting was held with representatives of key organisations associated with the biophysical aspects of the site (i.e. SANBI, CoCT Environmental Management, Friends of the Liesbeek and TreeKeepers) on 19 November 2018 (refer to Annexure K for the associated records of this meeting).
- A one-on-one meeting with The Hill Pre-primary School on 19 March 2019 (refer to Annexure L for records of this meeting).
- A one-on-one meeting was held with the City of Cape Town: Recreation and Parks branch (refer to Appendix M) for relevant meeting documentation).
- Presentation at two Heritage Western Cape (HWC) Impact Assessment Committee (IACOM) meetings was made on 5 December 2018 as well as on 10 July 2019 (refer to Annexure N for the relevant IACOM minutes/interim comments).
- The Draft HIA Report was published for a 30-day public comment published from 7 June 2019 to 8 July 2019, and notification thereof was distributed to the full Registered I&AP database (which included all I&APs which had registered on or before 5 June 2019). Refer to Annexure O for evidence of the distribution of the draft HIA.

The evidence and records of the above have been appended to this report.

## 2.2 PPP: Tasks Currently Underway and Future PPP

The post-application draft BAR is currently out for public review and the following steps, as per the approved PPP Plan, have been taken to notify the registered I&APs of the availability of the documentation for public comment:

- 35-day public review period for the post-application Draft BAR.
- Distribution of a notification letter to the registered I&AP database in Annexure A via email and via post to those who do not have email addresses (note that this refers to regular post and not registered post, given the social distancing requirements of the COVID-19 pandemic).
- Uploading of the post-application draft BAR and associated documentation on Chand's website for download for the duration of the comment period.
- An online "Open House" event (as described in the PP Plan in Annexure Q) on 20 and 21 October 2020 through which sessions with specialists around various aspects of the proposal would be held and discussed. This is open for attendance to anyone who registers for the particular session/s which they are interested in.

Note that evidence of the above-listed steps will be appended to this report as part of the submission of the final BAR to the DEA&DP for decision-making. Comment/ feedback received from registered I&APs during the public review period would be incorporated into, and responded to, in the final BAR.

The original comments provided will also be submitted to the DEA&DP as part of the final BAR.

### The remainder of public participation activities will include the following:

- Notification of the authorities' decision on the application for environmental authorisation, as well as information on the way the decision may be appealed, will be distributed to all registered I&APs.

### 3. Stakeholder Feedback To-Date

#### 3.1 Engagement with State Departments

Notification of the project and the BID was sent to the following State Departments (prior to submission of the application for Environmental Authorisation):

- CapeNature;
- Table Mountain National Park / SANParks;
- SANBI Institute;
- City of Cape Town;
- Department of Human Settlements, Water and Sanitation- but only pertaining to water use as the proposed development is not a human settlements project and so comment in this regard is not required;
- HWC;
- Provincial Department of Transport and Public Works;
- National Department of Transport and Public Works;
- Regional Land Claims Commission; and
- Department of Agriculture, Land Reform and Rural Development.

Notification of the post-application draft BAR has been provided to the following State Departments:

- Department of Environmental Affairs and Development Planning: Planning;
- Department of Environmental Affairs and Development Planning: Pollution Management;
- Department of Environmental Affairs and Development Planning: Waste Management;
- Department of Environmental Affairs and Development Planning: Biodiversity;
- Department of Environmental Affairs and Development Planning: Air Quality;
- National Department of Environment, forestry, and fisheries (DEFF): Biodiversity and Conservation;
- CapeNature;
- Table Mountain National Park / SANParks;
- SANBI Institute;
- City of Cape Town;
- Department of Human Settlements, Water and Sanitation - but only pertaining to water use as the proposed development is not a human settlements project and so comment in this regard is not required;
- HWC;
- Provincial Department of Transport and Public Works;
- National Department of Transport and Public Works;
- Regional Land Claims Commission; and
- Department of Agriculture, Land Reform and Rural Development.

#### **Heritage Western Cape**

HWC have been consulted, given the applicability of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). HWC confirmed the details of assessment required for the Heritage Impact Assessment (HIA) in their response to the NID (refer to Annexure N), which was taken onboard in the HIA, as well as provided two interim comments on the proposal and HIA (these are included in the issues trail and Comments and Response table in Annexure R and Annexure S respectively). A key recommendation from HWC was to revise the layout to provide more direct access to the spring, for both the public and the Protea Village community on Erf 242.

#### **Department of Human Settlements, Water and Sanitation**

Given the applicability of the National Water Act (No. 36 of 1998) (NWA), the Department of Human Settlements, Water and Sanitation (DHSWS) has been engaged through this Basic Assessment process. It has been confirmed by DHSWS that a General Authorisation (GA) would be applicable to the proposed development on Erf 242, while a Water Use License (WUL) would be required for the proposed development and dewatering activities on Erf 212. A site meeting was held with DHSWS (refer to Annexure J for the meeting notes), a follow up meeting was held at their offices (refer to Annexure J) and a hydrogeological peer review of the Geotechnical Report was conducted in accordance with their requirements. The DHSWS have

also been provided with the post-application draft BAR for their comment, to be delivered during this public review period. The GA Registration and WUL Application have been made via the online “eWULAAS” system.

### **City of Cape Town**

The City of Cape Town Environmental Management branch was represented at the biophysical Focus Group Meeting of 19 November 2018 (refer to Annexure K for the documentation related to that meeting). Comments raised by the CoCT representative at that meeting also covered town planning aspects such as prevention of illegal second dwellings, presence of servitudes downstream. Biodiversity issues raised include mechanisms to prevent intrusion into the river corridor as well as a query regarding whether a botanical impact assessment was done. Prevention of intrusion into the river corridor has been incorporated into the proposed development (both development alternatives, in fact) through the implementation of the buffers recommended by Dr. Day, as well as through the proposed installation of fencing, which is part of the development scope. In terms of a botanical impact assessment, given that the site does not hold any terrestrial biodiversity-related sensitivities and that fact that a baseline assessment done previously (refer to Appendix M(j)) concluded that, with the exception of the riparian corridor and natural spring pools, there is no other indigenous vegetation on site (IVC, 2003), the impacts on biodiversity were assessed and considered in the Freshwater Impact Assessment. No additional specialist assessment is considered necessary. It is also worth noting that CapeNature did not recommend a separate botanical impact assessment in their comment dated 3 April 2019 (see below). With respect to second dwellings, building lines are spaces adjacent to property boundaries that cannot contain buildings. These are statutory regulations administered by the Municipality and it is illegal to build inside a building line. The degree of control in the Architectural Design Guidelines is still to be determined. This would be done in consultation with the Municipal Planning Department. The case is similar for backyard dwellers in that the buildings would be subject to building plan control by the Municipality and it has an efficient development control administration in this part of the city. Public surveillance and peer control would also assist to prevent unauthorised structures. It can also be confirmed that there are no servitudes adjacent to the river indicated in the title deed.

The City of Cape Town also provided comment on the HIA (refer to Annexure O for the evidence related to the distribution of the HIA, particularly the HIA Comments and Response Table).

Engagement with the City of Cape Town in terms of the land use application process also took place in parallel with the NEMA process and it was during this engagement that the City of Cape Town recommended that the proposed layout be amended to provide more direct access for the public to the proposed Public Open Space (and the spring) on Erf 212.

### **CapeNature**

Comment on the BID was provided by CapeNature on 3 April 2019 (refer to Annexure T for the original comment as well as to Annexure S for the Comments and Responses Table). In this comment, they provide high-level information on the state of biodiversity on site. They confirmed that the WCBSP considers the site to be classified as No Natural and that the natural vegetation that would have occurred on site is Peninsula Granite Fynbos (Critically Endangered) (CapeNature, April 2019). They also confirm that the Liesbeek River flows on Erf 212, and that five wetlands are mapped on Erf 212 (CapeNature, April 2019). CapeNature confirmed support for the suggested freshwater specialist study and advised that the study “assesses the impacts on both the river and its riparian zone as well as the wetlands, which should be delineated according to standard methodology” as well as to identify “keystone or threatened faunal species which could be affected by the proposed development and indicate if further specialist studies may be required”. CapeNature (April 2019) also advised that the proposal should respond to the constraints identified by the freshwater specialist study.

CapeNature's comments have to-date have been addressed in the Freshwater Impact Assessment, which has provided a delineation of the watercourses on site, as well as appropriate buffers for development and stormwater management design and associated principles (already incorporated into the development alternatives under consideration in this assessment). The Freshwater Impact Assessment also provided information on potential fauna that could be located on site, as well as several mitigation measures which would form part of the conditions of authorisation (if Environmental Authorisation is granted by the DEA&DP) in order to protect the sustainability of the aquatic system.

## **SANBI**

Although present at the Focus Group Meeting of 19 November 2018, SANBI Kirstenbosch did not have any comments at the time. However, they have been provided with notification of the availability of the post-application draft BAR for comment.

## **3.2 Engagement with General I&APs**

As detailed in section 2.1, advertisement of the project and process has been undertaken, which also included site notices and advertisement posters for an Open House Event, over and above the distribution of a notification letter and BID. Several I&APs attended the Open House event and were afforded the opportunity to engage with specialists on their assessment findings (note, the impacts assessed were explained in the Open House posters).

More targeted engagement was also carried out with focus groups which would have an interest in a particular aspect of the proposal like the biophysical aspects, as well as the heritage impacts. A one-on-one meeting was held with the Hill Pre-Primary to focus on their particular issues regarding the proposal and regular engagement has been executed with the local Fernwood and Bishopscourt Residents and Ratepayers' Associations.

As a result of the extensive public participation carried out to-date, several comments have been received from I&APs thus far and these have all been addressed in the DBAR. The 386-member I&AP cohort for this process consists of many residents (most of which reside within the communities of Fernwood and Bishopscourt, but also come from various suburbs, as well as adjacent landowners and local residents and ratepayers associations), parties who make use of the site recreationally, local schools, some residents of the Protea Village community, relevant registered heritage conservation bodies, ward councillors and sub-council managers for the southern suburbs, local interest groups such as Friends of the Liesbeek and TreeKeepers, as well as the relevant state departments.

The concerns of I&APs, adjacent landowners, and various state departments (e.g. HWC and City of Cape Town) as they relate to the development layout have been afforded due consideration in the context of the requirements and sustainability of the business model. A key change in the proposed layout (which is now the preferred development alternative) is that it has been revised to provide direct access to Erf 212 and the spring and proposed Public Open Space area, which was a recommendation from HWC and City of Cape Town. Input from the project team and independent specialists has been sought, where appropriate, when due consideration has been given to these concerns, several of which have been accommodated in how the various aspects of the proposed development would be designed, constructed, and managed. Many suggestions from I&APs have been included as specifications in the EMPr to better mitigate any adverse impacts anticipated as a result of the proposed development.

Comments were submitted with regard to the following key issues:

- Layout;
- Design;
- The Business Case;
- Trees and Vegetation on Site;
- The Freshwater Ecosystem;
- Traffic and Access;
- Heritage, Visual and Cultural;
- Integration of Claimants into the Local Community;
- Town Planning / Land Use Application;
- Engineering, Stormwater and Services;
- The Land Claim;
- Landscaping;
- The Construction Phase and related Construction Activities;
- The Operation Phase and related Operation Activities;
- Basic Assessment: Process, Impacts and General Issues;

- Kirstenbosch Botanical Garden, the Stone Cottages and Craft Market; and
- Interested Developers/ Estate Agents.

## 4. COMMENTS AND RESPONSES

Throughout the process, 69 comments have been received to-date, which represents approximately 18% of the I&AP database.

The Comments and Responses table for the HIA specifically, which was distributed as a standalone report in June 2019, is included in Annexure O, while the Comments and Response Table for all other comments on the project notification, BID and Open is included in Annexure S.

The issues raised and the way those issues have been dealt with are tabled in Table 1. An Issues Trail is included in Annexure R, which provides a consolidation of the comments received and responses thereto.

**Table 1 Summary of I&AP Issues and how they have been responded to**

No.	Category	Issue	Way it has been dealt with in the Basic Assessment process
1.1	Layout	Direct access to Erf 212 for Claimants and the general public	The layout initially presented has been revised and two development alternatives have been assessed, one of which includes a direct access to the spring (and by virtue thereof, also to Erf 212).
1.2		Loss of the recreational area currently used by the public	The proposal has been aligned with spatial planning intentions for the site and devised to balance the financial, environmental, cultural, and social aspects of the development context. Details in this regard have been included in the Basic Assessment Report and, notably, an area of Public Open Space is proposed in the proposed development.
1.3		Impacts on the Hill Pre-Primary School and their parking & drop-off arrangements	Details in this regard have been included in the Basic Assessment Report where transport and access are discussed. A meeting was held with the Hill to further discuss their concerns and options for consideration have been provided to them.
1.4		General suggestions and queries on changing certain aspects (e.g. height of building on certain plots, pedestrian pathway, roads, etc)	Responses to minor changes in layout have been included in the Basic Assessment Report, however, in general layout details in terms of building massing and lines have been devised to consider marketability of the proposed residential offerings, while aspects such as roads are driven by practical considerations such as avoiding certain trees and being able to provide sufficient turning and driving space, as well as space for installation of necessary services. Pedestrian walkways would be confirmed during detail design of the Landscape Masterplan.
2.1	Design	Pedestrian/ NMT access to Erf 242 via proposed Boshof Avenue servitude	Motivation for the exclusion of NMT access via the Boshof Avenue servitude is included in the Basic Assessment Report under the explanation for Stormwater Management.
2.2		Edge treatment for boundary adjacent to Appian Way	Information on the proposed treatment of Appian Way has been included in the design and landscaping sections of the Basic Assessment Report.
2.3		Housing typologies for claimant families	Information on the proposed housing design and typologies has been included in the project description and the rationale for all houses being similar is provided as well.
2.4		Children's play area in proposed Public Open Space	This has been responded to in the landscaping explanation in the Basic Assessment Report and would ultimately fall to the CoCT as it would be on their land.
2.5		Approach to design, minimal hard surfaces, and Architectural Design Guidelines	A high-level design philosophy is provided in the project description and general issues that would be covered by the Architectural Design Guidelines are also described (e.g. minimisation of hard surfaces, housing typology, roofscapes, building massing, who would be in charge of enforcement, edge treatment, visual permeability, etc.). The Architectural Design Guidelines would provide that all homes and structures on site would be responsive to the desired look and feel of the proposal.
3.1	Business Case	Overall economics of the proposal and how it relates to the previous baseline	An explanation of how the NM & Associates study has been used in this assessment is included in the Basic Assessment Report, notably that the previous assessment applied no consideration to the business plan of a proposal (which was not the intention at the

No.	Category	Issue	Way it has been dealt with in the Basic Assessment process
		study done by NM & Associates	time and no business case or proposal as such had been developed back then).
3.2		Details of the business plan, including request for specific figures	The business case has been described in the project description and various aspects thereof have been detailed, including how it was devised, how it came to be that the Development Managers were appointed, source of funding for various proposed components, description of cash flow, future advertisement and marketing and who is responsible for it, future ownership structure, how development would be phased in terms of sale of various components, what determines final quality of home for claimants, how site conditions have been included in costing, applicable terms and conditions, financial provision and responsibility of management of proposed development on Erf 242 and Erf 212, financial thresholds for each component of proposal, minimum build quality for viable development, and means to avoid cessation of construction part-way through.
3.3		Parties who would benefit from the proposal	The parties who would benefit from the proposal have been described in the need and desirability section of the Basic Assessment Report, with the intention of the proposal being to balance the needs of a variety of parties with a view to protecting sensitive environmental and cultural aspects, continuing to provide recreational space to the community as well as to provide homes for the returning community.
3.4		Rationale behind the extent of development proposed on Erf 212	A detailed explanation regarding the aim of the proposal to balance the financial, environmental, and social aspects of the proposal and its context is provided in the Basic Assessment Report.
3.5		Previous intention to develop a school on Erf 212	The previous consideration of a school on site as well as the reason for scoping it out has been provided in the Alternatives section of the Basic Assessment Report.
3.6		Sale of land to parties who are not claimants	An explanation of the mechanism for sale of land to third parties is provided in the Basic Assessment Report under the business case description.
4.1	Trees/ Vegetation	Objection to removal of trees/ desire to keep the trees	Several I&APs have objected to the loss of trees that would result from the development of the proposal. The Basic Assessment Report explains the process undertaken to determine which trees would be removed and which would be retained and has explained how the landscaping intent would compensate for the loss of trees (including size of trees to be planted and timing thereof in terms of construction programme), and how significant trees have been determined. It also explains specialist and legal recommendations for the need to remove certain species of trees (e.g. Alders, Poplars, Eucalyptus, and Oaks) as well as specific trees, management of trees, potential for requiring permits, as well as the intentions for trees in specific areas of the proposed development (e.g. along Kirstenbosch Drive, the riparian zone, etc.).
4.2		Means to protect remaining trees	The EMPr provides several measures for the way tree felling would be undertaken, tree protection (of which a formal plan would be required as part of the final Landscape Masterplan and must include determination of buffer zones for roots and canopies), and methods to remove plants.
4.3		Plant search and rescue, and open days	The EMPr explains that a plant search and rescue is recommended and suggests coordinating a plant Open Day/collaboration for removal/transferal of trees/vegetation from site (but not a formal requirement).
5.1	Freshwater Ecosystem	Buffer between freshwater system development footprint	An explanation of the buffers prescribed between the various components of the freshwater system that would remain and the development areas is included in the Basic Assessment Report as well as the Freshwater Impact Assessment. These reports also explain why the buffer is sufficient, noting that the sustainability of the freshwater ecosystem would be maintained through implementation of all mitigation measures.
5.2		Management of riverine system	An explanation of the City's role in management of the riverine system has been provided, which is confirmed through a meeting with CoCT Recreation and Parks. The ambit of the City's MMP for that area has also been explained, including which aspects thereof would be undertaken as part of the proposed development.
5.3		Protection of spring and ponds	The Basic Assessment Report and Freshwater Impact Assessment Report explain the way the spring and ponds would be protected through implementation of buffers, rehabilitation, management,

No.	Category	Issue	Way it has been dealt with in the Basic Assessment process
			and mitigation measures as well as certain compensatory measures (i.e. recreation of a section of wetland for loss of pond 3). The Basic Assessment Report and HIA Report also explain the importance of the riverine corridor, spring and freshwater system from a cultural landscape perspective and include recommendations for their protection (including a heritage grading). The balance of the proposal with environmental (including freshwater), social, and financial issues is explained in the Basic Assessment Report.
6.1	Traffic	Congestion	Several I&APs are concerned about potential congestion. The Basic Assessment Report and TIA Report explains that traffic impacts resulting from the proposed development would not be significant, and further explains why no significant transport infrastructure upgrades would be required. These reports cover issues like the congestion experienced Upper Bishopscourt/Edinburgh Drive intersections and how it relates to the proposed development.
6.2		General Assessment methodology	The Basic Assessment Report and TIA Report include an explanation of the methodology employed in the transport assessment (including the accepted guidelines and standards), the extent of the road network assessed, how trips were calculated, what constitutes acceptable levels of service, and various traffic conditions (e.g. existing, background, future, total).
6.3		Traffic calming measures	The Basic Assessment Report explains how traffic calming measures can be requested from the CoCT.
6.4		Public Transport infrastructure, pedestrian, cycling and NMT facilities	The Basic Assessment Report and TIA report explain the type of public transport, cycling and pedestrian infrastructure would be included in the proposed development. The Basic Assessment Report also covers aspects such as demand for public transport, extent, capacity, occupancy, and throughput rates of bus embayments, location of bus embayments and extent of NMT walkway, relevant public transport routes nearby.
6.5		Access points and parking	The Basic Assessment Report and proposed Concept Plan indicate proposed access points, which have been verified by the TIA. The reason why these access points are deemed acceptable is included in the Basic Assessment Report. Calculations of parking bays required, and details of proposed public parking bays is described in the Basic Assessment Report.
7.1	Heritage/ Visual/ Cultural	Loss of sense of place/ sylvan character of the site (canopy, trees, buffers to be responded to)	The Basic Assessment Report, along with the HIA Report and VIA Report provides information on how the proposed development responds to the cultural landscape, sylvan nature of the site as well general context of the site and development within the landscape. There is significant explanation regarding the retention of trees, respectful treatment of Kirstenbosch Drive, provision of a Public Open Space Area, buffers around the freshwater system and spring, celebration of the spring and aquatic system as well as the provision of a new cultural landscape. Mitigation measures have also been described in detail to respond to the context. The HIA and Basic Assessment Report also explain the history of the site at length, how the current character thereof came about as well as the historic connection of the Protea Village community to the site. The Basic Assessment Report also explains the various design informants which have guided the proposed development plan and associated development footprint, as well as information on previous considerations which have been scoped out (e.g. such as the school).
7.2		Arboretum as part of the public's heritage	The Basic Assessment Report and HIA explain the way the proposal responds to the history of the site and connection which the Protea Village community as well as the connection which the public has to the site. The Basic Assessment Report also explains how the proposed development balances these views as well as responds to the sylvan nature of the site.
7.3		Meaningful redress and concerns around "gated" nature of the proposal	The Basic Assessment Report explains why sports ground/sports fields cannot be retained as well as how meaningful redress can be achieved with the primary aim of redress being the housing of the Protea Village Community who have had their land returned to them and the way the proposal seeks to achieve balance with social, financial and environmental sensitivities. The proposal also provides a response to the notion of a gated community by providing Public Open Space and direct access to it (and the associated spring) with detail being contained in the Basic Assessment Report.

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7.4		Assessment of heritage resources of the site	The Basic Assessment Report and HIA Report, along with the VIA Report explain the various heritage resources on site and the way they have been responded to in the proposed development, either through layout, design or celebration/acknowledgement through administrative means (i.e. heritage grading).
7.5		The need for the proposal to weave into the existing landscape and mechanisms to ensure that it does	The Basic Assessment Report and EMPr incorporate the mitigation measures indicated in the VIA Report as well as the HIA Report that would have to be incorporated into the design and ensure that the proposal is well-suited to the surrounding context. The way the proposal responds to the context is detailed in the Basic Assessment Report.
7.6		Links to off-site heritage indicators	The HIA Report as well as the Basic Assessment Report provide more detail on linkages to the off-site heritage indicators such as the stone cottages and the Church of the Good Shepherd, as well as the way Kirstenbosch Drive would be respected.
8	Claimants and Integration	-	The Basic Assessment Report explains the variety of mechanisms that would be built into the business case as well as certain legislative mechanisms that would allow for better integration for the claimant community into the area.
9	Town Planning/ Land Use Application	-	The Basic Assessment Report has provided a high level overview of the town planning process being undertaken in parallel with this Basic Assessment process, as well as addressing aspects such as the spatial planning intentions on site and within the surrounding context, density of the proposal, precedent for future development in the area, control of second dwellings, backyard dwellings and limiting development within appropriate distances from the river, management of building height, and sub-division and owners of each parcel.
10	Engineering, Stormwater and Services	-	The Basic Assessment Report provides detail on the way the site would be serviced as well as the way the design for the services responds to the high water table on site, the sandy founding conditions, sub-surface flow, the freshwater system, ground preparation, and potential for flooding in the Liesbeek River. The stormwater management plan and Basic Assessment Report also outlines the anticipated stormwater volumes and peak flows and the proposed stormwater drainage, flow, and attenuation thereof as well as the way the proposed design responds to climate change and CoCT policies in that regard. It also addressed the intended responsibilities for maintenance thereof. Evidence of the capacity of the site to contain and sustain the proposed residences, from an electrical, sewage, water and refuse perspective has been confirmed and supporting evidence provided in the Basic Assessment Report.
11	Land Claim	-	The background to the land claim and associated legislation has been summarised in the Basic Assessment Report. The report also explains that the land claim serves as a point of departure and no alternative sites can be considered, the mechanism for obtaining Ministerial consent to alienate some of the land. The Basic Assessment Report also explains that the Claimants are the applicants and are, therefore, the proponent of the proposed development and are supportive of the proposal and nature thereof as described in this report.
12	Landscaping	-	The Basic Assessment Report has the Landscape Intent appended to it (refer to Appendix XX) and it provides a description of the intended landscaping, noting that the final Landscape Masterplan (and associated planting list and Tree Protection Plan- which would also cover protection of root zones) would be finalised subsequent to this process and would have to be approved by the CoCT. The landscaping explanation in the Basic Assessment Report details responses to issues such as trees on site which would be affected, proposed interplanting of trees in terms of number, location and timing thereof, consideration of building resilience into the landscaping, watering and maintenance requirements, appropriate planting list (noting that mitigation measures are also in the EMPr to ensure these measures are undertaken), as well as pedestrian movement through the site and proposed Public Open Space area.
13	Construction Phase and Construction Activities	-	The Basic Assessment Report provides an explanation on the anticipated timing for the roll-out of the remaining phases of the proposed development (if approval is granted) and associated construction period timeframes. It also confirms that the intention is to construct all 86 homes on Erf 242 simultaneously. The EMPr

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			contains many measures which would have to be implemented by the Contractor during the construction phase of the proposed development to mitigate potential adverse impacts.
14	Operation Phase and Operation Activities	-	The Basic Assessment Report describes the maintenance responsibilities with regard to the proposed Public Open Space and explains how the rezoning would allow for the site to be placed on the City's maintenance schedule (which the current zoning does not allow for) and mandate for management as a Park. The EMPr also provides more detail on this aspect, as well as various other operational requirements.
15	Basic Assessment: Process, Impacts and General Issues		The Basic Assessment Report contains all information on the Basic Assessment process to-date as well as the associated public participation process and accompanying evidence. It includes assessment of development alternatives and the no-go (i.e. existing rights) alternative. It considers a variety of impacts and provides mitigation measures which must be implemented to reduce adverse impacts. These have been assessed by a team of specialist across a variety of disciplines as well as the EAP. It also includes a description of the demographic nature of the current community as well as the Protea Village community.
16	Kirstenbosch Botanical Garden, the Stone Cottages and Craft Market	-	The HIA Report explains that Kirstenbosch Botanical Gardens is within the heritage buffer zone and confirms that the project site is not located in any heritage overlay zones. It also provides a bit more information on the stone cottages and history thereof, as well as insight into the future intentions for the stone cottages (which are not part of this application), as well as the way the Kirstenbosch Craft Market would be handled.
17	Interested Developers/ Estate Agents	-	There have been comments from parties who appear interested in some of the residential opportunities on offer and the Development Manager have noted the comments, but this engagement falls beyond this Basic Assessment process. This is explained in the Basic Assessment Report.

Throughout the draft BAR, there are boxes which indicate where issues have been raised and comments addressed. These boxes look like this:



## 5. CONCLUSIONS

The public participation process has gone beyond the minimum legal requirements and remains underway.

Stakeholder engagement to-date has resulted in an alternative layout being assessed and put forward as the preferred alternative, additional specialist assessment as well as many additional specifications for the EMPr, all of which have been explained in the BAR.

Evidence of the PPP conducted prior to the submission of the application for Environmental Authorisation is included in this report.

Comments received during the current public review of the post-application draft BAR, as well as evidence of the public review and associated PPP for the post-application draft BAR will be addressed in the final BAR to be submitted to DEA&DP for decision-making.