

# BACKGROUND INFORMATION DOCUMENT

**BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF AN APARTMENT BLOCK ON ERF 29 AND ERF 30, CLIFTON**  
**CHAND REFERENCE NO: 03058**  
**DEA&DP PRE-APPLICATION REFERENCE NO: 16/3/3/6/7/1/A7/5/3069/20**

## 1. Purpose of this Document

Notice is hereby given of a Public Participation Process (PPP) in terms of the Environmental Impact Assessment (EIA) Regulations contained in section 24 (5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended (NEMA)).

Application is going to be made for Environmental Authorisation under NEMA, through a Basic Assessment process, for the proposed development. The application is required because the proposed development triggers certain activities in the legislation.

This is a Background Information Document (BID) which outlines preliminary information on the proposed development and Basic Assessment process for potential Interested and Affected Parties (I&APs). The intention is to provide an opportunity for I&APs to raise any issues or comments that they foresee at an early stage in the process, in response to this document.

**Chand Environmental Consultants** has been appointed as the independent Environmental Assessment Practitioner (EAP) to undertake the necessary environmental process to investigate the proposed development. This document forms part of the PPP for this proposed describing the following:

- Information about the site and the proposed development;
- An overview of the statutory environmental process and related PPP; and
- How you can participate in the process.

Note that the legislated process has only just commenced and will continue for approximately nine to 12 months. As such, this initial contact with you is aimed at introducing the proposal, the specialist team, and the processes of investigation.

At this early stage, the team is gathering comment and may not necessarily have the answers to queries raised right away.

## 2. Description and Zoning of the Site

The above-mentioned proposed development is intended for Erven 29 and 30, Clifton, situated on Victoria Road. Please refer to Figure 2 for the site location.

Ergoflex cc is the landowner, as well as the Applicant for the Environmental Authorisation.

The erven are currently zoned Single Residential (SR) 1.

The site is located within the urban edge and in an established residential area along Victoria Road in Clifton.

The site is already developed upon, however not to the full extent. There was previously a house on the site (refer to Figure 1), which was demolished in 2003 after accidental collapse which occurred during the construction of the neighbouring apartment block to the south-east (i.e. Dunmore Apartments). The site currently houses some of the remaining foundations and derelict stairs, as well as some vegetation.



Figure 1 Previous House on Site (source: A. Levy, date of photograph unknown)

## 3. What is Proposed

The proposed development entails the demolition of the existing structures on the site and developing a proposed apartment block across both erven.

The concept of the proposed development is depicted in Figure 3 and Figure 4. A full set of plans including various elevations and photo montages, will be provided for public review at a later stage in this process.

The proposed apartment block would comprise of up to nine units and would have nine storeys as well as a basement level (i.e. ten levels in total). The apartment levels would be terraced to create synergy with the development context. Some of the original stairway would be retained at street and ground level but would be renovated. Most of the rock face at street level would also be retained, except for the limited width required to construct a proposed single lane driveway and waiting area.

Access to the site would be off Victoria Road.

The proposed development would also require servicing from a potable water, sewer, power and refuse perspective and, while these services have been supplied to the site historically, the servicing of the proposed development would still be addressed through the Basic Assessment process and with input from the relevant project engineers and the City of Cape Town. Stormwater management would also be considered and would meet the City of Cape Town requirements.

A landscape plan would be provided for public review at a later stage, but in general, the approach to landscaping for the proposed development is to weave the proposed development into the landscape and would comprise greening through screens on the sides of the proposed building and indigenous planting would be implemented where possible. Indigenous plants species already on site would also be retained or transplanted, where possible.

## 4. Legislative Requirements

### 4.1 Environmental:

The proposed project requires environmental authorisation from the relevant competent authority in terms of section 24 (5) of the NEMA. The competent authority in this case is the Western Cape Department of Environmental Affairs and Development Planning (D: EA&DP).

Activities that may have an impact on the environment are listed in various Government Notices published under NEMA. All listed activities that pertain to the proposed project will be determined when the official application is lodged with the D: EA&DP, however at the moment, it is understood that it will, as a minimum, trigger the following listed activity:

#### GN R327 Listing Notice 1, Activity 19A

*The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles, or rock or more than 5 cubic metres from—*

*(i) the seashore;*

*(ii) the littoral active zone, an estuary, or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is greater; or*  
*(iii) the sea*

*but excluding where such infilling, depositing, dredging, excavation, removal or moving;*

*(a) will occur behind a development setback;*

*(b) is for maintenance purposes undertaken in accordance with a maintenance management plan.*

*(c) falls within the ambit of activity 21 of this Notice, in which case that activity applies;*

*(d) occurs within existing ports of harbours that will not increase the development footprint of the port or harbour; or*

*(e) where such development is related to the development of a port of harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.*

A **Basic Assessment process** will be required to obtain the necessary environmental authorisation in terms of NEMA.

### 4.2 Planning:

From a Land Use Management application perspective, application has been made in terms of Section 42 of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) to consolidate the erven, rezone to General Residential (GR5), obtain City approval for certain building setbacks given that Victoria Road is a designated metropolitan road, as well as departures from certain provisions of the Development Management Scheme (DMS) (largely with respect to building lines as well as height above street level of Victoria Road). The town planning application also includes the deletion of the street boundary building line title deed condition, which condition was amended in 2007 to permit certain structures within this space.

The proposed development would not be able to commence until both the Environmental Authorisation and town planning application have been approved by the relevant authorities.

## 5. Basic Assessment Process

It is a statutory requirement for this process to be undertaken by independent consultants. Chand Environmental Consultants have been appointed to fulfil the role of the independent EAP to undertake the environmental process.

The aim of the process is to identify feasible and reasonable alternatives as well as to ascertain whether there are issues, concerns, benefits and/or opportunities associated with the proposed development. Once the best alternative is established and the anticipated impacts have been identified, mitigation measures to reduce the significance of the adverse impacts are established. These mitigation measures will be included in the conditions of authorisation (if the

application is approved) and will be binding upon the Applicant.

The desired outcome of the process is achieved by involving environmental specialists as required, based on the biophysical and social sensitivities on and around the site, as well as obtaining the inputs and comments from I&APs/ stakeholders and relevant organs of state. The findings of the environmental process will be recorded in a Basic Assessment Report (BAR). **Organs of state and registered I&APs will have an opportunity to comment on the Draft BAR (as well as the full specialist reports which will be appended thereto).**

The BAR, accompanied by an Environmental Management Programme (EMPr), the various specialist reports and a record of the public participation process will ultimately be submitted to the D: EA&DP to inform their decision on the application. Environmental Authorisation, which may be granted subject to conditions (i.e. mitigation measures suggested by specialists), will only be considered once the process has been completed. Details of the specialist input obtained and the public participation process that will be undertaken are provided below.

#### 4.3 Specialist Input:

Independent environmental experts (as shown in the box below) have been appointed to undertake the necessary studies to inform the environmental process and outcomes thereof.

##### SPECIALIST INPUT

- Freshwater/Aquatic Biodiversity: Ms. Antonia Belcher
- Heritage: Ms. Jenna Lavin (**CTS Heritage**)
- Visual: Mr. David Gibbs
- Traffic and Transport: Ms. Karin Liebenberg (**GIBB (Pty) Ltd**)
- Terrestrial Biodiversity/Botanical: Dr. Dave MacDonald (**Bergwind Consulting**)
- Geotechnical: Mr. Mike van Wieringen (**M. van Wieringen & Associates**)

These specialists will inform and assess the proposed development (and will assess alternatives that emerge from this public engagement process, if any) in order to determine the specific environmental impacts, rate their impacts and, where appropriate, provide mitigation measures to avoid and / or minimise negative impacts and enhance positive impacts.

The impact assessment process is underway and the impacts which will be assessed as part of the basic assessment process are indicated below:

- Freshwater resources/ aquatic biodiversity;
- Heritage;
- Visual;
- Traffic and Transport;
- Terrestrial Biodiversity/ Botanical; and
- Geotechnical.

The detailed outcome of the environmental assessment, as well as the full specialist reports, will be recorded in the post-application draft and final BARs (noting that the final BAR is the report which would be submitted to the D: EA&DP).

Legal requirements in terms of NEMA as well as environmental best-practice have been and will continue to be observed in undertaking the basic assessment process.

##### Other aspects of the proposal will receive due professional consideration as follows:

- Civil Engineering Services: Mr. Sampie Laubscher & Ms. Ingrid de Jager (**bvi**)
- Electrical Services: Mr. Stephan Frantisek (**ARUP**)
- Landscaping: **Francesca Watson**, Garden Designer
- Architecture/ Design: Mr. Andrew Makin and Ms. Janine Beauchamp (**Designworkshop**)
- Town Planning: Mr. Tommy Brummer and Ms. Arina de Villiers (**Tommy Brummer Town Planners**)

#### 4.4 Public Participation

When compared to the previous regulations governing Environmental Impact Assessments, the latest (2017) Regulations are less prescriptive in terms of public participation requirements. The team and Applicant have opted for a more comprehensive public participation strategy to allow greater opportunity for I&APs to comment.

The public participation plan has also been approved by the DEA&DP in line with the requirements DEA&DP's Circular dated 30 September 2020 (reference 0024/2020).

This BID constitutes additional Public participation over and above the minimum legislated requirements.

The following legislated PPP will also be undertaken:

- Identification of potential and legislated I&APs;
- Written notification via a mail-out, email and/or a knock-and-drop exercise to landowners and residents adjacent to the boundary of the site;
- Compilation and Placement of an advertisement in a local newspaper;
- Placement of a notice board on the site where the proposed activity is to be undertaken;
- A 30-day public review of the post-application Draft BAR during which all I&APs will be provided with the opportunity to comment on the BAR before it is submitted to the relevant authorities for decision-making; and
- Notification of the decision by the D: EA&DP on the application for Environmental Authorisation.

Refer to Figure 6 for a flow diagram depicting the Basic Assessment process.

## 6. How to Get Involved

Should you wish to provide comment on this BID, or wish to register another I&AP, please do so within 30 days (i.e. by **6 November 2020**).

The following contact details can be used:

### **Marielle Penwarden**

Chand Environmental Consultants  
PO Box 238, Plumstead, Cape Town, 7801  
Tel: (021) 762 3050  
Fax: 086 665 7430  
Email: [info@chand.co.za](mailto:info@chand.co.za)

**Kindly note that I&APs must provide their name, contact details (postal address, telephone, fax numbers and email address) and an indication of any direct business, financial, personal, or other interest they may have in the approval or refusal of this application in order to register.**

There is a comment sheet attached to this document for any initial thoughts you would like the project team/environmental team to be aware of.

Note that being specific in your comment allows for the team to attend to the query in better detail.

## YOUR OPPORTUNITY TO BE INVOLVED

Your active participation will contribute to ensuring responsible development of the site, as well as responsible decision making by the authorities.

The first step in the process is for any members of the public who feel they are affected by or have an interest in the proposed project, to register as I&APs. All registered I&APs will receive communication regarding the proposed project at specific points in the process and will be notified of the availability of the BAR and specialist reports for comment. As a registered I&AP you would have a legal right in terms of NEMA to comment on the Draft BAR and any other reports related to the Basic Assessment process.

Should you wish to provide written comments on this BID, please do so by **6 November 2020**.

**Note that this is a public process and your name, surname and comments submitted through this process would be made public as part of the BAR.**



Figure 2 Site Location (created using Cape Farm Mapper, 2020)

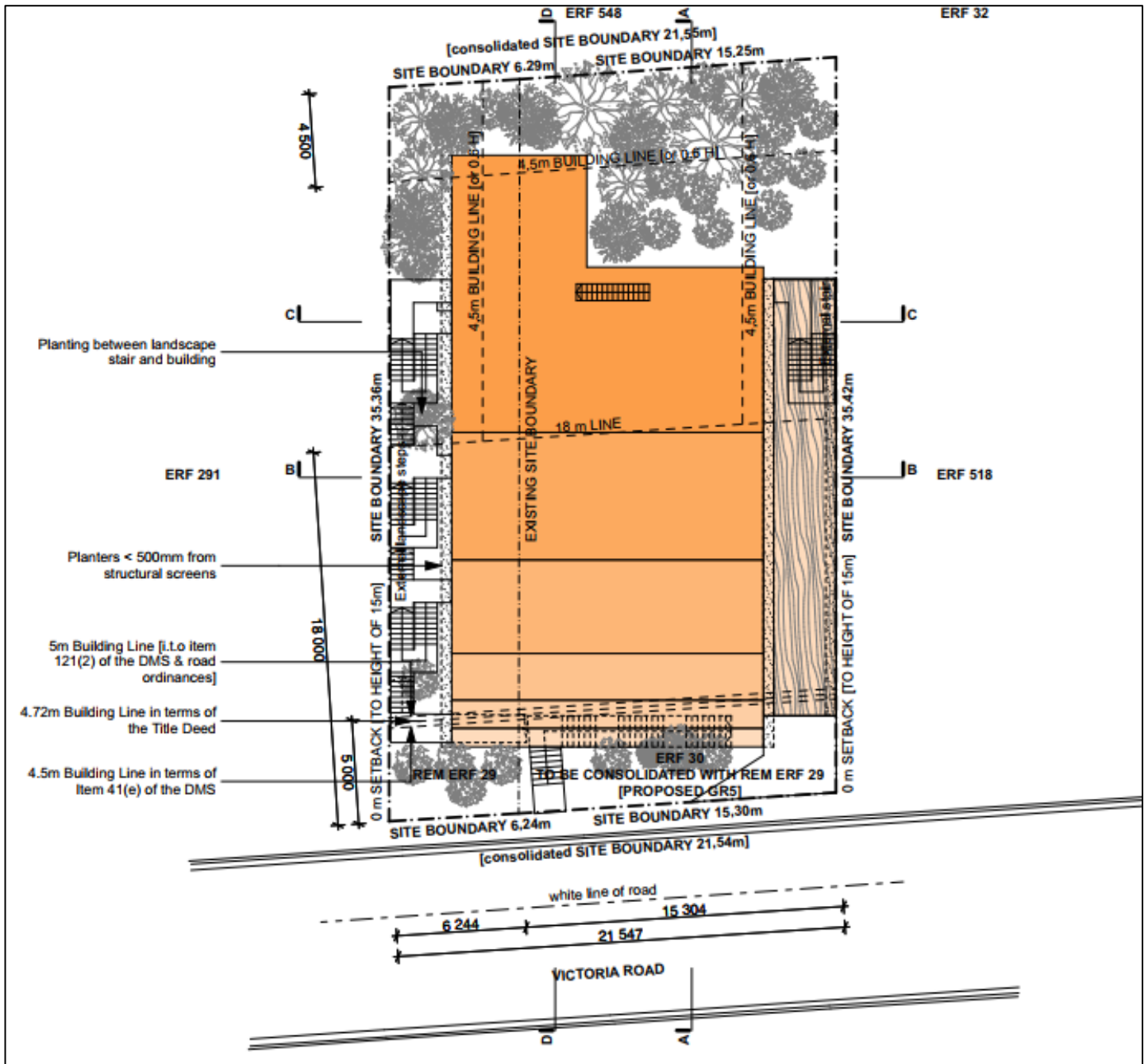


Figure 3 Proposed Development- Aerial View: Coverage Diagram (source: designworkshop, August 2020)

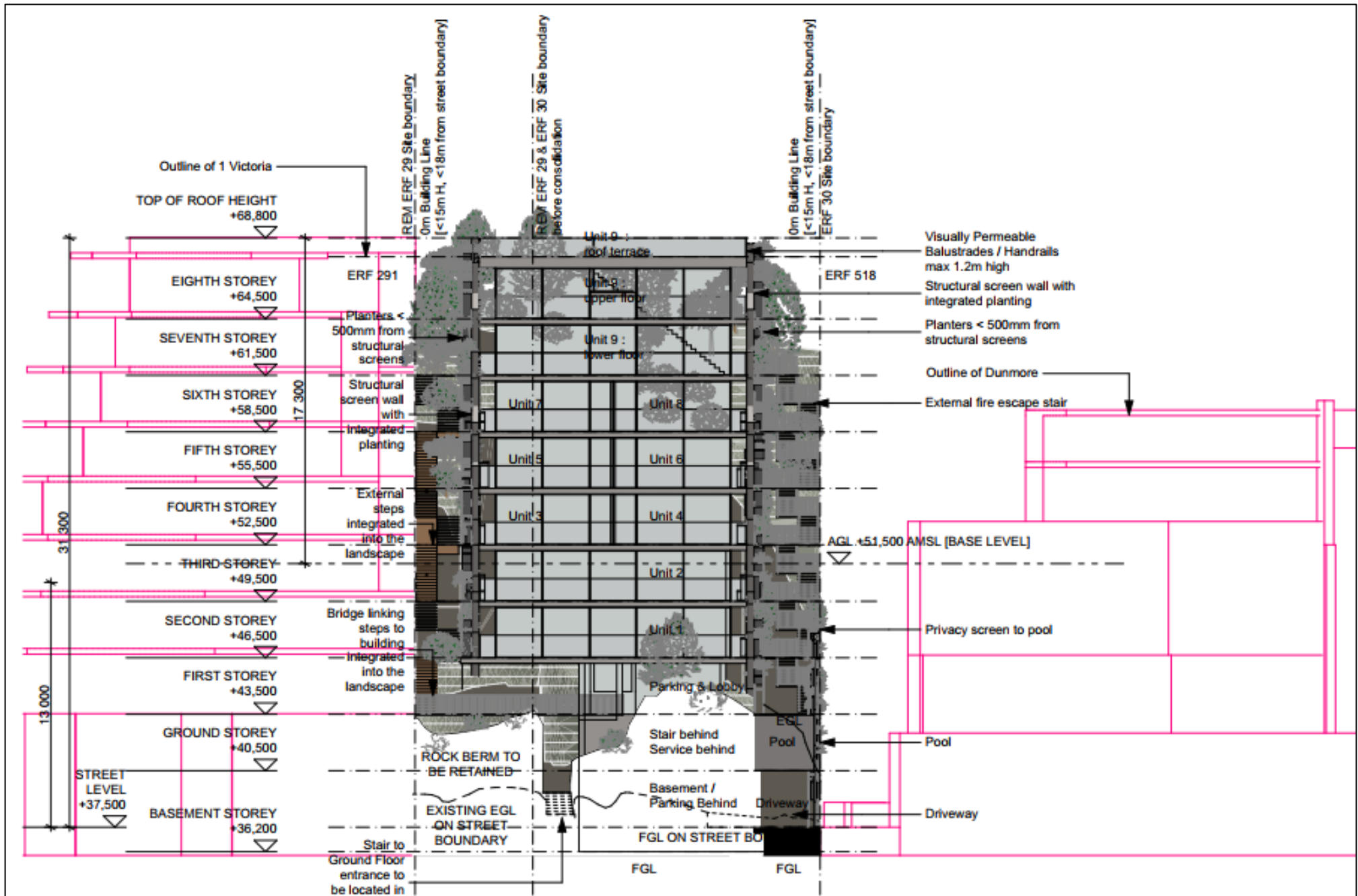


Figure 4 South West (Street) Elevation (source: designworkshop, August 2020)



Figure 5 Photo Montage- Street View (source: designworkshop, August 2020)





Figure 6 Basic Assessment Process, with stakeholder engagement opportunities indicated in yellow

