

BACKGROUND INFORMATION DOCUMENT

BASIC ASSESSMENT PROCESS FOR THE PROPOSED REMEDIATION AND RESIDENTIAL DEVELOPMENT OF THE PROTEA VILLAGE PHASE 2 DEVELOPMENT, ERF 503, CITY OF CAPE TOWN

CHAND REFERENCE NO: PV02

DEA&DP PRE-APPLICATION REFERENCE NO:
16/3/3/6/7/1/A6/7/2026/25

1. PURPOSE OF THIS DOCUMENT AND PROJECT HISTORY

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) (NEMA), as amended.

The development opportunities currently being considered and investigated within the Phase 2 project includes remediating Erf 503, a subdivided portion of Erf 212, per an approved Remediation Order and developing ~10 residential erven with access roads, a gatehouse, and service connections. Access via Winchester Drive will align with updated transport assessments. Municipal services and landscaping will ensure functionality and environmental sensitivity.

The Applicant is the Protea Village Development Company (Pty) Ltd which is solely owned by the Protea Village Communal Property Association (CPA). A claim for restitution of land rights has been awarded by the Land Claims Commission in terms of the Restitution of Lands Act, 1994 (Act No. 22 of 1994). The claim was lodged on 04 February 1995 on behalf of 86 former resident families, who resided in the original Protea Village Area and were forcibly removed during the 1960s, in terms of the Group Areas Act, 1950 (Act No. 41 of 1950). The City of Cape Town and the State agreed to release the properties to the CPA. An agreement in this regard was entered into in September 2006.

In 2007, an application was lodged at the Land Claims Court to review decisions regarding the approval of the land claim. In June 2011 the Land Claims Court ruled in favour of land restitution on Erven 212 and 242 in Bishopscourt.

An area of approximately 28.4 hectares of land was claimed in terms of the Claim relating to the property that was lost by the Protea Village Community when forced removals took place. Not all of the dispossessed land could be restored to the Claimants (as third-party properties have now been developed on part of the land post the forced removals), however the area restored to the Protea Village Community is approximately 8.5 hectares (which is 28.6% of the area of land that they were dispossessed of).

In May 2021, the Department of Environmental Affairs and Development Planning (DEA&DP) granted environmental authorisation for Phase 1 of the development (Erf 212 & 242). Erf 503, Bishopscourt, a subdivided portion of Erf 212, originally considered in the environmental assessments, was later excluded due to procedural delays in obtaining the Remediation Order (refer to section 3.1). The Department has now required a separate Environmental Authorisation application for its development. Erf 503, previously host to the "Boschenheuvel Arboretum," (though it was designated such by the City of Cape Town against the Protea Village community's wishes in the early 1990s) has been used for public recreation.

Whilst Erf 503, Bishopscourt is currently vacant land and has historically (and is currently) used for recreational activities, this property is, in fact, private land and is not designated Public Open Space. On 26 February 2021, the closure of Public Place on Erf 503 was gazetted. Erf 503 was transferred to the Protea Village Communal Property Association on 15 June 2021. While Erf 503 is currently open and accessible to the public for recreational activities, the property does not form part of the City of Cape Town's Public Open Space on Remainder Erf 212.

Refer to the locality map included as **Figure 1**.

Chand Consultants has been appointed to undertake the necessary environmental processes to investigate the proposed development. This document forms part of the public participation process for this proposal and it describes the following:

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

Note that the legislated process has only just commenced and will continue for approximately 6 to 9 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 answers to queries raised right away.

2. DESCRIPTION AND ZONING OF THE SITE

The abovementioned proposed development is intended for Erf 503, Bishopscourt, situated on Winchester Avenue – please refer to **Figure 1** *Error! Reference source not found.* for the exact location.

Erf 503 has been used by the public for recreational activities, although this property is privately owned by the Protea Village CPA. Although this area is known as the "Boschenheuvel Arboretum", it is not an arboretum in the technical sense, where *"trees are cultivated for their scientific or educational interest."* The "Arboretum" was established by the City of Cape Town in the mid-1990s, in spite of a request by the Protea Village Community that such naming be reconsidered, given that their land claim was underway pertaining to the property. Erf 503 is bordered by two streams, namely Window Stream and Nursery Stream, which converge into the Liesbeek River. There are also a number of large, predominantly non-indigenous, mature trees on the site.

Note: The Boschenheuvel Arboretum is a naming construct that was created by the authorities in the early 1990s, before the end of Apartheid, even though the Protea Village Community communicated to the authorities at the time that they opposed the creation of the "Boschenheuvel Arboretum" on their ancestral land.

3. WHAT IS PROPOSED AND WHY

It is envisaged that the development of the residential opportunities on Erf 503 will aid in the business case for the servicing of the 86 stands and the construction of 86 houses for the Protea Village families on the adjacent Erf 242 (previously authorised by the DEA&DP). The Community has a common goal, namely they want to see the sustainable and responsible restoration of their Community, their property, their homes, their wealth and their legacy as (partial) restoration following

their forced removal from the property during Apartheid.

At this stage in the planning process, the proposed development is intended to comprise of the following:

- Remediation of Erf 503, in line with an approved Remediation Order, a site which was historically used for waste disposal by the local authority.
- Development of 10 residential erven, including infrastructure such as access roads, a gatehouse, boundary walls, and service connections.
- Access via Winchester Drive.
- Provision of municipal services, including electricity, water, sewerage, and waste removal.
- Landscaping measures to ensure a cohesive aesthetic and environmental sensitivity.

A summary of each component of the proposal is provided below. Please refer to the Proposed Development Layout included as **Figure 2**.

3.1 Remediation of Erf 503, a site historically used for waste disposal, in line with an approved Remediation Order.

The remediation activities will be undertaken on Erf 503, Bishopscourt, a subdivided portion of Erf 212, which historically served as an informal disposal site by the local authority for the dumping of general household and garden waste.

In accordance with Section 38(2) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEMWA), the Department of Environmental Affairs and Development Planning – Pollution and Chemicals Management issued a Remediation Order (DEADP Reference: 19/3/5/1/3) to the City of Cape Town on 19 December 2022. This order permits three potential remediation approaches to be implemented by the project team.

During the design phase, it has been confirmed that an integrated approach will be implemented. Where soil containing elevated, but non-critical contaminant levels, will be excavated up to ±600 mm and disposed of at an appropriate waste site. Post-excavation soil sample analysis will be applied to specific areas. Thereafter, the excavation of trenches throughout the fill area will be undertaken

to remove visually identifiable waste before redistributing clean soil.

3.2 Development of residential units and associated service infrastructure

Following the completion of remediation activities, the site will be developed to accommodate 10 residential erven, supported by essential infrastructure.

This will include the construction of an access road, a gatehouse, boundary walls, and service connections, as well as the implementation of an approved landscaping framework.

All interventions will comply with relevant environmental and planning regulations to ensure a sustainable and well-integrated development within the surrounding area. The architectural design of the homes will reflect the character of the existing neighbourhood by adhering to the Architectural Design Guidelines established for the entire Protea Village development.

The development professional team and appointed specialists have given careful consideration to retaining mature trees where possible.

The architectural design of the homes would respond to the “look-and-feel” of the surrounding area and neighbourhood. Architectural Design Guidelines have been developed in order to maintain architectural integrity, as well as to prevent the establishment of illegal structures. Refer to **Figure 3 to Figure 5** for an architectural rendering of the design precedent proposed for these homes.

A detailed Transport Impact Assessment (TIA) was undertaken for the full Protea Village Development to inform the details of access and egress.

3.3 Access via Winchester Drive

The main access to the site is anticipated to be off Winchester Drive. A detailed Transport Impact Assessment was conducted as part of the Protea Village Phase 1 process, and it has been verified by the Transport specialist to provide further insights and inform the final details of the access arrangements.

3.4 Landscaping Considerations

In addition to implementing the Architectural Design Guidelines for the proposed development, particular attention will be given to landscaping and edge treatments at key interfaces with the surrounding community.

Special consideration will be given to the design and treatment of landscaped elements along Winchester Avenue to ensure a cohesive and aesthetically sensitive integration with the existing environment.

Mature trees would be retained as far as possible, particularly beyond the development footprint for hard structures. Trees within the roadway would be retained as far as possible provided that they do not interfere with the installation of services. A tree survey has been conducted which has assessed all the condition of all the trees present on site.

3.5 Design Considerations:

Architectural Design Guidelines, established for the entire Protea Village development, governing colours and textures of buildings would reduce visual impact, with darker, muted tones being less visually conspicuous than bright, reflective colours, and as the new trees mature, the proposed buildings would become increasingly settled and anchored. Thus the proposed development would become woven into the existing cultural landscape patterns and contribute to the local character.

The Guidelines will provide guidance regarding the internal and external spatial design requirements for each development parcel. Emphasis would also be placed on energy efficient design principles in order to comply with South African National Standards (SANS) legislation. Internal and external finishes would be suggested in order to regulate the aesthetic of each new building and by doing so ensuring that it adds value to the design language of the development as a whole.

This process would enforce a standard for construction and design that would contribute to the value of the surrounding community while establishing a community of its own.

4. LEGISLATIVE REQUIREMENTS

The proposed project requires environmental authorisation from the relevant authority in terms of section 24 (5) of the National Environmental

Management Act, 1998 (Act No. 107 of 1998) (NEMA), as amended. The relevant authority in this case is the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP).

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

GN R327 Listing Notice 1, Activity 12

The development of—

- i. dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- ii. infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs—

- a) within a watercourse;
- b) in front of a development setback; or
- c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —

excluding—

- a) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- b) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- c) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- d) where such development occurs within an urban area;
- e) where such development occurs within existing roads, road reserves or railway line reserves; or

the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

5. BASIC ASSESSMENT PROCESS

It is a statutory requirement for this process to be undertaken by independent consultants. Chand Consultants have been appointed as the independent Environmental Assessment Practitioners (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 Interested and Affected Parties (I&APs)/ stakeholders and relevant organs of state. The findings of the environmental process will be recorded in a Basic Assessment Report. **Organs of state and registered I&APs will have the opportunity to comment on the Pre-application 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 DEA&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.

5.1 Specialist Input:

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

Specialist studies were conducted during the pre-application phase of the Protea Village Phase 1 environmental process. At that time, the Phase 2 development had not yet been separated from the overall application. Consequently, the specialists ensured that the Phase 2 development area was included in their assessments, at the time.

In correspondence with the DEA&DP, it has been confirmed that verification letters from these specialists would be accepted as part of the Protea Village Phase 2 application process.

Accordingly, the following specialist reports, along with their associated verification letters, will be submitted to the Department:

- Visual Impact Assessment (David Gibbs)
- Geotechnical Impact Assessment (Kantey and Templar)
- Freshwater Impact Assessment (Dr. Liz Day)
- Tree Survey (Planning Partners)
- Arborist Peer Review (Dr. Paul Britton)
- Transport Impact Assessment (ITS Global)
- Agricultural Compliance Statement (SoilZA)
- Heritage Impact Assessment (ACO Associates)

The following new specialist studies will be conducted as part of this application:

- Terrestrial Biodiversity Compliance Statement (NCC Environmental Services)
- Botanical Compliance Statement (NCC Environmental Services)
- Faunal Compliance Statement (Biodiversity Africa)
- Noise Management Plan (Soundscape Engineering)

These specialists have informed and assessed the proposed development layout (refer to **Figure 2**) (and will assess alternatives that emerge from this public engagement process, if any) in order to either verify or 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 remains underway and the impacts which will be assessed as part of the basic assessment process include impacts on:

- Freshwater resources;

- Heritage (including cultural and social);
- Visual;
- Transport; and
- Trees.

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

The specialist findings, assessments and recommendations will be made available to the public for review and comment.

It is important to note that, given the listed activity triggered, the freshwater resources on the site are important. Therefore, the proposed development, along with mitigation measures suggested by the freshwater ecologist have given significant consideration to the sustainability of the freshwater system adjacent to the site.

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 have received due professional consideration as follows:

- **Civil & Electrical Infrastructure:** Lyners & Associates (RF) (Pty) Ltd
- **Landscaping:** Planning Partners
- **Architecture/Design:** Nuvorm Architects
- **Town Planning:** Planning Partners

5.2 Public Participation:

In light of the nature of the proposal, the project professional team and the Applicant have opted for a more comprehensive public participation strategy to allow maximum opportunities for I&APs to comment.

As such, a number of public participation activities are planned for the proposed development. These include the distribution of this BID for public comment, One on One Meetings with key stakeholders, Focus Group Meetings with key I&APs as well as a public Open House Event.

One-on-one and Focus Group Meetings will be held during the pre-application phase in the next one to two months, while the Open House Event will take place during the public comment period

of the Draft BAR. Details of the Open House will be included in the Notification of the Draft BAR Public Review Period.

The following legislated public participation process (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 Pre-Application Draft Basic Assessment Report (BAR) and an additional 30-day public review the Draft Basic Assessment Report 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. Please note that notice will be given prior to the start of these public review periods.

6. HOW TO GET INVOLVED

Should you wish to provide comment on this BID, or you wish to register another I&AP, please do so within 14 days (i.e. by 6 June 2025).

The following contact details can be used:

Chand Consultants

Address: Block A, Plum Park, 4. St Clair Road,
Plumstead, Cape Town

Tel: (021) 762 3050

Email: info@chand.co.za

Kindly note that I&APs must provide their name, contact details (postal address, telephone 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.

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 continuous communication regarding the proposed project and will be notified of the availability of 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 within 14 days by **6 June 2025**.

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



Figure 1: Locality Map

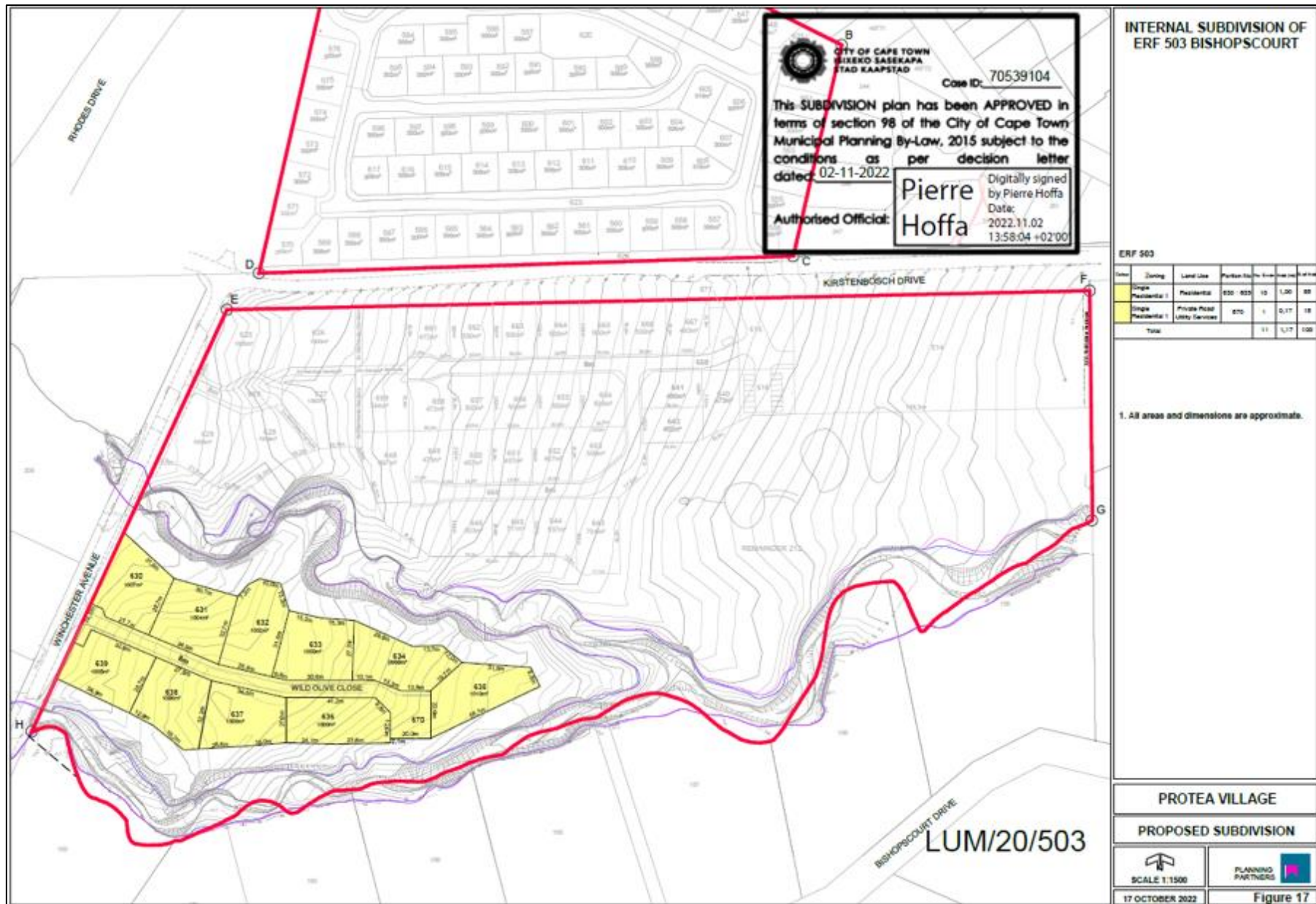


Figure 2: Proposed Development Layout



Figure 3: Design Precedent for Homes for the Protea Village Community proposed on Erf 242



Figure 4: Design Precedent for Private Dwellings Proposed on Erf 503 (note that the homes would be similar to those already existing in the greater Bishopscourt area)



Figure 5: Design Precedent for Larger Estate Homes Proposed on Erf 503

