

To: Potential Interested and Affected Party

NOTIFICATION OF THE COMBINED PUBLIC PARTICIPATION PROCESS (PPP), AVAILABILITY OF A BACKGROUND INFORMATION DOCUMENT (BID), AND INVITATION TO AN OPEN HOUSE EVENT AS PART OF THE BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF RESIDENTIAL AND RECREATIONAL FACILITIES ON ERVEN 242 AND 212, BISHOPSCOURT FOR THE PROTEA VILLAGE COMMUNAL PROPERTY ASSOCIATION LAND CLAIM

DEA&DP Application Reference Number:	Pending
DEA&DP Pre-Application Reference Number:	16/3/3/6/7/1/A6/7/2223/17
Heritage Western Cape Case Number:	17120718WD1208E
DWS Reference Numbers:	WU8044 and WU9798
Chand Reference Number:	03013

Date: 25 October 2018

Dear Sir / Madam

Notice is hereby given of a combined public participation process in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), as amended, the National Heritage Resources Act (Act No. 25 of 1999) (NHRA), as well as the National Water Act (No. 36 of 1998) (NWA).

The proposal entails the development of the following on Erf 242 and Erf 212, Bishopscourt:

- Green Public Open Space Area;
- Residential Area for the 86 families of the Protea Village Community; and
- A combination of Freehold and Leasehold Residential Opportunities.

The ultimate aim of the proposal is to achieve the sustainable and responsible restoration of the Protea Village Community (who are formally constituted as the Protea Village Communal Property Association - CPA), their property, their homes, their wealth and their legacy through the provision of 86 homes for the Protea Village Community appropriate to the nature of the surrounding context. This would be in pursuit of honouring the land claim awarded by the Land Claims Commission in terms of the Restitution of Lands Act, 1994 (Act No. 22 of 1994) to 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 claim was lodged on 4 February 1995 and the City of Cape Town and the State agreed to release the properties to the CPA in September 2006. Following which, an application by opposing parties 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. This proposal encompasses homes for the Protea Village community, an open space which would be used by the public, as well as other residential development which would provide the financial resources for the construction of serviced homes for the Protea Village community.

Refer to **Appendix A** for a map showing the location of the erven and to **Appendix B** for a Draft Proposed Development Plan.

The proposed development triggers, as a minimum, the listed activities in terms of the Environmental Impact Assessment Regulations as amended on the 7 April 2017 as well as the abovementioned NHRA and NWA indicated in Table 1.

Note that a final list of listed activities triggered in terms of the EIA Regulations, as amended will be submitted with the application and made publicly available with the draft BAR.

Table 1 Environmental Legislation Triggered by the Proposed Development

Applicable Legislation	Applicable Section	Details of Listed Activity
NEMA and EIA Regulations, as amended	Activity Number 19 of Listing Notice 1 (GN No. R. 327)	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse; 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 in 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 or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.
	Activity Number 12 (i) (i) of Listing Notice 3 (GN No. R. 327)	The clearance of an area of 300 square metres or more of indigenous vegetation... (i) Western Cape (i) Within any critically endangered ecosystem or endangered ecosystem listed in terms of section 52 of NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004
NWA	Section 21 (c)	impeding or diverting the flow of water in a watercourse;
	Section 21 (i)	altering the bed, banks, course or characteristics of a watercourse;
NHRA	Section 38 (1) (a)	the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
	Section 38 (1) (c)	any development or other activity which will change the character of a site— (i) exceeding 5 000 m ² in extent; or (ii) involving three or more existing erven or subdivisions thereof; or (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years

Chand Environmental Consultants has been appointed by the applicant as the independent Environmental Assessment Practitioner (EAP) to undertake this Basic Assessment process. This letter serves to:

- 1) Notify you of the proposed development;
- 2) Invite you to register as an Interested and Affected Party (I&AP);
- 3) Advise you that a Background Information Document (BID) is available for a **36-day public review period** from **26 October 2018 to 30 November 2018**; and
- 4) Invite you to the Open House event whereby you will be afforded an opportunity to review more detailed information on the proposed development and specialist findings at your leisure as well as to discuss specific issues with the project team and the specialists in attendance.

Details of the availability of the BID are tabled below.

YOUR INVITATION TO PARTAKE IN THE PUBLIC REVIEW PERIOD OF THE BACKGROUND INFORMATION DOCUMENT:	
DATE:	26 October 2018 to 30 November 2018
VENUE:	1) Claremont Public Library, Wilderness Road, Claremont 2) Rondebosch Public Library, Hall Road, Rondebosch 3) Wynberg Public Library, Glaren Road, Wynberg, Cape Town 4) Kirstenbosch Gardens Information Centre, Rhodes Drive, Newlands
An electronic copy of the documentation will also be made available for download on the website of Chand Environmental Consultants (http://www.chand.co.za/projects.asp).	

Details of the Open House are indicated in the table overleaf.

PLEASE JOIN US AT THE OPEN HOUSE EVENT!

DATE: 21 November 2018
VENUE: Manor House, Fernwood Parliamentary Sports Grounds, 27 Rhodes Avenue, Newlands
TIME: Any time between 16:00 and 20:00

Parking is available at the venue and directions can be sent upon request.

Should you or your organisation have any comments or queries regarding this project or the documentation, or if you would like to participate in the process and be notified of further opportunities to provide comment, please ensure that you register as an I&AP by writing to **Marielle Penwarden** by no later than **30 November 2018**:

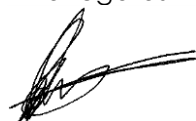
Postal Address: PO Box 238, Plumstead, 7801
Fax: 086 665 7430
Tel: 021 762 3050
Email: info@chand.co.za

Please 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. The DEA&DP's pre-application reference number, **16/3/3/6/7/1/A6/7/2223/17**, should be quoted in response to this correspondence. Also 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 Basic Assessment Report.

In a Nutshell...

- A land claim has been awarded to the Protea Village Community;
- There is a proposal to develop homes for the Protea Village Community on Erf 242, Bishopscourt, which would be funded by a proposal to develop a mix of residential uses on Erf 212, Bishopscourt.
- The proposal also includes Public Open Space on Erf 212, Bishopscourt. This would **not** generate any resources for the proposed development of homes for the Protea Village Community.
- The proposed development, as described above, triggers a number of pieces of environmental legislation, particularly those related to environmental management, water and heritage.
- A number of different types of authorisation are needed as a result of these acts being triggered and these all require specific processes (all the requirements fall under this process and it is called a Basic Assessment process) to be undertaken which must be supported by public engagement.
- This letter is part of the Basic Assessment process and we consider **you** to be an Interested and Affected Party (I&AP). **That is why you have received this letter.**
- A Background Information Document (BID) has been provided to give you, as an I&AP, some information on the proposal in order for you to determine how it would affect you and for you to share your comments and thoughts with us, as part of this Basic Assessment process. Please peruse the BID and, if you wish to, provide us with your comments thereon by **30 November 2018**. We will address your comment as part of this process and you will see how we have done so in the Basic Assessment Report that follows the completion of this initial phase of public engagement. **There will be more public engagement throughout this Basic Assessment process.**
- There is also an Open House event planned for 21 November 2018, which you are welcome to attend to obtain more detailed information on the proposal and impacts anticipated.
- As an I&AP, we welcome you to engage in this process from the early stages (which is now) and will keep you abreast of progress and the availability of documentation for review, unless you tell us to stop contacting you.

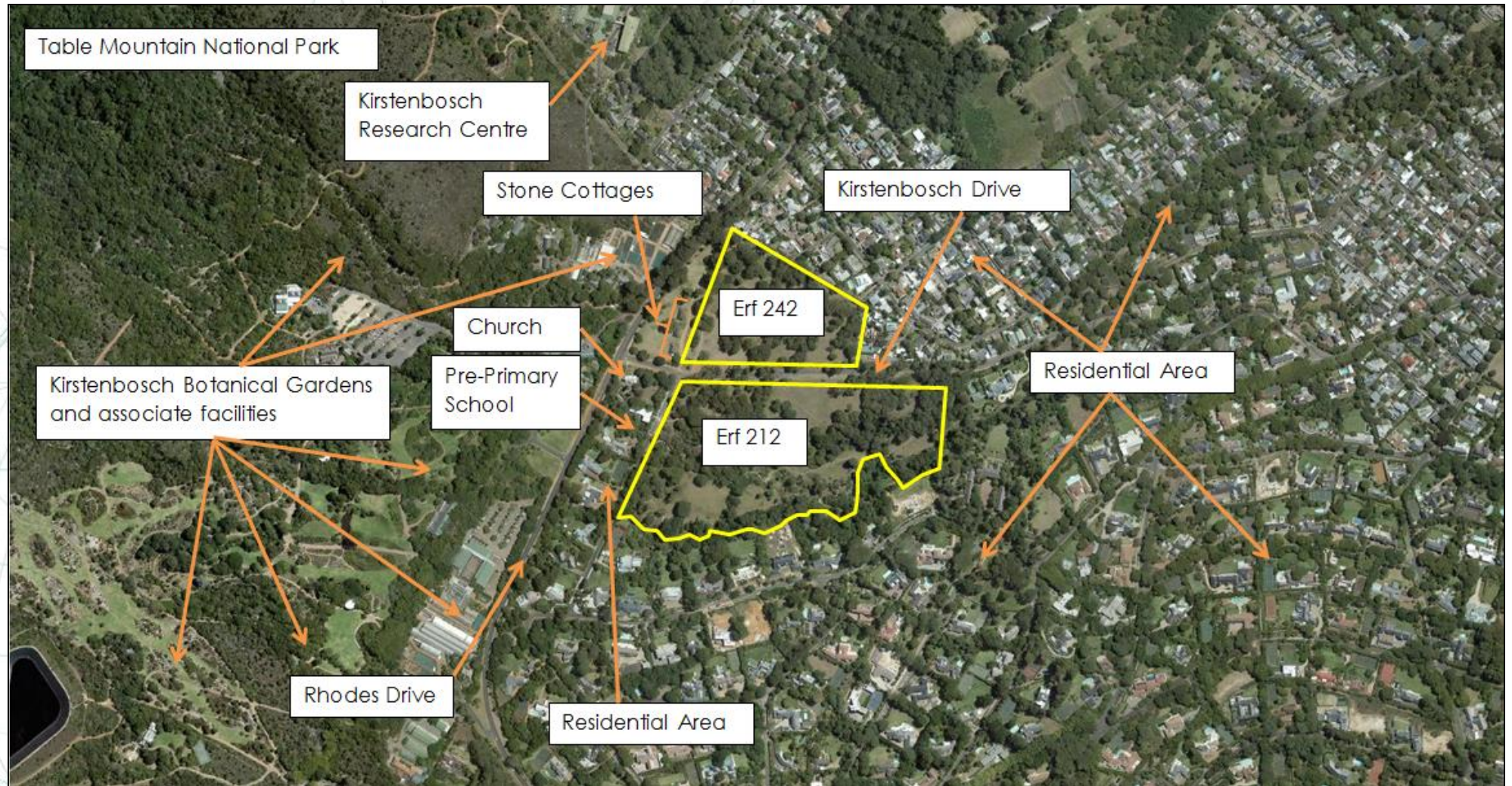
Kind regards



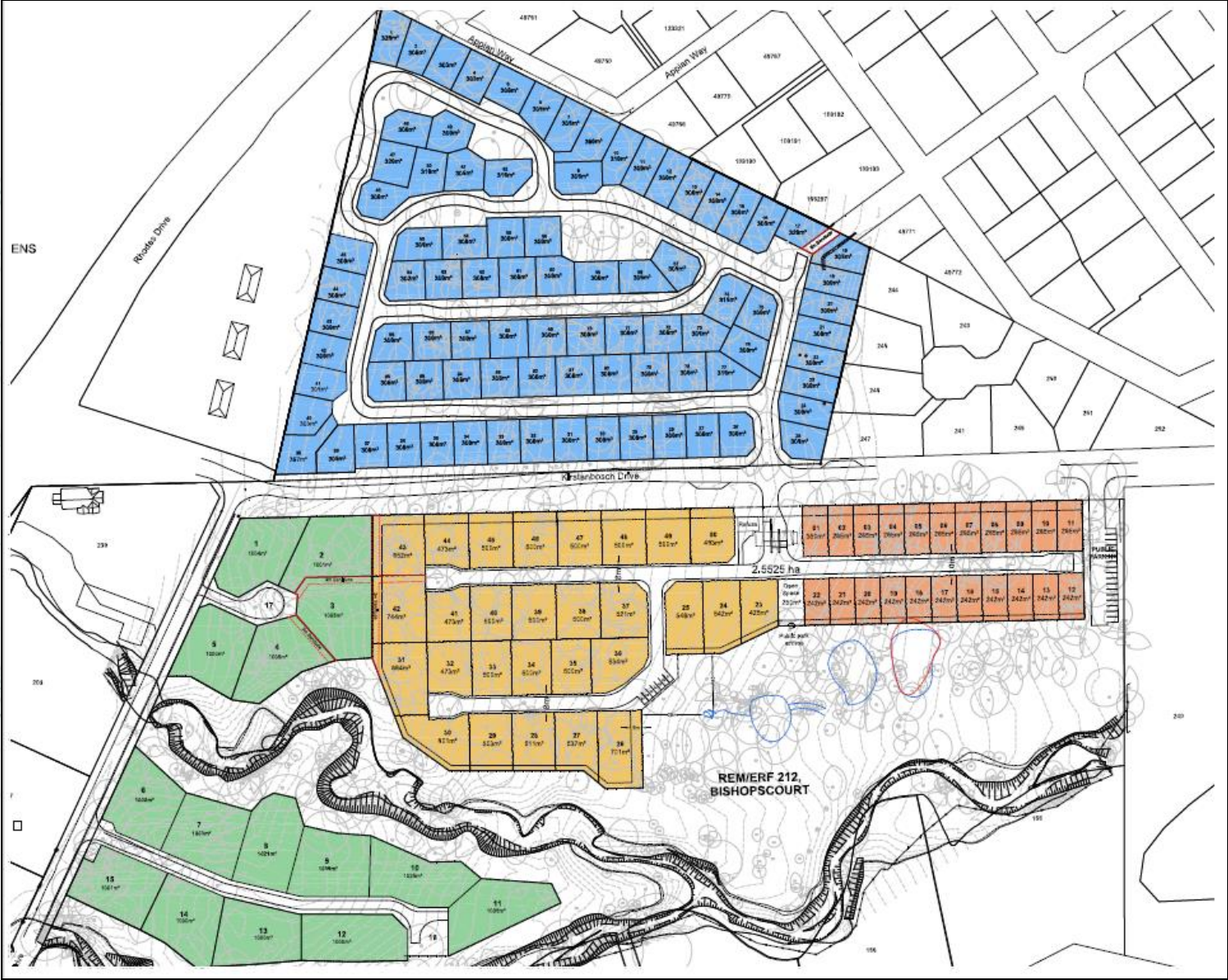
Marielle Penwarden

Chand Environmental Consultants

APPENDIX A: LOCALITY MAP



APPENDIX B: DRAFT PROPOSED DEVELOPMENT LAYOUT



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We appreciate your interest and participation in this process. If you have any issues, questions or concerns regarding this project specifically, please ensure to have your comments returned to us by **30 November 2018**.

Please 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 Basic Assessment Report.

**Marielle Penwarden
CHAND ENVIRONMENTAL CONSULTANTS**

PO Box 238
Plumstead
7801

Tel: 021 762 3050

Fax: 086 665 7430

Email: info@chand.co.za

**SHOULD YOU WISH TO REGISTER AS AN I&AP PLEASE COMPLETE YOUR CONTACT DETAILS BELOW.
ENSURE TO WRITE CLEARLY AND LEGIBLY AND TO USE EXTRA PAPER IF NEEDED.**

NAME:

ORGANISATION:

POSTAL ADDRESS:

TELEPHONE NUMBER:

FAX NUMBER:

E-MAIL ADDRESS:

CELLPHONE NUMBER:

COMMENTS:
