

25 October 2018

**THE PROPOSED DEVELOPMENT OF RESIDENTIAL AND RECREATIONAL FACILITIES ON ERVEN 242 AND 212,
BISHOPSCOURT FOR THE PROTEA VILLAGE COMMUNITY LAND CLAIM
CHAND REFERENCE NO: 03013
DEA&DP PRE-APP REFERENCE NO: 16/3/3/6/7/1/A6/7/2223/17
HERITAGE FOCUS GROUP MEETING: HERITAGE IMPACT ASSESSMENT AND FINDINGS**

Minutes of Meeting_FINAL

DATE: 08 October 2018
VENUE: Chand Environmental Consultants, Suite 1.2A, Richmond Centre, 174-206 Main Road, Plumstead
TIME: 12h00 – 13h45
FACILITATOR: Ms. Marielle Penwarden

1. Attendees

FULL NAME	INITIAL	ORGANISATION
Ms. Jean Raubenheimer	JR	Simon van der Stel Foundation
Mr. Ian Pretorius	IP	Simon van der Stel Foundation
Mr. Moir Scholtz	MS	Fernwood Residents Association
Ms. Luzette Watson	LW	Fernwood Residents Association
Ms. Cathryn Bonadei	CB	Fernwood Residents Association
Mr. Tim Hart	TH	ACO Associates
Mr. Geoff Underwood	GU	Planning Partners
Mr. Warno Rüde	WR	Boogertman & Partners
Mr. Dave Child	DC	Bethel Partners
Ms. Marielle Penwarden	MP	Chand Environmental Consultants

2. Apologies

FULL NAME	ORGANISATION
Mr. Ian Iversen	Ward 59: Ward Councillor
Ms Louise Parrock	Fernwood Residents Association
Ms. Karin Strom	VASSA (Vernacular Architecture Society of South Africa) <i>(confirmed attendance but did not arrive on the day)</i>

Refer to **Appendix A** for the full list of all parties invited.

3. Agenda

1. Welcome and Introduction
2. Explanation of the Proposal and Site
3. Explanation of the Basic Assessment Process
4. Explanation of the Town Planning aspects of the Proposal
5. Presentation of Heritage Impact Assessment and Findings
6. Discussion/ Comment on the Heritage Impact Assessment and Findings
7. Close

4. Discussion

4.1 Welcome and Introduction

- a) MP welcomed all attendees to the meeting and thanked them for the time. She summarised that the intention of the meeting was to focus purely on heritage issues and to receive considered and informed comment from attendees in that regard.
- b) All attendees introduced themselves.

4.2 Explanation of the Proposal and Site

Refer to attached presentation.

- a) During this portion of the presentation MP emphasised that significant professional input has been assimilated from a variety of fields to inform the draft proposal.
- b) With regard to the visual imagery of the proposal (refer to slide 13 of the attached presentation), MP highlighted that the image hails from a previous draft of the site plan and also does not show the private residential areas proposed on Erf 212. She indicated that the image had been included in the presentation merely to provide attendees with a "feel" for what the proposal would look like in approximately ten years.
- c) CB asked what the term "leasehold" means and DC explained that the business model has been carefully considered in order to provide avenues to generate annuity income for the Protea Village community (as part of their integration and support into the area). He further stated that the leasehold properties on Erf 212 (indicated in light orange and light brown in slide 10) would be sold on a "perpetually renewing" 99-year lease basis such that, upon the resale of properties to new buyers, the lease period would be reset back to 99 years and a percentage of the resale value would be paid to the Protea Village community. He added that the CPA (refer to post-meeting note) would collectively be able to use the annuity income as needed (possible uses could include subsidies for education, healthcare and other community uses) and that this would operate similarly to a Home Owners Association (HOA). DC concluded by referring to the Waterfall Development in Midrand as a similar example. **Post-meeting note:** *The Protea Village community is formally constituted as 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).*
- d) MS queried the erf sizes in the proposal and GU clarified the following:
 - o Protea Village community residential erven (blue areas indicated in slide 10 of the presentation) would be approximately 300m². GU further highlighted that this erf size is larger than typical City housing projects where such projects are now being developed with erf sizes as small as 75m², adding that the proposed property sizes have been crafted as more befitting of the nature of the surrounding context and community;
 - o The freehold properties (indicated in green in slide 10 of the attached presentation) would be approximately 1000m² each and would be more congruent with development in the area;
 - o The larger leasehold properties (indicated in light brown in slide 10 of the attached presentation) would be approximately 500m² to 600m²; and
 - o The row housing leasehold properties (indicated in light orange in slide 10 of the attached presentation) would be in the range of 250m² to 350m².

4.3 Explanation of the Basic Assessment Process

Refer to attached presentation.

- a) During this aspect of the presentation, MP indicated that the heritage aspects would fall under the Basic Assessment (BA) process because of the fact that there are listed activities triggered in terms of the National Environmental Management Act (NEMA) and associated Environmental Impact Assessment (EIA) Regulations. She clarified that this would mean that Heritage Western Cape (HWC) would be a commenting authority rather than a decision-making authority, but provided the assurance that the heritage aspect of the proposal would still be thoroughly addressed.
- b) TH highlighted that HWC requested that a desktop archaeological study be included in the HIA. He further illuminated, in response to a question from CB, that the study was carried out by

reviewing heritage maps, databases and aerial images as well as by walking the site investigating it for evidence of archaeological structures, of which none have been found (which indicates how thoroughly the buildings were removed).

- c) MP also emphasised that the BA process remains in its infancy and that comments received from Interested and Affected Parties (I&APs) would shape the details of the proposal and process going forward. In response to a query from MS, MP assured him that more Focus Group Meetings to discuss particular aspects of the proposal will take place during the I&AP registration period (which includes wide distribution of the Background Information Document, advertisement of the proposal and placement of notices on site). She added that, presently, meetings with adjacent landowners (likely to be two separate meetings with residents adjacent to Erf 242 with another for those adjacent to Erf 212) as well as key organisations representing the ecological aspects (e.g. Friends of the Liesbeek and Treekeepers) of the site are planned. CB also suggested that the site notice include the Draft Site Plan and MP noted the suggestion.

4.4 Explanation of the Town Planning Aspects of the Proposal

Refer to attached presentation (delivered by GU).

- a) GU commenced with the introduction of this component of the presentation by emphasising the fact that he is not independent and acts as a professional on behalf of the Applicant (i.e. CPA). He noted that this is different to the role of the Heritage and Environmental Practitioners (TH and MP respectively) whose duty it is to conduct an independent, non-biased assessment of the proposal against specific requirements of the applicable law.
- b) GU stated that Erf 212 has not yet been transferred, but the intention is to separate at an early stage by subdivision, the riverine and potentially developable portions of land. No rezoning or change of use will occur at this stage. The potentially developable portions will be transferred to the Department of Rural Development and Land Reform (DRDLR). Thereafter the developable portions would be transferred to the CPA, while the riverine portion will continue to be owned by City of Cape Town as formal Public Open Space. If the EIA or record of decision finds that any part of the potentially developable portion must be excluded from development, then that portion will be deducted and transferred to the Municipality. After the environmental and heritage assessments have been completed and a record of decision has been granted, the internal subdivision of the developable portions will be confirmed in accordance with the Municipal Planning By-Law.
- c) GU made the point that neither Erf 242 nor Erf 212 is presently zoned as Public Open Space.
- d) GU added that there is some controversy and uncertainty about the zoning of Erf 242 (which has been shown on zoning maps as group housing). However regardless of the current zoning, the process will involve a rezoning application to Sub-divisional Area Overlay Zone and then internal subdivision in terms of the Municipal Planning By-Law to facilitate the Protea Village community homes.
- e) GU noted that departures may also be required and indicated that as many of the planning components as possible would be included in a single application, but that when more detail is revealed in the design process, additional application for departures could be made.
- f) GU also emphasised that the proposal does not involve a deviation from the Spatial Development Framework, and the District Plan acknowledges the Protea Village land claim and designates the site for potential medium density development and residential infill.
- g) GU summarised that there are technically three processes associated with the proposal, namely the BA and heritage processes under their respective legislation (refer to slide 15 of the attached presentation) as well as the town planning component which falls under the Municipal Planning By-Law. He concluded by assuring attendees that there would also be a public participation process associated with the town planning application whereby I&APs would be afforded the opportunity to make comments and/or objections.

4.5 Presentation of Heritage Impact Assessment and Findings

Refer to attached presentation (delivered by TH).

- a) TH took over as presenter and began by highlighting the area as a historic frontier and referred to the fact that this type of designation is taken seriously by authorities citing the Two Rivers Urban Park as an example.
- b) TH explained that van Riebeeck had established Boscheuwel (a portion of which would later to be the farm "Protea") which was an idyllic and somewhat isolated space, and it (particularly

the Liesbeek River and associated freshwater system) formed part of the frontier of early conflict between the *Khoi Khoi* and *Freeburghers*.

- c) TH said that many people worked on the farm and, following the emancipation from slavery, the community was left in a predicament in terms of what to do vocationally. The Protea Village community arose during this time (from around the 1830s) and TH highlighted that the Protea Village community today (i.e. the claimants) are very likely to have a direct line of ancestry to the initial Protea Village community. He stated that it is quite rare and unique to have such a clear depth in the lineage of a community which can be dated back as far as the 18th century.
- d) TH went on to tell how Protea Village residents found a range of vocations ranging from fishing, domestic work to small-scale agriculture. He added that the establishment of Kirstenbosch Gardens in the 20th century provided ample working opportunity for Protea Village residents thereby creating a strong connection between Protea Village and Kirstenbosch Gardens (noting that many residents built much of the pathways at the gardens).
- e) TH then spoke of structures revealing that there were many different types of houses in Protea Village such as stone, wood-iron and brick. He went on to explain that the Church and adjacent cemetery played a central role to the survival of the community and members still attend the church to this day and also still scatter the ashes of their deceased in the cemetery, in spite of the distance they must travel to get there. He also listed the bus stops, foundations of the school (which was demolished) and the Hussein Store as places of importance to the Protea Village Community. TH also highlighted the importance of Kirstenbosch Drive, particularly the scenic, leafy quality thereof (which is provided by the trees along the road). He added that the Arboretum does add to the leafy quality of the area, but that it was constructed relatively recently (i.e. in the 1990s) when the City of Cape Town and Kirstenbosch Gardens collaborated to plant trees on an ad hoc basis there as they became available from the Kirstenbosch Gardens.
- f) With respect to intangible heritage, TH stated that Protea Village residents had many of their own traditions (an example of which is the manner in which they treated their deceased by laying in state home, keeping the body there for both commemoration and mourning followed by carrying the coffin by hand to the church and cemetery). Villagers also thoroughly enjoyed the sport of rugby (which was facilitated through the existence of rugby fields on Erf 212).
- g) TH then moved on to discuss the natural heritage of the site explaining that the spring and Liesbeek River were vital to the Protea Village community. He stated that residents used to collect water from the river and spring (particularly those who did not have piped access to water in their homes) and that stones were collected from the Liesbeek River for the construction of the church. TH also confirmed that the trees and general leafy nature of the area are important to the Protea Village community and the history of the area, retelling a story from one of today's community members regarding the stark contrast of their home with the barren, dusty area they were forcibly removed to in the Cape Flats and the struggle many residents went through to adapt to such a different environment.
- h) TH concluded the explanation on the history of the site by saying that, in general, the houses for Protea Village were located on Erf 242 (the erf upon which the Protea Village community homes are proposed) and the recreational activities occurred on Erf 212.
- i) TH moved on to discuss the recommendations resulting from the HIA (refer to slide 24 of the attached presentation) and additional points were made that the suggested heritage grading for the spring as well as the riverine system has been made in order to protect the areas and prevent future urban development therein. He added that the Liesbeek River has value throughout the southern suburbs and also that the declaration of the spring in particular is a request emanating from the Protea Village community.
- j) TH concluded that the proposal is supported, in spite of the loss of some of the leafy nature of the area (particularly that of Erf 212), provided that the mitigation measures are implemented. He further emphasised that the return of the Protea Village community is in itself a significant positive heritage impact and that this would outweigh the loss of some of the natural heritage on site, particularly when one considers the historical human cost of creating the arboretum on Erf 212.

4.6 Discussion/ Comment on the Heritage Impact Assessment and Findings

(1) Trees along Kirstenbosch Drive

- a) CB indicated that the FRA and the residents in the area are very concerned about the loss of trees and the leafy nature of the area. She revealed that the FRA is presently undertaking an exercise in maintaining the green nature of their avenues/scenic drives, with Kirstenbosch Drive being a critical part thereof. CB stated that the intention of the FRA is to remove the tree stumps along Kirstenbosch Drive and replace them with similar trees of approximately 2m in height. She advised that it is their intention to commence with this work in 2019 as they are eager to keep their neighbourhood green.
- b) CB also stated that the leafy nature of Kirstenbosch Drive is critical to the FRA and they would not accept a loss of trees and associated character in this area.
- c) GU lauded the efforts of the FRA and stated that it is indeed a valuable and positive initiative. He further advised the FRA to hold off on the removal and replacement of trees for the segment of Kirstenbosch Drive between Erf 212 and Erf 242 and requested that they collaborate with the project team, CPA and the City of Cape Town for the placement of trees in this segment. He confirmed that the proposal would serve to retain many of the trees along Kirstenbosch Drive and that more trees would also be established in that area, but that the precise location thereof is not yet finalised. He cautioned that there would be engineering work undertaken in the road reserve and if a tree is planted prematurely it could be at risk. Even a few meters could mean the loss or addition of a tree and it would be regrettable to have to remove a tree replaced by the FRA thereby suffering the opportunity cost of resources which would have been better used elsewhere.
- d) GU highlighted that the placement of trees along Kirstenbosch Drive as well as the general treatment of Kirstenbosch Drive is a critical element of the proposal and has been carefully considered, noting that the properties on Erf 242 have purposefully been set back from the road in order to provide maximum space for tree planting and transition in scale and nature of development. WR added that the proposal also entails the addition of more trees to provide adequate screening. TH further reiterated that the trees are also valuable to the Protea Village community (refer to 4.5 g) above).
- e) GU explained that a Landscaping Plan is being devised and, while trees on site would inevitably be removed, the intention is for the site to, over time, become green and leafy again.

(2) Trees on Erf 242 and Erf 212

- a) CB raised the concern of the FRA that many trees would have to be removed from Erf 212 and Erf 242 and requested some clarity on the intention in this regard.
- b) GU explained that all trees, including the diameter of trunks and canopies, on the erven have been mapped and that each tree has been interrogated in terms of its age, health, ecological value, safety risk and lifespan. He added that valuable trees have been highlighted and where possible, accommodated in the proposal.
- c) GU explained the various aspects of the proposal relative to the intention for treatment of trees in each:
 - o The roads within Erf 242 providing access to the Protea Village community properties (blue areas indicated in slide 10 of the presentation) have been designed to curve around valuable trees and the open spaces/ park areas on this erf have also been selected to be located near such trees;
 - o The owners of the freehold properties (indicated in green in slide 10 of the attached presentation) would be urged to keep mature trees or to replace any that are removed, however it is acknowledged that one cannot control this and it is probable that trees would be removed in this area;
 - o The larger leasehold properties (indicated in light brown in slide 10 of the attached presentation) would also have trees removed, but have some opportunities to accommodate certain valuable trees;
 - o The row housing leasehold properties (indicated in light orange in slide 10 of the attached presentation) would necessitate the removal of most trees in that area;
 - o It is intended that all the trees in the proposed Public Open Space Area would be kept. **Post-meeting note:** ...with the exception of those in the area required for stormwater ponds.
- d) Refer to 4.6(1)e).

(3) Historic Photographs

- a) IP queried whether any photographs of the original houses in Protea Village have been found and TH confirmed that there are apparently some in existence, but they are in a particular document which has not been available to him. GU offered that there are some historic aerial images, with TH adding that they show evidence of paddocks, but are challenging to interpret because much of the activities on the ground are hidden under the tree canopy.

(4) Kirstenbosch Cottages

- a) IP asked whether the stone cottages adjacent to Erf 242 would be included in the development proposal and TH stated that the stone cottages are owned by Kirstenbosch and that there is no evidence of the Protea Village residents ever living there on a permanent basis. **Post-meeting note:** The land in question is on a lease to SANBI.
- b) DC explained that the South African National Botanical Institute (SANBI) agreed in the "Memorandum of Agreement" for the project, signed in September 2006, to collaborate with the Protea Village community on projects for the cottages which would commemorate the community and their story.

(5) Decision to provide Public Open Space on Erf 212

- a) IP pondered the ceding of some of Erf 212 to Public Open Space while there may be a possibility for it to generate income for the development proposal and Protea Village community. DC explained that the responsibility and cost of the maintenance of the area would not be feasible for the Protea Village community. He added that there is a Maintenance Management Plan under the City of Cape Town which provides for ongoing maintenance of the Liesbeek River and associated streams in this area. DC stated that a critical component of the decision to provide Public Open Space is to ensure the continued use of this area by the general public and residents of the City of Cape Town.

(6) Celebration of the Spring

- a) IP stated that the Simon van der Stel Foundation could certainly play a role in the celebration of the spring. JR elaborated in that they could assist with plaques, information boards and landscaping suggestions citing the Strawberry Lane development as an example whereby a blue plaque was put up and very positively received and celebrated by the community.
- b) JR confirmed that, overall, the Simon van der Stel Foundation is quite positive about the proposal and pleased with the manner in which it has been devised.

4.7 Close

- a) MP thanked all attendees for their time and valuable contribution to the discussion, thereby closing the meeting at 13:45.



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THE PROPOSED DEVELOPMENT OF RESIDENTIAL AND RECREATIONAL FACILITIES ON ERVEN 242 AND 212, BISHOPSCOURT FOR THE PROTEA VILLAGE

COMMUNITY LAND CLAIM

CHAND REFERENCE NO: 03013

DEA&DP PRE-APP REFERENCE NO: 16/3/3/6/7/1/A6/7/2223/17






ATTENDANCE REGISTER

DATE: 08 October 2018

VENUE: Chand Environmental Consultants, Suite 1.2A, Richmond Centre, 174-206 Main Road, Plumstead

TIME: 12h00 – 13h00

FULL NAME	ORGANISATION	CONTACT NO.	EMAIL	SIGNATURE
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FULL NAME	ORGANISATION	CONTACT NO.	EMAIL	SIGNATURE
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PROTEA VILLAGE ERF 242 & ERF 212, BISHOPSCOURT

PRESENTATION TO KEY HERITAGE INTEREST GROUPS

8 OCTOBER 2018

THE PROPOSED DEVELOPMENT OF RESIDENTIAL AND RECREATIONAL FACILITIES ON
ERVEN 242 AND 212, BISHOPSCOURT FOR THE PROTEA VILLAGE COMMUNITY LAND
CLAIM

DEA&DP PRE-APP REF: 16/3/3/6/7/1/A6/7/2223/17



KEY AIMS OF THIS PRESENTATION

- Introduce the Project Team
- Introduce the Public Participation Process (PPP)
- Provide a brief History of the Project and the Protea Village Community
- Provide a brief Description of the Site
- Share information on the Development Proposal
- Provide an Overview of the Basic Assessment Process, including Time Lines
- Provide an Overview of the Town Planning aspect of the Project
- Provide information on the Heritage Impact Assessment (HIA) as well as the findings thereof and mitigation measures proposed
- Provide you, as the Interested and Affected Parties (I&APs), an opportunity to provide **comment on the HIA.**

THE PROJECT TEAM

- Applicant: **Protea Village Communal Property Association (CPA)**
- Development Managers: **Bethel Partners**
- Environmental Consultants: **Chand Environmental Consultants**
- Town Planning: **Planning Partners**
- Civil & Electrical Engineers: **Lyners Consulting Engineers**
- Landscape Architect: **Planning Partners**
- Land Surveyor: **David Hellig & Abrahamse**
- Architect & Urban Design: **Boogertman and Partners**
- Traffic Engineers: **ITS Engineers**
- Freshwater Ecologist: **Freshwater Consulting Group**
- Visual Specialist: **David Gibbs**
- Heritage Practitioner: **ACO Associates cc**
- Arborist: **Paul Britton**

THE PUBLIC PARTICIPATION PROCESS

- The Public Participation Process (PPP)
 - Is in accordance with the proposed Basic Assessment and Heritage Assessment processes, required for any proposal on the site and is intended to go beyond legislated requirements. This meeting is one activity which goes beyond the minimum legislated requirements.
 - Is undertaken in recognition of issues identified by the project team, previous community engagement and optimising the concept proposal in conjunction with local knowledge, and the surrounding community.

BRIEF HISTORY OF THE PROJECT

- A Claim for restitution of land rights has been awarded by the Land Claims Commission in terms of the Restitution of Land Rights Act, 1994.
- The Claim was lodged on behalf of **86 former residents**, who resided in the original Protea Village Area and were forcibly removed during the 1960's, in terms of the Group Areas Act, 1950.
- The City of Cape Town and the State have agreed to release the properties to the Protea Village CPA.
- An Agreement in this regard was entered into in **September 2006**.
- The Community lost over 4-years due to legal action from some of the neighbours.
- An area of approximately 28.4 hectares of land was claimed relating to the property that was lost by the Protea Village Community when forced removals took place.
- Not all of the disposed land can be restored to the Claimants, as third-party properties have been developed on part of the land post the forced removals.
- The total area which can be restored is approximately 12.35 hectares, which is 43.49% of the area of land that was disposed.
- Of this approximately 3.93 hectares will be retained for public, recreational usage meaning that only 8.35 hectares can be developed, which is 29.4% of the land that was disposed.

THE PROTEA VILLAGE COMMUNITY TODAY

- 86 families over 4 generations living in Cape Town, South Africa and Internationally.
- Like any community, they are diverse in their skills, education and wealth.
- Their homes were forcibly taken from them. The Community was torn apart. They were denied proximity to where they work; proximity to good schools for their children; they were denied the capital growth that would have greatly assisted in building their wealth and legacy over the last 50 years.
- The Community are loving, kind, forgiving, diverse and determined.
- The Community has a common goal: they want to see the sustainable and responsible restoration of their Community, their property, their homes, their wealth and their legacy.
- They want to live in peace and harmony with their neighbours and communities.
- They want to enable their children, grand-children and great-grand-children (in some cases) to access the best educational opportunities.
- They want to live sustainably in their houses and to leave a generational legacy.

DESCRIPTION OF THE SITE

- Erf 212, Bishopscourt: **8.55 hectares**
Currently owned by City of Cape Town
- Erf 242, Bishopscourt: **3.77 hectares**
Currently owned by the State (Dept. Public Works)
- **Erf 212** currently comprises of:
 - Boschenheuvel Arboretum – used by public for recreational activities
 - Window Stream and Protea Stream – converge into the Liesbeek River
 - A Natural Spring – surrounded by a built structure containing a small pool
 - Three man-made Pools
 - Wetlands (ranging in ecological value and sensitivity) and large, predominantly non-indigenous mature trees
- **Erf 242** currently comprises of:
 - Footpaths
 - Informal Parking Facility – used for the Kirstenbosch Market
 - Two depressions formed as a result of previous stormwater activity – no ecological value/contribution
 - Grasses and large, predominantly non-indigenous mature trees

LOCALITY MAP



WHAT IS PROPOSED?

- Development on the site with a view to resettlement of the Protea Village community.
- Proposed development on the site includes the following components:
 - **Green Public Open Space Area;**
 - **Residential Area for the Protea Village community; and**
 - **Leasehold and Freehold Residential Opportunities.**
- It is the intention of the 86 families of the Protea Village community to resettle on Erf 242.
- Development of residential opportunities on Erf 212 will create the financial resources necessary for:
 - Installation of services to the 86 stands proposed for the Protea Village community; and
 - Construction of 86 houses proposed for the families of the Protea Village community.

DRAFT SITE PLAN



① Residential Area for the Protea Village Community

② Residential Stands for Private Sale

③ Residential Estate for Leasehold Sale

④ Green Public Open Space Area

WHAT IS PROPOSED?

CONTINUED...

- **Green Public Open Space Area** (Erf 212)
 - **Retain a Portion of Boschenheuvel Arboretum** for Public, Recreational use – as far as possible
 - Incorporate **Trees, Streams & Footpaths** – as far as possible
 - **Public Parking Area** – envisaged for North-Eastern corner of the site
 - **Memorial** remembering the past & celebrating the future of the Claimants - located near the Spring. It has further been recommend, through the HIA, that the areas of Erven 212 and 242 that are to be developed continue to be Grade IIIA areas while the riverine areas including the wetlands and spring on Erf 212 be considered to be of Grade 2 or Provincial Heritage Site significance.
 - The Open Space would be managed by the City of Cape Town, as per the current situation.

WHAT IS PROPOSED?

CONTINUED...

- **Freehold and Leasehold Residential Opportunities** (Erf 212)
 - Serviced by **Private Internal Roads**
 - **Architectural Design Manual** to maintain Integrity
 - **Retain as many Mature Trees as possible**, with some replanting to compensate for loss of trees
 - Up to 15 **residential stands** are proposed for **private sale** and would have access off **Winchester Avenue**, as proposed by the TIA. It is proposed that these residential opportunities would be developed in two pockets, with up to 5 stands proposed closer to Kirstenbosch Drive and up to 10 stands to be developed in the south-western corner of the property.
 - A **residential estate** comprising up to 50 opportunities, to be sold on a **leasehold** basis, is also proposed. Access to this estate would be provided off **Kirstenbosch Drive**, as informed by the TIA. It is proposed that the estate would comprise of up to 22 row house opportunities to be developed in the north-eastern corner of the property, alongside up to 28 residential stands located between Kirstenbosch Drive and the tributaries of the Liesbeek River.
- **Residential Area for the members of the Protea Village community** (Erf 242)
 - **86 Residential Stands + 86 Homes** for the Protea Village Community
 - Incorporating **Green Public Open Spaces & Public Streets**
 - **Architectural Design Manual** to maintain Integrity
 - **Retain as many Mature Trees as possible**, with some replanting to compensate for loss of trees
 - **Access off Kirstenbosch Drive** – in accordance with a TIA
 - The final size of the houses will be determined by the financial resources that the proposed development of Erf 212 produces.

WHAT IS PROPOSED?

CONTINUED...



ROOFSCAPE FROM THE SOUTH



**Draft Aerial Perspective of Proposal
(10 years in)**

Based on previous version of Site Layout



Typical Protea Village Community Homes

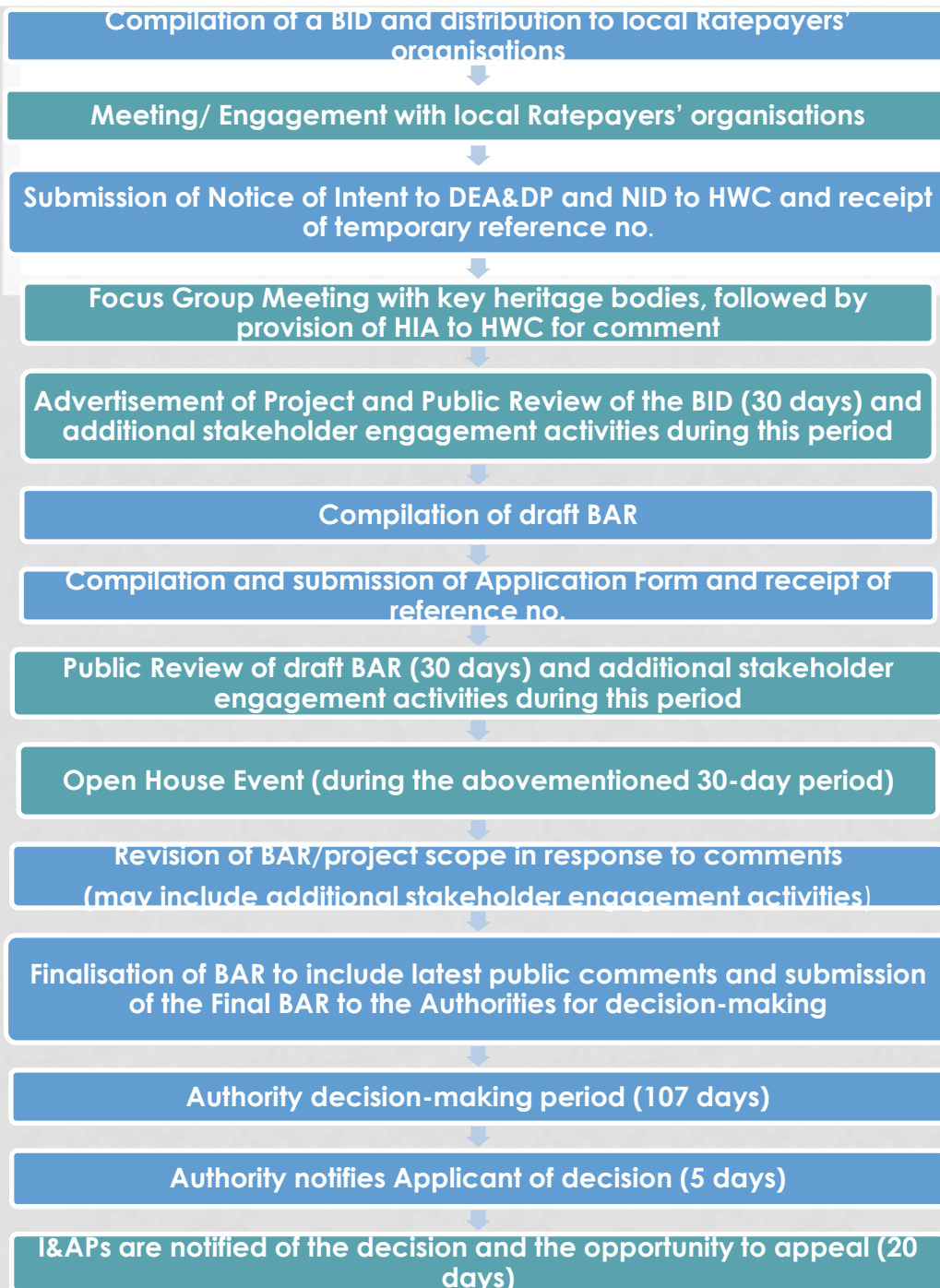
INTEGRATION OF THE CLAIMANTS INTO THE COMMUNITY

- Mechanisms to support the re-entry of the 86 families into the local community will be established, including:
 - A **10-year Property Rates & Taxes Holiday**
 - In terms of Section 17(1)(g) of the Municipal Property Rates Act, 2004
 - **Annuity Income via a title condition in the properties that are sold**
- In terms of the awarded restitution, the Claimants are not permitted to sell their property for a period of 10-years from the first transfer to the CPA.
- They may elect to rent their properties to the market.
- At present, indications are that the majority of the Protea Village community members intend to move back to their properties that they were forcibly removed from over 50-years ago and they want to live in peace and harmony with their neighbours and communities as they mature and watch their children, grand-children and great-grand-children (hopefully) grow up.

LEGISLATIVE REQUIREMENTS

BASIC ASSESSMENT PROCESS:

- The proposal triggers listed activities contained in the 2014 EIA regulations, as amended in April 2017, in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA), as amended. A Basic Assessment process is required to obtain Environmental Authorisation.
- Listed activity 19 of Listing Notice 1 (GN No. R983) is triggered, - refers to the **infilling or depositing of any material of more than 10m³ into, or the dredging, excavation, removal of moving soil, sand, shells, shell grit, pebbles or rock of more than 10m³ from a watercourse.** *Additional triggers are being investigated and will be included in the Basic Assessment Report, should any be confirmed.*
 - Notice of Intent to Submit an application has been lodged and the acknowledgement received from the Department of Environmental Affairs and Development Planning (DEA&DP) has provided a reference number for all pre-application phase public participation activities (16/3/3/6/7/1/A6/7/2223/17). *Note that this meeting is one of the pre-application public participation activities undertaken.*
- Activities identified in terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) are also triggered by the development proposal (*rezoning of land greater than 10 000m² in extent or exceeding 3 or more sub-divisions, or for an activity that will alter the character or landscape of a site greater than 5000m²*)
 - A Notice of Intent to Develop has been submitted to Heritage Western Cape (HWC) and the resultant HIA has been undertaken as part of the Basic Assessment process. Note that HWC requested a visual impact assessment on the cultural landscape, a desktop archaeological study and the inclusion of suggested alternatives for inclusion in the HIA.



WE ARE HERE

OVERVIEW OF BASIC ASSESSMENT PROCESS WITH KEY PUBLIC ENGAGEMENT OPPORTUNITIES

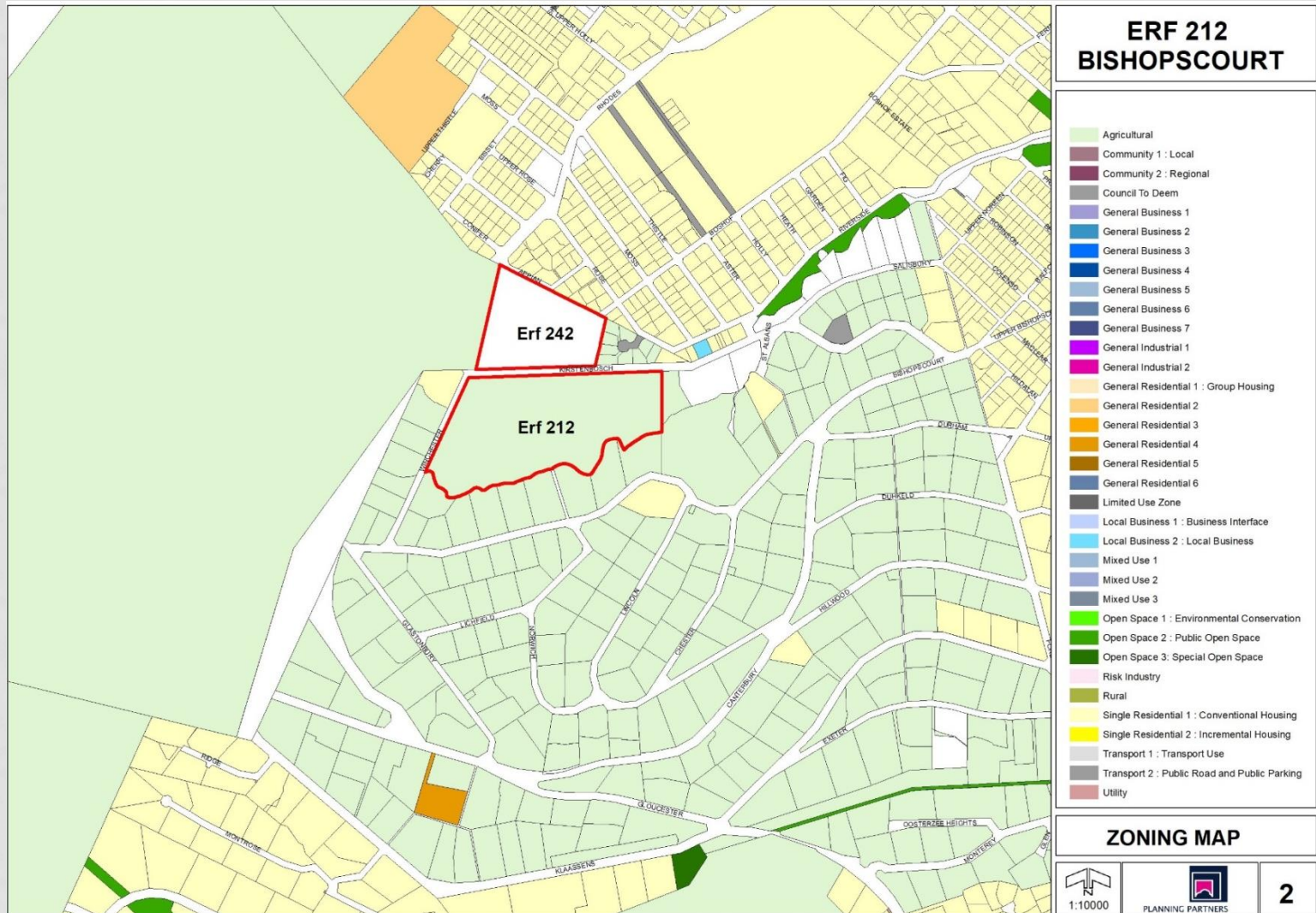
BASIC ASSESSMENT TIME LINE

- Advertisement of Project, Distribution of BID to I&APs and IA&P Registration Period- 30 days from end-October to end-November 2018
Note that additional public engagement activities , including an Open House Event, may also occur during this time
- Submission of Application to the DEA&DP – early 2019
- Public Review Period of Draft BAR – 10 + 30 days from submission of Application
Note that additional public engagement activities, such as an Open House Event, may also occur during this time
- Submit final Basic Assessment Report – second quarter of 2019
- Authority Decision within 107 days
- Appeal Period follows the Environmental Authorisation

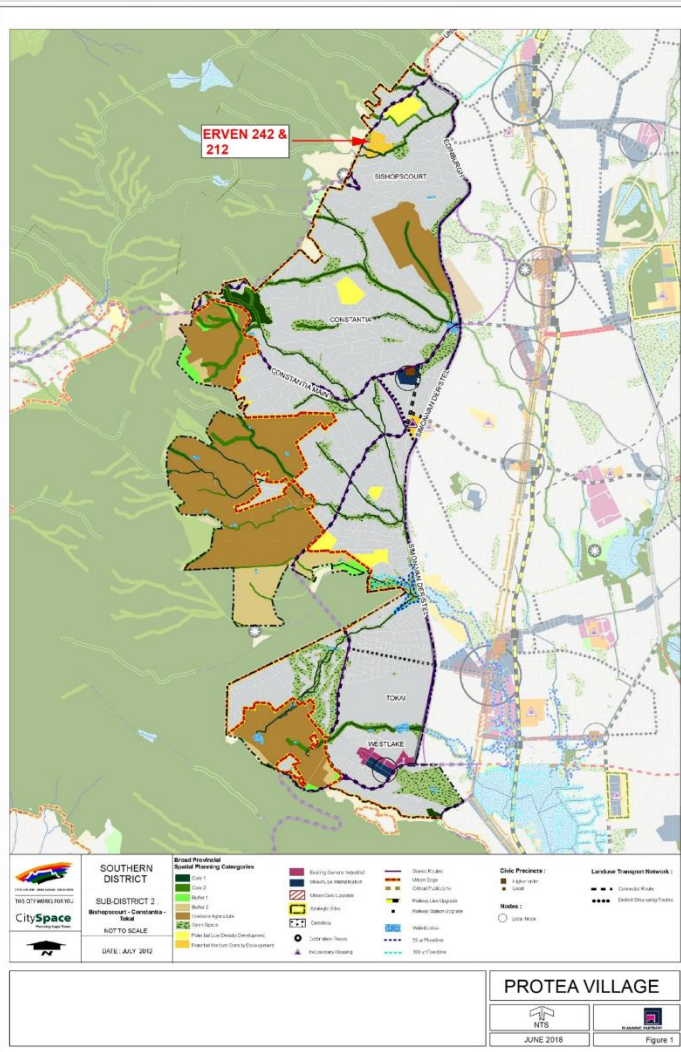
TOWN PLANNING: LOCALITY & CONTEXT



TOWN PLANNING: ZONING



TOWN PLANNING: SOUTHERN DISTRICT PLAN



Extract of District Plan

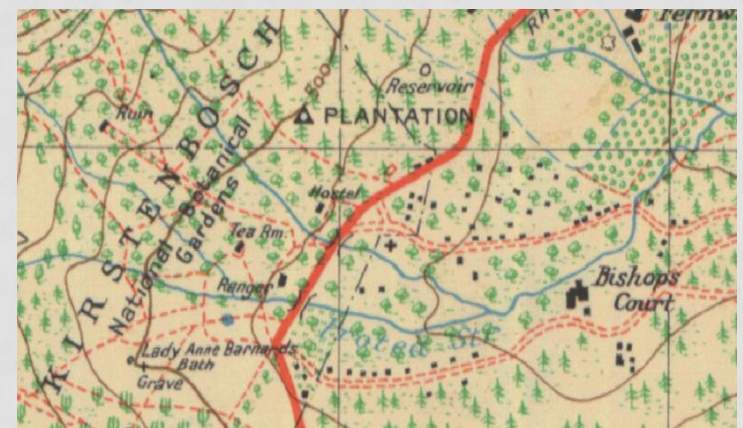
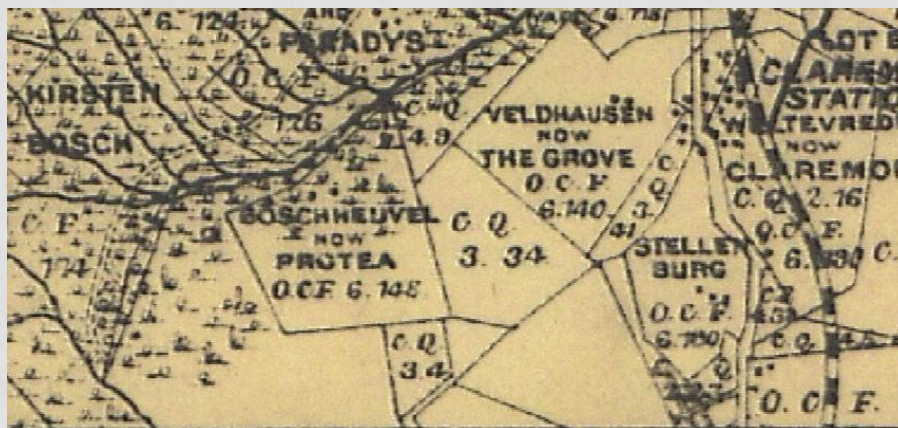
Protea Village: Erven 242 and 212: Size 12.3ha

- **Future Use:** Residential infill.
- **Development Opportunities**
 - o Publicly owned (erf 212 CoCT; erf 242 Nat. Govt)
 - o Relatively large site(s)
 - o Relatively developable area
 - o Highly accessible site(s)
- **Development Constraints**
 - o Approved land claim
 - o Environmental issues riverine open space and spring(s), trees, and heritage
 - o potentially very expensive real estate (re- market value) with associated community expectations.

1. The most appropriate future use of this site should be medium density housing.
2. The site is the subject of an approved land claim, and this development process should be respected. To this extent it may be necessary to permit some limited additional compatible and appropriate development to allow a feasible development outcome.
3. It is likely that significant environmental (riverine open space re- Liesbeek R and another stream, as well as at least 1 spring) and heritage issues will preclude a significant portion of erf 212 from being developed. Furthermore the development should integrate with identified noteworthy trees on the site(s).
4. Attention should be given to optimizing the interface between the development and Kirstenbosch Road, and also with the streams running through erf 212.

BOSCHEUWEL: EARLY HISTORY

- Early land grants along the Liesbeek River brought Dutch *freeburghers* into low level conflict with Khoikhoi herders over access to grazing land.
- Liesbeek Valley was an early landscape of conflict – in effect an early fortified boundary.
- The farm Boscheuwel which was granted to Jan van Riebeeck himself included land that was later known as Protea Farm (1685).
- The Protea Village community was established on the farm Protea in 1834 after the emancipation of slavery. When Bishop Gray, the first Anglican Archbishop of Cape Town, bought the farm Protea, he changed the name to Bishops court, although Protea Village retained its name.



HISTORY: PROTEA VILLAGE COMMUNITY



- There were 132 families that lived in an area of ± 28 hectares. They had a church, a school, playing fields, the spring to supply the drinking water and a shop run by the Hussein family.
- The Community members were the gardeners and small scale farmers. They provided skilled and unskilled labour to the development of Kirstenbosch Gardens from 1913 as well as neighbouring communities.
- Protea Village was declared a "White Group Area" in 1961. Forced removals of the 132 Families took place over a decade thereafter, and the community was dispersed over the Cape Flats.
- The Church and school were closed and homes bulldozed. The community that existed for almost 150 years was destroyed, traumatised and impoverished.
- The land was never redeveloped but became a public arboretum in the 1990's, against the request of the Protea Village Claimants.

HERITAGE THAT HAS SURVIVED



- The Church of the Good Shepherd and Graveyard.
- The foundations of the school and school steps (site of existing Pre-school)
- Historic Kirstenbosch Drive and its cobbled gutters and mature trees.
- Mature trees around the erven.
- Bus stops, Hussein's store.
- The spring, streams and wetlands.
- The historic Liesbeek river and tributaries – once a historic frontier zone.
- A strong wooded and natural sense of place that interfaces with TMNP.
- A solid legacy of oral history.
- The community and its return is a heritage event.

THE IMPACTS TO HERITAGE INDICATORS

- Impacts to physical properties of the site are low negative. Little by way of archaeological footprints have survived. **Mitigation: Watching brief and recording and rescue.**
- There will be qualitative changes to the feel of the site with the re-establishment of the community, loss of open space in favour of private dwellings, however this is not a true heritage impact as the site has been developed this way after 60 years ago. **Mitigation: Conserve mature non-invasive trees.**
- A change to the quality of Kirstenbosch Drive may be considered to be negative. **Mitigation: Retain trees and soft edges to Kirstenbosch Drive, leave as is as much as possible.**
- The conservation of the riparian zone with trees and public walks is a positive impact. **Mitigation: riparian zone to be proclaimed Grade II for future protection in keeping with other Liesbeek River historic frontier zone site.**
- The conservation and commemoration of the spring (grade II heritage site) is a positive impact. **Mitigation: declaration and conservation of the spring, light landscaping and celebration as a heritage feature.**

YOUR COMMENTS ARE IMPORTANT

Questions or Comments?



DISCUSSION

Facilitated by Marielle Penwarden
***Thank You* for your Attendance and Input.**

All registered I&APs will be kept informed and notified of the status of the project and future opportunities to participate.

Appendix A:

Title	Name	Surname	Organisation	Position
Mr	Simon	Birch	Rosebank & Mowbray Planning & Aesthetics Committee (RAMPAC)	Chairman
Mr	Richard	Bryant	Kommetjie Heritage Society	Chairman
Ms	Kristina	Davidson	Wynberg Residents and Ratepayers Association	Chairman
Mr	Rob	Dutton	The Old Wynberg Willage Society	Chairman
Mr	B	Gasson	Kalk Bay Historical Association	Chairman
Mr	George	Hill	Muizenberg Historical Conservation Society	Chairman
Mr	Ian	Iversen	Ward 59: Claremont (west Of Railway Line) - Kenilworth (west Of Railway Line, South Of Baronrath Street) - Newlands (east Of Union Avenue, North Of Paradise Road) - Rondebosch (mostly West Of Camp Ground Road) - Rosebank (south Of Hope Road, West Of Railway Line) - Table Mountain National Park (sections)	Ward Councillor & Subcouncil 20 Chairperson
Mr	Alan	Jackson	Greater Lynfrae Civic Association	Chairman
Mr	Stephen	Mayers	Observatory Civic Association	Chairman
Mr	Terry	Murphy	Hout Bay Llandudno Heritage Trust	Chairman
Ms	Louise	Parrock	Fernwood Residents Association	
Mr	Alec	Pienaar	Constantia Property Owners Association	Chairman
Mr	Ian	Pretorius	Simon van der Stel Foundation Cape Town	Chairman
Mr	James	Rawlings	Friends of the Constantia Valley Greenbelts	Chairman
Mr	Moir	Scholtz	Fernwood Residents Association: Chairman	Chairman
Mr	Chris	Snelling	Pinelands Ratepayers & Residents Association	Chairman
Ms	Karin	Strom	VASSA (Vernacular Architecture Society of South Africa)	
Mr	T	Trimmel	Kalk Bay and St James Ratepayers & Residents Association	Chairman
Ms	Luzette	Watson	Fernwood Residents Association	
Ms	Ilze	Wolf	Docomomo	
Ms	Cathryn	Bonadei	Fernwood Residents Association	
Ms	Jean	Raubenheimer	Simon van der Stel Foundation Cape Town	